

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 14, 2017.

Board Members Attending:

Dir. Larry Austin
Deputy Chief Amy Berry
Det. Seth Blodgett
Mr. Richard Davis
Ms. Kimberly Gore
Ms. Marie Hansen
Commissioner John Morris
Special Agent Brian Pellerin - Chair
Mr. Tom Peters II
Chief Charles Rumsey IV
Sgt. Lincoln Ryder – Vice-chair
Officer Levon Travis
Ms. Elizabeth Ward Saxl
Colonel Joel Wilkinson
Colonel Robert Williams

Board Members Excused:

Sheriff Scott Nichols

Participants:

Director John Rogers
Asst. Director Rick Desjardins
AAG Andrew Black

Guests:

Chief Kevin L. Schofield, Windham Police Department
Officer Jacob W. L. Hollis, Windham Police Department
Chief James Soucy, Kittery Police Department
Sheriff Kevin Joyce, Cumberland County Sheriff's Office
Deputy Danielle M. Spence, Cumberland County Sheriff's Office

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 asked the Board Clerk to conduct a roll call. Chair Pellerin noted a quorum was present. The Board members introduced themselves for the benefit of guests in attendance.

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

MOTION: To accept the minutes of the May 2017 Board of Trustees meeting and to be placed on file with the secretary.

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

Motion carried.

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 Danielle M. Spence – Cumberland County Sheriff’s Office (**handout**)

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

Moved by Dep. Chief Berry and seconded by Det. Blodgett.

Motion carried.

2. Chief James Soucy – Kittery Police Department (**handout**)

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

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

Motion carried.

3. Officer Jacob W.L. Hollis – Windham Police Department (**handout**)

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

Moved by Ms. Ward Saxl and seconded by Dep Chief Berry.

Motion carried.

B. Basic Law Enforcement Training Program Extension Requests:

1. None at this time.

C. Basic Corrections Training Program Waiver Requests:

1. None at this time.

D. Basic Corrections Training Program Extension Requests:

Dir. Rogers presented a request for the following officer to receive a Basic Corrections Training Program extension.

1. Officer Clayton Emery – Knox County Sheriff’s Office (**handout**)

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

Moved by Col. Wilkinson and seconded by Dep. Chief Berry.

Motion carried.

E. Law Enforcement Preservice Program Waiver Requests

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

1. Officer Rosario Cordoglio – Scarborough Police Department (**handout**)

MOTION: **To approve the above-listed officer for Law Enforcement Preservice Training Program Waiver.**

Moved by Mr. Davis and seconded by Chief Rumsey IV.

Motion carried.

2. Officer Daniel Conklin – Office of the Judicial Marshal (**handout**)

MOTION: **To approve the above-listed officer for Law Enforcement Preservice Training Program Waiver.**

Moved by Chief Rumsey IV and seconded by Det. Blodgett.

Motion carried.

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 Zachery Allen – Mt. Desert/Bar Harbor Police Department (**handout**)

MOTION: **To approve the above-listed officer for Part-time Law Enforcement 1040 Hour Extension up to an extra 640 hours.**

Moved by Mr. Peters and seconded by Mr. Davis.

Motion carried.

2. Warden Richard A. Adams –Penobscot Nation Warden Service (**handout**)

MOTION: **To approve the above-listed officer for Part-time Law Enforcement 1040 Hour Extension up to an extra 640 hours.**

Moved by Chief Rumsey IV and seconded by Mr. Davis.

Motion carried.

3. Officer Christopher C. Hast – Thomaston Police Department (**handout**)

MOTION: **To approve the above-listed officer for Part-time Law Enforcement 1040 Hour Extension up to an extra 640 hours.**

Moved by Mr. Davis and seconded by Chief Rumsey IV.

Motion carried.

G. Course Certification Requests:

Asst. Dir. Rick Desjardins presented a request for approval of the following course:

1. Breath Testing Device Site Coordinator Training (**handout**)

MOTION: **To approve the above-listed course for certification.**

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

Motion carried.

V. Item Six on the Agenda: Committee Reports

There was a handout in the Board packet listing new assignments of members of the BOT standing committees.

A. Complaint Committee: Mr. Tom Peters

Mr. Peters reported the Complaint Review Committee had 26 open cases in June. The committee met in June and will present 18 cases today, which leaves seven cases to present in the future. Mr. Peters expressed the amount of countless hours and work it takes the committee members to review these cases and Chair Pellerin thanked the Trustees for their support in this laborious task.

Chief Rumsey IV is the newest member of the committee in place of Special Agent Pellerin who has moved on to be the Chair of the Board.

B. Administrative Rules Committee: Deputy Chief Amy Berry

Chair Pellerin stated Dep. Chief Amy Berry has agreed to chair this committee in his place. Dep. Chief Berry spoke of four Specifications to be voted upon: Specification S-23, Specification S23-A, Specification S-24 and Specification 24-A. These Specifications will be voted upon under **New Business** on the Agenda.

Dep. Chief Berry said she will contact State Police regarding the progress of changes to the Polygraph Specification. Also, there is a Corrections Training Specification that Dir. Austin and Dep. Chief Berry will discuss for the next meeting. Dep. Chief Berry asked Dir. Rogers where the proposed changes to the Administrative Rules stand. Dir. Rogers said the process is at Step 5; AAG Black has them who will do a “repeal and replace”. Commissioner Morris asked if these are to be difficult changes and AAG Black told Commissioner Morris these are routine technical changes.

C. Corrections Training Committee: Director Larry Austin

Dir. Austin spoke regarding three Corrections Specifications the committee has worked on. The first Specification has proposed changes to be “more in line” with the current Corrections training requirements. The second Specification is relative to “new hires” having mandatory training and a basic introductory prior to attending the Corrections training at the Academy. The third Specification relates to proposed changes to the Corrections recertification process and will be given to Dep. Chief Berry’s committee for review.

The committee continues to work on the evaluation of the curriculum and will identify some “subject matter experts” to review the work.

Let the record reflect that Vice-chair Sgt. Ryder entered the meeting at 10:23 a.m.

D. Law Enforcement Training Committee: Sgt. Lincoln Ryder – Vice-chair

Vice-chair Sgt. Ryder asked Asst. Desjardins the status of the Supervisor Leadership class being built. Asst. Desjardins said the subject matter experts (SME’s) are working diligently on the class and he will provide a list of those experts to the Board members. Asst. Dir. Desjardins will be writing the lesson plan for the performance evaluations portion. This committee will meet today after the Board meeting and will discuss the Investigative portion of the class.

E. Policy Standards Committee: Chief Charles J. Rumsey IV

Chief Rumsey IV received a letter dated March 7, 2017 of 2017 from Lawrence C. Winger, Esq., re: Suggested Amendment of Mandatory Minimum Standard for Recording of Law Enforcement Interviews of Suspects in Serious Crimes (**handout**). Chief Rumsey IV circulated a memo to the Trustees with proposed changes of a requested review of minimum standards for the Recording of Law Enforcement Interviews of Suspects in Serious Crimes and the Preservation of Investigative Notes and Records in Such Cases Policy.

MOTION: **To accept changes to the Recording of Law Enforcement Interviews of Suspects in Serious Crimes and the Preservation of Investigative Notes and Records in Such Cases Policy amended as proposed in the handout, with amendment date of 7/14/17 and effective date of 1/1/18.**

Moved by Deputy Chief Berry and seconded by Mr. Peters.

Motion carried.

MOTION: Move to provide material received from Mr. Winger to AAG Andrew Black who can provide it to the Attorney General’s Office and the Board of Overseers for appropriate action, if any is required.

Moved by Mr. Peters and seconded by Dep. Chief Berry.

Motion carried.

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

On May 19, 2017, Chair Pellerin attended the 32nd BLETP graduation. It was a very nice ceremony and he estimated that close to a 1000 people were in attendance. Chief Edward Tolan of Falmouth PD was the Keynote Speaker. There were 58 graduates awarded certificates. What was interesting about this class is that their cumulative PT score was the highest average ever for the BLETP. Another interesting fact was that there were 13 women officers that graduated as well. The highest number yet.

On June 13, Vice Chair, Lincoln Ryder, Director John Rogers, Assistant Director Rick Desjardins and Chair Pellerin had the opportunity to sit down with former Board Chair Brian MacMaster and former Board Citizen Representative Linda Smithers. Brian and Linda gave a historical overview and background of the Board and how it has evolved over the years to become what it is today. This was well received and appreciated. The Board and the Academy have certainly come along way over the years and it was interesting to hear about the political wrangling and obstacles that had to be overcome.

Chair Pellerin hopes to be able to use some of this information provided by Brian and Linda to continue the Board’s and the Academy’s continuing upward trajectory.

Chair Pellerin stated five goals and objectives that he would like to set for the Board in the coming year. Details will follow but they include:

1. Reevaluating and strengthening the Part Time Law Enforcement LEPS training and exploring the role Part time Officers and how they are being used in the State of Maine. Some are force multipliers for larger agencies with little autonomy, some work in tourist-populated areas such as Old Orchard Beach in the summer with full time officer oversight and others are working in rural departments with limited staffing, resources and supervision. Many work as dedicated investigators for their agency or hold a supervisory rank. Should our LEPS training have graduated levels of training for the role that officer will play in their community?
2. Enhancing the training of CO’s prior to their attendance of the Basic Corrections Training Program with some type of “LEPS” styled 40-hour preservice program. Reducing the 1-year window to perhaps 6 months before BCTP is “required”.
3. Reviewing the currency and applicability of the ALERT Test in its current format. I believe firmly in the Alert Test but the Board should conduct a review to determine its need for any updating.
4. Add a mandatory review date of 3-5 years for all of the Specifications. Ideally, every specification should be reviewed at least every 3 years. Changes may not be made in that time but this would prevent some of the specifications from becoming outdated in their language and structure. Of the three dozen or so specifications a review of a third every year would create a rotation that is more manageable than all in one year every 3 years.
5. Increasing the Boards outreach and visibility to the Police and Corrections community in Maine. Not by just the Chair or Vice Chair but by all of the members. I hope to garner more support for the Academy from Departments as we rely so heavily of their support to provide training.

On June 23, Rosalie Morin, Chairwoman of the Corrections Advisory Committee notified Chair Pellerin that Sgt. Adam Campbell of the Androscoggin County SO will be replacing Sgt. Delbert Mason, who is no longer the Training Sgt. for that Department.

On June 26, Chair Pellerin attended the Graduation Ceremony of the 23rd Basic Corrections Training Program at the Academy. He was very impressed with the ceremony and estimated there were 150 to 200 guests in attendance. It was very similar to that of the BLETP ceremony on a somewhat smaller scale but the correctional administrators in attendance he thought were very impressed with the program and the increased level of professionalism. There were 26 graduates receiving their CO certificates. Sheriff Scott Kane of the Hancock County SO and Sheriff Darrell Crandall of the Aroostook County SO were the Keynote speakers.

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

1. General Items:

- LD 1322 – “An Act Regarding Mental Health First Aid Training for Corrections Personnel.” This LD has requires 20% of all CO’s having to take the MHFA training in the BCTP. I opposed because of the fiscal impact of +/- \$84K (44K to DOC and MCJA and \$40K) and an unfunded mandate to the county jails. It passed barely in the House and Senate and is now on the Appropriations Table. If funded, I believe the Governor will Veto it because of the fiscal impact and unfunded mandate.
- As you already know there was an accidental shooting here at the Academy on June 13, 2017. It involved CC Jail corrections officer Matthew Bengier taking the 9mm handgun from CC Jail corrections officer Cody Gillis while sitting in the inside of his truck in the back parking lot and accidently shooting Aroostook County Jail corrections officer Matthew Morrison in the leg just above the knee. The victim was taken to Maine General via ambulance in Augusta and then Life Flighted to Maine Medical in Portland. He spent 6 days in the hospital, had surgery and is still recovering. He is not back to work and is without insurance. The Maine State Police investigated the shooting and CCSO did an IA investigation. I understand that CO Bengier was charged with Reckless Conduct with a Firearm. Rick and I came in to look into the matter.
- We have a rule (#11) in place that states,” Law Enforcement Officers are encouraged to leave their weapons secured in their vehicles during training. Non-law enforcement officers are prohibited from bringing firearms onto Academy grounds. In no case are firearms allowed in the dormitories (billets) without the prior permission of the Academy Director.” The rules are included in each orientation book as well as gone over for each class on Day 1. They are also posted in each classroom. The BCTP program was in week #4 so the CO’s would have to walk by the posted rules every day, during every break as they came and went. After looking at this, we will be requiring a signature of acknowledgement of these rules for future BCTP’s held here at MCJA. I believe we have taken all reasonable actions to make this Academy safe.
- Yesterday in the Portland Press Herald published an article of a mother of a Biddeford murder victim who filed a federal civil rights and wrongful death lawsuit against Biddeford, Maine DPS Commissioner John Morris and several public employees and police officers. This stems from a double murder of Derrick Thompson and Alivia Welch who were killed by their landlord James Pak over a civil parking dispute. Because Commissioner Morris and in reality, the Board sets some training and policy standards, he was named. I suspect it will go away for us in summary judgement.

2. Basic Law Enforcement Training Program (BLETP):

- The 32nd BLETP ended on May 19, 2016. There were 64 Cadets that started and 53 graduated meeting all the requirements. We lost 6 along the way for varying reasons and 4 will need to come back to complete the final MARC scenario due to injuries. Chief Ed Tolan of Falmouth PD and President of the Maine Chiefs of Police Association was the commencement speaker.
- As of today, I have 92 names and/or John Doe slots down from 138 to the start for the 33rd BLETP that starts on August 14, 2017. The Orientation and PFT exam will be on July 21, 2017 and many more will be eliminated so I can get to 64 at the maximum.
- We have 5 returning Cadre for the next class. Officer Dustin Tierney of Bar Harbor PD will be replaced by Patrolman Jonathan Rogers of York PD.
- We added into the BLETP permanently the 2017 mandatory topic on “Recognition of Addiction” at the request of the Board in 2016.

3. MCJA Budget Issues:

- The MCJA Budget has passed with the extra \$117K in FY18 and \$133K in FY19 to make up the revenue shortfall due to traffic fines being way down. The bottom line is the total MCJA budget is \$1.95 million in FY 18 and \$1.97 million in FY19, down slightly from FY 17.

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. 26 – Basic Corrections Training Program Certifications
 - b. 2 – Drug Recognition Expert Certifications
 - c. 23 – Firearms Instructor Certifications
 - d. 1 – Law Enforcement Executive Certification
 - e. 5 – Law Enforcement Intermediate Certifications
 - f. 1 – Law Enforcement Advanced Certifications
 - g. 53 – Basic Law Enforcement Training Program Certifications
 - h. 62 Law Enforcement Pre-service Training Programs Certificates
- This week the staff all participated in a work project day. We cleaned and trimmed up the obstacle course, and got the reflection pool up and running.
- The roof and pointing project was completed to the \$750K limit and we had the front property bush-hogged for the first time in 5 years.

XIII. Item Nine on the Agenda: Old Business: Chair Brian Pellerin:

1. None at this time.

IX. Item Ten on the Agenda: New Business: Chair Brian Pellerin:

1. Mandatory Training Sanctions Policy MCJA Board Policy # 5 (adopted by the Board of Trustees: May 12, 2017) was circulated as a handout.
2. Subcommittee assignments (**handout**)
3. Specification S-23 - Patrol Canine (K-9) Team Certification/Recertification (**handout**)
4. Specification S-23-A - Detector Canine (K-9) Team Certification / Recertification (**handout**)
5. Specification S-24 – Canine (K-9) Team Trainer Certification (**handout**)

6. Specification S-24-A – Canine (K-9) Team Assistant Trainer Certification (handout)

7. Certifications issued from May 12, 2017 to July 14, 2017 (handout)

MOTION: **To accept all certifications listed as a handout, dates of May 12, 2017 through July 14, 2017 (handout to be attached to minutes).**

Moved by Vice-chair Sgt. Ryder and seconded by Mr. Davis.

Motion carried.

MOTION: **To accept Specification S-23, Specification S-23-A, Specification S-24 and Specification S-24-A as amended.**

Moved by Col. Wilkinson and seconded by Mr. Davis.

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 Vice-chair Ryder.

Motion carried.

The Board moved into Executive Session at 10:46 a.m. and reconvened Public Session at 11:24 am.

Complaint Committee Cases:

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

MOTION: **To accept the recommendation of the Complaint Committee to revoke the Certificate of Eligibility.**

Moved by Vice-chair Sgt. Ryder and seconded by Mr. Davis.

Motion carried.

2. In the matter of Board Case No. 2016-032:

MOTION: **To accept the recommendation of the Complaint Committee to revoke the Correctional Officer Certificate.**

Moved by Vice-chair Sgt. Ryder and seconded by Chief Rumsey IV. Dir. Austin recused from the vote.

Motion carried.

3. In the matter of Board Case No. 2017-007:

MOTION: To accept the recommendation of the Complaint Committee to issue a Letter of Guidance.

Moved by Chief Rumsey IV and seconded by Mr. Davis.

Motion carried.

4. In the matter of Board Case No. 2017-008:

MOTION: To accept the recommendation of the Complaint Committee to issue a Letter of Guidance.

Moved by Dep. Chief Berry and seconded by Chief Rumsey IV.

Motion carried.

5. In the matter of Board Case No. 2017-009:

MOTION: To accept the recommendation of the Complaint Committee to accept a three year voluntary surrender.

Moved by Vice-chair Sgt. Ryder and seconded by Mr. Davis.

Motion carried.

6. In the matter of Board Case No. 2017-010:

MOTION: To accept the recommendation of the Complaint Committee to send a Letter of Guidance to the officer.

Moved by Dep. Chief Berry and seconded by Vice-chair Sgt. Ryder.

Motion carried.

7. In the matter of Board Case No. 2017-011:

MOTION: To accept the recommendation of the Complaint Committee to revoke the Corrections Certificate.

Moved by Vice-chair Sgt. Ryder and seconded by Dep. Chief Berry.

Motion carried.

8. In the matter of Board Case No. 2017-012:

MOTION: To accept the recommendation of the Complaint Committee to revoke the Corrections Certificate.

Moved by Vice-chair Sgt. Ryder and seconded by Dep. Chief Berry.

Motion carried.

9. In the matter of Board Case No. 2017-013:

MOTION: To accept the recommendation of the Complaint Committee to revoke the Corrections Certificate.

Moved by Dep. Chief Berry and seconded by Mr. Richard Davis.

Motion carried.

10. In the matter of Board Case No. 2017-014:

MOTION: To accept the recommendation of the Complaint Committee to revoke the Corrections Certificate.

Moved by Chief Rumsey IV and seconded by Dep. Chief Berry.

Motion carried.

11. In the matter of Board Case No. 2017-015:

MOTION: To accept the recommendation of the Complaint Committee to issue a Letter of Guidance.

Moved by Mr. Davis and seconded by Dep. Chief Berry.

Motion carried.

12. In the matter of Board Case No. 2017-016:

MOTION: To accept the recommendation of the Complaint Committee to revoke the Corrections Certificate.

Moved by Vice-chair Ryder and seconded by Dep. Chief Berry.

Motion carried.

13. In the matter of Board Case No. 2017-017:

MOTION: To accept the recommendation of the Complaint Committee to revoke the Corrections Certificate.

Moved by Vice-chair Sgt. Ryder and seconded by Dep. Chief Berry.

Motion carried.

14. In the matter of Board Case No. 2017-018:

MOTION: To accept the recommendation of the Complaint Committee to revoke the Corrections Certificate.

Moved by Vice-chair Sgt. Ryder and seconded by Dep. Chief Berry.

Motion carried.

15. In the matter of Board Case No. 2017-019:

MOTION: To accept the recommendation of the Complaint Committee to accept a three year voluntary surrender of the certificate.

Moved by Mr. Davis and seconded by Vice-chair Sgt. Ryder.

Motion carried.

16. In the matter of Board Case No. 2017-023:

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

Moved by Vice-chair Sgt. Ryder and seconded by Dep. Chief Berry.

Motion carried.

17. In the matter of Board Case No. 2017-024:

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 Dep. Chief Berry. Dir. Austin recused from the vote.

Motion carried.

18. In the matter of Board Case No. 2017-025:

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 Dep. Chief Berry.

Motion carried.

X. Item Eleven on the Agenda: Adjournment

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

Moved by Vice-chair Sgt. Ryder and seconded by Dep. Chief Berry.

Motion carried.

Chair Pellerin adjourned the meeting at 11:31 p.m. The next meeting is scheduled for 9:00 a.m. on Friday, September 15, 2017 at the Maine Criminal Justice Academy in Vassalboro, Maine.

A handwritten signature in black ink that reads "Richard P. Davis". The signature is written in a cursive style with a large, prominent "R" and "D".

Richard P. Davis