
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
March 14, 2007
Kettering University
Flint, Michigan

COMMISSION MEMBERS PRESENT:

Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association
Mr. Jim DeVries, representing the Police Officers Association of Michigan
Lt. Col. Timothy Yungfer, representing the Michigan State Police
Mr. Bill Dennis, representing the Attorney General
Director Kurt Jones, representing the Michigan Association of Chiefs of Police
Prof. Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Chief James St. Louis, representing the Michigan Association of Chiefs of Police
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association
Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police
Sheriff James Bosscher, representing the Michigan Sheriffs' Association
Deputy Chief Deborah Robinson, representing the Detroit Police Department
Mr. Raymond Beach, Executive Director
Mr. Tom Furtaw, Commission Counsel

COMMISSION MEMBERS EXCUSED:

Mr. John Buczek, representing the Fraternal Order of Police
Trooper Michael Moorman, representing the Michigan State Police Troopers Association
Officer Richard Weaver, representing the Detroit Police Officers Association

COMMISSION STAFF PRESENT:

Ms. Theresa Hart	Ms. Hermina Kramp
Mr. Gary Ruffini	Ms. Cheryl Hartwell
Mr. John Steele	Mr. Dale Rothenberger
Mr. David King	

GUESTS (SIGNING IN):

Chief Gary Hagler, Flint Police Department
Chief William Brandon, Davison Police Department
Mr. Al Ernst, Law Enforcement Officers Regional Training Commission (LEORTC)
Deputy William Browne, Genesee County Sheriff's Office
Mr. Jamil Stallings, Flint Academy Recruit
Ms. Lindsay Clevenger, Flint Academy Recruit
Mr. Hector Hernandez, Flint Academy Recruit
Mr. Tim Taft, Flint Academy Recruit
Mr. Charles Johnson, Flint Academy Recruit
Mr. Andre Cloyd, Flint Academy Recruit
Mr. Jimmy White, Flint Academy Recruit
Ms. Emily Bair, Flint Academy Recruit
Mr. Chester Cloxton, Flint Academy Recruit
Mr. Tedd Christeft, Flint Academy Recruit
Mr. Jesse Smith, Flint Academy Recruit
Mr. Nathan Guigear, Flint Academy Recruit
Mr. Dane Seltzer, Flint Academy Recruit
Mr. Doug McLeod, Flint Academy Recruit
Mr. Guadalupe Gatica, Flint Academy Recruit
Mr. Chris McNamara, Flint Academy Recruit
Mr. Nick Eashoo, Flint Academy Recruit
Mr. Blake Pawlic, Flint Academy Recruit
Mr. William Thomas, Flint Academy Recruit
Chief David Stamm, Grand Blanc Township Police Department
Chief George Sippert, Flint Township Police Department
Chief Rick Clolinger, Swartz Creek Police Department
Captain Chris Swanson, Genesee County Sheriff's Office
Captain Michael Becker, Genesee County Sheriff's Office
Lt. Dennis Baker, Grand Blanc Police Department
Lt. Paul Plude, Genesee County Sheriff's Office
Mr. LeRoy Cobb, Jr., Jail Administrator

CALL TO ORDER:

The Commission Meeting was called to order by Sheriff Gene Wriggelsworth on March 14, 2007, at 9:30 a.m. at Kettering University in Flint, Michigan.

INTRODUCTIONS:

Sheriff Wriggelsworth welcomed everyone to the Commission meeting and deferred to Ms. Hermina Kramp.

Ms. Kramp provided a brief overview of the paperless meeting format. The Commission members were provided with laptop computers loaded with a meeting agenda linked to the documents that would be reviewed during the meeting. She explained to the Commission the process of maneuvering from one document to another and the use of the links.

Sheriff Wriggelsworth asked that the Commission members introduce themselves. He recognized and thanked Sheriff Pickell, Mrs. Vida Fisher, and Kettering University for co-hosting the meeting. He stated that Sheriff Pickell serves as chair of the Law Enforcement Officers Regional Training Commission (LEORTC). Sheriff Pickell explained that the LEORTC recently hired Mr. Al Ernst, retired from Clinton Township Police Department, as its Director. Mr. Ernst introduced himself and explained that he has been in law enforcement for thirty-six years beginning in Detroit. Sheriff Pickell introduced Chief Gary Hagler, Flint Police Department and Chief Stamm, Grand Blanc Township Police Department.

NEW BUSINESS:

Flint Police Academy Overview – Deputy Bill Browne provided an overview of the Flint Academy. He explained that the Flint Academy began in 1954 when the first training occurred. At that time the officers were only receiving eight hours of training a day for approximately two weeks. Today, the training is conducted over 17 ½ weeks for ten hours a day amounting to over 562 hours. There are currently 19 recruits in their third week of training at the academy.

Law Enforcement Officers Regional Training Consortium Overview – Chief William Brandon, Davison Police Department, explained that the in-service training consortium covers three counties; Shiawassee, Genesee and Lapeer. They are funded through a dues structure and will be exploring grant possibilities.

PUBLIC FORUM/COMMENTS:

There was no public comment.

COMMISSION ATTORNEY REPORT:

Mr. Furtaw reported to the Commission on the following items:

Henry v. MCOLES – This was an Elliot-Larson claim brought by a recruit dismissed out of the Kalamazoo Valley Community College (KVCC) Police Academy. MCOLES received a favorable ruling from the judge in this case in February, a motion for summary disposition was granted and MCOLES was dismissed on the merits. The co-defendant, KVCC, settled for \$15,000.

University of Detroit Mercy v. MCOLES – MCOLES received a favorable ruling last week from the Court of Appeals who reversed Judge Giddings' order and remanded the matter for entry of a judgment favorable to MCOLES. A waiting period of 42 days is required during which time U of D can appeal to the Supreme Court and seek application for leave. If they do not appeal, a judgment will be entered at that time.

Bridson revocation – Due to a sentencing agreement, the question of revocation is being litigated. Mr. Furtaw's position is MCOLES has jurisdiction to act on his license since he pled guilty as defined in the MCOLES act. A proposal for decision was issued by the administrative law judge supporting that conclusion. Mr. Bridson has filed an exception requesting that the Commission review additional factors relative to the proposal for decision. This issue will be presented to the Commission at the April meeting.

Proposal 2 – The Department of Civil Rights issued a formal report in response to an Executive Order of the Governor. An audit of all state programs was conducted relative to Proposal 2 which bars discrimination and preference based on gender, race and other considerations. The MCOLES was not impacted by the report. There is currently one MCOLES program under formal review with the Attorney General's Office, gender norming of the fitness program for entry into a police academy.

ADDITIONS TO THE AGENDA:

The following item was added to the agenda:

- Examination Automation Contract Update

CONSENT AGENDA:

There were no consent agenda items.

APPROVAL OF THE FEBRUARY 15-16, 2007, WORKING SESSION MINUTES:

A **MOTION** was made by Chief Olko and supported by Mr. DeVries to accept the February 15-16, 2007, working session minutes as written.

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

CHAIRMAN'S REPORT:

Sheriff Wriggelsworth explained that the Funding Coalition has been meeting regularly and are preparing to have funding legislation introduced. He and Mr. Beach recently met with Attorney General Mike Cox and his staff on the issue of legislation to expand Public Act 330 as it relates to the University of Detroit Mercy. The Executive Committee met on the issue this morning and are awaiting statistical information from U of D before proceeding.

EXECUTIVE DIRECTOR'S REPORT:

Mr. Beach updated the Commission on the following items:

Public Safety Officer Benefit Program Update - On February 7, 2007, Detroit firefighter Joe Torkos was killed when the fire truck he was driving to an arson fire was struck by an SUV. Firefighter Torkos left a daughter and a wife who is pregnant with their second child. Because of immediate financial need, an emergency \$3000 payment was made to the widow of Firefighter Torkos.

As of this date, all of the current year's appropriation has either been spent or is committed to payments. Payment will be made for the balance of the benefit for the most recent death, however pending cases and any more deaths in 2007 will have to wait on a supplemental appropriation. There are currently two disability cases pending.

EXECUTIVE DIRECTOR'S REPORT Continued:

Untrained Police Officers News Articles – There have been articles from the Associated Press in the last week regarding untrained police officers on duty. The articles cited examples of individuals that take advantage of states where they can be hired by an agency and in some cases given up to two years before they have to seek formal training. In Michigan, no such exception has ever been considered. Mr. Beach responded to the Grand Rapids Press clarifying this issue, notifying citizens that Michigan does not practice this and invests significant time and effort to ensure recruits are properly trained and competent prior to being allowed to work.

2007 Annual Registration – The reporting period for the annual registration ended on Friday, March 9, 2007. This is a mandatory annual requirement to verify the employment status of all licensed law enforcement officers and to come up with an accurate number for the law enforcement distribution. There were six agencies out of 610 that failed to report. They have been notified of their failure to comply.

Current Enrollments in the Police Academies – The current enrollments in basic training is a total of 319 recruits; 100 of them are employed recruits. The graduation cycle will begin at the end of April and Commission members will be receiving requests to assist with attendance at those functions and presenting the MCOLES award.

Academy Contract Status – With the assistance of the Attorney General's office, the Commission created a new contract for the regional academies around the state. All but two academies (Kalamazoo and Delta) have returned their signed contracts to MCOLES.

MCOLES Network Contract Kickoff- Mr. Beach reported at the last meeting that staff was successful in having the MCOLES Network maintenance contract awarded. Northrop Grumman staff traveled to Lansing to meet with MCOLES staff and kick off the new contract. All contract administration issues were discussed and protocols for administration were agreed to and put in place.

Training Needs and Public Safety Survey - Later this month, MCOLES will be surveying Michigan's law enforcement administrators regarding their agency's in-service training needs and any continuing insurance coverage provided by their unit of government to survivors of officers who die in the line of duty. This will be sent out electronically to all agencies in the state.

Agencies will be asked to identify emerging training needs. This will assist the Commission to ensure that the training priorities set for the 2008 competitive grant cycle meet the needs of law enforcement.

EXECUTIVE DIRECTOR'S REPORT Continued:

In addition, Mr. Beach was asked by members of the legislature to generate statistics on the number of agencies that provide health benefits for the families of officers that are killed in the line of duty. There is a movement to enhance the PSOB legislation that would allow for, in cases of demonstrated need, the continuation of health care benefits.

Public Safety Funding Coalition – Staff has been working with the funding coalition as an ongoing effort for the past five years. The Department of Information Technology (DIT) expressed an interest in being included in the coalition in a much larger effort to secure funding. The source of that funding is a telephone communications surcharge, which would be a monthly assessment on all lines that have access to 911. A meeting is scheduled with DIT and the Emergency Telephone Service Committee representatives on Friday to determine if this would be in the best interest of the coalition. A meeting of the full coalition will be held to move forward with the introduction of legislation in the near future.

Legislative Update:

HB 4321 – Staff was asked for input from Representative Nitz, on House Bill 4321, which would recognize Motor Carrier Officers as fully empowered law enforcement officers in the state. There are cost and standards issues involved in this legislation. Mr. Furtaw and Mr. Beach will be meeting with Representatives Nitz and Meadows on this issue. The Department of State Police also has funding concerns. The Motor Carrier Division receives restricted funds to perform their commercial vehicle enforcement duties. Mr. Beach directed staff to conduct an analysis on the necessary training requirements needed for this transition.

Law Enforcement Caucus - Representatives Jones and Espinoza have reconfigured the law enforcement caucus to summon those in the legislature that are former law enforcement officers and prosecutors or associated with criminal justice that would have an interest in advancing the priorities and issues of law enforcement and public safety legislatively. An inaugural meeting was held this week and various legislators were invited to sign a pledge of support to the caucus and to publish 2007-08 legislative priorities. A copy of the priorities were supplied to the Commission with the first priority being to increase the number of law enforcement officers in the state and the public safety funding coalition efforts as the second priority. The remaining priorities were reviewed with the Commission.

Michigan Law Enforcement Officer Position Strength – As outlined in the graph supplied to the Commission, current law enforcement officer positions as of March 12, 2007 is 21,483. Statistics yearly since 2001 were provided in the handout. The total reduction in the number of officers since September 11, 2001, is 1,667.

EXECUTIVE DIRECTOR'S REPORT Continued:

External Contacts – Recent activities include the Michigan Association of Chiefs of Police conference in February, the Fraternal Order of Police conference March 3-4, and regional training academy advisory committees and consortium board meetings.

Special Use and Grant Adjustment Requests – Recent activity on special use and grant adjustments were provided to the Commission.

Upcoming Commission Meetings: The upcoming Commission meetings are as follows:
April 24, 2007 - Grand Valley State University, Allendale
June 5, 2007 – Lake Superior State University, Sault Ste. Marie
September 11-12, 2007 - St. Joseph (Working Session/Regular Meeting)
October 24-25, 2007 – Detroit (Working Session/Regular Meeting)
December 11, 2007 - Lansing

COMMITTEE REPORTS:

Sheriff Wriggelsworth stated that the Public Safety Funding Coalition efforts were reviewed in the Executive Director's report. He explained that a meeting was held with Ms. Terri Takai of the Department of Information Technology (DIT) and they will be asking for funding that is more than double of what the funding coalition is asking for. They have not provided a detailed accounting of their needs.

NEW BUSINESS Continued:

Commission Revocations – 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 Michael Zimmer in the cases as grounds to issue a final decision and order revoking the law enforcement licenses of these officers.

Tyler Jeffreys, Docket # 2006-957 - Mr. Jeffries was convicted in June of 2006 of criminal sexual conduct in the second degree, a fifteen year felony and sentenced by the Circuit Court in Jackson County.

A **MOTION** was made by Director Jones and supported by Mr. Morse to adopt the Proposal for Decision and revoke the law enforcement license of Mr. Tyler Jeffreys.

NEW BUSINESS Continued:

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

Michael Harvey, Docket # 2006-960 – Mr. Harvey was convicted of felonious assault a four year felony in August of 2006 in a domestic violence incident. He was sentenced in Antrim County Circuit Court.

A **MOTION** was made by Deputy Chief Robinson and supported by Sheriff Pickell to adopt the Proposal for Decision and revoke the law enforcement license of Mr. Michael Harvey.

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

Ian Gallagher, Docket # 2006-1131 – Mr. Gallagher was charged with multiple felony counts arising out of a circumstance involving a minor. He was convicted of distributing obscene material to a minor in September of 2006, a felony in the state of Michigan. He was sentenced in Calhoun County Circuit Court.

A **MOTION** was made by Chief Olko and supported by Sheriff Bosscher to adopt the Proposal for Decision and revoke the law enforcement license of Mr. Ian Gallagher.

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

Keith McLain, Docket # 2006-1085 – Mr. McLain was convicted of attempt to facilitate the escape of a prisoner in June of 2006. The incident took place in the St. Clair County Jail. He was convicted in St. Clair County Circuit Court.

A **MOTION** was made by Mr. Morse and supported by Lt. Col. Yungfer to adopt the Proposal for Decision and revoke the law enforcement license of Mr. Keith McLain.

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

Roy Coates, Docket # 2006-1086 – Mr. Coates was convicted of possession of methamphetamine, a five-year felony in the State of Michigan, in August of 2006 in Oakland County Circuit Court.

A **MOTION** was made by Deputy Chief Robinson and supported by Director Jones to adopt the Proposal for Decision and revoke the law enforcement license of Mr. Roy Coates.

NEW BUSINESS Continued:

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

Leonard Carmona, Docket # 2006-1229 – Mr. Carmona was convicted of assault with a dangerous weapon and a felony firearm charge following a jury trial in Wayne County Circuit Court in July of 2005.

A **MOTION** was made by Lt. Col. Yungfer and supported by Sheriff Bosscher to adopt the Proposal for Decision and revoke the law enforcement license of Mr. Leonard Carmona.

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

Tour of Kettering University Crash Safety Center – Mrs. Vida Fisher welcomed the Commission to Kettering University. She stated the University has had the Crash Safety Center sled and the occupant safety course of the accident reconstruction program running for approximately two to three years. The facility allows undergraduates and community members to become involved in learning about safety. The focus of the center is on what happens to the occupant of a car in a crash. She guided the Commission to the tour site in the Mott Building.

The Commission and audience toured the Crash Safety Center and were given presentations by two faculty members, Dr. Massoud Tavakoli and Dr. Janet Brelin-Fornari.

Implementation of Patrol Rifle Testing into the Recognition of Prior Training and Experience Program – In November 2006, the Commission adopted the Patrol Rifle Curriculum for basic training. The Recognition of Prior Training and Experience Program is a waiver of the basic training requirements and therefore must remain consistent with the requirements of basic training. Staff met with the two testing locations, Kirtland and Macomb Community Colleges and discussed incorporating this training into the Recognition of Prior Training and Experience Program as of June 1, 2007.

A **MOTION** was made by Chief Olko and supported by Mr. Dennis to approve the implementation of the Patrol Rifle curriculum standard as a mandate for the Recognition of Prior Training and Experience program.

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

NEW BUSINESS Continued:

Discovery and Law Enforcement Personnel Files – Mr. Furtaw explained that at the last Commission meeting a question was raised as to what duties exist on the part of law enforcement agencies to provide personnel files of police officers in pending criminal cases under the Giglio rule. There is a duty on the part of the prosecutor to disclose exculpatory evidence; the Giglio case extended it to include impeachment information that is material to the credibility of a police witness. The Giglio case in Federal practice has not been extended to the state. There is not an immediate question that police or law enforcement officials need to be concerned with at this point in time relative to an affirmative duty to turn over personnel records.

Sheriff Bosscher asked for insight on FOIA requests from the media for personnel records. Mr. Furtaw explained that the FOIA statute exempts personnel records of law enforcement.

Mr. DeVries cited a case in Kent County where the court ruled the media could have access to law enforcement discipline records through FOIA. Mr. Furtaw stated he would look into the case.

Examination Automation Contract Update – Ms. Kramp explained that at the December 13, 2006, meeting the Commission approved moving forward with implementation of the automated license testing process in the Spring 2007 sessions. In preliminary discussions with vendors who may be interested in bidding to become the MCOLES testing vendor for both the Reading/Writing exam, as well as the licensing exam, it is clear that the relatively small numbers of test administrations annually will impact the cost per administration. The actual bid will not be available until late August or early September.

Staff researched other states as well as online administration of other license testing done in Michigan. For those states charging a fee on written components of testing, the cheapest was \$100 and they do approximately 7000 administrations a year. None of the other state law enforcement standards organizations conduct testing online. It is hoped that there will be at least three bidders and it is estimated the cost will be approximately \$100 to \$130 per administration.

OLD BUSINESS:

Commission Bylaws – Mr. Furtaw provided the Commission with a draft of suggestions and reviewed the areas of the method of election of chair and vice-chair, appointment of an ad hoc nominations committee and the nominations process, elections, vacancies of chair and vice-chair, and the role of the presiding officer regarding voting and tie breaking issues.

Sheriff Wriggelsworth directed the issue be tabled and brought before the Executive Committee at their next meeting and they develop a recommendation for the full Commission to consider at their next meeting.

2008 Governor's Recommended Budget – Mr. Beach stated that testimony has been taken by Senator Garcia and the Senate Appropriations Committee. A major issue seems to be a lack of interest to move anything given the indecision relative to the 2007 budget. The Senate Committee did not act on the budget; they will meet again after spring break.

Public Safety Officer Benefit (PSOB) Disability Process – Mr. Rothenberger explained that at the November Executive Committee Meeting, staff discussed the issue of needing guidance on disability cases. Two proposed models were discussed with the Committee and most recently with the Commission at the February meeting. A revised application form and an investigation protocol have been developed. The application form and protocol follow the federal model. A medical consultant has been identified who is willing to review the medical information.

The proposed PSOB disability protocol includes a disability application form that is separate from the form currently being used for the death benefit. Mr. Rothenberger reviewed the application and required documentation that would be submitted and the information that will be secured by MCOLES staff.

A **MOTION** was made by Sheriff Bosscher and supported by Mr. Morse to adopt the protocol presented by staff for conducting investigations of Public Safety Officer Benefit disability claims.

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

Active Duty Firearms Standard – Ms. Kramp explained that at the February meeting the Commission held a facilitated discussion regarding implementation of the in-service active duty firearms standard. The bullet points that the Commission reached a consensus on were reviewed:

OLD BUSINESS Continued:

- The active duty firearms standard, will be a mandated, minimum standard as published by the Commission;
- All MCOLES licensed law enforcement officers shall be required to meet the standard regardless of agency assignment;
- Compliance with the standard includes both the knowledge and skills component;
- Compliance must be demonstrated annually;
- Implementation will allow local agencies the flexibility to address issues that may arise from officers who are on light duty, workers compensation time or military leave during a compliance period;
- Agencies shall be allowed to meet or exceed the standard; and
- Compliance reporting by agencies shall be done annually, on-line through the annual registration.

Staff is currently in the process of pilot testing in agencies that have volunteered. Staff will report back to the Commission in the late fall as to the results of the pilot testing.

Recognition of Prior Training and Experience Program Remediation Firearms Skill

Pilot Test – Mr. Steele explained that at the April 20, 2005, meeting, the Commission approved a pilot program for remedial firearms training for those candidates that double fail the firearms assessment in the Recognition of Prior Training and Experience Program (RPTE). Macomb Community College had been authorized to provide this remedial training. As of February, 22 individuals attended the remedial training. One person did not pass after remediation.

It was recommended that the Commission adopt the remedial firearms curriculum and training program offered through the Macomb Community College for the completion of the RPTE Program. Sheriff Wriggelsworth asked that the recommendation include any academy that is approved by MCOLES to provide this service as long as they follow the curriculum.

A **MOTION** was made by Lt. Col. Yungfer and supported by Mr. DeVries to adopt the remedial firearms curriculum and training program offered through any approved MCOLES police academy for the completion of the Recognition of Prior Training and Experience Program.

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

OLD BUSINESS:

Paperless Commission Meeting Transition – Ms. Kramp asked the Commission if there were any suggestions for changes, additions, or improvements to the paperless process. Mr. DeVries asked if the information could be added to the website following the meeting so Commission members could refer back to it. Ms. Kramp stated that an archive system would be set up on the website. Mr. Beach asked if the Commission would prefer that the information be posted on the public website after the meeting and not a secure link since the information is public. In addition, the approved minutes could also be published on the website.

Sheriff Wriggelsworth directed the staff to publish the Commission information on the website as discussed.

Sheriff Bosscher asked that the bylaws and other information used frequently by Commission members be loaded and left on the laptops.

Mr. Morse asked if there was any way to highlight information or take notes on the laptop while reviewing the documentation. Ms. Kramp will attempt to identify a way this can be done.

The staff will bring laptops to all the meetings but the Commission may bring their own if they prefer.

PUBLIC COMMENT:

Sheriff Wriggelsworth thanked Mr. Beach for his leadership over the past several months in all the funding coalition efforts.

Mrs. Vida Fisher explained that her son, Officer Owen Fisher, was killed in the line of duty in July of 2005 in Flint. She thanked the Commission for the high standard they set for recruits and for the support provided to the families of fallen officers. There were a lot of expenses they never expected to incur related to the funeral and they are grateful for the benefit provided to them.

NEXT MEETING:

DATE: April 24, 2007

LOCATION: Grand Valley State University, Allendale, Michigan

ADJOURNMENT:

A **MOTION** was made by Mr. DeVries and supported by Mr. Bretz to adjourn the meeting.

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

The meeting adjourned at 12:24 p.m.

APPROVED BY _____ ON _____

WITNESSED BY _____ ON _____