

Legislative Analysis



SWAT TEAM REPORTING ACT

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House Bill 4914

Sponsor: Rep. Tom McMillin

Committee: Criminal Justice

Complete to 9-30-14

A SUMMARY OF HOUSE BILL 4914 AS INTRODUCED 7-18-13

The bill would:

- ❖ Require a law enforcement agency with a SWAT team to compile certain data on each deployment (e.g., number of times the team was deployed, reason for the deployment, if done under a warrant).
- ❖ Require the data to be compiled and submitted to the attorney general biannually.
- ❖ Require Michigan Commission on Law Enforcement Standards (MCOLES) to develop a standardized reporting format.
- ❖ Require the attorney general to analyze and summarize the reports and in turn submit a report to the governor, legislature, and the reporting law enforcement agencies.
- ❖ If, after being requested to comply with the reporting requirements, a law enforcement agency still doesn't comply with the bill's provisions, require MCOLES and the attorney general to report the noncompliance to the governor and legislature.

House Bill 4914 creates the SWAT Team Reporting Act. Under the bill, a law enforcement agency would have to keep certain data each time a SWAT team was deployed, compile the data into a biannual report, and submit the report to the Office of Attorney General (AG). The AG would have to analyze and summarize the reports, and submit a report to the governor, legislature, and law enforcement agencies addressed in the report by September 1 of each year. If a law enforcement agency fails to comply with the bill's reporting provisions, the AG must report the noncompliance to MCOLES, which must contact the agency and request that it comply with the required reporting provisions. If the law enforcement agency fails to comply within 30 days of the request by MCOLES, the AG and MCOLES would have to jointly report the noncompliance to the governor and legislature.

"SWAT team" would mean a special unit composed of two or more law enforcement officers within a law enforcement agency, commonly known as a special weapons and tactics team, trained to deal with unusually dangerous or violent situations and having special equipment and weapons, such as rifles more powerful than those carried by regular police officers.

"Law enforcement agency" would mean the Department of State Police or a law enforcement agency of a county, township, city, or village that is responsible for the prevention and detection of crime and enforcement of the criminal laws of Michigan. "Law enforcement officer" would be defined as any person who, in an official capacity, is authorized by law to make arrests and who is an employee of a law enforcement agency.

Data collection. Beginning October 1, 2013, and every six months thereafter, a law enforcement agency that maintains a SWAT team must report certain information to the Office of Attorney General (AG) using the format developed by MCOLES. The information would have to include:

- The number of times the SWAT team was activated and deployed in the previous six months.
- The approximate location where the SWAT team was activated and deployed, including the county, zip code, and the city, village, or township.
- The reason for each activation and deployment.
- The legal authority to do so, including type of warrant.
- The result of each activation and deployment, including number of arrests, type of evidence seized, whether property was seized, whether forcible entry was made, whether a weapon was discharged by a SWAT team member, and whether a person or a domestic animal was injured or killed by a SWAT team member.

Reporting format. MCOLES, in consultation with the AG, would be required to develop a standardized format that each law enforcement agency must use in reporting the data to the AG.

Requirements of law enforcement agencies. A law enforcement agency that maintains a SWAT team must compile the data described in the bill for each six-month period as a report in the format to be developed by MCOLES. Copies of the report must be submitted to the AG and to the local governing body of the jurisdiction served by the law enforcement agency that employs the SWAT team. The copies must be submitted not later than the fifteenth day of the month following the end of each six-month period that is the subject of the report.

FISCAL IMPACT:

House Bill 4914, as introduced, would have a likely nominal fiscal impact on the Michigan State Police (MSP) and local law enforcement agencies to the extent that the MSP and local law enforcement agencies incur administrative costs associated with the compiling relevant information and submitting the semi-annual reports required by HB 4914.

The Department of Attorney General estimates that additional duties under the bill, including requirements to receive, analyze, and summarize monthly reports submitted by law enforcement agencies, and to distribute annual reports, would require additional staff resources costing about \$60,000 annually.

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