



**House
Legislative
Analysis
Section**

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POLICE PURSUIT POLICY

House Bill 4703

Sponsor: Rep. Kirk A. Profit

Committee: Judiciary

Complete to 9-23-93

A SUMMARY OF HOUSE BILL 4703 AS INTRODUCED 5-6-93

The bill would create a new public act providing for a commission to develop a model high speed pursuit policy. The bill also would require local law enforcement agencies to adopt model policies containing the same basic features (see below) mandated for the model policy to be developed by the commission. A local agency that had not adopted such a policy within one year after the bill took effect would have to adopt a model policy or alternative model policy developed under the bill. A law enforcement agency with a pursuit policy that otherwise met the bill's requirements would not have to revise its policy to conform to the commission's model policy.

Commission members would consist of one member (and an alternate) appointed by each of the following: the Department of State Police, the Michigan Association of Chiefs of Police, the Michigan Sheriffs' Association, the police agency of each city with a population of one million or more, the Michigan Municipal League, the Michigan Townships Association, the Michigan Association of Counties, the Fraternal Order of Police, the Police Officers' Association of Michigan, the Deputy Sheriff Association of Michigan, the Detroit Police Officers' Association, the Michigan State Police Troopers Association, the United Auto Workers (technical, office, and professional department), the State Bar of Michigan, the Prosecuting Attorneys Association of Michigan, and the Michigan Trial Lawyers Association. The governor could appoint one member to represent the public. Only an elected sheriff could serve as a member or alternate member for the Michigan Sheriffs' association. Assuming each of those authorized to do so appointed a member, the commission would have 16 members.

Administrative support for the commission would be provided by the Law Enforcement Officers Training Council and the Office of Criminal Justice (Note: the Office of Criminal Justice no longer exists as such; its duties have been assumed by the Office of Contract Management in the Department of Management and Budget). Commission members would serve without compensation. Commission business would be subject to the Open Meetings Act and the Freedom of Information Act.

Within one year of its first meeting (which would have to be held within 90 days of the bill's effective date), the commission would develop a model policy or alternative model policies concerning police pursuits. A policy would have to specify the circumstances warranting starting, continuing, and stopping a pursuit; note risks to police and public, along with the danger to society of not immediately apprehending the offender (the seriousness and immediacy of the threat posed by the pursued person and the adequacy of other ways to apprehend him or her would have to be considered); specify the procedures for starting,

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continuing, and terminating a high speed pursuit, along with permissible pursuit methods and tactics (such as the use of firearms and procedures to be followed when a pursued vehicle has stopped). A policy also would have to include provisions for a law enforcement agency to monitor the effects of its pursuit policy, and guidelines for training law enforcement agency employees.

The commission would report on the model policy or policies to the legislature. The report would have to note the advisability of amending sections of the Michigan Vehicle Code that make special provision for emergency vehicles and maintaining the commission to encourage adoption of a model policy and monitor its effects.