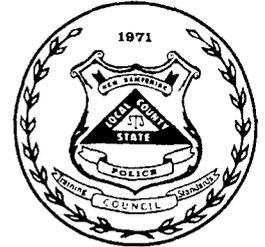




Sheriff Michael L. Prozzo, Jr.
Chairman

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

Approved Minutes
(April 24, 2012)

The 417th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:10 a.m. by Chairman Michael L. Prozzo, Jr. in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Chairman Michael L. Prozzo, Jr., Sheriff of Sullivan County, Vice Chairman, William L. Wrenn, Jr., Commissioner of the New Hampshire Department of Corrections; Chief James Sullivan, Hampton Police Department; Justice Sawako Gardner, 10th Circuit District Division, Portsmouth; Major Russell Conte, New Hampshire State Police; Chief Peter Morency, Berlin Police Department; Richard Foote, Sheriff of Cheshire County; Attorney General Michael Delaney; and Deputy Attorney General Ann Rice.

Members Absent: Chief Anthony Colarusso, Dover Police Department. Justice James Carroll, 4th Circuit District Division, Laconia, Chief David Cahill, Sunapee Police Department and Chancellor Ross Gittell, Community College System of New Hampshire

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

Guests Present: Chief Douglas Wyman, Sandwich Police Department, Mr. Dennis Davey, Sandwich Police Department, Chief Timothy Connifey, Bartlett Police Department, and Officer Janet Champlin, Bartlett Police Department.

Approval of Minutes

Chief Sullivan moved for the Council to approve the minutes of March 27, 2012 Council meeting. Following a second by Chief Morency, the voice vote of the Council was 8-0 in favor.

Director's Report

Previous and/or Unfinished Business

New Hampshire Department of Corrections request for Declaratory Ruling on Corrections Officers "trainee status" tabled from March 27, 2012 Council meeting.

During the January 24, 2012 Council meeting, New Hampshire Department of Corrections filed for a Declaratory Ruling.

The legal analysis of the Department of Corrections request by PSTC counsel, Senior Assistant Attorney General Nancy Smith was that there should be a uniform policy regarding all certified officers. Certified officers, police officers, probation parole officers, when they are suspended their agencies have no other option but to take them out of work in a law enforcement capacity, this process should remain the same across the board.

SAAG Smith recommended that the Council should answer “no”.

Motion by Chief Sullivan to accept legal counsel’s recommended response to the request for declaratory ruling, with a second by Judge Gardner. The Council voted 6-0 in favor of the motion, Commissioner Wrenn abstained from this vote.

Other New Business

Reappointments to Council by Governor Lynch

Chairman Prozzo, Chief Cahill and Judge Carroll were reappointed to the Council by Governor Lynch.

Petition for Rescission - Steven C. Sexton, Chief (Retired)

On March 28, 2000, the Council moved to revoke the certification of Chief Sexton pursuant to Pol 402.02 (a) (5) and (k). Mr. Sexton respectfully requests that the Council consider revising the status of his certification. This is his second request, the first having been denied by the Council October 26, 2010. The current request is for the Council to change his certification status to “expired”.

Mr. Sexton was not in attendance for the hearing. Council members discussed whether the matter should be discussed in a public or non-public session. The October 26, 2010 hearing was held in a public session, the Council continued in public session during today’s meeting.

Captain Mark Bodanza was sworn in to testify by Chairman Prozzo. Captain Bodanza presented a timeline for Mr. Sexton’s request for rescission, (attached).

The question presented to Council members was, has Mr. Sexton’s circumstance’s changed since he made his last request and that request was denied?

Council members discussed the issue presented. Mr. Sexton was not in attendance due to the fact that he was currently living in Gettysburg, Pennsylvania. The written request received by Police Standards and Training included a certificate from the Salvation Army’s program for drug and alcohol rehabilitation completed in November 2011 and notice in Mr. Sexton’s letter that he was attending AA meetings.

Motion by Commissioner Wrenn that the Council approve Mr. Sexton’s request. With no second on the motion, the motion failed.

Motion by Chief Sullivan to deny Mr. Sexton’s request, with a second by Judge Gardner.

Commissioner Wrenn asked if the Council could inform Mr. Sexton why his request was denied for a second time.

The discussion following the motion indicated that the fact that Mr. Sexton was not in attendance at the meeting to answer questions from Council members was to his detriment. Council members felt that Mr. Sexton had not provided enough information to indicate the circumstances that caused him to lose the certification have changed significantly.

The vote was unanimous to deny Mr. Sexton's request. 7-0.

Chief Michael Paquette and Officer Justin Sanctuary Walpole Police Department
Violation of Pol 402.02 (a) (8) submitting false documents.

Commissioner Wrenn (Vice Chairman) explained that he had chaired an informal conference relative to the Walpole matter.

Captain Bodanza asked if the matter should be heard in a public or a non public session.

Motion by Attorney General Delaney for the Council to enter a non public session. The motion was seconded by Chief Morency with vote by Council members 8-0 in favor.

At 9:35 a.m. the Council entered a non public session.

Motion to seal the minutes of the non public session by Commissioner Wrenn, seconded by Chief Morency vote 8-0 in favor by Council members

Motion to come out of non public session by Commissioner Wrenn and seconded by Chief Morency roll call vote 8-0 in favor by Council members.

Public session resumed at 10:10 a.m.

Motion by Attorney General Delaney to adopt the recommended negotiated disposition for Chief Michael Paquette of the Walpole Police Department and request that his plan be submitted to PSTC prior to June 1, 2012. The motion was seconded by Chief Morency, the Council voted unanimously in favor 7-0.

Motion by Attorney General Delaney to adopt the recommended negotiated disposition for Sergeant Justin Sanctuary of the Walpole Police Department and request that his plan be submitted to PSTC prior to June 1, 2012. The motion was seconded by Chief Morency, the Council voted unanimously in favor 7-0.

Council took a break at 10:15 a.m.

Back on the record at 10:20 a.m.

Prosecutor Dennis M. Davey, Sandwich Police Department

Chief Douglas Wyman of the Sandwich Police Department requests to address the Council to discuss Dennis Davey's police officer certification. The chief seeks

clarification of a declaratory ruling and Mr. Davey's certification status. Mr. Davey was certified as a part time officer on March 16, 1991 and was last employed by the Moultonborough Police Department until February 9, 2012.

Mr. Dennis Davey requested that the issue be heard in public session.

Captain Bodanza was sworn in by Chairman Prozzo, presented a timeline of Mr. Davey's employment history (attached) and a brief synopsis.

In 1992 Moultonborough Police Department filed for a declaratory ruling, #5484 (attached). Mr. Davey was working for the Moultonborough Police Department when the ruling was made. In 2001 Dennis Davey was hired as a prosecutor for the town of Sandwich's Police Department. Police Standards and Training Council staff did not receive a Form A from Sandwich Police Department; therefore PSTC was not aware that he was employed at the Sandwich Police Department. Mr. Davey worked simultaneously at Moultonborough and at Sandwich Police Departments until he resigned from Moultonborough in February 2012, remaining at Sandwich Police Department. When Chief Wyman recognized the problem with Mr. Davey's paperwork, he contacted PSTC and put Mr. Davey in "inactive status".

Questions before the Council: can Mr. Davey work in the same capacity for another law enforcement agency as he did under the declaratory ruling for the Moultonborough Police Department in 1992?

The second question, has there been a lapse in service because PSTC did not receive a Form A when Dennis Davey was hired by Sandwich Police Department in 2001?

(10:30 Deputy Attorney General Ann Rice arrived)

Chief Wyman was sworn in to testify by Chairman Prozzo.

Chief Wyman explained that he had worked for Moultonborough Police Department and for Sandwich Police Department before becoming the Chief of Sandwich Police Department. (Mr. Davey had been Chief Wyman's prosecutor while he worked for both departments). When Mr. Davey resigned from the Moultonborough Police Department and presented him with a copy of the Form B resignation from Moultonborough, Chief Wyman reviewed Mr. Davey's personnel file. He discovered that Sandwich Police Department had not submitted the Form A, (form for hiring), to Police Standards and Training Council in 2001. The only indication of the hiring of Mr. Davey was a letter from Mr. Davey to then Chief Jaran, instructing Chief Jaran where to send Mr. Davey's checks.

Chief Wyman called PSTC and spoke with Chief Merrill, requesting a review of Mr. Davey's training file to determine employment status with Sandwich Police Department. Chief Wyman's understanding of the Declaratory Ruling from the Moultonborough Police Department, was that it was about Mr. Davey, but it did not name him in the document. Chief Wyman stated that Mr. Davey had been prosecuting for the town of

Sandwich since 2001, he'd like to see him continue as prosecutor, but since learning of the absence of the Form A for that department, Chief Wyman placed Mr. Davey on inactive status.

Attorney General Michael Delaney made a statement before leaving the meeting. He would like to see this issue resolved so that Mr. Davey could continue to work as a prosecutor, and went on to say that it may be appropriate for Council members to go into a non public session due to legal matters.

10:35 AG Michael Delaney exited.

Mr. Dennis Davey was sworn in by Chairman Prozzo. Mr. Davey spoke about his law enforcement career, detailing the Declaratory Ruling, crafted and executed by then Director Earl Sweeny. Mr. Davey stated that this Declaratory Ruling was done for his own benefit so that he would be able to continue with his career.

Motion by Commissioner Wrenn to go into a non public session for the purpose of discussing legal and personnel matters. Second by Chief Morency, roll call vote, 8-0

At 10:42 the Council commenced a non public session.

Motion by Commissioner Wrenn to seal the minutes of the non public session. Second by Chief Morency, with a roll call vote, 8-0.

Motion by Commissioner Wrenn to exit the non public session for the purpose of discussing legal and personnel matters. Second by Chief Morency, roll call vote, 8-0

At 11:03 the Council was back in public session.

Motion by Commissioner Wrenn:

- the Council finds that there was no break in service effecting Dennis Davey, he had continuous employment with the Sandwich Police Department from the time he resigned from the Moultonborough Police Department.

-We direct Chief Wyman to file a Form A with the Council that refers back to the hire date of 01/01/01 with today's date but contains an explanation that the form was 'not filed' in error at that time;

- but the Council finds that it was not filed, in error, by the police department administration at that time;

-directs the Chief to provide any evidence of a background investigation that would have been completed in 2001 at the hiring date; or

- if none can be found, a background investigation will be done within the next 30 days from today's date.

- Further, that the language of the Declaratory Ruling that applied to the town of Moultonborough, #5484 be listed as expired;

- and that the same language that was used in that Declaratory Ruling now be used with the town of Sandwich inserted into that language and that that Declaratory Ruling be effective today, naming Dennis Davey as a part time police officer with the same limitations or restrictions as applied in the Declaratory Ruling from the town of Moultonborough.

- The Declaratory Ruling is in effect as of today, however the Form A and the background investigation must be completed and submitted within 30 days of today's date otherwise the Declaratory Ruling will be considered invalid.

The motion was seconded by Chief Morency. Council vote was unanimous, in favor of the motion, 7-0.

Janet Champlin Bartlett, Police Department

Chief Timothy Connifey of Bartlett Police Department was present and asked to speak to the Council regarding Ms. Champlin's recertification prior training and experience requirements. Ms. Champlin completed the 85th Full-Time Academy on February 10, 1989 and was last employed full time by the Portsmouth Police Department until retiring on December 15, 2008.

This discussion was held in a public session by request of Janet Champlin.

Captain Bodanza was sworn in by Chairman Prozzo, he presented a timeline (attached) and gave a synopsis of the request by Bartlett Police Department.

Most significant is that Ms. Champlin has been out of law enforcement greater than three years, in fact, three years, three months and twenty one days.

At the Council meeting of May 24, 2011, the Council moved that "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".

Chief Connifey was sworn in by Chairman Prozzo.

He discussed Ms. Champlin's background, and the benefits she would add to the Bartlett Police Department by becoming first and foremost, their prosecutor. His request was that Ms. Champlin could test out of the law package to regain her certification.

Ms. Champlin was sworn in by Chairman Prozzo.

She summarized her employment history, which included twenty five years in law enforcement. When asked about training since her last law enforcement position, she stated that she had been to some seminars. Ms. Champlin had worked as a private investigator in the state of Maine, but has given up that license.

Motion by Chief Sullivan that the Council grant part time certification based upon prior training and experience when Ms. Champlin has completed the medical examination, entrance fitness testing, and been given the opportunity to test out of the law package. The motion was seconded by Chief Morency, the Council vote was unanimously in favor, 7-0.

CONSENT CALENDAR

Prior Training and Experienc

Normand L. Marquis II - Department of Corrections

Will be granted certification upon successful completion of the medical exam, entrance fitness test, the curriculum for the PPO Police Academy Law Package, Defensive Driving class, DOC Field Services classes and in-service defensive tactics, providing that the firearms annual qualification is current.

Officer Gary Emerson, Grafton County Sheriff's Department

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

Chief Leonard Wetherbee, Moultonborough Police Department

Will be granted certification upon successful completion of the medical exam, entrance fitness test, and the Full-time Law Package.

Officer Jeffery Macek, Winchester Police Department

Will be granted certification upon successful completion of the medical exam, entrance fitness test, and the Full-time Law Package.

Extension Full Time

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 159th 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.

Officer Kaile Marcoux, Hillsborough County Sheriff's Department

Was granted an extension through the end of the 159th Full-Time Police Officer Academy.

Officer Gary Robinson Tilton Police Department

Was granted an extension through the end of the 159th Full-Time Police Officer Academy.

Extension Part Time

Deputy Gary Emerson Grafton County Sheriff's Department

Was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 262nd Academy with the stipulation that Deputy Emerson must remain actively enrolled in the 262nd academy and may continue working only in the direct presence of a certified officer.

Requests for Specialized Training Grant Funds

Nashua Police Department was granted funds for Lieutenant Denis Linehan, Sergeant Robert Page and Officer Todd Moriarity to attend the SWAT Commanders and Team Leaders Course by Law Enforcement Advanced Development Consultants Lowell Training Institute in Lowell Massachusetts from June 11, 2012 to June 15, 2012.

Motion by Chief Sullivan to accept the Consent Calendar, second by DAG Ann Rice, Council vote in favor 7-0.

Adoption of Pol 302.01 and Pol 302.02 Police Corrections and Probation/Parole Basic Training Programs

Council action requested on the Final Proposal approved by JLCAR, adoption of the rule.

Chief Merrill read the changes to Pol 302.01 and 302.02 into the record:

These amendments are intended to address the following issues:

If an officer fails to attain certification within two years of original date of hire, there is a lifetime bar to re-employment by the same agency;

However, that officer is able to go to any other NH law enforcement agency and re-start the clock.

302.01 addresses full time officers while 302.02 addresses similar issue for part time officers.

The proposed amendment:

- 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 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 Morency to adopt the rule change, making the rule change effective July 1, 2012. The motion was seconded by Deputy Attorney General Ann Rice.

Council vote was unanimously in favor of the motion 7-0.

The rule will be announced in the Bulletin Board newsletter and by email blast.

**The following items were added as an addendum to the consent calendar as they were received after the agenda closed

94th Corrections Academy – 4/30/12 – 6/29/12

Officer Gerald T. Williams – Department of Corrections

Was granted an extension through the end of the 94th Academy with the stipulation that Officer Williams must remain actively enrolled in the 94th academy

Officer Athena S. Panas – Department of Corrections

Was granted an extension through the end of the 94th Academy with the stipulation that Officer Panas must remain actively enrolled in the 94th academy.

Officer Peter M. Waimiri – Department of Corrections

Was granted an extension through the end of the 94th Academy with the stipulation that Officer Waimiri must remain actively enrolled in the 94th academy.

Officer Joshua R. Cusson – Department of Corrections

Was granted an extension through the end of the 94th Academy with the stipulation that Officer Cusson must remain actively enrolled in the 94th academy.

Motion by Chief Sullivan to add the addendum items from the New Hampshire Department of Corrections to the consent calendar, seconded by Deputy Attorney General Ann Rice, the Council voted unanimously in favor of the motion 6-0 with Commissioner Wrenn abstaining from the vote.

(END OF APPROVED CONSENT CALENDAR)

General

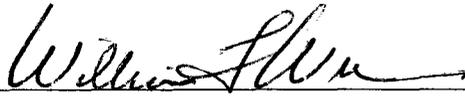
Director Vittum summarized that he had been made aware of a proposal being made by the Local Government Center, by Barbara Reed, for a tuition based academy. LGC would like to take the money from penalty assessment and use it to complete background investigations and polygraphs for all of the police departments. Director Vittum wanted to be sure that the Council members were aware of this proposal. Director Vittum has been making it clear to all who ask, that Police Standards and Training is against a tuition based academy.

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on May 22, 2012, at nine o'clock in the morning.

Upon a motion by Deputy Attorney General Rice, seconded by Chief Sullivan, the Council voted unanimously 7-0 to adjourn the meeting at 11:30 a.m.

Respectfully submitted,



Vice Chairman William L. Wrenn, Jr.