
Michigan Commission on Law Enforcement Standards
February 15, 2023
MCOLES Office

COMMISSION MEMBERS PRESENT

Sheriff Gregory Zyburt, representing the Michigan Sheriffs' Association
Chief Issa Shahin, representing the Michigan Association of Chiefs of Police
Inspector Lisa Rish, representing the Michigan State Police
Mr. Jim Stachowski, representing the Police Officers Labor Council
Mr. David Tanay, representing the Office of the Attorney General
Sheriff Anthony Wickersham, representing the Michigan Sheriff's Association
Director Kimberly Koster, representing the Michigan Association of Chiefs of Police
Trooper Nate Johnson, representing the Michigan State Police Troopers Association
Mr. Anthony Lewis, representing the Michigan Department of Civil Rights
Chief Ronald Wiles, representing the Michigan Association of Chiefs of Police
Mr. Michael Sauger, representing the Fraternal Order of Police
Mr. Matthew Saxton, representing the Michigan Sheriffs' Association
Dr. Lisa Jackson, representing residents of the State
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan
Ms. Linda Broden, representing the Detroit Police Officers Association
Mr. Thomas Adams, representing the residents of the State

COMMISSION MEMBERS EXCUSED

Commander Mark Bliss, representing the Detroit Police Department
Pastor Jeffery Hawkins, representing residents of the State
Pastor Tellis Chapman, representing residents of the State
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan
Mr. Ken Grabowski, representing Police Officer Association of Michigan
Lt. Michael Hawkins, representing the Michigan Association of Police
Deputy Matthew Hartig, representing the Deputy Sheriff's Association of Michigan

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. Pete Ackerly, MCOLES Staff
Mr. Tirstan Walters, MCOLES Staff

STAFF PRESENT (Virtually)

Mr. Matt Krumbach, MCOLES Staff
Ms. Rhonda Hooson, MCOLES Staff
Ms. Kathryn Teigeler, MCOLES Staff

Ms. Rachael Coy, MCOLES Staff
Ms. Cristy Dowker, MCOLES Staff
Mr. Pat Hutting, MCOLES Staff
Mr. Danny Rosa, MCOLES Staff
Ms. Kayla Hanselman, MCOLES Staff
Mr. Leon Boyer, MCOLES Staff

GUESTS ATTENDING (In Person)

Director Andy Lindeman, Mid-Michigan Police Academy
Mr. Mark Diaz, Wayne County Sheriff's Office
Senator Sarah Anthony

Person that accompanied Senator Anthony

CALL TO ORDER

The Commission meeting was called to order by Chair Greg Zyburt on February 15, 2023 at 10:31 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 asked for a moment of silence for the victims of the Michigan State University mass shooting.

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 asked the Commissioners attending in person to do the same. The staff members and guests attending in person also introduced themselves. He then asked Jacque to take attendance for staff members attending virtually. Finally, 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 NOVEMBER 22, 2022, COMMISSION MEETING MINUTES

A **MOTION** was made by Commissioner Adams and supported by Commissioner Tanay to approve the November 27, 2022 Commission Meeting Minutes as written.

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

ADDITIONS TO THE AGENDA

Chair Zyburt inquired if any Commissioner wanted to make a change to the agenda. There were no changes requested by the Commissioners.

A **MOTION** was made by Commissioner Wickersham and supported by Commissioner Adams to approve the February 15, 2023 Agenda as written.

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

PUBLIC COMMENT

Chair Zyburt 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.

Mark Diaz with the Wayne County Sheriff's Office addressed the Commission. He stated he is currently the director over background investigations and recruiting. He stated they have one issue, and he was looking for guidance with respect to it. He has some concerns regarding the time it takes when a law enforcement officer leaves one agency and then applies to another agency. He feels that the Separation Report is not being entered in a timely manner by the agency the officer leaves. He said they had one instance where the officer showed no issues in MITN, so they hired him. He said they were to the point of swearing him in after completing the academy and there was a red flag. The problem is that they had already hired him. He is asking that going forward, MCOLES enforces the timeline for the agencies to enter the separation paperwork.

CHAIR'S REPORT

LEO Population – Chair Zyburt advised that the report for January was sent electronically to the Commissioners. There was a slight increase in the number of officers and the number of positions remained relatively the same.

Grant Adjustments – This report provides information on adjustments requested by the grantees for the Justice Training Fund grants. The report was sent out earlier and does not require commission action. It is for information only.

SUR Report – Any special use request made by an agency is reported to the Commission. This report also includes requests for out-of-state training. This report is also for information only.

DIRECTOR'S REPORT

New Staff Members - Executive Director Bourgeois advised he wanted to introduce to new staff members. He stated the first person is our new Regulation Agent, Peter Ackerly. He recently

retired from the AG's Office where he had the pleasure of working with Commissioner Tanay on a number of different occasions.

Mr. Ackerly addressed the Commission and said he had worked twenty years at the AG's Office and prior to that, he spent 14 years at the Ingham County Sheriff's Office. He added he was on the FBI Public Corruption Task Force in Detroit where he specialized in police officer investigations involving misconduct. He said he jumped at the opportunity to come to MCOLES. Executive Director Bourgeois added that MCOLES is very excited to have someone of his caliber join the team.

Director Bourgeois introduced the second new MCOLES staff member, Tirstan Walters. He is coming from state government. Tirstan advised he graduated from MSU in 2020. He then went to work for MDHHS. He will be coordinating the Community Policing Grant, the Community Policing Competitive Grant and the Detroit Pell Grant. He added that he is excited for this opportunity and looking forward to getting started.

Administrative Hearing Regarding Licensing – Executive Director Bourgeois stated the Commission has a great deal of authority of which a large amount of it has been delegated to him. He then delegates to the staff day-to-day operations. When a request comes in to reactivate a license and staff has concerns about whether the person meets our character fitness standard, staff will conduct a compliance review. After the review, it comes to me to determine on your behalf if they meet the standards. If so, the reactivation process occurs. If, on the other hand, there is information that suggests they don't meet the standards, I will issue on your behalf a Notice of Intent to Deny the Activation of a license and that allows that person to be aware of the information that the Commission has and why they don't meet the standard. The individual will then have an opportunity to respond. They can respond in writing or request a contested hearing before an administrative law judge. With the contested hearing the administrative law judge listens to all of the information and makes a proposal for a decision. It is a proposal because the Statute only gives this Commission the authority to make those decisions.

There are some cases in which an individual does not meet the standards but may be able to meet them. We may offer them the opportunity and advise them if they do the following things, we believe they would make the standards. We specify what needs to be done. If they do what is specified, we reissue the license. However, if they do not, they agree to voluntarily relinquish their license.

Public Safety Academy Assistance Program – In the electronic distribution you were provided with an update to this grant. When the previous legislature passed this, they had the money in the wrong pots. The grant was willing to pay \$20,000 academy costs which usually is around \$8,000 and an additional \$4,000 in wages which exceeds that amount. We are continuing to work with the legislature to rectify the issue. We want the agency to receive \$24,000 in assistance from the grant and not the \$12,000 they are currently receiving. We are also asking it be retroactively applied to anybody who is currently under a grant.

In-Service Training Fund Money – Executive Director Bourgeois advised he sent the Commissioners an email regarding these funds. Quite frequently when the executive office of the governor is developing the budget request for the next year, known as the Executive Recommendation, they will engage agencies in discussions. That happened in this case. They

reached out to the Commission and asked what is needed. I pitched the idea of mandatory in-service training for all officers. Approximately a week or two later they reached out to the Commission and stated they were ready to do this now and not wait until October 1st. The initial amount given to this project is \$20 million with another \$18.2 million the following year.

Staff has been working on ideas for these funds. They will study this quickly by reviewing what our sister agencies across the nation are doing. Currently 18 states already do mandate in-service training to maintain licensure. We can learn from them. There is also literature on the topic to be reviewed and we would impanel subject matter expert groups to help determine the topics that are necessary. Finally, we would do a smaller job task analysis and springboard off the earlier job task analysis we have for entry level officers and determine what in-service training officers need. Staff would develop a proposal and bring it to the Commission.

What we are looking for today from the Commission is a sense of direction. We can then go forward with our process (as explained above) and keep you updated on the progress. We will also most likely engage some of you in the process as well.

Some of the suggestions for dispersing the \$18.2 million dollars include:

- Disperse similar to how we distribute LED funds.
- Determine allowable topics.
- We can mandated topics and provide vetted trainings.
- Instead of agencies applying for individual grants, we could disperse funds and they will have to account for the money used.

A **MOTION** was made by Commissioner Saxton and supported by Commissioner Wickersham to give permission for the staff to go forward with developing the in-service training.

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

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 this meeting and the new in-service training funds.

CONSENT AGENDA

Relinquishments – Executive Director Bourgeois advised the Commissioners there were a total of three relinquishments since the last meeting. AAG Mark Sands addressed the Commission. He stated the first relinquishment is for Christa Amerson. She was charged with two counts of false pretenses between \$1,000 and \$20,000, a felony punishable by imprisonment of up to five years, two counts of receiving and concealing stolen property between \$10,000 and \$20,000, a felony punishable by up to five years.

The second relinquishment is for Daniel Waldrep who was charged in Wayne County Circuit Court with assault with intent to do great bodily harm less than murder (two counts), punishable by imprisonment for up to 10 years and domestic violence, a misdemeanor punishable by not more than 93 days. Mr. Waldrep was required to relinquish his law enforcement officer license as a condition of his plea agreement.

The third relinquishment is for Ryan Lee Carver who was charged in Wayne County Circuit Court with malicious destruction of police property, a felony punishable by imprisonment of up to four years and resisting and obstruction of a police officer, a felony punishable by imprisonment for up to four years.

AAG Mark Sands reminded the Commissioners this was for information only. No action was needed by the Commission.

Revocations – Director Bourgeois stated there was one revocation for consideration and called on AAG Mark Sands. AAG Sands advised the revocation was for Garrett Crow. He added the certified record of this proceeding was provided in the electronic distribution for the Commissioners to review. Under the Act, The Commission shall revoke the license of an officer that was subjected to an adjudication of guilt for an offense enumerated by the Act that is punishable by more than one year imprisonment. The Act and Rules provide that the revocation proceedings shall be conducted as a contested case under the APA. If the hearing substantiates the licensed officer was subjected to an adjudication of guilt for an enumerated act or an act that is punishable by more than one year imprisonment, the Commission shall revoke the license. In this case, the adjudication of guilt was for attempted aggravated stalking, a felony punishable by imprisonment for more than one year. AAG Sands reminded the Commissioners their consideration of the facts and evidence is limited to those in the certified record. He added that he recommends that once the adjudication of guilt has been established, as in this case, the Commission is mandated to revoke the law enforcement license. The chair may entertain a motion to adopt the proposal for decision issued as entered by the ALJ and revoke the license for Garrett Crowe.

A **MOTION** was made by Commissioner Wiles and supported by Commissioner Shahin to accept the administrative law judge's Proposal for Decision to revoke Garrett Crowe's law enforcement license.

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

Senator Sarah Anthony – Executive Director Bourgeois advised we were going to go off the agenda because he wanted to introduce a guest. He then introduced Senator Sarah Anthony and advised she was an integral part of getting the in-service training money passed. He said he asked her to join us today to thank her for her assistance and because she has shown great interest in this Commission. Senator Anthony stated that she serves as the Senate Appropriations chair. She is from Lansing which makes her the state senator for this region including all of Eaton County and most of Ingham. She has been in her new position for just over a month, but she added they hit the ground running. She stated she wanted to make sure that at the top of the year, MCOLES sees themselves reflected in her top priorities. Senator Anthony added that by the end of the year, those in the legislature and their respective

caucuses want to be partnering with others so what used to take years to develop will now take months.

After Senator Anthony left the Commission had a discussion regarding the in-service training money and the development process for using the funds. It was made clear that the Commissioners want to be involved in the project, want to ensure diverse opinions would be sought, and all topics would be discussed, even if they were uncomfortable.

NEW BUSINESS

Increase in Academy Hours

Executive Director Bourgeois introduced the Deputy Executive Director, Joseph Kempa. He addressed the Commission and started by saying that there are currently 594 required basic academy hours. Currently we feel there is more training needed based on the job task analysis. To accomplish this, we need to increase the number of mandated hours. We are asking the Commission to allow us to increase the basic academy hours from 594 to 615. Currently, of the 20 academies, 18 of them already increase the hours. One change is adding hours to the response to person with mental disorders which currently is not less than 3 hours. Recently we partnered with Michigan Health and Human Services to develop a brand-new course which is called Behavioral Health Emergency Partnership training (BHEP). It is a 20-hour course that has piloted at three academies. The evaluations for this course have been wonderful. There is no instructional development burden on the academies because the curriculum, courseware, scenarios and evaluations have been developed and piloted. The previous training was approximately a page and a half of curriculum, BHEP has 98 pages of curriculum. We feel it is very important to add this toolkit for the officers.

A **MOTION** was made by Commissioner Koster and supported by Commissioner Jackson to increase the basic academy training hours from 594 to 615.

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

PUBLIC COMMENT – None

NEXT MEETING

Date: April 12, 2023
Location to be determined.

ADJOURNMENT:

A **MOTION** was made by Commissioner Koster to adjourn the meeting.

Approved: _____ Date _____

Witness: _____ Date _____