

MINUTES

May 23, 2006

The 348th Meeting of the NH Police Standards and Training Council was called to order at 9:07 a.m. by Chairman Michael L. Prozzo, Jr., of the Sullivan County Sheriff's Department in the John D. Morton conference room at the Police Standards and Training Facility in Concord, New Hampshire.

Members Present: Chief Timothy Russell, Henniker Police Department; Chief Gregory C. Dodge, Epping Police Department; Chief Peter P. Morency, Berlin Police Department; Associate Justice Norman E. Champagne, Manchester District Court; Associate Justice Stephen H. Roberts, Dover District Court; Colonel Frederick H. Booth, NH State Police; Commissioner William L. Wrenn, Jr., Department of Corrections; and Associate Attorney General Ann Rice, designee of Attorney General Kelly A. Ayotte.

Staff Present: Director Keith H. Lohmann and Secretary Denise Crocker. Paralegal Cassandra Erickson was present when the meeting began but took leave to meet another commitment and Assistant Director Robert B. Stafford, Jr. was excused from the meeting for a prior commitment.

Sheriff Scott A. Carr, Carroll County Sheriff's Department; Chief Michael J. Magnant, Portsmouth Police Department; Deputy Commissioner Charles Annal, designee of Commissioner William G. Simonton of the NH Community Technical College System, and Attorney General Kelly A. Ayotte were excused from today's meeting due to prior commitments.

Guests: Sean Kelly, President of NNEPAC; Butch Burbank, LGC; Michael French, Chief of Police, Goffstown; Timothy Merrill, Chief of Police, Wakefield.

Approval of Minutes

Following a motion by Chief Russell, seconded by Commissioner Wrenn, the Council voted unanimously to accept the Minutes of the April 18, 2006, meeting as presented.

Director's Report

Police Memorial. The Governor was present for the ceremony and the Attorney General read the Roll of Honor. There was an excellent turn out for this memorial ceremony despite the inclement weather. The Director acknowledged that it does mean a great deal to the families and he thanked the Council for their support of this event.

Corrections Academy. The Director updated the Council on the status of the pregnant recruit. Her physician's office sent back a report indicating that she could participate in all activities with the exception of those activities that could cause blows and/or weight on the abdomen. The Director discussed this with legal counsel and it was decided to hold this recruit out of cell extraction and ground fighting. Assistant Attorney General Nancy Smith did follow up with the FBI Academy based on discussion in relation to this topic and information Sheriff Carr brought to the table from his recent FBI training. Assistant Attorney General Smith spoke with the FBI trainer in regard to the situation here at PSTC and she was supportive of the decision that was reached. The recruit will have to return to complete those two areas of the program from which she was medically excluded.

As for an overarching policy, the Director noted he was still in the process of developing such a policy. He expects it will be necessary to invoke the Medical Review Board's input in order to draft the policy. Commissioner Wrenn indicated that he wants this policy to reflect any medical issues that arise while a recruit is in the Academy that may preclude the recruit's full participation and not just be focused on the pregnancy issue. Commissioner Wrenn felt that a great deal of consideration needs to be given to such a policy as it has far reaching effects and will impact an agency's manpower, have financial impact, etc. The Director noted it was not his intent to single out pregnancy; it, however, has a wider breadth of what a person can or cannot do. Chairman Prozzo indicated that there had been a past motion to develop a policy and he would like to have the Director develop a draft of a potential policy for the Council to review.

Staffing. Two of the LETS positions have been filled. Dan Bricker started on May 19th. He came to PSTC from the Lee Police Department. Prior to that he was an officer in Washington State and he also spent time over in Kosovo and Afghanistan. He has a wide range of experience. The second position was filled by Jim Mulla. Jim will be starting on May 31st. He is a retired Marine Lieutenant Colonel who spent the past eight years working for the Milford Police Department. He will probably become the primary firearms instructor.

At the Council Retreat, the Council had requested the Director to take a more active role in compliance. In furtherance of that, the Director contacted Don Gross, the ex-chief from Nashua who had expressed an interest in doing some work on compliance. The Director worked out a short contract totaling \$1,000 with Don Gross through the end of June to work on some compliance issues on an hourly basis. The Director noted Mr. Gross, however, is not interested in a part-time or full-time position with PSTC. The Director had Mr. Gross handle Jeff Mucheno's temporary replacement issue in Alexandria which also became connected to the Bristol Police Department.

Chief Wingate from Bristol approached PSTC last summer about one of their part-time officers exceeding their 1300 hours; this officer was an 18-year veteran who was only a part-time officer. The Council mandated that he could not exceed the 1300 hours. As it turned out, at the end of the year this officer did exceed the 1300 hours but he was resigned from his position on December 31st. The Council sent the officer and the Chief of Bristol a letter advising them if the officer returned to work he would have to pay back the hours that exceeded the 1300 hours rule. The officer did not return to work in Bristol but replaced Jeff Mucheno in Alexandria. The Director then notified this officer that he would have to reduce his hours by the number he had exceeded in Bristol which was about 200 hours. The Director further advised this officer if he did this again, he would find

himself before the Council for a decertification hearing.

Chief Russell questioned whether the Director was requesting an explanation from Chief Wingate regarding how the officer exceeded the 1300-hour limit. Chief Russell felt that it was the Chief's responsibility to account for the hours the officer worked. The Director noted that in the past the Council has not required the Chiefs to provide explanations of why officers have exceeded the 1300-hours limit but the Director could implement this procedure in the future. Commissioner Wrenn also felt that a letter needed to be mailed to the Chief regarding the matter. Judge Roberts concurred that it was the Chief's responsibility to track the hours.

On a motion by Commissioner Wrenn, seconded by Chief Russell, that a letter be sent to Chief Wingate from Bristol outlining the Council's position that after being informed that an officer was not to be permitted to exceed the 1300 hour limit, he was expected to follow through on the Council's decision and any subsequent violations of Council decisions will find himself before the Council for a hearing for violation of Council rules, the Council voted unanimously that the Director will send a letter to Chief Wingate outlining the Council's position on this matter.

The final item on staffing is there is still one LETS position that remains to be filled. The Director presented the options to the Council. The Council had had some discussion at the March Retreat about utilizing this position to work on compliance issues. The Director has authorization from Personnel to keep this position part-time until the end of June. He could request that this be temporarily extended part-time for another year. The search could continue for a full-time candidate. However, there presently are no viable candidates to fill this position on a full-time basis. The third option would be to permanently reduce this position to part-time status. The Director would also like to keep Don Gross on a short contract of \$1000 per year to work compliance issues as he has a unique ability to work with the police departments to resolve issues. The Director asked for Council direction regarding with what type of position they would like to see this vacant position filled.

The question was asked, "if the position was reduced to part-time how would that affect the functioning of the organization?" The Director noted that this position would probably be dedicated to in-service training since the Academy is now at full staff. This position could also probably do some compliance. As a part-time position, it would have some cost-effective benefits since there would be no benefit package to pay. On the other hand, if we give up the full-time position, we may not be able to recover it in the event we should require it in the future.

Commissioner Wrenn felt that the Council should rely on the Director's expertise on staffing. The Director noted that temporarily downgrading the position to part-time gives him the greatest flexibility by allowing him to fill the position while continuing his search for a full-time candidate. Judge Roberts asked if there was any risk in temporarily downgrading the position. The Director acknowledged that there was a possibility that it could get permanently reduced to part-time. The only way to insure the position would remain full-time would be to continue to seek a full-time candidate which may result in the position remaining unfilled for many months to come.

The Chairman highlighted the Council's position that they will leave the decision to the

Director on whether he hires a full-time or part-time person to fill the vacant position. The Chairman further noted that the Council wants this person to be the contact for compliance questions and investigations.

New Business

Decertifications/Suspensions/Revocations/Surrenders

Carla Constant, formerly of Tilton Police Department. Discharged by Tilton Police Department for misuse of SPOTS terminal and abuse of position in violation of Pol 402.02 (a)(5). She was a part-time officer and a full-time dispatcher at Tilton. Staff Exhibits were:

Exhibit A - Employee Status Notification Form A, dated 11/26/03

Exhibit B - Part-Time Officer Certification, dated February 28, 2004

Exhibit C - Employee Status Notification Form B, dated July 22, 2005

Exhibit D - Internal Investigation by Lt. Mark Lewandowski

Synopsis: On March 21, 2006 Tilton Police Clerk Lisa Auger was covering dispatch for Carla Constant and answered a phone call where the caller stated, “ Hey it’s Kev, did you run that BMW yet?” Clerk Auger told the caller that Ms. Constant was a lunch. She noted on the caller ID that the first 3 digits of the phone number were 387. Approximately an hour later Ms. Constant returns to the office and Clerk Auger asks her if her ex-husband’s cell phone number starts with 387. Ms Constant verifies that is his number. Shortly thereafter, another incoming call observed by Clerk Auger and answered by Ms. Constant comes for the residence of Kevin Miller, Ms. Constant’s ex-husband.

Clerk Auger leaves the dispatch center and asks Officer Lisa Carter to check if Ms. Constant is still on the phone. She then tells Officer Carter about the earlier phone call. Officer Carter walks into dispatch and observes Ms. Constant write down a VIN number, read it back, change some numbers and enter it onto the SPOTS terminal. Ms. Constant then turns to Officer Carter and asks her if she needs anything. Officer Carter replies no and leaves the dispatch area.

On March 26, 2006 Officer Eric Adams is on patrol and he receives a call on his cell phone from Carla Constant who states, “Hi Eric, It’s Carla. You’re going to see a black BMW following me on Route 3. The vehicle is not registered or inspected. My son is taking it up to South Bay to drop it off. So if you could.” Officer Adams stated to her “Yup, that’s ok”. A short time later, he saw the car and Carla’s truck.

During her interview Ms. Constant stated she ran the VIN number for her son because they were considering buying the car and wanted to be sure it was not stolen. She admitted to calling Officer Adams about the vehicle so he would not attempt a risky turn-around on Route 3 as traffic was heavy. A notification letter was sent on April 21, 2006 by certified mail. The certified mail receipt was signed on April 29, 2006 and returned to PSTC. No further communication has been received from Ms. Constant.

On a motion by Commissioner Wrenn, seconded by Chief Dodge to decertify Carla Constant formerly of Tilton Police Department for violation of 402.02(a)(5), the Council voted unanimously to decertify Carla Constant.

Prior Training and Experience Requests

Full-Time

Michelle Moir, Henniker Police Department

The Director outlined Michelle Moir's request for prior training and experience for full-time certification. Judge Champagne asked the Director what the Director's recommendation would be in this particular situation and the Director's response was to grant Officer Moir certification with no further training required. On a motion by Commissioner Wrenn, seconded by Colonel Booth, with Chief Russell abstaining from the vote, the Council unanimously granted Officer Moir's request for full-time certification with no further training required.

Part-Time

Michael E. Crowell, Loudon Police Department

The Director requested the Council to table this request until further information could be gathered. On a motion by Judge Champagne, seconded by Chief Morency, the Council unanimously voted to table the request of Michael E. Crowell of Loudon Police Department for prior training and experience for part-time certification until the Director could gather the necessary information to present to the Council for review.

Requests for Extensions

Full-Time

Angela L. Bergeron, Ashland Police Department

After the Director outlined the reason for the request for extension through the 141st Academy, on a motion by Commissioner Wrenn, seconded by Chief Russell, the Council voted unanimously to grant the extension through the 141st Full-Time Academy to Officer Bergeron, Ashland Police Department.

Oake D. Carlson, Dover Police Department

After the Director outlined the reason for the request for extension through the 141st Academy, on a motion by Commissioner Wrenn, seconded by Colonel Booth, the Council voted unanimously to grant the extension through the 141st Full-Time Academy to Officer Carlson, Dover Police

Department with the stipulation that Officer Carlson work under the strict supervision of a full-time certified officer until he attends the Academy.

Miguel A. Morales III , Nottingham Police Department

After the Director outlined the reason for the request for extension through the 141st Academy, on a motion by Commissioner Wrenn, seconded by Chief Russell, the Council voted unanimously to grant the extension through the 141st Full-Time Academy to Officer Morales, Nottingham Police Department.

Mark R. Nadeau, Milton Police Department

After the Director outlined the reason for the request for extension through the 141st Academy, on a motion by Commissioner Wrenn, seconded by Colonel Booth, the Council voted unanimously to grant the extension through the 141st Full-Time Academy to Officer Nadeau, Milton Police Department with the stipulation that Officer Nadeau work under the strict supervision of a full-time certified officer until he attends the Academy.

Specialized Training Grants

Other Training

Seabrook Police Department. The Director outlined the request of the Seabrook Police Department to send **Sergeant Jason R. Allen** to the Managing the Field Training Officer Program at IPTM in Jacksonville, Florida from June 12 -15, 2006 for \$746.67. This request came before the Council last fall and generated a great deal of discussion. At that time the Council decided to support the request and then Seabrook was not able to attend and funds were returned. It is once again before the Council for approval; however, it is not within the specified time frame for submission. The Director would support approval of the request. On a motion by Commissioner Wrenn to waive the time frame and approve the request due to the fact that this request had been previously approved, seconded by Chief Morency, the Council unanimously approved the grant request of the Seabrook Police Department for Sergeant Allen to attend the program at IPTM in Jacksonville, Florida from June 12-15, 2006.

Chief Russell asked whether the training of this officer could benefit PSTC. The Director indicated that he did not think there was a great need for this type of training program here as there are few departments large enough to have full FTO programs. The Director indicated that he would field the interest in such a program and evaluate the responses with regard to running a course. Chief Morency added to Chief Russell's interest in having this officer bring back his knowledge to train other officers in the State by noting that he thought that it would be of great value to have some consistency in field training throughout the state.

Other Business

Fitness Testing Extensions

Colebrook Police Department. The Director outlined the request of Corporal Joseph Caron for an additional medical extension through December, 2006 due to his continued recovery from injuries incurred while he was stationed in Iraq. Corporal Caron will be at his two-year limit in December, 2006 and at that point the Council will need to determine what action they will take. The Director advised the Council that there has been a provision added to the law which states that PSTC could alter its standards to meet federal guidelines which might qualify Corporal Caron for some type of waiver under ADA. At this time, the Director's recommendation is that the extension be granted. On a motion by Commissioner Wrenn, seconded by Colonel Booth, the Council unanimously voted to grant Corporal Joseph Caron the medical extension through December, 2006.

Show Cause Hearings

Wentworth Police Department. The Director advised the Council that **Officer Luella Holmes** was requested to appear for a show cause hearing today. She was sent an initial letter in February and a follow-up letter in March. Cassandra Erickson spoke with Officer Holmes on Monday, May 22, 2006. She advised Cassie that she was going to have her PT test and fax it to Cassie before the end of the day on Monday, May 22nd. Cassie advised Officer Holmes that if she did not follow through with submission of the results of the PT test that she would be required to appear before the Council at their meeting today, Tuesday, May 23rd. The results were not faxed and Officer Holmes has not appeared. Based on these facts, the Director's recommendation is that the officer's certification be suspended pursuant to RSA 188 F:27 III-d and III-F until such time as she meets the requirements. On a motion by Commissioner Wrenn, seconded by Chief Russell, the Council unanimously voted to suspend Officer Luella Holmes' certification pursuant to RSA 188 F:27 III-d and III-F until such time as she meets the PT requirements.

General Discussion

Audit Report. The Director noted that he distributed copies of the Audit Reports to the Council Members with their Agenda packages. Commissioner Wrenn questioned whether there was a deadline in which the issues that needed correction were required to be addressed. The Director noted that in the LBA audit no time period was set but it would be expected that the items highlighted for resolution would be resolved by the next audit. The LBA audits are scheduled for a 3-year cycle. The Department of Administrative Services does their own audit as a follow-up to the LBA audit. In the response that was included in the package, timeframes are noted for correction of most of the items listed. The Director indicated that some items have already been resolved and he further noted that there were some items that he felt were beyond his control to correct.

The Chairman suggested that as the items on the Audit Report are resolved that they be brought to the attention of the Council so that the resolutions may be reflected in the minutes. The Director indicated he will highlight those items in his Director's Report starting in June.

Judge Champagne asked about the items that the Director could not resolve and whether the LBA or DAS auditors were assisting PSTC in correcting these problem areas. The Director indicated

that the auditors didn't have any suggestions regarding resolutions to the problems either; yet indicated it was the Director's responsibility to correct these matters. One of the specific areas of concern was the monitoring of incoming revenues from the Department of Safety, the Administrative Offices of the Courts and DOC. The Director can account for what actually is received but cannot account for what should have been received and that is a finding that the auditors have cited as an area to be resolved. The other issue that the Director is not able to resolve is a cost accounting problem at the state system. Accounting wants a cost accounting system of how much it costs by function to do everything that the Director does and that is not feasible in this organization.

Commissioner Wrenn suggested that letters be sent to DOC, Administrative Offices of the Courts, and Department of Safety reflecting PSTC's concerns and the fact of what surfaced during the audit and request a meeting to discuss how a collaborative effort can be made toward addressing the issues. Even if the issues cannot be resolved, the records will reflect that an effort was made to resolve the findings in the audit. Associate Attorney General Rice felt that the same approach should be utilized for the cost accounting issue by writing a letter to Don Hilt outlining the problem and requesting assistance.

National Guard Background Investigation. In follow up to Chief Russell's question about the process that the National Guard uses for background checks for the folks in the military police company who attend the part-time school, the Director asked for a copy of the background documents that the National Guard uses and fundamentally they ask the same questions that PSTC asks in its background checks. The forms were included in the agenda packages for Council's review. The Guard offered copies of the background checks for officers attending the part-time school if the Council deemed it was necessary. The Council felt that was not necessary.

UNH Car 54 Driving Simulator. UNH has a \$150,000 driving simulator for the purpose of theoretically training police officers to use CAR 54 equipment. UNH has approached PSTC to assist them in writing scenarios for use as training exercises for officers while driving on the simulator to learn the CAR 54 equipment. The Director asked UNH was there reciprocal assistance being offered to PSTC in return for our help. UNH offered assistance in writing a grant to acquire our own driving simulator. The Director believes having our own driving simulator would be a great asset to our driving program. The Director would be in favor of assisting them in writing scenarios in return for their assistance in procuring a grant for acquiring our own simulator here. The Director's feeling would be that the two organizations would then share the scenario software. The Director noted that a possible downside would be that PSTC would be concerned that UNH would become a possible adjunct training site for police officers in the State. It would be important to maintain a focus on the actual driving aspect and the use of integrating the Car 54 simulator as a training tool as there will not be police officers or certified driving instructors at the UNH site speaking with the students. Colonel Booth felt that it makes a great deal of sense to move forward with the process. Commissioner Wrenn agreed that in the future this will play a role in the training process and the Director should move forward in this direction.

Firearms Train-the-Trainer. The Director has had several requests from departments asking PSTC to create a Train-the-Trainer program and have, in essence, Master Firearms Instructors who would recertify their own firearms instructors within their departments and also train new firearms

instructors in their respective departments. The Director's concern regarding this is that there are currently about 500 Firearms instructors in the State. When they get recertified they come to PSTC to do that. His concern is that firearms is the highest liability area that we have and it should be "held close to the vest" because the risk is very significant. Secondly, departments would likely increase the numbers of instructors which may be good for the departments but it would not be good for PSTC because it would be necessary for the agency to track all of them.

The Director asked for Council advice on whether the Council would like him to develop a Master Firearms Instructor Train-the-Trainer Program that would be outside the realm of PSTC or whether the Council wants to keep this function in-house.

Commissioner Wrenn noted that on the one hand for large departments it seems like a good idea to have a Master Firearms Instructor to recertify the instructors in the department. Commissioner Wrenn was concerned, however, about opening it up to all individual departments to run their own firearms training programs for new firearms instructors. Large Departments may be able to handle this function but smaller ones may not. PSTC needs to maintain some control.

Colonel Booth felt that consistency would be lost by decentralizing this function to the departments. This could affect other departments such as the Attorney General's Office in an investigation. Colonel Booth felt caution needed to be exercised before changing the current process.

Associate Attorney General Rice asked if the reason these requests were surfacing was because there was an issue of not being able to get the training here. The Director responded that there are always more requests for training than there are slots but this is partially by design and the other part of that is convenience. It costs the department time and money to send the officer here to get recertified. The Director indicated that maybe there is a middle ground whereby PSTC creates a position of Master Instructor that would allow that instructor to recertify the people in his department but not train new instructors.

Judge Roberts asked how that addressed Colonel Booth's concerns about consistency. The Director indicated that it would become a compliance issue that PSTC would have to monitor. Commissioner Wrenn indicated that the Master Firearms Instructors would still have to come in to PSTC to be recertified. This would reduce the numbers having to be certified at PSTC.

The Director indicated that there is something to be said for keeping this function in-house but if the Council does want to proceed with departments doing the recerts it would most necessarily require more research to set up the criteria and the Director's object today was to bring it to the Council to begin the dialogue.

Chief Dodge felt that the current process should be left in place. He felt there was no compelling information in the discussion to warrant a change at the current time. Commissioner Wrenn felt that the Council needed to begin to "think outside the box" in relation to in-service classes because of the financial issues facing the Council in the next couple of years. Chief Morency suggested that maybe a compromise was the best approach by having one Master Instructor per region which would lessen the numbers at PSTC and balance the consistency issue. Sheriff Prozzo suggested that

this topic be reviewed again with the intent that the Council reach a decision on this matter in the next couple of months. The Director will do some additional research and return to the Council with his findings.

Chief Russell questioned what the supporting arguments were from the departments that were requesting this change. The Director responded that the departments cite cost and convenience as their reasons for requesting this change. The Director noted that although these may not be compelling arguments they are legitimate arguments. Sheriff Prozzo then noted a compelling argument may be HR218, to which the Director responded that HR218 did pass and staff is currently writing rules to implement HR218.

NNEPAC/CALEA. The Director introduced Sean Kelly, the President of NNEPAC, Tim Merrill, the Chief of Wakefield, Mike French, the Chief of Goffstown, and Butch Burbank from the LGC (Municipal Association). The Director asked the gentlemen to address the Council as a follow up to the Council's previous discussions of NNEPAC, CALEA and the Alliance agreement. The Director advised the Council of the importance of having a strategic plan in place as the CALEA conference in Lexington gets closer.

The Director gave the Council a brief background of the inter-relationship of the three organizations for the Council. PSTC has an Alliance Agreement with CALEA which allows us to have of State Recognition program. NNEPAC is the group that basically does the "heavy lifting" for us; i.e., the assessors, etc. and LGC pays our dues to CALEA. As the Council is aware, CALEA has amended our Alliance Agreement which now means that New Hampshire must meet the 100 core standards of CALEA. New Hampshire has been meeting 99 of these standards. It, however, has difficulty with 16.3.3 which is the like training standard for part-time officers. PSTC signed the Alliance agreement amending it to exclude 16.3.3 and continue our State Recognition program. Our State recognition Program does not use CALEA's name on the certificate but it uses their model standards and that's what the LGC pays for PSTC to do.

At CALEA's meeting in Jacksonville, CALEA indicated that New Hampshire must meet all 100 core standards but gave New Hampshire an additional three months to develop an alternate proposal. At the last Council Meeting, the Council suggested keeping the State Recognition program but putting a three-year time limit on it with departments being required to upgrade to CALEA Recognition during that time. From feedback that PSTC is receiving, it is becoming increasing more apparent that CALEA may not be agreeable to that proposal. Sean Kelly noted CALEA is composed of five far-reaching politically motivated organizations and that some of the departments that had Alliance agreements with CALEA have not been as successful as New Hampshire which is what is causing the difficulty in bringing a favorable Alliance agreement to fruition for New Hampshire.

There is one further opportunity that Chief French is pursuing that might enhance the possibility of New Hampshire gaining a favorable Alliance agreement. Chief Fiberette of CALEA has agreed to listen to Chief French present PSTC's position.

The Director outlined his position that the State Recognition program is extraordinarily important because it gives access to many departments which would not otherwise be able to avail themselves

of CALEA Recognition or CALEA Accreditation and philosophically the Director would like to maintain a State program at all costs. Therefore, if the team that goes to Lexington and states that this is PSTC's position or nothing and CALEA says it nothing; then the Council needs to determine whether it wants to continue with CALEA Recognition and Accreditation and eliminate State Recognition; or does the Council want to continue with CALEA's Recognition and Accreditation and create its own State Recognition program separate from CALEA or do we decide not to participate with CALEA at all.

If CALEA agrees and permits New Hampshire to keep its Alliance Agreement as is, then these other options resolve themselves. It, however, is necessary to go to Lexington in July with contingent plans in place.

Commissioner Wrenn asked Sean Kelly if NNEPAC was going to support PSTC based on an e-mail that he received from NNEPAC. Sean Kelly indicated that NNEPAC was going to support PSTC as the technical experts at the meeting in Lexington. Commissioner Wrenn then asked how the ability of the small departments which realistically cannot meet CALEA requirements is going to be addressed in order for them to gain State recognition. Sean Kelly felt it was possible to achieve CALEA standards by limiting the role of reserve officers or through enhanced training.

Commissioner Wrenn asked if by accepting this new standard aren't we eliminating those departments, which are unable to limit the role of their part-time officers or get them additional training, from getting State recognition. Sean Kelly indicated that if the Team was unsuccessful in getting the Alliance Agreement signed without 16.3.3, then his suggestion would be that New Hampshire create its own State Recognition Program and noted that there were several successful models out there. He said NNEPAC was committed to this process and would continue to support it locally if New Hampshire decides to start its own program.

Butch Burbank from the Local Government Center noted that their office was deeply involved in the accreditation process and particularly in State Recognition. Mr. Burbank noted that there were 17 small departments that are currently interested in the State Recognition program. He insisted that that program could not be lost. He indicated from a risk management perspective some program needs to exist. CALEA does have some huge hurdles that New Hampshire may not get over but a State program needs to be in place and Mr. Burbank was authorized to advise the Council that the LGC was willing to assist with funding. Mr. Brubank will be one of the members of the team going to Lexington. He suggested that there are several other states in the same situation and that it would be beneficial if these states could group together to develop similar standards should New Hampshire develop its own program. Commissioner Wrenn commended the LGC for all that they do.

Chief Mike French spoke about his dual roles as a representative for CALEA and a representative of the State of New Hampshire in support of the Alliance Agreement. The Chief asked that the Council not to be too hasty in abandoning CALEA. His department is nationally recognized by CALEA and he is very active in CALEA and NNEPAC, both nationally and locally, and feels that CALEA serves a valuable purpose to New Hampshire. Signing an Alliance Agreement gives New Hampshire state of the art standards that have been thoroughly researched and have some backing throughout the country. An Alliance Agreement for the State of New Hampshire also has a funding

benefit to many agencies. Those agencies that choose to be CALEA recognized save considerable dollars as there are local assessors who do the on-sites and agencies save 44% reduction in the administrative fees when moving to up to CALEA Accreditation. Chief French indicated that CALEA expects that departments using part-time officers will train those officers to those functions that they are expected to deliver and that they are expected to perform and that is what New Hampshire needs to address. Chief Russell asked what the makeup of the Commission was. Chief French acknowledged that the Commission was representative of the towns and cities that they serve. Chief French indicated that the reason that the program has changed was due to numerous abuses of the program as it existed, i.e., rubber-stamping agencies, making money off the standards, etc.

Commissioner Wrenn objected to the fact that CALEA is penalizing New Hampshire for issues occurring in other states. Commissioner Wrenn then asked that if, in fact, the Council went forward with the changes in the Alliance Agreement, given the financial situation with in-service training program, would PSTC in reality be able to provide the training, recognizing the fact that it would have to be done in the evenings and/or on weekends as these officers work full-time jobs during the day.

The Director indicated that this is at the crux of the issue as the agencies will be looking to PSTC to provide the training. A case in point is the Dunbarton issue; because one of their deficiencies for their part-time officers was driver training and they needed this training to meet the standard, the Director ended up running a class with one of his staff on a Saturday to do the Skid Car part of the training. There is no doubt there is going to be a cost to PSTC. What concerns the Director about CALEA recognition is that it is going to push PSTC into areas that the agency may not be able to fulfill at this time. A proposal is already underway to upgrade the part-time curriculum in much needed areas but presently the capability to add firearms and driving is not there. If this program goes forward, PSTC is going to get pressed into situations that it is not prepared to address at this time, which sets it up for failure.

Chairman Prozzo reaffirmed that the Council's primary objective is the Police Academy.

Chief Merrill of Wakefield spoke briefly outlining to the Council that he has a small department with five part-time officers and that he is very much interested in the State Recognition Program. He stated, however, that if 16.3.3 is added in he would be unable to participate without significant cost to the Town. He feels it is very important to have a State Recognition Program in which accommodations are made for part-time officers.

The Director outlined the fact that if the Council's decision is to accept CALEA Recognition and CALEA Alliance then the Council should just sign the agreement because there is no real bargaining position. Commissioner Wrenn strongly felt that the Alliance Program needed to remain as it was originally written in order for the Council to sign the agreement. He felt it was important for the Council to represent the small departments in the State and that Chief Merrill's presentation was exactly the Commissioner's concern that the small departments will be eliminated from recognition and the Council needs to represent them and support the fact that New Hampshire is a rural state and that there are 1700 part-time officers in the state. In order for the Council to be fair

to all the departments and to encourage all of this to all the departments there needs to be standards that can be met by all the departments in the state. If it doesn't and we can't do that, then CALEA does New Hampshire no service.

On a motion by Commissioner Wrenn that the State Recognition Program is vital to New Hampshire and that the Alliance Program remain in tact as it currently exists or PSTC will no longer participate in the CALEA program, seconded by Colonel Booth, the Council opened the motion up for questions. Chief Morency asked if this was the same motion that was voted on last month. The Director clarified the motion of last month which stated that Council would continue the recognition program with a three year life span on it and after three years the department would either have to go to CALEA Recognition or opt out at that point. The Director then asked the Council for clarification on which motion they wished to entertain. Commissioner Wrenn indicated that his motion of today stands. He stated he believes limitations serve no purpose. The Commissioner recognizes it would be a great deal of work but feels if New Hampshire has to develop its own program then that's what needs to be done.

Once again, on a motion by Commissioner Wrenn that the State Recognition Program is vital to New Hampshire and that the Alliance Agreement remain in tact as it currently exists or PSTC will no longer participate in the CALEA program, the Council unanimously voted to not participate in the CALEA program if CALEA does not accept the New Hampshire Alliance Agreement as it is currently written.

After much discussion, the Council overrode its motion that unanimously passed last month outlining a limited three-year State Recognition option.

Part-Time School Curriculum Committee. Chairman Prozzo had a request from Gerry Taylor for a representative of the Council to sit on the Curriculum Committee and Chief Morency has agreed to represent the Council in this capacity.

Policy on Physical Fitness. Chief Morency asked if the physical fitness program changes with the instructor running the program or is it a set program. The Director stated that there is an established program in which the recruits do running on certain days, weight lifting on certain days and aerobics on other days. The staff has been asked to review the program since the last time it has undergone any updating was 1996. The program does vary from day to day partially from design. PSTC uses the Crocker Center at NHTI for strength training exercises since their gym has a great deal more equipment than PSTC has. The Director noted that there are some staff members who are more enthusiastic than others and that is something that he is trying to monitor. He recognizes that the object is to create physically fit officers and not marathon runners. Chief Morency indicated that he would like to see less variation in this program.

Firearms/Driving Training Failures at the Academy. Chief Morency asked what the policy was in notifying the agency when a recruit fails firearms and/or driving training at the Academy. The Director advised the Council that typically when a recruit fails a hands-on component of the Academy, the department is notified and the staff at the Academy institute remedial training for

those recruits. When they pass the remedials, the department is then notified that they passed and if they failed the recruits don't complete the Academy and the rules state that they have 60-days to return to complete the training. Departments are not notified each and every time a recruit fails a remedial. When the department is originally notified that a recruit failed firearms, the department's firearms instructor is welcome to attend the remedial training sessions. PSTC continues the remedials until the recruit passes.

Commissioner Wrenn felt that this could be a problem. He felt that departments needed to be aware of how many attempts it took to pass these hands-on classes since departments may want to do additional training at their sites since passing the training during remedials does not necessarily reflect proficiency. Colonel Booth suggested that at the end of the Academy the department be notified if and how many remedial sessions were done. Chief Russell asked what was done when a recruit failed an academic class. The Director advised the Council that the recruit was permitted one retest and then had to repeat the class at the next Academy. Judge Roberts asked about the cost involved in remedials. The Director indicated in the area of firearms it could be significant.

Chief Russell asked when does it become the department's responsibility for the repeated failure of a recruit in a class. Colonel Booth indicated that he understood Chief Russell's intent but the goal of PSTC was to get the recruits to the status of full-time police officers and to return the responsibility back to the department after a specified number of failures would be problematic for some departments which may not have the resources to get the recruit up to the standard required to pass. Therefore, Colonel Booth felt the reasonable approach was for PSTC to get the recruit certified, advise the departments of the number of remedials needed to get the recruit there and let the department do their own additional training to ensure the officer has acquired proficiency in the remedial area.

Next Meeting Date/Adjournment

After scheduling the next Council Meeting date for 9:00 a.m., Tuesday, June 27, 2006, in the John D. Morton Conference Room, the Council unanimously voted to adjourn the meeting at 11:47 a.m., on a motion by Chief Dodge and seconded by Judge Champagne.

Chairman Michael L. Prozzo, Jr.