

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, March 10, 2017.

Board Members Attending:

Director Larry Austin
Deputy Chief Amy Berry – Chair
Mr. Richard Davis
Ms. Kimberly Gore
Ms. Marie Hansen
Sheriff Scott Nichols
Special Agent Brian Pellerin - Vice-chair
Mr. Tom Peters II
Chief Charles Rumsey IV
DA Geoffrey Rushlau
Sergeant Lincoln Ryder
Major Christopher Cloutier for Colonel Joel Wilkinson
Colonel Robert Williams

Board Members Excused:

Detective. Seth Blodgett
Commissioner John Morris
Ms. Elizabeth Ward Saxl
Officer Levon Travis

Participants:

Director John Rogers
Assistant Director Rick Desjardins
AAG Andrew Black

Guests:

Chief Jeffrey Lange, Wiscasset Police Department
Officer Craig Worster, Wiscasset Police Department
Commander Tom Garrepy, Brunswick Police Department
Officer Kerry P. Wolongevicz, Brunswick Police Department
Chief Randy Gagne, Camden Police Department
Officer Christopher J. Hansen, Camden Police Department
Sheriff Dale P. Lancaster, Somerset County Sheriff's Office
Officer Garret M. Booth, Somerset County Sheriff's Office

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

Chair Amy Berry called the meeting to order at 9:05 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 Chief Charles Rumsey IV as the new Board member representing Chiefs of Police and presented him with a Board member pin.

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

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

Moved by Sgt. Ryder and seconded by Vice-chair Pellerin.

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. Officer Christopher J. Hansen – Camden Police Department

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

Moved by Mr. Peters and seconded by Sgt. Ryder.

Motion carried.

2. Officer Kerry P. Wolongevicz – Brunswick Police Department

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

Moved by Mr. Davis and seconded by Sgt. Ryder.

Motion carried.

3. Deputy Garrett M. Booth – Somerset County Sheriff's Office

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

Moved by Sgt. Ryder and seconded by Ms. Hansen.

Motion carried.

4. Officer Craig A. Worster – Wiscasset Police Department

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

Moved by Sgt. Ryder and seconded by Mr. Davis.

Motion carried.

B. Basic Law Enforcement Training Program Extension Requests:

Dir. Rogers presented a request for the following officers to receive a Basic Law Enforcement Training Program Extension:

1. Officer Christopher D. Dickens – Bar Harbor Police Department

MOTION: **To approve the above-listed officer for BLETP extension. (3/30/2017 – 08/14/2017)**

2. Officer Jasmine M. Cyr – Houlton Police Department

MOTION: **To approve the above-listed officer for BLETP extension. (3/31/2017 – 08/14/2017)**

Both motions moved by Mr. Peters and seconded by Sgt. Ryder.

Motion carried.

Both officers shall attend the 33rd Basic Law Enforcement Training Program, start date of 08/14/2017.

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. Law Enforcement Preservice Program Waiver Requests

1. None at this time.

F. Part-time Law Enforcement 1040 Hour Extension Requests:

1. None at this time.

G. Course Certification Requests:

Asst. Dir. Rick Desjardins presented a request for approval of the following course certification 2017 mandatory Corrections In-Service training topic:

1. Transgender Inmates – 2017 Mandatory In-service Training for Corrections.

MOTION: **To approve the above-listed course certification for 2017.**

Moved by Ms. Hansen and seconded by Sgt. Ryder.

Motion carried.

Asst. Dir. Rick Desjardins presented a request for approval of the following course certification 2017 Mandatory Law Enforcement In-Service training topic:

2. Addiction Recognition for Law Enforcement – 2017 Mandatory In-service Training for Law Enforcement.

MOTION: To approve the above-listed course certification for 2017.

Moved by Mr. Davis and seconded by Sgt. Ryder.

Motion carried.

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 14 cases pending. The committee is working its way through the system and hopes to present the influx of the cases at the next meeting (12 have sprung up because officers have not met the mandatory training requirements). Mr. Peters will speak with Dir. Rogers regarding streamlining that process. Two cases will be presented at the meeting today in Executive Session.

Mr. Peters stated that “Giglio” is becoming problematic for law enforcement officers because officers are being named in judges’ orders. He said there is no recourse, at this time, for an officer who has been tagged as “Giglio”. A long discussion ensued regarding the “Giglio” issue.

B. Administrative Rules Committee: Special Agent Brian Pellerin – Vice-chair

Vice-Chair Pellerin stated the committee will confer with Dir. Austin and Chair Berry regarding Specifications awaiting an update. There is one Specification that will probably be a “near re-write”. It is **Specification – 3** and is geared toward the old Corrections training and not the new Corrections curriculum. Vice-chair Pellerin will be presenting that Specification to the Corrections Committee. Vice-Chair Pellerin said he may have a draft for the next meeting.

Dir. Rogers said he will put a recommendation into the committee for law enforcement Specifications that also need updating. He stated the BLETP Waiver Specification is too subjective, the Judicial Marshal Specification is very outdated, as is the Capitol Police Specification.

C. Law Enforcement Training Committee: Sgt. Lincoln Ryder

Sgt. Ryder stated the committee will be meeting today after the Board meeting. Discussion turned to Asst. Dir. Desjardins regarding progress on the Leadership and Supervision course currently under construction. Asst. Dir. Desjardins said the “foundations blocks” are in place and the lesson plans shall be built next. A textbook has been identified to give the students to read prior to the start of the class. There will be a test initially at the beginning of the class.

Chair Berry discussed an “Eye Witness Identification” class that had been held recently. There will be an upcoming class in April at the Academy and Chief Massey of Waterville PD has requested 70 people be able to register for it and Chief Brooks of Norwood (MA) PD will teach it. Sgt. Ryder stated it will be held April 26 from noon – 4 p.m., Train the Trainer. The class will be free to attend and is being put on by District 4.

Dir. Rogers asked if it is geared for both patrol officers and detectives alike. Sgt. Ryder stated it has overreaching effects for both.

D. Corrections Training Committee: Director Larry Austin

Dir. Austin reported that part of the committee met in February and the full committee will meet on March 16, 2017. He met with the Academy committee members in February and they began preliminary work regarding ways to evaluate the effectiveness of the new BCTP training. Dir. Austin will be adding the Specification for Corrections Training to the agenda for the next meeting.

E. Policy Standards Committee: Chair Amy J. Berry

Chair Berry reported Chief Rumsey IV of the Cumberland Police Department and newest Board member will chair this committee as of today. She asked the Board members to approve the content, if not the format, of the Use of Unmanned Aerial Vehicles for Criminal Investigations by Law Enforcement Agencies Policy (handout). The Attorney General's Office approved it, and AAG Andrew Black stated the Policy meets all of the requirements needed for approval.

MOTION: To approve the Use of Unmanned Aerial Vehicles for Criminal Investigations by Law Enforcement Agencies Policy as written.

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

Motion carried.

Chair Berry has received a letter requesting an amendment to "Standards for the reporting of Law Enforcement Interviews of Suspects in Serious Crimes". She will forward this request to Chief Rumsey IV for review by his committee.

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

The March meeting is when the Board deals with those officers who failed to complete the mandatory training for the previous year. For purposes of discussion, Director Rogers usually starts with about 50 officers and then deducts those who have one of the acceptable reasons for not completing training – military leave, medical leave, admin leave. Some of the officers remaining on the list complete the previous year's mandatory training before the March meeting, and these officers historically have not had any consequences for being "late". The Chair offered a suggestion to the Board for a process of imposing a sanction on these officers to remind them that it is their responsibility to maintain their certification: a letter of guidance. Assistant AG Black agrees that Section 2806-A, subsection 7, authorizes the Board to issue a letter of guidance under these circumstances; it does not constitute an adverse disciplinary action that requires due process, and the letter would be placed in the officer's file for 10 years as permitted by 2806-A. The remaining officers who have failed to complete the mandatory training by the March meeting are typically referred to the Complaint Committee for possible decertification. If an officer who falls into that category completes the mandatory training before an informal conference with the CRC is held, the sanction would be something less than what the Board Policy already imposes on officers who ultimately decertified, for instance, a consent agreement with the standard conditions and a \$150.00 administrative fee. Once the Board approves a standard way of handling these circumstances, Board Policy #4 would be updated.

The Chair attended the 20th Basic Corrections Training Program graduation that was held on February 27th, and asked that the Academy staff notify the entire Board of upcoming Corrections graduations so that those members who are interested and able to attend can do so.

The Chair ended with a reminder that the annual elections for Board Chair, Vice-chair, and Secretary will be held at our meeting on May 12th.

MOTION: To remove the 34 names (from non-compliant list) of 2016 Non-compliant training officers who completed the training prior to March 1st, 2017 and to send a Letter of Guidance drafted by AAG Black.

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

Motion carried.

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

1. General Items:

- The annual reports are all in. Out of the 163 law enforcement agencies, 21 or 12.88% were late (15.76% in 2015) and out of the 23 corrections agencies, 4 or 17.39% were late (21.74% in 2015). **(See board packet)**
- There were 105 people (138 in 2015) who did not complete the mandatory LE or CO training by 12/31/2016. Out of that, there were 42 people who had valid reasons: 5 on Military Leave, 4 of Administrative Leave, 9 on Disability Leave and 24 on the Family Medical Leave Act. Of the 105 officers, 62 were law enforcement officers and 43 were corrections officers. Of the 105 officers, 13 were terminated by their agency and will be red flagged if they attempt to get back into the profession and are required to complete all missed training.
- The Board annual report is done and printed. The 20 copies required by statute were delivered to the State Library, and the 16 copies were delivered to the Joint Standing Committee on Criminal Justice and Public Safety on Monday. I have provided each of you a copy. New this year was a report on the use of Unmanned Aerial Vehicle (drones) for law enforcement agencies. **(See handout)**
- LD 248 – “An Act Regarding Law Enforcement Training for Former Military Police Officers” is set for Public Hearing on March 13, 2017, in front of the Criminal Justice Committee. I will be opposing the LD because we already have Specification S-42 in place to deal with BLETP waivers. We have looked at military police academies in the past, and they do not come close to what we do; and there is no reciprocity. Only 13 out of the 50 states allow this type of waiver, but all of those states have additional training requirements.
- LD 744 – “An Act to Create a Permanent Wabanaki Law Enforcement Seat on the Maine Criminal Justice Academy Board of Trustees” has not been set for Public Hearing yet. I plan on opposing this as I have done for the past 2 legislative sessions for the same reasons, i.e. that the Governor appoints Board members for 3 years instead of the Wabanaki tribal governments appointing the Board members for 2 years & because if this is a group is successful, it will only open the door for other groups for a Board that already has 17 members.
- I attended a Meet and Greet Session before the Transportation Committee in February with other DPS Bureau Directors to talk about how MCJA worked.
- I also attended a Meet and Greet Session before the Criminal Justice and Public Safety Committee in February with other DPS Bureau Directors to talk about how MCJA worked.
- I attended the 20th BCTP graduation here at MCJA and was one of the speakers.
- During 2016, the Academy had 19,890 instructor hours donated from 114 different agencies, and these agencies all received a Certificate of Appreciation for their time. We also had 198 individuals donating 25+ hours of instruction time and they also received a Certificate of Appreciation. You have a copy of the letter that I distributed to the law enforcement agencies in Maine as well as a list of the actual hours that were donated. The Academy had 1,150 more hours donated this past year than in 2015. I suspect the

reason is the longer Basic Corrections Training Program that was implemented on July 1, 2015. **(See handout and board packet).**

- **(Need Vote)** As of today, there are 14 officers that failed to meet the 2016 Mandatory Training Requirements. On 2/10/2017, I sent an email to each of the Chiefs/Sheriff's/Jail Administrators asking them to have their employee complete the training and get back to me by 3/1/2017 or I would recommend the Board begin the decertification process. Chair Berry was cc'ed. Under New Business, I would recommend that the Board vote to refer these 14 officers (11 CO's and 3 P/T LEO's) to the Complaint Review Committee for Failing to Meet the 2016 Training Requirements. **(See handout)**
- **(Need Vote)** As of today, there were 34 officers that failed to meet the 2016 Mandatory Training Requirements for non-valid reason, but who completed the training after the 12/31/2016 deadline and before this meeting. Under New Business, I would recommend that the Board vote to have AAG Black craft a template "Letter of Guidance" with the Director filling in the names, address and dates of completion to send to each officer and CC'ed to each agency CEO, with a caveat that if this occurs in the future, then disciplinary sanctions can be given, up to and including decertification by the Board. **(See handout)**
- **(Need Vote)** I have provided you a list of the 3 part-time law enforcement officers who were reported to the Academy as having exceeded 1,040 hours and do not have the full-time required training. Under New Business, I would recommend that Board vote to refer these 3 officers to the Complaint Review Committee as new Board cases for a recommendation at a future meeting. On the list, I also included the hours worked of all those officers who have been given an extension. **(See handout)**

2. Basic Law Enforcement Training Program (BLETP):

- The 32nd BLETP started on January 17, 2017, and will end on May 19, 2017. There were 134 names and/or John Doe slots and it was narrowed down to 65 who met all the entrance standards. I let 64 in with 1 more that qualified but got sick the week before the class started and will come in August. We have lost 5 Cadets along the way: a Portland PD Cadet on Day 3, a Fryeburg PD Cadet after 1 week, an Ellsworth PD Cadet in Week 3 and a Saco PD Cadet in Week 5 – all for personal reasons. I had to discharge a Cadet from Biddeford PD in Week 6 for academic failure, and his Chief will be sending him in August to try again. As of today, I have 117 names and/or John Doe slots for the 33rd BLETP, which starts in 08/14/2017.

3. MCJA Budget Issues:

- The MCJA Budget is working its way through the legislative process at this time. DPS has had its Public Hearing and 2 Work Sessions before the Criminal Justice and Public Safety; however it still needs to go to the Appropriations Committee.

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. 16 – Basic Corrections Training Program Certifications
 - b. 2 – K-9 Detector Teams (Cadaver, Article and Tracking W/O Apprehension)
 - c. 1 – K-9 Detector Team Drugs)
 - d. 2 – Law Enforcement Intermediate Certification
 - e. 1 – Law Enforcement Advanced Certification
 - f. 1 – Crash Reconstruction Specialist Certification
 - g. 25 – Instructor Certifications
 - h. 19 – LEPS Phase II Course Completions
- I had to suspend 1 Instructor Certification, per Specification S-6 because for disciplinary reasons. **(See Handout)**
- I had to suspend 3 Firearms Instructor Certifications, per Specification-6-A who failed to meet the recertification standard. **(See handout)**

- I had to suspend 6 Crash Reconstruction Certifications, per Specification-21, who have voluntarily left the program. (**See handout**)
- I had to suspend 9 Patrol Canine (K-9) Team Certifications, per Specification S-23 because they voluntarily left the program. (**See handout**)
- I had to suspend 11 Detector Canine (K-9) Team Certifications, per Specification S-23-A because they voluntarily left the program. (**See handout**)
- I had to suspend 6 Crisis Negotiator Certifications, per Specification S-25 because they failed to meet the recertification standard. (**See handout**)
- Currently, we have active the following certifications: 51 Patrol K-9 Teams, 65 K-9 Detector Teams, 7 K-9 Assistant Trainers, 15 K-9 Trainers, 41 Traffic Reconstructionists, 71 PFT Protocol Testers, 42 Crisis Negotiators, 354 Firearms Instructors and 4 Tactical Teams.

MOTION: To accept all certifications listed as a handout, dates of January 13, 2017 through March 10, 2017 (handout to be attached to minutes).

Moved by Mr. Richard Davis and seconded by Sgt. Ryder.

Motion carried.

MOTION: To refer to the CRC the names of the three officers that went over their 1040 hours (handout to be attached to minutes).

Moved by Sgt. Ryder and seconded by Chief Rumsey IV.

Motion carried.

MOTION: To refer the names of the 14 officers in 2016 Non-compliant Training, with no reason, to the Complaint Committee (handout to be attached to minutes).

Moved by Chief Rumsey IV and seconded by Sgt. Ryder.

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. Officers Failing to Meet the Mandatory 2016 Training Requirement on Time
2. Officers Failing to Meet the Mandatory 2016 Training Requirements
3. P/T Law Enforcement Officers Working in Excess of 1040 Hours without Approval
4. Mandatory Standards for Unmanned Aerial Vehicles (Drones)

#1 – 4 under New Business were voted upon previously in reports during the meeting.

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 Dir. Austin and seconded by Sgt. Ryder.

Mr. Davis provided the wording of the motion.

Motion carried.

The Board moved into Executive Session at 11:08 a.m.

The Board came out of Executive Session and reconvened Public Session at 11:26 p.m.

Complaint Committee Cases:

1. In the matter of Board Case No. 2016-031:

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

Moved by Sgt. Ryder and seconded by Mr. Davis.

The Complaint Committee abstained from the vote.

Motion carried.

2. In the matter of Board Case No. 2015-042:

MOTION: To accept the recommendation of the Complaint Committee to offer an amended consent agreement as drafted by AAG Black.

Moved by DA Rushlau and seconded by Sgt. Ryder.

The Complaint Committee abstained and Dir. Austin recused 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 Sgt. Ryder and seconded by Ms. Gore.

Motion carried.

Chair Berry adjourned the meeting at 11:29 a.m. The next meeting is scheduled for 9:00 a.m. on Friday, May 12, 2017, at the Maine Criminal Justice Academy in Vassalboro, Maine.



Richard P. Davis