

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 8, 2019

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
Commissioner Randall Liberty (10:25)
Colonel John Cote
Mr. Tom Peters II, Esq.
Deputy Chief David Bushey
Det. Seth Blodgett
DA Kathryn Slattery (9:05)
Lt. Dan Menard
Mr. Richard Davis
Ms. Kimberly Gore
Ms. Marie Hansen (left at 11:25)

Board Members Excused:

Commissioner Michael Sauschuck
Mr. Levon Travis

Participants:

Director John Rogers
Asst. Director Rick Desjardins
Attorney Andrew Black

Guests:

Chief Harold Bickmore, Pittsfield Police Department

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

Chair Pellerin called the meeting to order at 9:03 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 asked all those who were present introduce to themselves to the guest, Chief Bickmore. Following the introductions, Chair Pellerin led in the Pledge of Allegiance. Chair Pellerin then requested a moment of silence in honor of Firefighter, Capt. Michael Bell who was killed and the 8 others who were hurt in the explosion that happened in Farmington on September 16th.

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

MOTION: To accept the minutes of the September 13, 2019 Board of Trustees meeting that were handed out prior to the meeting and to be placed on file with the secretary.

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

Due to Chief Bickmore being present, Chair Pellerin suggested that discussions for Item IV, Section G be taken out of order.

IV - G. Part-time Law Enforcement Officer 1040 Hour Extension Requests:

Director Rogers presented the request for the following 1040 Extension.

1. Warren T. Ackerman – Pittsfield Police Department.

Chief Bickmore gave a little history regarding this officer and of the departments extenuating circumstances surrounding this third request for additional hours.

MOTION: To approve the requests for the extensions of 340 hours, for a total of 1380 hours, with the stipulation that it be the last request regarding this officer.

Moved by Mr. Peters and seconded by Sheriff Nichols. **Motion Carried Unanimously.**

Director Rogers presented a 2nd request for the following 1040-hour Extension.

2. Officer Trevor J. Bellefleur – Fort Kent Police Department.

MOTION: To approve the request for the extension of 320 hours for a total of 1360 hours for this officer.

Moved by Ms. Ward Saxl and seconded by Mr. Peters. **Motion Carried Unanimously.**

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

A. Basic Law Enforcement Training Program Waiver Requests:

Assistant Director Rick Desjardins presented the following Basic Law Enforcement Training Waiver Requests.

1. Officer William H. Soper – Auburn Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Crash Training, Auburn Police Department FTO Program and the Law Enforcement Officer's Certification Examination by 8/19/2020.

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

2. Officer Jonathan W. Sanderson – Saco Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of MCJA EVOC Training, Maine Crash Training and the Law Enforcement Officer's Certification Examination by 5/29/2020.

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

3. Officer Mark J. Mitchell - Portland Police Department.

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Training, Portland Police Department FTP Program and the Law Enforcement Officer's Certification Examination by 8/6//2020.

Moved by Chief Rumsey and seconded by Det. Blodgett. **Motion Carried Unanimously.**

B. Basic Law Enforcement Training Program Extension Requests:

None at this time.

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. Judicial Marshal Program Extension Requests:

None at this time.

G. Part-time Law Enforcement Officer 1040 Hour Extension Requests:

Discussed and voted on at the beginning of the meeting.

H. Course Certification Request:

Assistant Director Desjardins asked for the approval for the following Course Certification.

1. Law Enforcement Approach to Substance Use Disorders

MOTION: To approve the Course Certification for a 2-hr block of instruction for the 2020 Mandatory Training for Law Enforcement.

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

V. Item Five on the Agenda: Committee Reports

A. Complaint Committee: By Mr. Tom Peters

Mr. Peters stated that he would present 6 cases today which would leave the committee with 13 active cases.

B. Administrative Rules Committee: Mr. Richard Davis

Mr. Davis told the Board that they had been reviewing the second half of the specifications and standardizing the format, font, signature line and adding the 3-year review dates to each one. He stated they would be asking that Specification S35 be rescinded (Law Enforcement Computer Crimes Evidence Analyst Certification).

Mr. Davis requested that Director Rogers go over those revisions and explain some of the changes in the specifications.

MOTION #1: To rescind Specifications S-35

Moved by Sgt. Ryder and seconded by Det. Blodgett. **Motion Carried Unanimously.**

MOTION #2: To accept the changes to Specification S-9, S-11, S-21, S-22, S-23, S-24, S-25, S-26, S-27, S-28, S-29, S-30, S-31, S-33, S-34, S-36, S-37 and S-38.

Moved by Mr. Davis and seconded by Commissioner Liberty. **Motion Carried Unanimously.**

AMMENDED MOTION #3: To accept the specified changes and to accept wording change in S-39, General Requirements, Section B to read: "The TTAC shall meet when necessary to review Specifications S-39 and to consider applications for certification and recertification."

Moved by Ms. Ward Saxl and seconded by Mr. Peters. **Motion Carried Unanimously.**

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

Sgt. Ryder asked Assistant Director, Rick Desjardins to give a brief statement on the progress of the Investigative Class. Rick stated that Coordinator, Don Finnegan was working on this 8-hour class dealing with interviewing children and was in contact with some SME's and that he was hopeful for a March roll-out of this class.

D. Corrections Training Committee: Mr. Levon Travis

Assistant Director Desjardins reported he had met with Mr. Travis, Alan Gregory (MCJA), Rosalie Morin (Mt. View), Frank Shepard (Hancock County Jail), Joad Welch (Cumberland County), Mary Zidalis and Rick Rolfe (Washington County), Jill St. Pierre (Kennebec County), Steve Schutt (Two Bridges Regional Jail), Ron Moulton and Maria Landry (Piscataquis County) getting feedback on revisions of the BCTP 200-hr. program. They also spoke about the differences between the Law Enforcement Mental Health BLETP Training and The BCTP Mental Health Training. There was some mention of frustration where certain correction officers were not getting credit for hours working at the agencies prior to attending the BCTP.

F. Policy Standards Committee: Chief Charles Rumsey

Chief Rumsey requested that his report be moved to New Business and would need a vote at that time.

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

1. Col. Joel Wilkinson

- Col. Joel Wilkinson, a member of the Board of Trustees for the last 11 years retired in September, shortly after our last meeting. Joel was a very active and vocal participant on this Board and I personally appreciate what he has done for the Board during my tenure. I have not had the opportunity to speak with Joel as of yet but plan to reach out to him and personally thank him for his support. Having said that, I would like to again take the opportunity to welcome Col. Dan Scott to the Board as a permanent member and I look forward to his experience and input on Board related matters in the future.

2. Board Appointments

- I have not heard any more on the status of the pending Board appointments; however, I have no indication that they won't be approved at this time. We are also awaiting word on the status of the native American representative's appointment.

3. PE-I Polygraph Academy Form

- I have had discussions with Director Rogers regarding MSP's request for form clarification as to what constitutes a successfully completed and passed pre-employment polygraph examination to go along with the fully completed PE-1. Director Rogers reached out to the 22 or so examiners and asked them for their input. There are essentially two perspectives at odds with some history of conflict. Some examiners may utilize the term **NDI** for No Deception Indicated while others use the term **NSR** for No Significant Response. The issue really boils down to how the examiners were trained and how their evaluation is performed. After speaking with the examiners, the house is somewhat divided and instead of changing the form to indicate one over the other it may be better to include language that can accommodate both as long as the policy is updated to reflect both responses.

4. Reserve Officer Training and Certification Standards

- The Board has made it clear as to what standards it believes should be proposed in the training and certification of reserve officers in Maine. Moving to the next phase, I think it's important that we continue this process by collaborating with the stakeholders involved. I would like feedback and some guidance from the Board as to how we should proceed. I think that an ad hoc committee be formed including members of this Board and members of the law enforcement community. Former Chair Brian Macmaster has a unique perspective and history involving this action and has asked to participate. I also feel it's important to have police chiefs and sheriffs involved and plan to invite the Maine Chiefs of Police Association and Maine Sheriff's Association requesting their participation.

5. Recent Media Articles

- There was a September 27, 2019 article in the Journal Tribune in York County recently where Chief Thomas Connolly of the Sanford Police Department and Chief Roger Beaupre of the Biddeford Biddeford Department were interviewed regarding their thoughts on the current MCJA stress/residential training model and the high demand for limited training slots. The Chiefs spoke of their support to reexamine the residential training program and perhaps incorporate a more academic model utilizing the community colleges in Maine.

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

1. General Items:

- Between December 1-10, 2019 Rick and I will be pushing out the 2019 LE and Corrections agency annual reports. This will then give us many hours of work crunching the numbers, writing LOG's for officers late on their mandatory training, getting all the names of the Board certifications that need to be suspended to you by the March 2020 Board meeting and finally preparing the Board report for the Legislature.
- We will be adding a headcount allocation to each annual report to we can run reports to understand future training needs.
- All mandatory 2019 LE and Corrections In-service training is on the JPMA website, as of November 1, 2019.
- The 2020 Situational Use of Force LP will be ready for JMPA by 11/15/2019.
- The 2020 LP's on Wellness of Law Enforcement Officer and Law Enforcement approach to Substance Use Disorders should be ready for the Board to approve at the January 2020 Board meeting. After that they will go to JPMA.
- Rick attended the retirement party of Col. Joel Wilkinson on October 26, 2019 and presented him plaque for his service on behalf of the Board and the Academy.

2. Basic Law Enforcement Training Program (BLETP):

- The 37th BLETP started on July 29, 2019 and will graduate on November 27, 2019. There were 153 names or John Doe slots on the original list with 77 meeting all the entrance standards. I took 68 Cadets to start with 62 left now. We lost our last Cadet in the 15th week for personal reasons. We held Chiefs Inspection Day on October 16, 2019 with 61 agency representatives attending, the most ever. We held Family Day on November 1, 2019 with 71 attending, the most ever.
- I also have another 114 names and/or John Doe slots left for the 38th BLETP which starts on December 30, 2019 down from a total of 144. Orientation and PFT testing is on December 3, 2019 and I suspect I will lose many between now and then. 3 officers have been pushed forward to the 39th BLETP due to Board case issues and 5 more because their Chiefs choose to skip the 38th BLETP and put them in the 39th BLETP. This will be the first class with all 6 Cadre returning.

3. Budget Issues:

- The extra Training Coordinator that was included in the 2020 DPS Supplemental Budget as a General Fund position is still on the table. This is the first Supplemental Budget for the State in the last 8 years.

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. 2 – K-9 Detector Team (Drug) Certifications
 - b. 1 – Law Enforcement Intermediate Certification
 - c. 1 – Crash Reconstruction Specialist Certification
 - d. 27 – Basic Corrections Training Program Certifications
 - e. 2 – Breath Testing Device Instructor Certifications
 - f. 1 – Basic Law Enforcement Training Program Certification
 - g. 16 – MCJA Instructor Certifications
- Under Old Business - Follow up for FY 2021 changes to the LEPS Program: At the July 12, 2019 Board meeting, you asked me to address with the Maine Chiefs of Police Association and Maine Sheriffs Association what were their thoughts to the potential changes to the LEPS program to include 4 items:

- a. Adding 24 hours of firearms training in Phase II and then require the 40 hours (or the 7 modules to be taught which could take less than 40 hours for smaller groups) prior to the officer being issued a Provisional P/T LE Certification by the Board.
 - b. Restricting some of the duties of P/T LEO's from conducting sexual assault investigations, being a SWAT Team member, etc., because of the lack of proper training.
 - c. Requiring a Polygraph exam prior to the officer being issued a Provisional P/T LE Certification by the Board.
 - d. Requiring a Psychological exam prior to the officer being issued a Provisional P/T LE Certification by the Board.
- I addressed the Maine Chiefs on September 6, 2019 and was scheduled for the Maine Sheriffs Association meeting on October 17, 2019 but it was canceled due to bad weather. At this point I have not been rescheduled with the MSA.
 - Under New Business – The 2020 BLETP and BCTP Reimbursement Rate: For the past 15+ years, the Board has annually voted on the BLETP and BCTP Reimbursement Rates, as required by 25 M.R.S. §2808 prorated for a 5-year period. Early on, I conducted a survey and the reimbursement rate was set and adjusted by the CPI-U for New England each year until 2010 for the BLETP and BCTP. Currently the Board approved rates are \$40,000 for the BLETP and \$10,000 for the BCTP. After the September 13, 2019 Board meeting, you asked me to go find out what the CPI-U was for New England and report back. As you can see from the Board Packet, it was 1.5%.
 - **Need Vote:** My recommendation is to vote to raise the BLETP Reimbursement rate by 1.5% from \$40,000 to \$40,600, effective January 1, 2020.
 - **Need Vote:** My recommendation is to vote to raise the BCTP Reimbursement rate by 1.5% from \$10,000 to \$10,150, effective January 1, 2020.

MOTION: To accept the Certifications that were issued by Director Rogers on behalf of the Board since the last Board meeting on September 13, 2019.

Motion made by Ms. Ward Saxl seconded by Sheriff Nichols. **Motion Carried Unanimously.**

Chair Pellerin requested that Item Nine - New Business be taken out of order.

IX. Item Nine on the agenda: New Business

- A. 2020 Reimbursement Rates for the BLETP - Dir. Rogers**
- B. 2020 Reimbursement Rates for the BCTP – Dir. Rogers**

Director Rogers explained the handouts showing the different Reimbursement Rates for the past 6 years and the proposed rate hikes to start 1/1/2020.

MOTION: To accept the recommendation to raise the Reimbursement rates for both the BLETP and BCTP 1.5% effective 1/1/2020.

Motion made by Mr. Peters, seconded by Chief Rumsey. **Motion Carried Unanimously.**

C. Less-Than Lethal Munitions – Chief Rumsey

Chief Rumsey discussed the handouts showing the different types and manufacturers of munition products. He talked about how some of those products worked and then asked for a motion for those that would be added to the list of MCJA Approved Less-Than-Lethal Munitions.

MOTION: To accept the additions to the MCJA List of Approved Less-Than-Lethal Munitions.

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

At 11:47 a.m. Chair Pellerin moved that the Board break for lunch. The meeting resumed at 12:20 p.m.

VIII: Item Eight on the agenda: Old Business

A. Board Case 2018-024

MOTION: To accept the recommendation of the Hearings Officer, Rebekah J. Smith, Esq.

Moved by Sgt. Ryder and seconded by Mr. Davis. **Motion Carried with Mr. Peters, Chief Rumsey and Det. Blodgett abstaining from the vote.**

Chair Pellerin called for a motion to move into Executive Session at 12:24 p.m.

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.

Moved by Mr. Davis and seconded by Sgt. Ryder. **Motion Carried.**

The Board went into Executive Session at 12:25 p.m. and came back into Public Session at 1:13 p.m.

B. Complaint Review Committee Cases:

1. Board Case 2016-034

MOTION: To accept the Complaint Review Committees recommendations to revoke the Full-time Certificate of eligibility as a Corrections Officer.

Motioned by Sgt. Ryder and seconded by Chief Rumsey. **Motion carried with D.A. Slattery recusing herself from the vote.**

2. Board Case 2019-015

MOTION: To accept the recommendations of the Complaint Review Committee for a written warning, 3-years' probation and with the conditions that all the conditions outlined in the deferred disposition be completed.

Motioned by Sgt. Ryder and seconded by D.A. Slattery. **Motion carried Unanimously.**

3. Board Case 2019-020

MOTION: To accept the recommendations of the Complaint Review Committee to issue a letter of guidance.

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

4. Board Case 2019-027

MOTION: To accept the recommendations of the Complaint Review Committee to issue a letter of guidance.

Motioned by Mr. Davis and seconded by Sgt. Ryder. **Motion carried Unanimously.**

5. Board Case 2019-029

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

Motioned by Sgt. Ryder and seconded by Chief Rumsey. **Motion carried Unanimously.**

6. Board Case 2019-032

MOTION: To accept the recommendations of the Complaint Review Committee to grant the waiver upon successful completion of a substance abuse screening evaluation finding no additional treatment required. The CRC Chair may make the call if the condition is met. If additional services are required, the waiver is not granted until the CRC Chair receives proof of successful completion.

Moved by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried with Dep. Chief Bushey recusing himself.**

Chair Pellerin told the Board that the next 4 meeting dates would be as follows: January 10, 2020, March 13, 2020, May 8, 2020 and July 10, 2020. He then asked for a motion to adjourn.

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

Moved by Mr. Davis and seconded by Sgt. Ryder. **Motion carried unanimously.**

Chair Pellerin adjourned the meeting 1:19 p.m.



Richard P. Davis