



Chief Anthony F. Colarusso, Jr.  
Chairman

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

Approved Minutes

April 25, 2017

The 478th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:06 a.m. by Vice Chairman David Cahill in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Vice Chairman Chief David Cahill, Sunapee Police Department, Chief William Hart, Londonderry Police Department, Attorney General Gordon MacDonald, Chief Enoch Willard, Manchester Police Department, Sheriff, David Dubois, Strafford County Sheriff's Office, Sheriff Douglas Dutile, Grafton County Sheriff's Office, Colonel Christopher Wagner, New Hampshire State Police Judge Sawako Gardner, 10<sup>th</sup> Circuit-District Division – Portsmouth, Dr. Ekaterina Hurst, and William L. Wrenn, Jr., Commissioner, New Hampshire Department of Corrections.

Members Absent: Chairman, Chief Anthony Colarusso, Dover Police Department, Justice Honorable James Carroll, 4<sup>th</sup> Circuit – District Division - Laconia, President Susan Dunton, Community College System of New Hampshire, and Paula Wall.

Staff Present: Director Donald Vittum, Chief Timothy Merrill (Ret.), Captain Benjamin Jean, and Anne Paquin, Investigative Paralegal.

Guests Present: Chief Burgess and Officer Beck, Loudon Police Department

**Call Meeting to Order**

Vice Chairman Cahill called the meeting to order at 9:06 a.m. and welcomed the new Attorney General, Gordon MacDonald, to his first meeting.

**Approval of Minutes**

**Motion** made to accept the minutes of the March 28, 2017 Council meeting by Chief Hart. Following a second by Sheriff Dutile, the voice vote was unanimous in favor of the Motion. Vice Chairman Cahill stated the only change to the minutes would be that they stated the next meeting is April 24, 2017 when it should have read April 25, 2017.

Vice Chairman Cahill indicated that in the minutes of the February meeting, the Council went into non-public session for a Keene officer and a Corrections officer for separation from the Academy for different reasons. Motion to enter non-public was made by Deputy Attorney General Ann Rice and seconded by Judge Carroll. The Motion itself did not indicate that the reason for entering a non-public, and a right-to-know request was made and clarification is needed as to why Council entered into non-public session. The

reasons for the non-public session fell under the 91-A:III (2)(c), which states that if it were a public session it could adversely affect the reputation of any person, which is a personnel matter. A motion needs to be made today for that particular non-public session.

Accordingly, the following motions were made:

**Motion** made by Sheriff Dutile to enter a non-public session regarding a personnel matter under 91-A: III. Following a second by Chief Willard, a roll call vote was taken and, with the exception of Attorney General MacDonald, who abstained, was unanimous in favor of the Motion.

**Motion** to seal minutes of non-public session regarding personnel matter involving the Keene officer and the Corrections officer by Sheriff Dutile. Following a second by Chief Hart, a roll call vote was taken and, with the exception of Attorney General MacDonald who abstained, was unanimous in favor of the Motion.

Vice Chairman Cahill stated that PSTC staff is currently creating a form for use regarding non-public sessions to keep the motions clear, to make sure that everything is covered to protect the individual and also comply with any right-to-know requests.

### **Director's Report**

Tabled until the end of the meeting.

### **Financial Report**

Captain Benjamin Jean introduced himself. He stated the tactical center contract for the roof repair was approved and is expected to take place over the next month or so. The parking lot capital budget request is at the Senate, and PSTC staff is scheduled to appear on May 8<sup>th</sup> in front of the Senate Capital Budget Committee. The driving simulator was approved and the bids, which were open, went out and one has been awarded and being worked on, and hopefully will be in by June 30<sup>th</sup>. PSTC staff is scheduled to go, today, to the New Hampshire state legislature for an amendment to Senate Bill 13. PSTC is currently administratively attached to the Community College System of New Hampshire.

Sheriff Dubois asked what the legislative changes would do to educational training and credits? Would PSTC still have that opportunity to pass college credit from CCSNH on to law enforcement?

Captain Jean stated he did not know the answer, as the credits are given out by the college. Granite State College and SNHU also gives credits. Nancy Smith from the Attorney General's office reviewed the amendment and concurred with the language. If it is classified as a non-germane amendment, it does not appear to change anything other than RSA numbers. PSTC functions as a separate agency anyway. The only danger is opening up an amendment to a bill, the bill can get amended again.

**Motion** in support of SB13, and that the Captain and Chief Hart can convey Council's support to the committee today, by Sheriff Dutile. Following a second by Chief Hart, the voice vote was taken and was unanimous in favor of the Motion.

### **3-Year PT Test Protocol**

Chief Merrill stated that the Technical Assistance Manual contains the three year fitness testing protocols. Several rule changes were made last fall, and staff would like to update the Technical Assistance Manual and with the changes.

**Motion** in support of protocol regarding fitness testing by Chief Hart. Following a second by Colonel Wagner, the voice vote was taken and was unanimous in favor of the Motion.

### **Attendance Protocol**

Vice Chairman Cahill reminded the Council that the 173<sup>rd</sup> Academy starts next week; PSTC staff would like the attendance protocol in place.

Chief Merrill stated that for years PSTC had a rule that if a recruit missed ten days of fitness training, they would be dismissed from the Academy. There has never been a rule regarding academics. Once a recruit misses a class, it is difficult for them to make it up. The proposal is, if someone misses five days of classes, they can be dismissed from the Academy. Also, if a recruit leaves the Academy within the first two days, someone else can be admitted in their place. The last three days of the first week are classes that are prerequisites for classes throughout the Academy such as firearms, driving and Blue Courage. Any recruit missing any one of those three days of the first week will be dismissed. They would have to attend the next session of the Academy. Also anyone missing classes less than five days would have to come back and take that class with a future Academy and cannot take the final exam until all classes have been taken.

Vice Chairman Cahill asked Chief Merrill if the protocol would be included in the Technical Assistance Manual; the chief said that it would. Sheriff Dubois asked, that if he was in the Academy and he missed week 12, would he need to come back to the Academy again? He wanted to know if that decision was made in advance or if the Council will play it by ear? Director Vittum answered the question, stating that the person in that position must start all over again. The Attorney General questioned the absence policy and Chief Merrill answered that if you have an unexcused absence, you will be dismissed, which has been the policy. The absence policy is a new policy for the full time recruit academy only.

**Motion** to approve the attendance protocol for the full time recruit academy recommendation by Sheriff Dubois. Following a second by Judge Gardner, the voice vote was taken and was unanimous in favor of the Motion.

### **New Business**

Chief Merrill announced to Council members that a hearing that had been scheduled pursuant to Pol 402.02 and Pol 301.05 had been continued, and that an informal conference had been scheduled in the matter.

#### **Summary of an Informal Conference Pol 402.02 (b)**

**Motion to enter non-public session under RSA 91-A:III(2)(c), personnel matter, by Commissioner Wrenn. Following a second by Sheriff Dutile, the voice vote was taken and was unanimous in favor of the Motion.**

At 9:25 Council entered a nonpublic session.

**Motion to exit non-public session at 9:37 a.m. under RSA 91-A:III(2)(c), personnel matter, by Judge Gardner. Following a second by Sheriff Dutile, a roll call vote was taken and was unanimous in favor of the Motion.**

**Motion to seal the minutes of the non-public session under RSA 91-A:III(2)(c), personnel matter, by Sheriff Dubois. Following a second by Sheriff Dutile, the voice vote was taken and was unanimous in favor of the Motion.**

**Motion by Sheriff Dubois to accept the temporary voluntary surrender of Tyler Copp's correction's officer certification as warranted; the failure to suspend cannot be justified. Following a second by Chief Hart, the voice vote was taken and was unanimous in favor of the Motion.**

Vice Chairman Cahill stated that a template for entering a non-public session had been discussed briefly. Chief Merrill is going to e-mail this template out to everyone on the Council and give them a chance to look at it. Vice Chairman Cahill will check in with Chief Colarusso before the next meeting to try to make sure the Council can begin to use the form. The form will clarify the matter of non-public sessions, and hopefully the Council will not have to go back and make corrections to motions.

### **Consent Calendar**

PT&E Requests

**Officer Ryan Vaclavik, Dublin Police Department**

(DOH: 03/31/17) will be granted certification upon successful completion of the medical exam, entrance fitness test, and Law Package of the Full-Time Police Officer Academy.

**Officer Matthew S. LeBlanc, Bow Police Department**(DOH: 04/09/17) will be granted certification upon successful completion of 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.

Andrew Beausejour, Berlin Police Department (DOH: 01/23/17 **Not Part-time certified**) was granted an extension because the ending date of the 173rd Full Time Academy 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.

Bryan Jalava, Hinsdale Police Department (DOH: 06/27/16 **Not Part-time certified**) was granted an extension through June 21, 2017 because Officer Jalava failed a course during the 172<sup>nd</sup> Academy and needs to retest no sooner than 30 days and no more than 60 days from April 21, 2017, the graduation date; which will provide enough time to schedule and complete make up and final exam 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.

Ben Liberatore, Webster Police Department (DOH: 10/17/16) was granted an extension through the end of the 173rd Full-Time Police Officer Academy Law Package Classes because the ending date of the 173rd Full Time Academy 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.

James Morine, Claremont Police Department (DOH: 01/18/17 **Not Part-time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer Academy because the ending date of the 173rd Full Time Academy 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.

Joshua Peavey, Claremont Police Department (DOH: 01/18/17 **Not Part-time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer Academy because the ending date of the 173rd Full Time Academy 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.

Tyler Rouse, Laconia Police Department (DOH: 02/06/17 **Not Part-time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer Academy because the ending date of the 173rd Full Time Academy 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.

Ryan Sickler, Laconia Police Department (DOH: 02/06/17 **Not Part-time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer Academy because the ending date of the 173rd Full Time Academy 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.

Amanda Swanson, Rindge Police Department (DOH: 01/01/17 **Part-Time certified**) was granted an extension through the end of the 173rd Full-Time Police Officer Academy because the ending date of the 173rd Full Time Academy 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.

#### **Part time extension**

Matthew Willis, Roxbury Police Department (DOH: 05/28/17) was granted an extension through the end of the 274th Part Time Academy because the ending date of the 274th Part Time Academy 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 274th Part Time Academy and may continue working only in the direct presence of a certified officer.

Requests for Specialized Training Grant Funds (Balance: \$908.90)

Berlin Police Department was granted funds for Officers Zachary Howry and Adam Labonte to attend the IPMBA Police Cyclist Course in Amherst MA at the Amherst Police Department, from May 15 to May 17, 2017.

**Motion** to accept the Consent Calendar by Sheriff Dubois to include the additional request for extension from Steven Henderson of the Fremont Police Department , and the deletion of Benjamin Averill of Deerfield's request for extension. Following a second by Sheriff Dutile, the voice vote was taken and was unanimous in favor of the Motion.

Lance Rouse, Gilford Police Department (DOH: 02/01/17 **Part-Time certified**) requested an extension through the end of the 174th Full-Time Police Officer Academy because the ending date of the 174th Full Time Academy 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 174th academy

The item from the Gilford Police Department, is a non consent item for consideration by the Council. The individual is currently in the Part-Time Police Academy, and will graduate on May 5, 2017. Director Vittum explained that the chief of Gilford Police

Department has requested that the officer not be required to be “attached at the hip” during his extension time after he becomes a certified part time officer on May 5<sup>th</sup>. The request also included skipping over the 173<sup>rd</sup> academy.

**Motion** to accept and approve as highlighted, the non-consent item Lance Rouse of the Gilford Police Department, upon successful graduation from the part-time academy on May 5, 2017 by Sheriff Dubois. Following a second by Chief Willard, the voice vote was taken and was unanimous in favor of the Motion.

A request had been approved for discussion by the Council after the April agenda had closed, Garrett Beck of the Loudon Police Department.

Chief Merrill gave the background of Officer Garrett Beck. He was hired by the Bristol Police Department full-time on October 25, 2015 and left Bristol on September 1, 2016. He has been certified part-time and has continually worked part-time all along. On March 28, 2017, Officer Beck was hired full-time by the Loudon Police Department. PSTC rules state under Pol 301.01 that an officer must be certified within six months from the date of hire and may ask for an extension of that time period for up to two years. However, termination from one agency to join another agency does not affect the rule, the individual must be certified within two years of their original date of hire, which for Officer Beck, his time would run out in October of 2017. Officer Beck passed the fitness test for the 173<sup>rd</sup> Academy but he didn’t make the total recruit number cut. The next Academy that he could attend does not start until August and does not end until December, which is several weeks after his two years’ expires. He worked for a year as an officer, he was out of law enforcement employment, and then he started to work again as an officer. He was out of full-time employment from September, 2016 until March 28, 2017.

Commissioner Wrenn stated that Garrett Beck’s issue could be resolved by the Council’s answering two questions, 1) except for the one item, (that there is no spot for him in the academy), he would be in compliance, and 2) the Council has made the choice to cap the total number of recruits in each academy at 67. Chief Merrill answered that he was correct.

Vice Chairman Cahill inquired, what has given this individual preferential treatment? If there happens to be a waiting list of 15 people for a place in the 173<sup>rd</sup> Academy, why give him preferential treatment? He went on to state that the only other option that Council has, because Garrett Beck has met all the obligations for the 173<sup>rd</sup>, but because of the 67 recruit number cap, the Council could possibly carry him over for the two month period in the 174<sup>th</sup> Academy; can it be rectified that he is actively in the police academy and halfway through he has to leave due to the time limit in the rule for certification? Vice Chairman Cahill concluded by stating that there should be something in PSTC administrative rules to address it, but this is a statute change.

Commissioner Wrenn stated that Council has had trouble with this rule in the past. The situation does not happen a lot. Commissioner Wrenn suggested that there should be additional language in the rule that states that if someone is enrolled in the Academy, or attending that Academy, that the two year limit is not held to the standard.

Commissioner Wrenn discussed the ambiguity of the rule, in that it details two years but does not address separation time between the departments.

A discussion among the Council members ensued about whether or not the Council can make a change to the rule, or waive a rule.

**Motion** to allow Officer Beck to attend the 173<sup>rd</sup> Academy beginning May 1, 2017 by Sheriff Dubois. Following a second by Chief Hart, the voice vote was taken and was unanimous in favor of the Motion.

### **Director's Report**

Director Vittum brought the Council members attention to a Memorandum of Understanding between PSTC and the U.S. Attorney's office. The U.S. Attorney's Office would like to use space at PSTC's facility in case of an emergency at their own building.

Director Vittum stated that the graduation went well. He thanked Attorney General MacDonald for being there.

Vice Chairman Cahill thanked Captain Jean for standing in for Captain Bodanza on Friday afternoon.

Director Vittum asked if anyone had any concerns to be brought up so they could be looked at before next meeting.

Commissioner Wrenn stated that with House Bill 2 voted down, there was originally some language in there to remove correction officers from the certification process, attending a correction's academy held at PSTC.

Colonel Wagner asked the Council about the PT entrance and exit tests at the Academy, which is at 35%. Part of the State Police hiring process to complete a fitness test at 55%, that was a requirement that was in place prior to his time. The 55% standard was in place to make sure the troopers always passed the Academy. Recently there were 22 people in the hiring process for State Police, they were let go because they did not pass the fitness test standard at 55%. The Colonel asked if there was a legal consideration or concern that if State Police is holding a standard higher than the Academy, should State Police be in line with PSTC with respect to fitness entrance and exit exams?

Chief Merrill answered the question by stating there are rules that pertain to this, specifically Pol 404.07(c) states: "Nothing in this section shall prohibit individual hiring authorities from requiring physical fitness programs or tests that are more stringent or frequent than those required by this rule."

Vice Chairman Cahill stated that the issue the Academy ran into was the exit fitness test for the Academy at 50%, there had been research completed which revealed that there was no statute that required an exit fitness test at 50%. As a result, the Academy eliminated the 50% exit test and held the 35% standard.

Director Vittum stated the fitness test at 35% is done every three years, and that is the standard. He said it was an admirable quality that the State Police bring candidates in at the 55% for fitness standards.

Vice Chairman Cahill redirected the Council members' attention to remind them of Director Vittum's item, the Memorandum of Understanding with the U.S. Attorney's officer.

**Motion** that PSTC sign the MOU with the Department of Justice by Sheriff Dutile. Following a second by Chief Hart, the voice vote was taken and was unanimous in favor of the Motion.

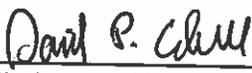
**Next Meeting Date and Adjournment**

The next meeting of the New Hampshire Police Standards and Training Council will be held on May 23, 2017.

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

Respectfully submitted,

May 23, 2017

  
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Chairman, Chief David Cahill