

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, July 13, 2018.

Board Members Attending:

Special Agent Brian Pellerin - Chair
Detective Sgt. Lincoln Ryder – Vice-chair
Sheriff Scott Nichols
Chief Charles Rumsey IV
Ms. Elizabeth Ward Saxl
Ms. Marie Hansen
Ms. Kimberly Gore
Capt. Shon Theriault
Mr. Tom Peters II, Esq.
Deputy Chief Amy Berry
Det. Seth Blodgett
Commissioner John Morris
Col. John Cote
District Attorney Kathryn Slattery

Board Members Excused:

Director Larry Austin
Mr. Richard Davis
Mr. Levon Travis

Participants:

Director John Rogers
Asst. Director Rick Desjardins
Attorney Christopher Mann

Guests:

Chief Russell French - Rangeley Police Department

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

Chair Pellerin called the meeting to order at 09:01 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. Chair Pellerin noted a quorum was present and congratulated John Cote on his appointment as Colonel of the Maine State Police by the Governor and as a new member of the Board. The Board members were asked to introduce themselves to guest Chief Russell French of the Rangeley Police Department, followed by the Pledge of Allegiance.

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

MOTION: To accept the amended minutes of the May 11, 2018 Board of Trustees meeting that were handed out prior to the meeting and to be placed on file with the secretary.

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

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

A. Basic Law Enforcement Training Program Waiver Requests:

None at this time.

B. Basic Law Enforcement Training Program Extension Requests:

Director John Rogers presented the following officers for Basic Law Enforcement Training Program extensions.

1. Officer Brian M. Goodie – Dexter Police Department

MOTION: To approve the Basic Law Enforcement Training Program Extension from 7/24/18 to 8/13/18 for above listed officer.

Moved by Dep. Chief Berry, seconded by Sgt. Ryder. **Motion Carried Unanimously.**

2. Officer Stephen F. Garib – Dover-Foxcroft Police Department

MOTION: To approve the Basic Law Enforcement Training Program Extension for the above listed officer from 7/31/2018 – 8/13/2018.

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

3. Officer Kevin M. Harvey – Holden Police Department.

MOTION: To approve the extension of the Basic Law Enforcement Training Program Extension for the above listed officer from 8/13/2018 – 180 days (January 1, 2019).

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

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

None at this time.

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

Director John Rogers presented the following officer for Part-Time Law Enforcement 1040 extensions with Chief French explaining further the reasons for this second request.

1. Officer John L. Bonnell - Rangeley Police Department

MOTION: To approve the Part-time Law Enforcement 1040-hour extension of 640 hours for the above listed officer.

Moved by Mr. Peters and seconded by Dep Chief Berry. **Motion Carried Unanimously.**

2. Officer Eric T. Bonney – Searsport Police Department

MOTION: To approve the Part-time Law Enforcement 1040-hour extension of 640 hours for the above listed officer.

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

3. Officer James N. Walker - Milo Police Department

MOTION: To approve the Part-time Law Enforcement 1040-hour extension of 640 hours for the above listed officer.

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

G. Course Certification Requests:
None at this time.

V. Item Five on the Agenda: Committee Reports

A. Complaint Committee: By Mr. Tom Peters

Mr. Peters requested that Case #2017-039 be handed to Chair Pellerin for his signature, per statute and be voted on by the Board.

1. Board Case 2017-032

MOTION: To accept the recommendation of the CRC for Summary Revocation.

Motion made by Dep. Chief Berry, seconded by Sgt. Ryder. **Motion Carried. DA Slattery recused herself from voting.**

Mr. Peters reported the Complaint Review Committee has 9 cases left. Of those 9 cases, the CRC will meet on August 31, 2018 and will be holding 4 conferences on that date, which will be presented at the September Board meeting. They have 1 case that requested an administrative hearing and is done, 1 case that started trial on the 11th of July and another case going to trial very soon. That will leave 2 cases to be resolved. One of those cases has been referred to the AG's Office.

B. Administrative Rules Committee: Deputy Chief Amy Berry

Dep. Chief Berry passed out a handout of Specification S-30 (Law Enforcement Recertification) showing the new language in Part 3, which covers the Initial Certification eligibility as a part-time or full-time law enforcement officer that successfully completed the LEPS course more than 10 years prior.

Dep. Chief Berry passed out a handout of Specification S-31 (Corrections Recertification) showing wording updates that will bring this specification closer to duplicate the Law Enforcement Recertification's language.

MOTION: To accept the Administrative Rules Committee's modifications and changes of Specifications S-30 and S-31.

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

C. Corrections Training Committee: Dir. Austin (Excused)

No report at this time.

D. Policy Standards Committee: Chief Charles Rumsey

Chief Rumsey advised there was no report at this time.

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

Sgt. Ryder advised there was no report at this time.

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

1. Congratulations are extended to Col. John Cote of the Maine State Police for his recent promotion to Colonel and his ex-officio membership to the MCJA Board of Trustees.
2. I attended the 34th BCTP in which 47 new correctional officers graduated from the academy.
3. I also attended the 34th BLETP graduation ceremony here at the Academy. This particular class had the highest class academic average recorded in the BLETP program to date.
4. Board Committee Assignments for 2018-2019 were confirmed for the Board.
5. I discussed with Director Rogers and the Boards the impact on the Academy regarding the new law allowing the arming of Forest Rangers in the State of Maine. The MCJA will look at developing a training program mirroring that of the BLETP training hours. This will have a financial impact and will take some time to develop and implement.

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

1. General Items:

- Amy Kitchin is our newest Office Associate II employee that filled the vacancy that Karen Green left when she was promoted to supervisor. Amy comes highly recommend to us from the Bureau of Motor Vehicles with 3 years as a Customer Rep Associate II. She has also worked as a CO for the Maine State Prison, an Administrative Assistant for 3 years at the Somerset Valley Middle School and is currently a P/T CO with the Waldo County Jail. She is a graduate of the MCJA LEPS Course, the MCJA Basic Corrections Course and MCJA MERC course.
- On July 9, 2018, I filed the annual Regulatory Agenda with the Secretary of State's Office on Board Rule Making. Our rules are very outdated and have not been updated since 2004, however technically the statute did not allow rulemaking until 2013. This should be a priority of the Board for the upcoming year to cover all the changes that have been adopted of the years in the Board Specifications. **(See handout)**

2. Basic Law Enforcement Training Program (BLETP):

- The 35th BLETP starts on August 13, 2018 with graduation on December 14, 2018. We will have 2 new Cadre, Officer Ryan Sanborn from Kittery PD replacing Det. Ken Charles of Franklin County SO and Wdn. Thomas McKenney replacing Wdn. Joshua Smith from the Maine Warden Service.
- As of today, I have 96 names and/or John Doe slots for the 35th BLETP down from 140 and will take the top 66 candidates. I suspect that I will have a waiting list again and if so, I may change the way slots are given out, with priority still to the agencies that provide Cadre and those already employed. The issue is the multiple John Doe slots given without even a name with a conditional offer of employment. Agency CLEO's will be given at least 6 months advanced notice if a change is made.

3. MCJA Budget Issues:

- None at this time.

4. Other Issues:

- **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. 53 – Basic Corrections Training Program Certifications
 - b. 63 – Basic Law Enforcement Training Program Certifications
 - c. 1 – Law Enforcement Intermediate Certification
 - d. 1 – Law Enforcement Executive Certification
 - e. 18 – Firearm Instructor Certifications
 - f. 1 – K-9 Detector Team Assistant Trainer Certification
 - g. 4 – K-9 Patrol Team Certifications
 - h. 1 – Drug Recognition Expert Certification
 - i. 66 – Law Enforcement Preservice Phase II Completions
- **Need Vote:** Under New Business, I would like to recommend that the Board accept the legacy gift of an 18 inch round metal and wood plaque with the words “One Team – One Fight” from the 34th BCTP, which is displayed in room 246. The donation must be accepted by the Board per, 25 M.R.S. §2803-A(17).
- **Need Vote:** Under New Business, I would like to recommend that the Board accept the legacy gift of 3 tables with the Class Motto, Oath of Ethic and Class logo display from the 34th BLETP, which is displayed Frank E Poirier III Quint Lounge in Building A. The donation must be accepted by the Board per, 25 M.R.S. §2803-A(17).
- We trained 14 law enforcement, corrections and probation officers in a 3 1/2 day Instructor Trainer course on an 8-hour Mental Health First Aid. This was because DHHS provided the \$21,500 grant for the academy to bring in national instructors and train our own cadre of instructors, instead of using NAMI Maine instructors because they just could not meet our need.
- LD 1322 “An Act Regarding Mental Health First Aid Training for Corrections” was chaptered in law without the governor’s signature on July 4, 2018, effective 90 days later, on October 4, 2018. The law requires that the 8 hour MHFA class be implemented on 1/1/2018 as part of the BCTP curriculum and that 20% of all CO are trained in MHFA by 2022. DPS and DOC opposed this 2 years ago, with Criminal Justice and Public Safety Committee voting a majority ONTP. The minority report was then passed by the House and Senate in 2017, but was not funded by Appropriations committee. Instead of going to the DEAD file, it was put back to the 2nd legislative session this past Spring. The bill never had another public hearing or work session and the governor let it become law without his signature. (**See handout**)
- LD 1322, now Chapter 436 Public Law must be addressed by this Board in the BCTP program. There are only 2 choices: cut out 8 hours of the program and add MHFA in the BCTP or increase the BCTP by another day. My suggestion is to increase the program by another day and add this to the curriculum. The only increase would be \$16 dollars (\$2.00 per tuition hour is the current Board rate). The cost of the BCTP would then go from 200 hours @ \$400 to 208 hours @ \$416. This would almost cover the books that are required.
- At the last Board meeting, I was asked to have 3 questions answered. AAG Andrew Black, and AAG Chris Mann have done the research and Chris Mann will respond. The questions were:
 1. If an officer is decertified by the Board for felony conduct (such as reckless conduct with a firearm conduct) and then gets a pardon from the Governor, can he/she then re-apply for certification?
 2. How should a transgender MCJA student be tested for the PFT exam?
 3. Given the new Maine law on legalized marijuana, if a MCJA applicant admits truthfully that he/she had or is continuing to smoke marijuana on a polygraph exam or during a background investigations, can such an applicant legally possess a firearms and ammunition as a student at the Academy?

MOTION: To accept the MCJA staff recommendation to approve the Training Program Certifications issued by the Director from May 11, 2018 – July 11, 2018, listed above.

Motion made by Mr. Peters, seconded by Dep. Chief Berry. **Motion passed unanimously.**

MOTION: To accept the legacy gift of an 18” Round Wood Plaque given to MCJA by the 34th BCTP.

Motion made by Ms. Ward Saxl, seconded by Sheriff Nichols. **Motion passed unanimously.**

MOTION: To accept the legacy gift of 3 Wooden Tables (1 with the Class motto, 1 with the Oath of Ethics and 1 with the Class logo) given to MCJA by the 34th BLETP.

Motion made by Ms. Ward Saxl, seconded by Sgt Ryder. **Motion passed unanimously.**

MOTION: To accept the recommendation to officially increase the Basic Corrections Training Program from 200 hours to 208 hours to accommodate the extra training in Mental Health First Aid.

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

VIII. Chair Pellerin requested that the Board 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.

Motion made by Mr. Peters, seconded by Sheriff Nichols. **Motion Carried Unanimously at 10:12 am.**

Resumed Public Session at 10:40am.

VIII. Item Eight on the Agenda: Old Business: Chair Brian Pellerin:

Director Rogers discussed speaking with the Maine Chiefs regarding the 2018 Basic Law Enforcement Training Program Reimbursement Rates and said that Chiefs all appeared to be in favor of the adjustment to \$40,000 buy back starting 1/1/2019.

MOTION: To accept the recommendations as presented to change the Basic Law Enforcement Training Program Reimbursement Rates to \$40,000 effective 1/1/2019.

Moved by Mr. Peters, seconded by Dep. Chief Berry. **Motion Carried Unanimously.**

IX. Item Nine on the Agenda: New Business: Chair Brian Pellerin:

Col. Cote discussed briefly that issues the State Police were having with NAMI Training and stated that all training with NAMI has been suspended at this time.

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 Chief Rumsey. **Motion Carried Unanimously.**

Chair Pellerin adjourned the meeting at 11:03 a.m. The next meeting is scheduled for 9:00 a.m. on Friday,

September 14, 2018 at the Maine Criminal Justice Academy in Vassalboro, Maine.

A handwritten signature in black ink that reads "Richard P. Davis". The signature is written in a cursive style with a large, prominent 'D' at the end.

Richard P. Davis