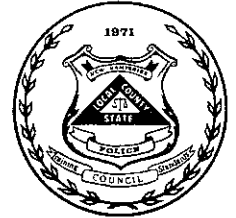




*Sheriff Christopher D. Connelly
Chairman*

State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
Arthur D. Kehas
Law Enforcement Training Facility & Campus
17 Institute Drive, Concord, N.H. 03301-7413
603-271-2133 – Fax: 603-271-1785
TDD Access: Relay NH 1-800-735-2964



*John V. Scippa
Director*

Public Minutes
June 25, 2024
Police Standards and Training Council

In attendance:

Chairman, Sheriff Christopher Connelly, Hillsborough County Sheriff's Office
Vice Chair Chief Emily Cobb, New London Police Department
Commissioner Helen Hanks
Colonel Mark Hall, New Hampshire State Police
Attorney General John Formella
Chief Mark Chase, Center Harbor Police Department
Mr. Michael Harrington
Judge Amy Manchester, Circuit Court
Judge Sawako Gardner, Circuit Court
Mr. Christopher Stawasz
Mr. Edward Lecius
Sergeant Jaqueline Pelletier, Goffstown Police Department
Chief Kevin Rourke, Nashua Police Department
Chief Allen Aldenberg, Manchester Police Department
Dr. Maureen Sullivan

Not in Attendance:

Sheriff Charles Massahos, Rockingham County Sheriff's Office
Dr. Robert Eckstein, Justice Studies, University of New Hampshire

Staff Present: Director John Scippa, Major David Parenteau (ret.), Attorney Stacie Moeser, Captain Tom McCabe, Dr. Kim Stewart, and Anne Paquin, Investigative Paralegal.

Guests present: Sgt. Jordan Kopko with candidate Nicolas Cristina, New Hampshire State Police; Chief Kevin Maxwell with Gregory Miller, Mason Police Department; Chief Justin Sargent, Hooksett Police Department; Chief Kristopher Bean with candidate Ronald Taylor, Bristol Police Department; Sheriff Jeffrey Stiegler, Grafton County Sheriff's Office, Deputy Chief Nathan Roy with candidate Jonathan Oliveira, Berlin Police Department.

The meeting was called to order at 9:16 by Chairman Connelly

Motion by Mr. Lecius, seconded by Colonel Hall to approve the minutes of the May 28, 2024 meeting. The vote was unanimous in favor of the motion, with the following Council members abstaining from the vote, Judge Manchester, Dr. Sullivan, Judge Gardner, Chief Cobb, and Sgt. Pelletier.

Motion by Chief Chase, seconded by Mr. Stawasz to approve the minutes of the nonpublic session from the May 28, 2024 meeting. The vote was unanimous in favor of the motion, with the following Council members abstaining from the vote, Judge Manchester, Dr. Sullivan, Judge Gardner, Chief Cobb, and Sgt Pelletier.

Director's Report (copy attached)
Discussion Items from the Director's report.

Director Scippa informed the Council members that PSTC has been contacted by the Department of Health and Human Services, Department of Children, Youth and Families to provide basic interview training for their civilian employees that are DCYF investigators. The training that they're looking for is to help support their workers when they interview adults as part of their overall investigation.

Under PSTC's administrative rules, PSTC may charge a fee for those services. Director Scippa expressed that he believes that PSTC is the only state agency that doesn't charge anyone. All the other state agencies that PSTC works with have charged PSTC for their services.

He asked for guidance from the Council, whether PSTC should charge a fee to provide this training, and the cost to charge for the training?

Chairman Connelly asked if DCYF provided any training for PSTC recruits during their academy? Director Scippa's response was that he will confirm whether DHHS provides training to PSTC and whether there is a charge involved.

PSTC's instructor, Lieutenant Todd Crumb, oversees the Interview Training class. The Academy staff can find dates when Lieutenant Crumb is not engaged in teaching at PSTC and then send him to a DHHS location to teach.

- DHHS estimates 200 employees would participate in training. It will require a number of days to complete the training. The training request is for DHHS employees interviewing adults.
- It was unknown if this would be one time training or if it is to be done annually.
- Staff would have to modify an existing training program, for the needs of DHHS.
- The training would have to be fit into the schedule so that there is availability of the instructor or instructors from PSTC to complete it.
- PSTC does not have enough room at the training facility, it must be held off site.
- If there's an opportunity to do a webinar, then DHHS could incorporate that into their own training.

Director Scippa and PSTC staff will research the unanswered questions and re-assess the request. Director Scippa invited the Council members to an agency wide lunch meeting the following day, June 26, 2024.

Mason Police Department

Chief Maxwell had been at the May 28, 2024 meeting to discuss Officer Greg Miller's status, he was asked to return this month for further discussion.

Chief Kevin Maxwell and Officer Greg Miller were in attendance, they introduced themselves to the Council.

Director Scippa summarized that Officer Miller of Mason Police Department had been trained and was a certified police officer. He left police work for a period of time and then was hired by the Mason Police Department. The Council, through the Mason Police Department, granted Officer Miller's Prior Training and Experience certification at an earlier date, with the stipulation that Officer Miller comply with fitness requirements.

Events occurred after the Council's stipulation for fitness testing that were not under Officer Miller's control. He was unable to complete his fitness test.

Director Scippa asked the Council members, "does Pol rule 302.01 impose a two year separation of service for a candidate that is requesting reinstatement of a lapsed certification under Pol 401.01"?

Officer Miller has not been able to fulfill the Council mandates to become reinstated within two years of his request for prior training and experience certification.

Officer Miller was hired, and per the Council mandates, he had six months to take the fitness test, he was not able to do that. He asked for an extension, the extension was granted. Six months later he still was not able to test, and another six-month extension was granted. Because of injuries outside of his control, he was not able to complete his fitness testing within the two-year period that has historically been applied to officers that are trying have their certification reinstated.

The Council had asked the staff during the last meeting to research the facts and rules. Director Scippa drew the Council's attention to a document that he had provided on the agenda. The document contained an analysis and compared PSTC's administrative rule Pol 401.01 Lapse of Service. The rule allows the Council to reinstate the lapsed certification with, or without additional training imposed by the Council. In the instance concerning Officer Miller, the Council requested that Officer Miller complete an entrance fitness test in order to get his lapsed certification reinstated.

Director Scippa continued with his explanation of the analysis document. The timeline that the Council used for Officer Miller to complete these requirements, has been recognized by the Council as six months from the date of his hire and then has applied the six-month extensions that are based in PSTC's administrative rule Pol 302.01. Pol 302.01 specifically states that if a candidate has not completed their academy, (they must complete their Academy within six months), if they are unable to do so, then the Council can grant a six-month extension and then another six-month extension, not to exceed two years.

When a new person who's never been to the Academy reaches the two-year mark, the Council imposes a two-year separation. They cannot work for two years in New Hampshire law enforcement. That rule exists to prevent a newly hired person who's never been to the Academy, from working in perpetuity and never having to go to the Academy, getting extension after extension.

In Officer Miller's case, he's already been to the Academy, he's graduated. He was a working police officer and worked for many years with the Nashua Police Department, he left the Nashua Police Department and then was rehired months later by the Mason Police Department.

The Council has always relied upon Pol 302.01 regarding those time limits to be reestablished as a police officer, to get the lapsed certification reinstated.

By comparing the two rules to each other, Officer Miller is seeking his certification back, the Council has full latitude to either reinstate, or not reinstate.

If he was not a certified officer, and he was asking for these continuations, then the Council has very clear guidance that the individual must be out of law enforcement employment for two years, and then may pursue employment with a police agency.

It is the staff recommendation that the rule should not apply in this case. Staff does not believe that the two year separation set forth in Pol 302.01 applies to Gregory Miller because he's already completed the basic academy. He is requesting reinstatement under Pol 401.01.

It's also the staff's recommendation to the Council that the Council impose a non-disciplinary fitness testing suspension until such time as Officer Miller is cleared by his doctor to take his fitness test, and then successfully passes the fitness test.

PSTC would be treating Officer Miller in the same way that we would be treating somebody who couldn't pass their three-year fitness test.

The non-disciplinary fitness testing suspension would prevent Officer Miller from being able to reset the clock with Mason Police Department or another police department; but will allow him to return to work as soon as he's able to pass the test.

Once the Pathways guidance proposal is reviewed and approved by the Council, the staff will ask to make any situations similar to Officer Mason's part of the Pathway's protocol and include it as part of the Technical Assistance Manual.

Chairman Connelly thanked Director Scippa for his diligence and analysis on the matter, as well as his explanation to the Council.

When asked, Officer Miller stated, "I'd just like to echo the thanks for all the work that was put into this since last meeting". Officer Miller has been cleared to take the PT bike alternative test.

Motion by Judge Gardner, that the Council imposed a non-disciplinary fitness testing suspension until such time that Officer Miller has passed his fitness test. Judge Manchester seconded the motion. The voice vote of the Council was unanimous in favor of the motion.

Emergency Rule Approval and Vote

Attorney for Police Standards and Training Council, Stacie Moeser, addressed the Council members.

Attorney Moeser sent an email to the Council members to ask for comments on a new section of PSTC's administrative rules the week prior to the meeting. There was a lot of feedback from Council members which was helpful.

She has talked about amendments with the Office of Legislative Services Rules Committee, as well as receiving guidance from Department of Justice, about the rules process.

Currently it's quite difficult to pass emergency rules, there must be a demonstrative, imminent threat to safety or health.

The intent of the proposed emergency rules was to shore up PSTC's rules to make them more specific, address the changes to RSA 106 L. DOJ responded, stating the current rules are good enough to be able to use them for the Conduct Review Committee hearings. DOJ understood the purpose for why PSTC was presenting rules amendments, which is to make them even better.

DOJ advised that the Council can either go forward with these as emergency rules or incorporate the work that has been done.

The helpful guidance from the DOJ was what Attorney Moeser wanted to bring to the Council. Today there can be discussion about which route for Council would like to choose and also for further input, no matter which route is pursued.

Chairman Connelly thanked Attorney Moeser and added, "it would seem to me we're undertaking a total rule review anyway; so, based on that feedback and your commentary, my thought would be that we just roll that into the overall rules review that we're doing, certainly open to discussion and suggestions from any other members".

Chairman Connelly asked for comment from any members of the public that were in attendance, no comments were received.

Attorney Moeser announced to Council members that they were encouraged to provide individual feedback and they were welcome to join the Rules Committee.

New Hampshire State Police

Major Parenteau introduced Sergeant Jordon Kopko and candidate Nicolas Cristina. They were present for the request for waiver regarding Mr. Cristina's attendance at the academy regarding color vision.

They are seeking a waiver for a color blindness issue. PSTC has a Form D, (medical form) the doctor that examined Mr. Cristina found a color vision deficiency. He completed 8 plates out of 14 on the Ishihara exam. He has a strong red, green defect in the right eye, and a medium red, green defect in his left eye. He may perform all police tasks and activities with the following restrictions, activities requiring critical color discrimination.

The question on the Form D regarding the doctor's opinion on the candidate reads "do you have any reservations about this individual's participation without restrictions in a rigorous physical training program and to perform the duties of a police officer". The doctor circled "yes".

Medical screening guidelines are in Chapter One of the Technical Assistance Manual. The instructions for the medical screening guidelines do not necessarily contain any denials; matters are reviewed on a case-by-case basis.

Major Parenteau asked Sergeant Kopko to present information on the additional vision testing done for Nicolas Cristina. Sgt. Kopko can discuss the vision information in greater detail.

Sgt. Kopko had provided the Council members with documentation regarding Mr. Cristina's color vision limitations. He addressed the Council and summarized the findings.

The follow up from the Form D medical, it reviews the initial eye test and then the follow ups that were done at Boston Eye and Ear. There are added notes by Jordan Broussard at Concentra, which go over the initial exam and the follow up exam. There was a third test that was done on June 20th that Mr. Christina went down to the Eye and Vision Center and that's outlined in the document. All three tests and evaluations he came back with very similar results.

The doctor found the red/green deficiency, but when she talked to Mr. Christina, he was able to identify colors but described them a bit differently.

Sgt. Kopko explained that Nicolas Cristina was a very strong candidate for employment at New Hampshire State Police. He detailed asking Mr. Cristina to identify colors during the commute to the meeting that morning and observed that "if an object were in the shade, it would take him a little bit longer" but as soon as the object hit the light, they both agreed on the color. Mr. Cristina addressed the Council regarding his experience with color deficiency.

- He initially discovered color vision deficiency when he joined the Army.
- Part of being in the Army entails using night vision to identify targets, because of life and death situations.
- It was determined that Mr. Cristina could distinguish red/green
- He spoke with the doctors who never seemed to feel that the color blindness or color deficiency was severe enough that it would ban him from anything involved with firearms, military, or law enforcement.

Chairman Connelly thanked Mr. Cristina for his service, and for the explanation on color vision.

Judge Gardner thanked Sergeant Kopko for organizing the presentation and providing the copy of information before the meeting. She noted that the information was medical records which are confidential, they should be sealed or redacted.

Chairman Connelly asked if there were questions or anything further on the matter.

Motion by Mr. Lecius to approve the request from the New Hampshire State Police, the motion was seconded by Dr. Sullivan. The voice vote was unanimous in favor of the motion with Colonel Hall abstaining from the vote.

Major Parenteau collected the confidential documents.

Bristol Police Department

Chief Kristopher Bean was in attendance with a candidate for Bristol Police Department, Ronald Taylor. Chief Bean explained that he was requesting consideration for prior training and experience for Ronald Taylor's certification to be reinstated. Mr. Taylor had been out of law enforcement employment for more than three years.

Major Parenteau summarized that Mr. Taylor had worked for the Franklin Police Department and New Hampshire State Police. He left employment with the NHSP on August 31, 2018; at this point he's been out for five years and 10 months. The chief has asked to come before the Council to provide information for the Council to consider for Mr. Taylor's certification being reinstated.

Chief Bean addressed the Council. He summarized that he'd met Mr. Taylor when he was a patrol officer, at that time Mr. Taylor was a state trooper. When Mr. Taylor left law enforcement employment, he went to the US Marine Corp.

He has completed 800 hours' worth of training, whether that be

- firearms instructor training
- the three by twos that are required.
- Chief Bean provided the Council with a copy of the training that was completed in the military, which is the same type of training that Mr. Taylor would be doing every year as law enforcement continuing education.

- He has been a cadre at the Academy

- He has barely less than two decades worth of law enforcement experience in New Hampshire, plus 26 years of law enforcement and military experience.

- The town of Bristol feels that Ron has a great knowledge of law enforcement.

- He has been away from law enforcement employment for a few years; Chief Bean doesn't believe that he's lost the ability to be a great police officer.
- The town of Bristol is hopeful that he can get his certification reinstated without attending the full-time police Academy.

Major Parenteau informed the Council members that the protocol for prior training and experience reinstatement of certification was that if someone had been out of law enforcement employment for more than three years, they'd be required to attend the entire full time officer academy.

Mr. Taylor addressed the Council, reiterating the information that Chief Bean had provided.

- He ended his career in law enforcement, he continued his service with the Marine Corps for three years.
- He did diversity equality and inclusiveness training.
- He did firearms training, deadly force training, as well as clearing buildings training.

The Bristol Police Department hasn't finished the hiring process with Mr. Taylor. Because of his lapse in certification, Mr. Taylor was not interested in attending the full-time police academy in order to work for the Bristol Police Department.

Council members had concerns about potentially approving someone before they were hired, which is not the protocol. They did agree that Mr. Taylor's education history should be explored to be certain that there were no deficiencies. It would require a comparison from his current state of training; to the training that may be missing.

Council members expressed that the town of Bristol must hire Mr. Taylor before the Council can render the decision, otherwise if the Council were to act on this before the applicant is hired, the Council will get inundated with requests to evaluate people before an agency hires them.

Director Scippa expressed that this is the reason that New Hampshire doesn't do that (approve before hire) because and it would create significant extra workflow for staff to evaluate candidates that don't confirm employment.

Director Scippa continued, "until PSTC receives a Form A indicating that the Bristol Police Department has hired Ronald Taylor, the request for prior training and experience can't be completed by the Council".

Chairman Connelly stated that he would entertain a motion to table this agenda item.

Motion by Chief Chase, seconded by Mr. Lecius, to table the Bristol Police Department request until the next Council meeting, and the staff receives a Form A indicating that Mr. Taylor has been hired by Bristol Police Department. The voice vote of the Council was unanimous in favor of the motion with the exception of Colonel Hall who abstained from the vote.

The Council took a break at 10:28 and was back in session at 10:40.

Grafton County Sheriff's Office

Major Parenteau advised Council members that Sheriff Jeffrey Stiegler was in attendance to ask the Council about a waiver for a three-year separation of employment, his candidate's (Hunter Torrey) last assignment was with the Haverhill, New Hampshire Police Department.

Major Parenteau summarized that Hunter Torrey graduated the 181st police academy on April 22, 2020. He worked for the Haverhill Police Department, and he resigned on April 1, 2021. Grafton County Sheriff Stiegler hired him on June 5, 2024; which puts him a few months over the three year mandate to attend the academy.

Sheriff Steigler explained that in Grafton County, they have only hired one uncertified person and put them in the Academy during his tenure. He is very particular about who's going to work for his agency that he is responsible for; and he knows Hunter Torrey.

He met Hunter Torrey when he was the captain of the soccer team at Oxford High School and he was also a player on the basketball team. Sheriff Steigler was impressed that Hunter Torrey knew his role as a leader, being captain of that team. He went on to graduate from that high school, joined the United States Marine Corps Reservist service for six years, and honorably obtained his degree from Northern Vermont University in sports management.

Mr. Torrey worked at Haverhill Police Department during a transitioning time. A new town manager came in shortly after he arrived, the police chief left and went to another agency. Hunter Torrey was the victim of bad training. He really didn't get a good feel for law enforcement.

Sheriff Steigler stated that "I would not be here today to jeopardize my integrity, my standing. I wouldn't be here asking you for this if I didn't believe in this young man. He's the right fit for us, he's purpose driven, motivated".

- Sending him back to the academy, he won't get as much out of it as he did the first time.
- He needs to be out on the road, the practical piece is really what failed him before.
- Sheriff Steigler stated that he does not want to fail him again because he is trying to find somebody that wants to be a 25 plus year person is important.

Sheriff Steigler announced that the deputy that's training Hunter Torrey is working later in the day today for the direct supervision, otherwise Mr. Torrey would have been in attendance.

When asked, Sheriff Steigler stated that Mr. Torrey began working for a lumber company in Vermont when he left the Haverhill Police Department. He also reenlisted in the Vermont Air National Guard, specifically security forces, and one of the things that they do in the training he's been getting is law enforcement around the base. He's had some relevant training before joining us. His business was supplies in the construction industry. Sheriff Steigler answered that Mr. Torrey left his employment in good standing.

Motion by Chief Cobb, seconded by Colonel Hall to grant prior training and experience certification to Hunter Torrey with the stipulation that he completes the entrance fitness test, the full time academy law package and that he may only work in the direct presence of a certified officer unless he's completed the field training then he may work under regular supervision. The voice vote of the Council was unanimous in favor of the motion.

Hooksett Police Department

Chief Justin Sargent was in attendance to request a waiver for Hooksett Police Department's candidate, Nicholas MacLean. Mr. MacLean was not in attendance.

Major Parenteau addressed the Council and shared that the next three cases were regarding Pol 301.05 (g) (8), copies of that administrative rule were provided to them.

Chief Sargent addressed the Council. He explained that Hooksett Police Department is requesting a waiver for Nicholas MacLean. They have completed a full background investigation. They have done everything that is required, he's even signed up for the Academy. Hooksett Police Department needs to make sure that Mr. MacLean gets a waiver to get into the Academy.

When he was 16 or 17 and perhaps when he was eighteen, "he sold marijuana while he was in high school, more than a couple dozen times, but not more than 100. When he turned 18, he stopped, and he joined the Marine Corps".

The chief continued noting that was 14 years ago and now he's 32 years old, he has been offered a position with the Hooksett Police Department.

The drug sales were when he was a juvenile, he was young, he didn't know he was doing. Once he realized he wanted to be a Marine, he got his life straightened out.

Council members inquired, when we've had others in this situation come before us in the past and the officer has been here, they've explained why they want to be a police officer. Why does Mr. McLean want to be a police officer?

Chief Sargent responded that:

- Mr. MacLean went to school very briefly for criminal justice. he did not attain any degrees.

- He does construction work currently.
- He realized that that's not what he wants to do any longer.
- He'd like a job a that is more stable, he wants to help the community.
- He's done the ride-alongs.

When asked, Chief Sargent explained that Mr. MacLean wasn't present due to his current job. However, he admitted that it may be his own (Chief Sargent's) fault. He didn't realize that Mr. MacLean could attend.

Council members commented that it is helpful if the candidate attends the meeting, and that way they can answer questions themselves. They would like to hear directly from the candidate. Some of the behavior happened when he was a juvenile.

Chief Sargent explained, "in the way that it is written when our background investigator who did the background talk to him, he said that it was mostly when he was 16 and 17 right up to the point where he turned 18 because at that point, he knew he was going to join the Marines. So that's why he stopped".

Council members asked has there been any drug use since that time?

Chief Sargent replied that the last time the candidate used drugs was in 2018 and it was marijuana. He was twenty-six years old at that time.

Chief Sargent was asked about the candidate's age while selling the marijuana. His response was that it was right up until he was 18. The candidate passed the polygraph examination for the agency, the Chief had the polygraph exam with him.

Chief Cobb noted that the Council was looking at the administrative rule Pol 301.05(g)(8).

"So A is at the conduct occurred when he was a juvenile, which we established that most of it did. So, then we move on to B. The behavior pattern under the totality of the circumstances that demonstrate a lack of good moral character. So, the behavior pattern, if it happened relatively infrequently, if at all after he turned 18, is that a behavior pattern that we need to be concerned about, and the totality of the circumstances demonstrate a lack of good moral character".

PSTC's attorney, Stacie Moeser interjected "so I think the for under that piece we have to do one under A, I don't know that there has not been definitive proof that it isn't that it was entirely has been entirely while a juvenile, OK, that'd be under one? If it's entirely juvenile, then we move under B so it has to also demonstrate that the pattern under the totality did not demonstrate a lack of good moral character. So, we would need information about the moral character. Often that's when we talk about the frequency, you know, the decision to end, other conduct that was going on there. If we find that it all or that any occurred as an adult and we have to go through the analysis on profit from which money was the purpose of the transactions".

Commissioner Hanks suggested giving Chief Sargent some time to review the documents in the background investigation while the Council attended to other agenda matters, and then return to the Hooksett Police Department matter.

Director Scippa added, "and to the Commissioner's point, I wonder if it would benefit the Council to actually have the candidate appear so that Council would have the ability to actually speak to the candidate".

Chief Sargent informed the Council that he was up against a deadline; if Mr. MacLean is hired before July 1st, he can give Mr. MacLean the bonus that was advertised. After July first he was not eligible for the bonus.

Commissioner Hanks interjected that "I think it's important to understand that this was when he was a juvenile. That's what I've heard the Chief Sargent testify to, is that this person at the age 18 joined the US Marine Corps, served in the Marine Corps, is working, has a very successful job, is a father, had one event when he was 26, which is greater than 12 months ago. I've definitely heard that there is not a behavior pattern that would question his current lack of good moral character, but just trying to understand the sales as a juvenile".

Motion by Attorney General Formella to table the matter until the remaining Council business is concluded, the motion was seconded by Commissioner Hanks. The voice vote was unanimous in favor of the motion.

Berlin Police Department

Deputy Chief Nathan Roy was in attendance with a candidate for the Berlin Police Department, Jonathan Olivera.

Major Parenteau explained to the Council "they are also requesting a waiver, during the hiring process he disclosed what would constitute a violation of PSTC's administrative rule, Pol 301.05 (g)(8). As a minor he was party to the sale of marijuana, without the intent for profit, on one occasion. It took place in approximately 14 years ago; and thus far, background and polygraph support that he was a person of good moral character. It will be up to the Council to verify that this, in fact took place when Mr. Olivera was a juvenile".

Major Parenteau asked Deputy Chief Roy to summarize the request. Deputy Roy explained that the marijuana was actually about 17 years ago.

Information provided to the chief from Mr. Olivera was that the use of marijuana occurred when he had obtained his driver's license. He has completed a hiring process with Berlin Police Department that included a thorough background, polygraph, and a random drug screening. Mr. Olivera's background was exemplary. The last usage of marijuana was prior to his 10-year-old son being born.

There was no question regarding his moral character that came up during the background process and the instance of the sale of marijuana. It technically constitutes a sale. Mr. Olivera and a few friends in high school, he made the initial purchase of a pound of marijuana and then his friends paid for their share and they split it up, it was not for profit, and only one time.

When asked, Mr. Olivera answered the incident occurred when he was between 16 and 17 and had just got his driver's license. He answered that he hasn't used marijuana in a long time and that was one time and was a foolish decision.

When asked by Commissioner Hanks, Mr. Olivera answered that he has been employed by the same company for the last 13 years. He began as a laborer, and advanced to a heavy machine operator before he left. When asked by Mr. Lecius why did he want to be a police officer, the response from Mr. Olivera was that it was something he wanted to do as a child. He did take the civil service test in Massachusetts, but there were no positions at the time when I applied. He moved to New Hampshire, saw an opening, applied, and continued through the hiring process.

Judge Gardner asked, "in your position as a heavy machine operator and things of that nature and your previous or current job, if you're still there, are you submitting to drug tests for that company"?

Mr. Olivera answered that he was taking a drug test roughly every three months and depending on the job, he has worked at Air Force bases, nuclear power plants and colleges, where you have to be randomly screened before you work. He never had an issue.

Motion by Mr. Stawasz, seconded by Chief Aldenberg, to approve the request for waiver by the Berlin Police Department. The voice vote of the Council was unanimous in favor of the motion.

Hanover Police Department

Chief Charlie Dennis was in attendance with Christopher Fazio, an applicant for their agency. Major Parenteau explained that this waiver request also was for Pol 301.05(g)(8).

Chief Dennis continued with the request. He thanked the Council for granting the opportunity to come before them on the agenda. Captain James Martin was also in attendance, he oversees the background process for the agency.

They respectfully request consideration for a waiver for Mr. Fazio, under the rule Pol 301.05 (g) (8) concerning drug sales.

Mr. Fazio has worked with the Hanover Police Department preparing public safety announcements to the community. One the Hanover officers finally approached Mr. Fazio and asked him if he would be interested in joining the agency, which he did.

Mr. Fazio disclosed during his initial hiring process, prior to the initiation of any investigation of his background, that when he was 21, he was in college in South Carolina that he and his roommates purchased one ounce of marijuana divided into quarters, sold it to a close circle of

friends for \$67.00 for each of the quarters. He confirmed that this only happened one time and he regrets that decision. He was 21 years old at that time.

The Hanover Police Department conducted a thorough background investigation, including polygraph, psychological, medical, and drug screen background investigator and the polygrapher were both aware of the disclosure and further vetted that to the background process.

Mr. Fazio passed all of them. The background investigation filtered out the behavior pattern and under the totality of the circumstances; that it did not demonstrate a lack of good moral character. But it will require a waiver from this Council to attend the July Academy, which he is registered.

Motion by Mr. Lecius, seconded by Judge Gardner to grant the waiver request from the Hanover Police Department. The voice vote was unanimous in favor, with the exception of Chief Aldenberg's abstention from this vote.

Hooksett Police Department

Chief Sargent addressed the Council, after having reviewed the documents from Nicholas MacLean's background investigation, the chief reported that Mr. MacLean had stopped the sale of marijuana before he was 18 years old. Because Mr. MacLean knew that he was going to apply for U.S. Marines, there were no sales of marijuana after he was 18.

It was further clarified through the polygraph examination that Mr. MacLean was given that there was no deception, as well as no deception in any of the information that he talked about in his employment interviews.

When asked about how many times Mr. MacLean sold marijuana, the chief responded that it was several dozen times, but not to exceed 100.

He was selling marijuana when he was in high school, to his friends in high school. There was no information in the background about specific quantities bought and no information on where he obtained the marijuana.

Chairman Connelly asked if it was possible to reach Mr. MacLean by phone. Attorney Moeser asked about logging in to "Teams" with a phone or internet, a dial in number.

Phone call was placed by Chief Sargent to candidate Nicholas MacLean.

Chief Sargent conveyed to Mr. MacLean, while on speaker phone "they're asking first and foremost, why you'd like to be a police officer"?

Mr. MacLean, stated, he joined the Marines to better himself, law enforcement is similar to that (law enforcement), and betters the community.

The other question asked was, “can you tell us about the events surrounding the sale of the drugs”?

When he was in high school junior year, he sold some marijuana so he could smoke it himself while he was in high school, that was the sole purpose.

He was asked how many times it happened, the reply was three to five times. It wasn't often. He sold it to friends he hung out with, other high school students.

Chief Chase responded, this is a little bit different than what the Council heard from the background investigation, and could he clarify it? Chief Chase wanted to confirm that's not the case, explaining, Mr. MacLean's past, he sold it while he was in high school, and sold it so he could smoke it. The number of times stated in the background investigation is different. Chief Chase thought it was more than like several dozen times.

Mr. McLean's response was that it was between three and five different times, maybe a dozen but he was 17 at the time and doesn't remember.

That's what he told the detective at the time the background investigation was done.

Colonel Hall noted that this was a pretty big discrepancy compared to what Mr. MacLean was saying now.

Chairman Connelly stated, that “I'd be curious if during the questioning with the investigator, he was not sure of the number of times and overestimated for fear of not being accurate with his recollection of how many times.”

Mr. McLean, on speaker phone stated “I feel like that is accurate, I could have said more for fear of underestimating or saying the wrong number of times. It would be safer to say more.

Chief Sargent confirmed when he was asked whether Hooksett Police Department had completed a polygraph examination on Mr. McLean; he stated there were no indicators of deception.

Attorney Moeser commented that “the answer on the polygraph was dozens.”

Chief Sargent's response was “well, specifically the questions I have there listed, if you'd like to take a look at the specific questions, it's a yes or no answer, for the polygraph. The question is “have you engaged in illicit sales of drugs,” and the answer is yes. It doesn't get specific.

Attorney Moeser addressed the Council stating “I would just caution this, I think we're putting the chief in a really tough spot. I know we're trying to accommodate, but it's putting a lot of burden on him as well.

There were no further questions for Mr. MacLean.

Chief Sargent ended the phone call with Mr. MacLean.

Director Scippa addressed the Council, "if I might, just for the record, while we're trying to do everything we can to assist, the record should reflect that, we don't know who we just talked to on the phone. And they weren't sworn in to provide testimony. I don't say that to be obstructionist, but I do think that the record shouldn't reflect that. I also would be remiss if I didn't pass along my observation that in the future, I think it would be in the best interest of the Council to just table these things until we can have the candidate actually be here to be sworn in. So we can identify them, and they can provide testimony. And not allow this to happen in the future; I just think for the integrity of the Council and the protection of the Council, I think that would be in the Council's best interest".

Chairman Connelly thanked Director Scippa for his input.

When asked, Chief Sargent answered that the sign on bonus was \$10,000 for a non-certified police officer. He went on to relate that if he were to tell Mr. MacLean that the matter had been tabled until he was able to meet with the Council in person, he thought that Mr. MacLean would be amenable.

Chief Sargent was asked the likelihood that the selectman would extend the bonus beyond the July date or into the budget?

His response was that he couldn't predict whether the bonus could be extended to the new budget.

Attorney General Formella was recognized and provided that he was prepared to support the request for a waiver based on the circumstances.

It's valuable for people to be here, this is just kind of a unique confluence of circumstances, this is a little different than what we usually see. It's often somebody who says (the sale) was once or twice, and it's just for friends, not dozens (of sales). I think to the Directors point, that's the only reason I that I was comfortable trying to get him on the phone. I certainly don't want to cost him \$10,000. At the DOJ, we always think of the interests of justice. If not for the bonus, I would say we should probably table it and have them come back because I think it is good to explain in person, but all the circumstances taken together, I think the chief said he stopped (smoking and selling?) to join the Marine Corps. I really think somebody should be here, but I also appreciate (the chief) going that extra mile and getting him on the phone. I think it's very difficult for him to speak to us on the phone not having anticipated was going to have to speak to us.

Attorney General Formella reiterated that he is prepared to support the request. He summarized that it's been demonstrated that this instance either happened as a juvenile and probably didn't happen for profit, all the circumstances do not demonstrate a lack of good moral character.

Motion by Attorney General Formella, to approve the waiver request for the Hooksett Police Department seconded by Commissioner Hanks who added the incident was 14 years ago and he joined the Marine Corps. He is a father, a parent, and she trusts the chief with the work completed in the background investigation. The voice vote of the Council was unanimous with

the exception of Judge Gardner, who was opposed.

Major Parenteau explained that PSTC staff encourages all parties to attend the meeting regarding their requests. The time to close the agenda and the time of the meeting was close this month, and staff usually responds using the agency software Benchmark to be sure the candidate attends because staff knows that the Council members will have questions.

Consent Calendar
PT&E Requests

Nicolas Costa, New Hampshire State Police

(DOH: 06/14/24) Will be granted certification upon successful completion of the medical exam, (done May 6, 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.

Kevin Ledoux, New Hampshire State Police

(DOH: 06/14/24) Will be granted certification upon successful completion of the medical exam, (done April 12, 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.

Mark Lingerman II, New Hampshire State Police

(DOH: 06/14/24) Will be granted certification upon successful completion of the medical exam, (done April 2, 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.

Jacob Hatt, Fremont Police Department

(DOH: 06/02/24) Will be granted certification upon successful completion of the medical exam, (done May 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.

Jacob Verge, Epping Police Department

(DOH: 06/17/24) Will be granted certification upon successful completion of the medical exam, 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.

Naciere Davis, NH Department of Corrections

(DOH: 06/14/24) Will be granted certification upon successful completion of the medical

examination, entrance fitness test at 35% percentile, Firearms Qualification and in-service Defensive Tactics.

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	197
Dates	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	284
Dates	TBD

* 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	125
Dates	TBD

* 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.

Andrew Strickland, Moultonborough Police Department, Extension Request

DOH (06-19-23) On Friday, June 7, 2024, Andrew Strickland took his Physical Fitness Test and passed his push-ups but failed his sit-ups. Council guidelines indicate approval of extension request effective June 19, 2024, to December 19, 2024.

Medical Extensions for Fitness Testing

Six month extensions were granted to the following officers:

- Vinny Scarnici, Colebrook Police Department
- Alyssa Raxter, Gilford Police Department
- Jeremy Hawkes, NH Fish and Game Department
- Ryan Gallagher, Amherst Police Department

Herbert Dresser, Madbury Police Department 86

End of Consent Calendar

Motion to approve the Consent Calendar by Commissioner Hanks, seconded by Mr. Lecius, the voice vote was unanimous in favor with the following abstentions, Colonel Hall for the three New Hampshire State Police items, Commissioner Hanks on the New Hampshire Department of Corrections item.

When asked, Major Parenteau informed the Council that there may be officer suspensions July 1, 2024, if any officer with a medical extension for fitness testing is not in compliance by that date.

Motion by Chief Cobb, seconded by Mr. Harrington to adjourn the meeting at 11:40. The vote was unanimous in favor of the motion.

The next meeting will be held on July 23, 2024 (#567)

July 23, 2024

Respectfully Submitted,



Emily Cobb
Vice Chairperson

To: All NHPSTC Council Members
FROM: Director John Scippa
DATE: June 25, 2024
RE: Director's Monthly PSTC Council Report

Bureau of Recruit Training:

1. 197th Full Time Police Academy began on June 17, 2024.
2. 198th Full Time Police Academy set to begin July 29, 2024.
3. 125th Corrections Academy set to begin on October 11, 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.
2. Website Redesign – PST final approval of new configuration pending, then goes live.
3. 2024-2025 In-Service Training contracts are being finalized.
4. RFP for LMS/RMS System has been released.

NH Law Enforcement Accreditation Commission:

1. Nothing to report.

Bureau of Standards:

1. Pathways to Certification guidance document is being finalized for Council Review.
2. The Bureau continues to respond to 91-A requests as they are received.

Conduct Review Committee:

1. As of Thursday, June 20, we have received 263 complaints with 100 originating from the public portal.
2. 164 cases have been closed by the CRC.
3. Twelve (12) cases have been sustained as misconduct and are being prepared for a hearing at the Council.
4. The bureau is completing the last week of the Daigle Advanced Internal Affairs Investigation online training.
5. The next (13th) meeting of the CRC will be held on Monday, August 12.

PST Budget and Facilities:

1. Two capital projects that were approved in last year's biennium (Firing range remediation and AC repair and upgrade), have finally received total ARPA funding through the GOFER office.
2. PST has finalized a three-year contract with Aladdin Food Management for dining services.
4. PST has finalized a one-year contract with option to extend for 2 years with Dirigo Safety LLC for State Level Accreditation Management
5. PST has finalized a contract with Pro Technologies to install a new security alarm system and door access system for the facility.
6. PST has sent out an RFP to obtain a vender to replace the Tac Center floor.

7. PST has finalized an MOA with NH FEMSST for Tactical EMS training for recruit training through 2025.

Outreach, Education and Legislation:

1. I attended the Governor and Council Meeting, May 29, 2024.
2. I attended the NH School Safety Preparedness Task Force meeting May 29, 2024.
3. I attended the International Association of Directors of Law Enforcement Standards and Training Conference in Pheonix AZ from June 1 to 5, 2024 and remain on the Executive Board as the region 1 representative.
4. I attended the NH Association of Chiefs of Police meeting in Concord on June 11, 2024
5. I attended the Governor and Council Meeting, June 12, 2024.
6. I met with PST Council Sub Committee on Rules on June 18, 2024.

Staff and Operations:

1. We are working with the vendor to finalize the contract for them to conduct a Job Task Analysis and a Fitness Test Analysis.
2. Our Part Time Business Administrator, Madelene Littlefield has resigned to take a full-time position.
3. We are presently advertising the following positions: one Fulltime LETS, one PT LETS, one PT Business Admin and one Curriculum Development administrator.

Open Action Items:

1. Administrative Rules Committee continues to work towards the total re-write of our rules

Discussion Items:

1. Interview Training for DHHS/DCYF civilian employees.