



Chief David P. Cahill
Chairman

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

PUBLIC MINUTES
March 26, 2019

The 502nd meeting of the New Hampshire Police Standards and Training Council was called to order at 9:02 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; Chief Robert Cormier, Tilton Police Department; Commissioner Helen Hanks, NH Department of Corrections; Charles Ansell, Community College System of New Hampshire; Judge Sawako Gardner, Circuit Court Judge; Judge Melissa Vetanze, 3rd Circuit District Division, Ossipee; Chief Peter Morency, Berlin Police Department; Attorney General Gordon MacDonald; Colonel Christopher Wagner, New Hampshire State Police; and Sheriff Brian Valerino, Coos County Sheriff's Office.

Not in attendance: Sheriff Charles Massahos, Rockingham County Sheriff's Office; Chief Carlo Capano, Manchester Police Department; Mark Long and Debra Noyes.

Staff Present: Donald L. Vittum, Director, Chief Timothy J. Merrill, Lieutenant Adam Hawkins and Anne Paquin, Investigative Paralegal.

Guests Present: Senior Assistant Attorney General Nancy Smith, Chief Robert Roy, South Hampton Police Department (with officer candidate Justin Moran), and Lt. David Pierce, Acting Chief, Stratham Police Department.

Chairman Cahill called the meeting to order at 9:02 a.m.

Chief Robert Cormier, of the Tilton Police Department was welcomed to the Council. Chief Cormier was appointed by Governor Sununu to take over the position recently held by Chief William Hart, of the Londonderry Police Department, town chief for the Council, and Vice Chairman.

Chairman Cahill brought the Council's attention to a letter that was sent to him from Chief Hart, in which Chief Hart expressed his thanks to the Council, the work that was accomplished by the Council and staff of Police Standards and Training Council. Chairman Cahill went on to say that in his position as Vice Chairman of the Council, Chief Hart had been valuable to all and will be missed.

Motion to accept the February 26, 2019 public minutes by Judge Gardner, seconded by Sheriff Valerino, the members voted in favor of the motion with an abstention by Commissioner Hanks as she was not present.

Motion by Sheriff Valerino, seconded by Colonel Wagner to accept the February 26, 2019 nonpublic minutes regarding the Lebanon Police Department, noting an amendment to the name "Rogers" to "Roberts" the members voted in favor of the motion, with abstentions by Commissioner Hanks and Charles Ansell as neither were present for the meeting.

Director's Report

Director Vittum stated that he had met with (including Senator D'Allessandro and Representative Shurtleff) the House Finance Committee on the PSTC budget and the Capital budget. He has been working on the performance audit report and hopes to have information on his progress to share during the next month's meeting.

Finance Report

Chief Merrill reported meeting with the House Capital and Public Works Committee for the Capital Budget request, there are two requests, one is for replacing furnaces in the academy building, the cost is close to one million dollars. The second request is for a database. The committees seemed to be receptive to the furnace, but not to the database.

Chief Merrill stated that PSTC's current budget is on track at this time.

Chairman Cahill expressed concern about the financing of the database, and that the PSTC database had been a concern of the Legislative Budget Assistant's Performance Audit Report. The database is necessary to fix other items in the audit, to enable PSTC to better serve their clients. He would like to advocate for a new database program for PSTC.

Chief Merrill's response was we have discussed with the House Finance Division II whether a new database could be part of the Operating Budget, but there were no guarantees made.

New Website

Chairman Cahill and Attorney General MacDonald complimented Lt. Adam Hawkins for his update for PSTC's website, it is much more user friendly than the past one.

Previous Unfinished Business

Review of citations /qualifications for entering nonpublic sessions

Chairman Cahill asked Attorney General MacDonald and Senior Assistant Attorney General Nancy Smith if they would like to address the citations for nonpublic sessions from the discussion during the February meeting.

Attorney General MacDonald suggested a non-meeting format to receive legal counsel from SAAG Nancy Smith.

9:10 a.m. the Council meeting adjourned for a non-meeting with SAAG Nancy Smith.

9:43 a.m. the meeting reconvened and was back on the record.

As a result of the non-meeting discussion with legal counsel, Judge Gardner made the following motion, to amend the minutes from January 2017 until October 2018 to reflect the corrections to the reasons to go into nonpublic sessions to conform with the recommendations made by Assistant Attorney General Nancy Smith, the motion was seconded by Commissioner Hanks.

Commissioner Hanks acknowledged that during the review of the nonpublic sessions, PSTC's legal counsel did not find any non- public sessions that were not warranted.

Chairman Cahill asked for confirmation by Nancy Smith, after her review of all of the minutes, was there at any time that PSTC went into a nonpublic session that they shouldn't have or that was a direct violation of the law of the nonpublic session? Attorney Smith responded "no".

The Council vote was unanimous in favor of the motion.

Nancy Smith exited the meeting at 9:45 a.m.

Committee for Evaluation of PSTC's Director Position

Chairman Cahill met last week at the Attorney General's Office, there were five PSTC Council members present, including Chief Hart. They discussed criteria and framework for reviewing a director of PSTC, what should be important, and who should be part of the evaluation process. The evaluation will be in depth and it will take a lot of time to complete. There should be a subcommittee of the Council group; Commissioner Hanks volunteered to take Chief Hart's position.

Chief Cahill suggested that Director Vittum take part as well.

The group will begin to share information on their discussions at the next Council meeting.

Motion for a five-member subcommittee of the Council to look at the review of the Council's Director, how, and whom will review the position by Chairman Cahill, the motion was seconded by Commissioner Hanks. The vote was unanimous in favor of the motion.

South Hampton Police Department. Pol 301.05(g)(8)

Chief Robert Roy and the officer candidate from South Hampton Police Department were present for the follow up to the request from the February meeting, a waiver of Pol 301.05(g)(8)

Chairman Cahill explained the hearing process, and option of a public or a nonpublic session. The officer candidate requested a public session.

Lt. Adam Hawkins reminded the Council members with a summary from the February 26, 2019 meeting, and the request from South Hampton Police Department, (providing those members who were not in attendance with the background information from the initial request).

Today's session was a continuation from the prior council meeting, Chief Roy requested a waiver of Pol 301.05 (g) (8). The waiver had been requested due to the facts revealed during a background investigation of the candidate, the candidate used marijuana during 2012. The candidate had also applied to another police department, during that particular agency's background investigation it was learned that he had sold marijuana when he was seventeen.

In February, the Council had asked for information relative to the sale,
-was any profit made, and
- was the sale disclosed on the original application for the South Hampton Police Department?

The information had been disclosed on paperwork to the New Boston Police Department. The administrative rule is Pol 301.05 (b), the "personal history statement", all police departments must use the terminology from the personal history statement. Last month, Chief Roy had commented that he believes that this candidate *did not purposely not disclose* the marijuana sale.

Chief Roy then spoke, explaining that he had talked with Chief Merrill of PSTC staff about the paperwork that South Hampton Police Department had provided, there was no personal history statement. Chief Roy has since adopted the required information from the personal history statement form for South Hampton Police Department.

Judge Vetanze asked for information regarding the context of the sale of the marijuana.

The officer candidate from South Hampton responded that he sold one gram of marijuana to someone from his school for ten dollars one time only. That was the only time he'd ever sold marijuana.

Other questions asked by Council members were to confirm that his age was sixteen at the time of the sale, an inquiry as to where the marijuana was obtained (the candidate could not remember where but stated that he must have bought it). Further questions revealed that it was his decision to sell the marijuana instead of otherwise disposing of it. He smoked once when he was seventeen but has not since, which was the use he had admitted to. He decided to explore a career in law enforcement not long after the last time he smoked.

Chairman Cahill clarified that the candidate had applied for employment with another agency and on that agency's form he indicated that he had used or sold, which was brought to the attention of Chief Roy. In turn, Chief Roy wanted to hire the candidate and filed for a waiver with PSTC.

Motion by Judge Vetanze, seconded by Colonel Wagner, to grant the waiver under Pol 301.05 (g)(8) finding that the subsections a, b, apply. The vote was unanimous with the exception of one in opposition.

New Business

Stratham Police Department PTE Matthew Callihan

Lt. David Pierce, acting chief of the Stratham Police Department was present to discuss his agency's agenda item. He was asking for a waiver for Officer Callihan to take law packages classes instead of attending the entire academy. Officer Callihan graduated from the Massachusetts Police Academy in 2017, he is employed and currently in training with the town of Stratham.

Chief Merrill responded that this was a consent calendar item, Lt. Pierce was in attendance today to get an answer immediately to the request for his agency.

The recommendation for Officer Matthew Callihan of Stratham Police Department was the medical examination, the physical fitness test, and the law package classes of the full time academy.

Chief Merrill explained that most state's police certifications transfer to the criteria to obtain a New Hampshire police certification, others may need to add specific classes along with the law classes.

Informal Conference, David Burris, New Hampshire Department of Corrections

Chairman Cahill and Major Parenteau met for an informal conference at the request of Attorney William Cahill, attorney for David Burris.

David Burris, while working as a Probation/Parole Officer in the town of Raymond, shot at a fleeing probationer. He was arrested and charged.

The court case has recently reached a disposition. David Burris was convicted of a misdemeanor, which initiated a hearing by PSTC.

No agreement regarding disposition was reached during the informal conference; Chairman Cahill confirmed with the parties that they should be prepared for a hearing before the Council at the April meeting.

Consent Calendar

Elijah Balser Moultonborough Police Department

(DOH: 05/06/19) requests consideration for full-time police officer certification based on prior training and experience. 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.

Matthew Callahan Stratham Police Department

(DOH: 01/30/19) requests consideration for full-time police officer certification based on prior training and experience. 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.

Mitchell Flournay, Belmont Police Department

(DOH: 01/27/19) requests consideration for full-time police officer certification based on prior training and experience. 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.

Andrew Foss Lee Police Department

(DOH: 02/15/19) requests consideration for part-time police officer certification based on prior training and experience. Will be granted certification upon successful completion of the medical exam and entrance fitness test.

Donna Magdycz Chesterfield Police Department

(DOH: 02/13/19) requests consideration for full-time police officer certification based on prior training and experience. Will be granted certification upon successful completion of the medical exam and entrance fitness test.

Joshua McAllister Rye Police Department

(DOH: 02/12/19) requests consideration for full-time police officer certification based on prior training and experience. Will be granted certification 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.

Full-Time Police Officer Academy

Class Number	Dates	Fitness Test Date
178	01/07/19-04/26/19	12/02/18
179	05/06/19-08/23/19	04/22/19
180	09/03/19-12/20/19	08/19/19

Part Time Police Officer Academy

Class Number	Dates	Fitness Test Date
277	02/02/19-05/10/19	01/19/19
278	08/10/19 -11/08/19	07/27/19

Corrections Officer Academy

Class Number	Dates	Fitness Test Date
110	2/19/19 - 04/19/19	02/04/19
111	6/10/19 - 08/09/19	05/28/19

Ryan Brewster Lebanon Police Department (DOH: 11/25/18 **Not Part-time certified**) requests extension through June 26, 2019. An extension is granted until June 26, 2019, he may continue working only in the direct presence of a certified officer.

Ruben Jimenez, Salem Police Department (DOH: 08/23/19 **Not Part-time certified**) requests extension through the end of the 179th Full-Time Police Officer Academy. An extension is granted until the first council meeting following the end of the requested academy with the stipulation that the officer must remain actively enrolled in the 179th Academy Law Package classes and may continue working only in the direct presence of a certified officer.

Hattie Johnson, Rochester Police Department (DOH: 11/18/18 **Not Part-time certified**) requests extension through June 26, 2019. An extension is granted until June 26, 2019, she may continue working only in the direct presence of a certified officer.

Megan McBride Hampton Police Department (DOH: 11/19/18 **Not Part-time certified**) requests extension through June 26, 2019. An extension is granted until June 26, 2019, she may continue working only in the direct presence of a certified officer.

Ethan Recco, Ossipee Police Department (DOH: 11/30/18 **Not Part-time certified**) requests extension through June 26, 2019. An extension is granted until June 26, 2019, he may continue working only in the direct presence of a certified officer.

Andrew Kuc, Laconia Police Department (DOH: 11/19/18 **Not Part-time certified**) requests extension through June 26, 2019. An extension is granted until June 26, 2019, he may continue working only in the direct presence of a certified officer.

Jordan Miranda, Merrimack Police Department (DOH: 08/05/18 **Not Part-time certified**) requests extension through June 26, 2019. An extension is granted until June 26, 2019, he may continue working only in the direct presence of a certified officer.

Motion to approve the Consent Calendar by Chief Morency, seconded by Chief Cormier, the Council vote was unanimous in favor of the motion.

PSTC MTG MINS
March 26, 2019

The next meeting (503) will be held on April 23, 2019.

Motion to adjourn at 10:07 a.m. by Commissioner Hanks, seconded by Colonel Wagner, all voted unanimously in favor of the motion.

Respectfully Submitted



Chief David P. Cahill, Chairman

