Michigan Commission on Law Enforcement Standards
Commission Workshop Minutes
February 23, 2010
MCOLES Offices, Lansing, Michigan

MCOLES MEMBERS PRESENT:

Sheriff James Bosscher, representing the Michigan Sheriffs' Association
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police
Mr. John Buczek, representing the Fraternal Order of Police
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Mr. Tom Cameron, representing Attorney General Mike Cox
Mr. Jim DeVries, representing the Police Officers Association of Michigan
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police
Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association
Mr. Fred Timpner, representing the Michigan Association of Police
Commander Duane Love, representing Chief Warren Evans, Detroit Police Department
Lt. Colonel Timothy Yungfer, representing Colonel Peter C. Munoz, Michigan State Police
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association
Mr. John Szczubelek, Commission Counsel

COMMISSION MEMBERS EXCUSED:

Mr. Marty Bandemer, representing the Detroit Police Officers Association
Director Kurt Jones, representing the Michigan Association of Chiefs of Police
Trooper Michael Moorman, representing the Michigan State Police Troopers Association
Mr. Richard Weiler, representing Police Officers Labor Council

COMMISSION STAFF PRESENT:

Ms. Cheryl Hartwell
Ms. Hermina Kramp
Mr. Gary Ruffini
Mr. John Steele
Mr. David King
Mr. Wayne Carlson
Ms. Donna Park
Ms. Maggie Edwards

GUESTS (signing in):

There were no guests signing in.

CALL TO ORDER:

The Commission Workshop was called to order by Chairman Bosscher at 2:10 p.m., at the MCOLES Offices in Lansing, Michigan.

INTRODUCTIONS:

Chairman Bosscher asked all present to introduce themselves.

PUBLIC COMMENT:

There was no public comment.

ADDITIONS TO THE AGENDA:

There were no additions to the agenda.

NEW BUSINESS:

2011 Michigan Justice Training Fund Grant Process – Mr. Carlson facilitated a discussion relative to the 2011 Competitive Grant Process. He explained the process the staff had worked through relative to last year's competitive grants and outlined possible modifications to the process that were a result of the staff review. He explained that given the projected further reduction in available funding for the competitive grants, staff is looking for direction from the Commission relative to how the funds should be directed. He stated that by modifying the process it will enable staff to provide specific guidance to potential grantees in an effort to refine the direction prospective grantees would take in submitting a grant application and being successful in receiving a portion of the limited funding that will be available.

A handout was provided to the Commission outlining suggestions that have been made by staff. There were a number of questions as to whether the Commission wants to partially fund a broad number of grants or fully fund limited number of grants in specific topic areas.

NEW BUSINESS Continued:

There was support for providing funding to consortia as the consortia are able to provide training to a greater number of trainees at a much lower cost. However, many of the consortia offer the same training as their neighboring counterparts. There needs to be better cooperation between consortia to enable a wider variety of training to be funded through the grant process.

There was a consensus that grant applicants should provide stronger justification for the training that is being proposed. The problem then will be how to balance out the rationale for the training. Grantees also need to be strongly encouraged to utilize modern technology in the delivery of training; not all topics need to be taught in a single classroom in one specific location. The training programs funded by a grant must provide training in a more efficient cost effective way such as the use of technology that provides for distance learning.

Staff will be working with the Implementation Committee in the near future to discuss the suggestions made by both Commissioners and staff. A formal resolution will be presented to the Commission at the April meeting.

OLD BUSINESS:

Revisions to Public Acts 203 and 302 – Mr. Szczubelek provided a background on the Commission's efforts to revise the two Public Acts. He explained that a number of sections need to be revisited before the language moves forward to the legislature.

One specific area that needs more direction by the Commission is the definition of who is required to be licensed and regulated by the Act as peace officers in the state of Michigan. Mr. Szczubelek stated that he has reviewed a number of statutes and found varying definitions of peace officer. The Commission was provided with a handout that outlines the 57 different types of individuals who have been given varying degrees of law enforcement authority. He stated that the Commission will be quick in agreement on most of the positions listed, and there will be others that won't be as easy to determine. Mr. Szczubelek explained that having specific language makes it clear who the Act is regulating. He stated that no new law enforcement position has been created by the legislature since 1993.

This matter was referred to the Legislative Committee to look at the categories and develop a recommendation to the Commission.

OLD BUSINESS Continued:

Ethics Committee - Chief Olko stated that the committee has worked diligently to resolve a number of issues. The committee has provided draft language for consideration. She explained that it is the intent of the committee to bring this language to the full Commission tomorrow for consideration of moving forward with these sections.

Mr. Szczubelek provided a background on the efforts in modifying the ethics language to date. He explained that this language slightly expands the revocation authority of the Commission. Each page has a summary description of what the committee was trying to accomplish in each section. The language provides for mandatory revocation in certain circumstances and discretionary revocation in other specific circumstances. Each section of the draft language was explained by Mr. Szczubelek.

There was concern over the potential increase in costs and staff time to deal with discretionary suspension versus the limited costs of the mandatory revocation. It would seem that there would be a better chance of these types of actions being contested more than in the mandatory revocation arena. Chief Olko stated that the committee envisioned only acting in the more egregious cases. It was the consensus of the Commission that this item moves forward to the regular Commission meeting tomorrow.

Executive Director Position – Sheriff Bosscher stated that Commission leadership has met with the Governor's legal council (Steven Ladel), the Director of the Michigan State Police, and Lt. Colonel Yungfer and the intent of the group is to move forward with the selection of the MCOLES Executive Director. He explained that there were two options, one would be an unclassified position and the other would be a state classified position. The Department of State Police has a vacant unclassified position that they would provide to MCOLES if the Commission chose to go with an unclassified position. The department is also looking for any funding that they may have available that could be directed to MCOLES to assist with the salary of the Executive Director. If the Commission were to decide to go with a state classified position, then the Department of Civil Service would have specific requirements for hiring that would have to be followed.

Mr. Szczubelek stated that the request for an Attorney General's Opinion was made in the past on this position and several other areas. He explained that the request has been narrowed as to who hires, funds, and directs the Executive Director of MCOLES. This opinion has not been issued at this point.

OLD BUSINESS Continued:

The consensus of the group is to move forward with an unclassified position for the MCOLES Executive Director. The funding source will need to be worked out. An appropriation transfer would need to take place if the department locates funds within its budget that could be directed to this position. The Selection Committee will move forward with developing the hiring process for the Executive Director position. A position description will be written and the Commission will determine the final process to hire an Executive Director. This will be brought to the full Commission during the regular meeting tomorrow.

PUBLIC COMMENT:

There was no public present to comment.

NEXT MEETING:

Date: Wednesday, February 24, 2010 – 10:00 a.m.

Location: MCOLES Offices – Hollister Building, Lansing, Michigan

ADJOURNMENT:

A **MOTION** was made by Mr. Morse and supported by Mr. Bretz to adjourn the workshop.

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

The workshop was adjourned at 5:07 pm.

APPROVED BY _____ ON 4/21/2010

WITNESSED BY _____ ON 4/21/2010