HOUSE BILL No. 4914

July 18, 2013, Introduced by Rep. McMillin and referred to the Committee on Criminal Justice.

A bill to require reporting of the activities of certain law enforcement units; and to prescribe certain powers and duties of certain state departments, agencies, and officers.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

Sec. 1. This act shall be known and may be cited as the "SWAT team reporting act".

Sec. 2. As used in this act:

(a) "Law enforcement agency" means 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 this state.

(b) "Law enforcement officer" means any person who, in an official capacity, is authorized by law to make arrests and who is an employee of a law enforcement agency.
(c) "SWAT team" means a special unit composed of 2 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.

Sec. 3. Beginning October 1, 2013, and every 6 months after that date, any law enforcement agency that maintains a SWAT team shall report all of the following information to the office of the attorney general using the format developed under section 4:

(a) The number of times the SWAT team was activated and deployed by the law enforcement agency in the previous 6 months.

(b) Without identifying an exact address, the approximate location within or outside of the jurisdiction of the law enforcement agency to which the SWAT team was deployed, including the name of the county and the city, village, or township, and the zip code.

(c) The reason for each activation and deployment of the SWAT team.

(d) The legal authority, including type of warrant, if any, for each activation and deployment of the SWAT team.

(e) The result of each activation and deployment of the SWAT team, including all of the following:

(i) The number of arrests made, if any.

(ii) The type of evidence seized, and whether property was seized.

(iii) Whether a forcible entry was made.
(iv) Whether a weapon was discharged by a SWAT team member.
(v) Whether a person or domestic animal was injured or killed by a SWAT team member.

Sec. 4. The Michigan commission on law enforcement standards created in Executive Reorganization Order No. 2001-2, MCL 28.621, in consultation with the department of attorney general, shall develop a standardized format that each law enforcement agency shall use in reporting data to the department of attorney general under section 3.

Sec. 5. A law enforcement agency that is subject to section 3 shall do all of the following:
(a) Compile the data described in section 3 for each 6-month period as a report in the format required under section 4.
(b) Not later than the fifteenth day of the month following the end of each 6-month period that is the subject of the report, submit copies of the report to the department of attorney general and to the local governing body of the jurisdiction served by the law enforcement agency that employs the SWAT team.

Sec. 6. (1) The department of attorney general shall analyze and summarize the monthly reports of law enforcement agencies submitted under section 5.
(2) Not later than September 1 of each year, the department of attorney general shall submit a report of the analyses and summaries of the reports of law enforcement agencies described in subsection (1) to the governor, the secretary of the senate, the clerk of the house of representatives, and each law enforcement agency whose activities are addressed in the report.
Sec. 7. If a law enforcement agency fails to comply with the reporting provisions of this act, the department of attorney general shall report the noncompliance to the Michigan commission on law enforcement standards. Upon receipt of a report of noncompliance, the Michigan commission on law enforcement standards shall contact the law enforcement agency and request that the agency comply with the required reporting provisions. If the law enforcement agency fails to comply with the request of the Michigan commission on law enforcement standards within 30 days, the department of attorney general and the Michigan commission on law enforcement standards jointly shall report the noncompliance to the governor and the secretary of the senate and the clerk of the house of representatives.