

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, March 13, 2020.

**Board Members Attending:**

Special Agent Brian Pellerin – Chair  
Commissioner Michael Sauschuck  
Commissioner Randall Liberty  
Colonel John Cote  
Captain Shon Theriault  
Chief Charles Rumsey IV  
Deputy Chief David Bushey  
Detective Seth Blodgett  
Mr. Tom Peters II, Esq.  
Mr. Richard Davis  
Ms. Kimberly Gore

**Board Members Excused:**

Ms. Marie Hansen  
Detective Sgt. Lincoln Ryder – Vice Chair  
Sheriff Scott Nichols  
Ms. Elizabeth Ward Saxl  
Mr. Levon Travis  
DA Kathryn Slattery

**Participants:**

Asst. Director Rick Desjardins  
Attorney Andrew Black (10:15)  
Assistant AG Samantha Morgan  
Karen Green, Board Secretary

**Guests:** None

**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 Secretary Green conduct a roll call and introduced Assistant AG Samantha Morgan who would be sitting in for Attorney Black until he was able to be at this meeting. Assistant Director introduced MCJA Training Coordinators James Lyman and Edwin (Don) Finnegan who would be presenting Lesson Plans to the Board. Chair Pellerin then led in the Pledge of Allegiance.

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

**MOTION:** To accept the minutes of the January 10, 2020 Board of Trustees meeting that were handed out prior to the meeting and to be placed on file with the secretary.

Moved by Mr. Peters and seconded by Chief Rumsey. **Motion Carried Unanimously.**

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

**A. Basic Law Enforcement Training Program Waiver Requests:**

Asst. Director Rick Desjardins presented the following Basic Law Enforcement Training Waiver Request.

1. Trooper Recruit Kevin J. Foley – Maine State Police.

**MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Law Enforcement Officer's Certification Examination by 1/6/2021.**

Moved by Mr. Davis and seconded by Dep. Chief Bushey. **Motion Carried with Col. Cote recusing himself.**

**B. Basic Law Enforcement Training Program Extension Requests:**

None at this time.

**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:**

None at this time.

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

None at this time.

**G. Course Certification Requests:**

Assistant Director Desjardins asked for MCJA Training Coordinator Don Finnegan to present the following Course request.

1. Restricting Access to Dangerous Weapons – 2020 Mandatory Training topic.

**MOTION: To approve the Course Certification for a 1-hour block Mandatory Training topic on Restricting Access to Dangerous Weapons.**

Moved by Mr. Peters and seconded by Chief Rumsey. **Motion Carried Unanimously.**

Assistant Director Desjardins asked for MCJA Training Coordinator James Lyman to present the following request.

2. Best Practices for Interviewing Children - 8-Hour Classroom Course

**MOTION: To approve the Course Certification for the 8-hour course on Best Practices for Interviewing Children.**

Moved by Chief Rumsey and seconded by Commissioner Sauschuck.

**MOTION AMENDED: To approve the Course Certification for the 8-hour course on Best Practices for Interviewing Children with language changes of: “will or must” to “should or may”.**

Moved by Chief Rumsey and seconded by Det. Blodgett.      **Motion Carried Unanimously.**

**V.      Item Five on the Agenda: Committee Reports**

**A.      Complaint Committee: Mr. Tom Peters**

No report at this time.

**B.      Administrative Rules Committee: Mr. Richard Davis**

Mr. Davis reported that before he retired, Director Rogers had been working on the changes to the Administrative Rules and asked Assistant Director Desjardins to touch upon MCJA Board Policy #6. Mr. Desjardins explained that this policy would reflect the recent changes in the renumbering of the specifications and with the change of 75% instead of the previous 70% as a minimum passing score for the LEPS Program.

**MOTION: To approve the revised MCJA Board Policy #6.**

Moved by Mr. Peters and seconded by Chief Rumsey.      **Motion Carried Unanimously.**

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

No report at this time.

**D.      Corrections Training Committee: Mr. Levon Travis**

No report at this time.

**E.      Policy Standards Committee: Chief Charles Rumsey**

Chief Rumsey passed out a revised draft of the Board’s Minimum Standard, Policy #5 – Response to Mental Illness, Involuntary Commitment & Protection from Substantial Threats Policy showing changes that are necessary for the Red Flag Law. He said that the Committee would be submitting this to the Maine Chief’s Policy Committee so they can get it out to departments before the Red Flag Bill goes into effect on July 1, 2020.

**MOTION: To approve the revised MCJA Board of Trustees Minimum Standards Policy #5, Response to Mental Illness, Involuntary Commitment & Protection from Substantial Threats.**

Moved by Det. Blodgett and seconded by Commissioner Sauschuck.      **Motion Carried Unanimously.**

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

• **Academy Director’s Hiring Process**

The Department of Public Safety posted the Academy Director’s Position on February 21, 2020 with a closing date of March 13, 2020. The position was advertised throughout the State and online nationwide. The salary range was advertised as \$64,667.20 to \$97,947.20.

The minimum requirements include; 10 years of education/upper-level management experience in criminal justice/law enforcement and adult education. A BS or BA, experience with board operations, training development and implementation, public speaking, state budgeting and the legislative process is preferred.

Several of you have indicated an interest in being involved with the selection and hiring process. In my conversations with the Commissioner I believe the Board will have some level of involvement at each stage of the hiring process. As the process develops, we'll know more of what steps lie ahead.

Coincidentally, Vermont has advertised its Academy Director's position simultaneously.

- **LEPS Presentation**

On February 24, 2020, I along with several of the Academy's Board members met with Maine chiefs and sheriffs at the Academy regarding this Board's review and recommendations for the LEPS program. There were 28 attendees, from 20 police and sheriff's departments, not including Board members from as far north as Fort Kent to as far south as York.

I used a power point presentation to detail:

- The role and background of the Board

- The current LEPS program; to include entry requirements, phases and curriculum

- Data from 2012 to 2019 on part- and full-time officer numbers and usage

- Part time officer training in the rest of New England (Maine being last)

- Other licensing training requirements for other professionals in Maine

- The Board's five recommendations

1. Singular admissions standard for LEPS and BLETP
2. Limiting the scope of authority of part time officers
3. Introducing 64 hours of Firearms, legal and scenario training (same as BLETP)
4. 8 Hours of mental health crisis training
5. Adding structure to the 80 hours of Phase III (agency supervision)

- The new LEPS Program would include

1. 1 unified admissions standard
2. Phase I, 40 hours of online training
3. Phase II, 112 Hours (80, 24, 8) then 40 hours of range time with MCJA Certified FI's
4. Phase III, 80 Hours of structured FTO Training

Total Training hours: 272 Hours

We have some questions to ask. We need to define what we have the ability to change at our level. We also need to decide what in what format we should move forward. Who should we include? We also need to define what is a need and what is a want for this Board?

- **University of Maine Augusta – Noel March**

The day after the LEPS presentation I received an email from Noel March. Mr. March is the Director of the Maine Community Policing Institute. During the presentation there was some discussion of the limited delivery opportunities the Academy has beyond JPMA in reaching remote parts of the State for training. Mr. March reports that he was authorized by the Dean of UMA College of Professional Studies and UMA Provost to propose a formal partnership between UMA and the MCJA in the interest of law enforcement workforce development. This would be at no costs when hosted through the Maine Community Policing Institute. UMA is part of the Statewide college system where students can access online and video training at 34 locations.

I advised Mr. March that I would brief the Board and he is available to meet with the Board during our May meeting to present the information and answer any questions we may have.

- **LD 1890 Transport / Corrections Officers**

An update on this bill. This bill was a result of an effort by Sheriff Joyce of the Cumberland County SO and Maine DOC. Presently, Transport officers are defined under statute and MCJA Policy. They are required to have at least the MCJA LEPS certification as required training. Under the current statute however, Transport Deputies are not law enforcement officers and are not authorized or protected under statute as a law enforcement officer. This is an issue surrounding the use of force and authority of a transport deputy or officer to enforce laws during a potential escape or other matter outside of the corrections facility setting. There appears to be some agreement on the bill to move forward. Parties involved have agreed to include 8 hours of crisis mental health training to the bill authorizing transport officers/deputies. This is also one of the Board's recommendations for the LEPS review.

- **Kentucky State Police Academy**

Recent Article I picked up regarding the Kentucky State Police Academy. Recruits complete the program with 60 College Credits and an associate degree in Criminal Justice. (5 classes a semester for two years = 20 classes. 20 classes that are 45 hours in length = 900 Hours of training. 900 Hours of training divided by a 40-hour work week = 22.5 weeks.)

- **May Elections**

A reminder that Board elections will take place at the conclusion of our next meeting in May. The Board will need to elect a Chair, Vice-Chair and Secretary.

## **VII. Item Seven of the Agenda: Report from Assistant Director Rick Desjardins**

- During 2019, the Academy had 20,010 instructor hours donated from 122 different agencies and these agencies all received a Certificate of Appreciation for their time. We also had 184 individuals donating 25+ hours of instruction time and received a Certificate of Appreciation. You have a copy of the letter that I distributed to the law enforcement agencies in Maine as well as a list of the actual hours that were donated. The Academy had 2,162 less hours donated this past year than in 2018. I suspect the reasons vary from staffing shortages to fewer classes.
- In your packet are summary reports from our training staff and Karen Green regarding highlights of programs and activities. As you can see, the staff at the academy are very busy with a multitude of programs and projects. With only 11 full time head count and currently 10 staff we are operating at a painstakingly but rapid pace.

All State agencies are required to complete an annual report on information requested under the Maine Freedom of Access Act. In 2019, MCJA had 992 total record requests and 279 of those specifically mention "FOAA" in their request. We received \$9,915 far less than our expenditures. **(See handout)**

- It was reported in Appendix G that 2 out of the total number of law enforcement agencies did not meet the 20% of MHFA or equivalent training (1.3%). **(See 2019 Annual Report – Appendix G)**
- **34 letters of guidance were issued on behalf of Chair Pellerin for officers who were late in getting mandatory training completed in 2019.**

**3 individuals were referred to the CRC due to having previous letters of guidance for the same issue. CRC will meet on April 22, 2020 for an all-day informal conference.**

## **2. Basic Law Enforcement Training Program (BLETP):**

- The 38<sup>th</sup> BLETP started on December 30, 2019 and will end on May 1, 2020. The list started with 122 names or John Doe spots. There were 71 people that met the entrance standards and were requested by agencies to attend this class. We accepted 68 into the class and took all 3 off the waiting list the first week of the Academy started (1 was pulled by their agency for medical reasons prior to the start of the BLETP and 2 quit during the first week). We have lost 10 Cadets to date. 7 have left for personal reasons, one was terminated by their employing agency for off-duty conduct, and two were removed from the program for cheating. As of March 12, 2020, there are 59 Cadets left. At this point in the BLETP program, all 59 cadets are meeting the Board standard of 75% or higher academic average, and all 59 cadets have met the Board standard 50<sup>th</sup> Percentile PT test. Chiefs' Inspection is on March 18, 2020. Range weeks begin on March 30 and run through April 17.
- As of today, I have 120 (+-) on the list for the 39<sup>th</sup> BLETP. More than 70 are John Doe slots and the remaining are currently or soon to be hired. We will continue to look for ways to improve the program and have been working to develop better ways to track stress reaction and performance during scenarios. We are also looking to improve our orientation day with an emphasis on being mentally prepared for the stresses of the program and giving cadre and training staff a chance to interact with the prospective cadets before the program starts.
- **Looking to establish a list of potential cadres for the next classes**

### 3. Budget Issues:

- All state agencies have submitted their FY 20/21 budget request for Gov. Mills to approve. We have asked for an additional Training Coordinator to focus on Use of Force training for the BLETP, LEPS and possibly the BCTP for consistency purposes in FY 21.

### 1. Other Issues:

- **Working with various groups on topics that impact the Academy**
  - i. Maine Chiefs, Sheriffs and FBINAA on legislative and training issues (Transport officers, MARC training for 2020, FBINAA conference etc.)
- **Building projects are underway**
  - i. We are with BGS in a RFP process to address some of the major issues relating to building envelope (roof leaks, crumbling brick work etc.)
  - ii. Improved the Wi-Fi access points and added 4 additional ports to better cover the building. We still have a capacity issue with our infrastructure but it's getting better...
- **Updating our exposure and infection mitigations plans to deal with the emergent threat of Covid-19.**
  - i. **Increase disinfection practices**
  - ii. **Use our sick bay room if we suspect a cadet is sick**
  - iii. **Send the cadet home (with consult with agency) if they appear ill/symptomatic**
- **Need Vote:** I would propose that you officially vote for all the certifications that I issued on your behalf, between the last Board meeting on January 10, 2020 and this Board meeting under New Business that are included in a handout. In summary, they are as follows: **(See handout)**
- Currently, we have the following active certifications: 46 K-9 Patrol Teams, 60 K-9 Detector Teams, 10 K-9 Assistant Team Trainers, 13 K-9 Team Trainers, 37 Traffic Reconstructionist, 46 PFT Protocol Testers, 43 Crisis Negotiators, 358 Firearms Instructors and 4 Tactical Teams.

**MOTION: To accept the Certifications that were issued by Assistant Director Desjardins on behalf of the Board since the last Board meeting on January 10, 2020.**

Motion made by Mr. Peters and seconded by Col. Cote. **Motion Carried Unanimously.**

**MOTION: To accept the suspension of Certification of the 39 officers who failed to meet the requirements of their Certifications.**

Motion made by Commissioner Liberty and seconded by Col. Cote. **Motion Carried Unanimously.**

**VIII: Item Eight on the Agenda: Old Business**

A. Board Case 2018-022 Stephen Witham.

**MOTION: To accept the findings of the Administrative Hearings Officer, Rebekah J. Smith, Esq.**

Motion made by Mr. Peters and seconded by Commissioner Liberty. **Motion Carried Unanimously.**

B. Board Case 2019-021 Alan Stanwood

**MOTION: To accept the findings of the Administrative Hearings Officer, Rebekah J. Smith, Esq.**

Motion made by Mr. Davis and seconded by Chief Rumsey. **Motion Carried Unanimously.**

**IX: Item Nine on the Agenda: New Business**

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 11:18 a.m.**

Meeting reconvened at 11:40 p.m.

A. **Complaint Committee Case:**

1. Board Case 2019-032

**MOTION: To accept the recommendation of the Complaint Review Committee to deny the waiver based upon integrity concerns and recent criminal conduct.**

Motion made by Commissioner Liberty and seconded by Col. Cote.

**Motion Carried with Dep. Chief Bushey recusing himself.**

Chair Pellerin called for a motion to adjourn.

**MOTION: To adjourn the March 13, 2020 Maine Criminal Justice Academy Board of Trustees Meeting at 11:43 p.m.**

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

**Motion Carried Unanimously.**

A handwritten signature in black ink that reads "Richard P. Davis". The signature is written in a cursive, flowing style.

Richard P. Davis