

DEPARTMENT OF STATE POLICE

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

**JUSTICE TRAINING FUND PROGRAMS**

Filed with the Secretary of State on

These rules take effect immediately after filing with the Secretary of State

**May 18, 2005**

(By authority conferred on the Michigan Commission on Law Enforcement Standards by section 3 of 1982 PA 302, by section 9 of 1965 PA 380, and by Executive Reorganization Order 2001-2, MCL 28.621.)

R 18.451, R 18.452, R 18.452a, R 18.453, R 18.454, R 18.455, R 18.455a, R 18.456  
R 18.457, R 18.458, R 18.459, R 18.460, R 18.461, and R 18.462, of the Michigan  
Administrative Code are rescinded and R 18.14901, R 18.14902, R 18.14903, R 18.14904,  
R 18.14905, R 18.14906, R 18.14907, R 18.14908, R 18.14909, and R 18.14910, are added  
to the Michigan Administrative Code as follows:

~~DEPARTMENT OF STATE POLICE~~

~~MICHIGAN JUSTICE TRAINING COMMISSION~~

~~**GENERAL RULES**~~

~~(By authority conferred on the Michigan justice training commission by section 3 of Act No.  
302 of the Public Acts of 1982, as amended, being §18.423 of the Michigan Compiled Laws)~~

~~**R 18.451—Definitions. RESCINDED.**~~

~~Rule 1. (1) As used in these rules:~~

~~(a) "Act" means Act No. 302 of the Public Acts of 1982, as amended, being §18.421 et seq.  
of the Michigan Compiled Laws.~~

~~(b) "Commission" means the Michigan justice training commission.~~

~~(c) "Equipment" means an item of personal property which costs \$300.00 or more, which  
has a useful life of more than 1 year, which is used in direct in service criminal justice  
training, and which is not a fixed part of a building or structure.~~

~~(d) "Officer cutoff" means the number of Michigan law enforcement officers training council  
(MLEOTC) certified full-time equated officers established by the commission below which  
an eligible entity shall receive the minimum distribution under the provisions of section 3(a)~~

of the act.

(2) "Distribution" as used in section 3(a) of the act and these rules, means the 2 semiannual installments from the fund to eligible entities.

(3) Terms defined in the act have the same meanings when used in these rules.

**~~R 18.452—Distribution of 60% of fund. RESCINDED.~~**

~~Rule 2. (1) The commission shall make semiannual installments of 60% of the fund based upon the amount in the fund as of March 31 and September 30.~~

~~(2) The commission shall conduct an annual survey to determine the per capita basis for the distribution. The survey shall be mailed to each eligible entity designated in section 3(a) of the act. The survey shall be completed and returned to the commission by the published due date. An eligible entity shall report the number of paid hours actually worked by full-time and part-time MLEOTC certified officers during the eligible entity's most recent complete fiscal year. The eligible entity shall also report the local funds budgeted for in-service training of its certified police officers for the fiscal year that includes the most recent October 12 predating the year of the survey. As part of the annual survey, an eligible entity shall identify each MLEOTC certified officer, who is paid for hours worked. The report of employed MLEOTC certified officers shall be made on a form or in a manner prescribed by the commission. The information shall be reported to the Michigan law enforcement officers training council by the commission. An entity that does not comply with the submission requirements of the rule shall forfeit funding.~~

~~(3) Funds shall be distributed in the following manner:~~

~~(a) A sworn MLEOTC certified officer who works 2080 hours during the eligible entity's most recent complete fiscal year shall be treated as equivalent to 1 full-time officer.~~

~~(b) The distribution shall be based on the number of full-time equated (FTE) MLEOTC certified officers per eligible entity. Each eligible entity shall employ FTEs equal to or greater than the officer cutoff figure determined by the commission to receive a per capita distribution. Eligible entities employing fewer FTEs than the cutoff, but a minimum of 1 FTE, shall be eligible for a minimum payment of \$500.00 per distribution.~~

~~(c) Payments to eligible entities receiving a minimum distribution shall be calculated first and deducted from the available revenue.~~

~~(d) Payments to eligible entities receiving a per capita distribution shall be calculated from the balance of the 60% funds using the total number of FTEs from the eligible entities as determined under the provisions of section 3(a) of the act.~~

~~(4) Any funds designated under section 3(a) of the act that are not distributed or are returned to the commission shall remain in the fund for future distribution under the provisions of section 3(a) of the act.~~

~~(5) The commission may deny 1 or both payments to an eligible entity during a distribution year based upon the eligible entity's compliance with the provisions of section 3(a) of the act and these rules.~~

~~(6) The commission shall deny a distribution of funds if an eligible entity designated in section 3(a) of the act reduces its level of funds budgeted for in-service criminal justice training below that which the eligible entity was providing as of October 12, 1982, unless the eligible entity has been required to reduce all services due to economic conditions. The chief financial officer of the eligible entity shall document the cause for the reduction to all services and shall submit the documentation to the commission for approval. When a new~~

eligible entity is created, the first year budget shall be used as the benchmark for assessing the eligible entity's local effort of funding for in-service training of its police officers.

**~~R 18.452a—Law enforcement distribution funds; restrictions. RESCINDED.~~**

~~Rule 2a. Funds distributed under the authority of section 3(a) of the act shall be expended only for direct costs of in-service criminal justice training of sworn MLEOTC-certified police officers. Only the following expenses are allowable, unless otherwise approved by the commission:~~

~~(a) The hourly salaries of instructors for the actual time spent preparing and presenting training, subject to the supplanting restrictions of the act.~~

~~(b) The actual cost of purchasing or leasing training materials used to assist trainees in understanding in-service training topics. The cost may include either the purchase price or salaries and materials expended in creating training materials.~~

~~(c) The reasonable rental cost or the purchase price of equipment used during in-service training; however, expenditures for purchase or rent shall not be more than a total of 10% of the funds received in any year nor may any single item be more than \$5,000.00, without the prior approval of the commission.~~

~~(d) Reasonable rental costs for the use of training facilities for in-service training, if facilities owned or occupied by an eligible entity are either not available or are inappropriate.~~

~~(e) A flat rate or tuition paid to a contractual training provider hired by an eligible entity. The payment shall be in compliance with policies established by the commission.~~

~~(f) Subscription training programs that are based solely upon passive or interactive viewing. Allowable costs are limited to costs established by the commission.~~

~~(g) Automated firearms training systems that simulate deadly force decision-making circumstances.~~

~~(h) Training outside Michigan or training provided by a vendor from outside Michigan, if the recipient has determined that similar training is not available in Michigan or that a Michigan vendor is not available. When an eligible entity determines to use out-of-state training or an out-of-state vendor, then the entity shall request authorization from the commission, in writing, in advance, and in a manner prescribed by the commission.~~

**~~R 18.453—Accounting and audit requirements; sanctions for noncompliance. RESCINDED.~~**

~~Rule 3. A recipient of funds under section 3(a) or (b) of the act shall comply with all of the following accounting and audit requirements:~~

~~(a) Account for justice training fund revenues and expenditures separate from other funding sources.~~

~~(b) Maintain records documenting financial transactions and program activities according to generally accepted accounting principles, permit inspections, and cooperate with any audit required or authorized by the commission.~~

~~(c) The commission may conduct an audit, at will, of justice training fund revenues and expenditures of any agency receiving justice training funds. The commission shall pay for the audit.~~

~~(d) If the commission determines that justice training funds were not spent in compliance with commission requirements, then the recipient agency shall be ineligible to receive commission funds until the commission is satisfied that the recipient agency complies with~~

commission requirements. A recipient agency shall reimburse the commission for funds that the commission determines have been spent on unallowable costs.

**~~R 18.454—Submittal of report of costs by department of state police; commission review. RESCINDED.~~**

~~Rule 4. The department of state police shall submit to the commission a detailed report of costs incurred in providing staff services to the commission and in maintaining a register of available criminal justice training programs in Michigan. The commission shall review the submitted costs to determine their reasonableness.~~

**~~R 18.455—Distribution of fund balance through competitive grant process. RESCINDED.~~**

~~Rule 5. (1) The commission shall annually make a distribution of the balance of the fund to state and local agencies pursuant to the provisions of section 3(b) of the act.~~

~~(2) Agencies shall submit applications for grant funding to the commission on the forms and in the manner prescribed by the commission. The completed application shall contain all of the required information.~~

~~(3) Application forms, requirements, instructions, and a timetable for submission shall be available at the Michigan Justice Training Commission, 7426 North Canal Road, Lansing, Michigan 48913.~~

~~(4) When determining how to distribute money from the fund to applicants, the commission shall consider the quality and cost effectiveness of the proposed training programs and the criminal justice training needs of the state.~~

~~(5) A grantee may request a time extension of a grant contract. The extension may not be more than 1 year beyond the ending date of the initial contract. At the conclusion of a contract, a grantee shall return any unexpended balances to the Michigan justice training fund or the balance of the obligated funds shall be liquidated for future distribution in accordance with the purposes described in section 3(b) of the act.~~

~~(5) A grantee shall agree to notify the commission by mail of funded training programs before the program begins. A grantee shall also agree that commission members or staff may monitor training programs without charge to the commission.~~

~~(6) Money in the fund which was to be distributed under section 3(b) of the act, but which was not distributed by the commission in a particular fiscal year, shall remain in the fund for distribution in future fiscal years only for the purposes described in section 3(b) of the act.~~

**~~R 18.455a—Restrictions on grant funds. RESCINDED.~~**

~~Rule 5a. (1) Funds distributed under the provisions of section 3(b) of the act are restricted as follows:~~

~~(a) Funds may be expended for any of the following:~~

~~(i) The purchase or lease of training materials and equipment that are exclusively used for the direct delivery of in-service training.~~

~~(ii) A maximum of 2 hours of preparation for each hour of actual instruction for a course not previously developed or taught to a similar audience and a maximum of 1 hour of preparation for each hour of actual instruction for a course that has been previously taught to a similar audience. Preparation is allowed, at the appropriate ratio, only for the first session when multiple sessions of the same course are presented.~~

- ~~(iii) Salaries of instructors or developers employed by the grant recipient at the instructor's or developer's regular personnel rate.~~
- ~~(iv) Out-of-state travel for training and out-of-state vendors with the prior approval of the commission.~~
- ~~(v) Consultant fees at an hourly rate established by the commission.~~
- ~~(b) Funds shall not be expended for any of the following:~~
  - ~~(i) Duplication of compensation to instructors or staff.~~
  - ~~(ii) Consultant fees for travel time.~~
  - ~~(iii) Consultants to act as on-site coordinators.~~
  - ~~(iv) Overhead or operating costs as a percentage of the total request.~~
  - ~~(v) Requests that are 100% equipment acquisition.~~
  - ~~(vi) Construction of firearm ranges or for the purchase of firearm training systems that simulate deadly force decision making circumstances.~~
- ~~(2) The commission may approve multiyear training projects conceptually for a 2 or 3 year period if an extended time frame is deemed by the commission to be appropriate; however, funding for multiyear projects shall be awarded as annual grants.~~
- ~~(3) The commission shall interact only with the applicant agency on questions related to a grant application.~~
- ~~(4) Current and former commission members shall not be paid with grant funds to participate in a commission funded program that was awarded while the commission member held office; however, the member may be reimbursed for actual expenses.~~

**~~R 18.456—Reports of eligible entity and commission. RESCINDED.~~**

~~Rule 6. An eligible entity receiving a distribution under the act shall report annually to the commission on the results of its training programs funded under the act on a form or in a manner prescribed by the commission. The commission shall report annually to the appropriating committees of the legislature on the results of the expenditure of the amount distributed.~~

**~~R 18.457—Commission meetings. RESCINDED.~~**

~~Rule 7. All meetings of the commission shall be open to the public, except as otherwise provided by Act No. 267 of the Public Acts of 1976, as amended, being §15.261 et seq. of the Michigan Compiled Laws.~~

**~~R 18.458—Public access to commission public records. RESCINDED.~~**

~~Rule 8. All writings prepared or used by, or in the possession of, the commission shall be available for public inspection, except as otherwise provided by Act No. 442 of the Public Acts of 1976, as amended, being §15.231 et seq. of the Michigan Compiled Laws.~~

**~~R 18.459—Appeal procedure; request for judicial review. RESCINDED.~~**

~~Rule 9. Any appeal procedure or request for judicial review as a result of a commission decision to revoke, suspend, or rescind shall be in conformity with the provisions of Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.~~

**~~R 18.460—Nondiscrimination. RESCINDED.~~**

~~Rule 10. (1) Government units receiving money distributed under the act and any person or contractor performing services funded by such money shall not discriminate against an employee or applicant for employment with respect to hire; tenure; terms, conditions, or privileges of employment; or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status in violation of Act No. 453 of the Public Acts of 1976, as amended, being §37.2101 et seq. of the Michigan Compiled Laws.~~

~~(2) Government units receiving money distributed under the act and any person or contractor performing services funded by such money shall not discriminate against an employee or applicant for employment with respect to hire; tenure; terms, conditions, or privileges of employment; or a matter directly or indirectly related to employment because of a handicap that is unrelated to the individual's ability to perform the duties of a particular job or position in violation of Act No. 220 of the Public Acts of 1976, as amended, being §37.1101 et seq. of the Michigan Compiled Laws.~~

~~(3) Upon certification of the Michigan civil rights commission that a violation of subrule (1) or (2) of this rule has occurred, a government unit's right to receive money under the act may be suspended, terminated, or conditioned in any appropriate way that is consistent with the circumstances of the case.~~

**~~R 18.461 Noncompliance with rules. RESCINDED.~~**

~~Rule 11. Noncompliance with the provision of these rules may result in the denial of funds by the commission.~~

**~~R 18.462 Travel regulations. RESCINDED.~~**

~~Rule 12. Allowable expenses for travel shall conform to the rates and conditions approved by the commission. The approved rates shall be generally consistent with, and not exceed, the approved travel rates for employee reimbursement by the Michigan department of civil service.~~

**R 18.14901 Definitions.**

Rule 901. (1) As used in these rules:

(a) "Act" means 1982 PA 302, MCL 18.421.

(b) "Commission" means the Michigan commission on law enforcement standards.

(c) "Equipment" means an item of personal property of major value as established by the commission, which has a useful life of more than 1 year, which is used in direct in-service criminal justice training, and which is not a fixed part of a building or structure.

(d) "Officer cutoff" means the number of Michigan commission on law enforcement standards licensed full-time equated officers established by the commission, below which an eligible entity shall receive the minimum distribution under the provisions of section 3(a) of the act.

(2) "Distribution" as used in section 3(a) of the act and these rules, means the 2 semiannual payments made from the fund to eligible entities.

(3) Terms defined in the act have the same meanings when used in these rules.

**R 18.14902 Distribution of 60% of fund.**

Rule 902. (1) The commission shall make distributions of 60% of the fund based upon the amount in the fund as of March 31 and September 30.

(2) The commission shall conduct an annual registration of MCOLES licensed law enforcement officers to determine the per capita basis for the distribution. The registration shall include each eligible entity designated in section 3(a) of the act. Each eligible entity shall verify the identity and status of each licensed officer and report the number of paid hours actually worked by each full-time and part-time commission licensed officer during the eligible entity's most recent complete calendar year. The verification of employed commission licensed officers shall be made on a form or in a manner prescribed by the commission and completed by the published due date. An eligible entity that does not comply with the submission requirements of this rule shall not be eligible for funding for the pending distribution year.

(3) Payments shall be determined in the following manner:

(a) Payments to eligible entities receiving a minimum distribution shall be calculated first and deducted from the available revenue.

(b) Payments to eligible entities receiving a per capita distribution shall be calculated from the balance of the 60% funds using the total number of FTEs from the eligible entities as determined under the provisions of section 3(a) of the act.

(4) The eligible entity shall affirmatively verify on the application compliance with the provisions of the act and rules, including the prohibition against supplanting. The commission may deny 1 or both payments to an eligible entity during a distribution year based upon the eligible entity's compliance with the provisions of section 3(a) of the act and these rules.

**R 18.14903 Law enforcement distribution funds; restrictions.**

Rule 903. Funds distributed under the authority of section 3(a) of the act shall be expended only for direct costs of in-service criminal justice training of commission licensed law enforcement officers. Only the following expenses are allowable, unless otherwise restricted by the commission:

(a) The hourly salaries of instructors for the actual time spent preparing and presenting training, subject to the supplanting restrictions of the act.

(b) The actual cost of purchasing or leasing training materials used to assist trainees in understanding in-service training topics. The cost may include either the purchase price or salaries and materials expended in creating training materials.

(c) The reasonable rental cost or the purchase price of equipment used during in-service training; however, expenditures for purchase shall not be more than a total of 10% of the funds received in any year nor may any single item be more than \$5,000.00, without the prior approval of the commission.

(d) Reasonable rental costs for the use of training facilities for in-service training, if facilities owned or occupied by an eligible entity are either not available or are inappropriate.

(e) A flat rate or tuition paid to a contractual training provider hired by an eligible entity. The payment shall be in compliance with policies established by the commission.

(f) Compact disks (CDs), digital versatile disks (DVDs), videotapes, web-based programs or other such instructional media that are based upon passive or interactive learning.

(g) Automated firearms training systems that simulate deadly force decision-making circumstances.

(h) Training outside Michigan or training provided by a vendor from outside Michigan, if the recipient has determined that similar training is not available in Michigan or that a Michigan vendor is not available. If an eligible entity chooses to use out-of-state training or an out-of-state vendor, then the entity shall request authorization from the commission, in writing, in advance, and in a manner prescribed by the commission.

(i) The commission may establish reasonable caps on allowable costs.

**R 18.14904 Accounting and audit requirements; sanctions for noncompliance.**

Rule 904. A recipient of funds under section 3(a) or (b) of the act shall comply with the following accounting and audit requirements:

(a) Account for justice training fund revenues and expenditures separate from other funding sources.

(b) Maintain records documenting financial transactions and program activities according to generally accepted accounting principles, permit program and fiscal inspections, and cooperate with any audit required or authorized by the commission.

(c) The commission may conduct an audit, at will, of justice training fund revenues and expenditures of any agency receiving justice training funds. The commission shall pay for the audit.

(d) If the commission determines that justice training funds were not spent in compliance with commission requirements, then the recipient agency shall be ineligible to receive commission funds until the commission is satisfied that the recipient agency complies with commission requirements.

**R 18.14905 Distribution of fund balance through competitive grant process.**

Rule 905. (1) The commission shall annually make a distribution of the balance of the fund to state and local agencies pursuant to the provisions of section 3(b) of the act.

(2) Agencies shall submit applications for grant funding to the commission on the forms and in the manner prescribed by the commission. The completed application shall contain all of the required information.

(3) Application forms, requirements, instructions, and a timetable for submission are available at the Michigan Commission on Law Enforcement Standards, 7426 North Canal Road, Lansing, Michigan 48913.

(4) A grantee may request a time extension of a grant contract. The extension may not be more than 1 year beyond the end date of the initial contract. At the conclusion of a contract, a grantee shall return any unexpended balances to the Michigan justice training fund or the balance of the obligated funds shall be liquidated for future distribution in accordance with the purposes described in section 3(b) of the act.

(5) A grantee shall notify the commission in writing of funded training programs before the program begins. A grantee shall permit commission members or staff to monitor training programs without charge to the commission.

**R 18.14906 Restrictions on grant funds.**

Rule 906. (1) Funds distributed under the provisions of section 3(b) of the act are restricted as follows:

(a) Funds may be expended for any of the following:

(i) The purchase or lease of training materials or equipment that is used exclusively for the

direct delivery of in-service training.

(ii) Instructional preparation and development time and compensation as established by the commission.

(iii) Salaries of instructors or developers employed by the grant recipient at the instructor's or developer's regular hourly personnel rate.

(iv) Out-of-state travel for training or an out-of-state vendor presenting in Michigan with the prior approval of the commission. An out-of-state vendor shall be registered with the commission before the expenditure of grant funds.

(v) Consultant fees at an hourly rate established by the commission.

(b) Funds shall not be expended for any of the following:

(i) Duplication of compensation to instructors or staff.

(ii) Consultant fees for travel time.

(iii) A consultant to act as an on-site coordinator.

(iv) Overhead or operating costs as a percentage of the total grant request.

(v) A request that is for 100% equipment acquisition.

(vi) Construction of a firearms range or for the purchase of a firearm training system that simulates deadly force decision-making circumstances.

(2) The commission may approve a multiyear training project conceptually if an extended time frame is determined by the commission to be appropriate. However, the grant applicant shall annually compete for funding and a multiyear project shall be awarded as annual grants.

(3) The commission shall interact only with an applicant agency on questions related to a grant application.

(4) A current or former commission member shall not be paid with grant funds to participate in a commission-funded program that was awarded while the commission member held office; however, a member may be reimbursed for actual expenses.

#### **R 18.14907 Nondiscrimination.**

Rule 907. (1) A government unit receiving money distributed under the act and any person or contractor performing services funded by such money shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment; or a matter directly or indirectly related to employment because of race, color, religion, national origin, age, sex, height, weight, or marital status in violation of 1976 PA 453, MCL 37.2101.

(2) A government unit receiving money distributed under the act and any person or contractor performing services funded by such money shall not discriminate against an employee or applicant for employment with respect to hire, tenure, terms, conditions, or privileges of employment; or a matter directly or indirectly related to employment because of a disability or genetic information that is unrelated to the person's ability to perform the duties of a particular job or position in violation of 1976 PA 220, MCL 37.1101.

(3) Upon certification of the Michigan civil rights commission that a violation of subrule (1) or (2) of this rule has occurred, a government unit's right to receive money under the act may be suspended, terminated, or conditioned in any appropriate way that is consistent with the circumstances of the case.

#### **R 18.14908 Compliance with rules.**

Rule 908. Failure to comply with the provisions of these rules may result in the denial of

funds by the commission.

**R 18.14909 Travel regulations.**

Rule 909. Allowable expenses for travel shall conform to the rates and conditions approved by the commission. The approved rates shall not exceed the approved travel rates for state of Michigan civil service employees.

**R 18.14910 Requirements; registration of courses; reporting training and expenditures.**

Rule 910. (1) Justice training funds may be expended only for in-service training courses that are registered, pursuant to R 28.14501, et seq., in the MCOLES information and tracking network

(2) An expenditure of justice training funds shall be reported to the commission, consistent with R 28.14501, et seq., as follows:

(a) Attendance and all associated costs for training funded in whole or part with justice training funds, except as provided in subrule (2)(b) of this rule.

(b) Expenditures solely for equipment or supplies in support of training shall be reported separately.