

STATE OF MAINE
MAINE CRIMINAL JUSTICE ACADEMY
BOARD OF TRUSTEES

IN RE:)	
)	
JOSHUA DALL-LEIGHTON)	NOTICE OF HEARING
)	
MCJA Case No. 2016-034)	

On January 14, 2021, at 9:00 a.m. the Maine Criminal Justice Academy Board of Trustees (“the Board”) will convene an adjudicatory hearing to receive evidence and decide whether or not to suspend or revoke the certificate of eligibility issued to Joshua Dall-Leighton (“Mr. Dall-Leighton”) or impose other discipline. The hearing will be held through remote access as permitted by 1 M.R.S. § 403-A. The hearing will be conducted by a hearing officer appointed by the Board who will issue a recommended decision for review by the Board pursuant to 25 M.R.S. § 2806-A(4)(C).

The hearing will address allegations that Mr. Dall-Leighton engaged in conduct that is prohibited or penalized by state law as a Class B, Class C, or Class D crime and, as a consequence, whether the Board should take disciplinary action against his certificate of eligibility to be a corrections officer pursuant to 25 M.R.S. § 2806-A(5)(F) as described in 25 M.R.S. § 2806-A(6).

GROUND FOR IMPOSING DISCIPLINE

Pursuant to 25 M.R.S. § 2801(2) the purpose of the Board is to protect the public health and welfare, and the Board carries out this purpose by ensuring that the public is served by competent and honest criminal justice practitioners. The purpose of the hearing is to determine whether by a preponderance of the evidence grounds exist to impose discipline against the certificate of eligibility of Mr. Dall-Leighton as follows:

1. Pursuant to 25 M.R.S. § 2806-A(5)(F) for engaging in conduct that is prohibited or penalized by state law as a Class B, Class C, or Class D crime, specifically, the following:
 - a. Gross sexual assault under 17-A M.R.S. § 253(2)(E) (Class B);
 - b. Unlawful sexual contact under 17-A M.R.S. § 255-A(1)(J) (Class C); and
 - c. Unlawful sexual touching under 17-A M.R.S. §260(1)(E) (Class D).

ALLEGED FACTS

The alleged facts include but are not limited to the following:

1. Mr. Dall-Leighton began employment as a corrections officer at the Southern Maine Reentry Center on November 26, 2012.
2. The Board issued Mr. Dall-Leighton a certificate of eligibility to be a corrections officer on December 28, 2012.
3. A woman referred to herein as “BP” was an inmate at the Southern Maine Reentry Center over whom Mr. Dall-Leighton had supervisory or disciplinary authority.
4. BP was not Mr. Dall-Leighton’s spouse.
5. On or about December 10, 2015, Mr. Dall-Leighton engaged in a sexual act with BP and/or intentionally subjected BP to sexual contact and/or sexual touching.
6. On or about December 12, 2015, Mr. Dall-Leighton engaged in a sexual act with BP and/or intentionally subjected BP to sexual contact and/or sexual touching.
7. On or about December 30, 2015, Mr. Dall-Leighton engaged in a sexual act with BP and/or intentionally subjected BP to sexual contact and/or sexual touching.
8. On or about January 6, 2016, Mr. Dall-Leighton engaged in a sexual act with BP and/or intentionally subjected BP to sexual contact and/or sexual touching.
9. On or about February 3, 2016, Mr. Dall-Leighton engaged in a sexual act with BP and/or intentionally subjected BP to sexual contact and/or sexual touching.
10. Pursuant to 17-A M.R.S. § 253(2)(E) a person is guilty of the Class B crime of gross sexual assault if that person engages in a sexual act with another person and the other person, not the actor’s spouse, is detained in a prison or other institution and the actor has supervisory or disciplinary authority over the other person.
11. Pursuant to 17-A M.R.S. § 251(1)(C)(a) a “sexual act” means any act between 2 persons involving direct physical contact between the genitals of one and the mouth or anus of the other, or direct physical contact between the genitals of one and the genitals of the other.
12. Pursuant to 17-A M.R.S. § 255-A(1)(J) a person is guilty of the Class C crime of unlawful sexual contact if the actor intentionally subjects another person to any sexual contact and the other person, not the actor’s spouse, is detained in a prison or other institution and the actor has supervisory or disciplinary authority over the other person.
13. Pursuant to 17-A M.R.S. § 251(1)(D) “sexual contact” means any touching of the genitals or anus, directly or through clothing , other than as would constitute a sexual act, for the

purpose of arousing or gratifying sexual desire or for the purpose of causing bodily injury or offensive contact.

14. Pursuant to 17-A M.R.S. § 260(1)(E) a person is guilty of the Class D crime of unlawful sexual touching if the actor intentionally subjects another person to any sexual touching and the other person, not the actor's spouse, is detained in a prison or other institution and the actor has supervisory or disciplinary authority over the other person.
15. Pursuant to 17-A M.R.S. § 251(1)(G) "sexual touching" means any touching of the breasts, buttocks, groin or inner thigh, directly or through clothing, for the purpose of arousing or gratifying sexual desire.
16. Pursuant to 25 M.R.S. § 2806-A(5)(F), the Board may revoke the certificate of an officer who engages in conduct that is prohibited or penalized by state law as a Class B, Class C, or Class D crime.

POTENTIAL DISCIPLINARY SANCTIONS

If the Board, after review of the hearing officer's recommended decision finds by a preponderance of the evidence admitted at hearing that there are one or more grounds for imposing discipline against Mr. Dall Leighton's certificate, the Board may impose any combination of the forms of discipline permitted under 25 M.R.S. § 2806-A(6) against his certificate, which include the following:

1. The issuance of a warning, censure, or reprimand;
2. A certificate suspension of up to 3 years;
3. A certificate revocation;
4. The imposition of civil penalties of up to \$1,500 for each violation of applicable laws, rules, or conditions of certification or for each instance of actionable conduct or activity; and
5. The imposition of conditions of probation, which may include conditions such as: additional continuing education; medical, psychiatric, or mental health consultations or evaluations; mandatory professional supervision of the certificate holder; restrictions; and other conditions as the Board determines appropriate.

CONDUCT OF THE HEARING

This hearing will be held in accordance with the applicable provisions of the Maine Administrative Procedure Act, 5 M.R.S. §§ 9051–9064.

Hearing Officer. The Board has contracted with and appointed a hearing officer who will rule on procedural issues prior to hearing, conduct the hearing, and issue a recommended

decision for review by the Board pursuant to 25 M.R.S. § 2806-A(4)(C). The hearing officer will arrange for and communicate specific instructions for conducting the remote hearing.

Board Staff. Pursuant to 5 M.R.S. § 9054(5) Board Staff with the assistance of an Assistant Attorney General will facilitate the presentation of this matter to the hearing officer by gathering and offering relevant evidence, examining witnesses, filing appropriate motions, and responding to motions and objections of the certificate holder.

Certificate holder. Unless another party intervenes in this proceeding pursuant to 5 M.R.S. § 9054(1) or (2), Mr. Dall Leighton will be the sole party to this proceeding. Mr. Dall-Leighton has the right to be represented by an attorney. He may testify before the hearing officer, call other witnesses to testify on his behalf, and may cross-examine any witnesses who testify against him. Mr. Dall-Leighton may present written evidence at the hearing and may make oral or written argument at the hearing.

Intervention. Applications for intervention pursuant to 5 M.R.S. § 9054 will be accepted up to the commencement of the hearing.

Failure to appear. Failure to appear at the scheduled hearing may result in a hearing in absentia or disposition by default, and information obtained during the hearing may be used in subsequent legal proceedings. Any such default may be set aside for good cause shown.

Anyone having any questions concerning the conduct of the hearing should contact Richard Desjardins at (207) 877-8008

Dated : December 4, 2020

Richard Desjardins
Executive Director
Maine Criminal Justice Academy
Board of Trustees