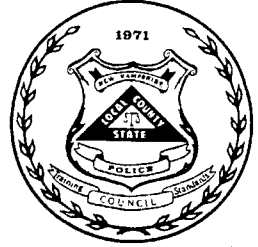




Sheriff Michael L. Prozzo, Jr.  
Chairman

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

**Approved Minutes**

**(July 24, 2012)**

The 420<sup>th</sup> meeting of the New Hampshire Police Standards and Training Council was called to order at 9:40 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; Colonel Robert Quinn, New Hampshire State Police; Richard Foote, Sheriff of Cheshire County; Chief Anthony Colarusso, Dover Police Department; Chief James Sullivan, Hampton Police Department; Justice Sawako Gardner 10<sup>th</sup> Circuit District Division Portsmouth; Justice James Carroll, 4th Circuit District Division, Laconia; Chief David Cahill, Sunapee Police Department; and Chief Peter Morency, Berlin Police Department.

**Members Absent:** Attorney General Michael Delaney, and Vice Chancellor Ronald Rioux, Community College System of New Hampshire

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

**Guests Present:** Senior Assistant Attorney General Nancy Smith, Michele Hilliard; Chief David Roarick, Lieutenant Ian Donovan and Officer Danielle Normand of the Hillsboro Police Department; Officer Andrew Newcomb and Chief Joseph Pivrotto of the Groton Police Department.

{Council members consulted with Senior Attorney General Nancy Smith from 9:10 to 9:40 a.m.}.

**Approval of Minutes**

**Motion** by Chief Sullivan for the Council to approve the minutes of June 26, 2012. Following a second by Chief Colarusso, the voice vote of the Council was 9-0 in favor.

**Director's Report**

Director Vittum advised Council members that Captain Jean had provided a memorandum with suggestions for the September Planning Session. Chairman Prozzo asked if Council members had questions or suggestions about the memo, then requested Council members to respond to Captain Jean by next week with their information requests.

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

Michelle Hilliard Request for Declaratory Ruling

**Motion** by Commissioner Wrenn to deny her request, the motion was seconded by Chief Cahill, the Council vote was 8-1 in favor of the motion, with Judge Carroll opposed.

### Danielle Normand, Hillsboro Police Department Eligibility hearing

Officer Normand was asked if she'd like a public or non-public hearing: a public hearing was confirmed.

At 9:45 Captain Mark Bodanza was sworn in by Chairman Prozzo and began by distributing a timeline of Danielle Normand's law enforcement employment history to Council members. Captain Bodanza then gave the synopsis of Officer Normand's eligibility.

The Council is to consider eligibility for certification.

On September 27, 2010, Danielle Normand was hired by the Stratham Police Department.

On April 8, 2011 she was certified by the Council as a full time police officer.

On June 1, 2011 PSTC received a Form B from Stratham indicating Normand had terminated her employment with the Stratham Police department effective April 28, 2011. The indication reason was checked off as "other", with a notation stating, "See attached letter".

The attached letter indicated that Ms. Normand resigned on April 28, 2011 at the heels of one internal investigation and in the midst of an impending investigation. During the internal investigation, which was resolved, Ms. Normand disclosed she had used the agency's SPOTS terminal to run her (then) boyfriend on more than one occasion. She admitted this was for her personal knowledge and in violation of her policy and training.

Given the disclosure by Ms. Normand, Chief Scippa gave her an opportunity to resign her position with the agency, which she did at that time.

Ms. Normand remained out of police work from April 28, 2011 until PSTC received a form A, Form I and PT and E request on June 25, 2012 from the Hillsboro Police Department indicating they were hiring her as a full time officer effective July 1, 2012.

Because Ms. Normand has been out of NH Law Enforcement for greater than 30 days, her certification had lapsed under Pol 401.01. Additionally, because the reason for termination of employment falls under Pol 402.02, the hearing was necessary.

Captain Bodanza read the following rules/statutes into the record:

As to such conduct for such ineligibility defined in 402.02

(a) The council shall, unless it has just cause to do otherwise as provided in (e) below, order the suspension or revocation of the certification of any police or corrections officer for any of the following reasons:

(j) For purposes of this section, a determination of a lack of "good moral character" is not restricted to acts that reflect only moral turpitude, but shall be based upon the consideration of all aspects of a person's character as exemplified by their behavior, including but not limited to the following:

(1) Violation of a statute of this or any other state, territory or nation for which a penalty may be imposed;

(3) Conduct involving misrepresentation or tampering with official records or reports, tampering with witnesses or falsifying evidence

**RSA 260:14 Records and Certification. –**

(c) "Personal information" means information in motor vehicle records that identifies a person, including a person's photograph or computerized image, social security number, driver identification number, name, address (but not the 5-digit zip code), telephone number, and medical or disability information.

IX. (a) A person is guilty of a misdemeanor if such person knowingly to be an unauthorized person; knowingly makes a false representation to obtain information from a department record; or knowingly uses such information for any use other than the use authorized by the department. In addition, any professional or business license issued by this state and held by such person may, upon conviction and at the discretion of the court, be revoked permanently or suspended. Each such unauthorized disclosure,

Captain Bodanza summed up for Council members that the staff exhibits C and D, the letter from Stratham Police Department alleges a violation of RSA 260:14 that on multiply occasions Danielle Normand had run her boyfriend at the time through the SPOTS terminal without authorization from that department or the individual whom she was running for unauthorized reasons.

Because of the actions performed in 2011, which were a potential violation of Pol 402.02, Danielle Normand now appears before the Council to determine if such violation would bar her from being eligible for certification as a Police Officer in the state of New Hampshire. If she is eligible for certification, there is a PT and E request on the agenda also, to determine what she must do to get her certification back.

Chairman Prozzo then simultaneously swore in Chief David Roarick, Officer Danielle Normand and Lieutenant Ian Donovan.

Chief Roarick introduced himself and shared the following with the Council:

Danielle Normand resigned from the Stratham Police Department, in lieu of an internal investigation on her unauthorized use of the SPOTS terminal.

Danielle Normand admitted that she had run her former boyfriend's car license plate at least five times. If she had been found guilty of misuse of the SPOTS terminal during the investigation by the Stratham Police Department, she would have been fired.

Chief Roarick testified that Danielle Normand had admitted to her former chief at Stratham Police Department, John Scippa, that she had used the SPOTS terminal without being authorized to do so. She had been told by Stratham personnel that she should not run information.

Chief Roarick then stated that Officer Normand had been completely honest and not deceitful according to the person who had done her polygraph test for Hillsboro Police Department during her hiring process.

Chief Roarick explained that the SPOTS incident had happened at Stratham Police Department even before Officer Normand had attended the police academy. She was not aware of the statute, she thought at that time she was using the SPOTS terminal for training.

Lieutenant Ian Donovan of Hillsboro Police Department introduced himself and explained that while doing Officer Normand's background investigation, he had met with Chief Scippa of Stratham Police Department. Chief Scippa explained to Lt. Donovan that he felt that this should not be a career ending issue for Officer Normand.

At this point Council members made inquiries to Officer Normand, Chief Roarick and Lieutenant Donovan.

**Motion** by Chief Cahill, seconded by Sheriff Foote that the Council find that Danielle Normand is eligible for certification. The Council vote was 9-0 in favor of the motion.

Chairman Prozzo explained that there was a second item on the agenda filed by Hillsboro Police Department, was Danielle Normand's Prior Training and Experience request for certification, which had been pending her eligibility.

**Motion** by Chief Colarusso, seconded by Colonel Quinn, Danielle Normand's request for certification based on prior training and experience was granted per staff recommendation that she must pass the medical test, the entrance test, and the Council's further recommendation was that she must take SPOTS Training, preferable the four day class, but if that was not an option, she must take the one day class. The Council vote was 9-0 in favor of the motion.

10:25 a.m. Council took a break.

10:35 Council was back in session.

**Andrew Newcomb, Groton Police Department, prior training and experience**  
(Commissioner Wrenn recused himself from this discussion).

Captain Bodanza explained that Andrew Newcomb had been hired in 2003 by Conway Police Department as a part time officer, worked for Conway and also for Tamworth Police Department part time before he was hired by the New Hampshire Department of Corrections, where he continues to work as a Criminal Investigator for that department.

Officer Newcomb was in attendance at today's meeting as he did not agree with the staff's recommendation that he should complete the full Part Time Officer Academy program. Officer Newcomb was asking for his part time officer certification reinstated with his participating in the part time academy law package classes alone.

Chief Joseph Pivrotto explained that the town of Groton was fortunate to have hired Officer Newcomb, he was an asset to their department and that with the extensive training he had received, and the skills he had from working at the Department of Corrections, he had not let any training lapse.

Council members made inquiries to both Officer Newcomb and to Chief Pivrotto about Officer Newcomb's training and the fact that Officer Newcomb had worked as a part time officer at Conway Police Department in 2003, and also at the Tamworth Police Department, he received his part time police officer certification in 2003, and had been working full time at the Department of Corrections since 2004. Officer Newcomb stated that he had approximately 8 months of experience working as a part time officer with two departments.

Chairman Prozzo explained that it was not Officer Newcomb's training that was in question, it was the fact that he had had very little time on the road during the time that he had worked for Conway and for Tamworth, and that was why he was being hired by Groton, to work patrols on the road.

Motion by Chief Morency that Andrew Newcomb be required to complete the full part time police officer academy, with a second by Chief Cahill, the Council vote was unanimously in favor 9-0.

**CO Randall Whiting Notice of Hearing** This hearing was continued from the June 26, 2012 meeting.

A hearing is scheduled for CO Randall Whiting to show cause why the Council should not suspend or revoke his certification pursuant to Pol 402.02 (a) 3 and Pol 402.02(a) 4 b.

Randall Whiting was not in attendance, the hearing was held in public session.

(Colonel Quinn and Commissioner Wrenn recused themselves from this hearing.)

Captain Bodanza provided Council members with a timeline for this hearing.

Mr. Whiting was hired by New Hampshire Department of Corrections on December 1, 2000 and a form A was filed with PSTC on December 8, 2000. He was certified as a State Corrections Officer by PSTC on March 27, 2001. On October 19, 2011, PSTC received a Form G indicating Mr. Whiting had been arrested for Aggravated Felonies Sexual Assault, RSA 632-A:2 on October 15, 2011.

From the reports provided the staff submits the following offer of proof:

On October 14, 2011 NHSP was notified by DCYF of a reported sexual assault by a 13 year female from North Stratford, New Hampshire. An interview was conducted with the young girl and she disclosed she had been sexual assaulted by digital penetration approximately 30-70 times beginning in 2010 by Mr. Whiting.

New Hampshire State Troopers interviewed Mr. Whiting, he did not admit or openly deny the allegations against him, but excused any behavior due to his alcohol problems and an inability to recall such events happening.

Mr. Whiting was indicted on one count of Felonious Sexual Assault and four counts of Aggravated Felonious Sexual Assault, which was alleged to have occurred over a three year period beginning in 2008, and ending in 2011.

On May 7, 2012 Mr. Whiting entered a guilty plea to a Class A Misdemeanor Simple Assault. All other charges were nol pros'd. As part of the guilty plea he was sentenced to 18 months in the HOC, all deferred then suspended for 2 years. Probation for 2 years and He must successfully complete a 28 day inpatient alcohol abuse program and PSTD counseling. Along with a no contact order with the victim in this case unless she desires.

On May 22, 2012 staff at Police Standards and Training received a form B indicating Mr. Whiting had resigned from the Department of Corrections.

Based on the evidence and testimony presented by the staff in this matter, the Council was asked to consider whether or not Mr. Whiting's certification as a State Correctional Officer should be revoked to a finding that he violated POL 404.02(a)3 and (4) which states:

The Council shall unless it has just cause to do otherwise, order the suspension or revocation of the certification of any police or corrections officer for any of the following reasons:

(3) the officer has been convicted either prior to or after certification of a misdemeanor for which there was a sentence of incarceration, regardless of whether all or part of the sentence was suspended; and

(4) the officer has been convicted either prior to or after certification of a crime of moral turpitude or of a crime which tends to bring discredit on the police or corrections service, including but not limited to: (b) Assault.

**Motion** by Chief Sullivan to revoke Randall Whiting's Correction's Officer certification, seconded by Chief Cahill, the Council vote was 7-0 in favor with Colonel Quinn and Commissioner Wrenn recused.

### **CONSENT CALENDAR**

#### **Officer Tanya Emerson, Loudon Police Department**

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

**Officer Leanne Wanchek, Newton Police Department**

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

**Officer Craig Baird, Plymouth State University Police Department**

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 159<sup>th</sup> Full Time Academy with the stipulation that Officer Baird must continue to work only in the direct presence of a certified officer and remain actively enrolled in the 159<sup>th</sup> Academy.

**Officer Paul M. Mueller, Jr. Hooksett Police Department**

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 159<sup>th</sup> Full Time Academy with the stipulation that Officer Mueller must continue to work only in the direct presence of a certified officer and remain actively enrolled in the 159<sup>th</sup> Academy.

**Officer Roland Dupuis, Portsmouth Police Department**

Was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 262<sup>nd</sup> Part Time Academy with the stipulation that Officer Dupuis must remain actively enrolled in the 262<sup>nd</sup> Academy and may continue working only in the direct presence of a certified officer.

**Officer Joseph Lacasse, Waterville Valley Police Department**

Was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 262<sup>nd</sup> Part Time Academy with the stipulation that Officer Lacasse must remain actively enrolled in the 262<sup>nd</sup> Academy and may continue working only in the direct presence of a certified officer.

**Officer Andrew Newcomb, Groton Police Department**

Was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 262<sup>nd</sup> Part Time Academy with the stipulation that Officer Newcomb must remain actively enrolled in the 262<sup>nd</sup> Academy and may continue working only in the direct presence of a certified officer.

**Nashua Police Department** was granted funds for Captain James Lima, Captain George McCarthy and Captain Scott Hammond to attend the Command Institute Series for Law Enforcement Executives at the Hampton, New Hampshire Police Department, from September 10 to September 14, 2012.

**Hanover Police Department** was granted funds for Detective First Class Eric Bates to attend the New England Polygraph Institute in Moultonborough NH, from September 10, 2012 to November 16, 2012.

**Portsmouth Police Department** was granted funds for Lt. Russell Russo and Lt. Darrin Sargent to attend the Rogers Williams University Command Training Series First Line Supervisor Course in Portsmouth RI, from October 22, 2012 to November 2, 2012.

**Concord Police Department** was granted funds for Sergeant Marc McGonagle to attend the Rogers Williams University Command Training Series First Line Supervisor Course in Portsmouth RI, from September 16, 2012 to September 28, 2012.

**Barrington Police Department** was granted funds for Sgt. George Joy to attend the FBI LEEDA Command Institute at Hampton Police Department in Hampton NH, from September 10 to September 14, 2012.

**Ongoing Physical Fitness Testing; requests for medical extensions fitness testing.**

The following requests were received after the June 26, 2012 Council meeting but before the June 30, 2012 deadline for medical extensions for fitness testing. Staff recommends granting an extension to comply with ongoing physical fitness requirements until December 31, 2012, to the following officers:

Initial Testing Date 2010

Michael Beaulieu, Springfield Police Department

Initial Testing Date 2011

Cassandra Avery, Hudson Police Department

Stephen Akerstrom, Belmont Police Department

**Motion** by Chief Sullivan to approve the Consent Calendar with a second by Chief Cahill council vote was unanimous 9-0 in favor

At 11:00 a.m. Judge Carroll exited the meeting.

**Non-Consent Items**

**Officer Dale Gargac, New Hampshire Fish and Game Department Extension Request**

(This item was non consent as it skipped over the next available academy).

**Motion** by Chief Colarusso, seconded by Commissioner Wrenn, unanimous vote by Council members 8-0 to grant the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 160<sup>th</sup> Full Time Academy with the stipulation that Officer Gargac must continue to work in the direct presence of a certified officer and must remain actively enrolled in the 160<sup>th</sup> Academy.

**Chief Semertgakis, Warren Police Department Extension Request**

(This item was non consent to make Council members aware that this is an elected chief with one year to become certified).

**Motion** by Commissioner Wrenn, seconded by Colonel Quinn, Council vote was unanimously in favor 8-0 to grant the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 262<sup>nd</sup> Part Time Academy with the stipulation that Chief Semertgakis must remain actively enrolled in the 262<sup>nd</sup> Academy and may continue working only in the direct presence of a certified officer.



Captain Jean presented the following training grant request:

**Lincoln Police Department** requests funds for Officer Richard Bassett III to attend the Law Enforcement Bicycle Association Police Mountain Bike Instructor School in Portland, Oregon, from September 23 to September 29, 2012. Captain Jean explained that typically the Council does not provide more than two thirds of the cost of the training. In this situation, Chief Smith has limited funding and asked that the Council cover the entire cost; \$2700.00, and Lincoln Police Department would make Officer Bassett available to PSTC to instruct a Police Mountain Bike School at least once a year for the next three years, which allows training of 30 operators in the state, and not to have to contract with another group to come in and to teach it; saving \$5,700.00 over a three year cycle of classes.

Captain Jean went on to say that Police Standards and Training Council has not run a mountain bike school in a few years. Just recently PSTC contracted with an instructor from out west to teach one operator school next year, which cost \$2,808.00 to run the school for ten officers.

Council members discussed the availability of the officer to provide the promised training at PSTC, and if there was comparable training available in the area? Captain Jean confirmed that as part of the training grant contract, anyone who receives funding agrees to provide PSTC with course material and instruction.

Chief Sullivan stated that Hampton Police Department had held a Mountain Bike Operator training earlier this year, and he had heard that they may be holding an instructor school later on, though nothing was finalized.

**Motion** by Chief Cahill to allot the town of Lincoln the normal training tuition for the officer's quest for this September 23<sup>rd</sup> through the 29<sup>th</sup> of Mountain Bike Instructor School, the motion was seconded by Chief Morency.

There was further discussion on this motion; the vote was three in favor and four against. Chief Sullivan abstained, the motion failed.

Further discussion commenced on this training grant request.

**Motion** made by Commissioner Wrenn to deny Lincoln Police Department's request for funding for the Mountain Bike Instructor School in Portland Oregon with the understanding that through the course of the next year there is a potential for similar schools run in this state. The motion was seconded by Chief Colarusso, the Council vote was 7-0 with Chief Sullivan abstaining from the vote.

#### **Surplus of PSTC Firearms to White Farm**

Captain Jean described his attached memorandum listing firearms that were either purchased by PSTC or were gifted to PSTC; some of these firearms were to be destroyed, others were to be surplus to the White Farm.

There was a discussion amongst Council members about the memo being listed as a 'non public item'. Captain Jean explained his concern about the serial numbers on the weapons being made available to the general public.

Commissioner Wrenn made a **motion** to go into a non public session as this was confidential and material was not readily available to the public. There was no second to this motion.

The Council members discussed whether this was actually an item for a non public session; the firearms' serial numbers would have to be made known to the public when they were destroyed or surplused at some point.

Commissioner Wrenn withdrew his motion.

**Motion** by Chief Sullivan that the Council approve the recommendation of Captain Jean, seconded by Chief Colarusso.

Chief Cahill commented that he was against law enforcement putting firearms "back on the street"; his preference was for destruction – however he acknowledged that the State of New Hampshire used this process for dealing with equipment.

The Council voted unanimously in favor of this motion 8-0.

## **Other New Business**

### **General**

Chairman Prozzo reminded Council members to review the information presented by Captain Jean regarding the Council's Planning Session in September and respond to him by next week.

### **Next Meeting Date/Adjournment**

The next meeting of the New Hampshire Police Standards and Training Council will be held on August 28, 2012, at nine o'clock in the morning.

Upon a motion by Chief Morency, seconded by Commissioner Wrenn, the Council voted unanimously to adjourn the meeting at 11:30 a.m.

Respectfully submitted,

  
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Chairman Michael L. Prozzo, Jr.