
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
November 8, 2007
Southwest District Public Safety Building
Detroit, Michigan

COMMISSION MEMBERS PRESENT:

Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association
Mr. John Buczek, representing the Fraternal Order of Police
Lt. Col. Timothy Yungfer, representing the Michigan State Police
Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan
Mr. Bill Dennis, representing the Attorney General
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police
Sheriff James Bosscher, representing the Michigan Sheriffs' Association
Chief Ella Bully-Cummings, representing the Detroit Police Department
Deputy Chief Deborah Robinson, representing the Detroit Police Department
Trooper Michael Moorman, representing the Michigan State Police Troopers Association
Mr. Raymond Beach, Executive Director
Mr. Tom Furtaw, Commission Counsel

COMMISSION MEMBERS EXCUSED:

Mr. Jim DeVries, representing the Police Officers Association of Michigan
Director Kurt Jones, representing the Michigan Association of Chiefs of Police
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police

COMMISSION STAFF PRESENT:

Ms. Theresa Hart	Ms. Hermina Kramp
Mr. Gary Ruffini	Ms. Cheryl Hartwell
Mr. John Steele	Mr. Dale Rothenberger
Mr. Darnell Blackburn	Mr. Patrick Hutting

GUESTS SIGNING IN:

Retired Detroit Police Officer Richard Weaver, former MCOLES Commission member
Commander Duane McKissic, Detroit Police Department
Deputy Chief John Clark, Detroit Police Department
Commander Troy Quinn, Detroit Police Department
Lt. Aaron Robins, Detroit Police Department
Commander Leon Moon, Detroit Police Department
Deputy Chief Jamie Fields, Detroit Police Department
Deputy Chief Chester Logan, Detroit Police Department
Lt. David LeValley, Detroit Police Department
Director Lawana Ducker, Detroit Police Department
Lt. Robbin Kirkwood-Farrar, Detroit Police Department

CALL TO ORDER:

The Commission meeting was called to order by Sheriff Gene Wriggelsworth on November 8, 2007, at 1:00 p.m. at the Detroit Police Department, Southwest District in Detroit, Michigan.

INTRODUCTIONS:

Sheriff Wriggelsworth welcomed everyone to the Commission meeting and asked that the Commission members and all in attendance introduce themselves. He recognized and thanked Detroit Police Chief Ella Bully-Cummings for hosting the meeting.

He stated he was deviating from the agenda to present a Commission resolution.

Commission Resolution – Commission Member Richard Weaver – A resolution was prepared and presented to retired Detroit Police Officer Richard Weaver recognizing his ten years of service as a member of the Michigan Commission on Law Enforcement Standards.

A **MOTION** was made by Mr. Buczek and supported by Mr. Dennis to accept the resolution recognizing the many years of service Officer Weaver served on the Commission and his many contributions to the law enforcement community.

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

Mr. Beach also presented Officer Weaver with a plaque from the Commission and staff recognizing his service.

Officer Weaver thanked the Commission and stated that it was a pleasure working with them and the staff over the years. Even though the group was comprised of law enforcement leaders and labor groups they were always able to reach agreement on issues crucial to law enforcement.

PUBLIC FORUM/COMMENTS:

There was no public comment.

COMMISSION ATTORNEY REPORT:

Mr. Furtaw deferred his comments to later in the meeting.

ADDITIONS TO THE AGENDA:

There were no additions to the agenda.

CONSENT AGENDA:

There were no consent agenda items.

ACCEPTANCE OF THE SEPTEMBER 11, 2007, WORKING SESSION MINUTES:

A **MOTION** was made by Mr. Morse and supported by Sheriff Bosscher to accept the September 11, 2007, working session minutes as written.

A **VOTE** was taken, the **MOTION** carried.

ACCEPTANCE OF THE SEPTEMBER 12, 2007, MEETING MINUTES:

A **MOTION** was made by Trooper Moorman and supported by Mr. Morse to accept the September 12, 2007, meeting minutes as written.

A **VOTE** was taken, the **MOTION** carried.

CHAIRMAN’S REPORT:

Sheriff Wriggelsworth reported to the Commission on the following items:

Nominations Committee – A Nominations Committee was appointed to report out recommendations at the meeting in December for the election of Chair and Vice Chair of the Commission. The committee members will be Sheriff Pickell, Chair; Mr. DeVries, and Chief Jones.

Budget Resolution –The funding coalition did not receive funding; however, the MCOLES kept their current level of funding for the next year and received no cuts.

Academy Graduations – Commission members should be receiving emails regarding upcoming academy graduations. He asked that each member try to attend a graduation on behalf of the Commission.

EXECUTIVE DIRECTOR’S REPORT:

Mr. Beach updated the Commission on the following items:

MCOLES Budget – He thanked the Commission for all of their assistance during the recent budget crisis. It was a huge success just to be able to maintain the current MCOLES budget and the Commission played a large part in that.

Training Directors Conference – The fall Training Director’s Conference was held in the southwest part of the state shortly after the last Commission meeting. Sheriff Wriggelsworth and Deputy Chief Robinson attended to conduct a Commission update forum.

Year End Closing - The MCOLES 2007 budget was concluded in the black despite numerous spending restrictions. The general fund standards and training line, public safety officer benefit, and officer survivor tuition as well as the private security and railroad licensing fee lines were all zeroed out. He recognized Dale Rothenberger and

the new staff budget representative, Hermina Kramp, for all of the work they did during the closeout period.

Active Learning Forum – Michigan held a follow-up active learning forum requested by counterparts in several states. MCOLES assembled and hosted a session last week and representatives from Indiana, Ohio, Kentucky, and Wisconsin attended. This was also attended by a visiting professor from South Korea. It is anticipated that Michigan will do a presentation at the National Post Directors Conference in Indianapolis next July.

Law Enforcement Distribution – The fall Law Enforcement Distribution was not effected by the current budget crisis and it was released on October 16, 2007. Every qualifying agency employing three or more officers received a per capita payment of \$121.32 for each eligible full time equated MCOLES licensed officer. For those agencies employing fewer than three officers, a minimum payment of \$250 was received. A total of \$2,284,602 was distributed. The fall and spring distributions together equated to approximately \$230 per eligible full time officer.

Commission Appointments – Work continues with the Governor’s office on the Commission appointments. At this time, there is a change in personnel in the appointments division. There is a current vacant position with DPOA as well as open appointments/reappointments for Chief Olko, Sheriff Bosscher, Mr. Morse, and Professor Bretz. A possible meeting will be set up to discuss more timely service for appointments.

Meeting with Wayne County Community College – In September, Mr. Beach was asked by Chief Bully-Cummings to attend a meeting at the College on behalf of an arrangement approved by the Commission for a partnership between the Wayne County Community College and the Detroit Police Department (DPD). At this time, the College is unable to provide the service necessary for DPD’s need and they sent a letter relinquishing their oversight. A class of 30 individuals is currently in session. An overview of the academy will be provided later in the meeting. The Commission will continue to discuss this concept with the college in the future.

Failure to Train – An article was provided to the Commission regarding a failure to train situation that is evolving from the Houston Police Department. It identifies the substandard performance of an individual that ends in a fatal shooting situation.

Special Use and Grant Adjustment Requests – Recent activity on special use requests and grant adjustments were provided to the Commission. If there are any questions, please contact Mr. Beach.

Upcoming Commission Meeting – The next Commission meeting will be held on December 11, 2007 in Mason, hosted by Sheriff Wriggelsworth.

COMMITTEE REPORTS:

Executive Committee – Sheriff Wriggelsworth reported that the Executive Committee met via conference call on September 28, 2007, regarding the potential governmental shutdown. It was decided to keep three to four staff on board in case of an emergency. In addition the Committee met today to discuss a number of things which included dedicated funding.

Legislative Committee – Mr. Buczek reported that the Legislative Committee met on October 9th to discuss several pieces of pending legislation and determine if they were in support of, would monitor, or oppose any of the bills.

NEW BUSINESS:

Administrative Rules Update – Mr. Rothenberger explained that The “Law Enforcement Standards and Training, Part 3, Recruit Training” rule set is currently progressing through the rule promulgation process. The draft Recruit Rules are now at the Public Hearing stage in the rule promulgation process. An informal legal review was conducted by the State Office of Administrative Hearings and Rules (SOAHR) and an informal style and editorial review by the Legislative Services Bureau (LSB). Public Hearing Notices will be published in three newspapers of general circulation, one of which is in the Upper Peninsula. Five hearings will be held from November 30 through December 7, 2007 in Kentwood, Auburn Hills, Marquette, Gaylord, and Lansing.

After the hearings, a report will be generated for SOAHR and the Joint Committee on Administrative Rules (JCAR). Then there will be a formal review by SOAHR and LSB. After all required approvals are in place, the Commission will be asked to formally adopt the rules. Following formal adoption the rules will be filed with the Office of the Great Seal and immediately become administrative law. Concurrently, the current pre-service and basic rule sets will be rescinded. A copy of the draft rules was provided to the Commission.

PA 203 Draft Language – Mr. Furtaw reviewed efforts to amend PA 302 in the areas of ethics, regular employment, and enforcement of standards and consolidation of PA 302 as well as general modernization of the statute. He provided an overview of the efforts being examined by a staff committee:

- Defines "law enforcement officer" and defines scope of authority. Also gives the Commission authority to approve new law enforcement agencies prior to recognizing eligibility to employ licensed law enforcement officers.

-Ethics: includes expansion of authority to revoke for any offense involving assaultive or threatening behavior; fraud or theft; use or possession of schedule 1 or 2 controlled substances; requiring registration as a sex offender; or violations of the public trust. Grants authority for interim suspension of a license for major offenses, or in cases where authority is limited by a court order or a departmental suspension.

-Regular Employment: includes establishing a minimum number of hours for part-time police officers, and authority to void a license for non-compliance.

-Standards Enforcement: clarifies the responsibility of the Commission to set and enforce pre-employment and active duty standards, including training. Requires mandatory background checks with civil immunity, and full waivers and authorization by prospective employees.

-PA 302: Consolidates responsibility for administering PA 302 Justice Training Funds delegated under Executive Order 2001-2, and clarifies authority to set standards relative to the approval of training programs.

Detroit Police Academy Overview – Lt. Aaron Robins provided an overview of the training academy program at the Detroit Police Department. The learning facility currently has 11 classrooms, two computer labs, one weight room, a multi purpose gym, and computer based equipment for AV training. They provide the MCOLES mandated curriculum along with an additional 250 hours of Detroit Police Department curriculum.

Commission Revocations – The Commission was provided with a link to review the certified record and the "Proposal for Decisions" (PFD) from Administrative Law Judge Michael Zimmer from three hearings, held on the October 2, 2007. Mr. Furtaw presented the following cases recommending the Commission consider the proofs, finding of facts, and conclusions of law found in the "Proposals for Decision" issued by Administrative Law Judge (ALJ) Michael Zimmer.

Ronell Weatherspoon – Mr. Weatherspoon was convicted of assault with intent to commit criminal sexual conduct. He entered a plea on July 31, 2007.

A **MOTION** was made by Mr. Buczek and supported by Lt. Col. Yungfer to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Mr. Ronell Weatherspoon.

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

Phillip G. Bal – Mr. Bal was convicted of first degree criminal sexual conduct by jury and is currently serving a prison term of 11 to 20 years. The conviction occurred on or about May 24, 2007, in Dickinson County.

A **MOTION** was made by Sheriff Bosscher and supported by Mr. Morse to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Mr. Phillip Bal.

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

Louis Anderson – Mr. Anderson pled guilty to involuntary manslaughter arising from an accidental shooting in Wayne County Michigan.

A **MOTION** was made by Sheriff Pickell and supported by Lt. Col. Yungfer to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Mr. Louis Anderson.

A **VOTE** was taken. Chief Ella Bully-Cummings abstained. The **MOTION** carried.

Academy Contract Update – Mr. Furtaw explained that in 2007 the Commission installed the use of a standard form contract as a condition for approval of the police training academies. Following execution of the contract, Kalamazoo Valley Community College (KVCC) made some suggestions concerning provisions relating to definition of the MCOLES-academy legal relationship, and communication between both sides during an administrative investigation. The proposed modifications to incorporate KVCC's suggested language into the contract for all academies was provided to the Commission for review.

A **MOTION** was made by Mr. Buczek and supported by Sheriff Bosscher to strike the language in the agreement as to the relationship provision of the contract as recommended by Mr. Furtaw.

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

A **MOTION** was made by Mr. Morse and supported by Mr. Buczek to add additional language under policies and procedures to clarify that the academies themselves have an obligation to maintain an environment that is consistent with adult learning and the safety and well being of the recruits in the academy setting. In addition, a requirement for a face to face meeting prior to the initiation of a formal investigation when there is an incident at the academy level.

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

Commission Stakeholder Meetings / Public Hearings – Mr. Rothenberger explained that the Commission will be holding a series of five stakeholder meetings throughout the state in November and early December. Each meeting will be a half day session covering the following topics: a formal public hearing on the “Recruit Training” administrative rules, a “Report to Michigan” on the Commission’s achievements on the five-year Strategic Direction Initiative, including solicitation of comments and ideas for the future, a report on the Commission’s proposal for defining “Regular Employment”, and a report of the Commission’s “Ethics” proposal.

Sessions will be held in: Kentwood, Auburn Hills, Marquette, Gaylord, and Lansing. Each session will start promptly at 9:30 a.m. with topics in the above order. Commission members were encouraged to attend and participate in the meetings.

Automated Testing Update – Ms. Kramp explained that Performance-Based Selection, Ltd. (PBS), was awarded the contract for the development and automated administration of the MCOLES Reading Comprehension and Writing Skills Exam and the MCOLES Law Enforcement Licensing Exam. The licensing test will be \$75 per administration for each individual student. The requirement is the student pays in advance of the exam. Law enforcement agencies training and testing large groups of employed recruits will have the option to pay for everyone by purchase order or procurement card in advance. Smaller agencies can pay up front as well by contacting PBS. The test has been given once under the new contract. This week, staff training will be conducted for the administration of the exam. The test has been very well received by students.

FY 2007-08 MCOLES Budget Approval – Mr. Beach provided the Commission with a PowerPoint overview of the MCOLES 2008 recommended budget allocating the available funds among the numerous functions of the Commission. He also provided information regarding the Commission’s unfunded mandates and initiatives. The Governor’s Recommended Fiscal Year 2008 budget maintained the MCOLES level and structure of funding from fiscal year 2007. Both the general fund and restricted funds were maintained. An additional \$100,000 was allocated to MCOLES from the Department of Corrections to fund a mental illness awareness training grant program. The spreadsheets detailing this information were provided to the Commission.

He also provided an overview of administration of the Justice Training Fund. The statute allows for a reasonable amount of the fund to be used to cover the costs of administering the Law Enforcement Distribution and Competitive Grant programs. The MCOLES budget is built within the same administrative cost level as allowed for the Competitive Grants which is 8%. Mr. Beach emphasized that while the budget is based upon utilizing 8% for administrative costs, staff makes every effort to contain administrative costs.

Historically the actual administrative costs charged to the Justice Training Fund have been no more than 6%.

Mr. Beach further explained that because of the way the State Budget Office factors in economic increases to compensate for wage increases, the true personnel costs are not adequately accounted for, and as time has progressed personnel costs have started to negatively impact operating funds.

A **MOTION** was made by Sheriff Pickell and supported by Mr. Morse to adopt the proposed MCOLES 2008 Budget as presented.

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

OLD BUSINESS:

Law Enforcement Officers Online Update – Mr. Ruffini explained that individual officer access was implemented on Monday, October 8, 2007. All functions were in place for the October 1 opening, but due to the uncertainty of the budget and possible government shutdown, implementation was delayed until October 8th.

Since the opening, sixty six individuals have applied for access. One minor issue arose regarding the login IDs and passwords being issued and it was corrected on the same day.

MISCELLANEOUS:

There were no miscellaneous items to report.

PUBLIC COMMENT:

There was no public comment.

NEXT MEETING:

DATE: December 11, 2007, 9:00 a.m.

LOCATION: Ingham County Sheriff's Office, Mason, Michigan

ADJOURNMENT:

A **MOTION** was made by Lt. Colonel Yungfer and supported by Sheriff Bosscher to adjourn the meeting.

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

The meeting adjourned at 2:50 p.m.

APPROVED BY _____ ON _____

WITNESSED BY _____ ON _____