
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
October 28, 2009
Crowne Plaza Hotel, Auburn Hills, Michigan

MCOLLES 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. Tom Cameron, representing Attorney General Mike Cox
Mr. Jim DeVries, representing the Police Officers Association of Michigan
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police
Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan
Trooper Michael Moorman, representing the Michigan State Police Troopers Association
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association
Mr. Fred Timpner, representing the Michigan Association of Police
Mr. Richard Weiler, representing Police Officers Labor Council
Commander James White, representing Chief Warren Evans, Detroit Police Department
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association
Captain Jack Shepherd, representing Colonel Peter C. Munoz, Michigan State Police
Mr. John Szczubelek, Commission Counsel

COMMISSION MEMBERS EXCUSED:

Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Director Kurt Jones, representing the Michigan Association of Chiefs of Police

COMMISSION STAFF PRESENT:

Ms. Cheryl Hartwell	Mr. David King
Ms. Hermina Kramp	Mr. Wayne Carlson
Mr. Gary Ruffini	Mr. John Steele
Mr. Danny Rosa	

GUESTS (signing in):

Director Mark D. Heidel, Law Enforcement Officers Regional Training Consortium
Director Deb Bayer, Oakland Community College
Director Cecil Queen, Ferris State University
Director Sherry Chandler, Michigan Department of Natural Resources
Lt. Jim Manning, Auburn Hills Police Department
Deputy Chief Jim Myasherge, Auburn Hills Police Department
Dean Tom Boozer, Oakland Community College
Training Director Dick Tillman, Oakland Community College
Assistant Director Joyce Nelson, Oakland Community College
Mr. Gregory O. DuPree, Investigative Solutions

CALL TO ORDER:

The Commission Meeting was called to order by Chairman John Buczek at 10:00 a.m., at the Crowne Plaza Hotel in Auburn Hills, Michigan.

INTRODUCTIONS:

Chairman Buczek asked all present to introduce themselves.

ACCEPTANCE OF THE SEPTEMBER 16, 2009 MEETING MINUTES:

A **MOTION** was made by Mr. Morse and supported by Sheriff Wriggelsworth to accept the September 16, 2009, Commission Meeting minutes as written.

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

CONSENT AGENDA:

There was no Consent Agenda.

ADDITIONS/CHANGES TO THE AGENDA:

Mr. Buczek stated that the 2010 Grant Application report will be addressed immediately following the Committee reports.

PUBLIC COMMENT:

There was no public comment.

COMMISSION ATTORNEY REPORT:

Mr. Szczubelek stated that other than the updates that he will be providing later in the agenda, he had no additional matters on which to report.

CHAIRMAN'S REPORT:

Law Enforcement Officer Position Population – The number of law enforcement positions in Michigan continues to decline. As of October 20th, the number of positions reported to MCOLES by law enforcement employers was 21,105 officers representing a decline of 2,045 positions since the original reporting in 2001.

Special Use Requests – Mr. Buczek stated that the Special Use Request activity that has been handled by staff since the last meeting is outlined in the Commission materials. There were no questions raised on any of these requests.

Grant Contract Adjustments – Mr. Buczek stated that the Grant Contract Adjustment activity that has been handled by staff since the last meeting is outlined in the Commission materials. There were no questions raised relative to these activities.

Color Vision Standard – At the last meeting, Mr. Buczek had indicated that there would be a presentation today by Dr. Swan to assist in understanding the problem with the use of the D-15 to test candidates for the MCOLES color vision standard. Unfortunately Dr. Swan is not available to meet with the Commission today. As a result, staff will be working with Dr. Swan to arrange for the demonstration to take place at the December meeting. Mr. Buczek stated that he hopes to have the Commission proceed with a decision in regard to the replacement of the D-15 test with the HRR test.

Listing of 2010 Commission Meetings – Mr. Buczek asked Commissioners to check their meeting materials as the 2010 Commission Meeting schedule has been included. He asked all present to check their calendars and advise him or staff of any scheduling conflicts. The draft meeting dates indicate two meetings in February. The first listing is the normal meeting for February and the second is a potential date change as the Michigan Association of Chiefs of Police have asked that the Commission hold the February meeting at their Conference in Grand Rapids. Mr. Buczek stated that the Executive Committee had discussed this possible change and decided to decline the invitation in the interest of the Commission's fiduciary responsibilities. In light of the current state budget crisis, the 2010 Commission meetings will be held at MCOLES offices in Lansing.

CHAIRMAN'S REPORT Continued:

Schedule of Graduations – A list of upcoming academy graduations has also been developed. Mr. Buczek asked Commissioners to check their schedules and advise staff of their availability to attend a graduation. He would like to have a Commissioner in attendance at each graduation. Mr. King stated that there is an immediate need for a Commissioner to attend a graduation coming up on November 13th, and he would appreciate acknowledgement from a Commissioner who could attend.

Nomination Committee – Mr. Buczek stated that he is appointing the following Commissioners to serve on the Nominating Committee to nominate candidates for the positions of Chairman and Vice Chairman of the Commission beginning in January of 2010. Sheriff Wriggelsworth will serve as the chair of this committee, Chief Jones and Trooper Moorman will also serve on this committee. The committee will report their nominations back to the Commission at the December meeting.

Regular Employment Standard - Mr. Buczek stated that he and Mr. Szczubelek had met with Representative Mark Meadows regarding the Commission's 520 hour regular employment standard. Mr. Meadows is chair of the Judiciary Committee in the House where the legislation reducing the standard to 120 hours is currently residing. Representative Meadows wants to work with the Commission on a compromise to the proposed 120 hour standard. A follow-up meeting will take place in the near future.

Executive Director Position - Mr. Buczek stated that he and Mr. Szczubelek had an opportunity to meet with the Department of Civil Service to discuss the MCOLES Executive Director position.

Meeting with Governor's Office - Mr. Buczek stated that he had a conversation with the Governor's office yesterday morning and now that the budget is taken care of, they have assured him that they will be working to set up the meeting. The meeting should take place sometime in the next ten days to begin deliberations on the Commission's relationship with the Department of State Police.

Northern Michigan University (NMU) Advisory Board Meeting – Mr. Buczek stated that he had recently attended the NMU advisory meeting. He provided the board with an update on various MCOLES issues. Mr. Lynn Reid also attended the meeting to assist with the update. They are very appreciative of the Commissioners traveling to their location to participate in these meetings.

COMMITTEE REPORTS:

Executive Committee – Mr. Buczek stated the committee met last night and discussed a number of issues that will be reported on later in the meeting. The items discussed at the meeting were: the current status of the MCOLES budget; Public Act 203 and 302 modifications, Ethics Committee update, and the University of Detroit Mercy legislation relative to security police. Mr. Buczek stated that the MCOLES standards will be applied to new employees by the private college employers, but MCOLES will not be involved in the process. He further stated that the MCOLES will remain neutral on this legislation as it moves through the legislature. Mr. Buczek stated that the Commission is still awaiting an update from the Michigan State Police on MCOLES' responsibilities with Public Act 330. Captain Shepherd advised that given the current state of the economy it has been difficult to set up a meeting to discuss this matter.

Mr. Buczek stated that there had been a meeting with Representative Mark Meadows to discuss the regular employment issue and Senate Bill 449, which would override the MCOLES standard with a legislative replacement. Representative Meadows is considering introduction of his own bill or substitute language on this matter, which is expected to more closely resemble the standard developed by the Commission.

Mr. Szczubelek provided an update on the meeting with Civil Service that he and Mr. Buczek attended. He explained that in the last MCOLES budget there was a line item to fund the unclassified civil service position of the MCOLES Executive Director. The new budget does not include this line, so there is currently no funding for an unclassified position. That leaves the Commission, without options for an unclassified position, however, the position of the Executive Director could become part of the classified state Civil Service. They discussed with members of the staff and the legal counsel of the Civil Service Commission how this could be accomplished. The suggestion to the Commission was to designate the position in the senior executive service classifications, beginning at the level of 18. This classification is typically used for individuals who have job functions like the Commission's Executive Director, those who serve as chiefs of staff or managers of policy making agencies, boards and commissions. Sample position descriptions were reviewed and a position description could be used to fit within this classification. There is a provision in the MCOLES statute that not only requires MCOLES to appoint an Executive Director but also requires that position be funded by appropriation. The term appropriation is a little nebulous in the state of Michigan. Basically what it means is that there has to be an authorization from legislature to spend money for this specific purpose. Discussions will take place in the near future with the Governor's office and the Michigan State Police to determine whether or not MCOLES currently has this budget authorization. Mr. Szczubelek stated that he believes the budget does contain the authorization necessary to fill the position as there are lines in the MCOLES budget that have been combined which are presently being used to fund operational costs, including full time employees. As soon as it is determined that the

COMMITTEE REPORTS Continued:

Executive Director's position is adequately funded by the current budget, a specific position description for this position can be discussed that will be part of the classified Civil Service. This effort will then be blended with the work of the Selection Committee to move forward with the appointment of an Executive Director in the near future.

Executive Director Selection Committee – Chief Olko stated that the committee met recently and designed a survey focusing on important qualities that the next Executive Director should possess. The survey has been distributed to the Commission members, the MCOLES staff, and Training Directors. The committee has met with the MCOLES staff and gathered additional feedback. The survey is designed to be completed and sent to Chief Olko anonymously. There have been a significant number of the surveys return to date and Mr. King is putting the information together so that the committee can take a comprehensive look at what stakeholders believe is important in the next MCOLES Executive Director. The committee's work will continue with a meeting with the Training Directors this afternoon. The committee will report their findings to the full Commission in December.

Ethics Committee – Chief Olko stated that the committee met on the previous morning and the meeting was very productive. The committee will meet in the next few weeks to complete work on the proposed ethics revisions and report back to the full Commission in December.

Implementation Committee – Chief Mattice stated that the committee met this morning. He stated that the committee discussed two primary issues. The first item discussed was the creation of internal Policy and Procedures manual for staff use. The second item discussed was a potential fee structure for the Recognition of Prior Training and Experience program, which staff will be reporting on later in the meeting.

NEW BUSINESS:

2010 Competitive Grant Application Workshop Update – Mr. Buczek thanked staff for the work that they have put into this process. He stated that it has been a long and difficult process, more so than usual due to the lower amount of funding that is available for the competitive grants this year. The Commission had requests totaling \$5,474,000 and unfortunately the Commission will only have about \$2,300,000 to award. The committee met yesterday to review all the initial grant request and staff worked yesterday afternoon and last night to pare the grants down further to be more consistent with the available funding. Ms. Kramp will provide an update on the additional reductions.

NEW BUSINESS Continued:

Ms. Kramp stated that staff looked at the consortium grants and administered additional reductions as requested by the Commission. The Commission directed staff to eliminate the lowest priorities, as identified by the grantee, in the consortium grants in an effort to reach the level of funding that will be available for award in December. The following grants were affected by the additional reductions.

LE-04	\$37,500 for the training with the elimination of the simulator purchases
LE-08	\$86,828 with reductions in administrative and supplies & operating costs
LE-10	\$19,590 cut the lowest priority of operational Spanish
LE-12	no funding – Spanish training
LE-13	\$4,875 recommended funding
LE-15	\$47,363 reduced number of sessions to 8 from 16
LE-16	no funding – Staff and Command training
LE-20	\$21,700 removed REID/Armor/Leadership/Executive Develop training
LE-22	\$195,533 removed Wicklander/Calibre Press/Accident Investigation series
LE-23	\$70,629 fund highest priority grant only
LE-28	\$180,000 based upon available funding
LE-32	\$390,000 based upon available funding and extend 2009 grant contract
LE-33	no funding – Leadership Development training
LE-36	no funding – Supervisor Development training
LE-38	no funding – Command Officer training
LE-39	no funding – Executive Development training
LE-40	\$54,945 reduced to one session
LE-41	no funding - if additional funding is available identified to be funded
LE-42	\$48,826 lowest priority - Boarder Wars/ Narco Terrorism training – may be funded through Homeland Security funds
LE-43	\$176,843 removed Reid/Standard Field Sobriety/Field Training Officer
LE-46	\$190,722 removed REID/AI series/Leadership training
LE-49	\$60,265 removed First Aid – could be funded through use of LED funds
LE-50	no funding - Advanced Evidence training
PA-01	\$20,000 - recommended by Commissioner Morse
PA-02	\$202,000 with \$20,000 of funds cut from PA-01 added back

Ms. Kramp stated that the additional reductions directed by the Commission will bring the recommended grant awards down to \$2,290,187, which is more consistent with the estimated available revenue. She further stated that should available funding be higher than what has been estimated, further guidance from the Commission will be necessary as to where the additional funds should be added to the grant awards.

NEW BUSINESS Continued:

Mr. Buczek noted that the last grant that the Commission recommended to be cut was the Michigan State University Police Department's Forensic Science training grant. He proposed that any additional funds that become available would be applied to that grant. The Commission concurred with Mr. Buczek's recommendation. Mr. Buczek thanked Commissioners Morse and Shepherd for their input and guidance in voluntarily reducing the grant applications submitted on behalf of their agencies. Mr. Buczek stated that these recommendations will be presented in December for final award.

Oakland Police Academy Presentation – Director Deb Bayer thanked the Commissioners for attending the tour of the Crest Center yesterday and for the opportunity to highlight their police academy training today. She introduced the Oakland Police Academy staff in attendance; Dean Tom Boozer, Training Director Dick Tillman, Advanced Police Training Director Joe Marchetti, Assistant Coordinators for the Basic Police Academy Joyce Nelson and J. P. Cormier; and Steve McClowski, assistant with advanced training.

Three members of the Oakland Police Academy staff provided a presentation to the Commission, highlighting various training topics in the academy and how the Crest Center is utilized for the police academy training as well as advanced training programs. The Crest Center is a secure facility specifically designed and built for specialized training programs. The use of this facility allows the academy training to be presented in a realistic manner with recruits no longer having to pretend there are specific building structures within the classroom. They perform various training scenarios such as building searches, domestic violence and emergency situation responses, in actual homes, a ranch, a colonial, and a cape cod; and various businesses, such as a bank, hotel, gas station, that have been built at the center specifically for this type of training.

Mr. Buczek thanked the members of the Oakland Police Academy for providing the presentation and scheduling the tour of the Crest Center for Commission members.

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

Alex Brian Ramirez – Mr. Ramirez entered a plea to and was convicted of one (1) count of Embezzlement – Public Office (MCL 750.175), and one (1) count of Common Law Offense (MCL 750.505), one (1) count of Obstruction of Justice (MCL 750.505), one (1) count of Conspiracy to Commit Obstruction (MCL 750.505), and one (1) count of Larceny in a Building (MCL 750.360). MCL 750.175 defines Embezzlement – Public Office as a felony. MCL 750.505 defines Common Law Offenses, Obstruction of Justice, and Conspiracy to Commit Obstruction of Justice as felonies.

NEW BUSINESS Continued:

Mr. Ramirez's conviction was issued and entered on June 6, 2009, in the Third Circuit Court, County of Wayne, by the Honorable Margie Braxton.

A **MOTION** was made by Chief Olko and supported by Captain Shepherd to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Mr. Alex Brian Ramirez.

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

Quinten Nachez James – Mr. James pled guilty to and was convicted of OUIL/PER SE – 3rd offense (MCL 257.625 – mistakenly referenced in the Notice as MCL 257.6256). MCL 257.625(9)(c) defines OUIL/PER SE as a felony. Mr. James' conviction was issued and entered on February 9, 2009, in the Sixth Circuit Court, County of Oakland, by the Honorable Daniel O'Brien.

A **MOTION** was made by Commander White and supported by Mr. DeVries to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Mr. James.

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

USIS Background Investigation Presentation – Mr. Gregory DuPree provided the Commission with a presentation on a Law Enforcement and Criminal Justice Recruiting Database. The company, Public Service Professionals Alliance (PSPA), is the largest provider in background investigations. Three years ago the company began work on background investigations for law enforcement. They have many clients across the United States. In the beginning, their target clients were agencies who had 100 or more law enforcement officers. This analogy allowed for a great number of law enforcement agencies that they would not reach.

The individuals in the database have completed a certified law enforcement training academy and are dedicated to a career in law enforcement. This database provides increased exposure and marketability with limited recruiting, enrollment, and competition. Agencies can access this information to assist them in their employment processes. The database expands and diversifies the applicant pool and saves time and money. Mr. DuPree presented a live web-based demonstration of the database. Applicants can log in and create their profiles for prospective law enforcement agencies to view. Law Enforcement agencies can also log in and create an agency profile providing specific information relative to their department. Agencies can then log in to their account and filter potential applicants for hire.

NEW BUSINESS Continued:

Beginning on November 1st through the end of the year, he and his colleagues will be working with Michigan academies to load interested academy graduate information into the database. They will then contact agencies who may be interested in utilizing this type of information. This database is intended to supplement agencies background information. Candidates are required to sign waivers for employment, medical, and credit reporting. Mr. Szczubelek asked for a copy of the waivers for informational purposes.

Active Duty Training Course Process – Mr. Rosa stated that there are internal practices that staff utilizes with respect to entry of various types of training records into the MCOLES Information and Tracking Network. Staff is asking the Commission for approval to move forward with the creation of internal protocols (policies and procedures) that can be utilized by staff and training providers that outline current practices.

Chief Mattice stated that the committee discussed these protocols during the Implementation Committee meeting this morning and the committee recommends the Commission authorize staff to create, for review by the Commission, and internal policy and procedure manual.

A **MOTION** was made by Chief Mattice and supported by Sheriff Pickell to approve the creation of a set of internal protocols (policies and procedures) that will provide guidance to staff and active duty providers in administering active duty training in Michigan.

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

Michigan Justice Training Fund Audit – Ms. Kramp stated that the Michigan Justice Training Fund statute requires an audit of the fund every two years. The fund is in the process of being audited by the Auditor General for fiscal years 2008 and 2009. The auditor has completed his review of the 2008 fiscal year and will return after January 2010 to complete the 2009 fiscal year audit. To date, the auditor has no material findings. Staff has had several meetings with the auditor to review the processes of the fund. There have been changes to the processes in terms of how staff reviews the Law Enforcement Distribution expenditure reports as they have been built into the MCOLES Information and Tracking Network. The auditor will also be looking at this process in more detail. One of the items that will need to be addressed with the auditor for 2009 is the Executive Order that, for the first time, had the Commission paying for standards and training under Public Act 203 from the Justice Training Fund. The auditor is aware of

NEW BUSINESS Continued:

the Executive Order and may have findings in relationship to commingling of funds due to the legislative mandate, which was outside the Commission's control. Ms. Kramp anticipates that the auditor will be working with staff in late January, so she anticipates a draft report for Commission consideration during the February meeting.

Law Enforcement Distribution Fall 2009 – Ms. Kramp stated that the Fall Law Enforcement Distribution was sent to participating law enforcement agencies on October 16, 2009. She stated that the per capita distribution for Fall 2009 was \$104.55 per full time equated law enforcement officer position. The total distribution was \$1,962,767 to participating law enforcement agencies. The per capita distribution amount was slightly higher than the Spring per capita distribution of \$99.99 per full time equated law enforcement officer position.

OLD BUSINESS:

Fee Proposal for Recognition of Prior Training and Experience – Mr. Ruffini stated that this proposal was presented to the Implementation Committee this morning and staff received direction from the Committee. The committee has recommended that staff move forward with the development of policy and the committee has set a fee of \$75 for in-state candidates and \$150 for out-of-state candidates. The completed fee structure and related policy will be presented to the Commission for adoption at the December meeting.

A **MOTION** was made by Chief Mattice and supported by Mr. Weiler to approve staff to move forward with setting application fees for the Recognition of Prior Training and Experience program application process to take effect on or after January 1, 2010, and to develop policy for the administration of the fee structure.

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

Fiscal Year 2010 Budget Update – Ms. Kramp provided an update on the MCOLES 2010 budget. Commissioners received a color-coded spreadsheet detailing the appropriations, fixed costs, and available funding for MCOLES activities. Ms. Kramp explained that the initial deduction of building rent and Department of Information Technology charges have lowered the MCOLES general fund appropriation.

The budget office has created a separate line to track the standards and training costs expended from the combination of the general fund and the Michigan Justice Training Fund. This will allow MCOLES staff to track the expenditures that are general fund in

OLD BUSINESS Continued:

nature separately from the Justice Training Fund activities. Ms. Kramp explained that collections in the Justice Training Fund have dropped off and interest rates have decreased, therefore the actual amount of funding available in that line will be much lower than the appropriation.

Ms. Kramp stated the operating funds for fiscal year 2010 are reflected in the green area at the bottom of the spreadsheet. Administration costs are expected to be reduced by approximately \$70,000 from last year's expenditures due to budget restrictions and decreasing travel costs. Taking all things into consideration, it is estimated that the Commission will have approximately \$1.3 million to distribute in the Competitive Grant program next year.

Mental Health Training Initiative Update – Mr. Carlson stated that staff has completed the second year of training in this initiative. There have been approximately 2,000 first responders that have completed the training. The training sessions were well received and were held at various geographic locations around the state to allow anyone interested in the training an opportunity to attend without having to incur excessive travel expenses. The current MCOLES budget will support an additional year of training when the State Police Budget is signed by the Governor, providing there is no veto.

Cultural Competence Curriculum Review Update – Mr. Rosa stated that this project is ongoing and staff is working on the development of a facilitator guide. MCOLES staff has monitored training in this area and have found excellent training materials that will be available to academy instructors in the near future.

Traffic Safety Standard Implementation Update – Final approval in December

Color Vision Standard Update – Research report in December

LED Expenditure Eligibility Review Process – No report

Regular Employment Standard Implementation Update – No report

Mr. Buczek stated that the Training Directors are meeting at the Crest Center this afternoon and he encouraged all Commissioners to attend at least the beginning of this meeting. The Training Directors appreciate the Commission's involvement and support.

OLD BUSINESS Continued:

The selection committee will be meeting with the Training Directors later today to gather their input on the development of the Executive Director's position.

MISCELLANEOUS:

There were no miscellaneous items.

NEXT MEETING:

Date: Wednesday, December 9, 2009

Location: MCOLES Offices
Lansing, Michigan

ADJOURNMENT:

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

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

The meeting was adjourned at 12:01 pm.

APPROVED BY _____ ON _____

WITNESSED BY _____ ON _____