
Michigan Commission on Law Enforcement Standards
September 14, 2022
MCOLES Office

COMMISSION MEMBERS PRESENT

Sheriff Gregory Zyburt, representing the Michigan Sheriffs' Association
Chief Issa Shahin, representing the Michigan Association of Chiefs of Police
Dr. Juli Liebler, representing the Michigan State Police
Mr. Jim Stachowski, representing the Police Officers Labor Council
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan
Mr. Oronde Peterson, representing the Office of the Attorney General
Sheriff Anthony Wickersham, representing the Michigan Sheriff's Association
Sheriff Matthew Saxton, representing the Michigan Sheriffs' Association
Ms. Linda Broden, representing the Detroit Police Officers Association
Mr. Thomas Adams, representing the residents of the State
Mr. Ken Grabowski, representing Police Officer Association of Michigan
Director Kimberly Koster, representing the Michigan Association of Chiefs of Police
Lt. Michael Hawkins, representing the Michigan Association of Police
Pastor Tellis Chapman, representing residents of the State

COMMISSION MEMBERS ATTENDING VIRTUALLY (Non-voting)

Mr. Michael Sauger, representing the Fraternal Order of Police
Deputy Matthew Hartig, representing Deputy Sheriff's Association of Michigan
Lt. Col. Michael Krumm, representing the Michigan State Police

COMMISSION MEMBERS EXCUSED

Commander Mark Bliss, representing the Detroit Police Department
Dr. Lisa Jackson, representing residents of the State
Trooper Nate Johnson, representing the Michigan State Police Troopers Association
Pastor Jeffery Hawkins, representing residents of the State
Mr. Anthony Lewis, representing the Michigan Department of Civil Rights
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
Chief Ronald Wiles, representing the Michigan Association of Chiefs of Police

STAFF PRESENT (In Person)

Mr. Timothy Bourgeois, MCOLES Executive Director
Mr. Joseph Kempa, MCOLES Acting Deputy Executive Director
Ms. Jacquelyn Beeson, MCOLES Staff
Mr. Mark Sands, MCOLES Legal Counsel
Mr. David Lee, MCOLES Staff
Mr. Richard Hopper, MCOLES Staff
Ms. Rachael Coy, MCOLES Staff
Ms. Cristy Dowker, MCOLES Staff

STAFF PRESENT (Virtually)

Mr. Matt Krumbach, MCOLES Staff
Mr. Danny Rosa, MCOLES Staff
Mr. Ben Zyber, MCOLES Staff
Mr. Joe Kempa, MCOLES Staff
Ms. Gretchen Galloway, MCOLES Staff
Ms. Kathryn Teigeler, MCOLES Staff
Ms. Kayla Hanselman, MCOLES Staff
Mr. Matt Robinson, MCOLES Staff

GUESTS ATTENDING (In Person)

Director David CeCi, Oakland Police Academy
Attorney Robert Huth
Chief Robert Shelide, Shelby Township Police Department
Dep. Chief Jason Schmittler, Shelby Township Police Department
Officer Dylan Najjar, Shelby Township Police Department
Mr. Darian Najjar
Mr. Danni Najjar

CALL TO ORDER

The Commission meeting was called to order by Chair Greg Zyburt on September 14, at 10:30 AM. The meeting was held in person in accordance with the Open Meetings Act and shared virtually via the Teams platform for staff and members of the public. Commissioners were required to attend in person.

Chair Zyburt provided the following guidelines for those attending the meeting virtually:

- Reminded members to mute their microphones unless speaking.
- Before speaking, everyone was asked to state their name and wait to be recognized by the chair, so it was clear who was speaking.
- He advised if a member of the public wanted to make a comment, they would have two opportunities. The first is after the Agenda Changes and the second opportunity would be at the end of the meeting under Public Comment. The Commission is asking that comments be limited to 3 minutes and added that this would not be a question-and-answer situation, only an opportunity to address the Commission.

INTRODUCTIONS

Chair Zyburt introduced himself and then those attending in person did the same. He then asked Jacque to take attendance for staff members attending virtually. Next, Commissioners and guests attending virtually had an opportunity to identify themselves for the minutes. Chair Zyburt advised they were not required to do so.

ACCEPTANCE OF THE JUNE 15, 2022, COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Saxton and supported by Commissioner Wickersham to approve the June 15, 2022; Commission Meeting Minutes as written.

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

ADDITIONS TO THE AGENDA

Chair Zyburdt inquired if any Commissioner had any changes to the agenda. There were no changes requested by the Commissioners.

PUBLIC COMMENT

Chair Zyburdt stated this was the first opportunity to address the Commission. He inquired if there was anyone attending the meeting virtually or in-person that wanted to speak. He reminded them of their 3-minute time limit.

Robert Huth introduced himself as an attorney for Shelby Township. He wanted to address MCOLES' color vision standard. To be licensed the candidate must possess normal color vision without the assistance of color enhancing lenses. Mr. Huth said this rule no longer makes sense and is handicapping police departments when trying to hire good, quality candidates. Danni Najjar traveled to Maryland to be examined by Dr. Schwartz who has developed ChromaGen. In cases of impaired color vision, ChromaGen changes the level of each color going into the non-dominant eye and, in some cases, both the dominant and non-dominant eye. This enables patients to experience enhanced color perception and color discrimination. This is achieved with glasses or contact lens. Robert Huth is requesting that MCOLES reevaluate their color vision standard considering this technology. He added that twenty-five other states are utilizing it.

Darian Najjar also addressed the Commission and stated Danni Najjar, his son, started at Shelby Township PD as a fleet assistant. He then went into their cadet program. With dreams of following in his dad's footsteps, Danni applied to the police academy. It was here that his dream ended. It was determined that Danni has a color vision deficit that disqualifies him from becoming a police officer. His father added Danni is kind, compassionate, hard working and would make a great law enforcement officer. He feels with the help of Dr. Schwartz, Danni can pass the vision standard. He is also asking MCOLES to revisit the standard.

David CeCi was the next person to speak during the Public Comment portion of the meeting. He said he understands the need for standards; however, he also feels the vision standard needs to be re-evaluated. He stated MCOLES is doing a great disservice to the agencies when everyone is struggling to get good candidates. He agreed it is not right to turn away good candidates for something that can be corrected. He added it is a very low number however, it is not the number of candidates but the quality of candidate that is the problem.

Chair Greg Zyburdt spoke and said he believes in the science. He made a request that MCOLES staff does some research on the potential to correct color vision deficiency and report back to the Commission at the next meeting in November.

A question was asked regarding the procedure for changing a standard if it was found to be necessary. Executive Director Bourgeois stated that the first step is to gather a group of subject matter experts. He added that this may be time consuming so he could not guarantee that there would be an answer by the November Commission Meeting. Director Bourgeois added the standards are tied to the Job Task Analysis which is based on science and determines the knowledge, skills and abilities entry-level law enforcement officers must have to function. What needs to be determined is whether the color vision deficiency can be corrected to meet the standard. He said the last time the issue was fully researched was in 2009 when the present standard was re-validated. Since the commission made the request to study it again, the staff will do the research and then bring it back to the commission for a vote. Executive Director Bourgeois said he had one other thought. The vision standard may be delineated in an Administrative Rule. If so, the standard would have to be changed through the Rule. This can be done on an emergency basis.

CHAIR'S REPORT

Nominating Committee – Commission Chair Greg Zybert advised he needed to establish a Nominating committee. He has served as the chair for one year and currently the vice-chair position is vacant due to the resignation of Robert Moore. The procedure states the chair shall put together a committee and they will meet prior to our next meeting in November. At the meeting the committee will report who they are nominating for the chair and vice-chair positions for 2023. Chair Zybert advised he contacted the three commissioners, and they all agreed to serve on the nominating committee. The members of the committee include:

- 1) Nate Johnson
- 2) Anthony Wickersham
- 3) David Tanay

LEO Population Report – Chair Zybert reported the Law Enforcement Officer Population Report for the month of August was sent electronically to the commissioners. Both the number of officers and positions increased most likely due to the large number of academy graduations. Chair Zybert added that we went from a low of 17,865 officers up to 18,236. This is good news for the State of Michigan.

A question was asked regarding the 300+ officer increase as to the status of their licenses. How many were first time licensed officers and how many were reactivated or rehired. Executive Director Bourgeois stated he did not know the exact numbers. He added the majority are most likely be new licenses due to the wave of officers coming out of the academy. He advised he would get specific numbers and report back.

Grant Adjustments – This report provides information on adjustments requested by the grantees for the Justice Training Grants. There was one adjustment requested and it was included in this report. The report was sent out earlier and does not require commission action. It is for information purposes only.

MSP and MSU Project – Dr. Liebler announced Michigan State Police was teaming up with Michigan State University to study organizational psychology and how it relates to officer fruition and

retention. They are going to look state-wide to determine what is causing these two issues. They want to find ways to retain and attract people to the profession.

Special Use Requests – The Commissioners received this report via the electronic distribution. Any Special Use Requests made by an agency is reported to the Commission. One additional request was submitted after the report was published. An updated version of the report was then made available with the additional request from Michigan State Police added. This report is for informational purposes only and does not require action by the Commission.

DIRECTOR'S REPORT

New Staff Members – Chair Zyburt called on Mr. Joe Kempa. Mr. Kempa advised that MCOLES has two new staff members he would like to introduce. The first is Richard Hopper who will be an in-service curriculum developer and the other is Rachel Coy who will serve as the behavioral health training coordinator. Both positions are in Career Development Section.

Richard Hopper said he is the retired Deputy Chief from the city of Taylor. He added that he has a master's degree from Villanova in resource development. He is happy to be joining MCOLES.

Rachael Coy said she is retired from a law enforcement career in Virginia. She moved to Michigan two years ago to begin earning her master's degree at the University of Michigan. She is about to complete the program with a degree in Public Administration and Policy.

COMMITTEE REPORTS

Executive Committee – Chair Zyburt stated that the Executive Committee held a meeting prior to the regular commission meeting this morning. They discussed the items on the agenda for the meeting at 10:30 AM.

CONSENT AGENDA

Revocations – Chair Zyburt turned the meeting over to Executive Director Bourgeois. Director Bourgeois stated there was one revocation for consideration, Todd A. Collins. He added the MCOLES Act requires under certain circumstances the Commission to revoke a law enforcement license. These conditions are:

- 1) Adjudication of guilt for a common law felony punishable by more than one year.
- 2) Adjudication of guilt for 8 enumerated misdemeanors which for example include 2nd offense domestic violence, 2nd offense DUI and aggravated assault.
- 3) Fraud or misrepresentation in the licensing process.

Director Bourgeois stated the MCOLES Act mandates when MCOLES becomes aware and there is ample evidence to meet the above qualifications the revocation process begins. The following are the steps in the revocation process:

- 1) Summary Suspension issued
- 2) Intent to Revoke law enforcement license

- 3) Case filed with the Administrative Hearing System with MCOLES as the Respondent and the licensee as the Plaintiff
- 4) Administrative Law Judge hears the case
- 5) Administrative Law Judge issues a Proposal for Decision. It is only a proposal because only MCOLES as the authority to revoke a license.
- 6) Proposal for Decision comes before the Commission
- 7) Commission has 3 choices: Adopt, Modify or Reject the proposal

AAG Mark Sands, Commission Counsel stated the revocation for consideration is an adjudication of guilt for use of illegal drugs (MCL 333.7042(2)(a)). The Hearing was held on May 31, 2022, and the Administrative Law Judge issued the Proposal for Decision which was to revoke the law enforcement license for Todd Andrew Collins. His proposal was due to the MCOLES Act requiring revocation for an adjudication of guilt.

A discussion ensued regarding the revocation of a law enforcement license when the conviction is set aside under various circumstances. Per the MCOLES Act, the Commission must revoke the license under these circumstances as they are defined as adjudications of guilt (the person admitted guilt in making their plea). It was explained that the intent was to set a higher standard for law enforcement officers. The person so adjudicated can legally tell others they do not have a conviction for the offense, however the standard for law enforcement licensing is an adjudication of guilt as defined in the Act. The question was asked if MCOLES can request an amendment to this statute. Director Bourgeois advised the decision was up to the Chair. Chair Zyburt asked for a motion.

A **MOTION** was made by Commissioner Weiss and supported by Commissioner Grabowski for MCOLES to form a committee to research amending the MCOLES Act to allow the Commission discretion in revoking a law enforcement license when a conviction is set aside. As part of this research, the committee also needs to take into consideration previous cases that may set a precedent.

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

A **MOTION** was made by Commissioner Saxton and supported by Commissioner Koster to approve the revocation of Todd A. Collins' law enforcement license.

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

Relinquishments – Executive Bourgeois advised any officer can voluntarily relinquish their license at any time. In some instances, the prosecutor can request a law enforcement officer that is charged with a revocable offense to relinquish their license. This has the same legal effect as a revocation but saves MCOLES and the officer both time and money. Both Shane Bartlett and Anthony Jackson voluntarily relinquished their licenses. This does not require any Commission action. It is for information only.

NEW BUSINESS

Commission Resolution 2022-13 – Chair Greg Zyburt read into the record Commission Resolution 2022-13 honoring Detroit Police Department Corporal Kahlil Biddle and Extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Grabowski and supported by Commissioner Broden to approve Commission Resolution 2022-13 honoring Detroit Police Department Corporal Kahlil Biddle and Extending Public Safety Officer Benefits.

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

Commission Resolution 2022-14 – Chair Greg Zyburt read into the record Commission Resolution 2022-14 honoring fallen Wayne County Sheriff's Office Corporal Earnest Robinson and Extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Saxton and supported by Commissioner Koster to approve Commission Resolution 2022-14 honoring fallen Wayne County Sheriff's Office Corporal Earnest Robinson and Extending Public Safety Officer Benefits.

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

Commission Resolution 2022-15 – Chair Greg Zyburt read into the record Commission Resolution 2022-15 honoring Rockwood Fire Department Firefighter David Becker and Extending Public Safety Officer Benefits.

A **MOTION** was made by Commissioner Grabowski and supported by Commissioner Stachowski to approve Commission Resolution 2022-15 honoring Rockwood Fire Department Firefighter David Becker and Extending Public Safety Officer Benefits.

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

Public Safety Academy Assistance Program – Executive Director Bourgeois said the Commission was recently notified the legislature, as part of a supplemental appropriation for the 2022 fiscal year, added six grant programs they are assigning to the Commission to implement and administer. While some preliminary discussion had been held with members of the legislature on some aspects of some of the grants, the Commission did not have input on the final form and structure. Director Bourgeois then introduced David Lee to provide more detail.

Mr. Lee stated the six grants totaled \$58,700,000. The Public Safety Academy Assistance Program, that the staff is asking the Commission to approve today with provisions, is the largest at \$30,000,000. Staff has prioritized this grant to the ongoing shortage of law enforcement officer candidates in the state. All the grants are five-year one-time work projects and run through September 20, 2026, or until the funds are spent. There are some language issues as written to work through however, staff interprets this grant to be for employed recruits only, not pre-service. The recruit would be eligible to be licensed solely by that employing agency per the MCOLES Act and Administrative Rules.

A poll was conducted to determine the cost of attendance at the different academies. The total costs (tuition, supplies, books, fees, etc.) ranged from \$6,150 to \$8,830. From the information collected, staff developed a list of **eligible** expenditures that included:

- Academy tuition and fees
- Academy supplies (e.g., ammunition, first aid, or other expendables)
- Individual recruit equipment required for training (non-duty equipment).
- Academy-required uniforms
- Licensing exam administration fee.

The following is a list of **ineligible** expenditures:

- Pre-enrollment Reading & Writing and Physical Fitness testing fees.
- Licensing exam retest administration fee if required.
- Subsequent academy sessions if the individual does not complete the initial session.
- Coast associated with the individual obtaining a college degree.
- Academy facility costs or improvements.

As passed by the legislature, the grant provides up to \$20,000 for academy costs (more than necessary) and only \$4,000 for wages (less than necessary.) Commission staff continues to seek a legislative adjustment in those amounts. Mr. Lee added some agencies may not otherwise have an amount budgeted for recruit salaries therefore, MCOLES would provide the \$4,000 stipend directly to the agency upon approval of a program application. If the full amount is not expended, it would be returned to the fund. Also, an agency would not be eligible for training to locals (TTL) funds for these recruits.

The appropriation also provides for up to \$140,000 to administer the program. MCOLES would need to hire a limited term analyst. The \$140,000 is for salary and benefits and represents a portion of the funding required for year for that position. The remaining funds necessary will be provided via the Medical Marijuana Regulatory Fund.

Additional information regarding these funds is the money will be available on a first come first serve basis. The goal is to have this up and running for the spring academies. Also, this grant cannot be used retroactively.

The following **MOTION** was made by Commissioner Hawkins and supported by Commissioner Wickersham. The motion stated that the Commission would adopt the following:

- The prioritization of the Public Safety Academy Assistance Program, to allow for agencies to screen, hire, and enroll recruits beginning with academy sessions starting on or after January 1, 2023.
- Approval of the basic model of operation presented for administering the funds.
- Should ongoing discussions with the legislature or subsequent legislative action result in discretion or a change in fund allocation to accomplish the legislative intent of this grant more effectively, that the Executive Direction be given the authority to make those changes on behalf of the Commission.
- Allow the staff, based on best practices and appropriate research, to set eligible and ineligible expenses for this grant.
- Allow the Executive Director to hire two limited-term department analysts to assist in the implementation and operation of all six of these grants.

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

Michigan Justice Training Fund Grants – Executive Director Bourgeois explained the Michigan Justice Training Fund revenue is generated from court assessments on citations and criminal cases. After the secondary road patrol and training is funded, just under 12% of the remaining revenue is directed to the Michigan Justice Training Fund (MJTF) to be granted out. The MJTF is to be used for:

- Making law enforcement distributions as provided by the act,
- Expenses of providing staff services to the commission for administering and enforcing the statutory requirements of this act, and
- Awarding grants as provided by this act. The eligible applicants include the areas of adjudication, corrections, defense, law enforcement, and prosecution, plus cross-platform specialized grants.

For the past several years, the Commission was not appropriated enough general fund revenue for its administrative costs and was forced to use the 40% portion for basic operating expenses. Now MCOLES has a new revenue stream through the Medical Marijuana Regulatory Fund to pay for its administrative costs and no longer needs to make such heavy use of the MJTF for those purposes.

Executive Director Bourgeois introduced Kristi Dowker who is the Grant Specialist for MCOLES. She stated for fiscal year 2022/calendar year 2023, approximately \$2.9 million was available to fund competitive grants. A total of nine applications were received totaling \$1,184,591.78. All applications were subject to a programmatic and fiscal review. The chart provides the grant applicant, title, requested funds and staff recommendations for funding.

	Applicant	Project Title	Requested Grant Funding	Recommended Grant Funding	Reductions/Comments
1	Michigan Judicial Institute	Court Support Staff Training: First-Level Supervisor Learning Management System-Based Training	\$39,090.00	39,090.00	
2	Eaton County Sheriff's Office	Evidence Technician Training	\$13,545.00	\$8,745.00	A reduction of \$4,800.00 for equipment costs where there is no indication that the equipment would be used solely for the purpose of in-service training.
3	Grand Valley State University	Police Precision Driving	\$94,506.20	\$94,506.20	
4	Grand Valley State University	Fundamentals of Realistic De-Escalation	\$12,375.00	\$12,375.00	
5	Monroe County Sheriff's Office	FY 2023 Monroe County Annual Training Plan	\$18,029.00	\$18,029.00	
6	Michigan State Police – Computer Crimes Unit	Building Forensic and Investigative Capacity in Technology	\$108,710.00	\$108,710.00	
7	Michigan State Police-Organizational Development Division	2023 Leadership Development Academy	\$70,663.50	\$70,663.50	

8	Northern Michigan University	Law Enforcement Training Competitive Grant 2023	\$128,030.83	\$128,030.83	
9	Michigan State Police – Forensic Science Division	Forensic Science Training	\$699,642.25	\$699,642.25	
		TOTAL	\$1,184,591.78	\$1,179,791.78	

It is recommended that the Commission vote to approve these grant applications for award, with consideration of staff recommendations for adjusted funding amounts.

Executive Director Bourgeois then asked AAG Mark Sands to address the Commission. Mr. Sands reminded the commissioners about Michigan law governing public officers that states they shall not use their office for personal gains. Therefore, to avoid any appearance of violating the statute, Mr. Sands recommended the commissioners who have any connection to the grantees receiving funds abstain from voting on that particular grant.

A **MOTION** was made by Commissioner Adams and supported by Commissioner Saxton to approve the grant applications for award.

A **ROLL CALL VOTE** was taken. The **MOTION** carried with the following results recorded:

Commission Approval to Allow KCC to Operate a Regional Basic Police Academy		
Commissioner	Vote	Abstaining from Grant
Commissioner Zyburt	YES	#8
Commissioner Shahin	YES	
Commissioner Stachowski	YES	
Commissioner Weiss	YES	
AAG Oronde Peterson	YES	
Commissioner Adams	YES	
Commissioner Koster	YES	#3, #4
Commissioner Wickersham	YES	
Commissioner Saxton	YES	
Commissioner Broden	YES	
Dr. Juli Liebler	YES	#6, #7, #9
Commissioner Grabowski	YES	
Commissioner M. Hawkins	YES	
Commissioner Chapman	YES	

OLD BUSINESS – None

MISCELLANEOUS – Commissioner Wickersham expressed that he fully supported staff looking into the color vision standard. He agreed that we are missing out on quality candidates. If other

states are allowing it, we should also.

PUBLIC COMMENT – None

NEXT MEETING

Date: November 22, 2022
Wyoming PD


November Commission Meeting – Chair Zybert reminded the Commissioners the November meeting was being held on the Tuesday before Thanksgiving and asked everyone to mark it on their calendars.

ADJOURNMENT:

A **MOTION** was made by Commissioner Adams and supported by Commissioner Wickersham to adjourn the meeting.

Approved: 

Date: November 22, 2022

Witness: 

Date: November 22, 2022