



Chief David P. Cahill
Chairman

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

MINUTES

September 25, 2018

The 496th 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, Executive Major Matthew Shapiro, NH State Police; Charles Ansell, Chief Operating Officer, CCSNH; Sheriff Douglas Dutile, Grafton County Sheriff's Office; Sheriff Brian Valerino, Coos County Sheriff's Office; Justice Sawako Gardner, 7th Circuit-District Division – Rochester; Justice Melissa Vetanze, 3rd Circuit – District Division – Ossipee; and Mark Long.

Not in attendance: Debra Noyes and Chief Peter Morency, Berlin Police Department

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

Guests Present: Chief John LeBlanc, and Officer Vinny Scarnici, Pittsburg Police Department; Chief James Brace and Officer Charles Gauvin, New Boston Police Department.

Chairman Cahill began the meeting by asking Council members for a motion to approve the minutes of the August 28, 2018 Council meeting.

Motion to approve the public minutes of the August 28, 2018 PSTC meeting made by Charles Ansell, seconded by Sheriff Valerino, the vote was unanimous in favor of the motion, Judge Gardner and Judge Vetanze abstained as neither attended the August meeting.

Another motion by Charles Ansell, seconded by Sheriff Valerino, to approve the nonpublic minutes from Sandown Police Department on August 28, 2018, the vote was unanimous in favor of the motion, Judge Gardner and Judge Vetanze abstained as neither attended the August meeting.

Director's Report – there was no report.

Financial Report – was submitted by Chief Timothy Merrill, hard copy attached.

Unfinished Business

Rules Amendment, public hearing regarding Pol 302.01

Chairman Cahill called the public meeting to order, there were no members of the public present. Council members had been provided a copy of the initial proposal rule.

Chief Merrill explained that the amendment to the rule was to ensure that newly hired uncertified officers are only allowed to work in the presence of a certified officer. Currently, there is no requirement for accompaniment with a certified officer for the initial six months of an uncertified officer's employment. The criteria is somewhat different for a new Department of Corrections employee who works in a secure area such as a control room or a prior training and experience officer with a reciprocal certification status and field training.

Chief Merrill further explained that there is a ten day period after the public meeting when members of the public can make written comments on the rule, and after that, the rule will be filed with the Office of Legislative Services, Administrative Rules for their review, and further edit suggestions. The final version of the rule is then added to the agenda for the Joint Legislative Committee on Administrative Rules.

Draft policies for ADA accommodations and for transgender three year fitness testing

Major Parenteau had provided the Council copies of both policies he had drafted per their request from the August meeting.

Attorney General MacDonald and Commissioner Hanks thanked Major Parenteau for his diligence in drafting the policies.

Attorney General MacDonald requested that the Council table the discussion on both policies in order for Senior Assistant Attorney General Nancy Smith from his agency to have a chance to review the drafts, and that she attend the October meeting to discuss the policies.

Discussion ensued amongst the Council members regarding the timeframe to finalize the policies and their current relevance to employees.

Motion by Attorney General McDonald, seconded by Sheriff Dutile to table the ADA policy and the transgender policy until the October meeting to allow Nancy Smith the opportunity to review both policies, and ask that she discuss any recommendations at the October meeting. The Council vote was unanimous in favor of the motion.

New Business

Major Parenteau asked the Council members for guidance on a policy to allow recruits that have failed the final examination for their academy to take it again, as is done with the individual tests, or if recruits get one opportunity.

Discussion ensued amongst the Council members. Recruits have three opportunities to pass a single subject test, and recruits are afforded time to study for their exams during the academy sessions.

Motion by Commissioner Hanks, seconded by Sheriff Dutile, that the final exam held for the academy is the only opportunity to take the test. Exigent circumstances can be addressed if the recruit provides documentation requesting another test and explaining his or her particular situation. The Council vote on the motion was unanimous in favor.

Hearings

Paul Kimani, New Hampshire Department of Corrections

Major Parenteau explained that he had just recently received information that CO Kimani had plead guilty, and that Attorney William Cahill had requested both a continuance for CO Kimani for today's meeting, and for an informal conference with the chairman. Both of the requests were granted by Chairman David Cahill.

Mark Nerenbury, New Hampshire Department of Corrections

The charges against CO Nerenburg have been nol prossed. There will be no action on his certification by the Council.

Michael Burtnick, Pittsburg Police Department

Officer Burtnick had been noticed for a hearing for a violation of three year fitness testing. Chief LeBlanc was present and stated that Officer Burtnick had filed a letter of resignation with the Pittsburg Police Department and that staff at PSTC would receive a faxed Form B of Officer Burtnick's change in status before the end of the day.

Vinny Scarnici, Pittsburg Police Department

Officer Scarnici was present and requested a public session.

Major Parenteau was sworn in by Chairman Cahill. He explained that Officer Scarnici had been noticed for a hearing for a violation of three year fitness testing. He summarized Officer Scarnici's employment and certification history for the Council, including a request for a medical extension received. Exhibits were published to Council members.

Officer Scarnici was due for three year fitness testing in 2017, and had received an injury during his full time employment as a road agent for the town of Pittsburg. Officer Scarnici did not file for a medical extension until August of 2018, over six month's past the deadline.

Discussion ensued amongst the Council members regarding timelines for three year fitness testing, the recovery time for Officer Scarnici with his injury, and the requirement of the medical and fitness test statute being the responsibility of the officer.

Motion by Chairman Cahill, seconded by Sheriff Dutile to grant the request for extension to Officer Scarnici; the extension will expire on December 31, 2018, the vote was unanimous in favor of the motion.

Consent Calendar

PT&E Requests

Officer Mark Lindsley, Henniker Police Department

(DOH: 01/01/18) Will be granted certification upon successful completion of the medical exam and entrance fitness test.

Officer Penny Witherbee, Winchester Police Department (DOH: 07/29/18) 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.

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
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
109	9/17/18 -11/16/18	9/4/18

Officer Howard Hill, III Raymond Police Department (DOH: 09/28/17 **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 178th academy.

Motion to approve the consent calendar by Chief Hart, seconded by Commissioner Hanks, the vote was unanimous in favor of the motion.

Addendum #1 – Recruit separation

Major Parenteau informed the Council members of a recruit that had left the academy.

Addendum #2 – New Boston Police Department

Major Parenteau explained that staff at PSTC had received a request from Chief James Brace of the New Boston Police Department on September 21st regarding a recruit from his agency.

Both Chief James Brace and Officer Charles Gauvin were present. When asked, Officer Gauvin requested a nonpublic session.

Motion by Charles Ansell, seconded by Sheriff Dutile, to initiate a nonpublic session according 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.

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

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

At 10:18 the Council returned to a public session.

Motion by Chief Hart, seconded by Executive Major Shapiro to seal the minutes of the nonpublic session, the vote was unanimous in favor of the motion.

Motion by Sheriff Dutile, seconded by Chief Hart, to deny the request for additional attempt to pass Constitutional Law and Motor Vehicle III, and require Officer Gauvin to attend both the aforementioned classes which will be held in January, 2019 and then take each test. The Council voted unanimously in favor of the motion.

Motion by Commissioner Hanks, seconded by Sheriff Datile, to grant a six month extension for certification for Officer Gauvin with the stipulation that he is only to work in the direct presence of a certified officer.

The next Council meeting, (#497) will be on October 23, 2018.

10:25 am. Motion to adjourn by Executive Major Shapiro, seconded by Commissioner Hanks, with a unanimous vote by Council.

Respectfully submitted,



Chairman David P. Cahill

