MCOLES
Michigan Commission on Law Enforcement Standards

Commission Resolution 2011-10
Resolution on Statutory Changes Related to the Michigan Justice Training Fund

WHEREAS, Section 48(1) of the Michigan Administrative Procedures Act authorizes an 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 qualification and training of law enforcement officers; and

WHEREAS, Executive Order 2001-5 combines the former Michigan Justice Training Act with the Commission on Law Enforcement Standards Act into a single statute; and

WHEREAS, the Commission is currently considering several proposed amendments to the portions of the combined statute that govern the administration of the Michigan Justice Training Fund; now

THEREFORE BE IT RESOLVED that the Commission on Law Enforcement Standards shall recommend the following proposed amendments to the sections of the Commission on Law Enforcement Standards Act pertaining to the administration of the Michigan Justice Training Fund:

Michigan justice training fund; creation; disposition of certain monies and investment earnings.

(1) The Michigan justice training fund is created in the state treasury.
(2) The Michigan justice training fund shall only be used as provided under this act.
(3) Monies from law enforcement distributions that are required to be returned to the Michigan justice training fund as provided in section ___ shall be deposited into the Michigan justice training fund, and shall only be used for law enforcement distributions.
(4) Monies distributed as grant awards that are required to be returned to the Michigan justice training fund as required in section ___ shall be deposited into the Michigan justice training fund and shall only be used for grant awards.
(5) Investment earnings from the Michigan justice training fund assets shall be deposited in the Michigan justice training fund.

Michigan justice training fund; definitions.

As used in this act:

(a) "Alcoholic liquor" means that term as defined in the Michigan Liquor Control Code of 1998, 1998 PA 58, MCL 436.1105(3), or any successor provision.

(b) "Criminal justice in-service training" means a criminal justice program, education or training designed and intended to enhance the direct delivery of criminal justice services by eligible training participants.

(c) "Grant funds" means monies paid to grant recipients from the Michigan justice training fund, as provided in this act.

(d) "Grant recipient" means an entity eligible to receive grants from the Michigan justice training fund, including any of the following:

(i) An agency, department, division, bureau, board, commission, council, or authority of the state or of a city, village, township, or county.

(ii) A state supported college or university.

(iii) A community college.

(iv) Any agency or entity of the judicial branch of government of this state.

(v) A consortium or other joint venture comprised of or entered into by any of the above entities.

(e) "Law enforcement agency" means an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers, as defined in section 2 of this act.

(f) "Law enforcement distribution" means monies paid to law enforcement agencies annually in two semi-annual installments as provided in this act.

(g) "Law enforcement officer" means an individual licensed under this act, as defined in section 2 of this act.

(h) "Professional association" means a national, state, or local police union, or an association or fraternal organization of police officers, correctional officers, or prosecuting attorneys.

Michigan justice training fund; law enforcement distributions.

The commission shall pay law enforcement distributions, and law enforcement agencies shall expend and return law enforcement distributions, as follows:

(1) The commission shall annually distribute 60% of the Michigan justice training fund, in 2 semi-annual installments, on dates determined by the commission.

(2) In calculating the law enforcement distribution, the commission shall include undistributed portions of the Michigan justice training fund and monies that have been returned to the Michigan justice training fund, as provided in subsection 13.

(3) The amount of available monies shall be based on fund balances determined as of March 31 and September 30.

(4) Law enforcement distributions shall be paid on a per capita basis, calculated as follows:

(a) The commission shall conduct an annual registration of law enforcement officers to verify the number of hours actually compensated by the jurisdiction, not to exceed 2080

hours per year, for each full-time and part-time law enforcement officer during the most recent elapsed calendar year.

(b) The per capita basis shall be determined by dividing the total number of hours actually compensated by the jurisdiction by 2,080, rounded down to the nearest whole number.

(c) Each eligible law enforcement agency shall receive a minimum annual distribution of $500.00.

(5) The commission shall pay a law enforcement distribution to the unit of government or other employing or appointing entity with which a law enforcement agency is affiliated, for the benefit of a law enforcement agency.

(6) A law enforcement agency receiving a law enforcement distribution shall only expend it for travel costs as provided in this section, and for:

(a) Training that is designed and intended to enhance the direct delivery of criminal justices services by law enforcement officers.

(b) Direct costs, including:

(i) Regular hourly personnel rate for salaries of instructors for actual time spent developing, preparing, and delivering training.

(ii) Actual cost of training materials necessary to and used for the direct delivery of training.

(iii) Reasonable rental cost or purchase price of equipment items necessary to and used solely for the direct delivery of training. A law enforcement agency may not make an equipment purchase that exceeds $5,000.00 or 10% of its annual distribution without prior written approval of the commission.

(iv) Rental of training facilities, only if adequate facilities owned or operated by the law enforcement agency are not available.

(v) A flat rate, tuition, or subscription paid to a training provider, other than the law enforcement agency, for the delivery of criminal justice training as provided under this act.

(7) A law enforcement agency may only expend monies from a law enforcement distribution for travel costs incurred to participate in a criminal justice training program, excluding out-of-state student travel reimbursement, as follows:

(i) The program offers training for which expenditures of law enforcement distributions are authorized under this act and is conducted for not less than 6 hours within any 24 hour period.

(ii) Tuition costs for in-state and out-of-state training, if the course is registered through the MCOLES Information and Tracking Network prior to the dates on which the training is conducted.

(iii) Registration costs for out-of-state conferences and conventions, if the law enforcement agency submits a special use request to the commission and the commission approves the expenditure prior to attendance.

(iv) Instructor travel reimbursement. For purposes of this provision, applicable reimbursement rates are those published by the Michigan Department of Technology, Management & Budget, or its successor agency, and are subject to change at any time during a funding period.

(v) In-state training participant travel reimbursement, if the course is registered through the MCOLES Information and Tracking Network prior to the dates on which the

training is conducted. For purposes of this restriction, applicable reimbursement rates are those published by the Michigan Department of Technology, Management & Budget, or its successor agency, and are subject to change at any time during a funding period.

(8) A law enforcement agency may only expend monies from a law enforcement distribution for out-of-state training participant travel reimbursement if all of the following requirements are met:

(i) The travel is for the purpose of participating in a learning experience produced through reading, listening, observing, performing problem-solving, or interacting with others, the object of which is the introduction or enhancement of knowledge, skills, and judgment directly related to the performance of professional criminal justice tasks currently assigned or assignable.

(ii) The travel is required to obtain or maintain skills or certification in a field of specialization related to the execution of the duties of law enforcement officers provided to the general public or related to the execution of administrative duties that enhance the ability of law enforcement officers to perform duties provided to the general public.

(iii) The certification in a field of specialization is not available in Michigan.

(iv) The course cannot be conducted in Michigan.

(v) The course is approved by the commission and registered through the MCOLES Information and Tracking Network prior to the dates on which the training is conducted.

(9) A law enforcement agency receiving a law enforcement distribution shall not expend it for:

(a) Training individuals who are not law enforcement officers.

(b) Travel expenditures in excess of or in violation of the expenditure rates authorized for members of the state classified civil service. For purposes of this restriction, applicable reimbursement rates are those published by the Michigan Department of Technology, Management & Budget, or its successor agency, and are subject to change at any time during a funding period.

(10) A law enforcement agency that receives a law enforcement distribution shall maintain records of law enforcement distribution revenues and expenditures separate from other funding sources.

(11) If the commission determines that a law enforcement agency has expended a law enforcement distribution for costs not allowed under this act, the commission may declare the agency ineligible to receive further law enforcement distributions for a period to be determined by the commission and the monies expended in violation of this act must be returned to the Michigan justice training fund.

(12) A law enforcement agency receiving a law enforcement distribution shall expend the entire distribution within 2 years after receiving it. If the law enforcement agency fails to expend the entire distribution within 2 years after receiving it, the law enforcement agency shall not be eligible to receive further law enforcement distributions until the entire distribution is expended and reported as prescribed by the commission.

(13) Beginning with the distribution period immediately following the effective date of this section, the portions of any law enforcement distribution that have not been expended within 5 years after the date they were received must be returned to the Michigan justice training fund.

Michigan justice training fund; grant awards.

The commission may distribute grant awards, and grant recipients shall expend grant monies, as follows:

(1) The commission may distribute grant awards after making the distributions required under section ___ and the expenditures required under section ___.

(2) The commission may distribute grant awards subject to written conditions that shall be provided to grant recipients when or before the awards are distributed. A grant recipient may petition the commission in writing for forbearance or other relief from conditions imposed by the commission upon the distribution of grant awards.

(3) The commission may distribute grant awards only to grant recipients and may not distribute grant awards to a professional association.

(4) A grant recipient shall expend grant monies received under this act only for:

(a) Training that is designed and intended to enhance the direct delivery of criminal justice services by employees of the grant recipient, or employees of entities that are eligible to receive grants under this act.

(b) Training presented by a grant recipient or by a contractual service provider retained by a grant recipient.

(c) Actual cost of training materials necessary to and used for the direct delivery of training.

(d) Reasonable rental cost or purchase price of equipment items necessary to and used solely for the direct delivery of training.

(e) Reasonable hourly salaries of instructors and developers for actual time spent developing, preparing, and delivering training.

(5) A grant recipient shall not expend grant monies for:

(a) Travel expenditures in excess of or in violation of the expenditure rates authorized for members of the state classified civil service. For purposes of this restriction, applicable reimbursement rates are those published by the Michigan Department of Technology, Management & Budget, or its successor agency, and are subject to change at any time during a funding period.

(b) Travel costs incurred to participate in a criminal justice in-service training program, unless the program is solely for training for which expenditures of grant monies are authorized under this act.

(6) A grant recipient shall maintain records of grant award revenues and expenditures separate from other funding sources.

(7) If the commission determines that a grant recipient has expended grant monies for the payment of unreasonable costs or costs not authorized under this act, the grant monies must be returned to the Michigan justice training fund and may only be used for grant awards.

(8) Grant recipients shall submit applications for grant awards to the commission in the manner prescribed by the commission. The commission shall publish application procedures on its website.

Michigan justice training fund; administrative expenses.

The commission shall annually expend an amount from the Michigan Justice training fund to cover the following expenses:

(1) The reasonable expenses of providing staff services to the commission for administering the Michigan Justice training fund and performing and enforcing the statutory requirements of this act.

(2) Actual expenses incurred by members of the commission, excluding expenditures for alcoholic liquor, and including travel expenses. For purposes of this restriction, applicable reimbursement rates are those published by the Michigan Department of Technology, Management & Budget, or its successor agency for Boards and Commissions, and are subject to change at any time during a funding period.

Michigan justice training fund; annual reports and registration of courses.

(1) Each law enforcement agency receiving a law enforcement distribution under this act and each grant recipient receiving grant awards under this act shall report to the commission on expenditures of monies received from the Michigan justice training fund, in a manner and on intervals to be determined by the commission. Each training program financed in whole or in part by a law enforcement distribution or grant from the Michigan justice training fund shall be separately identified in the report.

(2) Criminal justice in-service training courses shall be registered through the MCOLES Information and Tracking Network. If a course is not registered through the MCOLES Information and Tracking Network, law enforcement distributions and grant monies may not be expended for the costs of those courses.

(3) Law enforcement agencies and grant recipients shall report to the commission the training participants who attended each training session for which funding was provided in whole or in part by this act, in a manner prescribed by the commission.

(4) If the commission determines that a grant recipient has failed to comply with the requirements of this section, the commission may declare the grant recipient ineligible to receive further grant awards for a period to be determined by the commission.

Michigan justice training fund; audit of books, records, and accounts.

The books, records, and accounts of the Michigan justice training commission may be subject to audit by the auditor general every five years.

Michigan justice training fund; rules.

The commission may promulgate rules governing the administration and use of the Michigan justice training fund.

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

James Bosscher