



Sheriff Michael L. Prozzo, Jr.
Chairman

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

Approved Minutes

September 23, 2014

The 446th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:07 by Chairman Sheriff 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 Sheriff Michael L. Prozzo, Jr., Sullivan County; Vice Chairman, Commissioner William L. Wrenn, New Hampshire Department of Corrections; Attorney General Joseph Foster; Vice Chancellor Ronald Rioux, Community College System of New Hampshire; Chief Anthony Colarusso, Dover Police Department; Judge Sawako Gardner, 10th Circuit District Division, Portsmouth; Sheriff David Dubois, Strafford County; Major David Parenteau, New Hampshire State Police; Chief David Cahill, Sunapee Police Department Judge James Carroll, 4th Circuit District Division, Laconia and Chief James Sullivan, Hampton Police Department

Members Absent: Chief Peter Morency, Berlin Police Department

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

Guests Present: Lt Ernest Orlando, New Hampshire Department of Corrections with his attorney, Stephen Jeffco.

Approval of Minutes

Judge Gardner moved for the Council to approve the minutes of August 26, 2014. Following a second by Chief Colarusso, the voice vote of the Council was unanimous 10-0.

Director's Report

Director Vittum summarized this month's report, continued work on the two year budget, review of hostile work environment policy, training of probation parole officers for certification as correction's officers, discussions with agencies on the Academy's increase in training to sixteen weeks. Also noted was the full time, part time and correction's academy currently in session at the academy and regional sites and the presentation of the annual report to Governor and Council.

Financial Report

Funding is down with fluctuations in revenue, there is no control of funding by PSTC. Director Vittum asked council members to review the budget request.

Meeting dates for November and December

November's meeting date is changed to the eighteenth, and December's meeting date is changed to the sixteenth.

NOH Ernest Orlando, Pol 402.02(a)(4) Conviction for Reckless Driving.

Lt Orlando was present with his attorney Stephen Jeffco. Captain Bodanza summarized the reason for noticing Lt. Orlando.

When asked, Lt. Orlando requested a non public session.

Commissioner Wrenn recused himself and exited the meeting.

At 9:14, after the following motion, the Council entered a nonpublic session.

Motion by Sheriff Dubois, seconded by Chief Colarusso, that the Council enter a nonpublic session. The roll call vote was 10-0.

Motion to seal by Chief Sullivan, seconded by Sheriff Dubois, council vote was 9-0.

Motion to exit the nonpublic session by Sheriff Dubois, seconded by Chief Sullivan, the roll call vote on the motion was 10-0 in favor of the motion.

9:27 back in public session.

Motion by Sheriff Dubois, no action by the Council regarding Lt. Orlando. No action was taken previously and there has been no change in his status, suspension or revocation would have no rehabilitative value or promote a legitimate public interest. . The motion was seconded by Major Parenteau.

The Chairman asked for Council discussion on this motion. Discussion began, Council members discussed the negotiated plea in the case, the serious nature of the charges and that law enforcement officers are held to a higher standard than civilians

The vote was called on the motion, it failed 2 in favor, 6 opposed.

Motion by Chief Colarusso, seconded by Chief Sullivan, to suspend Ernest Orlando's certification for thirty days. The Council vote was unanimous, 8-0 in favor of this motion.

Item number eight on the agenda, NOH Robert Russell, Pol 402.02(a)(5) had been continued to the October 28th Council meeting.

Commissioner Wrenn rejoined the meeting.

CONSENT CALENDAR

PT&E Requests

Officer Donald C. Wood, Pittsfield Police Department, (DOH: 08/20/14).

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

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

165th Academy September 9, 2014 to December 12, 2014; entrance fitness test August 25, 2014

166th Academy January 5, 2015 to April 10, 2015; entrance fitness test December 22, 2014

167th Academy May 4, 2015 to August 21, 2015; entrance fitness test April 20, 2015

The 167th Academy will be the first academy to initiate the change from 14 to 16 week duration.

Part-Time Police Officer Academy

268th Academy February 7, 2015 to May 8, 2015; entrance fitness test January 24, 2015

New Hampshire Department of Corrections Academy

98th September 15, 2014 to November 14, 2014, entrance fitness test September 2, 2014

Officer Devin West, Exeter Police Department (DOH: 06/30/14) (**Not Part-time certified**)

Will be granted the extension 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 with the stipulation that the officer must remain actively enrolled in the 166th academy law package, and may continue working only in the direct presence of a certified officer; Unless the officer has successfully completed his agency's FTO Program, then normal supervision.

Officer James G. MacKenna, New London Police Department (DOH: 04/07/14) (**Part-time certified**)

Will be granted the extension 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 with the stipulation that the officer must remain actively enrolled in the 166th academy.

Officer David W. Olmstead, Winchester Police Department (DOH: 06/01/14) (Part-time certified)

Will be granted the extension 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 with the stipulation that the officer must remain actively enrolled in the 166th academy.

Probation/Parole Officer Kimberly Gordon, NH Department of Corrections (DOH: 06/30/14)

Will be granted the extension 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 with the stipulation that the officer must remain actively enrolled in the 166th Full time Academy, and may continue working only in the direct presence of a certified Probation/Parole officer.

Officer Dusty Carter, NH Department of Corrections (DOH: 08/22/14)

Will be granted the extension 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 with the stipulation that the officer must remain actively enrolled in the 99th Corrections Academy, and may continue working only in the direct presence of a certified corrections officer.

Officer Donald Pritchard, NH Department of Corrections (DOH: 08/22/14)

Will be granted the extension 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 with the stipulation that the officer must remain actively enrolled in the 99th Corrections Academy, and may continue working only in the direct presence of a certified corrections officer.

Probation/Parole Officer Jason Wyatt, NH Department of Corrections (DOH: 07/23/14)

Will be granted the extension 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 with the stipulation that the officer must remain actively enrolled in the 166th Full time Academy, and may continue working only in the direct presence of a certified Probation/Parole officer.

Officer Joshua DeBlois, NH Department of Corrections (DOH: 08/08/14)

Will be granted the extension 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 with the stipulation that the officer must remain actively enrolled in the 99th Corrections Academy, and may continue working only in the direct presence of a certified corrections officer.

Officer Kristen Lanctot, NH Department of Corrections (DOH: 08/08/14)
Will be granted the extension 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 with the stipulation that the officer must remain actively enrolled in the 99th Corrections Academy, and may continue working only in the direct presence of a certified corrections officer.

Requests for Specialized Training Grant Funds (balance \$14,028.84). (34)

Amherst Police Department will be granted funds for Lt. Chad Blake and Lt Anthony Ciampoli to attend the Command Training Series Mid Management Course at Roger Williams Command Training Center in Portsmouth, Rhode Island from September 28, 2014 to October 9, 2014.

Addendum #3 September 23, 2014 PSTC Meeting

Nashua Police Department will be granted funds for Captain James Maloney to attend the Command Training Series for Executive Development at Roger Williams University in Portsmouth RI from October 20-23 and November 17- 20, 2014.

END OF APPROVED CONSENT CALENDAR

Motion by Chief Sullivan, seconded by Chief Colarusso to approve the consent calendar, including the addendum item, number three. The Council vote was unanimous 10-0 in favor of this motion.

Other New Business

Public Hearings for Pol 404.03 and Pol 404.04

These rule amendments are regarding the annual firearms reports which are submitted to PSTC. Rules amendments were read into the record.

The current Form F lists each individual officer and whether or not they have completed the annual four hour use of force training and if they have qualified with their firearm. The purpose of the amendments is to make changes and require each agency to keep the information in their own files, the agency would then file an affidavit with PSTC which would replace the current Form F with the new affidavit of one page which verifies that all officers have completed the four hour use of force class and have qualified with their firearm, including a list of firearm's instructors that participated in training. The reason for listing the instructors is that unless they instruct a class every year they cannot maintain their firearms instructor certification.

The actual changes in the rule, Pol 404.03, section (a), corrects a reference to Pol 302.03, which is a typographical error the reference should be Pol 302.02. The major change in Pol 404.03 is section (k), 'proficiency shall be documented and monitored by the department and records retained for a five year, replacing three year, period and subject to the examination and audit by the director and/or his or her authorized agent.

The changes to Pol 404.04 for the annual certification, the following shall apply to the certification, the hiring authority shall submit to the Council no later than thirty days after the conclusion of each calendar year a firearms training qualification affidavit certifying that each police, corrections, probation parole employed by them has successfully completed all training and and qualification requirements prescribed in Pol 404.03 during the preceding training year.

There were no public comments made, the staff will accept comments in writing until September 30, 2014.

Chairman Prozzo closed the public hearing on Pol 404.03 and Pol 404.04.

Addendum #1 September 23, 2014 PSTC Meeting

PTE for Probation Parole Officers to be certified as Correction's Officers

Commissioner Wrenn explained this proposal which included names of forty seven current probation/parole officers who have held correction's officer certifications in the past. These officers would maintain their jobs at Department of Corrections as probation/parole officers but after being re-certified through the proposed refresher training course, they would be able to fill in vacancies in the state prison for correction's officers.

Motion by Sheriff Dubois, seconded by Chief Sullivan to approve the request made by the Department of Corrections. The Council vote was 10-0 in favor of the motion.

Addendum #2 September 23, 2014 PSTC Meeting

Request for Declaratory Ruling by Jerry Bolnick regarding RSA 265:94 Limitations on Backing

Mr. Bolnick sent a written request to staff at PSTC requesting a declaratory ruling on whether law enforcement can issue complaints in private parking lots.

Motion by Chief Sullivan, seconded by Commissioner Wrenn, for Chairman Prozzo to issue a letter to Mr. Bolnick conveying that the Council has no authority to issue a declaratory ruling in this situation. The Council voted unanimously in favor of the motion, 10-0.

Addendum #4 September 23, 2014 PSTC Meeting

General Order of Harassment, Discrimination and Hostile Work Environment

This item was tabled until the October 28, 2014 Council meeting.

Addendum #5 September 23, 2014 PSTC Meeting

Follow up, Pol 501 Reporting of Ethics Violations

Written Comments received from Office of Legislative Services. Last month, there was a public hearing on a rule change, Pol 501.01, the reporting of arrests. There had been no public comment, however staff received written comment from the Office of Legislative Services. The original Form G requests the name and address of the prosecutor; the amended form asks for the name of the prosecuting official and phone number.

Motion by Chief Sullivan, seconded by Attorney General Foster, to approve an amendment by written comment, and to proceed to file the final proposal in this rules' amendment. The Council vote was unanimous 10-0.

When asked by Chairman Prozzo if there were any additional matters, the Council discussed an upcoming legislature item regarding Laurie issues; and whether Council members would be able to take part in discussions regarding accountability for law enforcement.

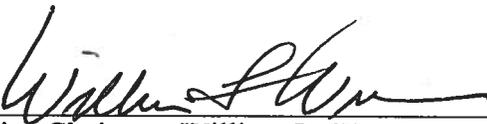
The next Council meeting will be on Tuesday, October 28, 2014. Several Council members will be attending the IACP meeting; however there will be enough members for a quorum.

Next Meeting Date/Adjournment

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

Upon a motion by Chief Sullivan, seconded by Chief Colarusso, the Council voted unanimously to adjourn the meeting at 9:50 a.m.

Respectfully submitted,



Vice Chairman William L. Wrenn