

# Legislative Analysis

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## ARSON INVESTIGATORS SWORN AS POLICE

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House Bill 4344 as enrolled

Public Act 170 of 2013

Sponsor: Rep. Thomas F. Stallworth III

House Committee: Local Government

Senate Committee: Judiciary

### Second Analysis (2-22-15)

**BRIEF SUMMARY:** The bill would allow local government officials in villages, cities, townships, and counties to include fire arson investigators working in their fire departments within their definition of "police officer" or "law enforcement officer."

**FISCAL IMPACT:** The bill would extend a current practice in Detroit to municipalities statewide, and would have no significant fiscal impact on the state or local units of government.

### **THE APPARENT PROBLEM:**

The Commission on Law Enforcement Standards Act contains a special provision that applies to a city with a population of at least 750,000, enabling that city's officials to designate the arson investigators who work in the fire department as police officers. This dual-designation allows the arson investigators to cross-train, and to earn law-enforcement certification. That way, the arson investigators can testify as police officers in court, if the county prosecutor brings charges against suspected arsonists.

Detroit is the only city that has met the population requirement. Officials in Detroit have learned that granting police powers to arson fire investigators enables them to work more quickly and effectively to identify lawbreakers, gather and analyze the evidence to build their cases, and then bring those charged to justice. See *Background Information*, below.

However, the population of Detroit has fallen below the threshold and so the threshold needed to be adjusted to allow the practice to continue. Instead, legislation was introduced to eliminate any population requirement and to allow arson investigators to also be certified as law enforcement personnel in all villages, cities, townships, and counties throughout Michigan.

### **THE CONTENT OF THE BILL:**

Under the Commission on Law Enforcement Standards Act, a city with a population of at least 750,000 can include a fire arson investigator from a fire department within its definition of "police officer" or "law enforcement officer," if the investigator is sworn and fully empowered by the city chief of police.

House Bill 4344 would eliminate the population threshold, and extend the provision to all villages, cities, townships, and counties in Michigan.

In addition, the bill would modify the definition of the term "certification" [of a police officer] to include *(iii) a determination by the commission that a person satisfies the requirements set forth in a recommendation of the commission to and approved by the legislature on the feasibility of interstate reciprocity of certification of everyone that was employed as a law enforcement officer of another state within the previous 12 months, and that state maintains standards substantially similar to law enforcement officer minimum standards.*

MCL 28.602

### **BACKGROUND INFORMATION:**

The population of the city of Detroit declined 25 percent during the previous decade—from 951,270 to 713,777—according to the 2010 federal decennial census.

As a result, bills have been introduced during recent legislative sessions to update the population threshold in various acts, all of which apply to the City of Detroit. For example, Public Act 287 of 2011 (House Bill 4874) was enacted to allow the City of Detroit to continue designating special assessment districts that allow neighborhoods to hire private contractors to provide health and safety services. As initially introduced, this bill, House Bill 4344, was a bill to lower the population threshold from 750,000 to 600,000 in the state statute that enabled the City of Detroit to classify fire arson inspectors as police officers.

According to committee testimony offered during 2011, when a similar bill was debated in the legislature, the City of Detroit had nearly 5,000 fires that year alone, of which 1,700—just a third—were investigated. (The number of investigations was down because more than half of the investigators had been laid off since 2004, a reduction in FTES from 24 to 11.) Of those 1,700 fires, fully 67 percent of them—about 1,100 blazes—were found to be set purposely by arsonists. Eighteen people died in those fires. And, those arson fires caused more than \$135 million worth of property damage in Detroit. Further, about 25 percent of arson fire investigations exposed auto insurance fraud.

### **ARGUMENTS:**

#### ***For:***

As noted elsewhere, the aim of the bill is essentially to keep in place long-standing fire investigation practices within the City of Detroit. The Commission on Law Enforcement Standards Act enabled cities that meet a population threshold to designate their fire arson investigators as police officers. If their public safety personnel are given dual designation, any suspected arson fires can be investigated more thoroughly and quickly.

And, when prosecutors bring charges against arsonists, the arson investigators can offer sworn testimony in courts of law as actual law enforcement officials.

This bill eliminated altogether the act's population threshold. Consequently, Detroit officials could continue to designate their arson investigators as police officers. In addition, all local government officials in villages, cities, townships, and counties throughout Michigan could do so if they saw fit.

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■ 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.