

Minutes of the meeting of the Maine Criminal Justice Academy Board of Trustees held at the Maine Criminal Justice Academy Brian MacMaster Board Room on Friday, January 10, 2020.

Board Members Attending:

Special Agent Brian Pellerin – Chair
Detective Sgt. Lincoln Ryder – Vice Chair
Commissioner Michael Sauschuck (9:16 a.m.)
Commissioner Randall Liberty
Colonel John Cote
Colonel Daniel Scott
Sheriff Scott Nichols
Chief Charles Rumsey IV
Deputy Chief David Bushey
Detective Seth Blodgett
DA Kathryn Slattery
Mr. Tom Peters II, Esq.
Ms. Elizabeth Ward Saxl
Mr. Richard Davis
Ms. Kimberly Gore
Mr. Levon Travis

Board Members Excused:

Ms. Marie Hansen

Participants:

Director John Rogers
Asst. Director Rick Desjardins
Attorney Andrew Black
Karen Green, Board Secretary

Guests: None

I. Item One on the Agenda: Call to Order

Chair Pellerin called the meeting to order at 9:05 a.m.

II. Item Two on the Agenda: Roll Call and Introduction of Board Members

Chair Pellerin requested that Secretary Green conduct a roll call and then Chair Pellerin led in the Pledge of Allegiance.

III. Item Three on the Agenda: Minutes of the Previous Meeting

MOTION: To accept the minutes of the November 8, 2019 Board of Trustees meeting that were handed out prior to the meeting and to be placed on file with the secretary.

Moved by Sgt. Ryder and seconded by Ms. Ward Saxl. Motion Carried Unanimously.

IV. Item Four on the Agenda: Certifications, Waivers and Extensions

A. Basic Law Enforcement Training Program Waiver Requests:

Assistant Director Rick Desjardins presented the following Basic Law Enforcement Training Waiver Requests.

1. Chief Aaron Mick – Dixfield Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Crash Training and the Law Enforcement Officer's Certification Examination by 8/19/2020.

Moved by Chief Rumsey and seconded by Sgt. Ryder. **Motion Carried Unanimously.**

2. Officer George B. Walker - Fryeburg Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Law Enforcement Officer's Certification Examination by 9/1/2020.

Moved by Chief Rumsey and seconded by Sheriff Nichols. **Motion Carried.**

3. Officer Jason W. Kopp – Westbrook Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Law Enforcement Officer's Certification Examination by 11/4/2020.

Moved by Chief Rumsey and seconded by Sgt. Ryder. **Motion Carried.**

B. Basic Law Enforcement Training Program Extension Requests:

Director Rogers presented the following Basic Law Enforcement Training Extension Request.

1. Officer Joshua W. York – Skowhegan Police Department.

MOTION: To approve the Basic Law Enforcement Training Extension from 2/12/2020 to 5/26/2020 to attend the May BLETP.

Moved by Mr. Peters and seconded by Sgt. Ryder. **Motion Carried.**

C. Basic Corrections Training Program Waiver Requests:

None at this time.

D. Basic Corrections Training Program Extension Requests:

None at this time.

E. Law Enforcement Preservice Program Waiver Requests:

Assistant Director Desjardins presented the following Law Enforcement Preservice Program Waiver Request.

1. Judicial Marshal Brenden N. Bentz – Office of the State Judicial Marshal

MOTION: To approve the Law Enforcement Preservice Program Waiver Request.

Moved by Ms. Ward Saxl and seconded by Sgt. Ryder. **Motion Carried.**

F. Part-time Law Enforcement Officer 1040 Hour Extension Requests:

None at this time.

G. Course Certification Requests:

Assistant Director Desjardins asked for approval for the following Course Certifications.

1. Staff Wellness – 2020 Mandatory Corrections Training topic.

MOTION: To approve the Course Certification for a 2-hour block on Staff Wellness.

Moved by Chief Rumsey and seconded by Sgt. Ryder. **Motion Carried.**

2. Professional Boundaries: Social Media – 2020 Mandatory Corrections Training topic.

MOTION: To approve the Course Certification for a 2-hour block on Professional Boundaries: Social Media.

Moved by Mr. Davis and seconded by Ms. Ward Saxl. **Motion Carried.**

3. Wellness for Law Enforcement Officers – 2020 Mandatory LE Training topic.

MOTION: To approve the Course Certification for Wellness for Law Enforcement Officers.

Moved by Mr. Davis and seconded by Ms. Ward Saxl. **Motion Carried.**

4. Introduction to Criminal Investigations – Elective 40-hour Training topic.

MOTION: To approve the Course Certification for a 40-hour class on Introduction to Criminal Investigations.

Moved by Chief Rumsey and seconded by Ms. Ward Saxl. **Motion Carried.**

V. Item Five on the Agenda: Committee Reports

A. Complaint Committee: Mr. Tom Peters

Mr. Peters stated that he would present 8 cases today which would leave 13 open cases. Some of those 13 are in the court scheduled for February. He said that 7 of the remaining cases involved Corrections Officers and Law Enforcement Officers.

B. Administrative Rules Committee: Mr. Richard Davis

Mr. Davis reported that Director Rogers has been working on the draft of changes to the Administrative Rules and specifically Chapters 3, 5, 9 and 11. He then asked Dir. Rogers to explain the work he had been doing in regards to these chapters. Dir. Rogers gave a brief overview of the history of rule-making and touched on the mirroring of part-time Law Enforcement Officer entrance standards and Corrections Officer entrance standards with the full-time LE standards. He stated that this has been extensive and time consuming, taking nearly a year to complete, but he wanted it all done for the Board before he retired at the end of February.

C. Law Enforcement Training Committee: Det. Sgt. Lincoln Ryder

Sgt. Ryder expressed his thanks to all the coordinators and SME's who worked so hard getting all of the new lesson plans created and ready to roll out. He asked Assistant Director Desjardins about the progress of the Limited Facts Forensic Interview, an 8-hour block class, and Mr. Desjardins stated he was confident it would be ready to present to the Board by the March meeting. Mr. Desjardins also said the Supervisory Leadership Development Class, which is a 3-part 90-hour class, was well received and a new class would be starting on March 6th.

D. Corrections Training Committee: Mr. Levon Travis

Nothing at this time.

E. Policy Standards Committee: Chief Charles Rumsey

Chief Rumsey told the Board that the passing of the Red Flag Bill, which goes into effect on July 1, 2020, would require the change to at least one of the minimum standards and the Maine Chiefs of Police will need to modify the model policy and the committee will need to come back to the Board in March with the recommendations.

VI. Item Six on the Agenda: Report from the Board Chair: Special Agent Brian Pellerin

1. Letter to the Maine Chiefs of Police Association and Maine Sheriff's Association.

- a. On Thursday January 9, 2020 I sent this letter to Chief Jack Peck, President of MCOPA, Sheriff Kevin Joyce of the MSA asking them to circulate to their membership. MSA and MCOPA both meet in January and February. I would like to ID the specific Board Members to be involved and discuss our positions before the Feb 24, 2020 meeting. I will be working on an outline for the presentation to illustrate the Board's recommendations.

2. 37th BLETP

- a. On November 27th I attended the 37th BLETP graduation ceremony at the Academy. Chief Jack Peck was the keynote speaker. There were 62 graduates and it was probably the largest turnout of family and friends that I have seen at a graduation ceremony. Director Rogers' wife and many of his family members were able to attend his last BLETP training program as Director of the MCJA. Director Rogers has overseen 34 BLETP classes during his 17-year tenure.

3. 43rd BCTP

- a. On December 20, 2019 I attended the 43rd BCTP graduation ceremony at the Academy. There were 31 graduates of the program and there was a good turnout of family and friends. I spoke to Corrections Lt. Hardwick of Penobscot County S.O. He hadn't been to a BCTP graduation at the Academy and he was genuinely impressed by the event.

4. West Virginia Corrections Academy

- a. I recently read an article about the West Virginia Division of Corrections and Rehabilitation Training Class 18. In December of 2019 the graduating class of 30 cadets were sitting for a class photo. In this particular photo the entire class raised a Nazi salute with the cation "Hail Bryd!" above the photo in reference to one of their instructors. The class was subsequently terminated by the Governor on the recommendation of the Public Safety Commissioner.

VII. Item Seven of the Agenda: Report from Director John Rogers

1. General Items:

- On December 6, 2019, I sent out all the annual reports. They are trickling in and Rick and I are processing them in order that we can provide information to the Board at March 13, 2020 meeting on the statistical outcomes and certification that need to be suspended for not meeting the requirements of the Board Specifications. I will try to get the formal Board report done for the legislature, the Board and the State Library prior to the end of February.
- After this meeting, all 2020 mandatory in-service lesson plans for both corrections and law enforcement have been approved by the Board and they will all be given to JPMA for their implementation.
- On December 7, 2019, the academy held a funeral for retired Colonel and MCJA Board member Patrick Fleming. It was a very nice service with Commissioner Sauschuck, Col. Cote, Gov. Mills, Sen. Collins and former Gov. Baldacci in attendance.

2. Basic Law Enforcement Training Program (BLETP):

- The 37th BLETP started on July 29, 2019 and 62 officers graduated on November 27, 2019. Chief Jack Peck of Farmington PD and President of the Maine Chiefs of Police Association was the keynote speaker.
- **Need Vote:** Under New Business, I would like to recommend that the Board accept the legacy gift from the 37th BLETP a black granite bench which is located on the outside edge of the parade deck. The donation must be accepted by the Board per, 25 M.R.S. §2803-A(17).
- The 38th BLETP started on December 30, 2019 and will graduate on May 1, 2020. There were 144 names or John Doe slots on the original list with 71 meeting all the entrance standards. I took 68 Cadets to start with 3 on the waiting list but now 2 came off the list because of medical issues 2 days before the class started and we then lost a Cadet on Day 1, Day 2 and 2 more on Day 6 for personnel reasons and we now we are down to 65. This is the first class with all 6 of the Cadre returning.
- **Need Vote:** We have a training date problem with 27 members of the 38th BLETP. These officers started on 12/30/2019 and worked 2 days in 2019 and did not do the 2019 Mandatory in-service training, as they were here doing the mandated BLETP training. Because the statute requires all officers in a calendar year to complete the mandatory training, I am requesting the Board to either vote to exempt these 27 officers from the 2019 mandatory training or that I should change the certification date status on their MCJA Notice of Employment form, from 12/30/2019 to 1/1/2020 because of these extenuating circumstances. (See handout)

3. Budget Issues:

- The extra Training Coordinator that was included in the 2020 DPS Supplemental Budget as a General Fund position is still on the table. This is the first Supplemental Budget for the State in the last 8 years.

4. Other Issues:

- **Need Vote:** I would propose that you officially vote for all the certifications that I issued on your behalf, between the last Board meeting and this Board meeting under New Business that are included in a handout. In summary, they are as follows: (See handout)
 - a. 6 – K-9 Detector Team (Drug) Certifications
 - b. 1 – Crisis Negotiator Certification
 - c. 1 – Intermediate Training Certification
 - d. 1 – Executive Certification

- e. 32 – Basic Corrections Training Program Certifications
- f. 4 – Municipal Ordinance/Traffic Infraction Prosecution Certifications
- g. 62 – Basic Law Enforcement Training Program Certification

- Under Old Business Board Policy #1 on Applicant Polygraph Testing: At the November 8, 2019 Board meeting, you asked me to make the policy changes that reflect the new PE-1 form (Appendix 3) that polygraph examiners are required to send to the Academy Director. Appendix 3 was changed as was the wording in the policy to reflect the Board vote. I got the wording from Lt. Troy Gardner, the supervisor of the MSP polygraph unit.
- I provided to Mr. Davis, Chair of the Board Rules Committee all the proposed changes that I could think of for the Chapter 1,3,5,7,9, and 11 Administrative Rules that need to be changed. From this point you would need to add or take out what the Rules committee feels is warranted and some of the changes will come for suggestion from a P/T Officer committee that Chair Pellerin is putting together. I will leave you with a recommendation of using AAG Andrew Black and Rick Desjardins on this project and do a “rescind and replace” of the current Administrative Rules, as it may be easier. I have filed the 2019-2020 regulatory agenda and I gave Chair Davis a step by step process of how to enact these rules.

MOTION: To accept the Legacy Gift from the 37th BLETP of a black granite bench that has been placed outside by the parade grounds.

Moved by Ms. Ward Saxl and seconded by Sgt. Ryder. **Motion Carried Unanimously.**

MOTION: To accept the listed 27 officers of the 37th BLETP to be considered exempt from 2019 training as they are not yet authorized to arrest and pursuant to the statute, are not required to complete the mandatory training. Any future failure to complete mandatory training in a calendar year will be considered a first offense of that requirement by these exempt officers.

Motion made by Mr. Peters and seconded by Det. Blodgett. **Motion Carried Unanimously.**

MOTION: To accept the Certifications that were issued by Director Rogers on behalf of the Board since the last Board meeting on November 8, 2019.

Motion made by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried Unanimously.**

VIII: Item Eight on the Agenda: Old Business

MOTION: To accept the changes in the Law Enforcement Agency Applicant Polygraph Testing Policy.

Motion made by Sgt. Ryder and seconded by Det. Blodgett. **Motion Carried Unanimously.**

Chair Pellerin asked for a motion to take short break at 10:54 a.m.

Motion made by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried Unanimously**

Meeting reconvened at 11:15 a.m.

Commissioner Sauschuck wanted to acknowledge the hard work Dir. Rogers, the staff at MCJA did in scheduling and putting together 5 BLETP Academies in 2 years and for the Board to accept and approve it. This has helped reduce the number of individuals waiting to get into the BLETP and he wanted to “put it out there” and say, “job well done”.

IX: Item Nine on the Agenda: New Business

A. Hiring Process for the Director's Position – Commissioner Michael J. Sauschuck

MOTION: I move that the Board go into executive session pursuant to 1 M.R.S. § 405(6)(A) to discuss and consider the employment or appointment of an individual to a position within the Maine Criminal Justice Academy.

Motion made by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried Unanimously at 11:18 a.m.**

Meeting reconvened at 11:56 a.m.

Chair Pellerin called for a motion to move into Executive Session.

MOTION: To move the Maine Criminal Justice Academy Board of Trustees into Executive Session pursuant to Title 25 MRS§ 2806-A (10) to discuss confidential business matters.

Motion made by Mr. Davis and seconded by Chief Rumsey. **Motion Carried Unanimously at 11:57 a.m.**

Meeting reconvened at 12:39 p.m.

B. Complaint Committee Case:

1. Board Case 2017-036

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the officer's full-time Law Enforcement Certification of eligibility.

Motion made by Mr. Davis and seconded by Det. Blodgett. **Motion Carried Unanimously.**

2. Board Case 2018-028

MOTION: To accept the recommendation of the Complaint Review Committee to take no further action due to insufficient evidence of disqualifying conduct.

Motion made by Mr. Peters and seconded by Sgt. Ryder. **Motion Carried with D.A. Slattery recusing herself.**

3. Board Case 2018-031

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the officer's Corrections Certification of eligibility.

Motion made by Sgt. Ryder and seconded by Mr. Travis. **Motion Carried Unanimously.**

4. Board Case 2019-004

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the officer's full-time Law Enforcement Certification of eligibility.

Motion made by Sgt. Ryder and seconded by Mr. Travis. **Motion Carried with D.A. Slattery recusing herself.**

5. Board Case 2019-023

MOTION: To accept the recommendation of the Complaint Review Committee to grant the waiver without conditions.

Motion made by Sgt. Ryder and seconded by Mr. Travis. **Motion Carried Unanimously.**

6. Board Case 2019-028

MOTION: To accept the recommendation of the Complaint Review Committee to take no further action due to insufficient evidence of disqualifying conduct.

Motion made by Sgt. Ryder and seconded by Chief Rumsey. Motion Carried with Mr. Travis recusing himself.

7. Board Case 2019-035

MOTION: To accept the recommendation of the Complaint Review Committee to deny the applicant's waiver and revoke the part-time officer's Law Enforcement Certification under a Class D offense and misstatement of material facts.

Motion made by Sgt. Ryder and seconded by Mr. Davis. Motion Carried Unanimously.

8. Board Case 2019-037

MOTION: To accept the recommendation of the Complaint Review Committee to take no further action due to insufficient evidence of disqualifying conduct.

Motion made by Sgt. Ryder and seconded by Mr. Travis. Motion Carried with Dep. Chief Bushey recusing himself.

Chair Pellerin called for a motion to adjourn.

MOTION: To adjourn the 1/10/2020 Maine Criminal Justice Academy Board of Trustees Meeting at 12:43 p.m.

Motion made by Mr. Peters and seconded by Sgt. Ryder. Motion Carried Unanimously.

Chair Pellerin adjourned the meeting at 1:19 p.m.



Richard P. Davis