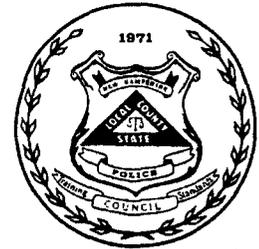




Sheriff Michael L. Prozzo, Jr.  
Chairman

State of New Hampshire  
**POLICE STANDARDS & TRAINING COUNCIL**  
ARTHUR D. KEHAS  
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Donald L. Vittum  
Director

*Approved Minutes*

*June 28, 2011*

*Call to Order*

The 408<sup>th</sup> meeting of the New Hampshire Police Standards and Training Council was called to order at 9:09 a.m. by Chairman Michael L. Prozzo, Jr., in Classroom 1 at Police Standards and Training in Concord, New Hampshire.

**Members Present:** Chairman Prozzo; Vice Chairman Wrenn; Attorney General Michael Delaney; Justice Norman Champagne; Sheriff Richard Foote; Chief Peter Morency; Chief James Sullivan; Chief Anthony Colarusso; Chief Gregory Dodge; and, Colonel Robert Quinn.

**Members Absent:** Dr. Charles Annal and Justice Stephen Roberts

**Staff Present:** Director Donald Vittum, Chief (ret.) Timothy Merrill; Captain Benjamin Jean; Captain Mark Varney; Lieutenant Mark Bodanza; Investigative Paralegal Anne Paquin; and, Council Secretary Kathryn Day.

**NOTE:** This meeting was in recess from 10:10 a.m. until 10:20 a.m.

*Approval of Minutes*

**MOTION:** Chief Colarusso, with a second by Sheriff Foote, moved to approve the draft minutes of May 24, 2011; the Council voiced their unanimous approval, 10-0.

*Director's Report*

The Director's monthly report was distributed at the meeting. He noted that the final outcome of the budget was more favorable than anticipated – a 9% decrease in funding, as opposed to 19% in the House proposed version; also, HB2 establishes a committee to study funding options for the police standards and training council and the department of safety, division of fire standards and training and emergency medical services, including the option of charging attendees an amount for tuition. The Director advised that he had contacted members of the Committee of Conference (Senator Morse, Senator D'Allesandro, and Senator Odell) about this footnote before the bill was voted on.

In response to Chairman Prozzo's question, Director Vittum recommended that the Chairman appoint a subcommittee to work with the New Hampshire Association of Chiefs of Police and the Sheriffs Association and others to address the work of the Study Committee established by HB2. Further, regardless of any new sources of funding that may be explored, Director Vittum stated that he is concerned that revenue will not be sufficient to sustain Police Standards and Training Council beyond the current biennium, so Police Standards and Training Council needs to consider other strategies, including a reduction in personnel.

Director Vittum stated that staff had researched 32 other agencies that charge tuition for law enforcement training nationally and this data is available for consideration. Commissioner Wrenn stated that he felt as passed is contrary to what has been discussed during the budget process, namely, avoiding downshifting costs to local communities; charging tuition fees to local police departments for training mandated by statute is a blatant example of cost shifting.

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*"Law Enforcement's Strategic Partner"*

Director Vittum shared that he had been advised by departments in major cities in New Hampshire that if Police Standards and Training Council were to institute a tuition fee the departments intend to perform this basic training on their own, presenting another issue that needs to be addressed by the Council – Will they authorize that to happen?

Chairman Prozzo confirmed that the HB2 study committee is required to submit a final recommendation on or before November 1, 2011, and that no members of Police Standards and Training Council are included in the members appointed to this committee. He asked members present to volunteer to participate in a subcommittee that will review the data gathered by staff about other states' academies that charge a tuition fee and to communicate to the Legislative study committee the Council's position on a tuition-based academy for New Hampshire. He suggested that the subcommittee discuss their recommendations at the next Council meeting on July 26, 2011. Director Vittum said that before he set a date for this meeting he would raise this issue when NHACOP holds a meeting later this month in Grantham to ask for their participation.

***Previous and/or Unfinished Business***

No items.

***New Business***

**MOTION:** Chief Dodge, with a second by Sheriff Foote, moved to approve all staff recommendations for items on the Consent Calendar. The Council voted their unanimous consent, 9-0. NOTE: Attorney General Delaney was not present for this action.

**APPROVED CONSENT CALENDAR**

**PT&E Requests**

**Full-Time Police Officer Certification**

**Officer Michael J. Bolduc, Salem Police Department** will be granted full-time certification based upon prior training and experience upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, providing CPR and First Aid certification is current.

**Part-Time Police Officer Certification**

**Officer Glen L. Drewniak, Bradford Police Department** will be granted part-time certification with unlimited hours based upon prior training and experience upon successful completion of the medical exam and the entrance fitness test of the Part-Time Police Officer Academy.

**Officer Joshua K. Fisher, Sunapee Police Department** will be granted part-time certification with unlimited hours based upon prior training and experience upon successful completion of the medical exam and the entrance fitness test of the Part-Time Police Officer Academy.

**Deputy Anthony S. Fowler, Hillsborough County Sheriff's Office** will be granted part-time certification with unlimited hours based upon prior training and experience upon successful completion of the medical exam, the entrance fitness test, and the full program of the Part-Time Police Officer Academy.

**Officer Domenic M. Richardi, Freedom Police Department** will be granted part-time certification based upon prior training and experience upon successful completion of the medical exam and the entrance fitness test of the Part-Time Police Officer Academy.

#### **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**

**156<sup>th</sup> Academy – 08/29/11 – 12/02/11 (fitness test 08/15/11)**

**Officer Robert D. Turcotte, Hampton Police Department** will be granted an extension through the date of the entrance fitness test and, if successful, through the end of the 156<sup>th</sup> Academy with the stipulation that Officer Turcotte must remain actively enrolled in the 156<sup>th</sup> Academy.

**Officer Matthew E. Wilmot, New Hampshire State Police** will be granted an extension through the date of the entrance fitness test and, if successful, through the end of the 156<sup>th</sup> Academy with the stipulation that Officer Wilmot must remain actively enrolled in the 156<sup>th</sup> Academy and may continue working only in the direct presence of a certified officer.

#### **Part-Time Police Officer Academy**

**260<sup>th</sup> Academy 08/13/11 – 11/18/11 (fitness test 07/30/11)**

**Officer Corie B. Bliss, Salem Police Department** will be granted an extension through the date of the entrance fitness test and, if successful, through the end of the 260<sup>th</sup> Academy with the stipulation that Officer Bliss must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

**Officer Jason F. Bouchrouche, Brookline Police Department** will be granted an extension through the date of the entrance fitness test and, if successful, through the end of the 260<sup>th</sup> Academy with the stipulation that Officer Bouchrouche must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

**Officer Erick D. Bourdeau, New Durham Police Department** will be granted an extension through the date of the entrance fitness test and, if successful, through the end of the 260<sup>th</sup> Academy with the stipulation that Officer Bourdeau must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

**Special Deputy Sheriff Stephen M. Burrows, Belknap County Sheriff's Office** will be granted an extension through the date of the entrance fitness test and, if successful, through the end of the 260<sup>th</sup> Academy with the stipulation that Deputy Burrows must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

**Corrections Officer Academy**

**93<sup>rd</sup> Academy – Beginning in September 2011 (Dates to be announced)**

**COT Nathan E. Croteau, New Hampshire Department of Corrections** will be granted an extension through the end of the 93<sup>rd</sup> Corrections Officer Academy with the stipulation that COT Croteau must remain actively enrolled in the requested Academy.

**COT Christopher S. Ward, New Hampshire Department of Corrections** will be granted an extension through the end of the 93<sup>rd</sup> Corrections Officer Academy with the stipulation that COT Ward must remain actively enrolled in the requested Academy.

**(END APPROVED CONSENT CALENDAR)**

**Requests for Fitness Testing Extension**

**MOTION:** Upon a motion by Chief Morency, seconded by Chief Colarusso, the Council voted 10-0 to approve fitness testing extensions until December 31, 2011, for medical reasons to the following officers:

**Officer Eric Cartier, Allenstown Police Department**  
**Officer Antonio Duquette, Manchester Police Department**  
**Officer Christopher Fowler, Franconia Police Department**  
**Officer Charles Goodale, Bradford Police Department (Addendum#1)**  
**CO Brian Magnell, New Hampshire Department Corrections**  
**Officer Dominique Murphy, Rochester Police Department**  
**PPO Carrie Sargent, New Hampshire Department of Corrections**  
**Officer William Scurry, Auburn Police Department (Addendum#1)**  
**CO Linda Susca, New Hampshire Department of Corrections**  
**Officer Scott A. Talbot, Surry Police Department**  
**Officer Richard Telifson, Concord Police Department**  
**Officer Brett Wells, Brentwood Police Department**  
**Deputy David Winship Jr., Strafford County Sheriff's Office**

**Requests for Fitness Testing Extension Received by June 30, 2011**

Chief Merrill informed that the Council has received no response from 15 officers whose current extensions will expire on June 30, 2011 -- three officers due to comply by December 31, 2009, and another 12 officers whose date for compliance was December 31, 2010. The date of the next Council meeting is not until July 26, 2011, so Chief Merrill asked for the Council to instruct the staff on how to address any further requests for extension that may be received by these officers on or before June 30.

**MOTION:** (moved by Chief Sullivan, seconded by Chief Colarusso) That the Council consider any requests for extension to comply with ongoing physical fitness testing received by June 30, 2011, at their meeting on July 26 and that those officers who submit a timely request will not be automatically suspended on July 1. Motion carried, 10-0.

Chairman Prozzo clarified that any request for extension or passing test submitted after June 30 would not be considered and the officer's certification will be automatically suspended effective July 1, 2011.

### **Requests for Consideration**

#### **Officer Jamie Lyford, Ashland Police Department**

Mr. Lyford appeared before the Council. The Council discussed Officer Lyford's request for the Council to consider granting an extension of time beyond two years from the date for compliance with ongoing physical fitness testing. The Council took no action on this request because the Council has no statutory authority to grant the extension.

#### **CO Edward Vocell, New Hampshire Department of Corrections**

CO Vocell appeared before the Council to request that they approve reinstatement of his corrections officer certification, now that he has successfully achieved compliance with requirements for ongoing physical fitness testing. Lieutenant Bodanza stated that CO Vocell was due to comply with the requirements by December 31, 2010, and provided a timeline that documented communications with the officer and his agency prior to that date and the subsequent notice of the suspension of his certification on March 2, 2011. The timeline noted that CO Vocell was laid off from DOC on July 3, 2009, and rehired February 26, 2010.

The Council considered that Mr. Vocell has been employed by DOC as a Corrections Officer Trainee since March 2, 2011; also, Mr. Vocell successfully completed requirements for ongoing physical fitness testing on June 9, 2011, and must receive Council approval for his certification to be reinstated.

**MOTION:** Sheriff Foote moved that the Council reinstate Edward Vocell's Corrections Officer certification effective immediately. Following a second by Chief Colarusso, the Council affirmed the motion, 9-0, with Commissioner Wrenn abstaining.

### ***Other New Business***

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

#### **PT&E Request**

#### **Officer David B. Scott, Barnstead Police Department**

Staff offered no recommendation on this request. Chief Merrill stated that Officer Scott successfully completed the 153<sup>rd</sup> Full-Time Police Officer Academy but failed the exit fitness test and also failed on two subsequent attempts. A request for a fourth attempt at the exit fitness test was denied by the Council at their April meeting. Considering that Mr. Scott has not yet passed the exit fitness test, the staff offered no recommendation Officer Scott's request for full-time certification based upon prior training and experience.

**MOTION:** (moved by Commissioner Wrenn, seconded by Judge Champagne) That the Council deny Officer Scott's request for full-time certification based upon prior training and experience. Motion carried, 10-0.

### **Requests for Extension**

#### **Officer Daniel T. Duffy, Strafford Police Department**

Sergeant Michael Richards appeared before the Council on behalf of Officer Duffy to speak about this officer's request for an extension through the end of the 261<sup>st</sup> Part-Time Police Officer Academy. Staff offered no recommendation on this request.

Chief Merrill presented a timeline that outlined Officer Duffy's hiring by the Stafford Department and his subsequent requests for an extension to attend the part-time academy. Officer Duffy failed the entrance PT for the 259<sup>th</sup> Academy and is not medically suitable to attempt the entrance fitness test for the 260<sup>th</sup> Academy because he is still recovering from foot surgery. Officer Duffy's current request for an extension to attend the 261<sup>st</sup> Academy has not been recommended

by staff because his two-year probationary period will expire before the ending date of the academy. Officer Duffy's current extension expires on July 30, 2011, the date of the entrance fitness test of the 260<sup>th</sup> Academy.

In their deliberation on this request, the Council determined that they have no authority to extend the two-year period following the officer's date of hire. Chief Merrill cited Pol 302.01 (f), which states, "The termination and subsequent reemployment of a full-time officer by the same agency shall not affect the requirements that he or she attend and satisfactorily complete the police, corrections or probation/parole basic training programs as appropriate within six months from the date of the original appointment;" Officer Duffy's date of hire is February 17, 2010, and the 261<sup>st</sup> Academy ending date is May 4, 2012.

After further consideration, the Council concluded that the language in the Rule is not clear, so they will seek a legal opinion before reaching a final decision about whether Officer Duffy would be eligible to attend the 261<sup>st</sup> Academy if he were to resign from the department and then be rehired in January 2012. However, their consensus was that they had no authority to grant the current request for an extension.

**MOTION:** (moved by Commissioner Wrenn, seconded by Colonel Quinn) That the Council deny Officer Daniel Duffy's request for an extension to attend the 261<sup>st</sup> Part-Time Police Officer Academy because they have no statutory authority to do so.

**Officer Corey M. McGann, Madbury Police Department**

Lieutenant Timothy Mone appeared to address the Council concerning Officer McGann's request for an extension through the end of the 260<sup>th</sup> Part-Time Police Officer Academy and the Council's approval for Officer McGann to work unsupervised until he completes the Academy. The Council also considered the staff's recommendation to grant the extension through the date of the entrance fitness test and, if successful, through the end of the 260<sup>th</sup> Academy with the stipulation that Officer McGann must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

Chairman Prozzo clarified that the stipulation for supervision is considered protocol for any request for an extension to attend an academy submitted by an uncertified officer.

Lieutenant Mone stated Officer McGann was previously full-time certified in 2004. He left active employment in law enforcement in 2008 and his certification lapsed. Chairman Prozzo clarified that Officer McGann worked as a full-time police officer from July 2004 until March 2005.

**MOTION:** (by Chief Morency, seconded by Chief Dodge) That the Council grant an extension for Officer Corey McGann through the date of the entrance fitness test and, if successful, through the end of the 260<sup>th</sup> Academy with the stipulation that Officer McGann must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer, as recommended by staff. The motion carried, 10-0.

**Requests for Specialized Training Grant Funds (Anticipated funds in FY 12: \$40,664.67)**

**MOTION:** Chief Colarusso moved that the Council approve requests for training grant funds for training scheduled in Fiscal Year 2012. Chief Morency seconded the motion and the voice vote of the Council was 9-0, with Chief Sullivan abstaining.

**Center Harbor Police Department** will be granted a maximum of \$1,000.00 for Sergeant Scott I. Weiss to attend the Command Training Series: Mid-Management Course at Roger Williams University in Portsmouth, Rhode Island, for two weeks beginning November 6, 2011.

**Hampton Police Department** will be granted a maximum of \$1,679.00 for two officers to attend the Basic Mounted Patrol Officer course presented by the Mounted Police Training Academy at UMass Amherst in Amherst, Massachusetts, for five days beginning July 11, 2011.

**Portsmouth Police Department** will be granted a maximum of \$942.67 for Officer Scott Pearl and Officer Eric Kinsman to attend the HITS K-9 Training Seminar sponsored by PoliceK9magazine.com at the Grand Hyatt in Washington, DC, for five days beginning August 23, 2011.

#### **Gift Acceptance(s)**

Director Vittum noted that the Governor and Executive Council recently voted to accept of a gift of five Sig Sauer force-on-force (Simunitions) blue guns valued at \$781 each and asked the Council to move to accept this gift. **(Addendum #2)**

**MOTION:** Chief Dodge, with a second by Commissioner Wrenn moved for the Council to accept the gift from Sig Sauer. The Council voted 10-0 in support.

Captain Jean advised the Council members that the New Hampshire 2011 Police Cadet Training Academy has presented a gift of two silver pens (value not known) in appreciation for their training visit hosted by this agency. **(Addendum #3)**

**MOTION:** Chief Dodge moved to approve the acceptance of this gift. Following a second by Commissioner Wrenn, the Council voiced their unanimous approval, 10-0.

#### **Site Proposed for 155<sup>th</sup> Academy Graduation**

Director Vittum advised that a contract has been proposed to hold the graduation for the 155<sup>th</sup> Full-Time Police Officer Academy at St. Anselm's College on July 29 for a reduced fee of \$650.00. He recommended that the Council approve executing the contract.

**MOTION:** Chief Sullivan, with a second by Commissioner Wrenn, moved for the Council to authorize the Director to execute the contract for use of the facilities at St. Anselm's College for the graduation of the 155<sup>th</sup> Full-Time Police Officer Academy scheduled for July 29, 2011. Eight of ten Council members voted yes; Chief Dodge voted no and Attorney General Delaney was not present for this vote. The motion carried, 8-1.

#### **Cost of LBA Audit of Police Standards and Training Council in 2011**

The Council reviewed correspondence from Richard J. Mahoney, Director of Audits, offering a detailed breakdown of costs incurred by the LBA audit of this agency in the current year. **(Addendum #4)**

Director Vittum asked the Council to confirm that he should remit the amount indicated as the "Department Responsibility," \$57,694.00.

**MOTION:** Commissioner Wrenn moved that the Council authorize the Director to remit payment to the Office of the Legislative Budget Assistant in the amount of \$57,694.00 even though this will place a financial burden upon Police Standards and Training Council and may necessitate a reduction in services and personnel. Following a second by Attorney General Delaney, the motion carried, 10-0.

**Annual Election of Vice Chairman**

Pursuant to RSA 188-F:24, the Police Standards and Training Council conducted the annual election of the Council's Vice Chairman.

**MOTION:** With a second by Chief Morency, a motion by Chief Dodge to elect William L. Wrenn, Jr., Vice Chairman for the coming year carried unanimously, 9-0, with Vice Chairman Wrenn abstaining.

**Recognition of Retiring Council Member**

Chairman Prozzo formally announced the retirement of Justice Stephen H. Roberts from the Dover District Court. Justice Roberts' retirement from the bench necessitates his resignation from the Police Standards and Training Council. This creates a vacancy on the Council pending a new appointment by Governor Lynch.

***Next Meeting/Adjournment***

The next meeting of the New Hampshire Police Standards and Training Council will be held on **Tuesday, July 26, 2011**, beginning at 9 a.m. at 17 Institute Drive in Concord, New Hampshire.

**MOTION:** Upon a motion by Chief Dodge, seconded by Chief Sullivan, and with the unanimous support of the Council, the meeting was adjourned at 10:45 a.m.

Respectfully submitted,

  
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Chairman Michael L. Prozzo, Jr.