



Chief Anthony F. Colarusso, Jr.
Chairman

**State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
ARTHUR D. KEHAS
LAW ENFORCEMENT TRAINING FACILITY & CAMPUS
17 Institute Drive — Concord, N.H. 03301-7413
603-271-2133 FAX 603-271-1785
TDD Access: Relay NH 1-800-735-2964**



Donald L. Vittum
Director

Approved Minutes

May 24, 2016

The 466th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:05 a.m. by Chairman, Chief Anthony Colarusso, 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., Dover Police Department; Judge Sawako Gardner, 10th Circuit District Division, Portsmouth; Vice Chairman Commissioner William Wrenn, New Hampshire Department of Corrections; Ms. Paula Wall, Crisis Center of Central New Hampshire; Attorney General Joseph Foster; Colonel Robert Quinn, New Hampshire State Police; Dr. Ekaterina Hurst, Department of Health and Human Services; President Susan Dunton, Community College System of New Hampshire; Sheriff David Dubois, Strafford County; Chief William Hart, Londonderry Police Department; Sheriff Douglas Dutile, Grafton County; Judge James Carroll, 4th Circuit District Division, Laconia and Chief David Cahill, Sunapee Police Department.

Members Absent: Chief Enoch Willard, Manchester Police Department

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

Guests Present: Joshua Stone, David Carpenter, Attorney Timothy Goulden, Peter Brigham, Chief Joseph McGann.

Approval of Minutes

Chief Cahill moved for the Council to approve the minutes of April 26, 2016. Following a second by Sheriff Dutile, the voice vote of the Council was unanimous.

Financial Report by Captain Benjamin Jean

The trend is slightly upward from last year, seven thousand dollars, the balance of the fund is about \$250, 000. As of yet, there is no permanent solution to the funding for PSTC.

David Carpenter Request

David Carpenter was present with his attorney Timothy Goulden. They had filed a Motion for Reconsideration/Rehearing after Mr. Carpenter had filed a request for rescission of his revocation of certification (which was heard and denied rescission during his hearing on January 26, 2016).

The original hearing was in December of 2013, Mr. Carpenter surrendered his certification and was not eligible to request rescission for two years after that date. The hearing for rescission of the revocation was January 26, 2016. The request was denied by the Council at that meeting. The current motion for rehearing and reconsideration by Mr. Carpenter was today's request.

Chief Cahill asked if there had been any new developments since the January hearing.

Attorney Goulden expressed that there was additional information. He asked that whoever had discussed with the Durham police department about the matter outside of today's hearing to recuse him or herself from the vote today.

The deposition that Attorney Goulden was present for Mr. Carpenter in Attorney McKittrick's office had been provided to the Council which (in Attorney Goulden's opinion was inappropriate) He was not informed that the deposition had been provided to the Council before the last hearing. Two or three days after the hearing (some of which was in nonpublic session) he was contacted by opposing counsel who knew that the rescission of the revocation hadn't been granted during that January 26, 2016 hearing.

Attorney Goulden stated that whomever had provided the information should recuse him or herself from any vote. To clarify, "someone spoke to Attorney McKittrick and told him what the vote was prior to the meeting minutes being posted". Attorney Goulden said that he didn't know who told Attorney McKittrick, but it must be someone on the Council.

Motion by Chief Cahill, seconded by Sheriff Datile, not to approve the request to rehear the case as nothing new has occurred relative to the case.

Discussion ensued amongst the Council members regarding the motion.

Sheriff Dubois asked if there was an objection to a rehearing, he'd read the response from PSTC staff to the request for reconsideration and rehearing.

Chief Colarusso explained that the first decision was whether or not to grant the request for reconsideration / rehearing. When asked, Captain Bodanza stated that the staff's position was for the Council to deny the request for rehearing/reconsideration.

Commissioner Wrenn inquired further, what was the request for rehearing about? Was it that someone on the Council did something improper or was there any new evidence to bring to the Council's attention?

Attorney Goulden stated that the reason was in the motion that he submitted, the basis of the rehearing was on the previous ruling made by the Council on a case which was analogous to this case, the Council did rescind the revocation and granted the person's recertification. Since that time it's come to Attorney Goulden's attention that someone may have questioned the hiring practices of Chief McGann.

Someone told Attorney McKittrick what the results of the hearing on David Carpenter were, and (in his opinion) that was wrong. He received a phone call from Attorney McKittrick prior to the meeting minutes from the hearing being released. Attorney Goulden went further, stating, it was someone who had an extracurricular conversation with Attorney McKittrick, opposing council, because there is another matter which was never mentioned. Mr. Carpenter has a petition for injunctive and declaratory relief in Strafford County to be removed from the Laurie list. Those proceedings are in a superior court, this was supposed to be separate and distinct; yet opposing council has been provided information, he felt that was inappropriate.

Commissioner Wrenn stated that if Attorney Goulden was suggesting that the information was provided after the Council action, what difference did it make? Attorney Goulden responded, whoever had decided and was in league with opposing counsel perhaps has bias and the vote was so close that the vote would have been equal, or in Mr. Carpenter's favor.

Council members who were not present for the David Carpenter hearing in January recused themselves from the vote. Captain Bodanza read from the January 2016 Council meeting that the following Council members were not in attendance at the meeting, Ms. Wall, Chief Willard, Vice Chairman Commissioner Wrenn. Present at that meeting were Chairman Chief Colarusso, Judge Gardner, Deputy Attorney General Ann Rice, Executive Major Parenteau, Dr. Hurst, President Dunton, Sheriff Dubois, Chief Hart, Sheriff Dutile, Judge Carroll (left at 10:42 a.m.) and Chief Cahill.

Following the discussion, the Council voted to deny the request to rehear the David Carpenter matter, with only the Council members who were present during the January 26, 2016 hearing participating in this vote.

Randy Inman 402.02 (b)

There was an informal conference held on March 28, 2016 with Chairman Colarusso regarding a temporary suspension notice of hearing issued to Randy Inman of the New Hampshire Department of Corrections. He has been charged with domestic violence against his wife. CO Inman was still working for the New Hampshire Department of Corrections since the arrest, with his only restriction being that he was not allowed to carry a gun. Chairman Colarusso's suggestion was to allow CO Inman to continue to work until the case had been resolved in the court. There had been and continues to be significant delays in the case. Council can decide to approve Chairman Colarusso's decision from the informal conference or to hold the temporary suspension hearing for CO Inman.

Judge Carroll asked about the Council's usual practice for certified officers who hold those positions and their temporarily suspension?

Chairman Colarusso explained the exceptions with Department of Corrections Officers are that they are different from a police officer on the road and they may come into contact with the victim because of their travel during on duty time.

Judge Carroll explained that his question was not about NHDOC officers, but the Council's responsibility for temporary suspension.

Chairman Colarusso detailed that the Council has done both, either taken no action or invoked a temporary suspension. He made it clear during the informal conference with with them that normally if the agency *has not* suspended them, taken them out of duty, we do suspend pending the council's position.

He went further to state, that there were just factors in this particular case; for whatever reason, the court has taken quite a while. If the council were to hear the same factors we would come to the same conclusion.

Judge Carroll countered, stating that to be uniform in regards to the Council's approach to people I just don't want to be in the position of sending the wrong message. I think we have an obligation.

Chief Colarusso, I don't feel there would be any adverse affect on the justice system in this particular matter. He asked for a motion one way or the other; if members agree with his decision or CO Inman comes in for a hearing next month.

Motion by Chief Hart, seconded by President Dunton, to support Chairman Colarusso's decision to take no action regarding the temporary suspension of Randy Inman's certification.

Discussion on the motion ensued.

Sheriff Dubois interjected that he would like the motion to include the section of the rule supporting why there was not any action on the certification.

Motion by Chief Hart, seconded by President Dunton to approve Chairman Colarusso's decision from the informal conference with Randy Inman, not to temporarily suspend his certification because the safety of the public or the confidence in the criminal justice system would not be adversely affected. The vote was 10 in favor, two opposed, with Commissioner Wrenn abstaining from the vote. The motion carried.

Council members discussed details on how and when that PSTC staff would learn about the disposition of the case, and whether to keep the item on the agenda until the disposition of the case.

Joshua Stone Request

Joshua Stone was present and requested a nonpublic session.

Motion by Chief Cahill to begin a nonpublic session for personnel reasons, the motion was seconded by Judge Gardner, the roll call vote was unanimous in favor of the motion.

At 9:37 the Council began a nonpublic session.

Motion to exit the nonpublic session by Judge Carroll, seconded by Colonel Quinn, the roll call vote was unanimous in favor of the motion.

The council was back in public session at 9:46 a.m.

Motion to seal the minutes of the nonpublic session by Sheriff Dubois, seconded by Chief Cahill, the vote was unanimous in favor of the motion.

Motion by Colonel Quinn, to table the Joshua Stone matter and defer to the Council's legal counsel to review the annulment and to research the issue of removing online council meeting minutes. The motion was seconded by Sheriff Dutile. The Council vote was 12-1, the motion passed.

Sunapee Police Department Request

Chief David Cahill presented a request for the Council regarding an exception for the visual acuity requirement for Peter Brigham, who was present at the meeting and a new part time officer for the Sunapee Police Department. The exception is necessary for Mr. Brigham to attend the part time officer academy. Chief Cahill presented information provided by Mr. Brigham's health care professional which reflected positively for his vision.

Motion by Chief Hart, seconded by Sheriff Dubois, given the findings by Dr. Jacqueline Rheault, Peter Brigham is able to perform his function and waive the rule, the council vote was unanimous, with Chief Cahill abstaining.

Training Conflict

Director Michael McCallister, of the New Hampshire Department of Corrections, Field Services was present. The request was for CO Scott Marquis who had recently graduated from the Correction's Academy, he must attend the law package for the next full time police academy. On June 2nd and 3rd he must be in San Diego for his Drug Court Training as part of the Drug Court Team in Cheshire County. The two classes he will miss because of his time away from the academy are Elderly Law and Child Law which are both two hour classes. The request was for CO Marquis to complete the classes by cd or have the council take into consideration his prior experience as an investigator for health and human services (he worked as a child protective service worker, and did investigations).

Captain Bodanza, asked that the Council not use previous work history credit to the academy because it would open up other issues. CO Marquis can be accommodated with class training material and the option to test out. Special accommodations would have to be made as the classes are taught by outside instructors if the instructional time was necessary.

Motion by Chief Cahill, seconded by Sheriff Dutile, to provide CO Marquis copies of the two modules that he will miss and allow him to review those and take the tests. Council vote was unanimous in favor of the motion.

Legislation on PSTC Funding Update

Captain Jean updated Council members on the status of House Bill 1428 which was being discussed approximately at the same time as today's Council meeting at the State House, and then informed Council members that Senate Bill 527 which would be discussed from 3:00 to 4:00 at the State House this day.

CONSENT CALENDAR, including Addendum #1, Nicholas Boisvert, as consent,

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

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

272nd Academy, August 13, 2016 to November 18, 2016, entrance fitness test July 30, 2016

Corrections Officer Academy

103rd Academy, June 13, 2016 to August 12, 2016, entrance fitness test May 31, 2016

Denis O'Sullivan, Charlestown Police Department (DOH: 10/15/15 **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 171st academy.

Kimberley Orr, Gilford Police Department (DOH: 04/19/16 **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 170th academy law package (Officer Orr has successfully completed the agency's FTO Program).

David C. Daniels, New Durham Police Department (DOH: 04/25/16 **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 171st academy and may continue working only in the direct presence of a certified officer.

Timothy Durham, NH Department of Corrections (DOH 03/20/15) 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 104th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

Nicholas Boisvert, NHSP Marine Patrol DOH 1/20/16, 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 272nd Part Time Academy and may only work in the direct presence of a certified officer.

Ongoing Physical Fitness Testing
Requests for Fitness Testing Extension

Melanie Locke, New Hampshire State Police will be granted a six month medical extension for fitness testing.

Training Grants closed for this fiscal year.

(END OF APPROVED CONSENT CALENDAR)

Motion to approve the Consent calendar by Chief Cahill seconded by Judge Gardner, Council vote was unanimous in favor of the motion.

Other New Business

Proposed Rule Changes

PSTC administrative rules initial proposals were submitted to the Office of Legislative Services on May 5, 2016 to plan for a public hearing on June 28, 2016 to meet the expiration date of August 1, 2016.

Discussion

Entrance Fitness Testing for New Hampshire Department of Corrections- **Tabled until June meeting**

Gift Acceptance

The 271st Part Time Academy has presented Lt Nelson with a granite plaque from their class.

The New England Board of Polygrapher's presented Director Vittum with a plaque.

Motion by Chief Cahill, seconded by Colonel Quinn to allow the acceptance of the gifts presented, the council vote was unanimous in favor of the motion.

Correspondence

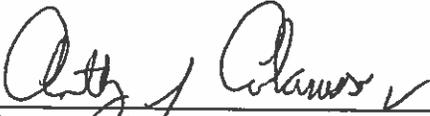
Bedford High School, thank you for the tour of PSTC

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on June 28, 2016 at nine o'clock in the morning.

Upon a motion by Chief Hart, seconded by Dr. Hurst, the Council voted unanimously to adjourn the meeting at 10:15a.m.

Respectfully submitted,



Chairman Anthony F. Colarusso, Jr.