

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 15, 2017.

Board Members Attending:

Sheriff Scott Nichols
Deputy Chief Amy Berry
Det. Seth Blodgett
Mr. Richard Davis
Ms. Kimberly Gore
Ms. Marie Hansen
Commissioner John Morris
Special Agent Brian Pellerin - Chair
Chief Charles Rumsey IV
Officer Levon Travis
Ms. Elizabeth Ward Saxl
Lt. Dan Scott for Colonel Joel Wilkinson
Colonel Robert Williams

Board Members Excused:

Dir. Larry Austin
Mr. Tom Peters II
Sgt. Lincoln Ryder – Vice-chair
Colonel Joel Wilkinson

Participants:

Director John Rogers
Asst. Director Rick Desjardins
AAG Andrew Black

Guests:

Chief Ray Demers, Saco Police
Officer John McGuire, Saco Police
Officer Spencer Maestas, Waterville Police
Lieutenant Robert Doherty, Portland Police
Officer David Lemieux, Portland Police
Dep. Chief Sean Lally, Westbrook Police
Officer Colby Clark, Westbrook Police
Officer Dennis Lowe, Westbrook Police
Chief Joseph Massey, Waterville Police
Rosalie Morin, Mountain View Correctional Facility

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 July 14, 2017 Board of Trustees meeting and to be placed on file with the secretary.

Moved by Ms. Elizabeth ward Saxl and seconded by Officer Levon Travis

Motion carried.

Item out of order: Corrections Mandatory Training Topics

Ms. Rosalie Morin, chair of the Correction Advisory Training Committee presented suggested mandatory trainings topics for the 2018 calendar year. New Law/Case Law Updates, Stress Management, Officer Safety When Handling Drugs, and an agency selected elective topic.

Moved by Ms. Elizabeth ward Saxl and seconded by Officer Levon Travis

Motion carried.

IV. Item Four on the Agenda: Certifications:

A. Basic Law Enforcement Training Program (BLETP) Waiver Requests:

Director John Rogers presented a request for the following officers to receive a Basic Law Enforcement Training Program Waiver:

1. Officer John F. McGuire, of the Saco Police Department

MOTION: To approve the above-listed officer for a BLETP Waiver Request.

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

Motion carried.

2. Officer David E. Lemieux, of the Portland Police Department

MOTION: To approve the above-listed officer for a BLETP Waiver Request.

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

Motion carried.

3. Officer Spencer A. Maestas, of the Waterville Police Department

MOTION: To approve the above-listed officer for a BLETP Waiver Request.

Moved by Mr. Richard Davis and seconded by Chief Charles Rumsey.

Motion carried.

4. Officer Dennis L. Lowe, of the Westbrook Police Department

MOTION: To approve the above-listed officer for a BLETP Waiver Request.

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

Motion carried.

5. Officer Colby A. Clark, of the Westbrook Police Department

MOTION: To approve the above-listed officer for a BLETP Waiver Request.

Moved by Chief Charles Rumsey and seconded by Ms. Ward Saxl

Motion carried.

B. Basic Law Enforcement Training Program (BLETP) Extension Requests:

Director John Rogers presented the following officers for training program extensions.

1. Deputy Alisha A. Ledger, of the Aroostook County Sheriff's Office

MOTION: To approve the above-listed officer for a BLETP Extension Request.

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

Motion carried.

2. Officer Daniel R. Ross, of the Gardiner Police Department

MOTION: To approve the above-listed officer for a BLETP Extension Request.

Moved by Chief Charles Rumsey and seconded by Mr. Richard Davis

Motion carried.

3. Deputy Tad M. Nelson, of the Kennebec County Sheriff's Office

MOTION: To approve the above-listed officer for a BLETP Extension Request.

Moved by Sheriff Scott Nichols and seconded by Mr. Richard Davis

Motion carried.

C. Basic Corrections Training Program Waiver Requests:

1. None at this time.

D. Basic Corrections Training Program (BCTP) Extension Requests:

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

1. Officer Matthew S. Stanhope, of the Washington County Jail

MOTION: To approve the above-listed officer for a BCTP Extension Request.

Moved by Mr. Richard Davis and seconded by Colonel Robert Williams.

Motion carried.

E. Law Enforcement Preservice Program Waiver Requests

1. None at this time.

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

Dir. Rogers presented a request for the following officers to receive a Part-time Law Enforcement 1040 Hour Extension:

1. Officer Kenneth E. Spaulding III, of the Dexter Police Department

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

Moved by Chief Charles Rumsey and seconded by Sheriff Scott Nichols.

Motion carried.

2. Officer Megan McCray, of the Hallowell Police Department

MOTION: To approve the above-listed officer for Part-time Law Enforcement 1040 Hour Extension up to an extra 400 hours.

Moved by Mr. Richard Davis and seconded by Officer Levon Travis.

Motion carried.

3. Deputy Brandon G. Lambert, of the Somerset County Sheriff's Office

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

Moved by Ms. Ward Saxl and seconded by Sheriff Scott Nichols.

Motion carried.

4. Deputy Zachary F. Tracy, of the Somerset County Sheriff's Office

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

Moved by Sheriff Scott Nichols and seconded by Chief Charles Rumsey

Motion carried.

G. Judicial Marshal Training Program Extension (handout)

Director Rogers presented a request from State Judicial Marshal Michael Cote for up to 180 day extension for a newly hired Judicial Marshal.

1. Deputy Judicial Marshal Gerald B. Schofield, of the Office of the State Judicial Marshal

MOTION: To approve the above-listed officer for a Judicial Marshal Extension Request.

Moved by Dep. Chief Amy Berry and seconded by Ms. Marie Hansen

Motion carried.

H. Course Certification Requests:

1. None at this time.

V. Item Six on the Agenda: Committee Reports

A. Complaint Committee: By Detective Seth Blodgett as Mr. Tom Peters is absent.

Det. Blodgett reported the Complaint Review Committee has 2 cases to review in executive session. The committee met and will present the 2 cases for the Board's consideration. The Committee has 13 outstanding cases that will be brought before the Board for recommendations as the cases are completed.

B. Administrative Rules Committee: Deputy Chief Amy Berry

Dep. Chief Berry reported the Administrative Rules Committee will meet after the full Board meeting today to discuss items in front of that committee for consideration, such as reviewing the regulatory agenda for the administrative rules. No new reports on the polygraph specifications, but hopefully will have information for the Board during the November meeting.

C. Corrections Training Committee: Director Larry Austin was absent

1. No report

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

1. No report

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

Chief Rumsey reported that the Death Investigation policy and minimum standards is one of the items the committee will be reviewing at the suggestion of Director Rogers and the Attorney General's Office. Director Rogers outlined the mandatory training topic and the need to review the minimum standards. The new minimum standards have been distributed to the Board and will need a vote by the Board to approve the minimum standards for death protocols.

MOTION: To approve the recommendation of updated minimum standards on the Death Investigation policy, as outlined in the handout.

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

Motion carried.

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

Chairman Pellerin had no items or issues to report for the September Board meeting.

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

1. General Items:

- Board Secretary Susan Warner officially retired from State government with 25 years of service of which 23 years were at the Academy. On August 25, 2017, the staff had a retirement lunch for her and an appreciation plaque was given for her dedicated years of service. We are in the process of filing the position as Commissioner Morris and Gov. LePage just approved it. I'm in hopes to have the position filled in the next 1-2 months. Vice Chair Ryder has agreed to sit on the interview panel.
- 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. It passed barely in the House and Senate and it did not get funded, so it was carried over for the next session in January.
- Col. Williams, Asst. Dir. Desjardins and I have been working with DHHS to secure funding to host a 3 day "Train the Trainer for Mental Health First Aid" here at the Academy. Currently, NAMI of Maine does the training around the state, some free to agencies, however they charge the Academy \$35 per person or about \$4K+/- per year for the BLETP Cadets. We have made a proposal to DHHS for \$27K to pay for the class and enough books for about 2 years. At this point, we are just waiting for the final approval from the DHHS Commissioner. We hope to have this going this fall for 15 students from State, county, and municipal law enforcement and corrections agency, so they can present the class regionally around the State.
- An issue came up last week that has required me to update our background form. The issue is that the statute requires that Deferred Dispositions to be reported to the Board if it involves disqualifying conduct because the person actually has to plead guilty to the crime. Our form needed to have that clarification added to question 1 and to the definition of disqualifying conduct on the back of the form. This came about due a potential up-coming board case question. The updated form was changed, put on our website and brought up at the Maine Chiefs of Police annual meeting last week. (See handout).

- I also addressed the Maine Chiefs on their statutory obligation to report any potential disqualifying conduct or conviction, to the Board, no matter if the officer is fired, resigned, just quits. This has happened 3 times this year and many times in past years. In these cases, many agencies do not conduct any investigation at all as required by law and some just hope the problem goes away. AAG Black has assisted me with 2 letters this year to formally put the CLEO's on notice to provide the investigative reports in order that the CRC could proceed.

2. Basic Law Enforcement Training Program (BLETP):

- The 33rd BLETP started on August 14, 2017 and will end on December 15, 2017. There were 64 Cadets that were accepted for the class and left no waiting list, however 4 quit before the class started. Of the 60 that officially started, I lost 3 Cadets for personal reasons on Day 1, Day 5 and Day 7. I also lost 2 cadets for medical reasons on Day 4 for a heart event and Day 5 for a back issue that will be back in January, if medically cleared. I also suspect that I will loose at least 2 more for academic reasons and maybe a 3rd for medical reason, but I will know for sure on Monday after they meet with their agency Chiefs today.
- An issue has come up that the above Cadet with a heart event had been to the doctor 4 times between the time of his BLETP medical sign-off and the start of the BLETP. On the 3 mile run the first day, the medical issue happened and the officer spent 3 days in the hospital and was required to wear a heart event monitor for 30 days to be cleared. In this case, he did not tell his Chief of the 4 visits to the doctor for the medical issues. I also have another Cadet that had 3 preexisting concussions that the Chief knew about from the psychological exam, not the medical exam. This Cadet bumped her head cleaning the bathroom, got a 4th concussion and has been out for about 60 classroom hours. I would like to address this on day 1 with the Cadets and have them put in writing any changes in medical conditions between these 2 time frames or any other medical issue would prohibit them fully participating 100% that was not reported during the medical physical. I'll come up with a form with generic language. If any concerns arise, I will contact the agency CLEO and between us we may seek another medical evaluation. This may prevent future an injury from occurring and save the agency some potential worker comp costs. I also addressed the Maine Chiefs on this issue last week and they did not disagree.
- As of today, I have 126 names and/or John Doe slots down for the start for the 34th BLETP that starts on January 16, 2017.

3. MCJA Budget Issues:

- None at this time.

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)**
 - 14 – Basic Corrections Training Program Certifications
 - 1 – Law Enforcement Intermediate Certification
 - 2 – Law Enforcement Advanced Certifications
 - 1 – Breath Testing Device Instructor Certification
 - 2 – Drug Recognition Expert Certifications
 - 3 – K-9 Drug Detector Team Certifications
 - 1 – K-9 Drug, Article & Tracking W/O Apprehension Team Certification
- On September 13, 2017, I filed electronically the 2017/2018 Regulatory Agenda for potential Administrative Rulemaking with the Secretary of State's Office, the Legislative Council and other interested parties.

- I have experienced a problem with proper fitting training guns. We have about 100 red man/blue man training guns in different makes, models and calibers. Agencies are changing makes models and calibers regularly. I would like to have the Cadets get the most out of scenario-based training when a gun is needed and for gun grab scenarios. It only makes sense to have a proper fitting holster to carry the guns. I can only outfit about ½ of the class with a proper fitting training guns for their duty holsters. I plan on talking to the Chiefs/Sheriffs and suggest that they may want to consider purchasing their own \$60 training gun that properly fits their agency duty holsters. They could then take them back to the agency and reuse them for local training or pass them on to the next Cadet from that agency at the next class. If not, I can only do my best to get as close of a fit as possible.
- Just an FYI to a potential problem. We have allowed BCTP's to be run externally as long as an MOU is signed with requirements like a minimum of 10 students and it has to be offered to all corrections agencies. We also plan on having a BCTP here at MCJA every August and January each year and more often, if needed. So far so good for the most part, but this past July I had to cancel the MCJA held class because of lack of enrolment. As a result a Board extension had to occur today for WCJ. Recently, I had a request from York CJ to run a BCTP in October for 3-4 students and I said no. The sheriff also wants to run one in January and again he can only send 3-4 students. We have run a BCTP class here at MCJA with about 50 students in the past. This is only an FYI at this point, but I do not want to burn out agencies for instructors and my staff for many regional BCTP's, when we can run larger ones here at MCJA. This way an agency can plan in advance when the need occurs. Remember an agency has up to 1 year by statute to send the CO to the BCTP just like law enforcement officers have to attend the BLETP.

MOTION: To approve the above-listed certification listed on the hand-out issued by the Director on behalf of the Board.

Moved by Ms. Ward Saxl and seconded by Det. Seth Blodgett

Motion carried.

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

1. During the July Board meeting Chief Rumsey IV received a letter dated March 7, 2017 from Lawrence C. Winger, Esq., re: Suggested Amendment of Mandatory Minimum Standards for Recording of Law Enforcement Interviews of Suspects in Serious Crimes. During the review of the request by Mr. Winger, Chief Rumsey learned that Mr. Winger's law license may have been suspended and the letter he sent was on his official Lawrence C. Winger, Esq. letterhead and signed using the formal signature. Board Attorney Andrew Black was asked to check for potential violations and AAG Black indicated to the Board that no violation had occurred by sending the letter on his official letter head.

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

MOTION: To approve the Directors salary increase to Step 12, as outlined in the handout.

Moved by Ms. Ward Saxl and seconded by Chief Rumsey

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.

Motion carried.

The Board moved into Executive Session at 10:33 a.m. and reconvened Public Session at 10:41 am.

Complaint Committee Cases:

1. In the matter of Board Case No. 2017-030:

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

Moved by Sheriff Nichols and seconded by Officer Travis.

Motion carried.

2. In the matter of Board Case No. 2017-031:

MOTION: To accept the recommendation of the Complaint Committee to revoke the Officer Certificate due to disqualifying conduct.

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

Motion carried.

Chair Pellerin adjourned the meeting at 10:44 a.m. The next meeting is scheduled for 9:00 a.m. on Friday, November 17, 2017 at the Maine Criminal Justice Academy in Vassalboro, Maine.



Richard P. Davis