

Minutes of the meeting of the Maine Criminal Justice Academy Board of Trustees held at the Maine Criminal Justice Academy in the Brian MacMaster Board Room on **Friday, September 30, 2024.**

Board Members Attending:

Chief Charles Rumsey IV – Chair
Deputy Chief David Bushey – Vice Chair
Commissioner Michael Sauschuck
Colonel Dan Scott
Colonel William Ross
Director Anna Love
Sheriff Scott Nichols
DA Kathryn Slattery
Ms. Francine Stark
Ms. Kimberly Russell
Chief Deputy Brian Pellerin
Mr. Mateo Mendoza

Board Members Excused:

Deputy Chief Eric Small
Ms. Marie Hansen
Ms. Elizabeth Ward Saxl
Commissioner Randall Liberty
Mr. Nathan Poore
Officer Matthew Dana

Participants:

Director Jack Peck
Assistant Director Lincoln Ryder
AAG Andrew Black
Karen Green, Board Clerk

Guests:

Rya Wooten – News Center Maine 6
Morgan Womack – Press Herald
Callie Ferguson – Bangor Daily News

I. Item One on the Agenda: Call to Order

Chair Rumsey called the meeting to order at 12:32 p.m.

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

Chair Rumsey requested that roll call be conducted, stated there was a quorum and then led the Pledge of Allegiance.

Chair Rumsey then requested that the Board members introduce themselves to the guests who are attending the meeting.

III. Item Three on the Agenda: Old Business

- A. Responses to Comments/Adoption of Rule
 - 1. Proposed Chapter 15: Standards of Conduct

Chair Rumsey gave a brief background of this meeting and the proposed Chapter 15: Standards of Conduct. He then proposed that Assistant Director Ryder present the comments of each person who

submitted a comment, then the Board could have a group discussion about whether to adopt or reject each comment and the rationale for doing so.

Assistant Director Ryder told the Board that 17 comments were received, and that staff prepared a proposed response for those comments for the Board's consideration. He said that all the information he would be presenting was in the handouts given to each member.

He then read all 17 of the comments and the proposed responses to those comments. After each comment and response was read there was a chance for the members to discuss the response. It was then suggested that votes be taken after addressing all the comments and responses.

MOTION: To adopt proposed responses for all comments except for #5 and #8.

Motion made by Chief Deputy Pellerin and seconded by Mr. Mendoza.

Motion Carried Unanimously.

MOTION: To adopt the modification for Comment #5, Section D as: The Board acknowledges that further refinement to the language would help clarify that authorized disclosures would not constitute unprofessional conduct. Accordingly, the Board redrafts and simplifies this provision to read as follows: "Discloses without authorization information made confidential by law, agency policy or MCJA policy that the certificate holder of applicant knew, or should have known, was confidential."

Motion made by Chief Deputy Pellerin and seconded by Commissioner Sauschuck.

Motion Carried Unanimously.

MOTION: To adopt the modification for Comment #8, Section I as: The Board acknowledges that clarification of the meaning of the term "knowingly" in this instance could be beneficial. Accordingly, the Board adds the following sentence to the end of Section I: For purposes of this subsection the term "knowingly" has the same meaning as that term is defined in 17-A M.R.S. § 35(2).

Motion made by Mr. Mendoza and seconded by Colonel Ross. **Motion Carried Unanimously.**

Assistant Ryder then read the Basis Statement for Rulemaking: Proposed Chapter 15, Standards of Conduct.

Pursuant to 25 M.R.S. § 2801(2), the purpose of the Maine Criminal Justice Academy Board of Trustees ("the Board") is to protect the public health and welfare by ensuring that the public is served by competent and honest criminal justice practitioners by establishing minimum standards of proficiency by examining, licensing, regulating, and disciplining practitioners.

The rule responds to a 2021 legislative directive codified at 25 M.R.S. § 2803-A(15-A) to adopt rules establishing standards of conduct for applicants for certificates and certificate holders, the violation of which would subject the person to disciplinary action pursuant to 25 M.R.S. § 2806-A(5)(M). The rule applies to all law enforcement and corrections officers and will include probation officers beginning July 1, 2025, pursuant to the enactment of P.L. 2024, Ch. 525.

The rule recognizes that the professional conduct of corrections and law enforcement officers is of paramount importance in maintaining the high standards and integrity of the criminal justice system. Accordingly, this rule communicates and clarifies established professional standards to better assure professional conduct by certificate holders and, in accordance with 25 M.R.S. § 2806-A(5)(M), permit the Board to discipline those who violate these standards.

MOTION: To adopt the proposed Basis Statement for Rulemaking.

Motion made by Ms. Russell and seconded by Commissioner Sauschuck.

Motion Carried Unanimously.

MOTION: To adopt the rule with the basis statement for rulemaking in response to comments.

Motion made by Commissioner Sauschuck and seconded by Deputy Chief Bushey.

Motion Carried Unanimously.

XI. Item Eleven on the Agenda: Adjournment

Chair Rumsey thanked the members for their attendance at this special meeting, to Colonel Scott and the Administrative Rules Committee and Assistant Director Ryder for his work on this huge project. He then asked for a motion to adjourn this special meeting.

MOTION: To adjourn the September 30, 2024 Maine Criminal Justice Academy Board of Trustees Meeting at 2:07 p.m.

Motion made by Chief Deputy Pellerin and seconded by Director Love. **Motion Carried.**


Mr. Mateo Mendoza