
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
April 22, 2009
Gaylord Police Department – City Hall, Gaylord, Michigan

MCOLES MEMBERS PRESENT:

Mr. John Buczek, representing the Fraternal Order of Police
Sheriff James Bosscher, representing the Michigan Sheriffs' Association
Mr. Marty Bandemer, representing the Detroit Police Officers Association
Chief James Barren, Detroit Police Department
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Mr. Thomas C. Cameron, representing Attorney General Mike Cox
Mr. James DeVries, representing the Police Officers Association of Michigan
Director Kurt Jones, representing the Michigan Association of Chiefs of Police
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police
Trooper Michael Moorman, representing the Michigan State Police Troopers Association
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association
Mr. Rich Weiler, representing the Police Officers Labor Council
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association
Lt. Colonel Timothy Yungfer, representing Colonel Peter C. Munoz, Michigan State Police
Mr. Raymond Beach, Executive Director
Mr. John Szczubelek, Commission Counsel

COMMISSION MEMBERS EXCUSED:

Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan
Mr. Fred Timpner, representing the Michigan Association of Police

COMMISSION STAFF PRESENT:

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| Ms. Cheryl Hartwell | Mr. David King |
| Ms. Hermina Kramp | Mr. Gary Ruffini |
| Mr. Lynn Ried | Mr. David Lee |
| Mr. Wayne Carlson | |

GUESTS (signing in):

Mr. Dale Rothenberger, Retired MCOLES Staff Member
Mrs. Joyce Rothenberger

GUESTS (signing in) Continued:

Director Jerry Boerema, Kirtland Community College
Director Mike Vargo, Petoskey Department of Public Safety
Mr. Rich Nelson, Sales Representative, Tele-Rid Inc.
Captain Tim Rod, Michigan State Police, 7th District
Chief Dan Branson, Harbor Springs Police Department
Chief Brian Hill, Gerrish Township Police Department
Chief Mark Bonofigio, Kalkaska Police Department
Chief Bob Wagner, Tuscarora Township Police Department
Chief Patrick Wyman, Mackinaw City Police Department
Lt. David DeForest, Little River Department of Public Safety
Director Connie Swander, Michigan State Police, Grayling Crime Lab
Chief Kim Miller, Alpena Police Department
Chief Gerard Doan, Charlevoix Police Department
Inspector Russell Smith, Michigan State Police, 7th District

CALL TO ORDER:

The Commission meeting was called to order at 10:00 am by Chairman John Buczek at the Gaylord Police Department – City Hall, in Gaylord, Michigan.

INTRODUCTIONS:

Chair Buczek thanked Chief Joseph Fitzgerald, Gaylord Police Department, on behalf of the Commission for hosting the meeting and Director Jerry Boerema, Kirtland Community College, for providing the refreshments for the meeting. Chief Fitzgerald thanked the Commission for holding the meeting at his facility. He explained that the department moved into the facility last May. He stated that the Police Department is in the offices on one side of the building and the City offices occupy the other side of the building. He also extended an invitation to tour the building and offered assistance to Commission members during their stay in Gaylord.

Chair Buczek welcomed everyone to the meeting. He asked the Commission members to introduce themselves. Chairman Buczek then asked the audience to introduce themselves and the organizations that they were representing.

PUBLIC FORUM/COMMENT:

There was no public comment.

ATTORNEY'S REPORT:

Mr. Szczubelek provided an update on pending litigation.

Mr. Brandon McGraw – Mr. McGraw filed suit against MCOLES for alleged violations of his due process rights. He was denied admission to an academy on the basis of his failure to meet the MCOLES color vision standard. We filed a motion to dismiss this law suit. It was argued last November and no decision has yet been issued by Judge Cashmerek.

Mr. Gordon Evilsizor – The Commission had an administrative appeal and a law suit filed by Mr. Evilsizor, who addressed the Commission a number of months ago. He filed suit in St. Joseph County, alleging he was wrongly denied admission to the waiver of training program. That matter was argued a couple of months ago and MCOLES has received a Final Order dismissing his suit and entering a judgment in favor of the Commission.

Mr. Gerard Lockwood - Mr. Lockwood has filed suit alleging denial of due process. He was licensed and employed as a law enforcement officer with the city of Corruna and Village of Maple Rapids. At some point during his employment, MCOLES received information that he in fact did not meet the MCOLES color vision standard. He had taken an examination in late 2008 but did not pass that test. MCOLES licensed him based upon his assertions and those of the Chief of Police of the Corruna Police Department that in fact that he did pass that examination and met all of the standards. Mr. Szczubelek had a meeting with Mr. Lockwood and his attorney and suggested he voluntarily relinquish his license because it was obtained through making a false representation of compliance. Mr. Lockwood and his attorney declined. They filed suit and have alleged that by contacting his employers and letting them know that he was not properly and lawfully employed, that we were violating his constitutional rights. Since that time, Mr. Szczubelek has sent Mr. Lockwood a notice of our intent to revoke his license, under section 9b, for making a false representation to obtain his license. In response to this notice, Mr. Lockwood has advised MCOLES that he wants to have an administrative hearing. Mr. Szczubelek has sent a request to SOAHR for the administrative hearing which will be scheduled in the near future. In the meantime, the law suit that he filed has been stayed by stipulation of the parties. Since the matter that will be litigated in the administrative forum will likely dispose of any claims he has in the law suit, it makes sense to have these matters handled first in the administrative hearing form and then if there is anything left to resolve, it would go back to the court. The judge agrees that at this time the law suit should be stayed pending the outcome of the administrative hearing.

Mr. Szczubelek stated that all Commissioners were given a copy of a letter from Mr. John Lyons who represents the Michigan Association of Police Organizations. Mr. Lyons is an attorney and the letter was signed by him and also purports to represent the opinions of several other labor attorneys. In the letter he concludes that there are several portions of the Commission's proposed statutory revisions, which are in violation of the Michigan Constitution and are also beyond the legal authority of the Commission. These are the

matters related to what we call the ethics reforms, which have been reviewed at length in our Ethics Committee and the Ethics Committee. This is not something that has reached the stage of a final recommendation from the Commission that would go to the Governor. Because it is important that the Commission be given the opportunity to look at not only Mr. Lyon's legal analysis, but also Mr. Szczubelek's, he has prepared a memorandum which he will distribute sometime later today, during the break, so that Commissioner's can see Mr. Szczubelek's position on the matter. The Commission is always at liberty to take Mr. Szczubelek's advice or not take his advice and he welcomes the opportunity for other individuals who have input on these legal matters to bring them to the Commission. Mr. Szczubelek stated that his position on the matter is that he doesn't agree with Mr. Lyon's conclusions and in fact the work that the Ethics Committee has done does not result in an unconstitutional violation of due process or the contracts clause for all those matters stated in Mr. Lyon's letter. Mr. Szczubelek encouraged the Commissioners to take a look at his memorandum.

ADDITIONS/CHANGES TO THE AGENDA:

There were no additions to the agenda.

CONSENT AGENDA:

There was no consent agenda.

ACCEPTANCE OF THE FEBRUARY 24, 2008, COMMISSION WORKSHOP MINUTES:

A **MOTION** was made by Mr. DeVries and supported by Chief Olko to accept the February 24, 2009, Commission Workshop minutes as written.

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

ACCEPTANCE OF THE FEBRUARY 25, 2008, COMMISSION MEETING MINUTES:

Chairman Buczek explained that before the Commission takes action on the next set of minutes, an explanation needs to be provided relative to a situation that took place after the meeting. He asked Mr. Szczubelek to explain the situation.

Mr. Szczubelek stated that prior to the February 25th meeting, MCOLES was advised by the Governor's office that the appointments for Commissioners Timpner and Weiler were in order and there was no further business in order to have them fully vested as members of the Commission. Commissioners Timpner and Weiler voted on a few motions that were included in the business for that meeting. All those motions were by acclamation as is almost always the case here with the Commission, and there was one motion that was seconded by Commissioner Weiler. After the meeting, MCOLES was notified by the Governor's appointments office that they intended to have oaths of office executed for the two newly appointed Commission members. This was a bit of a surprise as the MCOLES Act clearly states that members of the Commission do not have to have an oath of office. However, Mr. Szczubelek was reminded that in 2001, the Governor issued an Executive Order which combined the Justice Training Commission with the MCOLES Commission and it is their position that as a result of that combination the language in the MCOLES Act should be disregarded and that in fact new Commission members should take oaths of office. In order to avoid any possible challenges to the validity of the actions taken at that meeting, he suggested the following action be taken. Since under Robert's Rules of Order the Chairperson is given the authority to recognize any individual on the Commission as having seconded a motion and is also at liberty to declare the results of a voice vote, what the Chairperson can do is simply acknowledge, after the fact, that a different member of the Commission seconded that motion that was formerly seconded by Commissioner Weiler and can delete any mention, if there is any, of votes cast by the two Commission members. That does not affect, in any way, their ability to have attended that meeting and participated lawfully.

Chairman Buczek stated that as he recalled the motion that Commissioner Weiler seconded had to do with Officer Samborski's resolution. In addition, Chairman Buczek recalled that Chief Olko had also, at the same time, voiced a second. Chairman Buczek proposed that the minutes today reflect that Chief Olko seconded that motion. He further stated that if the Commission agreed with his recollection, then he would entertain a motion to approve the May 25th meeting minutes as written and the minutes of the meeting today will reflect the changes that were just made to those minutes.

ACCEPTANCE OF THE FEBRUARY 25, 2008, COMMISSION MEETING MINUTES Continued:

A **MOTION** was made by Sheriff Wriggelsworth and supported by Chief Mattice to accept the February 25, 2009, Commission Meeting minutes as written, and today's minutes will reflect the change discussed.

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

CHAIRMAN'S REPORT:

2009 Revised Committee Assignments - Chairman Buczek stated that members are being provided a new committee listing. He further stated that Commissioner Weiler is being appointed to the Ethics Committee. The committee assignments will be effective for this calendar year. The Training Delivery Review Committee is being dissolved and the responsibilities of this committee will be incorporated into the Executive Committee as the recommendations to date involve dealing with adequate funding for any suggested modifications.

Regular Employment Standard – Chairman Buczek stated that since the last Commission meeting, MCOLES was invited by Senator Cameron Brown to attend a hearing on the 520 regular employment standard. The Commission's point of view was expressed during this hearing. Mr. Beach and Mr. Buczek testified that MCOLES was in the process of working with the agencies who have voiced opposition to the standard. After the hearing a meeting was held with the group of individuals in opposition to the standard to try to reach some type of consensus relative to the minimum number of hours required as well as a waiver. The opposed agencies proposed that 120 hours worked and 20 hours of training be the standard, which doesn't come close to meeting the Commission's standard. It was explained that the Commission's standard will provide a waiver for those officers not meeting the 520 hour standard. Chairman Buczek stated that no final agreement on hours was reached during the meeting, but MCOLES staff would begin to flesh out a waiver process for those officers who do not meet the 520 hour standard. However, MCOLES found out this week that Senator Brown has introduced legislation that would make 120 the minimum number of hours. MCOLES will continue to work with this group.

Senate Appropriations Hearing – The MCOLES budget has been addressed by the senate, who is recommending the removal of almost a half million dollars from the MCOLES general fund line and supplanting it from the Justice Training Fund in order to secure funding for the capitol security program. The Appropriations Committee agreed to continue to look for other sources of revenue to support this program. MCOLES will continue to work with the legislature to assist in finding other funding so that the Justice Training Funds are not reduced.

Officer Samborski Ceremony – Chairman Buczek stated that he, Trooper Moorman and Mr. Beach attended a ceremony for Officer Samborski. They presented the Commission's Resolution to his wife along with the Public Safety Officer Benefit check. The ceremony was a very moving experience.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Beach stated that he would be reporting on just a few matters as follow-up to his bi-weekly Executive Briefings that he has been providing to the Commission.

Firearms Instructor Training by FLETC – Through Michigan's work with the International Association of Directors of Law Enforcement Standards and Training, the Federal Law Enforcement Training Center's (FLETC) Rural Policing Institute has agreed to bring two firearms instructor programs to Michigan. One of the things we heard over the last year, as MCOLES rolled out the new Active Duty Firearms Standard, is that many agencies wanted to replenish their firearms instructor staff so that they would have someone in-house that could instruct to the MCOLES standard. He was please to announce that two sessions have been scheduled, one at the Michigan State Police Academy Firearms Range, July 7 – 16th and the second session at Ferris State University, August 18-27th. In addition, FLETC has offered to fly a couple of MCOLES staff down to their facility to put together a video tape presentation that can be aired back through an internet connection relative to explaining the cognitive portion of the MCOLES standard as well as a demonstration of the standard. This will be an added aid for agencies in administering the cognitive portion of the MCOLES standard. There are also discussions ongoing with FLETC to bring in two additional programs. We are looking at bringing in two sessions of a Digital Evidence Collection program for line level officers.

MCOLES Intern – MCOLES has been very interested in supplementing the MCOLES staff. These discussions have resulted in an opportunity to bring on an intern for the summer. The intern happens to be someone who is familiar with the MCOLES organization. Ms. Nan Gilman is an officer with Oakland University Department of Public Safety and is a domestic violence instructor who is currently working on her Master's degree in Criminal Justice at Oakland University. As part of her degree requirements she will work with MCOLES through an internship and will work 10 hours per week from May through August. MCOLES staff is looking forward to this internship and will continue to seek similar opportunities in the future.

Michigan State University (MSU) Staff and Command Program Presentation – MSU staff and the Command Advisory Goup worked with the MCOLES to develop a Problem-Based Learning (PBL) exercise for the current class in session using the MCOLES Active Duty Firearms Standard. The class was asked to develop an implementation plan for their respective agencies to ensure compliance of all agency members. On April 20th MCOLES staff participated in a review session of their work and answered questions for the participants. The session was very interactive and went well. There was good discussion of the standard and its implementation. We are finding that there is an overwhelming acceptance of staff's efforts relative to this historic first mandatory active duty training standard in Michigan.

EXECUTIVE DIRECTOR'S REPORT Continued:

Spring 2009 Academy Graduations – MCOLES is entering the Spring 2009 graduation cycle. The Commission is being asked for assistance in participating in these ceremonies. The academy staff and students really appreciate the Commission's participation. A detailed listing of graduations was provided in the Commissioner's portfolios. Mr. Beach stated that there are ten graduations that will take place over the next two months. He stated that he appreciates their assistance in attending these graduations and asked the Commissioners to check their schedules and let him know which graduations they would be able to participate in.

NHTSA Instructor Training – An instructor training program was held on February 20th for Michigan instructors, in a partnership effort with the International Association of Directors of Law Enforcement Standards and Training (IADLEST), the International Association of Chiefs of Police (IACP), the National Sheriffs Association (NSA) and National Fraternal Order of Police (NFOP), the National Organization of Black Law Enforcement Executives (NOBLE), as well as the National Highway Traffic Safety Administration (NHTSA) to bring awareness to the area of Emergency Vehicle Operations and policies relative to pursuit. To date over 40 individuals have been trained and the plan is to bring those individuals back in to discuss integrating into the program Michigan's legal precedences and then begin to offer trainings throughout the state. There will be two different versions of the training, one geared to command level personnel and the other will be directed toward the line officer, stressing the importance of adhering to departmental policies. There will be no charge for these training programs. After this training session, MCOLES also hosted a meeting of the national steering group, made up of the organizations who have partnered in this effort. The first presentation will be at the Michigan Association of Chiefs of Police Conference in June.

2009 Spring Law Enforcement Distribution (LED) - A review of the annual expenditure reporting is underway. MCOLES will be making the distribution at the end of May. MCOLES was notified by the State Court Administrative Office that collections are down 12%. If this trend continues there could be serious implications for LED as well as the competitive grants. MCOLES staff will continue to monitor this fund closely.

Policy and Procedure Manual - One of the key topics that will be addressed at the upcoming Training Director's Conference in May will be the final review of the MCOLES Policy and Procedures Manual. The conference will be hosted by Kirtland Community College on May 27 – 28, 2009. Once the final review has been completed, the final version of the manual will be forwarded to Commission for adoption.

Training Director's Conference – The Spring Training Directors Conference will be held at Kirtland Community College on May 27th & 28th. Commissioners are encouraged to attend and participate in a round table discussion on Commission initiatives. Commissioners who

EXECUTIVE DIRECTOR'S REPORT Continued:

are interested in attending and participating in the discussions are asked to contact Mr. Gary Ruffini for additional information and to secure overnight accommodations if desired.

Special Use/Grant Adjustments – There were a total of 62 requests with 1 denial. If Commissioners have any questions, let him know. Staff has the individual request documentation at the meeting today to address any questions or concerns.

Law Enforcement Agency Strength – A graph depicting the current number of law enforcement positions that Michigan is down since September 11, 2001 is included in the Commissioner portfolios. This has become a popular piece of information that MCOLES staff receives a lot of requests for and can be found on the MCOLES web site. Michigan continues to experience a decline in law enforcement positions and Michigan is currently down a total of 1,978 law enforcement positions.

COMMITTEE REPORTS:

Executive Committee – Chairman Buczek stated that the committee met this morning. One of the topics of discussion was the regular employment standard implementation. Two pieces of legislation impacting regular employment have been introduced. One is by Representative Geoff Hansen that would create a waiver for officers who don't meet the minimum hours which MCOLES has included in the standard. Discussions with Representative Hansen earlier this week indicates that he understands that MCOLES is working on this waiver so he may not move forward with the legislation. The second piece of legislation was introduced by Senator Cameron Brown, and his legislation, if passed, would set the minimum number of hours to 120. The committee discussed having the membership go back to their respective organizations to reaffirm their position relative to the support of the regular employment standard.

Mr. Beach explained the work that has been done with the group that is opposed to the standard. He further explained that the purpose of the MCOLES presentation was to not to debate the standard, but to dispel a lot of the rumors that are in the field and to emphasize the Commission's willingness to work with agencies to achieve the standard.

Mr. Beach stated that the original concept that the Commission had was to provide a waiver process for those officers who don't meet the 520 hour standard. MCOLES currently has a parallel waiver process for officers who have separated service as prescribed in Public Act 203 of 1965, as amended. MCOLES has had good experience with the current waiver process, however we need to have a regular employment waiver that will blend with the current waiver of training process. The goal is to provide for verification of an officer's

COMMITTEE REPORTS Continued:

competencies rather than mandating a training process. What is envisioned is that certain uniform competencies will be established by MCOLES to verify officers remain qualified to perform the duties of a law enforcement officer. MCOLES was surprised to see Senator Brown's legislation that would define regular employment as a minimum of 120 hours. The Executive Committee has directed staff to further define the waiver process for the regular employment standard.

Chairman Buczek stated that other topics of discussion were: updates on the MCOLES budget, a Public Safety Officer Benefit (PSOB) application from a firefighter who experienced a heart attack. With respect to the PSOB application, the committee directed staff to await the decision from the federal level and then issue our decision accordingly. The committee heard a report from staff to work with law enforcement agencies to address their outstanding Law Enforcement Distribution fund balances, which will be discussed later in the meeting. Lt. Colonel Yungfer provided the committee with an update on the progress of transferring the Public Act 330 responsibilities to the Department of Labor and Economic Growth. Mr. Szczubelek also provided an update on modifications to the revocation process.

Training Delivery System Review Committee – The committee did not meet.

NEW BUSINESS:

Recognition of Mr. Dale Rothenberger – Chairman Buczek stated that it is his pleasure to recognize Mr. Dale Rothenberger for his 31 years of service to the Commission and the law enforcement discipline. A resolution recognizing his 31 years of service to the Commission was read and presented to Mr. Dale Rothenberger.

A **MOTION** was made by Sheriff Bosscher and supported by Lt. Colonel Yungfer to adopt the resolution recognizing Mr. Dale Rothenberger's 31 years of service to the Michigan Commission on Law Enforcement Standards and the criminal justice community.

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

Sheriff Bosscher presented Mr. Rothenberger with a Michigan plaque recognizing his 31 years of service and leadership in Michigan's law enforcement community.

Mr. Rothenberger stated that he is humbled by this recognition. He expressed his sincere appreciation to the Commission for the opportunity to work with the Law Enforcement Officers Training Council, the Michigan Justice Training Commission and the Michigan

NEW BUSINESS Continued:

Commission on Law Enforcement Standards. It has been a pleasure and honor, as collectively we have moved Michigan's law enforcement standards and training to a professional level.

Kirtland Police Academy Presentation – Training Director Jerry Boerema, who is also Associate Dean of Instruction at Kirtland Community College, provided an overview of Kirtland's academy program which is now titled Careers in Emergency Services, with the addition of the fire services. In 1983, the academy program was approved to construct a firearms range. He provided a historical presentation of the development of the range. The range construction was completed and came in under budget (\$66,000) due to the many donations of land, labor, and materials by a number of agencies and individuals. There is a rifle range that is 118 yards in length, as well as a pistol and remediation range. A storage building was also constructed to house all the firearms supplies. The range was officially opened in 2006. Construction continues to date on barrier walls. It is anticipated that once the barrier walls have been completed, landscaping will be undertaken. The opening of the range has provided for a cost savings to the police academy as they no longer have to budget for the rental of firearms ranges. In addition, the range is also open to the general public two days a week.

Revocations –Mr. Szczubelek presented the following case recommending the Commission consider the proofs, finding of facts, and conclusions of law found in the "Proposal for Decision" issued by Administrative Law Judge Michael Zimmer.

Renny Shelby – Mr. Shelby was convicted by a plea of nolo contendere of Assault with Intent to do Great Bodily Harm, less than Murder (MCL 750.84). MCL 750.84 defines Assault with Intent to do Great Bodily Harm, Less than Murder, as a felony. Mr. Shelby's conviction was issued and entered on October 8, 2008.

A **MOTION** was made by Sheriff Pickell and supported by Sheriff Wriggelsworth to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Mr. Renny Shelby.

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

Mr. Szczubelek stated that the other matter before the commission today the seeking of authorization to issue a letter recognizing that a former law enforcement officer is ineligible for licensure due to the lapsing of his license and a felony conviction. Mr. Kevin Michael Chambers was licensed as a law enforcement officer on November 17, 2004. He was suspended by the Detroit Police Department on November 12, 2006 following an internal use of force investigation. On May 16, 2008, he was arrested and charged with

NEW BUSINESS Continued:

Fleeing and Eluding a Police Officer, Carrying a Concealed Weapon, and Operating a Vehicle While Intoxicated. On July 30, 2008, he pled guilty to the felony of Fleeing and Eluding a Police Officer. His license lapsed on May 12, 2008, due to his continuing suspension from employment. As a person who has been convicted of a felony, he is no longer eligible for licensure as a law enforcement officer in the state of Michigan. Mr. Szczubelek stated that he is seeking the authority of the Commission to issue a letter recognizing these facts.

A **MOTION** was made by Lt. Colonel Yungfer and supported by Mr. DeVries to approve the issuance of a letter to Mr. Chambers notifying him of his ineligibility to be licensed as a law enforcement officer in Michigan based upon his felony conviction.

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

Proposal for Tracking of Active Duty Firearms Standard Compliance – Mr. David Lee provided a presentation to the Commission relative to the tracking of the MCOLES Active Duty Firearms Standard. This would be a process for law enforcement agencies to report their individual officer's compliance with the standard. Mr. Lee explained that the proposed solution is the training is entered into the MCOLES Network either by a vendor or an agency, and then the information indicating an officer's attendance and completion could be recorded by the agency or the vendor providing the components of the standard. This process would allow for the monitoring of an officer's progress in meeting the standard. By entering the information during the time period that the training and testing has taken place, agencies would not be required to provide any information relative to compliance with the firearms standard during the Annual Registration Period. External training providers will also be able to conduct the training and report an officer's outcomes in the MCOLES Network. Pass/Fail information can then be tracked and analyzed as needed by MCOLES.

Mr. Lee explained that with the development of this process for use with the Active Duty Firearms Standard, the platform will be built upon which the same process could be utilized to track future standards. Mr. Lee provided a flowchart outlining the tracking process. He further explained that the MCOLES Network could also generate a list of officers who have not completed the standard.

After a lengthy discussion of the proposal, Chairman Buczek recommended that this item be tabled for further discussions with respect to reporting options and the costs associated with development. He asked that this information be brought back to the Commission at the June meeting. It may be necessary to develop a hybrid model that would provide reporting mechanisms both for the training provider and the agency depending upon the agency's preference.

NEW BUSINESS Continued:

Traffic Safety Standard Implementation Update – Mr. Carlson stated that last year MCOLES staff worked with the Michigan Office of Highway Safety Planning pursuant to a grant from the National Highway Traffic Safety Administration, to create standards for Radar/Lidar Operators and instructors for the state of Michigan. Thus far, a set of standards has been established for radar instructors and standards for radar operators that are written in terms of behavioral outcomes measuring actual performance. A facilitator guide has been developed, which is a lesson plan for the instructors that is written in such a manner that they can deliver the material in the classroom in an interactive manner using adult learning and problem-based learning methodology. There is also a corollary project that was completed to validate equipment procurement procedures for departments and equipment specifications for both radar and lidar. This summer updates to the existing radar and lidar instructors will be addressed. The radar instructors will be brought in and we will be offering them an opportunity to also be certified in lidar, so that when the standards take effect, they can proceed with training. The cognitive portion of the classroom will be inserted into the mandatory basic police training curriculum so that as time goes on all recruits completing the academy will have had the classroom instruction. Then the recruit will just have to be tested by the department so that the officer can be certified in radar and lidar. The final products will be brought to the Commission for formal adoption of the standards at a later meeting.

American Recovery and Reinvestment Act – Ms. Kramp stated that this effort is a part of the stimulus funding by the federal government. MCOLES is looking for assistance in the enhancement of communications through the Information and Tracking system. MCOLES has been notified that there is funding available through the Domestic Violence Prevention & Treatment Board, who is receiving funds to cover development in addition to the STOP grant that will allow for the hiring of a part-time staff person who will assist MCOLES staff in developing and revising curriculum as well as a training course for sexual assault similar to what is in place for domestic violence training. Human Resources is aware of this funding and will assist in moving forward with the hiring of a part-time individual to assist with development.

Cultural Competency Curriculum Review – Ms. Kramp stated that this is an outgrowth of the presentation made by the ALPACT group back in October. They have assembled a group of subject matter experts who have knowledge in cultural competency. They will work with MCOLES to assist with updating the curriculum in the area of cultural competency. One meeting has been held to date to discuss what the training model might look like and how we will move forward with this effort. Another meeting is set for May 8th at the Dearborn Police Department, which will take place after the regular ALPACT meeting. Notifications have been sent to the MCOLES training sites as well some law

NEW BUSINESS Continued:

enforcement agencies who have participated with MCOLES in the past on these efforts, advising them of the meeting and soliciting interest to participate. This will remain an ongoing effort over the summer with the final product being brought to the Commission for approval at a later meeting.

LED Expenditure Reporting Review Process – Ms. Kramp stated that each year there are agencies that become ineligible to receive LED funds due to not spending older balances. The LED guidelines require that an agency spend their LED funds within 2 years of receipt. There are currently 106 agencies in this position with 86 being active agencies. There may be a number of reasons for this situation to occur, which may be a leadership change, or financial officer changes, and a lack of expenditure reporting. The Commission is being asked to adopt the procedures outlined in the agenda item to provide assistance to law enforcement agencies on a case-by-case basis which may allow them to become eligible to continue in the LED program. These agencies won't be eligible for the spring distribution but may become eligible for the fall distribution by accounting for the funds or issuing an affidavit to resolve the issues surrounding the funding received by the respective agency but not reported as spent to MCOLES.

A **MOTION** was made by Trooper Moorman and supported by Chief Mattice to approve the process that will allow for MCOLES staff to assist law enforcement agencies in resolving their older LED fund balance issues.

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

OLD BUSINESS:

Fiscal Year 2010 Governor's Executive Budget Update – Ms. Kramp stated that each Commissioner has been provided with information relative to the MCOLES budget. She explained the reductions that are being recommended to the MCOLES budget by the Governor's recommended budget and current legislative activities. She explained that there is current action being considered to take \$476,400 from the Justice Training Fund to provide funding for the capitol security program. There are also other efforts underway to identify another funding source for this program.

Ms. Kramp stated that the State Court Administrative Office has notified MCOLES that there has been a decrease of 12% in collections. MCOLES staff has analyzed the revenue collections for the Justice Training Fund and found that we have experienced an 11.7% drop in collections to date this fiscal year. MCOLES staff will continue to monitor the budget activities.

OLD BUSINESS Continued:

Chief Olko stated that she is opposed to the movement of any of the Justice Training Funds for purposes not outlined in Public Act 302 and hopes the Commission does not support this activity.

2010 Michigan Justice Training Competitive Grant Process – Ms. Hartwell provided the Commission with an update on the modifications to the 2010 Competitive Grant Application Process. The Prioritized Training List has been amended consistent with the topics identified by each of the five criminal justice disciplines as being necessary for the upcoming year. In addition, language has been incorporated into the Grant Guidelines to provide more guidance to applicants submitting grants for e-learning projects. The language in the guidelines that speaks to the utilization of an out-of-state vendor in lieu of a Michigan vendor has also been strengthened. Applications will have to demonstrate a significant difference in the programs in order to use 302 funds to host an out-of-state vendor in lieu of an identified Michigan vendor.

Ms. Hartwell also stated that there will be two special handouts provided to grant applicants. One will outline the MCOLES requirements that must be part of a grant that wishes to provide the MCOLES Active Duty Firearms Standard to their consortium members. The other will address the potential financial impact to the competitive grant process should the state's budgetary problems become an issue for the Justice Training Fund.

A **MOTION** was made by Sheriff Pickell and supported by Chief Olko to adopt the modifications to the 2010 Grant Application process as outlined.

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

Mental Health Training Initiative Update – Mr. Carlson outlined the mental health training that has taken place to date. He explained that in 2009 MCOLES received a second year of funding for this program. He also stated that Senator Cropsey's office has expressed his appreciation to MCOLES and the advisory group for the outstanding work the entire team has done and that the team has made a difference that is noticeable and commendable.

LEOSA/Public Act 537 of 2008 (HB4611) Implementation Update – Mr. King provided an update on the progress made on the process to implement Public Act 537 of 2008. He stated that Mr. Rothenberger had explained the application process in great detail at the last Commission meeting. A complete set of informational documents and instructions for retired law enforcement officers who are considering application for LEOSA certification are available at the MCOLES web site. These documents include information regarding carrying concealed in gun free zones and the advantages and disadvantages of concealed carry under a LEOSA certificate versus the Michigan Concealed Pistol license.

OLD BUSINESS Continued:

Mr. King stated that currently there are 4 applications at various stages being processed. Due to the uncertainty of response from the retiree community, Macomb Community College was selected as a prototype for the initial administration of the MCOLES Active Duty Firearms Standard to retirees. As the program unfolds, additional sites may be identified on a regional basis based upon demand. He further stated that he was told that there are about a dozen serious applicants in the Flint area. The process is progressing smoothly. Mr. King also stated that if law enforcement agencies have not updated their Live Scan software the item listed as previous law enforcement may not be there. This is the only minor problem that MCOLES has experienced to date on this program.

2009 Annual Registration Update – Mr. Ruffini stated that MCOLES staff is nearing the close of the review process of the 2009 Annual Expenditure Reports submitted by law enforcement agencies relative to their law enforcement distribution funds. He explained that out of 211 agencies that are being reviewed, there are approximately 3 agency reviews that need to be completed. He further explained that this group of agencies does not include the 106 agencies that were mentioned earlier with eligibility problems.

Revision of Public Acts 203/302 Update – Mr. Szczubelek stated that the current focus of this effort is on the five ethics matters. Work on these areas will continue when the Ethics Committee reconvenes in the near future. If these five areas can be wrapped up, then the effort will move forward. The committee is working on establishing a date for a meeting.

Chairman Buczek asked Trooper Mike Moorman, who is serving on the Ethics Committee whether or not he had read the letter from Mr. Lyon's and if he agrees with his position and if he saw the work of the committee to date to be problematic. Trooper Moorman stated that from his prospective, anything that infringes on Public Employment Relations Act (PERA) or collective bargaining rights will not be supported by his association and will be met with strong opposition.

Doing Business with MCOLES Workshops – There was no report on this item.

MISCELLANEOUS:

There were no miscellaneous items.

PUBLIC COMMENT:

There was no public comment.

NEXT MEETING:

Date: Wednesday, June 3, 2009 – Commission Meeting

Location: Northwestern Michigan College Hagerty Center, Great Lakes Campus,
Traverse City, Michigan. Hosted by Northwestern Michigan College

ADJOURNMENT:

A **MOTION** was made by Sheriff Bosscher and supported by Chief Jones to adjourn the meeting.

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

The meeting was adjourned at 12:20 pm.

APPROVED BY _____ ON _____

WITNESSED BY _____ ON _____