

MCOLES

 Michigan Commission on Law Enforcement Standards

MCOLES

2016 Annual Report

Advancing Professionalism in Public Safety

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RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS
LANSING

TIM BOURGEOIS
EXECUTIVE DIRECTOR

Honorable Rick Snyder
Governor of the State of Michigan
Lansing, Michigan 48909

Dear Governor Snyder,

On behalf of the Michigan Commission on Law Enforcement Standards (MCOLES), I present to you our Annual Report for Calendar Year 2016. I am pleased to report that MCOLES has been able to advance several initiatives over this past year.

- Formulated a plan to conduct and produce a public study as directed by the Governor in Executive Directive 2016-2;
- Created a draft module in unbiased policing for recruit training;
- Updated the MCOLES Civilian Pistol Safety Training Program to match updates in legislation;
- Legislation was signed by the Governor that made a number of revisions to the MCOLES enabling act.
- Initiated a project to review and modify the recruit firearms standard;
- Executive Director David Harvey introduced his Wordpress Blog on the MCOLES website.

MCOLES will continue to strive to adapt to the changing times ahead and maintain our commitment and trust of the law enforcement profession and criminal justice leaders. We can look back with great pride at the progressive steps we have taken, but we also can look ahead with considerable optimism at what the future holds for MCOLES with both your support and the Legislature.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Michael Wendling".

Mr. Michael Wendling
Commission Chair

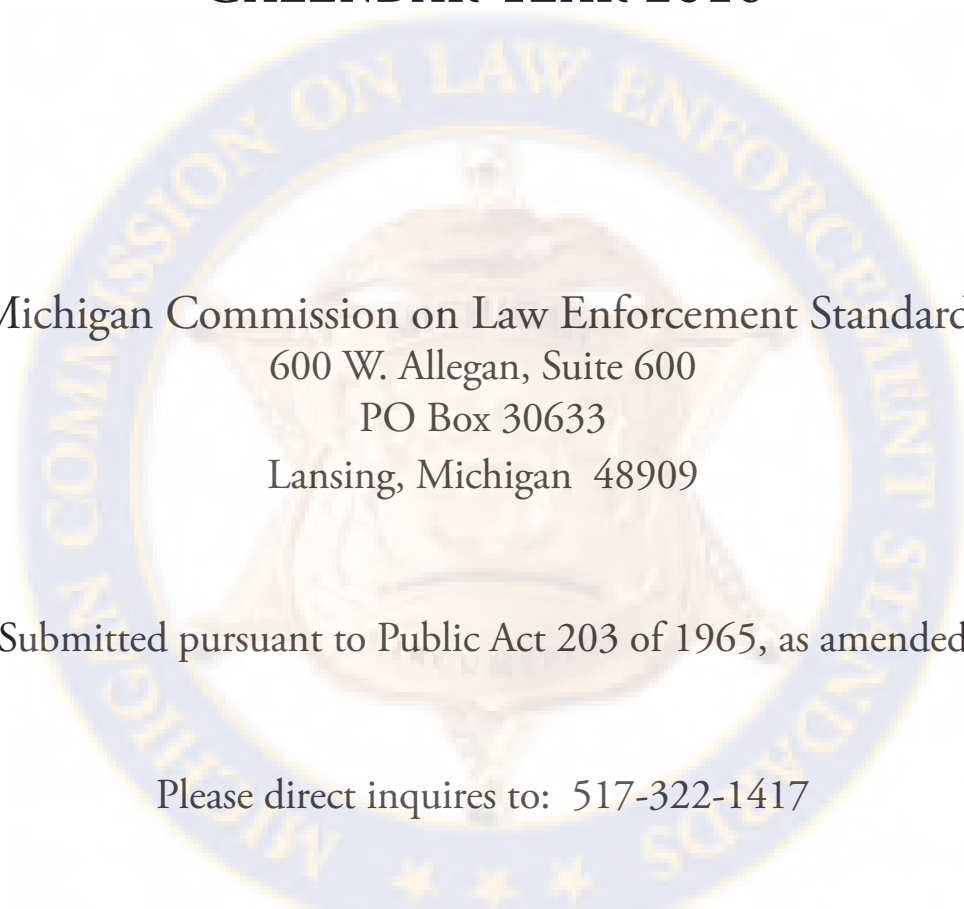
Mr. Michael Wendling, Chair • Chief David Molloy, Vice Chair • Col. Kriste Kibbey Etue • Tpr. Nate Johnson • Mr. Brian Earle
Sheriff Timothy Donnellon • Attorney General Bill Schuette represented by Ms. Anica Letica • Mr. Mark Diaz
Mr. Arthur Weiss • Sheriff Scott A. Stephenson • Mr. Richard Heins • Chief James Craig represented by Asst. Chief James White
Mr. Kenneth Grabowski • Sheriff Doug Wright • Chief Donald Mawer • Mr. Tom Adams • Mr. David Hiller • Mr. Duane Smith

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ANNUAL REPORT TO THE GOVERNOR

CALENDAR YEAR 2016



Michigan Commission on Law Enforcement Standards
600 W. Allegan, Suite 600
PO Box 30633
Lansing, Michigan 48909

Submitted pursuant to Public Act 203 of 1965, as amended

Please direct inquires to: 517-322-1417

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STATUTE REVISIONS TAKE EFFECT

On October 4, 2016 Governor Rick Snyder signed Public Act 289 and Public Act 290 of 2016, which amends MCOLES' enabling legislation, Public Act 203 of 1965 (MCL 28.601-615) and Public Act 302 of 1982 (MCL 18.421-430). The amendments will become effective January 2, 2017. They include a number of changes that address requirements for licensure, license revocations, reserve officer standards, training fund distributions, and other provisions. The amended language is necessary to help both MCOLES and the law enforcement profession in Michigan better understand what the organization's administrative requirements and legislative mandates actually mean.

Public Act 289 contains a number of revisions, but the most noticeable refers to the Commission membership. In January 2017 the Commission will include 19 members, an increase from the 15 members who sat in 2016. The Detroit Police Department and the Detroit Police Officers Association will resume representation from previous years and the Act also creates representation from the Deputy Sheriff's Association of Michigan and a Citizen-At-Large, bringing the total to 19 members.

Public Act 289 also identifies 32 categories of officers who must be licensed by MCOLES to fulfill the requirements of their positions. The language helps clarify who is, and who is not, a licensed officer in Michigan. In addition, some private college security officers and some fire arson investigators who meet the standards may be licensed by MCOLES. Another amendment clarifies the relationship between employment and licensure. Police authority comes from state law, but the Act requires officers to meet minimum standards and requires agencies to notify MCOLES of standards compliance for all licensure to become active.

Agencies must report all personnel transactions that affect employment status and authority and must maintain documentation as to employment history and licensing standards. Officers must report criminal charges, or personal protection orders, that could result in license revocation. The Act includes new licensing and revocation provisions by listing specific misdemeanors and sentencing orders, and expands the meaning of "adjudication of guilt" for revocation purposes. Further, the Act gives the Commission the authority to establish minimum standards and procedures for reserve officers.

Public Act 290 makes revisions to the Michigan Justice Training Fund Act (1982 PA 302) and clarifies who may receive law enforcement distributions (LED) and competitive grant funding for training. For agencies, LED funds must be segregated from other funds, must be spent within 2 years of receipt, and agencies must file written reports with MCOLES even if no expenditures were made. Funds not spent within a five year period must be returned to the fund and will be redistributed. Eligible entities defined in the Act may also receive competitive grant funding for the direct delivery of training to their members. As with the LED program, agencies must ensure grant revenues and expenditures are kept separate from other funding sources and all funded training courses must be registered in the MCOLES Information and Tracking Network (MITN).

As law enforcement in Michigan increasingly becomes more and more professional, and the job more complex, the Commission must continue to honor its commitment to employment, selection, training, licensing, and revocation standards. Prior to the current legislation, Public Act 203 had been amended nine times since its original enactment. This legislation keeps pace with the job as it exists today.

MCOLES

ADVANCING PROFESSIONALISM IN PUBLIC SAFETY



“A police officer’s work cannot be performed on native ability alone...”

These words were written in the 1967 Annual Report of the Michigan Law Enforcement Officer’s Training Council (MLEOTC). Established under Public Act 203 of 1965, the original mission of MLEOTC proposed, “to make available to all local jurisdictions, however remote, the advantages of superior employee selection and training.”

In fulfilling this charge, MLEOTC developed comprehensive standards for the selection, employment and training of Michigan law enforcement officers. Concurrently, it fostered the growth of a statewide network of basic training providers, capable of delivering standardized training to produce competently trained law enforcement candidates. These achievements demonstrate a monumental commitment of time and resources at the state, regional, and local levels.

Of course this did not happen overnight or without overcoming difficult hurdles. Significant achievements that have marked the way include the development of approved training programs, the evaluation of pre-training candidates for physical and mental fitness, the implementation of mandatory employment standards, the development and institution of the mandatory basic training curriculum, the comprehensive evaluation of candidates who have completed training

programs, and the institution of pre-service training programs that integrate law enforcement training with the attainment of a college degree.

Many of these achievements are reflected in amendments to the original legislation empowering this organization. Public Act 203 has been amended nine times since its enactment in 1965.

The most recent amendment to Public Act 203 came in 1998. This amendment changed our name to the Commission on Law Enforcement Standards (COLES), a title that more accurately reflects the work of this organization. An Executive Order officially added “Michigan” to our title in 2001.

The 1998 amendment also added revocation of the law enforcement license to our list of responsibilities. Revocation was made mandatory when an officer is convicted of a felony and certain defined misdemeanors or if it is discovered that the officer committed fraud in obtaining law enforcement licensing. These cases represent a very small number of Michigan’s law enforcement population, which stood at approximately 18,518 officers at the close of 2016. They are each meticulously investigated with the accused afforded full due process. Revocation is an unpleasant but necessary fixture in the standards and training business, one that makes the law enforcement profession stronger.

The modern MCOLES philosophy is grounded in the knowledge that successful law enforcement can only happen when all components of the criminal justice system are working effectively, each sharing in the common purpose of advancing public safety.



ADVANCING PROFESSIONALISM IN PUBLIC SAFETY (CONTINUED)

Executive Order 2001-5, did much more than institutionalize the MCOLES label. It is among the most significant advances in MCOLES history, paving the way for the achievement of what has been attempted since 1982, the linkage of standards and funding.

This quest began with the enactment of Public Act 302 of 1982, which created the Michigan Justice Training Commission (MJTC). The MJTC and the Justice Training Fund were created to promote in-service training in the Michigan criminal justice field. MJTC, over the years, operated first within the Department of Management and Budget and later the Michigan Law Enforcement Officers Training Council. The MJTC succeeded in stimulating the growth of criminal justice in-service training in Michigan, but as a separate commission housed in the Department of Management of Budget it was not able to coordinate that growth in a statewide development plan. Despite attempts to the contrary, standards and funding operated autonomously under that configuration.

The Executive Order, which took effect November 1, 2001, mandated the union of standards and funding. Specifically, it required the institution of mandatory in-service training standards for Michigan law enforcement officers, with fiscal support from the Justice Training Fund. To

accomplish this, the Order consolidated the former Michigan Justice Training Commission with the former Commission on Law Enforcement Standards, creating today's Michigan Commission on Law Enforcement Standards.

The consolidation expanded the MCOLES mission beyond law enforcement. Today, MCOLES provides a standards-based platform encompassing the entire career of Michigan law enforcement officers, as well as providing funding support for criminal justice training at large.

On October 15, 2008, Governor Granholm issued Executive Order 2008-19, expanding the Commission membership to seventeen, representing the Michigan criminal justice community.

The modern MCOLES philosophy is grounded in the knowledge that successful law enforcement can only happen when all components of the criminal justice system are working effectively, each sharing in the common purpose of advancing public safety. This is reflected in the MCOLES mission statement.

MCOLES meets its mission working in an atmosphere of open communication and trust, in partnership with the criminal justice community, providing client-focused services. MCOLES regularly contributes to effective public policy by functioning as a leader in public safety innovation and as a solutions-facilitator for problems facing law enforcement and the criminal justice community.

MCOLES MISSION AND VISION



MISSION STATEMENT:

The Michigan Commission on Law Enforcement Standards is created by law to serve the people of the state of Michigan by ensuring public safety and supporting the criminal justice community.

We provide leadership through setting professional standards in education, selection, employment, licensing, license revocation, and funding in law enforcement and criminal justice, in both the public and private sectors.

WHAT DO WE DO?

Our mission statement represents the purpose of our organization, what we do, and why we exist.

VISION STATEMENT:

Through a dedicated fund, MCOLES supports law enforcement agencies to provide safe and secure communities that allow for a prosperous state that is positioned to meet the challenges of the future.

MCOLES conducts business in an environment free from organizational or financial conflicts of interest with independent control over fulfilling its mission.

MCOLES is nationally recognized as a leader in the development of training and ethical standards for law enforcement officers.

WHERE ARE WE GOING?

Our vision statement describes where MCOLES would like to be in the next five years. Our vision statement reveals an independent organization able to fulfill its mission as a recognized leader in training development and ethical standards for Michigan's law enforcement officers and their agencies.





MCOLES VALUES

OUR VALUES:

- **Respect** ~ We value the unique and diverse skills, abilities, and perspectives of individuals.
- **Ethical Character** ~ We are honest, ethical, and fair. Personal integrity and professional ethics guide all our decisions.
- **Leadership and Professionalism** ~ We recognize our role as leaders in advancing the skills, knowledge, ethics, and attitudes necessary for achieving and maintaining professional excellence.
- **Accountability** ~ We accept responsibility for our behaviors, decisions, and actions.
- **Commitment** ~ We understand our mission and our individual roles in its accomplishment. We dedicate our energies and abilities to its fulfillment and we are willing to make sacrifices in its attainment.
- **Partnership** ~ We recognize that more can be accomplished when individual actions are taken in an atmosphere of trust and cooperation.
- **Communication, Consultation, and Shared Decision-Making** ~ We value clear and open communication. We encourage involvement, information sharing, and collaboration in the decision-making process.

WHO ARE WE?

Our values define who we are and set the basic framework for how we choose to conduct business as public employees. It frames our philosophy for providing a strong sense of customer service, but also defines what we, as employees expect from each other.

MCOLES COMMISSIONERS AND STAFF

The Michigan Commission on Law Enforcement Standards is composed of members appointed by the Governor from the ranks of Michigan's law enforcement and criminal justice communities. Constituencies represented in the Commission's appointed membership consist of:

- the Michigan Sheriffs' Association;
- the Police Officers Association of Michigan;
- the Michigan Association of Chiefs of Police;
- the Michigan Fraternal Order of Police;
- the Prosecuting Attorneys Association of Michigan;
- the Criminal Defense Attorneys Association of Michigan;
- the Michigan State Police Troopers Association;
- the Michigan Association of Police; and
- the Police Officers Labor Council.

Also represented on an ex-officio basis are the Michigan State Police and the Attorney General of Michigan.

During 2016, Sheriff Jerry L. Clayton representing the Michigan Sheriff's Association, served as the Commission Chair. Director John Calabrese, representing the Michigan Association of Chiefs of Police, served as the Commission's Vice Chair.

The Commission meets no less than four times annually to set policy re-

garding the selection, employment, training, licensing, and retention of all Michigan law enforcement officers. During 2016, there were six regular meetings of the Commission.

Commission duties extend beyond the law enforcement arena, as Commissioners set policy with regard to the administration of the justice training dollars. These decisions have a direct impact on the distribution of funds in the Commission's competitive grant process, which provides support for in-service training in all facets of Michigan's criminal justice system, as well as the administration of the law enforcement distribution. The Commission also provides claims investigation and eligibility verification for the Public Safety Officer Benefit program which provides a one time payment for the care of a public safety officer permanently and totally disabled in the line of duty or in the event of the officer's death in the line of duty, to the spouse, children, or estate of the officer.

In addition to their formal duties, MCOLES Commissioners invest countless hours on behalf of Michigan's criminal justice community. Substantial time is required of Commissioners to apprise themselves of the various issues they must understand. Commissioners are frequently asked to attend and address academy graduations, testify on behalf of MCOLES on legislative issues, and make other public speaking appearances on behalf of MCOLES. Commissioners are



MCOLES staff members possess a high level of law enforcement experience. This experience includes every facet of law enforcement ranging from that of the street level officer to training officers to the chief law enforcement administrator.

often called upon to represent MCOLES at meetings of the legislature, other government agencies, training directors, and at conferences of professional organizations that have a stake in criminal justice. MCOLES Commissioners must also be available to handle inquiries from their various constituencies concerning MCOLES services and policies.

MCOLES staff members possess a high level of law enforcement experience. This experience includes every facet of law enforcement ranging from that of the street level officer to training officer to that of the chief law enforcement administrator. MCOLES staff have also served in various capacities in the development, management, and delivery of law enforcement training at institutions across the United States. MCOLES has 18 classified employees and one unclassified executive director to perform all of these tasks.



THE COMMISSIONERS DURING 2016

SHERIFF JERRY L. CLAYTON
CHAIR
WASHTENAW COUNTY
SHERIFF'S OFFICE
REPRESENTING THE
MICHIGAN SHERIFFS'
ASSOCIATION

DIRECTOR JOHN CALABRESE
VICE CHAIR
PETOSKEY DEPARTMENT
OF PUBLIC SAFETY
REPRESENTING THE
MICHIGAN ASSOCIATION
OF CHIEFS OF POLICE

PROFESSOR RON BRETZ
COOLEY LAW SCHOOL
REPRESENTING THE
CRIMINAL DEFENSE
ATTORNEYS ASSOCIATION
OF MICHIGAN

**COL. KRISTE
KIBBEY ETUE**
MICHIGAN STATE POLICE
REPRESENTING THE
MICHIGAN STATE POLICE

SHERIFF JAMES BOSSCHER
MISSAUKEE COUNTY
SHERIFF'S OFFICE
REPRESENTING THE
MICHIGAN SHERIFFS'
ASSOCIATION

CHIEF DOREEN E. OLKO
AUBURN HILLS POLICE
DEPARTMENT
REPRESENTING THE MICHIGAN
ASSOCIATION OF CHIEFS
OF POLICE

MR. BILL SCHUETTE
ATTORNEY GENERAL
REPRESENTED BY
MS. ANICA LETICA

CHIEF DONALD MAWER
FRANKENMUTH POLICE
DEPARTMENT
REPRESENTING THE
MICHIGAN ASSOCIATION
OF CHIEFS OF POLICE

MR. FRED F. TIMPNER
REPRESENTING THE
MICHIGAN ASSOCIATION
OF POLICE

MR. RICHARD R. WEILER
REPRESENTING THE
POLICE OFFICES LABOR
COUNCIL

MR. MICHAEL D. WENDLING
ST. CLAIR COUNTY PROSECUTOR
REPRESENTING THE
PROSECUTING ATTORNEYS
ASSOCIATION OF MICHIGAN

MR. KEN GRABOWSKI
DISTRICT REPRESENTATIVE
REPRESENTING THE POLICE
OFFICERS ASSOCIATION
OF MICHIGAN

VACANT
MICHIGAN SHERIFFS'
ASSOCIATION

VACANT
MICHIGAN STATE POLICE
TROOPERS ASSOCIATION

MR. JOHN BUCZEK
EXECUTIVE DIRECTOR
REPRESENTING
THE FRATERNAL ORDER
OF POLICE

APPOINTED TO THE COMMISSION AFTER OCTOBER 2016:

SHERIFF TIMOTHY DONNELSON
ST. CLAIR COUNTY SHERIFF'S
OFFICE
REPRESENTING THE
MICHIGAN SHERIFFS'
ASSOCIATION

MR. THOMAS ZULCH
REPRESENTING THE
POLICE OFFICES LABOR
COUNCIL

CHIEF DAVID MALLOY
NOVI POLICE DEPARTMENT
REPRESENTING THE
MICHIGAN ASSOCIATION
OF CHIEFS OF POLICE

MR. RICHARD HEINS
REPRESENTING THE
MICHIGAN ASSOCIATION
OF POLICE

SHERIFF L. DOUGLAS WRIGHT
GRATIOT COUNTY
SHERIFF'S OFFICE
REPRESENTING THE
MICHIGAN SHERIFFS'
ASSOCIATION

MR. DAVID HILLER
EXECUTIVE DIRECTOR
REPRESENTING
THE FRATERNAL ORDER
OF POLICE

TROOPER NATE JOHNSON
REPRESENTING THE MICHIGAN
STATE POLICE
TROOPERS ASSOCIATION





MCOLES ECONOMIC SUPPORT: THE JUSTICE TRAINING FUND

MCOLES is responsible for the administration of the Michigan justice training fund, which operates under Public Act 302 of 1982, as amended. The fund provides financial support for in-service training of criminal justice personnel.

The Michigan Justice Training Fund is supported through a percentage of the Michigan Justice System Fund. Justice System Fund revenue comes from various assessments related to court penalties. When a person is found guilty of a civil infraction, misdemeanor, or felony, the individual is required to pay a series of fines that are transmitted to the Justice System Fund. Of these fines, the first \$10 is deposited in the Secondary Road Patrol and Training fund, of which MCOLES receives 5.65% for Training to Locals reimbursements. Following that, of the remaining Justice System Fund revenue MCOLES receives 11.84% deposited into the Michigan Justice Training Fund.

Executive Order 2001-5 designated

MCOLES to administer the fund. The Commission is mandated by the Act to distribute 60 percent of the fund semi-annually in what has come to be known as the law enforcement distribution. These monies are provided to law enforcement agencies to provide for direct costs in support of law enforcement in-service training. Distributions are made on a full time equivalent (FTE) basis, the amount of which is dependent on the number of FTE MCOLES licensed police officers employed by cities, villages, townships, counties, colleges and universities, and the Department of State Police.



Officers attend Below 100 Training

During 2016, \$3,331,070.76 was disbursed to law enforcement agencies. The spring distribution provided 482 agencies with \$1,652,322.50. The FTE amount was \$100.63. The fall distribution provided 483 agencies with \$1,678,857.00. The FTE amount was \$102.25. Fifty-two (52) law enforcement agencies employing fewer than 3 law enforcement officers received the minimum distribution of \$500 for the year.

EXECUTIVE DIRECTIVE 2016: FOSTERING PUBLIC TRUST IN LAW ENFORCEMENT



On October 4, 2016 Governor Rick Snyder issued Executive Directive No. 2016-2. The Governor directed the Michigan Commission on Law Enforcement Standards to “undertake a study and produce, by May 1, 2017, a public report addressing the topic of fostering public trust in law enforcement.” The Directive instructed the Commission to seek public comment, and hold public events, to gather input from residents across the state. The report was to include evidence-based training requirements, best professional practices in community engagement, and hiring strategies to help create a more diverse workforce in policing. The Commission was also directed to formulate a set of recommendations that address how residents and the police can best work together, not only to strengthen trust and legitimacy, but also to make local communities safe and secure. The Commission began its work in November 2016 by creating a structured process to collect information and comply with the mandates of the Directive.

First, the Commission formed a Process Committee in order to provide project oversight, be a central point of contact for the work groups, conduct the public forums, and acted as the liaison between the Commission with the Governor’s Office and the Governor’s Office of Urban Initiatives. Next, three work groups were formed to address the three major components of the Directive. Commission members volunteered to chair each group. The work groups were diverse and the members represented law enforcement, recruit training academies, professional organizations, law enforcement, academics, and the general public. Based on the Directive, the Process Committee assigned each work group a separate line of inquiry for the report, which included: a) community engagement, b) best practices for recruiting and hiring, and c) researched-based training requirements. The work groups began their investigations in late 2016 and will continue gathering information for the report well into 2017.

The work groups will conduct their research within the context of the nationwide debates over race and policing. According to the Directive, “Recent national events involving the use of lethal force by police officers and attacks against police officers by members of the public have strained the relationship between law enforcement and the public.” Across the nation, a number of fatal encounters, as inherently tragic as they are, have only increased the level of mistrust between some police agencies and the communities they serve.

As the project progresses into 2017, the focus will be on how law enforcement leadership, agency members, and the Commission itself can best work within the community engagement framework to provide essential services to local communities in Michigan, given the realities of contemporary police work. Through its work, and the final recommendations of the report, the Commission anticipates that what they learn from residents will help strengthen the relationships between the police and their local communities across the state.



STANDARDS AND TRAINING FOR PEACE OFFICERS: A NATIONAL LEGACY



What type of person would you hope to respond when you are the victim of a crime? Does the criminal justice system work? Are you happy with the response of your local police? These questions raise interesting challenges for the law enforcement profession. Those entering policing in Michigan must be well trained and meet valid standards and the public expects that such criteria are in place. These entry standards have evolved over time and a look into the past can bring meaning and context to what is in place today.

Every state has a law enforcement standards-setting organization such as MCOLES. They are commonly referred to as POST Commissions—Peace Officer Standards and Training. POST organizations function as a gateway for those wishing to enter the policing profession as not everyone is qualified for the position.

The first national call for professionalism in policing was made over 100 years ago. In 1909, August Vollmer, police chief of Berkeley California, emphasized the need for training for active duty law enforcement officers. In 1911, the city of Detroit established a police training academy for newly hired officers and by 1917 Chief Vollmer organized police training courses at the University of California. At the time, improving professionalism through education and training was a novel idea for law enforcement. Now, everyone knows the importance of training and progress in this area continues to evolve.

POST organizations are actually outgrowths from recommendations made over the years by various Presidential Commissions. The very first Commission was empaneled in 1929 by President Hoover and is popularly known as the Wickersham Commission. He created this panel in response to organized crime and the large number of assaults and murders of police officers during the bootlegging days of the 1920s. The Wickersham Commission called for standardization and professionalism in police recruitment and training across the nation.

In 1967, President Johnson empaneled a Commission to address the rising crime rates and civil unrest of the 1960s. Known as the Katzenbach Commission, it recommended that every state create a police standards and training commission, one empowered to establish mandatory requirements for the profession. MCOLES (formerly MLEOTC) was created by statute in 1965.

President Nixon appointed the National Advisory Commission on Criminal Justice Standards and Goals in 1973. It recommended that all states establish mandatory training for both recruit and in-service law enforcement officers and create a representative body to develop and administer such training. The Commission advocated for the establishment of basic recruit academies, a core curriculum, and minimum entry standards.

STANDARDS AND TRAINING FOR PEACE OFFICERS: A NATIONAL LEGACY (CONTINUED)



In 1968 Congress created the Law Enforcement Assistance Administration (LEAA) to administer federal funding to states and to local law enforcement agencies to strengthen police training. The LEAA also offered incentives to officers to return to college and encouraged universities to establish criminal justice programs.

In 2014, President Obama established the Task Force on 21st Century Policing to strengthen community policing and identify strategies to improve the declining trust between law enforcement agencies and their communities. In 2016 Governor Snyder issued Executive Directive 2016-2 and called on MCOLES to produce recommendations to improve police-community relations across the state.

Over the years POSTs have been influential in promoting and improving training for the law enforcement profession. Organizations such as MCOLES have had a tremendous impact on the professionalism of policing through standardized training, valid entry requirements, and minimum competencies. The recommendations of previous Commissions have all called for improved professionalism. Ultimately it is the responsibility of MCOLES to address the safety of its citizens by ensuring all officers possess the minimum core competencies to perform their duties effectively.

Some of the most effective and enduring improvements seen in the criminal justice world are the result of standards.



EMPLOYMENT STANDARDS

A law enforcement officer must possess physical and mental capabilities, as well as being able to meet ethical, psychological, and training standards.

Standards help ensure the minimum competencies of law enforcement officers. To be sure, standards development cannot be done from an armchair. It requires work, expense, and the involvement of experts and practitioners. Standards must reflect the needs of today's policing and anticipate the needs of tomorrow. Most standards also require follow-up maintenance to ensure validity and viability. The standards are continuously reviewed and modified to keep pace with changes in the law, research, and professional best practices. Yet the outcome of the standards-based approach is undeniable. Standards provide answers that make a difference, and the process of building standards cultivates trust.

MCOLES sets standards for Michigan's law enforcement officers. Law enforcement duties cannot be performed effectively by every person who decides to take up the profession. A law enforcement officer must possess physical and mental capabilities, as well as being able to meet ethical, psychological, and training standards. A summation of the standards that must be met by persons entering the law enforcement profession in Michigan are listed below.

Age	Not less than 18 years
Citizenship	United States Citizenship
Education	High School Diploma or GED
Felony Convictions	No prior felony convictions
Good Moral Character	Possess good moral character as determined by a background investigation
Driver's License	Possess a valid license
Disorders, Diseases or Defects	Be free of limiting physical impairments
Hearing	Pass a designated audiological examination
Mental/Emotional Disorders	Be free of mental or emotional instabilities
Vision, Color	Possess normal color vision
Vision, Corrected	Possess 20/20 corrected vision in each eye
Vision, Normal Functions	Possess normal visual functions in each eye
Reading and Writing	Pass the MCOLES reading and writing examination
Physical Fitness	Pass the MCOLES physical fitness pre-enrollment examination
Police Training	Successfully complete the MCOLES mandatory basic training curriculum
License Examination	Pass the MCOLES license examination
Fingerprinting	Fingerprint search to verify status of criminal history record
Oral Interview	Oral interview conducted by employer
Drug Testing	Applicants must be tested for the illicit use of controlled substances

MEETING AND MAINTAINING EMPLOYMENT SELECTION STANDARDS



In 2016, about 44% of Michigan’s law enforcement training candidates enter training prior to securing law enforcement employment.

The MCOLES “Meet and Maintain Standard” requires pre-service law enforcement candidates to meet most law enforcement employment standards prior to entering training and during the training session. This restriction protects candidates who have problems that are not correctable from expending their time and financial resources in law enforcement training only to find out later that it is impossible for them to enter the profession. Once training has been successfully completed, candidates must maintain compliance with standards in order to secure law enforcement employment.

Standards must reflect the needs of today and anticipate the needs of tomorrow.

BASIC TRAINING STANDARDS

The foundation of law enforcement training in Michigan is the basic training curriculum. The basic training curriculum is an evolution that closely mirrors the progress and changes that have happened over the years in the law enforcement profession. MCOLES expends significant resources to build and maintain this curriculum, provide updates and develop new subject matter based on research, best practices, and statutory mandates.

Michigan’s basic training curriculum is developed and maintained in collaboration with the criminal justice and law enforcement communities. MCOLES staff members, in conjunction with committees of subject matter experts, develop proposed curriculum changes and initiatives that reflect the current needs of the law enforcement profession. Subject matter experts are drawn from the field of law enforcement and criminal justice practitioners, academia, and training providers. Learning objectives are written in terms of the behavioral outcomes where performance is the demonstration of competency.

The curriculum consists of major objectives and sub-objectives that are written as behavioral outcomes. Although there are major functional areas and training modules per topic, the curriculum is integrated so topics are reinforced and major themes like ethics and decision making flow throughout.



MANDATED BASIC TRAINING CURRICULUM SUMMARY

The mandated basic training curriculum currently stands at 594 hours.

Subject Area	
ADMINISTRATIVE TIME (18 Hours)	
MCOLES Testing & Administration	8
Director Testing	10
I. INVESTIGATION (115 Hours)	
A. Introduction to Investigation	2
B. Substantive Criminal Law	24
C. Criminal Procedure	31
D. Investigation	12
E. Court Functions and Civil Law	4
F. Crime Scene Process	20
G. Special Investigations	8
H. Investigation of Domestic Violence	14
II. PATROL PROCEDURES (65 HOURS)	
A. Patrol Operations	10
B. Ethics In Policing and Interpersonal Relations	25
C. Patrol Techniques	12
D. Report Writing	12
E. Juveniles	6
III. DETENTION AND PROSECUTION (15 HOURS)	
A. Receiving and Booking Process	6
B. Case Prosecution	8
C. Civil Process	1
IV. POLICE SKILLS (278 HOURS)	
A. First Aid	37
B. Firearms	86
C. Physical Skills	79
D. Emergency Vehicle Operation	32
E. Fitness and Wellness	44
V. TRAFFIC (70 HOURS)	
A. Motor Vehicle Law	10
B. Vehicle Stops	13
C. Traffic Control and Enforcement	4
D. Operating While Intoxicated	24
E. Motor Vehicle Traffic Crash Investigation	19
VI. SPECIAL OPERATIONS (33 HOURS)	
A. Emergency Preparedness/Disaster Control	8
B. Civil Disorders	8
C. Tactical Operations	7
D. Environmental Crimes	2
E. Terrorism Awareness	8

MCOLES

PRE-ENROLLMENT TESTING

All candidates entering law enforcement in Michigan must demonstrate proficiency on both the physical fitness and the reading and writing examinations. Previously licensed officers are not required to take these tests.

MCOLES has developed examinations and performance levels to ensure that candidates possess sufficient physical fitness to undergo law enforcement training. Candidates who cannot achieve a passing score on these examinations would find it difficult, if not impossible, to complete the law enforcement training process. MCOLES also assesses candidates for basic reading and writing skills.

The MCOLES reading and writing test is designed to measure the writing skills and reading comprehension required for success in basic law enforcement training as well as on the law enforcement job. This test is administered in computer labs at approved sites across the state. Passing test scores for the reading and writing test remain valid without expiration. A letter grade accompanies the passing score, e.g., A, B, or C. This letter grade identifies the candidates' position among other test participants who passed the examination. The highest scoring band is identified with the letter "A," the middle band with the letter "B," and the lowest scoring band among those passing the test

with the letter "C."

The physical fitness test is designed to assess strength and aerobic capacity to ensure that candidates possess a minimum level of fitness necessary for success in training. The physical fitness test is the result of a three-year research effort, which was done in consultation with the Cooper Institute of Dallas, Texas.

The MCOLES physical fitness standard serves as the first step in a comprehensive Health and Fitness Training Program. This program identifies initial candidate fitness levels, and then it provides both academic and physical instruction, teaching the candidate how to improve strength and aerobic capacity and how to develop a healthy life style within the environment of a stressful career. This program was developed under the banner, "Fit for Duty, Fit for Life."

Pre-enrollment physical fitness testing ensures that candidates possess sufficient conditioning to undergo the challenges of the fitness-training program. After completing both the cognitive and physical training, candidates again submit to physical fitness testing just prior to being graduated from basic training. They are expected to perform at a level that is greater than their entry-level performance.

The test events are the same for

pre-enrollment testing as they are for the final physical fitness assessment in the academy. They are not equipment-dependent, and recruiters can pre-test pre-enrollment candidates early to assess their viability. The test events are:

- a maximum number of push-ups within sixty-seconds;
- a maximum number of sit-ups within sixty-seconds;
- a maximum height vertical jump; and
- a timed 1/2 mile shuttle run.

Push-ups are used to assess upper body strength, sit-ups reflect core body strength, and the vertical jump is a reliable indicator of lower body strength. Aerobic capacity is measured in the shuttle run. Trainers providing instruction in the MCOLES Health and Wellness Program have successfully completed an MCOLES "Train the Trainer" preparation course.

The physical fitness test must be taken within 180 days of entering academy training.

Applicants and agency administrators should be aware that the MCOLES pre-enrollment tests are administered only at MCOLES approved test centers. A testing schedule is available on-line at the MCOLES website. Other forms of testing or testing at non-approved sites will not satisfy these mandatory requirements.

MCOLES

REGIONAL BASIC TRAINING ACADEMIES

The regional basic training program administers the Commission's mandatory basic police training curriculum through the approved training facilities. Qualified graduates are awarded law enforcement licensing by MCOLES upon meeting the remaining employment standards, achieving law enforcement employment, and being sworn into office. Regional basic training programs train recruits employed

by law enforcement agencies, as well as eligible pre-service candidates who meet the college degree requirement upon completion of regional academy programs. The approved regional basic training locations typically run one or two sessions in a training year, unless hiring needs require additional approved sessions. The sessions last between seventeen and nineteen weeks on average. Of the approved locations that deliver the regional basic training

program, three locations train only their own employed recruits. The agency basic academies are the Michigan State Police Academy, Department of Natural Resources Law Enforcement Division Academy, and Detroit Metropolitan Police Academy. The remaining locations, which are geographically distributed throughout the state, train both employed recruits and eligible pre-service candidates. Listed below are the approved regional and agency basic training programs.

Delta College
Delta Police Academy
Room F-043
1961 Delta Road
University Center, MI 48710

Department of Natural Resources
Law Enforcement Division
4th Floor Mason Building
Lansing, MI 48909

Detroit Metropolitan Police Academy
6050 Linwood
Detroit, MI 48208

Grand Valley State University
Criminal Justice Training
One Campus Drive
A-1-140 Mackinaw
Allendale, MI 49401

Lansing Community College
Criminal Justice & Law Center
3500W Mid-Michigan Police
Academy
P.O. Box 40010
Lansing, MI 48901-7210

Kalamazoo Law Enforcement
Training Center
6767 West "O" Avenue
Box 4070
Kalamazoo, MI 49003-4070

Kirtland Community College
10775 N. St. Helen
Roscommon, MI 48653

Macomb Community College
Criminal Justice Center
21901 Dunham
Clinton Twp., MI 48036

Michigan State Police Training
Academy
7426 North Canal Road
Lansing, MI 48913

Mott Community College
Law Enforcement Regional Training
Academy (LERTA)
2100 W. Thompson Road
Fenton, MI 48430

Northern Michigan University
Public Safety and Police Services
1401 Presque Isle Avenue
Marquette, MI 49855-5335

Oakland Police Academy
Oakland Community College
2900 Featherstone Road
Auburn Hills, MI 48326

Washtenaw Community College
Police Academy and Public Service
Training
4800 E. Huron River Drive
Ann Arbor, MI 48105-4800

Wayne County Regional Police
Training Academy
Schoolcraft College
31777 Industrial Road
Livonia, MI 48150

PRE-SERVICE BASIC TRAINING ACADEMIES



Recruits from Kirtland
Community College

The pre-service college basic training programs offer mandatory basic police training in conjunction with a college degree program. Students entering these programs are guided through a college-designed curriculum, which allows a qualified graduate to be licensed as a law enforcement officer upon achieving law enforcement employment. The academic content of these programs includes designated courses that incorporate the entire MCOLES mandatory 594-hour curriculum. Students must achieve satisfactory grades in each pre-service program course within a one-year time limit and be awarded an associate degree or higher. Presently, there are six locations that offer pre-service college programs.

Ferris State University
Law Enforcement Programs
539 Bishop Hall
1349 Cramer Circle
Big Rapids, MI 49307

Grand Rapids Community College
143 Bostwick, NE
Grand Rapids, MI 49503

Kellogg Community College
450 North Avenue
OITC 202a
Battle Creek, MI 49017

Lake Superior State University
Criminal Justice
Norris Center, Room 210
Sault Ste. Marie, MI 49783

Northwestern Michigan College
Social Sciences Division
1701 E. Front Street
Traverse City, MI 48686

West Shore Community College
P.O. Box 227
Scottville, MI 49454



Recruit Target Practice at Northern
Michigan College



Grand Valley State University Recruits



BASIC TRAINING FOR MILITARY POLICE VETERANS

In November 2011 President Barack Obama signed the Veterans Opportunity to Work to Hire Heroes Act (VOW Act), which provides support for military veterans seeking employment in the civilian sector. The Act has two underlying premises. First, post-9/11 veterans need to be recognized for their service and sacrifice to their country. Second, veterans possess abilities such as leadership, integrity, and interpersonal skills, which make them well suited for civilian employment. The relatively high unemployment rate for veterans across the country and in Michigan is a major concern as well.

MCOLES wanted to meet the spirit of the federal law and in 2013 constructed a Military Police Basic Training Program (MPBTP) specifically designed for military police veterans (MPs). Basic recruit training in Michigan is a minimum of 594 hours but MCOLES believed an abbreviated basic academy could help military police veterans transition into civilian policing more quickly. A shortened curriculum of 280 hours, which takes into account previous policing experience and training, helps shorten the overall time from training to employment.

Candidates for the military school must meet all medical and non-medical entry criteria as any other candidate for licensure, including passing the physical fitness test and the reading/writing examination. Qualified veterans must then meet additional requirements unique to their military experience. They must have satisfactorily completed military police training at a federal service school, have performed as a military police officer for a minimum of 2080 hours in the military police occupational specialty, have, possess an honorable discharge, and have discontinued employment in the MOS no more than five years prior to the start of the program. Candidates are required to make application directly to the training sites and all training sessions are approved by MCOLES. Background investigations are conducted of all applicants, including fingerprint checks.

In 2016, ten veterans graduated from the program at Grand Valley State University (GVSU) under the direction of Mr. Williamson Wallace. The classes were held in Grand Rapids. All the instructors were police trainers and most had previous military experience. All the students passed the MCOLES licensing examination and their scores were consistent with the larger recruit population. Most obtained employment in civilian policing after completing the program.

During 2015, the MCOLES conducted a formal evaluation of the Military Police Basic Training Academy. The assessment was longitudinal in nature as it focused on employment rates, performance on the job, and feedback from hiring agency administrators and employed graduates. The staff looked at the program since its inception in 2013. The staff examined the statistical data, met with academy directors, interviewed the MCOLES field representatives, and talked with agency administrators.

Based on this formal assessment, the MCOLES is satisfied that the quality of the military candidates compares favorably on a number of measures with the recruits from the traditional academies. Moreover, the assessment revealed that the military candidates typically possessed intangibles such as heightened maturity,



Military Police Basic Training Class - Firearms Training
Grand Valley State University

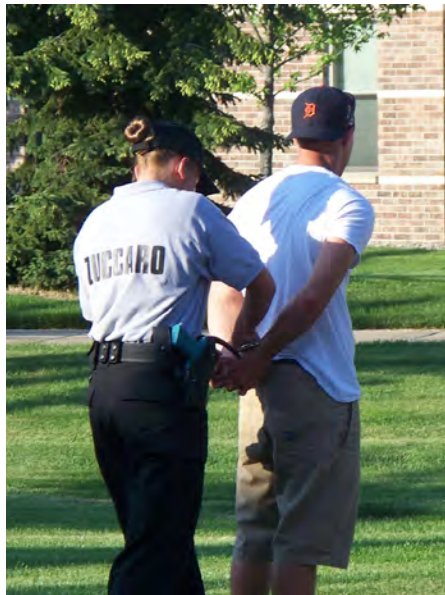
BASIC TRAINING FOR MILITARY POLICE VETERANS

(CONTINUED)

character, and confidence acquired as a result of prior military police work experiences.

Based on the evaluation, a few revisions to the MPBTP were made. The total number of training hours now stands at 320, the federal program in standard field sobriety testing (SFST) was inserted into the curriculum, and additional time was allotted for scenario training and the development of interpersonal communication skills. Law enforcement agencies across the state are hiring the graduates and are satisfied with their performances on the job. Some agencies even seek out the graduates because of their previous experiences as military police officers. Although recently MCOLES has seen a drop in attendance at the schools, the MPBTP is producing candidates with the necessary core competencies to perform satisfactorily in the civilian sector.

Since its implementation, the program has attracted national attention and MCOLES has shared its program specifications and development processes with several other states through the International Association of Directors of Law Enforcement Standards and Training (IADLEST). The National Governor's Association (NGA) selected Michigan's MPBTP as a model program in their law enforcement transition category. The MPBTP will continue as long as there is a need and an interest from returning military police veterans. Additional information regarding the program can be found at the MCOLES website at www.michigan.gov/mcoles.



**Military Police Basic Training Class
Conducting Patrol Scenarios
Grand Valley State University**

RECOGNITION OF PRIOR TRAINING AND EXPERIENCE PROGRAM



**All approved
Recognition of
Prior Training and
Experience Program
applicants must
successfully complete
a written examination
... and complete the
firearms proficiency
examination ...**

The recognition of prior training and experience program (RPTE) is designed to facilitate the re-entry of persons into law enforcement who were previously licensed in Michigan and who have been separated from law enforcement employment longer than the time frames specified in Section 9 of Public Act 203 of 1965. Individuals who are licensed law enforcement officers in states other than Michigan may also utilize the RPTE to gain Michigan law enforcement licensure status, providing they have successfully completed a basic police training academy program and functioned for a minimum of one year as a licensed law enforcement officer in their respective state. In addition, pre-service graduates of Michigan's mandatory basic police training program may also access the RPTE program to gain an additional year of eligibility for licensure, providing they have met all of the MCOLES requirements for the first year of eligibility as prescribed by administrative rule.

Approved applicants for the RPTE program have the option of attending a week long program to assist them in preparing for the examinations, or they may elect to take the examinations without the assistance of this program. However, a pre-service candidate who has not become employed in their first year, is required to attend the program. The preparatory

programs and examinations are scheduled for an entire calendar year with training opportunities presented approximately every five weeks and testing opportunities provided every two to three weeks. All approved RPTE applicants must pass the MCOLES licensing examination and complete the firearms proficiency examination, which consists of qualification with a handgun, a shotgun, and patrol rifle. In addition, applicants must meet the existing first-aid requirements in order to earn licensure status.

After completing all examinations and first-aid requirements, applicants are eligible for licensure for a period of one year from the examination date. Upon employment with a Michigan law enforcement agency and verification that the applicant meets all MCOLES minimum selection and employment standards, law enforcement licensure is awarded. Application to the RPTE program must be made through MCOLES. Upon approval, enrollment in a RPTE session is made through one of the two approved training facilities providing the program listed below:

Kirtland Community College
10775 N. St. Helen
Roscommon, MI 48653

Macomb Community College
21901 Dunham Road
Clinton Twp, MI 48036

PERSONNEL TRACKING

On July 3, 1998, Governor Engler signed into law Public Act 237 which amended Public Act 203 of 1965. Among the changes this legislation brought was the requirement for police agencies to report to MCOLES the employment or separation from employment of law enforcement officers.

These provisions were included to ensure that persons who practice law enforcement in Michigan meet the minimum selection, training, licensing, and employment standards prescribed by MCOLES.

An essential underpinning of law enforcement licensure in Michigan, as well as in most other states, is valid law enforcement employment, yet MCOLES and its predecessor, the Michigan Law Enforcement Officers Training Council, lacked an effective mechanism to track law enforcement officer employment prior to 1998. The reporting requirement of Public Act 237 provided the remedy.

In 1999, MCOLES initiated personnel tracking by conducting a baseline registration to identify all of the currently practicing law enforcement officers in Michigan. Today, personnel tracking information is updated continuously through law enforcement agency reporting of new hires and separations from employment and through the MCOLES annual registration for the law enforcement distribution. There were over 5,600 personnel transactions in 2016.

The annual profile of Michigan law enforcement continues to demonstrate a fluctuating population of officers, as well as slight fluctuations in the number of functioning law enforcement agencies in this state. Separations from employment by way of resignation or dismissal have continued at rates not dissimilar to the past. Likewise, the formation and/or disbanding of law enforcement agencies is occurring at a pace consistent with other years.

During 2016, 588 law enforcement agencies operated in Michigan, employing 18,518 officers. One of these agencies, the Michigan State Police, operates 20 posts throughout the state. The largest law enforcement employer, the Detroit Police Department, employed 2,215 officers. The smallest law enforcement employer in the state employed one officer.

The information provided in the MCOLES personnel registration process serves law enforcement well. It provides law enforcement employers with verified histories of law enforcement employment in Michigan. Third, this process streamlines the registration system for the law enforcement distribution. Finally, it enables various assessments of Michigan's law enforcement population to determine demographic trends and to predict future training needs.



Today, personnel tracking information is updated continuously through law enforcement agency reporting of new hires and separations from employment and through MCOLES annual registration for the law enforcement distribution.



LICENSING: THE LAW ENFORCEMENT LICENSE

Successful attainment of MCOLES standards reflects mastery of diverse bodies of knowledge and development of tough skills that are essential to the performance of law enforcement duties.

MCOLES standards provide leadership and direction in the selection, training, and licensing of Michigan's law enforcement officers.

During each year, MCOLES provides new licensure for law enforcement officers statewide. In 2016, MCOLES licensed 888 new law enforcement officers. MCOLES also provides licensing to certain private security police agencies, private college security officers, and fire arson investigators.

Law enforcement licensing signifies that an agency has conducted a thorough background and verified standards compliance by asking for the license activation of an individual and an agency head attests that the individual meets all selection, training, employment and licensing standards and that all statements made to obtain the license were verified to be complete and true.

The significance of the law enforcement license should not be underestimated. Michigan officers have met high educational, medical, and background standards that distinguish an officer among his or her peers. Successful attainment of MCOLES standards reflects mastery of diverse bodies of knowledge and the development of tactical skills that are essential to the performance of law enforcement duties. Moreover, the law enforcement license signifies the beginning of a career in the exciting field of law enforcement and also signifies that the individual continues to live up to these standards and agencies hold them to it.

HOW A LICENSE IS ISSUED

Law enforcement licensing occurs in a collaborative effort, each party fulfills specific responsibilities, yet also works to ensure that only qualified candidates enter the law enforcement profession.

The law enforcement license is awarded by MCOLES when the employer requests activation, and the candidate meets the following requirements: (1) compliance with the Commission's minimum selection and training standards, and (2) employment with a law enforcement agency and authorization through an oath of office as a law enforcement officer is verified.

Persons who have been previously

licensed Michigan law enforcement officers or who were licensed in another state, and who are seeking eligibility for licensing in Michigan are directed to the Commission's Recognition of Prior Training and Experience program.

The Commission's minimum selection, training, and licensing standards are presented in the section of this report entitled, "Standards: The Foundation of Effective Service."

Basic recruit training must be completed at an MCOLES approved training academy. There are 20 academies statewide, strategically situated in geographic locations that best serve Michigan's popu-

HOW A LICENSE IS ISSUED (CONTINUED)

lation base. MCOLES mandates a curriculum that consists of 594 hours, although every academy provides training that exceeds this requirement.

There are three program options available to law enforcement training candidates. Each program is designed to meet different goals; however, each may lead the successful candidate to law enforcement employment and licensure.

Employed Candidate Training Programs.

A candidate may initially become employed by a bona fide law enforcement agency and subsequently attend the training as an “employed” recruit. Employed recruits are compensated by their employer for all of the time they are in attendance

at training. Upon graduation and successfully completing the state examination, the recruit is eligible to become a fully licensed officer with the employing agency. Successful employed recruits are eligible for initial licensure only through the original employing law enforcement agency. Recently, only about ten percent of Michigan’s police officers enter the law enforcement profession through this avenue.

Pre-Service Training Programs.

Many law enforcement agencies employ only those applicants who have already completed basic training at their own expense. A candidate intending to become employed with such an agency may make direct application to a “Pre-Service” Training Academy. Pre-Service candidates must pay for all costs associated with

their training. Pre-Service candidates are not compensated by a law enforcement agency for their attendance at training, nor is law enforcement employment guaranteed upon graduation. In order to enter a Pre-Service Training Program, the candidate must have a degree or be eligible to receive a degree at the completion of training.

Upon successful completion of the Pre-Service Training Program and passing the state licensure examination, the candidate may apply for employment with any Michigan law enforcement agency. Pre-Service Training Program graduates are eligible to obtain employment and licensure with a law enforcement agency as a fully empowered law enforcement officer for one year after graduation.



The greatest challenges in the path to law enforcement licensure are completion of basic training and successful performance on a comprehensive state licensure examination.



HOW A LICENSE IS ISSUED (CONTINUED)

Regardless of which training option is chosen, all candidates must pass two pre-enrollment tests in order to become eligible for entry into an academy training session.

Track Programs.

A track program offers the candidate an opportunity to undergo basic law enforcement training while also earning a college degree. Track program candidates are not employed by a law enforcement agency at the time of their training and therefore must pay all costs associated with their training. Of the 20 MCOLES approved training academies statewide, four locations offer a college track program with completion of an associates degree and two locations offer a college track program with the completion of a baccalaureate degree. Community college track programs offer the two-year associate's degree, and university-based track programs offer the four-year degree. Program graduates must become employed with a law enforcement agency, as a fully empowered law enforcement officer, within one year of graduation in order to become licensed.

Pre-enrollment Testing.

Regardless of which training option is chosen, all candidates must pass two pre-enrollment tests in order to become eligible for entry into an academy training session. The MCOLES reading and writing examination is administered via computer at designated sites. The MCOLES physical fitness test must be taken at MCOLES approved academy sites. Both tests are scheduled on a periodic basis. Test schedules may be viewed at the MCOLES website at www.michigan.gov/mcoles.

Each candidate enrolling in a training session must attain passing scores on these tests. The physical fitness test is also used to assess candidate fitness upon exiting the academy training.



Recruits from Grand Rapids Community College



Recruit from Kellogg Community College

THE LAW ENFORCEMENT LICENSING EXAMINATION

Every candidate for Michigan law enforcement must pass the licensing examination. The examination is designed to measure minimum competency to enter the profession as a law enforcement officer. This is a comprehensive written examination wherein the examinees are presented with various situational questions to which they must identify the correct response. The test is behavioral in nature in that the respondents must identify the law enforcement behavior that is appropriate for the situation they are presented.

The examination consists of multiple-choice questions, each accompanied by three plausible alternatives. The test questions are “blueprinted” to the 594-hour curriculum. This means that test questions are matched to the individual training objectives that appear in the curriculum. The validity of this examination is maintained by MCOLES testing experts. Through a pre-testing process, statistical analyses of all questions are performed to ensure that the test items are fair and unbiased. Questions are pre-tested to ensure alternative choices, known as distractors, are working as intended.

Recruits who fail the initial administration of this examination are given a second chance to pass the test. Those who fail the final administration of the examination are required to repeat the basic recruit training in order to continue pursuit of a Michigan law enforcement career.

Although all recruits must pass this examination to become licensed, the use of a single test score by MCOLES is not the sole determinant of skills mastery. One test cannot fully evaluate recruit competencies. Accordingly, MCOLES requires that all academies administer periodic written examinations to their recruits, including a comprehensive legal examination near the completion of the school, in addition to individual skills assessments (firearms, emergency vehicle operations, subject control, first aid, and physical fitness). The recruits are assessed throughout their academy experience in a variety of manners in order to measure their suitability for the profession.



Recruits from Lake Superior State University taking the MCOLES licensing exam.



The law enforcement licensure examination is designed to measure mastery of the MCOLES mandated curriculum.



REVOCATION OF THE LAW ENFORCEMENT LICENSE

Each case that falls within MCOLES scope of authority is investigated thoroughly, and the accused officers are afforded full due process, specified under the Administrative Procedures Act of 1969.

Criminal or unethical behavior by police officers cannot be ignored. Most ethical breaches require official action. Law enforcement employers handle many of these cases; however, some violations warrant removal of an individual's ability to remain in the law enforcement profession. The most effective way to accomplish this is revocation of law enforcement licensure.

As a result of Public Act 237 of 1998, MCOLES is responsible for revocation of the law enforcement license when the holder has been convicted of a felony, whether by verdict of a judge or jury, plea of guilty, or plea of no contest. Felonies, as defined in the Act, include those crimes expressly designated by statute as felonies and crimes that are punishable by a term of imprisonment that is greater than one year. Additionally, revocation is required when a person is found to have committed misrepresentation or fraud in gaining law enforcement licensure.

MCOLES does not take revocation action on ethics complaints that fall outside the statutory guidelines. These cases remain the responsibility of local authorities. Each case that falls within MCOLES scope of authority is investigated thoroughly, and the accused officers are afforded full due process, specified under the Administrative Procedures Act of 1969.



MCOLES investigates any standards compliance matter that impacts the ability of individual(s) to obtain or maintain law enforcement licensure. Many revocation matters are revealed during the course of routine MCOLES standards

compliance investigations. The issues in these investigations may include arrest and conviction of a criminal offense, use of fraudulent means to obtain law enforcement licensure, allegations of poor moral character, positive drug screens, mental and emotional instability, problems with visual acuity or color vision, and disease or other medical problems that compromise a person's ability to perform law enforcement duties.

REVOCATION OF THE LAW ENFORCEMENT LICENSE (CONTINUED)



During 2016, 7 administrative hearings through the Michigan Administrative Hearing System (MAHS) were held and 7 active law enforcement licenses were revoked due to felony convictions.

In 2008, the Commission authorized the utilization of a form affidavit for use by local prosecuting attorneys in allowing a licensed law enforcement officer who had been criminally charged to voluntarily relinquish their law enforcement license as a condition of plea agreements. Generally, plea agreements are not coordinated with MCOLES license revocation efforts, but the Commission felt it necessary to structure such an agreement in a way that would not hinder the Commission's separate authority to revoke a license. The affidavit and agreement provides the officer's sworn statement that he or she voluntarily relinquishes their license for specific reasons that would legally justify revocation of the license by the Commission.

Typically, the process comes as a part of the plea agreement negotiated between defense counsel and the prosecuting attorney in allowing the officer to plea to a lesser offense having been originally charged with a felony.

MCOLES has made significant progress in securing cooperation for reporting, and with tracking and sharing information regarding individuals who are unsuitable for law enforcement employment. It is significant to note, however, that MCOLES presently does not have authority to suspend or remove law enforcement licensure from individuals who are convicted of committing certain crimes involving behavior clearly in violation of public trust. Examples include felony charges that are reduced in plea agreements without relinquishment, and certain misdemeanors, wherein offensive behavior is evident that is beyond any sensible boundaries for a law enforcement officer.

It is significant to note, however, that MCOLES presently does not have authority to suspend or remove law enforcement licensure from individuals who are convicted of committing certain crimes involving behavior clearly in violation of public trust.



MCOLES

SERVICES ~ DELIVERED THROUGH PARTNERSHIPS

MCOLES standards reach the field through the collaborative efforts of the Commission and its partners.

Partners include Michigan’s law enforcement leadership, training providers, professional organizations representing the various concerns of law enforcement, and the various other components of the criminal justice system. Together, they form the Michigan criminal justice community, the participation of which is imperative to the identification and achievement of MCOLES goals.

Working in partnerships is the MCOLES strategy, yet MCOLES goals are developed with a focus on clients.

MCOLES clients are the citizens of Michigan, law enforcement officers, and the other criminal justice professionals who serve citizens. Law enforcement alone cannot create safe communities, yet the public correctly expects that its police officers and Michigan’s criminal justice system will be able and willing to protect the public, to act on conditions

that foster crime, and to respond effectively when a crime has been committed. In balance, the law enforcement officer, and other criminal justice professionals, deserve to be provided with the tools that enable them to carry out these difficult and sometimes dangerous tasks successfully and always with priority on safety. Ultimately, the criminal justice system cannot succeed unless its components each function correctly. The following graphic is representative of MCOLES services and the environment in which they are now developed and provided.



LICENSING OF RAILROAD POLICE OFFICERS

Commissioning and other requirements of railroad police officers in Michigan can be found in the Railroad Code of 1993, (P.A. 354 1993). Railroad police officers must meet the training and employment standards of law enforcement officers in accordance with Public Act 203 of 1965, as amended, the enabling legislation for MCOLES. Railroad police officers are employees of companies that own, lease, use, or operate any railroad in this state.

In addition to meeting the MCOLES standards, law requires that the state police (responsibility assigned to MCOLES) must

determine the individual is suitable and qualified in order to issue a commission.

Every commissioned railroad police officer has statewide authority to enforce the laws of the state and the ordinances of local communities when engaged in the discharge of his or her duties as a railroad police officer for their employing company. Their authority is directly linked to the company's property, its cargo, employees, and passengers. Railroad police officers carry their authority beyond the company's property when enforcing or investigating violation of the law related to their railroad.



Every commissioned railroad police officer has statewide authority to enforce the laws of the state and the ordinances of local communities when engaged in the discharge of his or her duties as a railroad police officer for their employing company.



LICENSING OF PRIVATE SECURITY POLICE OFFICERS

Licensed under the Private Security Business and Security Alarm Act...private security police officers, employed by licensed agencies, have full arrest authority while in uniform, on duty, and on the property of their employer.

Licensed under the Private Security Business and Security Alarm Act, Public Act 330 of 1968, private security police officers, employed by licensed agencies, have full arrest authority while in uniform, on duty, and on the property of their employer. Public Act 330 requires private security licensees to be at least 25 years of age.

Under Public Act 330, private security police officers must obtain 100 to 120 hours of training. The higher amount is required for private security police officers who intend to carry firearms. These personnel are also required to attend twelve hours of in-service training annually. Among the topics for which private security police officers must receive training are law, firearms, defensive tactics, critical incident management,

emergency preparedness, patrol operations, and first aid.

Presently there are twelve agencies in Michigan that have private security police status. Each of these agencies employ from 20 to 200 private security police officers. They are:



- Lansing Public Schools
- Detroit Medical Center
- Henry Ford Health System
- Renaissance Center Management Co.
- University of Detroit Mercy
- St. John's Hospital and Medical Center
- Oakwood Hospital and Medical Center
- Schoolcraft College
- Spectrum Health
- Detroit Public Schools
- Wayne County Community College District
- Emergent BioDefense
- General Motors Company

PUBLIC SAFETY OFFICERS BENEFIT ACT

DEATH AND DISABILITY BENEFITS

The Public Safety Officers Benefit Act (PSOB), Public Act 46 of 2004, provides for a one-time payment of \$25,000 for the care of a public safety officer permanently and totally disabled in the line of



duty. In the event the public safety officer was killed in the line of duty, the spouse, children, or estate of the officer may be eligible for the one time payment of \$25,000. Benefits paid under the Act are retroactive to incidents resulting in an officer's death or permanent and total disability that occurred on or after October 1, 2003.

Covered Public Safety Officers

"Public safety officer" means an individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, rescue squad member, or ambulance crew member. Further, "law enforcement officer" means an individual involved in crime and juvenile delinquency control or reduction or the enforcement of the criminal law. It includes police, corrections, probation, parole, bailiffs, or other similar court officers. "Firefighter" means a volunteer or

employed member of a fire department of a city, county, township, village, state university, community college, or a member of the Department of Natural Resources employed to fight fires.

Eligibility

The one-time \$25,000 benefit is paid to an eligible beneficiary(ies) in the following order:

If the public safety officer is permanently and totally disabled, the one-time benefit will be paid to the spouse; if there is no spouse, then to the dependents of the officer. If there are no dependents, then the benefit will be paid to the entity providing care to the officer.

If the officer is killed in the line of duty, the benefit will be paid to the spouse. If there is no surviving spouse, then to the dependents of the officer. If there is no surviving spouse or surviving dependents, then the benefit will be paid to the estate of the deceased officer.

A 2016 amendment to the PSOB Act provides a medical benefit plan to a decedent's surviving spouse and dependent children, for as long as 60 months, unless the spouse or children are qualified for and covered by a different source.

Benefits Distributed in 2016

A total of \$125,000 was distributed from fiscal year 2016 funds to survivors for the deaths of three law enforcement officers, one correctional officer, and one firefighter. Four claims were carried forward into FY 2016.



The Act provides for a one-time payment of \$25,000 for the care of a public safety officer permanently and totally disabled in the line of duty. In the event the public safety officer was killed in the line of duty, the spouse, children, or estate of the officer may be eligible for the one time payment of \$25,000.

STOP VIOLENCE AGAINST WOMEN

The federal Office on Violence Against Women administers grant programs nationwide as authorized by the Violence Against Women Act of 1994 (VAWA). These grant programs are designed to improve the nation's ability to reduce domestic violence, dating violence, sexual assault, and stalking by strengthening services to victims and holding offenders accountable for their actions. Under authorization from VAWA, the STOP Violence Against Women Act (STOP) promotes a multi-disciplinary community response to crimes against women. STOP is a formula grant program that provides funding to each state. MCOLES receives annual funding to administer training in the law enforcement response to domestic violence and sexual assault, in partnership with the Michigan Domestic and Sexual Violence Prevention and Treatment Board (MDSVPTB). STOP grant funds also provide technical assistance to Michigan law enforcement agencies for the development of domestic violence and sexual assault policies, procedures, and protocols.

Working in conjunction with the MDSVPTB, MCOLES has

established training specifications in the law enforcement response to domestic violence and sexual assault for both recruit trainees and active duty law enforcement officers. The domestic violence curriculum contains training objectives in the nature and prevalence of domestic violence, laws regarding domestic violence, stalking, and the response by law enforcement officers. The emphasis is on understanding assaultive behaviors, the nature of victimization,



safe response procedures, and professional best practices. The sexual

assault curriculum contains objectives on Michigan's Criminal Sexual Conduct Act, investigating sexual assault complaints, and understanding the nature and dynamics of trauma and sexual victimization. The overall goal of both training programs is to emphasize a victim-centered, offender-focused response by law enforcement to domestic

violence and sexual victimization.

To maintain credibility and perspective, each training session is delivered by a team of instructors consisting of law enforcement practitioners, service providers, and attorneys. Formal and informal feedback from instructors and participants are documented after each session to ensure the content reflects the realities of contemporary policing. The basic academy training is tailored for recruits who have no real life experiences responding to such calls. The instruction for active duty officers recognizes that an experienced officer's understanding of domestic violence and sexual assault is shaped by street experience, in-service training programs, and continuing education. MCOLES also offers a model domestic violence policy for agency administrators so organizational policies and procedures can reflect best practices across the state. The model domestic violence policy can be downloaded at www.michigan.gov/mcoles.

MCOLES continues its relationship with the MDSVPTB to combat domestic violence and sexual assault statewide. Meeting the needs of victims would be negatively impacted without continuing STOP grant funding. During 2016, the MCOLES staff continued to provide the necessary administrative and budgetary oversight as the statewide training in both domestic violence and sexual assault continued to be conducted.

MCOLES INFORMATION & TRACKING NETWORK (MITN)



The MCOLES Information and Tracking Network (MITN) is the Commission's integrated, web-enabled database system designed to track the careers of Michigan law enforcement officers from basic training, employment, and in-service training through separation from employment.

Information contained in MITN is accessible 24 hours a day, seven days a week to MCOLES staff and authorized users employed by Michigan law enforcement agencies, MCOLES approved basic training academies, and registered in-service training providers. Significant benefits have been realized for both MCOLES constituents and staff with the implementation of the MITN.

- Automation of business processes to eliminate duplication of effort and provide direct user access to information and services.
- Distributed entry of application information, employment history record updates, personnel transactions, training, and other data by end users to facilitate the 'single entry' of data.

- Ability to conduct legally mandated reporting tasks on-line 24/7 from any constituent location.
- Automation of applications, reports, and other forms to allow the secure, electronic transmission of documents between MCOLES and its constituents.

MITN was implemented in 2004. Essential functionality includes Web-based access to the user-specific modules listed below:

- Michigan law enforcement agencies utilize the system to comply with MCOLES mandated reporting requirements, such as employment transactions, annual verification of officer rosters, and the expenditure of Michigan Justice Training Funds.
- MCOLES approved basic training academies set up

academy sessions, enroll students, and submit completion transactions.

- In-service training providers register courses with MCOLES, identify course offerings, and submit attendance rosters which attach directly to officer records.
- In-service training resources are also available to authorized users through the system and include a searchable training course registry of upcoming training events.
- Online help ability to update the user-agency profile information are also provided.

MITN development continues as an ongoing process to improve existing functionality and add new features.



WEBSITE & FACEBOOK PAGES:

WWW.MICHIGAN.GOV/MCOLES

WWW.FACEBOOK.COM/MICHIGAN.MCOLES



The MCOLES website offers convenient access to MCOLES organizational information, resources, and current events.

As our technology-driven environment continues to foster rapid change, individuals and organizations exchange increasing amounts of information. The Internet has multiplied possibilities for the movement of information and communications. The MCOLES website first went online in 1998.

Today, the MCOLES website offers convenient access to MCOLES organizational information, current events, newsletters, annual report and law enforcement job vacancies. It also provides Commission information, such as meeting dates, meeting minutes, Commission resolutions, and relevant statutes and rules.

The website also contains a directory

of Michigan law enforcement agencies, approved basic training academies, academy pre-enrollment test dates, a calendar for MITN training sessions, links to websites of interest, and answers to frequently asked questions. The website also serves as the portal to MITN. Visitors to the site will find relevant information dealing with all aspects of MCOLES standards and training, and will be able to find information dealing with the various programs and services which MCOLES administers.

The MCOLES social media page on Facebook continues to grow in popularity with job postings leading users back to the MCOLES website. The address is: www.facebook.com/Michigan.mcoles.



STRATEGIC PLAN ~ LOOKING FORWARD TO 2018 ~ AN UPDATE

In January of 2014, Commission and staff began implementing the initiatives, goals, and objectives set out in the MCOLES Strategic Plan. MCOLES has been working closely with the Council on Law Enforcement and Re-invention. Specifically four areas of concentration were identified and agreed upon for MCOLES to focus its effort this year. Although these initiatives did not specifically relate to the MCOLES strategic plan a number of accomplishments were made towards the goals.

Goal 1. Increase Outreach Opportunities

1.2 Increase two way communications with potential new recruits, funding sources, and stakeholders through the use of relevant technology.

- MCOLES annually attends and presents at various association conferences and meetings to include: Michigan Association of Chiefs of Police (MACP), Michigan Sheriff's Association (MSA), Police Officers Association of Michigan (POAM), Michigan Association of Police (MAP), Police Officers Labor Council (POLC), and district police chief meetings.

1.3. Increase direct contact with national and regional justice and public safety professionals

- Executive Director Harvey was sworn in as the President of the International Association of Directors of Law Enforcement Standards and Training (IADLEST) in June 2015. He represented the association and Michigan in numerous state conferences to include Alaska, Kentucky, and Texas. Additionally, he gave presentations at law enforcement conferences in Serbia and Bogota, Colombia.
- Director Harvey also served on numerous committees that met regularly in Washington D.C. in conjunction with the Bureau of Justice Assistance, the Concerns of Police Survivors organization, and Department of Justice.
- Deputy Executive Director Kramp was invited by the Department of Justice to participate in a forum in Washington D.C. on implicit bias in response to domestic violence and sexual assault

Goal 2. Improve organizational assets

2.1 Establish budgetary priorities for Legislative use

- A budget request was submitted asking for the entire operational costs of MCOLES operations. This would relieve the burden on training funds that MCOLES is utilizing for administrative purposes and in accordance with statutory authority.
- Executive Director Harvey gave presentations to both the House and Senate Appropriations sub-committees detailing MCOLES operations, costs, and revenues.

Goal 3. Develop Resource Autonomy

3.2 Inform, advise and educate Stakeholders on the MCOLES business model

- Executive Director Harvey gave presentations to both the House and Senate appropriations sub-committees on the operations, costs, and revenues of MCOLES.
- Executive Director Harvey presented at the MACP New Chief's School highlighting the business model to new and future Chiefs of Police.

Goal 4. Develop and promote excellence in professional standards

4.1 Support legislative reform for law enforcement ethics.

- SB 411 and 412 did not get voted out of committee in the House Judiciary Committee in the previous legislative session. SB 92 and 93 were signed by the Governor on October 4, 2016.

ADVISORY IN-SERVICE TRAINING STANDARDS

In 2009 the Michigan Commission on Law Enforcement Standards (MCOLES) developed an active duty firearms standard for law enforcement officers in Michigan. This mandatory standard must be administered to officers at least once per year. Since 2012 MCOLES developed five *advisory* in-service training standards. MCOLES also developed an instructor guide for each advisory standard. The topics include:

- officer safety,
- emergency vehicle operations,
- legal update,
- subject control, and
- the response to persons with mental disorders.

MCOLES uses academic research, field surveys, direction from content specialists, information from risk management organizations, and professional best practices from across the country to ensure the standards and guides remain contemporary and valid. The advisory standards reside on the MCOLES website and can be downloaded by agency trainers and instructors for in-house training sessions. Regional training consortia often use the instructor guides as part of their course offerings. The goal is to make meaningful and logistically achievable training specifications available to all law enforcement agencies across the state.



The instructor guidelines contain objectives and sub-objectives but are not detailed lesson plans. Performance standards are clearly identified in each training module and instructor commentaries are included to describe the purpose of each standard, highlight important concepts, and provide direction. Resources are included in the guides as well.

MCOLES encourages agencies to use training methods and implementation strategies that best meet their local needs and capabilities. There are no required timeframes. MCOLES emphasizes training content and effective delivery rather than compliance with a specified number of training hours.

In 2008, the Michigan Legislature appropriated funding through the Department of Corrections to create mental health awareness training for active duty officers. At the conclusion of the 3-year project, the content was modified as an advisory in-service standard which was approved by the full commission on September 17, 2014.

Instructor Guides

The officer safety standard includes more than tactical skill and physical fitness. It blends an understanding of officer safety with the ability to perform tactically to create better performance on the street. An Officer Safety Self-Assessment checklist is included in this standard. This assessment is intended for personal reflection and encourages officers to honestly evaluate their habits in the areas of mindset, awareness, communication, tactics, decisions, and personality.

The emergency vehicle operations (EVO) standard is designed to improve and reinforce emergency driving skills and competencies. The EVO guide emphasizes decision-making, sound judgment, and performance in high pressure situations. Training must reflect real world settings and includes driving skills, decision making, safety, legal authority, communication, and situational awareness.

The legal standard is designed as an update of the most recent court cases and legislation. Laws change frequently and officers must be provided with the latest information regarding their authority to act. Officers need to connect legal precedent with their job responsibilities thereby ensuring compliance with

ADVISORY IN-SERVICE TRAINING STANDARDS (CONTINUED)



current statutes and court rulings.

The subject control standard is designed to help prepare officers to perform reasonably in situations that are tense, uncertain, and evolving rapidly. The training specifications in this module address the need for officers to understand the objectively reasonable requirements of the Fourth Amendment, demonstrate tactics, techniques, and concepts to achieve subject control, and then perform in reality-based training scenarios.



The training objectives for mental disorders include interpreting behaviors, defining mental disorders, the legal authority to act, response procedures, referrals, and community partnerships. The staff also developed a model policy for agencies so they can easily adopt written directives to shape officer discretion in these types of encounters.

The in-service standards are intended to enhance the training an officer receives in basic training and reinforce pre-service skills such as driving and firearms. Each law enforcement agency is responsible for reporting compliance with these training standards. Similar to all other in-service training, course information is registered in advance by agency MITN operators and reviewed by MCOLES staff for compliance with the in-service training specifications. Upon completion of each course, attending officers are entered into the system for tracking. This entry updates each officer's training file and provides an accurate and permanent record of completed training.

The advisory in-service training standards were created to assist law enforcement officers in serving the people of Michigan. By meeting these training standards, agencies will reinforce officer safety, sound tactics, and judgment. By partnering with professionals and practitioners from around the state, the task of creating these advisory in-service standards has been achieved in a manner applicable to all Michigan law enforcement agencies.



Michigan State Police Drive Track





MCOLES
Michigan Commission on Law Enforcement Standards

FOR THE RECORD FACTS AND FIGURES

“For the Record” is a collection of MCOLES facts and figures organized in one location for reader convenience.



COMMISSION MEETING SCHEDULE

January 1 to December 31, 2016

February 10		Lansing
April 13		Lansing
June 13		Lansing
September 28		Lansing
November 2		Lansing
December 7		Lansing

TRAINING DIRECTOR CONFERENCES

January 1 to December 31, 2016

April 6-7.....	Lansing
October 18-19	Lansing



MCOLES BUDGET FOR FY 2016

In 2001 an executive reorganization order was issued combining the Commission on Law Enforcement Standards and the Justice Training Commission into the Michigan Commission on Law Enforcement Standards. The order is codified as MCL 28.621 and combines the policy setting and administrative responsibilities of Public Act 203 of 1965 and Public Act 302 of 1982 into a single commission, supported by both a general fund appropriation and the Michigan justice training fund (MJTF).

In the 2010 fiscal year, the Legislature combined the standards and training appropriation funded by the general fund with the justice training fund appropriation into a single appropriation, the standards and training/justice training grants. The standards and training portion is general fund supported. The justice training grants portion of the appropriation was created by Public Act 302 of 1982 and is funded with a percentage of the criminal justice system fund.

Effective with the 2011 fiscal year, the Police Officers and Firefighters Survivor Tuition Program was transferred to the Department of Treasury, Office of Scholarship and Grants. While both the appropriation and administrative responsibilities were transferred along with the funding, Public Act 470 of 2012 assigned to the MCOLES the responsibility of claims investigation and verifying eligibility.

The MCOLES received \$741,100 in general fund support for this fiscal year beginning October 1, 2015. Significant changes that impacted the MCOLES for fiscal year 2016 were staffing remained at 18, down from a high of 28, despite additional mandated programs taking effect. Although spending authorization had slight decreases for the Michigan Justice Training Fund and Training to Locals, actual revenue did not reach the appropriation amount.

Appropriation Line Items Found in Sec. 103 of the 2016 Budget	Appropriation Amount
Standards and training/justice training grants:	
General fund	\$ 741,100
Restricted Michigan justice training fund authorization	8,195,600
LEOSA	4,500
DOJ-STOP	174,900
Training only to local units	647,300
Public safety officers benefit program	150,000
Total	\$ 9,913,400

JUSTICE TRAINING FUND: REVENUE HISTORY



The Justice Training Fund provides financial support for criminal justice training in Michigan. The two basic components of this funding are the Law Enforcement Distribution and the Competitive Grant Program. The following fact tables reflect the actual revenue (plus interest) received by the Justice Training Fund for fiscal year 2016.

REVENUE HISTORY

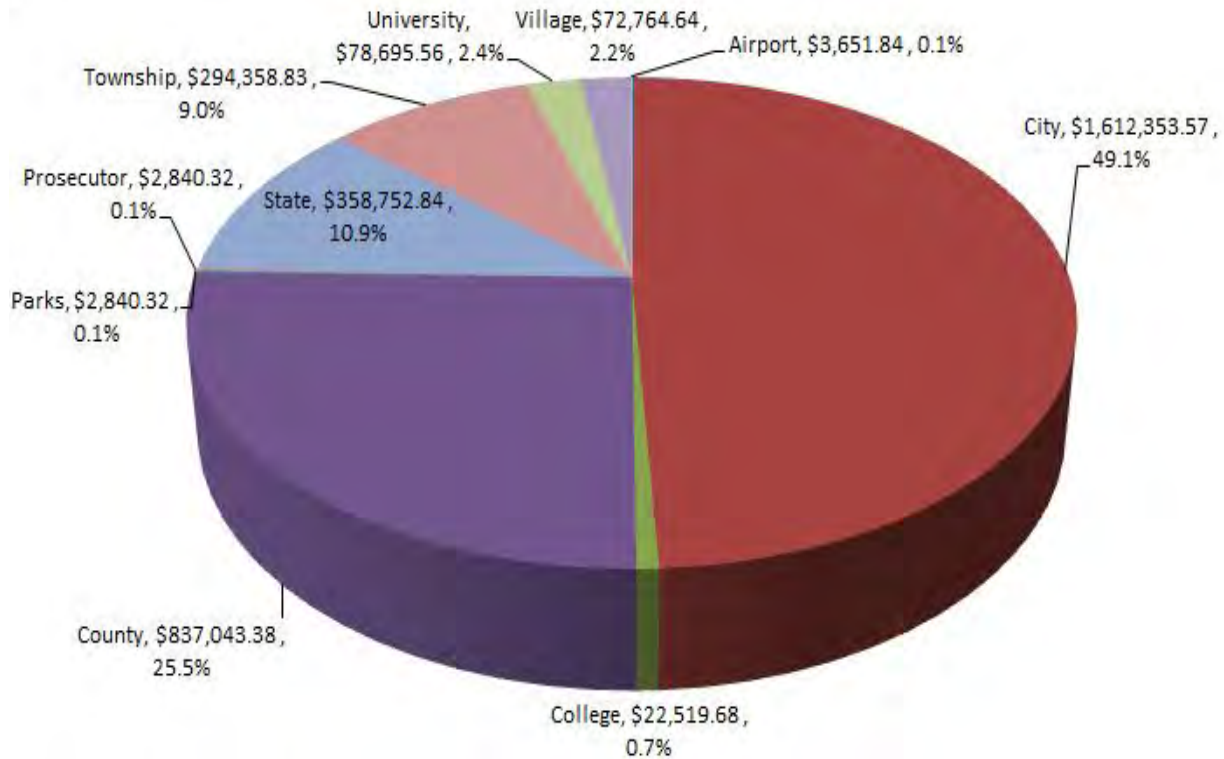
Fiscal Year	Revenue		Fiscal Year	Revenue
1983	\$3,320,107.15		2000	\$7,276,742.57
1984	\$4,583,027.95		2001	\$6,943,969.22
1985	\$4,447,236.08		2002	\$7,067,695.66
1986	\$5,173,915.75		2003	\$7,095,303.22
1987	\$6,014,138.53		2004	\$7,245,949.07
1988	\$5,994,250.80		2005	\$7,328,125.89
1989	\$6,121,940.37		2006	\$7,517,468.88
1990	\$6,210,119.52		2007	\$7,266,313.50
1991	\$6,147,997.67		2008	\$7,073,573.58
1992	\$5,837,944.05		2009	\$6,357,355.17
1993	\$5,730,379.00		2010	\$5,994,695.27
1994	\$5,891,759.95		2011	\$5,635,689.82
1995	\$5,979,791.22		2012	\$5,289,933.10
1996	\$6,221,561.29		2013	\$5,290,085.36
1997	\$6,485,185.34		2014	\$5,299,189.73
1998	\$6,917,459.47		2015	\$5,433,078.75
1999	\$6,995,557.57		2016	\$4,951,461.10

JUSTICE TRAINING FUND (CONTINUED)

MONEY DISTRIBUTED FOR 2016

2016 LAW ENFORCEMENT DISTRIBUTION

Agency Type	Number of Agencies	Funds Awarded	Percent of Total
Airport	1	\$3,651.84	0.1%
City	221	\$1,612,353.57	49.1%
College	6	\$22,519.68	0.7%
County	78	\$837,043.38	25.5%
Parks	1	\$2,840.32	0.1%
Prosecutor	1	\$2,840.32	0.1%
State	1	\$358,752.84	10.9%
Township	83	\$294,358.83	9.0%
University	14	\$78,695.56	2.4%
Village	77	\$72,764.64	2.2%
Total	483	\$3,285,818.98	100.0%





READING & WRITING TESTING

Fiscal Year	Reading & Writing Examination	Fiscal Year	Reading & Writing Examination
1993-1994	4,261	2005-2006	1,743
1994-1995	3,385	2006-2007	2,200
1995-1996	4,358	2007-2008	3,741
1996-1997	5,662	2008-2009	2,467
1997-1998	3,635	2009-2010	1,976
1998-1999	4,245	2010-2011	1,718
1999-2000	4,198	2011-2012	1,186
2000-2001	3,754	2012-2013	1,742
2001-2002	3,167	2013-2014	1,935
2002-2003	3,058	2014-2015	1,905
2003-2004	3,724	2015-2016	2,165
2004-2005	3,928		

NEW LICENSES ISSUED BY YEAR

2000	1,637	2009	478
2001	1,290	2010	352
2002	974	2011	370
2003	686	2012	580
2004	700	2013	636
2005	655	2014	836
2006	543	2015	824
2007	565	2016	888
2008	627		



ACTIVE DUTY FIREARM STANDARD

	2009	2010	2011	2012	2013	2014	2015	2016
Number of licensed officers who attended registered training to comply with the Active Duty Firearm Standard, generating a permanent record of compliance in MITN	4,747	9,941	10,602	10,265	10,701	11,467	11,501	10,887
Number of training courses registered in MITN that comply with the Active Duty Firearm Standard	139	228	293	293	334	361	365	448
Number of law enforcement agencies and training consortiums that registered a course in MITN that complies with the Active Duty Firearm Standard	131	209	241	253	275	292	293	322
Number of training offerings of MITN registered training that complies with the Active Duty Firearm Standard	389	920	1,023	994	960	1,292	1,291	1324

MCOLES

EMPLOYMENT STANDARDS



Category	Standard	Comments
Age	Not less than 18 years.	No maximum age
Citizenship	United States Citizenship.	Birth Certificate; Certificate of Naturalization; Valid Passport
Education	High school diploma or GED is the minimum for an employed recruit. Pre-service recruits must have a minimum of an associate's degree upon completion of the basic training academy.	A college degree from an accredited institution is evidence of complying with the minimum standard.
Felony Convictions	No prior felony convictions.	Includes expunged convictions.
Good Moral Character	Possess good moral character as determined by a favorable comprehensive background investigation covering school and employment records, home environment, and personal traits and integrity.	Includes arrest and expunged convictions, all previous law violations and personal protection orders.
Driver's License	Possess a valid operators or chauffeur's license.	May not be in a state of suspension or revocation
Disorders, Diseases or Defects	Be free from any physical defects, chronic diseases, or mental and emotional instabilities which may impair the performance of a law enforcement officer or which might endanger the lives of others or the law enforcement officer.	This includes, but is not limited to, diseases such as diabetes, seizures and narcolepsy. Each case shall be investigated to determine its extent and effect on job performance. The evaluation should include the expert opinion of a licensed physician specializing in occupational medicine.* See below for mental and emotional instability standard.
Hearing	Initial unaided testing involves pure tone air conduction thresholds for each ear, as shown on the pure tone audiogram, shall not exceed a hearing level of 25 decibels at any of the following frequencies: 500, 1000, 2000, 3000; and 45 decibels at 4000 Hertz.	Initial testing may be performed by a certified hearing conservationist, a licensed hearing aid specialist or a licensed audiologist. See Note for individuals requiring additional unaided or aided testing requirements by a licensed audiologist. *
Mental/ Emotional Disorders	Be free from mental or emotional instabilities which may impair the performance of the essential job functions of a law enforcement officer or which might endanger the lives of others or the law enforcement officer.	Mental and emotional stability may be assessed by a licensed physician, or a licensed psychologist or psychiatrist. MCOLES may require the examination be conducted by a licensed psychologist or psychiatrist. **



MCOLES

EMPLOYMENT STANDARDS (CONTINUED)

Category	Standard	Comments
Vision, Color	Possess normal color vision without the assistance of color enhancing lenses.	The unaided eye shall be tested using pseudoisochromatic plates. The Farnsworth Dichotomous D-15 panels shall be used for any candidate who fails the pseudoisochromatic plates.
Vision, Corrected	Possess 20/20 corrected vision in each eye.	No uncorrected standard
Vision, Normal Functions	Possess normal visual functions in each eye.	Includes peripheral vision, depth perception, etc.
Reading and Writing	Pass the MCOLES reading and writing examination or an approved agency equivalent examination.	Does not apply to Recognition of Prior Training & Experience Program Students
Physical Fitness	Pass the MCOLES physical fitness pre-enrollment examination. This does not apply to Recognition of Prior Training & Experience Program students.	Pre-enrollment testing is required for admittance to an approved training program, however this standard is fulfilled only upon successful completion of physical fitness training.
Police Training	Successfully complete the MCOLES mandatory basic training curriculum.	This may be done by completing successfully, an approved college preservice program or a basic training academy. Candidates seeking reciprocity from other states may apply for the Recognition of Prior Training and Experience Program.
Licensing Examination	Pass the MCOLES licensing examination upon the completion of basic training.	For reciprocity candidates, successfully complete the Recognition of Prior Training and Experience Program and licensing examination.
Fingerprinting	Fingerprint the applicant with a search of state or federal fingerprint files to disclose criminal record.	Includes expunged convictions.
Oral Interview	Conduct an oral interview to determine the applicant's acceptability for a law enforcement officer position and to assess appearance, background and the ability to communicate.	
Drug Testing	Cause the applicant to be tested for the illicit use of controlled substances	Must use a Commission certified laboratory and comply with Commission procedures.

MCOLES

MANDATED BASIC TRAINING CURRICULUM

THE MANDATED BASIC TRAINING CURRICULUM CURRENTLY STANDS AT 594 HOURS

Basic Training Curriculum (594 Hours)

Functional Area	Functional Area Hours	
<i>Subject Area</i>	<i>Subject Area Hours</i>	
Module Title	Module	Hours
Administrative Time		18
<i>Administrative Time</i>		18
MCOLES Testing and Administration	N/A	8
Director Testing	N/A	10
I. Investigation		115
<i>A. Introduction to Investigation</i>		2
1. Constitutional Law*	I-A-1	2
<i>B. Substantive Criminal Law</i>		24
1. Laws Regarding Crimes Against Persons*	I-B-1	6
2. Laws Regarding Crimes Against Property*	I-B-2	6
3. Laws Regarding Contraband and Regulatory Crimes*	I-B-3	4
4. Laws Regarding Public Order Crimes*	I-B-4	2
5. Laws of Evidence*	I-B-5	4
6. Juvenile Law*	I-B-6	2
<i>C. Criminal Procedure</i>		31
1. Laws of Admissions and Confessions*	I-C-1	4
2. Interrogation Procedures	I-C-2	3
3. Laws of Arrest*	I-C-3	4
4. Arrest Procedures	I-C-4	2
5. Laws on Search Warrants*	I-C-5	2
6. Search Warrant Procedures	I-C-6	2
7. Laws on Warrantless Searches*	I-C-7	6
8. Warrantless Search Procedures	I-C-8	6
9. Laws on Suspect Identification*	I-C-9	2
<i>D. Investigation</i>		12
1. On-scene Preliminary Investigation	I-D-1	3
2. Preliminary Witness Interviewing	I-D-2	4
3. Preliminary Investigation of Deaths	I-D-3	2
4. Suspect Identification Procedures	I-D-4	3
<i>E. Court Functions and Civil Law</i>		4
1. Court Functions and Civil Law*	I-E-1	4
<i>F. Crime Scene Process</i>		20
1. Crime Scene Search	I-F-1	6
2. Recording the Crime Scene	I-F-2	4
3. Collection and Preservation of Evidence	I-F-3	8
4. Processing Property	I-F-4	2

* Must be taught by an attorney admitted to the Michigan Bar



MANDATED BASIC TRAINING CURRICULUM

(CONTINUED)

Basic Training Curriculum (594 Hours)

Functional Area	Functional Area Hours	
<i>Subject Area</i>	<i>Subject Area Hours</i>	
Module Title	Module	Hours
I. Investigation (continued)		
<i>G. Special Investigations</i>		8
1. Child Abuse and Neglect Investigation	I-G-1	3
2. Sexual Assault Investigation	I-G-2	3
3. Narcotics and Dangerous Drugs	I-G-3	2
<i>H. Investigation of Domestic Violence</i>		14
1. Nature and Prevalence of Domestic Violence	I-H-1	3
2. Laws Regarding Domestic Violence*	I-H-2	3
3. Domestic Violence Response Procedures	I-H-3	8
* Must be taught by an attorney admitted to the Michigan Bar		
II. Patrol Procedures		65
<i>A. Patrol Operations</i>		10
1. Preparation for Patrol	II-A-1	1
2. Radio/Telephone Communications	II-A-2	8
3. Patrol Operation Administrative Duties	II-A-3	1
<i>B. Ethics In Policing and Interpersonal Relations</i>		25
1. Ethics in Policing	II-B-1	4
2. Laws Pertaining to Civil Rights and Human Relations	II-B-2	2
3. Cultural Competence and Sexual Harassment	II-B-3	8
4. Interpersonal Skills	II-B-4	8
5. Civil Dispute	II-B-5	1
6. Victim Rights	II-B-6	2
<i>C. Patrol Techniques</i>		12
1. Types of Patrol	II-C-1	1
2. Patrol Area Checks	II-C-2	4
3. Responding to Crimes in Progress	II-C-3	4
4. The Response to Persons with Mental Disorders	II-C-4	3
<i>D. Report Writing</i>		12
1. Obtaining Information and Preparing Reports	II-D-1	12
<i>E. Juveniles</i>		6
1. Dealing With Juvenile Offenders	II-E-1	4
2. Dealing With the Families of Juveniles	II-E-2	2



MANDATED BASIC TRAINING CURRICULUM

(CONTINUED)

Basic Training Curriculum (594 Hours)

Functional Area	Functional Area Hours	
<i>Subject Area</i>	<i>Subject Area Hours</i>	
Module Title	Module	Hours
III. Detention and Prosecution		15
<i>A. Receiving and Booking Process</i>		6
1. Searching and Fingerprinting Prisoners	III-A-1	4
2. Prisoner Care and Treatment	III-A-2	2
<i>B. Case Prosecution</i>		8
1. Warrant Preparation	III-B-1	1
2. Warrant Request and Arraignment	III-B-2	2
3. Preparation For Legal Proceedings	III-B-3	1
4. Testimony and Case Critique	III-B-4	4
<i>C. Civil Process</i>		1
1. Civil Process	III-C-1	1
IV. Police Skills		278
<i>A. First Aid</i>		37
1. Introduction to First Aid	IV-A-1	3
2. Bandaging Wounds and Controlling Bleeding	IV-A-2	3
3. Treating Fractures	IV-A-3	4
4. Administering CPR	IV-A-4	12
5. Treating Environmental First Aid Emergencies	IV-A-5	2
6. Treating Medical Emergencies	IV-A-6	3
7. Extricating and Transporting Injured Victims	IV-A-7	2
8. Practical First Aid Exercises	IV-A-8	8
<i>B. Firearms</i>		86
1. Laws and Knowledge Related to Firearms Use	IV-B-1	16
2. Firearm Skills	IV-B-2	50
3. Firearms Range Assessment	IV-B-3	8
4. Patrol Rifle	IV-B-4	12
<i>C. Police Physical Skills</i>		79
1. Mechanics of Arrest and Search	IV-C-1	8
2. Police Tactical Techniques	IV-C-2	5
3. Application of Subject Control	IV-C-3	4
4. Subject Control	IV-C-4	62
<i>D. Emergency Vehicle Operation</i>		32
1. Emergency Vehicle Operation: Legalities, Policies and Procedures	IV-D-1	8
2. Emergency Vehicle Operation Techniques	IV-D-2	24
<i>E. Fitness and Wellness</i>		44
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2. Health and Wellness	IV-E-2	8



MANDATED BASIC TRAINING CURRICULUM

(CONTINUED)

Basic Training Curriculum (594 Hours)

Functional Area	Functional Area Hours	
	Subject Area	Subject Area Hours
Module Title	Module	Hours
V. Traffic		70
<i>A. Motor Vehicle Law</i>		<i>10</i>
1. Michigan Vehicle Code: Content and Uses	V-A-1	1
2. MVC: Words and Phrases	V-A-2	1
3. MVC Offenses: Classification, Application and Jurisdiction	V-A-3	4
4. Application of Vehicle Laws and Regulations	V-A-4	4
<i>B. Vehicle Stops</i>		<i>13</i>
1. Vehicle and Driver Licensing	V-B-1	2
2. Observation and Monitoring of Traffic	V-B-2	1
3. Auto Theft	V-B-3	2
4. Stopping Vehicles and Occupant Control	V-B-4	8
<i>C. Traffic Control and Enforcement</i>		<i>4</i>
1. Traffic Direction and Control	V-C-1	2
2. Traffic Warnings, Citations and Arrests	V-C-2	2
<i>D. Operating While Intoxicated</i>		<i>24</i>
1. Standard Field Sobriety Testing	V-D-1	24
<i>E. Motor Vehicle Traffic Crash Investigation</i>		<i>19</i>
1. Introduction to Traffic Crash Investigation	V-E-1	2
2. Preliminary Investigation at Traffic Crashes	V-E-2	1
3. Uniform Traffic Crash Report (UD-10)	V-E-3	4
4. Locating and Identifying Traffic Crash Victims and Witnesses	V-E-4	1
5. Traffic Crash Evidence Collection: Field Sketching and Measuring	V-E-5	4
6. Traffic Crash Evidence Collection: Roadway Surface	V-E-6	4
7. Traffic Crash Evidence Collection: The Vehicle	V-E-7	1.5
8. Traffic Crash Follow-Up and Completion	V-E-8	1.5



MANDATED BASIC TRAINING CURRICULUM

(CONTINUED)

Basic Training Curriculum (594 Hours)

Functional Area	Functional Area Hours	
<i>Subject Area</i>	<i>Subject Area Hours</i>	
Module Title	Module	Hours
VI. Special Operations		33
<i>A. Emergency Preparedness/Disaster Control</i>		8
1. Emergency Preparedness	VI-A-1	6
2. Explosive Devices	VI-A-2	2
<i>B. Civil Disorders</i>		8
1. Civil Disorder Procedures	VI-B-1	4
2. Techniques for Control of Civil Disorders	VI-B-2	4
<i>C. Tactical Operations</i>		7
1. Tactical Operations	VI-C-1	7
<i>D. Environmental Crimes</i>		2
1. Environmental Crimes	VI-D-1	2
<i>E. Terrorism Awareness</i>		8
1. Terrorism Awareness	VI-E-1	3
2. Weapons of Mass Destruction	VI-E-2	2
3. Incident Command	VI-E-3	3

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APPENDICES



APPENDIX A The Commission on Law Enforcement Standards Act

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

Materials in boldface type, particularly catchlines and annotations to the statutes are not part of the statutes as enacted by the legislature.

As amended by Act No. 220, P.A. 1968, Act No. 187, P.A. 1970, Act No. 31, P.A. 1971, Act No. 422, P.A. 1976, Act No. 15, P.A. 1985, Act No. 155, P.A. 1994, Act No. 204, P.A. 1995, Act No. 545, P.A. 1996, and Act No. 237, P.A. 1998.

An act to provide for the creation of the commission on law enforcement standards; to prescribe the reporting responsibilities of certain state and local agencies; to provide for additional costs in criminal cases; to provide for the establishment of the law enforcement officers training fund and to provide for disbursement of allocations from the law enforcement officers training fund to local agencies of government participating in a police training program.

The People of the State of Michigan enact:

MCL §28.601. Short Title. Sec. 1.

This act shall be known and may be cited as the “commission on law enforcement standards act.”

MCL §28.602. Definitions. Sec. 2. As used in this act:

- (a) “Certificate” means a numbered document issued by the commission to a person who has received certification under this act.
- (b) “Certification” means either of the following:
 - (i) A determination by the commission that a person meets the law enforcement officer minimum standards to be employed as a commission certified law enforcement officer and that the person is authorized under this act to be employed as a law enforcement officer.
 - (ii) A determination by the commission that a person was employed as a law enforcement officer before January 1, 1977 and that the person is authorized under this act to be employed as a law enforcement officer.
- (c) “Commission” means the commission on law enforcement standards created in section 3.
- (d) “Contested case” means that term as defined in section 3 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.203.
- (e) “Executive director” means the executive director of the commission appointed under section 12.
- (f) “Felony” means a violation of a penal law of this state or another state that is either of the following:
 - (i) Punishable by a term of imprisonment greater than 1 year.
 - (ii) Expressly designated a felony by statute.
- (g) “Fund” means the law enforcement officers training fund created in section 13.
- (h) “Law enforcement officer minimum standards” means standards established by the commission under this act that a person must meet to be eligible for certification under section 9a (1).
 - (i) “Law enforcement officer of a Michigan Indian tribal police force” means a regularly employed member of a police force of a Michigan Indian tribe who is appointed pursuant to 25 C.F.R. 12.100 to 12.103.
 - (j) “Michigan Indian tribe” means a federally recognized Indian tribe that has trust lands located within this state.
 - (k) “Police officer” or “law enforcement officer” means, unless the context requires otherwise, either of the following:
 - (i) A regularly employed member of a police force or other organization of a city, county, township, or village, of the state, or of a state university or community college, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this state. Police officer or law enforcement officer does not include a person serving solely because he or she occupies any other office or position.
 - (ii) A law enforcement officer of a Michigan Indian tribal police force, subject to the limitations set forth in section 9 (3).
 - (l) “Rule” means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

MCL §28.603. Law enforcement commission; creation; membership. Sec. 3.

- (1) The commission on law enforcement standards is created to carry out the intent of this act.
- (2) The commission consists of the following 11 members:
 - (a) The attorney general, or his or her designated representative.
 - (b) The director of the department of state police, or his or her designated representative.
 - (c) Nine members appointed by the governor, with the advice and consent of the senate, as follows:
 - (i) Three individuals selected from a list of 6 active voting members of and submitted by the Michigan association of chiefs of police or its successor organization.
 - (ii) Three individuals selected from a list of 6 elected sheriffs submitted by the Michigan sheriffs association or its successor organization.
 - (iii) One individual selected from a list of 3 names submitted by the Michigan chapter of the fraternal order of the police or its successor organization.
 - (iv) One individual selected from a list of 3 names submitted by the police officers association of Michigan or its successor organization.
 - (v) One individual selected from a list of 3 individuals submitted by the Detroit police officers associations or their successor organizations.
 - (d) An individual selected under subdivision (c) shall serve as a commission member only while serving as a member of the respective organizations in subparagraphs (i) to (v).
- (3) The terms of the members of the law enforcement officers training council expire on the date that all members of the commission on law enforcement standards are appointed.

MCL §28.604. Law enforcement commission; terms, vacancies, reappointment. Sec. 4.

- (1) Except as otherwise provided in this subsection, members of the commission appointed under section 2 (2) (c) shall hold office for a term of 3 years. Of the members initially appointed from the list of nominees submitted by the Michigan association of chiefs of police, 1 member shall be appointed for a term of 3 years, 1 member shall be appointed for a term of 2 years, and 1 member shall be appointed for a term of 1 year. Of the members initially appointed from a list of nominees submitted by the Michigan sheriffs’ association, 1 member shall be appointed for a term of 3 years, 1 member shall be appointed for a term of 2 years, and 1 member shall be appointed for a term of 1 year.
- (2) A vacancy on the commission caused by expiration of a term or termination of a member’s official position in law enforcement shall be filled in the same manner as the original appointment.

APPENDIX A (CONTINUED)

(3) A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she is to succeed in the same manner as the original appointment. A member may be reappointed for additional terms.

MCL §28.605. Law enforcement commission; officers, terms; limitations of power; nonforfeiture of employment. Sec. 5.

The commission shall elect from among its members a chairperson and a vice-chairperson who shall serve for 1-year terms and who may be reelected.

(2) Membership on the commission does not constitute holding a public office, and members of the commission are not required to take and file oaths of office before serving on the commission.

(3) The commission does not have the right to exercise any portion of the sovereign power of the state.

(4) A member of the commission is not disqualified from holding any public office or employment by reason of his or her appointment or membership on the commission and shall not forfeit any public office or employment, because of his or her appointment to the commission, notwithstanding any general, special, or local law, ordinance, or city charter.

MCL §28.606. Law enforcement commission; meetings; procedures and requirements; conducting business at public meeting; notice. Sec. 6.

(1) The commission shall meet not less than 4 times in each year and shall hold special meetings when called by the chairperson or, in the absence of the chairperson, by the vice-chairperson. A special meeting of the commission shall be called by the chairperson upon the written request of 5 members of the commission.

(2) The commission shall establish its own procedures and requirements with respect to quorum, place and conduct of its meetings, and other matters.

(3) The commission's business shall be conducted in compliance with the open meetings act, 1976 PA 267, MCL 15.261 to 15.275. Public notice of the time, date, and place of the meeting shall be given in the manner required by the open meetings act, 1976 PA 267, MCL 15.261 to 15.275.

MCL §28.607. Law enforcement commission; annual report to governor. Sec. 7.

The commission shall make an annual report to the governor that includes pertinent data regarding the law enforcement officer minimum standards and the degree of participation of municipalities in the training programs.

MCL §28.608. Commission members; compensation, expenses. Sec. 8.

The members of the commission shall serve without compensation. The members of the commission are entitled to their actual expenses in attending meetings and in the performance of their official duties.

MCL §28.609. Minimum employment standards, rule promulgation, subject matter, waiver of requirements. Sec. 9.

(1) The commission shall promulgate rules to establish law enforcement officer minimum standards. In promulgating the law enforcement officer minimum standards, the commission shall give consideration to the varying factors and special requirements of local police agencies. The law enforcement officer minimum standards shall include all of the following:

(a) Minimum standards of physical, educational, mental, and moral fitness which shall govern the recruitment, selection, appointment, and certification of law enforcement officers.

(b) Minimum courses of study, attendance requirements, and instructional hours required at approved police training schools.

(c) The rules promulgated under this section shall not apply to a member of a sheriff's posse or a police auxiliary temporarily performing his or her duty under the direction of the sheriff or police department.

(d) Minimum basic training requirements that a person, excluding sheriffs, shall complete before being eligible for certification under section 9a (1).

(2) If a person's certification under section 9a (1) becomes void under section 9a (4) (b), the commission shall waive the requirements described in subsection

(1) (b) for certification of the person under section 9a (1) if 1 or more of the following apply:

(a) The person has been employed 1 year or less as a commission certified law enforcement officer, and is again employed as a law enforcement officer within 1 year after discontinuing employment as a commission certified law enforcement officer.

(b) The person has been employed more than 1 year but less than 5 years as a commission certified law enforcement officer and is again employed as a law enforcement officer within 18 months after discontinuing employment as a commission certified law enforcement officer.

(c) The person has been employed 5 years or more as a commission certified law enforcement officer and is again employed as a law enforcement officer within 2 years after discontinuing employment as a commission certified law enforcement officer.

(d) The person has successfully completed the mandatory training and has been continuously employed as a law enforcement officer, but through no fault of that person the employing agency failed to obtain certification for that person as required by this act.

(3) The commission shall promulgate rules with respect to all of the following:

(a) The categories or classifications of advanced in-service training programs for commission certified law enforcement officers and minimum courses of study and attendance requirements for the categories or classifications.

(b) The establishment of subordinate regional training centers in strategic geographic locations in order to serve the greatest number of police agencies that are unable to support their own training programs.

(c) The commission's acceptance of certified basic police training and law enforcement experience received by a person in another state in fulfillment in whole or in part of the law enforcement officer minimum standards.

(d) The commission's approval of police training schools administered by a city, county, township, village, corporation, college, community college, or university.

(e) The minimum qualification for instructors at approved police training schools.

(f) The minimum facilities and equipment required at approved police training schools.

(g) The establishment of preservice basic training programs at colleges and universities.

(h) Acceptance of basic police training and law enforcement experiences received by a person in fulfillment in whole or in part of the law enforcement officer minimum standards prepared and published by the commission if both of the following apply:

(i) The person successfully completed the basic police training in another state or through a federally operated police training school that was sufficient to fulfill the minimum standards required by federal law to be appointed as a law enforcement officer of a Michigan Indian tribal police force.

APPENDIX A (CONTINUED)

- (ii) The person is or was a law enforcement officer of a Michigan Indian tribal police force for a period of 1 year or more.
- (4) Except as otherwise provided in this section, a regularly employed person employed on or after January 1, 1977, as a member of a police force having a full-time officer is not empowered to exercise all the authority of a peace officer in this state, or be employed in a position for which the authority of a peace officer is conferred by statute, unless the person has received certification under section 9a (1).
- (5) A law enforcement officer employed before January 1, 1977, may continue his or her employment as a law enforcement officer and participate in training programs on a voluntary or assigned basis but failure to obtain certification under section 9a (1) or (2) is not grounds for dismissal of or termination of that employment as a law enforcement officer. A person who was employed as a law enforcement officer before January 1, 1977, who fails to obtain certification under section 9a (1) and who voluntarily or involuntarily discontinues his or her employment as a law enforcement officer may be employed as a law enforcement officer if he or she was employed 5 years or more as a law enforcement officer and is again employed as a law enforcement officer within 2 years after discontinuing employment as a law enforcement officer.
- (6) A law enforcement officer of a Michigan Indian tribal police force is not empowered to exercise the authority of a peace officer under the laws of this state and shall not be employed in a position for which peace officer authority is granted under the laws of this state unless all of the following requirements are met:
 - (a) The tribal law enforcement officer is certified under this act.
 - (b) The tribal law enforcement officer is 1 of the following:
 - (i) Deputized by the sheriff of the county in which the trust lands of the Michigan Indian tribe employing the tribal law enforcement officer are located, or by the sheriff of any county that borders the trust lands of that Michigan Indian tribe, pursuant to section 70 of 1846 RS 14, MCL 51.70.
 - (ii) Appointed as a police officer of the state or a city, township, charter township, or village that is authorized by law to appoint individuals as police officers.
 - (c) The deputation or appointment of the tribal law enforcement officer described in subdivision (b) is made pursuant to a written contract that includes terms the appointing authority under subdivision (b) may require between the state or local law enforcement agency and the tribal government of the Michigan Indian tribe employing the tribal law enforcement officer.
 - (d) The written contract described in subdivision (c) is incorporated into a self-determination contract, grant agreement, or cooperative agreement between the United States secretary of the interior and the tribal government of the Michigan Indian tribe employing the tribal law enforcement officer pursuant to the Indian self-determination and education assistance act, Public Law 93-638, 88 Stat. 2203.
- (7) The commission may establish an evaluation or testing process, or both, for granting a waiver from the law enforcement officer minimum standards regarding training requirements to a person who has held a certificate under this act and who discontinues employment as a law enforcement officer for a period of time exceeding the time prescribed in subsection (2) (a) to (c) or subsection (5), as applicable.

MCL §28.609a. Officer certification; Revocation. Sec. 9a.

- (1) The commission shall grant certification to a person who meets the law enforcement officer minimum standards at the time he or she is employed as a law enforcement officer.
- (2) The commission shall grant certification to a person who was employed as a law enforcement officer before January 1, 1977 and who fails to meet the law enforcement officer minimum standards if the person is authorized to be employed as a law enforcement officer under section 9.
- (3) The commission shall grant certification to an elected sheriff, which certification shall remain valid only while that sheriff is in office.
- (4) Certification granted to a person under this act is valid until either of the following occurs:
 - (a) The certification is revoked.
 - (b) The certification becomes void because the person discontinues his or her employment as a commission certified law enforcement officer.
- (5) The commission shall issue a certificate to a person who has received certification. A certificate issued to a person remains the property of the commission.
- (6) Upon request of the commission, a person whose certification is revoked, or becomes void because the person discontinues his or her employment as a commission certified law enforcement officer, shall return to the commission the certificate issued to the person. A violation of this subsection is a misdemeanor punishable by imprisonment for 90 days, a fine of not more than \$500.00, or both.

MCL §28.609b. Certificate; Rules for revocation; Judicial review. Sec 9b

- (1) The commission shall promulgate rules that provide for the revocation of certification of a law enforcement officer for 1 or more of the following:
 - (a) Conviction by a judge or jury of a felony.
 - (b) Conviction by a plea of guilty to a felony.
 - (c) Conviction by a plea of no contest to a felony.
 - (d) Making a materially false statement or committing fraud during the application for certification process.
- (2) The rules shall provide for the suspension of a law enforcement officer from use of the law enforcement information network in the event the law enforcement officer wrongfully discloses information from the law enforcement information network.
- (3) Except as provided in subsection (4), if the commission issues a final decision or order to revoke the certification of a law enforcement officer, that decision or order is subject to judicial review as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
- (4) A petition for judicial review of a final decision or order of the commission revoking the certification of a law enforcement officer shall be filed only in the circuit court for Ingham County.
- (5) The commission may issue a subpoena in a contested case to revoke a law enforcement officer's certification. The subpoena shall be issued as provided in section 73 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.273.

MCL §28.609c. Investigation of violations; Commission powers.

- (1) The commission may investigate alleged violations of this Act or rules promulgated under this Act.
- (2) In conducting an investigation, the commission may hold hearings, administer oaths, issue subpoenas, and order testimony to be taken at a hearing or by deposition. A hearing held under this section shall be conducted in accordance with chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. A final decision order issued by the commission is subject to judicial review as provided by chapter 6 of the administrative procedures act of 1969, PA 306, MCL 24.301 to 24.306.

APPENDIX A (CONTINUED)

- (3) The commission may issue a subpoena to do either of the following:
- (a) Compel the attendance of a witness to testify at a hearing or deposition and give testimony.
 - (b) Produce books, papers, documents, or other items.
 - (4) If a subpoena issued by the commission is not obeyed, the commission may petition the circuit court to require the attendance of a witness or the production of books, papers, documents, or other items. The circuit court may issue an order requiring a person to appear and give testimony or produce books, papers, documents, or other items. Failure to obey the order of the circuit court may be punished by the court as a contempt of court.

MCL §28.609d. Employment history records; Reporting requirements. Sec. 9d

- (1) A law enforcement agency shall maintain an employment history record for each law enforcement officer employed by the law enforcement agency in the manner prescribed by the commission.
- (2) A law enforcement agency shall report the date on which each person commences or terminates employment as a law enforcement officer for the law enforcement agency in the manner prescribed by the commission.

MCL §28.610. Agreements of commission with other agencies, colleges and universities. Sec. 10.

The commission may enter into agreements with colleges, universities, and other agencies to carry out the intent of this act.

MCL §28.611. Law enforcement commission; additional powers. Sec. 11.

- (1) The commission may do all of the following:
 - (a) Visit and inspect a police training school, or examine the curriculum or training procedures of a police training school, for which application for approval of the school has been made.
 - (b) Issue certificates of approval to police training schools.
 - (c) Authorize the issuance of certificates of graduation or diplomas by approved police training schools to law enforcement officers who have satisfactorily completed minimum courses of study.
 - (d) 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 its cities, counties, townships, and villages.
 - (e) Make recommendations to the legislature on matters pertaining to qualification and training of law enforcement officers.
 - (f) Establish preservice basic training programs at colleges and universities.
 - (g) Require an examination for law enforcement officer certification under section 9a (1).
 - (h) Issue a waiver as provided for under section 9 (7), or 9 (3) (c), or 9 (3) (h).
 - (i) Establish and charge a fee to recover the cost of testing and training individuals who are not employed by a Michigan law enforcement agency.
 - (j) Establish and charge a fee to recover the cost of issuing and reissuing certificates for individuals who are certified as law enforcement officers in this state.
- (2) Fees charged under subsection (1) (i) and (j) shall be deposited in the law enforcement officer training fund created in section 13.

MCL §28.612. Executive director; appointment; term, duties, compensation. Sec. 12.

The commission shall appoint an executive director of the commission. The executive director shall hold office at the pleasure of the commission. The executive director shall perform the functions and duties that are assigned to him or her by the commission. The executive director shall receive compensation and reimbursement for expenses as provided by appropriation.

MCL §28.613. Law enforcement officers training fund; creation; appropriation. Sec. 13.

There is created in the state treasury a law enforcement officers training fund, from which, the legislature shall appropriate sums deemed necessary for the purposes of this act.

MCL §28.614. Law enforcement officers training fund; payment of amounts appropriated; reimbursement of training costs and living expenses; reduction of amounts; prohibited allocations. Sec. 14.

- (1) The amounts annually appropriated by the legislature from the law enforcement officers training fund shall be paid by the state treasurer as follows:
 - (a) In accordance with the accounting law of the state upon certification of the executive director to reimburse an amount not to exceed the training costs incurred for each officer meeting the recruitment standards prescribed pursuant to this act during the period covered by the allocation, plus an amount not to exceed the necessary living expenses incurred by the officer that are necessitated by training requiring that he or she be away from his or her residence overnight.
 - (b) For the maintenance and administration of law enforcement officer testing and certification provided for by this act.
- (2) If the money in the fund to be appropriated by the legislature for the training and living expenses described in subsection (1) are insufficient to allocate the amount for training and living purposes, the amount shall be reduced proportionately.
- (3) An allocation shall not be made from the fund under this section to a training agency or to a city, county, township, or village or agency of the state that has not, throughout the period covered by the allocation, adhered to the standards established by the commission as applicable to either training or to personnel recruited or trained by the training agency, city, county, township, or village or agency of the state during that period.
- (4) Expenditures from the fund to be appropriated by the legislature for law enforcement officer testing and certification described in subsection (1) shall not exceed the revenue generated from fees collected pursuant to section 11 (1) (i) (j).

MCL §28.615. Application for reimbursement; contents. Sec. 15.

A training agency, city, county, township, or village or state agency that desires to receive reimbursement pursuant to section 14 shall apply to the commission for the reimbursement. The application shall contain information requested by the commission.

MCL §28.616. Effective date. Sec. 16.

This act is ordered to take immediate effect.

APPENDIX B

Executive Order 2001-5

Office of the Governor
John Engler, Governor

Michigan Commission on Law Enforcement Standards EXECUTIVE ORDER 2001-5
EXECUTIVE ORDER No. 2001 - 5
MICHIGAN JUSTICE TRAINING COMMISSION AND MICHIGAN JUSTICE TRAINING FUND
COMMISSION ON LAW ENFORCEMENT STANDARDS AND LAW ENFORCEMENT OFFICERS TRAINING FUND
MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS
MICHIGAN DEPARTMENT OF STATE POLICE
EXECUTIVE REORGANIZATION

WHEREAS, Article V, Section 1, of the Constitution of the state of Michigan of 1963 vests the executive power in the Governor; and

WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan Justice Training Commission and the Michigan Justice Training Fund were created within the Department of Management and Budget by Act No. 302 of the Public Acts of 1982, as amended, being Section 18.421 et seq. of the Michigan Compiled Laws; and subsequently transferred to the Department of State Police by Executive Order 1993-11, being Section 18.431 of the Michigan Compiled Laws; and

WHEREAS, the Michigan Law Enforcement Officers Training Council (later renamed the Commission on Law Enforcement Standards by Act No. 237 of the Public Acts of 1998, which amended Section 28.601 et seq. of the Michigan Compiled Laws) and the Law Enforcement Officers Training Fund were created under Act No. 203 of the Public Acts of 1965, as amended, being section 28.601 et seq. of the Michigan Compiled Laws; and subsequently transferred by a Type I transfer to the Department of State Police by Act No. 407 of the Public Acts of 1965, being Section 16.257 of the Michigan Compiled Laws; and

WHEREAS, the powers, functions, duties and responsibilities assigned to the Michigan Justice Training Commission, the Michigan Justice Training Fund, the Commission on Law Enforcement Standards, and the Law Enforcement Officers Training Fund can be more effectively carried out by a new Michigan Commission on Law Enforcement Standards; and

WHEREAS, it is necessary in the interests of efficient administration and effectiveness of government to effect changes in the organization of the Executive Branch of government.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of Michigan of 1963 and the laws of the State of Michigan, do hereby order the following:

- I. New Michigan Commission on Law Enforcement Standards.
 - A. The new Michigan Commission on Law Enforcement Standards is hereby created as a Type I agency with the Department of State Police.
 - B. All the statutory authority, powers, duties, functions and responsibilities of the Michigan Justice Training Commission, the Michigan Justice Training Fund, the Commission on Law Enforcement Standards and the Law Enforcement Officers Training Fund including those involving rule-making, grant awards and annual distributions and including, but not limited to, the statutory authority, powers, duties, functions and responsibilities set forth in:
 1. The Commission on Law Enforcement Standards Act, Act No. 203 of the Public Acts of 1965, as amended, being Section 28.601 et seq. of the Michigan Compiled Laws;
 2. The Michigan Justice Training Commission and Michigan Justice Training Fund Act, Act No. 302 of the Public Acts of 1982, as amended, being Section 18.421 et seq. of the Michigan Compiled Laws; are hereby transferred to the new Michigan Commission on Law Enforcement Standards by a Type III transfer, as defined by Section 3 of Act No. 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.
 - C. The new Michigan Commission on Law Enforcement Standards shall consist of fifteen (15) members as follows:
 1. The Attorney General, or the designated representative of the Attorney General;
 2. The Director of the Department of State Police, or the Director's designated representative who is a Michigan State Police Officer;
 3. The Chief of the Police Department located in a city with a population of more than 750,000, or the Chief's designated representative who is a command officer with that department; and
 4. Twelve (12) members appointed by the governor, with the advice and consent of the Senate, as follows:
 - a. Three (3) individuals selected from a list of nine (9) active voting members of and submitted by the Michigan Association of Chiefs of Police or its successor organization;
 - b. Three (3) individuals selected from a list of nine (9) elected sheriffs submitted by the Michigan Sheriffs' Association or its successor organization;
 - c. One (1) individual selected from a list of three (3) individuals submitted by the Prosecuting Attorneys' Association of Michigan or its successor organization;
 - d. One (1) individual selected from a list of three (3) individuals submitted by the Criminal Defense Attorneys of Michigan or its successor organization;
 - e. One (1) individual selected from a list of three (3) individuals submitted by the Michigan State Police Troopers Association or its successor organization;
 - f. One (1) individual selected from a list of three (3) individuals submitted by the Michigan Chapter of the Fraternal Order of Police or its successor organization;

APPENDIX B (CONTINUED)

- g. One (1) individual selected from a list of three (3) individuals submitted by the Police Officers Association of Michigan or its successor organization;
- h. One (1) individual selected from a list of three (3) individuals submitted by a police association representing officers employed by one police agency employing more than 15 percent of the police officers in this state or their successor organizations; and
- i. The Governor may appoint any individual meeting the membership requirements of the organizations listed in 4. a. through 4. h. in the event that an organization required to submit a list of potential candidates fails to submit a list:
 - (1) at least 30 days prior to a vacancy created by the expiration of a term; or
 - (2) within 30 days of the effective date of any other vacancy.
- 5. An individual selected under subdivision 4 shall serve as a commission member only while serving as a member of the respective organizations in subparagraphs 4. a. through 4. h.
- 6. Except as otherwise provided in this subdivision, members of the Commission appointed under subdivision 4 shall hold office for a term of three (3) years. However:
 - a. Of the members initially appointed from the list of nominees submitted by the Michigan Association of Chiefs of Police, one (1) member shall be appointed for a term of three (3) years, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year.
 - b. Of the members initially appointed from the list submitted by the Michigan Sheriffs' Association, one (1) member shall be appointed for a term of three (3) years, one (1) member shall be appointed for a term of two (2) years, and one (1) member shall be appointed for a term of one (1) year.
 - c. The members initially appointed from the list of nominees submitted by the Michigan State Police Troopers Association and the Michigan Chapter of the Fraternal Order of Police shall be appointed for a term of two (2) years.
 - d. The members initially appointed from the list of nominees submitted by the Police Officers Association of Michigan and the police association representing officers employed by one police agency employing more than 15 percent of the police officers in this state shall be appointed for a term of one (1) year.
 - 7. A vacancy on the commission caused by the expiration of a term or termination of the member's official position in law enforcement shall be filled in the same manner as the original appointment.
 - 8. A member appointed to fill a vacancy created other than by expiration of a term shall be appointed for the unexpired term of the member who he or she is to succeed in the same manner as the original appointment. A member may be reappointed for additional terms.
- D. The new Michigan Commission on Law Enforcement Standards, in addition to exercising the statutory authority, powers, duties, functions and responsibilities transferred to it by this order, shall focus its activities in order to accomplish the following objectives involving law enforcement organizations and officers:
 - 1. Increase professionalism;
 - 2. Increase the number of law enforcement organizations that offer formal in-service training and increase the number of law enforcement officers who receive formal in-service training;
 - 3. Institute law enforcement in-service training standards applicable to all law enforcement in-service training in Michigan;
 - 4. Implement a web-based information system that will allow the Commission to accomplish its goals and communicate with Michigan law enforcement organizations in a more efficient manner, and;
 - 5. Ensure that grants awarded by the Commission to Michigan law enforcement organizations advance the objectives listed in subparagraphs D.1. through D.3.

II. Miscellaneous

- A. The Director of the Department of State Police shall provide executive direction and supervision for the implementation of all transfers of authority made under this Order.
- B. The Executive Director of the new Michigan Commission on Law Enforcement Standards shall administer the assigned functions transferred by this Order in such ways as to promote efficient administration and shall make internal organizational changes as may be administratively necessary to complete the realignment of responsibilities prescribed by this Order.
- C. The Director of the Department of State Police and the Executive Director of the new Michigan Commission on Law Enforcement Standards shall immediately initiate coordination to facilitate the transfer and shall develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations, or obligations to be resolved by the Michigan Justice Training Commission, the Michigan Justice Training Fund, the Commission on Law Enforcement Standards and the Law Enforcement Officers Training Fund.
- D. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan Justice Training Commission, the Michigan Justice Training Fund, the Commission on Law Enforcement Standards and the Law Enforcement Officers Training Fund for the activities, powers, duties, functions and responsibilities transferred by this Order are hereby transferred to the new Michigan Commission on Law Enforcement Standards.
- E. The State Budget Director shall determine and authorize the most efficient manner possible for handling financial transactions and records in the state's financial management system for the remainder of the fiscal year.
- F. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.
- G. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.
- H. The invalidity of any portion of this Order shall not affect the validity of the remainder thereof.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the state of Michigan of 1963, the provisions of this Executive Order shall become effective November 1, 2001.

Given under my hand and the Great Seal of the State of Michigan this 30th day of August, in the Year of our Lord, Two Thousand One.

APPENDIX C

EXECUTIVE ORDER No. 2008-19
DEPARTMENT OF STATE POLICE
EXECUTIVE REORGANIZATION

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power of the State of Michigan in the Governor;

WHEREAS, Section 2 of Article V of the Michigan Constitution of 1963 empowers the Governor to make changes in the organization of the executive branch of state government or in the assignment of functions among its units that the Governor considers necessary for efficient administration;

WHEREAS, the Michigan Commission on Law Enforcement Standards was created within the Department of State Police by Executive Order 2001-5;

WHEREAS, in the interests of efficient and effective administration of state government it is necessary to amend Executive Order 2001-5 to alter the composition of the Michigan Commission on Law Enforcement Standards; NOW,

THEREFORE, I, Jennifer M. Granholm, Governor of the State of Michigan, by virtue of the power and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

Section I.C of Executive Order 2001-5 is amended to read as follows:

"C. The Michigan Commission on Law Enforcement Standards shall consist of 17 members, including all of the following:

1. The Attorney General, or his or her designee from within the Department of Attorney General.
2. The Director of the Department of State Police, or his or her designee who is a police officer within the Department of State Police.
3. The chief of a police department located in a city with a population of more than 750,000, or his or her designee who is a command officer within that department.
4. Fourteen individuals appointed by the Governor, subject to disapproval by the Michigan Senate under Section 6 of Article V of the Michigan Constitution of 1963, including all of the following:
 - a. Three individuals selected from a list of not less than 9 active voting members of the Michigan Association of Chiefs of Police nominated by the Michigan Association of Chiefs of Police.
 - b. Three individuals selected from a list of not less than 9 elected county sheriffs nominated by the Michigan Sheriffs' Association.
 - c. One individual selected from a list of not less than 3 prosecuting attorneys nominated by the Prosecuting Attorneys Association of Michigan.
 - d. One individual selected from a list of not less than 3 criminal defense attorneys nominated by the Criminal Defense Attorneys of Michigan.

APPENDIX C (CONTINUED)

e. One individual selected from a list of not less than 3 individuals nominated by the Michigan State Police Troopers Association.

f. One individual selected from a list of not less than 3 individuals nominated by the Michigan Chapter of the Fraternal Order of Police.

g. One individual selected from a list of not less than 3 individuals submitted by the Police Officers Association of Michigan.

h. One individual selected from a list of not less than 3 individuals nominated by a police association representing police officers employed by a police agency employing more than 15 percent of the police officers in this state.

i. One individual selected from a list of not less than 3 individuals nominated by the Police Officers Labor Council of Michigan.

j. One individual selected from a list of not less than 3 individuals nominated by the Michigan Association of Police.

5. The Governor may appoint any individual meeting the membership requirements of the groups or organizations listed under Section I.C.4.a through I.C.4.j if an organization required to submit a list fails to submit a complete list of qualified nominees at least 30 days prior to a vacancy created by the expiration of a term, or not less than 30 days after the effective date of any other vacancy.

6. An individual appointed under Section I.C.4.a to I.C.4.j shall serve as a Commission member only while serving as a member of the organization that nominated the individual.

7. Members of the Commission appointed or reappointed under Section I.C.4.a to I.C.4.h after December 31, 2008 shall be appointed for a term of four years.

8. Of the members of the Commission initially appointed by the Governor under Sections I.C.4.i and I.C.4.j, one member shall be appointed for a term expiring on November 1, 2009, and one member shall be appointed for a term expiring on November 1, 2010. After the initial appointments, members of the Commission appointed under Sections I.C.4.i and I.C.4.j shall be appointed for a term of four years.

9. A vacancy on the Commission occurring other than by expiration of a term shall be filled by the Governor in the same manner as the original appointment for the balance of the unexpired term."

In fulfillment of the requirements under Section 2 of Article V of the Michigan Constitution of 1963, the provisions of this Order are effective December 28, 2008 at 12:01 a.m.

Given under my hand and the Great Seal of the State of Michigan this 15th day of October in the year of our Lord, two thousand and eight.

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

APPENDIX D Act No. 302 of the Public Acts of 1982, as amended

An act to create the Michigan justice training commission and the Michigan justice training fund; to provide the powers and duties of certain state agencies; to provide for the distribution and expenditure of funds; to provide for the promulgation of rules; and to repeal this act on a specific date. Amended by P.A. 1989, No. 158, § 1, Imd. Eff. July 28, 1989; P.A. 1992, No. 104, § 1, Imd. Eff. June 25, 1992.

The People of the State of Michigan enact:

MCL §18.421. Definitions. Sec. 1.

As used in this act:

- (a) "Alcoholic liquor" means that term as defined in section 2 of the Michigan liquor control act, Act No.8 of the Public Acts of the Extra Session of 1933, being section 436.2 of the Michigan Compiled Laws.
- (b) "Eligible entity" means a city, village, township, county, junior college, community college, state supported college or university, or the department of state police.
- (c) "Fund" means the Michigan justice training fund created in section 5.
- (d) "In-service criminal justice training" means a criminal justice educational program presented by an agency or entity eligible to receive funds pursuant to this act or by a contractual service provider hired by the agency or entity eligible to receive funds pursuant to this act, including a course or package of instruction provided to an eligible trainee for the payment of a fee or tuition, or education or training presented through the use of audiovisual materials, which program, education, or training is designed and intended to enhance the direct delivery of criminal justice services by eligible employees of the agency or entity.
- (e) "MLEOTC certified police officer" means an individual certified as a police officer under the being sections 28.601 to 28.616 of the Michigan Compiled Laws.
- (f) "Professional association" means a national, state, or local police union, or an association or fraternal organization of police officers, correctional officers, or prosecuting attorneys.
- (g) "State or local agency" means 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 or junior college.
 - (iv) Any agency or entity of the judicial branch of government of this state.

MCL §18.422. Michigan Justice training commission, creation, members; business; voting. Sec. 2.

(1) The Michigan justice training commission is created within the department of management and budget. The commission shall consist of the following members:

- (a) The director of the department of state police or his or her representative.
 - (b) The president of the prosecuting attorneys' association of Michigan or his or her representative.
 - (c) The president of the Michigan sheriffs' association or his or her representative.
 - (d) The president of the Michigan association of chiefs of police or his or her representative.
 - (e) One person appointed by the governor who is employed by a police agency employing at least 20% of the police officers in this state.
 - (f) The president of the Michigan state police troopers association or his or her representative.
 - (g) One person appointed by the governor who has been elected by police officers other than police officers in administrative or managerial positions, representing the interests of police officers other than police officers in administrative or managerial positions.
 - (h) The president of the criminal defense attorneys of Michigan or his or her representative.
- (2) The commission shall elect a chairperson annually from among the members of the commission. A person shall not serve more than 2 consecutive years as chairperson.
- (3) The members of the commission shall be reimbursed for actual expenses, including travel expenses, from the fund. Members of the commission shall not be reimbursed for expenditures for alcoholic liquor, or for meal expenditures in excess of the per diem meal expenditures authorized for members of the state civil service.
- (4) The business which the commission may perform shall be conducted at a public meeting of the commission held in compliance with the open meetings act, Act No. 267 of the Public Acts of 1976, as amended, being sections 15.261 to 15.275 of the Michigan Compiled Laws. Public notice of the time, date, and place of the meeting shall be given in the manner required by Act No. 267 of the Public Acts of 1976, as amended.
- (5) The commission shall not perform any function authorized under section 3 without the affirmative votes of 5 members of the commission.

MCL §18.423. Duties of commission. Sec. 3.

The commission shall do all of the following, with the assistance of the department of management and budget:

- (a) Annually distribute 60% of the fund to eligible entities not including the money in the fund pursuant to section 5(2). An eligible entity receiving a distribution under this subdivision shall expend the distribution only for the in-service criminal justice training of its police officers. An eligible entity that uses money received under this subdivision shall maintain detailed records of the actual costs associated with the preparation for, the administration of, and the actual conducting of the training program. Use of money received under this subdivision for the payment of unreasonable or duplicative costs, as determined by the commission, shall result in the forfeiture of the money received by the eligible entity under this subdivision. Money distributed to an eligible entity which is not expended in the fiscal year of the distribution shall only be expended by the eligible entity for the in-service criminal justice training of its police officers in future fiscal years. An eligible entity receiving a distribution pursuant to this subdivision shall use the entire distribution for the in-service criminal justice training of its police officers within 2 years after receiving the distribution. If the eligible entity fails or refuses to use the entire distribution for the in-service criminal justice training of its police officers within 2 years after receiving the distribution, the eligible entity shall not be eligible to receive additional distributions pursuant to this subdivision until the prior distribution is used for the in-service criminal justice training of its police officers. A distribution made under this subdivision shall serve as a supplement to, and not as a replacement for, the funds budgeted on October 12, 1982, by an eligible entity for the in-service criminal justice training of its police officers. The distribution shall be made in 2 semiannual installments on dates determined by the commission and shall be expended only for the direct costs of the in-service criminal justice training of police officers. The funds shall be distributed on a per capita basis to eligible entities based upon the number of full-time equated sworn

APPENDIX D (CONTINUED)

MLEOTC certified police officers employed. Each eligible entity shall receive a minimum distribution of \$500.00. For purposes of this subdivision, the number of full-time equated sworn MLEOTC certified police officers shall be determined by dividing the total number of paid work hours actually worked by sworn MLEOTC certified police officers in the eligible entity's fiscal year by 2,080 hours, rounded down to the nearest whole number. For each year, the percentage of police officers who provide direct police service receiving training under this act shall be equal to or greater than the percentage of police officers who are in full-time administrative positions receiving training under this act.

(b) Annually distribute through a competitive grant process the balance of the fund after making the distributions required in subdivisions (a) and (d) and the expenditures required under section 2(3). In distributing money from the fund, the commission shall consider the quality and cost effectiveness of the training programs of applicants for funds and the criminal justice needs of this state. Money shall not be distributed under this subdivision to a professional association. In distributing money from the fund, the commission shall attempt to provide equity in funding for training programs for prosecutors and assigned criminal defense counsel. A state or local agency that uses money received under this subdivision shall maintain detailed records of the actual costs associated with the preparation for, the administration of, and the actual conducting of the training program. Use of money received under this subdivision for the payment of unreasonable or duplicative costs, as determined by the auditor general or the commission, shall result in the forfeiture of the money received by the state or local agency under this subdivision. Grants under this subdivision shall be distributed only to the following:

- (i) State or local agencies for the purpose of providing in-service criminal justice training programs to employees of those state or local agencies. A distribution made under this subparagraph shall serve as a supplement to, and not as a replacement for, the funds budgeted on October 12, 1982, by a state or local agency for in-service criminal justice training.
- (ii) State or local agencies providing criminal justice training to the employees or the contractual service providers of other state or local agencies. A distribution made under this subparagraph shall be used to enhance and increase, but not supplant, the amount of local, federal, and other state funds that, in the absence of money from the Michigan justice training fund, are available for criminal justice training. As used in this subparagraph, "criminal justice training" means training which is designed and intended to enhance the direct delivery of criminal justice services by employees of state or local agencies; which is not required minimum basic training for police officers or initial training for other employees; and which is any of the following:
 - (A) A criminal justice educational program presented by the state or local agency or by a contractual training provider hired by the agency.
 - (B) A criminal justice course or package of instruction provided to an eligible trainee for the payment of a fee or tuition.
 - (C) Promulgate rules pursuant to the administrative procedures act of 1969, Act No. 306 of the Public Acts of 1969, as amended, being sections 24.201 to 24.328 of the Michigan Compiled Laws, which prescribe the procedures by which the commission shall distribute money from the fund.
- (d) Annually distribute an amount from the fund to the department of management and budget to cover the reasonable expenses of providing staff services to the commission, and to cover the expense of maintaining a register of available criminal justice training programs in this state.

MCL §18.424. Allowable expenditures. Sec. 4.

- (1) Distributions of money under this act shall not be expended for any of the following:
 - (a) Criminal justice training conducted by a training provider not based in this state unless the training event has first been approved by the commission.
 - (b) Criminal justice training not located in this state, unless the training event has first been approved by the commission.
 - (c) Criminal justice training in another country.
 - (d) Meal expenditures in excess of the per diem meal expenditures authorized for civil service employees.
 - (e) Purchasing alcoholic liquor.
 - (f) Travel costs to participate in criminal justice training, unless the criminal justice training program is for the sole purpose of training or offers not less than 6 hours of qualifying training within any 24-hour period.
 - (g) The publication of a newsletter.
- (2) The commission shall not approve any out-of-state training program unless the eligible entity requesting approval of the training program has exhausted all reasonable efforts to locate a similar training program in this state, and the commission is satisfied that a similar training program is not available in this state.

MCL §18.424a. Printed material. Sec. 4a.

Any material printed from funds distributed under this act shall contain a statement that Michigan justice training funds were used to print that material.

MCL §18.425. Michigan justice training fund; creation; distribution; investment earnings. Sec. 5.

- (1) The Michigan justice training fund is created in the state treasury.
- (2) Money in the fund which is not distributed in a fiscal year, and which was to be distributed under section 3(b) shall remain in the fund for distribution in future fiscal years only for the purposes described in section 3(b).
- (3) Investment earnings from the Michigan justice training fund assets shall be deposited in the Michigan justice training fund.

MCL §18.426. Annual reports. Sec. 6.

Each eligible entity and state or local agency receiving a distribution under this act shall report annually to the commission on the results of its training programs. Each training program financed in whole or in part by a distribution from the Michigan justice training fund shall be separately identified. The commission shall report annually to the appropriating committees of the legislature on the results of the expenditure of the amount distributed.

MCL §18.427. Repealed by P.A. 1984, No. 364, § 2, Eff. March 29, 1985. Sec. 7. Repealed.

MCL §18.428. Contingent enactment. Sec. 8.

This act shall not take effect unless House Bill No. 5520 of the 81st Legislature is enacted into law.

APPENDIX D (CONTINUED)

MCL §18.429. Audits. Sec. 9.

The books, records, and accounts of the Michigan justice training commission shall be audited by the auditor general every 2 years.

MCL §18.430. Repealed by P.A. 1992, No. 104, § 2, Eff. June 25, 1992. Sec. 10. Repealed.

MCL §18.431. Michigan justice training commission and justice training fund; transfer of powers and duties to the department of state police
WHEREAS, Article V, Section 2, of the Constitution of the State of Michigan of 1963 empowers the Governor to make changes in the organization of the Executive Branch or in the assignment of functions among its units which he considers necessary for efficient administration; and

WHEREAS, the Michigan Justice Training Commission and the Michigan Justice Training Fund were created within the Department of Management and Budget by Act No. 302 of the Public Acts of 1982, as amended, being Section 18.421 et seq. of the Michigan Compiled Laws; and

WHEREAS, the functions, duties and responsibilities assigned to the Michigan Justice Training Commission and the Michigan Justice Training Fund can be more effectively carried out under the supervision and direction of the head of the Department of State Police.

NOW, THEREFORE, I, John Engler, Governor of the State of Michigan, pursuant to the powers vested in me by the Constitution of the State of MICHIGAN of 1963 and the laws of the State of Michigan, do hereby order the following:

1. All the statutory authority, powers, duties, functions and responsibilities of the Michigan Justice Training Commission and the Michigan Justice Training Fund are hereby transferred to the Department of State Police, by a Type II transfer, as defined by Section 3 of Act No 380 of the Public Acts of 1965, as amended, being Section 16.103 of the Michigan Compiled Laws.
2. The Director of the Office of Contract Management of the Department of Management and Budget shall provide executive direction and supervision for the implementation of the transfers. The assigned functions shall be administered under the direction and supervision of the Department of State Police, and all prescribed functions of rule making, grant awards and annual distributions shall be transferred to the Department of State Police.
3. All records, personnel, property and unexpended balances of appropriations, allocations and other funds used, held, employed, available or to be made available to the Michigan Justice Training Commission and the Michigan Justice Training Fund for the activities transferred are hereby transferred to the Department of State Police to the extent required to provide for the efficient and effective operation of the Michigan Justice Training Commission and Michigan Justice Training Fund.
4. The Director of the Office of Contract Management of the Department of Management and Budget and the Director of the Department of State Police shall immediately initiate coordination to facilitate the transfer and develop a memorandum of record identifying any pending settlements, issues of compliance with applicable federal and State laws and regulations, or obligations to be resolved by the Michigan Justice Training Commission and the Michigan Justice Training Fund.
5. All rules, orders, contracts and agreements relating to the assigned functions lawfully adopted prior to the effective date of this Order shall continue to be effective until revised, amended or repealed.
6. Any suit, action or other proceeding lawfully commenced by, against or before any entity affected by this Order shall not abate by reason of the taking effect of this Order. Any suit, action or other proceeding may be maintained by, against or before the appropriate successor of any entity affected by this Order.

In fulfillment of the requirement of Article V, Section 2, of the Constitution of the State of Michigan of 1963, the provisions of this Executive Order shall become effective 60 days after filing.

APPENDIX E Licensing of Private Security Police Officers

PRIVATE SECURITY BUSINESS AND SECURITY ALARM ACT (EXCERPTS) Act 330 of 1968

MCL 338.1052 Definitions; persons not subject to act. Sec. 2.

- (1) As used in this act:
 - (a) "Department" means the department of consumer and industry services except that in reference to the regulation of private security police, department means the department of state police.
 - (b) "Licensee" means a sole proprietorship, firm, company, partnership, limited liability company, or corporation licensed under this act.
 - (c) "Private security guard" means an individual or an employee of an employer who offers, for hire, to provide protection of property on the premises of another.
 - (d) "Private security police" means that part of a business organization or educational institution primarily responsible for the protection of property on the premises of the business organization.
 - (e) "Security alarm system" means a detection device or an assembly of equipment and devices arranged to signal the presence of a hazard requiring urgent attention or to which police are expected to respond. Security alarm system includes any system that can electronically cause an expected response by a law enforcement agency to a premises by means of the activation of an audible signal, visible signal, electronic notification, or video signal, or any combination of these signals, to a remote monitoring location on or off the premises. Security alarm system does not include a video signal that is not transmitted over a public communication system or a fire alarm system or an alarm system that monitors temperature, humidity, or other condition not directly related to the detection of an unauthorized intrusion into a premises or an attempted robbery at a premises.
 - (f) "Security alarm system agent" means a person employed by a security alarm system contractor whose duties include the altering, installing, maintaining, moving, repairing, replacing, selling, servicing, monitoring, responding to, or causing others to respond to a security alarm system.
 - (g) "Security alarm system contractor" means a sole proprietorship, firm, company, partnership, limited liability company, or corporation engaged in the installation, maintenance, alteration, monitoring, or servicing of security alarm systems or who responds to a security alarm system. Security alarm system contractor does not include a business that only sells or manufactures security alarm systems unless the business services security alarm systems, installs security alarm systems, monitors or arranges for the monitoring of a security alarm system, or responds to security alarm systems at the protected premises.
 - (h) "Security business" means a person or business entity engaged in offering, arranging, or providing 1 or more of the following services:
 - (i) Security alarm system installation, service, maintenance, alteration, or monitoring.
 - (ii) Private security guard.
 - (iii) Private security police.
- (2) All businesses furnishing security alarm systems for the protection of persons and property, whose employees and security technicians travel on public property and thoroughfares in the pursuit of their duties, are subject to this act.
- (3) A communications common carrier providing communications channels under tariffs for the transmission of signals in connection with an alarm system is not subject to this act.
- (4) Railroad policemen appointed and commissioned under the railroad code of 1993, 1993 PA 354, MCL 462.101 to 462.451, are exempt from this act.

History: 1968, Act 330, Imd. Eff. July 12, 1968 ;—Am. 1969, Act 168, Imd. Eff. Aug. 5, 1969 ;—Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;—Am. 2000, Act 411, Eff. Mar. 28, 2001 ;—Am. 2002, Act 473, Eff. Oct. 1, 2002.

MCL 338.1056 License; qualifications. Sec. 6.

- (1) The department shall issue a license to conduct business as a security alarm system contractor or a private security guard, private security police, or to a private security guard business, if it is satisfied that the applicant is a sole proprietorship, or if a firm, partnership, company, limited liability company, or corporation the sole or principal license holder is an individual, who meets all of the following qualifications:
 - (a) Is not less than 25 years of age.
 - (b) Has a high school education or its equivalent.
 - (c) In the case of a licensee under this section after March 28, 2001, has not been under any sentence, including parole, probation, or actual incarceration, for the commission of a felony.
 - (d) In the case of a person licensed under this section on or before March 28, 2001, has not been under any sentence, including parole, probation, or actual incarceration, for the commission of a felony within 5 years before the date of application.
 - (e) Has not been convicted of an offense listed in section 10(1)(c) within 5 years before the date of application.
 - (f) Has not been dishonorably discharged from a branch of the United States military service.
 - (g) In the case of an applicant for a private security guard or agency license, has been lawfully engaged in 1 or more of the following:
 - (i) In the private security guard or agency business on his or her own account in another state for a period of not less than 3 years.
 - (ii) In the private security guard or agency business for a period of not less than 4 years as an employee of the holder of a certificate of authority to conduct a private security guard or agency business and has had experience reasonably equivalent to not less than 4 years of full-time guard work in a supervisory capacity with rank above that of patrolman.
 - (iii) In law enforcement employment as a certified police officer on a full-time basis for not less than 4 years for a city, county, or state government, or for the United States government.
 - (iv) In the private security guard or agency business as an employee or on his or her own account or as a security administrator in private business for not less than 2 years on a full-time basis, and is a graduate with a baccalaureate degree or its equivalent in the field of police administration or industrial security from an accredited college or university.
 - (h) In the case of an applicant for a security alarm system contractor license, has been lawfully engaged in either or both of the following:
 - (i) The security alarm system contractor business on his or her own account for a period of not less than 3 years.

APPENDIX E (CONTINUED)

(ii) The security alarm system contractor business for a period of not less than 4 years as an employee of the holder of a certificate of authority to conduct a security alarm system contractor business, and has had experience reasonably equivalent to at least 4 years of full-time work in a supervisory capacity or passes a written exam administered by the department designed to measure his or her knowledge and training in security alarm systems.

- (i) Has posted with the department a bond provided for in this act.
- (j) Has not been adjudged insane unless restored to sanity by court order.
- (k) Does not have any outstanding warrants for his or her arrest.

(2) In the case of a sole proprietorship, firm, partnership, company, or corporation now doing or seeking to do business in this state, the resident manager shall comply with the applicable qualifications of this section.

History: 1968, Act 330, Imd. Eff. July 12, 1968 ;—Am. 1969, Act 168, Imd. Eff. Aug. 5, 1969 ;—Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;—Am. 1994, Act 326, Eff. Mar. 30, 1995 ;—Am. 2000, Act 411, Eff. Mar. 28, 2001 ;—Am. 2002, Act 473, Eff. Oct. 1, 2002.

MCL 338.1057 License; application; references; investigation; approval; nonrenewable temporary license; fees. Sec. 7.

(1) The department shall prepare a uniform application for the particular license and shall require the person filing the application to obtain reference statements from at least 5 reputable citizens who have known the applicant for a period of at least 5 years, who can attest that the applicant is honest, of good character, and competent, and who are not related or connected to the applicant by blood or marriage.

(2) Upon receipt of the application and application fee, the department shall investigate the applicant's qualifications for licensure.

(3) The application and investigation are not considered complete until the applicant has received the approval of the prosecuting attorney and the sheriff of the county in this state within which the principal office of the applicant is to be located. If the office is to be located in a city, township, or village, the approval of the chief of police may be obtained instead of the sheriff. Branch offices and branch managers shall be similarly approved.

(4) If a person has not previously been denied a license or has not had a previous license suspended or revoked, the department may issue a nonrenewable temporary license to an applicant. If approved by the department, the temporary license is valid until 1 or more of the following occur but not to exceed 120 days:

- (a) The completion of the investigations and approvals required under subsections (1), (2), and (3).
- (b) The completion of the investigation of the subject matter addressed in section 6.
- (c) The completion of the investigation of any employees of the licensee as further described in section 17.
- (d) Confirmation of compliance with the bonding or insurance requirements imposed in section 9.
- (e) The applicant fails to meet 1 or more of the requirements for licensure imposed under this act.
- (f) The fees for a temporary license shall be the applicable fees as described in section 9.

History: 1968, Act 330, Imd. Eff. July 12, 1968 ;—Am. 1975, Act 190, Imd. Eff. Aug. 5, 1975 ;—Am. 2000, Act 411, Eff. Mar. 28, 2001 ;—Am. 2002, Act 473, Eff. Oct. 1, 2002.

338.1060 License; revocation; grounds; failure to pay fines or fees; surrender of license; misdemeanor. Sec. 10.

(1) The department may revoke any license issued under this act if it determines, upon good cause shown, that the licensee or his or her manager, if the licensee is an individual, or if the licensee is not an individual, that any of its officers, directors, partners or its manager, has done any of the following:

- (a) Made any false statements or given any false information in connection with an application for a license or a renewal or reinstatement of a license.
- (b) Violated any provision of this act.
- (c) Been, while licensed or employed by a licensee, convicted of a felony or a misdemeanor involving any of the following:
 - (i) Dishonesty or fraud.
 - (ii) Unauthorized divulging or selling of information or evidence.
 - (iii) Impersonation of a law enforcement officer or employee of the United States, this state, or a political subdivision of this state.
 - (iv) Illegally using, carrying, or possessing a dangerous weapon.
 - (v) Two or more alcohol related offenses.
 - (vi) Controlled substances under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
 - (vii) An assault.

(d) Knowingly submitted any of the following:

- (i) A name other than the true name of a prospective employee.
- (ii) Fingerprints not belonging to the prospective employee.
- (iii) False identifying information in connection with the application of a prospective employee.

(2) The department shall not renew a license of a licensee who owes any fine or fee to the department at the time for a renewal.

(3) Within 48 hours after notification from the department of the revocation of a license under this act, the licensee shall surrender the license and the identification card issued under section 14. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

History: 1968, Act 330, Imd. Eff. July 12, 1968 ;—Am. 1994, Act 326, Eff. Mar. 30, 1995 ;—Am. 2000, Act 411, Eff. Mar. 28, 2001 ;—Am. 2002, Act 473, Eff. Oct. 1, 2002.

APPENDIX F

Licensing of Railroad Police Officers

MCOLES Certification and Commissioning PA 354 of 1993

462.367 Railroad police officer; appointment; commission; eligibility; duration of commission; employment before certain date.

RAILROAD CODE OF 1993 (EXCERPT)
Act 354 of 1993

462.367 Railroad police officer; appointment; commission; eligibility; duration of commission; employment before certain date. Sec. 367.

(1) Upon application in writing of a company owning, leasing, using, or operating any railroad company in this state, whether by steam, electricity, or other motive power, accompanied by the statements of 3 reputable United States citizens testifying to the moral character of the person mentioned in the application, the director of the department of state police, if the director finds the person to be suitable and qualified, may appoint and commission the person to act as a police officer for the company, upon the premises of the company, or elsewhere within the state, when in the discharge of his or her duties as a police officer for the company.

(2) A person shall not be eligible to receive an appointment unless the person is 18 years of age or older and has completed a minimum of 440 hours of training, which shall be certified by the Michigan law enforcement training council created by the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws. Every police officer so appointed shall be known and designated as a railroad police officer. A railroad police officer's commission shall be in force until it becomes null and void or terminated as provided in this act.

(3) A railroad police officer employed on or before November 18, 1975 may continue that employment, and failure to meet the training standards required by this act shall not be grounds for dismissal or termination of employment.

History: 1993, Act 354, Imd. Eff. Jan. 14, 1994.

RAILROAD CODE OF 1993 (EXCERPT)
Act 354 of 1993

462.377 Railroad police officer; duties and powers. Sec. 377.

Every railroad police officer, who is appointed and commissioned as provided in this act, shall have, exercise, and possess, throughout the state, while in the discharge of his or her duties as a railroad police officer, the powers of sheriffs, marshals, constables, and municipal police officers except in the service of civil process. A railroad police officer shall enforce and compel obedience to the laws of this state and to the ordinances of the cities, villages, and townships of this state when engaged in the discharge of his or her duties as a railroad police officer for the company.

History: 1993, Act 354, Imd. Eff. Jan. 14, 1994.

APPENDIX G

Public Safety Officers Benefit Act

Act 46 of 2004

AN ACT to provide compensation to dependents of public safety officers who are killed or who are permanently and totally disabled in the line of duty; to create the public safety officers benefit fund; to prescribe the duties and responsibilities of certain state officers; and to make an appropriation.

History: 2004, Act 46, Eff. Oct. 1, 2003.

Compiler's note: Enacting section 1 of Act 46 of 2004 provides
"This act is retroactive and is effective October 1, 2003."

The People of the State of Michigan enact:

28.631 Short title.

Sec. 1. This act shall be known as the "public safety officers benefit act".

History: 2004, Act 46, Imd. Eff. Oct. 1, 2003.

Compiler's note: Enacting section 1 of Act 46 of 2004 provides:
"This act is retroactive and is effective October 1, 2003."

28.632 Definitions.

Sec. 2. As used in this act:

- (a) "Commission" means the commission on law enforcement standards created under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616.
 - (b) "Dependent" means any individual who was substantially reliant for support upon the income of the deceased public safety officer.
 - (c) "Direct and proximate" means that the antecedent event is a substantial factor in the result.
 - (d) "Firefighter" means a regularly employed member of a fire department of a city, county, township, village, state university, or community college or a member of the department of natural resources who is employed to fight fires. Firefighter includes a volunteer member of a fire department.
 - (e) "Law enforcement officer" means an individual involved in crime and juvenile delinquency control or reduction or enforcement of the criminal law. Law enforcement officer includes police, corrections, probation, parole, bailiffs, or other similar court officers.
 - (f) "Line of duty" means either of the following:
 - (i) Any action which an officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is obligated or authorized by rule, regulations, condition of employment or service, or law to perform, including those social, ceremonial, or athletic functions to which the officer is assigned, or for which the officer is compensated, by the public agency he or she serves. For other officers, line of duty means any action the officer is so obligated or authorized to perform in the course or controlling or reducing crime, enforcing the criminal law, or suppressing fires.
 - (ii) Any action which an officially recognized or designated public employee member of a rescue squad or ambulance crew is obligated or authorized by rule, regulation, condition of employment or service, or law to perform.
 - (g) "Member of a rescue squad or ambulance crew" means an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew.
 - (h) "Permanent and total disability" means medically determinable consequences of a catastrophic, line-of-duty injury that permanently prevent a former public safety officer from performing any gainful work.
 - (i) "Public safety officer" means any individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, rescue squad member, or ambulance crew member.
 - (j) "Surviving spouse" means the husband or wife of the deceased officer at the time of the officer's death, and includes a spouse living apart from the officer at the time of the officer's death for any reason.
- History: 2004, Act 46, Imd. Eff. Oct. 1, 2003.
Compiler's note: Enacting section 1 of Act 46 of 2004 provides:
"This act is retroactive and is effective October 1, 2003."

28.633 Public safety officers benefit fund; creation; disposition and investment of funds; lapse; expenditures; rules.

Sec. 3. (1) The public safety officers benefit fund is created within the state treasury.

- (2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.
 - (3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.
 - (4) The commission shall expend money from the fund, upon appropriation, only to carry out the purposes of this act.
 - (5) The commission shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, that prescribe standards and rules for the distribution of benefits commensurate with the purpose of this act.
- History: 2004, Act 46, Imd. Eff. Oct. 1, 2003.
Compiler's note: Enacting section 1 of Act 46 of 2004 provides:
"This act is retroactive and is effective October 1, 2003."

28.634 Death or disability of public safety officer; benefit; amount; additional benefit.

Sec. 4. (1) If a public safety officer dies or is permanently and totally disabled as the direct and proximate result of a personal injury sustained in the line of duty, the state shall pay a benefit of \$25,000.00 to 1 of the following:

- (a) If the deceased public safety officer leaves a surviving spouse, to that surviving spouse.
- (b) If the deceased public safety officer does not leave a surviving spouse, to his or her dependents.
- (c) If the public safety officer does not leave a surviving spouse or any surviving dependents, payment shall be made to the estate of the deceased public safety officer.

APPENDIX G (CONTINUED)

(d) If the public safety officer is permanently and totally disabled, to the spouse, but if there is no spouse, to the dependents, and if there are no dependents, then to the entity providing care to the permanently and totally disabled public safety officer.

(2) The benefit shall be paid in addition to any other benefit that the beneficiary receives due to the death of the public safety officer.

History: 2004, Act 46, Imd. Eff. Oct. 1, 2003.

Compiler's note: Enacting section 1 of Act 46 of 2004 provides:

"This act is retroactive and is effective October 1, 2003."

28.635 Interim benefit.

Sec. 5. (1) If it appears to the commission that a benefit will be paid under section 4, and if a showing of need is made, the commission may make an interim benefit payment of not more than \$3,000.00 to the person or entity who would be entitled to receive the full benefit payment.

(2) The amount of an interim benefit payment shall be deducted from the amount of any final benefit paid.

(3) If an interim benefit is paid under this section, but a final benefit in that case is not paid because the death or the permanent and total disability of the public safety officer is determined not to be covered under section 4, the recipient of the interim benefit payment is liable for repayment of that benefit payment. However, the state may waive its right to repayment of all or part of the interim benefit payment if substantial hardship would result to the recipient.

History: 2004, Act 46, Imd. Eff. Oct. 1, 2003.

Compiler's note: Enacting section 1 of Act 46 of 2004 provides:

"This act is retroactive and is effective October 1, 2003."

28.636 Benefit payment; prohibitions.

Sec. 6. A benefit payment shall not be made under this act if any of the following apply:

(a) The personal injury that resulted in death or permanent and total disability was caused by the intentional misconduct of the public safety officer or by his or her intent to bring about the injury.

(b) The public safety officer was voluntarily intoxicated at the time the personal injury occurred.

(c) The public safety officer was performing his or her duties in a grossly negligent manner at the time the personal injury occurred.

(d) The injury was the direct and proximate result of the actions of an individual to whom payment would be made under this act.

History: 2004, Act 46, Imd. Eff. Oct. 1, 2003.

Compiler's note: Enacting section 1 of Act 46 of 2004 provides:

"This act is retroactive and is effective October 1, 2003."

28.637 Appropriation; amount.

Sec. 7. One hundred twenty-five thousand dollars is hereby appropriated from the general fund to the public safety officers benefit fund for fiscal year 2003-2004 to pay for the benefits prescribed in this act.

History: 2004, Act 46, Imd. Eff. Oct. 1, 2003.

Compiler's note: Enacting section 1 of Act 46 of 2004 provides:

"This act is retroactive and is effective October 1, 2003."

28.638 Payment of benefits; condition.

Sec. 8. The payment of benefits under this act is subject to an appropriation by the legislature of money necessary to make the payment.

History: 2004, Act 46, Imd. Eff. Oct. 1, 2003.

Compiler's note: Enacting section 1 of Act 46 of 2004 provides:

"This act is retroactive and is effective October 1, 2003."

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