
Michigan Commission on Law Enforcement Standards

Commission Meeting Minutes

September 15, 2010

Schoolcraft College, Garden City, Michigan

COMMISSION MEMBERS PRESENT:

Sheriff James Bosscher, representing the Michigan Sheriffs' Association
Chief Doreen Olko, representing the Michigan Association of Chiefs of Police
Mr. Marty Bandemer, representing the Detroit Police Officers Association
Professor Ron Bretz, representing the Criminal Defense Attorneys of Michigan
Mr. Jim DeVries, representing the Police Officers Association of Michigan
Mr. John Buczek, representing the Fraternal Order of Police
Mr. Thomas Cameron, representing Attorney General Mike Cox
Mr. David Morse, representing the Prosecuting Attorneys Association of Michigan
Sheriff Robert Pickell, representing the Michigan Sheriffs' Association
Mr. Fred Timpner, representing the Michigan Association of Police
Mr. Richard Weiler, representing Police Officers Labor Council
Deputy Chief Gail Wilson-Turner, representing Chief Ralph L. Godbee, Jr., Detroit Police
Department
Sheriff Gene Wriggelsworth, representing the Michigan Sheriffs' Association
Detective Sergeant Chris Luty, representing the Michigan State Police Troopers Association
Chief Richard Mattice, representing the Michigan Association of Chiefs of Police
Lt. Col. Timothy Yungfer, representing Colonel Eddie L. Washington, Jr., Michigan State
Police
Mr. John Szczubelek, Commission Counsel

COMMISSION MEMBERS EXCUSED:

Director Kurt Jones, representing the Michigan Association of Chiefs of Police

COMMISSION STAFF PRESENT:

Ms. Cheryl Hartwell	Mr. David King
Mr. Gary Ruffini	Ms. Hermina Kramp
Mr. Darnell Blackburn	Mr. Danny Rosa

GUESTS (signing in):

Sgt. John C. Meka – Department of Natural Resources and Environment
Ms. Nicole McCarty – Department of Natural Resources and Environment
Manager Richard Tillman – Oakland Community College
Manager Joe Marchetti – Oakland Community College
Director Deborah Bayer – Oakland Community College EST
Coordinator Fred Stanton – Wayne County Regional Academy
Dean Sherry Zylka – Schoolcraft College
Assistant Dean Todd Scott – Schoolcraft College
Coordinator Karen Koestes – Wayne County Regional Academy

CALL TO ORDER:

The Commission meeting was called to order by Sheriff Jim Bosscher at 10:34 a.m., at Schoolcraft College, Garden City, Michigan.

INTRODUCTIONS:

Sheriff Bosscher asked all present to introduce themselves. He welcomed everyone in attendance and thanked Schoolcraft College, specifically the staff of the Wayne County Regional Police Academy staff, for hosting the Commission meeting.

ACCEPTANCE OF THE JUNE 16, 2010 COMMISSION MEETING MINUTES:

A **MOTION** was made by Sheriff Wriggelsworth and supported by Mr. Morse to approve the June 16, 2010, Commission Meeting minutes as written.

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

ACCEPTANCE OF THE JULY 26, 2010 COMMISSION MEETING MINUTES:

A **MOTION** was made by Sheriff Wriggelsworth and supported by Mr. Morse to approve the July 26, 2010, Commission Meeting minutes as written.

A VOTE was taken. The MOTION carried.

ADDITIONS/CHANGES TO THE AGENDA:

Sheriff Bosscher added Automation Testing Cost Adjustment at the end of New Business.

CONSENT AGENDA:

There was no Consent Agenda.

PUBLIC COMMENT:

There was no public comment.

COMMISSION ATTORNEY REPORT:

Mr. Szczubelek stated that the lawsuit filed by Mr. Lockwood against the MCOLES and Mr. Hutting had been dismissed. He explained that the findings of fact by the administrative law judge in Mr. Lockwood's administrative hearing were utilized in the request for the dismissal.

CHAIRMAN'S REPORT:

Law Enforcement Officer Position Report – Sheriff Bosscher stated that the number of law enforcement positions continues to decline. Currently Michigan is down 2,438 law enforcement positions since September 11, 2001. This is 53 additional positions since the Commission's June meeting.

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 this morning with a long agenda. The Regular Employment Standard was discussed relative to beginning the administrative rule process. The department's budget is out of committee and is on its way to the Governor's office. Licensing of motor carrier officers was discussed, which could have a significant budget impact for both the department and the MCOLES. Video taping of interrogations, HB 5763 was discussed, with potential implications on the MCOLES budget as well as for law enforcement agencies.

A **MOTION** was made by Mr. Cameron and supported by Chief Mattice to approve Commission Resolution 2010-08 opposing House Bill 5763, while recognizing the value of video taping of interrogations as a best practice. (See attached Commission Resolution 2010-08)

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

Mr. Bretz and Mr. Morse opposed Resolution 2010-08.

The committee discussed a couple of university requests – Andrews University with private security issues and Olivet College who is requesting to become an MCOLES approved police training academy. The committee also discussed the reappointments of five Commissioners that have been disapproved by the Senate. If this matter is not resolved in the immediate future, decisions will have to be made prior to the December meeting to ensure the Commission's ability to conduct business.

Appointment of MCOLES Executive Director – Sheriff Bosscher explained the process that the Selection Committee had utilized to arrive at a recommendation for the appointment of an Executive Director as reflected in proposed Resolution 2010-06.

A **MOTION** was made by Chief Olko and supported by Mr. Buczek to adopt Commission Resolution 2010-06 appointing Mr. David L. Harvey as Executive Director of the Michigan Commission on Law Enforcement Standards effective September 19, 2010. (See attached Commission Resolution 2010-06)

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

Mr. Harvey stated that the selection process was one of the toughest that he had ever experienced. He thanked the Commission for this opportunity to return to work in the law enforcement profession. Mr. Harvey stated that he is excited to begin work with MCOLES.

Chair Bosscher thanked Ms. Hermina Kramp and Mr. Gary Ruffini for co-directing the MCOLES during the vacancy in this position. They have done an excellent job. He also thanked Mr. Ruffini for his service to MCOLES as he is retiring in 2 weeks.

NEW BUSINESS:

Resolution for Former Commissioner Michael Moorman – Sheriff Bosscher presented Trooper Michael Moorman with a Commission Resolution 2010-07 and plaque honoring his service to the Michigan Commission on Law Enforcement Standards.

A **MOTION** was made by Lt. Col Yungfer and supported by Mr. Bretz to adopt Commission Resolution 2010-07 honoring Trooper Michael Moorman's service to the Commission. (See attached Commission Resolution 2010-07)

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

Trooper Moorman thanked the Commission for the privilege and honor of serving with them. He wished the membership good luck in any future challenges that the Commission may face.

Wayne County Regional Police Academy Presentation – Training Director Fred Stanton publicly recognized the staff of the academy for their work in the academy and assistance in the presentation today. He provided a brief PowerPoint presentation outlining the structure of the Wayne County Regional Police Academy and the in-service training opportunities that are available for their consortium members. A copy of the presentation was provided to all in attendance. Training Director Stanton also described the new training facility that is currently under development.

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

Carleton Lavar Brooks – Mr. Brooks was convicted of forgery (MCL 750.248). MCL 250.248 defines forgery as a felony. Mr. Brooks' conviction was issued and entered on March 19, 2009, in the Second Circuit Court, County of Berrien, by the Honorable Charles Lasata.

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

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

NEW BUSINESS Continued:

Scott Harold Ford – Mr. Ford was convicted of computers, unauthorized access [MCL 752.797(2)(a)]. MCL 752.797(2)(a) defines computers, unauthorized access as a felony. Mr. Ford's conviction was issued and entered on October 19, 2009, in the Fifty-Seventh Circuit Court, County of Emmet, by the Honorable Charles Johnson.

A **MOTION** was made by Mr. Buczek 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. Ford.

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

Cultural Competency Curriculum Revision Adoption – Mr. Rosa stated that extensive work has been completed in the area of Cultural Competency in the MCOLES basic training curriculum. He explained that the curriculum has been updated to provide for a more reality based learning experience.

A **MOTION** was made by Mr. DeVries and supported by Chief Mattice to adopt the curriculum modifications to the MCOLES mandated basic training curriculum.

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

Competitive Grant Application Report – Mrs. Cheryl Hartwell stated that the Commission received a total of 37 Competitive Grant Applications for calendar year 2011. After subjecting the applications to the initial review process, 35 applications remained eligible for review and consideration for funding. Staff is currently reviewing the applications and will be meeting in the next couple of weeks to discuss recommendations to be made to the Commission. All application and review materials will be provided to the Commission in early October for review prior to the October 26th workshop. Mrs. Hartwell stated that the anticipated funding level for this year's grant cycle is approximately \$1.3 million.

2007-2009 Justice Training Fund Final Audit Report – Ms. Kramp stated the Michigan Justice Training Fund audit for fiscal years 2008 and 2009 was just completed. She explained the changes that took place during these fiscal years with the fund as a result of legislative action. The auditor had questioned this change but upon explanation it was determined that the changes were implemented properly. There are no material findings. A copy of the audit was provided to the membership. Ms. Kramp explained that this is a pre-release report and the final report should be released in the immediate future.

Lt. Colonel Yungfer expressed his thanks to Ms. Kramp, the MCOLES staff and Ms. Jackie Reese from the MSP Budget office for their work on the audit.

NEW BUSINESS Continued:

Initiation of Administrative Rule Making Process – Ms. Kramp stated that the rule making process will need to be initiated to facilitate changes to the MCOLES Color Vision standard and to add the Commission's Regular Employment standard to the MCOLES rule sets. Ms. Kramp explained the process that would be followed in promulgating administrative rules. A flowchart was provided outlining the time frames of the rulemaking process.

A **MOTION** was made by Sheriff Wriggelsworth and supported by Chief Olko to approve the initiation of the Administrative Rule process.

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

Automated Testing Cost Adjustment – Ms. Kramp explained that Performance-Based Selection (PBS), Ltd, the testing company out of Ohio that has been facilitating the administration of the MCOLES Reading & Writing examination has been providing the testing at a financial loss. She explained that when the contract was first entered into the number of individuals taking the test was greater. Since the original contract was negotiated, the Commission has made changes to the testing such as eliminating the expiration date, which results in fewer individuals taking the test more than once. Under the contract students pay PBS directly, the MCOLES verifies compliance with the rules, and the Commission controls the fee structure. The current test administration fee for the examination is \$62. PBS is requesting a \$3 increase to the testing fee to allow the company to recoup the costs associated with maintaining and administering the examination.

A **MOTION** was made by Mr. Weiler and supported by Mr. Morse to approve the \$3 fee increase for the administration of the MCOLES Reading & Writing examination, bringing the testing fee to \$65 per test administration.

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

OLD BUSINESS:

E-learning Pilot Project Update – Mr. Steele provided a brief update on the work that is ongoing with the academies in the area of E-learning. A committee of Training Directors was formed and has met to discuss the Commission's strategic plan and the pilot testing that has been underway at Northern Michigan University. There were 32 students from Northern Michigan University that completed an on-line First Aid program. Students and instructors have been debriefed on the training program. The on-line First Aid program provided by Pro CPR brought all students to the same level of First Aid knowledge upon completion as the previous lecture based methodology had. The benefit of this methodology was it allowed more time for hands-on training. The academy was then able to concentrate on the areas not covered in the program.

OLD BUSINESS Continued:

Mr. Steele explained that West Shore Community College and Northwestern Michigan College are also looking at on-line training and sharing resources for their training programs. They would like to move forward with interactive television broadcasts to share instructors. Mr. Steele further explained that other academies are looking into blended learning programs to be utilized in providing in-service training to their area law enforcement agencies. This area continues to evolve in an attempt to introduce efficiencies into the academies while ensuring trainees receive high quality training to perform as a law enforcement officer.

Fiscal Year 2011 Budget Update – Ms. Kramp provided an update on the MCOLES fiscal year 2011 budget. She explained that some of the impact to the MCOLES budget is a reduction in the General Fund, reduction in employee strength from 26 to 22 employees, and a combined appropriation line that is funded by both General Fund and Michigan Justice Training Fund monies. The Justice Training Fund continues to see a decline in revenue. Ms. Kramp stated that the MCOLES has seen a reduction in General Fund support of more than 20%.

MISCELLANEOUS:

There were no miscellaneous items.

NEXT MEETING:

Date: Tuesday, October 26 and Wednesday, October 27, 2010

Location: MCOLES Offices – Hollister Building, Lansing, Michigan

ADJOURNMENT:

A **MOTION** was made by Mr. Bretz and supported by Lt. Colonel Yungfer to adjourn the meeting.

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

The meeting was adjourned at 12:15 p.m.

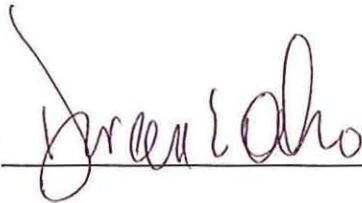
APPROVED BY



ON

12-7-2011

WITNESSED BY



ON

12/7/2011