

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, May 10, 2019.

Board Members Attending:

Special Agent Brian Pellerin - Chair
Chief Charles Rumsey IV
Ms. Elizabeth Ward Saxl (9:22 am)
Ms. Kimberly Gore
Commissioner Randall Liberty (9:57 am)
Colonel John Cote
Mr. Tom Peters II, Esq.
Deputy Chief David Bushey
Det. Seth Blodgett
Colonel Joel Wilkinson (9:12 am)
Mr. Richard Davis
DA Kathryn Slattery
Mr. Levon Travis

Board Members Excused:

Sheriff Scott Nichols
Dr. Marie Hansen
Commissioner Michael Sauschuck

Participants:

Director John Rogers
Asst. Director Rick Desjardins
Attorney Andrew Black

Guests:

Chief Robert MacKenzie, Kennebunk Police Department

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

Chair Pellerin called the meeting to order at 09:08 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 Chief MacKenzie of the Kennebunk Police Department and asked that those present introduce themselves. Following the introductions, the Pledge of Allegiance was led by Chair Pellerin. He then requested a moment of silence for the passing of Trooper Ben Campbell and Rev. Don Williams since the March meeting.

Chair Pellerin requested that part of Item IX on the Agenda, New Business, be taken out of order, as Chief MacKenzie was present.

IX – B. 2020-2021 Mandatory Law Enforcement In-service Training.

Chief MacKenzie spoke on behalf of the Law Enforcement Mandatory Training Advisory Council regarding the proposed 2020-2021 mandatory on-line training topics. For 2020, the proposed training will be 2-hour blocks of training in the following topic areas: MCJA Firearms Qualifications, New Case Law and Law Updates, Situational Use of Force, Wellness of Law Enforcement Officers and Law Enforcements Approach to Substance Abuse Disorders.

The training for 2021 would be 2-hour blocks of training in the following topic areas: MCJA Firearms Qualifications, New Case Law and Law Updates, and Investigation of Electronic Evidence. There will also be a 4-hour hands-on training block of instruction provided across the State on Block 1 in the MARC Manual.

MOTION: To accept the 2020 and 2021 proposed Mandatory Training as presented.

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

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

MOTION: To accept the minutes of the March 8, 2019 Board of Trustees meeting that were handed out prior to the meeting and to be placed on file with the secretary.

Moved by Chief Rumsey 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 Jena M. Quadland, South Portland Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Training and the Law Enforcement Officer's Certification Examination to be completed by 1/14/2020.

Moved by Mr. Peters and seconded by Col. Wilkinson. **Motion Carried Unanimously.**

2. Officer Zachary A. Quadland, South Portland 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 1/14/2020.

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

B. Basic Law Enforcement Training Program Extension Requests:

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

1. Deputy Drew A. Graham, Knox County Sheriff's Office

MOTION: To approve the Basic Law Enforcement Training Program Extension from December 1, 2018 to June 1, 2019, to be medically cleared to pass the MARC Scenario.

Moved by Col. Wilkinson and seconded by Sgt. Ryder. **Motion Carried Unanimously.**

2. Officer Aaron Tremblay, Mechanic Falls Police Department

MOTION: To approve the Basic Law Enforcement Training Program Extension for up to 180 days to become medically cleared to get into the 38th BLETP.

Moved by Sgt. Ryder and seconded by Col. Wilkinson. **Motion carried.**

AMENDED MOTION: To approve the Basic Law Enforcement Training Program Extension from June 4, 2019 to December 4, 2019 to attend the 38th BLETP.

Moved by Mr. Peters and seconded by Chief Rumsey. **Motion carried.**

3. Officer Cory A. Hubert, Wiscasset Police Department

MOTION: To approve the Basic Law Enforcement Training Program Extension from October 3, 2019 to December 30, 2019 to get into the 38th BLETP.

Moved by Col. Wilkinson and seconded by Sgt. Ryder. **Motion Carried Unanimously.**

C. Basic Corrections Training Program Waiver Requests:

None at this time.

D. Basic Corrections Training Program Extension Requests:

Director Rogers presented the following request for the Basic Corrections Training Program Extension.

1. Officer Patrick D. Vanacore, Somerset County Jail

MOTION: To approve the Corrections Training Program extension from May 2, 2019 to May 28, 2019 to attend the 40th BCTP.

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

E. Law Enforcement Pre-Service Program Waiver Requests:

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

1. Officer George B. Walker, Fryeburg Police Department.

MOTION: To approve the Law Enforcement Pre-Service Training Program Waiver, pending the successful completion of the LEPS Phase 3 within 12 months of date of hire.

Moved by Chief Rumsey and seconded by Sgt. Ryder. **Motion Carried Unanimously.**

2. Deputy Alec Frost, Franklin County Sheriff's Office

MOTION: To approve the Law Enforcement Pre-Service Training Program Waiver, pending the successful completion of the LEPS Phase 3 within 12 months of date of hire.

Moved by Sgt. Ryder and seconded by Chief Rumsey. **Motion Carried Unanimously.**

3. Deputy Marshal Joseph Sneddon, Office of the State Judicial Marshal

MOTION: To approve the Law Enforcement Pre-Service Training Program Waiver, pending the successful completion of the LEPS Phase 3 within 12 months of date of hire.

Moved by Sgt. Ryder and seconded by Chief Rumsey. **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 presented to the Board the following Part-time Law Enforcement Officer 1040 Hour Extension request.

1. Officer Michael Mayer, Monmouth Police Department.

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

Moved by Sgt. Ryder and seconded by Chief Rumsey. **Motion Carried Unanimously.**

H. Course Certification Request:

Assistant Director Desjardins presented the following Course Certification Requests.

1. Critical Thinking in Law Enforcement – 2019 Mandatory LE Training Topic.

MOTION: To approve the requested Critical Thinking in Law Enforcement - 2019 Mandatory Law Enforcement Training Topic course certification.

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

2. Capitol Police Field Training Program

MOTION: To approve the requested Capitol Police Field Training Program course certification.

Moved by Chief Rumsey and seconded by Det. Blodgett. **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 Committee has 16 cases pending with 10 cases being presented at this meeting. Two cases are GSA's, five involve Domestic Violence, one Trafficking case, three Assault cases, 3 OUI cases, one Drug and OUI case and 1 UST case.

He stressed the advantages of mandatory training centering around the human part of being in high stress jobs such as Corrections and Law Enforcement. These programs would hopefully address officer's issues, assist them in obtaining help before incidents happen and they should come before the Complaint Committee.

B. Administrative Rules Committee: New Chair Richard Davis

Chair Pellerin mentioned that about 1 ½ years ago, members of the Polygraph Unit had requested that adjustments and amendment be made to some of the paperwork relating to polygraph exams. The Board had advised them to create what they were looking for and to report back. Chair Pellerin asked Col. Cote if he knew how that was progressing and Director Rogers stated that there were changes in the language on some of the forms that needed to be worked out.

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

Sgt. Ryder advised the Board that his committee would be meeting after the Board Meeting to discuss some changes in the Reserve Officer's Program. He also touched again on the Lesson Plan that State Police Trooper Ryan Brockway has been working on, "Interviewing Children for 1st Responders" that will be reviewed by the committee and soon, go before the Board for acceptance.

D. Corrections Training Committee: New Chair Levon Travis

Mr. Travis stated that he had had a phone meeting with MCJA Coordinator Alan Gregory and was hoping to meet with Commissioner Liberty at lunch. As there hasn't been a meeting for quite a while, he is hopeful that he can get things moving forward.

The Board took a quick break at 10:43 a.m. and resumed at 10:50 a.m.

E. Policy Standards Committee: Chief Charles Rumsey

Nothing at this time.

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

A. Chair Pellerin reminded the Board that the annual election of Board Officers would take place during the meeting later this morning. Per the Board's By-Laws, the Chair, Vice-Chair and Secretary are elected during the May meeting for one-year terms.

B. With the recent change in the Board's membership, Chair Pellerin appointed, with their consent, Mr. Richard Davis as the new Chair of the Administrative Rules Committee and Correctional Officer Levon Travis as the new Chair of the Corrections Training Committee.

- C. This past April a memorial service was held at the Academy in honor of MCJA Chaplain Don Williams. Chaplain Williams was the Academy's first Chaplain and was instrumental in developing Chaplain program at the Academy. Board Vice Chair Sgt. Lincoln Ryder attended the service as a representative of the Board of Trustees.
- D. On May 24, 2019 the 36th Basic Law Enforcement Training Program is scheduled for graduation. Please let Director Rogers know if you will be able to attend.
- E. After this morning's regular meeting the Law Enforcement Training Committee will be meeting to discuss the potential revisions to the LEPS training program.

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

1. General Items:

- We recently offered a job to a person who was our top candidate for a vacant Training Coordinators position. After a couple of interviews and background check, he was offered the job at Step 4 which was the highest we could offer per HR, but turned he the job down because it was not enough money. We will go back out to advertise in hopes of getting a qualified person. I need to thank Board member Kim Gore who volunteered and helped with the interviews.
- On March 15, 2019, I spoke to the Jail Administrators for about 90 minutes on the requirements to report potential decertifiable conduct to the Board, the history behind it and the process. There where about 12 in attendance and from that I have received 2 Board cases that should have been reported earlier. This is the same talk I gave to over 100 police administrators at the February MCOPA conference.
- LD 735, "An Act to Create a Permanent Wabanaki Law Enforcement Seat on the Board of Trustees of the Maine Criminal Justice Academy." This bill came out of committee unanimous OTP-A with a 2-year term and a recommendation to the Governor. This will be our 18th Board member, if enacted by the House and Senate later this session.
- LD 828, "An Act Concerning the Release of the Name of a Deceased Individual." This bill would have required a 14th mandatory policy on Death Notifications, in which the Board would have had to deal with developing mandatory standards. The bill was unanimous ONTP, however I had to get the Maine Chiefs Policy Committee to agree to write a model policy rather than a mandatory policy. The Criminal Justice Committee felt this just did not gravitate to the level of a mandatory policy.

2. Basic Law Enforcement Training Program (BLETP):

- The 36th BLETP started on January 22, 2019 and will end on May 24, 2019. After allowing in 68 Cadets in, I lost another Cadet who resigned rather than being dismissed because after our IA it was determined that he had lied. He then immediately resigned from Auburn PD. As of now there are 63 Cadets left.
- We took the class to Portland to attend Det. Benjamin Campbell's funeral at the Civic Center. We had to move a lot of training, as it was range weeks, but with a lot of help, it worked and the class was extremely moved by attending. In fact, Det. Campbell had taught at 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 class will never forget him and their legacy gift will be to honor Det. Campbell.
- As of today, I have 141 on the list for the 37th BLETP down from 149. We have set the Orientation and PFT date of June 28th and a make-up on July 11th. I will send invites letters out in the next week or so.
- I invited all the licensed police psychological examiners to come to the academy to watch the officers go through some scenarios. There were 11 on our list and 2 showed up, Dr. Kirsten Rollins from Falmouth and Dr. Wendy Kjeldgaard from Scarborough. Sgt. Hamilton and I spent about an hour talking to them about what we do, how we train and why we train this way. Both doctors had evaluated several Cadets in the class. We then watched 2 of the 3 non-stress simple scenarios (a disorderly conduct call, and a civil domestic call with no assault). They also got to see several of the MARC scenarios and listened to each of the debriefs. Both thought this was extremely valuable in the future when evaluating future

Cadets. They even got to talk to some of the Cadets that they did evaluations on which was extremely helpful. Overall it was a great day other than the low turnout.

3. Budget Issues:

- The DPS/MCJA budget was presented by Commissioner Sauschuck and has come out of committee OTP. The next hurdle is the appropriations Committee, the House and Senate Vote and then approval by Gov. Mills.

1. Other Issues:

- I sent out a letter to Jail Administrators and DOC Chief Executives regarding the new Basic Corrections Training Program (BCTP) schedule with the locked in dates. 3 will be held at MCJA and 3 off-site, alternately starting every 2 months. The State Prison will be conducting one of the off-site BCTP's in September of 2019 and we are in the process of evaluating a Cumberland County site and a Penobscot County site to spread the training around the state. We are looking for a place that can handle at least 30 seats in the classroom plus have a mock jail cell and a place to do physical training. One of those off-site classes will be in January and the other in May of 2020
- **Need Vote:** Under New Business, I would like to recommend that the Board accept the gift of a wooden table from the 35th Basic Law Enforcement Training Program, as a legacy gift which is displayed in the 2nd floor hall 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 Detector Team Assistant Trainer Certifications
 - b. 2 – Law Enforcement Intermediate Certifications
 - c. 1 – Law Enforcement Advanced Certification
 - d. 1 – Law Enforcement Chaplain Certification
 - e. 3 – Crisis Negotiator Certifications
 - f. 9 – Judicial marshal Certifications
 - g. 22 – Basic Corrections Training Program Certifications
 - h. 20 – Instructor Certifications
 - i. 3 – Basic Law Enforcement Training Programs Certifications
 - j. 1 – Municipal Ordinance Prosecution Certification
 - k. 5 – Breath Testing Device Instructor Certifications
 - l. 4 – Capitol Police Officer Certifications
- One of my secretaries had a 9 lb., 1 oz. baby boy on May 4, 2019 and will be out for the next 6-12 weeks.

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 Mr. Peters, seconded by Sgt. Ryder **Motion Carried Unanimously.**

MOTION: To accept the 35th BLETP Legacy Gift of a Wooden Table.

Motion made by Sgt. Ryder and seconded by Det. Blodgett. **Motion Carried Unanimously.**

The Board Meeting broke for Lunch at 11:46 a.m. and reconvened at 12:16 p.m.

VIII: Item Eight on the agenda: Old Business

1. BLETP Injuries

Director Rogers passed out a spreadsheet showing all injuries that occurred to cadets during the 34th and 35th BLETPs. These injuries ranged from minor injuries such as having a headache, bloody nose, blisters to injuries needing medical attention such as a dislocated shoulder, lacerated finger and asthma attack.

Mr. Peters and Chief Rumsey suggested that instead of having all injuries/illnesses listed on one spreadsheet/report it would be better to have a separate spreadsheet/report to track injuries occurring while a cadet is in actual training (MARC training, gun grabs, Boxing, etc.) and list non-training injuries/illnesses (bloody nose due to dry air, the flu, getting a blister and having a headache) on a different spreadsheet/report. Chief Rumsey said, "To categorize the injuries that the Maine Chief of Police are concerned about (injuries occurring during actual training) and put to the side those injuries that they are not concerned about (non-training illnesses/injuries)." He also suggested that by categorizing injuries this way you could follow up on injuries occurring during one part of training (MARC, PT, etc.) and answer questions such as: Were all the injuries happening during the same drill? Was it an execution issue? Was it an instructor issue? Staff or personnel issue? Then if needed, the cause of the injuries could be looked at and decide on a course of action to prevent or minimize future injuries.

Colonel Wilkinson and other members suggested that Board members look at this issue further and come back with ideas on how to break down the report by inflicted injuries vs. medical illnesses. By revising these reports, it would make it clearer to the public that there were only 18 injuries occurring during the training of the cadets rather than reporting that there were 75 injuries as stated in the 34th BLETP Injury Report.

IX. Item Nine on the agenda: New Business

A. MCJA Fee Increases

Director Rogers presented the MCJA Fee Use Proposal and discussed briefly the reasoning behind the increases and the effective date starting 1/1/2020.

MOTION: To accept the new MCJA Fee Increases as presented.

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

B. 2020/2021 Mandatory Law Enforcement In-Service Training.

Covered out of turn at the beginning of the meeting by Chief Robert McKenzie of the Kennebunk Police Department.

C. Elections of the MCJA Board Officers.

1. Mr. Davis called to open the nominations for Chair of the Board.

Det. Blodgett brought forth a nomination for Brian Pellerin and it was seconded by Chief Rumsey.

The vote passed with Brian Pellerin abstaining from the vote.

2. Mr. Davis called to open nominations for Vice Chair of the Board.

Col. Wilkinson brought forth a nomination for Sgt. Lincoln Ryder and it was seconded by Mr. Peters.

The vote passed with Sgt. Lincoln Ryder abstaining from the vote.

3. Mr. Davis called to open nominations for Secretary of the Board.

Brian Pellerin brought forth a nomination for Mr. Richard Davis and it was seconded by Chief Rumsey.

The vote passed with Mr. Richard Davis abstaining from the vote.

The Board broke for lunch at 11:45 a.m.

The Board reconvened and was called to order by Chair Pellerin at 12:17 p.m. (It was noted that Colonel Cote, Colonel Wilkinson and Commissioner Liberty had to leave 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. Davis, seconded by Sgt. Ryder. **Motion carried unanimously.**

The Board went into Executive Session at 12:28 p.m. and came back into Public Session at 12:56 p.m.

D. Complaint Committee Cases:

1. Board Case 2018-022

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

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

2. Board Case 2018-024

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

Motioned by Sgt. Ryder and seconded by Dep. Chief Bushey. **Motion carried unanimously.**

3. Board Case 2019-002

MOTION: To accept the recommendations of the Complaint Committee to take no further action.

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

4. Board Case 2019-003

MOTION: To accept the recommendations of the Complaint Committee to issue a \$300 civil fee, to enter into a consent agreement with standard conditions and 3 years' probation.

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

5. Board Case 2019-005

MOTION: To accept the recommendations of the Complaint Committee accept a permanent voluntary surrender of the officer's full-time Law Enforcement Certification or force revocation after 30 days.

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

6. Board Case 2019-006

MOTION: To accept the recommendations of the Complaint Committee to issue a Letter of Guidance.

Motioned by Sgt. Ryder and seconded by Chief Rumsey. **Motion carried unanimously.**

7. Board Case 2019-007

MOTION: To accept the recommendations of the Complaint Committee to issue a Letter of Guidance.

Motioned by Mr. Davis and seconded by Chief Rumsey. **Motion carried unanimously.**

8. Board Case 2019-009

MOTION: To accept the recommendations of the Complaint Committee to enter into a consent agreement with conditions of a warning and probation for 3 years.

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

9. Board Case 2019-012

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

Motioned by Mr. Davis and seconded Mr. Travis. **Motion carried with Sgt. Ryder recusing himself.**

10. Board Case 2019-013

MOTION: To accept the recommendations of the Complaint Committee to accept a permanent voluntary surrender of the Officer's Law Enforcement Certification or force revocation after 30 days.

Motioned by Dep. Chief Bushey and seconded Mr. Davis. **Motion carried unanimously.**

Chair Pellerin reminded the Board members that the July meeting will be held at the Warden's New Facility in Augusta. Dir. Rogers stated he will check to make sure the building is ready and then will send out directions.

X. Item Ten on the Agenda: Adjournment

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

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

Chair Pellerin adjourned the meeting 1:04 p.m.



Richard P. Davis

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