
Michigan Commission on Law Enforcement Standards
Commission Meeting Minutes
September 12, 2018
Lansing, Michigan

COMMISSION MEMBERS PRESENT

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
Chief Karianne Thomas, representing the Michigan Association of Chiefs of Police
Commander Mark Bliss, representing the Detroit Police Department
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

COMMISSION MEMBERS EXCUSED

Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
Trooper Nate Johnson, representing the Michigan State Police Troopers Association
Mr. Mark Diaz, representing the Detroit Police Officers Association
Mr. David Hiller, representing the Michigan Fraternal Order of Police

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. Danny Rosa, MCOLES Staff

GUESTS (SIGNING-IN)

Mr. Matt Heins, Michigan Municipal League

CALL TO ORDER

The Commission meeting was called to order by Vice-Chair David Molloy on September 12, 2018 at 10:30 AM. The meeting was held at the MCOLES Office, 927 Centennial Way, Lansing, Michigan.

INTRODUCTIONS

Vice Chair Molloy welcomed Mr. David Tanay representing the Office of the Attorney General as the newest Commissioner replacing Anica Letica.

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

ACCEPTANCE OF THE JUNE 13, 2018 COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Earle and supported by Commissioner Grabowski to approve the June 13, 2018 Commission Meeting Minutes as written.

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

ADDITIONS/CHANGES TO THE AGENDA – Vice Chair Molloy requested to move one item under New Business, recognizing Ms. Anica Letica, up on the agenda do to her schedule.

A **MOTION** was made by Commissioner Etue and supported by Commissioner Donnellson to change the agenda.

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

Executive Director Bourgeois asked Ms. Anica Letica to join him. He stated that she served the Commission for several years and set very high standards. He added that Ms. Letica was a very active and engaged Commissioner and he appreciated her hard work. He also said that the Commission's loss was the Appellate Court's gain.

Ms. Letica thanked the Commission for allowing her the opportunity to work with everyone. She stated she hoped to cross paths again.

CHAIR'S REPORT

LEO Population Report – Vice Chair Molloy advised that the LEO Population Report for the months of July and August have been provided for the Commissioners' review. He added that there was a decrease in both officers and positions.

Special Use Request - The Special Use Request report was also provided for the Commissioners. At an earlier meeting the commission approved Special Use Request #6251. The Detroit Police Department sent an additional three people to this training making the new total \$10,812.05 for SUR #6251.

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

Executive Director’s Monthly Report – Executor Director Bourgeois stated that his report for the month of August would be going out soon so at today’s meeting he had only three items to mention.

Administrative Rules – Executive Director Bourgeois advised that MCOLES has Administrative Rules that need updated. They decided to start with the Public Safety Officer Benefit (PSOB) program first. He added that they are trying to align the state program with the federal PSOB. He reported that they are about 80% done. Mr. John Szczubelek, legal counsel for MCOLES, will be putting together the changes and then they will go to the Michigan State Police for approval. Once they finish this program they will move on because there are more rules that need amending.

Lean Process Improvement Plan (LPI) – Director Bourgeois advised that MCOLES is in the process of renewing a contract with Northrup Grumman for the continuing development and maintenance of the MITN system. DTMB is requiring MCOLES staff to attend the LPI before renewing the contract with Northrup Grumman. It is necessary for MCOLES to stay with this company due to them having the specialties needed regarding MITN. The LPI forces you to look at your processes without any restrictions to ensure your working with utmost efficiency.

Funding – Executive Director Bourgeois addressed the commission stating that it is no secret that funding has been an issue for MCOLES for several years witnessed by the fact that there has not been funding for the competitive grants for the past two years. The current funding model based on the Michigan Justice Training Fund is not working anymore because the funds are diminishing every year. He added that he has been working with MSP Budget personnel and will hopefully be bringing a proposal to the Commission regarding a new funding model in the future.

COMMITTEE REPORTS

Executive Committee – Vice-Chair Molloy advised that an Executive Committee meeting was held that morning prior to the commission meeting. He stated that the committee discussed the following:

- Administrative Rules
- Funding
- Legislative issues involving park officers and private policing

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 Nevin Hughes.

Director Bourgeois added that the following were true:

- Nevin Hughes was convicted of an offense that required revocation.
- He was a licensed Michigan police officer.
- He was convicted of aggravated assault.

Commissioner Weiss questioned the fact that the aggravated assault charge was only a misdemeanor. Executive Director Bourgeois advised that the most recent revision to the statute included 8 or 9 misdemeanor offenses including aggravated assault.

A **MOTION** was made by Commissioner Mawer and supported by Commissioner Etue to adopt the Proposal for Decision revoking Nevin Hughes' license.

A **VOTE** was taken. The **MOTION** carried with Commissioner Heins, Commissioner Earle and Commissioner Grabowski voting in opposition.

NEW BUSINESS

Amendment of February 14, 2018 Meeting Minutes – Executive Bourgeois said that in a review of the minutes from the February 14, 2018 meeting it was found that the action that was taken was not correctly noted in the motion. The commission is required under certain circumstances to revoke licenses.

In the past it was decided that this would be done under a Consent Agenda Item. At the February 14, 2018 meeting everyone thought that was what they were doing. However, the motion did not include the correct language. Per Robert's Rules of Order, 11th Edition, page 475, "if an error or material omission in the minutes become reasonably established after their approval, the minutes can then be corrected by means of a motion to Amend Something Previously Adopted..."

The minutes of the February 14, 2018 meeting included the following motion offered from the floor during the "Consent Agenda" portion of the meeting:

"A motion was made by Commissioner Molloy and supported by Commissioner Adams to continue to follow this procedure regarding license revocations.

The motion should have described in the minutes as not only approving the established procedure for revoking law enforcement officer licenses, but also following the procedure to approve the three license revocations what were included on the Consent Agenda.

The February 14, 2018 minutes should have contained the following motion:

"A MOTION was made by Commissioner Molloy and supported by Commissioner Adams to continue this procedure, including adopting the Proposals for Decision in Docket No. 17-021756, Erich Michael Fritz v MCOLES; Docket No. 17-024246, Mark Reiss v MCOLES; and Docket No. 17-024359, Kraig Eugene Mitchell v MCOLES."

This motion accurately reflects what the commission intended to do at this meeting.

A **MOTION** was made by Commissioner Stephenson and supported by Commissioner Wright to approve the amending of the February 14, 2018 meeting minutes.

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

Commission Resolution 2018-06 – Vice Chair Molloy read into record Commission Resolution 2018-06 honoring Fallen Otsego County Sheriff's Department Corrections Officer Thomas C. Bunker and Extend Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Stephenson and supported by Commissioner Donnellson to approve Commission Resolution 2018-06 honoring Fallen Officer Thomas C. Bunker.

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

Commission Resolution 2018-07 – Vice Chair Molloy read into record Commission Resolution 2018-07 honoring Fallen Retired Troy Police Department Officer William McCabe and Extend Public Safety Officers Benefits.

A **MOTION** was made by Commissioner Grabowski and supported by Commissioner Earle to approve Commission Resolution 2018-07 honoring Fallen Officer William McCabe.

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

Commission Resolution 2018-08 – Vice Chair Molloy read into record Commission Resolution 2018-08 honoring Fallen Retired Detroit Police Department Officer Donald Kimbrough and Extend Public Safety Officers Benefits.

A **MOTION** was made by Commander Bliss and supported by Commissioner Etue to approve Commission Resolution 2018-08 honoring Fallen Officer Donald Kimbrough.

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

School Resource Officers – The Executive Director advised that in the Spring of 2018 the Governor issued Executive Order 2018-5 which created the School Safety Task Force (SSTF) to make recommendations to the Governor on strategies designed to improve school safety, provide school security upgrades and create training for School Resource Officers (SROs). Colonel Etue of the Michigan State Police was chosen as the Chair of the Task Force. The work of the SSTF is divided among several sub-committees. Executive Director Bourgeois is the chair of the School Resource Officer sub-committee.

The School Resource Officer sub-committee was charged with three tasks:

1. develop a school safety curriculum for SROs;
2. identify a tiered approach for different levels of SROs';
3. identify potential sources of training.

Danny Rosa addressed the commission and stated that the first step was to empanel a focus group of subject matter experts which consisted of volunteers who are law enforcement professionals and practitioners and who have the requisite experience, expertise and insight into the role of an SRO. Danny stated they also identified model SRO programs both at the state and national levels, revisited MCOLES recruit and active duty training specifications, monitored training sessions and explored SRO training and best practices from other states.

Danny Rosa said that they have determined the tiers for the SROs:

- Tier 1 – Licensed MCOLES Officers
- Tier 2 – Officers employed by the school district for security but not MCOLES licensed
- Tier 3 – Teachers, Maintenance Workers and other school personnel

He added that potential sources of training included the National Association of School Resource Officers (NASRO). They found it to be a good program for several reasons including:

- Not for Profit Agency
- They have been training since the 1990s
- Tied to federal funding
- Focus on SROs as mentors, trainers, someone who makes a difference – not necessarily a tactical position

Mr. Rosa emphasized that the sub-committee is a foundational group. They will narrow their attention to specific training specification for an SRO, describe different levels of school safety personnel in greater detail, and formulate recommendations for the Task Force. They however are not the group that will develop the curriculum. Director Bourgeois updates the Task Force regularly.

Executive Director Bourgeois added that this is a first for MCOLES regarding in-service curriculum development. The curriculum would be for non-licensed individuals.

Background Investigations – Executive Director Bourgeois stated that the 2016 amendments to Public Act 203 of 1965 clarified the long-standing requirement for Michigan law enforcement agencies to conduct thorough background investigations on all law enforcement officer applicants prior to employment and licensing. While conducting agency inspections, MCOLES identified concerns in some cases regarding performance and documentation of a comprehensive background on applicants.

MCOLES hosted a background investigator subject matter expert (SME) forum. The participants were chosen on their demonstrated experience in performing background investigations. Do to agencies having varying levels of time and resources available to conduct backgrounds the objective of the forum was to identify good, better and best practices to match the resources available. The information collected identifies the major topic areas and practices common to comprehensive background investigations.

When the project is complete, MCOLES staff will recommend that the Commission consider the development and issuance of a minimum advisory standard for performing and documenting a comprehensive background investigation.

