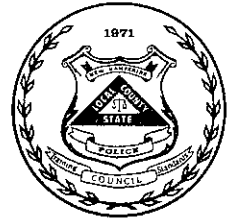




*Sheriff Christopher D. Connelly
Chairman*

State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
Arthur D. Kehas
Law Enforcement Training Facility & Campus
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*John V. Scippa
Director*

Public Minutes
March 26, 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
Dr. Maureen Sullivan
Mr. Edward Lecius
Sheriff Charles Massahos, Rockingham County Sheriff's Office
Colonel Mark Hall, New Hampshire State Police
Attorney General John Formella
Chief Joseph Hoebeke, Hollis Police Department
Assistant Commissioner Paul Raymond, NH Department of Corrections
Dr. Robert Eckstein, Justice Studies, University of New Hampshire
Sergeant Jaqueline Pelletier, Goffstown Police Department
Mr. Michael Harrington
Chief Emily Cobb, New London Police Department
Judge Amy Manchester, Circuit Court Judge
Mr. Christopher Stawasz

Not in Attendance: Judge Sawako Gardner, Circuit Court Judge; Commissioner /Vice Chair
Helen Hanks

Staff Present:

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

Guests present: Chief John Parsons, Grantham Police Department, with Captain James
MacKenna and Arthur Ryan of the LensLock company.

The meeting was called to order by Chairman Connelly at 9:07 a.m.

Motion to approve the public minutes from February 27, 2024, by Mr. Lecius, seconded by Chief
Hoebeke. The voice vote was unanimous in favor of the motion with the exceptions of Chief

Cobb, Judge Manchester, Mr. Harrington and Assistant Commissioner Raymond abstaining from the vote.

Motion to approve the nonpublic minutes from February 27, 2024 regarding Mr. Bartholomew by Dr. Sullivan, seconded by Chief Hoebeke. The voice vote was unanimous in favor of the motion with the exceptions of Chief Cobb, Judge Manchester, Mr. Harrington, and Assistant Commissioner Raymond abstaining from the vote.

Motion to approve the nonpublic minutes from February 27, 2024 regarding Mr. Daniels by Mr. Lecius, seconded by Chief Hoebeke. The voice vote was unanimous in favor of the motion with the exceptions of Chief Cobb, Judge Manchester, Mr. Harrington, and Assistant Commissioner Raymond abstaining from the vote.

Director's Report (copy attached)

Council members provided input on several "Discussion Items" from Director Scippa's report.

Director Scippa informed the Council of Commissioner Hank's recommendations for two members of the Corrections Advisory Committee.

Motion by Mr. Lecius, seconded by Chief Hoebeke to approve Warden Sarah Provencher and Assistant Director of Nursing Tiffany Crowell as nominated by Commissioner Hanks for the Corrections Advisory Committee. The voice vote of the Council was unanimous in favor of the motion.

Director Scippa introduced retired Deputy Superintendent of the Lowell, Massachusetts Police Department Arthur Ryan, currently employed by the LensLock company, as he provided flyers to the Council members regarding body worn cameras. Superintendent Ryan explained that LensLock has offered to provide Police Standards and Training Council with sixteen body worn cameras for use in academy training. Director Scippa noted that he had thought about the cameras to train recruits in the past, but he knew that funding would be difficult.

- The opportunity to train recruits with body worn cameras is valuable; it is likely they will be wearing one for their employment.
- They will build the muscle memory required and learn to turn the camera on readily.
- The use of the cameras in scenarios by the role players, and the ability for recruits to view footage afterward would help them critique themselves and confirm whether or not their memory of the scenario was accurate.

The donation of cameras includes software and docking stations to charge the cameras.

Motion by Chief Hoebeke, seconded by Chief Cobb to accept the donation of body worn cameras for Police Standards and Training Council academy training, contingent upon requirements of the State of New Hampshire. The voice vote was unanimous in favor of the motion.

Director Scippa noted that the third discussion item would be reviewed at another meeting, the "Pathways to Certification" document was still being amended.

Chairman Connelly introduced the newest Council member, Judge Amy Manchester, of the Nashua District Court. He also noted that today's meeting would be Chief Hoebeke's final meeting with PSTC as he is retiring. Council members welcomed Judge Manchester and wished Chief Hoebeke well in his retirement.

James MacKenna, Grantham Police Department Disability waiver for three-year fitness testing

Captain MacKenna was in attendance with Chief John Parsons of the Grantham Police Department. He introduced himself and explained that he was requesting a waiver for three-year fitness testing.

Captain MacKenna stated that he has a chronic knee issue that he has had since 2007 when he was in the Marines. He was diagnosed with a disability due to the knee injury. The pain from the injury over the years has gotten worse. He was unable to get medical clearance for two years to take the three-year fitness test, the last extension expired at the end of 2023. He re-gained medical clearance on January 30th of this year. He's attended PSTC's fitness testing twice since he was eligible, he failed the run portion of the tests both times. He can pass the pushups and sit ups.

Over the years running has gotten harder for him to accomplish. He bought the same stationary bicycle that the academy has for alternative testing, to train with. The motion on the bike, the full extension and retraction causes pain, he determined the bike isn't an option.

Captain MacKenna notes that based on the previous rules that were repealed in 2017... and based on the prior rules believes he may be eligible for the exemption based on ADA. That is his request, to start that process.

Major Parenteau noted that PSTC has had a small number of these requests come before the Council. Council members were provided with a copy of the Guidelines for a waiver for three year fitness testing. Capt. MacKenna and Chief Parsons were also provided a copy.

Major Parenteau read a portion of the first paragraph, "The employer of a certified law enforcement officer in New Hampshire may request a waiver of the three year fitness testing mandated by RSA 106-L:6 for the officer if due to a disability the office is unable to satisfy the testing mandate. The employer must file a written request with the information listed below".

Major Parenteau summarized,

- Does the injury qualify as an ADA injury?
- What accommodations would the employer make, should they choose to accept that?

Major Parenteau further summarized the "Guideline" document. The officer must go to a physician, have a full test done, and the physician would indicate that in their opinion, it qualifies as a disability based upon the knee situation. The town would have to accept that it would be subject to an ADA qualification. There are seven descriptors of what the town would need to do to provide some reasonable accommodations as it relates to the officer's current job assignments and if the officer could do that.

Captain MacKenna is at the five-year point, he was suspended as of January 1st, until he can pass the testing. He requests from the Council a waiver to continue with this waiver process of the ADA requirement.

Past waivers granted by the Council, one individual had a heart condition, Council granted a six month extension, the officer was able to obtain medical clearance and then came back and passed his fitness test. The other was for an officer with an asthma related disability induced by exercise, He was given a permanent waiver for that disability.

There was another individual we located. The process started in October 2019 through December of 2019. The individual had back issues and couldn't do sit-ups. He went through this same process but was unable to get a qualified disability.

Major Parenteau reviewed the steps to the request for an ADA waiver again for the Council.

He confirmed to Chairman Connelly that the reason for the "extension" was that it would allow Captain MacKenna to pursue the ADA, make appointments, go before the Town, depending on what the physician says, and that would be the purpose of the extension.

Chairman Connelly inquired if the suspension would stay in effect or does the suspension get lifted. Major Parenteau stated it was his understanding that the suspension would stay in place but he'd be allowed to pursue...under the guise of a law enforcement officer.

When asked, Chief Parsons noted that there are five officers at the Grantham Police Department, he is one of them. Grantham Police Department is using up the overtime budget. Captain MacKenna is on unpaid leave; he is still employed with the town and would keep him employed until his certification could be reinstated through this or another determination.

Chief Aldenberg asked if there was "wiggle room".

Director Scippa commented that the statute is very clear, that after the fifth year the officer's certification is suspended until such time as they can pass the test. He questioned if the Council could override the statute.

Major Parenteau concurred with the Director about a suspension after five years. He added that none of the limited cases that he's seen talk about reinstatement.

Attorney Moeser was asked if she had anything to add. She read a portion of RSA 106-L:6 X which read, if following the two-year period, the officer is still unable to complete the standards the officer's certification shall be suspended until such time as the officer is able to pass.

Chairman Connelly commented that there didn't seem to be a precedent as far as reinstatement once the five years is up pending a pursual of the ADA. Major Parenteau confirmed that he'd not seen any in the past.

AG Formella read RSA 106-L:6 XIII "To the extent required to comply with federal or state law the Council may grant a waiver with respect to employment at a specific agency, to an officer who can not meet the standards in paragraph VII through X".

Director Scippa stated his interpretation is that if the officer is claiming a disability, then the officer would have to take all these steps in an effort to establish that it's a recognized disability and then at that time then the Council would be able to reinstate the certification.

He continued, stating that the way he understood it is that if there is a disability, that's demonstrated and recognized, then that alleviates the officer from ever having to take a fitness test. But it's incumbent on the officer to move that and that doesn't impact the ultimate five year date.

Chairman Connelly stated that the captain has looked at different avenues to try to get himself ready for an alternate test. It just seems there should be some provision once somebody realizes they've done everything they can now they're going to have to pursue an ADA accommodation.

A Council member asked Chief Parsons if the town has a policy that enables employees to remain in the workplace while they are submitting an application for ADA?

Chief Parsons replied that this is the first time that he knows of this ever coming up. He said his recommendation to the Town Council would be to allow Captain MacKenna to stay on unpaid leave until such time as he gathers all the necessary information here to come back before the Council, depending on whether or not the Town Council will agree.

[Further discussion ensued regarding any other Cooper recognized cardiovascular testing]

AG Formella asked a clarification question; What was the request that was before us today? Was it for a disability waiver?

Captain MacKenna, responded; yes it was. He stated that he was not aware of the guidelines. He had a letter from his doctor noting he has a chronic left knee disability "which may well hinder his ability to complete a physical fitness test."

AG Formella verified that the request is for the waiver. He asked Captain MacKenna what his hope or intent was to use that waiver for, as he was on unpaid leave?

Capt. MacKenna replied that his current employment is that the letter he received from the town that his employment-status will be re-evaluated after the April 5th testing date. An extension or a waiver or the beginnings of a waiver for me would let them know where the town is at.

AG Formella inquired of Capt. MacKenna; "that's why you're here looking for that waiver because if April fifth comes and you don't have a waiver the risk is if you don't pass the test then they might take some employment action." Capt. MacKenna replied, yes.

AG Formella stated his concern is the April 5th date. He would be comfortable with a three or six month waiver because of the April 5th date, to give the Council a chance to look at the guidelines to see what (the Council) is required to be doing under the ADA.

AG Formella stated there is a compelling investigation but thinks if it's time limited enough then (the Council) is balancing the need to be responsive to this specific situation with the applicant, the obligation to take a closer look at this and make sure that we're not just doing something we really shouldn't be doing in the statute. AG Formella thinks there's at least enough room there to

do a three- or six-month waiver, He doesn't think it would be obviously in violation of the statute.

AG Formella stated that the guidelines are what they are and doesn't know how binding they are in this particular situation because they're not a rule...

After further discussion, Chairman Connelly stated he would entertain a motion.

AG Formella stated; I would move that we grant a six month waiver on the condition that the applicant proceed through the process and I think also pending our own review of these guidelines and what our process should be in this type of situation because I think it's worth a fresh look and I think maybe pending, on the condition that we use the six months to take a look at that. And I would suggest that we don't grant another one during that six month timeline, I don't think we want to be seen as opening the doors to something, I think this is a unique and compelling situation with a pending April 5th date that I'm concerned about and I think we should be concerned about on the applicant's behalf. That would be my motion. Mr. Lecius seconded the motion. The voice vote of the Council was unanimously in favor of the motion, with the abstention of Chief Cobb.

Jean Paul Sainme, plea with Attorney General's Office, surrender of certification

Major Parenteau presented a brief summary of the matter for the Council members, Jean Paul Sainme had been employed as a corrections officer for the New Hampshire Department of Corrections. The Attorney General's office of public integrity investigated Mr. Sainme for an allegation of assaulting and inmate while on duty. As part of a negotiated plea with the Attorney General's office Mr. Sainme agreed to voluntarily surrender his correction's certification, have his name entered on the National Decertification Index, as well as not pursuing employment in law enforcement in the future.

Motion by Chief Hoebeke, seconded by Chief Aldenberg, to revoke the certification of Jean Paul Sainme and list his name in the National Decertification Database. The voice vote of the Council was unanimous with the exception of Assistant Commissioner Raymond, and Attorney General Formella, who abstained from the vote.

Dean Outhouse, plea with Attorney General's Office, surrender of certification

Major Parenteau presented a summary of the matter for the Council members, Dean Outhouse had been employed as a police officer with the Portsmouth Police Department. The Attorney General's office of public integrity investigated Mr. Outhouse due an allegation of theft by the Portsmouth Police Department. Mr. Outhouse plead guilty to one count of Theft by Unauthorized Taking. Part of the agreement was to surrender his police officer certification, and agree to his name being placed in the National Decertification Database. He agreed that he would not seek employment in law enforcement in the future.

Motion by Chief Hoebeke, seconded by Mr. Stawasz to revoke the certification of Mr. Outhouse for an indefinite time period and to enter his name in the National Decertification Database. The voice vote of the Council was unanimous in favor of the motion with the exception of Attorney General Formella, who abstained from the vote.

Consent Calendar

PT&E Requests

Tyren Hawkins Concord Police Department

(DOH: 03/03/24) requests consideration for full-time police officer certification based on prior training and experience. Will be granted certification upon successful completion of the medical exam (done January 19, 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.

Keith Letourneau Durham Police Department

(DOH: 04/01/24) requests consideration for full-time police officer certification based on prior training and experience. Will be granted certification upon successful completion of the medical exam, (done March 8, 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.

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.

*Full Time Academy

Class Number	195
Dates	January 8, 2024-April 26, 2024
	196
	February 12, 2024-May 31, 2024

	197
	June 17, 2024-October 04, 2024
	198
	July 29, 2024-November 15, 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	124
Dates	March 25, 2024- 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.

Harold Chastain, Moultonborough Police Department

DOH (10-02-2023) Harold Chastain was approved for prior training and experience certification by the Council on December 19, 2023. Council approved an extension from April 2, 2024, through October 2, 2024, and stipulate that the officer shall work only in the direct presence of a New Hampshire certified police officer unless the officer has completed the agency’s field training program, then may work under normal supervision pending completion of the reciprocal certification process.

Motion by Mr. Lecius, seconded by Mr. Harrington to approve the Consent Calendar. The voice vote of the Council was unanimous in favor of the motion.

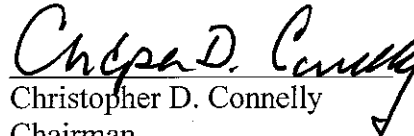
Motion for recess at 10:12 a.m. for a nonmeeting with PSTC counsel Stacie Moeser. The voice vote of the Council was unanimous in favor of the motion.

Motion to exit the nonmeeting by Attorney General Formella, seconded by Chief Hoebeke, the voice vote of the Council was unanimous in favor of the motion.

11:05 a.m. the meeting was back in session, and by motion of Chief Hoebeke, seconded by Chief Aldenberg, the meeting adjourned. The voice vote of the Council was unanimous in favor of the motion.

April 23, 2024

Respectfully Submitted


Christopher D. Connelly
Chairman

To: All NHPSTC Council Members

FROM: Director John Scippa

DATE: March 26, 2024

RE: Director's Monthly PSTC Council Report

Bureau of Recruit Training:

1. 195th Full Time Police Academy began January 8, 2024.
2. 196th Full Time Police Academy began February 12, 2024.
3. 282nd Part Time Police Academy began on Jan 27, 2024.
4. 124th Corrections Academy began on March 25, 2024.

Bureau of Professional Development:

1. Court Security Officer Training and Certification program meeting with development team where we discuss proposed POL rules that will cover CSOs. That discussion will continue as the development team seeks some guidance from DOJ and contemplates expansion of the academy to allow other security stakeholders to participate.
2. Finishing 2023 Annual Report
3. Website Redesign – PST's work is done, and this project is now with DoIT to make it go live.
4. 2024 In-Service Training RFP has been released.
5. RFP for LMS/RMS System has been completed, now in the hands of DoIT for their final approval.
6. RFP for Accreditation Manager is closed and contract negotiations are now on-going with the selected vendor.
7. PSTC and NH FEMSC have been awarded a 100,000 grant to support development and delivery of a universal online training program for all first responders regarding PTSD. RFPs are now being developed to hire SME and video production team.
7. The following training are in the process of being completed:
 - a. New 3x2s (Q1, Q2, Q3)
 - b. New Prosecutor School (Q1)
 - c. New Chiefs/Executive Officer Online Training (Q2/Q3)
 - d. New Physical Fitness Test Instructor Training (Q1/Q2)

NH Law Enforcement Accreditation Commission:

1. Presently we have 19 agencies enrolled in program.
2. The last meeting was held on March 5th and the next meeting is set for
3. PowerDMS just delivered Accreditation Assessor training that was extremely well received.
4. We have made an offer to a candidate for the open PST LETS Accreditation Manager position and they have accepted. Background investigation has started.

Bureau of Standards:

1. The bureau continues to conduct audits as new chiefs take over or if there is a determination that an audit should be conducted.
2. The Bureau continues to respond to 91-A requests as they are received.

Conduct Review Committee:

1. As of Monday, March 24, we have received 208 complaints with 76 originating from the public portal.
2. 118 cases have been closed by the CRC.
3. Four (4) cases have been sustained as misconduct and are being prepared for a hearing at the Council.
4. The updated public register of closed cases will be released this week.
5. The attorney presented as part of a training seminar at the NH Municipal Association.
6. Investigator Lt. Croteau will be attending the second Daigle Internal Affairs Investigation training hosted by PST beginning April 8 that the attorney and Lt. Foulds attended. They will all then attend the online Advanced Internal Affairs Class in June.
7. CRC meetings continue to be held monthly to keep up with the caseload. The next (10th) meeting of the CRC will be this Thursday, March 28. CRC met on Thursday, February 15.

PST Budget:

1. Two capital projects that were approved in last year's biennium (Firing range remediation and AC repair and upgrade), were moved out of general funds, and moved through GOFER to be funded by ARPA funding. Now that the projects have been identified as "next in line", it has been determined that the ARPA funding appropriations will cover less than half of the cost of each project. GOFER has advised us that these projects were not considered for appropriation in the February ARPA reallocation round or the March ARPA reallocation round. GOFER has advised that the projects may be addressed in later reallocation efforts in April.
3. Major Schultz and the business office is working on a second budget transfer request for the fiscal committee and G&C to consider as we come closer to the end of the fiscal year.
4. We are beginning the budget development process for FY 26-27 and have received indication from the Department of Administrative Services that we may have tight caps imposed as we develop the budget.

5. We were able to secure an extension to our dining contract with Alladin Food services and that contract is being finalized for Governor and council consideration.

Outreach, Education and Legislation:

1. I attended the Hillsborough County Chiefs meeting in Bedford on Feb 29, 2024
2. I attended the Cheshire County Chiefs Meeting in Keene on March 19, 2024
3. I attended the Strafford County Chiefs Meeting in Durham on March 20, 2024
4. I attended the NH Association of Sheriffs meeting in Concord on March 21, 2024
5. I attended the National AccredNet meeting by Zoom on March 19, 2024

Staff and Operations:

1. We have received a sole response to the RFP seeking a vendor to conduct a Job Task Analysis and a Fitness Test Analysis and will begin the negotiation process with that vendor.

Open Action Items:

1. Administrative Rules Committee: Chapters 100 to 400 have been amended and are being prepared for final council review and approval.

Discussion Items:

1. Review and accept the "Pathways to Certification" guidance sheet.
2. Presentation from LensLock BWC for donation
3. Review and vote on nominations for the Corrections Advisory Committee:

Tiffany Crowell – Assistant Director of Nursing and current Acting Director of Nursing.

Warden at the NH Correctional Facility for Women is **Sarah Provencher**.