

## *MINUTES*

*February 24, 2004*

The 322<sup>nd</sup> meeting of the NH Police Standards and Training Council was called to order at 9:04 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 L. Wrenn, Jr., Hampton Police Department, John P. Curran, Meredith Police Department, and Donald J. Gross, Nashua Police Department; Sheriff Scott A. Carr, Carroll County Sheriff's Department; Attorney General Peter Heed; Captain Kevin Hamilton, designee of Colonel-elect Frederick H. Booth, NH State Police; Warden Richard M. Gerry, designee of the Department of Corrections; Justice Norman E. Champagne, Manchester District Court; and Associate Justice Stephen H. Roberts, Dover District Court.

William G. Simonton, Commissioner of the NH Community Technical College System, and Chief Michael J. Magnant, Portsmouth Police Department, were excused due to prior commitments.

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

Guest present included New Hampshire Senator Lou D'Allesandro.

### *Approval of Minutes*

The Police Standards & Training Council voted unanimously to accept the minutes of the January 27, 2004 meeting as presented, following a motion by Chief Curran that was seconded by Judge Roberts.

### *Request to Re-Name NH Police Academy*

Senator D'Allesandro addressed the Council at their invitation, regarding a request to re-name a building of the NH Police Academy in memory of now deceased former Director Arthur Kehas, at the request of the brother of Mr. Kehas, Dr. Chris Kehas.

Chris Kehas also asked the Senator to speak to the NH Governor and Council about the re-naming of a building, and to Council members. Senator D'Allesandro

told members he was in the Legislature when the penalty assessment legislation passed and said former Director Kehas was the person responsible for making the penalty assessment a reality and said, while not diminishing the role played by others here at the Academy and in law enforcement in general, Mr. Kehas made a significant contribution to its operation due to the penalty assessment funding.

Senator D'Allesandro told members he asked former Director, now Assistant Commissioner of Safety, Earl Sweeney, to write a letter on behalf of this request, which he did. He said he has spoken to the Governor and Council members and others in law enforcement regarding this request.

Chief Gross told Senator D'Allesandro that prior to hearing of Dr. Kehas's request to the Senator, the Council members had discussed giving some kind of recognition to former Director Earl Sweeney, despite him not wishing any sort of recognition.

At that time Chief Gross said he wanted the name of the Police Standards & Training Council to remain as it is, and said other Council members thought the present name should be retained. He said both men certainly deserved recognition for their great contributions to law enforcement, and naming a wing of a building here, or putting a recognition plaque or granite monument in place on the grounds of the facility would be appropriate, but the agency name should be retained.

Chief Gross said this Academy is not about any one person in particular but about all the young police officers who go through the Police Academy, and what Arthur Kehas and Earl Sweeney did was for them.

Senator D'Allesandro said his intention was not to rename Police Standards & Training after Arthur Kehas, but to take a physical part of the facility and name it after him, and said that he has worked with former Director Sweeney for 30 years and agrees that he deserves recognition as well.

Later in the meeting when the members resumed discussion of this issue, Chairman Prozzo said that since Senator D'Allesandro said he was not looking to name the facility after Arthur Kehas, but rather a wing or building, the Council should go on record by sending him a letter thanking him for meeting with the Council and telling him the Council does not want to rename the facility but would consider naming a portion or erecting a monument, and advising him the computer lab was named for him by former Director Sweeney.

A lengthy discussion followed, during which Chief Gross said he was pleased the Senator didn't want to name the entire facility after Mr. Kehas and that he had no problem with naming something for him, but wanted to do something for former Director Sweeney at the same time, whether it is naming a wing for each one, or putting some kind of monument or plaque on the grounds for both of them. He said when Senator D'Alessandro is sent the letter it should mention doing something for Mr. Sweeney in it.

Sheriff Carr noted the computer lab was already named for Mr. Kehas and wondered what other area could be named for him. Chief Gross remarked that there could

be a Physical Fitness wing, an Administrative wing, an Education wing, etc., and Chief Curran said a plaque on the flag pole in memoriam could be done as well.

When Chairman Prozzo asked the Director about looking into the matter for the retreat next month, Chief Wrenn suggested the letter to Senator D'Allesandro advise him the Council would be addressing his request at the retreat next month.

Captain Hamilton suggested the Director bring a list of possible areas to be named to the retreat. The Director said just about everything but Lecture Hall #1 and the four classrooms are already dedicated.

### *Director's Report*

The Director told members the annual planning session of the Council is scheduled for Monday, March 22 at 10:00 a.m. at the Christmas Farm Inn in Jackson; and the regular business meeting of the Council is scheduled for Tuesday, March 23, at 9:00 a.m. He said members should feel free to dress casually for the retreat.

Two conditional offers of employment have been given to prospective Law Enforcement Training Specialists—one will be polygraphed at the end of this week as the final step in the process and another is also in process. One of our Law Enforcement Training Specialists, Lt. Jeffrey Mullaney, has been given a conditional offer of employment as the Patrol Commander of the Hooksett Police Department.

The Legislative Budget Assistant will be issuing the projections for FY04 revenues within the next 30 days, and the Director was told \$120 - 130 million deficit needs to be made up by June 30. In view of that, the Director told members he needs to plan for the \$2.4 million reserve in the penalty assessment fund to be confiscated. He had previously planned to try to pare the current \$3.4 million budget to \$3.1—\$3.2 million, but in view of the state shortfall, the Director has prepared an austere budget to work within the current budget. It appears, based on the first six months of the year, that the penalty assessment revenue will be about \$2.74 or \$2.75 million, plus the Director hopes to realize \$70 or \$80,000 in funds from the Department of Corrections, which would increase agency funds to \$2.8 million, and that is what the Director wrote the budget for. This amount would sustain the agency without having to lay off any personnel, but in order to meet that goal, two Law Enforcement Training Specialist positions will need to be left vacant.

The Director explained that the lapse of the position of the previous Director and vacant Assistant Director position, plus one Law Enforcement Training Specialist position vacant all year, plus cutting discretionary spending by 40% enabled him to arrive at the \$2.8 million figure.

Getting back to the pending conditional offers of employment, the Director said his plan presently is to fill two of the four vacancies and leave the others vacant. The two positions will be the Assistant Director and one Law Enforcement Training Specialist. The Division of Personnel has advised him he must offer the Assistant Director position, as a classified position, within the state system before the position can be advertised locally or nationally.

Two additional recruits have left the present Academy—one was removed by his department, and the other left for personal reasons. Also, a recruit dislocated and fractured his ankle and will require surgery. This recruit already passed physical agility testing at the 50<sup>th</sup> percentile at the mid-term, as required prior to exiting the Academy. Because of this, the Director waived the p.t. requirement through the end of the Academy (as had been done in a similar circumstance before) and he will complete the Academy following surgery and return to the next Academy to take Officer Survival, Simulations, etc.

Judge Roberts confirmed with the Director that he remarked at the last meeting that the agency has two or three years of reserve in the penalty assessment fund and the agency would probably need to use part of the funds. Judge Roberts also confirmed with the Director that the penalty assessment is earmarked solely for funding the operation of the Police Standards & Training Council. The Director explained the Legislature can file an amendment to the existing bill or file a new bill to reallocate the penalty assessment to the general fund, and the only way to circumvent that would be with a constitutional amendment saying the money was dedicated to Police Standards & Training and another constitutional amendment would be needed to take it away.

Chief Wrenn said he was more worried about adding to the penalty assessment fund than losing it and that many people were staying aware of the fund. He said the agency might have to consider being funded from the general fund as opposed to the penalty assessment fines if they fall short of funding the budget.

The Director asked the members if they felt he should hold to the austere budget or hire the second Law Enforcement Training Specialist. Several members agreed that if the budget was cut temporarily the agency could be forced to stay at the austere level, and if the vacancy was held too long, it would be conceived as expendable, when in fact all positions need to be filled in a timely manner due to the extensive demands for training in law enforcement at the present time.

Chief Wrenn asked the Director to prepare a report for the planning session next month outlining the cost of the LETS positions, what that cost would do to the bottom line figure, and whether the penalty assessment is going to be able to satisfy the bottom line and, if not, how much would need to be taken out of the reserve funds.

Chairman Prozzo asked who would be taking on the responsibilities of the vacant positions, because the agency is doing more training than ever, not less, and there's a danger of burning employees out quickly. The Director said that, because the the agency is not mandated to offer it, in-service classes would be the first item to cut back on.

Judge Champagne said, and other members agreed, that historically when a position is temporarily left vacant in any agency, the position is eliminated.

Judge Roberts noted the Legislature needs to be aware that departments mandated to get annual training would be impacted by decreasing the number of in-service classes offered here and be forced to pay higher costs for their training; and said it would be a great risk for the Director to cut back his budget because it could be made permanent.

A lengthy discussion of possible alternatives for gaining operating revenues ensued, with the general consensus that other avenues of revenue should be looked into.

### *Unfinished Business*

A certification hearing on Corrections Officer Maurice J. Blake for a DWI conviction on March 3, 2003, was postponed from the February meeting to enable Officer Blake to meet with State Employee Association representatives and be represented at the hearing; however, State Employee Association representatives came to the agency this morning and informed the Director they had been unable to reach Officer Blake for consultation. The representatives waited for Officer Blake, but he did not show up for the hearing.

Following discussion, the Council voted unanimously to suspend Officer Blake's certification for a period of six months, following a motion by Judge Champagne that was seconded by Chief Curran, with Warden Gerry and Captain Hamilton abstaining from deliberation and vote.

During discussion, Chief Curran noted that without Officer Blake appearing before them, they had no way of knowing what, if any remedial programs he may have attended and other information they generally have before them to assist them in rendering a period of suspension.

### *New Business*

#### Prior Training & Experience Requests

Following a motion by Chief Curran that was seconded by Attorney General Heed, the Council voted unanimously to grant certification on prior training and

experience upon successful completion of medical exam, physical fitness test, and NH Law Package at a full-time academy, to full-time Officers Derrick E. Boden of the Plymouth Police Department and Lauren M. Tirone of the University of New Hampshire Police Department. Officer Boden must also take First Aid/CPR.

The Council then unanimously approved certification on prior training and experience, following a motion by Chief Curran, seconded by Warden Gerry, to part-time Officer Mark F. Gawron of the Walpole Police Department upon successful completion of the NH Law Package at a Part-Time Officers' School.

### Extension Requests

Requests for extensions were considered by the Council for full-time Officers Zach J. Brock of the Canterbury Police Department; Matthew T. Curran of the Barnstead Police Department; Stephen E. Isola of the Atkinson Police Department; and Steven D. McPherson of the Raymond Police Department. After consideration the Council unanimously granted the extensions as requested, following a motion by Chief Wrenn that was seconded by Sheriff Carr. Chief Curran abstained from deliberation and vote on the Barnstead officer.

An extension request was unanimously approved for part-time Officer Derek E. Holston of the NH Marine Patrol, following a motion by Chief Wrenn that was seconded by Attorney General Heed.

Following a motion by Chief Wrenn that was seconded by Chief Curran, the Council unanimously approved an extension for Corrections Officer Kelly A. Aubut of the NH Department of Corrections.

Following a motion by Chief Curran that was seconded by Warden Gerry, the Council unanimously approved an extension for Officer Mark Cefalo, Tilton Police Department, to May 6 to complete the Academy exit physical agility testing not completed during the 132<sup>nd</sup> NH Police Academy due to an injury during that Academy.

### Training Grants

Following a motion by Chief Wrenn that was seconded by Sheriff Carr, training grants totaling \$5,889.26 were unanimously approved for the Barnstead, Jaffrey, Litchfield, and Somersworth Police Departments, and for the Sullivan County Sheriff's Department. Chairman Prozzo did not participate in the deliberation or vote on the grant request for the Sullivan County Sheriff's Department.

### *Other New Business*

### Leadership in Police Organizations (NECP<sup>2</sup>)

At the request of Council members at the January meeting, the Director looked into a leadership course developed by the International Association of Chiefs of Police with support from the COPS Office in the Department of Justice. The Director said it was originally patterned after the curriculum at West Point, is two weeks in length, and is a program they intend to farm out throughout New England, so although some courses will be offered within the state, it won't be within the state every time it is offered.

The Director was in favor of supporting requests for grants to attend the seminars, and said the focus is on leadership, rather than management—the focus of Roger Williams University.

When Chief Wrenn asked for clarification if the program would be offered from time-to-time as a seminar, or would it be a standard program, the Director confirmed it would be offered as a seminar, not an ongoing class.

#### Non-Public Session to Discuss Personnel Matters

Following a motion by Chief Curran that was seconded by Warden Gerry, the Council voted unanimously on a roll-call vote, to enter into a non-public session at 10:40 a.m. for the purpose of discussing personnel matters.

Following the discussion, on a motion by Chief Curran seconded by Chief Wrenn, the Council unanimously voted to seal the minutes of the non-public session.

Chief Wrenn then made a motion that carried unanimously following a second by Chief Curran and a roll-call vote, to exit the non-public session at 10:50 a.m.

#### Canine Training PowerPoint® Presentation

The Director told member that over a period of several years the former Director was intermittently approached to institute canine training at Police Standards & Training; but his inquiries into canine training in other states resulted in a general consensus not to not get involved with canine training.

The Director said he looked extensively into canine training in this state, and has learned it would be very expensive for the Council to offer. He told members there are two schools of canine training, diametrically opposed to each other in their method of training, but the end results are the same. Also, the United State Police Canine Association uses a 12-week training regimen program 5 days a week, and North America Police Working Dog Association has the same amount of training hours but trains one or two days a week, which is better for most police departments.

The Director learned that all of the canine teams in New Hampshire utilize the USPCA standards for initial certification, although most of the NAPWDA teams utilize USPCA Region 12 for certification, and the USPCA teams claims that Region 12 doesn't follow the rules of the other regions.

Their programs diverge significantly as to what is required beyond initial certification—USPCA has levels of certification to go through and trial; and NAPWDA actually has requirements for in-service training for teams each year. The Director envisions some kind of ongoing training for maintaining state certification due to the liability involved.

The Director said that at the last legislative session, Senator Robert Clegg, who is associated with the USPCA, pressured the former Director to have the Academy provide canine training, and a compromise was reached wherein legislation empowered Police Standards & Training to institute a voluntary certification program.

The Director recently learned that Senator Clegg is not happy with the progress being made toward canine certification and wants canine training conducted here at the Police Academy. The Senator has given the Director the impression he prefers the USPCA standards and procedures.

The Director told Senator Clegg he planned to continue development of a voluntary canine certification program and would look into the feasibility of conducting training here.

The Director said our Lt. Joe Collins, a trained canine handler (and NAPWDA aficionado), is completing a draft of the protocols for certification for review at the annual planning session. He said the protocols will not evaluate or choose between the two philosophies of canine training—both will be accepted—and the focus will be on outcome rather than training philosophy—it will be based on what the dog can and cannot do.

The Director also plans to send out a survey to get input on interest and need for canine training in the state. He said his intention is to institute the voluntary standards because legislation mandates it and if any training is done here, it will compliment the training being done around the state. The Director told members the bottom line is that the agency doesn't have the funding at the present time to handle this additional burden.

In response to a question from Chief Wrenn, the Director said he is going to advise agencies that in order to get New Hampshire canine certification, regardless of which philosophy the agency uses to train their dogs, the dogs will have to perform to USPCA standards, which are the current standards used by both programs, and for ongoing in-service, the Director will have certain criteria, such as demonstrating 8 hours a month of dog-handler training. He might also have a self-assessment tool where the dog performs to the USPCA standards once a year, without using outside assessors.



The Director confirmed to Chief Wrenn that the agency would not be approving a training process, but rather issue New Hampshire certification of dogs able to perform to the PSTC standards being drafted now, after being trained by their departments in whatever discipline they choose.

Judge Roberts suggested the Director tell Senator Clegg this program cannot be provided with the current resources, and tell him the cost involved. The Director agreed the agency could not afford the program and said one of the questions to departments when sending them a questionnaire on the canine training will be to ask them how much they would be willing to pay for the program. The results can be shown to the Senator, but the Director doubts the information will alter the Senator's wishes for on-site training at Police Standards.

The Director added that the intention of Senator Clegg is to have a training program on site, which the agency could not afford and would have to charge for, whereas both canine training programs in the state presently offered training free.

Judge Roberts also questioned liability to Police Standards if the agency certifies canines, but the Director said it should be minimal because the agency would use the nationally-accepted criteria for certification, plus New Hampshire legislation was recently passed that limits the liability for dogs certified in a nationally-recognized program.

In response to a question from Chairman Prozzo, the Director said there are about 90 canines in the state presently, and Captain Hamilton told Chairman Prozzo that during 2003 there were 505 calls for canine assistance. The Chairman said the Council should continue to train police recruits and not get involved in certifying approximately 100 dogs in the state; but Chief Curran feels we should set some standards where none exist at the present time.

In response to a question from several members, the Director clarified that the legislation empowers Police Standards & Training to create a voluntary certification program. In response to a question from Chairman Prozzo regarding whether the Council can endorse or not endorse the program, the Director said they can make that decision but he would have to take their decision to Senator Clegg.

Chief Wrenn asked that information be gathered from other states for the planning session to have a basis for their decision.

Chairman Prozzo noted the Council had just discussed cutting two staff positions due to budgetary problems and feels it doesn't make sense to add unnecessary training when the agency has enough to handle now.

Chief Gross said it was his understanding that his department canines were already certified and said he didn't see the need to pay an officer a day's salary to go to PSTC to go through a second certification.

Judge Champagne said the Council should look at the legislation to see if it allows the Police Standards & Training Council any wiggle room they can use, and Judge Roberts said all applicable RSAs should be on hand to use as a guide.

Chief Wrenn reiterated that the Council should show Senator Clegg they gave the matter due consideration if they decide against it.

*General Discussion*

After Senator D'Allesandro spoke with the Council regarding a memorial to Arthur Kehas, he told members he had received a call from Chief Edward Garone of the Derry Police Department, who is the Secretary to the NH Police Chiefs' Association, regarding a pending bill that allows federal authorities to have some jurisdiction in New Hampshire.

Senator D'Allesandro told members he spoke with the lead sponsor of that bill, Representative Jim Craig, because of the concern of some of the Chiefs. Representative Craig told him he had been approached by Agent J. Fallon of the FBI to sponsor the bill, but in no way would anything happen without the consent of local law enforcement— they would have to ask the FBI to assist them. At the present time, however, even if they were asked, the FBI could not assist, because they don't have any jurisdiction, and the purpose of the bill is to address that.

Later in the meeting Chief Wrenn alluded to the two bills he had brought up at the last Council meeting, one of which Senator D'Allesandro had mentioned regarding federal officers extending their jurisdiction. Chief Wrenn told the members the bill had been put to an interim study. Chief Wrenn said he, Chief Garone, the bill's sponsor and an FBI representative worked out some language they thought everybody would be satisfied with and somewhat cover federal agents when working in New Hampshire with local police, but the Chiefs' Association rejected the language, and Chief Wrenn is still hoping to come up with wording that will meet with approval of local law enforcement and still assist the FBI when they need to work in their jurisdiction.

Regarding the other bill on the Manchester Airport, Chief Wrenn said it was amended during hearing to take all the law enforcement references out of it, but he believes the bill still failed for other reasons.

The Director said the bill allowing concealed weapons to be carried without a permit passed the Senate and has gone to the House. Chief Wrenn said the bill is going to be heard before the Judiciary Committee with Representative Henry Mock chairing it, and asked members to call him and voice their opposition to it.

*Adjournment*

The Council unanimously voted to adjourn the meeting at 11:22 a.m., following a motion by Attorney General Heed that was seconded by Chief Wrenn.

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Chairman Michael L. Prozzo, Jr.