



Sheriff Michael L. Prozzo, Jr.
Chairman

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

Approved Minutes

December 13, 2011

The 413th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:05 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 Chairman Michael L Prozzo, Sheriff of Sullivan County; Vice Chairman William Wrenn, Commissioner New Hampshire Department of Corrections; Attorney General Michael Delaney; Chief James Sullivan, Hampton Police Department; Chief Peter Morency, Berlin Police Department, Sheriff Richard Foote, Cheshire County, Chief Anthony Colarusso, Dover Police Department; Chief Gregory Dodge, Epping Police Department; Colonel Robert Quinn, New Hampshire State Police; Justice Sawako Gardner, 10th Circuit District Division, Portsmouth and Justice James Carroll, 4th Circuit District Division, Laconia.

Members Absent: Vice Chancellor Charles Annal, Community College System

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

Guests Present:, Chief David Cahill, Sunapee Police Department, Jacob Weber, Lancaster Police Department

Approval of Minutes

Chief Dodge moved for the Council to approve the minutes of the November 15, 2011 Council meeting. Following a second by Chief Morency the voice vote of the Council was unanimous, 11-0 in favor.

Chairman's Remarks to Council and PSTC Staff

Chairman Prozzo introduced Chief David Cahill of Sunapee Police Department; Chief Cahill was chosen to replace Chief Gregory Dodge on the Council. Chief Dodge has a new position as Town Administrator for Epping. Chairman Prozzo expressed thanks to Chief Dodge for his many years of service on the Police Standards and Training Council and wished him well in his new position.

Previously Unfinished Business

Continued from November 15, 2011 meeting

Officer Jacob Weber, Hearing for violation of Pol 402.02 (a) (8), Pol 404.06, Pol 404.07 and RSA 188-F:27.

At 9:10 Chairman Prozzo began the hearing by asking Officer Weber if he wanted a public or a nonpublic hearing. Officer Weber stated that he would like a nonpublic hearing, then changed his mind to state that he wanted a public hearing. Chairman Prozzo explained to Officer Weber how the hearing would proceed, with anyone offering testimony sworn in. Officer Weber stated he understood the procedure as explained by Chairman Prozzo.

Captain Bodanza was sworn in and presented Council members with a timeline of Officer Jacob Weber's employment history.

Captain Bodanza explained that Officer Weber had appeared before the Council at the August 23, 2011 Council meeting where he was requesting his certification back. He had been suspended automatically on January 1, 2011 for not complying with three year fitness testing in 2010.

Jacob Weber passed his 2010 fitness test in August, 2011 and submitted it for the Council's review; and he was reinstated under the RSA. During the June 22, 2010 Council meeting the discussion was that if someone had disregarded the Council's rules for taking the fitness test, it was also a violation of Council rules. Pol 404.06 and Pol 404.07 the physical fitness requirements. At that June 22, 2010 meeting, it was decided by a motion that anyone who had not completed their fitness requirements may be reinstated automatically under RSA 188-F but they would still need to appear before the Council on a Council rules violation.

Employment History:

Jacob Weber was hired in 2004 by the Stewartstown Police Department as a part time officer. He signed the 188:F-27 form acknowledging the fitness requirements. He was due for fitness testing, for the first time in 2007. PSTC received a Form A from Lancaster PD in 2005 and then received a Form B stating that he resigned from Stewartstown to go Lancaster PD.

Mr. Weber applied for medical extensions for fitness testing which were granted by the Council in six month increments through to June 2009. In June 2009 another letter was sent asking him if he would need a further extension, he responded with an additional request for a medical extension. The RSA states that you can extend up to two years from the date in which the individual is due for testing.

On December 4, 2009 PSTC received a passing test from Officer Weber. Since he passed his test for 2007 in 2009, he was required to test again in 2010. In 2010 he did not do any testing and did not ask for an extension. He received reminders throughout 2010 that he was due for fitness testing and a phone call was placed to Chief Gardiner of Lancaster Police Department. The Chief acknowledged that he was aware that Officer Weber needed to test. Officer Weber was suspended as of January 1, 2011 for failing to do anything with his medical clearance or fitness requirements.

On August 19, 2011 PSTC received a medical clearance report form approving fitness testing and a fitness test with a passing score and letter of request to have his certification restored. On August 23, 2011, Officer Weber came before the Council to request reinstatement of his certification, which was granted by Council.

From the time Officer Weber was under suspension until the time he came before the Council in August he did not work; Officer Weber expressed reasons why he was not working during that time period at the August hearing.

This morning the question before the Council is not a violation of RSA 188-F, Officer Weber self rectified that. The issue is whether or not Officer Weber, violated Pol 404.06 and Pol 404.07 of the Council rules, and if so, should he be sanctioned in some way for failing to follow to the requirements under the fitness testing?

Captain Bodanza asked Chairman Prozzo if he or any of the Council members had questions.

Judge Carroll asked, in regard to Captain Bodanza's reference to the August meeting, would it be substantive in terms of the decision making of the Council? Judge Carroll stated that he did not feel comfortable relying upon that hearing and any memory of what was put in place at that time to sit in judgement after that.

Captain Bodanza responded that the August hearing was self-rectifying; but he felt that in speaking with Officer Weber, some things will be raised today as cause for concern, so it will not be unfair prejudicially from that perspective.

Captain Bodanza asked the Council to admit the exhibits he introduced with the timeline of Officer Weber's history, A through X. Exhibits were admitted without objection.

After Jacob Weber was sworn in by Chairman Prozzo, he gave his explanation.

In 2010 he and his wife were trying to start a family and were working on the lengthy adoption process. He has had recurring lung infections, every three or four months and was trying to work through that.

Jacob Weber stated "Basically I didn't complete fitness testing because I was trying to get other things done, it wasn't my priority; and stupidly, I decided not to follow through on what I should have done."

Motion by Commissioner Wrenn, to suspend Jacob Weber's certification for 90 days, seconded by Chief Colarusso.

Attorney General Delaney asked if the 90 days was consistent with what was started with in this case? Commissioner Wrenn responded that he thought that the 90 day suspension was consistent.

Captain Bodanza stated that for fitness, we have not had this situation, for firearms we have started with 90 days. In the previous hearing, since it was self rectifying, it was not a suspension hearing.

Chief Dodge asked Officer Weber if he was working anywhere else. Officer Weber responded that he was working full time as a firefighter for the town of Barnstead.

Chairman Prozzo requested Council member's vote on the motion.

The motion was in unanimous in favor, 11-0.

Captain Bodanza asked for clarification that the Motion to Suspend Jacob Weber for 90 days is pursuant to Pol 402.02 (a) (8) the testimony heard today, and Pol 404.06 and Pol 404.07. Commissioner Wrenn acknowledged that was his intent.

Jacob Weber's hearing concluded at 9:20 a.m.

SWAT/SOU

The SWAT/SOU working group final draft is not complete at this time, Captain Bodanza asked that it be tabled until the next Council meeting.

Motion to table SWAT/SOU final draft by Chief Dodge, second by Chief Sullivan, with unanimous vote by Council 11-0.

Rule Changes

The Council is asked to adopt the proposed rules changes final text of these rules as approved by the Joint Legislative Committee on Administrative Rules on November 17, 2011.

Adopt Rule Changes to Pol 302.15 & Pol 302.16 Legislative Security Staff

Adopt Rule Changes to Pol 404.05 Firearms Instructor Qualifications

Adopt Pol 302.15 to read 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.

Readopt Pol 302.15, effective 8-1-08 (Doc. #9224), and renumber as Pol 302.16 to read as follows:

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.

Readopt with amendment Pol 404.05, eff 8-1-08 (doc #9224) to read as follows:

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 the council firearms instructor school.
- (c) Persons shall be approved if they;
 - (1) Successfully complete one of the following:
 - a. F.B.I. firearms instructor school;
 - b. National Rifle Association police firearms instructor course; or
 - c. 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;
 - (2) 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
 - (3) Attend one hour of council sponsored instruction for new firearms instructors.
- (d) 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 by Attorney General Delaney to adopt Pol 302.15 and Pol 302.16 and Pol 404.05 with a second by Chief Dodge. Unanimous vote by Council 11-0

Hearing, Edward Correia

When asked by Chairman Prozzo, Captain Bodanza responded that Edward Correia had requested a continuance to the January Council meeting.

New Business

Consent Calendar

Chairman Prozzo explained for the new Council members that the consent calendar was initiated a few years ago in order to expedite the meetings, if each item was addressed individually it would consume a lot of time and make the meetings quite lengthy. The Council decided to use a consent calendar format for accepted items, leaving items with issues to be discussed individually. Any member of the Council can question any item on the Consent Calendar; and that is the reason for the Consent Calendar format.

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

157th Academy – 01/09/2012 to 4/13/2012 (fitness test 12/19/11)

Officer Brendan J. McKenney – Manchester Police Department

Was granted an extension through the date of the entrance fitness test and, if successful, through the end of the 157th Academy with the stipulation that Officer McKenney must continue to work only in the direct presence of a certified officer and must remain actively enrolled in the 157th Academy.

Officer Peter J. Flanagan, Jr. – Manchester Police Department

Was granted an extension through the date of the entrance fitness test and, if successful, through the end of the 157th Academy with the stipulation that Officer Flanagan must continue to work only in the direct presence of a certified officer and must remain actively enrolled in the 157th Academy.

Officer Austin R. Goodman – Manchester Police Department

Was granted an extension through the date of the entrance fitness test and, if successful, through the end of the 157th Academy with the stipulation that Officer Goodman must continue to work only in the direct presence of a certified officer and must remain actively enrolled in the 157th Academy.

Deputy Michael A. Gilman – Rockingham County Sheriff's Department

Was granted an extension through the date of the entrance fitness test and, if successful, through the end of the 157th Academy with the stipulation that Officer Gilman must continue to work only in the direct presence of a certified officer and must remain actively enrolled in the 157th Academy.

Chief John Bryfonski – Bedford Police Department

Was granted an extension through the date of the entrance fitness test and, if successful, through the end of the 157th Academy with the stipulation that Officer Bryfonski must continue to work only in the direct presence of a certified officer and must remain actively enrolled in the 157th Academy.

Addendum #3 Request for Extension added to the Consent Calendar

Request for Extension for Full-Time Police Officer Certification

Alicia LeBlanc, Salem Police Department

Was granted an extension through the date of the entrance fitness test and, if successful, through the end of the 158th Academy with the stipulation that Officer LeBlanc must continue to work only in the direct presence of a certified officer and must remain actively enrolled in the 158th Academy.

Requests for Specialized Training Grant Funds

Amherst Police Department was granted funds for Sgt. P. Derek Mahoney to attend NEACP Command Training Institute First Line Supervisor Course Roger Williams University in Portsmouth, RI from February 27, 2012 to March 9, 2012. \$ 1,000.00.

Campton Police Department was granted funds for Chief Christopher Warn to attend N.E. Law Enforcement Executive Development Seminar in Uncasville, CT, from February 5, 2012 to February 10, 2012. \$ 1,000.

Ongoing Physical Fitness Testing

Requests for Fitness Testing Extension

The Council considered staff recommendations for requests on the published agenda from officers that require an extension of time to comply with requirements for ongoing physical fitness testing. The Council also reviewed additional requests submitted in **Addendum #2**. The following individuals were granted an extension for six months beyond the date for compliance with ongoing physical fitness testing through June 30, 2012

Initial compliance dates of December 31, 2010

CO Alexander Dion, New Hampshire Department of Corrections

Officer Christopher Fowler Franconia Police Department

Officer Jason Dzierlatka Windham Police Department

Officer Micheal Beaulieu, Springfield Police Department

Investigator Allison Vachon, NH Attorney General's Office

CO Carrie Sargent, New Hampshire Department of Corrections

Chief Philip O'Brien, Gilmanton Police Department and BCSO

Richard Telfison, Concord Police Department

Brian Magnell, New Hampshire Department of Corrections

Initial compliance date: December 31, 2011

Officer Glenn Roberge, Frankestown and Greenfield Police Department

Officer Jason Thompson, Keene Police Department

CO Kimberly Gordon, NH Department of Corrections

Officer Victor Malavet, Richmond and Winchester Police Departments

Officer Ryan Veno, Exeter Police Department

Officer Joshua Guay, Weare Police Department

Officer Nichole Collins, Nashua Police Department

Trooper Francesco Campo, NH State Police

Trooper James O'Leary, NH State Police

Officer Brett Quillia, Lebanon Police Department

Officer Jeremy Perkins, Lebanon Police Department

Officer Raechel Moulton, Belmont Police Department

CO Jason Berry, NH Department of Corrections PPO (amended 1/24/2012)

Officer Mark Aquino, Manchester Police Department

Officer Kimberley McSweeney, Weare Police Department

CO Brian Ayotte, NH Department of Corrections

CO Christopher Lover, NH Department of Corrections

Officer Joseph Hileman, Jaffrey Police Department

Erik Tine, Salem Police Department

**Charles Goodale, Bradford Police Department 2010 Initial Compliance Date
(amended 1/24/2012)**

Jason Whyte, NH Department of Corrections Wyatt (amended 1/24/2012)

**Erik Turner, NH Department of Corrections 2010 Initial Compliance Date
(amended 1/24/2012)**

Eric Goyette, NH Department of Corrections

Motion was made by Chief Sullivan; seconded by Chief Colarusso to accept the Consent Calendar.

Judge Carroll asked about the number of extensions, were they for the three year period of the fitness test? Captain Bodanza responded that it was for the two year period, every 6 months they were allowed to request a medical extension for up to two years.

Unanimous vote in favor of the motion, 11-0 with Attorney General Delaney abstaining from item number 20 of the medical extension list.

Non Consent Calendar

New Hampshire Department of Corrections is requesting a waiver for CO Silvia Preda

Commissioner William Wrenn submitted a letter to request that the Council grant another waiver for CO Silvia Preda for the three year fitness requirement. The waiver is to accommodate her medical condition pursuant to RSA 188-F:27, III-j; RSA 188-F27, III-d and RSA 188-F27, III-g.

Motion by Chief Dodge to grant the waiver to the Department of Corrections for CO Silvia Preda, seconded by Chief Colarusso.

Unanimous vote in favor of the motion from the Council 10-0 with Commissioner Wrenn abstaining.

Addendum #1 to the Agenda

Officer David Scott of the Barnstead Police Department

Officer Scott was in attendance and requested the opportunity address the Council to discuss possible options for him to attain Full-Time Police Officer Certification

Captain Bodanza stated that he was prepared to follow up with background information once Officer Scott had the chance to speak.

Officer Scott thanked the Council members for allowing him to speak, he introduced himself as a part time officer for the Barnstead Police Department. Last fall he attended the 153rd Full time Academy with the exception of the exit fitness test, specifically the run, failing by 11 seconds.

Earlier this year he asked the Council for another opportunity to take the test; which he did, he has taken the test many times this year and was not able to pass.

November 29, 2011 was the anniversary of his two years of full time employment with the Barnstead Police Department. He took another fitness test on November 28, 2011 and had an injury, he was not able to complete it. Officer Scott called PSTC and spoke with Chief Merrill who detailed the statute for him about the two year requirement to become certified.

Officer Scott stated that he'd asked to speak to Council members about what his options were for achieving his full time police officer certification. Could the Council waive the 11 seconds from his exit fitness test, or give him more time to pass the test?

Chairman Prozzo thanked Officer Scott for coming to the meeting to speak with the Council members. He explained that it was an RSA, and the Council has no ability to change it. He went on to state, if we waive 11 seconds on the run for you, we'd have to waive it for everyone. There is no option with the RSA.

Director Vittum asked the Council member if they would like Captain Bodanza to go over Officer Scott's history.

Captain Bodanza gave an overview of Officer Scott's history, employment and testing.

He was hired part time by the Alton Police Department in 2004, he received his part time certification that year which put him into the RSA 188-F three year

fitness cycle. He resigned from Alton in 2009 and was hired part time in Barnstead and was hired full time on November 29, 2009. Under RSA 188-F:27 paragraph one, an officer has to be certified within the two year window, otherwise there is no statutory extension.

Officer Scott entered the 151st Full-Time Academy but failed the sit up portion of the entrance test. He was granted a request for an extension in 2010; he came to the 152nd entrance test and he failed the run. He was granted an extension to the 153rd Academy and passed the entrance test; and was admitted to that Academy. On the exit fitness test, he had to pass at the 50th percentile, and he failed the run portion of the test. Pursuant to the Technical Assistance Manual he took a retest and failed the sit-ups. PSTC received a Form A from Barnstead to revert Officer Scott from Full-Time to Part-Time as he had not fulfilled the requirements of the Full-Time Academy.

Officer Scott came before the Council to ask for an extension to be granted for 30 days to allow him to test again. The Council granted that request. On April 19, 2011 Officer Scott failed the sit-ups; which was the fifth failure. There was an additional request asked of the Council at the April Council meeting for further extension to take the test which was denied, and a request for prior training and experience was also denied.

Officer Scott remained part time with Barnstead Police Department. He failed sit-ups on July 30, 2011, again on August 19, 2011, September 7, 2011 he failed the run as well as on October 6' October 21, and November 3, 2011. On November 28, 2011 he could not complete the run he reported an injured ankle.

Pursuant to the RSA there is no ability to give an extension. Officer Scott can remain a part time officer and work up to 1300 hours. Under the current rules, if he remains at Barnstead Police Department he could not work full time for them because of the two year window to become certified. If he was to find employment at another department, that may be an option.

Chairman Prozzo thanked Captain Bodanza for his review on Officer Scott.

Officer Scott stated that he was not aware that he could apply for employment at another department, he thought it was a permanent life time bar for full time police officer certification.

Captain Bodanza answered that under the present rules if the individual stays with the same agency they are not allowed to remain there and work full time because of the life time bar; but they could be hired by another agency under the present rules.

Officer Scott stated that he had read the RSA regarding injuries, he was unable to complete the testing because of an injury and the Council could grant him an extension.

Chairman Prozzo responded that the two year rule would take precedence over a request for medical extension, he was still past the two year limit. Captain Bodanza confirmed, and stated Officer Scott was ok for his three year fitness to maintain part time certification, he had passed an entrance test in 2010 and would next need to test in 2013.

Chairman Prozzo stated to Officer Scott that he had a couple of options. He could remain part time with Barnstead or that he could go to another agency. Captain

Bodanza confirmed that if another agency hired him and filed a Form A with Police Standards and Training, the two year "clock" would start again. Chairman Prozzo asked if Officer Scott's part time certification was ok? Captain Bodanza responded that he must work less than 1300 hours and complete three year fitness testing in 2013.

Colonel Quinn asked, "If he were hired by the Pittsfield Police Department he would have two more years to pass the fitness test"? Captain Bodanza answered the question by stating, "Colonel under the current rules you could leave the agency, go someplace else and start the clock over. The Council is considering the proposed language that if you consider something in the interim time, it is up to the Council. Right now under the current rule it is permitted".

Chief Colarusso asked, "What is the time frame for the proposed rule change? Should we close that loop hole"? Chief Merrill stated, the public hearing for that rule change will be at the Council meeting next month, and probably be effective a couple months after that".

Judge Carroll asked, "If Barnstead gets assumed by Belknap does that count as a new agency"? Captain Bodanza responded that "if Belknap County has filed a Form A stating that they have hired Mr. Scott and does an appropriate background check then he potentially would be with a new agency".

Chief Dodge stated, "I'm trying to understand this. He has a part time certification, a PT and E request made by a new agency would include the part time certification, but not the full time because he has not completed that"?

Captain Bodanza responded affirmatively.

Chief Dodge's additional question was in reference to the rule change. "If the rule change happens before a request is made, is he grandfathered"? Captain Bodanza replied that it would be up to the Council, it is an item that would not be put on the Consent Calendar since we are aware of it. It would be for the Council to consider.

Full-Time Police Officer Academy Extensions

158th Academy – 04/30/2012 to 8/3/2012 (fitness test 4/16/2012)

Officer James F. Callahan, Gilford Police Department

Was granted an extension through the date of the entrance fitness test and, if successful, through the end of the 158th Academy with the stipulation that Officer Callahan must remain actively enrolled in the 158th Academy.

Officer Megan McDevitt – Bristol Police Department

Was granted an extension through the date of the entrance fitness test and, if successful, through the end of the 158th Academy with the stipulation that Officer McDevitt must continue to work only in the direct presence of a certified officer and must remain actively enrolled in the requested academy.

Captain Bodanza explained that Gilford and Bristol's request were non consent items because both request ask that they skip an Academy and allow someone to go the 158th which starts in April 2012.

Motion by Chief Sullivan, seconded by Attorney General Delaney to approve the Staff recommendation. Unanimous vote 11-0

Part-Time Police Officer Academy
261th Academy 02/04/12 – 05/04/12 (fitness test 01/21/12)

Officer David Nagy, Boston and Maine Railroad Police Department

Was granted an extension through the date of the entrance fitness test and, if successful, through the end of the 261st Academy with the stipulation that Officer Nagy must continue to work only in the direct presence of a certified officer and must remain actively enrolled in the requested academy.

Motion by Commissioner Wrenn, seconded by Chief Colarusso to approve the Staff recommendation. Unanimous 11-0.

PT&E Requests

Addendum #4

Christopher Thayer, Hanover Police Department

Was granted certification upon successful completion of the medical exam, entrance fitness test and the full program of the Full-Time Police Officer Academy

Motion by Attorney General Delaney, second by Chief Morency to approve the Staff's recommendation. Unanimous vote 11-0

Other New Business

Director Vittum addressed the Council members about the need for additional breath test operators in New Hampshire, there has been a backlog for years on this issue. Director Vittum thanked Colonel Quinn and Commissioner Barthelmes for their help with having New Hampshire start a new era by having Academy recruits become certified breath operators in the Academy. It will help out in the long term because between 40 and 60 breath operators right at the Academy. Colonel Quinn was a proponent of this because the officers most of them who come out of the Academy work afternoons and midnights. There is a tremendous need for breath operators, we feel that having this course offered at the recruit level will surely help out with that. The Department has worked very hard to help us create the guidelines. Tim Pfifer from the lab, the Colonel worked extensively with the Commissioner of Safety. We believe very strongly that we can pilot this program, the reason that we use the word "pilot" is so that if there are any issues that need to be resolved we can deal with that.

To allow this to happen we would eliminate the CPR training. Based on two reasons, number one the American Red Cross is going up tremendously on the cost factor from

\$7.00 to almost \$25.00 per person. That is the first part. The second part is that in reality if you are trained in CPR, after one year if the agency does not keep it up, it goes away. We think that it is very important in the scope of training that we replace the CPR with Breath Operator. We will probably be one of only two or three Academies in the country that are doing this, so it is a real good thing for us. The second part relative to Breath Operator is that there is an issue on the implied consent law. While we have that in the Academy all ready, the Department of Safety has agreed to have their attorney teach implied consent law, which will help out with consistency of what we are doing in the Academy. We feel strongly that this is a positive change and we'd ask the Council's approval to remove CPR from the Academy, and add the Breath Operator class to the Academy. We have made adjustments for training hours by doing multiple functions with the recruits. Colonel Quinn and Commissioner Barthelmes spent a lot of time putting this together for all of the Council members. This will help out departments from Pittsburg to the seacoast area. There has been tremendous cooperation between state and local departments to make this work.

Commissioner Wrenn said that he thought this was an excellent idea, he commended the Director, the Colonel and the Commissioner for putting it together. Commissioner Wrenn went on to state; "this is something that was talked about a long time ago, but never proceeded with because we thought we would have to extend the Academy. The ability to bring this to the Academy level and do it in such a way that it does not extend the amount of time for the Academy is commendable. As far as CPR goes, I think that is a local issue anyways, especially the fact that they must be recertified every year. I don't see that as a great loss for the Academy. I see putting Breath Operator in as a great plus as well as departments adding new Breath Operators to their staff as soon as they graduate".

Chief Morency asked if the change include NIMS as well? Director Vittum responded that NIMS would be removed, and NIMS is something that can be done on-line. Chief Morency commented that this subject had been brought up at the retreat, and the lack of breath test operators was a concern to all of the departments.

Colonel Quinn stated that he'd like to give credit to Director Vittum and to Tim Pfifer. He went on to say, "I'd like to give credit where credit is due. Director Vittum laid out a plan that worked. Between him and his staff and Director Pfifer we accomplished it".

Colonel Quinn also stated that the State Police does not do any CPR training, and that the Breath Operator training would be valuable to all new officers.

Attorney General Delaney asked if anyone would be upset by the loss of the CPR?

Chief Sullivan responded that there could be two negatives, the fact that it's seen as taking out CPR and NIMS but those frankly are very easily replaced. The other is recertification down that road for the operator. If that is a problem for their an agency, then they don't have to recertify them. They have the initial class, they do not have to invest in that in the future.

Colonel Quinn indicated that he was not sure whether he should have the troopers certified in CPR, and asked if agencies kept up with the recert for CPR every year. Chief Morency interjected that he thought it was a local issue.

Director Vittum stated that some departments do not use breath operators, but it will be their decision in a year whether to recert on breath operator or not. In that way it is no different that a recert on CPR. Director Vittum went on to say that the from Academy's viewpoint, it is a top priority to help remove impaired drivers from the road.

Chief Morency asked a follow up question on the NIMS, as part of the requirements for federal funding grants it is mandated that all the officers go through NIMS. Do you know of any other resource, is their an online course, is there another way of achieving that? Director Vittum responded that they were all on-line, the Academy gives recruits the test on-line. The issue is that if you are going to apply for federal funds than you should apply with NIMS.

Chairman Prozzo stated that this is a good idea and he commended everyone for getting it done, we will hear from those who are not happy about the changes.

Motion to eliminate CPR and NIMS training at the Academy by Chief Sullivan, second by Chief Dodge

Motion to enter a pilot program with the Department of Safety on having the Breath Test Operator class at the Academy by Chief Sullivan, second by Chief Dodge

Unanimous vote in favor 11-0.

Captain Bodanza asked for consideration from the Council from a motion made last year. Judge Roberts made a motion as follows: **Judge Roberts moved that any additional requests for extension for fitness extension received by December 31, 2010, will be considered at the next meeting of the Council on January 25, 2011, and suspension of certification would be held in abeyance during the interim period.**

Motion was made by Commissioner Wrenn and seconded by Chief Morency to adopt that again this year.

Unanimous vote in favor 11-0.

Director Vittum asked, "how many people need to test before the 31st?" Chief Merrill responded "227."

Attorney General Delaney asked how that number compared to last year? Chief Merrill responded, about 200.

Captain Bodanza asked for consideration for the intoxalyzer curriculum. Would an individual who has applied for Prior Training and Experience from another state who has already received some intox training but not on the EN would that be optional as you have adopted this as a pilot program? Can an agency opt out of sending their law package student to the intoxalyzer for consideration by the Council?

Chairman Prozzo asked if the staff had a recommendation. Director Vittum stated that we certify police officers in New Hampshire. Some of the people that are coming in now are chief's of police. The chief of an agency of some size is going to say, "I don't want

to be a breath operator". I am fine with that. I think that we should offer it to them, but if they want to opt out, let them opt out.

Motion by Chief Sullivan, Breath Test Operator class is not a requirement for Prior Training and Experience, seconded by Chief Morency.

Unanimous vote in favor 11-0.

The meeting recessed for a short break at 10:15 a.m.; with Judge Carroll exiting the meeting for the day.

The meeting was back in session at 10:35 a.m.

Director Vittum spoke about PSTC vehicle fleet. "RSA 21-A:1 19 deals with vehicles that are owned by the state. If you use a state car to and from your residence in reality if you go over 15% of the total mileage then this committee can take the car away from you. They can take the car and re-assign it to the fleet or they take it away from you and put it at the White Farm and sell it. Every year any vehicles that we do this with I ask for a waiver. One of the problems with our cars is that there is not a lot of mileage on a lot of our cars because they are in the driving fleet. So if they don't reach a certain amount of mileage we have to ask for a waiver, which includes the car that the Director uses. Every day now I have to put down where I'm going, what I'm doing and that's fine, I don't mind it. We sent for the waivers and the committee decided to take PS 96, which is the 4 wheel drive vehicle. We are back and forth with the committee and I said that is the only 4 wheel drive vehicle that we have, if you take it, I'm going to have to tell all the chief's of police when it comes to training with a 4 wheel drive vehicle it's gone. So they decided we are not going to take PS 96 from you but you must surrender a car. I agreed to surrender one so we can comply with this statutory requirement. We have two cars that we could surrender. One is a Dodge Intrepid which we use for simunitions training or we can give up the antique car.

So I basically told the committee I'd go in front of you and ask what car you'd like to surrender.

If we surrender a car it gets towed to the White Farm and gets sold, PSTC gets the money back except for 12% for administrative fees.

We will comply with statutory requirements RSA 21-A:1 19 section H. What do you want to give up?

The Council discussed options regarding Police Standard and Training Council's fleet of cars.

The size of the fleet of cars has been reduced from 2003, PSTC did not buy cars for a few years. The committee does not understand that the cars are a training aid for the Academy. PSTC should try to stay current with the cars in the fleet that the departments are using. The cars are equipped properly with radios, and not just any car will do.

The Director asked the Council, which car should be surrendered to the White Farm for sale?

The oldest vehicle is the antique car. The Dodge Intrepid is the next oldest car. Captain Jean stated that the oldest before the Intrepid was a Crown Victoria which was used as a skid car. It would be a problem to dismount it from the platform and install another car. The only car that is not in the driver program is the Intrepid which is a 2002. PSTC tried to surplus that car last year and they refused it, saying it didn't have enough miles. The Intrepid had three thousand dollars worth of damage when it was hit by the plow truck. It was valued at \$5,000 with \$3,000 worth of damage. It was refused at surplus because of its low mileage, 47000. They want cars driven to over 100k miles. PSTC spent \$3,000 to fix the car and it is used for the simunitions program.

There is a break-even mileage waiver if the agency is not putting enough miles on the vehicle. This happens every year with the driver training cars. The new waivers are the ones with over 15% commute miles. If the waiver is denied the car can be transferred, surplussed or re-assigned within the agency. That's what PSTC is dealing with. PSTC dealt with the break even mileage on the driver training fleet, and received those waivers. Then PSTC ran into the four cars that were over the 15% those went to the vehicle utilization committee for a waiver of the 15% commute requirement. Three of those were granted and the fourth one was denied. The interesting thing is the argument that was used on the cars was all the same for all and one was denied.

Chief Colarusso asked if PSTC needed a waiver for the antique car? Do they count it as part of the fleet?

Captain Jean stated that the antique car is part of the fleet but is listed as not in use. It is still a fleet car.

Colonel Quinn asked if the committee identified the car, he did not think that PSTC could pick and choose which car to surrender. Captain Jean stated that initially they wanted the four wheel drive, but then agreed to take a different car, and that one car still must go.

Further discussion ensued about which car to surrender, the Dodge Intrepid or the antique car. Which would have the least impact on the agency? Captain Jean answered the antique car as is just a visual, the next would be the Intrepid.

Chairman Prozzo stated he was surprised they would consider the antique vehicle, it is part of the organization.

The SUV is used for training, most all departments have a four wheel drive vehicle. Mike Connors allowed PSTC to keep the SUV with the understanding that we would send another car.

If the Dodge goes, PSTC would have to use one of the other training cars for simunitions which is a problem because the car will sustain a lot of damage getting banged up and shot up.

Chief Colarusso stated, what is a need and what is a want? Do we need the antique car sitting out front? Do we need a car for specific training functions?

Judge Gardner asked, what is the history behind the antique car? Where did PSTC get it from?

Director Vittum responded that it was donated by a police officer and his family many years ago to be an antique.

Chairman Prozzo proposed that a letter be sent to the committee stating that PSTC wishes they would reconsider taking a car, the cars are training aids.

Commissioner Wrenn stated that the committee probably will not reconsider as the final documents have been submitted to the fiscal committee.

It was suggested by Chairman Prozzo that PSTC use the number of cars as of today as the total number of cars for PSTC's fleet. When the committee contacts PSTC again and asks for another car, we can keep that number in mind.

Motion by Chief Dodge, for PSTC to surrender the 2002 Dodge Intrepid, second Judge Gardner

Vote unanimously in favor 10-0.

Director Vittum asked to speak about finances and penalty assessment.

Captain Jean said he sent out a memo by email the previous day. The revenue for November was \$279,000 last year this month was \$211,000. One of things in there was it didn't include the \$33,000 from the Department of Safety which had to deal with the change over percentage 13% to 16% less the 3% due in the general fund. After July 1 there was still money going into general that we argued should not, it should be coming to us. It was determined that there was a one that didn't interpret that statute change the same way that we did. The other thing was a programming change that didn't occur in the system, the two systems that generate percentages one of them was updated to put us at 16% the other one wasn't. They had to go back and calculate from July 1 to November 4 and they figured it out how much money went into the general fund that should have gone to us and they came up with that \$33,000.

Monthly now what they'll do is that any money that ends up in the general fund from penalty assessment is re diverted to us, PSTC because they have something that is referred to is the tail, the computer systems and how it calculates older citations versus new citations. As of right now the penalty assessment is at \$922,807, we have one more month before we do our next quarterly transfer. Previous to the last quarter we transferred our balance was \$379,000 so it is about where we stand when we pay our bills. Our reserve, if you want to call it that, about \$279,000. So the revenue for this year so far is up 16.8% that sounds like a lot the problem is it should be up at least 23% assuming the revenue is flat from last year because of that increase in penalty assessment. So what it's telling us is we got the increase, the citations are still down, collections are down and so we are in the 5th year of that downward trend.

Chairman Prozzo asked, so once we make our quarterly payment will have a balance of about \$325?

Captain Jean stated it will be dependent upon December's revenue. Last year was \$235,000 so if that percentage holds be around \$255 or \$260 thousand which will add to that balance, which will put us back onto 1.25 our last quarterly transfer was \$800,000 so it will be probably around that 380 number. This was a good month because with the reductions that we made in our budget we brought in more money in revenue than we expended this month, \$9,000 in extra revenue. Chairman Prozzo interjected, that did not come without sacrifices.

Chairman Prozzo stated that PSTC is still in a gray area. The committee that's been looking at this, have we heard any feedback from them? We talked to them about if the court suspends the fine that they don't suspend the penalty assessment? Anyone know where that is?

Chief Sullivan stated that Senator D'Allesandro was looking into the state of New Hampshire to make a payback on the 8 plus million that the Academy Training Council has lost of the past couple of years with them taking it from the fund.

Captain Jean stated that Senator D'Allesandro filed that bill by title.

Director Vittum stated that a couple bills were filed by PSTC title, , we don't know what it is about yet. Another bill is filed on police chiefs.

Captain Jean stated that things are moving along on the approval for the Hampton site video conferencing. This will net us a \$442.00 per month savings cost for circuit connections, or \$5300.00 per year. Also by utilizing Hampton site we will save \$11,300.00 cost that we were paying to Great Bay Community College.

Director Vittum stated that he was going to Coos County and to Grafton County at the end of the week to speak about the Littleton training site, and thanked Chief Morency for helping out with this issue to keep the site in tact. PSTC may be negotiating for another site in Sullivan County area as well so that part of the state can have training. PSTC will continue to get service to our clients.

Chairman Prozzo recalled the letter from the Vice President of Student Affairs about the signs on campus? Chairman Prozzo and Commissioner Wrenn were unable to meet with the Vice President of Student Affairs at the last Council meeting, and it was rescheduled for today. Chairman Prozzo wished to meet with them at PSTC, at 2:30, unfortunately Commissioner Wrenn could not meet at that time, if another Council member wished to join them it would be fine.

The next meeting will be the January 24, 2012.

Chairman Prozzo thanked Chief Dodge for being part of the Council for six years; he was a tremendous member, he will be missed and we wish him luck, with all in attendance applauding Chief Dodge.

Chairman Prozzo also wished to thank the staff of Police Standards and Training for all of their hard work, over the past year with all the changes. He stated that the quality and quantity of the work done by the staff and the way the cases are presented was tremendous. Chairman Prozzo went on to say that it has been a tough year and all the

Council members know that PSTC staff are all working together as best you can and will continue to do so; I wanted that noted in the minutes and please let the staff know that we really do appreciate them.

Chairman Prozzo wished everyone a Merry Christmas and Happy New Year.

Upon a motion Chief Dodge seconded by Chief Colarusso the Council voted unanimously 10-0 to adjourn the meeting at 11:15 a.m.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.