



Chief David P. Cahill
Chairman

State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
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PUBLIC MINUTES



Police Standards and Training Council
December 17, 2019

Present: Chairman, Chief Cahill, Sunapee Police Department; Sheriff Valerino, Coos County Sheriff's Office; Judge Gardner, Circuit Court Judge; Maureen Sullivan; Commissioner Hanks, New Hampshire Department of Corrections; Attorney General MacDonald; Edward Lecius, Chief Cormier, Tilton Police Department; and Chief Capano, Manchester Police Department.

Not Present: Chief Morency, Vice Chairman, Berlin Police Department; Judge Vetanze, 3rd Circuit District Division, Ossipee; Sheriff Massahos, Rockingham County Sheriff's Office; Colonel Wagner, New Hampshire State Police and Charles Ansell, New Hampshire Community College.

Staff Present: Major Parenteau (Ret.), Lt. Hawkins, and Anne Paquin, Investigative Paralegal.

Guests: Chief Wheeler and Officer Thomas Harriman, Newbury Police Department, Linda MacDonald, NH Department of Corrections, Nancy Smith SAAG.

Before the meeting was called to order, Major Parenteau announced that he had just received the sad news that Assistant Director, Chief Tim Merrill had passed away the night before. Major Parenteau went on to say that at this time there was no information about services for Chief Merrill, but that he would be in contact as soon as he received that information.

The 512th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:07 a.m. by Chairman, Chief David Cahill in classroom one at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Motion by Dr. Sullivan, seconded by Chief Cormier to accept the public minutes from November 19, 2019, the vote was unanimous, with Judge Gardner, Chief Capano, Chief Cahill and Commissioner Hanks abstaining from the vote.

Motion by Edward Lecius, seconded by Sheriff Valerino, to accept the nonpublic minutes from November 19, 2019 regarding Thomas Harriman, the vote was unanimous, with Judge Gardner, Chief Capano, Chief Cahill and Commissioner Hanks abstaining from the vote.

Motion by Dr. Sullivan, seconded by Sheriff Valerino, to accept the nonpublic minutes from November 19, 2019 regarding Richard Ell, the vote was unanimous, with Judge Gardner, Chief Capano, Chief Cahill and Commissioner Hanks abstaining from the vote.

Subcommittee Report on Director of PSTC position

Sheriff Valerino reported for Chief Morency who was unable to attend. Initially there were 54 applications, narrowed down to twenty four applicants for the Director position. From the twenty four, each subcommittee member was asked to narrow down the selection to ten candidates, and to rank them in their own order of preference. On December 3, 2019 the subcommittee met to discuss candidates and score them on their qualifications and suitability. They agreed to share the process during today's meeting.

The December 3, 2019 meeting results were that four candidates met the criteria and qualifications. The recommendation was that the background investigation on these candidates will begin on January 4th, and interviews be scheduled for January 7, 2020. If this is agreeable with the Council, the subcommittee can schedule the candidates for their interviews as soon as possible.

Sheriff Valerino stated that Chief Morency had requested that each subcommittee member to prepare five questions to be asked, the subcommittee will discuss the questions prior to the interview to determine which questions to be asked to all four candidates.

After the interviews are held, the subcommittee would like to bring the results back the Council to determine the best candidate to run the academy as it's Director.

Attorney General MacDonald, as a member of the subcommittee asked if the approach could be amended, he'd prefer more flexibility than limiting the candidates to four. Some of the four may choose to drop out of the process. He suggested asking the Council to approve the interviewing of up to the top ten people that had been identified.

Council members agreed with Attorney General MacDonald's suggestion.

Judge Gardner, asked and was advised that Council members could submit input or questions to the subcommittee by contacting Chief Morency.

Sheriff Valerino asked that the questions be emailed to Chief Morency well in advance of the January 7th interview date in order to compile them.

Director's Report/Financial Report

Major Parenteau summarized that the entrance fitness testing was held on December 16, 2019 for the 181st Academy, that academy is scheduled to begin on January 6, 2019. There were 83 recruits in attendance for the fitness test, there were two failures, and two that were on a wait list will now be in the academy.

Rule Amendment

Pol 102.03, the Council quorum rule change, was filed on December 5, 2019 has been added to the consent calendar for the JLCAR meeting on December 19, 2019. The rule will be on the agenda for January for the Council's final adoption.

New LETS

Major Parenteau reported that there has been a delay in hiring the training specialist candidate. He sustained an injury and could not take his entrance fitness test. He will return the second week in January to complete the fitness test. The ability to hire him may also be delayed because of PSTC's current situation without a Director.

Attorney General MacDonald responded that the situation should be addressed for PSTC in order to have an officer in charge, or an assistant director to discharge the duties of the Director. He further suggested that the Council should act immediately on the matter.

Major Parenteau explained to the Council that if the LETS candidate were to pass the fitness test that he would still have to wait to be officially hired, if there was no person with authority to sign the offer of employment.

Major Parenteau summarized that he'd been working for the past few weeks under the authority of Chief Cahill and Chief Morency and PSTC was continuing to run smoothly. There were budget items that would need attention soon. Major Parenteau had been in contact with OIT regarding Chief Merrill's email account, he has requested access in order to keep up to date with the projects that Chief Merrill had been working on for PSTC.

Major Parenteau noted that there was a full time academy graduation on Friday, and also that the grant for the Virtra system was progressing.

Commissioner Hanks offered her assistance to PSTC.

Major Parenteau, when asked by Chief Cahill, explained that agency spending is limited to repair items, there was a plumbing issue, but no significant expense or any major spending.

New Business

Protocol for taking an academy final exam after a 30/60 day retest

Major Parenteau asked the Council for guidance regarding the amount of time allowed for a recruit to take the final exam for an academy when the individual had failed a class. After graduation he or she must retest between 30 and 60 days for that failed class. He explained that currently there was no protocol to address the situation for the time allowed to take the final exam, and clarification on the matter would be helpful.

Discussion ensued amongst the Council members.

Major Parenteau read from the academy manual, "the student shall not be allowed to take the final exam until the student takes all academic classes and passes all of the examinations". "They will receive their certification upon successful completion of missed and/or failed classes and exams, and the final examination".

Motion by Chief Capano, seconded by Chief Cormier, that a recruit who has failed a class and is in a 30/60 day retest situation for that class, is to take the final examination within 60 days of completing the academy. The vote was unanimous in favor of the motion.

Three Year Fitness Testing

Major Parenteau explained that PSTC continues to receive three year fitness tests for 2019. Requests for medical extensions will also be accepted, as in the past, the staff will add the medical extensions received before December 31, 2019 to the agenda for Council approval during the January 28, 2020 meeting.

Consent Calendar

PT&E Requests

Michael Kelly, Salem Police Department

DOH (10/27/19) 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, (done on May 29, 2019) entrance fitness test (done on November 8, 2019).**

Jeffrey Drew, Bedford Police Department

(DOH: 10/14/19) 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, 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**

Brandon Blair, Dublin Police Department

(DOH:10/14/19) 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, the 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**

Prior Training Request

Madison Medina, Nashua Police Department

(DOH 12-23-19) requests full time certification based on prior training. **Will be granted certification upon the completion of medical exam, entrance fitness test and 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.

Full Time Academy Schedule

Class Number	180	181	182
	09/03/2019 – 12/20/2019	01/06/2020– 04/24/2020	05/04/2020- 08/21/2020
Fitness Test	08/19/2019	12/16/2019	04/20/2020

Part Time Academy Schedule

Class Number	279
	02/01/2020- 05/08/2020
Fitness Test Date	01/18/2020

Corrections Academy Schedule

Class	112
	02-18-20- 04-17-20
Fitness Test Date	02-03-20

(No academy extensions this month)

Requests for Fitness Testing Extensions were granted to:

- Christopher Bashaw, Rockingham County Sheriff's Office
- Travis Austin, Hebron Police Department
- Derek Holston, New Hampshire State Police

Michael Pelletier, New Hampshire State Police
Warren Olson, Manchester Police Department
David Michaud, Derry Police Department
Kira Goodheart, Laconia Police Department
Jordan McCluskey, Hooksett Police Department
Kristen Gore, Londonderry Police Department
John Mounsey, Seabrook Police Department

Addendum #1 containing the following requests for medical extensions

Paul Roberts, Plainfield Police Department
Aaron Chapple, Bristol Police Department
Patrick Mullen, Manchester Police Department
Brian Lord, Antrim Police Department
Jereme Burdick, Claremont Police Department
Timothy Mone, NH Liquor Enforcement

End of Consent Calendar

Motion by Commissioner Hanks, seconded by Chief Cormier, to approve the consent calendar, the Council vote was unanimous (with members abstaining from the vote regarding items from their own agencies).

Thomas Harriman, Newbury Police Department

Chief Bradley Wheeler and Officer Thomas Harriman were present to follow up on the fitness testing waiver that they had requested at the November 19, 2019 meeting. When asked, they preferred a nonpublic session.

Motion by Chief Cormier, seconded by Chief Cahill to begin 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 by the Council was unanimous in favor of the motion.

At 9:35 a.m. the Council began a nonpublic session.

Motion to exit the nonpublic session by Attorney General MacDonald, seconded by Chief Cahill, the roll call vote was unanimous in favor of the motion.

At 9:50 the Council was back in a public session.

At 9:54 the Council was off the record during a 'non' meeting with Senior Assistant Attorney General Nancy Smith.

Motion by Edward Lecius, seconded by Commissioner Hanks, to reconvene the meeting, the vote was unanimous in favor of the motion.

At 10:15 the Council meeting was back in public session.

Chief Wheeler and Officer Harriman returned to the meeting room.

Chief Cahill explained that based upon the documents presented by Chief Wheeler and Officer Harriman, there was no evidence that Officer Harriman had a disability, and therefore the Council could not grant a waiver for three year fitness testing.

Motion by Attorney General MacDonald, seconded by Edward Lecius to deny the request for three year fitness test waiver for Officer Thomas Harriman. The Council vote was unanimous in favor of the motion.

Motion by Chief Cahill, seconded by Chief Cormier, to seal the minutes of the nonpublic session regarding Officer Harriman, as divulgence would likely affect adversely the reputation of any person other than a member of this board, by the roll call vote was unanimous in favor of the motion.

Chief Cahill advised the Council members that there was a list of the meeting dates for the year 2020's dates provided for them at the bottom of the current agenda page index.

Department of Corrections Lapse in Service

Linda MacDonald, Human Resources, from the New Hampshire Department of Corrections was present to make a request regarding the 30 day lapse protocol.

She explained that there is a twenty year veteran of NH DOC, recently retired, who wished to return as a part time employee of the agency. The issue involved is that based upon Division of Personnel rules this person must be gone at least 28 days, and PSTC's 30 day lapse policy for certification made for a conflict. The closest day that he could return to work, (as new employees must begin on a pay day Friday), would be 31 days.

New Hampshire Department of Corrections is requesting an exception to the 30 day certification lapse protocol in order for this individual to return to part time employment with their agency.

Major Parenteau summarized that there had been a similar where the employee would have been out for less than 30 days, but because of the state's payroll system, the time to begin work would be over the 30 day limit. In that case, the Council granted that request.

Motion by Chief Cormier, seconded by Chief Valerino to grant the request to the New Hampshire Department of Corrections for an exception to the 30 day lapse in certification.

Specifically to enable the DOC to re-hire an officer in a part time position who must begin work 31 days after leaving a full time position, due to the State of New Hampshire's payroll system requirement that he begin on a Friday. Commissioner Hanks recused herself from the vote, the remaining Council members voted unanimously in favor of the motion.

Further Business

Chief Cahill reminded the Council members that they must file a NH RSA 15-A form before the end of the year at the Secretary of State's office, and asked that they provide PSTC with a copy of that form.

Chief Capano brought the Council's attention to a recent inquiry by Chief Wagner of the Conway Police Department.

Chief Wagner requested information regarding Pol 302.01, the rule that requires all uncertified officers work in the direct presence of a certified officer until they have been certified.

Major Parenteau clarified the rule for the Council,

Pol 302.01 (h) Each newly appointed or sworn uncertified police, corrections or probation/parole officer shall work only in the direct presence of a New Hampshire certified police, corrections or probation/parole officer, as applicable, until such time as he or she shall satisfactorily complete the police, corrections or probation/parole basic training program; except

- (1) An uncertified officer may work under normal supervision pending completion of a reciprocal certification process; if
- (2) The council, upon review of an uncertified officer's prior training and experience, grants certification based on successful completion of a reciprocal certification process as determined by the council; and
- (3) The officer has completed the agency's field training program.

The rule became effective January 29, 2019.

Chief Wagner, during his phone conversation with Chief Capano, asked for the definition of 'in the direct presence' and also stated, that he had not been aware of the change in the rule.

Commissioner Hanks commented that past practice from the Department of Corrections, and Probation Parole, direct supervision means that they are partnered with a certified officer until they are independently certified. The only time that they are allowed to work alone would be if they are in a control room, away from the inmates.

Major Parenteau stated that staff's understanding was that working in direct presence meant an officer in a cruiser with a supervisor, similar to an FTO.

Chief Capano summarized that Manchester Police Department had an in house academy, and an FTO program, but officers were not allowed in the FTO program until they were certified.

Chief Cahill commented that the Sunapee Police Department had an in house FTO program, and that even though Sunapee was a small community, he'd never allow an uncertified officer to work on their own.

Major Parenteau explained that the rule change process had been noted in the minutes from Council meetings in 2018, and the entire rule was published in the February 2019 issue of PSTC's newsletter, "The Bulletin Board" as well as being posted on PSTC's website for many months. In the future, staff will do an email blast to all agency chiefs.

Motion for Nonpublic Session, by Attorney General MacDonald, seconded by Edward Lecius, under RSA 91-A:3 IIb, the hiring of any person as a public employee, the roll call vote was unanimous in favor of the motion.

At 10:35 the Council began a nonpublic session.

Motion to exit the nonpublic session by Attorney General MacDonald, seconded by Judge Gardner, the roll call vote was unanimous in favor of the motion.

At 10:45 the Council was back in a public session.

Motion by Attorney General MacDonald, seconded by Chief Capano, to seal the minutes of the nonpublic session based upon the fact that it may affect adversely the reputation of anyone other than a member of the board. The roll call vote was unanimous in favor of the motion.

Motion by Attorney General MacDonald, seconded by Ed Lecius, the Council is currently facing an unusual situation, when Donald Vittum retired, he delegated the authority of the agency Director to Chief Tim Merrill. The Council learned this morning of the Chief's passing last night. There is no clear authority for the Council to appoint a new leader of the police academy. The best choice for authority is RSA 4:5, which authorizes the Governor, with the advice of the Council, to appoint someone to act on an interim basis. We have just been in touch with the Governor's Office, the Governor has asked that this Council make a recommendation about who should be serving in that role. There is a Governor and Council meeting tomorrow (December 18, 2019), Attorney General MacDonald moved that the Chairman communicate to the Governor, in writing that this Council is recommending Major Parenteau to serve in the capacity as Interim Director until a permanent Director is appointed by the Council. The Council vote was unanimous in favor of the motion.

Council members thanked Major Parenteau for his willingness to take the additional responsibility as Interim Director.


At the request of Commissioner Hanks, the Council members and staff members present held a moment of silence for Chief Timothy J. Merrill, Assistant Director of Police Standards and Training Council.

Motion to adjourn by Chief Cormier, seconded by Judge Gardner, the Council vote was unanimous in favor of the motion.

The meeting adjourned at 10:50 a.m. The next Council meeting #513, will be held on January 28, 2020.

January 28, 2020

Respectfully Submitted


Chief Peter Morency
Vice Chairman