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**Michigan Commission on Law Enforcement Standards**  
**Commission Meeting Minutes**  
**February 22, 2012**  
**Lansing, Michigan**

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**COMMISSION MEMBERS PRESENT**

Chief Doreen Olko, representing the Michigan Association of Chiefs of Police  
Sheriff James Bosscher, representing the Michigan Sheriffs' Association  
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan  
Commander Dwayne Love, representing Chief Ralph Godbee, Detroit Police Department  
Director Kurt Jones, representing the Michigan Association of Chiefs of Police  
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan  
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police  
Mr. James DeVries, representing the Police Officers Association of Michigan  
Mr. Fred Timpner, representing the Michigan Association of Police  
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association  
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association  
Mr. Richard Weiler, representing the Police Officers Labor Council  
Lt. Col. Dan Atkinson, representing Col. Kriste Kibbey Etue, Michigan State Police

**COMMISSION MEMBERS EXCUSED**

Mr. John Buczek, representing the Fraternal Order of Police  
Mr. Thomas Cameron, representing Attorney General Bill Schuette  
D/Sgt. Chris Luty, representing the Michigan State Police Troopers Association

**OTHERS PRESENT**

Mr. David Harvey, MCOLES Executive Director  
Ms. Hermina Kramp, MCOLES Deputy Executive Director  
Mr. John Szczubelek, Assistant Attorney General and Commission Counsel  
Mr. John Steele, MCOLES Staff  
Mr. Danny Rosa, MCOLES Staff  
Mr. David Lee, MCOLES Staff  
Mr. Patrick Hutting, MCOLES Staff  
Mr. Michael Logghe, MCOLES Staff  
Ms. Joyce Nelson, MCOLES Staff  
Mr. Darnell Blackburn, MCOLES Staff  
Ms. Rhonda Hooson, MCOLES Staff  
Ms. Sandi Luther, MCOLES Staff  
Ms. Debra Thelen, MCOLES Staff  
Ms. Diane Horwath, MCOLES Staff  
Ms. Jacquelyn Beeson, MCOLES Staff

## **GUESTS (signing in)**

Capt. Kari Kusmierz, Michigan State Police  
Mr. Scott A. Rechtzigel  
Chief Hilton Napoleon, Inkster Police Dept.  
Undersheriff Daniel Pfannes, Wayne County Sheriff's Office  
Deputy Chief Larry Hall, Wayne County Sheriff's Office

## **CALL TO ORDER**

The Commission meeting was called to order by Chair Doreen Olko at 10:30 AM on February 22, 2012 at the MCOLES Office, Lansing, Michigan.

## **INTRODUCTIONS**

Chair Olko introduced herself and asked the Commission members, staff, and audience to do the same.

## **ACCEPTANCE OF THE DECEMBER 7, 2011 COMMISSION MEETING MINUTES**

A **MOTION** was made by Commissioner Wriggelsworth and supported by Commissioner Mattice to approve the December 7, 2011 Commission meeting minutes as written.

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

## **ADDITIONS/CHANGES TO THE AGENDA**

There were no additions or changes to the Agenda.

## **PUBLIC COMMENT**

There was no public comment.

## **CHAIR'S REPORT**

Law Enforcement Officer Position Report – Commissioner Olko stated the LEO Population Report was sent to the Commission prior to the meeting. She pointed out the continued downward trend in the number of officers and positions.

Special Use Requests – Chair Olko stated that the Special Use Request activity report was provided as part of the electronic distribution of Commission materials. There were no questions.

Grant Adjustment Requests – Commissioner Olko advised that the Grant Adjustment Requests Activity Report was also part of the electronic distribution of Commission materials. There were no questions.

Committee Assignments – Commissioner Olko advised everyone that the new list of committee assignments could be found in their portfolios. She advised there were only a few changes made for the new year. There were no further questions or discussion regarding the assignments.

## **DIRECTOR'S REPORT**

New Hires – Executive Director Harvey advised that within the past year or so he presented the Commission with a reorganization chart. In keeping with the reorganization, four members of the MCOLES staff were recently promoted from Technicians to Analysts. Those employees are Debra Thelen, Diane Horwath, Rhonda Hooson, and Sandra Luther.

Mr. Harvey also stated that there were two new employees added to the MCOLES staff. The first, Michael Logghe, worked for Eastern Michigan DPS, was a Lieutenant for Ann Arbor Police Department and finally a Tribal Chief in Petoskey. He has been hired to fill the Field Representative position.

The second new employee is Joyce Nelson. She comes to MCOLES from the Lake Angelus Police Dept. and has served as the Deputy Director at Oakland Community College. She will be working in Career Development.

## **COMMITTEE REPORTS**

Executive Committee – Chair Olko advised that the Executive Committee met prior to the Commission meeting that morning. The only item on the agenda was Commission Resolution 2012-02 which will be discussed under New Business.

## **NEW BUSINESS**

Commission Resolution 2012-01 Honoring Commissioner James Bosscher – Commissioner Olko provided the introduction. Commissioner Bosscher served as the vice-chair for two years and then served as the chair for two years. She thanked Sheriff Bosscher for his great leadership during some difficult and challenging times. Commissioner Olko then read Commission Resolution 2012-01 Honoring Commissioner Bosscher into record.

A **MOTION** was made by Commissioner Weiler and supported by Commissioner Jones to adopt Commission Resolution 2012-01.

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

Commissioner Bosscher addressed the Commission stating he was proud and honored to have worked with the Commission and their staff. He was looking forward to continuing his career with the Commission.

Revocations - Mr. Harvey stated that there were three revocations for consideration. The three revocations included Calvin A. Davenport, Wedad D. Elhage, and David P. Morikawa. All three were for felony convictions, all went to a License Revocation Hearing, and all had recommendations of license revocation.

A **MOTION** was made by Commissioner Wriggelsworth and supported by Commissioner Wendling to combine all three revocations and hold one vote.

A **VOTE** was taken to revoke all three licenses. The **MOTION** carried unanimously.

RPTE Denial – Executive Director Harvey provided the background to Mr. Rechtzigel's denial into the Recognition of Prior Training and Experience (RPTE) program. Mr. Rechtzigel was charged with the misdemeanor crime of perjury and pled guilty to willful neglect of duty. He applied to the RPTE program and was denied entry by the Standards Compliance manager, John Steele. Mr. Rechtzigel then appealed the decision and met with Executive Director, David Harvey. Mr. Harvey upheld the denial. Mr. Harvey stated the RPTE program requires candidates to meet certain criteria and states that the Commission shall look at all criminal charges including traffic offenses. It also states that the candidates should be of good moral character. Mr. Rechtzigel was then given the opportunity to address the Commission at the February 22, 2012 meeting.

**Acting Interim Chief Napoleon of the Inkster Police Department** requested to speak on behalf of Mr. Rechtzigel. Chief Napoleon stated that the department does not condone Mr. Rechtzigel's behavior; however he feels that Mr. Rechtzigel has done his time for the crime committed. He would like the Commission to take into consideration the very unique

situation that occurred. He also stated that Mr. Rechtzigel is the most senior sergeant with the department and requests that the Commission take into consideration his whole career, not just this isolated incident when determining "good moral character". Interim Chief Napoleon feels Sgt. Rechtzigel deserves a second chance.

**Scott Rechtzigel** also requested to address the Commission. He advised that he has been employed with the Inkster Police Department for 17 years. He stated that he is at this meeting to appeal Executive Director David Harvey's decision to deny him entrance into the RPTE program. Mr. Rechtzigel provided the Commission with background information that led to the perjury charge in 2009 and his guilty plea of willful neglect of duty in 2011.

Mr. Rechtzigel went on to say that he had the full support of the union, his Chief and Deputy Chief and fully cooperated with the Attorney General's Office. He took full responsibility for his actions and at the time he felt it was necessary to protect his informant.

Commissioner Olko asked for a motion and advised the Commissioners that if there was no motion, then the decision of the Executive Director would stand.

A **MOTION** was made by Commissioner Timpner and supported by Commissioner Weiler to overturn the Executive Director's decision and allow Scott Rechtzigel to enter the RPTE program.

A long discussion took place and the following points were brought up for discussion.

- Definition of "good moral character"
- Does one incident change the "moral character" of an individual?
- Has there been a precedent set in the past?
- Is more information needed before a decision can be made?
- Can MCOLES complete an investigation and report back at next meeting?
- If the facts of the case are not being disputed, is an investigation needed?
- Can we obtain a copy of the transcript of the trial?
- Commission meeting itself should not be the investigating agency
- Does the fact that the judge and prosecutor were disciplined have any weight in Commission decision?
- Should the Commissioners have copies of all of the investigative reports before voting?

A **SUBSTITUTE MOTION** was made by Commissioner Bosscher and supported by Commissioner Jones that directs the Executive Director to do further investigation, provide all reports to the Commissioners prior to the April 18, 2012 Commission meeting and a vote will then be taken on April 18, 2012 with regard to upholding or overturning the Executive Director's decision to deny Scott Rechtzigel entrance into the RPTE program.

A **ROLL-CALL VOTE** was taken. The **MOTION** carried.

The following votes were recorded:

<u>Commissioner</u>	<u>Vote</u>
Mr. Richard Weiler	No
Mr. Fred Timpner	No
Mr. Richard Mattice	Yes
Commander Dwayne Love	Yes
Sheriff Gene Wriggelsworth	No
Sheriff James Bosscher	Yes
Lt. Col. Dan Atkinson	Yes
Mr. Michael Wendling	Yes
Mr. Ron Bretz	Yes
Sheriff Robert Pickell	Yes
Mr. James DeVries	No
Chief Doreen Oklo	Yes
Director Kurt Jones	Yes

The initial **MOTION** by Commission Timpner and supported by Commissioner Weiler no longer applied.

Wayne County Sheriff's Office-Academy Sessions – John Steele introduced Larry Hall from the Wayne County Sheriff's Office. Mr. Hall addressed the Commission and said that due to the economy the past few years, Wayne County Sheriff's Office had to suspend their police academy. However, now they are in a position to start up their academy again. Mr. Hall asked the Commission to approve their request to reinstate the Wayne County Sheriff's Office police academy.

A **MOTION** was made by Sheriff Bosscher and supported by Chief Mattice to reinstate the Wayne County Sheriff's Office police academy.

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

Resolution 2012-02 – John Szczubelek addressed the Commission with regard to Commission Resolution 2012-02. Mr. Szczubelek stated that the Executive Director has the authority to make procedural decisions with regard to the MJTF and LED. However, this authority was never put in Resolution form. Resolution 2012-02 authorizes the Executive Director and staff to make procedural decisions only. The resolution does not affect final grants awards and/or policy decisions. It only grants authority to update processes and procedures. There were no questions from the Commissioners regarding the resolution.

A **MOTION** was made by Commissioner Bretz and supported by Commander Love to adopt Commission Resolution 2012-02.

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

**OLD BUSINESS**

There was no old business.

**MISCELLANEOUS**

None

**NEXT MEETING:** Wednesday, April 18, 2012  
MCOLES Offices, Lansing, Michigan

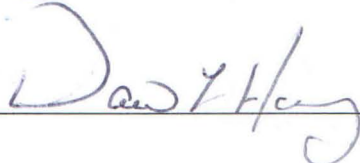
**ADJOURNMENT**

A **MOTION** was made by Commander Love and supported by Commissioner Wendling to adjourn the meeting.

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

The Commission meeting was adjourned at 11:50 AM.

APPROVED BY  ON 6/6/2012

WITNESSED BY  ON 6/6/2012



**MCOLES**

Michigan Commission on Law Enforcement Standards

***Commission Resolution 2012-01  
A Resolution to Honor Commissioner James Bosscher***

*It is with tremendous respect and appreciation that the members of the Michigan Commission on Law Enforcement Standards offer their praise and tribute to Sheriff James Bosscher for his outstanding leadership with the Michigan Commission on Law Enforcement Standards.*

***WHEREAS Sheriff James Bosscher*** was originally appointed to the Michigan Commission on Law Enforcement Standards by Governor Jennifer Granholm and has honorably represented the Michigan Sheriffs' Association in his capacity as a Commissioner since December 11, 2003; and,

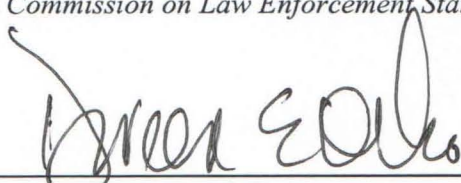
***WHEREAS, in his service, Sheriff James Bosscher*** has stood by the Commission during challenging times and has provided leadership in key law enforcement initiatives that are to the benefit of Michigan's entire criminal justice community; and,

***WHEREAS, Sheriff James Bosscher, has served as the Commission's Vice Chairperson from 2008 through 2009 and as the Commission's Chairperson from 2010 through 2011; and,***

***WHEREAS, throughout his service to the Michigan Commission on Law Enforcement Standards, Sheriff James Bosscher has demonstrated outstanding dedication to his duties and responsibilities and has made sustaining contributions to the betterment of law enforcement and criminal justice in Michigan; now***

***THEREFORE BE IT RESOLVED*** that by the adoption of this resolution, the members of the Michigan Commission on Law Enforcement Standards extend their appreciation and gratitude to Sheriff James Bosscher for his leadership and for the extensive efforts he has made on behalf of this Commission.

Unanimously adopted by the Michigan Commission on Law Enforcement Standards on February 22, 2012.

  
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Doreen Olko, Chair





**MCOLES**  
Michigan Commission on Law Enforcement Standards

*Commission Resolution 2012-02*  
*Resolution to Delegate Authority to Executive Director and Staff for*  
*Administration of the Michigan Justice Training Fund*

**WHEREAS**, Section II B of Executive Order 2001-5, codified by the Michigan Legislature as MCL 28.621, provides that the MCOLES Executive Director shall administer the assigned functions transferred by Executive Order 2001-5; and

**WHEREAS**, Section I B of Executive Order 2001-5 provides that the assigned functions transferred by Executive Order 2001-5 include, but are not limited to, rulemaking, grant awards, and annual distributions, as well as the statutory authority, powers, duties, functions, and responsibilities set forth in the Commission on Law Enforcement Standards Act and the Michigan Justice Training Fund Act; and

**WHEREAS**, 1999 AC R 28.14101(g), promulgated by the Commission as authorized under Executive Order 2001-5, provides that the Commission may expressly delegate functions to its Executive Director and Staff; and

**WHEREAS**, Section 6(2) of the Commission on Law Enforcement Standards Act, codified by the Michigan Legislature as MCL 28.606(2), provides that the Commission may establish its own procedures and requirements with respect to quorum, place and conduct of its meetings, and other matters;

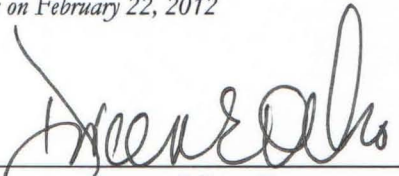
**THEREFORE, BE IT RESOLVED**, that the Michigan Commission on Law Enforcement Standards hereby expressly delegates to the MCOLES Executive Director and MCOLES Staff the following assigned functions transferred by Executive Order 2001-5:

- 1) Reviewing and responding to inquiries from Law Enforcement Distribution recipients concerning whether specific expenditures of Law Enforcement Distribution funds are within the scope of Section 3 of the Michigan Justice Training Commission Act, codified by the Michigan Legislature as MCL 18.423; and
- 2) Modifying, for purposes of maximizing efficiency and timely delivery of services to Law Enforcement Distribution recipients, the process by which Special Use Requests are reviewed and approved, including, but not limited to, increasing the use of the MCOLES Information and Tracking Network ("MITN") to eliminate unnecessary and redundant use of first class mail, paper documentation, and other outmoded means.

**BE IT FURTHER RESOLVED**, that the MCOLES Executive Director and MCOLES Staff shall report to the Commission on the progress and completion of

the assigned functions delegated by this Resolution, and provide further reporting as requested by the Commission.

*Adopted by the Michigan Commission on Law Enforcement Standards on February 22, 2012*



*Doreen Olko, Chair*