



Sheriff Michael L. Prozzo, Jr.
Chairman

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

Approved Minutes

February 25, 2014

The 439th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:05 by Chairman Prozzo, in classroom one at 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; Major Russell Conte, New Hampshire State Police; Chief David Cahill, Sunapee Police Department; Chief James Sullivan, Hampton Police Department; Chief Peter Morency, Berlin Police Department (left at 11:00 a.m.); and Sheriff David Dubois, Strafford County. Vice Chancellor Ronald Rioux, Community College System of New Hampshire and Judge James Carroll, 4th Circuit District Division, Laconia (left at 10:30 a.m.)

Members Absent: Judge Sawako Gardner, 10th Circuit District Division, Portsmouth; and Chief Anthony Colarusso, Dover Police Department

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

Guests Present: Chief Brian Giammarino and Officer Jonathan Quigley, Greenfield Police Department, Chief James Burroughs and Clayton Couitt, Newport Police Department

Approval of Minutes

Sheriff Dubois moved for the Council to approve the minutes of January 28, 2014. Following a second by Deputy Attorney General Ann Rice, the voice vote of the Council was unanimously in favor 9-0.

New Business

Jonathan Quigley, Greenfield Police Department eligibility hearing Pol 301.05

Jonathan Quigley was in attendance with Chief Brian Giammarino. Officer Quigley requested a hearing in public session.

Chairman Prozzo read Council protocol for the hearing. Chief Tim Merrill presented the information for the staff and was sworn in by Chairman Prozzo.

Chief Merrill presented council members and Officer Quigley with a time line summary of the matter.

Jonathan Quigley Synopsis

3/19/2007	Form "A"	hired Part Time	Weare PD	Exh A
6/2/2007		certified Part Time Police Officer		Exh B
1/4/2008	Form "A"	hired Full Time	Weare PD	Exh C
6/27/2008		Certified Full Time Police Officer		Exh D
3/26/2009	Form "B"	Resigned in lieu of Dismissal	Weare PD	Exh E
12/5/2013	Form "A"	hired Part Time	Greenfield PD	Exh F
1/10/2014		Letter sent to Weare PD asking if reason for resignation in lieu of dismissal indicated a violation of Pol 402.02		Exh G
1/21/2014		Response from Weare Chief Velleca- reason for resignation does Implicate Pol 402.02.		Exh H

On 3/21/2009, while on duty with the Weare Police Department, Officer Quigley was involved in a single vehicle accident, driving a Weare cruiser off the roadway and down an embankment.

According to the accident report filed by NHSP, Officer Quigley observed an animal dart into the cruiser's path of travel on Rt. 114, Officer Quigley took evasive action to avoid colliding with the animal, was unable to return the vehicle to its proper course of travel, went off the roadway striking a sign post, delineator post and some small trees.

Copy of MV Traffic Accident Report B09-4261
Exh I

Officer Quigley gave a written statement to the investigating Trooper as follows:

On 3/21/2009 at approximately 0430 hrs I was patrolling northbound in the area of Rte. 114 and Knox Road when I observed a large animal crossing the road east to west. I attempted to avoid the animal and in doing so I swerved into the southbound lane and once I hit the soft shoulder I felt that the cruiser would be unable to be corrected. I steered straight ahead and braced myself for impact.

Copy of Statement of Jonathan Quigley dated 3/21/2009 Exh J

Officer Quigley wrote a similar narrative in the IMC Call for Service report 09-2343.

Copy of 3/21/2009 Call for Service narrative of Jonathan Quigley. Exh K

Weare PD Sergeant Robert Peterson conducted an internal investigation of Officer Quigley's accident concluding that Officer Quigley lied about the cause of the accident.

Copy of Weare PD Internal Investigation 09-02-IA

Exh L

During the internal investigation Officer Quigley admitted that there was no animal in the road, he'd fallen asleep while driving which caused the accident. He also admitted he'd told the same story to the investigating Trooper at the scene of the accident about a deer in the road, knowing it was a false statement.

Copy of Statement of Jonathan Quigley dated 3/23/2009

Exh M

Chief Merrill's closing to the Council, summarized that the purpose of the hearing is to determine whether Officer Quigley's actions violated Pol 301.05. Officer Quigley resigned in lieu of termination. An act of moral turpitude or lack of moral character for behavior which would cause a reasonable person to doubt his honesty and respect for the law.

Chairman Prozzo asked for questions from Council members; and then from Greenfield Police Department. Chief Merrill responded to Sheriff Dubois's question, there were no criminal charges filed in the incident.

Chief Giammarino began by stating that Jonathan Quigley lied, "told a fib" about the accident with the Weare Police Department's cruiser. He went on to say that since that time he has done a lot to turn his life around. He confirmed that Officer Quigley's name was on the Laurie list, but as of yet, no issues have come up with the department, Officer Quigley has made arrests but all of those cases have settled.

Discussion ensued regarding responsibility of the hiring authority, "an applicant was hired by an agency despite meeting any of the disqualifying criteria set out in Pol 301.05 (g)".

Motion by Chief Cahill, seconded by Deputy Attorney General Ann Rice to postpone this hearing until next month to allow staff to obtain audio of the interview by Sgt Peterson with Officer Quigley from the Weare Police Department, and, with the prior training and experience request submitted by Greenfield Police Department for Officer Quigley postponed to next month as well. 9-0.

Newport PD Chief Burroughs with Clayton Couitt, appealing academy dismissal

When asked, Chief Burroughs stated that they would like a public session.

Captain Bodanza was sworn in by Sheriff Prozzo. Captain Bodanza explained that Clayton Couitt had been dismissed from the 163rd Academy (which was currently in session). The dismissal was after the second week of the academy for violations of the Academy Manual by (1) using profanity D10 (b), *a student shall display a respectful and courteous attitude towards all persons*; and D38, *recruits shall act in a professional manner during class breaks and follow guidance of the instructor*, and (2), additionally by kissing another recruit D36(a) *no student may engage in non-training physical contact of any kind with any other person. Non-training physical contact is defined as kissing, touching, hand holding etc.*

Clayton Couitt was sworn in and explained that he came in to speak with the Council to “right a wrong” and that he hoped his actions would not reflect poorly on the Newport Police Department. He was requesting re-admittance to the Academy, the next session.

Discussion ensued amongst the Council members relative to Clayton Couitt’s education, military history, maturity level and accountability for actions to his department as well as to the recruits in the 163rd Academy session.

Motion by Chief Cahill, seconded by Chief Sullivan, to uphold Clayton Couitt’s dismissal from the 163rd Academy, 9-0 in favor of the motion.

Motion by Chief Cahill, seconded by Chief Sullivan to allow Clayton Couitt to attend the next Academy session and to review whether he should address his behavior with the 163rd Academy Class, 8 in favor, one opposed.

Previous and/or Unfinished Business

Anonymous complaints from January 28, 2014 meeting

Chief Merrill explained that staff had begun a review and that the complaints had merit; hearings would follow during next month’s meeting.

Additional New Business

Motion by Chief Sullivan seconded by Chief Morency to accept the surrender of Chief Richard Simpson of the East Kingston Police Department’s certification, the vote was 9-0 in favor of the motion. (It was noted that a surrendered certification is registered with the national certification database).

Form G’s

Chief Merrill completed a presentation to council members detailing procedures when police and corrections/probation parole officers are arrested, and what the Council’s obligations were to the rule, Pol 402.02 (b). This issue had been recently reviewed by PSTC’s legal counsel, and PSTC staff would like direction from Council members on how to proceed. Chief Merrill read the rule into the record as follows:

Pol 402.02 b) A certification shall be temporarily suspended pending resolution of criminal charges if the officer has been arrested, indicted or bound over either prior to or after certification for a felony or any crime involving moral turpitude or of a crime which tends to bring discredit on the police, corrections, or probation/parole service, unless the safety of the public or the confidence in the criminal justice system would not be adversely affected.

Discussion ensued amongst the Council members on this topic, if officers had been arrested and were still working, what where the types of arrests (only felonies or any arrest), in state versus out of state arrests, and how these arrests should be communicated to the Council members, that it was incumbent upon Council members to take action.

(Judge Carroll exited the meeting at approximately 10:30 a.m.)

When asked, Chief Merrill provided names of those who were in this situation requiring the Council's attention:

Mark Nerenburg DOC

Arrested 12/28/2013 by Hooksett PD

Driving After Revocation or Suspension RSA 263:64

Suspended Registration RSA 216:178

Michael Wedge DOC

Arrested 12/7/2013 by Fish & Game

Illegal Night Hunting RSA 208:8, Ia (misd)

Donald A. Frost South Hampton & East Kingston

Arrested 12/23/2013 by Peabody, Ma PD

Assault & Battery Domestic (Felony level)

Threat to Commit a Crime

Peabody District Court

George Wickson Plaistow & Rockingham County

Indicted 10/2/2013 Hillsborough County

Criminal Threatening RSA 631:4 (B-Felony)

Simple Assault RSA 631:2-a (A-Misd) X2

Simple Assault – Attempt RSA 631:2-a (A-Misd)

Criminal Threatening RSA 631:4 (A-Misd)

Joseph Freda Salem PD

Arrested 1/15/2014 by Office of the Attorney General

Simple Assault X2 RSA 631:2-a (Misd)

Extended Term RSA 651:6, I(h) (on duty officer)

Sherwood G. Dubrey, Jr. DOC

Arrested 2/4/2014 by Fish & Game

Overlimit of Moose RSA 208:1-a

Brad W. Zarba Hampton

Arrested 1/7/2012 by Tewksbury, Ma PD

Assault & Battery with Dangerous Weapon –Aggravated Assault

Simple Assault X2

Malicious or Wanton or Defacement of Property –Destruction/Damage/Vandalism

Lowell District Court

Pending

William E. Soucy Manchester PD

Arrested 7/9/2013 by Hooksett PD

Simple Assault RSA 631:2-a (misd)

Adam R. Beland Manchester PD

Arrested by Manchester PD

Simple Assault

Sheriff Dubois expressed concern about any of the officers who were still working, and Chief Merrill explained that this could not be discussed in a public session.

Motion by Sheriff Dubois, seconded by Chief Cahill to enter a nonpublic session to discuss personnel matters, the roll call vote including Sheriff Prozzo was unanimously in favor of the motion 9-0.

10:35 Council entered a nonpublic session

Motion to seal the nonpublic minutes by Commissioner Wrenn, seconded by Sheriff Dubois, the vote by Council was unanimous 8-0.

10:57

Motion to exit the nonpublic session by Deputy Attorney General Ann Rice, seconded by Chief Sullivan, roll call vote including Chairman Prozzo was unanimous 9-0.

Motion by Commissioner Wrenn, seconded by Deputy Attorney General Ann Rice to temporarily suspend the certifications of David Frost, Brad Zarba and George Wickson because under Pol 402.02 “the Council shall suspend” for felony level offenses. They will be notified for a hearing to be held on March 4, 2014 at 10:00 a.m. The Council vote was 8-0 in favor of this motion.

11:03 the Council members took a break at this point, and Chief Morency left the meeting.

11:13 the meeting was back in session.

Chairman Prozzo stated that there would be six individual’s noticed for hearing for next month, these were those remaining individual’s from the previous discussion about officers who had been arrested.

CONSENT CALENDAR

PT&E Requests

Officer Ryan C Elek, Bedford Police Department

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

Officer Donald F. Grow, Jr., Barnstead Police Department

Will be granted certification upon completion of medical examination, entrance fitness test and the NH Full-Time Academy law package; with an extension request necessary to get through the 164th Academy law package.

Requests for Extensions

Note: Extensions granted until the first council meeting following the fitness testing for the requested Academy, and, if testing is successful, to the first council meeting following the end of the requested Academy.

Full-Time Police Officer Academy

163rd Academy January 6, 2014 to April 10, 2014; entrance fitness test December 16, 2013.

164th Academy May 19, 2014 to August 22, 2014; entrance fitness test May 5, 2014.

Part-Time Police Officer Academy

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

267th Academy June 14, 2014 to August 1, 2014; entrance fitness test May 31, 2014.

Corrections Academy

97th Academy, March 17, 2014 to May 16, 2014; entrance fitness test March 3, 2014.

Officer Ryan C. Elek, Bedford Police Department

Will be granted an extension to the first council meeting following the fitness testing for the requested Academy, and, if testing is successful, to the first council meeting following the end of the 164th Full Time Academy with the stipulation that Officer Elek must remain actively enrolled in the 164th academy and may continue working only in the direct presence of a certified officer. Unless he has successfully completed his agency's FTO Program, then normal supervision

Officer Geoffrey S. Miller, Rye Police Department

Will be granted an extension to the first council meeting following the fitness testing for the requested Academy, and, if testing is successful, to the first council meeting following the end of the 164th Full Time Academy with the stipulation that Officer Miller must remain actively enrolled in the 164th academy and may continue working only in the direct presence of a certified officer.

Officer Stephen Keller, Somersworth Police Department

Will be granted an extension to the first council meeting following the fitness testing for the requested Academy, and, if testing is successful, to the first council meeting following the end of the 164th Full Time Academy with the stipulation that Officer Keller must remain actively enrolled in the 164th academy and may continue working only in the direct presence of a certified officer.

Officer Adam Martinez, Richmond Police Department

Will be granted an extension to the first council meeting following the fitness testing for the requested Academy, and, if testing is successful, to the first council meeting following the end of the 267th Part Time Academy with the stipulation that Officer Martinez must remain actively enrolled in the 267th Part Time Academy and may continue working only in the direct presence of a certified officer.

Requests for Specialized Training Grant Funds (Balance: \$ 7,903.68)

Concord Police Department was granted funds for Detective Bryan Croft to attend Practical Homicide Investigation by the Northeast Law Enforcement Officer's Association from May 4 to May 7, 2014 at the Radisson Airport Hotel Center in Warwick RI.

Ongoing Physical Fitness Testing Requests for Fitness Testing Extension

Vincent Ruel NH Department of Corrections Fitness due in 2013 was granted a medical extension for fitness testing

(END OF APPROVED CONSENT CALENDAR)

Motion to approve the consent calendar was made by Chief Sullivan and seconded by Chief Cahill, council was unanimous in favor of this motion 7-0.

Other New Business

Rule Change

The completed change for Pol 301.06 was to be filed with the Office of Legislative services, and a letter was presented for Chairman Prozzo to sign for certified accuracy of the completed rule.

Chairman Prozzo wanted to express to Council members about a topic from the last month's meeting. The training committee was asking the Director to do certain things and to provide information. Chairman Prozzo spoke with Director Plummer who apologized, "he did not want to step on our toes".

Addendum #1 to change Academy Manual to maintain consistency with recruits, no facial hair would be allowed in any academy.

Motion to approve the change, effective today by Sheriff Dubois, seconded by Chief Cahill, unanimously in favor 7-0.

Addendum #2 Donald Broughton Hooksett Police Department
Request for transcript of his nonpublic session

Chief Merrill explained that even though this was Donald Broughton's own information, since it was nonpublic and sealed, the Council must grant that request, and that also, the staff does not transcribe but could provide the audio.

Motion by Chief Sullivan, seconded by Deputy Attorney General Ann Rice to provide the audio of Donald Broughton's sealed non-public minutes, unanimous vote by Council in favor of this motion. 7-0.

Addendum Items 3 and 4, Lisa Wienckoski and Ema Donlagic, NH DOC

Motion by Sheriff Dubois, seconded by Chief Sullivan to enter a nonpublic session for personnel reasons, roll call vote unanimous including Chairman Prozzo 8-0.

At 11:24 a.m. the Council entered a nonpublic session.

Motion to seal by Chief Cahill seconded by Chief Sullivan, 7-0 in favor

Motion to exit the nonpublic session by Chief Cahill seconded by Chief Sullivan roll call vote all in favor including Chairman Prozzo 8-0

Motion on Addendums #3 and #4 to admit both individuals to the Corrections Academy by Chief Sullivan, seconded by Chief Cahill, vote was 6-0 in favor with Commissioner Wrenn abstaining from the vote.

Chairman Prozzo asked for further issues to come before the Council.

Chief Merrill stated that the Attorney General's office would be providing training on administrative hearings soon, March 21, 2014. Council members were supportive of the class and stated it was beneficial training, information for the class could be found on line, it had been emailed.

Chief Merrill asked Council members, what should the staff of PSTC do if they become aware of an officer with Laurie issues? What is the obligation of PSTC? If there was a hearing and the issue came up?

Discussion ensued, with consensus being these items should be examined on a case by case basis with consultation with the agency's attorney, SAAG Nancy Smith. If the information surfaces during a nonpublic session, what information is in the hands of the investigative agency? "It's not a clear answer".

Commissioner Wrenn asked Council for information regarding an individual, CO Cecelia Stone who had failed the entrance fitness test for an academy, prior training and experience law package. He asked about giving second attempts to complete the test.

Discussion ensued as to benefits of adding a second test date for entrance testing, the amount of time, labor and money in order to hold a second day of testing for someone who may have a medical issue or failed the entrance fitness test requirement for an academy.

Motion by Sheriff Dubois, seconded by Chief Sullivan to allow Cecelia Stone to take the entrance fitness test again in order to attend the upcoming academy law package at the next possible opportunity, 4 in favor, 1 opposed, and Commissioner Wrenn recused from the vote, the motion passed.

General

Chief Cahill discussed House Bill 1102 which is relative to the people who make up the Council.

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council #440 will be held on March 25, 2014, at nine o'clock in the morning.

Upon a motion by Chief Cahill, seconded by Chief Sullivan, the Council voted unanimously to adjourn the meeting at 12:15 p.m.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.

