



Chief Anthony F. Colarusso, Jr.
Chairman

State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
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Donald L. Vittum
Director

Approved Minutes

April 28, 2015

The 453rd meeting of the New Hampshire Police Standards and Training Council was called to order at 9:10 a.m. by Vice Chairman, Commissioner William Wrenn, in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Vice Chairman, Commissioner William L. Wrenn, New Hampshire Department of Corrections; Attorney General Joseph Foster; Major David Parenteau, New Hampshire State Police; President Susan Dunton, Community College System of New Hampshire; Chief David Cahill, Sunapee Police Department; Sheriff David Dubois, Strafford County; Sheriff Douglas Dutile, Grafton County; Chief Peter Morency, Berlin Police Department; Chief William Hart, Londonderry Police Department, and Dr. Ekaterina Hurst.

Members Absent: Chairman, Chief Anthony Colarusso, Dover Police Department; Judge James Carroll, 4th Circuit District Division; Laconia and Judge Sawako Gardner, 10th Circuit District Division, Portsmouth.

Staff Present: Director Donald L. Vittum, Captain Benjamin Jean, Chief Timothy Merrill, and Captain Mark Bodanza.

Guests Present: CO Kristin Potito, with Captain Roderick Greenwood of New Hampshire Department of Corrections, and Chief Stephen Dubois, Portsmouth Police Department.

Commissioner Wrenn introduced and welcomed the newest member of the council, Dr. Ekaterina Hurst.

Approval of Minutes

Chief Morency moved for the Council to approve the minutes of the March 24, 2015 council meeting. Following a second by Chief Hart, the voice vote of the Council was unanimous.

Eligibility to attend the academy, nonpublic.

Chief Stephen Dubois, Portsmouth Police Department was present to discuss a personnel issue with the Council.

Motion by Chief Cahill, seconded by Sheriff Dutile, and a unanimous roll call vote, the Council entered a nonpublic session at 9:17 a.m.

Motion to seal the minutes of the nonpublic session by Chief Cahill, seconded by Sheriff Dutile, unanimous vote by council members.

Motion to exit the nonpublic session by Sheriff Dubois, seconded by Chief Cahill, council's roll call vote was unanimous.

Back in public session at 9:22 a.m.

Motion by Chief Cahill, seconded by Chief Morency, to take no action, to allow the individual to attend the academy. Council vote was unanimous in favor of the motion.

Chief Dubois exited the meeting.

Eligibility to attend the academy, nonpublic.

Motion by Chief Cahill, seconded by Sheriff Dubois, to enter a nonpublic session for personnel reasons. The roll call vote was unanimous in favor of the motion.

At 9:24, the Council commenced a nonpublic session.

Motion to seal the minutes by Chief Cahill, seconded by Sheriff Dutile, the council vote was unanimous in favor of the motion.

Motion to exit the nonpublic session by Chief Cahill, seconded by Chief Morency, the roll call vote was unanimous in favor of the motion.

At 9:29 the meeting was back in a public session.

Motion by Chief Cahill, seconded by Sheriff Dutile, to take no further action and allow the candidate to enter the academy. The vote by Council members was unanimous in favor of the motion.

Financial Report

Captain Jean summarized that the revenue continues to decrease, and detailed the budget process hearings. He explained the penalty assessment funding system in detail for the benefit of Dr. Hurst.

CO Kristin Potito, NH Department of Corrections, Pol 402.02(b), Pol 402.02(c)(3).

Vice Chairman, Commissioner Wrenn, recused himself from this hearing, and Chief Morency, as the most senior member of the Council, agreed to chair the hearing. When asked, Kristin Potito stated that a public session would be fine, and both she and Captain Mark Bodanza were sworn in by Chief Morency.

Captain Roderick Greenwood from the New Hampshire Department of Corrections accompanied Ms. Potito.

The hearing notice for Ms. Potito was for a temporary suspension due to her arrest; an officer who is arrested is subject to temporary suspension of their certification, under the Council rules unless the Council deems otherwise. That rule is limited to the point that there is no disposition in case. Up until the point the individual pleads guilty, is found guilty or not guilty, the Council can take action under that rule.

Once there is a final disposition in the case, then the Council can no longer utilize that rule (temporary suspension) to review the issue.

The Council staff is in receipt of documents sent on Monday April 27th indicating that the case has been finalized and there is a disposition in this case. Captain Bodanza discussed with Ms. Potito that the Council can't take action under a temporary suspension and therefore, Ms. Potito was asked if she wanted to continue to have a final hearing today and if she did, she would be required to waive her right to notice because she was not noticed on a final hearing. Under the rule Pol 402.02 (a)(4), it specifically states that the Council unless they find just cause to do otherwise, provided in section (e) order the suspension or revocation of a certification of any police or corrections officer for any of the following reasons; (4) the officer has been convicted either prior to or after certification of a crime of moral turpitude or a crime involving or which tends to bring discredit on the police or corrections service including but not limited to subparagraph (c) DWI.

Ms. Potito understood that she has the opportunity to be noticed and come back to the next Council meeting next month, and she is waiving that opportunity; however the staff asked that this waiver be on the record as part of the procedural matter before beginning a hearing.

When asked by Chief Morency, Kristin Potito, stated that she agreed to waive the notice.

Captain Bodanza began summarizing the case for the Council, Ms. Potito plead guilty to DWI, that is a conviction of RSA 265-2, a misdemeanor b charge in New Hampshire.

He then provided the Council with exhibits, Kristin Potito was hired by the Department of Corrections on August 8, 2014, she received a Correction's Officer Certification on November 14, 2014. PSTC received a letter from the Human Resource's office at the Department of Corrections on March 23, 2015 stating that Kristin Potito had been arrested by the New Boston Police Department and charged with DWI on March 15, 2015. PSTC received the Form G, report of arrest, from the New Boston Police Department, criminal complaint for DWI, RSA 265A-2 paragraph one, there was no chemical test as she refused. The letter of notice for the temporary hearing was also an exhibit.

Captain Bodanza summarized the police reports from New Boston Police Department. Ms. Potito was stopped at 1:15 a.m. after her vehicle had been observed weaving between the fog line and double center lines several times. After agreeing to participate, she performed several field sobriety tests; she was not successful with the tests. She was arrested, she refused the breath test after her Administrative License Suspension Rights

were read. A receipt was found in her purse which listed three alcoholic beverages had been purchased.

The disposition from the Goffstown District Court indicates that Kristin Potito plead guilty to the charge of DWI with a fine of \$500 and penalty assessment of \$120 was imposed as well as a nine month loss of license, with early reinstatement if she takes the IDCMP program as required.

The matter before the Council; this correction's officer who has been certified by Police Standards and Training, after certification has been arrested for a misdemeanor charge and plead guilty to the charge of DWI and penalties imposed.

Kristin Potito then made a statement reflecting on her family circumstances, she acknowledged everything that she had done, and stated that the third drink on her receipt was consumed by a friend. She then stated that she'd only eaten one piece of banana bread that day.

She stated that she would do anything required of her, and that she was scheduled to attend an education alcohol evaluation that day. She went on to say that she loved her job, she is embarrassed and humiliated, she's never had anything like this happen to her.

When asked about the alcohol evaluation, if it was court ordered or as a condition of employment, or if it was self-initiated, she explained that it was a court order as a means to get her driver's license back sooner as well as a three day course within thirty days. She is still working at the New Hampshire State Women's Prison.

When asked to provide information why the Council should not suspend, Ms. Potito acknowledged that she was wrong and that she would be a stronger officer because of the situation, and stated that this would never happen again.

The Council advised Ms Potito, that she has entered a profession that has very high standards, and the Council must adhere to high standards.

Motion by Sheriff Dubois, seconded by Sheriff Dutile to suspend the certification for sixty days based on the conviction.

Further discussion by the Council included questions to the staff on past sanctions for officers with DWI convictions, or pleas to lesser violations, as well as discussion that DWI was a misdemeanor violation and certification could be revoked.

Chief Morency called for the vote, it was 9-1 in favor of the motion, the motion passed.

The suspension is effective today (April 28, 2015).

At 10:08 the Council took a break.

At 10:20 the Council meeting was back in session; Vice Chairman, Commissioner Wrenn returned to Chair the meeting.

Request of the Carroll County Sheriff's Office regarding Janet Champlin.

The Council had been asked by the Carroll County Sheriff's Office for clarification regarding Bartlett Officer Janet Champlin's certification status.

A prior training and experience request by Chief Timothy Connifey for Officer Champlin was heard during the April 2012 Council meeting. Janet Champlin had been hired as a part time officer; Bartlett Police Department asked for reinstatement of her certification. She retired as a full time officer from Portsmouth, she had been out of law enforcement employment for greater than three years. By Council criteria, she would be required to take the law package classes from the academy to regain her certification. Council concurred that because she maintained training in law enforcement during the lapse of over three years, to allow her to take the comprehensive final examination for the full time academy in order to regain her certification.

Motion by Chief Cahill, seconded by Chief Morency, to clarify the earlier motion, Janet Champlin's full time officer certification had been reinstated. Council vote on the motion was unanimous.

Recruit Separation Reports

Motion to enter a nonpublic session by Sheriff Dubois, seconded by Chief Morency, the roll call vote was unanimous in favor of the motion.

At 10:27 the Council began a nonpublic session.

Motion to seal the minutes by Sheriff Dubois, seconded by Chief Cahill, with unanimous vote of the Council.

Motion to exit the nonpublic session by Sheriff Dubois, seconded by Chief Cahill, the roll call vote was unanimous in favor of the motion

11:24 back in public session.

Motion by Chief Cahill, seconded by President Dunton, based upon the information presented there is probable cause to ask the staff to look into the recruit reporting incident and conduct an investigation and report back any rule violations. The vote was unanimous in favor of the motion.

CONSENT CALENDAR

PT&E Requests

Shaun Geary, Alton Police Department

(DOH: 04/06/15) Will be granted certification upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy.

Requests for Extensions

Note: Extensions granted until the first council meeting following the fitness testing for the requested Academy, and, if testing is successful, to the first council meeting following the end of the requested Academy.

Full-Time Police Officer Academy

167th Academy, May 4, 2015 to August 21, 2015; entrance fitness test April 20, 2015.

168th Academy, August 31, 2015 to December 18, 2015; entrance fitness test August 17, 2015.

Part-Time Police Officer Academy

268th Academy, February 7, 2015 to May 8, 2015; entrance fitness test January 24, 2015.

269th Summer Academy, potential dates June 6, 2015 to August 7, 2015, entrance fitness test May 23, 2015.

270th Academy, August 15, 2015 to November 13, 2015; entrance fitness test August 1, 2015.

Corrections Academy

100th Academy, June 1, 2015 to July 31, 2015; entrance fitness test May 18, 2015.

101st Academy, September 8, 2015 to November 6, 2015; entrance fitness test August 24, 2015.

Vincent Rodden, Northumberland Police Department (DOH: 11/14/14 **Part-Time certified**) Will be granted the extension until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 168th academy.

Juan Llubes, Antrim Police Department (DOH: 03/30/15 **Not Part-time certified**) Will be granted the extension until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 168th academy and may continue working only in the direct presence of a certified officer.

Casey Morgan, Brookline Police Department (DOH: 03/30/15) Will be granted the extension until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 269th Part Time Academy and may continue working only in the direct presence of a certified officer.

Michael E. Roberts, Rockingham County Sheriff's Office (DOH 03/18/15) Will be granted the extension until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 269th Part Time Academy and may continue working only in the direct presence of a certified officer.

Requests for Specialized Training Grant Funds (Balance: \$3,344.51)

Campton. Police Department was granted funds for Carole Lee to attend the Reid Technique of Interview and Interrogation by the Portsmouth Police Department in Portsmouth, NH, from May 18, to May 21, 2015.

Addendum #1, Consent Calendar, April 28, 2015
Additional Requests for Extensions

a. George Lamphere New Hampshire Department of Corrections,

The extension will be granted until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 100th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

b. Joseph Mastrolillo New Hampshire Department of Corrections,

The extension will be granted until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 100th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

c. Deneje Watts New Hampshire Department of Corrections,

The extension will be granted until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 100th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

d. Donald Grow, Jr. Barnstead Police Department,

The extension will be granted until the first council meeting following the fitness testing for the requested academy, and, if testing is successful, to the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 167th academy and may continue working only in the direct presence of a certified officer. Unless the officer has successfully completed his agency's FTO Program, then normal supervision.

Motion to approve the consent calendar by Sheriff Dubois seconded by Chief Hart. Unanimous vote in favor of the motion.

Other New Business

Request by the Administrative Office of the Courts

The staff received a request from the Administrative Office of the Courts that they be provided with Police Standards and Training Council's individual identification numbers for the certified officers in New Hampshire.

Council members discussed the request, with input from the staff, would this be an ongoing request to provide the numbers, and/or provide the changes in status of the officers as PSTC receives that information from each agency?

The staff will make a call to the Administrative Office of the Courts for more details on their request.

Motion to approve gifts provided to PSTC, several t-shirts and a lapel pin, by Sheriff Dubois, seconded by Chief Hart, with unanimous vote in favor of the motion.

The Promotion Policy item from the agenda was tabled until the May Council meeting.

General

Commissioner Wrenn advised that on May 26th, the regular meeting day, there would be a planning session from 9 to 12, where agency chief's are invited in to discuss hot topics and suggestions. Lunch would be 12 to 1, and the regular meeting held during the afternoon. Council members were asked to provide questions and discussion items.

Motion by Sheriff Dubois seconded by Chief Hart, the Council voted unanimously to adjourn the meeting at 11:45.

Respectfully submitted,



Vice Chairman William Wrenn