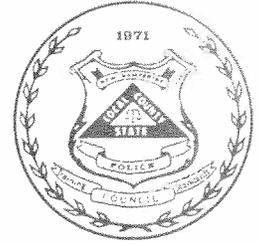




Sheriff Michael L. Prozzo, Jr.  
Chairman

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

*Minutes*

*November 24, 2009*

***Call to Order***

The 390<sup>th</sup> meeting of the New Hampshire Police Standards and Training Council was called to order at 9:07 a.m. by Vice Chairman William L. Wrenn, Jr., Commissioner of the New Hampshire Department of Corrections, in the John D. Morton conference room at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

NOTE: Colonel Booth arrived at 9:15 a.m.

***Members Present:*** William L. Wrenn, Jr., Commissioner of the New Hampshire Department of Corrections; Associate Justice Norman E. Champagne, Manchester District Court; Colonel Frederick H. Booth, New Hampshire State Police; Chief Anthony Colarusso, Dover Police Department; Vice Chancellor Charles Annal, Community College System of New Hampshire; Richard Foote, Sheriff of Cheshire County; Chief Peter Morency, Berlin Police Department; and, Attorney General Michael Delaney.

***Members Absent:*** Associate Justice Stephen H. Roberts, Dover District Court; Chief James Sullivan, Hampton Police Department; Chief Gregory C. Dodge, Epping Police Department; and, Chairman Michael Prozzo, Sheriff of Sullivan County.

***Staff Present:*** Director Donald Vittum, Captain Benjamin Jean, Captain Mark Varney, Captain Thomas McCabe, Lieutenant Mark Bodanza, Lieutenant Steve Kerlee, Investigative Paralegal Ann Paquin, and Council Secretary Kathryn Day

***Guests Present:*** Assistant Attorney General Nancy Smith

***Approval of Minutes***

Justice Champagne moved for the Council to approve the minutes of October 27, 2009, as presented. Following a second by Chief Morency, the voice vote of the Council was unanimous in support, 7-0. NOTE: Colonel Booth was not present for this vote.

***Director's Report***

There were no comments or questions on the Director's report, and the Director had no additional remarks.

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

**Proposed Option for Law Package Students**

The Council reviewed sample data provided by the staff about student performance on the final exam for the Law Package.

The average score on the final exam for Law Package students from the 142<sup>nd</sup> to the 149<sup>th</sup> sessions of the Full-Time Police Officer Academy was **81.39**. The average score on the final exam for full-time students who attended the 142<sup>nd</sup> to the 149<sup>th</sup> sessions of the Full-Time Police Officer Academy was **84.79**.

The average score on the final exam for students who attended the 249<sup>th</sup> to the 251<sup>st</sup> sessions of the Part-Time Police Officer Academy was **92.05**. During this time period, only one student attended only the Law Package of the 251<sup>st</sup> Part-Time Officer Academy, and their score was **79.5**.

Director Vittum recommended that the minimum score for “testing out” should be 80, and that the chief or the field training officer of the department should be required to acknowledge the Council’s expectation that their candidate will prepare adequately to take the exam by utilizing study materials provided by Police Standards and Training staff.

Attorney General Delaney moved that the Council adopt the Director’s recommendation to require a minimum score of 80 on the Law Package final exam for an officer to receive certification based on prior training and experience without being compelled to attend the prescribed number of hours of classroom instruction. Following a second by Sheriff Foote, the Council voiced their unanimous support, 7-0. NOTE: Colonel Booth was not present for this vote.

***New Business***

**CONSENT CALENDAR**

The Council reviewed staff recommendations for all items presented on the Consent Calendar. The Consent Calendar received unanimous approval following a motion by Chief Morency, seconded by Chief Colarusso. NOTE: Colonel Booth was not present.

One request for full-time certification based on prior training and experience was approved.

**Officer Brian R. Williams, Hooksett Police Department** will be granted full-time certification based on 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 that First Aid and CPR certification is current.

The following officers were granted extensions for attendance at an Academy:

**Officer Patrick H. Dawson, Bristol Police Department**  
through the end of the 151<sup>st</sup> Full-time Police Officer Academy (April 9, 2010)

**Officer Christopher A. Letourneau (not part-time certified)**  
through the end of the 151<sup>st</sup> Full-time Police Officer Academy (April 9, 2010), with the stipulation that Officer Letourneau continue working only in the direct presence of a certified officer.

**Officer Stephen D. Beal, Madbury Police Department**

through the end of the 257<sup>th</sup> Part-time Police Officer Academy (May 7, 2010) with the stipulation that Officer Beal continue working only in the direct presence of a certified officer.

**Officer David M. Girard, Pittsfield Police Department**

through the date of the entrance fitness test of the 257<sup>th</sup> Part-time Police Officer Academy on December 14, 2009. Part-time certification will be reinstated upon successful completion of the entrance fitness test.

**Officer Daniel C. Worcester, Raymond Police Department**

through the end of the 257<sup>th</sup> Part-time Police Officer Academy (May 7, 2010) with the stipulation that Officer Worcester continue working only in the direct presence of a certified officer.

**(END OF APPROVED CONSENT CALENDAR)**

**Other Requests for Extensions**

The Council considered two requests recommended for approval by staff for extensions longer than six months.

**Officer Kevin M. Foss, Campton Police Department**

through the end of the 152<sup>nd</sup> Full-Time Police Officer Academy

**Officer Andrew E. Roland, Nottingham Police Department**

through the end of the 152<sup>nd</sup> Full-Time Police Officer Academy

Chief Morency, with a second by Sheriff Foote, moved for the Council to approve the extension requests submitted on behalf of Officer Kevin M. Foss and Officer Andrew E. Roland. The voice vote of the Council was unanimous in support, 8-0.

**NONPUBLIC SESSION: Requests for Fitness Testing Extension**

Extensions were granted for medical reasons to allow additional time for officers to comply with ongoing physical fitness testing requirements. As provided in RSA 91-A:3, II (a), discussion concerning the details of the requests took place in a nonpublic session, following a motion by Chief Morency, a second by Chief Colarusso and the unanimous roll call vote of the members present, the nonpublic session commenced at 9:09 a.m. NOTE: Colonel Booth was not present.

Following a brief discussion of the procedure and requirements for submitting and approving fitness testing extension requests and a review of the staff recommendations on the current requests, Sheriff Foote moved that the Council approve extensions for the following officers for six months beyond the date for compliance, until July 1, 2010:

**Chief Stuart M. Chase, Wolfeboro Police Department**

**Corporal Laura Desautelle, New Hampshire Department of Corrections**

**Officer Paul Gibbons, New Hampshire Marine Patrol**

**PPO Beatrice Harden, New Hampshire Department of Corrections**

**CO Paul Hyson, New Hampshire Department of Corrections**

**Officer Jessie Jennings, New Hampton Police Department**

**CO Kathy Langlois, New Hampshire Department of Corrections**

**Officer Scott Naismith, Salem Police Department**

**Officer Patrick Payer, Campton Police Department**

**CO Silvia Preda, New Hampshire Department of Corrections**

**Officer Christopher Storti, Bedford Police Department**

**CO Paul Teixeira, New Hampshire State Prison – Goffstown**

**Corporal Scott Weiss, Center Harbor Police Department**

A motion to seal the minutes of the nonpublic session was put forth by Chief Colarusso and seconded by Chief Morency. The Council supported the motion without exception.

Following a motion by Chief Colarusso, seconded by Chief Morency, the Council voted unanimously to exit the nonpublic session. Colonel Booth arrived at the meeting as the nonpublic session concluded at 9:15 a.m.

***Other New Business***

**Daniel Shapiro, New Hampshire Hospital Security**

The New Hampshire State Police has asked for clarification on the date that Officer Shapiro, a New Hampshire Hospital Security Officer, is required to comply with ongoing physical fitness testing requirements.

The Council was asked to consider the following information presented by Lieutenant Mark Bodanza and to make a recommendation on the correct fitness due date.

- RSA 188-F:27, III-d and III-f, as well, and Pol 404.06 and 404.07 require that all certified police officers, as a condition for continued certification, must comply with the ongoing fitness requirements.
- PSTC practice has been that test dates are determined by dates of hire or a change in certification status, such as going from part-time certification to full-time certification.

January 17, 1999	Daniel Shapiro was hired full-time New Hampshire Hospital as a Security Officer.
November 13, 1999	Daniel Shapiro was certified as a Part-Time Police Officer.
January 1, 2005	The New Hampshire Hospital Security Officers merged with the New Hampshire State Police.
July 20, 2006	A Form "A" was signed and submitted by NHSP. The effective date was typed as 1/1/2005 but the 5 is crossed out and replaced by hand, with a 6.
March 30, 2008	Officer Shapiro was certified as a Full-Time Police Officer after he exercised an "option" to attend the Full-Time Academy.

- |               |   |
|---------------|---|
| October 2009  | Based on the Form "A" signature date of July 20, 2006, New Hampshire State Police was notified by PSTC that officer Shapiro must meet the ongoing fitness requirement by December 31, 2009. |
| November 2009 | New Hampshire State Police advised that their files reflect that Officer Shapiro was hired January 1, 2005 and that his testing date should be 2008.  |

Lieutenant Bodanza articulated the questions that were raised in trying to determine the date that Officer Shapiro is required to comply with ongoing physical fitness testing:

1. What date should be referenced as a starting point: The date he was certified as a part-time officer, or the earlier date in 1999 when he became employed by New Hampshire Hospital? In either case, his certification would be grandfathered and he would not be subject to ongoing physical fitness testing requirements.
2. Or, should the date of the merger of New Hampshire Hospital Security and the Division of State Police be considered his effective "date of hire"?
3. Was the status of Officer Shapiro's certification affected by this merger?
4. Was the status of Officer Shapiro changed from part time to full time -- or vice versa -- at any point in time? When a Form A was received in July 2006?

The Council considered that prior to their merger with the Division of State Police the New Hampshire Hospital Security Officers were full-time employees of a non-law-enforcement agency and, as stated by Vice Chairman Wrenn, in November 1999 they were granted full police powers by the then-members of the Police Standards and Training Council after completing the Part-Time Police Officer Academy. Essentially, the restriction on part-time officers to work only up to 1,300 hours annually was waived by the Council. At that time there was no ongoing fitness testing requirement in force.

Once the merger with the Division of State Police occurred, there was no change in their duties or their status as full-time employees. To promote their professional development, these officers could choose to exercise the "option" to attend the Full-Time Police Officer Academy; Officer Shapiro accepted this opportunity for further training and completed the Academy in March 2008.

Colonel Booth stated that since the merger each new hire is compelled to attend the Academy and become full-time certified. He said he could not foresee any additional request from the two other grandfathered security officers who opted out of attending the Full-Time Police Academy to become full-time certified; they remain part-time certified with full police powers and work full time.

In support of maintaining Officer Shapiro's grandfather status, Chief Colarusso posed the following points:

1. There was no break in Officer Shapiro's service when New Hampshire Hospital Security merged with the Division of State Police.
2. Officer Shapiro's job description, hours of work and duties were not affected by the merger.
3. Officer Shapiro's job description and duties were not affected by his attendance at the Full-Time Police Officer Academy.

4. The other grandfathered officers who declined the option to attend the Full-Time Academy continue to be exempt from the ongoing fitness testing requirement. Is it fair to impose this requirement on Officer Shapiro, just because he has received additional training?

Assistant Attorney General Nancy Smith noted that under the Rules, a part-time certified officer hired before 2001 and subsequently hired as a full-time officer is compelled to attend the Full-Time Academy; a change in status after 2001 would also mean they would be required to comply with ongoing physical fitness testing. Colonel Booth pointed out that Officer Shapiro was not required to attend the Full-Time Academy and he was already approved to work full time.

Chief Colarusso suggested that the transition of a part-time officer to full time entails changes in their duties, as well as allowing them to work more hours; and, in Officer Shapiro's case, there were no changes in his job duties or responsibilities or his work hours. He felt that any changes that resulted from Officer Shapiro's attendance at the Full-Time Academy were a benefit to his employer and his organization and should not affect his grandfathered status – "Why should he be penalized for putting himself through the program?"

Attorney General Delaney felt that allowing Officer Shapiro's certification to remain grandfathered would not necessarily be setting a precedent if a motion were worded to make it clear that the decision is based specifically on the unique circumstances of this case and that the Council expressly agreed that this was not in any way intended to set a precedent for future interpretation of the Rules. As well, the Council agreed that Officer Shapiro's certification would be grandfathered only if he were to remain with his current employer; if he were to be hired full time by a new employer, his new date of hire would require him to comply with RSA 188-F:27, III-d and III-f.

A motion put forward by Sheriff Foote, seconded by Chief Morency was put to a voice vote:

**MOVED: That the law enforcement certification of Daniel Shapiro, hired on January 17, 1999, is grandfathered and that Daniel Shapiro is exempt from the requirements for ongoing physical fitness testing for as long as he continues to be employed by the Department of Safety, Division of State Police, as a New Hampshire Hospital Security Officer; and, that this decision is based upon consideration of unique circumstances and is not intended to set a precedent for any future Council decision or to change or alter any Council Rules.**

The motion was approved on a voice vote, 7-0, with Colonel Booth abstaining.

### **CO Stephen Sullivan, New Hampshire Department of Corrections**

Stephen Sullivan wishes the Council to determine if he is subject to ongoing physical fitness testing pursuant to RSA 188-F:27, or if he is grandfathered. The Council considered the chronology of events leading up to the receipt of a Form "A" from the Department of Corrections.

5/10/1996	Mr. Sullivan was hired by the Department of Corrections as a Corrections officer.
8/12-10/4/1996	He attended the 52 <sup>nd</sup> Corrections Academy.
10/4/1996	He was certified as a Corrections Officer.

- 1/6/2006 Mr. Sullivan resigned from the Department of Corrections to join the military. He served in the military for about 3 ½ years.
- 7/2009 Mr. Sullivan applied to DOC for re-employment under USERRA.
- 11/9/2009 PSTC received an Employee Status Notification Form "A" reporting that DOC has hired Mr. Sullivan as a Corrections Officer effective 11/6/2009. Section #12 of Form "A" is marked "Yes" indicating that Mr. Sullivan has Prior Training and Experience. Section #13; "We are requesting certification based on prior training and experience" is marked "No" .
- DOC submitted a Confirmation of Notification of NH State Law RSA 188-F:27 form, with the Form "A". However, Mr. Sullivan did not sign the form as required. He wrote on the form "I understand that PS&TC will make this determination."

Lieutenant Bodanza asked the Council to make a determination: Is Stephen Sullivan subject to ongoing physical fitness testing based on the new date of hire in July 2009 , or is his certification grandfathered under a provision of RSA 188-F:27 applicable to officers hired prior to 2001?

Vice Chairman Wrenn commented that Mr. Sullivan voluntarily terminated his employment with the Department of Corrections before he joined the military. Justice Champagne asked Ms. Smith if USERRA would apply to this circumstance. She responded that for the purposes of USERRA, Police Standards and Training Council is not considered an "employer" -- rather it is considered a regulatory/licensing body.

In the context of requiring compliance with ongoing physical fitness testing, the "just cause" exemption in the Rules could allow an exception for an officer who is not in compliance. Ms. Smith emphasized that the issue at hand is for the Council to determine Mr. Sullivan's eligibility to be certified. Ms. Smith advised that there is currently no provision in the Rules for the Council to find "just cause" not to require compliance with ongoing physical fitness testing or required training in order to be certified. Further, she noted the Council has already established a policy that accommodates officers involuntarily laid off if they are rehired by the same employer within three years; after a break in service longer than three years, their certification would lapse and they would be subject to the same requirements as a newly hired officer. Chief Morency remarked that there is a clear distinction between someone who is called to military duty while they are employed and the individual who voluntarily separates from their employer and then is deployed to military duty. Lieutenant Bodanza noted that no documentation has been produced that can confirm there was a leave of absence granted by the Department of Corrections.

Issofar as Mr. Sullivan was not a member of the military when he was hired in 1996 (and, in fact, there was a voluntary separation from his employer before he joined the military, although this has been characterized by Mr. Sullivan as an approved leave of absence) and there was a subsequent break in service longer than three years, the Council does not agree with the Department of Labor that under USERRA Mr. Sullivan is not required to meet additional requirements to have certification reinstated.

Director Vittum pointed out that there is no mechanism established to evaluate the eligibility of a former corrections officer for certification and/or for the purposes of granting certification based on prior training and experience. As well, a "law package" has never before been developed specifically for Corrections Officers.

In the absence of a matrix designed for evaluation of a former corrections officer or a corrections officer who relocates from another state, the matrix for full-time police officer certification was applied for Mr. Sullivan. The resulting score was 395 points. Lt. Bodanza explained that the recommendation for a police officer who attained an equal point value would be for them to complete the medical exam, entrance fitness test, attend the Law Package, and for First Aid and CPR certification to be current.

After brief discussion of recommended actions a motion was put forth by Justice Champagne, seconded by Chief Colarusso and approved as follows:

MOVED: That the Council will grant certification as a Corrections Officer to Stephen Sullivan based upon prior training and experience upon his successful completion of a medical exam, the entrance fitness test, and any training courses recommended by the Director, provided First Aid/CPR certification is current. To this end, the Council authorizes the Director to apply the matrix established for evaluating prior training and experience for full-time police officers and, then, to work with the staff of the DOC Academy to determine what specific training requirements must be satisfied for CO Sullivan to become certified.

Motion carried on a voice vote, 8-0.

#### **Concerning Officers Returning to Law Enforcement after Military Deployment**

Director Vittum asked the Council to more clearly define what their expectations were for officers returning to law enforcement after military deployment. Police chiefs have already raised questions about what might be required and how much time would be allowed for an officer to become current on requirements for annual compliance, ongoing physical fitness testing, etc.

Colonel Booth recommended that, at a minimum, firearms certification and annual in-service training would need to be updated before an officer could return to duty. The Council agreed that if an officer is deployed during the time they must comply with ongoing physical fitness testing, their date for compliance would be moved forward to a date 90 days after they return. Thereafter, if needed, extensions could be granted in six-month increments, for a period of up to two years.

And so, it was moved by Colonel Booth, seconded by Chief Morency, namely:

MOVED: That the certification of a police officer, corrections officer, or probation/parole officer subject to military deployment shall not lapse and shall remain in force upon their return to employment with the law enforcement agency where they were formerly employed, providing the officer complies with requirements for annual firearms qualification and in-service training prior to "returning to the field" and complies with ongoing physical fitness testing requirements within 90 days of their return.

Motion carried on a voice vote, 8-0.

**(Please note that no clarification was given concerning the maximum length of a military deployment for which this accommodation would be extended.)**

**NONPUBLIC SESSION: Surrender of New Hampshire Law Enforcement Certification**

Vice Chairman Wrenn asked the Council to consider a letter of resignation submitted by James Daniel Linehan, Sheriff of Rockingham County. He read the letter into the record.

“Dear Chairman Prozzo:

By this letter, I hereby relinquish my New Hampshire police certification. It has been my pleasure to serve the citizenry of New Hampshire as a member of the New Hampshire State Police and as the High Sheriff of Rockingham County. However, I will not again serve as a certified police officer in New Hampshire, and therefore, will not apply for reinstatement of my New Hampshire police certification.

Please extend my gratitude to the members of the Council and the staff of the training academy for their kindness and support during the course of my 37-year career.

Thank you for your consideration.”

Attorney General Delaney stated that he would abstain from voting on a motion to accept the resignation of Sheriff Linehan, because he is directly involved in a related ongoing criminal investigation. Concerning any action required of the Council, AG Delaney clarified that the Council is expected to promulgate a record of accepting the letter. Though the letter was submitted voluntarily, the Council should consider that, in the absence of a “hiring authority” that would be required to submit a Form “B”, the letter serves the same purpose.

Vice Chairman Wrenn stated that another issue to consider is whether or not an elected sheriff in New Hampshire is required to have a Police Standards and Training Council certification in order to function in that capacity. And, who is actually the hiring authority that is authorized to submit a Form “B”? In most cases, Form “A” for sheriffs are signed by the sheriff and submitted by the sheriff; in other cases, no Form “A” is submitted.

AG Delaney recommended that the Council consider as a separate issue whether sheriffs should be certified by Police Standards and Training Council and how forms should be executed and submitted. **(Please see “General” discussion noted in these minutes.)**

Colonel Booth recommended that, in lieu of a Form “B”, the Council consider the letter dated November 23, 2009, signed by James D. Linehan as documentation of his resignation; further, Colonel Booth moved that the Council accept the voluntary surrender of James D. Linehan’s New Hampshire law enforcement certification. Following a second by Chief Morency, Director Vittum stated that a Form “A” signed by Sheriff Linehan had been received following his appointment.

Thereafter, the discussion began to focus on issues concerning the investigation of charges, information that is permitted to be discussed in a nonpublic session. Sheriff Foote moved that the Council enter into a nonpublic session as provided in RSA 91-A:3, II (a), and the roll call vote of the Council was 7-0, after a second by Chief Morency. Attorney General Delaney abstained from the vote but remained present. The nonpublic session commenced at 10:41 a.m.

Colonel Booth moved for the minutes of the nonpublic session to be sealed. With a second by Chief Morency, the Vice Chairman called for a voice vote of the Council and it was unanimous, 7-0, with AG Delaney abstaining.

Chief Morency moved for the Council to exit the nonpublic session. Following a second by Chief Colarusso, the roll call vote of the Council was unanimous in support, 7-0, with AG Delaney abstaining. The nonpublic session concluded at 11:02 a.m.

Upon return to public session, the consensus of the members was that a Form "B" should be executed and placed on file, but, in the interim, Sheriff Linehan's letter of resignation is sufficient for the Council to move forward. The pending motion was put to a voice vote and the Council indicated their support, 7-0, with Attorney General Delaney abstaining.

### *General*

#### **Form "A" and Form "B" and the Voluntary Certification of New Hampshire Sheriffs**

Assistant Attorney General Nancy Smith stated that under the statute sheriffs are not required to be certified by the Police Standards and Training Council. She suggested that most previous and current sheriffs elected in New Hampshire were already certified when they took office, that it would be an anomaly for a sheriff not to have been previously certified. Vice Chairman Wrenn said that certification is not required for sheriffs because under the statute prior law enforcement experience is not a requirement. Sheriff Foote stated that the election naming him as Sheriff of Cheshire County had been "certified" by the Secretary of State. Colonel Booth suggested that in the case of an elected official, the "hiring authority" is the voting public. Is a Form "A" necessary and, if it is, who should sign it? Who should sign the Form "B"?

Attorney General Delaney commented that, aside from the uncertainty of whether a sheriff needs to be certified by the Police Standards and Training Council, the more immediate question for the Council to consider concerns sheriffs who have been certified. Specifically, if a Form "A" is submitted, when there is an issue with a sheriff who signed the Form "A" on their own behalf, should the Form "B" be required? And, who should sign it?

Attorney General Delaney stated that in the case of a sheriff who, for instance, was negotiating a disposition for a resignation of their position his preference would be "for them to have no personal involvement ever in filing a Form "B"." In a situation where there is going to be a negotiated disposition resulting in a decertification, he felt that the appropriate authority to sign the required Form "B" is the Attorney General. Where it could include more than one individual in a department submitting a resignation, who, then, will execute these forms?

Vice Chairman Wrenn asked, considering the way the law is written to indicate that the "hiring authority" must sign these forms, does the Council have any legal authority that could be extended to the Attorney General to act in this instance as the "hiring authority?" Attorney General Delaney suggested that, in the absence of any "hiring authority" and with the negotiated disposition with the "chief law enforcement officer of the state," the authority exists, but he could not refer the Council to any precedent in statute or case law that substantiates this opinion.

Attorney General Delaney suggested that an alternative would be for the Council to move to accept a letter of resignation as formal documentation of a voluntary surrender of certification and, then, to accept a Form "B" at a later date.

Vice Chairman Wrenn stipulated that such a letter should become part of the officer's record on file with Police Standards and Training Council. In so doing, this officer's record would be "flagged" should he decide to seek law enforcement certification in New Hampshire in the future. This way it would be on record that a resignation was accepted by the Council on a specified date, and any future Council members that might consider a request for reinstatement would have access to this information and the minutes documenting the motion to decertify. Under current circumstances where submitting a Form "A" is not a requirement placed on sheriffs, Vice Chairman Wrenn felt it would be appropriate for the Attorney General to sign the Form "A" and any subsequent Form "B."

Attorney General Delaney recommended that the Council should return to this discussion at a future meeting and advised that they move to accept the letter submitted by Sheriff Linehan. The members agreed to resume the matter of the voluntary surrender of certification of Sheriff Linehan in a nonpublic session. **(Please refer to preceding item: NONPUBLIC SESSION: Surrender of New Hampshire Law Enforcement Certification.)**

### **Annual Planning Session in 2010**

In response to a question from Justice Champagne, Director Vittum stated that he would propose dates for the 2010 annual planning session at the next meeting of the Council on Tuesday, December 22, 2009.

### ***Other Business***

#### **SWAT/SOU Discussion**

Director Vittum recollected that at a public hearing on August 25, 2009, the Council moved that the staff should develop model policies that could be recommended to the SWAT/SOUs organized in New Hampshire. Since that time, Lieutenant Steve Kerlee has been communicating with the teams to hear their concerns. Director Vittum asked the members to elaborate on their request concerning model policies, namely, how the staff should move forward in proposing model policies for the Council to consider. Attorney General Delaney also recalled that at their meeting on October 27, 2009, the Council asked for feedback from the Department of Justice on the recommendations of the NTOA study that concluded in July 2009.

Based on a review of the minutes of August 25, 2009, Attorney General Delaney suggested that the Council has already voted in public to move forward with the development and evaluation of model policies. AG Delaney recommended a thorough and deliberate process should be defined for accomplishing the stated objective. What groups does the Council want to reach out to and involve in this process? It would be helpful, also, to designate a point person to work with the Council, the Department of Justice, and law enforcement agencies across the state on this effort. Members of SWAT/SOUs, community leaders, law enforcement agencies, the Department of Justice should be included. The Council agreed they should begin by identifying a law enforcement official who could serve as "a point person that could drive these discussions" and who could work with the Council, the Department of Justice, and law enforcement agencies to identify potential sources of funding for this effort.

Vice Chairman Wrenn, hearing no questions for the Attorney General and hearing no further discussion, asked the Director to introduce Lieutenant Steve Kerlee.

Lt. Kerlee is currently focused on meeting with members of the SWAT/SOUs around the state and told the Council that he has been reviewing model policies recommended by the NTOA, the State of Maine and by a "metro team" organized in Ohio. The Director noted that Lt. Kerlee is a former New Hampshire SWAT commander, is retired from the Dover Police Department, and is well qualified to support the Council in this effort.

Vice Chairman Wrenn asked Lt. Kerlee what concerns had been raised by the SWAT/SOU members, and Lt. Kerlee responded that they have indicated that they are open to receiving the Council's guidance concerning model policies. The teams have also expressed a desire for more available high-quality training.

Colonel Booth recommended that Lt. Kerlee serve as the point person and that a member of the State Police SWAT and a local law enforcement agency, also a SWAT member, should work with Lt. Kerlee to propose model policies to the Council and the Department of Justice for consideration. Director Vittum asked if the Council would recommend the individuals to work with Lt. Kerlee. Colonel Booth recommended Tilton Chief of Police Robert Cormier and Lt. Aucoin of the State Police.

Vice Chairman Wrenn agreed that this suggestion is in sync with the Council's vision of how to proceed with developing model policies and recommending training and that having a range of views and input prior to endorsing a model policy was a good way to proceed. The financial considerations, as well, have an impact on communities and input from police chiefs is important. Vice Chairman Wrenn recommended that there should be a "two-step process." First, the team coordinated by the Director and Lt. Kerlee would work with chiefs and SWAT/SOU members and/or team commanders to formulate a proposal; then, these proposals would be considered by these stakeholders, the Council, and the Department of Justice, prior to being put to a vote of the Council. The members agreed to this recommendation and the Director and Lt. Kerlee will proceed accordingly.

***Next Meeting Date/Adjournment***

The next meeting of the New Hampshire Police Standards and Training Council will be held on Tuesday, December 22, 2009, at nine o'clock in the morning.

Upon a motion by Colonel Booth, seconded by Chief Morency, the Council voted unanimously to adjourn the meeting at 11:17 a.m.

Respectfully submitted,

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Vice Chairman William L. Wrenn, Jr.