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## **Michigan Commission on Law Enforcement Standards Commission Meeting Minutes**

**June 6, 2012  
Grayling, Michigan**

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### **COMMISSION MEMBERS PRESENT**

Chief Doreen Olko, representing the Michigan Association of Chiefs of Police  
Mr. Thomas Cameron, representing Attorney General Bill Schuette  
Sheriff James Bosscher, representing the Michigan Sheriffs' Association  
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan  
Commander Dwayne Love, representing Chief Ralph Godbee, Detroit Police Department  
Director Kurt Jones, representing the Michigan Association of Chiefs of Police  
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan  
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police  
Mr. James DeVries, representing the Police Officers Association of Michigan  
Mr. Fred Timpner, representing the Michigan Association of Police  
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association  
Mr. Richard Weiler, representing the Police Officers Labor Council  
Lt. Col. Dan Atkinson, representing Col. Kriste Kibbey Etue, Michigan State Police  
Mr. John Buczek, representing the Fraternal Order of Police  
D/Sgt. Chris Luty, representing the Michigan State Police Troopers Association

### **COMMISSION MEMBERS EXCUSED**

Sheriff Robert Pickell, representing the Michigan Sheriffs' Association

### **OTHERS PRESENT**

Mr. David Harvey, MCOLES Executive Director  
Mr. John Szczubelek, Assistant Attorney General and Commission Counsel  
Mr. Danny Rosa, MCOLES Staff  
Mr. David Lee, MCOLES Staff  
Ms. Joyce Nelson, MCOLES Staff  
Ms. Jacquelyn Beeson, MCOLES Staff  
Mr. John Steele, MCOLES Staff  
Mr. Wayne Carlson, MCOLES Staff

## **GUESTS (signing in)**

Brig. General Michael Stone  
Chief Jerry Cannon, Garfield Police Dept.  
Ms. Kelly Foy, NMLETG  
Ms. Kelly Ferris, NMLETG  
Chief Scott Barrett, Central Lake Police Department  
Major Joel Maatman, Ingham County Sheriff's Office  
Sgt. John C. Meka, DNR

## **CALL TO ORDER**

The Commission meeting was called to order by Chair Doreen Olko at 10:25 AM on June 6, 2012 at Camp Grayling in Grayling, Michigan.

## **INTRODUCTIONS**

Chair Olko introduced herself and asked the Commission members, staff, and audience to do the same.

## **ACCEPTANCE OF THE APRIL 18, 2012 COMMISSION MEETING MINUTES**

A **MOTION** was made by Commissioner Bosscher and supported by Commissioner Buczek to approve the April 18, 2012 Commission meeting minutes as written.

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

## **ADDITIONS/CHANGES TO THE AGENDA**

There were no additions or changes to the Agenda.

## **PUBLIC COMMENT**

Chair Olko asked for any public comment on any issue not listed on the agenda.

Brig. General Stone addressed the Commission. He thanked them for bringing the meeting to Camp Grayling. He stated that the camp facilities, range and resources were available for use. For planning purposes, he suggested giving Camp Grayling 90 days notice when making a request.



The General also advised that Grayling would be celebrating their 100<sup>th</sup> anniversary in July, 2013. Camp Grayling will host many of the events and invited everyone to attend. More information would be available in the future.

Mr. John Szczubelek addressed the Commission. He stated that in the past, the Commission approved the amendments to the statute in regard to Section 9B. At the last Commission meeting there was opposition to the already approved amendments. He stated that he wants to encourage people to rethink 9B and if they oppose it, bring an alternative suggestion to him and it can be discussed. He indicated that he would hate to see problems getting the Amendments pushed through due to opposition of only one of the thirty changes.

## **CHAIR'S REPORT**

Law Enforcement Officer Position Report – Chair Olko stated the electronic distribution contained the LEO Report for the month of April. In each portfolio there is a more current report for the month of May. As the reports show, there was a slight increase in the number of positions for April and May but the number of officers continued to decline.

Special Use Requests – Chair Olko stated that the commission materials contained a report detailing the special use requests. There were no questions and no discussion occurred.

Grant Adjustment Requests – Commissioner Olko advised that the Grant Adjustment Requests Activity Report was also part of the electronic distribution of Commission materials. There were no questions.

## **DIRECTOR'S REPORT**

Law Enforcement Distribution – Executive Director Harvey advised that the spring distribution would be going out shortly. He stated the amount remained relatively unchanged from last year. The amount is \$94 and some change. In your portfolios you will find the Law Enforcement Distribution Spring 2012 summary report. This report reflects the actual figures with regard to the distribution.

Academy Graduations – Executive Director Harvey advised that in the portfolios is a list of upcoming academy graduations. He stated that Commissioner representation is always welcome and asked the Commissioners to see Jacque after the meeting to sign up.

IADLEST – Mr. Harvey advised the Commission that he was chair of the Standards and Training Committee for IADLEST and would be attending a conference in Georgia. At this

meeting they were going to discuss establishing national standards for law enforcement agencies.

Mr. Harvey also advised that they were looking at the curriculum of the military police and possibly honoring this training. Ms. Joyce Nelson, MCOLES staff, has a focus group that will explore all of the military branches and their training.

## **COMMITTEE REPORTS**

Implementation Committee – Commissioner Mattice advised that the Implementation Committee met following the Commission meeting on April 18, 2012. He advised that they discussed proposals for in-service training and agreed to bring this proposal before the entire Commission. This issue will be further discussed under New Business.

## **NEW BUSINESS**

Commission Resolution 2012-05 – Resolution to Revise Proposed Amendments to Section 11 of the Commission on Law Enforcement Standards Act – Mr. Szczubelek addressed the Commission and advised that the proposed revisions to Sections 28.611(1)(g) and 28.611(1)(h) are no longer necessary because their substance will be addressed in proposed amendments to Sections 28.609(1)(c) and 28.609(1)(b)(ii).

A **MOTION** was made by Commissioner Wendling and supported by Lt. Col. Atkinson to approve Commission Resolution 2012-05.

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

Commission Resolution 2012-06 - Resolution to Seek Rescission of MCOLES Rule 28.14965 – Mr. Szczubelek advised the Commission that MCOLES Administrative Rule 28.14965 and other rules were adopted in 2005 for the purpose of effectuating the Public Safety Officers Benefit Act. The rule grants an evidentiary hearing to PSOB claimants who have been advised they are not eligible for an award and this hearing is not necessary. These claimants may avail themselves other avenues of due process, for example they can file an appeal in Circuit Court. This method would be less time consuming and costly for MCOLES.

A **MOTION** was made by Commissioner Wriggelsworth and supported by Commissioner Cameron to approve Commission Resolution 2012-06.

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



Commissioner Olko confirmed with Mr. Szczubelek that MCOLES was just removing an unnecessary step in the process.

**Commission Resolution 2012-07 - Resolution to Delete Subsection 28.609b(5) from Proposed Amendments to the Commission on Law Enforcement Standards Act and Seek Rescission of MCOLES Administrative Rules 28.14601(d), 28.14601(e), and 28.14607** – Mr. Szczubelek addressed the Commission and advised them that with the adoption of Executive Orders 2008-17 and 2011-7, the Criminal Justice Information Systems Policy Council was abolished and administration and regulation of access to LEIN was vested in the Michigan State Police Bureau of Science, Technology and Training, in conjunction with the Michigan Criminal Justice Information Systems Board. Therefore, it is no longer necessary or appropriate for MCOLES to exercise jurisdiction over access to LEIN. Therefore we need to delete from the proposed set of amendments subsection 28.609b(5), renumber the subsequent subsections to account for the deletion; and seek rescission of MCOLES Administrative Rules 28.14601(d), 28.14601(e), and 28.14607.

A **MOTION** was made by Commissioner Buczek and supported by Commissioner Wendling to approve Commission Resolution 2012-07.

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

**Commission Resolution 2012-08 - a Resolution to Honor Fallen Police Officer Trevor Slot and Extend Public Safety Officer Benefits** – Chair Olko read into the record Commission Resolution 2012-08 honoring fallen officer Trevor Slot. Executive Director Harvey advised that the Resolution would be presented to the family at the Michigan Association of Chiefs of Police conference later this month.

A **MOTION** was made by Commissioner DeVries and supported by Commissioner Mattice to approve Commission Resolution 2012-08.

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

**East Tawas/Tawas PD Affidavit in Support of Receipt and Expenditure of Justice Training Law Enforcement Distribution Funds** - Mr. David Lee addressed the Commission. He stated that MCOLES is continuing to look into the outstanding issues with regard to LED funds. In 1997 the Michigan Justice Training Commission determined that the East Tawas/Tawas Police Authority was ineligible to receive LED funds due to their forming as an Authority in 1992. From 1997 on the agency did not receive any new funds, however they were able to spend the funds they had already received. No paperwork was ever filed with regard to the funds. Through MITN records it was determined that training took place and based on the agency's past record of conducting training it could be assumed

that these funds were used for that training. Chief Mark Ferguson executed an Affidavit stating that to the best of his knowledge the department used all of the funds for training.

A **MOTION** was made by Commissioner Wriggelsworth and supported by Commissioner Bosscher to approve the Affidavit in Support of Receipt and Expenditure of Justice Training Law Enforcement Distribution Funds.

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

**Hartford PD Affidavit in Support of Receipt and Expenditure of Justice Training Law Enforcement Distribution Funds** – Hartford PD received LED funds prior to 1993. In 1993 they became ineligible to receive LED because they had funds that were more than two years old. From 1993 to 2002 the agency stopped submitting expenditure reports. In 2002, the new chief wanted to resolve the issue. He worked with Donna Park and an audit was conducted. There were receipts for training and it was determined that funds had been expended however an official expenditure was not filed with MCOLES. Those documents are no longer available to the agency for submission to MCOLES therefore an Affidavit attesting to this information was executed by Chief Ramon Beltran to close out the records.

A **MOTION** was made by Commissioner Wendling and supported by Commissioner Weiler to approve the Affidavit in Support of Receipt and Expenditure of Justice Training Law Enforcement Distribution Funds.

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

**Law Enforcement In-Service Training** – Danny Rosa addressed the Commissioners and reiterated Chief Mattice by saying the Implementation Committee had agreed that staff needed to develop a model for in-service training and present that model to the whole Commission. Mr. Rosa explained that he held a meeting with subject matter experts. In the portfolios the Commissioners would find an example of the in-service training model using Officer Safety as the topic.

Mr. Rosa stated there are two areas that he would like to emphasize. The first is that the model uses higher order thinking which is important in training. Secondly, the model relies on self assessment as this is also an integral part of training.

Executive Director Harvey advised the Commission that today MCOLES staff is requesting the Commission approve the four disciplines and allow the staff to continue with this model and strategy to develop the whole package of in-service training to go along with the 120 hours.



A **MOTION** was made by Commissioner Wriggelsworth and supported by Commissioner Mattice to allow the MCOLES staff to continue developing in-service training utilizing the model that was presented.

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

**Executive Director Contract** – Chair Olko addressed the Commissioners and advised that Executive Director Harvey has accepted the new three year contract offered to him and now a vote was needed by the Commission.

A **MOTION** was made by Commissioner Weiler and supported by Commissioner Bosscher to approve the new three year contract for Executive Director David Harvey.

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

Mr. Harvey thanked the Commission for their confidence and added that the success of MCOLES has been due to his dedicated staff and Commissioners.

**OLD BUSINTESS** - None

**MISCELLANEOUS** - None

**NEXT MEETING:** Wednesday, September 19, 2012  
Lansing, Michigan

**ADJOURNMENT:**

A **MOTION** was made by Commissioner DeVries and supported by Commissioner Bretz to adjourn the meeting at 11:12 AM.

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

APPROVED BY  ON 

WITNESSED BY  ON 



**MCOLES**  
Michigan Commission on Law Enforcement Standards

***COMMISSION RESOLUTION 2012-05***  
***Resolution to Revise Proposed Amendments to Section 11 of the***  
***Commission on Law Enforcement Standards Act***


***WHEREAS***, the Commission adopted Resolution 2012-03 on April 18, 2012 for the purpose of recommending proposed amendments to the Commission on Law Enforcement Standards Act and the Justice Training Commission Act; and,

***WHEREAS***, the proposed revisions to Sections 28.611(1)(g) and 28.611(1)(h) are no longer necessary because their substance will be addressed in proposed amendments to Sections 28.609(1)(c) and 28.609(1)(b)(ii), respectively,

***THEREFORE, BE IT RESOLVED***, that the Michigan Commission on Law Enforcement Standards directs the Executive Director, Staff, and Commission Legal Counsel to revise the proposed amendments to Section 11 as follows:

- (1) Delete Sections 28.611(1)(g) and 28.611(1)(h);
- (2) Renumber the subsequent subsections to account for the deletion; and
- (3) In Section 28.611(2), change the term "law enforcement officer training fund" to "law enforcement officers training to locals fund."

*Adopted by the Michigan Commission on Law Enforcement Standards on June 6, 2012.*

  
Doreen E. Olko, Chair





**MCOLES**  
Michigan Commission on Law Enforcement Standards

***Commission Resolution 2012-06  
Resolution to Seek Rescission of MCOLES Rule 28.14965***

**WHEREAS**, MCOLES Administrative Rule 28.14965 and other rules were adopted in 2005 for the purpose of effectuating the Public Safety Officers Benefit Act, MCL 28.631 et seq.; and

**WHEREAS**, Rule 28.14965 grants an evidentiary hearing to PSOB claimants who have been advised they are not eligible for an award; and

**WHEREAS**, considerations of due process do not, as a matter of law, require the Commission to grant an evidentiary hearing to PSOB claimants who have been advised they are not eligible for an award; and

**WHEREAS**, PSOB claimants who have been advised they are not eligible for an award may avail themselves of other avenues of due process; and

**WHEREAS**, the Commission incurs substantial costs associated with evidentiary hearings, then

**THEREFORE, BE IT RESOLVED**, that the Michigan Commission on Law Enforcement Standards directs the Executive Director, Staff, and Commission Legal Counsel to seek rescission of MCOLES Administrative Rule 28.14965.

Adopted by the Michigan Commission on Law Enforcement Standards on June 6, 2012.

*Doreen E. Olko, Chair*



**MCOLES**  
Michigan Commission on Law Enforcement Standards

**COMMISSION RESOLUTION 2012-07**

***Resolution to Delete Subsection 28.609b(5) from Proposed Amendments to the Commission on Law Enforcement Standards Act and Seek Rescission of MCOLES Administrative Rules 28.14601(d), 28.14601(e), and 28.14607.***

**WHEREAS**, the Commission adopted 2012-03 for the purpose of recommending proposed amendments to the Commission on Law Enforcement Standards Act and the Justice Training Commission Act; and

**WHEREAS**, the proposed revision to subsection 28.609b(5) would require the Commission to promulgate administrative rules mandating suspension of LEIN privileges for law enforcement officers who wrongfully disclose information from LEIN; and

**WHEREAS**, with the adoption of Executive Orders 2008-17 and 2011-7, the Criminal Justice Information Systems Policy Council was abolished and administration and regulation of access to LEIN was vested in the Michigan State Police Bureau of Science, Technology and Training, in conjunction with the Michigan Criminal Justice Information Systems Board; and

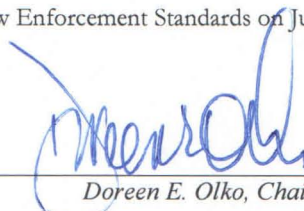
**WHEREAS**, MCOLES Administrative Rules 28.14601(d), 28.14601(e), and 28.14607 were adopted prior to the implementation of Executive Orders 2008-17 and 2011-7; and

**WHEREAS**, it is no longer necessary or appropriate for MCOLES to exercise jurisdiction over access to LEIN, then

**THEREFORE, BE IT RESOLVED**, that the Michigan Commission on Law Enforcement Standards directs the Executive Director, Staff, and Commission Legal Counsel to:

- (1) Delete from the proposed set of amendments subsection 28.609b(5);
- (2) Renumber the subsequent subsections to account for the deletion; and
- (3) Seek rescission of MCOLES Administrative Rules 28.14601(d), 28.14601(e), and 28.14607.

Adopted by the Michigan Commission on Law Enforcement Standards on June 6, 2012.

  
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Doreen E. Olko, Chair





**MCOLES**  
Michigan Commission on Law Enforcement Standards

***Commission Resolution 2012-08  
A Resolution to Honor Fallen Police Officer Trevor Slot  
And Extend Public Safety Officer Benefits***

***WHEREAS***, the Michigan Commission on Law Enforcement Standards is the duly appointed body of state government providing for the training and licensure of Michigan law enforcement officers; and,

***WHEREAS***, ***Officer Trevor Slot*** began his law enforcement career after attending and graduating from Ferris State University in July, 1993; and,

***WHEREAS***, ***Officer Trevor Slot*** served as a licensed officer in the State of Michigan beginning his career in 1995 with the St. Joseph Police Department and spending his last nine years with the Walker Police Department; and,

***WHEREAS***, ***Officer Trevor Slot*** was a dedicated public servant who performed his duties in a manner that has brought honor to the entire law enforcement profession and in 2007 he earned the Chief's Merit Award; and,

***WHEREAS***, ***Officer Trevor Slot*** demonstrated commitment and care in the exercise of his duties and was an eager protector of the public and his fellow officers and was honored in 2012 when he received the Police Officer of the Year award and earned a Medal of Honor; and,

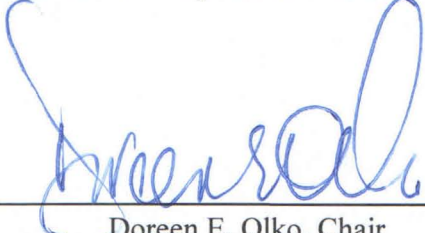
***WHEREAS***, ***Officer Trevor Slot*** was fatally wounded when he was struck and killed by a bank robbery suspect while attempting to deploy stop sticks; and,

***WHEREAS***, the Michigan Commission on Law Enforcement Standards, on behalf of all Michigan law enforcement officers, expresses profound sympathy to the family, fellow officers, friends, and loved ones of ***Officer Trevor Slot***;

***NOW, THEREFORE BE IT RESOLVED*** that the members of the Michigan Commission on Law Enforcement Standards pay their highest tribute to the service and sacrifice of ***Officer Trevor Slot***;

***AND, BE IT FURTHER RESOLVED*** that all eligible benefits provided through the Public Safety Officer Benefits Act shall be extended to the survivors of ***Officer Trevor Slot***.

*Unanimously adopted by the Michigan Commission on Law Enforcement Standards on June 6, 2012.*

  
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Doreen E. Olko, Chair