



Sheriff Michael L. Prozzo, 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 27 2014

The 442nd meeting of the New Hampshire Police Standards and Training Council was called to order at 9:20 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 Sheriff Michael L. Prozzo, Jr., Sullivan County; Vice Chairman, Commissioner William L. Wrenn, New Hampshire Department of Corrections (arrived at 9:22 a.m.); Attorney General Joseph Foster; Judge Sawako Gardner, 10th Circuit District Division, Portsmouth; Chief Anthony Colarusso, Dover Police Department; Colonel Robert Quinn, New Hampshire State Police; Chief David Cahill, Sunapee Police Department; Chief James Sullivan, Hampton Police Department; Vice Chancellor Ronald Rioux, Community College System of New Hampshire.

Members Absent: Judge James Carroll, 4th Circuit District Division, Laconia and Sheriff David Dubois, Strafford County.

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

Guests Present: Gregory Gough, Farmington Police Department with Attorney Donald Blaszka, Vernon Pousland, New Hampshire Department of Corrections with Attorney Arthur Gatzoulis; Brian Beach with Attorney Catherine Costanzo and Chief John Rafaely, Courtney Beach and Debbie Locke; Chief Amy Moller, Thornton Police Department; Ernest Orlando, New Hampshire Department of Corrections with Attorney Stephen Jeffco, Mark Richardson with New England Police union representative Steven Arnold.

Approval of Minutes

Motion by Chief Sullivan for the Council to approve the minutes of April 22, 2014 meeting. Following a second by Chief Cahill, the Council vote was 8-0 in favor of the motion.

CONSENT CALENDAR

Motion by Chief Sullivan, seconded by Judge Gardner to approve the consent calendar with the exception of items 15, 16 and 18 and the addition of agenda item one "Law Enforcement's Strategic Partner"

through three. Chief Colarusso recused himself from item number twenty two which is the Dover Police Department Grant. Vote was 8-0 in favor of the motion.

Officer Chad Shevlin, Raymond Police Department

Will be granted certification upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy.

Officer Peter Morelli, Fremont Police Department

Will be granted certification upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy

Officer Sean Leach, Farmington Police Department

Will be granted certification upon successful completion of the medical exam, and the entrance fitness test.

Officer Anthony Bean Burpee, Gilford Police Department

Will be granted certification upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy. (addendum)

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

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

165th Academy September 9, 2014 December 12, 2014; entrance fitness test August 25, 2014

Part-Time Police Officer Academy

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

268th Academy August 23, 2014 to November 21, 2014; entrance fitness test August 9, 2014

New Hampshire Department of Corrections Academy

98th Academy September 15, 2014 to November 14, 2014, entrance fitness test September 2, 2014

Shane Arsenault, Weare Police Department, was 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 Officer Arsenault must remain actively enrolled in the 165th Academy and may continue working only in the direct presence of a certified officer.

Donald F. Grow, Jr., Barnstead Police Department was 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 Officer Grow must remain actively enrolled in the 165th academy and may continue working only in the direct presence of a certified officer, unless he has successfully completed his agency's FTO Program, then normal supervision.

Requests for Specialized Training Grant Funds, balance: \$7,782.47 FY 14; \$22,000 FY 15

Dover Police Department was granted funds for Sergeant Janine Harrington to attend the Supervising Patrol Critical Incidents by National Tactical Officers Association in Syracuse, New York at Syracuse University from July 20 to July 22, 2014.

Hollis Police Department was granted funds for Lieutenant Richard Mello to attend the FBI – LEEDA Executive Leadership training in Hampton, New Hampshire, from October 27, 2014 to October 30, 2014.

Ongoing Physical Fitness Testing

Requests for Fitness Testing Medical Extensions

Fitness Testing Date 2012 4th and Final Extension

Stacey Seluk, Merrimack County Sheriff's Office (addendum)

Fitness Testing Date 2013 2nd Extension

Katie Zamore, Keene Police Department
Michael Hughes, Derry Police Department
Christopher Gilroy, Hampton Police Department
Carrie Sargent, NH Department of Corrections (addendum)

(END OF APPROVED CONSENT CALENDAR)

Previous and/or Unfinished Business

Gregory Gough, Farmington Police Department, Pol 402.02 (b) and (c), continued from April.

Officer Gough was present with his Attorney Donald Blaszk and requested a nonpublic hearing. Judge Gardner recused herself from this hearing.

At 9:26 a.m. after the following motion the Council entered a nonpublic session.

Motion to begin a nonpublic session by Chief Cahill, seconded by Chief Sullivan, and a roll call vote for Council members including Chairman Prozzo, was unanimous in favor of the motion 9-0.

Motion to seal the nonpublic minutes by Chief Cahill, seconded by Chief Sullivan, council vote was unanimous in favor of the motion 8-0.

At 9:36 a.m. after the following motion the Council exited the nonpublic session.

Motion to exit the nonpublic session by Chief Sullivan, seconded by Chief Cahill, and a roll call vote for Council members, including Chairman Prozzo, was unanimous in favor of the motion. 9-0

Motion by Chief Cahill, seconded by Chief Sullivan, to take no action on his certification as there is no risk to public safety and the confidence in the criminal justice system would not be adversely affected, with the understanding that Officer Gough will not work in law enforcement and will be required to come back before the Council when the case is resolved.

The council vote was 8-0 in favor of this motion.

9:39 am Judge Gardner returned to the meeting.

Brian Beach, Northfield Police Department, Pol 301.05 (n) eligibility, continued from April.

Officer Beach had been noticed by PSTC for an eligibility hearing. He was present with his attorney Catherine Costanzo, Chief John Rafaelly, Courtney Beach and Debbie Locke.

Attorney Constanzo requested a nonpublic hearing for her client.

At 9:41 a.m. after the following motion, the Council entered a nonpublic session.

Motion by Commission Wrenn, seconded by Chief Sullivan to begin a nonpublic session, the roll call vote including Chairman Prozzo was 9-0.

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

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

10:13 back in public session

Motion by Commissioner Wrenn, seconded by Chairman Prozzo, to grant Brian Beach eligibility to become certified upon meeting the requirements of the Council. The vote was 6-3 in favor of the motion.

Chairman Prozzo called

Motion by Commissioner Wrenn, seconded by Chief Morency to approve the prior training and experience request for Brian Beach. The vote was 9-0 in favor of the motion.

10:40 a.m. Break.

10:40 a.m. Consultation with SAAG Nancy Smith, and then a private session for Council only was held.

11:47 Back in session

Ernest Orlando, NH DOC, Pol 402.02 (b) and (c), continued from April

Officer Orlando was present with his attorney, Stephen Jeffco. They requested a non public session.

Commissioner Wrenn recused himself from this hearing.

After the following motion, at 11:49, Council began a nonpublic session.

Motion by Chief Cahill, seconded by Chief Sullivan to begin a nonpublic session, the roll call vote including the Chairman was 9-0 in favor of this motion.

Motion by Chief Cahill seconded by Chief Sullivan to seal the minutes of this nonpublic session, unanimously in favor 8-0.

After the following motion, at 12:07, Council exited the nonpublic session.

Motion by Chief Cahill, seconded by Chief Sullivan to come out of the nonpublic session, the roll call vote including Chairman Prozzo was 9-0.

Motion by Chief Cahill, seconded by Colonel Quinn to take no action on Ernest Orlando's certification at this time, the safety of the public is not at risk and the confidence of the criminal justice system will not be adversely affected. The vote on this motion was 8-0 in favor.

Vernon Pousland, NH DOC, Pol 402.02 continued from April.

CO Pousland was present with his attorney, Arthur Gatzoulis. Chairman Prozzo read the hearing protocol, Mr. Pousland requested a public session.

Commissioner Wrenn recused himself from this hearing as well.

Captain Bodanza was sworn in by Chairman Prozzo and noted for Council members that CO Pousland had previously been noticed for a temporary suspension hearing, Pol 402.02 b, but was granted a continuance. Since that time the matter has reached resolution, and today they are here on 402.02, Vernon Pousland has been convicted of an offense.

Pol 402.02 a 4 c, the Council shall order suspension or revocation of the certification of an officer, Mr. Pousland has plead guilty or been convicted, under section four the officer has been convicted either prior to or after certification of a crime of moral turpitude, a crime which brings discredit to police or corrections service including but not limited to subsection c, DWI, under 265 a II.

Captain Bodanza provided exhibits and a timeline, summarized CO Pousland's employment and certification history for the Council, finishing with the DWI arrest and refusal of implied consent. The case was resolved with CO Pousland pleading guilty to DWI on April 28, 2014.

Disposition of the case for Mr. Pousland, he plead guilty to the offense of DWI, misdemeanor charge plead nolo, was found guilty, fined five hundred dollars, plus penalty assessment one hundred and twenty dollars, suspended for nine months, and ordered to take part in the impaired driver intervention program. There were no questions from the Council for Captain Bodanza.

Attorney Gatzoulis summarized his client's situation for Council members. Vernon Pousland has been in law enforcement for over thirteen years, he has a clean driving record and been an exemplary officer at New Hampshire Department of Corrections. He plead guilty to DWI first offense against the advice of counsel. He wanted to take responsibility for his actions, he plead guilty to the charges. He stated that Mr. Pousland knew there would be consequences but asked for a lenient sentence, any suspension being

as little time as possible.

Vernon Pousland addressed Council members after he was sworn in by Chairman Prozzo. He stated that he has always owned up to his mistakes and learned from them, he was humbled by the experience and was embarrassed to be in front of the Council. He made an apology to Commissioner Wrenn, even though the Commissioner was recused.

When asked, Vernon Pousland stated that he was still employed by the Department of Corrections, had received a letter of warning from the warden. The Department of Corrections was waiting for Council decision on his status.

Chairman Prozzo explained that the Council takes these matters seriously, and that in the past suspensions have been from 60 to 90 days.

Motion by Chief Sullivan, seconded by Colonel Quinn, to suspend Vernon Pousland's certification for ninety days based upon the fact that he has stepped forward and taken responsibility for his actions. The vote was , 7-1 in favor of the motion.

Mark Richardson, Seabrook Police Department, Pol 402.02 (b)

Officer Richardson was present with Steven Arnold, his representative from the New England Police Benevolent Association. They asked for a nonpublic session.

At 12:23, after the following motion, Council began a nonpublic session

AG Foster recused himself from this hearing.

Motion by Chief Cahill, seconded by Chief Sullivan to enter a nonpublic session, the roll call vote including Chairman Prozzo was unanimous, 9-0.

Motion by Chief Cahill, seconded by Chief Morency to seal the minutes of the nonpublic session, unanimous vote in favor of the motion 8-0.

At 12:30, after the following motion, Council exited the nonpublic session.

Motion by Chief Cahill, seconded by Chief Sullivan to exit the nonpublic session, the roll call vote on this motion including Chairman Prozzo was unanimous 9-0.

Motion by Chief Cahill, seconded by Judge Gardner, to suspend Mark Richardson's certification based upon the safety to the public, confidence of the criminal justice system and discredit to law enforcement, Mr. Richardson must come back before the Council after the disposition of the case in order to have his certification reinstated.

Chairman Prozzo asked, and further discussion ensued amongst Council on the motion, specifically the safety of the public and discredit upon police.

At the end of the discussion, the Council voted 7-1 in favor of the motion.

Joseph Freda, Salem Police Department, Pol 402.02 (b) and (c)

Joseph Freda was not present for this hearing. Captain Bodanza was sworn in AG Foster and Colonel Quinn recused themselves from this hearing. Chairman Prozzo began the hearing with Vice Chairman Wrenn taking over.

Captain Bodanza was sworn in by Chairman Prozzo. He explained that the notice of hearing was sent and that the postal service had attempted delivery three times, the notice was returned labeled 'refused'. Captain Bodanza presented exhibits in the matter, detailing Officer Freda's employment history and certification. Joseph Freda was arrested on January 15, 2014 with a charge of simple assault while on duty, the Form G report of arrest had been filed at PSTC by the Attorney General's Office.

Motion by Chief Sullivan, seconded by Chief Morency, to suspend Joseph Freda's certification based upon the evidence presented, discredit to law enforcement, safety to the public and confidence in the criminal justice system. The suspension is in effect pending resolution, and Joseph Freda must come before the Council. The vote was 7-0.

Brad Zarba, request for Council consideration, (Vice Chairman Wrenn chaired this request).

Chief Sullivan recused himself from this matter.

Captain Bodanza explained that Brad Zarba was asking for reconsideration from last month's Council decision. He is a former Hampton Police Department officer who had asked for a continuance from the March council meeting, but did not appear for his hearing that was scheduled in April as he thought the meeting was on the following Tuesday (last Tuesday of the month).

Motion by Chief Cahill, seconded by Chief Colarusso to deny Mr. Zarba's request for reconsideration. Vote was 6-1.

Chairman Prozzo chaired the remainder of the meeting.

Item nine of the agenda, extending the length of the full time academy would be put on next month's (June 24, 2014) agenda.

Other New Business

Chief Moller of the Thornton Police Department appeared to present her agency's request for prior training and experience on Thornton's new hire, Colby Martin. The issue in question was that according to PSTC prior training and experience matrix, Mr. Martin, although he had completed an academy in the state of Florida, had never been employed in law enforcement and would have to complete the entire full time academy to become certified for the state of New Hampshire. He was currently attending the full time academy, but if the prior training and experience request was granted, he would then participate in the law package only.

Discussion ensued with Council members asking about the make up of the classes and the number of hours in the Florida Academy in comparison to New Hampshire, Monday

through Friday technical college compared to residential, paramilitary environment in New Hampshire

Motion by Chief Sullivan, seconded by Chief Cahill, to approve the request by the Thornton Police Department for prior training and experience for Colby Martin. The Council vote was 9-0 in favor of the motion.

Rules Amendment Proposal

Pol 501.01 regarding reporting arrests, request to draft the rule change.

Motion by Chief Morency, seconded by Chief Sullivan to approve the beginning of the process to amend Pol 501.01, council vote was 9-0 in favor of this motion.

Gift Acceptance PSTC 9/11 Lobby Display, USS New York hat

Motion by Chief Cahill, seconded by Chief Colarusso to accept the gift, council vote was 9-0 in favor of this motion.

Addendum, motion to reconsider/rehear James Connor.

James Connor, Hudson Police Department, through his attorney John Krupski filed the motion to reconsider/rehear on his client's behalf as they felt that PSTC staff failed to include findings regarding the application to the exceptions to the temporary suspension of certification made during the April 22, 2014 hearing, Pol 402.02 e and f.

Motion, by Attorney General Foster, seconded by Judge Gardner, to grant the motion to reconsider for this limited purpose. The Council reconsidered evidence presented during the hearing on April 22, 2014 and determined that public confidence in the criminal justice system will be damaged by the fact that Officer Connor is charged with a felony assault and that such damage outweighs any evidence of just cause to not suspend, presented by the officer. The request to rescind the suspension of the certification also denied. 9-0 unanimous vote in favor of the motion.

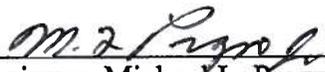
General

The next regular meeting, #443 will be held on June 24, 2014 at 9:00 a.m.

An emergency hearing will be held on Friday May 30, 2014 at 2:00 p.m. for personnel purposes.

Motion by Attorney General Foster, seconded by Judge Gardner, the Council voted unanimously to adjourn the meeting at 1:17 p.m.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.