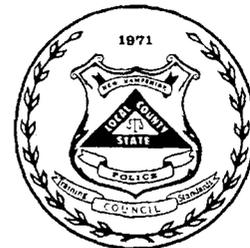




Sheriff Michael L. Prozzo, Jr.
Chairman

State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
ARTHUR D. KEHAS
LAW ENFORCEMENT TRAINING FACILITY & CAMPUS
17 Institute Drive — Concord, N.H. 03301-7413
603-271-2133 FAX 603-271-1785
TDD Access: Relay NH 1-800-735-2964



Donald L. Vittum
Director

Approved Minutes

May 28, 2013

The 430th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:10 am by Vice Chairman William L. Wrenn, Jr., in classroom one of the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Attorney General Joseph Foster, Sheriff David Dubois, Strafford County, Vice Chancellor Ronald Rioux, Community College System of New Hampshire, Chief Peter Morency, Berlin Police Department; Chief David Cahill, Sunapee Police Department; Colonel Robert Quinn, New Hampshire State Police, Chief Anthony Colarusso, Dover Police Department; Judge Sawako Gardner, 10th Circuit District Division, Portsmouth and Chief James Sullivan, Hampton Police Department.

Members Absent: Judge James Carroll, 4th Circuit District Division, Laconia and Chairman Michael J. Prozzo, Jr., Sheriff of Sullivan County.

Staff Present Director Donald L. Vittum, Captain Mark Bodanza, Chief (ret.) Timothy Merrill.

Guests Present: SAAG Nancy Smith, Attorney John Krupski with his client, Trooper Brynn Lovejoy, Trooper Seth Cooper of NH State Trooper's Union, CO Joseph Humphreys, Chief Ryan Heath, Alton Police Department, Chief Joseph Collins, Gilmanton Police Department with Mr. Tyler Hackett and Sergeant Matthew Currier, Sheriff Gerald Marcoux with Deputy Keith Robarge, and Rockingham County Assistant County Attorney Tom Reid.

Approval of Minutes

Judge Gardner moved for the Council to approve the minutes of the April 23, 2013 meeting. Following a second by Chief Cahill, the voice vote of the Council was 9-0.

Council members held a discussion with SAAG Nancy Smith until 9:40 a.m. 9:40 meeting resumed.

Previous and/or Unfinished Business

Brynn Lovejoy, Hearing pursuant to Pol 402.02 (d).

Commissioner Wrenn explained that the hearing could be held in a public or a non public session. Attorney Krupski asked for a non public session. Colonel Quinn recused himself from this hearing.

Motion for a nonpublic session was made by Chief Cahill, the motion was seconded by Chief Sullivan. The roll call vote including Vice Chairman Wrenn was 9-0 in favor.

Non public session commenced at 9:41 a.m.

Motion to seal nonpublic minutes by Judge Gardner, 8-0 in favor of the vote.

Motion to exit nonpublic session by Chief Cahill, seconded by Chief Sullivan, the roll call vote including Vice Chairman Wrenn was 9-0 in favor.

10:15 the meeting returned to public session

Motion by Sheriff Dubois to take no action on Trooper Brynn Lovejoy's certification based upon Dr. Longpre's report, the motion was seconded by Chief Cahill, 8-0 in favor of the vote.

10:15 Council members took a break.

10:30 Back on the record.

Clint Cassavaugh, Hearing pursuant to Pol 402.02 (a). (12) Informal conference was held on May 14, 2013 and agreement was brought forward for the Council's consideration.

Commissioner Wrenn stated that Officer Cassavaugh and his attorney, Daniel St. Hilaire were not present; however they would be requested to appear at a future hearing if Council members *did not* approve the agreement.

Captain Bodanza reviewed facts of the Cassavaugh case for Council members.

On January 23, 2013 Mr. Cassavaugh executed an agreement to plead guilty to a violation level offense of disorderly conduct, (RSA 644:2) and a plea of not guilty to a misdemeanor level offense of simple assault, (RSA 631:2-A), was found guilty of disorderly conduct, fined \$1000.00 with \$800.00 suspended for one year on condition of good behavior; an Anger Management Evaluation within 90 days (with follow-up of recommendations); and the simple assault charge was placed on file without a finding for a period of 12 months on condition of no subsequent criminal or violation level convictions.

On May 14, 2013, Attorney Daniel St. Hilaire and Officer Cassavaugh met with Commissioner Wrenn, Captain Bodanza and Chief Merrill for an informal conference to stipulate to the facts and narrow the issues in the case.

The original incident occurred on April 3, 2012, the arrest warrant was issued on May 3, 2012. Officer Cassavaugh is still employed full time by the Pittsfield Police Department and part time by the Chichester Police Department, he has been on unpaid leave for those departments for over a year. Officer Cassavaugh has taken responsibility for his actions.

As a result of the meeting, an agreement was drafted whereby, Officer Cassavaugh's police officer certification will be suspended for a period of 30 days, retroactive to May 8, 2012; (if the Council does not accept the proposal, a hearing on the matter will be scheduled for the next regularly scheduled Council meeting).

Motion by Chief Colarusso to approve the agreement made during the informal conference with Clint Cassavaugh and Attorney St. Hilaire, the motion was seconded by Colonel Quinn. The vote was 6-3 in favor of the motion.

Request for database information Rockingham County Attorney Jim Reams.

Deputy County Attorney Tom Reid addressed Council members about obtaining database information from the academy to update their files with current PSTC officer's identification numbers. The initial request was made by Rockingham County Attorney Jim Reams on September 27, 2011. Attorney Reid explained that the information was being used in their case management software in order to locate and contact officers.

Motion by Chief Sullivan, seconded by Judge Gardner, for PSTC to provide database information every six months to Rockingham County Attorney's Office as an update with PSTC officer id numbers. The vote was 9-0 in favor of the motion.

(Firearms Awards will be addressed in June 2013 meeting)

Coos County Inquiry –

Sheriff Gerald Marcoux and Deputy Keith Robarge were present requesting a waiver in the process of background investigations while hiring for Coos County Sheriff's Department.

Sheriff Marcoux explained that in the past when hiring new deputies he has called the department where the person last worked and asked the chief about that departments' background investigation on the individual, and then asked for a letter stating that their (the other department's) background investigation was accurate and complete.

Discussion ensued amongst Council members regarding the Sheriff's request.

Chief Sullivan asked, "What is the background rule?" Chief Merrill responded, Pol 301.05 and read the rule "the hiring authority shall conduct or cause to be conducted a background investigation before appointing a person or investing with authority any person elected in police, corrections, probation parole officer notwithstanding that the officer may already be employed by another hiring authority or already is a certified police, corrections or probation/parole officer".

Commissioner Wrenn went further, stating, "how do we get around the law to say that you wouldn't have to do that? You know we can violate the law by allowing it."

Chief Colarusso and Chief Sullivan gave details and some of the reasons and methods their own agencies used when completing background investigations during their hiring processes.

Sheriff Marcoux explained that this is the way he had been conducting business; and he knew of other chief's who did background investigations in the same manner, he felt that he was repeating tasks in background investigations that had already been completed on certified officers. He stated that ultimately he was trying to save money.

Sheriff Marcoux stated that he understood what was expected of him, thanked Council members, and exited the meeting.

New Business

Hearings (NONPUBLIC SESSIONS)

Pursuant to RSA 91-A:3, II (a), these matters may be heard in a nonpublic session.

Joseph Humphreys, Hearing pursuant to Pol 402.02 (a) (4) (c).

Commissioner Wrenn recused himself from this hearing as Joseph Humphreys is employed by New Hampshire Department of Corrections.

Chief Morency (next in seniority on the Council) agreed to chair this hearing.

Chief Morency explained to CO Humphreys that he could have a public or non public session. CO Humphreys chose a nonpublic session.

Motion for non public session by Chief Sullivan, the motion was seconded by Chief Cahill, the roll call vote including sitting Chair Chief Morency was 9-0 in favor of the motion.

At 11:34 the non public session commenced.

At 11:35 Colonel Quinn exited the meeting, he returned at 11:40.

Motion by Chief Sullivan to seal the minutes of the nonpublic session, the motion was seconded by Chief Cahill, council vote was 9-0 in favor of the motion.

Motion by Chief Sullivan to come out of the nonpublic session, the motion was seconded by Chief Cahill, with a roll call vote including sitting Chair Chief Morency 9-0 in favor of the motion.

11:55 the public session resumed

Motion by Chief Cahill to revoke Joseph Humphreys certification, the motion was seconded by Judge Gardner. The vote on this motion was 7 in favor, one opposed.

Tyler Hackett, Hearing (eligibility) pursuant to Pol 301.05 (g) (13); Pol 301.05 (m).

Commissioner Wrenn stated that this was a hearing to determine Mr. Hackett's eligibility for hire as a police officer after he had resigned in lieu of dismissal from the Alton Police Department. More specifically to see if there were violations of Council rules, including moral turpitude.

Mr. Hackett was in attendance with Chief Joe Collins and Sergeant Matthew Currier of the Gilmanton Police Department. Also in attendance was Chief Ryan Heath of the Alton Police Department.

When asked, Mr. Hackett confirmed that he wanted a public session.

Captain Bodanza presented Council members with a timeline and summarized Mr. Hackett's employment history, and went through all of the exhibits to be considered by the Council, including a copy of the internal investigation by the Alton Police Department.

Mr. Hackett had not worked in law enforcement since August 24, 2007 when the Alton Police Department had filed a Form B with PSTC, for his resignation in lieu of dismissal, due to incidents involving Mr. Hackett.

Chief Heath had been subpoenaed by PSTC, he testified regarding his knowledge of the events that lead to Mr. Hackett's resignation in lieu of dismissal from the Alton Police Department. Chief Heath was sworn in by Commissioner Wrenn.

Captain Bodanza asked Chief Heath to explain the situations which led up to Mr. Hackett's resignation in lieu of dismissal from the Alton Police Department.

Captain Bodanza questioned Chief Heath specifically on the items listed in the internal investigation. During the arrest of a minor, excessive use of force, unlawful arrest, unlawful search, and beyond the arrest, failure to cooperate during an internal investigation, willfully disobeying an order by a superior officer, disseminating copies of department general orders without permission, making slanderous/defamatory remarks about a superior officer and emailing them, willful disobedience to take a polygraph test regarding an internal investigation, and misuse of town property by taking a department vehicle for personal use. When asked, Chief Heath testified that all of the aforementioned items in the investigation were founded.

Before Chief Heath could terminate Mr. Hackett's employment, Mr. Hackett submitted a letter of resignation.

Mr. Hackett was sworn in by Commissioner Wrenn. Mr. Hackett testified that the report in question looked differently than what he remembered. He also stated that he remembered everything that happened the day of the arrest, but the way the report was written "doesn't sound like me". Colonel Quinn asked if he was testifying that the report had been altered, Mr. Hackett stated "yes". He could not specifically state what section of the report had been changed.

The following Council members questioned Mr. Hackett in detail about both the arrest report in question and the items in the internal investigation by the Alton Police Department; Colonel Quinn, Commissioner Wrenn, Chief Cahill, Chief Sullivan and Chief Morency.

Break at 1:05 p.m., and back in session at 1:10 p.m.

Chief Collins was sworn in by Commissioner Wrenn. Chief Collins testified that while looking at Mr. Hackett during the hiring process, he understood that during the meeting (mentioned previously, between Chief Heath and Tyler Hackett) that there was a six month span of time, (between the arrest and the meeting between Chief Heath and Tyler

Hackett). During that six month time period, Chief Iwans, Lt. Correia and Captain Anderson had all been fired from the Alton Police Department. He went on to state that there was “lack of training and leadership” for Mr. Hackett. Chief Collins stated that he had contacted Chief Iwans about Tyler Hackett, Chief Iwans stated that there was an internal report of Tyler Hackett’s arrest incident. Chief Iwans also said that he had cleared Tyler Hackett in the incident, however, no one has been able to locate a copy of that report.

Chief Collins deferred to Sgt. Matthew Currier regarding the background investigation on Tyler Hackett.

Sgt. Currier was sworn in by Commissioner Wrenn.

Chief Cahill asked Sgt Currier if he had investigated all of the nine items that were listed in the internal investigation report by Chief Heath, specifically the violation of an order from a commanding officer? Sgt Currier said he had not, but he met with Chief Heath.

Motion by Chief Cahill, that Tyler Hackett was not eligible for certification as a full time or part time police officer.

Chief Cahill read into the record “Pol 301.05 (n) The council shall not certify a person as a police, corrections or probation/parole officer, as applicable, if it finds that an applicant was hired by an agency despite meeting any of the disqualifying criteria set out in Pol 301.05 (g).

Chief Cahill then stated, “this was the purpose of my motion”.

The motion was seconded by Colonel Quinn, the Council vote was 9-0 in favor of the motion.

CONSENT CALENDAR

Request for Certification based upon Prior Training and Experience

Officer Frank Arena, Laconia Police Department,

(DOH: 04/15/13) Will be granted certification upon successful completion of the medical exam, entrance fitness test, HGN/SFST and the Law Package of the Full-Time Police Officer Academy.

Officer Daniel Cheshire, Dublin Police Department

(DOH: 05/13/13) 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.

Officer Jeffrey Clark, Fitzwilliam Police Department,

(DOH: 05/06/13) Will be granted certification upon successful completion of the medical exam, and entrance fitness test.

Officer Ashley Pepelis, Peterborough Police Department

(DOH: 05/20/13) 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.

Officer Thomas Sheveland, Pembroke Police Department

(DOH: 05/13/13) Will be granted certification upon successful completion of the medical exam, entrance fitness test, and the complete Full-Time Police Officer Academy.

Officer Steven Cornacchia, Manchester Police Department

(DOH: 04/15/13) Will be granted certification upon successful completion of the medical exam, entrance fitness test, and the Full-time Academy Law Package.

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

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

162nd Academy September 16, 2013 to December 20, 2013; entrance fitness test September 3, 2013

163rd Academy January 6, 2014 to April 10, 2014; entrance fitness test December 6, 2013.

Part-Time Police Officer Academy

264th Academy June 15, 2013 to August 2, 2013; entrance fitness test June 1, 2013.

265th Academy August 10, 2013 to November 9, 2013; entrance fitness test July 27, 2013.

(Extension Full Time)

Officer Frank Shea, Hancock Police Department

(DOH: 03/13/13 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 162nd Full Time Academy with the stipulation that Officer Shea must remain actively enrolled in the 162nd Academy.

Officer Joshua Gray, Hillsborough County Sheriff's Department

(DOH: 03/25/13 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 162nd Full Time Academy with the stipulation that Officer Gray must remain actively enrolled in the 162nd academy, (*he is pending his Part Time Certification on May 17, 2013*).

(Extension Part Time)

Officer Jeffrey Cole, Madbury Police Department

(DOH: 12/20/12) Was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 265th Part Time Academy with the stipulation that Officer Cole must remain actively enrolled in the 265th Part Time Academy and may continue working only in the direct presence of a certified officer.

**Requests for medical extensions for fitness testing.
2012 Fitness date**

CO Stacy Seluk, New Hampshire Department of Corrections was granted a second fitness testing extension which will expire December 31, 2012

Chief John Trammell, Carroll Police Department was granted a second fitness testing extension which will expire December 31, 2012

Motion by Chief Cahill, seconded by Judge Gardner to approve the consent calendar items. Council vote was 9-0 in favor of this motion.

Non-consent item

Officer Adam Pearson, Salem Police Department (DOH: 05/13/13) requests consideration for full-time police officer certification based on prior training and experience. Officer Pearson completed the Municipal Police Training Committee basic training for police officers at the Reading (MA) Police Academy on January 15, 2013.

Motion by Chief Colarusso, seconded by Chief Sullivan to grant certification to Adam Pearson with completion of the medical exam, entrance fitness test and the law package of the full time academy. Council vote was 9-0 in favor of this motion.

Requests for Specialized Training Grant Funds (Balance: \$10,526.50)

(No requests were made this month for training grants).

Final Adoption of Pol 402.02 and Pol 404.07

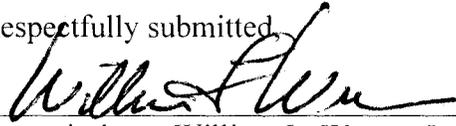
Motion by Chief Sullivan, seconded by Chief Morency to for final adoption of Pol 402.02 and Pol 404.07 vote 9-0 in favor of this motion.

Next Meeting Date/Adjournment

The next meeting #431 of the New Hampshire Police Standards and Training Council will be held on June 25, 2013, at nine o'clock in the morning.

Upon a motion by Chief Sullivan, seconded by Chief Morency, the Council voted unanimously to adjourn the meeting at 1:50 p.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "William L. Wrenn, Jr.", written over a horizontal line.

Commissioner William L. Wrenn, Jr.