

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 11, 2018.

Board Members Attending:

Special Agent Brian Pellerin - Chair
Detective Sgt. Lincoln Ryder – Vice-chair
Chief Charles Rumsey IV
Ms. Elizabeth Ward Saxl
Ms. Kimberly Gore
Dir. Larry Austin
Mr. Richard Davis
Mr. Tom Peters II, Esq.
Deputy Chief Amy Berry
Det. Seth Blodgett
Commissioner John Morris

Board Members Excused:

Sheriff Scott Nichols
Lt. Col. John Cote
Ms. Marie Hansen
District Attorney Kathryn Slattery

Participants:

Director John Rogers
Asst. Director Rick Desjardins
Attorney Christopher Mann

Guests: None

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

Chair Pellerin called the meeting to order at 09:02 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. The Board members did not have to introduced themselves, as there were no guests in attendance. Chair Pellerin had Director Rogers introduce Edwin “Don” Finnegan, the new MCJA Training Coordinator to the Board. Director Rogers explained that as of right now, Don was working with the other coordinators to get acclimated with all the classes and different programs given at MCJA and would be assigned his own programs later in the summer. Dep. Chief Berry requested that a list of Training Coordinators and their respective program responsibilities be forwarded to the BOT as soon as they are assigned.

The Pledge of Allegiance was said and the Board conducted a moment of silence in honor of Corporal Eugene Cole of the Somerset County Sheriff’s Office who was killed in the line of duty on April 25, 2018.

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

MOTION: To accept the minutes of the March 11, 2018 Board of Trustees meeting and to be placed on file with the secretary.

Moved by Sgt. Ryder 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:

Asst. Director Rick Desjardins presented the following officers for Basic Law Enforcement Program waivers.

1. Officer John L. Keniston – Penobscot Nation Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver Request upon successful completion of the MCJA Crash Training and the LEO Certification Examination by 12/18/2019 for the above listed officer.

Moved by Mr. Peters and seconded by Mr. Davis. **Motion Carried Unanimously.**

2. Officer Jonathan W. Whiteman - Portland Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver Request upon successful completion of the MCJA Crash Training and the LEO Certification Examination by 4/22/2019 for the above listed officer.

Moved by Director Austin and seconded by Dep. Chief Berry. **Motion Carried Unanimously.**

3. Officer Thomas P. Orlando - Ogunquit Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver Request upon successful completion of MCJA Crash Training and the LEO Certification Examination by 2/18/2019 for the above listed officer.

Moved by Director Austin and seconded by Dep. Chief Berry. **Motion Carried Unanimously**

B. Basic Law Enforcement Training Program Extension Requests:

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

1. Deputy Zachary S. Allen – Hancock County Sheriff’s Office

MOTION: To approve the Basic Law Enforcement Training Program Extension from 7/22/18 to 8/13/18 for above-listed officer.

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

2. Officer James E. Reardon – Dover-Foxcroft Police Department

MOTION: To approve the Basic Law Enforcement Training Program Extension for the above-listed officer from 5/22/2018 – 8/13/2018.

Moved by Director Austin and seconded by Ms. Ward Saxl. **Motion Carried Unanimously.**

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

MOTION: To approve the Basic Law Enforcement Training Program Extension for the above-listed officer from 7/1/2018 – 8/13/2018.

Moved by Director Austin and seconded by Sgt. Ryder. **Motion Carried Unanimously.**

4. Officer Gerald F. Maccione - Dixfield Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Extension for the above-listed officer from 7/10/2018 – 8/13/2018.

Moved by Director Austin and seconded by Sgt. Ryder. **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.

1. Officer Damon Howarth – Limestone 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 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 reported the Complaint Review Committee has 4 cases to review in executive session and another 9 remaining cases (4 are awaiting trials and will be taken care of between May and July, 1 case is under investigation, 1 case that appears after the investigation that there may be an additional charge and therefore has been put on hold, 2 cases are done and the committee is waiting on the appeal process, and there is 1 new case). He stated that the Committee has been working to stream-line the rules which helps them resolve the cases and which will lower the number of cases brought before the Board. He and Dep. Chief Berry have been working on a policy rule that they will be bringing forth for a vote.

B. Administrative Rules Committee: Deputy Chief Amy Berry

Dep. Chief Berry stated that changes in Policy #4 (Review and Disposition of Disqualifying Conduct) wording would be brought forth for a vote.

1. Section VII – Regarding officers who have failed to meet the annual training requirements.
2. Section IV – Regarding the Boards Actions based upon convictions for disqualifying conduct.

MOTION: To accept the Administrative Rules Committee’s modifications and changed of the Sections VII and IV of Policy #4.

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

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

Sgt. Ryder advised that the initial Annual Supervision Leadership Class is slated to be held in October.

The Investigative Class will be worked on in June with hopes that it will be finished and included in next year’s training catalog.

D. Corrections Training Committee: Director Larry Austin

Director Austin advised that there was no report at this time.

E. Policy Standards Committee: Chief Charles Rumsey

Chief Rumsey stated that there was no report at this time.

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

1. Chair Pellerin and Director Rogers introduced Edwin “Don” Finnegan as the new Training Coordinator. Chair Pellerin commented that of the several highly qualified applicants for the position Don quickly stood out amongst the group of those interviewed for the position.
2. It was discussed with the Board the thought of moving the meeting start times to 10:00 AM from 9:00 AM. The consensus from the Board was to keep the 9:00 AM start time.
3. Two Board priorities for the coming year are to continue developing the Judicial Marshal’s Training program curriculum and to have the Board evaluate the LEPS program. The LEPS program has not been significantly changed in many years and the use of part time law enforcement officers in Maine varies in scope throughout the State. It was recommended that the Board start an evaluation of the LEPS training standards and how departments are utilizing part time offices in Maine.
4. A reminder that the 34th BLETP is scheduled for graduation on May 18, 2018.

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

1. General Items:

- Edwin “Don” Finnegan is our new Training Coordinator. He recently retired as a Sergeant from Rockland PD. He is an MCJA Instructor and has extensive knowledge and teaching experience in: Intoxilyzer Operation, Standardized Field Sobriety Testing, Drug Recognition Expert (DRE), Drug ID Training for Educational Professionals, and ARIDE. His field experience includes over 200 drug evaluations and over 500 impaired driving arrests during his career. Don has been a MCJA Co-lead

Instructor of our Impaired Driving Enforcement Programs, a member of the Maine Bureau of Highway Safety Impaired Driving Task Force, a member of the DRE Certification Board, served as DRE Course Manager for four DRE schools and represented Maine at multiple IACP National DRE Conferences.

- The 20 copies MCJA annual reports were dropped off at the Maine State Library the 16 copies to the Criminal Justice and Public Safety Committee, by statute on April 2, by statute. It is also on the MCJA website.
- On April, 9 and 10, I meet with the 25 Academy and Post Directors from Maryland north. Our purpose was to go over the questionnaire sent out on progress toward the 2015 21st Century Policing report, as it relates to the Academy training. In Maine, we have met almost all the standards. We also got to look at MARC training from a behavioral scientist perspective, as it relates to skill retention. We visited the most elaborate Police/Fire and Rescue training facility that I have ever seen, let alone heard of. Finally, we had a round table of the issues effecting all states, such as mandatory training, certification and decertification, scenario based training and reserve officer training standards.
- On May 14, 2018, we will start the largest BCTP here at the Academy with 55 corrections officers. One issue is that not everyone can be housed, so we have implemented a 50-mile radius limit on priority for housing. We also have no commitment from any correctional facility for CO Cadre to assist.

2. Basic Law Enforcement Training Program (BLETP):

- The 34th BLETP started on January 16, 2018 with graduation on May 18, 2018. You are all invited and if you are coming, let me know and I will have seating for you. We started with 66 and only lost 1 for personal reasons after week 2. Only 1 Cadet needs to come back after some shoulder surgery to complete the MARC scenario. A few records were broken along the way. Chief Sean Geagan of Bucksport PD, the current President of the Maine Chiefs will be the keynote speaker.
- On May 7, 2018, I took the BLETP class and BLETP staff to the funeral of Deputy Eugene Cole in Bangor. It was very impactful to the class with a lot of discussion between the Cadre and class. Deputy Cole is the only officer of 1710 trained at the BLETP out of the 2840 F/T officers in Maine (60.21%) to have been killed in the line of duty that was trained in this BLETP training model.
- As of today, there are 128 names and/or John Doe slots for the 35th BLETP which starts on August 23, 2018. 5 of the 6 Cadre are returning and the new Cadre will be Officer Ryan Sanborn from Kittery PD replacing Det. Ken Charles of Franklin County SO who has been here for the past 3 classes.

3. MCJA Budget Issues:

- Commissioner Morris and Gov. LePage have approved a GF increase for the proposed FY 20/21 budget due to the fine revenue shortfall. This however will not be approved until a new Governor and new Legislature is elected so I can only hope this will gain the approval of the next administration and legislature.

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. 25 – Basic Corrections Training Program Certifications
 - b. 1 – Crash Reconstruction Specialist Certification
 - c. 4 – Law Enforcement Intermediate Certifications
 - d. 1 – Law Enforcement Advanced Certification
 - e. 1 – Law Enforcement Executive Certification
 - f. 24 – Instructor Certifications
 - g. 26 – Judicial Marshal Certifications
 - h. 14 – Drug Recognition Expert Certifications
- We trained another 17 new chiefs, sheriffs and their 2nd in command at the 40 hour New Chiefs/Sheriffs seminar. The reviews were excellent again with topics in budgeting, policy, IA investigations, media relations, labor contracts, grant writing, civil liability and handing critical incidents.

- My biggest challenge going forward is that Sgt. Scott Hamilton, the lead MARC Instructor is giving up teaching MARC after 20 years. He will stay around long enough to get a replacement, which may be 6 months to a year. In the short-term, I have met with about 30 of the 80 trained MARC instructors with an attempt to generate more interest in training class participation and to help identify a new Lead or Co-lead MARC instructors.
- In the long-term, I hoping to get a new head count approved for the FY20/21 for a Training Coordinator who will be a permanent MARC Lead Instructor for both the BLETP and LEPS. Again, Commissioner Morris and Gov. LePage has included this in the FY 20/21 proposal to the next administration.
- Once we select a new MARC Lead(s), I want to revisit the MARC manual to update it with tecniqu3es and pictures. In New York, the behavior scientists spent several hours talking about MARC skill retention using Block Training, Booster Training, Optional Video Homework Training and Mandatory Video Homework Training, as it related to skill retention. The felt it was more important to train fewer skills, but practice those skills more.

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

Director Rogers discussed 2018 Basic Law Enforcement Training Program Reimbursement Rates Surveys he sent out to 134 agencies. He had 84 responses, and the average cost came out to \$41,401.61. His recommendation to the Board is that they adjust the reimbursement rates annually or keep it the same and revisit it after 5 years. In 2019 the amount would be \$40,000.

Motion: To accept the recommendations as presented so that the Chiefs can be informed of the rate change at the June Chief’s Meeting, that the \$40,000 rate will be effective as of 1/1/2019 and will be reviewed every 5 years.

Moved by Dep. Chief Berry, seconded by Mr. Peters.

Chief Rumsey moved that the motion be tabled until the July Board of Trustees meeting. Seconded by Sgt. Ryder.

Motion: To table the original motion was carried unanimously.

Moved by Dep. Chief Berry, seconded by Mr. Peters.

Motion Carried Unanimously.

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

A. Unable to have the Board photo taken at this time. It will be pushed back to July.

B. Election of new Board Officers:

1. Mr. Davis called to open the nominations for Chair of the Board.

Sgt. Ryder brought forth a nomination for Brian Pellerin and it was seconded by Director Austin.

The vote was unanimous.

2. Mr. Davis called to open nominations for Vice Chair of the Board.

Brian Pellerin brought forth a nomination for Sgt. Ryder and it was seconded by Director Austin.

The vote was unanimous.

3. Mr. Davis called to open nominations for Secretary of the Board.

Brian Pellerin brought forth a nomination for Mr. Davis and it was seconded by Dir. Austin.

The vote passed with Director Austin abstaining from the vote.

C. Because there are two new members of the Board, Chair Pellerin stated that he will send out a list of Sub-committees for the members to look at and become familiar and a discussion as to who will be on what committee will take place at the July meeting.

D. 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.

Motioned by Mr. Davis, seconded by Sgt. Ryder. **Motion Carried Unanimously.**

The Board moved into Executive Session at 11:10 a.m. and reconvened Public Session at 11:31 am. Commissioner Morris and Director Austin left the meeting prior to returning to public session.

Complaint Committee Cases:

1. Board Case 2017-032:

MOTION: To accept the recommendations of the Complaint Committee to revoke the Law Enforcement Officer Certificate of Eligibility.

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

2. Board Case 2018-012:

MOTION: To accept the recommendations of the Complainant Committee to grant the requested waiver for disqualifying conduct without conditions.

Motion made by Mr. Davis, seconded by Sgt. Ryder. **Motion Carried Unanimously.**

3. Board Case 2017-028:

Motion: To accept the recommendations of the Complaint Committee to revoke Corrections Officer certification of eligibility.

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

4. Board Case 2017-013:

Motion: To accept the recommendations of the Complaint Committee to accept the consent agreement to revoke the Corrections Officer Certification of eligibility indefinitely.

Motion made by Sgt. Ryder and seconded by Mr. Davis. **Motion Carried Unanimously.**

5. Board Case 2018-003:

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

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

E. Certifications issued from March 9, 2018 to May 11, 2018

Motion: To accept the MCJA staff recommendation to approve the Law Enforcement Training Program Certifications issued from March 9, 2018 to May 11, 2018

Motion made by Mr. Davis, seconded by Sgt. Ryder. **Motion Carried Unanimously.**

X. Item Ten on the Agenda: Adjournment

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

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

Chair Pellerin adjourned the meeting at 11:40 a.m. The next meeting is scheduled for 9:00 a.m. on Friday, July 13, 2018 at the Maine Criminal Justice Academy in Vassalboro, Maine.



Richard P. Davis