

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, January 13, 2017.

**Board Members Attending:**

Dir. Larry Austin  
Deputy Chief Amy Berry – Chair  
Det. Seth Blodgett  
Mr. Richard Davis  
Dean Marie Hansen  
Commissioner John Morris  
Sheriff Scott Nichols  
Special Agent Brian Pellerin  
Mr. Tom Peters  
DA Geoffrey Rushlau  
Sgt. Lincoln Ryder  
Ms. Elizabeth Ward Saxl  
Colonel Joel Wilkinson  
Colonel Robert Williams

**Board Members Excused:**

Ms. Kimberly Gore  
Officer Levon Travis

**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 9:02 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 November 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.

Let the record reflect that the November 2016 Board Minutes should have read under the heading of adjournment “the next meeting is scheduled for January 13, 2017” in place of 2016.

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

**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 officer to receive a Basic Law Enforcement Training Program Extension:

1. Deputy Kenneth A. York – Penobscot County Sheriff’s Office

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

Moved by Mr. Davis 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:**

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

1. Officer Daniel Nicol – Washington County Jail

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

Moved by Sgt. Ryder and seconded by Director Austin.

Motion carried.

**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 officer to receive a Part-time Law Enforcement 1040 hour extension:

1. Officer William Kelloway – Berwick Police Department

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

Moved by Ms. Ward Saxl and seconded by Special Agent Pellerin.

Motion carried.

**G. Course Certification Requests:**

1. None at this time.

**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: Mr. Tom Peters**

Mr. Peters reported the Complaint Committee has met and there are currently 17 cases pending. There will be 6 cases presented at the meeting today.

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

Special Agent Pellerin stated the committee is awaiting a draft of the revised Polygraph form from State Police for review. Otherwise, there is nothing to report.

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

Sgt. Ryder stated there is nothing to report at this time. Discussion turned to Asst. Dir. Desjardins regarding progress on the Leadership and Supervision course currently under construction. Asst. Dir. Desjardins said the “foundation blocks” are in place and the lesson plans will be built next.

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

Dir. Austin is currently working with Asst. Dir. Desjardins regarding the new BCTP curriculum and the plan is to examine the effects of the new training. The primary mission of the committee is to review feedback on the training and implement changes if needed.

**E. Policy Standards Committee: Chair Amy J. Berry**

Chair Berry reported the Unmanned Aerial Vehicle Policy is currently being reviewed by the Attorney General’s Office. She presented changes made to the Domestic Violence Policy (**handout: Page 3, #24**).

**MOTION: To approve the Domestic Violence Policy as written with changes.**

Moved by Ms. Ward Saxl and seconded by Colonel Wilkinson.

Motion carried.

Let the record reflect that Colonel Williams entered the meeting at 9:19 a.m.

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

The Chair attended the BLETP graduation on December 16<sup>th</sup>, and as always, it was well-attended and impressive. The Chair has been in contact with the Director about various Board matters, including a discussion about making an accommodation on the Alert test for those for whom English is not their primary language. Today's handouts include the results from an email query that the Director sent through IADLEST to get a sense of what other academies are doing. The specific circumstances that were given as examples have resolved themselves because the candidates were eventually able to pass the Alert test on the third or subsequent attempt without extra time, but the Board needs to have something in place for the next time the question is raised and in the interest of promoting diversity.

Another issue that the Board needs to keep in mind is granting extensions to part time officers who will exceed the 1040-hour limit. It is not a problem until later in the year, and the Board resolved the problem in December. As AAG Black explained in December, the Board cannot delegate discretionary authority to the Director, but the Board could establish a specific set of circumstances where certain criteria are met to allow the Director to act on a specific request without the Board's approval to allow an extension until the next Board meeting.

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

**1. General Items:**

- As you can see, we have new Board chairs to go along with new chairs in the cafeteria and new tables and chairs in the 2 large classrooms. I have purchased a portable "shoot house" which should be delivered in March, along with several other pieces of training equipment for the classroom and the tactical center.
- The annual reports were sent out on December 10, 2016, with a new UAV report that I will include in the report to the legislature. I have also asked the CLEO's to enter and/or correct both the email addresses and gender status as well a new notarized P/T Officer log.
- We held annual Christmas party for all employees in the building with a pot luck lunch and a Yankee swap. I believe all had a good time.
- Housing is very tight with the SP Post School and the Maine Warden Advance Academy this spring.
- I will be the keynote speaker at an appreciation Elks dinner tomorrow night for first responders in Franklin County.

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

- On 12/16/2016 the 31<sup>st</sup> BLETP had all 61 members graduate. We lost 5 along the way, and AG Janet Mills was the keynote speaker.
- For the 32<sup>nd</sup> BLETP, I have 4 returning Cadre and 2 new ones, Officer Dustin Tierney from Bar Harbor PD and Det. Kenneth Charles from the Franklin County SO.
- I will start the 32<sup>nd</sup> BLETP on 1/17/2017 with 64 that qualified, plus 1 on the waiting list in case someone quits in the 1<sup>st</sup> week. I started with 134 names and/or John Doe slots. 13 women and 1 tuition student
- **Need Vote:** Under New Business, I would like to recommend that the Board accept the gift of a new patch table, located in the BLETP billet area from the 30<sup>th</sup> BLETP as their legacy gift. The donation has to be accepted by the Board per, 25 M.R.S. §2803-A (17).
- **Need Vote:** Under New Business, I would like to recommend that the Board accept the gift a new Cadre dining room table, located in the BLETP dining room the 31<sup>st</sup> BLETP as their legacy gift. The donation has to be accepted by the Board per, 25 M.R.S. §2803-A (17).

**3. MCJA Budget Issues:**

- The MCJA FY 18/19 budget was submitted on 9/1/2016 by Commissioner Morris and Governor LePage submitted it to the Legislature on 1/11/2017.

**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. 23 – Basic Corrections Training Program Certifications
  - b. 1 – Law Enforcement Office Intermediate Certification
  - c. 1 – Law Enforcement Advanced Certification
  - d. 1 – Crisis Negotiator Certification
  - e. 61 – Basic Law Enforcement Training Program Certifications
  - f. 14 – Breath Testing Device Instructor Certifications
  - g. 2 – Law Enforcement Executive Certification
  
- **Need Vote:** Under New Business, I would like to recommend that the Board vote for the 2017 Basic Law Enforcement Training Program (BLETP) Reimbursement Rate, per 25 M.R.S. §2808(1) (C) to stay the same at \$30,000, as it has been since 2010, effective 1/1/2017. **(See handout)**
- **Need Vote:** Under New Business, I would like to recommend that the Board vote for the 2017 Basic Corrections Training Program (BCTP) Reimbursement Rate, per 25 M.R.S. §2808-A (1) (C) to stay the same at \$10,000, as it has been since 2016, effective 1/1/2017. **(See handout)**
- Chair Berry and I have had discussion of the Alert Test, as it relates to allowing 50% more time for people who have English as a 2<sup>nd</sup> language. I do not know of any law that would require it, such as the ADA law. With the ADA law, we regularly grant 50% more time for any person requesting it who brings in supporting documentation. In 2016, we gave 1001 Alert Tests with 13 ADA requests for additional time. I sent out a survey to the 50 POST Directors and 13 responded. **(See handout)**
- Annually, each Department has to report to the Legislature the FOIA requests. MCJA had 993 official record requests in 2016, up from 815 in 2015 (21.84% increase). Of the 993 record requests, 184 were official FOAA requests where the request quoted the statute. This takes 3-4 hours each week to deal with. Our actual costs were \$3,111.44, and we were allowed to be reimbursed only \$1,837.20.
- Training Coordinator Jim Lyman has been our representatives to the Report to the Highways Safety Committee on the Marijuana Legalization Act. In response, we have trained 442 people in the 2 day ARIDE program and are working with regional training reps to schedule more classes around the state.

**MOTION: To accept all certifications listed as a handout, dates of November 18, 2016, through January 13, 2017 (handout to be attached to minutes).**

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

Motion carried.

**MOTION: To accept a legacy gift of a wooden patch table presented to MCJA by the 30<sup>th</sup> BLETP class members.**

Moved by Mr. Peters and seconded by Colonel Wilkinson.

Motion carried.

**MOTION: To accept a legacy gift of a dining room table presented to MCJA by the 31<sup>st</sup> BLETP class members.**

Moved by Mr. Peters and seconded by Colonel Wilkinson.

Motion carried.

1. 2017 Basic Law Enforcement Training Program Reimbursement Rates

**MOTION: To accept the 2017 Basic Law Enforcement Training Program Reimbursement Rates.**

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

Motion carried.

2. 2017 Basic Corrections Training Program Reimbursement Rates

Change 2017 rates from 119.32% increase to 0.0% increase on the handout.

**MOTION: To accept the 2017 Basic Corrections Program Reimbursement Rates.**

Moved by Dir. Austin and seconded by Col. Wilkinson.

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:**

3. Election of MCJA Board Vice-chair

**MOTION: To nominate Special Agent Pellerin for the position of Interim Vice-chair.**

Moved by Col. Wilkinson and seconded by Dir. Austin.

**MOTION: To nominate Sgt. Ryder for the position of Interim Vice-chair.**

Moved by Mr. Davis and seconded by Commissioner Morris.

**MOTION: To cease to nominate.**

Moved by Ms. Hansen and seconded by Ms. Ward Saxl.

**MOTION: To accept the interim election of Special Agent Pellerin as Vice-chair of the Board.**

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

Motion carried.

The annual election will be held at the May 2017 meeting.

4. 2017 MCJA Board Meeting Dates

January 13, 2017/March 10, 2017/May 12, 2017/July 14, 2017/September 15, 2017/November 17, 2017

5. Implicit Bias JPMA Class – Sgt. Ryder

Sgt. Ryder asked that Implicit Bias be placed on the agenda per his Chief who had concerns regarding one of the questions in the class. The overall issue in the past calendar year was Question #4 being an overly broad

statement. Sgt. Ryder would like access to the lesson plan for this class. Asst. Desjardins contacted JPMA and the question was reworded. The Asst. Director spoke of three different studies conducted and about some of the cultural concerns. He also talked of reactions to unconscious biases. Chair Berry remarked that Lt. Tripp conducted two trainings at South Portland Police Department and did an amazing job with a difficult subject.

A question arose regarding if Implicit Bias will be included in the Corrections Curriculum in the future. Asst. Dir. Desjardins stated it will be considered for the Curriculum.

Discussion then turned to the subject of JPMA and how we may do training differently in the future as opposed to using JPMA.

Col. Williams began a discussion about what training may be available in the subject of LGBT's. He also spoke regarding what effects transgender people may be having on law enforcement. Dir. Rogers completed the discussion with the suggestion that Col. Williams might contact Bob MacKenzie and suggest the subject of transgender as a possible mandatory LE topic in 2018-2019.

Commissioner Morris presented discussion on several current topics. Commissioner Morris gave an overview of a policy that he signed regarding marijuana and DPS employees. He signed the Prohibition on the Use and Possession of Medicinal and Recreational Marijuana by Department of Public Safety Employees Policy on January 12, 2017. He read the policy aloud to the Board members. The policy was distributed to all DPS employees via e-mail. Discussion ensued regarding such policy. Commissioner Morris said there will be a hearing next Tuesday for a moratorium on marijuana.

The Commissioner stated MCJA's budget has been submitted and approved by the Governor. It will be the end of June before we know where it stands. There are 7 new members on the Criminal Justice Committee. Commissioner Morris said he will extend an invitation to the members to visit the Maine Criminal Justice Academy.

He reported two police chiefs have submitted paperwork regarding interest in the vacant Chief of Police position on the MCJA Board of Trustees.

Lastly, he stated he has obtained funding from the Bureau of Highway Safety for every officer to attend the ARIDE (Advanced Roadside Impaired Driving Enforcement) program. There are currently 70 DRE (Drug Recognition Experts) officers in the State of Maine, with an upcoming class of 20 enrolled students.

**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 10:51 a.m.

The Board came out of Executive Session and reconvened Public Session at 12:10 p.m.

**Complaint Committee Cases:**

1. In the matter of Board Case No. 2016-022:

**MOTION: To accept the recommendation of the Complaint Committee to enter into a 3 year consent agreement that includes probation and for the first year total abstinence from alcohol for 365 days to be monitored as agreed upon.**

Moved by Mr. Davis and seconded by Col Wilkinson.

The Complaint Committee abstained from the vote.

Motion carried, with Sheriff Nichols opposed.

2. In the matter of Board Case No. 2016-023:

**MOTION: To accept the recommendation of the Complaint Committee to revoke the Certificate of Eligibility based on a conviction of Federal law.**

Moved by Mr. Davis and seconded by DA Rushlau.

The Complaint Committee abstained from the vote.

3. In the matter of Board Case No. 2016-027:

**MOTION: To accept the recommendation of the Complaint Committee to revoke the Certificate of Eligibility based on a conviction of a Class D crime.**

Moved by DA Rushlau and seconded by Sgt. Ryder.

The Complaint Committee abstained and Col. Wilkinson recused from the vote.

Motion carried.

4. In the matter of Board Case No. 2016-028:

**MOTION: To accept the recommendation of the Complaint Committee to issue a Letter of Guidance to be drafted by AAG Black.**

Moved by Col. Wilkinson and seconded by Sgt. Ryder.

The Complaint Committee abstained and Col. Williams and Commissioner Morris recused from the vote.

Motion carried.

5. In the matter of Board Case No. 2016-033:

**MOTION: To accept the recommendation of the Complaint Committee to issue a consent agreement that includes a reprimand.**

Moved by Sheriff Nichols and seconded by DA Rushlau.

The Complaint Committee abstained and Col. Williams and Commissioner Morris recused from the vote.



Motion carried.

6. In the matter of Board Case No. 2016-035:

**MOTION: To accept the recommendation of the Complaint Committee to grant the law enforcement waiver.**

Moved by Mr. Davis and seconded by Sheriff Nichols.

The Complaint Committee abstained and Dir. Austin and Ms. Hansen recused from the vote.

DA Rushlau and Sgt. Ryder opposed 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 Col. Wilkinson and seconded by Sgt. Ryder.

Motion carried.

Chair Berry adjourned the meeting at 12:20 p.m. The next meeting is scheduled for 9:00 a.m. on Friday, March 10, 2017, at the Maine Criminal Justice Academy in Vassalboro, Maine.



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Richard P. Davis