



State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
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Sheriff Michael L. Prozzo, Jr.
Chairman

Donald L. Vittum
Director

Approved Minutes

February 15, 2011

Call to Order

The 404th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:10 a.m. by Chairman Michael L. Prozzo, Sheriff of Sullivan County, in Classroom 1 at Police Standards and Training in Concord, New Hampshire.

Members Present: Chairman Michael L. Prozzo, Sheriff of Sullivan County; 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.

Members Absent: No representative of the Community College System of New Hampshire was present. Vice Chairman William L. Wrenn Jr., Commissioner, New Hampshire Department of Corrections, was not present.

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

Others Present: COT Terry Warman and Captain Chris Shaw of the New Hampshire Department of Corrections.

Approval of Minutes

Chief Dodge moved to approve the minutes of January 25, 2011. Following a second by Justice Roberts, the Council voted 10-0 to approve the minutes.

Chief Dodge moved to adopt an amendment to the approved minutes of November 23, 2010, for a correction to Pol numbers referenced on Page 2. Following a second by Justice Roberts, the Council voted 10-0 in favor. The minutes of November 23, 2010, will be so amended.

Director's Report

The Council received the Director's monthly report at the meeting on February 15, 2011. Director Vittum made additional remarks to bring the Council up to date on the budget process. His discussions with members of the Legislature have revealed that there is not a clear understanding of the operations of our agency and the role of the Council. He asked the Council for their support in communicating to their local Representatives and Senators how critical it is for Police Standards and Training to remain an independent agency and for the Council to continue as an independent body. The Director recommended that our message should be consistent: that preserving this autonomy is vital to our mission of police training, certification, and compliance monitoring and that we need to find a better mechanism for funding our operations.

Previous and/or Unfinished Business

Officer Christopher Murphy, Tilton Police Department

A nonpublic hearing was convened on December 21, 2010, by Acting Chairman Dodge 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.

On February 15, 2011, Acting Chairman Dodge called for a motion on the matter.

Having reviewed the facts and exhibits, Chief Colarusso, with a second by Justice Champagne, put forth a motion:

MOVED: That the Council revoke the certification of Christopher Murphy for a period of two years.

Without further discussion, the motion carried on a voice vote, 6-0. Members voting: Chief Dodge, Chief Colarusso, Chief Sullivan, Sheriff Foote, Justice Roberts, and Justice Champagne.

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.

On February 15, 2011, Acting Chairman Dodge called for a motion on the matter.

Sheriff Foote moved for the Council to enter into a nonpublic session for the purpose of deliberating on testimony and exhibits presented in a nonpublic session, pursuant to RSA 91-A:3, II (a).

Following a second by Justice Champagne, six Council members voted unanimously in a roll call to resume the nonpublic session: Chief Dodge, Chief Colarusso, Chief Sullivan, Sheriff Foote, Justice Roberts, and Justice Champagne. The nonpublic session resumed at 9:18 a.m.

Sheriff Foote, with a second by Chief Colarusso, moved for the minutes of the nonpublic session to be sealed. The voice vote of the six members was unanimous in support.

Sheriff Foote further moved that the Council exit the nonpublic session. Chief Colarusso seconded the motion and the roll call of the six members was unanimous in favor. The nonpublic session concluded at 9:22 a.m.

Justice Champagne, with a second by Chief Sullivan, put forth a motion:

MOVED: That the Council suspend the certification of David Sisk for a period of one year.

The motion carried on a voice vote, 6-0. Members voting: Chief Dodge, Chief Colarusso, Chief Sullivan, Sheriff Foote, Justice Roberts, and Justice Champagne.

New Business

CONSENT CALENDAR

The Council considered staff recommendations on a variety of requests included in the Consent Calendar. Chief Sullivan asked if there were sufficient training grant funds available for the requests presented on the Consent Calendar; Director Vittum responded that the training grant requests presented today should be removed from the Consent Calendar and the status of the training grant fund and future requests be discussed as a separate matter, specifically, requests to attend the First-Line Supervisor Course at Roger Williams University.

Chief Dodge moved the Council approve staff recommendations for the Consent Calendar with requests for training grant funds removed from consideration. With a second by Chief Morency, the voice vote of the Council was 9-0, with Chief Sullivan abstaining, to approve the Consent Calendar as amended.

APPROVED AMENDED CONSENT CALENDAR

Prior Training and Experience

Officer Corey M. McGann, Madbury Police Department will be granted part-time police officer certification with unlimited hours based upon prior training and experience upon successful completion of the entrance fitness test, medical exam, and the full program of the Part-Time Police Officer Academy, providing that CPR/First-Aid certification is current.

Note: Justice Roberts asked if this item should be included on the Consent Calendar. Director Vittum strongly endorsed the staff's recommendation as stated in the Consent Calendar and informed the Council that Madbury Chief of Police Joseph McGann plans to attend the March meeting to ask for the Council's consideration concerning the matrix used to assess an officer's eligibility for being granted certification based on prior training and experience. Director Vittum noted that Mr. McGann has not been employed in law enforcement for almost five years or longer and this fact is the basis for the staff's recommendation; also, Mr. McGann's scoring on the matrix falls short of qualifying for full-time certification being granted and, so staff has recommended that he be required to attend the full program of the part-time police officer academy, including the PT test, to be granted part-time certification with unlimited hours, as requested.

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

155th Academy 04/25/11 – 07/29/11 (fitness test 04/11/11)

Officer Jill A. Carroll, Plymouth State University Police Department was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 155th Academy with the stipulation that Officer Carroll must remain actively enrolled in the requested academy.

Officer Alek H. Ladd, Loudon Police Department was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 155th Academy with the stipulation that Officer Ladd must remain actively enrolled in the requested academy.

Officer Eliza M. Paris, Belmont Police Department was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 155th Academy with the stipulation that Officer Paris must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

Officer Kenneth E. Smith, Winchester Police Department was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 155th Academy with the stipulation that Officer Smith must remain actively enrolled in the requested academy.

Officer Robert D. Turcotte, Hampton Police Department was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 155th Academy with the stipulation that Officer Turcotte must remain actively enrolled in the requested academy.

Part-Time Police Officer Academy

260th Academy – 08/13/11 – 11/18/11 (fitness test 07/30/11)

Note: Extensions granted until fitness testing for requested Academy, and, if testing is successful, through the end of the requested Academy.

Officer Andrew J. Bennett, New Hampshire Marine Patrol was granted an extension with the stipulation that Officer Bennett must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

Officer Craig S. Goodrich, South Hampton Police Department was granted an extension with the stipulation that Officer Goodrich must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

Officer Michael A. Wetherbee, New Hampshire Marine Patrol was granted an extension with the stipulation that Officer Wetherbee must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

Requests for Fitness Testing Extension

Officer Amie Prescott, Northumberland Police Department was granted an extension to comply with requirements for ongoing physical fitness testing through June 30, 2011

(END APPROVED CONSENT CALENDAR)

Requests for Specialized Training Grant Funds

The Council considered two requests for training grant funds as a separate matter.

Director Vittum explained that this agency offers a one-week training for first-line supervisors; compared with the in-house training that is offered at Police Standards and Training at no cost to an agency, the two-week course offered by Roger Williams University is more intensive and the maximum grant amount for the program is \$1,000.00. Although the Council has routinely approved these requests in the past for a maximum of \$1,000, due to the current budget situation this policy is no longer economically feasible. After a period of discussion, the consensus of the Council members was to support the Director's recommendation that beginning with the new fiscal year (July 1, 2011) that requests for funds to attend the two-week program for first-line supervisors at Roger Williams should not be approved unless the officer has already completed the one-week program presented by IPTM funded and hosted by Police Standards and Training. Alternatively, a local agency may send an officer to the program at RWU first and assume all of the expense for the training

In response to Chief Morency's question, Director Vittum stated that the IPTM program at Police Standards and Training has been offered for a number of years.

Chairman Prozzo recommended that, to be fair, the Council should not implement this change in policy until the start of the new fiscal year, July 1, 2011.

Chief Sullivan moved that the Council approve the requests for training grant funds submitted by Milford Police Department and by the Plymouth State University Police Department. Chief Colarusso seconded the motion and the Council voted 10-0 in favor.

Milford Police Department will be granted funds for Sergeant Sean Plumer and Sergeant Matthew Fiffield 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: \$2,000.00 for two officers**

University of New Hampshire Police Department will be granted funds for Officer Frank Weeks, a member of the Strafford County SWAT Team, to attend SWAT II training sponsored by the IACP in Augusta, Maine, for five days beginning April 11, 2011. **Amount: \$1,000.00**

Other New Business

Other Requests for Extension

Full-Time Police Officer Academy

155th Academy 04/25/11 – 07/29/11 (fitness test 04/11/11)

Officer Michael T. Dion, Lyme Police Department

Chief Dodge, with a second by Chief Morency, moved that the Council grant Officer Dion's request for an extension to attend the Law Package of the 155th Full-Time Police Officer Academy through the date of the entrance fitness test and, if successful, through the end of the 155th Academy with the stipulation that Officer Dion must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer. The voice vote of the Council was 10-0 in support.

Officer Mark S. Durso, Weare Police Department

Captain Mark Varney clarified that staff did not offer a recommendation on Officer Durso's request for an extension because he has not met pre-service requirements at this time, as required by Pol 302.03, including defensive tactics, firearms, and handcuffs or other restraining devices. Chairman Prozzo confirmed that staff recommends only those requests received from officers who can demonstrate that they have complied with these pre-service requirements.

Upon a motion by Justice Champagne, seconded by Chief Dodge, the Council voted 9-0 to deny Officer Durso's request for an extension through the end of the 155th Full-Time Police Officer Academy because this officer has not met the basic requirements of Pol 302.03. Attorney General Delaney abstained from this vote.

Part-Time Police Officer Academy

The Council considered staff recommendations on two additional requests for extension to attend the Part-Time Police Officer Academy.

Upon a motion by Chief Dodge, seconded by Justice Roberts, the Council approved both extensions 10-0. Attorney General Delaney abstained from voting.

Officer William H. Jacobs, New Hampshire Marine Patrol was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 262nd Part-Time Police Officer Academy with the stipulation that Officer Jacobs must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

Officer Padraic Weller, New Hampshire Marine Patrol was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 262nd Part-Time Police Officer Academy with the stipulation that Officer Weller must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

Request for Consideration

NONPUBLIC SESSION: CO Trainee Terry Warman, NH Department of Corrections

COT Warman appeared to address the Council concerning reinstatement of his certification. Captain Chris Shaw was also present. Chairman Prozzo clarified that this discussion was not considered to be a hearing and he advised COT Warman that matters concerning personnel issues and/or personal medical information may be discussed in nonpublic session at his request. COT Warman expressed his desire to address the Council in a nonpublic session.

Chief Dodge moved for the Council to enter into a nonpublic session as provided in RSA 91-A:3, II (a) to discuss a personnel issue. Following a second by Justice Roberts, the roll call vote of the Council was 10-0. The nonpublic session commenced at 9:43 a.m.

Chief Dodge moved that the minutes of the nonpublic session be sealed. Justice Roberts seconded the motion and the Council voted 10-0 in support.

Chief Dodge, with a second by Justice Roberts, further moved that the Council exit the nonpublic session. The Council supported the motion in a roll call vote, 10-0. The nonpublic session concluded at 9:55 a.m.

NOTE: The consensus reached by the Council members during the course of the nonpublic session was that the Council has no statutory authority to consider Mr. Warman's request for his certification to be reinstated, based on the provisions of RSA 188-F:27 requiring compliance with ongoing physical fitness testing. Mr. Warman was advised to seek approval to perform the alternative Schwinn Air-Dyne bicycle test, providing that his physician will certify that he is medically able to participate.

General (Discussion)

Training for New Sergeants

Captain Mark Varney explained that the proposal developed by staff included input from chiefs and training officers from all over the state. He provided the Council members with additional material that was not included in the CD they were asked to review. The curriculum will be presented in an 80-hour course titled "Law Enforcement Supervisor's Course" using local resources, such as chiefs of local agencies, the New Hampshire Division of State Police, the Attorney General's Office, and Police Standards and Training Council staff. Captain Varney stated that he would like to start implementation as soon as possible once the Council members have had the opportunity to review the material.

In an earlier discussion of requests for the Council to grant funds to attend command training, Chief Colarusso asked if the curriculum proposed would be comparable to the two-week first-line supervisor course offered at Roger Williams University. Captain Varney said that the proposed curriculum was not intended to replace the Roger Williams two-week program for first-line supervisors, and Director Vittum added that it could possibly directly replace the one-week training offered at Police Standards and Training that is presented by IPTM and, thus, would eliminate the cost of that outside contract. The Council could still consider requests for training grant funds to attend the RWU program.

Captain Varney advised that the initial proposal is a working document and would likely be updated and amended as needed; all of the components that need to be included in a pilot program are ready to implement. Director Vittum added that input from officers participating in the initial course(s) would be considered, along with changes recommended by staff, and this feedback would be communicated to the Council as the working document is refined.

Chief Sullivan moved that the Council approve the implementation of the proposed Law Enforcement Supervisors course as presented. Following a second by Chief Colarusso, the voice vote of the Council was 10-0.

Advice from Legal Counsel Requested

Director Vittum advised the Council that questions raised about officers who have not complied with the requirement for ongoing physical fitness testing for a period exceeding five years from the date of their last compliance/date of hire and are placed into trainee status have been referred to Assistant Attorney General Nancy Smith for legal advice. AAG Smith has been asked to clarify the definition of corrections officer trainee status in particular.

Status of Training Grant Funds – Discussion

Chief Dodge asked when the balance in the training grant fund would be replenished; Director Vittum responded that this would occur July 1, 2011, and the amount would be determined by the outcome of the budget process. The Director clarified that the current balance of funds reflected on a spreadsheet distributed to the Council did not include some of the funds that have been returned during Fiscal 2011 and he asked Captain Benjamin Jean to elaborate.

Captain Jean summarized the current status of funds for specialized training grants in Fiscal Year 2011. He stated that the balance remaining is \$5,500 greater than what is reflected on the Council's spreadsheet because a portion of the \$6,000 approved for NHTOA members to receive SWAT training is being returned to the training grant fund and this amount has not been entered yet. Specifically, Captain Jean noted that of twelve SWAT team members who were granted funds for training that was held in November 2010, only one of these officers' agencies has filed a claim for reimbursement in the amount of \$500 by the deadline of thirty days after the last day of the training. Captain Jean noted that none of the other agencies that sent officers to the NHTOA training have stated in writing that they wish to return the funds; other agencies have stated in writing that they are returning full or partial funds granted by the Council for other training and these returned funds are noted on the current spreadsheet. Therefore, the balance remaining in the training grant fund, including the funds granted to Milford Police Department and to the Plymouth State University Police Department today, is actually \$3,302.95.

Annual Planning Session in 2011

The Council members and staff will hold their annual planning session on **Monday, March 21, 2011**, beginning at 9 a.m. in Classroom 1 at 17 Institute Drive in Concord, New Hampshire. Chairman Prozzo recommended a review of Council policies that need to be adapted to the current fiscal situation as a topic of discussion at the planning session.

Next Meeting/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on **Tuesday, March 22, 2011**, beginning at 9 a.m. in Classroom 1 at 17 Institute Drive in Concord, New Hampshire.

Upon a motion by Chief Sullivan, seconded by Sheriff Foote, and with the unanimous support of the Council, the meeting was adjourned at 10:15 a.m.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.