



Chief Anthony F. Colarusso, Jr.
Chairman

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

Approved Minutes

June 23 2015

The 455th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:05 by Chairman Anthony Colarusso, in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Chairman, Chief Anthony F. Colarusso, Jr.; Vice Chairman, Commissioner William L. Wrenn, New Hampshire Department of Corrections; Attorney General Joseph Foster; Colonel Robert Quinn, New Hampshire State Police; Chief David Cahill, Sunapee Police Department; Sheriff David Dubois, Strafford County; Sheriff Douglas Dutile, Grafton County; Chief Peter Morency, Berlin Police Department; Dr. Ekaterina Hurst, DHHS; Judge Sawako Gardner, 10th Circuit District Division, Portsmouth; Judge James Carroll, 4th Circuit District Division; Laconia; and Chief William Hart, Londonderry Police Department and Ms. Paula Wall, Crisis Center of Central New Hampshire.

Members Absent: President Susan Dunton, Community College System of New Hampshire.

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

Guests Present: Officer Peter Bowers, Keene Police Department; Dennis Fitton III, New Hampshire Department of Corrections, with Attorney Mark Sisti; Sean Dolliver of the Middleton Police Department with Attorney Stephen Jeffco.

Approval of Minutes

Motion by Sheriff Dutile seconded by Chief Hart to approve the minutes of the May 26, 2015 Council meeting. The vote was unanimous in favor of the motion.

Director's Report

Presented in hard copy to Council members.

Previous and/or Unfinished Business

Promotion Policy for PSTC

Motion to accept the promotion policy by Chief Cahill and seconded by Sheriff Dubois, council vote was unanimous.

Request by the Administrative Officer of the Courts was withdrawn by that agency.

Citizens for Truth complaint

IN PARTNERSHIP WITH THE COMMUNITY COLLEGE SYSTEM OF NH
"Law Enforcement's Strategic Partner"

PSTC has been in touch with and received information from the Attorney General's Office, the staff will follow up.

House Bill 108

As of January 2016, this bill will required meeting minutes to be sealed while a board is in public session, requiring them to state the reason for sealing the minutes.

Sean Dolliver of the Middleton Police Department was present with his attorney, Stephen Jeffco regarding a notice of hearing for temporary suspension Pol 402.02 (b), due to a DWI Arrest.

Attorney Jeffco initially stated he would like to request a continuance for his client as he had not been provided discovery in the matter until late in the day the prior afternoon.

Chief Colarusso explained that today's hearing was for a temporary suspension due to the arrest only, not for the main hearing; that would be held after the disposition of the case.

He denied the request for continuance.

Stephen Jeffco requested a nonpublic session for his client.

At 9:12 a.m

Motion by Chief Cahill, seconded by Judge Gardner, that the council begin a nonpublic session for personnel reasons. The roll call vote was unanimous in favor of the motion.

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

At 9:20 a.m. the Council was back in public session.

Motion to seal for personnel reasons by Chief Cahill, seconded by Chief Hart, the Council vote was unanimous in favor of the motion.

Motion to suspend the certification of Sean Dolliver by Chief Cahill, seconded by Judge Carroll, based upon the factors involved and that it is in conflict with the confidence of the criminal justice system being adversely affected. The vote on this motion was three in favor and seven opposed, the motion failed.

Motion by Commissioner Wrenn, seconded by Chief Morency, to take no further action on this, we have had evidence presented to us that the officer has been suspended initially with pay and currently without pay, he has presented to us that through his attorney he has no intentions of working in any law enforcement capacity while the case is pending and the hiring authority should be notified they will be required to notify us if in fact the officer is put back on active status again. The Council vote was seven in favor and three opposed, the motion passed.

Dennis Fitton, II Pol 402.02 (b) temporary suspension hearing

Dennis Fitton was present with his attorney, Mark Sisti. When asked, Mr. Sisti preferred a public hearing.

Commissioner Wrenn, Attorney General Foster, and Colonel Quinn recused themselves from this hearing, Commissioner Wrenn remained in the room.

Captain Bodanza, still under oath, presented the summary of this temporary suspension hearing for Dennis Fitton, II who is employed by the New Hampshire Department of Corrections. Dennis Fitton was indicted by the Merrimack County Grand Jury.

Pol 402.02(b) provides: 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 unless the safety of the public or the confidence in the criminal justice system would not be adversely affected.

Pol 402.02(c) Examples of crimes that involve moral turpitude or of a crime which tends to bring discredit on the police, corrections or probation/parole shall include but not be limited to:

(7) Falsification of documents or evidence resulting in unsworn falsification, false testimony or evidence tampering

Dennis Fitton's employment and certification history were summarized for the Council.

PSTC had been notified of the indictment of Dennis Fitton by letter from the Department of Corrections, the letter was accompanied by a Form B, change in status form indicating that Mr. Fitton had been placed on leave for 30 days. The indictment by the Merrimack County Grand Jury, Witness Tampering, was read into the record by Captain Bodanza:

The NHDOC filed a Form G, notice of arrest form with PSTC on June 10, 2015. The final exhibit was the notice of hearing for temporary suspension for felony indictment to Dennis Fitton.

Captain Bodanza answered questions from Council members, Form B's had been provided to PSTC noting the 30 day suspension and then an additional Form B to suspend Mr. Fitton for another 14 days before the NHDOC would make a decision on his employment status.

Attorney Mark Sisti introduced himself and his client, Dennis Fitton. He was instructed by Chairman Colarusso on the scope of this temporary hearing.

Attorney Sisti noted that there had been additional investigation results after the indictment of Dennis Fitton; Captain Bodanza objected in that the information was beyond the scope of this temporary hearing.

It was noted that Attorney Sisti was challenging the credibility of the indictment due to the new information; however it was not the focus of the hearing and the objection by staff was sustained by Chairman Colarusso.

Attorney Sisti explained that he intended to file a motion to quash the indictment, and that it was their wish that the Council not suspend Mr. Fitton as he cannot currently return to work.

Council members discussed the severity of indictments, and the temporary suspension rule.

Motion by Chief Hart, seconded by Judge Carroll, to continue the temporary hearing until the next Council meeting with the condition that Mr. Fitton does not return to work. The Council vote was 7-3 and the motion passed.

Peter Bowers Pol 402.02 (a) (4) (c)

Peter Bowers was present for a hearing to show cause why his police officer certification should not be suspended pursuant to Pol 402.02(a)(4)(c). When asked, Mr. Bowers requested a nonpublic session.

Colonel Quinn recused himself from the matter.

9:49 a.m.

Motion by Judge Carroll, seconded by Sheriff Dubois, to begin a nonpublic session in the Peter Bowers matter for personnel reasons. The roll call vote was unanimous in favor of the motion.

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

The Council was back in a public session at 10:15 a.m.

Motion, by Sheriff Dubois, seconded by Sheriff Dutile, for personnel reasons, to seal the minutes of the nonpublic session. The Council vote was unanimous.

Motion by Sheriff Dubois, seconded by Chief Morency, to suspend the certification of Peter Bowers for 90 days, effective immediately, there is a clear violation of the rules as evidenced by his DWI conviction, there is no just cause for the Council not to suspend his certification, through the testimony presented during the hearing. The Council vote was unanimous in favor of the motion.

Chairman Colarusso explained to Mr. Bowers that during his suspension he could not work in any law enforcement capacity for ninety days.

John Rogers Pol 402.02 (a) (3) (4), h. and k.

John Rogers, formerly employed by the New Hampshire Department of Corrections was not present for his final hearing, he was noticed for this hearing, and had been noticed for the temporary suspension hearing, he was not present for the temporary hearing either.

Captain Bodanza remained under oath, and presented the following summary for Council members on the suspension hearing due to a conviction for stalking and computer related offenses, from Lebanon District Court. He has resigned from the New Hampshire Department of Corrections, but the actions took place while he was employed and held a certification as a Probation/Parole Officer.

John Rogers was hired as a Department of Corrections Counselor/Case Manager on July 8, 2005, Staff Exhibit A. He completed the 80th Corrections as a civilian for the Counselor case manager position on October 7, 2005, Staff Exhibit B.

On April 27, 2007 he was hired as a probation/parole officer, Staff Exhibit C. On March 28, 2008 John Rogers was certified as a State Corrections Probation/Parole Officer, Staff Exhibit D.

On March 28, 2014 John Rogers was arrested by the Lebanon Police Department, PSTC received a Form G from Lebanon Police Department, April 7, 2014, Staff Exhibit E. The complaints, Staff Exhibits F, G and H detail the two counts of stalking, RSA 633:3a on January 18, 2014 and on February 8, 2014 placing a note on an 18 year old woman's vehicle causing her to fear for her personal safety and one count of computer related crime, RSA 638:17 using the J-ONE/SPOTS terminal for something unrelated to his official duty in connection with the administration of justice. Charged as misdemeanor level offenses, class A at the Lebanon District Court.

PPO John Rogers had been temporarily suspended at the April 22, 2014 Council meeting, Staff Exhibit I. On April 30, 2014 staff at PSTC received a Form B from the New Hampshire Department of Corrections; John Rogers resigned from his employment as Probation Parole Officer on April 19, 2014, Staff Exhibit J.

On May 1, 2015 PSTC staff received the police reports from the Lebanon Police Department detailing the stalking and computer crimes case of John Rogers, reports dated March 28, 2014, Staff Exhibit K.

On April 30, 2015 PSTC staff received the disposition from the John Rogers case from the Second Circuit District Division Court of Lebanon, Staff Exhibit L.

On October 14, 2014 John Rogers plead guilty to Computer Related Crime, RSA 638:17-2 and to two counts of Stalking, RSA 633:3-A. He was fined six hundred dollars, with three hundred dollars suspended for twelve months for the computer related crime charge; he was fined seven hundred fifty dollars for each charge of stalking with two hundred fifty dollars each suspended for twelve months and nine months in the House of Corrections, suspended for twelve months.

On June 3, 2015 a notice of hearing was sent to John Rogers from PSTC using return receipt mail, Staff Exhibit M.

John Rogers has not been employed in law enforcement for over a year, since resigning from the New Hampshire Department of Corrections on April 18, 2014.

The question before the Council,

Pol 402.02 Revocation or Suspension.

(a) The council shall, unless it has just cause to do otherwise as provided in (e) below, order the suspension or revocation of the certification of any police or corrections officer for any of the following reasons:

(4) The officer has been convicted either prior to or after certification of a crime of moral turpitude or of a crime which tends to bring discredit on the police or corrections service, including but not limited to:

- h. Fraud;
- k. Stalking or criminal violation of a protective order;

Motion by Chief Cahill, seconded by Sheriff Dubois, to revoke John Rogers certification based upon the convictions from the Lebanon District Court, finding no other reason or offering no other testimony; and that the revocation be entered in the national decertification database. The Council vote was unanimous, with Commissioner Wrenn abstaining from the vote.

10:15 Break

10:30 back in session, Judge Carroll exited the meeting.

Stephen Valiquet Continuation of May 26, 2015 Nonpublic session pursuant to RSA 91-A:3, II (a), Pol 404.02 (d), Pol 205.02 (a)

Motion to exit the nonpublic session by Judge Gardner, seconded by Chief Hart, the roll call vote was unanimous in favor of the motion.

At 11:00 a.m. the meeting was back in public session.

Motion to seal the minutes of the nonpublic session for personnel reasons by Chief Cahill, seconded by Judge Gardner, the Council vote was unanimous in favor of the motion.

Motion to suspend the certification of Stephen Olson (Valiquet) until he has been evaluated by a doctor approved by the Council and found fit for duty; there is no just cause not to suspend his certification. Council vote was 10 -2 in favor of the motion, the motion passed.

CONSENT CALENDAR

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PT&E Requests

Thomas Hebert, Farmington Police Department

Will be granted certification upon successful completion of the medical exam, and entrance fitness test.

Eric Zaber, Hanover Police Department

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

167th Academy May 4, 2015 to August 21, 2015;

168th Academy August 31, 2015 to December 18, 2015, entrance fitness test August 17, 2015

Part Time Police Officer Academy

269th Academy, June 13, 2015 to August 14, 2015, entrance fitness test June 6, 2015.

270th Academy, August 15, 2015 to November 13, 2015; entrance fitness test August 1, 2015.

Corrections Officer Academy

100th Academy, June 1, 2015 to July 31, 2015; entrance fitness test May 15, 2015.

101st Academy, September 8, 2015 to November 6, 2015; entrance fitness test August 24, 2015.

Lucas White, Bristol Police Department

(DOH: 03/30/15 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 168th academy and may continue working only in the direct presence of a certified officer.

Clinton Scritchfield, Atkinson Police Department

(DOH: 05/18/15 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 168th academy and may continue working only in the direct presence of a certified officer.

Mac Hindle, Hopkinton Police Department

(DOH: 05/08/15 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 168th academy and may continue working only in the direct presence of a certified officer.

Amanda Basnar, Chester Police Department

(DOH: 05/04/15 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 168th academy and may continue working only in the direct presence of a certified officer.

Andrew Koplín, Jackson Police Department

(DOH: 02/01/15 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 168th academy and may continue working only in the direct presence of a certified officer.

Ongoing Physical Fitness Testing - Requests for Fitness Testing Extensions

The following officers were granted medical extensions for fitness testing until December 31, 2015:

Amanda Hutchins, Plymouth State University	2014
Michael Feinauer, NHSP	2014
Michael Gilman, Rockingham County SO	2014
Michael Bolduc, Salem PD	2014
James Wilson, NH Liquor Enforcement	2014
James Cailler, Merrimack County SO	2014
Stephen Akerstrom, Belmont PD	2014
Robert Acres, North Hampton PD	2014
Raechel Moulton, Belmont PD	2014
John O'Brien, NH DOC	2014
Gary Robinson, Tilton PD	2014
Gerald Lewis, Windham PD	2014
Vincent Ruel, NH DOC	2013
Michael Hutchinson, Northfield PD	2013
Eric Robertson, Barnstead PD	2013
Michael Beaulieu, Springfield PD	2013
Nelson Jimenez, Londonderry PD	2013

Carrie Sargent-Reed, NH DOC – Probation/Parole	2013
Christopher Gilroy, Hampton PD	2013
Richard Telifson, Concord PD	2013

Addendums one and two were added to the Consent calendar, addition requests for medical extensions for fitness testing granted until December 31, 2015.

Adam Dyer, Londonderry PD	2013
Dino Scala, Carroll County SO	2013

Motion to accept the consent calendar, including the addendum items by Chief Cahill, seconded by Judge Gardner, the vote was unanimous in favor of the motion, with the following abstentions:

Chief Hart, Colonel Quinn and Sheriff Dutile abstained from voting on consent calendar items pertaining to members of their respective agencies.

(END OF APPROVED CONSENT CALENDAR)

Staff asked if Council members would, as they have in the past, be willing to accept requests for medical extensions up until June 30, 2015 when the extensions will expire, and allow the officers to continue to work until the next Council meeting for the Council to take action upon their requests.

Motion by Sheriff Dubois, seconded by Chief Morency, to allow officers to continue to work if they have provided staff at PSTC with a request for medical extension, to be heard at the July meeting. Council vote was unanimous in favor of this motion.

Addendum number three

This item was a medical extension request, the documentation provided was not provided in the standard format.

Motion by Sheriff Dutile to approve the request for medical extension, (for Rodney Durand, NH DOC), the motion was seconded by Dr. Hurst, a unanimous vote by the Council members, with Commissioner Wrenn abstaining from the vote.

Financial Report

Motion to accept the financial report and to move into a nonpublic session to discuss personnel matters made by Sheriff Dubois, seconded by Chief Cahill.

At 11:20 a.m. the Council began a nonpublic session. (minutes recorded by Sheriff Dubois)

At 12:18 return to Public Session.

Motion to accept and agree to cost saving measure number four made by Sheriff Dutile and seconded by Chief Hart, unanimous vote in favor of this motion.

Motion made by Chief Cahill and seconded by Colonel Quinn to deny training grant requests, unanimous vote in favor of this motion.

Other New Business

There will be no contracted classes due to budget constraints.

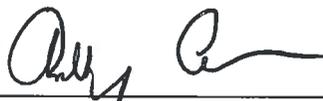
A letter from Timothy King with a suggestion for rule change would be included in the July agenda, the rule to be discussed is temporary suspensions. Suggestions were made to make use of informal conferences and withdrawal by the director or designee.

Commissioner Wrenn asked for staff to generate statistics for entrance fitness testing held at the academy, he'd like to discuss making changes and re-evaluating goals. The fitness testing is based upon Cooper Standards; in the past discussions, job performance based fitness testing had been discussed as well.

Sheriff Dutile and Commissioner Wrenn would not be available for the next meeting July 28th.

Motion by Attorney General Foster, seconded by Dr. Hurst, to adjourn the meeting at 12:35, the council vote was unanimous in favor of the motion.

Respectfully submitted,



Chairman Anthony F. Colarusso, Jr.