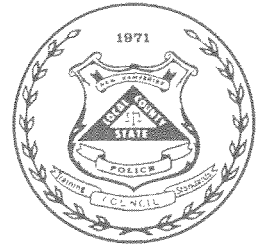




Sheriff Michael L. Prozzo, Jr.
Chairman

State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
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Donald L. Vittum
Director

Minutes

April 28, 2009

Call to Order

The 383rd meeting of the New Hampshire Police Standards and Training Council was called to order at 9:07 a.m. by Vice Chairman Commissioner William L. Wrenn, Jr., New Hampshire Department of Corrections, in the John D. Morton conference room at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Associate Justice Norman E. Champagne, Manchester District Court; Major Susan Forey, designee of Colonel Frederick H. Booth, New Hampshire State Police; Chief Michael J. Magnant, Portsmouth Police Department; Chief Peter Morency, Berlin Police Department; Chief Timothy Russell, Henniker Police Department; Vice Chancellor Charles Annal, New Hampshire Community College System; Richard A. Foote, Sheriff of Cheshire County; and, Attorney General Kelly Ayotte.

Members Absent: Michael L. Prozzo Jr., Sheriff of Sullivan County; Chief Gregory C. Dodge, Epping Police Department; and, Associate Justice Stephen H. Roberts

Staff Present: Director Donald Vittum, Chief (ret) Timothy Merrill, Captain Benjamin Jean, Lieutenant Mark Bodanza, Investigative Paralegal Anne Paquin, and Council Secretary Kathryn Day.

Guests Present: John Faulkner and Kensington Police Chief Wayne Sheehan.

Approval of Minutes

Upon a motion by Chief Morency, seconded by Chief Magnant, the Council unanimously agreed to approve the minutes of March 24, 2009.

Director's Report

There were no questions or comments on the Director's Report for April 2009.

Previous and/or Unfinished Business

No previous and/or unfinished business was raised.

NewBusiness

Decertification Hearing

Director Vittum informed Chairman Wrenn that a party to a decertification hearing pursuant to Pol 402.02 (a) (4) scheduled to be heard in nonpublic session pursuant to RSA 91-A:3, II, (c) has requested continuance. As provided in Pol 206.16 (b) Chairman Wrenn granted the continuance for good cause (to allow time for the party concerned to obtain legal counsel) and stated that the hearing would be rescheduled for a future date to be determined.

CONSENT CALENDAR

The Council considered the recommendations of staff and approved the following requests presented on the Consent Calendar:

Request for Full-Time Certification Based Upon PT&E

Officer Brian J. Houde, Portsmouth Police Department

(DOH: 04/13/09 requests consideration for full-time certification based on prior training and experience. Staff recommends granting certification upon successful completion of the NH Law Package of the Full-Time Academy and First Aid/CPR certification, if lapsed.

Requests for Extensions

Note: Extensions granted until fitness testing for requested Academy and, if testing is successful, through the end of the requested Academy.

Full-Time Police Officer

149th Academy 04/27/09 – 07/31/09 (fitness test – 04/13/09)

150th Academy 08/31/09 – 12/04/09 (fitness test 08/17/09)

Officer David M. Abbott, Peterborough Police Department

(DOH: 12/18/08 **Part-time Certified**) requests extension through the end of the 150th Full-time Police Officer Academy. An extension is required because the completion date of the 150th Academy exceeds six months from his date of hire. Staff recommends granting the extension.

Lieutenant Troy A. Cline, Hooksett Police Department

(DOB: 06/02/0 **Not Part-Time Certified**) requests extension through the end of the 149th Full-time Police Officer Academy. An extension is required because the completion date of the 149th Academy exceeds six months from his date of hire. Staff recommends granting the extension with the stipulation that Lieutenant Cline continue to work only in the direct presence of a certified police officer.

Officer Daniel J. Hurley, Keene Police Department

(DOH: 08/31/08 **Not Part-Time Certified**) requests extension through the end of the 149th Full-time Police Officer Academy. An extension is required because the completion date of the 149th Academy exceeds six months from his date of hire. Staff recommends granting the extension with the stipulation that Officer Hurley continue to work only in the direct presence of a certified police officer.

Officer Thomas B. McAuliffe, Bedford Police Department

(DOH: 09/15/08 **Not Part-Time Certified**) requests extension through the end of the 149th Full-time Police Officer Academy. An extension is required because the completion date of the 149th Academy exceeds six months from his date of hire. Staff recommends granting the extension with the stipulation that Officer McAuliffe continue to work only in the direct presence of a certified police officer.

Officer Nicholas J. Nadeau, Weare Police Department

(DOH: 03/02/09 **Part-time Certified**) requests extension through the end of the 150th Full-time Police Officer Academy. An extension is required because the completion date of the 150th Academy exceeds six months from his date of hire. Staff recommends granting the extension.

(END OF APPROVED CONSENT CALENDAR)

Chief Russell moved that the Council adopt the Consent Calendar as presented. Following a second by Chief Morency, a voice vote of the Council carried the motion 8-0, with Chief Magnant abstaining.

Request for Extension Exempted from the Consent Calendar

NONPUBLIC SESSION: Dennis Orbino, Alton Police Department

The Council considered the request of Alton Police Department to grant an extension for Officer Dennis Orbino through the end of the 150th Full-time Police Officer Academy because the completion date of the 150th Academy exceeds six months from his date of hire. Staff recommends granting the extension with the stipulation that Officer Orbino, who is not part-time certified, continue to work only under the supervision of a full-time certified officer.

Because of the sensitive nature of the grounds for the request of the Alton Police Department on behalf of Officer Dennis Orbino, Attorney General Ayotte, seconded by Chief Morency, moved that the Council enter into nonpublic session, as provided in RSA 91-A:3, II (c). The roll call vote of the Council supported the motion, 9-0. The nonpublic session commenced at 9:12 a.m.

A motion to seal the minutes was put forth by Attorney General Ayotte and seconded by Chief Magnant. The Council, in a voice vote, was in unanimous agreement.

Attorney General Ayotte further moved that the Council exit the nonpublic session. Following a second by Chief Magnant and a roll call vote of 9-0 in favor, the nonpublic session concluded at 9:18 a.m.

Judge Champagne moved for the Council to grant Officer Dennis Orbino an extension through the end of the 150th Full-Time Police Officer Academy. The motion, seconded by Attorney General Ayotte, passed on a voice vote of the Council, 9-0.

Director Vittum requested that the Council stipulate that until certification is granted, Officer Orbino is required to work under supervision. Judge Champagne, obliging, moved that the Council require that Officer Orbino work only under supervision until certification is granted. Following a second by Chief Magnant, this motion was approved by the Council in a voice vote, 9-0.

Clarification of "Supervision" of Uncertified Police Officers

In discussing a question put forth by Sheriff Foote, the Council agreed that the term "under the supervision of ..." means that the uncertified officer who is granted an extension must be closely monitored so that the Council and the municipality that employs the officer is not exposed to liabilities. Therefore, the Council's intent is that the officer may work only in the physical presence of a certified officer and this expectation applies to all areas of police work, including traffic control, crowd control, and other various details the uncertified officer is assigned.

The Council also clarified that the officer who is providing supervision may be part-time certified or full-time certified as a police officer in the State of New Hampshire. Further, the officer providing supervision need not be the direct supervisor of the uncertified officer who is granted an extension; they could be any certified police officer within the hiring authority. This allows the department some flexibility in complying with the stipulation, especially for smaller agencies that may not have a sufficient number of full-time certified police officers to provide this direct supervision.

Chief Russell moved that the Director communicate the Council's intention for uncertified officers being granted extensions for attending the Academy to continue working only with direct, physical supervision of a police officer certified either full time or part time in the State of New Hampshire, and that this stipulation applies to all areas of police work, until such time as the officer completes the Academy and is granted certification.

Vice Chancellor Annal recommended that communications on this policy and others like it should be documented in an organized way, and Director Vittum agreed. Attorney General Ayotte suggested that policies communicated in memo form can be easily managed and organized for future reference.

Chief Morency offered a second on the pending motion. The voice vote of the Council was unanimous, 9-0.

Requests for Training Grant Funds Exempted from the Consent Calendar

The Council considered Portsmouth Police Department's requests for funds for Officer David Keaveny and Officer Christina Meyer to attend a four-day instructor certification program sponsored by CPI, *Nonviolent Crisis Intervention*. Location depends on whether the officers attend in May or in June 2009. **Amount for two officers: \$1,718.67**

Chief Russell asked if it was the policy of the Council to restrict the amounts granted for requests for training to a maximum of \$1,000; Director Vittum clarified that the maximum amount per officer is \$1,000. With due respect to Chief Magnant, Chief Russell then asked if it were not the Council's past policy to limit attendance at a given training to one officer per agency. Director Vittum responded that if the agency can justify sending two officers the Council has approved those requests in the past.

Consideration is given to the size of the agency and the Director felt that it was appropriate for Portsmouth PD to send two officers to become certified instructors.

Chief Magnant stated that these two officers have already attended training in Rochester and in Portland. Portsmouth Police Department is in the beginning phase of establishing a crisis intervention team and this training is part of the next step for these officers.

The Council also considered a request submitted by **Portsmouth Police Department** (in conjunction with the Seacoast Emergency Response Team) for funds for Portsmouth Officer Robert Lukacz and Hampton Officer Barry Newcomb to attend a five-day course, *Advanced Military/Law Enforcement Sniper Course*, at the US Training Center in Moyock, North Carolina, beginning on June 21, 2009.

Amount for two officers: \$2,344.34

Chief Morency remarked that it was difficult to find a sniper school in the New England area and asked whether the officers attending the sniper course could then conduct the training for Police Standards and Training. Chief Magnant did not feel that it would be a "train-the-trainer" type program.

Attorney General Ayotte asked the Director to indicate the status of funds currently available for training grants. The Director noted that he anticipated our agency to return \$1,500 to the fund. Money to fund Portsmouth Police Department's two current requests (for a maximum of \$1,000 per officer for four officers) is available; however, this would very nearly deplete the current balance of training funds for the fiscal year that ends on June 30, 2009.

Hearing no further discussion, Chairman Wrenn asked for a motion to approve the granting of funds for the two requests submitted by the Portsmouth Police Department, for a maximum of \$1,000 per officer for four officers (a total of \$4,000). Judge Champagne consented to put that motion forward and Sheriff Foote supported it with a second. With Chief Magnant abstaining, the voice vote of the Council was 8-0 in favor.

Other New Business

NONPUBLIC SESSION: Petition for rescission

As provided in Pol 402.02 (h), the Council considered the petition for rescission accepted from John P. Faulkner, stating the reasons why the Council's prior action should be rescinded.

John P. Faulkner and Chief Wayne M. Sheehan, Kensington Police Department were present for the hearing. At the request of Mr. Faulkner, the Council proceeded to hear the matter in nonpublic session. Lieutenant Mark Bodanza presented the facts of the matter on behalf of Police Standards and Training.

Upon a motion by Attorney General Ayotte and seconded by Chief Morency, that the Council enter into a nonpublic session pursuant to RSA 91-A:3, II (b) and (c), a roll call vote of the Council was unanimous, 9-0. The nonpublic session commenced at 9:38 a.m.

Chief Russell moved to seal the minutes of the nonpublic session, with Chief Morency moving to second. A voice vote of the Council was unanimous in favor.

Chief Morency, with a second by Chief Magnant, moved that the Council exit the nonpublic session. A roll call vote of the Council was unanimous, 9-0. The nonpublic session concluded at 10:28 a.m.

Upon return to public session, Chief Russell moved that the Council deny John P. Faulkner's request for revocation of his certification to be rescinded. Chief Magnant seconded this motion, and Chairman Wrenn invited discussion on the motion. The pending motion was subsequently withdrawn by Chief Russell, with the agreement of Chief Magnant, as the Council found it necessary to deliberate further in nonpublic session.

Therefore, Judge Champagne moved that the Council take the matter under advisement; Sheriff Foote seconded the motion. A voice vote of the Council was unanimous in support, 9-0.

With Chief Russell absented, Sheriff Foote moved that the Council enter into nonpublic session to discuss personnel matters, as provided in RSA 91-A:3, II (b) and (c). Following a second by Vice Chancellor Annal, the Council voiced their unanimous agreement in a roll call vote, 8-0. The nonpublic session commenced at 10:38 a.m.

In the course of the nonpublic session, Chief Russell returned and Attorney General Ayotte was excused to attend another engagement.

Following further deliberation on the matter, Chief Morency, seconded by Chief Russell, moved that the minutes of the nonpublic session be sealed. The voice vote of the Council was affirmative, 8-0.

Chief Morency further moved, again with a second by Chief Russell, that the Council exit the nonpublic session. A roll call vote of the Council carried the motion, 8-0. The nonpublic session concluded at 10:55 a.m.

Chief Russell put forth a new motion for the Council to deny the request of John P. Faulkner for revocation of his certification to be rescinded. Sheriff Foote seconded the motion. The voice vote of the Council supported the motion, 7-1, with Vice Chancellor Annal the lone dissenter.

General

Director Vittum confirmed that Police Standards and Training Council will be recognizing selected law enforcement officers for "Looking Beyond the Traffic Ticket" on Wednesday, May 6, 2009. The event will be held at the Tactical Center of the New Hampshire Police Academy in Concord, New Hampshire, with a buffet luncheon served at noon. The presentation of awards will follow a short speaking program that begins at 1 p.m. The Council members were asked to confirm if they will attend.

Other Business


No other business was raised.

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on Tuesday, May 26, 2009, at nine o'clock in the morning.

Upon a motion by Sheriff Foote, seconded by Chief Morency, the Council voted unanimously to adjourn the meeting at 10:58 a.m.

Respectfully submitted,



(Acting) Chairman William L. Wrenn, Jr.