

Legislative Analysis



DETROIT POPULATION THRESHOLD: ARSON INVESTIGATOR AS POLICE OFFICER

Mary Ann Cleary, Director
Phone: (517) 373-8080
<http://www.house.mi.gov/hfa>

House Bill 5423 (reported without amendment)
Sponsor: Rep. Thomas F. Stallworth, III
Committee: Local, Intergovernmental, and Regional Affairs

First Analysis (3-25-12)

BRIEF SUMMARY: The bill, which applies only to Detroit, would lower from 750,000 to 600,000 the population threshold that allows a city to include fire arson investigators within the definition of "police officer" or "law enforcement officer."

FISCAL IMPACT: As written, the bill would leave current practices in place.

THE APPARENT PROBLEM:

The population of the city of Detroit declined 25 percent during the previous decade—from 951,270 to 713,777—according to the results of the 2010 federal decennial census.

The Commission on Law Enforcement Standards Act contains a special provision that applies to a city with a population of at least 750,000, enabling that city's official to designate as police officers arson investigators who work in the fire department. A dual designation allows the arson investigators to cross train and earn law enforcement certification. That way, the arson investigators can testify as police officers in court, if the county prosecutor brings charges against suspected arsonists.

According to committee testimony, during 2011 the City of Detroit had nearly 5,000 fires, of which 1,700—just a third—were investigated. (The number of investigations is down because more than half of the investigators have been laid off since 2004, a reduction in FTES from 24 to 11.) Of those 1,700 fires, fully 67 percent of them—about 1,100 blazes—were found to be set purposely by arsonists. Eighteen people died in those fires. And those arson fires caused more than \$135 million worth of property damage in Detroit. Further, about 25 percent of arson fire investigations exposed auto insurance fraud.

Officials in Detroit have learned that granting police powers to arson fire investigators enables them to work more quickly and effectively to identify lawbreakers, gather and analyze the evidence to build their cases, and then bring those charged to justice.

Other bills have been introduced during this legislative session to update the population threshold in various acts, all of which apply to the City of Detroit. For example, Public Act 287 of 2011 (House Bill 4874) was enacted to allow the City of Detroit to continue designating special assessment districts that allow neighborhoods to hire private contractors to provide health and safety services. And recently, House Bill 5296 was

reported from a House Committee to amend the Home Rule Cities Act so that the City of Detroit can continue to issue general obligation bonds and other debt under the limitations imposed by the act.

Now legislation has been introduced to allow arson investigators to also be certified as law enforcement personnel, in cities having a population of 600,000 or more.

THE CONTENT OF THE BILL:

Under the Commission on Law Enforcement Standards Act (MCL 28.602), a city with a population of at least 750,000 can include a fire arson investigator from a fire department within its definition of "police officer" or "law enforcement officer," if the investigator is sworn and fully empowered by the city chief of police. The bill would lower the population threshold to 600,000. This would continue to apply only to Detroit, whose population fell below 750,000 in the most recent decennial census.

ARGUMENTS:

For:

The aim of the bill is essentially to keep longstanding provisions and practices in place by amending a population threshold in the Commission on Law Enforcement Standards Act. During the past decade, the population of the City of Detroit declined from 951,270 to 713,777, according to the results of the 2010 decennial census. As a result, the number of city residents has fallen below the population threshold of 750,000 found in a special provision of the Commission on Law Enforcement Standards Act. That act enables cities that meet the population threshold to designate their fire arson investigators as police officers. If their public safety personnel are given dual designation, any suspected arson fires can be investigated more thoroughly and quickly. And, when prosecutors bring charges against arsonists, the arson investigators can offer sworn testimony in courts of law as actual law enforcement officials.

This bill would lower the act's population threshold to 600,000 people, so that Detroit officials can continue to designate their arson investigators as police officers. If the bill is enacted into law, Detroit will continue to be the only city that meets the threshold. As the City of Detroit continues to negotiate its financial crisis, this legislation is needed so that city officials can continue to efficiently and effectively provide safety and services to their citizens.

POSITIONS:

The City of Detroit supports the bill. (3-15-12)

Legislative Analyst: J. Hunault
Fiscal Analyst: Robin Risko

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