
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
February 14, 2018
Lansing, Michigan

COMMISSION MEMBERS PRESENT

Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
Chief David Molloy, representing the Michigan Association of Chiefs of Police
Col. Kriste Kibbey Etue, representing the Michigan State Police
Sheriff Doug Wright, representing the Michigan Sheriffs' Association
Ms. Anica Letica, representing Attorney General Bill Schuette
Mr. Ken Grabowski, representing the Police Officers Association of Michigan
Sheriff Timothy Donnellon, representing the Michigan Sheriff's Association
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police
Mr. Duane Smith, representing the Police Officers Labor Council
Trooper Nate Johnson, representing the Michigan State Police Troopers Association
Mr. Richard Heins, representing the Michigan Association of Police
Sheriff Scott Stephenson, representing the Michigan Sheriffs' Association
Mr. Mark Diaz, representing the Detroit Police Officers Association
Mr. David Hiller, representing the Michigan Fraternal Order of Police
Mr. Thomas Adams, representing the Public

COMMISSION MEMBERS EXCUSED

Asst. Chief James White, representing the Detroit Police Department
Cpl. Brian Earle, representing the Deputy Sheriff's Association of Michigan

STAFF PRESENT

Mr. Timothy Bourgeois, 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. Danny Rosa, MCOLES Staff
Mr. David Lee, MCOLES Staff
Mr. Ryan Speidel, MCOLES Staff
Mr. Pat Hutting, MCOLES Staff

GUESTS (SIGNING-IN)

Commander Mark Bliss, Detroit Police Department

CALL TO ORDER

The Commission meeting was called to order by Chair Michael Wendling on February 14, 20178 at 10:30 AM. The meeting was held at the MCOLES Office in Lansing, Michigan.

Chair Wendling welcomed Mr. Tim Bourgeois as the new MCOLES Executive Director and thanked Interim Director Hermina Kramp for her hard work.

INTRODUCTIONS

Chair Wendling introduced himself and then asked the Commissioners, staff and audience members to do the same.

ACCEPTANCE OF THE DECEMBER 6, 2017 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Molloy and supported by Commissioner Donnellon to approve the December 6, 2017 Commission Meeting Minutes as written.

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

ADDITIONS/CHANGES TO THE AGENDA

Executive Director Bourgeois requested to move Commission Resolution 2018-01 which was under New Business to the next item of business. There were no objections.

Commission Resolution 2018-01 – Resolution Honoring Fallen Trooper Timothy O’Neill

Chair Wendling invited Mike and Kristine O’Neill, parents of Trooper O’Neill, and Sara, his sister to join him at the podium. He also requested Col. Etue, F/Lt. Chris McIntire, Capt. Roesler and Lt. Col. Sands, all from the Michigan State Police to join them also. Chair Wendling read into record Commission Resolution 2018-01 honoring Fallen Michigan State Trooper Timothy O’Neill and extend Public Safety Officer Benefits. Kristine O’Neill thanked the Commission.

A **MOTION** was made by Commissioner Molloy and supported by Commissioner Wright to approve Commission Resolution 2018-01 honoring fallen Trooper Timothy O’Neill.

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

A **MOTION** was made by Commissioner Etue and supported by Commissioner Grabowski to approve the Executive Committee report.

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

CONSENT AGENDA

Executive Director Bourgeois advised that Mr. John Szczubelek was going to explain the revocation process.

Mr. Szczubelek stated the following:

- regularly MCOLES receives from the Hearings Office a Proposal for Decision;
- the Commission has the authority to accept, modify or deny the Proposal for Decision;
- most of them are based on adjudication of guilt or fraud in obtaining their license,
- the individuals are served with the Intent to Revoke;
- they have 14 days to show compliance;
- the Michigan Administrative Hearings sets a date for the hearing;
- most Hearings are unopposed, and,
- the Hearings are conducted by an Administrative Law Judge who hears the evidence and then it ends with his Proposal for Decision.

A **MOTION** was made by Commissioner Molloy and supported by Commissioner Adams to continue to follow this procedure regarding license revocations.

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

NEW BUSINESS

Job Task Analysis (JTA) – Mr. Danny Rosa addressed the Commissioners and stated that the JTA is the basis for everything MCOLES does. There will be a massive survey for officers and supervisors to determine what they do and then from this information the core tasks will be developed. The core tasks will be based on criticality and frequency.

The previous JTA was completed 12 years ago. Mr. Rosa stated that this time it will be more sophisticated. The previous one had 459 tasks and the officer had to rate all of them. For this JTA they are bringing in SMEs to reduce the number of tasks to rate. The SMEs will consider some things that weren't core tasks in the past and decide if they are needed now.

The curriculum for the academies and the licensing exam will also be based on the JTA.

Proposed Basic Academy Firearm Standard – Pilot – Danny Rosa advised the Commissioners that the firearm's training has been outdated. He stated that 10 years ago they tried to start making the changes but the academies weren't ready. Instead of changing the firearms standard they

added skills to the defensive tactics.

In 2018 the firearms training is really changing. They have added mandated drills and scenario training. In 2017 some of the academies pilot tested the new standard. In 2018 all of the academies will be testing it.

Commission Resolution 2018-02 – Opposition to HB 5499 – Executive Director Bourgeois stated that the bill was introduced by Representative Lucido and would allow an officer whose license has lapsed to circumvent the rigorous licensing standards and procedures now in place, regardless of the amount of time the license has lapsed. It would also allow that officer to have his license reinstated where a law enforcement agency provides written certification to the Commission that the agency has a field training program and in-service training that must be completed upon being hired.

Director Bourgeois went on to say that the bill would bring harm to law enforcement. He stated that he spoke with MACP, MSP, and MSA and they were all in opposition to the bill.

Chair Wendling read into record Commission Resolution 2018-02.

There was a discussion following the reading of the resolution. Commissioner Grabowski inquired if anyone had talked to the bill sponsor, Representative Lucido. Director Bourgeois stated he had not talked to him yet. After the discussion the commissioners felt that they would oppose the bill as it is currently written.

A **MOTION** was made by Commissioner Grabowski and supported by Commissioner Molloy to approve Resolution 2018-02 if the change is made so that it reads; the Commission opposes enactment of 2018 House Bill 5499 as written.

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

Discussion of PA 128 of 2017 (SB 223) – Executive Director Bourgeois stated that Senator Jones introduced this bill. The intention of the bill was to require law enforcement agencies to conduct better background checks on applicants. The bill requires the separating agency to maintain a record of the reason and circumstances surrounding a separation of service. This information will then be provided to the new hiring agency with immunity from civil liability for the disclosure of these records.

Director Bourgeois added that the only role that MCOLES had was to develop a waiver. Staff developed the waiver in December and it was posted in January on the MCOLES website. There were some minor changes needed which were made and the current version is now on the website.

OLD BUSINESS - None

MISCELLANEOUS - None

PUBLIC COMMENT

Commissioner Adams brought up for discussion the issue of mental health. He said he had been approached and was asking if the Commission wanted to seek a partnership with some agencies that have funding for mental health education. He asked if we wanted to take a lead role. The agencies would provide the funding and MCOLES would do the education.

Danny Rosa stated that the academy curriculum already includes mental health issues. He also stated the MCOLES' duty is to train law enforcement officers, not the public.

Chair Wendling stated that he felt this issue needed to be put on the back burner until a future meeting.

NEXT MEETING

Date: April 11, 2018 @ 10:30 AM

Location: Lansing

ADJOURNMENT:

A **MOTION** was made by Commissioner Molloy and supported by Commissioner Heins to adjourn the meeting.

APPROVED BY  ON 4-11-18

WITNESSED BY  ON 4-11-18