

MINUTES

April 17, 2007

The 359th Meeting of the NH Police Standards and Training Council was called to order at 9:10 a.m. by Chairman Michael L. Prozzo, Jr., Sullivan County Sheriff's Department, in the John D. Morton conference room at the Police Standards and Training Facility in Concord, New Hampshire.

Members Present: Chief Peter P. Morency, Berlin Police Department; Chief Timothy Russell, Henniker Police Department; Chief Michael J. Magnant, Portsmouth Police Department; Sheriff Scott A. Carr, Carroll County Sheriff's Department; Associate Justice Stephen H. Roberts, Dover District Court; Associate Justice Norman E. Champagne, Manchester District Court; Commissioner William L. Wrenn, Jr., Department of Corrections; Colonel Frederick H. Booth, NH State Police arrived at 9:50 a.m.; and Deputy Attorney General Bud Fitch, designee of Attorney General Kelly A. Ayotte.

Staff Present: Director Donald L. Vittum, Assistant Director Robert B. Stafford, Jr., Paralegal Cassandra Erickson, Senior Assistant Attorney General Nancy Smith arrived at 11:15 a.m., Keith Lohmann arrived at 11:30 a.m., and Secretary Denise Crocker.

Chief Gregory C. Dodge, Epping Police Department; Attorney General Kelly A. Ayotte, and Deputy Commissioner Charles Annal, designee of Commissioner William G. Simonton of the NH Community Technical College System were excused from today's meeting due to prior commitments.

Guests: Director David T. Barrett, Marine Patrol; Officer Steven Willette, Mason Police Department; Assistant Commissioner Les Dolecal, Department of Corrections; Lisa Censabella and Administrator Richard Darling from Lyndeborough; Sergeant Cormier Plymouth Police Department; Sergeant Barry, Concord Police Department; PSTC Staff: Captain Kim Roberts and Lieutenant Jill Moran.

Approval of Minutes

Following a motion by Chief Russell, seconded by Commissioner Wrenn, the Council voted unanimously to accept the Minutes of the March 27, 2007 meeting as presented.

Director's Report

The Director's written report was accepted as submitted with nothing additional brought to the Council's attention on the meeting day.

Old Business

Randy Inman, Department of Corrections. Proposal for reconciliation of his suspension was deferred to the May meeting at the request of Mr. Inman's SEA representative.

Discussion Conferences vs. Specific Training Programs

Chief Morency noted for discussion that maybe the Council should review the content instead of looking at the title of the program since more and more training opportunities are being entitled training conferences. Commissioner Wrenn agreed with Chief Morency noting that many of these conferences have a good amount of training attached to them but the Council would still require more specifics. Chief Magnant thought it may not be in the best interest of the Council to reconsider funding conferences. He felt that the intention of the training grant fund was to fund training for specific areas and to bring that training back to the departments. Chief Magnant also felt it would be too difficult to decide which conferences had merit in terms of training opportunities and which did not. Commissioner Wrenn noted that he didn't necessarily disagree with Chief Magnant. Judge Roberts felt that there was more than enough demand for specific training requests that the Council didn't need to decide whether a conference should qualify as a good training opportunity or not and, therefore, he agreed with Chief Magnant.

Commissioner Wrenn noted that his only concern with not funding any conferences was that there could be a particular type of training dedicated to one topic but it was entitled as a conference and that it would not be considered because it had the word conference attached to it. He further noted that the standard conferences that have multiple selections shouldn't be considered. Judge Roberts agreed that the title shouldn't be determinative. Chief Morency indicated he brought this matter up for clarification.

Deputy Attorney General Fitch asked what the Council wanted to use as the distinguishing characteristics for determination. Sheriff Prozzo indicated that some clarity needed to be established from the discussion and questioned whether the Council wanted to consider some conferences or none at all. Commissioner Wrenn suggested that if the topic were singular and PSTC didn't teach the subject, as well as the leadership programs, are the ones the Council should fund. **Chief Magnant felt no conferences should be funded according to the policy the Council had previously decided upon; and if a particular instance should arise, then staff could bring the matter to the Council's attention as an exception.**

Gilford Police Department The Director refreshed the Council's decision regarding the tabling of this grant request to send **Detective Douglas Wall** to the 27th Annual International Association of Law Enforcement Firearms Instructors (IALEFI) Training Conference in San Antonio, TX from May 19-26, 2007 for a maximum of \$1038.67. After the Council reviewed its policy of **not** issuing grant funds for conferences and expositions, it decided to maintain this position on this policy. Based on the Council's discussion to continue to **not** approve grant requests for conferences, on a motion by Commissioner Wrenn, seconded by Chief Magnant, with Sheriff Prozzo abstaining from the vote, the Council denied Gilford Police Department's request for grant funds to send Detective Wall to the IALEFI Training Conference in Texas from May 19-26, 2007.

Sullivan County Sheriff's Office The Director refreshed the Council's decision regarding the tabling of this grant request to send **Deputy Thomas Cummings** to the National Association of Extradition Officials 2007 Training Conference in Orlando, Florida from June 10-13, 2007, for a maximum of \$803.20. After the Council reviewed its policy of **not** issuing grant funds for conferences and expositions, it decided to maintain this position on this policy. Based on the Council's decision to continue to **not** approve grant requests for conferences, on a motion by Commissioner Wrenn, seconded by Chief Magnant, with Sheriff Prozzo abstaining from the vote, the Council denied the Sullivan County Sheriff's Office's request for grant funds to send Deputy Cummings to the National Association of Extradition Officials Training Conference in Florida from June 10-13, 2007.

Barnstead Police Department The Director refreshed the Council's decision regarding the tabling of this grant request to send **Chief Kenneth A. Borgia** to the 27th Annual International Association of Law Enforcement Firearms Instructors (IALEFI) Training Conference in San Antonio, Texas from May 19-26, 2007 for a maximum of \$496.40. **There was no action required on this grant request as Chief Borgia withdrew his request for funds.**

Firearms Rule – Council postponed this agenda item.

F/T Police Academy Curriculum Revision Update – Council postponed this agenda item.

PSTC Goals & Objectives - Council postponed this agenda item.

New Business

Decertification/Suspensions/Revocations/Surrenders/Certification Eligibility Hearings

Eligibility Hearing – NONPUBLIC SESSION

Lisa Censabella, formerly of the Brookline Police Department and considered for hire by the Lyndeborough Police Department. The Director requested this case be heard in

nonpublic session to insure the protection of the reputations, if needed, of any individuals discussed in relation to this matter.

Following a motion made by Commissioner Wrenn, seconded by Chief Russell, the Council voted unanimously on a roll-call vote to enter into a nonpublic session.

Following the discussion of the matter, on a motion made by Commissioner Wrenn, seconded by Chief Russell, the Council voted unanimously to seal the minutes of the nonpublic session.

Commissioner Wrenn then made a motion, seconded by Chief Morency, which carried unanimously by the Council on a roll-call vote to exit the nonpublic session.

Upon return to public session, Council decided that no action was required on their part at this time. Council indicated that upon receipt of the proper paperwork for hire, staff would review that paperwork and bring any questionable information to Council's attention that might surface from the filing of that paperwork

Surrender

Stephen A. Moltenbrey, formerly of the Windham Police Department. The Director advised the Council that Officer Moltenbrey has willfully surrendered his certification. On a motion by Commissioner Wrenn, seconded by Judge Champagne, to accept Stephen A. Moltenbrey's surrender of his certification and to revoke this certification, the Council voted unanimously to accept the surrender and revoke Stephen Moltenbrey's full-time certification.

Prior Training and Experience Requests

OTHER

Department of Corrections

John Rogers, Department of Corrections. The Deputy Commissioner of Corrections, Les Dolecal and Lieutenant Jill Moran outlined the request by the Department of Corrections for PT&E for John Rogers. Staff recommended that Mr. Rogers take Introduction to Defensive Tactics, Defense Tactics Training/Proficiency Test, Firearms Safety Class, Firearms Qualification, OC, and Physical Fitness Requirements RSA 188-F27 for certification. Chief Russell asked if Mr. Rogers was implementing any of the training he had taken a year and a half ago and Lt. Moran indicated he was using that training daily in his current function. Judge Champagne asked if he was certified already. Staff advised that he was not because he originally went through the Academy as Line Staff and now he was being hired as a PPO. **On a motion by Judge Champagne, seconded by Judge Roberts to accept staff recommendation and grant John Rogers PPO certification upon successful completion**

of the classes listed above, the Council unanimously voted, with Commissioner Wrenn abstaining, to grant certification upon successful completion of the classes outlined.

Requests for Extensions

Full-Time

Christopher Bashaw, Newmarket Police Department

After the Director outlined the reason for the request for extension through the 144th Academy, on a motion by Chief Russell, seconded by Chief Morency, the Council voted unanimously to grant the extension through the 144th Academy to Officer Christopher Bashaw, Newmarket Police Department, with the stipulation that this officer be closely supervised by a full-time certified police officer until he completes the Academy.

Philip M. Dion, New Hampton Police Department

After the Director outlined the reason for the request for extension through the 144th Academy, on a motion by Chief Russell, seconded by Chief Morency, the Council voted unanimously to grant the extension through the 144th Academy to Officer Philip M. Dion, New Hampton Police Department.

Adam E. White, Hampstead Police Department

After the Director outlined the reason for the request for extension through the 144th Academy, on a motion by Chief Russell, seconded by Chief Morency, the Council voted unanimously to grant the extension through the 144th Academy to Officer Adam E. White, Hampstead Police Department.

Department of Corrections

Robert Webb, Department of Corrections

After the Director outlined the reason for the request for extension through the 85th Academy, on a motion by Chief Russell, seconded by Deputy Attorney General Bud Fitch, the Council voted unanimously, with Commissioner Wrenn abstaining, to grant the extension through the 85th Academy to permit Corrections Officer Robert Webb to make up the classes he missed during the 84th.

Specialized Training Grants

Command Training - None submitted this month.

Other Training

Hillsborough County Sheriff's Office. The Director outlined the request of the Hillsborough County Sheriff's Office to send **Lt. William Barry** to the National Association of Extradition Officials 2007 Training Conference in Orlando, Florida from June 9 -13, 2007 for a maximum of \$971.67. **On a motion by Chief Magnant, seconded by Judge Roberts to deny this request, the Council unanimously denied the grant request of the Hillsborough County Sheriff's Office to send Lieutenant Barry to the Extradition Officials Training Conference in June based on the fact that the Council's policy is to not grant approval for grant funds for conferences.**

Berlin Police Department. Chief Morency outlined the request of the Berlin Police Department to send **Sergeant Donald Gendron and Officer Corey Riendeau** to the Aerosol Projector Instructor Course, Chemical Munitions, Flash Bang, Less Lethal, Using 40mm Launcher, Combined Tactical Systems Program sponsored by the Manchester Police Department from May 15-18, 2007 for a maximum of \$756.00 for the two officers. **On a motion by Commissioner Wrenn, seconded by Sheriff Carr, with Chief Morency abstaining from the vote, the Council unanimously approved the grant request of the Berlin Police Department to send the two officers listed above to the Combined Tactical Systems Program sponsored by the Manchester Police Department.**

*Other Business***3-Year PT Testing – Show Cause Hearings**

The Director outlined the status of the following individuals who had been requested to appear to show cause why certification should not be suspended for failure to comply with NH RSAs 188-F:27, III-d and III-F:

The following four officers' paperwork was received by the Director and, thereby, they were notified that they did not have to appear. No action is required by the Council in this regard.

Officer Matthew Currier, Gilmanton Police Department
Officer Rachel Desrosier, Richmond Police Department
Officer Christopher Paquette, Ashland Police Department
Deputy Michael Merrifield, Hillsborough County Sheriff's Office

The next four officers have not responded to the Director's correspondence. The Director's recommendation is that these officers certification be suspended until they are in compliance. Cassie Erickson noted that Officer Stack may be on active duty with the military. PSTC's Counsel Nancy Smith suggested this matter be taken into consideration for all the officers listed below.

Corrections Officer Gene Griffin, Department of Corrections
Officer Brian Johnson, Hampton Police Department
Deputy Walter Lessard, Hillsborough County Sheriff's Office
Officer Jason Stack, Hampton Police Department

On a motion by Judge Champagne, seconded by Deputy Attorney General Bud Fitch to suspend the certifications of Officer Gene Griffin, Officer Brian Johnson, Deputy Walter Lessard and Officer Jason Stack until they are in compliance with the 3-year PT testing requirements, contingent upon the fact that they are not on active military duty status. Commissioner Wrenn abstained from the vote.

1300 Hours Violation

Steven Willette, Mason Police Department. Officer Willette appeared before the Council to explain the reasons for exceeding the 1300-hours limit in 2005 and again in 2006. In both years the officer had been full-time and then became part-time toward the latter part of the year making all of his hours 1300-hours applicable. He also stated he was not working any hours during the 2007 year to make up the overage. Currently the officer is working with the police department in a civilian position. He is still a sworn officer. The Director is recommending suspension of his certification. Sheriff Carr questioned whether he should be permitted to do his training to maintain his certification. Commissioner Wrenn clarified his understanding of the policy that the Council had previously endorsed regarding violations of the 1300 hours rule, which was on the first violation sending a letter advising the officer to deduct the time from the next year, the second violation would bring the officer before the Council to the explain why there was an infraction and the third infraction would be an automatic suspension.

On a motion by Chief Russell, seconded by Chief Morency, that based on the Director's recommendation Officer Steven Willette's part-time certification be suspended for 2007, the Council voted unanimously to suspend Officer Willette's certification for the balance of 2007.

Thomas M. Olsen, formerly with the Loudon Police Department Lawsuit - Thomas M.Olsen v. Town of Loudon. The Director discussed the fact that there was an action filed against the Loudon Police Department which involved payment for overtime hours earned while attending the Academy.

Judge Champagne asked where the Academy stood in terms of the number of weeks at this point in time. The Director stated that the Academy is still at a 12-week Academy with two optional extra weeks for homeland security. The issue that has been brought up is that police officers are now filing for overtime for hours spent at the Academy. PSTC's Counsel Sr. Assistant Attorney General Nancy Smith noted that in the case above the court hasn't ruled whether the officers are entitled to overtime yet. It may become an unfunded mandate and come back to the Council; although, Nancy Smith didn't feel it would result in an unfunded mandate based upon her review. Judge Roberts felt that lengthening the weeks of the Academy would be fine but the lengthening of the days was not as clear. Presently this is an issue for the Town but the Council should be aware of the situation.

The Director noted that two departments have requested the Academy schedule with hours listed and the Director has requested that these departments put their requests in writing before he would mail the schedules to them.

Ongoing PT Testing Draft

Nancy Smith noted that she and Cassie met after the Retreat to develop this draft. This is the portion that relates to the alternative testing. Nancy Smith understood that Assistant Director Stafford is drafting a chapter that deals with the protocol for the standards for ongoing fitness testing which is more comprehensive than this. This was drafted with the idea that the Council wanted to have some mechanism for alternative tests as part of the standard test where an officer claims to be and his doctor has said that he is still able to perform all the functions of a routine police officer but that he/she cannot perform one of the standard PT tests that the Council normally requires.

Chief Magnant asked if this meant that the Council would have to come up with alternative tests for the other functions besides the run. Nancy Smith indicated that would depend on whether there were acceptable alternatives. Major Stafford indicated that according to Coopers there are no alternatives for the other functions. He further stated that based on staff's research the alternative tests for the run were a 12-minute run or the Schwinn Aerodyne Bike. Commissioner Wrenn noted that based on his research on the Coopers website it did state that the bench press could be used to measure upper body strength instead of push-ups. Commissioner Wrenn noted that on Coopers website they seem to be going in a totally different direction and he indicated that they have come out with law enforcement norms. He suggested that staff should do some research on these new guidelines. Deputy Attorney General Bud Fitch agreed.

Senior Assistant Attorney General Nancy Smith noted that these alternative tests would demonstrate the aerobic capacity to maintain a sustained level of activity.

Commissioner Wrenn was concerned that since the Council uses percentiles and these percentiles have absolute cut points if a recruit were required to do 31 sit-ups and did 30, the recruit would have failed. Commissioner Wrenn felt this needed more research. Nancy Smith noted that she thought Earl Sweeney had indicated a validation study had been done. Commissioner Wrenn felt that when he started doing some research on this matter it created

a number of new questions that needed to be answered. Chief Magnant indicated that his understanding was that the Council needed to face the immediate situation and reach a determination on the alternative testing for the current cases before the Council and then look at the ongoing process for 3-year PT testing. Nancy Smith confirmed that there was a statutory requirement for ongoing fitness testing and there are officers who have reached the end of their two years of extensions. Therefore, something needs to be in place to allow these officers to have an alternate test for them to pass the ongoing testing requirements or make the determination that the only way that these officers can do this is to make an ADA claim and have their departments apply for waivers.

On a motion by Judge Champagne, seconded by Judge Roberts, to accept the On-going 3-Year Fitness Test Policy as presented by Sr. Assistant Attorney General Nancy Smith and Paralegal Cassie Erickson with the following amendments: The last sentence of paragraph 1 be revised to read “The officer shall obtain from his/her medical practitioner an opinion...” and the first sentence of paragraph 2 to read “To the extent available, as recommended by Coopers Institute, the Council...”, the Council voted unanimously to accept this policy with the amendments outlined above.

Realignment of Correction Academy & Training Regimen

Deputy Commissioner Les Dolecal of the Department of Corrections updated the Council regarding the information that the Council had requested to be gathered when the Council met in March.

She summarized the proposed revised program for the Council. Traditionally, this program has been an 8-week program with all prison personnel who have contact with inmates (Line Staff, CO's and PPO's) attending the entire eight weeks. Since it is not necessary to send everyone to the full eight weeks, the Academy has been realigned into a Three-Phase Program. Phase I is an orientation program lasting a full week in which all new employees must attend. Those employees who were not Line Staff or sworn personnel would then return to their work assignments. Line Staff, CO's and PPO's would then continue to Phase II which is about three weeks long and these employees would take additional course work, scenario routines and basic defensive tactics. After this phase, Line Staff would return to their work sites and CO's and PPO's would continue to Phase III for another 4 weeks of more intensive training. This last group would have to demonstrate their proficiency with defensive tactics and pass written examinations and physical training.

By permitting Corrections to make these changes it would allow for a more effective and efficient use of staff. Corrections also believes it would be a more effective training method by first teaching the student, then demonstrating the concept and finally having the student practice it. There have also been a couple of changes in the proposal for Class 85. The major difference is that a couple of lesson plans were modified: the first was the Human Resources and a Wellness Model which is an information sharing module; the

other was Medication Principles which was previously presented by a pharmacist with a very pharmaceutical approach which was not effectively assisting the corrections staff; this class was modified to reflect the duties and responsibilities of corrections officers in regard to medication delivery and will be taught by Lt. Baxter. Terrorism in DOC was also changed slightly. The content of this class was **not** changed but the title changed and it has been divided into two modules.

Availability of the classrooms, demonstration areas and the TAC Center have all been resolved at this point of time. Lieutenant Moran and staff at PSTC have worked with Corrections to resolve any issues that existed. The other concern was that Line Staff have been medically cleared to attend the Academy; this issue has been resolved as well. The lesson plans have been discussed with Director Vittum, Major Stafford and Lt. Moran; and Deputy Commission Dolecal believes they meet PSTC requirements.

Sheriff Prozzo asked if the same medical requirements were going to be imposed on Corrections as in the Police Academy. Lt. Moran indicated that she understood that the Council's concern was for the civilian participants and that has been resolved since they will not longer be participating in PT activities. PSTC used to receive medicals on the civilians for participation in PT. Now PSTC will only receive a letter from the DOC stating that the DOC has cleared the civilian participants for the 4 weeks that they are going to attend Academy because they are going to be performing some DT training and scenario training.

The Director's concern was would the civilians be able to do the DT training without having built up to that point by not doing the PT training. His other concern was with only 7 weeks of PT training for the CO's and PPOs could they reach the 45 percentile at the end. The Deputy Commissioner made a valid point that it was performance based so it would not necessarily take eight weeks to reach that percentile and that won't be known until the process has been gone through. The Director strongly felt that hands on training was the appropriate training approach for the CO's and PPO's. The Director indicated that he was comfortable with trying this program as presented and he asked the Council to approve the program. The Director indicated that there really were no significant changes in the program. Primarily the change is in the delivery of the program. Lt. Moran indicated that her concerns were resolved and that she also felt it was a good program and it should be implemented. The glitches could be worked through as they present themselves. The Director also noted on a final comment that CO's and PPO's will be issued laptops and the Corrections program will start to mirror the Police Academy program.

On a motion by Chief Magnant, seconded by Judge Champagne, that based on the DOC and PSTC staff recommendation, the Council adopt the changes in the Corrections Academy, the Council voted unanimously, with Commissioner Wrenn abstaining, to accept the changes to the Corrections Academy Program.

Director David T. Barrett, Marine Patrol - 15-day Rule on form A's

Director Barrett addressed the Council regarding the process the Marine Patrol uses in completing the Form A's. The Marine Patrol checks off that a background has been completed before it has actually been done and the Director notified Director Barrett that this process needs to cease. Director Barrett noted the reason that this is being done is based on the high number of people the Marine Patrol hires each year and by the time they have processed them through the initial hiring process regimen, these new hires are about to start their classroom training and are not engaged in law enforcement activities until June when they are sworn in. The problem results with PSTC rule 301.06 which states that the hiring authority shall submit a hiring status notification Form A to the Council within 15 days of the appointment of a new police, corrections, probation or parole officer. It becomes semantics, according to Director Barrett. He felt that what is really be done is that Marine Patrol is hiring these individuals during the training process so that they can be paid but they don't get sworn in as law enforcement until May or June.

Director Barrett has five people doing backgrounds for 35 recruits and it is impossible to complete all these backgrounds prior to the start of the recruits' training. The question Director Barrett posed to the Council was whether in their capacity are the recruits appointed when they start the training or are they just employed until they are sworn in at the conclusion of their training.

Commissioner Wrenn asked if the backgrounds were being done while they were in training and whether the backgrounds were completed by the time the training was done. Director Barrett indicated that was the case. Judge Roberts asked how would the Council make the distinction between Marine Patrol and other police organizations if they were granted an exception. Judge Champagne questioned whether the Marine Patrol was doing something differently now and Director Barrett indicated that this is the way that Marine Patrol has always submitted the Form As. Judge Champagne then questioned why this was before the Council now. The Director advised the Council that he was informed that the form was checked off as complete and that there was a background on a particular officer being done after the form was sent in.

Commissioner Wrenn indicated that the issue is when is the background being done in relation to completing the Form A. Commissioner Wrenn recommended that Marine Patrol get all the records checked, run the criminal checks, motor vehicle checks, etc., prior to sending the Form As; in that way some of the background would be completed. Commissioner Wrenn was concerned with granting an exception to call the recruits employees versus marine patrol officers until they are sworn in. Sheriff Prozzo indicated that the rule states that the "the hiring authority shall" and does the Council have the authority to act on this or would that require a rule change.

The Director indicated that the Marine Patrol's checking off that the background check had been completed when, in fact, it had not is what brought this matter before the Council. Chief Russell also asked about whether any action would require a rule change.

Commissioner Wrenn felt that the Marine Patrol was an anomaly and that the Council could make an exception. Colonel Booth suggested that the NCI check, NH Criminal background check, the motor vehicle check and the National Triple I check be done prior to the submission of the Form A and the rest of the background be done after the fact would be a reasonable compromise. Deputy Attorney General Bud Fitch felt there was a mechanism in PSTC rules under 188:F32 which appears to provide statutory authority and rules for non-officers to attend training and then convert them into a sworn position which appears to be an option to permit the Council to do what Marine Patrol is doing in light of the fact that they are not law enforcement officers when they start the training.

On a motion by Judge Roberts, seconded by Sheriff Carr that as long as the Marine Patrol conducts the NCI check, NH Criminal Background Check, Motor Vehicle Check, and the National Triple I check that this would be an adequate background check to permit the filing of the Form A, recognizing that the Marine Patrol will do further investigation before these recruits are sworn through the part-time certification process and that these recruits will not act with their authority until they have completed this training, the Council voted unanimously to grant this exception to the Marine Patrol due to the unique structure of their organization.

Cassie Erickson asked if the background investigation needed to be completed by a certain period of time and she further asked whether another Form A needed to be submitted after the completion of the full background? The full background needs to be completed by the time the Marine Patrol Training program is completed. The Director indicated that the original Form A should be checked off as “No” that the background has not been completed with a notation of what has been done and when the full background will be completed. Director Barrett suggested that the First Form A be sent in with what has been done and then a second one be sent in when everything is complete.

NH Tactical Officers Association Basic and Advanced Tactical Academy Lesson Plans

The Director asked the Council for approval of the lesson plans and proposed instructors of the NH Tactical Officers Association’s Basic and Advanced Tactical Academy’s Lesson Plans.

On a motion by Chief Magnant that the Police Standards and Training Council accept the curriculum for the basic and advanced tactical academies and the instructor applications for these two programs, seconded by Commissioner Wrenn, the Council unanimously accepted the curriculum and instructors for the Tactical Academies.

Chief Magnant went on the record noting that he was extremely impressed with the program and the talent that was put together to create the Academy. Commissioner Wrenn also complimented the officers from SWAT. Chief Morency, too, felt it was a great program.

Officer Gerald Moors, Madbury Police Department. The Director requested that an eligibility/decertification hearing date be set for this officer. The officer was here to speak to the Council about not setting a date. The Council decided not to permit the officer to address the Council today and the Council set a hearing date for the June meeting.

Chief George E. Taylor, Madbury Police Department

Sheriff Prozzo asked about some new information in regard to this case. Cassie Erickson advised the Council that she received a letter with a revised settlement proposal in this matter. The staff is making no recommendation at this time.

The Council went into a nonpublic session to discuss the letter received from the above party in regard to the issues at hand.

Following a motion made by Judge Roberts, seconded by Chief Morency, the Council voted unanimously on a roll-call vote to enter into a nonpublic session for the purpose of a proposed settlement in a personnel matter.

Following the discussion of the matter, on a motion by Judge Roberts, seconded by Chief Morency, the Council voted unanimously to seal the minutes of the nonpublic session.

Commissioner Wrenn then made a motion, seconded by Chief Morency, which carried unanimously by the Council on a roll-call vote to exit the nonpublic session.

Upon return to public session, on a motion by Judge Champagne, seconded by Judge Roberts that the terms of the settlement is not acceptable and that this case go to hearing at the next meeting, the Council voted unanimously to not accept the settlement and to hear this case at the May meeting.

General Discussion

PT Testing for Part-Time School. Chief Russell asked that this topic be put up for discussion. He felt that the recruits entering the part-time school should be required to take part in the PT testing since they will be required to meet the 3-year physical testing requirement after they have been employed. Council chose to delay this topic until after Sr. Assistant Attorney General Nancy Smith's research is complete.

Delegation of Authority/Consent Agenda Discussion. Chairman Prozzo asked the Council whether they wanted to delegate the authority to the Director to make the decisions on routine Council business that is within the matrixes set up by the Council or do the Council members wish to continue to review all business themselves. Deputy Attorney General Fitch suggested a compromise in which the staff presents a consent calendar as one

item on the agenda for the Council to vote collectively on thereby confirming the discretion of the Director. This allows the Director to have backup of the Council ultimately taking responsibility for the decision, while absorbing minimal time of the Council, unless the Council decides to remove something from the Consent Agenda for discussion. Sheriff Prozzo thought that this was an excellent idea and asked the Director to look into this.

Next Meeting Date/Adjournment

After scheduling the next Council Meeting date for 9:00 a.m., Tuesday, May 22, 2007, in the John D. Morton Conference Room, the Council unanimously voted to adjourn the meeting at 12:50 p.m., on a motion by Commissioner Wrenn and seconded by Chief Morency. This meeting will be an all day meeting and lunch will be provided.

Chairman Michael L. Prozzo, Jr.