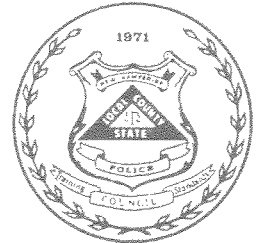




Sheriff Michael L. Prozzo, Jr.
Chairman

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

Minutes

July 28, 2009

Call to Order: The 386th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:06 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: Chief Gregory C. Dodge, Epping Police Department; Associate Justice Norman E. Champagne, Manchester District Court; Colonel Frederick H. Booth, New Hampshire State Police; Chief Michael J. Magnant, Portsmouth Police Department; Chief Peter Morency, Berlin Police Department; Vice Chancellor Charles Annal, New Hampshire Community College System; Associate Justice Stephen H. Roberts; and, Assistant Attorney General Ann Rice, designee of Acting Attorney General Bud Fitch.

Members Absent: Chief James B. Sullivan, Hampton Police Department, and Commissioner William L. Wrenn, Jr., New Hampshire Department of Corrections.

Staff Present: Donald L. Vittum, Director; Chief (ret.) Timothy Merrill, Lieutenant Mark Bodanza, Captain Benjamin Jean, Captain Mark Varney, Captain Robert Stafford, Investigative Paralegal Anne Paquin, Program Assistant Erika Parent, and Council Secretary Kathryn Day.

Guests Present: CO Robert Webb, New Hampshire Department of Corrections; Mr. Randy Choiniere, State Employees Association; Mrs. Carolyn Webb, and Assistant Attorney General Nancy Smith.

Approval of Minutes

Upon a motion by Chief Dodge, seconded by Chief Magnant, the Council was in unanimous agreement to approve the minutes as presented.

Director's Report

The Director had no additional comments to add and the Council members had no questions concerning the July 2009 Director's Report.

Previous and/or Unfinished Business

Director Vittum asked that the Council defer these items until the meeting scheduled for August 25, 2009, to allow Commissioner Wrenn and Chief Sullivan to participate in the discussion(s):

Part-Time Police Officer Academy

Determine minimum enrollment number for holding the Part-Time Police Academy

Discussion Items (Continued from June 30, 2009)

Status of Certification for Officers Subject to Layoff/Furlough

Reinstatement of Officers Subject to Layoff/Furlough

Suggestions for a Revised Mission Statement

There being no objection, Chairman Prozzo directed that the above items will be deferred until the Council meeting scheduled for August 25, 2009.

New Business

Decertification Hearing

NONPUBLIC SESSION: Robert N. Webb, NH Department of Corrections

CO Robert Webb appeared before the Council pursuant to Pol 402.02 (a) (12). Accompanying Mr. Webb was his spouse, Mrs. Carolyn Webb, and Mr. Andy Choiniere, a grievance representative with the State Employee Association representing Mr. Webb.

Mr. Webb and Mr. Choiniere acknowledged that they had been properly briefed about the hearing procedures. Mr. Choiniere stated that Mr. Webb wanted the matter to be heard in a nonpublic session.

Chief Dodge moved that the Council enter into a nonpublic session, pursuant to RSA 91-A:3 (a), for the purpose of discussing a personnel matter. Following a second by Chief Morency, Chairman Prozzo called for a roll call vote of the Council. Eight members affirmed the motion; Vice Chancellor Annal was not present. The nonpublic session commenced at 9:10 a.m.

Vice Chancellor Annal arrived as the hearing was in progress, at 9:15 a.m. Chief Dodge, seconded by Chief Magnant, moved to seal the minutes of the nonpublic session. The voice vote of the Council members was 8-0, with Mr. Annal abstaining.

Chief Dodge moved that the Council exit the nonpublic session, and Chief Morency seconded the motion. A roll call vote of the Council supported the motion, 8-0, with Mr. Annal abstaining. The nonpublic session concluded at 9:52 a.m.

Upon return to public session, Chief Dodge put forth the following motion: That the Council, finding no just cause to do otherwise, suspend the certification of Robert N. Webb effective immediately for a period of one year with the opportunity for certification to be reinstated upon completion of a batterer intervention course, but not sooner than 36 weeks. Judge Champagne seconded the motion and the voice vote of the Council was in favor, 8-0, with Mr. Annal abstaining.

CONSENT CALENDAR

The Council considered staff recommendations on the following requests:

PT&E Requests

Full-Time

Officer Brian P. Lewis, Portsmouth Police Department

(DOH: 06/22/09) requests consideration for full-time certification based upon prior training and experience. Staff recommends granting certification upon successful completion of the entrance fitness test, medical exam, the 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

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

151st Academy 01/04/10 – 04/09/10 (fitness test 12/14/09)

Officer Ernest R. Rousseau, Newbury Police Department

(DOH: 05/27/09 **Part-time certified**) requests extension through the end of the 150th Full-Time Academy. Staff recommends granting the extension.

Part-Time Police Officer

256th Academy 08/08/09 – 11/13/09 (fitness test 07/25/09)

Officer Stephen D. Beal, Madbury Police Department

(DOH: 03/18/09) requests extension through the end of the 256th Part-Time Academy. Staff recommends granting the extension with the stipulation that Officer Beal continue to work only in the direct presence of a certified officer.

(END OF APPROVED CONSENT CALENDAR)

Following a motion by Chief Dodge, seconded by Chief Magnant, to approve all of the items in the consent calendar, the voice vote of the Council was 9-0 in support.

Requests for Specialized Training Grants (Beginning Balance - \$44,566.67)

Chairman Prozzo noted that a request submitted by Seabrook Police Department was withdrawn prior to this meeting. The Council considered the following requests:

Request for Command Training

Sunapee Police Department requests approval for funds to send Sergeant E. Neill Cobb to the First Line Supervisor Course at Roger Williams University in Portsmouth, Rhode Island, from September 21 to October 2, 2009. Staff recommends approving this request. **Amount: \$1,000.00**

Requests for Other Training

Durham Police Department requests approval for funds to send Sergeant Ed Levesque and Sergeant Frank Daly to the Pistol Armorer Certification course at the Sigarms Academy in Epping, New Hampshire, on August 3 and 4, 2009. Staff recommends approving this request. **Amount: \$466.67 for two officers**

Police Standards and Training requests approval for funds to facilitate staff development and training for the fiscal year ending June 30, 2010. Staff recommends approving this request. **Amount: \$6,000.00**

Chief Dodge moved that the Council approve the requests of Sunapee Police Department, Durham Police Department, and Police Standards and Training for training grant funds as presented. After a second by Chief Morency, the Council voted 9-0 to approve the funds.

Other New Business

Requests for Extension Beyond the Next Academy

Officer David R. Hersey, Seabrook Police Department

(DOH: 10/31/08 **Part-time certified**) requests extension through the end of the 151st Full-Time Academy. Staff recommends granting the extension.

Officer Charles C. Lockhart, Northumberland Police Department

(DOH: 10/06/08 **Part-time certified**) requests extension through the end of the 151st Full-Time Academy. Staff recommends granting the extension.

Chief Dodge, with a second by Chief Morency, moved that the Council approve the extension requests submitted on behalf of Officer David Hersey and Officer Charles C. Lockhart. The motion carried on a voice vote without opposition, 9-0.

Other Requests for Extension

Deputy Kaleb B. Jacob, Hillsborough County Sheriff's Office

(DOH: 12/16/08) requests extension through August 17, 2009, the date of the next entrance fitness test. Staff recommends granting the extension.

Director Vittum asked Captain Stafford to comment on the request submitted on behalf of Deputy Kaleb Jacob. Captain Stafford stated that extension is requested for purposes of completing the entrance fitness test scheduled on August 17. Deputy Jacob, whose certification lapsed after 30 days, is required to pass the test to have certification reinstated.

A motion put forth by Chief Dodge and seconded by Assistant AG Rice to approve an extension for Deputy Kaleb Jacob through August 17, 2009, failed on a voice vote, 4-5, after Director Vittum advised that a question remains about whether or not additional requirements should be imposed. He cited issues with lapse in service and hours of work and recommended that those issues be resolved with the Hillsborough County Sheriff's Office before certification is reinstated. An examination of their internal records needs to be conducted.

Assistant AG Rice articulated a new motion as follows: That the Council approve Deputy Jacob's request for extension through August 17, 2009, with the understanding that certification will not be reinstated until all outstanding issues are resolved with the Director and the Hillsborough County Sheriff's Office. The voice vote of the Council was unanimous in favor.

JPMA Request for Approval to use PSTC Training Materials

Captain Benjamin Jean stated that JPMA, a private enterprise, has requested access to the training materials for a three-hour on-line course, Methamphetamine Lab Awareness, delivered through the New Hampshire Police Academy. JPMA provides on-line training for a fee. Captain Jean raised two questions for the Council:

1. Should Police Standards and Training supply materials to any entity that essentially profits from their use?
2. The materials requested have been provided to us by the New Hampshire office of the DEA, by one of the Special Agents who conducts the class. Does Police Standards and Training have the authority to distribute materials produced by the DEA?

Vice Chancellor Annal noted that Police Standards and Training holds no copyright for these materials. This is true, also, for course materials that we have produced. Chairman Prozzo suggested that the Council may want to consult with legal counsel on the questions raised by Captain Jean and meeting was in recess for this purpose from 10:06 a.m. to 10:25 a.m.

Judge Champagne, with a second by Assistant AG Rice, moved that the Director should review the request of JPMA for access to training materials used for a three-hour on-line course, Methamphetamine Lab Awareness, to determine if these materials are already in the public domain and, if protected by copyright(s), whether Police Standards and Training has the authority to provide these materials to JPMA. The motion carried, 9-0.

General

Chairman Prozzo shared an email he had received giving the details for an event planned for September 12 in Hanover to honor military veterans from New Hampshire and Vermont law enforcement agencies. All members of law enforcement are invited to attend, especially those who may be veterans.

Chairman Prozzo also recognized Michael J. Magnant, a member of the Council and Chief of Portsmouth Police Department, for his 30-year career in New Hampshire law enforcement and presented a commendation on behalf of the staff and Council members of Police Standards and Training.

COMMENDATION

CHIEF MICHAEL J. MAGNANT

THIS COMMENDATION is presented in recognition of your support of the New Hampshire Police Standards and Training Council and its training programs.

CHIEF MAGNANT'S dedication, enthusiasm, high moral standards, and support as a member of the Police Standards & Training Council have made a lasting impact on New Hampshire police officers. On behalf of the New Hampshire law enforcement community, we present this commendation to you with deepest gratitude.

Chief Magnant responded that it had been an honor to serve on the Council and praised his fellow Council members for their dedication to their mission on behalf of Police Standards and Training, while they also performed their professional duties with distinction.

Other Business

SWAT/SOU Study

Chief Merrill stated that he anticipates the subcommittee will present a draft report at the Council's meeting on August 25, 2009. The Director indicated that this portion of the meeting will be held at 11 a.m. in the Tactical Center to accommodate members of the local and regional teams and others who have an interest in attending. Chief Morency asked if the Council is expected to take any action on the report and Chairman Prozzo indicated that he planned to confer with Commissioner Wrenn about this and other details concerning the possible adoption of a final report.

On-line Training by The Response Network

As a followup to his presentation to the Council at the April 7 planning session, Mr. Bradley Naples attended the Council's June 30, 2009, meeting to gain assurance from the New Hampshire Police Standards and Training Council that courses completed through the **policecommunity.net** web portal are acceptable for annual in-service training requirements.

Director Vittum informed the members that he had reviewed the courses with Vice Chancellor Annal and they discussed Mr. Naples' request for the Council to provide their written approval.

Vice Chancellor Annal described the process employed in the Community College System of New Hampshire to evaluate curriculum and materials and ensure that they meet standards established by the Board. He stated that it was customary in most educational bodies to provide such oversight and recommended that Police Standards and Training designate an individual or team to perform this function.

Chief Magnant clarified that, rather than an “endorsement,” Mr. Naples was primarily concerned with obtaining assurance from the Council in writing that he could share with local agencies to demonstrate that his company’s programs are acceptable for our annual in-service training requirements.

Director Vittum felt that police chiefs have sufficient authority to determine whether or not a training course provides adequate and appropriate content that satisfies the statutory requirement for refresher training. Further, the agency does not currently employ the number of staff members it would need to evaluate the curriculum and materials for each course that might be requested. Director Vittum indicated that the chief executive law enforcement officer of an agency is allowed the latitude to evaluate and approve specific courses and programs, based on the training needs of the personnel under their command and the unique characteristics of the community they serve. The Council agreed that these local officials have the requisite good judgment to discern which on-line programs and courses offer relevant and appropriate content that will comply with annual requirements for ongoing refresher training, while being careful stewards of their agency’s resources. This policy will be communicated to local law enforcement agencies, to The Response Network, and to any provider of on-line training requesting guidance on how to do business with law enforcement agencies in our state.

Chief Dodge put forth the following motion: That the Council decline to give the explicit approval requested by Mr. Naples and direct that the decision on whether to enter into an agreement for training services with a provider outside New Hampshire Police Standards and Training will be determined by the local law enforcement agency’s chief executive. Following a second by Assistant AG Rice, the voice vote of the Council was unanimous in favor, 9-0.

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on Tuesday, August 25, at nine o’clock in the morning at 17 Institute Drive in Concord, New Hampshire.

Upon a motion by Colonel Booth, seconded by Chief Dodge, the Council voted unanimously to adjourn the meeting at 10:45 a.m.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.