



Chief David P. Cahill
Chairman

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

PUBLIC MINUTES

July 24 2018

The 494th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:00 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 David Cahill, Chief Sunapee Police Department; Vice Chairman, Chief William Hart, Jr., Londonderry Police Department; Helen Hanks, Commissioner, New Hampshire Department of Corrections; Attorney General Gordon MacDonald, Colonel Christopher Wagner, NH State Police; Sheriff Douglas Dutile, Grafton County Sheriff's Office; Sheriff Brian Valerino, Coos County Sheriff's Office; Chief Peter Morency, Berlin Police Department; Justice Sawako Gardner, 7th Circuit-District Division – Rochester; Justice Melissa Countway-Vetanze, 3rd Circuit – District Division – Ossipee; Debra Noyes, and Mark Long.

Staff Present: Donald L. Vittum, Director, Chief Timothy Merrill, Major David Parenteau, (Ret.), and Anne Paquin, Investigative Paralegal.

Guests Present: Nancy Smith, Senior Assistant Attorney General, Chief Robert Merner, Portsmouth Police Department with Christian Cummings, Chief Kyle True, Newmarket Police Department, Attorney William Cahill with Michael Joy.

Chairman Cahill began the meeting, asking Council members for a motion to approve the minutes of the June 26, 2018 Council meeting.

Sheriff Dutile responded with a motion to approve the minutes from the June 26, 2018 meeting, the motion was seconded by Sheriff Valerino, the Council vote was unanimous in favor of the motion, with those absent from last month's meeting, Judge Gardner, Judge Vetanze and Colonel Wagner abstaining from the vote.

Chief Cahill asked the council members to decide their preference for agenda viewing, the "Box", cd or hardcopy, and they would discuss preferences at the August meeting.

Director's Report

There was no Director's Report this month.

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PSTC Meeting

Financial Report

Chief Merrill updated the Council members on the progress of the paving project for the driving pad, the fiscal year end status, and also about a state meeting regarding new budget software that he and Lorelee Ames would be learning about. He also spoke about PSTC's performance audit by the Legislative Budget Assistant, the time line was for completion of the audit is late fall of this year.

Previous Unfinished Business

Michael Joy was present with his attorney William Cahill. When asked their preference, they chose to hold the session in public.

Chairman David Cahill explained to the Council members that he and Major Parenteau had met with Mr. Joy and Attorney Cahill on June 28, 2018 for an informal conference.

Major Parenteau summarized that on March 27, 2018, a hearing was held for Mr. Joy, he was not present. The result of the hearing was that Mr. Joy's certification was revoked for being untruthful to a supervisor.

Mr. Joy later contacted the staff at PSTC to ask about his certification, explaining that he had never received notification of the hearing. He asked for reconsideration and a new hearing, which had been granted. Prior to the hearing date, Mr. Joy through his attorney, William Cahill, asked for and was granted an informal conference with Chairman David Cahill and Major Parenteau. During the informal conference meeting William Cahill explained the steps that Mr. Joy had taken to rectify the untruthfulness following the incident. Michael Joy's name has been listed on the Exculpatory Evidence Schedule.

Chief David Cahill and Attorney William Cahill discussed options, and came to an agreement. The agreement was drafted, it summarizes the conditions that must be met by Mr. Joy; to enable him to become eligible for certification once again.

Motion by Sheriff Dutile to approve the agreement made by Chief Cahill to allow Mr. Joy to become certifiable as an officer. The motion was seconded by Debra Noyes, and the vote was unanimous by Council.

Transgender Policy

Staff at Police Standards and Training are researching a policy for three year fitness testing for transgender individuals.

At 9:18 a.m. the Council meeting adjourned for a discussion with SAAG Nancy Smith, the attorney for PSTC.

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PSTC Meeting

At 10:00 a.m. the Council meeting reconvened.

Motion by Judge Gardner, seconded by Sheriff Valerino to accept the offer of assistance by Commissioner Hanks and Chief Hart. They will meet with PSTC staff to develop a policy on transgender for the three year fitness testing and a physician's form to add to the medical examination form to define gender. The Council vote was unanimous in favor of the motion.

Portsmouth Police Department, Pol 301.05 (g)(10)

Chief Robert Merner was present with Lieutenant Christian Cummings to speak about a potential new hire. When asked, they requested a nonpublic session.

Motion for nonpublic session by Colonel Wagner, seconded by Chief Hart, pursuant to RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board, the roll call vote was unanimous in favor of the motion.

At 10:03 a.m. the Council began a nonpublic session.

Motion to exit the nonpublic session by Judge Gardner, seconded by Commissioner Hanks, the roll call vote was in favor of the motion.

At 10:18 a.m. the meeting was back in public session.

Motion by Colonel Wagner, seconded by Chief Hart, to grant the waiver for the Portsmouth Police Department for their prospective officer candidate. There were eight in favor, and four opposed, the motion passed.

Newmarket Police Department, Pol 301.05 (g)(10)

Chief Kyle True was present to discuss a prospective candidate for hire by the Newmarket Police Department. When asked, he requested a nonpublic session.

Motion by Chief Hart, seconded by Debra Noyes to enter a nonpublic session pursuant to RSA 91-A:3, II(c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of this board

At 10:20 a.m. the Council entered a nonpublic session.

Motion to exit the nonpublic session by Sheriff Dutile, seconded by Sheriff Valerino, the roll call vote was unanimous in favor of the motion.

10:30 a.m. the meeting returned to public session.

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PSTC Meeting

Motion by Chief Hart, seconded by Judge Vetanze to grant the waiver requested by the Newmarket Police Department, the vote was eight in favor and four opposed, the motion passed.

(Attorney General MacDonald reminded the Council that nonpublic minutes must be sealed in public session. While in nonpublic session, the meeting minutes on both the Portsmouth Police Department request and the Newmarket Police Department's request had been sealed.)

Department of Corrections Entrance Test

Commissioner Hanks reminded Council members of the pilot program that was approved last year, allowing the entrance fitness testing standards for NH Department of Corrections to be decreased from the 35% percentile to the 20% percentile, and the academy exit test at the 35th percentile. Commissioner Hanks asked the Council to make the changes permanent for the NH Department of Corrections.

The statute allows the Council to set the "standard" for fitness. Commissioner Hanks stated that there was no rule or law that would contradict the 20% entrance test standard.

Motion by Chief Hart, seconded by Sheriff Dutile to make the 20% entrance test process for the New Hampshire Department of Corrections' officer recruits permanent, the Council voted unanimously, with Commissioner Hanks abstaining from the vote.

Three Year fitness testing suspensions from June 30, 2018

There were five suspension notices sent out for individual officers who had medical extensions for fitness testing that expired on June 30, 2018.

Antique Police Car

The antique police car was part of surplus property sent the White Farm to be sold. At this time Chairman Cahill and Director Vittum are in the process of meeting with the family that donated the car to learn if it can be returned to the family.

Nomination of Vice Chairman

The nomination of vice chairman to the Council had been due at the May Council meeting.

Chief Morency moved to nominate Chief Hart to remain as vice chairman of the council, the motion was seconded by Sheriff Dutile, the vote was unanimous in favor of the motion.

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PSTC Meeting

Consent Calendar Items

PT&E Requests

Officer Kenneth Owen, Strafford County Sheriff's Office

(DOH: 06/17/18) **Will be granted certification upon successful completion of the medical exam and entrance fitness test.**

Officer Terrence O'Neill, Manchester Police Department

(DOH: 07/23/18) **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.**

Officer David Dupont, Manchester Police Department

(DOH 08/17/18) **Will be granted certification upon successful completion of the medical exam, and entrance fitness test.**

Officer Sammy West, Chichester Police Department **Will be granted certification upon successful completion of the medical exam, entrance fitness test, the Law Package of the Full-Time Police Officer Academy and must complete the department's FTO process, and maintain normal supervision.**

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.

Full-Time Police Officer Academy

Class Number	Dates	Fitness Test Date
176	04/30/18 – 08/17/18	04/16/18
177	8/27/18-12/14/18	8/13/18
178	1/7/19-4/26/19	12/2/18

Part Time Police Officer Academy

Class Number	Dates	Fitness Test Date
276	8/11/18-11/9/18	7/28/18

Corrections Officer Academy

Class Number	Dates	Fitness Test Date
108	06/11/18 - 08/10/18	05/14/18

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Kyle Audit, Littleton Police Department (DOH: 05/30/18 Not Part-time certified) Will be granted the 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 177th academy and may continue working only in the direct presence of a certified officer.

Noah Beaulieu, Laconia Police Department (DOH: 05/07/18 Not Part-time certified) Will be granted the 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 177th academy and may continue working only in the direct presence of a certified officer.

Jeremy Coates Manchester Police Department (DOH: 03/26/18 Not Part-time certified) Will be granted the 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 177th academy and may continue working only in the direct presence of a certified officer.

Erick Deya NH State Police (DOH: 03/16/18 Not Part-time certified) Will be granted the 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 177th academy and may continue working only in the direct presence of a certified officer.

Anthony Havalotti, Lancaster Police Department (DOH: 03/26/18 Not Part-time certified) Will be granted the 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 177th academy and may continue working only in the direct presence of a certified officer.

Jesse Hyam, New Ipswich Police Department (DOH: 05/02/18 Part-time certified) Will be granted the 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 177th academy.

Andrew Keyes, Merrimack Police Department (DOH: 06/04/18 Part-time certified) Will be granted the 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 177th academy.

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Matthew Kimball, Strafford County Sheriff's Office (DOH: 02/11/18 Not Part-time certified) Will be granted the 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 177th academy and may continue working only in the direct presence of a certified officer.

Katherine Marsh, Newport Police Department (DOH 06/11/18 Not Part-time certified) Will be granted the 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 177th academy and may continue working only in the direct presence of a certified officer.

Nicholas Paquin, Keene Police Department (DOH: 05/29/18 Not Part-time certified) requests Will be granted the 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 177th academy and may continue working only in the direct presence of a certified officer.

Morganne Sterl, Conway Police Department (DOH: 04/30/ Not Part-time certified) Will be granted the 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 177th academy and may continue working only in the direct presence of a certified officer.

Joshua Stevens, Pittsfield Police Department (DOH: 05/22/18 Part-time certified) Will be granted the 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 177th academy.

Robert Stevens, NH State Police (DOH: 03/16/18 Not Part-time certified) Will be granted the 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 177th academy and may continue working only in the direct presence of a certified officer.

Anas Idrissou, New Hampshire Department of Corrections (DOH 02/08/18 Not Part time Certified) requests extension through November 1, 2018. An extension is required because the recruit failed an academy course. Will be granted the extension until November 1, 2018 due to the 30/60 day rule, he will be required to test between September 17 and October 17, may continue working only in the direct presence of a certified officer.

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Todd Whitcomb, North Hampton Police Department (DOH_03/05/18 Not Part time Certified) requests extension through November 1, 2018. An extension is required because the recruit failed an academy course. **Will be granted the extension until November 1, 2018 due to the 30/60 day rule, he will be required to test between September 17 and October 17, may continue working only in the direct presence of a certified officer.**

Steven Marsh, New Hampton Police Department (DOH: 11/21/17 Part-Time certified) requests extension through November 1, 2018. An extension is required because the recruit failed an academy course. **Will be granted the extension until November 1, 2018 due to the 30/60 day rule, he will be required to test between September 17 and October 17.**

Ongoing Physical Fitness Testing

The following individuals were granted medical extensions for fitness testing

Robert Bellenoit
Daniel Doherty
Joseph Hileman

Motion to approve the consent calendar by Sheriff Dutile, seconded by Colonel Wagner, the council vote was unanimous in favor of the motion, with Commissioner Hanks and Colonel Wagner abstaining from the items from their respective agencies.

Nonconsent

Nicolas Masucci NH Department of Fish and Game (DOH: 06/22/18 Not Part-time certified) requests extension through the end of the 178th Full-Time Police Officer Academy. An extension is required because the ending date of the 178th Full Time Academy exceeds six months from the date of hire. The Department of Fish and Game requests that Nicolas Masucci skip over the 177th to be available to train at the agency during the fall season.

Motion by Sheriff Dutile, seconded by Judge Gardner, to allow recruit Nicolas Masucci to skip over the 177th Academy, and attend the 178th Academy in order to train with New Hampshire Fish and Game during the fall season. The Council members voted unanimously in favor of the motion.

Other New Business

Grafton County Chief's Association and Sullivan County Chief's Association provided letters to support Director Vittum, PSTC staff will draft letters responding to those agencies.

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Proposed Rule Changes

Pol 302.01 (h) Initial Proposal

The proposed amendments are being made to this rule to require that uncertified officers may work only in the direct presence of a certified officer until the officer completes the required basic training program.

Council members discussed the punctuation and numbering in the draft provided.

Motion by Sheriff Dutile, seconded by Chief Hart, to submit the initial proposal for Pol 302.01, with suggested edits, to the Office of Legislative Services, Joint Legislative Committee for Administrative Rules to begin the rulemaking process. The Council voted unanimously to support the motion.

Next Meeting Date/Adjournment

The next regular meeting of the Council (#495) is currently scheduled for Tuesday, August 28, 2018, at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Motion to adjourn at 11:00 a.m. by Judge Gardner, seconded by Chief Hart, the Council vote was unanimous in favor of the motion.

Respectfully submitted,



Chairman, Chief David P. Cahill