

law enforcement action forum

Newsletter

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By Matt Heins, Law Enforcement Action Forum Coordinator

Risk Reduction Strategies and Best Practices

PERSPECTIVES ON: LEADERSHIP

The Value of Mentorship

I recently had a conversation with a chief who had just taken over an organization. He commented that a significant percentage of his command staff lacked knowledge and experience in areas he believed they should already understand. Topics included conducting internal investigations, navigating the disciplinary process, decision-making, and problem-solving.

One of a chief's many responsibilities is developing a succession plan and preparing staff for future success. Mentorship is vital to developing people. The responsibilities of a chief are enormous and many of the skills required cannot be learned from a book. A large portion of leadership development comes from experiencing the day-to-day demands of the position. The learning curve is often steep and lengthy. Effective mentoring can shorten that learning curve and better position individuals for success.

Chiefs cannot afford to hoard information or be unwilling to share insights into their daily responsibilities. Reflect on your own experience and what you learned while working through new challenges and complex issues. Before becoming chief, did you know how to manage a budget? Did you fully understand the disciplinary process or the due process rights of employees? Were you prepared to navigate political dynamics within your municipality? Did you know how to effectively communicate expectations and goals throughout an organization to ensure a shared understanding? What about the purchasing process for major expenditures, your spending authority, or your role in working collaboratively with other departments?

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A meaningful succession plan requires more than identifying potential future leaders. It involves intentionally creating opportunities for growth by assigning special projects, involving personnel in administrative functions, and exposing them to organizational challenges beyond their current roles. By broadening staff experiences and increasing staff understanding of how the organization operates, chiefs can help future leaders develop the knowledge, confidence, and judgment needed to assume greater responsibilities.

When I was a deputy chief, my chief regularly included me in meetings and discussions. I often wondered why I was there. It was only after becoming chief that I realized he had been intentionally exposing me to areas of leadership and administration that I did not yet know I would need to understand. That experience proved to be a tremendous asset when I began my own journey as chief. Many situations were already familiar to me and the learning curve was significantly reduced. Sometimes the most valuable learning occurs when the learner does not even realize it is happening.

LESSONS LEARNED: Automatic License Plate Readers (ALPRs): Balancing Public Safety, Privacy, and Accountability

Automatic License Plate Readers (ALPRs) have become increasingly visible to the public due to growing concerns about privacy and government surveillance. While some view the technology as intrusive, ALPR systems are intended to support legitimate public safety objectives, including locating stolen vehicles, apprehending criminal offenders, and finding missing or endangered persons. Courts have generally recognized that the warrantless collection of information observable from public roadways does not violate the Fourth Amendment.

The decision to contract with an ALPR vendor should remain with each individual agency. Before implementation, agencies should carefully evaluate the system's capabilities and limitations, legal and financial considerations, policy requirements, and community expectations, particularly the issues of public trust and political acceptance.

Agencies choosing to implement ALPR technology should adopt a comprehensive policy governing its use. Employees should receive training on authorized and prohibited uses, access controls, oversight, and accountability requirements.

Key policy considerations include:

- **Authorized Uses:** Investigating serious crimes, locating missing or endangered persons, recovering stolen vehicles, and apprehending individuals with felony warrants.
- **Prohibited Uses:** Monitoring or tracking individuals engaged in lawful First Amendment-protected activities, including protests, religious services, political events, or lawful association.
- **Operational Safeguards:** Daily review and maintenance of hotlists, verification of ALPR hits before enforcement action, audit trails for system activity, and compliance with warrant requirements when prolonged vehicle tracking is involved.
- **Data Collection and Retention:** Collection should be limited to license plate information, vehicle descriptors, and scan date, time, and location. Retention periods should be clearly defined.
- **Data Sharing Restrictions:** Data sharing should occur only under authorized circumstances and pursuant to written agreements. Sharing with privately maintained databases should be prohibited.
- **Accountability and Oversight:** A designated ALPR custodian should oversee administration, audits, compliance reviews, and reporting.

An effective ALPR program balances public safety benefits with strong privacy protections through clearly defined uses, limited retention, auditing, transparency, and accountability measures. The goal is to prevent real or perceived mass surveillance while preserving ALPR technology as a targeted and effective investigative tool.

RECENT COURT DECISIONS

By Dave Sperry

People v. Freddie Wilkins III

State of Michigan Supreme Court, 2026

In January 2023, Freddie Wilkins III and a passenger were pulled over by Michigan State Police for speeding. As the officer approached the vehicle, he noticed the smell of marijuana coming from the open passenger window. Both occupants were under 21 and denied they had any marijuana. Wilkins was ordered out of the vehicle and searched. The passenger was ordered out of the vehicle and admitted that she had a small amount of marijuana in her possession. In light of this admission, the officer then conducted a vehicle search. A backpack found in the car was searched; a loaded gun and empty ziplock bags were found inside. At trial, the officer testified that it did not smell like the occupants had just smoked marijuana before being pulled over, that no marijuana was in view, and that neither occupant appeared to be intoxicated.

Wilkins was charged with carrying a concealed weapon in a vehicle and challenged the search of his vehicle on Fourth Amendment grounds. The circuit court denied Wilkins' motion and the court of appeals affirmed the trial court's finding that the vehicle search did not violate the Fourth Amendment. The Michigan Supreme Court granted a review of whether the vehicle search was permissible under the automobile exception to the warrant requirement of the Fourth Amendment.

Michigan Supreme Court Findings:

The Michigan Supreme Court held that probable cause to believe a vehicle's occupants have committed only a civil infraction is not sufficient to justify a warrantless search under the automobile exception to the Fourth Amendment.

In its decision, the Court noted the legislative history of the Michigan Regulation and Taxation of Marihuana Act (MRTMA) and the intent of the citizens of Michigan to decriminalize many of the aspects of the use and possession of marijuana. Because the MRTMA defines the possession of marijuana by minors as a civil infraction, the Court found that the smell of marijuana coming from Wilkins' vehicle by itself was not the evidence of a crime or the presence of contraband that would be required to justify a warrantless vehicle search under the automobile exception to the Fourth Amendment.

The Court concluded that, in the context of situations involving marijuana, a police officer must have probable cause to believe an automobile contains evidence of possession of a criminal amount of marijuana or another criminal offense to conduct a warrantless search under the automobile exception.

Rotta v. Mason County Prosecutor

State of Michigan Court of Appeals, 2026

In 2024, voter Muzette Elizabeth O'Connell entered a township polling location wearing a hat with a candidate's name on it. The township clerk informed the O'Connell she could not have a political hat near a polling place. A verbal, then physical altercation ensued. Mason County Sheriff's deputies responded and arrested O'Connell for resisting and obstructing, among other charges. The Mason County Prosecuting Attorney (MCPA) later declined to request that the resisting and obstructing charges be bound over and those charges were dismissed, but criminal charges remained.

Journalist Tom Rotta subsequently submitted a Freedom of Information Act (FOIA) request for the body-camera footage. In his request, he included the names of the arresting deputies, the date and general time of day, the name of the arrestee, and the location. He also described the video as having been "used for the purpose by the [MCPA] to decide charging two accounts of R&O." The MCPA denied the FOIA request but offered to provide a redacted version of the footage after the criminal case against O'Connell was resolved.

Rotta sued the prosecutor's office, alleging a FOIA violation. The MCPA moved for summary disposition, arguing that video matching Rotta's specific description "did not exist," because the body-camera footage had not been used for the purpose Rotta described. Additionally, the MCPA argued that the footage was exempt from FOIA on multiple grounds, including the law-enforcement-proceedings exemption.

The trial court granted the MCPA's motion for summary disposition, concluding that the law-enforcement-proceedings exemption to FOIA disclosure applied. Rotta appealed.

Appeals Court Findings:

In its decision, the State of Michigan Court of Appeals first addressed the MCPA's contention that the requested records did not exist because Rotta had (wrongly) described the body-camera videos as being used for the purpose of charging O'Connell with resisting and obstructing. The court stated that, "Plaintiff was required only to describe the record 'sufficiently to enable the public body to find the public record'" and held that Rotta had provided adequate information for that purpose.

The Court of Appeals then performed a thorough review of the FOIA exemptions. It reversed the trial court's decision on the law-enforcement-proceedings exemption and reached varying conclusions on the other exemptions.

In addressing the law-enforcement-proceedings exemption, the Court of Appeals stated that it requires a public body to establish that release of the requested material *would* interfere with law enforcement proceedings – not just that it *can, could, or might* interfere. Further, the public body's "justification must indicate factually how a particular document, or category of documents, interferes with law enforcement proceedings" – and it must do so not merely by "simple repetition of statutory language." The Court found that the MCPA had merely asserted such disclosure would "compromis[e] the integrity of the trial," without explaining precisely *how* the integrity of the trial would be compromised, and therefore the law-enforcement-proceedings exemption did not apply.

The Court also evaluated the fair-trial exemption and, for similar lack of detailed explanation by the MCPA, held that it did not apply in this case.

Next, the Court of Appeals looked at various aspects of the privacy exemption. The Court held that a person's name or the fact that they voted are not personal facts that would be exempt and therefore "the presence of voters in the background of the body-camera video does not warrant a privacy exemption."

The Court then evaluated the videos for content that contained embarrassing or intimate details about someone's personal life; personal contact information; or a voter's completed ballot – any of which would qualify for a FOIA privacy exemption. Some of the body-camera video included witnesses being interviewed about their experiences and chatting casually with officers. The Court held that release of this footage would disclose "embarrassing or intimate details' about the witnesses' actions that day as well as their personal lives" and therefore would constitute an unwarranted invasion of privacy and should be excluded from the FOIA response.

Other sections of the body-camera video include what appear to be unidentifiable papers on the front table in the polling room. On this aspect, the Court of Appeals held that, "while it seems unlikely these papers are completed ballots laying face up in the entrance to the polling place ... a genuine issue of material fact remains," and remanded the case back to the trial court to determine whether the videos included images of completed ballots subject to a privacy exemption.

In sum, the Court of Appeals reversed the trial court's grant of summary disposition to the MCPA on the basis of the FOIA law-enforcement-proceedings exemption; held that the portions of the videos containing witness interviews and conversations about their personal lives were exempt from disclosure under FOIA privacy exemptions; and directed that, "upon resolution of the remaining factual issues, the trial court is to order defendant to produce the nonexempt portions of the videos."

LEGAL INSIGHTS

**By Audrey Forbush
Plunkett Cooney**

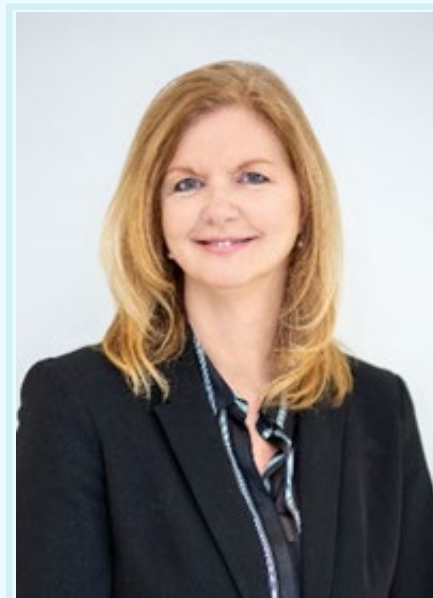
Limits to First Amendment Auditors

In *People v. Van Net*, decided June 2026, the Michigan Court of Appeals affirmed the conviction of a “1st Amendment Auditor” who refused to comply with officer directives and got too close to police officers during a traffic stop in the Upper Peninsula. The court held that, while citizens have a constitutional right to record police, that right does not excuse ignoring reasonable safety commands during a traffic stop.

The court explicitly recognized the First Amendment right to film police in public spaces. However, it emphasized that this right is “not unlimited” and is “subject to reasonable time, place, and manner restrictions.”

Significantly, officers never told Van Net to stop filming. They only directed him to maintain a safe distance and turn off his flash—commands that the court deemed reasonable given the dark conditions, highway traffic, and officer safety concerns. Traffic stops are “especially fraught with danger to police officers,” the court noted, and safety concerns justify preventative actions. Van Net was not arrested for filming, but rather physically refusing lawful orders and interfering with the officers.

Police officers should keep these factors in mind when encountering folks trying to record officers in the field.



MIOSHA MOMENT

The Benefits of a Wellness Program

By Frank Demers

An officer wellness program is a best practice that helps support an agency’s compliance with the MIOSHA General Duty Clause. This clause requires employers to provide a work environment free from recognized hazards that cause, or are likely to cause, death or serious physical harm.

Agencies with comprehensive officer wellness programs are better positioned to defend against allegations that they ignored known health and safety hazards, particularly when those programs are well documented. Wellness programs are an essential investment in the health, safety, and effectiveness of police officers. They may include physical fitness initiatives, mental health counseling, stress management training, and preventive healthcare services. These resources can help officers address physical and emotional challenges before they become more serious.

Additionally, wellness programs have been shown to reduce absenteeism, workplace injuries, and employee turnover. By prioritizing officer wellness, agencies strengthen both their workforce and the communities they serve.

MIOSHA Consultation, Education & Training Division

The Consultation Education and Training (CET) Division offers free, statewide safety and health assistance to employers and employees. Call: 517-284-7720.

Do you have questions about
any material in this newsletter?

Do you have a suggestion for topics
to be covered in future editions?

Call or email Matt Heins at
(248) 791-4371
matthew.heins@meadowbrook.com

LEAF MEMBER SPOTLIGHT

Larry Weeks

Chief of Police
City of Eaton Rapids Police Department



THE LAW ENFORCEMENT ACTION FORUM (LEAF)

LEAF includes police chiefs, sheriffs, and public safety directors from
law enforcement agencies of all sizes and all over Michigan.

LEAF members meet regularly to discuss relevant public policy matters and
assist in developing model policies for the MML *Law Enforcement Risk Control Manual*.

The *Manual* is available free of charge to law enforcement executives of
MML Liability & Property Pool and/or Workers' Compensation Fund member communities.

To access to the manual of model policies, complete the request form at:
<https://mml.org/programs-services/risk-management/leaf/request-access-form/>

(Note: If you move to a different law enforcement agency, you must reapply.)

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1675 Green Road, Ann Arbor, MI 48105
(248) 791-4371**