
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
September 18, 2013
Gaylord, Michigan

COMMISSION MEMBERS PRESENT

Mr. Thomas Cameron, representing Attorney General Bill Schuette
Sheriff James Bosscher, representing the Michigan Sheriffs' Association
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
Director John Calabrese, representing the Michigan Association of Chiefs of Police
Mr. Ken Grabowski, representing the Police Officers Association of Michigan
Lt. Aimee Maiké, representing Col. Kriste Kibbey Etue, Michigan State Police
Mr. John Buczek, representing the Fraternal Order of Police
Sheriff Leo Mioduszcwski, representing the Michigan Sheriffs' Association
Mr. Fred Timpner, representing the Michigan Association of Police
Mr. Richard Weiler, representing the Police Officers Labor Council

COMMISSION MEMBERS EXCUSED

D/Sgt. Chris Luty, representing the Michigan State Police Troopers Association
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Sheriff Jerry Clayton, representing the Michigan Sheriffs' Association

OTHERS PRESENT

Mr. David Harvey, MCOLES Executive Director
Mr. John Szczubelek, Assistant Attorney General and Commission Counsel
Ms. Hermina Kramp, MCOLES Deputy Executive Director
Mr. Danny Rosa, MCOLES Staff
Mr. David Lee, MCOLES Staff
Ms. Joyce Nelson, MCOLES Staff
Ms. Jacquelyn Beeson, MCOLES Staff
Mr. John Steele, MCOLES Staff
Mr. Michael Logghe, MCOLES Staff

GUESTS (signing in)

Lt. Creig Grey, DNR Law Enforcement
Lt. Jim Gorno, DNR Law Enforcement
Chief Brett McVannel, Gaylord Police Department
Undersheriff Matt Muladore, Otsego County Sheriff's Office

CALL TO ORDER

The Commission meeting was called to order by Vice-Chair Tom Cameron on September 18, 2013 at 10:35 AM. The location of the meeting was the City Hall in Gaylord, Michigan.

INTRODUCTIONS

Vice-Chair Cameron introduced himself. He advised he would be chairing the meeting due to the absence of Chair Olko. He asked the Commission members, staff, and audience to do introductions also.

ACCEPTANCE OF THE JUNE 12, 2013 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Bosscher and supported by Commissioner Buczek to approve the June 12, 2013 Commission meeting minutes as written.

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

ADDITIONS/CHANGES TO THE AGENDA

Vice-Chair Cameron advised there were two changes to the Agenda. The first change was that the Executive Committee did not meet and therefore under Committee Reports, the Executive Committee will be deleted.

The second change is a correction under Old Business. The DNR Academy is not a proposal. It is a vote for approval.

CHAIR'S REPORT

Law Enforcement Officer Position Report -- Vice-Chair Tom Cameron advised that the LEO Position Report was included in the electronic distribution of materials. The number of law enforcement officers in Michigan showed a negligible increase for the month of August. He

also stated that although it was only a small increase, this is the second consecutive meeting in which the numbers went in a positive direction.

Special Use Requests – The Special Use Requests were provided to the Commissioners prior to the meeting. There were no questions.

Grant Adjustment Requests – The Commissioners were advised that the Grant Adjustment Requests Activity Report was also part of the electronic distribution of Commission materials. There were no questions.

Nominating Committee – Vice-Chair Cameron stated the purpose of this committee is to nominate the next Chair and Vice-Chair for the commission. The committee will meet, make their selections and then report back to the Commission at the December 4, 2013 meeting. He advised that Commissioner Calabrese has been selected to chair the Nominating Committee. Commissioner Wendling and Commissioner Bosscher will also sit on the committee.

Strategic Plan – Commissioner Cameron thanked everyone who participated in the strategic plan meetings. He stated that everyone received a copy of the new strategic plan as part of the electronic distribution. There were no questions or discussion needed with regard to the plan.

A **MOTION** was made by Commissioner Mioduszewski and supported by Commissioner Mawer to approve the new Strategic Plan.

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

Proposed 2014 Meeting Dates – Everyone received a schedule of the proposed meeting dates for 2014. Vice-Chair Cameron asked for everyone to review the dates, check their calendars and then advise Jacque Beeson of any conflicts. The locations of the meetings are yet to be determined.

DIRECTOR'S REPORT

Audit - Executive Director Dave Harvey advised the Commission that the performance audit had been completed. He stated that the previous performance audit had been done in 1999. This was a preliminary audit but since no problems were found, a full audit will not be done. Since this was not a full audit there will be no report forthcoming. However MCOLES will be having a full financial audit conducted in the near future.

Budget – Executive Director Harvey advised that they recently met with MSP's budget office with regard to the new budget. He stated they were able to submit enhancement requests. MCOLES requested two new personnel; one for the Career Development Section and an additional Field Rep for the Standards Compliance Section.

PSOB – Director Harvey provided the following statistics regarding the Public Safety Officer Benefit program.

- There were five (5) claims carried over to FY 2013.
- There were Seven (7) new claims opened in FY 2013.
- There were four (4) claims paid in FY 2013.
- There were five (5) claims denied in FY 2013.
- There are three (3) potential claims to be paid for FY 2014.

EEOC-Gregory Smith – Executive Director Harvey advised the Commission that a settlement had been reached with Gregory Smith with regard to his Charge of Discrimination with the EEOC against MCOLES. Mr. Smith alleged he was wrongly denied admission to the Recognition of Prior Training and Experience program because of a disability. It was agreed that Mr. Smith would receive a \$25,000.00 settlement and he is scheduled to participate in the RPTE program in December at Macomb Community College. MCOLES also received a complete and final release of all liability from Mr. Smith with this agreement.

COMMITTEE REPORTS

Implementation Committee – Due to the absence of the committee chair Commissioner Clayton, Commissioner Calabrese gave the report. He advised that the Implementation Committee met via a conference call on August 7, 2013. The committee agreed with all of the recommendations with regard to the in-service training modules. These recommendations will be presented under “New Business”.

CONSENT AGENDA

Executive Director David Harvey advised that there were five license revocations under consideration. He advised that all five were felonies and all were uncontested.

A **MOTION** was made by Commissioner Timpner and supported by Commissioner Mawer to approve the revocation of licenses for Robert Gibson, Richard Harris, Mashariki Jackson, James Richardson and Timothy Stopczynski.

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

NEW BUSINESS

In-Service Training Modules – Mr. Danny Rosa addressed the Commission. He advised that as part of Commission Resolution 2011-08, the commission directed MCOLES staff to

formulate and recommend in-service training content and implementation procedures for their consideration and approval.

At the June 6, 2012 Commission meeting, staff obtained official approval to develop advisory in-service training standards in four specific areas:

- Officer Safety
- Emergency Vehicle Operations
- Legal Update
- Subject Control

These areas along with firearms are high-risk, high liability areas that are on the top of most training requests from the law enforcement community.

MCOLES staff has developed instructor guides in the four topic areas. All of the guides are based on research, input from Michigan subject-matter-experts, and professional best practices. On August 7, 2013, staff presented all four advisory in-service training standards and a proposed implementation plan to the Implementation Committee.

These advisory in-service training standards are a training resource for law enforcement agencies and trainers. There are training resources included in each module and agencies are urged to create their own delivery methods. The standards do not include specific hours of instruction. Unlike the firearms standard which is all inclusive every year, these new standards will take years to complete.

The implementation plan involves saturating the field with the information using a variety of methods including:

- Statewide LEIN notification as allowed by LEIN rules;
- Mass e-mails with electronic copies (MITN, MSA, MACP, consortiums, SME groups, etc.);
- Electronic copies made available via a secure MCOLES Website; and
- Director's Newsletter with links to each document.

The implementation plan also includes interactive presentations by the MCOLES staff. The staff will plan interactive presentations at:

- Academy Advisory Meetings
- Regional Chiefs Meetings
- Association Conferences
- Regional Meetings scheduled by staff
- Instructor Meetings

Mr. Rosa advised that it is the recommendation that the Commission adopt the four advisory in-service training standards and the proposed implementation plan.

A **MOTION** was made by Commissioner Calabrese and supported by Commissioner Weiler to adopt the four advisory in-service training standards and the proposed implementation plan.

A roll-call **VOTE** was taken. The **MOTION** passed with the following votes recorded:

Commissioner	Vote
Grabowski	Yes
Weiler	Yes
Mioduszewski	Yes
Mawer	Yes
Buczek	Yes
Bosscher	Yes
Timpner	Yes
Calabrese	Yes
Wendling	Yes
Cameron	Yes
Lt. Maike*	Yes

*Lt. Maike was the designated proxy for Col. Kriste Kibbey Etue, Michigan State Police

Audio-Visual Interrogation Equipment – Ms. Joyce Nelson addressed the Commission. She advised that MCL 763.8-10 requires all law enforcement agencies in the state to make audiovisual recordings of certain custodial interrogations. MCL 763.11 requires MCOLES to set standards for audiovisual equipment as well as standards for agency geographic accessibility of equipment. Section 11 also requires MCOLES to conduct an initial assessment of the field to determine the costs for agencies to purchase the required equipment. Ms. Nelson stated that MCOLES staff used established procedures to identify a set of recommendations for Commission approval. As part of the research activities, staff: a) obtained materials from other states, b) reviewed historical documents, c) obtained input from the field, and d) considered advice from criminal justice administrators and audiovisual technicians from around the state. This information was used as a framework. A field survey was also sent out to all law enforcement agencies in Michigan.

After the information was compiled and broken down the staff recommends the following six standards:

Standard 1: Recording Capability

- Digital recording format capturing at least 24 frames per second;
- Universal playback system, copy redaction capable of original digital evidence;

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- Export duplicates in original format, allows for a compressed file share copy; and
 - Record continuous 6-hour event with playback recordings in original quality.

Standard 2: Camera

- Record in color, minimum of 452 horizontal lines of resolution; and
- Be positioned so all individuals within the interrogation room are captured.

Standard 3: Microphone

- Records simultaneously with the video and positioned to capture and of a quality to accurately record all verbal communication in the room.

Standard 4: Date/Time Stamp

- Continually record the time/date stamp as metadata and be administrator-configurable to allow or disallow visual display.

Standard 5: Agency Policy and Procedure

Agencies shall establish policy and procedures that include procedures for audiovisual recordings, the inclusion of Miranda rights, treatment of recordings as evidence, secured storage, copying procedures, retention and/or destruction procedures, and equipment testing and verification.

Standard 6: Geographic Accessibility

- Equipment meeting MCOLES audiovisual standards is reasonably accessible; and
- There is a mutual agreement in place for use of another agency's audiovisual equipment in effect; and
- The location housing the audiovisual equipment is considered to be a place of detention as defined in the Act.

The numbers indicate that 2/3 of all law enforcement agencies in Michigan are making some type of recording and of those, the majority are using cameras with color capability. The standards staff developed are simple, achievable by all agencies, clear and the equipment is easy to use.

The cost will be around \$3,500.00 for the hardware and software. The funding is still being worked out. There is no line item in the 2014 budget for funding and it is unknown whether there will be funds available for 2015.

If the standard is approved today by the Commission, then those agencies that currently have the equipment will have to comply within 60 days. If the agency does not have the equipment or does not have an agreement with another agency, they will only have to comply when the funding becomes available.

Deputy Executive Director Hermina Kramp advised that MCOLES role was to establish the standard, which they have done. If agencies have questions, they are being referred to their local prosecutors for interpretation of the statute.

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Calabrese to adopt the staff's recommendations as Michigan's standards for equipment specifications and geographic accessibility as required by MCL 763.11.

A roll-call **VOTE** was taken. The **MOTION** passed with the following votes recorded:

Commissioner	Vote
Grabowski	Yes
Weiler	Yes
Mioduszewski	Yes
Mawer	Yes
Buczek	Yes
Bosscher	Yes
Timpner	Yes
Calabrese	Yes
Wendling	Yes
Cameron	Yes
Lt. Maike*	Yes

*Lt. Maike was the designated proxy for Col. Kriste Kibbey Etue, Michigan State Police

OLD BUSINESS

DNR Academy – Executive Director David Harvey advised the commission that at the June 12, 2013 Commission meeting the DNR presented their proposal to establish an academy. He went on to say that they have completed all of the necessary steps and now a vote is needed by the commission to approve the DNR academy.

A **MOTION** was made by Commissioner Bosscher and supported by Commissioner Buczek to approve establishment of the DNR Academy.

A roll-call **VOTE** was taken. The **MOTION** passed with the following votes recorded:

Commissioner	Vote
Grabowski	Yes
Weiler	Yes
Mioduszewski	Yes
Mawer	Yes
Buczek	Yes
Bosscher	Yes
Timpner	Yes
Calabrese	Yes
Wendling	Yes
Cameron	Yes
Lt. Maike*	Yes

*Lt. Maike was the designated proxy for Col. Kriste Kibbey Etue, Michigan State Police

PUBLIC COMMENT - None

MISCELLANEOUS

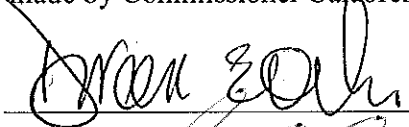
Deputy Executive Director Hermina Kramp advised the Commission that we are closing out the books for FY13. She advised that if any of the commissioners had outstanding travel reimbursement requests, they need to be turned in by September 30, 2013.

NEXT MEETING

The next regularly scheduled Commission Meeting: **Wednesday, November 6, 2013**
Lansing, Michigan

ADJOURNMENT:

A **MOTION** was made by Commissioner Calabrese to adjourn the meeting at 11:10 AM.

APPROVED BY  ON 12/4/13

WITNESSED BY  ON 12/4/13

- Deleted Items (378)
- Drafts (1)
- Inbox (1183)
- Junk E-Mail
- Sent Items
- Field Questions
- General Questions
- Manage Folders...



Proxy
 Etue, Kriste (MSP)
Sent: Tuesday, September 17, 2013 2:43 PM
To: Kriste Etue (MSP)
Cc: Boz, Josephine (MSP)
 Lieutenant Kaska;
 I ask that you attend the September 16 Michigan Commission on Law Enforcement Standardized hearing as my representative and I give you my proxy to vote on any issues that may arise.
 Delaney Stone
 Sent from my iPad