



Sheriff Christopher D. Connelly
Chairman

State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
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John V. Scippa
Director

Public Minutes
March 28, 2023
Police Standards and Training Council

In attendance:

Chairman, Sheriff Christopher Connelly, Hillsborough County Sheriff's Office
Assistant DOC Commissioner Paul Raymond
Sheriff Charles Massahos, Rockingham County Sheriff's Office
Mr. Edward Lecius
Chief Joseph Hoebeke, Hollis Police Department
Officer Jacqueline Pelletier, Goffstown Police Department
Mr. Michael Harrington
Deputy Attorney General, James Bofetti
Judge Melissa Countway, 3rd Circuit District Division, Ossipee
Chief Kevin Rourke, Nashua Police Department
Dr. Maureen Sullivan
Colonel Nathan Noyes, New Hampshire State Police
Chief Emily Cobb, New London Police Department
Mr. Christopher Stawasz
Chief Allen Aldenberg, Manchester Police Department

Attending Via Zoom:

Judge Sawako Gardner, Circuit Court Judge (9:25 a.m. Judge Gardner joins via Zoom)

Not in Attendance:

Vice Chairperson, Commissioner Helen Hanks, New Hampshire Department of Corrections
Dr. Robert Eckstein

Staff Present:

Director John Scippa, Major David Parenteau (Ret.), Captain Thomas McCabe, and Anne Paquin, Investigative Paralegal.

Guests present: Captain Steven McElhinney, Hudson PD, with candidate Kody Palladino.

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

Chairman Connelly introduced Gary Stevens. Mr. Stevens was not on the agenda, he asked to address the Council about his son who is employed as a Deputy by the Carroll County Sheriff's Department.

- Mr. Stevens thanked the Council for allowing him to speak at the meeting
- He presented a handout to Council members
- He informed the Council that his son was the officer who had been shot at on August 24, 2022.
- If it wasn't for the academy training, his son may not have survived.
- He held Chief Timothy Merrill in high regard, Chief Merrill had been employed by PSTC until the time of his passing.
- Mr. Stevens noted that "when a person shoots at a law enforcement officer and is charged with three felonies, attempted capital murder, attempted first degree murder, and reckless conduct with a deadly weapon, the County Attorney is doing a plea deal only on the first degree attempted assault, for ten to thirty years. The shooter will probably only get seven.
- Mr. Stevens commented, "to shoot at a police officer and get that deal". He made comparisons between sentences for drugs, firearms and witness tampering crimes being fifteen and a half years versus the plea proposed by the county attorney regarding his son's case.
- He inquired about a "first responders' lives matter".

Mr. Stevens thanked the Council again for their time. Chief Aldenberg responded that Mr. Stevens was a good advocate for his son and for law enforcement.

9:06 a.m.

Non-meeting

Motion by Chief Aldenberg to enter non-public meeting seconded by Chief Hoebeke. Chairman Connelly took the roll call vote.

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|------------------------------------|-----|
| Assistant DOC Commissioner Raymond | yes |
| Chief Cobb | yes |
| Chief Hoebeke | yes |
| Judge Countway | yes |
| Sheriff Massahos | yes |
| Chief Aldenberg | yes |
| Chief Rourke | yes |
| Officer Pelletier | yes |
| Dr. Sullivan | yes |
| Mr. Lecius | yes |
| Mr. Stawasz | yes |
| Mr. Harrington | yes |
| Deputy AG Boffetti | yes |
| Colonel Noyes | yes |
| Chairman, Sheriff Connelly | yes |

Motion to return to public session made by Chief Hoebeke and seconded by Mr. Lecius. Chairman Connelly took the roll call vote.

| | |
|------------------------------------|-----|
| Assistant DOC Commissioner Raymond | yes |
| Chief Cobb | yes |
| Chief Hoebeke | yes |
| Judge Countway | yes |
| Sheriff Massahos | yes |
| Chief Aldenberg | yes |
| Chief Rourke | yes |
| Officer Pelletier | yes |
| Dr. Sullivan | yes |
| Mr. Lecius | yes |
| Mr. Stawasz | yes |
| Mr. Harrington | yes |
| Deputy AG Boffetti | yes |
| Colonel Noyes | yes |
| Chairman, Sheriff Connelly | yes |

9:15 a.m.

Return to Public Session

Chairman Connelly asked for a motion to accept the February 28, 2023, Public Minutes:

Motion by Chief Hoebeke to accept the February 28, 2023 minutes, seconded by Mr. Harrington. The voice vote from the Council was unanimous in favor of the motion with the following abstaining from the vote: Assistant Commissioner Raymond, Chief Cobb, and Colonel Noyes.

Director's Report

Director Scippa stated he had emailed (copy attached) his report the previous day.

- He meets weekly with the Director of Personnel from the NH DOC, Fallon Reed.
- Because of the lack of numbers of correction officers over the last year and half, the number of academies has been reduced to two per year, and average around eight officers per academy
- In order to allocate resources appropriately, PSTC needed space to have the extra police academy, and offset the corrections academy from three each year to two each year.
- Director Reed is in the process of recruiting for DOC
- During their last discussion Director Reed indicated they may have a total of 23 corrections recruits
- For that number of recruits, they are ready to hold the next DOC academy scheduled to begin on June 5, 2023

- Holding the academy is tentative based upon number of recruits.

The requests for proposals for in-service training contracts were sent out and staff is awaiting responses.

Director Scippa is working with the NH Association of Chiefs of Police on an alternative fitness testing program, which is in response to House Bill 113, a bill that would remove the three-year fitness testing for incumbent officers.

- HB 113 does not in any way impact the entry fitness test requirements for the academy or the fitness program during academy training.
- It does propose to eliminate the ongoing three-year testing once the officer is certified. The Criminal Justice Committee retained that bill with clear instructions that PSTC was asked to use the time to try to identify an alternative fitness program.
- Otherwise, the Criminal Justice Committee will be acting on the bill based on their position and input received.

The Bureau of Standards and Conduct Review Committee:

Director Scippa said the Conduct Review Committee members have been appointed and will meet for the first-time next month.

Budget

PSTC has received a lot of support for 2024-2025 budget.

Outreach Education and Legislation

- Director Scippa said PSTC's annual report was offered and accepted by the Governor and Council on March 22nd.
- He had attended and participated in the roundtable discussion with Senator Will Hurd.
- He was invited to lecture at a criminal law class at UNH by Attorney Rich Samporell.
- He was a panelist hosted by UNH law on Black Lives Matter and Culture of Policing on March 6th, which was video recorded to be played on the Public Television Station in NH and NPR as well.
- PSTC is working with the New Hampshire Center for Justice and Equity to provide de-escalation and anti-bias training. Upon a request from the chair of that committee, there will be a tour on April 14th at PSTC's training facility to allow them to view the building and learn what PSTC does.

Staff and Operations

Captain Tom Walsh, a retiree of PSTC, will be back to oversee the CIT training. Director Scippa also welcomed Morigann Rush as a new administrative assistant.

Director Scippa informed Council members that the Whelen Corporation, who manufactures emergency lighting and sirens for emergency vehicles, has presented PSTC with a donation that would amount to about \$2,000 for emergency lighting equipment for one of PSTC's driver training cars used at the academy. Whelen Corporation provided a letter which Director Scippa made available to Council members for their review. Director Scippa asked the Council to consider accepting this donation under RSA 106-L:5, XVII.

Motion made by Chief Hoebeke to accept the donation from Whelen Corporation under RSA 106-L:5, XVII, and seconded by Colonel Noyes. The voice vote was unanimous in favor of the motion.

Colonel Noyes wanted Council members to know that he had attended a panel discussion with Director Scippa, and that community conversations can be energized at times. In his opinion, Director Scippa's representation of New Hampshire law enforcement was exceptional.

Major Parenteau indicated there was no previous unfinished business.

New Business

Chairman Connelly stated that the next agenda item is regarding motions made during the February 28th Council meeting. The Council will go through the motions from the February 28, 2023 meeting and ratify each of the votes during today's meeting.

Attorney Moeser stated that there were nine Council members at the last meeting (which is a quorum). Due to the weather some of the members were remote on Zoom for that meeting. Council members from the February 28th meeting were being asked to go back through that agenda and ratify last month's motions; today there is an in-person quorum in the current group.

The following individuals were present that had also been present on February 28, 2023:

- Sheriff Connelly
- Sheriff Massahos
- Mr. Lecius
- Chief Hoebeke
- Officer Pelletier
- Mr. Harrington
- Judge Countway
- Chief Rourke
- Dr. Sullivan.

Attorney Moeser explained, the aforementioned Council members heard all the information that had been presented on February 28, 2023 and they are able to participate in the vote ratification; for each motion, it will be the above nine individuals voting. Today's process is simply re-voting while everyone is present.

The Council members that will abstain from voting on the February 28, 2023 motions are:

- Assistant DOC Commissioner Raymond
- Chief Aldenberg
- Colonel Noyes
- Deputy Attorney General Boffetti
- Judge Gardner (was not in attendance until 9:25 a.m.)
- Chief Cobb

Chairman Connelly initiated the ratifications of motions by stating, “we will be taking a vote on the motion made by Mr. Lecius, seconded by Chief Hoebeke, to **approve the public minutes of January 24, 2023**. The voice vote was unanimous, with the abstentions (Assistant DOC Commissioner Raymond, Chief Aldenberg, Colonel Noyes, Deputy Attorney General Boffetti, and Chief Cobb).

Chairman Connelly said the next was a motion made by Chief Hoebeke, seconded by Mr. Lecius, to **approve the non-public meeting minutes of January 24, 2023**, relative to the discussion on Form D items. The voice vote was unanimous, with the abstentions (Assistant DOC Commissioner Raymond, Chief Aldenberg, Colonel Noyes, Deputy Attorney General Boffetti, and Chief Cobb).

The next motion is on page five of the minutes, **the motion was to grant a waiver** made by Chief Hoebeke, seconded by Sheriff Massahos. A voice vote was taken which was unanimous with the same abstentions noted.

Attorney Moeser informed the Council members that **the vote for the motion on the Technical Assistance Manual** from February 28th will wait until next month.

The next motion is on page 7 of February 28th's minutes, it was a **voluntary revocation of officer certification**, Chairman Connelly stated the motion was by Mr. Lecius, seconded by Chief Hoebeke, that Gary Pilotte's certification be revoked and added to the National Decertification Index. Attorney General Formella had recused himself from that vote in February. A voice vote was taken and was unanimous in favor of the motion, with the same abstentions.

Attorney Moeser stated the next motion is on the same page, appointing Commissioner Hanks for a second one-year term as Vice-Chairperson. Chairman Connelly stated the **motion was made by Mr. Lecius, seconded by Sheriff Massahos, to appoint Commissioner Hanks for a second one-year term as Vice Chair of Council**. A voice vote was taken unanimous in favor of the motion, with the same abstentions.

Attorney Moeser skipped the motion to approve the Consent Calendar on page nine of the February 28, 2023 minutes because that was a motion made by Commissioner Hanks, who was not in attendance.

The next motion per Chairman Connelly was made by **Mr. Lecius to accept the Annual Report, seconded by Chief Hoebeke**. A voice vote was taken which was unanimous, with the same abstentions.

The last motion from February 28, 2023 was for adjournment, which does not need to be reiterated today, per Attorney Moeser.

9:25 a.m. Judge Gardner joins via Zoom.

Requests to unseal nonpublic minutes

Attorney Moeser provided a handout of redacted copies to discuss a request to unseal nonpublic minutes.

She stated that there has been right to know requests for prior disciplinary hearings that were held in non-public sessions. Because of the changes to the statute, RSA 106-L, and a Union Leader suit, there is a presumption that the hearings are public.

Attorney Moeser said they are not automatically public,

- they have been sealed as non-public.
- An individual decision is needed for each hearing.
- Because unsealing requires a vote from the Council, each nonpublic session that has been requested must return to the Council for consideration
- As part of the procedure, notification was provided to the officer whose hearing information was requested, and also to the agency, to assert any privacy rights that they have in the hearing that would confirm the requirements of RSA 91-A.

Attorney Moeser indicated that the aforementioned process has been done in the cases to be discussed today. The other step in the unsealing process was to make redactions to records to protect an officer's privacy. Attorney Moeser completed the redactions in accordance with the law; DOB; SSN or a civilian victim names or a minor's name will be redacted.

The first item to unseal was a right to know request for the unsealing, including all exhibits, from the **January 28, 2020**, certification hearing on **Seth Arcieri**. Council had access to all relevant non-public records, as well as exhibits. Attorney Moeser noted the page numbers for the redactions that she made. She indicated no other privacy rights were asserted by the officer. She is asking the Council to consider a motion to unseal the minutes, with the redactions, as they appear in the handout. She further stated this right to know request will not be published on the website but rather provided to the individual who requested the records.

Judge Countway was recognized by Chairman Connelly. She would like "to make the distinction that he was an officer at the time the hearing was conducted. I think that our analysis would be different if it was a situation of a private citizen coming in looking for some sort of a waiver. The Council should err on the side of disclosure because he was an officer at the time".

Attorney Moeser's response was that "the Union Leader case was very clear.

Chairman Connelly confirmed that Mr. Harrington could vote in the matter when he asked if he could, considering he was not on the Council at the time of those particular hearings.

Motion to unseal the minutes, along with the exhibits, with the redactions recommended by counsel, for the January 28, 2020, meeting made by Colonel Noyes, and was seconded by Deputy Attorney General Boffetti. The voice vote was unanimous in favor of the motion.

Nathan Jette

Attorney Moeser provided documents for the Council and informed them that a request had been received for documents of the former Winchester Officer, Nathan Jette. There were sexual harassment complaints against him. "The first page is public and does not need to be unsealed, the rest is a non-public transcript and documents. The redactions stem from an alleged sexual harassment incident which resulted in the officer's certification being revoked". Attorney Moeser did eliminate the victim's name, as well as an officer's name.

Deputy Attorney General Boffetti noted a remaining item that should be redacted.

Motion to unseal the minutes and exhibits with redactions by legal counsel for the May 28, 2019, Council meeting made by Colonel Noyes and seconded by Deputy Attorney General Boffetti. A voice vote was unanimous in favor of the motion.

Chairman Connelly confirmed with Judge Gardner, who was attending via Zoom, that she voted yes on the Jette and Arcieri motions.

Royce Pelkey

Attorney Moeser provided documents for the Council stating that there was a request for the minutes from the non-public session held on April 23, 2013 regarding Royce Pelkey's decertification. In this matter it was only the non-public minutes with no redactions.

Motion to unseal the minutes of the April 23, 2013 with no redactions, made by Mr. Lecius and seconded by Chief Hoebeke. A voice vote was unanimous in favor of the motion. Judge Gardner voted "yes" via Zoom.

Philip Pelletier, Berlin Police Department

Attorney Moeser described the next request was to unseal minutes, and all exhibits, from the January 28 2020 decertification hearing of Philip Pelletier. Attorney Moeser's handouts were presented to the Council with the redactions.

Motion to unseal the minutes and all exhibits, with redactions by legal counsel, of the January 28, 2020 hearing made by Dr. Sullivan, seconded by Mr. Lecius. A voice vote was unanimous in favor of the motion. Judge Gardner voted "yes" via Zoom.

Chairman Connelly read a disclosure regarding PSTC administrative hearing:

“That hearings before the Council are presumed to be held in public session, or the right to a brief hearing in non-public session, to request closure of a portion of the hearing if it will reveal confidential information with compelling interest that outweighing the public’s right of access. All parties appearing before the Council have been provided with notice of the equivocal procedure.”

Major Parenteau stated that Chief Wilmot of the Claremont Police Department had an item on the agenda but was not in attendance at the meeting.

Major Parenteau offered that the next item was a waiver request by Hudson Police Department.

Hudson Police Department

Captain Steve McElhinny, Administrative Bureau Commander of the Hudson Police Department was in attendance. He introduced Kody Palladino, one of their agency candidates for hire. Captain McElhinny is present before the Council seeking a waiver for a brief indiscretion for Hudson Police Department’s candidate. Kody Palladino was born and raised in New Hampshire, and graduated from St. Anselm’s with a Bachelor’s and Master’s degrees in criminal justice. His senior year of college, two years ago, studying for finals and took Adderall.. The time period is within the 36 months, and Hudson Police Department is requesting for a waiver of Pol. 301.05(g)(9).

Major Parenteau read the following administrative rule into the record, Pol. 301.05(g)(9).

Pol 301.05 Background Investigation. The following shall apply to the background investigation of the applicant by the agency:

(g) The hiring authority shall evaluate the results of its background investigation and the agency shall not appoint a person or invest with authority any person elected as a police, corrections or probation/parole officer, who:

(9) Within 36 months before the application for hire, has illegally used a controlled substance other than marijuana, unless the applicant was under the age of 21 at the time of using the controlled substance, in which case 24 months shall apply unless, upon review of the council at the request of a hiring authority, the council finds that the behavior pattern under the totality of the circumstances did not demonstrate a lack of good moral character as specified in (m) below;

Council members engaged Captain McElhinny and the candidate with questions about the occurrences in which he used Adderall. The candidate provided that he took it twice within the same week. Captain McElhinny commented on Mr. Palladino’s background, there was very limited drug use, he did experiment with marijuana, and this was the only narcotic use. Captain McElhinny noted that the drug use was disclosed by the candidate; the information was given voluntarily from the beginning.

When asked by Judge Countway, the candidate explained that he took Adderall that week of finals, it was his roommate's prescription, and his roommate offered it to him. He took it and wished he had not.

Motion to grant the waiver presented by Hudson Police Department was made by Colonel Noyes and seconded by Chief Hoebeke. The voice vote was unanimous, with Judge Gardner confirming via Zoom "yes".

Consent Calendar

PT&E Requests

George Malgeri, Rockingham County Sheriff's Office

(DOH: 02/27/23) 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 26, 2023), 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.

Officer Nathan Moss, Belknap County Sheriff's Office

(DOH: 03/03/23) 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 2, 2023) 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.

Officer Brandon Abel, Woodstock Police Department

(DOH: 03/21/23) 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 February 17, 2023) 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.

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 | 191 | 192 |
| Dates | January 9, 2023-April 23, 2023 | February 27, 2023-June 16, 2023 |
| Class Number | 193 | 194 |
| Dates | June 12, 2023-September 29, 2023 | July 31, 2023-November 17, 2023 |

* 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 | |
| Dates | |

* 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 | 120 | 121 |
| Dates | January 3, 2023 – February 24, 2023 | October 11, 2023- December 8, 2023 |

* 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.

End of Consent Calendar

Addendum A

Gregory Miller, Mason Police Department, Extension for entrance test re PTE

In accordance with Prior Training and Experience, Officer Miller had a 30-day lapse in employment. He was hired by Mason Police Department on April 12, 2022, filed for prior training and experience certification, and was instructed by Council that he must take a medical exam, pass an entrance fitness test, and only work in the direct presence of a certified officer, unless he has completed the agency’s FTO program, then may work under normal supervision.

On September 28, 2022 he requested a medical extension. During the October 25, 2022 Council meeting the extension was granted until April 12, 2023.

On March 24, 2023 he requested an additional extension, his medical professional has not approved testing.

The requested extension would be from April 12th to October 12, 2023 to complete the medical examination and entrance fitness test.

Motion to approve the Consent Calendar, as well as Addendum A, made by Mr. Lecius and seconded by Judge Countway. The voice vote was unanimous in favor of the motion. Judge Gardner on Zoom confirmed her yes vote.

Motion made to move back into a non-meeting made by Chief Hoebeke and seconded by Deputy Attorney General Boffetti. Chairman Connelly took the roll call vote.

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|----------------------------------|-----|
| Assistant Commissioner Raymond | Yes |
| Chief Cobb | Yes |
| Judge Countway | Yes |
| Judge Gardner by Zoom | Yes |
| Sheriff Massahos | Yes |
| Chief Aldenberg | Yes |
| Chief Rourke | Yes |
| Officer Pelletier | Yes |
| Dr. Sullivan | Yes |
| Mr. Lecius | Yes |
| Mr. Stawacz | Yes |
| Mr. Harrington | Yes |
| Deputy Attorney General Boffetti | Yes |
| Colonel Noyes | Yes |
| Chairman, Sheriff Connelly | Yes |

10:07 a.m. the nonmeeting began.

Motion made by Chief Hoebeke and seconded by Deputy Attorney General Boffetti to go back into public session. Chairman Connelly took the roll call vote:

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|--------------------------------|-----|
| Assistant Commissioner Raymond | Yes |
| Chief Cobb | Yes |
| Judge Countway | Yes |
| Judge Gardner by Zoom | Yes |
| Sheriff Massahos | Yes |
| Chief Aldenberg | Yes |
| Chief Rourke | Yes |
| Officer Pelletier | Yes |
| Dr. Sullivan | Yes |
| Mr. Lecius | Yes |
| Mr. Stawacz | Yes |

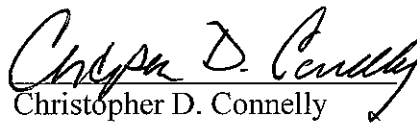
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|----------------------------------|-----|
| Mr. Harrington | Yes |
| Deputy Attorney General Boffetti | Yes |
| Colonel Noyes | Yes |
| Chairman, Sheriff Connelly | Yes |

10:35 a.m. The Council returned to public session.

Motion to adjourn at 10:36 a.m. by Chief Hoebeke, seconded by Deputy Attorney General Boffetti with the Council voting in favor of the motion.

April 25, 2023,

Respectfully Submitted,


Christopher D. Connelly
Chairman