

UNACCEPTED MINUTES

June 22, 2004

The 326th meeting of the NH Police Standards and Training Council was called to order at 9:14 a.m. by Chairman Michael L. Prozzo, Jr., in the John D. Morton conference room at the Police Standards and Training Facility in Concord, New Hampshire.

Members present included Chiefs William Wrenn, Hampton Police Department, and Michael J. Magnant, Portsmouth Police Department; Sheriff Scott A. Carr, Carroll County Sheriff=s Department; Justice Norman E. Champagne, Manchester District Court; Associate Justice Stephen H. Roberts, Dover District Court; Associate AG Ann Rice, designee of Attorney General Peter Heed; and Colonel Frederick H. Booth, NH State Police.

Chief John Curran, Meredith Police Department and William G. Simonton, Commissioner of the NH Community Technical College System were excused due to illness or prior commitments.

Staff present included Director Keith H. Lohmann, Administrative Assistant Jeanette Evans, Paralegal Cassandra Erickson, and Account Technician Helen Robinson.

The following individuals were present for a hearing on Officer Robert Jordan of the Newmarket Police Department:

Officer Robert E. Jordan, Jr., Newmarket Police Department
Chief Rodney C. Collins, Newmarket Police Department
Lt. Scott W. Carline, Newmarket Police Department
Detective Tara L. Tucker, Newmarket Police Department
Sgt. Jeffrey M. Simes, Newmarket Police Department
Officer Garth G. Tolman, Newmarket Police Department
Sgt. Richard J. Beaudet, Newmarket Police Department
Chief Richard Kane, Exeter Police Department
Lt. Steven J. Dockery, Exeter Police Department

Prior to commencement of the regular meeting, Director Lohmann presented Earl M. Sweeney, Assistant Commissioner of the Department of Safety, with a shadow box on behalf of the Council in appreciation for his many years of service as Director of the Police Standards & Training Council. In deference to the former PSTC Director=s wishes not to be feted in any way, the Council chose the shadow box as a token of

appreciation. Assistant Commissioner Sweeney thanked the members and wished them all good luck as they continued to serve on the Council.

Approval of Minutes

After correcting the minutes of May 25 to reflect that Judge Roberts was present for that meeting, the Police Standards & Training Council voted unanimously to accept the minutes as amended, following a motion by Chief Magnant that was seconded by Sheriff Carr.

Director=s Report

The recruit who was dismissed without prejudice just before the May meeting, because prescription drugs were found in his room, has now been dismissed with prejudice based on an investigation conducted by State Police. The Director will hold a due process hearing with the recruit within the next few weeks.

The Director told members that Chief John Curran underwent quintuple bypass surgery last Wednesday and is home doing well now. He circulated a Aget well@ card for their signature to send to Chief Curran.

During low-light firearms qualifications a recruit accidentally discharged his firearm. There were no injuries and the recruit reported the accidental discharge to his superiors. The recruit has now received remedial training and qualified. There are three other recruits who have not been able to pass their firearms test and will have to qualify within 60 days of graduation.

All law enforcement should now have Primedia LETN at their sites. The Director said that as soon as the installations started, questions came in to him regarding whether the training would count toward an officer=s required 8 hours of annual ongoing in-service training. Aside from having someone to confirm an officer watched a given amount of hours, the Director sees no difference between the Primedia LETN training and sitting in a classroom, so the department training officer will be required to sign off that any officer did watch the training.

The Director said Primedia told him they are developing a system which will have tests on their material, and asked if the agency could use the tests to confirm compliance with the requirements. Due to the ramifications of a performance-based, content-based model, the Director feels this subject should be discussed at an annual planning session before answering Primedia. He advised members that Senator Gregg=s office is seeking follow-on funding for PrimediaCthey have identified the original grant was approximately \$2 million and they have identified \$1 million for next year to continue Primedia. They are also seeking funding for a third follow-on year.

The \$500,000 grant for the recruit wireless network that was pulled off the Governor and Council agenda by Governor Benson, the Director hoped the Governor would put it back on the next G&C agenda, but it was not. The Governor asked the Director for an amended budget, which he sent to the Governor over Memorial Day weekend and he has not received acknowledgment on. The Director plans to try to sit with the Governor and explain the importance of this program. The funds will expire next February so there is still some time.

New Business

Prior Training & Experience Requests

Full-Time

The Director outlined a request for full-time certification based on prior training and experience for Officer Thomas J. O'Donnell of the Pelham Police Department.

The Director discussed Officer O'Donnell's career history and recommended certification upon successful completion of a medical exam, physical fitness test, and NH Law Package at a full-time academy, and First Aid/CPR if he is not currently certified. Following a motion by Chief Wrenn that was seconded by Colonel Booth, the Council voted unanimously to follow staff recommendation.

Part-Time

The Director outlined a request for part-time certification based on prior training and experience for Officers Richard W. Bray of the Barnstead Police Department.

The Director explained that Officer Bray was formerly a full-time Laconia officer who is on continuing disability. Officer Bray has worked for two years for Barnstead Police Department in a civilian capacity and has now been hired to work 24 hours a week as a desk sergeant not doing any patrol work. The Director noted the initial p.t. test is not required for part-time officers and although the Council usually requires it anyway, it is not imperative, and in this instance the Director recommended the officer attend the full part-time officers' school and forego the p.t. testing due to his disability. The Director said he had no knowledge of what the officer's disability is, but the Chief of Barnstead told him Officer Bray could not pass a p.t. test now or in the future. The Director said that when Officer Bray was required in three years to take the p.t. test he could request an exemption under the A.D.A.

Chief Wrenn made a motion to have Officer Bray attend the part-time officer school in accordance with staff recommendation, and noted the officer is 65 years old and therefore 68 in three years so they would address the p.t. testing when the time comes for Officer Bray to comply with it. The motion was seconded by Sheriff Carr and carried unanimously.

Extension Requests

Following a motion by Judge Champagne that was seconded by Chief Magnant, the Council voted unanimously to grant extensions as requested to Officer Joseph K. Lister of the Allenstown Police Department, and Deputy Sheriffs Michael E. Chavez and Adam E. White of the Rockingham County Sheriff's Department.

A request from Atkinson Police Department for one last extension for Officer Steven Isola was denied. The Director noted Officer Isola waited a year before attending an academy and then withdrew in the first week and said he wasn't ready to attend, then claimed an injury at Atkinson Police Department and stayed out on a

Worker=s Compensation claim. The Director said that if the officer attended an academy his department would have to change his full-time status to part-time status on September 9, 2004 until completion of the academy, and upon successful completion of the academy the department could put him back on full-time status. The Director said he received a letter from the union in that area supporting Officer Isola.

In response to a question from Colonel Booth as to whether time is counted while an officer is out on Workmen=s Compensation, the Director said he would have to look into it, and responded to Judge Roberts that the question has never come up before.

Judge Champagne noted even if an extension is granted the officer would have to go to part-time status on September 9Cthe Director said if the request is refused the officer can=t work full-time now.

Chief Wrenn wondered if he was medically fit to take a p.t. test if he received an extension, and Judge Roberts noted the officer would have to get a medical release from Workman=s Compensation to take a p.t. test.

Judge Champagne made a motion to deny the request because the Council doesn=t have the statutory authority to grant an extension beyond two years.

A lengthy discussion ensued due to Officer Isola=s disability status, and the consensus of the Council was that they needed to base their decision on the two-year limit mandated by statute; and the department should decide how they want to move forward following that decision. Following a second by Judge Roberts, the Council voted unanimously on Judge Champagne=s motion. Judge Roberts was then recused from the meeting at 9:45 a.m. due to a conflict of interest on the hearing on Officer Jordan that was to follow.

Revocations/Suspensions/Surrenders

Robert E. Jordan, Jr.

Chairman Prozzo read the Police Standards & Training Council hearing procedure to Officer Jordan, and Officer Jordan chose a non-public hearing.

Following a motion by Judge Champagne that was seconded by Sheriff Carr, the Council voted unanimously on a roll-call vote, to enter into a non-public session at 9:50 a.m.

Following the hearing, on a motion by Chief Wrenn that was seconded by Chief Magnant, the Council unanimously voted to seal the minutes of the non-public hearing.

Chief Wrenn then made a motion that carried unanimously following a second by Colonel Booth and a roll-call vote, to exit the non-public hearing at 12:04 p.m.

Judge Champagne made a motion to take the matter under advisement until copies of documents discussed but not available during the hearing were forwarded to the Council for consideration. The motion carried unanimously following a second by AG Chief Rice.

Chairman Prozzo suggested a special session be held to deliberate on this issue prior to the regular business meeting in July, and a special session of the Council was set for Tuesday, July 20, at 9:00 a.m.

Other Business

At the conclusion of the meeting, Chairman Prozzo congratulated Council Secretary Jeanette Evans on her retirement next week, and wished her well. At that time he told Ms. Evans the Council had a luncheon prepared immediately following the meeting. Ms. Evans told the members it had been a pleasure to work with them through the years.

Adjournment

The next regular meeting of the Council will be at 9:00 a.m. on Tuesday, July 27, 2004. Following a motion by Chief Wrenn that was seconded by Judge Champagne, the Council adjourned the meeting by unanimous vote, at 12:12 p.m.

Chairman Michael L. Prozzo, Jr.