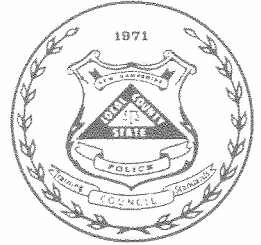




Sheriff Michael L. Prozzo, Jr.
Chairman

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

Approved Minutes
August 24, 2010

Call to Order

The 398th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:03 a.m. by Chairman Michael L. Prozzo, Jr., Sheriff of Sullivan County, at the John O. Morton conference room at Police Standards and Training in Concord, New Hampshire.

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

Members Absent: Associate Justice Stephen H. Roberts, Dover District Court

Staff Present: Director Donald Vittum, Lieutenant Mark Bodanza, Captain Benjamin Jean, Captain Mark Varney, Captain Thomas McCabe, Captain Kimberly Roberts, Investigative Paralegal Anne Paquin, and Council Secretary Kathryn Day

Others Present: Middleton Chief of Police Randy Sobel and Mrs. Sobel; Attorney Peter Callaghan; Sergeant Stacy Gilman and Sergeant Timothy Brown of Middleton Police Department; the Honorable John E. Tholl, Dalton Chief of Police

Approval of Minutes

Chief Dodge, with a second by Attorney General Delaney, moved for the Council to approve the minutes of the July 27, 2010, meeting. There was not a quorum of members present who attended the July 27, 2010, Council meeting, so the Council's motion to approve the minutes was postponed until the next meeting on September 28, 2010.

Director's Report

Director Vittum had no comments to add and the Council members had no questions for the Director.

RECESS

The meeting was in recess from 11:15 a.m. until 11:20 a.m. for a brief break period.

The meeting was in recess again from 11:24 a.m. until 11:27 a.m. for Chief Sobel to confer with Attorney Callaghan.

Previous and/or Unfinished Business

New Hampshire Marine Patrol

On July 27, the Council moved to postpone action on the matter of the eligibility of Officer Timothy Hanchuruck to be granted New Hampshire law enforcement certification until the State of Connecticut statutes can be verified in order to clarify whether the Council's Rule (Pol 301.05 (g) (8) a.) does in fact preclude a decision to grant certification to this officer.

Lieutenant Bodanza advised Chairman Prozzo that although Officer Hanchuruck appeared today for the hearing Director Barrett has indicated that he is not prepared to go forward on this day. Chairman Prozzo determined that Council action on this matter should further postponed to allow time to gather the required information (i.e., "juvenile" as defined in Connecticut statutes at the time in question).

Lawrence Fredette III

A hearing for Mr. Fredette to show cause why the Council should not suspend or revoke his certification pursuant to Pol 402.02 (a) (4) (g) was postponed on July 27, 2010 for lack of a quorum.

Lieutenant Bodanza advised the Council that this matter arises out of a disposition negotiated with the the Attorney General's Office. Mr. Fredette was not present; Lieutenant Bodanza stated that Mr. Fredette was duly notified and responded by email that he would not attend the hearing.

Lieutenant Bodanza proceeded to present the facts of the case and Exhibits A through F.

Form A	Exhibit A
Certification	Exhibit B
Form G	Exhibit C
Complaints	Exhibit D
Acknowledgment of Rights	Exhibit E
Letter to Director	Exhibit F

Synopsis

Lawrence Fredette was hired by Highway Patrol on November 23, 2005. Form A, Exhibit A

Lawrence Fredette was certified as a full-time police officer by PSTC on November 18, 1994
Exhibit B

Lawrence Fredette was arrested, arraigned, and sentenced on June 10, 2010, for three counts of Tampering with Public Records, a violation of RSA 641:7. Lawrence Fredette pled guilty to all three counts of tampering with public records. Exhibit C and D

Lawrence Fredette filed 15 fictitious "level one" inspection reports between October 1, 2009, and November 30, 2009.

The investigation was initiated when State Police Troop G received a complaint from Griffin Greenhouse Supplies. The company questioned whether an inspection had been performed on November 4, 2009. The owner checked the GPS records of the vehicle that had allegedly been inspected and learned that the vehicle was not in New Hampshire on November 4, 2009. Also, the driver listed for the vehicle on November 4 was someone Griffin Greenhouse Supplies had fired on October 2, 2009.

Further investigation revealed similar reports filed by Lawrence Fredette, accomplished by copying reports filed by other troopers that had done inspections earlier in the year making minor changes in the reports

Lawrence Fredette was given three consecutive 90-day sentences to be served at the House of Corrections suspended for six months with no further criminal convictions, was ordered to pay \$260.00 in restitution and to serve twenty hours of community service within six months, and agree to surrender his police certification. Exhibit E

On June 20, 2010 Director Vittum received an email from Lawrence Fredette voluntarily surrendering his police officer certification. Exhibit F

Lieutenant Bodanza advised the Council that the Rules indicate that an officer's certification may be suspended or revoked upon any conviction, specifically conviction of a crime or falsification of documents or evidence which tends to bring discredit on the police service. Hearing no questions, Chairman Prozzo asked for a motion on the matter.

Lieutenant Bodanza advised that Pol 402.02 (a) indicates that a police certification may be suspended or revoked upon any convictions, specifically a conviction of a crime or falsification of documents or evidence, which tends to bring discredit on the police service.

There were no questions for Lieutenant Bodanza from the Council members.

Commissioner Wrenn moved that the Council revoke the certification of Lawrence Fredette based on his guilty plea and subsequent conviction on a charge of Tampering with Public Records or Information. After a second by Justice Champagne, the Council voted 9-0 to revoke Mr. Fredette's certification; Attorney General Delaney and Major Conte abstained from voting on this motion.

Christopher Boucher

A hearing for Mr. Boucher to show cause why the Council should not suspend or revoke certification pursuant to Pol 402.02 (a) (5) was postponed on July 27, 2010, for lack of a quorum.

Lieutenant Bodanza stated that Mr. Boucher was duly notified and a return receipt was signed and received by the Director. Mr. Boucher declined to attend today's hearing. Lieutenant Bodanza advised the Council that this matter arises out of a disposition negotiated with the Attorney General's Office. He offered the following synopsis and Exhibits A, B, C, and D.

Form A	Exhibit A
Certification	Exhibit B
Report from Valiquet	Exhibit C
Letter to Director	Exhibit D

Synopsis

Officer Christopher Boucher was hired on August 22, 2008 by the Bradford Police Department. Exhibit A

Officer Boucher was granted part-time certification by PSTC on November 17, 2006. Exhibit B

On or about July 14, 2009, staff at Police Standards and Training Council received a report from Chief James Valiquet of Bradford Police Department regarding one of his part-time police officers, Christopher Boucher. Exhibit C

Chief Valiquet received a phone call from Chief Gregory Begin of the Weare Police Department. Christopher Boucher was an applicant for a full-time position at Weare Police Department. The first part of the employment selection process was a polygraph.

During the pre-polygraph test Christopher Boucher disclosed that he had submitted a falsified document to PSTC, a medical clearance report form in which he had literally cut and pasted his doctor's signature on to make the form current. He also disclosed that he had made allowances for officers' fitness tests that he had conducted; three officers were given allowances of 10, 20 and 30 seconds.

Christopher Boucher was confronted by Chief Valiquet with the allegations; Boucher admitted to them. Christopher Boucher was discharged by Bradford Police Department on July 3, 2009.

PSTC forwarded the complaint to the New Hampshire Attorney General's Office for review for criminal charges.

On June 28, 2010, PSTC received a letter from Assistant Attorney General Michael Lewis with an attached letter from Christopher Boucher. The letter was an agreement that Christopher Boucher will relinquish his police officer certification in exchange for the State not pursuing any further criminal charges with him. Exhibit D

Lieutenant Bodanza indicated that the issue before the Council is the surrender of Christopher Boucher's New Hampshire full-time police officer certification, pursuant to Pol 402.02 (a): "The Council shall, unless it has just cause to do otherwise as provided in (e) below, order the suspension or revocation of the certification of any police or corrections officer for any of the following reasons: ... (5) ... for the acts or omissions of conduct which would cause a reasonable person to have doubts about the individual's honesty, fairness, and respect for the rights of others and for the laws of the state ...

There were no questions for Lieutenant Bodanza from the Council members.

Commissioner Wrenn put forth this motion, seconded by Chief Morency:

MOTION: That the Council, finding no just cause not to do so, revoke the certification of Christopher Boucher pursuant to Pol 402.02 (a) (5), specifically falsification of documents submitted to the Council.

The vote of the Council was 10-0, with Attorney General Delaney abstaining.

NONPUBLIC SESSION: Chief Randy Sobel, Middleton Police Department

Chief Randy Sobel appeared for a hearing pursuant to Pol 402.02 and 403.01, concerning submission of false documents regarding training and noncompliance with requirements for annual refresher training that was continued from June 22, 2010. Chief Sobel appeared with his attorney, Peter Callaghan, and Mrs. Sobel.

Chief Sobel expressed his desire for the matter to be heard in a nonpublic session.

Chairman Prozzo advised that he would recuse himself from this matter and he appointed Vice Chairman Wrenn to preside over the nonpublic session.

Chief Morency moved for the Council to enter into a nonpublic session to discuss personnel matters, as provided in RSA 91-A:3, II (a). Following a second by Chief Dodge, the motion carried on a roll call vote of 10-0. The nonpublic session commenced at 9:25 a.m.

Chief Dodge moved that the minutes of the nonpublic session be sealed. Chief Morency seconded this motion and the Council voiced their support, 10-0. Chief Dodge, with a second by Chief Morency, further moved that the Council exit the nonpublic session and the roll call vote of the Council was 10-0 in favor. The nonpublic session concluded at 11:15 a.m.

Upon return to public session, Vice Chairman Wrenn granted a brief recess from 11:15 a.m. until 11:20 a.m. When the Council reconvened, Chairman Wrenn asked if any member would put forth a motion. Attorney General Delaney asked if any written documents had been submitted by Chief Sobel for the Council's consideration in this matter and he asked if any such exhibits could be described for the Council.

Attorney Callaghan responded that he had submitted no exhibits on behalf of the Chief, only a Request for Findings of Fact and Rulings of Law that was presented at the nonpublic hearing. Attorney General Delaney suggested that this request may need to be addressed before the Council takes action on Chief Sobel's certification, and he recommended that Vice Chairman Wrenn appoint a member to work with legal counsel to formulate a recommended response. Vice Chairman Wrenn agreed that the only course of action would be to take the matter under advisement, unless Chief Sobel chooses to withdraw the Request for Findings of Fact and Rulings of Law.

At this time Attorney Callaghan requested a brief recess to confer with Chief Sobel. Vice Chairman Wrenn approved and the meeting was in recess from 11:24 a.m. until 11:27 a.m.

Following his consultation with Chief Sobel, Attorney Callaghan asked if there was any provision in the Rules for a request for reconsideration of a decision the Council may reach in this case. Vice Chairman Wrenn stated that there was not and the Council members did not indicate that they were inclined to act on the matter today. Vice Chairman Wrenn asked if any member would put forth any motion on this matter and suggested that if the members were not prepared to dispose of the matter at this time, a motion to postpone Council action would be appropriate.

Chief Sullivan moved that the Council postpone action on the certification of Chief Sobel and take the matter under advisement. After a second by Chief Morency, the voice vote of the Council was 10-0. Vice Chairman Wrenn appointed Attorney General Delaney to work with legal counsel to address the Request for Findings of Fact and Rulings of Law and make a recommendation to the Council on this matter.

Law Enforcement Training in New Hampshire DOT Work Zones

Director Vittum reported that the New Hampshire Department of Transportation has accepted our proposal to conduct a train-the-trainer program in order to comply with an implementation deadline of January 1, 2013. Flagger training and officer presence training need to be implemented for all State agencies by that date.

Captain Varney told the Council that he and two other staff members have been certified to deliver this training and the Director explained that the records of training would be maintained by the local agencies and would not place an undue burden on Police Standards and Training.

Chief Dodge asked if there were two different certifications that would be addressed, namely, flagger training and officer presence. The Local Government Center conducts training for the use of paddles, but not officer presence training. Captain Varney confirmed these assumptions. Staff members have completed the course and the exams for the officer presence training, a three-hour course. The DOT Traffic Committee has approved Police Standards and Training Council to deliver this material.

Responding to a question by Chief Morency, Captain Varney stated that Primex conducts flagger training, as well, but not officer presence training. Together, both courses involve six hours of training and Police Standards and Training staff members are now certified by ATSSA and are prepared to present this material.

Director Vittum added that our agency's presenting the train-the-trainer program throughout the state complies with requirements of the New Hampshire Department of Labor and the Department of Transportation. Chief Sullivan moved that the Council approve the recommendation for Police Standards and Training to implement a train-the-trainer program for flagger training and for officer presence training. Following a second by Chief Dodge, the Council voted unanimously to support the motion, 11-0.

New Business

Officer Matthew Bloom, Roxbury Police Department

Lieutenant Bodanza advised the Chairman that a nonpublic hearing scheduled for Officer Bloom to show cause why the Council should not suspend or revoke his certification for violating the general requirements of RSA 188-F:27, Pol 101.03, and Pol 302.01 was continued at Officer Bloom's request until the next Council meeting on Tuesday, September 28, 2010.

CONSENT CALENDAR

The Council considered staff recommendations for items presented on the Consent Calendar and two addendums recommended by staff for approval, specifically, several additional requests for extension to attend an Academy and one additional request for specialized training grant funds.

Based on staff recommendations, Chief Sullivan moved that the Council approve Addendum 1 and 2 and adopt the Consent Calendar as amended. Following a second by Chief Dodge, the voice vote of the Council was 9-0. (NOTE: Commissioner Wrenn and Justice Champagne did not vote on this motion).

APPROVED CONSENT CALENDAR (AS AMENDED)

PT&E Requests

Full Time

Trooper Matthew P. Lapierre, New Hampshire State Police

(DOH: 08/13/10) 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 Police Officer Academy, providing that First Aid/CPR certification is current.

Part Time

Officer William T. Palva, Dalton Police Department

(DOH: 07/12/10) will be granted part-time certification with unlimited hours based upon prior training and experience upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Part-Time Police Officer Academy, providing that First Aid/CPR certification is current.

Corrections

Clayton A. LeGault Jr., New Hampshire Department of Corrections

(DOH: 07/02/10) will be granted certification as a probation/parole officer based upon prior training and experience upon successful completion of the medical exam, entrance fitness test, the curriculum for the PPO Police Academy Law Package and Defensive Driving class, DOC Field Services classes, and in-service defensive tactics, providing that firearms annual qualification is current.

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

154th Academy 01/03/11 – 04/08/11 (fitness test 12/20/11)

Officer Erik A. Benoit, Sanbornton Police Department (ADDENDUM #2)

(DOH: 02/14/10 **Not part-time certified**) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 154th Full-Time Police Officer Academy., with the stipulation that Officer Benoit continue working only in the direct presence of a certified officer.

Officer Gregory E. Bryar, Sugar Hill Police Department (ADDENDUM #2)

(DOH: 06/14/10 **Not part-time certified**) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 154th Full-Time Police Officer Academy, with the stipulation that Officer Bryar continue working only in the direct presence of a certified officer.

Officer Ian M. MacMillan, Ossipee Police Department (ADDENDUM #2)

(DOH: 05/26/10 **Part-time certified**) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 154th Full-Time Police Officer Academy.

Officer Dennis M. Tessier, Litchfield Police Department

(DOH: 07/11/10 **Part-time certified**) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 154th Full-Time Police Officer Academy.

Part-Time Police Officer

259th Academy 02/05/11 – 05/06/11 (fitness test 01/22/11)

Officer Andrew J. Bennett, New Hampshire Marine Patrol

(DOH: 05/17/10) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 259th Part-Time Police Officer Academy, with the stipulation that Officer Bennett continue working only in the direct presence of a certified officer.

Officer Michael N. Blake, New Hampshire Marine Patrol

(DOH: 05/17/10) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 259th Part-Time Police Officer Academy, with the stipulation that Officer Blake continue working only in the direct presence of a certified officer.

Officer Zachary D. Byam, New Hampshire Marine Patrol

(DOH: 05/07/10) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 259th Part-Time Police Officer Academy, with the stipulation that Officer Byam continue working only in the direct presence of a certified officer.

Officer Max W. Castricone, New Hampshire Marine Patrol

(DOH: 05/07/10) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 259th Part-Time Police Officer Academy, with the stipulation that Officer Castricone continue working only in the direct presence of a certified officer.

Officer Devon D. Fuchs, New Hampshire Marine Patrol

(DOH: 05/17/10) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 259th Part-Time Police Officer Academy, with the stipulation that Officer Fuchs continue working only in the direct presence of a certified officer.

Officer Mark J. Galloway, New Hampshire Marine Patrol

(DOH: 05/07/10) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 259th Part-Time Police Officer Academy, with the stipulation that Officer Galloway continue working only in the direct presence of a certified officer.

Officer Nathan Glowacki, New Hampshire Marine Patrol

(DOH: 05/07/10) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 259th Part-Time Police Officer Academy, with the stipulation that Officer Glowacki continue working only in the direct presence of a certified officer.

Officer Tyler D. Hewes, Walpole Police Department (ADDENDUM #2)

(DOH: 12/28/09) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 259th Part-Time Police Officer Academy, with the stipulation that Officer Hewes continue working only in the direct presence of a certified officer.

Officer Jason R. Patten, New Hampshire Marine Patrol

(DOH: 05/07/10) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 259th Part-Time Police Officer Academy, with the stipulation that Officer Patten continue working only in the direct presence of a certified officer.

Officer Gordon B. Rich III, New Hampshire Marine Patrol

(DOH: 05/07/10) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 259th Part-Time Police Officer Academy, with the stipulation that Officer Rich continue working only in the direct presence of a certified officer.

Officer Shayna K. Whitcomb, Roxbury Police Department (ADDENDUM #2)

(DOH: 11/04/09) The request for extension was approved through the date of the entrance fitness test; following a passing entrance fitness test, the extension will continue through the end of the 259th Part-Time Police Officer Academy, with the stipulation that Officer Whitcomb continue working only in the direct presence of a certified officer.

Requests for Specialized Training Grant Funds

Hooksett Police Department The Council approved a request for funds for Sergeant Justin Crotty to attend the Command Training Series: First-Line Supervisor Course at Roger Williams University in Portsmouth, Rhode Island, for ten days beginning September 20, 2010. **Amount: \$1,000.00**

Hooksett Police Department The Council approved a request for funds for Sergeant Justin Crotty to attend the Command Training Series: Mid-Management Course at Roger Williams University in Portsmouth, Rhode Island, for ten days beginning November 29, 2010. **Amount: \$1,000.00**

Keene Police Department The Council approved a request for funds for Sergeant Todd Lawrence and Sergeant James McLaughlin to attend the Command Training Series: First-Line Supervisor Course at Roger Williams University in Portsmouth, Rhode Island, for ten days beginning September 20, 2010. **Amount: \$2,000.00 for two officers**

Milford Police Department The Council approved a request for funds for Sergeant Craig Frye to attend the Command Training Series: First-Line Supervisor Course at Roger Williams University in Portsmouth, Rhode Island, for ten days beginning September 20, 2010. **Amount: \$1,000.00**

Milford Police Department The Council approved a request for funds for Captain Stephen Toom to attend the Command Training Series: Executive Development Course at Roger Williams University in Portsmouth, Rhode Island, for two three-day sessions on October 12 and November 16, 2010. **Amount: \$1,000.00**

Tilton Police Department The Council approved a request for funds for Detective Nathan Buffington to attend the New England Polygraph Examiners Course at Police Standards and Training in Concord, New Hampshire, beginning March 14, 2011. **Amount: \$1,000.00**

Wolfeboro Police Department (ADDENDUM #1) The Council approved a request for funds for Senior Patrolman Roger Martel to attend the NRA Law Enforcement Precision Rifle Instructor course at the Sig Sauer Academy in Epping, New Hampshire, for five days beginning September 27, 2010. **Amount: \$416.67**

(END APPROVED CONSENT CALENDAR)

Other New Business

Annual Report for the Fiscal Year Ending June 30, 2010

Director Vittum commented that the Annual Report is nearly finalized. Further updates will need to be made before the report is presented to the Governor and Executive Council. The delay in finalizing the data included is because a key staff member is not available due to undergoing a liver transplant.

Chairman Prozzo asked the Council members if they would approve the draft as presented with the understanding that there may be minor changes after the content has been verified. The members had no objection.

Commissioner Wrenn moved that the Council allow the Director to make the necessary edits to the draft report and proceed to submit the report to the Governor and Executive Council in its final form. Following a second by Chief Morency, the Council voted 9-0 in support.

Other Requests for Extension (ADDENDUM #3)

Full-Time Police Officer

154th Academy 01/03/11 – 04/08/11 (fitness test 12/20/10)

Officer Mark R. Ashland, Canterbury Police Department

Officer Ashland, who is part-time certified, requested that the Council grant a fifth extension of time to comply with the requirement to complete the Academy within two years of his hire date of March 17, 2009. Specifically, Officer Ashland requested an extension through the end of the 154th Full-Time Police Academy. However, the ending date of the 154th Academy (April 8, 2011) exceeds two years from his date of hire. Officer Ashland submitted his latest extension request after failing the entrance fitness test for the 153rd Academy.

Director requested that the Chairman allow Captain Varney to elaborate on the request and to explain why the staff had reserved a recommendation to approve it. Captain Varney stated that this is the fifth request for extension submitted by the Canterbury Police Department for Officer Ashland to attend the Full-Time Academy.

The first extension was approved June 30, 2009. A second extension was granted on September 27, 2009; according to the Canterbury Police Chief there was a problem with the medical facility the Town utilizes. The third extension was granted January 26, 2010; for medical reasons, Officer Ashland was not available on the date of the entrance fitness test. The fourth extension was granted May 4, 2010, because Officer Ashland had failed the entrance fitness test for the next Academy. The fifth request is for an extension through the end of the 154th Academy. Graduation for this Academy will not occur until April 8, 2011, which exceeds two years from this officer's date of hire. Essentially, the request is for an extension beyond two years and granting the request is not in compliance with Council Rules or with RSA 188-F:27.

The Council was advised that the extension may be granted only through the end of the two-year period, that is, through March 17, 2011, and only if the officer passes the entrance fitness test; if Officer Ashland does not pass the entrance fitness test, the extension would expire on that date and his status would revert to part time. Captain Varney noted that Officer Ashland was granted part-time certification after successfully completing the Part-Time Police Officer Academy.

In response to a question from Chief Sullivan, Captain Varney clarified that the two-year extension would expire during Officer Ashland's attendance at the 154th Academy. The Director clarified that he would be permitted to complete the Academy as a part-time officer, and although he could not be certified upon graduation, there would be an opportunity to request certification based on prior training and experience (namely, completing the full program of the Full-Time Academy). This is a decision to be made by Chief LaRoche and Officer Ashland.

Commissioner Wrenn moved that the Council grant an extension for Officer Ashland through March 17, 2011. After a second by Chief Colarusso, Commissioner Wrenn commented that the only option available for Officer Ashland to be granted full-time certification would be to pass the entrance fitness test, attend the Full-Time Academy, have his status changed from full time to part time on March 17, 2011, and then request certification based on prior training and experience.

Chairman Prozzo asked the Director to advise and counsel Chief LaRoche about the impact of the extension expiring on March 17, 2011, and what options are available concerning future requests.

Chief Morency asked what would prevent an agency from circumnavigating the system by terminating employment and then rehiring the officer to initiate a new two-year period. Director Vittum said there was no Rule that prohibits this as long as the proper procedures are completed in the subsequent hiring process (i.e., background check, etc.).

With Sheriff Foote and Justice Champagne abstaining, the Council voted 9-0 in support of the motion to approve the extension through March 17, 2011.

General (Discussion)

Re: Council Deliberations in the Course of Nonpublic Sessions

Chairman Prozzo asked Attorney General Delaney to advise the Council about the implications of the Right-to-Know Law for the conduct of Council deliberations during a nonpublic session. Is it appropriate for the Council to excuse the individual at issue while the members deliberate in a nonpublic hearing for a violation of Council Rules or some other personnel issue? Chairman Prozzo recalled that former Attorney General Kelly Ayotte had advised the Council that their longtime practice of excusing the individual at issue while the Council deliberated on what action to take was not appropriate, that the individual at issue was entitled to be present during these deliberations.

Chairman Prozzo stated his preference for conducting Council deliberations with only the Council members and the necessary staff present and he wanted to know if this practice conflicts with the any statute. Attorney General Delaney responded that there would be two issues that could be raised concerning the Right-to-Know Law:

Concerning deliberations in general, AG Delaney was unsure “that the Right-to-Know Law would contemplate an ability to simply deliberate outside the context of an open meeting. If it’s an open meeting and there are matters before the Council, I don’t feel that there is any provision in the RTK Law that would suggest that those deliberations can occur in private.”

He continued, “That being said, we have routinely invoked exceptions to the open meeting requirement of the RTK Law that allow nonpublic presentation of matters that impact either personnel matters or, in some instances, medical information and confidential material ... and, we go into nonpublic session in that instance. I think the point that the Chair is raising ... is if you receive that information in a nonpublic session, complete receiving the information and, then, simply return to a public session for discussion or dialogue relative to the information, you fundamentally would be jeopardizing the purposes of entering into the nonpublic session. So, in that regard ... to the extent that (the Council) needs to have conversations that implicate personnel matters and (the Council) has properly gone into a nonpublic session with respect to those ... I believe it’s probably appropriate to have that discussion in nonpublic session.”

“There’s a different question: Does the individual that’s been brought in with respect to an alleged violation have the right to be present for deliberations? I don’t know of a rule in the RTK Law that would explicitly address that matter. I’m not sure. If the purpose for going into the (nonpublic session) is personnel information related to that individual, I’m not sure that I could articulate today the rationale for why they shouldn’t be present for deliberations. It sounds to me like we have done it both ways ...”

Chairman Prozzo stated his belief that after hearing testimony it is critical for the Council members to participate in an unrestricted dialogue in order to reach a consensus regarding a decision on the facts presented -- whether or not the individual at issue is present. In any case, motions are made and voted on in public session. AG Delaney offered to conduct a survey of administrative bodies in the state to find out what explicit rules they may have relative to deliberations. This survey will likely illustrate a wide variety of practices.

Commissioner Wrenn asked: If the Council chooses to take a matter under advisement with the intention of deliberating on a matter in nonpublic session at a future meeting, is the Council obligated to include individuals other than Council members and staff? Do these other individuals need to be notified? Commissioner Wrenn commented that it is not his preference to delay action on a matter; but, when it is necessary to do so, should the matter be further delayed if all parties present for the earlier meeting cannot attend subsequent meetings?

Chairman Prozzo expressed that his intention is to clarify what practice conforms to the law and is fair to all parties, including the Council members.

Other Business

Special Guests

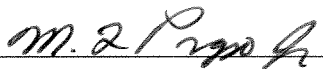
Director Vittum recognized the Honorable John E. Tholl, State Representative and the Chief of the Dalton Police Department, who attended the Council meeting on this day. Representative Tholl has worked diligently on legislation that supports the mission of the Police Standards and Training Council, most notably through his efforts to protect the Penalty Assessment Fund, the primary revenue stream that supports the operations of our agency.

Next Meeting/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on Tuesday September 28, 2010, at nine o'clock in the morning, at 17 Institute Drive in Concord, New Hampshire.

Upon a motion by Commissioner Wrenn, seconded by Chief Sullivan, the Council voted unanimously to adjourn the meeting at 11:52 a.m.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.