

## *Approved Minutes*

**August 23, 2011**

The 410<sup>th</sup> meeting of the New Hampshire Police Standards and Training Council was called to order at 9:00 a.m. by Chairman Michael L. Prozzo, in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus 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; Major Russell Conte, New Hampshire State Police and William L. Wrenn Jr., Commissioner, New Hampshire Department of Corrections.

**Members Absent:** Colonel Robert Quinn, New Hampshire State Police, Chief James Sullivan, Hampton Police Department, Chief Peter Morency, Berlin Police Department and Attorney General Michael Delaney.

**Staff Present:** Director Donald Vittum, Captain Benjamin Jean, Chief (ret.) Timothy Merrill, Lieutenant Mark Bodanza, and Investigative Paralegal Anne Paquin.

**Guests Present:** Chief Randy Sobel, Middleton Police Department, Chief William Quigley, Brookline Police Department, Jacob Weber, Lancaster Police Department, Warren Davis, Warren Police Department, Attorney Christopher Seufert, Vincent Randall, Susan Randall and Samantha Randall.

### **Call to Order**

Chairman Prozzo called the meeting to order at 9:00 a.m.

### **Approval of Minutes**

#### Motion

Chief Colarusso moved for the Council to approve the minutes of July 26, 2011 meeting. Following a second by Commissioner Wrenn, the voice vote of the Council was 7-0 in favor.

### **Director's Report**

A written report was distributed by Director Vittum, with no discussion.

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

#### **Middleton Police Department's request for prior training and experience, Officer Timothy Brown**

Lt. Bodanza represented the staff and presented the summary.

This hearing was continued from July 26, 2011. The Council requested at the July 26, 2011 meeting that the staff research Council meeting minutes for the vote which generated the July 23, 2002 letter in which former Director Sweeney reinstated Officer Timothy Brown's certification. Meeting minutes were researched by staff, and there was no information indicating that former Director Sweeney's July 23, 2002 letter was based on any Council action.

The staff's recommendation from the July 26, 2011 meeting was for Officer Brown to attend a full time academy since he had been out of full time employment for over ten years. Chief Sobel requested that Officer Brown not be required to attend the full time academy per Director Sweeney's granting reinstatement of Officer Brown's full time certification in the previously mentioned letter.

Discussion ensued amongst the Council members about whether the July 23, 2002 letter was issued in "administrative error", and whether the letter was meant to reinstate Officer Brown's part time certification or his full time certification. Officer Brown has worked for over 10 years as a part time officer with unlimited hours, which turned the discussion to part time unlimited hours. The concept of part time certification with unlimited hours is applicable only to those officers who have completed the full time academy.

#### Motion by Judge Champagne

"Council, based on totality of the circumstances and all that has occurred, including Director Sweeney's letter, all ready stated, that we, based the prior training and experience, the fact that there were no lengthy breaks in services and based on his years of experience and the full time academy, that we simply re-certify him as a full time police officer."

Motion was seconded by Chief Colarusso. The Council voted 6 in favor, one opposed.

### **Rule Change**

#### **Public hearings on rules changes,**

Chief Merrill represented the staff and presented the summary for the Council.

A public hearing for Pol 302.15 to adopt a new section for Legislative Security Staff, and also to amend Pol 404.05 Firearms Instructor Qualification was held on July 26, 2011, with the deadline for written comment on both these rules on August 9, 2011. No written comments were received. PSTC staff did receive some edit suggestions from the staff of Office of Legislative Services, Administrative Rules for the formatting of the rules (no content changes.)

No action by Council was necessary; the staff will put these two rule changes in the format of a final proposal to Office of Legislative services.

### **New Business**

Pol 302.01 and 302.02

Draft proposal for the Council's consideration:

Chief Merrill represented the staff and presented the summary to the Council.

Last month the Council asked staff to draft wording for potential amendments to Pol 302.01 and 302.02 to clarify the intent of the rules regarding the 2 year limit of time for an officer to attain certification. A first draft of a proposal was provided to Council members with their agendas.

Currently Pol 302.01 addresses full time officers while 302.02 addresses the similar issues for part time officers. Both sections limit extensions to not more than 2 years from the original date of hire and provide that termination and reemployment of an officer by the "same agency" shall not effect the requirement that the officer attain certification within 6 months of the original date of hire.

The draft proposal:

- removes the words "Full-Time" from Pol 302.01 with the intention that the word "officer" includes both full and part -time officers;
- repeals Pol 302.02 because part-time officers are included in Pol 302.01 under the draft proposal;
- changes the reference to reemployment "by the same agency" to "by any agency";
- adds language to remove the apparent lifetime bar to reemployment by adding the language "unless the officer has been separated from police, corrections or probation/parole employment for a period of not less than 2 years beginning the day after the termination has become final"; and
- adds language limiting extensions for elected police officers to not exceed 1 year from date of election as provided in RSA 188-F:27 II.

Motion by Chief Dodge to move forward with the draft rule, Pol 302.01 and Pol 302.02  
Seconded by Commissioner Wrenn  
Unanimous vote of the Council, 7-0

Beginning at 9:40 a.m

### **Chief William H. Quigley, Brookline Police Department**

(DOH: 07/11/2011) requests full-time certification based upon prior training and experience. Chief Quigley successfully completed the 37<sup>th</sup> Full-Time Police Officer Academy. His status changed from full time to part time in June of 2003 and reverted back to full time July 11, 2011. **Staff recommends granting certification upon successful completion of the medical exam, entrance fitness test, and the full**

**program of the Full-Time Academy, providing CPR and First Aid certification is current.**

Lt. Mark Bodanza represented the staff to present the summary of the case to Council members. A timeline was presented to the Council members for review, and Lt. Bodanza read the information into the record. There was no lapse in service for Chief Quigley, but he has been out of full time employment for more than three years, and according to the new protocol, he must attend the full time academy.

Chief Quigley summarized his work history, indicating his retirement from full time employment with New Hampshire State Police on June 3, 2003, adding that he has worked part time at several agencies since that date. He had been working 32 hours as part time chief in Brookline, when the selectman asked that he go full time. Since July 11, 2011 he has begun to contribute to the retirement system again.

Motion by Commissioner Wrenn

Motion that we grant Chief Quigley full time certification based on prior training and experience.

Motion was seconded by Chief Colarusso, the Council voted in favor unanimously 7-0. Ending at 9:51 a.m.

Jacob Weber, Lancaster Police Department Addendum #2

Beginning at 9:53 a.m

Council members were asked to please consider the following request as an item added to the agenda.

Request for reinstatement of certification, Jacob Weber was suspended January 1, 2011 for failing to comply with fitness requirements under **Pol 404.06** and **404.07**

Police Standards and Training Council Staff received Jacob Weber's passing fitness test on August 19, 2011. He was required to complete fitness testing by December 31, 2010.

Lt. Mark Bodanza represented the staff to present the summary of the case to Council members and read the summary into the record. Officer Weber's original date of hire was 2004, and his first three year fitness test was due in 2007. Several medical extensions were submitted and granted by Council for Officer Weber's fitness testing due in 2007. Officer Weber passed the 2007 fitness test in December 2009. According to the three year fitness cycle, he was due to test next in 2010. PSTC did not hear from Officer Weber in 2010, and accordingly, he was suspended for failure to complete fitness testing in January 2011. On August 19, 2011 PSTC received a medical clearance report form approving fitness testing, and a fitness test with a passing score. Officer Weber submitted a letter of request to Police Standards and Training to have his certification restored.

Officer Weber explained circumstances during 2010 which prevented him from participating in fitness testing.

Motion by Commissioner Wrenn, to reinstate Jacob Weber's certification.  
Second by Sheriff Foote, unanimous vote of Council 7-0

Discussion amongst Council members ensued regarding the fact that Council rules were violated by Officer Weber, should there be consequences because he ignored Council's three year fitness rule?

Further Motion by Commissioner Wrenn that Jacob Weber be issued an order for a hearing on the violation of not completing the physical fitness requirement within the necessary period of time.  
Second by Sheriff Foote, Council vote 5 in favor 2 opposed.  
Ending at 10:18 a.m.

Council took a short break at this time

Beginning at 10:31

Show Cause Hearing

Warren Davis, Warren Police Department Mr. Davis' through Attorney Chris Seufert, chose to have the hearing in a non-public session. They were informed that any decision by Council would have to be made in a public session.

Warren Davis asked for a non public session.

Motion of Commissioner Wrenn for a non public session, due to a personnel issue with Mr. Warren Davis. Second by Chief Colarusso, unanimous role call vote by Council.  
A non public session began at 10:34 with all other individuals present excused.

At 12:25 p.m. a Motion was made by Chief Dodge to seal the nonpublic minutes and was seconded by Sheriff Foote, unanimous voted by Council 7-0.

Motion to come out of nonpublic session was made by Judge Champagne and seconded by Chief Colarusso to come out of the nonpublic session, unanimous role call vote by Council.

Motion by Commissioner Wrenn, under Pol 301.05, this Council shall not invest any authority, certification with this applicant, Warren Davis, based on our rule, Pol 301.05, section 13 and 16. Motion was seconded by Judge Champagne, with a unanimous vote by the Council 7-0

The hearing ended at 12: 27, and Commissioner Wrenn exited the meeting at the same time.

**CONSENT CALENDAR**

The following items were added-to the consent calendar:

**Requests for Consideration Prior Training and Experience –**

**John J. Bryfonski, Bedford Police Department**

**Requests for Specialized Training Grant Funds –**

**Berlin Police Department**

**A request for Consideration Prior Training and Experience for Officer Derek Gioia Hillsborough County Sheriff's Department was amended from part-time to full-time.**

**PT&E Requests**

**Full-Time Police Officer Certification**

**Officer Benjamin Sargent Litchfield Police Department**

Will be granted full-time certification upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, providing CPR and First Aid certification is current.

**John J. Bryfonski, Bedford Police Department**

Will be granted full-time certification upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Academy, providing CPR and First Aid certification is current.

**Officer Derek Gioia Hillsborough County Sheriff's Department**

Will be granted full time certification upon successful completion of the medical exam and the entrance fitness test.

**Part-Time Police Officer Certification**

**Kenneth E. Tilley,III, Madbury Police Department**

Will be granted full time certification upon successful completion of the medical exam and the entrance fitness test, providing CPR and First Aid 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.**

#### **Full-Time Police Officer Academy**

**156th Academy – 08/29/11 – 12/02/11 (fitness test 08/15/11)**

#### **Officer Benjamin E. Sargent, Litchfield Police Department**

Was granted an extension through the date of the entrance fitness test and, if successful, through the end of the 156th Academy with the stipulation that Officer Sargent must remain actively enrolled in the 156th Academy and may continue working only in the direct presence of a certified officer.

#### **Part-Time Police Officer**

**261<sup>st</sup> Academy 2/4/11-5/5/12 (fitness test 1-21-12)**

#### **Officer Jamie-Lynn Shackford Bartlett Police Department**

Was granted an extension through the date of the entrance fitness test and, if successful, through the end of the 156th Academy with the stipulation that Officer Shackford must remain actively enrolled in the 156th Academy Law Package and may continue working only in the direct presence of a certified officer.

#### **Officer Christopher B. Dustin, Strafford Police Department**

Was granted an extension through the date of the entrance fitness test and, if successful, through the end of the 261st Part-Time Academy with the stipulation that Officer Dustin must remain actively enrolled in the 261st Part-Time Academy and may continue working only in the direct presence of a certified officer.

### **Requests for Specialized Training Grant Funds**

**Lebanon Police Department** was granted funds for Corporal Jeffrey Perkins to attend the 10 day First Line Supervisor course at Roger Williams University in Portsmouth RI, beginning on November 28, 2011 and ending December 9, 2011. \$1,000.

**Keene Police Department** was granted funds for Sergeant Thaddeus Derendal and Sergeant Jason Short to attend the 10 day First Line Supervisor course at Roger Williams University in Portsmouth RI beginning September 19, 2011 and ending September 30, 2011. \$2,000, (\$1,000 per officer)

**Portsmouth Police Department** was granted funds for Lieutenant Michael Maloney and Lieutenant Mark Newport to attend the Mid Management Course at Roger Williams University in Portsmouth R.I. beginning on November 7, 2011 and ending on November 18, 2011. \$2,000, (\$1,000 per officer)

**Bedford Police Department** was granted funds for Lieutenant Michael Griswold to attend the Mid Management Course at Roger Williams University in Portsmouth R.I. beginning on November 7, 2011 and ending on November 18, 2011. \$1,000.

**Berlin Police Department**, was granted funds for Corporal Corey Riendeau to attend the 10 day First Line Supervisor course at Roger Williams University in Portsmouth RI beginning September 19, 2011 and ending September 30, 2011. \$1,000.

Motion made by Chief Dodge, second by Chief Colarusso to approve the Consent Calendar items, (as amended), unanimous vote by Council 6-0.

### **Ongoing Physical Fitness Testing**

#### **Requests for Fitness Testing Extension**

No requests this month

#### **Requests to Issue Show Cause Orders**

No requests this month

#### **Requests for Suspension**

No requests this month

### **Old Business**

#### **SWAT**

Members of the SWAT/SOU Subcommittee will present their Final Draft of Recommendations for Suggested Standards and Guidelines for New Hampshire SWAT/SOU Teams.

Motion to table, by Chief Dodge, second, (indiscernible), unanimous vote by Council 6-0.

### **General (Discussion)**

Annual Report presented by Chief Merrill.

Motion to accept the Annual Report by Chief Dodge, seconded by Chief Colarusso, unanimous vote by Council 6-0.

Judge Champagne was recognized by Chairman Prozzo and the Council. This was Judge Champagne's last Police Standards and Training Council meeting. Many thanks were given to Judge Champagne for the years he has given to the Council, he did an outstanding job. Council members gave Judge Champagne a round of applause. Judge Champagne stated that he had been a Council member for 10 years, and he thanked everyone. He stated that enjoyed be a Council member, and he thought that more judges should sit on the Council as it is a different prospective.

### **Next Meeting/Adjournment**

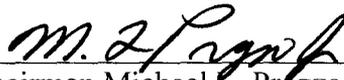
The next regular meeting of the Council is currently scheduled for Tuesday, September 27, 2011, at 9:00 a.m. at the Arthur D. Kehas Law Enforcement Training Facility and

Campus in Concord, New Hampshire.

**Motion** to adjourn by Judge Champagne, second by Sheriff Foote, unanimous vote by Council 6-0

Meeting adjourned at 12:35 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Chairman Michael L. Prozzo, Jr.