



Sheriff Michael L. Prozzo, Jr.  
Chairman

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

Approved Council Meeting Minutes

February 19, 2013

The 427<sup>th</sup> meeting of the New Hampshire Police Standards and Training Council was called to order at 9:00 a.m. by Chairman Michael L. Prozzo Jr., in classroom one of the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Chairman Michael J. Prozzo, Jr., Sheriff of Sullivan County; Vice Chancellor Ronald Rioux, Community College System of New Hampshire; Chief James Sullivan, Hampton Police Department; Major Russell Conte, New Hampshire State Police; Chief David Cahill, Sunapee Police Department; Chief Anthony Colarusso, Dover Police Department; and Attorney General Michael Delaney.

Members Absent: Chief Peter Morency, Berlin Police Department; Commissioner William Wrenn, Jr., New Hampshire Department of Corrections; Judge Sawako Gardner, 10<sup>th</sup> District Division, Portsmouth; and Judge James Carroll, 4<sup>th</sup> District Division, Laconia.

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

Guests Present: Attorney Jason Major, Mr. Mike Tollett, and Mrs. Mike Tollett.

Approval of Minutes

**Motion** by Chief Sullivan for the Council to approve the minutes of the January 22, 2013 meeting. Following a second by Attorney General Delaney, unanimous vote of the Council was 6-0.

Previous and/or Unfinished Business

The following hearings listed on the agenda for this month were continued:

- Joshua Stone Notice of Hearing pursuant to Pol 402.02 (a) (7)
- Brynn Lovejoy Notice of Hearing pursuant to Pol 402.02 (d)
- Royce Pelkey Notice of Hearing pursuant to Pol 402.02 (a) (8) (c)

## **CONSENT CALENDAR**

### **Consent Calendar**

#### **PT&E Requests**

##### **Scott Stepanian, Coos County Sheriff's Office**

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

##### **Erin Minihan, Rindge Police Department**

Will be granted full time 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.

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

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

264<sup>th</sup> Academy August 10, 2013 to November 15, 2013, entrance fitness test July 27, 2013

##### **Paul T. Gordon, Somersworth Police Department**

(DOH: 11/19/12 Not Part-time certified) Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 161st Full-Time Academy with the stipulation that Officer Gordon must remain actively enrolled in the 161st Academy and may only work in the direct presence of a certified officer.

##### **Chad R. Lancaster, Somersworth Police Department**

(DOH: 11/19/12 Not Part-time certified) Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 161st Full-Time Academy with the stipulation that Officer Lancaster must remain actively enrolled in the 161st Academy and may only work in the direct presence of a certified officer.

##### **Joshua Graciale, Exeter Police Department**

(DOH: 01/14/13 Not Part-time certified) Staff recommends granting the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 161st Full-Time Academy with the stipulation that Officer Graciale must remain actively enrolled in the 161st Academy and may only work in the direct presence of a certified officer.

Richard M. Young, Carroll County Sheriff's Office

(DOH: 12/27/12, Not Part time Certified) Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 161st Full-Time Academy with the stipulation that Officer Young must remain actively enrolled in the 161<sup>st</sup> Full-Time Academy Law Package classes and may continue working only in the direct presence of a certified officer.

George J. Ivas, Litchfield Police Department

(DOH: 01/28/13 Not Part-time certified) Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 161st Full-Time Academy with the stipulation that Officer Ivas must remain actively enrolled in the 161st Academy and may only work in the direct presence of a certified officer.

William Byrne, Chichester Police Department

(DOH 05/03/12 Not Part time certified) Was granted an extension through the date of the entrance fitness test, and if testing is successful, through the end of the 264<sup>th</sup> Part-Time Academy with the stipulations that Officer Byrne must be medically cleared to participate in the entrance fitness test for the 264<sup>th</sup> Academy, he must remain actively enrolled in the aforementioned academy and that he may continue to work only in the direct presence of a certified officer.

Joseph Chivell, II Bristol Police Department

(DOH 8/13/12 Not Part time certified) Was granted an extension through the date of the entrance fitness test, and if testing is successful, through the end of the requested Part-Time academy with the stipulations that Officer Chivell remain actively enrolled in the requested academy and that he may continue to work only in the direct presence of a certified officer.

Requests for Specialized Training Grant Funds Balance: \$13,746.00.

Exeter Police Department was granted funds for Captain William Shupe to attend the Effective Budgeting program by the Institute of Police Technology and Management in Altamonte Springs, Florida from May 5 to May 9, 2013.

Concord Police Department was granted funds for Detective Nicole Murray to attend the Practical Homicide Investigation course by Roger Williams University instructed by Vernon Geberth at the Radisson Airport Hotel in Warwick, RI, from May 6 to 8, 2013.

Amherst Police Department was granted funds for Officer John H. Smith to attend the Institute of Police Technology Management online course, At Scene Crash Investigation beginning March 11, through May 19, 2013.

Merrimack Police Department was granted funds for Sgt. Eric Marquis and Officer Benjamin Williams to attend the General Dynamics Ordinance and Tactical Systems Simunition FX Scenario Instructor and Safety Certification Course in Buzzards Bay, MA from March 12-14, 2013 or; Plymouth MA May 7-9, 2013.

Berlin Police Department was granted funds for Corporal Geoffrey Bardeen to attend the Roger Williams University Justice System Training and Research Institute First Line Supervisor course in Portsmouth, RI, from April 1 to April 13, 2013.

Berlin Police Department was granted funds for Corporal William Daisey to attend the Roger Williams University Justice System Training and Research Institute First Line Supervisor course in Portsmouth, RI, from April 1 to April 13, 2013.

Manchester Police Department was granted funds for Investigator Paul Fraitzl to attend the GEOCELL Cell Phones Investigations Training, Intro to cell phones (2-days) and Interpretation and Mapping of Records, (3 days) from May 13, to May 17, 2013 at the Northeast State Police Information Network in Franklin, Massachusetts.

**Motion** by Chief Cahill, seconded by Chief Sullivan to approve the consent calendar, with a unanimous vote by Council members 6-0.

#### Other New Business - Rules Changes

Chairman Prozzo asked about the progress in the rules changes since the meeting on January 22, 2013. Chief Merrill reviewed for the Council, at last month's meeting there had been a public hearing for rules changes made to Pol 402.02 (revocation and suspension) and to Pol 404.07, (fitness testing). There had been no comments during the public hearing last month, however; staff received written comments from the Office of Legislative Services' attorney, Michael Morrell.

For Pol 402.02 there were some punctuation and grammar changes, and one section in Pol 402.02 (a) (10) which reads "an officer has failed or refused to complete the firearms training requirement for Pol 404.03 or the in-service requirements of Pol 404.01 shall be suspended until those requirements have been met". The suggestion from Attorney Morrell was that the phrase "until those requirements have been met" should be stricken, with the reasoning behind it being *the language doesn't fit with the language of this section, nor does it fit with the introductory language.*

Chief Merrill stated that the staff was asking the Council to approve the text, with the suggested changes by the Office of Legislative Services Attorney Michael Morrell. This was for the final proposal, which will then go back to the Office of Legislative services and then return to the Council to be adopted. Chief Merrill asked if the Council could include Pol 404.07 in the motion to approve, Pol 404.07 had been accepted by OLS and was on their consent calendar.

**Motion** by Attorney General Delaney to accept the staff's recommendation, the motion was seconded by Chief Colarusso with unanimous vote by Council members 6-0.

Chairman Prozzo then asked Director Vittum if he would explain the revenue, which had been provided to Council members in a report (attached). Director Vittum explained that he expected a bad month for February. To begin with, the last bond payment was due in February, and secondly that there are only 28 days in February. The revenue would not be good this month, but after February there should be some improvement. Director Vittum went on to say that the budget was presented last week, and that "they were very good to us". On February 25<sup>th</sup>, PSTC will deliver an hour presentation to the House Finance Committee. The bond liability of PSTC has decreased from 7% down to 2%.

The Director stated that he was pleased with all of the hard work done by the staff of the Governor's Office with the staff at PSTC.

Chairman Prozzo asked Director Vittum if he would like any of the Council members to attend the presentation on February 25<sup>th</sup> to the House Finance Committee. Director Vittum responded that Representative Eaton was the chairperson on the committee, and that the presentation would be done by Hilary Denoncourt, PSTC's Administrator and Captain Jean, and that Council members were welcome to attend the presentation.

Mike Tollett, Pol 402.02 (a).

Jason Major, attorney for Mike Tollett, Mr. Tollett and his wife were in attendance. Chairman Prozzo asked if Mr. Tollett would like a public or non public session, Mr. Tollett replied that he would like a non public session.

At 9:10 Chairman Prozzo moved the Council to a non public session, with a unanimous roll call vote in favor of the motion.

**Motion** to seal the minutes by Chief Sullivan, seconded by Chief Cahill, unanimous vote by Council members 6-0.

**Motion** to come out of the non public session by Chief Sullivan seconded by Chief Cahill, with a unanimous roll call vote the Council came out of the non public session.

At 9:20 the Council was back in a public session.

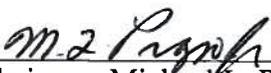
No action was taken on the Mike Tollett matter.

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on March 26, 2013, at nine o'clock in the morning.

**Motion** by Chief Sullivan, seconded by Chief Cahill, the Council voted unanimously to adjourn the meeting at 9:21 a.m.

Respectfully submitted,

  
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Chairman Michael L. Prozzo, Jr.