

Ryder, Lincoln E

From: Julie Smith [REDACTED]
Sent: Sunday, August 11, 2024 8:17 PM
To: Ryder, Lincoln E
Subject: Standards of Conduct Proposed Rules Comments

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Dear Assistant Director Ryder,

I am writing to you on behalf of the Maine Law Enforcement Coalition with comments on the draft rule proposed for Standards of Conduct for law enforcement certification.

Our Coalition, including members of the Maine State Law Enforcement Association, Maine State Troopers Association, Maine Association of Police, and Maine Fraternal Order of Police, have concerns regarding the proposed MCJA draft rule.

Our comments are as follows:

1. The proposed "General Standards of Conduct" in Section 1 are vague and reminiscent of a job description, lacking the specificity and clarity typical of professional standards. Standards of conduct are typically levels of quality or achievement that are considered acceptable. They can also refer to the rules, values, and principles that guide the behavior of professionals in a particular field or organization. For example, the American Medical Association has adopted and periodically revised a [code of medical ethics](#) for physicians. The AMA code is based on "shall" statements, which are clear, concise, and achievable. The Standards of Conduct proposed in this rulemaking need to be amended to further define the terms in each subsection and provide clarity of expectations.

2. The proposed "Unprofessional Conduct" section needs further clarification in the following areas:

- Section A: It is unclear whether this gives the MJCA Board the authority to revoke certification based on a complaint or conviction. The proposed language fails to clearly identify what constitutes "engages in conduct." Would a certificate holder accused of harassment immediately be subject to revocation? Is there an appeal process? Who determines that a certificate holder or applicant "engaged in conduct"?
- Section B: We feel this language is too stringent and should be changed to "Makes any **intentional** misrepresentation or is found to be **intentionally** untruthful in obtaining or attempting to obtain a certificate from the Board.
- Section C: We feel this language is too stringent and should be changed to "Makes any **intentional** misrepresentation or is found to be **intentionally** untruthful in connection with their official duties as the holder of a certificate including, but not limited, to falsifying written or verbal communications in official reports or records or in interactions with another person or organization when it is reasonable to expect that the information may be relied upon due to their position as a certificate holder or applicant. (Except the use of misleading information during interviews, interrogations or special investigations in order to elicit information in the course of conducting official investigations)."

- Section D: This section needs to clarify to whom the certificate holder or applicant disclosed confidential information and specify in what instances the disclosure is inappropriate or illegal.
- Section E: Sometimes, simply following protocol results in the "diminishment" of public confidence. This section is vaguely worded and too subjective. It should be stricken.
- Section F: There are sometimes extenuating circumstances that can require the possession of controlled substances. Further clarification which clearly outlines any acceptable instances of possession, including but not limited to medical marijuana.
- Section I: Further clarification of "knowingly allows" is necessary.

We appreciate the time and effort it took to draft these proposed rules and the opportunity for MLEC to provide comments.

Please feel free to contact me with any questions.

On behalf of MLEC,
Julie Ann Smith

