



Policy Analysis for Civilian Oversight and Law Enforcement

Board of Police Commissioners

January-February 2018

Big public risks posed by Senate bill to allow private police forces

An effort is underway to authorize the Michigan State Police department (MSP) to license and regulate special police agencies or private law enforcement agencies. Introduced in 2017, Senate Bill 594 authorizes private forces to have the same arrest powers and immunity protections as city police officers, deputy sheriffs, or other public sworn officers.

Any type of legal organization – such as a municipality, business, school, block club or shopping plaza – could contract with the MSP-licensed agencies for law enforcement services.

Private Police Officers?

TOP CONCERNS FOR PUBLIC SAFETY, OVERSIGHT

- Private police officers would have the power to make warrantless arrests – on private and public property – and to use lethal force.
- Private police officers would have immunity for their actions, except in instances of expired licenses or contract violations.
- Private police would have commercial profit as a priority, not public service.
- The bill does not require safeguards for Constitutional, professional or community policing, such as prohibiting employment of anyone fired from a Police Department for unprofessional conduct.
- Broad contracting makes it possible for an individual to encounter several different private and public forces during the course of a day.
- The public would have no way to tell private cops from sworn public police officers because the bill allows private cars, uniforms, and other gear to copy the designs and colors of the official public versions. Such cloning also makes it easier for a criminal to impersonate a real police officer – or a private one.
- No public review is required and uncertainty exists about the role of local and federal funding.

The proposed bill does require approval from a local prosecuting attorney and sheriff or a chief of police before a city or other governmental unit can enter a contract for private police. While it offers broad immunity for private police actions, the bill only requires passing a criminal background check. The only penalties relate to violating MSP licensing and other requirements; a violation would be a felony punishable by imprisonment for up to four years or a maximum of \$5,000 in fines, or both.

A companion bill makes a technical amendment to the Code of Criminal Procedure to include the felony from Senate 594. Both bills are in a Senate committee. If passed by the Senate and House, the bills still would need the Governor's approval before taking effect, which the bills propose as 90 days after enactment

Board of Police Commissioners

"Accountability through Civilian Oversight"

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Purpose: The Policy and Planning Division monitors public safety issues that affect Detroit residents, the law enforcement community, and municipal or civilian oversight of police operations. BOPC staff provides this newsletter and analysis for information purposes only.

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Public Policy Tracking Meter	
Police Use of Force Registry [HB 4827 (2017)] Requires police to add information about use of force and shooting incidents to existing annual reports sent to the state. Impact: Increased Transparency. Greater Accountability	MICHIGAN LEGISLATURE
Driver’s Education for Traffic Stops [HB 4705 (2017)] Requires classroom instruction for how drivers should act when pulled over by police. Traffic Stops are one of the most common ways the public encounters police. Impact: Public Education. Police De-Escalation	
High Speed Chases [HB 4233 (2015)] Requires all law enforcement officers to follow a local municipality’s pursuit policies for high-speed chases, or with the State Police pursuit policy if no local policy exists. Impact: DPD currently has a policy directive that limits chases to pursuing armed and dangerous suspects. The bill makes it mandatory for other agencies coming into Detroit to follow the same practice.	
End of Gun Free Safe Zones [SBs 584-586 (2017)] A package of three bills to 1) allow concealed weapons into current gun-free safe zones like schools, worship facilities, public libraries, child care centers, sports venues, bars and other public places, 2) eliminate current penalties and 3) end local control so communities cannot create safe zones. Impact: More risks to the public and to law enforcement. Likely increase in tragedies like Columbine, Aurora, Sandy Hook, Orlando, Las Vegas, and Sutherland Springs	
Private Police Forces [SB 594 (2017)] <i>See front page.</i>	
Carrying Firearms (HBs 4416-4419) A package of three bills that allows more guns on the streets by eliminating current restrictions on carrying dangerous weapons so that 1) an armed person no longer has to disclose it immediately during a police encounter; and 2) no training is mandatory to carry a firearm, (although the Michigan State Police would still be responsible for publishing a training manual on gun safety, stand and defend/stand your ground laws, etc.) Impact: More risk to public and to law enforcement from gun violence, mass shootings, and gun-related injury or death	DETROIT and STATE REGULATORS
Medical Marihuana (MM) Detroit voters approved two ballot proposals that complicated the City’s zoning power to limit the number of dispensaries by restricting where shops locate. The city and industry are fighting in court, and MM is in limbo until a ruling. Meanwhile, new State of Michigan rules are changing industry dynamics – even as many metro Detroit cities still ban all pot – and arrest people for selling, buying, and driving under the influence of it. State residents could vote on legalizing recreational use this year– or a new state bill could do it. With Michigan and 29 other states allowing some use, will Congress look to change federal laws that still criminalize marijuana the same as cocaine and heroin?	
Concealed Carry Reciprocity Act of 2017 (HR 38) From the U.S. House of Representatives, this bill amends the federal criminal code to allow people licensed by one state to carry a concealed handgun into any other state that allows concealed firearms. The bill also lets the person carry guns into school zones and federally owned public places, like parks, offices, and museums. Impact: Increased risk to public and to law enforcement.	U.S. Congress
Travel Ban/Immigration Executive Orders The Supreme Court always was going to be the final destination for President Trump’s effort to prohibit U.S. entry by people from certain countries, largely Muslim. Impact: As a border city and a diverse community, Detroit already has felt an impact, but a SCOTUS decision will be a defining – or re-defining – moment in American Democracy.	Supreme Court of the United States

The Detroit Board of Police Commissioners **meets weekly on Thursday at 3 p.m.** at Detroit Public Safety Headquarters, 1301 Third Avenue, **except** for the second Thursday of the month when it holds **community meetings at 6:30 p.m.** at various locations. For the Board meeting schedule, video, minutes and other information, visit the website at detroitmi.gov/boards/boardofpolicecommissioners.