



Chief David P. Cahill
Chairman

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

PUBLIC

May 23, 2017

The 479th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:05 a.m. by Chairman David Cahill in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Chairman, Chief David Cahill, Sunapee Police Department, Chief William Hart, Londonderry Police Department, Chief Anthony Colarusso, Dover Police Department, Attorney General Gordon MacDonald, Sheriff, David Dubois, Strafford County Sheriff's Office, Sheriff Douglas Dutile, Grafton County Sheriff's Office, Colonel Christopher Wagner, New Hampshire State Police; Justice Honorable Sawako Gardner, 10th Circuit-District Division – Portsmouth, Dr. Ekaterina Hurst, William L. Wrenn, Jr., Commissioner, New Hampshire Department of Corrections and Debra Noyes.

Members Absent: Justice Honorable James Carroll, 4th Circuit – District Division - Laconia, President Susan Dunton, Community College System of New Hampshire and Chief Enoch Willard, Manchester Police Department.

Staff Present: Chief Timothy Merrill, Captain Mark Bodanza, Captain Benjamin Jean, Anne Paquin, Investigative Paralegal and Charlene Mains, Program Assistant II.

Guests Present: Captain Todd Corey and Marc Marchand, Merrimack County Sheriff's Office, Ms. Kristine Cucchi.

Call Meeting to Order

Chairman Cahill called the meeting to order at 9:05 a.m. and thanked Chief Colarusso for serving as Chairman on the Council for the past two years. He also welcomed Debra Noyes to the Council, and members were introduced to her at that time.

Approval of Minutes

Motion made to accept the Minutes of the April 25, 2017 Council meeting by Chief Hart. Following a second by Sheriff Dutile, the voice vote was unanimous, with the exception of Chief Colarusso who abstained from the vote as he was not in attendance at the April meeting..

Director's Report

Tabled until the end of the meeting.

Financial Report

Captain Jean introduced himself and stated that the Tactical Center roof project is on schedule to start May 30th and will last about three to four weeks. The driving simulator went out to bid and the State has now asked PSTC to write up a justification letter for it; that is being worked on for finalization with the vendor, hopefully by the end of June. The last item is a lapse letter that the State asked for regarding how much money PSTC has left in our budget. Mid-biennial, PSTC switched to the General Fund but prior to that many services were cut, such as staff. It took about half the fiscal year to get staff back up to full capacity as there were four vacant positions. The database project was removed from the budget going forward for the second phase and no first phase money was spent out of budget. The Tactical Center roof project came in significantly lower priced than what the Legislature allotted for funding to PSTC. Captain Jean continued, stating, the lapse letter indicates PSTC has a half million dollars that was not spent. The other item that was eliminated was videoconferencing and the contract for that was a \$120,000. Therefore, even though we got the money for the budget, we did not have the video conferencing contract, so there was money there. The new budget reflects all these changes; and going forward is set as we know what we are having for activity so there should not be a significant lapse next time around. Captain Jean wanted to make everyone aware of the lapse and the reasons for it because a large portion of it was for the roof and personnel.

Chairman Cahill indicated that new forms had been provided today to the Council members for effectively documenting non-public sessions, the reasons for entering a non-public session, and any defining motions that came from the non-public session.

Commissioner Wrenn stated that since a new Chairman has been appointed, the position of Vice Chairman is open and needs to be filled. Chairman Cahill indicated if there was no discussion regarding that, he would entertain a motion.

Motion for Chief Hart to become Vice Chairman of the Council by Commissioner Wrenn. Following a second by Sheriff Dubois, the voice vote was taken and was unanimous in favor of the Motion.

Chief Hart thanked the Council for the confidence they are placing in him.

Informal Conferences

Motion made at 9:10 a.m. by Sheriff Dubois to enter non-public session regarding RSA 91-A:3, II(c). Following a second by Chief Colarusso a roll call vote was taken and was unanimous in favor of the Motion.

Motion to exit non-public session at 9:53 a.m. under RSA 91-A:3, II(c) by Sheriff Dubois. Following a second by Chief Colarusso, a roll call vote was taken and was unanimous in favor of the Motion.

Motion to seal the minutes of the non-public session as the information would likely adversely affect the reputation of any person other than a member of this Board by Chief Colarusso. Following a second by Judge Gardner, the voice vote was taken and was unanimous in favor of the Motion.

Motion made to not support recommendation made by Chief Cahill during informal conference by Attorney General MacDonald. Following a second by Sheriff Dutile, the voice vote was unanimous in favor of the Motion.

Marc Marchand

Captain Bodanza stated that there were two items concerning Marc Marchand on the agenda, one was a request for prior training and experience certification, the other a request for extension for certification.

Chairman Cahill asked to hear the request for prior training and experience certification first; and stated to Marc Marchand and Captain Corey that any information given would be entered as testimony and he would swear them in.

Commissioner Wrenn stated Marc Marchand used to work for him and he would recuse himself if Council thought there is a conflict and he should do so.

Captain Bodanza stated that the Merrimack County Sheriff's Office is before the Council to apply for prior training and experience for Marc Marchand for part-time certification as a police officer in the State of New Hampshire. Mr. Marchand is before the Council because he has been out of certified police officer enforcement employment for more than three years. He left part time police employment in 1992 from Northfield and Laconia Police Departments; however he has continued to maintain law enforcement services. He worked at the Department of Corrections for those years out of employment as a police officer and continues to work in law enforcement, specifically investigative services. for the Merrimack County Sheriff's Office. According to Council guidelines, Mr. Marchand must attend the full Part-Time Academy, a medical examination and pass a fitness test. Mr. Marchand is asking for a different scenario and has provided documents for Council's review with regard to training and experience since he left law enforcement.

Chairman Cahill swears in Marc Marchand who gave the following summary regarding his career:

- Received Associate's Degree from NHTI.
- Went to Part-Time Police Academy at PSTC.
- Worked for 2 – 2 ½ years with Laconia PD as a part-time officer.
- Went full-time with the New Hampshire Department of Corrections.
- Left Laconia because at the time they had internal policy that he was not allowed to work for another law enforcement agency.

- Started working as correctional officer obtaining and fulfilling 40 hours of required training every year, which included firearms, defensive tactics, and any other training department saw fit specific to working at the facility at the time.
- Continued doing that for five years, obtained the rank of Sergeant.
- Worked as Sergeant and shift commander for short time and then became training coordinator with Department of Corrections.
- During that time, became firearms instructor and use of force instructor. Has been an instructor in every aspect except Taser. Responsibilities were to train all other staff in those areas.
- Last ten years with Department of Corrections has worked in Investigation Bureau where majority of his caseload was criminal with felony cases referred through county attorneys for indictments. He has worked with Merrimack County, Hillsborough North and Coos.
- Continued to maintain correctional officer certification and at least 40 hours of training each year.
- Has also taken interview and interrogation courses, photography courses, homicide investigation, all the time while maintaining his certification. He retired from Department of Corrections in February of this year and went to work for Merrimack County Sheriff's Department inside the jail doing same type of investigative work done at Department of Corrections for ten years.

Commissioner Wrenn added that Mr. Marchand, while employed at the Department of Corrections, ran the investigation bureau to include mostly criminal work. He indicated Mr. Marchand is well-versed in the law and procedures and did a great job for Department of Corrections. Captain Corey spoke and said that Mr. Marchand has exceeded training requirements and has had no break in service.

Motion made to support the request of Mr. Marchand, with the exception of the physical fitness exam, by Sheriff Dubois. Following a second by Chief Hart, the voice vote was unanimous in favor of the Motion.

Confirmed that Mr. Marchand will only need to do the PT entrance exam through the Academy.

Motion made to grant an extension as indicated for the entrance PT by Sheriff Dubois. Following a second by Sheriff Dutile, the voice vote was unanimous in favor of the Motion.

Kristina Cucchi (Addendum #1 to the Agenda)

Captain Bodanza indicated Kristina Cucchi would like a non-public session.

Motion made at 10:12 a.m. by Chief Hart to enter non-public session regarding RSA 91-A:3, II(c). Following a second by Chief Colarusso a roll call vote was taken and was unanimous in favor of the Motion.

Motion to exit non-public session at 10:19 a.m. under RSA 91-A:3, II(c) by Sheriff Dubois. Following a second by Dr. Hurst, a roll call vote was taken and was unanimous in favor of the Motion.

Motion to seal the minutes of the non-public session as the information would likely adversely affect the reputation of any person other than a member of this Board by Chief Colarusso. Following a second by Dr. Hurst, the voice vote was taken and was unanimous in favor of the Motion.

Motion made to grant the exception based on the medical record in the file by Chief Hart. Following a second by Dr. Hurst, the voice vote was unanimous in favor of the Motion.

Joseph Clewley

Motion made at 10:21 a.m. by Chairman Colarusso to enter non-public session regarding RSA 91-A:3, II(c). 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 at 10:27 a.m. under RSA 91-A:3, II(c) by Judge Gardner. Following a second by Commissioner Wrenn, a roll call vote was taken and was unanimous in favor of the Motion.

Motion to seal the minutes of the non-public session as the information would likely adversely affect the reputation of any person other than a member of this Board by Commissioner Wrenn. Following a second by Judge Gardner, the voice vote was taken and was unanimous in favor of the Motion.

Motion made to approve the settlement as agreed to by Chief Colarusso and Mr. Clewley allowing him to retain his certification by Commissioner Wrenn. Following a second by Sheriff Dutile, the voice vote was unanimous, with the exception of Colonel Wagner who abstained, in favor of the Motion.

Consent Calendar

PT&E Requests

Officer Kenneth Miller, Thornton Police Department (DOH: 05/01/17) 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.

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.

Amanda Groves, Merrimack Police Department (DOH: 04/03/17 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 174th academy and may continue working only in the direct presence of a certified officer.

Sean F. O'Brien, Conway Police Department (DOH: 06/27/17 Not Part-time certified) was granted an extension through the end of the 173rd because the ending date of the 173rdth 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. Must make up classes and the final.

Peter Zamachaj, Francestown Police Department (DOH: 11/21/16 Part-Time certified) was granted an extension 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.

Lionel H. Emond III, Cheshire County Sheriff's Office (DOH: 03/27/17 Part-Time certified) was granted an extension 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.

Matthew Pelletier, Goffstown Police Department (DOH: 02/27/17 Not Part-time certified) was granted an extension through the end of the 174th Full-Time Police Officer Academy (Law Package) 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 in the law package classes, if he has successfully completed his agency's FTO Program, then he may work with normal supervision for that agency.

Matthew Yao, Thornton Police Department (DOH: 03/20/17 Not Part-time certified) was granted an extension through the end of the 174th 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 174th academy and may continue working only in the direct presence of a certified officer.

Benedict Liberatore, Webster Police Department (DOH: 10/17/16 **Not Part-time certified**) was granted an extension through the end of the 174th 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 174th academy if he has successfully completed his agency's FTO Program, then he may work with normal supervision for that agency.

Motion to accept the Consent Calendar by Judge Gardner. Following a second by Chief Colarusso, the voice vote was taken and was unanimous in favor of the Motion.

Specialized Training Grant

Captain Jean stated the reported balance for training grants is \$6.50.

Antoinette Webster, Lee Police Department

Captain Bodanza stated the Lee Police Department is asking for a request for an extension to skip over an available Academy. Council usually takes on an individual basis but Lee has reported they are running short-handed and the services of Ms. Webster would greatly assist the agency through the summer, and attendance at the 175th has been requested.

Motion to approve request from Lee Police Department to grant extension to Antoinette Webster by Commissioner Wrenn. Following a second by Dr. Hurst, the voice vote was taken and was unanimous in favor of the Motion.

Director's Report

Director Vittum stated he would like to schedule a planning session for September, if possible, to discuss short and long-term goals with the Council members who are encouraged to invite someone to attend the planning session meeting with them to participate in a roundtable discussion. Examples of things to be discussed are: Should PSTC change to a daytime Academy? Should we do two weeks hands-on training and the remainder via video? The planning session would last between four to five hours. Director Vittum feels it important to get input from law enforcement as to what direction to go in the future. Chairman Cahill encouraged the Council to bring in suggestions for next month's meeting.

Director Vittum brought up accepting applications for the Academy. As it stands now, to keep it fair, the rule is last in, first out. PSTC is being asked to reserve seats for different agencies, four or five here, four or five there. The Academy services 230 agencies, and it is not fair to have one agency that needs 10 officers to attend take preference over the small town that needs one officer, and the Director would like Council's thoughts. That one person is just as important to a small agency as the ten people are to the larger agency.

The Director believes asking to reserve spots is highly inappropriate.

Motion to approve the last in, first out standard by Sheriff Dutile. Following a second by Chief Hart, the voice vote was taken and was unanimous in favor of the Motion.

Chairman Cahill and Captain Jean presented a commendation to Chief Colarusso from PSTC for his service as Chairman of the Council from 2015-2017.

Separation of Full-Time Academy Recruit

Captain Bodanza stated that the recruit had resigned due to medical condition.

Next Meeting Date and Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on June 27, 2017.

Motion by Chief Colarusso to adjourn. Following a second by Attorney General MacDonald, the voice vote of the Council was unanimous in favor of the Motion.

Respectfully submitted,



Chairman, Chief David Cahill