MCOLES
Michigan Commission on Law Enforcement Standards

Commission Resolution 2011-08
A Resolution on Regular Employment

WHEREAS, the Michigan Commission on Law Enforcement Standards has the authority under Section 11(1)(e) of the Commission on Law Enforcement Standards Act to make recommendations to the legislature on matters pertaining to the qualification and training of law enforcement officers; and

WHEREAS, the Commission is currently considering several proposed amendments to the Act; and

WHEREAS, Sections 2(l)(i) and 9(5) of the Commission on Law Enforcement Standards Act uses the term "regularly employed" to describe law enforcement officers licensed under the Act; and

WHEREAS, the term "regularly employed" is not defined in the Act; and

WHEREAS, the Commission has determined that the purpose of requiring law enforcement officers to be "regularly employed" is to ensure continuing proficiency and professionalism in law enforcement; and

WHEREAS, the Commission seeks to propose an amendment to the Act that will address the problem of a lack of definition of the term "regularly employed" and also implement policies to promote continuing proficiency and professionalism in law enforcement; and

WHEREAS, Section 11(1)(d) of the Act authorizes the Commission to cooperate with state, federal, and local police agencies to establish and conduct local or area schools, or regional training centers for instruction and training of law enforcement officers of this state and of cities, counties, townships, and villages; and

WHEREAS, the Commission has drafted recommended amendments to Section 9b of the Act that will authorize the Commission to pursue discretionary revocation of law enforcement officer licenses; and

WHEREAS, Michigan common law authorizes occupational licensing authorities to suspend or revoke occupational licenses in situations where a licensee presents a threat to public health, safety or welfare; and

WHEREAS, Section 9(1) requires the Commission to consider the varying factors and special requirements of local police agencies in promulgating law enforcement officer minimum standards; now

THEREFORE BE IT RESOLVED, that the Michigan Commission on Law Enforcement Standards:

a. Shall submit to the Legislature, as part of its recommendations for amendments to the Commission on Law Enforcement Standards Act, that Sections 2(l)(i) and 9(5) of the Act be amended by deleting the term "regularly" from these subsections; and

b. Shall submit to the Legislature, as part of its recommendations for amendments to the Commission on Law Enforcement Standards Act, that Section 9b of the Act be amended by authorizing the Commission to promulgate administrative rules allowing the discretionary revocation of a law enforcement officer license where a licensee presents a threat to public health, safety or welfare; and

c. Shall make an advisory recommendation to all law enforcement agencies that all licensed law enforcement officers, including those who are employed full-time, or less than full-time, work as a licensed law enforcement officer a minimum of 120 hours annually and satisfactorily complete a program of minimum in-service training, and publish and communicate those recommendations to law enforcement agencies; and

d. Directs MCOLES staff to formulate and recommend to the Commission policies for counting and tracking the number of hours worked by officers, which will account for, among other considerations, medical and other leaves of absence, and employment for less than an entire calendar year; and

e. Directs MCOLES staff to formulate and recommend to the Commission standards for the content and procedures to implement these minimum in-service training standards; and

f. Directs MCOLES staff to formulate and recommend to the Commission policies for publishing and communicating these advisory recommendations; and

g. Shall not effectuate these advisory recommendations as an amendment to the Commission on Law Enforcement Standards Act or an administrative rule.

Adopted by the Commission on Law Enforcement Standards on September 9, 2011

James Bosscher