
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
April 18, 2012
Lansing, Michigan

COMMISSION MEMBERS PRESENT

Chief Doreen Olko, representing the Michigan Association of Chiefs of Police
Sheriff James Bosscher, representing the Michigan Sheriffs' Association
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Commander Dwayne Love, representing Chief Ralph Godbee, Detroit Police Department
Director Kurt Jones, representing the Michigan Association of Chiefs of Police
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police
Mr. James DeVries, representing the Police Officers Association of Michigan
Mr. Fred Timpner, representing the Michigan Association of Police
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association
Mr. Richard Weiler, representing the Police Officers Labor Council
Lt. Col. Dan Atkinson, representing Col. Kriste Kibbey Etue, Michigan State Police
Mr. John Buczek, representing the Fraternal Order of Police
D/Sgt. Chris Luty, representing the Michigan State Police Troopers Association

COMMISSION MEMBERS EXCUSED

Mr. Thomas Cameron, representing Attorney General Bill Schuette

OTHERS PRESENT

Mr. David Harvey, MCOLES Executive Director
Ms. Hermina Kramp, MCOLES Deputy Executive Director
Mr. John Szczubelek, Assistant Attorney General and Commission Counsel
Mr. Danny Rosa, MCOLES Staff
Mr. David Lee, MCOLES Staff
Mr. Patrick Hutting, MCOLES Staff
Ms. Joyce Nelson, MCOLES Staff
Mr. Darnell Blackburn, MCOLES Staff
Ms. Rhonda Hooson, MCOLES Staff
Ms. Sandi Luther, MCOLES Staff
Ms. Debra Thelen, MCOLES Staff
Ms. Diane Horwath, MCOLES Staff
Ms. Jacquelyn Beeson, MCOLES Staff

Ms. Gina Rosendall-Saucedo, MCOLES Staff
Mr. Wayne Carlson, MCOLES Staff
Mr. Larry Jones, MCOLES Staff

GUESTS (signing in)

Deputy Chief Hilton Napoleon, Inkster P.D.
Mrs. Lisa Rechtzigel
Sgt. Scott Rechtzigel, Inkster P.D.
Ms. Karen Grzelak
Mr. Ray Grzelak
Ms. Kathy Rechtzigel
Mr. Ed. Rechtzigel

CALL TO ORDER

The Commission meeting was called to order by Chair Doreen Olko at 10:30 AM on April 18, 2012 at the MCOLES Office, Lansing, Michigan.

INTRODUCTIONS

Chair Olko introduced herself and asked the Commission members, staff, and audience to do the same.

ACCEPTANCE OF THE FEBRUARY 22, 2012 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Wriggelsworth and supported by Commissioner Bosscher to approve the February 22, 2012 Commission meeting minutes as written.

A **VOTE** was taken. The **MOTION** carried.

ADDITIONS/CHANGES TO THE AGENDA

Executive Director Harvey advised that there were two additions to the agenda.

- 1) Commission Resolution 2012-04 which provides authority to Participate in Conciliation of EEOC Charge No. 471-2010-01383.

- 2) Affidavit in Support of Receipt and Expenditure of Justice Training Law Enforcement Distribution Funds for Denmark Township Police Department.

Mr. Harvey advised that both of these issues would be discussed under new business.

PUBLIC COMMENT

Chair Olko asked for any public comment on an issue not listed on the agenda. There was no public comment.

CHAIR'S REPORT

Law Enforcement Officer Position Report – Chair Olko stated that since the Commission started tracking employment of Michigan's law enforcement officers, we have closely monitored Michigan's law enforcement strength. There has been a steady downward decline in the number of law enforcement positions statewide. Today the number of enforcement positions stands at 19,523. This figure is 3,627 less positions since 2001.

Special Use Requests – Chair Olko stated that the commission materials contained a report detailing the special use requests. There was no discussion or questions.

Grant Adjustment Requests – Commissioner Olko advised that the Grant Adjustment Requests Activity Report was also part of the electronic distribution of Commission materials. There were no questions.

DIRECTOR'S REPORT

Academy Graduations – Executive Director Harvey advised that in the portfolios is a list of upcoming academy graduations. He stated that Commissioner representation is always welcome and asked the Commissioners to see Jacque after the meeting to sign up.

June 6, 2012 Commission Meeting – Mr. Harvey advised that the next Commission meeting will be held June 6, 2012 at Camp Grayling. There will be a dedication ceremony at 10:00 AM on June 6th at the front gate.

ATTORNEY'S REPORT

Mr. Szczubelek provided the Commission with an oral report.

COMMITTEE REPORTS

Executive Committee – Chair Olko advised that the Executive Committee met prior to the Commission meeting that morning. She advised that they discussed Commission Resolution 2012-03 and Commission Resolution 2012-04. Both will be addressed under New Business. The committee also reviewed the Affidavit for Denmark Township which will also be discussed under New Business.

NEW BUSINESS

Commission Resolution 2012-03 - A Resolution to Recommend Amendments to the Commission on Law Enforcement Standards Act and the Justice Training Commission Act.

Mr. Szczubelek addressed the Commission. He stated that they all had received a copy of the Resolution in the electronic distribution of material. He highlighted some of the recommended changes and a discussion occurred.

A **MOTION** was made by Commissioner Pickell and supported by Commissioner Mattice to move Commission Resolution 2012-03 forward.

A **ROLL-CALL VOTE** was taken. The **MOTION** carried.

The following votes were recorded:

<u>Commissioner</u>	<u>Vote</u>
Mr. Christopher Luty	NO
Director Kurt Jones	YES
Mr. Fred Timpner	NO
Chief Richard A. Mattice	YES
Commander Dwayne Love	YES
Sheriff Gene Wriggelsworth	YES
Sheriff James Bosscher	YES
Chief/Director Doreen Olko	YES
Mr. John Buczek	YES
Lieutenant Colonel Atkinson	YES
Mr. Michael Wendling	YES
Mr. James DeVries	NO
Sheriff Robert Pickell	YES
Mr. Richard Weiler	NO
Professor Ron Bretz	YES

The Commission took at break at 12:05 p.m. and resumed the meeting at 12:15 p.m.

Commission Resolution 2012-04 – A resolution Providing Authority to Participate in Conciliation of EEOC Charge No. 471-2010-01383.

Mr. Szczubelek addressed the Commission to provide the background for this resolution. Mr. Szczubelek advised that a Detroit Police Department officer filed a discrimination suit against the Detroit Police Department and the Michigan Commission on Law Enforcement Standards. The officer had lost his leg and while on light duty his license lapsed. MCOLES denied him entrance to the Recognition of Prior Training and Experience program based on a medical statement that said the officer could not perform all duties required of a licensed officer.

The EEOC is asking for MCOLES to license the officer and pay \$25,000.00. Commission Resolution 2012-04 will grant permission to Mr. Szczubelek and staff to participate in conciliation.

A **MOTION** was made by Commissioner Pickell and supported by Commissioner Bosscher to approve Commission Resolution 2012-04.

A **VOTE** was taken. The **MOTION** carried.

Affidavit in Support of Receipt and Expenditure of Justice Training law Enforcement Distribution Funds for Denmark Township Police Department – Ms. Kramp addressed the Commission and advised that this agency had unexpended funds from 1989 and 2001. The agency conducted an audit and verified the funds had been spent; however, they did not have the original receipts. Denmark Township Police Department has signed an affidavit and is asking that we zero their balance.

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Love to accept the Affidavit signed by Denmark Township Police Department.

A **VOTE** was taken. The **MOTION** carried.

Scott Rechtzigel Appeal – Executive Director Harvey advised the Commission that a more complete investigation had been completed per their request at the last meeting. The investigative report had been mailed to the Commissioners for their review.

A discussion of the report took place. Mr. Scott Rechtzigel answered questions and audience members commented.

A **MOTION** was made by Commissioner Wriggelsworth and supported by Lieutenant Colonel Atkinson to deny Mr. Scott Rechtzigel entrance into the Recognition of Prior Training and Experience program.

A **ROLL-CALL VOTE** was taken. The **MOTION** failed.

The following votes were recorded:

<u>Commissioner</u>	<u>Vote</u>
Mr. Richard Weiler	NO
Mr. Fred Timpner	NO
Mr. Richard Mattice	YES
Commander Dwayne Love	NO
Sheriff Gene Wriggelsworth	YES
Sheriff James Bosscher	YES
Lt. Col. Dan Atkinson	YES
Mr. Michael Wendling	NO
Mr. Ron Bretz	NO
Sheriff Robert Pickell	YES
Mr. James DeVries	NO
Chief Doreen Oklo	YES
Director Kurt Jones	YES
Mr. Christopher Luty	NO
Mr. John Buczek	NO

OLD BUSINTESS

None

MISCELLANEOUS

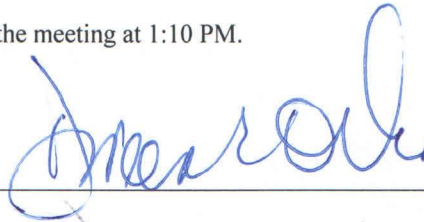
None

NEXT MEETING: Wednesday, June 6, 2012
Grayling, Michigan

ADJOURNMENT

Chair Olko adjourned the meeting at 1:10 PM.

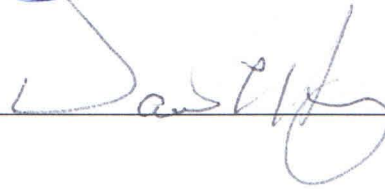
APPROVED BY



ON

6/6/2012

WITNESSED BY



ON

6/6/2012



MCOLES
Michigan Commission on Law Enforcement Standards

***COMMISSION RESOLUTION 2012-03
RESOLUTION TO RECOMMEND AMENDMENTS TO THE
COMMISSION ON LAW ENFORCEMENT STANDARDS ACT
AND THE JUSTICE TRAINING COMMISSION ACT***

WHEREAS, section 11 of the Commission on Law Enforcement Standards Act authorizes the Commission to make recommendations to the Legislature on matters pertaining to the qualification and training of law enforcement officers; and,

WHEREAS, Executive Order 2001-5 combined the former Commission on Law Enforcement Standards and the former Michigan Justice Training Commission into a single entity known as the new Michigan Commission on Law Enforcement Standards; and,

WHEREAS, the Commission has undertaken a comprehensive review of the Commission on Law Enforcement Standards Act and the Michigan Justice Training Commission Act for the purpose of modernizing and combining these statutes; and

WHEREAS, the Commission has previously adopted resolutions recommending various proposed amendments to these statutes, but now seeks to adopt a single resolution detailing a complete set of proposed amendments; and,

WHEREAS, the Commission recognizes that proposed amendments to these statutes will be reviewed by the Governor's office and the Legislature; now,

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

- (1) Directs the Executive Director, Staff, and Commission Legal Counsel to take all necessary steps to recommend to the Legislature the proposed amendments, with the objective of preserving the language and intent specified in this Resolution, excluding the section headings; and
- (2) Directs the Executive Director, Staff, and Commission Legal Counsel to report upon the progress of the proposed amendments, including any further revisions recommended by the Governor's office and the Legislature; and
- (3) Proposes the following amendments to the Commission on Law Enforcement Standards Act and the Michigan Justice Training Act:

§ 28.601. Short title.

Sec. 1. This act shall be known and may be cited as the "Michigan commission on law enforcement standards act".

§ 28.602. Definitions.

Sec. 2. As used in this act:

(a) "Adjudication of guilt" means any of the following:

(i) Entry of a judgment or verdict of guilty, or guilty but mentally ill, following a trial.

(ii) Entry of a plea of guilty or nolo contendere.

(iii) Entry of any of the adjudications specified in subsections 2(a)(i) and 2(a)(ii), in conjunction with an order entered under section 771.1 of the Code of Criminal Procedure, MCL 771.1, or any other order delaying sentence.

(iv) Entry of any of the adjudications specified in subsections 2(a)(i) and 2(a)(ii), in conjunction with an assignment to the status of youthful trainee under the Holmes Youthful Trainee Act, section 762.11 of the Code of Criminal Procedure, MCL 762.11.

(v) Entry of any of the adjudications specified in subsections 2(a)(i) and 2(a)(ii), in conjunction with probation under section 333.7411 of the Public Health Code, MCL 333.7411.

(vi) Entry of any of the adjudications specified in subsections 2(a)(i) and 2(a)(ii), in conjunction with probation under section 769.4a of the Code of Criminal Procedure, MCL 769.4a.

(b) "Commission" means the Michigan commission on law enforcement standards created in this act, or, by express delegation, its executive director and staff.

(c) "Contested case" means that term as defined in section 3 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.203.

(d) "Employed as a law enforcement officer" means to perform a service or labor as a law enforcement officer for a 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, without any diminution of the law enforcement authority conferred by the statutes under which the person is employed.

(e) "Executive director" means the executive director of the commission appointed under this act.

(f) "Law enforcement agency" means an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers.

(g) "Law enforcement officer" means a person employed by a law enforcement agency as one or more of the following:

(i) A person authorized by law, including common law, to prevent and detect crime and enforce the general criminal laws of this state. This does not include a person serving solely because he or she occupies any other office or position.

(ii) A law enforcement officer of a Michigan Indian tribal police force, subject to the limitations of section 9(5) of this act.

(iii) The sergeant at arms or any assistant sergeant at arms of either house of the legislature who is commissioned as a police officer by that respective house of the

legislature as provided by the legislative sergeant at arms police powers act, 2001 PA 185, MCL 4.381 to 4.382, or any successor provision.

(iv) A law enforcement officer of a multicounty metropolitan district as provided under 2004 PA 378, MCL 28.583, or any successor provision, subject to the limitations of section 9(6) of this act.

(v) A county prosecuting attorney's investigator sworn and fully empowered by the sheriff of that county as provided under Article VII of the Michigan Constitution and chapter 51 of the Michigan Compiled Laws, or any successor provisions.

(vi) A fire arson investigator from a fire department within a city with a population of not less than 600,000 who is sworn and fully empowered by the city chief of police as provided under 1909 PA 279, MCL 117.3, or any successor provision.

(vii) Officers and investigators appointed by state departments represented on the Michigan Highway Reciprocity Board as provided under 1960 PA 124, MCL 3.175, or any successor provision.

(viii) A superintendent, watchperson, or guard appointed or chosen as provided under 1905 PA 80, MCL 19.141 and MCL 19.143, or any successor provision.

(ix) A commissioner or officer of the Michigan state police appointed as provided under 1935 PA 59, MCL 28.6, or any successor provision.

(x) A conservation officer appointed by the Michigan state police as provided under 1935 PA 59, MCL 28.6a, or any successor provision.

(xi) An officer appointed by a public body as provided under 2004 PA 378, MCL 28.583, or any successor provision.

(xii) A general law township constable appointed to perform both statutory criminal and civil duties as provided under R.S. 1846, MCL 41.82, or any successor provision.

(xiii) An officer appointed to a general law township police department as provided under 1951 PA 33, MCL 41.806, or any successor provision.

(xiv) A marshal, policeman, watchman, or officer appointed to a charter township police force as provided under 1947 PA 359, MCL 42.12, or any successor provision.

(xv) A park ranger appointed by a county or regional parks and recreation commission as provided under 1965 PA 261, MCL 46.364, or any successor provision.

(xvi) A sheriff elected as provided under Article VII of the Michigan Constitution.

(xvii) An undersheriff or deputy sheriff appointed as provided under Chapter 51 of the Michigan Compiled Laws, or any successor provisions.

(xviii) A police officer appointed by a general law village as provided under 1895 PA 3, MCL 70.13, or any successor provision.

(xix) A police officer appointed by a home rule village as provided under 1909 PA 278, MCL 78.22, or any successor provision.

(xx) A marshal appointed to serve as chief of police of a fourth class city as provided under 1895 PA 215, MCL 87.16, or any successor provision.

(xxi) A constable appointed by a fourth class city as provided under 1895 PA 215, MCL 87.24.

(xxii) A police chief, policeman or night watchman appointed by a fourth class city as provided under 1895 PA 215, MCL 92.1, or any successor provision.

(xxiii) A police officer or constable appointed by a home rule city as provided under 1909 PA 279, MCL 117.3 and MCL 117.32, or any successor provisions.

(xxiv) An airport law enforcement officer, guard, or police officer appointed by a public airport authority as provided under 1945 PA 327, MCL 259.116, or any successor provision.

(xxv) A conservation officer appointed by the director of the department of natural resources as provided under 1986 PA 109, MCL 300.21 or 1994 PA 451, MCL 324.1501, MCL 324.1601, and MCL 324.1606(1), or any successor provisions.

(xxvi) A public safety officer appointed to a department of public safety as provided under 1976 PA 451, MCL 380.1606b, or any successor provision.

(xxvii) A public safety officer appointed by a community college as provided under 1966 PA 331, MCL 389.128, or any successor provision.

(xxviii) A public safety officer appointed by the board of control of Saginaw valley state university as provided under 1965 PA 278, MCL 390.715a, or any successor provision.

(xxix) A public safety officer appointed by the board of control of a higher education institution as provided under 1990 PA 120, MCL 390.1511, or any successor provision.

(xxx) An investigator appointed by the attorney general as provided under 1977 PA 72, MCL 400.610, or any successor provision.

(xxxi) An investigator appointed by the attorney general as provided under 1984 PA 323, MCL 752.1008, or any successor provision.

(xxxii) A railroad police officer acting as provided under 1993 PA 354, MCL 462.367, or any successor provision, and subject to the training requirements under 1993 PA 354, MCL 462.367(2), or any successor provision.

(xxxiii) An inspector appointed by the state transportation commission as provided under 1933 PA 254, MCL 479.13, or any successor provision.

(xxxiv) A law enforcement officer licensed under this act whose duties are performed in conjunction with a joinder of two or more municipal corporations under 1951 PA 35, MCL 124.1 *et seq.*, or any successor provisions.

(xxxv) A law enforcement officer licensed under this act whose duties are performed in conjunction with an interlocal agreement entered into under 1967 PA 7, MCL 124.501 *et seq.*, or any successor provisions.

(xxxvi) A law enforcement officer licensed under this act whose duties are performed in conjunction with a transfer of functions or responsibilities under 1967 PA 8, MCL 124.531 *et seq.*, or any successor provisions.

(xxxvii) A law enforcement officer licensed under this act whose duties have been transferred to an authority and who is given a comparable position of employment with that authority as provided under 1988 PA 57, MCL 124.601 *et seq.*, or any successor provisions.

(h) "Law enforcement officer" does not include:

(i) A general law township constable appointed as a district court officer or appointed to perform civil duties, but not statutory criminal duties, as provided under R.S. 1846, MCL 41.82, or any successor provision.

(ii) A temporary policeman appointed under 1895 PA 215, MCL 92.2, or any successor provision.

(iii) A person authorized to issue citations as a volunteer as provided under 1949 PA 300, MCL 257.675d, or any successor provision.

(iv) A security employee appointed by the Michigan state police as provided under 1935 PA 59, MCL 28.6c, or any successor provision.

(v) A motor carrier officer appointed by the Michigan state police as provided under 1935 PA 59, MCL 28.6d, 1956 PA 62, MCL 257.955, and PA 1990 PA 187, MCL 257.1873, or any successor provisions.

(vi) The director of the department of agriculture or its successor department granted peace officer authority as provided under 1984 PA 44, MCL 290.649h, or any successor provision.

(vii) An agent of the department of energy, labor and economic growth or its successor department, granted peace officer authority as provided under 1968 PA 300, MCL 338.1077, or any successor provision.

(viii) An attendance officer granted the powers of a deputy sheriff as provided under 1976 PA 451, MCL 380.1571, or any successor provision.

(ix) A park and recreation officer commissioned under 1994 PA 451, MCL 324.1606(2), or any successor provision.

(x) A volunteer conservation officer appointed by the department of natural resources as provided under 1994 PA 451, MCL 324.1607, or any successor provision.

(xi) A state forest officer appointed by the director of the department of natural resources as provided under 1994 PA 451, MCL 324.83107, or any successor provision.

(xii) A special deputy appointed by a sheriff to do particular acts under MCL 51.70, or any successor provision.

(xiii) An officer appointed to conduct salvage vehicle inspections as provided under 1949 PA 300, MCL 257.217c, or any successor provision.

(xiv) A private security guard, private security police officer, or private college security force officer employed or appointed as provided under 1968 PA 330, MCL 338.1051 *et seq.*, or any successor provisions.

(xv) The attorney general, who has peace officer authority under Michigan common law.

(xvi) The secretary of state, who has peace officer authority under Michigan common law and the Michigan motor vehicle code, MCL 257.1 *et seq.*, or any successor provisions.

(xvii) A member of the Highway Reciprocity Board granted peace officer authority under 1960 PA 124, MCL 3.175, or any successor provision.

(xviii) A member of a sheriff's posse.

(xix) A police auxiliary.

(xx) A reserve officer.

(xxi) An officer or investigator appointed by the department of state as provided under 1949 PA 300, MCL 257.213, or any successor provision.

(xxii) An authorized agent of the state transportation department or a county road commission performing duties as required under 1949 PA 300, MCL 257.724, or any successor provision.

(xxiii) An enforcement officer appointed by the aeronautics commission as provided under 1945 PA 327, MCL 259.55, or any successor provision.

(xxiv) A railroad conductor acting as provided under 1913 PA 68, MCL 436.203, or any successor provision.

(xxv) An inspector authorized to enforce the Michigan liquor control code of 1998 and rules promulgated by the liquor control commission as provided under 1998 PA 58, MCL 436.1201, or any successor provision.

(xxvi) A person not licensed under this act whose law enforcement duties are performed in conjunction with a joinder of two or more municipal corporations under 1951 PA 35, MCL 124.1 *et seq.*, or any successor provisions.

(xxvii) A person not licensed under this act whose law enforcement duties are performed in conjunction with an interlocal agreement entered into under 1967 PA 7, MCL 124.501 *et seq.*, or any successor provisions.

(xxviii) A person not licensed under this act whose law enforcement duties are performed in conjunction with a transfer of functions or responsibilities under 1967 PA 8, MCL 124.531 *et seq.*, or any successor provisions.

(xxix) A person not licensed under this act whose law enforcement duties have been transferred to an authority and who is given a comparable position of employment with that authority as provided under 1988 PA 57, MCL 124.601 *et seq.*, or any successor provisions.

(i) "Law enforcement officer minimum standards" means standards established by the commission under this act that a person must meet to be eligible for licensure under this act, unless the person was employed as a law enforcement officer before January 1, 1977 or is appointed or elected to the office of sheriff.

(j) "Law enforcement officer of a Michigan Indian tribal police force" means a member of a police force of a Michigan Indian tribe who is appointed under Title 25 of the Code of Federal Regulations.

(k) "License" means any of the following:

(i) A determination by the commission that a person meets the law enforcement minimum standards and is eligible to be employed as a law enforcement officer.

(ii) A determination by the commission that a person was employed as a law enforcement officer before January 1, 1977 and is eligible to be employed as a law enforcement officer.

(iii) A determination by the commission that a person is appointed or elected to the office of sheriff.

(l) "Licensure" means issuance of a license under this act.

(m) "Michigan Indian tribe" means a federally recognized Indian tribe that has trust lands located within this state.

(n) "Multicounty metropolitan district" means an entity authorized and established pursuant to state law by 2 or more counties with a combined population of not less than 3,000,000, for the purpose of cooperative planning, promoting, acquiring, constructing, owning, developing, maintaining, or operating parks.

(o) "Rule" means a rule promulgated pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

§ 28.603. Commission on law enforcement standards; creation; membership; terms.

Sec. 3. (1) The commission on law enforcement standards is created to carry out the intent of this act.

(2) The commission consists of the following 17 members, as follows:

(a) The attorney general, or his or her designee from within the department of attorney general.

(b) The director of the department of state police, or his or her designee who is a police officer within the Department of State Police.

(c) The chief of a police department located in a city with a population of more than 600,000, or his or her designee who is a command officer within that department.

(d) 14 individuals appointed by the governor, subject to disapproval by the Michigan Senate under Article V, Section 6 of the Michigan Constitution, including all of the following:

(i) 3 individuals selected from a list of not less than 9 active voting members of and

submitted by the Michigan Association of Chiefs of Police nominated by the Michigan Association of Chiefs of Police.

(ii) 3 individuals selected from a list of not less than 9 elected county sheriffs nominated by the Michigan Sheriffs' Association.

(iii) 1 individual selected from a list of 3 prosecuting attorneys nominated by the Prosecuting Attorneys Association of Michigan.

(iv) 1 individual selected from a list of not less than 3 individuals nominated by the Criminal Defense Attorneys of Michigan.

(v) 1 individual selected from a list of not less than 3 individuals nominated by the Michigan State Police Troopers Association.

(vi) 1 individual selected from a list of not less than 3 individuals nominated by the Michigan chapter of the Fraternal Order of Police.

(vii) 1 individual selected from a list of not less than 3 individuals nominated by the Police Officers Association of Michigan or its successor organization.

(viii) 1 individual selected from a list of not less than 3 individuals nominated by a police association representing officers employed by a police agency employing more than 14 percent of police officers in this state.

(ix) 1 individual selected from a list of not less than 3 individuals nominated by the Police Officers Labor Council of Michigan.

(x) 1 individual selected from a list of not less than 3 individuals nominated by the Michigan Association of Police.

(xi) The Governor may appoint any individual meeting the membership requirements of the organizations listed in subsections (2)(d)(i) to (2)(d)(x) if an organization required to submit a list fails to submit a complete list of qualified nominees at least 30 days prior to a vacancy created by the expiration of a term, or not less than 30 days of the effective date of any other vacancy.

(c) An individual selected under subsection (2)(d) shall serve as a commission member only while serving as a member of the organization that nominated the individual.

(f) Members of the commission appointed or reappointed under subsections (2)(d)(i) to (2)(d)(viii) after December 31, 2008 shall be appointed for a term of 4 years.

(g) Of the members of the commission initially appointed by the governor under subsections (2)(d)(ix) and (2)(d)(x), 1 member shall be appointed for a term expiring November 1, 2009, and 1 member shall be appointed for a term expiring on November 1, 2010. After the initial appointments, members of the commission appointed under subsections (2)(d)(ix) and (2)(d)(x) shall be appointed for a term of four years.

(3) A vacancy on the commission occurring other than by expiration of a term shall be filled by the governor in the same manner as the original for the balance of the unexpired term.

§ 28.604. Commission on law enforcement standards; terms; vacancies; reappointment.

(Repealed)

§ 28.605. Commission on law enforcement standards; officers; terms; limitations of power; disqualification from public office or employment.

Sec. 5. (1) The commission shall elect from among its members a chairperson and a vice-chairperson who shall serve for 1-year terms and who may be reelected.

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

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

§ 28.606. Commission on law enforcement standards; procedures and requirements; conducting business at public meeting; notice.

Sec. 6. (1) The commission shall meet not less than 4 times in each year and shall hold special meetings when called by the chairperson or, in the absence of the chairperson, by the vice-chairperson. A special meeting of the commission shall be called by the chairperson upon the written request of 5 members of the commission.

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

(3) The commission may establish other procedures and requirements governing its operations to carry out the intent of this act.

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

§ 28.607. Commission on law enforcement standards; annual report to governor.

Sec. 7. The commission shall make an annual report to the governor that includes pertinent data regarding the law enforcement officer minimum standards, the degree of participation of municipalities in the training programs, and any other information the governor requests or the commission deems appropriate.

§ 28.608. Commission members; compensation; expenses.

Sec. 8. The members of the commission shall serve without compensation. The members of the commission are entitled to their actual expenses in attending meetings and in the performance of their official duties.

§ 28.609. Minimum standards.

Sec. 9. (1) The commission shall promulgate rules to establish law enforcement officer minimum standards. In promulgating the law enforcement officer minimum standards, the commission shall give consideration to the varying factors and special requirements of local police agencies. The law enforcement officer minimum standards shall include all of the following:

(a) Minimum standards of physical, psychological, and moral fitness that govern the recruitment, selection, appointment, and licensure of law enforcement officers.

(b) Minimum educational requirements that may be met by either of the following:

(i) Minimum courses of study, attendance, and instructional hours required at approved law enforcement training academies.

(ii) Successful completion of a recognition of prior basic law enforcement training and experience program for granting a waiver from the law enforcement officer minimum standard specified in subsection 1(b)(i).

(c) Minimum proficiency on a licensing examination administered after completion of the law enforcement officer minimum standard specified in subsection 1(b).

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

(a) Admission requirements, application and administration of the prior basic law enforcement training and experience program.

(b) In-service training programs for licensed law enforcement officers and minimum courses of study and attendance requirements.

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

(d) The commission's approval of law enforcement training academies administered by this state, a city, county, township, village, corporation, college, community college or university.

(e) The minimum qualifications for instructors at approved law enforcement training academies.

(f) The minimum facilities and equipment required at approved law enforcement training academies.

(g) The establishment of pre-service basic training programs at colleges and universities.

(3) A person may not be employed as a law enforcement officer in this state unless he or she is licensed under this act.

(4) A person licensed under this act and employed as a law enforcement officer is empowered to exercise the law enforcement authority conferred by the statutes under which he or she is employed as a law enforcement officer.

(5) A law enforcement officer of a Michigan Indian tribal police force may not exercise the law enforcement authority conferred by the statutes under which he or she is employed as a law enforcement officer unless all of the following requirements are met:

(a) The tribal law enforcement officer is licensed under this act.

(b) The tribal law enforcement officer is either of the following:

(i) Deputized by the sheriff of the county in which the trust lands of the Michigan Indian tribe employing the tribal law enforcement officer are located, or by the sheriff of any county that borders the trust lands of that Michigan Indian tribe, pursuant to section 70 of 1846 RS 14, MCL 51.70.

(ii) Appointed as a law enforcement officer of the state or a city, township, charter township, or village that is authorized by law to appoint individuals as law enforcement officers.

(c) The deputation or appointment of the tribal law enforcement officer described in subdivision (b) is made pursuant to a written contract that includes terms the appointing authority under subdivision (b) may require between the state or local law enforcement agency and the tribal government of the Michigan Indian tribe employing the tribal law enforcement officer.

(6) A law enforcement officer of a multicounty metropolitan district, other than a law enforcement officer employed by a law enforcement agency created under the public body law enforcement agency act, 2004 PA 378, MCL 28.583, may not exercise the law enforcement authority conferred by the statutes under which he or she is employed as a law enforcement officer unless all of the following requirements are met:

(a) The law enforcement officer is licensed under this act.

(b) The law enforcement officer is deputized by the sheriff or sheriffs of the county or counties in which the land of the multicounty metropolitan district employing the law enforcement officer is located and in which the law enforcement officer will work, pursuant to section 70 of 1846 RS 14, MCL 51.70.

(c) The deputation or appointment of the law enforcement officer is made pursuant to a written agreement that includes terms the deputizing authority under subdivision (b) may require between the state or local law enforcement agency and the governing board of the multicounty metropolitan district employing the law enforcement officer.

(d) The written agreement described in subdivision (c) is filed with the commission.

§ 28.609a. Licensure.

Sec. 9a. (1) The Commission shall grant a license to a person who meets the law enforcement officer minimum standards and who will be employed as a law enforcement officer upon being licensed. A license granted under this subsection shall remain valid until any of the following occur:

(a) The license is rendered void by a court order or by other operation of law.

(b) The license is revoked or suspended as provided under section 9b.

(c) The license lapses under either of the following conditions:

(i) The person, having been employed as a law enforcement officer in aggregate for less than 2080 hours, is thereafter continuously not employed as a law enforcement officer for 1 year. A person whose license lapses under this subsection may not be relicensed unless he or she meets the law enforcement officer minimum standards or is appointed or elected to the office of sheriff.

(ii) The person, having been employed as a law enforcement officer in aggregate for 2080 hours or longer, is thereafter continuously not employed as a law enforcement officer for 2 years. A person whose license lapses under this subsection may not be relicensed unless he or she meets the law enforcement officer minimum standards or is appointed or elected to the office of sheriff.

(2) The commission shall grant a license to a person who was employed as a law enforcement officer before January 1, 1977 and who will be employed as a law enforcement officer upon being licensed, without regard to whether he or she meets the law enforcement officer minimum standards. A license granted under this subsection shall remain valid until any of the following occur:

(a) The license is rendered void by a court order or by other operation of law.

(b) The license is revoked or suspended as provided under section 9b.

(c) The license lapses under either of the following conditions:

(i) The person, having been employed as a law enforcement officer in aggregate for less than 2080 hours, is thereafter continuously not employed as a law enforcement officer for 1 year. A person whose license lapses under this subsection may not be relicensed unless he or she meets the law enforcement officer minimum standards or is appointed or elected to the office of sheriff.

(ii) The person, having been employed as a law enforcement officer in aggregate for 2080 hours or longer, is thereafter continuously not employed as a law enforcement officer for 2 years. A person whose license lapses under this subsection may not be relicensed unless he or she meets the law enforcement officer minimum standards or is appointed or elected to the office of sheriff.

(3) The commission shall grant a license to an elected or appointed sheriff, without regard to whether he or she meets the law enforcement officer minimum standards. A license granted under this subsection shall remain valid until any of the following occur:

(a) The person no longer holds office as a sheriff.

(b) The license is rendered void by a court order or by other operation of law.

(c) The license is revoked or suspended as provided under section 9b.

(4) The commission may promulgate rules to establish procedures for verifying compliance with the law enforcement officer minimum standards, verifying and reporting employment as a law enforcement officer, granting a license, issuing proof of licensure, documenting the validity or invalidity of a license, and documenting and reporting changes in a law enforcement agency's conference of law enforcement authority upon law enforcement officers. The commission shall have access to the law enforcement information network, the automated fingerprint identification system, and other criminal history databases for the purpose of verifying compliance with the law enforcement officer minimum standards and determining suitability for admission to law enforcement training academies and the prior basic law enforcement training and experience program.

(5) A person licensed under this act who is a member of any of the reserve components of the United States armed forces and who is called to active duty in the armed forces has not discontinued employment as a law enforcement officer for purposes of this section, unless the officer has been dishonorably discharged from a term of active military service. As used in this subsection, "reserve components of the United States armed forces" means that term as defined in section 2 of the military family relief fund act, 2004 PA 363, MCL 35.1212. The person's license may be revoked as provided under section 9b while the person is on active duty in the armed forces. A person licensed under this act who volunteers for a term of active military service or who voluntarily extends a term of active military service that began when he or she was called to active duty has discontinued employment as a law enforcement officer for purposes of this section.

§ 28.609b. Revocation or suspension of licensure; judicial review; jurisdiction; subpoena.

Sec. 9b. (1) The commission shall promulgate rules requiring mandatory revocation of a law enforcement officer license for 1 or more of the following:

(a) Obtaining a law enforcement officer license because the law enforcement officer or another person made a materially false oral or written statement or committed fraud in an affidavit, disclosure, or application to a law enforcement training school, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure.

(b) An adjudication of guilt for any violation of a penal law, including attempt, of this state, another state, a military court, a tribal court, a political subdivision of this state or another state, the United States, or another country, that is punishable by a sentence of more than 2 years.

(2) The commission shall promulgate rules that may allow revocation of a law enforcement officer license where the licensee is subject to an adjudication of guilt for any violation of a penal law, including attempt, of this state, another state, a military court, a tribal court, a political subdivision of this state or another state, the United States, or another country, for which:

(a) An element of the offense is dishonesty, false statement, or theft;

(b) An element of the offense is assault, battery, stalking, domestic violence, or threatening, intimidating, or harassing behavior directed toward an individual;

(c) An element of the offense is an act or omission causing personal injury to an individual;

(d) An element of the offense is use, possession, or any conspiracy to use or possess, any schedule 1 or 2 controlled substance as defined in the Public Health Code, 1978 PA 368, MCL 333.7212, 333.7213, and 333.7214;

(e) An element of the offense is willful neglect of duty as a law enforcement officer;

(f) An element of the offense is resisting or obstructing a law enforcement officer or other public official in the discharge of his or her duty;

(g) Registration as a sex offender under the Sex Offenders Registration Act, 1994 PA 295, MCL 28.721 et seq., is required.

(3) The commission shall initiate administrative license revocation proceedings, including but not limited to issuing an order of summary suspension and notice of intent to revoke, upon being given notice of facts warranting revocation as provided in subsection (1) and may initiate license revocation proceedings, including but not limited to issuing an order of summary suspension and notice of intent to revoke, upon being given notice of facts warranting revocation as provided in subsection (2).

(4) The commission need not delay or abate license revocation proceedings based on an adjudication of guilt where an appeal is taken from the adjudication of guilt.

(5) The commission shall promulgate rules requiring the suspension of a law enforcement officer's use of the law enforcement information network in the event the law enforcement officer wrongfully discloses information from the law enforcement information network.

(6) The commission shall promulgate rules that may allow suspension of a law enforcement officer license for one or more of the following:

(a) Being charged with a criminal offense that is punishable by more than 2 years and being deemed by the commission to pose a threat to public health, safety, and welfare.

(b) Seeking, obtaining, or maintaining employment with a different law enforcement agency, after being suspended by a law enforcement agency with which he or she is employed as a result of being charged with one or more designated offenses enumerated in subsections (1) or (2).

(7) In making the determination described in subsection (6), the commission may regard decisions made by a court regarding pre-trial release under MCR 6.106 or any

successor provision, including conditions of bond, if any, as prima facie evidence of a threat to the public health, safety, and welfare.

(8) An order of suspension issued by the commission shall specify the conditions under which the license will be reinstated.

(9) If the commission issues a final decision or order to revoke or suspend the license of a law enforcement officer, that decision or order is subject to judicial review as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, except as to venue, which shall be in the circuit court for Ingham county. A summary suspension issued under subsection (3) is not a final decision or order for purposes of this subsection.

(10) The commission may issue a subpoena in a contested case to revoke or suspend a law enforcement officer's license. The subpoena shall be issued as provided in section 73 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.273.

§ 28.609c. Investigation and enforcement of violation; powers of commission.

Sec. 9c. (1) The commission may investigate alleged violations of this act or rules promulgated under this act.

(2) In conducting an investigation, the commission may hold hearings, administer oaths, issue subpoenas, and order testimony to be taken at a hearing or by deposition. A hearing held under this section shall be conducted in accordance with chapter 4 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.271 to 24.287. A final decision or order issued by the commission is subject to judicial review as provided by chapter 6 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306. A petition for judicial review of a final decision or order of the commission shall be adjudicated only in the circuit court for Ingham county.

(3) The commission may issue a subpoena to do either of the following:

(a) Compel the attendance of a witness to testify at a hearing or deposition and give testimony.

(b) Produce books, papers, documents, or other items.

(4) If a subpoena issued by the commission is not obeyed, the commission may petition the circuit court to require the attendance of a witness or the production of books, papers, documents, or other items. The circuit court may issue an order requiring a person to appear and give testimony or produce books, papers, documents, or other items. Failure to obey the order of the circuit court may be punished by the court as a contempt of court.

(5) The commission has standing to commence an action in the circuit court for Ingham county to compel compliance with this act or administrative rules promulgated under the authority of this act.

§ 28.609d. Maintenance of employment history record; reporting commencement or termination of employment date.

Sec. 9d. (1) A law enforcement agency shall maintain an employment history record for each law enforcement officer employed by the law enforcement agency in the manner prescribed by the commission.

(2) A law enforcement agency shall report the date on which each person commences

or terminates employment as a law enforcement officer for the law enforcement agency in the manner prescribed by the commission.

(3) A law enforcement agency shall collect, verify, and maintain documentation establishing that an applicant for employment as a law enforcement officer met or exceeded the minimum selection and employment standards established in rules promulgated under this act, at the time the applicant commenced employment with the agency.

(4) A law enforcement agency shall collect, verify, and maintain documentation establishing that the law enforcement authority of a law enforcement officer has been diminished from that conferred by the statutes under which the officer is employed as a law enforcement officer.

§ 28.610. Agreements of commission with colleges, universities, or other agencies.

Sec. 10. The commission may enter into agreements with colleges, universities, governmental agencies, and private entities to carry out the intent of this act.

§ 28.611. Commission on law enforcement standards; powers generally; disposition of fees.

Sec. 11. (1) The commission may do all of the following:

(a) Visit and inspect a law enforcement training academy, or examine the curriculum or training procedures of a law enforcement training academy, for which application for approval of the academy has been made.

(b) Issue certificates of approval to law enforcement training academies.

(c) Authorize the issuance of certificates of graduation or diplomas by approved law enforcement training academies to law enforcement officers who have satisfactorily completed minimum courses of study.

(d) Cooperate with state, federal, and local law enforcement agencies to establish and conduct local or area schools, or regional training centers for instruction and training of law enforcement officers of this state and of cities, counties, townships, and villages.

(e) Make recommendations to the legislature on matters pertaining to qualification and training of law enforcement officers.

(f) Establish pre-service basic training programs at colleges and universities.

(g) Require an examination for law enforcement officer licensure under section 9a(1).

(h) Issue a waiver as provided for under section 9(7), or 9(3)(c), or 9(3)(h).

(i) Establish and charge a fee to recover the cost of testing and training individuals who are not employed by a Michigan law enforcement agency.

(j) Establish and charge a fee to recover the cost of issuing and reissuing licenses for individuals who are licensed as law enforcement officers in this state.

(2) Fees charged under subsection (1)(i) and (j) shall be deposited in the law enforcement officer training fund created in section 13.

§ 28.612. Executive director; appointment; term; duties; compensation.

Sec. 12. (1) The commission shall appoint an executive director of the commission.

The executive director shall be an employee of the commission and shall hold office at the pleasure of the commission. The executive director shall perform the functions and duties that are assigned to him or her by the commission. The executive director shall receive compensation and reimbursement for expenses from appropriations provided by the legislature.

§ 28.613. Law enforcement officers training to locals fund; appropriation.

Sec. 13. There is created in the state treasury a law enforcement officers training to locals fund, from which the legislature shall appropriate sums deemed necessary for the purposes of this act.

§ 28.614. Law enforcement officers training to locals fund; payment of amounts appropriated; administrative costs; reimbursement of training costs.

Sec. 14. The commission may annually expend an amount from the law enforcement officers training to locals fund to cover the following expenses:

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

(2) In accordance with the accounting laws of this state, upon certification of the executive director, reimbursement to law enforcement agencies in an amount not to exceed the training costs incurred for each law enforcement officer meeting the law enforcement officer minimum standards prescribed under this act during the period covered by the allocation.

§ 28.615. Application for reimbursement; contents.

Sec. 15. A law enforcement agency that desires to receive reimbursement pursuant to section 14 shall apply to the commission for the reimbursement. The application shall contain information requested by the commission.

§ 28.6 ___. Notification of criminal charges and personal protection orders.

Sec. ___. (1) A licensed law enforcement officer shall promptly inform the commission in writing if he or she is charged with any offense for which a law enforcement officer license may be revoked or suspended under section 9b.

(2) A licensed law enforcement officer shall promptly inform the commission in writing if he or she is the subject of a personal protection order that has been issued after a judicial hearing under sections 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950, or 600.2950a, or under the laws of a foreign jurisdiction.

(3) A law enforcement agency that has knowledge that a licensed law enforcement officer it employs has been charged with an offense specified in subsection (1) or has

become the subject of a personal protection order specified in subsection (2) shall promptly report this information to the commission in writing.

(4) A prosecutor that has knowledge that a licensed law enforcement officer has been charged with an offense specified in subsection (1) or has become the subject of a personal protection order specified in subsection (2) shall promptly report this information to the commission in writing.

§ 28.6 __. Background investigation minimum standards.

Sec. __. (1) The commission shall promulgate rules establishing minimum standards for conducting employer background investigations. The rules shall specify a form that employing agencies may use to document the findings of background investigations. Before employing an applicant, the employing agency shall conduct a thorough background investigation in accordance with the rules promulgated by the commission. The background investigation shall include information setting forth facts and reasons for any of the applicant's previous separations from private employment, public employment, or appointment, as represented by the applicant. For purposes of this subsection, the term "separation from employment" includes any firing, termination, resignation, retirement, or voluntary or involuntary extended leave of absence from any salaried or non-salaried position. The employing agency shall maintain documentation of the background investigation for a period consistent with applicable record retention schedules and such documentation shall be signed by the administrator of the employing agency or his or her designee.

(2) Prior to the employment of an applicant, an authorized representative of the employing agency shall execute and maintain an affidavit of compliance on a form provided by the commission, attesting to compliance with the rules promulgated by the commission concerning comprehensive background investigations. The affidavit shall include conspicuous language that intentional false execution of the affidavit by the agency's authorized representative constitutes perjury.

§ 28.6 __. Disclosure of information in background investigations.

Sec. __. (1) Prior to conducting a background investigation, an employing agency shall require an authorization and release from an applicant. The employing agency shall use a commission approved authorization and release form that:

(a) Authorizes the applicant's current or former employers to disclose, in good faith, any substantiated unprofessional conduct by the applicant and to provide to the requesting party copies of all documents in the employee's personnel record maintained by current or former employers relating to good faith disclosures of substantiated unprofessional conduct;

(b) Releases the current or former employers, and employees acting on the behalf of the current or former employers, from any liability for good faith disclosures of substantiated unprofessional conduct, and waives written notice required under Bullard-Plawecki employee right to know act, PA 397 of 1978, MCL 423.501 et seq.

(2) An employer shall not employ an applicant who refuses to sign the authorization and release.

(3) Not later than 45 calendar days after receiving a request under subsection (1), an employer shall provide the information requested and make available copies of all documents in the employee's personnel record relating to substantiated unprofessional conduct as defined in this act. An employer, employee, or agent acting on behalf of the employer, who discloses information under this section in good faith is immune from civil liability for the disclosure. Good faith is presumed unless a preponderance of the evidence establishes that the employee knew the information was false or misleading, or it was disclosed with a reckless disregard for the truth, or the disclosure was prohibited by state or federal law.

(4) Information received under this section shall be used only for the purposes of determining suitability for law enforcement employment and licensure, and shall not be disclosed to any person not directly involved with the employer or the commission in the evaluation process, unless disclosure is required by law or an order of a court.

(5) "Substantiated unprofessional conduct" means on or off-duty conduct by an MCOLES licensed law enforcement officer that, if established, could warrant revocation or suspension under section 9b.

(6) "Substantiated unprofessional conduct" does not include either of the following:

(a) Conduct that is subsequently determined to be unsubstantiated by the employer, or an arbitrator or court exercising jurisdiction over the law enforcement officer;

(b) Conduct described in documents or other recorded media that have been expunged by an arbitrator or court exercising jurisdiction over the law enforcement officer.

(7) This section does not supersede or abrogate any provisions contained in the Bullard-Plawecki Employee Right to Know Act, PA 397 of 1978, MCL 423.501 et seq.

(8) Reasonable fees may be charged to cover actual costs of the employer in copying and furnishing documents to a law enforcement agency conducting a background investigation on an applicant for employment as a law enforcement officer.

§ 28.6 __. Michigan justice training fund; definitions.

Sec. __. As used in this act:

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

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

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

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

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

(ii) A state supported college or university.

(iii) A community college.

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

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

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

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

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

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

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

Sec. __. (1) The Michigan justice training fund is created in the state treasury.

(2) The Michigan justice training fund shall only be used as provided under this act.

(3) Monies from law enforcement distributions that are required to be returned to the Michigan justice training fund as provided in section __ shall be deposited into the Michigan justice training fund, and shall only be used for law enforcement distributions.

(4) Monies distributed as grant awards that are required to be returned to the Michigan justice training fund as required in section __ shall be deposited into the Michigan justice training fund and shall only be used for grant awards.

(5) Investment earnings from the Michigan justice training fund assets shall be deposited in the Michigan justice training fund.

§ 28.6 __. Michigan justice training fund; law enforcement distributions.

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

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

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

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

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

(a) The commission shall conduct an annual registration of law enforcement officers to verify the number of hours actually compensated by the jurisdiction, not to exceed 2080 hours per year, for each full-time and part-time law enforcement officer during the most recent elapsed calendar year.

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

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

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

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

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

(b) Direct costs, including:

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

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

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

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

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

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

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

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

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

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

(v) In-state training participant travel reimbursement, if the course is registered through the MCOLES Information and Tracking Network prior to the dates on which the training is conducted. For purposes of this restriction, applicable reimbursement rates are those published by the Michigan Department of Technology, Management & Budget, or its successor agency, and are subject to change at any time during a funding period.

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

(i) The travel is for the purpose of participating in a learning experience produced through reading, listening, observing, performing problem-solving, or interacting with others, the object of which is the introduction or enhancement of knowledge, skills, and

judgment directly related to the performance of professional criminal justice tasks currently assigned or assignable.

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

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

(iv) The course cannot be conducted in Michigan.

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

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

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

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

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

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

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

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

§ 28.6 ____ . Michigan justice training fund; grant awards.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 28.6 ____ . Michigan justice training fund; administrative expenses.

Sec. ____ . The commission shall annually expend an amount from the Michigan justice training fund to cover the following expenses:

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

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

§ 28.6___. Michigan justice training fund; reports and registration of courses.

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

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

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

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

§ 28.6___. Michigan justice training fund; audit of books, records, and accounts.

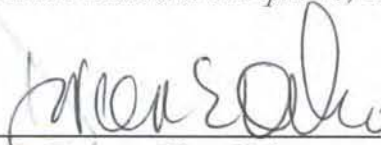
Sec. ___. The books, records, and accounts of the Michigan justice training fund may be subject to audit by the auditor general every five years.

§ 28.6___. Michigan justice training fund; rules.

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

Doreen Olko, Chair

Adopted by the Michigan Commission on Law Enforcement Standards on April 18, 2012.


Doreen Olko, Chair



**COMMISSION RESOLUTION 2012-04
PROVIDING AUTHORITY TO PARTICIPATE IN CONCILIATION OF
EEOC CHARGE NO. 471-2010-01383**

WHEREAS, MCOLES denied Mr. Gregory Smith admission to the Recognition of Prior Basic Law Enforcement Training and Experience program; and,

WHEREAS, Mr. Gregory Smith filed EEOC Charge No. 471-2010-01383 against MCOLES, as a result; and,

WHEREAS, Mr. Gregory Smith filed a companion EEOC Charge against the City of Detroit Police Department based on the same transaction; and,

WHEREAS, the EEOC has proposed that MCOLES enter into a proposed Conciliation Agreement to resolve this matter, that includes the following terms:

1. Agree to comply with the Americans With Disabilities Act;
2. Agree not to discriminate or retaliate against those seeking relief under the Americans With Disabilities Act or opposing violations of the Act;
3. Participate with the EEOC in reviewing compliance with the Conciliation Agreement, including providing written documentation, inspection of the workplace, and interviewing employees and applicants;
4. Agree that the Conciliation Agreement shall remain in effect for three years;
5. Develop, distribute, and enforce a reasonable accommodation policy in compliance with the Americans With Disabilities Act;
6. Provide training to all MCOLES personnel on the Americans With Disabilities Act, with or without the assistance of the EEOC;
7. Post a signed notice in the workplace concerning the conciliation agreement;
8. Provide written confirmation to EEOC that MCOLES has complied with the specific terms of the Conciliation Agreement;
9. Have an authorized representative of MCOLES sign the Conciliation Agreement;
10. Grant law enforcement officer certification to Mr. Smith; and,
11. Pay \$25,000 in compensatory damages to Mr. Smith;

WHEREAS, the EEOC has offered MCOLES the opportunity to further negotiate the terms of the Conciliation Agreement; and,

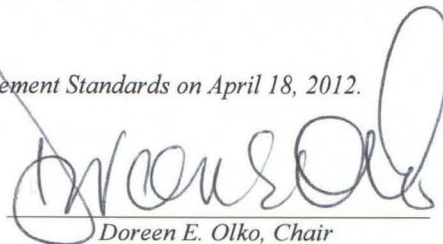
WHEREAS, the EEOC has granted MCOLES an extension through April 23, 2012 to agree to their proposed Conciliation Agreement or negotiate a proposed alternative agreement; and,

WHEREAS, Legal Counsel is of the opinion that it is in the best interest of MCOLES to agree to most all of the provisions of the proposed Conciliation Agreement; now,

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

1. Grants authority to the Executive Director, MCOLES Staff, and Legal Counsel to participate in the conciliation process;
2. Grants authority to the Executive Director, MCOLES Staff, and Legal Counsel to enter into and execute a settlement of Charge No. 471-2010-01383 that will include the following, in the maximum:
 - a. Terms 1 through 9 of the proposed Conciliation Agreement;
 - b. Admit Mr. Smith into the Recognition of Prior Basic Law Enforcement Training and Experience program, with the proviso that admission is not an acknowledgement or stipulation that Mr. Smith is able to perform the essential job functions of any particular position; and
 - c. Pay Mr. Smith the sum of \$25,000 in consideration of the settlement of Charge No. 471-2010-01383.
3. Grants authority to the Executive Director, MCOLES Staff, and Legal Counsel to cooperate with the EEOC to develop new administrative rules, policies, and guidelines governing all aspects of MCOLES operation having implications for compliance with the Americans With Disabilities Act and the Michigan Persons With Disabilities Civil Rights Act;
4. Instructs the Executive Director, MCOLES Staff, and Legal Counsel to report to the Commission on the progress of resolution of Charge No. 471-2010-01383, efforts to ensure compliance with the settlement of the Charge, and development of the new administrative rules.

Adopted by the Michigan Commission on Law Enforcement Standards on April 18, 2012.



Doreen E. Olko, Chair