
Michigan Commission on Law Enforcement Standards
February 14, 2024
Michigan State Police - Headquarters

COMMISSION MEMBERS PRESENT

Director Kimberly Koster, representing the Michigan Association of Chiefs of Police
Sheriff Anthony Wickersham, representing the Michigan Sheriffs' Association
Sheriff Gregory Zybert, representing the Michigan Sheriff's Association
Lt. Col. Michael Krumm, representing the Michigan State Police
Mr. David Tanay, representing the Office of the Attorney General
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
Dr. Lisa Jackson, representing residents of the State
Mr. Ken Grabowski, representing Police Officer Association of Michigan
Mr. Arthur Weiss, representing the Criminal Defense Attorneys of Michigan
Mr. Grant Ha, representing the Detroit Police Department
Mr. Matthew Saxton, representing the Michigan Sheriffs' Association
Ms. Linda Broden, representing the Detroit Police Officers Association
Mr. Jim Stachowski, representing the Police Officers Labor Council
Deputy Matthew Hartig, representing the Deputy Sheriffs' Association of Michigan
Pastor Tellis Chapman, representing residents of the State
Chief Issa Shahin, representing the Michigan Association of Chiefs of Police
Mr. Michael Sauger, representing the Fraternal Order of Police

COMMISSION MEMBERS EXCUSED

Pastor Jeffery Hawkins, representing residents of the State
Ms. Chiante' Lymon, representing residents of the State
Mr. Michael Wendling, representing the Prosecuting Attorneys Association of Michigan

STAFF PRESENT (In Person)

Mr. Joseph Kempa, MCOLES Deputy Executive Director
Mr. Timothy Bourgeois, Executive Director (Virtual)
Mr. Mark Sands, MCOLES Legal Counsel
Ms. Jacquelyn Beeson, MCOLES Staff
Mr. Danny Rosa, MCOLES Section Manager
Mr. Leon Boyer, MCOLES Section Manager
Mr. Mark Sands, MCOLES Legal Counsel
Ms. Kayla Hanselman, MCOLES Staff
Mr. Billy Wallace, MCOLES Staff
Mr. Joel Allen, MCOLES Staff
Ms. Cristi Dowker, MCOLES Staff

CALL TO ORDER

The Commission meeting was called to order by Chair Kim Koster on February 14, 2024 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 to have voting rights.

INTRODUCTIONS

Chair Koster introduced herself and then asked the other Commissioners attending in person to do the same. Next, visitors attending in person were asked to introduce themselves if they wished to do so, as were the staff members in attendance. Finally, members of the public that were attending virtually were asked to identify themselves if they chose to be part of the minutes.

Commissioner Koster announced that if any member of the public wanted to make a comment, they will have two opportunities to do so. The first time will be after the Additions to the Agenda portion of the meeting and the second opportunity will be at the end of the meeting. The purpose is for the Commission to listen to comments from the public, but they will not engage in dialogue. Comments are limited to three minutes.

ACCEPTANCE OF THE NOVEMBER 29, 2023 COMMISSION MEETING MINUTES

The Minutes from the November 29, 2023 meeting were made available electronically to the Commissioners. Chair Koster asked for a motion to approve the minutes and then held a voice vote.

A **MOTION** was made by Commissioner Zybert and supported by Commissioner Chapman to approve the November 29, 2023 Commission Meeting Minutes

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

ADDITIONS TO THE AGENDA

Chair Koster inquired if any Commissioner wanted to make a change or addition to the agenda. There were no changes requested.

A **MOTION** was made by Commissioner Hartig and supported by Commissioner Saxton to approve the agenda with no changes.

PUBLIC COMMENT - None

CHAIR'S REPORT

LEO Population – The Law Enforcement Officer Population Report for January was sent electronically to the Commissioners. There was a slight increase in the number of officers and the number of law enforcement positions.

Commissioner Saxton addressed the Commission and stated he is thankful that the numbers appear to be rising. He feels this is due to the academy grant that is currently providing funding to the agencies to help offset the cost of the academy. He knows there is a recommendation to continue to fund this grant in the new budget but feels more money is needed. The current funds may be depleted by June. The Michigan Sheriff's Association is lobbying to get an increase in the funding and asking the legislature to add an appropriation for this year. He is hopeful the other agencies are doing the same.

Grant Adjustments – This report provides information on adjustments requested by the grantees of the Michigan 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 includes requests for out-of-state training and equipment purchases. The total amount requested since our last meeting was \$69,899.68. This report is also for information only.

DIRECTOR'S REPORT

New Staff – Executive Director Bourgeois stated MCOLES has received additional funding from a couple of sources that allow us to staff up. We are excited for the two newest staff members. They have a strong background in criminal justice, and both have excellent reputations.

Danny Rosa addressed the group and advised with the new continuing professional education project, MCOLES is hiring three agency representatives. One for the west, one for the east and still looking for the person that will handle the north. Pete Ackerly will be the west representative. He is currently one of the MCOLES investigators but will be moving into this position. Joel Allen, an MSP retiree will be covering the east region.

Mr. Allen advised he retired from MSP at the beginning of 2022. For his last 12 years he was the Post Commander of the Brighton Post. He added he felt the agency representative position partnered well with his training and experience from MSP.

Mr. Leon Boyer, manager of the Career Development Section, was asked to introduce Billy Wallace. He stated this is another new position due to the continuing professional education project. MCOLES was able to hire an individual with vast knowledge and experience in developing curriculum. Mr. Wallace was previously a training director at Grand Valley State University.

Mr. Wallace stated he appreciates the opportunity to be with MCOLES. He is a combat veteran and has past law enforcement experience working in Charlotte, NC and with Holland Police

Department. From there he was the Director of the Police Academy at Grand Valley State University. He is excited to see what comes from his position with MCOLES.

Update on the Public Safety Academy Assistance (PSAA) Grant – Executive Director Bourgeois provided a quick update on the PSAA grant. He stated that he feels this is the most popular and most effective grant that we have seen in a long time. He reminded the commission that the state granted \$30 million. MCOLES was able to operationalize this funding in November 2022. The Directive was to provide \$24,000 per employed recruit to the agencies. To date approximately \$20 million or 2/3 of the funds have been utilized. The last \$20 million will probably go quickly.

COMMITTEE REPORTS

Executive Committee – Chair Koster advised the committee met that morning prior to the full commission meeting. The topics on the agenda were discussed.

CONSENT AGENDA

Relinquishment – Chair Koster called on AAG Mark Sands to address this topic. AAG Sands stated the Commission received three relinquishments of a law enforcement license since the last meeting.

Bram Schroeder was charged with one count of Common Law Offenses, a 5-year felony under MCL 750.505, one count of willful neglect of duty, a misdemeanor under MCL 750.478, and aggravated assault, a misdemeanor under MCL 750.81a in 10th Judicial Circuit Court in Saginaw County. Pursuant to a plea agreement, Mr. Schroeder pleaded no contest to one count of willful neglect of duty and one count of aggravated assault. Mr. Schroeder was required to relinquish his law enforcement officer license as a condition of the plea.

Timothy Leach was charged with tampering with evidence, a 4-year felony under MCL 750.483(6)(a); acting as a security guard without a license, a 4-year felony under MCL 338.1053; two counts of willful neglect of duty, a misdemeanor under MCL 750.478, and aggravated assault, a misdemeanor under MCL 750.81a(1) in 3rd Judicial Circuit Court in Wayne County. Pursuant to a plea agreement, Mr. Leach pleaded guilty to two counts of willful neglect of duty. Mr. Leach was required to relinquish his law enforcement officer license as a condition of the plea.

Frederick Pearson was charged with Common Law Offenses, a 5-year felony under MCL 750.505; tampering with evidence, a 4-year felony under MCL 750.483(6)(a); and two counts of willful neglect of duty, a misdemeanor under MCL 750.478 in 3rd Judicial Circuit Court in Wayne County. Pursuant to a plea agreement, Mr. Pearson pleaded guilty to two counts of willful neglect of duty. Mr. Pearson was required to relinquish his law enforcement officer license as a condition of the plea.

Commissioner Weiss stated that in the past he has expressed his concern over MCOLES getting involved with criminal prosecution. This time it seems a little different. In the past in our packet we would receive the charging documents and the discovery materials from which we could get a better understanding of what the officer was charged with criminally. Now all we have is a

summary that is part of the relinquishment of his license. Also, for the first time there is an affidavit of relinquishment. Commissioner Weiss added that he has no idea how long MCOLES has had this form, but he thinks if MCOLES is starting to get involved in the criminal process, it is beyond what MCOLES was created for by statute. He feels it is getting close to what the Michigan Supreme Court struck down in Crampton a few years ago regarding being involved in the prosecution and the licensing process. He also stated that we are allowing 83 prosecutors to do our job by deciding who gets to have an occupational license.

NEW BUSINESS

2023/2024 Michigan Justice Training Fund (MJTF) Grant Adjustment – Chair Koster introduced grant specialist Cristi Dowker. Ms. Dowker explained that this is a non-traditional request because they are requesting a change in the scope of the training. The Organizational Development Division originally requested to host a leadership development academy. When they submitted their application they chose a particular training however the instructor is no longer available. To change the instructor changes the scope of the training therefore the Commission needs to approve the change.

AAG Mark Sands addressed the Commissioners regarding potential conflicts. AAG Sands confirmed potential conflicts are governed under the standards for conduct for public officers under MCL 153.41. He recommended any Commissioner who is a member of an organization that is connected to this grantee, including a member of a board, should avoid violating the statute by abstaining from voting for the grant. During the roll call vote, please indicate if you are abstaining from the vote.

A **MOTION** was made by Commissioner Wiles and supported by Commissioner Zyburt to approve the grant adjustment request made by MSP-Organizational Development Division.

Commissioner	Vote
Commissioner Broden	YES
Commissioner Grabowski	YES
Commissioner Hartig	YES
Commissioner Jackson	YES
Commissioner Johnson	ABSTAIN
Commissioner Krumm	ABSTAIN
Commissioner Ha	YES
Commissioner Lewis	YES
Commissioner Shahin	YES
Commissioner Saxton	YES
Commissioner Stachowski	YES
Commissioner Tanay	YES
Commissioner Weiss	YES
Commissioner Wiles	YES
Commissioner Zyburt	YES
Commissioner Koster	YES
Commissioner Wickersham	YES
Commissioner Sauger	YES
Commissioner Chapman	YES

A **ROLL-CALL VOTE** was taken with the above votes recorded. The **MOTION** carried.

OLD BUSINESS

Update on Subject Control Curriculum – Chair Koster called on Deputy Director Kempa to address the topic. He stated they are going to be looking at the entire module for the basic academy training. Due to the scope of this endeavor, staff will be spending hundreds of hours behind the scenes working on it. There were a couple of other projects the staff was working on and needed to complete before starting this one.

DED Kempa explained they will be using the ADIE method to update the curriculum. ADIE is an acronym that stands for Analyze, Design, Implement and Evaluate. He said to analyze they will look at the following:

- contemporary peer journals
- possibly sending out surveys
- looking at the 2018 Job Task Analysis and determining whether a smaller one needs to be done
- look at what other posts and organizations are doing across the country.

Once this is put together, typically they follow with a SWOT (Strengths, Weaknesses, Opportunities, and Threats) analysis. The next step would be to put together an issues paper which is usually the first deliverable item to go to the advisory committee. He added he did not have a timeline because as he said earlier, this will take hundreds of hours.

A discussion then occurred regarding the use of a subject control continuum. Some of the discussion included:

- MCOLES needs to abolish the Use of Force continuum
- MCOLES needs to begin reviewing the use of force policy and training standards because currently there are many inconsistencies and there is a disconnect between training and court decisions.
- Michigan is one of the few states that continues to use a Use of Force continuum
- Many chiefs and sheriffs in Wayne Co. feel the officers coming from the academy need to be de-programmed in the area of use of force.
- Urgent need for current, correct and legally based use of force training.
- Possibly need to get the legislature involved in developing concrete language that gives a clearer understanding regarding use of force.

MJTF Grant Outcome Report Update – Executive Director Kempa advised at the last meeting a discussion occurred regarding the MJTF grants. A question was asked if there was anything that prevents the Commission from being more transparent regarding the MJTF grants? Some of the details that commissioners wanted to see were:

- What training the grant provided.
- Has this agency had previous grants.
- How much of the grant was spent.
- How much of the funding was unused.

Deputy Executive Director Kempa advised they went back to the current grantees, and they all agreed to report this information back to us voluntarily. Staff developed an instrument for them to use to report the information. He said staff realized we needed some consistency from the grantees in what information would be reported back to us. DED Kempa added that this will be part of our boiler plate starting in 2025.

Color Vision Validation Report – DED Kempa stated that staff did a deep dive into the color vision standard with fresh eyes. Staff utilized the ADIE method to review the old standard and then started with new research. The goal was to tie the essential job functions in the JTA to the color vision standard. DED Kempa then called on Leon Boyer to add additional information.

Mr. Boyer stated late in 2022 the Commission directed staff to initiate a review of the Color Vision Standard. The Career Development Section initiated a rigorous review. To ensure the guiding principles of research, the review included quantitative and qualitative processes:

- Examined the essential job tasks of entry-level law enforcement officers in Michigan
- Consulted with optometry experts and specialists
- Reviewed of professional literature
- Explored standards used by other states and similar professions
- Examined emerging legal issues and relevant court precedent

Mr. Boyer went on to say this review took over 14 months to complete. Based on this extensive review, Commission staff validated the current color vision standard. They also concluded that no existing products, such as color-enhancing spectacles and/or contact lenses, provide the level of correction necessary to meet the color vision standard, or safely and successfully perform essential job functions of the law enforcement officer.

A **MOTION** was made by Commissioner Sauger and supported by Commissioner Wickersham to accept the validation report.

A **ROLL-CALL VOTE** was taken with the below votes recorded. The **MOTION** carried.

Commissioner	Vote
Commissioner Broden	YES
Commissioner Grabowski	YES
Commissioner Hartig	YES
Commissioner Jackson	YES
Commissioner Johnson	YES
Commissioner Krumm	YES
Commissioner Ha	YES
Commissioner Lewis	YES
Commissioner Shahin	YES
Commissioner Saxton	YES
Commissioner Stachowski	YES
Commissioner Tanay	YES
Commissioner Weiss	YES
Commissioner Wiles	YES
Commissioner Zyburt	YES
Commissioner Koster	YES

Commissioner Wickersham	YES
Commissioner Sauger	YES
Commissioner Chapman	YES

PUBLIC COMMENT – There was no public comment.

ROUNDTABLE

Commissioner Lewis said he is looking for some information and follow-up on a topic he asked about months ago and has not heard anything. He added that as passed in last year’s budget there was \$18.2 million given to MCOLES through the MSP budget and in collaboration with the Office of Civil Rights to use for training. He said that he has made many inquiries because it requires the Office of Civil Rights be included in developing this training. He said that it effects his budget and his ability to staff his department based on this funding for training. This affects his ability to his job.

Commissioner Krumm was asked to speak on this topic. He stated the \$18 million was for an in-service training standard and some other things in which MCOLES was granted. Commissioner Krumm explained this is not the funding Commissioner Lewis is referencing and there are two different funding sources.

NEXT MEETING

Date: February 14, 2024
Location: TBD

ADJOURNMENT

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

A **VOTE** was taken, and the meeting was adjourned.

Kim Koster, Chair

Date

Witness

Date