



Michigan Commission on Law Enforcement Standards

The Administrative Rules are divided into four units:

- Selection and Employment Standards
- Preservice Basic Training Programs
- Michigan Law Enforcement Officer Recertification
- Basic Law Enforcement Training Programs

SELECTION AND EMPLOYMENT STANDARDS*

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*The official administrative rules refer to the Law Enforcement Officers Training Council which is now known as the Michigan Commission On Law Enforcement Standards.

(By authority conferred on the law enforcement officers training council by section 9 of Act No. 203 of the Public Acts of 1965, as amended, and section 9 of Act No. 380 of the Public Acts of 1965, as amended, being §§28.609 and 16.109 of the Michigan Compiled Laws)

R 28.4101 Definitions.

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

(a) "Act" means Act No. 203 of the Public Acts of 1965, as amended, being §28.601 et seq. of the Michigan Compiled Laws.

(b) "Candidate" means a person seeking employment as a sworn police officer empowered to enforce the general criminal statutes of this state.

(c) "Certification examination" means the examination administered by the council at the completion of the basic and preservice training programs to determine whether a trainee has attained the minimum competencies required for certification.

(d) "Chief hearing officer" means a person who regulates the hearing proceedings when more than 1 hearing officer is designated.

(e) "Certified as a police officer" means a person who has met all selection, employment, training, or waiver of training standards and who is approved by the training council or pursuant to the act to exercise the authority of a police officer.

(f) "Contested case" means a proceeding as defined by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(g) "Employment" means the offering of a service or labor as a law enforcement officer in exchange for monetary compensation at not less than the federal minimum wage established in the Fair Labor Standards Act of 1938, as amended; 29 U.S.C. §206.

(h) "Examination" means a job-related examination developed in conformance with the professional standards of the American psychological association, division of industrial-organizational psychology, and all applicable federal and state laws.

(i) "Full police powers" means an individual has the authority to enforce the general criminal laws of the state.

(j) "Hearing officer" means a person responsible for conducting hearings on matters within the agency's jurisdiction.

(k) "Other organization" means an agency which is not a political subdivision of the state and which operates a law enforcement agency as a result of legislative authorization.

(l) "Police force" means a body of sworn police officers entrusted by the state, a political subdivision of the state, or legislatively authorized agency to maintain public peace and order, enforce the law, and prevent and detect crime.

(m) "Test battery" means the council's job-related, preemployment examinations designed to assess reading and writing skills and physical performance skills.

(2) The terms defined in the act have the same meanings when used in these rules.

R 28.4102 Nonmedical selection qualifications.

Rule 2. A person selected to become a law enforcement officer pursuant to the provisions of the act shall meet all of the following requirements:

(a) Be a citizen of the United States.

(b) Have attained the minimum age as established by the hiring agency, which shall not be less than 18 years of age or as otherwise provided by law.

(c) Have obtained a high school diploma or have attained a passing score on the general education development test indicating a high school graduation level.

(d) Have no prior felony convictions.

(e) Possess good moral character as determined by a favorable comprehensive background investigation covering school and employment records, home environment, and personal traits and integrity. Consideration will be given to all law violations, including traffic and conservation law convictions, as indicating a lack of good character.

(f) Possess a valid Michigan motor vehicle operator's or chauffeur's license.

(g) Read and write at a level necessary to perform the job of a law enforcement officer as determined by passing the council's examination designed to test these skills or by passing an agency-certified examination as specified in R 28.4108(d). The provisions of this subdivision do not apply to any of the following persons:

(i) Any person certified pursuant to the provisions of the act.

(ii) Any person qualifying for a waiver of training pursuant to the provisions of the act.

(iii) Any fire fighter who is employed by a political subdivision of the state and who is required to become a law enforcement officer as a condition of employment resulting from the consolidation of police and fire services.

(h) Demonstrate physical ability at a level necessary to perform the job of a law enforcement officer as determined by passing the council's examination designed to test physical performance skills or by passing an agency-certified examination as specified in R 28.4108(d). The provisions of this subdivision do not apply to any of the following persons:

(i) Any person certified pursuant to the provisions of the act.

(ii) Any person qualifying for a waiver of training pursuant to the provisions of the act

(iii) Any fire fighter who is employed by a political subdivision of the state and who is required to become a law enforcement officer as a condition of employment resulting from the consolidation of police and fire services.

(i) Test negative on a test prescribed by the council that is designed to detect the illicit use of controlled substances. A candidate who tests positive or refuses to submit to a test shall not be eligible for training or certification for 2 years after a positive test or the refusal to submit to the test.

(j) Successfully complete the basic police training curriculum at a council-approved school.

(k) Take and attain a passing score on the council's certification examination within 1 year of the completion of training. In the event of failure on the examination, 1 retest will be allowed within the same 1-year period. Failure on the retest will result in the need to repeat successfully the basic training program to again be eligible to take the certification examination.

(l) The standards of the American psychological association that are contained in the publication entitled "Principles for Validation and Use of Personnel Selection Procedures", third edition, 1987, are adopted by reference in these rules. Copies of these standards may be inspected at the offices of the Michigan law enforcement officers training council and may be purchased from the American Psychological Association, 1200 17th Street N.W., Washington, DC 20036, or from the Michigan Law Enforcement Officers Training Council, State Police Training Academy, 7426 N. Canal Road, Lansing, Michigan 48913, at a cost as of the time of adoption of these rules of \$4.00 each.

R 28.4102a Medical selection qualifications.

Rule 2a. A person selected to become a law enforcement officer pursuant to the provisions of the act shall meet all of the following medical requirements:

(a) Possess normal color vision and normal visual functions and acuity in each eye corrected to 20/20. Normal color vision shall be determined by testing the unaided eye and passing any of the following color vision tests:

(i) Pseudoisochromatic plates, such as any of the following:

(A) Ishihara.

(B) American optical Hardy-Rand-Ritler.

(C) Tokyo medical college.

(ii) Panel tests, such as the Farnsworth dichotomous D-15 test.

(iii) Any test designed and documented to identify extreme anomalous trichromatic and dichromatic color vision.

(b) Hear at a level necessary to perform the job of a law enforcement officer as determined by complying with the provisions of subdivision (c) of this rule. Throughout the testing specified in the provisions of subdivision (c) of this rule, the intensity of auditory stimuli shall be expressed in decibels relative to a normal hearing level as defined by the American national standards institute S3.6-1989. This standard is adopted by reference in these rules and is available for inspection at the offices of the Michigan Law Enforcement Officers Training Council, 7426 North Canal Road, Lansing, Michigan 48913. The testing shall be performed by either of the following persons:

(i) An audiologist at a hearing clinic accredited by the professional services board of the American speech-language-hearing association.

(ii) An audiologist who has a certificate of clinical competence. The audiologist shall be licensed, if applicable.

(c) Comply with 1 of the following provisions:

(i) Have unaided testing done on each ear that results in pure tone air conduction sensitivity thresholds for each ear, as shown on the pure tone audiogram, of not poorer than a hearing level of 20 decibels at any of the following frequencies: 500, 1,000, 2,000, 3,000, and 4,000 hertz.

(ii) Have the following unaided testing performed on each ear:

(A) A 4-frequency average pure tone sensitivity threshold for each ear, as derived from the pure tone air conduction audiogram at 500, 1,000, 2,000, and 3,000 hertz, of not poorer than a hearing level of 25 decibels with a hearing threshold level at any single frequency of not poorer than 35 decibels. In addition, the sensitivity threshold at 4,000 hertz shall not be greater than 45 decibels.

(B) Speech recognition shall be measured under audiometric earphones and the scores shall be 90% or better in each ear at 50 decibels in quiet, using full lists of recorded phonetically balanced words that are age-appropriate.

(C) The speech recognition score for both ears measured at the same time in an audiometric sound field shall be 70% or better at a plus-5 decibel signal-to-noise ratio. For this measurement, speech stimuli and competing speech noise shall be presented through the same loudspeaker, or 2 loudspeakers stacked vertically, at zero degree azimuth. Speech stimuli shall be presented at 50 decibels using a full list of recorded phonetically balanced words that are age-appropriate.

(iii) Have all testing that is performed in all of the following subparagraphs done with 1 or both ears aided:

(A) The average aided hearing levels, as derived from sound field measures for the frequencies 500, 1,000, 2,000, and 3,000 hertz in each ear, shall not be poorer than a hearing level of 25 decibels and any single frequency shall not be poorer than 35 decibels. The aided hearing level for 4,000 hertz shall be not

poorer than 45 decibels in either ear. Measurements shall be made monaurally in an audiometric sound field with the unaided (nontest) ear plugged or, when necessary, effectively masked. Test signals shall consist of either frequency-specific modulated tones or narrow band noise presented through a loudspeaker at zero degree azimuth, and results shall be expressed as aided hearing levels.

(B) Aided speech recognition scores shall be 90% or better in each ear. Testing shall be administered at 50 decibels in quiet using full lists of recorded phonetically balanced words that are age-appropriate. Measurements shall be made monaurally in an audiometric sound field with the loudspeaker at zero degree azimuth and the unaided (nontest) ear plugged or, when necessary, effectively masked.

(C) The aided speech recognition score for both ears measured at the same time in the audiometric sound field shall be 70% or better at a plus-5 decibel signal-to-noise ratio. For this measurement, either 1 or both ears shall be fitted with a hearing aid, and, where only 1 ear has been fitted with a hearing aid, the unaided ear shall not be plugged or masked. For this measurement, speech stimuli and competing speech noise shall be presented through the same loudspeaker, or 2 loudspeakers stacked vertically, at zero degree azimuth. Speech stimuli shall be presented at 50 decibels using a full list of recorded phonetically balanced words that are age-appropriate.

Testing shall be done not sooner than 30 days after the fitting of a hearing aid or aids.

(d) Be free from any other impediment of the senses, physically sound, in possession of his or her extremities, and well-developed physically with height and weight in relation to each other as indicated by accepted medical standards.

(e) Be free from any of the following which may tend to impair the efficient performance of a law enforcement officer's duties or which might endanger the lives of others or the law enforcement officer:

(i) Physical defects.

(ii) Chronic diseases.

(iii) Organic diseases.

(iv) Organic or functional conditions.

(v) Mental and emotional instabilities.

R 28.4103 Hiring agency responsibilities.

Rule 3. Before sending a person to a council-approved school, the hiring agency shall do all of the following:

(a) Cause the applicant to be examined by a licensed physician to determine that the applicant meets the standards set forth in R 28.4102a. A declaration of the applicant's medical history shall be made available to the examining physician and shall become a part of the background investigation. A determination of compliance with the provisions of R 28.4102a(e)(v) may be made by a licensed psychologist.

(b) Cause the applicant to be fingerprinted and a search to be made of appropriate state or federal fingerprint files to disclose any criminal record.

(c) Conduct an oral interview to determine the applicant's acceptability for a police officer position and to assess appearance, background, and ability to communicate.

(d) Certify that the prospective trainee meets the minimum employment standards set forth in R 28.4102(a) to (i).

R 28.4104 Forms.

Rule 4. Form TC-01, entitled "Application for Enrollment In A Certified Academy" shall be completed and forwarded to the appropriate school coordinator before a person will be allowed to attend a council approved school.

R 28.4105 Practices and standards.

Rule 5. Recruitment and employment practices and standards shall comply with the law applicable to police officer employment.

R 28.4106 Physical performance examination prerequisite.

Rule 6. Before participation in the council's physical performance test, the candidate shall present a licensed physician's signed statement, to the council or its designated representative, indicating that the candidate received a health screening by a physician and that the candidate is physically able to perform the test events without undue risk to the candidate. The candidate's health screening shall be within the 90-day period before the candidate's participation in the physical performance examination.

R 28.4107 Council-approved test centers.

Rule 7. The council's test battery shall be administered at approved regional test centers to which a candidate shall apply. Test centers shall be subject to the supervision and control of the council.

R 28.4108 Council test battery results.

Rule 8. The following provisions apply to the council test battery results: (a) Test results shall be reported by the council to each candidate.

(b) A candidate shall pass the test battery to be eligible for employment as a law enforcement officer. When a candidate passes the test battery, the reading and writing test score shall be valid for 3 years and the physical performance test score shall be valid for 1 year from the date of the examination. If a candidate is placed on a hiring authority's certified employment list or roster for a law enforcement officer position within 1 year from the date of examination, the physical performance test score shall be valid for 2 years from the date of the examination. The employment list is not transferable to another employing agency.

(c) If a candidate fails either 1 or both examinations of the council's test battery, the candidate shall be eligible to retake the failed examination or examinations.

(d) A governmental agency, or its agent, may administer a reading and writing examination or physical performance skills examination if the agency certifies, in writing to the council, that the examinations are in compliance with the definition of "examination" set forth in R 28.4101(h). The council may request that additional written documentation be submitted by a governmental agency, or its agent, to establish that the examination or examinations are in compliance with the provisions of R 28.4101(h). The results of the examinations shall serve to satisfy the requirements of R 28.4102(g) and (h) and apply only to a candidate who seeks employment with the administering governmental agency. The test results will be valid for the same time periods specified in subdivision (b) of this rule.

R 28.4109 Testing program and contested case hearings manual.

Rule 9. The council shall prepare and publish a manual, consistent with these rules, which shall govern the implementation and administration of the approved testing program, as well as procedures for conducting contested case hearing.

R 28.4110 Contested cases; compliance conferences and hearings.

Rule 10. (1) Compliance conferences and administrative hearings in contested cases shall be governed by these rules and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) The rules of practice as applied in a non-jury civil case in circuit court shall be followed as far as practicable, but shall not be mandatory in a contested case.

R 28.4111 Complaint.

Rule 11. A complaint on a council policy or procedure shall be in writing, signed by the person making it, and filed with the council. A complaint is not open to public inspection until its validity is ascertained.

R 28.4112 Violations of act; investigations; complaints.

Rule 12. The council or the executive secretary may authorize investigations and may issue complaints and schedule hearings for apparent violations of the act.

R 28.4113 Issuance of ex parte order denying right or privilege.

Rule 13. (1) After an investigation of a complaint has been conducted, the council or executive secretary may issue an ex parte order denying a right or privilege granted by the act based upon the findings of the investigation. Thereafter, contested proceedings shall be promptly commenced and decided.

(2) The taking of emergency action shall not affect the impartiality of the council in its receipt and consideration of the evidence.

R 28.4114 Contested cases; appointment of hearing officer; chief hearing officer.

Rule 14. (1) The council chairperson shall appoint a person or persons to be a hearing officer.

(2) When 2 or more persons are appointed as hearing officers for a contested case, the council chairperson shall designate a chief hearing officer.

R 28.4115 Contested cases; notice of hearing.

Rule 15. (1) Notice of a contested case hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.

(2) Notice of a hearing shall be served not less than 20 days before the hearing.

R 28.4116 Contested cases; answers and amendments.

Rule 16. (1) A respondent in a contested case shall file an answer to the complaint not less than 10 days before the hearing. This requirement may be waived by the council or executive secretary for good cause.

(2) A complaint may be amended at any time. The respondent shall be given sufficient time to prepare a defense if the charges are amended substantially.

R 28.4117 Contested cases; appearances at hearing.

Rule 17. (1) An appearance at a contested case hearing shall be made in person, by a duly authorized agent, or by counsel.

(2) If the person or persons who have been served with a notice of hearing fail to appear at the hearing, the council may proceed with the hearing on the evidence presented and make a decision.

R 28.4118 Contested cases; adjournment or continuance of hearing.

Rule 18. A contested case hearing may be adjourned or continued at the direction of the chief hearing officer. A request for an adjournment shall be in writing and filed with the council not less than 5 days before the date of the hearing, unless good cause can be shown for failure to file within the 5-day limit. Notice of action on the request for adjournment shall be given to the parties.

R 28.4119 Contested cases; stipulations.

Rule 19. The parties to any contested case hearing before the council may, by stipulation in writing filed with the council, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence at the hearing. Parties are requested to agree upon the facts when practicable.

R 28.4120 Contested cases; depositions.

Rule 20. Depositions in contested case proceedings shall only be taken upon written authority of the hearing officer when it appears that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the Michigan rules of court for taking depositions in civil cases in the state of Michigan, being Rule 2.304 et seq., and all parties shall be given an opportunity to cross-examine the deponent under oath.

R 28.4121 Contested cases; decision.

Rule 21. The contested case decision of the hearing officer is final. The respondent shall be notified in writing of the officer's decision within 14 days after the close of the hearing. The notice shall include the findings of fact and the conclusions based on the law.

LAW ENFORCEMENT OFFICERS TRAINING COUNCIL*
ADMINISTRATIVE RULES
PRESERVICE BASIC TRAINING PROGRAMS

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R 28.4302 Approval to institute a preservice basic training program .	R 28.4313 Complaint.
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* The official administrative rules refer to the Law Enforcement Officers Training Council which is now known as the Michigan Commission On Law Enforcement Standards.

By authority conferred on the law enforcement officers training council by sections 9 and 11 of Act No. 203 of the Public Acts of 1965, as amended, and section 9 of Act No. 380 of the Public Acts of 1965, as amended, being §§28.609, 28.611, and 16.109 of the Michigan Compiled Laws)

R 28.4301 Definitions.

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

- (a) "Act" means Act No. 203 of the Public Acts of 1965, as amended, being §28.601 et seq. of the Michigan Compiled Laws.
- (b) "Class" means students or trainees administratively grouped to begin training or education activity.
- (c) "Council" means the law enforcement officers training council.
- (d) "Preservice track program" means a council approved training and education program offered by an approved regional training academy that allows a qualified graduate to be certified as a law enforcement officer upon employment.
- (e) "Preservice graduate" means a person completing the training and educational requirements of a council approved preservice track or regional basic police training program.
- (f) "Preservice track" means college courses that incorporate the mandated course of study in the instruction.
- (g) "Satisfactory grade" means a grade of c, or 2.0 on a 4.0 scale, or better in each preservice program course.
- (h) "Training and education advisory committee" means law enforcement officials participating in the guidance and evaluation of council approved training and education activities.

(i) "Training objectives" means training objectives mandated by the council.

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

R 28.4302 Approval to institute a preservice basic training program.

Rule 2. Council approval shall be obtained in writing by a college or university before instituting a preservice basic training program.

R 28.4303 Application for approval.

Rule 3. (1) A college or university shall submit a written request to establish a preservice basic training program.

(2) The application shall contain, at a minimum, all of the following.

(a) A statement that facilities and equipment required are available for students and instructors.

(b) A description of affiliation with other agencies, colleges, and universities that will be part of the preservice basic training program.

(c) A description of the duties and responsibilities and membership of the training and education advisory committee.

(d) The name, address, and position of the person responsible for establishing the preservice basic training program.

(e) A description of the applicant's goals and objectives for the preservice basic training program.

(f) A description of the nature and scope of the applicant's financial and philosophical commitment to the preservice basic training program concept.

(g) A list of college or university rules governing student conduct beyond those established by the council.

(h) A description of how students will be screened before acceptance in the preservice basic training program at the applicant's institution.

(i) The projected starting and graduation date of the first class.

(j) A projection of how many students will be enrolled in the program on a yearly basis.

(k) Identification of how and where council training objectives and additional college or university training objectives will be incorporated into college or university course work.

(l) Identification of the requirements that an enrolled student shall meet in order to successfully complete the prescribed course of study at the college or university.

(m) Authorization for the council to inspect all aspects of the preservice basic training program approved by the council.

(n) An incomplete application, as determined by the council, shall be refilled within 30 days after the date of a request for amplification or clarification.

(o) Failure to comply with subrule (3) of this rule is grounds for denial of the application.

R 28.4304 Approved programs.

Rule 4. Community colleges, universities, and regional training academies approved by the council to establish a preservice basic police training program shall do all of the following:

- (a) Comply with the approved proposal.
- (b) Utilize fully qualified and competent instructors in the preservice track program.
- (c) Comply with the procedures established pursuant to R 28.4308 and R 28.4359.

R 28.4305 Notice of change in structure or content of program.

Rule 5. A college shall notify the council of any change in the structure or content of an approved preservice basic training program which would affect the factors included in R 28.4303(2) not less than 90 days before the start of a new class.

R 28.4306 Revocation of council approval; probation.

Rule 6. (1) A violation of the rules or deviation from the approved program by a college or university which is documented by the council constitutes cause to revoke approval as a preservice basic training program institution.

(2) The council may place an approved school on probation for a specific time frame instead of revoking approval.

R 28.4307 Rights of appeal and waiver.

Rule 7. (1) Approved schools shall have standing to do both of the following:

- (a) Appeal denials to the council.
 - (b) Seek waivers from the council for enrolled students.
- (2) Enrolled students shall have standing to appeal to the council on matters relating to infringement of council rules.
- (3) Council decisions shall be binding.

R 28.4308 Policies and procedures manual.

Rule 8. The council shall prepare and publish a preservice basic training program policies and procedures manual, consistent with these rules, which shall govern the implementation, administration, and evaluation of approved programs.

R 28.4309 Student requirements.

Rule 9. A student shall comply with all of the following requirements:

- (a) Meet all current selection and employment standards in R 28.4102 and R 28.4102a at the time of employment as a law enforcement officer.
- (b) Be fingerprinted on Michigan state police and federal bureau of investigation applicant cards and submit the prints to the council to be forwarded to the department of state police and the federal bureau of investigation for criminal record searches.

(c) Authorize the community college or university to release to the council academic transcripts and student records pertaining to the preservice enrollment application.

(d) Complete the council approved preservice track within a 2-year period, or successfully complete a basic police training program in accordance with the requirements set forth in R 28.4363.

(e) Attain a satisfactory grade in all preservice track courses, which shall be evidenced by successful completion of the preservice enrollment application and academic transcripts.

(f) Meet the requirements established by the community college or university for the preservice program that are approved by the council.

(g) Graduate from an associate or baccalaureate degree program at an accredited community college or university. Preservice graduates shall possess either an associate or baccalaureate degree upon completion of the basic police training program.

(h) Be employed as a law enforcement officer and meet all applicable selection and employment standards within 2 years of the completion of the preservice track program or a basic police training program. A person who is not employed within 1 year of completion of a preservice track program shall, before employment, attain a passing score on examinations assessing the candidate's competence in courses established by the council.

R 28.4310 Basic law enforcement certificates.

Rule 10. (1) The council shall issue a basic law enforcement certificate to a person who successfully completes the preservice basic police training program and who meets all selection and employment standards and is employed as a fully empowered police officer with a Michigan law enforcement agency. (2) Community colleges and universities shall not issue basic law enforcement training certificates.

R 28.4311 Responsibilities of employing agency .

Rule 11. Before employing a preservice basic training program graduate as a law enforcement officer, the employing agency shall do all of the following:

(a) Verify that the candidate meets all current minimum employment standards.

(b) Notify the council, in writing, of intent to employ a preservice basic training graduate.

(c) Submit forms, prepared and furnished by the council, which shall detail documented compliance with employment and training rules.

R 28.4312 Contested cases; compliance conferences and hearings.

Rule 12. (1) Compliance conferences and administrative hearings in contested cases shall be governed by these rules and by Act No. 306 of the public Acts of 1969, as amended, being 24.201 et seq. of the Michigan compiled laws.

(2) The rules of practice as applied in a non-jury civil case in circuit court shall be followed as far as practicable, but shall not be mandatory in a contested case.

R 28.4313 Complaint.

Rule 13. A complaint on a council policy or procedure shall be in writing, signed by the person making it, and filed with the council. A complaint is not open to public inspection until its validity is ascertained.

R 28.4314 Violations of act; investigations; complaints.

Rule 14. The council or the executive secretary may authorize investigations and may issue complaints and schedule hearings for apparent violations of the Act.

R 28.4315 Issuance of ex parte order denying right or privilege.

Rule 15. (1) After an investigation of a complaint had been conducted, the council or executive secretary may issue an ex parte order denying a right or privilege granted by the Act based upon the findings of the investigation. Thereafter, contested proceedings shall be promptly commenced and decided.

(2) The taking of emergency action shall not affect the impartiality of the council in its receipt and consideration of the evidence.

R 28.4316 Contested cases; appointment of hearing officer; chief hearing officer.

Rule 16. (1) The council chairperson shall appoint a person or persons to be a hearing officer.

(2) When 2 or more persons are appointed as hearing officers for a contested case, the council chairperson shall designate a chief hearing officer.

R 28.4317 Contested cases; notice of hearing.

Rule 17. (1) Notice of a contested case hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.

(2) Notice of a hearing shall be served not less than 20 days before the hearing.

R 28.4318 Contested cases; answers and amendments.

Rule 18. (1) A respondent in a contested case shall file an answer to the complaint not less than 10 days before the hearing. This requirement may be waived by the council or executive secretary for good cause.

(2) A complaint may be amended at any time. The respondent shall be given sufficient time to prepare a defense if the charges are amended substantially.

R 28.4319 Contested cases; appearances at hearing.

Rule 19. (1) An appearance at a contested case hearing shall be made in person, by a duly authorized agency, or by counsel.

(2) If the person or persons who have been served with a notice of hearing fail to appear at the hearing, the council may proceed with the hearing on the evidence presented and make a decision.

R 28.4320 Contested cases; adjournment or continuance of hearing.

Rule 20. A contested case hearing may be adjourned or continued at the direction of the chief hearing officer. A request for an adjournment shall be in writing and filed with the council not less than 5 days before the date of the hearing, unless good cause can be shown for failure to file within the 5 day limit. Notice of action on the request for adjournment shall be given to the parties.

R 28.4321 Contested cases; stipulations.

Rule 21. The parties to any contested case hearing before the council may, by stipulation in writing filed with the council, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to agree upon the facts when practicable.

R 28.4322 Contested cases; deposition.

Rule 22. Depositions in contested case proceedings shall only be taken upon written authority of the hearing officer when it appears that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the Michigan rules of court for taking depositions in civil cases in the state of Michigan, being rule 2.304 et seq., and all parties shall be given an opportunity to cross-examine the deponent under oath.

R 28.4323 Contested cases; decision.

Rule 23. The contested case decision of the hearing officer is final. The respondent shall be notified in writing of the officer's decision within 14 days after the close of the hearing. The notice shall include the findings of fact and the conclusions based on the law.

LAW ENFORCEMENT OFFICERS TRAINING COUNCIL*
ADMINISTRATIVE RULES
MICHIGAN LAW ENFORCEMENT OFFICER RECERTIFICATION

<p>R 28.4151 Definitions. R 28.4152 Waiver of training program; application. R 28.4153 Waiver of training program; candidate qualifications. R 28.4154 Waiver of training program; time for completion; extension. R 28.4155 Waiver of training program; hours; content and scope; modification. R 28.4156 Competence and performance examinations. R 28.4157 Retests; limitations; failure. R 28.4158 Responsibilities of employing agency. R 28.4159 Recertification. R 28.4160 Organizations presenting waiver programs; minimum instructor qualifications. R 28.4161 Training costs; reimbursement by council. R 28.4162 Expiration of waiver; extension. R 28.4163 Program manual.</p>	<p>R 28.4164 Contested cases; compliance conferences and hearings. R 28.4165 Complaint. R 28.4166 Violations of act; investigations; complaints. R 28.4167 Issuance of ex parte order denying right or privilege. R 28.4168 Contested cases; appointment of hearing officer; chief hearing officer. R 28.4169 Contested cases; notice of hearing. R 28.4170 Contested cases; answers and amendments. R 28.4171 Contested cases; appearances at hearing. R 28.4172 Contested cases; adjournment or continuance of hearing. R 28.4173 Contested cases; stipulations. R 28.4174 Contested cases; depositions. R 28.4175 Contested cases; decision. R 28.4176 Rescission.</p>
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* The official administrative rules refer to the Law Enforcement Officers Training Council which is now known as the Michigan Commission On Law Enforcement Standards.

(By authority conferred on the law enforcement council by section 9 of Act No. 203 of the Public Acts of 1965, as amended, being R. 28.609, R 28.4201 - R 28.4206, rescinded by R 28.4199 of the Michigan Compiled Laws)

R 28.4151 Definitions.

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

(a) "Act" means Act No. 203 of the Public Acts of 1965, as amended, being §28.601 et seq. of the Michigan Compiled Laws.

(b) "Basic police training program" means the program of studies defined in R 28.4360 to R 28.4366.

(c) "Certified as a police officer" means a person who has met all selection, employment, training, or waiver of training standards and who is approved by the training council or pursuant to the act to exercise the authority of a police officer.

(d) "Chief hearing officer" means a person who regulates the hearing proceedings when more than 1 hearing officer is designated.

(e) "Contested case" means a proceeding as defined by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(f) "Employment" means the offering of a service of labor as a law enforcement officer in exchange for monetary compensation at not less than the federal minimum wage established in the fair labor standards act of 1938, as amended (29 U.S.C. §206, et seq).

(g) "Full police powers" means an individual has the authority to enforce the general criminal statutes of the state.

(h) "General criminal laws" means laws that classify an action as a misdemeanor or felony punishable by fine or imprisonment and have general applicability as opposed to regulation of a particular class.

(i) "Hearing officer" means a person responsible for conducting hearings on matters within the agency's jurisdiction.

(j) "Minimum employment standards" means the recruitment, selection, training, and appointment standards defined in R 28.4102 to R 28.4108.

(k) "Other organization" means an agency which is not a political subdivision of the state and which operates a law enforcement agency as a result of legislative authorization.

(l) "Police force" means a body of sworn police officers entrusted by the state, a political subdivision of the state, or legislatively authorized agency to maintain public peace and order, enforce the law, and prevent and detect crime.

(m) "Recertified as a law enforcement officer" means a person who has completed all the requirements for recertification.

(n) "Standard setting agency" means a state agency authorized by statute to promulgate training and employment rules for the certification of law enforcement officers.

(2) The terms defined in the act have the same meanings when used in these rules.

R 28.4152 Waiver of training program; application.

Rule 2. An employing agency or a person who was certified as a police officer by an appropriate state standard setting agency in Michigan or another state is required to submit a letter requesting an application for enrollment in a waiver of training program to be considered for a waiver of training test.

R 28.4153 Waiver of training program; candidate qualifications.

Rule 3. (1) A person previously certified as a police officer in Michigan shall meet all of the following requirements to qualify for admission to the waiver of training program:

(a) Discontinuance of employment as a police officer for a period of time in excess of that provided for in section 9 (1)(d)(i)(ii) or (iii) of the act.

(b) Can reasonably expect to meet the minimum employment requirements of R 28.4102, except for sections (j), (k), (l), and (m).

(c) Have currently secured or anticipates employment within 12 months of the start of training or taking the test, whichever occurs first.

(2) A person who is or was certified as a police officer, as defined in another state, shall meet all of the following requirements to qualify for admission to the waiver of training program:

(a) Complete a state-recognized basic training program or be employed before the establishment of training standards.

(b) Have been employed as a police officer for a minimum of 1 year.

(c) Can reasonably expect to meet the current minimum employment standards of R 28.4102, except for sections (j), (k), (l), and (m).

(d) Have currently secured or anticipates employment within 12 months of the start of training or taking the test, whichever occurs first.

(e) If unemployed as a law enforcement officer, the separation shall have been under such conditions which qualify the person for rehiring in that state unless that training standard exceeds Michigan's.

(3) A person previously certifiable based on compliance with pre-service requirements shall meet all of the following requirements to qualify for admission to the waiver of training program.

(a) Pass the council's physical performance skills test.

(b) Pass the council's reading and writing skills test.

(c) Can reasonably expect to meet the current minimum employment standards (a) to (i) in R 28.4102.

R 28.4154 Waiver of training program; time for completion; extension.

Rule 4. (1) A candidate authorized to attend the waiver of training program shall attend the training and pass the required tests within 3 months of receiving approval to enroll.

(2) A candidate who does not complete the program within 3 months of approval to enroll shall submit a new application.

(3) For good cause, council staff may waive the time requirements and grant one 3 month extension.

R 28.4155 Waiver of training program; hours; content and scope; modification.

Rule 5. (1) The waiver of training program shall be not less than 40 hours. At a minimum, the content and scope of the program shall include all of the following areas:

(a) Criminal law and procedures.

(b) Motor vehicle traffic code and related statutes.

(c) Firearm proficiencies with a hand gun and familiarization with a shotgun.

(d) Defensive tactics.

(e) First aid training.

(f) Precision driving.

(g) Written and performance tests.

(2) The content and scope of the waiver of training program may be modified as conditions warrant.

R 28.4156 Competence and performance examinations.

Rule 6. (1) Written examinations shall be administered by the council staff to determine the candidate's competence in the functional areas defined in the basic police training program.

(2) Performance examinations may be administered for firearms, defensive tactics, precision driving, and other skills.

(3) Competency shall be demonstrated on each test to successfully complete the waiver of training program.

R 28.4157 Retests; limitations; failure.

Rule 7. (1) A written test or skill performance test may be retaken at a time and place that is mutually agreeable by applicant and council staff. (a) All retests shall be at the expense of the applicant.

(2) A person who fails the written test or the performance test, or both, is limited to one written and performance retest within the time limits provided in R 28.4154.

(3) A person who fails a retest shall be required to successfully complete the Michigan basic police training program to be employed as a law enforcement officer.

R 28.4158 Responsibilities of employing agency.

Rule 8. Before employing a candidate who has passed the waiver of training program, the employing agency shall do all of the following:

(a) Fulfill the requirements of R 28.4103, except as otherwise specified in these rules.

(b) Notify the council, in writing, of its intent to employ a candidate who has passed the waiver of training program.

(c) Submit forms which are prepared and furnished by the council and which detail documented compliance with employment and training rules.

R 28.4159 Recertification.

Rule 9. Upon completion of the recertification process, which includes passing the waiver of training tests and employment as a law enforcement officer, the candidate shall be classified as a recertified law enforcement officer.

R 28.4160 Organizations presenting waiver programs; minimum instructor qualifications.

Rule 10. (1) Any organization that has been approved by the council to present the basic police training program may apply to present the waiver of training program. The council may solicit additional organizations.

(2) The minimum qualifications for instructing in the waiver of training program are the same as those prescribed for the basic police training program.

R 28.4161 Training costs; reimbursement by council.

Rule 11. (1) The costs for tuition and supplies shall be paid by the employing agency or, if not employed by an agency, by the individual.

(2) The council may reimburse an employing agency for tuition, supplies, and live-in costs on a prorated basis of what is currently paid for those attending the basic police training program.

R 28.4162 Expiration of waiver; extension.

Rule 12. (1) The waiver of training shall expire 12 months after the start of the training program or taking the waiver test, whichever occurs first, unless the person is regularly employed as a Michigan police

officer or the employing agency certifies to the council that all selection qualifications listed in R 28.4102, except subsections (j), (k), (l), and (m) have been met.

(2) For good cause, the Executive Secretary may waive the time requirements and grant one 3-month extension.

R 28.4163 Program manual.

Rule 13. The council shall prepare and publish a manual which is consistent with these rules and which shall govern the implementation and administration of the approved testing program, as well as procedures for conducting contested case hearings.

R 28.4164 Contested cases; compliance conferences and hearings.

Rule 14. (1) Compliance conferences and administrative hearings in contested cases shall be governed by these rules and by Act No. 306 of the Public Acts of 1969, as amended, being §24.201 et seq. of the Michigan Compiled Laws.

(2) The rules of practice as applied in a non-jury civil case in circuit court shall be followed as far as practicable, but shall not be mandatory in a contested case.

R 28.4165 Complaint.

Rule 15. A complaint on a council policy or procedure shall be in writing, signed by the person making it, and filed with the council. A complaint is not open to public inspection until its validity is ascertained.

R 28.4166 Violations of act; investigations; complaints.

Rule 16. The council or the executive secretary may authorize investigations and may issue complaints and schedule hearings for apparent violations of the act.

R 28.4167 Issuance of ex parte order denying right or privilege.

Rule 17. (1) After an investigation of a complaint has been conducted, the council or executive secretary may issue an ex parte order denying a right or privilege granted by the act based upon the findings of the investigation. Thereafter, contested proceedings shall be promptly commenced and decided.

(2) The taking of emergency action shall not affect the impartiality of the council in its receipt and consideration of the evidence.

R 28.4168 Contested cases; appointment of hearing officer; chief hearing officer.

Rule 18. (1) The council chairperson shall appoint a person or persons to be a hearing officer.

(2) When 2 or more persons are appointed as hearing officers for a contested case, the council chairperson shall designate a chief hearing officer.

R 28.4169 Contested cases; notice of hearing.

Rule 19. (1) Notice of a contested case hearing shall be given by personal service, registered mail, or such other method as may be permitted by law.

(2) Notice of a hearing shall be served not less than 20 days before the hearing.

R 28.4170 Contested cases; answers and amendments.

Rule 20. (1) A respondent in a contested case shall file an answer to the complaint not less than 10 days before the hearing. This requirement may be waived by the council or executive secretary for good cause.

(2) A complaint may be amended at any time. The respondent shall be given sufficient time to prepare a defense if the charges are amended substantially.

R 28.4171 Contested cases; appearances at hearing.

Rule 21. (1) An appearance at a contested case hearing shall be made in person, by a duly authorized agent, or by counsel.

(2) If the person or persons who have been served with a notice of hearing fail to appear at the hearing, the council may proceed with the hearing on the evidence presented and make a decision.

R 28.4172 Contested cases; adjournment or continuance of hearing.

Rule 22. A contested case hearing may be adjourned or continued at the direction of the chief hearing officer. A request for an adjournment shall be in writing and filed with the council not less than 5 days before the date of the hearing, unless good cause can be shown for failure to file within the 5-day limit. Notice of action on the request for adjournment shall be given to the parties.

R 28.4173 Contested cases; stipulations.

Rule 23. The parties to any contested case hearing before the council may, by stipulation in writing filed with the council, agree upon the facts or any portion of the facts involved in the controversy, which stipulation shall be regarded and used as evidence on the hearing. Parties are requested to agree upon the facts when practicable.

R 28.4174 Contested cases; depositions.

Rule 24. Depositions in contested case proceedings shall only be taken upon written authority of the hearing officer when it appears that it is impractical or impossible to otherwise obtain the evidence. Where depositions are permitted, they shall be taken according to the Michigan rules of court for taking depositions in civil cases in the state of Michigan, being rule 2.304 et seq., and all parties shall be given an opportunity to cross-examine the deponent under oath.

R 28.4175 Contested cases; decision.

Rule 25. The contested case decision of the hearing officer is final. The respondent shall be notified in writing of the officer's decision within 14 days after the close of the hearing. The notice shall include the findings of fact and the conclusions based on the law.

R 28.4176 Rescission.

Rule 26. R 28.4201 to R 28.4206 of the Michigan Administrative Code appearing on pages 1 and 2 of the 1980 annual supplement to the 1979 Michigan administrative code, are rescinded.

LAW ENFORCEMENT OFFICERS TRAINING COUNCIL*
ADMINISTRATIVE RULES
BASIC LAW ENFORCEMENT TRAINING PROGRAMS

<p>R 28.4351 Definitions.</p> <p>R 28.4352 Establishment of local or regional basic police training school; council approval required.</p> <p>R 28.4353 Application for approval.</p> <p>R 28.4354 School requirements after approval.</p> <p>R 28.4355 Notice of change in structure or content of program; council approval required.</p> <p>R 28.4356 Council approval of individual basic police training program required.</p> <p>R 28.4357 Revocation of council approval; probation.</p> <p>R 28.4358 Approved basic police training schools; right to appeal denials, revocations, and probations.</p>	<p>R 28.4359 Publication and revision of policies and procedures manual required.</p> <p>R 28.4360 Minimum basic police training curriculum.</p> <p>R 28.4361 Utilization and publication of basic law enforcement training objectives required.</p> <p>R 28.4362 Utilization and publication of law enforcement firearms assessment criteria required.</p> <p>R 28.4363 Requirements for successful completion of the course of study; effective date of subrule (2) (c).</p> <p>R 28.4364 Certificates; issuance.</p> <p>R 28.4365 Recruit dismissals; appeal.</p> <p>R 28.4366 Minimum classroom requirements.</p>
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* The official administrative rules refer to the Law Enforcement Officers Training Council which is now known as the Commission On Law Enforcement Standards.

(By authority conferred on the law enforcement officers training council by sections 9 and 11 of Act No. 203 of the Public Acts of 1965, as amended, and section 9 of Act No. 380 of the Public Acts of 1965, as amended, being §§28.609, 28.611, and 16.109 of the Michigan Compiled Laws)

R 28.4351 Definitions.

Rule 1. As used in these rules:

- (a) "Basic police training program" means the entire council-approved training curriculum offered by a basic police training school that allows a qualified graduate to be certified as a law enforcement officer upon employment.
- (b) "Basic police training school" means an agency or institution that is approved by the council to offer the basic police training program.
- (c) "Basic police training school graduate" means a person who has completed the training and educational requirements of a council-approved basic police training program.
- (d) "Class" means students or trainees who are administratively grouped to begin a basic police training program.
- (e) "Course objective" means a behavioral statement that describes a knowledge, skill, or ability to be acquired during the basic police training program.
- (f) "Course of study" means the organized course objectives which are approved by the council and which a recruit is required to complete before being certified as a law enforcement officer.
- (g) "Curriculum" means the overall plan of the content and specific materials of instruction that a basic police training school is required to offer a recruit before qualifying the recruit for certification.
- (h) "Employed recruit" means a police officer candidate who is hired by a law enforcement agency and who is enrolled in an approved basic police training school.

(i) "Local basic police training school" means a local law enforcement agency that is approved by the council to provide a basic police training program for qualified employed recruits employed only within that local law enforcement agency.

(j) "Preservice recruit" means an individual who meets the entrance requirements and enrolls at his or her own expense in an approved regional basic police training school and who is not employed by a law enforcement agency.

(k) "Recruit" means a student or trainee who is enrolled in a basic police training program.

(l) "Regional basic police training school" means an agency or institution that is approved by the council to offer a basic police training program to preservice and law enforcement personnel who are employed by any law enforcement agency. A regional basic police training school is synonymous with regional training academy (RTA).

(m) "Regional training academy" (RTA) is a synonymous term for "regional basic police training school."

(n) "Repeat trainee" means a department's recruit who has been dismissed for any reason specified in R 28.4365 and who is re-enrolled by any agency within 1 year of the date of dismissal.

(o) "Training and education advisory committee" means law enforcement officials participating in the guidance and evaluation of a council-approved basic police training school.

(p) "Training school" means an institution that is approved by the council to offer basic law enforcement training.

(q) "Training session" means a block of training on a specific topic which is offered by a school within a given period of time and for which credit toward certification is given.

R 28.4352 Establishment of local or regional basic police training school; council approval required.

Rule 2. Council approval shall be obtained by a city, county, township, village, community college, university, or state agency before establishing a local or regional basic police training program.

R 28.4353 Application for approval.

Rule 3. (1) A city, county, township, village, community college, university, or state agency shall submit a written request to establish a basic police training school.

(2) The application shall contain, at a minimum, all of the following:

(a) A statement that required facilities and equipment are available for recruits and instructors.

(b) A description of the duties, responsibilities, and membership of the training and education advisory committee.

(c) The name, address, and position of the person who is responsible for establishing the basic police training school.

(d) The name and title of the person who will be responsible as the training director.

(e) A description of the applicant's goals and objectives for the basic police training program.

(f) A description of the nature and scope of the applicant's financial and philosophical commitment to the basic police training program. (g) A list of the rules governing recruit conduct beyond those established by the council.

(h) Identification of the requirements that an enrolled recruit shall meet, in addition to the requirements established in R 28.4363, to successfully complete the prescribed course of study established by the applicant.

(i) Identification of curriculum, course of study, and training objectives that will be utilized by the applicant during mandated basic police training programs.

(j) Authorization for the council to inspect all aspects of the basic police training program approved by the council.

(k) A description of affiliation with other agencies, colleges, and universities that will be a part of the basic police training program.

(l) An estimate of the number of basic police training programs that will be offered on a yearly basis.

(m) The projected starting and graduation dates of the first basic police training program class.

(n) Definition of the geographical area that the proposed basic police training school will serve.

(o) A projection of how many recruits will be enrolled in the program on a yearly basis.

(p) Verification that acceptable live-in facilities are available in the vicinity of the basic police training school.

(3) When the council determines an application is incomplete, an amended application shall be filed within 30 days after the date of a request for amplification or clarification.

(4) Failure to comply with the provisions of subrule (3) of this rule is grounds for denial of the application.

R 28.4354 School requirements after approval.

Rule 4. A city, county, township, village, community college, university, or state agency approved by the council to establish a basic police training school shall do all of the following:

(a) Comply with the approved proposal.

(b) Utilize fully qualified and competent instructors.

(c) Comply with procedures established pursuant to R 28.4359.

R 28.4355 Notice of change in structure or content of program; council approval required.

Rule 5. (1) The training director of an approved basic police training school shall notify the council, not less than 10 days before the start of a new class, of any change in the structure or content of the council-approved program that would affect the information required in R 28.4353(2).

(2) Written council approval shall be obtained before implementing a change.

R 28.4356 Council approval of individual basic police training program required.

Rule 6. A city, county, township, village, community college, university, or state agency approved by the council as a basic police training school shall have written council approval before initiating an individual basic police training program.

R 28.4357 Revocation of council approval; probation.

Rule 7. (1) A violation of these rules or deviation from the approved program by an approved basic police training school that is documented by the council constitutes cause to revoke approval as a basic police training school before, during, or after any class.

(2) The council may place an approved school on probation for a specific time frame instead of revoking approval.

R 28.4358 Approved basic police training schools; right to appeal denials, revocations, and probations.

Rule 8. (1) Approved basic police training schools shall have standing to appeal denials, revocations, and probations to the council within 3 days of the original notice.

(2) Council decisions on appeals are binding.

R 28.4359 Publication and revision of policies and procedures manual required.

Rule 9. (1) The council shall prepare and publish a basic police training program policies and procedures manual which is consistent with these rules and which shall govern the implementation, administration, and evaluation of recruit training at approved basic police training schools.

(2) The policies and procedures manual shall describe or state all of the following:

(a) Minimum basic police training requirements.

(b) Curriculum.

(c) Courses of study.

(d) Training course.

(e) Instructor qualifications promulgated by the council.

(3) The council shall periodically review the items specified in subrule (2) of this rule to ensure that they are in compliance with existing legislation or current knowledge and technology.

(4) The course of study shall be revised by the council when it determines a need to modify, update, increase, or delete any part of the curriculum, course of study, course objectives, or instructor qualifications.

R 28.4360 Minimum basic police training curriculum.

Rule 10. Approved basic police training schools shall teach the minimum course for study promulgated by the council.

R 28.4361 Utilization and publication of basic law enforcement training objectives required.

Rule 11. (1) Approved basic police training schools shall teach to the course objectives established by the council.

(2) The course of study shall be published by the council.

R 28.4362 Utilization and publication of law enforcement firearms assessment criteria required.

Rule 12. (1) Approved basic police training schools shall utilize the law enforcement firearms assessment criteria established by the council.

(2) The law enforcement firearms assessment criteria shall be published by the council.

R 28.4363 Requirements for successful completion of the course of study; effective date of subrule (2) (c).

Rule 13. (1) To successfully complete the prescribed course of study, a recruit shall do all of the following:

(a) Attend and participate in 90% of the approved course of study, unless otherwise stated in this rule.

(b) Attend and participate in 100% of the classroom portion of the council approved firearms, defensive tactics, emergency vehicle operations, and first aid training.

(c) Attend and participate in 90% of the range/practical application portions of the council approved firearms, defensive tactics, emergency vehicle operations, and first aid training.

(d) Attain a passing score on the practical skill assessment examinations covering firearms, defensive tactics, emergency vehicle operations, and first aid training.

(e) Attain a passing score of not less than 70% on a written examination addressing the cognitive objectives established by the council in firearms, defensive tactics, emergency vehicle operations, and first aid training.

(f) Possess an American red cross first aid card.

(g) Attain a passing score of not less than 70% on an examination covering the criminal law and procedures objectives and attain a passing score of an average of not less than 70% on all, but not less than 5, examinations addressing course objectives, excluding firearms, first aid, defensive tactics, and emergency vehicle operations.

(h) Meet the minimum requirements established by an approved basic police training school for optional and additional courses that are a part of the prescribed course of study approved by the council.

(2) In addition to the requirements of subrule (1) of this rule, a preservice recruit shall do all of the following:

(a) Be fingerprinted on a Michigan state police applicant card and on a federal bureau of investigation applicant card. The fingerprint cards are to be submitted to the council for a criminal record search.

(b) Possess an associate or baccalaureate degree from an accredited college or university at the time of completion of the basic police training program. This requirement shall take effect September 1, 1995.

(c) Authorize the community college or university to release to the council the preservice recruit's records pertaining to the enrollment application and academic transcripts.

(d) Meet all current selection and employment standards in R 28.4102 at the time of employment as a law enforcement officer.

(e) Be employed as a law enforcement officer within two years of completing the basic police training program. A basic police training school graduate who is not employed within 1 year of completing the basic police training program shall, before employment, attain a passing score on examinations assessing the candidate's competence in courses established by the council.

R 28.4364 Certificates; issuance.

Rule 14. (1) The council shall issue a basic law enforcement certificate to an employed recruit, if the recruit was properly enrolled in an approved class and the recruit successfully completed the prescribed course of study.

(2) Approved basic police training schools shall not issue basic law enforcement training certificates.

R 28.4365 Recruit dismissals; appeal.

Rule 15. (1) Enrolled recruits may be dismissed from a training program by the training director.

(2) The failure to do either of the following is cause for dismissal:

(a) Successfully complete the prescribed course of study established in R 28.4363 or R 28.4309, as applicable.

(b) Comply with council and school rules and regulations.

(3) The failure by an employed recruit to do either of the following is cause for dismissal:

(a) Maintain employment with a law enforcement agency during the basic police training program.

(b) Maintain minimum employment standards established in R 28.4102 during the basic police training program.

(4) Employers may appeal dismissals to the school and the council.

(5) Students shall have standing to appeal dismissals to the school and the employer and to appeal to the council on matters relating to violations of council rules.

(6) Council decisions on appeals are binding.

R 28.4366 Minimum classroom requirements.

Rule 16. Classrooms that are used by a basic police training school for training recruits shall provide all of the following:

(a) Sufficient seats or learning areas to accommodate every student.

(b) Noise barriers.

(c) (c) Climate controls.

Act No. 203 of the Public Acts of 1965, as Amended 1