



Sheriff Michael L. Prozzo, Jr.
Chairman

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

Approved Minutes

March 26, 2013

The 428th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:10 a.m. by Chairman Michael J. 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; Chief James Sullivan, Hampton Police Department; Chief Peter Morency, Berlin Police Department; Colonel Robert Quinn, New Hampshire State Police; Chief David Cahill, Sunapee Police Department; Chief Anthony Colarusso, Dover Police Department; Commissioner William Wrenn, Jr., New Hampshire Department of Corrections; Judge Sawako Gardner, 10th District Division, Portsmouth, and Attorney General Michael Delaney.

Members Absent: Vice Chancellor Ronald Rioux, Community College System of New Hampshire; Judge James Carroll, 4th District Division Laconia; Sheriff David Dubois, Strafford County Sheriff's Department.

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

Guests Present: Retired Chief Russell Lary, Chief Robert Wharem, Pittsfield Police Department with Officer Brandon Walker.

Approval of Minutes

Motion by Chief Sullivan for the Council to approve the minutes of the February 19, 2013 Council meeting. Following a second by Chief Cahill, the vote of the Council in favor of the motion was 8-0.

Previous and/or Unfinished Business

New Business

Firearms Awards

Retired Chief Russell Lary addressed the Council with his proposal to challenge academy recruits by adding awards in marksmanship during the academy. His motivation was to encourage recruits to become competitive and challenge themselves to do more than the minimum standards required to complete the course. He provided a copy of a news article (attached) on the subject.

Chairman Prozzo made the suggestion to ask academy staff to look at the firearms training process and get back to the Council during the May or June Council meeting. Chief Lary thanked the Council.

Brandon Walker, Pittsfield Police Department, Request for Extension,
(Non consent, Pol 302.01 (f))

Captain Bodanza provided a timeline explaining all the reference dates (attached) with this request to explain the circumstances of Officer Walker's current status at Pittsfield Police Department.

Mr. Walker's employment situation dealt with being hired as a full time officer and not being able to complete his full time certification within the two year requirement allowed,

Pol 302.01 (d), "Extensions of the time limit for completion of the basic training program shall not exceed 2 years from the original date of hire".

The second section that applies to Mr. Walker, his employment status reverted from full time employment to part time employment, and the required two years of separation has not yet passed. The rule states,

(f) "The termination and subsequent reemployment of an officer by any agency shall not affect the requirement that he or she attend and satisfactorily complete the police, corrections or probation/parole basic training program as appropriate within 6 months from the date of original appointment *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*".

After much discussion about Mr. Walker's employment and certification status by the Council;

Motion by Chief Cahill, seconded by Attorney General Delaney, to give Officer Walker a position in the next academy, he must qualify for entrance to the academy by meeting all of the entrance requirements. Council members voted unanimously in favor of the motion, 8-0.

At 10:23 a.m. Council members took a break.

At 10:38 a.m. the meeting was back in session.

Joshua Stone Notice of Hearing pursuant to Pol 402.02 (a) [REDACTED].

Mr. Stone was not in attendance. Captain Bodanza presented information to the Council in this matter, beginning by providing a timeline (attached).

Officer Stone, who had been working for the Chichester Police Department until March 2, 2012, and was also at that time, working full time for the New Hampshire Liquor Department, [REDACTED]. [REDACTED]

[REDACTED]

[REDACTED]

Motion by Chief Cahill, seconded by Chief Morency to revoke Joshua Stone's police certification, the vote was unanimously in favor of the motion, 8-0.

Brynn Lovejoy Notice of Hearing pursuant to Pol 402.02 (d). This hearing was continued and an informal conference is being scheduled.

Consent Calendar

Prior Training and Experience

Officer David Keith, New London Police Department

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

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.

264th Academy August 10, 2013 to November 15, 2013, entrance fitness test July 27, 2013.

Extension Full Time Officer

Officer Kevin L. Baca, Keene Police Department

Will be 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 Baca must remain actively enrolled in the 161st Full Time Academy and may continue to work only in the direct presence of a certified police officer.

Officer Gary D. Carter, Jr., Ashland Police Department

Will be 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 Carter must remain actively enrolled in the 161st Full Time Academy and may continue to work only in the direct presence of a certified police officer.

Officer James T. Nadeau, Somersworth Police Department

Will be 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 Nadeau must remain actively enrolled in the 161st Full Time Academy and may continue to work only in the direct presence of a certified police officer.

Officer Patrick Stanborough, Somersworth Police Department

Will be 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 Stanborough must remain actively enrolled in the 161st Full Time Academy and may continue to work only in the direct presence of a certified police officer.

Officer Kyle Jepsen, Laconia Police Department

Will be 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 Jepsen must remain actively enrolled in the 161st Full Time Academy and may continue to work only in the direct presence of a certified police officer.

Officer Patrick M. Lyons, Laconia Police Department

Will be 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 Lyons must remain actively enrolled in the 161st Full Time Academy and may continue to work only in the direct presence of a certified police officer.

Officer Thomas Orlando, Somersworth Police Department

Will be 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 Orlando must remain actively enrolled in the 161st Full Time Academy and may continue to work only in the direct presence of a certified police officer.

Officer Charles O. Johnson, Hinsdale Police Department

Will be 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 Johnson must remain actively enrolled in the 161st Full Time Academy, must provide proof of handcuffing familiarization, and may continue to work only in the direct presence of a certified police officer

Officer Richard E. Laferriere Wakefield/Brookfield Police Department

Will be 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 Laferriere must remain actively enrolled in the 161st Full Time Academy, must complete firearms familiarization prior to going on patrol and then may continue to work only in the direct presence of a certified police officer.

Officer Matthew Wunschel, Farmington Police Department

Will be 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 Wunschel must remain actively enrolled in the 161st Full Time Academy, may continue to work only in the presence of a certified police officer, unless he successfully completes the Field Training Officer program, in that case he may work under normal supervision.

Extension Part Time Officer

Officer Jesse H. Emery, Fremont Police Department

Will be granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 264th Part Time Academy with the stipulation that Officer Emery must remain actively enrolled in the 264th Part Time Academy and may continue working only in the direct presence of a certified officer.

Officer Aaron W. Colette, Sullivan Police Department

Will be granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 264th Part Time Academy with the stipulation that Officer Collette must remain actively enrolled in the 264th Part Time Academy and may continue working only in the direct presence of a certified officer.

Officer James MacKenna, Sunapee Police Department

Will be granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 264th Part Time Academy with the stipulation that Officer MacKenna must remain actively enrolled in the 264th Part Time Academy and may continue working only in the direct presence of a certified officer.

Added Addendum# 1 Request for Extension

Officer Christopher St. Cyr, Dalton Police Department

Will be granted an extension until June 1, 2013 in order to take the entrance fitness test.

Commissioner Wrenn asked that item number 28, Laconia Police Department's training grant request, be removed from the Consent Calendar for a discussion.

Motion by Chief Sullivan, seconded by Judge Gardner to approve the consent calendar items (with the exception of number 28) 8-0 vote unanimously in favor of the motion.

Non Consent Items

Requests for Specialized Training Grant Funds (Balance: \$11,673.83).

Laconia Police Department requested funds for Detective Kevin Butler to attend the American Association of Police Polygraphist Thirty Sixth Annual Seminar in Charlotte, NC, from June 2, 2013 to June 7, 2013.

Motion by Commissioner Wrenn to deny the request for funds to Laconia Police Department for this conference, Council policy is not to provide funding for conferences. The motion was seconded by Chief Sullivan. Council vote was 6 in favor, 2 opposed.

Royce Pelkey Notice of Hearing pursuant to Pol 402.02 (a) (8).

Informal Conference held March 20, 2013.

At 10:54 a.m. upon a **motion** by Chief Morency seconded by Colonel Quinn, Council members went into a non public session, by a unanimous roll call vote, 9-0.

Motion by Chief Cahill, seconded by Chief Sullivan to seal the nonpublic minutes, unanimously in favor 8-0.

At 11:17 a.m. upon a **motion** by Chief Cahill, seconded by Chief Sullivan, by a unanimous roll call vote 9-0 in favor, Council members came out of the non public session.

Motion by Chief Cahill, seconded by Colonel Quinn, to reject the settlement agreement negotiated during the informal conference held on March 20, 2013.

Chairman Prozzo stated that the matter would be on the agenda, and scheduled for a hearing during for the April 23, 2013 Council meeting.

David Scott

Chief Merrill advised that the suit had been dismissed by US District Court; however Mr. Scott is filing for reconsideration.

Officer Lionel Emond, Peterborough Police Department

Extension request and eligibility for entrance to the Full Time Academy.
Officer Emond withdrew from the 160th (current) Academy due to a medical issue. Chief Guinard is requesting an extension, as the next Academy will be past his six month date of hire. The next consideration for the Council was that according to Council rule and the Technical Assistance Manual, Officer Emond must present a new Form D Medical clearing him of the issue that caused him to withdraw from 160th Academy.

Motion by Commissioner Wrenn, seconded by Chief Morency to table the six month extension request for Officer Lionel Emond; until we receive the Form D medical clearance, and add it to the agenda for next month's (April 23, 2013) meeting.

Other New Business

Requests for Consideration

Discussion

Graduation Ceremony Time will be at 2:00 p.m.

Three Day Suspensions.

Director Vittum advised Council members of a Form B submitted by an agency that listed three consecutive three day suspensions for one individual. Discussion began amongst Council members. The rule is that any suspension of more than three days must be reported.

Director Vittum returned the Form B to the department because the suspension is under appeal.

Staff was directed to review, and bring the issue back before the Council in the next couple of months to consider a rule change implementation. Consensus was that any suspension should be reported. Police Standards and Training Council has a responsibility to any future employers of individuals who have been suspended to maintain accurate records.

It was also decided that this may be the best time to address some of the language in the Forms A and B's for clarification as previously discussed. The staff will review the forms and bring forward suggestions.

Energy- State Demand Response Program

Captain Jean explained that the State Energy Manager has asked that PSTC join the State Demand Response program (attachment). PSTC is outfitted with back up generators. The State Demand Response Program looks for state agencies that are willing to join the program. The program is a partnership between the state of New Hampshire and Constellation Energy. If there is ever a high demand on the electrical grid during peak times, agencies agree to switch over from grid power to generator power during that high demand period. As part of participation in the program, the state receives money from Constellation Energy that goes into the state's Energy Efficiency Plan. The money is used to pay for state energy efficiency projects, and all state agencies can apply to use funding. PSTC has had the benefit of some of that funding all ready, new lighting has been installed, and now PSTC will transition to energy efficient lighting in the tactical center. No funding will be provided to PSTC directly, but it will be available. The only cost to PSTC will be the diesel fuel to run the generators.

Motion by Chief Sullivan, seconded by Chief Cahill to go forward and join the program. The vote was unanimously in favor of the motion 8-0.

Final Proposals for Pol 404.07 and Pol 402.02

Chief Merrill explained that the documents were submitted March 6, 2013 to the Office of Legislative Services.

Performance Audit Attempt by Legislators

Director Vittum explained that there was an attempt by legislators to do a performance audit at Police Standards and Training. PSTC opposed the audit because the statute states that any audits that are done, the agency would have to pay for. Members of the senate stated that the performance audits were not paid for by the agency. The statute states any audit you shall pay for, (attachment).

The request for performance audit has been tabled by the house and senate fiscal committees, and therefore they are looking to bring it back.

Director Vittum went further to state that the audit was about the way that the Council conducts business. Director Vittum stated that he would not make files available; non public items would not be viewed unless there was a court order or subpoena. The first issue is that we would have to pay for the performance audit, the second issue is access to files. Director Vittum wanted to be sure that members of the Council were aware of what may happen.

Discussion ensued amongst Council members regarding performance audits. Attorney General Delaney suggested that any performance audit for Police Standards and Training should involve a competent law enforcement perspective that could assist the auditing function. The legislature should incorporate that competent law enforcement perspective.

Director Vittum advised that he would be meeting with Senator Morse on March 27th to discuss the matter further.

Next Meeting Date/Adjournment

Chairman Prozzo paused before the meeting was adjourned to thank Attorney General Michael Delaney, as this may be his last meeting, even though he has agreed to stay on through the month of April. "Attorney General Delaney has given the Council a tremendous amount of time, and his time and service is appreciated".

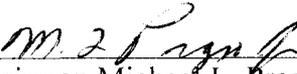
Attorney General Delaney stated "Thank you to all the Council members and also thank you very much to the Director and to the staff for everything that you do. We are held to the highest standards in law enforcement and those standards are set and maintained at this table and having the opportunity to participate in that process for the past four years

has been a remarkable experience for me and one that I took very seriously and very much enjoyed. That being said, Director Vittum and staff, I can't thank you enough for what you do for the entire law enforcement community. You're a credit and you really are a vital component to making sure that law enforcement maintains the reputation and the credibility to keep our citizens safe. I especially want to thank the Director and the staff for everything they do. We'll stay in touch, and when we're not in touch you will all be missed".

The next regular meeting of the Council, #429, is currently scheduled for Tuesday, April 23rd, at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire at nine o'clock in the morning.

Upon a **motion** by Chief Sullivan, seconded by Chief Cahill the Council voted unanimously 8-0 to adjourn the meeting at 12:00 p.m.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.