

Minutes of the meeting of the Maine Criminal Justice Academy Board of Trustees held at the Maine Criminal Justice Academy on Friday, November 19, 2021.

Board Members Attending:

Special Agent Brian Pellerin – Chair
Detective Sgt. Lincoln Ryder – Vice Chair
Commissioner Randall Liberty
Commissioner Michael Sauschuck
Sheriff Scott Nichols
Chief Charles Rumsey IV
Captain Shon Theriault
Deputy Chief David Bushey
Detective Seth Blodgett
Ms. Marie Hansen
Colonel John Cote
Ms. Francine Stark
Mr. Nathan Poore
Mr. Mateo Mendoza
DA Kathryn Slattery

Board Members Excused:

Ms. Kimberly Russell
Chief Matthew Dana II
Ms. Elizabeth Ward Saxl

Participants:

Director Rick Desjardins
Assistant Director Jack Peck
Attorney Andrew Black
Karen Green, Clerk

Guests - Visitors:

Chief Roger A. Newell – Pleasant Point Police Department
John A. Preston – Pleasant Point Police Department
Attorney Craig E. Francis – representing Pleasant Point Police Department
Matthew D. Cummings
Ted Ross, Marshal - State of Maine Judicial Marshal Office

I. Item One on the Agenda: Call to Order

Chair Pellerin called the meeting to order at 9:07 a.m.

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

Chair Pellerin requested that Secretary Green conduct a roll call and then he requested that the members of the Board and the guests who were present to introduce themselves. He then led in the Pledge of Allegiance.

Chair Pellerin requested that item IX-C under New Business be taken out of order, as Chief Newell, John Preston, Matthew Cummings, and Attorney Francis were present for the discussion regarding the Adjudicatory Hearing recommendation for CRC #2019-035.

IX-C. Item Nine -C on the Agenda: Adjudicatory Hearing Recommendation re: CRC #2019-035

A statement was given by Chief Roger Newell of the Pleasant Point Police Department requesting that the Board of Trustees understand the need for reinstatement of his officer and to vote against the recommendation of the CRC. Chair Pellerin gave a short discussion of the Board's history in dealing with these types of cases and Attorneys Francis and Black collaborated and went over the statue involved and explained the legal side of it. During this discussion and vote, members of the CRC (Det. Blodgett and Chief Rumsey) were not present in the room, leaving at 0914 and returning at 0933.

MOTION: To accept the recommendation of the Hearing Officer regarding CRC #2019-035.

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

Chair Pellerin requested the Board have a moment of silence in remembrance of three members of our Maine law enforcement and a member of a Board Member's work family that passed away since the September 17th meeting.

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

MOTION: To accept the minutes of the September 17, 2021 Board of Trustees meeting and to be placed on file with the secretary.

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

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

A. Basic Law Enforcement Training Program Waiver Requests:

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

1. Officer Nicholas Vasquez – Kennebunkport Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Reporting Training and the Maine Law Enforcement Officer's Certification Examination by 6/18/2022.

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

2. Officer Jose Guzman - Kennebunkport Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Reporting Training and the Maine Law Enforcement Officer's Certification Examination by 6/30/2022.

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

B. Basic Law Enforcement Training Program Extension Requests.

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

1. Officer Jarrod Leonardi – Thomaston Police Department

MOTION: To approve the Basic Law Enforcement Training Program Extension until the next class starting in January 2022.

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

C. Basic Corrections Training Program Waiver Request:

Assistant Director Peck presented the Basic Corrections Training Program Extension Requests.

1. None at this time.

D. Basic Corrections Training Program Extension Requests:

Director Desjardins presented the Basic Corrections Training Program Extension Requests.

1. C.O. Gabrielle Huettner - Piscataquis County Jail

MOTION: To approve the Basic Corrections Training Program Extension from 10/12/2021 to 11/19/2021 and to refer this extension to the CRC for further investigation.

Moved by Commissioner Sauschuck and seconded by Col. Cote **Motion Carried.**

2. C.O. Blake Morey – Hancock County Jail
Request withdrew by Director Desjardins – no action required.

E. Law Enforcement Preservice Program Waiver Requests:

1. None at this time.

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

Director Desjardins presented the Part-time Law Enforcement Officer 1040 Hour Extension Requests.

1. Officer Luke Toomey – Limestone Police Department

MOTION: To approve the Part-time Law Enforcement Officer 1040 Hour Extension Request of 640 hours.

Moved by Deputy Chief Bushey and seconded by Ms. Hansen **Motion Carried.**

2. Officer Lucas Gendreau – Madawaska Police Department

MOTION: To approve the Part-time Law Enforcement Officer 1040 Hour Extension Request of 360 hours.

Moved by Sheriff Nichols and seconded by Chief Rumsey. **Motion Carried.**

G. Course Certification Requests:

1. Leadership for Correction Officers

MOTION: To approve the Correction Officer's Leadership Course.

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

2. Contraband/Evidence Collection & Documentation-2022 Corrections Officer Mandatory Training

MOTION: To approve the Correction Officer's Leadership Course as amended.

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

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

Director Desjardins read the list of the 56 certifications that were issued since the last Board Meeting on September 17, 2021.

MOTION: To accept the Certifications that were issued by Director Desjardins on behalf of the Board since the Board meeting held on September 17, 2021.

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

V. Item Five on the Agenda: Committee Reports

A. Complaint Committee: Det. Seth Blodgett

Det. Blodgett told the Board that the committee met on October 15, 2021 and had three Informal Conferences. Currently the CRC has 18 open cases with several waiting for court proceedings. He said he would be presenting four cases today.

B. Administrative Rules Committee: Dep. Chief David Bushey

Nothing at this time.

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

Sgt. Ryder reported that although he had no formal report, he wanted to let the Board know that they would be meeting with Chair Pellerin about the LEPS program after today's Board meeting

D. Corrections Training Committee: Commissioner Randall Liberty

Commissioner Liberty told the Board that the Corrections Advisory Council met on November 5, 2021 and reviewed the Juvenile CO curriculum and worked on the new BCTP curriculum.

MOTION: To accept the recommendation of the Corrections Advisory Council for the 2022 Mandatory Training.

Motion made by Commissioner Liberty and seconded by Sheriff Nichols **Motion Carried.**

Commissioner Liberty discussed the assessment and review of the Juvenile Corrections Officer curriculum and the new Basic Corrections Training Program curriculum.

E. Policy Standards Committee: Chief Charles Rumsey

Chief Rumsey presented the final drafts of Policy #5 – *Response To Mental Illness, Involuntary Commitment & Protection From Substantial Threats* and Policy #7 – *Recording of Law Enforcement Interviews of Suspects and Witnesses, to Include Cases of Murder and Class A, Class B and Class C Crimes and the Preservation of Investigative Notes and Records in Such Cases*. He briefly outlined the changes that had been made to each of the policies and answered a couple of questions regarding the changes. He then handed out the Annual Review of the MCJA Board of Trustees Minimum Standards which showed all the Policies and when they were updated.

MOTION: To accept the Policy Standards Committee's draft of the Minimum Standard Policy #5 – Response to Mental Illness, Involuntary Commitment & Protection From Substantial Threats as presented.

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

MOTION: To accept the Policy Standards Committee's draft of the Minimum Standard Policy #7 – Recording of Law Enforcement Interviews of Suspects and Witnesses, to Include Cases of Murder and Class A, Class B and

***Class C Crimes and the Preservation of Investigative Notes and Records in Such Cases* with the correction of the word “required” (in number 11) to “require”.**

Motion made by Sgt. Ryder and seconded by Decommissioner Sauschuck. **Motion Carried.**

MOTION: To accept the Review of the MCJA Board of Trustees Minimum Standards as presented.

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

Chair Pellerin requested the Board take a short recess at 10:24 a.m. Meeting resumed at 10:45 a.m.

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

- Chair Pellerin again welcomed the three newest members of the Board of Trustees, Mr. Nathan Poore, Ms. Francine Stark, and Mr. Mateo Mendoza. The Chair, Director Desjardins, and several of the Board’s members were able to meet with the new Trustees at the Academy in October. The new members were sworn in, given a tour of the Academy, and provided with a briefing on the history, trustee assignments, and responsibilities of the Board and its membership.
- The Academy recently received guidance from the Maine Office of Boards and Commissions regarding remote meetings. The Board does have the ability to meet remotely if there is written policy and the Board remains’ compliant with its other legal requirements such as public notification and allowing public attendance.
- Chair Pellerin discussed having the Board explore the creation of a new Board of Trustees subcommittee. One specifically focused on identifying where Board standards or other actions may require a statutory change and to track pending legislations that directly affects the Academy and its programs while allowing the Board to collectively take a position on any legislation before the legislature. This would allow the Board to work in concert with other organizations such as the Maine Chiefs of Police Association, the Maine Sheriff’s Association and the Departments of Public Safety and Corrections. This would help to define the Board’s autonomy as representatives of the public’s interest separate from the Department of Public Safety which oversees the Academy itself but not necessarily the Board of Trustees.
- The Law Enforcement Training Committee will be meeting after this morning’s meeting to continue the discussion and planning on the LEPS entry and admission requirements currently under review.

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

General

- Graduation of the 40th BLETP will be held on Dec 17, 2021. We hope to hold an in-person graduation of the current cadets in the Tac Center at the academy.

- First class to fully return without a remote class option
- Held a Zoom call for current agency CEOs that have cadets in the class over Zoom. 39 participated and appears to be a good solution during the current increase of COVID cases.
- Tracking a few injured cadets that may need to return to complete all the standards (happens every class)
- Increased frequency of individuals staying home due to illnesses. No major patterns of cadets missing more time than usual but indication of cadets and staff being vigilant.
- Family day scheduled for December 8, 2021.
 - Academy Chaplain's, Cadre, staff, and guests will spend 4 hours with the families going over what to expect and discussions on stress, resiliency, and the impacts of the profession of the officer and the family.
- 41st BLETP is approaching the completion of the class selection and will begin on January 18, 2022.
 - Discussion on how we are currently selecting the classes was held via a Zoom call with over a hundred participants. We have also met with representatives of the Maine Chiefs and Sheriff's Associations to review the changes in selection.
 - Cadre assignments
 - Interviews scheduled over the next week or two to select the next cadre.
 - Date of hire
 - Oldest to the newest
 - Discussion on previous process
 - John Doe slots, first come, first serve starting on the first day of the current BLETP
 - Donated training hours for previous year.
- Building issues
 - Simmons Group continue to conduct facilities assessment
 - Physical plant study continues to progress and hopefully have the completed study by year's end.
 - Operations assessment is also progressing and should accompany the completed facility study.
- Staffing
 - Staff are incredibly busy. We are gearing up for the pending graduation and quick turnaround for the 41st BLETP, continuing to run BCTP classes virtually, LEPS classes, MOI classes, and many other classes that are in the queue.
 - Addition of DOC's Training Specialist has begun to provide some relief for the corrections programs.

Legislative changes

- Composition of the Complaint Review Committee
 - Expanded from 3 to 5 members
 - 2 citizen members added to our Board
 - Expanded the definition of citizen member (No previous LEO experience)
- Requirement to move into rule making
 - Standards of conduct

- Additional standards and policies are moving rapidly to completion
 - Special thanks to Chief Rumsey for his work in completing the added requirements and working with Maine Chiefs to help develop model policies.

Initiatives

- Conversion of the Alert test to electronic version
 - Working to complete in a test platform with Informa
 - Issues regarding symbols (commas) and spacing

At 11:30 a.m. Chair Pellerin requested that the Board members get some lunch that was brought up to the room, bring it to their table and resume the meeting at 11:40 a.m.

VIII. Item Eight on the Agenda: Old Business

A. Accommodations for English as a second language (ESL) applicants:

Director Desjardins explained that over the past couple of years there have been more requests to accommodate law enforcement and correction candidates whose first language is not English. In some cases, English is their 3 or 4th language. MCJA will begin to grant one extra hour for those individuals, who fill out and send in our ADA form with documentation that an extra hour is needed to complete the Alert Test. Ms. Hansen asked if we would consider reading the test to applicants, but Director Desjardins said we wouldn't be able to do that.

B. Alert on-line testing alternative update.

Covered in the Director's Report.

IX: Item Nine of the Agenda: New Business

A. Discussion of Maine Coalition to End Domestic Violence Letter – Ms. Francine Stark

Ms. Stark spoke of her history working with law enforcement in Maine over the years and how she looked forward to being on the Board of Trustees. She said that the Maine Coalition to End Domestic Violence (MCEDV) after many years of training law enforcement officers began teaching the Basic Corrections Program in 2015 but has not been able to assist with the current class. She went on to say that MCEDV has questions they would like to discuss with the Advisory Board regarding some of the objectives of the new correction's program. She hoped that because MCEDV has a small team of trainers that they and the Corrections Advisory Board could come to an agreement regarding length of the different topics in the curriculum.

B. Committee Assignments – Chair Brian Pellerin

Chair Pellerin stated he would be sending out a list of the Committee Members in the next couple of days. He thanked the new members of the Board for their willingness to help on the committees that he had appointed them to.

C. **Adjudicatory Hearing recommendation re: CRC #2019-035**

Heard earlier in the meeting.

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 Chief Rumsey and seconded by Sgt. Ryder.

Motion Carried Unanimously at 12:13 p.m. The meeting reconvened at 12:46 p.m.

D. **Complaint Committee Case:**

1. Board Case 2021-004

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the Correction Officer's Full Time Certification of Eligibility.

Motion made by Dep. Chief Bushey and seconded by Col. Cote. **Motion Carried.**

2. Board Case 2021-101

MOTION: To accept the recommendation of the Complaint Review Committee to issue a 3-year consent agreement, suspend the Correction Officer's Certification for 6 months and issue a letter of reprimand.

Motion made by Sgt. Ryder and seconded by Chief Rumsey.

Motion Carried with Mr. Mendoza recusing himself. During the discussion Mr. Mendoza left the room at 12:15 p.m. and returned at 12:24 p.m.

3. Board Case 2021-011

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 Sgt. Ryder and seconded by Sheriff Nichols. **Motion Carried.**

4. Board Case 2021-016

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

Motion made by Mr. Mendoza and seconded by Col. Cote. **Motion Failed.**

MOTION: No further action due to insufficient evidence.

Motion made by Commissioner Sauschuck and seconded by Sgt. Ryder.

Motion Carried with Capt. Theriault recusing himself.

For the discussion, Capt. Theriault left the room at 12:28 p.m. and returned at 12:44 p.m.


X. Item Ten on the Agenda: Adjournment

Chair Pellerin called for a motion to adjourn.

MOTION: To adjourn the 11/19/2021 Maine Criminal Justice Academy Board of Trustees Meeting at 12:53 p.m.

Motion made by Sgt. Ryder and seconded by Sheriff Nichols.

Motion Carried.


Charles J. Rumsey, IV