

Municipal Police Training Committee

Monthly Meeting Minutes

Plymouth County Sheriff's Department

July 20, 2016

Call to Order

At 10:00AM, Chairman Jim Hicks called the monthly meeting of the Municipal Police Training Committee to order and greeted all present. Chief Hicks announced that the meeting was an open meeting.

Attendees

Chairman Jim Hicks – Northeast Mass; Joseph Vieira – MPA; Michael Botieri – Southeast Mass; Matt Roy – MSP; Chief Brian Kyes –Mass Chiefs; Jim O'Brien –AG; Mike Chapman -Boston

MPTC Staff

Dori Ference, Eileen Goodick, Andrea Kenney, Dan Zivkovich and Sheila Gallagher.

Guests

James Bor, Rick Cipro, Norman Charest, Leslie Feinberg, Tom Fleming, Frank Frederickson, Regina Giambusso, Sergeant Jeffrey Lenti, Russell Kleber, Kevin Hope, Sgt. Barry Horton, Greg Quilty, Steve O'Neill, Jerry O'Rourke, Kimberly Jo Prentice, Chief Peter Roddy, Captain Jack Ryder, Shaun Suhoski, and Shannon Sullivan

Review/Approval of Minutes

A motion was made, seconded and passed to accept the Minutes of June 15, 2016. The motion passed by unanimous voice.

New Business

Sgt. Barry Horton from the Brewster Police Department provided the Committee with resources that the community of Brewster has been giving to returning veterans that are having difficulty transitioning back to civilian life. Sgt Horton explained that the police are limited by the tools and resources in the community. The goal of the material is to create a dialogue with police and veterans. Sgt Horton proposed to the Committee a presentation that could be offered either as an in-service course or through a symposium that would start this dialogue between law enforcement and veterans.

Joseph Vieira added that MPA hosts their annual conference in Springfield this October, and he offered a block of time for Sgt. Horton to roll out his presentation related to veterans. ED Zivkovich commented that post-traumatic stress disorder (PTSD) impacts law enforcement as well and that the MPTC is developing an online course.

Sgt. Horton added families are contacting police to help with the challenges that many vets experience when they return from active duty. The benefit of this

program is that it encourages one-on-one interaction with vets. Sgt Horton mentioned a vet that he had worked with that was continually arrested for drug offenses. Through this program, the vet told police he was frustrated and felt little appreciation for his service in Iraq.

Chief Hicks stated that Sgt. Horton should consider presenting at MPA's conference and then connect with ED Zivkovich to ask that his presentation be considered as a topic for TY 2017-18 in-service.

Home Base

Leslie Feinberg gave a brief overview of the Home Base program that she oversees. In 2007, Tom Werner decided after visiting Walter Reed veteran hospital in Washington, DC, that there needs to be additional services available to vets and their families. Home Base was created and a fundraiser was held at Fenway Park. Home Base provides clinical care, research and wellness programs. It also has a robust training program that is relevant for the MPTC. The goal of the training is to recognize vets who have PTSD within the community. Home Base will be hosting a training in Worcester and plans to offer a second training in the Cape. Chief Hicks said that this program is a great opportunity because it is available throughout the Commonwealth.

Introductions

Chief Hicks introduced Chief Kyes to the Committee as the representative for the Mass Chiefs. Sergeant Jeff Lenti was recently appointed the new academy director for the State Police. ED Zivkovich announced that Andrea Kenney has joined the MPTC as the new budget director. Andrea previously worked for the Massachusetts District Attorney's Association and the Plymouth County District Attorney's Office as the chief financial officer.

AAG Jim O'Brien introduced Kim Prentiss as the new training and outreach coordinator for the Attorney General's criminal bureau. Kim had previously worked for the Essex County Sheriff's Department for a number of years.

Police Standards and Training

The following requests were presented and approved by the Committee:

Temporary Waivers:

Mike Curtin	East Bridgewater, PD
Travis Derby	Hinsdale PD
Michael Hunt	Beckett PD
Bishoy Ibrahim	Oxford PD
Jason Kushmerek	Tyngsborough PD
Eric Maynard	Pelham PD
John Smith	East Bridgewater PD

A motion was made to approve the requests for temporary waivers. The motion passed by unanimous voice. There was no further discussion.

Permanent Exemptions:

The following request was presented to the Committee

Chief Russ Kleber

Athol PD

The Police Standards Subcommittee met prior to the meeting to discuss how the decision with regard to Chief Kleber would have significant ramifications. Chief Kleber attended and graduated from the MPTC police academy in Agawan in 1987. Upon graduation, he worked for the Charlton and Auburn police departments until 1995. Chief Kleber left the municipal police departments to work as a special agent for the FBI in Boston and worked as the training supervisor for the FBI Academy in Quantico until 2010. Chief Kleber recently left Quantico to accept the position of police chief for the town of Athol.

Chief Hicks said that the Committee has to decide whether Chief Kleber's service as a federal agent constitutes a break in service. Second, if there is deemed to be an interruption in service, the Committee will have to consider whether Chief Kleber will have to attend a full time academy or an alternative training requirement since he has not worked for any Massachusetts police departments for over 5 years.

There was a lengthy discussion following Chief Hicks' comments. The Committee discussed how it requires any federal law enforcement agent to attend a full time MPTC authorized academy if that individual has no prior municipal police training in Massachusetts and intends to work as a municipal police in Massachusetts. The Police Standards Subcommittee met on July 5, 2016, to discuss the issues above and opined that Chief Kleber's employment as a FBI agent did constitute a break in service and he would have to attend a full time academy.

AAG O'Brien summarized the details of what the Police Standards Subcommittee discussed in the July meeting. Chief Kleber and the Athol town manager provided information about Chief Kleber's education and law enforcement background at the meeting and formerly requested a permanent exemption. Chief Kleber graduated from a full time MPTC academy and worked for 10 years in Massachusetts municipal police departments. When Chief Kleber left municipal service to work as a FBI agent, he always maintained powers of arrest. Because he had powers of arrest and because he trained municipal officers Chief Kleber and the Athol town manager contended that his employment with the federal government did not constitute a break in service.

The full Committee heard from the Athol town manager and Chief Kleber. According to the Athol town manager, Chief Kleber's education and 30 years law enforcement experience should be sufficient to satisfy the Committee's requirements. If Chief Kleber were granted a permanent exemption, he would attend orientation and other, specialized trainings necessary to fulfill the MPTC standards. Next, Chief Kleber spoke and said that his request should not be considered precedent setting because his situation is unique. Rather Chief Kleber stated that pursuant to 550 CMR 3.04, the MPTC has discretion to determine that he had a comparable level of experience to Massachusetts municipal police officers while employed with the FBI. There was further discussion.

Chief Hicks asked whether the Committee viewed Chief Kleber's employment with the federal government a break in service. The Committee answered yes. Although this decision did not mandate a vote, ED Zivkovich added that it would be helpful to have the Committee vote on this issue to establish a benchmark. A motion was made "that if a person was trained as a police officer in Massachusetts and leaves municipal service for a federal law enforcement job that exceeds five years it will constitute a break in service." The motion was seconded and passed by unanimous voice.

With regard to this particular applicant, Chief Hicks asked the Committee to determine whether Chief Kleber would have to attend a full or a modified academy in order to work as a police chief for the town of Athol. The Police Standards Subcommittee recommended that Chief Kleber attend and complete a reserve academy.

Before a vote was taken, the Athol town manager asked the Committee if he could have additional time, to examine the curriculum in the reserve academy. Lt. Chapman commented that it would be challenging for the MPTC staff to determine what courses could be omitted from the reserve curriculum. Chief Hicks added that if the Committee tailors the training for Chief Kleber it could potentially be an issue and analyzing the curriculum would also delay Chief Kleber's ability to commence working as the Athol police chief. There was some further discussion about tabling the vote until next month. Joe Vieira asked ED Zivkovich if an academy director has the ability to waive classes and ED Zivkovich responded no. ED Zivkovich further stated that he appreciates Chief Kleber's distinguishable background but added that the Committee already compromised by requiring Chief Kleber to attend the reserve academy in lieu of the 900 hour full time academy.

Chief Kyes responded that the Police Standards Subcommittee considered all these issues in July. Chief Kleber asked if there was anything that would have swayed the Committee to reconsider its position. One of the Committee members said that if Chief Kleber had showed up at the meeting today with a breakdown of how the federal curriculum compares to the reserve curriculum, it would have assisted the Committee.

After a little more commentary, a motion was made for Chief Kleber to attend and complete the 345.5 hour reserve academy as an alternative to the 900 hour full time academy. The motion was seconded and passed by unanimous voice.

New Business

The Massachusetts Commission Against Discrimination (MCAD) recently found that a former Boston Police Academy recruit, Claude DeFay was wrongfully dismissed and ordered that he be reinstated to the academy. As part of its remedy, the MCAD ordered that Claude DeFay did not have to retake any of the courses he had passed prior to his dismissal. By way of background, Claude DeFay was dismissed for a disciplinary issue that occurred 6 years ago. DeFay requested a hearing and the MPTC Police Standards Subcommittee upheld the dismissal. DeFay then filed an appeal with the MCAD. The issue is that the MCAD's order is not in agreement with MPTC standards, and appears to be contrary to the M.G.Ls. The city of Boston did not appeal the decision and now the Boston Police Academy is trying to adhere to the MCAD

decision and maintain compliance with MPTC standards for police recruits. There was some discussion as to whether this was a break in service but since Claude DeFay was not a police officer that would not apply. The Committee concluded that it would be detrimental to not require a recruit to retake the entire academic portion again since the recruit only completed Level 1 and Level 2 of the academy's academic portion six years ago. There have been significant legislative changes as well as numerous cases issued within that time frame. After further discussion, the EOPPS and the MPTC will send a letter to the MCAD asked for reconsideration of its order relating to Claude DeFay.

Open Discussion

There were no items for open discussion.

Executive Director Report

Recruit Officer Training Updates

Boston: anticipating a class of at least 65 Boston officers in December. There are 40 requests from outside agencies.

Boylston: No academy dates scheduled at this time.

Lowell: 57 officers remain. One officer was separated for a domestic violence assault.

SPMA: presently in week 15 with 46 recruits and graduation is expected on September 23, 2016. The next academy may start on October 31, 2016.

NECC: 48 officers remain in week 13 of the academy. Graduation is expected on October 14, 2016.

Plymouth: 62nd ROC is in week 15 with 46 officers remaining and graduation is expected on September 23, 2016. The next class will begin on October 31, 2016.

Randolph: 49 officers will begin on August 1, 2016.

Reading: 41 recruits remain and graduation is expected on August 16, 2016. The next class is scheduled to begin on September 12, 2016.

Springfield: currently there are 58 officers remaining. Graduation is expected on November 10, 2016.

Transit: No update on the transit academy.

WMASS: 41 officers in the academy and graduation is scheduled for September 21, 2016.

Worcester: graduated on July 1, 2016. The next class of 20 is expected to begin in the winter.

ED Zivkovich announced that Alex Mela, a graduate of the Randolph Police Academy, successfully seized 6 pounds of mushrooms and other drug paraphernalia.

Budget

ED Zivkovich reported that there are some issues with the budget. Rather than wait for 9C cuts, Governor Baker proactively addressed the budget constraints right away. As a result, the MPTC's budget is 10% below last year's budget, which is a \$400K reduction and equates to 10,000 instructor hours. Based on the projected budget for the MPTC, ED Zivkovich asked the Committee to prioritize what trainings are the most important for the MPTC to offer. Chief Hicks stated that in-service is top priority since the MPTC has committed to rolling it out. There was some discussion about continuing to offer FBI LEEDA and the Endicott College program. Chief Botieri asked whether we could delay the database or the Force Concepts project. Chief Hicks asked ED Zivkovich to prepare another sheet with topics and cost for the next meeting.

Old Business

In-service

Dori Ference reported that all the materials for the train-the-trainer sessions are set and the trainings are scheduled.

Next Meeting

Wednesday, August 17, 2016, 9:30 AM at Boylston Police Academy.

Adjournment

The motion was made, seconded and passed at 12:45pm to adjourn.