



State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
ARTHUR D. KEHAS
LAW ENFORCEMENT TRAINING FACILITY & CAMPUS
17 Institute Drive — Concord, N.H. 03301-7413
603-271-2133 FAX 603-271-1785
TDD Access: Relay NH 1-800-735-2964



Sheriff Michael L. Prozzo, Jr.
Chairman

Donald L. Vittum
Director

Approved Minutes

April 26, 2011

Call to Order

The 406th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:07 a.m. by Acting Chairman William L. Wrenn, Jr., in Classroom 2 at Police Standards and Training in Concord, New Hampshire.

Members Present: Associate Justice Norman E. Champagne, Manchester District Court; Chief Anthony Colarusso, Dover Police Department; Vice Chancellor Charles Annal, Community College System of New Hampshire; 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

Members Absent: Associate Justice Stephen H. Roberts, Dover District Court; Colonel Robert Quinn, New Hampshire State Police; Chairman Michael L. Prozzo, Sheriff of Sullivan County; and, Michael A. Delaney, Attorney General.

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

NOTE: This meeting was in recess from 10:15 a.m. until 10:30 a.m.

Approval of Minutes

Chief Colarusso moved to approve the minutes of March 22, 2011. Following a second by Chief Sullivan, the Council voted 8-0 to approve the minutes.

Director's Report

Graduation for the 154th Full-Time Police Academy was held on Friday, April 8, 2011. As the Council recommended, the focus of the program was on the officers being certified. Meetings with members of the Legislature continued during the month; the Director has met with 23 of 24 State senators so far. The Director stated that his written testimony presented on April 25 will be available for the Council members.

Director Vittum advised the Council of the status of the 155th Full-Time Police Academy. It is likely that the number of recruits will decrease from 37 to 33 by the end of today, April 26, 2011.

Director Vittum asked Acting Chairman Wrenn to assign a member of the Council to participate in a meeting with the LBA on Monday, May 2. The Director requested a nonpublic session to present details on the LBA audit of Police Standards and Training, his testimony on the budget, and his recommendations regarding personnel.

NONPUBLIC SESSION: LBA Audit, Budget/Personnel Issues

Pursuant to Director Vittum's request to discuss matters concerning personnel, Chief Dodge moved for the Council to enter a nonpublic session as provided in RSA 91-A:3, II (a). Following a second by Chief Morency and a unanimous roll call vote, 8-0, the nonpublic session commenced at 11:14 a.m. Only the Council members, the Director, and Captain Benjamin Jean were present; Chief James Sullivan recorded the minutes of the nonpublic session as required by RSA 91-A:3, III.

With a second by Sheriff Foote, Chief Colarusso moved to seal the minutes of the nonpublic session. The Council voted 8-0 in favor.

Dr. Annal seconded Chief Dodge's motion for the Council to exit the nonpublic session, and the roll call vote of the Council was unanimous in support, 8-0. The nonpublic session concluded at 12:05 p.m.

Previous and/or Unfinished Business

MOTION TO TABLE: On a motion by Chief Dodge, seconded by Chief Morency, the Council voted unanimously to table previous/unfinished business items listed on today's agenda to allow all Council members and legal counsel Nancy Smith to participate in these discussions.

New Business

Hearings

NONPUBLIC SESSION: CO Alison Green, New Hampshire Department of Corrections

Acting Chairman Wrenn advised that he would recuse himself from this matter and appointed Chief Dodge to chair the hearing. Chief Morency also recused himself from this matter.

Chief Dodge convened the hearing scheduled for CO Green to show cause why the Council should not suspend or revoke certification for violation of Pol 402.02 (a) (4) l. Chief Dodge advised CO Green of the hearing protocol and stated that RSA 91-A:3, II (a) allows for personnel matters to be heard in public session or nonpublic session. CO Green chose for the matter to be heard in nonpublic session.

Chief Colarusso moved for the Council to enter into a nonpublic session as provided in RSA 91-A:3, II (a). Following a second by Chief Sullivan, the roll call vote of the Council was 6-0. Members voting: Colarusso, Sullivan, Foote, Champagne, Annal, and Dodge. The nonpublic session commenced at 9:38 a.m.

Chief Colarusso moved that the minutes of the nonpublic session be sealed. Chief Sullivan seconded the motion and the Council voted 6-0 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, 6-0. The nonpublic session concluded at 9:52 a.m.

MOTION: (by Chief Colarusso, second by Sheriff Foote) That the Council suspend the corrections officer certification of Alison Green for a period of six months, effective immediately. Motion carried, 6-0.

CO David Sisk, New Hampshire Department of Corrections

Acting Chairman Wrenn advised that he would recuse himself from this matter and appointed Chief Dodge to chair the hearing.

Lt. Bodanza stated that Attorney Moir has submitted a Motion to Reopen supplemental to a Motion for Reconsideration and Request for Hearing filed with the Council by Attorney Asplund-Walsh. Attorney Moir stated that the grounds that were the basis for the Council's action to suspend certification have been reversed in the district court. Lt. Bodanza explained that the scope of a new hearing would be consideration of any new evidence on which there should be a new hearing of all of the facts – essentially, is there any new information which would have changed the outcome (i.e., suspension) and what new information should be considered.

Chief Dodge also noted that there was an issue with the notice of Council's decision not being communicated to Mr. Sisk in a timely fashion. Lt. Bodanza confirmed that the notice was communicated to Mr. Sisk after the date that he was entitled to ask for reconsideration; this issue was due to the way mail received at the prison is distributed; therefore, Chief Dodge had granted an extension of time.

Acting Chairman Dodge determined that the question before the Council this day is whether or not to hold a hearing to consider any new information.

Mr. Sisk appeared with counsel, Attorney James Moir. Attorney Moir indicated that Mr. Sisk wanted the matter heard in public session.

Chief Dodge asked if there was any new information to be brought forward regarding the facts of the case that would cause the Council to rehear the case. Attorney Moir produced an Agreement of the Parties with the Franklin District Court stating that the complaint was nol prossed and that the court agreed that Mr. Sisk should not have been prosecuted for carrying a loaded handgun without a license because under RSA 159:5 his status as a law enforcement officer exempts him from the provisions of RSA 159:4. Subsequently, Mr. Sisk withdrew from the Merrimack County Diversion program that had triggered the Notice of Hearing issued by the Council on November 19, 2010, pursuant to Pol 402.02 (a) (12), before he completed the program. Attorney Moir asked the Council to consider that if not for the inadequate representation of his prior counsel Mr. Sisk would never have been charged, would never have entered a diversion program, and, therefore, would not have been in violation of Council Rules.

Lt. Bodanza objected. He said the new facts concern only what happened after the original incident and that the new facts of what has happened since the incident are simply that the prosecutor now believes that Mr. Sisk should not have been charged and that the previous defense attorney was not enlightened to all the issues for her client. Chief Dodge sustained this objection.

Chief Dodge iterated that the decision for the Council at this point is whether or not to rehear the facts of the case. Attorney Moir said that he agreed that the new information concerns what happened after the original incident. He asked the Council to consider that in light of this information, the Council's decision was inappropriate, because the basis for that decision has been "undone." He urged the Council to grant his Motion to Reopen.

Chief Dodge recognized Judge Champagne for a question. He asked if the facts of the case have not changed other than the charge being nol prossed by the prosecutor, would the Council have imposed suspension or not? Lt. Bodanza said that if there had been no entrance to a diversion program, then, the Council would probably have not heard the case to begin with.

Judge Champagne restated his question: Does the staff want to withdraw their action (recommending suspension) based on the charges being nol prossed since the original hearing? Lt. Bodanza stated "no." He stated that the staff's position is (Mr. Sisk) entered into a diversion program ... and the staff would have still brought that forward. Judge Champagne recalled that in the original hearing, the Council had difficulty with the way Mr. Sisk had stored the loaded gun in his car unattended and other circumstances that prompted the Council to take the action that it did.

Chairman Dodge noted that Mr. Sisk is currently under suspension and should not be continuing to wear a corrections officer uniform; Mr. Sisk appeared at today's hearing in uniform. However, inasmuch as Mr. Sisk was present with legal counsel and prepared to proceed, Acting Chairman Dodge asked the Council to consider the Motion to Reopen and confirmed with Attorney Moir whether further discussion could take place in public session.

Following a brief discussion on the Motion to Reopen, Chief Colarusso moved that the Council rehear the facts of the case and any new facts or evidence. Chief Sullivan seconded the motion and the Chairman called for a show of hands: Voting yes – Chief Colarusso and Chief Sullivan; voting no – Judge Champagne, Chief Dodge, Chief Morency, Sheriff Foote, and Dr. Annal. Motion failed 2-5.

New Business

CONSENT CALENDAR

The Council considered staff recommendations for requests included in the Consent Calendar. Director Vittum requested to remove two items from the Consent Calendar (**See Other New Business**).

MOTION: Chief Dodge, with a second by Chief Morency, moved for the Council to adopt the Consent Calendar as amended. The Council voted 8-0 in support.

AMENDED CONSENT CALENDAR

Requests for Extensions

Full-Time Police Officer: 156th Academy – 08/29/11 – 12/02/11 (fitness test 08/15/11)

Officer Brandon J. Dyrkacz, Raymond Police Department was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 156th Academy with the stipulation that Officer Dyrkacz must remain actively enrolled in the requested academy and if not certified part time he may continue working only in the direct presence of a certified officer.

Officer Elizabeth A. Kratz, Bristol Police Department was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 156th Academy with the stipulation that Officer Kratz must remain actively enrolled in the requested academy and may continue working only in the direct presence of a certified officer.

Officer Brandon E. Walker, South 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 156th Academy with the stipulation that Officer Walker must remain actively enrolled in the requested academy.

Part-Time Police Officer: 260th Academy 08/13/11 – 11/18/11 (fitness test 07/30/11)

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

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

Requests for Specialized Training Grant Funds

Merrimack Police Department will be granted funds for Sergeant Eric Marquis to attend the FBI-LEEDA Supervisor Leadership Institute at the Hampton, New Hampshire, Police Department for five days beginning May 3, 2011. **Amount: \$433.33**

Pembroke Police Department will be granted funds for Officer Christopher Cunha to attend the Field Training and Evaluation Program at Roger Williams University, Portsmouth, Rhode Island, for five days beginning June 13, 2011. **Amount: \$813.33**

(END APPROVED CONSENT CALENDAR)

Other New Business

Other Requests for Extension (REMOVED FROM THE CONSENT CALENDAR)

Officer Mario A. Checchi, Walpole Police Department

Captain Varney informed the Council that after the request for an extension was placed on the agenda, Police Standards and Training received a Form B regarding the Walpole Police Department's suspension of Officer Checchi for more than three days. Chief Merrill confirmed that the duration of the suspension has not been determined by the Department yet.

MOTION: (by Judge Champagne, seconded by Chief Morency) That the Council deny Officer Mario Checchi's request for an extension to attend the 156th Full-Time Police Officer Academy. Motion carried, 8-0.

Officer Kristin M. Swass, Bristol Police Department

Director Vittum stipulated that Officer Swass is currently part-time certified and will not be restricted to work only in the direct presence of a certified officer.

MOTION: Chief Dodge moved for the Council to grant Officer Kristin Swass an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 156th Academy with the stipulation that Officer Swass must remain actively enrolled in the requested academy. With a second by Chief Colarusso, the Council approved the motion, 8-0.

Requests for Consideration

Lyme Police Department

Captain Varney advised the Council that Chief Shaun J. O'Keefe has withdrawn his request to address the Council at today's meeting.

NONPUBLIC SESSION: Sheriff Michael Downing, Rockingham County Sheriff's Office

Sheriff Downing appeared with John Pickering to address the Council regarding a Petition for a Declaratory Ruling concerning reinstatement of certification for John Pickering and Robert McGuire.

Because this matter concerns personnel issues, as provided in RSA 91-A:3, II (a), the Council entered into a nonpublic session on a motion by Chief Sullivan, seconded by Chief Morency, and unanimously approved by the Council in a roll call vote, 8-0. The nonpublic session commenced at 9:14 a.m.

Chief Dodge moved to seal the minutes of the nonpublic session. Following a second by Chief Colarusso, the motion passed, 8-0.

Judge Champagne, with a second by Dr. Annal, moved for the Council to exit the nonpublic session. The roll call vote of the Council was 8-0. The nonpublic session concluded at 9:31 a.m.

MOTION: In public session, Justice Champagne, with a second by Chief Sullivan, moved to waive the Council's "three-year Rule" for these two officers and for the Council to consider the Director's recommendations on requirements for certification based upon prior training and experience for John Pickering and Robert McGuire on a future date. The motion carried, 8-0.

Andrew Mills – Dismissal from the 259th Part-Time Police Academy

The staff recommends that a hearing is not necessary and requests that the Council uphold the decision to dismiss Recruit Mills.

Lieutenant Bodanza advised the Council that a letter was received from Mr. Mills indicating that he would not appear to state his appeal to the Council and he read this letter into the record:

“April 16, 2011 ... to Director Donald Vittum:

Thank you for your package and letter dated March 17, 2011. After reviewing all of the information provided it seems that the facts clearly reaffirm that I did not lie and that the situation is a result of some possible misunderstanding of what was verbally stated. I will point out the following verbal exchange. My written facts clearly explain what transpired and I would never attempt to lie or mislead anyone. I think the purpose of putting my statements in writing was exactly to prevent what ultimately happened.

It is unfortunate that a simple transaction like this could not have been clarified on the spot when I handed in my written report, or later when I again stated the same facts of what had transpired in a follow-up typewritten report.

~~It is also unfortunate that I will be unable to be present at the hearing as I am a full-time student at~~ Norwich University and cannot be granted leave to attend. I trust that the committee will find in my favor as the facts clearly show this was not grounds for dismissal. I will also state that I am disappointed that because of this I will not be able to re-attend the academy this year or next, as I will be attending OCS for the Marine Corps next summer as part of the commissioning process.

Look forward to having my reputation cleared and that this will not reflect negatively on any of the parties involved.

Sincerely,

Andrew J. Mills”

MOTION: Chief Dodge moved that the Council sustain the recommendation by staff to dismiss Andrew Mills from the 259th Part-Time Police Academy.

Acting Chairman Wrenn asked if any members wished to hear the facts of the case. Chief Dodge reiterated his support for the staff's recommendation to sustain the dismissal. The Chairman asked Lt. Bodanza to read a synopsis of the circumstances of the dismissal. Lt. Bodanza read into the record a letter to Recruit Mills from Director Donald Vittum, dated March 1, 2011, documenting the violations of Academy rules and regulations.

“On February 24, 2011, you failed to respond truthfully and completely when asked by Council staff if you had taken a driving retest. Accordingly, it is advised to you that you are hereby dismissed from the 259th Part-Time Police Academy for violation of the following Police Standards and Training Council Rules: *Pol 302.15, violation of Facility Rules, Technical Assistance Chapter 2-A Honor System, Intentional Dishonesty; Technical Assistance Chapter 12 Honor Code, Lying or Cheating; Part-Time Academy Rules and Regulations Section D Honor System, 3. Intentional dishonesty ...; and, Section EE Failure to respond truthfully and completely when asked for information by staff.*

A student dismissed under these circumstances may appeal to the Council, in writing, addressed to the office of the Director, within 10 days. An appeal shall not stay the dismissal. The Council shall hold a hearing within 60 days and may affirm, modify or dismiss the Director's action. The hearing shall be conducted in compliance with the provisions of Administrative Rule Pol 200.

You may contact Chief Tim Merrill (Ret.) of our Legal Bureau ... “

Lt. Bodanza confirmed that receipt of the Director's letter was acknowledged by Robert Mills at Andrew Mills' mailing address on March 7, 2011.

Chief Morency seconded Chief Dodge's motion and commented that Mr. Mills was afforded every opportunity to schedule another time to present his appeal to the Council and had declined. There being no further discussion, the voice vote of the Council was unanimous, 8-0.

Officer David B. Scott, Barnstead Police Department

Officer Scott is part-time certified. At their meeting on March 22, 2011, the Council approved Officer David Scott's request for a third attempt to successfully complete the exit fitness test of the Full-Time Police Officer Academy, with the stipulation that he will be certified only if he successfully completes the exit fitness test requirement within 30 days.

Officer Scott appeared at the Council's April 26, 2011, meeting to inform the Council that he was not successful in passing the exit fitness test administered on April 19, 2011, because he had failed the sit-up portion of the test. On this day, he asked the Council to consider granting approval for him to make a fourth attempt to pass the exit fitness test. The Council members agreed to hear his request.

Captain Mark Varney reviewed the historical account of Officer Scott's effort to meet the requirements for full-time certification, beginning with his attendance at the 153rd Full-Time Police Officer Academy. ~~Officer Scott failed the exit fitness test, failed on the second attempt on January 28 (within 60 days of graduation) on the situps portion, failed the third attempt approved by the Council on April 19 on the situps portion. At this time, Officer Scott is asking the Council to approve a fourth attempt to pass the exit fitness test.~~

Officer Scott stated that he "trained hard" for the April 19 test but discovered that he had not pushed himself hard enough during the training he completed prior to April 19. He said that he has hired a personal trainer to help him prepare for the fourth attempt. He asked the Council to consider granting him permission to take the exit fitness test again with the 155th Full-Time Academy's mid-term PT or at any time convenient for Police Standards and Training staff.

Chief Morency asked how third and subsequent attempts are customarily allowed. Director Vittum said the number of attempts allowed should be determined by the Council, but if Officer Scott was to attempt the test again he would need to provide an updated medical waiver. Sheriff Foote asked Officer Scott to demonstrate how close he is presently to passing the test and to explain why he could be successful, even though he could not pass the test when he was actively enrolled in the academy and in an environment designed to maximize his potential to successfully complete the test.

Officer Scott stated that on the first attempt he missed the run by 11 seconds; once he left the Academy, he worked independently to prepare for the second attempt. He failed the second time due to the situps; he failed the third attempt due to situps.

Acting Chairman Wrenn proposed that the options before the Council this day were to either grant approval for Officer Scott to make a fourth attempt to pass the exit fitness test or to deny another opportunity to perform the test again and recommend that Officer Scott submit a request for the Council to grant certification based upon prior training and experience after further physical training.

Chief Dodge asked Officer Scott if he was currently working and what duties were assigned to him. Officer Scott responded that he was currently a patrolman, part-time certified with the Town of Barnstead. Commissioner Wrenn supported giving Officer Scott another opportunity to pass the exit PT test. Sheriff Foote felt that if Officer Scott was given a fourth attempt it should be completed within thirty days, not seven weeks.

MOVED: (by Sheriff Foote) That the Council grant Officer Scott a fourth attempt to pass the exit fitness test within thirty days. There was no second for the motion.

Judge Champagne noted that Officer Scott is currently part-time certified and could continue to work and recommended that the Council deny approval for a fourth attempt to pass the exit fitness test for full-time certification. Chief Sullivan suggested that the Council has already approved an extension for a third attempt within 30 days of March 22 and that Officer Scott was not successful; another request is not reasonable.

Chief Dodge supported Chief Sullivan's opinion that a fourth request to attempt the exit fitness test was not reasonable.

Acting Chairman Wrenn recommended that Officer Scott's next option would be to request certification based upon prior training and experience; this would require his Department to change his status from full time to part time and request PT&E upon successful completion of the entrance fitness test for the Full-Time Police Officer Academy. Captain Varney confirmed that Barnstead Police Department has already reverted Officer Scott's status to part time; if the Department wants to request full-time certification based upon PT&E, the staff would proceed once the appropriate documentation is received for Council approval.

MOVED: (by Chief Dodge, second by Chief Sullivan) That the Council deny Officer Scott's request for approval for a fourth attempt to successfully complete the exit fitness test of the Full-Time Police Officer Academy. The motion carried on a voice vote, 8-0.

Proposed Rule Changes

Pol 302 QUALIFICATIONS - Adopt New Section "Legislative Security Staff"

At their meeting October 26, 2010, the Council discussed the implications of a 2010 law that amends RSA 14 by adding a new subsection, 14:50 Legislative Security; effective July 6, 2010. *Section IV allows for legislative security staff to attend and participate in training programs administered by the Police Standards and Training Council, but remain exempt from being required to meet the training and certification requirements of RSA 188-F:27.*

In the interim, Assistant Attorney General Nancy Smith advised the staff on language to be included in a revision of the Rules. On this day, Chief Merrill presented the proposed language for revision to the Rule:

"Adopt Pol 302.15 and renumber the existing Pol 302.15 as Pol 302.16 so that Pol 302.15 and Pol 302.16 document ##9224 reads as follows:

Pol 302.15 Legislative Security Staff To the extent that the Legislature chooses to send any legislative security staff to Police Standards and Training Council Academy for certification pursuant to RSA 14:50, IV or seek recertification under RSA 14:50, V, the hiring authority and legislative security staff shall comply with all Council requirements applicable for the type of certification sought, including any ongoing educational or fitness requirements, except those rules regarding the reporting and limitation on hours for part-time certified officers.

Pol 302.16 Behavior in Training Facility. The following shall apply to behavior in the training facility:

(a) Persons using the police standards and training facility shall, as a condition of their use of the facility, be neatly attired in their official department uniforms or otherwise, as follows:

(1) For male personnel a suit or sports jacket with slacks, dress shirt and tie, or sports shirt and sweater shall be acceptable; and

(2) For females, a dress or skirt and blouse or sweater combination; or slacks and coordinated blouse shall be acceptable.

(b) They shall exhibit courtesy and abide by all laws and facility rules at all times, and shall be required to leave the premises or be denied admittance if in violation of this rule, and shall be subject to dismissal.

Source. #4437, eff 6-22-88; ss by #5836, eff 6-15-94; ss by #7302, eff 6-8-00; ss by #9168, INTERIM, eff 6-3-08, EXPIRES: 11-30-08; ss by #9224, eff 8-1-08"

Chief Merrill clarified for Acting Chairman Wrenn that the revision was recommended in order to comply with New Hampshire Law that basically allows the Legislative Security Staff to attend classes but does not require them to be certified police officers. Further, if they were certified officers anytime prior to their employment with Legislative Security, this certification could be reinstated if they met the same requirements imposed on any other formerly certified officer, with the exception of the requirement for being limited to 1,300 hours if part-time certified, because their certification is optional. Further, if certification lapsed after 30 days before employment with Legislative Security, reinstatement would require that the officer complete the same requirements as any other formerly certified officer who requests certification based on prior training and experience (i.e., successful completion of entrance fitness testing and any other requirements recommended by staff).

Chief Merrill stated that he believed the legislative intent is for Legislative Security Staff to be eligible to attend training, even though they are not required to be certified. These officers have limited police authority. Chief Merrill offered to do further research to answer questions raised by the Council: Are they armed? Would they be required to maintain firearms certification by the Council? What powers are invested in these officers? How are these powers limited? Chief Merrill referenced AAG Smith's opinion on this matter, as well.

MOTION: Chief Morency, with a second by Sheriff Foote, moved that the Council approve the additional language proposed for Pol 302 and recommended by the Attorney General's Office for submission to JLCAR. The motion carried on a voice vote, 8-0.

Amend Pol 404.05 Firearms Instructor Qualifications

The Council discussed a Rule change at their annual planning session on March 21, 2011.

Currently firearms instructors are required to attend a class at the academy to maintain their instructor certification or they may attend an FBI course or an NRA course or any other course that meets the requirement. The issue is that alternative courses may not include instruction in New Hampshire law and may not necessarily require the officer to qualify on their weapon. The intention for the Rule change is to require the officers who attend an alternative course to come to Police Standards and Training to complete a class on New Hampshire laws and qualify with their weapon.

On this day, Chief Merrill presented the proposed language for revision to the Rule:

"Proposed Rule Change –Amend Pol 404.05

Add new paragraphs (c) and (d), and re-numerate the current paragraph (c) to (e).

Pol 404.05 Firearms Instructor Qualifications. The following shall apply to firearms instructor qualifications:

(a) To be approved by the council as a firearms instructor, police, corrections or probation/parole officers shall submit their credentials to the director prior to commencement of a firearms training course.

- (b) Persons shall be approved if they successfully complete one of the following:
- (1) Council firearms instructor school;
 - (2) F.B.I. firearms instructor school;
 - (3) National Rifle Association police firearms instructor course;
 - (4) Another course which the director has determined requires the officer to demonstrate the equivalent level of skills and knowledge with an automatic pistol which the course noted in Pol 404.03(b) and (c) provides, taking into consideration the make and type of weapon used, and
- (c) If qualifying by completing instruction under Pol 404.05 (b) (2), (3) or (4), demonstrate proficiency by qualifying twice consecutively on a council sponsored qualification course with a minimum score of 80% to the bib area of PSTC's silhouette target, and
- (d) If qualifying by completing instruction under Pol 404.05 (b) (2), (3) or (4), attend one hour of council sponsored instruction for new firearms instructors.
- (e) To maintain instructor certification, an instructor shall satisfy the council that he/she has:
- (1) Instructed or assisted in at least one firearms training program each calendar year; and
 - (2) Attended one annual council sponsored firearms instructor refresher course every second calendar year."

MOTION: Sheriff Foote, with a second by Chief Morency, moved that the Council approve the revision proposed for Pol 404.05 and recommended by the Attorney General's Office for submission to JLCAR. The motion carried on a voice vote, 8-0.

General (Discussion)

2011 Looking Beyond the Traffic Ticket Awards

The judges panel for the nominations for 2011 Looking Beyond the Traffic Ticket awards is scheduled to meet to make their selections on Friday, May 13. Chief Colarusso volunteered to represent the Council on the panel.

Next Meeting/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on **Tuesday, May 24, 2011**, beginning at 9 a.m. at 17 Institute Drive in Concord, New Hampshire.

Upon a motion by Chief Dodge, seconded by Sheriff Foote, and with the unanimous support of the Council, the meeting was adjourned at 12:07 p.m.

Respectfully submitted,



Vice Chairman William L. Wrenn, Jr.