



Sheriff Michael L. Prozzo, Jr.
Chairman

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

Approved Minutes

May 24, 2011

Call to Order

The 407th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:04 a.m. by Chairman Michael L. Prozzo, Jr., in Classroom 1 at Police Standards and Training in Concord, New Hampshire.

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

Members Absent: Vice Chancellor Charles Annal, Community College System of New Hampshire; Associate Justice Stephen H. Roberts, Dover District Court

Staff Present: Director Donald Vittum, Captain Benjamin Jean, Captain Mark Varney, Chief (ret.) Timothy Merrill, Lieutenant Mark Bodanza, Investigative Paralegal Anne Paquin; and Council Secretary Kathryn Day. Assistant Attorney General Nancy Smith also attended.

NOTE: This meeting was in recess from 9:48 a.m. until 10:52 a.m. while the Council consulted with legal counsel, Assistant Attorney General Nancy Smith, following a motion by Chief Dodge, seconded by Judge Champagne, and unanimously approved by the Council, 10-0.

Approval of Minutes

Chairman Prozzo noted an addition to the draft minutes: The transcript of the matter of Officer David B. Scott, a request for a fourth attempt to complete the exit fitness test of the Full-Time Police Officer Academy, was omitted from the draft minutes.

MOTION: Chief Dodge, with a second by Chief Morency, moved to approve the draft minutes as amended; the Council voiced their unanimous approval.

Director's Report

The Council posed no questions on the Director's monthly report distributed via email.

Director Vittum indicated that he would like to further discuss the hearing on a report filed regarding the LBA Audit of Police Standards and Training concluded in March 2011 that took place following the Council's April 2011 meeting.

Chairman Prozzo noted that Sheriff Foote was present at a meeting of the Joint Fiscal Committee on May 2, 2011. Sheriff Foote commented that no new issues were raised in this meeting and that Police Standards and Training representatives were the last to testify before the Committee. The Committee voted to accept the report presented by LBA and will place the comments presented from our agency and others on file.

Director Vittum stated that the agency objected to the LBA's assertion that Police Standards and Training cannot access the penalty assessment fund to offset expenditures. Both the Attorney General's Office and the Department of Administrative Services agree that this practice is legally correct and sound. It is also understood that when the agency is not able to cover expenses with existing funds, the Director must notify the Department of Administrative Services, the Finance Committee in the House and the Senate, and the Governor and Executive Council and explain how the agency might reduce its expenditures.

The Director further commented that estimating monthly revenues is not a reasonable expectation for the agency because it is impossible to predict future revenues for the Penalty Assessment Fund. He confirmed that until he is instructed otherwise, operations will continue as usual.

Attorney General Delaney observed that in terms of the nature of the findings and the volume of issues that were raised, Police Standards and Training Council performed well in the audit.

Commissioner Wrenn asked if Police Standards and Training had requested the Senate Finance Committee to grant an exemption from Footnote I that restricts an agency from spending more than is taken in. A similar exemption has been granted to the Department of Corrections. He advised that the Council should contact Senator Chuck Morse, Senate Finance Committee Chairman, and request that language be added to HB-2-FN to exempt Police Standards and Training from complying with Footnote I. The Director indicated that he had discussed that possibility with Senator D'Allesandro and has not received a response yet.

MOTION: Commissioner Wrenn moved that the Council instruct the Director or his designee to contact Senator Morse to discuss adding language to HB-2-FN that would exempt Police Standards and Training from having to comply with Footnote I which restricts our expenditures and prohibits us from exceeding our revenues.

Attorney General Delaney seconded the motion. He explained to the Council that the findings of the LBA audit are not binding on the agency and that it is appropriate for the Council to state their disagreement with those findings. Even if the request for an exemption is denied and the language is not added to HB-2, a broader discussion could still take place in the next Legislative Session that could result in new legislation that makes that clarification.

After further discussion, the Council voted 10-0 to support the motion.

Previous and/or Unfinished Business

Recommendation re: PT&E Matrix

The Council was asked to approve the revised procedures and forms for requesting certification based on prior training and experience as proposed by staff. The intent is to streamline the current matrix used for evaluating the eligibility of candidates to become certified, part time or full time, based upon prior training and experience. Captain Mark Varney outlined changes proposed by staff; the new evaluation system would move away from a "points system" and focus more on the amount of time that a candidate has been away from law enforcement employment and what requirements must be met for certification to be granted.

Proposed: The staff proposed that a former New Hampshire certified full-time officer who had not been actively employed for more than three years would be required to attend the full program of the Full-Time Police Officer Academy before certification was granted. If the officer had last been employed in law enforcement less than three years but more than two years prior, certification could be granted after completing the Law Package of the Full-Time Academy and other basic requirements.

For part-time certification to be granted, a former New Hampshire certified officer not employed in law enforcement for longer than two years would be required to attend the full program of the Part-Time Police Officer Academy; if their last employment was within the previous year to two years, certification could be granted upon successful completion of the Law Package of the Part-Time Academy and other basic requirements.

Regarding officers who were previously certified in another state, they would be eligible for New Hampshire certification based on prior training and experience only if the academy they attended meets the basic requirements for content and hours of training; this is determined on a case-by-case basis because of variations in the curriculum in some out-of-state training programs. An out-of-state officer would be required to provide a detailed description of courses completed and hours of training with their request for certification based on prior training and experience, part time or full time, and demonstrate that it is comparable with standards required by Police Standards and Training Council and includes five major liability areas: Driving, Firearms, Defensive Tactics, First Aid, and CPR.

The Director stated that no assessments would be made on a request until a completed Form A is received by Police Standards and Training. Director Vittum added that the new procedures provide for an appeal to the Council if a Department does not agree with the staff's recommendation on a specific request. The Council would have the option to overrule the staff's recommendation and determine the requirements that must be completed for certification to be granted.

Discussion: Commissioner Wrenn asked why officers seeking part-time certification were required to attend an academy after only two years out of service, when officers who were previously full time were allowed up to three years out of service before they were required to attend an academy. Captain Varney stated that the staff considered what would be fair to the law enforcement agencies and officers who had invested more time (in training and on-the-job experience). Commissioner Wrenn asked if the assumption was that part-time officers "lose their skills quicker than full-time officers." Captain Varney responded that typically part-time officers, being restricted to 1,300 hours or less per year, don't work as much as full-time officers and do not practice their skills with the same frequency as full-time officers and, perhaps, this indicates that a part-time officer may retain those skills for a shorter period of time.

Commissioner Wrenn specifically asked for a justification for distinguishing part-time officers from full-time officers. The Director responded that past practice has always been that part-time certifications are effective for two years, full-time certifications are effective for three years, after an officer leaves employment in law enforcement and the Council may amend this practice if they wish to do so. Commissioner Wrenn felt that three years out of service should be the limitation for both full- and part-time certification.

Chief Morency asked if an officer who demonstrated compliance with four of the five basic liability areas would still be required to attend the full academy or would they have the option to complete training only in the requirement that is not satisfied. Director Vittum stated the policy to require attendance at the full program of the Academy would still be enforced; however, this decision could be appealed to Council.

Chief Sullivan asked if the agency maintained a list of other states' academies that meet the training requirements of the New Hampshire Police Standards and Training Council. Captain Varney said that a running list is not maintained because of the variation in the curriculum from session to session; this is the reason why an out-of-state officer must submit a listing from the academy they attended that describes the classes attended and the hours of each class and this is compared with the curriculum of the New Hampshire academies.

MOTION (by Chief Morency, seconded by Sheriff Foote): That the Council adopt the PT&E procedure and forms as proposed by staff effective May 24, 2011.

Chief Dodge commented that he could not support this motion because of the different limitations imposed on part-time certification. Commissioner Wrenn restated his objection and Chief Colarusso concurred with Chief Dodge and Commissioner Wrenn that he could not support the motion. Chief Morency withdrew his motion.

MOTION (by Commissioner Wrenn, seconded by Chief Dodge): Regarding the PT&E matrix, all officers, full time or part time, whose absence from employment in law enforcement is more than three years will be required to attend the full program of the academy; if their absence is more than two years but less than three years, whether full time or part time, they will be required to complete the Law Package.

Attorney General Delaney asked if the amended procedures/forms would come back before the Council before it is implemented. Chairman Prozzo clarified that the staff's request is to adopt a procedure effective with today's date, May 24, 2011; however, the staff recommendation for the request presented on today's agenda would not be affected.

Hearing no further discussion, the Chairman called for a vote on the pending motion and the Council voted 10-0 in the affirmative. Motion carried.

New Business

PT&E Requests

MOTION: On a motion by Chief Dodge, seconded by Judge Champagne, the Council voted unanimously to approve a request for part-time certification based upon prior training and experience.

Officer Jamie-Lynn Shackford, Bartlett Police Department will be granted certification based upon prior training and experience upon successful completion of the entrance fitness test, the medical exam, and the Law Package of the Part-Time Police Officer Academy, providing that First Aid/CPR certification is current.

Requests for Extensions

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

MOTION: Following a motion by Commissioner Wrenn, seconded by Chief Dodge, the Council voted unanimously to grant an extension for an officer currently enrolled in the 155th Academy.

Officer Shawn C. Seymour, Newport Police Department was granted an extension through the end of the 155th Full-Time Police Officer Academy with the stipulation that Officer Seymour must remain actively enrolled in the 155th Academy and until certified may continue working only in the direct presence of a certified officer, as recommended by staff.

MOTION: Sheriff Foote seconded Commissioner Wrenn's motion for the Council to approve an extension for Officer Jess M. Nisbet, Kingston Police Department, through the end of the 156th Full-Time Police Officer Academy. The Council voted 10-0 in favor.

Officer Jess M. Nisbet, Kingston Police Department was granted an extension through the end of the 156th Full-Time Police Officer Academy with the stipulation that Officer Nisbet must remain actively enrolled in the 156th Academy and until certified may continue working only in the direct presence of a certified officer, as recommended by staff.

MOTION (by Chief Colarusso, seconded by Chief Morency): That the Council approve CO Sharich's request for an extension through the end of the 93rd Corrections Academy. The Council voted 10-0 in favor.

CO Timothy Sharich, New Hampshire Department of Corrections was granted an extension through the end of the 93rd Corrections Officer Academy (beginning September 2011) with the stipulation that CO Sharich must remain actively enrolled in the requested Academy, as recommended by staff.

Other New Business

Requests for Specialized Training Grant Funds

Captain Jean outlined a request for funds for training that begins on July 11, in the next fiscal year. He indicated that the agency anticipates that \$42,000 will be available for requests for funds for specialized training in FY 12.

MOTION: Chief Sullivan, with a second by Chief Colarusso, moved that the Council give advance approval for a request for FY 12 training grant funds for Manchester Police Department to send two officers to a class beginning on July 11, 2011, if funds are available. The Council voted 10-0 in support of the motion.

Manchester Police Department will be granted a maximum of \$1,835.33 to send Officer Scott Tardiff and Officer Marc Lachance to the Mounted Police Training, Basic Mounted Police School, a 50-hour training being presented by the Mounted Police Training Academy in Hadley, Massachusetts if sufficient funds are available in Fiscal Year 2012.

Next Meeting/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on **Tuesday, June 28, 2011**, beginning at 9 a.m. at 17 Institute Drive in Concord, New Hampshire.

Upon a motion by Chief Colarusso, seconded by Sheriff Foote, and with the unanimous support of the Council, the meeting was adjourned at 10:55 a.m.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.