

MICHIGAN DEPARTMENT OF STATE POLICE
MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS
LAW ENFORCEMENT STANDARDS AND TRAINING

Filed with the Secretary of State on June 9, 2006

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the Michigan commission on law enforcement standards by section 9 of 1965 PA 203, by section 9 of 1965 PA 380, and by Executive Reorganization Order 2001-2, MCL 28.621.)

PART 1. DEFINITIONS

R 28.14101 Definitions; A to D.

Rule 101. As used in these rules:

- (a) "Act" means 1965 PA 203, MCL 28.601.
- (b) "Activate as a licensed law enforcement officer" means a recognized law enforcement agency complies with all of the requirements in R 28.14205 to R 28.14207.
- (c) "Applicant" means a person seeking employment as a licensed law enforcement officer empowered to enforce all of the general criminal laws of this state.
- (d) "Approved law enforcement training" means recruit or in-service law enforcement training conducted under the authority of either 1965 PA 203, MCL 28.601 et seq., or 1982 PA 302, MCL 18.421 et seq.
- (e) "Basic law enforcement training academy" means a city, county, township, village, corporation, college, community college, university, or state agency that is approved by the commission to offer the basic law enforcement training program.
- (f) "Basic law enforcement training program" means the entire commission approved process by which a person is screened, trained, and qualified for activation as a law enforcement officer.
- (g) "Commission" means the 15 member Michigan commission on law enforcement standards or, by express delegation, its executive director and staff.
- (h) "Contested case" means the same as the term is defined in section 3 of the Administrative Procedures Act of 1969, MCL 24.203.
- (i) "Course of study" means the total instruction that a basic law enforcement training academy is approved to offer a recruit before qualifying the recruit for licensing.

R 28.14102 Definitions; E to L.

Rule 102. As used in these rules:

(a) "Employed recruit" means a law enforcement officer candidate who is employed by a recognized law enforcement agency and who is enrolled in an approved basic law enforcement training academy for the purpose of training in order to become eligible to be licensed as a law enforcement officer employed by the law enforcement agency.

(b) "Employing agency" means police departments, sheriff offices, the Michigan department of state police, or any law enforcement agency authorized and established pursuant to state statute.

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

(d) "Fully empowered law enforcement officer" means a law enforcement officer employed by a recognized law enforcement agency, who has full authority to enforce the general criminal laws of this state conferred by a sworn oath of office, and who is licensed by the commission.

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

(f) "Law enforcement agency" or "agency" means an entity authorized and established pursuant to a state statute that conveys police authority of the state of Michigan to the entity. Police authority includes the responsibility for the prevention and detection of crime and the enforcement of the general criminal laws.

(g) "License" means the numbered certificate issued by the commission to a person who has received certification as a law enforcement officer under the act, as provided in MCL 28.602.

(h) "Licensing examination" means the examination administered by the commission at the completion of the basic law enforcement training academy and the recognition of prior basic law enforcement training and experience program to determine whether a person has attained the minimum competencies required for licensing.

R 28.14103 Definitions; M to Z.

Rule 103. As used in these rules:

(a) "MCOLES" means the 15 member Michigan commission on law enforcement standards.

(b) "MCOLES information and tracking network" means the commission's web-enabled information system for the licensing, reporting, and tracking of personnel and training records for Michigan law enforcement officers.

(c) "Preservice recruit" means a person who complies with the requirements of R 28.14315 and enrolls at his or her own expense in an approved regional basic law enforcement training academy and who is not employed by a law enforcement agency.

(d) "Preservice college recruit" means a person who is enrolled in a preservice college basic law enforcement training academy.

(e) "Recognized law enforcement agency" means a law enforcement agency, as verified by the commission, that may activate a person as a law enforcement officer under the act.

(f) "Recruit" means a student or trainee who is enrolled in a basic law enforcement training academy.

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

PART 2. SELECTION AND EMPLOYMENT STANDARDS

R 28.14201 Definitions.

Rule 201. As used in this part:

(a) "Licensing examination" means the mandated examination administered by the commission after the completion of the mandated basic recruit law enforcement training or the recognition of prior law enforcement training and experience program to determine competence required to practice law enforcement and developed in conformance with the following:

(i) The standards of the Society for Industrial and Organizational Psychology, Inc. that are in the publication entitled "Principles for Validation and Use of Personnel Selection Procedures," (3rd ed., 1987). Copies of these standards may be purchased from the Society for Industrial and Organization Psychology, Inc, P.O. Box 87, Bowling Green, Ohio 43402 at a cost, as of the time of adoption of these rules, of \$7.50 each.

(ii) The standards of the American educational research association, the American psychological association, and the national council on measurement in education that are in the publication entitled "Standards for Educational and Psychological Testing" (1999). Copies of these standards may be purchased from Test Standards, P.O. Box 465, Hanover, Pennsylvania 17331, at a cost, as of the time of adoption of these rules, of \$31.95 each.

(iii) The standards of the equal employment opportunity commission that are in the publication entitled "Uniform Guidelines on Employee Selection Procedures" (1978). These standards are found at CFR, title 41, chapter 60, part 60-3 and may be viewed and printed free of charge at the U. S. department of labor web site, www.dol.gov.

(b) "Reading and writing examination" means a job-related reading comprehension and writing skills examination developed in conformance with the standards cited in (a) (i) and (iii) in subrule (a) of this rule.

R 28.14202 Adoption by reference

Rule 202. (1) The standards cited in this rule are adopted by reference and are available for inspection at the commission offices, 7426 North Canal Road, Lansing, Michigan.

(a) The standards of the Society for Industrial and Organizational Psychology, Inc. that are in the publication entitled "Principles for Validation and Use of Personnel Selection Procedures," (3rd ed., 1987). Copies of these standards may be purchased from the Society for Industrial and Organization Psychology, Inc, P.O. Box 87, Bowling Green, Ohio 43402 at a cost, as of the time of adoption of these rules, of \$7.50 each.

(b) The standards of the American educational research association, the American psychological association, and the national council on measurement in education that are in the publication entitled "Standards for Educational and Psychological Testing" (1999).

Copies of these standards may be purchased from Test Standards, P.O. Box 465, Hanover, Pennsylvania 17331, at a cost, as of the time of adoption of these rules, of \$31.95 each.

(c) The standards of the equal employment opportunity commission that are in the publication entitled "Uniform Guidelines on Employee Selection Procedures" (1978). These standards are found at CFR, title 41, chapter 60, part 60-3 and may be viewed and printed free of charge at the U. S. department of labor web site, www.dol.gov.

R 28.14203 Non-medical selection qualifications.

Rule 203. A person selected to become a law enforcement officer under the act shall meet all of the following requirements:

(a) Be a citizen of the United States.

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

(c) Have earned a high school diploma or have attained a passing score on the general education development test indicating a high school graduation level. Attainment of an associate or baccalaureate degree shall be evidence of having met this standard.

(d) Have no prior felony convictions, or felony expungements and set asides.

(e) Possess good moral character as determined by a favorable comprehensive background investigation covering school and employment records, home environment, and personal traits and integrity. Consideration shall be given to a history of, and the circumstances pertaining to, having been a respondent to a restraining or personal protection order.

Consideration shall also be given to all law violations, including traffic and conservation law convictions, as indicating a lack of good moral character.

(f) Possess a valid motor vehicle operator's or chauffeur's license from 1 of the 50 states, the district of Columbia, a possession or territory of the United States, or Canada. Michigan driving privileges shall not be in a state of suspension, revocation, or denial at the time of entry into an academy or activation as a law enforcement officer.

(g) Read and write at a level necessary to perform the job of a law enforcement officer as determined by passing the commission's reading and writing examination designed to test these skills or by passing an agency-certified examination as specified in R 28.14209(c). The provisions of this subdivision do not apply to any of the following persons:

(i) Any person licensed under the act.

(ii) Any person qualifying for the recognition of prior basic law enforcement training and experience program under R 28.14403 to R 28.14406.

(h) Test negative for the illicit use of controlled substances under the following conditions:

(i) The process used to detect the presence of a controlled substance and the laboratory used to conduct the test shall be approved by the commission.

(ii) An applicant who tests positive, refuses to submit to a test, or fails to report for a test, shall not be eligible for training or licensing for 2 years after a positive test or the refusal to submit to the test. An applicant who tests positive may request an opportunity to show cause to the commission why the test results were not indicative of an illicit use of a controlled substance.

(i) Successfully complete the basic law enforcement course of study at a commission approved academy.

(j) Take and attain a passing score on the commission's licensing examination within 1 year of the completion of training. In the event of failure on the examination, 1 retest shall

be allowed within the same 1-year period. Failure on the retest shall result in the need to repeat and successfully complete the basic course of study to again be eligible to take the licensing examination.

(k) If the commission denies a license, entry into a training program, or entry into the recognition of prior basic law enforcement training and experience program for cause, then that person is not eligible to reapply for 2 years, unless provided otherwise in these rules.

(l) The commission may establish time frames during which compliance with a standard in this rule by an applicant shall be valid.

R 28.14204 Medical selection qualifications.

Rule 204. A person selected to become a law enforcement officer pursuant to the provisions of the act shall meet all of the medical requirements in subdivisions (a) to (e) of this rule. A determination of compliance with the medical standards in this rule shall be made by a licensed physician, with the exception that a determination of compliance with subdivisions (a), (b), (c) and (e)(iii) of this rule shall be made as provided in each of the following:

(a) Possess normal visual functions at a level necessary to perform the job of a law enforcement officer as determined by complying with the provisions of this subdivision. All vision testing shall comply with the test manufacturer's specifications and protocols. The following determinations of compliance with this standard may be made by a licensed optometrist.

(i) Far visual acuity complying with 1 of the following:

(A) Acuity in each eye uncorrected of 20/20 or better.

(B) Acuity in each eye corrected to 20/20 or better.

(ii) Near visual acuity at a range of 10 to 20 inches complying with 1 of the following:

(A) Acuity in each eye uncorrected of 20/20 or better, reduced Snellen equivalent.

(B) Acuity in each eye corrected to 20/20, reduced Snellen equivalent.

(iii) Normal color vision as determined by testing and passing either of the following 2 color vision tests. The use of refractive correction is permitted; however, the use of an x-chrom lens, or any other lens purported to enhance color perception, is prohibited.

(A) Pseudoisochromatic plates that have been approved by the commission.

(B) The Farnsworth dichotomous d-15 panel test.

(iv) The pseudoisochromatic plates shall be administered first, before the panel test. If an applicant passes the plates, no further color vision testing is required.

(v) Peripheral vision in each eye of 90° vertically and 120° horizontally.

(vi) Normal binocular vision as determined by testing and passing a stereopsis test to 80 seconds of stereoacuity, or better. Failure on the stereopsis test requires further testing to determine that diplopia is not present.

(b) Hear at a level necessary to perform the job of a law enforcement officer as determined by complying with subdivision (c) of this subrule. Throughout the testing specified in subdivision (c) of this subrule, the intensity of auditory stimuli shall be expressed in decibels relative to a normal hearing level as defined by the American national standards institute (ANSI) S3.6-1996, or more current ANSI standard. This standard is adopted by reference and is available from the acoustical society of America at www.asa.aip.org for purchase at the time of the adoption of these rules at \$100 and are available for inspection at the

commission offices at 7426 North Canal Road, Lansing, Michigan. The testing shall be performed by the following persons, as applicable:

(i) An audiologist at a hearing clinic accredited by the professional services board of the American speech-language-hearing association may do all testing in R 28.14204(c).

(ii) An audiologist who has a certificate of clinical competence from the American speech-language-hearing association or an audiologist who holds fellowship status in the American academy of audiology may do all of the testing in R 28.14204(c). The audiologist shall be licensed, if applicable.

(iii) A hearing conservationist certified by the council for accreditation in occupational hearing shall do only the testing in R 28.14204(c)(i).

(iv) A hearing aid specialist licensed by the Michigan department of labor and economic growth shall do only the testing in R 28.14204(c)(i).

(c) Comply with 1 of the following standards: Testing shall be done in the order listed. If an applicant passes 1 of the standards, then further testing is not required.

(i) Unaided audiometric testing on each ear that results in pure tone air conduction thresholds for each ear, as shown on the pure tone audiogram, of not poorer than a hearing level of 25 decibels at any of the following frequencies: 500, 1,000, 2,000, and 3,000 Hertz; and 45 decibels at 4,000 Hertz.

(ii) Unaided audiometric testing on each ear that results in all of the following:

(A) An unaided 4-frequency average pure tone threshold for each ear, as derived from the pure tone air conduction audiogram at 500, 1,000, 2,000, and 3,000 Hertz, of not poorer than a hearing level of 25 decibels, and a hearing threshold level at any single frequency of not poorer than 35 decibels.

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

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

(iii) Audiometric testing with 1 or both ears aided that results in all of the following:

(A) An aided 4-frequency average threshold for each ear, as derived from the sound field aided audiogram at 500, 1,000, 2,000, and 3,000 Hertz of not poorer than a hearing level of 25 decibels, and a hearing threshold level at any single frequency of not poorer than 35 decibels. Measurements shall be made monaurally in an audiometric sound field with the unaided (non-test) ear plugged or, when necessary, effectively masked. Test signals shall consist of either frequency-specific modulated tones or narrow band noise presented through a loudspeaker at zero degree azimuth, and results shall be expressed as aided hearing levels.

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

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

(d) Comply with all of the following requirements:

(i) Be free from any other impediment of the senses.

(ii) Be physically sound.

(iii) Be in possession of his or her extremities.

(iv) Be well developed physically.

(v) Have height and weight in relation to each other as indicated by achieving an acceptable score on the body mass index, as approved by the commission, or by passing the commission's preenrollment physical fitness test or a medical equivalent protocol approved by the commission.

(e) Be free from any of the following, which may impair the performance of the essential job functions of a law enforcement officer or which may endanger the lives of others or the law enforcement officer:

(i) Physical defects.

(ii) Chronic diseases.

(iii) Mental and emotional instabilities. The commission permits and may require the determination of compliance with this requirement be made by a board certified psychiatrist or a licensed psychologist.

(f) The commission may establish specific tests, procedures, and qualifications for use in determining compliance with the medical standards in R 28.14204 (a) to (e).

(g) If an initial examination indicates that a person may not comply with R 28.14204 (a) to (e), then the person may request a reexamination. The reexamination shall be done at the direction of the commission. The cost of the reexamination shall be the responsibility of the person or the employing agency.

(h) Except where specified otherwise, the results of any examination or test performed under this rule shall remain valid for not more than 180 days from the date of the examination.

(i) The commission may, after giving due consideration to the needs of agencies, academies, and potential recruits, establish and require the utilization of a list of approved health care providers to make a determination of compliance with this rule.

(j) The commission may establish time frames during which compliance with this rule shall be valid.

R 28.14205 Employing agency responsibilities; activation.

Rule 205. To activate an applicant, an employing agency shall do all of the following in the order listed:

(a) Submit to the commission for approval the compliance information specified in R 28.14206 or R 28.14207, as applicable, using the MCOLES information and tracking network.

(b) After receiving notice from the commission that compliance with the standards has been verified, employ and confer the authority to independently enforce all of the general criminal laws of this state on the officer as evidenced by an oath of office.

(c) Sign and mail to the commission the license activation report, which documents the conference of authority, the standards compliance verification affidavit printed from the MCOLES information and tracking network, and the applicant background affidavit.

R 28.14206 Employing agency responsibilities; employed recruits.

Rule 206. (1) Before sending a person to a basic law enforcement training academy, the employing agency shall do all of the following:

(a) Cause the applicant to complete a release of information statement for purposes of law enforcement licensing.

(b) Cause the applicant to complete the applicant background affidavit.

(c) Cause the applicant to be examined to determine that the applicant meets the medical standards in R 28.14204. A declaration of the applicant's medical history shall be made available to the examining physician and shall become a part of the background investigation.

(d) Cause the applicant to be fingerprinted and a search to be made of appropriate state and federal fingerprint files to disclose any criminal record within 180 days before the date of enrollment.

(e) Conduct an oral interview to determine the applicant's suitability for a law enforcement officer position and to assess appearance, background, and the ability to communicate.

(f) Screen the applicant for compliance with the selection and employment standards in R 28.14203 (a) to (h).

(g) Execute the standards compliance verification affidavit.

(2) The employing agency shall comply with both of the following while a recruit is enrolled in basic law enforcement training:

(a) Pay the enrollment cost for the recruit to the academy.

(b) Pay the employed recruit at least the federal minimum wage during the academy for all hours worked.

(3) During the course of the academy or while employed, the recruit shall not be required, or allowed, to repay the employer for any costs related to attendance at the academy. Further, no prepayment to the employer shall be required, or allowed, for any costs related to attendance at the academy.

(4) If the employed recruit successfully completes the academy and passes the licensing examination, then the employed recruit shall be immediately activated as a law enforcement officer, as provided in R 28.14205, before working as a law enforcement officer.

(5) The employing agency shall be the only agency eligible to activate an employed recruit.

(6) With respect to subrules (3) and (4) of this rule, for good cause the MCOLES executive director may approve a delayed activation as a law enforcement officer or activation by an agency other than the original employing agency. Good cause may include financial hardship and planned or unplanned employment vacancies.

R 28.14207 Employing agency responsibilities; preservice and preservice college recruits.

Rule 207. Before permitting a preservice or preservice college recruit to work as a law enforcement officer, the employing agency shall do all of the following:

- (a) Require the applicant to complete a release of information statement for purposes of law enforcement licensing.
- (b) Screen the applicant for compliance with the selection and employment standards in R 28.14203 (a) to (h).
- (c) Execute the standards compliance verification affidavit.
- (d) Verify that the recruit successfully completed a commission approved basic law enforcement course of study and passed the licensing examination.
- (e) Verify that the recruit is within the timelines of R 28.14315 or has successfully completed the recognition of prior basic law enforcement training and experience program.
- (f) Require the applicant to be examined to determine that the applicant meets the medical standards in R 28.14204. A declaration of the applicant's medical history shall be made available to the examining physician and shall become a part of the background investigation.
- (g) Require the applicant to be fingerprinted and a search to be made of appropriate state and federal fingerprint files to disclose any criminal record within 180 days before the date of employment.
- (h) Conduct an oral interview to determine the applicant's suitability for a law enforcement officer position and to assess appearance, background, and the ability to communicate.
- (i) Activate the recruit as a law enforcement officer by complying with R 28.14205.

R 28.14208 Practices and standards.

Rule 208. Recruitment and employment practices and standards shall comply with the law applicable to law enforcement officer employment.

R 28.14209 Commission approved testing and test results.

Rule 209. All of the following apply to the testing specified in R 28.14203(g):

- (a) The commission's reading and writing examination shall be administered only at approved locations under the supervision of and in a manner prescribed by the commission.
- (b) Test results shall be maintained in the commission's information system and shall be available to the test taker and prospective employing agencies.
- (c) A governmental agency, or its agent, may administer a reading and writing examination in lieu of the commission's examination if the agency certifies, in writing to the commission, that the examination is in compliance with the definition of "reading and writing examination" in R 28.14201. The commission may request that additional written documentation be submitted by a governmental agency, or its agent, to establish that the examination or examinations are in compliance with R 28.14201. The results of the examination(s) shall serve to satisfy the requirements of R 28.14203 and shall apply only to an applicant who seeks employment with the governmental agency giving the examination.

R 28.14210 Minimum in-service law enforcement training standards; establishment by the commission.

Rule 210. The commission, with due consideration to varying factors and special requirements of local law enforcement agencies, may establish, maintain, and update

minimum standards for in-service law enforcement training for commission licensed law enforcement officers in the policy and procedures manual published pursuant to R 28.14211.

R 28.14211 Publication of policies and procedures manual.

Rule 211. The commission shall prepare and publish a policies and procedures manual which is consistent with the act and these rules and which shall govern the implementation and administration of the programs described in these rules.

PART 3. BASIC RECRUIT LAW ENFORCEMENT TRAINING PROGRAMS

Note: Part 3 only - Filed with the Secretary of State on April 24, 2008

R 28.14301 Definitions.

Rule 301. As used in this part:

(a) "Academy operating contract" means a basic law enforcement training academy standard form contract executed between MCOLES and an academy under the administrative procedures act, section 7, 1969 PA 306, MCL 24.207(p).

(b) "Accredited community college, college, or university" means a community college, college, or university that has been accredited by an agency or association that has been recognized by the United States department of education.

(c) "Agency basic law enforcement training academy" means a law enforcement agency that is approved by the commission to provide a course of study for qualified recruits employed by that law enforcement agency.

(d) "Basic law enforcement training academy graduate" means a recruit who has completed the training and educational requirements of a commission approved basic law enforcement training academy.

(e) "Curriculum" means the commission mandated training objectives and training standards, as well as facilitator guides, assessment instruments, and other materials that are published by the commission for use in a commission approved basic law enforcement training academy.

(f) "Executive committee" means the committee of the commission established pursuant to the commission bylaws.

(g) "Preservice college basic law enforcement training academy" means a commission approved training and education program offered by an accredited community college, college, or university that incorporates the commission mandated curriculum in the academic course of study.

(h) "Program administrator" means a person who is employed by a city, county, township, village, corporation, college, community college, university, or state agency and who has been delegated authority to commit the agency to the basic law enforcement training academy proposal, annual operating plan, and the academy operating contract. The program administrator shall have management and oversight authority of the academy but shall not be the same person as the training director.

(i) "Regional basic law enforcement training academy" means a city, county, township, village, corporation, college, community college, university, or state agency that is approved by the commission to offer a basic law enforcement training program to preservice and employed recruits.

(j) "Satisfactory grade" means a grade of 70%, 2.0 on a 4.0 scale, or an institutional equivalent, or better grade, in each course included in the commission approved course of study in a preservice college basic training academy, unless specified otherwise in these rules.

(k) "Session" means a commission approved time frame during which a group of recruits are trained during basic law enforcement training at an academy.

(l) "Training and education advisory committee" means a group composed of knowledgeable persons, including law enforcement officials, who act in an advisory capacity regarding the establishment, guidance, and evaluation of a commission approved basic law enforcement training academy.

(m) "Training director" means that person who is responsible for the day-to-day operation of a basic law enforcement training academy.

(n) "Training objective" means a behavioral statement that describes a knowledge, skill, or ability to be acquired by the recruit during the delivery of the basic law enforcement training course of study.

R 28.14302 Authorization of basic law enforcement training academy; approval by commission.

Rule 302. A city, county, township, village, corporation, college, community college, university, or state agency shall obtain commission authorization before proceeding to establish an agency or regional basic law enforcement training academy or a preservice college basic law enforcement training academy under R 28.14303.

R 28.14303 Establishment of basic law enforcement training academy; program proposal.

Rule 303. (1) A city, county, township, village, corporation, college, community college, university, or state agency shall submit a written program proposal to establish a basic law enforcement training academy. The written program proposal shall be submitted to the commission in the manner prescribed by the commission not less than 90 days before the date of the commission meeting.

(2) The written program proposal shall contain, at a minimum, all of the following:

(a) A detailed description of the facilities and equipment to be used by recruits and instructors that will comply with the commission requirements.

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

(c) The name, address, and position of the program administrator.

(d) The name, title, and qualifications of the training director.

(e) A description of the goals and objectives of the basic law enforcement training academy.

(f) A description of the nature and scope of the applicant's financial and philosophical commitment to the basic law enforcement training academy.

(g) A copy of the academy rules governing recruit conduct.

- (h) Identification of the academy requirements for an enrolled recruit.
 - (i) Identification of the course of study in the law enforcement training academy sessions.
 - (j) A statement recognizing the commission's authority to visit and inspect the basic law enforcement training academy and to be furnished requested records and documentation.
 - (k) Identification and descriptions of affiliations with agencies, colleges, and universities that will be a part of the basic law enforcement training academy.
 - (l) An estimate of the number of basic law enforcement training academy sessions that will be offered on a yearly basis.
 - (m) A statement documenting the need for establishment of the proposed academy that includes both of the following:
 - (i) The need by law enforcement agencies in the proposed service area.
 - (ii) The prospective recruits' need for the proposed academy.
 - (n) Documentation of support from the local law enforcement community within the geographic service area of the proposed academy.
 - (o) A statement describing the selection methods of prospective preservice and preservice college recruits.
 - (p) The projected starting and graduation dates of the first basic law enforcement training academy session.
 - (q) A definition of the geographical area that the proposed basic law enforcement training academy will serve.
 - (r) A projection of the number of recruits that will be enrolled in the academy on a yearly basis.
 - (s) Verification that acceptable live-in facilities are available in the vicinity of the basic law enforcement training academy.
- (3) The entity submitting the program proposal in subrule (1) of this rule shall do all of the following with respect to the training and education advisory committee described in subrule (2)(b) of this rule.
- (a) The training and education advisory committee shall be appointed before development of the program proposal and shall be consulted on all aspects of the application.
 - (b) The committee shall approve the program proposal before it is submitted to the commission. If the commission approves the program proposal, then the committee shall be consulted on a continuing basis regarding the operation of the academy.
- (4) If the commission determines that the application is incomplete, then an amended application with amplification or clarification shall be filed within 30 days after the date of a request by the commission.
- (5) Failure to comply with subrule (4) of this rule is grounds for denial of the application.
- (6) Written commission approval of the program proposal shall be obtained before submitting an annual operating plan under R 28.14307.
- (7) An approved basic law enforcement academy that fails to conduct an academy session for 3 years shall submit a new program proposal for commission approval to reestablish itself as an approved basic law enforcement training academy.

R 28.14304 Establishment of preservice college basic training academy; program proposal.

Rule 304. In addition to the requirements in R 28.14303, the program proposal of a preservice college basic law enforcement training academy shall include all of the following:

(a) A copy of the community college, college, or university rules governing student conduct beyond those established by the commission.

(b) A description of how students will be selected for acceptance into the preservice college basic training academy at the applicant's institution.

(c) Identification of how and where the commission curriculum and additional community college, college, or university training objectives will be incorporated into the community college, college, or university course work.

(d) Identification of the requirements that an enrolled preservice college recruit shall meet to successfully complete the prescribed course of study at the community college, college, or university.

R 28.14305 Establishment of agency basic law enforcement training academy; program proposal.

Rule 305. (1) The program proposal of a law enforcement agency that seeks to establish an agency basic law enforcement training academy shall comply with R 28.14303, except for R 28.14303(2) (b), (k), (m), (n), (o) and (q).

(2) In addition to the requirements of subrule (1) of this rule, the application shall include a statement documenting the need for establishment of the proposed academy by the law enforcement agency and the prospective recruits' need for the proposed academy.

R 28.14306 Training director responsibilities.

Rule 306. The training director of an approved basic law enforcement training academy shall do all of the following:

(a) Ensure that the academy is operated in compliance with these rules and the academy operating contract.

(b) Ensure that each recruit is enrolled and maintains compliance with these rules and the academy operating contract.

R 28.14307 Annual operating plan; academy requirements after approval; notice of change in structure or content of program; commission approval required.

Rule 307. A city, county, township, village, corporation, college, community college, university, or state agency authorized by the commission to establish a basic law enforcement training academy shall do the following:

(a) Submit an annual operating plan in the manner prescribed by the commission.

(b) Execute an academy operating contract.

(c) Final approval to operate under MCL 28.609(4)(b) is contingent upon formal acceptance of both subdivisions (a) and (b) of this rule by the commission.

(d) The training director of a basic law enforcement training academy shall notify the commission immediately of any anticipated change in the annual operating plan during an academy session.

(e) Written commission approval of the change shall be obtained before implementing a change.

R 28.14308 Basic law enforcement training academy session; approval required.

Rule 308. A city, county, township, village, corporation, college, community college, university, or state agency approved by the commission as a basic law enforcement training

academy shall obtain commission approval in the manner prescribed by the commission before initiating each basic law enforcement training session.

R 28.14309 Revocation of commission approval; probation; suspension.

Rule 309. (1) A documented violation of these rules or the academy operating contract by an approved basic law enforcement training academy shall constitute cause for immediate review of continuing commission approval of the academy. Following the review, the MCOLES executive director may do any of the following:

- (a) Revoke the approval of a basic law enforcement training academy.
 - (b) Suspend the basic law enforcement training academy approval to operate until specified terms and conditions are met.
 - (c) Place the basic law enforcement training academy on probation for a specific period of time or until specified terms and conditions are met.
 - (d) Take informal action to resolve the violation.
- (2) The placement of an approved basic law enforcement training academy into a status as set forth in subrule (1) of this rule shall result in any of the following:
- (a) An academy placed into a status of revocation shall not operate the basic law enforcement academy, regardless of any active recruit sessions. The academy shall not be eligible for approval until submission of an application under R 28.14302 and R 28.14303.
 - (b) An academy placed into a status of suspension shall not operate the basic law enforcement academy, regardless of any active recruit sessions. The academy shall not be eligible for approval to resume operation until specified terms and conditions set forth by the commission or the executive committee are met. Failure to meet the specified terms and conditions may result in further suspension or revocation of the academy.
 - (c) An approved basic law enforcement training academy placed into a status of probation may continue operation, including any active recruit sessions, provided that specified terms and conditions set forth by the executive director are met. Failure to meet the specified terms and conditions may result in suspension or revocation of approval of the academy.
- (3) The executive director may authorize remedial action to minimize the impact of any academy sanction on recruits.
- (4) The executive director shall immediately report his academy disciplinary action to the executive committee.

R 28.14310 Basic law enforcement training academy; right to appeal denial, revocation, suspension, or probation.

Rule 310. (1) A basic law enforcement training academy shall have standing to appeal in writing a denial, revocation, suspension, or probation to the commission within 3 business days of issuance of the original notice.

(2) The executive committee shall act on behalf of the commission, if the commission is not scheduled to meet within 5 business days of receipt of an appeal. A decision by the executive committee or the commission is final.

R 28.14311 Basic law enforcement training curriculum; course of study.

Rule 311. (1) The commission shall publish the basic law enforcement training curriculum.

(2) An approved basic law enforcement training academy shall teach the course of study approved by the commission.

(3) The approved academy shall provide, or provide access to, the curriculum to enrolled recruits.

R 28.14312 Academy enrollment; compliance with standards; deadlines.

Rule 312. (1) An application for enrollment in a commission approved academy, as defined in R 28.14301 (c), (g), and (i), shall be completed in the manner prescribed by the commission and include a release of information for purpose of law enforcement licensing.

(2) The training director shall screen all prospective preservice recruits in a regional basic law enforcement training academy session or a preservice college basic law enforcement training academy to ensure compliance with the selection and employment standards in R 28.14203 (a) to (g) and R 28.14204, not later than 5 business days before the start of an academy session or a preservice college program. An academy shall conduct a background check, in lieu of a comprehensive background investigation, on the form or in the manner prescribed by the commission to determine preservice and preservice college recruit compliance with R 28.14203(e).

(3) Before enrolling a preservice or preservice college recruit in an academy session, the academy shall provide the recruit with an approved medical history form that shall be made available to the examining physician and shall become a part of the physician's medical record.

(4) An employing agency shall ensure compliance with R 28.14206 not later than 5 business days before enrolling a recruit in an academy session.

(5) Within 180 days before the start of an academy, the prospective recruit shall be fingerprinted and a search made of appropriate state and federal fingerprint files to disclose any criminal record.

(6) An oral interview shall be conducted to determine a preservice or preservice college prospective recruit's suitability for a law enforcement officer position and to assess the applicant's demeanor, background, and the ability to communicate.

(7) A prospective recruit intending to enroll in a basic law enforcement training academy session shall take and pass the commission's preenrollment physical fitness examination before, but be within 180 days before the start of the academy session.

(8) The results of the selection and employment standards screening shall be submitted to the commission using the MCOLES information and tracking network not later than 5 business days before the start of an academy session. Exceptions and comments made by the examining physician, an investigator, or other person on source documents shall be included in the MCOLES information and tracking network reporting.

(9) A prospective recruit who is not in full compliance with the selection and employment standards shall not participate in any recruit training or be enrolled by the commission. Any participation in an academic course at a preservice college training academy, without first having complied with this rule, shall not count toward completion of the course of study.

(10) Before enrollment, the prospective recruit shall have executed the commission's standards compliance verification affidavit and the applicant background affidavit.

R 28.14313 Military preservice recruits.

Rule 313. (1) A prospective recruit seeking enrollment in a basic training academy who has prior military law enforcement experience may request a waiver of the requirements in R 28.14315(1)(b) to enroll in a commission approved regional or preservice college basic law enforcement training academy, if all of the following requirements are met:

(a) Have successfully completed a mandatory basic military police training academy.

(b) Have served competently as a military police officer, with full powers of arrest, the authority to carry firearms in the performance of his or her duties, while holding the specialty rank or assignment of a military police officer, or its equivalent, in 1 of the 5 branches of the United States armed services, the national guard, or the reserves. The applicant shall have acted in the unrestricted full capacity of a military police officer for a minimum of 2,080 hours following training.

(c) Have been honorably discharged from active duty.

(2) Each requirement listed above shall be verified through a commission review of a properly executed DD-214 and the applicant's military service record.

R 28.14314 Basic recruit requirements.

Rule 314. A basic law enforcement training recruit shall do the following:

(a) Comply with all of the attendance and academic requirements.

(b) Comply with all administrative rules, policies and procedures, and academy rules.

(c) Successfully complete the prescribed course of study during the approved academy session. An extension for the completion of the basic training program and testing requirements may be granted by the commission for a recruit under the following conditions:

(i) The recruit has a documented physical injury sustained during an academy training event that is temporary and medically prohibits the recruit from full and active participation in 1 or more components of the basic training program or testing.

(ii) The recruit has a documented family or medical emergency situation outside the parameters of the academy that reasonably prohibits the recruit from full and active participation in 1 or more components of the basic training program or testing.

(iii) The recruit shall not be absent for more than one-half of any individual physical skills training and not more than 10% of the overall session.

(iv) An application for an extension shall be filed with the commission by the training director for a pre-service recruit or by a law enforcement agency for an employed recruit. The application shall comply with the procedures outlined in the policies and procedures manual published pursuant to R 28.14211.

R 28.14315 Preservice and preservice college recruit requirements.

Rule 315. (1) In addition to the requirements of R 28.14314, preservice and preservice college recruits shall do all of the following:

(a) Meet and maintain compliance with the selection and employment standards in R 28.14203 (a) to (g) and R 28.14204.

(b) Possess either an associate or baccalaureate degree before the commission will recognize the completion of the regional basic law enforcement training academy unless the requirement has been waived under R 28.14313.

(c) At the time of employment, comply with all of the selection and employment standards in R 28.14203 and R 28.14204.

R 28.14316 Preservice college recruit requirements.

Rule 316. In addition to the requirements in R 28.14314 and R 28.14315, a preservice college recruit shall do all of the following:

- (a) Meet the requirements established by the community college, college, or university for enrollment in its approved preservice college basic training academy.
- (b) Complete the commission approved preservice college basic training course of study within a 1-year period.
- (c) Attain a satisfactory grade in all preservice college courses, as evidenced by an official academic transcript.
- (d) Graduate from an associate or baccalaureate degree program at an accredited community college, college, or university and have been awarded either an associate or baccalaureate degree before employment as a law enforcement officer.

R 28.14317 Agency basic recruits.

Rule 317. In addition to the requirements in R 28.14314, an agency basic recruit shall comply with the following:

- (a) Meet and maintain compliance with the selection and employment standards in R 28.14203 (a) to (h) and R 28.14204.
- (b) Maintain employment with the enrolling agency through successful completion of the course of study.
- (c) Complete the commission approved basic training course of study during the session within which the recruit is enrolled.

R 28.14318 Recruit dismissals; grounds.

Rule 318. (1) After investigation and consultation with the commission, the training director shall do the following:

(a) Dismiss an enrolled recruit for failure to comply with or successfully complete the requirements in R 28.14314 to R 28.14317, as applicable.

(b) Dismiss an employed recruit for failure to do either of the following:

(i) Maintain employment with a law enforcement agency during the basic law enforcement training academy.

(ii) Maintain compliance with the minimum selection and employment standards in R 28.14203 (a) to (f) and R 28.14204 during the basic law enforcement training academy.

(2) The training director may dismiss an enrolled recruit after investigation and consultation with the commission for failure to comply with academy rules and regulations or the academy operating contract.

(3) An agency law enforcement basic training academy may dismiss an employed recruit for reasons unrelated to subrules (1) and (2) of this rule without consultation with the commission. The academy shall notify the commission of the dismissal and the reason for the dismissal.

(4) The commission may investigate and dismiss a recruit based on a violation of these rules, the academy operating contract, or the academy's rules and regulations as approved in the annual operating agreement.

R 28.14319 Recruit dismissals; appeal; final decision.

Rule 319. (1) A recruit dismissal may be appealed in the following manner:

- (a) An employer may appeal a dismissal of an employed recruit to the commission.
- (b) A dismissed employed recruit shall not have standing to appeal the dismissal to the commission.
- (2) A commission decision on appeal is final.
- (3) A preservice or preservice college recruit may appeal a dismissal to the MCOLES executive director. The executive director's decision is final.

R 28.14320 Recruit eligibility to take licensing exam; timeframe.

Rule 320. A basic law enforcement training recruit shall do the following:

- (a) Comply with all of the requirements in R 28.14314 to R 28.14317, as applicable, before taking the licensing exam.
- (b) Pass the licensing exam within 1 year of complying with the requirements in subdivision (a) of this subrule.

R 28.14321 Recruit licensing eligibly timeframes.

Rule 321. A recruit who is not employed and licensed as a law enforcement officer within 1 year of completion of a basic law enforcement training academy session shall, before licensing, comply with the requirements of the recognition of prior basic law enforcement training and experience program. The executive director may extend the timelines in this subrule by not more than 90 days for either of the following reasons:

- (a) If required by reexamination under R 28.14204(g) or R 28.14602.
- (b) For good cause based on a prospective employing agency's written request. If an extension request is granted, the extension applies only to employment with the requesting agency.

PART 4. RECOGNITION OF PRIOR BASIC LAW ENFORCEMENT TRAINING AND EXPERIENCE

R 28.14401 Definitions.

Rule 401. As used in this part:

- (a) "Approved in-service law enforcement training provider" means a training provider who delivers commission approved in-service law enforcement training.
- (b) "Post agency" means the state peace officer standards and training agency or agencies, in a state other than Michigan, that is authorized by that state's laws to establish training and employment rules for the certification or licensing of law enforcement officers in that state.
- (c) "Program" means both the curriculum component and the written and skill performance examinations component of the recognition of prior basic law enforcement training and experience program.

R 28.14402 Recognition of prior training and experience program; basic program eligibility.

Rule 402. A person enrolling in the recognition of prior basic law enforcement training and experience program shall submit a complete application for enrollment to the commission before consideration for acceptance into the program.

R 28.14403 Recognition of prior training and experience program; former Michigan officer candidate qualifications.

Rule 403. A person who was previously certified or licensed as a law enforcement officer in Michigan shall meet all of the following requirements for admission to the program:

(a) Discontinuance in employment with full empowerment as a licensed Michigan law enforcement officer for a period of time in excess of that provided for in section 9(2) of the act, being MCL 28.609(2).

(b) Reasonably expect to meet the selection and employment requirements of R 28.14202(a) to (j), except for (g) and (i), and R 28.14203.

(c) The separation from employment as a law enforcement officer shall have been under such conditions that qualify the candidate for employment in Michigan as a law enforcement officer.

R 28.14404 Recognition of prior training and experience program; non-Michigan officer candidate qualifications.

Rule 404. A person who is or was previously certified or licensed as a law enforcement officer by a post agency in another state shall meet all of the following requirements for admission to the program:

(a) Have completed a post agency basic law enforcement training program recognized by the commission or have been employed as a law enforcement officer before the establishment of training standards in that state.

(b) Have been employed as a law enforcement officer empowered to enforce all of the general criminal laws in that state and have acted in that capacity for a minimum of 2080 hours following the date of certification or licensing.

(c) Reasonably expect to meet the current selection and employment standards of R 28.14202(a) to (j), except for (g) and (i), and R 28.14203.

(d) If not currently employed as a law enforcement officer, the separation from employment as a law enforcement officer shall have been under such conditions that qualify the candidate for employment in Michigan as a law enforcement officer.

R 28.14405 Recognition of prior training and experience program; Michigan Indian tribal law enforcement officer candidate qualifications.

Rule 405. A person who intends to participate in the recognition of prior basic law enforcement training and experience program by virtue of employment as a Michigan Indian tribal law enforcement officer shall comply with all of the following:

(a) Have successfully completed a basic law enforcement training program recognized by a post agency in another state, or 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.

(b) Be currently employed or have been employed as a law enforcement officer of a Michigan Indian tribal police force for not less than 1 year and empowered to enforce the criminal laws and have acted in that capacity following the date of appointment.

(c) Reasonably expect to meet the current selection and employment standards of R 28.14202(a) to (j), except (g) and (i), and R 28.14203.

If not currently employed as a law enforcement officer, the separation from employment as a law enforcement officer shall have been under such conditions that qualify the candidate for employment in Michigan as a law enforcement officer.

R 28.14406 Recognition of prior training and experience program; preservice recruit candidate qualifications.

Rule 406. A person who intends to participate in the recognition of prior basic law enforcement training and experience program by virtue of having been previously eligible for licensing, based on compliance with the preservice recruit requirements in these rules, shall reasonably expect to meet the current selection and employment standards in R 28.14202 and R 28.14203 upon employment as a law enforcement officer.

R 28.14407 Completion requirements; time limits; extension.

Rule 407. (1) A candidate authorized to attend the recognition of prior basic law enforcement training and experience program shall start those components of the program required of the candidate within 3 months of receiving approval to enroll. Failure by a candidate to comply with this requirement shall require the candidate to reapply for admission to the program.

(2) Upon enrollment, the candidate shall execute the commission's affidavit of compliance with applicant background and eligibility requirements.

(3) For good cause, the commission may waive the time requirements and grant one 3-month extension on an approved application.

(4) A candidate who does not complete the program within 3 months of the start of the program shall be required to reapply for admission to the program, except as provided in R 28.14410(5).

R 28.14408 Recognition of prior training and experience program; hours; content, scope, and requirements; modification.

Rule 408. (1) The recognition of prior basic law enforcement training and experience program curriculum component content shall be set by the commission.

(2) The commission shall establish requirements for the curriculum component of the program with respect to all of the following:

(a) Criteria and qualification for exemption from various parts of the curriculum component, with due consideration for all of the following:

- (i) Previous training and experience.
- (ii) The position for which employment is sought.
- (iii) Attendance and participation.
- (iv) Testing and testing standards.

(3) The commission may modify the content and scope of the curriculum component. The requirements for the curriculum component shall be published in the policies and procedure manual, published pursuant to R 28.14210.

R 28.14409 Demonstrate competence on licensing and performance examinations.

Rule 409. (1) The licensing examination shall be administered by the commission to determine that a candidate possesses minimum competencies required for licensing only after the candidate has successfully completed all assessments and requirements.

(2) Performance examinations may be administered by the commission to assess a candidate's competence in skill areas.

(3) Competence shall be demonstrated on each examination to successfully complete the recognition of prior basic law enforcement training and experience program.

(4) Administration of a skill performance examination shall conform to the procedures used in the recruit training program as specified in the policies and procedures manual published pursuant to R 28.14210.

(5) The commission may establish requirements for exemption from various skill performance examinations, with due consideration for both of the following:

- (i) Previous training and experience.
- (ii) The position for which employment is sought.

R 28.14410 Examination protocols; first assessment; second assessment; failure.

Rule 410. (1) A person in the recognition of training and experience program who fails the first assessment of the licensing examination is eligible for a second assessment within the time limits provided in R 28.14407.

(2) A person who fails the first assessment of a performance examination in a skill area is eligible for a second assessment in a failed skill area within the time limits provided in R 28.14407.

(3) A second assessment on the licensing examination or in a skill area shall be at the expense of the applicant.

(4) A person who fails a second assessment on the licensing examination or fails 2 or more skill areas shall enroll in and successfully complete the Michigan basic law enforcement training program to be employed and activated as a law enforcement officer.

(5) A person who fails a second assessment in not more than 1 skill area may, at that person's option, do one of the following to complete the requirements of the failed skill area:

(a) Apply for enrollment and be accepted in a regular basic training session at a Michigan basic police training academy for training and testing in the failed skill area. An academy may decline an enrollment request. Comply with the following:

(i) The costs related to enrollment in an academy shall be at the expense of the applicant or the employer.

(ii) Comply with all of the academy and commission enrollment requirements.

(iii) Comply with and successfully complete all of the academy attendance, participation, and testing requirements in the failed skill area.

(b) Apply for enrollment and be accepted in a commission approved law enforcement training program for the failed skill area and comply with the following:

(i) The costs related to enrollment in the approved program shall be at the expense of the applicant or the employer.

(ii) Comply with all of the program enrollment requirements.

(iii) Comply with and successfully complete all of the program attendance, participation, and testing requirements.

(6) The results of the training shall be reported to the commission in the manner and form prescribed by the commission.

(7) Following the receipt of the results of the training by the commission, the person shall apply to, be accepted in, and complete the skill area assessment in the recognition of prior basic law enforcement training and experience program. A second failure in the skill area shall require that the person enroll in and successfully complete the recognition of prior basic law enforcement training and experience program in order to be eligible to be licensed as a law enforcement officer.

(8) A person shall successfully complete the recognition of prior basic law enforcement training and experience program, including the requirements of this rule, within 1 year of the start of the program.

R 28.14411 Responsibilities of employing agency.

Rule 411. Before permitting a person who has successfully completed the recognition of prior basic law enforcement training and experience program to work as a law enforcement officer, an employing agency shall activate the person as a law enforcement officer under R 28.14204.

R 28.14412 Request to conduct the recognition of prior training and experience program; minimum instructor qualifications.

Rule 412. (1) An academy approved by the commission to conduct the basic law enforcement training and experience program may apply for approval to conduct the recognition of prior basic law enforcement training and experience program. The commission may solicit additional academies to conduct the program.

(2) The minimum qualifications for instructing in the program are the same as those prescribed for the basic law enforcement training program.

(3) An academy approved to conduct the recognition of prior basic law enforcement training and experience program shall annually submit an operating plan to the commission for approval. The program shall not be run until the operating plan is approved and an operating agreement is in place.

(4) An academy or an approved in-service law enforcement training provider may apply for approval to conduct a recognition of prior basic law enforcement training and experience skill training program. The skill training program shall compress the required skill area training, as provided in R 28.14410, into one condensed block of instruction. The minimum qualifications for instructing in the program are the same as those prescribed for the basic law enforcement training program.

R 28.14413 Expiration of eligibility for licensing; extension.

Rule 413. (1) Eligibility for activation as a law enforcement officer for a person admitted to the recognition of prior basic law enforcement training and experience program under R 28.14403 to R 28.14406 shall expire 12 months after the completion of the program or the first assessment on the licensing examination, whichever comes first.

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

(3) A person who successfully completes the program, and is activated as a law enforcement officer within the eligibility period, shall be subject to time conditions as provided for in section 9(2) of the act, MCL 28.609(2).

R 28.14414 Policies and procedures.

Rule 414. The commission shall prepare and publish policies and procedures which are consistent with the rules in this part and which shall govern the implementation and administration of the recognition of prior basic law enforcement training and experience program. The policies and procedures shall be part of the policies and procedures manual published pursuant to R 28.14210.

PART 5. LICENSING, REPORTING, AND TRACKING**R 28.14501 Definitions.**

Rule 501. As used in this part:

(a) "Employment transaction" means any hire or separation of a law enforcement officer from fully empowered employment.

(b) "Non-state statute employing agency" means an agency that does not meet the definition of a law enforcement agency in R 28.14102(f), but employs one or more persons who meet the definition of a "police officer" or "law enforcement officer" as provided in MCL 28.602(l), other than MCL 28.602(l)(i).

(c) "Separation from law enforcement authority" means a discontinuation in employment as a licensed law enforcement officer, including a change in fully sworn status, or removal of full empowerment, if the separation exceeds the time frames specified in the act, MCL 28.609(2). A separation from law enforcement authority has occurred if the person is not at work and is unavailable to report for a regular duty shift as a law enforcement officer for a period of time that exceeds the time frames in MCL 28.609(2).

R 28.14502 Employment history record; maintenance.

Rule 502. (1) A recognized law enforcement agency shall maintain an employment history record for each law enforcement officer employed, subject to inspection by the commission. The employment history record shall include all of the following documentation:

- (a) Proof of paid employment.
- (b) Standards compliance documentation, as specified in R 28.14504, if applicable.
- (c) The officer's license issued by the commission for that agency.
- (d) Proof of conferral of law enforcement authority.
- (e) Proof of separation from law enforcement authority, if applicable.
- (f) Proof of reinstatement of law enforcement authority, if applicable.
- (g) Proof of separation from employment, if applicable.

(2) The documents in the employment history record shall be maintained for either of the following, whichever is longer:

(a) Thirty years from the date of creation of the document, with the exception provided in R 28.14504(f), even if the officer separates from employment with the agency or becomes deceased.

(b) As long as the officer is employed plus 5 years.

R 28.14503 MCOLES information and tracking network; maintenance of employment history record.

Rule 503. (1) A recognized law enforcement agency shall report an employment history record for each fully empowered law enforcement officer employed by the agency using the MCOLES information and tracking network.

(2) For purposes of the MCOLES information and tracking network and these rules, a non-state statute employing agency shall be verified by the commission as a recognized law enforcement agency.

(3) With respect to the following, the agency shall verify existing information in the MCOLES information and tracking network or submit compliance documentation for information verified independently by the agency:

(a) Successful completion of basic law enforcement officer training.

(b) Screening for compliance with the employment standards in R 28.14203, R 28.14204, R 28.14206 and R 28.14207. Exceptions and comments made by the person or persons conducting the screening shall be entered into the MCOLES information and tracking network record.

(c) Initial law enforcement officer license activation.

(d) Agency employment transactions.

(e) Commission mandated in-service law enforcement training.

(4) With respect to the following, the agency shall verify existing information in the MCOLES information and tracking network or submit compliance documentation for information verified independently by the agency, if applicable:

(a) Recognition of prior law enforcement officer basic training.

(b) Reactivation of the Michigan law enforcement officer license.

(c) Separation from law enforcement authority.

(d) A violation of MCL 28.609b.

(5) The agency may submit all of the following, if applicable:

(a) Specialties and endorsements recognized by the commission that may be appended to a law enforcement officer's license.

(b) Non-mandated in-service law enforcement training.

(c) Out-of-state law enforcement in-service licenses and/or certifications.

(6) The agency shall annually verify its roster of commission licensed law enforcement officers consistent with R 28.14511.

R 28.14504 Standards compliance documentation; maintenance.

Rule 504. An agency employing and activating a person, for initial licensing or licensing pursuant to the recognition of prior basic law enforcement training and experience program, being R 28.14401, shall maintain all of the following documentation:

(a) A copy of the authorization for release of information for license activation form signed by the person.

(b) A copy of the position description for the position into which the officer was hired and sworn.

(c) Proof of conferral of authority, such as an oath of office, showing the name of the officer and the date on which the person became a fully empowered law enforcement officer.

(d) The commission application for licensing completed by the agency to document that the applicant met the selection and employment standards in R 28.14204.

- (e) A copy of the required state and federal fingerprint search results.
- (f) A copy of the required background investigation, which shall be maintained for not less than 5 years.
- (g) A copy of the required drug screen report.
- (h) Proof of compliance with the education requirements.
- (i) Proof of United States citizenship.
- (j) A copy of the officer's operator's or chauffeur's license valid at the time of license activation.

R 28.14505 Document retention; academies.

Rule 505. (1) An academy shall retain standards compliance documentation for preservice and preservice college recruits for 3 years following the completion of training or until the recruit is licensed as a law enforcement officer, whichever is longer.

(2) An academy shall retain both collective and individual basic training academy session documents, except for those records forwarded to the commission, for 30 years from the date of creation of the document.

(3) An academy approved to conduct the recognition of prior basic law enforcement training and experience program shall retain documentation of standards compliance by participants for 3 years and collective and individual documentation of attendance and training, not forwarded to the commission, for 30 years.

R 28.14506 Employment; all applicants.

Rule 506. An agency shall do all of the following when hiring an applicant as a licensed law enforcement officer:

(a) Verify that the person complies with each of the selection and employment standards in R 28.14203 and R 28.14204.

(b) Certify that the person is employed and paid at least a federal minimum wage by the agency as of the date of full empowerment.

(c) Verify that the person has not been convicted of a felony as that term is defined in the act.

(d) Verify that the person has not been convicted of a misdemeanor offense of domestic violence, or is otherwise the subject of a court order, which may make the person ineligible to possess a firearm.

(e) The information in this rule shall be submitted to the commission using the MCOLES information and tracking network.

R 28.14507 Employment; applicant whose Michigan license has not lapsed.

Rule 507. When employing a person previously licensed as a law enforcement officer in Michigan who is within the time frames in the act, being MCL 28.609(2), an agency shall do all of the following in the order listed:

(a) Verify the applicant's eligibility for licensing through the MCOLES information and tracking network.

(b) Administer the oath of office conferring full law enforcement authority on the applicant.

(c) Place a copy of the law enforcement officer new hire notification, which documents the conferral of law enforcement authority, in the officer's employment history record at the agency.

(d) Report the employment transaction to the commission using the MCOLES information and tracking network within 3 business days.

R 28.14508 Employment; applicant eligible for licensing.

Rule 508. When employing an applicant eligible for activation as a licensed law enforcement officer, an agency shall do all of the following concerning that person in the order listed:

- (a) Verify eligibility for licensing using the MCOLES information and tracking network.
- (b) Activate the person as a licensed law enforcement officer, as provided in R 28.14205.
- (c) Place a copy of the license activation report, which documents the conferral of law enforcement authority, in the officer's employment history tracking record at the agency.

R 28.14509 Notice of separation from employment; return of license.

Rule 509. (1) An agency shall report to the commission the separation from employment of a licensed law enforcement officer within 3 business days of separation using the MCOLES information and tracking network.

- (2) The report of separation shall include both of the following:
 - (a) The reason for the separation.
 - (b) The total hours worked by that officer during the calendar year of the separation.
- (3) The agency shall return to the commission the officer's original license that verified employment and licensing with the agency, if such a license was issued to the agency, along with a signed copy of the law enforcement officer separation report. The agency shall collect and forward to the commission the identification card that may have been issued to the officer by the commission.

R 28.14510 Notice of separation from law enforcement authority.

Rule 510. An agency shall report to the commission the separation from law enforcement authority of a licensed law enforcement officer within 3 business days of knowledge of the separation using the MCOLES information and tracking network. The agency shall make the report when the separation is of an undetermined length or may exceed the time frames specified in the act, being MCL 28.609.

R 28.14511 Employment roster; annual agency verification.

Rule 511. Each agency shall annually confirm its roster of commission licensed law enforcement officers by doing all of the following:

- (a) Verify that all licensed law enforcement officers employed by the agency are listed on the agency roster in the MCOLES information and tracking network.
- (b) Verify that the current status of each officer is accurate and report the number of paid hours actually worked by each full-time and part-time commission licensed officer during the most recent complete calendar year.
- (c) Submit changes or corrections to the commission using the MCOLES information and tracking network during the annual registration window specified by the commission.

R 28.14512 In-service law enforcement training; providers; requirement to register; sanctions.

Rule 512. (1) An in-service law enforcement training provider shall do both of the following through the MCOLES information and tracking network:

- (a) Register course offerings with the commission.
 - (b) Submit a roster of all Michigan licensed law enforcement officers attending a course.
- (2) Failure to submit an attendance roster may cause the revocation of the training provider's training course registrations.

R 28.14513 Identification of instructors.

Rule 513. (1) Each academy shall register each instructor who will be teaching in an approved basic law enforcement training academy and identify the instructor's qualifications.

(2) Each in-service law enforcement training provider shall identify each instructor in a registered in-service course.

(3) Instructors shall be reported using the MCOLES information and tracking network.

R 28.14514 Security agreement; information security.

Rule 514. (1) Before use of the MCOLES information and tracking network, an agency, academy, or in-service law enforcement training provider shall execute a user agency agreement with the commission.

(2) The user, its operators, and other employees shall comply with the MCOLES security policy and user agency agreement submitted by the user.

(3) The user's agency head shall designate employees as operators through the completion of an operator agreement for each person.

R 28.14515 Misuse of MCOLES information and tracking network; sanctions.

Rule 515. Any misuse of or access by an unauthorized user of the MCOLES information and tracking network may result in sanctions for both the person and the agency.

R 28.14516 Transfer of employment history record.

Rule 516. If a recognized law enforcement agency is disbanded, then the commission may transfer the employment history record described in R 28.14502 to another recognized law enforcement agency or to the commission.

PART 6. INVESTIGATIONS AND REVOCATIONS

R 28.14601 Definitions.

Rule 601. As used in these rules:

(a) "Application process" means the complete process by which a person becomes a commission licensed law enforcement officer.

(b) "Conviction" or "convicted" means a criminal conviction of an offense included in MCL 28.609b by guilty verdict from a judge or jury, plea of guilty, or plea of no contest.

(c) “Materially false statements” means the failure to provide complete and truthful information required in R 28.14203 and R 28.14204 by a person, or on behalf of a person, during the application process to obtain a license or to gain employment as a law enforcement officer.

(d) “Suspension” means the temporary removal of a licensed law enforcement officer’s authority to access the law enforcement information network (LEIN).

(e) “Wrongful disclosure” means the disclosure of information from the law enforcement information network in violation of MCL 28.214.

R 28.14602 Investigation; protocol.

Rule 602. (1) The commission may conduct an investigation, or cause an investigation to be conducted, of an alleged violation of the act, these rules, or a provision of the commission’s policies and procedures, published pursuant to R 28.14211 of these rules, by a law enforcement agency, training academy, instructor, or a person.

(2) The investigation shall be consistent with the provisions of MCL 28.609c and these rules.

(3) The commission shall suspend time limits in these rules for not more than 90 days during the course of an investigation, when the time limits would otherwise expire because of a commission investigation.

R 28.14603 Complaints; sharing complaint information.

Rule 603. (1) The commission shall record all complaints, their status, and their resolution.

(2) The commission shall make available to law enforcement agencies as much information as legally permissible regarding complaints for the purpose of conducting background investigations of law enforcement officer applicants.

R 28.14604 Investigation; license; felony conviction; summary suspension.; revocation.

Rule 604. (1) If an investigation discloses that a licensed person was convicted of an offense defined in MCL 28.602(f), an order of summary suspension and notice of intent to revoke shall immediately issue. A hearing shall be conducted under the provisions chapters 4 and 5 of the administrative procedures act of 1969, MCL 24.271 to 24.291, and as provided in part 7 of these rules. A certified copy of the order of conviction shall be evidence of a felony conviction.

(2) If the hearing held under subrule (1) of this rule substantiates that the licensed person was convicted of an offense defined in MCL 602 (f), the commission shall revoke the license of a law enforcement officer.

(3) Upon notification of a final decision of license revocation, the person shall return the license immediately to the commission.

(4) A person who has had a license revoked under this rule shall not be eligible to reapply for a license as long as the felony conviction stands. For the purpose of these rules, set aside or expunged records are considered the same as a conviction.

R 28.14605 Investigation; person with license; fraud or false statement; revocation.

Rule 605. (1) If an investigation discloses that a licensed person committed fraud or made materially false statements in obtaining a license, the commission shall issue a complaint containing the allegations against the person and a notice of the intent to revoke the person’s

license. The notice shall state that the licensed person has 30 days from the date of issuance of the notice to request in writing either of the following:

- (a) an opportunity to show compliance, or
 - (b) a contested case hearing conducted in accordance with chapters 4 and 5 of the administrative procedures act of 1969, being MCL 24.271 to 24.292, and as provided in part 7 of these rules.
- (2) If the licensed person fails to request an opportunity to show compliance or a contested case hearing within 30 days of the issuance of the complaint and notice, the failure shall be regarded as an admission to the allegations in the complaint and the executive director shall revoke the license.
- (3) If a contested case hearing is held and the licensed person is found to have committed fraud or made materially false statements during the application process for a license, the commission shall revoke the person's license as provided in part 7 of these rules,
- (4) Upon notification of a final decision of license revocation, the person shall return the license immediately to the commission.
- (5) A person whose license is revoked under this rule shall not be eligible to reapply for a license for 2 years from the date of revocation.
- (6) A person whose license is revoked under this rule shall include the information related to the revocation in an application for relicensing. The revocation information shall be considered when determining if the person complies with the law enforcement officer selection and employment standards.

R 28.14606 Investigation; non-licensed persons; sanctions.

Rule 606. (1) If a person is not licensed in Michigan and an investigation discloses that the person committed fraud, made false statements, or failed to disclose requested information during the application process for a license, then the executive director shall determine the appropriate sanction under this rule. The executive director may establish internal procedures necessary to implement this rule. The decision of the executive director shall be final.

- (2) Sanctions may include, but are not limited to, all of the following:
 - (a) A fixed period of time, not less than 2 years, during which the person shall be ineligible for entry into, or continuation in, the application process.
 - (b) Specific requirements that shall be met before consideration is given for entry into the application process.
 - (c) Denial of entry into the application process.

R 28.14607 Disclosure of LEIN information; suspension.

Rule 607. Upon written notice by the criminal justice information systems policy council of a determination that a licensed person has wrongfully disclosed information from the law enforcement information network (LEIN), the commission shall suspend the person from the use of information from the LEIN, for a period of time the commission deems appropriate. In making its decision, the commission shall consider the propriety of actions taken by the employing law enforcement agency. The commission shall notify the criminal justice information systems policy council, the employing agency, and the local area dispatch of the sanction and direct the agency to impose the sanction. A sanction or sanctions imposed by

the commission may run concurrently with a sanction or sanctions imposed by the employing agency.

R 28.14608 Delegation of power to executive director.

Rule 608. At the discretion of the commission, the executive director may investigate, subpoena, and petition the court as provided in MCL 28.609c.

R 28.14609 Review of investigations for criminal wrongdoing.

Rule 609. If a commission investigation discloses possible wrongdoing of a criminal nature, then the executive director or his or her designee shall refer the case for possible criminal prosecution to the appropriate county prosecuting attorney or the office of the attorney general.

PART 7. CONTESTED CASE HEARINGS

R 28.14701 Eligibility for hearing.

Rule 701. A hearing provided for in R 28.14604 and R 28.14605 of part 6 of these rules shall comply with the requirements of the administrative procedures act and these rules.

R 28.14702 Final decision.

Rule 702. A proposal for decision shall be presented to the full commission at a regularly scheduled meeting following the presiding officer's issuing of a proposal for decision. The commission shall do one of the following:

- (a) Adopt the findings of fact, conclusions of law, and the recommendations of the hearing officer.
- (b) Reverse the hearing officer based upon the record.
- (c) If the record is found to be incomplete, remand the case back to the hearing officer for reconsideration with specific instructions as to the matter in the case to be reconsidered.