
Michigan Commission on Law Enforcement Standards

Commission Meeting Minutes

February 24, 2010

MCOLES Offices, Lansing, Michigan

COMMISSION MEMBERS PRESENT:

Sheriff James Bosscher, representing the Michigan Sheriffs' Association
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Mr. John Buczek, representing the Fraternal Order of Police
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
Trooper Michael Moorman, representing the Michigan State Police Troopers Association
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association
Mr. Richard Weiler, representing Police Officers Labor Council
Deputy Chief Gail Wilson-Turner, representing Chief Warren Evans, Detroit Police
Department
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association
Lt. Col. Timothy Yungfer, representing Colonel Peter C. Munoz, Michigan State Police

COMMISSION MEMBERS EXCUSED:

Mr. Marty Bandemer, representing the Detroit Police Officers Association
Director Kurt Jones, representing the Michigan Association of Chiefs of Police
Mr. Fred Timpner, representing the Michigan Association of Police

COMMISSION STAFF PRESENT:

Mr. John Szczubelek, Commission Counsel
Ms. Cheryl Hartwell
Ms. Hermina Kramp
Mr. Gary Ruffini
Mr. Danny Rosa

Mr. Wayne Carlson
Ms. Maggie Edwards
Mr. John Steele

GUESTS (signing in):

Chief William Olney, Western Michigan Criminal Justice Training Consortium
Sgt. Keith Mulder, Western Michigan Criminal Justice Training Consortium

CALL TO ORDER:

The Commission meeting was called to order by Chairman Bosscher at 10:03 a.m., at the MCOLES offices in Lansing, Michigan.

INTRODUCTIONS:

Chairman Bosscher asked all present to introduce themselves. He welcomed all in attendance to the meeting.

ACCEPTANCE OF THE DECEMBER 9, 2009 COMMISSION MEETING MINUTES:

A **MOTION** was made by Sheriff Wriggelsworth and supported by Mr. DeVries to accept the December 9, 2009, Commission Meeting minutes as written.

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

CONSENT AGENDA:

There was no Consent Agenda.

ADDITIONS/CHANGES TO THE AGENDA:

- Executive Director Position which will be discussed at the end of Old Business
- Jeremy Lockwood Revocation – moved to the April meeting as Mr. Szczubelek was unable to get a portion of the administrative hearing record out to the Commission and there was limited availability on the part of Mr. Lockwood's attorney to attend the meeting.

PUBLIC COMMENT:

Sgt. Keith Mulder stated that he is the Chair of the West Michigan Criminal Justice Training Consortium. The consortium has been in existence for 17 years and has 80 member agencies; 77 law enforcement agencies and three educational institutions. The agencies are located in 16 different counties. The training consortium has done what MCOLES has expected of them, which is to provide affordable training to its consortium member agencies. This training enables agencies to provide more training opportunities collectively than they can provide individually. The curriculum committee meets monthly to discuss the training needs of the consortium. For a number of years they have relied on Michigan Justice Training grants to supplement their training opportunities. Without these grants, the consortium would not be able to provide some of the more expensive training such as precision driving.

Sgt. Mulder explained that over the past year, the consortium has been frustrated, like others, by the lower level of funding received for their grant funded core training while they have seen other specialized training grants receive funding at the expense of core training. They are requesting MCOLES continue support of training consortiums as they can do a better job in providing cost effective training. In addition, by providing consortium training at the local level, travel costs are reduced or eliminated for local agencies. He would also ask the Commission to consider accepting training priorities as set by the consortium as they best know the training needs in their specific region and that may differ from other parts of the state. He asked for further information as to where the Commission would direct future funding as their consortium's grant committee is eager to begin writing their application for next year's grant funding.

Sheriff Bosscher explained that at the Commission Workshop yesterday the grant process was discussed. The direction of the funding was discussed as well as consortia training needs. Guidelines for the competitive grant process will be reviewed by the Implementation Committee in the near future.

Chief Bill Olney stated that he serves as the Treasurer of the West Michigan Criminal Justice Training Consortium and explained the use of training dollars in their consortium. For every dollar that is contributed, agencies receive seven dollars worth of training. With a 50% reduction, the driving program has been severely impacted. Driving is very important for their officers. The consortium appreciates any assistance the Commission can provide through the grant process.

COMMISSION ATTORNEY REPORT:

Mr. Szczubelek stated that as discussed at a couple of previous meetings, the matter of Brandon McGraw v MCOLES was settled, per agreement of the parties as approved by the Commission. Recently an order dismissing that case was entered by the Saginaw County Circuit Court. Part of the agreement was that MCOLES recognize Mr. McGraw as meeting its color vision standard for a period of 10 years. Currently, Mr. McGraw is attending Cooley Law School and does not appear to be interested in seeking licensure as a law enforcement officer.

At the next meeting the Commission will be considering a proposed license revocation of Jeremy Lockwood. Mr. Lockwood and his attorney were not present at this meeting, but it is possible that they will be attending the April meeting. Mr. Szczubelek stated that an administrative hearing before Administrative Law Judge Zimmer has taken place. There were multiple briefs filed by the parties and a transcript of the hearing has been completed. Mr. Szczubelek stated that Commissioners should review the transcript very carefully. The nature of this revocation is that Mr. Lockwood materially misrepresented facts for purposes of obtaining his license.

Mr. Szczubelek explained that aside from the administrative hearing in the Lockwood matter, a related lawsuit was filed in the Circuit Court of Clinton County. The case has been held in abeyance pending the completion of the administrative hearing. When there is a final decision rendered by the Commission, it may be used to determine the matter that is pending in Clinton County. The nature of the claim is that Mr. Lockwood was denied due process as a result of Commission action. The court temporarily held the matter in abeyance because the Commission's disposition of Mr. Lockwood's claims will have preclusive effect as to the decisions that will be made in circuit court. If the Commission upholds the hearing officer's decision, the judge in the circuit court case is expected to abide by the final decision of the Commission.

CHAIRMAN'S REPORT:

Sheriff Bosscher stated that the Commission leadership held a meeting and discussed the Commission traveling to the field again to hold their meetings. It is very important that the Commission continue this practice as it affords more opportunity for the field to participate and provide input to the Commission on various matters. Therefore, the Commission was provided with a revised meeting schedule for 2010. There will be three meetings outside the city of Lansing. The April meeting will be held in Ottawa County; the June meeting in Sault Ste. Marie and the September meeting will be held in Livonia. All other Commission meetings will be held in Lansing.

CHAIRMAN'S REPORT Continued:

2010 Committee Assignments – Sheriff Bosscher stated that the committees have been modified and some of the memberships have changed. A listing of all committees and their respective members were provided to the Commission (see attached).

Law Enforcement Officer Position Population – Sheriff Bosscher stated that the number of law enforcement positions continues to decline. Currently Michigan is down 2,202 law enforcement positions since September 11, 2001. There has been a loss of 133 positions since the Commission's last report.

Special Use Requests – Sheriff Bosscher stated that the Special Use Request activity that has been handled by staff since the last meeting is outlined in the Commission materials. There were no questions raised on any of these requests.

Grant Contract Adjustments – Sheriff Bosscher stated that the Grant Contract Adjustment activity that has been handled by staff since the last meeting is outlined in the Commission materials. There were no questions raised relative to these activities.

COMMITTEE REPORTS:

Executive Committee – Sheriff Bosscher stated that the committee met on the previous evening. The items discussed by the committee were: the 2011 MCOLES budget, procedural changes to the Commission's meetings, the Executive Director position, and the potential transfer of Public Act 330 responsibilities from the Department of State Police-MCOLES to the Department of Labor and Economic Growth.

Ethics Committee – Chief Olko stated that the committee last met in Howell on January 28th where the committee progressed through the entire list of proposed ethics related revisions to Public Act 203. While the overall effect of the proposed revisions is to strengthen the Commission's ethics standards, the most controversial provisions were removed. The committee worked out compromises in some areas that encompass situations generally involving fraudulently obtained licensure or situations involving criminal convictions. Mandatory revocation will be designated for certain criminal convictions while revocations for other offenses would be discretionary. Proposed discretionary suspensions of law enforcement authority would be restricted to situations where public health, safety, or welfare are at risk and when an officer seeks to continue law enforcement duties while facing criminal charges for an offense that would result in mandatory license revocation. There are more areas that will be brought to the full Commission once the committee process has vetted them and they are ready for action by the full Commission.

COMMITTEE REPORTS Continued:

Legislative Committee – Chief Olko stated that the committee met this morning and discussed a number of issues. Since the committee had not met for several months, the members reviewed the purpose and vision for how the leadership wants the committee to function. The committee will be limiting their action based upon potential legislative impact to the Commission.

The first action taken by the committee involves proposed legislation that would add standards related responsibilities to MCOLES in the development of corrections officers. There are three bills that have been introduced that the committee has formulated a resolution for action by the Commission. This resolution clarifies the position of the Commission House Bills 1042 – 1044. The resolution was distributed to and reviewed by the full Commission. (See attached Resolution titled: “Resolution to Establish the Position of the Commission on House Bills 1042, 1043 and 1044.”)

A **MOTION** was made by Mr. Morse and supported by Tpr. Moorman to adopt the resolution as presented by the committee.

A **VOTE** was taken. The **MOTION** carried. The Resolution was adopted unanimously.

Chief Olko stated that the committee also discussed proposed changes to Public Acts 203 and 302 and the committee will be meeting in the near future to discuss changes. The committee also has a number of other pieces of legislation that they will be monitoring.

NEW BUSINESS:

Commission Resolution – Sheriff Bosscher presented a resolution to Mr. Buczek recognizing his leadership as Vice-chairman (2005 – 2007) and as Chairman (2007 – 2009) to the Commission. He further stated that Mr. Buczek has dedicated countless hours to the leadership of the Commission and it is greatly appreciated.

A **MOTION** was made by Tpr. Moorman and supported by Chief Mattice to adopt the resolution recognizing Mr. John Buczek’s leadership of the Commission

A **VOTE** was taken. The **MOTION** passed unanimously.

Sheriff Bosscher also presented Mr. Buczek with a Gavel Plaque recognizing his service as Chair of the Commission from 2007 through 2009.

NEW BUSINESS Continued:

Mr. Buczek thanked the Commission. He stated that all members of the Commission have taken active roles on various issues and he appreciates the support given him during his terms of leadership of the Commission. Mr. Buczek also thanked the MCOLES staff for their dedicated service to the Commission and for their assistance during this difficult time.

Revocations – Mr. Szczubelek presented the following cases, recommending that the Commission consider the proofs, finding of facts, and conclusions of law found in the “Proposals for Decision,” issued by Administrative Law Judge Michael Zimmer.

Michael Ivezaj – Mr. Ivezaj entered a nolo contendere plea and was convicted of False Report of a Felony – Attempt (MCL 750.411a). MCL 750.411a(1)(B) defines False Report of a Felony - Attempt as a felony. Mr. Ivezaj’s conviction was issued and entered on September 24, 2007, in the Sixteenth Circuit Court, County of Macomb, by the Honorable James Biernat.

A **MOTION** was made by Mr. Buczek and supported by Sheriff Wriggelsworth to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Mr. Michael Ivezaj.

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

Keith Michael Kazelskis – Mr. Kazelskis pled guilty to and was convicted of Larceny - \$1,000 or more but less than \$20,000 (MCL 750.356(3) (a)). MCL 750.356(3) (a) defines Larceny - \$1,000.00 or more but less than \$20,000.00 as a felony. Mr. Kazelskis’ conviction was issued and entered on July 17, 2009, in the Seventeenth Circuit Court, County of Macomb, by the Honorable George Buth.

A **MOTION** was made by Mr. Morse and supported by Lt. Colonel Yungfer to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Mr. Kazelskis.

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

Jerry D. Massey, Jr. – Mr. Massey pled guilty to and was convicted of Common Law Offenses (MCL 750.505c). MCL 750.505c defines Common Law Offenses as a felony. Mr. Massey’s conviction was issued and entered on April 17, 2009, in the Fourth Circuit Court, County of Jackson, by the Honorable Chad Schmucker.

NEW BUSINESS Continued:

A **MOTION** was made by Sheriff Pickell and supported by Mr. Bretz to accept the Proposal for Decision of the Administrative Law Judge and revoke the law enforcement license of Mr. Massey.

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

Governor's Executive Budget FY2011 – Ms. Kramp stated that on February 11, 2010 the Governor presented her recommended budget. Ms. Kramp provided an outline of the budget as it relates to MCOLES. She stated that the proposed budget, if passed in its present form, would remove the Police Officer and Firefighter Survivor Tuition Reimbursement Program from MCOLES' administration. It has been moved to the Higher Education Budget but is currently not funded through an appropriation but it is intended to be funded through a tax check-off.

Mr. Buczek stated that the Fraternal Order of Police strongly opposes the changes to the Survivor Tuition program in this budget. He encouraged other organizations to look at this change and take a position as well. A tax check-off instead of actually funding this program does not appear to be a stable way to provide for this important service to the survivors of public safety officers.

Revision to MCOLES Meeting Process – Ms. Kramp explained that the new leadership met and discussed streamlining the Commission's motion process. Staff would work more through the committee structure of the Commission. This will allow for more feedback and direction to the staff by committee members. Resolution(s) would be created and adopted by the Commission that would more clearly articulate the direction and intent of the Commission. The resolution will come directly to the Commission from one of the committees and can be modified during the meeting if necessary.

A resolution titled: "Resolution to Revise and Clarify the Conduct of Commission Action" was presented to the Commission by the Executive Committee outlining the specific modifications to be made to memorialize the Commission's intent and direction for future Commission action items.

A **MOTION** was made by Sheriff Wriggelsworth and supported by Mr. Cameron to adopt the resolution as written (see attached).

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

OLD BUSINESS:

2010 MCOLES Annual Registration Update – Mr. Furniss stated that specific information can be found in the Commission materials with respect to the annual registration that is currently underway. Currently 66% of the law enforcement agencies have completed their annual registration. He explained the modifications that had been made to the automated registration system this year and stated that the window for reporting will close on March 5, 2010.

Active Duty Firearm Standard Compliance Reporting Update – Mr. Rosa stated that there are a number of reasons that a limited number of officers are not being reported as meeting the MCOLES Active Duty Firearms Standard including some agencies missing the fact that there is an educational component included in the standard. He explained that staff is working with agencies individually to assist them in resolving their specific issues to bring their officers into compliance with the standard.

Michigan Justice Training Fund Audit – Ms. Kramp stated that the Michigan Justice Training Fund audit, which is required every two years, is currently underway. The auditor completed the 2008 portion and will return to complete the 2009 portion of the audit shortly. MCOLES has been reassigned to another auditor who will be completing the audit. The MCOLES is required to pay for the audit which will come from the justice training funds.

Executive Director Position – Sheriff Bosscher explained that the Commission had discussed this matter yesterday. He provided a review of the meetings that took place and the process to date for the benefit of those members who were unable to be present for the workshop yesterday. Several options for moving forward were provided by the Governor's legal counsel. The Governor's office and Colonel Munoz have indicated that they will support the decision that is made by the Commission. The discussion yesterday centered on moving forward with establishing an unclassified position. Sheriff Bosscher explained that a number of potential funding options for the position are currently being explored.

Sheriff Bosscher stated that in an unclassified position, the person would be an at-will employee of the Commission. Based upon the new developments, the Executive Director Selection Committee would like to move forward with the development of the selection process.

A **MOTION** was made by Mr. Buczek and supported by Chief Mattice for the Executive Director Selection Committee to move forward with development of the hiring process and position description for the Executive Director position. In addition, the Commission leadership should move forward in pursuing the establishment of the Executive Director position as unclassified.

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

MISCELLANEOUS:

There were no miscellaneous items.

NEXT MEETING:

Date: April 21, 2010

Location: Ottawa County Sheriff's Office
West Olive, Michigan (Ottawa County)

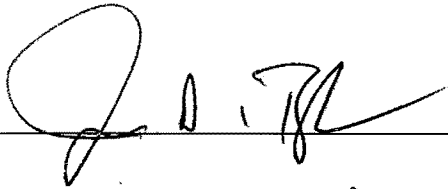
ADJOURNMENT:

A **MOTION** was made by Mr. Buczek and supported by Sheriff Wriggelsworth to adjourn the meeting.

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

The meeting was adjourned at 11:44 am.

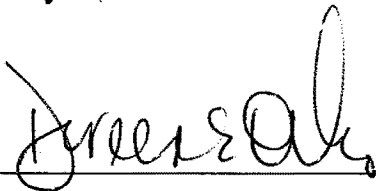
APPROVED BY



ON

4/21/2010

WITNESSED BY



ON

4/21/2010



MCOLES
Michigan Commission on Law Enforcement Standards

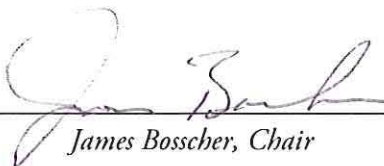
*Commission Resolution 2010-01
to Revise and Clarify the Conduct of Commission Action*

WHEREAS, the Michigan Commission on Law Enforcement Standards recognizes that the complexity of its business may obscure the Commission's intent as expressed in orally delivered motions approved during the course of the Commission's regular business; and,

WHEREAS, the Commission recognizes that written resolutions more accurately express the Commission's will in regard to principal matters of importance and policy; now,

THEREFORE BE IT RESOLVED, that principal matters requiring the Commission's deliberation, after due consideration and preparation, shall be presented to the Commission in the form of written resolution, upon which the Commission may act to adopt, by approval of a properly recognized motion.

*Adopted by the Michigan Commission on Law Enforcement Standards on
February 24, 2010.*



James Bosscher, Chair