



Sheriff Michael L. Prozzo, Jr.  
Chairman

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

*Approved Minutes*

*January 25, 2011*

***Call to Order***

The 403<sup>rd</sup> meeting of the New Hampshire Police Standards and Training Council was called to order at 10:00 a.m. by Chairman Michael L. Prozzo, Sheriff of Sullivan County, at the John O. Morton conference room at Police Standards and Training in Concord, New Hampshire.

***Members Present:*** Chairman Michael L. Prozzo, Sheriff of Sullivan County; William L. Wrenn Jr., Commissioner, New Hampshire Department of Corrections; Associate Justice Stephen H. Roberts, Dover District Court; Chief Anthony Colarusso, Dover Police Department; Associate Justice Norman E. Champagne, Manchester District Court; Colonel Robert Quinn, New Hampshire State Police; Richard Foote, Sheriff of Cheshire County; Chief Gregory C. Dodge, Epping Police Department; Chief James Sullivan, Hampton Police Department; Chief Peter Morency, Berlin Police Department; and, Michael A. Delaney, Attorney General.

NOTE: Chief Colarusso arrived at 10:01 a.m. and Sheriff Foote arrived at 10:15 a.m., after the meeting was called to order; AG Delaney departed the meeting at 12:10 p.m. and Colonel Quinn departed the meeting at 12:15 p.m.

***Members Absent:*** No representative of the Community College System of New Hampshire was present.

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

***Others Present:*** Officer Jeffrey Ballard and Chief Nicholas Giaconne, Hanover Police Department; Officer Kelly Demers, Salem Police Department; and, CO Brian Magnell, CO Walter Hair, CO Bruce Vachon, CO Christopher Ziemba, and Unit Manager Norm Markey of the New Hampshire Department of Corrections.

***Recess***

The Council meeting was in recess for two brief break periods: (1) from 11:28 a.m. until 11:35 a.m.; and, (2) from 12:15 p.m. until 12:23 p.m.

***Approval of Minutes***

**Chief Sullivan moved to approve the minutes of December 21, 2010. Following a second by Chief Dodge, the Council voted 7-0 in favor.**

Chief Morency and AG Delaney abstained; Sheriff Foote and Chief Colarusso had not yet arrived at the meeting.

***Director's Report***

Director Vittum advised the Council members that they are required to submit a financial disclosure form annually. Police Standards and Training Council is currently undergoing an audit by the Legislative Budget Assistant and the timely filing of these forms is an issue that has been raised by the auditors.

Director Vittum also advised the Council that they have an opportunity to appeal to the Commissioner of Administrative Services to waive the fee for performing the audit through a petition of the Fiscal Committee of the General Court. The fee for performing the audit ranges from \$35,000 to \$40,000. This obligation places an untenable burden upon this agency and the Director recommended that the Council file such a petition.

**Commissioner Wrenn moved that the Council file a petition for a waiver of the fee for performing the audit through the Fiscal Committee of the General Court.**

Following a second by Chief Colarusso, the Council voted 9-0 to file the petition.

Director Vittum informed the Council on the progress of the budget proposed for the next biennium and the exploration of new sources of revenue for the Penalty Assessment Fund. He continues to meet with members of the House and Senate to communicate about Police Standards and Training operations and the effect of the Legislature's actions on our ability to carry out our mission.

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

The following matters, pending deliberation and action by the Council since their meeting on December 21, 2010, are scheduled to be resumed on Tuesday, February 15, 2011:

#### **NONPUBLIC SESSION: CO David Sisk, New Hampshire Department of Corrections**

A nonpublic hearing was convened on December 21, 2010, by Acting Chairman Dodge for Corrections Officer Sisk to show cause why the Council should not suspend or revoke his Corrections Officer certification pursuant to Pol 402.02 (a) (12).

**At their meeting on December 21, 2010, the Council moved to take the matter under advisement to allow the Council members additional time to review the Exhibits of the case.**

#### **NONPUBLIC SESSION: Officer Christopher Murphy, Tilton Police Department**

A nonpublic hearing was convened on December 21, 2010, for Officer Murphy to show cause why the Council should not suspend or revoke his certification pursuant to Pol 402.02 (a) (3) and 402.02 (a) (4) (b) and (d).

**At their meeting on December 21, 2010, the Council moved to take the matter under advisement to allow the Council members additional time to review the Exhibits of the case.**

NOTE: Justice Roberts requested that copies of exhibits and testimony heard in nonpublic sessions be provided today to the members present at these hearings on December 21, 2010: namely, Sheriff Foote, Justice Champagne, Justice Roberts, Chief Colarusso, Chief Dodge, and Chief Sullivan. Attorney General Delaney clarified that materials presented in nonpublic sessions must remain confidential, but this confidentiality would not be undermined simply by virtue of individual members each receiving a copy with the understanding that the materials may not be disclosed and should be returned when they have completed their review.

### ***New Business***

#### **Fitness Testing Show Cause Hearings**

Lieutenant Bodanza noted that the minutes of the Council's June 22, 2010, meeting reflect the Council's intent for those who do not comply with the deadline for completing requirements for ongoing physical fitness testing be automatically placed under suspension until passing the test and the officers would be compelled to appear before the Council at their January 2011 meeting.

NOTE: Before the close of this meeting, Chief Morency asked if the staff could provide a timeline for the Council to review at future hearings so that they could have more information before reaching

a decision to suspend certification. In addition, Chief Dodge recommended that future hearings should be held in a different location, possibly Classroom 1 or 2, so that Council members are seated so that they can see all of the parties.

**NONPUBLIC SESSION: Officer Jeffrey Ballard, Hanover Police Department**

Officer Ballard was accompanied by Chief Nicholas Giaconne. He was informed by the Chairman of the hearing protocol and voiced his desire for 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, II (a). Chief Morency seconded the motion and the roll call vote of the Council was 10-0. The nonpublic session commenced at 10:04 a.m. Sheriff Foote arrived at 10:15 a.m., after the hearing was underway.

Justice Champagne, with a second by Chief Dodge, moved for the minutes of the nonpublic session to be sealed. The Council supported the motion, 11-0.

Chief Dodge, with a second by Commissioner Wrenn, moved for the Council to exit the nonpublic session. The roll call vote of the Council was unanimous, 11-0, in favor. The nonpublic session concluded at 10:39 a.m.

**In public session, Justice Champagne moved that the Council suspend Officer Ballard's certification effective immediately for thirty days for violation of the Rules. Commissioner Wrenn seconded the motion and the Council approved, 11-0.**

**Officer Kelly Demers, Salem Police Department**

Officer Demers was advised of the hearing protocol and confirmed to the Chairman that he desired for the matter to be heard in a public session.

Lieutenant Mark Bodanza was duly sworn and offered the following testimony and exhibits:

On November 20, 2007, Kelly Demers was hired by the Salem Police Department. Also on that date Police Standards and Training received a Form A and the executed acknowledgment of RSA 188-F:27. **Staff Exhibit A-1 and A-2.**

Kelly Demers was certified as a part-time police officer on April 11, 2008, and Chief Donovan was notified by letter. **Staff Exhibit B-1 and B-2.**

On April 14, 2010, and on October 14, 2010, a letter was sent to Officer Demers reminding him of the deadline for meeting the 2010 requirement for ongoing physical fitness testing. **Staff Exhibit C and D.**

Lieutenant Bodanza contacted Salem Police Department and left a voice message for Deputy Chief Patten on December 8, 2010, and Sergeant Morin advised that Officer Demers was aware and would complete requirements by the end of 2010. **Staff Exhibit E.**

On January 7, 2011, Police Standards and Training received a fax message with a passing fitness test for Officer Demers dated January 6, 2011, and a medical clearance sheet dated June 11, 2010. **Staff Exhibits F-1 through F-5**

A letter to Deputy Chief Patten dated January 6, 2011, advised that Officer Demers' certification was suspended on January 1, 2011, for failing to comply and that on January 7, 2011, a medical clearance form and a passing test were received and certification was reinstated, pending the Council meeting on January 25, 2011. **Staff Exhibit G.**

The requirement for Officer Demers to appear before the Council to request reinstatement of his certification was communicated to him in a letter from Director Vittum dated January 10, 2011. **Staff Exhibit H.**

Neither the Council members nor Officer Demers posed any questions to Lt. Bodanza.

Officer Demers was duly sworn and offered the following testimony:

Officer Demers told the Council that he obtained his medical clearance form on June 11, 2010, and had every intention of completing requirements for ongoing physical fitness testing by the end of December 2010. He started training in June 2010.

Officer Demers stated that he is the Animal Control Officer (ACO) for the Salem Police Department and in late July he applied for an opening and was hired for that position in late July. He was told it would take one month to fill his position as ACO and, as of January 25, 2011, he remains in place as the Department's ACO. He completed his fitness testing requirement on January 6, 2011.

In response to a question by Commissioner Wrenn, Officer Demers confirmed that he does not currently "physically work with the Police Department. I never did. I worked as the Animal Control Officer through DPW, but ... I do it through the Police Department, but I do no physical work for them ..." He stated that he is certified as a police officer. He stated again that he does not "physically work for the Police Department," he works for the Department of Public Works.

Justice Champagne asked if Officer Demers was employed full time; he answered yes, as the Animal Control Officer. The new position he was hired for was Light Equipment Operator, and Officer Demers stated that he did not perceive that there was no intent for him to meet ongoing physical fitness requirements after he assumed that new position.

Officer Demers specified that he could not complete the fitness test because he failed the 1.5 mile run.

Chief Dodge asked how many hours Officer Demers worked as a part-time certified officer. Officer Demers could not be specific, but stated that he worked for the Department "full time," including his hours as ACO. Lieutenant Bodanza confirmed to Chief Dodge that ACOs do not have powers of arrest. Commissioner Wrenn suggested that the Director assign a staff member to go to the Salem Police Department to audit their records.

Lieutenant Bodanza, in response to a question from Chief Dodge, stated that under Pol 302.12 Limitation of Hours, Part-Time Officers, Section (f) reads, "Dog officers and animal control officers who do not have the power of arrest for other types of violations shall not be considered to be police officers and shall not report their hours of work."

Justice Champagne asked Officer Demers to clarify whether as the Animal Control Officer he performed any other functions. Officer Demers said he did not and that he had never arrested anyone or cited anyone for a motor vehicle violation. Commissioner Wrenn asked if Officer Demers had ever been instructed not to take any police actions during his hours worked as ACO. Officer Demers replied that he had received no such instruction.

In response to a question by Sheriff Foote, Officer Demers stated that he receives his duty assignments through the Salem Police Department dispatch.

Lieutenant Bodanza cited Pol 302.12 (i), "Part-time police officers while serving as an animal control officer shall count their hours toward the 1, 300 hours requirement unless all of the following conditions apply: (1) The officer's uniform or insignia shall be differentiated from that of a police officer with the same department; and, (2) The officer shall not be armed with a firearm other than a weapon necessary for the destruction of an animal; and, (3) The officer shall not drive a vehicle marked or identified as other than an animal control officer."

Colonel Quinn asked Officer Demers if he had ever worked a "patrol shift." Officer Demers replied, "No." "Any details ...?" Officer Demers replied, "No." "So ... any construction details?" Officer Demers replied that he had performed "road details in town," and he wore the "Salem Police uniform" at those details.

Chairman Prozzo indicated that the issue before the Council this day was compliance with requirements for ongoing physical fitness testing. He asked Officer Demers if it was his testimony that he completed requirements for medical clearance in June and if it was his impression that his new position would not require him to comply. Officer Demers restated that his issue was difficulty in successfully completing the 1.5-mile run and that he had every intention of resolving that issue and completing the requirement by December 31, 2010.

Chief Morency asked if the Council should consider that Officer Demers' certification is part time versus full time when imposing a period of suspension. Chairman Prozzo stated that the Council should consider that Officer Demers worked forty hours per week. Colonel Quinn further inquired of Officer Demers if the light equipment operator position was with the Police Department or the Department of Public Works. Officer Demers stated that the new position was with DPW.

Chairman Prozzo suggested that the Council focus on the issue of noncompliance and address the hours of work and other issues at a later date.

Commission Wrenn put forth a motion:

**MOVED: That the Council suspend the certification of Officer Demers for thirty days for failure to comply with requirements for ongoing physical fitness testing in 2010, effective January 26, 2010.**

Chief Dodge seconded the motion. Sheriff Foote asked what effect this would have on Officer Demers' performing his current duties. Commissioner replied that, effectively, Officer Demers' current certification as a part-time police officer, whether it was issued in error or not, would be suspended. The Council voiced their unanimous consent.

### **CONSENT CALENDAR**

The Council considered staff recommendations on a variety of requests included in the Consent Calendar. Captain Varney noted that requests submitted on behalf of Officer Kayla Audit, Northumberland Police Department and Officer Jeremy P. Bouchard, Antrim Police Department have been withdrawn from consideration.

**Following a motion by Chief Dodge, seconded by Chief Morency, the Council voted 9-0 to approve the staff's recommendations for items on the Consent Calendar as amended (AG Delaney and Colonel Quinn absented).**

### **APPROVED CONSENT CALENDAR**

#### **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 Academy**

**155<sup>th</sup> Academy 04/25/11 – 07/29/11 (fitness test 04/11/11)**

**Officer Gregory E. Bryar, Sugar Hill Police Department** was granted an extension through the end of the 155<sup>th</sup> Full-Time Police Officer Academy with the stipulation that Officer Bryar must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

**Officer Keith D. Hervieux, Lyndeborough Police Department** was granted an extension through the end of the 155<sup>th</sup> Full-Time Police Officer Academy with the stipulation that Officer Hervieux must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

**Officer Nessa M. Monroe, Northumberland Police Department** was granted an extension through the end of the 155<sup>th</sup> Full-Time Police Officer Academy with the stipulation that Officer Monroe must remain actively enrolled in the requested academy.



**Part-Time Police Officer**

**259<sup>th</sup> Academy 02/05/11 – 05/06/11 (fitness test 01/22/11)**

**Officer Kayla Audit, Northumberland Police Department (REQUEST WITHDRAWN)**

**Officer Jeremy P. Bouchard, Antrim Police Department (REQUEST WITHDRAWN)**

**Officer James O. DeCormier, Northfield Police Department** was granted an extension through the end of the 259<sup>th</sup> Part-Time Police Officer Academy with the stipulation that Officer DeCormier must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

**Officer John F. Giffin, Antrim Police Department** was granted an extension through the end of the 259<sup>th</sup> Part-Time Police Officer Academy with the stipulation that Officer Giffin must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

**Officer William T. Palya, Dalton Police Department (Addendum #2)**

An extension was granted through the date of the entrance fitness test and, if fitness testing is successful, through the end of the 259<sup>th</sup> Academy, with the stipulation that Officer Palya may continue working only in the direct presence of a certified officer.

**Requests for Specialized Training Grant Funds**

**Amherst Police Department** will be granted funds for Lieutenant Mark O. Reams to attend the 14<sup>th</sup> Annual New England Law Enforcement Executive Development Seminar (LEEDS) sponsored by the FBI in Uncasville, Connecticut, from February 7 through 11, 2011. **Amount: \$770.00**

**Bedford Police Department** will be granted funds for Lieutenant Michael K. Griswold to attend the Command Training Series: First Line Supervisor Course at Roger Williams University in Portsmouth, Rhode Island, for two weeks, beginning March 21, 2011. **Amount: \$1,000.00**

**Durham Police Department** will be granted funds for Captain Sean Kelly to attend the Crime Prevention Through Environmental Design Train-the-Trainer course presented by the National Crime Prevention Council in Rochester, New Hampshire, for three days beginning March 29, 2011. **Amount: \$250**

**Lebanon Police Department** will be granted funds for Corporal Joshua M. Alden to attend the Command Training Series: First Line Supervisor Course at Roger Williams University in Portsmouth, Rhode Island, for two weeks, beginning March 21, 2011. **Amount: \$1,000.00**

**Littleton Police Department** will be granted funds for Officer Scott Moodie to attend the IPTM DWI Instructor 40-hour training course in Jacksonville, Florida, beginning March 27, 2011. **Amount: \$994.13**

**(END APPROVED CONSENT CALENDAR)**

***Other New Business***

**Requests for Fitness Testing Extension**

The Council considered staff recommendations for requests received by December 31, 2010, from officers that require an extension of time to comply with requirements for ongoing physical fitness testing.

**The Council approved Chief Dodge's motion seconded by Chief Morency, 8-0, to approve six-month extensions to the following officers (Chief Sullivan abstained from this vote and AG Delaney and Colonel Quinn absented):**

**Officer Adam Dyer, Londonderry Police Department**

Initial compliance date: December 31, 2010. Extension granted through June 30, 2011.

**Officer Charles Goodale, Bradford Police Department**

Initial compliance date: December 31, 2010. Extension granted through June 30, 2011.

**Officer Catherine Gmelch, Hampton Police Department**

Initial compliance date: December 31, 2010. Extension granted through June 30, 2011.

**Chief Philip O'Brien, Gilmanston Police Department**

Initial compliance date: December 31, 2010. Extension granted through June 30, 2011.

**Officer Amie Prescott-Colbeth, Northumberland Police Department**

Initial compliance date: December 31, 2009. Extension granted through June 30, 2011.

**Officer Mark Richardson, Seabrook Police Department**

Initial compliance date: December 31, 2010. Extension granted through June 30, 2011.

**Trooper Timothy Sawyer, New Hampshire Division of State Police**

Initial compliance date: December 31, 2010. Extension granted through June 30, 2011.

**Officer Willie Scurry, Auburn Police Department**

Initial compliance date: December 31, 2010. Extension granted through June 30, 2011.

**Officer Bradley Wheeler, Newbury Police Department**

Initial compliance date: December 31, 2010. Extension granted through June 30, 2011.

**Deputy David E. Winship, Jr., Strafford County Sheriff's Office**

Initial compliance date: December 31, 2010. Extension granted through June 30, 2011.

**Late Requests for Fitness Testing Extension**

The Council considered other requests for an extension to comply with ongoing physical fitness testing requirements that were received after December 31, 2010. Commissioner Wrenn recused himself from these hearings, since all of the parties are employed with the New Hampshire Department of Corrections. Also, Mr. Norm Markey, Unit Manager, DOC, was present for each of the hearings.

**CO Brian Magnell, New Hampshire Department of Corrections**

This agency received CO Magnell's request for a medical extension on January 6, 2011. CO Magnell was required to comply by December 31, 2010. CO Magnell appeared before the Council on January 25, 2011.

CO Magnell agreed that the matter would be heard in a public session.

Lieutenant Mark Bodanza was duly sworn and offered the following testimony and exhibits:

***SYNOPSIS***

As directed by the Council, any requests for a medical extension to comply with ongoing physical fitness testing received after December 31, 2010, would require that the officer appear before the Council on January 25, 2011.

CO Magnell was hired by the New Hampshire Department of Corrections on November 29, 2004, and a Form A and an acknowledgment of RSA 188-F:27 was received by Police Standards and Training on the same date. **Staff Exhibit A.**

On May 6, 2005, CO Magnell was certified as a Corrections Officer. **Staff Exhibit B.**

CO Magnell's initial ongoing fitness testing was required by December 31, 2007. On December 11, 2008, Police Standards and Training received a failed test from CO Magnell. On December 12, 2008, CO Magnell received a letter from Director Vittum acknowledging receipt of the failed test and reminding him that the required testing date was actually December 31, 2007. CO Magnell was placed into a probationary period through the end of 2009. **Staff Exhibits C-1 through C-4.**

Documentation of a passed test was submitted with the medical clearance form on December 23, 2009, for the requirement due in 2007. **Staff Exhibits D-1 and D-2.**

On April 14 and October 14, 2010, Director Vittum transmitted reminder letters to CO Magnell indicating that he was required to comply with requirements for ongoing physical fitness testing or submit a request for a medical extension by December 31, 2010. **Staff Exhibit E-1 and E-2.**

On December 13, 2010, Captain Thomas McCabe sent a fax to Lisa Currier at the New Hampshire Department of Corrections, notifying her that CO Magnell and other Corrections Officers were due to comply with requirements for ongoing physical fitness testing by December 31, 2010.

Chief (ret.) Timothy Merrill placed a phone call to the New Hampshire Department of Corrections on January 4, 2011, to notify them that CO Magnell's certification was suspended as of January 1, 2011, for failure to comply with requirements for ongoing physical fitness testing by December 31, 2010.

On January 6, 2011, Police Standards and Training received by hand delivery a request for extension for medical reasons via Lieutenant Brian Baxter. **Staff Exhibit F-1 through F-5** (memo, phone contact, acknowledgment of request for extension, medical waiver, and the request for a medical extension).

On January 6, 2011, a letter was sent to CO Magnell notifying him that his certification was suspended and that he was required to appear before the Council to request reinstatement of his certification on January 25, 2011. **Staff Exhibit G-1.**

CO Magnell received notice that the Council would consider his request for a medical extension on January 25, 2011. **Staff Exhibit H**

Neither the Council members nor CO Magnell posed any questions to Lieutenant Bodanza. CO Magnell was duly sworn and offered the following testimony:

CO Magnell stated that he has been training for the fitness test since April 2010. CO Magnell attempted to obtain his physician's approval to test on approximately December 15, 2010, but she advised that he should not test due to a recurring knee problem and that he should wait for an opinion from an orthopedic surgeon. This appointment could not be scheduled until January 10, 2011. CO Magnell obtained a medical waiver and was instructed to bring this documentation to Police Standards and Training. He attempted to submit this documentation on December 24 after Police Standards and Training Council offices had already closed.

On Monday, December 27, 2010, CO Magnell was not able to submit the documentation due to child care issues. He planned to submit the documentation on Wednesday, December 29, but was ill for three days. On December 31, CO Magnell made another attempt to submit the documentation, but Police Standards and Training offices were closed on that day. He gave his documentation as soon as possible to Lieutenant Brian Baxter for hand delivery and it was



received January 6, 2011. On January 10, CO Magnell met with an orthopedic surgeon and was advised that he should undergo physical therapy and might be able to test in six months.

Lieutenant Bodanza had no questions for this witness. Chief Dodge asked to confirm the date that CO Magnell first attempted to obtain a medical clearance/waiver; Lt. Bodanza stated that date was December 15, 2010, although it was not received until January 6, 2010. Sheriff Foote asked if the documentation could have been received by fax; Director Vittum confirmed that this would have been acceptable, providing the fax was received by December 31, 2010.

At Justice Champagne's request, Chairman Prozzo clarified that there were actually two requests for the Council to consider: One, to grant a request for an extension to comply for medical reasons; and, two, whether to impose a suspension for failing to submit the request for extension on time. The Council agreed that the medical waiver completed on December 15, 2010, by ARNP Sandy Bell would be considered; however, because this request was not received before the deadline for compliance, imposing a period of suspension was appropriate.

**Justice Champagne moved that the Council grant CO Magnell an extension to comply with ongoing physical fitness testing through June 30, 2011. Following a second by Justice Roberts, the Council voted 10-0 to approve the extension; Commissioner Wrenn, recused.**

**In a separate motion by Justice Champagne, seconded by Sheriff Foote, the Council voted 10-0 to suspend CO Magnell's certification for thirty days effective January 26, 2011, for failure to file required documentation in a timely manner. The motion carried, 10-0; as noted, Commissioner Wrenn, recused.**

**(Addendum #1)**

**CO Walter C. Hair, NH Department of Corrections**

CO Hair was required to comply by December 31, 2010, but was unable to meet the deadline due to illness in his family. CO Hair successfully completed the fitness test on January 14, 2011, and immediately submitted the required documentation to this agency. CO Hair appeared before the Council on January 25, 2011, to show cause by the Council should not suspend or revoke his certification.

CO Hair stated his preference for the matter to be heard in a public session.

Lieutenant Mark Bodanza was duly sworn and offered the following testimony and exhibits:

*SYNOPSIS*

CO Hair was hired by the New Hampshire Department of Corrections on June 1, 2001. A Form A was submitted to Police Standards and Training along with the executed acknowledgment of RSA 188-F:27. **Staff Exhibit A-1 and A-2.**

CO Hair was certified December 14, 2001. **Staff Exhibit B**

CO Hair's initial test was due by December 31, 2004. On January 12, 2005, Director Keith Lohmann sent a letter to CO Hair regarding his requirement to comply in 2004. The letter stated that if he did not come into compliance by January 25, 2005, a notice of hearing would be issued. Subsequently, a form was received by Police Standards and Training for a test passed on May 17, 2004, and "signed off" on January 8, 2005. **Staff Exhibit C-1 and C-2**

A letter dated October 10, 2007, was addressed to CO Hair to remind him that he was required to comply with ongoing physical fitness testing by December 31, 2007. On April 29, 2008, a follow-up letter was sent notifying CO Hair that documentation of completed requirements for 2007 had not been received. **Staff Exhibit D-1 and D-2**

On May 21, 2008, Police Standards and Training received documentation of CO Hair's failed fitness test performed on December 19, 2007. CO Hair received a letter from Director Vittum dated June 2, 2008, acknowledging receipt and advising him that he was required to pass the test before the end of his two-year probationary period, December 31, 2009. **Staff Exhibit E-1 through E-4**

On October 5, 2009, Director Vittum addressed another letter to CO Hair reminding him that his probationary period would expire on December 31, 2009. Documentation of a passed test for the 2007 requirement was received. The medical clearance form was dated October 29, 2008; the passing test was administered April 28, 2009. **Staff Exhibit F-1 through F-3**

Two reminder letters were sent to CO Hair, dated April 14, 2010, and October 14, 2010, reminding him that he must comply with requirements for ongoing physical fitness testing by December 31, 2010. **Staff Exhibit G-1 and G-2**

Captain McCabe sent a fax to DOC Administrator Lisa Currier on December 13, 2010, notifying her that CO Hair was due to comply with requirements for 2010. On January 4, 2011, Chief Merrill contacted DOC Director Kench advising that CO Hair had not submitted the required documents and that his certification was suspended as of January 1, 2011. **Staff Exhibit H-1 and H-2**

A letter of suspension dated January 6, 2011, was sent by fax and by mail to CO Hair and copied to Director Kench notifying them that CO Hair's certification was suspended effective January 1, 2011. **Staff Exhibit I**

On January 14, 2011, CO Hair completed the fitness test at Police Standards and Training and submitted the required documentation immediately afterward. Lieutenant Bodanza noted that the medical clearance form for this test was approved on December 20, 2010. **Staff Exhibit J-1 and J-2**

On January 19, 2011, a fax was received from CO Hair including his January 14, 2011, documentation and his request for reinstatement of his certification. **Staff Exhibit K-1 through K-3**. CO Hair was notified that he should appear at the Council meeting on January 25, 2011 for a hearing.

Chief Dodge asked Lieutenant Bodanza to clarify the dates for CO Hair's initial compliance. Lt. Bodanza replied 2007 and 2010. After failing the 2007 requirement a probationary period of two years was in place, until December 2009.

CO Hair had no questions for the Lieutenant and was duly sworn. He offered the following testimony:

Prior to the closing of the Lakes Region DOC facility during 2009, CO Hair was reassigned from that location to the North Country facility. This assignment required him to relocate to the area and leave his family behind. In December 2010, CO Hair applied for an opening at the Concord facility. He intended to complete the fitness testing requirements in December 2010 and had obtained current medical authorization to test, but his wife required surgery and this hardship, along with scheduling a test during the holidays, made it difficult to coordinate with the officer(s) at the Concord facility that were certified testers.

On January 14, 2011, CO Hair successfully completed the fitness requirement at Police Standards and Training. In closing, CO Hair asked the Council's consideration for reinstatement of his certification.

Chief Dodge noted that, aside from the hardship of 2010, CO Hair had other issues taking the PT test through the years. CO Hair explained that in 2009 he had been assigned to work at three different facilities within a six-month period. Working through a period of adjustment at each facility and the stress of moving from Berlin to Plymouth created issues with completing the 2007 requirement before the probation period expired.

In 2010, another transfer and his wife's illness made it difficult to find a time to perform the test before December 31, 2010. CO Hair emphasized that he obtained his medical clearance well in advance and had every intention of completing the 2010 requirement timely.

Hearing no further questions, Chairman Prozzo clarified that CO Hair's certification was automatically suspended on January 1, 2011, until such time that he successfully completed the requirements for ongoing physical fitness testing. That date was January 14, 2011, making the effective suspension period thirteen or fourteen days. Chairman Prozzo confirmed with CO Hair that he has been a corrections officer for ten years.

At this time, DOC Hancock Unit Manager Norm Markey was duly sworn and offered the following testimony:

CO Hair is currently assigned to work in the Hancock Unit and in the maximum security unit. CO Hair does an outstanding job every day and there have been no issues with his performance. Other than his failing to complete the ongoing physical fitness testing requirements on time, there have been no disciplinary issues for CO Hair.

Justice Roberts, with consideration for mitigating circumstances explained by CO Hair, put forth a motion that the Council suspend CO Hair's certification for thirty days, with credit for the thirteen or fourteen days included in the automatic suspension period that has already passed. Chief Colarusso moved to second.

Chief Morency, Chief Dodge, Sheriff Foote, and Justice Champagne stated that they would oppose this motion. Their consensus was that the additional suspension period should be for thirty days. Justice Roberts agreed to withdraw his motion with Chief Colarusso concurring.

Justice Champagne put forth a new motion:

**MOVED: That the Council suspend CO Hair's certification for a period of thirty days effective January 26, 2011.**

Following a second by Chief Dodge, the motion carried, 10-0.

**(Addendum #1 cont'd)**

**NONPUBLIC SESSION: CO Bruce W. Vachon, NH Department of Corrections**

CO Vachon was required to comply by December 31, 2010, and notified Police Standards and Training Council that he was unable to meet the deadline due to family hardship. CO Vachon successfully completed the fitness test on January 14, 2011, and immediately submitted the required documentation to this agency. CO Vachon appeared before the Council on January 25, 2011, to show cause by the Council should not suspend or revoke his certification. At CO Vachon's request, this matter was heard in a nonpublic session.

Chief Morency moved that the Council enter into a nonpublic session pursuant to RSA 91-A:3, II (a). Following a second by Chief Sullivan, the roll call vote of the Council was unanimous, 10-0; Commissioner Wrenn recused himself from this hearing. The nonpublic session commenced at 11:36 a.m.

Chief Dodge, with a second by Chief Morency, moved that the minutes of the nonpublic session be sealed. The Council voiced unanimous consent.

Chief Sullivan, seconded by Chief Colarusso, moved that the Council exit the nonpublic session, and the roll call vote was unanimous in favor. The nonpublic session concluded at 11:45 a.m.

**In public session, Justice Champagne moved that the Council take no further disciplinary action on CO Vachon's certification; however, the Council should caution CO Vachon that he must comply with future requirements in a timely manner.**

Justice Roberts seconded the motion. Chief Dodge stated his opposition and recommended that a suspension be imposed for at least 15 days, and Chief Morency concurred. Hearing no further discussion, the Chairman called for the vote of the Council. The motion carried on a vote of 8-2, Chief Dodge and Chief Morency voting no.

(Addendum #1 cont'd)

**CO Christopher A. Ziemba, NH Department of Corrections**

CO Ziemba appeared before the Council on January 25, 2011, to show cause by the Council should not suspend or revoke his certification.

Chairman Prozzo informed CO Ziemba of the hearing protocol, and CO Ziemba stated his preference for the matter to be heard in a public session.

Lieutenant Mark Bodanza was duly sworn and offered the following testimony and exhibits:

CO Ziemba was required to comply by December 31, 2010. CO Ziemba attempted and failed the fitness test on January 14, 2011.

Police Standards and Training received a Form A on October 30, 2007, as notification that CO Ziemba was hired as a full-time corrections officer, along with an executed acknowledgment of RSA 188-F:27. **Staff Exhibit A-1 and A-2**

CO Ziemba was, therefore, required to comply with ongoing physical fitness testing requirements by December 31, 2010. CO Ziemba was granted certification on June 27, 2008. **Staff Exhibit B**

Letters from Director Vittum, dated April 14 and October 14, 2010, were sent to CO Ziemba to remind him that his fitness testing requirement must be completed by December 31, 2010. **Staff Exhibit C-1 and C-2**

On December 13, 2010, Captain McCabe faxed a letter to DOC Administrator Lisa Currier indicating that CO Ziemba must comply with ongoing physical fitness testing requirements by December 31, 2010. **Staff Exhibit D-1**

On January 14, 2011, Police Standards and Training received a failed test dated January 14, 2011, along with a medical clearance approved on June 14, 2010, for CO Ziemba. **Staff Exhibit E**

In response to a question from Justice Champagne, Lieutenant Bodanza confirmed that CO Ziemba failed his January 14, 2010, fitness test. Director Vittum emphasized that the test should have been completed, pass or fail, by December 31, 2010; upon failing the test an extension may be granted, but CO Ziemba did not attempt the test until January 14, 2011.

Chief Dodge posed a question, but his question and Lieutenant Bodanza's response were audible due to interference from sidebar conversation.

CO Ziemba was duly sworn and offered the following testimony:

CO Ziemba stated that he attempted the test two times earlier in 2010, but these tests were not validated because he could not provide medical clearance. His greatest difficulty with the test has been the 1.5 mile run. He worked out during the summer, but injured his back and restricted physical activity for two months; subsequent family issues prevented him from completing the test before the deadline.

Chairman Prozzo confirmed that CO Ziemba's testimony was that he attempted the fitness test twice in 2010 with the DOC SERT, but CO Ziemba was not able to provide exact dates. He said it was "around April and May 2010." He failed both tests because he could not successfully complete the 1.5 mile run.

Colonel Quinn asked CO Ziemba why he would attempt to take the test twice without the medical clearance. CO Ziemba replied that the DOC SERT does not require the medical clearance form.

CO Ziemba added that he had a physical exam scheduled for June 2010 and was waiting until then to obtain medical clearance. After May, "time flew by" and the medical clearance form that he left with his physician was not returned to him until January 14, 2011, despite his attempts to obtain the medical clearance during the month of December 2010. He assumed responsibility for this delay. When Colonel Quinn inquired further, CO Ziemba stated that the main reason he did not attempt the test again until January because he was not confident of passing due to prior difficulty completing the 1.5 mile run.

In response to a question from Chief Dodge, CO Ziemba confirmed that the injury to his back occurred in May 2010, but it was no longer an issue.

Hearing no further questions, Chairman Prozzo asked if any suspension period has been imposed on CO Ziemba's certification as of January 1, 2011. Director Vittum confirmed that CO Ziemba's certification was not valid for thirteen days, from January 1 through the date of his failed fitness test on January 14, 2011, but he could not confirm that CO Ziemba was suspended by the DOC during that time period. CO Ziemba stated that he was "dropped down" to a training status after January 1, 2011.

Justice Champagne clarified that the violation at issue is CO Ziemba's failure to attempt the test and/or request an extension for medical reasons before December 31, 2010.

Chief Dodge put forth a motion:

**MOVED: That the Council suspend the certification of CO Ziemba effective January 26, 2011, for a period of thirty days.**

Following a second by Chief Morency, the voice vote of the Council was 10-0 in favor.

**Requests for Extension to Attend the Academy Exceeding Six Months**

The Council considered a number of requests for an extension to attend an Academy that exceeded six months in duration:

**Full-Time Police Officer Academy**

**155<sup>th</sup> Academy 04/25/11 – 07/29/11 (fitness test 04/11/11)**

**Justice Champagne, with a second by Chief Morency, moved that the Council approve staff recommendations to grant an extension to the following officers to attend the Full-Time Police Officer Academy. The motion carried, 10-0; AG Delaney, absented.**

**Deputy Sheriff Brian B. Argue, Carroll County Sheriff's Office** was granted an extension through the date of the entrance fitness test and, if fitness testing is successful, through the end of the 155<sup>th</sup> Academy with the stipulation that Deputy Argue must remain actively enrolled in the requested academy.

**Officer Christopher N. Elphick, Northfield Police Department** was granted an extension through the date of the entrance fitness test and, if fitness testing is successful, through the end of the 155<sup>th</sup> Academy, with the stipulation that Officer Elphick must remain actively enrolled in the requested academy.

**Officer Dennis M. Tessier, Litchfield Police Department** was granted a second extension through the date of the entrance fitness test and, if fitness testing is successful, through the end of the 155<sup>th</sup> Academy with the stipulation that Officer Tessier must remain actively enrolled in the requested academy.



**Part-Time Police Officer Academy**

**259<sup>th</sup> Academy 02/05/11 – 05/06/11 (fitness test 01/22/11)**

**260<sup>th</sup> Academy – 08/13/11 – 11/18/11 (fitness test 07/30/11)**

NOTE: Captain Mark Varney advised the Council that **New London Police Department** has withdrawn **Officer Geoffrey R. Daley's** request for an extension.

**Commissioner Wrenn, with a second by Chief Colarusso, moved that the Council approve staff recommendations to grant an extension to the following officers to attend the Part-Time Police Officer Academy. The motion carried, 9-0; AG Delaney and Colonel Quinn absented.**

**Officer Daniel T. Duffy, Strafford Police Department** was granted an extension through the date of the entrance fitness test and, if fitness testing is successful, through the end of the 260th Academy, with the stipulation that Officer Duffy must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

**Officer Matthew A. Prince, Northfield Police Department** was granted an extension through the date of the entrance fitness test and, if fitness testing is successful, through the end of the 259<sup>th</sup> Academy, with the stipulation that Officer Prince must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

**In a separate motion by Chief Dodge, seconded by Commissioner Wrenn, the Council voted 9-0 to approve one additional extension exceeding six months for an officer to attend the Part-Time Officer Academy:**

**Officer William Palya, Dalton Police Department (Addendum #2)** was granted a second extension through the date of the entrance fitness test and, if fitness testing is successful, through the end of the 260th Academy, with the stipulation that Officer Palya must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

**Corrections Officer Academy**

**92<sup>nd</sup> Academy – Beginning in April 2011**

**Chief Dodge, with a second by Chief Morency, moved that the Council approve staff recommendations to grant an extension to the following officers to attend the 92<sup>nd</sup> Corrections Officer Academy. The motion carried, 8-0; AG Delaney and Colonel Quinn, absented; Commissioner Wrenn, abstaining.**

**CO Timothy Sharich, New Hampshire Department of Corrections** was granted an extension through the date of the entrance fitness test and, if fitness testing is successful, through the end of the 92<sup>nd</sup> Academy, with the stipulation that CO Sharich must remain actively enrolled in the requested academy.

**Proposed Amendment to Pol 301.05 (Rule Change) (TABLED 12/21/10)**

During the September 28, 2010 meeting the Council concluded that revisions are needed to Pol 301.05 that eliminate certain conduct from being a lifetime bar to becoming certified. The Council discussion concerned Pol 301.05(g)(8) specifically.

**Current Rule**

Pol 301.05 Background Investigation. The following shall apply to the background investigation required on the applicant by the agency:

(g) The hiring authority shall evaluate the results of its background investigation and the agency shall not appoint or invest with authority an applicant who:

(8) Has ever illegally manufactured, transported for sale, or sold a controlled substance as sale is defined in RSA 318-B:1, unless, upon review of the council at the request of a hiring authority, the council finds that:

- a. The conduct occurred at an age when the applicant would have been considered a juvenile under the laws of the state where the conduct occurred;
- b. That the behavior pattern under the totality of the circumstances did not demonstrate a lack of good moral character as defined in Pol 101.28; and
- c. Where a sale did occur, it was not for profit, meaning the conduct did not result in an excess of return over expenditure in a transaction or series of transactions.

### **Proposed Amendments**

Amend 301.05(g)(8)a to determine the juvenile age by New Hampshire statute rather than by other states, by striking the words "where the conduct occurred" and replacing it with "of New Hampshire".

And, add new paragraph 301.05(o) to read:

o. Upon a petition of the hiring authority and a finding of just cause based on the totality of the circumstances, the Council may waive the prohibition in 301.05(g)(8).

The amended 301.05(g)(8) would read as follows:

Pol 301.05 Background Investigation. The following shall apply to the background investigation required on the applicant by the agency:

(g) The hiring authority shall evaluate the results of its background investigation and the agency shall not appoint or invest with authority an applicant who:

(8) Has ever illegally manufactured, transported for sale, or sold a controlled substance as sale is defined in RSA 318-B:1, unless, upon review of the council at the request of a hiring authority, the council finds that:

- a. The conduct occurred at an age when the applicant would have been considered a juvenile under the laws of the state of New Hampshire ~~where the conduct occurred~~;
- b. That the behavior pattern under the totality of the circumstances did not demonstrate a lack of good moral character as defined in Pol 101.28; and
- c. Where a sale did occur, it was not for profit, meaning the conduct did not result in an excess of return over expenditure in a transaction or series of transactions.

Director Vittum clarified that the first change will allow the Council latitude in considering granting law enforcement certification for a candidate whose background investigation reveals certain conduct that occurred when they were a juvenile (e.g. drug possession, etc.) in another state. In these cases, the Council has expressed their intent that juvenile status should be defined under New Hampshire law only (17 years or younger), rather than by "where the conduct occurred."

**Justice Champagne moved that the recommended change to Pol 301.05 (g) (8) be approved by the Council for submission to JLCAR. Sheriff Foote seconded the motion and the Council voted 9-0 in support; Colonel Quinn and AG Delaney, absented.**

The approved recommendation for the first change to the Rule will be forwarded to the Joint Legislative Committee on Administrative Rules for approval.

The second change will provide for a finding of just cause for the Council to waive the lifetime bar imposed in the current Rule and make a determination "based on the totality of circumstances." Staff recommended adding a new paragraph:

*"301.05 (o) Upon a petition of the hiring authority and a finding of just cause based on the totality of the circumstances, the Council may waive the prohibition in 301.05 (g) (8)."*

The second change proposed was considered and rejected, because Council members felt that it would potentially allow an adult convicted felon to be considered for New Hampshire law enforcement certification. Chairman Prozzo recommended that the staff present another proposal with more specific language at the next Council meeting.

#### **Full-Time Academy Testing Proposal**

Director Vittum said that a consistent policy was lacking in the current Technical Assistance Manual and the staff has developed a proposal to address that deficiency.

The areas of performance addressed in the proposal concern academics, driving, firearms, and physical fitness requirements.

Currently, a grade of 70 is required to pass each module. For academic courses, if a passing grade is not achieved on the first exam, a retest is given within the next week. If the candidate fails the retest, they are required to repeat the course during the next Session of the Academy. Upon passing, the candidate would be eligible to take a final exam and become certified.

If a student fails the driving test, they have an opportunity to receive remedial instruction and, then, take a retest. If they fail the retest, they must repeat the entire program of driving instruction. Firearms requirements are similar.

If a student fails the physical fitness exit requirements, they may retest no sooner than thirty days after the failed test, but not later than sixty days after the date of graduation.

The proposal is intended to make the requirements in all of these areas more uniform:

#### **Proposed changes**

In an effort to align the times in which a recruit may retest in any subject matter, whether academically or practically, the staff proposes the following changes:

- A. Every recruit, whether in the part-time or full-time academy, has the opportunity to test in the given subject matter as assigned by the staff in the normal course of the academy schedule.

- B. If a recruit fails (less than 70% on the standard set for that practical examination) an academic or practical test, they will have the ability to receive remedial training, whether it be in a classroom block of instruction such as motor vehicle law or a practical block of instruction such as driving, prior to taking their “retest”.
1. The Academy Staff will notify the recruit’s agency that the recruit has failed a test and will ask the agency if they would like PSTC to provide remedial training during “non-academy” hours or if the recruit’s agency will provide the remedial training.
    - a) If the agency indicates they want the academy staff to provide the remedial training then it may be done during hours that extend past the normal academy schedule.
    - b) If the agency desires to provide the remedial training then it shall be done outside the confines of the normal academy hours (i.e., weekends or during the week in the case of a part-time officer).
    - c) With permission of the Director, efforts may be afforded to agencies desiring to meet with their recruits at the academy facility during non-academy hours to facilitate the remedial training.
  2. Once a recruit feels, after remedial training, they are able to take the “retest”, then, they can do so as long as it is not fewer than seven days from the first failed test, but before the date of the final examination for that particular academy.
    - a) Nothing in here requires a recruit to participate in remedial training if they or their agency does not desire him/her to do so.
    - b) All remedial training or lack thereof shall be documented.
  3. If the recruit does not pass (70% or better or standard set by practical examination) the “retest” they will no additional remedial training will be provided to them by PSTC. It will be the responsibility of their agency to provide any additional training.
  4. The recruit who does not pass the “retest” will have no fewer than 30 days and no more than 60 days after their academy graduation date to successfully complete the examination.
  5. If the recruit does not pass the second “retest” they will have to appear before the Council for permission to take the entire course over in the next available academy.
    - a) If permission is granted by the Council, the recruit will sit in on the class or complete the practical training. Once they have completed these requirements then the testing process begins all over again.

Chairman Prozzo asked if a recruit would still be permitted to attend graduation if they have failed one of the modules. Lieutenant Bodanza stated the recruit would participate in graduation but would not receive their certification until all requirements are completed. If they fail the retest (in more than 30 days and fewer than 60 days after graduation), the Council would be asked to approve their attendance at the next Academy.

Justice Champagne asked why the 30-day waiting period was in place. Lieutenant Bodanza explained that this was simply a “starting point for Council discussion.” Commissioner Wrenn wanted to know why it would be necessary for the Council to approve attendance at the next

Academy if a retest was not successful. Lieutenant Bodanza said that this requirement was included in the proposal only to make it consistent.

Commissioner Wrenn considered that an extension request might be required, but would the Council really need to give them permission to repeat a course? Lieutenant Bodanza explained that, for example, if a recruit fails to pass the firearms retest within 30 to 60 days after the first failed test, they would not be certified. However, the proposal could be "aligned the other way" so that it conforms to the current policy for academics and an exception could be made for firearms.

Sheriff Foote commented that the final document approved by the Council should include further editing. After a period of discussion, the consensus of the Council was that the draft form of the proposal needed changes/corrections, but the policies presented were sound. Director Vittum suggested that the Council could approve the draft proposal with the understanding that the final document would incorporate changes and corrections noted by the Council.

**Commissioner Wrenn, with a second by Chief Sullivan, moved that the Council adopt the policies presented in the Full-Time Academy testing draft proposal, effective immediately. The Council supported the motion 9-0; AG Delaney and Colonel Quinn, absented.**

#### **Re-accreditation for Newton Police Department**

The Council reviewed the Assessor's Final Report submitted by William Pease for his assessment of the Newton Police Department for renewing their New Hampshire State Voluntary Accreditation. Assessment Team Leader Pease recommends that the Council approve the re-accreditation.

**Chief Dodge moved that the Council approve the re-accreditation of the Newton Police Department pursuant to the Assessor's Final Report submitted by William Pease. Following a second by Chief Colarusso, the Council voted 9-0 in support; AG Delaney and Colonel Quinn, absented.**

#### **Firearms Instructor Support for the United States Navy Security Forces**

Police Standards and Training has been asked to provide firearms instruction for the Security Unit of the US Navy Security Forces at Portsmouth, New Hampshire. Director Vittum recommended that the Council approve this request presented by Captain James Mulla.

**Chief Dodge, with a second by Chief Sullivan, moved that the Council approve the request. The Council voted 9-0 in favor of the motion; AG Delaney and Colonel Quinn, absented.**

#### **New Hampshire Association of Counties Request**

Director Vittum recommended approval for the Association's request to hold two five-week Corrections Academies in 2011.

**Chief Sullivan, with a second by Chief Colarusso, moved that the Council approve the request. The Council voted 9-0 in favor of the motion; AG Delaney and Colonel Quinn, absented.**

#### **New Hampshire Civil Air Patrol Request**

Col. William J. Moran, Jr., respectfully requests Council approval for the NHCAP's request to hold their annual awards presentation and barbeque at the Tactical Center in September 2011. Director Vittum recommended approval of this request.

**Chief Dodge, with a second by Chief Colarusso, moved that the Council approve the request. The Council voted 9-0 in favor of the motion; AG Delaney and Colonel Quinn, absented.**



***General (Discussion)***

**New Hampshire State Voluntary Accreditation**

The Council was asked to advise the Director and staff on how they wish to proceed with New Hampshire State Voluntary Accreditation in 2011 and going forward. CALEA has implemented a new policy effective January 1, 2011. The new policy requires that Police Standards and Training staff members receive additional training by CALEA. Another option is for the New Hampshire Association of Chiefs of Police to assume this role; they are prepared to do so and will receive financial incentives to do so as members of CALEA, whereas the new policy places a financial burden upon this agency. Chief Colarusso recommended that NHACOP assume the responsibility and Director Vittum concurred.

Commissioner Wrenn, with a second by Chief Colarusso, put for a motion:

**MOTION: That effective January 25, 2011, Police Standards and Training Council will no longer participate in New Hampshire State Voluntary Accreditation.**

The voice vote of the Council was 9-0 in favor; AG Delaney and Colonel Quinn, absented.

**Annual Planning Session in 2011**

Director Vittum advised the Council that the staff will be preparing to hold the planning session at the Police Standards and Training facility in Concord and he recommended setting dates for the event in April. Chairman Prozzo said that he would not be available to attend on April 25 and 26, 2011. He recommended that the Council consider alternative dates: March 21 and 22. The Council will confirm the dates for the planning session at their next meeting on February 15, 2010.

***Next Meeting/Adjournment***

The next meeting of the New Hampshire Police Standards and Training Council will be held on **Tuesday, February 15, 2011**, at nine o'clock in the morning, at 17 Institute Drive in Concord, New Hampshire. Please note that this date is **one week earlier** than the proposed scheduled meeting date of February 22, 2011.

Upon a motion by Chief Morency, seconded by Chief Sullivan, and the unanimous support of the Council, the meeting was adjourned at 1:20 p.m.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.