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STATE OF MAINE
113TH LEGISLATURE
SECOND REGULAR SESSION

FINAL REPORT
ON
LAW ENFORCEMENT TRAINING

Joint Standing Committee
on Legal Affairs
113th Legislature

January 1988

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Sen. Judy C. Kany, Co-Chair*
Sen. Stephen C. Estes
Sen. Robert Dillenback
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Rep. Helen M. Tupper*

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I SUMMARY OF KEY RECOMMENDATIONS

1. It is important that the citizens of Maine and visitors to Maine be assured that all law enforcement officers in this State have at least a basic familiarity with fundamental legal concepts and procedures, including but not limited to, the Maine Criminal Code, the Maine motor vehicle laws, constitutional rights and criminal procedure, before being empowered to make arrests or given the authority to carry firearms in the course of duty. See III, A, 3, a.

2. The requirements for law enforcement education and training should apply to all law enforcement officers in the State (other than federal law enforcement officers). "Law enforcement officer" should be defined as any person who by virtue of his public employment is vested by law with a duty to maintain public order, prosecute offenders, serve criminal process, make arrests for crimes or perform probation functions, whether that duty extends to all crimes or is limited to specific crimes. See III, A, 3, a.

3. All law enforcement officers should be required to complete a pre-service training course, roughly equivalent to the current 100-hour reserve officer training course, before being given the power to make arrests or the authority to carry a firearm in the course of duty. The Board of Trustees of the Maine Criminal Justice Academy should be responsible for developing the course and providing it throughout the State. The Board of Trustees, in developing the pre-service requirements, should consider the use of apprenticeship with a certified experienced officer, followed by an examination, as an alternative to part or all of the course. See III, A, 3, b.

4. The Board of Trustees of the Maine Criminal Justice Academy should develop core curriculum requirements which are common to all law enforcement officers in the State. All full-time law enforcement officers must complete a basic training course, containing at least the core curriculum requirements, within 6 months of starting work as a condition of continued certification. As under current law, the Board of Trustees can extend the 6-month period in individual cases of extreme circumstances. See III, A, 3, c.

5. All law enforcement officers should be required to complete at least 20 hours of in-service training per year. The purpose of in-service training is to keep officers updated on new procedures and changes in the law,

plus provide additional training to allow law enforcement officers to carry out their duties most effectively. The Board of Trustees of the Academy should be responsible for coordinating and administering in-service programs, and should work with the post-secondary institutions and law enforcement agencies to provide approved courses. See III, A, 3, d.

6. The remaining funds from the 10% surcharge on all fines, penalties and forfeitures should be used to help fund these additional requirements of the Criminal Justice Academy and to help reimburse municipalities for the costs associated with required training. The reimbursement for municipalities should cover salaries for the officers while in training in addition to tuition. See III, C, 3.

II LAW ENFORCEMENT TRAINING STUDY

A. INTRODUCTION

During the First Regular Session of the 113th Legislature, the Joint Standing Committee on Legal Affairs considered two bills concerning law enforcement training. Legislative Document 790, AN ACT to Amend the Law Regarding Training for Law Enforcement Officers, required that current educational requirements be completed before each county or municipal law enforcement officer is authorized to make arrests or carry a gun, rather than within 6 months of employment as the law currently provides. Legislative Document 1452, AN ACT to Establish a 10% Surtax on Fines to be Dedicated to the Maine Criminal Justice Academy in Lieu of Tuition Paid by Municipalities, created a Criminal Justice Training Fund which would receive money by the addition of a 10% fee on any fines assessed for criminal offenses. The Committee determined that the question of timing of law enforcement training and the issue of funding such training were more complex than the Committee could adequately examine within the remaining days of the session. Because the entire subject of law enforcement training is so important and deserves sufficient time to develop appropriate coverage, the Committee decided to carry over both bills to the Second Regular Session, and to undertake an interim study as approved by the Legislative Council. This report explains the process of the study and contains the findings and recommendations of the Committee.

B. THE STUDY PROCESS

At the end of the First Regular Session of the 113th Legislature, the Legislative Council approved the Legal Affairs Committee's request to carryover both LD 790 and LD 1452, plus the Council approved an interim study to be undertaken by a 5-member subcommittee. Both chairs of the Committee, Sen. Judy Kany (LD 790's sponsor) and Rep. Charles Priest, served on the Subcommittee along with 3 other Committee members: Rep. Norman Paul (a cosponsor of LD 790), Rep. Helen Tupper (a cosponsor of LD 790) and Rep. Albert Stevens.

The Subcommittee met three times during the summer and fall of 1987. Each meeting was held at the Maine Criminal Justice Academy (MCJA) in Waterville. The Subcommittee was pleased to receive the full participation and cooperation of Maurice Harvey, Director of the Academy, and takes this opportunity to thank Mr. Harvey for his invaluable assistance in the study and his dedication and hard work in the interests of criminal justice training in Maine. Other persons participating in the study included representatives of the State Police, the Police Chiefs' Association, the Sheriffs' Association, the Office of the Attorney General, the Warden Service, the Marine Patrol, the Forest Service, the Motor Vehicle Division of the Department of State, district attorneys and criminal justice

educators. The Subcommittee appreciates the assistance and enthusiasm such participation brought to the study.

The Subcommittee established a baseline definition of law enforcement officer which guided its discussions throughout the study. A law enforcement officer is "any person who by virtue of his or her public employment is vested by law with a duty to maintain public order, prosecute offenders, serve criminal process, make arrests for crimes or perform probation functions, whether that duty extends to all crimes or is limited to specific crimes." (The Subcommittee recognizes that the Legislature has no jurisdiction over federal law enforcement officers, and does not intend to affect them in any way.)

The first Subcommittee meeting served to provide information on the current status of law enforcement training in Maine. Mr. Harvey provided a history of training and the Academy, plus current statistics on enrollment, costs and fees. The Subcommittee reviewed curriculum and toured the small but well-utilized Academy facilities. A representative of the Academy Review Committee presented its draft report, including 16 recommendations and cost estimates for improving the Academy and its ability to carry out its responsibilities. (These recommendations are included in Appendix C; many are covered by the recommendations of this study.) The Subcommittee and other participants then discussed the shortcoming and drawbacks of the current training system.

The second Subcommittee meeting included the active participation of faculty and administrators of the University of Southern Maine, the Southern Maine Vocational-Technical Institute, the University College, the University of Maine at Augusta and the University of Maine at Presque Isle. Participants were asked to explain their curriculum and what would be their "ideal" delivery system for criminal justice education and training. The meeting included descriptions of the current training and training needs of the various agencies within state government which have law enforcement responsibilities. The Subcommittee reviewed survey results of 3 different surveys, 2 conducted by the Subcommittee and the third conducted by the International Association of Directors of Law Enforcement Standards and Training. (Appendix D contains the pertinent results of all 3 surveys; Part III, A, discusses the results.)

Based on all the information compiled and discussed in the first 2 meetings, the Subcommittee was able to formulate findings and recommendations during the course of the third meeting. The entire Committee met and accepted the report and recommendations, and those findings and recommendations make up Part III of this report.

III FINDINGS AND RECOMMENDATIONS

A. TRAINING CURRICULUM AND TIMING

1. CURRENT REQUIREMENTS

a. MUNICIPAL AND COUNTY LAW ENFORCEMENT OFFICERS

The current law requires that full-time municipal and county law enforcement officers complete the basic training course provided by the Maine Criminal Justice Academy within 6 months of starting work as a condition of continued employment. The board of trustees may extend the period for up to 90 days in special circumstances. The board is responsible for establishing the content of the basic training course, which currently consists of 12 of weeks training, during which the students stay on the MCJA campus from Monday through Friday.

Although the Committee heard no testimony during the course of the study referring to any specific incidents to which the timing of the training contributed, the Committee finds, based on the basic concern regarding giving law enforcement officers the power to make arrests and the authority to carry a firearm in the course of duty without any required preliminary training or testing, that the current requirement that training be completed within 6 months is inadequate to sufficiently protect the people of the State of Maine. The concern stems from the fact that a new law enforcement officer without sufficient knowledge and skills can endanger a suspect, bystanders and the public at large when making an arrest or carrying a firearm. The increasingly-raised issue of municipal liability for the action or nonaction of law enforcement officers can be somewhat avoided with adequate pre-service training. The Committee is aware of at least two municipalities which currently require completion of basic training before the officer can start work. The Committee applauds these municipalities for their recognition of the problems lack of training can cause; at the same time, the Committee is aware that the resources of small municipalities cannot support prior-training requirements under the present system of class offerings and costs.

Hearing no testimony to the contrary the Committee finds that the current curriculum of the basic training course adequately serves the needs of municipal and county law enforcement officers.

Once an officer completes basic training, the learning and acquisition of skills are far from over. Of particular concern to the Committee is how current law enforcement officers learn about new state and federal laws, plus any court decisions, which may affect their work. Much testimony was in favor of reinstituting the Alert bulletin, providing this new information, for which no funding has been available for a few years. The Committee is very pleased that the Alert bulletin, to be distributed to all law enforcement officers, will once again be produced. This will be accomplished through the cooperation of the Department of Public Safety, the Office of the Attorney General and the district attorneys across the State. Although the current law includes an in-service training requirement to address this and other concerns, the terms are not specific enough to be enforced well. The Committee finds that the current in-service training requirement is inadequate to appropriately serve the officers, their agencies and the public as a whole. The requirement does not adequately address who is responsible for providing the in-service training and who is responsible for ensuring that the officers receive a sufficient amount; there is currently no minimum number of hours necessary for continued law enforcement certification. In short, there is no mechanism to make sure law enforcement officers learn about and carry out new laws; there is no way for the Legislature to know whether the new laws are working. The Committee recognizes the efforts the Vocational-Technical Institutes have made to help provide in-service training. More cooperative efforts including the post-secondary institutions, law enforcement agencies and the Academy are needed to adequately provide the in-service training necessary for all law enforcement officers.

The Committee was interested to hear about the concept of law enforcement agency sponsorship of persons, not yet hired as law enforcement officers, in order to give those persons an opportunity to attend law enforcement training courses. An agency which sponsors a person would do so in recognition of potential law enforcement ability, but the agency is under no obligation to hire the person sponsored before, during or after training. The agency is responsible for completing background checks and other activities required to ensure that the person is eligible to become a law enforcement officer. The person pays all the costs of training, and, once the training is completed, is ready to serve as a law enforcement officer. The Academy does not certify that the person as a law enforcement officer until an agency actually hires him or her. This practice is apparently currently being followed to a

limited extent with the Reserve Officer Training Course. Agencies will sometimes reimburse the officer for the training costs once hired. The Committee finds that the issue of law enforcement agency sponsorship is a promising concept as it increases the pool of law enforcement officer candidates while not depleting agency resources before the officer is actually contributing to the agency's work.

b. STATE POLICE

The Academy provides a separate course for State Police officers. Although the statute does not require that State Police complete a basic training course before assuming their duties, it is required by the State Police operating procedure. The Committee finds that the State Police training is adequate and apparently serves the officers well. The Committee has the same concerns regarding in-service training for the State Police as for municipal and county officers.

c. OTHER STATE LAW ENFORCEMENT AGENCIES

Several other state agencies have law enforcement responsibilities which include the power to make arrests but may or may not include the authority to carry a firearm in the course of duty. Current law leaves training requirements entirely up to the departments themselves. The board of trustees of the Academy has no statutory jurisdiction over any law enforcement officers other than municipal and county officers. (Jurisdiction over the State Police is limited to cooperation with the Chief of the State Police.) Many parts of the municipal and county basic training course would be useful if not directly applicable to these other law enforcement officers. Although most of the agencies try to work out some Academy training, the fact that no training is required by statute means that training state law enforcement officers is of low Academy priority and that these state law enforcement officers are Academy-trained only when space in the classes permits. Some departments have developed their own training courses which are provided in conjunction with the Academy, if only through use of the Academy facilities.

In response to an informal survey conducted by the Committee, six state departments, encompassing 10 agencies (including the State Police) indicated that at least some of their employees -- over 800 total -- have arrest powers, and yet there is no statutory training requirement for any of the agencies. The departments and agencies responding are: The Department of Conservation, Forest Service and Parks & Recreation;

the Department of Corrections, Probation & Parole; the Department of Inland Fisheries and Wildlife, Warden Service; the Department of Marine Resources, Marine Patrol; the Department of Public Safety, Capital Security, Fire Marshal's Office, Liquor Enforcement and State Police; and the Department of State, Motor Vehicle Division.

The Committee finds that the lack of statutory requirements for pre-service training for any law enforcement officer is against the best interests of the State.

The Committee recognizes that the departments and agencies have done a remarkably good job training their law enforcement officers without a great level of support from the Academy. The Academy has not provided such support because the board of trustees currently has no authority to do so. The Committee finds that if the board of trustees of the Academy is involved, at least at a minimum level, in the training of all non-federal law enforcement officers in the State, such involvement will guarantee a certain amount of consistency and will ensure that adequate training is provided. The Subcommittee also recognizes that some agencies, particularly the Division of Probation and Parole, have responsibilities which do not appear very similar to other law enforcement agencies. While recognizing these concerns, the overriding factor, the Committee determined, is that these are law enforcement officers, with the power to make arrests and, in certain situations, the authority to carry a firearm in the course of duty. The Committee finds that consistency and central coordination of training, and therefore less unnecessary duplication of effort, can only result from vesting such authority in the board of trustees of the Academy. The Committee finds that it is therefore important that every department or agency with law enforcement officers have representation, whether formal or informal, on the board of trustees.

The Committee considered the concept of core classes. These classes would impart the necessary knowledge and skills which are common to all law enforcement officers in the State. The classes would not be segregated by type of officer or agency, but would be made up of all law enforcement officers to improve understanding and relations among the various agencies. Once the officers complete the core courses, they would then move on to department-specific courses. A system such as this would avoid duplication of the courses which all officers need. It would also be very helpful to small departments or agencies which do not have enough officers to justify the costs of an entire course. The

problem with putting such a system into place is the logistics involved. The Committee determined that the practical problems of providing the core courses to possibly a very large number of persons at the same time are currently insurmountable. In addition, to have at least 6 state department trying to provide the specific training beyond the core courses simultaneously may be impossible. Although the mutually attended core courses may be an appropriate goal to work towards for the future, the Committee finds that the goal of consistency can be best served immediately by the establishment of core curriculum requirements, common for all law enforcement officers.

d. RESERVE AND OTHER PART-TIME OFFICERS

The statute requires the board of trustees of the Academy to establish standards and training requirements for and to certify reserve and other part-time officers. The reserve officer training course consists of 100 hours of class and is delivered throughout the State rather than just at the Academy as is true for the basic training course. Although there was concern voiced that the screening of the reserve officers is inadequate (an agency responsibility, but not a power of the board of trustees), the Committee finds that the reserve officer training course is fulfilling its purposes and is often used by agencies as a form of pre-service training when possible.

2. HOW MAINE COMPARES

According to the 2 multi-state surveys examined by the Committee, Maine fares well in comparison to other states' law enforcement training requirements. The results of the survey conducted by the International Association of Directors of Law Enforcement Standards and Training (IADLEST), as published in the IADLEST Monograph, 1987, show that over half of the states allow more than 6 months to pass before a new municipal law enforcement officer must be trained. Nine states require the officers to complete basic training before assuming their duties; 6 states, including Maine, require basic training within 6 months; and 27 states allow a 7-12 month grace period for completion of basic training.

The Academy currently includes as an admission requirement the successful completion of a reading and writing test. Eighteen other states have a similar requirement, while 27 states do not. The Academy has noted that performance on the test is closely correlated with classwork performance, and the Committee finds that the imposition of the reading and writing test has improved the caliber of students and the success of the Academy training.

The Maine municipal police basic training course lasts 12 weeks and consists of 480 hours. The basic training courses of 3 other states, according to the IADLEST Monograph, also consist of 480 hours. Thirty-one states require less than 480 hours, while 6 states mandate more than the Maine minimum. One state, Minnesota, requires 2 years of college plus 10 hours of basic training. Although Minnesota's law enforcement training system is often referred to as the model or ideal system, the Committee finds that the Minnesota requirement, including that all police officers must first complete 2 years of college, would not be feasible in Maine.

The Committee conducted its own 50-state survey based on its specific concerns about law enforcement training in Maine. The results on timing of training and admissions standards are similar to those of the IADLEST Monograph. In addition, the Committee survey indicates that only 18 (including Maine) of the 42 responding states, require some form of in-service training for municipal law enforcement officers. The survey also shows that there is a relatively high level of coordination between law enforcement training and post-secondary institutions (31 out of 42 responding states have some form of credit awarded for law enforcement training).

3. RECOMMENDATIONS

The bulk of the Committee's recommendations concern law enforcement training curriculum and timing.

a. GENERAL

The Committee recommends that the definition of "law enforcement officer" be expanded and clarified for the purposes of law enforcement training to mean "any person who by virtue of his or her public employment is vested by law with a duty to maintain public order, prosecute offenders, serve criminal process, make arrests for crimes or perform probation functions, whether that duty extends to all crimes or is limited to specific crimes." (This applies to Maine Revised Statutes, Titles 15, 17-A and 25.) The definition should not include federal law enforcement officers.

The Committee recommends that the authority of the board of trustees of the MCJA be expanded to clearly include setting certification and training standards for all non-federal law enforcement officers. The certification should be based on the officer demonstrating the acquisition of specific knowledge and skills which can be directly tied to job performance, rather than mere attendance at required classes. In this recommendation, the Committee

recognizes the efforts made by the Corrections Officer Task Analysis/Training Standards Committee examining training for all corrections officers in the State.

The Committee encourages an improved relationship between the Academy and the post-secondary institutions within the State, especially for the award of post-secondary institution credit for completion of Academy training.

b. PRE-SERVICE TRAINING

The Committee recommends that no person may serve as a law enforcement officer with the power to make arrests or the authority to carry a firearm in the course of duty until certified by the board of trustees of the MCJA as satisfying all pre-service training requirements. (This would not apply to federal law enforcement officers.)

The Committee recommends that the board of trustees of the MCJA be required to establish pre-service training requirements which all law enforcement officers must meet. Based on the success and appropriateness of the current 100-hour reserve officer training course, the Committee recommends that the board use the 100-hour course requirements as the basis for the pre-service requirements.

The Committee recommends that the board of trustees of the MCJA be required to certify each person who meets the pre-service training requirements as eligible to serve as a law enforcement officer with the power to make arrests or the authority to carry a firearm in the course of duty, subject to additional basic and in-service training requirements.

The Committee recommends that the board of trustees of the MCJA be required to provide a course the successful completion of which will satisfy the pre-service training requirements. The board should work with post-secondary institutions within the State to deliver the pre-service training course throughout the State and as often as reasonable demand requires.

The Committee recommends that the board of trustees of the MCJA, in establishing the pre-service training requirements, seriously consider the use of apprenticeship with a certified, experienced officer to be followed by an examination as an alternative to part or all of the pre-service training course leading to pre-service certification.

The Committee recommends that the board of trustees of the MCJA be required to evaluate the use of law enforcement agency sponsorship and screening of pre-service training applicants and students and the availability of pre-service training before employment.

The Committee recommends that the board of trustees of the MCJA be required to certify law enforcement officers who complete basic law enforcement training before being empowered to make arrests or given the authority to carry a firearm in the course of duty as having satisfied the pre-service training requirements.

The Committee recommends that the board of trustees of the MCJA encourage the formation and establishment of a pool of police recruits by promoting pre-service training through use of law enforcement agency sponsorship. This is not intended to create an obligation on any agency to hire new officers exclusively from the pool.

c. BASIC LAW ENFORCEMENT TRAINING

The Committee recommends that the board of trustees of the MCJA be required to establish core curriculum requirements which must be satisfied by each full-time state, county or municipal law enforcement officer within 6 months of assuming law enforcement duties which include the power to make arrests or the authority to carry a firearm in the course of duty. The board must base these core curriculum requirements on the necessary knowledge, training and skills common to all State, county and municipal law enforcement officers.

The Committee recommends that the board of trustees of the MCJA be required to establish a certification procedure and certify all law enforcement officers who meet the core curriculum requirements.

The Committee recommends that the pre-service training course be considered to satisfy the basic training requirements for part-time law enforcement officers.

d. IN-SERVICE TRAINING

The Committee recommends that the board of trustees of the MCJA be required to evaluate on an ongoing basis the availability of in-service training. The board shall encourage the use of new methods of delivery including closed-circuit television and video taping to better meet the needs of the law enforcement officers throughout the State.

The Committee recommends that, effective July 1, 1989, all law enforcement officers, to maintain certification, be required to complete a minimum of 20 hours of in-service training per year. The training must include up-to-date information on new laws and recent court decisions.

The Committee recommends that the board of trustees of the MCJA be required to establish in-service training requirements, to coordinate delivery of in-service training with post-secondary institutions and law enforcement agencies and to administer in-service training programs.

The Committee recommends that the Alert bulletin be reinstated to help provide current information concerning changes in statutory and case law.

The Committee recommends that the board of trustees of the MCJA be given the power to add additional certificates to be awarded for completion of additional education, experience and certified Academy training.

B. GENERAL ACADEMY ISSUES

1. FACILITIES

The Maine Criminal Justice Academy has been located in the facilities formerly occupied by Thomas College since 1972. The campus property consists of over 13 acres, but half of the land is located on the far side of Messalonskee Stream and is subject to severe flooding.

The Academy consists of 7 main buildings: An administration building; the main instructional building, which includes 4 classrooms, the Media Resources Center and 2 small staff offices; a theater building seating 156 (attached to the classroom building); a conference room building with a small exercise room downstairs; two dormitories which include lounge areas; and a mock house used for simulated situations.

Colby College has been allowing the Academy to make use of its gymnasium facilities, as the Academy has only outdoor space for organized physical activities and instruction. The students are also taken elsewhere for training on the firing range and the driving range.

The Committee finds that the Academy has done remarkably well in providing all the training and activities that it does with the limited facilities available.

2. STAFFING

The staff of the Academy consists of employees of the Academy and 7 employees of the State Police and Warden Service who are assigned to the Academy on a full-time basis by their agencies. These staff members coordinate the training sessions (which are conducted by subject matter experts) and assist in the delivery of some of the instruction. The bulk of the instruction at the Academy is performed by practitioners who volunteer their time to instruct in areas where they have a particular expertise. In some areas of specialized training, the Academy must hire paid consultants to provide the instruction.

The Committee finds that although the current staffing system greatly burdens the Academy, the staff and the instructors, the results have been outstanding. In fact, Director Maurice Harvey and the Academy in general are recognized outside the state for their excellence.

3. RECOMMENDATIONS

The Committee recommends that the board of trustees of the MCJA review the facility needs and submit plans and suggestions, plus estimates of the costs necessary to eliminate the inadequacies, including the possibility of a new location.

C. FUNDING ISSUES

1. THE ACADEMY

The budget of the Maine Criminal Justice Academy for 1987 was \$734,735. This budget has gradually increased from \$531,929 in 1983. Based on the information received in response to the Committee survey, the Academy budget is small in comparison to other states' law enforcement training budgets. Only six states listed a smaller budget than Maine's: Idaho (\$670,000); Montana (\$607,000); North Dakota (\$250,000); Rhode Island (\$225,000); Vermont (\$494,000); and West Virginia (\$400,000).

The Academy has been able to provide services beyond the limits of the General Fund budget by charging tuition for the 12-week basic training course (\$150.00; meals and lodging are paid through the Academy budget) and the 100-hour reserve officer training course (\$50.00 per participant). The Academy charges participants in all other programs the cost of administering and providing additional classes, plus \$2 per night and \$3 per meal when provided.

2. LAW ENFORCEMENT AGENCIES

The State law enforcement agencies, other than the State Police, have little or no budgets specifically devoted to training. The State agencies absorb all the costs of training without any subsidization by the Academy. Although the Academy helps municipal law enforcement agencies by charging only \$150 of the total cost of the basic training course, municipalities are not assisted in paying the salaries of officers while in training, plus paying for the personnel to cover the job vacancies for the 12 weeks the new officers are in training. This is also true for officers attending in-service training.

3. RECOMMENDATIONS

During the First Regular Session of the 113th Legislature, while Legal Affairs was reviewing the issue of surcharges to fund the Maine Criminal Justice Academy (LD 1452), the Legislature enacted PL 1987, c. 339 (LD 1082) which placed a surcharge on all fines, forfeitures and penalties imposed by the courts to be used to reimburse counties for their jail costs. Two percent of the total fines, forfeitures and penalties, plus the surcharge, is distributed to the counties and the rest goes to the General Fund. The Committee recommends that at least part of the remaining surcharge be used for law enforcement education and training. Specifically, the Committee recommends that a portion be allocated to the Academy to help improve the facilities and to help compensate instructors. Another portion should be devoted specifically to in-service training for coordination and administration of the programs and to help defray the costs of instructors. The last portion should be used to reimburse towns for tuition and salaries for officers in training, plus in-service training costs. The reimbursement should be limited to courses approved by the trustees of the MCJA. The Academy estimates that it would need an additional \$223,525.19 to fulfill all its requirements under the Committee's recommendations. The Maine Municipal Association estimates that reimbursing municipalities for tuition, salaries and in-service training costs would amount to \$676,300 (See Appendix E for details of estimates). The Committee recognizes that the increased training requirements will also affect state department budgets, but complete estimates were not available immediately. The General Fund share of the county jail surcharge, as estimated in PL 1987, c. 339, is \$1,115,000 for Fiscal Year 1988 and \$1,168,000 for Fiscal Year 1989.

APPENDIX A

LEGISLATION FROM 113TH LEGISLATURE

A.1 - LD 790
A.2 - LD 1452

FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No.

S.P. In Senate,

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

AN ACT to Amend the Law Regarding Training
for Law Enforcement Officers.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 25 MRSA §2805, sub-§1, as amended by PL 1985, c. 155, §4, is further amended to read:

1. Basic training. As a condition for gaining arrest powers and possessing the authority to carry weapons for the purpose of arrest powers, a law enforcement officer shall have successfully completed a basic training course by the Maine Criminal Justice Academy. As a condition to the continued employment of any person as a full-time law enforcement officer by a municipality or county, that person shall successfully complete, within the first 6 months of his

1 employment, a basic training course at by the Maine
2 Criminal Justice Academy. The board of trustees, un-
3 der extenuating and emergency circumstances in indi-
4 vidual cases, may extend ~~that period~~ these periods
5 for not more than 90 days. In addition, the board of
6 trustees may waive in individual cases such basic
7 training requirement when the facts indicate that an
8 equivalent course has been successfully completed.
9 This section shall not apply to any person employed
10 as a full-time local law enforcement officer in a mu-
11 nicipality on September 23, 1971, or in a county on
12 July 1, 1972.

13 As a condition to the continued employment of any
14 person as a full-time corrections officer, as defined
15 in subsection 2, paragraph C, by a municipality or
16 county or by the State, the person shall successfully
17 complete, within the first 6 months of his employment
18 as a corrections officer, a basic training course of
19 not less than 80 hours as approved by the Maine Crim-
20 inal Justice Academy. The board of trustees, under
21 extenuating and emergency circumstances in individual
22 cases, may extend the period allowed for training for
23 not more than 90 days. In addition, the board of
24 trustees may, in individual cases, waive basic train-
25 ing requirements when the facts indicate that an
26 equivalent course has been successfully completed in
27 another state or federal jurisdiction within the last
28 2 years. This paragraph shall apply to any person em-
29 ployed as a full-time corrections officer as of the
30 effective date of this paragraph, except that full-
31 time corrections officers shall be exempt from the
32 12-months' requirement but shall successfully com-
33 plete the basic training on or before January 1,
34 1980. Administrators of facilities where there are
35 corrections officers who are not full-time, as de-
36 fined in subsection 2, paragraph C, are encouraged to
37 develop an orientation program for those persons.

38 Sec. 2. 25 MRSA §2805-A, sub-§4, as amended by
39 PL 1985, c. 155, §5, is further amended to read:

40 4. Certification required. As a condition to
41 the ~~continued~~ initial employment in this State of any
42 person as a reserve or part-time law enforcement of-
43 ficer by a municipality or county, except a law en-
44 forcement officer without the power to arrest and

1 without the authority to carry a weapon, the person
2 must ~~reeeive~~ have received from the academy, ~~within~~
3 the first 6 months of his employment, certification
4 or a waiver of certification as a reserve or part-
5 time law enforcement officer. The board of trustees,
6 under extenuating and emergency circumstances in in-
7 dividual cases, may extend this period for the com-
8 pletion of training for not more than 90 days from
9 the date of employment.

10 Sec. 3. 25 MRSA §2805-A, sub-§6, as enacted by
11 PL 1983, c. 615, §1, is repealed and the following
12 enacted in its place:

13 6. Transition. The provisions of this section
14 that apply to the required training and certification
15 of part-time and reserve law enforcement officers
16 shall become effective on January 1, 1988.

17 Sec. 4. Effective date. This bill shall take
18 effect January 1, 1988,

19 STATEMENT OF FACT

20 Full-time law enforcement officers employed by
21 counties or municipalities are required to take a
22 course at the Maine Criminal Justice Academy within 6
23 months of their employment. Reserve and part-time
24 law enforcement officers, except those without au-
25 thority to arrest or carry a gun, must be certified,
26 within 6 months of initial employment, by the board
27 of trustees of the academy based on completion of an
28 approved training program.

29 This bill requires that current educational re-
30 quirements be completed before all county and munici-
31 pal law enforcement officers are authorized to make
32 arrests or to carry a gun. This provision may be
33 waived for 90 days based on special circumstances or
34 waived completely based on completion of an equiva-
35 lent course.

36 0908021987

(After Deadline)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No.

H.P. House of Representatives,

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 AN ACT to Establish a 10% Surtax on Fines to
2 be Dedicated to the Maine Criminal
3 Justice Academy in Lieu of Tuition
4 Paid by Municipalities.
5

6 Be it enacted by the People of the State of Maine as
7 follows:

8 Sec. 1. 25 MRSA §2809 is enacted to read:

9 §2809. Criminal Justice Training Fund; penalty as-
10 essment

11 1. Criminal Justice Training Fund. There is
12 created in the State Treasury the Criminal Justice
13 Training Fund. The fund shall support the operation
14 costs of the Maine Criminal Justice Academy.

1 A. The Legislature shall make an annual appro-
2 piation from the Criminal Justice Training Fund
3 to the Maine Criminal Justice Academy of any
4 amounts available which it deems appropriate.

5 B. Any amounts deposited in the fund, but not
6 appropriated by the end of the fiscal year next
7 succeeding the fiscal year during which they were
8 deposited, shall revert to the General Fund.

9 2. Penalty assessments. In addition to every
10 fine imposed for a criminal offense, a penalty of 10%
11 of the amount of the fine shall be paid by the de-
12 fendant.

13 A. When multiple offenses are involved, the pen-
14 alty assessment shall be based upon the total
15 fine for all offenses. When a fine is suspended,
16 in whole or in part, the penalty assessment shall
17 be reduced in proportion to the suspension.

18 B. When a person convicted of any offense to
19 which this section applies is imprisoned until
20 the fine is satisfied, the judge may waive all or
21 part of the penalty assessment, the payment of
22 which would work hardship on the person convicted
23 or on his immediate family.

24 C. The clerk of courts, sheriff or other person
25 to whom the penalty assessment is paid shall
26 transmit periodically the amounts to the Treasur-
27 er of State, who shall deposit them in the Crimi-
28 nal Justice Training Fund.

29 3. Automatic termination. This section shall
30 terminate January 1, 1990, unless reenacted by legis-
31 lation.

32 Sec. 2. Effective date. This Act shall take ef-
33 fect on January 1, 1988.

1

STATEMENT OF FACT

2 This bill creates a Criminal Justice Training
3 Fund which will receive money by the addition of a
4 10% fee of any fines. This bill will also:

5 1. Require that amounts assessed and deposited
6 to the credit of the Criminal Justice Training Fund
7 be appropriated by the Legislature on an annual ba-
8 sis. This will continue the opportunity for legisla-
9 tive review and control of academy funding;

10 2. Establish an effective date for the bill of
11 January 1, 1988; and

12 3. Provide a sunset provision of January 1,
13 1990.

14

2577043087

APPENDIX B

PROPOSED LEGISLATION

SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY SEVEN

AN ACT Concerning Law Enforcement Education and
Training and Funding for Training.

Be it enacted by the People of the State of Maine as follows:

PART A

Sec. 1. 25 MRSA §2801 is amended to read:

§2801. Maine Criminal Justice Academy; purpose

There is created within the Department of Public Safety a law enforcement and criminal justice training facility to be known as the "Maine Criminal Justice Academy," as authorized by Title 5, section 12004, subsection 8, which shall be established at some convenient and suitable place in the Augusta area.

The purpose of the Maine Criminal Justice Academy shall be to provide a central training facility for all law enforcement and corrections personnel ~~of~~ in the State and also for criminal justice personnel. ~~The~~ academy shall serve to promote the highest levels of professional law enforcement performance and to facilitate coordination and cooperation between various law enforcement and criminal justice agencies.

Sec. 2. 25 MRSA §2801-A is enacted to read:

§2801-A. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Corrections officer and law enforcement officer. The board of trustees of the Maine Criminal Justice Academy shall be responsible for the application of the terms in this subsection.

A. "Corrections officer" means:

(1) For state agencies, the following class titles and their successor titles:

(a) Training School Counselor I and II;

(b) Training School Counselor Supervisor;

(c) Corrections Officer I, II and III;

(d) Guard;

(e) Guard Sergeant;

(f) Guard Lieutenant; and

(g) Guard Captain; and

(2) For county, municipal and other agencies subject to this chapter, the Maine Criminal Justice Academy shall define the term "corrections officer."

B. Law enforcement officer. "Law enforcement officer" means any person who by virtue of his public employment is vested by law with a duty to maintain public order, prosecute offenders, serve criminal process, make arrests for crimes or perform probation functions, whether that duty extends to all crimes or is limited to specific crimes. As used in this chapter, the term does not include federal law enforcement officers.

C. Full-time corrections officer. "Full-time corrections officer" means a person who is employed as a corrections officer with the reasonable expectation of earning at least \$6,000 in any one calendar or fiscal year for performing corrections officer duties.

D. Full-time law enforcement officer. "Full-time law enforcement officer" means a person who is employed as a law enforcement officer with the reasonable expectation of earning at least \$6,000 in any one calendar or fiscal year for performing law enforcement duties. "Full-time law

enforcement officer" does not include persons employed by counties whose full-time duties are those of corrections officers.

2. Board. "Board" means the board of trustees of the Maine Criminal Justice Academy.

Sec. 3. 25 MRSA §2803 is repealed and the following enacted in its place:

§2803-A. Powers and duties of the board of trustees

The board has the following powers and duties:

1. Training and certification of all law enforcement officers in the State. In accordance with the provisions of sections 2804-B, 2804-C and 2804-E, to establish training and certification standards for all non-federal law enforcement officers. Certification must be based on the officer demonstrating the acquisition of specific knowledge and skills which can be directly tied to job performance;

2. Admission standards and graduation requirements curriculum. In accordance with sections 2804-B, 2804-C and 2804-E, to establish standards for admission to the academy, set requirements for graduation from the academy, prescribe curriculum and certify both graduates of the academy and persons for whom the board has waived the requirements of sections 2804-B, 2804-C and 2804-E. The board may not set standards for admission to the academy until July 1, 1990, for persons required to be trained under Title 30, section 6210, subsection 4, which standards are higher than those in force on September 23, 1983;

3. Certification of police chiefs. To certify and set standards for certification of police chiefs;

4. Training and certification of sheriffs. To establish training programs for sheriffs within the curriculum, set requirements for graduation of sheriffs from the academy and certify sheriffs who graduate from the academy;

5. Training and certification of corrections personnel. In accordance with sections 2804-D and 2804-F, to approve training programs for corrections officers, including prescription of curriculum and setting of standards for graduation from those approved programs and certification of persons graduating from the basic training course prescribed in section 2804-D;

6. Training and certification of State Police enlisted personnel. With the approval of the Chief of the State Police, to establish suitable training programs for enlisted personnel

of the State Police and set requirements for graduation of such personnel from the academy. The board shall certify State Police enlisted personnel who graduate from the academy;

7. Training and certification in court procedures. To establish certification standards and a program to certify law enforcement officers as being familiar with current court procedures. This program must include:

A. Sufficient instruction in the basic training course approved by the trustees under section 2804-C to satisfy certification standards upon successful completion of the course;

B. A method by which law enforcement officers whose basic training course did not contain the instruction required by paragraph A may satisfy the certification standards; and

C. A requirement that in-service training programs required under section 2804-E include instruction on current court procedures;

8. Other training programs. To establish, within the limits of funds available and with the approval of the commissioner, additional training programs considered to be beneficial to law enforcement officers, corrections officers and criminal justice personnel;

9. Establish fees. To establish, with the approval of the commissioner, reasonable fees for attendance in order to defray at least part of the costs of operation of the academy;

10. Formulate a budget. To formulate a budget for the academy, which shall be presented to the commissioner for his approval and inclusion in the budget of the Department of Public Safety;

11. Accept funds and grants. With the approval of the commissioner, to accept such federal funds or grants as may be available to carry out the purposes of the academy;

12. Acquire facilities. With the approval of the commissioner, to lease, rent or acquire adequate facilities to conduct the academy's training programs;

13. Certification of instructors. To certify and set standards for certification of law enforcement and criminal justice instructors to be used in all academy pre-service, basic and in-service training programs as required by the trustees and over which the trustees have statutory control;

14. Revocation or suspension of certification. To revoke or suspend a certificate issued under this chapter, under section 2806; and

15. Provide assistance and materials. May provide to municipal and county officers and municipal and county law enforcement officers any assistance or instructional materials the board deems necessary to fulfill the purposes of this chapter and Title 30, sections 951 and 2365.

Sec. 4. 25 MRSA §§2804-B, 2804-C, 2804-D, 2804-E and 2804-F are enacted to read:

§2804-B. Pre-service law enforcement training

1. Required. A person shall not serve as a law enforcement officer with the power to make arrests or the authority to carry a firearm in the course of duty until certified by the board as satisfying all pre-service training requirements.

2. Pre-service training standards. The board shall establish standards for pre-service training certification which are equivalent to the 100-hour reserve officer training course as of November 1, 1987. In establishing the standards, the board shall also consider the use of apprenticeship with a certified, experienced officer to be followed by an examination given by the board as an alternative to part or all of the pre-service training course leading to pre-service certification.

3. Certification. The board shall certify each person who meets the pre-service training standards as eligible to serve as a law enforcement officer with the power to make arrests or the authority to carry a firearm in the course of duty, subject to additional certification as required by this chapter.

4. Course. The board shall provide a training course the successful completion of which will meet the pre-service training standards. The board may work with post-secondary institutions within the State to deliver the pre-service training course throughout the State and as often as reasonable demand requires.

5. Agency sponsorship. The board shall evaluate the use of law enforcement agency sponsorship and screening of pre-service training applicants and students and the availability of pre-service training before employment

6. Completion of basic law enforcement training sufficient. The board shall certify law enforcement officers who successfully complete basic law enforcement training under section 2804-C before being empowered to make arrests or given the authority to carry a firearm in the course of duty as having satisfied the pre-service training standards.

7. Reserve and other part-time law enforcement officers. The board shall certify law enforcement officers who successfully complete pre-service law enforcement training as reserve or part-time law enforcement officers. The board shall maintain a roster of all currently certified reserve or part-time law enforcement officers. The roster shall be available for inspection by the public at the academy during regular working hours.

§2804-C. Basic law enforcement training

1. Required. As a condition to the continued employment of any person as a full-time law enforcement officer by a municipality, a county, the State or other non-federal employer, that person shall successfully complete, within the first 6 months of employment, a basic training course approved by the board. The board, under extenuating and emergency circumstances in individual cases, may extend that period for not more than 90 days. In addition, the board may waive in individual cases the basic training requirement when the facts indicate that an equivalent course has been successfully completed. This section does not apply to any person employed as a full-time law enforcement officer by a municipality on September 23, 1971, or by a county on July 1, 1972.

2. Core curriculum requirements. The board shall establish core curriculum requirements which must be satisfied by each law enforcement officer within 6 months of assuming law enforcement duties which include the power to make arrests or the authority to carry a firearm in the course of duty. The board shall base the core curriculum requirements on the necessary knowledge, training and skills common to all law enforcement officers in this State.

3. Certification. The board shall certify each law enforcement officer who meets the core curriculum training requirements.

4. Course. The board shall provide a training course the successful completion of which will meet core curriculum requirements and will provide basic law enforcement training.

§2804-D. Basic corrections training

1. Required. As a condition to the continued employment of any person as a full-time corrections officer by a municipality, a county, the State or other non-federal employer, that person shall successfully complete, within the first 6 months of employment, a basic training course of not less than 80 hours as approved by the board of the Maine Criminal Justice Academy. The board may, in individual cases, waive basic training requirements when the facts indicate that

an equivalent course has been successfully completed in another state or federal jurisdiction within the last 2 years. This section shall apply to any person employed as a full-time corrections officer as of July 6, 1978, except that full-time corrections officers shall be exempt from the 12-months' requirement but shall successfully complete the basic training on or before January 1, 1980. Administrators of facilities where there are corrections officers who are not full-time are encouraged to develop an orientation program for those persons.

§2804-E. In-service law enforcement training

1. Required. Beginning July 1, 1989, as a condition to the continued employment of any person as a law enforcement officer by a municipality, a county, the State or other non-federal employer, that person shall successfully complete a minimum of 20 hours per year of in-service training.

2. Role of board. The board shall establish in-service training requirements, coordinate delivery of in-service training with post-secondary institutions and law enforcement agencies and administer in-service training programs. The in-service training requirements shall include updating on new laws and court decisions.

3. Additional certificates. The board may offer additional certificates to be awarded for completion of additional education, experience and certified academy training.

§2804-F. In-service corrections training

1. Required. As a condition to the continued employment of any person as a full-time corrections by a municipality, a county, the State or other non-federal employer, that person shall successfully complete a minimum of 20 hours per year of in-service training.

2. Role of board. The board shall establish in-service training requirements, including the content and time periods in which in-service training shall take place, and conduct in-service training programs. The in-service training requirements shall include updating on new laws and court decisions.

3. Provision of in-service training. In-service training programs which meet the requirements established under subsection 2 may be provided by the Maine Criminal Justice Academy or the agency employing the corrections officer.

Sec. 5. 25 MRSA §2805 and 2805-A are repealed.

Sec. 6. 25 MRSA §2805-B is enacted to read:

§2805-B. Employment and training records

1. Annual report and records. Within 30 days of the close of each calendar year, the highest elected official of each political subdivision and the head of each state department and agency (employing corrections officers subject to this chapter) shall provide the board with a list of the names and dates of employment of all law enforcement and corrections officers covered by this chapter. The official or department or agency head shall further maintain records regarding the basic and in-service training of law enforcement and corrections officers as provided in sections 2804-C, 2804-D, 2804-E and 2804-F.

2. New officers Whenever a law enforcement officer or a full-time corrections officer is newly appointed, the official or department or agency head shall send notice of appointment within 30 days to the board on a form provided for that purpose. The form shall be deemed an application for admission to the academy for any officer who is required to be trained under this chapter.

Sec. 7. 25 MRSA §2806, subsection 1, is amended to read:

1. Suspension or revocation. The board:

A. May suspend the right to enforce the criminal laws of the State or to act as a corrections officer of any person found in violation of section ~~2805, subsection 1~~ 2804-B, 2804-C or 2804-D.

B. May suspend or revoke the certificate issued under section ~~2803, 2805 or 2805-A~~ 2803-A, 2804-B, 2804-C or 2804-D of any person who:

(1) Has been found guilty of murder or any Class A, Class B or Class C crime;

(2) Has been found guilty of any crime in this or another jurisdiction for which the maximum term of imprisonment prescribed by law exceeds one year; or

(3) Has been found guilty of any crime in this or another jurisdiction for which the maximum term of imprisonment prescribed by law is not less than 6 months which involves moral turpitude; and

C. Shall investigate a complaint, on its own motion or otherwise, regarding the failure of a law enforcement or corrections officer to comply with the requirements of

section ~~2805~~, ~~subsection-3~~ 2804-E or 2804-F, and any rules ~~promulgated-pursuant-thereto~~ adopted under those sections. The board may, upon notice, conduct an informal conference with the officer. If the board finds that the factual basis of the complaint is true and that further action is warranted, it may take the following action:

(1) Enter into a consent agreement with the officer, which agreement may contain provisions to insure compliance, including voluntary surrender of the certificate and terms and conditions of recertification; or

(2) Refer the complaint to the Attorney General for action in the Administrative Court.

Sec. 8. 25 MRSA §2806, subsection 4-A, is amended to read:

4-A. Injunction. In the event of any continued violation of section ~~2805~~ 2804-B, 2804-C, 2804-D, 2804-E or 2804-F subsequent to to a final decision by the board or judicial review by the Superior Court, the Attorney General may institute injunction proceedings to enjoin that continued violation.

Sec. 9. 25 MRSA §2808, subsection 1, paragraph B, is amended to read:

B. "Training: means the pre-service and basic training provided to part-time or full-time law enforcement officers by the Maine Criminal Justice Academy, as described in ~~section-2805, subsection-1, and section-2805-A~~ sections 2804-B and 2804-C.

PART B

Sec. 1. 4 MRSA §1057, as enacted by PL 1987, c. 339, is amended to read:

§1057. Criminal Justice Operations Surcharge Fund

1. Fund established. There is hereby established a fund to be known as the ~~Jail~~ Criminal Justice Operations Surcharge Fund. This fund shall be maintained by the Treasurer of State for the ~~sole-purpose~~ purposes of reimbursing counties for costs associated with operations of the jail system, reimbursing municipalities and counties for costs associated with law enforcement training and providing funds for the Maine Criminal Justice Academy to provide law enforcement training.

2. Surcharge imposed. A surcharge of 10% shall be added to every fine, forfeiture or penalty imposed by any court in this State. All funds collected as a result of this surcharge shall be deposited monthly in the ~~Jail~~ Criminal Justice Operations Surcharge Fund.

3. Reimbursement to counties. Monthly, the Treasurer of State shall make payments from this fund to each county in direct proportion to the amount of revenue obtained from all courts within each county, provided a county may not receive an amount greater than the prior year's expenditure on its jail. The amount of total payments made to counties shall equal 2% of the total fines, forfeitures and penalties, including this surcharge, received by the Treasurer of State. The balance remaining in the Jail Operations Surcharge Fund at the end of each month shall accrue to the General Fund.

4. Reimbursement to municipalities and counties for law enforcement training. Monthly, the Treasurer of State shall make payments from this fund to each municipality and each county which demonstrates the expenditure of funds in furtherance of law enforcement training required under Title 25, Part 8, chapter 341. The amount of the payment made to each municipality or county shall equal the amount expended by that municipality or county for tuition and additional salary costs incurred because of the officer's attendance at training.

5. Balance to the Maine Criminal Justice Academy. The balance remaining in the Criminal Justice Operations Surcharge Fund at the end of each month shall accrue to the General Fund for the use of the Maine Criminal Justice Academy.

Sec. 2. 4 MRSA § 1156, second paragraph, as amended by PL 1987, c. 339, is further amended to read:

The Administrative Court Judge shall maintain a record of all fines and surcharges received by the court and shall pay the fines into the General Fund of the State Treasury and the surcharges into the ~~Jail~~ Criminal Justice Operations Surcharge Fund on or before the 15th day of each month.

STATEMENT OF FACT

This bill is the result of a study on the content, timing and funding of law enforcement training conducted by a subcommittee of the Joint Standing Committee on Legal Affairs between the First and Second Regular Sessions of the 113th Legislature. This bill contains only the legislative recommendations of the Committee; the Committee Study report contains all recommendations as well as the background and reasoning supporting the legislation proposed in this bill.

Part A of the bill amends the sections of the law specifically dealing with law enforcement training and the Maine Criminal Justice Academy. Part B of the bill amends the law concerning the fund created by the 10% surcharge on all fines, penalties and forfeitures.

Sec. 1 of the bill clarifies that the purpose of the Maine Criminal Justice Academy is to provide training for all law enforcement and corrections officers in the State, whether they be municipal, county or State personnel.

Sec. 2 of the bill creates a definition section, using the current definitions of law enforcement officer, corrections officer and full-time employment.

Sec. 3 of the bill repeals and replaces the section of the law which spells out the powers and duties of the board of trustees of the Maine Criminal Justice Academy. This section clarifies and expands the authority of the board to cover all law enforcement officers, not just municipal and county. It also requires the board to set certification standards based on the officer demonstrating the acquisition of specific knowledge and skills which can be directly tied to job performance. The rest of the powers and duties are included in current law.

Sec. 4 of the bill requires pre-service training certification before any person is given the power to make arrests or the authority to carry a firearm in the course of duty. The bill leaves the specific requirements to the board of trustees, but the requirements should be roughly equivalent to the current 100-hour course for reserve officers. The board must consider the use of apprenticeship with an experienced officer as an alternative to completing all or part of the pre-service training. The board will be responsible for administering an examination at the end of the apprenticeship period to ensure that the apprentice officer has obtained the knowledge and skills necessary for pre-service certification. Pre-service certification is sufficient training for reserve and part-time officers, not including in-service training requirements. Officers which are employed by an agency which requires completion of full basic training before assuming law enforcement duties shall be certified as meeting the pre-service requirements, without completing the pre-service course, once they complete the basic training course and are certified as meeting the core curriculum requirements. The board of trustees must also evaluate the use of agency

sponsorship of non-employees to attend pre-service training. This will allow persons who are interested in being law enforcement officers to obtain the preliminary training at their own expense, therefore making themselves more marketable and giving municipalities an opportunity to defray some expenses.

Sec. 4 of the bill also creates a section on basic law enforcement training, although the only major change from current law is to require basic training of all full-time law enforcement officers, not just municipal and county officers.

Sec. 4 also creates a separate section on basic corrections training which consists of the current law.

Sec. 4 also creates separate sections for in-service law enforcement training and in-service corrections training. The section on in-service corrections training basically incorporates current law. The section on in-service law enforcement training sets a minimum of 20 hours annually of in-service training beginning July 1, 1989, for all law enforcement officers. It also requires the board of trustees to set requirements within that 20 hours, coordinate and administer the program. The law includes coordination with the post-secondary institutions around the State to actually deliver the in-service training programs, as opposed to centralized classes at the academy. The in-service training programs must include updating the officers on new laws and court decisions which are relevant.

Sec. 5 of the bill repeals the two sections most of which are contained in Sec. 4.

Sec. 6 reenacts current language covering employment and training records. It adds records pertaining to law enforcement officers to the current requirements for corrections officers.

Sec. 8, 9 and 10 of the bill correct references involving the repealed and new sections.

Part B of the bill renames the fund created by the 10% surcharge on all fines, penalties and forfeitures to the Criminal Justice Operations Surcharge Fund. The county share for jail expenses is not altered. The rest of the fund shall be used to help reimburse municipalities and counties for their costs incurred to comply with the training requirements. These costs specifically include the substitute or overtime pay necessary to cover the officer in training. What remains in the fund shall be turned into the General Fund for the use of the Maine Criminal Justice Academy to provide and administer training.

PR/lk/2815*

APPENDIX C

Maine Criminal Justice Academy
Review Committee Recommendations
from Draft Report 5/14/87

MAINE CRIMINAL JUSTICE ACADEMY REVIEW COMMITTEE,
Draft Report, 5/14/87

SUMMARY OF RECOMMENDATIONS AND COST ESTIMATES

(1) That the Board of Trustees appoint a building review committee to investigate, determine, and report its findings on the strategies to cure the Academy's physical plant inadequacies, including possible relocation. (\$10,000-\$20,000, architectural fees for assistance in facility study)

(2) That the Board of Trustees adopt a minimum basic curriculum for all Maine law enforcement officers.

(3) That the Board of Trustees adopt an evaluation system that measures the competency of officers who graduate from the various basic law enforcement and corrections training programs. (\$5,000, development of a performance-based examination for law enforcement and corrections officers)

(4) That the Board of Trustees investigate the development of a partnership with Maine's Vocational Technical Institute system which would establish a structure for the delivery of in-service and Reserve Officer training statewide.

(5) That the Board of Trustees set in-service training standards that are consistent with the requirements of Title 25, Section 2805 (3) for all law enforcement and corrections officers.

(6) That the Board of Trustees develop, fund, and deliver a statewide in-service training program, consisting of planned units of instruction and required skill levels. (\$90,000, salary and support of two training coordinator positions)

(7) That a Management Institute be established with sufficient levels of state funding to provide the professional levels of management training and technical assistance that Maine criminal justice agencies need and deserve. (\$35,000, support for supervisory, mid-management, and executive development programs, along with seminar and workshop series)

(8) That additional resources be allocated to the Academy to insure that the Law Enforcement Officer's Manual is maintained on a yearly basis. (\$7,500, research, printing, and mailing)

(9) That the concept of the Alert Bulletin be revived and that sufficient resources be allocated to the Academy for production of this publication on at least a quarterly basis. (\$10,000, research, printing and mailing)

(10) That a commitment be made to maintaining and enlarging the scope of activities of the Media Resources Center, to include the salary support of the librarian's position through General Fund accounts. (\$35,000, librarian's salary and additional materials purchase)

(11) That financial provision be made for the evolving role of the Academy as a criminal justice support facility in the areas of research, planning, system coordination, and communication. (\$45,000, salary for planner's position and support for research projects)

(12) That the Attorney General's Office be allocated sufficient resources to support a full time legal coordinator/researcher/instructor/advisor assigned to the Academy. (\$45,000, salary for Assistant Attorney General position)

(13) That adequate funding be provided to the Academy to support full time and contractual instructors in the critical skills areas. (\$50,000, salary for critical skills coordinator position and fees for consultants on special issues)

(14) That adequate financial support be provided to allow the reimbursement of salaries and expenses to agencies who provide instructor support to the Academy. (\$25,000, reimbursement to police agencies)

(15) That additional financial resources be allocated through the state budget for support of the Academy's current activities and to allow for upgrades as indicated in this report.

(16) That the Board of Trustees survey legislative sentiment for the concept of Penalty Assessment, which could generate sufficient resources to improve the delivery of training statewide and eventually lead to initiation of a salary reimbursement mechanism for agencies who train their personnel at the Academy.

APPENDIX D

SURVEYS

- D.1 - International Association of
directors of Law Enforcement
Standards and Training (IADLEST)
- D.2 - In-state
- D.3 - 50-state

From: International
Association of Directors of
Law Enforcement Standards
and Training (IADLEST)
MONOGRAPH 1987

	ALABAMA	ALASKA	ARIZONA	ARKANSAS	CALIFORNIA	COLORADO	CONNECTICUT	DELAWARE	FLORIDA	GEORGIA	HAWAII	IDAHO	ILLINOIS	INDIANA
Funding	-	GF	Spec	GF	Fif	GF+	GF+	GF	Fif	GF+	-	Fif	Spec	Spec
Applicants' reading levels tested before or during training	-	N	N	Y	Y	N	Y	SP-Y MP-N	Y	N	-	N	Y	Y
Minimum age	18-20	18-20	N	21-24	18-20	N	hiring agency	18-20	18-20	18-20	18-20	18-20	hiring agency	hiring agency
Applicants required to be fingerprinted	Y	Y	Y	Y	Y	N	N	Y	Y	Y	Y	Y	Y	Y
Background investigation required	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	Y
New law enforcement recruit must complete training within:	6 mo.	7-12 mo.	6 mo.	7-12 mo.	before work	7-12 mo.	7-12 mo.	7-12 mo.	n/a	7-12 mo.	before work	7-12 mo.	6 mo.	7-12 mo.
Uniform statewide curriculum	-	N	N	Y	Y	Y	Y	Y	Y	Y	-	Y	Y	Y
Number of hours	-	-	-	280	520	342	600	-	513	240	-	350	400	480
Average enrollment of basic law enforcement classes	40	25	36	50	25	25	36	30	35	30	45	30	35	80
Number of basic law enforcement classes in State annually	36	6	18	6	110	-	12	2	132	68	2	4	23	4
Continuing education units or college credits available	N	Y	N	Y	Y	Y	Y	N	Y	Y	N	Y	Y	Y
Training delivery system a) Central academy only b) Central academy and training programs delivered regionally by central academy staff c) Regional, community college or single operated academies d) Other	b	c	c d	b	c	c	b	b	c	c	b	b	c	d
New auxiliary/reserve recruit must complete training within:	-	-	before work	before work	before work	n/a	-	n/a	7-12 mo.	7-12 mo.	before work	-	before work	n/a
Uniform statewide auxiliary/reserve curriculum	-	N	Y	Y	Y	N	Y	n/a	Y	Y	-	N	Y	N
Number of hours for auxiliary/reserve training	-	-	440	100	856	-	480	-	-	240	-	-	40	-
Average enrollment	40	n/a	10	30	25	n/a	35	n/a	10	20	20	-	20	n/a
Number of auxiliary/reserve classes in State annually	36	n/a	11	4	140	n/a	23	n/a	125	6	1	-	100	-
Arson training available	-	Y	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y
Who delivers	-	Acad	Acad	Acad	Contract	-	Contract	Contract	Acad	Acad	-	Acad	Acad	Acad
Local corrections officer training available	-	N	N	Y	Y	Y	N	-	Y	Y	-	Y	Y	Y
Uniform statewide curriculum	-	N	N	-	-	-	-	N	Y	Y	N	-	Y	Y
State corrections officer training available	-	N	Y	Y	Y	Y	N	-	Y	Y	-	Y	Y	Y
Uniform statewide curriculum	-	N	Y	Y	-	-	-	N	Y	Y	N	-	Y	Y
Hazardous materials training available	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Uniform statewide curriculum	-	N	N	Y	N	-	-	N	-	N	-	-	Y	Y

	IOWA	KANSAS	KENTUCKY	LOUISIANA	MAINE	MARYLAND	MASSACHUSETTS	MICHIGAN	MINNESOTA	MISSISSIPPI	MISSOURI	MONTANA	NEBRASKA
Funding	GF+	Spec	-	-	GF+	GF+	GF+	GF	GF+ F&F	GF	GF+ F&F	GF	GF+
Applicants' reading levels tested before or during training	Y	Y	N	-	Y	N	Y	Y	N	N	Y	Y	N
Minimum age	18-20	21-24	21-24	18-20	18-20	21-24	18-20	18-20	N	21-24	min aged	18-20	21-24
Applicants required to be fingerprinted	Y	Y	Y	N	Y	Y	-	Y	Y	Y	N	Y	Y
Background investigation required	Y	N	N	N	Y	Y	N	Y	Y	Y	N	Y	N
New law enforcement recruit must complete training within:	7-12 mo.	-	7-12 mo.	7-12 mo.	6 mo.	7-12 mo.	before work	before work	before work	7-12 mo.	-	7-12 mo.	7-12 mo.
Uniform statewide curriculum	Y	Y	Y	-	Y	Y	Y	Y	Y	Y	Y	Y	Y
Number of hours	400	320	400	-	480	435	480	440	2/coll. to basic	360	46	450	464
Average enrollment of basic law enforcement classes	34	60	40	35	40	30	34-40	26	24	30-35	15-25	32	28-35
Number of basic law enforcement classes in State annually	10	12	6	42	3	27	23	20	14	13	18	3	6
Continuing education units or college credits available	N	Y	Y	-	Y	Y	Y	Y	Y	N	-	N	Y
Training delivery system a) Central academy only b) Central academy and training programs delivered regionally by central academy staff c) Regional, community college or single operated academies d) Other													
	b	d	b	n/a	a	c	c	c	d	c	-	a	a
New auxiliary/reserve recruit must complete training within:	before work	n/a	n/a	7-12 mo.	6 mo.	7-12 mo.	before work	n/a	before work	n/a	n/a	-	7-12 mo.
Uniform statewide auxiliary/reserve curriculum	N	N	N	-	Y	N	Y	N	Y	N	n/a	Y	Y
Number of hours for auxiliary/reserve training	30+	-	-	-	100	-	51	-	54	-	-	88	not set
Average enrollment	n/a	n/a	n/a	35	30	30	40	n/a	n/a	n/a	n/a	-	n/a
Number of auxiliary/reserve classes in State annually	local	n/a	n/a	42	20	27	15	n/a	n/a	n/a	n/a	-	n/a
Arson training available	Y	Y	N	Y	Y	Y	Y	-	-	-	-	Y	Y
Who delivers	contract	contract	-	Acad	Acad	Acad	contract	-	contract	-	-	Acad	contract
Local corrections officer training available	Y	-	-	Y	Y	Y	Y	Y	-	-	-	N	Y
Uniform statewide curriculum	-	-	-	-	Y	Y	-	-	-	-	-	N	-
State corrections officer training available	Y	-	-	Y	Y	Y	N	-	-	-	-	N	N
Uniform statewide curriculum	-	-	-	-	Y	Y	-	-	-	-	-	N	-
Hazardous materials training available	Y	Y	Y	Y	-	Y	Y	-	Y	-	-	Y	Y
Uniform statewide curriculum	-	-	-	-	-	-	Y	N	N	-	-	Y	-

	NEVADA	NEW HAMPSHIRE	NEW JERSEY	NEW MEXICO	NEW YORK	NORTH CAROLINA	NORTH DAKOTA	OHIO	OKLAHOMA	OREGON	PENNSYLVANIA	RHODE ISLAND	SOUTH CAROLINA
Funding	F/F	other	GF	GF	GF	GF	GF	GF+	GF	F/F	GF	GF+	F/F+
Applicants' reading levels tested before or during training	N	N	N	Y	N	N	N	N	N	N	N	Y	Y
Minimum age	21-24	18-20	N	18-20	18-20	18-20	hiring agency	18-20	hiring agency	21-24	18-20	21-24	21-24
Applicants required to be fingerprinted	Y	Y	N	Y	Y	Y	Y	N	N	Y	N	Y	Y
Background investigation required	Y	Y	N	Y	N	Y	Y	N	N	Y	N	Y	Y
New law enforcement recruit must complete training within:	7-12 mo.	6 mo.	other	7-12 mo.	7-12 mo.	before work	7-12 mo.	7-12 mo.	7-12 mo.	-	other	other	7-12 mo.
Uniform statewide curriculum	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Number of hours	262	430	-	400	400	369	280	338	300	378	480	620	320
Average enrollment of basic law enforcement classes	40	50	36	35	36	18	24	20	38	25	12-40	30	56
Number of basic law enforcement classes in State annually	7	4-5	33	5	35	69	35	95	15	6	40	4	10
Continuing education units or college credits available	Y	N	Y	Y	N	Y	Y	Y	N	Y	Y	Y	N
Training delivery system a) Central academy only b) Central academy and training programs delivered regionally by central academy staff c) Regional, community college or single operated academies d) Other	b	a	c	a	c	c	b	c	b	b	c	b	b
New auxiliary/reserve recruit must complete training within:	n/a	6 mo.	n/a	n/a	7-12 mo.	n/a	n/a	7-12 mo.	not set	n/a	n/a	not set	not set
Uniform statewide auxiliary/reserve curriculum	N	Y	N	N	Y	Y	N	Y	Y	N	n/a	N	Y
Number of hours for auxiliary/reserve training	-	785?	-	-	10	369?	-	-	120	-	-	-	60
Average enrollment	n/a	40	n/a	n/a	varies	n/a	n/a	23	20	n/a	n/a	25	n/a
Number of auxiliary/reserve classes in State annually	n/a	3-4	n/a	n/a	varies	n/a	n/a	-	5	n/a	n/a	3	25
Arson training available	Y	Y	Y	Y	Y	Y	N	Y	Y	Y	Y	Y	Y
Who delivers	Contract	Contract	Acad	Contract	Acad	Acad	-	-	Contract	Contract	Acad	Fire Marshal	-
Local corrections officer training available	N	N	-	Y	Y	Y	Y	Y	N	Y	-	-	Y
Uniform statewide curriculum	N	N	-	N	-	Y	N	Y	Y	Y	-	-	Y
State corrections officer training available	Y	Y	-	N	Y	Y	N	Y	Y	N	-	Y	Y
Uniform statewide curriculum	N	Y	-	-	-	Y	-	N	Y	N	-	-	Y
Hazardous materials training available	Y	N	-	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y
Uniform statewide curriculum	N	N	-	-	-	N	N	N	N	N	-	-	Y

	SOUTH DAKOTA	TENNESSEE	TEXAS	UTAH	VERMONT	VIRGINIA	WASHINGTON	WEST VIRGINIA	WISCONSIN	WYOMING
Funding	Spec.	-	Spec	GF	GF+	GF+	F+ F	F+ F	F+ F	GF
Applicants' reading levels tested before or during training	N	-	-	N	Y	N	Y	N	N	N
Minimum age	21-24	21-24	21-24	18-20	18-20	hiring agency	hiring agency	18-20	18-20	21-24
Applicants required to be fingerprinted	Y	Y	Y	Y	Y	n/a	Y	n/a	Y	Y
Background investigation required	N	Y	Y	Y	Y	Y	n/a	n/a	Y	Y
New law enforcement recruit must complete training within:	7-12 mo.	7-12 mo.	7-12 mo.	before work	before work	7-12 mo.	other	other	other	other
Uniform statewide curriculum	Y	-	Y	Y	Y	Y	Y	Y	Y	Y
Number of hours	240	-	400	440	612	375	440	495	320	320
Average enrollment of basic law enforcement classes	20-30	50	25	25	28	21	30	40	25	36
Number of basic law enforcement classes in State annually	4	11	146	12-14	7	46	14	3	34	4
Continuing education units or college credits available	Y	Y	N	Y	Y	local options	N	N	N	Y
Training delivery system a) Central academy only b) Central academy and training programs delivered regionally by central academy staff c) Regional, community college or single operated academies d) Other	a	a	c	b	b	c	b	a	c	b
New auxiliary/reserve recruit must complete training within:	7-12 mo.	n/a	7-12 mo.	before work	before work	n/a	not set	n/a	other	other
Uniform statewide auxiliary/reserve curriculum	Y	-	Y	Y	Y	N	Y	N	Y	Y
Number of hours for auxiliary/reserve training	60	-	400	120	62	-	135	-	240	320
Average enrollment	0	n/a	25	10	25	n/a	30	n/a	25	20
Number of auxiliary/reserve classes in State annually	0	n/a	110	5	6	n/a	50	n/a	34	1 per 2 yrs
Arson training available	Y	Y	Y	Y	N	Y	Y	Y	Y	Y
Who delivers	Acad	Acad	Acad	Contract	-	Acad	Contract	Acad	-	Acad
Local corrections officer training available	Y	-	Y	Y	N	Y	Y	N	Y	Y
Uniform statewide curriculum	N	-	Y	Y	-	Y	-	-	Y	-
State corrections officer training available	-	-	-	Y	Y	Y	Y	N	Y	-
Uniform statewide curriculum	N	-	-	Y	Y	Y	-	-	-	-
Hazardous materials training available	Y	N	Y	Y	Y	Y	Y	Y	Y	Y
Uniform statewide curriculum	N	N	N	-	Y	-	N	-	N	-

LAW ENFORCEMENT TRAINING FOR STATE AGENCIES WITH LAW ENFORCEMENT OFFICERS

DEPT: BUREAU	#	FIREARMS	TRAINING PRIOR TO: WORK	ARRESTS	FIREARMS	TRAINING BY: DEPT	CJA	OTHER	TOTAL HOURS	IN-SERVICE TRAINING	FUNDING
Conservation: -Forest Service	140	no	no	no (summons only)	n/a	yes	--	--	16	4 hrs/yr	GF - no specific budget
-Parks and Recreation	38	no	no	no	n/a	--	yes	--	100	--	GF - no specific budget
Corrections: Probation & Parole	106	yes	yes	yes	yes	80%	10%	10%	80+	40 hrs/yr	\$3,500 GF
Environmental Protection: -Air Quality -Oil & Haz. Materials -Water Quality	Represent State in District Court - mostly on administrative level. Have powers under Rules of Civil Procedure Rule 80(k) One day (8 hours) training, not at CJA										
Inland Fisheries & Wildlife: Warden Service	120	yes	yes	yes	yes	yes	yes	--	720	40 hrs/yr	\$15,000 Dedicated funds IFW
Marine Resources: Marine Patrol	56	yes	no	no	must qualify w/weapon	yes (96 hrs)	yes (480) if room	yes (170)	746	8 hrs/mo	GF - no specific budget
Public Safety: -Capitol Security	11	yes	yes	yes	yes	yes (160 hrs on the job)	yes (100 hrs)	--	100	requali- fication w/firearm annually	\$500 GF
-Fire Marshal	15	yes	no	yes	yes	yes	yes (480 hrs)	yes		yes, as needed	no specific budget - not GF
-Liquor Enforcement	19	yes	yes	yes	yes	yes (6 weeks)	yes (480 hrs)	--	480	yes, as needed	GF - no specific budget
-State Police	360	yes	yes	yes	yes	yes	yes	--	860	yes, as needed, plus requali- fication w/firearm annually	\$50,172 GF & DOT funds
Secretary of State: Motor Vehicle	12	yes	yes	yes	yes	yes (346)	yes (243)	yes	589	1 day/mo plus 4-6 days/year	Gen. Highway Fund - \$12,000

updated 12/14

Survey conducted by OPLA
1987

	ALABAMA	ALASKA	ARIZONA	ARKANSAS	CALIFORNIA	COLORADO
1. FUNDING						
Sources		GF + fees		GF	-	
Funding level		\$1,158,000	\$1.5mil +	\$1.2mil.	-	
Similar funding problem		Y		N	N	
"Solution"		n/a	state govt reimbursement	no re- placement	state reimburse	
2. TIMING OF TRAINING						
Complete before working		N	N, but proposed	N	Y	
Qualify before training		Y	Y	Y	Y	
3. ADMISSION STANDARDS						
Reading/writing test required		N	N, but proposed	N	Y	
Background check		Y	Y	Y	Y	
Who sets standards		statute	regulation	statute	Comm on P.O.S.T.	
4. IN-SERVICE TRAINING						
Required		N	Y	N	Y	
How much		n/a	24hr/ 3yrs	by department	24hrs/ 2yrs	
5. COORDINATION WITH DEGREE PROGRAMS					Accredited colleges + locals	
Credits available from training for degree		Y	Y	Y	Y	
Credits available from degree for training		-	-	-	-	
Facilities		-	Y	-	Y	

	ILLINOIS	INDIANA	IOWA	KANSAS	KENTUCKY	LOUISIANA
1. FUNDING	5 schls					16 schls
Sources	Traffic + criminal surcharge	court fees	GF + tuition	\$5 docket fees D.C.	GF + ins. surch	local + GF
Funding level	N/A	\$1,730,369	\$969,832	\$1,000,000	\$2 mil + supplement	varies
Similar funding problem	N	Y	Y	-	Y	Y
"Solution"	State re-imurses 50%	-	State pays training	-	State supplements	train before start work
2. TIMING OF TRAINING					TRAINING OPTIONAL	
Complete before working	N	N	N	N	N	N
Qualify before training	N	Y	Y	Y	Y - salary supplement	Y
3. ADMISSION STANDARDS						
Reading/writing test required	N	Y	Y	N	N	N
Background check	Y	N	Y	Y	-	N
Who sets standards	statute; department	Academy + statute	statute	statute	statute	Academy
4. IN-SERVICE TRAINING						
Required	N	N	N	Y	Y - salary supplement	firearms only
How much	40hrs/yr rec'd	30hrs/yr rec'd	-	40hrs/yr	40hrs/yr	-
5. COORDINATION WITH DEGREE PROGRAMS						
Credits available from training for degree	Y	Y	Y	N	Y (12)	N
Credits available from degree for training	-	-	Y	N	-	N
Facilities	-	-	-	-	Y	-
					Salary supp: \$2,500/yr to officer who attends training	OPLA -3

	MAINE	MARYLAND	MASSACHUSETTS	MICHIGAN	MINNESOTA	MISSISSIPPI
1. FUNDING						
Sources	GF	state + local	GF	GF	penalty assessment	by each department
Funding level	\$734,735	varies	\$3.6 mil	-	-	-
Similar funding problem	////	Y	N	-	N	Y
"Solution"	////	none	-	state pays tuition	student pays most	reimburse 50%
2. TIMING OF TRAINING						
Complete before working	N	N	Y	Y	Y	N
Qualify before training	Y	Y	Y	N	N	-
3. ADMISSION STANDARDS						
Reading/writing test required	Y	N	N	Y	N	N
Background check	Y	Y	N	Y	Y	Y
Who sets standards	Academy trustees	Police Training Comm		Training Council + statute	State Post board	statute
4. IN-SERVICE TRAINING						
Required	Not at Academy	Y	N	N	Y	N
How much	local	17 1/2 hrs/yr + firearms	40 hrs/yr recmd.	-	40 hrs/3 yrs	-
5. COORDINATION WITH DEGREE PROGRAMS						
Credits available from training for degree	Y	Y (11+)	Y	Y	Y	N
Credits available from degree for training	Y	-	-	-	Y	N
Facilities		-	-	Y	-	-

	MISSOURI	MONTANA	NEBRASKA	NEVADA	NEW HAMPSHIRE	NEW JERSEY
1. FUNDING	16 schls					23 schls
Sources	\$2 court fee, GF + civ. auction	GF + local	\$2 fee for criminal proceedings		penalty assessmt	state, cities, counties
Funding level	varies	\$607,000	\$800,000		\$1,047,152	
Similar funding problem	Y	Y	Y		Y - but state pays	N
"Solution"	part-time classes offered	plan - students	hiring already trained		Best situation - no overtime	no re-placements
2. TIMING OF TRAINING						
Complete before working	N	N	N		N	N
Qualify before training	N	Y - but plan	N		Y	Y
3. ADMISSION STANDARDS						
Reading/writing test required	N/Y	Y	N		N	
Background check	Y	Y	Y		Y	
Who sets standards	statute	statute	statute		Training Council	Civil Serv. or local auth.
4. IN-SERVICE TRAINING						
Required	N	N	only for sheriffs		N	N
How much	-	-	20 hrs/yr		(plan 16 hrs by 1989)	
5. COORDINATION WITH DEGREE PROGRAMS	tied to colleges					
Credits available from training for degree	Y	N - but planned	Y		Y	by school, Y
Credits available from degree for training	Y	N	N		-	
Facilities	Y	-	-		-	
	6 responses					

	OREGON	PENNSYLVANIA	RHODE ISLAND	SOUTH CAROLINA	SOUTH DAKOTA	TENNESSEE
1. FUNDING						7 schls
Sources	fine assessment	-	GF + Grant	fine assessment		80% GF 20% local
Funding level	\$4.2 mil 1982-1989	n/a	\$200,000 + \$25,000	\$4.2 mil		\$7.2 mil + regional Acad
Similar funding problem	Y	Y	Y	N		N
"Solution"	none.	none	none	no re-placements		-
2. TIMING OF TRAINING						
Complete before working	N	N	Y	N - but proposed		N
Qualify before training	Y	N	Y	Y		Y or college students
3. ADMISSION STANDARDS						
Reading/writing test required	N	N	Y	Y		certified
Background check	Y	Y	Y	Y		Y
Who sets standards	statute	statute	Sec'y of State	statute		Academy + statute
4. IN-SERVICE TRAINING						
Required	N	N	N	N - but proposed		For pay supplement
How much	-	-	n/a			40 hrs
5. COORDINATION WITH DEGREE PROGRAMS						
Credits available from training for degree	Y	Y	Y (12)	N		Y
Credits available from degree for training	-	N	-	N		-
Facilities	Y	-	Acad - campus	-		-
						OPLA -7

	TEXAS	UTAH	VERMONT	VIRGINIA	WASHINGTON	WEST VIRGINIA
1. FUNDING	+					
Sources	state grants + local	25% on criminal fines	GF, penalty assessment, tuition, fees	penalty assessment	-	
Funding level	unknown	\$1 mil.	\$404,000 + physical plant	\$1.3 mil	\$400,000	
Similar funding problem	Y	Y	Y	N	Y	
"Solution"	hire already trained	new pre- service academy	none	reimburse small PD	none	
2. TIMING OF TRAINING						
Complete before working	Y	Y	N	N	N	
Qualify before training	-	N	Y	Y	Y	
3. ADMISSION STANDARDS						
Reading/writing test required	N	N- but will	Y	N	N	
Background check	Y	Y	Y	Y	Y	
Who sets standards	statute	Academy + statute	statute	Training cnsn	Academy	
4. IN-SERVICE TRAINING						
Required	N	Y	Y	N	Y	
How much	-	40hrs/yr	PT- 25 hrs/yr PT- 30hrs/yr	30hrs/yr recomm	8hrs/yr	
5. COORDINATION WITH DEGREE PROGRAMS						
Credits available from training for degree	Y	Y	Y (Ab)	N	N	
Credits available from degree for training	Y	N	-	N	-	
Facilities	-	-	-	-	-	

	WISCONSIN	WYOMING
1. FUNDING		1 school
Sources		GF
Funding level		\$1 mil.
Similar funding problem		Y
"Solution"		-
2. TIMING OF TRAINING		
Complete before working		N
Qualify before training		Y
3. ADMISSION STANDARDS		
Reading/writing test required		Y
Background check		Y
Who sets standards		statute
4. IN-SERVICE TRAINING		
Required		Y
How much		40 hrs / 2 yrs
5. COORDINATION WITH DEGREE PROGRAMS		
Credits available from training for degree		Y
Credits available from degree for training		Y
Facilities		-

APPENDIX E

Estimates of Costs of Draft Recommendations

E.1 - Draft Recommendations (11/20/87)

E.2 - Department of Public Safety

E.3 - Maine Municipal Association

OPLA: Reinsch
Legal Affairs
November 20, 1987
2697

LAW ENFORCEMENT TRAINING STUDY
DRAFT RECOMMENDATIONS

(Note: An "L" beside the recommendation indicates that the recommendation will be contained within the proposed legislation; an "R" indicates that no legislation concerning that particular recommendation is necessary at this time.)

GENERAL

- R 1. It is important that the citizens of Maine and visitors to Maine be assured that all law enforcement officers in this State have at least a basic familiarity with fundamental legal concepts and procedures, including but not limited to, the Maine Criminal Code, the Maine motor vehicle laws, constitutional rights and criminal procedure, before being empowered to make arrests or given the authority to carry firearms in the course of duty.
- L 2. Expand definition of "Law Enforcement Officer" to mean any person empowered to serve criminal process and to make arrests and prosecute offenders of the law.
25 MRSA §2805, sub-§2, ¶B.
(The Maine Criminal Code defines "Law enforcement officer" as any person who by virtue of his public employment is vested by law with a duty to maintain public order, to prosecute offenders, or to make arrests for crimes, whether that duty extends to all crimes or is limited to specific crimes." 17-A MRSA §2, sub-§17.)
- L 3. Expand authority of the Board of Trustees of the Maine Criminal Justice Academy to include setting certification and training standards for all non-federal law enforcement officers. Certification should be based on the officer demonstrating the acquisition of specific knowledge and skills which can be directly tied to job performance, rather than simple attendance at required classes.
- R 4. Encourage improved relationship between the Academy and the post-secondary institutions within the State, especially for the award of post-secondary institution credit for completion of Academy training.

PRE-SERVICE TRAINING

- L 5. No person may serve as a law enforcement officer with the power to make arrests or the authority to carry a firearm in the course of duty until certified by the Board of Trustees of the Maine Criminal Justice Academy as satisfying all pre-service training requirements. This requirement does not apply to federal law enforcement officers.

- L 6. The Board of Trustees of the Maine Criminal Justice Academy shall establish pre-service training requirements which are equivalent to the requirements of the 100-hour reserve officer training course. In establishing the requirements, the Board of Trustees shall also consider the use of apprenticeship with a certified, experienced officer to be followed by an examination as an alternative to part or all of the pre-service training course leading to pre-service certification.

- L 7. The Board of Trustees of the Maine Criminal Justice Academy shall certify each person who satisfies the pre-service training requirements as eligible to serve as a law enforcement officer with the power to make arrests or the authority to carry a firearm in the course of duty, subject to additional certification as required in RECOMMENDATION 12.

- L 8. The Board of Trustees of the Maine Criminal Justice Academy shall provide a course the satisfactory completion of which will satisfy the pre-service training requirements. The Board of Trustees may work with post-secondary institutions within the State to deliver the pre-service training course throughout the State and as often as reasonable demand requires.

- L 9. The Board of Trustees shall evaluate the use of law enforcement agency sponsorship and screening of pre-service training applicants and students and the availability of pre-service training before employment.

- L 10. The Board of Trustees shall certify law enforcement officers who complete basic law enforcement training before being empowered to make arrests or given the authority to carry a firearm in the course of duty as having satisfied the pre-service training requirements.

BASIC LAW ENFORCEMENT TRAINING

- R 11. The Board of Trustees shall encourage the formation and establishment of a pool of police recruits by promoting pre-service training through use of law enforcement agency sponsorship.

- L 12. The Board of Trustees shall establish core curriculum requirements which must be satisfied by each full-time State, county or municipal law enforcement officer within 6 months of assuming law enforcement duties which include the power to make arrests or the authority to carry a firearm in the course of duty. The Board of Trustees shall base the core curriculum requirements on the necessary knowledge, training and skills common to all State, county and municipal law enforcement officers.

- L 13. The Board of Trustees shall establish a certification procedure and shall certify all law enforcement officers who meet the core curriculum training requirements.

- L 14. The pre-service training course shall satisfy basic training requirements for part-time law enforcement officers.

IN-SERVICE TRAINING

- R 15. The Board of Trustees shall, on an on-going basis, evaluate current in-service training available for law enforcement officers in the State. The Board of Trustees shall encourage the use of new methods of delivery including closed-circuit television and video taping.
- L 16. Effective July 1, 1989, all law enforcement officers, to maintain certification, shall complete a minimum of 20 hours per year of in-service training, which shall include updating on new laws and court decisions.
- L 17. The Board of Trustees shall establish in-service training requirements, shall coordinate delivery of in-service training with post-secondary institutions and law enforcement agencies, and shall administer in-service training programs.
18. FUNDING: Funding will be provided for coordination and administration of in-service training, and for at least some costs of instruction. See RECOMMENDATION 20.
- L 19. The Board of Trustees may add additional certificates to be awarded for completion of additional education, experience and certified Academy training.

FUNDING

L

20. During the First Regular Session of the 113th Legislature, a 10% surcharge was placed on all fines, forfeitures and penalties imposed by any court in the State. 2% of the total of the fines, forfeitures and penalties, including the surcharge, is placed in a special fund to help reimburse the counties for the costs of the county jails. Part of the remaining surcharge should be used to help fund:

- The Maine Criminal Justice Academy
 - Facilities
 - Instructors

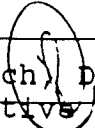
- In-service training
 - Coordination and administration
 - Instructors

- Reimburse towns for
 - Tuition
 - Salaries
 - In-service training costs

STATE OF MAINE

Inter-Departmental Memorandum

Date January 8, 1988

To Tim Leet  Dept. Legislative Research
 From Roland Leach, Director Dept. Public Safety
Administrative Services
 Subject Draft "An Act Concerning Law Enforcement Education and Training and Funding for Training".

The following cost estimates and comments are offered on the above mentioned Draft Legislation:

1. Development of a standard competence test given to All State, County and Municipal Law Enforcement Officers \$10,000.

2. Reserve Officer and In-service Training requirements by setting up a network of Vocational study programs (Regionalized) 213,526.

Personal Services	147,226.
All Other	35,000.
Capital	31,300.

All Other cost is exclusive of possible rental (space) charges.

3. Municipal and County reimbursement cost supplied by Maine Municipal Association. 676,300.

4. §2803A-12 & 15 and § 2804B-1 Cost are indeterminate. Pre-service training requirements effect upon current training schedules and funding.

§2804-E. Required minimum of 20 hours per year of in-service training for all State Law Enforcement Personnel if conducted while in an off-duty status would cost this Department overtime and Retirement costs of approximately \$230,000.

Marine Patrol	?
Fish & Wildlife	?
Corrections	?

§2801-A, 12 effect upon Maine Criminal Justice Academy facilities cannot be determined at this time.

Please feel free to call me if you have any questions.

RL/pp

cc: G. William Buker
 Lt. Colonel Skolfield
 Maurice Harvey

Cost of MCJA Training Coordinator 22B

Salary @ A	\$19,364.80	G-\$26,395.20
Retirement	3,510.84	4,785.45
Health Ins.	1,777.52	1,777.52
Life Ins.	67.60	91.26
Dental Ins.	88.56	88.56
Medicare	<u>280.79</u>	<u>382.73</u>
3@	<u>\$25,090.11</u>	<u>\$33,520.72</u>

Cost of Librarian I 15G

Salary	\$19,510.40
Retirement	3,537.24
Health Ins.	1,777.52
Life Ins.	67.60
Dental Ins.	88.56
Medicare	<u>282.90</u>
	\$25,264.22

Cost of Clerk Steno II @ 9A

Salary	\$12,584.00	G-\$16,286.40
Retirement	2,281.48	2,952.62
Health Ins.	1,777.52	1,777.52
Life Ins.	43.94	57.46
Dental Ins.	88.56	88.56
Medicare	<u>182.47</u>	<u>236.15</u>
1@	<u>\$16,957.97</u>	<u>\$21,398.81</u>

Total Cost	<u>\$92,228.30</u>	<u>\$147,225.19</u>
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Part Time Inst. 1000 hours @ 15.00 per	15,000.00
Travel, postage, supplies etc.	20,000.00
Capital 3 Automobiles	27,500.00
1 Typewriter	800.00
1 Computer Terminal with printer	3,000.00



Maine Municipal Association

COMMUNITY DRIVE
AUGUSTA, MAINE 04330
(207) 623-8428

TO: Peggy Reinsch Legislative Analyst
Joint Standing Committee on Legal Affairs

FROM: Kay
Kathryn J. Rand, Director of State & Federal Relations
Maine Municipal Association

RE: Fiscal Note for Reimbursement of Law Enforcement Training Costs

DATE: November 30, 1987

I met with Maurice Harvey and Paul Plaisted of the Maine Criminal Justice Academy to develop the following fiscal information regarding Recommendation #20 of the Legal Affairs Subcommittee on Law Enforcement Training.

I had some difficulty in deciding just what the recommendation encompassed. For instance, it's not clear whether the intent is to reimburse towns for tuition and of salaries of basic law enforcement training or whether it is intended solely for reimbursement of those costs with regard to in-service training. It is also not clear whether counties will be eligible for the reimbursement or just municipalities. I have made some assumptions and have laid those assumptions out. Where they do not reflect the thinking of the subcommittee, they can be reworked.

- I. Basic Law Enforcement Training - We calculated that in order to reimburse tuition and salaries it would cost approximately \$379,500 annually. This is calculated based on the following:

The Maine Criminal Justice Academy trains approximately 110 county and municipal officers in the Basic School every year. The school is 12 weeks, and we calculated the average salary for starting police officers in the State of Maine to be \$275 per week. 110 officers trained times 12 weeks of training times \$275/week calculates out to be \$363,000. The course costs \$150 per student. \$150 times 110 students equals \$16,500. \$363,000 (salaries) plus 16,500 (tuition) = \$379,500. If the recommendation intends to reimburse counties for the basic corrections course, add another \$16,800. This is based on training 30 corrections officers per year for 80 hours at the average rate of \$7 an hour.

So the total cost for reimbursement for basic training, including county corrections officers, is \$396,300. This does not include reimbursement for any fringe benefits associated with those salaries and it does not include reimbursement for reserve officer training.

Memo to Peggy Reinsch
Page 2
November 30, 1987

II. In-Service Training - If the intent of the Subcommittee is to reimburse municipalities and counties for in-service training, we've calculated that cost for salaries only to be \$280,000. That calculation is based on a yearly training quota of 1,400 officers and an average hourly salary of \$10 an hour. 20 hours times 1,400 officers times \$10/hour is \$280,000. We did not calculate reimbursement for any tuition costs because whether tuition is charged depends on the resources available to the Academy to offer this type of training. Again, this salary reimbursement does not include any fringes. Further, neither reimbursement includes the salaries of the replacement officers the municipality or county has to hire to take the place of those being trained.

III. TOTAL REIMBURSEMENT:	Basic	\$ 396,300
	In-service	280,000
		<u>\$ 676,300</u>

I hope this information is helpful. Please feel free to call me if you have any questions.

KJR:sj

cc: Maurice Harvey, Maine Criminal Justice Academy