Michigan Commission on Law Enforcement Standards
CORRECTED Commission Meeting Minutes
December 7, 2016
Lansing, Michigan

COMMISSION MEMBERS PRESENT

Sheriff Jerry Clayton, representing the Michigan Sheriffs' Association
Director John Calabrese, representing the Michigan Association of Chiefs of Police
Colonel Kriste Etue, representing the Michigan State Police
Sheriff Doug Wright, representing the Michigan Sheriffs' Association
Ms. Anica Letica, representing Attorney General Bill Schuette
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Mr. Ken Grabowski, representing the Police Officers Association of Michigan
Chief David Molloy, representing the Michigan Association of Chiefs of Police
Trooper Nate Johnson, representing the Michigan State Police Troopers Association
Mr. David Hiller, representing Michigan Fraternal Order of Police
Mr. Thomas Zulch, representing Police Officers Labor Council
Sheriff Timothy Donnellon, representing Michigan Sheriff's Association
Mr. Richard Heins, representing Michigan Association of Police

COMMISSION MEMBERS EXCUSED

STAFF PRESENT

Mr. David Harvey, MCOLES Executive Director
Ms. Hermina Kramp, MCOLES Deputy Executive Director
Mr. John Szczubelek, Assistant Attorney General and Commission Counsel
Ms. Jacquelyn Beeson, MCOLES Staff
Mr. Wayne Carlson, MCOLES Staff
Mr. Danny Rosa, MCOLES Staff
Mr. David Lee, MCOLES Staff
Mr. Wayne Aldrich II, MCOLES Staff
Mr. Ryan Speidel, MCOLES Staff
Ms. Deb Thelen, MCOLES Staff
Ms. Barbara Johns, MCOLES Staff
Ms. Diane Horwath, MCOLES Staff
Mr. Pat Hutting, MCOLES Staff
Ms. Sandi Luther, MCOLES Staff
Ms. Rhonda Hooson, MCOLES Staff
Ms. JuaQuita Grady, MCOLES Staff
Mr. Ryan Speidel, MCOLES Staff

GUESTS (SIGNING-IN)

Mr. Thomas Adams, future Commissioner representing the Public
Cpl. Brian Earle, future Commissioner representing Deputy Sheriff's Assoc. of Michigan
Mr. Mark Diaz, future Commissioner representing Detroit Police Officers Association
Chief Tim Bourgeois, future Commissioner representing Michigan Assoc. of Chiefs of Police
Sgt. John Meka, Department of Natural Resources
Ms. Joyce Nelson, Washtenaw Community College
Mr. Andrew Haan, Office of the Governor
Mr. Harvey Hollins, Office of the Governor
Ms. Stacie Clayton, Office of the Governor
Ms. Anne Armstrong, Office of the Governor
Mr. Fred Timpner
Mr. John Buczek
Mr. Jim Bosscher
Ms. Doreen Olko
Ms. Claire Corsey, MIDC
Ms. Marla McCowan, MIDC

CALL TO ORDER

The Commission meeting was called to order by Chair Jerry Clayton on December 7, 2016 at 10:30 AM. The meeting was held at the MCOLES Office in Lansing, Michigan.

INTRODUCTIONS

Chair Clayton introduced himself and asked the Commissioners, staff and members of the audience to do the same.

ACCEPTANCE OF THE NOVEMBER 2, 2016 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Mawer to approve the November 2, 2016 Commission Meeting Minutes as written.

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

ADDITIONS/CHANGES TO THE AGENDA

Chair Clayton made a recommendation to change the agenda and move the Director's Report and the Committee Reports to the end of the Agenda after Old Business to accommodate the

guests of the meeting.

A **MOTION** was made by Commissioner Heins and supported by Commissioner Molloy to allow changes to the Agenda.

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

CHAIR'S REPORT

New Commissioners – Chair Clayton advised that in the audience there were 4 new Commissioners who would be starting January 1, 2017. He asked each one to stand and introduce themselves.

- Mark Diaz – Mr. Diaz advised he was President of the Detroit Police Officers Association. He said he is in his second term which is his fourth year. He has also been an officer with the Detroit Police Department for 23 years.
- Thomas Adams – Mr. Adams is the Founder and President of the Chance for Life Organization which addresses the needs of incarcerated adults and juveniles who are released from prison and returning to communities.
- Brian Earle – Mr. Earle stated that he has been with the Wayne County Sheriff's Office for 26 years and has 7 years to go. He is also President of the Deputy Sheriff's Association of Michigan.
- Tim Bourgeois – Mr. Bourgeois stated he is the Chief of Kalamazoo Township Police Department and he has been with the department for 14 years. He stated that he is representing the Michigan Association of Chiefs of Police.

Law Enforcement Officer Population Report -The electronic distribution contained the LEO Population report for the month of November. There was a slight uptick in both the number of officers and positions. There were no questions or comments.

Special Use Requests-This report was contained in the electronic distribution and made available prior to the meeting. There were no questions or comments.

NEW BUSINESS

Commissioner Presentations - Chair Clayton advised that in the audience there were six commissioners who were leaving the commission and he wanted to recognize their service. Each commissioner was called to the front and thanked for their service. In addition each was presented with their name plate and a plaque. Each commissioner also addressed the commission with the following comments:

- **John Buczek** – Mr. Buczek stated that it had been an honor and privilege to serve since 2001. He added that the Commission had come a long way and had accomplished a great deal for the profession. He also thanked the MCOLES staff for their dedication and great work.

- **Jim Bosscher** – He stated he echoed John Buczek's words. He added that he has been on the Commission since 2003 and even though there had been ups and downs the Commission has always moved forward. He stated that the commissioners always came together for the good of law enforcement. Mr. Bosscher added that this was the best commission he had served on and that he will miss coming to the meetings. He also thanked the MCOLES staff for all that they do.
- **Doreen Olko** – She stated that she has been serving since 2006. She stated it had been a great honor to represent the Michigan Association of Chiefs of Police. She was glad to have the opportunity to do so much good for law enforcement but stated there was still a lot that needed to be done. Her advice to the new commissioners was to learn from the staff. She added they were very knowledgeable. Her hope was that the commission would continue to do good things for Criminal Justice and especially law enforcement to benefit all citizens.
- **Richard Weiler** – He stated that it was also a great honor and privilege to serve on the Commission. His advice was to listen to the staff because they will work hard for you. He also thanked all the other commissioners who were leaving and told them it was a pleasure working with them.

CORRECTION: The comments above attributed to Richard Weiler were actually made by Fred Timpner.

OLD BUSINESS

Competitive Grants – MCOLES counsel, John Szczubelek, addressed the Commission and advised them that a Standards of Conduct for Public Officers and Employees Act states that they may not:

> "Participate in the ...granting of subsidies...or other regulation or supervision relating to a business entity in which the public officer or employee has a financial or personal interest.

Mr. Szczubelek stated that because of this Act he was recommending that any Commissioner who may be a member of or personally interested in a group should abstain from voting on that grant. He said abstaining from a vote never kept a grant award from being passed.

Deb Thelen addressed the commissioners. She informed them that the total amount of grant funding requested for the eighteen grants for 2017 was $947,281.31 and $929,107.22 in funding was recommended. She then went on to read into record the name of the applicant, the project title, the requested amount and the approved amount. The table below shows all of the information.

2017 Competitive Grants

Commission Number	Applicant	Project Title	Requested Grant Funding	Recommended Grant Funding
ADJ-01	Michigan Judicial Institute	Court Support Personnel Training Project	$7,623.50	$7,100.00
DEF-01	State Appellate Defenders Office	Defender Appellate Book	$27,500.00	$27,500.00
LE-01	Department of Natural Resources	Advanced Search & Rescue	$17,197.54	$17,197.54
LE-02	Department of Natural Resources	Basic Search & Rescue	$17,197.54	$17,197.54
LE-03	Department of Natural Resources	Tactical Training	$20,171.40	$14,171.40
LE-04	Grand Valley State University	Police Precision Driving	$49,732.40	$49,732.40
LE-05	Lansing Police Department	Surviving Verbal Conflict: Verbal De-Escalation	$15,800.00	$15,800.00
LE-06	Macomb Community College	Managing Interpersonal Interaction & Milo Training	$24,795.49	$24,754.83
LE-07	Michigan State Police Computer Crimes Unit	Building Forensic & Investigative Capacity in Technology	$136,756.39	$136,756.39
LE-08	Michigan State Police Training Division	Firearms Instructor School	$41,021.40	$41,021.40
LE-09	Michigan State Police Training Division	Leadership Development Academy	$45,842.50	$45,842.50
LE-10	Michigan State Police Training Division	Leadership in Police Organizations	$38,376.00	$38,376.00
LE-11	Monroe County Sheriff's Office	Monroe County Annual Training Plan 2017	$28,650.00	$28,650.00
LE-12	Northern Michigan University	2017 Law Enforcement Training	$67,199.26	$62,999.30
LE-13	Schoolcraft Community College	Wayne County Regional Police Training	$64,828.90	$61,078.90
LE-14	Washtenaw Community College	Online Active Duty Firearms Training	$22,842.76	$22,842.76
SPEC-01	Michigan State Police Biometrics & Identification	Biometrics & Identification Division Training	$63,366.93	$ 63,366.96
SPEC-02	Michigan State Police Forensic Science Division	Forensic Science Training	$258,379.90	$254,710.00
Total Requested and Recommended Grant Funding			**$947,281.31**	**$929,107.22**

The public was then allowed to comment on the grant awards. There was no public comment.

A **MOTION** was made by Commissioner Molloy and supported by Commissioner Zulch to approve the 2017 Grant Awards. A **ROLL-CALL** vote was taken and the following votes were recorded and listed are the grants each Commissioner abstained from voting on.

COMMISSIONER	VOTE	ABSTAINING
Mawer	YES	
Wendling	YES	
Bretz	YES	DEF-01
Hiller	YES	
Wright	YES	
Heins	YES	LE-06
Letica	YES	
Clayton	YES	LE-06
Calabrese	YES	LE-06
Donnellon	YES	
Molloy	YES	
Zulch	YES	LE-06
Etue	YES	LE-07, LE-08, LE-09, LE-10, SPEC-01, SPEC-02
Grabowski	YES	
Johnson	YES	LE-07, LE-08, LE-09, LE-10, SPEC-01, SPEC-02

The **MOTION** passed unanimously.

DIRECTOR'S REPORT

Director Harvey explained that usually during the Commission meeting he provides the Commissioners with updates. Today he is going to use it to thank the new Commissioners for coming and to do a little education. In the past when there have been groups of new commissioners an all-day training was held. This time he decided to break up the information. Director Harvey added that today Mr. Szczubelek would give an introduction to the Commission's statute responsibilities. He said that he would then provide them with his responsibilities as Executive Director, the roles he has played in the past and a discussion on what you expect from him in the future.

John Szczubelek introduced himself. He stated he has been the commission counsel since 2008 and with the Office of the Attorney General since 1993. He added that this has been his best job and he congratulated all the new commissioners on their selection.

Mr. Szczubelek went on to say that the past 12-15 years have been spent trying to get the new statutes passed. He said it went through many drafts and it was harder to get them through the commission then it was through the Legislature. He said that the commission represents so many

different interests it is difficult to get agreement. However with regard to the statutes, except for the addition of misdemeanors for revocation, all was agreed on by the full commission.

Mr. Szczubelek went on to explain the following:

- Legal Bases for MCOLES Power and Procedures: are those expressed in the law as well as those implied by law. Basically if there isn't a statute, mandate or rule you can't do it. Also, if there is a statute, mandate, or rule you must follow it.
- Delegation of MCOLES Power: The Commission must appoint an Executive Director. The Executive Director is authorized to administer the functions of the Michigan Commission on Law Enforcement Standards Act and the Michigan Justice Training Fund Act. Finally, the Commission may delegate powers to staff.
- Commission: Consists of the Commissioners, staff, and the Executive Director
- Executive Director: Administers the Statutes
- Public Meetings Act: Minutes must be taken and published, items will be passed by majority vote, Roberts Rule of Orders is followed
- Ethical Requirements: Remember you represent law enforcement and criminal justice, personal views should be put aside and you need to work towards what is best for the public

Executive Director Harvey explained his responsibilities with regard to the Commission. They included:

- He was an employee of the Commission by majority vote.
- The Commission has granted him the authority and autonomy to act.
- When there is an issue he will start with the Chair, then the Executive Committee and finally it will go to the Commission as a whole.
- Voting on an issue cannot take place via an e-mail or on the phone.
- Being that he is a lobbyist there will be times when he will need to make a quick decision or take a stance on behalf of the Commission.
- Started at MCOLES in September of 2010 and since then has been on a cycle of 1 or 2 year contracts. The current contract expires September 19, 2017.
- Director Harvey also stated he follows the statutory requirements of the Commission and the Strategic Plan which goes until 2018.
- He does increased outreach to the community including ride alongs with different agencies, educating agencies and organizations about MCOLES, attending community group meetings such as ALPACT as well as presentations at the New Chiefs and New Sheriff's schools.
- Director Harvey also advised he tries to improve assets and budgets. There are many budgetary issues including the general fund being cut and now operating from TTL and 302 funds.
- The Director also promotes excellence in standards with such things as increase revocation authority and setting standards for reserves and as a lobbyist testifying before the legislature and representing MCOLES.
- He added that he originally resisted becoming a lobbyist until he was advised it was mandatory. Now he lobbies for MCOLES as a body. He receives no money for his services but he still has to report annually.

- Director Harvey also handles media releases. Usually check with the Chair or Executive Committee but added he has also been given autonomy to represent MCOLES.
- Special Projects are also completed. For example, CLEAR project on setting standards for police agencies and the reorganization of MCOLES
- Eyewitness Identification – MSA, MSP, MACP and the Bar Association developed the policy and now Director Harvey is teaching it across the State of Michigan.
- Outreach – involved with IADLEST as the 2nd Vice-President, 1st Vice-President and the President. He has traveled abroad and attended meetings in DC. Also brought the Annual Conference to Grand Rapids.
- Will be up to the Commission to decide future activities and responsibilities

Background Checks – Director Harvey stated that when MCOLES lost LEIN they lost their ability to run fingerprints for academy recruits. He stated that he has been fighting to be able to vet the recruits. They currently use iChat but that does not search out-of-state. Director Harvey stated that MCOLES would like to pursue state legislation to get a system similar to what they use to vet teachers in Michigan. The candidate would be required to get their own criminal history and provide it to MCOLES. Director Harvey stated that he was looking for Commission approval to move forward with this issue.

A **MOTION** was made by Commissioner Molloy and supported by Commissioner Zulch to authorize MCOLES to move forward with legislation requiring candidates to obtain a copy of their criminal history.

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

A discussion occurred and a request was made that the Commission see the Bill prior to it going to the legislature. It was agreed the Bill would come before the Commission.

COMMITTEE REPORTS

Executive Committee – Chair Clayton advised that the Executive Committee had met just prior to the Commission meeting. He stated the focus of the meeting was related to the Executive Directive (ED). He stated that in today's meeting they wanted to determine the best path to take to accomplish the ED and clarify the composition of the work groups. He said the committee determined that since Lt/Col Arnold was not a Commissioner he could not chair one of the work groups. It was decided they would ask for a volunteer first. If no one volunteered Commissioner Molloy would be asked to be the chair and Lt/Col Arnold would remain as a member of the work group.

Process Committee – Commissioner Wendling provided a report for his workgroup. He stated their job was to determine the best way to reach out and find people with input as it relates to the ED. Then the information would have to be retained and passed on to the three workgroups so that they could develop best practices in their particular area. He added that they worked on the details of putting out a survey and discussed using agencies that already are effective in community engagement as models. He also stated that since everyone is

working under a deadline they felt they needed to determine a timeline. The goal is to find out how law enforcement feels about the public and also the reverse, how the public feels about law enforcement. It was determined that by mid-January the survey would go live and the public forums would begin.

Training Work Group – Chair Clayton advised that this group had not met yet and he did not have the all of the members yet. He stated that this was mostly due to the lack of clarity in the path that would be taken and the specific outcome that was expected with regard to the ED. He stated that his questions were answered today.

Community Engagement Work Group - Commissioner Etue advised that the work group met on December 1st. She added that Wayne Carlson had developed a set of survey questions for their review. She stated that her work group members consisted of a Sheriff, Chief, Post Commander and a Grant Writer. She said they represented both small and large communities. Their next meeting was scheduled for December 12 at 9:00 AM.

Recruiting Work Group – Lt/Col Arnold advised that this group had not met yet. He also thought there was a lack of clarity on what was needed from the group. He said initial contacts had been made reference the make-up of the group. He stated that he would turn the group over to Commissioner Molloy.

MISCELLANEOUS

Special Commission Meeting - Chair Clayton asked the Commission about holding a special commission meeting in January once all of the new Commissioners are seated. He said the meeting would address the nominating and electing of new officers and a discussion on protocol and procedures. He stated that we would also be able to get updates from the Process Committee and the chairs of the other three workgroups.

A **MOTION** was made by Commissioner Etue and supported by Commissioner Molloy to hold a Special Commission Meeting on January 11, 2016 at 10:30 AM.

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

New MCOLES Employee – Executive Director Harvey stated that MCOLES has one more new employee that he wanted to introduce MCOLES' newest employee JuaQuita Grady. Ms. Grady addressed the group and stated she was the new Curriculum Specialist in the Career Development Section. She stated that she was a Detroit police officer for nine years. After leaving law enforcement she became a teacher. Now she is humbled to work in her new position and is looking forward to working with everyone.

PUBLIC COMMENT

Mr. Thomas Adams addressed the Commission. He is a new Commissioner whose term starts January 1, 2017. He wanted to volunteer his time to sit on one of the ED work groups. He was told he was welcome on any of the work groups.

NEXT MEETING

Date: January 11, 2017 @ 10:30 AM.
Location: Lansing

ADJOURNMENT:

The meeting adjourned at 12:05 PM.

APPROVED BY _____ ON 2/15/17

WITNESSED BY _____ ON 2-15-17