



Sheriff Michael L. Prozzo, Jr.
Chairman

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

**Approved Minutes
March 25, 2014**

The 440th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:12 a.m. by Chairman Michael J. Prozzo, Jr., in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Chairman Michael L. Prozzo, Jr., Sheriff of Sullivan County; Vice Chairman, Commissioner William L. Wrenn, New Hampshire Department of Corrections; Attorney General Joseph Foster; Judge Sawako Gardner, 10th Circuit District Division, Portsmouth; Chief Anthony Colarusso, Dover Police Department; (left at 1:30 pm) Colonel Robert Quinn, New Hampshire State Police; Chief David Cahill, Sunapee Police Department; Chief James Sullivan, Hampton Police Department; Chief Peter Morency, Berlin Police Department; Sheriff David Dubois, Strafford County (left at 1:30 pm) and Judge James Carroll, 4th Circuit District Division, Laconia (left at 10:30 a.m.)

Members Absent: Vice Chancellor Ronald Rioux, Community College System of New Hampshire

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

Guests Present: Chief Brian Giammarino and Officer Jonathan Quigley, Greenfield Police Department; Sherwood Dubrey, NHDOC; Sgt. Brian Suttmeier, NH Fish and Game, Lt. Paul Carroll, NHDOC; Christine LeClare, NHDOC; Michael Roberts, Paul Gifford, Shawn Freitas, Chief Gary Smith, Lebanon Police Department; Ronald Scaccia, Lebanon Patrolman's Union; and Brad Zarba, Hampton Police Department.

Approval of Minutes

Motion by Colonel Quinn, seconded by Chief Sullivan to approve the minutes of the February 25, 2014 Council meeting, the vote of the Council was unanimously in favor 10-0.

Motion by Chief Cahill seconded by Chief Morency to approve the minutes of the March 4, 2014 Special Meeting, the vote of the Council was unanimously in favor 10-0.

Previous/Unfinished Business

Hearings (NONPUBLIC SESSIONS)

Pursuant to RSA 91-A:3, II (a), these matters may be heard in a nonpublic session.

Jonathan Quigley, eligibility hearing New Hampshire Administrative Rule Pol 301.05 (g) 101.28; 301.05 (m) 101.29 and 301.05 (n) (this item was continued from February 25, 2014 meeting).

The hearing had been held in public session and remained in public session.

Jonathan Quigley was in attendance with Chief Brian Giammarino. There were enough Council members present from the February meeting for a quorum to resume the matter.

The hearing had been continued from last month. Council requested information, specifically, an audio recording of the interview of Jonathan Quigley by the Weare Police Department from the original investigation. PSTC staff made the inquiry after last month's meeting; the audio from that interview was not available.

Motion by Commissioner Wrenn to grant approval for eligibility for certification for Jonathan Quigley, the motion was seconded by Chief Cahill.

Sheriff Dubois asked for a roll call vote on this motion; the Council members eligible to vote, voted as follows:

Commissioner Wrenn	Yes
Chief Cahill	Yes
Chief Sullivan	No
Chief Morency	No
Chairman Prozzo	Yes
Sheriff Dubois	No
Judge Carroll	Yes

The motion carried, four in favor, three opposed.

The follow up agenda item, contingent upon this hearing, was a request for prior training and experience certification by the Greenfield Police Department for Jonathan Quigley's full time police certification. Jonathan Quigley has been out of New Hampshire law enforcement employment for nearly five years, which according to the matrix would require attending the academy in its entirety.

Motion by Chief Cahill, seconded by Chief Sullivan to deny the request for prior training and experience for Jonathan Quigley, that he be required to complete the entire academy. The Council vote was 10-0 in favor of the motion.

New Business

Chairman Prozzo announced that several items listed in the hearings' section on the agenda would not be addressed.

4. An officer's hearing regarding Pol 402.02(a) (7).
6. An officer's hearing regarding , Pol 402.02 (b) and (c).
7. An officer's hearing regarding, Pol 402.02 (b) and (c).
8. An officer's hearing regarding Pol 402.02 (b) and (c).

Item four was eliminated, items six and seven had been granted continuances, and item eight was not processed. Also, the request from the Town of Gilford has been removed from the agenda.

Hearings (NONPUBLIC SESSIONS)

Pursuant to RSA 91-A:3, II (a), these matters may be heard in a nonpublic session.

Sherwood Dubrey, NH Department of Corrections, Pol 402.02 (a) (4).

Sherwood Dubrey was asked by Chairman Prozzo for his preference of a public or nonpublic session. Mr. Dubrey asked for a nonpublic session.

Commissioner Wrenn recused himself and exited the meeting for Sherwood Dubrey's hearing.

9:33 am Motion by Chief Cahill to enter a nonpublic session, the motion was seconded by Chief Sullivan, the roll call vote was 10-0 in favor of this motion.

Motion to seal the nonpublic minutes by Chief Cahill seconded by Chief Sullivan, unanimous vote 9-0.

10:13 Motion to exit the nonpublic session by Chief Cahill, seconded by Chief Sullivan, the roll call vote including Chairman Prozzo was 10-0 in favor of this motion.

Commissioner Wrenn re-entered the meeting room.

Council members put forth and then discussed several motions in deciding this case. Whether it was the crime committed itself, or the fact that the individual did not own up to the crime he committed until he was confronted about it some two months afterward? Items discussed were: the length of time for suspensions, thirty days, six months, the rehabilitative value of a suspension for this case, issuing suspensions held in abeyance, suspending a term of suspension?

Motion by Sheriff Dubois, seconded by Chief Colarusso to take no action on the certification as it would serve no rehabilitative value or legitimate public interest. The Council vote was 2 in favor of the motion with 7 opposed, the motion failed.

Motion by Chief Cahill, based upon the hearing and the testimony we've heard and the evidence that we suspend his certification for a period of twenty-one days. There was no second on this motion and the motion failed.

Motion by Chief Sullivan, seconded by Colonel Quinn, a thirty day suspension held in abeyance for one year for good behavior with no further incidents which would impose a violation of civilian or PSTC rules. Council vote was three in favor of the motion with six opposed, the motion failed.

Motion by Chief Cahill seconded by Chief Morency to suspend Sherwood Dubrey's certification for a period of ten days. Council vote was eight in favor of the motion with one opposed, the motion passed.

10:30 a.m. Council recessed, Judge Carroll exited the meeting.

10:40 a.m. Council meeting was back in session.

Brad Zarba hearing, Hampton Police Department Pol 402.02 (a)(4)(b)

Chief Sullivan recused himself and exited the room for this hearing.

Brad Zarba was present, and requested a continuance for his hearing; he was not able to review the case material due to business travel. Chairman Prozzo's response was that this was an unusual circumstance to have someone arrive and ask for a continuance; the rule was that those requesting continuances must do so prior to the meeting date.

Mr. Zarba was on administrative leave from his agency; he had been suspended by Council on February 25, 2014, but that was a 30 day suspension which would end today (March 25, 2014).

Mr. Zarba *assented to the continuation of his suspension* until the next Council meeting; Chairman Prozzo confirmed that Mr. Zarba should be prepared to go forward next month.

Chief Sullivan returned to the meeting.

Shawn Freitas, Lebanon Police Department Pol 402.02 (a) (8).

Shawn Freitas was present, and he requested a nonpublic session for his hearing.

10:50 a.m. Motion by Commissioner Wrenn, seconded by Chief Cahill for the Council to begin a nonpublic session. Roll call vote including Chairman Prozzo was 10-0 in favor of the motion.

Motion to seal the nonpublic minutes by Commissioner Wrenn, seconded by Chief Morency, the vote was 9-0 in favor of the motion.

11:05 a.m. Motion to exit the nonpublic session by Commissioner Wrenn and seconded by Chief Morency. Roll call vote including Chairman Prozzo was 10-0 in favor of this motion.

Motion by Commissioner Wrenn, seconded by Chief Colarusso to revoke the certification of Shawn Freitas for two years. Council vote was 9-0 in favor of this motion.

Council and staff discussed the difference between revocation and suspension. Suspension is self-healing, it has an end date; revocation is indefinite. Individuals whose certifications have been revoked cannot apply to the Council for eligibility for recertification for two years, and the revocation action is recorded in the national decertification data base.

Michael Roberts, Lebanon Police Department Pol 402.02 (a) (8).

Michael Roberts was present and requested a nonpublic session.

11:09 a.m. Motion by Chief Cahill seconded by Chief Sullivan to begin a nonpublic session, the roll call vote including Chairman Prozzo was 10-0 in favor of the motion.

Motion to seal the minutes of the nonpublic session by Sheriff Dubois, the motion was seconded by Chief Sullivan, vote was 9-0 in favor of the motion.

11:59 Motion by Sheriff Dubois, seconded by Chief Sullivan to exit the nonpublic session, roll call vote including Chairman Prozzo was 10-0 in favor of the motion.

Motion by Chief Cahill to take no action on Michael Roberts' certification, the motion was seconded by Sheriff Dubois.

Discussion ensued amongst the Council members. The lieutenant in the case had the responsibility of accurately reporting the test and the officer did not question his authority as a superior.

There were seven in favor of this motion and two opposed, and the motion passed.

The follow up item to this hearing was a medical clearance report form with a passing fitness test by Michael Roberts in order for him to become eligible for hire.

Motion by Chief Sullivan to accept the test, the motion was seconded by Commissioner Wrenn, the motion passed with eight in favor and one opposed.

Paul Gifford, Lebanon Police Department Pol 402.02 (a) (8).

Paul Gifford was present and requested a nonpublic session.

12:27 p.m. Motion by Chief Cahill, seconded by Chief Sullivan to enter a nonpublic session, the roll call vote including Chairman Prozzo was 10-0 in favor of this motion.

Motion to seal the nonpublic session by Chief Sullivan, seconded by Sheriff Dubois, unanimous vote by Council 9-0.

12:40 p.m. Motion by Chief Sullivan, seconded by Chief Cahill to exit the nonpublic session, the roll call vote including Chairman Prozzo was 10-0 in favor of this motion.

Motion by Chief Sullivan, seconded by Sheriff Dubois, to take no action on Paul Gifford's certification, the Council vote was unanimous in favor of this motion

12:51 p.m. Lunch break and Council members met with SAAG Nancy Smith.

1:30 p.m. The meeting was back in session, Chief Colarusso and Sheriff Dubois had exited prior to this session.

William Soucy, Manchester Police Department, Pol 402.02 (b) and (c).

William Soucy was not present for this hearing, Captain Bodanza read the following rule into the record:

Pol 402.02 Revocation or Suspension.

(b) A certification shall be temporarily suspended pending resolution of criminal charges if the officer has been arrested, indicted or bound over either prior to or after certification for a felony or any crime involving moral turpitude or of a crime which tends to bring discredit on the police, corrections, or probation/parole service, unless the safety of the public or the confidence in the criminal justice system would not be adversely affected.

(c) Examples of crimes that involve moral turpitude or of a crime which tends to bring discredit on the police, corrections or probation/parole service shall include but not be limited to:

(2) Assault;

Captain Bodanza summarized William Soucy's law enforcement employment and certification history for Council members. He is currently employed by the Manchester Police Department and had been arrested by the Hooksett Police Department on July 9, 2009 for assault.

Motion by Chief Cahill, seconded by Commissioner Wrenn to suspend William Soucy's certification based upon the Form G, until further action by the Council. The Council voted unanimously in favor of the motion 6-0.

CONSENT CALENDAR

PT&E Requests

Officer Christopher M. Colitti, Madbury Police Department

Was granted certification upon successful completion of the medical exam, entrance fitness test, and the Full-time Law Package OR option to test out of the law package.

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

163rd Academy January 6, 2014 to April 10, 2014; entrance fitness test December 16, 2013

164th Academy May 19, 2014 to August 22, 2014; entrance fitness test May 5, 2014

Part-Time Police Officer Academy

266th Academy February 8, 2014 to May 9, 2014; entrance fitness test January 25, 2014

267th Academy June 14, 2015 to August 1, 2014; entrance fitness test May 31, 2014

New Hampshire Department of Corrections Academy

97th Academy March 17, 2014 to May 16, 2014, entrance fitness test March 3, 2014

CO Robin Clark, New Hampshire Department of Corrections

Was granted the extension through the date of the entrance fitness test, and if testing is successful, through the end of the 97th Corrections Academy with the stipulation that CO Clark must remain actively enrolled in the 97^h Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

CO William Bourassa, New Hampshire Department of Corrections

Was granted the extension through the date of the entrance fitness test, and if testing is successful, through the end of the 97th Corrections Academy with the stipulation that CO Bourassa must remain actively enrolled in the 97th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

Officer Joseph Rackett, Jr., Deering Police Department

Was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 267th Part Time Academy with the stipulation that Officer Rackett must remain actively enrolled in the 267th Part Time Academy and may continue working only in the direct presence of a certified officer.

Officer Donald Grow, Barnstead, Police Department

Was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 164th Full Time Academy with the stipulation that Officer Grow must remain actively enrolled in the 164th Full Time Academy and may continue working only in the direct presence of a certified officer, unless he successfully completes his department's FTO program.

Officer Samuel Provenza, Canaan, Police Department

Was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 164th Full Time Academy with the stipulation that Officer Provenza must remain actively enrolled in the 164th Full Time Academy.

Officer Clayton Couitt, Newport Police Department

Was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 164th Full Time Academy with the stipulation that Officer Couitt must remain actively enrolled in the 164th Full Time Academy and may continue working only in the direct presence of a certified officer.

Requests for Specialized Training Grant Funds (Balance: \$ 8,981.47)

Manchester Police Department Was granted \$199.00 for John McInerney to attend the Introduction to Night time Crash Investigations by SRR Training to be held at the Acton Massachusetts Police Department on May 5, and 6th 2014.

Chesterfield Police Department Was granted \$1,000.00 for Dean Alton Wright to attend the At Scene Traffic Crash/Traffic Homicide Investigation in Albany, New York at the New York State Police Academy from May 19, 2014 to May 30, 2014.

Motion by Chief Cahill to approve the Consent Calendar, seconded by Chief Sullivan, unanimous vote by Council 6-0.

New Business

Captain Jean provided information regarding entrance fitness testing previously requested by the Council will instead be discussed at next month's meeting.

Sheriff's Dubois' request to discuss fitness testing was withdrawn.

The request from Gilford had been removed from the agenda, but the request initiated a conversation about the Drug Committee by Chief Sullivan, and a request by Chairman Prozzo that it be revisited at the May Council meeting. Chief Sullivan would appreciate other Council members joining him on this committee.

Chairman Prozzo asked Attorney General Foster how PSTC could obtain information from the county attorney's offices about any of their arrests and indictments of police or corrections officers. The Chairman was unsure that the county attorney's officers were aware of the need to report the arrests of officers to PSTC. Council members discussed initiating a rule change to include both the arresting agency and the employing agency to

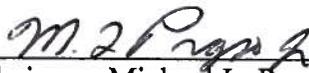
report the arrest or the indictment; this may solve the problem of someone who is arrested outside the state of New Hampshire reporting the arrest. Chairman Prozzo asked, if in the meantime, Attorney General Foster could help with the county attorney's office's reporting to PSTC.

Captain Bodanza asked if any of the Council members were available to attend the next academy graduation which was scheduled for April 11, 2014; if so, could they email and confirm their attendance.

The next regular meeting of the Council #441 is currently scheduled for Tuesday, April 22, 2014, at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Motion to adjourn by Colonel Quinn, seconded by Chief Cahill, Council members voted unanimously in favor of the motion, 6-0.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.