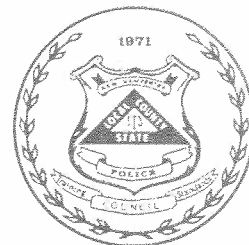




Sheriff Michael L. Prozzo, Jr.  
Chairman

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

*Minutes*

*August 25, 2009*

***Call to Order***

The 387<sup>th</sup> meeting of the New Hampshire Police Standards and Training Council was called to order at 9:12 a.m. by Vice Chairman William L. Wrenn, Jr., Commissioner of the 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:*** Chief Gregory C. Dodge, Epping Police Department; Associate Justice Norman E. Champagne, Manchester District Court; Major Susan Forey, designee of Colonel Frederick H. Booth, New Hampshire State Police; Chief Peter Morency, Berlin Police Department; Chief James B. Sullivan, Hampton Police Department; Chief Anthony Colarusso, Dover Police Department; Associate Justice Stephen H. Roberts, Dover District Court; and, Deputy Attorney General Bud Fitch, designee of Attorney General Michael Delaney.

***Members Absent:*** Chairman Michael L. Prozzo Jr., Sheriff of Sullivan County; Vice Chancellor Charles Annal, Community College System of New Hampshire; and Richard Foote, Sheriff of Cheshire County.

***Staff Present:*** Director Donald Vittum, Captain Benjamin Jean, Captain Mark Bodanza, Captain Kimberly Roberts, Captain Thomas McCabe, Captain Robert Stafford, Chief (ret.) Timothy Merrill, Investigative Paralegal Anne Paquin, and Council Secretary Kathryn Day.

***Guests Present:*** Sandown Police Chief Joseph A. Gordon, Brookline Police Chief Thomas J. Goulden, and, from the National Tactical Officers Association, Mr. Brock Simon, and Mr. Ronald M. McCarthy. A number of other guests attended the presentation of a report on a study conducted by the National Tactical Officers Association, including President of the New Hampshire Association of Chiefs of Police, David Dubois; Mr. Scott Weden of the Local Government Center; Mr. Dan Gorenstein of New Hampshire Public Radio; Ms. Kathryn Marchocki of the Union Leader; and many members of New Hampshire law enforcement.

***Approval of Minutes***

The Council voted unanimously to approve the draft minutes of July 28, 2009, after a motion by Chief Dodge and a second by Justice Roberts.

***Director's Report***

There were no questions or comments on the Director's report for August 2009.

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

**Minimum Enrollment for the Part-Time Police Academy**

This item was tabled at the meeting of June 30, 2009. Deputy AG Fitch moved to remove the item from the table. Following a second by Chief Morency, the voice vote of the Council was unanimous, 9-0.

At the request of Justice Roberts, Vice Chairman Wrenn agreed to recess the meeting for 10 minutes. The meeting was in recess from 10:20 a.m. to 10:30 a.m.

Director Vittum referenced an analysis provided by Captain Benjamin Jean that details the cost for conducting the Part-Time Officer Academy:

Concord	\$33,087.95
Keene	\$6,393.94
Littleton	\$8,412.40
Pease	<u>\$6,998.92</u>
TOTAL All Locations	<u>\$54,893.21</u>

NOTE: These costs reflect actual costs to the agency while a class is in session and do not include the preparation costs associated with filing of enrollment paperwork and review of Form "D" submissions performed by the Commandant and administrative staff. The connect fee costs for T1 lines, network and Internet are included. Costs are based on a 14-week period.

All training for firearms, driving, and other hands-on instruction takes place in Concord. Overall, enrollments have currently decreased at the regional locations. However, it is reasonable to assume that the January Academy will have increased enrollments.

Chief Morency asked that the Council give special consideration to the Littleton location, given the North Country is less populated compared with the rest of the state. Director Vittum said that he would support keeping the Littleton location "open 100 percent of the time." Chief Sullivan expressed confidence that the January Academy at Pease would be well attended by Hampton officers and Marine Patrol. Because of seasonal demands, the January Academy is the only practical opportunity for those officers to attend. Chief Sullivan urged that this session should be held even if enrollment is less than ten.

Chief Dodge moved that the Part-Time Academy should proceed as scheduled if there are at least 10 enrolled students. If there are fewer, the Director should refer the matter to the Council. Chief Colarusso seconded this motion. Hearing no further discussion, Vice Chairman Wrenn called for a voice vote. The motion carried, 9-0.

## *New Business*

### **Vice Chairman's Remarks**

Vice Chairman Wrenn formally announced Governor Lynch's appointment of Chief Anthony F. Colarusso, Jr., to the Police Standards and Training Council on August 17, 2009, for an initial term that will expire September 23, 2011.

### **Request for Reconsideration**

#### **Randolph DiFruscio, Erroll Police Department,**

Following a public hearing, certification was suspended pursuant to Pol 402.02 (a) (4), for a period of six months, effective June 30, 2009. A final adjudicatory order was served promptly by Certified Mail and service of the order was confirmed on July 2, 2009, by Return Receipt. Subsequently, Director Vittum received a motion for reconsideration pursuant to Pol 208.01 from Attorney Earle F. Wingate III on behalf of Randolph DiFruscio dated August 6, 2009.

Lieutenant Mark Bodanza made the following points in Police Standards and Training's response to Attorney Wingate's motion:

1. Pol 208.01 (b) states that: *Within 30 days after service of a final adjudicatory order of the council, any party may file a motion for reconsideration which, if the action is subject to judicial review under RSA 541, shall serve as a petition for rehearing under that statute.* **Attorney Wingate's motion for reconsideration did not conform to this requirement, because the motion was not filed within the 30 days following the date of the signed Return Receipt, July 2, 2009.**
2. Pol 208.01 (d) states that: *A motion for reconsideration pertaining to (a) or (b) above shall include any memorandum of law the petitioner wishes to submit, shall identify each error of fact, error of reasoning, or erroneous conclusion contained in the final order which the moving party wishes reconsidered and shall also concisely state the correct factual finding, correct reasoning, and correct conclusion urged by the moving party.* **Attorney Wingate's motion for reconsideration was deficient, because it lacked the elements required in Pol 208.01 (d).**

Justice Champagne commented that the "correct conclusion" suggested by Attorney Wingate for the Council to amend the effective date of the suspension was without merit, as well.

Justice Champagne then moved to deny the motion filed by Attorney Wingate on behalf of Randolph DiFruscio for the Council to grant a hearing for reconsideration, based upon the failure of the motion, procedurally and substantively, to meet the requirements set forth in Pol 208.01 (b) and (d). Chief Dodge seconded the motion. The motion carried on a unanimous voice vote, 9-0.

## **CONSENT CALENDAR**

NOTE: At the request of Director Vittum, Officer Richard A. Buco's request for consideration for full-time certification based upon prior training and experience was removed by Vice Chairman Wrenn from the Consent Calendar for consideration as a separate matter. (See Other New Business)

The Council approved the remaining requests as presented in the Consent Calendar by unanimous voice vote following a motion by Chief Dodge and a second by Chief Morency.

### **PT&E Request**

**Officer Brandy N. Enis, Laconia Police Department** (DOH: 06/29/09) will be granted full-time certification based upon prior training and experience upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Academy, providing that First Aid and CPR certification is current.

### **Request for Extension**

**Officer Joseph M. Dyrkacz, Chester Police Department** (DOH: 07/15/09 **Part time certified**) was granted an extension through the end of the 151<sup>st</sup> Full-Time Academy.

### **Requests for Command Training (Beginning Balance - \$37,100.00)**

**Claremont Police Department** was granted \$1,000 to send Corporal Emily M. Binder to the Command Training Series: First Line Supervisor Course at Roger Williams University, Portsmouth, Rhode Island, for two weeks beginning September 21, 2009.

**Keene Police Department** was granted \$1,000 to send Captain Kenneth J. Meola to the Command Training Series: Executive Development Course at Roger Williams University, Portsmouth, Rhode Island, for two three-day classroom sessions in October and November 2009.

**(END OF APPROVED CONSENT CALENDAR)**

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

#### **NONPUBLIC SESSION: Brookline Police Department**

Brookline Chief of Police Thomas Goulden appeared to speak on behalf of Officer Frederick Nicosia. Chief Goulden stated that certain medical information would be discussed.

For this reason, Deputy Attorney General Fitch moved that the Council enter into nonpublic session, pursuant to RSA 91-A:3, II (c). Following a second by Chief Dodge, a roll call vote of the Council was unanimous, 9-0. The nonpublic session commenced at 9:26 a.m.

Deputy AG Fitch, with a second by Justice Roberts, moved to seal the minutes of the nonpublic session. The voice vote of the Council was unanimous in favor, 9-0.

Deputy AG Fitch further moved that the Council exit the nonpublic session. Chief Morency seconded the motion and the roll call vote of the Council was unanimous, 9-0. The nonpublic session concluded at 9:35 a.m.

Upon return to public session, Deputy AG Fitch put forth the following motion:

MOVED, that the Council advise the Director to allow Officer Frederick Nicosia to take another entrance fitness test upon receipt from his doctor of a confirmation that his (doctor's) approval is based on knowledge of the earlier incident and the overnight hospitalization that followed.

The motion, seconded by Chief Morency, received the unanimous support of the Council by voice vote, 9-0.

Director Vittum advised Chief Goulden that Officer Nicosia would be scheduled for an entrance fitness test on Thursday or Friday, August 27 or 28.

### **Request for Full-Time Certification Based on Prior Training and Experience**

This item was moved from the Consent Calendar at Director Vittum's request for the purpose of further discussion. Chief Joseph A. Gordon appeared to address the Council on behalf of Officer Richard A. Bucu of the Sandown Police Department.

Vice Chairman Wrenn stated that Chief Gordon submitted the request form to Police Standards and Training and that the recommendation of the staff was to approve the request with the stipulation that certification would be granted only after successful completion of the Law Package.

Captain Robert Stafford presented details about the request received from Officer Bucu, a part-time certified officer. Captain Stafford stated that Officer Bucu was a full-time officer in New Hampshire until 2002, when he resigned. In 2003, Officer Bucu was hired as a part-time police officer and has retained his part-time certification.

In 2009, Chief Gordon submitted the request for full-time certification of Officer Bucu based on prior training and experience. Captain Stafford explained how the matrix is applied to assess whether an officer's prior training and experience is acceptable. An officer whose score meets or exceeds 430 points may become certified without completing additional requirements. Captain Stafford stated that the current practice is to require the successful completion of the Law Package for a matrix score of less than 430 points. The staff recommends that this is the only requirement that Officer Bucu will need to complete.

Captain Stafford explained that if an officer is away from law enforcement for a period of three or more years, 136 points are deducted. In Officer Buco's case, he attended the Full-Time Academy and this earned 430 points; and, although he was not actively employed as a full-time officer from his resignation in 2002 until the present (2009), as a part-time officer working more than 100 hours per year beginning in 2004, he earned 20 points for each of those years (100 points). This brought his score to a total of 394 points, considerably less than 430, as a result of his break in service (136 points deducted).

Chief Gordon asked the Council to give consideration to grant full-time certification, based on the fact that Officer Buco is part-time certified with approval to work unlimited hours. Essentially, Officer Buco is permitted to work up to 60 hours per week in his current status. Chief Gordon stated that Officer Buco has consistently met all requirements for in-service training and firearms. Chief Gordon also said that Officer Gordon was a graduate of the 119<sup>th</sup> Full-Time Academy; Captain Stafford confirmed that full-time certification was granted October 1, 1999. Chief Gordon explained that he submitted an amended Form A following publication of the Council's agenda, as requested.

Chief Gordon further stated that Officer Buco resigned effective December 6, 2002. The break in service was nine months, and Officer Buco was employed as a part-time officer thereafter with Atkinson Police Department. Chief Gordon produced a letter from the former Police Standards and Training Council director, Earl Sweeney, dated October 9, 2003, acknowledging receipt of a Form A for Officer Buco and granting approval for Officer Buco to work unlimited hours.

Justice Roberts asked for clarification on what distinction would be made by granting full-time certification, if Officer Buco is currently permitted to work unlimited hours as a part-time officer. Chief Gordon explained that he had hired Officer Buco as a full-time police officer; the position Officer Buco currently holds with Atkinson is part time. Also, changing the status of Officer Buco's certification to full time would mean he can qualify for certain benefits, such as participation in the retirement system.

Chief Sullivan asked what hardship would be imposed by requiring Officer Buco to attend the Law Package. Chief Gordon replied that, although additional training could only be a benefit, the Sandown Police Department is currently short-handed and is facing budget constraints; this makes it difficult to accommodate training requirements, as it is.

Chief Morency asked what the duration of the Law Package is. Captain Stafford responded that the course is 100 hours; however, attendance is required over a period of 14 weeks to complete all of the modules. The Director agreed that this could present a hardship.

Vice Chairman Wrenn suggested that the Council may consider that there was no break in service since the time that Officer Buco was granted approval to work unlimited hours with no further requirements. The break in service prior to that was nine months. Also, he reminded the Council that Officer Buco had already attended the Full-Time Academy in 1999 and successfully completed the Law Package.

Chief Morency wanted to know if any lapse in service would negate the approval to work unlimited hours and the Director said it would not.

Chief Gordon described Officer Buco as a “well-rounded officer” who handles “everything but prosecution.”

Chief Sullivan proposed that the Council allow Officer Buco to “test out” and if he fails, require him to attend the full Law Package. Chief Gordon said that, although retention may be limited over a number of years, he would offer this opportunity to Officer Buco.

Chief Dodge disagreed with this decision and moved that the Council support the staff recommendation for Officer Buco to successfully complete the Law Package. Hearing no second, Vice Chairman Wrenn declared the motion failed.

Chief Sullivan put forth the following motion: That the Council grant Officer Richard Buco’s request for full-time certification based on prior training and experience after he successfully tests out of the Law Package; and, if not successful, he will be required to attend the 100 hours of instruction and pass the course. Justice Champagne seconded the motion.

Major Susan Forey asked if the Director felt that this would set a precedent for offering this opportunity for anyone who requests certification based on prior training and experience. The Director agreed that indeed it could. Director Vittum further stated that if a candidate can prove themselves competent, this would not be concerning. However, if further training is warranted, it will be required.

Justice Roberts asked if allowing this variation from the matrix would violate any rule or regulation. Justice Champagne asserted that the matrix is not a regulation and varying from the matrix would be done only under very limited circumstances. Vice Chairman Wrenn acknowledged that in the past the Council has said the matrix is used as a guide.

Director Vittum asked for clarification on the length of time that the opportunity to “test out” would be available – 30 days? 60 days? Chief Sullivan felt that this would need to happen prior to the start of the next Academy when the first module will be offered. Deputy AG Fitch asked if the officer who wants to test out would have access to the curriculum in order to prepare. The Director agreed that these materials should be provided; he pointed out that the Law Package for the next Academy will start in two weeks. Deputy AG Fitch asked if Officer Buco could be allowed more time to prepare and in the meantime attend the first module. If he is successful in passing the test, then, certification could be granted; if not, he will complete the 100 hours and successfully pass before certification is granted. Chief Sullivan and Justice Roberts did not support this accommodation and suggested that the option should be to test out prior to the first module, period.

Vice Chairman Wrenn called for a voice vote on the pending motion by Chief Sullivan, seconded by Justice Champagne. The voice vote of the Council was in favor, 8-1, with Chief Dodge opposed.

## ***General***

No issues raised.

## ***Other Business***

### **Discussion**

#### **Status of Certification/Reinstatement of Officers Subject Furlough/Layoff**

The Council returned to a discussion that was continued from June 30, 2009, concerning questions raised about the status of certification for officers subject to layoff/furlough.

In the interim, Assistant Attorney General Nancy Smith advised the Council on how/if their Rules would apply to the certification of officers “involuntarily separated” for a period of time and then called back by their hiring authority.

Judge Champagne recounted that Ms. Smith indicated that persons who are laid off have certain rights that supersede the Council Rules. However, because RSA 91-A:2 (b) provides that this consultation with legal counsel is not considered a “meeting,” there is not a record of what was discussed, and the Council has not yet deliberated on this issue.

Therefore, Director Vittum requested that the Council formalize for the staff guidelines to follow that will protect the rights of officers involuntarily separated. Specifically, the Director sought answers to these questions:

1. Will the original date of hire still apply when officers laid off or furloughed return to their original hiring department? This date determines when the requirement for ongoing physical fitness testing must be met.
2. After a period of time, would these officers be subject to requirements for recertification following a lapse in service?
3. Would a point system, similar to the matrix applied for officers requesting prior training and experience, be appropriate?

Director Vittum recalled that Ms. Smith had advised that when these officers are called back “it should be as if they never left.” Justice Champagne agreed and commented that it was not within the purview of the Council, that it was “State policy.” Vice Chairman Wrenn said that a layoff would result in “separation of service,” so officers employed with the Department of Corrections, although they are no longer effectively employed by the State, would be subject to recall for a three-year period. Justice Champagne said that Ms. Smith’s review of the statutes and the Rules supported the conclusion that these officers must be reinstated without consequences – or, as Justice Roberts stated, “held harmless” – in the case of an involuntary furlough.



Vice Chairman Wrenn agreed that the Council should support the Director's request and promulgate for the record their intention; namely, that the rights of these officers to reinstatement of their certification will be handled in a manner consistent with their return to the same status they had prior to an involuntary separation, i.e. they will be "grandfathered."

Deputy Attorney General Fitch suggested that a Rule change to add clarifying language may be appropriate, as the Council was making a decision that affects the rights of others and doing this would also preclude the need for the Council to repeat these discussions in the future. He offered the following motion:

MOVED, that the Council direct the staff to work with the Attorney General's Office to draft a provision to be incorporated into the Rules that memorializes the Council's intentions and narrowly defines the specific circumstances that would and would not allow a certified officer involuntarily laid off to return and pick up where he/she left off.

Judge Champagne argued that this action was not necessarily a change in the Rules. More likely, it was an explanation of how existing Rules would be applied to officers who are laid off. Vice Chairman Wrenn supported the motion because he felt it was important that the Council make a distinction between "lapse in service" and involuntary separation resulting from a furlough or layoff.

Deputy AG Fitch cited the three-year period during which State employees (read, corrections officers, state police) could be called back. What if they did not return until 10 years following a layoff? Will the same protection be offered? He felt that three years should be the maximum; after that, an officer should be compelled to meet the normal requirements for being granted full- or part-time certification based on prior training and experience, such as passing an entrance fitness test or successfully completing the Law Package.

Vice Chairman Wrenn suggested that perhaps a formal request for the Council to grant certification based on prior training and experience should be submitted in each case, regardless of the length of separation, if only to document the process of reinstatement.

Deputy AG Fitch recommended that the Council should direct the Attorney General's Office to draft a proposed Rule change for review at the next meeting scheduled for September 22, 2009. The draft of this change could be discussed further at that time and revised to include the Council's further recommendations. In the meantime, Deputy AG Fitch felt that the Council needed to address status of certification for those officers that are currently laid off/furloughed.

The pending motion moved by Deputy AG Fitch was expanded to include the stipulation that until a Rule change is adopted officers who are called back after involuntary separation will be permitted to return to their prior status and are exempted from requirements that would otherwise apply following a lapse in service. Chief Morency seconded the refined motion. The voice vote of the Council was unanimous, 9-0.

### **Mission Statement**

The Council considered adopting a revised Mission Statement:

#### **MISSION STATEMENT**

New Hampshire Police Standards and Training is committed to supporting and enhancing a dual mission:

Providing high-quality, innovative, credible and responsive basic, advanced, and specialized training to New Hampshire Police, Correctional, Probation and Parole officers; and,

Adopting and enforcing reasonable, professional standards in a manner consistent with the law, considerate of the public trust, committed to basic values and the highest ethical standards.

Justice Roberts moved that the Council adopt the proposed revised Mission Statement. He favored the changes because the result was a clearer, more sharply defined statement of the Council's mission of training and adopting and enforcing standards. Chief Sullivan seconded the motion. After a brief discussion, the Council agreed that no further changes were needed and they supported the motion in a voice vote, without exception.

### **Draft Annual Report for the Fiscal Year ending June 30, 2009**

The Council reviewed the draft of the Annual Report being prepared for submission to the Governor and Executive Council. Vice Chairman Wrenn noted that the draft was prepared in a most timely fashion and asked the Council to approve the document as presented. Director Vittum indicated that he planned to submit the approved report for the next Governor and Executive Council agenda, well before the statutory deadline of October 1, 2009.

Chief Dodge, with a second by Chief Morency, moved that the Council approve the draft for submission to the Governor and Executive Council. No changes were suggested. The Director commented that he expects the report to generate discussion at the G&C meeting. Hearing no further discussion, Vice Chairman Wrenn called for a voice vote and the Council gave their unanimous approval for the draft report.

### **SWAT/SOU Study – Presentation and Discussion**

For purposes of accommodating members of the public with an interest in the draft report on the study, the Council recessed at 10:45 a.m. and then resumed their meeting in the Tactical Center at 11 a.m.

Vice Chairman Wrenn introduced Mr. Brock Simon and Mr. Ron McCarthy of the National Tactical Officers Association and stated that they would be presenting to the Council a draft report of a study of current practices of New Hampshire Special Operations Units and recommended best practices for teams in the United States.

Vice Chairman Wrenn stated that the Council meeting was still in session and, as such, there would be no public comment until the presentation was concluded and the Council disposed of their official business. He noted that the report is currently still in draft form and subject to further changes by the Council. At this time, copies of the draft report were distributed to the Council members.

Vice Chairman Wrenn advised that, contrary to recent news reports, the study was not a review of any prior incident or any individual New Hampshire SOU; further, any questions or comments would be confined to the material included in the draft report.

Mr. Ron McCarthy included the following points in his presentation:

### **Statement of Purpose**

“The New Hampshire Police Standards & Training Council believes that it is in the best interests of the people of the State of New Hampshire to undertake a review of nationwide standards and best practices regarding the development, organizational structure, training, use, and leadership of SWAT/SOU teams and, to the extent that such standards and practices exist, to provide models or best practices guidance to New Hampshire law enforcement.”

As a result of the evaluation conducted, it is the opinion of the reviewers that the regional special operations units, independent department SWAT teams and the New Hampshire State Police SWAT Team appear to meet contemporary guidelines and practices within the field of law enforcement tactical operations.

The results of this review are believed to support the following additional conclusions:

- ▶ Regional special operations units, independent SWAT teams and the New Hampshire State Police SWAT Team appear to be comprised of highly motivated, well-trained, dedicated individuals.
- ▶ Rapport between regional and other teams and the State Police SWAT Team has markedly improved recently. It is absolutely essential that these positive relationships continue.
- ▶ Command and control issues between regional and independent teams, the State Police Team and agencies requesting their assistance must be delineated in policy and thoroughly understood by those likely to be affected by them.
- ▶ The State of New Hampshire Police Standards and Training Council should become more involved in the training of SWAT teams and command personnel by continuing to support the New Hampshire Tactical Officers Association and ensuring that present and future courses of training are appropriate and relevant.
- ▶ Establishment of state guidelines and standards for New Hampshire’s SWAT teams, such as those promulgated by the National Tactical Officers Association, would increase the proficiency and interoperability of the teams.
- ▶ Regional teams, independent department SWAT teams and the State Police SWAT Team should periodically train together in order to ensure and maintain consistency of operational procedures.

- ▶ The organization and structure of the regional special operations units, independent SWAT teams and the New Hampshire State Police SWAT Team appear to be compatible with contemporary law enforcement practice within the United States, as are selection procedures.
- ▶ Written policies and procedures of the regional special operations units, independent SWAT teams and the New Hampshire State Police SWAT Team adequately address the administration and utilization of their respective teams.
- ▶ The training curricula adhered to by the regional special operations units, independent SWAT teams and the New Hampshire State Police SWAT Team are appropriate and contemporary.
- ▶ The firearms, ordnance and logistical inventory of the regional special operations units, independent SWAT teams and the New Hampshire State Police SWAT Team are generally contemporary and adequate to perform necessary functions.
- ▶ The procedures utilized by the regional special operations units, independent SWAT teams and the New Hampshire State Police SWAT Team to resolve commonly encountered tactical problems are contemporary and in keeping with tactical law enforcement practice within the United States.
- ▶ The organization and structure of the various hostage negotiation teams follow contemporary guidelines for similar law enforcement units within the United States.
- ▶ Perceived executive-level support for the regional special operations units, independent SWAT teams and the New Hampshire State Police SWAT Team appears to be adequate.
- ▶ Training time allotted to the majority of the teams is the *absolute minimum* required to maintain proficiency. Refer to Appendix "A," NTOA SWAT Standards.
- ▶ The Tactical Emergency Medical Support (TEMS) programs of the teams vary, but for the most part are adequate. A few should be increased in size.
- ▶ Department Use-of-Force/Deadly Force Policies of the teams are contemporary.

Accordingly, the following selected recommendations include only those that are common to all teams:

- ▶ Explore the feasibility of validating the selection process of New Hampshire's SWAT teams to ensure that it does not violate anti-discrimination laws.
- ▶ Develop written criteria for the selection of SOU or SWAT Team Commander.
- ▶ Encourage more frequent joint training sessions between regional and independent SWAT teams and the State Police SWAT Team.
- ▶ Encourage periodic command-level meetings between regional and independent SWAT teams and the State Police SWAT Team.

- ▶ Ensure that all command officers assigned as tactical commanders receive training in SWAT supervision and tactical command decision making, risk management for SWAT, basic hostage negotiation, as well as crisis management training.
- ▶ Ensure that the training of SOU/SWAT teams is not reduced, and consider increasing training of team members to at least two times each month (16 hours). Refer to Appendix "A," NTOA SWAT Standards.
- ▶ Ensure that TEMS personnel receive authorization to attend all scheduled special operations unit/SWAT training.
- ▶ Consider gradually increasing the size of selected regional special operations units, independent SWAT teams and the State Police SWAT Team. Refer to Appendix "B," NTOA SWAT Standards.
- ▶ Consider authorizing those members of a regional special operations unit or independent SWAT team who are assigned take-home vehicles to store within them individual SWAT equipment, to include primary and secondary firearms.
- ▶ Explore the feasibility of jointly constructing a dedicated tactical firearms range for scheduled use by any regional special operations unit or SWAT team.

Other observations:

Participation in the study was voluntary. All of the eleven NH teams fully participated and gave their full cooperation during the evaluation period. Teams were evaluated based on their policies, procedures, executive leadership and management, and training.

Team leaders should be determined based on their past experience and performance in a critical incident, without regard to rank or association.

New Hampshire is unique because of its geography, population density, and climate. New Hampshire teams are equipped with the best possible less lethal equipment and with training that optimizes the use of this equipment.

Deputy Attorney General Fitch moved that the Council accept the report from the NTOA – that is, that the Council agrees that NTOA has appropriately executed the contracted study; and, this acceptance does not constitute a decision of the Council to carry out the recommendations in the report. Chief Morency seconded this motion. The voice vote of the Council was in support, 9-0.

Deputy AG Fitch stated that it was his understanding that the Director had accepted an offer from the NTOA to provide training for team commanders as recommended in the report. Further, he moved that the Council approve that the Director have them conduct that training. After a second by Chief Sullivan, the Council voiced their unanimous support, 9-0.

Deputy AG Fitch then put forth the following motion: That the Council, consistent with the recommendations of the study, authorize the Director to work in collaboration with the chief law enforcement officers of the state, police chiefs, sheriffs, and tactical teams and their leaders to develop and propose model policies and procedures for consideration by the Police Standards and Training Council. Chief Colarusso seconded the motion.

Deputy AG Fitch commented further that the proposed motion in no way implies that any model policies or procedures recommended by the Council will constitute regulations or requirements imposed upon New Hampshire law enforcement agencies, only that the Council endorses such policies and procedures as being sound.

The Council voiced unanimous support in a voice vote.

Vice Chairman then welcomed public comment and instructed that the draft report be distributed to any interested parties. Following questions by Dan Gorenstein of New Hampshire Public Radio, Kathryn Marchocki of the Union Leader, President of the New Hampshire Chiefs of Police David Dubois, and comments by Claremont Police Chief Alexander Scott and Scott Weden of the Local Government Center, and hearing no further questions, Vice Chairman Wrenn called for a motion to adjourn.

Following a motion by Deputy Attorney Fitch, seconded by Chief Sullivan, the Council voted unanimously to adjourn the meeting at 12:40 p.m.

Respectfully submitted,

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William L. Wrenn, Jr., Vice Chairman