

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 8, 2019.

**Board Members Attending:**

Special Agent Brian Pellerin - Chair  
Chief Charles Rumsey IV  
Ms. Elizabeth Ward Saxl  
Ms. Kimberly Gore  
Commissioner Randall Liberty  
Commissioner Michael Sauschuck  
Major Chris Grotton (for Colonel John Cote)  
Mr. Tom Peters II, Esq.  
Deputy Chief David Bushey  
Det. Seth Blodgett  
Ms. Marie Hansen (arrived at 9:15am)  
Major Chris Cloutier (for Colonel Joel Wilkinson)  
Mr. Richard Davis  
DA Kathryn Slattery  
Mr. Levon Travis

**Board Members Excused:**

Sheriff Scott Nichols  
Detective Sgt. Lincoln Ryder

**Participants:**

Director John Rogers  
Asst. Director Rick Desjardins  
Attorney Andrew Black

**Guests:**

Sheriff Barry Curtis, Washington County Sheriff's Office  
Brian MacMaster, Attorney General's Office

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

Chair Pellerin called the meeting to order at 09:05 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 the two guests, Washington County Sheriff Barry Curtis and Brian MacMaster of the AG's Office. He congratulated Commissioner Randall Liberty and Commissioner Michael Sauschuck for their appointments and welcomed them to the Board. He then asked that those present to introduce themselves to the new members and guests. Following the introductions, the Pledge of Allegiance was led by Chair Pellerin.

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

**MOTION:** To accept the minutes of the January 11, 2019 Board of Trustees meeting that were handed out prior to the meeting and to be placed on file with the secretary.

Moved by Ms. Ward Saxl and seconded by Chief Rumsey. **Motion Carried Unanimously.**

**Chair Pellerin requested that part of Item IX on the Agenda, New Business, be taken out of order, as Sheriff Barry Curtis was present.**

**IX. A. BLETP Injuries.**

Sheriff Curtis spoke on behalf of the Maine Sheriff's Association about their concern regarding cadet injuries while attending the BLETP and participating in the "Final Fight." He spoke about an employee who is a recent BLETP graduate who has had continuing medical complications. Chair Pellerin spoke briefly about the Academy's policy of reporting and tracking injuries that occur while attending the BLETP. He then opened up the discussion for any questions from the Board members and Academy Staff. Director Rogers explained the procedure Academy Staff follow when any type of injury occurs at the Academy involving a student and also gave details of some of the physical training that is performed by all cadets in the BLETP. He gave a brief history of the Washington County deputy's pre-existing injury and the injuries that occurred while attending the BLETP and discussed the Board's approval at the November meeting to grant a 180-day extension for this deputy to recover and get medical approval to come back and finish the final MARC fight. Chief Rumsey suggested that number of serious injuries be detailed in an annual report and given to the Board for discussion and evaluation. He also suggested that a look into the number of injuries that occur in states that have similar Academy programs would be helpful in analyzing all the data.

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

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

Assistant Director Rick Desjardins explained the waiver process to the new Board members and then presented the following Basic Law Enforcement Training Waiver Requests.

**1. Officer Marissa I. Woodcock, Lewiston Police Department**

**MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Training, Lewiston Police Department's Field Training Program, and the Law Enforcement Officer's Certification Examination to be completed by 2/6/2020.**

Moved by Chief Rumsey and seconded by Ms. Ward Saxl. **Motion Carried Unanimously.**

**2. Officer Rodney L. Mooers, Dexter Police Department.**

**MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Reporting Training, and the Law Enforcement Officer's Certification Examination by 11/26/2019.**

Moved by Ms. Ward Saxl and seconded by Mr. Davis. **Motion Carried Unanimously.**

**3. Officer Scott M. Stephens, South Berwick Police Department.**

**MOTION:** To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Law Enforcement Officer's Certification Examination by 12/6/2019.

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

4. Chief Robert V. Richter, Kittery Police Department

**MOTION:** To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Law Enforcement Officer's Certification Examination by 1/31/2020.

Moved by Ms. Ward Saxl and seconded by Chief Rumsey. **Motion Carried Unanimously.**

**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:**

Assistant Director Rick Desjardins presented the following Law Enforcement Pre-service Program Waiver Request.

1. Judicial Marshal Craig T. Sheil – Office of the State Judicial Marshal

**MOTION:** To approve the Law Enforcement Pre-Service Program Waiver, pending a notice of employment as a Deputy Judicial Marshal and the successful completion of the LEPS Phase 3 within 12 months of date of hire.

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

**F. Judicial Marshal Program Extension Requests:**

None at this time.

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

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

1. Officer Chandler Z. Madore, Van Buren Police Department.

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

Moved by Chief Rumsey and seconded by Ms. Ward Saxl. **Motion Carried Unanimously.**

#### **H. Course Certification Request:**

Assistant Director Desjardins presented the following Course Certification Requests.

1. Eye Witness Identification – 2019 Mandatory LE Training Topic.

**MOTION: To approve the requested Eye Witness Identification - 2019 Mandatory LE Training Topic course certification.**

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

2. Response to Crisis Situations (2018 Mandatory)

**MOTION: To approve the requested Response to Crisis Situations – 2018 Mandatory LE Training course certification.**

Moved by Ms. Ward Saxl and seconded by Dep. Chief Bushey. **Motion Carried Unanimously.**

3. Security in a Non-Secure setting.

**MOTION: To approve the requested Security in a Non-Secure setting – 2019 Mandatory Corrections Training course certification.**

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

4. Judicial Marshal Training Program

**MOTION: To approve the requested Judicial Marshal Training Program.**

Moved by Chief Rumsey and seconded by Ms. Ward Saxl. **Motion Carried Unanimously.**

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

##### **A. Complaint Review Committee: By Mr. Tom Peters**

Mr. Peters advised the Board that the Complaint Review Committee has 24 cases pending with 6 being presented at this meeting. Seven cases are scheduled for trial, ten are relatively new and pending review, and one case where counsel has been asked to subpoena records. He also stated that because of the new process that was instituted a year and a half ago having to do with mandatory training, the Committee has made great progress with the number of cases regarding officers not completing training.

**B. Administrative Rules Committee: Board Chair Brian R. Pellerin**

1. No report at this time.

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

In the absence of Sgt. Ryder, Rick Desjardins spoke briefly of the second Supervisory Leadership Development Program which started today with 18 students in attendance.

**D. Corrections Training Committee: Board Chair Brian R. Pellerin**

1. No report at this time.

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

Chief Rumsey stated that late last year the Board had reviewed and approved all the minimum standards for training except for the Use of Force minimum standard and the Domestic Violence minimum standard. The updates in front of the Board today on the Use of Force standards were developed through collaboration with subject matter experts including the MCJA MARC Instructor Team and subject matter experts from the Maine Coalition for Domestic Violence and Through These Doors in Portland, for the DV standard updates.

**MOTION: To adopt the Use of Force updated policy with the specified changes.**

Motion made by Mr. Peters and seconded by Ms. Ward Saxl. **Motion Carried Unanimously**

**MOTION: To adopt the Domestic Violence updated policy as presented.**

Motion made by Ms. Ward Saxl and seconded by Mr. Davis. **Motion Carried Unanimously**

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

- **Deputy Chief Amy Berry:** On February 9<sup>th</sup>, I along with several members of the Board were able to make a short presentation at the Maine Chiefs of Police winter meeting held in South Portland recognizing Deputy Chief Amy Berry's 23 years of service on the Board. The conference room was well attended and several former Board members were present as well. I offered a short history of Deputy Chief Berry's contributions and service while on the Board and presented her with a plaque recording her dates of service and positions held. I think Amy was appreciative and she received a standing ovation from those present.
- **Brian MacMaster:** On February 26<sup>th</sup>, Seth Blodget, Sgt. Ryder and I met with Brian MacMaster at his office in Augusta. As you know Brian served on the Board for 20 years and a majority of that time as its Chair. Brian was heavily involved in the analysis and revision of the Reserve Officer standards in in the late 1990's and early 2000's. I think we all found it very informative, enlightening and a bit disheartening all at the same time. The Board previously worked on this topic at the direction of the legislature and spent almost six years crafting a revised program not only focusing on the training standards but also a slew of limitations for Reserve Certified officers. Brian presented the Board's work to the legislative committee that was half attended due to poor weather. Several members of the Criminal Justice committee who were former State and County officers attacked the Board's work stating on the record that the changes were unnecessary and over reaching. Several members made comments on the record that there was no need to change the program and that the reserve officer academy was essentially just as good as the full-time academy. In a matter of about 15 minutes the committee voted that the legislation ought not to pass. One outspoken critic on the committee tried to add language to their decision that this

issue could not be raised again for at least 5 years. This amendment failed according to Brian. Several of these legislators are still in the legislature and he feels that a legislative approach to change would be met with fierce opposition. In his opinion the Board could focus of strengthening the training standards that this Board would have authority over. I am not opposed to trying to make changes at the legislative level. I think for starters the administrative approach of adding the full-time hiring standards (Polygraph and Psych testing) along with the 64-hour comprehensive firearms training requirement will make an immediate difference. As of this year, there are about 750 Reserve officers in Maine with 150 or so being full time certified officers working part time. When Brian and the Board focused on this issue there were well over 1000 reserves working in Maine.

- **38<sup>th</sup> BCTP:** On March 5<sup>th</sup> I attended the 38<sup>th</sup> BCTP graduation ceremony at the Academy. There were 45 graduates of the program and there was a very high turnout of family and friends. I was surprised how many Sheriff's attended the ceremony. I counted six. Former Board member Gary LaPlante from the Maine DOC gave the keynote address and from speaking to members of the audience they were impressed with the ceremony and the bagpipes.
- **May 2019 Meeting:** As a reminder the May meeting. Board elections are scheduled for the Chair, Vice Chair and Secretary positions. Also, appointments to the 5 standing committees will be made as well.

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

- It was reported in Appendix G that 3 out of the 152 F/T law enforcement agencies did not meet the 20% of MHFA or equivalent training (1.97%). This will be discussed further under New Business. **(See 2018 Annual Report – Appendix G)**
- During 2018, the Academy had 20,172.5 instructor hours donated from 117 different agencies and these agencies all received a Certificate of Appreciation for their time. We also had 194 individuals donating 25+ hours of instruction time and also 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 2,474 less hours donated this past year than in 2017. I suspect the reason is we had fewer BCTP's and LEPS classes. **(See handout).**
- In 2 weeks, Board member Kim Gore will assist our staff in interviewing for the vacant Training Coordinators job. 42 people applied and 10 were offered an interview, with 7 accepting.
- On February 7, 2019, Brian MacMaster and I spoke to the Maine Chiefs for about 3 hours. Brian covered the first hour on IA investigations and I took the rest of the time to discuss in great length the requirements to report potential decertifiable conduct to the Board, the history behind it and the process. There were over 100 in attendance and even with a vendor show going on, no one left. I suspect more cases will be generated from this training session.
- All State agencies are required to complete an annual report on information requested under the Maine Freedom of Access Act. In 2018, MCJA had 981 total record requests and 260 of those specifically mention "FOAA" in their request. We received \$9,795 far less than our expenditures. **(See handout)**
- LD 735, "An Act to Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy. This is the 4<sup>th</sup> time this bill has come up. Commissioner Sauschuck and I meet with the bill sponsor and a few Native American LEO's, civilians and Legislative representatives to hear exactly what they want and why. I'm still waiting for the official position of the Governor's Office at this point.

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

- The 36<sup>th</sup> BLETP started on January 22, 2019 and will end on May 24, 2019. There were 140 names and/or John Doe slots and it was narrowed down to 93 who met all the entrance standards. I allowed in 68 Cadets and took 2 off the waiting list the weekend before the Academy started (1 quit and 1 got injured) and I took 1 more off the list in Week 1. We have lost 2 Cadets on Day 3 for pre-existing injuries, (back and heart problems), 1 Cadet after 1 week for personal reasons, 1 after 2 weeks for personal reasons and 1 tuition student after 4 weeks for an integrity issue. As of now there are 64 Cadets left.

- As of today, I have 140 on the list for the 37<sup>th</sup> BLETP. I have 27 John Doe slots taken by agencies that committed a Cadre, plus 42 officers who have already been hired prior to the open John Doe date, then the next 28 John Doe slots that represent the one slot given out for every 100 hours of instructor hours donated in 2018 by the agency and finally the last 41 slots, starting at #99 are the open John Doe slot requests. Under New Business some BLETP date change proposals will be discussed. **(See handout)**

### 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 20. The Director's position will be moved from the Special Revenue Account to the General Fund in FY 21 and we are asking for an additional amount of \$140,099 in FY 21 to make up for the shortfall in revenue in the Special Revenue account. Commissioner Sauschuck presented the entire Academy budget jointly to the Criminal Justice and Appropriations Committees on March 7, 2019.

### 1. Other Issues:

- **Need Vote:** Under New Business, I would like to recommend that the Board accept the gift of a wooden plaque with the words "Be Respectable and Respectful" from the 38<sup>st</sup> Basic Corrections Training Program, as a legacy gift which will be hung in Room 246. 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. 2 – K-9 Detector Team (Article & Tracking Without Apprehension)
  - b. 2 – K-9 Detector Team Assistant Trainer Certifications
  - c. 1 – K-9 Detector Team Trainer Certification
  - d. 3 – Law Enforcement Intermediate Certifications
  - e. 1 – Law Enforcement Advanced Certification
  - f. 1 – Law Enforcement Executive Certification
  - g. 1 – Law Enforcement Chaplain Certification
  - h. 4 – Crisis Negotiator Certifications
  - i. 44 – Basic Corrections Training Program Certifications
  - j. 19 – Instructor Certifications
  - k. 22 – LEPS Phase II Course Completions
- I had to suspend 12 Firearms Instructor Certifications, per Specification S-6-A, 11 that voluntarily left the program and 1 that failed to meet the recertification standard. **(See handout for all the Suspensions)**
- I had to suspend 7 Crash Reconstruction Certifications, per Specifications S-21, 6 that voluntarily left the program and 1 that failed to meet the recertification standard.
- I had to suspend 11 Patrol Canine (K-9) Team Certifications, per Specification S-23, 10 that voluntarily left the program and 1 that failed to meet the recertification standard.
- I had to suspend 16 Detector Canine (K-9) Team Certifications, per Specification S-23-A, 15 that voluntarily left the program and 1 that failed to meet the recertification standard.
- I had to suspend 3 Canine (K-9) Team Trainer Certifications, per Specification S-24, 2 that voluntarily left the program and 1 that failed to meet the recertification standard.
- I had to suspend 1 Canine (K-9) Assistant Team Trainer Certification, per Specification S-24-A, that voluntarily left the program.
- I had to suspend 7 Crisis Negotiator Certifications, per Specification S-25, 5 that voluntarily left the program and 2 that failed to meet the recertification standard.
- I had to suspend 13 Physical Fitness Tester Certifications, per Specification S-37, 5 that voluntarily left the program and 8 that failed to meet the recertification standard.

- Currently, we have active the following certifications: 46 K-9 Patrol Teams, 60 K-9 Detector Teams, 10 K-9 Assistant Team Trainers, 13 K-9 Team Trainers, 37 Traffic Reconstructionists, 46 PFT Protocol Testers, 43 Crisis Negotiators, 358 Firearms Instructors and 4 Tactical Teams.

**MOTION: To accept the Certifications that were issued by Director Rogers on behalf of the Board since the last Board meeting on January 11, 2019.**

Motion made by Chief Rumsey, seconded by Ms. Hansen **Motion Carried Unanimously.**

**MOTION: To accept the BLETP Legacy Gift of a Wooden Plaque.**

Motion made by Ms. Ward Saxl and seconded by Mr. Davis. **Motion Carried Unanimously.**

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

1. None at this time.

**IX. Item Nine on the agenda: New Business**

**A. BLETP Injuries – Discussed earlier in the meeting.**

**B. BLETP and BCTP Schedules for the next two years.**

Director Rogers presented the new schedules which includes 1 additional BLETP class which would be 5 over a 2 year period instead of 4 over the same period starting 7/29/2019. He also reported 3 BCTP classes held here and 3 BCTP classes held off-site alternating every 2 months. The first class will be at MCJA, starting on 7/15/2019.

**MOTION: To accept the new BLETP and BCTP Schedules as presented.**

Motion made by Chief Rumsey and seconded by Dep. Chief Bushey. **Motion Carried Unanimously.**

Commissioner Liberty then suggested that the September meeting of the Board meet at the Maine State Prison. This was met with approval from the rest of the Board.

Chair Pellerin requested that the Board break for a half hour Lunch.

**MOTION: To break for Lunch at 11:46 a.m.**

Motion made by Mr. Peters and seconded by Chief Rumsey. **Motion carried unanimously.**

The Board reconvened and was called to order by Chair Pellerin at 12:16 p.m. It was noted that District Attorney Kathryn Slattery and Maj. Chris Grotton left the meeting at 11:47 a.m.

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. Davis, seconded by Ms. Gore. **Motion carried unanimously.**

The Board moved into Executive Session at 12:17 p.m. and reconvened Public Session at 12:37 p.m.

**Complaint Committee Cases:**

1. Board Case 2018-018

**MOTION: To accept the recommendations of the Complaint Committee to enter into a consent agreement with the officer to surrender his Law Enforcement Certification for a period of no less than five years.**

Motioned by Mr. Davis and seconded by Chief Rumsey. **Motion carried with one opposed.** (Ms. Ward Saxl)

2. Board Case 2019-004

**MOTION: To accept the recommendations of the Complaint Committee to revoke the officer's full-time Law Enforcement Certification.**

Motioned by Commissioner Sauschuck and seconded by Mr. Travis. **Motion carried unanimously.**

3. Board Case 2018-004

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

Motioned by Ms. Ward-Saxl and seconded by Ms. Gore. **Motion carried with Commissioner Liberty recusing himself.**

4. Board Case 2018-017

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

Motioned by Mr. Davis and seconded by Ms. Ward Saxl. **Motion carried with Commissioner Liberty recusing himself.**

5. Board Case 2018-027

**MOTION: To accept the recommendations of the Complaint Committee to accept a voluntary and permanent surrender of the officer's Corrections Certification.**

Motioned by Chief Rumsey and seconded by Mr. Peters. **Motion carried with Commissioner Liberty recusing himself.**

6. Board Case 2018-032

**MOTION: To accept the recommendations of the Complaint to enter into a consent agreement for three years' Probation and to issue a letter of reprimand.**

Motioned by Mr. Davis and seconded by Commissioner Sauschuck. **Motion carried with Commissioner Liberty recusing himself.**

**X. Item Ten on the Agenda: Adjournment**

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

Moved by Ms. Gore and seconded by Mr. Travis. **Motion Carried.**

Chair Pellerin adjourned the meeting at 12:43 p.m. The next meeting is scheduled for 9:00 a.m. on Friday, May 10, 2019 at the Maine Criminal Justice Academy in Vassalboro, Maine.



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Richard P. Davis

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