

Legislative Analysis



PRIVATE COLLEGE SECURITY POLICE

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

House Bill 4588 as enacted
Public Act 324 of 2016
Sponsor: Rep. Kurt Heise
House Committee: Judiciary
Senate Committee: Judiciary
Complete to 12-15-16

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

BRIEF SUMMARY: Public Act 324 allows a private college security officer who is licensed under the MCOLES Act to be sworn and empowered, or deputized, to exercise the authority and power of a peace officer to enforce state and local laws, and clarifies that a private college security officer not licensed by MCOLES is not a law enforcement officer, has limited authority to make arrests, and may exercise that authority only on property owned or leased by the private college or university.

FISCAL IMPACT: This bill would have no fiscal impact on state or local law enforcement agencies.

THE APPARENT PROBLEM:

Public colleges are allowed to have public safety officers who are also certified as law enforcement officers by the Michigan Commission on Law Enforcement Standards. As MCOLES certified officers, they enjoy full police powers on the college campus and areas adjacent to the campus. A couple years ago, in response to a dwindling police force in Saginaw County, the Saginaw County Sheriff deputized 20 officers from Central Michigan University to also patrol at the university's medical school in Saginaw. Wayne State University's police department, whose officers are commissioned by the Detroit Police Department, is credited with helping in the rebirth of businesses in areas adjacent to the university as crime decreased.

Michigan law also allows private colleges to establish a security police force, but the arrest powers of the officers and ability to enforce laws are limited to the physical property of the institution. (For more information on private college security police, see the **Background Information** section below.) University of Detroit-Mercy, which has such a police force, would like their officers to have authority to patrol areas around the boundaries of the campus, much like the Wayne State University officers. However, since private college security police officers are not MCOLES-certified officers, some have reservations about expanding their police powers and authorities beyond the campus boundaries. Legislation has been offered to address the issue.

THE CONTENT OF THE BILL:

House Bill 4588 amends two existing sections of, and adds a new section to, the Private Security Business and Security Alarm Act.

Under the new Section 37a, a person who is licensed under the Michigan Commission on Law Enforcement Standards Act (as provided in Section 9d of Senate Bill 92) and who is employed as a private college security officer, may be sworn and fully empowered by the chief of police of a city, village, or township law enforcement agency, or deputized by a county sheriff as a deputy sheriff, to exercise the authority and power of a peace officer as prescribed in an oath of office administered by the chief of police or sheriff. The act also grants a private college security officer meeting the provisions of Section 37a the authority to enforce state and local laws.

In addition, the act clarifies that unless sworn and fully empowered or deputized as provided by the new Section 37a, a private college security officer has only the arrest powers provided in Section 30 and may exercise the powers conferred in the Private Security Business and Security Alarm Act only on property owned or leased by the private college or university, wherever that property is situated. (Section 30 grants a licensed private security police officer the authority to make warrantless arrests as set forth for public peace officers under provisions of the Code of Criminal Procedure, but only when the officer is on the employer's premises and during the hours of employment and while in the full uniform of the employer.)

Unless sworn and fully empowered or deputized as provided in Section 37a, a private college security officer would not be a law enforcement officer as defined in the MCOLES act. Further, Public Act 324 requires the governing board of a private college or university that intends on having sworn and fully empowered security officers to ensure that not less than 50 percent of those officers have been employed as certified or licensed law enforcement officers under the MCOLES act for not less than five years.

The act was tie-barred to Senate Bill 92 which, among other things, renames the Commission on Law Enforcement Standards Act as the Michigan Commission on Law Enforcement Standards Act and requires law enforcement officers to be licensed, rather than certified.

MCL 338.1087, 338.1089, and 338.1087a

BACKGROUND INFORMATION:

Current law allows the governing board of certain private colleges or universities to create a private college security force and appoint persons to be members of that force. To be eligible, a private college must have students residing in college or university housing. Moreover, the college or university must obtain the approval of the prosecuting attorney and the sheriff of each county within which the institution owns, maintains, or controls property; if located entirely within one city, the board must also obtain the approval of the chief of police and if located within more than one city, the approval of each city's chief of police. Licensing and regulation of private security police and private college security police is the responsibility of the Michigan State Police, with administration delegated to MCOLES (the Michigan Commission on Law Enforcement Standards).

Though not certified as a law enforcement officer by MCOLES, a licensed private college security police officer has authority to make a warrantless arrest in the same manner as a public peace officer but only when on the employer's premises. In addition, the officer's authority is limited to the officer's hours of employment, does not extend beyond the employer's property, and the officer must be in the full uniform of the employer. If the employer provides the officer with a pistol, the pistol is considered the property of the employer and the employer retains custody of that pistol except during the officer's actual working hours.

Currently, the University of Detroit-Mercy is the only licensed private college security police force.

ARGUMENTS:

For:

Currently, only one private university in the state, University of Detroit-Mercy, has its own licensed police force, but the officers, though they must meet certain requirements established for peace officers, are not peace officers. This limits the ability of the officers to follow a suspect off campus, patrol adjacent streets, or conduct investigations of crimes committed on the campus. Located in Detroit, the university faces challenges similar to Wayne State University, but without the statutory authority to employ men and women who are certified under MCOLES and without the statutory authority to have a local law enforcement agency commission or deputize their officers with full police powers so that the university's officers may conduct off campus patrols or investigations.

Under PA 324, a private security police officer could seek MCOLES licensure as provided under Senate Bill 92. Also, PA 324 allows MCOLES certified or licensed officers to work as private security police officers (currently, they are not considered as peace officers when working as a private college security police officer, and can therefore lose their MCOLES certification because they are not employed by a law enforcement agency). Either the local chief of police or sheriff could then confer full police powers on those officers, which would include the authority to enforce local ordinances in addition to state laws. If a private college security police officer did not seek MCOLES licensure, the officer would retain the limited police powers afforded under current law.

Public Act 324 has the potential to increase public safety to students, faculty, staff, and visitors at U of D-Mercy, or any other private college or university that establishes a police force, by increasing the training and authority of officers and also being able to attract and retain experienced peace officers from other law enforcement agencies. Wayne State, say bill supporters, has seen a remarkable economic resurgence in the areas adjacent to the campus since its officers were commissioned by the Detroit Police Department, and Central Michigan University officers have greatly enhanced public safety to students and staff at its medical school in Saginaw after being deputized by the Saginaw County Sheriff. Reportedly, even at smaller schools like Hope College, security officers have been

deputized in the past and are therefore able to conduct patrols outside of the college's boundaries. It is time to give parity to private college security officers.

Because the colleges and universities impacted by the bill are private entities, the officers would not be entitled to the governmental immunity afforded to their counterparts at public institutions. Thus, like all private employers, the officers could be subject to civil actions. However, the bill's provisions ensure the officers will have the oversight of MCOLES and the chief of police or Sheriff who commissioned or deputized them.

Against:

No arguments in opposition were offered.

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Kent P. Dell

■ 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.