

Legislative Analysis



PRIVATE COLLEGE SECURITY POLICE: EXPAND JURISDICTIONAL AUTHORITY

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House Bill 4588 as introduced
Sponsor: Rep. Kurt Heise
Committee: Judiciary
Complete to 2-22-16

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

BRIEF SUMMARY:

The bill would allow, under certain circumstances, a private college security police officer to exercise the powers and authority of a peace officer outside of the private college's property. The bill would also allow a county sheriff to deputize a private college security police officer who is certified by MCOLES; such an officer would have greater statutory authority to exercise the powers and authority of a peace officer outside of the private college's geographical boundaries.

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, there are 13 licensed private security police agencies; the University of Detroit Mercy is the only licensed private college security police force.

DETAILED SUMMARY:

House Bill 4588 amends two existing sections of, and adds a new section to, the Private Security Business and Security Alarm Act to authorize private college security officers to

exercise their arrest powers outside of the college's geographical boundaries under certain conditions.

Currently, the governing board of a private college or university must, among other requirements, authorize the assignment of duties, including the enforcement of college or university regulations. The bill would add to this the duty to enforce state and local law under Section 37a.

The bill would also make technical amendments to Section 39 to conform to provisions of the new Section 37a. For example, one amendment clarifies that the geographical limitations on the arrest powers of a private college security officer does not apply to the circumstances described in Section 37a, and that the statement that college security officers are not certified as law enforcement officers does not apply to officers meeting the standards under Section 9 of the MCOLES Act and deputized as provided in Section 37a.

Section 37a (new)

The bill would allow a private college security officer appointed by the college or university governing board to exercise the authority and powers of a peace officer outside the geographical boundaries of the college or university, but only under any of the following circumstances:

- The officer is enforcing the laws of the state in conjunction with the Department of State Police, or in conjunction with a peace officer of any other county, city, village, township, or university in which the officer may be present.
- The officer witnessed an individual violating any of the following within the college's or university's geographical boundaries and immediately pursues the individual outside the property:
 - A state law or administrative rule.
 - A local ordinance.
 - A state law, administrative rule, or local ordinance of which a violation would constitute a civil infraction, municipal civil infractions, or state civil infraction.

An officer pursuing an individual under this provision could stop and detain the person off the college or university property for the purpose of enforcing that law, administrative rule, or ordinance before, during, or immediately after detaining the individual. If the violation or pursuit involved watercraft, the officer involved in the pursuit could direct the operator of the vessel to bring it to a stop or maneuver it in a manner that would permit the officer to come beside the vessel.

Deputizing a private college security officer

In situations other than those described above, a private college security officer may exercise the authority and powers of a peace officer outside of the college or university geographical boundary if all of the following conditions were met:

- The officer meets the minimum standards to be certified as a law enforcement officer under the MCOLES act.

- The officer is deputized by the sheriff or sheriffs of the county or counties in which the land of the private college or university is located and in which the officer will work.
- The deputation is made under a written agreement that includes any terms that the deputizing authority may require of the college or university governing board.
- The written agreement is filed with MCOLES.
- If the college or university property is located entirely within one city, the deputation must be approved by the chief of police of that city. If the property spans more than one city, the deputation must be approved by the chief of police of each city within which the private college or university owns, maintains, or controls property.

MCL 338.1087, 338.1089, and 338.1087a, proposed

FISCAL IMPACT:

This bill would likely have no fiscal impact on the state and would potentially provide for cost savings to local law enforcement agencies.

This bill would allow private college security forces who witness a crime on campus property to immediately pursue individuals even after they cross jurisdictional boundaries. This may reduce the need for private college security forces to rely upon local law enforcement agencies to respond to crimes that occurred on college/university property, but subsequently led to the suspect leaving the private college security forces' jurisdiction.

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