

**PUBLIC Minutes**  
**October 24, 2017**

The 484th 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, Vice Chairman, Chief William Hart, Londonderry Police Department, Sheriff Douglas Dutile, Grafton County Sheriff's Office, Executive Major David Parenteau, New Hampshire State Police, William L. Wrenn, Jr., Commissioner, New Hampshire Department of Corrections, Judge Sawako Gardner, 10<sup>th</sup> Circuit-District Division – Portsmouth, Dr. Ekaterina Hurst, Attorney General Gordon A. MacDonald (entered meeting at 9:15 a.m.) and Debra Noyes.

Members Absent: Chief Peter Morency, Berlin Police Department, Sheriff David Dubois, Strafford County Sheriff's Office; Chief Enoch Willard, Manchester Police Department and President Susan Dunton, New Hampshire Technical Institute.

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

Guests Present: Attorney John Krupski, CO Geoffrey Boffitto, New Hampshire Department of Corrections, Attorney Eric Wilson accompanying his client, Officer Jonathan Earnshaw, Captain Eric Nordengren and Lieutenant Carlos Camacho, with the Nashua Police Department.

**Call Meeting to Order**

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

**Approval of Minutes**

**Motion** made to approve the Minutes of the September 26, 2017 Council meeting by Sheriff Dutile. Following a second by Chief Hart, the voice vote was unanimous in favor of the Motion.

**Director's Report – Off the Record at 9:08 a.m.**

Commissioner William Wrenn, Jr. was presented with a plaque honoring his 43 years of service in law enforcement, and 18 years of service (1999 – 2017), on the Council for Police Standards & Training, its longest serving member. **(Off the Record)** A short presentation followed in the PSTC reception area where the plaque was placed in a case and will remain on display. Commissioner Wrenn was moved and thanked everyone for the gesture that honored his service and commitment to law enforcement.

**Back on Record – 9:13 a.m.**

The Director stated that Items 1 – 10 from September’s Planning Session will be worked on so Council can move forward with goals for the next three to five years.

**Financial Report**

Captain Jean introduced himself, and stated there was not any new information to add to the Financial Report other than the first quarter just finished. A quarterly report needs to be submitted to the State for expenditures v. budget, and that will be completed once the figures are sent.

**Previous/Unfinished Business**

Chairman Cahill stated that on October 4, 2017, he and Chief Hart were scheduled to attend a meeting with the Governor to discuss Council positions and communications. However, due to family emergencies, they were unable to attend the meeting on the 4<sup>th</sup> and have sent in a request for another meeting. No date has been scheduled at this point.

**Attorney General MacDonald arrives at 9:15 a.m.**

**New Business**

Captain Jean stated that the Director, he, Senator Gregg, Major Conte and Chief Harris attended a meeting regarding mental health and police/security. A training program is in the process of being developed to offer law enforcement, security personnel and mental health clinicians on how to interact with people suffering with mental illness. The Full-Time Academy currently offers 16 hours of classroom regarding mental health training. The training being contemplated would be for in-service classes. Captain Jean stated that the next meeting is in the next two to three weeks; Chairman Cahill said he would attend that meeting as a representative and then possibly in November appoint someone from Council as a permanent representative.

**November and December Meeting Dates**

Due to the holidays, Council decided to vote on the meeting dates for November and December. It was decided the meetings would be scheduled as follows: November 28<sup>th</sup> and December 19<sup>th</sup>.

**Motion** by Sheriff Datile to change the December meeting from the **fourth** Tuesday of the month to the **third** Tuesday, December 19, 2017. Following a second by Debra Noyes, the voice vote of the Council was unanimous in favor of the Motion.

**Steven Cornacchia – Hearing on Pol. 402.02(b) – Temporary Suspension**

Chief Merrill stated that Attorney John Krupski, who presented on behalf of Steven Cornacchia, submitted a letter yesterday advising there was no objection to the temporary

suspension pending the results of the investigation. When asked, Attorney Krupski requested a non-public session.

**Motion to enter non-public session at 9:23 a.m. under 91-A:III(2)(c), personnel matter, by Chief Hart. Following a second by Major Parenteau, a roll call vote was taken and was unanimous in favor of the Motion.**

**Motion to exit non-public session at 9:27 a.m. under 91-A:III(2)(c), personnel matter, by Sheriff Dutile. Following a second by Debra Noyes, a roll call vote was taken and was unanimous in favor of the Motion.**

**Motion** made by Sheriff Dutile to temporarily suspend the officer's certification under Pol. 402.02(b) until matter is resolved and further order of the Council. Following a second by Chief Hart, the voice vote was taken and was unanimous in favor of the Motion.

**Geoffrey Boffitto – Hearing on Pol. 402.02(a)(8)**

Captain Jean, who had been sworn in previously, re-introduced himself for the record and affirmed his sworn in status. The following was presented by Captain Jean:

July 19, 2017                      Geoffrey Boffitto was issued a Notice of Hearing to show just cause why Council should not suspend or revoke his certification under Pol. 402.02(a)(8).

Captain Jean indicated that the hearing was originally scheduled for August 22, 2017 but was continued at CO Boffitto's request due to a military requirement. The hearing was going to be rescheduled for September, but due to the Planning Session was moved to this month.

For the record, Geoffrey Boffitto agreed to a public session.

Captain Jean summarized and presented the following exhibits to the Council:

July 26, 2013                      Hired by Department of Corrections and signed confirmation of 188-F:27, PT Testing. His hire date, plus three years, would make fitness test due in 2016.

November 1, 2013                Received certification as Corrections Officer

October 10, 2016                Notification sent to CO Boffitto that fitness test was due by end of 2016.

January 23, 2017                PSTC received Medical Clearance Form dated September 20, 2016 that CO Boffitto's medical provider did not approve of PT testing at that time and he was granted an extension.

February 22, 2017	Confirmation from PSTC that extension was granted and testing now due by June 30, 2017.
May 5, 2017	PSTC sent letter reminding of extension expiring on June 30, 2017.
July 7, 2017	PSTC, after not hearing anything from CO Boffitto, notified him and his supervisors that certification was suspended.
July 14, 2017	PSTC received notice that CO Boffitto received medical clearance to test, and a failed test.
July 19, 2017	PSTC acknowledged receipt of paperwork and indicated his certification was in probationary status and he complied with taking the test. His certification was reinstated and he was issued a Notice of Hearing.

The question before the Council is whether to suspend or revoke his certification for violating Council rules by not complying with requirements of fitness testing.

Chairman Cahill swore in Geoffrey Boffitto who testified that when he was granted the extension back in 2016, he had a military mentality. He stated that in the military, they mirror your profile for the same amount of time as you were out. He thought he was good until June 30<sup>th</sup>. He acknowledged he should have verified with his supervisors, and admits there was no excuse for what happened. He took the test in July but failed the run so he is on probationary status until December 31, 2018.

Chairman Cahill said in the past Council has suspended or moved forward. Sheriff Dutile thanked CO Boffitto for his service, but that he needs to be mindful he also has a full-time job with DOC.

**Motion** by Sheriff Dutile to not suspend certification at this time. Following a second by Dr. Hurst, the voice vote of the Council, except for Commissioner Wrenn who abstained, was unanimous in favor of the Motion.

### **Jonathan Earnshaw – Hearing on Pol. 402.02(b) – Temporary Suspension**

Attorney Eric Wilson, representing Jonathan Earnshaw, requested that the hearing be non-public.

**Motion** to enter non-public session at 9:40 a.m. under 91-A:III(2)(c), personnel matter, by Chief Hart. Following a second by Major Parenteau, a roll call vote was taken and was unanimous in favor of the Motion.

**Motion** to exit non-public session at 10:10 a.m. under 91-A:III(2)(c), personnel matter, by Commissioner Wrenn. 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 91-A:III(2)(c), personnel matter, by Judge Gardner. Following a second by Debra Noyes, the voice vote was taken and was unanimous in favor of the Motion.**

**Motion** by Chief Hart that Council take no action with regard to the suspension provided Council receives written assurance that the safety of the public would not be adversely affected, specifically the petitioner would not work in a law enforcement capacity during that period pending the outcome of his criminal action, and that the officer cannot wear a police uniform in any capacity during working hours. Following a second by Major Parenteau, a discussion followed.

A discussion ensued amongst Council members, specifically, if Officer Earnshaw could not wear a uniform, what would he wear while working in a non-law enforcement position? Attorney Wilson inquired if a BDU-type uniform, without a service weapon, was acceptable attire.

Representatives from the Nashua Police Department confirmed that Officer Earnshaw would wear a police uniform while working inside the police department. Further discussion ensued with some Council members expressing specific concerns with the rule “public safety and confidence in the criminal justice system”. The precedent with officers working but not in law enforcement capacity as it pertained to the current Motion was concerning.

A vote was taken and the Motion failed 7 to 2.

**Motion** by Sheriff Dutile under Pol. 402.02(b) to temporarily suspend officer’s certification, upon any further meeting, if the Chief wants to petition Council for a hearing with regard to the suspension, or until resolved in Court and by further order of the Council. Following a second by Debra Noyes, the voice vote was taken and was unanimous in favor of the Motion.

Attorney Wilson confirmed with the Council that they would like Jonathan Earnshaw to serve in a civilian position only. He is not sure with Officer Earnshaw being suspended that they would even have jurisdiction to come back before Council, and believes that portion of the Motion should be removed.

Sheriff Dutile and Debra Noyes agreed to strike that language; it now reads:

**Motion** by Sheriff Dutile under Pol. 402.02(b) to temporarily suspend the officer’s certification until the matter is resolved in Court and by further order of the Council. Following a second by Debra Noyes, the voice vote was taken and was unanimous in favor of the Motion.

10:20 THE COUNCIL MEMBERS TAKE A BREAK

10:30 BACK IN SESSION

## **Brandon Walker**

Captain Jean re-introduced himself for the record and re-affirmed his status as sworn in by the Chairman. Mr. Walker was not in attendance for his hearing. The events leading to the hearing are as follows:

Staff Exhibit B January 8, 2013, Brandon Walker was hired by the Pittsfield Police Department as a full time police officer. April 3, 2013 Officer Walker was re-assigned from full time to part time status due to the provisions of Pol. 302.01(d) requiring a 2 year gap in employment if the officer is unable to obtain certification within 2 years of the original date of hire.

Staff Exhibit C November 26, 2013 he was re-assigned from part time to full time status.

Staff Exhibit D April 11, 2016, Officer Walker was certified as a full time police officer.

Staff Exhibit F September 17, 2017 Officer Walker was arrested by Epping PD and charged with Simple Assault-DV, class A misdemeanor, and was placed on Administrative Leave by the Pittsfield Police Department.

On September 25, 2017 Officer Walker was arrested by NHSP (for Epping Police) and charged with Breach of Bail/Stalking, class A misdemeanor.

On October 11, 2017, Brandon Walker was issued a Notice of Hearing for temporary suspension due to arrest by Epping Police Department of simple assault on September 17, 2017 and a subsequent Breach of Bail/Stalking on September 22, 2017, said the arrest was made by New Hampshire State Police. The Rule for consideration is Pol. 402.02(b). Captain Jean went through Officer Walker's work history as a law enforcement officer. Captain Jean stated the matter before Council is Brandon Walker, a certified police officer with the Pittsfield Police Department, (now on administrative leave) has been arrested on two Class A Misdemeanors, and both charges are still pending before Brentwood District Court. Captain Jean confirmed that Officer Walker was full-time certified on April 11, 2015 for Pittsfield Police Department. Prior to that, he was part-time.

Mr. Walker has not contacted PSTC since the Notice of Hearing was issued.

**Motion** by Chief Hart to temporarily suspend the certification based on Pol. 402.02(b) pending resolution and further order of the Council. Following a second by Sheriff Dutile, the voice vote was taken and was unanimous in favor of the Motion.

## **Consent Calendar**

### **PT&E Requests**

Officer Adam Belville Hinsdale Police Department, (DOH: 09/11/17) will be granted certification upon successful completion of the medical exam, entrance fitness test, and Law Package/Reciprocal Certification Process 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.

Brendan Bosquet Winchester Police Department (DOH: 05/28/17 **Part-Time certified**) was granted an extension for retaking the Constitutional Law exam after anticipated graduation date of December 15, 2017 until the February 27, 2018 Council meeting.

Lionel Emond, III, Cheshire County Sheriff's Office (DOH: 09/03/17 **Part-Time certified**) was granted an extension through the end of the 175th 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 175th Academy.

### Ongoing Physical Fitness Testing Medical Extension Requests

David Collis

Mallory Littman

Patrick Ofrias

Daniel Shaw

### End of Consent Calendar

**Motion** by Sheriff Dutile to accept the Consent Calendar as written. Following a second by Dr. Hurst, the voice vote was taken and was unanimous in favor of the Motion.

Chairman Cahill addressed the Planning Session document which had been passed out to all of the Council members present.

Captain Jean stated the document was a draft of the Planning Session Report which summarized 40 plus pages. He indicated the first 20 pages provided a summary of the general comments and any voting result relating to specific items; the intent of the group attending the Planning Session was known. The participant list is included in the beginning of the document. Captain Jean asked whether Council wanted to remove the status from draft to final.

Chairman Cahill thanked everyone for the success of the Planning Session. He suggested that Council members read over the draft and at the November meeting discuss finalization for release to the public. Once the document is out of draft status, everyone who attended the session will receive a copy. Any changes implemented to enhance training at the academy would probably not happen until the spring academy.

### **Closing**

Chairman Cahill thanked Commissioner Wrenn again for all his years of service; the Chairman enjoyed working with him over the years.

Commissioner Wrenn thanked members of the Council for contributing to the role and function they have and taking the time to make sure standards in law enforcement are at the highest level. The Law enforcement record in New Hampshire is very pristine compared to what happens across the country and he attributes that to the work done here. Commissioner Wrenn also thanked the Director and staff for the fine service provided in carrying out the work.

Captain Jean questioned whether the “Drop Box” was working for everyone as far as receiving the Agendas for the meetings. As of November, no discs will be mailed out and the Agenda will be sent only through e-mail.

### **Next Meeting Date and Adjournment**

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

**Motion** by Chief Hart to adjourn at 10:48 a.m. Following a second by Sheriff Datile, the voice vote of the Council was unanimous in favor of the Motion.

Respectfully submitted,

Dated: November 28, 2017

---

Chairman, Chief David Cahill