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**Michigan Commission on Law Enforcement Standards**  
**Commission Meeting Minutes**  
**June 17, 2020**  
**Lansing, Michigan**

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**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  
Sheriff Matthew Saxton, representing the Michigan Sheriffs' Association  
Sheriff Gregory Zyburt, representing the Michigan Sheriffs' Association  
Mr. Michael Kunath, representing the Michigan Association of Police  
Trooper Nate Johnson, representing the Michigan State Police Troopers Association  
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

**COMMISSION MEMBERS EXCUSED**

Mr. Ken Grabowski, representing the Police Officers Association of Michigan  
Asst. Chief James White/Commander Mark Bliss, representing the Detroit Police Department  
Ms. Linda Broden, representing the Detroit Police Officers Association  
Mr. Michael Sauger, representing the Fraternal Order of Police  
Deputy Matthew Hartig, representing Deputy Sheriff's Association of Michigan

**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  
Ms. Deb Thelen, MCOLES Staff  
Mr. Pat Hutting, MCOLES Staff  
Ms. Rhonda Hooson, MCOLES Staff

## **GUESTS ATTENDING**

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

## **CALL TO ORDER**

The Commission meeting was called to order by Chair David Molloy on June 17, 2020 at 10:30 AM. This was a virtual Teams meeting.

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.

## **INTRODUCTIONS**

Chair Molloy introduced himself. He then asked Ms. Beeson to take attendance. All Commissioners and staff members noted above participated in the meeting. Chair Molloy also announced that Commissioner Mawer had resigned from the Commission. The Governor's Appointments Office will find a replacement representing the MACP.

## **ACCEPTANCE OF THE APRIL 15, 2020 COMMISSION MEETING MINUTES**

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Adams to approve the April 15, 2020 Commission Meeting Minutes as written.

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

Approval of April 15, 2020 Meeting Minutes	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Wendling, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Kunath, Michael	YES
Molloy, David	YES
Saxton, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Thomas, Karianne	YES

## **ADDITIONS/CHANGES TO THE AGENDA**

Commissioner Adams advised he would like to make two additions to the Agenda.

1. Staff and Commissioners – With 5 new commissioners and 6 new staff members being added, Commissioner Adams would like to have a discussion regarding these positions in particular, filling them to make the commission and MCOLES more like the community they are representing.
2. He wants to discuss the Commission becoming more proactive and less reactive to the hot issues in law enforcement.
3. Commissioner Wendling wanted to add a discussion regarding the actions of the Attorney General this week.
4. Commissioner Wendling also wanted to discuss the additions to the Commission.

## **CHAIR'S REPORT**

**LEO Population Report** – Chair Molloy advised the LEO population report for the month of May was made available to the commissioners. There was a slight reduction in the numbers, but it remained relatively consistent.

**Special Use Request** – Chair Molloy stated there were no new Special Use Requests since the last Commission meeting.

## **DIRECTOR'S REPORT**

**Staffing and Funding** - Director Bourgeois stated that he provided two documents to the Commissioners prior to the meeting. The first document is an overview of MCOLES staffing and funding. The first point the Executive Director brought to their attention is that MCOLES went from 28 civil service positions and 3 contract positions to 18 civil service positions. At one point in 2020, MCOLES lost seven employees in a 6-month period and has never recovered.

Executive Bourgeois then relayed how these facts coincide with Commissioner Adam's request to be more proactive. Funding and staffing are inexorably linked. The funding model constructed for MCOLES has been in steady decline since 2000. This has left MCOLES chronically short of the funds necessary to fill all its necessary and authorized positions, leaving the agency understaffed. MCOLES has continued to get additional statutorily mandated responsibilities during this time. Currently the staff is working 12-14 hour days, some are working through their weekends trying to complete assignments and each employee is mandated to take two furlough days per pay period due to the implications for the economy of the COVID-19 pandemic. The means we have only half of the staff working on Mondays and Fridays and are full staff during the other three days of the week. With the lack of staff, being proactive is not possible. Staff is struggling to keep up with day to day activities.

Commissioner Adams stated that if we get an exemption from the hiring freeze, he would like to see the Commission develop a policy that allows MCOLES to hire staff keeping diversity at the forefront. Executive Director Bourgeois reminded the Commissioner that the Commission is bound by Civil Service rules. Secondly in 2006 a Constitutional ban on affirmative action was put into place. MCOLES is precluded from doing things that private companies do. A policy cannot override the Constitution or Civil Service therefore it is not possible to guarantee diversity.

**SB 945/HB 5837** – Director Bourgeois advised the Commission that SB 945 was introduced and moved very quickly. The bill was introduced and passed by the Senate in a week. MCOLES was not given the opportunity to testify before the Senate. After the Senate passed the bill MCOLES became involved. The bill mandates 12 hours of in-service training in 2022 and 24 hours in 2023 in the areas of implicit bias, cultural diversity, and de-escalation. Even though this is very minimal training, the smaller agencies in the state cannot afford to train to this level. The bill is currently in the House Judiciary. After the bill passed the Senate, MCOLES was given input. Director Bourgeois testified before the House Judiciary Committee and was involved in a rewrite the bill. The revisions made is possible for MCOLES to develop curriculum that would meet the requirement of the bill. He added that MCOLES usually is opposed to putting curriculum in statute for several reasons. First, the curriculum has hundreds of skills and topics. If you put only a couple of the topics in the statute, it makes these topics appear more

important. Secondly, no matter how well the statute is written, changes occur in time that make the statute incorrect or out of date. The House of Representatives has accepted the bill rewrite. In a few weeks there will be a discussion to determine which version of the bill will go back to the Senate.

Representative Carter's Legislation – Director Bourgeois advised that Representative Carter was going to introduce legislation that requires MCOLES to create a database which contains information on officers in Michigan who have been disciplined. The Director advised that staff is working with Representative Carter however cautioned that the details including how it is handled under Freedom of Information Act and how it works with collective bargaining agreements will be the key to its success. He added that MCOLES will be meeting with Representative Carter's staff to provide the cost of hardware to create the database and the cost associated with MCOLES staffing needs to maintain such a database.

New Commissioners – Director Bourgeois stated that by Executive Order the Governor added 4 new members to the Commission. One of the Commissioners will be from Civil Rights. The other three will be citizens with no law enforcement affiliation. He expects that the positions will be filled prior to our next meeting in September.

The Executive Director ended his report by saying that he is excited that MCOLES is gaining attention. He added that the responsibilities of MCOLES, the resources we use, and the lack of funding we get are at least being discussed. Hopefully, this will benefit the organization. He said that MCOLES can order mandated training which will be legally required but without funding and staffing, it will not happen.

## **COMMITTEE REPORTS**

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

- Upcoming legislation
- Staffing issues
- MCOLES funding
- Executive Order adding four new Commissioners

Armed Reserve Committee – Director Bourgeois reminded the Commission that the Reserve Committee members were Commissioner Mawer, Commissioner Grabowski and Vice-Chair Donnellon. With the resignation of Commissioner Mawer the Chair will have to name a replacement. The Director stated that at the last meeting he updated the Commission that the committee was in the process of assembling a small SME group of legal experts. There has been a tremendous amount of work done already but the project is still on hold due to COVID-19 restrictions.

## **CONSENT AGENDA**

Executive Director Bourgeois advised the Commissioners that they received a link with documents regarding one revocation. The revocation was for Matthew Lee Priebe.

Director Bourgeois advised the Commissioners that the statute requires revocation under certain circumstances. Matthew Priebe met the requirements. He added that the following steps were taken:

- An Order of Summary Suspension was sent to Mr. Priebe.
- The Order of Summary was filed with the Administrative Hearing System to set up a hearing.
- The Law Judge rendered an opinion.
- The Commission will either reject or accept the Final Decision and Order of the law judge.

A **MOTION** was made by Commissioner Adams and supported by Commissioner Donnellon to approve the revocation of license for Matthew Lee Priebe.

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

Approval of Revocation of License for Matthew Lee Priebe	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Wendling, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Kunath, Michael	YES
Molloy, David	YES
Saxton, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Thomas, Karianne	YES

**NEW BUSINESS**

**Commission Resolution 2020-03** – Chair Molloy read into the record Commission Resolution 2020-03 honoring fallen Wayne County Sheriff’s Office Corporal Dean Savard and extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Adams and supported by Commissioner Zyburt to approve Commission Resolution 2020-03 honoring fallen Wayne County Sheriff’s Office Corporal Dean Savard and extending Public Safety Officer Benefits.

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

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

Approval of Commission Resolution 2020-03 Honoring Corp. Savard	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Wendling, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Kunath, Michael	YES
Molloy, David	YES
Saxton, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Thomas, Karianne	YES

**Commission Resolution 2020-04** – Chair Molloy read into the record Commission Resolution 2020-04 honoring fallen Wayne County Sheriff’s Office Commander Donafey Collins and Extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Donnellon and supported by Commissioner Wendling to approve Commission Resolution 2020-04 honoring fallen Wayne County Sheriff’s Commander Donafey Collins and extending Public Safety Officer Benefits.

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

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

Approval of Commission Resolution 2020-04 Honoring Comm. Collins	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Wendling, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Kunath, Michael	YES
Molloy, David	YES
Saxton, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Thomas, Karianne	YES



**Commission Resolution 2020-05** – Chair Molloy read into the record Commission Resolution 2020-05 honoring fallen Detroit Police Department Sergeant Rasheen McClain and Extending Public Safety Officer Benefits.

A **MOTION** was made by Major Clark and supported by Commissioner Thomas to approve Commission Resolution 2020-05 honoring fallen Detroit Police Department Sergeant Rasheen McClain and Extending Public Safety Officer Benefits.

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

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

Approval of Commission Resolution 2020-05 Honoring Sgt. McClain	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Wendling, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Kunath, Michael	YES
Molloy, David	YES
Saxton, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Thomas, Karianne	YES

**Commission Resolution 2020-06** – Chair Molloy read into the record Commission Resolution 2020-06 honoring fallen Detroit Fire Department Captain Franklin Williams and Extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Adams and supported by Commissioner Zyburt to approve Commission Resolution 2020-06 honoring fallen Detroit Fire Department Captain Franklin Williams and Extending Public Safety Officer Benefits.

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

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

Approval of Commission Resolution 2020-06 Honoring Capt. Williams	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Wendling, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Kunath, Michael	YES
Molloy, David	YES
Saxton, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Thomas, Karianne	YES

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## **OLD BUSINESS - None**

## **MISCELLANEOUS**

Chair Molloy advised that he would acknowledge each Commissioner individually for the purpose of allowing the Commissioners to discuss any further issues they may have and to discuss the items that were added to the Agenda.

### Commissioner Adams

He wanted to discuss the make-up of the Commission. He would like to see the Commission members be more representative of the community they serve. He thinks it would be helpful to have more diversity on our Committees. With five new Commissioners being added, Commission Adams felt this was an opportune time to make this happen.

Secondly, he wants the Commission to be more proactive and less reactive. He would like to open up the conversations in our Commission meetings. He wants to discuss the current “hot” topics and suggests bringing in experts to educate us on the topics.

Chair Molloy stated that prior to creating any new Committees we need to get the new Commissioners on board. Hopefully, this will make it possible to add more diversity to our Committees.

Chair Molloy also said he would like to see diversity in the Commission make up but reminded Commissioner Adams that the Commission has no say regarding appointments. The appointments come from the Governor’s Office.

### Executive Director Bourgeois

He advised that what MCOLES needs for any of these changes to happen is time, money, and staff. He tried to impress upon the Commissioners how important it is for them to advocate on the behalf of the Commission. He wants them to talk to the Governor’s Office and the Legislators. He advised them to use the two documents given to them for this meeting to highlight the major points.

### Commissioner David Molloy

He said that he and Commissioner Zyburtt along with other Sheriffs, Police Chiefs and Directors had a meeting with the Governor and Lt. Governor. He added that the opinion of these department heads is that they agree with what the Governor and Legislators want, but the agencies are not funded to the position where they can participate. Again, he added that advocacy is greatly needed.

### Commissioner Weiss

He stated that policing is all over the news. He said the President has signed Executive Orders and

the Office of Attorney General has also become involved. He would also like to see the hot or current topics on our agenda for discussion.

Commissioner Tanay

He stated that the Office of the Attorney General put out seven proposals that are of interest to this Commission. He requested that all the Commissioners read the proposals and at the next meeting there is a discussion concerning them.

Commissioner Zyburt

He stated that the FBI maintains a database for the use of force by officers. He said that within the last year all 83 counties voluntarily reported. He added the cities and townships are also participating. Michigan leads the other states in non-mandatory reporting. We have 98% logging in every month. He encouraged the other Commissioners to encourage their boards, commissions, and mayors to continue to provide the information.

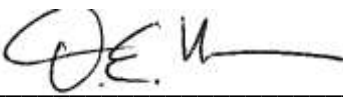
**PUBLIC COMMENT – None**

**NEXT MEETING**

Date: September 9, 2020 at 10:30 AM  
Lansing

**ADJOURNMENT:**

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

APPROVED BY  ON September 9, 2020

WITNESSED BY  ON September 9, 2020