
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
February 10, 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
Chief Doreen Olko, 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
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Mr. John Buczek, representing the Fraternal Order of Police
Mr. Richard Weiler, representing the Police Officers Labor Council
Mr. Fred Timpner, representing the Michigan Association of Police
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police

COMMISSION MEMBERS EXCUSED

Mr. Ken Grabowski, representing the Police Officers Association of Michigan
Ms. Laura Moody, representing Attorney General Bill Schuette
Mr. Michael Wendling, representing the Prosecuting Attorneys Association 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
Ms. Sandra Luther, MCOLES Staff
Ms. Joyce Nelson, MCOLES Staff
Ms. Gina Rosendall-Saucedo, MCOLES Staff
Ms. Rhonda Hooson, MCOLES Staff

GUESTS (SIGNING-IN)

Chief Randy Talifarro, Lansing/East Lansing Fire Department
Mr. Eric Restuccia, Office of the Attorney General
Ms. Marla McCowen, State Appellate Defender's Office
Lt. Mario Gonzales, Michigan State Police
Capt. David Malloch, Department of Natural Resources
Lt. Steven Burton, Department of Natural Resources

CALL TO ORDER

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

INTRODUCTIONS

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

ACCEPTANCE OF THE DECEMBER 9, 2015 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Bosscher and supported by Commissioner Buczek to approve the December 9, 2015 Commission Meeting Minutes as written.

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

ADDITIONS/CHANGES TO THE AGENDA

Chair Clayton advised that he was going to present the resolutions under New Business at this time.

- Presented Resolution 2016-01
- Presented Resolution 2016-02
- Presented Resolution 2016-03

CHAIR'S REPORT

Law Enforcement Officer Position Report -The electronic distribution contained the LEO Population report for January. Chair Clayton advised the downward trend continued. There were no comments or questions concerning this report.

Grant Adjustments – Commissioner Clayton advised this report was sent out also. There were no questions or comments.

Special Use Requests-This report was contained in the electronic distribution. There was a change for a SUR submitted by Detroit Police Department (DPD) that was approved at the December meeting. DPD added two additional attendees to a training which increased the amount of the request by \$2,394.14. There were no questions or comments.

CLEAR Update – The Chair and Vice-Chair advised that they had recently met with the CLEAR Committee. They stated that in the meeting they gave an update on MCOLES Initiatives and focused on the Job Task Analysis (JTA). Chair Clayton stated that he advised the Committee that the last JTA was done in 2006. He said that policing had changed since then and it was time to make the JTA current. He also said that the JTA needs to include the front line officer, supervisors, and administrators. Vice-Chair Calabrese said they emphasized the need for money to fund the JTA. Without the JTA there would be no movement on the other initiatives. He added that the process would be to create a proposal, select a vendor, and then move forward with the project.

In addition to the initiatives, the structure and membership make-up of the Commission was discussed. Some important facts from this discussion include:

- CLEAR is concerned with the current number of Commissioners
- CLEAR feels that the Commission's dysfunction is contributed to the number of members
- The Commission needs to show leadership by downsizing
- The Vice-Chair and Chair agree that there is going to be a change made and that it would be better if we, as a Commission, made the change rather than waiting for the Governor or legislation.
- The Chair added that there are some Bills in the Senate that might eventually change our decision but even with that in mind we still need to take control of the situation.

Director Harvey added that he feels the Bills we are currently trying to get passed are stuck because of the Commission membership issue. He stated that the Bills are very important to the law enforcement profession and doesn't want to lose them because of this issue. He said that the Bills actually call for an 18 member Commission adding DPD and DPOA.

Chair Clayton also added the following information:

- He feels that until a final decision is reached regarding the Commission make-up the appointments won't be made to fill the expired commissioners.
- He also advised the Commissioners that he does not want to make a decision today. He stated that he would like to have a discussion today and then call a special meeting in March to vote.
- Commissioner Clayton handed out a copy of the CLEAR 12-member Commission recommendation for discussion purposes.

A discussion occurred regarding the recommendation. Some of the points from the discussion included:

- Originally the group had talked about adding a civilian to the Commission to add transparency. Commissioner Calabrese advised that in their recommendation to CLEAR they added the citizen, however, CLEAR came back with their proposal without the addition of the civilian.

- Another area of discussion was why the need to make the Commission smaller. Chair Clayton stated that from the beginning CLEAR has said that they felt the Commission was dysfunctional. They felt the dysfunction was due to the number of Commissioners and their lack of ability to agree.
- Chair Clayton added his perception was that if the Commission says they won't make change, then CLEAR won't move forward and neither will our Bills in the Senate.
- Vice-Chair Calabrese also added that MCOLES needs funding. He felt that if we did not work with CLEAR and do as they ask we would not get the much needed money.
- The Commissioners posed the question if CLEAR actually can achieve an outcome. Chair Clayton advised that there were no promises made however he feels that when he hears CLEAR talk it sounds like it is coming from the Governor.
- Another area of discussion was the reduction of labor on the Commission. There were differing opinions on whether this was necessary.
- One Commissioner summed up the discussion by saying that CLEAR likes the MCOLES product, likes the direction they are going and likes the models we have presented. However, so far there is no indication that CLEAR actually has any authority or power and they have given no guarantee of funding yet they want us to reduce the amount of labor organizations on the Commission.
- Chair Clayton advised that we don't have to go with CLEAR's recommendation. He said we can propose a model with a civilian. He said what is important is to articulate why we feel each person in our recommendation is important.
- Calabrese suggested that the Commission revisit all of the models that the staff developed. He thought we should have the special meeting in March with the Commission make-up as the only item of discussion.

A **MOTION** was made by Commissioner Bosscher and supported by Commissioner Olko to schedule a special meeting on March 9, 2016 at 9:30 to discuss and vote on the Commission make-up recommendation to CLEAR.

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

DIRECTOR'S REPORT

June Commission Meeting – Director Harvey advised that the Michigan Sheriff's Association (MSA) invited us to hold our June Commission meeting in Grand Rapids in conjunction with the MSA conference. Director Harvey advised that we would have to move the meeting to Monday, June 13, 2016. There were no objections. Director Harvey advised that the MSA will provide a room and the meeting would still begin at 10:30 AM.

September Commission Meeting – There has been a request to move the date for the September, 2016 commission meeting to accommodate some schedules. The request is to move the meeting to Wednesday, September 28, 2016. There were no objections.

TTL - Director Harvey reminded the Commission that last year there was no money to distribute. He stated that this was due to a lack of revenue and an increase in administrative costs which legally

they are allowed to use TTL funds to cover. Due to two staff vacancies there will possibly be a small sum of money left. If so, they will distribute it in 2017.

ORI – Director Harvey advised the Commission that MCOLES no longer had an ORI assigned to them per the FBI. The FBI decided that we no longer meet the criteria necessary to be assigned the ORI. He added that we are currently using ICHAT for the criminal records check but that does not allow us access to fingerprints. He stated that he has filed an appeal. He advised that when he was in Washington, D.C. he had an impromptu meeting with the head of CJIS. He learned that there was a CJIS Board and he was offered the opportunity to go before the Board. He added that staff is currently looking at all of the options.

Budget – Director Harvey stated that he made a budget presentation before the Senate sub-committee. He stated that he was invited to make the same presentation to the sub-committee on the House side also. He said that he and Deputy Director Kramp went and gave a MCOLES 101 presentation. Director Harvey expressed that he felt that this was a good sign that MCOLES was on their radar for the next budget. Executive Director Harvey said that the marijuana bills are still alive. These bills would add revenue that comes from the dispensaries. He advised that it has been suggested that some of this money may come to MCOLES to be used for operating costs.

CONSENT AGENDA – There were no items.

NEW BUSINESS

Commission Resolution 2016-01 – Resolution Honoring F/Lt. Arthur Green – Chair Clayton read into record Commission Resolution 2016-01 and presented it to F/Lt. Steven B. Burton from the Department of Natural Resources. F/Lt. Burton thanked the Commission on behalf of the family. He added that the check was going to be presented tomorrow to the family along with the Resolution.

A **MOTION** was made by Commissioner Olko and supported by Commissioner Mawer to approve Commission Resolution 2016-01 honoring F/Lt. Arthur Green and extending public safety officers benefit.

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

Commission Resolution 2016-02 – Resolution Honoring Trooper Chad Wolf – Chair Clayton read into record Commission Resolution 2016-02 and presented it to Lt. Mario Gonzales from the Michigan State Police. Lt. Gonzales thanked the Commission. He added that he was Trooper Wolf's commanding officer as well as a friend and his wife Erin thanked everyone for the support.

A **MOTION** was made by Commissioner Weiler and supported by Commissioner Bretz to

approve Commission Resolution 2016-02 honoring Trooper Chad Wolf and extending public safety officers benefit.

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

Commission Resolution 2016-03 – Resolution Honoring Firefighter Dennis Rodeman – Chair Clayton read into record Commission Resolution 2016-03 and presented it to Chief Randy Talifarro of the Lansing Fire Department. He stated that it had been a difficult year for public safety and thanked the Commission on behalf of Kate Rodeman. He stated she was very appreciative of the recognition.

A **MOTION** was made by Commissioner Bosscher and supported by Commissioner Buczek to approve Commission Resolution 2016-03 honoring Firefighter Dennis Rodeman extending public safety officers benefit.

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

2017 MJTF Grant Priorities – Director Harvey stated that there were no funds available for grants in 2016. He said there may be a small amount of money to distribute in 2017 mostly attributed to de-obligations. He was unsure what the dollar amount would be, however it won't be near the \$1.5 million that MCOLES has distributed in the past. Director Harvey added that he thought it was important to make the number one priority for funding grants be those that support the in-service training standards which include Firearms, Officer Safety, Legal Update, EVO, Subject Control and the Response to Persons with Mental Disorders. Commissioner Bretz confirmed with Director Harvey that there would still be grant funds available for the Prosecutors and Defense.

A **MOTION** was made by Commissioner Olko and supported by Commissioner Buczek to approve changing the Commission's priority to funding those grants that include the in-service training standards.

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

OLD BUSINESS

Kari Yonkers v MCOLES – Eric Restuccia from the Office of the Attorney General addressed the Commission. Mr. Restuccia gave a recap and 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 decision. Mr. Restuccia advised that today the Commission was to vote to either grant or deny the benefit. He also advised that the Commissioners could vote now or choose to go to a closed session to discuss the case prior to the vote. He stated it would require a 2/3 Roll Call Vote to go into the closed session.

A **MOTION** was made by Commissioner Olko and supported by Commissioner Mawer "to go

into closed session for the purpose of considering written legal opinions presented by Assistant Attorney General Eric Restuccia, as authorized by MCL 15.243(1)(h).”

A **ROLL-CALL VOTE** was taken and the following votes were recorded.

| ROLL CALL VOTE | |
|-----------------------|-------------|
| Commissioner | Vote |
| Weller | Yes |
| Mawer | Yes |
| Olko | Yes |
| Bosscher | Yes |
| Calabrese | Yes |
| Buczek | Yes |
| Arnold | Yes |
| Bretz | Yes |
| Timpner | Yes |
| Clayton | Yes |

The **MOTION** carried unanimously.

At 11:55 AM the Commission entered a closed session. A question and answer discussion occurred between the Commissioners and Assistant Attorney General Eric Restuccia.

A **MOTION** was made by Commissioner Bretz and supported by Commissioner Calabrese to go back into the regular session at 12:10 PM.

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

A **MOTION** was made by Commissioner Bretz and supported by Commissioner Olko to adopt the Finding and Conclusion of the Appeals Court and deny benefits with regard to Kari Yonkers.

A **ROLL-CALL VOTE** was taken and the following votes were recorded.

| ROLL CALL VOTE | |
|-----------------------|-------------|
| Commissioner | Vote |
| Weller | No |
| Mawer | Yes |
| Olko | Yes |
| Bosscher | Yes |
| Calabrese | Yes |
| Buczek | Yes |
| Arnold | Yes |
| Bretz | Yes |
| Timpner | No |
| Clayton | Yes |

The **MOTION** carried 8 to 2.

PUBLIC COMMENT

There was no public comment.

NEXT MEETING

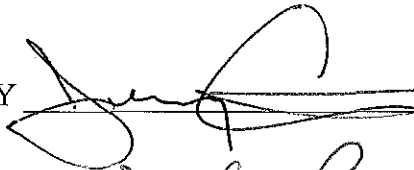
Date: April 13, 2016

Location: Lansing

ADJOURNMENT:

A **MOTION** was made to adjourn by Commissioner Buczek and supported by Commissioner Olko.

APPROVED BY



ON

4/13/16

WITNESSED BY



ON

4-13-16