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# **Michigan Commission on Law Enforcement Standards**

## **Commission Meeting Minutes**

**December 10, 2008**

**James B. Henry Center for Executive Development**

**Michigan State University, Lansing, Michigan**

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### **MCOLES MEMBERS PRESENT:**

Mr. John Buczek, representing the Fraternal Order of Police  
Sheriff James Bosscher, representing the Michigan Sheriffs' Association  
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan  
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  
Trooper Michael Moorman, representing the Michigan State Police Troopers Association  
Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan  
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police  
Director Deborah Robinson representing Chief James Barren, Detroit Police Department  
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association  
Colonel Peter C. Munoz, representing the Michigan State Police  
Mr. Raymond Beach, Executive Director  
Mr. John Szczubelek, Commission Counsel

### **COMMISSION MEMBERS EXCUSED:**

Sheriff Robert Pickell, representing the Michigan Sheriffs' Association  
Mr. Martin Bandemer, representing the Detroit Police Officers Association

### **COMMISSION STAFF PRESENT:**

Ms. Cheryl Hartwell	Mr. David King
Ms. Hermina Kramp	Mr. Dale Rothenberger
Mr. Gary Ruffini	Mr. Wayne Carlson

**GUESTS (signing in):**

Mr. Thomas Cameron, Attorney General's Office  
Sgt. Lance Cook, Michigan State Police, Traffic Services Division  
Deputy Director Dawn Van Hoek, State Appellate Defender Office  
Manager Lisa Kutas, Michigan Judicial Institute  
Director Sheila Mulhern, Wayne County Sheriff's Office  
Lt. Sherry Chandler, Michigan Department of Natural Resources  
Sgt. John C. Meka, Michigan Department of Natural Resources  
Chief Gary Hagler, Michigan Department of Natural Resources  
Lt. Dean Molnar, Michigan Department of Natural Resources  
President Rick Ghersi, LearnCom, LLC  
Developer Shelton Moore, LearnCom, LLC  
Commander Timothy Conner, Farmington Hills Police Department  
Deputy Chief Lawrence Hall, Wayne County Sheriff's Office  
Sgt. Todd Opperman, Monroe County Sheriff's Office  
Training Coordinator David Reid, Kalamazoo Valley Community College  
Mr. Todd Scott, Schoolcraft Community College  
Analyst Liz Canfield, Michigan State Police, Criminal Records Division  
Captain Charlie Bush, Michigan State Police, Criminal Records Division  
Acting Executive Director Kim Eddie, Prosecuting Attorneys Coordinating Council  
Mr. Thomas Goods  
Ms. Audrey Martini, Michigan State University, School of Criminal Justice  
Ms. Charlene Warner, Michigan State Police, Computer Crimes Unit  
Captain Michael Thomas, Michigan State Police, Forensic Science Division  
Director Katherine Winslow, Lansing Community College, Police Academy  
Associate Professor Gerald Lawver, Eastern Michigan University  
Director Paul Kuwik, Eastern Michigan University  
Director William MacDonald, Eastern Michigan University, School of Police Staff &  
Command  
Director Mike Yauk, Eastern Michigan University, Electronic Crime  
Instructor Debra A. Ceo

**CALL TO ORDER:**

The Commission meeting was called to order by Chairman John Buczek at the James B. Henry Center for Executive Development, Michigan State University at 10:00 a.m., in Lansing, Michigan.

## **INTRODUCTIONS:**

Chair Buczek welcomed everyone to the meeting. He asked the Commission members to introduce themselves. Chairman Buczek then asked the audience to introduce themselves and the organizations that they were representing.

Michigan Sheriffs' Association Executive Director Terry Jungel stated that he was honored to attend the meeting today with the participants of the 2008 New Sheriffs' School. The participants of the New Sheriffs' school were introduced. The new sheriffs are:

Bradley Balk, St. Joseph County  
Grant Harris, Schoolcraft County  
Richard Fuller, Kalamazoo County  
Allan MacGregor, Iosco County  
Kevin Grace, Oscoda County  
Robert Farber, Oceana County  
John Wilson, Clare County  
Don Schneider, Charlevoix County  
Robert Paschke, Presque Isle County  
Jack Welsh, Lenawee County  
Jeff Fiers, Mason County  
Leland Teschendorf, Tuscola County  
Kelly Hanson, Huron County  
Thomas Bensley, Grand Traverse County  
James Mosciski, Arenac County  
Douglas Atchinson, Alcona County  
Daniel Bean, Antrim County  
Rory Heckman, Benzie County  
Mark Valesano, Iron County  
David Israel, Kalkaska County  
Kenny Marks, Menominee County  
Donald Edwards, Montmorency County  
Dean Roesler, Muskegon County  
Randall Stevenson, Roscommon County  
Bill Federspeil, Saginaw County  
Tim Donnellon St. Clair County  
Bradley Balk, St. Joseph County  
Garry Biniecki, Sanilac County  
George Braidwood, Shiawassee County  
Jerry Clayton, Washtenaw County  
Scott Celello, Dickinson County

## **INTRODUCTIONS Continued:**

Chairman Buczek gave a special welcome to the newly elected Sheriffs and thanked them for taking time from their training session to attend the Commission meeting. He welcomed the new sheriffs to the profession and wished them good luck in their careers.

## **PUBLIC COMMENT:**

Chairman Buczek stated that this section of the agenda is not for comments on the grants. There will be an opportunity later in the meeting for individuals to address the Commission with respect to their individual grants.

There was no public comment.

## **ATTORNEY'S REPORT:**

Mr. Szczubelek provided the Commission with a brief update on the Brandon McGraw matter. Mr. McGraw filed suit against MCOLES in Saginaw County Circuit Court alleging that his rights to due process had been violated by the Commission's determination that he does not meet the Commission's color vision standard. Mr. Szczubelek filed a Motion to Dismiss in October and on November 17, 2008; the attorneys for the parties gave oral arguments on the motion. The judge has taken the matter under advisement. There has been no ruling on the motion yet. Mr. Szczubelek expects to receive a decision some time after the first of the year.

Mr. Szczubelek stated that the Commission will review four cases for revocation during the meeting. He explained that in the matter of Mr. Thomas Goods, there needs to be a slight deviation from the usual process. Usually the administrative record that is provided to the Commission is fairly clear cut and will include the initial Notice of Hearing, Notice of Summary Suspension, a Proposal for Decision, and any other supporting factual information explaining felony convictions, such as an Order of Conviction or sometimes Orders of Sentence. In this particular case, there was an attorney representing Mr. Goods who filed exceptions to the hearing officer's Proposal for Decision. Mr. Szczubelek explained that there are different ways that the Commission can deal with the exceptions. One way would be to send the exceptions back to the hearing officer on a remand to get his response to them. But the better approach, which is being recommended, is to consider those exceptions in addition to the other materials as part of the factual record. Because the exceptions came to the Commission later than usual, they were not part of the electronic information that was sent to the Commission members prior to the meeting. A copy of the exceptions was provided to the membership and can be found in the meeting portfolio.

### **ADDITIONS TO THE AGENDA:**

There were no additions to the agenda.

### **CONSENT AGENDA:**

There was no consent agenda.

### **ACCEPTANCE OF THE OCTOBER 21, 2008, COMMISSION WORKSHOP MINUTES:**

A **MOTION** was made by Commissioner Olko and supported by Commissioner Dennis to accept the October 21, 2008, Commission Workshop minutes as written.

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

### **ACCEPTANCE OF THE OCTOBER 22, 2008, COMMISSION MEETING MINUTES:**

A **MOTION** was made by Commissioner Morse and supported by Commissioner Mattice to accept the October 22, 2008, Commission Meeting minutes as written.

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

### **CHAIRMAN'S REPORT:**

Chairman Buczek stated that this is his last meeting for his year as the Chairman of the Commission. There were a number of items of great magnitude that the Commission took up in the past year and he summarized them as follows:

- MCOLES' set its first active duty training standard with the adoption of the Active Duty Firearms Standard; which not only sets a standard for active law enforcement officers, but will also allow MCOLES to implement the federal Law Enforcement Officer Safety Act (LEOSA).
- House Bill 4611 was finalized and is in the Senate today for the 3<sup>rd</sup> reading and has no opposition. This legislation will allow MCOLES to certify retirees under LEOSA to carry a concealed weapon.

## **CHAIRMAN'S REPORT Continued:**

- The Commission's Strategic Plan which provides the goals and objectives for the Commission for the next 5 years was reviewed and updated. The top priority outlined in the plan is to secure stable and adequate funding for MCOLES. The plan also guides us in strengthening and expanding our relationships within the criminal justice community, and enhancing the priority of ethics in law enforcement.
- A reorganization of MCOLES to streamline operations and improve efficiency while planning for personnel succession was developed.
- Relocation of MCOLES out of the State Police Training Academy to the Hollister Building in downtown Lansing was completed. This is the first time in Commission history that all staff members are in one location and includes expanded space for a classroom. Chairman Buczek thanked the staff for their patience as this move was a lengthy process.
- The Regular Employment Standard was set after a lengthy review of information provided by law enforcement agencies across the state. The standard will become effective in 2012.
- Consolidation and codification of Public Act 203 of 1965 and Public Act 302 of 1982 was begun. Efforts are well underway with draft language anticipated to be ready for introduction in the legislature by spring 2009. A sponsor for this effort, Representative Mark Meadows, is ready to introduce the legislation as soon as work on the draft language has been completed.
- Governor Granholm issued an Executive Order that added two seats to the Commission effective December 28, 2008. The two organizations are the Michigan Association of Police (MAP) and the Police Officers Labor Council (POLC). The executive Directors of these new member organizations, Mr. Fred Timpner of MAP and Mr. Richard Weiler of POLC, are in attendance at today's meeting.
- Chairman Buczek stated that he had the pleasure of swearing in the new President of IADLEST, our Executive Director Mr. Ray Beach. This is a national organization and his election to this office speaks highly of Director Beach's accomplishments and his status with that group. His presidency helps Michigan in many ways including bringing funding to Michigan specifically for driving instructor training as well as bringing other federally funded training to Michigan. Chairman Buczek congratulated Director Beach.

Chairman Buczek asked that everyone take a moment during this holiday season to remember our fallen comrade Mr. Thomas Furtaw. Tom was a very important part of this organization, not only as legal counsel to the Commission, but also as a friend. He asked that everyone keep Tom and his family in their prayers during this holiday season.

## **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.

Commission Appointments – On Thursday, November 20, 2008, Director Beach met with the Governor's appointments office. He was accompanied by Mr. Rich Weiler and Mr. Fred Timpner representing the organizations that have been added to the Commission by Executive Order 2008-19 which will take effect on December 28, 2008. The Commission should hear very soon from the Governor's office about their appointments. The meeting was very productive. Director Beach was again assured that the reappointments of all four current Commission members, Mr. DeVries, Director Jones, Sheriff Pickell, and Mr. Bandemer are in the works and notification should be received very soon.

MCOLES Informational Workshops – Given the complexity of the Commission's responsibilities, Director Beach has received positive input from the field on a plan to go into the field and provide informational workshops that would provide our various constituencies information on MCOLES programs, services, personnel reporting requirements, and information on funding programs such as eligibility for LED< Competitive Grants, PSOB and Survivor Tuition. The workshops are being planned and staff is in the process of putting together an agenda and a schedule to strategically provide these workshops around the state. Director Beach advised that that, when possible, Commissioner participation in these workshops is being sought.

Academy Contracts – MCOLES currently has 21 operating contracts that have been sent out. Director Beach reported in October that there would be only 20 contracts for this next year. However, since that time Chief Hagler, Department of Natural Resources, has decided to maintain their academy status as an option for this next year. Seventeen contracts have been signed and returned. New academy sessions will begin in January 2009.

Academy Graduations – A number of academies will hold graduations this month. In fact the Kalamazoo Valley Community College Police Academy class is graduating today. Director Beach, on behalf of the Chair and himself, thanked the Commissioners who have participated in the academy graduations representing the Commission this past year.

Workforce Planning Champions – Director Beach explained that he was asked by the Department of State Police to participate in the Governor's Workforce Planning Champions Initiative that was recently begun in Michigan. The work of this group will take place over the course of FY 2009. The Department of Management and Budget, working with the Civil Service Commission, was tasked by the Governor with providing statewide leadership to the development of strategic workforce succession plans by each principle department and autonomous agency. The first meeting held on October 31<sup>st</sup> was productive with breakout sessions in various areas dealing with workforce development. We are awaiting

## **EXECUTIVE DIRECTOR'S REPORT Continued:**

assignments to help craft a statewide plan in this particular area. The Commission will be updated as this effort moves forward.

House Fiscal Agency Report – Each year the Commission must provide the House Fiscal Agency a report outlining the Commission's activities and various funding sources. They asked for an update of the numbers for the last three years relative to our revenues for civil infractions. When we looked at these numbers, we saw a decline that correlates with our loss of law enforcement positions. Over the last two approximately a half of a million dollars has been lost. Obviously having fewer officer positions out there is impacting this funding source. It is a real issue of concern for MCOLES.

Law Enforcement Officer Population – The most current information on Michigan's law enforcement population is depicted on the handout that is provided in the Commission portfolios. As of November 30<sup>th</sup> the current number of law enforcement positions is 21,415. Using the benchmark of September 11, 2001 this represents a drop of 1,735 positions. More interestingly though is that just over the last year, since November 30<sup>th</sup> of 2007, we have lost 231 police officer positions in this state.

Grant Contract Adjustments and Special Use Requests – Director Beach advised that the Commissioners were provided with the listing of Grant Contract Adjustments and Special Use Requests submitted to the Commission since his last report. If there are any questions or concerns, he would be happy to address them.

## **COMMITTEE REPORTS:**

Executive Committee - Chairman Buczek stated that the Executive Committee met this morning. The committee was advised on staff's current work with the Active Duty Firearms Standard. The committee had a discussion on implementation of new curriculum in the mandatory basic police training program which will add a total of 52 hours. The committee reviewed and discussed the proposed funding levels for the Competitive Grants that we will be awarding later in the meeting. MCOLES received 61 grant applications requesting more than 5.2 million dollars and staff has determined that the available funding for this year is just over 3.2 million. The committee also briefly discussed the consolidation of Public Act 203 and Public Act 302. Lastly, a meeting date will be set in the near future between the Commission leadership and Colonel Munoz to discuss the responsibilities associated with Public Act 330 and the Commission's relationship with that program.

## **COMMITTEE REPORTS Continued:**

Legislative Committee – Chairman Buczek stated that this committee has not met since the last Commission meeting.

Ethics Committee – Commissioner Olko, Chair of the Ethics Committee, stated that the committee met last night to discuss proposed changes to Public Acts 203 and 302 with respect to ethics. Work continues in this area and the proposed language will be returned to the Legislative Committee in the very near future. Chair Olko thanked the committee for all their hard work on this project.

Nominations Committee – Commissioner Jones stated that on Dec 1, 2008, the committee discussed the appointments of Commission Chair and Vice Chair. The recommendation of the Committee is to re-nominate Chairman Buczek and Vice Chairman Bosscher to another one year term of office.

There were no nominations from the floor. Nominations were then closed.

A **MOTION** was made by Commissioner Moorman and supported by Commissioner Dennis to adopt the recommendation of the Committee to re-nominate Chairman Buczek and Vice Chairman Bosscher to another one year term.

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

Chairman Buczek and Vice Chairman Bosscher thanked the Commission members for their support.

## **NEW BUSINESS:**

Lansing Community College Police Academy Overview – Ms. Katherine Winslow, Director of the Lansing Community College Police Academy, provided an overview of the Academy. She provided a handout to the Commission regarding the Report Writing component at the academy. The Lansing Police Academy has had a pass/fail standard in the area of Report Writing for the past 14 years. Recruits who do not pass the standard fail the academy. She explained how the Report Writing Component is administered and the requirements that their recruits are held to. This program standard was brought about based on advice from the Advisory Board, as agencies were having problems retaining officers due to report writing issues. Director Winslow also showed a PowerPoint presentation of the various aspects of the academy's operation. She offered to answer any questions the Commission had. There were no questions so she thanked the Commission for the opportunity to speak with them about the Lansing Police Academy.

**NEW BUSINESS Continued:**

2009 Michigan Justice Training Competitive Grant Awards – Prior to beginning the Grant Award Process Mr. Szczubelek advised the Commission members on the need to recuse themselves from voting on any individual grant that benefits an agency or an entity that individual members represent or are associated with.

Mr. Rothenberger explained that the Commission received 61 grant applications totaling \$5,294,240 and staff has determined, after assessing the amount of revenue, interest and de-obligations, that \$3,258,912 is available for award. He detailed the process that the Commission will be following during the grant award process. Mr. Rothenberger stated that he will read the grants in order as indicated on the handout in groups of five. Applicants can speak to their individual grant but will be limited in time of presentation to 3 minutes. Only the grant applicant may address the Commission, no contractors or vendors may address the Commission. He further explained that after the grants are read and comments are made by grantees, the Commission will take a short recess before making the final grant awards.

**Grant numbers ADJ-01 through CO-04:**

ADJ-01 - Ms. Lisa Kutas, representing the Michigan Judicial Institute, thanked the Commission for their funding support. Without funding from MCOLES, the Michigan Judicial Institute would not be able to provide training for court support personnel across Michigan.

**Grant numbers CO-05 through DEF-01:**

There were no comments on this group of grants.

**Grant numbers DEF-02 through LE-01:**

DEF-02 through DEF-05 - Ms. Dawn Van Hoek, Deputy Director, representing the State Appellate Defenders Office, thanked the Commission and staff for their funding support for this valuable training.

**Grant numbers LE-02 through LE-06:**

LE-06 - Mr. Gerald Lawver, representing Eastern Michigan University (EMU), stated that in the Computer Forensics grant they had requested the purchase of a portable computer lab which was not being funded. Due to an error in the grant the need for classroom rental had been left off, however, they will work to cover this mistake. He pledged to work with MCOLES staff to identify a centralized location for the training. Mr. Lawver asked to be allowed to hold the training at EMU if there is a problem getting students enrolled to attend

**NEW BUSINESS Continued:**

other locations. There would then not be a need to move the lab. He thanked the Commission for their support of the programs.

**Grant numbers LE-07 through LE-11:**

LE-08 - Mr. Gerald Lawver, representing Eastern Michigan University (EMU), thanked the Commission for funding support.

LE-10 - Director Paul Kuwik, also representing Eastern Michigan University (EMU), thanked the Commission for funding of the EMU Police Staff and Command program. He explained the new topics that will be included in the 2009 program. Director Kuwik also stated, for the record, that the Detroit Police Department grant was not funded due to restructuring of the police department and the timing of the training, and not due to any problems with the program or grant application.

LE-11 - Commander Tim Conner, representing the Farmington Hills Police Department, thanked the Commission for their funding support of the Northwestern Police Staff and Command program. He explained that the program is currently full and that they have a waiting list of command officers wishing to attend the program. Commander Conner stated that without funding support from MCOLES presentation of this valuable training program would not be possible.

**Grant numbers LE-12 through LE-16:**

There were no comments on this group of grants.

**Grant numbers LE-17 through LE-21:**

There were no comments on this group of grants.

**Grant numbers LE-22 through LE-26:**

LE-23 through LE-25 - Chief Gary Hagler, representing the Department of Natural Resources (DNR), thanked the Commission for consideration of the grants submitted by his agency. He stated that this is the first time his agency has submitted for any MCOLES grants.

**NEW BUSINESS Continued:**

**Grant numbers LE-27 through LE-31:**

LE-28 - Captain Charlie Bush, representing the Michigan State Police Criminal Records Division thanked the Commission for funding consideration of their LEIN grant. He explained that this is a much needed broad training effort involving various factions of law enforcement.

LE-29 - Captain Mike Thomas, representing the Michigan State Police Forensic Science Division, thanked the Commission for consideration of funding. Without this support they would be unable to train and maintain their accreditation.

Commissioner Moorman asked why there was such a large difference in the Computer Forensics request and award. Mr. Rothenberger explained that the last year's Computer Forensics grant award was being extended since they were unable to spend all the funding in that grant due to state restrictions. The funds being awarded in this grant will supplement the remaining funds in the grant extension.

**Grant numbers LE-32 through LE-36:**

There were no comments on this group of grants.

**Grant numbers LE-37 through LE-41:**

LE-37 and LE-39 - Director Audrey Martini, representing Michigan State University School of Criminal Justice Outreach, thanked the Commission for funding consideration of their grants. These programs are filling up and they are having no problems getting applicants for these training efforts.

**Grant numbers LE-42 through LE-46:**

LE-46 – Deputy Chief Lawrence Hall thanked the Commission on behalf of Sheriff Warren Evans for the opportunity to address the Commission today. He stated that he brought with him today the President of LearnCom as well as the staff developer and other subject matter experts to speak with the Commission regarding the letter that was received from MCOLES indicating their grant was not recommended for funding. He stated that he was not aware that only the grant applicant could address the Commission regarding individual grants, but they would accept the process.

**NEW BUSINESS Continued:**

Deputy Chief Hall explained that they had also provided an addendum to the Commission for further funding consideration. He further stated that all the grants that were submitted for funding consideration have merit, but he thinks the Commission has missed an opportunity to take the lead in developing a learning element of something that is now state mandated, the new firearms standard, with residual benefits for retirees. This grant involves technology, it is the future, and could result in cost savings across the state.

Chairman Buczek stated that he appreciates his comments. He explained that all of today's requirements were explained to all grant applicants during the Grant Application Workshops and that information should have been shared by those who attended the workshop from with the remaining staff involved in the grant writing process. Chairman Buczek encouraged them to re-apply for funding in the next cycle.

**Grant numbers LE-47 through PA-03:**

LE- 47 and LE-48 – Mr. Gary Ruffini, MCOLES staff, stated that Director Dan Dellar from West Shore Community College contacted him. He is unable to attend the meeting due to the weather conditions, however, wanted to thank the Commission for their funding consideration.

PA-01 through PA-03 - Mr. Kim Warren Eddie, representing the Prosecuting Attorneys Coordinating Council, stated that they have had a long standing relationship with the Commission and they very much appreciate the funding support. He thanked the Commission for their favorable consideration.

Chairman Buczek asked if any Commissioners wished to comment on the grants.

Commissioner Wriggelsworth stated that he wants everyone here today to understand that some of the grants submitted by the Michigan State Police provide services to all law enforcement as well as to the court system and that is why they are so large.

Chairman Buczek stated that the Commission is aware that there are a number of people who are disappointed that their grants are not being recommended for funding. He encouraged all grantees to apply again in the next cycle. Chairman Buczek stated that there are no guarantees that any grant will be funded especially with the financial situation and reduced amount of funding that is available this year. He could only say that the staff, subject matter experts, and Commissioners that helped arrive at these recommendations, put a lot of time and effort into this process trying to meet the needs of the public safety community according to the Commission established priorities. Chairman Buczek once

**NEW BUSINESS Continued:**

again encouraged everyone to apply in the next cycle assuring everyone that each application will receive fair consideration for funding based on established rules. He also urged individuals who may have any questions to call the staff to obtain clarification.

The following abstentions were made by the Commissioner indicated from the vote on the grants identified.

Sheriff Gene Wriggelsworth - LE-17, LE-18  
Chief Richard Mattice LE-14, LE-15  
Professor Ron Bretz DEF-01 through DEF-05  
Director Kurt Jones – LE-22  
Colonel Peter Munoz - LE-26 through LE-36  
Mr. William Dennis PA-01 through PA-03  
Mr. David Morse ADJ-01 and PA-01 through PA-03  
Sheriff James Bosscher - LE-22

A **MOTION** was made by Commissioner Bosscher and supported by Commissioner Munoz to award the competitive grants as proposed.

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

Director Beach thanked the Commission and staff for all their hard work on this process. He stated that the process began with the Commission's review of the application process in early spring. The application workshops took place in May, followed by staff and practitioner reviews in late summer and early fall. Director Beach once again expressed his appreciation to all individuals who worked to complete this grant award cycle.

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.

Thomas R. Goods – Mr. Goods was convicted at a bench trial of one count of Attempted Assault and Resisting a Police Officer Causing Injury (MCL 750.81d(2)) and one count of Attempted Assault and Resisting a Police Officer not causing injury (MCL 750.81d(1)), which are misdemeanors in the criminal code, punishable by up to two (2) years in jail and fall within Public Act 203's definition of felony found in Section 2(f), in the state of Michigan. His conviction was issued and entered on March 17, 2008.

**NEW BUSINESS Continued:**

Mr. Szczubelek pointed out that there is an error in the Proposal for Decision which indicates that the conviction stemmed from a jury trial. That was not the case. One can ascertain what type of trial it was by looking at the Order of Conviction, and apparently the hearing officer did not notice that the box for bench trial had been checked. So in fact, the conviction resulted from a bench trial.

Mr. Szczubelek explained that in addition to the normal documentation received by the Commission, the Commission has also received a document provided by the Attorney representing Mr. Goods taking exception to a number of points. He asked the Commission to take a few minutes and read the document provided by Mr. Goods' attorney.

Chairman Buczek asked the Commission to read the document and if there is any need for clarification, Mr. Szczubelek will provide that clarification.

After reading the document, Commissioner Bretz stated that he agrees with Mr. Szczubelek that the courts are consistent that these two year misdemeanors are to be treated as felonies for all collateral purposes under the MCOLES Act, so there is really no legal issue here at all.

Mr. Szczubelek recommended the Commission adopt the Proposal for Decision to revoke Mr. Thomas Goods' MCOLES law enforcement officer license noting the change that the conviction resulted from a bench trial rather than a jury trial.

Commissioner Moorman stated that he will abstain from this vote.

A **MOTION** was made by Commissioner Robinson and supported by Commissioner Bretz to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement officer license of Mr. Thomas R. Goods accepting the amendment that the conviction was through a bench trial and not a jury trial.

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

Collin D. Eaton – Mr. Eaton was convicted by a jury of seven felony counts; five counts of Criminal Sexual Conduct 1<sup>st</sup> Degree (MCL 750.520B(1)(b)), one count of Criminal Sexual Conduct 2<sup>nd</sup> Degree (MCL 750.520C(1)(k)), and one count of Criminal Sexual Conduct 3<sup>rd</sup> Degree (MCL 750.520D), which are felonies in the state of Michigan. His conviction was issued and entered on July 18, 2008, for the Criminal Sexual Conduct 1<sup>st</sup> and 2<sup>nd</sup> Degree. His conviction for Criminal Sexual Conduct 3<sup>rd</sup> Degree was issued and entered on July 29, 2008.

**NEW BUSINESS Continued:**

A **MOTION** was made by Commissioner Olko and supported by Commissioner Jones to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement officer license of Mr. Collin D. Eaton.

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

Kenneth Lee Dekleine – Mr. Dekleine was convicted by a jury of one count of Murder 1<sup>st</sup> Degree-Premeditated (MCL 750.316(1)(a)) and one count of Murder-First Degree Felony (MCL 750.316B), which are felonies in the state of Michigan. His conviction was issued and entered on July 11, 2008.

A **MOTION** was made by Commissioner Moorman and supported by Commissioner Mattice to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement officer license of Mr. Kenneth Lee Dekleine.

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

Randy Allen Boos – Mr. Boos pled guilty to and was convicted of three counts of Criminal Sexual Conduct 2<sup>nd</sup> Degree (MCL 750.520C (1)(k)), which are felonies in the state of Michigan. His conviction was issued and entered on August 21, 2008.

Commissioner Morse abstained on the vote as his office has been involved in this case.

A **MOTION** was made by Commissioner Robinson and supported by Commissioner Dennis to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement officer license of Mr. Randy Allen Boos.

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

2009 Annual Registration Timelines – Mr. Ruffini stated that the 2009 Annual Registration will open January 5, 2009 closing March 6, 2009. He anticipates a smooth reporting cycle.

2009 Commission Meeting Schedule – Chairman Buczek stated that all Commissioners were furnished with a copy of the proposed 2009 Commission meeting dates. Since he has received no information indicating that there are problems with these dates, these dates will stand. Mr. Beach explained that the state of the economy and the Governor's Executive Orders will be taken into consideration when scheduling meetings in 2009.

## **OLD BUSINESS:**

Active Duty Firearms Standard – Mr. Rothenberger stated that on February 8, 2008, the Commission adopted the first MCOLES active duty training standard. As a follow-up to that standard, a compliance amendment to the Active Duty Firearms Standard needs to be put in place. The purpose of the standard is to train officers to survive a shooting. Staff is recommending that if an officer doesn't initially meet the standard, the agency will provide the officer with adequate remediation and report compliance with the standard during the annual registration. Compliance with the standard will be reported for the first time during the annual registration period in 2010. If there are officers who do not comply, then the agency will be required to submit a proposal and time line on how the remediation will be provided. The status of the officer will be reported as one of the following: temporarily restricted, non-law enforcement assignment, on administrative leave, or suspended. If an officer continues to fail to demonstrate competency with either component of the firearms standard after a reasonable opportunity to remediate, the Commission recommends that the agency take additional administrative action which may include: permanent non-law enforcement assignment, continuation of administrative leave, continuation of suspension from duty, or termination / separation from employment. All law enforcement agencies will be notified of the addition of the compliance requirements.

A **MOTION** was made by Commissioner Bosscher and supported by Commissioner Wriggelsworth to adopt the proposed compliance requirements to the Active Duty Firearms Standard.

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

Basic Training Curriculum Project Recommendations – Mr. Rothenberger stated that staff is recommending a modernization of the MCOLES mandatory basic police training curriculum. The changes to the curriculum include: 4 hours of Basic LEIN training (no equipment needed); 20 hours added for Radar/Lidar training (no equipment needed); 4 hours added for Report Writing; 16 hours added for Standardized Field Sobriety Testing; 2 hours added for Evidence Collection (digital media); 2 hours added for Close Quarter Combat Techniques; and 2 hours added for Active Shooter. The changes to the curriculum will take effect with sessions beginning on or after January 1, 2010.

A **MOTION** was made by Commissioner Mattice and supported by Commissioner Olko to adopt the recommendations of staff to increase the mandatory basic police training curriculum by 52 hours in the areas described by staff and detailed on the handout provided.

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

**OLD BUSINESS Continued:**

Traffic Safety Draft Training Standards – Mr. Rothenberger stated that this item is a companion item to the modernization of the basic police training curriculum. During 2009 the following will be completed: field testing of the approved speed measurement standards; preparing the standards for implementation in the basic training academies, preparing the standard field sobriety testing program for academy implementation; designing and scheduling regional instructor updates throughout the year; coordinating operator and instructor training sessions across the state, and distributing instructor manuals, training materials, and operating supplies to the instructors.

A **MOTION** was made by Commissioner Bretz and supported by Commissioner Jones to adopt the field testing of the proposed Traffic Safety Training Standard as recommended by staff.

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

Mental Health Training Initiative – There was no report on this item.

Commission Office Relocation – Director Beach thanked the Department of State Police for assisting MCOLES in the purchase of office furniture for the new location. The February working session of the Commission will be held at the new MCOLES offices. The session is scheduled to begin at 1:30 pm on February 24th with an evening session and then will reconvene on the morning of February 25<sup>th</sup>. The planned open house may be delayed if the furniture has not been secured by that time.

PA 203 Revision Update (Ethics Committee) – There was no report on this item.

LEOSA/HB4611 Update – There was no report on this item as the legislation is still pending legislative action.

**MISCELLANEOUS:**

There were no miscellaneous items.

**PUBLIC COMMENT:**

There was no public comment.

**NEXT MEETING:**

Date: Tuesday, February 24, 2009 – Commission Working Session  
Wednesday, February 25, 2009 – Commission Meeting

Location: Lansing, Michigan – MCOLES Offices, Hollister Building  
Hosted by the Michigan Commission on Law Enforcement Standards

**ADJOURNMENT:**

A **MOTION** was made by Commissioner Bretz and supported Commissioner Wriggelsworth to adjourn the meeting.

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

The meeting was adjourned at 12:12 pm.

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

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