
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
February 9, 2011
Grand Rapids, Michigan

COMMISSION MEMBERS PRESENT

Mr. John Buczek, representing the Fraternal Order of Police
Sheriff James Bosscher, representing the Michigan Sheriffs' Association
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police
Col. Kriste Kibbey Etue, representing the Michigan State Police
Mr. James DeVries, representing the Police Officers Association of Michigan
Mr. Thomas Cameron, representing Attorney General Bill Schuette
Mr. Fred Timpner, representing the Michigan Association of Police
Commander Dwayne Love, representing Chief Ralph Godbee, Detroit Police Department
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police
Director Kurt Jones, representing the Michigan Association of Chiefs of Police
D/Sgt. Chris Luty, representing the Michigan State Police Troopers Association
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan

COMMISSION MEMBERS EXCUSED

Mr. Richard Weiler, representing the Police Officers Labor Council
Mr. Martin Bandemer, representing the Detroit Police Officers 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

GUESTS (signing in)

Captain Kari Kusmierz, Michigan State Police

CALL TO ORDER

The Commission meeting was called to order by Mr. Buczek at 10:04 a.m., in the Winchester Room of the Amway Grand Hotel, Grand Rapids, Michigan.

INTRODUCTIONS

Mr. Buczek introduced newly appointed Commissioner Michael Wendling and asked the Commission to introduce themselves.

ACCEPTANCE OF THE DECEMBER 8, 2010 COMMISSION MEETING MINUTES

A **MOTION** was made by Sheriff Wriggelsworth and supported by Mr. DeVries to approve the December 8, 2010, Commission meeting minutes as written.

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

ADDITIONS/CHANGES TO THE AGENDA

There were no changes to the Agenda.

PUBLIC COMMENT

There was no public comment.

CHAIR'S REPORT

Nominations and Elections - Mr. Buczek stated that since all Commissioners had not been appointed, the Commission needed to elect its officers. Mr. Buczek asked Commission Counsel Szczubelek to advise the Commission on the process. Mr. Szczubelek advised that consistent with the Rules of Order the Commission can move to form into a committee of the whole for the purpose of taking nominations and voting for new officers.

A **MOTION** was made by Mr. Timpner and supported by Chief Mattice to convene the Commission as a committee of the whole.

A VOTE was taken. The MOTION carried.

CHAIR'S REPORT (continued)

A MOTION was immediately made by Sheriff Pickell and supported by Mr. DeVries to re-elect Sheriff Bosscher as the Chair and Chief Olko as the Vice Chair.

A VOTE was taken. The MOTION carried.

Mr. Buczek turned the Chair over to Sheriff Bosscher. Sheriff Bosscher thanked Mr. Buczek for serving as the interim Chair as part of his role as Immediate Past Chair, while the confirmations of the re-appointed Commissioners was taking place.

Committee Assignments – Sheriff Bosscher advised that since all members are now appointed and have been seated committee assignments will be reviewed and new members will be added to committees.

Law Enforcement Officer Position Report – Sheriff Bosscher stated that the number of law enforcement positions continues to decline. A revised chart has been developed showing both number of individuals lost as well as the number of law enforcement positions lost. Currently, Michigan is down 2,935 law enforcement positions since 2001.

Special Use Requests – Sheriff Bosscher stated that the Special Use Request activity report was provided in the Commission materials. There were no questions.

Grant Contract Adjustments – Sheriff Bosscher stated that the Grant Contract Adjustment was also provided in the Commission materials. There were no questions.

DIRECTOR'S REPORT

Revised Commission Meeting Schedule – Mr. Harvey stated that the September meeting date has been changed to Friday, September 9, 2011 to be held in conjunction with the meeting of the POAM Board in Southeast Michigan. Mr. Harvey recommended the Commission hold the remaining four meetings at the MCOLES Offices in Lansing. The Commission concurred with the recommendation that two meetings be held around the state outside of Lansing and four meetings in Lansing would allow constituents access to the Commission.

Annual Registration Update – Mr. Harvey advised that the annual registration is underway. There have been no significant issues thus far. The registration window closes March 11, 2011.

DIRECTOR'S REPORT (continued)

Grant Award Revision – Mr. Harvey explained that after the staff retirements at the end of December, the MCOLES did a self audit of grant contract and budgets and discovered that one budget that was approved at the December meeting had been cut inconsistent with all other budgets reviewed and past practice. Correction of the error would result in an increase of \$1,075 to the grant award. Mr. Harvey recommended adjustment of the award to prevent disadvantaging a single grant applicant.

A **MOTION** was made by Mr. Buczek and supported by Mr. Timpner to correct the final grant award for LE-3, Delta Community College – Legal Update from an award amount of \$2,326 to \$3,847.

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

COMMITTEE REPORTS

There were no committee meetings.

NEW BUSINESS

Statute Revision / Regular Employment – Mr. Harvey reported on his contacts with chiefs and sheriffs advising the Commission that after significant discussion it was his belief that it would be in the best interest of the law enforcement community to take a comprehensive look at the MCOLES enabling legislation. Mr. Harvey stated that a revised solution to the Regular Employment issue, as well as other issues facing the MCOLES, would be to allow staff to research all of the components of the MCOLES enabling legislation, PA 203 of 1965, and the Michigan Justice Training Fund Act, PA 302 of 1982, for possible revisions that better serve today's environment. Mr. Harvey recommended that the Commission suspend the 520 hour regular employment standard and authorize him to begin a complete statute review.

A **MOTION** was made by Mr. Luty and supported by Director Jones to rescind the 520 hour Regular Employment Standard and begin a complete statutory review.

There was discussion on the motion resulting in an amendment to the original motion.

NEW BUSINESS (continued)

Statute Revision / Regular Employment (continued)

A **MOTION** was made by Sheriff Pickell and supported by Chief Mattice to change the motion to suspend the 520 hour Regular Employment Standard from rescinding and to give the Executive Director the authority to research and discuss statutory revisions and to return to the Commission a proposal to revise MCOLES' statutes.

There was some discussion providing the Executive Director with a timeline for completion.

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

Commission Resolution 2011-01 Opposing Senate Bill 31 - The resolution establishes the Commission's position in opposition to Senate Bill 31 which amends Public Act 203 of 1965 to establish 120 hours worked as the regular employment standard.

A **MOTION** was made by Mr. Bretz and supported by Chief Mattice to pass Commission Resolution 2011-01 opposing Senate Bill 31.

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

Justice Training Funds for Law Enforcement Authorities – Mr. Harvey reported that Public Act 302 does not specifically include "authorities" as an eligible entity for the purpose of determining eligibility for the Law Enforcement Distribution (LED). Based on a specific instance, the Commission has held that authorities were ineligible. Further research and review of all pertinent definitions and statutes, it has been determined that the triggering factor for LED is being a city, village, township, county, junior college, community college or university or the department of state police who employ fully sworn, MCOLES licensed officers. Therefore as more small communities begin looking to combine for administrative efficiencies it is anticipated that the Commission will be asked for guidance. Mr. Harvey recommended that a case by case approach be adopted to address any future authorities. The Commission concurred with the recommended approach.

OLD BUSINESS

There were no items of Old Business for discussion.

MISCELLANEOUS

Sheriff Wriggelsworth asked if there was anything to report from the first meeting of the Governor's Advisory Committee on Law Enforcement. Colonel Etue and Mr. Buczek are members of the panel and advised that a single meeting has been held to date and information communication would come from either the committee chair Sheriff Rosema, Mr. Jeff Barnes, Governor Snyder's Deputy Chief of Staff, or Governor Snyder. A second meeting will take place in the near future.

Mr. Szczubelek advised the Commission he is working on a civil rights / return to work case involving a Detroit Police Officer. He also advised he will be providing the Commission with a comprehensive report on the interrelationship between MCOLES medical standards and disability discrimination law.

NEXT MEETING

Date: Wednesday, April 20, 2011

Location: MCOLES offices Hollister Building, Lansing, Michigan

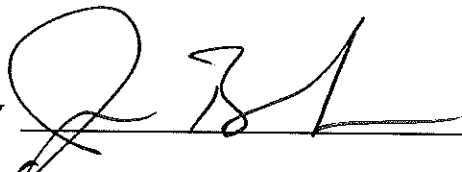
ADJOURNMENT

A **MOTION** was made by Mr. DeVries and supported by Mr. Luty to adjourn the meeting.

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

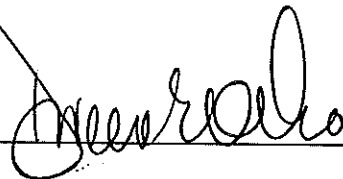
The meeting was adjourned at 11:29 a.m.

APPROVED BY



ON 10-19-2011

WITNESSED BY



ON 10/19/2011



***Commission Resolution 2011-01
In Opposition to Senate Bill 31***

WHEREAS, the Michigan Commission on Law Enforcement Officer Standards is the duly appointed body to develop and administer statewide law enforcement standards for Michigan; and,

WHEREAS, the Executive Director, in consultation with law enforcement agency administrators, professional associations and impacted groups has recommended this issue be re-opened given new information; and

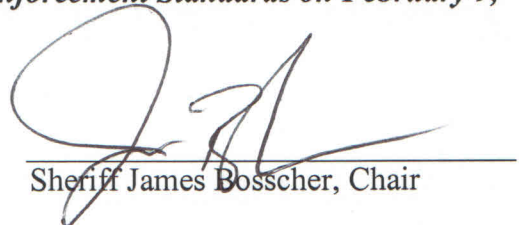
WHEREAS, the Commission has voted to suspend the implementation of the 520 hour Regular Employment Standard to allow for further research and recommendations to address the issue of regular employment; and

WHEREAS, 1965 PA 203 mandates that the Michigan Commission on Law Enforcement Officer Standards develop and implement properly researched law enforcement officer training curriculum through published standards with the flexibility to allow revision for legal and best practice changes; and

WHEREAS, 1965 PA 203 authorizes the Michigan Commission on Law Enforcement Standards to make recommendations to the Legislature on matters pertaining to the qualifications and training of law enforcement officers; now

THEREFORE, BE IT RESOLVED, that the Michigan Commission on Law Enforcement Standards opposes Senate Bill 31 which would legislatively define a law enforcement officer employment standard and legislatively mandate a single component of an integrated, mandated law enforcement officer training curriculum.

Adopted by the Michigan Commission on Law Enforcement Standards on February 9, 2011


Sheriff James Bosscher, Chair