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**Michigan Commission on Law Enforcement Standards**  
**Special Commission Meeting Minutes**  
**March 11, 2015**  
**Lansing, Michigan**

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**COMMISSION MEMBERS PRESENT**

Sheriff Jerry Clayton, representing the Michigan Sheriffs' Association  
Director John Calabrese, representing the Michigan Association of Chiefs of Police  
Sheriff James Bosscher, representing the Michigan Sheriffs' Association  
Mr. Ken Grabowski, representing the Police Officers Association of Michigan  
Captain Greg Zarotney, representing Michigan State Police  
Mr. John Buczek, representing the Fraternal Order of Police  
Ms. Laura Moody, representing Attorney General Bill Schuette  
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police  
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan  
Sheriff Leo Mioduszewski, representing the Michigan Sheriffs' Association  
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan  
Mr. Fred Timpner, representing the Michigan Association of Police

**COMMISSION MEMBERS EXCUSED**

Chief Donald Mawer, representing the Michigan Association of Chiefs of Police  
Mr. Richard Weiler, representing the Police Officers Labor Council  
D/Sgt. Chris Luty, representing the Michigan State Police Troopers Association

**OTHERS PRESENT**

Mr. David Harvey, MCOLES Executive Director  
Ms. Hermina Kramp, MCOLES Deputy Executive Director  
Mr. John Szczubelek, Assistant Attorney General and Commission Counsel  
Ms. Jacquelyn Beeson, MCOLES Staff  
Mr. John Steele, MCOLES Staff  
Mr. Patrick Hutting, MCOLES Staff  
Mr. David Lee, MCOLES Staff  
Ms. Diane Horwath, MCOLES Staff  
Mr. Danny Rosa, MCOLES Staff  
Ms. Gina Rosendall-Saucedo, MCOLES Staff  
Mr. Wayne Carlson, MCOLES Staff  
Mr. Darnell Blackburn, MCOLES Staff

Ms. Deb Thelen, MCOLES Staff  
Mr. Lynn Ried, MCOLES Staff  
Ms. Holly Baer, MCOLES Staff

## **OTHERS SIGNED-IN**

Chief Gary Mayer, Troy Police Department  
Ms. Marla McCowen, State Appellate Defender's Office

## **CALL TO ORDER**

The Commission meeting was called to order by Chair Jerry Clayton on March 11, 2015 at 10:30 AM. The meeting was held at Lansing Community College-West Campus in Lansing, Michigan.

## **INTRODUCTIONS**

Chair Clayton introduced himself and asked the Commissioners to do the same.

## **ACCEPTANCE OF THE FEBRUARY 11, 2015 COMMISSION MEETING MINUTES**

A **MOTION** was made by Commissioner Olko and supported by Commissioner Wendling to approve the February 11, 2105 Commission Meeting Minutes as written.

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

## **ADDITIONS/CHANGES TO THE AGENDA**

There were no changes to the agenda.

## **COMMITTEE REPORTS**

Budget Sub-Committee – Commissioner Calabrese, Chair of the Sub-Committee advised that the committee met to discuss three items: funding, where MCOLES should be housed, and the Commission make-up. He extended his thanks to Director Harvey and his staff for their work on these issues in the past few weeks.

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## NEW BUSINESS

Executive Director Harvey advised that he felt the Commission should discuss all three issues separately.

Funding: Executive Director Harvey advised that a Resolution has been drafted for the Commission to consider with regard to the funding issue. He added that the insurance policy surcharge was determined to be the best option for finding a funding source for MCOLES. He said they determined a specific dollar amount to request. This figure takes into consideration the current needs of MCOLES, additional funds for training, funding for additional responsibilities and inflation. Director Harvey addressed the question as to whether or not this was enough money. He stated that he wanted to make the request reasonable. The formula included approximately \$300 per officer for training which when combined with approximately \$200 per officer from LED there would be roughly \$500 available for training. Director Harvey stated that it could take roughly \$1300 to \$1400 per officer to train the Advisory Standards set by MCOLES but with development if the training is done over two to three years then the \$500 would be adequate money to train each officer. Director Harvey stated that he wanted to have a discussion on this funding and then hopefully pass the Resolution which would then be brought to the CLEAR Committee and ultimately the Governor.

A discussion occurred with the following items noted:

- The Prosecuting Attorneys are included in the Michigan Justice Training Fund Competitive Grant program.
- The Competitive Grant Program would be reinstated.
- The current lack of funding has caused a decrease in staff from 28 to 18 people. The lack of staff has caused problems with audit findings. As an example, there were inspections not completed as mandated by Statute.
- Without a new funding source for MCOLES it is fair to say that MCOLES could cease to exist. Michigan would become the only state without a POST organization.
- The preference would be to try to get dedicated funding for MCOLES.
- The number of insurance policies in Michigan is unknown, however with estimations it was determined that the 1.7% used in another state would be more than enough to cover what is needed in Michigan therefore the percentage might be closer to a 1% surcharge.
- It is felt that this is the type of information CLEAR was requesting from MCOLES. They wanted MCOLES to find a source and determine how much money was needed. In addition we are showing how the money would be used which was also requested.
- If approved, the next step would be to contact Chair Rosema from CLEAR and make a presentation to the Committee with this information.
- Staff has done the work that was needed to support our recommendation and to show how the funds would be utilized. It did not appear that any more information would be needed before the CLEAR presentation.
- Since the Governor uses CLEAR as an advisory committee it appears that CLEAR would move the proposal on to the Governor's office. It was also agreed that CLEAR sees the funding issue as a priority.

- It was determined that Director Harvey should contact the CLEAR Committee and request to be put on the Agenda for their next meeting.
- Commissioners Clayton and Calabrese along with Director Harvey will make the presentation to CLEAR and answer any questions.
- It is going to be necessary for all groups including the MSA, MACP and labor groups to keep a united front in support of the resolution.
- It was agreed that the first step would be to reach out to CLEAR. If nothing happens then the Commission will have to enlist help from all of the police groups to try to get this funding.

A **MOTION** was made by Commissioner Bretz and supported by Commissioner Olko to approve Commission Resolution 2015-01 – Dedicated MCOLES Funding Recommendation.

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

Commission Restructure – Commissioner Calabrese stated that this issue had been addressed by the Committee. He said they had a long discussion with many ideas. Another discussion occurred at the Commission meeting with the following comments and concerns:

- It appears that since the Governor has not made any appointments with regard to the Commissioners whose terms have expired, he is waiting for MCOLES to make a recommendation.
- Staff looked into what other states had in regards to their Commission make-up and it was a hodgepodge. Most consisted of representatives of the criminal justice system except those that also included labor.
- There was a concern voiced that in SB 92 we made a recommendation for the make-up of the Commission. If we change that recommendation now it will go towards our credibility.
- If there were any changes made to the Commission structure, it would most likely be done by Executive Order. The Governor has the authority to address the Commission make-up.
- The Executive Director was questioned as to what specifics CLEAR gave with regard to changing the make-up of the Commission. Have there been any complaints or problems with the current make-up? If there have not been any then there doesn't appear to be a need to fix anything.
- There are no specifics just an assumption that since there have been no appointments and the information from the Appointments Office is that the Governor is waiting on a recommendation from MCOLES.
- Currently SB 92 would increase the Commission by one (DSAM) and that would make a total of 18 commissioners. Suggestions were also made to add a citizen which would bring the total to 19. It was suggested that adding a citizen would add transparency which seems to be consistent with the Governor wanting public involvement.
- There were several opinions that the larger number of Commissioners makes it more difficult to come to an agreement. Should we be looking at the groups that make up the Commission, not necessarily the number of representatives from each group?

- Several of the Commissioners felt that the Governor wants a change in the make-up. If the Commission does not come up with a suggestion the Governor may make his own changes. They felt it was necessary to bring something to CLEAR even if it was that the Commission make-up would remain the same.
- The staff recommendation of a 12 member Commission was discussed. The staff used categories and then added the numbers with the intent of an equitable spread. Some of the Commissioners agreed it would be easier to work with a smaller number and accomplish the same things.

The following recommendation was made by Mr. Szczubelek:

That the Commission supports the recommendations in SB 92, including the proposed amendment to add a representative of the Deputy Sheriff's Association of Michigan and does not oppose consideration of the addition of a civilian member at large.

A **MOTION** was made by Commissioner Timpner and supported by Commissioner Bretz to approve the above resolution regarding the Commission make-up.

A **ROLL CALL VOTE** was taken. The following votes were recorded:

COMMISSIONER	VOTE
Commissioner Timpner	YES
Commissioner Bretz	YES
Captain Zarotney	NO
Commissioner Grabowski	NO
Commissioner Mioduszewski	YES
Commissioner Bosscher	NO
Commissioner Moody	YES
Commissioner Olko	NO
Commissioner Wendling	NO
Commissioner Buczek	YES
Vice-Chair Calabrese	NO
Chair Clayton	NO

The **MOTION** failed. (No Votes: 7 – Yes Votes: 5)

There was another discussion concerning the Commission make-up. In particular, the 12 member Commission was discussed. The labor groups were not in favor of reducing the number of labor representatives on the Commission. Again, some of the Commissioners felt that we should not change the make-up as submitted in SB 92 and others felt that the Governor is expecting the Commission to make a change. Another view point was that if the Commission did not make a recommendation then the Governor would make the decision.

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Olko to approve the 12 member Commission make-up.

A **ROLL CALL VOTE** was taken. The following votes were recorded:

COMMISSIONER	VOTE
Commissioner Timpner	NO
Commissioner Bretz	NO
Captain Zarotney	YES
Commissioner Grabowski	NO
Commissioner Mioduszewski	NO
Commissioner Bosscher	YES
Commissioner Moody	NO
Commissioner Olko	YES
Commissioner Wendling	NO
Commissioner Buczek	NO
Vice-Chair Calabrese	YES
Chair Clayton	NO

The **MOTION** failed. (No Votes: 8 – Yes Votes: 4)

Another discussion concerning the Commission make-up took place. Executive Director Harvey emphasized that after his meetings he feels the Governor wants the Commission to make changes. He stated that Chair Clayton and Vice-Chair Calabrese both spoke with members of the CLEAR Committee and received the same information. Chair Clayton said he had spoken to the Chair of the CLEAR Committee and Commissioner Clayton feels after this discussion we need to bring back a recommendation.

The final decision was to have the Executive Director develop some new options based on the discussion at the Commission meeting. Executive Director Harvey was also going to contact the CLEAR Committee and attempt to get some more information and direction. It was questioned whether there was enough time to do all this, have another discussion and then vote again. Executive Director Harvey said that his concern was the funding issue and a decision has been reached on that issue. He added that if we don't get the funding, the rest of the issues will be unimportant. Commissioner Grabowski advised that the next CLEAR meeting is scheduled for March 26, 2015 and it was decided that Executive Director Harvey will attempt to be put on that Agenda.

Housing of MCOLES – Commissioners Clayton and Calabrese and Executive Director Harvey have a meeting with Colonel Etue on March 19, 2015. If the funding moves forward then the major conflict of interest with MSP becomes less of an issue. It was decided to table this issue until after the meeting with Col. Etue.

**PUBLIC COMMENT**

Chair Clayton asked if there was anyone in the audience that wished to address the Commission. The Chief of Police for the City of Troy Police Department spoke. He wanted to comment on the Commission structure. He felt that it was important to add a citizen to the Commission for transparency. He also added that he was in favor of the funding mechanism found in Commission Resolution 2015-01 that was approved by the Commission.

**NEXT MEETING:**

Date: April 15, 2015

Location: Lansing

**ADJOURNMENT:**

Commissioner Bosscher made a **MOTION** to adjourn.

APPROVED BY  ON 4-15-15

WITNESSED BY  ON 4-15-15