



Chief David P. Cahill
Chairman

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

PUBLIC MINUTES

March 27, 2018

The 490th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:03 a.m. by Vice Chairman William Hart, Jr. in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Vice Chairman, Chief William Hart, Jr., Londonderry Police Department, Judge Sawako Gardner, 10th Circuit-District Division – Portsmouth, Helen Hanks, Commissioner, New Hampshire Department of Corrections, Attorney General Gordon MacDonald, Honorable Melissa Countway-Vetanze, 3rd Circuit – District Division – Ossipee, Sheriff Douglas Dutile, Grafton County Sheriff's Office, Sheriff Brian Valerino, Coos County Sheriff's Office, Colonel Christopher Wagner, NH State Police, Chief Peter Morency, Berlin Police Department, Chief Enoch Willard, Manchester Police Department, President Susan Dunton, NHTI, Debra Noyes and Mark Long.

Members Absent: Chairman David Cahill, Sunapee Police Department

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

Guests Present: Lieutenant Brendan Davey and Sergeant Chad Lavoie, New Hampshire State Police; Sergeant Donald Laliberte and Officer Jason Ruggiero, Lee Police Department.

Call Meeting to Order

Vice Chairman Hart called the meeting to order at 9:03 a.m.

Approval of Minutes

Motion made by Chief Willard to approve the Minutes of the February 27, 2018 Council meeting. Following a second by President Dunton, the voice vote was in favor of the Motion with the exception of Attorney General MacDonald, who abstained.

Motion made by Sheriff Dutile to approve the Attorney General Non-Public Minutes of the February 27, 2018 Council meeting. Following a second by Chief Morency, the

voice vote was in favor of the Motion with the exception of Attorney General MacDonald, who abstained.

Motion made by Chief Morency to approve the Portsmouth Police Department Non-Public Minutes of the February 27, 2018 Council meeting. Following a second by Chief Willard, the voice vote was in favor of the Motion with the exception of Attorney General MacDonald, who abstained.

Director's Report

Chief Hart indicated Director Vittum was not in attendance as he is recovering from recent surgery and is scheduled to be back next week.

Financial Report

Chief Merrill reported that the agency is well within the budget. He advised that the budget process for 2020-2021 is just beginning.

Previous/Unfinished Business

Strategic Planning Session

Commissioner Hanks produced a color coded chart with the responses of people who participated by giving their feedback, and to show Council the pattern of the responses given.

Department of Corrections Advisory Committee

As far as the nominations for the Advisory Committee, Commissioner Hanks expressed it might be a good idea for the Committee, as their first order of business, to review the Strategic Plan 2017 results for Corrections and prioritize them.

Also, with regard to the summary of Strategic Plan response Commissioner Hanks provided, it was discussed giving people more time to review the outcomes and/or provide their own prioritization of the Strategic Plan results.

Chief Merrill submitted an updated list of Committee nominees from Commissioner Hanks on behalf of Director Vittum in his absence. Vice Chairman Hart clarified that it was Commissioner Hanks' suggestion to accept the submission on behalf of the Director and then turn over to the Advisory Committee, and she said that was correct. Chief Hart asked Council if they would like to table this until the April meeting for further discussion.

Motion made by Debra Noyes to table the Strategic Planning Session results until the April Council meeting and put on as agenda item for discussion. Following a second from Chief Willard, a voice vote was taken and was unanimous in favor of the Motion.

New Business

Vice Chairman Hart congratulated Sheriff Dutile on his reappointment to the Council and welcomed Sheriff Valerino as the newest member to serve on the Council.

NHSP Pol 301.05(g) Request

Motion made by Debra Noyes to enter non-public session at 9:15 a.m. pursuant to RSA

91-A:3,II(c). Following a second by Commissioner Hanks, a roll call vote was taken and was unanimous in favor of the Motion with the exception of Colonel Wagner, who recused himself from the vote.

Motion made by Debra Noyes at 9:23 a.m. to exit Non-Public Session. Following a second from Chief Morency, a voice vote was taken and was unanimous in favor of the Motion.

Motion made by Sheriff Dutile to seal the minutes of the Non-Public session concerning the New Hampshire State Police Waiver as the information would likely adversely affect the reputation of any person other than a member of this Council. Following a second from Judge Gardner, a roll call vote was taken and was unanimous in favor of the Motion.

Motion made by Sheriff Dutile to accept the request to waive the requirement of 301.05(g).

Attorney General MacDonald wanted to amend the Motion as follows:

Amended Motion made by Attorney General MacDonald to expressly find that the requirements of 305.05(g)(8) have been met and, therefore, the candidate may move forward. Following a second by Chief Willard, a voice was taken and was unanimous in favor of the Motion.

Michael Joy – Pol 402.02(a)(5)(c)

Major Parenteau stated that Michael Joy was not present for this meeting, and read the following rule:

Pol 206.03 Failure to Appear:

- (a) Except as provided in (b), if a party to whom notice has been served in accordance with this chapter fails to appear at a hearing and fails to advise the council of non-appearance prior to the schedule time of the hearing, he or she shall have a decision rendered against him or her which shall result in adverse administrative action by default.

Council members discussed the method of service for the Notice of Hearing. Sheriff Dutile moved that the matter be tabled until the next month giving staff time to make service.

Further discussion ensued with Attorney General MacDonald confirming with administrative rule Pol 206.01 that notice is prepared in writing and forwarded in a sealed envelope by U.S. Mail or by personal service.

Sheriff Dutile was not comfortable with the fact that even though the Notice went out certified mail that the recipient actually received it. He indicated a lot of times staff at the reception desk or front office sign for mail.

Attorney General MacDonald indicated that under Pol 206.01, Notice of Hearings, it states:

(2) Be prepared in writing and forwarded to the parties in a sealed envelope, either through the U.S. mail or by personal service.

He stated that as far as he was concerned, the Notice of Hearing was properly served under the Rule. It was mailed Certified Mail/Return Receipt Requested. He believed staff complied with the rule.

Vice Chairman Hart reiterated the Motion on the table:

Motion made by Sheriff Dutile to table this matter until next month in order to give staff appropriate time to make service. Following a second by Chief Morency, a voice vote was taken and three were in favor and 10 were opposed. Based on the Motion, the hearing will proceed.

Chief Merrill confirmed that if the individual is not present for the hearing, it is a public matter.

Major David Parenteau was sworn in by Vice Chairman Hart to testify to the facts of this matter. He stated Michael Joy was a former employee of the Carroll County Sheriff's Dept. Major Parenteau read the following:

Pol 402.02 Revocation or Suspension.

(5) The officer's discharge has become final or he or she has been allowed to resign in lieu of discharge from police or corrections employment in this or another state, country, or territory for reasons of a lack of moral character as defined in Pol 101.28 or Pol 402.02(j) or moral turpitude as defined in Pol 101.29 or for acts or omissions of conduct which would cause a reasonable person to have doubts about the individual's honesty, fairness, and respect for the rights others and for the laws of the state or nation;

Major Parenteau introduced exhibits to the Council regarding Michael Joy's work history in law enforcement.

Attorney General MacDonald expressed his concern over holding this hearing in a public setting, even though the officer was not present, and would like the hearing moved to non-public.

Motion made by Attorney General MacDonald to enter non-public session at 9:45 a.m. pursuant to RSA 91-A:3,II(c). Following a second by Mark Long, a roll call vote was taken and was unanimous in favor of the Motion.

Motion made by Commissioner Hanks at 9:58 a.m. to exit Non-Public Session. Following a second from Colonel Wagner, a roll call vote was taken and was unanimous in favor of the Motion.

Motion made by Colonel Wagner 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 Council. Following a second from Sheriff Valerino, a voice vote was taken and was unanimous in favor of the Motion.

Motion made by Colonel Wagner that based on the testimony presented today and discussions that were had under Pol 402.02 with Council, the fact that Deputy Joy resigned in lieu of the internal investigation for lack of integrity/honesty, and that Council served his appearance here today. Under Pol 402.02, Revocation and Suspension, Council shall uphold the revocation of his certification as a result of resigning in lieu of that investigation, and no further discussion would warrant this Council to believe that the officer has anything else to say that would otherwise outweigh his lack of honesty and integrity. Following a second from Sheriff Dutile, a voice vote was taken and was unanimous in favor of the Motion.

Jason Ruggiero – Pol 301.05(g) 13; Pol 402.02(a)(5)(c)

Sergeant Donald Laliberte introduced himself to Council. Vice Chairman Hart asked whether he would like the hearing in a public or non-public setting, and Sergeant Laliberte indicated non-public.

Motion made by Debra Noyes to enter non-public session at 10:03 a.m. pursuant to RSA 91-A:3,II(c). Following a second by Judge Gardner, a roll call vote was taken and was unanimous in favor of the Motion.

Motion made by Judge Gardner at 10:50 a.m. to exit Non-Public Session. Following a second from Colonel Wagner, a roll call vote was taken and was unanimous in favor of the Motion.

Motion made by Colonel Wagner 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 Council. Following a second from Commissioner Hanks, a voice vote was taken and was unanimous in favor of the Motion.

Motion made by Chief Willard to reinstate Officer Ruggiero's certification. Following a second from President Dunton, a voice vote was taken and was unanimous in favor of the Motion.

Consent Calendar

PT&E Requests

Officer Christopher Carter, Bristol Police Department (DOH: 12/26/17) will be granted full-time police officer certification based on prior training and experience upon successful completion of the medical exam and entrance fitness test.

Officer Shawn Collins, Keene Police Department (DOH: 04/02/18) 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 Full-time Academy Law Package.

Officer Frank Crabtree IV, New Hampshire Department of Corrections DOH 03/02/18 will be granted corrections officer certification based on prior training and experience upon successful completion of the medical exam and entrance fitness test.

Officer Erick Deya, New Hampshire State Police DOH 3/16/18 will be granted police certification based on prior training and experience upon successful completion of the medical exam, entrance fitness test, and the New Hampshire Full-Time Academy Law Package.

Addendum #2

Robert Stevens, New Hampshire State Police

(DOH: 03/16/18) 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.

End of Consent Calendar

Requests for Extensions—**There are no requests this month.**

Motion made by Sheriff Dutille to approve the Consent Calendar, to include Addendum #2, as amended. Following a second by Chief Morency, a voice vote was taken and was unanimous in favor of the Motion.

Addendum #3

Vice Chairman Hart accepted a letter of thanks from the Sheriff's Association to Chairman Cahill stating their respect, support and confidence in Director Vittum for his longstanding commitment to law enforcement.

Addendum #1

Brandon Walker Surrender of Certification

Vice Chairman Hart requested a Motion to accept Pittsfield Police officer Brandon Walker's surrender of his certification.

Motion made by Sheriff Dutile to accept the surrender of certification of Brandon Walker. Following a second by Commissioner Hanks, the voice vote of the Council was unanimous in favor of the Motion.

Council members discussed the hiring of new officers and the six month span of time when there are no conditions, by rule, they can carry a gun and badge without guidance.

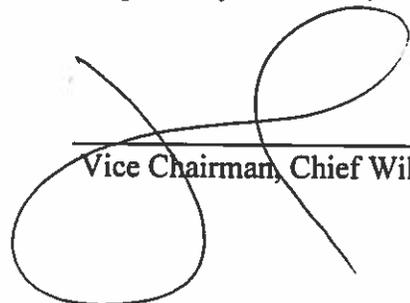
When asked, Chief Merrill stated that the staff could draft a rule amendment for approval during the April Council meeting.

Next Meeting Date and Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on April 24, 2018.

Motion made by Chief Willard to adjourn at 10:50 a.m. Following a second by Colonel Wagner, the voice vote of the Council was unanimous in favor of the Motion.

Respectfully submitted,



4/24/2018
Vice Chairman, Chief William Hart, Jr.