



Chief Anthony F. Colarusso, Jr.
Chairman

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

Approved Minutes

March 28, 2017

The 477th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:07 a.m. by Chairman 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, Chief David Cahill, Sunapee Police Department, Sheriff David Dubois, Strafford County Sheriff's Office, Chief Enoch Willard, Manchester Police Department, Judge Sawako Gardner, 10th Circuit-District Division – Portsmouth, Dr. Ekaterina Hurst, Vice Chairman Wrenn, Commissioner, New Hampshire Department of Corrections, 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, 4th Circuit – District Division - Laconia, and Attorney General Joseph Foster.

Members Absent: Paula Wall.

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.

Call Meeting to Order

Chairman Colarusso called the meeting to order at 9:07 a.m.

Approval of Minutes

Motion made to accept the Minutes of the February 28, 2017 Council meeting by Sheriff Dutile. Following a second by Judge Carroll, the voice vote was unanimous in favor of the Motion.

Director's Report

Tabled until the end of the meeting.

Financial Report

Chairman Colarusso stated the Financial Report had been submitted in writing by Captain Jean and asked if there were any questions on the Financial Report. Director Vittum added there were a couple of things to add – moving forward on the budget. The House

Subcommittee will be voting this date on it and it looks positive insofar as the Governor and staff have done a nice job for PSTC relaying what is needed for financial backing. From there will be heading to the Senate, the 12th. The paving of the back parking lot is moving along okay.

Previous Unfinished Business

Chairman Colarusso stated that Council was a little late in nominating the Vice Chairman. The current Vice Chairman is Commissioner Wrenn and was commended by Chairman Colarusso for his tremendous job over the years. Chairman Colarusso asked if there was a nomination or recommendation for a Vice Chairman.

Motion to take off table the election of Vice Chairman by Sheriff Dutile. Following a second by Sheriff Dubois, the voice vote was taken and was unanimous in favor of the Motion.

Sheriff Dutile made a motion to nominate Chief David Cahill as the Vice Chairman of the Council. Following a second by Chief Hart, the voice vote was taken (with the exception of Chief David Cahill) and was unanimous in favor of the Motion.

Chairman Colarusso stated there was a special presentation to Attorney General Foster and read a plaque thanking him for his service to PSTC and the safety of New Hampshire's citizens. Chairman Colarusso added that for the Attorney General to not delegate and come to almost every meeting, knowing how busy he is, shows his dedication. When he is not available, always made sure someone else was available to attend the meetings.

Attorney General Foster stated that he enjoyed the meetings and has learned a lot from attending them and thanked the Council.

James Huard

Attorney Mark Morrissette from McDowell & Osburn in Manchester introduced himself. Chairman Colarusso asked if he would like a public or non-public hearing and the attorney indicated he would like a non-public hearing.

Motion to enter non-public session at 9:15 a.m. by Sheriff Dutile. Following a second by Chief Cahill, a roll call vote was taken and was unanimous in favor of the Motion.

Motion to exit non-public session by Chief Cahill. Following a second by Judge Gardner, a roll call was taken and, with the exception of Chief Willard who recused himself, was unanimous in favor of the Motion.

At 9:42 a.m., Council exited the non-public session.

Motion to seal minutes from non-public session by Chief Cahill. Following a second by Judge Gardner, the voice vote of the Council was unanimous in favor of the Motion.

Motion by Commissioner Wrenn to take no action based on Pol. 402.02 and (12) on fact that no just cause exists and applying balancing test it would be appropriate to take no

action. Following a second by Sheriff Dutile, a hand vote was taken and was unanimous in favor of the Motion.

Tyler Cobb

Matter has been continued.

Timothy Marquis – Petition for Rescission

Attorney Brad Davis introduced himself as representing Timothy Marquis and requested a non-public hearing.

Motion to enter non-public session at 9:47 a.m. by Judge Gardner. Following a second by Dr. Dunton, a roll call vote was taken and was unanimous in favor of the Motion.

Motion to exit non-public session by Sheriff Dubois. Following a second by Judge Gardner, a roll call vote was taken and was unanimous in favor of the Motion.

At 10:06 a.m., Council exited the non-public session.

Motion to seal minutes from non-public session by Sheriff Dubois. Following a second by Chief Hart, the voice vote of the Council was unanimous in favor of the Motion.

Motion to decline Petition for Rescission by Chief Cahill. Following a second by Sheriff Dutile, the Motion remained on the floor as a lengthy discussion ensued amongst Council regarding the hiring process of an agency if they deemed a candidate a good hire.

Voice vote was taken with regard to the Motion on the floor and there were two in favor of the Motion, Chief Cahill and Sheriff Dutile. The remaining voice votes were opposed. The Motion failed.

Motion to grant the Petition for Rescission by Sheriff Dubois. Following a second by Chief Willard, the voice vote of the Council, with two opposed, voted in favor of the Motion to grant the Petition for Rescission.

BREAK – 10:15 A.M.

Judge Carroll exits meeting

BACK ON RECORD – 10:30 A.M.

Motion to enter non-public session to discuss personnel matters at 10:30 a.m. by Sheriff Dutile. Following a second by Judge Gardner, a roll call vote was taken and was unanimous in favor of the Motion.

Motion to exit non-public session to discuss personnel matters at 10:45 a.m. by Chief Cahill. Following a second by Chief Hart, a roll call vote was taken and was unanimous in favor of the Motion.

Motion to seal minutes from Aaron Throneberry-Perkins' informal hearing by Chief Cahill. Following a second by Judge Gardner, the voice vote of the Council was unanimous in favor of the Motion.

Motion to seal minutes from Keith Bettez's informal hearing by Chief Cahill. Following a second by Sheriff Dutile, the voice vote of the Council was unanimous in favor of the Motion.

Motion to seal minutes from Alexander Ortega's informal hearing by Chief Cahill. Following a second by Chief Hart, the voice vote of the Council was unanimous in favor of the Motion.

Motion to approve Chairman Colarusso's recommendation with regard to Aaron Throneberry-Perkins by Sheriff Dubois. Following a second by Chief Hart, the voice vote of the Council, with the exception of Commissioner Wrenn who abstained, was unanimous in favor of the Motion.

Motion to approve Chairman Colarusso's recommendation with regard to Keith Bettez by Sheriff Dutile. Following a second by Judge Gardner, the voice vote of the Council, with the exception of Commissioner Wrenn who abstained, was unanimous in favor of the Motion.

Motion to approve Chairman Colarusso's recommendation with regard to Alexander Ortega by Chief Cahill. Following a second by Chief Hart, the voice vote of the Council was unanimous in favor of the Motion.

Motion to enter non-public session at 10:44 a.m. to discuss Items 11 and 13, Recruit Dismissals, by Chief Cahill. Following a second by Sheriff Dutile, a roll call vote was taken and was unanimous in favor of the Motion.

Motion to exit non-public session by Sheriff Dubois. Following a second by Sheriff Dutile, a roll call vote was taken and was unanimous in favor of the Motion.

Motion to take no further action with regard to Items 11 and 13 by Sheriff Dubois. Following a second by Judge Gardner, the voice vote was taken and was unanimous in favor of the Motion.

Motion to enter non-public session at 10:47 a.m. regarding personnel matter regarding recruits by Sheriff Dutile. Following a second by Colonel Wagner, a roll call vote was taken and was unanimous in favor of the Motion.

Motion to exit non-public session by Chief Cahill. Following a second by Sheriff Dutile, a roll call vote was taken and was unanimous in favor of the Motion.

Motion to seal minutes from non-public session by Chief Cahill. Following a second by Judge Gardner, a voice vote was taken and was unanimous in favor of the Motion.

Addendum #1 – Robert Remillard

Chief Merrill indicated that the individual was not present. Chairman Colarusso stated that Item Nos. 14 and 34 have been continued to the next meeting.

Captain Bodanza reminded Council he is still under oath. He stated that Mr. Remillard, who is a certified correctional officer, was noticed for a temporary hearing under 402.02(b), which he cited. Captain Bodanza introduced exhibits including a Form G from the Gorham Police Department indicating that on February 23, 2017, Mr. Remillard was arrested for the crime of theft of unauthorized taking, and that he is due to be arraigned in district court on April 4, 2017 at 8:00 a.m. Mr. Remillard had obtained unauthorized control of an Apple I-Pad valued at more than \$100 but less than \$500, which belonged to “MP” by taking the I-Pad from individual’s home without permission. For consideration of the Council is a temporary suspension of Mr. Remillard’s certification pending the outcome of the charges.

Motion to temporarily suspend certification pending final disposition and pending further order of Council by Chief Hart. Following a second by Sheriff Dutile, the voice vote of the Council was taken, with the exception of Commissioner Wrenn who abstained, and was unanimous in favor of the Motion.

Attorney General Foster indicated that the following was something for the Council to Consider. An exculpatory evidence memorandum has been re-issued to the chiefs. The major changes made were to have chiefs not trying to get attorneys involved in personnel files and focusing on post-law enforcement employment. It is not pre-employment matters which could be in the file. The memo also puts on the chiefs and training officers, in the appropriate circumstances, to make prosecutors aware of any issues that are particularly relevant to the prosecutor. As part of that, the Attorney General’s office is going to be arranging for the training of chiefs in exculpatory evidence and to possibly incorporate that into the academy’s curriculum. It is confusing to people and maybe it could be expanded on. The other option could be possibly a podcast to refresh certified officers regarding exculpatory evidence. Officers should self-disclose. On the federal level, it is much easier for prosecutors to be there on a one-on-one basis. County attorneys have very busy dockets. The schedule is really a tool that officers should be self-disclosing. He has talked to the Director about it and Council may want to give it some thought.

Chairman Colarusso added that it probably serves as a specific knowledge the recruits need to know, but also a reminder about integrity and acknowledgement, and what could jeopardize their career or hinder their career. Chairman Colarusso would be in support of some type of curriculum to make sure recruits have a larger understanding of this issue.

There was a consensus that the recruits should have a better understanding of this and it might work well with Blue Courage.

Consent Calendar

PT&E Requests

Officer John Coburn, Manchester Police Department (DOH: 03/27/17) 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.

Officer Matthew Pelletier, Goffstown Police Department (DOH: 02/27/2017) 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.

Officer Kevin Shields, Manchester Police Department (DOH: 03/27/17) will be granted certification upon successful completion of the medical exam, entrance fitness test, the Law Package of the Full-Time Police Officer Academy and in addition, the HGW/SFST 3 day Course or proof of attendance.

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.

Shannon Campbell, UNH Police Department (DOH: 02/06/17 **Part-Time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer 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 .

Jennifer Neely, UNH Police Department (DOH: 02/06/17 **Not Part-time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer 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.

Christopher Iacozzi, Kingston Police Department (DOH: 12/26/16 **Not Part-time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer 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.

Justin Wheeler, Raymond Police Department (DOH: 02/09/17 **Not Part-time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer 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.

Nicholas Heon, Raymond Police Department (DOH: 12/05/16 **Part-Time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer 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.

Andrew Wood, Newington Police Department (DOH: 01/01/17 **Part-Time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer 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.

Thomas Bibeau, Canterbury Police Department (DOH: 12/21/16 **Part-Time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer 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.

Ferenc Silye, Littleton Police Department (DOH: 012/12/16 **Not Part-time certified**) requests extension through the end of the 173rd Full-Time Police Officer Academy, Law Package was granted an extension because the ending date of the 173rd Full Time Academy Law Package exceeds six months from the date of hire 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.

Tony Ssonko, New Hampshire State Police (DOH: 12/09/16 **Not Part-time certified**) was granted an extension through the end of the 172nd Full-Time Police Officer 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; 30/60 days after the 172nd Graduation, June 21, 2017.

Timothy Scott, Hanover Police Department (DOH: 11/28/16 **Not Part-time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer 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.

David Landry, Wakefield Police Department (DOH: 11/16/16) was granted an extension through the end of the 274th Part Time 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.

Nicholas Williams, Madbury Police Department (DOH: 12/07/16) was granted an extension through the end of the 274th Part Time 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.

Requests for Specialized Training Grant Funds (Balance: 1,342.22)

Candia Police Department was granted funds for Corporal Daniel Gray to attend the FBI-LEEDA Supervisor Leadership Institute at the Hampton Police Department in Hampton, NH from May 22, 2017 to May 26, 2017.

End of Consent Calendar

Motion to approve the Consent Calendar by Chief Cahill. Following a second from Dr. Dunton, the voice vote of the Council (with the exception of Colonel Wagner for #26 and Chief Willard for any Manchester items) was unanimous in favor of the Motion.

#32 - Ongoing Request for Physical Fitness Testing – Request for Extension

David Eldridge tested in 2016. There was confusion with regard to this individual, and he requested an extension.

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

New Business

Chairman Colarusso stated that Item #33 is a request to post out-of-state employment listings. Director told the Council the academy was criticized recently by a large agency of a city of the way we were posting on the bulletin board for recruitment. They thought this agency felt it was inappropriate because that is how agencies get employees from other agencies. From that point, other outside agencies from other parts of the United States want to post on our bulletin board. Director is asking Council if we should post on our bulletin to help New Hampshire people go to Florida?

Chief Cahill stated that the Chief's Association advertises on their webpage all kinds of employment. Council could encourage them to go there if looking for an outlet for New Hampshire.

After some clarification, a Motion was made.

Motion not to allow an out-of-state entity to post law enforcement employment at PSTC by Sheriff Dubois. Following a second by Chief Hart, the voice vote of the Council was unanimous in favor of the Motion.

Chairman Colarusso stated PSTC received a thank you letter from Gilford PD for allowing them to come and use the simulator for training.

Director invited Council members to stay and have lunch because this was the last day for the Attorney General, and Council would like to show him appreciation for his dedication to New Hampshire law enforcement. The Director stated the Attorney General has been a tremendous active member throughout his time on the Council, and the Director is proud of him.

Chief Merrill brought up graduation attendance for the upcoming April 14th part-time academy and the April 21st full-time academy. As of the date of this meeting, Chief Willard, Sheriff Dubois, President Dunton and Chief Cahill said yes to attending the part-time graduation. Chief Willard also indicated he could attend the full-time graduation, along with Chief Cahill.

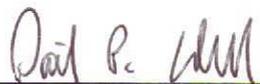
Chairman Colarusso will be not available for the next Council meeting and Chief Cahill will handle the meeting. If there are any informal meetings between this date and the next meeting, Chief Cahill will handle those as well.

Next Meeting Date and Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on April 25, 2017.

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

Respectfully submitted,

 4-25-17

Vice Chairman, Chief David Cahill