

Minutes of the meeting of the Maine Criminal Justice Academy Board of Trustees held at the Maine Criminal Justice Academy on Friday, March 4, 2022.

Board Members Attending:

Special Agent Brian Pellerin – Chair
Detective Sgt. Lincoln Ryder – Vice Chair
Commissioner Randall Liberty
Mr. Nathan Poore
Sheriff Scott Nichols
Detective Seth Blodgett
Colonel Dan Scott
Colonel John Cote
Ms. Elizabeth Ward Saxl
Ms. Kimberly Russell
Ms. Francine Stark

Board Members Excused:

Chief Charles Rumsey IV
Commissioner Michael Sauschuck
Deputy Chief David Bushey
DA Kathryn Slattery
Ms. Marie Hansen
Chief Matthew Dana
Mr. Mateo Mendoza

Participants:

Director Rick Desjardins
Assistant Director Jack Peck
AAG Samantha Morgan
Karen Green, Board Clerk

Guests - Visitors:

Chief Robert MacKenzie – Kennebunk Police Department
Director Ted Ross – Judicial Marshals
Rebecca O’Keefe – Department of Corrections

I. Item One on the Agenda: Call to Order

Chair Pellerin called the meeting to order at 9:00 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 led in the Pledge of Allegiance.

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

MOTION: To accept the minutes of the January 14, 2022 Board of Trustees meeting and to be placed on file with the secretary.

Moved by Commissioner Liberty and seconded by Ms. Ward Saxl. **Motion Carried.**

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 Michael P. Benecke Jr. - Oakland 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 9/28/2022.

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

2. Officer Aaron M. Dana – Indian Township 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 7/16/2022.

Moved by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried.**

3. Officer Larwin C. Demo - Kennebunk 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 7/29/2022.

Moved by Commissioner Liberty and seconded by Ms. Ward Saxl. **Motion Carried.**

4. Officer Brenden Hinman – Old Town 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 11/1/2022.

Moved by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried.**

5. Officer Michael T. Izzi – Rockland 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 9/10/2022.

Moved by Col. Cote and seconded by Det. Blodgett **Motion Carried.**

6. Forest Ranger Timothy R. Kjellmen – Maine Forest Service

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Law Enforcement Officer’s Certification Examination by 10/29/2022.

Moved by Ms. Ward Saxl and seconded by Sgt. Ryder. **Motion Carried.**

7. Chief Andrew E. Little – Eastport Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Law Enforcement Officer’s Certification Examination by 11/2/2022.

AMENDED MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Law Enforcement Officer’s Certification Examination and Maine Crash Reporting Training by 11/2/2022.

Moved by Commissioner Liberty and seconded by Col. Scott. **Motion Carried.**

8. Chief Patrick McNulty – Gouldsboro Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Law Enforcement Officer’s Certification Examination by 11/10/2022.

AMENDED MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Law Enforcement Officer’s Certification Examination and Maine Crash Reporting Training by 11/10/2022.

Moved by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried.**

9. Officer Jared Smith – Portland 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 8/3/2022.

Moved by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried.**

10. Officer Samantha Rockwell – Penobscot Nation Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Law Enforcement Officer's Certification Examination by 4/1/2022.

AMENDED MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Law Enforcement Officer's Certification and successful completion of Maine Crash Reporting Training if not taken prior, by 4/1/2022.

Moved by Ms. Ward Saxl and seconded by Sgt. Ryder. **Motion Carried.**

11. Officer Jeffrey P. Rogers – Lincoln County Sheriff's Office

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Law Enforcement Officer's Certification Examination by 4/1/2022.

AMENDED MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Law Enforcement Officer's Certification and successful completion of Maine Crash Reporting Training if needed, by 10/20/2022.

Moved by Commissioner Liberty and seconded by Col. Scott. **Motion Carried.**

B. Basic Law Enforcement Training Program Extension Requests.

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

1. Officer Linwood L. Severance – Lincoln Police Department

MOTION: To approve the 180-day Basic Law Enforcement Training Program Waiver Extension required to attend the August 2022 BLETP.

Moved by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried.**

2. Officer William R. Doray – Carrabassett Valley Police Department

MOTION: To approve a 180-day Extension for the Basic Law Enforcement Training Program until the beginning of the August 2022 BLETP.

Moved by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried.**

3. Officer Chandler Z. Madore – Caribou Police Department

MOTION: To approve a 180-day Extension for the Basic Law Enforcement Training Program until the beginning of the August 2022 BLETP.

Moved by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried.**

4. Officer Benaiah M. Willhoite – Skowhegan Police Department

MOTION: To approve a 180-day Extension for the Basic Law Enforcement Training Program until the beginning of the August 2022 BLETP.

Moved by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried.**

5. Officer Caleb H. Nicholas – Passamaquoddy Warden Service

MOTION: To approve a 180-day Extension for the Basic Law Enforcement Training Program until the beginning of the August 2022 BLETP.

Moved by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried.**

C. Basic Corrections Training Program Waiver Request:

None at this time.

D. Basic Corrections Training Program Extension Requests:

None at this time.

E. Law Enforcement Pre-service 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 presented the list of the 106 certifications that were issued since the last Board Meeting on January 14, 2022.

MOTION: To accept the Certifications that were issued by Director Desjardins on behalf of the Board since the Board meeting held on November 19, 2021.

Motion made by Ms. Ward Saxl and seconded by Col. Cote. **Motion Carried.**

Director Desjardins then presented a list of 52 Certification that were suspended on behalf of the Board, effective 1/1/2022 for not meeting the requirements of the Specification the Board issued the certificate for. No vote was needed for this list.

At this time, Chair Pellerin requested that the Board take #3 of New Business: Mandatory Training Recommendations for Law Enforcement, as Chief Robert MacKenzie was present to give his report.

VIII. NEW BUSINESS:

3. Mandatory Training Recommendations for Law Enforcement - Chief Robert MacKenzie

Chief MacKenzie told the Board that the Law Enforcement Advisory Committee met at the Academy on February 14, 2022 to review the required training topics from previous years and created a list of potential topics for the coming years. They also considered training topics mandated by the Maine State Legislature. As a result of those deliberations, the LEAC made the following recommendations for the 2022-2023 Mandated Training topics.

2022: Firearms (MCJA Qualifications), Law Enforcement Response to Mental Health Calls (3-hour block of instruction) and Mental Health Response to Law Enforcement (3-hour block of instruction).

2023: Firearms (MCJA Qualifications), Law Updates (2-hour block), MARC: Classroom (2-hour block) and MARC: In-person Practical (4-hour block)

MOTION: To accept the 2022-2023 Mandatory Training Topics recommended by the Law Enforcement Advisory Committee.

Motion made by Ms. Ward Saxl and seconded by Sgt. Ryder. **Motion Carried.**

V. Item Five on the Agenda: Committee Reports

A. Complaint Committee: Det. Seth Blodgett

Det. Blodgett told the Board that the committee has received 6 new cases since 2/15/2022. He stated several cases were still pending in court and that they would be presenting six other cases at today's meeting.

Chair Pellerin requested that the Board go into executive session while there was a quorum present.

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 Sgt. Ryder and seconded by Ward Saxl.

Motion Carried Unanimously at 9:45 a.m. The meeting reconvened at 10:30 a.m.

IX: Item Nine of the Agenda: New Business

C. Complaint Committee Cases

1. Board Case 2022-001

MOTION: To accept the recommendation of the Complaint Review Committee to grant the waiver to attend the Basic Law Enforcement Program.

Motion made by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried.**

2. Board Case 2021-026

MOTION: To accept the recommendation of the Complaint Review Committee to take no further action due to insufficient evidence of disqualifying conduct.

Motion made by Col. Cote and seconded Ms. Ward Saxl. **Motion Carried.**

3. Board Case 2020-031

MOTION: To accept the recommendation of the Complaint Review Committee to take no further action due to insufficient evidence of disqualifying conduct.

Motion made by Col. Cote and seconded by Commissioner Liberty.
Motion Carried with Det. Blodgett recusing himself.

For the discussion, Det. Blodgett left the room at 10:00 a.m. and returned at 10:12 a.m.

4. Board Case 2022-003

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the officer's Corrections Certificate of eligibility.

Motion made by Commissioner Liberty and seconded by Sgt. Ryder. **Motion carried.**

5. Board Case 2021-017

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the officer's Full-time Law Enforcement Certificate of eligibility.

Motion made by Sgt. Ryder and seconded by Ms. Ward Saxl.
Motion carried.

6. Board Case 2020-016

MOTION: To accept the recommendation of the Complaint Review Committee to issue the Letter of Guidance as written.

Motion made by Sgt. Ryder and seconded by Ms. Ward Saxl.
Motion carried.

Resuming Item Five on the Agenda: Committee Reports

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 yesterday he had received requested changes to Specification S26 and will present the recommendations to the Board at a later time.

D. Corrections Training Committee: Commissioner Randall Liberty

Commissioner Liberty told the Board that the Corrections Advisory Council last meeting was on February 18th. They are focusing on the BCTP curriculum by addressing one lesson plan at a time. He expects to be able to bring a couple of lesson plans at a time to the Director and the Board as they are completed. He said they would be speaking in May about OC and the requirement of direct exposure vs. indirect exposure. The Juvenile Corrections Program is still being developed, but that the Director has the initial drafts of the program to review. He then introduced Becky O'Keefe and asked that she give an overview of what she has been doing.

Ms. O'Keefe told the Board that they had been working on this for about 2 years and have taken the BCTP program and pulled from it parts of the curriculum that were more in line with what they do at Long Creek. She said they changed a lot of the language to represent juvenile corrections rather than adult corrections. She also said they added topics based on officer wellness, trauma, mental health, and LGBTQ youths.

E. Policy Standards Committee: Chief Charles Rumsey

Nothing at this time.

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

Chair Pellerin reported that the Academy's Annual Report addressed to the legislature was nearing completion and would be released shortly. As part of the annual report, the Board's Chair submits a letter to the legislature as does the Director of the Academy. Chair Pellerin explained that this year he expanded the letter significantly to illustrate the work and actions of the Board over the past year and the challenges faced by the Academy's leadership and staff during the persistent pandemic.

Chair Pellerin has been working with an ad hoc committee composed of Sheriffs, the Department of Corrections, and several legislators relating to transport deputies and the legal parameters in the use of force. This is an area of concern where corrections officers who are used as transport officers do not have the legal authority to use force outside the confines on a jail or prison under MRSA 17A Section 107. Although it would be prohibitive to add a firearms and transport training component to the BCTP program, the working group has identified the need to amend the use of force statute to include corrections officers where an individual is in the care and control of a corrections officer during prisoner transports, hospital stays or other circumstances outside of the traditional jail or prison setting.

From the Academy's perspective, as an observer during these discussions the statutory issue appears to be the most immediate challenge, however in the future, the Board and Academy could explore changes to the language in the specification for transport officers and perhaps identify ways to tailor training to supplement the BCTP as an add on training component the LEPS training program being currently used.

The Board's annual elections will be led at our May meeting.

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

Director's report was included in various updates contained in the meeting minutes.

VIII. Item Eight on the Agenda: Old Business

A. Legislative Advisory Committee – Chair Pellerin

Chair Pellerin spoke briefly during his report about creating a 6th Board Committee and stated that he would like to see the Board have a Legislative Advisory Committee. He said that he would present more on this at the May meeting.

B. On-Line Alert testing updates – Director Desjardins

Director Desjardins asked the Board members to view the handouts on the new On-line Alert MOU, the rules and responsibilities for giving the on-line test, and an instructional letter that would be sent to the student taking the test. He gave a brief overview of the work that Training Coordinator Don Finnegan put into getting this test up and running and tested until all the glitches appeared to be gone.

Chair Pellerin requested that the Board take a break for lunch at 11:45 a.m. The meeting resumed at 12:05 p.m.

IX: Item Nine of the Agenda: New Business

A. End of the Year Summary – Director Desjardins

Director Desjardins spoke of 11 cases of failure to complete mandatory training that he would be giving to the Complaint Committee and the stacks of forms he still needs to go through to compare the numbers to previous years. He stated he had Ms. Dalzell from the front office redo the spreadsheets regarding how many officers a department had, how many vacancies and how many officers they were allocated to have. He said the number of positions that agencies can't fill at this time is 189 and there are 55 fewer part-time officers than there were in 2020. Corrections has 135 fewer officers than they did last year.

He stated that the Academy trains nearly the same number of correction officers every year, but a big concern is that over 50% of those officers leave within the first year. He went on to say that in the past five years we have trained over 700 corrections officers and 354 of those left their employment.

The Academy held 870 classes throughout the State in 2021 which involved 4,329 officers attending these classes.

Assistant Director Peck told the Board that he had added a questionnaire in the end of the year report regarding how many agencies had SRO officers and it was found that there are 74 SRO officers in the State. He said he has been contacted by Chiefs asking when the next class might be as they had officers who would like to attend. He stated that the Academy would be most likely moving the scheduled August SRO class to June, as some of the instructors and SMEs from last year requested it be held earlier in the summer.

B. Update on Legislative Activities – Director Desjardins

Director Desjardins spoke on the current updates regarding the following:

1. LD1447 – To set up a temporary 17 Legislative member advisory committee which will be looking specifically at how the Academy conducts law enforcement training, develop our curricula, how we are funded and staffed.
2. LD1999 – Requires the Academy to have training classes in Civil Rights, Implicit Bias, and Racial Profiling. By statute every agency is required to identify an officer to be their Civil Rights Officer that they would use for complaints revolving around civil rights issues that the department might have.
3. Title 25 §2805-B Changes – The statute was changed to require the Academy to write an application waiver template for all agencies to use when an individual applies for employment. DPS wants to amend the language in the statute to correct the problem of releasing or sharing polygraph information for an applicant to another LE agency.

C. Mandatory Training Recommendations for Law Enforcement – Chief Robert MacKenzie

Heard earlier in the meeting.

D. University of Maine Mandatory Training Proposal – Director Desjardins

Director Desjardins gave a brief talk regarding the University of Maine, Augusta's draft proposal to host law enforcement mandatory trainings that they presented to the Maine Chiefs. By statute the Board of Trustees has to approve the delivery of mandatory training.

The consensus of the Board was that UMA's proposal, at this time, does not meet the standards of the Board. Sgt. Ryder said that an MOU with the Board standards should be given to UMA. UMA would need to implement a way to prove officers actually took the training and was tested on their knowledge of the subject. The Director stated that UMA would need to present a formal proposal meeting those standards. He further stated that he would bring this up at the next Maine Chiefs Meeting.

E. Deadly Force Review Panel Report – Ms. Francine Stark

Chair Pellerin told the Board that Ms. Stark was the co-chair of the panel that reviews deadly force situations in law enforcement.

Ms. Stark said it was a privilege to sit on this panel and that they submitted a report to the Legislature after reviewed 10 cases of officers using deadly force. She stated that officers respond to crisis situations multiple times a day where deadly force is not used, there is not report about that, which she thinks should be addressed. The only cases the public hears about are these ten cases, and they hear about them in the superficial way via social media or the news media.

Of the 10 cases the panel reviewed, 100% involved white males, 100% had criminal histories, 100% of the individual either brandished a weapon or fired a weapon at law enforcement, 90% of the cases the individual was in mental crisis/suicidal, 50% of the cases revolved around domestic violence and most of the cases happened in rural Maine and in 80% of the cases, family, friends or coworkers knew the person was in crisis or had mental health issues and did not seek help or report it.

Ms. Stark said the recommendations to the Board are: 1. to consider reviewing the Standards for the TAC Team vehicles usage be reviewed. 2. Look into standardizing items in the medical kits used by law enforcement officers and the training of its use. 3. Look into the problem of departments who don't turn in their Internal Reviews before the AG's has made their decision and the problem that Internal Reviews are not shared with other agencies involved in the incident.

X. Item Ten on the Agenda: Adjournment

Chair Pellerin called for a motion to adjourn.

MOTION: To adjourn the 3/4/2022 Maine Criminal Justice Academy Board of Trustees Meeting at 1:10 p.m.

Motion made by Sgt. Ryder and seconded by Ms. Ward Saxl.

Motion Carried.


Charles J. Rumsey, IV