

HOUSE BILL No. 4857

June 30, 2011, Introduced by Reps. McMillin, Durhal and Nathan and referred to the
Committee on Judiciary.

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:

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

3 Sec. 2. As used in this act:

4 (a) "Law enforcement agency" means the department of state
5 police or a law enforcement agency of a county, township, city, or
6 village that is responsible for the prevention and detection of
7 crime and enforcement of the criminal laws of this state.

8 (b) "Law enforcement officer" means any person who, in an
9 official capacity, is authorized by law to make arrests and who is

1 an employee of a law enforcement agency.

2 (c) "SWAT team" means a special unit composed of 2 or more law
3 enforcement officers within a law enforcement agency, commonly
4 known as a special weapons and tactics team, trained to deal with
5 unusually dangerous or violent situations and having special
6 equipment and weapons, such as rifles more powerful than those
7 carried by regular police officers.

8 Sec. 3. Beginning January 1, 2012, and every 6 months after
9 that date, any law enforcement agency that maintains a SWAT team
10 shall report all of the following information to the office of the
11 attorney general using the format developed under section 4:

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

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

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

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

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

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

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

1 (iii) Whether a forcible entry was made.

2 (iv) Whether a weapon was discharged by a SWAT team member.

3 (v) Whether a person or domestic animal was injured or killed
4 by a SWAT team member.

5 Sec. 4. The Michigan commission on law enforcement standards,
6 in consultation with the department of attorney general, shall
7 develop a standardized format that each law enforcement agency
8 shall use in reporting data to the department of attorney general
9 under section 3.

10 Sec. 5. A law enforcement agency that is subject to section 3
11 shall do all of the following:

12 (a) Compile the data described in section 3 for each 6-month
13 period as a report in the format required under section 4.

14 (b) Not later than the fifteenth day of the month following
15 the end of each 6-month period that is the subject of the report,
16 submit copies of the report to the department of attorney general
17 and to the local governing body of the jurisdiction served by the
18 law enforcement agency that employs the SWAT team.

19 Sec. 6. (1) The department of attorney general shall analyze
20 and summarize the monthly reports of law enforcement agencies
21 submitted under section 5.

22 (2) Not later than September 1 of each year, the department of
23 attorney general shall submit a report of the analyses and
24 summaries of the reports of law enforcement agencies described in
25 subsection (1) to the governor, the secretary of the senate, the
26 clerk of the house of representatives, and each law enforcement
27 agency whose activities are addressed in the report.

1 Sec. 7. If a law enforcement agency fails to comply with the
2 reporting provisions of this act, the department of attorney
3 general shall report the noncompliance to the Michigan commission
4 on law enforcement standards. Upon receipt of a report of
5 noncompliance, the Michigan commission on law enforcement standards
6 shall contact the law enforcement agency and request that the
7 agency comply with the required reporting provisions. If the law
8 enforcement agency fails to comply with the request of the Michigan
9 commission on law enforcement standards within 30 days, the
10 department of attorney general and the Michigan commission on law
11 enforcement standards jointly shall report the noncompliance to the
12 governor and the secretary of the senate and the clerk of the house
13 of representatives.