

**METRO AIRPORT POLICE:
EXPAND JURISDICTION FOR ARRESTS**

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**House Bill 5181 (reported by committee w/o amendment)
Sponsor: Rep. Kurt Heise
Committee: Criminal Justice
Complete to 2-5-16**

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: The bill would allow officers of a public airport authority (Detroit Metropolitan Airport) to exercise their authority and powers outside the airport's geographical boundaries under certain circumstances.

FISCAL IMPACT: The bill would have no state fiscal impact but may provide cost savings to local governments as discussed in more detail later in the analysis.

THE APPARENT PROBLEM:

The Detroit Metropolitan Airport Police Department provides law enforcement services to both Detroit Metro and Willow Run Airports. Officers receive the same training and certification required of peace officers (including certification under the Michigan Commission On Law Enforcement Standards, or MCOLES), and have full arrest powers and authority to enforce state and local laws, as well as the rules, regulations and ordinances of the Wayne County Airport Authority and the requirements of federal law governing airport security. Officers may issue summonses, make arrests, and initiate criminal proceedings. However, their authority is limited to the geographical boundaries of either airport. This means that the airport police officers may not apprehend a person who commits a violation on airport grounds but flees the premises, or commits an off-premises violation that is within the airspace above Detroit Metro or Willow Run Airports.

Increasingly, airports across the country are experiencing laser strikes from laser pointers on planes while taking off or landing. Most often, the lasers are used off airport property but are directed at planes while in protected airspace. Beams from high powered laser pointers are able to travel thousands of feet and if they hit a cockpit window can fill the cockpit with green light. If the beam hits a pilot's eye or eyes, the pilot can experience a temporary blindness referred to as "flash blindness" or may have blurred vision. Some pilots have experienced minor burns to the eyes. The flash blindness and/or blurring can last a matter of minutes or hours, and some pilots have needed several days for their vision to return to normal.

Landings and take-offs are the most critical stages of flight and pilots need to be their most focused. However, a pilot suffering from flash blindness or blurred vision cannot read the controls or the landing/take-off checklists used by pilots to ensure proper procedures are followed, or see out the windows to see what is before the aircraft. Obviously, the safety of the passengers and the aircraft are compromised if pilots cannot see at such a crucial stage of flight.

Because the airport police officers are limited to making arrests only on airport property, they lack the authority to apprehend people seen using laser pointers outside the airport fences. The same is true for drones; several plane/drone near-misses have been reported at airports across the country, including at Detroit Metropolitan Airport. If the drone operator is off the grounds of the airport, the airport police officers must instead call for assistance from other police agencies even if the drone crosses into the airport's airspace.

Currently, municipal peace officers and state university police officers may exercise their authority beyond jurisdictional boundaries in certain circumstances; for instance, if the officers witnessed a violation in their jurisdiction and during pursuit, the suspect entered a different jurisdiction (e.g., crossed city or county lines). Due to the danger that certain actions pose to the safety of aircraft, and to better enforce criminal laws and civil infractions occurring on airport property, it has been suggested that the authority to enforce laws by airport police at Detroit Metro and Willow Run Airports be extended in a manner to provide parity with other law enforcement agencies and to protect airport airspace.

THE CONTENT OF THE BILL:

Current law allows peace officers of a county, city, village, township, or state university to exercise their authority and powers of a peace officer outside the geographical boundaries of the officer's county, city, village, township, or university under certain circumstances. These circumstances include the following:

- If the officer is enforcing state laws in conjunction with the Michigan State Police.
- If the officer is enforcing state laws in conjunction with a peace officer of any local municipality or university.
- If the officer witnesses the violations of the following within the geographical boundaries of the officer's municipality or university and immediately pursues the individual outside of that geographical boundary: a state law or administrative rule; local ordinance; or a law, rule, or ordinance that was a civil infraction, municipal civil infraction, or state civil infraction.

In addition, under current law, an officer pursuing an individual under the above circumstances may stop and detain the person outside the officer's municipality or university for the purpose of enforcing the law, administrative rule, or ordinance or for the purpose of enforcing any of these before, during, or immediately after the detaining of the individual. This applies also to a vessel on a lake or river. The officer pursuing an individual on any waters of the state may direct the operator of the vessel to bring it to a stop or maneuver it in a manner that allows the officer to come beside the vessel.

House Bill 5181 would amend the Code of Criminal Procedure to apply the above provisions to a peace officer of a public airport authority. Further, the bill would also allow a Metro Airport officer to immediately pursue an individual the officer witnessed committing a violation even though the individual is outside the boundaries of the airport **if** the violation is within the airspace above Detroit Metro or Willow Run Airports. This provision would apply to a violation of a state or administrative rule; a local ordinance; or

a state law, administrative rule, or local ordinance, if the violation is a civil infraction, municipal civil infraction, or state civil infraction.

"Public airport authority" is defined to mean an authority created under Section 110 of the Aeronautics Code of the State of Michigan that is a political subdivision and instrumentality of the local government that owns the airport and is considered a public agency of the local government for purposes of state and federal law. (Created by Public Act 90 of 2002, the act is understood to apply to Wayne County's Detroit Metropolitan Airport and Willow Run Airport.)

The bill would take effect 90 days after enactment.

MCL 764.2a

FISCAL INFORMATION:

This bill would likely have no fiscal impact on the state and potentially provide cost savings for local units of government by decreasing the probability of costly accidents due to criminal activity.

This bill would allow the officers of public airport authorities to pursue individuals who have violated laws that impact an airport while outside of the airport's jurisdiction – such as flying remotely operated aerial vehicles (drones) over airport authority airspace or discharging laser devices toward inbound and outbound aircraft. The ability to enforce these laws and ordinances immediately outside of airport authority jurisdiction without needing to coordinate with the local law enforcement agency within whose boundaries the perpetrator has committed the crime will lower law enforcement response times and increase the risk to perpetrators.

ARGUMENTS:

For:

Detroit Metropolitan Airport Police Department officers are fully trained, MCOLES-certified police officers who currently exercise the same authority and police powers that state troopers, city police, county sheriffs and deputies, and state university police department officers exercise. The bill will simply allow them to do that more efficiently and effectively and in so doing, increase the traveling public's safety.

Legislation signed into law in June of 2002 (Public Act 483) expanded the circumstances under which a peace officer may exercise authority and powers (such as arrest powers) outside the officer's own municipality and also included police officers of state university police departments. Officers of the Detroit Metropolitan Airport Police department were not included in that legislation at that time because the legislation creating the Wayne County airport authority, which included authorization for the airport police department, had been enacted only a few months earlier. Thus, airport officers are limited by

jurisdictional restraints when enforcing state, federal, and local laws for crimes committed on airport property.

According to media reports, the Federal Aviation Agency (FAA) recorded 33 laser strikes on planes at Detroit Metro Airport in 2014 and had recorded 36 strikes through mid-October of 2015. In addition, there have been incidents of drones coming dangerously near the airport, as well as hit and run accidents on airport perimeter fences. Airport police officers could respond to these incidents much more quickly than officers in nearby law enforcement agencies. And, in situations involving serious crimes, the ability to pursue a shooter, carjacker, kidnapper, thief, or perpetrator of an assault who flees the scene would increase public safety.

Under the bill, if a Metro Airport Police officer witnessed a crime being committed on the grounds of Detroit Metro Airport or Willow Run Airport, the officer could pursue the suspect even if the suspect left the airport property. Likewise, the bill would enable an officer to arrest someone who was committing a crime that off airport property but within the airspace above the airport (e.g., aiming a laser pointer at inbound or outbound aircraft or operating a drone too close to the airport). Since the officers are on-site, they can respond more quickly to incidents than could officers of a nearby city or county law enforcement agency. With a serious offense like carjacking, a shooting, or kidnapping, or a laser beam lighting up a cockpit of a plane, minutes matter.

The bill does not authorize the airport police to patrol areas adjacent to the airport, such as I-94 or I-75, nor does it increase their police powers. It just expands where and under which circumstances they can exercise their current powers.

Against:

No arguments in opposition to the bill were offered.

POSITIONS:

A representative of the Wayne County Airport Authority testified in support of the bill. (1-26-16)

The Department of State Police indicated support for the bill. (1-26-16)

The Deputy Sheriff's Association of Michigan indicated support for the bill. (1-26-16)

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Fiscal Analyst: Kent Dell

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.