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## Commission to Act on In-Service Firearm Standard

Virtually all of our police officer standards and training counterparts are being pressed with the responsibility of implementing the Law Enforcement Officers Safety Act of 2004. This federal legislation, commonly referred to as LEOSA or HR 218, has been problematic across the country. The dilemma in Michigan, and elsewhere in the country, is that state firearm standards for active law enforcement officers must be met by retired officers in order for them to access to LEOSA firearm carry privileges. Where states do not have firearm standards for incumbent officers, LEOSA privileges for retirees are inaccessible.

This dilemma has generated a great deal of attention from affected individuals, advocate organizations, and elected officials responding to their constituents from the retired law enforcement community. Absent standards put forth by duly appointed police officer standards and training organizations, legislated standards are being proposed by lawmakers. At the end of the day, MCOLES and its counterpart organizations have each faced decisions regarding institution of in-service firearm standards for active law enforcement officers or acquiescence to legislated standards.

At its recent annual conference this summer, the International Association of

Directors of Law Enforcement Standards and Training (IADLEST) provided an extensive presentation concerning the progress made throughout the country in implementing the LEOSA. The IADLEST report revealed astonishing differences in the approaches taken among the various states. Some states have developed a "minimalist" posture, reducing their involvement with law enforcement retirees to lowest possible levels. Other states have put forth plans entailing "extensive state involvement." Many are still on the sidelines.

MCOLES efforts to resolve this issue in Michigan were initiated in the fall of 2004. Looking to the heart of the matter, the practicality and viability of a statewide firearm standard for active law enforcement officers was examined. The content of potential standards was debated vigorously. A strong segment of opinion held that a standard should be driven wholly by firearm proficiency. Yet, examination of actual officer-involved shootings revealed that tactics and decision-making had an equal or greater effect on officer survival and liability exposure. During the course of this research, significant implementation challenges were also discovered and debated. As a result, it became apparent that enabling state legislation would be necessary to carry out the intent of LEOSA. These issues were periodically reported back to the Commission

for its continuing consideration, and discussions were eventually opened with state legislators. Ultimately, this  
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### MCOLES Records Inspections

The successful implementation of the MCOLES Information and Tracking Network has eased the ability of local communities to transact business with MCOLES. The new system replaces an antiquated paper-based program that involved cumbersome exchanges of documents between agencies and MCOLES via U. S. Mail. As many of you have already discovered, this new environment requires local law enforcement agencies to retain key standards verification documentation that previously was held by MCOLES. These are the documents that provide verification of officers meeting state standards.

In anticipation of state audits examining this re-configured practice, MCOLES field representatives will be conducting spot checks, with advance notice, among randomly chosen law enforcement agencies across the state. The purpose of these visits will be to assess how well this method of operation is working and to assist agencies in assembling and maintaining these records well in advance of any official audits.

## A Message from the Executive Director...



On Wednesday, May 24 Dearborn Heights Officer Jason Makowski responded with other officers to a call involving a mentally unstable individual. Tragically, that situation developed into a shootout in which Officer Makowski was fatally wounded. Officer Makowski is the second Michigan law enforcement officer to die in the line of duty this year. On behalf of the Commission I extend our sincere condolences.

The month of May also saw some good news. We at MCOLES were privileged to partner with several individuals and institutions to present a program entitled, "Ethics for Law Enforcement Executives." The program was developed and presented under the auspices of Michigan State University by

Dr. Bruce Benson and Public Safety Director Anthony Kleibecker of the Muskegon Department of Public Safety. The Oakland Community College CREST Center hosted this program and MCOLES provided lunch and refreshments. In addition to highlighting the subtle ethical dilemmas that can become major headaches for law enforcement administrators, this training dove-tails with an MCOLES public trust initiative. The Commission is searching for more and better alternatives for response to ethical breaches by law enforcement officers.

Michigan's law enforcement population has been the subject of much conversation in recent months. By the end of April, we had seen a decline of over 1500 officers in Michigan from September 11, 2001. At the end of May, we saw a number of individuals returning from lay off by the Detroit

Police Department, however the overall trend remains downward.

These statistics represent a nearly 7% decline in Michigan law enforcement officer population. Coincidentally, we are told that Michigan's prosecutorial strength is down by 7%, as well. Is it any wonder then that we are beginning to see a rise in violent crime? Preliminary statistics released by the FBI in June indicate upward trends in violent crime for Michigan cities with populations exceeding 100,000.

Of course, the declining number of law enforcement positions in Michigan is directly related to statewide funding problems. This issue extends across Michigan's criminal justice system. Yet another example is the LEIN system. LEIN is unable to secure sufficient funds

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### The Michigan Commission on Law Enforcement Standards

#### *Membership*

**Sheriff Gene Wriggelsworth, Chair**  
*Michigan Sheriffs' Association*

**Mr. John Buczek, Vice Chair**  
*Fraternal Order of Police*

**Mr. James DeVries**  
*Police Officers Association of Michigan*

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

**Attorney General Mike Cox**  
*represented by Mr. William Dennis*

**Sheriff Robert Pickell**  
*Michigan Sheriffs' Association*

**Mr. David Morse**  
*Prosecuting Attorneys' Association of Michigan*

**Chief Ella Bully-Cummings**  
*represented by Deputy Chief Deborah Robinson*  
*Detroit Police Department*

**Sheriff James Bosscher**  
*Michigan Sheriffs' Association*

**Chief Doreen Olko**  
*Michigan Association of Chiefs of Police*

**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 James St. Louis**  
*Michigan Association of Chiefs of Police*

**Officer Richard Weaver**  
*Detroit Police Officers Association*

**Mr. Raymond W. Beach, Jr.**  
*Executive Director*

**A Message From the Executive Director***(continued from page 2)*

to meet national standards. At MCOLES, our allocated funding in support of the Public Safety Officer Benefits program is currently exhausted.

I certainly am not the first to point out that the priority given public safety has declined during recent years. Despite some encouraging signs recently, I am compelled to continue raising this issue, because we have not yet seen the type of

funding reform that will provide stability in our public safety infrastructure. I acknowledge that fixing MCOLES funding problems is a part of a larger solution. Yet it is clear that with over 75% of MCOLES dollars flowing to local law enforcement and criminal justice agencies, there would be many beneficiaries if even the most modest of our proposals could be moved forward. Consequently, MCOLES and its partners will be continuing these efforts through the close of this year.

**Kirtland Community College Graduate**

Congratulations to recent Kirtland Graduate Deputy Donald Sheltroun, pictured here in the foreground with his proud father, State Representative Joel Sheltroun, at his right. These two are flanked by MCOLES Commissioner & Missaukee County Sheriff James Bosscher, at the far right, and MCOLES Executive Director Raymond W. Beach Jr. at the far left. Deputy Sheltroun is employed with the Ogema County Sheriffs' Office.

**Next Commission Meeting**  
**Wednesday, September 13, 2006**  
**Midland**

*please check [www.mcoles.org](http://www.mcoles.org) for further details*

**MCOLES In-Service Firearm Standard***(continued from page 1)*

initiative was among several that fell victim to the intense budget struggles of 2005, and we experienced a significant delay.

Our work resumed early this year, and we have made considerable progress. As mentioned earlier, a key consideration in assessing the likelihood for success was the capacity of an in-service firearm standard to positively impact officer safety and survival. Initial data assessments from our recently administered job task analysis have also been taken into consideration. At its June meeting, the Commission concluded that an in-service firearm standard would substantially benefit Michigan's 21,500 law enforcement officers. Accordingly, the Commission directed staff to complete its work and propose an in-service firearm standard at the regularly scheduled September meeting, in Midland.

It is noteworthy that significant hurdles remain. A number of law enforcement employers and their insurance providers have resisted involvement in LEOSA, owing to the fact they no

longer have an employer-employee relationship with the retiree. With no means of directing or controlling the retiree, yet providing an annual recognition of the retiree's standing, pursuant to LEOSA language, they fear liability. Hence, they have resisted issuing the picture identification required by LEOSA. Training providers have also expressed caution born of liability concerns. Liability is an issue for MCOLES, as well.

The MCOLES approach will seek to provide a comprehensive solution that will resolve all of these issues. Therefore, in addition to providing a firearm standard, MCOLES is proposing alternatives to remedy the identification problem and measures to protect participating agencies from liability exposure. In summary, the entire package will entail the adoption of an in-service firearm standard focusing on safety, officer survival, combat proficiency and decision-making. In order to become involved with retirees and carry out the intent of LEOSA, MCOLES is concurrently requesting state legislation providing appropriate state authority. As part of the legislative component,

MCOLES is seeking liability limitations and immunities, for participating agencies, that will break the logjam surrounding issuance of identification to retirees. This component would also protect training providers and MCOLES from similar lawsuits.

As we have stressed in the past, MCOLES efforts on this front have moved at a careful pace, in view of the potential effect this program will have on Michigan's law enforcement officers and their employers, as well as retirees. Staff will be continuing its committee work this summer, gathering input and expertise from Michigan law enforcement practitioners and leaders. The legislative initiative will run concurrent with ongoing standard development. We anticipate pilot testing followed by a phased implementation of the new standard among Michigan's law enforcement agencies. This would allow a liberal amount of time for agencies to make adjustments. Subject to adjustments coming out of the pilot test, the standard will have immediate effect for retirees.

## MCOLES Staff Planning



Commission Chair Sheriff  
Gene Wriggelsworth  
addresses MCOLES staff

In his best selling book, *The Tipping Point*, Malcolm Gladwell asserts that little things can make a big difference. Gladwell maintains that little messages can powerfully "tip the balance" of opinion toward desired change when they are well-timed to the circumstances of the intended audience, when they are meaningful and clear, and when they are transmitted by persons who are respected and credible. In other words, making the right small changes can be more lasting and powerful than broad sweeping actions.

That advice provided the direction for a recent MCOLES staff planning and development session. On July 10, MCOLES staff gathered at Fitzgerald Park in Grand Ledge. After some reflection on where we have been, as an organization, where we stand today, and where we'd like to go in the future, some very candid remarks were made concerning the budget problems of 2005 and the impact these events had on

the personal lives of staff members. In varying ways, the stress of those times was felt by every member of the MCOLES team.

Following these discussions, the group then moved on to consider MCOLES every-day work and its value for our clients. Staff was buoyed by the appreciation expressed from the field regarding help provided by MCOLES in response to telephone inquiries. Growing enthusiasm in the field was acknowledged regarding the effectiveness of the MCOLES Information and Tracking Network as a time-saving tool for conducting MCOLES business transactions.

As these thoughts went deeper, staff considered the implications of future changes in MCOLES operations. For instance, as MCOLES has embraced paperless technology, our staff, in general, and especially our field representatives must possess a far greater level of computer skills than their counterparts of the past. These changes

have modified the knowledge and skill sets we will require of our future staff members. Future staff qualifications were particularly pertinent as MCOLES is expected to experience numerous retirements in the next five years.

Before the day was over, we were privileged to be visited by the Chair and Vice-chair of the Commission. Ingham County Sheriff Gene Wriggelsworth and Fraternal Order of Police Executive Director John Buczek took time from their busy schedules to address MCOLES staff as a group and then informally as they joined the group for lunch.

At the end of the day, contemplating on how we carry out some of our more routine chores proved to be a useful alternative to focusing on long range goals. Looking back to the *Tipping Point*, Gladwell's advice might best be summed up as, "little things mean a lot."

# MCOLES Job Task Analysis: An Update

This past winter, MCOLES devoted a great deal of energy and attention to the administration of its 2006 Job Task Analysis (JTA). The JTA is a body of information maintained and periodically updated by MCOLES to derive job-related selection and training standards for Michigan law enforcement officers. It forms the basis of MCOLES standards, ensuring they are not arbitrary or unrelated to the actual work performed by law enforcement officers. Equally as important, the JTA provides a foundation for the defense of MCOLES standards when they are legally challenged. Consequently, the importance of the JTA to MCOLES and Michigan law enforcement agencies is immense.

The 2006 JTA has utilized a questionnaire, or job analysis inventory, to capture the essential job functions currently performed by law enforcement officers in Michigan. A group of officers from a representative sampling of

Michigan law enforcement agencies recently completed the inventory on-line. The data collection phase of the 2006 MCOLES Job Task Analysis is now complete. At this writing, in depth analysis of the amassed information is being conducted by a private consulting firm. The final results will be published this fall. It has been ten years since the publication of our last JTA in 1996.

What we learn from JTA research is particularly important to every law enforcement officer across the state. The attributes that should be possessed by individuals entering the law enforcement profession in Michigan are determined by these studies. Of particular interest for the 2006 JTA, will be the identification of changes in law enforcement duties that have evolved since the terrorist attacks of 2001. Also, we will be looking for indications of how law enforcement duties are being impacted by technology and by the possibilities of medical

pandemic and natural disasters.

Reliability of the 2006 data is expected to be high. Response rates among patrol officers selected for the inventory stand at 84%. The rate for supervisors is 89%. These levels exceed those of previously administered JTA instruments. When in depth analysis is complete, the content of this study will be incorporated in the MCOLES employment standards and the basic training curriculum.

Individual agencies across Michigan will be able to take advantage of the data as well. The data may be applied to in-service training and to promotional assessments. It will be particularly valuable with regard to addressing Americans with Disabilities Act issues in hiring and in the various aspects of law enforcement employment.

Look for our report this fall!

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