

Minutes

October 27, 2009

Call to Order

The 389th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:07 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.

NOTE: Sheriff Foote arrived at 9:28 a.m. and Colonel Booth arrived at 9:30 a.m.

Members Present: William L. Wrenn, Jr., Commissioner of the New Hampshire Department of Corrections; Chief Gregory C. Dodge, Epping Police Department; Associate Justice Norman E. Champagne, Manchester District Court; Colonel Frederick H. Booth, New Hampshire State Police; Chief James Sullivan, Hampton Police Department; Chief Anthony Colarusso, Dover Police Department; Vice Chancellor Charles Annal, New Hampshire Community College System; Richard Foote, Sheriff of Cheshire County; Chief Peter Morency, Berlin Police Department; and, Attorney General Michael Delaney.

Members Absent: Associate Justice Stephen H. Roberts, Dover District Court; Chairman Michael Prozzo, Sheriff of Sullivan County.

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

Guests Present: No guests were present.

Approval of Minutes

Chief Dodge moved for the Council to approve the minutes of September 22, 2009, as presented. Following a second by Chief Sullivan, the voice vote of the Council was unanimous in support, 8-0. NOTE: Colonel Booth and Sheriff Foote were not present for this vote.

Director's Report

There were no comments or questions on the Director's report, and the Director had no additional remarks.

Previous and/or Unfinished Business

Rule change/clarification proposed re: Pol 401.01 Lapse in Service

A Rule change is required to implement the Council's decision to amend Pol 401.01 Lapse in Service, specifically, that the involuntary layoff of police officers, corrections officers and probation/parole officers would not cause their certification to lapse if they are recalled by the same agency within three years of the date of the involuntary layoff. This Rule currently requires that the certification of a police, corrections or probation/parole officer shall lapse if the officer terminates employment and is not employed as a police, corrections or probation/parole officer within a period of thirty days after the termination.

The Council reviewed the language drafted by staff to be added to Pol 401.01 Lapse in Service:

(d) The certification of a police, corrections or probation/parole officer who is subject to an involuntary layoff shall not lapse if the officer is recalled and reinstated by the same agency as a police, corrections or probation/parole officer within a period of three years after the date of the involuntary separation.

Chief Dodge, with a second by Chief Sullivan, moved that the Council approve submitting the proposed Rule Change to the Joint Legislative Committee on Administrative Rules (JLCAR) for review. Hearing no discussion, Vice Chairman Wrenn called for a vote and the Council supported the motion unanimously. NOTE: Colonel Booth and Sheriff Foote were not present for this vote.

New Business

Decertification Hearing

NONPUBLIC SESSION: Officer Michael Capsalis, Northwood Police Department

As provided in RSA 91-A:3, II (a), a nonpublic hearing was conducted pursuant to Pol 402.02 (a) (4) on September 22, 2009. The hearing concluded with Council action deferred to the meeting of October 27, 2009. Chief Morency was not present for the September 22 hearing and indicated that he would abstain from participating in further discussion of the matter.

Vice Chancellor Annal moved that the Council enter a nonpublic session to deliberate on evidence heard in nonpublic session, as provided in RSA 91-A:3, II (c). After a second by Chief Colarusso and a roll call vote of 7-0 the nonpublic session commenced at 9:10 a.m. Voting members present: Vice Chairman Wrenn, Chief Dodge, Chief Sullivan, Chief Colarusso, Attorney General Michael Delaney, Vice Chancellor Annal, and Justice Champagne.

Vice Chancellor Annal seconded Justice Champagne's motion to seal the minutes of the nonpublic session. The motion carried, 7-0.

Chief Dodge moved for the Council to exit the nonpublic session. Following a second by Mr. Annal, the Council voted in favor, 7-0. The nonpublic session concluded at 9:20 a.m.

Upon return to public session Justice Champagne moved that the Council, finding no just cause to do otherwise, suspend the certification of Officer Michael Capsalis for a period of one year, effective immediately. After a second by Chief Colarusso, the motion carried without exception, 7-0, on a voice vote.

CONSENT CALENDAR

The Council reviewed staff recommendations for all items presented on the Consent Calendar. The Consent Calendar received unanimous approval following a motion by Chief Dodge, seconded by Chief Morency. NOTE: Colonel Booth and Sheriff Foote were not present .

One request for full-time certification based on prior training and experience was approved.

Officer Diana L. Scott, Bow Police Department will be granted full-time certification based on prior training and experience providing that First Aid and CPR certification is current.

The following officers were granted extensions:

Officer Cory L. Blancato, Raymond Police Department
through the end of the 151st Full-time Police Academy (April 9, 2010)

Officer Derek R. Cataldo, Manchester Police Department (not part-time certified)
through the end of the 151st Full-time Police Academy (April 9, 2010), with the stipulation that Officer Cataldo continue working only in the direct presence of a certified officer.

Officer Courtney C. Heath, Sunapee Police Department
through the end of the 151st Full-time Police Academy (April 9, 2010)

Officer Caitlin W. Johansen, Hooksett Police Department (not part-time certified)
through the end of the 151st Full-time Police Academy (April 9, 2010) with the stipulation that Officer Johansen continue working only in the direct presence of a certified officer.

Officer Philip T. Lamy, Bow Police Department (not part-time certified)
through the end of the 151st Full-time Police Academy (April 9, 2010) with the stipulation that Officer Lamy continue working only in the direct presence of a certified officer.

Officer Chester A. Lang, New Castle Police Department
through the end of the 151st Full-time Police Academy (April 9, 2010)

Officer Andrew E. Roland, Nottingham Police Department
through the end of the 151st Full-time Police Academy (April 9, 2010)

Officer Scott D. Sanders, Kensington Police Department
through the end of the 151st Full-time Police Academy (April 9, 2010)

Officer Justin D. Swift, Kingston Police Department
through the end of the 151st Full-time Police Academy (April 9, 2010)

Officer Matthew R. Therrien, Enfield Police Department
through the end of the 151st Full-time Police Academy (April 9, 2010)

Officer Timothy N. Therrien, Sunapee Police Department
through the end of the 151st Full-time Police Academy (April 9, 2010)

Officer Andrew T. Williamson, Alexandria Police Department
through the end of the 151st Full-time Police Academy (April 9, 2010)

Officer Valerie M. Xenakis, Pembroke Police Department (not part-time certified) through the end of the 151st Full-time Police Academy (April 9, 2010) with the stipulation that Officer Xenakis continue working only in the direct presence of a certified officer.

Officer Kenneth S. Owen, Strafford Police Department through the end of the 257th Part-time Police Academy (May 7, 2010) with the stipulation that Officer Owen continue working only in the direct presence of a certified officer.

Training grants were approved for seven agencies:

Berlin Police Department was granted **\$1,000.00** to send Officer Nathan M. Roy to the Command Training Series: First Line Supervisor course at Roger Williams University in Portsmouth, Rhode Island, for two weeks beginning January 24, 2010.

Gilford Police Department was granted **\$1,000.00** to send Officer Corey J. O'Connor to the Command Training Series: First Line Supervisor course at Roger Williams University in Portsmouth, Rhode Island, for two weeks beginning January 24, 2010.

Hampton Police Department was granted **\$1,000.00** to send Sergeant Steve Champey to the Command Training Series: First Line Supervisor course at Roger Williams University in Portsmouth, Rhode Island, for two weeks beginning November 30, 2009.

Keene Police Department was granted **\$1,000.00** to send Lieutenant Steven Russo to the Command Training Series: Mid-Management course at Roger Williams University in Portsmouth, Rhode Island, for two weeks beginning October 26, 2009.

Merrimack Police Department was granted **\$946.66** to send Sergeant Edward Pane and Sergeant Theodore Dillon to the FBI-LEEDA Leadership Institute's Supervisor Leadership Institute for Law Enforcement Executives in Laconia, New Hampshire, for five days beginning March 1, 2010.

Sandwich Police Department was granted **\$1,000.00** to send Sergeant Douglas F. Wyman, Jr., to the Command Training Series: Executive Development course at Roger Williams University in Portsmouth, Rhode Island, for two three-day sessions on October 19 and on November 16, 2009.

Rochester Police Department was granted **\$1,000.00** for Detective Sergeant Anthony Deluca to attend the *Managing the Detective Unit* course being presented by the Public Safety Institute, a division of IPTM, at the Sheraton Orlando North Hotel in Maitland, Florida, for three days beginning March 29, 2010.

(END OF APPROVED CONSENT CALENDAR)

Other New Business

Proposed Option for Law Package Students

Further discussion is planned for the November 24, 2009, Council meeting to determine how this option will be integrated into the request for certification based on prior training and experience and the minimum score that must be achieved on the final exam for the Council to waive the requirement to attend the Law Package, with the consensus being that the opportunity to "test out" would be extended only once and only prior to the start of the Academy. The Council also discussed their expectations for PT&E candidates to work with their FTO to adequately prepare for the exam and to effectively utilize the materials that Police Standards and Training will provide in advance.

General

Council Meeting Dates Confirmed

Vice Chairman Wrenn advised the Council of the dates for the next two Council meetings: November 24 and December 22, 2009. Members gave preliminary confirmation of their attendance on these dates and a quorum was confirmed for both meetings. It was noted that Chief Dodge, Sheriff Foote, and Chairman Prozzo will not attend the November 24 meeting.

Other Business

SWAT/SOU Discussion

Director Vittum confirmed that Police Standards and Training has coordinated with the NTOA to present a training program for SWAT/SOU team commanders, following the release of a study on August 25, 2009. Thirty-three officers attended this training; there are 11 organized teams.

To focus the discussion, Vice Chairman Wrenn posed a question: Should the Council establish standards for the training, selection and operations of these groups, or should the Council's involvement be limited to developing training programs and suggesting model policies for SWAT/SOUs? In the conversation that followed, members expressed concern that the Academy is not adequately staffed, nor does it have the financial resources that would be required to produce and monitor training and provide oversight for SWAT/SOUs. Chief Sullivan noted that standardization of SWAT/SOUs has been initiated by NTOA only very recently, in 2008.

Justice Champagne raised the fact that the NTOA study was conducted at the request of the Attorney General's Office and he asked Attorney General Delaney if his office had any comment on the recommendations in the NTOA's report. Attorney General Delaney offered to provide input on the NTOA study at the next Council meeting and offer options and recommendations on what steps to take next.

Vice Chairman Wrenn suggested that, rather than acting unilaterally, the Council should work with the New Hampshire Tactical Officers Association and with police chiefs to establish standards. Chief Morency stated that each team has already established criteria for training and competency of team members and he agreed that it would be helpful to hear input from the Attorney General based on the recommendations in the NTOA study before taking any action.

Director Vittum advised the Council that Lieutenant Steve Kerlee, formerly of the Dover Police Department and a former SWAT team commander, has joined the Police Standards and Training Council staff on a part-time basis to work with the Legal Bureau to coordinate with SWAT/SOUs to develop model policies. Lt. Kerlee's discussions with SWAT/SOU members are ongoing and this feedback will be shared with the Council.

Vice Chairman Wrenn favored tabling further discussion until the next Council meeting on November 24, 2009, to allow the Director/Lt. Kerlee to do further research and to hear input from the Attorney General, and the Council had no objection.

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on Tuesday, November 24, 2009, at nine o'clock in the morning.

Upon a motion by Chief Colarusso, seconded by Chief Sullivan, the Council voted unanimously to adjourn the meeting at 10:12 a.m.

Respectfully submitted,

Vice Chairman William L. Wrenn, Jr.