

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, July 13, 2016.

**Board Members Attending:**

Deputy Chief Amy Berry – Chair  
Det. Seth Blodgett  
Mr. Richard Davis  
Ms. Kimberly Gore  
Dr. Marie Hansen  
Dir. Gary LaPlante  
Commissioner John Morris  
Chief Bradley Paul – Vice-chair  
Special Agent Brian Pellerin  
Mr. Tom Peters  
DA Geoffrey Rushlau  
Ms. Elizabeth Ward Saxl  
Officer Levon Travis  
Major Chris Cloutier for Colonel Joel Wilkinson  
Colonel Robert Williams

**Board Members Excused:**

Sheriff Scott Nichols  
Sgt. Lincoln Ryder

**Participants:**

Director John B. Rogers  
Asst. Director Rick Desjardins  
AAG Andrew Black

**Guests:**

Chief Edward J. Googins, South Portland Police Department  
Officer Scott Study, South Portland Police Department  
Officer Daniel Clowes, Hallowell Police Department  
Chief Eric Nason, Hallowell Police Department  
Trooper Recruit Tyler Martin, Maine State Police  
Ms. Rosalie Morin, Mountain View Youth Development Center  
Sheriff Jeffrey Trafton, Waldo County Sheriff's Office  
Deputy Andrew Mulligan, Waldo County Sheriff's Office  
Chief Douglas Bracy, York Police Department  
Officer Ben Ogden, York Police Department

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

Chair Amy Berry called the meeting to order at 9:00 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. The Board members introduced themselves for the benefit of guests in attendance. Chair Berry welcomed Ms. Kimberly Gore as the newly appointed Board member replacing Ms. Cynthia Montgomery.

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

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

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

Motion carried.

Let the record reflect that Colonel Williams entered the meeting at 9:12 a.m. and Commissioner Morris arrived at 9:16 a.m.

**IV. Item Four on the Agenda: Certifications:**

**A. Basic Law Enforcement Training Program Waiver Requests:**

Asst. Dir. Rick Desjardins presented a request for the following officers to receive a Basic Law Enforcement Training Program waiver:

1. Deputy Andrew Mulligan – Waldo County Sheriff’s Office

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

Moved by Vice-chair Chief Paul and seconded by Det. Blodgett.

Motion carried.

2. Officer Daniel Clowes – Hallowell Police Department

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

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

Motion carried. Mr. Tom Peters asked the record reflect that the mandatory training handout should read 2015 and not 2016.

3. Trooper Recruit Tyler Martin –Maine State Police

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

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

Motion carried.

4. Officer Scott Study – South Portland Police Department

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

Moved by Mr. Davis and seconded by Dr. Hansen.

Motion carried.

**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 Maggie Lane – Buxton Police Department

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

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

Motion carried.

Let the record reflect that Chief Bracy and Officer Benjamin Ogden of York Police Department entered the meeting at 9:34 p.m. regarding a BLETP waiver.

**RE: Basic Law Enforcement Training Program waiver: out of order on the agenda**

Asst. Dir. Rick Desjardins presented a request for the following officer to receive a Basic Law Enforcement Training Program waiver:

5. Officer Benjamin Ogden – York Police Department

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

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

Motion carried.

2. Officer John Keniston – Penobscot Nation Police Department

**MOTION:**                    **To approve the above-listed officer for BLETP extension with the condition the Chief of the agency provides a Polygraph and a Psychological form by September 4, 2016 as part of entrance standards required to attend the BLETP.**

Moved by Mr. Peters and seconded by Vice-Chair Chief Paul.

Motion carried.

3. Deputy Justin Hills – Knox County Sheriff's Office

**MOTION:**                    **To conditionally approve the above-listed officer for BLETP extension with the conditions of receiving a Polygraph form, a Psychological form, a Medical form and a completed and passed MCJA Physical Fitness test in order to meet the entrance standards of the BLETP.**

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

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. 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 Cody Fenderson – Fort Fairfield Police Department
2. Officer Roger Smith- Penobscot Nation Police Department
3. Officer David Boxwell – Milo Police Department
4. Officer Michael Boucher – Gouldsboro Police Department (**handout**)
5. Officer Kenneth Schuurman – Winter Harbor Police Department (**handout**)

**MOTION:**                    **To approve the above-listed officers for Part-time Law Enforcement 1040 Hour Extension (with handouts on Schuurman and Boucher).**

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

Motion carried.

**F. Course Certification Requests:**

1. None at this time.

**V. Item Five on the Agenda: Criminal Convictions/Conduct Waiver Requests:**

1. None at this time.

**X. New Business: Chair Amy J. Berry (out of order per agenda)**

Ms. Ward Saxl requested an item on the agenda be taken out of order to hear Ms. Rosalie Morin, Mountain View Youth Development Center, sooner in the meeting. Ms. Morin presented the 2017 Mandatory In-Service Training for Corrections as recommended by the Corrections Advisory Council.

**In 2017, all Correctional Officers will complete training in:**

1. New Law Updates – material to be provided by the Attorney General’s Office to include case review on relevant case material if there are no new laws.
2. Mechanics of Effective Restraint & Control – Module 3
3. Transgender Inmates
4. One (1) elective topic of choice – each facility will choose (1) topic in area of need for them. The topic cannot be topics required by OSHA, Department of Labor or by Detention and Correctional Standards for County Jails.

Recommendation: Approve the recommendations of the Corrections Advisory Council.

**MOTION: To accept the above recommendations as mandatory Corrections training for 2017.**

Moved by Ms. Ward Saxl and seconded by Mr. Davis.

Motion carried.

**VI. Item Six on the Agenda: Committee Reports**

**A. Complaint Committee: Vice-chair Chief Bradley Paul**

Vice-chair Chief Paul reported the Complaint Committee will present 9 cases in Executive Session today. The committee will meet again on July 21, 2016 to review 7 additional cases.

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

Special Agent Pellerin stated there is nothing to report at this time.

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

Dr. Marie Hansen gave report in Sgt. Ryder’s absence. Dr. Hansen discussed the survey that had been sent to officers in the state.

**D. Corrections Training Committee: Director Gary LaPlante**

Dir. LaPlante said the committee has not recently met. He discussed the recent five week Corrections training held at the Maine Criminal Justice Academy. There were 2 cadre from Kennebec County Sheriff’s Office and 3 from Dir. LaPlante’s staff for the five week training. There were 32 “New Hires” and 18 “Interns” that attended the training.

Dir. LaPlante reported the new program has been in progress for one year now and has been a success. The new training has shown marked positive and professional changes. A graduation was held for the students on the last day of their training which was a highlight for the class.

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

Vice-chair Chief Paul gave report for suggested revisions of two policies: Police Pursuit Policy and Domestic Violence Policy.

It was recommended to change the wording for #22, page 3 in the Domestic Violence Policy dated 7/15/2016.

**MOTION: To accept the above revision as noted in the handout.**

Moved by Mr. Peters and seconded by Dr. Hansen.

Motion carried.

It was recommended to accept the addition of verbiage, now listed as #4, on the Police Pursuit Policy.

**MOTION: To accept the above revision as noted in the handout.**

Moved by Mr. Davis and seconded by Ms. Ward Saxl.

Motion carried.

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

The Chair reported attending the BLETP graduation on May 20<sup>th</sup>, which was well-attended and as impressive as usual. The Chair also attended the BCOR graduation on June 27<sup>th</sup>, which was the largest class to date and the first class to complete the revised training program that included cadre from Maine DOC and Kennebec County. This was also well-attended and impressive. The Chair congratulated Director LaPlante on the success of the program and acknowledged the amount of work that had been done to revise the curriculum and to enhance the professionalism of the program and the corrections officers who completed the training. The Chair attended the “Blue Courage” training that was presented at the Maine Chiefs summer meeting and commented

that the training is timely, is geared towards officers on the street and the culture of their local agencies, and has limited application to the BLETP curriculum. Board Policy#1 on Polygraphs will be revised after the Polygraph Advisory Board and the Administrative Rules and Specifications Committee have discussed and reviewed the changes. The Chair reported that several Board members had received an email from a person seeking revocation of the certificates of three officers; Assistant AG Black will assist the Chair in drafting a response, so there is no need for other Board members to respond to the email.

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

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

- **Need Vote:** Under New Business, I would like to recommend that the Board accept the gift of a patch table 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).
- Training Coordinator Jack Murphy retired after 20 years with the State (19 here at MCJA). June 16<sup>th</sup> was his last day. We have advertised and 18 applied, of which 8 will be interviewed on July 20 and 21, 2016.
- I filed notice with the Secretary of State for potential Board administrative rulemaking, as the deadline is 8/8/2016. I do this every year as a requirement, regardless of whether any rules are changed or not. I'm hoping to revisit the outdated Board Rules this year.

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

- The 30<sup>th</sup> BLETP with 63 new officers graduated on 5/20/2016. Gov. Paul R. LePage was the keynote speaker.
- As of today, I have had 90 names and/or John Doe slots requests (down from 136 requests) for the 31<sup>st</sup> BLETP, which starts in 08/15/2016. The class of 60 -64 will be picked on 7/29/2016. I'm hoping there will be no waiting list. As of today, there are 20 officers who have already been hired and their CLEO's want them in the 32<sup>nd</sup> BLETP that starts in January of 2017.
- I have picked the Cadre Staff for the next BLETP. Returning are Sgt. Joseph Mills and Sgt. Scott Hamilton from the Maine State Police, Off. Jeremy Somma from Lewiston PD, and Dep. Cody Laite from Waldo County SO. New to this class will be Warden Joshua Smith from the Maine Warden Service and Off. Anthony Drouin from Augusta PD.
- I will be adding a 1 hour class on car seat installation training to the BLETP and the 2 hour class on Implicit Human Biases. This will go along with the Below 100 class that was added in the last BLETP. Class adjustments will be made in other areas to accommodate the time.

### **3. MCJA Budget Issues:**

- We are in the process of starting to prepare the FY 18 and FY 19 budget.
- **Need Vote:** Under New Business, I'm asking for 2 fee increases that were outlined in the Board packet. The first is a \$0.50 per meal increase to cover the cost of the new food contract, and the 2<sup>nd</sup> is to standardize all the Board training waivers to be \$250 each. This would fix the problem that was outlined at the last Board meeting regarding basic K-9 training waivers.

**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. 71 – Basic Corrections Training Program Certifications
  - b. 20 – Firearms Instructor Certifications
  - c. 66 – LEPS Phase II Course Completions
  - d. 6 – Drug Recognition Expert Certifications
  - e. 3 – Crash Reconstruction Specialist Certifications
  - f. 63 – Basic Law Enforcement Training Program Certifications
  - g. 5 – K-9 Patrol Team Certifications
  
- On June 2, 2016, the Maine Chiefs of Police Association hosted the “Blue Courage” training that is going on around the country. This is designed to teach officers the “guardian” vs. “warrior” mentality, starting in the basic police academies. I had 5 BLETP staff, plus Rick and I attend this training. There were also 3 Board members attending. In a nutshell, this seems to be a program that focuses more on the agency and some on Academy training, much of what we already do, such as de-escalation training, tactical breathing, ethics, CrossFit physical training, WIN (What’s Important Now), implicit human biases, nutrition, Below 100, and the history of law enforcement. We may just call it something else. I did speak to Instructor Sheriff David Dubois at the breaks about how we handle basic training in Maine. He told me that it sounds like we are covering all the bases of Blue Courage training in the BLETP and that it should be continued with the officers at their PD’s after graduation with policies and continued training on ethical decision making, stress and resilience and physical fitness, and others. My staff felt the same way.
- The 2016/2017 training calendar for upcoming training by MCJA has been put on our website.

**MOTION: To accept a “Legacy gift” of a wooden table donated to MCJA by the 30<sup>th</sup> BLETP.**

Moved by Ms. Ward Saxl and seconded by Mr. Davis.

Motion carried.

**MOTION: To accept a fee increase for the meals at MCJA for a \$4.50 salad ticket to increase to \$5.00 and for the \$8.00 meal ticket to increase to \$8.50.**

Moved by Special Agent Pellerin and seconded by Det. Blodgett.

Motion carried.

**MOTION: To accept a standardized fee of \$250.00 for all MCJA “waivers”.**

Moved by Special Agent Pellerin and seconded by Det. Blodgett.

Motion carried.



**MOTION:** To accept all certifications listed as a handout, dates of May 13, 2016 through July 15, 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.

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

**1. Adjudicatory Hearing decision on Board Case #2015-036:**

**MOTION:** To agree with the Findings of Fact, the Governing Statutes and Rules, the Conclusions of Law but disagree with the Sanctions and stick with our previous decision.

Moved by Ms. Ward Saxl and seconded by Commissioner Morris.

DA Rushlau suggested the removal of the last sentence of the second paragraph on page 9 of the Final Decision under Conclusions of Law and Sanctions.

DA Rushlau stated he supports Ms. Saxl's position and recommended the Board amend the original motion and return to the Board's original motion of revocation.

Ms. Ward Saxl accepted the amendment.

**MOTION:** To accept the Findings of Fact and Conclusion of Law but to substitute a recommendation for revocation, affirming the Board's previous decision.

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

The Complaint Committee abstained from the vote.

Motion carried.

**2. Board Policy #4- Review and Disposition of Disqualifying Conduct**

Discussion took place regarding Board Policy #4 and the rewording of the policy.

**MOTION:** To accept the Policy #4- Review and Disposition of Disqualifying Conduct with changes as noted.

Moved by Mr. LaPlante and seconded by Vice-chair Brad Paul.

Motion carried.

**3. Interim suspension of certification while Board case is pending.**

Vice-chair Chief Paul (on behalf of the Complaint Committee) recommended the committee offer to an officer the opportunity to sign an immediate consent agreement with an “interim suspension” of the certificate until the pending criminal case has been resolved. He recommended the Board Chair be granted permission to sign the agreement until such pending case is resolved.

**MOTION: To accept the offer of “interim suspension” until a Board case is resolved, with an alert to the Board it has been done.**

Moved by Vice-chair Paul and seconded by Ms. Ward Saxl.

Motion carried.

**4. Briefing on subjects by Commissioner Morris:**

1. Commissioner Morris spoke briefly on the subject of Methamphetamine Labs in the State of Maine. As of July, 2016 there have been reports of 87 “Meth Labs” discovered in Maine this year.
2. Commissioner Morris informed the Board members as to the status of jails in the State of Maine. He reported the jails are too full and suggested moving some cases to the Federal level. The Commissioner then discussed how the culture of prisoners is changing.

**5. Discussion of Voluntary Surrender process by Dir. LaPlante:**

Dir. LaPlante raised the question of developing a different process whereby an officer could agree to a voluntary surrender without a full Board review.

Dir. LaPlante also reported he has been given a new assignment in Corrections and will recommend to the Commissioner to identify one of his staff to attend the Board meetings in his place.

Vice-chair Chief Paul stated that he will be retiring towards the end of this year and the Board will need a replacement for him.

The Board recessed for lunch at 11:35 a.m.

Let the record reflect Ms. Elizabeth Ward Saxl left the meeting at 11:35 a.m.

The Board returned to the meeting at 12:16 p.m.

**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 Special Agent Pellerin.

Motion carried.

The Board moved into Executive Session at 12:17 p.m.

The Board came out of Executive Session and reconvened Public Session at 12:56 p.m.

**Complaint Committee Cases:**

1. In the matter of Board Case No. 2015-047:

**MOTION: To accept the recommendation of the Complaint Committee to issue a reprimand with a three year consent agreement with the condition that the certificate holder refrain from disqualifying conduct.**

Moved by DA Rushlau and seconded by Mr. Davis.

The Complaint Committee and Ms. Hansen abstained from the vote. Chief Paul and Special Agent Pellerin recused themselves.

Motion carried.

2. In the matter of Board Case No. 2015-049:

**MOTION: To accept the recommendation of the Complaint Committee to issue a reprimand and a three year consent agreement with the condition that the certificate holder refrain from disqualifying conduct.**

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

The Complaint Committee and Mr. LaPlante abstained from the vote.

Motion carried.

3. In the matter of Board Case No. 2016-010:

**MOTION: To accept the recommendation of the Complaint Committee to decertify.**

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

The Complaint Committee abstained from the vote.

Motion carried.

4. In the matter of Board Case No. 2016-016:

**MOTION: To accept the recommendation of the Complaint Committee to take no further action due to insufficient evidence of disqualifying conduct.**

Moved by Mr. Davis and seconded by Mr. LaPlante.

The Complaint Committee abstained from the vote.

Motion carried.

5. In the matter of Board Case No. 2015-041:

**MOTION: To accept the recommendation of the Complaint Committee to accept the consent agreement with a 90 day suspension and 3 years of probation.**

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

The Complaint Committee abstained from the vote.

Motion carried.

6. In the matter of Board Case No. 2015-043:

**MOTION: To accept the recommendation of the Complaint Committee to accept the consent agreement with a reprimand, a \$150.00 fine, and 2 years of probation.**

Moved by Mr. Davis and seconded by Mr. Travis.

The Complaint Committee abstained from the vote.

Motion carried.

7. In the matter of Board Case No. 2016-011:

**MOTION: To accept the recommendation of the Complaint Committee to accept the voluntary surrender that has already been signed.**

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

The Complaint Committee abstained from the vote.

Motion carried.

8. In the matter of Board Case No. 2016-013:

**MOTION: To accept the recommendation of the Complaint Committee to accept the consent agreement for an interim suspension of the certificate until the criminal case is resolved.**

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

The Complaint Committee and Mr. Rushlau abstained from the vote.

Motion carried.

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

**MOTION: To accept the recommendation of the Complaint Committee to accept a consent agreement with an interim suspension of the certificate until the criminal case is resolved.**

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

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

Motion carried.

Chair Berry adjourned the meeting at 1:02 p.m. The next meeting is scheduled for 9:00 a.m. on Friday, September 16, 2016, at the Maine Criminal Justice Academy in Vassalboro.



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Richard Davis, Secretary