
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
September 17, 2008
McGuire's Resort, Cadillac, Michigan

MCOLES MEMBERS PRESENT

Mr. John Buczek, representing the Fraternal Order of Police
Sheriff James Bosscher, representing the Michigan Sheriffs' Association
Mr. Marty Bandemer, representing the Detroit Police Officers Association
Mr. Bill Dennis, representing Attorney General Mike Cox
Mr. James DeVries, representing the Police Officers Association of Michigan
Director Kurt Jones, representing the Michigan Association of Chiefs of Police
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association
Director Deborah Robinson representing Chief Ella M. Bully-Cummings, Detroit Police
Department
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' 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

Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan
Trooper Michael Moorman, representing the Michigan State Police Troopers Association

COMMISSION STAFF PRESENT

Ms. Cheryl Hartwell	Mr. David King
Ms. Hermina Kramp	Mr. Dale Rothenberger
Mr. Gary Ruffini	Mr. John Steele

GUESTS (signing in)

Training Director Dan Dellar, West Shore Community College
Training Director Cecil Queen, Ferris State University
Sheriff Gary A. Finstrom, Wexford County Sheriff's Office
Undersheriff Wil Yancer, Missaukee County Sheriff's Office
Sheriff Don Charlevoix, Dickinson County Sheriff's Office
Mrs. Alice Charlevoix

CALL TO ORDER

The Commission meeting was called to order by Chairman John Buczek at 9:00 a.m., at McGuire's Resort in Cadillac, Michigan. Chairman Buczek thanked Sheriff Gary Finstrom of the Wexford County Sheriff's Office and Vice Chairman, Sheriff James Bosscher of the Missaukee County Sheriff's Office for co-hosting the meeting.

INTRODUCTIONS

Chair Buczek asked the Commissioners to introduce themselves. He then asked members of the audience to introduce themselves. Chair Buczek welcomed all to the meeting.

PUBLIC COMMENT

There was no public comment.

ATTORNEY REPORT

Mr. Szczubelek explained that a number of items that he will be reporting on today appear later on the agenda. He explained that under New Business, he and Dr. Mark Swan, Ferris State University Department of Optometry will be discussing the MCOLES color vision standard. On Monday of this week, he was advised that a gentleman who was recently notified that he does not meet the color vision standard has retained legal counsel for purposes of challenging that determination, therefore he and Dr. Swan will be addressing the Commission in a closed session for purposes of advising the Commission on legal matters related to that case. Mr. Szczubelek stated that Mr. Brandon McGraw is present at the meeting today. Mr. McGraw is the individual who was notified that he does not meet the color vision standard and has requested an opportunity to speak before

ATTORNEY REPORT (continued)

the Commission. Mr. Szczubelek stated that Mr. McGraw is entitled to address the Commission; however the Commission is not required to answer any questions that he may pose.

Chairman Buczek stated that given the Attorney's report, if Mr. Brandon McGraw wants to address the Commission, now would be the time to do it. Mr. McGraw answered in the affirmative, so the Commission returned to Public Comment.

PUBLIC COMMENT

Mr. Brandon McGraw stated that he attended Northern Michigan University and played football for the Wild Cats before transferring to Saginaw Valley State University where he completed his baccalaureate degree in Criminal Justice. He planned to attend the police academy at Delta Community College in January of 2007. It was during a pre-employment screening that he was told that he is color blind and would need to see a specialist. He further stated that MCOLES referred him to Dr. Swan at Ferris State University. It was there that Dr. Swan said that he is color blind.

Mr. McGraw stated that he did not agree with Dr. Swan's opinion and took another test with an independent doctor. He explained that MCOLES told him that they would not accept these results, but instead asked him to see another MCOLES specialist at the University of Michigan. Mr. McGraw stated that he was told by MCOLES that if he passed, they would accept his results and if he failed, that would be the end of it. He agreed and then drove down to U of M and met with Dr. Naheed Con. It was with Dr. Con that he passed two D-15 tests perfectly. Mr. McGraw stated that he asked these results be faxed to MCOLES. Mr. McGraw further stated that he called the Training Director at Delta Community College and explained to him what happened. Training Director Wiltse then contacted Mr. Patrick Hutting, and was given the okay to let Mr. McGraw into the academy based on those test results with Dr. Con at the University of Michigan.

Mr. McGraw explained that after completing all the necessary steps prior to the academy and purchasing his uniforms and gun, he was contacted by Mr. Ruffini four days before the start of the academy. Mr. Ruffini stated that he and an attorney needed to talk with Mr. McGraw about his recent test results. Mr. McGraw agreed to meet in Lansing. It was during this meeting that the Commission's attorney advised Mr. McGraw that it was still the opinion of Dr. Swan that he did not meet the color vision standard and that he would be terminated from the academy, even though he passed the D-15 tests with the MCOLES specialist at the University of Michigan.

PUBLIC COMMENT (continued)

Mr. McGraw stated that it has always been a dream of his to be a law enforcement officer in the state of Michigan. He likes Michigan and his family resides here. Mr. McGraw stated that he doesn't want to live anywhere else. Mr. McGraw stated that he has satisfied the administrative regulations by passing the D-15 test with the MCOLES expert at the University of Michigan. He further stated that he has completed everything that MCOLES has required under the law and asked that MCOLES allow him to fulfill his dream and enter the January 2009 academy at Delta Community College. Mr. McGraw thanked the Commission for their time and consideration.

Chairman Buczek thanked Mr. McGraw for his comments. He further explained that due to the advice of the Commission's attorney, there is a change to the agenda. We will be moving the presentation by Dr. Swan to a closed session at the end of the agenda.

ADDITIONS TO THE AGENDA

There were no additions to the agenda.

CONSENT AGENDA

There was no consent agenda.

ACCEPTANCE OF JUNE 4, 2008, MEETING MINUTES

A **MOTION** was made by Chief Olko and supported by Director Robinson to accept the June 4, 2008, Commission Meeting minutes as written.

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

CHAIRMAN'S REPORT

Chairman Buczek explained that since the Commission last met, he, Director Beach, and Mr. Szczubelek, had a meeting with Colonel Munoz and Lt. Colonel Yungfer to discuss MCOLES' relationship with the Michigan State Police. A number of positive things came out of this meeting. In addition, Chairman Buczek stated that he recently had the pleasure of attending the International Association of Directors of Law Enforcement

CHAIRMAN'S REPORT (continued)

Standards and Training (IADLEST) Conference in Indianapolis where he had the added pleasure of swearing in our Executive Director as the president of IADLEST for the next year, which says a lot for Mr. Beach's standing in the training community with the rest of the country. He and the Commission congratulated Mr. Beach.

Chairman Buczek reported that he, Mr. Beach and Mr. Szczubelek met with the Department of Management and Budget regarding the MCOLES office relocation. He was pleased to announce that they were able negotiate a permanent relocation of the Commission to the Hollister Building in downtown Lansing. Chairman Buczek stated that additional information will be provided later in the agenda.

Chairman Buczek stated that the Commission recently suffered a tragic passing of our former Commission Counsel, Mr. Tom Furtaw. Mr. Furtaw is survived by his wife and three young children. Chairman Buczek stated that the Commission is raising funds for the Furtaw children's educational fund and the Commission will be presenting a resolution to his wife at the October meeting. Chairman Buczek asked that members be generous with contributions that will be presented to Mrs. Furtaw along with the resolution.

Chairman Buczek stated that we are prepared to move forward with a new Strategic Plan. This is a culmination of work begun by the Commission at its planning session in Bay City. Additional detailed information will be provided by staff later in the meeting and the Commission will be asked to approve the plan.

EXECUTIVE DIRECTOR'S REPORT

Mr. Beach stated that he would be reporting on just a few matters as follow-up to his bi-weekly Executive Briefings that he has been providing to the Commission since May of this year.

FY 2010 Budget Development – Mr. Beach stated that Chairman Buczek and staff met with the Department of State Police Budget Office to discuss the 2010 budget development process. Documentation has been prepared for the Budget Office to support the new building lease charges that will be necessary to facilitate the MCOLES move to the Hollister Building in downtown Lansing as well as the ability to have a state-of-the art training classroom/computer lab. This will give MCOLES the ability to rent that space. The Current Services Baseline change requests will be submitted to the State Budget Office as part of the fiscal year 2010 budget development. A follow-up meeting has been scheduled for Tuesday, September 30th to discuss this further as well as to

EXECUTIVE DIRECTOR REPORT (continued)

discuss any budget impact of the re-organization and any other issues related to the MCOLES office relocation.

Curriculum Development Efforts – A meeting was facilitated with a group of content experts regarding LEIN training objectives for recruits. Mr. Beach explained that he had previously received, from several areas, requests asking MCOLES to seriously consider taking the LEIN curriculum and bringing it into the mandated basic police training curriculum. Mr. Beach stated that there are already mandated hours related to this topic in the basic training curriculum and that LEIN certification training can be added into the mandated basic police training curriculum. Mr. Beach stated that it will take a little work to take the LEIN PowerPoint presentation and develop it into training objectives that can be included in the MCOLES mandated basic police training curriculum. He anticipates that the LEIN training objectives will be developed and brought back before the Commission for approval in the near future.

Mr. Beach stated there will be discussion at our upcoming Training Directors conference regarding the following additional curriculum components: Speed Measurement, Standard Field Sobriety Testing, Report Writing and Close Quarter Combat. All of these areas are on the horizon for possible future inclusion into the MCOLES mandatory basic police training curriculum.

Regional Training Academy Operating Proposals – MCOLES staff has received a total of 20 continuation operating proposals from our regional training academies. Of note is that the Department of Natural Resources has withdrawn as an MCOLES local academy. Staff is currently reviewing the operating proposals and working with the various regional training academies. These proposals will be brought to the Commission in December.

Fall Training Directors Conference – The Fall Training Directors Conference will be held on October 8th and 9th, at Macomb Community College. The meeting will begin at 1 pm on October 8th and will include an evening session. The agenda will be distributed in the near future. There will be presentations on the new curriculum issues as discussed earlier and presentations on our grant initiatives. We are also inviting the military to attend the conference to speak about the incidence and consequences of the post traumatic stress disorder that is being experienced by some of our returning veterans. Mr. Beach extended an invitation to the Commission to attend the conference. He stated that they would receive a lot of good information from interaction with our Training

EXECUTIVE DIRECTOR REPORT (continued)

Directors. He further stated that as a result of the meeting of the Basic Training Delivery System Review Committee, which is looking for efficiencies in our basic training delivery process, a panel of Commission members that will engage in dialog with the Training Directors.

Recognition of Prior Training and Experience – Mr. Beach stated that there was a meeting yesterday with the two designated sites, Kirtland Community College and Macomb Community College. They are in the process of renewing their commitment to operate this program and establish a schedule for next year, which will be published shortly.

Commission Outreach – Mr. Beach stated that MCOLES attended the following conferences: Michigan Sheriffs' Association, Michigan Association of Chiefs of Police, Police Officers Association of Michigan, Fraternal Order of Police, Prosecuting Attorneys Association of Michigan, Police Officers Labor Council, as well as having had the honor of addressing the National Fraternal Order of Police in Detroit last week. Mr. Beach stated that these activities have been very beneficial for MCOLES. There has been a great deal of recognition of the historic achievements of the Commission over the past year relative to the active duty firearms standard and the regular employment standard.

Regional Academy Training Director Changes – Grand Valley State University recently announced that Training Director Williamson Wallace has taken a position with the Department of Homeland Security – TSA as a personnel manager in the Grand Rapids area. Mr. Beach stated that this will be loss for MCOLES since Training Director Wallace has been an active participant in working on training issues.

Mr. Beach stated that Mr. Larry Jackson will replace Mr. Ralph Galvin at Washtenaw Community College as the Training Director. He stated that Mr. Galvin is moving into the in-service training arena.

Advisory Board Request – Mr. Beach stated that at a recent Advisory Board meeting at Grand Valley State University former members Chief Ed Edwardson, Sheriff Gary Rosema, and Sheriff Blain Koops requested MCOLES conduct a survey of agencies to solicit information on anticipated retirements and expected replacement/shortages for the next five years. This is an attempt to help Grand Valley State University students find employment in Michigan. Mr. Beach stated that this is something that MCOLES staff will research and report back to the Commission on.

EXECUTIVE DIRECTOR REPORT (continued)

Law Enforcement Officer Position Population – Mr. Beach stated that we continue to see position numbers consistent with a loss of law enforcement positions statewide. As of August 31st, there were 21,427 positions. As shown on the graph provided in the Commission’s informational folders this is down 1,722 positions from an officer strength of 23,150 positions on September 11, 2001.

Special Use Requests & Grant Adjustment Requests – Mr. Beach stated that he will answer any questions that any Commissioners may have related to these MCOLES activities. Mr. Beach further stated that there were two denials in the packet that deal with Eastern Michigan University including a denial of a wage adjustment due to the lack of adequate detail to substantiate the change. The Grant Guidelines require that an employee of a grantee must be paid at their current rate of pay for service rendered to the grant project. The adjustments did not provide specific information to indicate that the employee in question had received an increase in their current salary. The amount requested was \$50 per hour, which is the ceiling for payment to a contractor to perform services for a grant project.

Sheriff Wriggelsworth questioned why the Eastern Michigan Grant Contract Adjustment is so long, asking for adjustments to approximately 35 items.

Mrs. Hartwell explained that this grant was for the Police School of Staff and Command that Eastern Michigan University had taken a year to dissect and re-construct so that the program was current. MCOLES staff worked with Eastern Michigan University through this rebuild and had agreed to allow them the flexibility to adjust the program as it was presented based upon instructor and student evaluations. She further explained that once the program is presented in its entirety, then the Commission will see minimal future adjustments.

Sheriff Pickell questioned the Special Use Request that was approved for the Burton Police Department training of investigators in the area of medical examination of death scenes. Two years ago Genesee County hired a medical examiner who does all of their pathology. As a part of that, the medical examiner and health director train the Genesee County investigators to be medical examiner investigators. He stated that he doesn’t recall anyone contacting him to be a part of this training and the program looks like the same training that his medical examiner investigators have been doing for the last couple of years. These medical examiners go out on all deaths in nursing homes and he would like them to be an integral part of the instruction.

Mr. Beach responded that the request is a Host Special Use Request that is asking for approval to host an out of state trainer who would be presenting the training. If the

EXECUTIVE DIRECTOR REPORT (continued)

training meets the Law Enforcement Distribution requirements, there would not be any probing into an agency to question their stated need. He further stated that he understands the point of the need for coordination between agencies but this approval only allows the Burton Police Department and other interested law enforcement agencies to send officers to this training utilizing their Law Enforcement Distribution dollars. Mr. Beach stated that MCOLES can encourage expanded communication between law enforcement agencies.

IADLEST Presidency - Mr. Beach stated that he appreciated the chairman making the trip to Indianapolis as he was sworn in as President of IADLEST. It was a privilege to have him there to swear in the new board. We have several opportunities to obtain some federal resources for Michigan to do some curriculum work over the next twelve months.

COMMITTEE REPORTS

Executive Committee – Chairman Buczek stated that the Executive Committee met twice since the last Commission meeting. On August 8th the committee met in Lansing. The committee had a presentation on the strategic plan with a request for input from Mr. Rothenberger. The committee looked at the plan and the committee was very satisfied. The Commission will be voting on the plan later today.

Mr. Beach provided the committee a preliminary report on the MCOLES budget and a detailed report on the MCOLES reorganization. The committee expressed its satisfaction with the work that has been completed on this reorganization and is anxious to move it forward.

The committee also discussed enhancement of Public Act 330. The groups involved are still have differences but are continuing to move forward with work on the issue. Chairman Buczek stated that the committee also received an update and explanation of the MCOLES alternative work schedule in relationship to the move of the MCOLES offices. Mr. Beach worked with staff on an alternative work plan that is beneficial to both the Commission and the staff. Chairman Buczek thanked the staff for being so cooperative.

Chairman Buczek explained that at the end of the meeting Lt. Colonel Yungfer, Vice Chair Sheriff Bosscher, and Sheriff Wriggelsworth conducted Mr. Beach's yearly evaluation and the Commission will be presented later with his performance objectives for the upcoming year.

COMMITTEE REPORTS (continued)

The Executive Committee met again on September 16, 2008 and Mr. Beach presented the finished 2009 MCOLES budget. It is the unanimous recommendation of the Executive Committee that the Commission adopt the 2009 MCOLES budget that will be presented during the meeting. A report was also given on the Active Duty Firearms and staff will have a presentation in October to consider action that the Commission may need to take for those officers who fail to qualify to the standard.

Mr. Rothenberger provided a presentation on the draft of the Commission's Strategic Plan which will be presented today for adoption. The committee had a discussion with Mr. Szczubelek on the MCOLES color vision standard and the Commission will go into closed session later in the meeting to discuss this matter with counsel. A report was also given on the Commission's Regular Employment standard and how the standard is being received in the law enforcement community. Work continues with law enforcement agencies that have questions or concerns about the requirements.

The committee reviewed the Executive Director's performance objectives for 2009. The committee was very happy with Mr. Beach's performance and feel that the 2009 objectives will be good for the law enforcement profession as well as the Commission.

Legislative Committee – Sheriff Bosscher stated that the Legislative Committee met on September 16, 2008 at 4:00 pm. The federal right to carry legislation, House Bill 4611, has passed the House and is currently waiting in the Senate with no opposition to it. The committee will continue to monitor its status. House Bill 4852, the dedicated funding bill that stalled last year, may have some action taken during the lame duck session of the legislature.

Sheriff Bosscher stated that the committee also discussed the consolidation of Public Act 203 and Public Act 302. Mr. Szczubelek provided a presentation on this effort. It is a little more complicated than we had first expected. Mr. Szczubelek will prepare a draft of proposed legislative language by October for discussion at the next Legislative Committee meeting. The committee is monitoring the Auto Theft Prevention Authority who want to be on their own. The committee will continue to monitor this bill as there may be a funding opportunity connected with it. The committee is continuing to monitor about 5-6 pages of other bills in the legislature.

Basic Training Delivery System Review Committee – Director Kurt Jones stated that the committee met September 16, 2008 and discussion regarding possible enhancements / upgrades to the MCOLES basic police training delivery system and how mandated curriculum may undergo adjustments in the near future. The committee also discussed

potential adjustments to academy operations. The committee is looking at the possibility of a future survey to the field inquiring how many agencies anticipate retirements and

COMMITTEE REPORTS (continued)

when, so that academies can schedule sessions to meet the needs of their geographic regions. Director Jones further stated that the committee discussed technical upgrades to streamline MCOLES' business practices and academy operations to ease the burden of travel through the use of technology. This is only the second meeting of the committee and staff will be gathering additional information that the committee requested. Director Jones stated that the next meeting of the committee will be in December to review and discuss the information collected.

NEW BUSINESS

West Shore Community College Academy Overview – Training Director Dan Dellar provided an overview of the police academy at West Shore Community College. He provided a handout to the Commission with facts about West Shore Community College. The campus sits on 320 acres of land located eight miles east of Ludington. There are eight main buildings on campus. There is solid support of the college by the citizens.

Director Dellar stated that the law enforcement academy was established in 1979 and has an average academy class size of 17 students. The academy employs one full time Training Director and has 19 adjunct instructors. The Criminal Justice program has an annual operating budget of \$150,000. Mr. Dellar stated that he is pleased with the flexibility in administering the MCOLES mandatory basic police training curriculum allowed by the Commission. He further stated that the West Shore Community College Advisory Board is pleased with the work completed by MCOLES staff with respect to allowing additional curriculum topics to be incorporated into their academy that were requested by the Advisory Board. He also stated that the Commission has a very professional staff and they are great to work with and he thanked the Commission for the opportunity to address them.

Chairman Buczek thanked Director Dellar for his presentation to the Commission on the West Shore Community College law enforcement academy.

Ferris State University Academy Overview – Training Director Cecil Queen stated that he is relatively new as a Training Director. He explained that he has been affiliated with the academy for the past seven years. He retired from the Sterling Heights Police Department where he was also involved in training. Ferris State University is entering its 35th year of operating a police academy in Michigan. Six years ago Ferris was asked by MCOLES to change from a two-year track program to a one-year track program. It took

the University three years to accomplish this task. Currently the police academy is two semesters. Students complete the MCOLES requirements in their senior year.

NEW BUSINESS (continued)

There were four professors at Ferris State University who worked together to redesign the curriculum and at the same time incorporated adult learning strategies. Ferris State University wanted to be consistent with the MCOLES strategic plan. Director Queen stated that they found that problem-based learning was something they wanted to pursue. Problem-based learning is nothing new; it has been around for more than 40 years in other professions, like the medical field. Ferris State University faculty traveled to the Royal Canadian Mounted Police Academy to study their utilization of problem-based learning. Best practices were shared with good information exchange between the two groups. Director Queen briefly explained what problem-based learning (PBL) is and how it is administered. PBL emphasizes team effort through working with groups of individuals to solve a problem situation. He explained that individual groups can reach the same solution but can have many different ways to arrive at the solution.

Training Director Queen explained that he had his current academy students work through his request of what information should be presented to the Commission at this meeting regarding their academy. He asked them to develop a presentation that consisted of what their academy is all about, from their perspective, without using any technology. The students developed two presentation boards that represent what problem-based learning means to them. A previous class was tasked with a similar request but they were asked to utilize technology. They developed a 12 minute CD presentation which was well received at the Michigan Association of Chiefs of Police's Conference. Training Director Queen thanked the Commission for the opportunity to present their academy information at this meeting.

Chairman Buczek thanked Training Director Queen for his academy presentation.

Resolution for Sheriff Don Charlevoix – Chairman Buczek, Sheriff Bosscher, and Executive Director Beach presented Sheriff Don Charlevoix with a resolution for his 31 years of service to the law enforcement community and the Commission. Sheriff Charlevoix has provided extensive support to MCOLES during his career in law enforcement. Chairman Buczek read the resolution recognizing Sheriff Don Charlevoix's accomplishments and extended him MCOLES' sincere appreciation for all his support.

A **MOTION** was made by Sheriff Bosscher and supported by Director Jones to adopt the resolution for Sheriff Don Charlevoix, Dickinson County Sheriff's Office, recognizing his 31 years of service to the law enforcement discipline.

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

NEW BUSINESS (continued)

Sheriff Bosscher also presented a plaque to Sheriff Don Charlevoix in recognition of his service and dedication to MCOLES and the law enforcement community in Michigan.

Sheriff Charlevoix stated that he is deeply honored by this recognition. He further stated that he has formed many good friendships through his work in law enforcement and with the Commission. He believes in professionalism and stated this Commission is by far the most important and professional organization in the state of Michigan. Michigan's standards are some of the highest in this country and he is proud to be a part of this community.

Chairman Buczek recognized Sheriff Charlevoix's mother, Alice Charlevoix, in the audience.

Revocations - Mr. Szczubelek presented the following cases recommending the Commission consider the proofs, finding of facts, and conclusions of law found in the "Proposal for Decision" issued by Administrative Law Judge (ALJ) Michael Zimmer.

Laura Jane Dayfield – Ms. Dayfield pled guilty and was convicted of Embezzlement Agent/Trustee \$1,000 or more but less than \$20,000 (MCL 750.1744A), which is a felony in the state of Michigan. Her conviction was issued and entered on February 19, 2008.

A **MOTION** was made by Director Jones and supported by Chief Olko to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Ms. Laura Jane Dayfield.

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

Dale Vanwert – Mr. Vanwert plead guilty and was convicted of Assault with Intent to Commit Sexual Penetration (MCL 750.520g(1)), which is a felony in the state of Michigan. His conviction was issued and entered on February 11, 2008.

A **MOTION** was made by Lt. Colonel Yungfer and supported by Sheriff Bosscher to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Mr. Dale Vanwert.

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

NEW BUSINESS (continued)

Brandon Robinson – Mr. Robinson plead guilty and was convicted of Child Abuse 2nd Degree (MCL 750.136B(3)), which is a felony in the state of Michigan. His conviction was issued and entered on February 15, 2008.

A **MOTION** was made by Mr. Bandemer and supported by Director Mattice to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Mr. Brandon Robinson.

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

Lathuya Weaver – Ms. Weaver was convicted by a jury and was convicted of Intentional Discharge of Firearms at a Dwelling or Occupied Structure (MCL 750.234b) which is a felony in the state of Michigan. Her conviction was issued and entered on December 11, 2007.

A **MOTION** was made by Director Robinson and supported by Chief Olko to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Ms. Lathuya Weaver.

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

Commission Office Relocation – Ms. Kramp stated that the MCOLES staff will be moving to the Hollister Building permanently in approximately six weeks. The sixth floor of the building is being completely renovated and the renovation is on schedule. The MCOLES' offices are being furnished by the Department of Management and Budget as we are being required to move out of the State Police Academy. The Department of Management and Budget is also facilitating the structure of the office layout. Ms. Kramp stated that MCOLES will also have an automated computer lab to allow the MCOLES to conduct automated testing. The classroom will also be wired to allow groups to utilize it for videoconferencing. The classroom is large enough to accommodate the Commission for future meetings. The move is tentatively scheduled to take place the weekend of October 31, 2008. Ms. Kramp stated that all the MCOLES phone numbers will remain the same.

Mr. Beach thanked Ms. Kramp for all her hard work on this move. He stated that it was much more complicated than he had anticipated. He stated that this move will be a great opportunity for MCOLES. Chairman Buczek also thanked Ms. Kramp and the MCOLES

NEW BUSINESS (continued)

staff members who have had to double up in office space and change work schedules to accommodate the work that needs to be done during this transition to a new location.

MCOLES FY2009 Budget Approval – Mr. Beach provided a presentation on the MCOLES FY 2009 Operating Budget. He provided handouts outlining the specific details of the proposed MCOLES operating budget, along with the outline of his PowerPoint presentation to the Commission.

Mr. Beach explained the individual appropriations of the MCOLES budget as they appear in the Budget Bill, 2008 Public Act 249. He explained that there was a change in the number of employees in the budget due to the inability to fill vacant positions over a long period of time. He stated that should things change in the future this will be adjusted accordingly through the budgeting process.

Mr. Beach explained that in the Michigan Justice Training Fund and the Training to Locals lines there was a reduction in the appropriations to facilitate an assessment for the Department of Information Technology. These are costs associated with the MCOLES Information and Tracking Network and the computer technology utilized by the MCOLES offices through the use of desktop computers.

The boilerplate language that is found in the budget bill was explained by Mr. Beach. This language is provided by the legislature and states how some of the restricted funding that MCOLES receives can be spent.

The proposed MCOLES operating budget fixed costs were explained. Once the fixed costs are accounted for, the remaining balance in each line provides for the operating budget of MCOLES. Mr. Beach stated that the continuation of the Training to Locals spending policy needs to be approved in order to allow the proposed budget to be approved and implemented.

A **MOTION** was made by Director Robinson and supported by Mr. Dennis to approve the continuation of the Commission policy in budgeting the Training to Locals fund consistent with the boilerplate language in the budget bill.

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

Mr. Beach explained that MCOLES is the guardian of the Michigan Justice Training Fund and takes this responsibility very seriously. He provided a graphic representation of spending from the Michigan Justice Training Fund for fiscal year 2007. The 2008 budget

NEW BUSINESS (continued)

year has not been concluded, so final spending numbers are not available at this time. Mr. Beach drew the Commission's attention to the administrative costs that are consistent with the requirements of the competitive grants with a ceiling of 8%. Mr. Beach explained that with costs continuing to rise, the Commission may have to review whether or not to maintain the current administrative cost ceiling in the very near future.

Mr. Beach explained that once the operating funds are established, the management staff reviews the MCOLES task list and makes any adjustments necessary to carry out the business of the Commission for the upcoming fiscal year. Some of the tasks have been identified to be funded and the remaining tasks have been identified as unfunded. The level of the unfunded need has been documented in a separate document that was provided to the Commission.

Chairman Buczek stated that the Executive Committee at its meeting moved unanimously to recommend to the full body the approval of the MCOLES fiscal year 2009 budget. He commended Mr. Beach and his staff for doing more with less.

A **MOTION** was made by Mr. Bandemer and supported by Director Jones to approve the proposed MCOLES operating budget for fiscal year 2009 as presented.

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

OLD BUSINESS

Mental Health Training Initiative Update – Mr. Rothenberger explained that this project remains in progress. Senator Allan Cropsey and Senator Liz Brater secured the funding that was available in the current year budget (2008). They were very interested in this project and sat on the working groups to develop a standardized curriculum for in-service training of first responders and mental health personnel to ensure that this program has its maximum impact on the response to persons with mental illness. Mr. Rothenberger explained that MCOLES has been conducting this eight hour training with an average of approximately 30 participants per training session. There is an instructor cadre consisting of a law enforcement professional, a mental health professional and a healthy person who is a recipient of services. The training is cross-disciplinary and includes law enforcement, mental health, jail diversion, corrections, probation and parole personnel. Mr. Rothenberger invited any Commissioner who is interested in hosting a

training program to let him know. We have received another appropriation in FY 2009 that is also an interdepartmental grant from the Department of Corrections.

OLD BUSINESS (continued)

Traffic Safety Training Development Update – Mr. Rothenberger explained that the Office of Highway Safety Planning provided MCOLES with a grant of \$69,400 in 2008 to develop standards for Radar/Lidar operators and instructors, equipment procurement and Standardized Field Sobriety Testing (SFST) curriculum for use in Michigan. The Radar/Lidar training standards and curriculum have been developed as a result of the efforts of a workgroup of subject matter experts along with MCOLES staff. Both a performance standard and a facilitator guide have been developed using the problem-based learning approach. The curriculum and facilitator guide are currently being reviewed by the practitioner group and will be brought back to the Commission in October for approval.

2009 Competitive Grant Process Update – Mrs. Hartwell stated that staff has completed their individual reviews of the grant applications and those reviews are currently being compiled into notebook format to be provided to the Commission during the first week of October. The practitioner committee reviews will be held on Wednesday, September 24th in Lansing. The results of these reviews will also be compiled into the Commission's grant review notebooks.

Mrs. Hartwell stated that staff will facilitate a review of all the grant applications during the Commission's regularly scheduled workshop on October 21st in Detroit. Following the Commission's review session, status letters will be sent to all grantees along with the staff's review sheets advising them of the status of their individual grants in the review process. Final grant awards will be made by the Commission at the December 11, 2008 meeting in Lansing.

Administrative Rules Update – Mr. Dale Rothenberger provided a copy of the handbook that contains all the amended MCOLES administrative rules. Each Commissioner was provided with a copy of the handbook. Mr. Rothenberger stated that he thought that this administrative rule promulgation would most likely be his last; however, he has recently submitted a request to begin the rule making process for the MCOLES color vision standard that will be discussed in greater detail in the near future.

Chairman Buczek thanked Mr. Rothenberger for his hard work on this project. Mr. Rothenberger stated that he has enjoyed working on this project. He added that the staff and Training Directors have been very helpful to him throughout this project.

OLD BUSINESS (continued)

Active Duty Firearms Standard Information Distribution Update – Mr. Rothenberger explained that staff has been actively conducting informational meetings in the field. The training that has been provided has been well received many positive comments have been received. Approximately 35 individuals have participated in each of the informational/training sessions. Mr. Rothenberger stated that MCOLES staff intends to work with the Commission and constituents to develop a draft proposal regarding consequences for officers who fail to qualify to the standard when it becomes mandatory in January of 2009. The proposed recommendation will be brought to the Commission in October for discussion and review followed by action in December. Mr. Rothenberger explained that Commission action can not be taken against an individual law enforcement officer's license without changing PA 203.

Chairman Buczek stated that if anyone has information that they would like to have considered in October by the Commission, they should forward that information to Mr. Rothenberger very soon.

Strategic Planning Process Update – Mr. Dale Rothenberger reported that the update of the Commission's Strategic Plan began in February 2008 during the Commission's planning meeting in Bay City. Since the February meeting, a series of meetings have been held and the result of the work completed at these meetings is the draft 2008 Strategic Plan. The draft plan is presented to the Commission for approval. Mr. Rothenberger explained that one of the new segments of the plan is the two page section that outlines all the statutory mandates of the Commission. This document will be critical in sharing information with the legislature and other key parties. The plan contains five objectives to be accomplished over the next five years. Mr. Rothenberger explained that the unfinished objectives from the previous plan have been incorporated into this plan for completion.

A **MOTION** was made by Sheriff Wriggelsworth and supported by Sheriff Bosscher to approve the Strategic Plan as discussed with minor corrections.

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

PA 203/302 Legislative Consolidation Update – Mr. Szczubelek stated that it is his intent to have a complete draft of legislative language to present to the Commission in

October for review. There are policy questions that may come into play and need to be discussed. If approved, staff will be working with Representative Meadows to move this effort forward.

OLD BUSINESS (continued)

LEOSA/HB 4611 Update – Mr. King stated that the status of House Bill 4611, to implement the federal Law Enforcement Officers Safety Act in Michigan and make it possible for MCOLES to provide services to retired law enforcement officers in Michigan, is in the Senate. The legislation has passed the House and is currently on the Senate floor with no opposition. There have been a number of technical adjustments made to the bill which are found in Senate substitute bill S-5. When passed, the effective date of the legislation would be March 1, 2009, as stated in S-5. Mr. King stated that MCOLES anticipates action on the bill during the lame duck session of the legislature. MCOLES staff has been working with the training providers to enable them to be able to deliver the MCOLES Active Duty Firearms Standard to retirees as soon as this legislation is passed and signed by the Governor. Mr. King further explained that MCOLES is working to standardize the presentation and contain costs as much as possible.

MCOLES Color Vision Standard – Chairman Buczek explained that due to the possibility of pending litigation regarding the MCOLES Color Vision Standard, he would entertain a motion to go into closed session for purposes of discussion with Commission counsel.

A **MOTION** was made by Sheriff Pickell and supported by Chief Olko to have the Commission move into closed session for the purpose of discussing the MCOLES Color Vision Standard and possible pending litigation.

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

The Commission went into closed session at 11:35 am.

A **MOTION** was made by Sheriff Wriggelsworth and supported by Mr. DeVries for the Commission to return to open session.

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

The Commission returned to open session at 12:25 pm.

MISCELLANEOUS:

There were no miscellaneous items.

PUBLIC COMMENT:

There was no public comment.

NEXT MEETING:

Date: Tuesday October 21, 2008 – Commission Workshop
Wednesday, October 22, 2008 – Commission Meeting

Location: Doubletree Hotel, Detroit, Michigan
Hosted by the Detroit Police Department

ADJOURNMENT:

A **MOTION** was made by Sheriff Bosscher and supported by Director Robinson to adjourn the meeting.

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

The meeting was adjourned at 12:26 pm.

APPROVED BY _____ ON _____

WITNESSED BY _____ ON _____