

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, November 18, 2016.

**Board Members Attending:**

Dir. Larry Austin  
Deputy Chief Amy Berry – Chair  
Det. Seth Blodgett  
Mr. Richard Davis  
Ms. Kimberly Gore  
Ms. Marie Hansen  
Sheriff Scott Nichols  
Chief Bradley Paul – Vice-chair  
Special Agent Brian Pellerin  
Mr. Tom Peters  
DA Geoffrey Rushlau  
Sgt. Lincoln Ryder  
Officer Levon Travis  
Major Chris Cloutier for Colonel Joel Wilkinson  
Colonel Robert Williams

**Board Members Excused:**

Commissioner John Morris  
Ms. Elizabeth Ward Saxl

**Participants:**

Director John Rogers  
Asst. Director Rick Desjardins  
AAG Andrew Black

**Guests:**

There were no guests in attendance at this meeting.

**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.

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

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

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

Motion carried.

**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 Garrett McCarthy – Westbrook Police Department

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

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

Motion carried.

2. Officer John Lewis – Norway Police Department

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

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

Motion carried.

3. Officer William Sternbergh – Machias Police Department

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

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

Motion carried.

4. Warden Richard Adams – Penobscot Nation Warden Service

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

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

Motion carried.

**C. Basic Corrections Training Program Waiver Requests:**

1. None at this time.

**D. Basic Corrections Training Program Extension Requests:**

1. None at this time.

**E. Law Enforcement Preservice Program Waiver Requests**

1. None at this time.

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

Dir. Rogers presented a request for the following officers to receive a Part-time Law Enforcement 1040 hour extension:

1. Officer Warren Ackerman – Dexter Police Department
2. Officer Christopher Reardon – Dover Foxcroft Police Department
3. Officer Courtney Panetta – Kennebunk Police Department
4. Deputy Stephen Arminger – Somerset County Sheriff’s Office
5. Deputy Zachary Tracy – Somerset County Sheriff’s Office

**MOTION: To approve the above-listed officers for Part-time Law Enforcement 1040 hour extension (each request for 640 hours).**

Moved by Mr. Peters and seconded by Dir. Austin.

Motion carried.

**G. Course Certification Requests:**

Asst. Dir. Desjardin presented a request for the following Course Certification Requests:

1. Response to Sexual Assault – 2017 Mandatory LE In-service Training.

**MOTION: To approve the above-listed course for certification for 2017 Mandatory LE In-service Training.**

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

Motion carried.

2. Roadside Drug Impairment Recognition – 2017 Mandatory LE In-Service Training.

**MOTION: To approve the above-listed course for certification for 2017 Mandatory LE In-service Training.**

Moved by Sgt. Ryder and seconded by Ms. Hansen.

Motion carried.

3. Human Trafficking – 2017 Mandatory LE In-service Training.

**MOTION: To approve the above-listed course for certification for 2017 Mandatory LE In-service Training.**

Moved by Ms. Hansen and seconded by Special Agent Pellerin.

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 met on November 10, 2016, and will be presenting three cases today in Executive Session. There are currently 15 ongoing cases on hold due to interim suspension or awaiting reports, and there are two on hold today awaiting completion of the DEEP program. Since 2008, 450 cases have been presented to the Board. Vice-chair Chief Paul recognized AAG Black and Dir. Rogers for their work with the Complaint Committee citing their work has lessened the caseload. He said the caseload is as small as it ever has been in the last 6 – 7 years and 40 – 50 cases are presented yearly.

**B. Administrative Rules Committee: Special Agent Brian Pellerin**

Special Agent Pellerin stated the “rewrite” and submission of the Polygraph Form is on the committee’s radar; otherwise, there is nothing to report at this time. John spoke regarding Administrative Rules. It was in 2004 when the Administrative Rules were last reviewed and approved. Dir. Rogers has yearly placed the Secretary of State on notice of changes but there hasn’t been a review since 2004. There is a formal process that needs to be followed. Dir. Rogers has met with the Commissioner for guidance as to where to go with this.

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

Sgt. Ryder turned the discussion of Leadership and Investigation to Asst. Dir. Desjardins. Asst. Dir. Desjardins stated the Basic Supervision Leadership course is taking shape. The Academy has reached out to subject matter experts in law enforcement and Corrections and is starting to build the course. Asst. Dir. Desjardins thanked Ms. Hansen for a contact at Cianbro Co. so we may look at the private sector as well. The format will be a 40 hour block and the content will take a line officer through the transition into supervision using some LPO vocabulary and concepts. Asst. Dir. Desjardins said he hopes to present a “draft” lesson plan at the January 2017 Board meeting.

**D. Corrections Training Committee: Director Larry Austin**

Asst. Dir. Desjardins began with a discussion on the new Corrections training which has been well received. There are currently two offsite corrections trainings being held in southern Maine.

Dir. Austin said there is a need for training as there are vacancies in all facilities. He stated the feedback he has received regarding the new training has also been well received and it is felt the new training better suits the needs of corrections positions better than 10 years ago.

Dir. Rogers added the goal of the Basic Corrections Training Program (BCTP) is to standardize the training yet have individual facilities perform the training that is pertinent to that facility.

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

Vice-chair Chief Paul stated the committee has one policy that needs development. The committee needs to develop a policy for law enforcement for the Unmanned Aerial Vehicle. Dir. Rogers recently met with a subject matter expert at a conference in San Diego. In compliance with the legislation passed, the committee sent a draft policy to the AG's office for review.

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

Chair Berry presented Vice-Chair Chief Paul a plaque in appreciation commemorating his 8 years of service as a member of the MCJA Board of Trustees, from 2008 through 2016. Chief Paul is retiring from the Saco Police Department, and today will be his final day as a member of the Maine Criminal Justice Academy Board of Trustees. Chief Paul's retirement has resulted in some vacancies on committees, so two changes have been made to assignments: Mr. Peters will Chair the Complaint Review Committee, with Detective Blodgett and Special Agent Pellerin as the other two members; and, until Chief Paul's replacement on the Board is filled, Chair Berry will act as Chair of the Policy Standards Review Committee, with the intention of having the yet-to-be named Chief lead the committee. The Vice-Chair position on the Board is also open and will be filled according to the by-laws: *"In the event of a vacancy in the position of Chair, Vice-Chair, or Secretary, a special election will be held at the next regular meeting after the vacancy occurs providing due notice is given to all Board members."* We will hold a special election for the position of Vice-Chair at our January 13, 2017, meeting.

The District 2 Chiefs met yesterday, and among the items being discussed was the problem every department is having with hiring. Aside from the separate issue of diversity, the concern that was being discussed at District 2 was about the fitness standards – and specifically the PFT requirements for the BLETP. Some of the chiefs have concerns about an otherwise qualified candidate not passing the PFT by a slim margin or because they didn't do sit ups in the precise form that is counted and what can be done to be able to retain these otherwise very good candidates. The other issue that was brought up again was injuries during BLETP training, not just MARC. There is still some misinformation being spread, and this will likely be a topic on the agenda for the Maine Chiefs Board Meeting in December. Specific concerns were again about alleged head slaps and concussions, use of protective gear being optional, and a request for data. As always, Chiefs are welcome to watch the MARC final scenario.

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

### **1. General Items:**

- I have to publicly thank Assistant Director Rick Desjardins for covering for me at the last Board meeting. The day before, I ended up with a kidney stone and eventually had to have surgery. This is only the 2<sup>nd</sup> Board meeting that I've missed in 14 years.
- In October, I went to the IACP convention in San Diego and attended several training sessions from: Drones in law enforcement, to recruiting and other Academy issues. I also attend an IADLEST meeting (Academy Directors) to discuss several specific issues as they relate to academy training, certification/decertification issues, marijuana training, CHRI and basic LE academy standards. IADLEST is looking to recommend 400 hours of national curriculum in all academies at some point (almost all is what we already do here in Maine).
- The U.S. Department of Justice released a report in July 2016 indicating that the basic LE training academies have increased from 748 hours or 19 weeks in 2007 to 840 hours or 21 weeks in 2013. Other statistics from the 664 academies include:
- 1 in 7 recruits were female; 1 in 3 recruits were of a racial or ethnic minority; on average 45,000 recruits entered the basic LE academies and 86% successfully completed the programs and nearly all the academies required 40 hours of community policing training – MCJA has 4 hours.

- 48% of academies were more stress than nonstress, 18% of academies were non stress and 34% were a balance of both approaches.

## 2. Basic Law Enforcement Training Program (BLETP):

- On 8/15/2016, we started the 31<sup>st</sup> BLETP with a 12/16/2016 graduation date. I anticipate 61-62 will graduate. All have passed everything so far, except 1 Cadet still needs to pass the exit PFT standards. We are working with that Cadet. The class has done about 18 scenarios so far, more than any other class and during practical week they will be completing another 18-20 scenarios. New for this BLETP was a class on Implicit Human Biases, Strangulation in the DV portion of the program, as well as a class on Vehicle Child Safety Restraints.
- As of today, I have 124 names and/or John Doe slots down from 132 for the 32<sup>nd</sup> BLETP starting on January 17, 2017.
- If you will be attending the graduation on 12/16/2016, please let me know in advance and I'll have seating for you.

## 3. MCJA Budget Issues:

- The MCJA FY 18/19 budget was submitted on 9/1/2016 by Commissioner Morris, with the Academy requesting an additional \$251K over the biennium in allotment only to make up the difference in the loss of revenue.
- Commissioner Morris authorized, with the approval of Governor LePage, a one-time spending down of the 014 Special Revenue Account for the purpose of purchasing several new chairs, tables, and training equipment because of the wear and tear over the past 16 years, as well as some new training equipment to include a shoot house to conduct scenario-based training for both LE and Corrections training.

## 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. 1 – Basic Law Enforcement Training Program Certification
  - c. 3 – Drug Detector K-9 Team Certifications
  - d. 1 – Explosive Detector K-9 Team Certification
  - e. 2 – Patrol K-9 Team Certifications
  - f. 1 – Crash Reconstruction Specialist Certification
  - g. 1 – Law Enforcement Office Intermediate Certification
  - h. 7 – Law Enforcement Chaplain Certifications
  - i. 1 – Law Enforcement Executive Certification
  - j. 12 – Crisis Negotiator Certifications
  - k. 36 – Law Enforcement Pre-service Course Completions
- I will be sending out the annual reports in early December this year and there will be a few changes.
- On the annual report form, we are asking all Agency CEO's to add or correct gender status and email addresses for all certificate holders.
- On the hourly log sheets for the Part-time officers, there will be a section added where it will have to be notarized as being correct.
- We will add a new report regarding the use of Unmanned Aerial Vehicles, if applicable to the agency, and I will include the results in the Board's annual report to the Legislature to comply with the current law requirement for the Department of Public Safety.

The 31<sup>st</sup> Basic Law Enforcement Training Program graduation will be held on December 16, 2016 at 10 a.m. and all Board members are welcome.

**MOTION:**                   **To accept all certifications listed as a handout, dates of September 16, 2016 through November 18, 2016 (handout to be attached to minutes).**

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

Motion carried.

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

1. None at this time.

The meeting broke for lunch at 11:30 a.m. and reconvened at 12:15 p.m.

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

1. Part-time Law Enforcement 1040 hour extension

There was discussion regarding if the Board may give the Director authority to approve a part-time Law Enforcement 1040 hour extension. The question was asked whether to vote at today's meeting or table the matter until January 2017. DA Rushlau inquired as to if the Director could be granted permission to allow minimal hours in between Board meetings. AAG Black explained the Board does not have the right to delegate discretionary authority to the Director. He said there could be a meeting between the Director and himself to draft a specific set of circumstances where certain criteria have been requested and met. That may allow the Director to act upon a specific request without the Board's approval in order to allow an extension with minimal amount of time until the next Board meeting.

DA Rushlau suggested allowing Dir. Rogers the authority to approve a 1<sup>st</sup> request (only) for an agency between now and the January meeting of 2017. At the end of that period in January, a draft would have to be drawn for future requests defining specific criteria.

**MOTION:**                   **To grant the Director authority to approve a 1<sup>st</sup> request extension to an agency, up to 320 hours and under exigent circumstances, between the dates of November 18, 2016 and January 1, 2017.**

Moved by Mr. Peters and seconded by Mr. Rushlau.

Motion carried.

**MOTION:**                   **To move the Maine Criminal Justice Academy Board of Trustees into Executive Session pursuant to Title 25, section 2806-a, subsection 10, to discuss confidential disciplinary matters.**

Moved by Mr. Davis and seconded by Mr. Austin.

Motion carried.

The Board moved into Executive Session at 12:20 p.m.

The Board came out of Executive Session and reconvened Public Session at 12:50 p.m.

**Complaint Committee Cases:**

1. In the matter of Board Case No. 2015-045:

**MOTION: To accept the recommendation of the Complaint Committee to enter into a 3 year consent agreement with the condition to include a warning and a suspension of the Certificate of Eligibility for a period of 180 days commencing retroactively on May 23, 2016, and ending on November 18, 2016.**

Moved by DA Rushlau and seconded by Mr. Davis.

The Complaint Committee and Ms. Hansen abstained from the vote.

Motion carried.

2. In the matter of Board Case No. 2016-030:

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

Moved by Sgt. Ryder and seconded by Ms. Hansen.

The Complaint Committee abstained from the vote. Vice-chair Chief Paul recused from the vote.

3. In the matter of Board Case No. 2016-029:

**MOTION: To accept the recommendation of the Complaint Committee to accept the permanent voluntary surrender of the Certificate of Eligibility.**

Moved by Sgt. Ryder and seconded by Dir. Austin.

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 Special Agent Pellerin and seconded by Dir. Austin.

Motion carried.

Chair Berry adjourned the meeting at 12:55 p.m. The next meeting is scheduled for 9:00 a.m. on Friday, January 13, 2017 at the Maine Criminal Justice Academy in Vassalboro, Maine.