

MINUTES

June 28, 2005

The 337th meeting of the NH Police Standards and Training Council was called to order at 9:10 a.m. by Acting Chairman Associate Justice Stephen H. Roberts, Dover District Court, in the John D. Morton conference room at the Police Standards and Training Facility in Concord, New Hampshire.

Members Present: Chief Michael J. Magnant, Portsmouth Police Department; Chief Gregory C. Dodge, Epping Police Department; Chief Peter P. Morency, Berlin Police Department; Associate Justice Norman E. Champagne, Manchester District Court; Attorney General Kelly A. Ayotte; Colonel Frederick H. Booth, NH State Police; Commissioner Stephen J. Curry, Department of Corrections; and Charles Annal, Deputy Commissioner and designee of Commissioner William G. Simonton of the NH Community Technical College System.

Staff Present: Director Keith H. Lohmann, Assistant Director Robert B. Stafford, Jr., Paralegal Cassandra Erickson, and Accounting-Technician Helen Robinson for Council Secretary Denise Crocker, who was on vacation.

Sheriff Michael L. Prozzo, Jr., of the Sullivan County Sheriff's Department; Sheriff Scott A. Carr, Carroll County Sheriff's Department; and Chief William L. Wrenn, Jr., Hampton Police Department were excused from the meeting due to prior commitments.

Guests Present: William S. Phinney, formerly of New Hampton Police Department; Sgt. George Huckins, New Hampton Police Department; and Alan Robinson of New Hampton; Captain Timmons of Somersworth Police Department, and Officer Richard Vanderhoof, Somersworth Police Department.

Approval of Minutes

Chief Dodge requested a correction be made in the May minutes due to an inaccuracy in the transcription. Commissioner Curry made a motion seconded by Chief Dodge to amend the May 24th Minutes to correct the inaccuracy on Page 6, paragraph 5, to read "motion passed with a 6 for, 5 against vote with Chief Dodge voting against." This was then followed by a motion by Commissioner Curry to accept the amended minutes, seconded by Chief Magnant, and the Council voted unanimously to accept the Minutes of May 24, 2005, as amended, and so corrected for the record.

Director's Report

Academy News. The 137th session of the Full-Time Academy will graduate on Friday, July 1, 2005. One recruit was lost during Week 10 of the Academy. He decided that this was not for him and resigned. The featured speaker for graduation will be Joseph Estey, the Chief of Police in Hartford, Vermont, who is also the President of the IACP. The Director indicated he received a call a week ago, Thursday, from the Governors Office and the Governor will also be attending this graduation; therefore, PSTC will be honored with a second featured speaker at this graduation ceremony.

Budget Update. HB-1 is the budget itself, which is the expenditures. The Director submitted a very conservative budget with about a 4.5% increase per year which basically covers expenses. The Governor and House passed the budget through without changes; the Senate had not yet passed it but the recommendation was to pass it without changes. The more problematic element was HB-2, which was the trailer bill. There was a Bill SB-146 that was going to fund NH legal assistance, a corporation that assists low income people with lawyers. That bill had funding that was going to be derived from a \$20 surcharge on court filing fees. It passed the Senate; but got stalled in the House and eventually died in the Ways and Means Committee. The Senate then voted to fund legal assistance from the Penalty Assessment. Because in the differences between the bills, both HB-1 and HB-2 went to Committees of Conference.

There was another provision in the HB-2 trailer bill that would raise the motor vehicle fines. The House version of the Bill put in a specific provision that would insure that PSTC would get none of the money from the enhanced motor vehicle fines. The final outcome was that the Legislature gave us the increased motor vehicle fines and dropped our portion of the penalty assessment from 15% to 13%. They also dropped the crime victims portion of the penalty assessment from 5% to 4% which left the Legislature with 3% that they took for the General Fund. In turn, Legal Assistance is going to get funded out of the General Fund and the mechanism the Legislature is going to use to come up with the money is the 3% penalty assessment reduction. The House calculates that even with the decrease in percentage rate, PSTC should realize \$250,000 increase in revenue as a result of the increase in motor vehicle fines. The Director was concerned with how much effect the Law of Diminishing Returns would have on revenues. The Director noted the worst case scenario could be a loss of \$400,000 but he was confident the revenues will fall at some point between the two figures. The Director suggests the Council schedule a Strategy Session next month or the month after to discuss this matter further. The Council's Reserve monies are still intact at this point but the Council needs to address how much reserve they want to hold and how much should be spent at the strategy session.

The interviews for the vacant positions are ongoing. We have nine candidates for three positions. The Assistant Director has an additional interview scheduled at the end of the week. It is expected that PSTC will be at full staff by the fall Academy.

The Chief's meeting at the Balsams went very well. Randy Means was there providing the training on Monday. The computer network was set up on both Monday and Tuesday for the Chiefs' use.

It was decided the picture from Tire Warehouse would not be accepted at graduation. It was accepted at the Chief's meeting and the Chief's Association has given it to PSTC and the picture will be hung at the PSTC facility.

The secure site on the website that the Council previewed at the annual retreat is going to be launched in about a week. PSTC will start with four offerings and have more shortly.

PSTC had a Police Chief's Survival Class this past week. The computer network was set up for the class. The comments the Director received on the computer network were positive and should be well received when it is in full use. Technologically, we have the capability to have people sign up for classes on line, but for the present we are going to still use the registration form with the Chief signing off to control costs and time.

The remainder of the equipment for the wireless network is has arrived. After the initial kinks were worked out the first couple of weeks, the on-line testing has gone very well.

Previous/Unfinished Business

Commissioner Curry asked about the status of HR-218. The Director noted he had sent an e-mail to Nancy Smith last week. She has an intern working with her on the issue. The intern has sent Cassie several e-mails asking a number of questions. The Director hasn't had the opportunity to speak with Nancy Smith directly since his e-mail to her. Attorney General Kelly Ayotte has agreed to follow-up on this matter. The Director noted that the questions to be answered are significant and Chiefs, Council Members, PSTC staff and the Director himself are all getting phone calls regarding this issue.

New Business

Decertifications/Suspensions/Revocations/Surrenders

Nonpublic Session to discuss Personnel Issue(s) – William S. Phinney

Colonel Booth recused himself from this hearing.

Acting Chairman Judge Roberts read and reviewed Council protocol with former Officer William S. Phinney.

Following the motion made by Judge Champagne, seconded by Chief Morency, the Council voted unanimously on a roll-call vote to enter into a non-public session at 9:45 a.m. for the purpose of discussing a personnel matter related to a former officer of the New Hampton Police Department.

Following the discussion, on the motion by Judge Champagne, seconded by Chief Morency, the Council unanimously voted to seal the minutes of the non-public session.

Chief Dodge then made the motion, seconded by Attorney General Ayotte, which carried unanimously on a roll-call vote to exit the non-public session at 10:04 a.m.

Upon returning to public session, the Council noted that in the non-public session they voted unanimously to take the case of Mr. William S. Phinney under advisement.

Non-Public Session – Deliberations of Issues - William S. Phinney

The Council then moved to deliberate this matter immediately. On a motion by Judge Champagne, seconded by Chief Magnant to enter into a non-public session for the purpose of deliberations on the Phinney issue, the Council voted unanimously on a roll-call vote to enter non-public session for deliberations of this case at 10:08 a.m.

Following deliberations, on the motion by Judge Champagne, seconded by Chief Magnant, the Council unanimously voted to seal the minutes of the non-public session.

Judge Champagne then made the motion, seconded by Deputy Commissioner Annal, which the Council carried unanimously on a roll-call vote to exit the non-public session at 10:15 a.m.

Based on the discussions in deliberations, on a motion by Judge Champagne, seconded by Chief Magnant, the Council voted unanimously to revoke the certification of Mr. William S. Phinney under Pol. 402.02 (a)(3).

Prior Training & Experience Requests

Full-Time

Stuart M. Chase - Wolfeboro Police Department

The Director outlined the request of Stuart M. Chase, Wolfeboro Police Department, for prior training and experience. On a motion by Chief Magnant, seconded by Colonel Booth, the Council voted unanimously to accept staff recommendation and grant Officer Chase full time certification upon successful completion of New Hampshire Law Package at the Full-Time Academy, medical exam, PT test, and First Aid/CPR, if lapsed.

Richard Vanderhoof - Somersworth Police Department

The Director outlined the request of Richard Vanderhoof, Somersworth Police Department, for prior training and experience. Captain Timmons of the Somersworth Police Department spoke on Officer Vanderhoof's behalf. On a motion by Chief Morency, seconded by Attorney General Ayotte, the Council voted unanimously to accept staff recommendation and grant Officer Vanderhoof full-time certification upon successful completion of New Hampshire Law Package at the Full-Time Academy, medical exam, PT test, and First Aid/CPR, if lapsed

Part Time

Philip M. Dion - New Hampton Police Department

The Director outlined the request of Philip M. Dion, New Hampton Police Department, for prior training and experience. The Director noted Officer Dion's 17 years of experience and noted that while the matrix suggested that the entire part-time school be completed, the Council might wish to divert from the matrix and require the part-time law package, although the Director also noted that the law package is only about 20 hours less than the full part-time school. On a motion by Judge Champagne, seconded by Chief Magnant, the Council voted unanimously to accept staff recommendation and grant Officer Dion part-time certification upon successful completion of the full Part-Time School.

Department of Corrections

William Preble – Department of Corrections

The Director outlined the request of William Preble, Department of Corrections for prior training and experience. On a motion by Chief Magnant, seconded by Judge Champagne, the Council voted unanimously to accept staff recommendation and grant Officer Preble DOC certification upon successful completion of Introduction to Defensive Tactics/Use of Force, Ethics, Defensive Driving, Hostage/Riots, Security Threat Groups, Communicable Diseases, Rules and Guidance, Interpersonal Communications, Emergency Preparedness, Special Needs Inmates, Sexual Harassment, and Suicide Prevention.

The Director would also like to institutionalize these courses (Introduction to Defensive Tactics/Use of Force, Ethics, Defensive Driving, Hostage/Riots, Security Threat Groups, Communicable Diseases) for other folks should situations arise in the future in order to have the equivalent of the Law Package for DOC.

Requests for Extensions

Full-Time

After the Director outlined the reason for the extension requests, on a motion by Chief Dodge, seconded by Colonel Booth, the Council voted unanimously to grant extensions to Wesley Sanborn, Boscawen Police Department through the 140th (April, 2006) Academy and to Steven Willette, Mason Police Department through the 138th Academy.

Specialized Training Grants

Seabrook Police Department. The Director outlined the request of the Seabrook Police Department for Council approval of training grant funds for FY06 in the amount of \$379.50, contingent upon the availability of FY06 funds, for Detective Sgt. Michael T. Gallagher to attend the International Association for Property and Evidence class for Supervisors to be held in Merridin, Connecticut from August 7-9, 2005. On a motion by Commissioner Curry, seconded by Chief Morency, the Council voted unanimously to grant the funds to the Seabrook Police Department for Detective Sgt. Michael T. Gallagher.

Other Business**3-Year PT Testing**

Rochester Police Department. Officer Eric Ball requested an additional 6-month fitness waiver as a result of his continued deployment in Iraq. On a motion by Colonel Booth, seconded by Chief Dodge to accept staff recommendation and grant Officer Eric Ball an additional 6-month extension, the Council voted unanimously to grant the extension to Officer Ball.

Colebrook Police Department. Corporal Joseph M. Caron requests an additional 6-month waiver as a result of being activated by the National Guard. On a motion by Colonel Booth, seconded by Chief Dodge to accept staff recommendation and grant Corporal Joseph M. Caron an additional 6-month extension, the Council voted unanimously to grant the extension to Corporal Caron.

Department of Corrections. Corrections Officer Mark W. Todt requested an additional extension to comply with the 3-Year PT Testing requirement. On a motion by Colonel Booth to grant Corrections Officer Mark W. Todt an extension until July 31, 2005, to comply with the PT testing requirement, seconded by Judge Champagne, the Council voted unanimously to grant Officer Todt the extension until July 31, 2005 only.

Department of Corrections. Corrections Officer Marc Van Sant requested an additional extension to comply with the 3-Year PT Testing requirement. On a motion by Colonel Booth, seconded by Judge Champagne, the Council voted unanimously to grant Corrections Officer Marc Van Sant an extension to comply with the PT testing requirement.

Department of Corrections. Officer Melissa Smialek requested an extension due to a medical issue to comply with the 3-Year PT Testing requirement. On a motion by Attorney General Ayotte, seconded by Chief Morency, the Council voted unanimously to grant Officer Smialek an extension through December 31, 2005.

Non-Public Session to Discuss Personnel Issues

The Director requested to go into nonpublic session to discuss personnel issues.

Following a motion made by Colonel Booth and seconded by Commissioner Curry, the Council voted unanimously on a roll-call vote to enter into a non-public session at 11:05 a.m. for the purposes of discussing personnel matters.

Following the deliberations, on a motion made by Chief Magnant and seconded by Colonel Booth, the Council voted unanimously to seal the minutes of the non-public session.

Chief Magnant then made a motion, seconded by Colonel Booth that the Council carried unanimously on a roll call vote to exit the non-public session at 11:35 a.m.

Upon return to public session, on a motion by Judge Champagne, seconded by Commissioner Curry, the Council voted unanimously to grant a 6-month extension to Officer Katherine Moreira, Concord Police Department, to comply with the 3-year PT testing requirement.

On the second issue discussed in non-public session, the decision the Council rendered was on a motion by Attorney General Ayotte to hold a hearing on whether to certify Constable Colin Wentworth based upon PSTC rules and subject to review of the background investigation completed by the Town of Stark, seconded by Chief Magnant, the Council unanimously voted to hold an evidentiary hearing with notice to Constable Wentworth and his Legal Counsel.

Gift Acceptance

On a motion by Chief Dodge, seconded by Commissioner Curry, the Council voted unanimously to accept the donation made by Gould & Goodrich of twelve (12) holsters Model Number H341-29KCL valued at \$1,667.52.

On a motion by Chief Dodge, seconded by Commissioner Curry, the Council voted unanimously to accept the donation made by NHTI Criminal Justice Club donating a Home Depot gift card in the amount of \$300 toward the construction cost for the physical fitness equipment, with any remaining funds being used toward any needed crime scene investigation equipment.

On a motion by Chief Dodge, seconded by Commissioner Curry, the Council voted unanimously to accept the donation made by Larry Oleson, 15 Darlene Lane, Litchfield, NH, of one entry door from a mobile home trailer to be used to replace the existing door on the training facility trailer on PSTC property.

Next Meeting Date/Adjournment

After scheduling the next two Council Meetings for 9:00 a.m., Tuesday, July 26, 2005, and Tuesday, August 30, 2005, respectively, in the John Morton conference room, the Council unanimously voted to adjourn the meeting at 11:46 a.m., on a motion by Commissioner Curry and seconded by Deputy Commissioner Annal.

Chairman Michael L. Prozzo, Jr.