

**State of Michigan**  
**Michigan Commission on Law Enforcement Standards**  
**Commission Meeting Agenda**  
**Wyoming Police Department**

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November 22, 2022  
10:30 AM

- I.** CALL TO ORDER Chair Greg Zyburt
- II.** INTRODUCTIONS
- III.** ACCEPTANCE OF THE [September 14, 2022](#) Meeting Minutes
- IV.** ADDITIONS/CHANGES TO THE AGENDA
- V.** PUBLIC COMMENT
- VI.** CHAIR'S REPORT
- [LEO Population](#)
  - [Grant Adjustments](#)
  - [SUR Report](#)
- VII.** DIRECTOR'S REPORT
- VIII.** COMMITTEE REPORTS
- Executive Committee
  - Nominating Committee
- IX.** CONSENT AGENDA
- [Relinquishments](#)
  - [Revocations](#)
    - [Andrew Wernette](#)
    - [Christopher Staton](#)
- X.** NEW BUSINESS
- Force Continuum (Lt. Col. Krumm)
  - [2023 Meeting Dates](#)
  - [Lake Michigan College Police Academy](#)
  - [Michigan Tribal Law Enforcement Initiative](#)

- XI.** OLD BUSINESS
- [Color Vision Standard Update](#)

**XII.** MISCELLANEOUS

**XIII.** PUBLIC COMMENT

**XIV.** NEXT MEETING

DATE: TBD  
LOCATION: TBD

**XV.** ADJOURNMENT

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

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**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.

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

## 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.

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 Zyburt 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 2<sup>nd</sup> offense domestic violence, 2<sup>nd</sup> 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



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**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	
		<b>TOTAL</b>	<b>\$1,184,591.78</b>	<b>\$1,179,791.78</b>	

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 \_\_\_\_\_

Witness: \_\_\_\_\_ Date \_\_\_\_\_

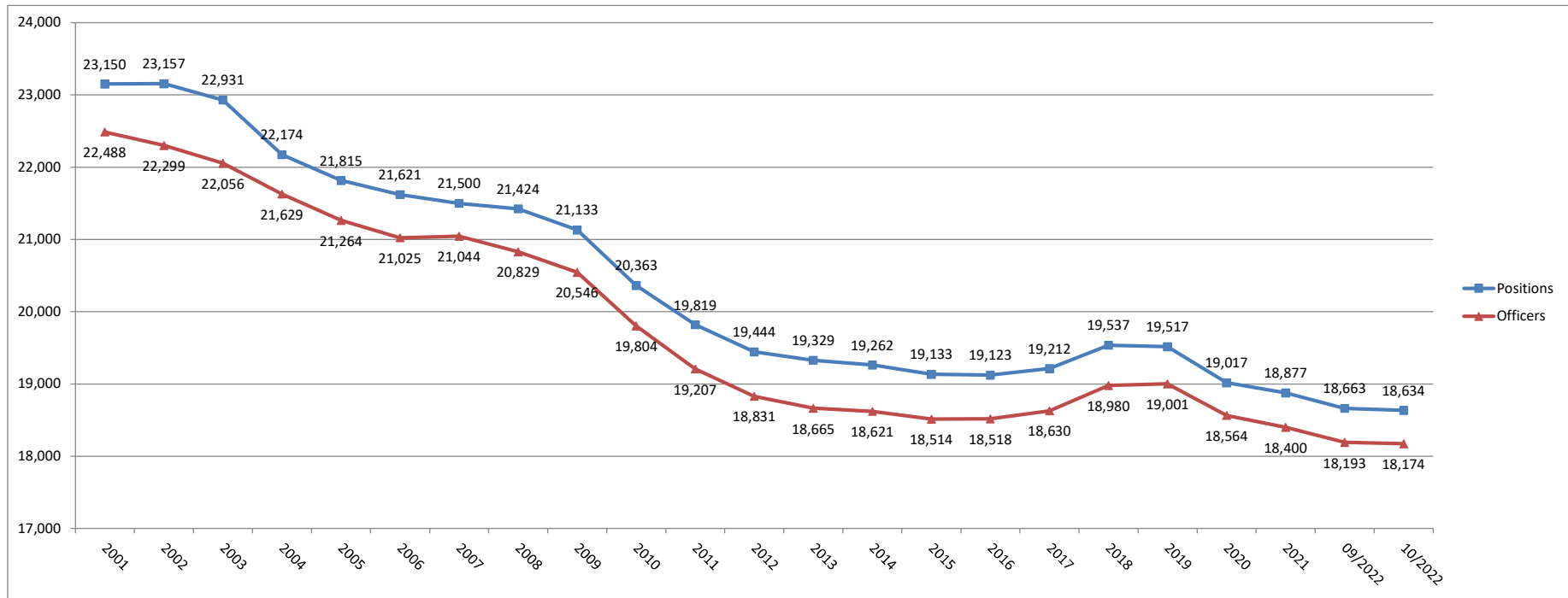
**Michigan Commission on Law Enforcement Standards  
Law Enforcement Population Trends - October 2022**

**Law Enforcement Agencies**

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	09/2022	10/2022	1 Month	Overall
Agencies	613	613	615	610	609	608	609	608	611	609	606	599	597	597	592	588	585	584	581	578	583	580	580	0	-33

**Law Enforcement Positions and Officers<sup>1</sup>**

Year	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	09/2022	10/2022	1 Month	Overall
Positions	23,150	23,157	22,931	22,174	21,815	21,621	21,500	21,424	21,133	20,363	19,819	19,444	19,329	19,262	19,133	19,123	19,212	19,537	19,517	19,017	18,877	18,663	18,634	-29	-4,516
Officers	22,488	22,299	22,056	21,629	21,264	21,025	21,044	20,829	20,546	19,804	19,207	18,831	18,665	18,621	18,514	18,518	18,630	18,980	19,001	18,564	18,400	18,193	18,174	-19	-4,314



<sup>1</sup> Positions, whether full or part time, include officers who may have multiple law enforcement employment relationships, i.e. one officer employed at two agencies counts as two positions. Historical data (2001-2021) is a snapshot of law enforcement positions taken on 12/31 of each calendar year. The 2022 data is current as of 10/31/2022.

# Grant Adjustment Requests Received Between 09/03/2022 and 11/15/2022

Agency

INGHAM COUNTY SHERIFFS OFFICE

Grant Title

Capital Region Integrated Critical Skills

Adjustment Title

Move Funding between Personnel, S&O, and Equipment Lines

Adjustment No. 3

Received 9/27/2022

Program Adjustment

Budget Adjustment

Summary

Eliminate all RedMan Suits from equipment (\$4,357.80)

Add Items to Supplies and Operating:

9 mm SecuriBlank (\$371.73)

Elite Force 6mm BB Airsoft Pistol x5 (\$648.71)

Tactical Force 6mm BBs (\$19.99)

Elite Force Fuel Green Gas for Airsoft Pistol (\$18.68)

PuddingStation Airsoft Mask and Goggles (\$44.59)

In addition to the items requested, Grantee wishes to move the remaining \$3,254.10 to the personnel category.

Approved

Approved Date 9/28/2022

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Agency

MICHIGAN STATE POLICE

Grant Title

Forensic Science Training

Adjustment Title

Increase students attending Expert Witness training

Adjustment No. 5

Received 11/3/2022

Program Adjustment

Budget Adjustment

Summary

Request an increase in the number of students attending the Expert Witness training from 12 to 17. This addition will allow more students to learn the skills needed to express their results of analysis to the trier of facts in court which is an essential part of their position. The cost for the additional five students fits within the awarded budget.

Requesting to move \$100.00 from Crime Scene Reconstruction I tuition category to Raman Spectroscopy Tuition category to cover a misunderstanding in the ost of the tuition which in turn caused a negative on the 3rd Quarter expenditure Report. The new balance for Crime Scene Reconstruction I tuition category will be \$7,143.00 and the new balance for Raman Spectroscopy Tuition category will be \$7,500.00. For Across the Spectrum - Infrared Spectral Interpretation training, there was a misunderstanding on the cost of the training. It was originally thought that the training was \$199.00 per person, however, the tuition is \$199.00 per module and each of the five attendees need to take six modules for a total of \$5,970.00. To make up the difference for the shortage in tuition, I am requesting to move \$4,970.00 from Crime Scene Reconstruction I Tuition category to Across the Spectrum - Infrared Spectral Interpretation Tuition category. The new balance for Crime Scene Reconstruction I Tuition category will be \$2,173.00 and the new balance for Across the Spectrum - Infrared Spectral Interpretation Tuition category will be \$5,970.00.

Approved  Approved Date 11/3/2022

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## **Michigan Justice Training Fund Law Enforcement Distribution**

### **SPECIAL USE REQUEST STATUS REPORT September 15, 2022 through November 22, 2022**

From September 15, 2022 through November 22, 2022 ten (10) [Special Use Requests](#) totaling \$35,010.68 in potential law enforcement distribution expenditures were submitted to the Commission for approval. Requests were approved for a total projected expenditure of \$35,010.68.

**Michigan Commission On Law Enforcement Standards**  
**MCOLES Information and Tracking Network**  
**Special Use Requests**

**Report Parameters:**

Request Begin Date: 09/15/2022  
Request End Date: 11/22/2022  
Agency Name: All Agencies  
Request Type: All SUR Request Types

Out-of-State Training

Special Use Request No.: 6549  
Requesting Agency: DETROIT POLICE DEPARTMENT  
Training Provider: Major Cities Chiefs Assn.  
Course Title: 2022 Annual Training Conference  
Course Location: Dallas TX  
Course Dates: 10/13/2022 - 10/14/2022  
Requested Amount: \$1,961.27  
Recommended Amount \$1,961.27  
Request Date: 10/04/2022  
Commission Action:  
Commission Action Date: 11/12/2022  
Description:

Annual training for the major cities chiefs that includes personnel management, discipline, new technology, etc.

ATTENDEE:  
Asst Chief David LeValley.

Special Use Request No.: 6550  
Requesting Agency: DETROIT POLICE DEPARTMENT  
Training Provider: IACP  
Course Title: 2022 Annual Training Conference  
Course Location: Dallas TX  
Course Dates: 10/15/2022 - 10/18/2022  
Requested Amount: \$1,206.18  
Recommended Amount \$1,206.18  
Request Date: 10/04/2022  
Commission Action:  
Commission Action Date: 11/12/2022  
Description:

Annual training for the International Assoc. of Chiefs of Police that includes variety of topics including personnel management, budgeting, current issues, etc,

ATTENDEE:  
Asst Chief David LeValley



**Michigan Commission On Law Enforcement Standards**  
**MCOLES Information and Tracking Network**  
**Special Use Requests**

Out-of-State Training

Special Use Request No.: 6551  
Requesting Agency: DETROIT POLICE DEPARTMENT  
Training Provider: Miami-Dade Police Dept  
Course Title: 2022 Buried Body & Surface Skeleton Workshop  
Course Location: Miami FL  
Course Dates: 11/28/2022 - 12/02/2022  
Requested Amount: \$5,451.96  
Recommended Amount \$5,451.96  
Request Date: 10/04/2022  
Commission Action:  
Commission Action Date: 11/12/2022  
Description:

Basic techniques for body and skeletal retrieval and evidence collection.

ATTENDEES:

Sgt. Shannon Wright, Homicide  
Det. Douglas Williams, Homicide

Special Use Request No.: 6553  
Requesting Agency: DETROIT POLICE DEPARTMENT  
Training Provider: Daigle Law Group  
Course Title: Use of Force Summit 2022  
Course Location: Uncasville CT  
Course Dates: 11/29/2022 - 12/01/2022  
Requested Amount: \$4,876.36  
Recommended Amount \$4,876.36  
Request Date: 10/17/2022  
Commission Action:  
Commission Action Date: 11/12/2022  
Description:

Training that will cover use of force standards, investigations, documentation, interviewing, etc.  
Capt. Wm Sims, Internal Controls  
Sgt. Eric Kimble, Force Investigations

**Michigan Commission On Law Enforcement Standards**  
**MCOLES Information and Tracking Network**  
**Special Use Requests**

Out-of-State Training

Special Use Request No.: 6555  
Requesting Agency: DETROIT POLICE DEPARTMENT  
Training Provider: PATC  
Course Title: Interview/Interrogation for Investigators & Patrol  
Course Location: Texas City TX  
Course Dates: 01/24/2023 - 01/26/2023  
Requested Amount: \$5,343.76  
Recommended Amount \$5,343.76  
Request Date: 10/31/2022  
Commission Action:  
Commission Action Date: 11/22/2022

Description:

The basics on interviewing witnesses and suspects for homicides, suicides, child abuse, rape, robbery etc.

ATTENDEES:

Det. Devin Brown, SVU  
Det. Lahanna Simms, SVU  
Cpl. James Woodside, SVUY  
Cpl. Dennis Baur, SVU

Special Use Request No.: 6556  
Requesting Agency: DETROIT POLICE DEPARTMENT  
Training Provider: IACP  
Course Title: 2023 IACP Health/Wellness Symposium  
Course Location: Anaheim CA  
Course Dates: 03/03/2023 - 03/05/2023  
Requested Amount: \$1,889.55  
Recommended Amount \$1,889.55  
Request Date: 11/16/2022  
Commission Action:  
Commission Action Date: 11/22/2022

Description:

Symposium will cover health and wellness for officers as well as public relations, legal practices and trends.

ATTENDEE:

Capt. Aric Tosqui, 10th Pct.

Out-of-State Training

Special Use Request No.: 6547  
Requesting Agency: OAKLAND COUNTY SHERIFFS OFFICE  
Training Provider: DLG Learning Center  
Course Title: Use of Force Summit  
Course Location: Ucasville CT  
Course Dates: 11/29/2022 - 12/01/2022  
Requested Amount: \$1,950.50  
Recommended Amount \$1,950.50  
Request Date: 10/05/2022  
Commission Action:  
Commission Action Date: 11/12/2022

Description:

National Conference on Use of Force for training officers. Over 800 trainers from all across the country will be there to share experiences and ideas.

ATTENDEE:

Lt. Paul Workman, Training

Special Use Request No.: 6548  
Requesting Agency: OAKLAND COUNTY SHERIFFS OFFICE  
Training Provider: LRIS  
Course Title: Advanced Course for Police Discipline  
Course Location: Las Vegas NV  
Course Dates: 11/09/2022 - 11/11/2022  
Requested Amount: \$5,455.50  
Recommended Amount \$5,455.50  
Request Date: 10/05/2022  
Commission Action:  
Commission Action Date: 11/12/2022

Description:

Review of the latest techniques and legal issues as it relates to discipline;

ATTENDEES:

Undersheriff C. Childs  
Major Larry Perry  
Major Chris Wundrach

Out-of-State Training

Special Use Request No.: 6554  
Requesting Agency: OAKLAND COUNTY SHERIFFS OFFICE  
Training Provider: PATC  
Course Title: Officer Involved Shooting-3 Day  
Course Location: Las Vegas NV  
Course Dates: 12/02/2022 - 12/05/2022  
Requested Amount: \$3,149.00  
Recommended Amount \$3,149.00  
Request Date: 10/19/2022  
Commission Action:  
Commission Action Date: 11/12/2022

Description:

Training will cover all aspects of handling and investigating an officer involved shooting, including investigating, interviewing, evidence collection, adjudication, media, etc.

ATTENDEES:

Sgt. Jeff Buckman, SIU  
Sgt. Maurice Martin, SIU

Special Use Request No.: 6552  
Requesting Agency: WAYNE COUNTY SHERIFFS OFFICE  
Training Provider: American Correctional Association  
Course Title: ACA Winter Conference 2023  
Course Location: Orlando FL  
Course Dates: 01/26/2023 - 02/02/2023  
Requested Amount: \$3,726.60  
Recommended Amount \$3,726.60  
Request Date: 10/07/2022  
Commission Action:  
Commission Action Date: 11/12/2022

Description:

Annual conference for jail/correctional personnel and managers. Several topics to be discussed and training in the areas of liability, employee discipline, inmate topics, classification etc.

ATTENDEES:

Chief Robert Dunlap, Chief of Jails  
Capt. Rachael Moore, Jail Transition Team  
Sgt. Arthur Elandt, Jail Transition Team

**Michigan Commission On Law Enforcement Standards**  
**MCOLES Information and Tracking Network**  
**Special Use Requests**

Out-of-State Training

Total Out-of-State Training Requested Amount:	\$35,010.68
Total Out-of-State Training Recommended Amount:	\$35,010.68
Total Training Requested Amount:	\$35,010.68
Total Training Recommended Amount:	\$35,010.68
Total Special Use Requested Amount:	\$35,010.68
Total Special Use Recommended Amount:	\$35,010.68



**MCOLES**  
Michigan Commission on Law Enforcement Standards

## Relinquishments Obtained

Name: Wayne Newman

### Original Charges:

Third Judicial Circuit Court, Wayne County, Michigan, Case No. 21-007663-01-FH  
Embezzlement of between \$1,000 and \$20,000 as an agent or trustee, a felony under  
MCL 750.174(4)(a), punishable by imprisonment for up to five years.

Relinquishment date: July 27, 2022 (mailed to the Commission on 9/12/22).

Pleaded guilty on April 19, 2022, to one count of Embezzlement of between \$200 and \$999.99, a  
misdemeanor under MCL 750.174(3)(a), punishable by not more than 1 year imprisonment.  
Relinquishment was required as part of the plea agreement.

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Name: Teaira Funderburg

### Original Charges:

Third Judicial Circuit Court, Wayne County, Michigan, Case No. 21-008056-01-FH  
Involuntary Manslaughter, a felony under MCL 750.321 punishable by imprisonment not more  
than 15 years; Willful neglect of duty by a public officer, a misdemeanor under MCL750.478,  
punishable by imprisonment for not more than 1 year.

Relinquishment date: August 18, 2022.

Pleaded guilty on August 15, 2022, to Willful neglect of duty by a public officer.  
Relinquishment was required as part of the plea agreement.

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Name: Todd Barkley

Original Charges: First Judicial Circuit Court, Hillsdale County, Michigan. Case No. 2022-  
465294-FH. Common law offenses (two counts), a felony under MCL 750.505 punishable by  
imprisonment for not more than 5 years.

Relinquishment date: October 20, 2022.



Barkley pleaded guilty to one count of Common Law Offenses-Misconduct in Office. Relinquishment was required as part of the plea agreement.

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Name: Randall Davis

Original Charges: Third Judicial Circuit Court, Wayne County, Michigan. Case No. 22-3712-01-FH. Receiving and concealing a motor vehicle, a felony under MCL 750.535(7) punishable by imprisonment for not more than 5 years; possession/delivery vehicle identification plate, a felony under MCL 750.415(5) punishable by imprisonment for not more than 4 years; concealing or misrepresenting the identity of a motor vehicle with intent to mislead, a felony under MCL 750.415(2); and assaulting/resisting/obstructing a police officer, a felony under MCL 750.81d(1) punishable by imprisonment for not more than 2 years.

Relinquishment date: October 20, 2022.

Davis pleaded guilty to one count of assaulting/resisting/obstructing a police officer. Relinquishment was required as part of the plea agreement.

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Name: Diamond Greenwood

Original Charges: Third Judicial Circuit Court, Wayne County, Michigan. Case No. 19-5664-01-FH. Felonious assault (two counts), a felony under MCL 750.82 punishable by imprisonment for not more than 4 years; aggravated assault, a misdemeanor under MCL 750.81a punishable by imprisonment for not more than 1 year; obstruction of justice, a felony under MCL 750.505 punishable by imprisonment for not more than 5 years; brandishing a firearm in public, a misdemeanor punishable by imprisonment for not more than 90 days; willful neglect of duty by a public officer, a misdemeanor punishable by imprisonment for not more than 1 year; possession of a firearm under the influence of alcohol, a misdemeanor under MCL 750.237 punishable by imprisonment for not more than 93 days; operating while intoxicated, a misdemeanor under MCL 257.625; and felony firearm (three counts), a felony under MCL 750.227 punishable by imprisonment for 2 years.

Relinquishment date: November 2, 2022.

Greenwood pleaded nolo contendere to one count of felonious assault, obstruction of justice, possession of a weapon while intoxicated, willful neglect of duty by a public officer, and operating while intoxicated. Relinquishment was required as part of the plea agreement.

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Name: Richard Perkins

Original Charges: Third Judicial Circuit Court, Wayne County, Michigan. Case No. 22-1239-01. False pretenses with intent to defraud between \$1,000 and \$20,000 (two counts), a felony under MCL 750.218(4)(a) punishable by imprisonment for not more than 5 years; receiving and concealing stolen property between \$1,000 and \$20,000 (two counts), a felony under MCL 750.535(3)(a) punishable by imprisonment for not more than 5 years.

Relinquishment date: October 28, 2022.

Perkins was placed in the Wayne County Diversion Program and completed all of the terms of the agreement. Relinquishment was required as part of the plea agreement to place him in the Diversion Program.

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**SUBJECT: LICENSE REVOCATION**

**PURPOSE: COMMISSION ACTION**

<b>DATE</b>	<b>SECTION</b>	<b>EXECUTIVE DIRECTOR</b>	<b>AUTHOR</b>
November 22, 2022	Executive	Timothy S. Bourgeois	Mark G. Sands

### **Background**

Commission members have received a computer link to the [Proposal for Decision](#) and the [Final Decision and Order](#) in the matter of **Andrew Wernette**. This matter was heard in proceedings conducted on October 28, 2022 at a telephonic hearing at the Michigan Office of Administrative Hearings and Rules before Administrative Law Judge James Long.

### **Recommendation**

Commission members are requested to consider the proofs, findings of fact, and conclusions of law as set forth in the Proposal for Decision. Because Andrew Wernette's adjudication of guilt was substantiated at the hearing through certified records, revocation is mandated by the Michigan Commission on Law Enforcement Standards Act, MCL 28.609(12)(c). Therefore, it is recommended that the Commission adopt the Proposal for Decision issued and entered by the Administrative Law Judge and revoke the license of **Andrew Wernette**.

<b>DATE</b>	<b>SECTION</b>	<b>EXECUTIVE DIRECTOR</b>	<b>AUTHOR</b>
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November 22, 2022	Executive	Timothy S. Bourgeois	Mark G. Sands
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## **Background**

Commission members have received a computer link to the [Proposal for Decision](#) and the [Final Decision and Order](#) in the matter of **Christopher Staton**. This matter was heard in proceedings conducted on October 11, 2022 at a telephonic hearing at the Michigan Office of Administrative Hearings and Rules before Administrative Law Judge Thomas Halick.

## **Recommendation**

Commission members are requested to consider the proofs, findings of fact, and conclusions of law as set forth in the Proposal for Decision. Because Christopher Staton’s adjudication of guilt was substantiated at the hearing through certified records, revocation is mandated by the Michigan Commission on Law Enforcement Standards Act, MCL 28.609(12)(c). Therefore, it is recommended that the Commission adopt the Proposal for Decision issued and entered by the Administrative Law Judge and revoke the license of **Christopher Staton**.

**STATE OF MICHIGAN  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**Docket No.: 22-036217**

**Andrew Wernette,  
Petitioner**

**Case No.: MCO-2021-78**

**v**

**Agency: MSP/MCOLES**

**Michigan Commission on Law Enforcement  
Standards,  
Respondent**

**Case Type: Sanction**

**Filing Type: License Revocation**

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**Issued and entered  
this 28<sup>th</sup> day of October 2022  
by: James Long  
Administrative Law Judge**

**PROPOSAL FOR DECISION**

This matter concerns suspension and revocation proceedings brought by the Michigan Commission on Law Enforcement Standards (Commission), Respondent, against Andrew Wernette, Petitioner, a licensed law enforcement officer in the state of Michigan, pursuant to the Commission on Law Enforcement Standards Act (Act), MCL 28.601 *et seq.*, and the Administrative Procedures Act (APA), MCL 24.201 *et seq.*

**Procedural History**

The Commission served Petitioner with an Order of Summary Suspension and Notice of Intent to Revoke Law Enforcement Officer License (Order and Notice of Intent) on September 7, 2022. The Order and Notice of Intent notified Petitioner that he had the opportunity to show compliance with all lawful requirements to retain his license and that he may request a compliance conference by sending a written request to the Commission within 14 calendar days of the date of service of the Order and Notice of Intent. There is no indication that Petitioner submitted a written request for a compliance conference. The Order and Notice of Intent also notified Petitioner that he, "will receive a notice of hearing for the proceedings."

On September 22, 2022, the Commission forwarded the matter to the Michigan Office of Administrative Hearings and Rules (MOAHR) to schedule a hearing.

On September 26, 2022, MOAHR issued a Notice of Telephone Hearing to the interested parties scheduling an administrative hearing on October 26, 2022, at 9:00 a.m. [Eastern Time]. The Notice of Telephone Hearing was issued pursuant to the Commission's allegations in the Order and Notice of Intent that Petitioner violated the Act. The Notice of Telephone Hearing was mailed to the parties' last known addresses and indicated, among other things, that "[a] party's failure to timely appear or participate in a hearing may result in a default order against the party and/or dismissal of the case."

The hearing commenced by telephone as scheduled at 9:00 a.m. on October 26, 2022. Assistant Attorney General (AAG) Mark G. Sands appeared on behalf of the Commission. Petitioner failed to appear.

The Administrative Law Judge (ALJ) delayed commencement of the hearing until 9:15 a.m. to allow Petitioner further opportunity to appear. As of 9:15 a.m. on October 26, 2022, Petitioner failed to appear at the hearing, and no one appeared on his behalf.

At the hearing, and in light of Petitioner's failure to appear, the Commission's counsel moved for default against Petitioner as permitted under the APA, MCL 24.278, as well as Mich Admin Code R 792.10134(1).

Section 72 of the APA states, in pertinent part:

Sec. 72. (1) If a party fails to appear in a contested case after proper service of notice, the agency, if no adjournment is granted, may proceed with the hearing and make its decision in the absence of the party. MCL 24.272(1).

Section 78 of the APA states, in pertinent part:

Sec. 78. (2) Except as otherwise provided by law, disposition may be made of a contested case by . . . default . . . MCL 24.278(2).

Mich Admin Code R 792.10134(1) states:

(1) If a party fails to attend or participate in a scheduled proceeding after a properly served notice, the administrative law judge may conduct the proceedings without participation of the absent party. The administrative law judge may issue a default order or other dispositive order which shall state the grounds for the order.

The ALJ granted the Commission's motion for default. Based on the default, the factual allegations contained in the Commission's September 7, 2022, Order and Notice of Intent are deemed true and proven and are made a part of this record.

**Exhibits**

The Commission offered the following exhibit, which was admitted into evidence:

Exhibit R-A – Five-page print out entitled "Detail Information Report," which details the disposition of Osceola County Circuit Court case *People v Andrew Wernette*, Case No. 2020-005727-FH, including that on February 26, 2021, Petitioner pleaded guilty to the following criminal offenses:

- Controlled Substance-Maintaining a Drug House, a violation of Michigan Compiled Laws § 333.7405(d);
- Controlled Substance-Possession of Drug Analogues (two counts), a violation of Michigan Compiled Laws § 333.7403(2)(b)(ii);
- Larceny in a Building, a violation of Michigan Compiled Laws § 750.360;
- Child Sexually Abusive Activity – Distributing/Promoting, a violation of Michigan Compiled Laws § 750.145c(3);
- Child Sexually Abusive Activity-Aggravated Possession, a violation of Michigan Compiled Laws § 750.145c(4)-A1;
- Computers – Using to Commit a Crime, a violation of Michigan Compiled Laws § 752.797(3)(f);
- Child Sexually Abusive Activity – Aggravated (two counts), a violation of Michigan Compiled Laws § 750.145c(2)(b).

Petitioner offered no exhibits.

No witnesses testified at the hearing. The record was closed at the conclusion of the hearing.

**Issue and Applicable Law**

The issue in this matter is whether Petitioner's license as a law enforcement officer may be properly revoked on the grounds set forth in the Order of Summary Suspension and Notice of Intent to Revoke Law Enforcement Officer License, dated September 7, 2022, pursuant to MCL 24.292, MCL 28.609(12)(c), and Mich Admin Code R 28.14604.

In its Order and Notice of Intent, the Commission asserts that Petitioner was subjected to an adjudication of guilt for a violation of the following penal laws:

- Controlled Substance-Maintaining a Drug House, a violation of Michigan Compiled Laws § 333.7405(d), a misdemeanor punishable by imprisonment for not more than 2 years;
- Controlled Substance-Possession of Drug Analogues (two counts), a violation of Michigan Compiled Laws § 333.7403(2)(b)(ii), a felony punishable by imprisonment for not more than 2 years;
- Larceny in a Building, a violation of Michigan Compiled Laws § 750.360, a felony punishable by imprisonment for not more than 4 years;
- Child Sexually Abusive Activity – Distributing/Promoting, a violation of Michigan Compiled Laws § 750.145c(3), a felony punishable by imprisonment for not more than 7 years;
- Child Sexually Abusive Activity-Aggravated Possession, a violation of Michigan Compiled Laws § 750.145c(4)(b), a felony punishable by imprisonment for not more than 10 years;
- Computers – Using to Commit a Crime, a violation of Michigan Compiled Laws § 752.797(3)(f), a felony punishable by imprisonment of not more than 20 years;
- Child Sexually Abusive Activity – Aggravated (two counts), a violation of Michigan Compiled Laws § 750.145c(2)(b), a felony punishable by imprisonment of not more than 25 years.

The APA, MCL 24.292, provides, in relevant part:

- (1) Before beginning proceedings for the suspension, revocation, annulment, withdrawal, recall, cancellation or amendment of a license, an agency shall give notice, personally or by mail, to the licensee of facts or conduct that warrants the intended action. The licensee shall



be given an opportunity to show compliance with all lawful requirements for retention of the license ...

\* \* \*

- (2) If the agency finds that the public health, safety or welfare requires emergency action and incorporates this finding in its order, summary suspension of a license may be ordered effective on the date specified in the order or on service of a certified copy of the order on the licensee, whichever is later, and effective during the proceedings. The proceedings shall be promptly commenced and determined.

MCL 28.609 states, in relevant part:

- (12) The commission shall revoke a [law enforcement officer's] license granted under this section for any of the following circumstances and shall promulgate rules governing revocations under this subsection:

\* \* \*

- (c) The individual has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year.

As used in the Act, "adjudication of guilt" is defined as any of the following:

- (i) Entry of a judgment or verdict of guilty, or guilty but mentally ill, following a trial.
- (ii) Entry of a plea of guilty or nolo contendere.
- (iii) Entry of any of the adjudications specified in subparagraph (i) or (ii), in conjunction with an order entered under section 1 of chapter XI of the code of criminal procedure, 1927 PA 175, MCL 771.1, or any other order delaying sentence.
- (iv) Entry of any of the adjudications specified in subparagraph (i) or (ii), in conjunction with an assignment to the status of youthful trainee under the

Holmes youthful trainee act, as provided in section 11 of chapter II of the code of criminal procedure, 1927 PA 175, MCL 762.11.

(v) Entry of any of the adjudications specified in subparagraph (i) or (ii), in conjunction with probation under section 7411 of the public health code, 1978 PA 368, MCL 333.7411.

(vi) Entry of any of the adjudications specified in subparagraph (i) or (ii), in conjunction with probation under section 4a of chapter IX of the code of criminal procedure, 1927 PA 175, MCL 769.4a. MCL 28.602(a).

Mich Admin Code R 28.14604 states:

Rule 604. (1) If an investigation discloses that a licensed person was convicted of an offense defined in MCL 28.602(f), an order of summary suspension and notice of intent to revoke shall immediately issue. A hearing shall be conducted under the provisions chapters 4 and 5 of the administrative procedures act of 1969, MCL 24.271 to 24.291, and as provided in part 7 of these rules. A certified copy of the order of conviction shall be evidence of a felony conviction.

(2) If the hearing held under sub rule (1) of this rule substantiates that the licensed person was convicted of an offense defined in MCL 602(f), the commission shall revoke the license of a law enforcement officer.

(3) Upon notification of a final decision of license revocation, the person shall return the license immediately to the commission.

(4) A person who has had a license revoked under this rule shall not be eligible to reapply for a license as long as the felony conviction stands. For the purpose of these rules, set aside or expunged records are considered the same as a conviction.

### **Findings of Fact**

Based upon the record, including the pleadings and the exhibits entered into the record, the undersigned ALJ makes the following findings of fact:

1. Petitioner Andrew Wernette, MCOLES license number 47350, became licensed as a law enforcement officer in the state of Michigan on June 7, 2016. [Commission's Request for Hearing, p 10].

2. On or about February 26, 2021, Petitioner Andrew Wernette pleaded guilty to the following crimes in the 67<sup>th</sup> Circuit Court, Osceola County, Michigan, Case No. 2020-005727-FH:
  - a. Controlled Substance-Maintaining a Drug House, a violation of Michigan Compiled Laws § 333.7405(d), (misdemeanor punishable by imprisonment for not more than 2 years);
  - b. Controlled Substance-Possession of Drug Analogues (two counts), a violation of Michigan Compiled Laws § 333.7403(2)(b)(ii), (felony punishable by imprisonment for not more than 2 years);
  - c. Larceny in a Building, a violation of Michigan Compiled Laws § 750.360, (felony punishable by imprisonment for not more than 4 years);
  - d. Child Sexually Abusive Activity – Distributing/Promoting, a violation of Michigan Compiled Laws § 750.145c(3), (felony punishable by imprisonment for not more than 7 years);
  - e. Child Sexually Abusive Activity-Aggravated Possession, a violation of Michigan Compiled Laws § 750.145c(4)-A1,<sup>1</sup> (felony punishable by imprisonment for not more than 10 years);
  - f. Computers – Using to Commit a Crime, a violation of Michigan Compiled Laws § 752.797(3)(f), (felony punishable by imprisonment of not more than 20 years);
  - g. Child Sexually Abusive Activity – Aggravated (two counts), a violation of Michigan Compiled Laws § 750.145c(2)(b), (felony punishable by imprisonment of not more than 25 years). [Exhibit R-A.]
3. Based on Petitioner’s guilty pleas in Osceola County Circuit Court Case No. 2020-005727-FH, Petitioner has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state that is punishable by imprisonment for more than 1 year.

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<sup>1</sup> The Commission’s Order and Notice of Intent identifies this conviction as a violation of Michigan Compiled Laws § 750.145c(4)(b), but Exhibit R-A lists it as a violation of Michigan Compiled Laws § 750.145C4-A1.

**CONCLUSIONS OF LAW**

The principles that govern judicial proceedings also apply to administrative hearings. *Callaghan's Michigan Pleading and Practice* §60.248, at 230 (2d ed. 1994). The burden of proof is upon the Commission to prove, by a preponderance of the evidence, that grounds exist for the imposition of sanctions upon Petitioner. A preponderance of evidence is evidence which is of a greater weight or more convincing than evidence offered in opposition to it. It is simply that evidence which outweighs the evidence offered to oppose it. *Martucci v Ballenger*, 322 Mich 270; 33 NW2d 789 (1948).

Based upon the above Findings of Fact and the exhibit admitted into evidence, the Commission has established by a preponderance of the evidence that Petitioner Andrew Wernette was subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state that is punishable by imprisonment for more than 1 year and that, in accordance with MCL 28.609(12) and Mich Admin Code R 28.14604, Petitioner's law enforcement officer's license is subject to revocation.

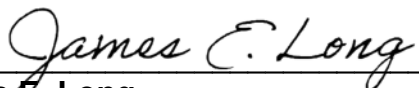
**ORDER OF SUMMARY SUSPENSION**

Because the Commission has shown by a preponderance of evidence that Petitioner stands adjudicated for at least one of the offenses listed in section 9 of the Act, the Order of Summary Suspension was appropriate to protect public health, safety and welfare under MCL 24.292(2).

**PROPOSED DECISION**

Based on the above Findings of Fact and Conclusions of Law, the undersigned Administrative Law Judge proposes that the Michigan Commission on Law Enforcement Standards:

1. Adopt the above Findings of Fact and Conclusions of Law;
2. Find that Petitioner violated section 9(12)(c) of the Act, MCL 28.609(12)(c); and
3. Revoke Petitioner's law enforcement officer's license in accordance with the Act.

  
\_\_\_\_\_  
James E. Long  
Administrative Law Judge

**EXCEPTIONS**

Pursuant to MCL 24.281 and Mich Admin Code, R 792.10132, the parties may file Exceptions to this Proposal for Decision within twenty-one (21) days after it is issued and entered. An opposing party may file a response within fourteen (14) days after initial Exceptions are filed. All Exceptions and Responses to Exceptions must state the case docket number and be filed with the Michigan Office of Administrative Hearings and Rules, P.O. Box 30695, 611 West Ottawa Street (Ottawa Building-2nd Floor), Lansing, Michigan 48909 (E-mail preferred: MOAHR-GA@michigan.gov) and served on all parties to the proceeding as listed on the attached Proof of Service. Note: Overnight Carrier Address (UPS, FedEx, DHL Deliveries): MOAHR-GA, c/o Department of Licensing and Regulatory Affairs, Mail Services, 2407 N. Grand River Avenue, Lansing, Michigan 48906.

**PROOF OF SERVICE**

I certify that I served a copy of the foregoing document upon all parties and/or attorneys to their last-known address in the manner specified below, this 28<sup>th</sup> day of October, 2022.



---

D. Hagar  
**Michigan Office of Administrative  
Hearings and Rules**

**Via Electronic Mail:**

Joseph Kempa  
Michigan Commission on Law Enforcement Standards  
927 Centennial Way  
Lansing, MI 48909  
**MSP-MCOLES-Compliance@michigan.gov**

Mark Sands  
Michigan Department of Attorney General  
MCOLES  
2860 Eyde Parkway  
East Lansing, MI 48823  
**SandsM1@michigan.gov**

**Via First Class:**

Andrew Wernette  
MDOC Number: 655998  
Bellamy Creek Correctional Facility  
1727 West Bluewater Highway  
Ionia, MI 48846

**STATE OF MICHIGAN  
MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS**

<b>In the matter of</b>	<b>Docket No.: 22-036217</b>
<b>Andrew Wernette, Petitioner</b>	<b>Case No.: MCO-2021-78</b>
<b>v</b>	<b>Agency: MSP/MCOLES</b>
<b>Michigan Commission on Law Enforcement Standards, Respondent</b>	<b>Case Type: Sanction</b>
	<b>Filing Type: License Revocation</b>

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**FINAL DECISION AND ORDER**

Upon reviewing the record of the administrative proceedings in this matter, the Commission finds as follows:

**FINDINGS OF FACT**

1. Petitioner is or has been licensed as a law enforcement officer in Michigan.
2. Petitioner was convicted of the following offenses on April 11, 2021. in 67th Circuit Court, Osceola County, Docket No. 2020-5727, before the Hon. Scott Hill-Kennedy:
  - Controlled Substance-Maintaining a Drug House, a violation of MCL 333.7405(d), a misdemeanor punishable by imprisonment for not more than 2 years;
  - Controlled Substance-Possession of Drug Analogues (two counts), a violation of MCL 333.7403(2)(b)(ii), a felony punishable by imprisonment for not more than 2 years;
  - Larceny in a Building, a violation of MCL 750.360, a felony punishable by imprisonment for not more than 4 years;
  - Child Sexually Abusive Activity – Distributing/Promoting, a violation of MCL 750.145c(3), a felony punishable by imprisonment for not more than 7 years;
  - Child Sexually Abusive Activity-Aggravated Possession, a violation of MCL 750.145c(4)(b), a felony punishable by imprisonment for not more than 10 years;
  - Computers – Using to Commit a Crime, a violation of MCL 752.797(3)(f), a felony punishable by imprisonment of not more than 20 years;
  - Child Sexually Abusive Activity – Aggravated (two counts), a violation of MCL 750.145c(2)(b), a felony punishable by imprisonment of not more than 25 years.

3. The Michigan Commission on Law Enforcement Standards Act requires revocation for an adjudication of guilt for a violation or attempted violation of a penal law of this state that is punishable by imprisonment for more than 1 year. MCL 28.609(12)(c).

**CONCLUSIONS OF LAW**

The Commission is required to revoke Petitioner's Law Enforcement Officer License under subsection 12(c) of the Michigan Commission on Law Enforcement Standards Act, MCL 28.609(12)(c).

**IT IS ORDERED THAT** Petitioner's Law Enforcement Officer License is revoked, effective on the date below.

\_\_\_\_\_  
Gregory Zyburd  
Commission Chair

Dated: \_\_\_\_\_



**STATE OF MICHIGAN  
MICHIGAN OFFICE OF ADMINISTRATIVE HEARINGS AND RULES**

**IN THE MATTER OF:**

**Docket No.: 22-011995**

**Christopher Staton,  
Petitioner**

**Case No.: MCO-2019-258**

**v**

**Agency: MSP/MCOLES**

**Michigan Commission on Law Enforcement  
Standards,  
Respondent**

**Case Type: MCOLES**

**Filing Type: License Revocation**

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**Issued and entered  
this 11<sup>th</sup> day of October 2022  
by: Thomas A. Halick  
Administrative Law Judge**

**PROPOSAL FOR DECISION**

This matter concerns suspension and revocation proceedings brought by the Michigan Commission on Law Enforcement Standards, Respondent, against Christopher Staton, Petitioner, a licensed law enforcement officer in the state of Michigan, pursuant to the Commission on Law Enforcement Standards Act ("Act"), MCL 28.601, *et seq.* and the Administrative Procedures Act ("APA"), MCL 24.201, *et seq.*

**Procedural History**

Respondent served Petitioner with an Order of Summary Suspension and Notice of Intent to Revoke Law Enforcement Officer License ("Order and Notice of Intent") on March 24, 2022. According to the Order and Notice of Intent, Respondent initiated license revocation proceedings against Petitioner under the Act based on an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year. The Order and Notice of Intent notified Petitioner that he would be provided with a hearing.

On April 20, 2022, Respondent forwarded the matter to the Michigan Office of Administrative Hearings and Rules (MOAHR) to schedule the hearing.

On April 21, 2022, MOAHR issued a Notice of Telephone Hearing to all interested parties, which assigned the case to Administrative Law Judge (ALJ) Thomas A. Halick and scheduled a telephone hearing for June 2, 2022, at 9:00 a.m.

On June 2, 2022, Petitioner appeared on his own behalf for the scheduled hearing. Respondent did not appear. The ALJ determined that the Notice of Telephone Hearing had not been properly served upon Respondent and that the hearing should be adjourned. Petitioner did not object to the adjournment. On June 3, 2022, this ALJ issued an Order of Adjournment, which rescheduled the hearing for July 25, 2022, at 9:00 a.m.

The hearing commenced as scheduled. Assistant Attorney General Mark Sands appeared on behalf of Respondent. Petitioner represented himself. Petitioner offered no documentary evidence or testimony. The hearing was completed and the record was closed on July 25, 2022.

### **Summary of the Evidence**

#### **Petitioner's Witnesses**

Petitioner did not testify at the hearing and did not call any witnesses.

#### **Petitioner's Exhibits**

Petitioner did not offer any exhibits.

#### **Respondent's Witnesses**

Respondent did not call any witnesses at the hearing.

#### **Respondent's Exhibits**

Respondent offered the following exhibit that was admitted into evidence:

Respondent's Exhibit A is a certified copy of a Judgment in a Criminal Case, *United States District Court for the Eastern District of Michigan in United States of America v. Christopher Staton*; Case Number: 0645 2:18CR20323 (14) USM Number: 57003-039.

### **Issue**

Whether Respondent Commission may properly revoke Petitioner's law enforcement officer license for the reasons stated in the Order of Summary Suspension and Notice of Intent to Revoke issued on March 24, 2022, pursuant to the Michigan Commission on Law Enforcement Standards Act, MCL 28.601 et seq. (specifically MCL 28.609 and MCL 28.610) and the Administrative Procedures Act, MCL 24.201 et seq.<sup>1</sup>

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<sup>1</sup> As stated in the Notice of Telephone Hearing, issued June 2, 2022.

**Applicable Law**

MCL 28.609(12) provides, in relevant part:

(12) The commission shall revoke a license granted under this section for any of the following circumstances and shall promulgate rules governing revocations under this subsection:

\* \* \* \*

(c) The individual has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year.

MCL 28.602 provides, in relevant part:

As used in this act:

(a) "Adjudication of guilt" means any of the following:

\* \* \* \*

(ii) Entry of a plea of guilty or nolo contendere.

\* \* \* \*

Mich Admin Code, R 28.14604 provides:

(1) If an investigation discloses that a licensed person was convicted of an offense defined in MCL 28.602(f), an order of summary suspension and notice of intent to revoke shall immediately issue. A hearing shall be conducted under the provision's chapters 4 and 5 of the administrative procedures act of 1969, MCL 24.271 to 24.291, and as provided in part 7 of these rules. A certified copy of the order of conviction shall be evidence of a felony conviction.

(2) If the hearing held under sub rule (1) of this rule substantiates that the licensed person was convicted of an offense defined in MCL 602 (f), the commission shall revoke the license of a law enforcement officer.

(3) Upon notification of a final decision of license revocation, the person shall return the license immediately to the commission.

(4) A person who has had a license revoked under this rule shall not be eligible to reapply for a license as long as the felony conviction stands. For the purpose

of these rules, set aside or expunged records are considered the same as a conviction.

MCL 24.292(2) provides:

(2) If the agency finds that the public health, safety or welfare requires emergency action and incorporates this finding in its order, summary suspension of a license may be ordered effective on the date specified in the order or on service of a certified copy of the order on the licensee, whichever is later, and effective during the proceedings. The proceedings shall be promptly commenced and determined.

### **Findings of Fact**

The following findings of fact are established based on the entire record in this matter, including the admitted exhibit:

1. Petitioner, Christopher Staton, license number 35351, is licensed (lapsed status) as a law enforcement officer in the state of Michigan.
2. On March 24, 2022, Respondent issued an Order of Summary Suspension and Notice of Intent to Revoke Law Enforcement License.
3. On February 12, 2020, Petitioner was found guilty after a plea of not guilty for the offense of Conspiracy to Distribute Controlled Substances in violation of 21 USC § § 846, 841(a)(1), and (b)(a)(1). [Resp. Exh. A].
4. Petitioner's adjudication of the above offense, as defined in MCL 28.609(12)(c), supports revocation of Petitioner's license.

### **CONCLUSIONS OF LAW**

The burden of proof is upon Respondent to prove, by a preponderance of the evidence, that grounds exist for the revocation of Petitioner's law enforcement officer license. A preponderance of evidence is evidence which is of a greater weight or more convincing than evidence offered in opposition to it. In other words, it is evidence that outweighs the evidence offered to oppose it. *Martucci v Detroit Commissioner of Police*, 322 Mich 270 (1948); *Bunce v Secretary of State*, 239 Mich App 204, 218; 607 NW2d 372 (1999).

Based upon the above Findings of Fact, Respondent has established by a preponderance of the evidence that Petitioner "has been subjected to an adjudication of guilt for a violation or attempted violation of a penal law of this state or another jurisdiction that is punishable by imprisonment for more than 1 year." MCL 28.609(12)(c). Therefore, the law provides that Respondent "shall revoke" Petitioner's

law enforcement officer license. *Id.*

Specifically, Petitioner's conviction for Conspiracy to Distribute Controlled Substances in violation of 21 USC § § 846, 841(a)(1), and (b)(a)(1) is an adjudication of guilt under MCL 28.609(12)(c). Accordingly, Petitioner is subject to license suspension and revocation under Rule 604.

### **ORDER OF SUMMARY SUSPENSION**

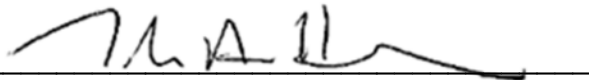
Because Respondent has shown, by a preponderance of evidence, that Petitioner has been subjected to an adjudication of guilt for an offense described in MCL 28.609(12)(c), the Order of Summary Suspension was appropriate to protect public health, safety, and welfare under MCL 24.292(2).

### **PROPOSED DECISION**

Based on the above Findings of Fact and Conclusions of Law, the undersigned Administrative Law Judge proposes the Michigan Commission on Law Enforcement Standards find that Petitioner violated section 9(12)(c) of the Act and take any action as it deems appropriate.

### **EXCEPTIONS**

Pursuant to MCL 24.281 and Mich Admin Code, R 792.10132, the parties may file Exceptions to this Proposal for Decision within twenty-one (21) days after it is issued and entered. An opposing party may file a response within fourteen (14) days after initial Exceptions are filed. All Exceptions and Responses to Exceptions must state the case docket number and be filed with the Michigan Office of Administrative Hearings and Rules, P.O. Box 30695, 611 West Ottawa Street (Ottawa Building-2<sup>nd</sup> Floor), Lansing, Michigan 48909 (E-mail preferred: [MOAHR-GA@michigan.gov](mailto:MOAHR-GA@michigan.gov)) and served on all parties to the proceeding as listed on the attached Proof of Service. Note: Overnight Carrier Address (UPS, FedEx, DHL Deliveries): MOAHR-GA, c/o Department of Licensing and Regulatory Affairs, Mail Services, 2407 N. Grand River Avenue, Lansing, Michigan 48906.



**Thomas A. Halick**  
**Administrative Law Judge**

**PROOF OF SERVICE**

I certify that I served a copy of the foregoing document upon all parties and/or attorneys, to their last-known addresses in the manner specified below, this 11<sup>th</sup> day of October 2022.



---

**C. Gibson**  
**Michigan Office of Administrative**  
**Hearings and Rules**

**Via Electronic Mail**

Joseph Kempa  
Michigan Commission on Law Enforcement Standards  
927 Centennial Way  
Lansing, MI 48909  
**MSP-MCOLES-Compliance@michigan.gov**

Mark Sands  
Michigan Department of Attorney General  
MCOLES  
2860 Eyde Parkway  
East Lansing, MI 48823  
**SandsM1@michigan.gov**

**Via First Class**

Christopher Staton  
Registration #57003-039  
FMC Devens Federal Medical Center  
PO Box 879  
Ayer, ME 01432

**STATE OF MICHIGAN  
MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS**

<b>In the matter of</b>	<b>Docket No.: 22-011995</b>
<b>Christopher Staton, Petitioner</b>	<b>Case No.: MCO-2019-258</b>
<b>v</b>	<b>Agency: MSP/MCOLES</b>
<b>Michigan Commission on Law Enforcement Standards, Respondent</b>	<b>Case Type: Sanction</b>
	<b>Filing Type: License Revocation</b>

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**FINAL DECISION AND ORDER**

Upon reviewing the record of the administrative proceedings in this matter, the Commission finds as follows:

**FINDINGS OF FACT**

1. Petitioner is or has been licensed as a law enforcement officer in Michigan.
2. Petitioner was convicted of conspiracy to distribute controlled substances, a felony under 21 U.S.C. §§ 846, 841(a)(1) and (b)(1)(A) punishable by imprisonment for not less than 10 years or more than life on February 12, 2020, in the United States District Court for the Eastern District of Michigan, Docket No. 2:18-cr-20323 before Hon. Sean F. Cox.
3. The Michigan Commission on Law Enforcement Standards Act requires revocation for an adjudication of guilt for a violation or attempted violation of a penal law of this state that is punishable by imprisonment for more than 1 year. MCL 28.609(12)(c).

**CONCLUSIONS OF LAW**

The Commission is required to revoke Petitioner's Law Enforcement Officer License under subsection 12(c) of the Michigan Commission on Law Enforcement Standards Act, MCL 28.609(12)(c).

**IT IS ORDERED THAT** Petitioner's Law Enforcement Officer License is revoked,  
effective on the date below.

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Gregory Zyburd  
Commission Chair

Dated: \_\_\_\_\_





**MCOLES**  
Michigan Commission on Law Enforcement Standards

## 2023 Commission Meeting Dates

February 15, 2023 (Wed) ..... TBD

April 12, 2023 (Wed) ..... TBD

June 14, 2023 (Wed) .....TBD

September 13, 2023 (Wed) .. ..... TBD

November 29, 2023 (Wed) ..... TBD



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**SUBJECT:** Lake Michigan College’s Request for Commission Authorization to Proceed in Developing a Written Program Proposal to Establish a Regional Basic Law Enforcement Training Academy

**PURPOSE:** Commission Action

DATE	SECTION	EXECUTIVE DIRECTOR	AUTHOR
November 22, 2022	Standards Compliance	Timothy Bourgeois	Danny Rosa

### **Background**

Lake Michigan College (LMC) is requesting Commission authorization to proceed in developing a written program proposal to establish a regional basic law enforcement academy to provide basic academy training to the growing number of employed recruits, and to pre-service recruits who already meet educational requirements under R 28.14315(b).

LMC asserts there is a need for a regional basic law enforcement training academy at their institution, situated in the southwest corner of Michigan in Berrien County. The closest regional academy to LMC is Kalamazoo Valley Community College (KVCC), which is approximately 40 minutes east in the best traffic and weather conditions. LMC indicated they contacted KVCC in late 2021 regarding the possibility of their Criminal Justice students attending the KVCC academy. LMC stated they were advised by KVCC that pre-service recruits would have to be put on a waiting list due to the abundance of employed recruits entering the KVCC academy. The increase of employed recruits in basic training academies is consistent with the Commission’s observation of enrollments at other regional academies. The feedback from KVCC strengthened LMC’s belief that a local regional academy was needed.

Lake Michigan College states there is a strong need for a basic law enforcement academy at their institution and supports this position with the results of a local survey of 24 law enforcement agencies in the area. The survey demonstrated a local need for the training and hiring of over 100 officers over the next five years. LMC indicated they have several letters of support for a basic law enforcement academy at LMC from local law enforcement agencies.

### **Information**

The relevant rules regarding the establishment of a basic law enforcement academy, the definitions of the three types of academies, and the status of academy recruits attending these academies, are described in the following Administrative Rules:

**R 28.14302 Authorization of basic law enforcement training academy; approval by commission.**

Rule 302. A city, county, township, village, corporation, college, community college, university, or state agency shall obtain commission authorization before proceeding to establish an agency or regional basic law enforcement training academy or a preservice college basic law enforcement training academy under R 28.14303

An “employed recruit” is defined under R 28.14102(a) as “a law enforcement officer candidate who is employed by a recognized law enforcement agency and who is enrolled in an approved basic law enforcement training academy for the purpose of training in order to become eligible to be licensed as a law enforcement officer employed by the law enforcement agency.”

A “pre-service recruit” is defined under R 28.14103(c) as “a person who complies with the requirements of R 28.14315 and enrolls at his or her own expense in an approved regional basic law enforcement training academy and who is not employed by a law enforcement agency.”

A “regional basic law enforcement training academy” is defined under R 28.14301(i) as “a city, county, township, village, corporation, college, community college, university, or state agency that is approved by the commission to offer a basic law enforcement training program to preservice and employed recruits.”

A pre-service college academy is defined under R 28.14301(g) as a commission approved training and education program offered by an accredited community college, college, or university that incorporates the commission mandated curriculum in the academic course of study.

## **Recommendation**

It is recommended that the Commission review this request and allow Lake Michigan College to continue to develop and formulate their official written proposal to establish a regional basic law enforcement training academy for future review and possible Commission action.



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SUBJECT: Michigan Tribal Law Enforcement Initiative

PURPOSE: Commission Action

DATE	SECTION	EXECUTIVE DIRECTOR	AUTHOR
November 22, 2022	Licensing & Administrative Services	Timothy Bourgeois	David Lee

## **Background**

Michigan Tribal law enforcement officers are currently eligible for licensing as a Michigan law enforcement officer under section 28.609b of the MCOLES Act, 1965 PA 203. Licensing under this section is contingent on a “written instrument authorizing them to enforce laws of this state,” i.e., an oath of office, by a Michigan law enforcement agency. Where the Tribal boundaries are within two or more Michigan counties, in order to enforce Michigan statutes within each, Tribal officers must be sworn by each.

Michigan Tribal law enforcement agencies do not meet the definition of a “law enforcement agency” in the MCOLES Act. Section 28.609(e) of the Act defines a “law enforcement agency” as “an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers.” Tribal law enforcement agencies are not “established and maintained” under State law and are not authorized by any law to appoint or employ Michigan law enforcement officers.

Michigan Tribal law enforcement officers may become MCOLES-licensed through attending a complete Michigan basic law enforcement training academy, or by having completed a specifically designated Federal law enforcement basic training academy and completing the MCOLES Recognition of Prior Training and Experience (RPTE) program.

## **Information**

The twelve Federally recognized Michigan Tribes have formed the Michigan Tribal Law Enforcement Association (MITLEA) representing the law enforcement agencies of each Tribe. The Association is supporting a Tribal Law Enforcement Initiative that would in effect grant Tribal law enforcement agencies to confer Michigan law enforcement authority on their officers rather than relying on a separate Michigan law enforcement agency.

Tribal agencies concurrently enforce federal, state (sometimes more than one) and tribal law. The current requirement for them to get the authority to enforce state law from a third party can be problematic, as it can be removed at any time for any reason. Likewise, for an entity to extend law enforcement authority to tribal officers whom they do not employ, did not screen, do not supervise or train can be uncomfortable to say the least. In the Commission's staff's view and experience, tribal agencies have proven over several decades to be well-run and compare favorably with any other law enforcement agency in the state.

A legislative change "establishing and maintaining" Tribal law enforcement agencies under Michigan law and authorizing those agencies to appoint or employ law enforcement officers would allow those officers to be licensed by the Commission under section 28.609 of the MCOLES Act. (Changed to be consistent with Tim's concern RE: Detroit Transit). Depending on the language of that change, the MCOLES Act may also need to be amended to remove MCL 28.609b (which differentiates between a Tribal law enforcement officer and a Michigan officer licensed under Section 609), the definition of "law enforcement officer" in MCL 28.602(f)(i)(B) (including a Tribal law enforcement officer specifically authorized to enforce Michigan law), and the definition of "Michigan tribal law enforcement officer" in MCL 28.602(k). (MGS – it might be advisable to keep 609b. I could foresee a circumstance where a Tribal police department does not want to be a Michigan law enforcement agency and would only want its officers to be licensed by the Commission in limited circumstances).

Resolutions by each of the 12 Michigan Tribal Councils were provided supporting the MITLEA and requesting MCOLES support of the Tribal Law Enforcement Initiative.

Letters of support were provided by the US Attorney's Office Western District of Michigan, Kalamazoo Valley Community College Law Enforcement Programs, and the Michigan Association of Chiefs of Police. Identical or nearly identical letters of support were also received from the following agencies:

- Allegan County Sheriff Frank Baker
- Allegan County Captain Scott Matice
- Benzie County Sheriff Kyle Rosa
- Berrien County Sheriff L. Paul Bailey
- Calhoun County Sheriff Steve Hinkley
- Charlevoix County Sheriff Charles Vondra
- Branch County Sheriff C. John Pollack
- Emmet County Sheriff Peter Wallin
- Manistee County Sheriff Brian Gutowski
- Van Buren County Sheriff Daniel Abbott
- Emmett Township DPS Director Kenneth Cunningham
- Manistee City Police Department Chief Joshua Glass
- Petoskey DPS Director Matthew Breed
- Plainwell DPS Director Kevin Callahan
- Union City Village Manager/Chief Chris Mathis
- Allegan County Prosecuting Attorney Myrene Koch
- Calhoun County Prosecuting Attorney David Gilbert

### **Recommendation**

It is recommended that the Commission give consideration to supporting the Tribal Law Enforcement Initiative on behalf of the Michigan Tribes and the Michigan Tribal Law Enforcement Association and if granted authorize the executive director as its lobbyist agent to work with interested parties to ensure the statutory changes necessary to effect this initiative are brought before the legislature for their consideration.



## ***MICHIGAN TRIBAL LAW ENFORCEMENT ASSOCIATION***

Chairman William Lux – Pokagon Band of Potawatomi Indians  
Vice-Chairman Ronald Carrick – Bay Mills Indian Community  
Secretary/Treasurer Dennis Wilkins – Match-E-Be-Nash-She-Wish Band of the Pottawatomi Indians (Gun Lake Tribe)

November 8, 2022

MCOLES Commissioners,

As a unit, MITLEA (Michigan Tribal Law Enforcement Association) represents all 12 of the Tribal Police Departments in the State of Michigan. All Tribal Police Departments require all police officers they hire to be MCOLES licensed, thus following the MCOLES standards.

Currently under Michigan MCOLES Act 28.609b, a Tribal Police Officer cannot have his MCOLES license activated unless they follow subsections l (i, ii, or iv), basically in layman's terms, being sworn in by another entity verifying their compliance with MCOLES licensing.

MITLEA (Michigan Tribal Law Enforcement Association) is requesting the MCOLES board to reconsider allowing Michigan Tribal Police agencies to follow 28.609 of the MCOLES Act, the same as all other police agencies in the State of Michigan.

Attached in this packet are resolutions of support from each of our respective Tribal Councils as well as letters of support from different entities that we work with including Sheriffs.

We appreciate your consideration and look forward to meeting with you.

Respectfully,

William Lux, MITLEA Chair

On Behalf of all Michigan Tribal Chiefs



## Bay Mills Indian Community

12140 West Lakeshore Drive  
Brimley, Michigan 49715  
(906) 248-3241 Fax-(906) 248-3283



### RESOLUTION

Resolution No. 22-7-25-E

#### Support for Tribal Law Enforcement Initiative

- WHEREAS:** The Bay Mills Indian Community is a federally recognized Indian Tribe with a Constitution enacted pursuant to the Indian Reorganization Act of 1934, 25 U.S.C. §5101, *et seq.*, and
- WHEREAS:** The General Tribal Council is empowered by Article VI, §1(f) of the Constitution of the Bay Mills Indian Community to establish and operate law enforcement agencies to protect, preserve and enhance the general welfare of its citizens and the lands on which they reside, as well as to manage and protect the natural resources which are guaranteed by treaty for the use of its members for income, subsistence, and cultural purposes, and
- WHEREAS:** Exercise of these powers has been delegated to the Executive Council by the General Tribal Council in Resolution of April 13, 1970, and
- WHEREAS:** The Executive Council has maintained a law enforcement department since 1975, pursuant to contracts with the Bureau of Indian Affairs authorized by P.L. 93-638, and
- WHEREAS:** The Executive Council has previously sought recognition by the State of Michigan for the training and experience of Tribal law enforcement officers, and supported the enactment of the Commission on Law Enforcement Standards Act in 1994, as amended, MCL 28.602 and 28.609, by which MCOLES certifies the Tribe's law enforcement personnel's police training and their employment by the Tribe as prerequisites to enforcing Michigan law either as deputized by the Chippewa County Sheriff or by the Sheriff in a County bordering the Tribe's trust lands, and
- WHEREAS:** It has been brought to the attention of the Executive Council that this enactment no longer is sufficient to protect the lands and people comprising Tribal communities, as Tribal law enforcement authority to enforce Michigan law is limited to written deputation agreements by the Sheriff of the County in which the Tribal officer's employing Tribe has trust lands, and
- WHEREAS:** The law enforcement agencies of the 12 federally recognized Indian Tribes in this State have formed the Michigan Tribal Law Enforcement Association ("MITLEA"), which recommends that the statutory requirement of a "written instrument" for Tribal officer authority to enforce Michigan law be eliminated, and be replaced by express recognition of the authority of a Tribal officer to enforce Michigan law when certified by MCOLES

Resolution No. 22-7-25-E


and employed by a Michigan Tribe, formally titled the "Tribal Law Enforcement Initiative," and

**WHEREAS:** It is the determination of the Executive Council that it is in the best interest of the Bay Mills Indian Community, and of its citizens, visitors and neighbors, that the Tribal Law Enforcement Initiative be supported by the Tribe and adopted as law by the Michigan Legislature.


**NOW, THEREFORE BE IT RESOLVED,** that the Executive Council of the Bay Mills Indian Community states its unreserved support for the Tribal Law Enforcement Initiative, and directs Ronald Carrick, Jr., its Law Enforcement Chief, to notify MITLEA of this action.

**AND BE IT FURTHER RESOLVED,** that this Resolution be presented to MCOLES and that MCOLES be requested to join in support of the Tribal Law Enforcement Initiative and express that support to the Michigan Legislature.

**APPROVED:**

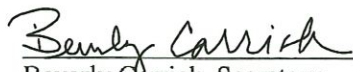
  
Whitney B. Gravelle, President  
Bay Mills Indian Community  
Executive Council

**ATTEST:**

  
Beverly Carrick, Secretary  
Bay Mills Indian Community  
Executive Council

**CERTIFICATION**

I, the undersigned, as Secretary of the Bay Mills Indian Community, do hereby certify that the above Resolution was adopted and approved at a meeting of the Executive Council held at Bay Mills, Michigan, on the 25<sup>th</sup> day of July, 2022, with a vote of 3 for, 0 opposed, 1 absent, and 1 abstaining. As per provisions of the Bay Mills Constitution, the President must abstain except in the event of a tie.

  
Beverly Carrick, Secretary  
Bay Mills Indian Community  
Executive Council





# The Grand Traverse Band of Ottawa and Chippewa Indians

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7750

## Certification of Tribal Council Action Special Session of July 27, 2022

**I hereby certify as the Tribal Council Secretary that the foregoing Motion was Approved and Adopted at the Special Session of the Grand Traverse Band of Ottawa & Chippewa Indians Tribal Council**

**Resolution #22-40.3469 to Support the MCOLES Resolution for Change of Michigan Law that Allows Certification of Tribal Officers**

Motion made by Tribal Council Member Rohl and Supported by Tribal Council Treasurer Swallows to approve Resolution #22-40.3469.

6-FOR; 0-AGAINST; 0-ABSENT; 0-ABSTAINING  
**Motion Carries**

Theresa M. Marshall, GTB Tribal Council Secretary

CC: John Petoskey; Jolanda Murphy; Dave Crockett



## The Grand Traverse Band of Ottawa and Chippewa Indians

2605 N. West Bay Shore Drive • Peshawbestown, MI 49682-9275 • (231) 534-7750

### TRIBAL COUNCIL

#### RESOLUTION NO. 22-40.3469

- WHEREAS:** The Grand Traverse Band of Ottawa and Chippewa Indians (GTB) became a federally-recognized Indian Tribe having a government-to-government relationship with the United States effective May 27, 1980 (*see* 45 Fed.Reg 18321-18322 (March 25, 1980)) and GTB is organized under a Tribal Constitution approved by the Secretary of the Interior on March 29, 1988; and
- WHEREAS:** GTB has duly elected a full Tribal Council consisting of David M. Arroyo, Tribal Chairman; Robert Kewaygoshkum, Vice Chair; Theresa M. Marshall, Secretary; Donna Swallows, Treasurer; Tina A. Frankenberger, Councilor; Brian S. Napont, Councilor; and Jane Rohl, Councilor; and
- WHEREAS:** Article IV, Section (1)(h) of the Tribal Constitution provides that a power of the Tribal Council is “[t]o manage and control the economic affairs, enterprises, and property, and all other interests of the Band; and
- WHEREAS:** The Michigan Tribal Law Enforcement Association (“MITLEA”) is an unincorporated association comprised of the law enforcement agencies of the twelve (12) federally recognized Indian tribes in the State of Michigan (“Michigan Tribes”); and
- WHEREAS:** Under the MITLEA Bylaws, the purpose of the MITLEA includes to secure unity of action in matters of mutual concern and to promote legislative efforts to improve tribal law enforcement; and
- WHEREAS:** Under the MITLEA Bylaws, the voting members of the MITLEA is limited to the chief law enforcement officials of the Michigan Tribes (“Voting Members”); and
- WHEREAS:** The Michigan Commission on Law Enforcement Standards (“MCOLES”) performs certain statutory functions under Michigan law, including the Michigan Commission on Law Enforcement Standards Act, MCL 28.601, et. seq.; and
- WHEREAS:** In part, under MCLA 28.602:
- “Law Enforcement Agency” (in part) means an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers; and
  - “Law Enforcement Officer” includes an individual employed as a “Michigan Tribal Law Enforcement Officer” by a federally recognized Indian tribe that has trust lands located within this state, subject to a written instrument

authorizing the individual to enforce the laws of this state (“Written Instrument”); and

- “Michigan Tribal Law Enforcement Officer” means an individual employed as a law enforcement officer by a federally recognized Indian tribe that has trust lands located within this state, subject to a Written Instrument; and

**WHEREAS:** Under MCLA 28.609b, MCOLES must promulgate rules governing licensing standards and procedures for Michigan Tribal Law Enforcement Officers who are subject to a Written Instrument, including in part, the form and manner of execution of the Written Instrument, consisting of deputation by a sheriff of this state, conferring authority upon the individual to enforce the laws of this state; and

**WHEREAS:** In part, under the MCOLES Act:

- The law enforcement agencies of the Michigan Tribes do not qualify as a Law Enforcement Agency; and
- An individual who is employed as law enforcement officer by a Michigan Tribe only qualifies as a Michigan Tribal Law Enforcement Officer if the individual is subject to a Written Instrument; and
- The Written Instrument may consist of deputation by a sheriff of this state, conferring authority upon the individual to enforce Michigan laws; and

**WHEREAS:** The MITLEA supports an amendment to Michigan law that would authorize individuals, who are both employed as law enforcement officers by the Michigan Tribes and are MCOLES certifiable, to enforce Michigan laws within the State of Michigan without a Written Instrument (“Tribal Law Enforcement Initiative”); and

**WHEREAS:** In connection with pursuing the Tribal Law Enforcement Initiative, the Voting Members seek to present the Tribal Law Enforcement Initiative to MCOLES and to request that MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS:** In connection with seeking the support of MCOLES for the Tribal Law Enforcement Initiative, the MITLEA has requested that each of the Michigan Tribes approve a resolution in support of the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS:** The Grand Traverse Band of Ottawa and Chippewa Indians Chief of Police recommends that the Tribal Council support the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS:** The Tribal Council has determined that it is in the best interests of the Grand Traverse Band to support of the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative.

**NOW, THEREFORE, BE IT RESOLVED** that the Tribal Council supports the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative.

**APPROVED** David M. Arroyo **ADOPTED** Theresa M. Marshall  
David M. Arroyo, Tribal Chairman Theresa M. Marshall, Secretary

**CERTIFICATION**

As Secretary of the Grand Traverse Band Tribal Council, I hereby certify that the above Resolution was approved and adopted as a Special Session of the Tribal Council held on July 27, 2022 by a vote of 6 for 0 against 0 abstaining, and 0 absent

**ATEST:** Theresa M. Marshall  
Theresa M. Marshall, Secretary

# TRIBAL COUNCIL AGENDA REQUEST

## The Grand Traverse Band of Ottawa and Chippewa Indians

This Original agenda request must have all original materials pertaining to it attached.

Resolution # 22-40.3469 to support the MCOLES resolution for change of Michigan law that allows certification of tribal

Agenda Topic/Title: officers.

Requested/Presented by: John Petoskey, Jolanda Murphy, and Dave Crockett

*If required, all signed documents will be returned to the above individual who is responsible to complete with the appropriate offices at GTB.*

Regular Session

Date: \_\_\_\_\_

Special Session

Date: 7/27/2022

Emergency Session

Date: \_\_\_\_\_

### Placement on Agenda:

Unfinished Business

New Business

Closed Session

### Action Requested:

Approval by Motion

Information Only

Resolution Approval # 22-40.3469

Other (please specify)

Was a Work Session held for this Agenda Request? (date) \_\_\_\_\_ No

Do you have a past resolution: No  Yes, (please attach)

Do you have a past motion: No  Yes, (please attach)

**Rationale/Explanation:** (use second sheet as needed for clarification and attach all appropriate materials prior to submission to the Tribal Manager's Office.

### Purpose:

To support the Michigan Tribal Law Enforcement Association (MITLEA) and their resolution for change of the Michigan law that allows certification of tribal officers.

### Outcome Requested:

Pass resolution

Attached signed legal review form

Attached signed CFO review form

Legal/CFO review not applicable

Signatures: \_\_\_\_\_ Date: \_\_\_\_\_

Supervisor: \_\_\_\_\_ Date: \_\_\_\_\_

Department Manager: John Petoskey Date: July 25, 2022

Please ensure that ALL proper and correct documents are attached prior to obtaining the TM signatures.

Tribal Manager: \_\_\_\_\_ Date: \_\_\_\_\_

Signature of TM needed before this Agenda Request can be added to the TC Agenda

### Tribal Council Directive Issued:

It is the directive of the Tribal Council that any topics that have not been included on the POSTED agenda must be brought to the attention of the Tribal Council PRIOR to the meeting. This information must be presented in written form. Please note that the agenda is posted one (1) week prior to Regular & Special sessions, and completed agenda items are due at 10:00 a.m. to the Tribal Manager Office 9 days before each session. Please plan accordingly.

rev 9/07 - MP 1/11 - 5/11 TMO 4/12 TMO 5/12 TMO 2/15 TMO

GTB Forms\Tribal Council\ Tribal Council Agenda Request Form



**HANNAHVILLE**  
INDIAN COMMUNITY  
N14911 HANNAHVILLE B1 RD.  
WILSON, MICHIGAN 49896-9728  
Administration: (906) 466-2932; (906) 723-2600  
Fax: (906) 466-2933



**Resolution in Support of the Michigan Commission on Law Enforcement Standards  
Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and  
Requesting that MCOLES support the Tribal Law Enforcement Initiative**

**Resolution No. 11072022-A**

**WHEREAS:** The Hannahville Indian Community is a federally recognized Indian tribe pursuant to the Indian Reorganization Act of June 18, 1934, "48 Stat 984" as amended by the Act of June 30, 1934, "49 Stat 378"; and

**WHEREAS:** The Tribal Council of the Hannahville Indian Community is the duly elected governing body of the Hannahville Indian Community pursuant to Article IV Section 1 of the Hannahville Constitution; and

**WHEREAS:** The Michigan Tribal Law Enforcement Association ("MITLEA") is an unincorporated association comprised of the law enforcement agencies of the twelve (12) federally recognized Indian tribes in the State of Michigan ("Michigan Tribes"); and

**WHEREAS:** Under the MITLEA Bylaws, the purpose of the MITLEA includes to secure unity of action in matters of mutual concern and to promote legislative efforts to improve tribal law enforcement; and

**WHEREAS:** Under the MITLEA Bylaws, the voting members of the MITLEA is limited to the chief law enforcement officials of the Michigan Tribes ("Voting Members"); and

**WHEREAS:** The Michigan Commission on Law Enforcement Standards ("MCOLES") performs certain statutory functions under Michigan law, including the Michigan Commission on Law Enforcement Standards Act, MCL 28.601, et. seq.; and

**WHEREAS:** In part, under MCLA 28.602:

"Law Enforcement Agency" (in part) means an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers; and

- "Law Enforcement Officer" includes an individual employed as a "Michigan Tribal Law Enforcement Officer" by a federally recognized Indian tribe that has trust lands located within this state, subject to a written instrument authorizing the individual to enforce the laws of this state ("Written Instrument"); and

**KENNETH MESHIGAUD**  
Tribal Chairperson

**ELAINE MESHIGAUD**  
Tribal Vice-Chairperson

**ANNA LARSON**  
Tribal Secretary

**LISA LITTLE**  
Tribal Treasurer

**Council Members:** John Meshigaud, Sr., Richard Meshigaud, Robin Halfaday, Tammy Sagataw, Christopher Halfaday, James Smith, Amanda Hess, Lexie Keshick, Sr.

- "Michigan Tribal Law Enforcement Officer" means an individual employed as a law enforcement officer by a federally recognized Indian tribe that has trust lands located within this state, subject to a Written Instrument; and

**WHEREAS:** Under MCLA 28.609b, MCOLES must promulgate rules governing licensing standards and procedures for Michigan Tribal Law Enforcement Officers who are subject to a Written Instrument, including in part, the form and manner of execution of the Written Instrument, consisting of deputation by a sheriff of this state, conferring authority upon the individual to enforce the laws of this state; and

**WHEREAS:** In part, under the MCOLES Act:

- The law enforcement agencies of the Michigan Tribes do not qualify as a Law Enforcement Agency; and
- An individual who is employed as law enforcement officer by a Michigan Tribe only qualifies as a Michigan Tribal Law Enforcement Officer if the individual is subject to a Written Instrument; and
- The Written Instrument may consist of deputation by a sheriff of this state, conferring authority upon the individual to enforce Michigan laws; and

**WHEREAS:** The MITLEA supports an amendment to Michigan law that would authorize individuals, who are both employed as law enforcement officers by the Michigan Tribes and are MCOLES certified, to enforce Michigan laws within the State of Michigan without a Written Instrument ("Tribal Law Enforcement Initiative"); and

**WHEREAS:** In connection with pursuing the Tribal Law Enforcement Initiative, the Voting Members seek to present the Tribal Law Enforcement Initiative to MCOLES and to request that MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS:** In connection with seeking the support of MCOLES for the Tribal Law Enforcement Initiative, the MITLEA has requested that each of the Michigan Tribes approve a resolution in support of the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and

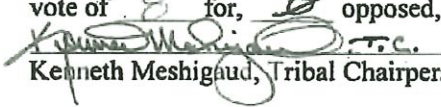
**WHEREAS:** The Hannahville Chief of Police recommends that the Hannahville Tribal Council support the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and


**WHEREAS:** The Tribal Council has determined that it is in the best interests of the Hannahville Indian Community support the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requests that MCOLES support the Tribal Law Enforcement Initiative.

**NOW, THEREFORE, BE IT RESOLVED** that the Tribal Council supports the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requests that MCOLES support the Tribal Law Enforcement Initiative.

**CERTIFICATION**

The foregoing resolution was duly adopted by the Tribal Council of the Hannahville Indian Community meeting in session on this 7th day of November, 2022, with a quorum present, by a vote of 8 for, 0 opposed, and 0 abstaining.

  
Kenneth Meshigaud, Tribal Chairperson

  
Anna Larson, Tribal Secretary



# Lac Vieux Desert Band Of Lake Superior Chippewa Tribal Government

N4698 US 45 P.O. Box 249 • Watersmeet, Michigan 49969

Phone: 906-358-4577 • Fax: 906-358-4785

## *Executive Officers:*

James Williams Jr., Tribal Chairman  
Samuel Klingman, Tribal Vice-Chairman  
Patrick Garrison, Tribal Treasurer  
Priscilla Smith, Tribal Secretary



## *Council Members:*

Stevie Bell-Backman  
Patrick Hazen II  
Cynthia McGeshick  
Jeffery McGeshick  
Tyrone McGeshick

## RESOLUTION NO. T2022-123

### RESOLUTION SUPPORTING MICHIGAN TRIBAL LAW ENFORCEMENT ASSOCIATION'S REQUEST FOR SUPPORT OF THE TRIBAL LAW ENFORCEMENT INITIATIVE TO THE MICHIGAN COMMISSION ON LAW ENFORCEMENT STANDARDS

- WHEREAS,** the Lac Vieux Desert Band of Lake Superior Chippewa Indians ("Tribe"), is a federally recognized Indian tribe pursuant Pub. L. 100-420 (Sept. 8, 1988) with a Constitution approved and adopted pursuant of the Indian Reorganization Act of June 18, 1934, 48 Stat. 984, 25 U.S.C. §476; and,
- WHEREAS,** pursuant to the Constitution of the Tribe ("Constitution"), the Tribal Council ("Council") is empowered, pursuant to Article IV, Section 1(a) "to promote and protect the health, safety, education and general welfare of the [Tribe] and its members"; and,
- WHEREAS,** pursuant to Article IV, Section 1(f) of the Constitution, the Council has the authority to "manage the economic affairs, enterprises, property, both real and person, and other interests of the [Tribe]"; and,
- WHEREAS,** the Council is empowered, pursuant to Article IV, Section 1(m), of the Constitution "[t]o take action, not inconsistent with [the] Constitution, which shall be necessary and proper to carry out the sovereign powers of the [Tribe];" and,
- WHEREAS,** pursuant to the Article IV, Section IV 1(b) of the Constitution, the Council is authorized to enact resolutions or ordinances; and,
- WHEREAS,** the Council acknowledges and affirms that the Constitution is the supreme law of the tribe subordinate to no other ordinance, resolution, regulation, rule or other enactment of the Council, boards or organizations, or other branches of government of the Tribe; and,
- WHEREAS,** the Chairman, and in his/her absence, the Vice Chairman, the Treasurer and the Secretary are the individuals authorized to negotiate and sign agreements on behalf of the Tribe; and,

**WHEREAS,** the Tribe maintains a Tribal Police department which enforces the laws of the Tribe and protects the safety of Tribal and non-Tribal members within the community; and,

**WHEREAS,** The Michigan Commission on Law Enforcement Standards (“MCOLES”) performs certain statutory functions under Michigan law, including the Michigan Commission on Law Enforcement Standards Act, MCL 28.601, et. seq.; and,

**WHEREAS,** in part, under MCLA 28.602:

- “Law Enforcement Agency” (in part) means an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers; and
- “Law Enforcement Officer” includes an individual employed as a “Michigan Tribal Law Enforcement Officer” by a federally recognized Indian tribe that has trust lands located within this state, subject to a written instrument authorizing the individual to enforce the laws of this state (“Written Instrument”); and
- “Michigan Tribal Law Enforcement Officer” means an individual employed as a law enforcement officer by a federally recognized Indian tribe that has trust lands located within this state, subject to a Written Instrument; and,

**WHEREAS,** under MCLA 28.609b, MCOLES must promulgate rules governing licensing standards and procedures for Michigan Tribal Law Enforcement Officers who are subject to a Written Instrument, including in part, the form and manner of execution of the Written Instrument, consisting of deputation by a sheriff of this state, conferring authority upon the individual to enforce the laws of this state; and,

**WHEREAS,** in part, under the MCOLES Act:

- The law enforcement agencies of the Michigan Tribes do not qualify as a Law Enforcement Agency; and
- An individual who is employed as law enforcement officer by a Michigan Tribe only qualifies as a Michigan Tribal Law Enforcement Officer if the individual is subject to a Written Instrument; and
- The Written Instrument may consist of deputation by a sheriff of this state, conferring authority upon the individual to enforce Michigan laws; and,

**WHEREAS,** the Council is aware that the requirement for Tribal Police to enforce Michigan law be subject to the personal determination of the local County Sheriff is no longer sufficient to protect the lands and people of the tribes of Michigan; and,

**WHEREAS,** the law enforcement agencies of the 12 federally recognized Indian Tribes within Michigan has formed the Michigan Tribal Law Enforcement Association ("MITLEA"); and,

**WHEREAS,** the MITLEA supports an amendment to Michigan law that would authorize individuals, who are both employed as law enforcement officers by one or more Michigan Tribes and are MCOLES certifiable, to enforce Michigan laws within the State of Michigan without a Written Instrument ("Tribal Law Enforcement Initiative"); and,

**WHEREAS,** in connection with seeking the support of MCOLES for the Tribal Law Enforcement Initiative, the MITLEA has requested that each of the Michigan Tribes approve a resolution in support of the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and,

**WHEREAS,** the Lac Vieux Desert Band Chief of Police believes the Tribal Law Enforcement Initiative is in the best interest of the Tribe and community and recommends that the Council support the MITLEA's presentation of the Tribal Law Enforcement Initiative to MCOLES and request that MCOLES support the Tribal Law Enforcement Initiative; and,

**WHEREAS,** upon review and consideration, the Council agrees that it is in the best interest of the Tribe to support the MITLEA presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative.

**THEREFORE BE IT RESOLVED,** the Tribe supports the Michigan Tribal Law Enforcement Association presenting the Tribal Law Enforcement Initiative to the Michigan Commission of Law Enforcement Standards and requesting that said Commission support the Tribal Law Enforcement Initiative; and,

**BE IT FURTHER RESOLVED,** the Tribe authorizes Tribal Chief of Police, Richard Burke, to notify the Michigan Tribal Law Enforcement Association of this support and present this Resolution to the Association for presentation to the Michigan Commission of Law Enforcement Standards.

#### **CERTIFICATION**

I, the undersigned, as Chairman of the Lac Vieux Desert Band of Lake Superior Chippewa Indians, a tribal government operating under a Constitution adopted pursuant to Section 16 of the Indian Reorganization Act 25 U.S.C. 476 and, more specifically, 25 U.S.C. 1300(h), do

hereby certify that the Tribal Council of the Band is composed of nine (9) members, of whom (8), constituting a quorum, were present at a meeting duly called, noticed, convened and held on the 11th day of October, 2022 and that the foregoing resolution was duly adopted at said meeting by an affirmative vote of (7) members, (1) against, and (0) abstaining, and that the said resolution has not been rescinded or amended in any way.

*Priscilla Smith*

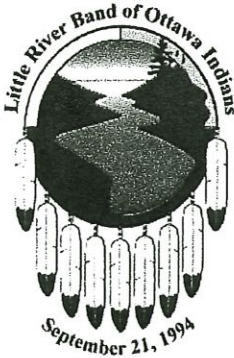
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Priscilla Smith – Tribal Secretary

*James Williams, Jr.*

---

James Williams, Jr. – Tribal Chairman



*Little River Band of Ottawa Indians  
Office of Tribal Ogema  
2608 Government Center Drive  
Manistee, MI 49660  
231-723-8288*

September 7, 2022

Dear MCOLES Commissioners,

As Tribal Ogema of the Little River Band of Ottawa Indians, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The LRBOI Department of Public Safety is a law enforcement agency of the Little River Band of Ottawa Indians, a federally recognized tribal government in Michigan. All officers of LRBOI Department of Public Safety are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with LRBOI Department of Public Safety, Director Robert Medacco and several officers of the LRBOI Department of Public Safety, I fully support this initiative.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act.

The LRBOI Department of Public Safety is a respected law enforcement agency in Manistee County. The LRBOI Department of Public Safety has worked closely with MCOLES and have handled many state cases through our prosecutor's office and found professionally, well written reports and excellent outcomes to criminal cases.

Based on this experience, I know the LRBOI Department of Public Safety officers to be professional and well-trained as the LRBOI Department of Public Safety also requires officers to meet MCOLES standards. For these reasons, I support this legislative initiative.

Please feel free to contact me should you have any questions.

Respectfully,

Larry B. Romanelli,  
Tribal Ogema



**CERTIFICATION OF EXECUTION**

At a Open Session of the Little River Band of Ottawa Indians Tribal Council held at the Little River Band Lodge Room on August 3, 2022, with a quorum being present for such vote, the Tribal Council adopted Resolution # 22-0803-141  
Resolution of Support for MILLEA to seek  
MCOLE5 Recognition

By my signature, I certify that an original of said Resolution was delivered to the Tribal Ogema for Execution in accordance with Article V, Section 5, (Sub.     ) of the Little River Band of Ottawa Indians Tribal Constitution.

Date delivered to Ogema: August 3, 2022 Time: 12:30 p.m.

Signature of Recorder: [Signature]

Acknowledgement of Receipt by Tribal Ogema: [Signature]

Manner of Execution determined by Tribal Ogema: [Signature]

Copy of Resolution forwarded to Personnel/Department, with instructions for Execution (written instructions attached):

[Signature]  
Name Robert Medaaco Title \_\_\_\_\_

Creation of New Regulation or Executive Order Regulation/Executive Order Number:

Expected date of completion: \_\_\_\_\_

Other: \_\_\_\_\_

Ogema requires additional information from the Tribal Council in order to complete Execution as follows:

\_\_\_\_\_  
\_\_\_\_\_

Returned to Tribal Council for further action on: \_\_\_\_\_

Date: 8-3-2022 [Signature]  
Signature of Ogema



**Little River Band of Ottawa Indians**  
2608 Government Center Drive  
Manistee, MI 49660  
(231) 723-8288

**Resolution #22-0803-141**

*Resolution of Support for Michigan Tribal Law Enforcement Association (MITLEA)  
to seek MCOLES recognition*

WHEREAS, the status of the *Gaá Čhíng Ziibi Daáwaa Aníshinaábek* (Little River Band of Ottawa Indians) as a sovereign and Treaty-making power is confirmed in numerous treaties, from agreements with the initial colonial powers on this land, to various treaties with the United States; and

WHEREAS, the Little River Band of Ottawa Indians (Tribe) is descended from, and is the political successor to, the Grand River Ottawa Bands, signatories of the 1836 Treaty of Washington (7 Stat. 491) with the United States, as reaffirmed by federal law in P.L. 103-324, enacted in 1994; and

WHEREAS, the Tribe adopted a new Constitution, pursuant to a vote of the membership on May 27, 1998, which Constitution became effective upon its approval by the Assistant Secretary-Indian Affairs on July 10, 1998; and

WHEREAS, the Tribe adopted amendments to the Constitution on April 26, 2004, which became effective upon approval by the Assistant Secretary-Indian Affairs on May 13, 2004; and

WHEREAS, the Tribe adopted amendments to the Constitution on July 11, 2016 which became effective upon approval by the Assistant Secretary-Indian Affairs on August 24, 2016; and

WHEREAS, the Tribal Council is authorized under Article IV, Section 7(a) to provide for the public health, peace, morals, education, and general welfare of the Little River Band and its members; and

WHEREAS, the Michigan Tribal Law Enforcement Association ("MITLEA") is an unincorporated association comprised of the law enforcement agencies of the twelve (12) federally recognized Indian tribes in the State of Michigan ("Michigan Tribes"); and

WHEREAS, under the MITLEA Bylaws, the purpose of the MITLEA includes to secure unity of action in matters of mutual concern and to promote legislative efforts to improve tribal law enforcement; and

WHEREAS, under the MITLEA Bylaws, the voting members of the MITLEA is limited to the chief law enforcement officials of the Michigan Tribes ("Voting Members"); and

WHEREAS, the Michigan Commission on Law Enforcement Standards (“MCOLES”) performs certain statutory functions under Michigan law, including the Michigan Commission on Law Enforcement Standards Act, MCL 28.601, et. seq.; and

WHEREAS, in part, under MCLA 28.602:

- “Law Enforcement Agency” (in part) means an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers; and
- “Law Enforcement Officer” includes an individual employed as a “Michigan Tribal Law Enforcement Officer” by a federally recognized Indian tribe that has trust lands located within this state, subject to a written instrument authorizing the individual to enforce the laws of this state (“Written Instrument”); and
- “Michigan Tribal Law Enforcement Officer” means an individual employed as a law enforcement officer by a federally recognized Indian tribe that has trust lands located within this state, subject to a Written Instrument; and

WHEREAS, under MCLA 28.609b, MCOLES must promulgate rules governing licensing standards and procedures for Michigan Tribal Law Enforcement Officers who are subject to a Written Instrument, including in part, the form and manner of execution of the Written Instrument, consisting of deputation by a sheriff of this state, conferring authority upon the individual to enforce the laws of this state; and

WHEREAS, in part, under the MCOLES Act:

- The law enforcement agencies of the Michigan Tribes do not qualify as a Law Enforcement Agency; and
- An individual who is employed as law enforcement officer by a Michigan Tribe only qualifies as a Michigan Tribal Law Enforcement Officer if the individual is subject to a Written Instrument; and
- The Written Instrument may consist of deputation by a sheriff of this state, conferring authority upon the individual to enforce Michigan laws; and

WHEREAS, the MITLEA supports an amendment to Michigan law that would authorize individuals, who are both employed as law enforcement officers by the Michigan Tribes and are MCOLES certifiable, to enforce Michigan laws within the State of Michigan without a Written Instrument (“Tribal Law Enforcement Initiative”); and



WHEREAS, in connection with pursuing the Tribal Law Enforcement Initiative, the Voting Members seek to present the Tribal Law Enforcement Initiative to MCOLES and to request that MCOLES support the Tribal Law Enforcement Initiative; and

WHEREAS, in connection with seeking the support of MCOLES for the Tribal Law Enforcement Initiative, the MITLEA has requested that each of the Michigan Tribes approve a resolution in support of the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and


WHEREAS, the Director of Public Safety for the Little River Band of Ottawa Indians recommends that the Tribal Council support the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and

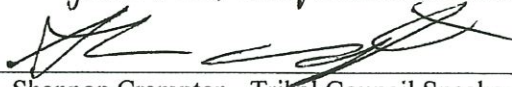
WHEREAS, the Tribal Council has determined that it is in the best interests of the Little River Band of Ottawa Indians to support the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative.

THEREFORE BE IT RESOLVED, LRBOI Tribal Council supports the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative.

**CERTIFICATE OF ADOPTION**

I do hereby certify that the foregoing resolution was duly presented and adopted by the Tribal Council with 8 FOR, 1 AGAINST, 0 ABSTAINING, and 1 ABSENT, at a Regular Session of the Little River Band of Ottawa Indians Tribal Council held on August 3, 2022, via ZOOM and the Little River Band of Ottawa Indians Government Center with a quorum being present for such vote.

  
\_\_\_\_\_  
Julie Wolfe, Tribal Council Recorder

  
\_\_\_\_\_  
Shannon Crampton, Tribal Council Speaker

Attest:

Distribution: Council Records  
Tribal Ogema  
Tribal Court

**Little Traverse Bay Bands of Odawa Indians  
7500 Odawa Circle  
Harbor Springs, MI 49740**

**TRIBAL RESOLUTION #071422- 01**

**Support of MITLEA Tribal Law Enforcement Initiative Presentation to MCOLES**

**WHEREAS,** the Waganakising Odawak Nation, known as the Little Traverse Bay Bands of Odawa Indians, and its citizens are vested with inherent sovereignty and right to self-governance; and

**WHEREAS,** the Little Traverse Bay Bands of Odawa Indians (LTBB) is a federally recognized Tribal Nation under Public Law 103-324, and is a party to numerous Treaties with the United States the most recent of which being the Treaty of Washington of March 28, 1836 (7 Stat. 491) and the Treaty of Detroit of 1855 (11 Stat. 621); and

**WHEREAS,** the Little Traverse Bay Bands of Odawa Indians is governed by a Tribal Constitution adopted by the citizens of the Tribe on February 1, 2005; and

**WHEREAS,** The Michigan Tribal Law Enforcement Association (“MITLEA”) is an unincorporated association comprised of the law enforcement agencies of all twelve (12) federally recognized Tribal Nations in the State of Michigan (“Michigan Tribal Nations”); and

**WHEREAS,** Under the MITLEA Bylaws, the purpose of the MITLEA includes securing unity of action in matters of mutual concern and promoting legislative efforts to improve tribal law enforcement; and

**WHEREAS,** Under the MITLEA Bylaws, the voting members of the MITLEA are limited to the Chief Law Enforcement Officials of the Michigan Tribal Nations (“Voting Members”); and

**WHEREAS,** The Michigan Commission on Law Enforcement Standards (“MCOLES”) performs certain statutory functions under Michigan law, including the Michigan Commission on Law Enforcement Standards Act, MCL 28.601, et. seq.; and

**WHEREAS,** In part, under MCLA 28.602:

- “Law Enforcement Agency” (in part) means an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers; and
- “Law Enforcement Officer” includes an individual employed as a “Michigan Tribal Law Enforcement Officer” by a federally recognized Tribal Nation that has trust lands located within this state, subject to a

- written instrument authorizing the individual to enforce the laws of this state (“Written Instrument”); and
- “Michigan Tribal Law Enforcement Officer” means an individual employed as a law enforcement officer by a federally recognized Tribal Nation that has trust lands located within this state, subject to a Written Instrument; and

**WHEREAS,** Under MCLA 28.609b, MCOLES must promulgate rules governing licensing standards and procedures for Michigan Tribal Law Enforcement Officers who are subject to a Written Instrument, including in part, the form and manner of execution of the Written Instrument, consisting of deputation by a sheriff of this state, conferring authority upon the individual to enforce the laws of this state; and

**WHEREAS,** In part, under the MCOLES Act:

- The law enforcement agencies of the Michigan Tribal Nations do not qualify as a Law Enforcement Agency; and
- An individual who is employed as law enforcement officer by a Michigan Tribal Nation only qualifies as a Michigan Tribal Law Enforcement Officer if the individual is subject to a Written Instrument; and
- The Written Instrument may consist of deputation by a sheriff of this state, conferring authority upon the individual to enforce Michigan laws; and

**WHEREAS,** The MITLEA supports an amendment to Michigan law that would authorize individuals, who are both employed as law enforcement officers by the Michigan Tribal Nations and are MCOLES certifiable, to enforce Michigan laws within the State of Michigan without a Written Instrument (“Tribal Law Enforcement Initiative”); and

**WHEREAS,** In connection with pursuing the Tribal Law Enforcement Initiative, the Voting Members seek to present the Tribal Law Enforcement Initiative to MCOLES and to request that MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS,** In connection with seeking the support of MCOLES for the Tribal Law Enforcement Initiative, the MITLEA has requested that each of the Michigan Tribal Nations approve a resolution in support of the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES for their consideration and support; and

**WHEREAS,** The Little Traverse Bay Bands of Odawa Indians’ Chief of Police recommends that the Tribal Council support the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS,** The Tribal Council has determined that it is in the best interests of the Waganiksing Odawak to support the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES for their consideration and support.

**THEREFORE, BE IT RESOLVED** that the Tribal Council supports the Voting Members of the Michigan Tribal Law Enforcement Association presenting the Tribal Law Enforcement Initiative to the Michigan Commission on Law Enforcement Standards for their consideration and support.

## CERTIFICATION

As the Tribal Council Legislative Leader and Tribal Council Secretary, we certify that this Tribal Resolution was duly adopted by the Tribal Council of the Little Traverse Bay Bands of Odawa Indians at a regular meeting of the Tribal Council held on July 14, 2022 at which a quorum was present, by a vote of 7 in favor, 1 opposed, 0 abstentions, and 1 absent as recorded by this roll call:

	In Favor	Opposed	Abstained	Absent
Fred Kiogima	X			
Tamara Kiogima				X
William Ortiz	X			
Aaron Otto		X		
Melissa Pamp	X			
Marty Van De Car	X			
Leroy Shomin	X			
Marcella R. Reyes	X			
Emily Proctor	X			

Date: 07.14.2022 Emily Proctor  
Emily Proctor, Legislative Leader

Date: 07.14.2022 Marcella R. Reyes  
Marcella R. Reyes, Tribal Council Secretary

Received by the Executive Office on 7-15-2022 by Sakote Workright

Pursuant to Article VII, Section D, Subsection 1 of the Little Traverse Bay Bands of Odawa Indians Constitution adopted on February 1, 2005 the Executive concurs in this action of the Tribal Council.

Date: 7-15-2022 Regina Gasco Bentley  
Regina Gasco Bentley, Tribal Chairperson

Received from the Executive on 07.15.2022 by Pinck Baker



**RESOLUTION 22-1381  
OF THE MATCH-E-BE-NASH-SHE-WISH BAND  
OF POTTAWATOMI INDIANS**

**APPROVAL OF THE TRIBAL LAW ENFORCEMENT INITIATIVE TO MCOLES  
AND REQUESTING THAT MCOLES SUPPORT THE TRIBAL LAW ENFORCEMENT  
INITIATIVE**

**WHEREAS**, The Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (hereinafter the "Tribe") is a federally recognized Indian Tribe organized pursuant to a Constitution approved by the Tribal Membership on June 19, 2000; and

**WHEREAS**, the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians of Michigan (a/k/a the "Gun Lake Tribe") is a federally recognized Indian Tribe, entitled to all privileges and immunities as such under federal law; and,

**WHEREAS**, the Gun Lake Tribe will maintain our elders' vision, integrity, spirituality, culture, and economic self-sufficiency by protecting our sovereignty, treaty rights, traditions, land, and natural resources for our future generations; and,

**WHEREAS**, the Tribal Council is authorized by the Tribe's Constitution pursuant to Article VII to act and exercise tribal authority on behalf of the Gun Lake Tribe; and,

**WHEREAS**: The Michigan Tribal Law Enforcement Association ("MITLEA") is an unincorporated association comprised of the law enforcement agencies of the twelve (12) federally recognized Indian Tribes in the State of Michigan ("Michigan Tribes"); and

**WHEREAS**: Under the MITLEA Bylaws, the purpose of the MITLEA includes to secure unity of action in matters of mutual concern and to promote legislative efforts to improve Tribal Law Enforcement; and

**WHEREAS**: Under the MITLEA Bylaws, the voting members of the MITLEA is limited to the Chief Law Enforcement Officials of the Michigan Tribes ("Voting Members"); and

**WHEREAS**: The Michigan Commission on Law Enforcement Standards ("MCOLES") performs certain statutory functions under Michigan law, including the Michigan Commission on Law Enforcement Standards Act, MCL 28.601, et. seq.; and

**WHEREAS**: In part, under MCLA 28.602:

"**Law Enforcement Agency**" (in part) means an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers; and

**“Law Enforcement Officer”** includes an individual employed as a “Michigan Tribal Law Enforcement Officer” by a federally recognized Indian tribe that has trust lands located within this state, subject to a written instrument authorizing the individual to enforce the laws of this state (“Written Instrument”); and

**“Michigan Tribal Law Enforcement Officer”** means an individual employed as a Law Enforcement Officer by a federally recognized Indian Tribe that has Trust Lands located within this state, subject to a Written Instrument; and

**WHEREAS:** Under MCLA 28.609b, MCOLES must promulgate rules governing licensing standards and procedures for Michigan Tribal Law Enforcement Officers who are subject to a Written Instrument, including in part, the form and manner of execution of the Written Instrument, consisting of deputation by a sheriff of this state, conferring authority upon the individual to enforce the laws of this state; and

**WHEREAS:** In part, under the MCOLES Act:  
The law enforcement agencies of the Michigan Tribes do not qualify as a Law Enforcement Agency; and  
An individual who is employed as a Law Enforcement Officer by a Michigan Tribe only qualifies as a Michigan Tribal Law Enforcement Officer if the individual is subject to a Written Instrument; and  
The Written Instrument may consist of deputation by a sheriff of this state, conferring authority upon the individual to enforce Michigan laws; and

**WHEREAS:** The MITLEA supports an amendment to Michigan law that would authorize individuals, who are both employed as law enforcement officers by the Michigan Tribes and are MCOLES certifiable, to enforce Michigan laws within the State of Michigan without a Written Instrument (“Tribal Law Enforcement Initiative”); and

**WHEREAS:** In connection with pursuing the Tribal Law Enforcement Initiative, the Voting Members seek to present the Tribal Law Enforcement Initiative to MCOLES and to request that MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS:** In connection with seeking the support of MCOLES for the Tribal Law Enforcement Initiative, the MITLEA has requested that each of the Michigan Tribes approve a resolution in support of the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS:** The Match-E-Be-Nash-She-Wish Band of Pottawatomis Director of Public Safety recommends that the Tribal Council support the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS:** The Tribal Council has determined that it is in the best interests of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians to support the Voting Members presenting the Tribal

Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative.

**NOW, THEREFORE, BE IT RESOLVED** that the Tribal Council supports the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative.

**WHEREAS**, the Tribal Council agrees with the needs and priorities presented in the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and

**NOW, THEREFORE, BE IT RESOLVED, THAT THE TRIBAL COUNCIL OF THE MATCH-E-BE-NASH-SHE-WISH BAND OF POTTAWATOMI INDIANS HEREBY ADOPTS RESOLUTION 22-1379, FOR THE SUPPORT OF THE TRIBAL LAW ENFORCEMENT INITIATIVE TO MCOLES AND REQUESTING THAT MCOLES SUPPORT THE TRIBAL LAW ENFORCEMENT INITIATIVE.**

**CERTIFICATION**

We, the undersigned duly elected officials of the Match-E-Be-Nash-She-Wish Band of Pottawatomis Indians, do hereby certify that on July 7, 2022, the foregoing Resolution was adopted at a duly called meeting of the Tribal Council with a quorum present by a vote of 10 for; 0 against; 1 abstaining; and 0 absent.

Bee Peters  
CHAIRMAN

7-7-22  
DATED

George J. Mart  
SECRETARY

7/7/2022  
DATED





**NOTTAWASEPPI HURON  
BAND OF THE POTAWATOMI**

A FEDERALLY RECOGNIZED TRIBAL GOVERNMENT

**NOTTAWASEPPI HURON BAND OF THE POTAWATOMI  
RESOLUTION NO. 07-21-22-04**

**Authorizing Support of Tribal Law Enforcement Initiative to Amend Michigan Law**

**WHEREAS:** On December 21, 1995, the Department of the Interior recognized the Nottawaseppi Huron Band of the Potawatomi (NHBP), as a federally recognized Indian Tribe pursuant to the Federal Acknowledgement Process (60 Fed. Reg. 66315);

**WHEREAS:** Article IV of the Tribe's Constitution provides that the governing powers of the Tribe shall be vested in the Tribal Council;

**WHEREAS:** The Michigan Tribal Law Enforcement Association (MITLEA) is an unincorporated association comprised of the law enforcement agencies of the twelve (12) federally recognized Indian tribes in the State of Michigan (Michigan Tribes);

**WHEREAS:** Under the MITLEA Bylaws, the purpose of the MITLEA includes securing unity of action in matters of mutual concern and promoting legislative efforts to improve tribal law enforcement;

**WHEREAS:** Under the MITLEA Bylaws, the voting members of the MITLEA is limited to the chief law enforcement officials of the Michigan Tribes (Voting Members);

**WHEREAS:** The Michigan Commission on Law Enforcement Standards (MCOLES) performs certain statutory functions under Michigan law, including the Michigan Commission on Law Enforcement Standards Act, MCL 28.601, et. seq.;

**WHEREAS:** In part, under MCL 28.602:

- "Law Enforcement Agency" (in part) means an entity that is established and maintained in accordance with the laws of [Michigan] and is authorized by the laws of [Michigan] to appoint or employ law enforcement officers; and
- "Law Enforcement Officer" includes an individual employed as a "Michigan Tribal Law Enforcement Officer" by a federally recognized Indian tribe that has trust lands located within this state, subject to a written instrument authorizing the individual to enforce the laws of [Michigan] (Written Instrument); and

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T.C. RESOLUTION NO. 07-21-22-04

AUTHORIZING SUPPORT OF TRIBAL LAW ENFORCEMENT INITIATIVE TO AMEND MI LAW

APPROVED BY TRIBAL COUNCIL: JULY 21, 2022

PAGE 1 OF 3

- "Michigan Tribal Law Enforcement Officer" means an individual employed as a law enforcement officer by a federally recognized Indian tribe that has trust lands located within this state, subject to a Written Instrument;

**WHEREAS:** Under MCL 28.609b, MCOLES must promulgate rules governing licensing standards and procedures for Michigan Tribal Law Enforcement Officers who are subject to a Written Instrument, including in part, the form and manner of execution of the Written Instrument, consisting of deputation by a sheriff of this state, conferring authority upon the individual to enforce the laws of this state;

**WHEREAS:** In part, under the MCOLES Act:

- The law enforcement agencies of the Michigan Tribes do not qualify as a Law Enforcement Agency; and
- An individual who is employed as a law enforcement officer by a Michigan Tribe only qualifies as a Michigan Tribal Law Enforcement Officer if the individual is subject to a Written Instrument; and
- The Written Instrument may consist of deputation by a sheriff of this state, conferring authority upon the individual to enforce Michigan laws;

**WHEREAS:** The MITLEA supports an amendment to Michigan law that would authorize individuals, who are both employed as law enforcement officers by the Michigan Tribes and are MCOLES certified, to enforce Michigan laws within the State of Michigan without a Written Instrument (Tribal Law Enforcement Initiative);

**WHEREAS:** In connection with pursuing the Tribal Law Enforcement Initiative, the Voting Members seek to present the Tribal Law Enforcement Initiative to MCOLES and request that MCOLES support the Tribal Law Enforcement Initiative;

**WHEREAS:** In connection with seeking MCOLES' support for the Tribal Law Enforcement Initiative, the MITLEA requested that each of the Michigan Tribes approve a resolution supporting the Voting Members' effort to present the Tribal Law Enforcement Initiative to MCOLES and request that MCOLES support the Tribal Law Enforcement Initiative;

**WHEREAS:** The NHBP Chief of Police recommends that Tribal Council support the Voting Members in presenting the Tribal Law Enforcement Initiative to MCOLES and request that MCOLES support the Tribal Law Enforcement Initiative;

**WHEREAS:** Tribal Council recognizes this change to Michigan Law will ensure greater independence from the local state agencies currently empowered to grant or revoke officer deputation for state law enforcement, Michigan acknowledgment of the competence and qualifications of the NHBP Police Department and its officers, and deference to NHBP's

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T.C. RESOLUTION NO. 07-21-22-04

AUTHORIZING SUPPORT OF TRIBAL LAW ENFORCEMENT INITIATIVE TO AMEND MI LAW

APPROVED BY TRIBAL COUNCIL: JULY 21, 2022

PAGE 2 OF 3

sovereignty and its separate duty to protect individuals within its jurisdiction to the greatest extent of applicable laws and standards; and

**WHEREAS:** Tribal Council determines that it is in NHBP's best interests to support the Voting Members in presenting the Tribal Law Enforcement Initiative to MCOLES and request that MCOLES support the Tribal Law Enforcement Initiative.

**NOW THEREFORE BE IT RESOLVED THAT** Tribal Council supports the Voting Members in presenting the Tribal Law Enforcement Initiative to MCOLES and requests that MCOLES support the Tribal Law Enforcement Initiative.

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**CERTIFICATION**

On July 21, 2022, this resolution was approved at a duly called regular meeting of the Tribal Council held at the Pine Creek Indian Reservation, a quorum being present, by an affirmative vote 5 members, 0 opposing, 0 absent, and 0 abstaining, this 21<sup>st</sup> day of July 2022.



Nancy Smit, Secretary



Jamie Stuck, Chairperson

Distribution: Tribal Council Records  
Government Records  
NHBP Police Department  
Legal Department

NHBP Government Records Certified Copy  
True Certified Copy Shall Be Embossed

Signed by [Signature]  
Date 07/22/2022

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T.C. RESOLUTION NO. 07-21-22-04

AUTHORIZING SUPPORT OF TRIBAL LAW ENFORCEMENT INITIATIVE TO AMEND MI LAW

APPROVED BY TRIBAL COUNCIL: JULY 21, 2022

PAGE 3 OF 3



**Pokégnek Bodéwadmik**

POKAGON BAND OF POTAWATOMI  
TRIBAL COUNCIL

TRIBAL COUNCIL

**RESOLUTION NO. 22-07-25-04**

**WHEREAS:** The Pokagon Band of Potawatomi Indians of Michigan and Indiana (“Pokagon Band”) is a sovereign, federally recognized Indian tribe, as reaffirmed under P.L. 103-323, enacted September 21, 1994; and

**WHEREAS:** The Pokagon Band is organized under a constitution, which was adopted on November 1, 2005, and became effective on December 16, 2005 (“Constitution”); and

**WHEREAS:** In accordance with P.L. 103-323 and pursuant to Article IX of the Constitution, the Tribal Council is the governing body of the Pokagon Band; and

**WHEREAS:** The Tribal Council is vested with the sovereign powers of the Pokagon Band not inconsistent with any provisions of the Constitution, including the enumerated powers set forth in Article IX, Section 2, of the Constitution; and

**WHEREAS:** The Michigan Tribal Law Enforcement Association (“MITLEA”) is an unincorporated association comprised of the law enforcement agencies of the twelve (12) federally recognized Indian tribes in the State of Michigan (“Michigan Tribes”); and


**WHEREAS:** Under the MITLEA Bylaws, the purpose of the MITLEA includes to secure unity of action in matters of mutual concern and to promote legislative efforts to improve tribal law enforcement; and

**WHEREAS:** Under the MITLEA Bylaws, the voting members of the MITLEA is limited to the chief law enforcement officials of the Michigan Tribes (“Voting Members”); and

**WHEREAS:** The Michigan Commission on Law Enforcement Standards (“MCOLES”) performs certain statutory functions under Michigan law, including the Michigan Commission on Law Enforcement Standards Act, MCL 28.601, et. seq.; and

**WHEREAS:** In part, under MCLA 28.602:

- “Law Enforcement Agency” (in part) means an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers; and
- “Law Enforcement Officer” includes an individual employed as a “Michigan Tribal Law Enforcement Officer” by a federally recognized Indian tribe that has trust lands located within this state, subject to a written instrument authorizing the individual to enforce the laws of this state (“Written Instrument”); and

- 
- “Michigan Tribal Law Enforcement Officer” means an individual employed as a law enforcement officer by a federally recognized Indian tribe that has trust lands located within this state, subject to a Written Instrument; and

**WHEREAS:** Under MCLA 28.609b, MCOLES must promulgate rules governing licensing standards and procedures for Michigan Tribal Law Enforcement Officers who are subject to a Written Instrument, including in part, the form and manner of execution of the Written Instrument, consisting of deputation by a sheriff of this state, conferring authority upon the individual to enforce the laws of this state; and

**WHEREAS:** In part, under the MCOLES Act:

- The law enforcement agencies of the Michigan Tribes do not qualify as a Law Enforcement Agency; and
- An individual who is employed as law enforcement officer by a Michigan Tribe only qualifies as a Michigan Tribal Law Enforcement Officer if the individual is subject to a Written Instrument; and
- The Written Instrument may consist of deputation by a sheriff of this state, conferring authority upon the individual to enforce Michigan laws; and

**WHEREAS:** The MITLEA supports an amendment to Michigan law that would authorize individuals, who are both employed as law enforcement officers by the Michigan Tribes and are MCOLES certifiable, to enforce Michigan laws within the State of Michigan without a Written Instrument (“Tribal Law Enforcement Initiative”); and

**WHEREAS:** In connection with pursuing the Tribal Law Enforcement Initiative, the Voting Members seek to present the Tribal Law Enforcement Initiative to MCOLES and to request that MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS:** In connection with seeking the support of MCOLES for the Tribal Law Enforcement Initiative, the MITLEA has requested that each of the Michigan Tribes approve a resolution in support of the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS:** The Pokagon Band Chief of Police recommends that the Tribal Council support the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS:** The Tribal Council has determined that it is in the best interests of the Pokagon Band to support of the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative.

**NOW, THEREFORE, BE IT RESOLVED** that the Tribal Council supports the Voting Members presenting the Tribal Law Enforcement Initiative to MCOLES and requesting that MCOLES support the Tribal Law Enforcement Initiative.

**CERTIFICATION**

We do hereby certify that the foregoing Resolution was presented and voted upon with a quorum present at a duly convened Special Session of the Tribal Council held on the 25th day of July, 2022 by a vote of 8 in favor, 0 opposed, 2 absent, and 0 abstaining.



Rebecca Richards  
Tribal Council Chairwoman



Samuel Morse  
Tribal Council Secretary



# The Saginaw Chippewa Indian Tribe Of Michigan

7070 EAST BROADWAY

MT. PLEASANT, MICHIGAN 48858

(989) 775-4000

FAX (989) 772-3508

## RESOLUTION NO. 22-156

**WHEREAS:** The Saginaw Chippewa Indian Tribe of Michigan (“Tribe”) is a federally recognized sovereign Indian Tribe organized under a Constitution and By-Laws ratified by the Tribe on November 4, 1986, pursuant to Pub. L. 99-346; and

**WHEREAS:** The governing body of the Tribe is the Saginaw Chippewa Tribal Council (“Tribal Council”); and

**WHEREAS:** Article VI, Section 1(j) of the 1986 Constitution provides that Tribal Council shall have authority “. . . to protect the health, security and the general welfare of the Saginaw Chippewa Indian Tribe.”; and

**WHEREAS:** The Michigan Tribal Law Enforcement Association (“MITLEA”) is an unincorporated association comprised of the law enforcement agencies of the twelve (12) federally recognized Indian tribes in the State of Michigan (“Michigan Tribes”); and

**WHEREAS:** Under the MITLEA Bylaws, the purpose of the MITLEA includes securing unity of action in matters of mutual concern and promoting legislative efforts to improve tribal law enforcement; and

**WHEREAS:** Under the MITLEA Bylaws, the voting members of the MITLEA are limited to the chief law enforcement officials of the Michigan Tribes (“Voting Members”); and

**WHEREAS:** The Tribe is not subject to Michigan law, however the Tribe supports the efforts of the Michigan Tribes to work cooperatively with the State of Michigan regarding law enforcement activities;

**WHEREAS:** The Michigan Commission on Law Enforcement Standards (“MCOLES”) performs certain statutory functions under Michigan law, including the Michigan Commission on Law Enforcement Standards Act, MCL 28.601 *et seq.* (the “Act”); and

**WHEREAS:** The Act, at MCL 28.602, provides the following definitions:

- “Law enforcement agency” means, in part, an entity that is established and maintained in accordance with the laws of this state and is authorized by the laws of this state to appoint or employ law enforcement officers; and

- “Law enforcement officer” means, in part, an individual employed as a Michigan tribal law enforcement officer by a federally recognized Indian tribe that has trust lands located within this state, subject to a written instrument authorizing the individual to enforce the laws of this state; and
- “Michigan tribal law enforcement officer” means an individual employed as a law enforcement officer by a federally recognized Indian tribe that has trust lands located within this state, subject to a written instrument authorizing the individual to enforce the laws of this state; and

**WHEREAS:** Pursuant to MCL 28.609b, the MCOLES shall promulgate the rules governing licensing standards and procedures for Michigan tribal law enforcement officers who are subject to a written instrument; and

**WHEREAS:** Presently, the Act provides the following:

- The law enforcement agencies of the Michigan Tribes do not qualify as a “law enforcement agency” under the Act; and
- An individual who is employed as law enforcement officer by a Michigan Tribe only qualifies as a “Michigan tribal law enforcement officer” under the Act if the individual is subject to a “written instrument”; and
- Such a “written instrument” may consist of deputation by a sheriff of the State of Michigan, conferring authority upon the individual to enforce the laws of the State of Michigan; and

**WHEREAS:** The MITLEA supports an amendment to the Michigan law (the “Tribal Law Enforcement Initiative”) that would authorize individuals, who are both employed as law enforcement officers by the Michigan Tribes and are MCOLES certifiable, to enforce Michigan laws within the State of Michigan without a written instrument; and

**WHEREAS:** In connection with pursuing the Tribal Law Enforcement Initiative, the Voting Members seek to present the Tribal Law Enforcement Initiative to MCOLES and to request that the MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS:** In connection with seeking the support of the MCOLES for the Tribal Law Enforcement Initiative, the MITLEA has requested that each of the Michigan Tribes approve a resolution in support of the Voting Members presenting the Tribal Law Enforcement Initiative to the MCOLES and requesting that the MCOLES support the Tribal Law Enforcement Initiative; and

**WHEREAS:** The Chief of Police of the Tribe recommends that the Tribal Council support the Voting Members presenting the Tribal Law Enforcement Initiative to the MCOLES



and requesting that the MCOLES support the Tribal Law Enforcement Initiative;  
and


**WHEREAS:** The Tribal Council has determined that it is in the best interests of the Tribe to support the Voting Members presenting the Tribal Law Enforcement Initiative to the MCOLES and requesting that the MCOLES support the Tribal Law Enforcement Initiative.

**NOW, THEREFORE, BE IT RESOLVED** that the Tribal Council of the Saginaw Chippewa Indian Tribe of Michigan supports the Voting Members of the Michigan Tribal Law Enforcement Association presenting the Tribal Law Enforcement Initiative to the Michigan Commission on Law Enforcement Standards and requesting that the Michigan Commission on Law Enforcement Standards support the Tribal Law Enforcement Initiative.

#### **CERTIFICATION**

The foregoing Resolution was duly adopted by the Saginaw Chippewa Tribal Council with a quorum being present during a Special Meeting on the 7th day of September, 2022, by a vote of 11 for, 0 against, and 0 abstaining.

  
\_\_\_\_\_  
Theresa Jackson, Tribal Chief

  
\_\_\_\_\_  
Martha Wemigwans, Council Secretary



**U.S. Department of Justice**

*Mark A. Totten  
United States Attorney  
Western District of Michigan*

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*5<sup>th</sup> Floor, The Law Building  
330 Ionia Avenue, NW  
Grand Rapids, Michigan 49503*

*Mailing Address:  
United States Attorney's Office  
Post Office Box 208  
Grand Rapids, Michigan 49501-0208*

*Telephone (616) 456-2404  
Facsimile (616) 456-2408*

November 7, 2022

Dear MCOLES Commissioners,

As the United States Attorney for the Western District of Michigan, I have a macro-level view over crime that impacts communities across the District, which includes the western half of the Lower Peninsula and the Upper Peninsula. An important part of my work is maintaining strong relationships with the law enforcement entities charged with combatting this crime. Our tribal law enforcement colleagues are critical to my District's mission of promoting safer communities for the citizens we serve.

I understand that the twelve federally recognized tribes in Michigan are working with you to obtain licensure under 28.609 of the MCOLES Act, which would give qualified tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency. While I cannot advocate on behalf of any party as it pertains to legislative amendments, I would like to share with you my experience working with tribal law enforcement partners in the Western District of Michigan.

Eleven of the twelve federally recognized tribes in Michigan are in the Western District. Assistant United States Attorneys in my office routinely work with tribal law enforcement from each of the eleven tribes to help deter, investigate, and prosecute crime in Indian Country. Many of these tribal police-initiated investigations have resulted in federal prosecutions.

Well-trained, qualified, and dedicated tribal police officers are essential to the rule of law in the Western District of Michigan. I have found tribal police officers in my District to be effective, efficient, and professional partners in our joint mission of reducing crime in Michigan.

Please contact me should you have any questions.

Respectfully,

A handwritten signature in black ink that reads "Mark Totten". The signature is written in a cursive style with a large, stylized initial "M".

Mark A. Totten  
United States Attorney  
Western District of Michigan



*"Serving with Honor & Integrity"*

**ALLEGAN COUNTY SHERIFF'S OFFICE**

640 RIVER STREET • ALLEGAN, MICHIGAN 49010-9501

www.allegancounty.org / sheriff

	<b>Main Number .....</b>	<b>269.673.0500</b>	
Administration .....	269.673.0510	Jail Administration.....	269.673.0530
Fax .....	269.673.0406	Fax .....	269.673.0273

August 19, 2022

Dear MCOLES Commissioners,

As Sheriff of the Allegan County Sheriff's Office, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Gun Lake Trice Public Safety Department is a law enforcement agency of the Match-E-Be-Nash-She-Wish a federally recognized tribal government in Michigan. All officers of Gun Lake Tribe Public Safety Department are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with Allegan County Sheriff's Office Sheriff Frank Baker and some of the 52 officers of the Allegan County Sheriff's Office, I fully support this initiative.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act.

Please contact me should you have any questions.

Respectfully,

Frank Baker Sheriff

Frank Baker  
Sheriff

*The mission of the Allegan County Sheriff's Office is to provide a full spectrum of Corrections, Law Enforcement, Emergency Preparedness and Court Services contributing to our community's growth and progression as a safe and secure place to live, work and visit.*

Michael Larsen  
Undersheriff



*"Serving with Honor & Integrity"*

**ALLEGAN COUNTY SHERIFF'S OFFICE**

640 RIVER STREET • ALLEGAN, MICHIGAN 49010-9501

[www.allegancounty.org/sheriff](http://www.allegancounty.org/sheriff)

**Main Number .....269.673.0500**

Administration .....269.673.0510

Jail Administration.....269.673.0530

Fax .....269.673.0406

Fax .....269.673.0273

August 19, 2022

Dear MCOLES Commissioners,

As Captain of the Allegan County Sheriff's Office, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Gun Lake Tribe Public Safety Department is a law enforcement agency of the Match-E-Be-Nash-She-Wish a federally recognized tribal government in Michigan. All officers of Gun Lake Tribe Public Safety Department are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with Allegan County Sheriff's Office Captain Scott Matice and some of the 52 officers of the Allegan County Sheriff's Office, I fully support this initiative.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act.

Please contact me should you have any questions.

Respectfully,

Scott Matice Captain

Frank Baker  
Sheriff

*The mission of the Allegan County Sheriff's Office is to provide a full spectrum of Corrections, Law Enforcement, Emergency Preparedness and Court Services contributing to our community's growth and progression as a safe and secure place to live, work and visit.*

Michael Larsen  
Undersheriff



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## BENZIE COUNTY SHERIFF'S OFFICE

Kyle Rosa, Sheriff

• Greg Hubers, Undersheriff

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505 S. Michigan Ave, Beulah MI 49617  
(231) 882-4484 – Fax (231) 882-5814

September 14, 2022

Dear MCOLES Commissioners,

As Sheriff of Benzie County, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Grand Traverse Band of Ottawa and Chippawa Indians Tribal Police is a law enforcement agency of the Grand Traverse Band of Ottawa and Chippawa Indians (GTBOCI), a federally recognized tribal government in Michigan. All officers of Grand Traverse Band of Ottawa and Chippawa Indians Tribal Police are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with Grand Traverse Band of Ottawa and Chippawa Indians Tribal Police and their Capitan, David Crockett and the sworn officers of the GTBOCI Tribal Police, I fully support this initiative.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act.

The Benzie County Sheriff's Office is a respected law enforcement agency in Benzie County. The Grand Traverse Band of Ottawa and Chippawa Indian Tribal Police is near the Benzie County line; therefore, it made sense for the GTBOCI Tribal Police and the Benzie County Sheriff's Office to enter into a Mutual Aid Agreement. This Agreement allows each of the departments to request assistance from the other when needed. This Agreement also enhances the ability of each department to request "backup" when needed and provided additional safety for residents of Benzie County.

Based on this experience, I know the Grand Traverse Band of Ottawa and Chippawa Indians Tribal Police officers to be professional and well-trained as the GTBOCI Tribal Police also requires officers to meet MCOLES standards. For these reasons, I support this legislative initiative.

Please contact me should you have any questions.

Respectfully,

Kyle Rosa  
Sheriff of Benzie County



## BERRIEN COUNTY SHERIFF'S OFFICE

919 PORT STREET, ST. JOSEPH, MICHIGAN 49085-1184  
PHONE: (269) 983-7111 • FAX: (269) 983-9956  
WWW.BCSHERIFF.ORG

**L. PAUL BAILEY**  
SHERIFF

CHARLES E. HEIT  
UNDERSHERIFF

ROBERT BOYCE  
CHIEF DEPUTY

October 19, 2022

Dear MCOLES Commissioners,

As the Sheriff of the Berrien County Sheriff's Office, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Pokagon Tribal Police Department is a law enforcement agency of the Pokagon Band of Potawatomi, a federally recognized tribal government in Michigan. All officers of the Pokagon Tribal Police Department are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with William Lux, Chief of Police for the Pokagon Tribal Police Department and some of the 53 officers of the Pokagon Tribal Police Department, I fully support this initiative.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act.

The Pokagon Tribal Police Department is a respected law enforcement agency in Michigan and the Berrien County Sheriff's Office has always worked very closely with the Pokagon Tribal Police Department. Based on our experience, I know the Pokagon Tribal Police officers to be professional and well trained, as the Tribal Police Department also requires officers to meet MCOLES standards. For these reasons, I support this legislative initiative.

Please contact me at 269-983-7111, ext. 7220 should you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "L. Paul Bailey". The signature is written in a cursive style and is positioned above the typed name.

L. Paul Bailey, Sheriff  
Berrien County



# CALHOUN COUNTY **SHERIFF**

Steve Hinkley, Sheriff

Timothy A. Hurtt, Undersheriff  
David A. Tendziegloski, Chief Deputy

August 23, 2022

Dear Members of the MCOLES Board,

As the Sheriff of The Calhoun County Sheriff's Office, I support proposed MCOLES movement which would recognize the Nottawaseppi Huron Band of the Potawatomi Police Department (HPPD) as a standalone law enforcement agency under MCOLES Policy. The HPPD is the law enforcement agency of the Nottawaseppi Huron Band of the Potawatomi Indians, a federally recognized tribal government in Michigan. All officers of the NHBP Tribal Police Department are required to be MCOLES licensed prior to being hired. Based on my experience with HPPD Chief Carter Bright and some of the twenty sworn officers of the HPPD, I fully support this movement.

The movement would eliminate section 28.609b of the MCOLES Policy and the NHBP Tribal Police Department and its officers would then fall under 28.609 of the MCOLES Policy as all other Police agencies in Michigan do.

The HPPD is a respected law enforcement agency in Calhoun and Branch County's. The Fire Keepers Casino is within the Calhoun County limits, therefore it made sense for this department and the HPPD to enter into a Mutual Aid Agreement. This Agreement allows each of the departments to request assistance from the other when needed. This Agreement also enhances the ability of each department to request "backup" when needed and provides additional safety for all of the residents of Calhoun County.

Based on this experience, I know the HPPD officers to be professional and well-trained as the HPPD also requires officers to meet MCOLES requirements. For these reasons, I support the legislation needed to recognize the HPPD law enforcement agency in Michigan.

Please contact me should you have any questions.

Sincerely,

Sheriff Steve Hinkley  
Calhoun County Sheriff's Office

[www.calhouncountymi.gov](http://www.calhouncountymi.gov)

**Battle Creek Office**

161 East Michigan Ave.  
Battle Creek, MI 49014  
(269) 969-6450  
Fax (269) 969-6428

**Marshall Office**

714 Old US 27  
Marshall, MI 49068  
(269) 781-0880  
Fax (269) 781-0882

**Correctional Facility**

185 East Michigan Ave.  
Battle Creek, MI 49014  
(269) 969-6303  
Fax (269) 969-6305

**Emergency Management**

161 East Michigan Ave.  
Battle Creek, MI 49014  
(269) 969-6430  
Fax (269) 969-6428





# Office of the Sheriff

Charlevoix County

**Charles Vondra, Sheriff**

Todd C. Reeves, Undersheriff

Derek Gaylord, Jail Administrator

Sarah M. Kaminski, Office Manager



October 4, 2022

Dear MCOLES Commissioners,

As Sheriff of Charlevoix County, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Little Traverse Bay Bands Police Department is a law enforcement agency of the Little Traverse Bay Bands of Odawa Indians, a federally recognized tribal government in Michigan. All officers of the LTBBPD are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with the LTBBPD and Chief Terry McDonnell, I fully support this initiative.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act.

The LTBBPD is a respected law enforcement agency in Charlevoix County. The LTBBPD has worked closely with the Charlevoix County Sheriff's Office and have handled many state cases through our prosecutor's office very professionally achieving excellent outcomes to criminal cases.

Based on this experience, I know the LTBBPD to be professional and well-trained as the Charlevoix County Sheriff's Office also requires officers to meet MCOLES standards. For these reasons, I support this legislative initiative.

Please contact me should you have any questions.

Respectfully,

A handwritten signature in black ink that reads "Charles Vondra".

Charles Vondra  
Sheriff



# Branch County Sheriff's Office

Undersheriff Keith Eichler

Captain Frederick Blankenship

## Sheriff C. John Pollack

379 Keith Wilhelm Drive  
Coldwater, MI 49036

Telephone: (517) 278-2325  
Fax: (517) 278-5698

September 1, 2022

Dear Members of the MCOLES Board:

As the Sheriff of the Branch County Sheriff's Office, I support the proposed MCOLES movement which would recognize the Nottawaseppi Huron Band of the Potawatomi Police Department (HPPD) as a standalone law enforcement agency under MCOLES Policy. The HPPD is the law enforcement agency of the Nottawaseppi Huron Band of the Potawatomi Indians, a federally recognized tribal government in Michigan. All officers of the HPPD Tribal Police department are required to be MCOLES licensed prior to being hired. Based on my experience with HPPD Chief Carter Bright and some of the twenty sworn officers of the HPPD, I would support this movement.

The movement would eliminate section 28.609b of the MCOLES policy and the NHBP Tribal Police Department and its officers would then fall under 28.609 of the MCOLES Policy as all other Police agencies in Michigan do.

The HPPD is a respected law enforcement agency in Branch and Calhoun County's. The Tribe owns several large pieces of property in Branch County, therefore it made sense for this department and HPPD to enter into a Mutual Aid Agreement. This agreement allows each of the departments to request assistance from the other when needed. This Agreement also enhances the ability of each department to request "backup" when needed and provides additional safety for all of the residents of Branch County.

Based on my experience in working with HPPD, I know their officers to be professional and well-trained as the HPPD also requires its officer to meet MCOLES requirements. For these reasons, I would support the legislation needed to recognize the HPPD law enforcement agency in Michigan.

Sincerely,

C. John Pollack  
Sheriff County of Branch



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# EMMET COUNTY SHERIFF'S OFFICE

---

**Peter A. Wallin, Sheriff**

**JEFFREY P. BODZICK ADMINISTRATIVE OFFICES AND CORRECTIONAL FACILITY**

450 Bay Street • Petoskey, MI 49770 • Tel: 231-347-2032 • Fax: 231-348-0666

**Matt Leirstein, Undersheriff**

**Brenda Ford, Jail Administrator**

October 4, 2022

Dear MCOLES Commissioners,

As Sheriff of Emmet County, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Little Traverse Bay Bands Police Department is a law enforcement agency of the Little Traverse Bay Bands of Odawa Indians, a federally recognized tribal government in Michigan. All officers of the LTBBPD are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with the LTBBPD and Chief Terry McDonnell, I fully support this initiative.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act.

The LTBBPD is a respected law enforcement agency in Emmet County. The LTBBPD has worked closely with the Emmet County Sheriff's Office and have handled many state cases through our prosecutor's office very professionally achieving excellent outcomes to criminal cases.

Based on this experience, I know the LTBBPD to be professional and well-trained as the Emmet County Sheriff's Office also requires officers to meet MCOLES standards. For these reasons, I support this legislative initiative.

Please contact me should you have any questions.

Respectfully,

Sheriff Peter A. Wallin

# County of Manistee



## Office of the Sheriff

**Brian Gutowski**

Sheriff

August 30, 2022

Dear MCOLES Commissioners,

As the Sheriff of Manistee County, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Little River Band of Ottawa Indians Department of Public Safety is a law enforcement agency of the Little River Band of Ottawa Indians, a federally recognized tribal government in Michigan. All officers of the LRBOI Department of Public Safety are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with the officers of the Little River Band of Ottawa Indians, I fully support this initiative. As the Sheriff of Manistee County, the working relationship with the Little River Band of Ottawa Indians Department of Public Safety could not be better.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act.

The LRBOI Department of Public Safety is a respected law enforcement agency in Manistee County. The Little River Casino is within Manistee County, therefore it made sense for this department and the Manistee County Sheriff's Office to enter into a Mutual Aid Agreement. This Agreement allows each of the departments to request assistance from the other when needed. This Agreement also enhances the ability of each department to request "backup" when needed and provided additional safety for residents of Manistee County.

Based on this experience, I know the LRBOI DPS officers to be professional and well-trained as the LRBOI DPS also requires officers to meet MCOLES standards. For these reasons, I support this legislative initiative.

Please contact me should you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "B. Gutowski".

Brian Gutowski

Sheriff

# VAN BUREN COUNTY



## SHERIFF'S OFFICE

**Daniel E. Abbott**  
Sheriff

**Kevin Conklin**  
Undersheriff

Phone: 269-657-2006  
Fax: 269-657-5161  
[www.vbcsheriff.com](http://www.vbcsheriff.com)

October 18, 2022

Dear MCOLES Commissioners,

As the Sheriff of the Van Buren County Sheriff's Office, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Pokagon Tribal Police Department is a law enforcement agency of the Pokagon Band of Potawatomi, a federally recognized tribal government in Michigan. All officers of the Pokagon Tribal Police Department are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with William Lux, Chief of Police for the Pokagon Tribal Police Department and some of the 53 officers of the Pokagon Tribal Police Department, I fully support this initiative.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act.

The Pokagon Tribal Police Department is a respected law enforcement agency in Michigan. The Van Buren County Sheriff's Office has worked closely with the Pokagon Tribal Police Department and have seen them handle many state cases through our prosecutor's office and found professionally, well written reports as well as excellent outcomes to criminal cases.

Based on this experience, I know the Pokagon Tribal Police officers to be professional and well-trained as the Tribal Police Department also requires officers to meet MCOLES standards. For these reasons, I support this legislative initiative.

Please contact me should you have any questions.

Respectfully,

Daniel E. Abbott, Sheriff



# MICHIGAN ASSOCIATION OF CHIEFS OF POLICE

3474 Alaiedon Pkwy, Ste 600 ♦ Okemos, MI 48864

Phone: 517.349.9420

www.michiganpolicechiefs.org

## ASSOCIATION OFFICERS

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Chief Larry Weeks  
Eaton Rapids

First Vice President  
Chief Kyle Knight  
Harbor Springs

Second Vice President  
Chief Bryan Ergang  
Kalamazoo Township

Third Vice President  
Chief Corrigan O'Donohue  
Sylvan Lake

Secretary-Treasurer  
Chief Jon Gale  
Norton Shores

Immediate Past President  
Chief Terrence McDonnell  
Little Traverse Bay Band  
of Odawa Indians

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Executive Director

Ronald L. Wiles, Jr.  
Deputy Director

Janeice Morrow  
Executive Assistant

Karah Senn  
Administrative Assistant

November 10, 2022

Dear MCOLES Commissioners,

The Michigan Association of Chiefs of Police is in support of legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The twelve (12) Tribal Police Agencies in Michigan are federally recognized. All officers of the Tribal Police Departments are required to be eligible for MCOLES licensure prior to being hired. Based on my experience and work with the Chiefs of Police and each Tribal Agency, I fully support this initiative.

The statutory recognition would also eliminate Sec. 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under Sec. 28.609 of the MCOLES Act.

Tribal Police Agencies are respected law enforcement agencies in Michigan. Our member agencies work closely with them collaborating on many calls for service and criminal investigations. In addition, their state cases have been through our local prosecutors' offices, and we have found their professional investigations and reports well-written and have had excellent outcomes in criminal cases.

Based on this experience, we have found Michigan Tribal Police Agencies and their officers to be professional and well-trained. They also require their officers to meet MCOLES Standards. For these reasons, we support this legislative initiative.

Please contact me should you have any questions.

Respectfully,

Robert M. Stevenson



**NOTTAWASEPPI HURON  
BAND OF THE POTAWATOMI**

A FEDERALLY RECOGNIZED TRIBAL GOVERNMENT

**BAGANÉWNIKAN • TRIBAL POLICE**

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August 4, 2022

Dear Members of the MCOLES Board,

As the Director of the Emmett Township Department of Public Safety, I support proposed MCOLES movement which would recognize the Nottawaseppi Huron Band of the Potawatomi Police Department (HPPD) as a standalone law enforcement agency under MCOLES Policy. The HPPD is the law enforcement agency of the Nottawaseppi Huron Band of the Potawatomi Indians, a federally recognized tribal government in Michigan. All officers of the NHBP Tribal Police Department are required to be MCOLES licensed prior to being hired. Based on my experience with HPPD Chief Carter Bright and some of the twenty sworn officers of the HPPD, I fully support this movement.

The movement would eliminate section 28.609b of the MCOLES Policy and the NHBP Tribal Police Department and its officers would then fall under 28.609 of the MCOLES Policy as all other Police agencies in Michigan do.

The HPPD is a respected law enforcement agency in Calhoun and Branch counties. The FireKeepers Casino is within the Emmett Township limits; therefore, it made sense for this department and the HPPD to enter into a Mutual Aid Agreement. This Agreement allows each of the departments to request assistance from the other when needed. This Agreement also enhances the ability of each department to request "backup" when needed and provides additional safety for all the residents of Calhoun County.

Based on this experience, I know the HPPD officers to be professional and well-trained as the HPPD also requires officers to meet MCOLES requirements. For these reasons, I support the legislation needed to recognize the HPPD law enforcement agency in Michigan.

Please contact me should you have any questions.

Respectfully,

Kenneth Cunningham

Director of Emmett Township Department of Public Safety



**CITY HALL**  
70 Maple Street  
Manistee, MI 49660  
www.manisteemi.gov

**Administration**  
Fax 231.723.1546

**City Manager**  
231.398.2801

**City Assessor**  
231.398.2802

**Planning & Zoning**  
231.398.2805

**Clerk/Treasurer Fax**  
231.723.5410

**City Clerk**  
231.398.2803

**City Treasurer/  
Finance Director**  
231.398.2804

**Water Billing**  
231.723.2559

**Police Department**  
231.723.2533  
Fax 231.398.2012

**Fire Department**  
281 First Street  
231.723.1549  
Fax 231.723.3519

**Department of  
Public Works**  
280 Washington St.  
• Street Department  
• Parks Department  
• Water Maintenance  
231.723.7132  
Fax 231.723.1803

**Clean Water  
Recovery Facility**  
50 Ninth St.  
231.723.1553

September 7, 2022

Dear MCOLES Commissioners,

As Chief of Police of the Manistee City Police Department, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Little River Band of Ottawa Indians Department of Public Safety is a law enforcement agency of the Little River Band of Ottawa Indians, a federally recognized tribal government in Michigan. All officers of the Little River Band of Ottawa Indians Tribal Safety Department are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with the Little River Band of Ottawa Indians Department of Public Safety officers and Robert R. Medacco, Director of Public Safety, I fully support this initiative.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act.

The Little River Band of Ottawa Indians Tribal Safety Department is a respected law enforcement agency in Manistee County. The Little River Casino is near the Manistee city limits; therefore, it made sense for this department and the Manistee City Police Department to enter into a Mutual Aid Agreement. This Agreement allows each of the departments to request assistance from the other when needed. This Agreement also enhances the ability of each department to request "backup" when needed and provided additional safety for residents of Manistee.

Based on this experience, I know the Little River Band of Ottawa Indians Department of Public Safety officers to be professional and well-trained. The Little River Band of Ottawa Indians Department of Public Safety also requires officers to meet MCOLES standards. For these reasons, I support this legislative initiative.

Please contact me should you have any questions.

Respectfully,

Joshua A. Glass  
Chief of Police  
Manistee City Police Department





# City of Petoskey

## Department of Public Safety

101 East Lake Street, Petoskey, Michigan 49770 • 231 347-2500 • Fax 231 347-2471

October 7, 2022

Dear MCOLES Commissioners,

As Director of the Petoskey Department of Public Safety, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Petoskey Department of Public Safety is a law enforcement agency that works with the Little Traverse Bay Bands of Odawa Indians, a federally recognized tribal government in Michigan. All Officers of the Petoskey Department of Public Safety are required to be eligible for MCOLES licensure prior to being hired. As Director of the Public Safety Department, I Matthew Breed, along with many of the 19 officers of the Public Safety Department fully support this initiative.

The elimination of statutory section 28.609b and licensure of tribal officers under 28.609 only makes sense in today's law enforcement. The Petoskey Department of Public Safety is a respected highly professional department located in Emmet County. The Public Safety Department has jurisdiction not only within the corporate city limits but also on highway US 31 from the city limits to the county border as well as the adjacent community of Bay Harbor. Geographically this is all in close proximity to the Odawa Casino.

We frequently request assistance or backup from LTBB police officers and this initiative would ensure MCOLES licensed officers are responding to that request. Through these interactions I know the Little Travers Bay Bands Police Officers are well trained professionals. For these reasons, I strongly support the legislative initiative.

If you have any questions or would like to discuss this in more detail please do not hesitate to contact me.

Respectfully,

A handwritten signature in black ink, appearing to read "Matthew Breed".

Matthew Breed, Director  
Petoskey Department of Public Safety

# City of Plainwell



“The Island City”

Brad Keeler, Mayor  
Lori Steele, Mayor Pro Tem  
Todd Overhuel, Council Member  
Roger Keeney, Council Member  
Randy Wisnaski, Council Member

Department of Public Safety  
119 Island Ave  
Plainwell, Michigan 49080  
Phone: 269-685-9858  
Fax: 269-685-5460  
Web Page Address: [www.plainwell.org](http://www.plainwell.org)

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November 7, 2022

Dear MCOLES Commissioners,

As Director of Public Safety of the Plainwell Department of Public Safety, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Gun Lake Tribal Public Safety Department is a law enforcement agency of the Match-E-Be-Nash-She-Wish, a federally recognized tribal government in Michigan. All officers of Gun Lake Tribal Public Safety Department are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with Plainwell Public Safety as the Director in dealing with Gun Lake Tribal Public Safety and the opinion of the other seven full time officers and our interagency interactions, I fully support this initiative.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act. Based on my past experience from interagency trainings and past joint operations, I know the officers of Gun Lake Tribal Public Safety to be professional and well-trained as the agency also requires officers to meet MCOLES standards. For these reasons, I support this legislative initiative. Please contact me should you have any questions.

Respectfully,

*Kevin A Callahan*

Kevin Callahan  
Director of Public Safety



# UNION CITY POLICE DEPARTMENT

*Chief Chris Mathis*

101 S Broadway St  
Union City, MI 49094

Tel.: (517) 741-9191    Bus.:(517) 741-7922    Fax: (517) 741-3138

August 4, 2022

Dear Members of the MCOLES Board,

As the Chief of The Union City Police Department, I support proposed MCOLES movement which would recognize the Nottawaseppi Huron Band of the Potawatomi Police Department (HPPD) as a standalone law enforcement agency under MCOLES Policy. The HPPD is the law enforcement agency of the Nottawaseppi Huron Band of the Potawatomi Indians, a federally recognized tribal government in Michigan. All officers of the NHBP Tribal Police Department are required to be MCOLES licensed prior to being hired. Based on my experience with HPPD Chief Carter Bright and some of the twenty sworn officers of the HPPD, I fully support this movement.

The movement would eliminate section 28.609b of the MCOLES Policy and the NHBP Tribal Police Department and its officers would then fall under 28.609 of the MCOLES Policy as all other Police agencies in Michigan do.

The HPPD is a respected law enforcement agency in Calhoun and Branch County's. The Pine Creek Reservation is near Union City as is the Village of Athens, which contracts with the Tribe to provide police services. The Union City Police Department and HPPD have worked on several projects together, to include HPPD officers participating in our community projects as well as our departments quite frequently backing each other up on calls for police service. The interaction in these instances have been positive as well as productive.

Based on this experience, I know the HPPD officers to be professional and well-trained as the HPPD also requires officers to meet MCOLES requirements. For these reasons, I support the legislation needed to recognize the HPPD law enforcement agency in Michigan.

Please contact me should you have any questions.

Respectfully,

A handwritten signature in black ink, appearing to read "Chris Mathis", with a long horizontal flourish extending to the right.

Chris Mathis  
Village Manager / Chief of Police  
Union City Police Department



**ALLEGAN COUNTY PROSECUTING ATTORNEY**  
**MYRENE KAY KOCH**

**JUDITH C. KASSON**  
Chief Assistant Prosecuting Attorney

**EMELDA CALANCHI-POPE**  
Victim/Witness Coordinator

September 29, 2022

Dear MCOLES Commissioners:

As Prosecuting Attorney of Allegan County, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Gun Lake Tribe Public Safety Department is a law enforcement agency of the Match-Be-Nash-She-Wish Tribe, a federally recognized tribal government of Michigan. All officers of the Gun Lake Tribe Public Safety Department are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with this department and its highly trained officers, I fully support this initiative.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act.

The Gun Lake Tribe Public Safety Department is a respected law enforcement agency in Allegan County. I have worked closely with the current director, Dennis Wilkins, as well as his predecessor Rick Rabinort. I have conducted trainings for the officers and found them to be professional, courteous, and well educated in their field. In addition, the Gun Lake Tribe Public Safety Department ranks third in case generation for the Allegan County Prosecutor's Office behind the Allegan County Sheriff's Office and Michigan State Police respectively. For these reasons, I support this legislative initiative.

Please contact me should you have any questions.

Respectfully,

Myrene K. Koch  
Prosecuting Attorney

MKK/plc



THE OFFICE OF  
**DAVID E. GILBERT**  
**PROSECUTING ATTORNEY**  
CALHOUN COUNTY

Calhoun County Justice Center  
161 E. Michigan Ave.  
Battle Creek, MI 49014-4066  
Phone: (269) 969-6980  
Fax: (269) 969-6967

JAMES L. JORDAN  
CHIEF ASSISTANT  
PROSECUTING ATTORNEY

September 28, 2022

Dear Members of the MCOLES Board,

As Calhoun County Prosecuting Attorney I support changes that would recognize the Nottawaseppi Huron Band of the Potawatomi Police Department [HPPD] as a standalone law enforcement agency under MCOLES Policy. The HPPD is a law enforcement agency of the Nottawaseppi Huron Band of the Potawatomi Indians, a federally recognized tribal government in Michigan. All officers of the NHBP Tribal Police Department are required to be MCOLES licensed prior to being hired.

I understand the change would eliminate section 28.609b of the MCOLES Policy and the NHBP Tribal Police Department. Its officers would then fall under 28.609 of the MCOLES Policy as all other police agencies in Michigan do.

I have had regular contact with HPPD and its officers including Chief Carter Bright for at least 10 years. HPPD is a respected law enforcement agency in Calhoun County. The Firekeepers Casino under HPPD jurisdiction is in Calhoun County. My office does a significant number of cases that are investigated and submitted by HPPD from this casino and the Village of Athens which contracts with HPPD for services. These are well investigated cases prosecuted by my office. Further, HPPD is part of the Calhoun County Major Crime Task Force. Many of their officers had experience in other departments before joining HPPD. And finally, after the Supreme Court ruling in *Oklahoma v Castro-Huerta*, we expect to have more contact with HPPD investigations as Michigan now has concurrent jurisdiction to prosecute crimes committed by non-Indians against Indians in Indian Country.

I know the HPPD officers to be professional and well-trained. I also know HPPD requires all officers to meet MCOLES requirements. For this reason, I support the legislation needed to recognize the HPPD law enforcement agency in Michigan. If you have any questions or concerns, please contact me.

Respectfully,



David E. Gilbert  
Calhoun County Prosecuting Attorney

Texas Township Campus  
6767 West O Avenue  
PO Box 4070  
Kalamazoo, MI 49003-4070  
269.488.4400  
[www.kvcc.edu](http://www.kvcc.edu)

September 22, 2022

Dear MCOLES Commissioners,

Arcadia Commons Campus  
202 North Rose Street  
PO Box 4070  
Kalamazoo, MI 49003-4070  
269.373.7800

Bronson Healthy Living Campus  
PO Box 4070  
Kalamazoo, MI 49003-4070  
269.548.3205

The Groves Campus  
7107 Elm Valley Drive  
PO Box 4070  
Kalamazoo, MI 49003-4070  
269.353.1253

Kalamazoo Valley Museum  
230 North Rose Street  
PO Box 4070  
Kalamazoo, MI 49003-4070  
269.373.7990

As Director of the Kalamazoo Valley Community College Law Enforcement and Criminal Justice Programs, I support legislation that would give qualified Tribes the authority to empower their own officers, rather than requiring them to receive their authority to enforce Michigan law from another law enforcement agency.

The Gun Lake Tribe Public Safety Department is a law enforcement agency of the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians, a federally recognized tribal government in Michigan. All officers of the Gun Lake Tribe are required to be eligible for MCOLES licensure prior to being hired. Based on my experience with the Gun Lake Tribe Public Safety and some of the nineteen officers of the Department, I fully support this initiative.

The statutory recognition would also eliminate section 28.609b of the MCOLES Act. Authorized Tribal officers would instead be licensed under 28.609 of the MCOLES Act.

The Gun Lake Tribe Public Safety Department is a respected law enforcement agency in Allegan County. The Gun Lake Casino is within the Allegan County limits, therefore it made sense for this department and the Allegan County Sheriff's Department to enter into a Mutual Aid Agreement. This Agreement allows each of the departments to request assistance from the other when needed. This Agreement also enhances the ability of each department to request "backup" when needed and provided additional safety for residents of Allegan County.

Based on this experience, I know the Gun Lake Public Safety officers to be professional and well-trained as the Gun Lake Public Safety Department also requires officers to meet MCOLES standards. For these reasons, I support this legislative initiative.

Please contact me should you have any questions.

Respectfully,

*Karen Rivard*

Karen L Rivard

Director of Law Enforcement and Criminal Justice Academic Programs



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**SUBJECT:** Color Vision Standard for Police Officers

**PURPOSE:** Commission Information

DATE	SECTION	EXECUTIVE DIRECTOR	AUTHOR
November 22, 2022	Standards Compliance	Timothy Bourgeois	Leon Boyer

**Background:**

The State of Michigan requires a person selected to become a law enforcement officer meet the medical selection qualifications set forth in R 28.14204. Per the Licensing Standards for Michigan Law Enforcement Officer <sup>1</sup> applicants must “Possess normal color vision without the assistance of color enhancing lenses.” This standard is supported in the [2018 Job Task Analysis](#) (JTA) results.<sup>2</sup>

The Career Development Section conducted a comprehensive review of the color vision standard and the use of color vision contact lenses. The results of the review found no products provide the level of correction needed for a law enforcement officer position.

The Career Development Section researched color vision and the use of color vision contact lenses. In 2009, the Commission reviewed and revalidated the color vision standard keeping the current standard in place.

The current standard reads:

*“Possess normal color vision without the assistance of color enhancing lenses. The unaided eye shall be tested using pseudoisochromatic plates. The Farnsworth Dichotomous D-15 panels shall be used for any candidate who fails the pseudoisochromatic plates.”*

Research was conducted into the status of a color vision standard at the state level across the country. The data collected shows that of the 50 states contacted, 33 did not have a standard for color vision, 14 did, and 3 did not respond. The states that did not have the color vision standard left the establishment of the standard to the individual agencies. MCOLES researched the 20 largest police departments across the country, according to the World Atlas. The data shows 19 of the 20 largest police departments have a color vision standard in the police officer qualifications. Anecdotal information suggests the combined state and agency standard for color vision acuity covers the vast majority of police officers across the United States.

**Issues:**

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<sup>1</sup> <https://www.michigan.gov/mcoles/standard-training/licensing-standards-for-michigan-law-enforcement-officers>

<sup>2</sup> <https://www.michigan.gov/mcoles/issues-news-info/2018/12/09/2018-statewide-job-task-analysis-for-the-patrol-officer-position>

The Commission requested the research after remarks regarding the color vision requirements were made during public comment section of the Commission meeting held September of 2022.

The Career Development Section conducted a comprehensive review of the color vision standard and the use of spectacle and contact lenses that claim to correct color vision deficits. This review was conducted in the form of open-source information, individual contact with each Commission counterparts in each state, peer reviewed journals and periodicals, federal regulations, and consultation with the Commission's subject matter experts. During the review there were several issues that were revealed. These include:

Color vision and how we see color-

Vision begins at the level of the retina where four different photoreceptors absorb light and convert it to electrical impulses that are sent to the brain through nerve pathways. Rod photoreceptors contain a photopigment that absorbs the energy in the blue-green portion of the visible spectrum and are primarily responsible for detecting low levels of light for vision in dim environments and motion detection. Rods make minimal contribution to the perception of color. Cone photoreceptors are concentrated in the macula for central vision and color perception. There are three types of cone photoreceptors based on the type of photopigment they have: L-cones are most sensitive to long wavelength red-end of the color spectrum, M-cones are most sensitive to middle wavelength green-region of the color spectrum, and S-cones are most sensitive to short wavelength blue-end of the color spectrum. Humans can perceive all of the colors of the spectrum because each "color" will stimulate each cone at different intensities. Humans perceive different colors when they receive different balances of nerve stimulation from the photoreceptors. Therefore, each color has its unique neural signature. The human brain will perceive a specific color depending on the neural signature it receives from the 3 classes of cone cells.

Some people are born with, or have a disease that causes, a deficiency or shift in sensitivity of one or more of the photopigments. This causes the relative nerve stimulus from certain colors viewed by the eye to be distorted. The person with deficient photoreceptors will perceive the color differently than people with a normal balance of photopigments. Studies also show 1 in 12 males will have some sort of inherited color vision deficiency as opposed to 1 in 200 females and 98% of inherited color vision defects involve red and green colors.

### **Michigan testing for police officer color vision:**

The Commission uses two tests to check for color vision deficiencies. These tests are:

*Ishihara Test:* This test checks for total color blindness and red-green color blindness by assessing an individual's ability to perceive primary colors and shades of color. The Ishihara book contains a series of polychromatic plates of primary-colored dots arranged to form a numeral against the background of similar dots of contrasting colors.

*Farnsworth D-15 Test:* The D15 set is a modification of the well-known Farnsworth Hue Test. The D15 test is intended for classification. Each D15 set contains a reference disc and fifteen numbered discs, which make up an incomplete color circle within a standardized color space. The observer arranges the colored discs by similarity in a sequential color series. The sequence of arrangement determines whether the observer has one of the 3 types of color vision deficiency.



### **Color vision correcting or color altering spectacle and contact lenses:**

One organization in the United States claims that their color altering spectacle and contact lenses are designed to help an individual pass a specific test for color vision impairment.<sup>3</sup> These lenses are custom made and claim to filter certain wavelengths of light, which will enhance the differences between two colors that would otherwise be perceived as being the same color by a color deficient individual. These lenses are touted as a cure for color vision deficiencies or used inappropriately to pass color vision tests.

### **Research on color altering contact lenses:**

#### *Clinical Trials*

*ChromaGen Contact lens:* Swarbrick et al. (2001):

Lens wear had no significant effect on Farnsworth Lantern test performance. Subjectively, subjects reported enhanced color perception, but poor vision in dim light. Judgement of distance and motion were only slightly affected. We conclude that ChromaGen lenses may enhance subjective color experience and assist in certain color-related tasks but are not indicated as an aid for CVD in occupations with color vision-related restrictions.

*Clinical Analysis 2021:* According to Hathibelagal in 2022

An analysis of color vision and color vision lenses was conducted in patients from 2010 -2021. The individuals with color vision discrepancies were analyzed regarding color vision and the use of color altering lenses. The analysis showed that the tinted lenses did provide some enhancement of color perception when tested. The article cautioned that this came at the cost of loss of depth perception and issues related to rivalry between eyes.

U.S. Food and Drug Administration (FDA) Approval:

Research into the use of color altering lenses shows the FDA has researched the lenses. The article shows in 1998, ColorMax Lenses attempted to obtain labeling implying the lenses “correct” or “Cure” color deficiencies and allow patients to see “normal colors”. The claims had to be changed to a red-green deficiency aid. In 2000, ChromaGen contact lenses requested approval. The FDA required ChromaGen to express the limited extent of the filters. The FDA conducted a study and found that some subjects were able to appreciate improvements. With a virtually non-existent risk the FDA allowed labeling as long as it shows minimal therapeutic effectiveness.

### **Key Function:**

The current job task analysis consists of 305 tasks that are common for a police officer to conduct in performance of their duties. This job task analysis breaks down the duties into specifics and by group. Out of the 305 tasks there are 84 of tasks that are associated with color vision as part of your duties. As an example, Job Task #121 states as follows

*“Observe and identify colors of automobiles, suspects’ clothing, paint chips, etc.”*

*Color is a bona fide occupational qualification.* A Bona Fide Occupational Qualification (BFOQ) is a very narrowly interpreted exception to Equal Employment Opportunity (EEO) laws. A BFOQ allows employers to base employment decisions for a particular job on such factors as sex, religion or national origin if they

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<sup>3</sup> <https://colormax.org/pass-a-color-blind-test/>

are able to demonstrate that such factors are an essential qualification for performing a particular job. (Society of Human Resource Management).

In this case, the ability to see color is a BFOQ as it is a vital part of the daily duties of a police officer. A police officer routinely is dispatched to look for a certain color vehicle, person in a specific color shirt etc. or is similarly required to accurately perceive and name colors as a part of descriptions or routine, daily tasks. The citations and reports that have been reviewed provide a space to articulate the color of the vehicle. Court testimony often requires identification of color. This frequency of use and articulation in the job task analysis provide a reasonable justification for the BFOQ.

### **Banned Color Altering Contact Lenses:**

The Federal Aviation Administration (FAA) specifically disallows the use of color-altering contact lenses like X-Chrom for passing their flight physical.<sup>4</sup> As another example, the California Department of Corrections and Rehabilitation disallows Peace Officers from using these color filter contact lenses to pass their color vision testing. Many other occupations that depend on the ability to distinguish color such as mariners, military security personnel, special forces operators, likewise disallow use of X-Chrom and other color filters to protect public safety.

### **Impact of Police Officer Reaction Time:**

(According to Lovells Dissertation)

Color vision has an imperative use for individuals in occupations that require quick responses to visual presentations. Color vision is used as a visual aid in many different ways such as authorized routes on maps (snowmobile, hiking, roadways) or weather radar maps. The listed examples are a few examples where delays could be caused by the inability to perceive colors.

### **Police officer color vision court case:**

Federal court dismisses an ADA suit brought by a police applicant who was rejected because of a color vision impairment. He was not regarded as disabled, and the lack of normal color vision is not a substantial limitation on the ability to see. Finally, he was not entitled to reasonable accommodation. *Lekich v. Munic. Police Officers Educ. Training Cmsn.*, #08-1048, 2009 U.S. Dist. Lexis 16645, 21 AD Cases (BNA) 1409 (E.D. Pa.).

Federal court concludes that color blindness is not a protected disability. *Lekich v. Municipal Police Officers Educational Training Commission*, #08-1048, 2009 U.S. Dist. Lexis 16645 (E.D. Pa.).

### **Conclusion:**

The Career Development Section cautions there is a difference between using lenses to pass a color vision test and having suitable color vision to perform as a police officer. There are several areas of concern regarding the potential removal of the color vision requirement. The inability to distinguish color has the potential for serious public safety concerns, especially during low light and/or high stress situations. In addition, violations of individuals' constitutional rights, increased liability, and courtroom credibility issues may come into question as a result of failing to distinguish color.

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[https://www.faa.gov/about/office\\_org/headquarters\\_offices/avs/offices/aam/ame/guide/app\\_process/exam\\_tech/item52/amd/](https://www.faa.gov/about/office_org/headquarters_offices/avs/offices/aam/ame/guide/app_process/exam_tech/item52/amd/)

Routine tasks such as nighttime driving or other low light operations may be impacted using these lenses. Numerous studies have demonstrated most officer involved shooting or critical incidents happen during low light hours. Lenses that filter light may cause an officer to misidentify or completely fail to see objects is a serious safety concern.

Research substantiates that the use of color altering spectacles and contact lenses do not restore color vision, they may simply assist a person with one color spectrum while diminishing the effect of another color spectrum. The tint associated with these types of spectacles and lenses reduce visual acuity due to the light reduction.

Finally, it is important to note the Commission's current color vision standard allows for mild but not moderate or severe color vision impairment. The standard was set to avoid the significant onset of color-naming errors that begin at the moderate impairment level.

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