
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
April 15, 2020
Virtual Teams Meeting

COMMISSION MEMBERS PRESENT

Chief David Molloy, representing the Michigan Association of Chiefs of Police
Major Beth Clark, representing the Michigan State Police
Mr. David Tanay, representing Attorney General Dana Nessel
Mr. Duane Smith, representing the Police Officers Labor Council
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan
Mr. Thomas Adams, representing the Public
Deputy Matthew Hartig, representing Deputy Sheriff's Association of Michigan
Sheriff Matthew Saxton, representing the Michigan Sheriffs' Association
Mr. Michael Kunath, representing the Michigan Association of Police
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police
Chief Karianne Thomas, 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
Mr. Ken Grabowski, representing the Police Officers Association of Michigan
Commander Mark Bliss, representing the Detroit Police Department
Trooper Nate Johnson, representing the Michigan State Police Troopers Association

COMMISSION MEMBERS EXCUSED

Ms. Linda Broden, representing the Detroit Police Officers Association
Sheriff Gregory Zyburt, representing the Michigan Sheriffs' Association
Mr. Michael Sauger, representing the Fraternal Order of Police

STAFF PRESENT

Mr. Timothy Bourgeois, MCOLES Executive Director
Ms. Hermina Kramp, MCOLES Deputy Executive Director
Ms. Jacquelyn Beeson, MCOLES Staff
Ms. Lauryl Scott, Commission Counsel
Mr. David Lee, MCOLES Staff
Mr. Joe Kempa, MCOLES Staff
Mr. Danny Rosa, MCOLES Staff
Mr. Ben Zyber, MCOLES Staff
Mr. Michael Logghe, MCOLES Staff
Ms. Gretchen Galloway, MCOLES Staff
Mr. Darnell Blackburn, MCOLES Staff
Ms. Kayla Hanselman, MCOLES Staff

STAFF PRESENT, Continued

Ms. Rhonda Hooson, MCOLES Staff

Ms. Deb Thelen, MCOLES Staff

Mr. Pat Hutting, MCOLES Staff

GUESTS SIGNING-IN

Ms. Beeson then asked if there were any members of the public in attendance who wish to identify themselves for the minutes? They were advised that they were not required to identify themselves. There were no responses.

CALL TO ORDER

The Commission meeting was called to order by Chair David Molloy on April 15, 2020 at 10:30 AM. This was a virtual Teams meeting due to Executive Order 2020-42.

Chair Molloy then provided some guidelines for the meeting. They included the following:

- Reminded members to mute their mics unless speaking
- Advised everyone if the Teams application crashed, each person was to disconnect and then reconnect. If video connectivity could not be re-established, everyone was instructed to dial back in using only the phone number and access code provided. The meeting would continue like a traditional audio conference call.
- Before speaking, everyone was asked to state their name and wait to be recognized by the chair, so everyone knew who was talking.
- All votes would be taken by roll call. The chair will call on Ms. Jacque Beeson to call the roll and report the results for each vote.
- Finally, he advised if a member of the public wants to make a comment, they will be given the opportunity at the end of the meeting.

The Chair also acknowledged Kayla Hanselman and Jacque Beeson as well as the remainder of the MCOLES staff for their work in making this meeting happen.

INTRODUCTIONS

Chair Molloy introduced himself. He then introduced Major Beth Clark. He advised she will be the representative for Col. Joe Gasper of the Michigan State Police. Major Clark has been with Michigan State Police for twenty-two years and is currently in the Field Support Bureau. Prior to this assignment she was the Captain of the Michigan State Police Forensic Science Division.

Ms. Jacquelyn Beeson then took attendance of the Commissioners and staff members that were participating in the call.

ACCEPTANCE OF THE FEBRUARY 12, 2019 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Adams and supported by Commissioner Thomas to approve the February 12, 2019 Commission Meeting Minutes as written.

A **ROLL-CALL VOTE** was taken. The **MOTION** carried. The following votes were recorded:

Approval of February 12, 2020 Meeting Minutes	
Adams, Tom	YES
Bliss, Mark	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Grabowski, Ken	YES
Hartig, Matthew	YES
Johnson, Nate	YES
Kunath, Michael	YES
Mawer, Donald	YES
Molloy, David	YES
Saxton, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Thomas, Karianne	YES
Weiss, Arthur	YES
Wendling, Michael	YES

ADDITIONS/CHANGES TO THE AGENDA

There were no additions or changes to the Agenda.

CHAIR'S REPORT

LEO Population Report – Chair Molloy advised the LEO population report for the month of March was made available to the commissioners. The number of officers and positions remained relatively the same.

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

DIRECTOR'S REPORT

MCOLES Response to COVID-19 – Director Bourgeois stated that being under Michigan State Police MCOLES followed all of the State of Michigan recommendations. All MCOLES staff were advised that they would be working from home. There were many logistics to make this happen, however, it was accomplished. MCOLES is working well under the present conditions.

Academy Status – Director Bourgeois advised of the twenty MCOLES basic academies, fourteen of them were in session and several were ready to start new sessions when the pandemic began. Not only did the academies have to follow MCOLES restrictions under Executive Order 2022-42 some of them also had to follow the rules of the academic institutes under which they fall. He went on to say that there have been several conference calls with all of the training directors. It was stressed that it was critical to document the training the recruits were receiving while quarantined.

Director Bourgeois explained that the following process was instituted:

1. The academy had to put in writing their proposal for moving forward
2. Staff would review and either, accept, deny or make changes to the proposal
3. The proposal would go to the Executive Director for approval

Director Bourgeois advised that they were about 90% done with the academies and their changes. He added that he advised the academies to start looking to the future. They needed to figure out what their plan will be once the Stay at Home is lifted.

Guidance for Hiring Inactive and Lapsed Law Enforcement Officers – Director Bourgeois stated that MCOLES had received several inquiries regarding re-hiring of inactive and lapsed law enforcement officers. He added that staff developed a one-page guide to assist agencies with these hires. The document was emailed to all agencies and also placed on the MSA and MACP list serve.

Lawsuit Requesting a Decision Review – Executive Director Bourgeois stated that a subject was denied licensing by MCOLES. This individual has requested the court to review the decision. When he has more information, he will update the Commissioners.

PSOB – Director Bourgeois advised that MCOLES had funding for ten PSOB payouts in this fiscal year. He added that there are two cases pending one is a law enforcement officer and the other is a firefighter. He added that there are possibly five additional claims under COVID-19. Staff has done an initial investigation and it appears they will be good claims.

Inquiries Regarding Maintenance of Standards – There are been inquiries from Legislators on behalf of their constituents which are recruits. The inquiry involves allowing current students to go to work and complete the academy testing at a later date. Per the Director, MCOLES is not in a position to allow this decision is statute controlled.

Funding – There is an Executive Order that established a hiring freeze for the State of Michigan. Executive Director Bourgeois stated that the Justice Training Fund has dropped sharply. The fund has been trending down since 2000 but this year it is more drastic.

Questions – Commissioner Weiss asked what mechanism will MCOLES staff use to determine if the COVID-19 death was duty or non-duty. Executive Director Bourgeois said the mechanism is the standard background investigation that is used for all PSOB claims.

Commission Grabowski added that the Governor’s order stated that if Public Safety Officers die from COVID-19 it is presumed to be duty related.

COMMITTEE REPORTS

Executive Committee – Chair Molloy reminded everyone that the Executive Committee consists of himself as Chair, Commissioner Donnellon as Vice-Chair and the Michigan State Police representative who is currently Major Beth Clark. The Chair added that the Committee meets prior to the Commission meeting. He said this morning they discussed the same issues that that were in the Director’s Report including COVID-19 response, academy statuses, guidance document for hiring, PSOB claims the lawsuit and the maintenance of standards.

Armed Reserve Committee – Director Bourgeois stated that the committee is currently stalled. The Committee is gathering a small legal SME group to work on these standards so the project can move forward. A group of legal minds is needed to assist staff in moving forward. They are short one SME and once the pandemic is over, they will move forward. Commissioner Donnellon also added that due to COVID-19 the committee has been unable to meet.

CONSENT AGENDA

Executive Director Bourgeois advised the Commissioners that they have one Proposal for Decision from the Michigan Office of Administrative Hearings to revoke a license. The Commissioners were

sent the documents electronically. He added that MCOLES went through due process. The license revocation is for Jesse Lee Binns.

A **MOTION** was made by Commissioner Donnellon and supported by Commissioner Adams to revoke the license Jesse Lee Binns.

A **ROLL-CALL VOTE** was taken. The **MOTION** carried. The following votes were recorded:

Approval of License Revocation for Jesse Lee Binns	
Adams, Tom	YES
Bliss, Mark	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Grabowski, Ken	YES
Hartig, Matthew	YES
Johnson, Nate	YES
Kunath, Michael	YES
Mawer, Donald	YES
Molloy, David	YES
Saxton, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Thomas, Karianne	YES
Weiss, Arthur	YES
Wendling, Michael	YES

Chair Molloy advised the Commissioners they were provided a copy of the license relinquishment report for February and March 2020. It shows that there was one relinquishment for Michael Couture during that time period. He advised that no action or motion was necessary. This was information only for the Commission.

NEW BUSINESS - None

OLD BUSINESS - None

MISCELLANEOUS

Chair Molloy asked the Commissioners if they had any other issues to be discussed. There were no responses.

PUBLIC COMMENT – Commissioner Molloy asked if anyone from the public wished to make comment on any of the agenda items. There was no response.

NEXT MEETING

Date: June 17, 2020 at 10:30 AM
Lansing

ADJOURNMENT

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Grabowski to adjourn the meeting at 10:58 AM.

APPROVED BY  ON June 17, 2020

WITNESSED BY  ON June 17, 2020