

Minutes of the meeting of the Maine Criminal Justice Academy Board of Trustees held at the Maine State Prison Training Room on Friday, July 12, 2019.

Board Members Attending:

Special Agent Brian Pellerin - Chair
Sgt. Lincoln Ryder – Vice Chair
Colonel John Cote
Mr. Tom Peters II, Esq.
Deputy Chief David Bushey
Commissioner Randall Liberty
Sheriff Scott Nichols
Ms. Elizabeth Ward Saxl
Det. Seth Blodgett
Lt. Daniel Scott
Ms. Marie Hansen
Mr. Levon Travis

Board Members Excused:

Commissioner Michael Sauschuck
Chief Charles Rumsey IV
DA Kathryn Slattery
Ms. Kimberly Gore
Mr. Richard Davis

Participants:

Director John Rogers
Asst. Director Rick Desjardins
Attorney Andrew Black

Guests:

Director Gary LaPlante, Maine Department of Corrections

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

Chair Pellerin called the meeting to order at 09:12 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 then declared a meeting quorum. Chair Pellerin introduced guest Director Gary LaPlante and then asked that all stand for the Pledge of Allegiance.

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

MOTION: To accept the minutes of the May 10, 2019 Board of Trustees meeting that were handed out prior to the meeting and to be placed on file with the secretary.

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

Chair Pellerin requested that Item IX on the Agenda, New Business, be taken out of order, as Director Gary LaPlante was present.

IX. New Business:

A. FY 2020 BCTP Schedule – Commissioner Randall Liberty and Director Gary LaPlante (filling in for Deputy Commissioner Ryan Thornell) – Maine Department of Corrections.

Commissioner Liberty stated that he had met with representatives of the Maine Sheriff's Association who were proposing the ability to hold more BCTP Academies throughout the State. Commissioner Liberty would like to see up to 12 new BCTP Academies a year set up regionally with some held in Southern Maine (York or Cumberland County), some in the Mid-Coast, held at the Maine State Prison and in Northern Maine, at the Penobscot County Jail. He further explained that there is an impact on the facilities when they must delay their hiring process as they lose prospective candidates because of waiting 5-7 weeks to get them into a BCTP. He spoke about the cost burden of housing and meals on some of the County Jails when they send their CO's to MCJA and to smaller jails. His proposal for having more BCTP classes held at the Maine State Prison would alleviate some of that burden, as the Prison would offer free housing and meals for all students.

MCJA Assistant Director, Rick Desjardins spoke briefly about the communication with the Sheriffs Association and DOC to add 3 more BCTP academies which would give Southern Maine (York or Cumberland County), the State Prison and Northern Maine (Penobscot County) the chance to host one BCTP a year. These scheduled BCTPs and the three held at MCJA would be scheduled so that cadres, instructors, coordinators and the facilities themselves would have time to prepare for the next scheduled academy.

Director Gary LaPlante voiced his concern that although six five-week scheduled correction programs in a year was a step in the right directions, it still left 20 weeks in the year to add a couple more BCTP academies. He said that newly hired COs who have not gone to the BCTP are left to shadow certified COs, filing paperwork, mopping floors and it's a waste of DOC's resources.

Director Rogers explained that MCJA was one of the last Academies in the US to run all its programs using volunteer instructors. He stated that although he understood what Director LaPlante was saying, he has been hearing from many of the CEOs of agencies that their officers are getting burnt out and instructors themselves have spoken to his staff regarding the many hours of preparing and teaching classes. Adding more BCTP Academies would mean putting even more pressure on agencies and facilities to allow their instructors to teach at these programs. He outlined that the proposed 6 Basic Corrections Training Programs would be held every 2 months with a 2 ½ week break in between which would be used to make sure all paperwork get sent in, Alert Tests and Background Checks done and Manuals printed. He recommended that this proposal be tried out for a year to see how it works for all agencies as well as the academy staff.

The final consensus was to add a seventh BCTP. 3 held at the MCJA, 3 held at the Maine State Prison and one held in either the Southern or Northern part of the State. The Board requested that Sheriff Nichols check with the Maine Sheriff's Association about this proposal and report back to the Board at the September Board meeting.

MOTION: To accept the requirements that Commissioner Liberty requested for a 3-3-1 BCTP Schedule, incorporating all the safeguards that were discussed. At the September Board meeting this proposed schedule will be reviewed.

Moved by Mr. Peters and seconded by Sgt. Ryder. **Motion Carried Unanimously.**

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

A. Basic Law Enforcement Training Program Waiver Requests:

Assistant Director Desjardins presented Basic Law Enforcement Training Waiver Requests.

1. Officer Elizabeth C. Hart – Thomaston Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the MCJA Crash Training and the Law Enforcement Officer's Certification Examination to be completed by 3/25/2020.

Moved by Mr. Travis and seconded by Ms. Hansen. **Motion Carried Unanimously.**

2. Officer Tammy M. Schafran – Cape Elizabeth Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the MCJA Crash Training and the Law Enforcement Officer's Certification Examination by 4/26/2020.

Moved by Col. Cote and seconded by Ms. Hansen. **Motion Carried Unanimously.**

3. Officer David A. Manuel – Bangor Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of MCJA Crash Training and the Law Enforcement Officer's Certification Examination by 5/1/2020.

Moved by Mr. Peters and seconded by Sgt. Ryder.

Motion passed with Dep. Chief Bushey recusing himself from the vote.

4. Officer Justin J. Macaluso – Portland Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of MCJA Crash Training and the Law Enforcement Officer's Certification Examination by 6/24/2020.

Moved by Mr. Travis and seconded by Commissioner Liberty. **Motion Carried Unanimously.**

B. Basic Law Enforcement Training Program Extension Requests:

Director Rogers presented the following requested for the Basic Law Enforcement Training Program Extensions.

1. Officer Jamie R. Denbow – Baileyville Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Extension from July 20, 2019 to December 30, 2019, to get into the 38th BLETP.

Moved by Ms. Ward Saxl and seconded by Det. Blodgett. **Motion Carried Unanimously.**

2. Nicholas L. Young – Mexico Police Department.

MOTION: To approve the Basic Law Enforcement Training Program extension from September 4, 2019 to December 30, 2019 to get into the 38th BLETP.

Moved by Mr. Travis and seconded by Ms. Hansen. **Motion Carried Unanimously.**

3. Officer Brian M. Goodie - Dexter Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Extension from September 5, 2019 to December 30, 2019 to get into the 38th BLETP.

Moved by Mr. Peters, seconded by Mr. Travis. **Motion Carried with Sheriff Nichols opposing.**

C. Basic Corrections Training Program Waiver Requests:

Director Rogers presented the following requested for the Basic Corrections Training Program Waiver.

1. Officer Sabrina L. Moore – Somerset County Jail.

MOTION: To approve the Basic Corrections Training Program Waiver, pending successful completion of the Basic Corrections Officer Certification Examination by 7/16/2019 at the Maine Criminal Justice Academy.

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

D. Basic Corrections Training Program Extension Requests:

Director Rogers presented the following requested for the Basic Corrections Training Program Extensions. It was suggested that there be one vote for all the Kennebec County Jail Requests.

1. Officer Amelia-Jean Libby – Kennebec County Jail.

MOTION: To approve the Corrections Training Program extension from May 28, 2019 up to 180 days.

2. Officer Alexa M. Stigman – Kennebec County Jail.

MOTION: To approve the Corrections Training Program extension retroactive from 5/14/2019 to 5/28/2019.

3. Officer Hayley L. Peterson – Kennebec County Jail.

MOTION: To approve the Corrections Training Program extension retroactive from 5/21/2019 to 5/28/2019.

4. Officer Austin P. Ayotte – Kennebec County Jail.

MOTION: To approve the Corrections Training Program extension from 7/9/2019-7/19/2019 to attend the 41st BCTP.

5. Officer Aaron C. Carroll – Kennebec County Jail.

MOTION: To approve the Corrections Training Program extension from 7/9/2019 to 7/19/2019 to attend the 41st BCTP.

All above extensions moved by Commissioner Liberty and seconded by Mr. Travis.

Motion Carried Unanimously.

E. Law Enforcement Pre-Service Program Waiver Requests:

None at this time.

F. Judicial Marshal Program Extension Requests:

None at this time.

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

Director Rogers presented to the Board the following Part-time Law Enforcement Officer 1040 Hour Extension request.

1. Officer Kenneth S. Oliver - Limestone Police Department.

MOTION: To approve the Part-time Law Enforcement Officer 1040 Hour Extension of an extra 640 hours for 2019.

Moved by Col. Cote and seconded by Det. Blodgett. **Motion Carried Unanimously.**

H. Course Certification Request:

Director Rogers presented the following Course Certification Requests.

1. Mechanics of Arrest, Restraint and Control Program (MARC) for the BLETP, LEPS and the 2020 Mandatory Law Enforcement Use of Force In-service Training.

MOTION: To approve the requested MARC Program Training for the BLETP, LEPS and the 2020 Mandatory Law Enforcement Use of Force In-Service Training.

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

V. Item Five on the Agenda: Committee Reports

A. Complaint Committee: By Mr. Tom Peters

Mr. Peters advised the Board that the Complaint Review Committee would be on break and will not meet until October. They currently have 15 cases on the schedule. Seven dealing with Correction Officers, 7 having to do with Law Enforcement Officers and 1 that deals with both. Of those 15 cases 2 have gone to trial, 6 are awaiting trial, 3 will be informal conferences, 3 are up for discussion and 1 is a possible voluntary surrender of certification. The CRC will present 5 cases today.

B. Administrative Rules Committee: New Chair Richard Davis

As Mr. Davis was not in attendance, Director Rogers stated he had spoken with Mr. Davis and over the next two months they would be working on the specifications we currently have and making them accurate in terms of formatting, signatures and bring them all up to date. The committee is looking to put a 3-year renewal on these specifications and to look into updating some of the administrative rules.

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

At the last meeting, the committee discussed the changes they'd like to make to the Reserve Officer Program to push the professional standard higher. The first thing they would like to see added to the application process of the Phase II Program would be the requirement of Polygraph and Psychological Tests. Secondly, the addition of 56 hours of Firearms Training (16 hrs. of classroom and 40 hrs. of range time), and adding 8 hours of Mental Health Training.

Another concern of the committee was the authority of Reserve Officers and what crimes they could investigate. That issue, as well as developing a tiered structure for officers in the program would require statute changes. Knowing that, the committee is looking for guidance from the Board and input from the Maine Chiefs Association. Director Rogers stated he would bring all this to the Chiefs Meeting the first week of September and report back at the next Board Meeting.

D. Corrections Training Committee: New Chair Levon Travis

Nothing at this time.

E. Policy Standards Committee: Chief Charles Rumsey

Nothing at this time.

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

1. I attended the 36th BLETP graduation ceremony at the MCJA on May 24, 2019. 63 New Officers successfully met all of the training requirements and are now certified officers in Maine. I was pleased that several of the members of the Board were able to attend the ceremony. Commissioner Sauschuck was the keynote speaker and delivered a very well received presentation.
2. Several members of the Board are due for reappointment by Governor Mills. Those members include Ms. Kim Gore, Ms. Elizabeth Ward Saxl, Ms. Marie Hansen and myself. If those members are interested in applying for reappointment and consideration by the Governor, please submit your application material as soon as possible.

VII. Item Seven on the Agenda: Report from the Director John Rogers:

1. General Items:

- We had to advertise again and are in the process of evaluating candidates for the vacant Training Coordinators job after the last person we offered the job to, turned it down. We are in hopes to have someone on Board by mid-August.
- LD 735, now Public Law Chapter 103, “An Act to Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy.” This law creates an 19th Board member recommended to the Governor by the Wabanaki tribal governments for a 2-year term that goes into effect on 9/18/2019 as with all non-emergency laws.
- LD 800, now Public Law Chapter 466, “An Act to Amend Mandatory Law Enforcement Agency Policies Regarding Recording Suspects to Include Cases of Murder and Class A, Class B and Class C Crimes.” This requires the Board to change the mandatory standard from “serious crimes” to all felony crimes. Our Board had defined serious crimes as only felony “Crimes Against a Person” in the Criminal Code. This was opposed by DPS and now will greatly impact all law enforcement agencies, fiscally by both having to purchase recording equipment, electronic data storage and the time spent on FOIA requests. Statewide this could cost law enforcement many \$ millions collectively. I have sent this to the Policy Standards Committee chair.
- LD 828, “An Act Concerning the Release of the Name of a Deceased Individual.” This bill was voted ONTP which would have required a 14th mandatory policy on Death Notifications, in which the Board would have to set the mandatory standards. The Maine Chiefs Policy Committee agreed to write a model policy rather than have a mandatory policy.
- LD 1219, now Public Law Chapter 435, “An Act to Establish an Independent Panel to Review the Use of Deadly Force by Law Enforcement Officers.” This law creates a 4th review of deadly force use by law enforcement officers by setting up a 14-person committee with the Commissioner of Public Safety and the Academy Director being 2 of the ex-officio members. The committee is charged with identifying if compliance with accepted and best practices were used, if they were sufficient for the circumstance, and then to make recommendations on improving standards, changes to statutes, rules, training, policies, and procedures that demonstrate increased public safety and officer safety.
- LD 1375, now Public Law Chapter 438, “An Act to Prohibit Certain Sexual Acts and Sexual Contact by Law Enforcement Officers in Performance of Official Duties and to Amend the Law on Obstructing Criminal Prosecution.” This law adds to the list of disqualifying conduct in 25 M.R.S. §2806-A of engaging in sexual contact if the applicant or certificate holder has a person under arrest, in custody, being interrogated or detain such as a traffic stop. This may add a few cases for the CRC to look at.
- LD 1475, now Public Law Chapter 410, “An Act to Eliminate Profiling in Maine.” This law requires the Board to adopt mandatory standards in the “Hate and Bias Crimes” mandatory policy by putting the currently adopted standard with a very minor wordsmithing language change, i.e.: “socioeconomic status” from “economic status” and “ancestry” from “cultural group.” It also puts into statute the requirement of teaching a class in the BLETP on bias-based profiling, which is also current practice. The original bill could have been devastating for law enforcement, for the Academy, and financially for all agencies to collect this profiling data. I have sent this to the Policy Standards Committee chair. **(See handout)**

2. Basic Law Enforcement Training Program (BLETP):

- The 36th BLETP started on January 22, 2019 and graduated on May 24, 2019. After allowing in 69 Cadets, we lost 6 and 63 all met the graduation standards. Commissioner Michael Sauschuck was the keynote speaker.
- The 37th BLETP will start on July 29, 2019 and end on November 27, 2019. I had 151 names or John Doe requests and I selected the top 68 on July 11, 2019 of which there are 9 female Cadets and the 1st transgender Cadet that we know of. I have 5 returning experienced Cadre and Officer Michael Thurlow from Scarborough PD as the new Cadre. I have 9 more officers on the waiting list for this class and they will be allowed in up to the end of the 1st week if any officer drop out. I also have another 32 officers currently waiting to get into the 38th BLETP in December, as their Chiefs/Sheriffs did not want them to go to the 37th BLETP in July.

3. Budget Issues:

- The DPS/MCJA budget made it through the legislative process. We did not get the extra Training Coordinator as requested as it was cut out. We got the Directors position and another \$141K moved from the Special Revenue account to the General Fund in FY21 because of the continuous decline in traffic fine revenues. We must wait to see if there will be a supplemental budget for FY21 to go after the Training Coordinators position again.

1. Other Issues:

- The FY 20 Training course schedule has been set and are up on our website to include the new BLETP and BCTP schedule.
- **Need Vote:** Under New Business, I would like to recommend that the Board accept the legacy gift from the 36th BLETP of a wooden display box with a Trooper's hat in honor of Det. Benjamin Campbell who was killed in the line of duty. In fact, Det. Campbell had taught the Interviewing and Interrogation class and EVOC in the 1st week to the 36th BLETP and was in route to teach EVOC in the 2nd week, just prior to his untimely death. This legacy gift is displayed in the Frank E. Poirier II Quiet Lounge on the 1st floor of Building A. The donation must be accepted by the Board per, 25 M.R.S. §2803-A(17).
- **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. 4 – K-9 Patrol Team Certifications
 - b. 7 – Drug Recognition Expert Certifications
 - c. 1 – Law Enforcement Intermediate Certification
 - d. 2 – Law Enforcement Advanced Certifications
 - e. 1 – Crisis Negotiator Certification
 - f. 24 – Basic Corrections Training Program Certifications
 - g. 21 – Firearms Instructor Certifications
 - h. 75 – Law Enforcement Preservice Course Completions

MOTION: To accept the Certifications that were issued by Director Rogers on behalf of the Board since the last Board meeting on May 10, 2019.

Motion made by Ms. Ward Saxl, seconded by Mr. Travis **Motion Carried Unanimously.**

MOTION: To accept the 36th BLETP Legacy Gift of a Trooper Ben Campbell Shadow Box.

Motion made by Ms. Ward Saxl seconded by Ms. Hansen. **Motion Carried Unanimously.**

VIII: Item Eight on the agenda: Old Business

None at this time

IX. Item Nine on the agenda: New Business

Covered at the beginning of the meeting.

Chair Pellerin called for a motion to move into Executive Session.

MOTION: To move the Maine Criminal Justice Academy Board of Trustees in Executive Session pursuant to Title 25 MRS§ 2806-A (10) to discuss confidential business matters.

Motioned by Mr. Peters, seconded by Mr. Travis. **Motion carried unanimously.**

The Board went into Executive Session at 12:17 p.m. and came back into Public Session at 12:42 p.m.

D. Complaint Review Committee Cases:

1. Board Case 2019-016

MOTION: To accept the recommendations of the Complaint Review Committee to revoke the officer's Law Enforcement Certification.

Motioned by Sgt. Ryder and seconded by Mr. Travis. **Motion carried unanimously.**

2. Board Case 2018-014

MOTION: To accept the recommendations of the Complaint Review Committee to vacate the previous revocation of the officer's Corrections Certificate and in its place, send a letter of non-disciplinary guidance.

Motioned by Sgt. Ryder and seconded by Det. Blodgett. **Motion carried unanimously.**

3. Board Case 2019-001

MOTION: To accept the recommendations of the Complaint Review Committee to enter into a 3-year consent agreement with standard conditions, probation and a written warning.

Motioned by Col. Cote and seconded by Ms. Hansen.

Motion carried with 2 recusals. (Commissioner Liberty and Sheriff Nichols)

4. Board Case 2019-017

MOTION: To accept the recommendations of the Complaint Review Committee to enter into a 3-year consent agreement with conditions to include a written warning and the completion of an Anger Management Program.

Motioned by Sgt. Ryder and seconded by Dep. Chief Bushey.

Motion carried with 1 recusal (Commissioner Liberty).

5. Board Case 2019-011

MOTION: To accept the recommendations of the Complaint Review Committee to revoke the officer's Correction Certification.

Motioned by Sgt. Ryder and seconded by Mr. Travis. **Motion carried unanimously.**

X. Item Ten on the Agenda: Adjournment

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

Moved by Commissioner Liberty and seconded by Col. Cote. **Motion carried unanimously.**

Chair Pellerin adjourned the meeting 12:48 p.m.

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

Richard P. Davis

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