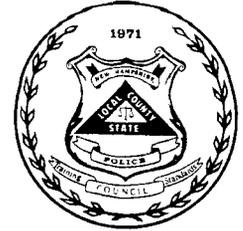




Sheriff Michael L. Prozzo, Jr.  
Chairman

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

**Approved Minutes**

**November 18 2014**

The 448<sup>th</sup> meeting of the New Hampshire Police Standards and Training Council was called to order at 9:05 a.m. by Chairman Prozzo, in classroom two 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; Major David Parenteau, New Hampshire State Police; Chief David Cahill, Sunapee Police Department; Chief Anthony Colarusso, Dover Police Department; and Sheriff David Dubois, Strafford County.

Members Absent: Chief Peter Morency, Berlin Police Department; Judge Sawako Gardner, 10th Circuit District Division, Portsmouth; Judge James Carroll, 4th Circuit District Division, Laconia.

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

Guests Present: James Gray, NH State Representative, Chief Jeffrey Cain, Pittsfield Police Department, Officer Donald Wood, Pittsfield Police Department, Chief William Burke, Chester Police Department with Ryan Lehman, NH State Trooper David Myer with Attorney John Krupski and Sergeant Marc Beaudoin of the New Hampshire State Trooper's Association.

**Approval of Minutes**

Vice Chancellor Rioux moved for the Council to approve the minutes of the October 28, 2014 Council meeting. Following a second by Attorney General Foster, the Council voted unanimously in favor of the motion, 7-0.

James Gray, a New Hampshire State Representative was present and addressed the Council regarding the Rochester Police Department's numerous unfilled officer positions and the scheduling of PSTC academy sessions relative to that agency, including the increase of the length of the academy by two weeks. His summary was that it took a month to hire someone, three weeks of in-house training before the academy, four months in the academy and then a month after the academy, "it's more than six months from the time that I identify that I have a need before I can get an officer on the street".

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He suggested that the State of New Hampshire should maintain a pool of screened officers that had been interviewed by the state and completed pre-testing, physical and mental testing. If the state maintained a pool of qualified people, when there was a spot open, there would be a pool of candidates so that if Rochester needs them, they could draw from that pool. He was unsure of financial ramifications or reimbursement. Rochester is down four officers resulting in a situation where every shift must be covered with overtime or the shift is down by one person; every shift, twenty four hours a day.

Council members discussed the suggestion, summarizing that there were three full time academies that were run each year, with a maximum number of 62 recruits in each academy. It is, in fact, a long process to hire and train qualified officers. The current academy facility and the financial status add to all of it and limit what can be done. Further discussions by Council explained to Representative Gray that many agencies have the same problem as Rochester Police Department. This may be an item to add to the agenda for PSTC's retreat, it will not be an easy solution. Council members thanked Representative Gray for bringing the matter to their attention.

#### Director's Report

Director Vittum's written report was distributed to the Council with no discussion.

#### Financial Report

Captain Jean gave both a verbal financial report, and submitted a written report to the Council. Activity for the first four month's revenue is trailing down 3.9% year after year. In October PSTC spent three hundred fifty two thousand dollars which exceeded the revenue for the month, with two major costs. There were three payrolls in October and then the indirect costs to the state of forty two thousand dollars, a yearly expense that comes out of one month. The fund is down by fifty four thousand six hundred twenty five leaving a balance at the end of October of five hundred thirty seven thousand eighty dollars.

#### Previous and/or Unfinished Business

##### NOH Ryan Lehman a hearing regarding Pol 301.05 (g) and (n)

Ryan Lehman was present with Chief William Burke of the Chester Police Department.

Chairman Prozzo summarized that Ryan Lehman was in attendance for a hearing to determine his eligibility for certification as a police officer, Pol 301.05, and confirmed that he had received the notice of hearing an protocol from Council staff, reviewing protocol and procedure verbally. When asked, Ryan Lehman requested a nonpublic session for his hearing.

Motion by Commission Wrenn for the Council to enter a non public session for a personnel matter, the motion was seconded by Chief Cahill. The roll call vote was unanimously in favor of the motion 7-0.

Major Parenteau recused himself from the hearing.

Council entered a non public session at 9:17 a.m.

Motion to seal by Chief Cahill, seconded by Sheriff Dubois, council vote was unanimous 6-0.

Motion to exit the nonpublic session by Chief Cahill, seconded by Chief Colarusso, roll call vote was unanimous 7-0.

11:15 a.m. the Council was back in public session

Motion by Chief Cahill that we find that the Form A filed inappropriately had an insufficient background examination which failed to meet the standards or requirements by the Form I.

(This motion was withdrawn as Council must address the issue from the hearing first).

Motion by Chief Colarusso, that the Council not certify Mr. Lehman and that the applicant was hired despite not qualifying under Pol 301.05 (g) in violation of Council rule 301.05 (n) as the basis, seconded by Commissioner Wrenn. Council vote was 6-1, and motion passed.

Captain Bodanza read into the record, when asked by Chief Colarusso as clarification for staff, 301.05 (g) (16) Whose general character and reputation in the community are such that a reasonable person would doubt that the applicant would conduct him/herself with honesty and integrity and uphold the rule of law.

At 11:22 a.m. the Council took a break.

At 11:30 a.m. the meeting was back in session.

Major Parenteau returned to the meeting.

NOH David Myer a hearing regarding Pol 402.02 (b) and (c).

David Myer was present with his attorney John Krupski, and Sergeant Marc Beaudoin of the New Hampshire State Trooper's Association.

Major Parenteau recused himself from this hearing.

Captain Bodanza explained that this was a hearing on a personnel issue Pol 402.02 (b) and the Council is being asked to consider whether or not Mr. Myer's certification should be temporarily suspended pending the resolution of criminal charges if the officer has been arrested indicted or bound over 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. Examples of crimes involving moral turpitude are found under Pol 402.02 (c) specifically in this case section three the crime of driving while impaired or DWI.

Chairman Prozzo confirmed with Mr. Meyer that he had received the notice of hearing and protocol and procedure documents from the Council staff. When asked if they

preferred a public or nonpublic session, Attorney Krupski responded that they would like a nonpublic session.

Motion by Commissioner Wrenn for a nonpublic session for a personnel matter, the motion was seconded by Sheriff Dubois, the roll call vote was unanimous 7-0 in favor of the motion.

At 11:35 a.m., the Council commenced a nonpublic session.

Motion to seal the minutes of the nonpublic session, by Chief Cahill, seconded by Commissioner Wrenn, the Council voted in favor of the motion 6-0.

Motion to exit the nonpublic session by Commissioner Wrenn, seconded by Chief Colarusso roll call vote was 7-0.

11:54 a.m. the Council was back in public session.

Motion by Sheriff Dubois, in accordance with Council rule 404.02 (b) that the certification be temporarily suspended as to do otherwise would adversely affect the public confidence in the criminal justice system, seconded by Chief Cahill. Council vote was 6-0.

11:55 a.m. Major Parenteau re-joined the meeting

Prior Training and Experience Request – Non consent

Chief Jeffrey Cain, Pittsfield Police Department was present with Donald Wood

Captain Bodanza explained that the prior training and experience request had been on the agenda for the October meeting. Mr. Wood's last date of employment was with the Bow Police Department in 2009. He has been out NH law enforcement for roughly five years, and according to the Council guidelines he would be required to complete the entire full time academy.

Chief Cain presented documents to the Council detailing of the training that Mr. Wood had completed while he was employed by Seabrook power plant's security, a private agency.

Motion by Sheriff Dubois, seconded by Chief Colarusso, that Donald Wood take the medical exam, entrance fitness test, and law package of the full time academy to complete his full time police certification. Council vote was 7-0, unanimously in favor of the motion.

### **CONSENT CALENDAR**

\*\* Addendum item number four, Officer Ethan Vallaincourt, Deering Police Department for Prior Training and Experience Request for certification

Officer Ethan Vaillancourt, Deering Police Department, (DOH: 11/05/14) 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 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

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

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

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

**The 167<sup>th</sup> Academy will be the first academy to initiate the change from 14 to 16 week duration.**

#### Part-Time Police Officer Academy

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

George Lamphere DOC EXT (DOH 05/02/14). 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 99<sup>th</sup> Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

Michael Clark FT EXT Chichester Police Department (DOH: 07/20/14) 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 166<sup>th</sup> academy and may continue working only in the direct presence of a certified officer.

Tyler Petrin FT EXT , Claremont Police Department (DOH: 06/22/14) 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 166<sup>th</sup> academy.

Timothy Richmond FT EXT Hinsdale Police Department (DOH: 10/07/14) 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 166<sup>th</sup> academy and may continue working only in the direct presence of a certified officer.

### **Requests for Specialized Training Grant Funds (Balance: \$10,028.84)**

There were no grant requests this month.

## **Ongoing Physical Fitness Testing**

### **Requests for Fitness Testing Extensions 2014**

Amanda Hutchins, Plymouth State University Police Department

Gerald Lewis, Windham Police Department

Jaime Abrams, Nashua Police Department

Kevin O'Reilly, Meredith Police Department

Maxim Schultz, New Hampshire State Fire Marshall's Office

Richard Mastin, New London Police Department

\*\*Addendum number five,

Glenn Roberge, Frankestown and Greenfield Police Departments

## **End of Consent Items**

**Motion** by Sheriff Dubois, seconded by Chief Colarusso, to approve this month's consent calendar, the Council vote was unanimously in favor of the motion 7-0.

## **Other New Business**

### **Proposed Rule Changes**

Pol 501.01 Report of Arrests, Final Adoption by Council

Chief Merrill summarized that the amendment to Pol 501.01 required that not only the arresting agency report the arrest to Police Standards and Training but that also the employing agency report to PSTC, as well as the officer who is arrested to report their arrest to their agency.

The rule has been approved for adoption by PSTC by the Joint Legislative Committee on Administrative Rules.

**Motion** by Sheriff Dubois, seconded by Chief Colarusso, to adopt the amendments to Pol 501.01, with the effective date for the rule as January 1, 2015. The Council vote was unanimous in favor of the motion, 7-0.

### **Addendum three, Coos County Corrections**

Superintendent Craig Hamelin was present; he had submitted a letter to Council requesting courtesy lodging for the recruits from Coos County while they attended the New Hampshire Association of Counties Corrections Academy.

**Motion** by Chief Cahill to allow county corrections to utilize the PSTC building for overnight stays as long as there is an academy in session and there is no burden on the academy staff to supervise them. The motion was seconded by Vice Chancellor Rioux, the Council vote was 7-0 unanimously in favor of the motion.

Motion by Sheriff Dubois, seconded by Chief Cahill that PSTC will not accommodate overnight stays unless there is an academy in session, the Council vote was 7-0 unanimously in favor of the motion.

**Addendum #2 Request by New Hampshire Department of Corrections**

Currently there are many open positions for Correction's Officer's at the Department of Corrections. Because of this the agency has had to use a lot of overtime to cover shifts, including mandatory overtime. New Hampshire Department of Corrections has submitted a request for prior training and experience of a number of their civilian employees, who had been certified corrections officers in the past, along with a proposal for refresher training for them, similar to a previous request for Probation/Parole Officers seeking to regain their correctional officer certifications.

Council members were presented with a list of the individuals and the associated dates when last employed as corrections officers.

Motion by Chief Cahil, seconded by Chief Colarusso to deny the request of the Department of Corrections for prior training and experience for the list of civilian employees presented for certification as Corrections Officers. Council vote was 6-0 in favor, with Commissioner Wrenn abstaining from the vote.

**Addendum #1 Status of PSTC Law Enforcement Training Specialist's sworn status**

Director Vittum explained that Chairman Prozzo was retiring soon, and that the history was that PSTC LET's were sworn in by Chairman Prozzo with limited powers, in a memorandum of understanding.

Sheriff Dubois agreed to continue the practice upon request by the Council for sworn status for training specialists, and for access to files to refresh the background investigations.

Motion by Chief Colarusso, to accept the offer by the Strafford County Sheriff to continue in the past practice memorandum of understanding policy for PSTC training specialists to be sworn officers with limited powers and that the Strafford County Sheriff's Department have access to personnel files in order to update the officer's background investigations. The motion was seconded by Commissioner Wrenn and the Council vote was unanimous in favor of the motion 7-0.

**Director's Report**

Director Vittum discussed meeting with Grafton and Coos County recently about the three year fitness requirement. Director Vittum also reminded Council members to file the financial interest documents that are a requirement each year.

**Other New Business**

Council members discussed the ongoing issues of financing PSTC.

Chairman Prozzo will speak with the governor regarding the appointment of a new chairperson when he retires, with Chief Colarusso being recommended by several Council members. Also discussed was when the new civilian members would start.

**General**

The part time academy graduation will be on Friday at 2:00, and the full time academy graduation will be on December 12<sup>th</sup>.

**Next Meeting Date/Adjournment**

The next meeting of the New Hampshire Police Standards and Training Council, #449, will be held on December 16, 2014, at nine o'clock in the morning.

Upon a motion by Chief Cahill, seconded by Sheriff Dubois , the Council voted unanimously to adjourn the meeting at 1:15 p.m..

Respectfully submitted,

  
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Chairman Michael L. Prozzo, Jr.