Minutes of the meeting of the Maine Criminal Justice Academy Board of Trustees held at the Maine Criminal Justice Academy John B. Rogers Multi-Purpose Training Room on Friday, June 19, 2020.

Board Members Attending:

Board Members Excused:

Sheriff Scott Nichols

Special Agent Brian Pellerin – Chair

Commissioner Michael Sauschuck

Commissioner Randall Liberty

Colonel John Cote

Colonel Dan Scott

Deputy Chief David Bushey

Chief Charles Rumsey IV

Detective Seth Blodgett

Ms. Kimberly Gore

Mr. Tom Peters II, Esq.

Mr. Richard Davis

Ms. Elizabeth Ward Saxl

Mr. Levon Travis

DA Kathryn Slattery

Ms. Marie Hansen

Detective Sgt. Lincoln Ryder – Vice Chair (11:50 a.m.)

Participants:

Asst. Director Rick Desjardins Attorney Andrew Black Karen Green, Board Secretary Debbie Dalzell, Assistant Board Secretary

Guests: None

I. Item One on the Agenda: Call to Order

Chair Pellerin called the meeting to order at 9:07 a.m., explained the protocols for the meeting in regard to wearing face masks, having frequent breaks then turned it over to Asst. Director Desjardins to explain how the Board members would proceed to lunch and what to do when entering and eating at the cafeteria.

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

Chair Pellerin requested that Secretary Green conduct a roll call, declared a quorum and 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 March 13, 2020 and March 19, 2020 Board of Trustees meetings that were sent out prior to the meeting and to have them placed on file with the secretary.

Moved by Mr. Peters and seconded by Det. Blodgett. Motion Carried Unanimously.

Chair Pellerin requested that the Board move to Old Business to discuss the Director Hiring Process and Selection.

MOTION: To move the Board into executive session pursuant to Title 1, Section 405 (6) (A) of the Maine Revised Statutes to discuss and consider the hiring of a new director of

the Maine Criminal Justice Academy.

Moved by Chief Rumsey and seconded by Ms. Gore. Motion Carried Unanimously at 9:16 a.m.

Meeting exited executive session at 9:26 a.m. and Chair Pellerin called for a motion regarding the hiring of the Academy Director.

MOTION: To approve the Commissioner's authority to appoint Rick Desjardins to the position of Director of the Maine Criminal Justice Academy.

Moved by Mr. Davis and seconded by Col. Scott. Motion Carried Unanimously.

Chair Pellerin called for a motion regarding the salary and benefits for the Academy Director.

MOTION: To bestow the authority on the Commissioner to negotiate salary and benefits for the position of Director of the Criminal Justice Academy.

Moved by Ms. Ward Saxl and seconded by Col. Cote. Motion Carried Unanimously.

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

A. Basic Law Enforcement Training Program Waiver Requests:

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

1. Deputy Alec Frost (EVOC) – Franklin County Sheriff's Office

MOTION: To approve the waiver of the 38th basic Law Enforcement Training

Program EVOC requirements for Cadet Alec Frost of the Franklin County

Sheriff's Office

Moved by Chief Rumsey and seconded by Dep. Chief Bushey.

This motion was tabled and was revisited for more conversation under New Business.

2. Officer Aaron Curlee – Portland Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending

successful completion of the Law Enforcement Officer's Certification

Examination by 12/20/2020.

Moved by Det. Blodgett and seconded by Mr. Davis. Motion Carried Unanimously.

3. Officer Jeremiah S. Ruggiero – Westbrook Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending

successful completion of the Law Enforcement Officer's Certification

Examination by 1/22/2021.

Moved by Chief Rumsey and seconded by Ms. Hansen. Motion Carried Unanimously.

4. Deputy George Wayland – Knox County Sheriff's Office

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending

successful completion of the Law Enforcement Officer's Certification

Examination by 1/26/2021.

Moved by Dep. Chief Bushey and seconded by Commissioner Sauschuck.

Motion Carried Unanimously.

5. Chief Todd Boisvert – Searsport Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending

successful completion of the Law Enforcement Officer's Certification

Examination by 2/10/2021.

Moved by Colonel Cote and seconded by Commissioner Sauschuck. **Motion Carried Unanimously.**

6. Judicial Marshal Michael K. Sawicki – Judicial Marshal Service

7. Judicial Marshal Joseph Sneddon – Judicial Marshal Service

MOTION: To approve the recommendation of a 180-day extension for the two Judicial

Marshals listed above to complete the 40-hour Basic Judicial Marshal

School.

Moved by Commissioner Sauschuck and seconded by Ms. Hansen.

Motion Carried Unanimously.

B. Basic Law Enforcement Training Program Extension Requests:

Director Desjardins explained the document presented to the Board requesting 180-day extensions for officers of the 38th Basic Law Enforcement Training Program and the 39th Basic Law Enforcement Training Program. The first list is comprised of officers who are currently enrolled in the 38th Basic Law Enforcement Training Program who are in jeopardy of going over their 1-year date of hire or have already been granted a 180-day extension to attend the 38th BLETP due to the COVID-19 pandemic.

The second list is comprised of officers that are scheduled to attend the 39th BLETP that was set to begin May 26, 2020 but has been postponed for the COVID-19 emergency. These officers are all in jeopardy of going over their 1-year date of hire.

MOTION: To approve the 180-day Basic Law Enforcement Training Program

Extension from 1-year of their hire date OR from the end of their previous

180-day extension for the 38th BLETP. And, to approve the 180-day Extension for the 39th Basic Law Enforcement from 1-year of their hire date.

Moved by Dep. Chief Bushey and seconded by Commissioner Sauschuck. **Motion Carried Unanimously.**

C. Basic Corrections Training Program Waiver Requests:

Director Desjardins presented the request for the Basic Corrections Training Program Waiver.

1. C.O. Constantine Orfan – Penobscot County Jail

MOTION: To approve the waiver of the Basic Corrections Training Program pending successful completion of the Certification Examination by 4/9/2021.

Moved by Chief Rumsey and seconded by Ms. Hansen. Motion Carried Unanimously.

2. C.O. Diana Ronald - Penobscot County Jail

MOTION: To approve the extension of the Basic Corrections Training Program pending successful completion of the Certification Examination by 5/11/2021.

Moved by Commissioner Sauschuck and seconded by Chief Rumsey. **Motion Carried Unanimously.**

D. Basic Corrections Training Program Extension Requests:

Director Desjardins presented the request for the Basic Corrections Training Program Extensions due to COVID-19 protocols, have not been able to complete the Basic Correction Training Program within their first year of hire.

MOTION: To approve the 180-day extension of the Basic Corrections Training Program to complete the 208-hour BCTP.

Moved by Chief Rumsey and seconded by Mr. Peters. Motion Failed (5 For, 7 Opposed)

AMMENDED MOTION: To approve a 60-day extension with proof of enrollment in a
Basic Corrections Training Program for all listed except for
Lance Blackstone and Eric Martin (Kennebec County Jail) and
Jeremy Hagwood and David Letourneau (Aroostook County

Jail) who will need to come before the Board at the next meeting.

Moved by Mr. Peters and seconded by Ms. Gore. **Motion Carried Unanimously.**

E. Law Enforcement Preservice Program Waiver Requests:

Assistant Director Desjardins presented the following Law Enforcement Preservice Program Waiver Requests.

1. Officer Natalia Anderson – Penobscot Nation Police Department.

MOTION: To approve the Law Enforcement Preservice Program Waiver Request.

Moved by Ms. Ward Saxl and seconded by Col. Cote. Motion Carried Unanimously.

2. Officer Chandler T. Cole – Ashland Police Department.

MOTION: To approve the Law Enforcement Preservice Program Waiver pending successful completion of the 2018-2019 MCJA Mandatory Training and

successful completion of the 2010-2017 West Manuatory Training a

complete the MCJA LEPS Phase 3 process.

Moved by Col. Cote and seconded by Commissioner Sauschuck.

Motion Carried Unanimously.

Chair Pellerin recessed the meeting for a break at 10:15 a.m. and the meeting reconvened 10:35 a.m.

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

None at this time.

G. Course Certification Requests:

None at this time.

V. Item Five on the Agenda: Committee Reports

A. Complaint Committee: Mr. Tom Peters

Mr. Peters stated that he would present 7 cases today which would leave 8 or 9 open cases. Most of those would be heard at the next Board Meeting on July 31st. Other than those cases, Tom stated that they have seen the lowest number of cases being brought before the CRC in a very long time.

B. Administrative Rules Committee: Mr. Richard Davis

Nothing at this time.

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

Nothing at this time.

D. Corrections Training Committee: Mr. Levon Travis

Mr. Travis stated he had met with MCJA Corrections Training Coordinator, Alan Gregory, this morning regarding upcoming BCTP programs.

E. Policy Standards Committee: Chief Charles Rumsey

Chief Rumsey told the Board that he would be discussing word changes and additions to two Board of Trustees Minimum Standards Policies. He would be requesting a vote on each so they could be presented to the Maine Chief's Association at their next meeting.

1. Policy 6 - Hate or Bias Crimes Policy

MOTION: To approve the recommended additions and changes in wording to Policy 6 – Hate or Bias Crimes.

Motion by Ms. Ward Saxl and seconded by Commissioner Scott. Motion Carried Unanimously.

MOTION: To approve the new effective date of 9/1/2020 for Policy 6.

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

2. Policy 1- Use of Physical Force Policy

MOTION: To approve the recommended additions and changes in wording to Policy 1 – Use of Physical Force Policy.

Motion by Ms. Gore and seconded by Commissioner Sauschuck. **Motion Carried Unanimously.**

MOTION: To approve the new effective date of 11/1/2020 for Policy 1.

Motion by Col. Cote and seconded by Dep. Chief Bushey. Motion Carried Unanimously.

Chair Pellerin requested that due to a meeting Commissioner Sauschuck is required to attend shortly, that the Board take part of New Business out of order.

IX. Item Nine of the Agenda: New Business – Out of Order

A. Academy initiatives (strategic plan, work load assessment, etc.) – Commissioner Sauschuck.

The Commissioner discussed that a full assessment hadn't been done in over 15 years and with the hardships and solutions that have been implemented due to COVID, the hard questions regarding training and use of force over the past few weeks it is imperative to do a work load analysis and a strategic plan.

MOTION: That the Board of Trustees charge Commissioner Sauschuck with initiating work on a work load assessment and a process for engaging in strategic planning.

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

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

Academy Director's Hiring Process

Congratulations again to Director Rick Desjardins on his appointment as the new Director of the MCJA. Rick has certainly proven himself over these last few months and was an obvious choice for the position after a national search was conducted.

Chief Rumsey and the Policy Review

Thank you to Chief Rumsey and his very quick work on the Academy's Use of Force and Hate or Bias Crimes minimum standards. Chip worked with the Maine Chief's, the AG's Office, DPS and me to get our policies up to the standards we wanted and in plain language.

38th BLETP Grad Date

This question has arisen from Chief Putnam of the Wells Police Dept. regarding a recruit in training. The recruit will receive a certification with conditions regarding EVOC. Will their year of statutory probation begin when they receive their conditional certification or after they complete EVOC?

Call from Chief Pelletier of the Ft. Kent Maine PD

Chief Pelletier contacted me in late April regarding a new hire at the PD. The new hire had completed the Alert test, Background, PEB and Phase I of the LEPS program. There was a LEPS program scheduled to begin on June 1st in Houlton. Unfortunately, the new hire had an OUI conviction from several years ago (8 or 9) years ago but close to 10. As policy and practice dictates, candidates cannot attend Phase II without the waiver for criminal conduct by the Board which this candidate needed due to the OUI conviction.

I spoke to both Tom Peters and Rick Desjardins. We agreed that we could expedite the candidate to the June 3rd CRC meeting, which already had 14 cases to be heard. That would not be in time for the candidate to make the June 1 class as the matter still needed to go before the Board for a full vote. The Chief asked for a waiver of the policy where the candidate could attend Phase II but not receive certification of credit for the class until the waiver went before the Board and he was ultimately granted the waiver.

I am bringing this to your attention for a discussion. Although the circumstances of the Pandemic have created a unique challenge to everyone, I did not feel that this was an issue that the Chair had the authority to make this decision without the Board's consent and was seeking your feedback on the matter.

Memorandum from Mr. Colin O'Neil Associate Commissioner Maine DOC

Memo date March 3, 2020. In 2015 Juvenile Program Worker (JPW) and adult Correctional Officer Training was combined. JPW's used to be trained at Long Creek with a juvenile specific curriculum approved by the MCJA. Requesting a return to a juvenile specific MCJA program for JPM's. Long creek is the only juvenile corrections facility in the State. I understand what the 2015 corrections consolidation was trying to achieve however I think this should be explored by the Corrections Training Committee and report back to the Board.

University of Maine Augusta - Noel March

Last meeting, I mentioned that 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 cost 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 think this could potentially dovetail into training offerings in the far reaches of the state through online and potentially classroom sessions. As of now all testing takes place at the MCJA (Alert, Phase II, Cert Exam's, etc.) Is this something we can push out to the field through designated testing proctors in the rural distant areas?

I advised Mr. March that due to the volume of work before the Board, I asked him to attend our next meeting. We would have the new permanent Director in place and could discuss what options the MCJA and Maine Community Policing Institute.

SRO Training / Specification

There are currently 71 SRO's in Maine schools. We currently do not train or certify SRO's in Maine through the MCJA. There is a national organization, (NASRO) National Association of School Resource Officers that has some influence on how SRO's operate but I think this is something that we as Board should explore in this coming year. The Muskie Institute recently published a 67-page study on SRO's in Maine with some recommendations.

I will be discussing this topic with the Law Enforcement Training Committee to see if this is something we could develop based on the study into a 1-2 week training program and explore the possibility of creating a specification and potential certification with periodic recertification.

Board Elections

A reminder that Board elections will take place at the end of our meeting during the new business portion of our meeting. We will be nominating and voting on the positions of Board Chair, Vice Chair and Secretary.

Next Meeting

I believe we should schedule our next meeting for July 24 or 31 to get us back on our scheduled routine and help clear the back log of work before the CRC and Board.

Chair Pellerin requested that the Board break for lunch at 12:30 p.m. The meeting reconvened at 1:17 p.m.

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

General Activities

Since the March 19th Emergency Board meeting the Academy's staff have met the challenges of the global pandemic with grit and determinations. Each staff member has made huge strides to adjust to the conditions we faced and kept most of our programs moving in these difficult times. With the support of members of this Board and particularly the Board's Chair, Brian Pellerin and Commissioner Sauschuck, we were able to make decisions that allowed us to be creative in our solutions and provided use with the resources necessary to make needed adjustments.

- M.S Teams for remote learning
 - More than 60 hours of BLETP classes
 - o Adding lap tops for staff
 - o Cell phones
 - o Increase in data thresholds
- Construction of recording/production studio
 - o Building a video library
 - o Permanent location to record and produce classes

- Remote testing platform
 - Informa systems
 - o Phase I, Phase II and BCTP/BLETP exams
 - Instant test results
 - o Analysis of test results
- Building safety protocols
 - o Screening
 - o Additional sanitizing
 - o Reduced staff presence
 - Limits on classes and class size
- BCTP
 - Multiple off-site classes
 - o Required MOUs with CDC restrictions
- LEPS
 - Multiple off-site classes
 - o Required MOUs with CDC restrictions
- Alert/PFT
 - MOUs with multiple sites
 - o Certified PT instructors doing off-site testing

38th BLETP progress is at a point where officers have completed all the requirements except for the MARC and EVOC portions of the program. We as a Board will need to give me direction as to what should happen with graduation and if we should be waiving any of the remaining portions of the graduation standards. Agencies have inquired about doing alternative EVOC training, but we have yet to review a program that could be considered to offer as an equivalent. To complete the remaining training requirements, we will need to work on a workable solution.

39th BLETP class numbers are constantly growing and currently the John Doe/named slots are 165. We have no date set for the start of the next BLETP class.

Recently, myself and others in law enforcement have been asked to comment on a variety of national events and relate those events to our training here in Maine. In doing these responses it's clear to me that Maine is far ahead of the vast majority of states in the U.S and much of the advances are as a result of the work of our Board and the many leaders that helped develop our current system for entrance training standards, core curricula, ethics and integrity mandates, certifications and standards.

- Polygraphs and Psychological testing for all new or waiver LEOs
- Certification and decertification for convictions and conduct
- In-service training standards with mandatory training topics set by the Board
- Mandatory agency policies and required minimum standards set by the Board
- Required training in Mental health, Implicit Bias, Use of Force, Etc.

On behalf of the Board I have issued a variety of certifications and I would ask the Board to vote to accept the certifications issued on your behalf.

- 40 Basic Correction Training Program
- 2 K-9 Detector Assistant Team Trainer
- 6 Advanced Training Certifications
- 5 Intermediate Officer
- 22 Phase II waivers for attending a full-time academy (38th BLETP)
- 4 Drug Recognition Expert Certifications

• 58 LEPS Course Completion Certificates.

MOTION: To accept the Legacy Gift from the 38th BLETP of a large training mat.

Motion by Ms. Ward Saxl and seconded by DA Slattery. Motion Carried Unanimously.

MOTION: To accept the Certifications that were issued by Director Desjardins on behalf of the Board since the last Board meeting on March 14, 2020.

Motion by Ms. Ward Saxl seconded Sgt. Ryder. Motion Carried Unanimously.

VIII: Item Eight on the Agenda: Old Business

A. Director's hiring process and selection - Chair Pellerin/Commission Sauschuck.

Resolved earlier in the meeting.

B. 38th BLETP graduation requirements (EVOC, MARC)

Director Desjardins briefly explained that he would not be asking for a motion or vote as it had been determined earlier in the meeting that officers attending the 38th BLEPT had been granted 180-day extensions and would remain in provisional full-time status until they were able to complete their final requirements.

IX: Item Nine on the Agenda: New Business

A. Academy initiatives (strategic plan, work load assessment, etc.) – Commissioner Sauschuck

Voted on earlier in the meeting.

B. 2020 Mandatory Training Requirements

Director Desjardins spoke about the different problems that would arise by not being able to deliver the mandatory training topics with the canceling or postponing of the Chief's Roadshow meeting across the State, but that the virtual training provided by JPMA and Dirigo Safety were working on getting that training up and running on their respective sites. He explained that the real problem will be the agencies that relied on in-person training to do the Mandatory topics and their inability to do them.

Chair Pellerin then recalled IV-A-1 of the agenda and gave an overview of the request from Franklin County Sheriff's Office to have Alec Frost waived from having to complete the MCJA EVOC as he had training from an academy in Florida. Academy staff reviewed the out-of-state training and although the EVOC training was

comparable to that of Maine's EVOC Program, the Florida Academy was not. Therefore, he would not have been eligible for a Basic Law Enforcement Training Program waiver.

1. Deputy Alec Frost (EVOC) – Franklin County Sheriff's Office

MOTION: To approve the waiver of the 38th basic Law Enforcement Training

Program EVOC requirements for Cadet Alec Frost of the Franklin County

Sheriff's Office

Moved earlier by Chief Rumsey and seconded by Dep. Chief Bushey.

Motion carried – 10 For, 4 Opposed.

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 Sgt. Ryder. **Motion Carried Unanimously at 2 p.m.**Meeting reconvened at 2:34 p.m.

C. <u>Complaint Committee Cases:</u>

1. Board Case 2019-038

MOTION: To accept the recommendation of the Complaint Review Committee to

dismiss the case and take no further action.

Motion made by Mr. Peters and seconded by Sgt. Ryder. Motion Carried Unanimously.

2. Board Case 2019-039

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

the waiver as requested and issue a letter of guidance.

Motion made by Mr. Peters and seconded by Sgt. Ryder. Motion Carried with 1 opposed.

3. Board Case 2020-006

MOTION: To accept the recommendation of the Complaint Review Committee to enter

into a 3-year consent agreement with conditions that the individual receive

counseling for the substance abuse until February 2021.

Motion made by Mr. Peters and seconded by Dep. Chief Bushey.

Motion Carried with 1 opposed and DA Slattery recusing herself.

4. Board Case 2020-003

MOTION: To accept the recommendation of the Complaint Review Committee to issue a written reprimand and a \$50 fine.

Motion made by Mr. Peters and seconded by Sgt. Ryder. Motion Carried Unanimously.

5. Board Case 2020-004

MOTION: To accept the recommendation of the Complaint Review Committee to issue a written reprimand and a \$50 fine.

Motion made by Mr. Peters and seconded by Mr. Davis. Motion Carried Unanimously.

6. Board Case 2020-005

MOTION: To accept the recommendation of the Complaint Review Committee to issue a written reprimand and a \$50 fine.

Motion made by Mr. Peters and seconded by Sgt. Ryder. Motion Carried Unanimously.

7. Board Case 2020-002

MOTION: To accept the recommendation of the Complaint Review Committee to take no further action based on insufficient evidence of disqualifying conduct.

Motion made by Mr. Peters and seconded by Sgt. Ryder.

Motion carried with 1 abstention and Commissioner Liberty recusing himself.

D. Board Elections for the next calendar year until May 2021.

Chair Pellerin called for nominations for Chair of the MCJA Board of Trustees.

MOTION: I nominate Brian Pellerin for Board Chair.

Motion by Sgt. Ryder and seconded by Commissioner Liberty. Motion Carried unanimously.

Chair Pellerin called for nominations for Vice-Chair of the MCJA Board of Trustees.

MOTION: I nominate Lincoln Ryder for Board Vice-Chair.

Motion by Ms. Ward Saxl and seconded by Det. Blodgett. Motion Carried unanimously.

Chair Pellerin called for nominations for Secretary of the MCJA Board of Trustees.

MOTION: I nominate Richard Davis for Board of Trustees Secretary.

Motion by Det. Blodgett and seconded by Ms. Gore. Motion Carried unanimously.

Chair Pellerin stated that the next Board of Trustees meeting would be held on July 31, 2020 at MCJA. Chair Pellerin called for a motion to adjourn.

MOTION: To adjourn the 6/19/2020 Maine Criminal Justice Academy Board of Trustees Meeting at 2:43 p.m.

Motion made by Sgt. Ryder and seconded by Mr. Travis. Motion Carried Unanimously.

Richard P. Davis

Richard P. Davia