Michigan Attorney General

Proposals for Police Reform

In 2016, the Michigan Commission on Law Enforcement Standards (MCOLES) began requiring that law enforcement officers in the State of Michigan be licensed.

But, in many respects, MCOLES lacks sufficient authority to properly oversee law enforcement professionals and to revoke the licenses of police officers who demonstrate poor moral character or violate the public trust.

Though not an exhaustive list of the measures that need to be taken to ensure adequate police reform across our State, below is a list of proposals that we believe would have an immediate and measurable impact.

Accountability Measures

PROPOSAL 1:

Authorize MCOLES to revoke a license when an officer: (a) engages in conduct that adversely affects the ability and fitness of the police officer to perform his or her job duties; or (b) engages in conduct that is detrimental to the reputation, integrity, or discipline of the police department where the police officer is employed.

REASON:

Currently, MCOLES can only revoke a license if it was obtained by fraud or by making materially false statements or if an officer is found guilty or pleads guilty to certain felony or misdemeanor offenses. Unfortunately, these limitations – coupled with the added protections of collective bargaining agreements – can make it very difficult to strip a law enforcement officer of his or her authority until it is too late.

PROPOSAL 2:

Mandate that law enforcement agencies maintain all disciplinary records of a police officer in his or her personnel file.

REASON:

Many collective bargaining agreements require disciplinary action to be removed from an officer's personnel file, and prohibit agencies from relying on it, after a certain amount of time has lapsed. Purging disciplinary action can make it harder for agencies to fire bad cops and it deprives the public of complete information about an officer's disciplinary history.

PROPOSAL 3:

Require MCOLES to create a statewide misconduct registry that is accessible by the public.

REASON:

There should be a centralized registry of misconduct that is accessible by the public and to law enforcement agencies across the state to make it more difficult for a bad officer to move to another jurisdiction.

PROPOSAL 4:

Amend the Public Employee Benefits Forfeiture Act (MCL 38.2701, et al.) so that officers forfeit their retirement benefits upon conviction of a felony related to contact while on duty.

REASON:

Police Officers who severely injure or kill a member of the public in the course of duty through misconduct or excessive force breach the public trust and should not receive ongoing financial benefits from the public.

Transparency & Education

PROPOSAL 5:

Mandate law enforcement agencies report use of force data, disaggregated by race, sex, disability, sexual orientation, gender identity, national origin, religion, and age.

REASON:

The public should know how, when, and why police officers are using force in their communities. Furthermore, this information can be critical to identifying issues of systemic racism, bias or inadequate and improper training.

PROPOSAL 6:

Create an independent investigative and prosecutorial process for deaths that involve the actions of law enforcement officers.

REASON:

Requiring that investigations and prosecutions be handled by outside, independent agencies can help ensure the investigations and prosecutions are impartial and will help bolster public confidence in the process.

PROPOSAL 7:

Require continuing education for law enforcement officers as a license requirement; improve and standardize police policies and trainings (including de-escalation, cultural competence & implicit bias trainings).

REASON:

Police officers – like many other licensed professionals – should have continuing education requirements to ensure that they are kept abreast of the most recent developments in the law.

Police agencies should have standardized policies and trainings to ensure that they are compliant with the most up-to-date techniques and practices in law enforcement and that there is uniformity and consistency across every jurisdiction in the state.