



State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
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Chief Anthony F. Colarusso, Jr.
Chairman

Approved Minutes PSTC
Meeting August 25, 2015

Donald L. Vittum
Director

The 457th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:08 a.m. by Chairman, Chief Anthony F. Colarusso, Jr. in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Chairman, Chief Anthony Colarusso, Jr.; Attorney General Joseph Foster; Executive Major David Parenteau, New Hampshire State Police; Dr. Ekaterina Hurst, DHHS; Chief Peter Morency, Berlin Police Department; Judge Sawako Gardner, 10th Circuit District Division, Portsmouth; President Susan Dunton, Community College System of New Hampshire; Vice Chairman, Commissioner William L. Wrenn, New Hampshire Department of Corrections; Sheriff David Dubois, Strafford County and Chief William Hart, Londonderry Police Department.

Members Absent: Sheriff Douglas Dutile, Grafton County; Ms. Paula Wall, Crisis Center of Central New Hampshire; Judge James Carroll, 4th Circuit District Division; Laconia and Chief David Cahill, Sunapee Police Department.

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

Guests Present: Mr. Robert Gauthier with Attorney John Draghi and Mr. Brad Zarba.

Approval of Minutes

Chief Morency moved for the Council to approve the minutes of the July 28, 2015 meeting. The motion was seconded by Chief Hart; the council vote was unanimous in favor of the motion.

Director's Report

The 168th Full-Time Academy entrance physical fitness test was conducted yesterday, August 24th, in which a total of 63 recruits successfully completed the testing requirements. The maximum number of recruits accepted to an academy is 60.

Sheriff Dubois moved for the Council to increase the size of this class to 63. The motion was seconded by Chief Morency; the council vote was unanimous in favor of the motion.

The Financial Report was provided in writing.

Robert Gauthier Jr. Pol 402.02 (b) temporary suspension

Captain Bodanza read the rule, Pol 402.02 (b) and noted that this was continued from the July 28, 2015 meeting.

Mr. Gauthier was present, with his attorney, John Draghi, and requested a public session.

He has retired from the New Hampshire Department of Corrections, however he is still certified as a part time officer with the town of Pittsfield; and will not work until the matter at hand is resolved.

Captain Bodanza presented a potential resolution; a voluntary surrender of his certification until such time as the matter is resolved in the court process and the council takes any action based on the resolution.

Motion by Chief Hart to accept the resolution of temporarily surrendering his certification until such time as the matter which is pending is disposed of and once it is in disposition then the council can take action at that time. The motion was seconded by Chief Morency; the vote was unanimous with Commissioner Wrenn, Attorney General Foster, and Major Parenteau abstaining.

Christopher Aucoin Pol 402.02 (b) temporary suspension

Chief Merrill stated that effective August 4, 2015 Major Aucoin has retired. If he was to re-enter law enforcement an eligibility hearing would be conducted. No further action is required unless a Form "A" is received by another law enforcement agency.

John Laroche Pol 402.02 (b) temporary suspension

Staff received a letter from Attorney Wingate with a pending resolution to surrender his full-time police officer certification until such time as there is a resolution in the criminal matter and further order of the council.

Motion by Sheriff Dubois to accept the surrender of his full-time certification until such time as the matter which is pending is disposed of. The motion was seconded by Commissioner Wrenn; the vote was unanimous with Attorney General Foster abstaining.

Mr. Brad Zarba

Mr. Zarba is requesting to seal his record and to remove all meeting minutes containing his name from internet search engines.

Captain Bodanza explained to the council that his request is based on the public minutes that are listed on our website.

Motion by Sheriff Dubois, seconded by Attorney General Foster, to begin a nonpublic session for personnel reasons, the roll call vote was unanimous in favor of the motion.

At 9:22 the Council began a non-public session.

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

At 9:40 the Council was back in public session.

Motion to seal the minutes of the nonpublic session by Dr. Hurst, seconded by Commissioner Wrenn, the council vote was unanimous in favor of the motion.

Motion by Sheriff Dubois to seek legal guidance of this matter with respect to nonpublic sessions: when a matter is in non-public how long can a matter be in non-public; can the status be changed; and review of public disclosure of administrative minutes with respect of PSTC Council. The motion was seconded by Chief Hart; the council vote was unanimous in favor of the motion.

Matthew McCarthy Pol 402.02 (a) (4) a.

Captain Bodanza was sworn in by Chairman Colarusso and then he explained that the notice of hearing Council rule Pol 402.02 (a) (4) a.

The officer has been convicted either prior to or after certification of a crime of moral turpitude or of a crime which tends to bring discredit on the police or corrections service, including but not limited to:

- a. Theft;

Captain Bodanza read the indictment into the record, and then summarized Mr. McCarthy's law enforcement employment and certification history for council members with each of the staff's exhibits presented.

Matthew McCarthy plead guilty and was found guilty of Theft By Unauthorized Taking on July 14, 2015. On July 14, 2015 he was sentenced to the New Hampshire State Prison for not more than two years, nor less than one year, with all of the minimum and all of the maximum terms suspended conditioned upon good behavior.

Matthew McCarthy's conditions of his sentence of incarceration suspended were as follows:

Matthew McCarthy paid restitution in full as of March 17, 2015, he is to participate meaningfully and complete any counseling, treatment and educational programs as directed by the correctional authority or Probation/Parole Officer; the defendant and the state have waived sentence review in writing or on the record, the defendant is ordered to be of good behavior and comply with the terms of the sentence.

Matthew McCarthy's additional condition was that he was to be "decertified and therefore ineligible to obtain employment as law enforcement".

Motion by Sheriff Dubois, seconded by Chief Morency to revoke his certification and be

entered into the national database as there is no just cause presented as to why we should not do so. The council vote was unanimous in favor of the motion with Attorney General Foster abstaining.

Fitness Testing Statistics

Lt. Moller presented the 35% Coopers Standards, which are currently used for the physical fitness requirements of the academy and the importance of each: 1.5 mile run, sit-ups, push-ups, and the one-repetition bench press. The entrance requirement is the same for the full-time, part-time, and corrections academies. The difference is in the exit requirements as the full-time academy has to exit at 50%; corrections at 45%; and no requirement for the part-time academy. This is due to the length of each of the associated academies. It was also noted that the 35% Coopers Standards is at the top of the "poor" category.

Captain Bodanza presented an entrance fitness handout showing that out of 110 corrections officers tested in the last two years there were 14 failures. During the last two years there were 509 officers tested for the full-time academy and there were 32 failures and 107 part-time officers tested and 5 failures.

Chairman Colarusso would like the Director and staff to provide any ideas of a legally and defensible system of different ways to improve and any ideas how to implement the proposed system.

Chief Morency requested the statistical data on the ongoing three-year fitness testing and whether or not there are a lot of failures. Staff will research the requested data and present it to the council.

CONSENT CALENDAR PT&E Requests

Laura Cattabriga, Dunbarton Police Department
Will be granted certification upon successful completion of the medical exam and entrance fitness test.

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

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

169th Academy January 4, 2016 to April 22, 2016, entrance fitness test December 21, 2015

170th Academy May 2, 2016 to August 18, 2016, entrance fitness test April 18, 2016

171st Academy August 29, 2016 to December 16, 2016, entrance fitness test August 15, 2016

Part Time Police Officer Academy

270th Academy, August 15, 2015 to November 13, 2015; entrance fitness test August 1, 2015.
271st Academy, February 2, 2016 to May 6, 2016, entrance fitness test January 23, 2016
272nd Academy, August 13, 2016 to November 18, 2016, entrance fitness test July 30, 2016

Corrections Officer Academy

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

Carleen Bowman, UNH Police Department (DOH: 03/02/15 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.

Gene Cuomo, Fitzwilliam Police Department (DOH: 10/1/14) 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 271st Part-Time Academy and may continue working only in the direct presence of a certified officer.

Dimitrios Lazos, Loudon Police Department (DOH: 4/28/15) 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 271st Part-Time Academy and may continue working only in the direct presence of a certified officer.

Timothy Gordon, Newington Police Department (DOH: 8/3/15 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 169th Academy and may continue working only in the direct presence of a certified officer.

Alan Randell, Hampstead Police Department (3/23/15) 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 169th Academy.

Amanda Basnar, Chester Police Department (DOH: 5/4/15) 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 271st Part-Time Academy and may continue working only in the direct presence of a certified officer.

Gary Wood, Jr., New Hampshire State Police (DOH: 8/7/15) 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 168th Academy.

John Mascaro, Kingston Police Department (DOH: 6/20/15) 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 169th Academy.

(END OF APPROVED CONSENT CALENDAR)

Motion to approve the consent calendar by Judge Gardner, seconded by Chief Hart, the council vote was unanimous in favor of the motion.

Law Enforcement Response Regarding Mental Illness

Captain Bodanza summarized an article, written by Ms. Elaine DeMello of NAMI, outlining the training that was provided to academy recruits and courses for in-service training throughout the year.

The council decided that refreshments would not be provided at further council meetings.

A thank you letter was received from the 42nd NH Police Cadet Training Academy thanking Captain Bodanza for instruction of Criminal Law.

Blue Courage

Chairman Colarusso asked Sheriff Dubois to provide an overview of Blue Courage as he is an instructor for the program. Blue Courage is made up of retired law enforcement officers and the program is designed to bring officers back to roots of the profession. The program outlines why officers get involved in the profession and helps better connect them with the public that they serve. It also prepares officers not only physically, but also for the mental and emotional stress, which would help law enforcement officers keep healthy over their career. A shorter version, a four-hour executive briefing, was held in Durham, where approximately 100 officers were in attendance, the program was well received.

The Department of Justice has partnered with this company and they are immersing the program nationally to police academies with federal grant monies available. Currently the grant is only being awarded to police academies and is not available to in-service/veteran officer training.

There was discussion amongst the Council members, whether it would be worthwhile and how to implement the 16-hour program? Would it be conducted in two days or held throughout the academy and what would the program replace in the current curriculum?

Captain Jean will be receiving a package of training material to look at. Currently the price of each officer to receive the training is \$70.00/officer, approximately \$4200.00 per academy class. There are ways to decrease the costs of this to \$13.00/officer but it requires a re-printing agreement with the company.

Staff is apprehensive about propitiatory programs as everyone looks to sustain the program after the grant funds are depleted. What stops another company from producing the same or similar concepts of the program: courage, integrity, and ethics?

Council discussion whether the program would also be immersed in the corrections academy and the part-time academy as 16 hours is a lot out of the 200-hour part-time academy.

The Council would like the staff to research the material and report back on how the training would be implemented; would it be 2 days of training or module training? Also, to look at the cost projection and decide whether or not it would be sustainable after the end of the grant funding.

Annual Report

Captain Jean presented a summary of the annual report. He highlighted some of the changes that were made in the report this year which included a break-down of revenue sources, payment to other state agencies and breakdown of monthly receipts. Also included in the report was the reduction letter that was sent to law enforcement agencies.

Motion by Dr. Hurst, seconded by Dr. Dunton, to accept the annual report, council vote was unanimous in favor of the motion.

Captain Jean will be submitting the annual report to Governor & Council and will notify the Council when that meeting will be held.

Strategic Planning Session

Captain Jean presented a handout from the planning session with all the statistical data and if council wanted any reports generated from the data.

OIC Frederick Douglas, Jr. of Francestown Police Department

The Director received a letter from OIC Douglas in reference to the upcoming law package classes. He is requesting consideration on three classes which he will not be able to attend due to a previously scheduled vacation.

Captain Bodanza noted that this officer had been previously NH certified. The three courses that he would not be able to attend are: Juvenile Law, Sexual Assault and Victim Witness. Two classes he would be able to attend at the Part-Time Academy but Victim-Witness is not part of the curriculum.

Motion by Commissioner Wrenn to have him attend the law package including the Part-Time Academy to make up those classes. The victim-witness class he will be allowed to test out. If he fails he will need to attend the class. The motion was seconded by Sheriff Dubois, and council vote was unanimous in favor of the motion.

Captain Bodanza noted that tomorrow, Wednesday, August 26, 2015 is Media Day beginning at 10:00 a.m. There will be a tour of the facility to include the Virtra, skid car, range, and

simmunitions for any interested individuals.

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on September 22, 2015, at nine o'clock in the morning.

Upon a motion by Judge Gardner, seconded by Commissioner Wrenn, the Council voted unanimously to adjourn the meeting at 11:10 a.m.

Respectfully submitted,



Chief Anthony F. Colarusso, Jr.