



Chief Anthony F. Colarusso, Jr.  
Chairman

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

**Approved Minutes**

**February 3, 2015**

**(The meeting of January 27, 2015 was postponed due to a storm).**

The 450<sup>th</sup> meeting of the New Hampshire Police Standards and Training Council was called to order at 9:36 a.m. by Vice Chairman, Commissioner William Wrenn, in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Vice Chairman, Commissioner William L. Wrenn, New Hampshire Department of Corrections; Major Russell Conte, New Hampshire State Police; President Susan Dunton, Community College System of New Hampshire; Chief David Cahill, Sunapee 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; Attorney General Joseph Foster; and Judge Sawako Gardner, 10th Circuit District Division, Portsmouth.

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

Guests Present: CO Jeanette Mousseau, New Hampshire Department of Corrections; Officer Ryan Nolan, Belmont Police Department; Officer Scott Fanjoy, Concord Police Department; Sergeant Anthony Sacco, Effingham Police Department; Chief Timothy Butts, Effingham Police Department; Donald Frost, South Hampton Police Department and East Kingston Police Department with OIC Corporal Craig Charest, East Kingston Police Department; David Myer, with Attorney John Krupski; Chief Kenneth Meola, and Captain Steven Russo, Keene Police Department; and Chief Paul Paquette, Allenstown Police Department.

**Approval of Minutes**

Chief Morency moved for the Council to approve the minutes of the December 16, 2014 Council meeting, following a second by Chief Colarusso, the Council vote was unanimously in favor of the motion 7-0.

**Director's Report**

The Director's report was submitted, to be discussed at the end of the meeting.

### Financial Report

Submitted and explained by Captain Jean, the revenue for the second quarter of fiscal year 2015 is slightly increased from last year, however, the revenue continues to trend downward.

### Previous and/or Unfinished Business

#### Donald Frost, East Kingston and South Hampton Police Departments

Donald Frost was present, accompanied by OIC Corporal Craig Charest of the East Kingston Police Department.

Captain Bodanza explained that Donald Frost was present regarding his previous suspension by the Council, a temporary suspension under Pol 402.02 (b) in the matter he requested to come before the Council because the matter was resolved, he is requesting the suspension lifted, making him eligible to return to work for East Kingston and South Hampton.

When asked, Donald Frost requested a nonpublic session.

Motion by Chief Cahill, for the Council to enter a nonpublic session for a personnel matter, the motion was seconded by Chief Colarusso. Roll call vote was unanimous 7-0 in favor of the motion.

At 9: 50 a.m. the Council entered a nonpublic session.

Motion to seal the minutes of the nonpublic session by Chief Cahill, seconded by Chief Morency, the Council vote was unanimous in favor of the motion, 7-0.

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

At 10:20 a.m. the Council returned to a public session.

Motion made by Sheriff Dubois, seconded by Chief Cahill, to reinstate the certification of Donald Frost, the Council vote was unanimously in favor of the motion, 7-0.

Discussion ensued after the motion about the importance of agency internal investigations and background investigations being a priority in such matters.

#### Officer Scott Fanjoy, Concord Police Department, Pol 404.06, Pol 404.07 and RSA 188:F-27

Officer Fanjoy was present.

Captain Bodanza explained that Officer Fanjoy had been due for his three year fitness testing in 2014, had not submitted the required documents by December 31, 2014, and had been suspended. Captain Bodanza reviewed Officer Fanjoy's certification and employment background for the Council. He explained that Officer Fanjoy was now in compliance as he had submitted a passing fitness test and medical clearance report form. At issue was the rule violation, the documentation was not submitted on time.

Officer Fanjoy explained he missed the testing date for his agency due to an illness, and he failed to follow up to complete testing. He had been placed on administrative leave by his agency when they received the suspension notice. Officer Fanjoy stated that the suspension was his own fault, he should have asked for an extension for fitness testing. He completed the fitness test as soon as possible with his agency.

Motion by Sheriff Dubois, seconded by Chief Colarusso, to take no further action on Officer Scott Fanjoy's certification.

Discussion ensued regarding this case, members expressed that they appreciated that Officer Fanjoy admitted the rule violation, but in fact, felt that the Council had more pressing matters to take up their time.

The vote on the motion was 6 in favor, and one opposed, the motion passed.

Officer Ryan Nolan, Belmont Police Department, Pol 404.06, Pol 404.07 and RSA 188:F-27

When asked, Officer Nolan stated that a public hearing would be fine.

Captain Bodanza explained that Officer Nolan had been due for his three year fitness testing in 2014, had not submitted documentation by December 31, 2014, and because of that, had been suspended.

Captain Bodanza reviewed Officer Nolan's certification and employment background for the Council. He explained that Officer Nolan was now in compliance as he had submitted a passing fitness test and medical clearance report form. At issue was the rule violation; the medical clearance report form and test had not been submitted before December 31, 2014. There were no prior rule violations.

Officer Nolan was sworn in by Vice Chairman Wrenn, and provided the following information to Council members. He admitted that he was at fault for not supplying staff at PSTC with the required documents, after he received a reminder letter to test in October, he did not schedule a test with his agency's training officer. Officer Nolan lost a week's wages while he was suspended, until he filed the passing test with PSTC on January 8, 2015.

Motion by Sheriff Dubois, who stated, there was a violation of rules, but there will be no further action taken against Officer Nolan, based upon the circumstances. The motion was seconded by Chief Colarusso. Council vote was 5-2, the motion passed.

Further discussion ensued amongst Council members regarding fitness violations and whether any additional suspension time would be applied after a second violation of this rule.

At 10:45, Vice Chairman Wrenn recused himself from the hearing of Jeannette Mousseau, but remained in the classroom. Chief Morency, the most senior member of the Council, chaired the hearing for CO Mousseau.

CO Jeannette Mousseau, New Hampshire Department of Corrections Pol 404.06, Pol 404.07 and RSA 188:F-27

When asked, CO Mousseau stated that a public session was acceptable for her hearing.

Captain Bodanza explained that CO Mousseau had been due for her three year fitness testing in 2014, had not submitted documentation by December 31, 2014, and because of that, had been suspended.

Captain Bodanza reviewed CO Mousseau's certification and employment background for the Council. He explained that CO Mousseau was now in compliance as she had submitted a request for medical extension and medical clearance report form from her doctor. At issue was the rule violation; the documents had not been submitted before December 31, 2014.

CO Mousseau was sworn in by Chief Morency.

CO Mousseau was asked why her request for medical extension was not filed in a timely manner; she explained that she had not received the letters from Police Standards and Training Council. The letters were sent to the Shea Farm, not to her home address. When questioned further, she explained that she was not working, she was at home. She did not know that she was supposed to file documents by December 31<sup>st</sup>.

She was asked about the communication process for testing, and she stated that she would receive documents in her mailbox at work. She was aware that this was her year to test, she was waiting to receive information and she did not. She learned of the suspension from Ella Fradette, at which time CO Mousseau called her Sergeant, who located the letters in CO Mousseau's mailbox. At that point, CO Mousseau filed the documents to request a medical extension for fitness testing at PSTC. She knew she was supposed to test, but thought that her Lieutenant or Sergeant would send her something.

It was explained to CO Mousseau that the responsibility for filing three year fitness testing with PSTC was on her, not on her agency.

Motion, by Sheriff Dubois, seconded by Chief Cahill, that there was a clear violation of the rule in the matter, there would be no further action by the Council in the matter, and that the Council would grant the medical extension. The vote was 6-0 in favor, with Commissioner (Vice Chairman) Wrenn abstained from the vote.

Vice Chairman Wrenn conducted the remainder of the meeting.

Sargent Anthony Sacco, Effingham Police Department New Hampshire Department of Corrections Pol 404.06, Pol 404.07 and RSA 188:F-27

When asked, Anthony Sacco requested a nonpublic session for his hearing.

Motion by Sheriff Dubois, seconded by Chief Colarusso to enter a nonpublic session. The roll call vote was unanimous, in favor of the motion, 7-0.

At 11:00 a.m. the Council began a nonpublic session.

Motion to seal the minutes by Chief Cahill, seconded by Chief Morency, the council vote was unanimous, 7-0.

Motion to exit the nonpublic session by Chief Cahill, seconded by Chief Morency, the roll call vote of the Council was unanimous in favor of the motion, 7-0.

At 11:10 a.m. the Council was back in public session.

Motion by Chief Colarusso, seconded by Chief Cahill, that there was a rule violation, there would be no further action by the Council, and that the requested medical extension for fitness testing would be granted. The vote was unanimous in favor of the motion 7-0.

Council members noted; past history for cases of fitness test violations have resulted in additional suspension time.

### **CONSENT CALENDAR**

David Olmstead FT Winchester Police Department (DOH: 06/01/14 Part-time certified), was granted an 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 167<sup>th</sup> academy.

Kimberly Gordon, PPO FT NH DOC (DOH: 6/27/14) CO certified, was granted an 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 167<sup>th</sup> academy and may continue working only in the direct presence of a certified Probation/Parole officer.

Donald Grow FT Barnstead Police Department (DOH: 01/21/14) Not Part-time certified was granted an 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 167<sup>th</sup> 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.

Peter Morelli PT Fremont Police Department (DOH: 05/07/14 Part time certified), was granted an 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 167th academy.

Vincent Rodden, Northumberland Police Department (DOH: 11/14/14Part-time certified), was granted an 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 167<sup>th</sup> academy.

Gene Cuomo PT Fitzwilliam Police Department (DOH: 10/01/14) Was granted an 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 268<sup>th</sup> Part Time Academy and may continue working only in the direct presence of a certified officer.

Requests for Specialized Training Grant Funds (Balance: \$8,301.07).

Rochester Police Department was granted funds for Detective Scott Loignon to attend the IPTM Crime Scene Processing Workshop at the University of North Florida in Jacksonville, Florida from March 29, 2015 to April 3, 2015.

Sunapee Police Department was granted funds for Sgt. E Neill Cobb to attend the Mid Management Course at Roger Williams University in Bristol, Rhode Island, from February 1, 2015 to February 13, 2015.

Berlin Police Department was granted funds for Lt. Daniel Buteau to attend the New England Law Enforcement Executive Development Seminar sponsored by the US Department of Justice FBI in Mashantucket, Connecticut from February 8, 2015 to February 13, 2015.

**Ongoing Physical Fitness Testing**

**Requests for Medical Extensions for Three Year Fitness Testing**

An officer with a fitness testing date of 2013 and eight officers from 2014 requesting medical extensions were granted extensions until June 30, 2015.

**(END OF APPROVED CONSENT CALENDAR)**

Motion by Chief Colarusso, seconded by Sheriff Dubois, to approve the updated consent calendar, removing item number thirteen and editing item number 22. The Council vote was unanimous, 7-0, with Chief Cahill abstaining from item number 22, and Chief Morency abstaining from item number 23.

Item number thirteen, the extension request by the Keene Police Department had been removed from the consent calendar; Chief Kenneth Meola and Captain Steven Russo were present to discuss the matter with the Council.

Cristina Paterno FT Keene Police Department (DOH: 7/27/14 Not Part-time certified) was granted an 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 167<sup>th</sup> academy and may continue working only in the direct presence of a certified officer.

Captain Bodanza reviewed Ms. Paterno's status, her date of hire, and the fact that she was unable to pass the entrance test for the current full time academy.

The initial issue was the request for extension by the Keene Police Department for Cristina Paterno; she had failed the entrance fitness test for the current academy, and must wait until the next academy entrance testing in May. Chief Meola explained that historically, his agency would terminate a recruit who was unable to pass the fitness test, however, she had showed potential with his agency.

The second issue; Keene Police Department was asking Council members to allow Ms. Paterno to work on her own, and not comply with the direct supervision "attached at the hip" policy on extensions after the initial six months of uncertified employment. This policy would not apply to those granted extensions who have had prior training and experience (part time certified, or officers who are law package students). Captain Meola explained the extensive training program that the Keene Police Department undertakes with their new officers, the number of hours that are put into the officers before they attend the academy, this makes their program the most cost effective for the city of Keene and the police department.

Discussion ensued amongst Council members regarding the liability incurred, and the fact that the statute allows newly hire uncertified officers to work on their own for six months, but after six months they must be under direct supervision as part of any extensions granted. Allowing discretion on a case by case basis will open the door for many more requests; the standards for police training are established at Police Standards and Training Council alone.

Motion by Chief Morency, seconded by Chief Cahill, to grant the Keene Police Department's request for extension for Officer Cristina Paterno. Council vote was unanimous in favor of that motion, 7-0.

Motion by Chief Morency, seconded by President Dunton, to deny the request that Officer Cristina Paterno be allowed to work on her own, she must continue

to work attached at the hip to another certified officer. Council vote was 5-2 on this motion, the motion passed.

Addendum #6

Travis Mannon, Allenstown Police Department, request for extension, non-consent.  
Chief Paul Paquette was present to discuss his request with Council members.

Captain Bodanza summarized Travis Mannon's employment and certification history for the Council. The Allenstown Police Department did not file a form A when they hired Officer Mannon earlier this year. He was last employed by the Manchester Police Department until April 29, 2014. He was hired by Allenstown on June 16, 2014, however PSTC was not aware that he was employed by Allenstown Police Department until they received year end documentation, and Officer Mannon was listed the Allenstown roster.

Chief Paquette explained that this was a mistake in paperwork only, this was due to his having to go before the Selectboard in Allenstown about the hire of Travis Mannon.

Council members explained about the necessity for certification within six months of being hired, and that there was a 30 day lapse for Officer Mannon from April 29<sup>th</sup> until his hire at Allenstown, June 16<sup>th</sup>. His six month's to be certified was passed as well, that date was December 16<sup>th</sup>. Officer Mannon must take and pass the entrance fitness test in order to get his lapsed certification back. He had not worked since receiving a letter from PSTC.

Motion, by Sheriff Dubois, seconded by Chief Cahill, to grant the extension for Travis Mannon until the April Council meeting, to allow him to take the entrance fitness test being held on April 20, 2015. The Council vote was unanimous in favor of the motion, 7-0.

Council took a break from 12:00 to 12:10.

Attorney John Krupski with David Myer, request for reinstatement of certification.

Attorney Krupski was present with his client, David Myer, formerly of the New Hampshire State Police.

Major Conte recused himself from this session, and exited the room.

Attorney Krupski requested a nonpublic session for his client.

Motion for a nonpublic session by Chief Cahill, seconded by Sheriff Dubois, the Council's roll call vote was unanimous in favor of this motion, 6-0.

At 12:15 pm the Council began a nonpublic session.

Motion to seal the minutes of the nonpublic session made by Sheriff Dubois, seconded by Chief Cahill, the Council vote was unanimous, 6-0.

Motion to exit the nonpublic session by Sheriff Dubois, seconded by Chief Cahill, the Council roll call vote was unanimous, 6-0.

At 12:27 pm the Council was back in public session.

Motion to lift the temporary suspension on David Myer's certification made by Sheriff Dubois, seconded by Chief Cahill, Council vote was unanimous 6-0 in favor of the motion.

Chief Colarusso discussed that an eligibility hearing may be needed if David Myer were to seek law enforcement employment in the future.

Major Conte returned to the meeting.

A request by the Strafford Police Department, to have Christopher Dustin skip over an academy session due to short staffing.

Christopher Dustin Strafford Police Department (DOH: 12/01/14 Part Time Certified) Was granted an 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 168<sup>th</sup>

Motion by Chief Morency, seconded by Chief Cahill, to approve the extension request of the Strafford Police Department regarding Christopher Dustin. The Council vote was unanimous in favor of this motion, 7-0.

Nelson Jimenez, Londonderry Police Department, request for medical extension for fitness testing.

Captain Bodanza explained that requests for medical extension are generally a consent calendar item; however in this circumstance, the staff had requested input from Council members.

The documentation submitted did not include an examination by a medical practitioner; the medical practitioner referenced a phone call only.

Motion to deny the request for the extension as Nelson Jimenez was not examined by a doctor by Sheriff Dubois, seconded by Chief Cahill. Council members discussed this motion and Sheriff Dubois withdrew the motion.

Motion by Chief Cahill, seconded by President Dunton, to grant the request for medical extension until the February Council meeting in order for Nelson Jimenez to explain the doctor's note and circumstances, and to provide the Council with a medical clearance report form executed and dated by the doctor. The Council vote was unanimous 7-0 in favor of the motion.

Leland Hunter, New Boston Police Department, retesting for firearms qualification  
Request for Extension

Captain Bodanza summarized the request for Council members. Leland Hunter was enrolled in the 267<sup>th</sup> Part time academy, and was not able to pass his firearms qualification. He has made several attempts, and not been able to pass the qualification.

Motion, by Chief Cahill, seconded by Chief Morency, to grant the extension to Leland Hunter for the purpose of allowing him to participate in the firearm's training of the upcoming part time officer academy, up until the qualification day. If he passes, he will receive his part time certification. The extension is for the purpose of attending the firearm's training only; he may not work as a police officer. The Council vote was unanimous in support of this motion, 7-0.

Adoption of Rules Pol 404.03 and Pol 404.04

Motion by Chief Cahill seconded by Chief Colarusso to adopt Pol 404.03 and Pol 404.04, with the effective date of March 1, 2015, the reporting year being 2015. The Council vote was unanimous 7-0 in favor of this motion.

Retests at Academy

Captain Bodanza explained that academy recruits are allowed to take a test no less than seven days after the material has been presented to them. If they pass the test, they move on to the next section, if they fail the test, a notice is sent to their agency, and they must take the test no less than seven days after the failed test. The issue that has arisen recently is those recruits who put off the retest too long, the manual states that all of the retests must be completed before taking the final exam. Agencies have made requests that their officers be forced to take their retests in a prescribed time frame, which the rules do not allow for.

Motion by Sheriff Dubois, seconded by Chief Cahill, an academic retest must be taken within fourteen days of the test failure, or if fourteen days are not available, then no later than the day before the final examination. The Council vote was unanimously in favor of the motion, 7-0.

### Recruits leaving the during the Academy session

Recruits leave the academy for personal and non-personal reasons, some are emergencies, doctor appointments, etc. The issue with absences of recruits are, those who leave the academy are missing blocks of instruction. In the case when there is a non PSTC staff instructor; the instructors who are contracted to teach the block of instruction are not available to teach those classes.

If recruits miss any block of instruction, for any reason, they cannot get certified until they come back to make up the block of training.

Staff is asking the Council for directions; does the Council want to permit the in-house staff instruction only (during the recruits current academy); or require the recruit to return to the next academy session when that block of instruction is being taught?

Discussion ensued amongst Council members. What were acceptable excuses, and was it up to the staff at PSTC to approve the request for absence, or should it be their agency? Perhaps issue letters to the agencies about recruit absences to clarify expectations of enrollment?

Motion by Sheriff Dubois, seconded by Chief Cahill, if a recruit leaves with approval from their agency for any reason, they will complete their Academy session, but must return to the next Academy to make up the session, in order to complete training and receive their certification. Council vote was 7-0 unanimous in favor of the motion.

### Nomination of Chairman

Motion by Sheriff Dubois, seconded by Chief Cahill to send a formal letter to Governor Hassan to from Vice Chairman Wrenn, to officially nominate Chief Anthony Colarusso as the next Chairman of the Council based upon his dedication and tenure on the Council. Council vote was unanimously in favor of the motion 6-0; Chief Colarusso abstained from the vote.

### Information only

Retirement of Captain Kimberly Roberts effective January 31, 2015.

Request by Joseph Haas

Staff has received a request by Joseph Haas about the Constitutional Law class, the staff asks for the Council's direction.

He asked who the instructor was on Constitutional Law, and also if he could sit in on Academy classes.

He does not meet criteria of for someone to sit in on classes as a civilian. The name of the instructor for the Constitutional Law class is a public record, and Mr. Haas can be provided with that name.

Addendum #4, the Narcan Training

Will be addressed on the February 24<sup>th</sup> Council meeting, how to provide the training

Addendum #5

Notification of a recruit who was excused from the Academy

Nonpublic session requested by PSTC Staff

Motion to begin a nonpublic session, Sheriff Dubois, seconded by Chief Cahill, the roll call vote was unanimous in favor of the motion, 7-0.

At 1:35 pm the Council initiated a nonpublic session.

Motion to seal the nonpublic minutes by Sheriff Dubois, seconded by Chief Cahill, the Council vote was unanimous in favor of the motion, 7-0.

Motion to exit the nonpublic session by Sheriff Dubois, seconded by Chief Cahill, the roll call vote was unanimous in favor of the motion, 7-0.

The Council was back in public session at 1:43.

The next meeting will be on February 24, 2015 (#451).

Motion to adjourn by Chief Cahill, seconded by Sheriff Dubois, the Council vote was unanimous in favor of the motion, 7-0.

Respectfully submitted,

  
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Vice Chairman William Wrenn