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12 June 2020

Hon. Graham Filler  
House Judiciary Committee Chair  
N-1197 House Office Building  
P.O. Box 30014  
Lansing, MI 48909  
[GrahamFiller@house.mi.gov](mailto:GrahamFiller@house.mi.gov)

Melissa Sweet  
House Judiciary Committee Clerk  
[msweet@house.mi.gov](mailto:msweet@house.mi.gov)

Re: Testimony on SB 945

Dear Chair Filler, Clerk Sweet, and members of the House Judiciary Committee:

Thank you for considering legislation to address the problem of police misconduct. In some respects, law enforcement has become a runaway profession. It is obvious that the law enforcement profession needs more robust regulation.

I agree that professional training in non-violent methods of law enforcement is good, although I doubt that training alone will achieve compliance.

The Michigan Commission on Law Enforcement Standards should have the power to entertain complaints against police officers alleging non-criminal misconduct. A draft amendment is attached.

There are gaps in the way we police the police. When aggrieved citizens have complaints against Michigan police officers, they are required to lodge their complaints with local officials. There is no avenue for citizens to file complaints with the state -- a major deficiency in our regulatory system. Complaints to local officials are all but futile. Police executives and city officials are burdened with almost insuperable conflicts of interest. The local exoneration rate approaches 100%. Citizens need a state-level agency to adjudicate their complaints.

Another gap has to do with the ability of disgraced police officers to move from department to department. Police officers, fired in one department for misconduct, are free to secure jobs in other departments. Officers who engage in misconduct have often been disciplined for similar misconduct earlier in their careers. Only a state-level agency with the power to remove an officer's state-wide license can address the problem with histories of misconduct who move from town to town.

Gaps in state regulation of the police are easily corrected. Ordinarily, people who have complaints against licensed professionals can bring complaints to the state boards that regulate those professions. That is true for all the major professions except law enforcement. By denying access to a state-level complaint processing body, we deny relief to citizens who have complaints against the police.

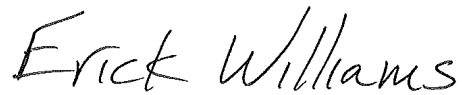
The Michigan Commission on Law Enforcement Standards is already allowed to revoke the licenses of police officers. But MCOLES' jurisdiction is too narrow. MCOLES can only revoke the licenses officers who have been convicted of crimes. Convicting a police officer of a crime is almost impossible; it almost never happens.

We shouldn't have to wait until an incompetent officer is convicted of a crime before we take bad cops off the police force. Imagine how dangerous surgery would be if we allowed incompetent surgeons to continue practicing until they had been convicted of crimes. MCOLES should have the power to entertain complaints against police officers alleging NON-CRIMINAL MISCONDUCT.

Please consider amending SB 945 to give MCOLES the power to entertain complaints against police officers alleging non-criminal misconduct. I am attaching a draft bill for your consideration. It would amend MCL 28.609 (12) to allow MCOLES to revoke the licenses of police officers who lack good moral character, who are incompetent, and who use false statements on official documents, and who have had law enforcement licenses revoked by other states. This is no more stringent regulation than we already have in place for accountants, teachers, nurses and lawyers. There is no good reason why we shouldn't apply the same rules to law enforcement.

I would be glad to meet with you or your staffs about this issue.

Sincerely,

A handwritten signature in black ink that reads "Erick Williams". The signature is written in a cursive, slightly slanted style.

Erick Williams

# BILL No. \_\_\_\_\_

A bill to amend 1965 PA 203, entitled,

“Michigan commission on law enforcement standards act”

by amending section 9 (MCL 28.609), as amended by 2018 PA 552.

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

### Sec. 9.

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

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

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

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

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

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

- (c) Physical ability.
- (d) Psychological fitness.
- (e) Education.
- (f) Reading and writing proficiency.
- (g) Minimum age.
- (h) Whether or not a valid operator's or chauffeur's license is required for licensure.
- (i) Character fitness, as determined by a background investigation supported by a written authorization and release executed by the individual for whom licensure is sought.
- (j) Whether or not United States citizenship is required for licensure.
- (k) Employment as a law enforcement officer.
  - (l) The form and manner for execution of a written oath of office by a law enforcement agency with whom the individual is employed, and the content of the written oath conferring authority to act with all of the law enforcement authority described in the laws of this state under which the individual is employed.
  - (m) The ability to be licensed and employed as a law enforcement officer under this section, without a restriction otherwise imposed by law.
- (3) The licensure process under this section must follow the following procedures:
  - (a) Before executing the oath of office, an employing law enforcement agency verifies that the individual to whom the oath is to be administered complies with licensing standards.
  - (b) A law enforcement agency employing an individual licensed under this section authorizes the individual to exercise the law enforcement authority described in the laws of this state under which the individual is employed, by executing a written oath of office.
  - (c) Not more than 10 calendar days after executing the oath of office, the employing law enforcement agency shall attest in writing to the commission that the individual to whom the oath was administered satisfies the licensing standards by submitting an executed affidavit and a copy of the executed oath of office.
- (4) If, upon reviewing the executed affidavit and executed oath of office, the commission determines that the individual complies with the licensing standards, the commission shall grant the individual a license.

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

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

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

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

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

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

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

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

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

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

(c) Maintain an employment history record.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**(e) THE INDIVIDUAL LACKS GOOD MORAL CHARACTER AS DEFINED AND DETERMINED UNDER 1974 PA 381, AS AMENDED, MCL 338.41 to 338.47.**



**(f) THE INDIVIDUAL HAS INTENTIONALLY USED A FALSE OR DECEPTIVE STATEMENT IN AN OFFICIAL DOCUMENT OR OFFICIAL COMMUNICATION.**

**(g) THE INDIVIDUAL HAS DEPARTED FROM, OR FAILED TO CONFORM TO, MINIMAL STANDARDS OF ACCEPTABLE AND PREVAILING PRACTICE IN LAW ENFORCEMENT, WHETHER OR NOT THE INDIVIDUAL HAS BEEN CONVICTED OF A CRIME.**

**(h) THE INDIVIDUAL HAS BEEN LICENSED OR CERTIFIED BY AN AGENCY EQUIVALENT TO THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS IN ANOTHER STATE OR A TERRITORY OF THE UNITED STATES, BY THE UNITED STATES MILITARY, BY THE FEDERAL GOVERNMENT, OR BY ANOTHER COUNTRY, AND THAT LICENSE OR CERTIFICATION IS REVOKED. A CERTIFIED COPY OF THE AGENCY RECORD IS CONCLUSIVE EVIDENCE OF THE AGENCY ACTION.**

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

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

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

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

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

(e) If the commission issues a final decision or order to revoke a license, that decision or order is subject to judicial review as provided in the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328. A summary suspension described in this section is not a final decision or order for purposes of judicial review.

(14) An individual licensed under this section shall not exercise the law enforcement authority described in the laws of this state under which the individual is employed if any of the following occur:

- (a) The individual's license is rendered void by a court order or other operation of law.
- (b) The individual's license is revoked.
- (c) The individual's license is rendered inactive.
- (d) The individual's license is rendered lapsed.