



MCOLES
Michigan Commission on Law Enforcement Standards

MCOLES LICENSE REACTIVATION AUTHORITY

September 9, 2020

- **Employment vs. Licensing ⇒ Two Separate Concepts**
 - The status of the individual's license is separate from the employment relationship.
 - The Commission is responsible for licensing law enforcement officers.
- **Separation ⇒ License becomes Inactive**
 - When a law enforcement officer is separated from employment with a law enforcement agency, for any reason, the license becomes inactive and the individual may no longer exercise law enforcement authority. MCL 28.609(14)(c).
 - The license is rendered inactive immediately upon separation and remains in the "inactive status" for either up to one year or up to two years, depending on the length of time that the individual worked as a law enforcement officer.
- **Timeframe ⇒ From Inactive License to Lapsed License**
 - The license of an officer who has worked an aggregate of *less than 2080 hours* is in a status of *inactive for a period of one year*, after which it becomes *lapsed*. The license of an officer who has worked an aggregate of *2080 or more hours* is in a status of *Inactive for a period of two years*, after which it becomes *Lapsed*.
- **Individuals with either an Inactive License or a Lapsed License Do NOT have Law Enforcement Authority ⇒ MCL 28.609(14)**
 - MCL 28.609(14) provides:
 - (14) An individual licensed under this section shall not exercise the law enforcement authority described in the laws of this state under which the individual is employed if any of the following occur:
 - (a) The individual's license is rendered void by a court order or other operation of law.
 - (b) The individual's license is revoked.
 - (c) The individual's license is rendered inactive.
 - (d) The individual's license is rendered lapsed
 - Since individuals with an inactive or a lapsed license do not have law enforcement authority, legally, they are no longer licensed.

- **Inactive License vs. Lapsed License**

- The 2016 amendment (effective January 2, 2017) to the MCOLES Act added the statutory language distinguishing an inactive license from a lapsed license. Although neither licensing status (inactive or lapsed) confer law enforcement authority, there is a difference in the process for reactivating the license and returning the individual to a fully empowered status.
- An individual whose license is lapsed must participate in re-training by successfully completing either a full academy session or the Recognition of Prior Basic Training and Experience (RPTE) program and passing the licensing exam to become eligible to be licensed by the Commission.
- An individual whose license is inactive is eligible to enter the licensing process without additional training. However, an inactive license is not automatically reactivated if the individual is subsequently hired by another law enforcement agency or when an appeal process results in reinstatement of employment with a previous law enforcement employer.

- **Reactivation of an Inactive Law Enforcement Officer License by the Commission**

- When a law enforcement agency is seeking to employ and license an individual with an inactive license the agency must follow the licensure process set forth in the MCOLES Act. MCL 28.609(3)(a) requires an agency to verify that the individual to whom the oath of office will be administered complies with the licensing standards.
- The Commission reviews requests for reactivation of an individual's law enforcement officer license on a case by case basis for compliance with the standards. This includes screening for character fitness as determined by a background investigation.
- If the commission determines the individual does *not* comply with the licensing standards, a detailed notice of the intent to deny is issued to the individual and the agency. This notice provides the individual an opportunity to appeal and provide additional information for consideration
- After review of any additional submissions a final determination is made and notice is sent to the individual and agency. MCL 28.609(5)(d).