



MCOLES ACTIVE DUTY FIREARM STANDARD: MANDATORY REPORTING

The MCOLES Active Duty Firearm Standard became effective for Michigan law enforcement agencies on 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 shoot-

ings. Our research verified what experts in Michigan and across the nation have already said. There are gaps between what is often stressed in firearms training, i.e. marksmanship, and the actual challenges that officers face in close quarter combat.

Mandatory reporting regarding compliance with the MCOLES Active Duty Firearm Standard will begin January 1, 2010 as a part of the MCOLES Annual Registration process. Agency operators completing the annual registration process through the MCOLES Information and Tracking Network will be asked to assure compliance on behalf of the agency for every officer appearing on the agency roster. This will occur by way of a single "check off" box. Agencies that have officers who are not in compliance should formalize a remediation plan designed

to bring the officer into compliance.

The system also features a mechanism for tracking of training. Agencies and/or training consortia may find this extremely useful not only for the purpose of tracking compliance with this standard but for tracking all agency training.

What to do with Failures. Officers who have not been able to meet this standard need special attention. The responsibility for providing remedial attention rests with the employer. In very rare circumstances, such as the development of a medical condition, an officer may not be able to comply, despite remedial efforts. Under these circumstances, agencies should consider re-assigning such an officer to a non-enforcement capacity until the problem can be resolved.

RADAR AND LIDAR: MANDATORY INSTRUCTOR UPDATES

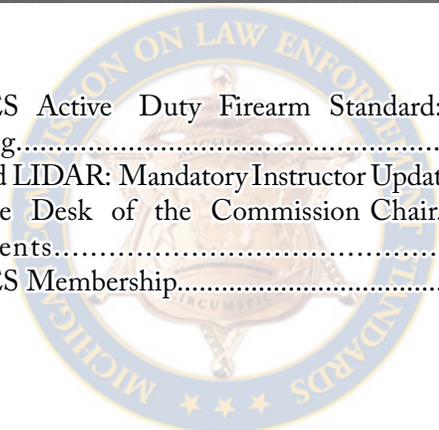
The Michigan Office of Highway Safety Planning (OHSP) convened the Michigan Radar Task Force in 1978 to serve as an advisory body to OHSP in studying and evaluating issues regarding the use of radar for speed enforcement in Michigan. The Radar Task Force was later renamed the Michigan Speed Measurement 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 identi-

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FROM THE DESK OF THE COMMISSION CHAIR

With the end of summer approaching, I thought it would be a good time to speak with Michigan's law enforcement community regarding MCOLES. The past few months have been challenging. We have a number of important issues nipping at our heels, not the least of which has been the retirement of our Executive Director, Raymond W. Beach, Jr. On behalf of the Commission, I want to thank Ray for his service and accomplishments and wish him well in his retirement.



Ray's departure has raised some questions regarding the authority of the Commission. There is some uncertainty regarding the parameters of responsibility for state commissions versus those of the principle department in which the commission is housed. In order to resolve these matters we have requested an opinion from the Attorney General. Out of fairness to a future executive director, it is our intent to resolve these issues before we move ahead with a selection process for MCOLES. In the interim, the Commission's two senior managers, Hermina Kramp and Gary Ruffini will share leadership responsibilities. Hermina, Gary and the Commission's dedicated staff will continue to provide you with the high level of service you've come to expect from MCOLES.

We opened this year amid a struggle regarding the Commission's Regular Employment Standard. A significant

group, predominantly chiefs of police, have organized in opposition to the Commission's 520-hour standard as a threshold for determining that an officer is regularly employed in compliance with Public Act 203 of 1965. In April, Senator Cameron Brown introduced SB 449, which would change the standard from 520-hours to 120-hours. The Commission delivered testimony in the Senate hearing, detailing its rationale in support of its 520-hour standard, however the bill was eventually voted out of the Senate, unanimously.

SB 449, and thus the fate of the Commission's Regular Employment Standard, is now before the House of Representatives Committee on Judiciary. We have been told, informally, that a hearing may be expected in the Fall. I know that I speak on behalf of the entire Commission in stating that despite differences of opinion, the Commission remains hopeful for an outcome that will put this issue to rest in an agreeable manner. Moreover, we recognize and defer to the judgment of the legislature.

Another unresolved issue that will be before the Commission this Fall is the Commission's ethics initiative. Currently, there are twenty-five matters under consideration that could produce modifications to Public Act 203 of 1965. Five of these matters concern ethics related actions that the Commission would become empowered to take. Concerns have arisen regarding the ethics provisions, and as a result, the Commission's Ethics Committee is going to re-visit these issues in the near future and make recommendations to the full Commission as to further action.

One more issue. As many of you already know, Public Act 302 dollars were compromised, to the tune of \$600,000, during the 2009 fiscal year, for purposes related to the state's fiscal crisis. The state's budget for fiscal year 2010 will be due by October 1, and as a result, in September, our political leaders will leave no stone unturned in search of money. As a result, state programs that should be working together end up in competition with one another.

In this atmosphere, 302 dollars are often not seen for what they are by state policy makers. Public Act 302 dollars are generated from assessments on traffic citations. This is not tax money. These dollars support in-service training that, among other things, enhances protection of officers and the public, and it insulates local communities from lawsuits against local police.

In 2009, we saw public safety pitted against public safety to excuse the redirection of these funds. The only loser under these circumstances is the taxpayer. The Commission firmly opposes any further diversion of Public Act 302 dollars away from the legislated purpose for these funds.

I would like to close with reassurance to the law enforcement community that with some difficult issues currently on its radar screen, the Commission is determined to move forward with clear leadership and as an active partner within the law enforcement and criminal justice communities. In doing this, we recognize that we cannot be effective without your continuing participation and without decisions that truly incorporate your broad based input.



RADAR AND LIDAR: MANDATORY INSTRUCTOR UPDATES (continued from page 1)

fied 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 have been designed to familiarize RADAR and LIDAR instructors with the new standards. Participation in an update session is mandatory for RADAR and LIDAR instructors, in order to maintain certification to teach. Instructors who do not receive this training will not be able to activate speed measurement certifications for new students, effective January 1, 2010. Separate instructor training for LIDAR instructors will be provided. Current LIDAR instructors who are not also RADAR instructors will continue to be able to teach the supplementary LIDAR courses to current RADAR operators. These sessions are only for updating persons who are current RADAR/LIDAR

trainers. New instructors must attend a different course.

The update training will be divided into two sessions. In the morning, a 4-hour LIDAR instructor supplementary training session will be conducted for current RADAR instructors who are not also current LIDAR instructors. The afternoon session is a mandatory update and recertification session for all instructors.

The session is free and lunch will be provided. Be sure to register so training sites can get an accurate count for lunch.

September 9, 2009

Treetops Resort
962 Wilkinson Rd.
Gaylord, MI 49735
(989) 732-6711

September 16, 2009

Kellogg Hotel & Conference Center
Michigan State University
Lansing, MI 48824
(517) 432-4000

September 23, 2009

Oakland University
Lake Michigan Room - Oakland
Center
2200 N. Squirrel
Rochester, MI 48309
(248) 370-3331

7:30 - 8:00 a.m. - Check-In

8:00 a.m. - Noon - LIDAR Instructor
Training

Noon - 1:00 p.m. - Lunch

1:00 p.m. - 5:00 p.m. - Speed Mea-
surement Instructor Update and
Recertification

To register please contact Officer Nan Gelman at MCOLES, (248) 761-8616 or by e-mail at GelmanN@michigan.gov.

If you have any questions, please contact Sgt. Darryl Allen at (517) 336-6685 or Sgt. Lance Cook, MSP at 517-336-6660.



RETIREMENTS AT MCOLES.....

Two senior staff members at MCOLES have recently retired.

Last June, the Commission received notice from Raymond W. Beach, Jr. of his intended retirement, which became effective July 1, 2009. Ray has served as the Commission's Executive Director since 2000. His tenure in that position saw dramatic changes in how the Commission operates and in its configuration. In 2001, under direction from the Governor's office, Ray facilitated a consolidation of the former Michigan Justice Training Commission (MJTC) to form the modern Michigan Commission on Law Enforcement Standards (MCOLES). That initiative expanded the MCOLES both in terms of size and responsibility. Under an aggressive strategic plan, MCOLES transitioned from paper based systems to an electronic environment through statewide implementation of the MCOLES Information and Tracking Network, it accomplished a complete update of administrative rules, and modernized training and testing standards.



Dale Rothenberger has been on board with MCOLES since 1978. It is no stretch of the imagination to point out that virtually every active law enforcement officer in Michigan has been touched by Dale's work. Early in his career, Dale took part in setting the initial standards for basic training issued by the Michigan Law Enforcement Officer's Training Council (MLEOTC). As a part of that effort, Michigan became one of the first police officer standards and training agencies to validate its standards through job task analyses. This effort was followed by comprehensive testing, also anchored in the job task analysis. Dale was an integral part of each of these efforts. In 1994, responsibility for the operation of the Michigan Justice Training Commission was transferred to MLEOTC. The Justice Training Commission originally operated what is commonly known today as our 302 programs, the law enforcement distribution, and the competitive grant program. These programs operated under Dale's leadership until the MJTC was consolidated with MCOLES in 2001. Dale continued to provide management for these programs until his retirement.



Both men leave behind a robust organization and a legacy that will benefit greatly from their extensive contributions.

MCOLES

MEMBERSHIP

Mr. John Buczek
Commission Chair
Fraternal Order of Police

Sheriff James Bosscher
Commission Vice Chair
Michigan Sheriffs' Association

Sheriff Gene Wriggelsworth
Michigan Sheriffs' Association

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

Attorney General Mike Cox
represented by Mr. Thomas C. Cameron

Chief 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. Fred F. Timpner
Michigan Association of Police

Sheriff Robert Pickell
Michigan Sheriffs' Association

Mr. David Morse
Prosecuting Attorneys' Association of Michigan

Chief Warren Evans
represented by Commander James White
Detroit Police Department

Mr. James DeVries
Police Officers Association of Michigan

Chief Doreen Olko
Michigan Association of Chiefs of Police

Mr. Richard R. Weiler
Police Officers Labor Council



PLEASE NOTE: ZIP CODE CHANGE AT MCOLES TO 48909

THERE HAS BEEN A ZIP CODE CHANGE AT MCOLES. IT IS NOW 48909. THIS IS THE STATE OF MICHIGAN'S OFFICIAL ZIP CODE. PLEASE MAKE SURE WHEN MAILING CORRESPONDENCE TO MCOLES, YOU USE 48909, OR IT WILL DELAY YOUR INFORMATION REACHING US.

THE CORRECT MAILING ADDRESS FOR MCOLES IS:

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS
106 W. ALLEGAN, SUITE 600
LANSING, MI 48909