

State of Michigan
Michigan Commission on Law Enforcement Standards
Commission Meeting Agenda
Michigan State Police - Headquarters

February 14, 2024
10:30 AM

- I.** CALL TO ORDER Chair Kim Koster
- II.** INTRODUCTIONS
- III.** ACCEPTANCE OF THE [November 29, 2023](#) Meeting Minutes
- IV.** ADDITIONS/CHANGES TO THE AGENDA
- V.** PUBLIC COMMENT
- VI.** CHAIR'S REPORT
- [LEO Population](#)
 - [Grant Adjustments](#)
 - [SUR Report](#)
- VII.** DIRECTOR'S REPORT
- Introduction of new MCOLES employees (Joel Allen & Billy Wallace)
 - [Update on PSAA](#)
- VIII.** COMMITTEE REPORTS
- Executive Committee
- IX.** CONSENT AGENDA
- [Relinquishments](#)
- X.** NEW BUSINESS
- [2023/2024 Michigan Justice Training Fund \(MJTF\) Grant Adjustment](#)

XI. OLD BUSINESS

- [Update on Subject Control Curriculum Update](#)
- MJTF Grant Outcomes Report Update
- [Color Vision Validation Report](#)

XII. MISCELLANEOUS

XIII. PUBLIC COMMENT

XIV. NEXT MEETING

DATE: April 24, 2024
LOCATION: TBD

XV. ADJOURNMENT

Michigan Commission on Law Enforcement Standards
November 29, 2023
Lansing Community College – West Campus

COMMISSION MEMBERS PRESENT

Sheriff Gregory Zybert, representing the Michigan Sheriff's Association
Director Kimberly Koster, representing the Michigan Association of Chiefs of Police
Lt. Col. Michael Krumm, representing the Michigan State Police
Mr. David Tanay, representing the Office of the Attorney General
Trooper Nate Johnson, representing the Michigan State Police Troopers Association
Mr. Anthony Lewis, representing the Michigan Department of Civil Rights
Chief Ronald Wiles, representing the Michigan Association of Chiefs of Police
Dr. Lisa Jackson, representing residents of the State
Mr. Ken Grabowski, representing Police Officer Association of Michigan
Ms. Chianté' Lymon, representing residents of the State
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
Mr. Grant Ha, representing the Detroit Police Department
Mr. Matthew Saxton, representing the Michigan Sheriffs' Association
Ms. Linda Broden, representing the Detroit Police Officers Association
Mr. Jim Stachowski, representing the Police Officers Labor Council

COMMISSION MEMBERS EXCUSED

Deputy Matthew Hartig, representing the Deputy Sheriffs' Association of Michigan
Pastor Jeffery Hawkins, representing residents of the State
Pastor Tellis Chapman, representing residents of the State
Chief Issa Shahin, representing the Michigan Association of Chiefs of Police
Sheriff Anthony Wickersham, representing the Michigan Sheriffs' Association
Mr. Michael Sauger, representing the Fraternal Order of Police

STAFF PRESENT (In Person)

Mr. Timothy Bourgeois, MCOLES Executive Director
Mr. Joseph Kempa, MCOLES Deputy Executive Director
Ms. Jacquelyn Beeson, MCOLES Staff
Mr. Mark Sands, MCOLES Legal Counsel
Ms. Kayla Hanselman, MCOLES Staff
Mr. Danny Rosa, MCOLES Section Manager
Ms. Ali Pirich, MCOLES Staff
Ms. Rhonda Hooson, MCOLES Staff

GUESTS ATTENDING

Director David Kok, Grand Rapids Community College
Director Steven Amey, Ferris State University
Mr. Tom Adams, Former MCOLES Commissioner
Mr. Matthew Heins, Municipal League
Mr. Dave Greydanus, Ferris State University

CALL TO ORDER

The Commission meeting was called to order by Chair Greg Zybert on November 29, 2023 at 10:30 AM. The meeting was held in person in accordance with the Open Meetings Act and shared virtually via the Teams platform for staff and members of the public. Commissioners were required to attend in person to have voting rights.

INTRODUCTIONS

Chair Zybert introduced himself and then asked the other Commissioners attending in person to do the same. Next, visitors attending in person were asked to introduce themselves if they wished to do so, as were staff members in attendance. Finally, members of the public that were attending virtually were asked to identify themselves if they chose to be part of the minutes.

Commissioner Zybert announced that if any member of the public wanted to make a comment, they will have two opportunities to do so. The first time will be after the Changes or Additions to the Agenda portion of the meeting and the second opportunity will be at the end of the meeting. The purpose is for the Commission to listen to comments from the public, but the Commissioners will not engage in dialogue. Comments are limited to three minutes.

ACCEPTANCE OF THE SEPTEMBER 13, 2023 COMMISSION MEETING MINUTES

The Minutes from the September 13, 2023 meeting were made available electronically to the Commissioners. Chair Zybert asked for a motion to approve the minutes then held a voice vote.

A **MOTION** was made by Commissioner Saxton and supported by Commissioner Jackson to approve the September 13, 2023 Commission Meeting Minutes

A **VOTE** was taken. The **MOTION** carried.

ADDITIONS TO THE AGENDA

Chair Zybert inquired if any Commissioner wanted to make a change or addition to the agenda. There were no changes requested.

PUBLIC COMMENT - None

CHAIR'S REPORT

LEO Population – The Law Enforcement Officer Population Report for October was sent electronically to the Commissioners. There was a decrease in the number of officers and the number of law enforcement positions. Chair Zyburdt added that there are many academies in session and hopefully with the graduations, we will see the numbers increase.

Grant Adjustments – This report provides information on adjustments requested by the grantees of the Michigan Justice Training Fund grants. The report was sent out earlier and does not require Commission action. It is for information only.

SUR Report – Any Special Use Request made by an agency is reported to the Commission. This report includes requests for out-of-state training and equipment purchases. The total amount requested since our last meeting was \$115,915.07. This report is also for information only.

DIRECTOR'S REPORT

Recognition – Executive Director Bourgeois asked Mr. Tom Adams to join him up front. He reminded the Commission that Mr. Adams was appointed a commissioner in 2017. Executive Director Bourgeois stated that Mr. Adams served the Commission well and attended every meeting. He went on to say that Mr. Adams was also named a Michigander of the Year for 2023 by the Detroit News for his work with the prison ministry and reentry program. He was presented with a plaque and thanked for his service representing the public on the Commission.

New Staff – Executive Director Bourgeois introduced David Lee. He is the manager of the Licensing and Administrative Services. Since 2018 MCOLES has had a Communication Analyst position open. When the staff person retired, MCOLES did not have the funding available to continue the position. It has been vacant since then. With funding coming from the Medical Marijuana Regulatory Fund, MCOLES now has the necessary funding to fill the position. Mr. Lee introduced Ali Pirich. Ms. Pirich advised in the past she worked for Blue Cross Blue Shield in Detroit and then Lansing. She was also the Director of Communication for St. Vincent Catholic Charities. She stated she was excited for this new position and looks forward to working with everyone.

Commissioners with Expiring Terms – Executive Director Bourgeois advised the Commission that there are five Commissioners whose terms expire on December 31, 2023. He reminded them that the terms expire on a rotation basis to allow for a continuity in service. The following are the Commissioners whose terms are expiring:

- Commissioner Ken Grabowski
- Commissioner Anthony Wickersham
- Commissioner Tony Lewis representing John Johnson
- Commissioner Linda Broden
- Commissioner Tellis Chapman

Executive Director Bourgeois contacted the Governor's Office. He advised this is an incredibly busy time of the year for them. They asked for these five commissioners to go on-line and fill

out the application if you wish to continue your service. Jacque will send the link to you after this meeting.

25 Year Pin – Executive Director Bourgeois asked Rhonda Hooson and Lt. Col. Krumm to join him. He stated that MCOLES is administratively housed in Michigan State Police. MSP recognizes years of service for their employees. He stated that Lt. Col. Krumm was going to assist him presenting Rhonda Hooson her 25-year pin and thank her for her service.

COMMITTEE REPORTS

Executive Committee – Chair Zybert advised the committee met that morning prior to the full commission meeting. The topics on the agenda were discussed.

Nominating Committee – Chair Zybert called on Commissioner Johnson to advise who they were nominating for the vice-chair and chair positions for 2024. Commissioner Johnson stated the Committee met November 21, 2023 and chose to nominate Commissioner Koster for chair and Commissioner Wickersham for vice-chair.

Chair Zybert opened the floor for any other nominations. After hearing none, he asked for a motion to close the nomination process.

A **MOTION** was made by Commissioner Saxton and supported by Commissioner Stachowski to close the nomination process.

A **VOTE** was taken. The **MOTION** carried.

A **MOTION** was made by Commissioner Krumm and supported by Commissioner Saxton to approve Commissioner Koster as the next chair.

A **VOTE** was taken. The **MOTION** carried.

A **MOTION** was made by Commissioner Krumm and supported by Commissioner Stachowski to approve Commissioner Wickersham as the vice-chair.

A **VOTE** was taken. The **MOTION** carried.

CONSENT AGENDA

Relinquishment – Chair Zybert requested AAG Mark Sands to address this topic. AAG Sands stated the Commission received one relinquishment of a law enforcement license since the last meeting. Chad Vorce was charged with one count of felonious assault, a 4- year felony under MCL 750.82; felony firearm, a 2-year felony under MCL 750.227b, one count of Common Law Offenses, a 5-year felony under MCL 750.505, one count of willful neglect of duty, a misdemeanor under MCL 750.478, and aggravated assault, a misdemeanor under MCL 750.81a in

the 29th Judicial Circuit Court in Clinton County, Michigan. Pursuant to a plea agreement, Mr. Vorce pleaded no contest to one count of willful neglect of duty and one count of aggravated assault. Mr. Vorce was required to relinquish his law enforcement officer license as a condition of the plea.

Commissioner Weiss stated that in the past he has objected to county prosecutors serving in our role by having someone relinquish their license as part of a plea agreement. He stated that he still objects to prosecutors thinking they can do our job better than we do.

NEW BUSINESS

2024 Meeting Dates – Chair Zybert advised that the Commissioners received the list of proposed meeting dates for 2024 in their electronic distribution. He asked if anyone had any conflicts. Commissioner Koster stated she had a conflict with the November 13, 2023 date and requested the meeting be held on November 20. There were no objections, and the November meeting was moved.

A **MOTION** was made by Commissioner Krumm and supported by Commissioner Wendling to approve the 2024 meeting dates with the November change.

A **VOTE** was taken. The **MOTION** carried.

OLD BUSINESS

Regional Academy Requests – Director Bourgeois advised the Commission that at the last meeting two entities (Grand Rapids Community College and Ferris State University) who currently have college pre-service programs approached the Commission as required under the Administrative Rules to request to run a regional academy along with their pre-service academy. They received the permission to go forward with their proposal. They then went back and developed their plans and submitted them to commission staff. The staff vetted the proposals. We are now recommending you approve the two entities to run a regional police academy in addition to their college pre-service program. He also added the Commission has a long history with both of these schools and they have demonstrated the ability to disseminate the curriculum. Executive Director Bourgeois added that these two entities are responding to needs in their communities. We all know there is a shortage of officers, and more seats are needed in the academies. He said that these requests are similar to the program the Commission approved for Kellogg Community College.

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Stachowski to approve the requests by Grand Rapids Community College and Ferris State University to add regional police academies.

A **VOTE** was taken. The **MOTION** carried.

Grants – Executive Director Bourgeois called on David Lee to give an update on the grants. Mr. Lee explained there are six 4-year work project grants totaling \$58.7 million. Three of the grants are funded by American Recovery Act funds (aka COVID relief) the other 3 are funded by the state General Fund. Below is an update for each grant.

- Detroit Police Athletic League
 - \$7.5 million
 - Support existing programs and expand into Flint and Grand Rapids
 - \$1.2 million spent to date
- Community Policing Grants
 - Bridge the Gap/Saginaw Community Foundation
 - \$1 million
 - \$175,000 spent to date
 - FORCE Detroit
 - \$500,000
 - \$ 43,000 spent to date
 - Genesee County Sheriff Violence Intervention
 - \$ 3 million
 - Contract signed
- Community Policing Competitive Grants
 - \$ 11 million
 - First round letters of intent to apply were received and applications sent
 - \$3.7 million requested
 - Second request for letters of intent to apply were sent
 - Difficulty obtaining grantees due to the restrictions placed on grants
 - Research-based
 - Prioritization
 - Broad community or multi-agency strategy
 - Promotion of youth engagement activities
 - Partnerships with community-based organizations, local governments or research institutions.
- Public Safety Academy Assistance Grants
 - \$30 million
 - Up to \$24,000 per recruit for costs of attending the academy (includes wages, tuition, lodging and non-duty equipment).
 - 653 recruits from 203 agencies
 - \$14.7 million spent to date
 - Estimated funds available for 2024 academy sessions, spring 2025 will be first come first served.
- Out-of-State Officers
 - \$2.7 million
 - RPTE program costs & travel are covered
 - Application materials under review

- Narcotics Task Force Training & Equipment
 - \$3 million
 - Assembling a subject matter expert (SME) group

After Mr. Lee completed his report a discussion occurred regarding some of the grants. A question was asked if there was anything that prevents the Commission from being more transparent regarding the MJTF grants? Some of the details requested included:

- What training the grant provided.
- Has the agency had previous grants.
- How much of the grant was spent.
- How much of the funding was unused.

Executive Director Bourgeois advised that he did not think there was anything in the Act that would prevent them from providing more information. He said that Commission staff do internal audits on the grants, therefore there is oversight. He added that he would look into it and get back to them at the next meeting.

Also discussed was the timeline regarding the Continuing Professional Education grant. The Executive Director advised it is a 5-year grant. He added it is a very big project. Seven additional staff members needed to be hired to work on this grant. Going through the Civil Service process can take an extended amount of time. He added that the staff members they are wanting to hire will need law enforcement, human resources, and curriculum development experience. For this project staff will reach out to other states and see what they do for continuing professional education, link it to the Job Task Analysis, and locate SMEs. He states that this is a work in progress but will be completed in 2024. This annual mandatory training will also be tied to the maintenance of an officer's law enforcement license.

ROUNDTABLE

Chair Zyburt stated this was his last meeting as chair. He thanked the Executive Director and his staff for all of their help. He said it was an honor to chair this Commission. He added that his focus has been on more training for law enforcement officers and keeping professionalism in the job.

NEXT MEETING

Date: February 14, 2024

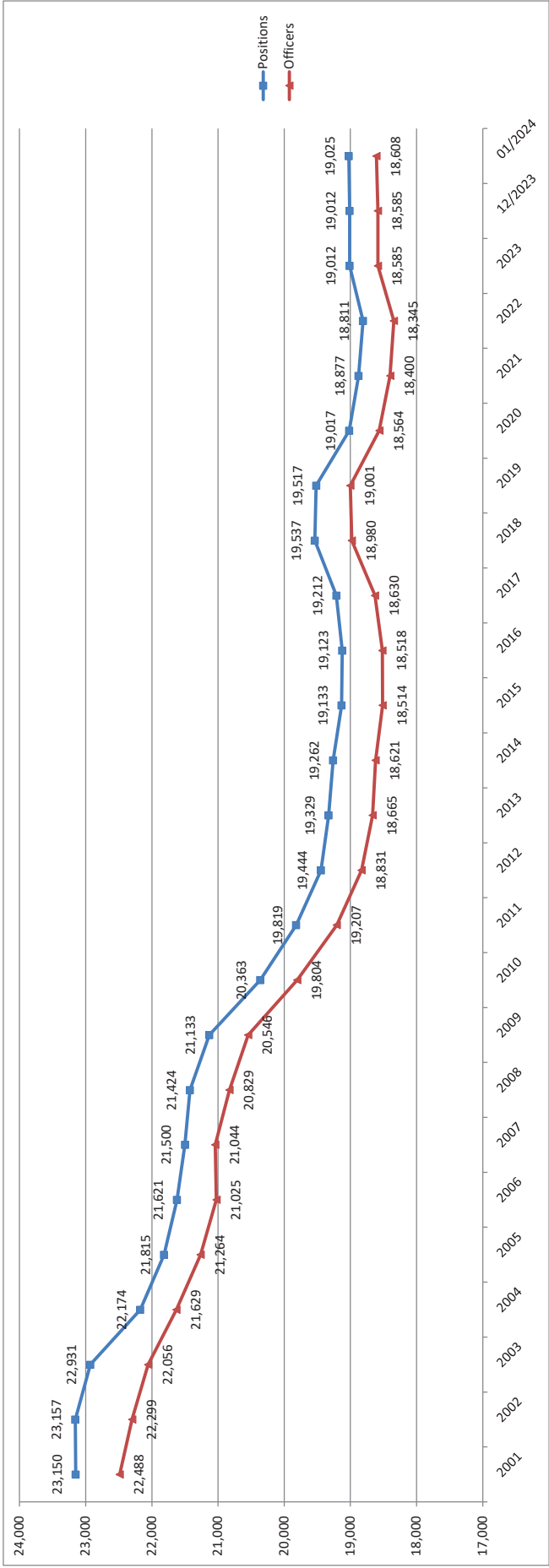
Location: TBD

Michigan Commision on Law Enforcement Standards
Law Enforcement Population Trends - January 2024

Law Enforcement Agencies																											
Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	12/2023	01/2024	1 Month	Overall
Agencies	613	613	615	610	609	608	609	608	611	609	606	599	597	597	592	588	585	584	581	578	583	579	576	576	575	-1	-38

Law Enforcement Positions and Officers¹

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	12/2023	01/2024	1 Month	Overall
Positions	23,150	23,157	22,931	22,174	21,815	21,621	21,500	21,424	21,133	20,363	19,819	19,444	19,329	19,262	19,133	19,123	19,212	19,537	19,517	19,017	18,877	18,811	19,012	19,012	19,025	13	-4,125
Officers	22,488	22,299	22,056	21,629	21,264	21,025	21,044	20,829	20,546	19,804	19,207	18,831	18,665	18,621	18,514	18,518	18,630	18,980	19,001	18,564	18,400	18,345	18,585	18,608	23	-3,880	



¹ Positions, whether full or part time, include officers who may have multiple law enforcement employment relationships, i.e., one officer employed at two agencies counts as two positions. Historical data (2001-2023) is a snapshot of law enforcement positions taken on 12/31 of each calendar year. The 2024 data is current as of 01/31/2024.

Grant Adjustment Requests Received Between 11/18/2023 and 02/02/2024

Agency

NORTHERN MICHIGAN UNIVERSITY

Grant Title

NMU Law Enforcement Training Competitive Grant

Adjustment Title

One Year Extension

Adjustment No. 2 Received 11/28/2023 Program Adjustment ☒ Budget Adjustment ☒

Summary

One-year extension

Approved ☒ Approved Date 11/28/2023

Agency

NORTHERN MICHIGAN UNIVERSITY

Grant Title

NMU Law Enforcement Training Competitive Grant

Adjustment Title

Add a session of Death Investigation course

Adjustment No. 3 Received 1/26/2024 Program Adjustment ☒ Budget Adjustment ☒

Summary

This request is to use unspent funds to add an additional Death Investigation course. The Death Investigation clsas series is a very sought after class to attend by Law Enforcement agencies in the Upper Peninsula and always has high attendance. The 2023 classes were well received and the request would add an additional session to serve Law Enforcement.

The request proposes moving \$10,800 from Contractual REID to Contractual Death Investigation, moving 1,300 from Supplies and Operating (Cadaver) to Contractual Death Investigation, and moving \$597.60 from Supplies and Operating (Cadaver) to Personnel-Adam Maynard administration wages and fringe.

Approved ☒ Approved Date 2/2/2024



Michigan Justice Training Fund Law Enforcement Distribution

SPECIAL USE REQUEST STATUS REPORT November 29, 2023 through February 14, 2024

From November 29, 2023 through February 14, 2024 there were 11 (eleven) [Special Use Requests](#) totaling \$69,899.68 in potential law enforcement distribution expenditures were submitted to the Commission for approval. Requests were approved for a total projected expenditure of \$69,299.68.

Michigan Commission On Law Enforcement Standards
MCOLES Information and Tracking Network
Special Use Requests

02/08/2024
08:45 AM

Report Parameters:

Request Begin Date: 11/29/2023
Request End Date: 02/14/2024
Agency Name: All Agencies
Request Type: All SUR Request Types

Out-of-State Training

Special Use Request No.: 6630
Requesting Agency: DETROIT POLICE DEPARTMENT
Training Provider: Talon SCS
Course Title: Hooked, Solving the Handcuffing Dilemma
Course Location: Parma OH
Course Dates: 03/11/2024 - 03/13/2024
Requested Amount: \$1,219.88
Recommended Amount: \$1,219.88
Request Date: 01/25/2024
Commission Action:
Commission Action Date: 02/14/2024
Description:

Latest handcuffing and restraint techniques designed to protect both the officer and detainee.
ATTENDEES:
Sgt. David Gonzalez, Training
Cpl. Daniel Woods, Training

Special Use Request No.: 6631
Requesting Agency: DETROIT POLICE DEPARTMENT
Training Provider: Axon
Course Title: Taser Emergency Weapon Master Instructor
Course Location: Los Angeles CA
Course Dates: 02/28/2024 - 03/01/2024
Requested Amount: \$3,061.82
Recommended Amount: \$3,061.82
Request Date: 01/16/2024
Commission Action:
Commission Action Date: 02/14/2024
Description:

Training for Taser master instructors, who will in turn train the street officers.
ATTENDEES:
Sgt. David Gonzalez, Training
Cpl Sean Warynen, Training.



Michigan Commission On Law Enforcement Standards
MCOLES Information and Tracking Network
Special Use Requests

02/08/2024
08:45 AM

Out-of-State Training

Special Use Request No.: 6632
Requesting Agency: DETROIT POLICE DEPARTMENT
Training Provider: Public Agency Training Council
Course Title: 3-day Hostage Negotiator Training
Course Location: Las Vegas NV
Course Dates: 04/29/2024 - 05/01/2024
Requested Amount: \$3,867.30
Recommended Amount \$3,867.30
Request Date: 01/26/2024
Commission Action:
Commission Action Date: 02/14/2024
Description:
Basic 3 day hostage negotiation training by PATC.
Attendees;
Lt. James Domine
Sgt. Deanna Wilson, Hostage Negotiators

Special Use Request No.: 6634
Requesting Agency: DETROIT POLICE DEPARTMENT
Training Provider: Public Agency Training Council
Course Title: Leadership for Troubling Times
Course Location: Galveston TX
Course Dates: 04/22/2024 - 04/25/2024
Requested Amount: \$1,683.39
Recommended Amount \$1,683.39
Request Date: 02/04/2024
Commission Action:
Commission Action Date: 02/14/2024
Description:
Concepts for leadership an management.
ATTENDEE:
PO David Wiggins

Michigan Commission On Law Enforcement Standards
MCOLES Information and Tracking Network
Special Use Requests

02/08/2024
08:45 AM

Out-of-State Training

Special Use Request No.: 6629
Requesting Agency: OAKLAND COUNTY SHERIFFS OFFICE
Training Provider: Helicopter Institute
Course Title: Recurrent Helicopter Training
Course Location: Ft Worth TX
Course Dates: 01/29/2024 - 02/02/2024
Requested Amount: \$32,545.00
Recommended Amount \$31,945.00
Request Date: 01/11/2024
Commission Action:
Commission Action Date: 02/14/2024
Description:
Recertification training for helicopter pilots (required).
ATTENDEES:
Dep. Adam Ward
Dep. Phillip Heckman
Dep. Gary Boudreau

Special Use Request No.: 6635
Requesting Agency: OAKLAND COUNTY SHERIFFS OFFICE
Training Provider: Major County Sheriffs Assn.
Course Title: MCSA Winter Conference and Training
Course Location: Washington DC
Course Dates: 02/07/2024 - 02/10/2024
Requested Amount: \$2,565.00
Recommended Amount \$2,565.00
Request Date: 02/05/2024
Commission Action:
Commission Action Date: 02/14/2024
Description:
Annual training for administrators of major sheriffs agencies across the country to include leadership, budgeting, personnel issues, jails issues, etc.
ATTENDEE:
Capt. Todd Hill, Homeland Security Officer

Michigan Commission On Law Enforcement Standards
MCOLES Information and Tracking Network
Special Use Requests

02/08/2024
08:45 AM

Out-of-State Training

Special Use Request No.: 6636
Requesting Agency: OAKLAND COUNTY SHERIFFS OFFICE
Training Provider: Force Science Institute
Course Title: Force Science certification
Course Location: Nashville TN
Course Dates: 02/26/2024 - 02/29/2024
Requested Amount: \$5,740.00
Recommended Amount \$5,740.00
Request Date: 01/17/2024
Commission Action:
Commission Action Date: 02/14/2024
Description:

Latest techniques and principles in use of force situations.

ATTENDEES:

Sgt. Adam Whiting
Sgt. Nicholas Stoner, Homeland Security Div.

Special Use Request No.: 6626
Requesting Agency: WAYNE COUNTY SHERIFFS OFFICE
Training Provider: 2024 LEIU/IALEIA Annual Conference
Course Title: 2024 LEIU/IALEIA Annual Conference
Course Location: New Orleans LA
Course Dates: 04/21/2024 - 04/26/2024
Requested Amount: \$2,913.57
Recommended Amount \$2,913.57
Request Date: 12/18/2023
Commission Action:
Commission Action Date: 02/14/2024
Description:

The annual training of the Law Enforcement Intelligence Units/International Association of Law Enforcement Intelligence Agents that will cover case studies, computer skills, informant development, dark web, investigation techniques, artificail intelligence, etc.

ATTENDEES: Cpl Shannon Harmon.

Michigan Commission On Law Enforcement Standards
MCOLES Information and Tracking Network
Special Use Requests

02/08/2024
08:45 AM

Out-of-State Training

Special Use Request No.: 6628
Requesting Agency: WAYNE COUNTY SHERIFFS OFFICE
Training Provider: Major County Sheriffs of America
Course Title: MCSA Winter Conference 2024
Course Location: Washington DC
Course Dates: 02/07/2024 - 02/10/2024
Requested Amount: \$3,838.40
Recommended Amount \$3,838.40
Request Date: 01/08/2024
Commission Action:
Commission Action Date: 02/14/2024

Description:

Annual training conference for the Major County Sheriffs Association that will cover a plethora of issues.

ATTENDEES:

Sheriff Washington
Undersheriff Jaafer

Special Use Request No.: 6633
Requesting Agency: WAYNE COUNTY SHERIFFS OFFICE
Training Provider: IACP
Course Title: IACP Officer Safety & Wellness Conference
Course Location: Louisville KY
Course Dates: 03/01/2024 - 03/03/2024
Requested Amount: \$1,892.70
Recommended Amount \$1,892.70
Request Date: 01/27/2024
Commission Action:
Commission Action Date: 02/14/2024

Description:

Three days of intensive training regarding health, safety and personal development. Topics to include: Traumatic Stress; Healthy Eating for LE; Building Peer Support Groups; Skills for Building Empathy & Wellness; Dealing with Employee Suicide, etc.

ATTENDEE:

Capt. Rachael Davis, Transition Team

Total Out-of-State Training Requested Amount: \$59,327.06

Total Out-of-State Training Recommended Amount: \$58,727.06



Michigan Commission On Law Enforcement Standards
MCOLES Information and Tracking Network
Special Use Requests

02/08/2024
08:45 AM

Total Training Requested Amount:	\$59,327.06
Total Training Recommended Amount:	\$58,727.06

Equipment Purchase

Special Use Request No.:	6627
Requesting Agency:	WEST BLOOMFIELD TOWNSHIP POLICE DEPARTMENT
Equipment Description:	Zebra Athletic Mats
Requested Amount:	\$10,572.62
Year-to-Date Purchases:	\$2,472.00
Recommended Amount:	\$10,572.62
Request Date:	12/28/2023
Commission Action:	
Commission Action Date:	02/14/2024

Explanation:

Mats will be installed in new training room at the PD. Will be used for Use of Force, Defensive Tactics and other scenario trainings as needed.

Total Equipment Purchase Requested Amount:	\$10,572.62
Total Equipment Purchase Recommended Amount:	\$10,572.62

Total Equipment Requested Amount:	\$10,572.62
Total Equipment Recommended Amount:	\$10,572.62

Total Special Use Requested Amount:	\$69,899.68
Total Special Use Recommended Amount:	\$69,299.68

PSAA UPDATE

(AS OF FEBRUARY 2, 2024)

Agency Stipends	\$16,490,247.81
Academy Payments	\$ 1,354,268.75
Recruit – Other Payments	\$ 2,157,674.42
Other Expenditures	\$ 0
TOTAL Expended	\$20,002,190.98
TOTAL Available	\$ 9,997,809.02



MCOLES
Michigan Commission on Law Enforcement Standards

The Commission has received the following relinquishments of a law enforcement officer license since the last meeting.

[Bram Schroeder](#) was charged with one count of Common Law Offenses, a 5-year felony under MCL 750.505, one count of willful neglect of duty, a misdemeanor under MCL 750.478, and aggravated assault, a misdemeanor under MCL 750.81a in 10th Judicial Circuit Court in Saginaw County. Pursuant to a plea agreement, Mr. Schroeder pleaded no contest to one count of willful neglect of duty and one count of aggravated assault. Mr. Schroeder was required to relinquish his law enforcement officer license as a condition of the plea.

[Timothy Leach](#) was charged with tampering with evidence, a 4-year felony under MCL 750.483(6)(a); acting as a security guard without a license, a 4-year felony under MCL 338.1053; two counts of willful neglect of duty, a misdemeanor under MCL 750.478, and aggravated assault, a misdemeanor under MCL 750.81a(1) in 3rd Judicial Circuit Court in Wayne County. Pursuant to a plea agreement, Mr. Leach pleaded guilty to two counts of willful neglect of duty. Mr. Leach was required to relinquish his law enforcement officer license as a condition of the plea.

[Frederick Pearson](#) was charged with Common Law Offenses, a 5-year felony under MCL 750.505; tampering with evidence, a 4-year felony under MCL 750.483(6)(a); and two counts of willful neglect of duty, a misdemeanor under MCL 750.478 in 3rd Judicial Circuit Court in Wayne County. Pursuant to a plea agreement, Mr. Pearson pleaded guilty to two counts of willful neglect of duty. Mr. Pearson was required to relinquish his law enforcement officer license as a condition of the plea.

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

AFFIDAVIT OF LICENSE RELINQUISHMENT

STATE OF MICHIGAN

COUNTY OF BAY

(County in which affidavit is being executed)

I, BRAM SCHROEDER, being duly sworn, state that:
(Name of person executing affidavit)

1. I make this Affidavit on personal knowledge, and, if sworn as a witness, I can testify competently to the facts stated in it.
2. I voluntarily and permanently relinquish my Michigan law enforcement officer license by executing this Affidavit before a notary public.
3. I authorize the Michigan Commission on Law Enforcement Standards to permanently revoke my Michigan law enforcement officer license.
4. I understand that by executing this Affidavit, I am voluntarily waiving all other procedures related to the relinquishment and revocation of my license, including, but not limited to, a contested case proceeding.
5. I understand that by voluntarily and permanently relinquishing my Michigan law enforcement officer license, I will not be eligible to be employed as a law enforcement officer in the State of Michigan.



(Signature of person executing affidavit)

Subscribed and sworn to by Kristi Ritter before me on the
24 day of April, 2023

Signature: KRISTIRITTER

Printed name: Kristi Ritter

Notary public, State of Michigan, County of Bay.

Acting in the County of Bay.

My commission expires July 19 2025.

KRISTI RITTER
NOTARY PUBLIC - MICHIGAN
BAY COUNTY
MY COMMISSION EXPIRES 07/19/2025
ACTING IN Bay COUNTY



THE UNITED STATES OF AMERICA

DEPARTMENT OF JUSTICE

OFFICE OF THE ATTORNEY GENERAL

WASHINGTON, D. C.

MEMORANDUM FOR THE ATTORNEY GENERAL

SUBJECT: [Illegible]

[Illegible text]

[Illegible text]

[Illegible text]

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MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

AFFIDAVIT OF LICENSE RELINQUISHMENT

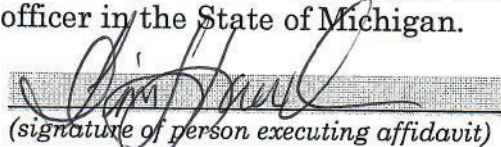
STATE OF MICHIGAN COUNTY OF WAYNE

EXHIBIT 1 (ATTACHMENT) TO PLEA AGREEMENT

(county in which affidavit is executed)

I, Timothy Larrance Leach, being duly sworn, state that:
(type or print full name of person executing affidavit)

1. I make this affidavit on personal knowledge, and, if sworn as a witness, I can testify competently to the facts stated in it.
2. I voluntarily and permanently relinquish my Michigan law enforcement officer license by executing this Affidavit before a notary public.
3. I authorize the Michigan Commission on Law Enforcement Standards to permanently revoke my Michigan law enforcement officer license.
4. I understand that by executing this Affidavit, I am voluntarily waiving all other procedures related to the relinquishment and revocation of my license, including, but not limited to, a contested case proceeding.
5. I understand that by voluntarily and permanently relinquishing my Michigan law enforcement officer license, I will not be eligible to be employed as a law enforcement officer in the State of Michigan.


(signature of person executing affidavit)

Subscribed and sworn to by Crystal Bright before me on the
8th day of February, 2024
Signature Crystal Bright
Printed name Crystal Bright
Notary public, State of Michigan, County of Wayne
Acting in the County of Wayne
My commission expires 11/6/2024

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

AFFIDAVIT OF LICENSE RELINQUISHMENT

STATE OF MICHIGAN COUNTY OF WAYNE

EXHIBIT 1 (ATTACHMENT) TO PLEA AGREEMENT
(county in which affidavit is executed)

Frederick

I, Frederick Eugene Person, being duly sworn, state that:
(type or print full name of person executing affidavit)

1. I make this affidavit on personal knowledge, and, if sworn as a witness, I can testify competently to the facts stated in it.
2. I voluntarily and permanently relinquish my Michigan law enforcement officer license by executing this Affidavit before a notary public.
3. I authorize the Michigan Commission on Law Enforcement Standards to permanently revoke my Michigan law enforcement officer license.
4. I understand that by executing this Affidavit, I am voluntarily waiving all other procedures related to the relinquishment and revocation of my license, including, but not limited to, a contested case proceeding.
5. I understand that by voluntarily and permanently relinquishing my Michigan law enforcement officer license, I will not be eligible to be employed as a law enforcement officer in the State of Michigan.

Frederick Eugene Person
(signature of person executing affidavit)

Subscribed and sworn to by Frederick Person before me on the
8th day of February, 2024.

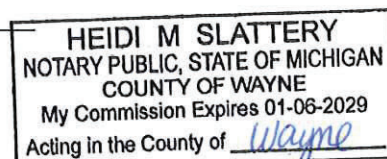
Signature Heidi M. Slattery

Printed name Heidi M. Slattery

Notary public, State of Michigan, County of Wayne

Acting in the County of Wayne

My commission expires 01/06/2029



Authority: 2016 PA 289, §§ 9(13)(c); 9a(6)(c); 9b(13)(c), 9c(12)(c), and 9d(14)(c)



SUBJECT: 2024 Michigan Justice Training Fund (MJTF) Grant Adjustment

PURPOSE: COMMISSION ACTION

DATE	SECTION	EXECUTIVE DIRECTOR	AUTHOR
February 2, 2024	Licensing & Administrative Services	Timothy S. Bourgeois	Cristina Dowker

Background

The Michigan Justice Training Fund (MJTF) is administered by MCOLES under PA 302 of 1982, as follows:

MCL 18.422(4) The commission shall use the Michigan justice training fund for the following purposes:

- (a) Making law enforcement distributions as provided by 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.
- (c) Awarding grants as provided by this act.

In accordance with the 2024 MJTF Grant Manual, a Grant Award Adjustment Request is required in order to request programmatic, administrative, or financial changes associated with the grant award. Because this adjustment is proposing to change the scope of the project, it is being presented to the Commission for review and approval.

Information

Michigan State Police-Organizational Development Division – 2024 Leadership Development Academy

The approved 2024 Leadership Development Academy project proposed contracting keynote speaker Shelli Johnson to present her “Epic Leadership Lessons Learned in the Field” keynote speech. After approval of the award, Ms. Johnson notified that she would be unable to present on the dates of the Leadership Development Academy. A similar leadership keynote speaker has been secured, and this adjustment request is proposing to contract with Ms. Michelle Ray, a Hall of Fame business keynote speaker and sought-after international leadership and change expert. Ms. Ray will present: It Starts with YOU – Mastering the Art of Respectful, Accountable and Transformational Leadership. Students will:

- Learn to take charge of your mindset and lead with your character

- Discover the connection between ethics, diversity and respectful workplace cultures
- Understand the difference between transactional and transformational leadership
- Learn essential communication skills to enhance ethical, accountable behavior
- Acquire tools for building a collaborative and accountable team
- Tap into your innovative potential to bring out the best in yourself and others.

There will be no impact on the budget, as contractual funds requested for Ms. Shelli Johnson will now be used for a contract with Ms. Michelle Ray.

Recommendation

It is recommended that the Commission vote to approve this [grant adjustment request](#). The complete adjustment request is attached.

MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

Michigan Justice Training Fund Competitive Grant

2024 Grant Award Adjustment Request

Grantee Michigan State Police - Organizational Development Division	Grant Number 2024-LE-290-0
Project Title 2024 Leadership Development Academy	Adjustment Number
Date Request Prepared 01/16/2024	Requested Effective Date 04/01/2024

Type of Request: ☒ Program Revision ☐ Budget Revision ☐ Program and Budget Revision

Purpose: Grants approved by the Michigan Commission on Law Enforcement Standards define a specific training project. **Programmatic, administrative, or budgetary changes that modify the approved project must be authorized by the Commission *prior to implementation*.** A thorough explanation for the proposed modification is required before a request will be considered. A Grant Award Adjustment Request may be submitted at any time during the grant period when changes to the project are necessary. A grant adjustment cannot be made after the end of the contract period. If multiple non-related adjustments are being requested, a separate request must be prepared for each change.

Program modifications that require Commission approval include, but are not limited to, the following:

- Change in program content.
- Change in the number of sessions or hours presented for a course.
- Change in the minimum number of trainees required for a course.
- Change in the project administrator or financial officer.
- Extension of the project period (not to exceed 12 months beyond the original end date).
- Adjustment to specific actions made by the Commission.

Budget modifications that require Commission approval include, but are not limited to, the following:

- Transfer of funds between approved budget line items that are in different budget categories.
- Transfer of funds between approved budget line items within the same budget category if it exceeds 10% of the category total or \$500, whichever is less.
- Addition of a budget line item for an eligible training expenditure that is not in the approved budget. A proposed budget addition must be made within the total approved grant award. No increase or decrease to the total grant budget is allowed.
- Significant budget changes associated with program modifications.

This form is divided into two sections. Section A - Requested Program Revision must be completed for program modifications, and Section B – Requested Budget Revision must be completed for financial modifications. If the requested change affects both elements of the project, complete both sections of the form and explain the correlation.

A REVISED BUDGET DETAIL MUST ACCOMPANY ALL ADJUSTMENT REQUESTS.

SECTION A – REQUESTED PROGRAM REVISION

Description – Describe the requested change in detail. Explain how the desired outcome differs from the approved application. If the adjustment reflects significant change in the program content, instructors, or hours, you must provide the new method of instruction and explain why the original proposal cannot be implemented as approved.

Shelli Johnson was unable to present her "Epic Leadership Lessons Learned in the Field" keynote speech at both of our Leadership Development Academy (LDA) sessions. LDS secured a similar Leadership keynote speaker that can present at both of LDA sessions: Monday, April 22, 2024 and Monday, September 16, 2024. The desired outcome will remain the same.

Ms. Michelle Ray is a Hall of Fame business keynote speaker. A sought-after international leadership and change expert. An entrepreneur, an author, and an educator. www.michelleray.com

Michelle Ray will present the following keynote presentation:

It Starts with YOU - Mastering the Art of Respectful, Accountable and Transformational Leadership

Often, we think of leadership as a title. The truth is that leadership is about character. Simply put, a leader is a person who can take ownership of their thoughts and, consequently, their actions in any situation. In this energizing keynote presentation, your attendees will discover the power of personal responsibility as well as skills to practice respectful, collaborative, and transformational leadership. Leaders who commit to leading with kindness, open-mindedness, empathy, and professionalism are uniquely positioned to build a culture in which varied perspectives are welcomed and individuals feel heard, understood, and appreciated. In our interconnected and diverse world, the values of accountability and integrity have never been more critical. Self-aware leaders have grasped the importance of not only becoming better in their roles, but also better people. In order to lead with vision, they recognize that transformation starts with me. Get ready to take the lead, strengthen your workplace relationships and set the stage for greater mentorship and success long after the event ends.

Hours: 2

Students: 30

Sessions: 2

The LDA students will walk away with the following:

- Take charge of your mindset and lead with your character
- Discover the connection between ethics, diversity, and respectful workplace cultures
- Understand the difference between transactional and transformational leadership
- Learn essential communication skills to enhance ethical, accountable behavior
- Acquire tools for building a collaborative and accountable team
- Tap into your innovative potential to bring out the best in yourself and others

SECTION B – REQUESTED BUDGET REVISION

BUDGET CATEGORY	APPROVED BUDGET	REQUESTED BUDGET REVISIONS	PROPOSED BUDGET
Personnel			
Contractual Services			
Tuition			
Travel			
Supplies & Operating			
Equipment			
Total*	\$ 0.00	\$ 0.00	\$ 0.00

*All proposed budget revisions must be made within the total approved grant award. No increase or decrease to the total approved budget will be allowed. The total for the Approved Budget column must be equivalent to the total for the Proposed Budget column. The Requested Budget Revisions column must total \$0.

Description – *Describe the requested budget revision in detail. Explain how the desired use of grant funds differs from the approved budget. Explain the rationale for both the increase and decrease in the appropriate budget categories. Which budget line items are affected? Which costs will not be expended? Which costs are new?*

REQUEST AUTHORIZED BY:

Project Administrator Staci Smith	Signature	Date 1/24/24
Financial Officer Carolyn Rizzo	Signature	Date

REQUEST PREPARED BY:

Name Staci Smith	E-Mail Address Smiths4@michigan.gov	Phone (517) 331-8957
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Submit the completed Grant Award Adjustment Request with signatures via email to
DowkerC1@michigan.gov

MCOLES STAFF ONLY

Date Request Received: _____

☐ Request Approved☐ Request Denied

Authorized by: _____

Date: _____



SUBJECT: Subject Control Curriculum Review

PURPOSE: Commission Information

DATE	SECTION	EXECUTIVE DIRECTOR	AUTHOR
February 14, 2024	Career Development	Timothy Bourgeois	Career Development Section

Background:

The Career Development Section is conducting a comprehensive review of the basic training subject control curriculum to 1) determine whether the current curriculum addresses concerns raised by nationally highlighted use-of-force incidences, 2) investigate controversy surrounding use-of-force continuums, and 3) ensure basic training provides and teaches the best techniques that also incorporate communication and de-escalation, which is consistent with the skills necessary for law enforcement professionals in the 21st century.

Moreover, the Commission requested a review of the subject control curriculum during a commission meeting held on November 22, 2022. During that meeting, initial advisory committee members were identified – Commissioners Lieutenant Colonel Krumm, Assistant Attorney General Tanay, Sheriff Wickersham, and Mr. Lewis.

The State of Michigan requires that a law enforcement academy recruit successfully complete the entire course of study to be eligible to sit for the MCOLES licensing exam. As part of the course of study, the recruit must successfully complete subject control curriculum.¹

The subject control curriculum includes no less than 4 hours of classroom instruction in IV.C.3. Application of Subject Control,² which covers the following learning objectives:

- (1) Demonstrate an Understanding of the Law as it Relates to the Use of Force,
- (2) Demonstrate an Understanding of the MCOLES Subject Control Continuum,
- (3) Demonstrate an Understanding of the Relationship Between the Use of Force and the MCOLES Subject Control Continuum,
- (4) Demonstrate an Understanding of the Decision-Making Process Required to Use the Appropriate Amount of Force in Gaining Control of a Subject,
- (5) Demonstrate an Understanding of the Concept of Control,

¹ Policies and Procedures Manual of the Michigan Commission on Law Enforcement Standards, chapter 3, unit 1.

² Michigan Commission on Law Enforcement Standards Basic Training Curriculum, section IV.C.3.

- (6) Write a Report That Documents the Officer's Use of Force, and
- (7) Demonstrate an Understanding of the Liability Attached When Officers Use Force to Control a Subject.

This module was last revised in February of 2016 and reviewed in December of 2022.

Additionally, IV.C.4. Subject Control module³ includes no less than 62 hours of skills application covering the following learning objectives:

- (1) Demonstrate an Understanding of a Survival Mindset,
- (2) Demonstrate an Understanding of Tactical Communication,
- (3) Demonstrate an Understanding of Fear and Anger Management,
- (4) Demonstrate Effective Subject Control Techniques,
- (5) Demonstrate an Understanding of Post Force Incident Responsibility, and
- (6) Demonstrate the Ability to Manage Subject Encounters under Circumstances that Justify Varying Levels of Force.

This module was last revised in January of 2010 and reviewed in December of 2022.

Review Components:

The curriculum analysis will examine the following five areas:

1. Academy Student Characteristics – to identify knowledge level.
2. Desired Behavioral Outcomes – to determine whether the curriculum, or portions thereof, needs to be updated.
3. Learning/Training Constraints – to identify time, space, and equipment limitations.
4. Content Delivery Options – to inform the choice of delivery platform(s).
5. Pedagogical Considerations – to determine which teaching method is best suited for the topic.

Review Plan:

The review plan consists of five phases:

- Phase 1. Preparation – clarifying analysis objective, gathering existing documentation, soliciting and selecting subject matter experts to assist the analysis team throughout the process, and establishing evaluation criteria.
- Phase 2. Data Collection – researching national standards and trends, subject matter experts' reports, and academic studies; interviewing key stakeholders; and conducting national and state surveys.
- Phase 3. Data Analysis – analyzing qualitative and quantitative data, assessing current curriculum, and identifying areas of strength and improvement.

³ Michigan Commission on Law Enforcement Standards Basic Training Curriculum, section IV.C.4.

Phase 4. Report & Recommendations – preparing a comprehensive report, presenting findings, and developing an action plan for implementing any recommendations.

Phase 5. Implementation & Monitoring – execution of action plan; monitoring progress through feedback, audits, and statistical data; and continuous improvement based on data obtained in this phase.

Current Status:

The Career Development Section is currently working on Phases 1&2. The Commission staff analysis team members developed the analysis objective – To evaluate current basic training subject control curriculum to determine its compliance with legal standards, reflection of national trends, consistency with subject matter experts’ opinions, and whether it is supported by empirical data. The team has gathered existing training materials and documents related to subject control training, including the MCOLES Basic Training Subject Control learning objectives, Subject Control Continuum training aid, Advisory In-Service Standard for Subject Control, and MCOLES Policies and Procedures Manual.

Initial research has identified 13 different peer-reviewed articles and papers, national training reports, and academic studies related to law enforcement subject control training. The analysis team is currently identifying subject matter experts, creating evaluation criteria, and planning interviews and preparing surveys to gather additional data. The next phase of the review plan is data analysis and is anticipated to begin in 3rd quarter of calendar year 2024.

SUBJECT: Color Vision Standard for Law Enforcement Officers

PURPOSE: Commission Information

DATE	SECTION	EXECUTIVE DIRECTOR	AUTHOR
February 14, 2024	Career Development	Timothy Bourgeois	Leon Boyer

Background:

The State of Michigan requires a person selected to become a law enforcement officer meet the medical selection qualifications set forth in R 28.14204. Per the Licensing Standards for Michigan Law Enforcement Officer ¹ applicants must “*Possess normal color vision without the assistance of color enhancing lenses.*” This standard is supported in the [2018 Job Task Analysis](#) (JTA) results.²

In 2022, at the direction of the Commission and due to public inquiry, the Career Development Section initiated a rigorous [review of the current color vision standard](#).

Strategy:

To ensure the guiding principles of research, the review included a quantitative and qualitative process:

- Examined the essential job tasks of entry-level law enforcement officers in Michigan
- Consulted with optometry experts and specialists
- Reviewed of professional literature
- Explored standards used by other states and similar professions
- Examined emerging legal issues and relevant court precedent

Result:

Based on this extensive review, Commission staff validated the current color vision standard. Commission staff also concluded that no existing products, such as color-enhancing spectacles and/or contact lenses, provide the level of correction necessary to meet the color vision standard, or safely and successfully perform essential job functions of a law enforcement officer.

¹ <https://www.michigan.gov/mcoles/standard-training/licensing-standards-for-michigan-law-enforcement-officers>

² <https://www.michigan.gov/mcoles/issues-news-info/2018/12/09/2018-statewide-job-task-analysis-for-the-patrol-officer-position>

Michigan Commission on Law Enforcement Standards Career Development Section

2024 Color Vision Standard Validation for Michigan Law Enforcement Officers



January 2024

Abstract

The State of Michigan requires all persons selected to become a law enforcement officer meet the medical selection qualifications set forth in Michigan Administrative Code Rule 28.14204. Per the licensing standards for Michigan law enforcement officers, applicants must “possess normal color vision;” however, the standard, “normal color vision” does allow for some color vision deficiency and does not require *perfect* color vision. The current color vision standard is supported by the [2018 Job Task Analysis](#) (JTA), as well as previous JTAs, and by the essential job functions of a law enforcement officer. The Commission has the statutory responsibility to ensure the entry standards accurately reflect the contemporary position of an entry-level law enforcement officer. Accordingly, based on recent public inquiries regarding the color vision requirements, Commission staff selected the color vision standard for review. In 2022, Commission staff initiated a comprehensive review of the color vision standard, and in doing so, researched the use of color-enhancing spectacles and/or contact lenses that claim to correct color vision deficits.

The purpose of this report is to describe the process used to revalidate the Michigan law enforcement color vision standard and affirm that Michigan law enforcement applicants must meet this standard as a medical entry-level standard for all law enforcement officers in the state. The result of this review validates the current color vision standard. Commission staff concluded that no existing products, such as color-enhancing spectacles and/or contact lenses, provide the level of correction necessary to meet the color vision standard, or successfully perform essential job functions.

Background

The Michigan Commission on Law Enforcement Standards (hereafter referred to as the Commission) is authorized by Public Act 203 of 1965 as amended (hereafter referred to as the Act), to promulgate rules establishing compulsory standards for the selection, employment, and training of law enforcement officers in the state of Michigan. The diverse governing body of the Commission consists of twenty-three members who are appointed to a term of office by the Governor or by virtue of position.

In the early 1970s, the Commission (formerly known as the Michigan Law Enforcement Officer’s Training Council), created the medical standards for law enforcement officers which included the existing color vision standard. The Act requires the Commission to establish standards for the employment and training of law enforcement officers. These standards include non-medical standards such as education, moral character, and recruit training, and medical standards such as physical fitness and vision.

In support of the Act, the Commission promulgated Mich. Admin. Code R. 28.14204(a)(iii) which refers to “normal color vision.” The standard takes into consideration that color vision exists on a

spectrum, and it was and still is entrusted upon medical professionals such as optometrists, to determine what is accepted as “normal color vision” (Mich. Admin. Code R. 28.14204).

The Commission issued the first validation report in 2009. In 2022, staff initiated a rigorous review of the color vision standard at the direction of the Commission and due to public inquiry. Additionally, this validation report addresses the use of color-enhancing spectacles and/or lenses to aid those with color vision deficiency.

Validation Process

Prior to discussing the issues and research, it is important to explain the methods and terminology utilized throughout this report. Within the context of this report, validity and validation refers to the color vision standard for law enforcement having a factual and logical basis regarding essential job functions. Data must be collected and evaluated to ensure the statewide standard meets job-relatedness. The Commission conducted Job Task Analyses (JTA) in 1979, 1996, 2006, and 2018. The JTA is a data-driven approach to identify viable essential job task functions of entry-level law enforcement officers as the profession evolves and advances over time.

2009 Validation Report

The 2006 JTA was conducted by asking 3,200 officers to rate the frequency of job tasks to determine the importance of each task. This evaluation found that officers rated the ability to accurately identify color as a highly critical job function.

The Commission staff agreed to the following guiding principles for the [2009 color vision standard validation](#) process to ensure a quantitative and a qualitative validation process:

- Examine the essential job tasks of patrol officers in Michigan
- Consult with optometry experts and specialists
- Review of professional literature
- Explore standards used by other states and similar professions
- Examine emerging legal issues and relevant court precedent

Based on the JTA and above methodology, the optometry experts advised that those with mild color vision deficiency should be allowed to be a law enforcement officer; therefore, the Commission incorporated mild color vision deficiency as part of the color vision standard.

Lastly, court cases were evaluated for emerging legal issues and court precedent. The court cases concentrated on one issue: the color vision requirement for law enforcement officers is not a violation of the federal statute Americans with Disabilities Act. Upon completion of the 2009 validation study, staff established a valid connection between the color vision standard and the essential job functions of Michigan law enforcement officers.

2024 Validation Report

Similar to the 2009 validation report, Commission staff agreed to the following guiding principles for the 2024 validation process to ensure a quantitative and a qualitative validation process:

- Examine the essential job tasks of entry-level law enforcement officers in Michigan
- Consult with optometry experts and specialists
- Review of professional literature
- Explore standards used by other states and similar professions
- Examine emerging legal issues and relevant court precedent

The 2018 JTA process utilized the similar survey and analysis methods as the 2006 JTA. 2,940 officers were surveyed to identify core and non-core tasks. Core tasks were identified as job tasks with a “statewide significance,” which included the frequency and criticality of a task as well as the task being an entry-level task.

The 2018 JTA identified 305 tasks as essential job tasks in the performance of law enforcement duties. Upon evaluation of the 305 job tasks, the Commission identified 128 tasks as being associated with color vision as part of police duties. Even though the tasks do not overtly state “recognize, or identify color,” various steps and/or actions are needed to complete each of the job tasks. Some examples include:

Job Task 21: Search fire debris for evidence related to the cause of the fire.

Job Task 64: Dust, photograph, and lift latent fingerprints.

Job Task 93: Reviewing information on criminal activity in area.

Job Task 121: Observe and identify colors of automobiles, suspects’ clothing, paint chips, etc.

Job Task 171: Match color of known origin to suspect sample (e.g., paint chip found at scene of accident matched to suspect vehicle)

Understanding Essential Job Tasks of a Law Enforcement Officer

The ability to accurately distinguish color is a vital part of the daily duties of law enforcement officers. While officers are routinely provided information that requires distinguishing colors of vehicles or clothing a person is wearing, officers are also called upon to perform tasks that require distinguishing color such as describing property subject to a search warrant and/or suspect descriptions involved in criminal activity. While officers are investigating cases, they must be able to provide accurate descriptions which include the color of clothing, vehicles, and injuries/trauma such as bruises or bleeding.

Lastly, color vision impacts the ability to properly collect evidence, properly identify and photograph evidence, provide detailed reports, and effectively testify in court. Color vision is vital for other important law enforcement essential job functions such as *decision-making* and *reaction time*.

Decision-Making

Color vision goes beyond being able to describe a vehicle color or clothing color on a suspect. Color vision impacts one’s reaction time and depth perception which ultimately impacts one’s decision-making abilities. Doug Wyllie is a well-regarded author who specializes in law enforcement training and safety. He is published in various police training magazines such as *Police*

Magazine and *Police1* and has presented at the International Law Enforcement Educators and Trainers Association conference. According to Wyllie (2013), "...judgement and decision-making are pretty much the top two cognitive capabilities a law enforcement professional must possess." Observations, information gathered at the scene, understanding of the law, are just a few elements law enforcement will use to make decisions.

Officers make split-second decisions, and the consequences can be life-altering. They rely upon the ability to combine various decision-making elements together in a condensed timeframe. A moderate or high level of color vision deficiency may result in poor decisions and tragic outcomes. For example, toy guns are often made with a colored tip. When an officer is unable to properly discern whether it is a toy or actual firearm, they may be forced to make decisions based upon incorrect information.

Public safety and potential harm can be a direct result of an officer's failure to act. The profession requires the ability to properly identify clothing, vehicles, and other descriptors in situations that involve an emergency broadcast. Emergency broadcasts are often time critical and demand accurate information for successful law enforcement resolution in cases such as:

- AMBER alerts
- Kidnapping
- Human trafficking, and/or
- Sexual assault

Decisions to apprehend a potential suspect are based on the ability to accurately identify and recognize the emergency broadcast information. For instance, an officer with red/green color vision deficiency may permit a kidnapping suspect in a red vehicle to escape because their inability to recognize the correct color of the vehicle. Likewise, it is equally problematic to mis-identify and stop individuals not involved in an investigation because of an officer's color vision deficiency.

Reaction Time

Color vision is imperative for reaction to visual presentations. According to several studies, color vision deficiency directly impacts reaction time and decision-making abilities (Barbur & Rodriguez-Carmona, 2017; Engeset et al., 2022; Lovell, 2021). In a 2011 University of Rochester study, researchers found that red directly impacts one's reactions (*Color Red Increases the Speed and Strength of Reactions*). More specifically, the study indicated that red could enhance one's responses to danger or threats. In police work, red is commonly used on emergency vehicles to respond quickly to situations that are of high risk or priority. In Michigan, officers are required to use *due caution* when exceeding the speed limit with lights and sirens. Officers must be able to quickly identify a red light at intersections and use caution prior to proceeding through the intersection (MCL 257.603).

In a 2019 study, it was discovered that athletes can be trained to increase reaction time and speed to color stimulus (Cojocariu, et al.). In another study, visual reaction time of different colored stimuli was present in those with normal color vision suggesting that color and reaction time are intimately paired (Vishteh et al., 2019). Studies on athletes have indicated that training can improve reaction

time (Cojocariu, et al., 2019). However, even though someone with color vision deficiency can be trained to understand that the top light of a traffic light indicates red and to stop, the lack of distinct coloring (hues and lowered intensity of color difference) still inhibits one's reaction time. Furthermore, the nature of law enforcement work is sporadic and unpredictable; it is impossible to train for all potential scenarios to increase speed and reaction times of those who have color vision deficiency.

People with color vision deficiency can acclimate to daily driving by memorizing light placement on traffic signals. However, the chaos and stress of emergency vehicle operations through a city with many traffic signals is a good example for understanding the correlation between *normal* color vision and reaction time. The additional time it takes to process top/bottom, or right/left light configurations at every intersection dramatically increases the chances of a traffic collision happening during a high-risk activity.

Bona Fide Occupational Qualification

Being a law enforcement officer is a visually demanding occupation. Law enforcement officers are required to complete essential job function tasks with minimal to no aid from others. The profession of law enforcement requires a high level of independent function especially in critical moments. Law enforcement officers are routinely required to assess a situation and provide critical communication and feedback, often after having only visualized the situation for a matter of moments. Their ability to quickly process the defining characteristics of an article of clothing or other item, such as its size, shape, and color is a necessary skill. The Commission identified 40% of the essential job functions in the 2018 JTA as requiring *normal*¹ color-vision. Thus, the Commission has determined that the ability to meet a minimum standard of color vision is reasonably necessary to carry out the job functions of a law enforcement officer within the normal operations of a law enforcement agency.

To the extent visual acuity is protected by state and federal law, Equal Employment Opportunity laws provide for a narrow exception for a *bona fide occupational qualification* (BFOQ). A BFOQ allows an agency to consider an otherwise prohibited characteristic—such as sex, religion, national origin, or other factors—if it can demonstrate that such criteria are an essential qualification for performing a particular job function (Society of Human Resource Management, 2021). The Commission has identified that a minimum standard of color vision is essential for performing the job function of a law enforcement officer.

Issue

This review of the color vision standard addresses the validity of Michigan Administrative Code Rule 28.14204. Additionally, Commission staff researched the use of color-enhancing spectacles and/or contact lenses. The methodology for this review includes open-source information, individual contact with Commission counterparts in each state, peer reviewed journals and periodicals, federal regulations, and consultation with the Commission's subject matter experts of optometry, Doctors Mark Swan and Avesh Raghunandan from the Michigan College of Optometry

¹ See Abstract on page 2.

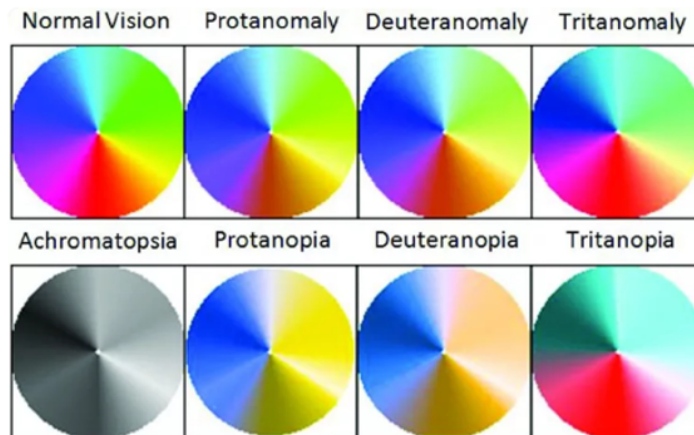
at Ferris State University. The research addresses current color vision tests, color-enhancing spectacles/lenes, color vision standards for law enforcement throughout the United States, the impact color vision deficiency has while performing essential law enforcement functions, and court rulings. Before starting the discussion regarding color vision deficit and correction, it is important to understand color vision and how the human eye distinguishes color.

Understanding Vision

Vision begins at the level of the retina where four different photoreceptors absorb light and convert it to electrical impulses that are sent to the brain through nerve pathways (Raghunandan & Swan, 2022). Rod photoreceptors contain a photopigment that absorb the energy in wavelengths corresponding to colors within the blue-green portion of the visible spectrum and are primarily responsible for detecting low levels of light for vision in dim environments and motion detection. However, rods do not contribute to the perception of color (HyperPhysics, 2000). There are three types of cone photoreceptors based on the type of photopigment they have: L-cones are most sensitive to long wavelengths that generally correspond to colors within the red-end of the color spectrum, M-cones are most sensitive to middle wavelengths that generally correspond to colors within the green-region of the color spectrum, and S-cones are most sensitive to short wavelengths that generally correspond to colors within the blue end of the color spectrum (Lipner, 2020). The perception of different colors is based on the different balances of nerve stimulation from the cone photoreceptors. The human brain will perceive a specific color depending on the neural signature it receives from the three classes of cone cells (National Eye Institute, 2020).

Some people have a congenital condition or have a disease that causes an abnormality to the photopigments; this will cause the person to either perceive color differently or not perceive color at all (Turbert, 2022 & WebMD Editorial Contributors, 2021-a). According to the U.S. National Library of Medicine (2015), 1 in 12 males will have an inherited color vision deficiency as opposed to 1 in 200 females, with red/green deficiency being the most common inherited form of color vision deficiency. There are various types of color deficiencies:

- Deuteranomaly/deutanopia – abnormalities or absence of the M cone pigment,
- Tritanomaly/tritanopia – abnormalities or absence of the S cone pigment,
- Protanomaly/protanopia – abnormalities or absence of the L cone pigment, and
- Achromatopsia – a condition characterized by a partial or total absence of color vision (Woods, 2021) (e.g., Figure 1).

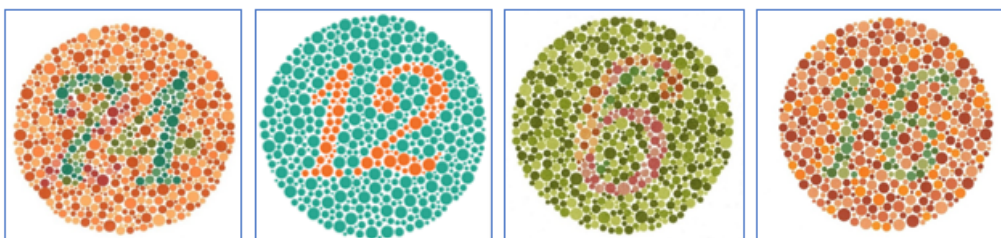
Figure 1*Various Types of Color Vision Deficiencies*

Note. The image represents the different types of color vision deficiencies. The image is reprinted from “[What does it mean to be color blind?]”, by Bedinghaus, 2022, *Verywell Health*. <https://www.verywellhealth.com/what-does-it-mean-to-be-color-blind-3422068>

Current Color Vision Testing

Color vision tests are designed to measure a person’s sensitivity to specific color wavelengths, based on the human trichromatic system (Raghuandan & Swan, 2023). If these three components are normal, then the person will have normal color perception.

Candidates applying to become a law enforcement officer in Michigan are initially screened for color vision deficiency with the Ishihara Pseudoisochromatic Plate test (PIP); this is the most used screening device to identify red-green congenital color vision deficiency (Plutino et. al, 2023). The test consists of numbers embedded in circular-colored plates consisting of colors and hues purposely chosen to be similar (e.g., Figure 2). If the individual has a color vision deficiency, they will misidentify some of the numbers. The test administration protocols are standardized and determined by the developers.

Figure 2*Ishihara Pseudoisochromatic Plate Test*

Note. These images are examples of plates used during the Ishihara test. The images were adapted from “[Ishihara’s Tests for Colour-Blindness (Concise edition)]”, by Ishihara, S. 1985.

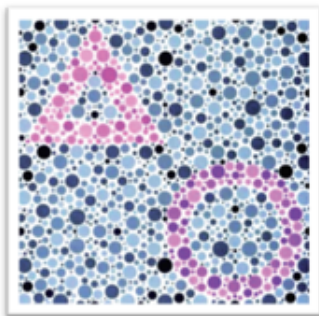
The PIP consists of 38 plates; however, color vision deficiency can be identified with fewer plates. The Commission requires a minimum of 14 plates to be presented and the correct identification of 10 plates. For those who do not pass the PIP test, they are sent to an optometry specialist and the PIP test is given again. Then, the Hardy-Rand Rittler Pseudoisochromatic Plate Test 4th Edition is administered.

The Hardy-Rand Rittler Pseudoisochromatic Plate Test 4th Edition (HRR) is a series of cards with colored dots that have shapes embedded. Each card has four quadrants. The examiner will ask the test taker to identify how many shapes are on each card, what the shape is, and in which quadrant(s) the shape(s) are in (*Laminated HRR Standard Pseudoisochromatic Test, 4th Edition*, 2024). If the test taker does not make any errors while reviewing the diagnostic plates, then they have normal color vision (*Laminated HRR Standard Pseudoisochromatic Test, 4th Edition*, 2024). However, if the applicant only identifies one of the shapes when there were two, the scoring will indicate which type of color deficiency the test taker has (e.g., Figure 3). The HRR test is then administered followed by the Farnsworth D-15 test.

The Farnsworth D-15 test (D-15) consists of 15 colored caps (e.g., Figure 4). The 15 colored caps comprise 15 different hues or colors that represent different locations along the color spectrum. Each hue is created by combining different ratios of the three wavelengths (S, M, & L-cones) (Raghunandan & Swan, 2023). The procedure is to have the test taker arrange the caps so that they progress along the color spectrum roughly from blue to red. The test taker is provided a starting cap and told to place the “next closest cap.” This process is repeated until all the caps are arranged into a “spectrum.” Test takers with normal or mild color vision deficit will arrange the caps in the normal pattern (e.g., Figure 5). Confusions occurring between color caps that are close together are not considered significant (Good Lite, n.d.).

Figure 3

HRR Pseudoisochromatic Plate Test 4th Ed.



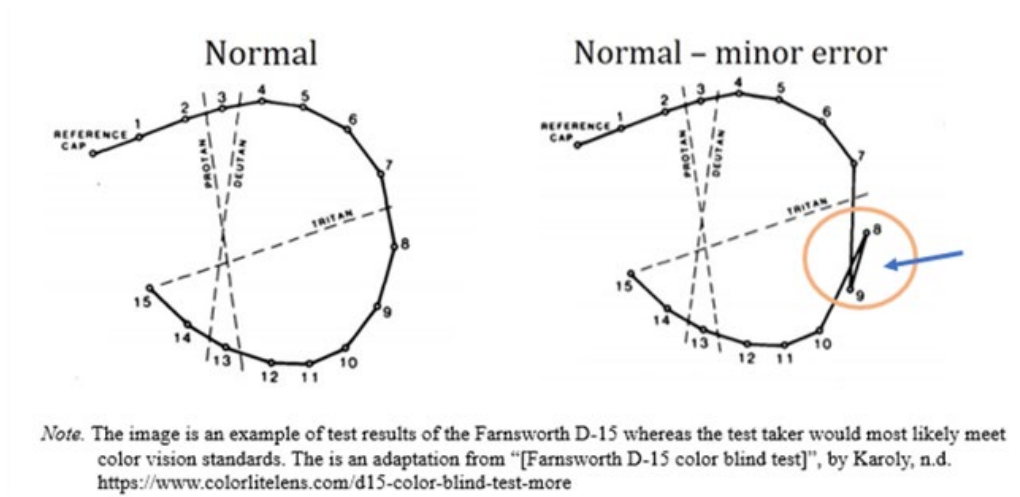
Note. Figure 3 is plate from the HRR pseudoisochromatic plate test. The image is reprinted from “[Detection of congenital color vision deficiency by using Hardy-Rand-Rittler pseudoisochromatic test plates]” by Şekeroğlu, 2018. <https://www.semanticscholar.org/paper/Detection-of-Congenital-Color-Vision-Deficiency-by-%C5%9Eekero%C4%9Flu-%C5%9Eim%C5%9Fek/84dd9a0111f69f4b72c11d4b8b9baa80cbfa70c>

Figure 4

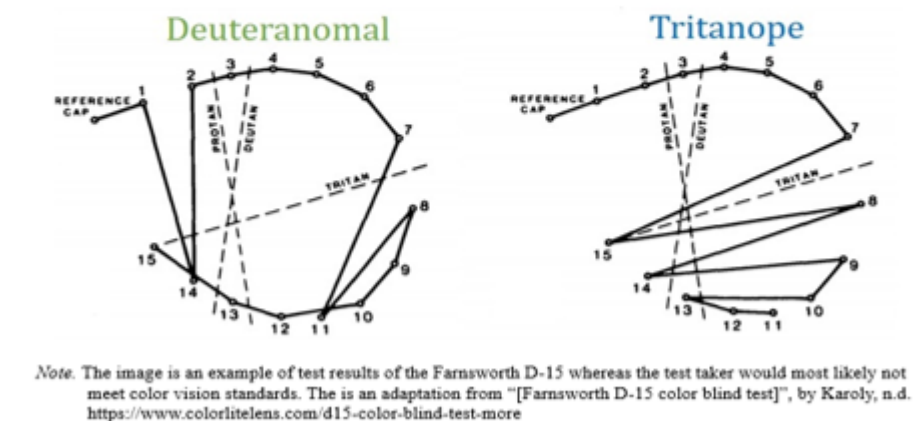
Farnsworth D-15 Test



Note. Figure 4 is an image of the Farnsworth D-15 test. The image is reprinted from “[Farnsworth D-15 color blind test]”, by Karoly, n.d. <https://www.colorlitelens.com/d15-color-blind-test-more>

Figure 5*Normal² Color Vision*

Test takers with moderate and severe color vision deficits will confuse the order of certain caps (e.g., Figure 6) because their system is insensitive to one of the wavelengths and their arrangement of the caps will result in a characteristic anomalous pattern (Raghunandan & Swan, 2023). Those with normal³ or mild color vision deficits will pass the D-15 test (Raghunandan & Swan, 2023).

Figure 6*Color Vision Deficiency*

² See Abstract on page 2.

³ See Abstract on page 2.

Color-Enhancing Spectacles and/or Contact Lenses

Color-enhancing spectacles and/or contact lenses are designed to alter the relative ratio of the wavelengths of light falling on the eye to change the person's perception of the color of an object or to help them discriminate the difference between two different color objects that are similar (Raghuandan & Swan, 2022). Lenses are designed by decreasing the wavelengths that are most similar and enhancing the wavelengths that are most unique for the two colors that are confused for the specific task. Color-enhancing lenses are commonly designed to use filters that primarily effect the peak wavelengths of the person's deficient color receptors. This provides a dramatic change in the appearance of the world and will allow them to differentiate the specific colors used in color vision tests. However, these filters do not provide normal perception of all colors and paradoxically will increase the confusion for tasks that involve colors in a different part of the spectrum (Raghuandan & Swan, 2022). For example, if an individual has lower sensitivity to green wavelengths the lenses will block the wavelengths in between red and green reducing the confusion of colors that are comprised of different ratios of red and green. However, if some of the red wavelength is reduced this may make new confusions of colors that are based on a ratio of red and blue (Raghuandan & Swan, 2022).

The Commission evaluated various brands of color-enhancing spectacles and/or lenses (this is not an exhaustive list), such as Colormax, ChromaGen, X-Chrom, EnChroma, and VINO. Each entity made separate claims as to what their product would accomplish. The claims were similar and are as follows:

- Colormax claims their product filters certain wavelengths of light, which will enhance the differences between two colors that would otherwise be perceived as being the same color by a color deficient individual (Colormax.org, 2022).
- EnChroma claims their “eight colored filters of a known density and color hue improves disorders such as dyslexia, color deficiency, dyspraxia, and other learning related difficulties” and “use manufacturing techniques to deliver color blind glasses that are scientifically proven to stimulate the brain's color processing center and enhance color vision for most people with red-green color blindness” (*User Manual | EnChroma Color Blind Glasses*, n.d.)
- Chou (2023) stated X-Chroma users “perceive colors differently....and whether the result is better or worse depends on personal preference and interpretation.”
- VINO optics claims “...they invented and patented methods for improving our color vision, which led to technology for enhancing veins, and for correcting color blindness” (*About VINO Optics*, n.d.).

U. S. Federal Drug Administration Evaluation

The U.S. Federal Drug Administration (FDA) evaluates medical devices prior to introduction into the U.S. market; the evaluation determines the device's safety and effectiveness.⁴ The FDA evaluates products based on the research and clinical trials that exist. The FDA does not conduct clinical trials of their own.

⁴ The FDA review permits products to enter the U.S. market but is not an endorsement for the use of the products.

The FDA evaluated the studies on therapeutic color vision devices and found that some subjects were able to appreciate improvements; therefore, the FDA found virtually a non-existent *safety risk* and allowed for marketing (Drum, 2004). This approval was based on the idea that some subjects appreciated improvements and not that the device should be widely accepted as a cure for color vision deficiency. Therefore, the FDA required ChromaGen and ColorMax to express the limited extent of the filters and required the labeling to indicate “minimal therapeutic effectiveness” (Drum, 2004).

In 1998, ColorMax requested FDA approval of their products with labeling implying their lenses “correct” or “cured” color deficiencies and allowed patients to see “normal colors” (Drum, 2004). In 2000, ChromaGen requested FDA approval for distribution in the U.S. market as a medical device.

EnChroma lenses are FDA approved as well (*User Manual | EnChroma Color Blind Glasses*, n.d.). However, EnChroma has the following disclaimer “EnChroma does not endorse or recommend attempting to use our products to pass [...] any [...] color blindness test” and that they are “required per FDA labelling regulations to warn users that our glasses are not for use while driving” (Patterson et al., 2022).

X-Chrom lenses have not been included in the current FDA medical devices evaluation of risk because X-Chrom lenses were approved for medical use prior to the FDA exercising control over medical devices via the Medical Device Amendments to the Federal Food, Drug and Cosmetic Act in 1976 (Drum, 2004).

The VINO product site does not indicate that the product is FDA approved (*About VINO optics*, n.d.).

Evaluation of Clinical Trials

Commission staff performed a literature review of the clinical trials of various color-enhancing lenses and/or spectacles. The clinical trials tested their efficacy on color vision deficiency. Studies within the last five years were selected for evaluation in order to review the most up-to-date science and data. Trials conducted on various brands of spectacles and lenses were selected to obtain a well-rounded perspective of performance of the different types and brands on the market.

VINO technology was developed in 2016 for the purpose of correcting red-green color vision deficiency (*About VINO Optics*, n.d.). However, these lenses are predominantly advertised for the medical field for enhancing the ability to recognize veins under the skin, which led to “correcting color blindness” claims (*About VINO Optics*, n.d.). In 2019, Martinez-Domingo et al. assessed the VINO filters, and its efficacy claims to correct red-green color vision deficiency. Martinez-Domingo et al. (2019) concluded that even though VINO lenses permit some subjects with color vision deficiency to pass color recognition tests like the Ishihara PIP test, users were unable to pass tests like the Farnsworth D-15 test. Negative impacts were noted such as changes in color perception and inability to pass color naming tests (Martinez-Domingo, et al., 2019).

An additional study in 2022 evaluated VINO and EnChroma products. The 2022 study concluded, “we did not find any functionally meaningful changes induced by EnChroma, and although VINO

did induce a functionally meaningful reduction in thresholds, their claim that the technology ‘corrects red-green color deficiency’ is not supported by our data” (Patterson, et al.).

In a 2018 study conducted by Gómez-Robledo et al., EnChroma glasses were evaluated, and the study concluded that the wearer only sees colors in a different way versus new colors which means that the color deficiency still exists. However, most notably, researchers pointed out that not all color vision deficiencies are alike, and one type of filter cannot be created to correct the various types of color vision deficiency; it is not a one size fits all situation, which many of the color-enhancing spectacles/contact lens manufacturers insinuate. According to Gómez-Robledo et al. (2018) clinical trial results, “the glasses specifically used in this study have not revealed any improvement in the two types of color blindness tests: recognition and arrangement.”

Bastian et al. (2020) clinical trials of EnChroma glasses concluded that even though some subjects had a change in the classification of their color vision deficiency, overall, EnChroma glasses did not improve the severity of the color vision deficiency and all participants experienced impaired color perception.

As a result of the 2022 Patterson et al., study mentioned earlier, EnChroma contacted the researchers and advised them to use the indoor glasses instead of the outdoor glasses, and then EnChroma updated their website to indicate “indoor glasses are not recommended for strong protans or strong deuterans.” The EnChroma user manual states their spectacles are “not certified for use in occupations where color blind individuals may be restricted for reasons of public safety, such as emergency first responders, and public transport operators” (*User Manual | EnChroma Color Blind Glasses*, n.d.).

Swarbrick et al. (2021) found that during the clinical trials of the ChromaGen contact lenses, the lens wearer had no significant effect on Farnsworth D-15 test performance. The subjects reported enhanced color perception, but poor vision in dim light, and judgement of distance and motion were only slightly affected (Swarbrick et al., 2021). “We conclude that ChromaGen lenses may enhance subjective color experience and assist in certain color-related tasks but are not indicated as an aid for color vision deficiency in occupations with color vision-related restrictions” (Swarbrick, et al., 2021).

Recent studies of the X-Chrom spectacles/lenses are not in existence. In the early 1980s, several studies were conducted on X-Chrom color filtered lenses. The last finding of a study conducted on X-Chrom lenses was in 1981 and 1983. Research in the American Journal of Optometry and Physiological Optics in 1983 concluded, “the X-Chrom lens does not improve discrimination in color-deficient subjects and may alter stereopsis [depth perception]”. It should be noted that X-Chrom was the product that was approved for sale in the U.S. prior to FDA regulations were in place. Therefore, X-Chrom has not withstood the scrutiny of an FDA review.

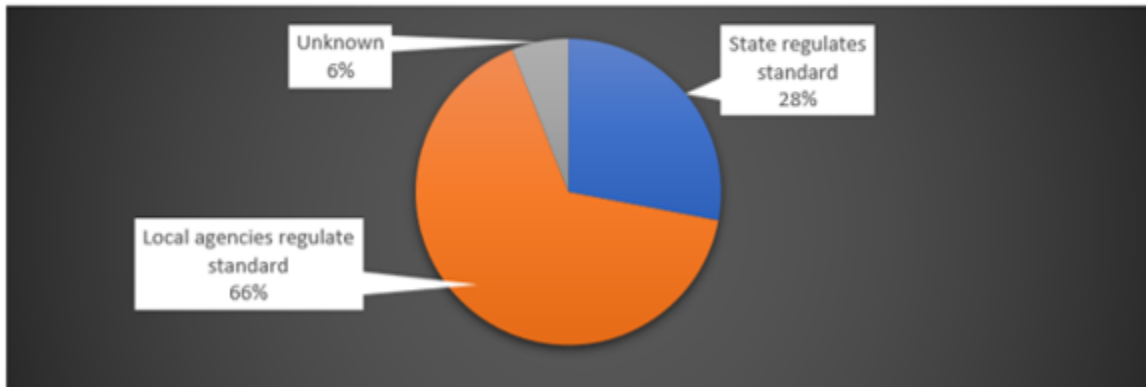
Color Vision Standards in the United States

Commission staff researched other state and city color vision standards. Of the 50 state level agencies contacted, 33 did not have a standard for color vision, 14 did, and three did not respond. However, the states that did not have a color vision standard left the establishment of a standard to

local police agencies (e.g., Figure 7). This information indicates that states without a color vision standard defer to local agencies to set their requirements.

Figure 7

Regulation Body of Law Enforcement Color Vision Standards in the United States



Note. The image is a compilation gathered during MCOLES research.

Commission staff identified the largest police agencies in the United States as of 2020 according to the World Atlas (Kershner). Further research conducted by Commission staff ascertained whether color vision standards were set by a state governing body (state) or by local police agencies (local) (e.g., Figure 8). The results indicate that 16 of the 20 largest law enforcement agencies in the United States have a color vision standard.

Figure 8

The Largest Police Departments in the United States

Rank	Police Department	Full-Time Sworn Officers	State or Local Standard
1	New York (NY) Police	36,008	State
2	Chicago (IL) Police	11,965	Local
3	Los Angeles (CA) Police	9,870	State
4	Philadelphia (PA) Police	6,031	State
5	Houston (TX) Police	5,203	Local
6	Washington (DC) Metropolitan Police	3,712	None found
7	Dallas (TX) Police	3,408	Local
8	Miami-Dade (FL) Police	2,723	None found
9	Phoenix (AZ) Police	2,689	State
10	Las Vegas (NV) Metropolitan Police	2,566	Local
11	Baltimore (MD) Police	2,524	None found
12	Nassau County (NY) Police	2,462	State
13	Suffolk County (NY) Police	2,385	State
14	San Francisco (CA) Police	2,356	State
15	Detroit (MI) Police	2,250	State
16	San Antonio (TX) Police	2,244	Local
17	Boston (MA) Police	2,099	None found
18	Memphis (TN) Police	2,012	State
19	Honolulu (HI) Police	1,962	Local
20	Milwaukee (WI) Police	1,879	Local

Note. The image is a compilation gathered during MCOLES research and data from "[The Largest Police Departments in the US. World Atlas]" by Kershner, 2020.

<https://www.worldatlas.com/articles/the-largest-police-departments-in-the-us.html>

Banned Color-Enhancing Spectacles/Contact Lenses

Commission staff conducted research by direct contact or a website search of various United States police agencies' employment qualifications regarding the use of color-enhancing spectacles/lenses for color vision testing. Many police agencies in the United States (e.g., Alaska, California, Connecticut, Delaware, Iowa, Kentucky, Nebraska, New York, etc.) disqualify applicants with a color vision deficiency and require unaided normal color vision.

Additionally, other occupations which are visually demanding and similar to law enforcement, (e.g., Pararescue, Navy Seal, Customs and Border Protection, etc.) require normal color vision acuity with unaided normal color vision (Fluck, 2007). Kosari (2022) provides an exhaustive list of occupations with "restrictions for colorblind people." The list includes Pilot, Doctor, Firefighter, Navy, Military, Electrician, Public driver, Medicine, Law Enforcement, Truck Drivers, Chef, Florist, Designer, Artist, Fashion, Graphic/Web designer, Interior designer, Painter, and Electrical, Chemical, and Mechanical Engineers (Kosari, 2022).

Court Cases

In 2004, Michigan Supreme Court, *Peden v. City of Detroit*, addressed the concept of essential job functions of law enforcement officers. Although this case does not directly mention color vision, the case specifically addresses the need for law enforcement officers to meet standards and are required to be able to comply with essential job functions identified by state law. In *Peden v. City of Detroit*, the City of Detroit dismissed Officer Allan Peden after the Detroit Police Department compiled a list of Essential Job Functions of Law Enforcement Officers that was modeled after the law enforcement governing body, the Michigan Law Enforcement Officers Training Council (now known as MCOLES).

Peden had a severe heart attack years prior and was limited to mostly clerical duties and had been in the Crime Analysis Unit at the time of his dismissal. In this case, Peden claimed a violation of the federal Americans with Disability Act 42 U.S.C. §§ 12101-12213 (ADA) and the Michigan Persons with Disabilities Civil Rights Act (MCL 37.1101 et seq). The Michigan Supreme court in *Peden v. City of Detroit* (2004) ruled:

- 1.) Under the ADA, Congress stated that the employer will be given the ability to make decisions as to what are essential functions of a job, and if the essential job functions were developed prior to interview, then the description would be evidence of essential functions of the job (42 USC 12111(8)).
- 2.) Michigan law defined the essential functions and job functions of law enforcement officers under MCL 28.601 *et seq.* now under Public Act 203 of 1965 as amended. Therefore, an essential job function list existed at the time of employment.
- 3.) Under the Equal Opportunity Employment Commission (EEOC), an essential job function is not limited to tasks an employee conducts on a regular basis. Rather, essentiality exists if there are a limited amount of people who can perform that function, the job position exists because of that duty, and/or the function is highly specialized.

- 4.) Peden held the title Police Officer and Michigan laws define the essential duties of a police officer; therefore, the City of Detroit was not in violation of ADA, EEOC or other violations by terminating Peden.

In a 2000 California case, *Diffey v. Riverside County Sheriff's Department* (the County), Teg Diffey sued the County because he was not hired as a Sheriff's Deputy because he failed both color vision tests that were administered by the County under the state of California requirements for employment. Diffey initially won his civil suit claiming discrimination due to his color vision deficiency. Upon appeal, the appellate court overturned the original ruling; the ruling was affirmed by the Supreme Court in 2001. The court in *Diffey v. Riverside County Sheriff's Department* (2000) ruled the following:

- 1.) Color vision deficiency is not a disability protected under the Americans with Disabilities Act (42 U.S.C. §§ 12101-12213) because it does not limit major life activities,
- 2.) Color vision is a bona fide occupational qualification and is an exception under Equal Employment Opportunity laws.

In a 2009 Pennsylvania case, *Lekich v. Municipal Police Officers Education Training Commission* (MPOETC), Eric Lekich sued the MPOETC because he was not hired as a police officer after he failed the color vision portion of his physical exam. Under Pennsylvania code 37 Pa. Code § 203.11, "...the applicant shall have normal depth and color perception and be free of any other significant visual abnormality." Lekich claimed that per the American with Disabilities Act (42 U.S.C. §§ 12101-12213), color vision deficiency is a disability and reasonable accommodations were necessary. The court in *Lekich v. Municipal Police Officers Education Training Commission* (2009) ruled:

- 1.) Lekich was not considered disabled due to his color vision deficiency under the American with Disabilities Act (42 U.S.C. §§ 12101-12213).
- 2.) Moreover, because Lekich was not considered disabled, he was not entitled to reasonable accommodations.

Conclusion

The lack of normal⁵ color vision is a detriment to the essential job functions of law enforcement especially public safety. The law enforcement profession is a visually demanding occupation. There are many careers, in addition to law enforcement, that require color vision due to the increased safety hazard color vision deficiency poses upon the public: Air Pilot, Air Force, Pararescue, Navy Seal and Customs and Boarder Protection. Commission staff identified 40 percent of the 2018 Michigan law enforcement Job Task Analysis as requiring color vision to perform the task. A majority of states and cities within the United States require color vision as a fitness for duty standard for law enforcement.

Court precedent has clearly addressed claims of discrimination regarding the color vision standard for law enforcement officers:

⁵ See Abstract on page 2.

- Color vision is a bona fide occupational qualification and is an exception under the Equal Employment Opportunity laws.
- Essential job functions clarifying job expectations, i.e., normal color vision, is not a violation of Equal Employment Opportunity laws.
- Color vision deficiency is not a disability and is exempt from Americans with Disabilities Act expectations for accommodations.

In conjunction with understanding the criticality of normal color vision and court precedent, color-enhancing spectacles and/or contact lenses are not an acceptable alternative to the normal color vision standard. Clinical trials have demonstrated the lack of efficacy offered by color-enhancing spectacles and/or contact lenses. These spectacles/lenses simply alter perception of one color to the detriment of another color.

The Swarbrick, et al. (2021) clinical trials concluded, “ChromaGen lenses may enhance subjective color experience and assist in certain color-related tasks but are not indicated as an aid for color vision deficiency in occupations with color vision-related restrictions.” The EnChroma user manual specifically states their spectacles are “not certified for use in occupations where color blind individuals may be restricted for reasons of public safety, such as emergency first responders and public transport operators.”

Commission staff have thoroughly evaluated the current color vision standard and testing protocols. Based on the evaluation, it is recommended that the current color vision standard must be maintained and no alterations to the standard or the testing protocols be made at this time.

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APPENDIX

2024 Color Vision Standard Validation

