

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, May 13, 2016.

Board Members Attending:

Deputy Chief Amy Berry – Chair
Det. Seth Blodgett
Mr. Richard Davis
Dir. Gary LaPlante
Chief Bradley Paul – Vice-chair
Special Agent Brian Pellerin
DA Geoffrey Rushlau
Sgt. Lincoln Ryder
Ms. Elizabeth Ward Saxl
Officer Levon Travis
Major Chris Cloutier for Colonel Joel Wilkinson
Colonel Robert Williams

Board Members Excused:

Ms. Marie Hansen
Mr. Tom Peters
Commissioner John Morris
Sheriff Scott Nichols

Participants:

Director John B. Rogers
Asst. Director Rick Desjardins
AAG Andrew Black

Guests:

Lt. Kevin Chabot, Wells Police Department
Officer Daniel Metzger, Wells Police Department
Officer Scott Perron, Wells Police Department

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

Chair Amy Berry called the meeting to order at 9:05 a.m.

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

Chair Berry asked the Board Clerk to conduct a roll call. Chair Berry noted a quorum was present. The Board members introduced themselves for the benefit of guests in attendance.

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

MOTION: To accept the minutes of the March 2016 Board of Trustees meeting and to be placed on file with the secretary.

Moved by Ms. Ward Saxl and seconded by Vice-chair Chief Paul.

Motion carried.

Let the record reflect that DA Rushlau entered the meeting at 9:15 a.m.

IV. Item Four on the Agenda: Certifications:

A. Basic Law Enforcement Training Program Waiver Requests:

1. None at this time.

B. Basic Law Enforcement Training Program Extension Requests:

Asst. Dir. Rick Desjardins presented a request for the following officers to receive a Basic Law Enforcement Training Program extension:

1. Officer Isaac Ward – Presque Isle Police Department

MOTION: To approve the above-listed officer for BLETP extension.

Moved by Vice-chair Chief Paul and seconded by Mr. Davis.

Motion carried.

2. Officer Daniel Ballanger – Caribou Police Department

MOTION: To approve the above-listed officer for BLETP extension.

Moved by Vice-chair Chief Paul and seconded by Det. Blodgett.

Motion carried.

3. Officer Dale Martin – Winslow Police Department

MOTION: To approve the above-listed officer for BLETP extension.

Moved by Vice-chair Chief Paul and seconded by Special Agent Pellerin.

Motion carried.

4. Officer Cody R. Vigue – Waterville Police Department

MOTION: To approve the above-listed officer for BLETP extension.

Moved by Vice-chair Chief Paul and seconded by Mr. Davis. Sgt. Ryder abstained from the vote.

Motion carried.

C. Basic Corrections Training Program Waiver Requests:

Asst. Dir. Rick Desjardins presented a request for the following officer to receive a Basic Corrections Training Program Waiver:

1. Officer Nicholas J. Wrigley – Cumberland County Jail

MOTION: To approve the above-listed officer for Basic Corrections Training Program waiver.

Moved by Ms. Ward Saxl and seconded by Sgt. Ryder.

Motion carried.

D. Basic Corrections Training Program Extension Requests:

Asst. Dir. Rick Desjardins presented a request for the following officer to receive a Basic Corrections Training Program extension:

1. Officer Jennifer White – Oxford County Jail

MOTION: To approve the above-listed officer for Basic Corrections Training Program extension.

Moved by Vice-chair Chief Paul and seconded by Ms. Ward Saxl.

Motion carried.

E. Firearms Instructor Waiver: (Specification S-6A):

Asst. Dir. Rick Desjardins presented a request for the following officers to receive a Firearms Instructor waiver:

1. Sergeant Scott Perron – Wells Police Department

MOTION: To approve the above-listed officer for Firearms Instructor waiver.

Moved by Vice-chair Chief Paul and seconded by Sgt. Ryder.

Motion carried.

2. Officer Daniel Metzler – Wells Police Department

MOTION: To approve the above-listed officer for Firearms Instructor waiver.

Moved by DA Rushlau and seconded by Vice-chair Chief Paul.

Motion carried.

F. Course Certification Requests:

Asst. Dir. Rick Desjardins presented a request for approval of the following course certification 2016 Mandatory Law Enforcement In-Service Training Topic:

1. Implicit Human Bias

MOTION: To approve the above listed course certification for 2016 Mandatory Law Enforcement In-Service Training Topic.

Moved by Ms. Ward Saxl and seconded by Vice-chair Chief Paul.

Motion carried.

V. Item Five on the Agenda: Criminal Convictions/Conduct Waiver Requests:

1. None at this time.

VI. Item Six on the Agenda: Committee Reports

A. Complaint Committee: Vice-chair Chief Bradley Paul

Vice-chair Chief Paul reported the Complaint Committee will present 12 cases in Executive Session today. He also said there is no budget for the administrative hearings held at MCJA and there is no other source of funding for them. Vice-chair Chief Paul commended AAG Andrew Black for his excellent participation regarding Board cases.

B. Administrative Rules Committee: Special Agent Brian Pellerin

Special Agent Pellerin presented two Specifications that had been previously approved at the January 2016 Board meeting. The Specifications were brought back before the Board to add additional language: Specification S-21(A) and Specification S-13(A).

MOTION: To accept both Specifications with corrections as noted.

Moved by Ms. Ward Saxl and seconded by Vice-chair Chief Paul.

Motion carried.

C. Law Enforcement Training Committee: Sgt. Lincoln Ryder

Sgt. Ryder reported there were 297 responses to the ten question survey sent though Monkey Survey to elicit responses for law enforcement training and the vehicles by which it might be delivered. The survey also asked what particular topics may be of interest, what geographic locations would be preferable and any other venues to blend with on-line training. The Committee will be gathering data from the survey at its meeting today following the Board meeting.

D. Corrections Training Committee: Director Gary LaPlante

Dir. LaPlante discussed the upcoming Corrections training scheduled for May 23, 2016, at the Maine Criminal Justice Academy. It is planned that there will be 2 cadre from Kennebec County Sheriff's Office and 3 from Dir. LaPlante's staff for the five week training. There will be two classes running concurrently with 20 "New Hires" and 19 "Interns". Dir. LaPlante, Ms. Angie Newhouse and the Corrections cadre met yesterday with the BLETP cadre. The Corrections cadre received a lot of education, recommendations and expectations regarding the upcoming training. The Cooper Standards will be used in MERC as a starting point "to show progress" at the beginning of the program and at the end of the program.

E. Policy Standards Committee: Chief Bradley Paul – Vice-Chair

Vice-chair Chief Paul gave a report of the issue of the development of the Unmanned Aerial Vehicle Policy. He said that as these standards are developed the committee will have to solicit some help or advice from subject matter experts.

He also anticipates that there will be changes to the Domestic Violence standards as requested by the DV commission. Work will also need to be done on Police Pursuits Policy in the future once the language regarding pursuits by part-time officers has been determined.

VII. Item Seven on the Agenda: Report from the Board Chair: Chair Amy Berry:

The Chair reported that she watched several MARC final scenarios and debriefs on May 5th and found it to be enlightening. She met several of the instructors and received a copy of the scoring matrix and now has a better understanding of the objectives and how they are achieved. The Chair also plans to attend BLETP graduation on May 20th.

VIII. Item Eight on the Agenda: Report from the Director: John Rogers:

1. General Items:

- On May 2, 2016, Nancy Quirion was hired as the new Office Associate II to fill the vacant position. She has been a State employee for 5 years and comes to us from Maine DOT. She has previously worked for the SP Major Crimes Unit and the Gambling Control Board in similar positions. She has 2 children and 1 grandchild and is also involved with the Winthrop Sexual Assault Crisis Center. She will be assigned to the BLETP as one of her major duties and will help Sue Warner with Board issues as time goes on.
- On March 21, 2016, I went to Washington D.C. for a meeting with the other State Executive Directors of the POST's (called the Board of Trustees in Maine) to discuss the President's Task Force Report on 21st Century Policing. 35 states were represented with about 75 people in attendance. Chief Legal Counsel to President Obama, Neil Eggleston, was keynote speaker. Most of the 59 recommendations were targeted for LE agencies, but there were some that related to basic recruit and in-service training such as:
 1. Consistent standards for training facilities across the county – IADLEST is working on coming up with a core 400 hour recommendation that all Academies should teach.
 2. We should engage community members in the training process – MCJA uses NAMI of Maine, MCEDEV, the Pine Tree Society for the Hearing Impaired, and many other subject matter experts to help teach.
 3. LE agencies should provide Leadership Training to all personnel throughout their careers and the IACP LPO program was pointed to as a best practice. The State Police has been teaching LPO for the past 2 years here at MCJA and they opened up every class to other agencies free of charge. We also teach a 40 hour New Chiefs and Sheriffs Seminar yearly at MCJA.
 4. The 40 hour CIT training should be part of both basic and in-service training. MCJA has NAMI of Maine teaching the 8 hour Mental Health First Aid class in the BLETP and they teach the 40 hour CIT training all across the state.

5. Basic and in-service training should incorporate social interaction and tactical training. They focused on realistic scenario-based training. I was amazed how many Academies did not do this. MCJA runs about +/- 35 scenarios during the BLETP for each Cadet, from Use of Force to DV to Handling Persons in Mental Health Crisis and many others.
 6. Basic and in-service training should incorporate addiction training. This will be a 2017 mandatory in-service topic and will be a 2 hour block the BLETP starting in January. The curriculum is being written at this time.
 7. Basic and in-service training should incorporate Implicit Bias and Cultural Responsiveness training. Implicit Bias is a 2016 mandatory in-service training and will be taught in the next BLETP. We have had Cultural Diversity Training for more than 13 years in the BLETP and it was a mandatory in-service topic in 2013.
 8. Basic and in-service training should incorporate Policing in a Democratic Society, a fancy way to say - teach constitutional law. The BLETP does this formally and it is emphasized throughout the program.
 9. The US DOJ should support the development of improved Field Training Programs and the PTO model was pointed to as best practice. MCJA has been teaching the PTO course every year for about 7 years.
 10. All State POST's should certify LEO's, decertify LEO's and enter the decertifications into the IADLEST National Decertification Index database. Maine has been doing all of that for decades and the NDI entries since 2008.
- I addressed the Maine Chiefs Board in April on the complaint that arose from District 2 on K-9 training bills. A very long story short, we charged 3 agencies for our Academy K-9 training, when it should have been a waiver of another K-9 training program. All invoices sent were rescinded when the mistake was discovered. The 3 agencies seemed very satisfied.

2. Basic Law Enforcement Training Program (BLETP):

- The 30th BLETP started on January 19, 2016, and will end on May 20, 2016. There will be 63 that will graduate next Friday. Gov. Paul R. LePage will be the keynote speaker. We have 1 Cadet who failed the EVOC portion and will have to repeat that course. In July, her Chief will be asking for an extension of time. We also have 3 MARC scenarios scheduled for today at 1200 hours, 2 Cadets that need to take the scenario for the first time and 1 that had to stop until a medical clearance. I would welcome that the Board come and observe the MARC scenarios first hand. Sgt. Hamilton will brief you first on what we want to achieve and then after it is over, he will go through a debriefing session with the officer.
- If you are coming to the BLETP graduation, please let me know and I will have seating for you. (**see handout invitation**)
- As of today, I have had 126 names and/or John Doe slots requests with 115 left on the list for the 31st BLETP, which starts in 08/15/2016.

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. 14 – Basic Corrections Training Program Certifications
 - b. 23 – Instructor Certifications
 - c. 27 – LEPS Phase II Course Completions
 - d. 11 – Drug Recognition Expert Certifications
 - e. 1 – Law Enforcement Intermediate Certification
 - f. 1 – Crash Reconstruction Specialist Certification

- We brought the 4 hour “Below 100” program to the BLETP class on Wednesday as an extra. This program is being taught around the country to attempt to have the number of officers killed in the line of duty go below 100 each year. The last time was 1943. The class focuses on seatbelt usage, protective body armor usage, reflective vest usage, responding to calls in vehicles safely and the proper use of stop sticks or spike mats. The evaluations were great. My intention is to send Sgt. Mills to the Train the Trainer class and then teach it here at MCJA in the future.
- On Thursday June 2, 2016, the Maine Chiefs of Police Association is hosting the “Blue Courage” training that is going on around the country. This is designed to teach officers the “guardian” vs. “warrior” mentality, starting in the basic police academies. The entire BLETP staff is attending this training and if any of the Board members are interested, let me know, so I can take care of the \$25 tuition. It is located in Wells, Maine. **(See handout)**
- The 2016/2017 training calendar for upcoming training by MCJA will be ready the first week in June on our website.

MOTION: To accept all certifications listed as a handout, dates of March 11, 2016 through May 13, 2016. (handout to be attached to minutes)

Moved by Ms. Ward Saxl and seconded by Mr. Davis.

Motion carried.

IX. Item Nine on the Agenda: Old Business: Chair Amy Berry:

1. None at this time.

X. Item Ten on the Agenda: New Business: Chair Amy Berry:

1. Board Elections:

MOTION: To nominate Chair Chief Deputy Amy Berry as the Chair of the Board.

Moved by Sgt. Ryder and seconded by Mr. Richard Davis.

Motion carried.

MOTION: To nominate Vice-chair Brad Paul as the Vice-chair of the Board.

Moved by Det. Blodgett and seconded by Mr. Richard Davis.

Motion carried.

MOTION: To nominate Mr. Richard Davis as the Secretary of the Board.

Moved by Special Agent Pellerin and seconded by Sgt. Ryder.

Motion carried.

By acclamation, the results were as follows:

Chair: Chief Dep. Amy J. Berry
Vice-chair: Chief Brad Paul
Secretary: Mr. Richard Davis

2. Adjudicatory Hearing decision on Board Case #2015-022:

MOTION: To accept the Hearings Officer's decision to revoke certification.

Moved by DA Rushlau and seconded by Sgt. Ryder.

The Complaint Committee abstained from the vote.

Motion carried.

3. Adjudicatory Hearing decision on Board Case #2015-033:

MOTION: To accept the recommended decision of the Hearings Officer regarding this case.

Motion not moved nor seconded.

MOTION: To reject the recommended decision of the Hearings Officer regarding this case.

Moved by DA Rushlau and seconded by Sgt. Ryder.

Motion not carried.

Chair Amy Berry called for a recess at 11:14 a.m. At 11:29 a.m., Dir. Rogers phoned Ms. Rebekah Smith, Hearings Officer for MCJA, to obtain further legal counsel and guidance for voting Board members regarding Board Case #2015-033.

After discussion, the conference call between Board members and Ms. Rebekah Smith, Hearings Officer, was ended.

MOTION: Move the Board to accept Ms. Smith's "findings of fact and conclusions of law" but to substitute a recommendation for revocation, thus affirming the decision the Board made in November of 2015.

"The reasons, I believe, the recommendation has to be different from the recommendation of the Hearings Officer is, essentially, I agree with Mr. Black's articulation of how serious this conduct is. I think it significantly undermines public confidence in police work that people can get special treatment from officers and that traffic police reports and documents can be destroyed or altered within a police agency and that completely undermines the effectiveness of the court process because you don't have any confidence that what happens later in a criminal or traffic proceeding is reliable; and what Sgt. Emerson did, as found by the Hearings officer, is not only dishonest but undermines all confidence in that the public would have in how the justice system works" stated DA Rushlau.

Moved by DA Rushlau.

Sgt. Ryder retracted his second of the previous motion. **(To reject the recommended decision of the Hearings Officer regarding this case.)**

Sgt. Ryder seconded this motion.

The Complaint Committee abstained from the vote.

Motion carried.

Director Rogers will send a letter to Ms. Rebekah Smith regarding the decision that the Board accepted the decision but modified the final decision.

The Board recessed for lunch at 11:50 p.m.

The Board reconvened at 12:34 p.m.

MOTION: To move the Maine Criminal Justice Academy Board of Trustees into Executive Session pursuant to Title 25, section 2806, subsection 8, to discuss confidential disciplinary matters.

Moved by Mr. Davis and seconded by Special Agent Pellerin.

Motion carried.

The Board moved into Executive Session at 12:35p.m.

The Board came out of Executive Session and reconvened Public Session at 1: 42 p.m.

Complaint Committee Cases:

1. In the matter of Board Case No. 2013-003:

MOTION: To accept the recommendation of the Complaint Committee to accept the consent agreement that includes a reprimand and a two year suspension of the certification.

Moved by Sgt. Ryder and seconded by Mr. Davis.

The Complaint Committee abstained and DA Rushlau and Dir. LaPlante recused from the vote.

Motion carried.

2. In the matter of Board Case No. 2014-039:

MOTION: To accept the recommendation of the Complaint Committee to accept the consent agreement that includes a three year suspension of the certification.

Moved by Special Agent Pellerin and seconded by Sgt. Ryder.

The Complaint Committee abstained from the vote.

Motion carried.

3. In the matter of Board Case No. 2015-035:

MOTION: To accept the recommendation of the Complaint Committee to offer a voluntary surrender with a 30 day deadline to sign and if not signed to revoke the certification.

Moved by Mr. Davis and seconded by DA Rushlau.

The Complaint Committee abstained from the vote.

Motion carried.

4. In the matter of Board Case No. 2015-039:

MOTION: To accept the recommendation of the Complaint Committee to accept the voluntary surrender.

Moved by Special Agent Pellerin and seconded by Sgt. Ryder.

The Complaint Committee abstained and DA Rushlau and Dir. LaPlante recused from the vote.

Motion carried.

5. In the matter of Board Case No. 2015-040:

MOTION: To accept the recommendation of the Complaint Committee to accept the consent agreement that includes a permanent voluntary surrender.

Moved by Sgt. Ryder and seconded by Special Agent Pellerin.

The Complaint Committee and Dir. LaPlante abstained from the vote.

Motion carried.

6. In the matter of Board Case No. 2016-001:

MOTION: To accept the recommendation of the Complaint Committee to accept the consent agreement that includes a permanent voluntary surrender.

Moved by Mr. Davis and seconded by Sgt. Ryder.

The Complaint Committee abstained from the vote.

Motion carried.

7. In the matter of Board Case No. 2016-002 :

MOTION: To accept the recommendation of the Complaint Committee to issue a “reprimand”.

Moved by Mr. Davis and seconded by Sgt. Ryder.

The Complaint Committee abstained from the vote.

Motion carried.

8. In the matter of Board Case No. 2016-003 :

MOTION: To accept the recommendation of the Complaint Committee to issue a “Letter of Guidance”.

Moved by Mr. Davis and seconded by DA Rushlau.

The Complaint Committee abstained from and Special Agent Pellerin opposed the vote.

Motion carried.

9. In the matter of Board Case No. 2016-004:

MOTION: To accept the recommendation of the Complaint Committee to grant the waiver without conditions.

Moved by Sgt. Ryder and seconded by Special Agent Pellerin.

The Complaint Committee abstained from the vote.

Motion carried.

10. In the matter of Board Case No. 2016-007:

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

Moved by Sgt. Ryder and seconded by Special Agent Pellerin.

The Complaint Committee abstained from the vote.

Motion carried.

11. In the matter of Board Case No. 2016-008:

MOTION: To accept the recommendation of the Complaint Committee to issue a “Letter of Guidance”.

Moved by Sgt. Ryder and seconded by DA Rushlau.

The Complaint Committee abstained from the vote.

Motion carried.

12. In the matter of Board Case No. 2016-009 :

MOTION: To accept the recommendation of the Complaint Committee to offer a consent agreement to stipulate that the certificate holder complete all mandatory training, complete the recertification class and is assessed a \$150.00 fine.

Moved by Sgt. Ryder and seconded by Special Agent Pellerin.

MOTION: Move to amend the motion to also include that the recertification class be completed before being hired.

Moved by Sgt. Ryder and seconded by Special Agent Pellerin.

The Complaint Committee abstained from the vote.

Motion carried.

XI. Item Eleven on the Agenda: Adjournment

MOTION: To adjourn the Maine Criminal Justice Academy Board of Trustees Meeting.

Moved by Sgt. Ryder and seconded by Vice-chair Chief Paul.

Motion carried.

Chair Berry adjourned the meeting at 1:50 p.m. The next meeting is scheduled for 9:00 a.m. on Friday, July 15, 2016 at the Maine Criminal Justice Academy in Vassalboro.

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

Richard Davis, Secretary