



Summary Presentation Regarding a 2006 Misconduct Event

Director John Scippa

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Monthly PST Council Meeting

Introduction

- In recent weeks, there have been media reports published about a 2006 incident involving a former NH police officer after the NH Supreme Court decision that led to the release of police records.
- Some of those media reports have provided only partial or inaccurate information specific to how and to what extent NH PSTC took action against the former officer's police certification in 2006.
- This may result in a misrepresentation or misunderstanding as to how NH PSTC acted in 2006.
- In order to eliminate any confusion amongst council members, this overview is made to provide a clear and full account of our agency's actions in this case, to ensure that members have a clear understanding of how our agency addressed the incident in 2006 and to offer an opportunity for council members to ask questions or provide for further discussion.

Background Information

- Jonathon Stone was a full-time certified police officer for the city of Claremont in 2006.
- On or around this time, the Claremont police department conducted two separate internal investigations after receiving two different allegations of police misconduct committed by Stone.
- Alexander Scott was the Claremont Chief of Police at this time.

Initial Information to PSTC

- Based on the findings of the internal investigations done by Claremont PD, the employer terminated Stone.
- The first notice of this termination, according to PSTC records, was the Form B filed by Chief Scott on April 17, 2006, indicating that he had “discharged” Stone effective March 27, 2006.

PSTC Initial Action

- According to our records, the Form B was reviewed and PST Director Keith Lohman issued a letter to Chief Scott on April 20, 2006, requesting to know if the reason for the termination was related to a Pol 402.02 violation.
- The letter instructed Scott that if the IA findings sustain a 402.02 violation, that he was being requested to forward a copy of the case files so that PST could contemplate possible action before the council.

PSTC Follow-Up Letter

- According to our records, Director Lohman sent a follow-up letter on August 24, 2006, to Chief Scott indicating that he and Scott had discussed, by phone, that Stone requested an appeal. In this letter, Director Lohman was requesting Scott provide an update on Stone's appeal.
- There is no record of when that phone conversation occurred.

Scott's Response to Second PSTC Letter

- According to our records, PST received a letter from Chief Scott dated September 5, 2006, advising that Stone had appealed his termination and had requested an arbitration hearing and that the date for that hearing was set for December 8, 2006. Chief Scott stated that if anything happened before that date, he would advise PSTC.

Second Form B Filed by Claremont

- According to PST records, Chief Scott sent a second Form B on Stone which was received on May 25, 2007.
- This second Form B is backdated to reflect that the status change was to be retroactively applied to March 27, 2006.
- This Form B indicated that Stone's separation from employment was now changed to a "negotiated resignation" .

PST's Response to the Second Form B

- According to our records, Director Don Vittum responded to Chief Scott by letter on June 4, 2007, after review of the new Form B.
- In his letter, Director Vittum advised Chief Scott that because Stone's separation had now been negotiated, the Council now lacked authority to take action under Pol 402.02(a)(5).
- Further, the letter provided notice that the IA investigations may contain relevant information for the council to consider in the event that Mr. Stone attempted to apply for a position in NH law enforcement in the future.

Could the Council Have Heard This Case?

- No. With both Form B submissions, PST staff would not have brought the case forward for a council hearing because the existing administrative rules in 2006 did not provide the authority for the council to act.
- In the first instance, administrative rule prevented the council from taking action on the case because the officer was in arbitration and therefore the officer's termination was not final.
- In the second instance, because Claremont submitted a second Form B indicating that the officer's separation from employment had been negotiated, administrative rule no longer provided authority or jurisdiction for the council to take any action.

Did the Council Hear this Case?

- In an effort to do due diligence to confirm that no hearing was ever conducted in the Stone case, PST staff searched for and located archived digital council meeting minutes from 2006 and 2007.
- A review of these council meetings did not have any record that indicated that a council hearing was conducted on the Stone case.
- In the wake of the increased media requests, these minutes are being made available to the public by posting them on our website.

Importance of These Findings

- Some media reports suggest that back in 2006, PSTC had received all necessary information in this case to take action but chose not to.
- This is not accurate. PST staff and its council followed the rules. There was no statutory or rule authority in 2006-07 that would have allowed the case to be brought to the council for a hearing or for the council to act on it.
- The council would not have formally received information on this case because PST staff had no legal authority to bring it to the council for a hearing based on PST rules.

Contemporary Process

- If a case like this were to occur now, it would be handled differently because of important changes to RSA 106-L that were enacted in 2022 and that took effect January 1, 2023.
- Now, any allegation of misconduct, as defined by law, must be reported to the Conduct Review Committee within 15 days of receipt of the complaint.
- If the case is sustained, the CRC refers the case to the council for a hearing.
- The CRC and the council can act in a regulatory capacity independent of any separation agreement between an employer and employee.

Contemporary Process

- The new changes to RSA 106-L establish clearer procedures for PST to objectively address allegations of police misconduct.
- The collective effort of NH law enforcement executives working with the CRC and the council provides a greater degree of procedural due process but also a greater degree of authority to address sustained findings of misconduct.