
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
February 13, 2019
Lansing, Michigan

COMMISSION MEMBERS PRESENT

Chief David Molloy, representing the Michigan Association of Chiefs of Police
Sheriff Timothy Donnellon, representing the Michigan Sheriff's Association
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
Colonel Joe Gasper, representing the Michigan State Police
Sheriff Doug Wright, representing the Michigan Sheriffs' Association
Mr. David Tanay, representing Attorney General Bill Schuette
Mr. Duane Smith, representing the Police Officers Labor Council
Mr. Richard Heins, representing the Michigan Association of Police
Commander Mark Bliss, representing the Detroit Police Department
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan
Mr. Thomas Adams, representing the Public
Trooper Nate Johnson, representing the Michigan State Police Troopers Association
Deputy Matthew Hartig, representing Deputy Sheriff's Association of Michigan
Sheriff Matthew Saxton, representing the Michigan Sheriffs' Association

COMMISSION MEMBERS EXCUSED

Mr. Mark Diaz, representing the Detroit Police Officers Association
Mr. Ken Grabowski, representing the Police Officers Association of Michigan
Mr. David Hiller, representing the Michigan Fraternal Order of Police
Chief Karianne Thomas, representing the Michigan Association of Chiefs of Police
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police

STAFF PRESENT

Mr. Timothy Bourgeois, MCOLES Executive Director
Ms. Jacquelyn Beeson, MCOLES Staff
Mr. David Lee, MCOLES Staff
Ms. Kayla Hanselman, MCOLES Staff
Mr. Danny Rosa, MCOLES Staff
Mr. Ryan Speidel, MCOLES Staff

GUESTS (SIGNING-IN)

Deputy Paul Workman, Oakland County Sheriff's Office

CALL TO ORDER

The Commission meeting was called to order by Chair David Molloy on February 13, 2019 at 10:35 AM. The meeting was held at the MCOLES Office, 927 Centennial Way, Lansing, Michigan.

INTRODUCTIONS

Chair Molloy introduced himself. He then proceeded to introduce the three newest Commissioners: Colonel Joe Gasper representing the Michigan State Police, Sheriff Matthew Saxton representing the Michigan Sheriff's Association and Deputy Matthew Hartig representing the Deputy Sheriff's Association of Michigan.

The remainder of the Commissioners, the staff and audience members also provided introductions.

ACCEPTANCE OF THE DECEMBER 5, 2018 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Smith to approve the December 5, 2018 Commission Meeting Minutes as written.

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

ADDITIONS/CHANGES TO THE AGENDA – None

CHAIR'S REPORT

LEO Population Report – Chair Molloy advised that the LEO population report for the month of January was made available to the commissioners. There was a decrease in the number of officers and the number of positions.

Special Use Request – Chair Molloy also stated that the Special Use Request report that was provided electronically had incorrect information. The correct report was provided for each commissioner today.

DIRECTOR'S REPORT

MCOLES New Staff Member – Executive Director Bourgeois requested David Lee, the Licensing and Administrative Services manager to introduce the newest MCOLES hire. He then introduced Kayla Hanselman. He stated that she came from the Office of Retirement Services. Her main job will be to oversee the operations of the MITN system. She will also be the first level of help for any IT issues in the office.

Legal Counsel – Director Bourgeois advised that he interacted with the Office of Attorney General this week. He feels that we are very close to getting new legal counsel assigned to MCOLES. He stated that hopefully at the next meeting he will be able to introduce that person. If we do get the replacement for John Szczubelek, he will notify the Commissioners.

Legislative Update – Executive Director Bourgeois advised that he was going to begin providing a legislative update for each meeting. He added that there may be legislation that MCOLES will need to take a position on due to their lobbyist designation.

MCOLES Field Rep Position – Executive Director Bourgeois advised that this position has been open for quite some time. They have interviewed candidates and are working on getting the position filled. This leaves one remaining open position. The open position is the MCOLES Webmaster. Even though that position is needed, the choice has been made to hold off until more budget information is obtained.

COMMITTEE REPORTS

Executive Committee – Commissioner Molloy advised that the Executive Committee met that morning prior to the Commission meeting. He stated that committee members discussed the following issues:

- New Commissioners attending today's meeting
- MCOLES staff
- Supplemental funding
- Background Investigations draft document

Reserves Committee – Director Bourgeois reminded everyone that Commissioners Donnellon, Mawer and Grabowski were chosen as members of the Reserves Committee along with MCOLES staff. He stated that they had met once since December.

Commissioner Donnellon summarized the first meeting.

- Members decided to develop a survey to collect baseline information regarding the nature and extent of reserve programs in Michigan. The survey asks law enforcement agencies about reserve programs, or civilian volunteer programs, used to supplement the work of their sworn officers. Collecting such data is one of the first steps in setting standards for reserves in Michigan.
- The Committee will gather information from subject matter experts.
- The last step will be to draft standards.

CONSENT AGENDA

Executive Director Bourgeois advised the Commissioners that they received a link with documents regarding five revocations. The revocations were for:

- Anthony Claude Careathers

- James Robertson
- Jamil Brock Martin
- Marty Tutt
- Nico Robert Hurd

Director Bourgeois advised for the new Commissioners that the statute requires revocation under certain circumstances. All five of these individuals fell under the circumstances. He added that the following steps were taken:

- An Order of Summary Suspension was sent to each individual.
- The Order of Summary was filed with the Administrative Hearing System to set up a hearing.
- The Law Judge rendered an opinion.
- The Commission will either reject or accept the Final Decision and Order of the law judge.

Commissioner Weiss pointed out that in Paragraph II of the Final Decision and Order for Careathers, Robertson, Martin and Tutt the words “federal regulations” were used incorrectly. He requested those two words be stricken from their respective Final Decision and Order.

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Adams to approve revocation of the above mentioned individual’s licenses with the words “federal regulations” being removed from the Final Decision and Order for Anthony Careathers, James Robertson, Jamil Martin and Marty Tutt.

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

NEW BUSINESS

Commission Resolution 2019-01 – Chair Molloy read into record Commission Resolution 2019-01 honoring Fallen City of Memphis Firefighter Robert James Phillips II and extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Adams and Supported by Commission Wright to approve Commission Resolution 2019-01 honoring Fallen Firefighter Robert James Phillips II and extending Public Safety Officer Benefits.

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

Commission Resolution 2019-2 – Chair Molloy read into record Commission Resolution 2019-02 honoring Fallen Detroit Police Department Officer Fadi Mukhlis Shukur and extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Smith and Supported by Commission Wendling to approve Commission Resolution 2019-02 honoring Fallen Police Officer Fadi Muklis Shukur and extending Public Safety Officer Benefits.

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

2019 Basic Academy Firearm Standard – In 2015, the MCOLES embarked on a development project to modernize the basic training academy standard for the primary duty handgun. Danny Rosa took the lead on the project. Danny stated that Michigan is nowhere near the top among states when it comes to mandatory in-service standards however regarding academy training, they are at the top. This project included conducting relevant research, consulting with other states, and working with subject-matter-experts from the Michigan law enforcement community. The standard addresses tactical considerations, communication skills, and deadly force decision-making.

Danny Rosa added that the standard is divided into three separate components that work together to address the many dimensions and skills necessary to navigate a deadly force encounter. Following are the three components:

1. The first component involves dynamic firearms drills that provide the officer with skills to address the fast moving, in-close, and dynamic nature of most officer-involved-shootings. For safety reasons these drills are done without the use of live fire (red guns and simunitions)
2. The second component involves live-fire exercises, which builds on the skills learned in the dynamic drills, causing recruits to move, properly utilize cover, appropriately communicate, and accurately shoot in a realistic manner.
3. The third component puts the firearms skills together with tactics, decision-making, de-escalation, etc., in reality-based training scenarios. There are 8 mandatory scenarios. The first 6 scenarios are based on research. The last two are based on what is currently going on around the country.

In 2017 one-third of the academies tested the standard. In 2018 all of the academies were involved in testing. The feedback from the Academy Training Directors and their instructors was documented and very positive. As of January 1,2019, this became the mandatory academy firearms standard. Danny Rosa emphasized that this is the academy standard which is different from the in-service standard. He added that if he receives a request from an agency regarding the in-service standard, he also sends them the academy standard for their review.

Draft Background Investigations Best Practice Document – Executive Director Bourgeois stated that in the past we have discussed the lack of comprehensive background checks by agencies and MCOLES planned on doing research and develop a document to assist agencies. Due to personnel shortages the project was put on hold. Last summer subject-matter-experts gathered and discussed background investigations. From the information gathered, Ryan Speidel put together a draft document. Additional MCOLES staff assisted also.

Director Bourgeois went on to explain that the Commissioners needed to keep in mind that MCOLES is tasked with setting minimum standards. An agency should have standards that are above and beyond what MCOLES has set. Also, it is important to remember that each agency has different

levels of staffing and different budget constraints when doing background investigations. With this in mind, the draft document was developed using Good, Better and Best practices.

Director Bourgeois asked that each Commissioner read the document and provide feedback to MCOLES. He added that the staff will continue to work on the document and develop an Advisory Standard. There is also discussion about creating an exemplar background report that could be used as a reference by the agencies.

Ryan Speidel added to the discussion stating that when the subject-matter-experts were chosen, they were comprised from small, medium and large agencies to represent the makeup of the actual agencies.

Ryan also asked that the Commissioners read the document and then email him with any suggestions, changes or recommendations. His goal was to bring an updated report to the Commissioners at the April meeting for them to consider as an Advisory Standard.

OLD BUSINESS

Commissioner Orientation – Director Bourgeois provided some background information. He stated with several new Commissioners it was suggested that MCOLES provide an orientation with an overview of MCOLES and the responsibilities of each section. He added that at each meeting a topic would be discussed and added to the manuals being prepared for the Commissioners. He also said that the purpose of the orientation was to provide familiarity with MCOLES. If someone wanted more information they could ask questions or follow up after the meeting.

Director Bourgeois then provided each commissioner with documents that emphasized the following topics:

- Historical overview of MCOLES
- Major responsibilities and organizational structure
- Public Acts and Statutes
- Michigan Justice Training Fund and MCOLES Budget

MISCELLANEOUS

Chair Molloy wanted to thank Commission Mike Wendling for his time as Vice-Chair and Chair of the Commission.

PUBLIC COMMENT - None

NEXT MEETING

Date: April 10, 2019 at 10:30 AM
Lansing

ADJOURNMENT:

A **MOTION** was made by Commissioner Adams and supported by Commissioner Wendling to adjourn the meeting.

APPROVED BY  ON 4-10-19

WITNESSED BY  ON 4-10-19