



MCOLES

Michigan Commission on Law Enforcement Standards

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May 2008

Commission Adopts Active Duty Firearm Standard

Extensive Efforts to Prepare the Field Begin

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 positive-



Commission Members Adopt First Active Duty Standard

ly 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 offi-

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Commission Appointments

The Governor's Office has just announced the appointment to the Commission of President Marty Bandemer of the Detroit Police Officers Association. Mr. Bandemer will serve the remainder of the unexpired term of retired Commissioner Richard Weaver. In addition, the following Commissioners were re-appointed to three-year terms. They are: Professor Ron Bretz, representing the Criminal Defense Attorneys Association of Michigan; Livingston County Prosecutor David Morse, representing the Prosecuting Attorneys Association of Michigan; Auburn Hills Chief Doreen Olko, representing the Michigan Association of Chiefs of Police; and, Missaukee County Sheriff James Bosscher, who is the current Commission Vice Chair, and represents the Michigan Sheriffs' Association. Congratulations!

Military Panel on Returning Combat Veterans

Among the combat veterans who have participated in health assessments following return to civilian life, in excess of 40% have exhibited varying degrees of post traumatic stress disorder (PTSD). There are no reliable markers to help predict when or which individuals may be afflicted. Often, these conditions are not apparent to the returning soldier or their loved ones until months after the return. The stress of continued exposure to combat seems to compound when the returning veteran also has to cope with the myriad of issues that have developed at home during their absence; i.e.

work pressures, family problems, finances, etc.

In an effort to keep law enforcement leaders abreast of potential issues with returning combat veterans, especially those who are law enforcement officers, **MCOLES has assembled military leaders to participate in panel discussions to be conducted at the Michigan Sheriffs' Association conference on June 9 and at the Michigan Association of Chiefs of Police on June 24.** Please plan on attending one of these informative sessions.

A Message from the Executive Director...



As I write this message, we await word on the welfare of Capac Police Chief Raymond Hawks and St. Clair Deputy Timothy O'Boyle, who were both shot in an attack by a suspect attempting to avoid arrest. Our thoughts and prayers go out to both officers and their families.

The predominant subject of this newsletter is the Commission's recent action adopting a mandatory active duty firearm standard for Michigan's law enforcement officers. This is a historic step. Michigan has an enviable history in developing and implementing entry level standards for law enforcement officers. Our programs often serve as the basis for similar efforts in other states. While we have made significant strides in the development of Michigan's in-service training delivery system through Public Act 302 dollars, we have not, been similarly active in advancing in-service standards for active law enforcement officers. It is for this reason that I am particularly

pleased to see this matter move forward.

The new standard is developed and presented with a somewhat different expectation than those that are connected with basic training. Whereas entry level standards focus on basic preparedness and the exclusion of persons who are unable to meet a minimal level of performance, active duty standards are more closely directed at the continuing development of experienced officers. Hence, you will note less emphasis on scoring levels and greater emphasis on improved knowledge and awareness designed to refine and fine tune officer abilities, officer safety, and officer survival.

On another front, we will soon be announcing statewide training sessions devoted to law enforcement encounters with persons who suffer from mental disorders. Bi-partisan membership in the legislature has recognized the necessity to address this problem and has provided funding to assist in getting this training to the field. Among the motivations fueling this initiative is the continuing presence in county jails of individuals who need treatment, the

early re-entry initiative of the Department of Corrections and the return of veterans from the Iraq conflict who are suffering from post traumatic stress disorder. I would also add that despite recognition of law enforcement successes in handling these types of cases, there also is a consistent pattern of civil filings against officers who are accused of mishandling encounters with these individuals.

Perhaps the most salient feature of this program is the exceptional cooperation and participation of mental health professionals in this initiative. There is a great deal of support among mental health workers for the role and the burden of law enforcement in handling these cases. Likewise, there is recognition of need for improvement of mental health services. Consequently, this has become a joint effort.

The training will be available at no cost as soon as May or June, depending on the area of the state. Check www.michigan.gov/mcoles for updates.

The Michigan Commission on Law Enforcement Standards

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President Marty Bandemer
Detroit Police Officers Association

Mr. Raymond W. Beach, Jr.
Executive Director

Active Duty Firearm Standard

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cer 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.

Other research incorporated into this project included 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 standard consists 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

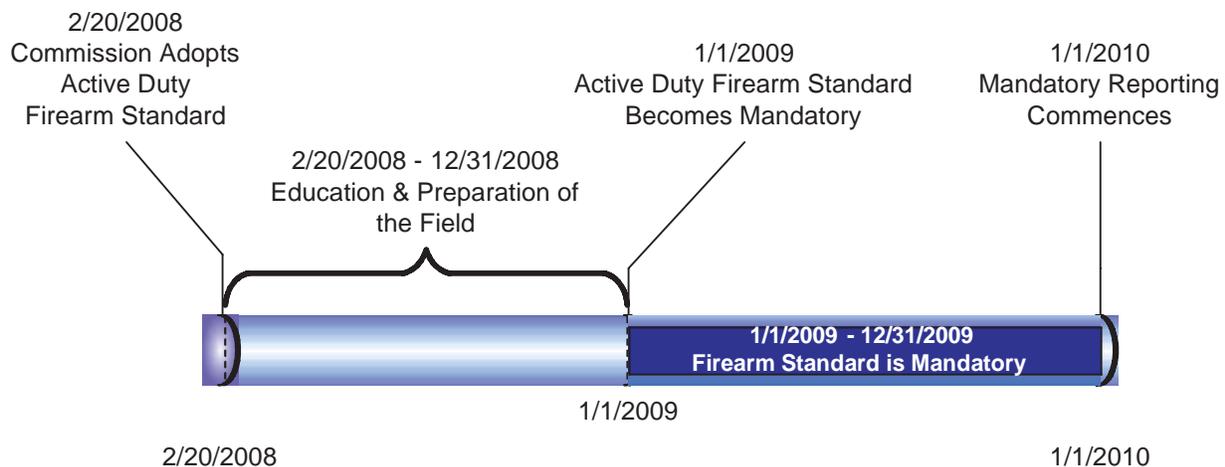
maximum flexibility to focus on local priorities. The concepts embodied in the standard are summarized below.

Understanding the Use of Deadly Force. The intent of this objective is to establish a fundamental understanding of the use of force and the criteria by which officer behavior will be judged. Participants explore the use of force by considering precedent setting cases decided in the courts in relation to the MCOLES Subject Control Continuum.

Assessment of Life Threatening Situations. This objective is designed to examine the effect of knowledge, beliefs, emotions and unfolding events upon officer decision-making in both life-threatening and non-life-threatening situations.

Combat Tactics. One of the key

Active Duty Firearm Standard Implementation Timeline



Compliance Reporting Begins: January 1, 2010

Active Duty Firearm Standard

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issues in officer safety and survival is the use of untenable tactics. This component provides information regarding cover and concealment, lighting, and other tactical considerations that will assist officers in better controlling rapidly unfolding events.

Discharging the Firearm. The intent of this objective is to address those situations wherein an officer makes the decision to shoot. Legal considerations are reviewed as well as background, ricochet and communications issues.

Agency Policy on the Use of Force. This objective provides agency leaders with the opportunity to review the content and meaning of their policies on the use of deadly force. Desk-top scenarios that simulate actual incidents and the post-incident investigation of incidents are the recommended method to deliver this objective. Participants are encouraged to articulate observations and facts leading to the decision to shoot.

Law Enforcement Officers Safety Act of 2004 (LEOSA). Participants are exposed to the privileges to carry firearms afforded active and retired law enforcement officers. The responsibility of retirees carrying concealed firearms under LEOSA during law enforcement encounters is covered. LEOSA privileges are examined in relationship to Michigan's concealed pistol laws.

Michigan's Concealed Pistol Laws. The appropriate Michigan statutes regarding concealed carry of firearms are examined as well as the responsibilities of civilian permit holders during law enforcement encounters. "Pistol free zones" are identified. The authority of civilians to use deadly force is discussed.

Proficiency in the MCOLES Course of Fire. This course of fire emphasizes support-hand shooting and point-shooting, also called reactive shooting at multiple targets from multiple distances. It also encourages participants to scan for danger immediately after a shooting incident.

The MCOLES Active Duty Firearm Standard is not intended to replace any in-service firearm training that may already be in place at various law enforcement agencies. As mentioned above, the standard is comprised of an educational component and a skill assessment. The educational objectives are designed to transmit knowl-

edge and raise awareness levels. The course of fire is constructed to assess skills that include the following.

1. Rapid draw from the holster and shoot.
2. Shoot from the ready position.
3. Shoot with the support hand only.
4. Shoot at close combat range.
5. Shoot at marksmanship range.
6. Shoot within time restrictions.
7. Single and double tap shooting.
8. Shooting from multiple distances.
9. Shooting at multiple targets.
10. Shooting from covered positions.
11. Reloading in combat situations.
12. Clearing and correcting stoppages.

Agencies may add stages to this course of fire that would exceed the standard. Modification of existing stages should not eliminate any of the existing components of this standard or modify its intent.

The remainder of 2008 has been designated to provide extensive assistance for law enforcement agencies preparing to deliver and meet this standard. **MCOLES will conduct regional meetings to provide implementation assistance at scheduled locations across the state in June, as shown below.** Further detail will be announced at www.michigan.gov/mcoles.

June 3 Grand Valley State University

June 4 Lansing Community College

June 5 Wayne County Sheriff Office

June 10 Kirtland Community College

June 12 Northern Michigan University

*** Additional Sessions to be Announced**

Compliance by all licensed law enforcement officers will be required once annually, beginning in 2009, and will consist of successfully meeting both the educational and firearm proficiency components. Compliance will be reported as part of the annual registration process in 2010 through the MCOLES Network.

MCOLES In-Service Firearm Standard - Frequently Asked Questions

Q: Is this new standard mandatory?

A: Yes, and officers have until the end of 2009 to comply.

Q: If so, how often must our officers meet the standard?

A: At least once per year, beginning in 2009.

Q: Does our agency's current firearms training and qualification course meet or exceed the new state standard in firearms?

A: When determining whether your current training and qualifications course meets or exceeds the state standard, consider if your current course addresses and assesses all of the knowledge, decision-making and firearms skills prescribed in the state standard.

Q: How do I ensure my officers have complied with the standard?

A: The easiest way to ensure that your officers have complied with the minimum standard is to have them demonstrate competency in all 7 learning objectives, and firearms proficiency in the MCOLES prescribed course of fire.

Q: Do all of our officers have to meet the standard?

A: Yes, all MCOLES licensed law enforcement personnel shall be required to meet the standard.

Q: Why are there 2 components to the standard?

A: The standard contains an educational component to address overall decision-making, and a course of fire to address firearm skills.

Q: How should I deliver the educational component?

A: The educational component is best delivered in an interactive training format, where the officers get the opportunity to discuss and debate the issues, debrief actual incidents, apply department policy, etc. Please refer to the Facilitator Guide for additional information on delivery methodologies.

Q: What happens to an officer who does not achieve the desired outcome?

A: The active duty firearms standard was developed for experienced officers who should already possess relevant knowledge and firearms proficiency. Agencies will be expected to ensure their officers have access to the standard and to work with officers to correct any deficiencies.

Q: We currently qualify 3 times a year; does this replace our other qualification course of fire?

A: No. The state standard is a minimum standard and is not intended to reduce or replace the training and qualification courses already in place. Your agency could shoot the MCOLES prescribed course of fire on one of the three annual visits to the range, and could focus on your own course of fire during the other visits to the range.

Q: How do I report that my officers have complied with the standard?

A: This will be accomplished via the MCOLES Information and Tracking Network during the annual registration process.

How Will the MCOLES Active Duty Firearm Standard Affect LEOSA Implementation?

The Law Enforcement Officers Safety Act of 2004 (LEOSA) provides nation-wide privileges for active duty and retired law enforcement officers to carry firearms. The Act requires retired officers who wish to exercise LEOSA privileges to meet the "State's standards for training and qualification for active law enforcement officers to carry firearms." In the absence of a state standard, LEOSA privileges have been inaccessible to law enforcement retirees in Michigan. This impasse has generated numerous inquiries and requests from retired officers and their political representatives.

Over the past three years, the Commission has examined what type of role, if any, it might play in rectifying this situation. The feasibility and worth of a statewide firearm standard for incumbent law enforcement

officers has been examined in detail. With that work now complete, many have asked if the Commission's February 20 action, adopting an Active Duty Firearm Standard, has broken the logjam that has rendered LEOSA privileges unavailable to law enforcement retirees living in Michigan. It is a major step forward, but a full solution is not yet at hand.

Law enforcement employers may now adopt the MCOLES standard as their own and certify their own retirees under LEOSA. The LEOSA Act does not permit them to certify individuals who retired from other agencies.

To make the standard accessible to all retired law enforcement officers, MCOLES requested House Bill 4611. The bill was introduced April 19, 2007. If enacted, it will

provide MCOLES with the authority to be the state agency that certifies retirees under LEOSA. The ability of local agencies to issue LEOSA certifications would continue. HB 4611 would also permit MCOLES to be the maker of identification required under LEOSA, when requested to do so by the former law enforcement employer. The bill will also provide liability protection for MCOLES, training providers, and law enforcement employers carrying out responsibilities pursuant to LEOSA.

HB 4611 has cleared the state House of Representatives and is now in the hands of the Senate, where it awaits a hearing before the Senate Judiciary Committee. Minor changes are under consideration. Enactment, if passed, is expected January 1, 2009. As a result, we would see the complete removal of implementation barriers for law enforcement retirees.

MCOLES In-Service Firearm Standard - Frequently Asked Questions (continued from page 5)

Q: Must we use the TCQ-95 target they currently use in the academy?

A: No. Using an academy "TCQ-95" or "TCQ-95A" target is not required. The combat scoring area of the TCQ-95A measures 11 1/2" wide by 29" tall, with the width tapered to 5" near the top, giving this area the characteristic "coke-bottle" appearance. Regardless of the target used, the scoring area must match these dimensions and all rounds must be in the designated scoring area.

Q: Must we shoot the MCOLES course of fire in the exact order as published?

A: No. The course of fire is listed in the recommended order, but it is not mandatory.

Q: Why not just use the basic training firearms standard?

A: The basic training firearms standard was developed for recruits that may have never held a firearm before, and brings them to a minimum level of proficiency. The active duty firearms standard was developed for experienced officers that should already possess relevant knowledge and firearms proficiency.