



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

November 15, 2016

The 473rd meeting of the New Hampshire Police Standards and Training Council was called to order at 9:05 a.m. by Chairman, Chief Anthony Colarusso, Jr., in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Chairman Chief Anthony Colarusso, Jr., Dover Police Department, Strafford County, Judge Sawako Gardner, 10th Circuit-District Division – Portsmouth, Chief David Cahill, Sunapee Police Department, Attorney General, Anne Rice, Chief William Hart, Londonderry Police Department, Sheriff Douglas Dutile, President Susan Dunton, Community College System of New Hampshire, Major Russell Conte, New Hampshire State Police, Dr. Ekaterina Hurst, Paula Wall, Vice-Chairman Commissioner William Wrenn, Department of Corrections

Members Absent: Sheriff David Dubois, Strafford County Sheriff's Office, Chief Enoch Willard, Manchester Police Department, AG Joseph Foster, Justice Honorable James Carroll.

Staff Present: Captain Benjamin Jean, Captain Mark Bodanza, Chief Timothy Merrill, Captain Thomas McCabe

1. Call Meeting to Order

Chairman Colarusso called meeting to order at 9:05 a.m.

2. Approval of Minutes

Motion made to accept the Minutes of the October 25, 2016 Council meeting by Chief Hart. Following a second by Sheriff Dutile, the voice vote of the Council was unanimous in favor of the Motion.

3. Director's Report

Director Vittum indicated he will save the discussion for the end of the meeting.

4. Financial Report

Captain Jean indicated no distinct change in the last few weeks other than the new heater installed in Classroom 1. All other projects are moving in the right direction.

Chairman Colarusso welcomes Major Conte to the Council meeting.

5. Adoption of Rules

Chief Merrill indicated that the rules have gone to the Joint Legislative Services and have been approved. Last month Council approved them and now the Legislative Services have approved them for adoption. Council just needs to adopt them so they can go into effect.

Motion made to adopt the rules so that they can go into effect by Attorney General Anne Rice. Following a second by Chief Hart, the voice vote of the Council was unanimous in favor of the Motion.

Chief Merrill indicated that the Council can choose a date for the rules to become effective, and also added that midnight on the 15th of November, 2016 would work.

Amended Motion made to adopt the rules effective as of midnight on November 15, 2016 by Attorney General Anne Rice. Following a second by Chief Hart, the voice vote of the Council was unanimous in favor of the Amended Motion.

6. Tabled from October 25, 2016 meeting

7. Steven Puckett, New Hampshire State Police

Commissioner Wrenn addressed the Council to ask if there would be an issue with him hearing this matter as he and Steven Puckett had a close working relationship when Mr. Puckett was assigned to the New Hampshire State Prison, and did not want to present a conflict. Council agreed there was no conflict.

Captain Bodanza was introduced by Chairman Colarusso and gave background information on Mr. Puckett regarding PT&E. Mr. Puckett has been out for five years and 77 days, and Council guidelines recommend that he go through the full academy, whether full or part-time academy, since he has been out for greater than three years. Major Conte was present with Stephen Puckett to address the Council and seek an alternative solution to this situation.

Major Conte indicated that there are currently two auxiliary troopers that are assigned to the State House, which is funded by the general court. There is some money given to the State Police, and the department provides for two troopers to be at the State House not only to assist with security for the building, Governor's detail, and the whole complex in general. Major Conte indicated that Mr. Puckett has done that job before and is very well versed in it.

Major Conte thanked the Council and listed the following background in support of Mr. Puckett's request to be certified:

- Was a correctional officer;
- Was in the uniform branch of the state and in that capacity acted as an instructor for many of the mechanics of police work.
- Acted as an instructor: defensive tactic instructor, firearm's instructor, baton instructor, taught use of force, all on the uniform side of the branch.
- Was a detective for State Police and is very well-versed in investigations, interviews and interrogation.
- Police officer with outstanding career and very well-respected who took part at a high level of training with other police officers.

Major Conte indicates that there is not a whole lot that Mr. Puckett has not done. He believes the mechanics of the job have not changed much since Mr. Puckett has been out of law enforcement, and the benefit of attending the academy would not be hugely beneficial. Major Conte understands the need for the law package and has no issue with that. Based on Major Conte's experience with Mr. Puckett, personal knowledge, experience, character, and his various employment, ability and diplomacy, he believes he is an asset as a law enforcement officer.

Chief Cahill asked Major Conte what type of certification he would be looking for and he indicated part-time would work. If not, he would request full-time certification. Chief Cahill asks what Mr. Puckett has been doing for the last five years.

Mr. Puckett introduced himself to the Council and since retiring on June 1, 2011, he initially worked for his son getting a heating and air conditioning business going. He has been a self-employed carpenter, from 2013-2015 he held the position of Sergeant-at-Arms at the State House at the Senate, part-time position, did private security work and things like that. Basically, however, Mr. Puckett indicated he worked as a self-employed carpenter.

Chief Cahill inquired whether since retiring he has taken law enforcement classes, or anything of that nature, as far as training.

Mr. Puckett indicated that aside from qualifying under 218, no.

Commissioner Wrenn asked Mr. Puckett if it is true that he basically has attended two academies? Mr. Puckett indicated that he attended and successfully completed the 35th corrections academy back in 1990 and the 104th State Police academy in 1994. Also worked at PSTC instructing on defensive tactics, firearms, working for then Captain John Clark. Instructor for the corrections academy and worked out of this building.

Council discussed if part-time, 1,300 hours, would be a problem for Mr. Puckett moving forward. Major Conte indicated it would be no more than 30 hours per week. Commissioner Wrenn brought up the point that Mr. Puckett has his retirement and cannot work more than 32 hours per week. Major Conte also indicated that he would plan on giving Mr. Puckett the equivalent of what people coming out of the academy receive such as patrol preparation training, technical training, OC, taser, and all similar training through headquarters, which usually takes about three weeks to get him back up to speed.

Director Vittum stated that the law package is the way to go, along with the additional training through the Department, and he would be cautious regarding part-time

employment with the Retirement Board. Director Vittum has no problem with the plan in place and thanked Mr. Puckett for his service while at PSTC.

Motion made for Stephen Puckett to attend the law package, medical and PT testing, the same steps for someone going through academy to get certified as a full-time officer. Following a second by Chief Hart, the voice vote of the Council was unanimous in favor of the Motion.

Commissioner Wrenn reiterated that this would be upon successful completion of the law package, medical exam and entrance fitness test. Chairman Colarusso indicates that is correct.

Chief Cahill stated that he would caution the Council and will not support this. He does not think it is consistent with what has been done in the past. Anybody who has come in front of the Council has not had five years or more out of the business and, if they have, they held federal jobs, training in law enforcement, and we have held that as a criteria to repeat. The answers Mr. Puckett provided today do not satisfy the matrix that we have used over the years. Chief Cahill cautions the Council to start wielding the power that is the Council in making exceptions. Does not know how Council can justify making this exception. It is not the criteria seen in the past, no further law enforcement. People work with TSA and other federal agencies and then want to come back into it. Believes the Council is not setting a good precedent and cannot support the Motion.

Commissioner Wrenn indicated that with what was presented here today mitigates those concerns for him. Mr. Puckett has been through two academies at PSTC, taught at PSTC, taught classes here, rose to the level of Detective Sergeant and was assigned to major crimes. Commissioner Wrenn indicated there is enough there, that making Mr. Puckett go through the full academy again, frankly would be a waste of time. Agreed that with the laws that have changed through the years he should receive the law package training, and whatever else the State Police as an agency feels he should have to do the job. Thinks that requiring him to go through the academy is overkill and he supports the Motion.

Chairman Colarusso agreed with Commissioner Wrenn and reminds Council these matters are case-by-case basis. Feels comfortable with the decision of the Council.

Chairman Colarusso asked everyone in favor of the Motion to raise their hand. Major Conte recused himself. Eight hands in favor of Motion and Chief Cahill opposed the vote. The Motion passed.

New Business

8. Jennifer Watson

Chief Merrill indicated on the advice from Attorney Smith, this matter will be put off until the December meeting.

9. Timothy Connifey

Captain Bodanza introduced himself to Council and indicated that Mr. Connifey was noticed for the hearing but no return was received. Assumed he is still incarcerated and not able to appear. Staff is prepared to present the case.

Chairman Colarusso swears in Captain Bodanza.

Captain Bodanza indicated Mr. Connifey was the Chief of Police, a certified police officer, for the Town of Bartlett, NH. He was also working part-time for the UNH Police Department and had pled guilty and was found guilty of a felony perjury and a misdemeanor charge of official oppression.

Mr. Connifey was noticed for the hearing today. (**Staff Exhibit A**) under 402.02(a). (**Staff Exhibit B**) shows that Mr. Connifey was hired as a part-time police officer for the Franklin Police Department back in April of 1982, which began his law enforcement career, and was certified as a part-time police officer by the Council in October, 1982 (**Staff Exhibit C**). Mr. Connifey was then hired by the Laconia Police Department part-time, and promoted to full-time, and certified in 1983 (**Staff Exhibit D, Form A, Laconia Police Dept.**) (**Staff Exhibit E**) is full-time certification by Council. (**Staff Exhibit F**) is applied and hired as Chief of Police of the Bartlett Police Department on January 19, 2002. During the time he left Laconia he held various positions within the state to include Milford Police Department, Newmarket Sergeant and Chief of Police in Newfields, NH before becoming Chief in Bartlett, where he ended his career. Also received Form A from UNH Police Department in 2014 (**Staff Exhibit H**) is that he was employed as a part-time officer with that Department as well. Mr. Connifey retired on July 15, 2014 and remained on as the Chief in Bartlett on a part-time status.

As Police Chief, Council will find in (**Staff Exhibit L**) that he was responding to a motor vehicle crash in the Town of Bartlett as a police officer on February 28, 2014. The crash involved a Kate Putnam and was significant enough to snap a utility pole, which she hit, and caused traffic to be backed up for approximately four hours, including electricity being knocked out. EMTs were first to arrive, along with an officer from Jackson, which witnessed that Kate Putnam had signs of impairment and waited for Bartlett Police Department to arrive while assessing her medical needs. Chief Connifey arrived on scene, assessed the situation and brought her to a nearby hotel parking lot to perform field sobriety tests inside of the motel. Portable breath test showed a .67 BAC and determined that she was not impaired and released her with no further investigation. A couple of days later, prosecutor for Police Department, Janet Champlain, retired Captain from Portsmouth Police Department, currently serving as Bartlett Chief, brought charges against Ms. Putnam for reckless driving and unregistered motor vehicle. Charges remained in effect pending outcome and were, eventually, disposed of by Mr. Connifey on June 24, 2014. Between February 2014 and June 2014, there was alleged contact between Chief Connifey and Ms. Putnam regarding their relationship and the disposition of this case which, in turn, through investigation by AG's office, found that Mr. Connifey did instigate an intimate relationship with Ms. Putnam while charges were pending, and ultimately had a direct benefit to reduce the charges, which he did, to have them placed

on file negligent driving under 265:79 with no penalty or fine. The unregistered motor vehicle was disposed of. Attorney General investigator brought Mr. Connifey and Ms. Putnam before the Carroll County grand jury and at that time it was found that his testimony was not accurate because he could not have know

Requests for Extensions

Consent Calendar

PT&E request for extension by James Astuto, Lisbon Police Department, was only off the calendar pending approval of his request for part-time police officer certification based on prior training and experience, and since that request was approved, the PT&E request is approved.

Motion made to approve the request for an extension by Sheriff Dubois. Following a second by Judge Gardner, the voice vote of the Council was unanimous in favor of the Motion.

PT&E Requests

Peter Connor, Portsmouth Police Department (DOH: 09/26/16) 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.

Colonel Wagner requested that Steven Puckett's request for full-time certification based on prior training and experience be tabled until November meeting.

Steven Puckett, New Hampshire State Police (DOH: 09/16/16) requests consideration for full-time police officer certification based on prior training and experience. Officer Puckett completed his full time certification on November 18, 1994 at the 104th PSTC Full Time Academy.

Motion made to table the request, Steven Puckett, until November 15, 2016 Council meeting by Sheriff Dutile. Following a second by Chief Cahill, the voice vote of the Council was unanimous in favor of the Motion.

James Astuto, Lisbon Police Department (DOH: 08/01/16) will be granted certification upon successful completion of the medical exam, entrance fitness test, and the Part-Time Officer Law Package of the Part-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.

Joey Backman CO Ext, NH DOC (DOH 09/16/16) 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 104th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

Joseph Devereaux CO Ext NH DOC (DOH 09/16/16) 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 104th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

Matthew Millar CO Ext, NH DOC (DOH 09/16/16) 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 104th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

Spencer Ryan CO Ext, NH DOC (DOH 09/02/16) 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 104th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

Anna Wong CO Ext, NH DOC (DOH 09/16/16) 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 104th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

Page Shindel CO Ext, NH DOC (DOH 08/05/16) 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 104th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

Bryan Jalava FT Ext, Hinsdale Police Department (DOH: 06/27/16 **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 172nd academy and may continue working only in the direct presence of a certified officer.

Robert Gauthier PT Ext, Pittsfield Police Department, thirty day lapse in certification (DOH: 06/01/16) 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 may continue working only in the direct presence of a certified officer.

End of Consent Calendar

Non consent, due to Prior Training and Experience Request

James Astuto PT Ext, Lisbon Police Department (DOH: 08/01/16) 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 273rd Part Time Academy and may continue working only in the direct presence of a certified officer.

Motion made to grant the extension by Sheriff Dubois. Following a second by Judge Gardner, the voice vote of the Council was unanimous in favor of the Motion.

Addendum #1 Chaplain Paul Dionne presented a 3x5 Thin Blue Line flag for donation to the Academy with personal funds in the amount of \$37.90.

Motion made to accept flag donated by Paul Dionne by Sheriff Dutile. Following a second by President Dunton, the voice vote of the Council was unanimous in favor of the Motion.

Addendum #2 Chief Merrill advised the Council that the Department of Corrections had hired a corrections officer who was then deployed with the military. The officer has returned and is recuperating from an injury received during his deployment. Per the two year time period allowed by statute and Council rule, the timeframe for the officer to become certified will expire before the officer can complete the corrections academy. Federal law requires that individuals returning from military service can return to their former employment. At issue is the conflict between the state and federal laws. Chief Merrill asked for direction from the Council whether the military deployment time, including time to recuperate from deployment-related injury, counts towards the two year timeframe to become certified.

Motion made by Chief Cahill that with this individual military time is not counted, and that the policy be approved that PSTC does not count military time towards the timeframe for training for certification. Following a second by Chief Hart, the voice vote of the Council was unanimous in favor of the Motion.

Chairman Colarusso stated an additional item had been added, the donation of smoothing compound offered by NHTI (Richard Bowen) to fix floors in Classrooms 1 and 2 which will save PSTC from purchasing these products which are needed to fix the floors.

Motion made to accept donation of smoothing compound by Sheriff Dutile. Following a second by Susan Dunton, the voice vote of the Council was unanimous in favor of the Motion.

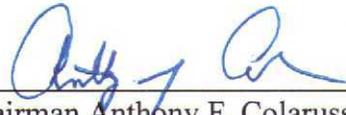
Chairman Colarusso indicates staff would like Council to know Fitness Reminder letters have been mailed and there should be no excuses for not testing.

Next Meeting Date and Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on November 15, 2016. The December meeting will be held on December 20, 2016. The usual e-mail reminders will be sent.

Motion to adjourn made by Chief Hart. Following a second by Sheriff Dubois, the voice vote of the Council was unanimous in favor of the Motion.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Anthony F. Colarusso, Jr.', is written above a horizontal line.

Chairman Anthony F. Colarusso, Jr.