
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
June 19, 2019
Lansing, Michigan

COMMISSION MEMBERS PRESENT

Chief David Molloy, representing the Michigan Association of Chiefs of Police
Sheriff Timothy Donnellon, representing the Michigan Sheriff's Association
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
Major Greg Zarotney, representing the Michigan State Police
Mr. David Tanay, representing Attorney General Dana Nessel
Mr. Duane Smith, representing the Police Officers Labor Council
Commander Mark Bliss, representing the Detroit Police Department
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan
Mr. Thomas Adams, representing the Public
Trooper Nate Johnson, representing the Michigan State Police Troopers Association
Deputy Matthew Hartig, representing Deputy Sheriff's Association of Michigan
Sheriff Matthew Saxton, representing the Michigan Sheriffs' Association
Chief Karianne Thomas, representing the Michigan Association of Chiefs of Police
Mr. Ken Grabowski, representing the Police Officers Association of Michigan
Mr. Michael Sauger, representing the Fraternal Order of Police
Sheriff Gregory Zybur, representing the Michigan Sheriffs' Association

COMMISSION MEMBERS EXCUSED

Mr. Mark Diaz, representing the Detroit Police Officers Association
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police

STAFF PRESENT

Mr. Timothy Bourgeois, MCOLES Executive Director
Ms. Lauryl Scott, Commission Counsel
Ms. Jacquelyn Beeson, MCOLES Staff
Mr. David Lee, MCOLES Staff
Ms. Gretchen Galloway, MCOLES Staff
Mr. Pat Hutting, MCOLES Staff
Mr. Joe Kempa, MCOLES Staff

GUESTS (SIGNING-IN)

Mr. Matt Heins, LEAF Coordinator
Mr. and Mrs. Wayne Carlson

CALL TO ORDER

The Commission meeting was called to order by Chair David Molloy on June 19, 2019 at 10:30 AM. The meeting was held at the MCOLES Office, 927 Centennial Way, Lansing, Michigan.

INTRODUCTIONS

Chair Molloy introduced himself. He then introduced the newest Commissioner, Sheriff Gregory Zyburt, representing the Michigan Sheriffs' Association. The remaining Commissioners, MCOLES staff and audience members introduced themselves also.

ACCEPTANCE OF THE APRIL 10, 2019 COMMISSION MEETING MINUTES

Mr. David Tanay representing the Office of the Attorney General requested a change to the April 10, 2019 commission meeting minutes. He wanted the minutes to reflect Mr. Brian Kolodziej representing Attorney General Dana Nessel and not Attorney General Bill Schuette.

A **MOTION** was made by Commissioner Grabowski and supported by Commissioner Adams to approve the April 10, 2019 Commission Meeting Minutes with the above correction.

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

ADDITIONS/CHANGES TO THE AGENDA

There were no additions or changes to the Agenda.

CHAIR'S REPORT

LEO Population Report – Chair Molloy advised that the LEO population report for the month of May was made available to the commissioners. There was an increase in the numbers of officers and positions due to the many academy graduations in May.

Special Use Request – Chair Molloy also stated that the Special Use Request report was provided electronically to the Commissioners.

Recognition of Former Commissioner David Hiller – Commissioner Hiller was out of state and unavailable to attend this meeting therefore Commissioner Sauger will present the plaque to David Hiller on June 29, 2019 at the annual FOP conference in Lansing for his years on service on the Commission.

DIRECTOR'S REPORT

Recognition of Wayne Carlson – Executive Director Bourgeois requested that Wayne Carlson join him up front. Executive Director Bourgeois introduced Wayne and stated he recently retired after 25 years with MCOLES. Director Bourgeois presented Wayne with his plaque. He stated that he had only worked with Wayne for 1 ½ years but during that time found that Wayne was very intelligent and an articulate writer. He added that we will be able to replace his position, but we will never replace Wayne. He said that he was grateful to have worked with Wayne.

Major Zarotney addressed the Commission and advised the Michigan State Police had several traditions that involved tokens of appreciation to sworn and civilian personnel. He presented Mr. Carlson his sleeve which was mounted and Mr. Carlson's years of service were on it. Major Zarotney also presented Mr. Carlson and his wife with their retirement pins. Lastly, Major Zarotney presented him with his yellow sheet which shows his official retirement.

Mr. Carlson addressed the Commissioners and stated that for 25 years he has been putting words together but this past week he has found that task very difficult. He stated that the 25 years flew by quickly because he loved his job and the people. He added he had a great opportunity with MCOLES to do what he loved and was honored to have worked for the organization. He closed by saying that he has learned that the staff at MCOLES has the ability and expertise to stand up against anyone else in this profession in the country.

Law Enforcement Spring 2019 Distribution – Executive Director Bourgeois advised that the Spring Law Enforcement Distribution was made. The per capita was \$79.15 this year. He stated that this was the lowest total since 1985. There were 16,914 FTEs across the state and a total of \$1,338,743.10 to be distributed. There was a balance of \$54.32 left in the account. Director Bourgeois added that David Lee would speak more in depth about the distribution later in the meeting.

MCOLES Staffing – Director Bourgeois advised that they were currently interviewing to fill the Fiscal Analyst position. He also said that they will soon receive the applications for the Investigator position. Once received they will begin scheduling interviews. He added that MCOLES is still very short staffed and everyone is working hard and filling in where needed.

Pending Legislation – Senator Chang has introduced a bill requiring the submitting of police use of force to the Michigan Commission on Law Enforcement Standards. She has introduced this bill during two prior sessions and MCOLES opposed the bill as written. Senator Chang's Chief of Staff reached out to MCOLES for an opinion.

Chair Molloy advised that the bill was discussed at the Executive Committee meeting. He stated that the FBI rolled out a national database for this same reporting. The Michigan Association of Chiefs of Police have agreed that the FBI's database is where the information should be stored. Commissioner Saxton added that the Michigan Sheriffs' Association also opposed Sen. Chang's previous bills and support the FBI database. Commissioner Wendling questioned whether the information would be made public. Commissioner Saxton advised that he believed the FBI would release reports by district. The consensus was that Sen. Chang's bill would just be a duplicate of effort. Director Bourgeois also added that it would require an additional staff member if MCOLES was required to keep the information.

COMMITTEE REPORTS

Executive Committee – Commissioner Molloy advised that the Executive Committee met that morning prior to the Commission meeting. He stated that committee members discussed the following issues:

- Senator Chang’s bill
- Background Standards Project
- Update on Active Violence Standard
- Discussion on the Psychological Exam

Reserves Committee – Director Bourgeois reminded the Commission that Commissioners Grabowski, Donnellon, and Mawer were appointed to this committee. He added that Joe Kempa is handling the staff work. Director Bourgeois reported that the committee is making progress but there is no final product yet.

CONSENT AGENDA

Commission Counsel Lauryl Scott advised the Commissioners that they have four Proposals for Decision from the Michigan Office of Administrative Hearings to revoke licenses. She advised that the roll of the Commission is to either approve or decline the Decisions and also reminded them that the statute mandates revocation if the subjects have an adjudication of guilt for a felony or one of the misdemeanors listed in PA 203 of 1965.

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Donnellon to revoke the licenses of Charles Wills, Edward Hicks, Ryan Carruthers, and Robert Turbiak.

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

NEW BUSINESS - None

OLD BUSINESS

Commissioner Orientation – Licensing & Administrative Services – Executive Director Bourgeois introduced the Licensing & Administrative Services manager, David Lee.

Mr. Lee advised that Licensing & Administrative Services has five units:

- Business Solutions Development
- Licensing & Records
- Grants and Contracts
- Communications
- Program Funding

Mr. Lee provided a short overview of each unit and described some of their responsibilities.

- Business Solutions Development – Kayla Hanselman is the MCOLES staff member responsible for this area. She handles MITN development and maintenance. She is the point of contact for Northrop Grumman and also manages the IT assets.
- Licensing & Records – This area is handled by Rhonda Hooson. She is responsible for all employee transactions (activations, separations, Oaths of Office, review of screening criteria). This area is also in charge of the MITN Help Desk and Annual Registration.
- Grants and Contracts – MCOLES staff member, Deb Thelen, is the grants manager. She handles the Law Enforcement Distribution, JTF grants, Stop Grant, PSOB and TTL.
- Communications – This position has been vacant since March 2018. This position is not being filled at this time due to funding. This area acts as the MCOLES webmaster, and manages our public website, Facebook account, publications and all forms. Kayla Hanselman is covering this area as well as the Business Solutions Development functions.
- Program Funding – The position is responsible for tracking the MCOLES budget and expenditures. Interviews were held this week to fill this position.

Law Enforcement Distribution – David Lee advised that this revenue is generated through fine assessments which are levied and collected by the courts and submitted to the Michigan Department of Treasury for deposit into the Justice System Fund. A percentage of Justice System Fund revenue is then transferred to the Michigan Justice Training Fund on a monthly basis. The purpose of the fund is to allow eligible agencies funds for in-service criminal justice training of their MCOLES licensed law enforcement officers. Sixty percent of the Justice Training Fund is distributed twice annually based on per capita and then \$250.00 for agencies with a smaller number of officers. The spring distribution has been traditionally smaller than the fall distribution.

Background Investigation Advisory Standard – Executive Director Bourgeois advised that the Commission approved this standard at the last meeting. Currently staff is gathering documents and are close to pushing out the information to the agencies. He added that the agencies will be provided the Background Investigation Standard using a good, better, and best format. The information will also include an example of a questionnaire and examples of completed reports for their review.

Response to Active Violence – Director Bourgeois advised that at the last legislative session MCOLES was mandated to supply training regarding Response to Active Violence for recruits and in-service officers. As a reminder, no funding was appropriated for this mandate. Director Bourgeois introduced Joe Kempa from the MCOLES' staff to update the Commission on this project.

Joe Kempa stated that progress has been made.

- Foundational research was conducted
- SME group was gathered
- Basic recruit training standard was handled first
- All recruits beginning in the fall of 2019 will receive the training
- In-service training is currently sitting in a draft form
- Information has gone back to the SMEs for review
- Train-the-Trainer curriculum is also being developed

MISCELLANEOUS

Chair Bourgeois went around the table asking the Commissioners if they had any issues that they wanted to bring before the Commission. There were no items brought up for discussion.

PUBLIC COMMENT - None

NEXT MEETING

Date: September 18, 2019 at 10:30 AM
Lansing

ADJOURNMENT:

A **MOTION** was made by Commissioner Adams and supported by Commissioner Johnson to adjourn the meeting.

APPROVED BY  ON 9-18-19

WITNESSED BY  ON 9-18-19