



Chief Anthony F. Colarusso, Jr.  
Chairman

**State of New Hampshire  
POLICE STANDARDS & TRAINING COUNCIL  
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**Approved Minutes****



Donald L. Vittum  
Director

**May 26, 2015**

The 454th meeting of the New Hampshire Police Standards and Training Council was called to order at 1:10 pm 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 F. Colarusso, Jr.; Vice Chairman, Commissioner William L. Wrenn, New Hampshire Department of Corrections; Attorney General Joseph Foster; Colonel Robert Quinn, New Hampshire State Police; President Susan Dunton, Community College System of New Hampshire; Chief David Cahill, Sunapee Police Department; Sheriff David Dubois, Strafford County; Sheriff Douglas Dutile, Grafton County; Chief Peter Morency, Berlin Police Department; Dr. Ekaterina Hurst, DHHS; and Judge Sawako Gardner, 10th Circuit District Division, Portsmouth.

Members Absent: Judge James Carroll, 4th Circuit District Division; Laconia and Chief William Hart, Londonderry Police Department.

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

Guests Present: Officer Peter Bowers, Officer Bruce Uhas and Officer Joshua English, Keene Police Department.

#### Approval of Minutes

Chief Morency moved for the Council to approve the minutes of April 28, 2015. Following a second by Sheriff Dubois, the voice vote of the Council was 10-0.

#### Director's Report

Director Vittum stated that in the last month he had attended funerals for both Sheriff Michael Downing and for Lieutenant Jack Feenstra.

The current full time police academy began with forty two recruits; currently there are forty recruits.

Finances for Police Standards and Training Council should be discussed next month, specifically future funding of the agency.

Council members inquired about the low number of recruits; further discussion ensued about the hiring process of new candidates.

### Financial Report

Captain Jean provided the Council with a financial summary; detailing the income and expenditures, specifically, that the revenue continues to decrease. There is some current legislation pending, which would *not allow* the waiver of the penalty assessment fund.

Captain Jean stated, "it is getting to the point where cuts at the agency will have to be made in order to stay within the revenue".

Council members discussed the decline in revenue; officer discretion in issuing citations, the manner in which the penalty assessment fund is split between PSTC, the courts modernization fund and the victim's fund. Further discussion included the negotiation of fines, charges placed on file, guilty pleas with the fines suspended, and fines being paid through community services without the percentage of penalty assessment paid.

### Previous and/or Unfinished Business

Promotion Policy – The staff's request was for the Council to review the proposed policy and comment on it. Currently promotions are done by the Director, the policy is to formalize the procedures for promotion. The subject will be addressed at the June 23, 2015 Council meeting.

### Appeal of James Connor

James Connor is an officer for the Hudson Police Department. His certification was temporarily suspended in April, 2014 due to an arrest. He was acquitted of the charges, he came back before the council and his suspension was lifted. He then filed against the Council's temporary suspension at the New Hampshire Supreme Court. The council's decision to temporarily suspend James Connor's certification was *affirmed* by the Supreme Court.

### Non public session, Pol 402.02 (d), Pol 205.02 (a)

Individuals were present to discuss a matter from the March 24, 2015 meeting, the matter was continued without action for 60 days, for the purpose of gathering more information.

Motion by Attorney General Foster, seconded by Commissioner Wrenn, for the Council to enter a nonpublic session, the roll call vote was unanimous 10-0 in favor of the motion.

At 1:36 p.m. the Council began a nonpublic session.

Motion to seal by Commissioner Wrenn, seconded by President Dunton, the Council vote was unanimous, 10-0.

Motion to exit the nonpublic session by Judge Gardner, seconded by Commissioner Wrenn, the roll call vote was unanimous in favor of the motion 10-0.

At 1:54 pm the Council was back in a public session.

Motion by Sheriff Dubois, based upon the report by the licensed psychologist to suspend as there has been no offering of just cause or finding of just cause not to do so, until such time as an evaluation by a licensed psychologist finds him fit for duty. The motion was seconded by Sheriff Dutile.

Sheriff Dubois clarified, the letter from the psychologist is the reason for suspension; there has been no offering of just cause or finding of just cause.

Further discussion regarding subsection "f", whether it applies or not; one of the just cause exceptions, the officer's health or service status makes suspension or revocation a needless gesture, (if it does not apply to the section).

Sheriff Dubois stated he would amend his motion to state, "suspend based on the psychologist's report", to which Sheriff Dutile agreed to second the amended motion, and then Commissioner Wrenn added, "and would be suspended until such time his evaluation by a licensed psychologist selected by the Council certifies the person fit for duty".

Staff interjected that the concept came to add "just cause" in the motions was advice from Senior Assistant Attorney General Nancy Smith, in the past, 402.02 section "a", the Council shall, unless it has just cause to do otherwise as provided in "e" below. That is specific to section "a" she told us that we have to put it in the motion the fact that just cause is addressed.

Further discussion began amongst Council members about the mandated language, and whether sections e and f applied in the case.

Commissioner Wrenn suggested that the matter be tabled, in order to speak with PSTC's legal counsel and discuss further.

Sheriff Dubois withdrew his motion, with Sheriff Dutile in agreement as the second.

Commissioner Wrenn moved that the Council table the matter until the June meeting, President Dunton seconded the motion, with a unanimous vote from Council members 10-0.

(Sean Dolliver, Pol 402.02 (b) temporary suspension; this matter was continued).

Peter Bowers, Pol 402.02 (b) temporary suspension, addendum to the agenda  
Officer Peter Bowers of the Keene Police Department was present, Officer Bruce Uhas and Officer Joshua English also of Keene Police Department, accompanied him.

Captain Bodanza was sworn in by Chief Colarusso. He explained that Peter Bowers had been notified of today's hearing for temporary suspension, Pol 402.02 (b). When asked, Peter Bowers requested a nonpublic session.

Motion by Commissioner Wrenn, seconded by Judge Gardner, for the Council to enter a nonpublic session for personnel reasons. The roll call vote was unanimous, 9-0.

Colonel Quinn recused himself from this hearing and exited.

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

Motion to exit the nonpublic session by Judge Gardner, seconded by Chief Cahill, the roll call vote was unanimous in favor of the motion, 9-0.

At 2:28 p.m. the Council was back in public session.

Motion by Commissioner Wrenn, that the Council takes no action because there is no threat to public safety, and the confidence of the criminal justice system would not be adversely affected. The motion was seconded by Chief Morency.

Chief Colarusso called for the vote, two in favor and seven opposed, the motion failed.

Motion by Sheriff Dubois, to suspend the certification of Peter Bowers temporarily, pending the disposition; supported by the belief that there has not been any just cause to show why the Council should not take such action at this time, the criminal justice system would be impaired by the Council failing to suspend his certification, there is no long term employee status by his department to insure that he will not be working again in thirty days. The motion was seconded by Sheriff Dutile.

Discussion ensued by Council members. Chief Colarusso advised that the scope of the hearing was whether or not Officer Bower had been arrested.

Chief Colarusso called for the vote on the motion, eight in favor, one opposed, and the motion passed.

Officer Bowers was advised that he could not work until he came back before the Council after the disposition of the case.

Colonel Quinn rejoined the meeting.

### Recruit Separations

The Danville Police Department withdrew their recruit from the 268<sup>th</sup> Part-time Officer Academy.

The 167<sup>th</sup> Full-time Academy, on the first day one recruit resigned from a second recruit resigned on May 11<sup>th</sup> the beginning of the second week after an injury.

Citizens For Truth and Justice

Council staff received a letter from Citizens for Truth and Justice, an anonymous complaint.

Motion by Chief Cahill, seconded by Sheriff Dubois, for PSTC staff to look into the allegations brought forward in the letter. The vote was 10-0 in favor of the motion.

CONSENT CALENDAR

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

167th Academy May 4, 2015 to August 21, 2015;

168<sup>th</sup> Academy August 31, 2015 to December 18, 2015, entrance fitness test August 17, 2015

Part-Time Police Officer Academy

**269<sup>th</sup> Summer Academy, June 13, 2015 to August 14, 2015, entrance fitness test June 6, 2015.**

***Classes will be on Mondays and Wednesdays, 0800-1700 and all day on Saturdays for the 269<sup>th</sup> Academy. There are a minimum number of officer attendees required to run the session. Interested departments are asked to submit paperwork as soon as possible; the paperwork deadline for attendance has been extended to May 23, 2015.***

270<sup>th</sup> Academy, August 15, 2015 to November 13, 2015; entrance fitness test August 1, 2015.

**Corrections Academy**

100th Academy, June 1, 2015 to July 31, 2015; entrance fitness test May 15, 2015.

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

**Donald Grow Jr. Barnstead Police Department;** (this request edited from last month, replacing the 167th Academy with the 168th Academy)

(DOH: 01/21/14 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. Unless the officer has successfully completed his agency's FTO Program, then normal supervision.

**Tomasz Tepper, Conway Police Department** (DOH: 3/30/15) (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.

Alan Scott Randell, Hampstead Police Department (DOH: 03/23/15) (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 168th academy.

David Olmstead, Winchester Police Department (DOH: 06/01/14) (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.

(Extension Part Time)

Ryley White, Coos County Sheriff's Department (DOH: 03/13/15) 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 269th Part Time Academy and may continue working only in the direct presence of a certified officer.

Specialized Training Grant Funds (Balance: \$2,717.14 )

Requests for Fitness Testing Extension

An Officer will be granted a medical extension for fitness testing (2013 fitness date).

**(END OF APPROVED CONSENT CALENDAR)**

**Motion** to approve the consent calendar by Commissioner Wrenn, seconded by Judge Gardner, (with Attorney General Foster recusing himself from a request of an officer from his agency, item number twenty two on the agenda), Council vote was unanimous in favor of the motion 10-0.

Other New Business

There were thank you letters from Pembroke Academy and from the City of Concord to thank Lt. Gerry Taylor for giving tours of the academy.

269<sup>th</sup> Part-Time Officer Academy; Minimum Number of Recruits to run an academy

Staff at PSTC announced that there were eleven individuals registered for the academy, however those eleven have not completed the entrance fitness test; there may be less than ten that are able to pass the entrance test. The question for the Council was if the academy should run with less than ten.

Council members discussed the cost effectiveness of running an academy with such low enrollment numbers, after having been apprised of the current financial status of PSTC.

Motion by Sheriff Dubois, seconded by Chief Cahill, to stay with the original commitment; that PSTC run the summer part time academy if there are ten recruits that pass the entrance fitness test. The vote on the motion was unanimous in favor of the motion, 10-0.

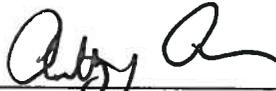
The Council asked the staff to research the costs for running a part time academy, to be presented in either June or July.

#### Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on June 23, 2015, at nine o'clock in the morning.

Upon a motion by Attorney General Foster, seconded by Chief Morency, the Council voted unanimously to adjourn the meeting at 2:50 pm.

Respectfully submitted,



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Chairman Anthony F. Colarusso, Jr.