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January 2009

MCOLES Annual Registration Underway

MCOLES is currently conducting its mandatory Annual Registration. The opening date of the registration is Monday, January 5, 2009, and the closing date is Friday, March 6, 2009. The purpose of the registration is to provide verification of law enforcement employment. Michigan law requires the participation of all Michigan law enforcement agencies in the MCOLES Annual Registration.

The Annual Registration process includes the following verifications.

- That the agency's profile is correct
- Agency Head Identity
- Administrative Contact Information
- Key MCOLES Network Operator
- Fiscal Officer Identity

- Verification of the Agency Roster of currently and previously licensed officers
- Report the hours worked for officers employed during calendar year 2008

An accompanying feature of the MCOLES Annual Registration allows law enforcement agencies to enroll in the 2009 Law Enforcement Distribution operated under Public Act 302 of 1982. Last year, a total of \$224.07 per officer was distributed to law enforcement agencies to support in-service training. LED participation requires a report of 2008 LED expenditures and registration for 2009 funds.

The MCOLES Annual Registration and process for enrollment and registration in

the Law Enforcement Distribution are conducted via the MCOLES Information and Tracking Network (MCOLES Network). Participating agencies need to ensure that the agency has an authorized MCOLES Network operator with appropriate Internet access. Authorized operators should log into the MCOLES Network to verify their logon ID and passwords prior to January 5, 2009.

MCOLES Network Operators should contact the MCOLES Help Desk if they cannot log on the network or need help with reporting issues. Assistance will be available from 7:00 A.M. to 5:30 P.M. (M-F) including the lunch hour. The MCOLES

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Active Duty Firearm Standard Takes Effect

The MCOLES Active Duty Firearm Standard is effective for Michigan Law Enforcement Agencies as of January 1, 2009. What this means for Michigan law enforcement administrators is that officers must meet the standard at least once, during 2009. Agencies will be asked to report on compliance during the MCOLES Annual Registration process in 2010.

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 (LEOSA).

A key consideration in developing this standard was its potential to positively impact officer safety and survival. In the development process, a significant amount of time was spent looking at problems occurring in actual officer-involved shootings. Our research verified what experts in other quarters have already said. There are gaps between what is often stressed in firearms training and the challenges that officers face in actual shootings.

Seeking to narrow the gap, the standard focuses on five basic areas: decision-making; agency policy on the use of deadly force; Michigan's concealed pistol law; the federal Law Enforcement Officer's Safety Act; and, proficiency in the MCOLES course of fire. The MCOLES Active Duty Firearm Standard is designed to enhance, not replace, any in-service firearm training that may already be in place at various Michigan law enforcement agencies. Copies of the standard are law enforcement sensitive and may be requested by calling (517) 322-1417. Also the standard is thoroughly discussed in the May 2008 MCOLES Newsletter, available at www.michigan.gov/mcoles.

A Message from the Executive Director...



MCOLES has found a new home! MCOLES offices have moved to the historic Hollister Building in downtown Lansing. The new

address is 106 W. Allegan, Suite 600, in Lansing, Zip 48933. Telephone numbers are unchanged. This relocation has provided MCOLES with a spacious location, large enough to accommodate a computer lab and training room.

I originally wrote this message to open with news that we had not lost an officer since my last writing. Tragically, however, Officer Mason J. Samborski of the Oak Park Department of Public Safety fell victim to gunfire on Sunday, December 28. Officer Samborski is the first Michigan law enforcement casualty of 2008.

As we seek to limit and prevent officer injury and death, it is useful to examine the statistics surrounding these incidents. Historically, in Michigan, many more officers have fallen victim to gunshot attacks than any other type of incident. Despite the obvious implications of this information, more recent data suggests a changing trend. Traffic related incidents now compete with gunfire as the most dangerous component

of law enforcement duty.

The most deadly traffic-related threat to officer safety is unquestionably the vehicular pursuit. Conducting a vehicular pursuit exposes the public, the violator and the officer to a great degree of danger. Nationally, the deaths and injuries of officers resulting from vehicular collisions now outnumber those that result from armed confrontations. In the past five years, over 1,700 deaths have resulted from vehicular pursuits. Despite these risks, the nature of law enforcement work often requires officers to engage in pursuits in order to effectively enforce the laws. Operating an emergency vehicle in a pursuit situation involves unique responsibilities and critical decision-making requirements. Officers must rely on their maturity, patience, experience and training while being governed by state law and agency policy.

Recently, a National Highway Traffic Safety Administration (NHTSA) program has been initiated to promote a reduction in the number of deaths and injuries resulting from vehicular pursuits. This is a grant program that will be administered by the International Association of Law Enforcement Standards and Training (IADLEST). This program will provide train-

ing to support appropriate law enforcement vehicular pursuit management. The program will provide guidance for officers from the initiation of a vehicular pursuit through its conclusion. In 2009, you can expect to see training opportunities derived from this program in Michigan. As this initiative takes root, I am hopeful it will yield significant results in our state.

On the legislative front, I am very pleased to report that the Michigan Senate has passed House Bill 4611. This bill designates MCOLES with state authority to certify law enforcement retirees for firearm carry privileges under the federal Law Enforcement Officers Safety Act (LEOSA). Without this legislation, MCOLES had no authority to become involved with retirees. This is the culmination of a long effort to initiate implementation of this federal law for retirees in Michigan. On January 14, Governor Granholm signed this bill into law. It is our intention to have training sites for retirees up and running across the state by the law's March 31 effective date (see p 3).

In closing and on behalf of the Commission, I would like to extend our best wishes for the coming New Year.

The Michigan Commission on Law Enforcement Standards

Mr. John Buczek, Chair
Fraternal Order of Police

Sheriff James Bosscher, Vice Chair
Michigan Sheriffs' Association

Sheriff Gene Wriggelsworth
Michigan Sheriffs' Association

Col. Peter C. Munoz
represented by
Lt. Col. Timothy Yangfer
Michigan State Police

Attorney General Mike Cox
represented by Mr. William Dennis

(appointment pending)
representing the Police Officers Labor Council

Sheriff Robert Pickell
Michigan Sheriffs' Association

Mr. David Morse
Prosecuting Attorneys' Association of Michigan

Chief James Barren
represented by Director Deborah Robinson
Detroit Police Department

Mr. James DeVries
Police Officers Association of Michigan

Chief Doreen Olko
Michigan Association of Chiefs of Police

(appointment pending)
representing the Michigan Association of Police

Director Kurt Jones
Michigan Association of Chiefs of Police

Professor Ron Bretz
Criminal Defense Attorneys Association of Michigan

Trooper Michael Moorman
Michigan State Police Troopers Association

Chief Richard A. Mattice
Michigan Association of Chiefs of Police

President Marty Bandemer
Detroit Police Officers Association

Mr. Raymond W. Beach, Jr.
Executive Director

Governor Signs HB 4611

LEOSA Implementation for Retirees to Begin in March

We are very pleased to report that the Michigan Senate has passed House Bill 4611. This bill will designate MCOLES with state authority to certify law enforcement retirees for firearm carry privileges under the federal Law Enforcement Officers Safety Act (LEOSA). Without this legislation, MCOLES had no authority to become involved with retirees. On January 14, Governor Granholm signed this bill into law, creating Public Act 357 of 2008.

As you may remember, LEOSA requires that law enforcement retirees who wish to carry firearms under this law must meet the state's standard for firearm training and qualification of active law enforcement officers. At the time LEOSA was passed in 2004, Michigan and most other states did not have such a standard. As a result, most law enforcement retirees in Michigan did not have access to LEOSA privileges

This situation generated a great number of requests made of MCOLES to take action aimed at getting LEOSA implemented. First and foremost among these considerations was the possibility of a statewide firearm standard for active law enforcement officers. Despite the obvious benefit that an active duty firearm standard would provide for retirees, the Commission's first priority was clearly active law enforcement personnel. With a solid basic training standard in place, the Commission considered what it might hope to accomplish by adding an active duty standard. The answer became clear as research increasingly focused

upon officer survival. The data on actual officer involved shootings clearly suggested the need to enhance officer knowledge in decision-making and tactics as well as augmenting combat shooting skills. Eventually, a prototype standard was field tested, and by the Spring of 2008, the standard was adopted by the Commission, and is effective as of January 1, 2009 (see related article on page 1).

As the initiative to develop a viable active duty standard progressed, a companion effort was underway to solve a host of other LEOSA implementation issues. Among the impediments, the identification required under LEOSA posed a problem for the large agencies that were former employers of retirees. Even if retiree identification had already been issued, it would not contain LEOSA specific language helpful in the event of a retiree/law enforcement encounter. Moreover, larger employers were faced with significant expense in issuance of LEOSA identification to numerous retirees. Additionally, employers and their risk managers were very concerned about acquiring liability, should a LEOSA retiree become involved in an incident.

From the MCOLES perspective, the issue of authority was a problem. MCOLES did not have authority to designate itself to certify retired law enforcement officers under LEOSA. All of MCOLES authority and responsibilities are spelled out in statute, and it was evident that new legislation would

be necessary to permit MCOLES to move into this new arena. In 2006, the Commission notified the legislature of this need. By the close of 2006, Representative Rick Jones had agreed to sponsor this effort. Rep. Jones is the former sheriff of Eaton County. In April of 2007, Rep. Jones introduced House Bill 4611, which was designed to remove all of the barriers to LEOSA implementation.

As passed, HB 4611 empowers MCOLES to implement a certification process for retired law enforcement officers, as set forth in the federal Act. HB 4611 would also provide for a variety of other concerns: a) authority for MCOLES to issue or deny issuance of certification required by LEOSA; b) implicit authority for MCOLES to be the maker of identification required by LEOSA, upon the request of the former law enforcement employer; c) authority for MCOLES to recover expenses associated with the administration of the LEOSA program; d) authority for MCOLES to designate who may administer the state's standard for purposes of carrying out the intent of LEOSA; e) immunity from civil liability for MCOLES, its agents, and other government entities that are discharging LEOSA responsibilities; f) authority for MCOLES and its agents to conduct criminal history inquiries on qualified retired law enforcement officers who are seeking MCOLES certification pursuant to LEOSA; and,

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Buczek & Bosscher to Lead the Commission in 2009



John Buczek



James Bosscher

Again, the Commission has selected Mr. John Buczek to serve as its Chairperson. John has represented the Fraternal Order of Police on the Commission since 2001. Since coming to the Commission, John has seen major change. The Commission has reorganized pursuant to two Executive Orders, its

present size now standing at 17 members.

John is the Executive Director of the Michigan Lodge of the Fraternal Order of Police.

Returning to the position of Vice Chair for 2009 will be Sheriff Jim Bosscher. Sheriff Bosscher has served with the Commission since 2003. He been the Sheriff of Missaukee County since 1993.

Both men agree that maintaining services in fiscally lean times will be the central challenge for the coming year.

HB 4611 Passage

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g) authority for MCOLES to investigate alleged violations of law or administrative rules in relation to LEOSA.

March 31, 2009 is now the designated enactment date for HB 4611. Please note that this date has been adjusted from the expected effective date of March 1. As the result of a clerical error that occurred in the legislature, the bill cannot take effect until passage of 90 days

from its enrollment.

As the new effective date approaches, we will post more information at www.michigan.gov/mcoles as well as in subsequent MCOLES Newsletters. Many thanks for the patience of Michigan's law enforcement officer retirees and for all who assisted in the development of the MCOLES Active Duty Firearm Standard and for all who assisted in the successful passage of HB 4611.

MCOLES Annual Registration

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Help Desk telephone number is (517) 322-5615.

Any changes to the Agency Profile must be corrected using the Law Enforcement Agency User Agreement Addendum, which can be found at www.michigan.gov/mcoles, in the "Online Services" box under the "Network Forms and Addendums" link. The completed form should be faxed to MCOLES at (517) 316-0824. Specific instructions, guidelines, a checklist, and answers to frequently asked questions will be available for your reference at the Annual Registration link on the home page of the MCOLES website noted above.

The Commission would like to thank Michigan's law enforcement agencies in advance for their participation in the 2008 Annual Registration. We look forward to working with you throughout the coming year.

NOTICE

MCOLES has Moved

MCOLES has moved to the 6th floor of the historic Hollister Building, located in downtown Lansing. Telephone numbers will not change. Our new address is listed below.

**106 West Allegan, Suite 600
Lansing, Michigan 48933**