
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
September 9, 2020
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
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
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
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
Pastor Tellis Chapman, representing residents of the state
Pastor Jeffery Hawkins, representing residents of the state
Mr. Anthony Lewis, representing the Michigan Department of Civil Rights
Dr. Lisa Jackson, representing residents of the state
Chief Eric Payne, representing the Michigan Association of Chiefs of Police

COMMISSION MEMBERS EXCUSED

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. Kayla Hanselman

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 September 9, 2020 at 10:35 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 there were five new Commissioners. He welcomed them and asked each one to provide a short bio.

- Mr. Anthony Lewis – He is the Director of Business & Community Affairs for the Michigan Department of Civil Rights. He has been with the department for 20 years and represents the people of Michigan. He is looking forward to working with the commission.
- Chief Eric Payne – He is representing the Michigan Association of Chiefs of Police. He is finishing out the term for Donald Mawer. His term expires 12/31/2021. He has been with Grand Rapids PD for over 30 years and is currently the chief. He has always been aware of MCOLES and is excited to now be part of them.

- Pastor Tellis Chapman – He is also representing the people of Michigan. He was appointed for a 3-year term. He is the pastor at Galilee Missionary Baptist Church in Detroit. He was Mississippi born and bred. He looks forward to effecting public policy relevant to law enforcement.
- Pastor Jeffery Hawkins – He is representing the people of Michigan. He was appointed to a 2-year term. He has been with the Prince of Peace Missionary Baptist Church in Flint since 2007. He looks forward to working on policies and changes for equality.
- Dr. Lisa Jackson – Her term will expire 12/31/21. She is a psychology professor at Schoolcraft College with a doctorate degree in behavioral neuroscience. She is the Vice-Chair for the citizen oversight of the Ann Arbor Police Department. She has an interest in training and mental health.

ACCEPTANCE OF THE June 17, 2020 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Adams and supported by Commissioner Wendling to approve the June 17, 2020 Commission Meeting Minutes as written.

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

Approval of June 17, 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 ⁵	YES
Molloy, David	YES
Saxton, Matthew	YES
Smith, Duane	YES

Tanay, David	YES
Thomas, Karianne	YES
Hawkins, Jeffery	YES
Chapman, Tellis	YES
Jackson, Lisa	YES
Lewis, Anthony	YES
Johnson, Nate	YES
Sauger, Mike	YES
Broden, Linda	YES
Grabowski, Ken	YES
Payne, Eric	YES
Bliss, Mark	YES

ADDITIONS/CHANGES TO THE AGENDA

Commissioner Zyburst advised he would like to add a discussion regarding MCOLES funding to the agenda.

CHAIR'S REPORT

LEO Population Report – Chair Molloy advised that the law enforcement officer population report for the month of August was made available to the commissioners. The number of officers and positions showed an uptick due to the recent academy graduations.

Special Use Request – Chair Molloy advised the Commissioners received a copy of the Special Use Request report. This was the first indication that some agencies are starting to travel out of state again for in-service training.

DIRECTOR'S REPORT

MCOLES School Safety Commission - Director Bourgeois advised that Lt. Col. Kelenske chairs the School Safety Commission. The Commission was created by the legislature from the School Safety Task Force. MCOLES has staff that was involved with the commission. MCOLES did the fundamental research. The School Safety Task Force reported their final recommendations and two of these recommendations involved MCOLES. The first recommendation involved specific training for those involved in school safety and security. The second recommendation required ongoing training and continuing education for all three tiers of personnel involved in school safety and security. The School Safety Commission sent a letter to MCOLES advising that they are in support of MCOLES moving forward with the recommendations. Director Bourgeois advised that with the current staffing levels it is not possible at this time.

MCOLES License Reactivation Authority – Director Bourgeois stated that he provided the Commissioners with two documents that were similar. One of the documents was bullet points and the other was a narrative, but both had to do with MCOLES license reactivation authority. He added that late in 2016 an amendment to the MCOLES Act added the statutory language change distinguishing an inactive license from a lapsed license. When an officer separates from employment with an agency he may no longer exercise law enforcement authority. His license is inactive for up to one year or two years. After the one or two-year period, dependent on the number of hours a person worked, the license become lapsed. Individuals with an inactive or lapsed license do not have law enforcement authority and legally are no longer licensed. An individual whose license is lapsed must participate in re-training and pass the licensing exam to become eligible to be licensed. An individual whose license is inactive is eligible to enter the licensing process without additional training. When a law enforcement agency is seeking to employ and license an individual with an inactive license the agency must follow the process set forth in the MCOLES Act. This means the individual must meet all licensing standards. Each request for reactivation of an inactive license includes screening for character fitness and this includes a change in employment. If the commission determines the individual does not comply with licensing standards a detailed notice of the intent to deny is issued to the individual and the agency. The individual is given an opportunity to appeal.

One commissioner inquired how MCOLES finds out about the circumstances that would cause a license denial. The Executive Director stated that MCOLES has a good relationship with most agencies and could find out the information through them. He said that there is the internet and an obligation to self-report if someone is charged. Also, an agency must report personnel transactions within 3 days, and this would include the removal of authority by the agency.

There was also a question regarding what recourse the person had who receives an intent to deny letter. Executive Bourgeois stated that the licensee has 21 days to respond and can send any documents to add to the file. The Commission would then have the final decision however the Executive Director has been given the authority to make the decision through the delegation of authority passed by the Commission.

Executive Director Bourgeois also explained that PA 203 requires an agency to state the reason and circumstances regarding a separation. PA 128 goes over and above this requirement and states an agency must create a document with the circumstances of the separation. An employee has the right to see this document. If the employee does not agree, they can submit their own document with an explanation. This separation report is housed within the agency. The new agency that wants to hire this individual

must request to see the report. This allows the hiring agency to have all available information to make an informed decision prior to hiring.

Funding – Director Bourgeois advised that the previous commissioners as well as the five new ones were given two documents. These documents addressed MCOLES funding. There are two parts to the funding, the general fund (through the Legislators) and revenue from the Michigan Justice Training Fund. In 2008 money was tight and a decision was made to reduce the amount of general fund that MCOLES received. The Michigan Justice Training Fund would be used to cover administrative costs. Later the Michigan Marijuana Regulatory Fund was established and the used for the administrative costs. With money in this account MCOLES tried to fill their vacancies. However, when the pandemic occurred there was a hiring freeze and spending freeze put in place.

A commissioner asked what they could do to help. Executive Director Bourgeois stated that the commissioners needed to reach out to their legislator. He added that he is also a registered lobbyist and has been very verbal regarding the funding. He requested that the two funding documents mentioned earlier be sent back out to the commissioners for use when discussing MCOLES funding.

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:

- School Safety
- Revocation and Reactivation Authority

Armed Reserve Committee – Director Bourgeois advised that there has been a great deal of groundwork done. He added that there was a need for legal SMEs for legal definitions. This group is well underway. The committee should have more to report in the near future.

CONSENT AGENDA

Legal counsel Lauryl Scott advised the Commissioners that they received a link with documents regarding three revocations. She reminded the commissioners if certain criteria were met, the commission shall revoke the licenses. If the hearing substantiates the adjudication of guilt, the administrative law judge will issue a proposal for decision. The licenses that were up for revocation today include:

- Robert Reznick – convicted in Federal Court for fraud and filing false tax returns
- Mark Bessner – involuntary manslaughter
- Leonard Moore – 2nd offense OWI

A **MOTION** was made by Commissioner Zybur and supported by Commissioner Thomas to approve the revocation of license for Robert Reznick.

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

Approval of License Revocation Robert Reznick	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Wendling, Michael	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Kunath, Michael⁵	YES
Molloy, David	YES
Saxton, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Thomas, Karianne	YES
Hawkins, Jeffery	YES
Chapman, Tellis	YES
Jackson, Lisa	YES
Lewis, Anthony	YES
Johnson, Nate	YES
Sauger, Mike	YES
Broden, Linda	YES
Grabowski, Ken	YES

Payne, Eric	YES
Bliss, Mark	YES

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Adams to approve the revocation of license for Leonard Moore.

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

Approval of License Revocation Leonard Moore	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Wendling, Michael	YES
Weiss, Arthur	Abstained from Vote
Johnson, Nate	YES
Kunath, Michael ⁵	YES
Molloy, David	YES
Saxton, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Thomas, Karianne	YES
Hawkins, Jeffery	YES
Chapman, Tellis	YES
Jackson, Lisa	YES

Lewis, Anthony	YES
Johnson, Nate	YES
Sauger, Mike	YES
Broden, Linda	Abstained from Vote
Grabowski, Ken	YES
Payne, Eric	YES
Bliss, Mark	YES

A **MOTION** was made by Commissioner Adams and supported by Commissioner Donnellon to approve the revocation of license for Mark Bessner.

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

Approval of License Revocation Leonard Moore	
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
Hawkins, Jeffery	YES
Chapman, Tellis	YES
Jackson, Lisa	YES
Lewis, Anthony	YES
Johnson, Nate	YES
Sauger, Mike	YES
Broden, Linda	YES
Grabowski, Ken	YES
Payne, Eric	YES
Bliss, Mark	YES

NEW BUSINESS

Police Tactics/De-escalation Training – Chair Molloy called on Commissioner Weiss. He stated that he felt that the commission should recognize what is currently happening in law enforcement and take a stance. He feels with regard to de-escalation the commission should advise what tactics, equipment and education or training is needed under the current climate. If the commission does not take a stance, legislators and judges who lack the background and experience will do it for us. He feels we need to take the lead.

Executive Director Bourgeois stated that first we need to make a distinction between in-service training and academy training. Even though MCOLES has the authority to mandate in-service training we have chosen not to do so. With regard to academy training, all of the academies teach MCOLES curriculum. There are 13 places in the curriculum that addresses de-escalation. He also stated that when people hear de-escalation it means different things to different people.

There were two bills introduced. HB5837 is moving through the system. Part of this bill includes de-escalation and states that MCOLES will mandate in-service training. However, for this to take place, funding will be needed.

MJTF Grants – The information regarding the grants was sent to the commissioners electronically. The commissioners needed to approve the grant recommendations before the funds were dispersed. Lauryl Scott addressed the commissioners and advised them that a Standards of Conduct for Public Officers and Employees Act states that they may not:

“Participate in the ...granting of subsidies...or other regulation or supervision relating to a business entity in which the public officer or employee has a financial or personal interest.

A **MOTION** was made by Commissioner Zyburt and supported by Commissioner Donnellon to approve the staff recommended grant amounts.

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

Approval of Staff Recommended Grant Amounts		Abstaining from Voting
Adams, Tom	YES	
Zyburt, Gregory	YES	LE-06
Donnellon, Timothy	YES	
Clark, Beth	YES	LE-04, SPEC-01
Wending, 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	

Hawkins, Jeffery	YES	
Chapman, Tellis	YES	
Jackson, Lisa	----	All Grants
Lewis, Anthony	YES	
Johnson, Nate	YES	LE-06, SPEC-01
Sauger, Mike	YES	
Broden, Linda	YES	
Grabowski, Ken	YES	
Payne, Eric	YES	
Bliss, Mark	YES	

Commission Resolution 2020-07 – Chair Molloy read into the record Commission Resolution 2020-07 honoring fallen Forsyth Township Fire Department Firefighter Benjamin Lauren and Extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Zyburt and supported by Commissioner Adams to approve Commission Resolution 2020-07 honoring fallen Forsyth Township Fire Department Firefighter Benjamin Lauren and extending Public Safety Officer Benefits.

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

Approval of Commission Resolution 2020-07	
Adams, Tom	YES
Zyburt, Gregory	YES
Donnellon, Timothy	YES
Clark, Beth	YES
Wendling, Michael	YES

Weiss, Arthur	Abstained from Vote
Johnson, Nate	YES
Kunath, Michael ⁵	YES
Molloy, David	YES
Saxton, Matthew	YES
Smith, Duane	YES
Tanay, David	YES
Thomas, Karianne	YES
Hawkins, Jeffery	YES
Chapman, Tellis	YES
Jackson, Lisa	YES
Lewis, Anthony	YES
Johnson, Nate	YES
Sauger, Mike	YES
Broden, Linda	YES
Grabowski, Ken	YES
Payne, Eric	YES
Bliss, Mark	YES

Nominating Committee – Chair David Molloy advised a committee needs to be established to make a nomination for the Chair and Vice Chair for next year. The committee members will need to meet prior to the November meeting to come up with their recommendations. Chair Molloy announced the committee members will be: Commissioner Thomas, Commissioner Wendling, and Commissioner Johnson.

OLD BUSINESS

Attorney General Proposals – Commissioner Tanay on behalf of AG Nessel at the last commission meeting asked that the commissioners review the seven proposals for police reform that AG Nessel published. The commissioners were sent the proposals prior to the meeting. He added that Proposal 1, 3 and 7 directly affect MCOLES. Commissioner Tanay stated that each one of the proposals requires legislative action. AG Nessel has been meeting with MCOLES, legislators, the MACP and police labor units with regard to the proposals. Commissioner Tanay added that if any of the commissioners had any questions or comments, they could email them to him, and he would forward them to the Director of Legal Affairs for the Office of the Attorney General.

A commissioner asked a question regarding Proposal #6 which states there will be a creation of an independent investigative and prosecutorial process for deaths that involve the actions of law enforcement officers. He wanted to know who would oversee this process? Commissioner Tanay stated that it would not be MCOLES. Commissioner Wendling stated that he was on this subcommittee and the prosecutors are not in support of this proposal. He stated the AG already has the power to oversee the prosecutors. This process takes control away from the local prosecutor who are already involved and are can do the investigation in a much shorter time period.

Proposal 3 requires MCOLES to create a statewide misconduct registry which is accessible by the public. Executive Director Bourgeois stated he is speaking with Tyrone Carter regarding this, but it will take time and money to create this registry.

Proposal 7 will require continuing education for officers to ensure they are kept abreast of the most recent developments in law. Executive Director Bourgeois add that if HB 5837 passes and is funded, it will establish this training.

PUBLIC COMMENT – None

NEXT MEETING

Date: November 4, 2020 at 10:30 AM
Lansing

ADJOURNMENT:

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Adams to adjourn the meeting at 12:15 PM.

APPROVED BY:



on September 9, 2020

WITNESSED BY:



on September 9, 2020