Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
February 11, 2015
Lansing, Michigan

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
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police

COMMISSION MEMBERS EXCUSED

Mr. Fred Timpner, representing the Michigan Association 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. Joyce Nelson, MCOLES Staff
Ms. Gina Rosendall-Saucedo, MCOLES Staff
Mr. Wayne Carlson, MCOLES Staff

Mr. Darnell Blackburn, MCOLES Staff
Ms. Deb Thelen, MCOLES Staff

OTHERS SIGNED-IN

Captain Timothy Robson, DRN Law Enforcement Division
Ms. Marla McCowen, State Appellate Defender's Office
Sgt. Robert Ford, Oakland County Sheriff's Office
Director Andy Lindeman, Mid-Michigan Police Academy
F/Lt. Chris Hawkins, Michigan State Police

CALL TO ORDER

The Commission meeting was called to order by Chair Jerry Clayton on February 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 DECEMBER 10, 2014 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Olko and supported by Commissioner Buczek to approve the December 10, 2014 Commission Meeting Minutes as written.

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

ADDITIONS/CHANGES TO THE AGENDA

There were no changes to the agenda.

CHAIR'S REPORT

Law Enforcement Officer Position Report –Chair Clayton advised the electronic distribution contained the LEO population report for the month of January. There was a significant drop from last month and the total officers and positions lost are on the verge of the 4,000 mark. Chair Clayton asked if anyone had any insight on the continued downward trend. Commissioner Olko stated that there seems to be an increase in hiring in the

southeast part of the state. She added that most of these were replacements for retirements and not new positions.

Special Use Requests –Chair Clayton stated the Special Use Requests report was also included in the electronic distribution. There were no questions or comments.

Grant Adjustments –Chair Clayton advised that the Commissioners received an electronic copy of this report. Again there were no questions or comments.

DIRECTOR'S REPORT

SB 411 and 412 – Executive Director Harvey advised that SB 411 and 412 were not taken up by the Judiciary Committee last year. He stated that he asked Senator Schuitmaker to reintroduce the Bills in 2015. The Senator has done that and they are now SB 92 (which replaces SB 411) and SB 93 (which replaces SB 412). He said that SB 95 and SB 96 are related to SB 92 and SB 93 but they just clean up some language. SB 94 is also out there and it modifies the Public Health Code to state that MCOLES can use a conviction or plea under 7411 in determination of licensing a police officer. It is not our Bill but has always been attached to us. He said that there have been no changes to SB 411 and SB 412 except that last year there was an amendment that added DSAM to the Commission and that amendment has been removed.

Office Remediation – Executive Director Harvey updated the Commission on the status of the office remediation. He advised that the office side has been completed and the staff has moved back in. He added that Boji has been working well with Hermina and himself to get the work completed. He stated that they are starting to work on the classroom side and our next Commission meeting in April should be back at the MCOLES office.

Oakley Police Department – Director Harvey advised that MCOLES has decided to move forward with regard to the Oakley Police Department's reserve officers. Mr. Szczubelek advised that Oakley currently has 100 anonymous reserve officers. He stated that they are not being used properly and have never been screened to MCOLES standards. Commissioner Olko encouraged MCOLES and the Office of the Attorney General to continue to pursue this issue.
She stated that there are many agencies using reserves and she felt there was need to regulate these officers. Commissioner Mawer stated that Oakley Police Department had requested LEIN access through their county and they were denied. He added that they were requesting LEIN access for their officers and their reserves.

COMMITTEE REPORTS

Budget Sub-Committee – Chair Clayton advised that this would be covered under New Business.

CONSENT AGENDA

Executive Director Harvey advised that the Commission was considering revocations for Gregory Moore, Russell Glass, Jeremy Channells, Thomas Cupples, and Larry Droege. He stated that all of them were convictions or pleas for felonies.

A **MOTION** was made by Commissioner Mawer and supported by Commissioner Bosscher to revoke the licenses of Gregory Moore, Russell Glass, Jeremy Channells, Thomas Cupples and Larry Droege.

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

NEW BUSINESS

Commissioner Calabrese advised that the Budget Committee met last month to discuss the recommendations for the CLEAR Committee that will eventually go to the Governor. He stated that the sub-committee consists of himself, Lt. Col. Arnold, Laura Moody and Ken Grabowski. He stated that the issues covered by the sub-committee are time sensitive and at today's meeting he wanted to discuss the following:

1. Commission structure
2. Funding source for MCOLES
3. Where MCOLES should be housed

Executive Director Harvey advised that finding a funding source for MCOLES was a priority. He stated that the revenue has gone down and the costs have gone up. He added that three years ago he did a presentation for CLEAR and at that time predicted there would be no grant funds available in 2016. That has come true. TTL is also going to be eliminated.

Director Harvey expressed to the Commission that the most critical issue currently is the funding. He said that his recommendation would be the Kentucky model which is based on insurance policies. He stated that he does not know how many insurance policies there are in Michigan but Kentucky added 1.7% onto their policies. Director Harvey said that after doing some comparisons between the states he estimated that this model would generate about $62 million in Michigan.

Director Harvey continued saying that the funding must cover the operational costs for MCOLES and that would allow the 40% to be put back into the grants. Currently MCOLES needs $3.7 million for operating costs. He stated that our costs could increase if SB 93 passes and if CLEAR decides to go ahead with the Agency Standards.

Director Harvey told the Commission that what he needed from them today was a recommendation concerning:

1. Funding Source
2. Commission Make-Up

3. Where MCOLES should be housed

Commissioner Olko stated she understands that MCOLES needs to be seated under one of the departments of the State of Michigan; however she feels that being under Michigan State Police is a conflict of interest. She would like to consider LARA or the Attorney General. As far as funding is concerned she cautioned to stay away from fines on tickets. She stated that this creates an unfavorable relationship with the public and the Chiefs are against it.

Commissioner Wendling voiced his concern with regard to suspending the Competitive Grant Program for 2016. He stated that since they do not get a portion of the 60%, all of their training funds will now be eliminated. He felt that this was sending the message that MCOLES and the Commission felt that the Defense and Prosecutors were not important.

Commissioner Buczek inquired if the new funding for MCOLES would be part of the Governor's budget? Director Harvey stated that the funding would have to be an Executive Order. He said that the way MCOLES works is they have to have the money before they can spend it. This means that whatever funding MCOLES might receive it would be at least one year before that money was available to be spent. They only way for the money to be immediately available would be for MCOLES to receive part of the general fund.

Commissioner Buczek indicated that he was under the impression that CLEAR would back MCOLES if they were to bring them a funding source and lay the program out. He also felt that the Kentucky model would be the best method since it would generate enough money for MCOLES to cover their operating costs. He also suggested that if we go after the insurance that maybe we should look at adding fire on also.

Commissioner Buczek expressed his concern about being housed under the Michigan State Police. He felt that this has always been a conflict of interest.

Commissioner Bosscher stated he has been on the Commission for many years. He urged the Commission to move forward on the Kentucky model also. His only caution was to not let other people add on to our recommendation.

Chair Clayton stated that he also agreed with using the Kentucky model as a new funding source for MCOLES. He stated that they need financial stability. He added that in the recommendation it was important to build in future costs. He wanted to ensure that language was included that would add money to MCOLES when additional duties were assigned. He suggested adding language that would save money in a slush fund for MCOLES use when needed. He felt the Commission needed to take an aggressive approach and be pro-active. In his opinion funding requests don't fail due to the dollar amount but because the reason for the funding was not articulated correctly.

Executive Direct Harvey suggested that he could bring back a precise model of funding which would include future funding projections to the Budget Sub-Committee. Once they agreed, it would be brought to the Commission as a whole by means of a Resolution. He felt that the staff

could have something prepared to present to the sub-committee next week and then schedule a special meeting of the Commission for the last week of February.

A **MOTION** was made by Commissioner Olko and supported by Commissioner Wendling to hold a Special Commission meeting on Wednesday, February 25, 2015.

Commissioners Grabowski, Buczek and Mioduszewski all stated they would be unable to attend.

An **AMENDED MOTION** was made by Commissioner Olko and supported by Commissioner Wendling to hold a Special Commission meeting on Wednesday, March 11, 2015.

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

It was also decided that the Budget Sub-Committee would meet prior to the March 11, 2015 Special Commission meeting and a resolution would be drafted and brought to the March 11, 2015 meeting.

Commissioner Calabrese stated that they also needed to discuss the make-up of the Commission. Commissioner Grabowski expressed the opinion that the Statute as written addressed the make-up of the Commission and we should leave it the same. He went on to say that if they wanted to change the make-up of the Commission then they needed to change the Statute. Commissioner Buczek stated that he agreed with staying with the original make-up.

Commissioner Mioduszewski asked the Executive Director what brought up the notion of changing the make-up of the Commission. Director Harvey stated that the sub-committee of CLEAR brought the suggestion to him. He added that the Appointments Office confirmed that the Governor is waiting for a recommendation from MCOLES before replacing the nine Commissioners whose terms have expired. He also stressed that he thought it was necessary to add verbiage as to why we want a particular configuration. Commissioner Olko suggested looking into what the other states have for their Commissions for comparison purposes. Commissioner Clayton said that he thought it was important to ask if the current make-up allows MCOLES to succeed in their mission and in conjunction with their current Strategic Plan. Many times changes that were made in the past no longer apply.

Executive Director Harvey suggested that the staff put together various combinations of Commission members with the pros and cons of each configuration and present that to the Budget Sub-Committee. Once they decide on the proposed make-up it will be presented to the Commission as a whole through a resolution.

Director Harvey suggested that we follow the same procedure with regard to where MCOLES should be housed. Staff will present several ideas with pros and cons for each suggestion. Once again the Budget Sub-Committee will review and present the final choice to the Commission through a resolution.

<u>2016 Grants</u> – Hermina Kramp addressed the group and advised that 302 funds can be used for administration costs and any remaining funds may be used for grants. She stated it has been this

way since 1982. She also stated that the funds have been continuing to decrease and in 2009 MCOLES' general fund was also cut. The rationale was to use the MJTF. Since then the collections have continued to decline and therefore the funds have decreased and the costs have increased. MCOLES has been requesting supplemental funding with no luck. The costs are to the point where they outweigh the fund. We currently predict a fund deficit of $163,702.86 for 2015. This equates to MCOLES having no funds available for the 2016 competitive grant program.

Executive Director Harvey was proposing suspending the grant program for the 2016 cycle. He stated that we are nearing the time when we would start conducting grant workshops and the question is should we continue to use staff time for the program that we can no longer fund. There is possibly going to be $170,000.00 in de-obligations but that will only cover the 2015 deficit.

An **MOTION** was made by Commissioner Olko and supported by Commissioner Bretz to suspend the Competitive Grant Program for 2016.

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

50th Anniversary – Executive Director Harvey announced that this is the 50th Anniversary of the Commission. He said that they were going to start posting some things on Facebook and begin articulating to the agencies the significance of 2015.

OLD BUSINESS – None

MISCELLANEOUS

Strategic Plan Update – Hermina Kramp advised that the only update this time was the information regarding the suspension of the 2016 Competitive Grant program.

PUBLIC COMMENT

Chair Clayton asked if there was anyone in the audience that wished to address the Commission. Tim Robson from the DNR spoke to the Commission. He wanted to reiterate the importance of the grants. He stated that they did not qualify for the Law Enforcement Distribution and suspending the grant program was a huge loss for them. He said they have conducted different trainings using the money from the competitive grant program and not only trained their officers but opened up the trainings to all law enforcement officers. He stated that hopefully MCOLES will be able to find a new funding source and restore the grant program in the future.

NEXT MEETING:

Date: April 15, 2015
Location: Lansing

There is also a special meeting scheduled for March 11, 2015.

ADJOURNMENT:

Commissioner Wendling made a **MOTION** to adjourn and was supported by Commissioner Bretz. The meeting was adjourned a 12:00 PM.

APPROVED BY _____ ON 3/11/15

WITNESSED BY _____ ON _____