
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
November 2, 2016
Lansing, Michigan

COMMISSION MEMBERS PRESENT

Sheriff Jerry Clayton, representing the Michigan Sheriffs' Association
Director John Calabrese, representing the Michigan Association of Chiefs of Police
Colonel Kriste Etue, representing the Michigan State Police
Sheriff Doug Wright, representing the Michigan Sheriffs' Association
Ms. Anica Letica, representing Attorney General Bill Schuette
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Mr. Ken Grabowski, representing the Police Officers Association of Michigan
Chief David Molloy, representing the Michigan Association of Chiefs of Police
Trooper Nate Johnson, representing the Michigan State Police Troopers Association
Mr. David Hiller, representing Michigan Fraternal Order of Police
Mr. Thomas Zulch, representing Police Officers Labor Council
Sheriff Timothy Donnellon, representing Michigan Sheriff's Association

COMMISSION MEMBERS EXCUSED

Mr. Fred Timpner, representing the Michigan Association of Police

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. Wayne Carlson, MCOLES Staff
Mr. Danny Rosa, MCOLES Staff
Mr. David Lee, MCOLES Staff
Mr. Wayne Aldrich II, MCOLES Staff
Mr. Ryan Speidel, MCOLES Staff
Ms. Deb Thelen, MCOLES Staff
Ms. Barbara Johns, MCOLES Staff
Ms. Diane Horwath, MCOLES Staff
Mr. Pat Hutting, MCOLES Staff
Ms. Sandi Luther, MCOLES Staff

GUESTS (SIGNING-IN)

F/Lt. Chris Hawkins, Michigan State Police
Deputy Director Colleen Pero, Michigan Department of Civil Rights
Ms. Kelly McDowell, MIDC
Sgt. Bobby Ford, Oakland County Sheriff's Office
Director Connie Compton, LEORTC
Mr. Tom Gillman, Delta College Training Consortium

CALL TO ORDER

The Commission meeting was called to order by Chair Jerry Clayton on November 2, 2016 at 10:30 AM. The meeting was held at the MCOLES Office in Lansing, Michigan.

Chair Clayton called for a moment of silence for the Detroit PD officer killed in the line of duty over the weekend and also the two officers from Iowa who died.

INTRODUCTIONS

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

ACCEPTANCE OF THE SEPTEMBER 28, 2016 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Mawer to approve the September 28, 2016 Commission Meeting Minutes as written.

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

ADDITIONS/CHANGES TO THE AGENDA - None

CHAIR'S REPORT

New Staff Member – Chair Clayton asked David Lee to introduce the new employee in his section. Ms. Barbara Johns was introduced. She stated that she has been with the State of Michigan for 20 years most recently with LARA.

Law Enforcement Officer Population Report - The electronic distribution contained the LEO Population report for the month of September. The number of agencies decreased by one with Gaines Village Police Department ceasing operations. The number of officers and positions showed a slight uptick. The LEO Population for the month of October can be found in the

Commissioner's portfolios. The downward trend in officers and positions resumed in October.

Grant Adjustments – Chair Clayton stated that the electronic copy of this report was sent out with the Commission documents. There were no questions or comments.

Special Use Requests– This report was contained in the electronic distribution and made available prior to the meeting. There were no questions or comments.

DIRECTOR'S REPORT

Nominations Discussion – Director Harvey explained that the outgoing Chair usually chooses a Nominating Committee in November for the new Chair and Vice-Chair. In January the Commission will be getting four more new Commissioners. Director Harvey recommended waiting until January when the whole Commission had been appointed to name the nominating committee. Director Harvey advised that to follow through with this recommendation a suspension of the By-laws would need to take place. Copies of Commission Resolution 2016-07 which suspend the By-laws governing the election of the Chairperson and Vice-Chairperson were distributed to the Commissioners.

A **MOTION** was made by Commissioner Grabowski and supported by Commissioner Zulch to approve Commission Resolution 2016-07 and suspend the By-laws governing election of Chairperson and Vice-Chairperson.

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

Governor's Executive Directive – Director Harvey stated that he hoped all of the Commissioners were familiar with the Governor's Directive to improve the trust and cooperation between the public and members of law enforcement. He explained that this Directive tasks the Michigan Commission on Law Enforcement Standards to produce a public report addressing the topic of fostering public trust in law enforcement. The study and report is due May 1, 2017. The three components of the Directive included Training, Community Engagement and Recruiting. He stated that per the Directive he was to meet with Harvey Hollins from the Office of Urban Initiatives monthly. He added that he had his first meeting with Mr. Hollins earlier in the week. Chair Clayton distributed documents to the Commissioners and time was given for them to review. Director Harvey advised that this was a sample structure that he had discussed with Harvey Hollins. The documents were meant to start a discussion regarding implementation of the Governor's Directive. He added that the Governor's methodology included:

1. Establishing work groups assigning commission members and inviting public participation and, as appropriate, consulting with outside experts in the private sector, as well as governmental agencies and higher education.
2. Seek public input through forums and hearings

A discussion took place regarding the Executive Directive. Colonel Etue stated that she felt that

work groups should be formed before any forums. She felt that the May 1 deadline meant that the study would be complete and a report outlining the plan on how to improve communications between the public and law enforcement would be developed. She felt that the public forums would come after the work groups had completed their outline.

Initially it was discussed that there would be three workgroups addressing the three components of the Directive: training, community engagement and recruiting. Commissioner Molloy agreed that he felt the public forum component should come later in the structure. He suggested forming a fourth work group to study what groups should be used for the public forums. He said he felt this workgroup should make recommendations regarding the process of the forums and facilitation of the groups. Commissioner Wendling asked what groups did he think we should target? Some of the suggestions included S/E Michigan, areas where the Governor has put extra resources, Council of Clergy, ALPACT, and some non-traditional groups such as a Prisoner Advocate through the MDOC.

There was a group consensus that there should be a fourth work group which establishes the process for the community forums. Commissioner Wendling volunteered to chair this group. Commissioner Etue stated she would assist him. Commissioner Clayton volunteered to chair the Training Work Group, Lt. Col. Arnold the Recruiting Work Group and Colonel Etue the Community Engagement Work Group.

Executive Director Harvey asked if the commissioners thought it would be necessary to hold additional Commission meetings the first six months of the year while this project was ongoing. It was agreed that there would probably be a need for Executive Level meetings which would then report to the full Commission. Chair Clayton also advised a request could be made for a Special Meeting if needed.

Executive Director also added that per the Directive there needed to be a monthly meeting with the Office of Urban Initiative for an update. Director Harvey stated he would be the contact person unless the Commission had someone else in mind. It was agreed that Director Harvey would be the contact person.

Executive Director's Report – Director Harvey advised the Commissioners that he would continue to send out a monthly report. He added that usually the report included the progress that was being made with regard to the 5-year strategic plan. He uses the report to ensure that MCOLES is on the right course.

Director Harvey stated that he would like to put together a Commissioner Orientation in December for the new Commissioners. He thought it would be a half day program to familiarize the Commissioners with the different sections of MCOLES and their responsibilities as well as staff introductions.

Staff Award – Director Harvey invited MCOLES staff member Deb Thelen to join him. Director Harvey stated that Ms. Thelen has recently been selected to fill the Grants Manager position and today he wanted to present her with her pin for 20 years of service with the State of Michigan.

Director Harvey thanked her for her dedication and good work.

NEW BUSINESS

Michigan Justice Training Grant Process - David Lee addressed the Commissioners and provided background for the Michigan Justice Training Fund (JSF). He advised that the JSF was created in 2003 to simplify the assessment, collection and distribution of fines imposed in criminal cases. When a person is found guilty of a crime they are required to pay a series of fines. Included are fines that are transmitted to the state treasury for use in the JSF. The Secondary Road Patrol and Training Fund receives the first \$10.00 from each infraction after which the Michigan Justice Training Fund receives 11.84%.

The Michigan Justice Training Fund (MJTF) was created in PA 301 and PA 302 of 1982 directs the Commission's use of the fund. Annually there is a distribution of 60% of the MJTF to eligible entities under the law enforcement distribution (LED). The remainder is used for administrative costs and the competitive grant process.

LED is for in-service training of licensed law enforcement officers, the Competitive Grant program is available to all components of the criminal justice system including courts, corrections, public defenders, prosecutors, and law enforcement.

David Lee further explained that the Competitive Grant Program is on a calendar year and funding is based on the collections from the previous year. The timeline for the grants consist of the following steps:

- 1) Workshops
- 2) Applications Accepted
- 3) Reviews (Programmatic and Fiscal)
- 4) Preliminary Recommendations
- 5) Commission Action
- 6) Grant Awards

David Lee advised the Commissioners that the grant applications and the staff summaries will be made available to them via the web before the December meeting. At the December meeting the Commissioners will be asked to vote to approve, deny, or reduce each of the grant awards. He added that last year there were no grants awarded due to the financial situation so the funds available this year were approximately \$950,000.00 whereas \$600,000.00 would be closer to the normal amount of money available. He stated that there were 18 grant applications and most of them would most likely be fully funded.

PA 289 and PA 290 – Executive Director Harvey had two PowerPoint presentations which highlighted the major changes in 2016 PA 289 and PA 290 including:

- PA 289
 - MCOLES now licenses law enforcement officers instead of certifying them.
 - Identifies 32 categories of officers who must be licensed and 21 categories of individuals with law enforcement authority that do not need to be licensed.

- Clarification on the actual licensing procedure and the responsibilities of the agency.
- There was clarification for the agency reporting requirements and record-keeping requirements.
- Length of the grace period now based on number of hours employed
- New license revocation provisions were added including misdemeanors
- Commission changes which included a new 19 member make-up which adds DSAM, 1 non-law enforcement individual representing the public, and brings back DPD and DPOA.
- PA 290
 - Clarification of who may receive LED
 - New requirements and procedures for LED recipients which included a return of funds for failure to comply with legal requirements for use of LED and for funds not spent within 5 years of receipt.
 - Clarification of who may receive grants and new requirements for the grantees

OLD BUSINESS – None

MISCELLANEOUS

Travel Reimbursement – Deputy Executive Director Kramp advised the Commissioners that they are entitled to travel reimbursements for attending any Commission function. She stated that if the Commissioner drove his private vehicle he could be reimbursed for the mileage. They were also entitled to parking fees and meals. If they requested reimbursement for meals and/or parking, an original receipt would be required. To be eligible for the reimbursements, the Commissioners would have to register in the State of Michigan MAIN accounting system. In their portfolios, the Commissioners would find instructions for the registration process.

Meeting Attendance – Ms. Kramp advised the Commissioners the importance of their attendance at the meetings. She stated that they would receive an e-mail which would contain the meeting details. All Commissioners need to reply to that e-mail and advise whether or not they would be attending. At each meeting it is important to know whether or not a quorum has been reached. If not, there is a possibility the meeting will need to be rescheduled. If that was to occur, the more notice we have the easier it is for the Commissioners to make plans.

PUBLIC COMMENT – None

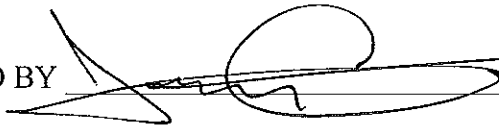
NEXT MEETING

Date: December 7, 2016 @ 10:30 AM.

Location: Lansing

ADJOURNMENT:

A **MOTION** was made to adjourn by Commissioner Bretz and supported by Commissioner Wending at 12:05 PM.

APPROVED BY  ON 12/7/16

WITNESSED BY  ON 12-7-16

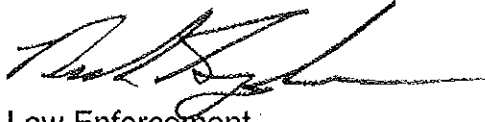


STATE OF MICHIGAN
EXECUTIVE OFFICE
LANSING

RICK SNYDER
GOVERNOR

BRIAN CALLEY
LT. GOVERNOR

**EXECUTIVE DIRECTIVE
NO. 2016-2**

DATE: October 4, 2016
TO: The Michigan Commission on Law Enforcement Standards
FROM: Governor Rick Snyder 
RE: Fostering Public Trust in Law Enforcement

State and local law enforcement officers risk their lives every day to keep Michigan residents safe. Maintaining public trust in the police is critical to maintaining public safety in our state. Recent national events involving the use of lethal force by police officers and attacks against police officers by members of the public have strained the relationship between law enforcement and the public. The tension has led to civil unrest in a number of recent cases. It is imperative that state government take steps to build and promote public trust in law enforcement.

The Michigan Commission on Law Enforcement Standards (MCOLES) is a commission housed within the Department of State Police that, among other duties and responsibilities, is tasked with setting standards for police training in Michigan. Evidence-based training in implicit bias and de-escalation techniques can reduce the likelihood of the kind of negative interactions between law enforcement and the public that can undermine public trust. Likewise, non-enforcement community engagement and open communication by police agencies can build confidence in the relationship between the police and the public.

MCOLES has an opportunity to establish the model for 21st Century police training and development. It can also advise stakeholders on how best to gauge and build trust based relationships in all communities. We must build forward-thinking law enforcement agencies that incorporate community policing, strategic regional cooperation, and collaboration with surrounding agencies. These goals require an urgent call to action to ensure that law enforcement in Michigan is built on a foundation designed to foster public trust.

Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power in the Governor. Section 8 of Article V of the Michigan Constitution of 1963 places each principle department under Supervision of the Governor. Pursuant to these provisions of the Michigan Constitution of 1963, I direct the following:

MCOLES is directed to undertake a study and produce, by May 1, 2017, a public report addressing the topic of fostering public trust in law enforcement.

Commission Operations: In undertaking the study and producing the report, MCOLES may establish workgroups or committees assigning Commission members to, and inviting public participation on these workgroups or committees, as the Commission deems necessary. The Commission may adopt, reject, or modify recommendations made by the workgroups or committees. The Commission may also, as appropriate, consult with outside experts including, but not limited to, experts in the private sector, government agencies, institutions of higher education, and the nonprofit sector.

Public Outreach and Input: In undertaking the study and producing the report, MCOLES shall seek public comment and participation by holding as many public events as practicable and reasonably necessary to receive input from across all geographic regions of Michigan, with an emphasis on communities where public trust in law enforcement is determined to be most at risk.

Status: The study and report should consider and address the status of police-community relationships and identify the most significant factors that contribute to strengthening or weakening public trust in law enforcement in Michigan.

Training: The study and report should consider and address evidence-based or research-based training requirements designed to enhance relationships between the community and the police and build public trust, including, but not limited to, implicit bias training such as the Fair and Impartial Policing (FIP) program, training on de-escalation techniques, and training on police interactions with persons having mental health issues. The report should set forth the Commission's conclusions about the merit and feasibility of the training programs most likely to foster public trust in law enforcement and describe the Commission's strategy for implementing these types of training requirements across all levels of law enforcement in Michigan.

Community Engagement: The study and report should consider and address best practices for law enforcement agencies in Michigan to undertake non-enforcement community engagement efforts and communication with the public to enhance police-community relationships, including, but not limited to, the formation and operation of citizen's and youth academy programs to educate the public about police work. The report should set forth the Commission's strategy for encouraging productive, non-enforcement community engagement by police agencies in Michigan.

Recruiting: The study and report should consider and address best practices for law enforcement agencies in Michigan to implement recruitment and hiring strategies that will enable them to employ a diverse workforce reflective of the communities they serve.

MCOLES Strategy: The study and report should consider and identify any and all changes that MCOLES can make, within its legal authority, to promote positive

relationships between law enforcement agencies and the communities that they serve and foster public trust in law enforcement.

Other Recommendations: The study and report should consider and make recommendations about any other changes, outside of the Commission's legal authority to implement, that Michigan police agencies or the Michigan Legislature can and should undertake to promote positive relationships between police agencies and the communities that they serve and foster public trust in law enforcement in Michigan.

Progress Updates: At least once per month, until the study and report are completed, the Commission shall give a status update to the Office of Urban Initiatives within the Executive Office.



MCOLES

Michigan Commission on Law Enforcement Standards

Commission Resolution 2016-07
Resolution to Suspend the By-Laws Provisions Governing
Election of Chairperson and Vice-Chairperson

WHEREAS, § 6(2) of the MCOLES Act authorizes the Commission to establish its own procedures and requirements with respect to quorum, place and conduct of its meetings, and other matters; and,

WHEREAS, the Commission has adopted Article III, Section A. of its By-laws, requiring election of a Chairperson and Vice-Chairperson at a meeting in December of each year; and,

WHEREAS, the officer terms of the current Chairperson and Vice-chairperson will expire on December 31, 2016, creating vacancies in both offices, as provided in Article III, Section A. of the By-laws; and,

WHEREAS, Article III, Section A. 2. of the By-laws provides that the immediate past Chairperson can serve as Chairperson when the offices of Chairperson and Vice-chairperson are vacant; and,

WHEREAS, the Governor recently appointed new members to the Commission and 2016 PA 289 further requires that the Governor appoint additional members no later than 90 days after January 2, 2017 when the Act takes effect; and,

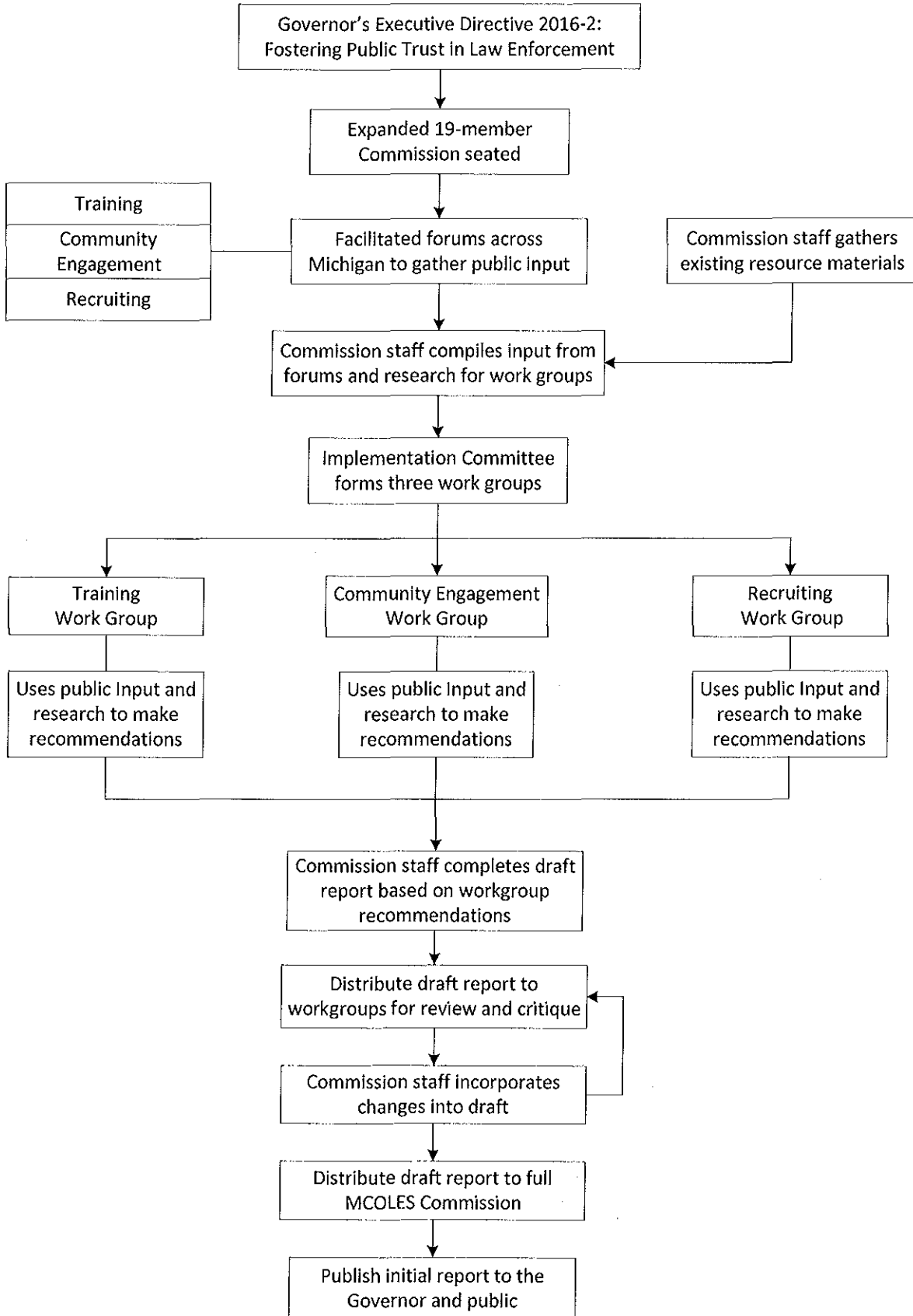
WHEREAS, the Commission may suspend operation of provisions of its By-laws under the authority of § 6(2) of the MCOLES Act; therefore:

BE IT RESOLVED that;

1. The Commission suspends operation of Article III, Section A. 1. of the By-laws requiring election of a Chairperson and Vice-chairperson in December 2016; and,
2. The Commission recognizes that, by operation of Article III, Section A. 2. of the By-laws, after December 31, 2016 current Chairperson Jerry Clayton in his capacity as the Immediate Past Chairperson shall continue to serve as Chairperson until such time as the entire newly-constituted Commission is appointed and serving and elects a new Chairperson and Vice-chairperson.

Unanimously adopted by the Michigan Commission on Law Enforcement Standards on November 2, 2016


Jerry Clayton, Chairperson





MCOLES

Michigan Commission on Law Enforcement Standards

Fostering Public Trust in Law Enforcement Executive Directive 2016-2 Process Flow Chart Discussion November 2, 2016

Governor's stated goal:

Improving the trust and cooperation between the public and members of law enforcement

Governor's directive to MCOLES:

Conduct a study and produce a report by May 1, 2017 by:

- Considering the status of community relationships and what factors can impact the public trust
- Considering law enforcement training requirements that can help improve community relationships, including implicit bias training, training on de-escalation techniques, and training on police interactions with those who have mental health issues;
- Addressing how law enforcement agencies can improve communications with the public;
- Identify any and all changes MCOLES can make within its legal authority to promote positive relationships between law enforcement agencies and their communities; and
- Recommending additional improvements that can be considered by the state Legislature.

Governor's directed methodology:

- Establish workgroups assigning commission members and inviting public participation and, as appropriate consulting with outside experts in the private sector, governmental agencies, higher education;
- Seek public input through forums and hearings to seek public input; and
- Provide monthly status updates to the Office of Urban Initiatives within the Executive Office.

Sample Process Flow Chart for discussion purposes:

- Per the direction of the executive office the Commissioners are directed to take an active role and participate in work groups and public forums.
- The sample process flow chart draws on the successful process used for similar initiatives and is intended as a discussion starter.

Process steps:

1. Commission conducts public forums across Michigan to gather initial public input focusing on the three areas identified in 2016-2:
 - a. Training
 - b. Community Engagement
 - c. Recruiting
2. During the same time frame Commission compiles information for use by work groups including but not limited to:
 - a. Identifying national experts in focus areas for inclusion in the work groups,
 - b. Gathering existing publications and research studies,
 - c. Creating a record of statements and input from the public forums,
 - d. Creating an electronic survey instrument to seek further input on the focus areas, and
 - e. Creating a site on the Commission web site for public submission of input and recommendations.
3. When all full Commission is seated re-establish the standing Implementation Committee to work as the Commission's point for the three workgroups and to report back to the full Commission.
 - a. New Commission chair will appoint committee members and committee chair,
 - b. Committee will break into three work groups with a commissioner chair,
 - c. Committee can assign other Commissioners to work groups,
 - d. Committee will invite members of the public, private sector, higher education institutions and other subject matter experts to participate in the work groups, and
 - e. Committee chair reports back to the full Commission under the standing committee report.
 - f. Commission staff will be assigned to each committee and work with the Commissioner Chair and work group to record discussions and recommendations.
4. Commission staff will complete a draft report based on the work group recommendations.
5. The draft report will be distributed back to each committee for review and critique.
6. Commission staff incorporates changes into draft report.
7. Draft report distributed to full Commission for review and critique.
8. Submit report to the Executive Office.



MCOLES

Michigan Commission on Law Enforcement Standards

Fostering Public Trust in Law Enforcement Executive Directive 2016-2 November 2, 2016

Immediate Necessary Staff Steps

In order to meet the aggressive timeline set by Executive Directive 2016-2 the staff is seeking authorization from the Commission to immediately take the following steps:

1. Per discussion with the Office of Urban Initiatives create informational documents for use by the Commission and facilitator at the Public Forums
 - a. Description of Focus and intent taken from Executive Directive 2016-2 and as put forth in the Governor's press release of October 4, 2016
 - b. Description of Commission's statutory authority and mission
 - c. Purpose statement for forums.
2. Creation of focus statements for each component of the directive for review by and use by the facilitator in the public forums.
3. Creation of a web page on the MCOLES website to post the above information and the creation of a specific mailbox to gather submissions from the public.
4. Creation of a survey instrument that can be posted on-line to allow individuals who choose to provide written input to submit on-line and with site access that can also be disseminated by stakeholder organizations to their constituents.
5. Begin working with stakeholder groups to identify and provide to the Commission a list of subject matter experts and members of the public for participation in the Commission work groups.