
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
February 17, 2021
TEAMS CONFERENCE CALL

COMMISSION MEMBERS PRESENT/LOCATION FOR MEETING

Chief David Molloy, representing the Michigan Association of Chiefs of Police (Novi)
Major Beth Clark, representing the Michigan State Police (Bridgeport)
Mr. Duane Smith, representing the Police Officers Labor Council (York Township)
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan (Farmington Hills)
Mr. Thomas Adams, representing the Public (Detroit)
Sheriff Gregory Zybur, representing the Michigan Sheriffs' Association (Marquette)
Mr. Michael Kunath, representing the Michigan Association of Police (Sterling Heights)
Trooper Nate Johnson, representing the Michigan State Police Troopers Assoc (East Lansing)
Mr. Ken Grabowski, representing the Police Officers Association of Michigan (Redford)
Commander Mark Bliss, representing the Detroit Police Department (Harrison Twp)
Mr. Michael Sauger, representing the Fraternal Order of Police (Warren)
Mr. Anthony Lewis, representing the Michigan Department of Civil Rights (St. Clair Shores)
Dr. Lisa Jackson, representing residents of the state (Washtenaw County)
Mr. David Tanay, representing the Office of the Attorney General (Meridian Twp)
Sheriff Matthew Saxton, representing the Michigan Sheriffs' Association (Lansing)
Chief Eric Payne, representing the Michigan Association of Chiefs of Police (Grand Rapids)
Pastor Tellis Chapman, representing residents of the state (Detroit)
Pastor Jeffery Hawkins, representing residents of the state (Flint)

COMMISSION MEMBERS EXCUSED

Deputy Matthew Hartig, representing Deputy Sheriff's Association of Michigan
Ms. Linda Broden, representing the Detroit Police Officers Association
Mr. Michael Wendling, representing the Prosecuting Attorneys Assoc of Michigan

STAFF PRESENT

Mr. Timothy Bourgeois, MCOLES Executive Director
Ms. Hermina Kramp, MCOLES Deputy Executive Director
Ms. Jacquelyn Beeson, MCOLES Staff
Ms. Lauryl Scott, Commission Counsel
Mr. David Lee, MCOLES Staff
Mr. Danny Rosa, MCOLES Staff
Mr. Ben Zyber, MCOLES Staff
Mr. Pat Hutting, MCOLES Staff
Ms. Kayla Hanselman, MCOLES Staff
Ms. Rhonda Hooson, MCOLES Staff
Mr. Joe Kempa, MCOLES Staff

GUESTS ATTENDING

Ms. Beeson asked if there were any members of the public on the call who wished to identify themselves for the minutes. They were advised they were not required to do this.

- Matthew Heins – Michigan Municipal League
- Sheriff Swanson – Genesee County Sheriff's Office

CALL TO ORDER

The Commission meeting was called to order by Chair David Molloy on February 17, 2021 at 10:30 AM. This was a virtual meeting held via the TEAMS platform.

Chair Molloy provided some guidelines for the meeting. They included the following:

- Reminded members to mute their microphones unless speaking.
- Advised everyone if the Teams application crashed, each person was to disconnect and then reconnect. If video connectivity could not be re-established, everyone was instructed to dial back in using only the phone number and access code provided. The meeting would continue like a traditional audio conference call.
- Before speaking, everyone was asked to state their name and wait to be recognized by the chair, so it was clear who was speaking.
- All votes would be taken by roll call. The chair will call on Ms. Jacque Beeson to call the roll and report the results for each vote.
- Finally, he advised if a member of the public wanted to make a comment, they would have two opportunities. The first is after the Agenda Changes and the second opportunity would be at the end of the meeting under Public Comment. The Commission is asking that comments be limited to 3 minutes. He also advised that this would not be a question-and-answer situation, only an opportunity to address the Commissioners.

INTRODUCTIONS

Chair Molloy reminded the Commissioners there had been a change to the Open Meetings Act for virtual meetings. It is now required that the Commissioners identify the geographic unit (Village, Township, City or County) they are physically in during this meeting when Ms. Beeson takes the attendance. This applies only to the Commissioners. (The Commissioners' locations are listed following their names and whom they are appointed to represent above.)

Chair Molloy introduced himself. He then asked Ms. Beeson to take attendance. All Commissioners and staff members noted above participated in the meeting. The Commissioners also stated where they were located as listed above.

ACCEPTANCE OF THE December 2, 2020 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Adams and supported by Commissioner Saxton to approve the December 2, 2020 Commission Meeting Minutes as written.

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

Approval of the December 2, 2020 Meeting Minutes	
Adams, Tom	YES
Zyburt, Gregory	YES
Kunath, Michael	YES
Clark, Beth	YES
Saxton, Matthew	YES
Weiss, Arthur	YES
Johnson, Nate	YES
Bliss, Mark	YES
Molloy, David	YES
Hawkins, Jeffery	YES
Smith, Duane	YES
Tanay, David	YES
Grabowski, Ken	YES
Sauger, Michael	YES
Lewis, Anthony	YES
Jackson, Lisa	YES
Chapman, Tellis	YES
Payne, Eric	YES

ADDITIONS TO THE AGENDA – None

PUBLIC COMMENT

Sheriff Swanson from the Genesee County Sheriff's Office introduced himself. He then introduced Brandon Thornton. He stated that Brandon has been with his agency since October 2019 working in the jail. He has a bachelor's degree from Western Michigan University and wants to be a police officer in Michigan. In 2017 he was arrested and charged with possession of marijuana, larceny, and carrying a concealed weapon (CCW) – a pistol. He pled guilty to the felony CCW under the Holmes Youthful Trainee Act.

This adjudication of guilt will not allow Mr. Thornton to be licensed as a law enforcement officer in Michigan per statute. Sheriff Swanson feels that a change is needed. He stated Mr. Thornton is a good man of character who made a bad decision. He added that he had worked hard and overcome many obstacles to get to where he is today. Sheriff Swanson is asking for a change that would allow a chief or sheriff to use their discretion and choose to allow someone with a prohibited adjudication of guilt to be licensed as a law enforcement officer and be responsible for the consequences.

CHAIR'S REPORT

LEO Population Report – Chair Molloy reported the Law Enforcement Officer Population Report for the month of January was made available to the commissioners. The number of officers decreased, likely due at least in part to the cleanup of rosters for Annual Registration and traditional year-end retirements.

Grant Adjustments – This is a new report for most Commissioners. This report provides information on adjustments requested by the grantees for the Justice Training Grants the Commission approved in September. This report does not require Commission action. It is for informational purposes only.

Special Use Requests – The Commissioners received this report via the electronic distribution. It indicates that some agencies are starting to attend training out-of-state again.

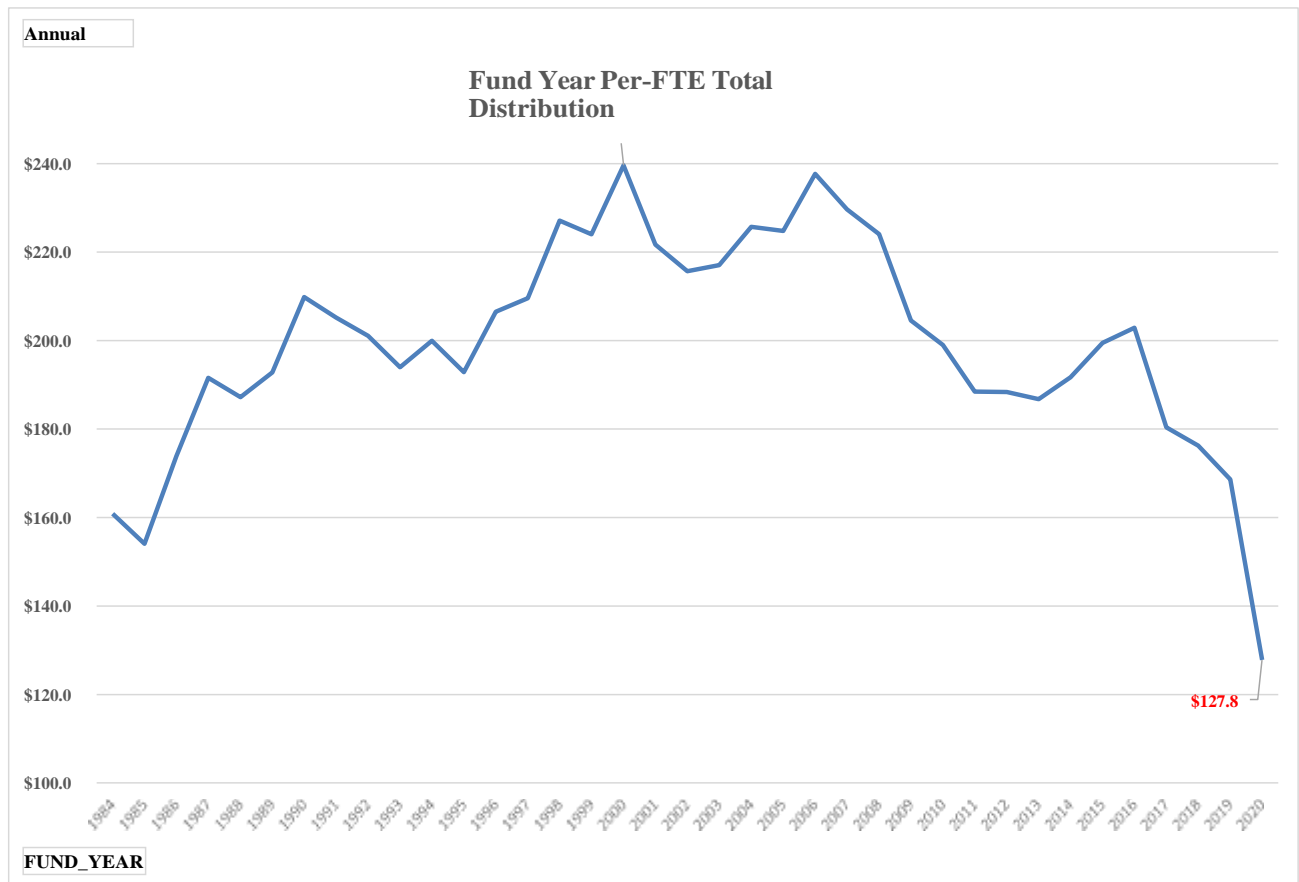
A question was asked regarding the significance of the out-of-state training. Director Bourgeois said an agency is required to get approval to send an officer out of state for training if they wish to use LED funds. Usually, out-of-state training is utilized because the particular training sought is not available in Michigan.

DIRECTOR'S REPORT

MCOLES Annual Registration-Training Consortium Expenditures – Agencies are granted training funds through the Law Enforcement Distribution (LED). Eligible law enforcement agencies receive the funds on a per-capita basis, according to the number of FTEs each agency has. One of the permitted uses of LED funds is to pay for training consortium fees. The consortium uses the pooled funds and member resources to provide training to the officers from the member agencies. This shared approach creates an economy of scale and in particular helps

smaller agencies to obtain quality, well-rounded training for in-service officers. If an agency uses LED funds in this way, it must receive training from the consortium for a least one of its officers or it is in violation of the administrative rules for expending these funds. Due to the restrictions and staffing difficulties associated with the COVID-19 pandemic during the 2020 reporting year, many agencies were unable to meet this requirement. The Commission is allowing a one-time exception to this requirement for 2020 only.

There was a discussion regarding the steep and steady decline in LED funds provided to each eligible law enforcement agency on a per-capital basis. Mr. David Lee provided some figures at the meeting. In 2000 the per capita amount was \$240.00 per FTE at each agency and in 2020 the amount dropped to \$127.80 per FTE. After the meeting, Mr. Lee provided a more detailed look at the numbers.



Law Enforcement Distribution Per-FTE Payments (Spring and Fall Combined)

A Commissioner asked if it was possible to get a breakdown of areas where the agencies use their LED funds. Director Bourgeois said each agency reports the use of their funds so MCOLES would be able to report the data. He added that LED funds are a very small portion of the funding used by agencies for training at most agencies as they must expend local funds to get the training they need.

Explanation of Hiring Process for Staff – Director Bourgeois reminded the Commissioners we have been understaffed for years. With the pandemic came a hiring freeze in state government. MCOLES was granted two exceptions during the freeze, one for the Regulation

Agent (Investigator) and one for the STOP Grant Coordinator. Both positions were posted, and the hiring managers are currently reviewing the applications. Hopefully, we will be able to continue hiring to fill all the MCOLES vacancies. The hiring freeze has been lifted and the Commission's staff in moving as quickly as it is able through the Civil Service process to request additional vacancies be filled.

Update on EOG Executive Request for FY2022 Budget – Governor Whitmer sent her executive recommendation for the FY2022 budget on February 11th to the legislature. It proposed funding for two additional staff for MCOLES. One position is for a second investigator and the second is a curriculum developer. The developer position has been vacant since 2010. The request also includes \$10.2 million to complete funding for the behavior health and victim services programs that were partially funded in FY2021.

A question was asked regarding the importance of having a curriculum developer and how we have functioned without one since 2010. Director Bourgeois stated that we have not been completely without the services of any curriculum developers, but we are significantly understaffed in this area. He added developers are experts in research topics and how to put information into an adult learning format. They are not necessarily always a subject matter expert (SME) in a particular topic but they work with the SMEs to develop curriculum for the both the basic academies and in-service training programs. The activities of the curriculum developer position include: researching standards; evaluating best practices; reading appropriate peer-reviewed literature; convening and staffing SME panels; writing validation reports; keeping curriculum current and many other duties. The bulk of this work currently is in the basic training arena, however MCOLES is also given legal mandates to provide in-service training. An example of this is the Law Enforcement Response to Active Violence.

A question regarding the Basic Training Manual updates was asked by a Commissioner who heard feedback that some feel the manual is out of date. Director Bourgeois advised that updating the Basic Training Manual occurs on a continuing basis as new best practices, new statutes and changes in case law require. Sometimes when individuals not familiar with educational design look at the manual, they see the overarching concepts and behavioral outcomes when they may have been expecting to see the detailed lesson plans that qualified instructors at the academies develop from this curriculum. The most current Job Task Analysis (JTA), which forms the basis of the curriculum, was completed at the end of 2018. At that time, the basic academy curriculum was reviewed, and additions and deletions were made as required. The licensing exam is in turn based on the curriculum and ensures recruits demonstrate a mastery of the material (knowledge, skill and abilities) necessary to enter the field as a law enforcement officer. The Director encouraged any one with concerns or suggestions to contact him directly.

Update on Behavioral Health Training Curriculum – Funds were appropriated in the FY2021 budget to begin work to provide training for licensed officers regarding 2 recommendations made by the Governor's Joint Task Force on Jail and Pretrial Incarceration. The first was in behavioral health training and the second in victim services. There are multiple law enforcement trainings available in behavioral health. In examining them in conjunction with a sub-committee of the MI DHHS Mental Health Diversion Council, it was determined there were 3 potentially suitable quality courses of various lengths and modalities. It was agreed the best course of action would be to update and combine the best aspects of the 2 shorter courses into a new 2-day course (that will also include some internet-based pre-instruction) while also

retaining the 5-day course for those seeking more extensive training in this area. Ideally, departments would have members trained at both levels that would complement their services. A recognized national model suggests that 20-25% of law enforcement officers should have the 5-day training and the balance a shorter, complimentary training. Importantly, components of both courses will include reality-based interactive training utilizing volunteers who are also recipients of behavioral health services and that the training is instructed and received in a multi-disciplinary fashion (law enforcement, emergency medical services and behavioral health service providers). This helps create or enhance relationships among those who provide these services, frequently in concert with each other. Having each discipline understand the others' authority, responsibility and practices helps ensure the most effective delivery of services. MCOLES is cooperatively working with a subject matter expert group spanning those disciplines and providing project management services specific to the instructional design process.

A question was posed if this funding and training included mandated behavioral health evaluations for actively licensed in-service law enforcement officers and if behavioral health were available to them. Director Bourgeois said a mandate for such evaluations would require a change in statute. He added that once the current project is completed, staff intends to turn its attention to review what may be done to enhance behavioral health assistance for officers, which it believes to be extremely important. At this point, these efforts are conducted at the agency level. One Commissioner added throughout their careers law enforcement officers who are involved in traumatic events typically go through a critical incident stress debriefing and are provided psychological services and stress management if needed, often through employee assistance programs. However, he said that this is not mandated by MCOLES.

COMMITTEE REPORTS

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

- Annual Registration Training Consortium Expenditures
- Governor's Budget Request
- 302 Training Funds
- Behavioral Health Training Curriculum

Armed Reserve Committee – Director Bourgeois advised the committee was able to secure a new prosecutor after the retirement of the one they had been using for the legal SME group. Mr. Kempa has reached out to bring him up to speed.

CONSENT AGENDA

Revocation of Law Enforcement License for Adam Mullin – Director Bourgeois reminded Commissioners the MCOLES Act requires revocation of a law enforcement license if the individual acquires an adjudication of guilt for certain designated offenses. To ensure due process, MCOLES files an action in the Michigan Administrative Hearing System (MAHS), with the licensee as the plaintiff and the Commission as the respondent. The Administrative Law Judge (ALJ) conducts a contested hearing including a review of the statutory requirements and the facts presented. Based on that information, the ALJ provides the Commission with a Proposal for Decision (PFD). In this case, Adam Mullin received an adjudication of guilt in a criminal court for three revokable

offenses. The ALJ issued a PFD opining the statutory requirements have been met for license revocation. Accordingly, Commission staff prepared a draft Final Revocation Order for the Commission's consideration.

The offenses were:

- 1) Obstruction of Justice – a felony
- 2) Assaulting a Police Officer – a felony
- 3) Aggravated Domestic Assault – a misdemeanor

This material was sent to the Commissioners previously via email for their review.

A **MOTION** was made by Commissioner Smith and supported by Commissioner Tanay to adopt the Final Order of Revocation thereby revoking Adam Mullin's law enforcement license.

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

Approval of Revocation for Adam Mullin	
Adams, Tom	YES
Zyburt, Gregory	YES
Kunath, Michael	YES
Clark, Beth	YES
Saxton, Matthew	YES*
Weiss, Arthur	YES
Johnson, Nate	YES
Bliss, Mark	YES
Molloy, David	YES
Hawkins, Jeffery	YES
Smith, Duane	YES
Tanay, David	YES
Grabowski, Ken	YES
Sauger, Michael	YES

Lewis, Anthony	YES
Jackson, Lisa	YES
Chapman, Tellis	YES
Payne, Eric	YES

*Commissioner Saxton lost connectivity to the meeting. He voted via text message to Jacquelyn Beeson.

Relinquishments – Director Bourgeois advised in certain situations licensed officers voluntarily relinquish their law enforcement license. A relinquishment has the same legal effect as a revocation. However, relinquishments save the Commission both time and money. Frequently relinquishments occur during court proceedings when a licensed officer is charged with criminal offenses.

The Commission was provided a document which outlined the relinquishments since the last report on April 15, 2020. The list included:

- Deshawn Lott
- Joseph Walker
- Ryan M. McInerney
- David West

The Commissioners were advised that this report is for information only, no Commission action was needed.

A short discussion occurred regarding background checks. A commissioner inquired about the use of background investigations and said they were told LEIN checks were not utilized for academy recruits. Director Bourgeois advised background investigations are an integral part of becoming a law enforcement officer and are required under the MCOLES Act. Backgrounds are done at the academy level for pre-service recruits by academy staff and use a subset of LEIN to the extent permitted by with federal and state Criminal Justice Information System statutes and administrative rules. Unfortunately, while this system checks for arrests and adjudications of guilt, there are related data bases the current statute and rules do not permit to be searched for this purpose. It is important to note these pre-service recruits are screened again to a deeper level if offered employment after successfully completing the academy and the licensing exam. MCOLES and its sister Peace Officer Standards and Training organizations in other states have a multi-year effort underway to allow pre-service recruits to be screened the same as employed recruits and others with access to criminal justice information. This would recognize the need to screen law enforcement academy applicants need to be screened at a higher level than other occupational licensees. He noted employed recruits who attend academies are screened to this higher level prior to entering the academy.

When an agency employs and individual and requests activation of a law enforcement license, it must attest to the Commission through an affidavit they have screened the individual to all mandated standards and the individual meets or exceeds them. This includes the character fitness standard as determined by a comprehensive background investigation. To assist agencies in this

regard, MCOLES has developed a Best Practices Guide for background investigations. It is available on the Commission's website. The Executive Director frequently educates agencies and various professional law enforcement groups by speaking about the importance of background investigations and the need for specialized training for those who conduct them.

NEW BUSINESS - None

OLD BUSINESS - None

MISCELLANEOUS

Chair Molloy inquired if any of the Commissioners had questions or items they wished to discuss. There were none.

PUBLIC COMMENT – None

NEXT MEETING

Date: April 14, 2021 @ 10:30 AM
Teams Platform Meeting

ADJOURNMENT:

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

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

Approved: 

Date: June 16, 2021

Witness: 

Date: June 16, 2021