



Chief David P. Cahill  
Chairman

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

**PUBLIC Minutes**

**January 23, 2018**

The 488th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:02 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 Dutille, Grafton County Sheriff's Office, Sheriff David Dubois, Strafford County Sheriff's Office, Major David Parenteau, New Hampshire State Police, Helen Hanks, Commissioner, New Hampshire Department of Corrections, Attorney General Gordon MacDonald, Chief Peter Morency, Berlin Police Department, Chief Enoch Willard, Manchester Police Department, Honorable Melissa Countway-Vetanze and Mark Long.

Members Absent: Judge Sawako Gardner, 10<sup>th</sup> Circuit-District Division – Portsmouth and Debra Noyes.

Staff Present: Director Donald Vittum, Chief (Ret.) Timothy Merrill, Lieutenant Christopher Paquette, Anne Paquin, Investigative Paralegal and Charlene Mains, Program Assistant II.

Guests Present: Captain Alex Lee, Claremont Police Department, Christopher Allen, Claremont Police Department, Investigator Richard Tracy, Department of Justice, Investigator Allison Vachon, Department of Justice; Chief Gerald Lewis and Captain Michael Caron, Windham Police Department.

**Call Meeting to Order**

Chairman Cahill called the meeting to order at 9:02 a.m.

**Approval of Minutes**

**Motion** made to approve the Minutes of the December 19, 2017 Council meeting by Chief Morency. Following a second by Sheriff Dubois, the voice vote was in favor of the Motion.

**Motion** made to approve the Allen Non-Public Minutes of the December 19, 2017 Council meeting by Sheriff Dutile. Following a second by Chief Morency, the voice vote was in favor of the Motion.

**Motion** made to approve the Norton Non-Public Minutes of the December 19, 2017 Council meeting by Commissioner Hanks. Following a second by Chief Morency, with the exception of Sheriff David Dubois, who abstained, the voice vote was in favor of the Motion.

**Motion** made to approve the Haverhill Police Department Non-Public Minutes of the December 19, 2017 Council meeting by Sheriff Dutile. Following a second by Commissioner Hanks, the voice vote was in favor of the Motion.

### **Director's Report**

Director Vittum requested the report be tabled until the end of the meeting pursuant to RSA 91-A:3,II(b).

### **Financial Report**

Chief Merrill stated there is a process with the Governor's office to show where the budget stands, and PSTC is 5% below half at the six month mark. There were funds left over from the roof project and DOIT that cannot be used. The budget is within 5% of where we need to be.

### **Previous/Unfinished Business**

Chairman Cahill stated he is happy with the weekly reports but would do bi-weekly if that would be less time consuming. Chief Merrill stated the weekly reports were requested by the Governor's office as updates; he agreed that bi-weekly would make more sense. Chairman Cahill said he would reach out to the Governor's office and let Chief Merrill know if that will be acceptable.

### **Christopher Allen**

**Motion** to enter non-public session at 9:06 a.m. pursuant to RSA 91-A:3,II(c) made by Sheriff Dubois. Following a second by Chief Morency, a roll call vote was taken and was unanimous in favor of the Motion.

**9:07 a.m. - Chief William Hart enters Council meeting.**

**Motion** made by Sheriff Dubois at 9:23 a.m. to exit Non-Public Session. Following a second from Chief Morency, a roll call vote was taken and was unanimous in favor of the Motion.

**Motion** made to seal the minutes of the Non-Public session concerning Christopher Allen as the information would likely adversely affect the reputation of any person other than a member of this Council made by Sheriff Dubois. Following a second from Commissioner Hanks, a voice vote was taken and was unanimous in favor of the Motion.

**Motion** made by Chairman Cahill to allow Christopher Allen to be a certifiable candidate under our rules and guidelines of the City of Claremont. Following a second from Judge Countway-Vetanze, a voice vote was taken and was unanimous in favor of the Motion with the exception of Major Parenteau, who abstained.

Attorney General MacDonald wanted it noted for the public record that Council's review of this matter is exceedingly narrow and the vote reflects only that the officer is a certifiable candidate.

### **NH Department of Corrections Advisory Committee**

Commissioner Hanks stated that pursuant to RSA 106-L:21, a list was sent to Director Vittum of individuals that Commissioner Hanks has requested for nomination. There are two positions recommended by other parties – a corrections officer, which Commissioner Hanks reached out to the Teamsters Union to submit an individual for consideration, as well as reaching out to Attorney Barry, acting President of the county facilities, for a representative. The following individuals were listed as being appropriate for the next step:

- Mike Bunk, Warden, Concord State Prison for Men
- Michael Cormier, Administrator, Prison Industries
- Paula Mattis, Director of Medical and Psychiatric Services
- Ryan Landry, medical professional

Commissioner Hanks stated that she is trying to hold true to the corrections side to nominate individuals and formulate committee.

**Motion** made by Commissioner Hanks to accept nominations as presented. Following a second from Chief Hart, a voice vote was taken and was unanimous in favor of the Motion.

### **New Business**

#### **Attorney General's Office, RSA 106-L:6, XIII, Allison Vachon**

Chief Investigator Richard Tracy and Investigator Allison Vachon of the Attorney General's Office introduced themselves. Investigator Tracy stated that Allison Vachon sustained a severe leg injury three years ago this month, off duty at home, and is still recovering from that. As a result, she has not been able to take the mandatory physical fitness test. Extensions have been asked for and received by Council previously. Latest extension was for the end of 2017. She still is under a physician's care who recommended that she wait another three months, at a minimum, to take the test. Investigator Tracy indicated that the goal is to have her take the test in April. Investigator Tracy said steps were taken two or so years ago and her work requirements were reduced; she had reduced time on her own and was not allowed to be alone with a suspect. This month, additional steps were taken and the AG's office has internally suspended her law enforcement powers and she does not carry a badge or handgun, and does not drive a state vehicle. This past summer she was transferred to a different unit,

the APU unit, which investigates complaints against licensee criminal investigations. It is more of internal investigations that deal with doctors and nurses. When an investigation requires her to deal with the individual licensee, she is required to bring another investigator.

Chief Merrill stated that Ms. Vachon is at the five year mark for fitness testing, and has been granted extensions up until this point. The only option beyond the five years is a waiver under RSA 106-L:6, XIII, that Council may grant extensions to someone with a disability that lasts more than two years. Target dates for fitness testing are three years and five years. After the five year mark, you must obtain a waiver under disability. Chairman Cahill asked if there was a limit under the disability waiver and Chief Merrill didn't know the answer. Sheriff Dubois questioned whether the request was allowed by law and Chief Merrill stated it was. Chief Merrill reads the statute pertaining to this discussion to Council. Statute does not indicate any minimum or maximum regarding time limit. Chairman Cahill asked if there was another request for extension does it fall under PSTC rules or under the law, and Chief Merrill said it would fall under the statute. Judge Countway-Vetanze asked how the changes the AG's office has made voluntarily reflect on this situation. Chairman Cahill said that the Attorney General's office is showing their willingness to work with employee, relocating her to a safer environment and investigating non-formal claims, and getting her back to passing the fitness test as the injury is not progressing as fast as expected. It shows they are trying to do what they need to do.

**Motion** made by Sheriff Dubois to grant another six month extension for fitness testing. Following a second from Commissioner Hanks, a voice vote was taken and was unanimous in favor of the Motion, with the exception of Attorney General MacDonald, who abstained.

### **Request of Windham Police Department**

Chief Gerald Lewis and Captain Michael Caron, Windham Police Department, introduced themselves to Council.

Chairman Cahill cautioned this is a public meeting and to be mindful of not mentioning names unless a non-public is requested. Chief Merrill added this is a request regarding Pol. 301.05(g)(8).

Chief Lewis indicated Windham Police Department is in the process of considering the employment of a certified police officer. During the background investigation, the applicant voluntarily admitted he took a controlled substance while employed as a law enforcement officer, one-half of a Xanax. The applicant admitted it was close to his wedding, there was a family tragedy, the wedding was almost postponed, and on a flight to his honeymoon his wife offered him one-half of her prescribed Xanax. Chief Lewis does not believe this one incident violated any type of moral character. The applicant did take a polygraph and passed.

Attorney General MacDonald inquired whether it was Paragraph 8 or 11, and Chief Merrill confirmed it was 11. The rule reads:

- (g) The hiring authority shall evaluate the results of its background investigation and the agency shall not appoint or invest with authority any applicant who:
  - (11) While employed in a law enforcement capacity has ever illegally used a controlled substance unless, upon review of the Council and the trust of the hiring authority, the Council finds that the behavior pattern and the totality of the circumstances did not demonstrate a lack of good moral character as specified below.

**Motion** made by Sheriff Dubois to grant the request in that the behavior pattern under the totality of circumstances did not demonstrate a lack of good moral character. Following a second from Chief Hart, a voice vote was taken and was unanimous in favor of the Motion.

#### **Memorandum, Five Year and Three Year Deadline**

At the beginning of 2017, there were 887 officers due for three year fitness testing. In December, there were still 300 plus that were due. Letters were sent to 771 people in October who had not tested yet. At the end of the year, there were five officers who were at the five year mark who were suspended or after receiving the suspension notice no longer worked for their agencies. Of the group due to test in 2017, seven were suspended for not providing any information; after the first of the year two have asked for medical extensions for fitness testing, and one provided a failed test.

#### **Addendum #1 – Department of Corrections Request for Recruiting Officer**

Commissioner Hanks stated the Department has hired a marketing advertising firm to assist with recruitment strategies to bring individuals on board. The firm conducted a staff survey and learned that a recruiting sergeant had always been a part of the HR process, which was a valuable asset in many areas, including the retention aspect. The individual that used to be the recruiting sergeant is willing to return and help formulate a plan going forward. In that regard, he would only be associated with HR. Commissioner Hanks is asking Council to waive the firearms and defensive tactic rule with the understanding that the individual would need to pass the physical fitness requirement. His only capacity would be in HR, and not working in the facility. Chief Merrill noted that the issue is that due to the matrix protocol, anyone who would like to be hired by Prior Training and Experience is required to do the fitness, firearms and defensive tactics aspect. Chairman Cahill stated that the waiver of request is for the firearms and defensive tactics for each applicant.

**Motion** made by Sheriff Dubois to grant the request of Commissioner Hanks based on the intent of not issuing weapons. Following a second from Chief Hart, a voice vote was taken and was unanimous in favor of the Motion, with the exception of Commissioner Hanks who abstained.

**Addendum #7 – Request of Director Kench Regarding Extensions for Re-Entrance to Corrections Academy**

Chief Merrill explained to Council that this is a request from County Corrections for four individuals who failed tests through the last Corrections Academy. The rule is that if they fail a test, they are allowed one re-test during the academy. If they are unable to pass that, they may take it again within 30-60 days after the conclusion of the academy. If they fail that, they need to get permission from the Council to continue working. The four individuals in question did not graduate from the last academy and the Department of Corrections would like to get them back into the upcoming academy, which Council needs to approve. It was confirmed by Chief Merrill they want to return to the full-time Corrections Academy.

**Motion** made by Sheriff Dutile to allow the four individuals entrance into the next full-time corrections academy with extensions granted until the end of the next full-time corrections academy. Following a second from Chief Hart, a voice vote was taken and was unanimous in favor of the Motion, with the exception of Commissioner Hanks who abstained.

Consent Calendar

PT&E Requests

**Officer John D. Little, NHSP Marine Patrol**

(DOH: 01/12/18) will be granted full-time police officer certification based on prior training and experience upon successful completion of the medical exam, entrance fitness test, and the reciprocal certification process.

**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.

**Joseph Scutellarro, Kingston Police Department** (DOH: 07/03/17 Not Part-time certified) is granted an extension in order to re-take the radar exam and the final exam. until the Council meeting on February 27, 2018.

**Gregory Gilbert, Merrimack Police Department,** (DOH: 01/15/18 Not Part-time certified) is 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 176<sup>th</sup> academy and may continue working only in the direct presence of a certified officer.

**Steven Marsh, New Hampton Police Department** (DOH: 11/21/16 Part-Time certified) is 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 176<sup>th</sup> Academy.

**Robert Merner, Portsmouth Police Department** (DOH: 06/20/17 Not Part-time certified) is granted an extension to complete the law package classes until April 24, 2018 and may continue working only in the direct presence of a certified officer, unless he has completed his agency's FTO program, then normal supervision.

**Ongoing Physical Fitness Testing**

Requests for Fitness Testing Extension 37-113

- 10a. Aaron Brown
- 10b. Christopher Anderson
- 10c. Tara Elsemiller
- 10d. Scott Hudon
- 10e. Joseph Hileman
- 10f. Miljan Lacmanovic
- 10g. Robert Corwin
- 10h. Terry Choate
- 10i. Ethan Vallaincourt
- 10j. Christopher Lover
- 10k. Colleen Gagne
- 10l. Adam Donnelly
- 10m. Todd Mac Dougall
- 10n. Jeffrey Ardini
- 10o. Jacob Benjamin
- 10p. Mark Aquino
- 10q. Robert Bellenoit
- 10r. Christine Maille
- 10s. Daniel Doherty
- 10t. Thomas McAuliffe
- 10u. Michael McGee
- 10v. Scott Knox
- 10w. Andre Beauboeuf
- 10x. removed purposely / deadline of documents received
- 10y. Thomas Harriman

**Motion** by Sheriff Dutile to approve the Consent Calendar. Following a second by Chief Morency, a voice vote was taken and, with the exception of the following abstentions, was unanimous in favor of the Motion:

Commissioner Hanks	Abstained from 10(j)
Major Parenteau	Abstained from PTE John Little and 10(c)
Chief Willard	Abstained from 10(a), 10(b), 10(s) and 10(u)

### **Planning Session in September**

Commissioner Hanks tried to take the add/remove sections from the totality of the overall responses to help give direction. She plans on taking the summary information to add/remove the highest priorities. She tried to target the four main areas that people commented on, and commented it was just a place to start the conversation. Chairman Cahill commented how CPR was taken out and Intox put in the Academy curriculum, which he believed to be a positive step. CPR is now provided by the individual departments. Chairman Cahill thanked Commissioner Hanks for the effort and work putting document together. He asked Council to review for the February meeting so Council can discuss what and what not a priority in moving forward is.

Chief Merrill stated the current Full-Time Academy has 64 recruits. It was 65 but one was withdrawn by their agency due to prior medical condition. One person left on Monday of this week with flu like symptoms, but hopefully will return. The Part-Time Academy tested 43 recruits on Saturday with five failures. Three of the recruits will be returning as they failed the blood pressure portion. There are currently 15-16 enrolled in the Corrections Academy.

Director Vittum acknowledged the thank you letter from Lt. James Watson.

**Motion** to enter non-public session at 10:20 a.m. pursuant to RSA 91-A:3,II(b) made by Sheriff Dubois. Following a second by Sheriff Dutile, a roll call vote was taken and was unanimous in favor of the Motion.

**Motion** made by Attorney General MacDonald at 10:35 a.m. to exit Non-Public Session. Following a second from Sheriff Dubois, a roll call vote was taken and was unanimous in favor of the Motion.

**Motion** made to seal the minutes of the Non-Public session concerning personnel as the information would likely adversely affect the reputation of any person other than a member of this Council made by Chief Hart. Following a second from Commissioner Hanks, a 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 February 27, 2018.

**Motion** by Chief Hart to adjourn at 10:40 a.m. Following a second by Chief Morency, the voice vote of the Council was unanimous in favor of the Motion.

Respectfully submitted,

  
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Chairman, Chief David Cahill