

## ***Minutes***

***March 24, 2009***

The 382<sup>nd</sup> meeting of the New Hampshire Police Standards and Training Council was called to order at 9:05 a.m. by Chairman Michael L. Prozzo Jr., Sheriff of Sullivan County, in the John D. Morton conference room at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

***Members Present:*** Richard A. Foote, Sheriff of Cheshire County; Chief Gregory C. Dodge, Epping Police Department; Chief Michael J. Magnant, Portsmouth Police Department; Colonel Frederick H. Booth, New Hampshire State Police; Chief Peter Morency, Berlin Police Department; and, Attorney General Kelly Ayotte.

***Members Absent:*** Associate Justice Norman E. Champagne, Manchester District Court; Associate Justice Stephen H. Roberts, Dover District Court; Chief Timothy Russell, Henniker Police Department; Commissioner William L. Wrenn, Jr., New Hampshire Department of Corrections; and, Vice Chancellor Charles Annal, New Hampshire Community College System.

***Staff Present:*** Director Donald Vittum, Investigative Paralegal Anne Paquin, Major Robert B. Stafford, Jr., Chief (ret.) Timothy Merrill, Captain Benjamin Jean, and Council Secretary Kathryn Day.

***Guests Present:*** Chief Stephen Adams, Northfield Police Department; Chief Frederick Douglas, Milford Police Department; Captain Albert Brackett, Rockingham County Sheriff's Department; and, Lieutenant Sean Kelly, Durham Police Department.

### ***Call to Order***

Chairman Prozzo called the meeting to order at 9:05 a.m. Attorney General Kelly Ayotte arrived at 9:18 a.m.

### ***Approval of Minutes***

Chief Dodge moved that the Council approve the minutes of February 24, 2009, as submitted. Following a second by Chief Morency, the voice vote of the Council was unanimous in favor.

### ***Director's Report***

Director Vittum offered an update on legislation that would increase the penalty assessments on fines imposed by the courts by 4 percent. The House Ways and Means Committee voted 14-0 to support this increase. However, the Senate is expected to hold hearings and make a recommendation when the bill crosses over to their body.

The agency's operating budget as proposed was well received, however, and the outcome of the budget hearings was positive. All monies that were excluded in error from the 97% budget have been restored.

Alternative funding sources are now the primary focus and are critical for our agency to continue providing in-service training and grants for specialized training. So far, proposals for a one-cent gas tax and assessments on insurance policies have not gained support. Director Vittum asked the Council to consider additional revenue sources and suggested that these ideas should be discussed at a planning session on April 6 and 7.

### ***Previous and/or Unfinished Business***

No issues this month.

### ***New Business***

#### **Suspension Hearings**

Director Vittum stated that an audit of compliance with annual firearms training and qualification is underway and should be completed within 30 to 60 days.

The Council acted upon the certification of two officers for failure to comply with requirements of Pol 403.01 to complete eight hours of annual in-service training in the year ending December 31, 2008.

#### **Officer Brian Benware, Walpole Police Department**

Officer Benware was duly noticed but did not attend the hearing.

#### ***Synopsis***

Brian Benware – Suspension for noncompliance with Pol 403.01 Refresher Training  
PSTC hearing date March 24, 2009

Staff Exhibit A	Form A Walpole PD February 18, 2002
Staff Exhibit B	Brian Benware, part time certification April 27, 2002
Staff Exhibit C	Form B Walpole PD February 5, 2003
Staff Exhibit D	Form A Walpole PD January 11, 2005
Staff Exhibit E1	Letter to PSTC from Walpole PD January 23, 2009

Staff Exhibit E2      Notice to Brian Benware, from Walpole PD, hand served  
December 31, 2008

On February 18, 2002 Brian Benware was hired part time by Walpole PD. On April 27, 2002 Brian Benware received his part time certification from PSTC. On February 4, 2003 Brian Benware resigned from Walpole PD, and on January 11, 2005 he was hired part time again at Walpole PD.

On January 23, 2009 PSTC received a letter from Walpole PD stating that Brian Benware had been suspended by them (Walpole PD) for **failing his fitness test** for 2008. The letter states that Chief David Hewes contacted Brian Benware to see if he had completed his annual 8 hours of training. Brian Benware told Chief Hewes he had completed one hour of the 8 hours required.

Attached to the letter was a notice that had been hand delivered to Brian Benware regarding his suspension by Walpole PD for failure to participate in three year fitness testing.

*End – Synopsis*

**Pursuant to Pol 402.02 (a) (10), Chief Dodge moved that the Council suspend the certification of Officer Benware effective immediately and until he demonstrates compliance or shows just cause for noncompliance with the requirements of Pol 403.01. Following a second by Chief Morency, the voice vote of the Council supported the motion without exception.**

**Officer Edward Dorr, Lancaster Police Department**

Officer Dorr was duly noticed but did not attend the hearing.

*Synopsis*

Edward Dorr – Suspension for noncompliance with Pol 403.01 Refresher Training  
Police Standards and Training Council hearing date March 24, 2009

Staff Exhibit A	Form A, Lancaster PD hired part time June 1, 2003
Staff Exhibit B	Form B, Lancaster PD September 8, 2003, part time to full time
Staff Exhibit C	Form A, Lancaster PD full time hire date September 1, 2003
Staff Exhibit D	Form B, Lancaster PD full time, ordinary resignation February 15, 2004
Staff Exhibit E	Form A, Lancaster PD hired part time April 1, 2004
Staff Exhibit F	Form B, Lancaster PD, ordinary resignation June 10, 2004
Staff Exhibit G	Form A, Lancaster PD, hired part time January 10, 2005
Staff Exhibit H	Part time certification April 5, 2005
Staff Exhibit I	Form A Whitefield PD April 11, 2006

Staff Exhibit J Letter from Lancaster PD, Chief John Gardiner January 15, 2009  
Staff Exhibit K Fax and Report from Whitefield PD, Chief William H. Colburn

Edward Dorr was hired part time by Lancaster PD on June 1, 2003. On September 1, 2003 he was hired full time by Lancaster, and on February 15, 2005 he resigned from Lancaster PD. On April 1, 2004 he was again hired part time by Lancaster PD, then resigned on June 10, 2004.

Edward Dorr was hired part time by Lancaster PD on January 10, 2005, he received a part time certification on April 5, 2005. He was hired part time by Whitefield PD on April 11, 2006.

On January 15, 2009 Police Standards and Training Council received notice from Lancaster Police Department that Edward Dorr had not completed his required in-service training for 2008. On March 23, 2009 Police Standards and Training Council received notice from Whitefield PD that Edward Dorr had not completed his in-service training for 2008.

*End - Synopsis*

**Pursuant to Pol 402.02 (a) (10), Chief Magnant moved that the Council suspend the certification of Officer Dorr effective immediately and until he demonstrates compliance or shows just cause for noncompliance with the requirements of Pol 403.01. With a second by Colonel Booth, the voice vote of the Council was unanimous in favor.**

### **CONSENT CALENDAR**

The Council considered the following items included in a Consent Calendar and recommended by staff:

#### **Requests for Extension through the 149<sup>th</sup> Academy 04/27/09 – 07/31/09**

##### **Officer Kevin R. Abbott, Somersworth Police Department**

(DOH: 01/05/09 **Not part-time certified**) requests extension through the end of the 149<sup>th</sup> Full-Time Officer Academy. Staff recommends granting the extension with the stipulation that Officer Abbott continue to work only under the supervision of a full-time certified officer.

##### **Officer Bruce A. Cote, Ashland Police Department**

(DOH: 01/17/09 – **255<sup>th</sup> Part-time Academy**) requests extension through the end of the 149<sup>th</sup> Full-Time Officer Academy. Officer Cote will graduate from the 255<sup>th</sup> Part-Time Officer Academy on April 17, 2009. Staff recommends granting the extension with the stipulation that Officer Cote work only under the supervision of a full-time certified officer until he receives his part-time certification.

**Officer David R. Hersey, Seabrook Police Department**

(DOH: 10/31/08 **Part-time certified**) requests extension through the end of the 149<sup>th</sup> Full-Time Officer Academy. Staff recommends granting the extension.

**Officer Stephen A. Wallin, Merrimack Police Department**

(DOH: 01/18/09 **Not part-time certified**) requests extension through the end of the 149<sup>th</sup> Full-Time Officer Academy. Staff recommends granting the extension with the stipulation that Officer Wallin continue to work only under the supervision of a full-time certified officer.

**Officer Paul G. Wells, Merrimack Police Department**

(DOH: 01/18/09 **Not part-time certified**) requests extension through the end of the 149<sup>th</sup> Full-Time Officer Academy. Staff recommends granting the extension with the stipulation that Officer Wells continue to work only under the supervision of a full-time certified officer.

**END – CONSENT CALENDAR**

**Chief Magnant, with a second by Sheriff Foote, moved that the Council approve all of the items on the Consent Calendar as submitted. The Council voiced their unanimous support.**

**Training Grant Requests**

Four agencies presented six requests for specialized training grant funds.

**Northfield Police Department's** request for funds for Officer Jennifer Adams and Officer James McIntire to attend a three-day course, *The Reid Technique of Interviewing and Interrogation*, being presented at the Portsmouth Police Department in Portsmouth, New Hampshire, beginning April 20, 2009. **Amount for two officers: \$793.34**

Chief Stephen Adams appeared before the Council to support the Department's request. The Department's only detective has retired, and the officers who plan to attend the training are preparing to take over those duties. He stated that training programs presented by Reid Associates, including *The Reid Technique of Interviewing and Interrogation*, have been highly recommended to him.

**Attorney General Ayotte moved that the Council approve the request submitted by the Northfield Police Department as presented. Chief Morency seconded the motion and the Council approved in a voice vote of 6-0, with Chief Magnant abstaining.**

Lieutenant Sean Kelly appeared before the Council in support of three requests submitted by the Durham Police Department.

**Durham Police Department's** request for funds for Deputy Chief Rene Kelley and Lieutenant Sean Kelly to attend the FBI-LEEDS Executive Training Conference in Tampa, Florida, April 6 through April 8, 2009.

**Amount for two officers: \$1,550.67**

Lieutenant Kelly stated that Durham's police chief, deputy chief, and himself are all graduates of the FBI National Academy in Quantico, Virginia, and have attended many FBI-LEEDA training courses. The Executive Training Conference held in Tampa offers the opportunity to take refresher training in team building.

Chief Morency asked if there could still be a benefit if the Department sent only one officer, and Lieutenant Kelly responded, "Yes, of course."

Chief Magnant pointed to the fact that the Council has formed a policy not to fund conferences and asked if the Council still supports that policy. Chairman Prozzo stated that research of past meeting minutes shows that the policy has been applied fairly consistently since being established about five years ago. The FBI-LEEDS conference at issue is comparable to past requests that were denied. A review of the full description of the conference at issue includes events and activities not related to training (such as golf).

Lieutenant Kelly asserted that travel arrangements for the two officers allowed no opportunity for them to take part in these extracurricular events and activities, because the Department intended for them to attend the training portion of the conference only.

Chief Magnant stated that he believed the intent of the Council's policy on not funding conferences was focused more on preserving funds for more specialized training that could not be completed in New Hampshire and that would benefit the Academy curriculum. Further, he felt that making an exception in this case would not be fair and equitable to other departments who have taken note of the policy and have refrained from making such requests.

**Colonel Booth moved that the Council uphold the established policy to not approve funds for conferences and deny the request for funds for Deputy Chief Rene Kelley and Lieutenant Sean Kelly to attend the FBI-LEEDS Executive Training Conference. A second by Sheriff Foote was followed by a voice vote of the Council, 7-0 in favor.**

**Durham Police Department's** request for funds for Officer Holly Rouleau to attend Law Enforcement Fitness Specialist Training at the Cooper Institute in Dallas, Texas, for five days, beginning July 12, 2009. **Amount: \$1,173.33**

Lieutenant Kelly explained that the current fitness instructor with the Durham Police Department, Sergeant David Holmstock, expects to retire in June 2010. Officer Holly Rouleau has already been certified by the Police Standards and Training Council to conduct physical fitness testing, and the Department would like to have the opportunity for her to mentor under Sergeant Holmstock and complete the Cooper training before he retires. Lieutenant Kelly indicated that the Department would make Officer Roleau available to assist with at least two Academy classes a year.

**Chief Morency moved that the Council approve Durham Police Department's request for funds for Officer Holly Rouleau to attend Law Enforcement Fitness Specialist Training at the Cooper Institute and that the amount of the grant will not exceed \$1,000. Chief Dodge seconded the motion and the Council indicated their unanimous agreement in a voice vote.**

**Durham Police Department's** request for funds for Sergeant Ed Levesque and Sergeant Frank Daly to attend training for Pistol Armorer Certification by Sig Sauer, Inc., at the Sigarms Academy in Epping, New Hampshire, on June 11 and 12, 2009.

**Amount for two officers: \$466.67**

Director Vittum recommended approval of this request. Lieutenant Kelly did not comment further.

**Chief Dodge moved that the Council approve Durham Police Department's request for funds for Sergeant Ed Levesque and Sergeant Frank Daly to attend training for Pistol Armorer Certification as presented. Following a second by Attorney General Ayotte, the Council voiced their support without exception.**

**Rockingham County Sheriff's Department's** request for funds for Lieutenant James Lussier to attend the Massachusetts Police Leadership Institute at Cross Point in Lowell, Massachusetts, October 19 through October 30, 2009.

**Amount: \$1,330.00**

Captain Albert Brackett appeared before the Council in support of the agency's request. Captain Brackett stated that, based on the quality and credentials of the instructors and the material included in their program, he believes this course offers training superior to that offered by other entities. In fact, the Department strongly supports attendance at this course for all of their police managers.

Chairman Prozzo clarified that the full cost of the course is \$1,995 for one officer and that two thirds of the full amount would be \$1,330. He reminded the Council that the maximum allowable grant amount for any and all training is currently \$1,000.

Attorney General Ayotte noted that the dates of the course fall in the next fiscal year and suggested that the granting of funds for this request be deferred to the June 2009 Council agenda. Considering the level of funds currently remaining to fund training during FY 2009 may not be sufficient for training that will occur prior to June 30, the Council agreed with her recommendation. Director Vittum confirmed that there would be adequate funds in the next fiscal year to accommodate the request.

**Chief Dodge moved that the Council give pre-approval for the Rockingham County Sheriff's Department's request for Lieutenant James Lussier to attend the Massachusetts Police Leadership Institute at Cross Point in Lowell, Massachusetts, October 19 through October 30, 2009, and reserve a maximum of \$1,000 of Fiscal Year 09/10 training grant funds, if those funds are available. After a second by Colonel Booth, the voice vote of the Council was 7-0 in favor of the motion.**

**Milford Police Department's** request for funds for one officer to attend the Command Training Series First-Line Supervisor Course at Roger Williams University in Portsmouth, Rhode Island, for two weeks beginning April 20, 2009.

**Amount: \$1,000.00**

Chief Frederick Douglas appeared before the Council to support the Department's request. The Milford Police Department will promote an officer from the rank of sergeant within the next two weeks and want to prepare him for his new supervisory role as soon as possible.

Furthermore, the Department places a high priority on continuing education and professional development and has made a practice of enrolling all of their supervising officers in continuing education courses, "from sergeants all the way up to lieutenants and captains," for about the past 18 years. The Department believes that this policy ensures that their officers have the background and experience to do their jobs in a professional manner.

Director Vittum stated that the staff has recommended that the request be approved for a maximum amount of \$1,000. He noted, also, that the Milford Police Department has provided a good deal of support to the Academy and their assistance is greatly appreciated.

**Chief Morency moved that the Council approve Milford Police Department's request for \$1,000 for one officer to attend the Command Training Series First-Line Supervisor Course at Roger Williams University. With a second by Attorney General Ayotte, the motion carried on a unanimous voice vote.**

### ***Other New Business***

### **Requests for Extension for Longer Than Six Months**

### **NONPUBLIC SESSION: Personnel Matters**

Pursuant to RSA 91-A:3, II (c), Chief Dodge moved that the Council enter into a nonpublic session for the purpose of discussing personnel matters. Following a second Chief Morency, a roll call vote of the Council was affirmative, 7-0. The nonpublic session commenced at 9:50 a.m.



A motion by Chief Dodge to seal the minutes of the nonpublic session was seconded by Chief Morency. The voice vote of the Council was unanimous in support.

Chief Dodge further moved that the Council exit the nonpublic session. After Chief Morency's second of the motion, a roll call vote of the Council was unanimous, 7-0. The nonpublic session concluded at 9:59 a.m.

### **Council Action**

The Council considered the recommendations of staff on the following requests for extension that were exempted from the Consent Calendar and highlighted by Major Stafford:

#### **PPO Frederick T. Boggess, NH Department of Corrections**

(DOH: 04/25/08) extension through the end of the 92<sup>nd</sup> Corrections Academy.

#### **Officer Frederick A. Nicosia Jr., Brookline Police Department**

(DOH: 10/15/07 **Part-time certified**) extension through October 14, 2009.

#### **Officer Gary R. Robinson, Bristol Police Department**

(DOH: 12/09/08 **Part-time certified**) extension through the end of the 150<sup>th</sup> Full-Time Officer Academy.

**Chief Dodge seconded Chief Morency's motion that the Council approve the extensions requested on behalf of PPO Frederick T. Boggess, Officer Frederick A. Nicosia, Jr., and Officer Gary R. Robinson as stipulated. The Council voiced their unanimous approval.**

### ***General Business***

#### **Planning Session beginning April 6, 2009**

Chairman Prozzo confirmed that the planning session with invited guests will commence at 9 a.m. on Monday, April 6. On Tuesday, April 7, staff and Council members will reconvene at 9 a.m. The location on both days is Great Bay Community College at the Pease Trade Port in Portsmouth, New Hampshire.

The agenda will include a facilitated group exercise led by Dr. Vincent Benincasa focused on training needs on the first day. On the second day, the Council and staff will discuss the input gathered from the full group, review the budget submitted for Fiscal Years 2010 and 2011, and explore alternative sources of revenue.

### ***Next Meeting Date/Adjournment***

The next meeting of the New Hampshire Police Standards and Training Council will be held on Tuesday, April 28, 2009, at nine o'clock in the morning.

Upon a motion by Chief Dodge, seconded by Chief Morency, the Council voted unanimously to adjourn the meeting at 10:04 a.m.

Respectfully submitted,

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Chairman Michael L. Prozzo, Jr.