

# Annual Report 2021

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GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS  
LANSING

TIMOTHY BOURGEOIS  
EXECUTIVE DIRECTOR

Honorable Gretchen Whitmer  
Governor of the State of Michigan  
Lansing, Michigan 48009

Dear Governor Whitmer,

On behalf of Michigan Commission on Law Enforcement Standards (Commission), I present to you the Annual Report for Calendar Year 2021. As chair of the Commission, I am proud to say that the Commission continues to take on difficult policy issues related to improving the law enforcement profession and to ensure high quality public safety services are delivered to the people of Michigan.

We remain committed to work toward increased trust and professionalism as we look back with great pride at the steps we have taken, however, most importantly, we are looking ahead with great optimism at what the future holds for the Commission.

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "D.E. U.", written over a horizontal line.

Chief David Molloy  
Commission Chair

Chief David Molloy, Chair • Sheriff Gregory Zyburt, Vice-Chair • Lt. Col. Michael Krumm representing Colonel Joe Gasper • Tpr. Nate Johnson  
Dep. Matthew Hartig • Mr. Michael Wendling • Mr. David Tanay representing Attorney General Dana Nessel • Officer Linda Broden  
Mr. Arthur Weiss • Assistant Chief David Levalley representing Chief James E. White • Mr. Tom Adams • Officer Michael Kunath • Dr. Lisa R. Jackson  
Mr. Kenneth Grabowski • Mr. Michael Sauger • Sheriff Matthew Saxton • Mr. Duane Smith • Chief Eric Payne • Director Ronald Moore  
Pastor Tellis J. Chapman • Pastor Jeffery A. Hawkins • Sheriff Anthony Wickersham • Mr. Anthony D. Lewis representing Mr. John E. Johnson

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# **ANNUAL REPORT TO THE GOVERNOR**

## **CALENDAR YEAR 2021**

Michigan Commission on Law Enforcement Standards  
927 Centennial Way  
Lansing, Michigan 48909

Submitted pursuant to Public Act 203 of 1965, as amended

Please direct inquires to: 517-636-7864

This document is available online at:  
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# MCOLES VALUES, MISSION & VISION

## WHO ARE WE?

Our values define who we are and set the basic framework for how we choose to conduct business as public employees. It frames our philosophy for providing a strong sense of customer service, but also defines what we, as employees expect from each other.

## OUR 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 an atmosphere of trust and cooperation.

**Communication, Consultation, and Shared Decision-Making** ~ We value clear and open communication. We encourage involvement, information sharing, and collaboration in the decision-making process.

## OUR MISSION

The Michigan Commission on Law Enforcement Standards is created by law to serve the people of the State of Michigan by ensuring public safety and supporting the criminal justice community.

We provide leadership through setting professional standards in education, selection, employment, licensing, license revocation, and funding in law enforcement and criminal justice, in both the public and private sectors.

## OUR VISION

Through a dedicated fund, MCOLES supports law enforcement agencies to provide safe and secure communities that allow for a prosperous state that is positioned to meet the challenges of the future.

MCOLES conducts business in an environment free from organizational or financial conflicts of interest with independent control over fulfilling its mission.

MCOLES is nationally recognized as a leader in the development of training and ethical standards for law enforcement officers.

***Serving the citizens of Michigan through the advancement of law enforcement standards and training since 1965.***

# Michigan Commission on Law Enforcement Standards

The Michigan Commission on Law Enforcement Standards is composed of 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 Criminal Defense Attorneys Association of Michigan;
- the Prosecuting Attorneys Association of Michigan;
- the Michigan State Police Troopers Association;
- the Michigan Association of Police;
- the Police Officers Labor Council;
- the Detroit Police Department;
- the Detroit Police Officers Association;
- the Deputy Sheriff's Association of Michigan;
- the Residents of the State of Michigan; and
- the Public

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

During 2021, Chief David Molloy, representing the Michigan Association of Chiefs of Police, served as the Commission Chair. Sheriff Gregory Zybert, representing the Michigan Sheriff's Association, served as the Commission's Vice Chair.

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. During 2021, there were five regular meetings of the Commission.

Commission 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, as well as the administration of the law enforcement distribution. The Commission also provides claims investigation and eligibility verification for the Public Safety Officer Benefit program which provides a one time payment for the care of a public safety officer permanently and totally disabled in the line of duty or in the event of the officer's death in the line of duty, to the spouse, children, or estate of the officer.

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, testify on behalf of MCOLES on legislative issues, and make other public speaking 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.

# MCOLES COMMISSIONERS DURING 2021

<b>Commissioner</b>	<b>Representing</b>
<b>Chief David Molloy, Chair</b> Term Expires: December 31, 2023	Michigan Association of Chiefs of Police
<b>Sheriff Gregory Zyburt, Vice Chair</b> Term Expires: December 31, 2022	Michigan Sheriffs' Association
<b>Colonel Joseph M. Gasper</b> <b>Represented by Major Beth Clark</b> Ex-officio	Michigan State Police
<b>Attorney General Dana Nessel</b> <b>Represented by Mr. David Tanay</b> Ex-officio	Office of Attorney General
<b>Sheriff Matthew M. Saxton</b> Term Expires: December 31, 2021	Michigan Sheriffs' Association
<b>Mr. Ken Grabowski</b> Term Expires: December 31, 2023	Police Officers Association of Michigan
<b>Mr. Michael Sauger</b> Term Expires: December 31, 2021	Fraternal Order of Police
<b>Director Ronald Moore</b> Term Expires: December 31, 2022	Michigan Association of Chiefs of Police
<b>Mr. Michael Wendling</b> Term Expires: December 31, 2022	Prosecuting Attorneys Association of Michigan
<b>Mr. Arthur Weiss</b> Term Expires: December 31, 2021	Criminal Defense Attorneys of Michigan
<b>Sheriff Anthony Wickersham</b> Term Expires: December 31, 2023	Michigan Sheriff's Association
<b>Chief Eric Payne</b> Term Expires: December 31, 2021	Michigan Association of Chiefs of Police
<b>Mr. Michael Kunath</b> Term Expires: December 31, 2021	Michigan Association of Police
<b>Mr. Duane P. Smith</b> Term Expires: December 31, 2021	Police Officers Labor Council
<b>Trooper Nate Johnson</b> Term Expires: December 31, 2023	Michigan State Troopers Association
<b>Assistant Chief David LeValley</b> Ex-officio	Detroit Police Department
<b>Ms. Linda Broden</b> Term Expires: December 31, 2023	Detroit Police Officers Association
<b>Deputy Matthew Hartig</b> Term Expires: December 31, 2022	Deputy Sheriff's Association of Michigan
<b>Mr. Tom Adams</b> Term Expires: December 31, 2022	Public Representative
<b>Mr. Anthony D. Lewis</b> Term Expires: December 31, 2021	Residents of the State of Michigan
<b>Pastor Tellis J. Chapman</b> Term Expires: December 31, 2023	Residents of the State of Michigan
<b>Pastor Jeffrey A. Hawkins</b> Term Expires: December 31, 2022	Residents of the State of Michigan
<b>Dr. Lisa R. Jackson</b> Term Expires: December 31, 2021	Residents of the State of Michigan
<b>Timothy Bourgeois</b> MCOLES Executive Director	Michigan Commission on Law Enforcement Standards

# MCOLES Executive Direction

## **Timothy Bourgeois**

### Executive Director

In January 2018, Tim Bourgeois began serving as the executive director of the Michigan Commission on Law Enforcement Standards. He retired from the Township of Kalamazoo (Michigan) police department on December 31, 2017 after 41 years of service. Tim served the department as a cadet, dispatcher, police officer, undercover narcotics detective, patrol sergeant, detective sergeant, detective lieutenant, captain of operations and since 2003 as its chief of police.

Tim is a past president of the Michigan Association of Chiefs of Police and served on a number of boards and commissions. While chief, he also held four gubernatorial appointments: to the Council on Law Enforcement and Reinvention; the Michigan Intelligence Operations Center for Homeland Security; the Mental Health Diversion Council and the Michigan Commission on Law Enforcement Standards.

## **Hermina Kramp**

### Deputy Director

Hermina Kramp is a former law enforcement officer graduating from the 27th session of the Mid-Michigan Police Academy as an employed recruit of the Michigan State University Police Department after serving two years as a dispatcher for the department. Hermina holds a BS in Criminal Justice Research and Development and an MS in Criminal Justice Administration with an Education cognate in Testing and Measurement from Michigan State University. Hermina joined the Michigan Commission on Law Enforcement Standards, (then known as the Michigan Law Enforcement Officers Training Council MLEOTC), in 1986 as a curriculum developer. Hermina has held positions in all aspects of the Commission's operations including Acting Director on two separate occasions. Hermina currently serves as the Deputy Executive Director overseeing day-to-day operations.

## **Jacque Beeson**

### Executive Secretary

Jacquelyn Beeson graduated from Michigan State University with a BS in Criminalistics in 1983 and after graduation attended the Mid-Michigan Police Academy. Jacque was employed by Ingham County Central Dispatch from 1984 until 2005 as an emergency dispatcher and worked as a Reserve Officer in the City of Leslie. She furthered her career by joining Michigan State Police in 2008 working as a Laboratory Technician in Toxicology at the MSP Forensic Laboratory. After 3 ½ years at the Lab, Jacque joined the Michigan Commission on Law Enforcement Standards as an Executive Secretary in 2011 and is currently still employed at MCOLES with 38 years working in the criminal justice field.

# Standard Compliance Section

**Danny Rosa**  
Section Manager

Administrative Oversight of Basic Academy Operations, Investigations, PA-330 Private Security Police, and Railroad Police

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## **Professional Standards Unit**

Regulation Agent (Investigator)

**Vacant**

Standards Compliance Investigations of Academy Applicants, Recruits, Law Enforcement Officers, and RPTE Candidates

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## **Training Administration Unit**

**Darnell Blackburn**

Academy Oversight, Agency Inspections, Liaison to the Law Enforcement Community, PA-330 Program Field Liaison

*Academy Field Representative*

**Mike Logghe**

Academy Oversight, Agency Inspections, Liaison to the Law Enforcement Community, PSOB Program Oversight

*Academy Field Representative*

**Gretchen Galloway**

Academy Oversight, Agency Inspections, Liaison to the Law Enforcement Community, Assisting in Standards Compliance Investigations

*Academy Field Representative*

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## **Standards Compliance Unit**

**Vacant**

RPTE Program Oversight, PA-330 Program Oversight, FOIA Response, CHRISS Operator, ICHAT

*Duties covered by manager and others as needed*

# Career Development Section

**Joseph Kempa**  
**Section Manager**

Job Task Analysis, CPL, Emergency Vehicle Operations, Behavioral Health Training, Speed Measurement, Sexual Assault Investigation Training, Domestic Violence Investigation Training

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## *Standards Development Unit*

**Pat Hutting**

Recognition of Prior Training and Experience, Standards, Application Requirements and Screening, In-Service Training, Course Registry, Vendor Registry, Special Use Requests, Medical Standards, LEOSA

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## *Curriculum Development Unit*

**Leon Boyer**

Outcome-Based Learning, Academy Training Curriculum, Training Delivery Methods, Training Standards, Major projects, Response to Active Violence, Armed Reserve Standards and Training, Military Police Basic Training Program, Law Enforcement Agency Provided Civilian Concealed Pistol License Training

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## *Test Development Unit*

**Vacant**

Licensing Examination, Testing, Firearms Standard, Use of Force, Training Related Issues, Evaluation and Measurement

# Licensing and Administrative Services Section

**David Lee**  
**Section Manager**

Budget Development and Monitoring, MITN Project Management, Annual Registration and Law Enforcement Distribution, Records Retention, External Data Inquiries, Special Research Projects

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## *Licensing and Records Unit*

**Rhonda Hooson**

MITN Help Desk, Law Enforcement Officer Licensing, Employment Transactions, Document Imaging and Processing, Annual Registration Reporting, MITN Training, Reading & Writing and Licensing Exam File Interfaces

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## *Business Solutions Development Unit*

**Kayla Hanselman**

MITN Development and Maintenance, System Administration, IT Design and Development, Records Management, MITN Training, Software Management, Special Research Projects

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## *Grants and Contracts Administration Unit*

**Cristy Dowker**

Michigan Justice Training Fund (MJTF) Law Enforcement Distribution, MJTF Competitive Grants, Training to Locals Reimbursements, Public Safety Officer Benefit Program, STOP Domestic Violence and Improving Criminal Justice Response (ICJR) Contract, MITN Contract, Auditor General Audit Coordination and Response

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## *Program Funding Unit*

**Ben Zyber**

Fiscal Control, Monitoring, Reconciliation, and Reporting of MCOLES Appropriations including General Fund, Michigan Justice Training Fund, Training to Locals Fund, and Public Safety Officer Benefit Fund, SIGMA Document Processing

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## *Communications Unit*

**Vacant**  
**Kayla Hanselman Acting**

MCOLES Public Website Design and Maintenance, Agency Job Postings, MCOLES Facebook Account, MCOLES Annual Report, Newsletters and Publications

# Behavioral Health Emergency Partnership

Behavioral Health Emergency Partnership (BHEP) is a behavioral health training course designed to equip emergency first responders with the tools they need to effectively recognize, respond, and mitigate a behavioral health crisis incident.

This program utilizes instructional strategies that are aligned with adult learning theory, the experiential learning cycle and ITIP (Instructional Theory in Practice) to translate knowledge and skill to behavioral enhancement on-the-job. Behavioral Health Emergency Partnership is endorsed and funded by MCOLES and MDHHS.

The BHEP training is 20 hours in length, consisting of three linked training segments:

- Pre-Course Online Training (4-hours)
- Classroom Instruction (8-hours); and
- Scenario Based Training (8-hours).

On July 28, 2021, the BHEP pilot program began. There were four classes taught during the pilot phase with a total of 85 participants.

BHEP Pilot Numbers:

- Academy: 52 participants in two classes. One at Washtenaw Community College (July 2021) and one at Grand Valley State University (August 2021).
- In-Service: 33 participants in two classes. One at Washtenaw Community College (September 2021) and one at Grand Valley State University (November 2021).

## *Pre-Course Self-Paced Training*

4 hours of training within MI-Train consisting of a cognitive front load of knowledge and information related to behavioral health conditions, Michigan law, partnership and collaboration, jail diversion, etc.

Topics include:

- Course Introduction and Terminology
- Behavioral Health and Stigma
- Michigan Mental Health Code
- Behavioral Health Disorders
- Vulnerable Populations
- Treatment and Recovery

## ***Classroom Training***

Designed for adult centered learning specifically for first responder professions with a focus on bridging the gap between knowledge and on-the-job application. The classroom training is co-facilitated by a First Responder and a Mental Health Professional.

Topics include:

- Knowledge Review
- Crisis Situations and Behaviors
- Crisis De-Escalation & Trauma Informed Response
- Interdisciplinary Partnership and Collaboration
- Mental Health Petitions
- Mental Health Diversion
- Self-Care

## ***Scenario-Based Training***

Scenarios conducted by live role-players and facilitated by First Responders.

Topics include:

- Delusions and Hallucinations
- Scenario Based Training
- Medical Emergency and Positional Asphyxiation
- Recovery Presentation and Q&A (NAMI)

# MCOLES Legislation: Public Act 552 of 2018

On March 28, 2019, Public Act 552 of 2018 (2018PA552, MCL28.609e) became effective amending Public Act 203 of 1965 (MCOLES Act). The act added section 609e to the MCOLES Act mandating active violence training for all licensed law enforcement officers in Michigan.

## **Section 9e specifies the following:**

*“(1) Beginning January 1, 2020, an individual seeking to become licensed under section 9, 9b, 9c, or 9d shall complete active violence response training that emphasizes coordinated tactical response to rapidly developing incidents in which intentional physical injury or death to a specific population occurs through the use of conventional or unconventional weapons and tactics.*

*(2) The commission shall promulgate rules establishing the minimum standards for the active violence response training required under subsection (1).*

*(3) Beginning January 1, 2020, an individual who is licensed under section 9, 9b, 9c, or 9d shall complete the active violence response training described under subsection (1).”*

The Commission updated the mandated basic police training academy curriculum and standards to meet the requirements of Sec. 9e(1), in May of 2019. This means each academy graduate who completed an MCOLES Basic Police Training Academy session that began after May 3, 2019, meets the requirements of section 9e and is eligible for MCOLES licensure.

PA 552 of 2018 requires all licensed officers attend training in responding to active violence.

The training must be recognized as meeting the standards established by MCOLES.

Many of the national training programs have been recognized as meeting the standards. This includes training provided by ALERRT, Tactical Encounters, Strategos, NTOA, FLETC, LSU Laser, and Raider.

If officers have attended this training since January 2020, please make MCOLES aware, so officers can be entered into the master PA 552 class in MITN.



Mid-Michigan Academy recruits simulate an active violence response scenario



Grand Valley State University recruits participate in in-class instruction for active violence response training



Grand Valley State University recruits simulate an active violence response scenario

Additionally, agencies that have developed an in-house program are asked to contact MCOLES to obtain recognition. The recognition process requires a copy of the courseware. Basic requirements of the training include:

- 8 hours in duration
- Includes force-on-force scenarios.
- Meets standards for a basic active assailant class.

For officers to get credit for meeting the mandate, individual officer must be entered into MITN in a master class documenting the training. Once a licensed officer is entered into MITN once, he/she has met the mandate related to the Public Act 552 of 2018.

The mandate requires an officer to have attended a training block once. Once a licensed officer is documented in MITN there is no additional documentation that needs to be submitted for entry into MITN.

# MCOLES ECONOMIC SUPPORT: THE MICHIGAN JUSTICE TRAINING FUND

**M**COLES is responsible for the administration of the Michigan Justice Training Fund, which was created 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 is supported through a percentage of the Michigan Justice System Fund. Justice System Fund revenue comes from various assessments related to court penalties. When a person is found guilty of a civil infraction, misdemeanor, or felony, the individual is required to pay a series of fines that are transmitted to the Justice System Fund. Of these fines, the first \$10 is deposited in the Secondary Road Patrol and Training fund, of which MCOLES receives 5.65% for Training to Locals reimbursements. Following that, of the remaining Justice System Fund revenue MCOLES receives 11.84% deposited into the Michigan Justice Training Fund.

The Commission is mandated by the Act to distribute 60 percent of the fund revenue semi-annually in what has come to be known as the law enforcement distribution (LED). These monies are provided to law enforcement agencies to provide for direct costs in support of in-service training for licensed law enforcement officers. Distributions are made on a per-full time equivalent (FTE) basis to eligible agencies determined by total hours worked by officers in the prior calendar year.

During 2021 a total of \$2,097,077.28 was disbursed to 478 law enforcement agencies. The spring distribution provided agencies with \$934,328.30. Due to continuing decline in the fund, the per-FTE amount was \$55.54. This represents a record low distribution since the fund was established in 1982. Ninety-five agencies having fewer than 5 FTEs received the minimum distribution of \$250. The fall distribution provided agencies with \$1,162,748.98. The per-FTE amount was \$69.42. Sixty-four agencies received the minimum distribution.

The remaining 40% of the Michigan Justice Training Fund revenue may be used to support MCOLES administrative expenses. Following that, remaining revenue may be used for a competitive grant program for criminal justice personnel, including non-MCOLES licensed individuals. For calendar year 2021, eight competitive grants were awarded totaling \$937,077.94.

The total Michigan Justice Training Fund revenue for 2021 was \$3,489,286.30. This is a decrease from \$3,716,194.03 in 2020 or 6.1% decrease. It also represents a shortfall of \$3,334,213.70 from the \$6,823,500.00 appropriation, or 51.1%. For additional fund revenue trends see the related pages in the Appendix.

# MCOLES ECONOMIC SUPPORT: TRAINING TO LOCALS FUND

As with the Michigan Justice Training Fund, the MCOLES Training to Locals (TTL) fund is supported by the Michigan Justice System Fund. The first \$10 in fees from civil infractions, misdemeanors or felonies is directed to the Secondary Road Patrol and Training Fund. Of that, 5.65% is deposited to the Training to Locals fund.

TTL funds are used “to reimburse law enforcement agencies for the reasonable costs the agencies incur in providing education to their employed recruits who are enrolled in basic law enforcement training academies for the purpose of being licensed by the agencies as law enforcement officers licensed under this act.” (MCL 28.614)

This generally represents partial payment of an academy’s tuition costs. Prior to 2018, TTL funds had also been used to support administrative expenses for associated statutory functions. Expenditures that qualify for reimbursement and those that are not eligible for reimbursement are as follows:

## *Eligible*

- Academy tuition
- College/academy fees
- Licensing exam fees

## *Ineligible*

- Recruit wages/benefits
- Recruit uniforms and equipment
- Travel (lodging/mileage/meals)
- Pre-employment testing fees
- Standards screening costs

The 2021 TTL reimbursements resulted in a \$931.40 per recruit to 45 agencies for 390 recruits totaling \$366,366.00

For additional fund revenue and expenditure trends see the related pages in the Appendix.

# MCOLES ECONOMIC SUPPORT: THE MEDICAL MARIJUANA REGULATORY FUND

With the legalization of medical marijuana, the Medical Marijuana Facilities Licensing Act, PA 281 of 2016, provided for a regulatory assessment imposed on licensed growers, processors, provisioning centers, and secure transporters. In the resulting compiled laws, MCOLES was specifically designated to receive a portion of this revenue as “(h) An amount sufficient to provide for the administrative costs of the Michigan commission on law enforcement standards.” (MCL 333.27603(1)).

For fiscal year 2021, MCOLES received an appropriation of \$3,516,700.00. This is an increase from \$1,097,700.00 in 2020 to offset a 2021 reduction of the MCOLES general fund appropriation by \$954,700.00. Being a revenue fund, the appropriation was an upper bound subject to actual collections. The total allocated to MCOLES was \$2,498,944.40.



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**MCOLES Appropriation = \$3,516,700**

# LAW ENFORCEMENT AGENCY ANNUAL REPORTING

Each year, Michigan law enforcement agencies are required by statute to complete a mandatory reporting to MCOLES. With a registration window open from January to March agencies complete the following activities from the previous calendar year:

- Confirm their agency roster for missing employment transactions;
- Confirm their agency contact information on file with MCOLES;
- Indicate compliance with the MCOLES mandatory active-duty firearms standard;
- Report the number of hours worked by licensed law enforcement officers;
- Report their Law Enforcement Distribution (LED) expenditures for eligible training courses; and
- Register for the following year's LED allocations.

Reporting is completed through the MCOLES Information and Tracking Network (MITN), the web-based application used for most agency transactions.

The Commission established the annual requirement to complete the mandatory active-duty firearms standard in 2009, with compliance beginning with calendar year 2010. Compliance with this standard is reported through the annual registration. An in-service training course module in MITN may also be used to generate a list of individuals who have yet to complete the standard.

The number of hours worked by officers serves three purposes. First, an individual's license status is contingent on current employment as a law enforcement officer. Second, should an officer not be currently employed as a licensed law enforcement officer, their eligibility to be re-hired or required to complete the Recognition of Prior Training and Experience (RPTE) program is based on cumulative hours worked. Finally, the total hours worked by an agency's licensed law enforcement officers is used to determine the amount of law enforcement distribution for the following year.

Reporting of Law Enforcement Distribution expenditures is required in accordance with the Michigan Justice Training Fund (MJTF) statute and administrative rules. It is also to determine eligibility for continued funding and identifying unexpended funds to be reclaimed into the MJTF.

Most of the reporting requirements may be completed or maintained throughout the course of the year so that Annual Registration is not an excessive burden during the reporting period. Agencies not completing the registration or having issues on their report are contacted by MCOLES staff to assist them through the reporting process and to clarify questioned items.

# PRE-ENROLLMENT TESTING

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 when applying for re-licensure through the Recognition of Prior Basic Training and Education (RPTE) program.

## *Reading and Writing Exams*

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

## *Physical Fitness Exam*

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 of Dallas, Texas.

Pre-enrollment physical fitness testing ensures candidates possess sufficient conditioning to undergo the challenges of the fitness-training program. Successful completion of a basic police academy includes passing the final physical fitness assessment. Academy recruits submit to physical fitness testing just prior to graduating from basic training and must achieve a proper level of improvement to meet or exceed the standard.

The test events are the same for pre-enrollment testing as they are for the final physical fitness assessment in the academy. The events are not equipment-dependent, and candidates can self-assess and recruiters can pre-test candidates early to assess their viability. The test events are:

- Maximum number of push-ups within sixty-seconds;
- Maximum number of sit-ups within sixty-seconds;
- Maximum height vertical jump; and
- 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/anaerobic 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 pre-enrollment physical fitness test must be taken within 180 days of entering academy training.

Applicants and agency administrators should be aware MCOLES pre-enrollment tests are administered only at MCOLES approved test centers. A testing schedule is available on-line at the MCOLES website. Other forms of testing or testing at non-approved sites will not satisfy these mandatory requirements.

## EMPLOYMENT STANDARDS

Standards help ensure the minimum competencies of law enforcement officers. 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’s policing and anticipate the needs of tomorrow. Most standards also require follow-up maintenance to ensure validity and viability. The standards are continuously reviewed and modified to keep pace with changes in the law, research, and professional best practices. 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 sets standards for Michigan’s law enforcement officers. Law enforcement duties cannot be performed effectively by every person who decides to take up the profession. All standards are derived from and confirmed by a regularly updated job-task analysis of the basic patrol officer functions. 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 are listed below.

The MCOLES “Meet and Maintain Standard” 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 problems that are not correctable 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 meet and maintain compliance with all selection and employment standards in order to secure law enforcement employment.

For a complete list of the Employment Standards see related pages in the appendix.

# Basic Training Standards and Curriculum

The foundation of law enforcement training in Michigan is the basic training curriculum. MCOLES expends significant resources to build and maintain this curriculum, provide updates, and develop new subject matter based on research, best practices, and statutory mandates.

MCOLES uses a structured five-phase instructional design method for education and training curriculum. This process is purposefully designed to elicit behavioral change. Content and construct validity are important factors and the process helps ensure that behavioral outcomes are consistent with community expectations, and relative to job tasks.

MCOLES curriculum is in the form of an outline stating the behavioral objectives required of every law enforcement officer in Michigan. These outcomes are based on a thorough job-task analysis and foundational research. The curriculum outline is the structure upon which police academies and instructors throughout the state develop lesson plans. The academy specific lesson plans are reviewed and approved by regional college and university police academy advisory boards. Advisory boards commonly consist of cross-disciplinary practitioners and community members that provide guidance for educational aspects of the training program and give academy training directors insight on current issues and needs within the local community.

## Analysis

The instructional design process is a structured five phase cycle of analysis, design, develop, implement and evaluate (ADDIE). Each phase provides outcomes to be used in subsequent steps. For example, the analysis phase identifies the target audience, establishes the behavioral outcome, and lists any restraints or impediments to training delivery.

The design phase is a logical, specific process of creating training based on analysis outcomes. Learning objectives, assessment measures and content are designed to leverage various learning strategies (cognitive, affective, etc.). The design phase incorporates several of these learning strategies, and delivery methods, to ensure a successful transfer of knowledge from the instructor to the student. In addition, subject matter expert groups are utilized to provide essential job knowledge, validate the content, and add relevancy to the project.

## Design

## Develop

During the development phase the training course is sequenced and assembled. Course material is refined, and learning methods are strategically added for intentional redundancy. This redundancy provides individual students with the opportunity to learn by several means. The development phase also includes review and revisions based on documented feedback.

## Implementation

During the implementation phase instructor/facilitator training procedures are established covering learning outcomes, training delivery methods, and testing requirements. Pilot programs are conducted to gather feedback and revisions are made before continuing to final product delivery.

## Evaluation

As formative evaluation takes place throughout the ADDIE process, this phase addresses summative evaluation. Summative evaluation seeks to measure training effectiveness first, by capturing student reaction to the training environment, course materials, and instructor preparation. Second, by measuring participant learning to the extent of improved knowledge and skills. Next, by evaluating the level of individual behavioral change. Lastly, measuring the amount of organizational change that has taken place as a result of the training.

Once completed, projects never end, they need constant review and ongoing maintenance by MCOLES. Changes and updates are caused by case law decisions, ever-evolving best practices, newly published research findings, and new information gathered from incidents involving law enforcement. Projects must reflect these realities and modifications are often necessary.

Due to the structured and technical manner in which training curriculum must be developed for it to be valid and defensible, it is counterproductive to legislate specific instructional components.

The MCOLES statute was specifically enacted in 1965 with consistent amendments since its initial passage, to provide MCOLES with the necessary authority to mandate selection and training standards and enforce compliance with these mandates through the administrative rules promulgation process. MCOLES has consistently fulfilled these statutory mandates to develop and implement defensible standards and to promulgate rules governing the enforcement of these mandates.

# MANDATED BASIC LAW ENFORCEMENT TRAINING

The Commission's mandatory basic law enforcement training curriculum is delivered through approved training delivery sites governed by administrative rules and Commission policies. Qualified graduates who have successfully completed the basic academy training and passed the MCOLES licensing exam are eligible for law enforcement licensing by MCOLES only at the request of a law enforcement agency that has employed and screened an individual for compliance with all the selection and employment standards and subsequently has empowered the individual by administering an oath of office. All Commission approved basic training delivery sites deliver the same mandated curriculum to all recruits, whether they are employed recruits or eligible pre-service recruits who meet a college degree requirement upon completion of the mandatory basic training.

## Agency Basic Training Programs

To enhance recruitment, some bona fide law enforcement agencies screen and hire recruits prior to training and empower them upon successful completion of the training. Employed recruits are compensated by their employer for all the time they attend training. Upon successful completion of both the academy and the MCOLES licensing examination, the recruit is eligible to become a fully licensed officer with the employing agency. Employed recruits are eligible for initial licensure only through the original employing law enforcement agency. Recently, about 50% percent of Michigan's police officers enter the law enforcement profession through this avenue.

There are three training delivery sites in Michigan that train only their own employed recruits. They are the Michigan State Police (MSP) Academy, the Michigan Department of Natural Resources Law Enforcement Division (DNR) Academy, and the Detroit Metropolitan Police Academy (DMPA).



Michigan State Police

## Regional Basic Training Programs



Washtenaw Community College

In 1965, the legislature recognized the need to provide training to employed recruits and eligible preservice candidates for agencies that did not have the means to administer a training program. Therefore, training delivery sites were identified based on regional need across the state.

Law enforcement agencies may also employ applicants who have already completed basic training at their own expense. A candidate intending to become employed with such an agency in this way makes direct application to a Pre-Service Training Academy. 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.

To enter a Pre-Service Training Program, the candidate must have an associate or bachelor's degree or be eligible to receive the degree at the completion of training.

Upon successful completion of the Pre-Service Training Program and passing the MCOLES licensing examination, the candidate may apply for employment with any Michigan law enforcement agency. Pre-Service Training Program graduates are eligible to be screened for standards compliance, employment and licensure with a law enforcement agency as a fully empowered law enforcement officer for one year after graduation from a basic training academy.



Grand Valley State University

These approved regional basic training programs train both employed recruits and eligible pre-service candidates and typically run one or two sessions in a training year, unless hiring needs

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## Pre-Service College Track Basic Training Program

The pre-service college track 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 eligible for licensure 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 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.

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. Upon successful completion of the mandated training and passing the MCOLES licensing examination the candidate may apply for employment with any Michigan law enforcement agency.

Of the twenty MCOLES approved training academies statewide, five locations offer a pre-service college track program with three offering associate degrees (Kellogg Community College, Grand Rapids Community College and Northwestern Michigan College) and two offering bachelor's degrees (Ferris State University and Lake Superior State University). Program graduates who successfully pass the MCOLES licensing exam are eligible to be screened for standards compliance, employment and licensure with a law enforcement agency as a fully empowered law enforcement officer for one year following graduation.

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## Military Police Basic Training Program

Qualified veterans must have satisfactorily completed military police training at a federal service school, have performed as a military police officer for a minimum of 2080 hours in the military police occupational specialty, possess an honorable discharge, and have discontinued employment in the Military Occupational Specialty (MOS) no more than five years prior to the start of the program.

MCOLES believed an abbreviated basic academy could help military police veterans transition into civilian policing more quickly. A shortened curriculum of 280 hours, which takes into account previous policing experience and training, helps shorten the overall time from training to employment.

# RECOGNITION OF PRIOR TRAINING AND EXPERIENCE PROGRAM

The recognition of prior training and experience program (RPTE) 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 RPTE program to gain Michigan law enforcement licensure status, provided they have successfully completed a basic police training academy program and functioned for a minimum of 2,080 hours 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 RPTE program to gain an additional year of eligibility for licensure, providing they have met all of the MCOLES requirements for the first year of eligibility as prescribed by administrative rule.

Approved applicants for the RPTE program 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 who has not become employed in their first year is required to attend the full 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 monthly. All approved RPTE 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 the applicant meets all MCOLES minimum selection and employment standards, law enforcement licensure is awarded. Application to the RPTE program must be made through MCOLES.

# THE LAW ENFORCEMENT LICENSING EXAMINATION

Every candidate for Michigan law enforcement must pass the MCOLES licensing examination. The examination is designed to measure minimum competency to enter the profession as a law enforcement officer. 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 multiple-choice questions, each accompanied by three plausible alternatives. The test questions are blueprinted to the 594-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 maintained 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 unbiased.

Recruits who fail the initial administration of this examination are given a second chance to pass the test. Those who fail the second and final administration of the examination are required to repeat an entire basic law enforcement training academy in order to continue pursuit of a Michigan law enforcement career. At the successful completion of the repeated basic training academy session, the individual will have another chance to pass the MCOLES licensing exam.

Although all recruits must pass the MCOLES licensing exam to become licensed, this 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 events in order to measure their suitability for the profession.



Recruits from Lake Superior State University taking the MCOLES licensing exam.

# LICENSING: THE LAW ENFORCEMENT OFFICER LICENSE

**M**COLES standards provide leadership and direction in the selection, training, and licensing of Michigan's law enforcement officers under the authority of the MCOLES Act . In 2021, MCOLES licensed 991 new law enforcement officers.

The significance of a law enforcement officer license should not be underestimated. 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 essential to the performance of law enforcement duties. The issuance of a law enforcement license signifies the beginning of a career in the profession of law enforcement.

## How a License is Issued

**L**aw enforcement officer licensing occurs in a collaborative effort in which each party fulfills specific responsibilities, helping to ensure only qualified candidates enter the law enforcement profession.

Those steps are:

1. The candidate meets all standards, successfully completes the required training and passes the licensing exam;
2. The employer, a duly authorized law enforcement agency, screens the candidate to all required standards (including a thorough background investigation to determine character fitness), employees him or her and
3. Gives the candidate an oath of office which authorizes them to enforce the general criminal statutes of the State of Michigan.

The Commission's selection, training, and licensing standards are presented in the section of this report entitled, "Employment Standards."

Basic recruit training must be completed at an MCOLES approved training academy. There are 20 academies statewide, strategically situated in geographic locations to best serve Michigan's population base. MCOLES mandates a curriculum that consists of 594 hours, although every academy provides training that exceeds this requirement.

There are three program options available to law enforcement training candidates. Each is designed to meet different circumstances that may lead the successful candidate to law enforcement employment and licensure. See the article titled "Mandated Basic Law Enforcement Training."

The MCOLES Act also provides for the licensing of individuals who are appointed or elected to the office of sheriff who were not previously licensed, Michigan tribal officers, fire arson investigators and private college security officers. Each of these groups are subject to special licensing provisions. MCOLES also administers the commissioning of individual railroad law enforcement officers under the Railroad

# LICENSING OF RAILROAD POLICE OFFICERS

Commissioning and other requirements of railroad police officers in Michigan can be found in the Railroad Code of 1993 (P.A. 354 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 MCOLES standards, the law requires that the state police (responsibility assigned to MCOLES) must determine the individual is suitable and qualified in order to issue a commission.

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.

## Railroad Police Agencies That Operate in Michigan:

- Adrian-Blissfield Railroad Police
- Amtrack Railroad Police
- Canadian Pacific Railway Police Department
- CN Railway Police
- CSX Transportation Railroad Police
- Norfolk Southern Railroad Police



# LICENSING OF PRIVATE SECURITY POLICE OFFICERS

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. Public Act 330 requires private security licensees to be at least 25 years of age. In addition, private security officers cannot be convicted of a felony or certain misdemeanors within five years.

Under Public Act 330, private security police (PSP) officers must obtain 100 to 120 hours of initial training, with the higher number of training hours required for PSP officers who intend to carry a firearm. All PSP officers are also required to attend twenty hours of in-service training annually. Among the topics for which private security police officers must receive training are relevant legal issues and the law, firearms (if applicable), subject control, critical incident topics (e.g., First Aid/CPR, non-violent crisis intervention, emergency preparedness) and topics related to patrol operations (e.g., report writing, investigations, radio communications).

Private security police are not MCOLES licensed law enforcement officers.

## PA 330 Private Security Agencies

- Ascension – St. John Hospital
- Beaumont Health
- Detroit Medical Center
- Detroit Public Schools
- General Motors Company
- Henry Ford Health System
- Lansing School District
- Memorial Healthcare
- Renaissance Center
- Saint Joseph Mercy Health System
- Spectrum Health
- University of Michigan
- Wayne County Community College District
- University of Detroit Mercy



# PERSONNEL TRACKING

On July 3, 1998, Governor Engler signed into law Public Act 237 which amended Public Act 203 of 1965. 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 persons who practice law enforcement in Michigan meet the minimum selection, training, licensing, and employment standards prescribed by MCOLES.

An essential underpinning of law enforcement licensure in Michigan, as well as in most other states, is valid law enforcement employment. MCOLES and its predecessor, the Michigan Law Enforcement Officers Training Council, lacked an effective mechanism to track law enforcement officer employment prior to 1998. The reporting requirement of Public Act 237 provided the remedy.



Muskegon County Sheriff's Deputies

In 1999, MCOLES initiated personnel tracking by conducting a baseline registration to identify all of the currently practicing law enforcement officers in Michigan. Today, personnel tracking information is updated continuously through law enforcement agency reporting of new hires and separations from employment and through the MCOLES annual registration for the law enforcement distribution. There were 4,168 personnel transactions in 2021.

The annual profile of Michigan law enforcement continues to demonstrate a fluctuating population of officers, as well as slight fluctuations in the number of 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 2021, 583 law enforcement agencies operated in Michigan, employing 18,400 licensed officers. The largest law enforcement employer, the Detroit Police Department, employed 2,399 licensed officers, the Michigan State Police employed 1,877 licensed officers, while 245 agencies employed ten or fewer licensed officers.

The information provided in the MCOLES personnel registration process serves law enforcement well. It provides law enforcement employers with verified histories of law enforcement employment in Michigan. Second, this process streamlines the registration system for the law enforcement distribution. Finally, it enables various assessments of Michigan's law enforcement population to determine demographic trends and to predict future training needs.



Norton Shores Police Officer

# REVOCAION OF THE LAW ENFORCEMENT LICENSE

Criminal or 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.

As a result of Public Act 237 of 1998, MCOLES is responsible for revocation of the law enforcement license 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. 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 for a criminal offense, use of fraudulent means to obtain law enforcement licensure, allegations of poor moral character, 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.

During 2021, nine law enforcement officer licenses were revoked due to felony convictions or relinquished as part of a plea agreement.”

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. Typically, the process comes as a part of the plea agreement negotiated between defense counsel and the prosecuting attorney in allowing the officer to plead to a lesser offense having been originally charged with a felony.

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 without relinquishment, and certain misdemeanors, wherein offensive behavior is evident that is beyond any sensible boundaries for a law enforcement officer.

# SERVICES DELIVERED THROUGH PARTNERSHIPS

**M**COLES standards reach the field through the collaborative efforts of the Commission and its partners.

Partners include Michigan's law enforcement leadership, training providers, professional organizations representing law enforcement and other components of the criminal justice system, and advocates and members of organizations representing community members. The participation of these groups is critical to the Commission's ability to achieve its goal of increasing professionalism and fostering public trust.

While working in partnerships is the Commission's strategy, the Commission's goals are developed with a focus on its clients, community members, law enforcement agencies, law enforcement officers, and the other criminal justice professionals who serve community members across the State of Michigan.

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, and to respond effectively when a crime has been committed.

It is the Commission's mandate to provide law enforcement officers, and other criminal justice professionals, with the tools that enable them to carry out these difficult and sometimes dangerous tasks successfully and while keeping them safe to continue serving their communities. Ultimately, the Commission cannot succeed unless it works in partnership with all its components and the community.

# PUBLIC SAFETY OFFICER BENEFIT ACT: DEATH AND DISABILITY BENEFITS THROUGH PARTNERSHIPS

The Public Safety Officers Benefit Act (PSOB), Public Act 46 of 2004, 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 the 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.

A 2016 amendment to the PSOB Act provides a medical benefit plan to a decedent's surviving spouse and dependent children, for as long as 60 months, unless the spouse or children are qualified for and covered by a different source.

## Benefits Distributed in 2021

A total of \$275,000 was distributed from fiscal year 2021; funds to survivors for the deaths of 8 law enforcement officers and 3 firefighters.



# STOP VIOLENCE AGAINST WOMEN

The federal Office on Violence Against Women administers grant programs nationwide as authorized by the Violence Against Women Act of 1994 (VAWA). These grant programs are designed to improve the nation's ability to reduce domestic violence, dating violence, sexual assault, and stalking by strengthening services to victims and holding offenders accountable for their actions. Under authorization from VAWA, the STOP Violence Against Women Act (STOP) promotes a multidisciplinary community response to crimes against women. STOP is a formula grant program that provides funding to each state. MCOLES receives annual funding to administer training in the law enforcement response to domestic violence and sexual assault, in partnership with the Michigan Domestic and Sexual Violence Prevention and Treatment Board (MDSVPTB). STOP grant funds also provide technical assistance to Michigan law enforcement agencies for the development of domestic violence and sexual assault policies, procedures, and protocols.

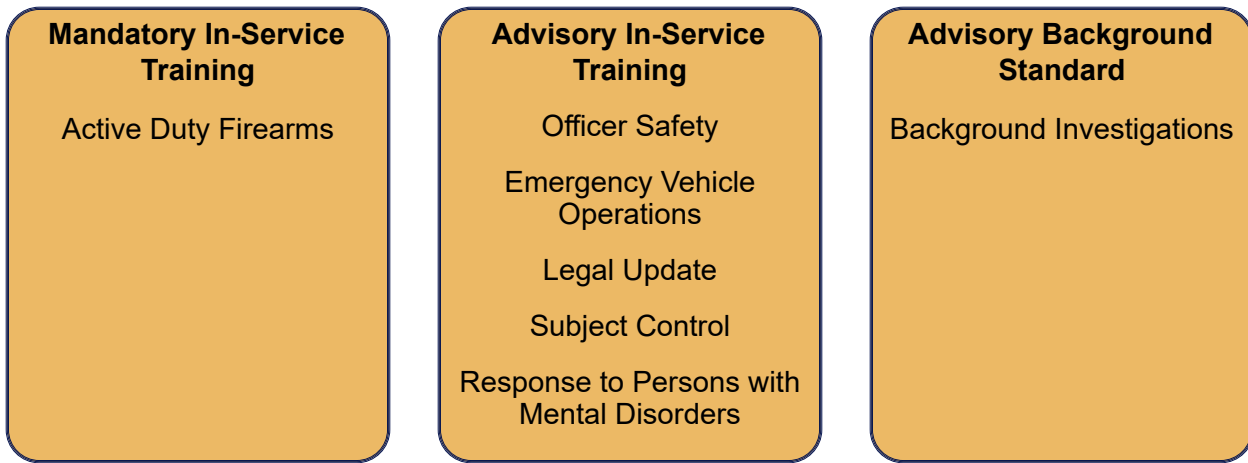
Working in conjunction with the MDSVPTB, MCOLES has established training specifications in the law enforcement response to domestic violence and sexual assault for both recruit trainees and active duty law enforcement officers. The domestic violence curriculum contains training objectives in the nature and prevalence of domestic violence, laws regarding domestic violence, stalking, and the response by law enforcement officers. The emphasis is on understanding assaultive behaviors, the nature of victimization, safe response procedures, and professional best practices. The sexual assault curriculum contains objectives on Michigan's Criminal Sexual Conduct Act, investigating sexual assault complaints, and understanding the nature and dynamics of trauma and sexual victimization. The overall goal of both training programs is to emphasize a victim-centered, offender-focused response by law enforcement to domestic violence and sexual victimization.

To maintain credibility and perspective, each training session is delivered by a team of instructors consisting of law enforcement officers, victim advocates and prosecutors. Formal and informal feedback from instructors and participants are documented after each session to ensure the content reflects the realities of contemporary policing. The basic academy training is tailored for recruits who have no real life experiences responding to such calls. The instruction for active duty officers recognizes that an experienced officer's understanding of domestic violence and sexual assault is shaped by street experience, in-service training programs, and continuing education. MCOLES also offers a model domestic violence policy for agency administrators so organizational policies and procedures can reflect best practices across the state. The model domestic violence policy can be downloaded at [www.michigan.gov/mcoles](http://www.michigan.gov/mcoles).

MCOLES continues its relationship with the MDSVPTB to combat domestic violence and sexual assault statewide. Meeting the needs of victims would be negatively impacted without continuing STOP grant funding. The MCOLES staff continues to provide the necessary administrative and budgetary oversight as the statewide training in both domestic violence and sexual assault continued to be conducted.

# IN-SERVICE TRAINING AND BACKGROUND STANDARDS

MCOLES developed six advisory in-service training and employment standards, and one mandatory standard. The topics include:



MCOLES uses a combination of academic research, field surveys, direction from content specialists, information from risk management organizations, and professional best practices from across the country to ensure the standards and guides remain contemporary and valid.

The in-service training standards are intended to enhance the training an officer receives in basic training and reinforce skills such as driving and subject control. In the case of the mandated Active Duty Firearms Standard, each law enforcement agency is responsible for reporting compliance with this standard.

The MCOLES Information and Tracking Network (MITN) is used to register and track in-service training. Course information is registered in advance by agency MITN operators and reviewed by MCOLES staff for compliance with the training specifications. Upon completion of each course, attending officers are entered into the system. The system maintains an officer's training file and provides an accurate and permanent record of completed training.

MCOLES also developed administrator or instructor guides for each respective standard. The goal is to make meaningful and logistically achievable specifications available to all law enforcement agencies across the state. The guides reside on the MCOLES website and can be accessed by agencies. Regional training consortia often use the instructor guides as part of their course offerings.

The in-service training and employment standards were created to assist law enforcement officers in serving the people of Michigan. These standards seek to reinforce officer safety, sound tactics, and assist agency with compliance to state laws. By partnering with professionals and practitioners from diverse backgrounds, the task of creating these in-service training and employment standards has been achieved in a manner applicable to all Michigan law enforcement agencies.

# MCOLES INFORMATION & TRACKING NETWORK (MITN)



The MCOLES Information and Tracking Network (MITN) is an Internet-based application used by law enforcement entities to conduct business and personnel transactions with MCOLES in order to comply with the statutes and administrative rules of the Commission.

MITN was created in response to Executive Order 2001-5, which ordered that:

“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:

...

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...”

Michigan law enforcement organizations include Michigan law enforcement agencies, basic law enforcement training academies, and law enforcement in-service training providers. Each of these groups utilize MITN for different business and personnel transactions.

## Michigan Law Enforcement Agencies

The backbone of MITN is for reporting, tracking, and maintaining officers’ personnel transactions. An officer’s career is documented in MITN from the day they apply to a law enforcement agency or training academy, through basic training, standards screening and license activation, employment transactions (hiring and separations from agencies), and continuing in-service training.

In addition, law enforcement agencies also use MITN for the MCOLES Annual Registration and Law Enforcement Distribution (LED) expenditure reporting. These functions determine an agency’s eligibility for the following year’s distributions as well as the full-time equivalents for the distributions.

## Michigan Basic Law Enforcement Training Academies

Michigan Basic Law Enforcement Training Academies are responsible for reporting academy session details, maintaining instructors and their qualifications, screening recruit candidates, enrollment of recruits and tracking recruit course and exam scores.

## Law Enforcement In-Service Training Providers

Law Enforcement In-Service Training providers play an important role in making sure law enforcement officers' training records are accurate. In-service training providers are responsible for registering the training courses they offer in MITN. Once a training course has concluded the in-service training provider is also responsible for submitting a training roster which includes all law enforcement officers that attended the training. The roster automatically adds the training to the officers' records and also adds the training to their sponsoring law enforcement agencies' LED Expenditure reporting page.

## WEBSITE & FACEBOOK PAGES

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 website first went online in 1998.

Today, the MCOLES website offers convenient access to MCOLES organizational information, current events, newsletters, annual report and law enforcement job vacancies. It also provides Commission information, such as meeting dates, meeting minutes, Commission resolutions, and relevant statutes and rules.

The website also contains a directory of Michigan law enforcement agencies, approved basic training academies, academy pre-enrollment test dates, a calendar for MITN training sessions, links to websites of interest, and answers to frequently asked questions. The website also serves as the portal to MITN. 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 social media page on Facebook continues to grow in popularity with job postings leading users back to the MCOLES website. The address is: [www.facebook.com/Michigan.mcoles](http://www.facebook.com/Michigan.mcoles).





**MCOLES**  
Michigan Commission on Law Enforcement Standards

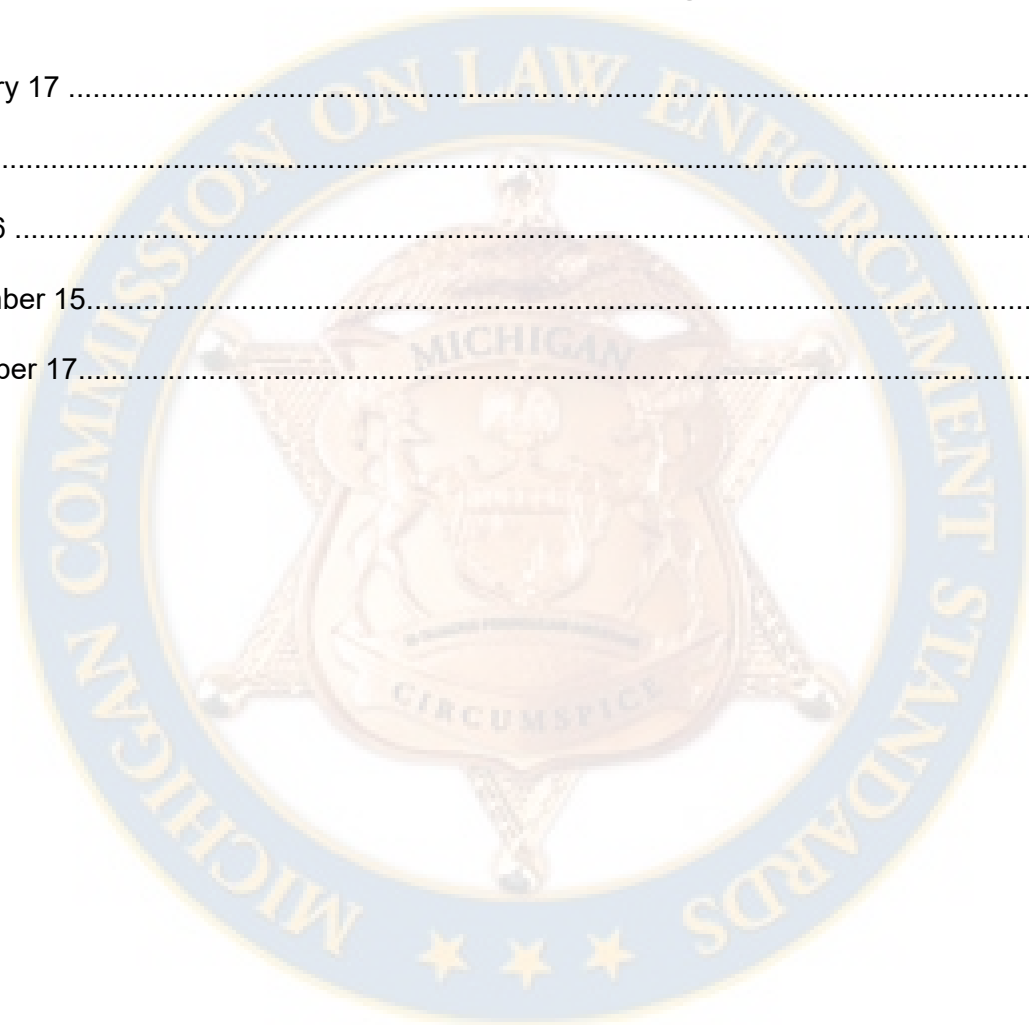
## FOR THE RECORD FACTS AND FIGURES

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

# COMMISSION MEETING SCHEDULE

## 2021 Commission Meeting Dates

February 17 .....	Lansing
April 14.....	Lansing
June 16 .....	Lansing
September 15.....	Lansing
November 17.....	Lansing



# MCOLES BUDGET FOR FY 2021

The MCOLES FY 2021 appropriations were incorporated into the Michigan State Police budget, section 104. The total appropriated amount was \$17,963,900. Actual revenue totaled \$11,763,148.08.

The appropriations included funding for 18 full-time classified staff, one unclassified Executive Director, and one limited-term employee for Active Violence Response training. The staffing level represents a decrease from a high of 28 in 2001, despite additional mandated programs taking effect during the intervening period.

Appropriation	Fund	Appropriation Amount	Actual Revenue
<b>65380 Standards and Training/Justice Training Grants</b>			
1000 General Fund / General Purpose		\$316,500.00	\$316,500.00
1323 Licensing Fees – Railroad and Private Security Police		\$5,000.00	\$1,300.00
1341 Michigan Justice Training Fund		\$6,393,300.00	\$3,661,863.85
1492 Law Enforcement Officers Safety Fund		\$5,000.00	\$5,499.58
1551 Medical Marijuana Regulatory Fund		\$2,500,000.00	\$1,563,884.93
1553 Law Enforcement Officer Training Fund		\$25,000.00	\$7,378.17
3575 DOJ/DHHS STOP Domestic Violence Grant		\$250,000.00	\$187,919.99
<b>Appropriation Total</b>		<b>\$10,879,700.00</b>	<b>\$4,853,051.05</b>
<b>50600 Public Safety Officer Benefit Program</b>			
1000 General Fund / Public Safety Officer Benefit		\$302,100.00	\$401,900.00
<b>67590 Secondary Road Patrol and Training</b>			
1416 Training Only to Locals		\$654,500.00	\$380,597.03
<b>30130 Active Violence Response Training</b>			
1000 General Fund / Active Violence Response Training		\$1,927,600.00	\$1,927,600.00
<b>66840 Jail and Pretrial Incarceration</b>			
1000 General Fund / Behavioral Health Response Training		\$4,200,000.00	\$4,200,000.00
<b>Total MCOLES Funding</b>		<b>\$17,963,900.00</b>	<b>\$11,763,148.08</b>

# JUSTICE TRAINING FUND: 2021 REVENUE HISTORY

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.

Fiscal Year	Revenue	% Change		Fiscal Year	Revenue	% Change
1983	\$3,320,107			2003	\$6,978,766	-1%
1984	\$4,583,028	38%		2004	\$7,155,089	3%
1985	\$4,447,236	-3%		2005	\$7,135,732	0%
1986	\$5,173,916	16%		2006	\$7,179,196	1%
1987	\$6,014,139	16%		2007	\$6,971,203	-3%
1988	\$5,994,251	0%		2008	\$6,776,851	-3%
1989	\$6,121,940	2%		2009	\$6,265,196	-8%
1990	\$6,210,120	1%		2010	\$5,969,647	-5%
1991	\$6,147,998	-1%		2011	\$5,621,314	-6%
1992	\$5,837,944	-5%		2012	\$5,283,543	-6%
1993	\$5,730,379	-2%		2013	\$5,283,754	0%
1994	\$5,891,760	3%		2014	\$5,295,353	0%
1995	\$5,979,791	1%		2015	\$5,430,629	3%
1996	\$6,221,561	4%		2016	\$5,308,689	-2%
1997	\$6,485,185	4%		2017	\$5,047,126	-5%
1998	\$6,917,459	7%		2018	\$4,816,406	-5%
1999	\$6,995,558	1%		2019	\$4,773,195	-1%
2000	\$7,276,743	4%		2020	\$3,661,863	-23%
2001	\$6,943,969	-5%		2021	\$3,490,931	-4.7%
2002	\$7,067,696	2%				

# JUSTICE TRAINING FUND: 2021 LAW ENFORCEMENT DISTRIBUTION

<b>Agency Type</b>	<b>Agencies</b>	<b>Total</b>	<b>Percent</b>
Airport	3	\$15,869.92	0.8%
Board of Education	1	\$5,498.24	0.3%
City	221	\$1,031,965.44	49.2%
College	10	\$16,869.60	0.8%
County	75	\$464,351.52	22.1%
Parks	1	\$2,249.28	0.1%
Police Authority	3	\$4,748.48	0.2%
State	2	\$267,289.44	12.7%
Township	80	\$188,636.48	9.0%
University	14	\$51,358.56	2.4%
Village	68	\$48,240.32	2.3%
<b>Total</b>	<b>478</b>	<b>\$2,097,077.28</b>	<b>100.0%</b>

# JUSTICE TRAINING FUND: 2021 LAW ENFORCEMENT DISTRIBUTION (CONTINUED)

	Spring Releases	Fall Releases	Total Distribution
<b>Available LED Revenue</b>	\$934,345.88	\$1,162,830.01	\$2,097,175.89
<b>Per FTE Payments</b>			
<b>Per FTE Value</b>	\$55.54	\$69.42	
<b>Number of Agencies</b>	383	414	
<b>Number of FTEs</b>	16,395	16,519	
<b>Per FTE Distribution</b>	\$910,578.30	\$1,146,748.98	\$2,057,327.28
<b>Minimum Payments</b>			
<b>Number of Agencies</b>	95	64	
<b>Number of FTEs</b>	244	120	
<b>Minimum Distribution</b>	\$23,750.00	\$16,000.00	\$39,750.00
<b>Totals</b>			
<b>Total Disbursed</b>	\$934,328.30	\$1,162,748.98	\$2,097,077.28
<b>Total Number of Agencies</b>	478	478	
<b>Total Number of FTEs</b>	16,639	16,639	

# READING & WRITING EXAMINATIONS FY 2021

Fiscal Year	Number of Exams Taken		Fiscal Year	Number of Exams Taken
1994	4,261		2008	3,741
1995	3,385		2009	2,467
1996	4,358		2010	1,976
1997	5,662		2011	1,718
1998	3,635		2012	1,186
1999	4,245		2013	1,742
2000	4,198		2014	1,935
2001	3,754		2015	1,905
2002	3,167		2016	2,165
2003	3,058		2017	2,829
2004	3,724		2018	2,174
2005	3,928		2019	4,095
2006	1,743		2020	1,866
2007	2,200		2021	1,787

# NEW LICENSES ISSUED BY YEAR FY 2021

Fiscal Year	Number of Licenses Issued		Fiscal Year	Number of Licenses Issued
2000	1,637		2011	370
2001	1,290		2012	580
2002	974		2013	636
2003	686		2014	836
2004	700		2015	824
2005	655		2016	888
2006	543		2017	1,119
2007	656		2018	1,017
2008	627		2019	1,028
2009	478		2020	892
2010	352		2021	996

# LICENSING STANDARDS FOR MICHIGAN LAW ENFORCEMENT OFFICERS

Category	Standard	Comments
Age	Not less than 18 years.	No maximum age.
Citizenship	United States Citizenship.	Birth Certificate; Certificate of Naturalization; Valid United States Passport.
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.
"Prohibited Criminal Adjudications of Guilt  Enrollment denials begin with the January 2017 academy sessions."	"An applicant with an ""adjudication of guilt"" for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year (includes all felonies) is ineligible to be licensed. An applicant with an ""adjudication of guilt"" for a violation or attempted violation of certain misdemeanors (listed in the accompanying comments) is also ineligible to be licensed.  An ""adjudication of guilt"" includes a judgment or verdict of guilty, or guilty but mentally ill, following a trial or a plea of guilty or nolo contendere (no contest), even if the conviction was subsequently expunged, set aside or dismissed by virtue of a delayed sentence or diversion program. This includes delayed sentences under MCL 771.1; adjudication in conjunction with assignment to the status of youthful trainee under the Holmes Youthful Trainee Act MCL 762.14; dismissals after probation for first-time drug offenses under MCL 333.7411; and dismissals after probation for first-time domestic violence offenders under MCL 769.4a. "	"Disqualifying offenses include adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year (includes all felonies).  Disqualifying offenses also include adjudications of guilt for violations or attempted violations of any of the following misdemeanors under Michigan law or substantially corresponding laws of another jurisdiction:  Operating While Intoxicated, 2nd offense (MCL 257.625(1), (8), (9)(b), (25));  Possession of Controlled Substances (MCL 333.7403(2)(c) (does not include marijuana);  Use of Controlled Substances (MCL 333.7404(2)(a), (b), (c));  Domestic Violence, 2nd Offense (MCL 750.81(4));  Aggravated Assault (MCL 750.81a(1));  Aggravated Domestic Violence (MCL 750.81a(1)); and  Stalking (MCL 750.411h)"
Character Fitness	Character fitness, as determined by a background investigation supported by a written authorization and release executed by the individual.	Includes arrest and expunged convictions, all previous law violations, personal protection orders, traffic and civil infractions and ordinance and code violations.
Driver's License	Possess a valid operators or chauffeur's license. (all 50 states, DC, territories of the US, and Canada).	May not be in a state of suspension or revocation.
Physical Ability	Be free from any physical defects or chronic diseases which may impair the performance of a law enforcement officer or which may 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.

Category	Standard	Comments
Hearing	Initial unaided testing involving 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 Hertz; 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.*
"Psychological Fitness"	Be free from mental or emotional instabilities which may impair the performance of essential job functions of a law enforcement officer or which may 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 licensed psychologist or psychiatrist.**
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.	Acuity may be corrected with glasses or contacts.
Vision, Normal Functions	Possess normal visual functions in each eye.	Includes peripheral vision, depth perception, stereopsis, etc.
"Reading and Writing (Academy enrollment)"	Pass the MCOLES reading and writing examination or an MCOLES approved agency equivalent examination.	Does not apply to Recognition Prior Training & Experience Program applicants.
"Physical Fitness (Academy enrollment)"	Pass the MCOLES physical fitness pre-enrollment examination. This does not apply to Recognition of Prior Training & Experience Program applicants.	Pre-enrollment testing is required for admittance to an approved basic training program.
Training Requirements	Successfully complete the MCOLES mandatory basic training curriculum.	This may be done by successfully completing an approved college preservice 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 mandatory basic training.	For Recognition of Prior Training and Experience Program (RPTE) candidates, successfully complete the RPTE Program and pass the licensing examination.
Fingerprinting	Employing agencies must fingerprint the applicant with a search of state and Federal fingerprint files to disclose criminal record, personal protection orders, mental health orders, firearms possession prohibitors, expungements and dismissals based on a diversion program. Academies require fingerprinting using the CHRIS system.	
Oral Interview	Conduct an oral interview to determine the applicant's suitability for a law enforcement officer position.	.
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 594 HOURS

Functional Area/Subject Area/Module Title	Functional Area Hours/Subject Area Hours/Module Hours	
<b>Administrative Time</b>		<b>31</b>
<i>Administrative Time</i>		<i>31</i>
MCOLES Testing and Administration	N/A	8
Director Testing	N/A	10
Scenarios <sup>1</sup>	N/A	13
<b>I. Investigation</b>		<b>115</b>
<i>A. Introduction to Investigation</i>		<i>2</i>
1. Constitutional Law <sup>2</sup>	I-A-1	2
<i>B. Substantive Criminal Law</i>		<i>24</i>
1. Laws Regarding Crimes Against Persons <sup>2</sup>	I-B-1	6
2. Laws Regarding Crimes Against Property <sup>2</sup>	I-B-2	6
3. Laws Regarding Contraband and Regulatory Crimes <sup>2</sup>	I-B-3	4
4. Laws Regarding Public Order Crimes <sup>2</sup>	I-B-4	2
5. Laws of Evidence <sup>2</sup>	I-B-5	4
6. Juvenile Law <sup>2</sup>	I-B-6	2
<i>C. Criminal Procedure</i>		<i>31</i>
1. Laws of Admissions and Confessions <sup>2</sup>	I-C-1	4
2. Interrogation Procedures	I-C-2	3
3. Laws of Arrest <sup>2</sup>	I-C-3	4
4. Arrest Procedures	I-C-4	2
5. Laws on Search Warrants <sup>2</sup>	I-C-5	2
6. Search Warrant Procedures	I-C-6	2
7. Laws on Warrantless Searches <sup>2</sup>	I-C-7	6
8. Warrantless Search Procedures	I-C-8	6
9. Laws on Suspect Identification <sup>2</sup>	I-C-9	2

# MANDATED BASIC TRAINING CURRICULUM (CONTINUED)

Functional Area/Subject Area/Module Title	Functional Area Hours/Subject Area Hours/Module Hours	
<i>D. Investigation</i>		12
1. On-scene Preliminary Investigation	I-D-1	3
2. Preliminary Witness Interviewing	I-D-2	4
3. Preliminary Investigation of Deaths	I-D-3	2
4. Suspect Identification Procedures	I-D-4	3
<i>E. Court Functions and Civil Law</i>		4
1. Court Functions and Civil Law <sup>2</sup>	I-E-1	4
<i>F. Crime Scene Process</i>		20
1. Crime Scene Search	I-F-1	6
2. Recording the Crime Scene	I-F-2	4
3. Collection and Preservation of Evidence	I-F-3	8
4. Processing Property	I-F-4	2
<i>G. Special Investigations</i>		8
1. Child Abuse and Neglect Investigation	I-G-1	3
2. Sexual Assault Investigation	I-G-2	3
3. Narcotics and Dangerous Drugs	I-G-3	2
<i>H. Investigation of Domestic Violence</i>		14
1. Nature and Prevalence of Domestic Violence	I-H-1	3
2. Laws Regarding Domestic Violence <sup>2</sup>	I-H-2	3
3. Domestic Violence Response Procedures	I-H-3	8
<b>II. Patrol Procedures</b>	<b>65</b>	
<i>A Patrol Operations</i>		10
1. Preparation for Patrol	II-A-1	1
2. Radio/Telephone Communications	II-A-2	8
3. Patrol Operation Administrative Duties	II-A-3	1

# MANDATED BASIC TRAINING CURRICULUM

(CONTINUED)

Functional Area/Subject Area/Module Title	Functional Area Hours/Subject Area Hours/Module Hours	
<i>B. Ethics In Policing and Interpersonal Relations</i>		
		25
1. Ethics in Policing	II-B-1	4
2. Laws Pertaining to Civil Rights and Human Relations	II-B-2	2
3. Cultural Competence and Sexual Harassment	II-B-3	8
4. Interpersonal Skills	II-B-4	8
5. Civil Dispute	II-B-5	1
6. Victim Rights	II-B-6	2
<i>C. Patrol Techniques</i>		
		12
1. Types of Patrol	II-C-1	1
2. Patrol Area Checks	II-C-2	4
3. Responding to Crimes in Progress	II-C-3	4
4. The Response to Persons with Mental Disorders	II-C-4	3
<i>D. Report Writing</i>		
		12
1. Obtaining Information and Preparing Reports	II-D-1	12
<i>E. Juveniles</i>		
		6
1. Dealing With Juvenile Offenders	II-E-1	4
2. Dealing With the Families of Juveniles	II-E-2	2
<b>III. Detention and Prosecution</b>		
		<b>15</b>
<i>A. Receiving and Booking Process</i>		
		6
1. Searching and Fingerprinting Prisoners	III-A-1	4
2. Prisoner Care and Treatment	III-A-2	2
<i>B. Case Prosecution</i>		
		8
1. Warrant Preparation	III-B-1	1
2. Warrant Request and Arraignment	III-B-2	2
3. Preparation For Legal Proceedings	III-B-3	1
4. Testimony and Case Critique	III-B-4	4

# MANDATED BASIC TRAINING CURRICULUM (CONTINUED)

Functional Area/Subject Area/Module Title	Functional Area Hours/Subject Area Hours/Module Hours	
<i>C. Civil Process</i>		1
1. Civil Process	III-C-1	1
<b>IV. Police Skills</b>		<b>265</b>
<i>A. First Aid</i>		24
1. Introduction to First Aid	IV-A-1	1
2. Airway Management	IV-A-2	1
3. Bleeding and Tissue Injury	IV-A-3	3
4. Tactical Emergency Casualty Care for Law Enforcement	IV-A-4	4
5. Care for Medical Emergencies	IV-A-5	5
6. Care for Environmental Emergencies	IV-A-6	2
7. Practical First Aid Exercises	IV-A-7	8
<i>B. Firearms</i>		86
1. Laws and Knowledge Related to Firearms Use	IV-B-1	16
2. Firearm Skills	IV-B-2	50
3. Firearms Range Assessment	IV-B-3	8
4. Patrol Rifle	IV-B-4	12
<i>C. Police Physical Skills</i>		79
1. Mechanics of Arrest and Search	IV-C-1	8
2. Police Tactical Techniques	IV-C-2	5
3. Application of Subject Control	IV-C-3	4
4. Subject Control	IV-C-4	62
<i>D. Emergency Vehicle Operation</i>		32
1. Emergency Vehicle Operation: Legalities, Policies and Procedures	IV-D-1	8
2. Emergency Vehicle Operation Techniques	IV-D-2	24

# MANDATED BASIC TRAINING CURRICULUM

(CONTINUED)

Functional Area/Subject Area/Module Title	Functional Area Hours/Subject Area Hours/Module Hours	
<i>E. Fitness and Wellness</i>		44
1. Physical Fitness	IV-E-1	36
2. Health and Wellness	IV-E-2	8
<b>V. Traffic</b>	<b>70</b>	
<i>A. Motor Vehicle Law</i>	10	
1. Michigan Vehicle Code: Content and Uses	V-A-1	1
2. MVC: Words and Phrases	V-A-2	1
3. MVC Offenses: Classification, Application and Jurisdiction	V-A-3	4
4. Application of Vehicle Laws and Regulations	V-A-4	4
<i>B. Vehicle Stops</i>		13
1. Vehicle and Driver Licensing	V-B-1	2
2. Observation and Monitoring of Traffic	V-B-2	1
3. Auto Theft	V-B-3	2
4. Stopping Vehicles and Occupant Control	V-B-4	8
<i>C. Traffic Control and Enforcement</i>		4
1. Traffic Direction and Control	V-C-1	2
2. Traffic Warnings, Citations and Arrests	V-C-2	2
<i>D. Operating While Intoxicated</i>		24
1. Standard Field Sobriety Testing	V-D-1	24
<i>E. Motor Vehicle Traffic Crash Investigation</i>		19
1. Introduction to Traffic Crash Investigation	V-E-1	2
2. Preliminary Investigation at Traffic Crashes	V-E-2	1
3. Uniform Traffic Crash Report (UD-10)	V-E-3	4
4. Locating and Identifying Traffic Crash Victims and Witnesses	V-E-4	1
5. Traffic Crash Evidence Collection: Field Sketching and Measuring	V-E-5	4
6. Traffic Crash Evidence Collection: Roadway Surface	V-E-6	4

# MANDATED BASIC TRAINING CURRICULUM (CONTINUED)

Functional Area/Subject Area/Module Title	Functional Area Hours/Subject Area Hours/Module Hours	
7. Traffic Crash Evidence Collection: The Vehicle	V-E-7	1.5
8. Traffic Crash Follow-Up and Completion	V-E-8	1.5
<b>VI. Special Operations</b>		<b>33</b>
<i>A. Emergency Preparedness/Disaster Control</i>		8
1. Emergency Preparedness	VI-A-1	6
2. Explosive Devices	VI-A-2	2
<i>B. Civil Disorders</i>		8
1. Civil Disorder Procedures	VI-B-1	4
2. Techniques for Control of Civil Disorders	VI-B-2	4
<i>C. Tactical Operations</i>		7
1. Tactical Operations	VI-C-1	7
<i>D. Environmental Crimes</i>		2
1. Environmental Crimes	VI-D-1	2
<i>E. Terrorism Awareness</i>		8
1. Terrorism Awareness	VI-E-1	3
2. Weapons of Mass Destruction	VI-E-2	2
3. Incident Command	VI-E-3	3
<p>1 The hours for scenario training can be used in any of the modules in the Basic Training Curriculum. Scenarios include a variety of interactive exercises, including role-play scenarios, class discussions, table-top exercises, case/incident debriefs, writing exercises, role reversals, and other adult learning methods.</p>		
<p>2 The module must be taught by an attorney admitted to the Michigan Bar.</p>		

# APPENDICES

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# APPENDIX A

## The Commission on Law Enforcement Standards Act Public Act No. 203 of the Public Acts of 1965, as Amended

AN ACT to provide for the creation of the commission on law enforcement standards; to prescribe its membership, powers, and duties; 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:

28.601 Short title.

Sec. 1.

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

28.602 Definitions.

Sec. 2.

As used in this act:

(a) "Adjudication of guilt" means any of the following:

(i) Entry of a judgment or verdict of guilty, or guilty but mentally ill, following a trial.

(ii) Entry of a plea of guilty or nolo contendere.

(iii) Entry of any of the adjudications specified in subparagraph (i) or (ii), in conjunction with an order entered under section 1 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1, or any other order delaying sentence.

(iv) Entry of any of the adjudications specified in subparagraph (i) or (ii), in conjunction with an assignment to the status of youthful trainee under the Holmes youthful trainee act, as provided in section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11

(v) Entry of any of the adjudications specified in subparagraph (i) or (ii), in conjunction with probation under section 7411 of the public health code, 1978 PA 368, MCL 333.7411

(vi) Entry of any of the adjudications specified in subparagraph (i) or (ii), in conjunction with probation under section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a

(b) "Commission" means the Michigan commission on law enforcement standards created in this act or, by express delegation of the Michigan commission on law enforcement standards, its executive director and staff.

(c) "Contested case" means that term as defined in section 3 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.203.

(d) "Executive director" means the executive director of the commission appointed under this act.

(e) "Law enforcement agency" means an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers.

(f) "Law enforcement officer" means:

(i) Except as provided in subparagraph (ii), an individual employed by a law enforcement agency as 1 or more of the following:

(A) An individual authorized by law, including common law, to prevent and detect crime and enforce the general criminal laws of this state. This subdivision does not include an individual employed solely because he or she occupies any other office or position.

(B) An individual employed as a Michigan tribal law enforcement officer by a federally recognized Indian tribe that has trust lands located within this state, subject to a written instrument authorizing the individual to enforce the laws of this state.

(C) The sergeant at arms or any assistant sergeant at arms of either house of the legislature who is commissioned as a police officer by that respective house of the legislature as provided by the legislative sergeant at arms police powers act, 2001 PA 185, MCL 4.381 to 4.382.

(D) A law enforcement officer of a law enforcement agency created by a public body under section 3 of the public body law enforcement agency act, 2004 PA 378, MCL 28.583.

(E) A county prosecuting attorney's investigator sworn and fully empowered by the sheriff of that county as provided under article VII of the state constitution of 1963 and section 70 of 1846 RS 14, MCL 51.70.

(F) A fire arson investigator from a fire department within a village, city, township, or county who is sworn and fully empowered by the chief of police of that village, city, township, or county.

(G) Officers and investigators appointed by state departments represented on the Michigan highway reciprocity board as provided under section 15 of 1960 PA 124, MCL 3.175.

(H) A superintendent, watchperson, or guard appointed or chosen as provided under sections 1 and 3 of 1905 PA 80, MCL 19.141 and 19.143.

(I) A commissioner or officer of the department of state police as described under section 6 of 1935 PA 59, MCL 28.6.

(J) A conservation officer appointed by the department of state police as provided under section 6a of 1935 PA 59, MCL 28.6a.

(K) A general law township constable elected or appointed to perform both statutory criminal and civil duties as provided under section 82 of 1846 RS 16, MCL 41.82.

(L) An officer appointed to a general law township police department as provided under section 6 of 1951 PA 33, MCL 41.806.

(M) A marshal, policeman, watchman, or officer appointed to a charter township police force as provided under section 12 of the charter township act, 1947 PA 359, MCL 42.12.

(N) A park ranger appointed by a county or regional parks and recreation commission as provided under section 14 of 1965 PA 261, MCL 46.364.

(O) A sheriff elected as provided under section 4 of article VII of the state constitution of 1963 or appointed as provided under section 11 of article V of the state constitution of 1963.

(P) An undersheriff or deputy sheriff appointed as provided under section 70 of 1846 RS 14, MCL 51.70.

(Q) A police officer appointed by a general law village as provided under section 13 of the general law village act, 1895 PA 3, MCL 70.13.

(R) A police officer of a home rule village with the authority described in sections 22 and 22b of the home rule village act, 1909 PA 278, MCL 78.22 and 78.22b.

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- (S) A marshal serving as chief of police of a fourth class city as provided under section 16 of chapter VII of the fourth class city act, 1895 PA 215, MCL 87.16.
- (T) A constable of a fourth class city as authorized under section 24 of chapter VII of the fourth class city act, 1895 PA 215, MCL 87.24.
- (U) A police chief, policeman, or night watchman appointed under section 1 of chapter XII of the fourth class city act, 1895 PA 215, MCL 92.1.
- (V) A police officer or constable as authorized under sections 3 and 32 to 34a of the home rule city act, 1909 PA 279, MCL 117.3 and 117.32 to 117.34a.
- (W) An airport law enforcement officer, guard, or police officer appointed by a public airport authority as provided under section 116 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.116.
- (X) A conservation officer appointed by the director of the department of natural resources as provided under section 1 of 1986 PA 109, MCL 300.21, and as authorized under sections 1501, 1601, and 1606(1) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1501, 324.1601, and 324.1606.
- (Y) A public safety officer granted law enforcement officer authority and employed by a department of public safety established under section 1606b of the revised school code, 1976 PA 451, MCL 380.1606b.
- (Z) A public safety officer authorized by a community college as provided under section 128 of the community college act of 1966, 1966 PA 331, MCL 389.128.
- (AA) A public safety officer of a public safety office established by the board of control of Saginaw Valley State University as provided under section 5a of 1965 PA 278, MCL 390.715a.
- (BB) A public safety officer of a higher education institution authorized under section 1 of 1990 PA 120, MCL 390.1511.
- (CC) An investigator appointed by the attorney general as provided under section 10 of the Medicaid false claim act, 1977 PA 72, MCL 400.610.
- (DD) An investigator appointed by the attorney general under section 35 of 1846 RS 12, MCL 14.35, as described in the opinion of the attorney general, OAG, 1977 No. 5236 (October 20, 1977).
- (EE) An investigator appointed by the attorney general as provided under section 8 of the health care false claim act, 1984 PA 323, MCL 752.1008.
- (FF) A railroad police officer appointed, commissioned, and acting as provided under section 367 of the railroad code of 1993, 1993 PA 354, MCL 462.367.
- (GG) An inspector appointed under section 13 of the motor carrier act, 1933 PA 254, MCL 479.13.
- (HH) A law enforcement officer licensed under this act whose duties are performed in conjunction with a joinder of 2 or more municipal corporations under 1951 PA 35, MCL 124.1 to 124.13.
- (II) A law enforcement officer licensed under this act whose duties are performed in conjunction with an interlocal agreement entered into under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.
- (JJ) A law enforcement officer licensed under this act whose duties are performed in conjunction with a transfer of functions or responsibilities under 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536. (KK) A law enforcement officer licensed under this act whose duties have been transferred to an authority and who is given a comparable position of employment with that authority as provided under 1988 PA 57, MCL 124.601 to 124.614.
- (LL) A private college security officer appointed under section 37 of the private security business and security alarm act, 1968 PA 330, MCL 338.1087, who is licensed under section 9d.
- (ii) "Law enforcement officer" does not include any of the following:
- (A) An individual authorized to issue citations as a volunteer as provided under section 675d of the Michigan vehicle code, 1949 PA 300, MCL 257.675d.
- (B) A security employee authorized by the director of the department of state police as provided under section 6c of 1935 PA 59, MCL 28.6c.
- (C) A motor carrier enforcement officer appointed under section 6d of 1935 PA 59, MCL 28.6d, as qualified under section 5 of 1956 PA 62, MCL 257.955, or as authorized under section 73 of 1990 PA 187, MCL 257.1873.
- (D) The director of the department of agriculture or his or her representative granted peace officer authority as provided in section 9h of the motor fuels quality act, 1984 PA 44, MCL 290.649h.
- (E) An agent employed and authorized under section 27 of the private security business and security alarm act, 1968 PA 330, MCL 338.1077.
- (F) An attendance officer granted the powers of a deputy sheriff as provided in section 1571 of the revised school code, 1976 PA 451, MCL 380.1571.
- (G) A park and recreation officer commissioned under section 1606(2) of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1606.
- (H) A volunteer conservation officer appointed by the department of natural resources under section 1607 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.1607.
- (I) A state forest officer commissioned under section 83107 of the natural resources and environmental protection act, 1994 PA 451, MCL 324.83107.
- (J) A special deputy appointed under section 70 of 1846 RS 14, MCL 51.70.
- (K) A limited enforcement officer appointed to conduct salvage vehicle inspections under section 217c of the Michigan vehicle code, 1949 PA 300, MCL 257.217c, who is not otherwise employed as a law enforcement officer.
- (L) A private security guard or private security police officer licensed under the private security business and security alarm act, 1968 PA 330, MCL 338.1051 to 338.1092, or a private college security officer authorized under section 37 of the private security business and security alarm act, 1968 PA 330, MCL 338.1087, who is not licensed under section 9d.
- (M) The attorney general.
- (N) The secretary of state.
- (O) A member of a sheriff's posse.
- (P) A reserve officer.
- (Q) An officer or investigator of the department of state designated under section 213 of the Michigan vehicle code, 1949 PA 300, MCL 257.213.

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(R) An authorized agent of the state transportation department or a county road commission performing duties described under section 724 of the Michigan vehicle code, 1949 PA 300, MCL 257.724.

(S) An enforcement officer of the aeronautics commission authorized under section 55 of the aeronautics code of the state of Michigan, 1945 PA 327, MCL 259.55.

(T) A railroad conductor acting under section 3 of 1913 PA 68, MCL 436.203.

(U) An inspector authorized to enforce the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1101 to 436.2303, and rules promulgated by the liquor control commission, under section 201 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1201.

(V) An individual not licensed under this act whose law enforcement duties are performed in conjunction with a joinder of 2 or more municipal corporations under 1951 PA 35, MCL 124.1 to 124.13.

(W) An individual not licensed under this act whose law enforcement duties are performed in conjunction with an interlocal agreement entered into under the urban cooperation act of 1967, 1967 (Ex Sess) PA 7, MCL 124.501 to 124.512.

(X) An individual not licensed under this act whose law enforcement duties are performed in conjunction with a transfer of functions or responsibilities under 1967 (Ex Sess) PA 8, MCL 124.531 to 124.536.

(Y) An individual not licensed under this act whose law enforcement duties have been transferred to an authority and who is given a comparable position of employment with that authority as provided under 1988 PA 57, MCL 124.601 to 124.614.

(Z) A marshal appointed under section 11 of 1889 PA 39, MCL 455.61, or section 15 of 1929 PA 137, MCL 455.215.

(g) "Law enforcement training academy" means any of the following:

(i) An agency basic law enforcement training academy.

(ii) A preservice college basic law enforcement training academy.

(iii) A regional basic law enforcement training academy.

(h) "License" means documentation of licensure by the commission under this act. License includes a certificate issued under this act before the effective date of the amendatory act that added this definition.

(i) "Licensing standards" means the requirements with which a person must comply for licensure as a law enforcement officer under this act.

(j) "Licensure" means a determination by the commission that both of the following occurred in compliance with this act and rules promulgated under this act:

(i) The person to whom the license is issued commenced employment as a law enforcement officer, subject to a written oath of office or other written instrument conferring law enforcement authority.

(ii) The law enforcement agency employing the individual, or the law enforcement agency or other governmental agency conferring law enforcement authority upon the individual, attested to the commission that the individual complied with the licensing standards.

(k) "Michigan tribal law enforcement officer" means an individual employed as a law enforcement officer by a federally recognized Indian tribe that has trust lands located within this state, subject to a written instrument authorizing the individual to enforce the laws of this state.

(l) "Rule" means a rule promulgated under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

28.603 Michigan commission on law enforcement standards; creation; membership; terms; appointment; vacancy.

Sec. 3.

(1) The Michigan commission on law enforcement standards is created to carry out the intent of this act.

(2) The commission consists of the following members:

(a) The attorney general, or his or her designated representative from within the department of attorney general.

(b) The director of the department of state police, or his or her designated representative who is a police officer within the department of state police.

(c) The chief of a police department of a city that has a population of more than 600,000, or his or her designee who is a command officer within that department.

(d) The following members appointed by the governor, subject to the advice and consent of the senate under section 6 of article V of the state constitution of 1963, as follows:

(i) Three individuals nominated by the Michigan Association of Chiefs of Police.

(ii) Three individuals nominated by the Michigan Sheriffs' Association.

(iii) One individual nominated by the Prosecuting Attorneys Association of Michigan.

(iv) One individual nominated by the Criminal Defense Attorneys of Michigan.

(v) One individual nominated by the Michigan State Police Troopers Association.

(vi) One individual nominated by the Michigan chapter of the Fraternal Order of Police.

(vii) One individual nominated by the Police Officers Association of Michigan.

(viii) One individual nominated by a police association not otherwise represented on the commission representing law enforcement officers employed by a law enforcement agency employing more than 10% of the police officers in this state.

(ix) One individual nominated by the Police Officers Labor Council of Michigan.

(x) One individual nominated by the Michigan Association of Police.

(xi) One individual nominated by the Deputy Sheriff's Association of Michigan.

(xii) One non-law enforcement individual representing the public.

(3) The terms of the members of the commission who were previously appointed by the governor and serving on the commission on the effective date of the amendatory act that added this subsection expire on the effective date of the amendatory act that added this subsection.

(4) Not more than 90 days after the effective date of the amendatory act that added this subsection, the governor shall appoint members to the commission as provided in subsection (2)(d).

(5) The governor may appoint any individual meeting the membership requirements of the organizations listed in subsection (2)(d)(i) to (xii) if the organization permitted to nominate an individual to the commission fails to provide a nominee not less than 30 days before 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 selected under subsection (2)(d) shall serve as a commission member only while serving as a member of the organization that submitted his or her name to the governor for appointment.

(7) Members of the commission appointed or reappointed under subsection (2)(d)(i) to (xii) shall be appointed for a term of 4 years except that, of the members first appointed to the commission, 6 shall serve for 1 year, 5 shall serve for 2 years, and 5 shall serve for 3 years.

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(8) The expiration dates of appointments under subsection (2)(d) shall be December 31 of the calendar year in which they expire.

(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.

28.604 Repealed. 2016, Act 289, Eff. Jan. 2, 2017.

28.605 Commission; officers; terms; oath not required; disqualification from public office or employment.

Sec. 5.

(1) 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) 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.

28.606 Commission; meetings; procedures and requirements; conducting business at public meeting; notice; voting.

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 may establish other procedures and requirements governing its operations to carry out the intent of this act.

(4) 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. The commission may take action at a meeting upon a vote of the majority of its members who are present at the meeting.

28.607 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, and any other information the governor requests or the commission considers appropriate.

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.

28.609 Employment of law enforcement officers; licensing requirements and procedures; fingerprinting; rules; licensure process; granting or denying license; duties of law enforcement agency upon administering oath of office; license rendered inactive; reactivation; lapsed or revoked license; prohibited authority.

Sec. 9.

(1) This section applies to all law enforcement officers except individuals to whom sections 9a, 9b, 9c, and 9d apply. Employment of law enforcement officers to whom this section applies is subject to the licensing requirements and procedures of this section and section 9e. An individual who seeks admission to a preservice college basic law enforcement training academy or a regional basic law enforcement training academy or the recognition of prior basic law enforcement training and experience program for purposes of licensure under this section shall submit to fingerprinting as provided in section 11(3).

(2) The commission shall promulgate rules governing licensing standards and procedures for individuals licensed under this section. In promulgating the rules, the commission shall give consideration to the varying factors and special requirements of law enforcement agencies. Rules promulgated under this subsection must pertain to the following:

(a) Subject to section 9e, training requirements that may be met by completing either of the following:

(i) Preenrollment requirements, courses of study, attendance requirements, and instructional hours at an agency basic law enforcement training academy, a preservice college basic law enforcement training academy, or a regional basic law enforcement training academy.

(ii) The recognition of prior basic law enforcement training and experience program for granting a waiver from the licensing standard specified in subparagraph (i).

(b) Proficiency on a licensing examination administered after compliance with the licensing standard specified in subdivision (a).

(c) Physical ability.

(d) Psychological fitness.

(e) Education.

(f) Reading and writing proficiency.

(g) Minimum age.

(h) Whether or not a valid operator's or chauffeur's license is required for licensure.

(i) Character fitness, as determined by a background investigation supported by a written authorization and release executed by the individual for whom licensure is sought.

(j) Whether or not United States citizenship is required for licensure.

(k) Employment as a law enforcement officer.

(l) The form and manner for execution of a written oath of office by a law enforcement agency with whom the individual is employed, and the content of the written oath conferring authority to act with all of the law enforcement authority described in the laws of this state under

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which the individual is employed.

(m) The ability to be licensed and employed as a law enforcement officer under this section, without a restriction otherwise imposed by law.

(3) The licensure process under this section must follow the following procedures:

(a) Before executing the oath of office, an employing law enforcement agency verifies that the individual to whom the oath is to be administered complies with licensing standards.

(b) A law enforcement agency employing an individual licensed under this section authorizes the individual to exercise the law enforcement authority described in the laws of this state under which the individual is employed, by executing a written oath of office.

(c) Not more than 10 calendar days after executing the oath of office, the employing law enforcement agency shall attest in writing to the commission that the individual to whom the oath was administered satisfies the licensing standards by submitting an executed affidavit and a copy of the executed oath of office.

(4) If, upon reviewing the executed affidavit and executed oath of office, the commission determines that the individual complies with the licensing standards, the commission shall grant the individual a license.

(5) If, upon reviewing the executed affidavit and executed oath of office, the commission determines that the individual does not comply with the licensing standards, the commission may do any of the following:

(a) Supervise the remediation of errors or omissions in the affidavit and oath of office.

(b) Supervise the remediation of errors or omissions in the screening, procedures, examinations, testing, and other means used to verify compliance with the licensing standards.

(c) Supervise additional screening, procedures, examinations, testing, and other means used to determine compliance with the licensing standards.

(d) Deny the issuance of a license and inform the employing law enforcement agency.

(6) Upon being informed that the commission has denied issuance of a license, the employing law enforcement agency shall promptly inform the individual whose licensure was denied.

(7) An individual denied a license under this section shall not exercise the law enforcement authority described in the laws of this state under which the individual is employed. This subsection does not divest the individual of that authority until the individual has been informed that his or her licensure was denied.

(8) A law enforcement agency that has administered an oath of office to an individual under this section shall do all of the following, with respect to that individual:

(a) Report to the commission all personnel transactions affecting employment status in a manner prescribed in rules promulgated by the commission.

(b) Report to the commission concerning any action taken by the employing agency that removes the authority conferred by the oath of office, or that restores the individual's authority to that conferred by the oath of office, in a manner prescribed in rules promulgated by the commission.

(c) Maintain an employment history record.

(d) Collect, verify, and maintain documentation establishing that the individual complies with the licensing standards.

(9) An individual licensed under this section shall report all of the following to the commission:

(a) Criminal charges for offenses for which that individual's license may be revoked as described in this section, upon being informed of such charges, in a manner prescribed in rules promulgated by the commission.

(b) The imposition of a personal protection order against that individual after a judicial hearing under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or under the laws of any other jurisdiction, upon being informed of the imposition of such an order, in a manner prescribed in rules promulgated by the commission.

(10) A license issued under this section is rendered inactive, and may be reactivated, as follows:

(a) A license is rendered inactive if 1 or more of the following occur:

(i) An individual, having been employed as a law enforcement officer for fewer than 2,080 hours in aggregate, is thereafter continuously not employed as a law enforcement officer for less than 1 year.

(ii) An individual, having been employed as a law enforcement officer for fewer than 2,080 hours in aggregate, is thereafter continuously subjected to a removal of the authority conferred by the oath of office for less than 1 year.

(iii) An individual, having been employed as a law enforcement officer for 2,080 hours or longer in aggregate, is thereafter continuously not employed as a law enforcement officer for less than 2 years.

(iv) An individual, having been employed as a law enforcement officer for 2,080 hours or longer in aggregate, is continuously subjected to a removal of the authority conferred by the oath of office for less than 2 years.

(b) An employing law enforcement agency may reactivate a license rendered inactive by complying with the licensure procedures described in subsection (3), excluding verification of and attestation to compliance with the licensing standards described in subsection (2)

(a) to (g).

(c) A license that has been reactivated under this section is valid for all purposes described in this act.

(11) A license issued under this section is rendered lapsed, without barring further licensure under this act, if 1 or more of the following occur:

(a) An individual, having been employed as a law enforcement officer for fewer than 2,080 hours in aggregate, is thereafter continuously not employed as a law enforcement officer for 1 year.

(b) An individual, having been employed as a law enforcement officer for fewer than 2,080 hours in aggregate, is thereafter continuously subjected to a removal of the authority conferred by the oath of office for 1 year.

(c) An individual, having been employed as a law enforcement officer for 2,080 hours or longer in aggregate, is thereafter continuously not employed as a law enforcement officer for 2 years.

(d) An individual, having been employed as a law enforcement officer for 2,080 hours or longer in aggregate, is continuously subjected to a removal of the authority conferred by the oath of office for 2 years.

(12) The commission shall revoke a license granted under this section for any of the following circumstances and shall promulgate rules governing revocations under this subsection:

(a) The individual obtained the license by making a materially false oral or written statement or committing fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.

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- (b) The individual obtained the license because another individual made a materially false oral or written statement or committed fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.
- (c) The individual has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year.
- (d) The individual has been subjected to an adjudication of guilt for violation or attempted violation of 1 or more of the following penal laws of this state or laws of another jurisdiction substantially corresponding to the penal laws of this state:
  - (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, if the individual has a prior conviction, as that term is defined in section 625(25)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the adjudication as described in section 625(9)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.
  - (ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the public health code, 1978 PA 368, MCL 333.7403 and 333.7404.
  - (iii) Section 81(4) or 81a or a misdemeanor violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.411h.
- (13) The following procedures and requirements apply to license revocation under this section:
  - (a) The commission shall initiate license revocation proceedings, including, but not limited to, the issuance of an order of summary suspension and notice of intent to revoke, upon obtaining notice of facts warranting license revocation.
  - (b) A hearing for license revocation must be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.
  - (c) In lieu of participating in a contested case, an individual may voluntarily and permanently relinquish his or her law enforcement officer license by executing before a notary public an affidavit of license relinquishment prescribed by the commission.
  - (d) The commission need not delay or abate license revocation proceedings based on an adjudication of guilt if an appeal is taken from the adjudication of guilt.
  - (e) If the commission issues a final decision or order to revoke a license, 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. A summary suspension described in this section is not a final decision or order for purposes of judicial review.
- (14) An individual licensed under this section shall not exercise the law enforcement authority described in the laws of this state under which the individual is employed if any of the following occur:
  - (a) The individual's license is rendered void by a court order or other operation of law.
  - (b) The individual's license is revoked.
  - (c) The individual's license is rendered inactive.
  - (d) The individual's license is rendered lapsed.

28.609a Individuals elected or appointed to office of sheriff; licensure; procedures; duty of licensed individual to report certain information; validity of license; revocation.  
Sec. 9a.

- (1) This section applies only to individuals elected or appointed to the office of sheriff in this state. Employment of law enforcement officers to whom this section applies is subject to the licensing requirements and procedures of this section.
- (2) The licensure process under this section shall comply with the following procedures:
  - (a) Not more than 10 calendar days after taking an oath of office for the office of sheriff in this state, an individual shall submit to the commission a copy of the executed oath of office.
  - (b) If, upon reviewing the executed oath of office, the commission determines that the individual has been elected or appointed to the office of sheriff in this state, the commission shall grant the individual a license.
  - (c) If, upon reviewing the executed oath of office, the commission determines that the individual has not been elected or appointed to the office of sheriff in this state, the commission may do either of the following:
    - (i) Verify, through other means, election or appointment to the office of sheriff in this state.
    - (ii) Deny the issuance of a license and inform the individual denied.
- (3) An individual licensed under this section shall report all of the following to the commission:
  - (a) Criminal charges for offenses for which that individual's license may be revoked as described in this section, upon being informed of such charges, in a manner prescribed in rules promulgated by the commission.
  - (b) The imposition of a personal protection order against that individual after a judicial hearing under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or under the laws of any other jurisdiction, upon being informed of the imposition of such an order, in a manner prescribed in rules promulgated by the commission.
- (4) A license granted under this section is valid until any of the following occur:
  - (a) A court order or other operation of law renders the license void.
  - (b) The individual's term of office as a sheriff in this state expires.
  - (c) The commission revokes the license as provided in this section.
- (5) The commission shall revoke a license granted under this section for any of the following circumstances and shall promulgate rules governing revocations under this subsection:
  - (a) The individual obtained the license by making a materially false oral or written statement or committing fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.
  - (b) The individual obtained the license because another individual made a materially false oral or written statement or committed fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.
  - (c) The individual has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year.
  - (d) The individual has been subjected to an adjudication of guilt for violation or attempted violation of 1 or more of the following penal laws of this state or laws of another jurisdiction substantially corresponding to the penal laws of this state:
    - (i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, if the individual has a prior conviction, as that term is

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defined in section 625(25)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the adjudication as described in section 625(9)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(ii) Sections 7403(2)(c) and 7404(2)(a), (b), and (c) of the public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

(iii) Sections 81(4) and 81a and a misdemeanor violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.411h.

(6) The following procedures and requirements apply to license revocation under this section:

(a) The commission shall initiate license revocation proceedings, including, but not limited to, the issuance of an order of summary suspension and notice of intent to revoke, upon obtaining notice of facts warranting license revocation.

(b) A hearing for license revocation shall be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(c) In lieu of participating in a contested case, an individual may voluntarily and permanently relinquish his or her law enforcement officer license by executing before a notary public an affidavit of license relinquishment prescribed by the commission.

(d) The commission need not delay or abate license revocation proceedings based on an adjudication of guilt if an appeal is taken from the adjudication of guilt.

(e) If the commission issues a final decision or order to revoke a license, 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. A summary suspension described in this section is not a final decision or order for purposes of judicial review.

28.609b Individuals employed as Michigan tribal law enforcement officers; fingerprinting; licensing requirements and procedures; rules; licensure process; granting or denying license; written instrument conferring authority; license rendered inactive; reactivation; lapsed or revoked license; prohibited authority.

Sec. 9b.

(1) This section applies only to individuals who are employed as Michigan tribal law enforcement officers in this state and are subject to a written instrument authorizing them to enforce the laws of this state. Conferring authority to enforce the laws of this state to law enforcement officers to whom this section applies is subject to the licensing requirements and procedures of this section and section 9e. An individual who seeks admission to a preservice college basic law enforcement training academy or a regional basic law enforcement training academy or the recognition of prior basic law enforcement training and experience program for purposes of licensure under this section shall submit to fingerprinting as provided in section 11(3).

(2) The commission shall promulgate rules governing licensing standards and procedures, pertaining to the following:

(a) Subject to section 9e, training requirements that may be met by completing either of the following:

(i) Preenrollment requirements, courses of study, attendance requirements, and instructional hours at an agency basic law enforcement training academy, a preservice college basic law enforcement training academy, or a regional basic law enforcement training academy.

(ii) The recognition of prior basic law enforcement training and experience program for granting a waiver from the licensing standard specified in subparagraph (i).

(b) Proficiency on a licensing examination administered after compliance with the licensing standard specified in subdivision (a).

(c) Physical ability.

(d) Psychological fitness.

(e) Education.

(f) Reading and writing proficiency.

(g) Minimum age.

(h) Whether or not a valid operator's or chauffeur's license is required for licensure.

(i) Character fitness, as determined by a background investigation supported by a written authorization and release executed by the individual for whom licensure is sought.

(j) Whether or not United States citizenship is required for licensure.

(k) Employment as a Michigan tribal law enforcement officer.

(l) The form and manner for execution of a written instrument conferring authority upon the individual to enforce the laws of this state, consisting of any of the following:

(i) Deputation by a sheriff of this state, conferring authority upon the individual to enforce the laws of this state.

(ii) Appointment as a law enforcement officer by a law enforcement agency, conferring authority upon the individual to enforce the laws of this state.

(iii) Execution of a written agreement between the Michigan tribal law enforcement agency with whom the individual is employed and a law enforcement agency, conferring authority upon the individual to enforce the laws of this state.

(iv) Execution of a written agreement between this state, or a subdivision of this state, and the United States, conferring authority upon the individual to enforce the laws of this state.

(m) The ability to be licensed and employed as a law enforcement officer under this section, without a restriction otherwise imposed by law.

(3) The licensure process under this section must follow the following procedures:

(a) A law enforcement agency or other governmental agency conferring authority upon a Michigan tribal law enforcement officer as provided in this section shall confer the authority to enforce the laws of this state by executing a written instrument as provided in this section.

(b) Before executing the written instrument, a law enforcement agency or other governmental agency shall verify that the individual complies with the licensing standards.

(c) Not more than 10 calendar days after the effective date of the written instrument, the law enforcement agency or other governmental agency executing the written instrument shall attest in writing to the commission that the individual to whom the authority was conferred satisfies the licensing standards, by submitting an executed affidavit and a copy of the written instrument.

(4) If, upon reviewing the executed affidavit and the written instrument, the commission determines that the individual complies with the licensing standards, the commission shall grant the individual a license.

(5) If, upon reviewing the executed affidavit and the written instrument, the commission determines that the individual does not comply with the licensing standards, the commission may do any of the following:

(a) Supervise the remediation of errors or omissions in the affidavit and oath of office.

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- (b) Supervise the remediation of errors or omissions in the screening, procedures, examinations, testing, and other means used to verify compliance with the licensing standards.
- (c) Supervise additional screening, procedures, examinations, testing, and other means used to determine compliance with the licensing standards.
- (d) Deny the issuance of a license and inform the law enforcement agency or other governmental agency conferring authority to enforce the laws of this state upon an individual to whom this section applies.
- (6) Upon being informed that the commission has denied issuance of a license, a law enforcement agency or other governmental agency conferring authority to enforce the laws of this state upon an individual to whom this section applies shall promptly inform the individual denied.
- (7) An individual denied a license under this section shall not exercise the law enforcement authority described in a written instrument conferring authority upon the individual to enforce the laws of this state. This subsection does not divest the individual of that authority until the individual has been informed that his or her license was denied.
- (8) A written instrument conferring authority to enforce the laws of this state upon an individual to whom this section applies must include the following:
- (a) A requirement that the employing Michigan tribal law enforcement agency report to the commission all personnel transactions affecting employment status in a manner prescribed in rules promulgated by the commission.
- (b) A requirement that the employing Michigan tribal law enforcement agency report to the commission concerning any action it takes that removes the authority conferred by the written instrument conferring authority upon the individual to enforce the laws of this state or that restores the individual's authority to that conferred by the written instrument, in a manner prescribed in rules promulgated by the commission.
- (c) A requirement that the employing Michigan tribal law enforcement agency maintain an employment history record.
- (d) A requirement that the employing Michigan tribal law enforcement agency collect, verify, and maintain documentation establishing that the individual complies with the applicable licensing standards.
- (9) A written instrument conferring authority to enforce the laws of this state upon an individual to whom this section applies must include a requirement that the employing Michigan tribal law enforcement agency report the following regarding an individual licensed under this section:
- (a) Criminal charges for offenses for which that individual's license may be revoked as described in this section, upon being informed of such charges, in a manner prescribed in rules promulgated by the commission.
- (b) The imposition of a personal protection order against that individual after a judicial hearing under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or under the laws of any other jurisdiction, upon being informed of the imposition of such an order, in a manner prescribed in rules promulgated by the commission.
- (10) A license issued under this section is rendered inactive, and may be reactivated, as follows:
- (a) A license is rendered inactive if 1 or more of the following occur:
- (i) An individual, having been employed as a law enforcement officer in aggregate for less than 2,080 hours, is thereafter continuously not employed as a law enforcement officer for less than 1 year.
- (ii) An individual, having been employed as a law enforcement officer in aggregate for less than 2,080 hours, is thereafter continuously subjected to a removal of the authority conferred by the written instrument authorizing the individual to enforce the laws of this state for less than 1 year.
- (iii) An individual, having been employed as a law enforcement officer in aggregate for 2,080 hours or longer, is thereafter continuously not employed as a law enforcement officer for less than 2 years.
- (iv) An individual, having been employed as a law enforcement officer in aggregate for 2,080 hours or longer, is continuously subjected to a removal of the authority conferred by the written instrument authorizing the individual to enforce the laws of this state for less than 2 years.
- (b) A law enforcement agency or other governmental agency conferring authority to enforce the laws of this state upon an individual to whom this section applies may reactivate a license rendered inactive by complying with the licensure procedures described in subsection (3), excluding verification of and attestation to compliance with the licensing standards described in subsection (2)(a) to (g).
- (c) A license that has been reactivated under this section is valid for all purposes described in this act.
- (11) A license issued under this section is rendered lapsed, without barring further licensure under this act, if 1 or more of the following occur:
- (a) An individual, having been employed as a law enforcement officer in aggregate for less than 2,080 hours, is thereafter continuously not employed as a law enforcement officer for 1 year.
- (b) An individual, having been employed as a law enforcement officer in aggregate for less than 2,080 hours, is thereafter continuously subjected to a removal of the authority conferred by the written instrument authorizing the individual to enforce the laws of this state for 1 year.
- (c) An individual, having been employed as a law enforcement officer in aggregate for 2,080 hours or longer, is thereafter continuously not employed as a law enforcement officer for 2 years.
- (d) An individual, having been employed as a law enforcement officer in aggregate for 2,080 hours or longer, is continuously subjected to a removal of the authority conferred by the written instrument authorizing the individual to enforce the laws of this state for 2 years.
- (12) The commission shall revoke a license granted under this section for any of the following circumstances and shall promulgate rules governing these revocations under this section:
- (a) The individual obtained the license by making a materially false oral or written statement or committing fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.
- (b) The individual obtained the license because another individual made a materially false oral or written statement or committed fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.
- (c) The individual has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year.
- (d) The individual has been subjected to an adjudication of guilt for violation or attempted violation of 1 or more of the following penal laws of this state or laws of another jurisdiction substantially corresponding to the penal laws of this state:

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(i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, if the individual has a prior conviction, as that term is defined in section 625(25)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the adjudication as described in section 625(9)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

(iii) Section 81(4) or 81a or a misdemeanor violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.411h.

(13) The following procedures and requirements apply to license revocation under this section:

(a) The commission shall initiate license revocation proceedings, including, but not limited to, the issuance of an order of summary suspension and notice of intent to revoke, upon obtaining notice of facts warranting license revocation.

(b) A hearing for license revocation must be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(c) In lieu of participating in a contested case, an individual may voluntarily and permanently relinquish his or her law enforcement officer license by executing before a notary public an affidavit of license relinquishment prescribed by the commission.

(d) The commission need not delay or abate license revocation proceedings based on an adjudication of guilt if an appeal is taken from the adjudication of guilt.

(e) If the commission issues a final decision or order to revoke a license, 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. A summary suspension described in this section is not a final decision or order for purposes of judicial review.

(14) An individual licensed under this section shall not exercise the law enforcement authority described in a written instrument conferring authority upon the individual to enforce the laws of this state if any of the following occur:

(a) The individual's license is rendered void by a court order or other operation of law.

(b) The individual's license is revoked.

(c) The individual's license is rendered inactive.

(d) The individual's license is rendered lapsed.

28.609c Individuals employed as fire arson investigators; fingerprinting; licensing requirements and procedures; rules; licensure process; granting or denying license; duties of chief of police administering oath of office; report of certain information; lapsed or revoked license; prohibited authority.

Sec. 9c.

(1) This section applies only to individuals who are employed as fire arson investigators from fire departments within villages, cities, townships, or counties in this state, who are sworn and fully empowered by the chiefs of police of those villages, cities, townships, or counties. Conferring authority to enforce the laws of this state to law enforcement officers to whom this section applies is subject to the licensing requirements and procedures of this section and section 9e. An individual who seeks admission to a preservice college basic law enforcement training academy or a regional basic law enforcement training academy or the recognition of prior basic law enforcement training and experience program for purposes of licensure under this section shall submit to fingerprinting as provided in section 11(3).

(2) The commission shall promulgate rules governing licensing standards and procedures, pertaining to the following:

(a) Subject to section 9e, training requirements that may be met by completing either of the following:

(i) Preenrollment requirements, courses of study, attendance requirements, and instructional hours at an agency basic law enforcement training academy, a preservice college basic law enforcement training academy, or a regional basic law enforcement training academy.

(ii) The recognition of prior basic law enforcement training and experience program for granting a waiver from the licensing standard specified in subparagraph (i).

(b) Proficiency on a licensing examination administered after compliance with the licensing standard specified in subdivision (a).

(c) Physical ability.

(d) Psychological fitness.

(e) Education.

(f) Reading and writing proficiency.

(g) Minimum age.

(h) Whether or not a valid operator's or chauffeur's license is required for licensure.

(i) Character fitness, as determined by a background investigation supported by a written authorization and release executed by the individual for whom licensure is sought.

(j) Whether or not United States citizenship is required for licensure.

(k) Employment as a fire arson investigator from a fire department within a village, city, township, or county in this state, who is sworn and fully empowered by the chief of police of that village, city, township, or county.

(l) The form and manner for execution of a written oath of office by the chief of police of a village, city, township, or county law enforcement agency, and the content of the written oath conferring authority to enforce the laws of this state.

(m) The ability to be licensed and employed as a law enforcement officer under this section, without a restriction otherwise imposed by law.

(3) The licensure process under this section must follow the following procedures:

(a) Before executing the oath of office, the chief of police shall verify that the individual to whom the oath is to be administered complies with the licensing standards.

(b) The chief of police shall execute an oath of office authorizing the individual to enforce the laws of this state.

(c) Not more than 10 calendar days after executing the oath of office, the chief of police shall attest in writing to the commission that the individual to whom the oath was administered satisfies the licensing standards by submitting an executed affidavit and a copy of the executed oath of office.

(4) If, upon reviewing the executed affidavit and executed oath of office, the commission determines that the individual complies with the licensing standards, the commission shall grant the individual a license.

(5) If, upon reviewing the executed affidavit and executed oath of office, the commission determines that the individual does not comply with the licensing standards, the commission may do any of the following:

(a) Supervise the remediation of errors or omissions in the affidavit and oath of office.

(b) Supervise the remediation of errors or omissions in the screening, procedures, examinations, testing, and other means used to verify

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compliance with the licensing standards.

(c) Supervise additional screening, procedures, examinations, testing, and other means used to determine compliance with the licensing standards.

(d) Deny the issuance of a license and inform the chief of police.

(6) Upon being informed that the commission has denied issuance of a license, the chief of police shall promptly inform the individual whose licensure was denied.

(7) An individual denied a license under this section shall not exercise the law enforcement authority described in the oath of office. This subsection does not divest the individual of that authority until the individual has been informed that his or her license was denied.

(8) A chief of police who has administered an oath of office to an individual under this section shall do all of the following, with respect to that individual:

(a) Report to the commission all personnel transactions affecting employment status in a manner prescribed in rules promulgated by the commission.

(b) Report to the commission concerning any action taken by the chief of police that removes the authority conferred by the oath of office, or that restores the individual's authority to that conferred by the oath of office, in a manner prescribed in rules promulgated by the commission.

(c) Maintain an employment history record.

(d) Collect, verify, and maintain documentation establishing that the individual complies with the applicable licensing standards.

(9) An individual licensed under this section shall report all of the following to the commission:

(a) Criminal charges for offenses for which that individual's license may be revoked as described in this section, upon being informed of such charges, in a manner prescribed in rules promulgated by the commission.

(b) Imposition of a personal protection order against that individual after a judicial hearing under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or under the laws of any other jurisdiction, upon being informed of the imposition of such an order, in a manner prescribed in rules promulgated by the commission.

(10) A license issued under this section is rendered lapsed, without barring further licensure under this act, if 1 or both of the following occur:

(a) The individual is no longer employed as a fire arson investigator from a fire department within a village, city, township, or county in this state, who is sworn and fully empowered by the chief of police of that village, city, township, or county, rendering the license lapsed.

(b) The individual is subjected to a removal of the authority conferred by the oath of office, rendering the license lapsed.

(11) The commission shall revoke a license granted under this section for any of the following circumstances and shall promulgate rules governing these revocations under this subsection:

(a) The individual obtained the license by making a materially false oral or written statement or committing fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.

(b) The individual obtained the license because another individual made a materially false oral or written statement or committed fraud in an affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.

(c) The individual has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year.

(d) The individual has been subjected to an adjudication of guilt for violation or attempted violation of 1 or more of the following penal laws of this state or laws of another jurisdiction substantially corresponding to the penal laws of this state:

(i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, if the individual has a prior conviction, as that term is defined in section 625(25)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the adjudication as described in section 625(9)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

(iii) Section 81(4) or 81a or a misdemeanor violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.411h.

(12) The following procedures and requirements apply to license revocation under this section:

(a) The commission shall initiate license revocation proceedings, including, but not limited to, issuance of an order of summary suspension and notice of intent to revoke, upon obtaining notice of facts warranting license revocation.

(b) A hearing for license revocation must be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(c) In lieu of participating in a contested case, an individual may voluntarily and permanently relinquish his or her law enforcement officer license by executing before a notary public an affidavit of license relinquishment prescribed by the commission.

(d) The commission need not delay or abate license revocation proceedings based on an adjudication of guilt if an appeal is taken from the adjudication of guilt.

(e) If the commission issues a final decision or order to revoke a license, 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. A summary suspension described in this section is not a final decision or order for purposes of judicial review.

(13) An individual licensed under this section shall not exercise the law enforcement authority described in the oath of office if any of the following occur:

(a) The individual's license is rendered void by a court order or other operation of law.

(b) The individual's license is revoked.

(c) The individual's license is rendered lapsed.

28.609d Individuals employed as private college security officers; fingerprinting; licensing requirements and procedures; rules; licensure process; granting or denying license; duties of chief of police or county sheriff administering oath of office; duties of private college or university; report of certain information; lapsed or revoked license; prohibited authority.  
Sec. 9d.

(1) This section applies only to individuals who meet all of the following conditions:

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- (a) Are employed as private college security officers under section 37 of the private security business and security alarm act, 1968 PA 330, MCL 338.1087.
- (b) Seek licensure under this act.
- (c) Are sworn and fully empowered by a chief of police of a village, city, or township law enforcement agency, or are deputized by a county sheriff as a deputy sheriff, excluding deputation as a special deputy.
- (2) The authority to enforce the laws of this state of private college security officers to whom this section applies is subject to the licensing requirements and procedures of this section and section 9e. An individual who seeks admission to a preservice college basic law enforcement training academy or a regional basic law enforcement training academy or the recognition of prior basic law enforcement training and experience program for purposes of licensure under this section shall submit to fingerprinting as provided in section 11(3).
- (3) The commission shall promulgate rules governing licensing standards and procedures, pertaining to the following:
- (a) Subject to section 9e, training requirements that may be met by completing either of the following:
- (i) Preenrollment requirements, courses of study, attendance requirements, and instructional hours at an agency basic law enforcement training academy, a preservice college basic law enforcement training academy, or a regional basic law enforcement training academy.
- (ii) The recognition of prior basic law enforcement training and experience program for granting a waiver from the licensing standard specified in subparagraph (i).
- (b) Proficiency on a licensing examination administered after compliance with the licensing standard specified in subdivision (a).
- (c) Physical ability.
- (d) Psychological fitness.
- (e) Education.
- (f) Reading and writing proficiency.
- (g) Minimum age.
- (h) Whether or not a valid operator's or chauffeur's license is required for licensure.
- (i) Character fitness, as determined by a background investigation supported by a written authorization and release executed by the individual for whom licensure is sought.
- (j) Whether or not United States citizenship is required for licensure.
- (k) Employment as a private college security officer as defined in section 37 of the private security business and security alarm act, 1968 PA 330, MCL 338.1087, who is sworn and fully empowered by the chief of police of a village, city, or township law enforcement agency, or deputized by a county sheriff as a deputy sheriff, excluding deputation as a special deputy.
- (l) The form and manner for execution of a written oath of office by the chief of police of a village, city, or township law enforcement agency, or by a county sheriff, and the content of the written oath conferring the authority to enforce the general criminal laws of this state.
- (m) The ability to be licensed and employed as a law enforcement officer under this section, without a restriction otherwise imposed by law.
- (4) The licensure process under this section must follow the following procedures:
- (a) Before executing the oath of office, the chief of police of a village, city, or township law enforcement agency or the county sheriff shall verify that the private college security officer to whom the oath is administered complies with the licensing standards.
- (b) The chief of police of a village, city, or township law enforcement agency or the county sheriff shall execute an oath of office authorizing the private college security officer to enforce the general criminal laws of this state.
- (c) Not more than 10 calendar days after executing the oath of office, the chief of police of a village, city, or township law enforcement agency or the county sheriff shall attest in writing to the commission that the private college security officer to whom the oath was administered satisfies the licensing standards by submitting an executed affidavit and a copy of the executed oath of office.
- (5) If upon reviewing the executed affidavit and oath of office the commission determines that the private college security officer complies with the licensing standards, the commission shall grant the private college security officer a license.
- (6) If upon reviewing the executed affidavit and oath of office the commission determines that the private college security officer does not comply with the licensing standards, the commission may do any of the following:
- (a) Supervise remediation of errors or omissions in the affidavit or oath of office.
- (b) Supervise the remediation of errors or omissions in the screening, procedures, examinations, testing, and other means used to verify compliance with the licensing standards.
- (c) Supervise additional screening, procedures, examinations, testing, and other means used to determine compliance with the licensing standards.
- (d) Deny the issuance of a license and inform the chief of police of a village, city, or township law enforcement agency or the county sheriff of the denial.
- (7) Upon being informed that the commission has denied issuance of a license, the chief of police of a village, city, or township law enforcement agency or the county sheriff shall promptly inform the private college security officer seeking licensure that he or she has been denied issuance of a license under this section.
- (8) A private college security officer denied a license under this section may not exercise the law enforcement authority described in the oath of office. This subsection does not divest the private college security officer of that authority until the private college security officer has been informed that his or her licensure was denied.
- (9) A chief of police of a village, city, or township law enforcement agency or a county sheriff who has administered an oath of office to a private college security officer under this section shall, with respect to that private college security officer, do all of the following:
- (a) Report to the commission concerning all personnel transactions affecting employment status, in a manner prescribed in rules promulgated by the commission.
- (b) Report to the commission concerning any action taken by the chief of police of a village, city, or township law enforcement agency or the county sheriff that removes the authority conferred by the oath of office or that restores the private college security officer's authority conferred by the oath of office, in a manner prescribed in rules promulgated by the commission.
- (c) Maintain an employment history record.
- (d) Collect, verify, and maintain documentation establishing that the private college security officer complies with the applicable licensing standards.
- (10) If a private college or university appoints an individual as a private college security officer under section 37 of the private security business and security alarm act, 1968 PA 330, MCL 338.1087, and the private college security officer is licensed under this section, the private college or university, with respect to the private college security officer, shall do all of the following:

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(a) Report to the commission all personnel transactions affecting employment status in a manner prescribed in rules promulgated by the commission.

(b) Report to the chief of police of a village, city, or township law enforcement agency or the county sheriff who administered the oath of office to that private college security officer all personnel transactions affecting employment status, in a manner prescribed in rules promulgated by the commission.

(11) A private college security officer licensed under this section shall report all of the following to the commission:

(a) Criminal charges for offenses for which the private college security officer's license may be revoked as described in this section upon being informed of such charges and in a manner prescribed in rules promulgated by the commission.

(b) The imposition of a personal protection order against the private college security officer after a judicial hearing under section 2950 or 2950a of the revised judicature act of 1961, 1961 PA 236, MCL 600.2950 and 600.2950a, or under the law of any other jurisdiction, upon being informed of the imposition of such an order, in a manner prescribed in rules promulgated by the commission.

(12) A license granted under this section is rendered lapsed, without barring further licensure under this act, if 1 or both of the following occur:

(a) The private college security officer is no longer employed as a private college security officer appointed under section 37 of the private security business and security alarm act, 1968 PA 330, MCL 338.1087, who is sworn and fully empowered by the chief of police of a village, city, or township law enforcement agency, or deputized by a county sheriff as a deputy sheriff, excluding deputation as a special deputy, rendering the license lapsed.

(b) The private college security officer is subjected to a removal of the authority conferred by the oath of office, rendering the license lapsed.

(13) The commission shall revoke a license granted under this section for any of the following and shall promulgate rules governing these revocations:

(a) The private college security officer obtained the license by making a materially false oral or written statement or committing fraud in the affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.

(b) The private college security officer obtained the license because another person made a materially false oral or written statement or committed fraud in the affidavit, disclosure, or application to a law enforcement training academy, the commission, or a law enforcement agency at any stage of recruitment, selection, appointment, enrollment, training, or licensure application.

(c) The private college security officer has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year.

(d) The private college security officer has been subjected to an adjudication of guilt for a violation or attempted violation of 1 or more of the following penal laws of this state or another jurisdiction substantially corresponding to the penal laws of this state:

(i) Section 625(1) or (8) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, if the individual has a prior conviction, as that term is defined in section 625(25)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625, that occurred within 7 years of the adjudication as described in section 625(9)(b) of the Michigan vehicle code, 1949 PA 300, MCL 257.625.

(ii) Section 7403(2)(c) or 7404(2)(a), (b), or (c) of the public health code, 1978 PA 368, MCL 333.7403 and 333.7404.

(iii) Section 81(4) or 81a or a misdemeanor violation of section 411h of the Michigan penal code, 1931 PA 328, MCL 750.81, 750.81a, and 750.411h.

(14) The following procedures and requirements apply to license revocation under this section:

(a) The commission shall initiate license revocation proceedings, including, but not limited to, the issuance of an order for summary suspension and notice of intent to revoke a license upon obtaining notice of facts warranting license revocation.

(b) A hearing for license revocation must be conducted as a contested case under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328.

(c) In lieu of participating in a contested case, a private security college officer may voluntarily and permanently relinquish his or her law enforcement officer license under this section by executing before a notary public an affidavit of license relinquishment as prescribed by the commission.

(d) The commission need not delay or abate license revocation proceedings based on an adjudication of guilt if an appeal is taken from the adjudication of guilt.

(e) If the commission issues a final decision or order to revoke a license, 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. A summary suspension described in this section is not a final decision or order for purposes of judicial review.

(15) A private college security officer licensed under this section shall not exercise the law enforcement authority described in the oath of office he or she executed if any of the following occur:

(a) The private college security officer's license is rendered void by a court order or other operation of law.

(b) The private college security officer's license is revoked.

(c) The private college security officer's license is rendered lapsed.

28.609e Active violence response training; standards; rules; requirement for licensure.  
Sec. 9e.

(1) Beginning January 1, 2020, an individual seeking to become licensed under section 9, 9b, 9c, or 9d shall complete active violence response training that emphasizes coordinated tactical response to rapidly developing incidents in which intentional physical injury or death to a specific population occurs through the use of conventional or unconventional weapons and tactics.

(2) The commission shall promulgate rules establishing the minimum standards for the active violence response training required under subsection (1).

(3) Beginning January 1, 2020, an individual who is licensed under section 9, 9b, 9c, or 9d shall complete the active violence response training described under subsection (1).

28.610 Investigation of alleged violations.  
Sec. 10.

(1) The commission may investigate alleged violations of this act or rules promulgated under this act.

# APPENDIX A

(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 or order issued by the commission is subject to judicial review as provided in chapter 6 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.301 to 24.306. A petition for judicial review of a final decision or order of the commission shall be adjudicated only in the court of claims.

(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 court of claims to require the attendance of a witness or the production of books, papers, documents, or other items. The court of claims may issue an order requiring an individual to appear and give testimony or produce books, papers, documents, or other items. Failure to obey an order of the court of claims may be punished by the court as a contempt of court.

(5) The commission has standing to commence an action in the court of claims to compel compliance with this act or 1982 PA 302, MCL 18.421 to 18.429, or an administrative rule promulgated under this act or 1982 PA 302, MCL 18.421 to 18.429.

28.611 Powers of commission; rules; fingerprints; criminal history record information check; law enforcement officers training fund. Sec. 11.

(1) The commission may do 1 or more of the following:

(a) Enter into agreements with colleges, universities, governmental agencies, and private entities to carry out the intent of this act.

(b) Issue certificates of approval to agency basic law enforcement training academies, preservice college basic law enforcement training academies, and regional basic law enforcement training academies.

(c) Authorize issuance of certificates of graduation or diplomas by agency basic law enforcement training academies, preservice college basic law enforcement training academies, and regional basic law enforcement training academies to students who have satisfactorily completed minimum courses of study.

(d) Cooperate with state, federal, and local agencies to approve programs of in-service instruction and training of law enforcement officers of this state and of cities, counties, townships, and villages.

(e) Make recommendations to the legislature on matters pertaining to qualification and training of law enforcement officers.

(f) Require a licensing examination.

(g) Establish a recognition of prior basic law enforcement training and experience program.

(h) Establish and charge a fee to recover the cost of screening, enrolling, evaluating, and testing individuals who are not employed by a law enforcement agency, which must be deposited in the law enforcement officers training fund created in this section.

(i) Establish and charge a fee to recover the cost of issuing licenses to persons licensed under this act, which must be deposited in the law enforcement officers training fund created in this section.

(2) The commission may promulgate rules with respect to any of the following:

(a) In-service training programs and minimum courses of study and attendance requirements for licensed law enforcement officers.

(b) The establishment and approval of agency basic law enforcement training academies, preservice college basic law enforcement training academies, and regional basic law enforcement training academies.

(c) The minimum qualifications for instructors for approved agency basic law enforcement training academies, preservice college basic law enforcement training academies, and regional basic law enforcement training academies.

(d) The minimum facilities and equipment for agency basic law enforcement training academies, preservice college basic law enforcement training academies, and regional basic law enforcement training academies.

(e) Minimum standards and procedures for reserve officers.

(3) The commission shall require an individual seeking admission to a preservice college basic law enforcement training academy or a regional basic law enforcement training academy or the recognition of prior basic law enforcement training and experience program to submit his or her fingerprints to the department of state police for the purpose of conducting a criminal history record information check. The department of state police may charge a fee for conducting a criminal history record information check. The individual shall submit his or her fingerprints to the department of state police in a manner prescribed by the department of state police.

(4) The department of state police shall conduct a criminal history record information check on each individual described under subsection (3) through its own records and through the Federal Bureau of Investigation. After the completion of each criminal history record information check, the department of state police shall provide the criminal history record information to the commission.

(5) The department of state police shall store and retain fingerprints submitted under this section in an automated fingerprint identification system that provides for an automatic notification if subsequent criminal history record information matches fingerprints previously submitted under this section. Upon receiving a notification under this subsection, the department of state police shall forward that notification to the commission.

(6) The department of state police shall forward the fingerprints submitted under this section to the Federal Bureau of Investigation to be retained in the Federal Bureau of Investigation's next generation identification system and integrated automated fingerprint identification system that provides for automatic notification if subsequent criminal history record information matches fingerprints previously submitted to the Federal Bureau of Investigation under this subsection. Upon receiving a notification from the Federal Bureau of Investigation under this subsection, the department of state police shall forward that notification to the commission. The fingerprints retained under this subsection may be searched by using future submissions to those systems, including, but not limited to, latent fingerprint searches, with appropriate responses sent to the submitting and subscribing entities. This subsection does not apply unless the department of state police is capable of participating in the Federal Bureau of Investigation's next generation identification system and integrated automated fingerprint identification system.

(7) The law enforcement officers training fund is created within the state treasury.

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

(9) Money in the fund at the close of the fiscal year shall remain in the fund, shall not lapse into the general fund, and may be used by the commission, upon appropriation, in future fiscal years as prescribed in this section.

(10) The commission shall be the administrator of the fund for auditing purposes.

# APPENDIX A

(11) The commission shall expend money from the fund, upon appropriation, to carry out its responsibilities under this act.

28.612 Executive director; appointment; functions and duties; compensation.

Sec. 12.

The commission shall appoint an executive director of the commission. The executive director shall be an employee of the commission and 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 from appropriations.

28.613 Inquiry as to compliance with licensing standards; response.

Sec. 13.

(1) An individual law enforcement officer or law enforcement organization to whom an inquiry is made concerning an individual law enforcement officer's or law enforcement organization's compliance with the licensing standards established in this act shall respond to the inquiry within 45 calendar days.

(2) An individual law enforcement officer or law enforcement organization responding to an inquiry concerning an individual law enforcement officer's or law enforcement organization's compliance with the licensing standards established in this act may charge the inquiring party a reasonable fee to recover the actual cost of producing information, documents, and other items requested.

28.614 Secondary road patrol and training fund; use; limitation; reimbursement.

Sec. 14.

(1) Except as provided in subsection (2), the commission may use money granted to it by the department of state police from the secondary road patrol and training fund created in section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, for the following:

(a) To reimburse law enforcement agencies for the reasonable costs the agencies incur in providing education to their employees who are enrolled in law enforcement training academies for the purpose of being employed by the agencies as law enforcement officers licensed under this act.

(b) For fiscal years 2016 and 2017 only, the commission may pay the reasonable expenses of performing its statutory functions authorized or required under this act.

(2) The commission shall not be granted and use, within a single fiscal year, more than 5.7% of the secondary road patrol and training fund created in section 629e of the Michigan vehicle code, 1949 PA 300, MCL 257.629e, for any purpose.

(3) Law enforcement agencies seeking reimbursement under subsection (1) shall apply using procedures and forms established by the commission.

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.

28.616 Repealed. 2016, Act 289, Eff. Jan. 2, 2017.

# 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

## APPENDIX B

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;

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.
  - 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.

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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; and to provide for the promulgation of rules.

The People of the State of Michigan enact:

### 18.421 Definitions.

#### Sec. 1.

As used in this act:

- (a) "Alcoholic liquor" means that term as defined in section 105 of the Michigan liquor control code of 1998, 1998 PA 58, MCL 436.1105.
- (b) "Commission" means the Michigan commission on law enforcement standards created in section 3 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.603, or, by the express delegation of the Michigan commission on law enforcement standards, its executive director and staff.
- (c) "Criminal justice in-service training" means a criminal justice program that includes education or training that is designed and intended to enhance the direct delivery of criminal justice services by participants who are authorized to receive education or training as provided in this act.
- (d) "Eligible entity" means a governmental agency of the executive branch of this state or a subdivision of this state that is established and maintained in accordance with the laws of this state and that is authorized by the laws of this state to employ or appoint law enforcement officers licensed under sections 9 and 9a of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.609 and 28.609a.
- (e) "Grant awards" means funds paid to grantees from the Michigan justice training fund as provided in this act.
- (f) "Grantee" means an entity eligible to receive grant awards from the Michigan justice training fund, including any of the following or a combination of any of the following:
  - (i) An agency, department, division, bureau, board, commission, council, or authority of this state or of a city, village, township, or county.
  - (ii) A state-supported college or university.
  - (iii) A community college.
  - (iv) Any agency or entity of the judicial branch of government of this state.
- (g) "Law enforcement agency" means an entity that is established and maintained in accordance with the laws of this state and that is authorized by the laws of this state to appoint or employ law enforcement officers.
- (h) "Law enforcement distribution" means funds paid to eligible entities as provided in this act.
- (i) "Law enforcement officer" means an individual licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.614.
- (j) "MCOLES information and tracking network" means the commission's web-enabled information system for the licensing, reporting, and tracking of personnel and training records for Michigan law enforcement officers.
- (k) "Michigan justice training fund" means the Michigan justice training fund created in this act.
- (l) "Professional association" means a national, state, or local police union, or an association or fraternal organization of police officers, correctional officers, or prosecuting attorneys.

### 18.422 Michigan justice training fund; creation; limitation; deposit of investment earnings; use of fund; undistributed funds.

#### Sec. 2.

- (1) The Michigan justice training fund is created in the state treasury.
- (2) The Michigan justice training fund shall only be used as provided in this act.
- (3) Investment earnings derived from Michigan justice training fund assets shall be deposited into the Michigan justice training fund.
- (4) The commission shall use the Michigan justice training fund for the following purposes:
  - (a) Making law enforcement distributions as provided in this act.
  - (b) Paying the reasonable expenses of providing staff services to the commission for administering and enforcing the statutory requirements of this act, and administering and enforcing the statutory requirements of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.
  - (c) Awarding grants as provided in this act.
- (5) Funds in the Michigan justice training fund that are not distributed in a fiscal year and that were to be distributed as law enforcement distributions shall remain in the Michigan justice training fund and may be used in future years for purposes of law enforcement distributions.
- (6) Funds in the Michigan justice training fund that are not distributed in a fiscal year and that were to be used for the reasonable expenses of providing staff services to the commission for administering and enforcing the statutory requirements of this act and administering and enforcing the statutory requirements of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, shall remain in the Michigan justice training fund and may be used in future fiscal years for those purposes.
- (7) Funds in the Michigan justice training fund that are not distributed in a fiscal year and that were to be distributed to fund current or future grant awards shall remain in the Michigan justice training fund and may be used in future fiscal years for that purpose.

### 18.423 Annual registration of law enforcement agencies; verification of officers and hours compensated; law enforcement distributions; installments; determination; minimum amount.

#### Sec. 3.

- (1) The commission shall conduct an annual registration of law enforcement agencies to verify each agency's roster of full-time and part-time law enforcement officers, and the number of hours for which they were compensated for employment as law enforcement officers in the most recent elapsed calendar year. For purposes of the law enforcement distribution, the reported hours of compensation shall be capped at 2,080 hours for any individual officer.
- (2) As part of the annual registration, each law enforcement agency shall indicate to the commission whether it elects to receive law

## APPENDIX D

enforcement distributions for the current year. An agency that elects not to receive law enforcement distributions shall not receive them for the current year but must comply with all applicable requirements of this act until all previously received law enforcement distribution funds have been expended or returned as required in this act.

(3) The commission shall annually distribute 60% of the Michigan justice training fund for law enforcement distributions, in 2 semiannual installments, on dates determined by the commission.

(4) The law enforcement distribution shall be made on a per full-time equated basis to eligible entities based on the number of full-time equated law enforcement officers employed. For purposes of this subsection, the number of full-time equated law enforcement officers shall be determined by dividing the total number of hours reported by the eligible entity during the annual registration for which the eligible entity's full-time and part-time law enforcement officers were compensated for employment as law enforcement officers in the most recent elapsed calendar year by 2,080 hours, rounded down to the nearest whole number greater than or equal to 1.

(5) If the Michigan justice training fund has sufficient funds, an eligible entity whose number of full-time equated law enforcement officers does not support a minimum annual distribution of \$500.00 shall receive a minimum annual distribution of \$500.00.

(6) For each year, the percentage of law enforcement officers who provide direct law enforcement service receiving training under this act shall be equal to or greater than the percentage of law enforcement officers who are in full-time administrative positions receiving training under this act.

18.424 Law enforcement distribution funds; deposit; separate account; expenditure; purposes; conditions; limitation; distribution as supplement; time period; entity no longer in operation; distribution in violation of act; return of unexpended funds within 5 years of receipt. Sec. 4.

(1) Funds received from a law enforcement distribution shall be deposited and maintained in an account separate from all other funds.

(2) An eligible entity shall expend funds from a law enforcement distribution only for the following purposes:

(a) Criminal justice in-service training that is designed and intended to enhance the direct delivery of criminal justice services by law enforcement officers.

(b) Direct costs, including all of the following:

(i) The actual cost of training materials necessary to, and used solely during, the direct delivery of criminal justice in-service training.

(ii) The reasonable rental cost or purchase price of equipment necessary to and used solely during the direct delivery of criminal justice in-service training. An eligible entity shall not make an equipment purchase that exceeds \$5,000.00 or 10% of its annual law enforcement distribution without prior written approval of the commission.

(iii) The rental of training facilities, only if adequate facilities owned or operated by the eligible entity are not available.

(iv) A flat rate, tuition, or subscription paid to a training provider, other than the eligible entity, for the delivery of criminal justice in-service training as provided under this act, only if the training is registered through the MCOLES information and tracking network before the dates on which the training is conducted.

(c) The costs incurred to participate in a criminal justice in-service training program, subject to the following restrictions:

(i) For tuition costs for in-state criminal justice in-service training, only if the training course is registered through the MCOLES information and tracking network before the dates on which the training is conducted.

(ii) For in-state criminal justice in-service training participant travel reimbursement, only if the criminal justice in-service training course is registered through the MCOLES information and tracking network before the dates on which the training is conducted. For purposes of this restriction, applicable reimbursement rates are those authorized for members of the state classified civil service.

(iii) For in-state instructor travel reimbursement. For purposes of this provision, applicable reimbursement rates are those authorized for members of the state classified civil service.

(iv) To pay the fees of a training consortium provider for the delivery of criminal justice in-service training to law enforcement officers of the eligible entity. For consortium fees paid as provided in this subparagraph, the eligible entity shall report the actual cost of each course attended. If a consortium fee is paid but the employees of the eligible entity were unable to attend the training, the eligible entity shall report this fact to the commission. The consortium training provider shall provide to the eligible entity an accounting of the training courses delivered to the eligible entity's law enforcement officers.

(d) To pay the following out-of-state criminal justice in-service training expenses, subject to the restrictions set forth in subsection (3):

(i) Tuition costs for out-of-state criminal justice in-service training, if the eligible entity submits an out-of-state special use request to the commission and the commission approves the expenditure prior to attendance.

(ii) Registration costs for out-of-state training conferences, if the eligible entity submits an out-of-state special use request to the commission, the commission approves the expenditure prior to attendance, and the training is conducted for not less than 6 hours within any 24-hour period.

(iii) Travel costs, if for the purpose of participating in a learning experience produced through reading, listening, observing, problem-solving, or interacting with others, the object of which is the introduction or enhancement of knowledge, skills, and judgment directly related to the performance of professional criminal justice tasks currently assigned or assignable.

(iv) Travel costs, if required to obtain or maintain skills or certification in a field of specialization related to the execution of the duties of law enforcement officers provided to the general public or related to the execution of administrative duties that enhance the ability of law enforcement officers to perform duties provided to the general public.

(3) Funds shall not be distributed under subsection (2)(d) unless both of the following apply:

(a) The course is registered through the MCOLES information and tracking network prior to the dates on which the training is conducted.

(b) One or both of the following:

(i) The course provides certification in a field of specialization that is not available in this state.

(ii) The course provides instruction that is not available in this state.

(4) An eligible entity shall not expend funds from a law enforcement distribution for any of the following:

(a) Training individuals who are not law enforcement officers.

(b) Travel expenditures in excess of or in violation of the expenditure rates authorized for members of the state classified civil service.

(c) Alcoholic liquor.

(5) For eligible entities that were eligible to receive law enforcement distributions on October 12, 1982, law enforcement distributions made under this section shall serve as a supplement to, and not as a replacement for, the training funds budgeted October 12, 1982, for criminal justice in-service training of the law enforcement officers it employs.

## APPENDIX D

(6) For eligible entities that did not elect to receive or were not eligible to receive law enforcement distributions on October 12, 1982, law enforcement distributions made under this section shall serve as a supplement to, and not as a replacement for, the training funds budgeted for the year immediately preceding the first year for which the eligible entity received law enforcement distributions, for criminal justice in-service training of the law enforcement officers it employs.

(7) An eligible entity receiving a law enforcement distribution shall expend the entire distribution within 2 years after the end of the calendar year in which it was received. If the eligible entity fails to expend the entire distribution within that period, it is not eligible to receive further law enforcement distributions until the entire distribution is expended for criminal justice in-service training, and reported as prescribed by the commission.

(8) If an eligible entity is no longer operating, the unit of government with which it is affiliated shall immediately return unexpended law enforcement distribution funds in a manner prescribed by the commission. Funds returned as provided in this subsection shall be segregated and shall be used only for law enforcement distributions.

(9) If the commission determines that an eligible entity has expended law enforcement distribution funds in violation of this act, the commission may do either of the following:

(a) Declare the eligible entity ineligible to receive further law enforcement distributions for a period determined by the commission and require it to immediately return the funds expended in violation of this act in a manner prescribed by the commission. Funds returned as provided in this subdivision shall be segregated and shall be used only for law enforcement distributions.

(b) Require the eligible entity to immediately return all unexpended law enforcement distribution funds, in addition to the funds expended in violation of this act. Funds returned as provided in this subdivision shall be segregated and shall be used only for law enforcement distributions.

(10) Beginning with the annual registration that follows the effective date of the amendatory act that added this subsection, funds received in a law enforcement distribution that have not been expended within 5 years after the year in which they were received shall immediately be returned in a manner prescribed by the commission. Funds returned as provided in this subsection shall be segregated and shall be used only for law enforcement distributions.

### 18.424a Printed materials; statement.

#### 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.

### 18.425 Law enforcement distribution funds; records of revenues and expenditures; report; final accounting.

#### Sec. 5.

(1) An eligible entity receiving law enforcement distribution funds shall maintain records of law enforcement distribution revenues and expenditures separate from other funding sources.

(2) An eligible entity receiving law enforcement distribution funds shall report to the commission on expenditures of those funds in a manner and on intervals prescribed by the commission. Each criminal justice in-service training program financed in whole or in part by law enforcement distribution funds shall be separately identified.

(3) If an eligible entity is no longer operating, the unit of government with which it is affiliated shall immediately provide the commission with a final accounting of expenditures of law enforcement distribution funds for all years since the eligible entity last reported.

### 18.426 Grants; policies and procedures.

#### Sec. 6.

The following policies and procedures apply to issuing grants under this act:

(a) The commission shall not award grants to a professional association.

(b) The commission may award grants using written grant agreements to which the commission and grantee are parties.

(c) Grantees shall submit applications for grant awards to the commission in the manner prescribed by the commission. The commission shall publish grant application procedures.

### 18.427 Expenditure of funds by grantee.

#### Sec. 7.

(1) A grantee shall expend funds from a grant award only as follows:

(a) To provide criminal justice in-service training that is designed and intended to enhance the direct delivery of criminal justice services by employees of the grantee or by employees of other grantees.

(b) To provide criminal justice in-service training presented by a grantee or by a contractual service provider retained by a grantee.

(c) To pay the actual cost of criminal justice in-service training materials necessary to, and used during, the direct delivery of criminal justice in-service training.

(d) To pay the reasonable rental cost or purchase price of equipment necessary to, and used solely during, the direct delivery of criminal justice in-service training.

(e) To pay the reasonable hourly salaries of instructors and developers for actual time spent developing, preparing, and delivering criminal justice in-service training.

(2) A grantee shall not expend funds from a grant award for any of the following:

(a) Travel expenditures in excess of the expenditure rates authorized for members of the state classified civil service.

(b) Travel costs incurred to participate in a criminal justice in-service training program, unless the program is solely for criminal justice in-service training for which the expenditure of grant funds is authorized under this act.

(c) Alcoholic liquor.

(d) Expenditures related to criminal justice in-service training courses for which grant funding has not been approved.

(e) Expenditures for goods and activities not related to criminal justice in-service training.

(3) If the commission determines that a grantee has expended grant award funds in violation of this act, the commission may do either of the following:

(a) Declare the grantee ineligible to receive further grant awards for a period to be determined by the commission.

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(b) Terminate 1 or more grant awards, and require the grantee to immediately return grant award funds expended in violation of this act, in a manner prescribed by the commission. Funds returned as provided in this subdivision shall be segregated and shall be used only for the reasonable expenses of providing staff services to the commission for administering and enforcing the statutory requirements of this act and administering and enforcing the statutory requirements of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, or for grant awards.

(4) If a grantee is no longer operating, the unit of government with which it is affiliated, or any other constituent or successor entity of the grantee, shall immediately provide the commission with a final accounting of all expenses incurred for criminal justice in-service training that was delivered, and the commission shall terminate all current grant awards.

18.428 Grant award; records of revenues and expenditures; funds received from Michigan justice training fund.

Sec. 8.

(1) A grantee receiving a grant award as provided in this act shall maintain records of grant revenues and expenditures separate from other funding sources.

(2) A grantee receiving a grant award as provided in this act shall report to the commission all expenditures of funds received from the Michigan justice training fund, in a manner and at intervals prescribed by the commission. Each training program financed in whole or in part by a grant award from the Michigan justice training fund shall be separately identified in the report.

18.428a Criminal justice in-service training courses; registration; report.

Sec. 8a.

(1) Criminal justice in-service training courses shall be registered through the MCOLES information and tracking network. If a course is not registered through the MCOLES information and tracking network, law enforcement distribution funds and grant award funds shall not be expended for the costs of those courses.

(2) Eligible entities and grantees shall report to the commission the training participants who attended each training session for which funding was provided in whole or in part by this act, in a manner and at intervals prescribed by the commission.

18.429 Audit of books, records, and accounts.

Sec. 9.

The books, records, and accounts pertaining to the Michigan justice training fund may be subject to audit by the auditor general every 2 years.

18.430 Rules.

Sec. 10.

The commission may promulgate rules governing the administration and use of the Michigan justice training fund.

# APPENDIX E

## 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

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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.

(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 F

## 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 G

## 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.

## APPENDIX G

(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.

(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."

# APPENDIX H

## Law Enforcement Officer Separation of Service Record Act Act 128 of 2017

AN ACT to require the creation and maintenance of certain law enforcement officer personnel records; to prescribe the information that may be contained in the personnel records; to permit law enforcement officers to review the personnel records; and to provide for immunity from civil liability to law enforcement agencies in certain circumstances.

The People of the State of Michigan enact:

Sec. 1. This act shall be known and may be cited as the “law enforcement officer separation of service record act”.

Sec. 2. As used in this act:

(a) “Commission” means the Michigan commission on law enforcement standards created in section 3 of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.603.

(b) “Former employing law enforcement agency” means a law enforcement agency in this state that was the employer of, or that issued an oath of office to, a law enforcement officer licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, and that was required to maintain an employment history record for that law enforcement officer under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615.

Sec. 3. (1) In addition to the employment history record required to be maintained under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, by a law enforcement agency for each officer it employs or for each officer to whom the chief of police of a village, city, or township or county sheriff has administered an oath of office, a law enforcement agency shall maintain a record regarding the reason or reasons for, and circumstances surrounding, a separation of service for each law enforcement officer for whom the law enforcement agency is required to maintain an employment history record under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, who subsequently separates from the law enforcement agency or from his or her employment as a law enforcement officer requiring the administration of an oath of office under section 9c or 9d of the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.609c and 28.609d.

(2) The law enforcement agency shall allow a separating law enforcement officer to review a record prepared under subsection (1) upon the request of the separating officer.

(3) If a separating law enforcement officer disagrees with the accuracy of the contents of the record prepared under subsection (1), he or she may request the correction or removal of the portion of the record he or she believes is incorrect. If the law enforcement agency and the separating law enforcement officer cannot reach an agreement on the contents of the record prepared under subsection (1), the separating law enforcement officer may submit a written statement explaining the separating law enforcement officer’s position and the basis for his or her disagreement. If a separating law enforcement officer submits a written statement under this subsection, it must be kept with the record required under subsection (1) and provided with the rest of the contents of the record as required under section 5.

Sec. 5. (1) A law enforcement officer who is licensed or who was previously licensed or certified under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615, and was previously employed as a law enforcement officer in this state, who separates from his or her employing law enforcement agency or from employment as a law enforcement officer to whom an oath of office has been administered under section 9c or 9d of the Michigan commission on law enforcement standards act, MCL 28.609c and 28.609d, and who subsequently seeks to become reemployed as a law enforcement officer in this state, shall provide to the prospective employing law enforcement agency, upon offer of employment, a signed waiver. A waiver executed under this subsection must expressly allow the prospective employing law enforcement agency to contact the law enforcement officer’s former employing law enforcement agency or agencies and seek a copy of the record regarding the reason or reasons for, and circumstances surrounding, his or her separation of service created by his or her former employing law enforcement agency or agencies under section 3.

(2) A waiver under subsection (1) must be executed on a form provided by the commission to all law enforcement agencies in this state that employ or administer oaths of office to law enforcement officers licensed under the Michigan commission on law enforcement standards act, 1965 PA 203, MCL 28.601 to 28.615. The prospective employing law enforcement agency is responsible for providing the waiver executed under subsection (1) to the former employing law enforcement agency or agencies.

(3) Upon receipt of the waiver executed under subsection (1), a former employing law enforcement agency shall provide, along with other information required or allowed to be provided by law, a copy of the record required under section 3 to the prospective employing law enforcement agency.

(4) A prospective employing law enforcement agency shall not hire a law enforcement officer to whom subsection (1) applies unless the prospective employing law enforcement agency receives the record created under section 3 from the law enforcement officer’s former employing law enforcement agency or agencies.

(5) A former employing law enforcement agency that discloses information under this section in good faith after receipt of a waiver executed under subsection (1) is immune from civil liability for the disclosure. A former employing law enforcement agency is presumed to be acting in good faith at the time of a disclosure under this section unless a preponderance of the evidence establishes 1 or more of the following:

(a) That the former employing law enforcement agency knew that the information disclosed was false or misleading.

(b) That the former employing law enforcement agency disclosed the information with a reckless disregard for the truth.

(c) That the disclosure was specifically prohibited by a state or federal statute.

Enacting section 1. This act takes effect 90 days after the date it is enacted into law.

This act is ordered to take immediate effect.