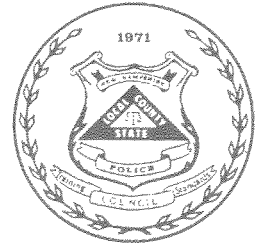




Sheriff Michael L. Prozzo, Jr.
Chairman

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

September 23, 2008

The 376th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:05 a.m. by Chairman Michael L. Prozzo Jr., Sheriff of Sullivan County, in the John D. Morton conference room at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Chief Gregory C. Dodge, Epping Police Department; Commissioner William L. Wrenn, Jr., New Hampshire Department of Corrections; Associate Justice Norman E. Champagne, Manchester District Court; Associate Justice Stephen H. Roberts, Dover District Court; Colonel Frederick H. Booth, New Hampshire State Police; Chief Michael J. Magnant, Portsmouth Police Department; Chief Peter Morency, Berlin Police Department; Chief Timothy Russell, Henniker Police Department; and, Deputy Attorney General Bud Fitch, designee of Attorney General Kelly Ayotte.

Members Absent: Chancellor Richard C. Gustafson, New Hampshire Community College System.

Staff Present: Director Donald L. Vittum, Major Robert B. Stafford, Jr., Chief (ret) Timothy Merrill, Captain Benjamin Jean, Investigative Paralegal Anne Paquin, Council Secretary Kathryn Day and Mr. Keith Lohmann.

Guests Present: Chief Jonathon Dennis, South Hampton Police Department; and, Mr. Patrick Hickey of Concord, New Hampshire.

Call to Order

Chairman Prozzo called the meeting to order at 9:05 a.m. Colonel Booth joined the meeting in progress at 9:50 a.m.

Approval of Minutes

Chief Russell moved to approve the minutes of August 26, 2008, and Chief Morency seconded the motion. A voice vote of the Council was unanimous in support.

Director's Report

There were no questions or comments for the Director. The Director had no additional remarks.

Previous and/or Unfinished Business

Proposed RFP for SWAT/SOU Study

The RFP proposed was reviewed earlier with representatives of county and local agencies to offer an opportunity for them to comment and/or make suggestions for changes. No changes were recommended on the draft proposal. The discussion centered on the overall reasons for doing the study and how it would be carried out.

Commissioner Wrenn quickly summarized the content of the RFP that was drafted, noting that one minor point has been added to the "scope of work;" that is, (6) Provide recommendations for best practices for personnel selection, structuring, training, and deploying felony arrest, containment, or other limited mission teams. Commissioner Wrenn noted that no suggestions for additions or changes in the scope of work were proposed and no requests were made to remove any language.

Commissioner Wrenn moved that the Council approve the draft proposal for an RFP for the study of special operations team organizations and training as submitted and to authorize the Director to distribute the RFP at his earliest convenience to all interested parties to solicit their responses.

Chief Magnant wanted to discuss how the end product would be utilized. He expressed concern that requiring a certain level of training for these teams would constitute an unfunded mandate. Would the agency be required to pay for the training costs? Deputy Attorney General Fitch said that unless a police department is required to have a team, there is not an issue with an unfunded mandate. Further, Attorney General Ayotte's preference in this area is to limit or keep mandatory requirements to a minimum and to focus more on training standards that could be recommended by the Council and provided at Police Standards and Training or elsewhere, based on the needs of a specific team and completed voluntarily at the discretion of the local law enforcement agency.

Commissioner Wrenn stated that the focus of the study would be to determine best practices and that there could be required training or standards for the composition of teams that arise from the findings or simply recommendations for teams to consider (uniform communications standards, for example). These could be required by law or just recommended by the Council. Police Standards and Training Council will share the findings of the study and the recommendations the Council forms and gather input from the same group that commented on the proposed RFP before any outcome is determined. Commissioner Wrenn affirmed that best practices would be the first consideration and what training requirements are needed and the Council should approach the study with an open mind, without being limited or restricted based on potential costs.

Chief Morency asked, based on the language added to the proposal at III. Terminal Work Product (6), whether the study would also include NIU and drug task forces (making felony arrests). Commissioner Wrenn did not favor including these units unless they are bona fide tactical response units and Chief Magnant agreed. The motion, seconded by Chief Morency, received the unanimous support of the Council, with the exception of Chairman Prozzo who abstained.

New Business

Request for Reconsideration: Jared Peters, Bethlehem Police Department

At their meeting on June 24, the Council voted to suspend the certification of Officer Jared Peters of the Bethlehem Police Department. Since their meeting in July, the Council has been considering the motion filed on behalf of Officer Peters by his attorney, Anne Rice, dated (and received on) July 21, 2008. The Council has received advice from legal counsel and has arrived at the following decision.

Chief Russell moved that the Council, based on consideration of advice from legal counsel, deny the request for reconsideration in the suspension of Jared Peters. He felt that Officer Peters had ample opportunity to comply with ongoing three-year fitness testing requirements. After a second by Judge Champagne, a voice vote of the Council carried the motion without exception.

Request for Rescission: Patrick Hickey

Chief Morency was recused from this matter based on his agency's involvement in the case of the petitioner, Patrick Hickey. Chairman Prozzo reviewed the hearing protocol and Mr. Hickey acknowledged being informed of his rights and stated his preference for the matter to be heard in public session.

Representing Police Standards and Training Council in the case, Mr. Keith Lohmann was sworn and offered the following synopsis and Exhibits:

- Request for reinstatement of Certification
- Patrick Hickey Letter to PSTC received on September 8, 2008 requesting reinstatement.
- Form A December 29, 1998 hired by New Hampshire Marine Patrol as an officer trainee.
- Form B June 1, 1999 resigned to go to Gorham, NH, PD.
- Patrick Hickey attended the 120th full time academy and was certified January 14, 2000.

- Form G from Berlin PD reporting DWI arrest on 1/28/00
- Form B dated March 10, 2000 from Gorham PD, "has resigned".

On January 28, 2000, Patrick Hickey was arrested for DWI by Berlin PD, with a BRAC of .10. Police reports indicate that Patrick Hickey was driving after having consumed more than 5 or 6 beers. He failed to negotiate a turn on Jericho Lake Road; his vehicle left the road, went into the woods, and was leaning on its two right wheels. Patrick Hickey and his passenger left the vehicle, and initial contact by Berlin PD was made at Warden's Convenience Store on Route 110. Hickey informed Berlin PD Officers Arsenault and Buteau that his car had "slid off the road" and Hickey was going to use the phone at the store to call his father. Officer Arsenault offered his cell phone, Hickey refused. He appeared to be staying well away from Officers Arsenault and Buteau during the conversation.

Officer Arsenault and Officer Buteau left Patrick Hickey and his passenger at the store, after Patrick Hickey asserted that he and his passenger were "all set". The Berlin officers later located Patrick Hickey's vehicle, it was well off from Jericho Lake Road, into the trees. Hickey had stated that his vehicle slid off the road, not that he was in an accident and needed a wrecker.

Officer Arsenault contacted Sgt. LeBlanc and Officer Bruns, who found Patrick Hickey in a vehicle at Warden's Store. Hickey was brought in to Berlin PD to be questioned. He was emitting a strong odor of alcohol in the cruiser.

He was read his Miranda rights at the police station. His eyes were bloodshot and glassy, and his breath was still emitting a strong odor of alcohol.

Patrick Hickey stated that he was driving on Jericho Lake Road, going 35 mph, and that he was not aware that the speed limit on that road was 15 mph. He stated that he lost control and nearly hit a large tree. He stated that he had 5 or 6 beers, and maybe 7.

He was read his administrative license suspension which states that he was under arrest for driving under the influence of alcohol.

Patrick Hickey took field sobriety tests, including the walk-and-turn test, the one-legged stand, finger to nose, and the Romberg balance test. While the walk-and-turn test was performed well, the other tests had limited results with Hickey unable to follow instruction. The result of the breath test was .10.

Hickey was issued a violation for DUI and given a written warning for Basic Rule.

On May 22, 2000 Patrick Hickey plead guilty to a negotiated plea of Reckless Driving. He was fined \$250.00 plus and additional \$50.00 to penalty assessment, and his driver's license was revoked for 60 days.

On September 26, 2000 PSTC revoked Patrick Hickey's certification for two years, per 402.02 for reckless driving.

The Council had no questions of Mr. Lohmann. Mr. Hickey declined to ask questions and was sworn. He put forth the following points in his testimony:

- When Mr. Hickey committed the violation that led to the revocation of his full-time certification, he was 23 years old.
- Mr. Hickey expressed deep remorse for his poor judgment and the loss of the law enforcement career he strongly desired and had trained for four years to achieve.
- Eight years have passed since the loss of his certification, during which Mr. Hickey has worked in the construction field and was certified and employed as a licensed hunting guide. He is currently employed in construction and residing in Concord, New Hampshire.

- Mr. Hickey described his strong desire to return to New Hampshire law enforcement. He has participated in all recommended counseling since his violation and has taken full responsibility for his actions and suffered the consequences of his poor judgment with humility. Mr. Hickey stated that he has learned to choose carefully with whom he associates and his focus is his new family and securing an opportunity to prove himself in the field of law enforcement.

Chief Russell asked Mr. Hickey if he felt he was treated fairly by the arresting agency. Mr. Hickey responded that yes, he was, and that it was his mistake that caused the problem. Although he was not placed under arrest at the scene, he felt that the Berlin Police Department acted appropriately in their handling of the matter.

Commissioner Wrenn asked if Mr. Hickey had received any offers of employment resulting from applications he has submitted for current openings in New Hampshire law enforcement. Mr. Hickey explained that he had begun the qualifying phase of the interview process with an agency and was preparing now to take the physical fitness test. Commissioner Wrenn noted that Mr. Hickey had received a Bachelor of Science degree in environmental studies, with a concentration on conservation law; he asked Mr. Hickey if he had an interest in working for the Fish and Game Department. Mr. Hickey responded that he is currently being considered for an opening for a Forest Ranger I, a position that he has great interest in and that would apply his knowledge of environmental science and law enforcement experience.

Mr. Lohmann clarified the implications for Council action in response to a request for rescission, as opposed to a request to determine eligibility. Granting a petition for rescission in this case effectively repeals the Council's decision to revoke certification. If the Council approves this request, Mr. Hickey would become eligible for hire and would undergo a background check and other scrutiny by a hiring department before becoming certified again. Mr. Lohmann clarified, as well, that revocation has a permanent effect, as opposed to decertification or suspension imposed for a specified period of time (up to two years) before the Council will reconsider their action.

Mr. Fitch read from Pol 402.02 (i), which states, *"If a petition for rescission is based on one or more of the reasons set out in Pol 402.02, a hearing on the petition shall be held as provided in Pol 200. If the denial is rescinded, the petitioner shall be eligible for hire by a participating police department, but shall serve a probationary period before he/she shall be recertified."* This probationary period is in addition to the regular requirements; also, because of the length of time since the revocation, Mr. Hickey would also be required to attend the full Academy. The traditional length for the probationary period is one year and the hiring agency would need to request an extension to exceed the requirement to become certified within six months from the date of hire.

Chief Russell asked Mr. Hickey if there were any legal issues that occurred in the intervening eight years. Mr. Hickey acknowledged one speeding ticket that he received approximately seven years ago; there was also an arrest for criminal mischief during that time. Chief Russell asked Mr. Hickey to describe what remedial action he has taken to address the behavior that led to his revocation. Mr. Hickey responded that he attended the counseling mandated by the court following his arrest for an eight-month period; he participated in anger management counseling and attended AA meetings for six months. Chief Russell inquired about any other recommended follow up that took place after the counseling; other than attending the AA meetings for six months. Mr. Hickey did no further follow-up activity.

Commissioner Wrenn asked if the criminal mischief issue was "fueled by alcohol." Mr. Hickey acknowledged that he was drinking at that time, but rather the influence that resulted in his behavior was fueled by his emotional response to a relationship issue.

The Council had no further questions. Commissioner Wrenn moved that the Council rescind the revocation of Patrick Hickey's full-time police officer certification. The motion was seconded by Chief Russell. With Chief Morency abstaining, the Council voiced their unanimous support.

CONSENT CALENDAR

The Council approved the staff recommendations on three **PT&E Requests**:

Full-Time

Officer Daniel J. Hurley, Keene Police Department

(DOH: 08/31/08 **Not part-time certified**) requests consideration for full-time certification based upon prior training and experience. Staff recommends granting certification after successful completion of the entrance fitness test, medical exam, the NH law package of the Full-Time Academy, and First Aid/CPR certification, if lapsed.

Officer Kyle L. Macie, Keene Police Department

(DOH: 08/31/08 **Not part-time certified**) requests consideration for full-time certification based upon prior training and experience. Staff recommends granting certification after successful completion of the entrance fitness test, medical exam, the NH law package of the Full-Time Academy, and First Aid/CPR certification, if lapsed.

Officer Raymond V. Tennant, Jr., Pelham Police Department

(DOH: 08/03/08 **Not part-time certified**) requests consideration for full-time certification based upon prior training and experience. Staff recommends granting certification after successful completion of the entrance fitness test, medical exam, the NH law package of the Full-Time Academy, and First Aid/CPR certification, if lapsed.

The Council considered the staff recommendations for these **Requests for Extension**.

Full-Time Police Officer

Note: Extensions granted until fitness testing for requested Academy and, if testing is successful, through the end of the requested Academy.

148th Academy 01/05/09 – 04/10/09 (fitness test 12/15/08)

149th Academy 04/27/09 – 07/31/09 (fitness test – 04/13/09)

Officer James E. Ammann, Winchester Police Department

(DOH: 03/28/08 **Part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension.

Conservation Officer Ronald B. Arsenault, NH Fish & Game

(DOH: 03/14/08 **Not part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension with the stipulation that Officer Arsenault continue to work under the supervision of a full-time certified officer.

Officer Jonathan R. Baker, Rollinsford Police Department

(DOH: 09/01/08 **Part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension.

Officer Warren P. Breau, Winchester Police Department

(DOH: 06/03/07 **Part-time certified**) requests extension through the end of the NH Law Package of the 148th Academy. Staff recommends granting the extension.

Officer Rosaleen B. Cowhey-Draleaus, Manchester Police Department

(DOH: 07/14/08 **Not part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension with the stipulation that Officer Cowhey-Draleaus continue to work under the supervision of a full-time certified officer.

Officer Vincent A. DiMauro, Hanover Police Department

(DOH: 03/12/08 **Not part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension with the stipulation that Officer DiMauro continue to work under the supervision of a full-time certified officer.

Officer Lawrence W. French, Enfield Police Department

(DOH: 12/13/07 **Not part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension with the stipulation that Officer French continue to work under the supervision of a full-time certified officer.

Officer Richard J. Grima, Sr., Whitefield Police Department

(DOH: 08/19/08 **Not part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension with the stipulation that Officer Grima continue to work under the supervision of a full-time certified officer.

Officer Garth G. Hurlbert, Colebrook Police Department

(DOH: 07/16/07 **Part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension.

Officer Daniel J. Hurley, Keene Police Department

(DOH: 08/31/08 **Not part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension with the stipulation that Officer Hurley continue to work under supervision of a full-time certified officer.

Officer Robert R. Kenyon, Hampton Police Department

(DOH: 05/06/08 **Part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension.

Officer Ted Long IV, Somersworth Police Department

(DOH: 02/25/08 **Not part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension with the stipulation that Officer Long continue to work under the supervision of a full-time certified officer.

Officer Joshua C. Lussier, Weare Police Department

(DOH: 08/22/08 **Part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension.

Officer Kyle L. Macie, Keene Police Department

(DOH: 08/31/08 **Not part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension with the stipulation that Officer Macie continue to work under the supervision of a full-time certified officer.

Officer Kevin M. O'Reilly, Meredith Police Department

(DOH: 07/31/08 **Not part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension with the stipulation that Officer O'Reilly continue to work under the supervision of a full-time certified officer.

Officer Christopher R. Parsons, Deering Police Department

(DOH: 04/13/08 **Part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension.

Officer Robert K. Ripley, Ossipee Police Department

(DOH: 06/16/08 **Not part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension with the stipulation that Officer Ripley continue to work under the supervision of a full-time certified officer.

Officer Scott P. Tingle, Somersworth Police Department

(DOH: 07/28/08 **Not part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension with the stipulation that Officer Tingle continue to work under the supervision of a full-time certified officer.

Officer Robert R. Wolfram, Belmont Police Department

(DOH: 06/23/08 **Not part-time certified**) requests extension through the end of the 148th Full-Time Academy. Staff recommends granting the extension with the stipulation that Officer Wolfram continue to work under the supervision of a full-time certified officer.

The Council supported the staff recommendations to approve these **Training Grant Requests:**

Durham Police Department's request to send Sergeant John Dalton to the Command Training Series First Line Supervisor Course at Roger Williams University in Portsmouth, Rhode Island, for two weeks beginning January 26, 2009. Staff recommends approving this request. **Amount: \$1,000**

Pelham Police Department's request to send Lieutenant Gary Fisher and Sergeant Glen Chase to the Massachusetts Police Leadership Institute in Lowell, Massachusetts, for two weeks beginning October 20, 2008. Staff recommends approving this request. **Amount for two officers: \$2,000**

Barnstead Police Department's request to send Chief Kenneth Borgia and Sergeant Joseph McDowell to a seminar sponsored by Roger Williams University School of Justice Studies, "Understanding and Managing Generation X and Generation Y Employees," in West Yarmouth, Massachusetts, on Friday, November 7, 2008. Staff recommends approving this request. **Amount for two officers: \$425.43**

Chester Police Department's request to send Sergeant Aaron Berube to the FBI-LEEDA's Supervisor Leadership Institute for Law Enforcement Executives at Police Standards and Training in Concord for five days beginning November 17, 2008. Staff recommends approving this request. **Amount: \$433.33**

Littleton Police Department's request to send Sergeant Christopher Tyler and Sergeant Stephen Cox to the FBI-LEEDA's Supervisor Leadership Institute for Law Enforcement Executives at Police Standards and Training in Concord for five days beginning November 17, 2008. Staff recommends approving this request. **Amount for two officers: \$933.33**

Merrimack Police Department's request to send Sergeants Matthew Tarleton, Brian Levesque, and Joseph Goodridge to the FBI-LEEDA's Supervisor Leadership Institute for Law Enforcement Executives at Police Standards and Training in Concord for five days beginning November 17, 2008. Staff recommends approving this request. **Amount for three officers: \$1,300**

New Durham Police Department's request for Sergeant Jason Lamontagne to attend the Leadership and Team Building for Law Enforcement program sponsored by the Portsmouth Police Department in Portsmouth, New Hampshire, for four days beginning October 6, 2008. Staff recommends approving this request. **Amount: \$160**

New Hampshire Police Standards and Training's request for permission to utilize **\$8,000** of training grant funds for staff training in Fiscal Year 2009.

(END OF CONSENT CALENDAR)

Commissioner Wrenn moved that the Council approve the staff recommendations for all of the items on the Consent Calendar. After a second by Chief Magnant, the Council voiced their unanimous approval.

Other New Business

Request for Reconsideration: South Hampton Police Department

Chief Jonathon Dennis appeared before the Council to request that a sanction on his part-time officer, William McGurran, be lifted to allow him to work up to 1,300 hours in the current year. Officer McGurran exceeded the 1,300-hour limitation on part-time certified police officers in 2007 and the overage of 345 hours has been deducted from the 1,300 hours he was eligible to work in 2008. It was noted that Officer McGurran is enrolled in the 148th Full-Time Academy that begins in January 2009 and since December 2005 has been employed as a full-time officer with part-time certification. His attendance at the Academy has been preempted since January 2007 when he suffered a shoulder injury in Week #1 of the Academy.

Chief Dennis was appointed as South Hampton Chief of Police in September 2007. He assumed command over two full-time officers and several part-time officers. For most of the year 2007, the officer-in-charge was providing oversight following the departure of the former chief in December 2006. When Chief Dennis arrived in December 2007, Officer McGurran was very close to reaching his 1,300 hours, due to the lack of manpower for the two shifts (morning and evening) the Department covers, with the overnight shift being covered by the State Police. During the current year, the Department has lost a full-time sergeant and three part-time officers went to work at other agencies. The current staff includes one officer who has attended the Part-Time Academy, and two who are currently attending the Part-Time Academy; field training operations places an additional demand on the staff for the next several months.

Chief Dennis foresees that he may need to rely even more on the local State Police Troop to cover additional shifts in the future months, to supplement the two full-time officers currently on staff and 7 of 10 part-time officers who are not available to work. The Council advised Chief Dennis to raise these issues with his municipality and ask for their support for hiring additional officers.

Judge Champagne moved to deny the request to waive the sanctioned penalty of 345 hours deducted from hours eligible for Officer McGurran to work in 2008. Commissioner Wrenn seconded the motion and the Chairman called for a voice vote of the Council. The vote was affirmative and unanimous, with Colonel Booth abstaining because he was not present for the entire matter.

General

Annual Report

Commissioner Wrenn moved that the Council approve the draft Police Standards and Training Council Annual Report for the Fiscal Year July 1, 2007, through June 30, 2008, for submission to the Governor and Executive Council. The Council agreed unanimously in a voice vote, following a second by Chief Morency.

Other Business

Ongoing Three-Year Fitness Testing Requirements for 2008

The Director asked for the Council's guidance on how to address compliance with the Statute as it applies to officers who have not yet filed the appropriate documentation with the agency. Police Standards and Training Council Pol 404.07 addresses Ongoing Three-Year Physical Fitness Testing and there have been issues in past years with timely compliance. The resulting effect has created the necessity for the Council to issue Show Cause Orders and to hold hearings, some of which resulted in suspension of certification. At the present time, over 400 officers have not yet provided us with any information concerning their compliance in 2008 with the Ongoing Three-Year Physical Fitness Test. The Director would like to alleviate the potential for compliance issues going forward.

The Council agreed that timely and verifiable communication from the agency to the affected officers would increase compliance. The Council previously recommended Director Vittum generate a letter to all officers who have not complied with the Ongoing Three-Year Physical Fitness Testing requirement to provide notification to them that they have until December 31, 2008, to complete this mandatory testing process and medical screening. Failure for the officer to provide the Council with a request for a medical extension, a form indicating that the officer failed the test, a form indicating that the officer passed the fitness test or a request for a hearing before the Council will result in the officer's certification being suspended on January 1, 2009. The officer will have until December 1, 2008, to submit paperwork requesting a hearing pursuant to RSA 188-F: 27, III-j before the Council at their December meeting. A request for a medical extension must be submitted with a physician's statement outlining the officer's medical condition and why the officer cannot participate in fitness testing.

The chief law enforcement officer of each agency that includes an officer that is required to complete their ongoing three-year physical fitness requirement in 2008 will receive a letter from the Director. Enclosed with this letter will be individually addressed letters to each officer who has not yet submitted their documentation to Police Standards and Training. The chief law enforcement officer is requested to hand deliver each and ensure that the officer signs the acknowledgment enclosed with their letter. This form will be signed by the chief and returned to Police Standards and Training as soon possible to confirm that the officer has been notified. A postage-paid envelope addressed to Police Standards and Training will be provided to each agency to expedite their reply.

Commissioner Wrenn put forth a formalized motion on the notification process: That the Council authorize the Director going forward with generating the letter to all officers who we have not determined are in compliance with the ongoing three-year physical fitness testing requirement to provide notification and to inform them that they have until December 31, 2008, to complete this mandatory testing process and

medical screening; and that they have until the December Council meeting to bring forth to the Council any issues that would prevent them from successfully completing this process. Failure to take any action on this matter will result in the suspension of the certification of the officer that is in default.

Chief Morency moved to second the motion. The voice vote of the Council supported the motion unanimously.

Police Standards and Training Budget for FY 10 & FY 11

The staff is preparing a preliminary budget proposal. The Council reviewed the developing proposal, as well as a revenue/expenditure history for the agency and future revenue projected for the coming decade, as prepared by Mr. Keith Lohmann.

The Council was in agreement with Commissioner Wrenn, who stated that it was becoming apparent that the penalty assessment fund is no longer sufficient to support the budget for Police Standards and Training. Alternative revenue streams have been proposed during the past year, including instituting a fee for certification. Limiting training and grants for training is not a desirable alternative, but it may become a necessity. A surcharge on driver licenses of \$1 would only generate \$280,000 per year and this amount would not be sufficient. Imposing a fee on insurance policies, perhaps one or two dollars, was also suggested; however, it was noted by Mr. Lohmann that a penalty assessment on cases placed on file that was proposed in the Legislature in recent years was soundly defeated.

Colonel Booth supposed that under their Rules, the Council could impose a licensing fee without Legislative approval, but Mr. Fitch said this has still not been confirmed. Mr. Lohmann warned that the Council may have this authority over new "licensees" only, and not certifications already granted. Mr. Fitch explained that most licensing boards are authorized under a specific statute and many of these statutes include the fees that may be charged. Colonel Booth felt that if a bill is needed, now is the time to work with a sponsor to draft an LSR for the coming Legislative Session. Pursuing such a bill is an important part of developing the proposed budget, as well. Commissioner Wrenn agreed to speak with Representative David Welch about reserving an LSR for the 2009 Session.

Chairman Prozzo suggested making the licensing fee effective on a date certain for all, with no exceptions. If the fee were collected yearly and set at \$100 per year and assessed on 3,000 full-time officers and approximately 1,300 part-time officers, potential revenue will still fall short of a half million dollars annually. There is currently no mechanism in place to collect the fee, either, and this will account for a substantial cost; there needs to be a billing system, a collection system, and oversight to implement those systems. Chairman Prozzo proposed setting a date certain for the fees to be paid, either annually or biennially, in order to streamline the billing and collection of fees, implemented, perhaps, by 2010.

Chief Dodge raised the issue of maintaining a current data base for billing purposes, and he cited the current issues with notifying officers of requirements for them to comply with ongoing three-year fitness testing. Judge Champagne said that Police Standards and Training Council has never been a licensing agency; we are a certification agency and our authority comes from the hiring authority. As such, there is a distinction between us and a licensing agency. Mr. Fitch warned that the Council could anticipate that unions will be vigorously opposed to such a measure. Traditionally, the hiring authority is not liable for licensing fees in other professions – the individual pays. Chief Russell suggested that paying an annual fee may be a desirable alternative to agencies or individuals, compared with having to pay for training at the Academy and for in-service programs.

The Council asked that the Director take these proposals and the reasoning for implementing one or more of them to the chiefs of police, to inform them, solicit their input and suggestions for alternative funding sources, and to further an understanding of the challenges facing our agency and our ability to continue providing the services and training they enjoy. The agency has already taken actions to reduce costs without affecting our service level, including no longer providing lunch for officers attending in-service classes and limiting all grants for specialized training to two thirds of the total cost up to a maximum of \$1,000. New sources of revenue must be developed or further reductions in spending will become unavoidable.

The Council declined to put forth a motion on this matter before communicating with local agencies. In the meantime, the staff will develop a model for instituting the collection of a fee on certifications payable by individual officers. Other considerations to address are how to ensure compliance and how the Council will respond if payment of the fee is not forthcoming.

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on Tuesday, October 28, at nine o'clock in the morning.

Upon a motion by Chief Morency, seconded by Chief Dodge, the Council voted unanimously to adjourn the meeting at 10:50 a.m.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.