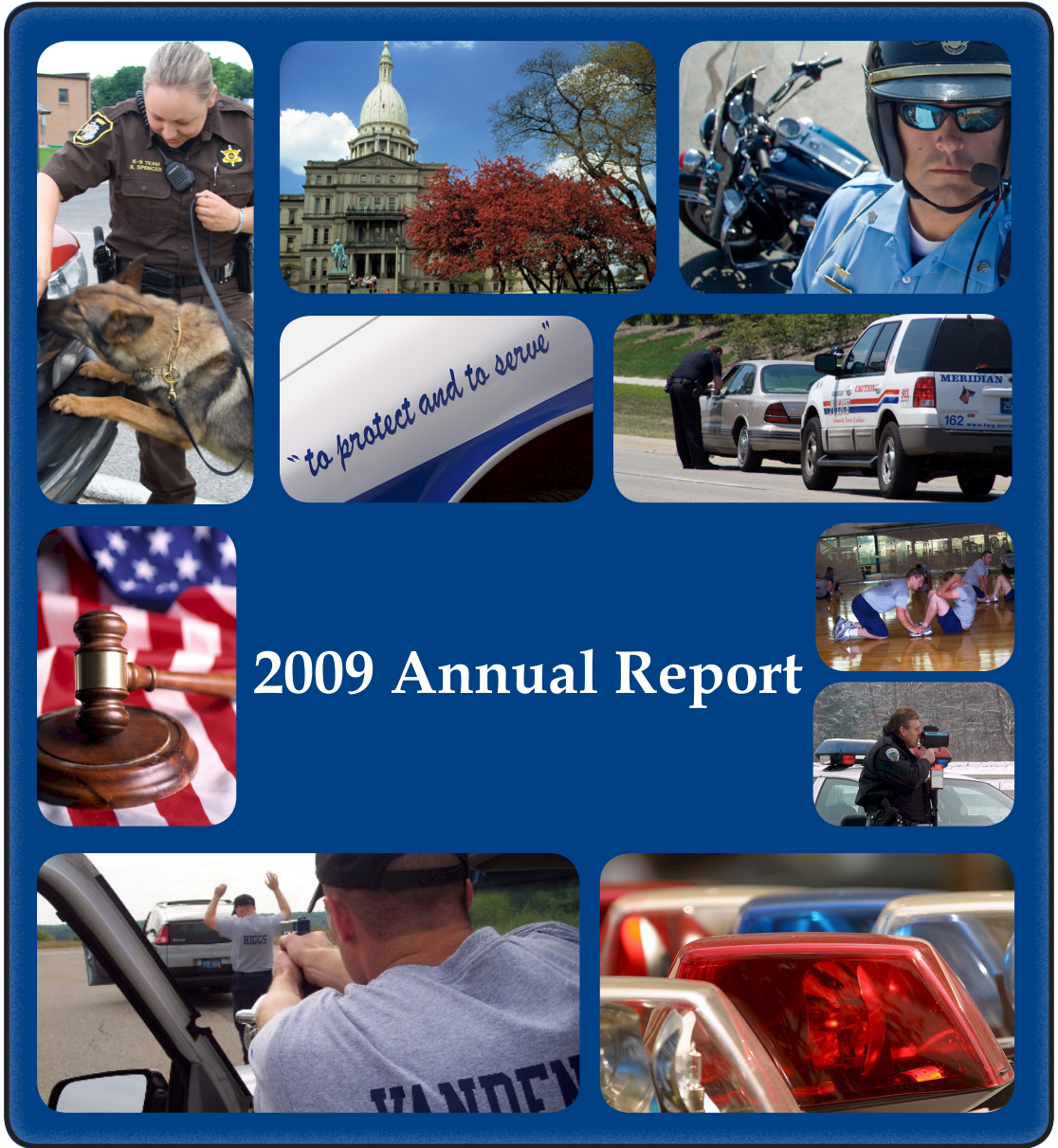


Advancing Professionalism in Public Safety



2009 Annual Report



MCOLES
Michigan Commission on Law Enforcement Standards



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STATE OF MICHIGAN
MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

June 16, 2010

Honorable Jennifer Granholm
Governor of the State of Michigan
Lansing, Michigan 48909

Dear Governor Granholm:

It is my pleasure to present the Annual Report of the Michigan Commission on Law Enforcement Standards (MCOLES) for Calendar Year 2009. Over the years, MCOLES and its predecessor organizations have witnessed exceptional progress and expanding responsibilities. This trend continues, despite the fiscal difficulties that have confronted state government over the past few years.

As this Commission faced the challenges of 2009, it has remained true to the trust of its constituents. With your continuing support, we will hold fast to our commitment as guardians of the law enforcement profession and criminal justice leaders.

Under your leadership and with the direction of the Legislature, we look forward to continuing progress.

Respectfully Submitted,

A handwritten signature in cursive script, reading 'James D. Bosscher'.

Sheriff James D. Bosscher
Commission Chair

Sheriff James Bosscher, Chair • Chief Doreen Olko, Vice Chair • Mr. David Morse • Mr. James DeVries • Mr. John Buczek • Mr. Richard Weiler
Col. Eddie L. Washington, Jr., Represented by Lt. Col. Timothy Yungfer • Attorney General Mike Cox, Represented by Mr. Thomas C. Cameron
Chief Warren Evans, Represented by Deputy Chief Gail Wilson-Turner • Sheriff Gene Wriggelsworth • Director Kurt R. Jones
Sheriff Robert J. Pickell • Professor Ron Bretz • Chief Richard Mattice • Mr. Christopher M. Luty • Mr. Marty Bandemer • Mr. Fred Timpner

ANNUAL REPORT
TO THE
GOVERNOR
CALENDAR YEAR 2009

Michigan Commission on Law Enforcement Standards
600 W. Allegan, Suite 600
Lansing, MI 48909

Submitted June 16, 2010
pursuant to Public Act 203 of 1965, as amended

Please direct inquiries to
(517) 322-1417

This document is also available on-line at:
www.michigan.gov/mcoles



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MCOLES

ADVANCING PROFESSIONALISM IN PUBLIC SAFETY



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

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

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

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

the attainment of a college degree.

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

The most recent amendment to Public Act 203 came in 1998. This amendment changed our name to the Commission on Law Enforcement Standards (COLES), a title that more accurately reflects the work of this organization. The MCOLES acronym (Michigan Commission on Law Enforcement Standards) was adopted in response to the Michigan law enforcement community, which had already begun referring to us by that name. An Executive Order officially added “Michigan” to our title in 2001.

The 1998 amendment also added revocation of the law enforcement license to our list of responsibilities. Revocation is now mandatory when an officer is convicted of a felony or if it is discovered that the officer committed fraud in obtaining law enforcement licensing. These cases represent a very small number of Michigan’s law enforcement population, which stood at approximately 21,115 officers at the close of 2009. They are each meticulously investigated with the accused afforded full due process. Revocation is an unpleasant but necessary fixture in the standards and training business, one that makes the law enforcement profession stronger.

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





ADVANCING PROFESSIONALISM IN PUBLIC SAFETY (CONTINUED)

THE MISSION OF MCOLES

MCOLES executes its statutory responsibility to promote public safety by setting standards for selection, employment, licensing, revocation, and funding in law enforcement and criminal justice.

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

This quest began with the enactment of Public Act 302 of 1982, which created the Michigan Justice Training Commission (MJTC). The MJTC and its funding arm, the Justice Training Fund, were created to promote in-service training in the Michigan criminal justice field. MJTC, over the years, operated first within the Department of Management and Budget, and later in the Department of State Police. The MJTC succeeded in stimulating the growth of criminal justice in-service training in Michigan, yet it was not able to coordinate that growth in a state-wide development plan. Despite attempts to the contrary, standards and funding operated autonomously under this configuration.

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

Enforcement Standards, creating today's Michigan Commission on Law Enforcement Standards.

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

On October 15, 2008, Governor Granholm issued Executive Order 2008-19, expanding the Commission membership to seventeen, representing the Michigan criminal justice community.¹

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

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



THE MCOLES VISION



Business Transactions

Communication between MCOLES and its constituents is done via a secure electronic system that enables an agency to submit and obtain information at any time that is convenient. Agencies and individuals are able to conduct business directly with MCOLES in a paperless manner and have full access to their own selection and training information.

Funding

Dedicated funding will support most MCOLES activities, staff, and training, including mandatory in-service training. This funding will provide a consistent and sufficient source of funding, permitting the development and direct delivery of enhanced professional training and services.

Service

The focus of MCOLES is on service to constituents through assistance to agencies with the emphasis on results.

Learning

Training of recruits is problem-based with an emphasis on problem-solving, critical thinking, and multi-tasking using real-life scenarios. Graduates are assessed on their job-related competency.

Accreditation

Approved training providers are empowered to provide a high level of training through improved funding and accreditation by MCOLES. Accreditation teams composed of representative groups of professionals assess training providers to ensure compliance with statewide standards.

Continuing Education

The competency and professionalism of law enforcement officers is enhanced through mandatory in-service training covering both core and elective topics. The core training is MCOLES approved and delivered through accredited training consortia.

The MCOLES Vision

In fulfillment of our mission, we envision a service oriented organization, dedicated to learning and adequately funded to meet ongoing and newly arising challenges.





THE MCOLES VALUES

The MCOLES Values

With values at the foundation of our decisions and actions, we seek to create a culture that supports individual and organizational success. In pursuit of our goals, we embrace these values.

Respect

We value the unique and diverse skills, abilities, and perspectives of individuals.

Ethical Character

We are honest, ethical, and fair. Personal integrity and professional ethics guide all our decisions.

Leadership and Professionalism

We recognize our role as leaders in advancing the skills, knowledge, ethics, and attitudes necessary for achieving and maintaining professional excellence.

Accountability

We accept responsibility for our behaviors, decisions, and actions.

Commitment

We understand our mission and our individual roles in its accomplishment, we dedicate our energies and abilities to its fulfillment, and we are willing to make sacrifices in its attainment.

Partnership

We recognize that more can be accomplished when individual actions are taken in trust and cooperation rather than separately.

Communication, Consultation, and Shared Decision-Making

We value clear and open communication. We encourage involvement, information sharing, and collaboration in the decision-making process.



MCOLES COMMISSIONERS AND STAFF

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

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

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

During 2009, Mr. John Buczek, representing the Michigan Fraternal Order of Police, served as the Commission Chair. Sheriff James Bosscher, representing the Michigan Sheriffs' Association served as the Commission's Vice Chair. At

the conclusion of 2009, the Commission selected Sheriff Bosscher as its Chair for 2010-2011 and Chief Doreen Olko was appointed Vice Chair for the same period.

The Commission meets no less than four times annually to set policy regarding the selection, employment, training, licensing, and retention of all Michigan law enforcement officers. A large number of critical initiatives required the Commission to meet nine times during 2009. The Commission's Executive, Legislative, and Ethics Committees met numerous times during 2009. A new standing committee to address the implementation of new initiatives was appointed by the Commission in September.

Commissioner duties extend beyond the law enforcement arena, as Commissioners set policy with regard to the administration of the justice training dollars. These decisions have a direct impact on the distribution of funds in the Commission's competitive grant process, which provides support for in-service training in all facets of Michigan's criminal justice system.

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



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

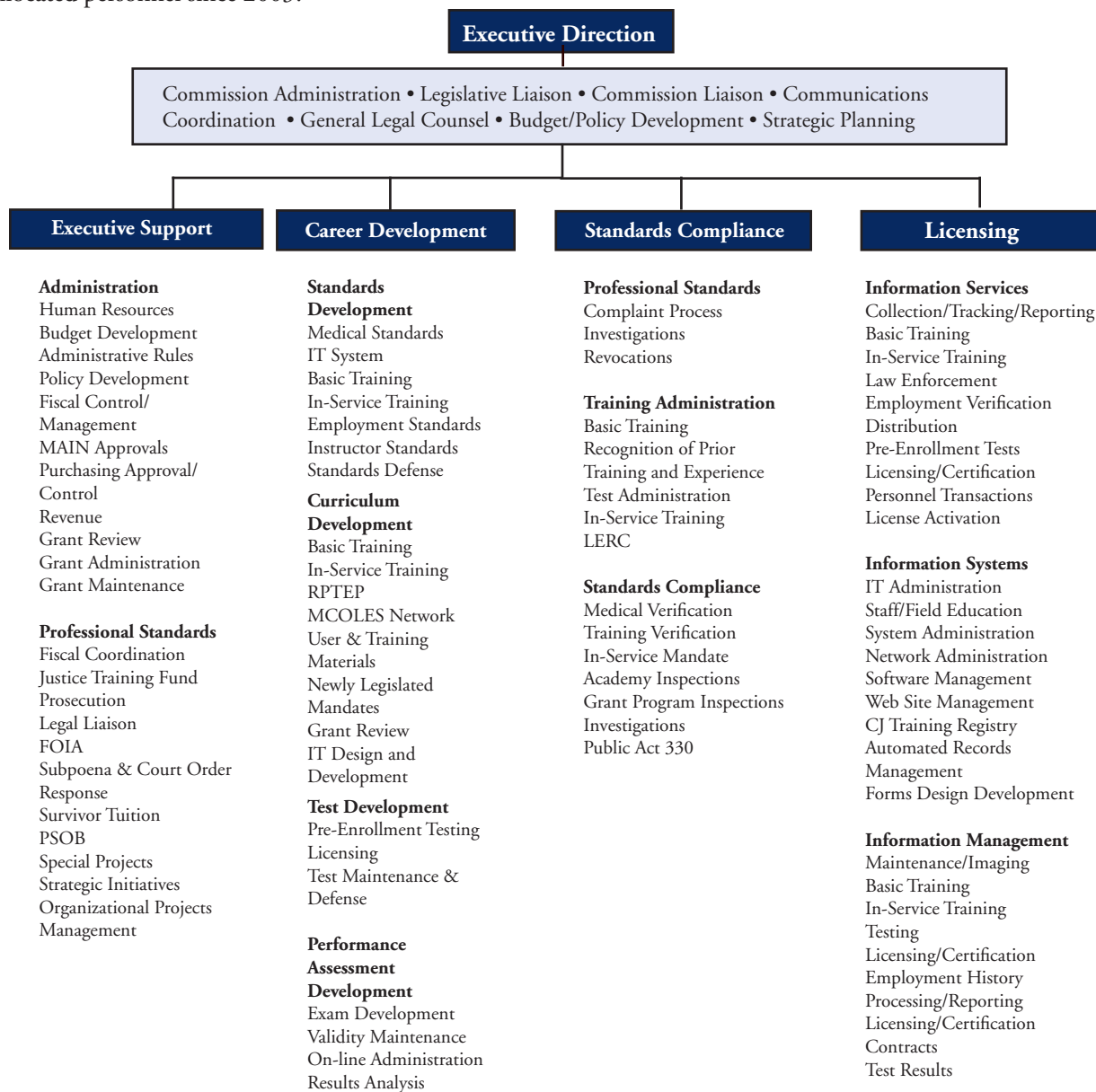


appearances on behalf of MCOLES. Commissioners are often called upon to represent MCOLES at meetings of the legislature, other government agencies, training directors, and at conferences of professional organizations that have a stake in criminal justice. MCOLES Commissioners must also be available to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

The Commission's full time employee allocation for this fiscal year was 26. At the close of 2009, there were 21 employees on staff, two of which are part-time. The state's fiscal dilemma has prevented employment of the full compliment of allocated personnel since 2003.

MCOLES staff members possess a high level of law enforcement experience. This experience includes every facet of law enforcement ranging from that of the street level officer to that of the chief law enforcement administrator. MCOLES staff have also served in various capacities in the development, management, and delivery of law enforcement training at institutions across the United States.

The wide span of MCOLES staff experience, education, and training is particularly useful in accomplishing the complex array of MCOLES responsibilities.



The wide span of MCOLES staff experience, education, and training is particularly useful in addressing the complex array of MCOLES responsibilities.



THE COMMISSIONERS



MR. JOHN BUCZEK
COMMISSION CHAIR
EXECUTIVE DIRECTOR
MICHIGAN CHAPTER,
FRATERNAL ORDER OF
POLICE REPRESENTING
THE FRATERNAL ORDER
OF POLICE



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



COL. PETER C. MUNOZ
MICHIGAN STATE POLICE
REPRESENTING THE
MICHIGAN STATE POLICE



LT. COL. TIMOTHY YUNGFER
MICHIGAN STATE POLICE
REPRESENTING
COLONEL PETER C. MUNOZ



MR. MIKE COX
ATTORNEY GENERAL



MR. THOMAS CAMERON
OFFICE OF THE
ATTORNEY GENERAL
REPRESENTING THE
ATTORNEY GENERAL



MR. MARTY BANDEMERE
REPRESENTING THE
DETROIT POLICE
OFFICERS ASSOCIATION



CHIEF RICHARD A.
MATTICE
KENTWOOD POLICE
DEPARTMENT
REPRESENTING THE
MICHIGAN ASSOCIATION
OF CHIEFS OF POLICE



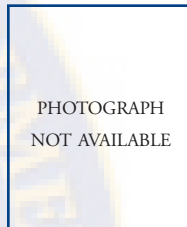
SHERIFF ROBERT PICKELL
GENESEE COUNTY
SHERIFF'S OFFICE
REPRESENTING THE
MICHIGAN SHERIFFS'
ASSOCIATION



SHERIFF GENE
WRIGGELSWORTH
INGHAM COUNTY
SHERIFF'S OFFICE
REPRESENTING THE
MICHIGAN SHERIFFS'
ASSOCIATION



CHIEF WARREN EVANS
DETROIT POLICE
DEPARTMENT
REPRESENTING THE
DETROIT
POLICE DEPARTMENT



PHOTOGRAPH
NOT AVAILABLE

COMMANDER JAMES
WHITE
REPRESENTING
CHIEF EVANS
DETROIT POLICE
DEPARTMENT



MR. DAVID MORSE
LIVINGSTON COUNTY
PROSECUTOR
REPRESENTING THE
PROSECUTING ATTORNEYS
ASSOCIATION OF MICHIGAN



MR. JAMES DeVRIES
DISTRICT REPRESENTATIVE
POLICE OFFICERS
ASSOCIATION OF MICHIGAN
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OFFICERS ASSOCIATION
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PROFESSOR RON BRETZ
COOLEY LAW SCHOOL
REPRESENTING THE
CRIMINAL DEFENSE
ATTORNEYS ASSOCIATION
OF MICHIGAN



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



TROOPER MICHAEL
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CHEBOYGAN DEPARTMENT
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MR. FRED F. TIMPNER
REPRESENTING THE
MICHIGAN ASSOCIATION
OF POLICE



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





MCOLES ACTIVE DUTY FIREARM STANDARD NOW MANDATORY

Understanding the Use of Deadly Force

Assessment of Life Threatening Situations

Combat Tactics

Discharging the Firearm

Agency Policy on the Use of Force

Law Enforcement Officers Safety Act of 2004 (LEOSA)

Michigan's Concealed Pistol Laws

Proficiency in the MCOLES Course of Fire

The Commission took historic action on February 20, 2008 in adopting Michigan's first mandatory standard for active law enforcement officers. We join 37 other states that have implemented compulsory measures to maintain police competence. The MCOLES Active Duty Firearm Standard has been a work in progress for several years. Discussions regarding a standard began in conjunction with policy considerations on implementing the Law Enforcement Officers Safety Act of 2004. A key consideration in assessing the viability of an active duty firearm standard has been the capacity of a standard to positively affect officer safety and survival.

When MCOLES developers first took on the task of devising an in-service firearm standard, a significant amount of time was spent looking at problems occurring in actual officer-involved shootings. MCOLES developers thoroughly examined the professional literature and research, particularly with regard to officer involved shootings. It is significant that this research identified major gaps between what is typically stressed in firearms training and the challenges officers face in actual shootings. The most common problems that were identified were mistakes of fact, use of untenable tactics and inaccurate threat assessment in low light. Improper use of cover, poor communication during combat, and inadequate fear management also caused officers to commit errors that either compromised their safety or exposed them to civil liability. MCOLES developers also incorporated research from the 2006 MCOLES Job Task Analysis (JTA). It underscored what other sources had revealed and more importantly, the JTA validated the necessity for this work.



The next step saw empanelment of a group of subject-matter-experts, individuals with the requisite expertise and experience in firearms training to provide knowledge and assistance in the development process. MCOLES developers then examined the firearm standards of other states and the best practices among individual law enforcement agencies across Michigan. Incorporating the various research, MCOLES developers produced a practical program that consists of both decision-making and skills proficiency.

The standards consist of seven knowledge objectives as well as one combat proficiency objective. Legal considerations, threat assessment, tactics, decision-making, and local policy considerations are among the required training content. The firearm proficiency component emphasizes aiming methodologies, distances and shooting patterns that are common to actual shooting situations. The standard is designed to give agencies administering the standard maximum flexibility to focus on local priorities. Agencies will begin reporting compliance with the standard as part of the 2010 MCOLES Annual Registration.



MCOLES ECONOMIC SUPPORT: THE JUSTICE TRAINING FUND



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

The Michigan justice training fund operates in the following manner. Public Act 301 of 1982, which amended Public Act 300 of 1949 (the Michigan Motor Vehicle Code), directs the district courts to collect a \$5.00 assessment on each civil infraction fine (traffic violation conviction), excluding parking violations and violations for which the total fine and costs imposed are \$10.00 or less. The collected fee assessments are then transmitted to the state treasury for deposit in the justice system fund (JSF). A percent of the JSF is then deposited in the justice training fund.

Executive Order 2001-5 has designated MCOLES to administer the fund. The Commission is mandated by the Act to distribute 60 percent of the fund semi-annually in what has come to be known as the law enforcement distribution. These monies are provided to law enforcement agencies to provide for direct costs

in support of law enforcement in-service training. Distributions are made on a per capita basis, the amount of which is dependent on the number of full time equivalent MCOLES licensed police officers employed by cities, villages, townships, counties, colleges and universities, and the Department of State Police.

During 2009, \$3,818,676.24 was disbursed to law enforcement agencies on a per capita basis. The fall distribution provided 492 agencies with \$1,952,761.65. The per capita amount was \$104.55. The spring distribution provided 490 agencies with \$1,865,914.59. The per capita amount was \$99.99. The spring distribution provided 48 law enforcement agencies employing 3 or fewer law enforcement officers with the minimum distribution of \$250; and the fall distribution provided the minimum \$250 to 48 law enforcement agencies.

The remaining portion of the fund, less administrative costs, is designated for competitive grants and is awarded to various state and local agencies providing in-service criminal justice training programs to their employees.

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THE JUSTICE TRAINING FUND (CONTINUED)

Three grant workshops are held during the first two weeks of June each year to provide potential criminal justice grant applicants with specific detailed information on application requirements.

Each grant application meeting the deadline requirements is reviewed for completeness and assigned to a staff member for a more detailed review consistent with established guidelines. The curriculums in each grant are reviewed by the Curriculum Development Section and the proposed budgets are reviewed by the budget and fiscal staff, who then meet as a group to evaluate and finalize recommendations for Commission review and action.

At the completion of the reviews, staff determines the available funding for the grant award cycle. The funding recommendations are then reviewed to establish a parity of recommendations to available funding. Additional reductions in recommended awards, if necessary, are made consistent with Commission established priorities. The grant applications and the specific funding recommendations are forwarded to the Commission in early November for review.

The Commission takes final action with respect to the grant awards during their December meeting. Then in early January, staff holds two grant contract award workshops to provide successful applicants with their respective contract and reporting requirements. In addition, applicants are also provided with the programmatic and financial reporting forms.

In deciding on grant awards, the Commission considers the quality and cost effectiveness of the training programs proposed by the applicant and the criminal justice needs of the state. This year, 60 grant applications were reviewed. Of these, 35 applications were awarded a total of \$2,357,747. The following is a breakdown of funding by category.²

Staff provides comprehensive training for participants in the competitive grant program. Three grant workshops are held during May and June to provide potential criminal justice grant applicants with specific detailed information on application requirements.

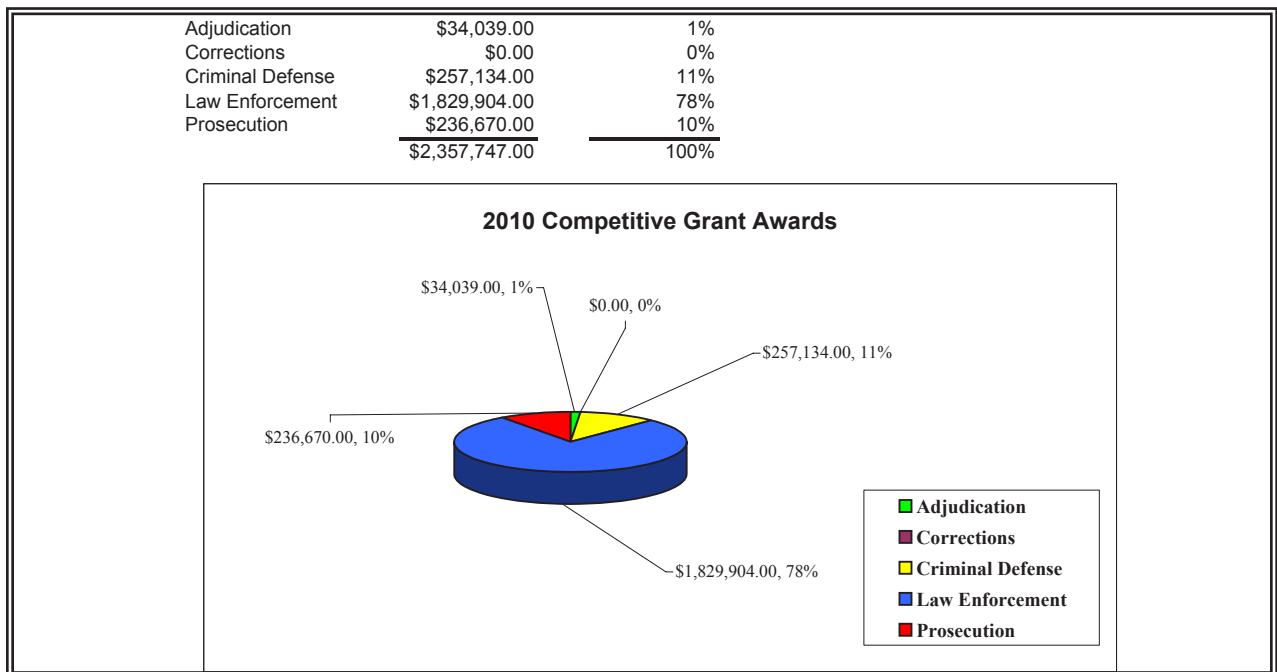
Each year the Commission establishes a prioritized training list to which grant funds will be directed. This list is established through a needs assessment or other evaluation tool to determine the training needs of the specific criminal justice discipline (adjudication, corrections, criminal defense, law enforcement, prosecution, and cross-professional). In addition, the Commission has also established that an applicant must also meet the requirement of providing training through a consortium concept in order to obtain grant funding. All applications must be postmarked by July 31st to be considered for funding.



THE JUSTICE TRAINING FUND (CONTINUED)



Throughout the year, staff conducts on-site monitoring of grant programs resulting in firsthand reports to the Commission on grant activities. Michigan justice training fund news is periodically published in the MCOLES newsletter and on the MCOLES Web site at: www.michigan.gov/mcoles.





TRAINING TO LOCALS: FUNDING SUPPORT FOR BASIC TRAINING

Training to locals is the MCOLES program that provides partial reimbursement to local law enforcement agencies for the tuition expense of sending employed candidates to basic law enforcement training.

Michigan law enforcement agencies that employ individuals for the express purpose of becoming licensed law enforcement officers and then send those individuals to an MCOLES approved basic police training program are eligible for partial reimbursement of tuition expenses. The conditions of employment must comply with the Federal Fair Labor Standards Act. Specifically, this means that an employed candidate must be paid at least minimum wage for all hours that are spent in attendance at the academy. There can be no agreements, verbal or written, that obligate an employed candidate to pay any of the expenses associated with academy training or that obligate the employed candidate to repay wages to the employer, either monetarily or through volunteered time.

The MCOLES staff conducts opening orientations at each of the approved training facilities during the first day of training. All recruits formally enrolled in an approved session are tracked by MCOLES, ensuring that the employing law enforcement agency

will be eligible for partial tuition reimbursement and that the appropriate financial documentation will be mailed to the agency head. Agencies sending an individual to the academy should maintain a copy of the cancelled check and a copy of the paid receipt from the academy for submission to MCOLES, along with other required documentation.

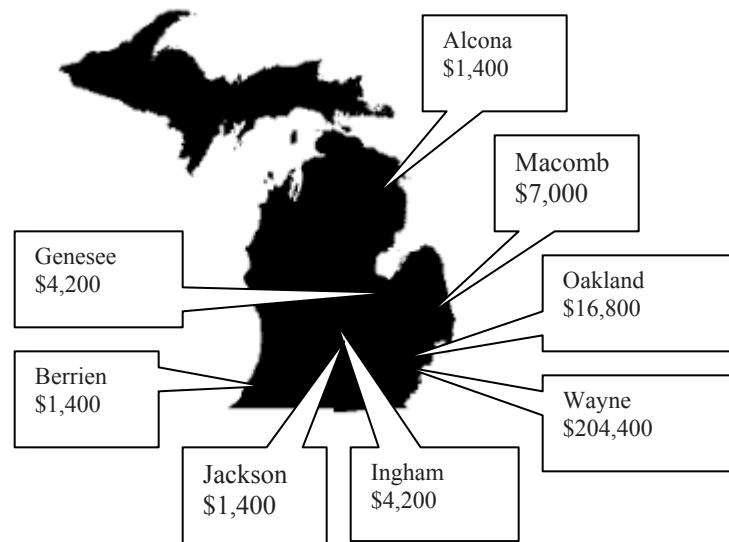
The financial documentation forms are sent to all qualified law enforcement agencies in mid-June of each calendar year. The documents must be filled out and returned to the MCOLES offices no later than mid-August of the same calendar year. The reimbursement qualification period is from August 1st through July 31st of the preceding year. In order to qualify for the partial tuition reimbursement, an agency's recruit must complete training and be licensed

as a law enforcement officer prior to July 31st of the funding year. The MCOLES staff will review all submitted financial documentation and initiate reimbursement payments in late September or early October of the funding year.

The reimbursement level is determined in early September and is based upon the amount of revenue allocated to the training to locals account each fiscal year. This amount is divided by the total number of employed candidates trained and licensed during the funding period, yielding a "per candidate" reimbursement. Qualifying agencies can expect to receive reimbursement no later than December 31st of the funding year.

The per candidate reimbursement for fiscal year 2009 was \$1,400. A total of \$240,800 was distributed (depicted below).

2009 Distribution of Training to Locals Funds



POLICE OFFICERS AND FIREFIGHTERS SURVIVOR TUITION PROGRAM



In May of 1996, MCOLES was given administrative responsibility for the Survivor Tuition Program under Public Act 195 of 1996. This legislation provides for the waiver of tuition at public community colleges and state universities for the surviving spouse and children of Michigan police officers and firefighters killed in the line of duty.

In conjunction with the Michigan Student Financial Aid, procedures have been developed for the application, review, and approval of tuition waivers as specified in Public Act 195 of 1996.

A concerted effort has also been made to announce the program and encourage participation. Articles have been published in appropriate professional association newsletters, and announce-

ments were made to all Michigan law enforcement agencies and fire departments. In addition to information at the MCOLES Web site, the survivor tuition program is publicized in the financial aid directory of available resources for all four and two-year schools in Michigan and also appears in the MICASH database, a state sponsored scholarship search service of all private and state resources which is accessible via the Internet.

In 2009, MCOLES processed seven applications for waiver of tuition at Michigan colleges and universities. Five applications were approved for students attending four state universities. A total of \$23,775.00 in tuition was waived for students in this program during fiscal year 2009.

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PUBLIC SAFETY OFFICERS BENEFIT ACT

DEATH AND DISABILITY BENEFITS



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

During 2004, the Commission became the agency designated to administer the Public Safety Officers Benefit Act (PSOB), Public Act 46 of 2004. The Act provides for a one-time payment of \$25,000 for the care of a public safety officer permanently and totally disabled in the line of duty. In the event the public safety officer was killed in the line of duty, the spouse, children, or estate of the officer may be eligible for the one time payment of \$25,000. Benefits paid under the Act are retroactive to incidents resulting in an officer's death or permanent and total disability that occurred on or after October 1, 2003.



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

court officers. “Firefighter” means a volunteer or employed member of a fire department of a city, county, township, village, state university, community college, or a member of the Department of Natural Resources employed to fight fires.

Eligibility

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

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

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

Benefits Distributed in 2009

A total of \$75,000 was distributed from fiscal year 2009 funds to survivors for the deaths of two law enforcement officers and one firefighter.



STANDARDS:

THE FOUNDATION OF EFFECTIVE SERVICE

What type of person would you hope to respond when you have become the victim of a crime? How would you want your child to be treated if he or she was arrested? Will your interests be adequately represented in court? Will our prisons safely and securely house the guilty? Who will look after persons released from prison? Will the criminal justice system work for me? Will it be fair?

These questions personalize the impact that law enforcement and the criminal justice system can have on our lives, and they raise interesting possibilities regarding how we can make it work best.

Improving public safety is not merely a good idea. It is a necessity. Crime is ever changing and requires a dynamic response. While crime continues to present new challenges, other problems also beg for attention. Virtually every component of the criminal justice system faces serious tests and requires frequent maintenance in order to best utilize new technology; provide homeland security; overcome ethical problems; and remain effective despite funding shortages. In the final analysis, modern public safety must strive for continuous improvement, employing strategies that build interoperability between its various components and the criminal justice system, at large.

It is important to note that strategies to improve criminal justice are frequently subject to controversy

and accusations that they do not do what they purport to do, that they are skewed to favored segments of the population, or that they will be otherwise ineffective. Often, there is no defense against these criticisms, because insufficient attention is given to research, i.e., validating the relationship between given strategies and the desired result. Hence both good and bad programs alike may fall into decline. Lacking a well-researched strategy, programs find it difficult to maintain the support that is necessary to produce lasting positive effect.

Some of the most effective and enduring improvements seen in the criminal justice world have come from standards-based approaches to solving large, systemic problems. Standards are, put simply, the criteria that support the achievement of a goal or objective. Properly developed standards are successful, because they are built on a foundation of validity.

At its most finite level, MCOLES standards are employed to define the hundreds of learning objectives that law enforcement officers must master to successfully complete their training. Yet training is only one avenue for transmission of standards to the delivery of public safety services. MCOLES standards govern performance levels, instructional methodologies, training environments, qualifications for training and/or employment, ethical character, professional licensing and more.



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





EMPLOYMENT STANDARDS

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

Standards are, in a sense, an underutilized resource that hold promise for the solution of many ills plaguing public safety. To be sure, standards development cannot be done from an armchair. It requires work, expense, and the involvement of experts and practitioners. Standards must reflect the needs of today and anticipate the needs of tomorrow. Most standards also require follow-up maintenance to maintain validity and viability. Yet the outcome of the standards-based approach is undeniable. Standards provide answers that make a difference, and the process of

building standards cultivates trust.

MCOLES is the standards bearer for Michigan's law enforcement officers. Law enforcement duties cannot be performed effectively by every person who decides to take up the profession. A law enforcement officer must possess physical and mental capabilities, as well as being able to meet ethical, psychological, and training standards. A summation of the standards that must be met by persons entering the law enforcement profession in Michigan follow.³

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



MEETING AND MAINTAINING EMPLOYMENT SELECTION STANDARDS



About 75% of Michigan's law enforcement training candidates enter training prior to securing law enforcement employment. In order to protect candidates who have uncorrectable problems, the Commission has adopted a "Meet and Maintain" policy.

"Meet and Maintain" requires pre-service law enforcement candidates to meet most law enforcement employment standards prior to

entering training and during the training session. This restriction protects candidates who have uncorrectable problems from expending their time and financial resources in law enforcement training only to find out later that it is impossible for them to enter the profession. Once training has been successfully completed, candidates must maintain compliance with standards in order to secure law enforcement employment.

Standards are, in a sense, an underutilized resource that holds promise for the solution of many ills plaguing public safety.

BASIC TRAINING STANDARDS

The foundation of law enforcement training in Michigan is the basic training curriculum. The basic training curriculum, available at the MCOLES Web site, is an evolution that closely mirrors the progress and changes that have happened over the years in the law enforcement profession. MCOLES expends significant resources to build and maintain this curriculum, providing updates and developing new subject matter.

Michigan's basic training curriculum is developed and maintained in a collaborative relationship with the criminal justice community. MCOLES staff members, in conjunction with committees of subject

matter experts, develop proposed curriculum changes and initiatives that reflect the current needs of the law enforcement profession. Subject matter experts are drawn from the field of law enforcement and criminal justice practitioners, academia, and training providers. Learning objectives are identified in terms of the behavior desired of the successful officer.

Final products are subjected to the review of a Curriculum Review and Advisory Committee, which must assess the impact of the proposed new material upon law enforcement training providers and public safety at large.





MANDATED BASIC TRAINING CURRICULUM SUMMARY⁴

The mandated basic training curriculum currently stands at 562 hours.

| Subject Area | |
|---|----|
| ADMINISTRATIVE TIME (18 Hours) | |
| MCOLES Testing & Administration | 8 |
| Director Testing | 10 |
| I. INVESTIGATION (113 Hours) | |
| A. Introduction to Investigation | 2 |
| B. Substantive Criminal Law | 24 |
| C. Criminal Procedure | 31 |
| D. Investigation | 12 |
| E. Court Functions and Civil Law | 4 |
| F. Crime Scene Process | 18 |
| G. Special Investigations | 8 |
| H. Investigation of Domestic Violence | 14 |
| II. PATROL PROCEDURES (57 HOURS) | |
| A. Patrol Operations | 6 |
| B. Ethics In Policing and Interpersonal Relations | 25 |
| C. Patrol Techniques | 12 |
| D. Report Writing | 8 |
| E. Juveniles | 6 |
| III. DETENTION AND PROSECUTION (15 HOURS) | |
| A. Receiving and Booking Process | 6 |
| B. Case Prosecution | 8 |
| C. Civil Process | 1 |
| IV. POLICE SKILLS (274 HOURS) | |
| A. First Aid | 37 |
| B. Firearms | 84 |
| C. Physical Skills | 77 |
| D. Emergency Vehicle Operation | 32 |
| E. Fitness and Wellness | 44 |
| V. TRAFFIC (54 HOURS) | |
| A. Motor Vehicle Law | 10 |
| B. Vehicle Stops | 14 |
| C. Traffic Control and Enforcement | 4 |
| D. Operating While Intoxicated | 7 |
| E. Motor Vehicle Traffic Crash Investigation | 19 |
| VI. SPECIAL OPERATIONS (31 HOURS) | |
| A. Emergency Preparedness/Disaster Control | 8 |
| B. Civil Disorders | 8 |
| C. Tactical Operations | 5 |
| D. Environmental Crimes | 2 |
| E. Terrorism Awareness | 8 |



LICENSING

THE LAW ENFORCEMENT LICENSE



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

During each year MCOLES provides new licensure for law enforcement officers, statewide. In 2009, MCOLES licensed 478 new law enforcement officers. MCOLES also provides licensure of Michigan's private security police officers.

Law enforcement licensure signifies readiness for entry into the law enforcement profession. The officer's license is often referred to as the law enforcement certification,

which is an assurance (or certification), that the officer meets the standards required of Michigan law enforcement officers.

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

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

HOW A LICENSE IS ISSUED

Law enforcement licensing occurs within a partnership among candidates, training providers, law enforcement employers, and MCOLES. In a collaborative effort, each party fulfills specific responsibilities, yet also works to ensure that only qualified candidates enter the law enforcement profession.

The Law Enforcement License is awarded by MCOLES when the employer requests activation, and the candidate meets the following requirements: (1) compliance with the Commission's minimum

selection and training standards, and (2) employment with a law enforcement agency as a law enforcement officer.

Persons who have been previously licensed Michigan law enforcement officers or who were licensed in another state, and who are seeking re-licensing in Michigan are directed to the Commission's Recognition of Prior Training and Experience Program.⁵

The Commission's minimum selection and training standards are presented in the section of





HOW A LICENSE IS ISSUED (CONTINUED)

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

this report entitled, "Standards: The Foundation of Effective Service." The greatest challenges in the path to law enforcement licensure are completion of the basic training (graduation) and successful performance on a comprehensive state licensure examination.

Basic recruit training must be completed at an MCOLES approved training academy. There are 21 academies statewide, strategically situated in geographic locations that best serve Michigan's population base. MCOLES mandates a curriculum that consists of 562 hours, although every academy provides training that exceeds this requirement.⁶

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

Employed Candidate Training Programs.

A candidate may initially become employed by a bona fide law enforcement agency and subsequently attend the training as an "employed" candidate. Employed candidates are compensated by their employer for all of the time they are in attendance at training. Upon graduation and successfully completing the state examination, the can-

didate becomes eligible to become a fully licensed officer with the employing agency. Successful employed candidates are eligible for initial licensure only through the original employing law enforcement agency. Approximately half of Michigan's police officers enter the law enforcement profession through this avenue.

Pre-Service Training Programs.

Many law enforcement agencies employ only those applicants who have already completed recruit training at their own expense. A candidate intending to become employed with such an agency may make direct application to a "Pre-Service" Training Program. Pre-Service candidates must pay for all costs associated with their training. Pre-Service candidates are not compensated by a law enforcement agency for their attendance at training, nor is law enforcement employment guaranteed upon graduation. In order to enter a Pre-Service Training Program, the candidate must first possess an Associate's Degree or higher.

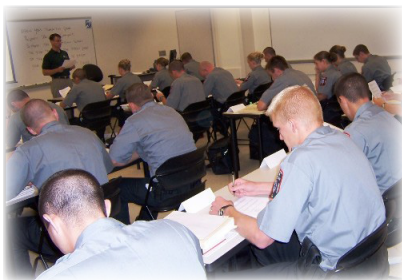
Upon successful completion of the Pre-Service Training Program and passing the state licensure examination, the candidate may apply for employment with any Michigan law enforcement agency. Pre-Service Training Program graduates must obtain employment with a law enforcement agency as a fully empowered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



HOW A LICENSE IS ISSUED (CONTINUED)

Track Programs.

A track program offers the candidate an opportunity to undergo basic law enforcement training while also earning a college degree. Track program candidates are not employed by a law enforcement agency at the time of their training and therefore must pay all costs associated with their training. Of the 21 MCOLES approved training academies statewide, four locations offer a college track program with completion of an associates degree and two locations offer a college track program with the completion of a baccalaureate degree. Community college track programs offer the two-year associate's degree, and university-based track programs offer the four-year degree. Program graduates must become employed with a law enforcement agency, as a fully empowered law enforcement officer, within one year of graduation in order to become licensed.



Recruits from Grand Valley State University

Pre-enrollment Testing.

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

Each candidate enrolling in a training session must attain passing scores on these tests. The physical fitness test is also used to assess candidate fitness upon exiting academy training. During a typical year, over 7,000 administrations of each pre-enrollment test are conducted, statewide.



Recruit from Kellogg Community College



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





THE LAW ENFORCEMENT LICENSURE EXAMINATION

The law enforcement licensure examination is often referred to as the state certification examination.

The law enforcement licensure examination is often referred to as the state certification examination. Every candidate for Michigan law enforcement licensure must pass this examination. The examination is designed to measure mastery of the MCOLES mandated curriculum. This is a comprehensive written examination wherein the examinees are presented with various situational questions to which they must identify the correct response. The test is behavioral in nature in that the respondents must identify the law enforcement behavior that is appropriate for the situation they are presented.

The examination consists of 200 multiple-choice questions, each accompanied by three plausible alternatives. The test questions are “blueprinted” to the 562-hour curriculum. This means that test questions are matched to the individual training objectives that appear in the curriculum. The validity of this examination is closely monitored by MCOLES testing experts. Through a pre-testing process, statistical analyses of all questions are performed to ensure that the test items are fair and that they are free from any ambiguity

and bias. Questions are also pre-tested to ensure that alternative choices, known as distractors, are working as intended.

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

Although all recruits must pass this examination to become licensed, the use of a single test score by MCOLES is not the sole determinant of skills mastery. One test cannot fully evaluate recruit competencies. Accordingly, MCOLES requires that all academies administer periodic written examinations to their recruits, including a comprehensive legal examination near the completion of the school, in addition to individual skills assessments (firearms, emergency vehicle operations, subject control, first aid, and physical fitness). The recruits are assessed throughout their academy experience in a variety of manners in order to measure their suitability for the profession.⁷



PERSONNEL TRACKING

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

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

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

MCOLES implemented personnel tracking by conducting a baseline registration to identify all of the currently practicing law enforcement officers in Michigan. The registration was carried out with a limited number of technical problems, concluding in February 2000. Today, personnel tracking information is updated continuously through law enforcement agency reporting of new hires and separations from employment and through MCOLES annual registration for the law enforcement distribution.

The annual profile of Michigan law

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

During 2009, over 611 law enforcement agencies operated in Michigan, employing approximately 21,115 officers. One of these agencies, the Michigan State Police, operated 64 posts throughout the state. The largest law enforcement employer, the Detroit Police Department, employed approximately 2,900 officers. The smallest law enforcement employer in the state employed one officer.

The information provided in the MCOLES personnel registration process serves law enforcement well. It provides a current listing of Michigan's practicing law enforcement officers and the agencies through which they are empowered. Secondly, it provides law enforcement employers with verified histories of law enforcement employment in Michigan. Third, this process streamlines the registration system for the law enforcement distribution, and finally, this process enables various assessments of Michigan's law enforcement population to determine demographic trends and predict training needs.



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





REVOCATION OF THE LAW ENFORCEMENT LICENSE

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

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

In the past, MCOLES had few tools to address serious ethical violations committed by licensed law enforcement officers.

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

MCOLES does not take revocation action on ethics complaints that fall outside the statutory guidelines specified in P.A. 237. These cases remain the responsibility of local authorities. Each case that falls within MCOLES scope of authority is investigated thoroughly, and the accused officers are afforded full due process, specified under the Administrative Procedures Act of 1969.



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

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



REVOCATION OF THE LAW ENFORCEMENT LICENSE (CONTINUED)

Since Public Act 237 of 1998 went into effect, MCOLES has initiated numerous standards compliance investigations. Some of these investigations were brief and did not result in further official action, yet a significant number were time consuming and required both travel and investigative expertise.

During 2009, two notices of ineligibility were served upon former law enforcement officers who were convicted of felonies, and in another seven cases, active law enforcement licenses were revoked due to felony convictions. All revocation actions followed administrative proceedings through the State Office on Administrative Hearings and Rules (SOAHR). Five hearings were conducted in late 2009 and await Commission action in 2010.

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

and agreement provides the officer's sworn statement that he or she voluntarily relinquishes their license for specific reasons that would legally justify revocation of the license by the Commission. Typically, the process comes as a part of the plea agreement negotiated between defense counsel and the prosecuting attorney in allowing the officer to plea to a lesser offense having been originally charged with a felony. The Commission acted on one voluntary relinquishment in 2009.

MCOLES has made significant progress in securing cooperation for reporting, and with tracking and sharing information regarding individuals who are unsuitable for law enforcement employment. It is significant to note, however, that MCOLES presently does not have authority to suspend or remove law enforcement licensure from individuals who are convicted of committing certain crimes involving behavior clearly in violation of public trust. Examples include felony charges that are reduced in plea agreements, and certain misdemeanors, wherein offensive behavior is evident that is beyond any sensible boundaries for a law enforcement officer. These cases may involve matters of assault, Internet child pornography, or sexual deviation, yet they are not subject to revocation under current law.



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





LICENSING OF PRIVATE SECURITY POLICE OFFICERS

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

Public Act 473 of 2002 has produced an historic change in the manner of licensing for Michigan's private security police officers. This legislation became effective October 1, 2002. Prior to its enactment, private security agencies, private security guards, private investigators,

private security police, and installers of alarm systems were licensed through the Michigan State Police.

P.A. 473 places the bulk of these licensing functions with the Department of Labor and Economic Growth, with the exception of private security police officers. Licensing of Michigan's private security police officers is now administered by MCOLES.

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

Under Act 330, private security police officers must obtain 100 to 120 hours of training. The higher amount is required for private security police officers who intend to carry firearms. These personnel are also required to attend twelve hours of in-service training annually. Among

the topics for which private security police officers must receive training are law, firearms, defensive tactics, critical

incident management, emergency preparedness, patrol operations, and first aid.⁸

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

- Lansing Public Schools
- Detroit Medical Center
- Henry Ford Health System
- Renaissance Center Management Co.
- University of Detroit Mercy
- St. John's Detroit Riverview Hospital
- Fairlane Town Center
- Schoolcraft College
- Spectrum Health
- Pontiac Public Schools
- Emergent BioDefense - Lansing
- Detroit Public Schools



LICENSING OF RAILROAD POLICE OFFICERS

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

In addition to meeting the minimum MCOLES standards, law requires that the state police (responsibility assigned to MCOLES) must determine that the individual is suitable and

qualified in order to issue a commission (MCL 462.367).

Every commissioned railroad police officer has statewide authority to enforce the laws of the state and the ordinances of local communities when engaged in the discharge of his or her duties as a railroad police officer for their employing company. Their authority is directly linked to the company's property, its cargo, employees, and passengers. Railroad police officers carry their authority beyond the company's property when enforcing or investigating violation of the law related to their railroad (MCL 462.379).⁹



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



MCOLES

SERVICES ~ DELIVERED THROUGH PARTNERSHIPS

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

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

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

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

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



MCOLES

REGIONAL BASIC TRAINING ACADEMIES

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

well as eligible pre-service candidates who meet the college degree requirement upon completion of regional academy programs. The approved regional basic training locations typically run two sessions in a training year, unless hiring needs require additional approved sessions. The sessions last between seventeen and nineteen weeks on average. Of the 15 approved locations that deliver the regional basic training program, four locations train only their own employed

recruits. The agency basic academies are the Michigan State Police Academy, the Department of Natural Resources, Detroit Metropolitan Police Academy, and the Wayne County Sheriff Academy. The remaining 10 locations, which are geographically distributed through-out the state, train both employed recruits and eligible pre-service candidates. Listed below are the approved regional and local basic training programs and their respective training directors.

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

Department of Natural Resources
Lt. Sherry Chandler, Director
Law Enforcement Division
P.O. Box 30031
Lansing, MI 48909-7531

Detroit Metropolitan Police Academy
Lt. Aaron Robins
17825 Sherwood
Detroit, MI 48212

Flint Police Regional Training Academy
Officer Dan Mata, Director
3420 St. John Street
Flint, MI 48505

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

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

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

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

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

Michigan State Police Training Academy
Capt. Dan Atkinson,
Training Director Commander
7426 North Canal Road
Lansing, MI 48913

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

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

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

Wayne County Regional Police Training Academy
Fred Stanton, Director
Schoolcraft College
1751 Radcliff
Garden City, MI 48135

Wayne County Sheriff Department Training Center
Deputy Chief Larry Hall, Director
Wayne County Community College
21000 Northline Road, Room N112
Taylor, MI 48180-4717





PRE-SERVICE BASIC TRAINING ACADEMIES



Recruits from Kirtland Community College

The pre-service college basic training programs offer mandatory basic police training in conjunction with a college degree program. Students entering these programs are guided through a college-designed curriculum, which allows a qualified graduate to be licensed as a law enforcement officer upon achieving law enforcement employment. The academic content of these programs includes designated courses that incorporate the entire MCOLES mandatory 562-hour curriculum. Students must achieve satisfactory grades in each pre-service program course within a one-year time limit and be awarded an associate degree or higher. Presently, there are six locations that offer pre-service college programs. They are listed at right in alphabetical order.



Recruits from Oakland Police Academy

Ferris State University
Law Enforcement Programs
Cecil R. Queen, Director
539 Bishop Hall
1349 Cramer Circle
Big Rapids, MI 49307

Grand Rapids Community College
Jodi Richhart, Director
143 Bostwick, NE
Grand Rapids, MI 49503

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

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

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

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



Recruits from Grand Valley State University



MCOLES

PRE-ENROLLMENT TESTING

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

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

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

letter "B," and the lowest scoring group among those passing the test with the letter "C." The physical fitness test is designed to assess strength and aerobic capacity to ensure that candidates possess a minimum level of fitness necessary for success in training. The physical fitness test is the result of a three-year research effort, which was done in consultation with the Cooper Institute.

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

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

The test events are the same for pre-enrollment testing as they are

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

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

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

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

Applicants and agency administrators should be aware that the MCOLES pre-enrollment tests are administered only at MCOLES approved test centers.¹⁰ Other forms of testing or testing at non-approved sites will not satisfy these mandatory requirements.¹¹





RECOGNITION OF PRIOR TRAINING AND EXPERIENCE PROGRAM

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

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

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

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

After completing all examinations and first-aid requirements, applicants are eligible for licensure for a period of one year from the examination date. Upon employment with a Michigan law enforcement agency and verification that the applicant meets all MCOLES minimum selection and employment standards, law enforcement licensure is awarded. Enrollments in RPTEP are conducted at the two approved training facilities providing the program, listed below:

Kirtland Community College
Contact: Tom Grace
10775 N. St. Helen
Roscommon, MI 48653

Macomb Community College
Contact: Larry West
21901 Dunham Road
Clinton Twp, MI 48036



LAW ENFORCEMENT RESOURCE CENTER

With the expanded mission of MCOLES, the Law Enforcement Resource Center has enlarged its focus beyond law enforcement to serve as a repository for criminal justice training media. The Resource Center is available to law enforcement and criminal justice agencies throughout Michigan. All MCOLES licensed law enforcement officers, law enforcement training academies, and MCOLES approved criminal justice programs are eligible users.

Funding through Public Act 302, of 1982, has allowed the Resource Center to purchase instructional resources to support law enforcement training.

Trainees benefiting from the Resource Center range from officers receiving roll-call training to officers attending formal

presentations made in an academic setting. Law enforcement patrons have ranged from the smallest police departments to centralized training facilities of the larger police departments. Colleges and universities also use the Resource Center to provide audio-visual programming for MCOLES approved in-service programs presented at these institutions.

The Resource Center has become an integral part of the support system for the criminal justice training delivery system in Michigan. Due to budget constraints at many law enforcement agencies, the Resource Center has become a valuable tool that enables them to receive training support materials that may otherwise be unavailable to them.¹² Information and assistance can be found through the Center's link at the MCOLES Web site, www.michigan.gov/mcoles.



Trainees benefiting from the Resource Center range from officers receiving roll-call training to officers attending formal presentations made in an academic setting.





STOP VIOLENCE AGAINST WOMEN

In the past, the law enforcement response to domestic violence has suffered from a lack of both knowledge and resources.

Domestic violence is a long-standing criminal justice problem. Lack of knowledge of the causes and magnitude of domestic violence have limited the effectiveness of the law enforcement response to this dilemma. MCOLES has secured STOP grant funding since 1993 to improve the Michigan response to domestic violence.

Although domestic violence has always existed, it is little understood. The study of domestic violence is relatively new. Researchers now characterize domestic violence as a pattern of behavior that is learned and chosen by the abuser.

Indeed, some social environments continue to tolerate, if not encourage, domestic violence.

In the past, the law enforcement response to domestic violence has suffered from a lack of both knowledge and resources. In 1994, the federal Violent Crime Control Act provided funding, administered by the United States Department of Justice, to deal with the problem under the STOP Violence Against Women Grant Program.

STOP grant funds provide tech-

nical assistance to Michigan law enforcement agencies for the development of domestic violence policy and for training officers in the recognition and investigation of domestic violence. MCOLES has long sub-granted portions of these funds to the Michigan State Police and the Wayne County Prosecutor's Office for delivery of training to the criminal justice community. These funds provide statewide training of detectives, troopers, and other key criminal justice personnel.



MCOLES has continued an active partnership with the Michigan State Police Prevention



Services Section to combat domestic violence. Initiatives include the review and updating of curricula and domestic violence policy,

as well as the administration of statewide domestic violence training for active duty law enforcement officers. Under STOP grant funding, the Department of State Police has shared in the design of a standardized domestic violence reporting form for general law enforcement use; it has participated in a task force on domestic violence fatalities; and it has sponsored and facilitated statewide domestic violence conferences.



THE RESPONSE TO SEXUAL VICTIMIZATION



In the United States it is estimated that over 300,000 women are sexually assaulted each year. In Michigan, in 2007, there were over 11,500 victims of criminal sexual conduct reported to law enforcement (Michigan Incident Crime Reporting). Most often the offender is known to the victim or is a member of her own family. Although the overwhelming majority of victims of sexual assault are women, men are victimized as well. Unquestionably, sexual violence is a serious offense that calls for an effective response by law enforcement officers and other first responders. Often, the nature of this initial contact determines the quality of the response by the criminal justice system as a whole.

In mid-2009, the Michigan Domestic Violence Prevention and Treatment Board (MDVPTB) sub-contracted with MCOLES to design and administer training for active duty officers in the response to sexual assault using federal stimulus funding. Stimulus grant dollars for states and local governments are intended to support a broad range of activities to prevent and control crime and to improve the criminal justice system. The MDVPTB asked MCOLES to create training content, train a cadre of instructors, and administer regional training sessions across the state. The sexual assault project will run from May 1, 2009 through April 30, 2011.

In late 2009, the staff held planning meetings to outline its next steps. As

a result of these initial meetings, the staff identified a structure process to guide its activities. First, the staff examined Michigan's 2006 Statewide Job Task Analysis of the position of patrol officer. This was done to ensure a connection between current patrol officer job tasks and what should be contained in the training objectives. Next, the staff explored the professional research and examined similar training in other states.

In early 2010, the staff will obtain input from sexual assault content specialists across Michigan, evaluate law enforcement best practices, write draft training objectives, and create an instructor manual. The intent is to integrate training content with adult learning strategies so officers can acquire basic knowledge and develop critical thinking skills at the same time. The training content will be based on a victim-centered, offender-focused approach to sexual victimization.

In mid-2010, the MCOLES staff will finalize a set of behaviorally-based training objectives, identify and train a group of instructors, and proceed with field tests of the curriculum. Then, in late 2010 and into early 2011, regional training will be made available to all active duty law enforcement officers across the state. The overall objective of the project is to improve the system's response to the victims of sexual assault through an effective first response by law enforcement officers.

Sexual violence is a serious offense that calls for an effective response by law enforcement officers and other first responders.





MCOLES WEB SITE: WWW.MICHIGAN.GOV/MCOLES

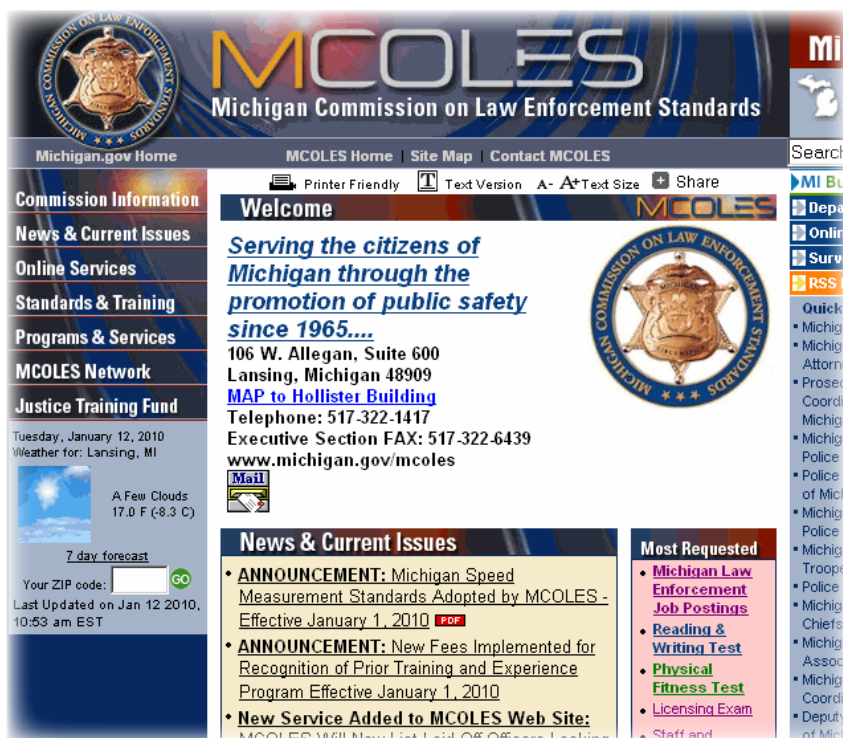
...the MCOLES Web site offers convenient access to MCOLES organizational information, resources, and current events...

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

Today, the MCOLES Web site offers convenient access to MCOLES organizational information, current events, newsletters, annual reports, and law enforcement job vacancies. It also provides Commission information, such as meeting dates,

meeting minutes, and relevant statutes and rules.

The site also contains a directory of Michigan law enforcement agencies, approved basic training academies, links to other Web sites of interest, answers to frequently asked questions, and serves as the Web portal to the MCOLES Information and Tracking Network. Visitors to the site will find relevant information dealing with all aspects of MCOLES standards and training, and will be able to find information dealing with the various programs and services which MCOLES administers.



THE MCOLES NETWORK



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

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

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

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

Phase I of the MCOLES Network development was completed with full system implementation in 2004. Essential functionality was created to provide Web-based access to the user-specific modules listed below:

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

academy sessions, enroll students, and submit completion transactions.

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

Phase II development began immediately after implementation and continues as an ongoing process to improve existing functionality and add new features.



MCOLES SPECIAL REPORT: RADAR AND LIDAR MANDATORY INSTRUCTOR UPDATES

The Michigan Office of Highway Safety Planning (OHSP) convened the Michigan Radar Task Force in 1978 to serve as an advisory body to OHSP in studying and evaluating issues regarding the use of radar for speed enforcement in Michigan. The Radar Task Force was later renamed the Michigan Speed Measurement Task Force (MSMTF). Based on the recommendations of the Task Force, OHSP issued guidelines and recommendations regarding speed measurement for law enforcement across the state.



In June of 2008, OHSP disbanded the MSMTF in an effort to establish a formalized speed management program for Michigan. This action came partially in response to findings of the National Highway Traffic Safety Administration (NHTSA), which identified speed enforcement as a priority issue in preventing injury and death from traffic accidents. As part of this initiative, OHSP sought a leadership role for MCOLES in the establishment and implementation of formal speed measurement standards for the state of Michigan.

The new speed measurement program places MCOLES in partnership with OHSP to establish and maintain formal speed measurement standards for Michigan. The program also encompasses adjudication of RADAR and LIDAR speeding cases. To this end, the Prosecuting Attorney's Association of Michigan, the Michigan Judicial Institute, and the State Court Administrative Office have participated in the development process.

The full project was divided into three separate components. The first component was the development of statewide standards for RADAR and LIDAR operation. This component included development of standards for instruction in the use of RADAR and LIDAR. The

second component was intended to provide validated consumer product lists and equipment specifications to assist agencies in outfitting their officers. The third and final component entailed the incorporation of standard field sobriety testing (SFST) into the Michigan's basic training curriculum for law enforcement recruits. All three components were to include training for court personnel, magistrates, and judges.

As a result of this initiative, Speed Measurement Operators Must...

- Be licensed as a law enforcement officer in Michigan.
- Maintain 100 hours of speed measurement enforcement experience per year.
- Recertify as an operator once every five years through updates, testing, or demonstrated proficiency.
- Effective January 1, 2010, new speed measurement operators must complete a 24-hour training class, including testing and practical exercises. All existing RADAR and LIDAR operators in Michigan will be "grandfathered" so they may continue to conduct speed measurement enforcement for their agencies without additional training.

Speed Measurement Instructors Must...

- Have functioned as a speed measurement operator for a minimum of two years.
- Satisfactorily complete a general instructor school (minimum 24 hours) OR possess demonstrable relevant work experience in teaching or classroom instruction.
- Satisfactorily complete a 16-hour speed measurement instructor class.
- Recertify as an instructor once every five years through updates, testing, or demonstrated proficiency.

Regional instructor update sessions were held in 2009 to familiarize RADAR and LIDAR instructors with the new standards. Participation in an update session was mandatory for RADAR and LIDAR instructors, in order to maintain certification to teach. Instructors who did not receive this training are not able to activate speed measurement certifications for new students, effective January 1, 2010.



SPECIAL REPORT: MCOLES PUSHES FOR IMPROVED ETHICS STANDARDS



It is fundamental that law enforcement leaders be able to assure their communities that their officers are ethical. Even unsubstantiated claims or the appearance of impropriety can undermine the most noble law enforcement intentions. Aside from preventive education, pre-employment screening and a fair reaction to ethical breaches by active officers are the front line of defense against the ethical deterioration of police officers. Neglect in either arena will inevitably lead to a decline in the quality of law enforcement service.

MCOLES, for years, has required good moral character of persons who seek to be licensed law enforcement officers in this state. The Michigan Administrative Code states, "A person selected to become a law enforcement officer shall possess good moral character as determined by a favorable comprehensive background investigation..." The use of background investigations to establish a candidate's moral character has met with a fair amount of success



and is endorsed by the vast majority of Michigan law enforcement employers. That said, there are examples of background investigation failures, in which unfit candidates have entered law enforcement service and have become a liability to themselves and other officers.

Unfortunately, the same behavior that may exclude a new candidate from law enforcement employment does not automatically result in removal of the license of an incumbent officer. This occurs when an officer is convicted of a misdemeanor crime involving moral turpitude or wanton behavior. MCOLES is often sought out for solutions when expectations regarding an officer who has violated the public's trust are unmet.

For the past several years, MCOLES has been exploring ways to strengthen its role as a standards provider in producing and retaining ethical law enforcement officers. After several years of deliberation, the Commission has agreed to seek more encompassing ethical regulations which are shown on the following page. These considerations must be balanced against individual rights and collective bargaining agreements.



SPECIAL REPORT: ETHICS STANDARDS (CONTINUED)



To this end MCOLES will seek the following:

- Develop a uniform background investigation protocol and a supporting manual for use by law enforcement agencies in the hiring process.
- Mandate background investigations whenever a law enforcement officer changes law enforcement employment.
- Encourage compliance by hiring agencies with administrative law that requires they conduct **comprehensive** background investigations.
- Encourage law enforcement employers to fully disclose substantiated instances of professional misconduct by current and former law enforcement employees, upon request of a prospective law enforcement employer.
- Require police academies to screen and evaluate candidates on good moral character grounds.
- Require law enforcement agencies to report criminal charges against officers to MCOLES.
- Allow revocation of law enforcement officers for criminal convictions that include perjury, theft, assault, substance abuse, and criminal sexual conduct as an element of the offense.
- Impose mandatory revocation for all felony convictions (crimes punishable by sentences exceeding two years).

This initiative will require statutory changes that are expected as part of a planned overhaul of MCOLES enabling legislation.





MCOLES

Michigan Commission on Law Enforcement Standards

FOR THE RECORD FACTS AND FIGURES

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





MEETINGS OF THE COMMISSION

January 1 to December 31, 2009

| | |
|-----------------------------|--------------|
| February 4-5, 2009 | Grand Rapids |
| February 24-25*, 2009 | Bay City |
| April 22*, 2009 | Gaylord |
| June 2-3*, 2009 | Lansing |
| July 16, 2009 | Lansing |
| August 31, 2009 | Lansing |
| September 16*, 2009 | Lansing |
| October 27-28*, 2009 | Auburn Hills |
| December 9*, 2009 | Lansing |

*Regular Commission Meetings

TRAINING DIRECTOR CONFERENCES

January 1 to December 31, 2009

| | |
|---------------------------|----------------------------|
| January 8, 2009 | Macomb Community College |
| May 27-28, 2009 | Kirtland Community College |
| October 28-29, 2009 | Oakland Police Academy |



MCOLES BUDGET FOR FY 2009



MCOLES is a Type I agency housed in the Department of State Police. Therefore, the annual budget for MCOLES is found in the Michigan State Police annual budget. The Department's annual budget is proposed by the Governor then reviewed and reworked each year by the Michigan legislature, which ultimately submits it to the Governor for approval.

In 2009, the MCOLES full time equated (FTE) authorization was reduced from 22 FTEs fulfilling the mandates of P.A. 203 to 20 FTEs. The effects of Michigan's economic downturn struck the MCOLES severely in 2009. Revenue in the Michigan justice training fund was down by 12 percent for the year causing a reduction in the per capita distribution amount for the law enforcement distribution, as well as a reduction in available funding for Michigan justice training competitive grants.

In addition to the revenue downturn, due to budgetary shortfalls in general fund revenue, Executive Order 2009-22 issued in May 2009, further reduced the MCOLES general fund budget by \$600,000.

| Appropriation Category | Appropriation Amount | Full Time Equated Classified Positions |
|---------------------------------------|----------------------|--|
| Standards and training | \$2,207,600 | 20.0 |
| Training only to local units | \$625,000 | 2.0 |
| Concealed weapon enforcement training | \$240,000 | |
| Officer survivor tuition program | \$48,500 | |
| Michigan justice training grants | \$7,924,300 | 4.0 |
| Public safety officer benefit program | \$150,000 | |
| Mental Health Awareness | \$100,000 | |
| TOTALS | \$11,296,100 | 26.0 |
| | | |
| Revenue Source | Amount | |
| Federal revenues: | | |
| DOJ-OJP | \$183,400 | |
| State restricted funds: | | |
| Concealed weapons enforcement fee | \$240,000 | |
| Secondary road patrol & training fund | \$625,700 | |
| Licensing fees | \$5,300 | |
| Michigan justice training fund | \$8,050,600 | |
| State general fund/general purpose | \$2,091,100 | |





TRAINING TO LOCALS FUNDING

| Fiscal Year | Calendar Year | Reimbursement |
|------------------|---------------------------------------|---------------|
| Fiscal Year 1997 | October 1, 1996 to September 30, 1997 | \$1,050 |
| Fiscal Year 1998 | October 1, 1997 to September 30, 1998 | \$1,250 |
| Fiscal Year 1999 | October 1, 1998 to September 30, 1999 | \$975 |
| Fiscal Year 2000 | October 1, 1999 to September 30, 2000 | \$858 |
| Fiscal Year 2001 | October 1, 2000 to September 30, 2001 | \$922 |
| Fiscal Year 2002 | October 1, 2001 to September 30, 2002 | \$1,101 |
| Fiscal Year 2003 | October 1, 2002 to September 30, 2003 | \$1,400 |
| Fiscal Year 2004 | October 1, 2003 to September 30, 2004 | \$1,400 |
| Fiscal Year 2005 | October 1, 2004 to September 30, 2005 | \$1,400 |
| Fiscal Year 2006 | October 1, 2005 to September 30, 2006 | \$1,400 |
| Fiscal Year 2007 | October 1, 2006 to September 30, 2007 | \$1,400 |
| Fiscal Year 2008 | October 1, 2007 to September 30, 2008 | \$1,400 |
| Fiscal Year 2009 | October 1, 2008 to September 30, 2009 | \$1,400 |

PRE-EMPLOYMENT TESTING

| Fiscal Year | Reading & Writing Examination | Physical Skill Examination | TOTAL |
|-------------------------|-------------------------------|----------------------------|--------|
| 1993-1994 | 4,261 | 5,446 | 9,707 |
| 1994-1995 | 3,385 | 5,983 | 9,368 |
| 1995-1996 | 4,358 | 5,690 | 10,048 |
| 1996-1997 | 5,662 | 6,224 | 11,886 |
| 1997-1998 | 3,635 | 5,852 | 9,487 |
| 1998-1999 | 4,245 | 4,972 | 9,217 |
| 1999-2000 | 4,198 | 4,931 | 9,129 |
| 2000-2001 | 3,754 | 4,882 | 8,636 |
| 2001-2002 ¹³ | 3,167 | 4,102 | 7,269 |
| 2002-2003 | 3,058 | 2,967 | 6,025 |
| 2003-2004 | 3,724 | 4,257* | 7,981 |
| 2004-2005 | 3,928 | n/a ** | 3,928 |
| 2005-2006 | 1,743 | n/a ** | 1,743 |
| 2006-2007 | 2,200 | n/a ** | 2,200 |
| 2007-2008 | 3,741 | n/a ** | 3,741 |
| 2008-2009 | 2,467 | n/a | 2,467 |

* This is an approximate number since not all administrations were reported.

** The physical skills examination has been incorporated into academy training. As such, it is no longer tabulated as a pre-employment standard.





NEW LICENSES ISSUED BY FISCAL YEAR ^{10, 11}

| 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|-------|-------|------|------|------|------|------|------|------|------|
| 1,637 | 1,290 | 974 | 686 | 700 | 655 | 543 | 565 | 627 | 478 |

CRIMINAL JUSTICE RESOURCE CENTER ¹²

| Activity | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|--|--------|--------|--------|--------|--------|--------|--------|--------|
| Audio-Visual Training Programs Requested | 1,342 | 1,099 | 1,148 | 868 | 739 | 487 | 353 | 331 |
| Audio-Video Training Program Recipients | 34,179 | 27,560 | 33,401 | 23,808 | 21,722 | 14,616 | 10,916 | 10,708 |
| Audio-Video Training Program Purchases | 67 | 0 | 4 | 9 | 14 | 12 | 1 | 0 |
| Law Enforcement Training Patrons | 1,385 | 1,116 | 1,490 | 633 | 739 | 1,587 | 1,604 | 1,592 |





JUSTICE TRAINING FUND

The Justice Training Fund provides financial support for criminal justice training in Michigan. The two basic components of this funding are the law enforcement distribution and the competitive grant program. The following fact tables reflect the actual revenue received by the Justice Training Fund for calendar year 2009. These totals do not reflect de-obligated funds from previous years that became available for distribution in 2009.

JUSTICE TRAINING FUND REVENUE HISTORY

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



2010 COMPETITIVE GRANT AWARDS (AWARDED DECEMBER 2009)



| Criminal Justice Category Recipient Agencies | Number of Awards | Funds Awarded | Percent of Category | Percent of Total |
|---|---------------------|--------------------|------------------------|---------------------|
| Law Enforcement | | | | 78% |
| Police Departments | 4 | \$146,518 | 8% | |
| Sheriff Departments | 3 | \$79,965 | 4% | |
| Michigan State Police | 7 | \$622,627 | 34% | |
| Colleges / Universities | 12 | \$910,165 | 50% | |
| Dept of Natural Resources | 1 | \$70,629 | 4% | |
| Law Enforcement Subtotal | 27 | \$1,829,904 | | |
| Corrections | | | | 0% |
| Department of Corrections | 0 | \$0 | 100% | |
| Corrections Subtotal | 0 | \$0 | | |
| Criminal Prosecution | | | | 10% |
| Prosecuting Attorney Coordinating Council | 3 | \$236,670 | 100% | |
| Criminal Prosecution Subtotal | 3 | \$236,670 | | |
| Adjudication | | | | 1% |
| Michigan Judicial Institute | 1 | \$34,039 | 100% | |
| Courts Subtotal | 1 | \$34,039 | | |
| Criminal Defense | | | | 11% |
| State Appellate Defender | 3 | \$245,854 | 96% | |
| Appellate Assigned Counsel | 1 | \$11,280 | 4% | |
| Criminal Defense Subtotal | 4 | \$257,134 | | |





EMPLOYMENT STANDARDS

| Category | Standard | Comments |
|---------------------------------------|--|--|
| Age | Not less than 18 years. | No maximum age. |
| Citizenship | United States Citizenship. | Acceptable documents: Birth certificate; Certificate of naturalization; or valid U.S. Passport only. |
| Education | High school diploma or GED is the minimum for an employed recruit. Pre-service recruits must have a minimum of an associate's degree upon completion of the basic training academy. | A college degree from an accredited institution is evidence of complying with the minimum standard. |
| Felony Convictions | No prior felony convictions. | Includes expunged convictions. |
| Good Moral Character | Possess good moral character as determined by a favorable comprehensive background investigation covering school and employment records, home environment, and personal traits and integrity. | Includes arrest and expunged convictions, all previous law violations and personal protection orders. |
| Driver's License | Possess a valid operators or chauffeur's license. | May not be in a state of suspension or revocation. |
| Disorders, Diseases or Defects | Be free from any physical defects, chronic diseases, or mental and emotional instabilities which may impair the performance of a law enforcement officer or which might endanger the lives of others or the law enforcement officer. | This includes, but is not limited to, diseases such as diabetes, seizures and narcolepsy. Each case shall be investigated to determine its extent and effect on job performance. The evaluation should include the expert opinion of a licensed physician specializing in occupational medicine.* See below for mental and emotional instability standard. |
| Hearing | Initial unaided testing involves pure tone air conduction thresholds for each ear, as shown on the pure tone audiogram, shall not exceed a hearing level of 25 decibels at any of the following frequencies: 500, 1000, 2000, 3000; and 45 decibels at 4000 Hertz. | Initial testing may be performed by a certified hearing conservationist, a licensed hearing aid specialist or a licensed audiologist. See Note for individuals requiring additional unaided or aided testing requirements by a licensed audiologist.* |
| Height/Weight | Height and weight in relation to each other as indicated by achieving an acceptable score on the body mass index (BMI) as approved by the Commission. | A licensed physician shall make this determination. A Body Mass Index (BMI) of 35 or more will require further medical evaluation. For more information contact the Standards Compliance Section at (517) 322-1417. |



EMPLOYMENT STANDARDS (CONTINUED)



| Category | Standard | Comments |
|------------------------------------|---|--|
| Mental/ Emotional Disorders | Be free from mental or emotional instabilities which may impair the performance of the essential job functions of a law enforcement officer or which might endanger the lives of others or the law enforcement officer. | Mental and emotional stability may be assessed by a licensed physician, or a licensed psychologist or psychiatrist. MCOLES may require the examination be conducted by a license psychologist or psychiatrist. ** |
| Physical Integrity | Be free from any impediment of the senses, physically sound and in possession of extremities, and well developed physically. | A medical examination shall be conducted by a licensed physician to assess compliance with the standard. Discrepancies shall be evaluated for the ability of the applicant to perform essential job functions. ** |
| Vision, Color | Possess normal color vision without the assistance of color enhancing lenses. | The unaided eye shall be tested using pseudoisochromatic plates. The Farnsworth Dichotomous D-15 panels shall be used for any candidate who fails the pseudoisochromatic plates. |
| Vision, Corrected | Possess 20/20 corrected vision in each eye. | No uncorrected standard. |
| Vision, Normal Functions | Possess normal visual functions in each eye. | Includes peripheral vision, depth perception, etc. |
| Reading and Writing | Pass the MCOLES reading and writing examination or an approved agency equivalent examination. | Does not apply to Recognition of Prior Training and Experience Program students.. |
| Physical Fitness | Pass the MCOLES physical fitness pre-enrollment examination. This does not apply to Recognition of Prior Training & Experience Program students. | Pre-enrollment testing is required for admittance to an approved training program, however this standard is fulfilled only upon successful completion of physical fitness training. |
| Police Training | Successfully complete the MCOLES mandatory basic training curriculum. | This may be done by completing successfully, an approved college pre-service program or a basic training academy. Candidates seeking reciprocity from other states may apply for the Recognition of Prior Training and Experience Program. |
| Licensing Examination | Pass the MCOLES licensing examination upon the completion of basic training. | For reciprocity candidates, successfully complete the Recognition of Prior Training and Experience Program and licensing examination. |
| Fingerprinting | Fingerprint the applicant with a search of state or federal fingerprint files to disclose criminal record. | Includes expunged convictions. |
| Oral Interview | Conduct an oral interview to determine the applicant's acceptability for a law enforcement officer position and to assess appearance, background and the ability to communicate. | |
| Drug Testing | Cause the applicant to be tested for the illicit use of controlled substances. | Must use a Commission certified laboratory and comply with Commission procedures. |





MANDATED BASIC TRAINING CURRICULUM

THE MANDATED BASIC TRAINING CURRICULUM CURRENTLY STANDS AT 562 HOURS.
IT IS SUMMARIZED BELOW.⁴

| Subject Area | Overall Hours | Topical Hours | Subject Area | Overall Hours | Topical Hours |
|---|---------------|---------------|--|---------------|---------------|
| ADMINISTRATIVE TIME | 18 | | H. Investigation of Domestic Violence | 14 | |
| MCOLES Testing & Administration | | 8 | 1. Nature and Prevalence of Domestic Violence | | 3 |
| Director Testing | | 10 | 2. Laws Regarding Domestic Violence* | | 3 |
| I. INVESTIGATION (113 Hours) | | | 3. Domestic Violence Response Procedures | | 8 |
| A. Introduction to Investigation | | 2 | II. PATROL PROCEDURES (57 Hours) | | |
| 1. Constitutional Law* | | 2 | A. Patrol Operations | 6 | |
| B. Substantive Criminal Law | 24 | | 1. Preparation for Patrol | | 1 |
| 1. Laws Regarding Crimes Against Persons* | | 6 | 2. Radio/Telephone Communications | | 4 |
| 2. Laws Regarding Crimes Against Property* | | 6 | 3. Patrol Operation Administrative Duties | | 1 |
| 3. Laws Regarding Contraband & Regulatory Crimes* | | 4 | B. Ethics In Policing and Interpersonal Relations | 25 | |
| 4. Laws Regarding Public Order Crimes* | | 2 | 1. Ethics in Policing | | 4 |
| 5. Laws of Evidence* | | 4 | 2. Laws Pertaining to Civil Rights and Human Relations | | 2 |
| 6. Juvenile Law* | | 2 | 3. Cultural Awareness/Diversity | | 8 |
| C. Criminal Procedure | 31 | | 4. Interpersonal Skills | | 8 |
| 1. Laws of Admissions and Confessions* | | 4 | 5. Civil Dispute | | 1 |
| 2. Interrogation Procedures | | 3 | 6. Victim Rights | | 2 |
| 3. Laws of Arrest* | | 4 | C. Patrol Techniques | 12 | |
| 4. Arrest Procedures | | 2 | 1. Types of Patrol | | 1 |
| 5. Laws on Search Warrants* | | 2 | 2. Patrol Area Checks | | 4 |
| 6. Search Warrant Procedures | | 2 | 3. Responding to Crimes in Progress | | 4 |
| 7. Laws on Warrantless Searches* | | 6 | 4. Handling Abnormal Persons | | 3 |
| 8. Warrantless Search Procedures | | 6 | D. Report Writing | 8 | |
| 9. Laws on Suspect Identification* | | 2 | 1. Obtaining Information and Preparing Reports | | 8 |
| D. Investigation | 12 | | E. Juveniles | 6 | |
| 1. On-scene Preliminary Investigation | | 3 | 1. Dealing With Juvenile Offenders | | 4 |
| 2. Preliminary Witness Interviewing | | 4 | 2. Dealing With the Families of Juveniles | | 2 |
| 3. Preliminary Investigation of Deaths | | 2 | III. DETENTION & PROSECUTION (15 Hours) | | |
| 4. Suspect Identification Procedures | | 3 | A. Receiving and Booking Process | 6 | |
| E. Court Functions and Civil Law | | 4 | 1. Searching and Fingerprinting Prisoners | | 4 |
| 1. Court Functions and Civil Law* | | 4 | 2. Prisoner Care and Treatment | | 2 |
| F. Crime Scene Process | 18 | | B. Case Prosecution | 8 | |
| 1. Crime Scene Search | | 6 | 1. Warrant Preparation | | 1 |
| 2. Recording the Crime Scene | | 4 | 2. Warrant Request and Arraignment | | 2 |
| 3. Collection and Preservation of Evidence | | 6 | 3. Preparation For Legal Proceedings | | 1 |
| 4. Processing Property | | 2 | 4. Testimony and Case Critique | | 4 |
| G. Special Investigations | 8 | | C. Civil Process | 1 | |
| 1. Child Abuse and Neglect Investigation | | 3 | 1. Civil Process | | 1 |
| 2. Sexual Assault Investigation | | 3 | | | |
| 3. Narcotics and Dangerous Drugs | | 2 | | | |



MANDATED BASIC TRAINING CURRICULUM

(CONTINUED)



| Subject Area | Overall Hours | Topical Hours | Subject Area | Overall Hours | Topical Hours |
|--|---------------|---------------|---|---------------|---------------|
| IV. POLICE SKILLS (274 Hours) | | | B. Vehicle Stops | | |
| A. First Aid | 37 | | 1. Vehicle and Driver Licensing | 14 | 2 |
| 1. Introduction to First Aid | | 3 | 2. Observation and Monitoring of Traffic | | 2 |
| 2. Bandaging Wounds and Controlling Bleeding | | 3 | 3. Auto Theft | | 2 |
| 3. Treating Fractures | | 4 | 4. Stopping Vehicles and Occupant Control | | 8 |
| 4. Administering CPR | | 12 | C. Traffic Control and Enforcement | | |
| 5. Treating Environmental First Aid Emergencies | | 2 | 1. Traffic Direction and Control | 4 | 2 |
| 6. Treating Medical Emergencies | | 3 | 2. Traffic Warnings, Citations, and Arrests | | 2 |
| 7. Extricating and Transporting Injured Victims | | 2 | D. Operating While Intoxicated | | |
| 8. Practical First Aid Exercises | | 8 | 1. OWI Law | 7 | 2 |
| B. Firearms | | | 2. Observation and Arrest of an OWI Suspect | | 2 |
| 1. Laws and Knowledge Related to Firearms Use | 84 | 16 | 3. Processing the OWI Suspect | | 1 |
| 2. Firearms Skills | | 48 | 4. Preparation for OWI Prosecution | | 2 |
| 3. Firearms Range Assessment | | 8 | E. Motor Vehicle Traffic Crash Investigation | | |
| 4. Patrol Rifle | | 12 | 1. Introduction to Traffic Crash Investigation | 19 | 2 |
| C. Police Physical Skills | | | 2. Preliminary Investigation at Traffic Crashes | | 1 |
| 1. Mechanics of Arrest and Search | 77 | 8 | 3. Uniform Traffic Crash Report (UD-10) | | 4 |
| 2. Police Tactical Techniques | | 5 | 4. Locating & Identifying Traffic Crash Victims & Witnesses | | 1 |
| 3. Application of Subject Control | | 4 | 5. Traffic Crash Evidence Collection: | | |
| 4. Subject Control | | 60 | Field Sketching & Measuring | | 4 |
| D. Emergency Vehicle Operation | | | 6. Traffic Crash Evidence Collection: Roadway Surface | | 4 |
| 1. Emergency Vehicle Operation: | 32 | | 7. Traffic Crash Evidence Collection: The Vehicle | | 1.5 |
| Legalities, Policies, & Procedures | | 8 | 8. Traffic Crash Follow-Up and Completion | | 1.5 |
| 2. Emergency Vehicle Operation Techniques | | 24 | VI. SPECIAL OPERATIONS (31 Hours) | | |
| E. Fitness and Wellness | | | A. Emergency Preparedness/Disaster Control | | |
| 1. Physical Fitness | 44 | 36 | 1. Emergency Preparedness | 8 | 6 |
| 2. Health and Wellness | | 8 | 2. Explosive Devices | | 2 |
| V. TRAFFIC (54 Hours) | | | B. Civil Disorders | | |
| A. Motor Vehicle Law | | | 1. Civil Disorder Procedures | 8 | 4 |
| 1. Michigan Vehicle Code: Content and Uses | 10 | 1 | 2. Techniques for Control of Civil Disorders | | 4 |
| 2. MVC: Words and Phrases | | 1 | C. Tactical Operations | | |
| 3. MVC Offenses: Classification, Application, & Jurisdiction | | 4 | 1. Tactical Operations | 5 | 5 |
| 4. Application of Vehicle Laws and Regulations | | 4 | D. Environmental Crimes | | |
| | | | 1. Environmental Crimes | 2 | 2 |
| | | | E. Terrorism Awareness | | |
| | | | 1. Terrorism Awareness | 8 | 3 |
| | | | 2. Weapons of Mass Destruction | | 2 |
| | | | 3. Incident Command | | 3 |





FOOTNOTES

¹ (from page 2)...For additional information on the composition of the Commission and its members, refer to the MCOLES Commissioners and Staff, page 5 and also to Appendices C and D.

² (from page 10)...For further information regarding grant awards, please refer to “For the Record” section of this report.

³ (from page 16)...For further information regarding Michigan’s employment standards for law enforcement officers, please refer to the “For the Record” section of this report or contact the Michigan Commission on Law Enforcement Standards by telephone at 517-322-1417, or refer to the MCOLES Web site at www.michigan.gov/mcoles.

⁴ (from page 18 & 50)...The Basic Training Curriculum may be viewed in summary format in the “For the Record” section of this report or in its entirety at the MCOLES Web site at www.michigan.gov/mcoles.

⁵ (From page 19)...For further information regarding the Recognition of Prior Training and Experience Program, refer to MCOLES Services, Delivered Through Partnerships.

⁶ (From page 20)...For further information regarding training providers, please refer to MCOLES Services, Delivered Through Partnerships.

⁷ (From page 22)...For further information regarding pre-enrollment testing, please refer to MCOLES Services, Delivered Through Partnerships.

⁸ (From page 26)...For statutory excerpts regarding licensing of private security police officers, please refer to Appendix F.

⁹ (From page 27)...For statutory excerpts regarding licensing of railroad police officers, please refer to Appendix G.

¹⁰ (From page 31 & 45)...Current test schedules may be accessed at www.michigan.gov/mcoles.

¹¹ (From page 31 & 45)...Does not include out of state candidates licensed through the Recognition of Prior Training and Experience process.

¹² (From page 33 & 45)...Law Enforcement Resource Center activity is reported by calendar year. Incomplete restoration of partially corrupted data files may affect figures for 1999 and 2000. Total activity reported for 1999 and 2000 may be slightly lower than actual activity.

¹³ (From page 44)...The Pre-Employment Physical Abilities Standard was replaced in 2002 with the MCOLES Physical Fitness Standard, effective November 1, 2002. The Physical Abilities Test was phased out as of November 30, 2002.



APPENDICES



APPENDIX A The Commission on Law Enforcement Standards Act

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

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

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

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

The People of the State of Michigan enact:

MCL §28.601. Short Title. Sec. 1.

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

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

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

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

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

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

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



APPENDIX A (CONTINUED)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



APPENDIX A (CONTINUED)

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

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

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

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

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

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

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



APPENDIX A (CONTINUED)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MCL §28.616. Effective date. Sec. 16.

This act is ordered to take immediate effect.



APPENDIX B

Executive Order 2001-5

Office of the Governor
John Engler, Governor

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

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

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

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

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

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

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

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

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



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

II. Miscellaneous

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

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

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



APPENDIX C

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

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

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

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

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

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

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

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

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



APPENDIX C (CONTINUED)

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

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

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

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

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

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

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

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

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

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

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

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

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

JENNIFER M. GRANHOLM
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE



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

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

The People of the State of Michigan enact:

MCL §18.421. Definitions. Sec. 1.

As used in this act:

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

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

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

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

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

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



APPENDIX D (CONTINUED)

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

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

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

MCL §18.424. Allowable expenditures. Sec. 4.

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

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

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

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

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

MCL §18.426. Annual reports. Sec. 6.

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

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

MCL §18.428. Contingent enactment. Sec. 8.

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



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MCL §18.429. Audits. Sec. 9.

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

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

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

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

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

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

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

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



APPENDIX E The Police Officer's and Fire Fighter's Survivor Tuition Act

Act No. 195 • Public Acts of 1996 • Approved by the Governor May 13, 1996

An act to provide for a waiver of tuition at state public institutions of higher education for children and surviving spouses of Michigan police officers and fire fighters killed in the line of duty; and to provide for an appropriation.

The people of the State of Michigan enact:

Sec. 1.

This act shall be known and may be cited as the "police officer's and fire fighter's survivor tuition act."

Sec. 2. As used in this act:

- (a) "Child" means an individual who is a natural or adopted child of a deceased Michigan police officer or deceased Michigan fire fighter and who was under the age of 21 at the time of the Michigan police officer's or Michigan fire fighter's death.
- (b) "Department" means the department of state police.
- (c) "Killed" means that the Michigan police officer's or Michigan fire fighter's death is the direct and proximate result of a traumatic injury incurred in the line of duty.
- (d) "Line of duty" means an action that a Michigan police officer or Michigan fire fighter is obligated or authorized to perform by rule, regulation, condition of employment or service, or law, including, but not limited to, a social, ceremonial, or athletic function that the Michigan police officer or Michigan fire fighter is assigned to or compensated for by the public agency he or she serves.
- (e) "Michigan police officer" means a sheriff or sheriff's deputy of a sheriff's department in this state; village or township marshal of a village or township in this state; officer of the police department of any city, village, or township in this state; officer of the Michigan state police; or any other police officer or law enforcement officer trained and certified pursuant to the Michigan law enforcement officers training council act of 1965, Act No. 203 of the Public Acts of 1965, being sections 28.601 to 28.616 of the Michigan Compiled Laws.
- (f) "Michigan fire fighter" means a member including volunteer members and members paid on call of a fire department, or other organization that provides fire suppression and other fire-related services, of a city, township, village, or county who is responsible for or is in a capacity that includes responsibility for the extinguishment of fires. Michigan fire fighter
- (g) does not include a person whose job description, duties, or responsibilities do not include direct involvement in fire suppression.
- (h) "Occupational disease" means a disease that routinely constitutes a special hazard in, or is commonly regarded as concomitant of, the Michigan police officer's or Michigan fire fighter's occupation.
- (i) "State institution of higher education" means a public community or junior college established under section 7 of article VIII of the state constitution of 1963 or part 25 of the revised school code, Act. No. 451 of the Public Acts of 1976, being sections 380.1601 of the Michigan Compiled Laws, or a state university described in section 4, 5, or 6 of article VIII of the state constitution of 1963.
- (j) "Traumatic injury" means a wound or the condition of the body caused by external force, including, but not limited to, an injury inflicted by bullet, explosive, sharp instrument, blunt object or other physical blow, fire, smoke, chemical, electricity, climatic condition, infectious disease, radiation, or bacteria, but excluding an injury resulting from stress, strain, or occupational disease.
- (k) "Tuition" means tuition at the rate charged for residents of this state.

Sec. 3.

- (1) Beginning in the 1996-97 academic year, and subject to the limitations in subsections (2), (3), and (4), a state institution of higher education shall waive tuition for each child and surviving spouse of a Michigan police officer or Michigan fire fighter who has been or is killed in the line of duty if the child or surviving spouse meets all of the following requirements:
 - (a) Applies, qualifies, and is admitted as a full-time, part-time, or summer school student in a program of study leading to a degree or certificate.
 - (b) Is a legal resident of the state for at least the 12 consecutive months immediately preceding his or her application. For an individual who is a dependent of his or her parent, residency status shall be determined by the parent's residency. For an individual who is not a dependent, residency status shall be determined in the same manner as under title IV of the higher education act of 1965, Public Law 89-329, 79 Stat. 1232.
 - (c) Applies to the department for tuition waiver under this act and provides evidence satisfactory to the department that he or she is the child or the surviving spouse of a Michigan police officer or Michigan fire fighter who was killed in the line of duty, that the course or courses for which he or she is seeking a tuition waiver meet the requirements of subsection (2), and that he or she meets the other requirements of this section.
 - (d) For a child of a Michigan police officer or Michigan fire fighter who was killed in the line of duty, applies under subdivision (c) for the first time before the age of 21.
 - (e) Is certified by the financial aid officer at the state institution of higher education as needing the tuition waiver in order to meet recognized educational expenses. If the child's or surviving spouse's family income, excluding any income from death benefits attributable to the Michigan police officer's or Michigan fire fighter's death, is below 400% of poverty level under federal poverty guidelines published by the United States department of health and human services, income from any death benefits accruing to the child or surviving spouse as a result of the Michigan police officer's or Michigan fire fighter's death shall not be counted as family income in determining financial need under this subdivision.
 - (f) Maintains satisfactory academic progress, as defined by the state institution of higher education, for each term or semester in which he or she is enrolled. The satisfactory progress definition used by an institution for federal student assistance programs under title IV of the higher education act of 1965 is acceptable for the purposes of this act.
 - (g) Has not achieved a bachelor's degree and has received tuition reimbursement under this act for less than 124 semester credits or 180 term credits at an institution of higher education.
- (2) A state institution of higher education shall waive tuition under this act only for courses that are applicable toward the degree or certificate requirements of the program in which the child or surviving spouse is enrolled.
- (3) A child or surviving spouse of a Michigan police officer or Michigan fire fighter who was killed in the line of duty is eligible for tuition waiver under this section for not more than a total of 9 semesters or the equivalent number of terms or quarters.
- (4) Tuition shall be waived only to the extent that the tuition is not covered or paid by any scholarship, trust fund, statutory benefit, or any other source of tuition coverage available to the person eligible for a waiver under this act.



APPENDIX E (CONTINUED)

Sec. 4.

(1) Beginning in the 1996-1997 academic year, upon receiving an application under section 3(c), the department shall determine whether the applicant and the courses for which tuition waiver is sought meet the requirements of section 3 and, if so, shall approve the application and notify the state institution of higher education that the application has been approved.

(2) Beginning in the 1996-1997 academic year, upon application by the state institution of higher education, the department annually shall reimburse each state institution of higher education for the total amount of tuition waived during the immediately preceding fiscal year under section 3. The department annually shall report to the legislature the number of individuals for whom tuition has been waived at each state institution of higher education and the total amounts to be paid under this act for that fiscal year.

Sec. 5.

The department shall provide the necessary forms and applications and shall cooperate with the state institutions of higher education in developing efficient procedures for implementing the purposes of this act.

Sec. 6.

The legislature annually shall appropriate the funds necessary to implement this act.

This act is ordered to take immediate effect.



APPENDIX F Licensing of Private Security Police Officers

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

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

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

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

MCL 338.1056 License; qualifications. Sec. 6.

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



APPENDIX F (CONTINUED)

- (ii) The security alarm system contractor business for a period of not less than 4 years as an employee of the holder of a certificate of authority to conduct a security alarm system contractor business, and has had experience reasonably equivalent to at least 4 years of full-time work in a supervisory capacity or passes a written exam administered by the department designed to measure his or her knowledge and training in security alarm systems.
- (i) Has posted with the department a bond provided for in this act.
- (j) Has not been adjudged insane unless restored to sanity by court order.
- (k) Does not have any outstanding warrants for his or her arrest.
- (2) In the case of a sole proprietorship, firm, partnership, company, or corporation now doing or seeking to do business in this state, the resident manager shall comply with the applicable qualifications of this section.

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

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

- (1) The department shall prepare a uniform application for the particular license and shall require the person filing the application to obtain reference statements from at least 5 reputable citizens who have known the applicant for a period of at least 5 years, who can attest that the applicant is honest, of good character, and competent, and who are not related or connected to the applicant by blood or marriage.
- (2) Upon receipt of the application and application fee, the department shall investigate the applicant's qualifications for licensure.
- (3) The application and investigation are not considered complete until the applicant has received the approval of the prosecuting attorney and the sheriff of the county in this state within which the principal office of the applicant is to be located. If the office is to be located in a city, township, or village, the approval of the chief of police may be obtained instead of the sheriff. Branch offices and branch managers shall be similarly approved.
- (4) If a person has not previously been denied a license or has not had a previous license suspended or revoked, the department may issue a nonrenewable temporary license to an applicant. If approved by the department, the temporary license is valid until 1 or more of the following occur but not to exceed 120 days:
 - (a) The completion of the investigations and approvals required under subsections (1), (2), and (3).
 - (b) The completion of the investigation of the subject matter addressed in section 6.
 - (c) The completion of the investigation of any employees of the licensee as further described in section 17.
 - (d) Confirmation of compliance with the bonding or insurance requirements imposed in section 9.
 - (e) The applicant fails to meet 1 or more of the requirements for licensure imposed under this act.
 - (5) The fees for a temporary license shall be the applicable fees as described in section 9.

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

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

- (1) The department may revoke any license issued under this act if it determines, upon good cause shown, that the licensee or his or her manager, if the licensee is an individual, or if the licensee is not an individual, that any of its officers, directors, partners or its manager, has done any of the following:
 - (a) Made any false statements or given any false information in connection with an application for a license or a renewal or reinstatement of a license.
 - (b) Violated any provision of this act.
 - (c) Been, while licensed or employed by a licensee, convicted of a felony or a misdemeanor involving any of the following:
 - (i) Dishonesty or fraud.
 - (ii) Unauthorized divulging or selling of information or evidence.
 - (iii) Impersonation of a law enforcement officer or employee of the United States, this state, or a political subdivision of this state.
 - (iv) Illegally using, carrying, or possessing a dangerous weapon.
 - (v) Two or more alcohol related offenses.
 - (vi) Controlled substances under the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.
 - (vii) An assault.
 - (d) Knowingly submitted any of the following:
 - (i) A name other than the true name of a prospective employee.
 - (ii) Fingerprints not belonging to the prospective employee.
 - (iii) False identifying information in connection with the application of a prospective employee.
- (2) The department shall not renew a license of a licensee who owes any fine or fee to the department at the time for a renewal.
- (3) Within 48 hours after notification from the department of the revocation of a license under this act, the licensee shall surrender the license and the identification card issued under section 14. A person who violates this subsection is guilty of a misdemeanor punishable by imprisonment for not more than 93 days or a fine of not more than \$500.00, or both.

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



APPENDIX G

Licensing of Railroad Police Officers

MCOLES Certification and Commissioning PA 354 of 1993

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

RAILROAD CODE OF 1993 (EXCERPT)
Act 354 of 1993

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

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

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

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

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

RAILROAD CODE OF 1993 (EXCERPT)
Act 354 of 1993

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

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

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



APPENDIX H Public Safety Officers Benefit Act

Act 46 of 2004

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

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

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

The People of the State of Michigan enact:

28.631 Short title.

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

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

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

28.632 Definitions.

Sec. 2. As used in this act:

(a) "Commission" means the commission on law enforcement standards created under the commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.616.

(b) "Dependent" means any individual who was substantially reliant for support upon the income of the deceased public safety officer.

(c) "Direct and proximate" means that the antecedent event is a substantial factor in the result.

(d) "Firefighter" means a regularly employed member of a fire department of a city, county, township, village, state university, or community college or a member of the department of natural resources who is employed to fight fires. Firefighter includes a volunteer member of a fire department.

(e) "Law enforcement officer" means an individual involved in crime and juvenile delinquency control or reduction or enforcement of the criminal law. Law enforcement officer includes police, corrections, probation, parole, bailiffs, or other similar court officers.

(f) "Line of duty" means either of the following:

(i) Any action which an officer whose primary function is crime control or reduction, enforcement of the criminal law, or suppression of fires is obligated or authorized by rule, regulations, condition of employment or service, or law to perform, including those social, ceremonial, or athletic functions to which the officer is assigned, or for which the officer is compensated, by the public agency he or she serves. For other officers, line of duty means any action the officer is so obligated or authorized to perform in the course or controlling or reducing crime, enforcing the criminal law, or suppressing fires.

(ii) Any action which an officially recognized or designated public employee member of a rescue squad or ambulance crew is obligated or authorized by rule, regulation, condition of employment or service, or law to perform.

(g) "Member of a rescue squad or ambulance crew" means an officially recognized or designated employee or volunteer member of a rescue squad or ambulance crew.

(h) "Permanent and total disability" means medically determinable consequences of a catastrophic, line-of-duty injury that permanently prevent a former public safety officer from performing any gainful work.

(i) "Public safety officer" means any individual serving a public agency in an official capacity, with or without compensation, as a law enforcement officer, firefighter, rescue squad member, or ambulance crew member.

(j) "Surviving spouse" means the husband or wife of the deceased officer at the time of the officer's death, and includes a spouse living apart from the officer at the time of the officer's death for any reason.

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

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

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

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

(2) The state treasurer may receive money or other assets from any source for deposit into the fund. The state treasurer shall direct the investment of the fund. The state treasurer shall credit to the fund interest and earnings from fund investments.

(3) Money in the fund at the close of the fiscal year shall remain in the fund and shall not lapse to the general fund.

(4) The commission shall expend money from the fund, upon appropriation, only to carry out the purposes of this act.

(5) The commission shall promulgate rules pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, that prescribe standards and rules for the distribution of benefits commensurate with the purpose of this act.

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

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

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

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

(a) If the deceased public safety officer leaves a surviving spouse, to that surviving spouse.

(b) If the deceased public safety officer does not leave a surviving spouse, to his or her dependents.

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



APPENDIX H (CONTINUED)

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

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

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

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

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

28.635 Interim benefit.

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

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

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

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

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

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

28.636 Benefit payment; prohibitions.

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

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

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

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

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

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

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

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

28.637 Appropriation; amount.

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

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

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

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

28.638 Payment of benefits; condition.

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

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

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

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



Total Number of Copies Printed: 75
Total Cost: \$600.62
Cost Per Copy: \$8.01



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