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**Michigan Commission on Law Enforcement Standards**  
**Commission Meeting Minutes**  
**November 4, 2020**  
**TEAMS CONFERENCE CALL**

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**COMMISSION MEMBERS PRESENT**

Chief David Molloy, representing the Michigan Association of Chiefs of Police (Novi)  
Sheriff Timothy Donnellon, representing the Michigan Sheriff's Association (Port Huron Twp)  
Major Beth Clark, representing the Michigan State Police (Grand Blanc)  
Mr. Duane Smith, representing the Police Officers Labor Council (Washtenaw Co)  
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan (Farmington Hills)  
Mr. Thomas Adams, representing the Public (Detroit)  
Sheriff Gregory Zyburt, representing the Michigan Sheriffs' Association (Marquette)  
Mr. Michael Kunath, representing the Michigan Association of Police (Sterling Heights)  
Trooper Nate Johnson, representing the Michigan State Police Troopers Association (E. Lansing)  
Mr. Ken Grabowski, representing the Police Officers Association of Michigan (Redford)  
Commander Mark Bliss, representing the Detroit Police Department (Detroit)  
Mr. Michael Sauger, representing the Fraternal Order of Police (Warren)  
Mr. Anthony Lewis, representing the Michigan Department of Civil Rights (St. Clair Shores)  
Dr. Lisa Jackson, representing residents of the state (Pittsfield Twp)  
Deputy Matthew Hartig, representing Deputy Sheriff's Association of Michigan (Marshall)  
Mr. David Tanay, representing the Office of the Attorney General (Meridian Twp)

**COMMISSION MEMBERS EXCUSED**

Sheriff Matthew Saxton, representing the Michigan Sheriffs' Association  
Chief Eric Payne, representing the Michigan Association of Chiefs of Police  
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan  
Ms. Linda Broden, representing the Detroit Police Officers Association  
Pastor Tellis Chapman, representing residents of the state  
Pastor Jeffery Hawkins, representing residents of the state

**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. Danny Rosa, MCOLES Staff  
Mr. Ben Zyber, MCOLES Staff  
Mr. Pat Hutting, MCOLES Staff  
Ms. Kayla Hanselman, MCOLES Staff  
Ms. Rhonda Hooson, MCOLES Staff

## **GUESTS ATTENDING**

Ms. Beeson asked if there were any members of the public on the call who wished to identify themselves for the minutes? They were advised they were not required to identify themselves. Mr. Matthew Heinz with the Michigan Municipal League said he was participating in the call.

## **CALL TO ORDER**

The Commission meeting was called to order by Chair David Molloy on September 9, 2020 at 10:32 AM. This was a virtual meeting held via the Teams app.

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

- Reminded members to mute their microphones 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. Jacquie 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.

## **INTRODUCTIONS**

Chair Molloy informed the Commissioners that under new legislation there has been a change to the Open Meetings Act for virtual meetings. It is required that the Commissioners identify the geographic unit (Village, Township, City or County) they are physically in during this meeting when Ms. Beeson takes the attendance. This applies only to the Commissioners. (The Commissioners' locations are listed following their names and whom they are appointed to represent above.)

Chair Molloy introduced himself. He then asked Ms. Beeson to take attendance. All Commissioners and staff members noted above participated in the meeting. The Commissioners also stated where they were located as listed above.

## ACCEPTANCE OF THE SEPTEMBER 9, 2020 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Adams and supported by Commissioner Tanay to approve the November 4, 2020 Commission Meeting Minutes as written.

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

Approval of the September 9, 2020 Commission Meeting Minutes	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Kunath, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Bliss, Mark	YES
Molloy, David	YES
Hartig, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Grabowski, Ken	YES
Sauger, Michael	YES
Lewis, Anthony	YES
Jackson, Lisa	YES

## **ADDITIONS TO THE AGENDA - None**

### **CHAIR'S REPORT**

**LEO Population Report** – Chair Molloy reported the Law Enforcement Officer Population Report for the month of September was made available to the commissioners. The number of officers and positions decreased slightly.

**Special Use Request** – Chair Molloy advised the Commissioners received a copy of the Special Use Request report and there were no questions.

**Proposed 2021 Meeting Dates** – Chair Molloy stated that the Executive Committee, in consultation with the staff, proposes a small alteration to the proposed 2021 meeting dates Commissioners received in their meeting packets. The change is meeting on Wednesday November 17, 2021 in lieu of meeting on November 3rd and again on December 1<sup>st</sup>. The reasons:

- Previously, the Commission's schedule was geared around approval of grants under the Michigan Justice Training Fund (MJTF).
- This was because the amount of money available for MJTF grants could not be determined until the fiscal year closed on September 30<sup>th</sup> with the grants awarded a few weeks later.
- This process placed a great deal of stress on the MCOLES staff as well as the applicants. In the years in which the MJTF did not generate sufficient revenue to allow grants, applicants only discovered in December no funds could be appropriated for programs beginning the next month.
- With the legislatively approved shift of some of MCOLES' administrative costs to the Medical Marijuana Regulatory Fund at the end of FY 2019, enough MJTF funds remained to re-start competitive grants for the 2021 calendar year. (The Commission approved those grants at our last meeting in September)
- Since the funds are now generated in one year and not dispersed until the next, there is no longer a need for last-minute grant approvals. This means we only need one meeting in November/December. The holidays already make these meetings challenging on your schedule as Commissioners and on the MCOLES staff to have adequate time to prepare for them.
- The Commission will be voting on the dates at the next Commission meeting.

**The Commission is statutorily required to meet 4 times a year. This would give us five meetings in 2021.**

## **DIRECTOR'S REPORT**

**Law Enforcement Officer Separation Report** – Executive Director Bourgeois said he is providing the Commissioners information on various topics of interest in small chunks to make it easier to understand and remember. This meeting he wanted to discuss the Law Enforcement Officer Separation Report which is required under the MCOLES Act and its promulgated rules. A document explaining the statute, rules and necessity of the Commission receiving this information in a timely fashion so it can carry out its duties was provided to the Commissioners. Executive Director Bourgeois said there has been an uptick in agencies requesting to remove, replace or alter these reports after they have been submitted This topic is being addressed today to explain the law and provide guidance.

He reminded the Commissioners when a law enforcement officer's status changes (e.g. separation or removal of law enforcement authority), the agency must report it to MCOLES within three days. This report becomes a record of the State of Michigan. Director Bourgeois advised that state statute says such a record cannot be removed, altered, or destroyed and to do so is a 2-year misdemeanor.

An example was given. A licensed officer has an adverse action and is terminated from employment. Through or in lieu of a post termination action, such as a grievance or lawsuit or threat of same, an agreement is reached between the parties that allows the officer to submit a resignation. At this point, MCOLES cannot change the separation report. It can, however, accept a subsequent document that reflects the post-termination agreement. This preserves the entire record for the Commission or any other person or entity who is properly authorized to receive it.

## **COMMITTEE REPORTS**

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

- 2021 Commission Meeting Dates
- Separation Reports under the MCOLES Act
- Armed Reserves

**Armed Reserve Committee** – Director Bourgeois advised they are still working with the legal SMEs and on the possible proposed statutory changes. They are continuing to move forward.

Vice-Chair Donnellon was part of this Committee. The Commission was advised that he would be retiring. Chief Molloy said he wanted to recognize that Commissioner Donnellon had been a licensed officer since 1988. He had held the position of Sergeant, Lieutenant and worked on a drug enforcement team before being elected the Sheriff in 2008. Commissioner Molloy added that he was an outstanding individual and had done a great deal for law enforcement.

Commissioner Donnellon said that he had enjoyed his appointment to the Commission. He added that this is a great group, the staff is wonderful and wished the Commission the best going forward. He will be continuing his career with the Michigan Gaming Control Board.

**Nominating Committee** – Commissioner Johnson was asked to address the Commission regarding the nominations for the chair and vice-chair positions for 2021. He stated the Committee consisted of Commissioner Wendling, Commissioner Thomas and himself and they met on September 22. He stated that historically, to ensure continuity of leadership and organizational knowledge, the Commission has asked the chair and vice-chair to serve two successive 1-year terms and have the vice-chair become the new chair in turn. However, with the vice-chair retiring, the Committee decided for the sake of efficiency and consistency, to nominate Commissioner Molloy to remain as the Chair for one more year and bring in a new Vice-Chair.

Chair Molloy then opened the floor for any other nominations. After asking three times for other nominations, none were received.

A **MOTION** was made by Commissioner Jackson and supported by Commissioner Adams to close the nomination process and vote to approve Commission David Molloy as the Chair.

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

Approval of Commissioner David Molloy for Chair	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Kunath, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Bliss, Mark	YES
Molloy, David	YES
Hartig, Matthew	YES
Smith, Duane	YES

Tanay, David	YES
Grabowski, Ken	YES
Sauger, Michael	YES
Lewis, Anthony	YES
Jackson, Lisa	YES

Commissioner Johnson was then asked who the Committee was nominating as the new Vice-Chair. He advised they are nominating Sheriff Greg Zyburt.

Chair Molloy opened the floor for any other nominations. After asking three times for other nominations, none were received.

A **MOTION** was made by Commissioner Tanay and supported by Commissioner Donnellon to close the nomination process and vote to approve Commissioner Greg Zyburt as the new Vice-Chair.

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

Approval of Commissioner Greg Zyburt as Vice-Chair	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Kunath, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Bliss, Mark	YES

Molloy, David	YES
Hartig, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Grabowski, Ken	YES
Sauger, Michael	YES
Lewis, Anthony	YES
Jackson, Lisa	YES

**CONSENT AGENDA** – None

**NEW BUSINESS**

**Law Enforcement Distribution** – Chair Molloy turned the discussion over to Executive Director Bourgeois. Dr. Bourgeois said the Commissioners received the Law Enforcement Distribution Summary report in their electronic distribution. He stated that the per capita amount for the fall 2020 distribution was \$55.97. This was a record low. He advised this is funded through the Michigan Justice Training Fund which is generated by fees from criminal and traffic offenses. Each year since 2000 the fund has diminished.

Director Bourgeois added that this training distribution is much less than what 911 dispatchers and correction officers receive. He said that if HB 5837 passes, it would provide additional funding for licensed law enforcement officer training. If it does not pass, then he feels he will need to lobby on the Commission’s behalf for legislation to enhance the funds agencies receive for training. He added practically speaking he would not be able to do this until after the current legislature completes its term at the end of this year because of timing and the nature of the post-election “lame duck” session.

**Commission Resolution 2020-09** – Chair Molloy read into the record Commission Resolution 2020-09 honoring Fallen Michigan State Police Trooper Caleb Starr and extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Zyburt and supported by Commissioner Donnellon to approve Commission Resolution 2020-09 honoring Fallen Michigan State Trooper Caleb Starr and



extending Public Safety Officer Benefits.

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

<b>Approve Commission Resolution 2020-09 Honoring Trooper Caleb Starr</b>	
<b>Adams, Tom</b>	<b>YES</b>
<b>Zyburt, Gregory</b>	<b>YES</b>
<b>Donnellon, Timothy</b>	<b>YES</b>
<b>Clark, Beth</b>	<b>YES</b>
<b>Kunath, Michael</b>	<b>YES</b>
<b>Weiss, Arthur</b>	<b>YES</b>
<b>Johnson, Nate</b>	<b>YES</b>
<b>Bliss, Mark</b>	<b>YES</b>
<b>Molloy, David</b>	<b>YES</b>
<b>Hartig, Matthew</b>	<b>YES</b>
<b>Smith, Duane</b>	<b>YES</b>
<b>Tanay, David</b>	<b>YES</b>
<b>Grabowski, Ken</b>	<b>YES</b>
<b>Sauger, Michael</b>	<b>YES</b>
<b>Lewis, Anthony</b>	<b>YES</b>
<b>Jackson, Lisa</b>	<b>YES</b>

**Commission Resolution 2020-10** – Chair Molloy read into the record Commission Resolution 2020-10 honoring Fallen Bloomfield Hills DPS Sergeant Steven Splann and extending Public

Safety Officer Benefits.

A **MOTION** was made by Commissioner Grabowski and supported by Commissioner Kunath to approve Commission Resolution 2020-10 honoring Fallen Bloomfield Hills DPS Sergeant Steven Splann and Extending Public Safety Officer Benefits.

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

Approve Commission Resolution 2020-10 Honoring Sergeant Steven Splann	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Kunath, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Bliss, Mark	YES
Molloy, David	YES
Hartig, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Grabowski, Ken	YES
Sauger, Michael	YES
Lewis, Anthony	YES
Jackson, Lisa	YES

**Commission Resolution 2020-11** – Chair Molloy read into the record Commission Resolution 2020-11 honoring Fallen Michigan Department of Corrections Officer Damon Burton and extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Donnellon and supported by Commissioner Tanay to approve Commission Resolution 2020-11 honoring Fallen Michigan Department of Corrections Officer Damon Burton and Extending Public Safety Officer Benefits.

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

<b>Approve Commission Resolution 2020-11 Honoring Correction Officer Damon Burton</b>	
<b>Adams, Tom</b>	<b>YES</b>
<b>Zyburt, Gregory</b>	<b>YES</b>
<b>Donnellon, Timothy</b>	<b>YES</b>
<b>Clark, Beth</b>	<b>YES</b>
<b>Kunath, Michael</b>	<b>YES</b>
<b>Weiss, Arthur</b>	<b>YES</b>
<b>Johnson, Nate</b>	<b>YES</b>
<b>Bliss, Mark</b>	<b>YES</b>
<b>Molloy, David</b>	<b>YES</b>
<b>Hartig, Matthew</b>	<b>YES</b>
<b>Smith, Duane</b>	<b>YES</b>
<b>Tanay, David</b>	<b>YES</b>
<b>Grabowski, Ken</b>	<b>YES</b>
<b>Sauger, Michael</b>	<b>YES</b>

Lewis, Anthony	YES
Jackson, Lisa	YES

**Commission Resolution 2020-12** – Chair Molloy read into the record Commission Resolution 2020-12 honoring Fallen Detroit Police Department Captain Johnathon Parnell and extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Jackson and supported by Commissioner Bliss to approve Commission Resolution 2020-12 honoring Fallen Detroit Police Department Captain Johnathon Parnell and Extending Public Safety Officer Benefits.

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

Approve Commission Resolution 2020-12 Honoring Caption Johnathon Parnell	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Kunath, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Bliss, Mark	YES
Molloy, David	YES
Hartig, Matthew	YES
Smith, Duane	YES

Tanay, David	YES
Grabowski, Ken	YES
Sauger, Michael	YES
Lewis, Anthony	YES
Jackson, Lisa	YES

**Commission Resolution 2020-13** – Chair Molloy read into the record Commission Resolution 2020-13 honoring Fallen Michigan Department of Corrections Officer Randall Rumler and extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Jackson and supported by Commissioner Bliss to approve Commission Resolution 2020-13 honoring Fallen Michigan Department of Corrections Officer Randall Rumler and Extending Public Safety Officer Benefits.

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

Approve Commission Resolution 2020-13 Honoring Corrections Officer Randall Rumler	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Kunath, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Bliss, Mark	YES
Molloy, David	YES

Hartig, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Grabowski, Ken	YES
Sauger, Michael	YES
Lewis, Anthony	YES
Jackson, Lisa	YES

**Commission Resolution 2020-14** – Chair Molloy read into the record Commission Resolution 2020-14 honoring Fallen Wayne County Sheriff’s Corrections Officer Bryan Searcy and extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Grabowski and supported by Commissioner Hartig to approve Commission Resolution 2020-14 honoring Fallen Wayne County Sheriff’s Corrections Officer Bryan Searcy.

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

Approve Commission Resolution 2020-14 Honoring Corrections Officer Bryan Searcy	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Kunath, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Bliss, Mark	YES

Molloy, David	YES
Hartig, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Grabowski, Ken	YES
Sauger, Michael	YES
Lewis, Anthony	YES
Jackson, Lisa	YES

**OLD BUSINESS** - None

**MISCELLANEOUS**

Chair Molloy inquired if any of the Commissioners had questions or items they wished to discuss.

Commissioner Zybert asked a question relative to the Executive Order by President Trump that says state peace officer standards and training (POST) entities (like MCOLES) would be certifying agencies for certain requirements to be eligible for discretionary federal DOJ/COPS grants. He assumed MCOLES would have the responsibility to certify the agencies. Executive Director Bourgeois said the Order says a state level accreditor, or the state posts would be responsible for certifying the agencies and POSTs were only supposed to be listed in states that did not have a state-level law enforcement accreditation agency. Our state does, the Michigan Law Enforcement Accreditation Commission, and they have been working with the DOJ/COPS Office in that regard. Since MCOLES does not have the staff or funding to take on this additional work and MLEAC is ready to do so, MCOLES will not be participating. He said there has been much confusion about this across the country and all are hopeful the DOJ will send out a corrected list of certifying agencies.

**PUBLIC COMMENT** – None

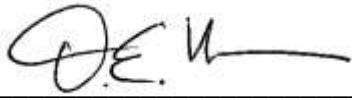
**NEXT MEETING**

Date: December 2, 2020 at 10:30 AM  
Virtual Meeting

**ADJOURNMENT:**

A **MOTION** was made by Commissioner Adams and supported by Commissioner Donnellon to adjourn the meeting at 11:30 AM.

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

APPROVED BY  ON December 2, 2020

WITNESSED BY  ON December 2, 2020