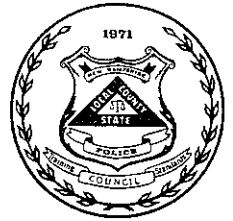




Sheriff Christopher D. Connelly
Chairman

State of New Hampshire
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John V. Scippa
Director

Public Minutes
January 23, 2024
Police Standards and Training Council

In attendance:

Chairman, Sheriff Christopher Connelly, Hillsborough County Sheriff's Office
Chief Kevin Rourke, Nashua Police Department
Chief Allen Aldenberg, Manchester Police Department
Mr. Michael Harrington
Dr. Maureen Sullivan
Mr. Edward Lecius
Chief Emily Cobb, New London Police Department
Sheriff Charles Massahos, Rockingham County Sheriff's Office
Colonel Mark Hall, New Hampshire State Police
Judge Sawako Gardner, Circuit Court Judge
Attorney General John Formella
Mr. Christopher Stawasz
Chief Joseph Hoebeke, Hollis Police Department
Director Fallon Reed, NH Department of Corrections
Dr. Robert Eckstein, Justice Studies, University of New Hampshire

Not in Attendance:

Vice Chair, Commissioner Helen Hanks, NH Department of Corrections
Sergeant Jaqueline Pelletier, Goffstown Police Department

Staff Present:

Director John Scippa, Major David Parenteau (ret.), Captain Tom McCabe, Captain Adam Hawkins, Attorney Stacie Moeser, and Anne Paquin, Investigative Paralegal.

Guests present: Lt. Irwin Malilay, NHSP with candidates Matthew Howe for NHSP and Scott Decker for NHMP; Sheriff Eliezer Rivera, Cheshire County with candidate Cody Melo-Bartholomew; Lt. Thomas Hammond, Goffstown Police Department with candidate Victor Plante, and via Zoom, Chief Steven Lamears with candidate Milton Perry.

Chairman Connelly called the meeting to order at 9:01 a.m. He began the meeting by congratulating Judge Melissa Countway (not in attendance) on her appointment to the New Hampshire Supreme Court and thanking her for her many years on Police Standards and Training Council.

Chairman Connelly also recognized Chief Mike French, who had passed away on December 24, 2023. Chief French had been the chief for the town of Goffstown for 34 years, he was a community volunteer as well as a volunteer at Camp Fatima for 50 years. He was known to many as the grandfather of police accreditation, he had been chosen to lead the state accreditation efforts at PSTC. Council members Sgt. Pelletier, Chief Aldenberg and Sheriff Connelly had all worked for Chief French. Sheriff Connelly stated "he was a good man and he will be missed".

The request for nonpublic session was moved to the end of the agenda.

Sheriff Connelly asked for a motion to approve the December 19, 2023 minutes.

Motion by Mr. Lecius, seconded by Chief Hoebeke to approve the minutes from December 19, 2023. The voice vote of the Council was unanimous in favor of the motion, with the exception of Director Reed who abstained from the vote.

Director's Report

Director Scippa had provided his written report (copy attached) to all of the Council members the previous evening.

Director Scippa noted that in the future each bureau chief at PSTC would provide information from their bureau as part of his monthly report. This will provide more in depth information.

There were no questions from Council on the report.

Director Scippa asked Council members to allow the academy to include up to 56 applicants for the next class which is to begin on February 12th. Due to the 195th academy having started with 56, and through a number of different reasons, not related to discipline or performance issues, there were injuries and department issues. Currently there are 47 recruits in the 195th. The idea is to take those 47 recruits and move them to the smaller lecture hall and it will allow the next class to begin. There will be no one waiting to attend an academy. That would mean the Council's permission to add one more recruit than the 55 they would normally accept. The results of this would be that there would not be any agencies waiting to send candidates to the academy.

Motion by Chief Hoebeke, seconded by Mr. Lecius to allow the academy to increase the number of recruits to 56 from 55. The voice vote was unanimous in favor of the motion.

Director Scippa explained that the Bureau of Standards suspended thirteen officers' certifications based upon their inability to pass the medical examination to allow them to take and pass the fitness test, or failure to pass the test after two years in probationary status for test failure. These are classified as being "five year suspensions". RSA 106-L requires the officer's certification be suspended until they are able to pass the test.

The Conduct Review Committee received 180 complaints and of those, four are sustained as misconduct, those cases are being prepared to present to the Council for hearings. There are four active investigations, being conducted by PSTC investigators.

Director Scippa explained that PSTC is exploring every available means to seek funds. The funds are to address the Tactical Center floor, the two capital projects that are currently stalled due to lack of ARPA funds, and the boiler issues have not been resolved. PSTC is still working with GOFFER and also with representatives who are prepared to introduce legislation that will allow PSTC to access funds to be used for purposes other than what they were appropriated. Currently that legislation is being developed, to be introduced soon. PSTC is held to the time period that the bill moves through the legislative process.

Major Shultz was thanked for the work he does to manage the budget in a fiscally responsible manner, as well as using the budget to address the concerns in the building.

The first meeting of the Corrections Advisory Committee for 2024 was held. Those who attended the meeting were engaged in the discussion, the meetings may be held once each month and then a schedule would be discussed for future meetings.

Director Scippa introduced Anna Brewer-Croteau as PSTC's newest investigator for CRC.

Director Scippa noted that the Accreditation Commission recently received a donation from Chief Mike French, in the form of 50 travel mugs to be used as swag to help promote the accreditation program. The state chief's conference was held in December in Conway, NH. The Accreditation Commission had a table set up to advance the program. The travel mugs were handed out during the conference.

The mugs were not accepted as being a donation. It was presented to the Accreditation Commission retroactively to accept the mugs as a donation, but there is no documentation to rely upon from the person who made the donation, in terms of the value. It was important to bring that donation to PSTC to be accepted or considered accepted under RSA 106-L V under "powers" that allows the Council to accept donations. The estimate is about \$500.00, the intention was donating the mugs with the intention to promote the accreditation program.

Motion to accept the retroactive the donation of the travel mugs from Chief French with an approximate value of \$500.00, by Chief Cobb, seconded by Mr. Harrington. The voice vote of the Council was unanimous with the exception of Chief Hoebeke who abstained from the vote.

Director Scippa announced that he'd spoken with Major Parenteau about the discussion items from his report. They request that the Council only review and not seek to accept the "Pathways to Certification" guidance sheet, it is still being edited.

He asked for Council approval on the two other items, the annual academy schedules and the presented curriculum from the full time academy, part time academy and the corrections academy for 2024.

Motion by Mr. Lecius, seconded by AG Formella to accept the academy schedules for 2024. The voice vote of the Council was unanimous in favor of the motion.

When Council members have an opportunity to review the “Pathways to Certification” document, recommendations and suggestions are appreciated. There are many prior training and experience requests being received at PSTC. The criteria for prior training and experience certification in the “five-year plan” changes depending upon each individual situation.

Director Scippa has spoken to Major General Mikolaities of the New Hampshire National Guard, and with Chief Aldenberg relative to consideration of those people who served in the New Hampshire National Guard, Army and Air. He is exploring the possibility of accepting those in the National Guard unit in New Hampshire that are military police officers, to see if there is an opportunity to review their academy and compare it to PSTC’s academy. Director Scippa has the curriculum from Ft. Leonard Wood, in Ft. Leonard Wood, Missouri, where army military police officers are trained. A similar curriculum is used for the U.S. Airforce, they train at Lackland Air Force Base in San Antonio, Texas.

Director Scippa addressed the Council members regarding the acceptance of the curriculums.

Motion by Dr. Eckstein, seconded by AG Formella, to accept the curriculums as presented by Director Scippa for each PSTC academy. The voice vote of the Council was unanimous.

Director Scippa inquired if there were questions regarding his report.

Dr. Sullivan asked if PSTC’s website has been updated. Director Scippa answered that the Department of Information Technology is editing state websites and the manner in which they are built. Captain Adam Hawkins has been working with DOIT to make changes. Captain Hawkins commented that there are challenges, it will take time. Council members employed by other state agencies commented on DOIT updating/changing their agencies websites.

Mr. Harrington asked about the officers that were suspended for violations of three-year fitness testing. Can those individuals remain in law enforcement on desk duty, does PSTC do any outreach to those that didn’t pass due to physical conditions, to get them in condition so that they are able to pass?

Director Scippa explained that the law is specific; if the officer can’t pass after the fifth year their certification is suspended. The administrative rule states that anyone who is suspended may not act in any capacity as a law enforcement officer. That does not mean that their employer can’t find a place for the person to work in the agency that does not require law enforcement certification. Dispatch, for example, would be a position if the employer chose to continue employing the person. Larger agency may have divisions that are for controlling records or evidence, a law enforcement certification isn’t necessary to perform those tasks. A small agency may not be able to accommodate a suspended officer in the same manner.

PSTC does not do outreach for officers suspended due to three-year fitness testing.

Director Scippa has contacted civil service in Massachusetts about the fitness test that they require, the physical aptitude test they use for police and fire are different than the fitness test that New Hampshire uses. It is called PAT, physical aptitude test and it is only used as an entry

requirement, as well as the Cooper's test. New Hampshire is the only state in the country that requires each certified officer to pass the fitness tests as a condition of their certification (and employment).

Captain Hawkins has been working with Director Scippa to find an alternative test to the Cooper's test. They think that the PAT from Massachusetts, which is all job task related may be something for the Council to consider replacing the Cooper test.

The cost for an outside company to complete a job task analysis was about \$30,000.00. In order to accomplish this goal it will be costly, to get the test validated.

Mr. Harrington asked "if you come before us with a recommendation to change that, because we are the only state in the nation does it the way in which we do it, do you have an idea as to whether this group or anybody that has been suspended would not have been suspended for a physical fitness requirement"?

Director Scippa stated that he hoped he could make an arrangement in Massachusetts to allow any of the officers who were suspended to take the test, to see if they could pass it. If they were to pass the test, he would ask the Council to consider recognizing that as an alternative to bring them back into compliance. He is working with Massachusetts but is not certain if Massachusetts will allow it to occur, out of state people going to their facility and taking the test; liability would be a concern. He'd like to have everyone who was suspended pass the test.

Judge Gardner asked when the Court Security Officer program would begin. Director Scippa replied that he'd been speaking with the chief justice. The plan was to give PSTC until the first quarter to build the program, the curriculum, lesson plans and instructors. Once it's prepared, the chief justice would receive a letter stating the same, and then send a letter to the Council requesting that PSTC start to deliver the program.

There is one more part of the process to be resolved. There was legislation that was passed putting the responsibility of training of bailiffs on PSTC, the Administrative Office of the Courts, and the New Hampshire Association of Chiefs, back when bailiffs were "built into" the law.

Before that legislation passed, there was a Supreme Court decision referred to as the "Mone" decision. The decision has caused confusion. The Administrative Office of the Courts and the New Hampshire Sheriff's are prepared to discuss who is responsible for what. Documents from 1999 indicate that PSTC should participate in some way and be responsible for bailiff training. The New Hampshire Chief's are looking forward to resolving the matter with the Administrative Office of the Courts.

Chief Cobb asked about the thirteen officers that were suspended for fitness testing. She asked "how many years of law enforcement experience do the officers have"? Director Scippa responded that he couldn't answer the question as he'd not researched it. He estimated hundreds of years.

She went on to describe that “if each one had 10 years’ experience, the total would be 130 years of law enforcement experience, training and institutional knowledge that is being discarded due to the fitness requirement”.

She thanked Director Scippa for his efforts to find a solution to fitness testing suspensions in order to keep trained officers in law enforcement positions.

Financial Report

Director Scippa thanked Major Schultz and PSTC’s business manager for their efforts in managing finances for the agency.

New Business

Two waivers were requested by the New Hampshire State Police. Colonel Hall recused himself from both matters.

Lt. Irwin Malilay, New Hampshire State Police was present with Scott Decker, a candidate for a part time position with the New Hampshire Marine Patrol to present the first waiver request.

Lt. Malilay explained that Mr. Decker was prepared to attend the 283rd part time academy, scheduled to begin next Saturday. Mr. Decker had met all the qualifications; however, they were seeking a waiver for his hearing aids and pacemaker. He has a healthy lifestyle and is an exceptional candidate for New Hampshire Marine Patrol.

Major Parenteau explained Mr. Decker’s background. The information in the Technical Assistance Manual regarding hearing and the results from the audiologist are difficult to understand. Major Parenteau read from the Technical Assistance Manual:

“The candidate for hearing acuity shall have unaided hearing in both ears sufficient to perform essential tasks without posing a direct threat to the candidate or others. An acceptable test is a whispered conversation at 15 feet or, preferably, using an audiometer, the candidate shall have no average loss of 25 or more decibels, they have a scale, it goes from 500, 1000, 2000 and 3000 and all the way to 6000 Hertz (Hz) levels in either ear with no single frequency loss in excess of 40”.

The guidelines for PSTC’s criteria is measurements in the 3000 range, they can’t be over 25. Initially when reading the Form D for Mr. Decker it indicated that there was a hearing loss. Mr. Decker then went to Concentra through the hiring process to have a medical exam done, and the examining clinician indicated that Mr. Decker must wear hearing aids. An additional step was taken; he was asked to go to an audiologist for the follow up. Alliance Hearing Center supplied hearing aids for both ears. With the use of hearing aids, he is able to perform the functions of the job. The Form D indicates that he must wear hearing aids while on duty.

Major Parenteau asked Mr. Decker if he had used hearing aids in the past. Mr. Decker’s response was that he had not, these were the first hearing aids he’s ever had. His hearing has

improved. His hearing was not tested until he applied for a position with New Hampshire Marine Patrol. He'd never had a recommendation from a doctor that he needed a hearing aid. With the addition of hearing aids he will meet the requirements of a position with New Hampshire Marine Patrol.

Motion by Chief Hoebeke, seconded by Chief Aldenberg to approve the waiver for Scott Decker. The voice vote was unanimous, with Colonel Hall abstaining.

The second waiver for the New Hampshire State Police was presented by Lt. Irwin Malilay for candidate Matthew Howe.

Lt. Malilay requested a nonpublic session, due to hiring a private party as a public employee.

Motion by Judge Gardner to move into a nonpublic session under RSA 91-A:3, II(b) The hiring of any person as a public employee. Attorney General Formella seconded the motion. Sheriff Connelly took the roll call vote:

Reed	yes
Cobb	yes
Hoebeke	yes
Massahos	yes
Aldenberg	yes
Rourke	yes
Sullivan	yes
Lecius	yes
Stawasz	yes
Harrington	yes
Eckstein	yes
Formella	yes

Chairman Connelly voted yes.

At: 9:45 a.m. the Council began a nonpublic session, to discuss the reason for a nonpublic session.

Motion to return to public session by Chief Hoebeke, seconded by Mr. Lecius. Sheriff Connelly took the roll call vote.

Reed	yes
Cobb	yes
Gardner	yes
Massahos	yes
Aldenberg	yes
Rourke	yes
Sullivan	yes
Lecius	yes
Stawasz	yes

Harrington yes
Eckstein yes
Formella yes
Chairman Connelly voted yes, Colonel Hall abstained.

The Council was back in public session at 9:53 a.m.

Motion to seal the minutes of the nonpublic session by Mr. Lecius, seconded by Chief Hoebeke. The voice vote was unanimous in favor of the motion, Colonel Hall abstained.

Motion to approve the waiver request from NHSP for Matthew Howe by Chief Cobb, seconded by Chief Hoebeke. The voice vote was unanimous in favor of the motion, Colonel Hall abstained.

Harrisville Police Department waiver

Chief Steven Lamears was attending via Zoom for his waiver request for Milton Perry.

Major Parenteau summarized the request, a waiver for failure on a color perception test. The candidate has difficulty with red and green colors. According to the Technical Assistance Manual the applicant must correctly read at least 9 or more of the first 13 plates of the 24 plate edition of the Ishihara test.

- The Form D exam done by a PCP indicated that the color perception was a four, out of 9.
- There were no reservations from the doctor's office as far as an inability to complete his job performance.
- Initially in his PCP exam, he read two out of the fourteen and was only able to see from one and three colors. It indicates a red and green color blindness.
- The optometrist rated it as a four out of nine, both PCP and optometrist revealed that neither has reservations about Mr. Perry being employed as a police officer.
- Mr. Perry retired from California probation where he worked 28 years. He retired as an assistant chief and has certifications including Firearms Instructor. He states that the color blindness has never been a problem in his probation officer career. The Council has granted waivers in the past for similar situations.

Chief Lamears on Zoom commented that Major Parenteau had covered the subject in the same manner that he would have. Mr. Perry was a probation officer for 28 year, he never had an issue with color blindness as a Firearms Instructor or Use of Force Instructor.

Major Parenteau asked Mr. Perry about his vision regarding traffic lights. Mr. Perry responded that he can see primary colors. Stop signs look red, stop lights look red, yellow, and green. Shades of green or red are difficult.

Motion by Chief Hoebeke to grant the waiver, the motion was seconded by Judge Gardner. The voice vote of the Council was unanimous in favor of the motion.

At 9:59 am Council took a break

At 10:15 am Council was back in session.

Sheriff Eliezer Rivera, Cheshire County

Sheriff Rivera was in attendance with Cody Melo-Bartholomew, a candidate for his agency.

Major Parenteau explained that Sheriff Rivera has asked for two waivers, one for Pol 301.05 (g) (3), a previous arrest for DWI, the second request is for Pol 301.05 (g)(8) which states “the hiring authority shall evaluate the results of it’s background and shall not hire a person or invest with authority any person selected as a police, corrections or probation parole officer who has illegally manufactured, transported or sold a controlled substance. Unless the Council finds that the conduct occurred at an age when the applicant would have been considered a juvenile by the laws of the state of New Hampshire”.

Upon speaking with Sheriff Rivera and Mr. Melo-Bartholomew today, Major Parenteau explained that the drug situation happened when Mr. Melo-Bartholomew was a junior in high school. The age of maturity in New Hampshire is 18, based on this happening while he was a junior in high school, the staff recommends dispensing with that, no action is necessary.

On the charge of DWI, Pol 301.05 (g) “shall not appoint a person or invest with authority any person who has been convicted of a misdemeanor by a civilian or military court, for which he or she has not received a pardon which effects or the underlying circumstances surrounding the commission thereof is such that it would cause a reasonable person to doubt the applicants character, honesty or ability”.

Sheriff Rivera summarized that his office hired Mr. Melo-Bartholomew as a security officer/bailiff in May of 2022, (after completing the background investigation and psychological evaluation, since he would be armed). During his background investigation, Melo-Bartholomew expressed an interest in becoming a deputy sheriff. The agency saw the potential, wanted to work with him and give him the opportunity. Senior office staff and the Sheriff thought that Mr. Melo-Bartholomew needed experience. During his year as a bailiff the staff saw the growth, confidence and experience that he had gained in that position. Prior to working as a bailiff for Cheshire County he was employed by the U.S. Postal Service.

Mr. Melo-Bartholomew was encouraged to apply for a position as deputy sheriff, and he did. the second background investigation required another appointment with the psychologist and another polygraph evaluation. Mr. Melo-Bartholomew was required to go before the committee members panel (for new deputies). All the tests resulted in positive recommendations.

Mr. Melo-Bartholomew’s motor vehicle and criminal history was reviewed, and revealed that he was arrested on March 31, 2018 by the Winchester Police Department for DWI, convicted of DWI First on July 24, 2018. He had disclosed the event in both background investigations.

According to Mr. Melo-Bartholomew he was at his parent’s house and had some drinks with friends.

- He left to go home

- On his way home he started to feel signs of impairment
- He pulled over.
- He placed a call to his (now wife) to come pick him up, as he felt that he was impaired.
- He was on the phone with his wife for 20-30 minutes,
- He looked at his car and it was on fire.
- He called for first responders to deal with the fire.
- The officers that arrived at the scene dealt with the situation and developed probable cause to arrest Mr. Melo-Bartholomew for DWI.
- Legal counsel represented him and he entered a nolo plea agreement,
- He has completed all the sentencing requirements and
- His license has been restored.

A letter from his evaluator from the DWI stated that there was no evidence of chronic abuse of alcohol. Sheriff Rivera is seeking a waiver for Mr. Melo-Bartholomew because of the aforementioned reasons, which will enable him to attend the full-time academy and earn police certification.

Council members asked how old Mr. Melo-Bartholomew was when the event happened, the response was that in 2018 he was 24. Mr. Melo-Bartholomew thanked all for the opportunity to appear and describe the situation.

Judge Gardner asked how much he drank, what happened to cause the fire, could he explain that?

Mr. Melo-Bartholomew noted that he was only a social drinker.

- He had two drinks which did not affect him until he was five minutes from home.
- He did not feel ok at that point, he stopped.
- The cause of the fire was from previous tire work, the rotors were too tight and caused sparks, the sparks contacted oil and that's how the fire started.
- He'd called his wife to come and get him as he didn't want to drive.
- He saw the car on fire while he was still on the phone with his wife and told her what was happening and had to call 911.

Dr. Eckstein asked about Mr. Melo-Bartholomew's drinking behavior since then, how often?

Mr. Melo-Bartholomew stated that he is not much of a drinker. It showed him that even though he's not a drinker, DWI is not exclusive to people who have problems with alcohol. Since then, he's been a designated driver no matter the situation. He is a father of three and does not drink socially.

Judge Gardner asked why he plead nolo vs. guilty?

Mr. Melo-Bartholomew responded that it was part of a plea agreement,

- at the time he was starting with his family and

- didn't understand the legal system,
- he understood the severity of what had happened,
- he knew he could experience jail time, and
- that was enough to agree to the plea by his counsel.

Judge Gardner asked about the possibility of "jail time", was it a second DWI? Why would there be . . .

Sheriff Rivera answered, 'it was an aggravated DWI' and 'he blew over a .16'

Judge Gardner asked what he drank.

- Two drinks
- Mr. Melo-Bartholomew said they were liquor drinks,
- didn't know what they were but they weren't mixed with anything.

She asked if the conviction was for Aggravated or was it reduced to DWI. Sheriff Rivera answered that it was DWI Aggravated and DWI First.

Mr. Stawasz asked Mr. Melo-Bartholomew if he took a breathalyzer test and if so what was the result. Mr. Melo-Bartholomew stated that he could not remember the test results. Through the courses that the court ordered him to take he learned how blood alcohol levels rise. From the time he stopped the car till the time the arresting officer arrived it he may have blown less as the alcohol continued to rise.

Judge Gardner, after having read the request noted, "it says he was arrested for DWI vs. Aggravated DWI, which is a pretty big difference. I would like to know what the sentence was because it looks like usually if you are convicted of a DWI First you get your license back, inaudible you didn't get your license back until 2021. Can you just tell us a little bit about the sentence? And the reason why you didn't get your license back until 2021?"

Mr. Melo-Bartholomew answered that it was not through any legal standing and not from lack of trying. He and his wife were starting a young family, it was mainly a budget thing. A lot of the proceedings came at a cost. Financially they couldn't afford it. He worked close enough to his wife's job that they carpooled.

Judge Gardner asked if he loss of license was nine months, or was it more? Mr. Melo-Bartholomew answered that it was a one-year loss of license.

Motion by Attorney General Formella to grant the waiver, it was a serious offense, based on the applicant's statements he seems to have learned his lesson and understands the seriousness of it. This offense does not mean that he does not have the character to be part of law enforcement. The motion was seconded by Chief Cobb. The voice vote was unanimous in favor of the motion.

Goffstown Police Department

Lt. Thomas Hammond was present with Victor Plante who is a candidate for Goffstown Police Department. They are requesting a waiver for Pol 301.05 (g) (9), specifically the 36 month look back in time, for the use of a controlled substance, prior to his application.

Lt. Hammond summarized Victor Plante's history, a graduate of Bedford High School and of St. Anselms College graduating in May, 2022. He applied for the position at Goffstown Police Department on November 29, 2023. He was granted an oral board where he disclosed use of controlled substances, during college. He used cocaine and Adderall during the college years. Because of his oral board performance, Goffstown proceeded with a background investigation to learn more about those issues prior to offering him a position. The background investigation revealed that Victor began at St. Anselms College in 2017 as a freshman. He graduated in 2022, which was his fifth year. They learned that the last use of controlled substance was on March of 2021, it was Adderall. The last use of cocaine was January of 2021. That would make the "lookback" 31 months from the last use.

They learned that the use of those substances was mainly recreational with some study aid disclosures for the Adderall while enrolled at St. Anselms. A full background investigation was completed for Mr. Plante with the polygraph taking place in October 2023 as well as the psychological exam in October of 2023. Based on Mr. Plante's background and application process, Goffstown feels that he is a qualified candidate to represent the Goffstown Police Department. They request the waiver so he can attend the full time police academy scheduled to begin on February 12th.

Major Parenteau read the rule into the record

"301.05 (g) hiring authority shall evaluate the results of the background investigation and the agency shall not appoint a person or invest with authority any person as a police, corrections, probation parole officer who (9) within 36 months before the application for has illegally used a controlled substance other than marijuana. Unless upon the review of the Council at the request of the hiring authority Council finds that the behavior pattern under the entirety of the totality of the circumstances did not demonstrate a lack of moral character as specified in section (m)".

Major Parenteau asked the date of the application for Goffstown; was it January 29th? Lt. Hammond replied that it was November 29, 2023. Major Parenteau continued, noting that the time period would be 36 months prior to November 2023, which is November 29, 2020. The last use was March of 2021.

Sheriff Connelly commented that he knew Mr. Plante, he'd interviewed him as a court officer candidate a few years ago. Their discussion included his plan to continue and put more time behind his poor decisions and work towards becoming a certified police officer. He was hired as a court officer worked for HCSO for a while, he did excellent work, and then worked for the HCDOC, where he also received favorable reviews from the superintendent. Mr. Plante has owned up to the mistakes he's made, but continues on a path of redemption.

Chief Aldenberg asked and learned that Mr. Plante's major at St. Anselm's was Criminal Justice. He also learned that Mr. Plante had used cocaine 8- 10 times. Mr. Plante's intention was to become a police officer. Chief Aldenberg expressed concern over an intention to become a police officer but then Mr. Plante used cocaine.

Attorney General Formella inquired about why Mr. Plante wanted to be a police officer, and be part of law enforcement.

Mr. Plante explained that

- his father was a police officer, it's always been a goal.
- He attended St. Anselm's he was a criminal justice major and during that time he was immature.
- School wasn't his strong suit.
- Many friends at St. Anselm's were not criminal justice majors
- Those people that did not have the same mind set as he in his major
- The outcome for their careers was not the same as his.
- He wasn't doing well in school, the dean gave him an ultimatum, you can either leave, take a semester off and comeback or try to push through and continue your education.
- He chose to push through which meant he had to attend for a fifth year.
- After he'd completed that fifth year, he applied for an internship at Dover Police Department.
- They like him enough to offer him a chance at employment, that is when he was faced with the issue when he attended their oral board.
- He was honest, he did not know the guidelines regarding the requirements to be hired in law enforcement and using cocaine and Adderall.
- He needed to make serious changes to his lifestyle

Colonel Hall asked Mr. Plante what he'd done since graduation and what has he done to prepare for this position?

Mr. Plante replied that he'd got a job at HCSO, he worked there six months. He tried applying to other police departments and was not successful for the same reason. He put in an application for a correction's officer position for Hillsborough County House of Corrections and was hired. He tried to stay within a law enforcement capacity.

Mr. Harrington asked Major Parenteau, a waiver for the two-month lookback period? Would there be another waiver for character?

Major Parenteau explained that it was for the use of the drugs, the controlled substances and that period of time. Attorney General Formella noted that if it was a sale of a controlled substance, the person would need a waiver no matter how long it had been since he sold it.

Major Parenteau said the controlled substance was 36 months in the past, drugs other than marijuana.

Mr. Harrington clarified, if it was beyond 36 months, there would be no request for a waiver from the Council? Major Parenteau agreed that was true.

Chief Hoebeke confirmed that Mr. Plante had been hired, then asked what would happen if the waiver was not granted? Lt. Hammond explained that he would speak with Mr. Plante about his future with the Goffstown Police Department.

Mr. Harrington asked Mr. Plante how he obtained the cocaine. Mr. Plante's response was that he got it through friends, he didn't buy it. His friends asked him if he wanted a line. He used it through other people. Mr. Harrington asked if Mr. Plante understood at the time being a criminal justice major that this was breaking a law? Mr. Plante explained that during his time in college he had an immature mind set, and living in the moment, not thinking about his future.

When asked by Judge Gardner about his age at the time of using, Mr. Plante said he was between 18 and 21 years old at the time he used. She asked him if he ever thought of saying no when it was offered to him? She had a hard time with the number of times used being 8-10 times. Mr. Plante said it was spread out, not every weekend. He wishes he had said no more. It was over a spread of four years; he could have made smarter choices.

Dr. Eckstein asked how Mr. Plante obtained the Adderall.

Mr. Plante's response was that a few people he knew had prescriptions, it wasn't hard to find some. He confirmed to Dr. Eckstein that the Adderall was to stay awake to study.

Attorney General Formella asked, if by the rule he is close to being at 36 months, if Council did not grant the waiver, could he then start in two or three months?

Major Parenteau responded, he could re-apply at that point. Major Parenteau asked whether Mr. Plante had been hired.

Lt. Hammond responded that he had been hired, and he has been accepted into the next full-time academy beginning in February.

Attorney General Formella confirmed that if Mr. Plante had to miss that academy, it would be a delay of more than a couple of months.

Director Reed stated, "he's been accepted into the February academy pending this waiver". She noted that she was in the same thought process of Attorney General Formella, if Mr. Plante were to attend the June academy, it would be past the three-year minimum.

Major Parenteau, when asked, confirmed that the last use of the drugs was in 2021, March.

He addressed the Council, stating that

- the Council has had similar incidences,
- agencies requested waivers in the past,

- when there was a short time span to go (before the person would be beyond the 36 months)
- some were denied, some were approved.

The decision of the Council is based upon the totality of the whole situation; what the Council understands from speaking with the applicant. While it is not an automatic disqualifier; it's based upon what is collectively heard today.

Mr. Harrington stated that he was struggling with the fact that

- Mr. Plante was a Criminal Justice major,
- the use of cocaine,
- and always wanting to be a police officer
- There are things that don't add up.

Mr. Plante was asked to clarify how he'd matured since his last use, to what he'd like to do now for his future. Are there any examples he could provide? Can he convince the Council what he did during the time spent in college, even though he was planning to become a police officer, how has his perspective changed? How has he matured?

Mr. Plante responded that the first time he was denied (employment) he reflected on his past and the fact that he'd not made the right choices then. He knew then that he had to make lifestyle changes. Some of the people in his peer group since grade school were not good for him. He had to change his environment.

Motion by Mr. Harrington, seconded by Attorney General Formella to approve the waiver. The voice vote was 9 in favor, 4 opposed, Sheriff Connelly abstained. The motion passed.

Director Scippa was recognized by Chairman Connelly. He explained that the administrative rules are clear, there was an appointment made prior to the waiver. Under these circumstances an agency cannot make the appointment until such time as the waiver is granted. He asked Lt. Hammond that in the future to be sure to ask for the waiver before hiring a prospective candidate for the agency.

Attorney General Formella stated that he'd struggled making a decision on this waiver. He acknowledged that if the individual had a year to go before the 36 month time period was completed, he would not have been in favor. The fact that Mr. Plante had gone through the issue with the Dover Police Department, he had felt the consequences of having to wait. He appreciates that Mr. Plante appeared to request the waiver, he could have waited a few months and skipped the waiver process. It shows character that he was willing to come to the Council, ask for the waiver, and be under scrutiny. Others in his situation may have waited in order to forego the waiver process. He wished Mr. Plante luck.

Amherst Police Department

Chief Anthony Ciampoli was in attendance with Kyle Cordero, a prior training and experience candidate for the Amherst Police Department.

Chief Ciampoli explained that Amherst Police Department was seeking a waiver for Mr. Cordero for prior training and experience, they are requesting that he not be required to attend the full time academy to obtain a New Hampshire police certification. The agency expects to hire him on February 5th, if the request is denied, they will have him registered for the February 12th full time academy. They are hopeful that the information they have to share with the Council will provide a foundation for the reason why Chief Ciampoli is asking that Mr. Cordero attendance at the full time academy is unnecessary.

He has a Massachusetts police certification and it dovetails into the prior information (shared by Director Scippa) regarding military police training. Before embarking on his career with the Norwood Massachusetts Police Department, he was in the US Army as a military police officer for 9 years, where he obtained the rank of sergeant. He has a total of over 13 years in law enforcement before coming to New Hampshire. Chief Ciampoli shared that he'd received many letters of commendation and recommendation from the people that he has worked with over the years.

He has received a multitude of training between his time at the Massachusetts Law Enforcement academy and the time he was in the military. Chief Ciampoli compared Mr. Cordero's training hours to the hours for PSTC in the current curriculum class by class. He has 1144 hours and New Hampshire's training is 688 hours. The Massachusetts training should transfer in a prior training and experience request, as long as it was done within 36 months.

- He served in the US Army where he saw two separate combat deployments to Afghanistan
- He was platoon sergeant, responsible for 66 soldiers
- He received several service awards
- While he was working as a police officer in Norwood he received a meritorious service award for a lifesaving action during a motor vehicle crash.

The list of training compiled after the academy was as impressive as the training he had in the military.

- All levels of traffic reconstruction of accidents
- He developed a program within Norwood
- Was chosen as a field training officer, usually people are able to be an fto after ten years
- He attended and SRO class and became certified as an SRO

- Certified dispatcher through Massachusetts
- Has had more training beyond the academy than most people Chief Ciampoli sees after an entire career in New Hampshire.

In the military he has taken the warrior leader course, basic level combative, tactical combative

Chief Ciampoli noted that pte requests were not uncommon for the Council to hear, he had reservations about whether to ask for a waiver or not. Not presenting his case would be a disservice to him, the academy and the town of Amherst. Basic training, military police school, six-month training academy in Massachusetts, as well as all of the advanced training that he has had.

There is a concern about setting a precedent when granting a waiver like this one. There would not be many other people who would ask for a waiver who have had the training that Mr. Cordero has had, setting a precedent is not likely.

He is willing to do whatever gap training is needed in excess of the pte law package to ensure that he is up to date.

Mr. Lecius asked Chief Ciampoli how long the FTO program for the Amherst Police Department was. Chief Ciampoli responded that the agency held the program for between 12 and 16 weeks, that depends upon the person's background.

Major Parenteau stated that if someone has been out of law enforcement for over three years they must attend the academy, that is Council protocol. Council has granted waivers for certification for other people in similar situations. The key area that the Council looks at is what has the individual done since they've been out of law enforcement. It will be five years for Mr. Cordero next month.

When asked, Mr. Cordero confirmed that during the gap in working as a police officer he had worked for FEMA and had started two businesses, one was dog training, the other was a carpentry/construction business, both are still in operation.

Staff personally feels that the law package requirements that Mr. Cordero would undertake clearly would help to fill in the gaps and bring him up to speed. There would not be a lot to gain by having him attend a full-time academy again, as he has robust training records that Major Parenteau has reviewed. Accordingly, he seems like an ideal candidate to waive the requirement. Classes that go beyond the law package can be added if necessary.

Chairman Connelly asserted that this situation is a direct correlation to the Pathway Project that the staff is looking at currently. Addressing Chief Ciampoli, Chairman Connelly stated that he personally would be reluctant to intervene in what he thinks is appropriate for the amount of time for the field training program.

Attorney General Formella added that this reinforces what Council is doing with the Pathway program and the need for the Council to come to conclusions for the program.

Major Parenteau asked, if the motion is approved to waive the academy, would the Council approve his prior training and experience in order to take care of all of it at the same time? Chairman Connelly agreed and informed the Council he'd entertain a motion in the matter. Mr. Stawasz announced that he'd make the motion.

Motion by Mr. Stawasz, seconded by Chief Hoebeke to approve the waiver (and approve the request for prior training and experience). The voice vote of the Council was unanimous in favor of the motion.

Consent Calendar

PT&E Requests

Daniel Jones Litchfield Police Department

(DOH: 01/08/24) Will be granted certification upon successful completion of the medical exam, (done January 5, 2024) entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Margaret Carey, New Hampshire State Police

(DOH: 01/26/24) Will be granted certification upon successful completion of the medical exam, (done October 26, 2023, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, as a sit-in student, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

McKenzie Dalton, Portsmouth Police Department

(DOH: 01/22/24) Will be granted certification upon successful completion of the medical exam, (done December 5, 2023) entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Jeremy Hankin, part time position, Greenland Police Department

(DOH: 01/05/24) Will be granted certification upon successful completion of the medical exam, (done November 28, 2023), certification reinstated upon Council approval, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Gordon Graeber, Hudson Police Department

(DOH: 12/11/23) Will be granted certification upon successful completion of the medical exam, (done on September 7, 2023) entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

John Jefferson, Lancaster Police Department

(DOH: 12/18/23) Will be granted certification upon successful completion of the medical exam, (done on December 23, 2023) entrance fitness test with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Requests for Extensions

Note: Extensions granted until the first council meeting following the fitness testing for the requested Academy, and, if testing is successful, to the first council meeting following the end of the requested Academy.

Peter Forgione, Litchfield Police Department (DOH: 12/28/22) requests extension through June 28, 2024. Will be granted an extension with the stipulation that the officer may continue working only in the direct presence of a certified officer, unless the officer completes the agency's FTO program, then the officer may work under normal supervision.

Robert Gagnon, Brentwood Police Department (DOH: 01/03/23) part time certified, requests extension through July 3, 2024. Will be granted an extension retroactively from January 3, 2024 to July 3, 2024, if necessary request a third extension filed before the June 25, 2024 Council meeting.

Bruce Foremny, NH Attorney General's Office, (DOH: 07/28/2023) requests extension in order to complete the entrance fitness test before continuing the process for prior training and experience certification. Will be granted a six-month extension through June 28, 2024 for the officer to pass the entrance fitness test to enable him to complete the aforementioned October 24, 2023 Council requirements for prior training and experience certification the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

***Full Time Academy**

Class Number	195
Dates	January 8, 2024-April 26, 2024
	196
	February 12, 2024-May 31, 2024
	✓ 197
	June 24, 2024-October 11, 2024
	198
	July 22, 2024-November 8, 2024

* More detailed information about each academy session can be found in Benchmark. This will include the dates of the session, the fitness testing date and number of available seats.

***Part Time Academy**

Class Number	283
Dates	January 27, 2024 – May 23, 2024

* More detailed information about each academy session can be found in Benchmark. This will include the dates of the session, the fitness testing date and number of available seats.

***Corrections Academy**

Class Number	123
Dates	January 3, 2024 – February 23, 2024
	124
	March 25, 2023- May 17, 2024

* More detailed information about each academy session can be found in Benchmark. This will include the dates of the session, the fitness testing date and number of available seats.

Medical Extensions for Fitness Testing

Jeremiah Haynes, Charlestown 2023
Jeremy Hawkes, New Hampshire Department of Fish and Game 2022
Brian Ayotte, New Hampshire Department of Corrections 2023
Michelle Dandeneau, Henniker 2023
Amy Bossi, Henniker, 2023
Brian Matson, Jefferson, 2023
Herbert Dresser, Madbury, 2022
Michael Lavallee Manchester, 2023
Robert Bellenoit, Manchester, 2022
Jordan Kelly, Nashua, 2023
Joshua Martin, Nashua, 2023
Joseph Rousseau, Strafford County Sheriff's Office 2023
Kenneth Gauthier, Stratham, 2023
Joshua Fisher, Newbury, 2022
Tyler Babineau, Laconia, 2023
Scott Naismith, Salem, 2023
Jeremy Perkins, Lebanon 2023
Vinny Scarnici, Colebrook 2022

End of Consent Calendar

Motion by Chief Hoebeke, seconded by Mr. Stawasz to approve the consent calendar. Colonel Hall abstained from the State Police PTE matter, Mr. Lecius abstained from the Litchfield Police Department's extension, Attorney General Formella abstained from the Attorney General's extension. Chief Aldenberg abstained from the Manchester Police Department's two requests for medical extensions and Chief Rourke abstained from the Nashua Police Department's two requests for medical extensions. The voice vote was unanimous in favor of the motion, with the aforementioned abstentions.

Motion by Mr. Stawasz, seconded by AG Formella to initiate a nonpublic session citing RSA 91-A:3,II(a), and II(b)

RSA 91-A:3, II(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a public meeting, and (2) requests that the meeting be open, in which case the request shall be granted.

RSA 91-A:3, II(b) The hiring of any person as a public employee.

Chairman Connelly took the roll call vote.

Reed	yes
Cobb	yes
Hoebeke	yes
Gardner	yes
Massahos	yes
Aldenberg	yes
Rourke	yes
Sullivan	yes
Lecius	yes
Stawasz	yes
Harrington	yes
Eckstein	yes
Formella	yes
Hall	yes

Chairman Connelly voted yes.

At 11:20 the Council members began a nonpublic session for a personnel matter.

Motion to return to public session by Chief Hoebeke, Attorney General Formella seconded the motion.

Reed	yes
Cobb	yes
Hoebeke	yes
Gardner	yes
Massahos	yes
Aldenberg	yes
Rourke	yes
Sullivan	yes
Lecius	yes
Stawasz	yes
Harrington	yes
Eckstein	yes
Formella	yes

Hall yes
Chairman Connelly voted yes.

At 11:33 a.m. the Council returned to public session.

Motion to seal the minutes of the nonpublic session by Mr. Lecius, seconded by Chief Hoebeke, the voice vote was unanimous in favor of the motion.

Motion to approve the appointment of John Vincent Scippa to serve as Director of New Hampshire Police Standards and Training, reappointment of a four year term commencing March 16, 2024 by Chief Aldenberg, seconded by Mr. Stawasz. The voice vote was unanimous in favor of the motion.

Director Scippa had returned to the meeting room once the meeting was back in public session, he was given a hearty round of applause from Council members and staff.

Director Scippa said “I’d like to take this opportunity to thank each of you for the confidence you have in me, and this agency. This is an absolute privilege to have this opportunity to sit in this chair and serve as the Director of Police Standards and Training, I promise you that I will continue to do the very best job that I can to support our mission of holding officers both accountable and at the same time making sure that they are trained and ready and able to serve the state of New Hampshire. Thank you very much.

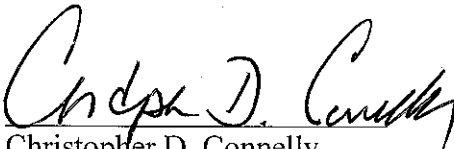
Chief Hoebeke commented that Director Scippa has earned the reappointment, and it was probably the easiest decision that any Council member has made.

Motion to adjourn by Attorney General Formella, seconded by Judge Gardner. The voice vote was unanimous in favor of the motion.

Meeting adjourned at 11:36 a.m.

February 27, 2024

Respectfully Submitted,


Christopher D. Connelly
Chairman