

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 27, 2023.

Board Members Attending:

Special Agent Brian Pellerin – Chair
Detective Sgt. Lincoln Ryder – Vice Chair
Detective Seth Blodgett
Commissioner Randall Liberty
Deputy Chief David Bushey
Colonel William Ross
DA Kathryn Slattery
Ms. Kimberly Russell
Ms. Elizabeth Ward Saxl
Officer Matthew Dana

Board Members Excused:

Ms. Marie Hansen
Commissioner Michael Sauschuck
Chief Charles Rumsey IV
Mr. Nathan Poore
Sheriff Scott Nichols
Ms. Francine Stark
Mr. Mateo Mendoza
Colonel Dan Scott

Participants:

Director Rick Desjardins
Assistant Director Jack Peck
ADA Samantha Morgan
Karen Green, Board Clerk

Guests:

None

I. Item One on the Agenda: Call to Order

As there was a quorum, Chair Pellerin called the meeting to order at 9:07 a.m.

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

Chair Pellerin had the Board members introduce themselves to Colonel Ross and then requested that Secretary Green conduct a roll call. He then led in saying the Pledge of Allegiance.

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

MOTION: To accept the minutes of the November 18, 2022 Board of Trustees meeting and to have it be placed on file with the secretary.

Motion made by Detective Blodgett and seconded by Sgt. Ryder. **Motion Carried.**

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

A. Basic Law Enforcement Training Program Waiver Requests:

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

1. Officer Aaron Applebee – Bath Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Reporting Training and the Maine Law Enforcement Officer's Certification Examination by 11/18/2023.

Moved by Dep. Chief Bushey and seconded by Officer Dana. **Motion Carried.**

2. Officer Christopher McCann – Calais Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Reporting and the Maine Law Enforcement Officer's Certification Examination by 10/24/2023.

Moved by Detective Blodgett and seconded by Sgt. Ryder. **Motion Carried.**

3. Officer Johnny Narvaez - Sanford Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Training, and the Maine Law Enforcement Officer's Certification Examination by 10/31/2022.

Moved by Sgt. Ryder and seconded by Commissioner Liberty. **Motion Carried.**

4. Officer Raul Sanchez - Fryeburg Police Department

MOTION: To deny the Basic Law Enforcement Training Program Waiver and approve the Law Enforcement Pre-Service Waiver (Specification S-23), pending successful completion of LEPS Phase III.

Moved by Commissioner Liberty and seconded by Det. Blodgett. **Motion Carried.**

B. Basic Law Enforcement Training Program Extension Requests:

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

1. Officer Christopher Horn - Houlton Police Department

MOTION: To approve the 180-day Basic Law Enforcement Training Program Waiver Extension so that he can attend the 44th BLETP.

Moved by Dept. Chief Bushey and seconded by Sgt. Ryder. **Motion Carried.**

2. Officer Joshua Foster - Houlton Police Department

MOTION: To approve the 180-day Basic Law Enforcement Training Program Waiver Extension so that he can attend the 44th BLETP.

Moved by Sgt. Ryder and seconded by Col. Ross. **Motion Carried.**

3. Officer Tyler Hansen – South Berwick Police Department

MOTION: To approve the 180-day Basic Law Enforcement Training Program Waiver Extension so that he can attend the 44th BLETP.

Moved by Sgt. Ryder and seconded by Ms. Russell. **Motion Carried.**

C. Basic Corrections Training Program Waiver Request:

None at this time.

D. Basic Corrections Training Program Extension Requests:

Director Desjardins presented the following Basic Corrections Training Program Extension Requests.

1. Correction Officer Rose Mandella – Somerset County Sheriff's Office

MOTION: To approve a Basic Corrections Training Program Extension to the next BCTP Academy.

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

2. Correction Officer Maxwell Bowden – Somerset County Sheriff's Office

MOTION: To approve a Basic Corrections Training Program Extension to the next BCTP Academy.

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

3. Correction Officer Emily Roderick – Somerset County Sheriff's Office

MOTION: To approve a Basic Corrections Training Program Extension to the next BCTP Academy.

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

4. Correction Officer Laneisha Bush – Somerset County Sheriff's Office

MOTION: To approve a Basic Corrections Training Program Extension to the next BCTP Academy.

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

5. Corrections Officer Wyatt Balboni – Kennebec County Correctional Facility

MOTION: To approve a Basic Corrections Training Program Extension to the next BCTP Academy.

Moved by Dep. Chief Bushey and seconded Col. Ross. **Motion Carried.**

6. Corrections Officer Trevor Thompson – Kennebec County Correctional Facility

MOTION: To deny a Basic Corrections Training Program Extension and refer to the CRC.

Moved by Sgt. Ryder and seconded by Officer Dana. **Motion Carried.**

7. Corrections Officer Austin Vicnaire – Kennebec County Correctional Facility

MOTION: To deny a Basic Corrections Training Program Extension and refer to the CRC.

Moved by Sgt. Ryder and seconded by Officer Dana. **Motion Carried.**

8. Correction Officer James Bradford - Kennebec County Correctional Facility

MOTION: To grant the extension for the completion of the current 73rd BCTP.

Moved by Sgt. Ryder and seconded by Det. Blodgett. **Motion Carried.**

9. Correction Officer Gary Dumais - Kennebec County Correctional Facility

MOTION: To grant the extension to the next available BCTP.

Moved by Ms. Ward Saxl and seconded by Col. Ross. **Motion Carried.**

10. Correction Officer Jennifer Charity - Kennebec County Correctional Facility

MOTION: To grant the extension to the next available BCTP.

Moved by Sgt. Ryder and seconded by Col. Ross. **Motion Carried.**

11. Corrections Officer Galen McDonough – Hancock County Jail

MOTION: To deny the request for a BCTP extension waiver.

Moved by Sgt. Ryder and seconded by Det. Blodgett. **Motion Carried.**

12. Corrections Officer Johnathan Matthews-Valladares – Piscataquis County Jail

MOTION: To deny the request for a BCTP extension waiver and if he was in violation by working after 12/22/2022, then he should be referred to the CRC.

Moved by Sgt. Ryder and seconded by Officer Dana. **Motion Carried.**

E. Law Enforcement Pre-service Program Waiver Requests:

1. Officer Matthew McDaniel – Dexter Police Department

MOTION: To approve the Law Enforcement Pre-Service Waiver, pending successful completion of the Law Enforcement Pre-Service Phase III by 10/26/2023

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

2. Officer Danial Bowman – Maine Judicial Marshals

MOTION: To approve the Law Enforcement Pre-Service Waiver, pending successful completion of the Law Enforcement Pre-Service Phase III by 1/1/2024.

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:

None at this time.

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

Director Desjardins presented the list of the 122 certifications that were issued since the last Board Meeting on November 27, 2022.

MOTION: To accept the Certifications that were issued by Director Desjardins on behalf of the Board since the Board meeting held on November 27, 2022.

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

V. Item Five on the Agenda: Committee Reports

A. Complaint Committee: Detective Seth Blodgett

Det. Blodgett told the Board that the CRC met on December 20, 2022 and held 7 Informal Conferences. He stated that they would present 7 cases today and that he estimates there are 28 active cases before the committee at this time, which include those waiting for hearings and some still in the court process. Moving forward the committee has decided to schedule the informal conferences a little differently. This will alleviate the committee's wait time if one or more people do not show up for their conference and they can go ahead and see the next person on the agenda.

B. Administrative Rules Committee: Colonel Dan Scott

As Col. Scott was not able to attend this Board meeting, Dept. Chief Bushey told the Board that the Committee is drafting rules on code of conduct centered around three different priorities of accountability, truthfulness and harassing behavior. He stated they met on January 3rd here at the Academy with Brian MacMaster who offered insight based on his experience and offered his assistance. Director Desjardins asked that if this committee or any other committee should meet, whether here at the Academy or elsewhere, to let him, Asst. Director Peck and the Board clerk know, so it can be noted on the Legislative calendar.

C. Law Enforcement Training Committee: Sergeant Lincoln Ryder

Sgt. Ryder told the Board that Training Coordinator Jim Lyman sent him Specification S26 which refers to Breath Testing Device Operator Certification. He said that changes were made that removed language that was out of date and was no longer applicable to the new Breath Testing equipment's technology. Language changes were also made to Recertification: B-2 that to be recertified, the practical assessment must be reviewed by and to the satisfaction of an MCJA Certified Breath Testing Device Instructor.

MOTION: To accept the changes made to Specification S26 as presented.

Motion made by Commissioner Liberty and seconded by D.A. Slattery. **Motion Carried.**

Sgt. Ryder then went on to say agencies are having a hard time getting applicants enrolled into the Pre-Service Phase II programs because there are five months between the January and May classes. What he suggested was to try to even out the calendar and possibly add other Phase II programs throughout the year in a more regular interval. He said he feels this would be a more efficient way for agencies to deal with recruitment. Dir. Desjardins told that Board that Windham PD reached out and was willing to hold a Phase II class there and Dep. Chief Bushey said that Bangor PD would be willing to look at doing one earlier than May and between his department and Penobscot County SO there should be enough instructors.

D. Corrections Training Committee: Commissioner Randall A. Liberty

Commissioner Liberty mentioned that he had submitted and passed out drafts of Specification S-24, Waiver of The Basic Corrections Training Program. He said that they were a work in progress and the Committee would be working on them over the next few months before sending them to the Rules Committee. He then told the Board about the Moss Group's 3-day visit to DOC in December. They took a tour and appeared to be very impressed with the correctional training here in Maine.

Commissioner Liberty reminded the Board that DOC is introducing Bill LD-42 which talks about two things. One: The Commissioner having the authority to determine inline death benefits for Correctional Law Enforcement Officers. Two: To allow the Academy to accept and approve a Juvenile Basic Corrections Training Program.

Ms. Ward Saxl stated she would be willing of testifying in favor of the second half of that Bill as she has been on the Board for 15 years and has seen great changes that have taken place for the training of Juvenile Correction Officers. To make sure the other Board members approved of Ms. Ward Saxl testifying on behave of the Board, Chair Pellerin requested a show of hands if they approved, and it was unanimous.

E. Policy Standards Committee: Dep. Chief David Bushey

Dep. Chief Bushey stated that the Committee was working with the Maine Chief's and Dirigo Safety's Brian MacMaster and looking at the mandatory policies and specifications that need updating.

Chair Pellerin requested that they take a short break at 10:55 a.m. Meeting resumed at 11:01 a.m.

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

Chair Pellerin welcomed Col. William Ross to the Board as the representative of the Maine State Police and briefed the Board on the graduation ceremony of the 42nd BLETP that occurred in December of 2022.

Chairman Pellerin also briefed the Board regarding the contractor selection for the Academy's strategic development plan. The contract was in development and it was his hope that the review team would be meeting with the Board prior to beginning its review and would hopefully complete their review by late spring or early summer.

VII. Item Seven on the Agenda: Report from the Director - Director Richard Desjardins

The 43rd BLETP is finishing week 2 of the 18-week program and we currently have 67 cadets in the program.

- We held our virtual orientation with the class and invited 100 individuals to participate.
- The class started with 70 cadets and after the end of the first week 67 remain.
- Josh Daley is doing a terrific job as the new BLETP coordinator.
- At the conclusion of filling the class, only 5 individuals that had met all the entrance standards were moved to the list for the class that will begin in August.

Staffing

- See Assistant Director's report.

Building issues

- See Assistant Director's report

Initiatives

- Working through budget initiatives with the Commissioner
 - Staffing, and other improvements are in the consideration
- Rulemaking initiatives
 - Committees will be able to utilize some contract time with Dirigo Safety to help in the work to develop or revise standards and policies, etc.
- BLETP/LEPS waivers of out of state law enforcement officers
 - Looking to streamline the system
 - Update the specification
 - Create a list of previously approved academy/post programs.
- Legislative activities are beginning
 - Orientation with Criminal Justice and Public Safety Committee (CJPS) went well. Only a few members on this committee returned and most of the members are new to the CJPS.
 - Maine Municipal is proposing language change to our BLETP requirements
 - Juvenile Correction Officer through DOC request.
- Deadly Force panel update
 - The panel is making recommendations to the Board on several items and would like an opportunity for these recommendations to be provided to the Trustees for consideration.
 - Rulemaking for Incident Review best practices
 - LEPS curricula updates
 - Tac Team recommendations for best practices

Report from Assistant Director Jack Peck

The staff have been busy with the BLETP and a BCTP that both started on January 17th. As the Director reported the BLETP now has 67 cadets and the BCTP has 38 students with five on-site and the rest learning virtually from six different sites from across the state.

This is Josh Daley's second BLETP as the training coordinator and Darin Gilbert's third for the BCTP.

Josh Daley attended the Force Science Institute back at the end of November of 2022. Josh is now certified as a Force Science Analyst and been trained to "recognize and articulate important psychological, biological, and physiological factors that can affect behavior and memory in force encounters and pursuit situations". The institute is nationally recognized, and it prepares officers to understand human factor dynamics in use of force situations.

Jim Lyman and Don Finnegan have been busy with SFST Instructor Development and Drug Recognition Expert recertifications over the last several weeks.

Alan Gregory is in the first of three phases of the SLDP program, and he will be the primary of the MOI which will start on next Monday.

The office staff are busy compiling the end of year statistics. 102 of the 163 reporting agencies have forwarded their mandated paperwork.

Building Issues

Our long awaited and anticipated construction on the academy has started. Life safety issues are the primary scope of the work. Masonry re-pointing and façade repair has begun. Replacing the roof on the billets will also be in this phase of construction. As we have major water issues in the billets that have closed several rooms due to mold and mildew. This is a multi-million-dollar project that will last several years. We are all excited that the state is investing in our infrastructure and our future needs to provide the best training all our LE and corrections officers.

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VIII. Item Eight on the Agenda: Old Business

A. Update on strategic planning/JTP

This topic was discussed during the Directors report.

IX. NEW BUSINESS

A. Accepting the donation from the 42nd BLETP

MOTION: To accept the 42nd BLETP Class Gift of a Titan Fitness Functional Training machine, which will be set up in the weight room off the TAC Center.

Motion made by Commissioner Liberty and seconded by Ms. Ward Saxl.

B. Reimbursement rates for 2023

Director Desjardins requested approval of a 6.5% increase of the 2022 reimbursement rates for BLETP graduates based on the Northeast Region Consumer Index.

MOTION: To accept the new 2022 reimbursement rates for BLEPT graduates as requested.

Motion made by Commissioner Liberty and seconded by Det. Blodgett. **Motion Carried.**

C. Letter from the Washington County Sheriff's Office

Director Desjardins explained that he had just received this letter from Chief Deputy Crabtree of the Washington County Sheriff's Office and that it was requesting a proposal of having a fee for maintaining law enforcement certification. Director Desjardins stated that this would most probably need to go before a committee for review.

MOTION: To submit the letter from the Washington County Sheriff's Office to the Law Enforcement Training Committee for review.

Motion made by Commissioner Liberty and seconded by Det. Blodgett. **Motion Carried.**

D. Review the recommended decision regarding Case# 2022-006

MOTION: To table this until our next Board Meeting.

Motion made by Ms. Russell and seconded by Sgt. Ryder. **Motion Carried.**

E. Complaint Committee Cases

At this time Chair Pellerin requested that the Board go 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 Det. Blodgett and seconded by Chief Dana.

Motion Carried Unanimously at 12:17 p.m. The meeting reconvened at 12:55 p.m.

1. Board Case 2021-007

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the Law Enforcement Certification for disqualifying conduct.

Motion made by Sgt. Ryder and seconded by Commissioner Liberty. **Motion Carried.**

2. Board Case 2021-024

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the Law Enforcement Certification for disqualifying conduct.

Motion made by Sgt. Ryder and seconded by Officer Dana. **Motion Carried.**

3. Board Case 2021-027

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the Law Enforcement Certification for disqualifying conduct.

Motion made by Sgt. Ryder and seconded by Dep. Chief Bushey. **Motion Carried**

4. Board Case 2022-036

MOTION: To accept the recommendation of the Complaint Review Committee to grant the waiver with no conditions.

Motion made by Dep. Chief Bushey and seconded by DA Slattery.
Motion Carried with eight in favor and 1 opposed.

5. Board Case 2022-038

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the Corrections Certification of eligibility for disqualifying conduct.

Motion made by Sgt. Ryder and seconded by Officer Dana. **Motion carried.**

6. Board Case 2022-040

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the Corrections Officer's Certification for disqualifying conduct.

Motion made by Sgt. Ryder and seconded by Col. Ross. **Motion Carried.**

7. Board Case 2022-041

MOTION: To accept the recommendation of the Complaint Review Committee to grant the waiver with the following conditions that would be included in a 3-year consent agreement: To adhere to the continued plan of treatment, report quarterly toxicology screenings, notify the Director of the Academy within 3 days of any arrest, summons or docketing of any crime, 3-years' probation after completing the Basic Correction Training Program and if the consent agreement is not signed, to follow the advice of counsel and deny the waiver.

Motion made by Sgt. Ryder and seconded by Officer Dana. **Motion Carried.**


X. Item Ten on the Agenda: Adjournment

Chair Pellerin called for a motion to adjourn.

MOTION: To adjourn the January 27, 2023 Maine Criminal Justice Academy Board of Trustees Meeting at 1:55 p.m.

Motion made by Ms. Russell and seconded by Det. Blodgett.

Motion Carried.



Charles J. Rumsey, IV