

Minutes of the meeting of the Maine Criminal Justice Academy Board of Trustees held at the Maine Criminal Justice Academy in the Brian MacMaster Board Room on Friday, March 17, 2023.

Board Members Attending:

Special Agent Brian Pellerin – Chair
Detective Sgt. Lincoln Ryder – Vice Chair
Commissioner Michael Sauschuck
Detective Seth Blodgett
Chief Charles Rumsey IV
Deputy Chief David Bushey
Colonel William Ross
Ms. Kimberly Russell
Ms. Elizabeth Ward Saxl
Colonel Dan Scott
Sheriff Scott Nichols
Ms. Francine Stark
Mr. Nathan Poore
Mr. Mateo Mendoza
Mr. Scott Landry

Board Members Excused:

Commissioner Randall Liberty
Officer Matthew Dana
DA Kathryn Slattery

Participants:

Assistant Director Jack Peck
AG Andrew Black
Karen Green, Board Clerk

Guests:

Kevin Kidd
Laura Rodas

I. Item One on the Agenda: Call to Order

As there was a quorum, Chair Pellerin called the meeting to order at 9:02 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. He then led in saying the Pledge of Allegiance.

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

MOTION: To accept the minutes of the January 27, 2023 Board of Trustees meeting and to have it be placed on file with the secretary.

Motion made by Commissioner Sauschuck and seconded by Sgt. Ryder. **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. Trooper Recruit Natalia Anderson – Maine State Police

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 1/02/2024.

Moved by Chief Rumsey and seconded by Commissioner Sauschuck.
Motion Carried with Col Ross recusing himself.

2. Officer Nathan Aronson - Auburn Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Reporting and the Maine Law Enforcement Officer’s Certification Examination by 1/10/2024.

Moved by Chief Rumsey and seconded by Commissioner Sauschuck. **Motion Carried.**

3. Officer Allyn Byer - Saco Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of Maine Crash Training, and the Maine Law Enforcement Officer’s Certification Examination by 2/6/2024.

Moved by Chief Rumsey and seconded by Commissioner Sauschuck. **Motion Carried.**

4. Officer Michael Crosby - York 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 10/17/2023.

Moved by Chief Rumsey and seconded by Commissioner Sauschuck. **Motion Carried.**

5. Deputy David Frick – Knox 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 1/17/2024.

Moved by Chief Rumsey and seconded by Commissioner Sauschuck. **Motion Carried.**

6. Officer Steven Friedrich - Auburn Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Crash Reporting Training and the Maine Law Enforcement Officer's Certification Examination by 10/19/2023.

Moved by Chief Rumsey and seconded by Commissioner Sauschuck. **Motion Carried.**

7. Officer Daniel Garcia - Kennebunkport Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Crash Reporting Training and the Maine Law Enforcement Officer's Certification Examination by 2/6/2024.

Moved by Chief Rumsey and seconded by Detective Blodgett. **Motion Carried.**

8. Officer William Howard - Auburn Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Crash Reporting Training and the Maine Law Enforcement Officer's Certification Examination by 12/21/2023.

Moved by Commissioner Sauschuck and seconded by Chief Rumsey. **Motion Carried.**

9. Officer Daniel Huntington – South Portland Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Crash Reporting Training and the Maine Law Enforcement Officer's Certification Examination by 1/23/2024.

Moved by Chief Rumsey and seconded by Commissioner Sauschuck. **Motion Carried.**

10. Officer Connor Kerivan - Rockland Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Crash Reporting Training and the Maine Law Enforcement Officer's Certification Examination by 12/19/2023.

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

11. Officer Kristin Kirby - Kennebunk Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Crash Reporting Training and the Maine Law Enforcement Officer's Certification Examination by 2/13/2024.

Moved by Chief Rumsey and seconded by Dep. Chief Bushey. **Motion Carried.**

12. Officer Kyle Kochanowicz – Kittery 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 11/7/2023.

Moved by Chief Rumsey and seconded by Dep. Chief Bushey. **Motion Carried.**

13. Officer Thomas Lauzon - Westbrook 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 8/15/2023.

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

14. Officer Corey J. Maloney - Ashland Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Crash Reporting Training and the Maine Law Enforcement Officer’s Certification Examination by 9/26/2023.

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

15. Deputy Evan Souza - York County Sheriff’s Office

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Crash Reporting Training and the Maine Law Enforcement Officer’s Certification Examination by 1/23/2024.

Moved by Sgt. Ryder and seconded by Sheriff Nichols. **Motion Carried.**

16. Officer Troy Stanwood – Bar Harbor Police Department

MOTION: To approve the Basic Law Enforcement Training Program Waiver, pending successful completion of the Maine Crash Reporting Training and the Maine Law Enforcement Officer’s Certification Examination by 1/22/2024.

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

B. Basic Law Enforcement Training Program Extension Requests:

Assistant Director Peck presented the following Basic Law Enforcement Training Program Extension Requests.

1. Officer Cameron Valentine – Old Orchard Beach Police Department

MOTION: To approve the 180-day Basic Law Enforcement Training Program Waiver Extension so that he can attend the August 2023 BLETP.

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

C. Basic Corrections Training Program Waiver Request:

None at this time.

D. Basic Corrections Training Program Extension Requests:

Assistant Director Peck presented the following Basic Corrections Training Program Extension Requests.

1. Correction Officer Andre P. Elbreisus – Knox County Jail

MOTION: To deny a Basic Corrections Training Program Extension Waiver.

Moved by Chief Rumsey and seconded Sheriff Nichols. **Motion Carried.**

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: Interpersonal Communication Skills

Kevin Kidd from DOC gave an overview of the Interpersonal Communication Skills 24-hr. Course to be added to the Basic Corrections Training Program. Eight hours would be classroom instruction and 16 hours would be hands-on roll playing.

MOTION: To approve the Interpersonal Communication Skills course as presented

Moved by Mr. Mendoza and seconded Col. Scott. **Motion Carried.**

H. Course/Program completion Certifications issued by the Director.

Assistant Director Peck presented the list of the 101 certifications that were issued since the last Board Meeting on January 27, 2023.

MOTION: To accept the Certifications that were issued by Director Desjardins on behalf of the Board since the Board meeting held on January 27, 2023.

Motion made by Det. Blodgett and seconded by Chief Rumsey. **Motion Carried.**

Assistant Director Peck presented the list of the 27 certifications that were suspended since the last Board Meeting on January 27, 2023.

MOTION: To accept the Certifications that were suspended by Director Desjardins on behalf of the Board since the Board meeting held on January 27, 2023.

Motion made by Det. Blodgett and seconded by Chief Rumsey. **Motion Carried.**

V. Item Five on the Agenda: Committee Reports

A. Complaint Committee: Chief Charles Rumsey

Chief Rumsey told the Board that the CRC met on February 2/16/2023 and held a number of Informal Conferences. He stated that they would present 10 cases today and that would include two cases not able to be heard at the January meeting. He said that after today's presentation they would be left with 5 cases plus any that have been submitted to the Director since the January meeting.

B. Administrative Rules Committee: Colonel Dan Scott

Col. Scott reviewed some of what was spoken about at the January meeting and presented a potential draft of Chapter 28: Minimum Standards for Mandated Policy on Standards of Conduct for an Applicant for a Certificate and a Certificate Holder. The Committee wanted to center this draft around three subjects. A. The State of Maine's Harassment Policy, B. Truthfulness and the absence of bias in all matters, and C. to maintain and keep all information confidential. Col. Scott stated that any gross deviations in these 3 areas of conduct would require a mandatory report to the Board. He wanted to make sure the Board members understood this draft and if they had any questions or comments regarding it before the Rules Committee got together with Attorney Black to get it out for official public comment and continued with the whole rule making process.

Col. Scott asked if the Board members if they thought it would be a good idea, for transparency, to send a letter out to interested parties, such as the Maine Chiefs/Sheriffs, the unions, etc., before the public comment session for transparency. Chair Pellerin said that he thought this would be good, as they might get some feedback that they hadn't thought of. The rest of the members agreed that this was something that should be done.

C. Law Enforcement Training Committee: Sergeant Lincoln Ryder

No report at this time.

D. Corrections Training Committee: Scott Landry

Mr. Landry told the Board that there was not much new to report. The Corrections Training Committee was still working on the curricular, making changes and updates for such topics as Professionalism, Ethics and Constitutional Civil Rights.

E. Policy Standards Committee: Dep. Chief David Bushey

Dep. Chief Bushey stated that at the January meeting, Chair Pellerin had asked the Committee to start the process of going through the 40 Specifications listed on the Academy website to review and make any revisions that needed to be made. The Committee started by going through them, having the Academy staff do their checks and found that S4 and S4-A may need a few revisions. He then spoke about Specification S-14 the Advanced Training Certificate. The Academy staff made suggestions of a few word changes to read: “*Have, or has held,*” in lines 5, 6 and 9. He asked that they vote on these changes during New Business.

VI. Item Six on the Agenda: Report from the Chair – Chair Brian Pellerin

Although Director Desjardins is not here with us at today’s meeting, I wanted to offer my congratulations to him on his new role as Director of the Maine Drug Enforcement Agency. Assistant Director Jack Peck will be overseeing the daily operations of the Academy until a new Director is found and it is my understanding that this process has already begun.

The legislature is currently considering LD 673 which will directly impact the Academy and more specifically the BLETP. I would encourage the Board to discuss the bill at today’s meeting and come to a consensus of whether or not this Board would support or oppose this bill and present testimony before the legislature.

The Strategic Development Planning process through Slalom is active and underway. We expect the analysis and development process will be wrapping up by late spring and we will have our final report in either late May or early June.

Reminder to the Board that our annual elections will take place at our next meeting in May.

MOTION: To propose that the Board of Trustees take the position in opposition of LD 673 and that we, as part of that opposition, indicate that we are waiting on a robust process that is currently underway with the strategic planning that will help us make an informed decision about the future set-up, including residential vs. non-residential programs at the Academy.

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

AMENDED MOTION: To propose that the Board of Trustees take the position in opposition of LD 673 and that we, as part of that opposition, indicate that we are waiting on a robust process that is currently underway with the strategic planning that will help us make an informed decision about the future set-up, including residential vs. non-residential programs at the Academy. It is further proposed that the Board encourage all voices to participate in the strategic plan process.

Motion made by Mr. Poore and seconded by Sgt. Ryder.

Chair Pellerin requested that they take a short break at 10:55 a.m. Meeting resumed at 11:01 a.m.

VII. Item Seven on the Agenda: Report from the Director – Assistant Director Jack Peck

On February 13th MCJA Director Rick Desjardins was selected as the Director of the Maine Drug Enforcement Agency. I will be managing the day-to-day operations and Director Desjardins will remain the Director and meet all statutory requirements until a replacement is named.

The 43rd Basic Law Enforcement Training Program (BLETP) began on January 17th. This program will run for eighteen weeks and the class will graduate on May 19th.

- Seventy Cadets from across the State of Maine started the program after meeting the MCJA entrance standards. Those standards consisted of a background check, poly and psychological evaluation and physical agility test, amongst other administrative checks.
- The class currently has sixty-six Cadets. All that have left the program have done so voluntarily.
- Only five potential Cadets did not make it into the BLETP due to the cut-off of seventy during the opening week. These five will be placed on the list for the next BLETP which is scheduled to begin in August.
- (Started with 112)
- The Cadets are from all over the State of Maine from Ft. Kent to Kittery and Baileyville to the east and Fryeburg to the west.
- Fifty-one law enforcement agencies are represented in this class.
- Half-way point today. End of week nine. Class officers were elected. Mid-term exam next week.
- Two more weeks of classroom and then the range weeks will start. Range weeks consist of firearms, EVOC and OUI/SFST

The 73rd Basic Correction Training Programs (BCTP) graduated on February 27th.

- The program was five weeks long and was held in Vassalboro and six other remote sites throughout the state.
- Thirty graduates from nine county jails, the Maine State Prison and Mountain View Correctional facility.
- Good representation of women with seven. One was chosen as the class speaker and another had the highest exam grade with a ninety-seven
- Sheriff Ken Mason MSP Warden Marty Magnusson were keynote speakers

In-service and specialized training programs that were offered in January and February included:

- Drug recognition Expert
- Interactive Use of Force Instructor
- Methods of Instruction
- Standardized Field Sobriety
- Physical Fitness Testing Protocols
- Busy campus right now with SP RTT, COTA and the AWS

Building update

Over the next several years leaking roofs that have closed parts of the Cadet housing quarters and exposed the Computer Crimes Units server room will be addressed. Also, an upgrade on one of the buildings to increase our capacity to house more Cadets and in-service students. Notified that the State will be seeking additional bond money on the future in the amount of approx. 7 million dollars. First round was three million.

Met with the principal members of Dirigo Safety to move forward with the Rulemaking. Process. They will be working on any matters such as officer misconduct, removal of a cadet from the academy and other procedural issues. They will also start with the Specs that were approved today.

Very excited to have a contract finalized late yesterday afternoon with Slalom. This is the management consulting company that was chosen to conduct the strategic planning for the MCJA. We have been meeting almost every day for the two last weeks. We have already provided them information on the board structure, policies, procedures and practices and the last five annual reports to the legislature.

We will hold a kick-off meeting on Monday afternoon with Commissioner Sauschuck, Chair Pellerin, myself and the MDEA Director. I have invited the Slalom team to our next Board meeting in May.

James Lyman officially retired on February 28th. Longest tenured employee here at the academy. Started working at the academy in 2003 back on Silver Street in Waterville. Jim actually started his career in 1982 as a Prison Guard at the MSP and worked for years for sixteen years for the Bureau of Liquor Enforcement before it was disbanded in 2003.

End of year reports are almost completed and will be ready and made available by April 1st Very time consuming for the staff and I will give a more thorough update under new business.

Chair Pellerin requested that the vote for The Specification edits in Old Business be taken out of order, as Dep. Chief Bushey had an appointment and would have to leave the meeting early.

VIII. Item Eight on the Agenda: Old Business

A. Specification Revisions and Changes

MOTION: To accept the reviews of Specifications 1, 2, 6, 7, 8, 9 and 10.

Motion made by Sgt. Ryder and seconded by Mr. Mendoza. **Motion Carried.**

MOTION: To accept the word changes to read: “*Have, or has held,*” in lines 5, 6 and 9. that the Academy Staff made to Specification-14.

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

B. Adjudicatory Hearing recommendation CRC# 2022-002

MOTION: To accept the recommended decision modifying the terminology of certificate holder to applicant.

Motion made by Sgt. Ryder and seconded by Ms. Stark.

Motion Carried with Mr. Mendoza and Mr. Landry recusing themselves from the vote.

At 11:30 p.m. Chair Pellerin requested they break for lunch. Meeting resumed at 11:55 p.m.

IX. Item Nine on the Agenda: New Business

A. Update on End-of-Year Report – Assistant Director Peck

Assistant Director Peck told the Board that all but one of the 189 agencies had returned their end-of-year paperwork into the Academy staff. 2022 saw an increase in both law enforcement and corrections who became certified officers. There are 311 LEO positions still vacant and 315 CO positions still vacant throughout the state.

B. Deadly Force Review Panel Report – Ms. Stark

Ms. Stark gave an overview of the last Deadly Force Panel Review. She stated that most of these incidents involved individuals in a mental health crisis and/or having a substance disorder. They frequently occur in rural Maine, 100 percent are male, 80% have a criminal history, 100% had weapons at hand, 63% were using their weapons during the incident and 84% were known by their family or friends to be violent. She stated that this panel always looks at each incident to see if less than lethal weaponry was used and if it was, why it didn't work. As this has been the case in many of the incidents, she thinks that more training regarding the limitations of this type of weaponry may be helpful.

Ms. Stark mentioned that the members of the panel are scheduled to talk to the Judiciary Committee next week to formally present this report and to have a conversation regarding the blue paper and yellow flag laws.

The panel has been talking a lot about the care and attention of officers that have had to use deadly force appreciating the devastating impact it has on the officer. They have surveyed the departments of these cases just to hear what impact the panel's report, and their own internal reviews are having on the department. She said that the overall the response was very positive. Many saying that they had made changes in their practices, particularly in coordination with the mental health agencies.

Ms. Stark said the panel has made a few recommendations for the Board of Trustees. One being additional attention to the LEPS training curriculum and how that really interfaces with the training requirements.

C. Complaint Committee Cases

At this time Chair Pellerin requested that the Board go into executive session.

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 Chief Rumsey and seconded by Sgt. Ryder.

Motion Carried Unanimously at 12:19 p.m. The meeting reconvened at 1:07 p.m.

1. Board Case 2018-026

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the Corrections Officer's Certification.

Motion made by Sgt. Ryder and seconded by Ms. Stark.

Motion Carried with Mr. Mendoza and Mr. Landry recusing themselves. For the discussion both gentlemen left the room at 12:19 p.m. and returned at 12:35 p.m.

2. Board Case 2022-030

MOTION: To offer a consent agreement to this corrections officer who pleaded guilty pursuant to a deferred disposition of the Class D crime of OUI. Certificate holder had a prior OUI conviction. The consent agreement would impose a reprimand and 3-year period of probation during which for the first 365 days he would have to abstain from alcohol and be subject to a contract with Sober link Healthcare that would require him to undergo 4 breathalyzer tests each day. If he declined to sign the consent agreement, the Board would issue a letter of revocation with opportunity for hearing.

Motion made by Sgt. Ryder and seconded by Ms. Stark.

Motion Carried with Mr. Mendoza and Mr. Landry recusing themselves. For the discussion both gentlemen left the room at 12:19 p.m. and returned at 12:35 p.m.

3. Board Case 2022-035

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the Corrections Officer's Certification of eligibility with the opportunity of a hearing and the ability to sign the previously issued Consent Agreement.

Motion made by Det. Blodgett and seconded by Col. Ross. **Motion Carried**

4. Board Case 2022-039

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the Law Enforcement Officer's Certification of eligibility for disqualifying conduct of Domestic Violence.

Motion made by Sgt. Ryder and seconded by Mr. Mendoza.
Motion Carried.

5. Board Case 2022-042

MOTION: To accept the recommendation of the Complaint Review Committee to grant the waiver.

Motion made by Mr. Mendoza and seconded by Sgt. Ryder. **Motion carried.**

6. Board Case 2022-044

MOTION: To accept the recommendation of the Complaint Review Committee to revoke the Law Enforcement Officer's Certification of eligibility.

Motion made by Sgt. Ryder and seconded by Col. Ross. **Motion Carried.**

7. Board Case 2022-045

MOTION: To accept the recommendation of the Complaint Review Committee to dismiss this case, as there is no action needed.

Motion made by Sgt. Ryder and seconded by Col. Ross. **Motion Carried.**

8. Board Case 2023-001

No Action needed.

9. Board Case 2023-002

MOTION: To accept the recommendation of the Complaint Review Committee to grant the waiver with a Letter of Guidance.

Motion made by Mr. Mendoza and seconded by Sgt. Ryder. **Motion Carried.**

10. Board Case 2023-003

MOTION: To accept the recommendation of the Complaint Review Committee to enter into a Consent Agreement that would impose a reprimand and a revocation of the officer's Law Enforcement Certification.

Motion made by Sgt. Ryder and seconded by Mr. Mendoza. **Motion Carried.**

11. Board Case 2023-004

MOTION: To accept the recommendation of the Complaint Review Committee to deny the waiver.

Motion made by Sgt. Ryder and seconded by Mr. Mendoza. **Motion Carried.**

X. Item Ten on the Agenda: Adjournment

Chair Pellerin called for a motion to adjourn.

MOTION: To adjourn the March 27, 2023 Maine Criminal Justice Academy Board of Trustees Meeting at 1:21 p.m.

Motion made by Mr. Mendoza and seconded by Ms. Ward Saxl.

Motion Carried.


Charles J. Rumsey, IV