

SENATE BILL No. 49

January 30, 2001, Introduced by Senator JAYE and referred to the Committee on Judiciary.

A bill to create a police officers bill of rights; to prescribe continuous training of police officers; and to prescribe duties for certain public officials.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 1. This act shall be known and may be cited as the
2 "police officers bill of rights".

3 Sec. 3. As used in this act:

4 (a) "Attorney" means an individual who is authorized to
5 practice law in this state.

6 (b) "Employing agency" means a department of this state or
7 of a county, township, city, village, college, university, or
8 other legal entity that employs 1 or more individuals to enforce
9 the general criminal laws of this state.

10 (c) "Police officer" means an individual who is certified by
11 the commission on law enforcement officers standards as

1 prescribed in the commission on law enforcement standards act,
2 1965 PA 203, MCL 28.601 to 28.616.

3 Sec. 5. A police officer in this state is entitled to all
4 of the following:

5 (a) The right to have an attorney represent him or her if he
6 or she is charged with a crime resulting from an incident that
7 occurred while he or she was on duty. The attorney fees shall be
8 paid by the employing agency. The attorney shall be selected by
9 the officer, from a list of attorneys agreed to by the employing
10 agency and the officer, or from a list of attorneys agreed to by
11 the employing agency and the collective bargaining unit that rep-
12 resents that police officer, if any.

13 (b) The right not to have wages or salary and employment
14 benefits terminated or reduced until he or she is convicted of a
15 criminal act.

16 (c) The right to have an attorney or a person of his or her
17 choosing represent him or her while an investigation is being
18 conducted by his or her employing police agency.

19 (d) The right to an impartial investigation by his or her
20 employing agency's internal review board of an incident that
21 results in a criminal charge against him or her. The internal
22 review board shall consist of a command officer, a union repre-
23 sentative, and a third person agreed to by that command officer
24 and union representative. If the police officer claims that the
25 investigation was not impartial, he or she has the right to have
26 the incident investigated by the department of state police.

1 (e) The right to the name of any person who files a
2 complaint with his or her employing agency relating to the
3 officer's conduct. If a person makes a false report to a police
4 officer's employing agency, that employing agency shall initiate
5 a prosecution against that person.

6 (f) The right to receive training and equipment that enables
7 the officer to perform his or her duty effectively and to be
8 supervised by a police chief who has had at least 5 years of
9 experience as a patrol officer.

10 (g) The right to have an attorney or a person of his or her
11 choosing present while he or she is being questioned by an inves-
12 tigator of any law enforcement agency.

13 (h) The right to a copy of an investigative report of his or
14 her conduct prepared by his or her employing agency.

15 (i) The right to a hearing, notice of the hearing at least
16 15 days before the hearing, a copy of all documents relevant to
17 the hearing, and an opportunity to review all evidence intended
18 to be presented at the hearing by the officer's employing agency
19 at least 15 days before the hearing.

20 (j) The right to have only 1 investigating officer question
21 him or her during any single questioning period.

22 (k) The right to be free from threats, harassment, or prom-
23 ised rewards to induce him or her to answer questions.

24 (l) The right to be free from any retaliatory action by his
25 or her employing agency for exercising a right conferred by this
26 act.

1 (m) The right to prevent his or her statement from being
2 used against him or her in any subsequent criminal proceeding, if
3 he or she had not been advised of his or her rights under Miranda
4 v Arizona, 584 US 436; 86 S Ct 1602; 16 L Ed 2d 694 (1966),
5 before the statement was made, and the statement resulted from an
6 order by his or her employing agency to answer questions concern-
7 ing his or her actions or observations while on duty.

8 (n) The right to have his or her own written comments placed
9 in his or her personnel file in response to any unfavorable com-
10 ments in that personnel file.

11 Sec. 7. A person who violates the rights of a police offi-
12 cer under this act is guilty of a misdemeanor punishable by
13 imprisonment for not more than 1 year or by a fine of not more
14 than \$10,000.00, or both.