



Sheriff Michael L. Prozzo, Jr.
Chairman

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

Approved Minutes

December 17, 2013

The 437th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:03 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 L. Prozzo, Jr., Sheriff of Sullivan County; Vice Chairman, Commissioner William L. Wrenn, New Hampshire Department of Corrections; Deputy Attorney General Ann Rice; Colonel Robert Quinn, New Hampshire State Police; Chief David Cahill, Sunapee Police Department; Chief James Sullivan, Hampton Police Department; Chief Peter Morency, Berlin Police Department; Chief Anthony Colarusso, Dover Police Department and Sheriff David Dubois, Strafford County.

Members Absent: Judge James Carroll, 4th Circuit District Division, Laconia; Judge Sawako Gardner, 10th Circuit District Division, Portsmouth; and Vice Chancellor Ronald Rioux, Community College System of New Hampshire.

Staff Present: Director Donald L. Vittum, Chief Tim Merrill, Captain Mark Bodanza, and Captain Benjamin Jean.

Guests Present: David Carpenter with his attorney, Tim Goulden; Chief Peter Bartlett, Hooksett Police Department with Officer Donald Broughton; Chief David Wentworth, Sugar Hill Police Department and David Scott, Barnstead Police Department

Approval of Minutes

Motion by Commissioner Wrenn for the Council to approve the minutes of the November 19, 2013 Council meeting. Following a second by Deputy Attorney General Ann Rice, the Council voted unanimously 8-0 in favor of the motion.

Previous and/or Unfinished Business

David Carpenter, Madbury Police Department, Pol 301.05 (g), Eligibility.

Captain Bodanza explained that Attorney Goulden was present with his client, David Carpenter today after the previous month's meeting when the settlement proposed from an informal conference had been denied by the Council. David Carpenter was issued a notice of hearing for today's Council meeting. Attorney Goulden provided a letter to staff whereby David Carpenter had surrendered his certification.

Captain Bodanza explained to Council members that a surrender of certification meant that David Carpenter could not request his certification back before two years' time had passed.

When asked by Chairman Prozzo, there were no comments from Attorney Goulden or David Carpenter.

Motion by Chief Colarusso, seconded by Chief Sullivan to accept the resignation of David Carpenter. Council voted unanimously in favor of the motion 8-0.

Pol 301.05, Drug Policy – Committee, this item had been tabled from November 19, 2013 agenda, and several prior agendas.

Chairman Prozzo asked Chief Sullivan for an update. Chief Sullivan explained that under the Drug Policy, Pol 301.05, section eight, the Council had heard an eligibility case in the past where Council members discussed that there should be more "leeway" in dealing with an issue in this section of the rules, where an individual would never be able to be certified. Chief Sullivan stated that there was more work to be done on this topic and he would be in contact with Judge Carroll and PSTC staff members. Chief Sullivan also stated that any Council members that were interested in the topic should contact him.

Chairman Prozzo announced that this item would be removed from the agenda until Chief Sullivan had further information, at that point it would be posted on the agenda for a future meeting.

Chief Wentworth from the Sugar Hill Police Department was in attendance and wished to discuss his sponsorship of recruits through the Academy.

Chief Wentworth explained that he had contacted PSTC regarding his process of putting individuals that his agency had hired part time through the full time academy in order for them to become candidates as full time officers for another department. Chief Wentworth explained further that he did not need these officers for Sugar Hill, but wanted to help those people in his community achieve employment in law enforcement. He had been informed that legally it was not wrong; however it was not a process that the Council would endorse.

Director Vittum was recognized by Chairman Prozzo and stated that all of the information required by PSTC in the hiring process by Sugar Hill Police Department had been received and that Chief Wentworth had done a proper background investigation.

Council members expressed concerns about liability for the recruit, injuries and worker's compensation.

Chairman Prozzo suggested that the topic be revisited at the next month's meeting, with Council members in agreement. Chairman Prozzo thanked Chief Wentworth for attending.

Addendum #2 Sheriff Rivera of Cheshire County, regarding Special Deputies

The sheriff was present as requested by Chairman Prozzo to ask about using “special deputies” to service civil process when certified deputies were not in attendance at the Cheshire County Sheriff’s Office or at the courthouse. Sheriff Rivera explained that the “special deputy” was a past practice of Cheshire County and that he was seeking confirmation of said past practice. He asked if special deputies required certification to serve civil process.

When asked, Chief Merrill read the statute, 104:4 Special Deputy. – “A sheriff may appoint a special deputy for the service and return of any process, by warrant indorsed thereon, in the manner heretofore practiced”.

Council members had a brief discussion, referred to the statute and ultimately decided that this was not a decision for PSTC. Chairman Prozzo thanked Sheriff Rivera.

Final Adoption , Rule Pol 301.06

Chief Merrill explained that the Joint Legislative Committee of Administrative Rules had voted to approve Pol 301.06. The rule was relative to the Council form’s A and B which are changes in employment status.

Motion by Deputy Attorney General Rice to adopt Pol 301.06, the motion was seconded by Chief Morency. It was confirmed that this rule would take effect on January 1, 2014. The Council vote was unanimous, 8-0 in favor of the motion.

CONSENT CALENDAR

PT&E Requests

Deputy Robert Fitzsimmons, Strafford County Sheriff’s Office

Will be granted certification upon successful completion of the medical exam, entrance fitness test, and the Full-time Academy’s Law Package, Deputy Fitzsimmons must remain actively enrolled in the required academy.

Officer Ryan Boyton, Manchester Police Department

Will be granted certification upon successful completion of the medical exam, entrance fitness test, the Full-time Academy’s Law Package as well as Death Investigation/Command incident; Officer Boyton must remain actively enrolled in the required academy.

Chief John Velleca, Weare Police Department

Will be granted certification upon successful completion of the medical exam, entrance fitness test, and the Full-time Academy's Law Package as well as HGN/SFST. Chief Velleca must remain actively enrolled in the required 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

163rd Academy January 6, 2014 to April 11, 2014; entrance fitness test December 16, 2013.

Part-Time Police Officer Academy

266th Academy February 8, 2014 to May 9, 2014; entrance fitness test January 25, 2014.

Officer Bryan L. Moynihan, Laconia Police Department

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 163rd Full Time Academy with the stipulation that Officer Moynihan must remain actively enrolled in the 163rd academy and may continue working only in the direct presence of a certified officer.

Officer Megan M. DeNutte, Laconia Police Department

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 163rd Full Time Academy with the stipulation that Officer DeNutte must remain actively enrolled in the 163rd academy and may continue working only in the direct presence of a certified officer.

Officer Joseph M. Tucker, Laconia Police Department

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 163rd Full Time Academy with the stipulation that Officer Tucker must remain actively enrolled in the 163rd academy and may continue working only in the direct presence of a certified officer.

Officer Anna R. Brewer-Croteau, Laconia Police Department

Was granted the extension through the date of the entrance fitness test and, if testing is successful, through the end of the 163rd Full Time Academy with the stipulation that Officer Brewer-Croteau must remain actively enrolled in the 163rd academy and may continue working only in the direct presence of a certified officer.

Officer David Olmstead, Alstead Police Department

Was granted an extension through the date of the entrance fitness test and, if testing is successful, through the end of the 266th Part Time Academy with the stipulation that Officer Olmstead must remain actively enrolled in the 266th Part Time Academy and may continue working only in the direct presence of a certified officer.

Officer Kevin Pierce, 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 266th Part Time Academy with the stipulation that Officer Pierce must remain actively enrolled in the 266th Part Time Academy and may continue working only in the direct presence of a certified officer.

Requests for Specialized Training Grant Funds (Balance: \$11, 647.59)

Berlin Police Department was granted funds for Lt. Dan Buteau to attend the New England Law Enforcement Executive Development Seminar, FBI Boston Division, in Mashantucket, CT from February 9 to 14, 2014.

Durham Police Department was granted funds for Sgt. Daniel Brooks to attend the Command Training Series Mid Management Course at the Roger Williams University School of Justice in partnership with the New England Association of Chiefs of Police in Portsmouth, RI, from February 23 to March 8, 2014.

Portsmouth Police Department was granted funds for Captain Frank Warchol to attend the Leadership Seacoast program in Portsmouth, NH; one Wednesday a month from January through June, 2014.

Ongoing Physical Fitness Testing

Requests for Fitness Testing Extensions 2012

Brian Landry, Windham

Stacey Seluk, Merrimack County

John Minichiello, Candia and Hancock

Requests for Fitness Testing Extensions 2013

Warren Olson, Manchester

Eric D Robertson, Barnstead

Fred Guldbrandsen, Wakefield

John Ventura Wakefield

Michael Hutchinson, Northfield

Bryant Scott, Strafford

Allison Vachon Attorney General's Office

Katie Zamore, Keene

Michael Beaulieu, Springfield

Theresa Moore, Windham

Brian Marion, NH Department of Corrections

Shawn Freitas, Lebanon

Dino Scala, Carroll County Sheriff's Office

Addendum # 3 Requests for Medical extensions received after 12/4/13

Nelson Jimenez	Londonderry	2013
Adam Dyer	Londonderry	2013
Patrick Carr	Lancaster	2013
Bartlett Kapuscinski	Lebanon	2013
Douglas Nelson	NHDOC	2013
Richard Tellifson	Concord	2013
John Noel, Jr.	Brookline	2013
Emmons Neil Cobb	Sunapee	2013

Addendum #5 Request for Medical extension rec'd 12/17/13

Anne Perriello	Pelham	2013
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(A request for training grant funds for Sullivan County was removed from the consent calendar as the class was full).

Motion by Chief Sullivan to approve the consent calendar (including addendum items #3 and #5 requests for medical extensions) was seconded by Chief Colarusso, the vote was unanimously in favor of the motion 8-0 with the following recusals: Deputy Attorney General Rice for item 28, Chief Morency for item 16, Sheriff Dubois item 9, Chief Cahill for an officer in Addendum #3

Addendum #1 Chief Bartlett, Hooksett Police Department,

Chief Bartlett was present with Officer Donald Broughton with a request for an RSA 188-F:27 III-j waiver.

When asked by Chairman Prozzo, Chief Bartlett requested a nonpublic session.

Motion by Chief Morency for the Council to enter a nonpublic session, the motion was seconded by Commissioner Wrenn, the Council's roll call vote including the Chairman was unanimously in favor of the motion 9-0.

At 9:52 a.m. members of the public were excused and the Council entered a nonpublic session.

Motion by Chief Colarusso to seal the minutes of the nonpublic session, the motion was seconded by Deputy Attorney General Rice. Council vote was 8-0 in favor of the motion.

Motion by Chief Colarusso to exit the nonpublic session, the motion was seconded by Chief Cahill, the Council's roll call vote including the Chairman was unanimously in

favor of the motion 9-0.

10:08 the Council returned to public session.

Motion by Deputy Attorney General Rice "I'd move that a waiver be granted for a six month period of time at which time the chief of the town should come back and give the Council an update". The motion was seconded by Chief Colarusso, with a unanimous vote in favor of the motion by Council members, 8-0.

Anonymous complaint

Motion by Commissioner Wrenn to enter a nonpublic session, the motion was seconded by Deputy Attorney General Rice, the Council's roll call vote including the Chairman was unanimously in favor of the motion 9-0.

10:10 a.m. the Council entered a nonpublic session.

Motion to seal the nonpublic minutes by Chief Morency, seconded by Commissioner Wrenn, Council vote was 8-0 in favor of the motion.

Motion to exit the nonpublic session by Sheriff Dubois seconded by Commissioner Wrenn, the Council's roll call vote including the Chairman was unanimously in favor of the motion 9-0.

10: 17 a.m. the Council exited the nonpublic session

Motion by Chief Cahill, seconded by Chief Sullivan, to instruct the staff to investigate the letter, conduct an audit of the time with the letter of the Atkinson Police Department, Council vote was 8-0 in favor of the motion.

Three Year fitness testing statistics 2013

Staff asked Council to authorize receipt of medical extensions for fitness testing until December 31, 2013.

Motion by Chief Sullivan, to continue the practice of allowing staff to accept requests for medical extensions until December 31, 2013, for the January agenda, without suspension on January first. The motion was seconded by Deputy Attorney General Rice. The Council vote was unanimous 8-0 in favor of the motion.

Report from the staff, information for this year's testing, there were 818 due to test, which is approximately double the number due last year. There are currently 272 individuals who have not submitted documentation for this years' test.

There are 23 people who were due last year for three year fitness testing and failed, staff has no updated information from them. There are eight people that were due to test last year that have medical extensions expiring December 31, 2013 and we have not heard from them.

Chief Cahill asked "so if we don't hear from anybody who is required to have it done by the end of the year do we require them to come in in front of us"?

Staff responded, "they get automatically suspended without further action of the Council,

that was the Council's decision two years ago. Once they meet the requirements, then they have to come before the Council."

Chief Sullivan commented, 'if they come into compliance before the meeting they get reinstated but they still come before us for non-compliance.'

Further information from staff revealed that in 2011 twenty people failed the fitness test and will be suspended by the end of the year without a passing test. One person with a testing date of 2011 who had a medical extension that will expire December 31, 2013 must provide a passing test or face suspension. Potentially, twenty-one people at the five-year mark could be suspended.

Non consent item

PPOI Nellie Chancey, New Hampshire Department of Corrections

(DOH 10/04/13) requests an extension through the end of the 97th Corrections Academy. An extension is required because the ending date of the 97th Corrections Academy exceeds six months from the date of hire.

Commissioner Wrenn explained that this was a Department of Corrections employee who had been a certified Correction's Officer and took a position with the department as a case counselor, where she remained working inside the prison.

The discussion was about Ms. Chancey's Correction's Certification lapsing because she had not worked as a correction's officer for approximately five years. At this point, she would be required to complete a Correction's Academy and then complete the probation parole courses required during the next full time police academy. Council members asked about Ms. Chancey's continuing education requirements for a Correctional Officer, or if it was an option for her to test out of the Correction's Academy.

After further discussion, council members agreed to table the matter until the January meeting.

Addendum #4, waiver for staff to use fitness facility

Motion by Sheriff Dubois, second by Chief Cahill of the waiver document to allow PSTC staff to use fitness facility, council vote was unanimous on the motion 8-0.

Other New Business

House Bill 1102, describing the composition of the Council. Director Vittum explained the bill and asked that there be some representation of Council members, the procedural start being January 8, 2014. Chief Cahill agreed to follow the bill.

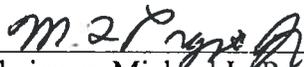
Chairman Prozzo made mention of a letter that all Council members had received; the letter had been referred to legal counsel.

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council (#439) will be held on January 28, 2014 at nine o'clock in the morning.

Upon a motion by Deputy Attorney General Ann Rice, seconded by Chief Cahill, the Council voted unanimously to adjourn the meeting at 11:45 a.m.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.