

PUBLIC SCHOOL LAW ENFORCEMENT OFFICERS

Mitchell Bean, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5121 (Substitute H-1)
Sponsor: Rep. Tupac Hunter
Committee: Education
Revised First Analysis (3-11-04)

BRIEF SUMMARY: The bill would allow a school district that has at least 20,000 students, and that includes within its territory a city with a population of at least 180,000 people, to employ public safety officers, or police officers, and give them the same powers and authority of a peace or law enforcement officer under the Code of Criminal Procedure and the Michigan Vehicle Code.

FISCAL IMPACT: House Bill 5121 would have no fiscal impact to the state. The bill could have an indeterminate fiscal impact to the three districts in the state that have at least 20,000 membership pupils, and that include in their territory a city with a population of at least 180,000 as of the most recent decennial census—that is, Flint, Grand Rapids, and Detroit—if the three districts choose to employ public safety officers under this section. The potential costs would be administrative costs of creating and operating the public safety advisory committee required to hear grievances against the public safety officers and costs of submission of the required monthly uniform crime reports.

THE APPARENT PROBLEM:

In order to ensure a safe environment for teaching and learning, two large urban school districts in Michigan—Detroit and Grand Rapids—employ public safety officers. For example, in Detroit the school district has created the Public Safety Department which is responsible for ensuring the safety of 170,000 students and 22,000 staff in 300 buildings spanning over 138 square miles. The department's mission is to protect students, staff, and visitors, as well as the district's facilities, from crimes and violence.

Currently the Detroit Public Schools Public Safety Department employs 40 police officers, 475 non-sworn officers, and 10 dispatchers, as well as civilian supervisors, administrators, investigators, and audiovisual and support staff. The department operates 24-hours a day, seven- days a week, and is responsible for activities taking place during traditional school hours; extra-curricular activities, including athletic events; school board meetings; and also for property protection at all times.

According to committee testimony, the training of Detroit Public Schools police officers goes beyond what is required for traditional police officers. School officers must pass an oral interview, a background investigation, a drug screening test, and mental and physical evaluations. They then attend either the local or the state police academy, complete orientation and field training, and subsequently are required to earn continuing education credits annually.

Until two years ago, officers of the Department of Public Safety had full police powers, and were certified under an agreement with the Detroit Police Department, their certifications activated by the Michigan Commission on Law Enforcement Standards (sometimes referred to as MCOLES). On May 20, 2002, MCOLES announced that it would no longer activate “law enforcement certification for individuals affiliated with other organizations that are not established by statute.” The public safety departments in the Detroit Public Schools and the Grand Rapids Public Schools are examples of organizations established without the direct-line legislation the Law Enforcement Standards Commission now requires.

Legislation has been introduced to allow Michigan’s largest urban school districts to create Public Safety Departments, and employ public safety officers having the same powers and authority as law enforcement officers.

THE CONTENT OF THE BILL:

House Bill 5121 would amend the Revised School Code to allow a school district that has at least 20,000 students, and that includes within its territory a city with a population of at least 180,000 people, to employ public safety officers, or police officers, and give them the same powers and authority of a peace or law enforcement officer under the Code of Criminal Procedure and the Michigan Vehicle Code.

Before granting these powers, a school board would be required to have at least two public hearings, and the powers could not be granted unless the board created a public safety advisory committee having between three and five members. The committee would receive and address grievances brought by people against the public safety officers or police officers, or against the public safety department or police department of the school district. The committee also could recommend to the board or administration of the school district that disciplinary measures be taken against an officer found responsible for misconduct in office.

The bill specifies that the jurisdiction of the officers would include all territory within the boundaries of the school district, as well as all property outside the boundaries of the school district that owned, leased, or rented by, or otherwise under the legal control of the employing school district.

Under the bill, the public safety department or police department of a school district, and each local law enforcement agency with which it had overlapping jurisdiction, would be required to enter into a memorandum of understanding that established reasonable communication and coordination efforts between them.

The bill specifies that the officers of a school district would be required to meet the minimum standards of the Commission on Law Enforcement Standards. Further, the safety department or police department of the school district would be required to submit

monthly uniform crime reports concerning crimes committed within the department's jurisdiction.

MCL 380.1240

ARGUMENTS:

For:

The Detroit Public Schools Department of Public Safety works with the community to develop and implement solutions to problems related to crime and the fear of crime. From its inception, the department has focused on community-oriented policing. This approach to law enforcement integrates problem-solving into a program designed to involve the community, the schools, and the business sector. Emphasizing prevention and education about safety issues is central to the DPS mission. The department's goal is to be proactive rather than reactive, while maintaining and improving its ability to respond effectively to crisis situations.

Currently in Detroit, the school district is geographically divided into five areas, and patrol officers work within them. The officers are armed, and when certified by the Michigan Commission on Law Enforcement Standards (MCOLES), have the full power and authority of traditional police officers. In addition to the community police officers, the Department of Public Safety employs public safety officers who are assigned to some elementary schools, and all middle and high schools.

Since MCOLES made the decision to withhold certification from all police agencies that are not created by statute, the public safety departments in the Detroit and Grand Rapids school systems have been in jeopardy of closing. The school districts rely upon their public safety departments to prevent crime, and when prevention fails, to report and investigate criminal incidents.

For:

According to the Detroit Public Schools Public Safety Department incident summary report, there was an increase in the frequency of many crimes between the 2001-2002 and the 2002-2003 school years. The report says the increase was due in large part to increased enforcement, and an effort to crack-down on criminal behavior in schools—the focus of a 'safe schools' initiative launched by Superintendent Kenneth Burnley in April 2001. The following categories of crime were up: assault against students (up 25 percent), assault against staff (93 percent), violation of school ordinances (82 percent), carrying concealed weapons (62 percent), violation of the knife ordinance (16 percent), illegal substances (3 percent), robbery not armed (20 percent), alarms (186 percent), arsons and fires (27 percent), malicious destruction of property (32 percent), and larceny (55 percent). The categories of crime that were down included felonious assaults (12 percent), robbery armed (19 percent), breaking and entering (44 percent), bomb threats (27 percent), and hazardous material incidents (55 percent).

The number of serious crime incidents, coupled with the fact that their frequency is increasing, demonstrates the need for police officers to work in a large urban school district such as Detroit. This legislation would allow them to do so.

Against:

Armed police officers should not be patrolling inside school buildings where students are trying to learn.

Response:

The Detroit Public Schools Public Safety Department employs two kinds of safety officers—security guards who are not armed and who do their work in schools, and certified police officers who are armed, and who generally work outside, but when necessary, also work inside of schools. As the incident report, noted above, makes clear, the kinds of crimes that are sometimes committed in school buildings require immediate attention from, and investigation by, armed police officers.

POSITIONS:

The Detroit Public Schools support the bill. (3-9-04)

The Grand Rapids Public Schools support the bill. (3-9-04)

The Michigan Association of School Boards supports the bill. (3-9-04)

The Michigan Association of School Administrators supports the bill. (3-9-04)

The Middle Cities Education Association supports the bill. (3-9-04)

The Michigan Federation of Teachers and School Related Personnel supports the bill. (3-9-04)

The Wayne County Regional Education Services Agency supports the bill. (3-9-04)

The Michigan Association of Police Organizations supports the bill. (3-9-04)

The Michigan Department of Education is neutral on the bill. (3-9-04)

Legislative Analyst: J. Hunault
Fiscal Analyst: Laurie Cummings

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.