

Approved Minutes

July 26, 2011

Call to Order

The 409th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:08 a.m. by Chairman Michael L. Prozzo, Jr., in Classroom 1 at Police Standards and Training in Concord, New Hampshire.

Members Present: Chairman Michael L Prozzo; Vice Chairman William Wrenn; Deputy Attorney General Ann M. Rice; Justice Norman Champagne; Sheriff Richard Foote; Chief Peter Morency; Chief James Sullivan; Chief Anthony Colarusso; Chief Gregory Dodge; Vice Chancellor Charles Annal and Colonel Robert Quinn.

Members Absent:

Staff Present: Director Donald Vittum, Chief (ret.) Timothy Merrill; Captain James Mulla, Captain Benjamin Jean; Lieutenant Mark Bodanza; Investigative Paralegal Anne Paquin

Guests Present: Senior Assistant Attorney General Nancy Smith, Chief David Goldstein, Franklin Police Department, Chief Randy Sobel, Middleton Police Department, Chief James Pushee Deering Police Department and Amy Collins,

Approval of Minutes

MOTION: Chief Morency, with a second by Commissioner Wrenn, moved to approve the draft minutes of June 28, 2011. Vote unanimous 11-0.

Director's Report

The Director's monthly report was distributed at the meeting. Director Vittum addressed the Council and stated that he had received notification that an LSR had been filed, 2528R, by title only. This is something that Director Vittum felt the Council should be concerned about, because it is also dependent upon PSTC's budget. It talks about a study committee with reference to tuition and funding for PSTC. Director Vittum felt that the Council should be aware of this filing.

Chief Goldstein of Franklin Police Department addressed the Council regarding a tuition based academy. Chief Goldstein has taught at PSTC for the last 25 years. Chief Goldstein explained his experiences when working as a Chief in Milford Massachusetts where their police academy is tuition based. In brief, when recruits pay for tuition, it becomes a contract and their attitude becomes, "if I am paying for this, these are my expectations in return". The Chief answered questions about who was responsible for researching backgrounds on new hires (the town), and whether it was a residential academy, (it was a day academy). The Chief was asked if there was a commission overlooking the academy, and he responded there was, and that it was similar to the Council. Council members and Director Vittum thanked Chief Goldstein for his presentation. There was further discussion about tuition based academies with Chairman Prozzo stating that the Chief's Association has a committee to look at this, (tuition based academy), the Sheriff's Association as well.

Chairman Prozzo asked Director Vittum if he would speak about the budget reduction. Director Vittum stated that he received a phone call from the Governor's Office, there is a 50 million dollar shortage and that PSTC's percentage of that was 68 thousand dollars. Director Vittum stated that we are preparing a document to send to the Governor's Office to show the impact that it would have on us. PSTC is down 164 thousand dollars in revenue from last year.

Previous and/or Unfinished Business

No items.

New Business

Public Hearings on Proposed Rule Changes began at 9:18

Chairman Prozzo announced the public hearing; there were no members of the public present. Lt Mark Bodanza read into the record:

Pol 302.15 Legislative Security Staff, Initial Proposal, Public Hearing

Adopt Pol 302.15 to read as follows:

Pol 302.15 Legislative Security Staff To the extent that the Legislature chooses to send any legislative security staff to Police Standards and Training Council Academy for certification pursuant to RSA 14:50, IV or seek recertification under RSA 14:50, V, the hiring authority and legislative security staff shall comply with all Council requirements applicable for the type of certification sought, including any ongoing educational or fitness requirements, except those rules regarding the reporting and limitation on hours for part-time certified officers.

Readopt Pol 302.15, effective 8-1-08 (Doc. #9224), and renumber as Pol 302.16 to read as follows:

Pol 302.16 Behavior in Training Facility. The following shall apply to behavior in the training facility:

(a) Persons using the police standards and training facility shall, as a condition of their use of the facility, be neatly attired in their official department uniforms or otherwise, as follows:

(1) For male personnel a suit or sports jacket with slacks, dress shirt and tie, or sports shirt and sweater shall be acceptable; and

(2) For females, a dress or skirt and blouse or sweater combination; or slacks and coordinated blouse shall be acceptable.

(b) They shall exhibit courtesy and abide by all laws and facility rules at all times, and shall be required to leave the premises or be denied admittance if in violation of this rule, and shall be subject to dismissal.

PSTC staff will take written comments on rule changes until August 9, 2011.

Chairman Prozzo, closed the public portion of the first hearing, and there were no Council comments.

Chairman Prozzo, announced the second public hearing, and Lt Mark Bodanza read into the record:

Pol 404.05 Firearms Instructor Qualifications

Readopt with amendment Pol 404.05, eff 8-1-08 (doc. #9224) to read as follows:

Pol 404.05 Firearms Instructor Qualifications. The following shall apply to firearms instructor qualifications:

(a) To be approved by the council as a firearms instructor, police, corrections or probation/parole officers shall submit their credentials to the director prior to commencement of a firearms training course.

(b) Persons shall be approved if they successfully complete one of the following:

(1) Council firearms instructor school;

(2) F.B.I. firearms instructor school;

(3) National Rifle Association police firearms instructor course;

(4) Another course which the director has determined requires the officer to demonstrate the equivalent level of skills and knowledge with an automatic pistol which the course noted in Pol 404.03(b) and (c) provides, taking into consideration the make and type of weapon used, and

(c) If qualifying by completing instruction under Pol 404.05 (b) (2), (3) or (4), demonstrate proficiency by qualifying twice consecutively on a council sponsored qualification course with a minimum score of 80% to the bib area of PSTC's silhouette target, and

(d) If qualifying by completing instruction under Pol 404.05 (b) (2), (3) or (4), attend one hour of council sponsored instruction for new firearms instructors.

(e) To maintain instructor certification, an instructor shall satisfy the council that he/she has:

(1) Instructed or assisted in at least one firearms training program each calendar year; and

(2) Attended one annual council sponsored firearms instructor refresher course every second calendar year.

PSTC staff will take written comments on rule changes until August 9, 2011

Chairman Prozzo closed the public portion of the meeting of the second rule change, with no Council comments, and no members of the public present.

Public hearings on rules completed at 9:27.

Brendon June Hearing, Pol 402.02 (a) (4) violation (Brendon June was not in attendance)
Beginning at 9:28 a.m. Lt. Mark Bodanza presented the following and distributed a time line of his synopsis to Council members.

Brendon June Synopsis July 26, 2011

Form A April 16, 2006	Staff Exhibit A
Full time certification March 30, 2006	Staff Exhibit B
Form B May 10, 2010	Staff Exhibit C
Letter to Chief Scott Roberge from Director Vittum May 14 2010	Staff Exhibit D
Letter to Director Vittum from Chief Scott Roberge May 20, 2010	Staff Exhibit E
Attorney General Reports, discovery State v Brendon June received May 25, 2011	Staff Exhibit F
Disposition from Strafford County Superior Court, received June 14, 2011	Staff Exhibit G

On April 16, 2006 Brendon June was hired by the Farmington police department as a full time officer, Staff Exhibit A.

On March 30, 2006 Brendon June received his full time police certification, Staff Exhibit B.

On May 12, 2010 staff at Police Standards and Training Council received a Form B from the Farmington PD indicating that Brendon June had been discharged on May 10, 2010, Staff Exhibit C.

On May 14, 2010 Director Vittum sent a letter to Chief Scott Roberge inquiring about Brendon June's discharge, if it was due to a violation of Pol 402.02 (a) (5) Staff Exhibit D

On May 20, 2010 Director Vittum received a letter from Chief Scott Roberge. Chief Roberge's letter stated that Officer June was discharged from Farmington PD after admitting to stealing money from the department's evidence room violating NH RSA 637:3 (theft by deception) and Pol 402.02 (a) (4). Chief Roberge noted an enclosure of his department's internal investigation and also that the information had been forwarded to the Attorney General's office. Staff Exhibit E.

New Hampshire Attorney General's office provided copies of their investigation reports, on May 26, 2011 which describe the thefts as follows:

Farmington Police Department officers received permission from Chief Roberge to use money kept on hand from drug asset forfeitures to use in a drug buy. The officers went into the evidence room to retrieve the money; there was no money in the drug asset forfeiture.

Further inquiry and investigation by Farmington revealed that Brendon June had taken the money a little at a time to cover his mortgage, home expenses and child support. Staff Exhibit F

On May 23, 2011 Brendon June plead guilty to a class B felony theft, with a maximum penalty of 3 ½ to 7 years, and a fine not to exceed \$4,000.00. He was sentenced to the Strafford County House of Corrections for 12 months, with 9 months suspended for good behavior. The sentence began on May 23, 2011, and he was

eligible for the step down program after 30 days. Restitution of \$3970.00 was paid in full on June 20, 2010. Further conditions of the plea are that he complete counseling, treatment and education as directed, perform 10 days of community service, be of good behavior and that his police certification would be revoked pursuant to Pol 402.02. Staff Exhibit G

Pol 402.02 (a) The council shall, unless it has just cause to do otherwise, order the suspension or revocation of the 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 of a crime which tends to bring discredit on the police or corrections service, including but not limited to:

a. Theft;

As part of a negotiated disposition with the Attorney General's Office and the Strafford County Attorney's Office, Brendon June surrendered his police certification as a result of the conviction.

The Council members had no questions for the Lieutenant.

Motion Commissioner Wrenn moved that the Council revoke Brendon June's police officer certification due to his conviction of the crime of theft, the crime being a felony in this state. The motion was seconded by Judge Champagne. Vote unanimous 11-0

9:34 end of hearing.

Approved Consent Calendar

Officer Brown, Officer Collins, Officer Poirier and Officer Aku were removed from the consent calendar.

Motion was made by Chief Sullivan and seconded by Chief Colarusso to approve all items remaining on the amended consent calendar. Vote unanimous 11-0.

PT&E Requests

Full-Time Police Officer Certification

Officer Thomas Harriman Newbury Police Department Will be granted full time certification upon successful completion of the medical exam and entrance fitness test of the full time academy.

Officer Michael R. Richard Brookline Police Department Will be granted full time certification upon successful completion of the medical exam, entrance fitness test of the full time academy and the law package of the full time academy.

Officer Glen Bullock of New Hampshire Liquor Commission Will be granted full time certification upon successful completion of the medical examination, entrance fitness test, defensive driving course and law package of the full time academy providing that first aid and CPR certifications are current.

Requests for Extensions

Note: Extensions granted until fitness testing for requested Academy, and, if testing is successful, through the end of the requested Academy.

Full-Time Police Officer Academy

157th Academy – 01/09/2012 – 04/13/2012 (fitness test 12/19/11)

Conservation Officer James J. Benvenuti, New Hampshire Fish and Game

Department will be granted an extension through the date of the entrance fitness test and, if successful, through the end of the 157th Academy with the stipulation that Officer Benvenuti must remain actively enrolled in the 157th Academy and may continue working only in the direct presence of a certified officer.

Conservation Officer Christopher T. Brison, New Hampshire Fish and Game

Department will be granted an extension through the date of the entrance fitness test and, if successful, through the end of the 157th Academy with the stipulation that Officer Brison must remain actively enrolled in the 157th Academy and may continue working only in the direct presence of a certified officer.

Conservation Officer Jonathan M. DeLisle, New Hampshire Fish and Game

Department will be granted an extension through the date of the entrance fitness test and, if successful, through the end of the 157th Academy with the stipulation that Officer DeLisle must remain actively enrolled in the 157th Academy and may continue working only in the direct presence of a certified officer.

Corrections Officer Academy

93rd Academy – 9/6/11 -11/4/11 (fitness test 8/22/11)

COT Craig A. Aubut, New Hampshire Department of Corrections will be granted an extension through the date of the entrance fitness test and, if successful, through the end of the 93rd Academy with the stipulation that CO Aubut must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

COT David Biondi, New Hampshire Department of Corrections will be granted an extension through the date of the entrance fitness test and, if successful, through the end of the 93rd Academy with the stipulation that CO Biondi must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

COT Jeremiah J. Totten, New Hampshire Department of Corrections will be granted an extension through the date of the entrance fitness test and, if successful, through the end of the 93rd Academy with the stipulation that CO Totten must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

Requests for Specialized Training Grants Funds

Rochester Police Department was granted funds for Lieutenant Gary Boudreau to attend the Command Training Series: Executive Development Course at Roger Williams University in Portsmouth, Rhode Island, for two one-week sessions, beginning September 6 and October 11, 2011. Amount: \$1,000

Requests for Fitness Testing Extensions

Fitness testing extensions for medical reasons were approved for the following officers until December 31, 2011:

Officer Michael J. Beaulieu, Springfield Police Department

CO Alexander Dion, New Hampshire Department of Corrections

Officer Jason Dzierlatka, Windham Police Department

Officer Catherine Gmelch Hampton Police Department

Deputy Philip O'Brien Sr., Belknap County Sheriff's Office

(END APPROVED CONSENT CALENDAR)

Other New Business

A number of items were excluded from the Consent Calendar for the Council's consideration:

Request for Extensions

Officer Muzafer Aku, Auburn Police Department

Amended request received for Officer Aku to attend the 156th Full time academy, (as a part time officer). Staff recommends granting the extension through the date of the entrance fitness test, and if successful, through the end of the 156th Full time academy with the stipulation that Officer Aku must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

Motion by Commissioner Wrenn and seconded by Chief Morency to grant staff recommendation. Vote unanimous 11-0

PT&E Requests

Officer Timothy Brown, Middleton Police Department

Chief Randy Sobel of Middleton Police Department addressed the Council regarding his request to bring Officer Brown from part time to full time status after Officer Brown has been out of full time police work for nearly ten and a half years. Staff recommended granting full time certification upon successful completion of the medical exam, the entrance fitness test and the entire program of the full time academy, providing that First Aid/CPR certification is current. Lt. Mark Bodanza gave a presentation of Officer Brown's employment history with timeline. Chief Randy Sobel gave a presentation, and distributed handouts of Officer Brown's employment history. Included in Chief Sobel's handouts was a letter dated July 23, 2002 signed by former Director Earl Sweeney reinstating Officer Brown's certification after a lapse in service. Staff was requested by Chairman Prozzo to research the Council meeting minutes to find the decision where Officer Brown's certification was reinstated; this item was continued to the August 23, 2011 Council meeting.

Officer Amy L. Collins, Deering Police Department

Lt. Mark Bodanza informed the Council that the Deering Police Department was requesting prior training and experience for part time certification with unlimited hours for Amy Collins. Lt. Bodanza provided a timeline and synopsis for the Council, with Chief James Pushee providing a presentation as well. Ms Collins has been out of law enforcement employment for three years and two months. According to the newly updated matrix, a lapse of more than three years in law enforcement employment indicates she must attend the entire academy program to regain certification.

Staff recommendation was to grant part time certification with unlimited hours when Officer

Collins had successfully completed the medical exam, entrance fitness test and the entire program of the part time academy.

There was much discussion about the time of Ms. Collins date of hire, if the hiring process was in place before the new matrix for prior training and experience was in effect, and what leeway could be granted by the Council.

Motion by Judge Champagne, seconded by Chief Sullivan regarding Amy Collins; to grant part time certification upon completion of the medical exam, entrance fitness test and law package for the part time academy. Vote on this motion, 6 in favor, -5 opposed.

Officer Paul A. Poirier, New Hampshire Division of Liquor Enforcement

Will be granted part time certification upon successful completion of the medical exam and entrance fitness for the part time academy.

Motion to approve staff recommendation by Chief Colarusso seconded by Chief Sullivan to approve the staff's recommendation for Paul Poirier. Vote unanimous 11-0

Officer Mario A. Checchi, Walpole Police Department

(DOH 11/18/10 Part-time certified) requests extension through the end of the 157th Full-Time Police Officer Academy. This is a third request; the Council denied Officer Checchi's second request in April 2011 because this officer was under indefinite suspension at that time. An extension is required due to staffing issues and because the ending date of the 157th Academy exceeds six months from his date of hire. **Staff recommends granting an extension through the date of the entrance fitness test and, if successful, through the end of the 156th Academy with the stipulation that Officer Checchi must remain actively enrolled in the 156th Academy.**

Motion to approve staff recommendation by Commissioner Wrenn, seconded by Chief Colarusso. Vote unanimous 11-0.

Exeter Hospital Chief of Security - Request for Approval to Attend PS&T Courses

Bill Mace, Chief of Security for Exeter Hospital, respectfully requests the Council's approval for two of his officers to attend training at Police Standards and Training to become instructors in handcuffing and OC spray techniques. Chief Mace asks that the Council consider that, like Exeter Hospital, other hospital security departments may also require this training due to new constraints placed on local law enforcement agencies by their insurance providers that impact their ability to provide this training as they have in the past.

Motion to deny the request by Chief Dodge, seconded by Colonel Quinn. Vote unanimous 11-0

Limiting Firearms Instructor Class Size

Staff respectfully requests that the Council consider recommendations for limiting class size and contingency plans for accommodating classes exceeding 20 students.

Motion to approve the staff's request to limit the firearm's instructor class to 20 by Commissioner Wrenn, seconded by Sheriff Foote. Vote unanimous 11-0

Consultation with SAAG Nancy Smith 10:45 a.m.

Next Meeting/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on **Tuesday, August 23**, beginning at 9 a.m. at 17 Institute Drive in Concord, New Hampshire.

MOTION: Upon a motion by Chief Dodge, seconded by Chief Sullivan, unanimous vote by the Council, the meeting was adjourned at 11:15 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "M. L. Prozzo, Jr.", is written over a horizontal line.

Chairman Michael L. Prozzo, Jr.