

HOUSE BILL No. 5315

October 23, 2001, Introduced by Reps. McConico, Thomas, Kilpatrick, Daniels, Williams, Lipsey, Kolb, Minore, Clark, Bogardus, Rivet, DeWeese and Phillips and referred to the Committee on Criminal Justice.

A bill to amend 1965 PA 203, entitled
"Commission on law enforcement standards act,"
by amending section 9 (MCL 28.609), as amended by 1998 PA 237.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 9. (1) The commission shall promulgate rules to estab-
2 lish law enforcement officer minimum standards AND GUIDELINES.

3 In promulgating the law enforcement officer minimum standards AND
4 GUIDELINES, the commission shall give consideration to the vary-
5 ing factors and special requirements of local police agencies.

6 The law enforcement officer minimum standards AND GUIDELINES
7 shall include all of the following:

8 (a) Minimum standards of physical, educational, mental, and
9 moral fitness that govern the recruitment, selection,
10 appointment, and certification of law enforcement officers.

1 (b) Minimum courses of study, attendance requirements, and
2 instructional hours required at approved police training
3 schools.

4 (C) MINIMUM IN-SERVICE TRAINING TO MAINTAIN CERTIFICATION
5 THAT SHALL INCLUDE COURSES OF INSTRUCTION ON ALL OF THE
6 FOLLOWING:

7 (i) RACIAL PROFILING.

8 (ii) UNDERSTANDING OF AND RESPECT FOR RACIAL AND CULTURAL
9 DIFFERENCES.

10 (iii) NONCOMBATIVE METHODS OF CARRYING OUT LAW ENFORCEMENT
11 DUTIES IN A RACIALLY AND CULTURALLY DIVERSE ENVIRONMENT.

12 (D) ~~(c)~~ The rules promulgated under this section shall not
13 apply to a member of a sheriff's posse or a police auxiliary tem-
14 porarily performing his or her duty under the direction of the
15 sheriff or police department.

16 (E) ~~(d)~~ Minimum basic training requirements that a person,
17 excluding sheriffs, shall complete before being eligible for cer-
18 tification under section 9a(1).

19 (F) GUIDELINES, WHICH SHALL BE MADE AVAILABLE TO ALL LAW
20 ENFORCEMENT AGENCIES AND WHICH SHALL DO ALL OF THE FOLLOWING:

21 (i) IDENTIFY THE PATTERNS, PRACTICES, AND PROTOCOLS THAT
22 MAKE UP RACIAL PROFILING.

23 (ii) MAKE RECOMMENDATIONS ON THE NEED FOR UPDATING
24 IN-SERVICE TRAINING PROGRAMS FOR LAW ENFORCEMENT PERSONNEL ON
25 RACIAL PROFILING.

1 (G) ESTABLISH MANDATORY TIMETABLES FOR RETRAINING LAW
2 ENFORCEMENT PERSONNEL ON MATTERS CONCERNING RACIAL AND CULTURAL
3 TRENDS.

4 (2) If a person's certification under section 9a(1) becomes
5 void under section 9a(4)(b), the commission shall waive the
6 requirements described in subsection (1)(b) for certification of
7 the person under section 9a(1) if 1 or more of the following
8 apply:

9 (a) The person has been employed 1 year or less as a commis-
10 sion certified law enforcement officer and is again employed as a
11 law enforcement officer within 1 year after discontinuing employ-
12 ment as a commission certified law enforcement officer.

13 (b) The person has been employed more than 1 year but less
14 than 5 years as a commission certified law enforcement officer
15 and is again employed as a law enforcement officer within 18
16 months after discontinuing employment as a commission certified
17 law enforcement officer.

18 (c) The person has been employed 5 years or more as a com-
19 mission certified law enforcement officer and is again employed
20 as a law enforcement officer within 2 years after discontinuing
21 employment as a commission certified law enforcement officer.

22 (d) The person has successfully completed the mandatory
23 training and has been continuously employed as a law enforcement
24 officer, but through no fault of that person the employing agency
25 failed to obtain certification for that person as required by
26 this act.

1 (3) The commission shall promulgate rules with respect to
2 all of the following:

3 (a) The categories or classifications of advanced in-service
4 training programs for commission certified law enforcement offi-
5 cers and minimum courses of study and attendance requirements for
6 the categories or classifications.

7 (b) The establishment of subordinate regional training cen-
8 ters in strategic geographic locations in order to serve the
9 greatest number of police agencies that are unable to support
10 their own training programs.

11 (c) The commission's acceptance of certified basic police
12 training and law enforcement experience received by a person in
13 another state in fulfillment in whole or in part of the law
14 enforcement officer minimum standards.

15 (d) The commission's approval of police training schools
16 administered by a city, county, township, village, corporation,
17 college, community college or university.

18 (e) The minimum qualifications for instructors at approved
19 police training schools.

20 (f) The minimum facilities and equipment required at
21 approved police training schools.

22 (g) The establishment of preservice basic training programs
23 at colleges and universities.

24 (h) Acceptance of basic police training and law enforcement
25 experience received by a person in fulfillment in whole or in
26 part of the law enforcement officer minimum standards prepared
27 and published by the commission if both of the following apply:

1 (i) The person successfully completed the basic police
2 training in another state or through a federally operated police
3 training school that was sufficient to fulfill the minimum stan-
4 dards required by federal law to be appointed as a law enforce-
5 ment officer of a Michigan Indian tribal police force.

6 (ii) The person is or was a law enforcement officer of a
7 Michigan Indian tribal police force for a period of 1 year or
8 more.

9 (4) Except as otherwise provided in this section, a regu-
10 larly employed person employed on or after January 1, 1977 as a
11 member of a police force having a full-time officer is not empow-
12 ered to exercise all the authority of a peace officer in this
13 state, or be employed in a position for which the authority of a
14 peace officer is conferred by statute, unless the person has
15 received certification under section 9a(1).

16 (5) A law enforcement officer employed before January 1,
17 1977 may continue his or her employment as a law enforcement
18 officer and participate in training programs on a voluntary or
19 assigned basis but failure to obtain certification under
20 section 9a(1) or (2) is not grounds for dismissal of or termina-
21 tion of that employment as a law enforcement officer. A person
22 who was employed as a law enforcement officer before January 1,
23 1977 who fails to obtain certification under section 9a(1) and
24 who voluntarily or involuntarily discontinues his or her employ-
25 ment as a law enforcement officer may be employed as a law
26 enforcement officer if he or she was employed 5 years or more as
27 a law enforcement officer and is again employed as a law

1 enforcement officer within 2 years after discontinuing employment
2 as a law enforcement officer.

3 (6) A law enforcement officer of a Michigan Indian tribal
4 police force is not empowered to exercise the authority of a
5 peace officer under the laws of this state and shall not be
6 employed in a position for which peace officer authority is
7 granted under the laws of this state unless all of the following
8 requirements are met:

9 (a) The tribal law enforcement officer is certified under
10 this act.

11 (b) The tribal law enforcement officer is 1 of the
12 following:

13 (i) Deputized by the sheriff of the county in which the
14 trust lands of the Michigan Indian tribe employing the tribal law
15 enforcement officer are located, or by the sheriff of any county
16 that borders the trust lands of that Michigan Indian tribe, pur-
17 suant to section 70 of 1846 RS 14, MCL 51.70.

18 (ii) Appointed as a police officer of the state or a city,
19 township, charter township, or village that is authorized by law
20 to appoint individuals as police officers.

21 (c) The deputation or appointment of the tribal law enforce-
22 ment officer described in subdivision (b) is made pursuant to a
23 written contract that includes terms the appointing authority
24 under subdivision (b) may require between the state or local law
25 enforcement agency and the tribal government of the Michigan
26 Indian tribe employing the tribal law enforcement officer.

1 (d) The written contract described in subdivision (c) is
2 incorporated into a self-determination contract, grant agreement,
3 or cooperative agreement between the United States secretary of
4 the interior and the tribal government of the Michigan Indian
5 tribe employing the tribal law enforcement officer pursuant to
6 the Indian self-determination and education assistance act,
7 Public Law 93-638, 88 Stat. 2203.

8 (7) The commission may establish an evaluation or testing
9 process, or both, for granting a waiver from the law enforcement
10 officer minimum standards regarding training requirements to a
11 person who has held a certificate under this act and who discon-
12 tinues employment as a law enforcement officer for a period of
13 time exceeding the time prescribed in subsection (2)(a) to (c) or
14 subsection (5), as applicable.