

MICHIGAN BLUE ALERT ACT

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

Senate Bill 336 (Substitute H-1) as reported by committee

Sponsor: Sen. Tonya Schuitmaker

House Committee: Criminal Justice

Senate Committee: Judiciary

Complete to 10-7-15

Analysis available at
<http://www.legislature.mi.gov>

SUMMARY:

Senate Bill 336 creates the Michigan Blue Alert Act to require establishment of the Michigan Blue Alert Plan—a plan designed to rapidly disseminate information to radio and television stations within the state regarding an offender who has killed or seriously injured a law enforcement officer (and presumably, who has not yet been apprehended).

Under the bill, the Michigan Department of State Police (MSP) would be required to establish and maintain the Michigan Blue Alert Plan. The Plan must be designed to rapidly disseminate useful information in a predetermined manner to radio and television stations within the state. A Michigan Blue Alert would only be activated in accordance with policies established by MSP and if all of the following conditions apply:

- ❖ A law enforcement officer has been killed or seriously injured by an offender.
- ❖ The investigating law enforcement agency determines that the offender poses a serious risk or threat to the public and other law enforcement personnel.
- ❖ The investigating law enforcement agency has obtained the offender's name or can provide a detailed physical description of the offender, or the offender's vehicle, vehicle registration plate numbers or letters, or partial registration plate numbers or letters to be made available for broadcast to the public.
- ❖ The investigating law enforcement agency recommends that MSP activate the Blue Alert.

"Law enforcement officer" is defined to mean that term as defined in the Commission on Law Enforcement Standards Act. The act defines the term to mean any of the following:

- A regularly employed member of a law enforcement agency authorized and established by law, including common law, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this state. Police officer or law enforcement officer does not include a person serving solely because he or she occupies any other office or position.
- A law enforcement officer of a Michigan Indian tribal police force, subject to the limitations set forth in Section 9(7) of the act.
- The sergeant at arms or any assistant sergeant at arms of either house of the legislature who is commissioned as a police officer by that respective house of the legislature as provided by the Legislative Sergeant at Arms Police Powers Act (Public Act 185 of 2001, MCL 4.381 to 4.382).

- A law enforcement officer of a multicounty metropolitan district, subject to the limitations of Section 9(8) of the act.
- A county prosecuting attorney's investigator sworn and fully empowered by the sheriff of that county.
- A fire arson investigator from a fire department within a village, city, township, or county who is sworn and fully empowered by the chief of police of that village, city, township, or county.

The bill would take effect 90 days after enactment.

BACKGROUND INFORMATION AND BRIEF DISCUSSION:

On May 19, 2015, President Obama signed the Rafael Ramos and Wenjian Liu National Blue Alert Act into law. Ramos and Liu were detectives with the New York City Police Department who were shot and killed in December of 2014 while sitting in their patrol car. The federal act requires the Attorney General to establish a national Blue Alert communications network within the federal Department of Justice to issue Blue Alerts through the initiation, facilitation, and promotion of Blue Alert plans, in coordination with states, units of local government, law enforcement agencies, and other appropriate entities.

To date, 24 states have currently established Blue Alert systems, with legislation pending in several more states, according to the Blue Alert Foundation, a nonprofit entity which developed the Blue Alert system to aid law enforcement agencies in apprehending violent individuals who kill or seriously injure local, state, or federal law enforcement officers. The systems use media broadcasts and highway messaging signs to quickly provide the public with information identifying the offender and, if relevant, the offender's vehicle. Some states also disseminate Blue Alerts via email and text messages in the same manner as Amber Alerts and Silver Alerts, specify that the suspect has not yet been apprehended, and/or issue Blue Alerts if an officer is missing in connection with the officer's official duties.

Modeled after the original Blue Alert founded in Florida, Blue Alert is expected to be an excellent tool to help the public aid in the apprehension of individuals suspected of injuring or killing law enforcement officers. Blue Alert will also disseminate information more quickly between Michigan law enforcement agencies. Operated in a manner similar to Amber Alerts and Silver Alerts (for missing senior citizens), the tips reported to police can aid in the quick apprehension of perpetrators who pose a public safety risk. As some have stated, an individual who would kill a law enforcement officer would not hesitate to harm another person.

If the suspect were apprehended or killed, a Blue Alert would not be issued. Blue Alert would only be issued when a person suspected of killing or injuring a law enforcement officer is at large and believed to be a threat to the public safety. The name of the suspect or a detailed physical description of the suspect or the suspect's vehicle (if the suspect escaped in a vehicle) would also be required before a Blue Alert could be issued. According to testimony presented before the House Criminal Justice Committee, had Blue

Alert been operational when Trooper Butterfield of the Michigan State Police was killed in 2013 in Mason County, the suspects, captured later that day in a neighboring county, may have been apprehended earlier if members of the public, as well as other law enforcement agencies, would have known to be on the lookout for suspects matching the vehicle description provided.

FISCAL IMPACT:

Senate Bill 336 would have a significant fiscal impact on the Department of State Police (MSP) to the extent that MSP would encounter costs to develop and maintain the Blue Alert system. MSP estimates that such costs would include \$10,000 to develop information technology systems, \$10,000 for server storage, and \$300 per month to operate the Plan in partnership with the Michigan Association of Broadcasters.

POSITIONS:

A representative of the Michigan Fraternal Order of Police testified in support of the bill. (9-29-15)

The Michigan Sheriff's Association indicated support for the bill. (9-29-15)

Police Officers Association of Michigan indicated support for the bill. (9-29-15)

Michigan Fraternal Order of Police Labor Council indicated support for the bill. (9-29-15)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Paul B.A. Holland

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