



*Sheriff Christopher D. Connelly
Chairman*

State of New Hampshire

POLICE STANDARDS & TRAINING COUNCIL

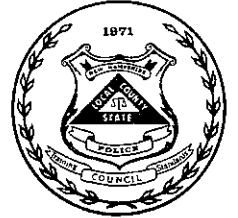
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*John V. Scippa
Director*

Public Minutes April 23, 2024 Police Standards and Training Council

In attendance:

Chairman, Sheriff Christopher Connelly, Hillsborough County Sheriff's Office

Commissioner /Vice Chair Helen Hanks

Chief Kevin Rourke, Nashua Police Department

Chief Allen Aldenberg, Manchester Police Department

Dr. Maureen Sullivan

Sheriff Charles Massahos, Rockingham County Sheriff's Office

Colonel Mark Hall, New Hampshire State Police

Attorney General John Formella

Chief Mark Chase, Center Harbor

Dr. Robert Eckstein, Justice Studies, University of New Hampshire

Mr. Michael Harrington

Judge Amy Manchester, Circuit Court Judge

Mr. Christopher Stawasz

Not in Attendance: Mr. Edward Lecius; Judge Sawako Gardner, Circuit Court Judge; Sergeant Jaqueline Pelletier, Goffstown Police Department; Chief Emily Cobb, New London Police Department

Staff Present: Director John Scippa via Zoom

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

Guests present: Chief Kevin Maxwell, Mason Police Department; Chief Michael Bilodeau of the Newington Police Department with Lt. Andrew Wood and candidate Caroline Isasi; Chief Timothy McLin of the Somersworth Police Department with candidates Connor R. Glidden and Joseph S. Pearsall.

Chairman Connelly called the meeting to order at 9:00 a.m.

He welcomed the newest member of the Council, Chief Mark Chase of the Center Harbor Police Department, who was appointed by Governor Sununu to fill a position of a town chief.

Chairman Connelly called for a motion to accept the March 26, 2024, Council meeting minutes.

Motion by Dr. Sullivan, seconded by Colonel Hall to approve the minutes of the March 26, 2024, PSTC meeting. The voice vote was unanimous in favor of the motion, with the exception of Chief Chase who abstained from this vote.

Director's Report

Director Scippa was on vacation and attended the meeting via Zoom. He prepared a power point presentation with which used to explain to the Council that members of the media have been making inquiries to PSTC staff relative to the time period of 2006 and 2007. These inquiries were specifically regarding former officer Jonathan Stone, who at that time, had been employed by the Claremont Police Department.

In recent weeks, there has been a lot of media coverage relative to an incident that involved Jonathan Stone in 2006. This coverage started after a Supreme Court decision led to the Claremont Police Department being ordered to release records relative to an internal investigation regarding Jonathan Stone.

Some of those media reports provided only partial information or inaccurate information as to how and to what extent our agency took action on Stone's certification.

Because of the partial information or inaccurate information that was published, it was clearly misrepresenting our agency and causing some misunderstanding. Director Scippa said that "it's important to eliminate any confusion among the Council members, it's necessary to understand the full account of our agency's actions".

Jonathan Stone was a fulltime certified police officer with the city of Claremont in 2006. On or around this time the Claremont Police Department conducted two separate investigations relative to allegations of police misconduct. At the time of these events, the chief of the Claremont Police Department was Alexander Scott.

Staff at Police Standards and Training Council conducted an in-depth review of the files in the matter. There is no one who is working here presently that was here in 2006. Staff relied upon reviewing PSTC records to put the timelines together.

The first notice of the event was a Form B, from the Claremont Police Department. Based on their internal investigations they terminated Mr. Stone. The Form B was filed April 17, 2006, indicated that they had discharged Stone effective March 27, 2006.

According to PSTC records, when PSTC received that Form B, the agency director was Keith Lohman. Director Lohman responded with a letter back to Chief Scott. The letter was sent April 20, 2006. It requested information on whether the reason for the termination was an administrative rule, Pol 402.02 violation. The letter asked Chief Scott to forward the files if the IA findings sustained a Pol 402.02 violation, in order for PSTC to contemplate possible action before the Council.

That was the initial action taken by PSTC. According to our records, Director Lohman sent a follow up letter August 24, 2006 indicating that at some point he and Chief Scott had spoken on the phone, and that Chief Scott had advised Director Lohman that Officer Stone had requested arbitration on the termination. It was an employment hearing that they had requested. In the letter, Director Lohman was requesting Chief Scott provide an update on Stone's appeal.

After the second letter was sent, according to PSTC records, PSTC received a letter from Chief Scott dated September 5, 2006. The letter was advising that Stone had appealed his termination and requested an arbitration hearing, the date of the hearing was set for December 8, 2006. Chief Scott noted if anything changed before that date he would contact PSTC.

PSTC received a second Form B from Chief Scott, on May 25, 2007. It was over a year from the time of termination through the labor arbitration that PSTC received the second Form B. The second Form B was backdated to reflect that the status change was to be retroactively applied to March 27, 2006. The Form B indicated that Stone's reason for separation was changed to a negotiated resignation.

There was a change in PSTC directors after this; Keith Lohman left, and Don Vittum had taken over. According to the records, Director Vittum responded to Chief Scott's letter on June 4, 2007, after the review of the second Form B.

In his letter, Director Vittum advised the chief that because Stone's separation had now been negotiated, the Council lacked any authority to take action under Pol 402.02 (a) (5). The letter provided notice that the internal investigation that Claremont Police Department had conducted may contain relevant information for the Council to consider in the event that Mr. Stone attempted to apply for a position in New Hampshire law enforcement in the future.

One of the questions that has been in the newspaper is, could the Council have heard this case? According to the rules in 2006 the answer is no. With both Form B submissions PSTC did not have any authority to bring that case forward because the existing administrative rules did not provide authority for the Council to act. In the first instance, administrative rule prevented the Council from taking action in the case because the officer's labor arbitration was ongoing, therefore, the officer's termination was not final. In the second instance because Claremont submitted the second Form B indicating that the separation had been negotiated, again administrative rule did not provide for authority or jurisdiction for the Council to take any action.

In both cases, the directors and PSTC followed the administrative rules, doing exactly what they were supposed to do.

Another question was, was there a chance that the Council heard the case? In an effort to do our due diligence, staff searched and located records of Council meetings from 2006 and 2007. Two years' worth were reviewed. There was no record that the Council had any kind of hearing relative to the Stone case.

Some media reports indicated that back in 2006, PSTC had received all of the information to take action but PSTC chose not to. That is not accurate. PSTC staff and it's Council followed the Council rules. There was no statutory or administrative rule authority in 2006 and 2007 that would have allowed that case to be brought before the Council for a hearing, or for the Council to act on. The Council would not have formally received information on this case from PSTC staff. Staff did not have the authority to bring it to the Council for a hearing, based upon the existing rules.

In the wake of this, it's important to understand our contemporary process. If a case like this was brought to our attention now, it clearly would be handled differently because of the important changes made in RSA 106 back in 2022, taking affect on January 1, 2023. Now any allegation

of misconduct as defined by the law, must be reported to the Conduct Review Committee within 15 days of receipt of the complaint. If the case is sustained, the CRC will refer the case to the Council for a hearing. The CRC and the Council can act as a regulatory body, independently of any kind of labor separation agreement between an employer and an employee. It's important for the Council to recognize that under contemporary process, that allegation of misconduct if sustained is going to go forward and not get wrapped up in any separation agreement.

These new changes establish a much clearer procedure for PSTC to objectively address allegations of police misconduct. That works because of the collective effort of every New Hampshire law enforcement executive following the law, working with the Conduct Review Committee along with the Council for all of this. The changes help provide a greater degree of procedural due process but at the same time also combines a greater degree of authority to address sustained findings of misconduct.

Director Scippa noted that he provided the information to the Council, to be sure that if any Council member is receiving phone calls from people making inquiries, PSTC staff in 2006 handled the situation exactly according to the rules and the procedures that were in place at the time.

Chairman Connelly thanked the Director and staff for the research and the records that were located, to dispel the inaccurate reporting. He stated that it was unfortunate that there were no reporters present at the meeting today.

Director Scippa thanked the staff for their help to retrieve the information necessary to resolve the matter. He asked that his presentation be included as part of the meeting minutes.

Chairman Connelly asked if the findings would be made available to members of the public, in a location other than PSTC minutes?

Attorney General Formella stated "With any other state agency, I can tell you if the Department of Justice were attacked like this, we would put out a pretty comprehensive explanation, and I think any other state agency would do that", noting he'd like to see a firm pro-active response. "If the response was only posted in the minutes, or on the website, it would not get the exposure it would compared to a press release".

Motion by Attorney General Formella, seconded by Chief Aldenberg that PSTC staff draft a press release regarding information on the Jonathan Stone matter. The voice vote of the Council was unanimous in favor of the motion.

Director Scippa exited the meeting from Zoom.

Financial Report

Major Parenteau explained that he and Captain Mark O'Brien would be attending a Senate hearing for House Bill 1043 on Thursday April 25th. They would be attending in order to expend funds granted to PSTC in 2019. The funds were provided in 2019 for the boiler replacement. The bill would allow PSTC to replace the tactical center floor which is in dire need of repair as well as boiler controllers and thermostats.

Nomination of Council Vice Chairperson

This item was on the March 26, 2024, but was continued to this date as Commissioner Hanks was not in attendance that day.

Commissioner Hanks has served as vice chair of the Council for several years. Last month Chief Emily Cobb expressed an interest to serve as vice chair.

Discussion ensued.

Motion by Mr. Stawasz, seconded by Commissioner Hanks to approve Chief Cobb as the vice chairperson for the one-year term. The voice vote was unanimous in favor of the motion.

Mason Police Department, Pol 302.01(d) (1)

Chief Kevin Maxwell was in attendance to request a waiver for his agency's candidate, Greg Miller.

Chief Maxwell summarized the reason for requesting a waiver. Greg Miller had obtained full time police certification in New Hampshire and had been employed by the Nashua Police Department for approximately 10 years, leaving that agency in January 2022. He was hired by the Mason Police Department as a full-time officer on April 12, 2022; the time between the positions was three months.

Mason Police Department requested prior training and experience certification for Greg Miller, due to the gap of three months. The request was granted at the April 26, 2022 PSTC meeting with stipulations that required a medical examination, and an entrance fitness examination. There was a deadline for him to complete the medical examination and entrance fitness test, however Mr. Miller had surgery prior to the deadline and could not participate in a fitness test.

Mason Police Department requested an extension for him due to the inability of Mr. Miller to test. The extension was granted, and prior to the end of it, Mr. Miller was injured at work, requiring surgery. That extension will expire, and that is the reason that Chief Maxwell requested to speak with the Council.

Chief Maxwell noted that currently, they are beyond time limit in the rule Pol 302.01, for Mr. Miller to take the fitness test, within the two-year period. Mr. Miller has been with the Mason Police Department for two years, but he has been unable to work most of that time. They are requesting an extension to let him heal from his latest surgery, then take the fitness test and continue in his career.

Major Parenteau commented that the statute and the rule is clear, there is a hardline two-year limit. He read the following into the record.

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- “RSA 106-L:6, Education and Training, states in part that the Council shall provide by rule that no person shall be appointed as a police officer except on a temporary probationary basis unless such person has satisfactorily completed a preparatory program of police training appropriate to such person's position at a school approved by the council. No officer who lacks the educational and training qualifications required by this section may have the temporary or probationary employment extended beyond 2 years”.

He continued, “the same statute, section five.

- The council shall require that all uncertified part-time and full-time police officers, as a condition of admission to a basic or reciprocal certification training program successfully pass a physical fitness performance test administered according to standards adopted by the council”.
- “by way of rule under Pol 302.01, states in part, each newly appointed police officer shall attend and satisfactorily complete the police basic training program as applicable when scheduled by the council, within 6 months from the date of original appointment”.
- “section d, the council shall grant an extension as follows of the time limit for the completion of the basic training program upon receipt of a written request from the hiring authority setting forth the reasons therefor for good cause shown; number one under d, extensions of the time limit for completion of the basic training program shall not exceed 2 years from the original date of hire. And finally, section f, termination and subsequent employment of an officer by any agency shall not effect the requirement that he or she attend and satisfactorily complete the police, corrections or probation parole basic training program within six months of the original date of appointment, unless the officer separated from police, corrections, probation parole employment for a period of not less than two years, beginning on the date after the termination has become final”.

Major Parenteau summarized that Mr. Miller had attended the full-time academy, was certified and worked for Nashua. Due to the three-month gap of his employment, his certification lapsed, consequently, his status was uncertified.

Mr. Miller was hired in Mason and was granted prior training and experience by the Council, with stipulations that he complete a medical examination and entry level physical fitness test. It appears that when the Council approved the request on April 26, 2022, from May to August Mr. Miller had no medical issues.

Notations from Chief Maxwell for the first extension request indicated that

- Mr. Miller was scheduled to take a fitness test on October 4, 2022;
- however, on September 15, 2022 Mr. Miller learned that he must have surgery.

Major Parenteau asked Chief Maxwell whether Mr. Miller had a medical condition prior to that time. Chief Maxwell responded that perhaps a few weeks before the scheduled surgery. When asked by Major Parenteau,

- Chief Maxwell confirmed that Mr. Miller did have opportunities to train and prepare for the fitness test from May to August to complete the request by the Council to have his certification reinstated.

- He also stated that that Mr. Miller expected to take the entrance fitness test within his first six months.

Major Parenteau reiterated, “by statute and rule, there does not appear to be an availability to extend the two-year period for another extension. Because it’s only a physical fitness test it’s still considered part of the training program to become certified again”.

Chairman Connelly interjected that ‘it doesn’t sound as if there is an ability for us to consider an extension’ (considering the way the administrative rule is defined). He asked Major Parenteau if there was history with the Council on the subject.

Major Parenteau stated that a few years ago there was a similar request, an individual was at the deadline of two years to become certified, and that the Council did not grant an extension over the two years, based upon the aforementioned rules. The individual’s status was such that he had to wait for two years before applying for a police officer position.

When asked by Chairman Connelly, Major Parenteau responded that the officer would have to wait two years to re-apply for certification, according to the way the rules are written.

Discussion ensued amongst the Council members.

- There is no disability in this circumstance, which is different from the previous month’s request.
- The individual from last month was in his three-year fitness test cycle, the remedy is that the officer is suspended, until such time as they can pass. If the department chooses to keep the person on, because they are currently certified, the person could train, heal, and pass.
- The circumstance for this request is the person is not certified due to the thirty-day lapse.
- The Council is currently discussing and amending administrative rules, this rule should be thoroughly reviewed. It’s not helpful in this instance, but it would be worth consideration for future requests.
- Major Parenteau pondered that the rule may have been put in place to help maintain agencies that continually procrastinated regarding enrollment of their new hires in an academy.
- Chief Maxwell estimated that it may take four to five more months for Mr. Miller to be cleared to take the entrance fitness test.

Chief Maxwell’s thoughts on the language, “basic training program” is the academy.

- “this is not an officer that didn’t go to the academy,
- not an officer that neglected to stay in shape throughout his career and now he is unable to take the fitness test, because he’s not in shape.

“We’re taking a ten-year officer who was only out for several months, and now because he gets injured on the job he’s no longer a police officer and is looking at losing his certification, I just don’t think that goes with the intent of the statute or the rules at all”.

Attorney General Formella stated that he would like to have time to evaluate and research the request, perhaps tabling the request to the next meeting is the best option. He expressed caution at granting requests immediately.

Motion by Attorney General Formella, seconded by Judge Manchester to table the extension request by the Mason Police Department until the May meeting.

Discussion ensued. The motion was that the request was to be tabled in order for the staff to research further for potential ADA implications that may provide us with the flexibility to grant this request.

The voice vote was unanimous in favor of the motion, except for Chief Rourke, who abstained from the vote.

Newington Police Department, Pol 301.05

Chief Michael Bilodeau and Lt. Andrew Wood were in attendance with a candidate for the Newington Police Department, Caroline Isasi.

Chief Bilodeau explained that his agency was seeking a waiver for Ms. Isasi; specifically under administrative rule Pol 301.05 (10), which is the use of marijuana within twelve months from the date of application.

Candidate Asasi admitted to ingesting marijuana approximately eight months prior to her application to the Newington Police Department. At the time, she was in North Carolina she had ingested a THC gummy of the Delta 8 variety, which is legal in the state of North Carolina.

Lt. Wood explained the different varieties of THC, Delta 9 is what is normally thought of as marijuana. Delta 8 is extracted and manufactured in a different way, which in some states is legal. It's less potent than Delta 9. Lt. Wood made a phone call to the North Carolina state police who confirmed that Delta 8 is legal to purchase and consume. Delta 9 remains illegal in North Carolina.

Chief Bilodeau continued, the Newington Police Department has done a thorough background investigation, medical, and polygraph, regarding the incident Ms. Isasi has been upfront with the agency. The results of the background investigation concluded for the chief that there is no reason why Ms. Isasi should not be hired.

Major Parenteau and Council members received the following responses to their questions:

- Her application to the department was dated February 12, 2024, the ingestion of the gummy was six to eight months prior to that date.
- Her drug screening was clear, she will be past the twelve-month mark in three or four months.

When asked, Caroline Isasi explained the life changes that led her to the opportunity become a police officer.

Chief Bilodeau explained to Council members that Caroline Isasi was an applicant that he was willing to go forward and put his trust in so she could work for his agency. Newington is down three officers in an eleven-officer department; they won't change their standards, he indicated that he believed Ms. Isasi to be an excellent candidate.

Motion by Commissioner Hanks to grant the waiver given the totality of the circumstances of the way she is presented. The results of the background investigation in this instance does not impede her moral fortitude. The motion was seconded by Sheriff Massahos. The voice vote was unanimous in favor of the motion.

Somersworth Police Department Pol 301.05 (g) (10)

Chief Timothy McLin was in attendance with a candidate for the Somersworth Police Department, Connor Glidden. He was requesting a waiver under administrative rule Pol 301.05 for Mr. Glidden.

Chief McLin gave a summary of Mr. Glidden's education history from Spaulding High School and Plymouth State University. He will graduate this May with degrees in Criminal Justice, Sociology, and Anthropology.

While attending PSU, Mr. Glidden agreed to deliver THC vapes and marijuana for a friend to the Applebee's Tilton, NH location. No money was exchanged with Mr. Glidden, and cost of the items was paid for with a cash app.

Mr. Glidden self-disclosed the event to Somersworth Police Department during the application process. This was confirmed while participating in a polygraph test. It also confirmed that he has never been involved in any other type of sale. Mr. Glidden's medical examination and drug screening results were clean, he has also had a psychological screening.

Chief McLin explained that the background investigation on Mr. Glidden was nearly complete. Chief McLin interviewed Mr. Glidden who explained that when he delivered the items, it was not a smart decision. Chief McLin noted that the background investigator, the supervising sergeant, and the detective captain who does the background investigations highly recommends Mr. Glidden as a candidate to be hired as a police officer.

Chief McLin agreed that the totality of the circumstances did not demonstrate a lack of moral character; taking into consideration the entire background process.

When asked by the chairman, Mr. Glidden thanked the Council for taking the request for a waiver into consideration, he admitted what he did, and knew he had to express what happened during the interview process.

Discussion ensued amongst the Council members.

Motion by Chief Rourke to grant the waiver, seconded by Chief Aldenberg, that the intent of the matter was not for profit, the conduct exhibited was not to result in an excess of financial return in the transaction or series of transactions and the behavior pattern under the totality of the circumstances did not demonstrate a lack of good moral character. Attorney Moeser provided assistance with verbiage. The voice vote of the Council was unanimous in favor of the motion.

Somersworth Police Department Pol 301.05

Chief McLin's second request for a waiver was for another candidate for the Somersworth Police Department, Joseph Pearsall. He summarized Mr. Pearsall's history for the Council. Mr. Pearsall is from Dover, New Hampshire, he is in the process of being hired by the Somersworth Police Department. During the background investigation he disclosed to the investigator that he had taken a few hits from a vape pipe with THC. The circumstances were that it was his
PSTC April 23, 2024 Meeting minutes

girlfriend's product that she had purchased and he was having trouble sleeping. He took a few hits from the vape pipe as a remedy for insomnia. Prior to this incident his last use was outside the twelve-month period that would require a waiver, in 2022.

The background investigator spoke to Mr. Pearsall and his girlfriend and ensured that there was no more use in the household. The event occurred a little over four months ago.

The background process included a polygraph examination, the examination confirmed the circumstances of the use of vaping THC within the twelve-month period as well as use prior to that.

Mr. Pearsall completed a medical examination which includes a drug screening, the results of which were clean. He also has had a psychological examination, and continues in the background process.

He was highly recommended after his oral board, and by Somersworth Human Resource personnel. Several staff members at Somersworth Police Department that were a part of Mr. Pearsall's path to being hired spoke well of him. "Based on the totality, we did not think that it would rise to a lack of good moral character".

Mr. Pearsall when asked, addressed the Council stating "it's nice to be here, and I wish it was under different circumstances but it's not, I apologize for this". He thanked the Council for the opportunity to hear the request for waiver.

Major Parenteau asked for the date of the application ; Chief McLin responded it was March 21, 2024 when the background investigation was signed, and confirmed that the use had been four months prior.

When asked if Council members had questions,

Mr. Pearsall was asked what time he'd decided to become a police officer?

- Mr. Pearsall stated that he had many family members in law enforcement and he had wanted to become a police officer since he was a child.
- Mr. Pearsall explained that he'd begun the hiring process in March, and Chief McLin confirmed that he had received a reference from one of Somersworth's certified officers.
- The use of the THC vape was in December
- It was confirmed that it was a one-time use, outside of the twelve month period would have been when he was in high school.

Motion by Attorney General Formella to approve the waiver, given the totality of the circumstances it does not demonstrate a lack of moral character, the motion was seconded by Commissioner Hanks, the voice vote was unanimous in favor of the motion.

Stratham Police Department

Chief Anthony King was in attendance with Shawn Walmsley who was applying for a part-time position at the Stratham Police Department.

Mr. Walmsley was given a conditional approval by the Stratham Police Department's hiring board. Part of the hiring process was having a medical examination; this is when he discovered that his hearing is lacking. He proceeded to an examination with an audiologist, the audiologist confirmed the hearing loss.

Police Standards and Training Council staff received some of the audiology reports, they were difficult to understand. Chief King provided a letter to Major Parenteau the day before the meeting from Mr. Walmsley's audiologist, stating that with proper hearing aids he could meet the standards of PSTC.

Major Parenteau noted that on the Form D, medical examination form,

- the medical provider stated that they did have have reservations about Mr. Walmsley participating in a vigorous training program or performing the duties of a police officer. The notation on this read, "fails hearing for police standards".
- The specialist wrote that "the patient does not meet the necessary requirements unaided. The patient's loss would be easily treatable with hearing aids and would meet the criteria aided. If this is acceptable the patient is interested in obtaining hearing aids for both ears".
- Based upon the audiologist diagnosis, all that will be required will be hearing aids.

Chairman Connelly asked the Council for a motion on this matter.

Motion by Commissioner Hanks, seconded by Sheriff Massahos, to approve the request for the waiver. The Council vote was unanimous in favor of the motion.

Consent Calendar PT&E Requests

Troy Franklin, Franklin Police Department (DOH: 04/08/24). Will be granted certification upon successful completion of the medical exam, done (March 29, 2024), and 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.

Peter Kosakowski NH State Police (DOH: 05/17/24) Will be granted certification upon successful completion of the medical exam, (done March 15, 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 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, 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.

Medical Extensions for Fitness Testing

John Santoro Plaistow Police Department

DOH (05/01/2023) Mr. Santoro was granted prior training and experience certification by the Council on October 24, 2023. Was approved for an extension to begin April 24, 2024, and expire October 24, 2024. An updated medical examination (as the initial exam was over a year ago) for Mr. Santoro to complete the prior training and experience stipulations.

Corey Juszczak Atkinson Police Department

DOH (10/16/2023) Cory Juszczak is completing the full-time police academy currently and has been placed on 30/60 status. Will be granted an extension to June 25, 2024, to complete 30/60 retesting to allow Mr. Juszczak to complete the retests for his academy.

Amardeep Singh Salem Police Department

DOH (01/15/2024) Amardeep Singh is completing the full-time police academy currently and has been placed in the 30/60 status. Mr. Singh's first six months will expire on June 15, 2024. Will be granted an extension until July 30, 2024, to allow Mr. Singh to complete the retests for his academy.

End of Consent Calendar

Motion by Dr. Sullivan, seconded by Attorney General Formella to approve the consent calendar. The voice vote of the Council was unanimous in favor of the motion, with Colonel Hall abstaining from the state police item.

Motion by Mr. Stawasz, seconded by Chief Rourke to begin a nonmeeting with PSTC Attorney Stacie Moeser. The voice vote was unanimous in approval of the motion.

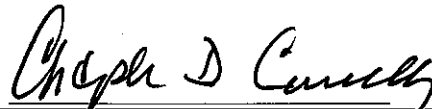
At 10:02 a.m. the Council members entered a nonmeeting.

Motion by Attorney General Formella seconded by Judge Manchester to exit the nonmeeting. The voice vote was unanimous in approval of the motion.

At 10:17 the meeting returned to public session and simultaneously, on a motion by Mr. Harrington, seconded by Commissioner Hanks the meeting adjourned, with Council members unanimous in favor of the motion.

May 28, 2024

Respectfully Submitted,



Christopher D. Connelly
Chairman



Summary Presentation Regarding a 2006 Misconduct Event

Director John Scippa

April 23, 2024

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.