



Sheriff Michael L. Prozzo, Jr.  
Chairman

State of New Hampshire  
**POLICE STANDARDS & TRAINING COUNCIL**  
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Approved Minutes  
November 27, 2012



Donald L. Vittum  
Director

The 424<sup>th</sup> meeting of the New Hampshire Police Standards and Training Council was called to order at 9:20 by Vice Chairman William Wrenn, in classrooms three and four of the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

**Members Present:** Vice Chairman, Commissioner William Wrenn, New Hampshire Department of Corrections, Chief Peter Morency, Berlin Police Department, Chief David Cahill, Sunapee Police Department, Colonel Robert Quinn, New Hampshire State Police, Deputy Attorney General Ann Rice, Judge James Carroll, 4th Circuit District Division, Laconia, Chief Anthony Colarusso, Dover Police Department, Judge Sawako Gardner, 10th Circuit District Division, Portsmouth, and Chief James Sullivan, Hampton Police Department.

**Members Absent:** Chairman Michael J. Prozzo, Jr., Sheriff of Sullivan County, Sheriff Richard Foote, Cheshire County, Vice Chancellor Ronald Rioux, Community College System of New Hampshire.

**Staff Present:** Director Donald Vittum, Captain Benjamin Jean, Captain Mark Bodanza, and Investigative Paralegal Anne Paquin.

**Guests Present:** Chief Michael Lewis, Bristol Police Department and Chief Walter Madore, Grantham Police Department.

### **Approval of Minutes**

**Motion** by Chief Sullivan for the Council to approve the minutes of the October 23, 2012 Council meeting. Following a second by Chief Colarusso, the vote of the Council was 8-0.

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

#### PPO Thomas Casey NH Department of Corrections

Captain Bodanza updated Council members regarding Thomas Casey. PPO Casey accepted the 90 day suspension, (from the October 23, 2012 Council meeting) by signing it on October 23, 2012. The Council must formally ratify the agreement.

**Motion** made by Deputy Attorney General Ann Rice and seconded by Chief Colarusso to ratify the agreement made with PPO Thomas Casey. The Council vote was 7-0 in favor, with Judge Carroll, and Commissioner Wrenn abstaining from the vote.

Joseph Chivell PTE Bristol Police Department

Chief Michael Lewis was present to explain the current situation with Officer Chivell. Officer Chivell and Chief Lewis were last in attendance at the September 25, 2012 Council meeting. At that meeting, a motion was made to grant prior training and experience certification to Officer Chivell upon completion of the medical exam, passing the entrance fitness test, and successfully passing the final comprehensive test of the full time academy within 60 days of the date of the September 25th meeting. If he was unable to pass, he would be required to complete the full time academy to regain certification. Last week Chief Lewis was given notice through Officer Chivell's doctor that Officer Chivell would not be able to participate in the entrance fitness test due to a shoulder injury. Chief Lewis asked the Council to grant Officer Chivell a further extension of the 60 days to take the entrance fitness test.

Discussion ensued amongst Council members in response to this request. Commissioner Wrenn summarized that at this point it was the Council's job to act on the request to extend the 60 day motion from September's meeting. Beyond that it was up to the agency to determine where the officer was going from this point forward. Captain Bodanza further summarized by stating that if Chief Lewis put Lt. Chivell in the part time academy the Council would have to decide if they'd allow them to do that as Lt. Chivell was previously full time certified. Commissioner Wrenn went on to state that the Council would cross that bridge when they came to it.

**Motion** made by Chief Sullivan to deny Chief Lewis' request, the motion was seconded by Chief Cahill. Council vote was unanimously in favor of this motion 8-0.

Addendum 2

Chief Walter Madore Grantham Police Department

Chief Madore was present for this matter, he had submitted a letter describing a medical issue which prevents him from participating in ongoing three year fitness testing.

Captain Bodanza provided Council members with a timeline of Chief Madore's fitness testing history. Chief Madore failed his last fitness test, which was due in 2010. His certification was put in probationary status for two years, the deadline of which is December 31, 2012. The statute does not provide for medical extensions past the two year deadline. PSTC received a letter from Chief Madore explaining why he is not able to test, and that he wanted to appear before the Council.

Chief Madore stated that the timeline presented by Captain Bodanza was correct. He went on to explain the chronology of his medical issue; and the steps he was taking for recovery.

Discussion commenced amongst Council members. In the past cases of this nature, a waiver has been considered, RSA 188-F:27 III-j. Chief Madore's employer could apply for a waiver, as the hiring authority, to keep the Chief working at that agency, making reasonable accommodations. RSA 188-F: III-j is an indication that there may be an ADA claim to the extent of federal law between and employee and an employer. The doctor

would have to be clear that the issue was a lasting condition, the hiring authority would then confirm an ADA to comply with federal or state law. The hiring authority would petition the Council for a waiver. The Council, at that point, could discuss the length of time for the waiver, for instance, if the hiring authority would reapply once a year to maintain the waiver of Chief Madore. The Schwinn Airdyne alternative test to the run was discussed, however it does not fit in with RSA 188-F:27 III-j, and it would not help at this point in the process.

The Council cannot grant a medical extension beyond five years, only if there is an ADA claim. Commissioner Wrenn stated that Chief Madore's request would be denied, the Council cannot grant waivers against a state statute. Chief Madore chose to withdraw his request and research the RSA 188-F:27 IIIj waiver, keeping in mind that his deadline was the next Council meeting on December 18, 2012.

The following hearings were continued by request or by subject matter' to the December 18, 2012 meeting.

Christopher Chesley Notice of Hearing pursuant to Pol 402.02 (a) (4) (b)

Joshua Stone Notice of Hearing pursuant to Pol 402.02 (a) (4) (b)

Kevin Morales Notice of Hearing pursuant to Pol 402.02 (a) (12) and Pol 402.02 (a) (4) (b)

Michael Remillard Notice of Hearing pursuant to Pol 402.02 (a) (4) (b)

(At 10:15 a.m. Commissioner Wrenn and Chief Morency were both recused from the hearing, Chief Sullivan was asked to act as chairman.)

Mr. Remillard was not present for this hearing, he had made contact with Chief Merrill when he received the notice of hearing; stating that he would not be in attendance.

Captain Bodanza was sworn in by Deputy Attorney General Ann Rice. He presented a timeline to Council members of Corrections Officer Michael Remillard's employment history and subsequent arrest and court disposition of the charges.

Michael Remillard was arrested on June 20, 2012 by the Gorham Police Department and charged with simple assault a class b misdemeanor for the assault of his girlfriend that day. He resigned from the New Hampshire Department of Corrections on September 25, 2012. On September 26, 2012 he plead guilty in Berlin District Court to simple assault, amended from a class b misdemeanor to a violation.

Captain Bodanza stated " Pol 402.02 (a) (4) the Council shall, unless just cause to do otherwise, order the suspension or revocation of any police or correctional officer for any of the following reasons: (4). The officer has been convicted either prior to or after being certified, of a crime of moral turpitude or a crime which tends to bring discredit upon the police or corrections service, including but not limited to: (b) assault.

Chief Sullivan asked the Council for further discussion of this matter.

**Motion** by Chief Cahill to revoke the certification of Michael Remillard, seconded by Deputy Attorney General Ann Rice, the vote was 7-0 in favor.

(Commissioner Wrenn and Chief Morency returned to the meeting at 10:21 a.m.)

## **CONSENT CALENDAR**

### **PT&E Requests**

Officer Robert Lombard, Hillsborough County Sheriff's Department,

Was granted certification upon successful completion of the medical exam, entrance fitness test and the law package of the part time academy.

Chief Michael Viola, Milford Police Department,

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

Officer Christopher St. Cyr, Dalton Police Department

Was granted certification upon successful completion of the medical exam and entrance fitness test.

Deputy Jill Barbour, Carroll County Sheriff's Department

Was granted certification upon successful completion of the medical exam and entrance fitness test.

Officer Mathew Wunschel, Farmington Police Department

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

Officer Michael Worrick, Newmarket Police Department

Was granted certification upon successful completion of the medical exam and entrance fitness test.

### 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

160th Academy January 7, 2013 to April 12, 2013; entrance fitness test December 17, 2012.

161st Academy June 10, 2013 to September 13, 2013; entrance fitness test May 28, 2013

Chief Michael Viola, Milford Police Department

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 160th Academy with the stipulation that Chief Viola must remain actively enrolled in the 160th academy, he may continue to work only in the direct presence of a certified officer unless he has completed the department's FTO program, then he may work under normal supervision according to the department.

Officer Nenia Corcoran, Hanover Police Department

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 160th Academy with the stipulation that Officer

Corcoran must remain actively enrolled in the 160th Academy, and may continue to work only in the direct presence of a certified officer.

Officer David Carpenter, Durham Police Department

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 160th Academy with the stipulation that Officer Carpenter may continue to work only in the direct presence of a certified officer and must remain actively enrolled in the 160th academy.

Officer Colby J. Morton, Hudson Police Department

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 160th Academy with the stipulation that Officer Morton may continue to work only in the direct presence of a certified officer and must remain actively enrolled in the 160th academy.

Officer Sean P. West, Hudson Police Department

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 160th Academy with the stipulation that Officer West continue to work only in the direct presence of a certified officer and must remain actively enrolled in the 160th academy.

Officer Charles Katsikides, Hudson Police Department

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 160th Academy with the stipulation that Officer Katsikides may continue to work only in the direct presence of a certified officer and must remain actively enrolled in the 160th academy.

Officer Patrick Morrissey, Hudson Police Department

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 160th Academy with the stipulation that Officer Morrissey may continue to work only in the direct presence of a certified officer and must remain actively enrolled in the 160th academy.

**Part-Time Police Officer Academy**

**263rd Academy February 9, 2013 to May 10, 2013; entrance fitness test January 26, 2013**

Officer Garrett Almstrom, East Kingston Police Department

Was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 263rd Academy with the stipulation that Officer Almstrom must remain actively enrolled in the 263rd Academy and may continue working only in the direct presence of a certified officer.

Officer Nicholas Lavoie, Brookline Police Department

Was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 263rd Academy with the stipulation that Officer Lavoie must remain actively enrolled in the 263rd Academy and may continue working only in the direct presence of a certified officer.

Requests for Specialized Training Grant Funds balance: \$23,246.66

Laconia Police Department was granted funds for Captain Matthew Canfield to attend the FBI NE LEEDS Seminar held at Foxwoods in Mashantucket, Massachusetts from February 10 to February 15, 2013.

Durham Police Department was granted funds for Sergeant Kathryn Mone to attend the Mid Management Course at Roger Williams University in Providence Rhode Island from February 24, 2013 to March 9, 2013.

Concord Police Department was granted funds for Sergeant Michael Guarino to attend the First Line Supervisor Course at Roger Williams University in Providence Rhode Island from April 1 to April 12, 2013.

Concord Police Department was granted funds for Lieutenant Steven Smagula to attend the Mid Management Course at Roger Williams University in Providence Rhode Island from February 24 to March 1, 2013.

Portsmouth Police Department was granted funds for Deputy Chief Corey MacDonald to attend the Senior Management Institute for Police at Boston University in Boston, Massachusetts from June 2, to June 20, 2013.

Lyndeborough Police Department was granted funds for OIC Rainsford Deware to attend the FBI Law Enforcement Executive Development Seminar held at Foxwoods in Mashantucket, Massachusetts from February 11 to February 15, 2013.

Gilford Police Department requests funds for Officer Kevin Baron to attend the IPTM At scene Traffic Crash/Traffic Homicide Investigation held in New Braintree, Massachusetts from February 11 to February 22, 2013.

**(END OF APPROVED CONSENT CALENDAR)**

**Motion** by Chief Sullivan to approve the consent calendar, seconded by Chief Morency, Council vote was 7-0 in favor (with Chief Colarusso abstaining from the vote).

Non-consent Items

Officer Aaron Wojtkowski, South Hampton Police Department PTE

Officer Wojtkowski was on the agenda for October 23, 2012 and requested prior training and experience certification for a full time position. A letter from Chief Dennis indicated that Officer Wojtkowski would instead like a part time position, and would like to attend the law package classes for the part time academy.

Council members discussed the rules and specific details that apply to prior training and experience for full time and part time certification.

**Motion** by Chief Colarusso to deny the request, that in order to obtain part time certification Officer Wojtkowski must attend the complete part time officer academy, the motion was seconded by Chief Morency, with Council vote 8-0 in favor of the motion.

Officer Daniel Hickman, Seabrook Police Department EXT

This request was withdrawn by Seabrook, they will submit a resignation for him.

Officer Jesse Renauld, Tilton Police Department

**Motion** by Judge Gardner to approve the request of granting an extension through the end of the 161st Full-Time Police Officer Academy, skipping over the 160<sup>th</sup> Academy, the motion was seconded by Chief Colarusso, with Council vote 8-0 in favor of the motion.

Addendum 1 David Scott v PSTC

Council members were advised of the lawsuit filed against Police Standards and Training by David Scott, which has been forwarded to our attorney at the Department of Justice, Nancy Smith.

Proposed Rule Changes

Captain Bodanza updated Council members on the progress of the two "Initial Proposals", they have been forwarded to the Office of Legislative Services in preparation for public hearings at the January 22, 2013 Council meeting.

Pol 404.07 (e) readoption with amendment

Pol 402.02 (k) readoption with amendment

Other New Business

**Motion** from Deputy Attorney General Ann Rice and seconded by Chief Cahill, the Council approved acceptance of the William Spurgeon award from the Explorer Post, with Council vote 8-0 in favor of the motion.

**Motion** from Chief Cahill seconded by Chief Morency to solely dedicate a new podium built by Correctional Industries to Governor Lynch at the next academy graduation on December 21, 2012, with Council vote 8-0 in favor of the motion.

Ongoing three year fitness testing statistics

Captain Bodanza stated that there were 30 people with failed fitness tests from 2010 who were at the 5 year limit, 4 people with medical extensions from 2010 at the 5 year limit. 13 people from 2011 with a medical extension, and there were 344 with fitness testing dates of 2012 outstanding at this point.

Council members discussed further concerns about fitness testing.

Next Meeting Date/Adjournment

The next Council meeting will be followed by the Annual Holiday Gathering, and the "Beyond the Traffic Ticket" awards.

The next regular meeting (#425) of the Council is currently scheduled for Tuesday, December 18, 2012, at 9:00 a.m. at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

**Motion** to adjourn by Chief Sullivan, seconded by Chief Colarusso, with Council vote 8-0 in favor of the motion.

Adjourned at 11:00 a.m.

Respectfully submitted,



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Vice Chairman William Wrenn