



Chief David P. Cahill
Chairman

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

PUBLIC MINUTES
Police Standards and Training Council
May 28, 2019

Members Present: Chairman David Cahill, Chief, Sunapee Police Department; Chief Robert Cormier, Tilton Police Department; Chief Carlo Capano, Manchester Police Department; Commissioner Helen Hanks, NH Department of Corrections; Charles Ansell, Community College System of New Hampshire; Colonel Christopher Wagner, New Hampshire State Police; Sheriff Charles Massahos, Rockingham County Sheriff's Office; Sheriff Brian Valerino, Coos County Sheriff's Office and Mark Long.

Not in attendance: Vice Chairman Chief Peter Morency, Berlin Police Department Judge Sawako Gardner, Circuit Court Judge; Judge Melissa Vetanze, 3rd Circuit District Division, Ossipee Attorney General Gordon MacDonald, and Debra Noyes.

Staff Present: Chief Timothy J. Merrill, Major David Parenteau (Ret.) Lieutenant Adam Hawkins and Anne Paquin, Investigative Paralegal.

Guests Present: Sergeant Brian Caldwell, Manchester Police Department, Chief Investigator Richard Tracy, New Hampshire Attorney General's Office, and Nathan Jette with Attorney Eric Wilson.

The 504nd meeting of the New Hampshire Police Standards and Training Council was called to order at 9:04 a.m. by Chairman David Cahill in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

April 23, 2019 Minutes

Motion by Chief Cormier, seconded by Commissioner Hanks, to approve the minutes from April 23, 2019. The Council vote was unanimous in favor of the Motion.

Director's Report

Director Vittum was not present. Chief Merrill explained that the current full-time officer academy was in its fourth week and there are fifty recruits.

Financial Report

Chief Merrill reviewed the fiscal year end closing, the capital improvements regarding a new furnace and updated software, a new meals contract, and a contract for cadre from State Police. Chief Cormier and Chief Cahill had questions regarding maintenance and upgrades of the VirTra system, and PSTC's skid-cars. The maintenance and upgrades for the VirTra are very expensive, because of this, Chief Merrill is researching grants.

Previous Unfinished Business

Council members discussed items from the Legislative Budget Assistant's Performance Audit that were not addressed, and considerations to accomplish them. One of the items would necessitate a rule change; specifically, the number of Council members for a quorum, currently the administrative rule for a quorum of Police Standards and Training Council is six, it should be a majority of the members. A rule can be drafted by the staff for the Council approval for the June meeting.

Commissioner Hanks requested that the item number four on the Performance Audit relative to an officer's *criminal conviction* and their *behavior* should also be considered; and how it concerns the manner in which an officer is disciplined by their own agency versus a Council sanction.

Corrections Advisory Committee

Chief Merrill provided a memorandum regarding the nomination of Assistant Director Jason Smith to replace the retiring Director, Michael McAlister for the Committee.

Motion by Chief Cormier, seconded by Colonel Wagner to accept the nomination by Director Vittum of Assistant Director Jason Smith to the Corrections Advisory Committee. The Council vote was unanimous in favor of the Motion.

During the June meeting, there will be further follow-up regarding the Performance Audit.

Chairman Cahill would like to consult with the staff prior to the June meeting to discuss proposed dates for the Strategic Planning Session.

Department of Corrections Academy Rescheduled

Commissioner Hanks explained that currently there were ten recruits prepared for the next academy; however, it would be more cost effective for the Department of Corrections to hold their academy in the fall when there may be more recruits in attendance.

Hearings

Nicholas Berube

His attorney, Arthur Gatzoulis, has requested an informal conference, and Chairman Cahill has agreed to meet with them before the June Council meeting.

Nathan Jette – Eligibility

Mr. Jette reported that his attorney would arrive soon; the Council agreed to wait.

Manchester Police Department – Pol 301.05(g)(9)

Chief Capano recused himself, leaving the meeting room.

Sergeant Caldwell requested a non-public session.

Motion by Chief Cormier, seconded by Commissioner Hanks, for the Council to begin a non-public session under RSA 91-A:3, II(j), the roll call vote was unanimous. At 9:30 a.m., the Council began a non-public session.

At 9:40 a.m., Sheriff Valerino, seconded by Colonel Wagner, **moved** to exit the non-public session. The roll call vote was unanimous.

Motion to seal the minutes of the non-public session by Charles Ansell, seconded by Chief Cormier, as the divulgence of this information likely would adversely affect the reputation of any person other than a member of this board. The roll call vote was unanimous in favor of the motion.

Motion by Charles Ansell, seconded by Sheriff Valerino, to approve the waiver request by the Manchester Police Department, the Council vote was unanimous in favor of the motion, with Chief Capano abstaining from the vote.

Council Agenda Delivery

Chief Merrill informed Council members that there was a new email encryption system recommended by DO-IT. This may enable staff to deliver the Council's meeting agenda and any other confidential information more efficiently. Chief Cahill confirmed the ease of the new encryption method. Council members can expect to receive their June agenda by email.

Staff Email

Council members were advised that the email addresses for PSTC staff had changed from pstc@nh.gov to pst@nh.gov.

Consent Calendar

Requests for Prior Training and Experience Certification

Officer Anthony King, Stratham Police Department

(DOH: 04/22/19) requests consideration for full-time police officer certification based on prior training and experience. **Will be granted certification upon successful completion of the Law Package of the Full-Time Police Officer Academy. (Officer King has completed the medical exam on March 20, 2019 and the entrance fitness test on March 21, 2019). Must complete agency FTO program and then may work under normal supervision.**

Officer Preston Leonard, Hampton Police Department

(DOH: 05/07/19) requests consideration for full-time police officer certification based on prior training and experience. Officer Leonard completed his full time certification during the 177th Academy on December 14, 2018. He was last employed by the New Hampshire State Police until March 7, 2019 **Will be granted certification upon successful completion of the medical exam (completed May 1, 2019) and entrance fitness test. Must complete agency FTO program and then may work under 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
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
278	08/10/19-11/08/19	07/27/19

Corrections Officer Academy

Class Number	Dates	Fitness Test Date
111	09/16/19 – 11/15/19	08/26/19

Ashley Mills, Lebanon Police Department (DOH: 10/28/18) requests extension to complete law package classes. An extension is required because she has been out on medical leave. **Will be granted an extension until 10/27/19.**

Bart Bentz, Wakefield Police Department (DOH: 03/12/19 Part-time certified) requests extension through the end of the 180th Full-Time Police Officer Academy. **Will be granted an 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 180th academy.

Brandon Carleton, Hooksett Police Department (DOH: 07/30/18 Not Part-time certified) requests extension through the end of the 179th Full-Time Police Officer Academy. Will be granted an 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 179th academy and may continue working only in the direct presence of a certified officer.

Christopher Alvarez, Nottingham Police Department (DOH: 03/11/19 Not Part-time certified) requests extension through the end of the 180th Full-Time Police Officer Academy. Will be granted an 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 180th academy and may continue working only in the direct presence of a certified officer.

Joseph Giordano Portsmouth Police Department (DOH: 10/11/18) requests an extension. Will be granted an extension until 07/11/19.

Steven Hamel, NH Attorney General's Office (DOH: 04/12/19) had been granted a prior training and experience request at the November 27, 2018 Council meeting, while employed by the Colebrook Police Department, (hire date 11/01/18). Will be granted an extension until November 1, 2019, with the stipulation that the officer must complete medical exam, PT test and Law package testing, he must have successfully completed his agency's FTO Program, then he may work under normal supervision.

Ongoing Physical Fitness Testing -

Requests for Fitness Testing Extension

Joseph Chaput, Concord Police Department

Will be granted a six- month medical extension for three year fitness testing.

Motion by Commissioner Hanks, seconded by Chief Cormier to accept the Consent Calendar, the Council vote was unanimous in favor of the motion.

NONCONSENT

New Hampshire Department of Fish and Game has submitted extension requests for three newly hired officers; they ask that these new hires are allowed to skip over the next full time academy in order for them to take part in field training by their agency during the fall hunting season.

Erin E. Sharkey NH Department of Fish and Game (DOH: 05/10/19 Not Part-time certified) requests extension through the end of the 181st Full-Time Police Officer Academy. An

extension is required because the ending date of the 181st^h Full Time Academy exceeds six months from the date of hire.

Benjamin F. Lewis NH Department of Fish and Game (DOH: 05/10/19 Not Part-time certified) requests extension through the end of the 181st Full-Time Police Officer Academy. An extension is required because the ending date of the 181st^h Full Time Academy exceeds six months from the date of hire.

Eric S. Brown NH Department of Fish and Game (DOH: 05/10/19 Not Part-time certified) requests extension through the end of the 181st Full-Time Police Officer Academy. An extension is required because the ending date of the 181st^h Full Time Academy exceeds six months from the date of hire.

Motion by Chief Cahill, seconded by Charles Ansell, to approve the request by New Hampshire Fish and Game allowing the three recruits to skip over the next full time academy for training purposes with the stipulation that the officers work only in the direct presence of a certified officer. The Council vote was unanimous in favor of the motion.

Recusal Policy

Colonel Wagner asked for clarification of the recusal policy, referencing the prior request for waiver of a rule by the Manchester Police Department and Chief Capano's recusal from that nonpublic session.

The Council's discussion following Colonel Wagner's request for clarification included opinions that the recusal was appropriate as it would remove any appearance of impropriety, whether the recusal excessive or not, it would be proper, especially in dealing the request for a waiver of a PSTC administrative rule. Further discussion quoted an item number on the Recusal Form (e) (4) (proper recusals being an item on the recent LBA Performance Audit of PSTC).

"The Council member had a prior or on-going business relationship with an officer or recruit or material witness that would cause an objective, disinterested observer fully informed of the facts to entertain significant doubt about the member's ability to be impartial;"

Chief Cahill made a request to staff, asking that the "Nonpublic Session" and "Recusal Form" be emailed to all the Council members for review.

9:55 a.m. The Council took a break.

10:10 a.m. The meeting was back in session.

Nathan Jette and Attorney Eric Wilson were present at Mr. Jette's request for eligibility to become certified. They requested a non-public session.

10:11 a.m. **Motion** by Colonel Wagner, seconded by Commissioner Hanks, to begin a non-public session by RSA 91-A:3, II(j): consideration of confidential, commercial, or financial

information that is exempt from public disclosure under RSA 91-A:5, IV in an adjudicative proceeding pursuant to RSA 541 or RSA 541-A. Roll call vote confirmed the motion.

10:53 a.m. **Motion** by Colonel Wagner, seconded by Commissioner Hanks, to exit the non-public session, a roll call vote confirmed the motion.

Motion by Colonel Wagner, seconded by Sheriff Valerino, to seal the minutes of the non-public session as divulgence of the information likely would adversely affect the reputation of any person other than a member of this board. A roll call vote confirmed the vote on the motion.

Motion by Colonel Wagner that the Council does not consider Mr. Jette to be worthy of a police certification. The testimony, although generally sincere with respect to taking ownership of his conduct, it is a most egregious violation of trust and integrity of this office; and he should not be considered as a police officer in the future. Sheriff Valerino seconded the motion. The Council vote was unanimous in favor of the motion.

Chairman Cahill asked the Council members to prioritize items they felt were significant in the Performance Audit Review by numbering them one to three, and send to Chief Merrill to solidify for the June 25, 2019 meeting. The Strategic Planning session will also be an important point of discussion for June.

Motion to adjourn at 10:55 a.m. by Chief Cormier, seconded by Commissioner Hanks, the Council vote was unanimous.

Respectfully Submitted



David P. Cahill, Chairman

