



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 28, 2017**

The 476th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:05 a.m. by Vice Chairman William Wrenn in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Vice Chairman Wrenn, Chief William Hart, Londonderry Police Department, Sheriff Douglas Dutile, Grafton County, Colonel Christopher Wagner, New Hampshire State Police, President Susan Dunton, Community College System of New Hampshire, Justice Honorable James Carroll, Deputy Attorney General Ann Rice and Paula Wall.

Members Absent: Chairman Chief Anthony Colarusso, Jr., Dover Police Department, Chief David Cahill, Sunapee Police Department, Sheriff David Dubois, Strafford County Sheriff's Office, Chief Enoch Willard, Manchester Police Department, Judge Sawako Gardner, 10<sup>th</sup> Circuit-District Division – Portsmouth, and Dr. Ekaterina Hurst.

Staff Present: Director Donald L. Vittum, Chief Timothy Merrill (Ret.), Captain Benjamin Jean, Captain Mark Bodanza, Charlene Mains, Program Specialist II, and Anne Paquin, Investigative Paralegal.

Guests Present: Chief Charles Dennis and Lieutenant Sargent, Hanover Police Department, Chief Paul Toussant and Officer Matthew Bailey, Rochester Police Department, and Chief Paul Cyr, Gorham Police Department.

**Call Meeting to Order**

Vice Chairman Wrenn called the meeting to order at 9:05 a.m.

**Approval of Minutes**

**Motion** made to accept the Minutes of the January 31, 2017 Council meeting by Deputy Attorney General Ann Rice. Following a second by Sheriff Dutile, the voice vote was unanimous in favor of the Motion.

### **Director's Report**

Tabled until the end of the meeting.

### **Financial Report**

Captain Jean stated that the changes to the Tactical Center are going forward and hopefully the roof will be replaced in May. The bids are open on the \$650,000 parking pad/parking lot. Video conferencing is up and running in Hampton and Littleton, and Keene should be running in the near future. Driving simulator was approved by the Fiscal Committee and next will go to Governor and Council. Only update that has stopped is the database revision since it is no longer in the 2018/2019 budget.

### **Previous Unfinished Business - Aaron Throneberry-Perkins/Informal Hearing**

The matter was tabled until the March 28, 2017 hearing.

### **New Business - Election of Vice Chairman**

The matter was tabled until the March 28, 2017 hearing to allow remainder of Chiefs and other Council members to be present.

**Motion** to table Election of Vice Chairman until March 28, 2017 meeting by Sheriff Dutile. Following a second by Deputy Attorney General Ann Rice, the voice vote was taken and with the exception of Vice Chairman Wrenn, who abstained, the vote was unanimous.

### **Hanover Police Department**

Chief Charles Dennis, Hanover Police Department, introduced himself and Lieutenant Brad Sargent to the Council.

**Motion** to enter non-public session at 9:05 a.m. for personnel issue, as well as privacy, by Sheriff Dutile. Following a second by Deputy Attorney General Ann Rice, the roll call vote of the Council was unanimous in favor of the Motion.

**Motion** to exit non-public session by Deputy Attorney General Ann Rice. Following a second by Sheriff Dutile, a roll call was taken and was unanimous in favor of the Motion.

At 9:20 a.m., Council exited the non-public session.

**Motion** to seal minutes from non-public session by Deputy Attorney General Ann Rice. Following a second by Sheriff Dutile, the voice vote of the Council was unanimous in favor of the Motion.

**Motion** to approve Hanover Police Department's request to waive the prohibition under Pol. 301.05(8) and the finding that the conduct did not demonstrate a lack of good moral character and that conduct was not for profit by Deputy Attorney General Ann Rice. Following a second by Sheriff Dutile, the voice vote of the Council was unanimous in favor of the Motion.

### **Sig Sauer Request**

The request has been withdrawn.

### **Protocol for Recruits Missing Class**

Tabled until the March 28, 2017 meeting.

### **Rochester Police Department**

Chief Paul Toussaint and Officer Matthew Bailey introduced themselves to the Council. Vice Chairman Wrenn asked if the Chief would like a non-public session and the Chief said he was fine with public.

Captain Bodanza indicated Officer Bailey attended the 167<sup>th</sup> full time Academy back in 2015. He successfully completed all portions of the Academy except the exit fitness testing. During the latter part of the Academy, he sustained an injury which was documented. He was brought to medical and due to the injury was unable to pass the exit examination at the 50<sup>th</sup> percentile. He was given the opportunity to retest, and the first time he failed the run by approximately one minute or so, and then on the second occasion he failed the sit-up portion of the test. Because he did not successfully complete the testing, the agency he was employed with let him go on in 2015. The Rochester Police Department would like him to take the exit test so that they can hire him.

Chief Toussaint asked that Officer Bailey be allowed to take final fitness test and obtain his certification. Chief Toussaint indicated that Officer Bailey has been through two background investigations, one with Rollinsford PD and one with Rochester, and there were no issues in his background whatsoever and no disciplinary actions against him while attending the Academy. He was unable to train due to a groin injury and failed his PT tests twice. He has been out of law enforcement since he graduated from the Academy because he was under the impression he would have to do the full 16 weeks over. He graduated with an 85.76 average. All he needed for certification was his final fitness test. On November 9, 2016, he took an entrance fitness test with the Rochester Police Department and passed with ease. Chief has full confidence he can pass the PT test if given the opportunity.

Judge Carroll inquired about the length of time out of law enforcement employment that a request can be made. Captain Bodanza stated for 30 days they would be required to do a fitness test, greater than two years would be a law package and greater than three years would be attending the full-time Academy. Officer Bailey has been out one year and two months from the time he left Rollinsford PD until the time he was hired by Rochester PD. Sheriff Dutile asked the Director if he had any position on this, whether a pass is 35% or 50%, and Director Vittum indicated he believes Officer Bailey should take the exit test and pass at the 35<sup>th</sup> percentile.

**Motion** to allow Officer Bailey to take exit fitness exam and pass at the 35<sup>th</sup> percentile by Deputy Attorney General Ann Rice. Following a second by President Susan Dunton, the voice vote of the Council was unanimous in favor of the Motion.

### **Addendum #3 – Gorham Police Department**

Chief Paul Cyr indicated that he would like to go into a non-public session due to the nature of matter.

**Motion** to enter non-public session at 9:30 a.m. for personnel issue, as well as privacy, by Deputy Attorney General Ann Rice. Following a second by Chief Hart, a roll call vote was taken and was unanimous in favor of the Motion.

**Motion** to exit non-public session by Deputy Attorney General Ann Rice. Following a second by Colonel Wagner, a roll call was taken and was unanimous in favor of the Motion.

At 9:54 a.m., Council exited the non-public session.

**Motion** to seal minutes from non-public session by Chief Hart. Following a second by Deputy Attorney General Ann Rice, the voice vote of the Council was unanimous in favor of the Motion.

**Motion** for no further investigation based on what was found, and Chief Cyr's testimony, and to consider original filings by Chief Cyr accepted by Deputy Attorney General Ann Rice. Following a second by President Susan Dunton, the voice vote of the Council was unanimous in favor of the Motion.

### **Recruit Separations**

**Motion** to enter non-public session at 9:56 a.m. by Deputy Attorney General Ann Rice. Following a second by Judge Carroll, a roll call vote was taken and was unanimous in favor of the Motion.

**Motion** to exit non-public session by Deputy Attorney General Ann Rice. Following a second by Sheriff Dutile, a roll call was taken and was unanimous in favor of the Motion.

At 9:58 a.m., Council exited the non-public session.

**Motion** to seal minutes from non-public session by Deputy Attorney General Ann Rice. Following a second by Colonel Wagner, the voice vote of the Council was unanimous in favor of the Motion.

## **Consent Calendar**

### **PT&E Requests**

#### Officer Nedim Opijac, Tilton Police Department

(DOH: 01/05/17) will be granted certification based on prior training and experience, upon successful completion of the medical exam, entrance fitness test and the law package of the Full-Time 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.

Nicholas M. Soucy, South Hampton Police Department (DOH: 01/11/17) 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 274th Part Time Academy and may continue working only in the direct presence of a certified officer.

Matthew LeBlanc, Portsmouth Police Department (DOH: 01/05/17) 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 274th Part Time Academy and may continue working only in the direct presence of a certified officer.

Derik Bettencourt, Barnstead Police Department (DOH: 11/29/16, Not Part-time certified) was granted an extension until the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 173rd academy and may continue working only in the direct presence of a certified officer.

Christopher Zelinski, North Hampton Police Department (DOH: 01/03/17, 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 173rd academy and may continue working only in the direct presence of a certified officer.

Tyler J. Eldridge, Bartlett Police Department (DOH: 02/06/17 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 173rd academy.

Requests for Specialized Training Grant Funds (Balance: \$2,719.89)

New Hampshire Division of Liquor Enforcement was granted funds for Sgt. Christopher Hutchins to attend the FBI LEEDA Executive Leadership Institute at the Gilford Police Department, 47 Cherry Valley Road, Gilford NH, from March 13 through March 17, 2017.

Berlin Police Department was granted funds for Sgt. Nathan Roy to attend the Mid Management Course at Roger Williams College in Bristol, RI from March 20 to March 24, 2017.

**End of Consent Calendar**

**Non-Consent**

Michael McNeil of Nottingham Police Department.

Captain Bodanza indicated Chief Foss had requested an extension for his officer who is currently in the 172<sup>nd</sup> Academy due to a failed retest. The procedure is that the candidate would come back no less than 30 and no greater than 60 days from the Academy, which would push the candidate beyond the six months from the date of employment under which he needs to be certified under RSA 188-F. This is a procedural matter for the Council's consideration.

**Motion** to allow extension of time so Michael McNeil can continue with 172<sup>nd</sup> full time Academy by Deputy Attorney General Ann Rice. Following a second from Chief Hart, the voice vote of the Council was unanimous in favor of the Motion.

**Motion** to approve the Consent Calendar, as well as Addendums #1(Christopher Perley – Certification based on prior training and experience) and #2 (Matthew Martino – extension through the end of the 172<sup>nd</sup> Full-Time Academy) by Sheriff Dutile. Following a second from Deputy Attorney General Ann Rice, the voice vote of the Council was unanimous in favor of the Motion.

**Director's Report**

Director Vittum touched briefly on the budget process and indicated that Captain Jean and Chief Hart did a wonderful job explaining each and every line of the budget. Questions were posed to Council from the House Finance people. They addressed a couple of questions to Council, not the operational part of PSTC. Their concern is the wording in the bill that could affect how PSTC is operated.

Captain Jean introduced himself and indicated there should be a handout in their packet that addresses the questions of House Financial Division 2. Their first question, from Chairman Umberger, was "What was the impact HB2 would have on PSTC if the Council is no longer responsible for Corrections and how much our budget should be reduced?" If you look at HB2, the language change removes the Council from overseeing Corrections. A question was then raised "Why would the Council retain a position for the Commissioner of Corrections on the Council if the Council is no longer going to deal with Corrections?" Chairman Umberger, along with others, also questioned

“Why probation/parole officers would remain if state correction officers were removed?” They asked that the Council look at this and report back to them. PSTC has about six or seven topics to answer for but specifically these are the ones dealing with HB2.

Chief Hart indicated that as a Council we need to give guidance to the legislature as we move forward with the budget. They asked, as a follow-up, what percentages of the training, manpower and staff time are devoted to Corrections? Captain Jean had answered those questions in general. It came back, however, to what is the will of the Council and how does the Council wish to guide us as we wrestle with the budget.

Vice Chairman Wrenn stated that the language in HB2 came as a complete surprise to him as he was on vacation and only reviewed it yesterday. He said he had submitted some language in January/early February to request that the fitness testing, both pre-academy and the three year fitness requirement, be suspended under HB2, which would effectively suspend for two years, due to the hiring issues with Department of Corrections. Vice Chairman Wrenn submitted the language to the Governor’s office that essentially said that, with regard to the fitness testing itself. He never touched anything to do with certification, Police Standards & Training requirements or medical, just the fitness testing alone. And that stems from a conversation with the newly sworn-in Governor Sununu having to do with the women’s prison. And the question was, “When will the new women’s prison be ready?” Vice Chairman Wrenn indicated to the Governor the women’s prison is due to be completed in the fall of 2017, and at this juncture there is not enough staff to support the opening of the new prison, which could take up to a year to fully staff and open the facility. Essentially, there is a brand new building and the Department of Corrections cannot use it. The Governor indicated that was not acceptable, that the prison will be open when it is due to open, and tasked Vice Chairman Wrenn with that. Vice Chairman Wrenn stated that it is hard to find qualified people, and the Department of Corrections usually loses candidates through the polygraph and fitness testing portions of pre-employment. Vice Chairman Wrenn indicated he is more concerned with information obtained through a polygraph than fitness portion at this point.

A fitness test is run by the Department of Corrections prior to the entrance fitness test at the Police Standards & Training Academy. Governor Sununu inquired why the fitness test was required, to which Vice Chairman Wrenn answered that it was part of the hiring process and could not be eliminated. He did not believe that the Governor understood that Department of Corrections officers were under Police Standards & Training. Vice Chairman Wrenn is aware that the Governor will not be pleased if the new women’s prison is not opened on schedule, and that the Department of Corrections is doing their best to get positive results. The thought behind the change in legislation for fitness testing was that it would be a relief in the hiring process.

Sheriff Dutile indicated it would have been nice to know about this beforehand. Feels making a mistake if corrections taken out of fitness testing for two years and wonders what about law enforcement in general? It would be opening up a Pandora’s Box. Vice Chairman Wrenn noted there is a retirement issue connected to the certification process.

**Judge Carroll exits at 10:30 a.m.**

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**Judge Carroll exits at 10:30 a.m.**

**Motion** to address questions asked by the legislature by saying we are opposed to change and that we must answer their questions by Deputy Attorney General Ann Rice. Following a second from Chief Hart, the voice vote of the Council was unanimous in favor of the Motion.

Director Vittum would like to know how the Council will respond to the questions from the legislature. Chief Hart indicated Council members would oppose the change and the wording in HB2. Deputy Attorney General Ann Rice will draft a policy response if Council members get the figures together. Vice Chairman Wrenn indicated he would draft something also. Deputy Attorney General Ann Rice asked if Council should be taking a position on Vice Chairman Wrenn's proposed amendment and Vice Chairman Wrenn said he had not thought about that yet. He said we should be able to have the language withdrawn and see how it works with new fitness policy. Chief Hart indicated Council needs to answer questions regarding dollar amount and express clearly that this was not a policy choice we wish to engage in and let that fact be well known. Deputy Attorney General Ann Rice wanted to know the response time and Director Vittum stated as soon as possible with Vice Chairman Wrenn stating by the end of the week.

**Next Meeting Date and Adjournment**

The next meeting of the New Hampshire Police Standards and Training Council will be held on March 28, 2017.

**Motion** by Chief Hart to adjourn. Following a second by Deputy Attorney General Ann Rice, the voice vote of the Council was unanimous in favor of the Motion.

Respectfully submitted,



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Commissioner William A. Wrenn  
Vice Chairman