
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
June 13, 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. 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
Chief Karianne Thomas, representing the Michigan Association of Chiefs of Police
Asst. Chief James White, representing the Detroit Police Department

COMMISSION MEMBERS EXCUSED

Cpl. Brian Earle, representing the Deputy Sheriff's Association of Michigan
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police
Mr. Thomas Adams, representing the Public

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. David Lee, MCOLES Staff

GUESTS (SIGNING-IN)

Sgt. Timothy Fitzgerald, Michigan State Police
Mr. Matt Heins, MMRMA

CALL TO ORDER

The Commission meeting was called to order by Chair Michael Wendling on June 13, 2018 at 10:30 AM. The meeting was held at the new MCOLES Office, 927 Centennial Way, Lansing, Michigan.

INTRODUCTIONS

Chair Wendling welcomed Chief Karianne Thomas of the Kalamazoo DPS as the newest Commissioner representing the Michigan Association of Chiefs of Police.

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

ACCEPTANCE OF THE APRIL 11, 2018 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Molloy and supported by Commissioner Stephenson to approve the April 11, 2018 Commission Meeting Minutes as written.

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

ADDITIONS/CHANGES TO THE AGENDA - None

CHAIR'S REPORT

LEO Population Report – Chair Wendling advised that the LEO Population Report for the month of May had been provided for the Commissioners' review. He added that there was an increase in officers and positions due to the number of academy graduations in May.

Special Use Request - The Special Use Request report was also provided for the Commissioners. There were no questions or comments.

Grant Adjustments – The Commissioners had an opportunity to review the Grant Adjustment report prior to the meeting. There were no questions or comments.

DIRECTOR'S REPORT

Grants – Executor Director Bourgeois stated that PA 302 of 1965 provides for the funding of the Justice Training Fund (JTF). From this fund 60% is used for the Law Enforcement Distribution and 40% for administrative costs and competitive grants. In the past few years there has been a downward trend in the funds for the JTF and an upward trend in administrative costs. Due to these trends there were no grants given out in 2018. Director Bourgeois advised the commission that this will also be true for the 2019 grant year.

Law Enforcement Distribution – Executive Director Bourgeois stated that the Law Enforcement Distribution is generated from 60% of the Michigan Justice Training Fund revenue. This amount is calculated prior to any other expenditures from the fund. Distributions are made twice annually as Spring and Fall distributions. The distributions are made on a per-FTE basis for licensed officers. The FTE count is determined based on total hours worked by all officers divided by 2080. The spring distribution for 2018 was made. The cash basis revenue from October through March totaled \$1,271,284.56. This yielded a per-FTE amount of \$83.17.

Private College Security Force – Director Bourgeois advised that a few years ago the universities were empowered to employ their own private security force. He added that MCOLES received their first request from a college. He added that staff is currently working on developing a procedure.

A **MOTION** was made by Commissioner Etue and supported by Commissioner Donnellon to approve the Director's Report.

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

COMMITTEE REPORTS

Executive Committee – Chair Wendling advised that an Executive Committee meeting was held that morning prior to the commission meeting. He stated that the committee discussed SB 924, Fair and Impartial Policing training, funding, staffing and the MCOLES move.

CONSENT AGENDA

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

Mr. Szczubelek stated the following:

- most revocations are based on adjudication of guilt or fraud in obtaining their license;
- the Commission has the authority to accept, modify or deny the Proposal for Decision;
- 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 a Proposal for Decision is entered;
- the Commission has the authority to accept, modify or deny the Proposal for Decision;

Director Bourgeois added that today the Commission would be considering license revocation for Kwame Powell whose hearing was held on January 3, 2018 and Brendon Moquin whose hearing was held April 3, 2018.

A **MOTION** was made by Commissioner Grabowski and supported by Commissioner Smith to approve the revocation of license for both Powell and Moquin.

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

NEW BUSINESS

SB 924 – Chair Wendling read into the record Commission Resolution 2018-05, a resolution in opposition to SB 924.

A discussion occurred regarding SB 924 including the topic of inviting Senator Kowall to attend a meeting to defend his bill. Regarding this topic the following questions were asked.

- Does the executive director’s testimony before the senate regarding MCOLES’ opposition to the bill contradict the invitation?
- If an invitation is given to Senator Kowall does that set a precedent for inviting to a meeting all bill sponsors whose legislation effects law enforcement?
- What responsibility does the sponsor of the bill have relative to contacting an agency that testified against his bill if he feels it is necessary?

The following comments were also made regarding the invitation to Senator Kowall:

- It was stated that if a bill is important enough to require a resolution then maybe it should be important enough to hear from the sponsor of the bill.
- It was also mentioned that commission meetings are open meetings and therefore if the sponsor wants to attend the meeting an invitation is not necessary.
- Possibly the Commission could decide on a case by case basis whether to invite a bill sponsor.

A **MOTION** was made by Commissioner Molloy and supported by Commissioner Stephenson to approve Commission Resolution 2018-5 in opposition to SB 924.

A **ROLL CALL VOTE** was taken with the following results:

Commissioner	YES	NO
Donnellon	X	
Johnson	X	
Etue	X	
Wright	X	
Smith	X	
Grabowski	X	
Hiller	X	
Stephenson	X	
Molloy	X	
Diaz	X	
Letica	X*	
Thomas	X	
Wendling	X	

*Commissioner Letica voted Yes with the given language as written.

There was further discussion regarding the bill and if it would be appropriate for the Commission to send a formal invitation to Senator Kowall. During this discussion the following motion was made:

A **MOTION** was made by Commissioner Grabowski and supported by Commissioner Donnellon to extend an invitation to Senator Kowall to attend the next Commission meeting and defend SB 924.

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

The following four Commissioners voted **against** the Motion: Commissioner Wendling, Commissioner Etue, Commissioner Molloy and Commissioner Johnson.

Training to Locals (TTL) – Director Bourgeois introduced David Lee to discuss this topic.

David Lee stated that the funding for Training to Locals (TTL) is based on revenue generated into the Secondary Road Patrol Training Fund (SRPTF). Of the revenue 5.7% is directed to MCOLES for TTL.

Revisions made to Public Act 203 of 1965 caused the commission to make changes to their policy. Beginning with Fiscal Year 2018 the TTL portion of the SRPTF may no longer be used for MCOLES administrative expenditures.

In addition to the use of TTL funds for partial reimbursement to law enforcement agencies for the cost of employed recruits attending a basic law enforcement training academy, the fund has supported MCOLES administrative expenditures for associated statutory functions including:

- Basic training curriculum development and maintenance;
- Law enforcement officer licensing exam development and maintenance;
- Non-medical and medical law enforcement officer employment standards development and maintenance;
- Basic training academy session maintenance (e.g. openings, closings, documentation);
- Basic training academy inspections (e.g. facilities, instructors, presentations);
- Academy recruit policy and procedure violations investigations;
- Selection and employment standards investigations;
- Recognition of Prior Training and Experience (RPTE) program administration;
- In-service law enforcement training curriculum development;
- In-service law enforcement training course registration;
- MCOLES Information and Tracking Network (MITN) development and maintenance;
- Executive direction; and
- Operating expenses (e.g. rent, fleet, supplies).

Beginning with Fiscal Year 2018, use of TTL funds is restricted to basic training reimbursements exclusive of all the above listed items.

Increasing statutory obligations has resulted in decreasing funds available for recruit reimbursement until the point where administrative expenditures exhausted available funds. In 2014 per-recruit reimbursements dropped from the cap of \$1,400.00 to \$1,000.00. Reimbursements for the years 2015-

2017 were eliminated.

The replacement funds of \$400,300 into the Standards & Training appropriation is meant to cover the MCOLES costs for administration of statutory functions previously expended from the Training to Locals appropriation. The last 5-year average for those expenses is \$606,972. The replacement funds will not cover the entirety of the shift as costs continue to increase. If revenue remains consistent this will create a shortfall of \$165,000. The only money available is the Justice Training Fund which is taking money from the competitive grants.

Currently there is a ceiling of \$1,400 reimbursement per-recruit. Up until 2013 funding allowed for agencies to receive the \$1,400.00 per candidate. However, in 2014 due to a decline in revenue and increasing administrative expenditures available funds made it necessary to reduce the reimbursements to \$1,000 per candidate. From 2015-2017 with the rising administrative expenditures and a decrease in revenue there was no funds for reimbursement purposes.

Beginning with Fiscal Year 2018 the entirety of the TTL fund is being used for reimbursement which means available funds may increase the reimbursement level above the \$1,400 ceiling. Since this ceiling was established and maintained by Commission vote further Commission action will be necessary to allow an increase in reimbursement levels. It is recommended that the cap be removed and replaced with the available amount based on funding not to exceed an agency's actual costs. It is also recommended that clarification should be included on what expenses are eligible. Currently there are no Administrative Rules for TTL. Therefore, we are recommending that guidelines for eligible reimbursement should include:

1. Academy Tuition
2. College/Academy Fees
3. Licensing Exam Fees

Also, it is recommended to exclude such expenses as:

1. Reimbursement for wages and benefits
2. Uniforms
3. Travel expenditures
4. Reading & Writing and Physical Fitness Test
5. Standard Screening Procedures (fingerprinting, medical physical, psychological exam)

The 2018 projections indicate that there are 431 agency recruits that qualify with \$477,000 in funds available. This calculates to \$1,100 per recruit.

A **MOTION** was made by Commissioner Molloy and supported by Commissioner Donnellon to approve removing the \$1,400 reimbursement cap and replace it with the available amount based on funding, not to exceed an agency's actual cost. The Commission will also approve that policy be set to limit reimbursements to include only expenditures relating to academy tuition, college/academy fees and licensing exam fees.

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

OLD BUSINESS - None

MISCELLANEOUS

Fair & Impartial Policing - Director Bourgeois advised that there is money available for fair and impartial policing training. Director Bourgeois advised that MCOLES would be working with MSP to provide this training. He added that the training is free, they offer Command-Level Personnel and Train-the-Trainer so that agencies can then train their officers. He said that the Michigan State Police, Kalamazoo DPS and Novi Police Department have already been through the training. He also stated that this training ties directly with the Governors Executive Directive and with the 21st Century Policing Report.

Appointment – Commissioner Molloy congratulated Commissioner Letica on her appointment to the Court of Appeals.

PUBLIC COMMENT - None

NEXT MEETING

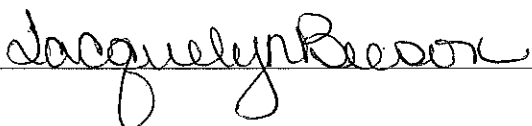
Date: September 12, 2018 @ 10:30 AM

Location: Lansing

ADJOURNMENT:

A **MOTION** was made by Commissioner Molloy to adjourn the meeting at 11:25 AM.

APPROVED BY  ON 9-12-18

WITNESSED BY  ON 9-12-18