

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, September 16, 2016.

Board Members Attending:

Dir. Larry Austin
Deputy Chief Amy Berry – Chair
Det. Seth Blodgett
Ms. Kimberly Gore
Dean Marie Hansen
Commissioner John Morris
Chief Bradley Paul – Vice-chair
Special Agent Brian Pellerin
Mr. Thomas Peters
Sgt. Lincoln Ryder
Ms. Elizabeth Ward Saxl
Officer Levon Travis
Captain Shon Theriault for Colonel Joel Wilkinson
Colonel Robert Williams

Board Members Excused:

Mr. Richard Davis
DA Geoffrey Rushlau

Participants:

Asst. Director Rick Desjardins
AAG Andrew Black

Guests:

Officer Ryan Johns, South Portland Police Department
Officer Scott Flanagan, Ogunquit Police Department
Lt. Matthew Buttrick, Ogunquit Police Department
Chief James Willis, Bar Harbor Police Department
Officer Douglas Brundrett, Bar Harbor Police Department
Chief Robert Bryant, Penobscot Nation Police Department
Stephen Betts, Bangor Daily News

I. Item One on the Agenda: Call to Order:

Chair Amy Berry called the meeting to order at 9:00 a.m.

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

Chair Berry asked the Board Clerk to conduct a roll call. Chair Berry noted a quorum was present. The Board members introduced themselves for the benefit of guests in attendance. Chair Berry welcomed Dir. Larry Austin as the newly appointed Board member replacing Dir. Gary LaPlante. Asst. Dir. Rick Desjardins introduced Alan Gregory who assumed the recent vacant Training Coordinator position.

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

MOTION: To accept the minutes of the July 2016 Board of Trustees meeting and to be placed on file with the secretary.

Moved by Vice-chair Chief Paul and seconded by Sgt. Ryder.

Motion carried.

IV. Item Four on the Agenda: Certifications:

A. Basic Law Enforcement Training Program Waiver Requests:

Asst. Dir. Rick Desjardins presented a request for the following officers to receive a Basic Law Enforcement Training Program waiver:

1. Officer Ryan Johns – South Portland Police Department

MOTION: To approve the above-listed officer for BLETP waiver.

Moved by Ms. Ward Saxl and seconded by Sgt. Ryder. Chair Deputy Chief Berry, representing South Portland Police Department, asked Vice-Chair Paul to preside over this item.

Motion carried. Chair Deputy Chief Berry did not vote on this item and resumed the duty of presiding officer for the remainder of the meeting.

2. Officer Douglas R. Brundrett – Bar Harbor Police Department

MOTION: To approve the above-listed officer for BLETP waiver.

Moved by Vice-chair Chief Paul and seconded by Sgt. Ryder.

3. Officer Scott D. Flanagan –Ogunquit Police Department

MOTION: To approve the above-listed officer for BLETP waiver.

Moved by Vice-chair Chief Paul and seconded by Ms. Ward Saxl.

Motion carried.

B. Basic Law Enforcement Training Program Extension Requests:

Asst. Dir. Rick Desjardins presented a request for the following officers to receive a Basic Law Enforcement Training Program extension:

1. Officer Andrew L. Levesque – Lisbon Police Department

MOTION: To approve the above-listed officer for BLETP extension.

Moved by Vice-chair Chief Paul and seconded by Ms. Hansen.

Motion carried.

Let the record reflect that Colonel Williams entered the meeting at 9:30 a.m.

2. Officer Dean A. Benson – Mexico Police Department

MOTION: To approve the above-listed officer for BLETP extension.

Moved by Vice-chair Chief Paul and seconded by Sgt. Ryder.

Motion carried.

3. Officer Daniel J. Ballanger – Caribou Police Department

MOTION: To approve the above-listed officer for BLETP extension.

Moved by Vice-chair Chief Paul and seconded by Ms. Ward Saxl.

Motion carried.

C. Basic Corrections Training Program Waiver Requests:

1. None at this time.

D. Basic Corrections Training Program Extension Requests:

1. None at this time.

E. Law Enforcement Preservice Program Waiver Requests

Asst. Dir. Desjardins presented a request for the following officers to receive a Law Enforcement Preservice Program Waiver:

1. Judicial Marshal Michael J. Ahearn – Maine Judicial Marshals

MOTION: To approve the above-listed officer for LEPS waiver.

Moved by Vice-chair Chief Paul and seconded by Special Agent Pellerin.

Motion carried.

2. Judicial Marshal George M. Wayland – Maine Judicial Marshals

MOTION: To approve the above-listed officer for LEPS waiver.

Moved by Vice-chair Chief Paul and seconded by Sgt. Ryder.

Motion carried.

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

Asst. Dir. Desjardins presented a request for the following officers to receive a Part-time Law Enforcement 1040 hour extension:

1. Officer John L. Keniston – Penobscot Nation Police Department

MOTION: To approve the above-listed officer for Part-time Law Enforcement 1040 extension.

Moved by Sgt. Ryder and seconded by Vice-chair Chief Paul.

Motion carried.

2. Officer Alex M. Burns – Pittsfield Police Department

MOTION: To approve the above-listed officer for Part-time Law Enforcement 1040 extension.

Moved by Vice-chair Chief Paul and seconded by Special Agent Pellerin.

Motion carried.

3. Officer Todd S. Hodgdon – North Berwick Police Department

MOTION: To approve the above-listed officer for Part-time Law Enforcement 1040 extension.

Moved by Vice-chair Chief Paul and seconded by Sgt. Ryder.

Motion carried.

4. Officer John W. Bonnell – Rangeley Police Department

MOTION: To approve the above-listed officer for Part-time Law Enforcement 1040 extension.

Moved by Sgt. Ryder and seconded by Vice-chair Chief Paul.

Motion carried.

5. Officer Harry A. Drew – Milo Police Department

MOTION: To approve the above-listed officer for Part-time Law Enforcement 1040 extension.

Moved by Vice-chair Chief Paul and seconded by Ms. Ward Saxl.

Motion carried.

6. Officer Benjamin Kolko – Belfast Police Department

MOTION: To approve the above-listed officer for Part-time Law Enforcement 1040 extension.

Moved by Vice-chair Chief Paul and seconded by Sgt. Ryder.

Motion carried.

G. Course Certification Requests:

1. None at this time.

V. Item Five on the Agenda: Criminal Convictions/Conduct Waiver Requests:

1. None at this time.

VI. Item Six on the Agenda: Committee Reports

Chair Berry heard the committees out of order as there were two presenters waiting to address the Board members and Administrative Rules Committee.

B. Administrative Rules Committee: Special Agent Brian Pellerin

Chief Berry introduced two “subject matter experts,” Det. Terry James and Lt. Troy Gardner of the Maine State Police Polygraph Unit. Det. James addressed the Board regarding a request to update the MCJA Polygraph form. The Polygraph Unit has recently undergone changes and the purpose of this discussion was regarding the MCJA Polygraph form. The MCJA Pre-employment Polygraph Report Form (handout) and the Law Enforcement Agency Applicant Polygraph Testing Policy MCJA Board Policy # 1(handout) were circulated to Board members for review.

After much discussion regarding wordage and what the language states in the form, it was decided that the Polygraph Unit will present a draft revision of the Polygraph form and Specification to the committee upon completion.

Special Agent Pellerin stated there is nothing further to report at this time.

A. Complaint Committee: Vice-chair Chief Bradley Paul

Vice-chair Chief Paul reported the Complaint Committee will present 10 cases in Executive Session today. The committee met twice last month to reduce the amount of cases.

C. Law Enforcement Training Committee: Sgt. Lincoln Ryder

Sgt. Ryder reported on the survey recently received and said we need to focus our attention on how to augment training at the Academy. The two areas in need are Criminal Investigation and Leadership and the Supervision / Leadership side and what exists in those roles now. He then talked of the Supervision / Leadership side of law enforcement. He stated that side does not exist except a three week Leadership and Police Organization (LPO) class held at the Academy. The LPO class is held two times per year and is capped at 36 students.

Currently, there is a Crime Scene Investigation class available but there isn't anything leading up to that class. Asst. Dir. Desjardins reported that Alan Gregory has been asked to develop a class for supervision. He will reach out to experts and create lesson plans. There may be a week long course with two phases; a 1st line supervisor class and maybe a more advanced class using the (LPO) concept as its foundation. MCJA's goal is to present this to the Board by the end of this year.

D. Corrections Training Committee:

Officer Travis spoke in place of Dir. LaPlante who resigned from the Board in July. He said the committee has not met in a while. There will be a Corrections training at the Kennebec County Sheriff's Office starting in two weeks and a training session will be held at the Maine State Prison in October.

Asst. Dir. Desjardins reported the next step for this committee will be to start the process of reviewing the updated 200 hour curriculum. The instructors have identified areas of the curriculum that need to be changed. Asst. Dir. Desjardins said the curriculum will be an on-going "rinse and repeat" process. The committee will look at the areas that need modification and will present them to the Board. Jim Birt remains the Training Coordinator for the Corrections program internally and Alan Gregory will tag team with Jim and be responsible for off-site Corrections training.

E. Policy Standards Committee: Chief Bradley Paul – Vice-Chair

Vice-chair Chief Paul stated the committee has not met and there is no report at this time.

VII. Item Seven on the Agenda: Report from the Board Chair: Chair Amy Berry:

The Chair reported that Board member Marie Hansen was recently honored at the Girl Scouts 2016 Pearls of Wisdom breakfast and offered congratulations to Dr. Hansen. The Chair also attended the graduation ceremony for the 15th Basic Corrections Training Program this past Monday where 29 corrections officers received their certificates. This is the second class to go through the expanded training program, and the Chair acknowledge the work of Director LaPlante and the Corrections Training Committee, along with the Academy staff, cadre, and instructors that made this happen.

There was a recent news release that announced that the State of Michigan will accept out of state training for law enforcement officers only from courses that have been vetted and approved by the National Certification Program, an initiative from IADLEST that the Board heard about last year, and it will be interesting to see how this expands.

The handout letter from Attorney General Janet Mills offers to support a research project on diversity in law enforcement. After some discussion, the Board decided that they support the initiative and the Academy's participation is limited to providing access to the contact information and limited demographics in the existing database of certified officers.

The recent addition of Ms. Gore and Mr. Austin, the recent departure of Director LaPlante, and the pending retirement of Chief Paul will require some changes in assignments to the standing committees, and the final version will be included in the packet for the next Board Meeting.

VIII. Item Eight on the Agenda: Report from the Director: John Rogers:

Asst. Dir. Desjardins presented Director Rogers' report:

1. General Items:

- I hired Alan Gregory from the Maine State Prison. He was the Training Supervisor at the State Prison and before that he worked for Kennebec County SO as a Corrections Officer and their Training Supervisor. He has a Master's Degree and a very distinctive accent as he grew up in South Africa. We are very pleased to have Alan on board.

2. Basic Law Enforcement Training Program (BLETP):

- On 8/15/2016, we started the 31st BLETP. I had 73 people out of 136 qualify for the class and I accepted the top 64 candidates. I lost one a few days before the class started and took one off the waiting list. We lost another Cadet in the middle of the night for an unknown reason, and then another one was sent home due to chest pain that you have already dealt with and finally we had a person quit in the 2nd week for personal reason. I have taken 3 off the waiting list. I suspect that I will lose at least 1 more due to difficulty in several areas. The agency Chief will be meeting with my staff on Tuesday to discuss the deficiencies on this Cadet.
- As of today I have 120 names and/or John Doe slots down from 123.
- I will be in the search for 2 Cadre for the January Class as Dep. Cody Laite from Waldo SO and Off. Anthony Drouin from Augusta PD are returning to their agencies.
- The class on Implicit Human Biases went very well and will be a permanent part of the BLETP.

3. MCJA Budget Issues:

- The MCJA FY 18/19 budget was submitted on 9/1/2016 by Commissioner Morris with the Academy requesting an additional 251K over the biennium in allotment only to make up the difference in the loss of revenue. The only increase in the budget appropriation is \$3827 to cover the OIT cost increase. The rest of the budget holds the FY 16/17 budget line. Commissioner Morris did authorize the spending down of the Cash account via a financial order for many one-time training and classroom items before the account was swept by the legislature as they have done many times in the past.

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. 39 – Basic Corrections Training Program Certifications
 - b. 1 – Law Enforcement Officer Advanced Certification
 - c. 1 – Law enforcement Office Intermediate Certification
 - d. 3 - Law Enforcement Executive Certifications
 - e. 4 – Drug Recognition Expert Certifications
 - f. 3 – Crash Reconstruction Specialist Certifications
 - g. 1 - K-9 Detector Team Trainer Certification
- I plan on going to the IACP convention in San Diego in October to find out all the latest trends on training. During that convention, I will also attend the IADLEST meeting, as I want to find out about their new national accreditation program for police academies. CALEA has one but they are mostly geared toward law enforcement agencies. IADLEST is the professional organization for law enforcement academies.

- There will be a new off-site BCTP Memorandum of Understanding that was mirrored after the one we use for the off-site LEPS course. This will have to be in place 30 days in advance along with all the other required paperwork. **(See handout)**
- We will also be conducting off-site evaluations for the BCTP to make sure they are dealing with daily readiness issue, training room issues, learning environment and overall facility assessment **(See handout)**
- We will also be conducting announced and unannounced visits to evaluate instructors to make sure the instructor is adhering to the approved lesson plans, preparedness, etc. **(See handout)**

Let the record reflect that Mr. Stephen Betts of the Bangor Daily News entered the meeting at 10:25 a.m.

MOTION: To accept all certifications listed as a handout, dates of July 16, 2016, through September 15, 2016 (handout to be attached to minutes).

Moved by Ms. Ward Saxl and seconded by Ms. Hansen.

Sgt. Ryder abstained from the vote regarding the two Waterville Police Department officers on that list.

Motion carried.

IX. Item Nine on the Agenda: Old Business: Chair Amy Berry:

1. None at this time.

X. Item Ten on the Agenda: New Business: Chair Amy Berry:

Chair Dep. Chief Berry circulated a letter written by Attorney General Janet Mills. Ms. Mills is requesting data regarding the numbers of women and minorities in law enforcement in Maine. She is in hopes of beginning a research project and is asking for support by having available to her data and statistics that agencies may have. This research will be aimed at identifying positive steps to diversify and improve the broader law enforcement community. Ms. Hansen stated she will take the letter to her faculty to see if there is interest. **(See handout)**

MOTION: To move the Maine Criminal Justice Academy Board of Trustees into Executive Session pursuant to Title 25, section 2806-a, subsection 10, to discuss confidential disciplinary matters.

Moved by Mr. Peters and seconded by Vice-chair Chief Paul.

Motion carried.

The Board moved into Executive Session at 10:40 a.m.

The Board moved out of Executive Session and reconvened Public Session at 11:41 p.m.

Complaint Committee Cases:

1. In the matter of Board Case No. 2015-029:

MOTION: To accept the recommendation of the Complaint Committee to revoke the certification.

Moved by Sgt. Ryder and seconded by Special Agent Pellerin.

The Complaint Committee abstained from the vote.

Motion carried.

2. In the matter of Board Case No. 2016-005:

MOTION: To accept the recommendation of the Complaint Committee to “Take No Further Action Due to Insufficient Evidence of Disqualifying Conduct.”

Moved by Special Agent Pellerin and seconded by Sgt. Ryder.

The Complaint Committee abstained from the vote. Dir. Austin recused from the vote.

Motion carried.

3. In the matter of Board Case No. 2016-006:

MOTION: To accept the recommendation of the Complaint Committee to revoke the certification.

Moved by Sheriff Nichols and seconded by Sgt. Ryder.

The Complaint Committee abstained from the vote. Dir. Austin recused from the vote.

Motion carried.

4. In the matter of Board Case No. 2016-012:

MOTION: To accept the recommendation of the Complaint Committee to offer a three year consent agreement that includes a \$150.00 fine and a condition to not engage in further disqualifying conduct.

Moved by Sgt. Ryder and seconded by Ms. Hansen.

The Complaint Committee abstained from the vote.

Motion carried.

5. In the matter of Board Case No. 2016-015:

MOTION: To accept the recommendation of the Complaint Committee to “Take No Further Action Due to Insufficient Evidence of Disqualifying Conduct.”

Moved by Dir. Austin and seconded by Ms. Hansen.

The Complaint Committee and Sgt. Ryder abstained from the vote.

Motion carried.

6. In the matter of Board Case No. 2016-017:

MOTION: **To accept the recommendation of the Complaint Committee to offer a three year consent agreement that includes a reprimand and a condition to not engage in disqualifying conduct.**

Moved by Special Agent Pellerin and seconded by Sgt. Ryder.

The Complaint Committee abstained from the vote.

Motion carried.

7. In the matter of Board Case No. 2016-018:

MOTION: **To accept the recommendation of the Complaint Committee to revoke the certification.**

Moved by Sheriff Nichols and seconded by Sgt. Ryder.

The Complaint Committee abstained from the vote.

Motion carried.

8. In the matter of Board Case No. 2016-019:

MOTION: **To accept the recommendation of the Complaint Committee to offer a three year consent agreement that includes a \$150.00 fine and a condition to not engage in disqualifying conduct.**

Moved by Dir. Austin and seconded by Special Agent Pellerin.

The Complaint Committee abstained from the vote.

Motion carried.

9. In the matter of Board Case No. 2016-020:

MOTION: **To accept the recommendation of the Complaint Committee to offer a three year consent agreement that includes a reprimand and a condition to not engage in disqualifying conduct.**

Moved by Dir. Austin and seconded by Special Agent Pellerin.

The Complaint Committee abstained from the vote. Colonel Williams recused from the vote.

Motion carried.

10. In the matter of Board Case No. 2016-025:

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

Moved by Dir. Austin and seconded by Sgt. Ryder.

The Complaint Committee and Special Agent Pellerin abstained from the vote.

Motion carried.

XI. Item Eleven on the Agenda: Adjournment

MOTION: To adjourn the Maine Criminal Justice Academy Board of Trustees Meeting.

Moved by Ms. Gore and seconded by Sgt. Ryder.

Motion carried.

Chair Berry adjourned the meeting at 11:46 a.m. The next meeting is scheduled for 9:00 a.m. on Friday, November 18, 2016 at the Maine Criminal Justice Academy in Vassalboro.

A handwritten signature in black ink that reads "Richard P. Davis". The signature is written in a cursive style with a large, prominent 'R' and 'D'.

Richard Davis, Secretary