

# SENATE BILL No. 220

February 15, 2001, Introduced by Senators VAN REGENMORTER, JOHNSON and BENNETT and referred to the Committee on Judiciary.

A bill to create the model law enforcement vehicle pursuit and response policy advisory panel within the commission on law enforcement standards; to prescribe its membership, powers, and duties; to prescribe the powers and duties of certain state and local agencies and departments; to provide for the development of law enforcement vehicle pursuit and response policies; and to repeal acts and parts of acts.

**THE PEOPLE OF THE STATE OF MICHIGAN ENACT:**

SENATE BILL No. 220

1       Sec. 1. This act shall be known and may be cited as the  
2 "law enforcement pursuit and response policy act".

3       Sec. 2. As used in this act:

4       (a) "Commission" means the commission on law enforcement  
5 standards created by section 3 of the commission on law  
6 enforcement standards act, 1965 PA 203, MCL 28.603.

1 (b) "Governmental agency" means that term as defined in  
2 section 1 of 1964 PA 170, MCL 691.1401, and includes a  
3 combination of 1 or more governmental agencies.

4 (c) "Law enforcement agency" means a police agency of a  
5 city, village, or township; a sheriff's department; the depart-  
6 ment of state police, including, but not limited to, the motor  
7 carrier division of the department of state police; the law  
8 enforcement division of the department of natural resources; a  
9 police agency of a county or regional park whose officers are  
10 appointed pursuant to section 14 of 1965 PA 261, MCL 46.364; or a  
11 public safety department of a community college or a 4-year  
12 institution of higher education whose officers are granted the  
13 powers and authority of peace and police officers under section 1  
14 of 1990 PA 120, MCL 390.1511, or section 5a of 1965 PA 278,  
15 MCL 390.715a.

16 (d) "Law enforcement pursuit and response" means the opera-  
17 tion of a law enforcement vehicle in a manner described in or  
18 authorized by section 603 or 632 of the Michigan vehicle code,  
19 1949 PA 300, MCL 257.603 and 257.632.

20 (e) "Law enforcement vehicle" means a motor vehicle owned or  
21 operated by a law enforcement agency.

22 (f) "Motor vehicle" means that term as defined in section 33  
23 of the Michigan vehicle code, 1949 PA 300, MCL 257.33.

24 (g) "Panel" means the law enforcement vehicle pursuit and  
25 response policy advisory panel created in section 3.

26 Sec. 3. (1) A law enforcement vehicle pursuit and response  
27 policy advisory panel is created within the commission.

1 (2) The advisory panel shall consist of the members of the  
2 commission and at a minimum 1 individual as a member and 1 indi-  
3 vidual as an alternate member from each of the following groups,  
4 appointed by the governor from a list of individuals provided by  
5 each of the following groups:

6 (a) Michigan association of counties.

7 (b) Prosecuting attorneys association of Michigan.

8 (c) Michigan municipal league.

9 (d) Michigan townships association.

10 (e) An organization of police officers who regularly perform  
11 law enforcement duties upon urban streets or roads.

12 (f) An organization of police officers who regularly perform  
13 law enforcement duties upon suburban streets or roads.

14 (g) An organization of police officers who regularly perform  
15 law enforcement duties upon rural streets or roads.

16 (h) An organization of police officers who regularly perform  
17 law enforcement duties upon limited access highways.

18 (3) In addition to the advisory panel members listed in sub-  
19 section (2), the advisory panel shall include at least 1 member  
20 of the general public who shall be appointed by the governor in  
21 the same manner as members provided for in subsection (2).

22 (4) Each entity that provides a list of individuals under  
23 subsection (2) shall specifically state which individuals are  
24 being nominated for appointment as a member and which individuals  
25 are being nominated for appointment as an alternate member.

26 (5) Except for initial members, a member of the panel  
27 appointed under subsection (2) shall serve for a term of 2 years

1 or until a successor is appointed. Of the members initially  
2 appointed under subsection (2), 3 of the members shall be  
3 appointed for a term of 4 years, 3 of the members shall be  
4 appointed for a term of 3 years, and 2 of the members shall be  
5 appointed for a term of 2 years.

6 (6) A vacancy on the panel shall be filled in the same  
7 manner as the original appointment.

8 (7) If a member of the panel is absent from a panel meeting,  
9 the individual serving as the alternate member for that member  
10 shall act as a member of the panel at that meeting.

11 (8) The members of the panel shall be appointed by the gov-  
12 ernor within 90 days after the effective date of this act and  
13 shall hold their first meeting within 90 days after appointment.

14 Sec. 4. (1) The advisory panel shall hold a regular annual  
15 meeting at a place and on a date fixed by the panel. Special  
16 meetings may be called by the chairperson or by not less than 7  
17 panel members on at least 3 business days' actual notice.

18 (2) A majority of the panel members appointed and serving  
19 constitute a quorum. Final action by the panel shall be only by  
20 affirmative vote of a majority of the panel members appointed and  
21 serving. A panel member shall not vote by proxy.

22 (3) The members of the panel shall serve without  
23 compensation. Expenses of members incurred in the performance of  
24 official duties shall be reimbursed as provided by law for state  
25 employees.

1 (4) The panel shall assist the commission in performing its  
2 duties. The commission shall provide facilities for meetings of  
3 the panel and necessary office and clerical assistance.

4 Sec. 6. Within 1 year after the first meeting of the panel,  
5 the commission, with the advice of the panel, shall develop a  
6 model law enforcement vehicle pursuit and response policy govern-  
7 ing emergency operation of law enforcement vehicles by a govern-  
8 mental agency. A model law enforcement vehicle pursuit and  
9 response policy developed under this section shall do all of the  
10 following:

11 (a) Define the model policy's coverage.

12 (b) Recognize that pursuit or response has the potential for  
13 risk or harm.

14 (c) Identify the circumstances warranting initiation, main-  
15 tenance, or termination of law enforcement pursuit or response,  
16 based on the following criteria:

17 (i) The risks to the physical safety of employees and the  
18 public, including innocent bystanders, of initiating or maintain-  
19 ing law enforcement pursuit or response.

20 (ii) For law enforcement pursuits involving the chase of a  
21 person charged with or suspected of a violation of law, the  
22 danger to society of not effecting immediate apprehension,  
23 including consideration of the seriousness and immediacy of the  
24 threat posed by a pursued person and the adequacy of alternative  
25 apprehension methods.

1 (d) Identify procedures for a law enforcement agency's  
2 initiation, maintenance, and termination of law enforcement  
3 pursuit and response and include all of the following:

4 (i) Authorization for an employee other than an employee  
5 actively engaged in the law enforcement pursuit or response to  
6 prohibit, modify, or terminate the pursuit or response.

7 (ii) Specific rules governing law enforcement pursuits and  
8 responses that cross jurisdictional boundaries.

9 (iii) Specific rules governing permissible law enforcement  
10 pursuit and response methods and tactics.

11 (e) Establish guidelines requiring a law enforcement agency  
12 to internally monitor the effects of its law enforcement pursuit  
13 and response policy.

14 (f) Establish minimum requirements for law enforcement vehi-  
15 cle operators and provide guidelines for training employees to  
16 comply with an adopted law enforcement vehicle pursuit and  
17 response policy.

18 (g) Include any other provision the panel considers neces-  
19 sary for a model law enforcement vehicle pursuit and response  
20 policy.

21 Sec. 7. The commission shall report the model law enforce-  
22 ment vehicle pursuit and response policy developed by the  
23 advisory panel under section 6 to all of the following:

24 (a) Each house of the legislature.

25 (b) Each law enforcement agency in this state.

26 Sec. 8. (1) A governmental agency may adopt all or a  
27 portion of the model law enforcement vehicle pursuit and response

1 policy developed under section 6, or may develop and adopt its  
2 own law enforcement vehicle pursuit and response policy. If a  
3 governmental agency adopts the model policy, it shall notify the  
4 commission.

5 (2) If a governmental agency adopts either part of the model  
6 policy and part of its own policy or an entire policy of its own,  
7 the agency shall send that policy to the commission for review  
8 and certification. The commission shall examine each aspect of  
9 the policy that is in variance with the model policy. If the  
10 commission finds that each variation is reasonably justified by  
11 unusual circumstances that exist in a government agency's juris-  
12 diction, and that the policy as a whole substantially achieves  
13 the objectives of the model policy, the commission may certify  
14 the policy. If the commission finds that any variation is not  
15 reasonably justified by unusual circumstances that exist in a  
16 governmental agency's jurisdiction, or that the policy as a whole  
17 does not substantially achieve the objectives of the model  
18 policy, the commission shall not certify the policy, and shall  
19 return the policy to the governmental agency that developed it  
20 with an explanation of the basis for the commission's decision.

21 (3) If a governmental agency discontinues all or a portion  
22 of a law enforcement vehicle pursuit and response policy adopted  
23 under this act, the governmental agency shall immediately inform  
24 the commission in writing of the date on which the law enforce-  
25 ment vehicle pursuit and response policy was discontinued.

26 (4) The commission shall keep a record of what type of  
27 policy each governmental agency adopts.

1       Sec. 9. The panel shall meet at least once annually to  
2 review the law enforcement vehicle pursuit and response policy  
3 developed under section 6.

4       Sec. 10. This act takes effect January 1, 2002.

5       Sec. 11. This act is repealed 5 years after its effective  
6 date.