



Chief David P. Cahill
Chairman

State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
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PUBLIC MINUTES

Police Standards and Training Council
July 23, 2019



Donald L. Vittum
Director

Members Present: Chairman David Cahill, Chief, Sunapee Police Department; Chief Robert Cormier, Tilton Police Department; Chief Carlo Capano, Manchester Police Department (9:06); Assistant Commissioner Benjamin Jean, 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, Mark Long, Dr. Maureen Sullivan (9:05), Vice Chairman Chief Peter Morency, Berlin Police Department Judge Sawako Gardner, Circuit Court Judge; Judge Melissa Vetanze, Circuit Court Judge, and Attorney General Gordon MacDonald

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

Guests Present: Sheriff Domenic Richardi, President of the Sheriff's Association, Chief Mark Chase, President of the Chief's Association, Chief John Monaghan, Moultonboro Police Department; Phillip Pelletier, New Hampshire Fish and Game and Northumberland Police Department with his attorney Thomas Colontuono; Chief Timothy Charbonneau, Lancaster Police Department; Lieutenant William Daisey, Berlin Police Department; Officer Brian LaMarre, New Hampshire Fish and Game, Northumberland Police Department and Coos County Sheriff's Department; Chief Peter Pelletier, Northumberland Police Department; Chief Stephan Poulin, Exeter Police Department with Ryah Khan, and Chief Bradley Wheeler, Newbury Police Department.

The 506th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:05 a.m. by Chairman David Cahill in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Chairman Cahill asked for motions on minutes from the June 25, 2019 Council meeting.

Public Minutes June 25, 2019

Motion to approve by Chief Cormier, seconded by Chief Morency, unanimous vote in favor to approve with the exception of Assistant Commissioner Ben Jean, and Attorney General Gordon MacDonald abstaining from the vote.

Nonpublic David Burris June 25, 2019

Motion to approve by Charles Ansell seconded by Chief Morency, unanimous vote in favor to approve with the exception of Assistant Commissioner Ben Jean, Chief Cormier and Attorney General Gordon MacDonald abstaining from the vote.

Nonpublic Tyler Gardner June 25, 2019

Motion to approve by Charles Ansell seconded by Chief Morency, unanimous vote in favor to approve with the exception of Assistant Commissioner Ben Jean, Chief Cormier and Attorney General Gordon MacDonald abstaining from the vote.

Nonpublic Jason Gurung June 25, 2019

Motion to approve by Charles Ansell seconded by Chief Morency, unanimous vote in favor to approve with the exception of Assistant Commissioner Ben Jean, Chief Cormier and Attorney General Gordon MacDonald abstaining from the vote.

Nonpublic Daniel Wicks June 25, 2019

Motion to approve by Charles Ansell seconded by Chief Morency, unanimous vote in favor to approve with the exception of Assistant Commissioner Ben Jean, Chief Cormier and Attorney General Gordon MacDonald abstaining from the vote.

Director's Report

Chief Merrill read a letter into the record from Director Vittum addressed to Chief Cahill regarding Director Vittum's retirement, effective August 2, 2019, copy attached.

Major Parenteau read a second letter into the record from Director Vittum addressed to Chief Cahill in which Director Vittum recommends Chief Merrill as Interim Director after August 2, 2019, copy attached.

Discussion ensued amongst the Council members regarding the changes in management and the proper manner to fill the position of Director for Police Standards and Training Council.

Sheriff Domenic Richardi, president of the Sheriff's Association and Chief Mark Chase, president of the Chief's Association were present and expressed their support of Chief Merrill as Interim Director.

Motion by Attorney General MacDonald, seconded by Judge Vetanze to suspend the discussion pending the ability to consult with our legal counsel and reconvene by special meeting, no later than July 30, 2019.

Council members discussed their availability to meet on short notice, and that first and foremost, an Interim Director must be appointed.

Attorney General MacDonald withdrew his motion, Judge Vetanze withdrew her second on the motion.

Attorney General MacDonald agreed to call SAAG Nancy Smith for her advice on the matter in an attempt to make progress with the appointing of Interim Director during the current meeting.

The discussion on the Interim Director was suspended.

Financial Report

Capital Budget passed for both replacement of boilers in the facility, and for the request for new software.

The Operating Budget is in a continuing resolution, it is going well using twenty five percent per quarter.

Support Staff

Cheryl Moses, Program Specialist II assigned to the Full Time Academy will be resigning and returning to the Insurance Department. Council members extended their thanks to Ms. Moses and wished her well in the future.

Performance Audit

The LBA item regarding drug and psychological testing for officers is not an unfunded mandate, per research completed by SAAG Nancy Smith, PSTC's legal counsel.

The LBA item regarding the qualification of instructors for PSTC was discussed

Motion by Chief Cormier, seconded by Charles Ansell, to accept the draft policy regarding the qualification of instructors for PSTC presented by the staff with the addition of "HiSET", the vote was unanimous in favor of the motion.

The LBA item regarding the curriculum review for county corrections was discussed, no one from the Association of Counties was present.

Motion by Chief Morency, seconded by Judge Gardner, to accept the county correction's curriculum as policy, the Council vote was unanimous in favor of the motion.

Drug testing/Psychological testing required – Initiate Rule Change

To be added to the Form D Medical, and to Psychological Exam on the Form I Background Investigation, for new hires at the agency only.

Motion by Chief Capano that all new hires from today (July 23, 2019) forward to have a drug test and a psychological evaluation done upon hire, seconded by Sheriff Valerino.

Discussion on this motion informed Council members that in order to update forms and include required information, staff must initiate the rulemaking process, and that the process is time intensive.

Council agreed that the July 23, 2019 was the starting point to make changes.

The Council vote was unanimous in favor of the motion.

New Business

Major Parenteau shared that the 179th Full Time Academy Graduation will be August 23, 2019 at 2:00 at the PSTC facility. It would be helpful when Council members receive their invitation if they can respond regarding their attendance for the event for seating purposes.

Exeter Police Department – Waiver of Pol 301.05

Chief Stephan Poulin and Ryah Khan were present and requested a nonpublic session

Motion to begin a nonpublic session by Chief Cormier, seconded by Charles Ansell, citing 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, unless such person requests an open meeting. The roll call vote was unanimous in favor of the motion.

At 9:55 a.m. the Council began a nonpublic session.

Motion to exit the nonpublic session by Dr. Sullivan, seconded by Chief Morency, the roll call vote was unanimous.

At 10:07 a.m. the Council was back in public session.

Motion to seal the minutes of the nonpublic session by Chief Morency, seconded by Sheriff Valerino citing that divulgence of this information likely would affect adversely the reputation of anyone but a member of this board. the roll call vote was unanimous.

Motion to approve the request for waiver of Pol 301.05 by the Exeter Police Department was made by Charles Ansell and seconded by Dr. Sullivan. Two members were opposed, the motion passed.

Newbury Police Department, waiver of RSA 106-L:13

Chief Bradley Wheeler and Officer Thomas Harriman were present and requested a nonpublic session.

Motion by Charles Ansell, seconded by Assistant Commissioner Ben Jean to initiate a nonpublic session citing 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. The roll call vote was unanimous in favor of the motion.

At 10:12 the Council began a nonpublic session.

10:17 AG MacDonald exited meeting

10:35 AG MacDonald and SAAG Nancy Smith returned to the meeting room.

Motion to exit the nonpublic session by Chief Morency, seconded by Sheriff Valerino, The roll call vote was unanimous with the exception of Attorney General MacDonald who abstained

At 10:43 the Council was back in public session.

Motion to seal the minutes of the nonpublic session by Judge Vetanze, seconded by Mark Long citing that divulgence of this information likely would affect adversely the reputation of anyone

but a member of this board. The roll call vote was unanimous, with the exception of Attorney General MacDonald who abstained.

Motion by Chief Cahill, seconded by Judge Vetanze, that the Newbury Police Department provide information completed by the doctor that is necessary to complete the requirements of the waiver, for the August 27, 2019 Council meeting. The roll call vote was unanimous, with the exception of Attorney General MacDonald who abstained.

10:45 a.m. Break, Charles Ansell exited the meeting.

10:05: "Non-meeting"

11:17 exit "Non-meeting"

Motion by Judge Vetanze, seconded by Chief Capano to appoint Chief Merrill as Assistant Director and delegate authority to him on August 2, 2019, and further authorize Chief Merrill and Chairman Cahill to initiate wage compensation according to that position with the Department of Personnel. The Council vote was unanimous.

Phillip Pelletier Hearing

Phillip Pelletier was present with his attorney, Thomas Colontuono. They requested a nonpublic session.

Chief Morency recused himself from the hearing citing RSA 21-G:22 (a) (1), leaving the meeting room.

Sheriff Valerino recused himself from the hearing citing RSA 21-G:22 (a) (2), leaving the meeting room.

Judge Vetanze exited the meeting.

Motion by Chief Cahill, seconded by Chief Cormier to begin a nonpublic session citing 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, unless such person requests an open meeting. The roll call vote was unanimous in favor of the motion.

At 11:22 a.m. the Council began a nonpublic session.

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

At 12:14 the Council was back in public session.

Motion to seal by Mark Long, seconded by Chief Cormier citing that divulgence of this information likely would affect adversely the reputation of anyone but a member of this board. The roll call vote was unanimous.

Motion by Chief Cahill, seconded by Chief Cormier, to suspend Phillip Pelletier's certification for 30 days beginning immediately.

Discussion ensued on the motion.

The vote was called on the motion, with three in favor and the remainder opposed, the motion failed.

Motion by Colonel Wagner, seconded by Attorney General MacDonald, to suspend Phillip Pelletier's certification until the criminal investigation is completed, and further order of the Council. The vote was unanimous in favor of the motion.

12:30 Chief Capano exits the meeting.

Correspondence Moultonboro Police Department

Chief John Monaghan was present to discuss the 30/60 day protocol for academy retests with the Council members, and his thoughts on the paramilitary learning environment.

12:43 Attorney General MacDonald exited the meeting.

Hearing Alec Jones, New Hampshire Department of Corrections

CO Jones had been notified by return receipt mail of the hearing and was not present.

Assistant Commissioner Jean recused himself citing RSA 21-G:22 (a) (1), leaving the meeting room.

Motion by Colonel Wagner, seconded by Chief Cormier, to suspend Alec Jones' certification for failure to appear at the scheduled hearing Pol 206.03.

Hearing Nicholas Berube, New Hampshire Department of Corrections

Nicholas Berube and his attorney Arthur Gatzoulis had attended an Informal Conference with Chairman Cahill and Major Parenteau on June 12, 2019. The parties were not able to come to a potential settlement. It was agreed that if a settlement on the charges could be reached with the (Manchester) city solicitor, that Attorney Gatzoulis would contact Major Parenteau with that information and with the understanding that a hearing would be held on July 23, 2019 if the Berube case was not settled. Prior to leaving the building, Attorney Gatzoulis was provided with a packet containing the notice of hearing that was sent to Nicholas Berube via certified mail/return receipt that had not been claimed by Mr. Berube.

No information has been received from Attorney Gatzoulis regarding settlement and neither he nor his client were in attendance.

Motion by Colonel Wagner, seconded by Chief Cormier, to suspend Nicholas Berube's certification for failure to appear at the scheduled hearing Pol 206.03.

Assistant Commissioner Jean returned to the meeting room.

Michael McNeil Hearing Farmington Police Department

Michael McNeil had been notified to appear by return receipt mail, and was not present.

Motion by Chief Cahill, seconded by Judge Gardner to suspend Michael McNeil's certification pending the outcome of the criminal charges.

Consent Calendar

PT&E Requests

Christopher Moore Weare Police Department

(DOH: 06/19/19) requests consideration for full-time police officer certification based on prior training and experience. The Council granted certification upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Gregory Levesque, Salem Police Department,

(DOH: 07/07/19) requests consideration for full-time police officer certification based on prior training and experience. The Council granted certification upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Carl Root, Rochester Police Department

(DOH: 08/04/19) requests consideration for full-time police officer certification based on prior training and experience. The Council granted certification upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Connor Mefford Manchester Police Department

(DOH: 07/22/19) requests consideration for full-time police officer certification based on prior training and experience. The Council granted certification upon successful completion of the medical exam (done on June 17, 2019), entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency’s FTO program and then may work under normal supervision.

Travis Koeppel Manchester Police Department

(DOH: 07/22/19) requests consideration for full-time police officer certification based on prior training and experience. The Council granted certification upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency’s 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.

Matthew Callahan, Stratham Police Department (DOH: 01/30/19 **Not Part-time certified**) requests an extension. He was previously granted prior training and experience. He received his study packet in April and is requesting additional study time. The extension was granted until the end of the 179th Academy with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency’s FTO program and then may work under normal supervision.

John Singleterry, Moultonborough Police Department (DOH: 02/11/19 **Not Part-time certified**) requests extension through October 23, 2019 as a 30/60 candidate. The extension was granted with the stipulation that the officer must remain actively enrolled in the academy and must work in the direct presence of a certified officer.

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 |

Requests for Fitness Testing Extension

The following requests were received before June 30, 2019, and each were granted six month extensions for three year fitness testing:

- Christopher Anderson, Jaffrey Police Department
- Duncan Domey, Sutton Police Department
- Tyler Hewes, Lebanon Police Department
- Paul Roberts, Plainfield Police Department
- Thomas McAuliffe, Manchester Police Department
- Paul Oyori, NH Department of Corrections
- Richard Valenti, Jr., Manchester Police Department (addendum)
- Christopher Kroski, Conway Police Department (addendum)

Police Standards and Training Annual Report

Motion to accept the Annual Report before it is submitted to the Governor and Council, with edits to titles of Council members Dr, Maureen Sullivan and both Judge Gardner and Judge Vetanze to Circuit Court by Assistant Commissioner Jean and Chief Morency, the Council vote was unanimous in favor of the motion.

Description of Director Position

Chief Cahill will edit and make changes to the draft that was presented.

Discussion of appointment of Director

Council members will arrive at 8:00 a.m. for a work session before the next meeting Council meeting, August 27, 2019, to finalize the description of the job position of the Director of Police Standards and Training Council .

Planning Session

Items to be discussed thus far:

Chief John Monaghan of Moultonboro Police Department would be asked to take part and what his perspective is on an academy curriculum

The maximum number of recruits allowed per academy session is currently 67, should it be reduced to the prior number, 60?

Council members should submit discussion items and names of people they'd like to invite to the planning session to Chief Merrill by email during the week of July 29, 2019 through August 2, 2019.

The next Council meeting will be held on August 27, 2019; from 8:00 a.m. to 9:00 a.m. with a work session, the regular meeting to follow at 9:00 a.m.

Motion to adjourn at 1:15 p.m. by Judge Gardner, seconded by Chief Cahill, the Council vote was unanimous in favor of the motion.

August 27, 2019

Respectfully Submitted


David P. Cahill, Chairman