

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, September 14, 2018.

**Board Members Attending:**

Special Agent Brian Pellerin - Chair  
Detective Sgt. Lincoln Ryder – Vice-chair  
Sheriff Scott Nichols  
Chief Charles Rumsey IV  
Ms. Elizabeth Ward Saxl  
Ms. Marie Hansen – arrived 9:13am  
Ms. Kimberly Gore  
Major Chris Cloutier  
Deputy Chief Amy Berry  
Det. Seth Blodgett  
Commissioner John Morris  
Col. John Cote  
District Attorney Kathryn Slattery – arrived 9:09am  
Mr. Richard Davis  
Mr. Levon Travis

**Board Members Excused:**

Mr. Tom Peters II, Esq.  
Director Larry Austin

**Participants:**

Director John Rogers  
Asst. Director Rick Desjardins  
Attorney Christopher Mann

**Guests:**

Lt. Michael Knight, Somerset County Sheriff’s Office  
Chief Harold Bickmore, Pittsfield Police Department  
Ms. Rosalie Morin, DOC-MVCF  
Chief Bill Hamilton, Maine Forest Service

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

Chair Pellerin called the meeting to order at 09:07 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. Chair Pellerin noted a quorum was present. Board members were asked to introduce themselves to guests Chief Bill Hamilton of the Forest Service, Rosalie Morin of DOC, Chief Bickmore of Pittsfield PD and Michael Knight of the Somerset County Sheriff’s Office. Following the introductions, the Pledge of Allegiance was led by Chair Pellerin.

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

**MOTION:** To accept the amended minutes of the July 13, 2018 Board of Trustees meeting that were handed out prior to the meeting and to be placed on file with the secretary.

Moved by Ms. Ward Saxl and seconded by Chief Rumsey. **Motion Carried Unanimously.**

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

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

Assistant Director Rick Desjardins presented the following officers for Basic Law Enforcement Training Program waivers.

1. Officer Spencer P. Simoneau of the Lewiston Police Department.

**MOTION: To approve the Basic Law Enforcement Training Program Waiver Request pending successful completion of the MCJA Crash Training, MCJA EVOC Training and the Law Enforcement Officer's Certification Examination by May 16, 2019 for the above listed officer.**

Moved by Sgt. Ryder, seconded by Ms. Ward Saxl. **Motion Carried Unanimously.**

2. Officer Dwight J. Jones of the Damariscotta Police Department

**MOTION: To approve the Basic Law Enforcement Training Program Waiver Request pending successful completion of the MCJA Crash Training and the Law Enforcement Officer's Certification Examination by May 31, 2019 for the above listed officer.**

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

**B. Basic Law Enforcement Training Program Extension Requests:**

Director John Rogers presented the following officers for Basic Law Enforcement Training Program extensions.

1. Officer Benjamin P. Murphy – Carrabassett Valley Police Department

**MOTION: To approve the Basic Law Enforcement Training Program Extension from 10/31/2018 to 1/22/2019 for above-listed officer.**

Moved by Mr. Davis and seconded by Dep. Chief Berry. **Motion Carried Unanimously.**

**C. Basic Corrections Training Program Waiver Requests:**

None at this time.

**D. Basic Corrections Training Program Extension Requests:**

None at this time.

**E. Law Enforcement Preservice Program Waiver Requests**

1. Deputy Kirby C. Cummins – York County Sheriff's Office

**MOTION: To approve the request for a Law Enforcement Preservice Program waiver.**

Moved by Sgt. Ryder and seconded by Mr. Travis. **Motion Carried Unanimously.**

2. Deputy Thomas R. Slawson – York County Sheriff’s Office.

**MOTION: To approve the request for a Law Enforcement Preservice Program waiver.**

Moved by Sgt. Ryder and seconded by Dep. Chief Berry. **Motion Carried Unanimously.**

3. Deputy Paul E. Coronite – Cumberland County Sheriff’s Office.

**MOTION: To approve the request for a Law Enforcement Preservice Program waiver.**

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

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

Director John Rogers presented the following officer for Part-Time Law Enforcement 1040 extensions.

1. Michael C. Booker of the Jay Police Department

**MOTION: To approve the Part-time Law Enforcement 1040-hour extension of 640 hours for the above-listed officer.**

Moved by Mr. Davis and seconded by Sheriff Nichols. **Motion Carried Unanimously.**

Director John Rogers presented the following officer for Part-Time Law Enforcement 1040 extension with Lt. Knight of the Somerset County Sheriff’s Office and Chief Bickmore of the Pittsfield PD explaining the reason of the dual request.

2. Deputy Warren Ackermann – Somerset County Sheriff’s Office  
Officer Warren Ackermann – Pittsfield Police Department

**MOTION: To approve the Part-time Law Enforcement 1040-hour extension of 640 hours for the above-listed officer.**

Moved by Dep. Chief Berry and seconded by Ms. Ward Saxl. **Motion Carried Unanimously.**

**G. Course Certification Requests:**

Director John Rogers presented the following Course Certification requests.

1. Law Enforcement Firearms/Use of Force Program

**MOTION: To approve the 64-hour Law Enforcement Firearms/Use of Force Program.**

Moved by Sgt. Ryder and seconded by Ms. Ward Saxl. **Motion Carried Unanimously.**

2. Forest Ranger Academy

**MOTION: To approve the 350-hour Forest Ranger Basic Law Enforcement Training Program.**

Moved by Chief Rumsey and seconded by Dep. Chief Berry. **Motion Carried Unanimously.**

Assistant Director Rick Desjardins presented the following Course Certification request.

3. Supervisory Leadership Development Program.

**MOTION: To approve the 90-hour Supervisory Leadership Development Program.**

Moved by Mr. Davis and seconded by Chief Rumsey. **Motion Carried Unanimously.**

**V. Item Five (Nine) on the Agenda: New Business:**

Chair Brian Pellerin requested that New Business be taken out of order as Ms. Rosalie Morin was in attendance to speak on the 2019 Corrections In-Service Training Recommendations.

Ms. Morin advised that the Corrections Advisory Committee, which meets once a year, met in August and are recommending the following training for 2019.

1. Legislative Mandated New Law Updates. If no new laws have been presented, a relative case study will be used in its place.
2. Security in a non-secure setting.
3. One elective that the agency gets to pick.
4. One elective that has to do with communication.

**MOTION: To approve the 2019 Corrections In-Service Training Recommendations.**

Moved by Ms. Ward-Saxl and seconded by Sheriff Nichols. **Motion Carried Unanimously.**

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

**A. Complaint Committee: By Mr. Tom Peters**

As Mr. Peters was not available to address the Board and asked Chair Pellerin reported the following:

The Complaint Review Committee has 12 pending cases. The CRC met on August 31, 2018 and held four informal conferences and were able to reach agreements on three of those cases. The fourth case should be ready to be presented at the next Board of Trustees meeting in November.

As for the remaining eight cases, 3 cases are scheduled for an informal conference in October. A trial is scheduled in September on one of those 3 cases and trials are scheduled for 2 more cases, which should be over, so that those matters may also be presented at the November meeting.

One of the last three cases has been long standing and will be discussed later in executive session. The other two cases are still in the preliminary stages.

**B. Administrative Rules Committee: Deputy Chief Amy Berry**

Dep. Chief Berry and Director Rogers discussed the proposed updates to Board Policy #2 which deals with Mandatory Training, Extensions, Substitutions and Excused Absences.

**MOTION: To approve the recommended updates to MCJA Policy #2.**

Moved by Sheriff Nichols and seconded by Det. Blodgett. **Motion Carried Unanimously.**

Dep. Chief Berry asked Director Rogers to discuss the new Board Policy #6 dealing with Standardizing of all MCJA Program Testing.

**MOTION: To approve the recommended updates to MCJA Policy #6.**

Moved by Chief Rumsey and seconded by Col. Cote. **Motion Carried Unanimously.**

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

Sgt. Ryder advised that he and Assistant Dir. Rick Desjardins met with Jim Gioia of the AG's Office who is helping create the new Basic Investigator's Class. He also discussed some of the components of this class which will include scenarios.

**D. Corrections Training Committee: Dir. Austin (Excused)**

No report at this time.

**E. Policy Standards Committee: Chief Charles Rumsey**

Chief Rumsey discussed the proposed word changes in Standard #3 dealing with barricaded subjects to read: Definitions of hostage incident, barricaded criminal suspect incident and barricaded subject incident.

He further discussed Modifying Standard #2 to read: Procedures for receiving citizen complaints, including written anonymous complaints.

Some of the other standards, such as Domestic Violence and Use of Force, will be discussed further at the November meeting.

**MOTION: To approve the changes to the minimum standards as recommended by the Policy Standards Review Committee.**

Moved by Chief Rumsey, seconded by Sgt. Ryder and opposed by Sheriff Nichols. **Motion Carried.**

Chief Rumsey discussed the proposed changes to the MCJA Approved Less-Than-Lethal Munitions List.

**MOTION: To approve the addition of the Lightfield HV Star, (model # KSSR-HV) to the list of approved less than lethal munitions.**

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

**MOTION: To remove from the list the 12 gauge X-REP (Extended Range Electric Projectile), which is manufactured by TASER International but is no longer in production.**

Moved by Chief Rumsey and seconded by Sheriff Nichols. **Motion Failed Unanimously.**

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

Congratulations to Mr. Richard Davis on his receipt of the 2018 Linc Stackpole Manager of the Year Award from the Maine Town, City and County Management Association this past August. This award recognizes integrity, leadership, and recipients must also demonstrate a socially responsible approach towards their community; concern for the well-being, support and growth of their municipal colleagues; and contributions and service beyond their community through organizations at regional, state and national levels.

In August, I was contacted by Ms. Rosalie Morin, the Chair of the Corrections Advisor Committee. She reported that Mr. David Daniels, a State correctional representative on the committee has retired. She requested the appointment of Rebecca O'Keefe to the committee as his replacement. Ms. O'Keefe is the staff development coordinator at Long Creek Youth Development Center. This appointment will maintain the balance of the committee's membership of three state and three county jail representatives.

During the July meeting there was a discussion amongst the board regarding the three questions posed by Director Rogers with the assistance of AAG Andrew Black and AAG Chris Mann. The three questions were:

1. If an officer is decertified by the Board for felony conduct (the example given was for reckless conduct with a firearms) and then gets a pardon from the Governor can that officer re-apply for Certification?
2. How should a transgender MCJA student be tested for the PFT exam?
3. The third question involved the new Maine law on legalized Marijuana, if an applicant admits truthfully that he or she had or is continuing to smoke marijuana on a polygraph exam or during a background investigation, can such an applicant legally possess a firearm and ammunition as a student at the Academy.

In July, I reached out to Assistant United States Attorney Darcie McElwee regarding this last question. AUSA McElwee is the lead prosecutor at the US Attorney's Office for federal firearms related criminal cases. In August, I received a phone call from US Attorney Halsey Frank regarding my inquiry. I explained the question posed to the board. I also posed the question about a student at the MCJA, whether they were a Law Enforcement or Corrections officer who was using Marijuana in a medically prescribed capacity. Mr. Frank advised this his office could not give a definitive answer or advise the board legally with an opinion. He explained that his office retained the ability to prosecute any violations under the federal statutes but as always, a determination to do so would be on a case by case basis. I explained that the Board was not interested in making criminal referrals to his office, but was focusing on working within the federal statutes.

After my conversation with USA Frank, I spoke to AUSA McElwee who provided the following information and federal statutes applicable to the Board's questions.

1. Title 21 USC 841 (a)(1)(A), 844, 846 Possession/Possession with Intent to Distribute/  
Distribution of Marijuana and Conspiracy.  
**844 is Simple Possession of Marijuana under 50 plants or under 50 KG and is a  
Federal Misdemeanor, 841 and 846 are Felonies**

2. Title 18 USC 922(g)(3) – Drug User / Addict in Possession of a Firearm/Ammunition **922(g) is a Felony and includes recent possessions, recent drug arrests, recent drug charges, and recent positive drug tests.**
3. Title 18 USC 924(c) – Possession in Furtherance of a federal drug trafficking Crime and Use During and in Relation to a Federal Drug Trafficking Crime. **924© Using Marijuana and possessing a firearm/ammunition is a Felony with a 5-year Minimum Mandatory sentence. Multiple counts are served consecutively.**

I have conducted some research online regarding the Reserve Officer Training and Certification Standards for the six New England States. I have prepared a brief spreadsheet outlining some of the different standards. As I have previously mentioned, I would like the Board to undertake a review of the current training and certification standards of our reserve officers this fall. Director Rogers and I have discussed several options to include the 64-hour firearms training block provided to all students in the BLETP and recently added to the Forest Rangers firearms training program.

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

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

- At the July Board meeting, I discussed I may change the way John Doe slots are given out to agencies for the BLETP, still with a priority of officers currently employed and those agencies that provide Cadre. On 9/7/2018, I addressed the membership of the Maine Chiefs on this issue in Bar Harbor and asked them to reach out to their district membership to see if there was a better way of doling out these spots. There was a lot of discussion around this issue.
- I also addressed with Maine Chiefs the changes to Board Specification S-30 on LE Recertification and Specification S-42 on BLETP Waivers of Out-of-State academies. There were not many comments.
- I also discussed that we trained 14 instructors for Mental Health First Aid and I would be willing to provide this MHFA course regionally around the state, plus in the BLETP and BCTP.
- Finally, I informed them of the new Supervisor Leadership Course that will be voted on today as a new MCJA Program.
- We currently have an Office Associate II vacancy that Commissioner Morris has approved to be filled, although we are waiting for Gov. LePage's final approval to fill this vacancy.
- I have selected 2 new Lead MARC instructors, Deputy Joshua Daley from Oxford County SO and Officer Jeff Warren from S. Portland PD. Together with Lead MARC Instructor Arthur Smith of Knox County SO and MCJA Training Coordinator Dave Tyrol, we have been working diligently to completely update the MARC Manual and the MARC Lesson Plan. We are in hopes to have this ready for the Board to approve by the next Board meeting.

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

- The 35<sup>th</sup> BLETP started on August 13, 2018 with graduation on December 14, 2018. We had 140 names or John Doe slots and 73 passed all entrance exams. I took the top 66. 2 were terminated a week before the academy, another one did not show up on Day 1, the only tuition student quit on Day 1 and another Cadet quit on Day 3. 2 of the 3 officers remaining on the waiting list were moved to the January BLETP at the request of their Chief, leaving only 1 person on the waiting list. I lost a Cadet due to medical reasons at the end of the first week and 2 others quit after 2 weeks leaving 63 left in the class.
- As of today, I have 124 names and/or John Doe slots for the 36<sup>th</sup> BLETP

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

- **Need Vote.** JPMA is the company that we have worked with for about 12 years on delivering the mandatory law enforcement training topics in an on-line format. In 2009, we launched the 40-hour Phase I LEPS program on-line with JPMA after I received a grant from the Justice Assistance

Council. Since that time, we have been updating topics as need. We have updated 19 of the 38 topics on line. This requires my staff to continue to rewrite the lesson plans and JPMA to convert them to the electronic format. The cost of the program has been \$250 since 2009, with no increase of the cost to update the first 19 classes. Rachel Frost bought the company from the wife of the owner who tragically passed away last year.

- Ms. Frost will continue to update the last 19 lesson plans when my staff rewrites them, however she is requesting a fee increase of \$35 to \$285 to cover the cost of JPMA's staff time. I agree that this is a very reasonable fee. 25 M.R.S. §2803-A(13) requires the Board "to establish, with the approval of the commissioner, reasonable fees for attendance to defray at least part of the operations costs of the academy." I have spoken to Commissioner Morris about this and he indicated if the Board voted to accept this \$35 increase, he would bring it up to Gov. LePage before he could give final approval.

## 2. 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 Officer Certifications
  - b. 3 – K-9 Drug Detector Teams Certifications
  - c. 2 – K-9 Cadaver Detector Team Certifications
  - d. 4 – Physical Fitness Assessment Tester Certifications
  - e. 1 – Firearms Instructor Certification
  - f. 1 – Crash Reconstruction Specialist Certification
  - g. 1 – Law Enforcement Officers Advanced Certification
- Public Law Chapter 456 was enacted on July 9, 2018 which requires the Board under 25 M.R.S. §2803-A(8-D) to adopt a Forest Ranger Certification that includes the LEPS course, the mandatory annual LE training, a Firearms Course equivalent to the BLETP and an additional Basic Forest Ranger Academy. This Public Law requires that the 55-60 Forrest Rangers complete the requirements by June 30, 2019, thus the need to get this in place soon.
- **Need Vote:** Law Enforcement Firearms/Use of Force Program. This is a 64-hour stand-alone program that has already been approved by the Board as part of the BLETP. However, I carved out the 40 hours of firearm range time, 11.5 hours of classroom time which involves Situation Use of Force, the law on Use of Force and the AG's investigation of deadly force, if used; and 12.5 hours of scenario based training on weapon retention and at a minimum to have 3 scenario's: dealing with someone in a mental health crisis, dealing someone in a domestic violence situation and dealing with someone on a traffic stop, all that may or may not have the person threatening with a weapon. **(See handout)**
- **Need Vote:** Basic Forest Ranger Academy. This is a 350-hour program that currently has been taught by the Maine Forest Service for many years. This program consists of 141 hours of Forest Service classes, 141 hours of already pre-approved MCJA classes and 68 hours of other classes. The course descriptions and goals and objectives were sent out this past week and there are copies of it on the table. Chief Bill Hamilton is here to answer any questions. **(See handout)**

**MOTION: To increase the Phase 1 fee of \$250.00 to \$285.00 to cover the \$35.00 per student JPMA charge for doing updates.**

Motion made by Ms. Ward-Saxl, seconded by Sgt. Ryder. **Motion passed. Commissioner Morris abstained and Mr. Davis opposed.**

**MOTION: To accept the Certifications that were issued by Director Rogers since the last Board meeting.**



Motion made by Chief Rumsey, seconded by Mr. Travis. **Motion Carried Unanimously.**

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The Board broke for lunch at 11:48am and reconvened at 12:30pm.

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**Chair Pellerin requested that the Board move into Executive Session at 12:31pm.**

**MOTION: To move the Maine Criminal Justice Academy Board of Trustees in Executive Session pursuant to Title 25 MRS § 2806-A (10) to discuss confidential business matters.**

Motion made by Mr. Davis, seconded by Sgt. Ryder. **Motion Carried Unanimously.**

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Resumed Public Session at 1:36pm.

Sheriff Nichols, DA Slattery, Ms. Hansen and Ms. Gore were not present for the rest of the meeting.

## **IX. Other New Business**

### **A. Complaint Committee Cases:**

#### 1. Board Case 2018-002:

**MOTION: To accept the recommendations of the Complaint Review Committee to enter into a Consent Agreement with a 3-year probation and a written warning, which would restrict and prohibit any decertifying conduct in that time period to begin at the time of signing of the agreement.**

Motion made by Mr. Davis and seconded by Ms. Ward-Saxl. **Motion Carried by a 6 to 5 vote (with Chair Pellerin casting the deciding vote)**

#### 2. Board Case 2018-019:

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

Motion made by Mr. Davis and seconded by Commissioner Morris. **Motion passes with Sgt Ryder and Chief Rumsey recusing themselves.**

#### 3. Board Case 2018-021:

**MOTION: To accept the recommendation of the Complaint Review Committee to enter into a Consent Agreement with a 2-year suspension of the officer's Part-time Law Enforcement Certificate.**

Motion made by Chief Rumsey and seconded by Sgt. Ryder. **Motion Passed Unanimously.**

4. Board Case 2018-023

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

Motion made by Chief Rumsey and seconded by Mr. Travis. **Motion Passed Unanimously.**

**Chair Pellerin requested that the Board move back into Executive Session at 1:40pm.**

**MOTION: To move the Maine Criminal Justice Academy Board of Trustees in Executive Session pursuant to Title 25 MRS § 2806-A (10) to discuss confidential business matters.**

Motion made by Mr. Davis and seconded by Sgt. Ryder. **Motion Passed Unanimously.**

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Back in Public Session at 1:46pm.

**X. Item Ten on the Agenda: Adjournment**

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

Moved by Chief Rumsey and seconded by Dep. Chief Berry. **Motion Carried Unanimously.**

Chair Pellerin adjourned the meeting at 1:48pm.

The next meeting is scheduled for 9:00 a.m. on Friday, November 9, 2018 at the Maine Criminal Justice Academy in Vassalboro, Maine.



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Richard P. Davis