



Chief Anthony F. Colarusso, Jr.
Chairman

**State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
ARTHUR D. KEHAS
LAW ENFORCEMENT TRAINING FACILITY & CAMPUS
17 Institute Drive — Concord, N.H. 03301-7413
603-271-2133 FAX 603-271-1785
TDD Access: Relay NH 1-800-735-2964**



Donald L. Vittum
Director

Approved Minutes

February 23, 2016

The 463rd meeting of the New Hampshire Police Standards and Training Council was called to order at 9:12 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 Wrenn, New Hampshire Department of Corrections; Chief Enoch Willard, Manchester Police Department (exited at 12:53 p.m.) Ms. Paula Wall, Crisis Center of Central New Hampshire; Deputy Attorney General Ann Rice; Colonel Robert Quinn, New Hampshire State Police; Dr. Ekaterina Hurst, Department of Health and Human Services; (exited at 11:52 a.m.) President Susan Dunton, Community College System of New Hampshire (exited at 11:51 a.m.); Sheriff David Dubois, Strafford County; Chief William Hart, Londonderry Police Department; Sheriff Douglas Dutile, Grafton County; Judge James Carroll, 4th Circuit District Division, Laconia (exited at 10:29 a.m.) and Chief David Cahill, Sunapee Police Department.

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

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

Guests Present: Chief Leonard DiSalvo, Fitzwilliam Police Department, Chief Joseph McDowell, and Donald Grow Jr, Barnstead Police Department; Attorney Joseph Draghi with Officer Robert Gauthier, Chief Jeffrey Cain and Officer Brandon Walker of the Pittsfield Police Department; Sheldon Perkins with Andrea Mitrusi, Rochester City Prosecutor; Chief Timothy Julian and Officer Michael Beaulieu of the Springfield Police Department with Vice Chairman, Springfield Selectboard, Leigh Calloway.

Approval of Minutes

Motion by Deputy Attorney General Ann Rice for the Council to approve the minutes of January 26, 2016. Following a second by Chief William Hart, the Council vote was unanimous in favor of the motion.

Previous and/or Unfinished Business

Gene Cuomo Fitzwilliam Police Department Extension request

Chief Leonard DiSalvo of the Fitzwilliam Police Department was present to make the extension request. He asked for a nonpublic session

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

At 9:13 Council members went into a nonpublic session.

Motion to exit the nonpublic session by Sheriff Dubois, seconded by Deputy Attorney General Rice, the roll call vote was unanimous in favor of the motion.

At 9:44 the meeting was back in a public session.

Motion to seal the minutes of the nonpublic session by Sheriff Dubois, seconded by Judge Carroll, the Council vote was unanimous in favor of the motion.

Motion by Deputy Attorney General Rice, seconded by Chief Hart, to grant the extension for Gene Cuomo until October 1, 2016.

Hearings (NONPUBLIC SESSIONS)

Pursuant to RSA 91-A:3, II (a), these matters may be heard in a nonpublic session.

NOH Robert Gauthier Pittsfield Police Department – Conviction Pol 402.02(a)(4)

Robert Gauthier was present with his Attorney John Draghi, Chief Jeffrey Cain, and Officer Brandon Walker.

Commissioner Wrenn recused himself from chairing the hearing, and Chief Cahill took over the chairman position.

When asked, Robert Gauthier chose to have his hearing in a public session.

Chief Cahill advised that anyone offering testimony would be sworn in, and explained the hearing protocols.

Captain Bodanza offered that there may be other Council members to recuse themselves. Deputy Attorney General Rice stated that she had no knowledge of the case, whereas Attorney General Foster had recused himself from this matter previously. Colonel Quinn recused himself.

Captain Bodanza was sworn in by Chief Cahill, as testified as follows.

After being certified as a state correctional officer, and part time police officer, Mr. Gauthier was found guilty and plead guilty to a criminal offense, a class b misdemeanor, and the Council must determine whether or not suspension or revocation is warranted under Pol 402.02 (a)(4) for Criminal Mischief, RSA 634:2.

On October 13, 1995 Robert Gauthier was hired by the New Hampshire Department of Corrections as a Correction's Officer. On April 26, 1996 he received his Correction's Certification.

On September 13, 1999 Robert Gauthier was hired as part time police officer for the town of Epsom, and on November 13, 1999 he received his certification as a part time police officer.

During May of 2000, Robert Gauthier resigned from his position at the Epsom Police Department.

On October 23, 2003 Robert Gauthier was hired by the Gorham Police Department as a part time officer. On February 28, 2004 he received his part time certification. (Previous certification was not valid due to his lapse of police employment, therefore he was required to attend the entire part time officer academy again). On August 2, 2004 Robert Gauthier resigned from the Gorham Police Department.

On September 27, 2005, Robert Gauthier was hired by the Pittsfield Police Department as a part time officer.

On May 26, 2015 Police Standards and Training Council staff received a letter from Lisa Currier, the Human Resource's Administrator from the New Hampshire Department of Corrections. The letter was dated May 26, 2015 and stated that Lt. Robert Gauthier had been indicted by the Merrimack County Grand Jury on Friday May 15, 2015 for Felony Reckless Conduct, RSA 631:13 and for Felony Witness Tampering, RSA 641:5. The letter enclosed a Form B, change in status, Robert Gauthier was placed on a paid suspension for thirty days, pending the administrative investigation.

On May 28, 2015 staff at Police Standards and Training Council received a Form G, notice of arrest form, from Chief Jeffrey Cain of the Pittsfield Police Department, which listed charges as 'multiple indictments' from the Merrimack County Superior Court, on May 15, 2015.

Police Standards and Training Council staff received three indictments issued by the Merrimack County Superior Court on Robert Gauthier, Reckless Conduct, RSA 631:3, a Class B Felony, Staff Exhibit N1, Robert Gauthier engaged in conduct which placed or may have placed another, Rashon Austin in danger of serious bodily injury by using a knife to cut Rashon Austin's shirt while he was wearing it with a deadly weapon. Witness Tampering, RSA 641:5 II, a Class B Felony, Staff Exhibit N2, Robert Gauthier believing that an investigation was pending or to be instituted attempted to induce or otherwise cause Rashon Austin to withhold testimony or information regarding the assault by Robert Gauthier against Rashon Austin by offering him gifts and favors. Falsifying Physical Evidence, RSA 641:6, a Class B Felony, Staff Exhibit N3 Robert

Gauthier believing that an investigation was pending or about to be instituted regarding an act of reckless conduct Robert Gauthier concealed the shirt that had been cut with a knife and discarding it with the purpose to impair its availability for the investigation.

On June 2, 2015, the staff at Police Standards and Training Council issued a Notice of Hearing to Robert Gauthier via return receipt mail, for a temporary suspension of his correctional officer, and police officer certifications as a result of the indictments.

On June 9, 2015 the staff at Police Standards and Training Council received a Form G from the New Hampshire Department of Corrections, listing the indictments, executed this same day by Acting Human Resource Administrator Ella Fredette.

On August 25, 2015 council members agreed to accept the temporary surrender of Robert Gauthier's certification pending resolution of criminal charges.

On January 14, 2016, Robert Gauthier plead guilty to criminal mischief, a Misdemeanor Class B, alleging he damaged a shirt the property of the state of New Hampshire having no right to do so or reasonable basis for such a right, he caused the damage by cutting the property with a knife and acted in a reckless manner. He entered an acknowledgement of rights for the Class B Misdemeanor and sentencing from the Merrimack County Superior Court was a fine of \$1200, plus \$288 penalty assessment. All was suspended with two years good behavior.

Also on January 14, 2016, the indictments for Reckless Conduct, a Class B Felony, Falsifying Physical Evidence, a Class B Felony, and Witness Tampering, a Class B Felony, were all nol prossed.

Captain Bodanza presented the staff's exhibits to the council.

Attorney John Draghi introduced himself, and summarized that on the date of the indictment, Officer Gauthier informed his agency, Pittsfield Police Department, by contacting Chief Jeffrey Cain about the indictment, and ceased work that day. Shortly after that, Robert Gauthier retired from the New Hampshire Department of Corrections. The three felonies were negotiated down to one misdemeanor of criminal mischief. Chief Cain is familiar with the entire process that the case has taken, he's read the reports and met with the investigators, based upon the resolution, Chief Cain and the town administrators of Pittsfield are willing to take Officer Gauthier back on to the Pittsfield Police Department. Attorney Draghi proposed that the time Officer Gauthier had not been working, and the time of the voluntary surrender of certification be applied to the appropriate suspension.

Chief Cain was sworn in by Chief Cahill.

Chief Cain spoke about Officer Gauthier's employment with the Pittsfield Police Department, he has worked for 11 years at the agency, with Chief Cain as his direct supervisor the whole time, whether Chief Cain was a sergeant or now in his current position as chief. There has never been a complaint about him, his professionalism and integrity have never been questioned. Robert Gauthier reported the investigation to the

chief himself, and days after that, the chief met with the state police about the investigation. Robert Gauthier reported the indictments to the chief the same day they were handed down, he has been forthcoming throughout, he turned in equipment and was placed on administrative leave. The town selectboard has been kept apprised and is in support of Robert Gauthier's return to work.

Chief Cain further stated that incident was a split second poor decision, made in a joking manner, there was no malicious intent. He added that if Council were to allow Officer Gauthier back to work, they would meet with a hiring group to determine fitness for duty, as well as getting continued training and qualifications with firearms, and be assigned to an abridged FTO program with a certified officer.

Robert Gauthier was sworn in and gave a summary of the incident that occurred with the inmate that brought forth the charges. CO Gauthier tended to joke with the inmates and during one occasion when there was an assignment to clean windows, CO Gauthier used a utility knife to cut a t-shirt off an inmate to use for a rag, then brought him another t-shirt. The inmate alleged that he was cut by CO Gauthier, when he had actually cut himself and lied to others. The allegations escalated to include the other indictments, all untrue. Falsifying physical evidence, when the inmate came back with the t-shirt with blood on it, Gauthier took the old shirt, gave the inmate a new shirt, throwing out the old shirt. The inmate also claimed he was offered cigarettes and a Walkman and special treatment to go back to Calumet House in Manchester, all of which added up to the Witness Tampering Indictment, also untrue and not pressed.

Captain Bodanza followed, stating that the focus is whether or not certification should be suspended for conviction of a violation of a class B misdemeanor and if there is rehabilitative value or public interest in that, we could say that there is. What has been proposed (by Officer Gauthier's attorney) is an admission to the violation and the time served under the suspension of six months.

Captain Bodanza told the Council that their question in this matter is, whether to take action on Robert Gauthier's part time New Hampshire police certification under rule Pol 402.02 (a)(4) having been certified as a New Hampshire police officer and having a Class B Criminal conviction for Criminal Mischief, unless they find cause not to do so under section e, and f, of the rules.

When questioned, Chief Cain stated that a further suspension would not have a rehabilitative value for Officer Gauthier. Officer Brandon Walker was sworn in and testified as to Robert Gauthier's character for Council and support of his certification being reinstated.

Motion by Sheriff Dubois, seconded by Deputy Attorney General Rice, that his certification be suspended, there was a violation of Pol 402.02 (a) (4) and that the suspension is credited for time served during the voluntarily surrender of his certification. The Council vote was unanimous in favor of the motion.

Council took a break at 10:29 and was back in session at 10:39.
Judge Carroll exited the meeting at this time.

Town of Springfield Michael Beaulieu fitness waiver request RSA 188-F:III-j

Chief Timothy Julian of the Springfield Police Department was present with Sergeant Michael Beaulieu and Mr. Leigh Calloway from the Springfield Board of Selectman.

They requested to be heard by the Council in a public session.

They presented information regarding Sergeant Beaulieu's inability to pass the three year fitness test after having been granted a waiver which expired January 31, 2016. Sergeant Beaulieu had taken the fitness test twice and failed the run portion both times. There was documentation provided from the town of Springfield and Sergeant Beaulieu's medical professional detailing the issue.

The provisions for filing a waiver were explained to them by staff, and discussion ensued amongst the Council members regarding the provisions. The town must apply for the waiver, and meet the criteria. The issue must be a permanent disability as recognized by the American Disability Act; the officer must be capable of completing job tasks, and the agency must provide accommodations for the disability.

Discussion ensued amongst the Council members. The sergeant must see a doctor for a diagnosis of a permanent disability (lasting more than two years) and the town must accept the ADA claim and that he has an ailment under ADA and ask for reasonable accommodations. The council must have the information to review it. The statute is RSA 188-F:27 III-j.

Motion by Chief Cahill, seconded by Sheriff Dutille; to give the town of Springfield and Sergeant Beaulieu an opportunity, between now and the next meeting, to be on the agenda in order review his request for a waiver. Specifically, with the town's request through the American's with Disabilities Act, to provide a letter from the doctor confirming the diagnosis, and stating that he can still do his job, documentation from the town that they are accepting the claim of the sergeant and that his condition falls under ADA and that they would make reasonable accommodations. The Council vote was unanimous in favor of the motion.

Mr. Calloway thanked the Council members for their consideration with Sergeant Beaulieu.

New Business

Sheldon Perkins – rescission of suspension request

Colonel Quinn recused himself from this hearing.

Mr. Perkins had sent in a request for rescission of the revocation of his police officer certification that had taken place in 2003.

Captain Bodanza summarized that Mr. Perkins had been suspended by the Council temporarily in 2002 and then had his certification revoked in 2003. He is asking for rescission today to get employment as a police officer.

The staff requested a nonpublic session due to confidential information that may be revealed in discussions.

Motion to enter a nonpublic session for employment reasons by Chief Cahill, seconded by Sheriff Dubois the roll call vote was unanimous in favor of the motion.

At 11:10 p.m. the Council began a nonpublic session.

11:51 President Dunton exits

11:52 Dr. Hurst exits

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

At 11:53 the council was back in public session.

Motion to seal the minutes of the nonpublic session by Deputy Attorney General Rice, seconded by Sheriff Dubois, the Council vote was unanimous in favor of the motion.

Motion by Chief Willard, seconded by Sheriff Dutile, to reject the request by Sheldon Perkins to rescind his certification revocation. The Council vote was five in favor and three opposed, the motion carried.

Town of Barnstead – Donald Grow – fitness issue

Chief Joseph McDowell was present with Donald Grow, Jr. They were in attendance to ask for a further extension for Mr. Grow, in order pass the entrance physical fitness test to become certified.

They requested to be heard in public session.

Captain Bodanza summarized the history. Mr. Grow is at the two year window for certification for a police officer under state law. RSA 188-F:27 allows an individual up to two years to obtain certification as a police officer in the state of New Hampshire. Mr. Grow has come to the end of that as of January 21, 2016, and he is no longer working as a police officer. Chief McDowell and Mr. Grow are requesting that the Council extend beyond the two year requirement for certification from Mr. Grow's original hire date.

Captain Bodanza presented Council members with a copy of a timeline of Mr. Grow's history of employment and certifications, and then summarized the information provided.

There was a lapse in employment service, and Mr. Grow was hired again by the Barnstead Police Department. Mr. Grow was hired January 21, 2014 and was required to obtain certification by January 21, 2016. The lapse of service required him to take the entrance fitness test and the law package or law package test-out. Captain Bodanza reviewed Donald Grow Jr.'s history of attempts to pass the entrance fitness exams for Council members, and all of the requests for several extensions over a period of two years. The Barnstead Police Department asked that Mr. Grow attempt another test on January 20, 2016 due to the amount of time left to be certified, and he failed that test as well.

In order to participate in the law package classes, Captain Bodanza explained, Mr. Grow must pass the entrance fitness test. Mr. Grow was out of law enforcement employment for less than three years, but greater than two years and the Council's guidelines are that he was required to complete the law package, the medical exam and the fitness test.

Chief McDowell addressed the Council. He explained that Mr. Grow was released from employment at Barnstead Police Department in 2011 due to a medical condition. The department chose to release him from service at that point. Mr. Grow was cleared by his doctor to come back and start working. The agency brought him back on January 21, 2014 to get back into the position at Barnstead Police Department. He has been on a regular fitness program since he came back, and the scores on his fitness tests have improved. He had a knee injury in December 2015, which set him back, and then Barnstead Police Department received a letter from PSTC.

The letter stated that Mr. Grow must be out of law enforcement employment for two years before coming back to do the fitness test. This was Chief McDowell and Mr. Grow's question, they could not find in the rules where it was stated that Mr. Grow must be out of law enforcement for two years, and they asked for the Council's clarification. Chief McDowell asked that Mr. Grow not be shut off for two years, to allow him to come back, and that he had been on an avid fitness program before the knee injury.

Commissioner Wrenn asked if Chief McDowell had reviewed Pol 302.01 (f). He read the rule into the record, "*Termination and subsequent reemployment of an officer by any agency shall not affect the requirement that he or she shall attend and satisfactorily complete the basic training program as appropriate within the date of six months of original employment, unless the officer has been separated from police, corrections probation parole for a period of not less than two years beginning the day after the termination has become final*".

Commissioner Wrenn explained that there must be a separation of two years if he fails to become certified within a six month period of time, the subsequent extensions are only allowed up to two years. Council has no authority to give an extension past the two years, the department must terminate or he must resign and then can't be rehired for two years. After the two years, he can be hired and "start the clock ticking again".

Donald Grow, Jr. was sworn in by Vice Chairman, Commissioner Wrenn.

Mr. Grow stated to the Council, the reason that he was given for the requirement to take the entrance fitness test was due to his lapse in service, and requirement to become re-certified. Mr. Grow referenced rule Pol 401 lapse in service, section D states "*The certification of a police, corrections or probation/parole officer who is subject to an involuntary lay-off shall not lapse if the officer is recalled and re-instated by the same agency as a police, corrections or probation/parole officer within a period of 3 years of the after the date of*".

He stated he had only been gone from employment at Barnstead Police Department for two years and six months, so, therefore his certification had never lapsed, and therefore a requirement for the entrance test is null and void.

Council members asked if Mr. Grow was layed off, the response from Mr. Grow was that he was layed off due to his medical condition, the doctor said he was unsure when he would be able to return to work. Because of the size of the town of Barnstead, he was layed off, in order for the police department to fill the spot and cover the town. Chief McDowell confirmed that Mr. Grow was layed off.

Captain Bodanza followed their statements, describing the documents filed at PSTC regarding Mr. Grow's separation received September 6, 2011, effective August 10, 2011, Form B, reads, '*has been discharged*'. A subsequent letter was sent on September 6, 2011 asking (then) Chief Borgia if there was a violation of Council rules. Chief Borgia responded that this was discharge, not a violation of Pol 402.02 (a) (5), it was for an undiagnosed medical condition. Symptoms prevented Mr. Grow from active or light duty status in 2010, and that the termination was issued by the board of selectmen.

Mr. Grow responded that, the legal definition of an involuntary layoff is any termination or discharge based on non-disciplinary action, quoting the law dictionary.

Commissioner Wrenn stated that Council decisions would not be based on that definition, but based upon the rules and the state law, not on the law dictionary.

The matter before the Council, was a request by the Barnstead Police Department for a further extension beyond the two year period of time allowed, for Donald Grow Jr. to pass the entrance fitness test in order to take the law package classes or test out of the law package.

Motion by Deputy Attorney General Rice, seconded by Sheriff Dubois in light of the restriction of the rule, the request by the town of Barnstead for an extension beyond the two year limit for certification is rejected. Council vote was unanimous in favor of the motion.

John J. Kennedy firearms qualification

Officer Kennedy of Newton Police Department was not present at the meeting.

John J. Kennedy failed to qualify at the exit examination of his part time academy for firearms, and also failed at the two allowed additional opportunities to qualify with firearms.

Council members discussed the re- test and re-re test. Mr. Kennedy would like to take the firearms training again and attempt to qualify again. Council must approve his request for further training and another attempt to qualify.

In the past, the council has allowed people to come back and take the training, or take a third test to qualify, or no opportunity was given, depending upon the circumstances of the case. The time period currently allowed; recruits have the opportunity if they fail to qualify, they may return and try to qualify again. If they fail in that second attempt, in between thirty and sixty days they may return and try for a third time. Those are the time periods allowed. This person has exhausted what was allowed for the retesting available to him, and wants to return and try again.

Motion by Chief Cahill, that he must proceed with training at his agency and that the academy would allow him to attempt to qualify again, Sheriff Dutille seconded the motion. Council vote was one in favor and six opposed. The motion failed.

The Council took no further action in the matter.

CONSENT CALENDAR

PT&E Requests

Kimberly Orr, Gilford Police Department

(DOH: 01/31/16) 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

169th Academy January 4, 2016 to April 22, 2016, entrance fitness test December 21, 2015

170th Academy May 2, 2016 to August 18, 2016, entrance fitness test April 18, 2016

171st Academy August 29, 2016 to December 16, 2016, entrance fitness test August 15, 2016

Part Time Police Officer Academy

271st Academy, February 2, 2016 to May 6, 2016, entrance fitness test January 23, 2016

272nd Academy, August 13, 2016 to November 18, 2016, entrance fitness test July 30, 2016

Corrections Officer Academy

102nd Academy February 16, 2015 to April 15, 2016, entrance fitness test February 2, 2016

Robert Welch Pembroke Police Department (DOH: 12/23/15 Part-Time certified) Will be 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 170th academy.

Eoin Stapleton Whitefield Police Department (DOH: 07/20/15 Part-Time certified) Will be 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 170th academy.

Marc Russomano, Merrimack Police Department (DOH: 12/14/15 Not Part-time certified) Will be 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 170th academy and may continue working only in the direct presence of a certified officer.

Jordan Daigneault Plymouth Police Department (DOH: 01/25/16 Not Part-time certified) Will be 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 170th academy and may continue working only in the direct presence of a certified officer.

Ongoing Physical Fitness Testing

Requests for Fitness Testing Extension

Michael Bolduc, Salem Police Department 2014, will be granted a 6-month medical extension

END OF CONSENT CALENDAR

Motion by Chief Cahill, seconded by Sheriff Dutile, to approve the consent calendar, the council vote was unanimous in favor of the motion.

NONCONSENT, skipping over the 170th Academy

Cole Dresser Sandown Police Department Extension

(DOH: 01/01/16 Part-Time certified) Motion by Chief Cahill seconded by Sheriff Dubois to grant the extension to skip the academy 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 171st academy. The vote was unanimous in favor of the motion.

Requests for Specialized Training Grant Funds (Balance: \$12,000.00)

Campton Police Department requests funds for Corporal Kevin M. Foss to attend the First Line Supervisor Leader Development at the Belknap County Sheriff's Department in Laconia from March 23 to March 25, 2016. No recommendation.

Addendum

Berlin Police Department requests funds for Corporal Joshua White to attend the Command Training Series Mid Management at Roger Williams University in Bristol RI from March 27 to April 1, 2016 and from April 4, to April 8, 2016. Staff recommendation 1,000.00.

Captain Jean explained to the Council, that the training fund was re-established from the meeting in January 2016, when the Council agreed to restore the reductions that had been made to the budget, including training grants. Council would accept grant applications for courses that were not being hosted by PSTC, to fund them.

When Council members asked about the reinstatement of grants, staff responded that during the January meeting, Council approved that all previously cut areas be restored, restoring things that had been reduced, staffing, and training grants. This information had been sent out as an announcement after the meeting.

Captain Jean explained that the reason the item from Campton is "non-consent" rather than being a consent calendar item, is specifically because Campton requested the First Line Supervisors school. That was the type of training that the Council had previously taken the position that they would not accept an application for a training grant if the same school is offered at PSTC.

The reason the request is on the agenda is because PSTC did not receive enough applications to hold their own First Line Supervisor school. Council members were asked, since PSTC does not have the class, should the Council agree to pay for Corporal Foss to attend the First Line Supervisor School being held in Belknap County? If someone takes a class *that PSTC would have held*, the reimbursement is the full tuition. The question for the Council, will they accept the grant request for the class that PSTC would have run, and to pay for the class in full?

Motion by Chief Cahill to reimburse the Campton Police Department one hundred percent, the three hundred and fifteen dollars, of their grant considering the explanation from Captain Jean, and also give the staff recommendation of one thousand dollars to Berlin in their addendum request for the Roger Williams class, the motion was seconded by Sheriff Dubois, the Council vote was unanimous in favor of the motion.

Proposed Rule Changes - three year fitness

Chief Merrill presented three rule amendments to the Council.

There has been trouble with the due dates for officers for their ongoing three year fitness testing. The statute states they must test once every three years. The test date has always been the original date of hire, plus three years. It is confusing if the person is hired in one year, and completes the academy the next year, the test date remains the original date of

hire.

The practice at PSTC has been if an officer goes from a position at New Hampshire Department of Corrections, to Part Time Police; or Part Time Police to Full Time Police employment, the three year fitness due date changes.

If someone goes from Part Time police to Full Time police, their fitness dates changes, if for some reason, they cannot attain their Full Time Certification, that fitness date reverts to the Part Time fitness date. The staff's suggestion was to change the dates to the *last successful fitness test, plus three years*. In that manner, if someone wants to test every year, that's acceptable, it makes it easier for administration, and it makes it easier to explain. That is the first amendment proposal to the rules.

The second rule amendment proposal is, *if there is someone who is suspended for failing to complete the fitness tests after five years*, whether it is because of medical reasons or because they cannot pass the test; *that individual would be required to come to PSTC and be tested by academy instructors* when attempting to pass the test and have their suspended certification reinstated. There have been questionable tests provided to PSTC in the past, as passing tests.

The third rule amendment proposal is, *in any situation when the Council has reason to question a test*, the Council can *require the individual to come to PSTC and be tested by academy instructors*, either on the request of an agency or due to Council concerns.

Council members discussed the rule changes, and were in agreement.

Motion by Deputy Attorney General Rice, seconded by Chief Hart to accept the staff's proposals to make amendments to the three year fitness testing rules. The Council vote was unanimous in favor of the motion.

Other New Business

Worker's Compensation matter, nonpublic

Motion to begin a nonpublic session by Deputy Attorney General Rice, seconded by Sheriff Dutile, the roll call vote was unanimous in favor of the motion.

At 12:48 the Council began a nonpublic session.

Motion to exit the nonpublic session by Deputy Attorney General Rice, seconded by Chief Hart, the roll call vote was unanimous in favor of the motion.

At 12:52 the Council was back in public session.

Motion to seal by Deputy Attorney General Rice, seconded by Sheriff Dutile, the vote was unanimous in favor of the motion.

Chief Willard exited the meeting at 12:53

Pending Legal Filing

Motion to enter a nonpublic session by Deputy Attorney General Rice, seconded by Chief Hart, the roll call vote was unanimous in favor of the motion.

Council entered a nonpublic session at 12:53

Motion to exit the nonpublic session by Deputy Attorney General Rice, seconded by Chief Hart, the roll call vote was unanimous in favor of the motion.

At 1:06 the Council was back in public session.

Motion to seal the minutes of the nonpublic session by Deputy Attorney General Rice, seconded by Chief Hart, the Council vote was unanimous in favor of the motion.

Director's Report and Financial Report

Director Vittum conveyed that there is a hearing before the Senate on March 1, 2016 at 1:45 to deal with the PSTC funding issue. He explained that it would be appreciated if Council members were available to attend a 1:00 p.m meeting before the hearing, and if members could get in touch with sheriffs and chiefs in their own areas of the state and ask that they attend the hearing.

PSTC has taken in an additional ten thousand dollars this month, (due to the fine schedule changes) but it is not close to what is necessary for the agency to be self-sustaining.

If PSTC had not made the preliminary cuts, the agency would be in dire need. The projected additional earnings were twenty five to thirty thousand dollars per month; PSTC only earned ten thousand dollars, not even meeting projections. PSTC will try to continue to hire a full time training specialist for the open position, and a part time position to assist with the North Country, this was all part of the agreement to restore funding.

Discussion ensued about the level of communication amongst law enforcement agencies, and if law enforcement agencies were aware of the services that had been reinstated by PSTC, grants and training at no cost.

Director Vittum confirmed that he meets with chiefs in person every week, but that a special email can be sent to inform agencies about the reinstatement of funding, grants and training available.

In order to make regional training available once again, PSTC is researching a location at the Littleton Police Department and also, possibly, at the Hampton Police Department, and would like to hire a part time person to do that. A location at Littleton Police Department will eliminate the cost for using the Granite State College location. Director Vittum asked the Council for confirmation to continue in this manner.

Council members stated that it was part of the agreement that was made in January Council approved that all previously cut areas be restored. Director Vittum advised that he wanted to make Council members aware of happenings at PSTC.

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on March 22, 2016, at nine o'clock in the morning.

Upon a motion by Chief Cahill, seconded by Deputy Attorney General Rice, the Council voted unanimously to adjourn the meeting at 1:15 p.m..

Respectfully submitted,



Vice Chairman William Wrenn.