

Minutes of the meeting of the Maine Criminal Justice Academy Board of Trustees held at the Maine Criminal Justice Academy in the Brian MacMaster Board Room on **Friday, January 19, 2024.**

Board Members Attending:

Mr. Brian Pellerin – Chair
Commissioner Michael Sauschuck
Commissioner Randall Liberty
Director Anna Love
Chief Charles Rumsey IV
Deputy Chief David Bushey
Colonel William Ross
Colonel Dan Scott
DA Kathryn Slattery
Mr. Mateo Mendoza
Ms. Marie Hansen
Ms. Elizabeth Ward Saxl
Ms. Francine Stark
Ms. Kimberly Russell

Board Members Excused:

Deputy Chief Eric Small
Sheriff Scott Nichols
Mr. Nathan Poore
Officer Matthew Dana

Participants:

Director Jack Peck
Assistant Director Lincoln Ryder
AG Andrew Black
Karen Green, Board Clerk

Guests:

Chief Robert F. MacKenzie - Kennebunk PD
Laura Rodas – DOC
Scott Landry – DOC

I. Item One on the Agenda: Call to Order

Chair Pellerin called the meeting to order at 9:03 a.m.

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

Chair Pellerin requested that roll call be conducted and after, led the Pledge of Allegiance.

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

MOTION: To accept the minutes of the November 17, 2023, Board of Trustees meeting and to have it be placed on file with the secretary.

Motion made by Ms. Ward Saxl and seconded by Commissioner Sauschuck. **Motion Carried.**

Chair Pellerin requested that the Board take the proposed 2024-2025 Mandatory Training under New Business out of order as Chief MacKenzie was in attendance.

X. Item Ten of the Agenda: New Business

A. 2024/2025 Mandatory Training Proposal – Chief Robert MacKenzie, Kennebunk Police Department.

Chief MacKenzie told the Board that on November 27, 2023, the Law Enforcement Advisory Committee met at the Academy to consider mandatory training for the next two years. As a result of those deliberations, the Committee made the following recommendations.

For 2024 there are four two-hour blocks: Firearms (MCJA Qualifications), Law Updates, Responding to Behavioral Health Calls & the Yellow Flag Law and Responding to Domestic Terrorism Threats. Mechanics of Arrest, Restraint & Control, a 4-hours block.

For 2025 there are four two-hour blocks: Firearms (MCJA Qualifications), Law Updates, Trauma Informed Training for LEO's, and Officer Wellness, along with a 4-hour block of Mechanics of Arrest, Restraint & Control.

MOTION: To accept the recommendation of the Law Enforcement Advisory Committee to accept the 2024 and 2025 Mandatory Training as presented.

Moved by Ms. Ward Saxl and seconded by Director Love. **Motion Carried.**

There was further discussion about adding more topics to the 2025 mandatory training, but the Board decided to look into adding those extra hours and topics in the future.

Chair Pellerin requested that the Board stay out of order and go into executive session.

X. Item Ten of the Agenda: New Business

C. Complaint Review Committee Cases

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 Ms. Russell and seconded by Chief Rumsey.

Motion Carried Unanimously at 9:21 a.m. The meeting was reconvened at 9:40 a.m.

1. Board Case 2023-057

MOTION: To accept the recommendation of the Complaint Review Committee to offer the certificate holder a Consent Agreement with normal conditions which includes a 3-year probation period.

Motion made by Ms. Stark and seconded by Commissioner Sauschuck.

Motion Carried with Chair Pellerin recusing himself.

For the discussion Chair Pellerin left the room at 9:21 a.m. and returned at 9:26 a.m.

2. Board Case 2023-060

MOTION: To accept the recommendation of the Complaint Review Committee to grant the waiver.

Motion made by Chief Rumsey and seconded by Ms. Stark.

Motion Carried with one in opposition and Commissioner Liberty abstaining.

3. Board Case 2023-061

MOTION: To accept the recommendation of the Complaint Review Committee to grant the waiver as requested.

Motion made by Ms. Stark and seconded by Colonel Ross. **Motion Carried**

4. Board Case 2023-062

MOTION: To accept the recommendation of the Complaint Review Committee to grant the waiver as requested.

Motion made by Ms. Stark and seconded by Chief Rumsey.

Motion Carried with one in opposition.

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

A. Basic Law Enforcement Training Program Waiver Requests:

Assistant Director Ryder presented the following Basic Law Enforcement Training Program Waiver Requests.

1. Officer Peter Allen – Knox County Sheriff's Office

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Reporting Training, the Emergency Vehicle Operations Course, and the Maine Law Enforcement Officer's Certification Examination by 11/8/2024.

Moved by Mr. Mendoza and seconded by Chief Rumsey. **Motion Carried.**

2. Officer Richard Boyd – Kittery Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Reporting Training, the Emergency Vehicle Operations Course, and the Maine Law Enforcement Officer's Certification Examination by 12/4/2024.

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

3. Officer Matthew Cummer – York Police Department

MOTION: To deny the Basic Law Enforcement Training Program Waiver.

Moved by Commissioner Liberty and seconded by Colonel Ross. **Motion Carried.**

MOTION: To approve the Law Enforcement Pre-Service Training Program Waiver under Specification S-23, pending completion of LEPS Phase III by 11/20/2024.

Moved by Ms. Ward Saxl and seconded by Director Love. **Motion Carried.**

4. Officer Thomas Miskell – Kennebunk Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Reporting Training, Emergency Vehicle Operations Course, and the Maine Law Enforcement Officer's Certification Examination by 10/16/2024.

Moved by Ms. Ward Saxl and seconded by Commissioner Sauschuck. **Motion Carried.**

5. Officer Matthew Steinort – Oxford County Sheriff's Office

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Emergency Vehicle Operations Course, Maine Crash Reporting Training, and the Maine Law Enforcement Officer's Certification Examination by 6/1/2024.

Moved by Colonel Ross and seconded by Chief Rumsey. **Motion Carried.**

B. Basic Law Enforcement Training Program Extension Requests:

Director Peck presented the following Basic Law Enforcement Training Program Extension Requests.

1. Officer David Peters – East Millinocket Police Department

MOTION: To approve the 180-day Basic Law Enforcement Training Program Waiver Extension so that he can attend the BLETP in August 2024.

Moved by Chief Rumsey and seconded by Mr. Mendoza. **Motion Carried.**

2. Officer Trevor McCray – Waldo County Sheriff's Office

Director Peck explained to the Board that this request was made before the agenda was sent out, but Officer McCray has now passed his PFT and has made it into this current BLETP. He asked that this request be withdrawn.

3. Officer Julius Charles - Pittsfield Police Department

MOTION: To approve the 180-day Basic Law Enforcement Training Program Waiver Extension so that he can attend the August 2024 BLETP.

Moved by Chief Rumsey and seconded by Commissioner Sauschuck.

Motion Carried.

4. Officer Cody Fenderson – Fort Fairfield Police Department

MOTION: To approve the 180-day Basic Law Enforcement Training Program Extension so that he can recover from his injury and complete the MARC Practical.

Moved by Chief Rumsey and seconded by Mr. Mendoza. **Motion Carried.**

5. Officer Robert Allen – Indian Township Police Department

MOTION: To approve the 180-day Extension so the officer can attend the IPA in Artesia, N.M. in April 2024.

Moved by Chief Rumsey and seconded by Director Love. **Motion carried.**

C. Basic Corrections Training Program Waiver Request:

None at this time.

D. Basic Corrections Training Program Extension Requests:

Director Peck presented the following request for a Basic Correction Training Extension.

1. Provisional CO Claudia Lamphere – Knox County Sheriff's Office

MOTION: To approve a 180-day Basic Corrections Training Program Extension, retro to 12/19/2022 so that she can heal before attending the BCTP in March 2024.

Moved by Ms. Stark and seconded by Director Love. **Motion Carried.**

2. CO Thomas Crane – Somerset County Sheriff's Office

MOTION: To approve the 180-day Basic Corrections Training Program Extension as requested.

Moved by Ms. Ward Saxl and seconded by Ms. Stark. **Motion Carried.**

AMENDED MOTION: To table this request for further discussion.

Moved by Ms. Stark and seconded by Director Love. **Motion carried.**

After a discussion regarding the Statute, it was determined that no extension was needed.

E. Law Enforcement Pre-service Program Waiver Requests:

None at this time.

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

None at this time.

G. Course Certification Requests:

None at this time.

H. Course/Program completion Certifications issued by the Director.

Director Peck presented the list of the 42 certifications that were issued since the last Board Meeting on November 17, 2023.

MOTION: To accept the 42 Certifications that were issued by Director Peck on behalf of the Board since the Board meeting held on November 17, 2023.

Motion made by Ms. Ward Saxl and seconded by Commissioner Sauschuck. **Motion Carried.**

V. Item Five on the Agenda: Committee Reports

A. Complaint Committee: Chief Charles Rumsey

Chief Rumsey told the Board that the Committee met on December 19, 2023 and had scheduled 12 informal conferences, but upon arriving at the Academy found that there was no power, internet or phones due to the recent snowstorm. Half of the individuals did not show up for their conferences, but some of them reached out to Director Peck to reschedule them for another time.

He further stated that the Committee was able to hold six Informal Conferences and will be presenting four of those cases today for the Board's consideration. The other two cases of alleged misconduct are complex and require some follow-up work before they are ready for presentation.

Chief Rumsey said that on December 28, 2023 Director Peck, Attorney Black and he met to discuss the caseload and, not including the four waiver cases you will hear today, we still have approximately 29 active cases. The committee plans to hold two Committee meetings in February 2024 and invite a total of 21 certificate holders to meet with us. If successful, we will have a record number of cases to present at the March Board meeting.

B. Administrative Rules Committee: Colonel Dan Scott

Colonel Scott spoke to the Board about the updates made on the Conduct Rules from the November 17, 2023, Board meeting, specifically paragraphs A, F, and I.

MOTION: To accept the proposed Rule as written.

Motion made by Director Love and seconded by Ms. Ward Saxl. **Motion carried.**

C. Law Enforcement Training Committee: Dep. Chief David Bushey

Dep. Bushey told the Board that he did not have a report but mentioned that the Committee would be bringing recommendations from the Academy Staff regarding the ALERT Test and whether it should continue to be administered.

D. Corrections Training Committee: Commissioner Randall Liberty

Commissioner Liberty said that he and Director Peck testified regarding LD 178 which is the Bill which would require Probation Officers to fall under the umbrella of the Maine Criminal Justice Academy. What we proposed and they accepted, was to allow all of this transition to happen by July 2025.

Director Peck stated that MCJA Staff have agreed to hold an extra two-week MOI just for Corrections employees and to work on 42 lesson plans, with goals and objectives, that will then need to be approved by the Board.

Commissioner Liberty told the Board that when he was down in DC at the American Correction's Association Conference and will be receiving updates on national trend in training and best practices in March.

On Monday, 1/17/24 Corrections started the largest class in Corrections history with 70 Corrections Officers attending the first day at the Academy. From there, each of the COs went to one of the four regional sites to finish up the Basic Corrections Academy. Each site has Cadres staying at the facilities 24/7 and at the end of the program all will return to the Academy for the final exam and their graduation ceremony.

He also shared that the new Juvenile Basic Corrections Training Program went well and that they plan to hold another one in February.

E. Policy Standards Committee: Chief Deputy Pellerin

As Deputy Chief Small could not attend, Chief Deputy Pellerin told the Board that he had a discussion with him because in Section 2803-B there was an additional requirement that we were not aware of. One of the Board Policy Standards, letter "O" by 1/1/2024 the confidentiality of attorney client communication, which must include, at the minimum, the process to protect and assure the confidentiality of attorney client communications in processes allowed in the event there is a breach of attorney client confidentiality.

This is a recent Statute that was passed so we will need to create a Board Policy Standard. Deputy Chief Small put together this Board Standard requirement and will present it to the Committee for finalization so it can be presented to the Board.

VI. Item Six on the Agenda: Report from the Chair – Chair Brian Pellerin

Chair Pellerin thanked those members of the Board who were able to make themselves available and participate in the public comment forum in the rule making process earlier this month. Although we did not receive any comments it was the Board's first public comment session. Chair Pellerin is hoping to conduct another public comment session later this year to complete the rulemaking process for the remaining Board standards.

Chair Pellerin also thanked Commissioner Liberty for the Department of Corrections work towards legislation regarding LD 178 as An Act to Establish Training and Certification Standards for Probation

and Parole Officers. This has been a long-term project for the Board and it appears this bill has the support needed to pass. Director Peck and Assistant Director Ryder are already coordinating efforts to develop and build the program at the Academy, and it is expected to be a significant amount of work to do so.

The Board is also working on a draft Minimum Board Standard relating to Attorney - Client Communications. This is a new required standard mandated by the legislature. Deputy Chief Small has crafted a preliminary draft of the new standard, and it will be distributed to the Board for review.

VII. Item Seven on the Agenda: Report from the Director –Director Jack Peck

The 45th Basic Law Enforcement Training Program (BLETP) started on January 16, 2024.

Orientation for the 45th BLETP was held on Monday, December 18, 2023.

Every Cadet on the list for this next BLETP was invited to the academy for Orientation to discuss expectations and prepare for the next training academy. After Orientation was completed, the potential Cadets took their physical fitness test (PFT) entrance exam. The PFT consists of a timed run and a number of sit-ups and push-ups that are gender and age specific. Ninety-six took the PFT and eighty-four passed.

We invited seventy-two Cadets to opening day, which at this time is our maximum capacity. There were three on the original waiting list, all hired in January of this year. One voluntarily separated, and we replaced him, so now there are two on the so-called wait list.

Our staff started a Law Enforcement Pre-Service class on January 2, 2024. This two-week class has twenty-seven enrolled and for most is a precursor to the BLETP.

The 80th Basic Corrections Training Program (BCTP) also started on January 16, 2024. There are seventy-four corrections cadets enrolled in this program, which will be the largest ever.

Opening day will be held at the MCJA, and at the four MCJA Board of Trustees approved satellite locations for the remainder of the six-week program.

We were without power for several days after the December 18, 2024 rain and windstorm and the building had extensive water damage in the billets and in the Computer Crimes offices.

We still conducted Complaint Review Committee (CRC) Informal Conferences the following day in the dark with no power. Thirteen certificate holders or waiver candidates were invited to attend, with several not appearing due to the weather conditions. This ended the year with seventy-one CRC cases, the most cases ever. We have had several meetings with BGS and DAFS to discuss concerns regarding outstanding building conditions as they relate to the safety and security of our staff and critical infrastructure.

With the return of the Second Session of the 131st Legislature the Director provided testimony in support of LD 2045, An Act to Establish Training and Certification Standards for Probation and Parole Officers.

This bill requires the Board of Trustees of the Maine Criminal Justice Academy to establish training and certification standards, set requirements for board-approved courses, prescribe curricula, and certify graduates of board-approved courses for probation and parole officers.

The Maine Chiefs of Police met in the Board Room of the MCJA on January 17, 2024 for their monthly business meeting.

VIII. Item Eight on the Agenda: Report from the Assistant Director–Lincoln Ryder

Assistant Director Ryder spoke on the following topics.

Course Offerings since last meeting:

- LEPS Phase II, January 2 to 12, 2024. 21 Students, all were full-time hire candidates. Trend is less part-time officers and agencies are using LEPS to start full-time officers as provisional. Staff is increasing capacity so that every 2-3 months, a LEPS Phase II offering is available to meet this need.
- Still in process for hiring of 2 OAIIs and an MCJA Training Coordinator. Jobs are posted and applications have been received. Postings expire on 1/23/24.
- Training Coordinator complete CrossFit Level I training and received certification as a Level 1 coach to help further develop physical fitness program for Academy programs.
- Physical Fitness Testing standards are being examined by group of SMEs lead by Training Coordinator Daley to potential move away from outdated Cooper Standards last updated in 2016. They are expected to have a recommendation that will be provided to the LE Training Committee for the Board to consider. Likely new form would be a practical test in the form of a Physical Abilities Test driven by a job task analysis.
- Building reconditioning continues on outside and will for several years.
- Work continues on the COVID-19 grant and we are waiting for Assistant Commissioner Gorneau to proceed.
- A discussion followed about ALERT testing and the upcoming consideration by the LE Training Committee.

IX. Item Nine on the Agenda: Old Business

A. Officer Russell Socoby – 180-Day Extension:

Director Peck presented the following Basic Law Enforcement Training Program Extension Request.

MOTION: To approve the previously approved waiver of 180-day extension, starting on May 24, 2024, so he can attend the Basic Law Enforcement Training Program in August of 2024.

Moved by Chief Rumsey and seconded by Commissioner Liberty. **Motion Carried.**

B. Trauma Informed Training: - Don Finnegan, MCJA Training Coordinator

Mr. Finnegan told the Board that following the Maine Legislature's resolve to examine trauma-informed training for law enforcement a group was formed of a law enforcement officer, an MCJA Board member, an MCJA staff member, members of the National Alliance of Mental Illness-Maine, Maine Coalition to End Domestic Violence, Maine Coalition Against Sexual Assault and a member of the Maine Department of Education., met to review the Academy's trauma-informed training programs. Following the group's review, this topic was separated into two subsets: Officer's interactions with civilian trauma survivors, and trauma that officers experience.

The group recommended the following for Civilian Trauma Survivors training.

1. Request the Board of Trustees consider requiring Law Enforcement Response to Trauma Survivor training as a mandatory training topic.
2. Review BLEPT lesson plans relating to trauma and update as needed.

For Officer's Trauma Review the group recommended the following.

1. Review and update lesson plans relating to officers' trauma every three years.
2. Request the Board of Trustees consider requiring Law Enforcement trauma training as a mandatory training topic every three years.

C. Rulemaking – Assistant Director Ryder

Assistant Director Ryder went over Chapter 5: Training Standards, which sets forth the training requirements established by the Board for actively employed law enforcement and corrections officers. He told the Board that there had been no changes to this rule since the last meeting. They had gone through the whole process and there were no written comments, and no one showed up for the public hearing. There were no public comments made during the public hearing held on January 5, 2024.

MOTION: To adopt Chapter 5: Training Standards the rule as presented along with the correction made by AAG Black to add "There were no public comments made during the public hearing held on January 5, 2024."

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

Assistant Director Ryder spoke about Chapter 13: Minimum Standards for Mandatory Policy on Response to Domestic Abuse. He said that during the rulemaking process he received three inquiries about the rule, but no written comments were submitted to the Maine Criminal Justice Academy Board of Trustees for consideration. There also were no public comments at the public hearing on January 5, 2024.

MOTION: To adopt Chapter 13: Minimum Standards for Mandatory Policy on Response to Domestic Abuse as presented.

Moved by Ms. Ward Saxl and seconded by Ms. Stark. **Motion Carried.**

Mr. Ryder thanked AAG Black for all his help in navigating this rulemaking process.

X: Item Ten on the Agenda: New Business

B. Tuition Adjustment – Director Peck

Director Peck presented the proposed fee increase due to increased operating costs, such as the increased cost of books, rentals, and the academy's food service contract since the last increase in 2019. It is the staff recommendation that the BLETP tuition should be increased from \$3,000 to \$3,500 and the general tuition rates rise from \$3.00 per class hour to \$4.00 per class hour. He also requested that these changes become effective July 1, 2024, to allow agencies to prepare their respective training budgets.

MOTION: To accept the tuition fee increase of \$3,500, effective July 1, 2024 and from this day forward add the CPI annually starting on January 1, 2025.

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

D. BLETP Reimbursement Rates – Director Peck

Director Peck told the Board that the CPI-U-Northeast increased 2.6% in 2023 according to the US Bureau of Labor statistics. He requested that the Board adopt the 2.6% increase to the BLETP Reimbursement Rates.

MOTION: To accept the Reimbursement Rate increase of 2.6%, January 1, 2024 and review for adjustments annually per statute.

Moved by Ms. Ward Saxl and seconded by Director Love. **Motion Carried.**

E. Canine Assistant Trainer Certification (S-20) – Assistant Director Ryder

Assistant Director Ryder presented a waiver request from Portland PD for two of their officers to obtain their K9 Assistant Team Trainer certification through the Maine Criminal Justice Academy.

1. David Moore – Portland Police Department
2. Matthew Pavlis – Portland Police Department

MOTION: To accept the staff recommendation to grant a waiver to both officers to obtain their K9 Assistant Team Trainer Certification.

Moved by Ms. Ward Saxl and seconded by Ms. Hansen. **Motion Carried.**

F. Legal analysis and discussion Title 25 MRS 2804-C.1 - AAG Andrew Black

AAG Black explained of Chapter 341: The Maine Criminal Justice Academy, §2804-C. Basic law enforcement training; core Curriculum requirements. He stated that the wording in section 1 “Required.” was confusing and could be interpreted three different ways. He suggested that the Board review the possible interpretations and adopt one so there will be no further confusion.

The possible Interpretations are:

1. 12-month Period. A single 12-month period that ends 365 days after the commencement of the first date of full-time employment.
2. 12 months of Time. The first 12-months of full-time employment time counting only those days that the individual is actually employed as a full-time law enforcement officer.
3. Restarting the 12-month clock. 12 months of full-time employment that starts each time an individual is hired/rehired by an agency.

MOTION: To adopt interpretation #2: 12-months of Time. The first 12 months of full-time employment time, counting only those days that the individual is actually employed as a full-time law enforcement officer.

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

XI. Item Eleven on the Agenda: Adjournment

Chair Pellerin called for a motion to adjourn.

MOTION: To adjourn the January 19, 2024, Maine Criminal Justice Academy Board of Trustees Meeting at 1:02 p.m.

Motion made by D.A. Slattery and seconded by Chief Rumsey.

Motion Carried.

A handwritten signature in black ink that reads "Kimberly Russell". The signature is written in a cursive style with a large initial 'K' and a long, sweeping underline.

Ms. Kimberly Russell