

---

**Michigan Commission on Law Enforcement Standards**  
**Commission Working Session Minutes**  
**February 19, 2008**  
**Bay Valley Resort & Conference Center, Bay City, Michigan**

---

---

**MCOLCS MEMBERS PRESENT:**

Mr. John Buczek, representing the Fraternal Order of Police  
Sheriff James Bosscher, representing the Michigan Sheriffs Association  
Mr. Jim DeVries, representing the Police Officers Association of Michigan  
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs Association  
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police  
Director Kurt Jones, representing the Michigan Association of Chiefs of Police  
Mr. Bill Dennis, representing Attorney General Mike Cox  
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan  
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police  
Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan  
Director Deborah Robinson, representing Chief Ella M. Bully-Cummings, Detroit  
Police Department  
Trooper Michael Moorman, representing the Michigan State Police Troopers Association  
Lt. Colonel Timothy Yungfer, representing Colonel Peter C. Munoz, Michigan State  
Police  
Mr. Raymond Beach, Executive Director  
Mr. John Szczubelek, Commission Counsel

**COMMISSION MEMBERS EXCUSED:**

Sheriff Robert Pickell, representing the Michigan Sheriffs Association

**COMMISSION STAFF PRESENT:**

Ms. Hermina Kramp	Ms. Cheryl Hartwell
Mr. Dale Rothenberger	Mr. Wayne Carlson
Mr. Gary Ruffini	Mr. Danny Rosa

**GUESTS (signing in):**

There were no guests.

**CALL TO ORDER:**

The Commission Working Session was called to order by Chairman John Buczek at 1:33 p.m. at the Bay Valley Resort & Conference Center, Bay City, Michigan.

**INTRODUCTIONS:**

There were no guests signing in, therefore, introductions were not necessary.

**PUBLIC COMMENT:**

There was no public comment.

**ADDITIONS TO THE AGENDA:**

Chairman Buczek added Dedicated Funding to the agenda.

**ACTIVE DUTY FIREARMS STANDARDS:**

Mr. Wayne Carlson explained that the pilot phase of the Active Duty Firearms Standard is now complete. As a result of the pilot, some minor changes were made to the course of fire. The suggestions that staff received had nothing to do with the educational component of the standard. He further explained that the whole idea of this standard was to blend decision-making and problem solving along with mechanical skills. The standard has two components, an educational component and the firearms course of fire.

There are eight behavioral based objectives that are laid out in a specific format to allow the training to flow in a specific manner. There are two major court cases that are contained in the standard that we want officers to be familiar with; one is Tennessee v. Garner and the other is Graham v. Conner. The educational component provides for training to an individual agency's policies related to firearms use, use of force, and Michigan's carrying a concealed weapon laws. Finally, an officer will have to demonstrate skill proficiency on the course of fire.

## **ACTIVE DUTY FIREARMS STANDARDS Continued:**

Mr. Carlson walked the Commission through each of the behavioral objectives. He explained that the standard is written to allow the objectives to be taught in various ways, thus giving agencies flexibility to administer the standard in the best manner for their individual agency and officers.

Mr. Carlson stated that once this program is adopted by the Commission, it will be something that is unique in the country. He explained that other states have various courses of fire, but standards reviewed from other states do not contain a decision-making component like the MCOLES standard.

Mr. Danny Rosa provided the Commission with a handout that outlined the Active Duty Firearms Standard Course of Fire. He explained that the standard was developed to allow individual agencies to administer the standard. The standard provides agencies with the necessary components to instruct to the standard, but does not mandate a specific way to deliver the training.

The individual stages of the course of fire were demonstrated by Mr. Rosa. He outlined the specific distances and the number of rounds to be fired at each stage. Mr. Rosa explained that there were a number of comments in the field regarding the use of two shooting lanes to complete the 4/7 multiple target shooting requirement. Mr. Rosa explained that one way to accommodate this standard would be to utilize a target that is reduced in size by formula to simulate distance differences. Mr. Rosa explained that other techniques such as low light, use of a flashlight, etc., are also recommended by MCOLES but are not a specific part of the proposed Active Duty Firearms Standard. Agencies can incorporate these shooting techniques if they desire.

Mr. Rosa explained that the course of fire is not training. In addition, the educational component can be made up of many different training methodologies. He stressed that training should simulate reality whenever possible. For instance, a discussion on a specific topic is better than a lecture on that same topic.

Ms. Hermina Kramp explained each of the documents that are being provided to the Commission in relationship to this standard. All of these materials will be distributed to the field once the standard is adopted. She further explained the proposed time line for implementation of the standard that staff will be requesting the Commission to adopt. Ms. Kramp explained that this standard will be the state's standard that will also facilitate the law enforcement officer's right to carry legislation.

Ms. Kramp explained that the Active Duty Firearms Standard will become mandatory upon adoption with the first mandatory compliance period beginning in 2009 for all law

## **ACTIVE DUTY FIREARMS STANDARDS Continued:**

enforcement officers. The first mandatory reporting period for 2009 will be during the Annual Registration in 2010. Compliance with the standard will be reported at the same time agencies verify their rosters and report the hours worked by their licensed law enforcement officers. Ms. Kramp provided a visual of the implementation timeline explaining that 2008 will be an educational year during which MCOLES staff will be working to educate the field relative to the standard as well as work out any issues that may arise.

Questions were raised as to who would determine the amount of remediation that an officer is allowed before an agency terminates employment. Ms. Kramp explained that this will be a decision left to the agency and the officer involved. Individual agencies will establish their own remediation plans. Ms. Kramp stated that both the Michigan Municipal Risk Management Association and the Michigan Municipal League support the standard and will be working with their respective law enforcement clients. Staff will bring a final implementation plan to the Commission at their September meeting.

Chairman Buczek explained that the Active Duty Firearms Standard will be voted on during tomorrow's meeting.

## **REGULAR EMPLOYMENT:**

Mr. Dale Rothenberger explained that Sheriff Pickell chaired a committee to develop a regular employment standard. A recommendation for a standard was developed by the committee and was presented to the law enforcement discipline through a series of stakeholder meetings that were held across the state.

Mr. Szczubelek explained the legal issues related to the Regular Employment Committee's work. He further explained that the term "regular employment" needs to be defined as it appears in the enabling legislation, Public Act 203. The Act recognizes the time served by law enforcement officers in relationship to license maintenance. Other areas of the law that were reviewed provide for the qualification for overtime and/or minimum wage. Current Workman's Compensation law provides benefits for individuals who work 13 weeks during a given year.

There are several Attorney General Opinions that have looked at various aspects of this matter. All the opinions refer to employment being substantial rather than merely occasional. A Commission established standard would provide guidance for a judge who would be making a decision in a particular case without allowing a lot of room for interpretation.

## **REGULAR EMPLOYMENT Continued:**

Mr. Rothenberger explained that MCOLES conducted a survey with respect to regular employment and the survey had an 80 percent return rate. Agencies completing the survey supported the Commission defining regular employment. He further explained how the Regular Employment Committee arrived at the recommendations that were presented to the law enforcement discipline. The discipline told MCOLES, during stakeholder meetings, that they wanted training to be a part of the standard. They also wanted recognition of an officer's experience, as well as a gradual implementation plan for the standard.

The recommendation of the committee was developed with two tiers based upon an officer's experience. New officers with less than two years of experience would be required to work 300 hours per year beginning in 2010, and an officer with more than 2 years experience would have to work 568 hours over a two year time period beginning in 2010. In 2012, the recommendation moves to 568 hours per year (which could include up to 48 hours of training) for new officers with less than two years of experience and 1136 over a two year period (which could include 96 hours of training) for officers with more than 2 years of experience.

Mr. Rothenberger explained that there is overall support for some type of standard. Agencies supported consideration of training and liked the four year implementation period as presented during the stakeholder meetings held in December. The 568 hour goal was a surprise, as it is higher than they expected, but many said that they could make it work. In addition, some agencies stated that this requirement would assist them with budget discussions with their municipalities. Other concerns voiced were the impact on 24/7 coverage for special events, inequities imposed on smaller communities, and that the 300 hours recommended was manageable but the 568 is not. There was support and recognition that the standard would impact transient officers.

MCOLES staff also held a meeting with small law enforcement agencies to allow them input with regard to their specific concerns regarding the recommended definition of regular employment. Some questioned the need for a definition suggesting maybe this language should be removed from the Act. Finally, some questioned the timing of this effort during hard times. Concern was also voiced as to what the MCOLES sanctions would be and how they would be applied for non-compliance.

Mr. Beach explained that the staff needs further direction from the Commission with regard to this recommended standard. He further explained that the small law enforcement agencies with issues regarding the recommended standard have been interacting with their legislators and subsequently MCOLES has been contacted for additional information.

## **REGULAR EMPLOYMENT Continued:**

Mr. Buczek stated that a few of the smaller agencies do have the ear of their legislators and we need to ensure that we are implementing a standard that is fair and justifiable. We don't want to see legislation introduced to address this matter without input from the law enforcement discipline.

Mr. Beach explained that the standard has to be defensible based upon the information gathered and the research conducted. We could use the median number of hours worked as identified by the annual registration data and the survey or we could use quarter time as there is previous case law with respect to worker's compensation laws that refer to quarter time.

Mr. Beach explained that going to a single number would reduce confusion. He further stated that the Chairman's suggestion to add one additional year with an automatic review at the end of five years might help address some of the concerns that were raised.

There was concern over whether the Committee may have made the standard too complicated. There was support for having a single standard that all officers have to meet regardless of prior work experience. After additional discussion, it was suggested that MCOLES set a single number of hours to be worked by all law enforcement officers, and whether or not agencies want to include training hours would be left to them. There was support for using the median number of hours that would be established with the current Annual Registration information, for a set period of time with a possible review or a possible move to quarter time at a later date.

Chairman Buczek stated that during the meeting tomorrow this matter will be sent back to the Regular Employment Committee for refinement based upon the discussions today. The Regular Employment Committee will then review the proposed standard and make a final recommendation to the Commission at the April meeting.

## **DEDICATED FUNDING:**

This is the number one priority identified by the Executive Committee. The Public Safety Funding Coalition needs to be called back together to discuss where their efforts to secure dedicated funding should go from here based upon the Governor's recommendation that there be no new fees or taxes in the 2009 budget. Commissioner Wriggelsworth who served as the Chair of the Public Safety Funding Coalition will pursue setting up a meeting to discuss this matter with all coalition participants.

## **LEGISLATIVE INITIATIVES:**

**Codification of Public Acts 203 / 302** - Mr. Szczubelek explained the need for codification of Public Acts 203 and 302, including the defining of regular employment, ethics reform efforts, the merging of the Justice Training Fund legislation with the MCOLES legislation, and the expansion of the Commission's authority over a law enforcement license less than a revocation or revocation authority over additional offenses. The Ethics Committee was looking at the establishment of core values and has suggested linking the Commission's authority to revoke a law enforcement officer's license to offenses that fall within these core values. Mr. Szczubelek explained that staff is currently working on draft language to codify the Acts in the near future. He will keep the Commission updated as this project moves forward.

**Act 330 Meeting** – Sheriff Wriggelsworth stated that the meeting with this group went very well. They acknowledge that work needs to be done on the training curriculum however, money is a big issue. They were very complimentary to the MCOLES staff and the work they have done.

**Commission Legislative Initiatives** – Mr. Beach provided a handout outlining legislative initiatives / priorities for the Commission for 2008. The first priority is to secure dedicated funding to support the MCOLES responsibilities. Mr. Beach explained that the Chair will be appointing a committee during the meeting on Wednesday to facilitate these efforts. The codification of the MCOLES statutes and the modernization of the Public Safety Officers Benefit and Officer Survivor Tuition programs so that one qualification process would meet the needs of both programs. The modernization of Public Act 330 of 1968 (private security licensing) and doing the work that needs to be done to bring the curriculum up-to-date. This program needs to be self supporting financially. Finally, work needs to be done to position MCOLES to facilitate the implementation of the requirements in House Bill 4611 with respect to retired law enforcement officers right to carry a concealed weapon. The Bill is currently working its way through the legislature and we could see passage in the next month. Mr. Beach explained that these are all areas that the Commission needs to focus on this coming year.

## **STRATEGIC PLANNING:**

Mr. Beach explained that the MCOLES Strategic Plan needs to be revisited and revitalized. The Commission will be completing a visioning exercise with the original facilitator who will assist in establishing the Commission's new strategic intents. The original plan that was adopted in 2002 and was developed as an eight year plan. However, current trends prescribe a timeframe of five years.

**STRATEGIC PLANNING Continued:**

The information from the visioning exercise will be analyzed and summarized for presentation to the Executive Committee who will provide guidance to staff so that a final plan can be brought back to the full Commission at the April Meeting.

**PUBLIC COMMENT:**

There was no public comment.

**NEXT MEETING:**

Date: February 20, 2008

Location: Delta Community College  
University Center, Michigan

**ADJOURNMENT:**

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

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

The meeting was adjourned at 4:40 pm.

APPROVED BY \_\_\_\_\_ ON \_\_\_\_\_

WITNESSED BY \_\_\_\_\_ ON \_\_\_\_\_