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**Michigan Commission on Law Enforcement Standards**  
**Commission Meeting Minutes**  
**September 12, 2007**  
**Oronoko Township Public Safety Building**  
**Berrien Springs, Michigan**

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**COMMISSION MEMBERS PRESENT:**

Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association  
Mr. John Buczek, representing the Fraternal Order of Police  
Mr. Jim DeVries, representing the Police Officers Association of Michigan  
Lt. Col. Timothy Yungfer, representing the Michigan State Police  
Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan  
Director Kurt Jones, representing the Michigan Association of Chiefs of Police  
Prof. Ron Bretz, representing the Criminal Defense Attorneys of Michigan  
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association  
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police  
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  
Trooper Michael Moorman, representing the Michigan State Police Troopers Association  
Mr. Raymond Beach, Executive Director  
Mr. Tom Furtaw, Commission Counsel

**COMMISSION MEMBERS EXCUSED:**

Mr. Bill Dennis, representing the Attorney General

**COMMISSION STAFF PRESENT:**

Ms. Theresa Hart	Ms. Hermina Kramp
Mr. Gary Ruffini	Ms. Cheryl Hartwell
Mr. John Steele	Mr. Dale Rothenberger
Mr. David King	Mr. Dan Furniss
Mr. Wayne Carlson	Mr. David Lee

## **GUESTS SIGNING IN:**

Ms. Jane P. White, Associate Director, Michigan State University  
Capt. Pam Carrier, Grand Rapids Police Department  
Mr. Larry Schalk, Vice President, Andrews University  
Director Rick Ives, Kalamazoo Valley Community College  
Sheriff Paul Bailey, Berrien County Sheriff's Office  
Chief Milton A. Agay, Berrien Springs – Oronoko Township Police Department  
Chief Bill Marx, Buchanan Police Department

## **CALL TO ORDER:**

The Commission Meeting was called to order by Sheriff Gene Wriggelsworth on September 12, 2007, at 9:00 a.m. at the Oronoko Township Public Safety Building in Berrien Springs, 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 Chief Milt Agay and the Berrien Springs – Oronoko Township Police Department for hosting the meeting.

Sheriff Wriggelsworth moved the Commission Resolution item to this portion of the meeting.

**Commission Resolution** - A Commission resolution was prepared and read into the record to honor the service of fallen Grand Rapids Police Officer Robert Kozminski. Officer Kozminski was responding to a home where a man was armed and threatening to kill his family. The suspect fired a shotgun through a glass door hitting Officer Kozminski who perished as a result of his injuries.

A **MOTION** was made by Trooper Moorman and supported by Chief Mattice to adopt the resolution in honor of fallen Grand Rapids Police Officer Robert Kozminski.

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

## **INTRODUCTIONS continued:**

Capt. Pam Carrier accepted the resolution and thanked the Commission for honoring Officer Kozminski. She attended on behalf of his family.

## **PUBLIC FORUM/COMMENTS:**

**Mr. Larry Schalk, Vice President, Andrews University:** Mr. Schalk addressed the Commission regarding Public Act 330. He explained that the University is a private college and would be making application under PA 330 and was working with John Steele to do so. He expressed his concern that there is no way for the public safety department to stop a vehicle and issue a traffic citation and asked for the Commission to consider changing this rule. Sheriff Wriggelsworth explained that the Commission is aware of this issue; however, the Motor Vehicle Code requires that licensed law enforcement officers issue traffic citations.

## **COMMISSION ATTORNEY REPORT:**

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

**Commission Bylaws Revision** – The revised bylaws were presented to the Commission for consideration. The Legislative Committee portion was amended eliminating that not more than five members could serve. The number that will serve and who will be on the committee are at the Chair's discretion. In addition, language was added allowing the Chairman of the Commission to appoint a Chair to the Legislative Committee.

A **MOTION** was made by Mr. Morse and supported by Trooper Moorman to amend the Commission Bylaws as proposed.

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

**University of Detroit Mercy** – The officers are now operating under a temporary PA 330 license while waiting for final application and approval by MCOLES. All 13 officers were given notice that they had an opportunity for a hearing prior to their licenses being rendered inactive. None of the officers responded asking for due process.

**Bridson Revocation** – In this case, the attorney for the former Undersheriff stipulated to dismissal of the appeal they had filed.

**ADDITIONS TO THE AGENDA:**

There were no additions to the agenda.

**CONSENT AGENDA:**

There were no consent agenda items.

**APPROVAL OF THE APRIL 24, 2007, MEETING MINUTES AND  
THE JUNE 5, 2007, MEETING MINUTES:**

A **MOTION** was made by Deputy Chief Robinson and supported by Sheriff Bosscher to accept the April 24, 2007, and June 5, 2007, meeting minutes as written.

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

**CHAIRMAN'S REPORT:**

Sheriff Wriggelsworth reported that he will be appointing a Nominations Committee at the October Commission Meeting.

**Sentencing Guidelines** – Sheriff Wriggelsworth, Mr. Buczek, and Mr. Beach met with the Governor's Office regarding the changes they were recommending to the sentencing guidelines and the impact they will have on MCOLES standards. They said they will consider the impact to MCOLES as they review the list of offenses. Staff will keep them updated on the recommended changes to PA 203.

**Evaluation of Executive Director Beach** – The Executive Committee recently conducted a yearly evaluation of Mr. Beach's work performance and he received a review of outstanding.

## **EXECUTIVE DIRECTOR'S REPORT:**

Mr. Beach updated the Commission on the following items:

He thanked Commissioners Olko and Pickell for their final Committee reports regarding Regular Employment and Ethics, recognizing their leadership and all their hard work to reach a consensus on recommendations.

**Training to Locals** - The request forms for the Training to Locals Reimbursement process were mailed to 32 qualifying law enforcement agencies on August 21st. There were 169 individual employed recruits completing training and licensing requirements during the qualifying period of August 1, 2006 through July 31, 2007. Based upon the available revenue and the number of eligible candidates, the reimbursement level for 2006/2007 will be at the Commission established ceiling of \$1,400.00 per eligible trainee. The total potential reimbursement for all 169 trainees is \$236,600 providing all eligible agencies submit the required documentation for reimbursement. Payments will be made as documentation is submitted by eligible agencies. It is anticipated that all payments will be made no later than October 5, 2007.

**New MSP Headquarters** - The State Administrative Board recently gave its approval for construction of a new State Police headquarters building in downtown Lansing. Unlike earlier proposals, this building would house only the State Police.

Official Correspondence dated August 8, 2007, announced approval of the new headquarters building. The memo detailed which offices would be housed in the building, including MCOLES. In prior headquarters plans staff had been assured that they would not be housed in the new headquarters. The issue of MCOLES occupancy is under review by MSP leadership.

**State Employee Early-Out Proposal** - Senate Bill 689 was introduced on August 22, 2007, by Senate Majority Leader Bishop and has 16 Republican co-sponsors. The bill provides for an "early out" for most state employees, if certain qualifications are met. The bill has an increased multiplier and a reduced threshold for qualification.

It has been estimated that 14,000 of the 52,000 state employees would be eligible to retire (27%). The impact of the legislation on the MCOLES, if it became law could be catastrophic. Thirteen of the staff would be eligible to retire (43%).

The bill appears to reduce the size of state government and also address the \$1.77 billion deficit in the FY 2008 budget. This bill passed the Senate on August 30, 2007.

## **EXECUTIVE DIRECTOR'S REPORT Continued:**

**Training Directors' Meeting** - The training directors' fall conference will be held at Kalamazoo Valley Community College on September 19, 2007, at 9:00 a.m. KTA is at 6767 West "O" Avenue in Kalamazoo. This will be a one-day event and the details for the exact room number and agenda will be forthcoming this month. As always, Commission members are welcomed and encouraged to attend.

**Schoolcraft College** - The Standards Compliance Section is conducting an investigation at Schoolcraft College's Wayne County Regional Police Academy regarding possible rule and policy violations. The violations of rules and policies have to do with instructor oversight, instructor demeanor, and the Commission's philosophy of adult learning.

**Commission Appointments** – Staff is working with the Governor's office on the following appointments: DPOA - vacant after the retirement of Rich Weaver and the following appointments expire on November 1, 2007: Chief Doreen Olko, Sheriff Jim Bosscher, Mr. David Morse, Prof. Ron Bretz.

**Special Use and Grant Adjustment Requests** – Recent activity on special use and grant adjustments were provided to the Commission (link located under Executive Director's report). All of the SUR's were approved and six (6) grant adjustment requests were denied – detailed information is provided in the report.

**Upcoming Commission Meetings** – The next Commission meeting will be held October 23-24, 2007 at DoubleTree Hotel in Detroit and hosted by Chief Ella Bully-Cummings and the Detroit Police Department. The last meeting of the Commission for 2007 will be held on December 11<sup>th</sup>, hosted by Sheriff Wriggelsworth at the Ingham County Sheriff's Office in Mason. The December meeting normally includes a holiday luncheon with staff.

## **COMMITTEE REPORTS:**

**Executive Committee** – Sheriff Wriggelsworth provided copies of the minutes from the two previous meetings to the Commission. He stated that a meeting had taken place with the auditor which indicated that MCOLES preliminarily passed but will now be billed \$37,000 to cover the cost of the audit.

**Public Safety Funding Coalition** – Sheriff Wriggelsworth reported that several meetings of this Committee have been held and House Bill 4852, funding for the coalition, had recently been rolled into Senate Bills 410 and 411. These bills are on the agenda of the House Appropriations Committee for today.

## **COMMITTEE REPORTS Continued:**

**Regular Employment Committee** – Sheriff Pickell reported that the Committee had met several times after holding public meetings across the state and came up with a reasonable recommendation for regular hours. It is anticipated that this initiative will be implemented in the next two years. Public meetings will be held in December to outline the recommendation of the Committee to the field.

**Legislative Committee** – Mr. Buczek explained that this committee met last month to discuss pending bills that were linked to MCOLES. He reviewed the Committee's position on these bills with the Commission.

**PA 330 Committee** – Sheriff Wriggelsworth reported that the survey information sent out to the PA 330 entities had been compiled and a meeting with them and Committee members would be scheduled sometime in the near future. He also asked that Andrews University be invited to attend the meeting.

**Ethics Committee** – Chief Olko reported that the Ethics Committee had met during the working session and discussed recommendations. She asked Mr. Furtaw to explain the recommendations.

Mr. Furtaw explained that before an officer is licensed he must meet moral, academic and physical fitness requirements. Staff has encountered many issues regarding the concept of moral fitness. How good moral character is defined and enforced regarding licensed police officers was discussed. There is currently language in regulations dealing with some factors that help support this definition and require a comprehensive background investigation for applicants seeking to be licensed. Background investigations are not being conducted uniformly across the state. MCOLES currently has jurisdiction for any criminal conviction defined as a plea or judicial verdict defined as a felony.

The committee has developed specific language in two areas, background investigations with the screening stage including academies, new applicants to law enforcement agencies, and lateral transfers. In addition, recommendations regarding expansion of jurisdiction were also discussed. Currently the committee is looking to get discretion to revoke on any offense that would be punishable by one year or less. Anything above one year would be a mandatory revocation. In addition, they looked at the authority to revoke including some lesser misdemeanors such as certain one year, 90, or 93 day offenses based on violation of the stated law enforcement core values.

He reviewed the document titled draft Ethics Committee recommendations with the Commission which included recommended statute, rules and policy in this area.

## **COMMITTEE REPORTS Continued:**

The Commission discussed issues when it is alleged that an officer violated a department policy and they resign prior to be charged with anything. This issue is unfounded and cannot be placed in a personnel file. Only proven issues of misconduct need to be addressed.

A **MOTION** was made by Chief Olko and supported by Director Jones to accept the proposed concept of the Ethics Committee but not the specific language. The document provided by counsel is subject to legal exam and further review by staff.

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

## **NEW BUSINESS:**

**Kalamazoo Valley Community College Academy Overview** – Director Rick Ives explained that in 2005 the College had implemented the Southwestern Michigan Training Consortium with the assistance of Justice Training Grants. The consortium began with nine law enforcement agency members and has since grown to 15 agencies with 626 police officers. The College conducts two police academies per year with an average of 25-30 cadets. The program is 710 hours of training over 17 weeks. To date between 84 and 87 percent of their graduates are employed with a law enforcement agency.

Mr. Beach recognized the positive changes the academy has made under the leadership of Director Ives.

**Michigan Justice Training Grant Update** – Ms. Hartwell reported that 61 grant applications had been received for Justice Training funds totaling over \$4.9 million. With expected de-obligations it is estimated that there will be approximately \$3.2 million available for award. Staff is completing their reviews of the submitted grants and a Practitioner Review Meeting has been scheduled for September 25, 2007. All grant information will be compiled and forwarded to the Commission for review the first week in October.

**Michigan Justice Training and Training to Locals Revenue Update** – Mr. Rothenberger explained that each year revenue is generated through the collections by the Michigan District Courts for the fine assessments on civil infraction findings on moving violations. The revenue is then transferred to the Michigan Department of Treasury, for deposit in interest earning investments.

## **NEW BUSINESS Continued:**

Collections made under the Motor Vehicle Code for the Secondary Road and Training Fund are distributed to the Office of Highway Safety Planning (OHSP) for secondary road patrol grants and to MCOLES for the Training to Locals (TTL) reimbursements for agency employed recruits who are trained and licensed. Similarly, revenue and interest are also generated for the Michigan Justice Training Fund (MJTF). The revenue collected under the Motor Vehicle Code for the MJTF is deposited in the Justice System Fund along with about 9 other revenue sources. It is then distributed by percent to the MJTF, where it earns interest. The revenue figures for the two funds were provided and reviewed with the Commission.

**Public Safety Officers Benefit Update** – Mr. Rothenberger explained that the FY2007 funding for PSOB had been exhausted. All obligations will be carried forward to the next fiscal year for payment. The fund has been insufficient to cover all death and disability payments to date. Mr. Beach stated that an increase in the funding level for PSOB had been accounted for in the MCOLES proposed dedicated funding source. The Governor's recommended budget did not include an increase.

**Blended Learning Pilot Report and Recommendations** – Ms. Jane White of Michigan State University and Mr. Dave Lee, MCOLES staff, provided a brief overview of the Blended Learning Program conducted at the College. The State Police, Detroit Police, and MCOLES participated in the class. Mr. Lee stated that the class went very well and since it was online was flexible to all shifts of police work since it could be accessed at any time. He also explained that this type of training fits with the MCOLES strategic plan of modernization of training.

It was recommended that the Commission approve the MSU blended-learning courses to be removed from the pilot phase and allow course registration in the MCOLES Network consistent with standard in-service training courses. The reporting requirements for student enrollment and performance must be submitted in the same manner as standard courses and will then qualify for the use of LED funds.

A **MOTION** was made by Deputy Chief Robinson and supported by Mr. Bretz to approve the MSU blended-learning courses and remove them from the pilot phase and allow course registration in the MCOLES Network consistent with standard in-service training courses.

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

**NEW BUSINESS Continued:**

**Office of Highway Safety Planning (OHSP) Traffic Safety Grant Report** – Mr. Carlson reported that the MCOLES will receive grant funding from NHTSA, as administered by OHSP, to establish and maintain speed measurement standards for law enforcement in Michigan. MCOLES will provide the necessary oversight and management of this project by contracting the services of a curriculum developer. The project plan calls for the development and implementation of both radar/lidar standards and standard field sobriety testing (SFST) at a total cost of \$69,400. The expenditures will be budgeted for fiscal year 2008.

**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 (ALJ) Michael Zimmer.

Jeffrey Lutz – Mr. Lutz, a former Eaton County Sheriff’s Deputy, was convicted of false report of a felony and discharge of a firearm in the 56<sup>th</sup> District Court in Eaton County on March 13, 2007.

A **MOTION** was made by Mr. DeVries and supported by Trooper Moorman to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Mr. Jeffrey Lutz.

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

Erica Rickett – Ms. Rickett was convicted in Oakland County of child abuse and did not contest her conviction. Her attorney filed an exception and Mr. Furtaw filed a response acknowledging receipt.

A **MOTION** was made by Mr. DeVries and supported by Mr. Buczek to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license, while acknowledging the exception that was filed, of Ms. Erica Rickett.

A **VOTE** was taken, Trooper Moorman opposed. The **MOTION** carried.

## **OLD BUSINESS:**

**Law Enforcement Officers Online** – Mr. Furniss explained that the MCOLES Network opened for business transactions on April 5, 2004. Currently, individual officers have to contact a Network operator for their agency or an MCOLES staff member to obtain their Individual Employment History (IEH).

Since the April 2007 Commission meeting, the Commission staff have completed the development of the Network module to allow individual officer access; established a procedure to insure secure creation and distribution of login IDs and passwords; and created a policy that provides for the addition, update, and correction of an officer's IEH. Individual officer access is "View Only"; they cannot make changes to their record online. There are policies and procedures in place to allow for the addition, updating, and correcting of an officer's IEH.

Approval was requested to proceed with the implementation of the Officer Online Project. Individual officer access is scheduled to be available on October 1, 2007.

Mr. Beach commended Mr. Furniss and MCOLES staff members that worked on this project.

A **MOTION** was made by Lt. Colonel Yungfer and supported by Chief Olko to proceed with the implementation of the Officer Online Project.

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

**FY 2007-08 Budget Updates** – This information was provided during the working session on September 11, 2007.

**Active Duty Firearms Standard** – Mr. Carlson reported that pilot testing of the active duty firearms standard continues. To date, seven agencies have reported their results with 446 officers participating in the experimental standard. Results show that 386 officers were able to achieve the desired outcome during their first attempt, with all achieving the desired outcome. Positive feedback has been received from all of the firearms instructors.

The pilot-testing will continue and the data entered into a database will be statistically analyzed when the experimental period has been completed. Staff will bring a recommendation to the Commission at their December meeting.

**Examination Automation Contract Approval** – Ms. Kramp explained that since 2002 the MCOLES Reading Comprehension and Writing Skills Exam has been automated and is administered at the expense of the student. The current contract will soon be expiring.

**OLD BUSINESS Continued:**

At the December 2006 meeting, the Commission approved moving forward with implementation of the automated license testing process with the Spring 2007 sessions. The final request for proposal asked vendors to price the student cost for administration for two exams separately. The payment option agreed upon was full payment by the student at the time of registration. It would be an employer option to reimburse employed recruits for successful completion of the exam.

Only one vendor responded with a proposal. The current vendor, Performance-based Selection, Inc. (PBS) responded. The PBS proposal was formally evaluated for compliance with all technical requirements and selection criteria by a joint evaluation committee on September 5, 2007. At that time the price proposal was shared by purchasing agents with the MCOLES.

It was recommended that the Commission approve entering into a contract with the proposed vendor to provide test development and administration for all of the Commission's written exams. The final negotiated price for the automated licensing exam will be under \$100.

A **MOTION** was made by Deputy Chief Robinson and supported by Mr. Morse to approve entering into a contract with Performance Based Selection, Inc. to provide test development and administration for all MCOLES written exams.

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

**MISCELLANEOUS:**

Chief Olko complimented staff on the paperless meeting format.

**PUBLIC COMMENT:**

There was no public comment.

**NEXT MEETING:**

DATE: October 23-24, 2007

LOCATION: DoubleTree Hotel, Detroit, Michigan

**ADJOURNMENT:**

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

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

The meeting adjourned at 12:03 p.m.

APPROVED BY \_\_\_\_\_ ON \_\_\_\_\_

WITNESSED BY \_\_\_\_\_ ON \_\_\_\_\_