

PUBLIC MINUTES

April 24, 2018

The 491st 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, 7th Circuit-District Division – Rochester, Benjamin Jean, Assistant 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, Chief David Cahill, Sunapee Police Department

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

Guests Present: Captain Daniel Boynton and Warden Michael Zenk, Department of Corrections, Seifu Ragassa, PPO III, Corporal Keith Forcier, Captain Marc Theriault, Department of Corrections, and Chief Bradley Wheeler, Newbury 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 Sheriff Dutile to approve the Minutes of the March 27, 2018 Council meeting. Following a second by Chief Morency, the voice vote was in favor of the Motion with the exception of Assistant Commissioner Jean, who abstained.

Motion made by Chief Morency to approve the Amendment to the Public Minutes of the March 27, 2018 Council meeting. Following a second by Sheriff Dutile, the voice vote was in favor of the Motion with the exception of Assistant Commissioner Jean, who abstained.

Motion made by Debra Noyes to approve the Jason Ruggiero Non-Public Minutes of the March 27, 2018 Council meeting. Following a second by Judge Gardner, the voice vote was in favor of the Motion with the exception of Assistant Commissioner Jean, who abstained.

Motion made by Debra Noyes to approve the Michael Joy Non-Public Minutes of the March 27, 2018 Council meeting. Following a second by Judge Countway-Vetanze, the voice vote was in favor of the Motion with the exception of Assistant Commissioner Jean, who abstained.

Motion made by Sheriff Dutile to approve the New Hampshire State Police Non-Public Minutes of the March 27, 2018 Council meeting. Following a second by Chief Morency, the voice vote was in favor of the Motion with the exceptions of Assistant Commissioner Jean and Colonel Christopher Wagner, who abstained.

Director's Report

None.

Financial Report

Chief Merrill reported that the third quarter report to the State as far as the budget was just completed, and it is in good shape and right where it should be.

Previous/Unfinished Business

Vice Chairman Hart suggested Council table the Strategic Planning Session discussion until the May meeting so Chairman Cahill and Commissioner Hanks can be present.

Motion made by Colonel Wagner to table the discussion on the Strategic Planning Session to the May Council meeting in order that Chairman Cahill and Commissioner Hanks can be present. Following a second by Judge Gardner, the voice vote was in favor of the Motion.

New Business

Vice Chairman Hart acknowledged the two recent graduations from the Academy – the Corrections on April 13th and the Full-Time Academy on April 24th, and stated both went very well.

Informal Conference Re: John Kelly, Jr.

Motion made by Judge Countway-Vetanze to enter non-public session at 9:10 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 Debra Noyes at 9:15 a.m. to exit Non-Public Session. Following a second from Judge Gardner, a voice vote was taken and was unanimous in favor of the Motion.

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

Motion made by Sheriff Dutile to accept the informal conference agreement regarding John Kelly, Jr. that was presented by Vice Chairman Hart. Following a second from Judge Gardner, a voice vote was taken and was unanimous in favor of the Motion, with the exception of Sheriff Valerino, who abstained.

Steven Berry

Major Parenteau stated that Attorney Eric Wilson contacted the staff in early April and advised that Steven Berry, a Nashua Police Officer who had been suspended by Council on December 19, 2017 regarding a DWI arrest in Massachusetts, was found not guilty at a trial held on March 30, 2018. After speaking with Attorney Wilson, Major Parenteau contacted Chairman Cahill for his input regarding re-instatement of Mr. Berry's certification. Chairman Cahill felt that his certification should be restored.

Motion made by Chief Morency to accept the agreement by Chairman Cahill with Attorney Wilson regarding Steven Berry. Following a second by Sheriff Valerino, a voice vote was taken and was unanimous in favor of the Motion.

Daniel Boynton

Daniel Boynton and Michael Zenk introduced themselves to Council. Mr. Zenk advised that he will be leaving as Warden of the Department of Corrections on Friday, April 27th. Mr. Boynton was asked and stated he would like a non-public hearing.

Motion made by Debra Noyes to enter non-public session at 9:24 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, with the exception of Assistant Commissioner Jean, who recused himself from the hearing, leaving the meeting room.

Motion made by Sheriff Dutile at 10:44 a.m. to exit Non-Public Session. Following a second from Sheriff Valerino, a roll call vote was taken and was unanimous in favor of the Motion.

Motion made by Debra Noyes 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 President Dunton, a roll call vote was taken and was unanimous in favor of the Motion.

Assistant Commissioner Jean returned to the meeting room.

Motion made by Judge Countway-Vetanze to impose the five day suspension retroactively concurrent with the five day suspension imposed by the Department of Corrections. Following a second by Chief Willard, a voice vote was taken and was unanimous in favor of the Motion, with the exception of Attorney General MacDonald, who opposed.

AMENDED DURING THE MAY 22nd PSTC MEETING

The Public Minutes of April 24, 2018 stated the vote on the Daniel Boynton matter was 11-1 when, in fact, the vote was 9-3, with Chief Morency, Sheriff Dutile and Attorney General MacDonald opposing.

Motion made by Chief Morency to approve the Amendment to the Daniel Boynton Non-Public Minutes of the April 24, 2018 Council meeting. Following a second by Sheriff Dutile, the voice vote was in favor of the Motion with the exception of Chairman Cahill and Commissioner Hanks, who abstained.

OFF RECORD FOR BREAK – 10:50 a.m.

BACK ON RECORD – 10:55 a.m.

Other New Business

Vice Chairman Hart stated that Chairman Cahill would like to table the discussion regarding Training Response Network until May when Chairman Cahill will be in attendance.

Motion made by Sheriff Dutile to table Item 10(a) until the next meeting. Following a second by Debra Noyes, a voice vote was taken and was unanimous in favor of the Motion.

Addendum #4 – Corrections Advisory Committee

Vice Chairman Hart requested a Motion to formally accept the list presented by Commissioner Hanks with regard to the Advisory Committee nominations.

Motion made by Debra Noyes to accept the Advisory Committee nominations as presented by Commissioner Hanks. Following a second by Sheriff Dutile, a voice vote was taken and was unanimous in favor of the Motion.

It was noted that Warden Zenk's name would be removed from the list as his last day was going to be April 27th.

Newbury Police Department

Chief Bradley Wheeler of the Newbury Police Department was present for the matter of a prior training and experience request for Brian Reopel. He was asked if he would like a non-public hearing and he declined. Major Parenteau indicated Brian Reopel was hired by Chief Wheeler on March 5, 2018 as a full-time police officer. Officer Reopel received his full-time certification in June, 2004, and spent years between police departments in Hillsboro, Bennington and Antrim. He last worked at the Antrim Police Department and left in 2014. Council guidelines state anyone out of police employment for over three years must attend the full-time police academy. The Chief had asked to come in and specify reasons as to why that requirement should be waived.

Chief Wheeler stated that he would like Brian Reopel certified based on PT&E. Mr. Reopel graduated from the 134th police academy, was a platoon leader, and was third in his class. He holds a Bachelor of Science in Criminal Justice, which he finished with a 3.94 GPA. He was also employed as a VA police officer from 2016-2017. Brian Reopel served with the United States Marine Corp. from 2001-2009, and presently serves with the Air Force National Guard, and has since 2009, holding the rank of Senior Master Sergeant and is in charge of training over 100 people. As part of his training with the Air Force National Guard, he must do a PT test every year, similar to the one required by PSTC every three years. He also is required to qualify with firearms every year. Chief Wheeler stated that with all the qualifications, he would like to have him hired on PT&E and attend the law package as opposed to attending the full-time academy. It was confirmed by Major Parenteau that Brian Reopel has been out about 11 months over the three year mark pursuant to Council guidelines.

Motion made by Chief Morency to grant a waiver for full-time academy certification upon completion of the law package, medical exam and PT test. Following a second by President Dunton, a voice vote was taken and was unanimous in favor of the Motion.

Addendum #2 – Justin Evans

Motion made by Attorney General MacDonald to enter non-public session at 11:09 a.m. pursuant to 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, with the exception of Assistant Commissioner Jean, who recused himself from voting.

Motion made by Judge Gardner at 11:18 a.m. to exit Non-Public Session. Following a second from Sheriff Valerino, a roll call vote was taken and was unanimous in favor of the Motion, with the exception of Assistant Commissioner Jean, who recused himself from voting but was present for the hearing.

Motion made by Judge Countway-Vetanze 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 by President Dunton, a roll call vote was taken and was unanimous in favor of the Motion, with the exception of Assistant Commissioner Jean, who recused himself from voting.

Motion made by Colonel Wagner to table this matter pursuant to 206.03(b), which within the next seven days the officer responds to Police Standards & Training with the reason of just cause of why he did not appear for the hearing today, considering the testimony heard that Police Standards has effectively notified through mail his requirement to appear today. Following a second by Sheriff Dutile a voice vote was taken and was unanimous in favor of the Motion, with the exception of Assistant Commissioner Jean, who abstained from voting.

Vice Chairman Hart announced that Chief Cahill was reappointed as Chairman of the Council until May 16, 2020.

Consent Calendar

PT&E Requests

Christopher Allen Claremont Police Department

(DOH: 11/29/17) 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.

Anthony Harvey New Hampshire Fire Marshall's Office

(DOH: 03/16/18) 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 Law Package of the Full-Time Police Officer Academy.

George Frangomihalos Windham Police Department

(DOH: 03/29/18) 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 Law Package of the Full-Time Police Officer Academy.

Jason Ruggiero Lee Police Department

(DOH: 12/14/17) 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.

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.

Michael Clater, Kingston Police Department (DOH: 11/09/18) was granted an extension through the end of the 276th Part Time 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 276th Part Time Academy and may continue working only in the direct presence of a certified officer.

Motion made by Sheriff Dutile to accept Consent Calendar as written. Following a second by Chief Morency a voice vote was taken and was unanimous in favor of the Motion.

Chief Merrill spoke and stated that last month staff was asked to draft a proposed rule change regarding Pol 302.01 – uncertified officers working unsupervised. Chief Merrill had the first draft of the proposed rule change, and welcomed any remarks from the Council. Sheriff Dutile thought the draft was excellent.

Next Meeting Date and Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on May 22, 2018.

Motion made by Chief Morency to adjourn at 11:30 a.m. Following a second by Vice Chairman Hart, the voice vote of the Council was unanimous in favor of the Motion.

Respectfully submitted,

Vice Chairman, Chief William Hart, Jr.