

Minutes of the meeting of the Maine Criminal Justice Academy Board of Trustees held at the Maine Criminal Justice Academy, Room B-344/346 on November 13, 2020.

Board Members Attending:

Special Agent Brian Pellerin – Chair
Detective Sgt. Lincoln Ryder – Vice Chair
Commissioner Michael Sauschuck
Deputy Chief David Bushey
Colonel John Cote
Colonel Dan Scott
Chief Charles Rumsey IV
Detective Seth Blodgett
Ms. Kimberly Gore
Ms. Marie Hansen
Sheriff Scott Nichols
Commissioner Randall Liberty
DA Kathryn Slattery

Board Members Excused:

Elizabeth Ward Saxl
Levon Travis

Participants:

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

Guests:

None

I. Item One on the Agenda: Call to Order

Chair Pellerin called the meeting to order at 9:04 a.m. Before the Roll Call was conducted, Chair Pellerin asked Director Desjardins to address the members of the Board and update them on the current situation at the Academy.

Director Desjardins stated that the 38th BLETP came back on Sunday, November 8th and all cadets received a Rapid Covid-19 test before entry into the Building. All tests came back negative. Their 2nd round of Covid-19 tests on Thursday, November 7th came back with 2 Cadets testing positive for Covid -19. Those individuals were immediately segregated and sent to their rooms to get their belongings and ushered out to their vehicles. They were then retested and again, the tests came back positive. The two cadets were told to contact their agencies and sent home to quarantine and get retested. Director Desjardins stated he contacted both Chiefs and requested both departments have their cadets get retested by their medical facility to see if their results of this test were also Positive. He also explained that the cadets were, upon arrival at the Academy on Sunday, grouped in small pods of 4 and had no interaction with cadets in the other pods. The two cadets who tested positive had MARC partners who were also their roommates. Out of caution, those 2 roommates, after being tested again, are being quarantined in their rooms for the time being. The two MARC Instructors who worked with those 4 Cadets have been tested and the tests came back negative.

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

Chair Pellerin requested that Board Clerk Green conduct a roll call and declared a quorum, then led in the Pledge of Allegiance. Chair Pellerin introduced the new Assistant Director, Jack Peck to the Board members.

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

MOTION: To accept the minutes of the September 18, 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 Sgt. Ryder and seconded by Det. Blodgett. **Motion Carried Unanimously.**

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

Director Desjardins presented the following Basic Law Enforcement Training Program Waiver requests.

A. Basic Law Enforcement Training Program Waiver Requests:

1. Officer Chandler T. Cole – Washburn Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Law Enforcement Officer's Certification Examination by 8/20/2021.

Moved by Det. Blodgett and seconded by Chief Rumsey. **Motion Carried.**

2. Officer Richard Davis - Portland Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion the Law Enforcement Officer's Certification Examination by 9/13/2021.

Moved by Chief Rumsey 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 Extension Requests. He explained that these 39 officers were scheduled to attend the 38th BLETP which is currently in session, or the 39th BLETP that was set to begin May 26, 2020 but was postponed for the COVID-19 emergency. These officers will need extensions of the Basic Law Enforcement Training Program requirements because of the COVID-19 Pandemic.

1. Michael M. Foley - Windham Police Department
2. Chelsea L. Brasslett - Belfast Police Department
3. Cory Cepelak, Jr. - Bangor Police Department
4. Marc J. D'Elia – Maine Warden Service
5. Nicholas M. Johnson – Maine Warden Service
6. Ariana G. Bacon – Lewiston Police Department

7. Casey P. Bannon - Portland Police Department
8. William D. Blackwell - Buxton Police Department
9. Ryan J. Cannell - Portland Police Department
10. Cole E. Gagnon – Cumberland County Sheriff’s Office
11. Enrique M. Gonzalez – Lewiston Police Department
12. Ryan W. Graffam – Portland Police Department
13. Zachary D. Huber – Brunswick Police Department
14. Mitchell T. Johnson – Portland Police Department
15. Alison H. Murray – Freeport Police Department
16. Lucas W Potts – Waldo County Sheriff’s Office
17. Christopher M. Proto – Portland Police Department
18. Joseph B. Ripley – Portland Police Department
19. Charles L. Sawyer – Cumberland County Sheriff’s Office
20. Zachary M. Sharpe - Cumberland County Sheriff’s Office
21. Aaron B. Sinclair – Windham Police Department
22. Deni Snajder – Portland Police Department
23. Montana L. Stahl – Bangor Police Department
24. Kaden M. Tozier – Lewiston Police Department
25. Arthur D. Tringali – Bath Police Department
26. Ryan T. Tuthill – Bangor Police Department
27. Garrett R. Watt – Bangor Police Department
28. Evan J. Whidden – Maine Marine Patrol
29. Adam M. Brackett – Gouldsboro Police Department
30. Russell G. Socoby – Houlton Police Department
31. Matthew W. Ryan – Lincoln County Sheriff’s Office
32. Scott Entwistle – Camden Police Department
33. Liam B. Mellaly – Old Orchard Beach Police Department
34. Billie Hatfield – Skowhegan Police Department
35. Aaron M. Dana – Indian Township Police Department
36. Adam T. Tichy – Saco Police Department
37. Corey D. Larlee – Ashland Police Department
38. Brandon N. Van Wyk – Kennebec County Sheriff’s Office
39. Daniel Patterson – Orono Police Department

MOTION: To approve the 180-day extension of the Basic Law Enforcement Training Program for these thirty-nine officers.

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

Director Desjardins presented the following Basic Corrections Training Program Waiver Requests.

C. Basic Corrections Training Program Waiver Requests:

1. Corrections Officer Kristine Cucchi – Knox County Jail

MOTION: To approve the Basic Corrections Training Program Waiver, pending successful completion of the Corrections Officer certification examination by 7/4/2021

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

D. Basic Corrections Training Program Extension Requests:

None at this time.

E. Law Enforcement Preservice Program Waiver Requests:

None at this time.

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

None at this time.

G. Course Certification Requests:

None at this time.

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

Director Desjardins asked for approval for the following Program/Course Certifications issued on behalf of the Board since September 19, 2020.

1. Four K-9 Detector Team Certifications (Specification S-25)
2. One Crisis Negotiator Certification (Specification S-25)
3. Two Intermediate Training Certifications (Specification S-13)
4. Forty-four Basic Corrections Training Program Certifications (Specification S-3)
5. Twenty-eight Federal Officers-Limited Authority Certifications (Specification S-37)
6. One K-9 Patrol Team Certification (Specification S17)
7. Twelve Law Enforcement Preservice Phase II Completions (Specification S-2)
8. Eight Law Enforcement Chaplain Certifications (Specification S-36)

MOTION: To accept the Certifications that were issued by Director Desjardins on behalf of the Board since the last Board meeting on September 19, 2020.

Motion made by Commissioner Sauschuck and seconded by Ms. Hansen. **Motion Carried Unanimously.**

V. Item Five on the Agenda: Committee Reports

A. Complaint Committee: Det. Seth Blodgett

Det. Blodgett told the Board that the CRC met on October 29th and reviewed a number of cases. Attorney Black also attended to educate the new members by giving an overview of their responsibilities as members of the CRC and procedures of CRC meetings. Det. Blodgett stated that he would be presenting six cases today, there were 20 active cases, eight of them are still pending in court and the CRC received 3 new cases in September.

B. Administrative Rules Committee: Deputy Chief David Bushey

Deputy Chief Bushey read through the minor revisions that the MCJA staff and K-9 Advisory Committee made to the K-9 Certification Specifications and stated he would be asking for a vote on these revisions during New Business.

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

Sgt. Ryder told the Board that he didn't have a report today. He did tell the Board that they were still working on the Specialized Training for the School Resource Officer program. Chair Pellerin suggested that maybe a Zoom Meeting could be set up so they could etch out a curriculum.

D. Corrections Training Committee: Mr. Levon Travis

Nothing at this time.

E. Policy Standards Committee: Chief Charles Rumsey

Chief Rumsey told the Board that Title 25, Chapter 341, Section 2803-B requires the Board to annually review the minimum standards of 13 required policies to recommend changes necessary "to incorporate improved procedures identified by critiquing known actual events or by reviewing new enforcement practices demonstrated to reduce crime, increase officer safety or increase public safety".

He said that during the past year, the Board approved changes to the minimum standards for the Use of Physical Force Policy, and the Hate or Bias Crimes Policy.

Chief Rumsey further stated that after a review of all the Mandatory Minimum Standards, the Policy Standards Review Committee recommends making no additional changes at this time.

MOTION: To accept the recommendation of the Policy Standards Review Committee to make no additional changes at this time.

Motion made by Sgt. Ryder and seconded by Ms. Hansen. **Motion Carried Unanimously.**

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

Members Updates

Congratulations to Sheriff Scott Nichols on his re-election as Sheriff of Franklin County.

With the departure of Mr. Richard Davis and Mr. Tom Peters there are now two vacancies on the Board. One for a Municipal Official and one for a Citizen Representative. Prior to Mr. Davis' departure he provided me with several recommendations of potential candidates for a Municipal Official. Ultimately, any appointment to the Board falls under the purview of the Governor but certainly we have the opportunity to reach out to individuals and recommend they apply.

Board Minimum Standards

I had an opportunity to see the final draft version of the Use of Force model policy from the Maine Chiefs of Police based on the Board's updated minimum standards. The new policy has been approved and has been distributed to the police agencies around the State.

As previously discussed, the Hate or Bias Crimes Standard in its current form relates to criminal offenses perpetrated as a Hate Crime but over time has also included language involving bias based policing practices. In my discussions with Chief Rumsey and his discussions with Brian MacMaster we feel that these issues are related but clearly different and should probably be separated into two separate Board Standards. Chief Rumsey will be creating the new standards for approval at our next meeting.

Academy Admission Standards

Currently the Board's admissions standards into the MCJA BLETP include; a polygraph Exam, background investigation and a psychological exam among other things. Although these standards have been vetted by the AG's Office and are in my opinion comprehensive, I could not find any screening tool in any of these processes that could identify racist beliefs, behavior or biased traits in a candidate. I believe this is something we should include in our review of the LEPS and BLETP admission standards to be discussed in early 2021.

Bangor Daily News

At the conclusion of our last Board meeting, Director Desjardins and I met with Callie Ferguson, an investigative reporter with the Bangor Daily News for a three hour interview session. Ms. Ferguson also interviewed Tom Peters and Linda Smithers a few weeks later for several hours as well. The interview focused on the Board's authority, oversight and actions taken on past cases.

Questions focused on the authority of Sheriff's. Their accountability and oversight. The handling of personnel issues within the counties and how it varies from county to county. Why the Board doesn't take actions beyond criminal violations such as sexual harassment for example. I think those interviewed made it clear that the Board's oversight has limitations but for what we do have authority over, we are very proactive and do an excellent job of balancing the rights of the officer, the interests of the public, and the strict standards of conduct established by the Board of Trustees.

Chair Pellerin requested that the Board take a short break at 10:47 a.m. Back in session at 11:02 a.m.

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

General Items.

- The Academy is continuing to adjust to the pandemic and offer a combination of virtual, in-person and hybrid style classes. Due to the complications of lodging students, we are not allowing in-service lodging currently.
- After a nation-wide search and interviewing several quality candidates, we have selected former Farmington Police Chief, Jack Peck. Jack has an outstanding background in law enforcement administration, leadership, legislative process and writing policies. Jack was the unanimous choice for the interview panel that included Deputy Chief David Bushey, who represented the Board. We are pleased that Jack accepted the position and he started his first day on Monday 11/9/2020.
- On Sunday November 8, 2020 we brought back the entire 38th BLETP for a 10-day intensive training event to complete the remaining graduation standards. I'm pleased with the initial results and am confident we have provided a safe training environment for the class. In addition to our extensive safety protocols, we were able to receive Abbot's Bionex-Now rapid covid test kits that we are using throughout the program.
- Since our last meeting in September, we have completed 2 BCTP class at the Academy as a combination in-person and Teams, LEPS classes around the state and multiple alert testing both at the Academy and off-site using MOUs at host agencies.
- Our yearly training calendar is on our web site and lists the upcoming classes. I would expect that list will change as we move through the year.
- The list continues to grow for seats in the 39th BLETP. I am looking at other states that have attempted to start residential programs and still see significant concerns for moving too quickly without adequate mitigation options.

- The activities of the Board and the CRC continue to generate both in-state and national interest. The certification and decertification process are of interest. I have provided several FOAA and informational items to the media and others studying the topic.
- The Maine Criminal Justice Academy has been selected by the Department of Justice to certify agencies that are following the Presidential Order dealing with use of force and prohibition of choke holds. I am continuing to flesh out the details on how this will be implemented but we will be looking at the potential of additional documentation for our year's end reporting to help provide information for the academy to help in the certification process.
- It goes without saying, the work our dedicated staff here at MCJA does each day to continue to function in these difficult times makes me so proud to be part of this and I look forward to better times ahead and looking for ways to improve our training.

VIII: Item Eight on the Agenda: Old Business: 38th BLETP progress.

Covered in the Director's Report.

IX: Item Nine on the Agenda: New Business:

A. K-9 Certification Specification Revisions

Chair Pellerin asked for a motion to accept the K-9 revisions.

MOTION: To accept the revisions made to K-9 Specifications (S-17, S-18, S-19 & S-20) as recommended by the Administrative Rules Committee.

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

B. 2021 MARC Mandatory Training Topic

Chair Pellerin asked Director Desjardins to update the Board on the progress of the 2021 MARC Training.

Director Desjardins explained that the committee who makes recommendations for mandatory training, lead by Bob Mackenzie, recommends that the 2021 4-hour block for MARC needs to be tabled at this time due to the many known and still unknown factors of the Covid-19 virus. The group will work on a 2-hour block of training focusing on social justice topics and can be presented to the Board at the January meeting.

MOTION: To approve the recommendation to move the 2021 Mandatory Training of a 4-hour MARC training to 2022.

Motion made by Commissioner Sauschuck and seconded by Det. Blodgett. **Motion Carried Unanimously.**

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 Sheriff Nichols.

Motion Carried Unanimously at 11:26 a.m.

Meeting reconvened at 12:29 p.m.

C. Complaint Committee Cases:

1. Board Case 2019-026

MOTION: To accept the recommendation of the Complaint Review Committee to enter into a consent agreement with a 5-year period of probation, with the following conditions: Completing the Substance Abuse program and provide documentation of completion. No contact with the victim in that time period and no new criminal charges in that 5-year time frame. This will also include a reprimand and a 120-day suspension of the officer's Full Time Law Enforcement certification.

Motion made by Col. Cote and seconded by Commissioner Sauschuck

Motion Carried with 1 opposed and Col. Scott and Deputy Chief Bushey recusing themselves.

2. Board Case 2019-039

MOTION: To accept the recommendation of the Complaint Review Committee to enter into a 3-year consent agreement as well as a warning.

Motion made by Sheriff Nichols and seconded by Chief Rumsey.

Motion Carried Unanimously.

3. Board Case 2019-041

MOTION: To accept the recommendation of the Complaint Review Committee to enter into a 3-year consent agreement and probation with 60 days to complete a substance abuse evaluation.

Motion Carried Unanimously.

4. Board Case 2020-014

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

Motion made by Chief Rumsey and seconded by Col. Cote.

Motion Carried with Sgt Ryder recusing himself.

5. Board Case 2019-034

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the Officer's Part Time Law Enforcement Certification for the criminal conduct of Unlawful Sexual Touching, a Class D Crime.

Motion made by Sgt. Ryder and seconded by Deputy Chief Bushey.

Motion Carried Unanimously.

6. Board Case 2020-007

MOTION: To accept the recommendation of the Complaint Review Committee to issue a letter of guidance.


Motion made by Chief Rumsey and seconded by Sheriff Nichols.

Motion Carried Unanimously.

Chair Pellerin reminded the members of the Board that the next meeting would be January 2021. The actual date will be announced later when Director Desjardins puts the 2021 calendar together. It will then be sent out to the Board members. He then called for a motion to adjourn.

MOTION: To adjourn the November 13th Maine Criminal Justice Academy Board of Trustees Meeting at 12:38 p.m.

Motion made by Sheriff Nichols and seconded by Col. Cote. **Motion Carried Unanimously.**


Charles J. Rumsey, IV