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**Michigan Commission on Law Enforcement Standards**  
**Commission Meeting Minutes**  
**December 9, 2015**  
**Lansing, Michigan**

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**COMMISSION MEMBERS PRESENT**

Sheriff Jerry Clayton, representing the Michigan Sheriffs' Association  
Director John Calabrese, representing the Michigan Association of Chiefs of Police  
Lt. Col. Rick Arnold, representing Colonel Kriste Etue, Michigan State Police  
Sheriff James Bosscher, representing the Michigan Sheriffs' Association  
Mr. Ken Grabowski, representing the Police Officers Association of Michigan  
Mr. John Buczek, representing the Fraternal Order of Police  
Ms. Laura Moody, representing Attorney General Bill Schuette  
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan  
Sheriff Leo Mioduszewski, representing the Michigan Sheriffs' Association  
Mr. Fred Timpner, representing the Michigan Association of Police  
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police

**COMMISSION MEMBERS EXCUSED**

Mr. Richard Weiler, representing the Police Officers Labor Council  
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police  
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan

**STAFF PRESENT**

Mr. David Harvey, MCOLES Executive Director  
Ms. Hermina Kramp, MCOLES Deputy Executive Director  
Mr. John Szczubelek, Assistant Attorney General and Commission Counsel  
Ms. Jacquelyn Beeson, MCOLES Staff  
Mr. John Steele, MCOLES Staff  
Mr. Patrick Hutting, MCOLES Staff  
Mr. David Lee, MCOLES Staff  
Mr. Danny Rosa, MCOLES Staff  
Mr. Wayne Carlson, MCOLES Staff  
Ms. Diane Horwath, MCOLES Staff  
Mr. Lynn Reid, MCOLES Staff  
Ms. Sandra Luther, MCOLES Staff  
Ms. Joyce Nelson, MCOLES Staff

Ms. Gina Rosendall-Saucedo, MCOLES Staff  
Ms. Rhonda Hooson, MCOLES Staff

## **GUESTS (SIGNING-IN)**

Sgt. Robert Ford, Oakland County Sheriff's Office  
Mr. Eric Restuccia, Office of the Attorney General

## **CALL TO ORDER**

The Commission meeting was called to order by Chair Jerry Clayton on December 9, 2015 at 10:30 AM. The meeting was held at the MCOLES Office in Lansing, Michigan.

## **INTRODUCTIONS**

The Chair introduced himself and asked the Commissioners and staff and members of the audience to do the same.

## **ACCEPTANCE OF THE SEPTEMBER 16, 2015 COMMISSION MEETING MINUTES**

A **MOTION** was made by Commissioner Bosscher and supported by Commissioner Buczek to approve the September 16, 2015 Commission Meeting Minutes as written.

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

## **ADDITIONS/CHANGES TO THE AGENDA**

There were no changes to the agenda.

## **CHAIR'S REPORT**

CLEAR Report – Commissioner Calabrese advised that he had a phone conference with CLEAR last week. He provided the CLEAR Committee an update on the four projects that MCOLES staff has been working on. He stated that the update went well and the Committee seemed happy with the progress. He said they want more specific details at the January meeting.

Commissioner Calabrese said he also discussed with CLEAR the Commission make-up. He

advised the Committee that we are looking for them to give either MCOLES or the Governor's Office a recommendation regarding the expired appointments. He added that hopefully we will know more in January.

Finally, Commissioner Calabrese stated he discussed with CLEAR the funding for a new Job Task Analysis (JTA). He stated the staff will put together an RFP and there was an indication that some grant money may be available to cover the cost of the analysis.

Law Enforcement Officer Position Report -The electronic distribution contained the LEO Population report for November. Chair Clayton advised the agency count decreased with the closing of Springfield DPS and the number of positions lost has crossed the 4,000 mark. There were no comments or questions concerning this report.

Special Use Requests-This report was contained in the electronic distribution. There were no questions or comments.

Grant Adjustments -Chair Clayton advised that this report was sent to the Commissioners prior to the meeting. Again there were no questions or comments.

2016 Commission Meeting Dates – Chair Clayton advised that everyone was provided a list of dates for the 2016 Commission meetings. If anyone has any conflicts the Chair asked that they let him know so that adjustments can be made.

Vote on Leadership Positions - Commissioner Mawer advised that the Nominating Committee consisted of himself, Commissioner Wendling and Commissioner Moody. He stated they met via the internet. They had a brief discussion and their recommendation was for Commissioner Clayton to remain Chair and Commissioner Calabrese remain Vice-Chair.

A **MOTION** was made by Commissioner Mawer and supported by Commissioner Miodiszewski to approve the recommendation of Commissioner Clayton as Chair and Commissioner Calabrese as Vice-Chair.

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

## **DIRECTOR'S REPORT**

Legislative Update – Director Harvey first addressed SB 162 which is the Security Guard Bill. He stated that he has been involved in the discussion. At one point PA 330 was added in but it has since been taken back out. He also advised that he and John Steele will talk about firearms training with regard to the bill.

Executive Harvey also advised there was another meeting with regard to SB 384. He said they are moving towards full police authority. He stated that his comment to them was to give them full authority but limit their duties. He stated this bill was put off until 2016.

Finally Director Harvey stated that SB 92 and SB 93 are attached to the Commission and CLEAR. We will need to get the Commission issues cleared up before there will be movement on these bills.

### **CONSENT AGENDA**

Executive Director Harvey advised that there was one revocation for the Commission to consider. The revocation was for Michael Bingham and it was for a felony conviction. The case had gone through the hearing process.

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Mawer to revoke the license of Michael Bingham.

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

### **NEW BUSINESS**

Kari Yonkers v MCOLES Case - Eric Restuccia from the Office of the Attorney General addressed the Commission regarding this case. He said he wanted to do three things:

- 1) Explain why he was at the meeting
- 2) Explain the meaning of the Court of Appeals decision in the Yonkers case
- 3) Give his recommendation

Mr. Restuccia explained that MCOLES Legal Counsel John Szczubelek should not simultaneously perform the functions of counsel to the Commission and advocate for MCOLES in the litigation proceedings. Therefore, Mr. Restuccia is performing the functions of counsel to the Commission in this single instance.

Mr. Restuccia summarized the status of the case. The Commission denied the claim for PSOB benefits. Ms. Yonkers appealed the denial to the Circuit Court, and the denial was reversed. The Commission appealed the Circuit Court decision, and the Court of Appeals reversed the Circuit Court. The Court of Appeals also remanded the decision and ordered the Commission to render a more complete decision that explains the reasoning and addresses whether the evidence supports the decision beyond a reasonable doubt. Mr. Restuccia explained that because the Court of Appeals decision was not given immediate effect, the Commission must wait at least 42 days from November 10th to render its decision.

Mr. Restuccia will recommend that respective legal counsel for the Commission and Kari Yonkers be given an opportunity to file additional briefs with the Administrative Law Judge. For the February meeting, Mr. Restuccia will discuss two possible opinions: one in which the Commission decides to grant the PSOB benefit, and one in which the benefit is denied. The Commission can vote at that meeting to adopt either opinion.

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Mawer to authorize Mr. Restuccia to move forward with both options for a vote at the February

meeting.

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

Budget – Director Harvey advised that the budget shows that we ended with \$182,000. He wanted to clarify this because he did not want any accusations that we did not distribute all of the money. He stated that the reason we have money left is that we have two unfilled positions. He stated that he did not fill the Career Development position due to the question of availability of TTL funds. The second position is a medical vacancy. He added that he fears there will be no money for the 2017 grants either.

Military Academy – Executive Director Harvey advised that a formal evaluation of the military academy was done after one year. He wanted to conduct another evaluation after the first five academies graduated. He stated they found the placement rate of the graduates from the basic training academies and the military academies to be about the same. The placement rate was 80% for the basic academies and 78% for the military. He said the military graduates were being placed throughout the state and it appears the sheriff's offices were hiring more than the other agency types. Some of the comments he heard from the agency heads were that the military graduates were more mature, more experienced and had more recognition of rank.

Director Harvey added that there were some areas where the recruits asked for some changes. With this in mind the academies have added one more week to the training. It will now be 320 hours of training instead of 240. They have added field sobriety testing and are increasing the amount of scenario training. Per Wayne Carlson they are also looking into adding more training in the areas of civil rights, ethics, and cultural competency.

2016 Initiatives Status Update – Wayne Carlson stated that in July the Commission approved four initiatives and he was going to provide the Commission with an update on each initiative.

1. RPTE – The staff identified an internal team to work on the project. The goal is to update and modernize the existing RPTE. The team has met, identified areas in the program that need attention and formulated a plan to move forward.
2. Job Task Analysis – The objective is to identify a plan to update the existing job task analysis so it better reflects contemporary policing. The staff contacted other states to learn about their approach and obtain information. The staff also looked into whether focus meetings with SMEs can result in an update to the existing JTA or if a more extensive process is needed.
3. Academy Accreditation – The goal of this project is to establish the most effective relationship between MCOLES and the basic training academies so the needs of the field can be best met. The staff has researched how other states approve basic training and what models are in place to ensure proper oversight. The staff is also examining the existing contractual agreements with the academies with the initial focus on instructor development and training.
4. Outcome Based Learning – This project began two years ago when the staff began exploring the most recent findings in the cognitive sciences regarding decision making. The research efforts are nearing an end and specific connections to law enforcement

training are being made. The intent is to re-shape the existing basic training curriculum to better reflect the findings in brain science and give better directions to instructors. Several updates and modifications to the curriculum have occurred. Also the hours in the curriculum have been adjusted to provide more opportunities for reality-based scenario training.

## PUBLIC COMMENT

There was no public comment.

## NEXT MEETING

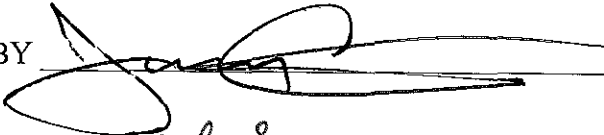
Date: February 10, 2016

Location: Lansing

## ADJOURNMENT:

Commissioner Buczek made a **MOTION** to adjourn.

APPROVED BY



ON

2/10/16

WITNESSED BY



ON

2-10-16