



Chief David P. Cahill
Chairman

State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
ARTHUR D. KEHAS
LAW ENFORCEMENT TRAINING FACILITY & CAMPUS
17 Institute Drive — Concord, N.H. 03301-7413
603-271-2133 FAX 603-271-1785
TDD Access: Relay NH 1-800-735-2964



Donald L. Vittum
Director

PUBLIC MINUTES

November 27, 2018

The 498th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:42 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; Chief Carlo Capano, Manchester Police Department; Helen Hanks, Commissioner, New Hampshire Department of Corrections; Attorney General Gordon MacDonald, (Chief of Staff James Vara attended the meeting as well) Colonel Christopher Wagner, NH State Police; Sheriff Brian Valerino, Coos County Sheriff's Office; Justice Sawako Gardner, 7th Circuit-District Division – Rochester; Justice Melissa Vetanze, 3rd Circuit – District Division – Ossipee; Mark Long, and Chief Peter Morency, Berlin Police Department

Not in attendance: Charles Ansell, Chief Operating Officer, CCSNH; and Debra Noyes

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

Guests Present: Nancy Smith, SAAG; James Vara, AG chief of staff, Elizabeth Baez, and Executive Director Daniel Auger, Strafford County Sheriff's Office, Linda MacDonald, DOC recruiting officer and Alexandra B. Medzhidov, New Hampshire Department of Corrections, Paul Kimani, New Hampshire Department of Corrections with Attorney William Cahill, Teamsters 633 Union.

Chairman Cahill called the meeting to order at 9:42 a.m.

Motion by Colonel Wagner, seconded by Chief Hart to approve the October 23, 2018 public meeting minutes.

Motion to amend the October 23, 2018 public meeting minutes by Attorney General MacDonald, seconded by Sheriff Valerino, changing the citation for a nonpublic session from RSA 91-A:3 II (c) to RSA 91-A:3,II (j). The Council vote was unanimous in favor of the motion.

Motion by Attorney General MacDonald to request that the staff review prior public meeting minutes with respect to entering nonpublic sessions to the extent that the nonpublic sessions

addressing disciplinary matters with the proper citation of RSA 91-A:3 II (a) and, to the extent that the nonpublic session addresses matters applying to applicants education or medical records, the proper citation is RSA 91-A:3 II (j). The motion was seconded by Chief Hart and the Council vote was unanimous.

Motion by Attorney General MacDonald to amend his previous motion; seconded by Chief Hart, the staff at PSTC should amend the meeting minutes back until January 2017, the Council vote was unanimous in favor of the amendment.

Motion by Attorney General MacDonald, seconded by Chief Hart, to accept the minutes of the nonpublic session of the North Hampton Police Department, and to amend the nonpublic session citation from RSA 91-A:3 II (c) to RSA 91-A:3,II (j) with the Council vote unanimous in favor of the motion.

(There was no vote on the minutes of the nonpublic session for the Performance Audit discussion held during the October 23, 2018 Council meeting)

Motion by Attorney General MacDonald, seconded by Colonel Wagner, to enter a nonpublic session under RSA 91-A:3, II (j) to discuss the LBA Performance Audit. The vote was unanimous via roll call.

At 9:50 the Council entered a nonpublic session.

At 10:53 Motion to seal the minutes of the nonpublic session by Commissioner Hanks, seconded by Chief Morency the council vote was unanimous

At 10:58 Motion to exit the minutes of the nonpublic session by Commissioner Hanks, seconded by Chief Hart, unanimous vote by the Council.

11:00 a.m. Nancy Smith exited the meeting.

Director's Report

There was no report.

Financial Report

The Budget Hearing was held last Friday, there were no questions from legislators.

Previous Unfinished Business

(Commissioner Hanks recused herself from the meeting room.)

New Hampshire Department of Corrections, Pol 301.05 (g)

Linda MacDonald, HR Program Specialist from the New Hampshire Department of Corrections was present with Alexandra Medzhidov, a potential employee for that agency.

Major Parenteau began by reading the rule into the record.

Administrative Rule Pol 301.05

(g) The hiring authority shall evaluate the results of its background investigation and the agency shall not appoint a person or invest with authority any person elected as a police, corrections or probation/parole officer, who:

(10) Within 12 months before the application for hire, has used marijuana unless, upon review of the council at the request of a hiring authority, the council finds that the behavior pattern under the totality of the circumstances did not demonstrate a lack of good moral character as specified in (m) below;

When asked by Chairman Cahill, Ms. Medzhidov requested a public session.

Major Parenteau summarized that Alexandra Medzhidov had used marijuana during February 2018, this was revealed during the background investigation completed by the New Hampshire Department of Corrections. There has not been any further use of marijuana by Ms. Medzhidov.

The use of marijuana predated her application to the Department of Corrections which was in June of 2018.

Linda MacDonald, recruiting officer for the Department of Corrections, addressed the Council explaining that Ms. Medzhidov had been honest about her drug use during the application process with their agency, as well as the background investigation and polygraph testing. The background investigation disclosed Ms. Medzhidov's reliability with superlative comments from those individuals interviewed.

Council members posed questions about prior marijuana use, self-disclosure during the application process and the reason for marijuana use in February of 2018.

Motion by Chief Hart, seconded by Sheriff Valerino, that the Council finds that the behavior when considering the totality of the circumstances does not demonstrate a lack of good moral character, and that the requested waiver be granted. (Commissioner Hanks had recused herself from this item), seven members in favor of the motion, and three opposed, the motion passed.

Rules Amendment Pol 302.01

The Council members reviewed the annotated version and the final text version of Pol 302.01

Motion by Chief Hart, seconded by Commissioner Hanks, to accept the final draft of Pol 302.01. The vote was unanimous in favor of the motion.

New Business

Strafford County Sheriff's Office Executive Director Daniel Auger was present with Deputy Elizabeth Baez.

Chief Cahill explained the difference between a public and nonpublic session to Deputy Baez, who requested a nonpublic session.

Motion by Commissioner Hanks, seconded by Mark Long to begin a nonpublic session citing RSA 91-A:3, II “j” confidential nature of the discussion. The roll call vote was unanimous in favor of the motion.

At 10:16 a.m. the Council began a nonpublic session.

Motion to seal the minutes of the nonpublic session by Chief Hart, seconded by Colonel Wagner, due to an educational discussion on educational requirements. The vote was unanimous in favor of the motion.

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

At 11: 34 the Council was back in public session.

Motion by Chief Hart, seconded by Commissioner Hanks that Deputy Baez be allowed to make a second attempt at the final exam with such accommodations as reasonable as determined by staff. The Council vote was unanimous in favor of the motion.

Deputy Baez was advised to contact PSTC staff to make arrangements for the test.

Strafford County Sheriff’s Office Executive Director Daniel Auger asked that the Council grant a six month extension for certification for Deputy Baez.

Motion by Commissioner Hanks, seconded by Chief of Staff James Vara to grant a six month extension for certification to Deputy Baez after the extension documented is filed. The Council vote was unanimous.

11:37 The Council took a break from the meeting, but the recorder was not turned back on until 11:42 when Anne came back into the room.

Informal Conference - Kimani

CO Paul Kimani and his attorney, William Cahill of the Teamsters Local 663 were present. Commissioner Hanks recused herself from the meeting room.

Chairman Cahill explained to the Council that he, Major Parenteau, Paul Kimani and Attorney Cahill had participated in an informal conference in October. The meeting was to discuss Paul Kimani’s arrest for driving under the influence. CO Kimani was in attendance to learn what the Council’s decision would be on the agreement that had been reached during the informal conference.

Chairman Cahill further explained that CO Kimani had plead guilty to the charges, and had been suspended by the Department of Corrections for five days all ready. Taking into consideration the guilty plea and the fact that CO Kimani took responsibility for his actions in the DWI, they came to an agreement for a 15 day suspension.

Attorney William Cahill advised Council members that CO Kimani had no prior history with alcohol, he was a good employee for the Department of Corrections, he had suffered consequences for his actions and accepted those consequences.

Motion by Chief Hart, seconded by Sheriff Valerino, to support the agreement made by the Chairman during the informal conference with Attorney William Cahill and CO Paul Kimani. The Council vote was unanimous in favor of the motion.

Consent Calendar

Officer Seth Chavez, Portsmouth Police Department, (DOH: 11/05/18) Will be granted certification upon successful completion of the medical exam, entrance fitness test, Law Package of the Full-Time Police Officer Academy.

Officer Nedim Opijac, Tilton Police Department
(DOH: 10/22/18) Will be granted certification upon successful completion of the medical exam and entrance fitness test.

Officer Robert Meyer, Dover Police Department
(DOH: 11/26/18) 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 Zeb Dawson, Manchester Police Department
(DOH: 12/07/18) 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 John Harris, NH State Police
(DOH: 12/07/18) 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 Steven Hamel, Colebrook Police Department,
(DOH: 11/01/18) 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 Brendan Whalen, Nashua Police Department
(DOH: 12/11/18) 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
277	2/2/19-5/9/19	1/19/19

Corrections Officer Academy

Class Number	Dates	Fitness Test Date
109	9/17/18 -11/16/18	9/4/18
110	2/19/19 – 4/19/19	***TENTATIVE**

Chad Wright, NH DOC (DOH 05/25/18) 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 110th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

Daniel Vasquez, NH DOC (DOH 07/20/18) requests extension through the end of the 110th Corrections Academy. 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 110th Corrections Academy and may only work in the direct presence of a certified Corrections Officer.

Michael Eneguess, Rindge Police Department (DOH: 04/29/18 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 178th academy.

Ongoing Physical Fitness Testing

Requests for Fitness Testing Extensions

The following officers will be granted a six month medical extension for three year fitness testing:

Todd MacDougall	Alton
Paul Roberts	Plainfield
Joseph Chaput	Concord
Martin Cashin	Franconia
(Addendum to the agenda)	
Michael Kasiske	Pelham

Motion to accept the Consent Calendar, including Addendum #1 a medical extension request from the Pelham Police Department by Chief Hart, seconded by Mark Long, The vote was unanimous, with appropriate vote abstentions for Council agency matters.

Other New Business

Vice Chairman, Chief Hart updated the Council regarding his response to Attorney Broth who had asked for advice regarding a New Hampshire police agency and the town's selectboard.

Director Vittum's appointment as Director of PSTC will expire in February of 2019, Chief Cahill asked that the Council members be prepared to discuss and vote during the next meeting.

The next Council meeting (499) will be on December 18th.

Motion by Sheriff Valerino, seconded by Chief Morency to adjourn the meeting at 12:00 p.m., the Council voted unanimously.

Respectfully submitted,



Chairman, Chief David Cahill