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**Michigan Commission on Law Enforcement Standards**  
**Commission Meeting Minutes**  
**November 7, 2018**  
**Lansing, Michigan**

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**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  
Mr. David Tanay, 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  
Mr. Richard Heins, representing the Michigan Association of Police  
Sheriff Scott Stephenson, representing the Michigan Sheriffs' Association  
Commander Mark Bliss, representing the Detroit Police Department  
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan  
Mr. Thomas Adams, representing the Public  
Trooper Nate Johnson, representing the Michigan State Police Troopers Association  
Mr. David Hiller, representing the Michigan Fraternal Order of Police

**COMMISSION MEMBERS EXCUSED**

Chief Karianne Thomas, representing the Michigan Association of Chiefs of Police  
Mr. Mark Diaz, representing the Detroit Police Officers Association  
Cpl. Brian Earle, representing the Deputy Sheriff's Association of Michigan  
Chief Donald Mawer, representing the Michigan Association of Chiefs of Police

**STAFF PRESENT**

Mr. Timothy Bourgeois, MCOLES Executive Director  
Ms. Hermina Kramp, MCOLES Deputy Executive Director  
Ms. Jacquelyn Beeson, MCOLES Staff  
Mr. Danny Rosa, MCOLES Staff  
Mr. Wayne Carlson, MCOLES Staff

**GUESTS (SIGNING-IN)**

Mr. Matt Heins, Michigan Municipal League  
Mr. John Szczubelek, Office of the Attorney General  
Ms. Amy Moon

## **CALL TO ORDER**

The Commission meeting was called to order by Chair Michael Wendling on November 7, 2018 at 10:35 AM. The meeting was held at the MCOLES Office, 927 Centennial Way, Lansing, Michigan.

## **INTRODUCTIONS**

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

## **ACCEPTANCE OF THE SEPTEMBER 12, 2018 COMMISSION MEETING MINUTES**

A **MOTION** was made by Commissioner Adams and supported by Commissioner Donnellon to approve the September 12, 2018 Commission Meeting Minutes as written.

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

**ADDITIONS/CHANGES TO THE AGENDA** – Chair Wendling requested to move the presentation of Commission Resolution 20180-09 from New Business to the first item of business.

Commissioner Wendling requested Ms. Amy Moon to join him. Chair Wendling then read into the record Commission Resolution 2018-09 recognizing Otsego County Sheriff's Deputy Amy Moon who suffered an on-duty accident which caused permanent and total disability and extended Public Safety Officers Benefits to her.

A **MOTION** was made by Commissioner Etue and supported by Commissioner Grabowski to approve Commission Resolution 2018-09.

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

## **CHAIR'S REPORT**

**LEO Population Report** – Chair Wendling advised that the LEO Population Report for the month of November was provided for the Commissioners' review. He added that the number of officers and positions remained approximately the same.

**Special Use Request** - The Special Use Request report electronically provided to 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.

**Nominating Committee Appointments** – Chair Michael Wendling advised that he wanted to appoint three Commissioners to the Nominating Committee. The Committee would meet to determine who they would like to nominate as the Chair and Vice-Chair for the Commission. He stated that the following Commissioners will be appointed to the Committee:

1. Commissioner Doug Wright
2. Commissioner Nate Johnson
3. Commissioner Donald Mawer

The Committee will report at the December meeting their nominations and a vote will be taken at that time.

A **MOTION** was made by Commissioner Etue and supported by Commissioner Donnellon to approve the appointments to the Nominating Committee.

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

## **DIRECTOR'S REPORT**

**2019 Proposed Meeting Dates** – Director Bourgeois advised that each Commissioner was provided with a list of proposed meeting dates for 2019. He added that the general rule was applied which meant the meetings would occur on the second Wednesday of the month. However, after selecting these dates it was determined that there may be some conflicts. Therefore, the Director suggested two changes.

The first conflict was with the proposed June meeting date. The International Association of Directors of Law Enforcement Standards and Training (IADLEST) will be holding their annual conference at that time. Executive Director Bourgeois and Deputy Director Kramp will be attending the conference. The requested change would move the June 12 meeting to June 19, 2019.

The second conflict was the September meeting. The second Wednesday falls on September 11. Due to the many other activities and possible commitments on that day, the request is to move the meeting from September 11 to September 18, 2019.

A **MOTION** was made by Commissioner Molloy and supported by Commissioner Adams to approve the 2019 meeting dates with the June and September changes.

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

**Commissioner Appointments**– Executive Director Bourgeois stated that he had received communication from the Appointment's Office. They advised that the term expiration for the following Commissioners had been extended to December 31, 2022:

1. Commissioner Doug Wright
2. Commissioner Karianne Thomas

3. Commissioner Michael Wendling
4. Commissioner Tom Adams

The only other Commissioner whose term is due to expire on December 31, 2018 is Commissioner Earle. No information regarding the appointment for the Deputy Sheriff's Association of Michigan has been received.

**SRO Task Force Update** – Director Bourgeois advised that the sub-committee's draft recommendations had been sent to the School Safety Task Force. Colonel Etue advised that the full report would be sent to the Governor before the November 30 end date. She thanked Director Bourgeois for his work on the sub-committee and Director Bourgeois passed his thanks on to Mr. Wayne Carlson and Mr. Danny Rosa of MCOLES for their assistance.

**Legislative Update** – Executive Director Bourgeois advised that there was nothing new regarding legislation. He added they were just awaiting the lame duck session. He also said that they had written some draft legislation to make some needed corrections to PA 198 of 2017. PA 198 of 2017 required agencies to keep records regarding separation reasons and conditions regarding their officers.

**Commissioner Orientation** – Director Bourgeois stated that Commissioner Diaz suggested MCOLES hold a new Commissioner orientation. The Director asked for comments from the others at the table adding that he knows scheduling can be an issue. Some ideas offered included:

- Holding sessions after regular commission meetings;
- Holding one-on-one sessions with interested Commissioners;
- Provide small amounts of information at each commission meeting;
- Create handbooks for each Commissioner;
- Orientation open to all Commissioners, not just incoming ones

Director Bourgeois stated that the staff will come together and decide on a method for commissioner orientation.

**Staff** – Executive Director Bourgeois advised that two new staff members have been hired. The first position that was filled was the Curriculum Developer. Mr. Joseph Kempa will be starting on November 19<sup>th</sup>. He comes to us from the U.S. Customs and Border Patrol.

The second position that was filled is the Standards Compliance Manager. Ms. Joyce Nelson-VanMeter will be starting on December 3, 2018. She is currently the Training Director for the Washtenaw Police Academy.

Executive Director Bourgeois added that hopefully the interviews for the Field Representative position will be conducted soon. The opening for the MITN Specialist has also been posted. The final open position is that of the MCOLES webmaster. With the financial uncertainty of MCOLES at this time, that position will remain unfilled.

**Reserve Officers** – Executive Director Bourgeois advised that in January of 2017 MCOLES received the authority to set standards for reserves. The authority was permissive which means we have the authority to set the standards if we choose to do so. Since that time MCOLES has had staff shortages, they were

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given the Executive Directive to complete and had to fill the vacant Executive Director position. However, he added that he is recommending MCOLES begins researching the reserve officer issues.

Director Bourgeois stated that the law was very unclear. Should MCOLES set standards for any or all of the following:

- Selection Standards
- Use of reserves in lieu of licensed officers
- Reserves v Special Deputies
- Training Standards including curriculum and in-service

According to Director Bourgeois there are four AG opinions that refer to reserve officers but none of them are really on point. He stated that MCOLES can establish the rules and set standards, but research needs to be done to determine who the standards are for. His recommendation is to appoint Commissioners to a sub-committee to work with staff and begin looking into the issues. He recommends a sub-committee of three consisting of a sheriff, a chief and a labor representative. The following people were nominated to the Reserve Sub-Committee:

- Commissioner Donnellon – Representing the Sheriffs
- Commissioner Mawer – Representing the Chiefs
- Commissioner Grabowski – Representing Labor

A **MOTION** was made by Commissioner Johnson and supported by Commissioner Molloy to approve the appointees to the Reserve Sub-Committee.

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

A **MOTION** was made by Commissioner Grabowski and supported by Commissioner Molloy to accept the Executive Director's report.

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

## **COMMITTEE REPORTS**

**Executive Committee** – Commissioner Wendling advised that an Executive Committee meeting was held that morning prior to the Commission meeting. He stated that the members discussed staffing and the issue with reserves both of which have already been addressed.

## **CONSENT AGENDA**

Executive Director Bourgeois advised that the commission had one revocation to consider whether to adopt the Michigan Administrative Hearing System's Proposal for Decision. The revocation was for John Paul Biernat.

Director Bourgeois added that the following was true:

- John Paul Biernat was convicted of an offense that required revocation
- He was a licensed Michigan police officer.
- He pled to the misdemeanor charge of the use of cocaine

A **MOTION** was made by Commissioner Stephenson and supported by Commissioner Molloy to adopt the Proposal for Decision revoking John Paul Biernat's license.

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

## **NEW BUSINESS**

**Recognition of Mr. John Szczubelek** -- Executive Director Bourgeois asked Mr. Szczubelek to join him. He stated that John Szczubelek had provided legal counsel for MCOLES for over ten years. He had vast knowledge of the statutes as well as policies and procedures. He added Mr. Szczubelek did outstanding work for the Commission.

Mr. Szczubelek thanked the Commission. He stated that eleven years ago the AG, Mike Cox, asked him where he wanted to be assigned. He chose MCOLES. He said he was very nervous. He added that he was very grateful for their acceptance of him. He said it was difficult to not be in law enforcement and yet have to tell those that are, to look at things differently. He added that the experience was wonderful, and he was proud to be a part of the organization. He also wanted to thank them for giving him free reign to work on the Michigan Law Enforcement Memorial Monument. The ground breaking was last month, and he felt it was one of his greatest accomplishments.

Executive Director Bourgeois stated that he had heard from the Office of the Attorney General and was advised that they had identified some candidates so hopefully we will be getting our new legal counsel soon.

**Job Task Analysis** – Mr. Wayne Carlson, the Career Development manager, addressed the Commission. He explained that he has been working on the Job Task Analysis (JTA) for the past year. He stated that the work is complete. Mr. Carlson stated that MCOLES sets standards. These standards must be valid. The MCOLES JTA is a survey that asks patrol officers to rate how often they perform certain tasks and asks patrol supervisors to rate the importance of the same tasks. It is the tool used by MCOLES to identify the core job tasks of patrol officers in Michigan.

Focus groups updated the 2006 task list so the 2018 survey questions would reflect the job as it exists today. A stratified random sample of agencies and their members responded to the online survey. The sample agencies matched the distribution of agencies statewide. The statewide response rate was 75%.

There were 305 core tasks identified for the 2018 JTA report which included 192 historically core tasks as determined by the three previous JTAs (1979, 1996, 2006) and 113 tasks identified as core

for 2018. The contractor produced the final statewide report along with individual stratification reports. The core tasks identified will be used to develop curriculum objectives.

Mr. Carlson said that MCOLES is evaluating the findings in depth, but he wanted to highlight some preliminary results. Some of the preliminary results are as follows:

New core tasks included:

- Investigating human trafficking;
- Protection of digital evidence; and
- Responding to acts of ongoing violence.

New core equipment included:

- Computer (laptop);
- Smartphones; and
- Global Positioning Systems (GPS)

New core sources of information included:

- Social Media;
- Cell phone apps; and
- Computer bulletin boards

Core Equipment removed includes:

- Shotgun
- Baton

Mr. Carlson ended by advising that the reports would be posted on the MCOLES website soon.

**OLD BUSINESS** - None

**MISCELLANEOUS** - None

**PUBLIC COMMENT** - None

**NEXT MEETING**

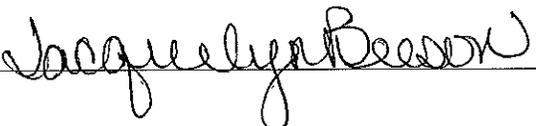
Date: December 5, 2018 @ 10:30 AM in Lansing

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**ADJOURNMENT:**

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

APPROVED BY  ON 12/5/18

WITNESSED BY  ON 12/5/18