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Chairman

State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
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Director

PUBLIC MINUTES
Police Standards and Training Council
February 25, 2020

Present:; Chairman, Chief Cahill, Sunapee Police Department Chief Morency, Vice Chairman, Berlin 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; Judge Vetanze, 3rd Circuit District Division, Ossipee; Sheriff Massahos, Rockingham County Sheriff's Office; and Major Shapiro, New Hampshire State Police.

Not Present: Chief Operating Officer, Charles Ansell, Community College System of New Hampshire; and Chief Capano, Manchester Police Department;

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

Guests: Lt. Scott Towers and Assistant Commissioner Benjamin Jean, New Hampshire Department of Corrections; Captain Michael Eastman, New Hampshire Department of Fish and Game; Captain Shane Smith and Officer Joseph Saade, Salem Police Department, and Wiskender Prophete, New Hampshire Department of Corrections.

Chairman Cahill called the meeting to order at 9:03 a.m.

Motion to accept the public meeting minutes from January 28, 2020 made by Edward Lecius, seconded by Chief Cormier, the council vote was unanimous with Chairman Cahill abstaining from the vote.

Motion to accept the nonpublic minutes on Philip Pelletier from January 28, 2020 by Maureen Sullivan, seconded by Chief Cormier, the Council vote was unanimous, Chief Morency, Chairman Cahill and Sheriff Valerino abstained from the vote.

Motion to accept the nonpublic minutes on Thomas Harriman from January 28, 2020 by Judge Vetanze, seconded by Chief Cormier, the Council vote was unanimous, with Chairman Cahill abstaining.

Motion to accept the nonpublic minutes on Seth Arcieri from January 28, 2020 by Chief Cormier, seconded by Judge Gardner, the Council vote was unanimous, with Chairman Cahill abstaining.

Motion to accept the nonpublic minutes from the personnel session from January 28, 2020 by Chief Cormier, seconded by Ed Lecius the Council vote was unanimous, with Chairman Cahill abstaining from the vote.

Director's Report

Interim Director, Major David Parenteau (Ret.) summarized the status of the training academies, the full time officer, part time officer and the upcoming correction's officer academy.

Major Parenteau informed the Council that he had testified on the Council's behalf in opposing a bill which would require that anyone who views alleged misconduct by a police officer to report it to Police Standards and Training Council. Chairman Cahill agreed, stating that PSTC is in no position to conduct internal affairs investigations for the entire state.

Major Parenteau reviewed that year end compliance is close to being finished. Agencies are required to respond by January 30, 2020. They have been given a grace period of a couple of weeks. PSTC has received some improperly filled out forms from agencies, the inaccuracies must be addressed.

Major Parenteau attended the Grafton County Chief's meeting recently. He summarized to the chiefs in that organization the process for hiring another Director, the status of the training academies, and the responsibility of officers' ongoing three year fitness testing status being their own; however if they are suspended, it falls back to the chief when the person can't work.

When asked, Major Parenteau explained that his status as Interim Director had been extended by Governor Sununu until March 15th.

Discussion ensued with questions to Major Parenteau specifically regarding the abundance of recruits for the full time academy, the number of individuals that should be allowed to take the entrance fitness test before an upcoming academy. Currently the maximum number of recruits is 67 in the full time academy. Many times there are 80 or more that attend the entrance fitness test, which is difficult for the staff to manage. In the future, 77 recruits would be the maximum allowed for entrance fitness testing.

Further discussion ensued about PSTC staff's audits of law enforcement agencies that recently have had a change in management. Major Parenteau commented that he was in the process with Captain McCabe to produce a quality report to present to the Council.

Financial Report

Interim Director, Major David Parenteau (Ret.) summarized the status of PSTC's finances. He reminded Council members that in November of 2019 PSTC had received an official order from

the Governor's office to reduce the budget by \$300,000.00 for both 2020 and 2021. Major Parenteau has spent many hours with administrative staff going through the budget line by line researching where cuts could be made in order to meet the edict by the Governor's office. The current biennium budget appears to be in line with the request, however, the budget for the next biennium will be much more difficult to meet.

The Council requested a continuance of the discussion of the budget for the March 24, 2020 Council meeting.

New Business

Chairman Cahill thanked Colonel Wagner (not present) for his commitment, insight and leadership to the Police Standards and Training Council and wished him well in his future endeavors.

Donation of Firearms to PSTC

Captain James Mulla, Commandant of the PSTC full time academy informed the Council members that the Director of Training of the Sig Sauer Academy in Epping had offered to donate two 320RX pistols with mounted optics for use in training at PSTC. Captain Mulla explained that many New Hampshire law enforcement agencies had begun using these pistols and it would be a benefit for the recruits to train with them.

Motion by Chief Cahill, seconded by Chief Morency to accept the donation of two 320RX pistols from the Sig Sauer Academy to be used for training at Police Standards and Training. The Council vote was unanimous in favor of the motion.

Attorney General MacDonald reminded staff that the donation must be listed in PSTC's annual report, and, that the statute for donations was RSA 106-L:5, XVII.

New Hampshire Department of Corrections Pre Service Training Academy Curriculum

Lieutenant Scott Towers from the Department of Corrections presented a request to the Council to update the curriculum for the correction's department line staff pre service training. When asked Lt. Towers explained that line staff were those individuals that worked in the prison as clerical staff, nurses or case managers, they that were not certified corrections officers. The pre service training is a necessity for safety in their positions. The Department of Correction's request was to add 37.5 hours in addition to the 37.5 hours from the current curriculum. The additional hours would make the total 75 hours of pre service training for line staff.

Motion to allow the New Hampshire Department of Corrections to add 37.5 hours of training to the current 37.5 hours of preservice training for their Department of Corrections line staff by Chairman Cahill, seconded by Chief Cormier, the Council vote was unanimous in favor of the motion, Commissioner Hanks abstained from the vote.

New Hampshire Department of Corrections – Correction's Officer Academy Curriculum

Lt. Towers presented a request for the Correction's Academy to increase it's hours by 36.25; the current number of academy hours is 389.75. The changes will increase the amount of training time that the correction's officer recruits spend with hands on instruction, firearms, defensive tactics, scenario training, simunitions training, and low light firing. Some of the current classes have been transferred to computer based training. The request for 36.25 additional hours would make the Correction's Academy a ten week program.

Motion by Chief Cormier to allow the additional hours and changes in curriculum according to the presentation by Lt. Towers. Chief Morency seconded the motion, the vote was unanimous in favor of the motion. Commissioner Hanks abstained from the vote.

New Hampshire Department of Corrections – Prior Training and Experience Certification Matrix.

Assistant Commissioner Benjamin Jean was in attendance. He explained that the request was in accordance with Pol 302.01(h)(1); a proposal for allowing police officers to gain correction's certification by using their past training as police officers. Assistant Commissioner Jean presented a 'Point Evaluation Worksheet' to determine the classes necessary to bridge the difference in certification between police officer and corrections officer.

Assistant Commissioner Jean explained that the Department of Correction's is searching for additional means to recruit correction's officers, and a certified police officer may be interested in employment as a correction's officer more so if they do not have to participate in an entire correction's academy to become certified.

Discussion ensued amongst the Council members. Attorney General MacDonald made a suggestion to ask PSTC's legal counsel to review the request by New Hampshire Department of Corrections for the prior training and experience and reciprocal certification between police officers and correction's officer. The matter could be discussed during the March 24, 2020 meeting.

New Hampshire Department of Corrections – CO's maintaining certification as line personnel

Assistant Commissioner Jean addressed the Council regarding changes in status of correction's officers. He explained that oftentimes employees that are certified as correction's officers will move into civilian positions in the prison, such as case managers. The Department of Correction's would then submit the change of status form, Form B to PSTC noting that the person was no longer a correction's officer and was employed as a civilian.

At this time, many of those case managers that were correction's officers in the past would like the ability to take on shifts as correction's officers. This has not been possible due to the indications made on the Form B, change in status form presenting that the person is no longer a correction's officer.

Major Parenteau, when asked, offered that if the Department of Corrections used the block on the Form B for 'Promotion' when changing from a correction's officer to a case manager, it would more clearly signify that the individual wished to maintain their correction's officer certification. If the Department of Correction's indicated on the Form B change in status form that the person 'Resigned' from correction's officer to begin a non uniform position, that implies that the person is no longer a correction's officer.

Assistant Commissioner Jean was asked to bring forward information on the case manager at the Department of Corrections for the March 24, 2020 meeting who wished to get his correction's officer certification back using prior training and experience. He was also asked to provide the number of individuals in civilian positions that wished to regain correction's officers certifications, and to list the positions of all non-uniform personnel.

Joseph Saade, Salem Police Department, Prior Training and Experience

The request for prior training and experience by the Salem Police Department was listed as nonconsent due to the difference in the training status of Officer Saade.

Major Parenteau explained that Joseph Saade has had training with the United States Federal Government, 12 weeks at the Homeland Security Federal Law Enforcement Training Center and another 17 week academy with the United States Secret Service, this is a total of 29 weeks of training.

The Salem Police Department requested certification after completion of the law package classes of the full time academy.

Motion by Ed Lecius, seconded by Sheriff Massahos to grant the request of the Salem Police Department for Joseph Saade. The Council vote was unanimous in favor of the motion.

New Hampshire Department of Fish and Game

Captain Michael Eastman of the New Hampshire Department of Fish and Game was present for extension requests for two of their recently hired recruits. The request was to skip over the next two full time academies. The reason for the request was for the Department of Fish and Game to utilize the upcoming seasons for field training for their new recruits.

Discussion ensued amongst the Council members regarding the length of time before these officers would be certified if they were allowed to skip over two academies. Agencies have been granted permission to skip one academy in the past, but never two. The Council discussed the current status of a wait list to gain entry into the full time academy.

11:05 the Council took a short break
11:10 the meeting was back in session.

Lieutenant Hawkins reviewed the status of the two Fish and Game recruits during the break and confirmed that the recruits from New Hampshire Fish and Game were currently enrolled in the next academy, the 182nd which begins May 4, 2020, and ends August 21, 2020.

Motion by Maureen Sullivan, seconded by Chief Morency to deny the request of the New Hampshire Department of Fish and Game to allow their two recruits to skip over two academy classes until the class that begins in January 2021. The Council vote was unanimously in favor of the motion, but for one opposed. The motion passed.

CO Wiskender Prophete, NH Department of Corrections, Pol. 402.02 (b) hearing

Commissioner Hanks recused herself from the meeting, exiting the room.

When asked, Wiskender Prophete chose to have his hearing in a public session.

Major Parenteau was sworn in by Chairman Cahill.

Major Parenteau explained to the Council that Wiskender Prophete had been noticed for a hearing for temporary suspension of his correction's certification. Major Parenteau read the rule into the record:

Pol 402.02(b) provides: A certification shall be temporarily suspended pending resolution of criminal charges if the officer has been arrested, indicted or bound over either prior to or after certification for a felony or any crime involving moral turpitude or of a crime which tends to bring discredit on the police, corrections, or probation/parole unless the council, in it's discretion, determines that the safety of the public or the confidence in the criminal justice system would not be adversely affected.

(c) Examples of crimes that involve moral turpitude or of a crime which tends to bring discredit on the police, corrections or probation/parole service shall include but not be limited to:

- (2) Assault;
- (4) Criminal threatening;

Major Parenteau summarized CO Prophete's employment and certification history, the report of CO Prophete's arrest received by staff at PSTC from the Department of Corrections, and the charges that were filed at the Chelsea Massachusetts District Court by the Revere Massachusetts Police Department. The following exhibits were presented to the Council:

November 9, 2018 Wiskender Prophete was hired by the New Hampshire Department of Corrections as a Correction's Officer, Staff Exhibit A1

May 20, 2019 Wiskender Prophete received his Corrections Officer Certification, Staff Exhibit A2.

December 7, 2019 Wiskender Prophete was arrested by the Revere, Massachusetts Police Department for Domestic Related charges, a Form G, report of arrest Staff Exhibit B

December 9, 2019 charges on Wiskender Prophete were filed in the Chelsea, Massachusetts, District Court. The charges are: Assault and Battery with a Dangerous Weapon, Massachusetts General Law, chapter 265 section 15A(b), a felony, Assault Massachusetts General Law chapter 265 section 15B(b), a felony and Threatening to Commit Crime Massachusetts General Law chapter 275 section 2, a misdemeanor. The charges are pending in the Chelsea Massachusetts District Court. Staff Exhibit C

Major Parenteau quoted that administrative rule Pol 402.02 (b) states that the officer shall be suspended unless the Council finds just cause not to suspend.

Chairman Cahill asked Mr. Prophete if he wished to make a statement and cautioned him that this was a public session. Any statements that he made could be used against him if the charges are still pending.

Wiskender Prophete was sworn in by Chairman Cahill.
He made statements to include:

- He was with his children's mother for ten years
- He worked hard to help with the children's expenses
- He wants his children to be raised differently than the way his was raised
- Had not seen the children for over a month due to work
- He provides financially for the mother of the children for whatever she needed
- He received a text message from his stepdaughter asking for money. He'd recently given the children's mother money. The stepdaughter stated that the children were not being fed.
- He went to the children's mother's house where an argument began between himself and the children's mother.
- A car collision occurred between Mr. Prophete's car and the car that the children's mother was in, as they were both attempting to leave the location.
- Mr. Prophete left for his mother's house to call the insurance company to report the accident.
- He was contacted by the police, who asked that he go to the police station. He was questioned by the police about the collision. The children's mother stated that Mr. Prophete had pulled a gun on her, which he denied.
- Mr. Prophete was arrested and charged with the crimes.

Council members queried Mr. Prophete. He was currently suspended without pay from his position at the New Hampshire Department of Corrections. He did not have a court order for parenting his children. He offered financial help to the children's mother of his own accord.

Major Parenteau clarified that the charges filed on Mr. Prophete were assault and battery with a deadly weapon, the weapon being a motor vehicle, and the second was assault with a deadly weapon, a firearm.

Motion by Judge Gardner to temporarily suspend the certification of Wiskender Prophete pending resolution of criminal charges; the Council determined that confidence in the criminal justice system would be adversely affected if the Council did not suspend Mr. Prophete. The motion was seconded by Chief Cormier, the Council vote was unanimous in favor of the motion. (Commissioner Hanks was not in the meeting room having recused herself from this hearing).

Hiring of PSTC Director

Motion to initiate a nonpublic session citing RSA 91-A:3, II (b), Hiring of a Public Employee by Chief Morency, seconded by Ed Lecius, the roll call vote was unanimous. (Chairman Cahill recused himself and exited the meeting room).

At 11:25 the Council began a nonpublic session.

Motion to exit the nonpublic session by Attorney General MacDonald, seconded by Commissioner Hanks. The roll call vote was unanimous in favor of the motion. (Chairman Cahill was recused from the session and abstained from the vote).

Motion by Attorney General MacDonald, pursuant to RSA 106-L:5, XVIII, the Council nominate and appoint John Scippa as Director of Police Standards and Training Council for a four year term beginning March 16, 2020, subject to approval by the Department of Administrative Services. The motion was seconded by Commissioner Hanks. The Council vote was unanimous in favor of the motion.

Consent Calendar PT&E Requests

Michael Doyle, Merrimack County Pretrial Services (DOH: 12/16/19) Was 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.

Audra Weber, Hanover Police Department (DOH: 04/01/20) Was 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.

Stephen Kennedy Jr. Bedford Police Department (DOH: 12/09/19) Was 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.

Andrew Kuc New Hampton Police Department (DOH: 02/10/2020) Was granted certification upon successful completion of the medical exam and the entrance fitness test 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.

Full-Time Officer Academy

Class Number	181	182
Dates	01/06/2020 - 04/24/2020	05/04/2020 – 08/21/2020
Paperwork Submission Deadline *	12/02/2019	04/06/2020
Fitness Test Date	12/16/2019	04/20/2020

Part-Time Officer Academy

Class Number	279
Dates	02/01/2020 – 05/08/2020
Paperwork Submission Deadline *	01/04/2020
Fitness Test Date	01/18/2020

Corrections Academy

Class Number	112
Dates	04/27/2020 – 06/26/2020
Paperwork Submission Deadline *	03/30/2020
Fitness Test Date	04/06/2020

End of Consent Calendar

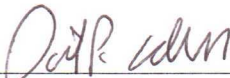
Motion to accept the consent calendar by Ed Lecius, seconded by Chief Morency, the Council vote was unanimous in favor of the motion.

The next Council meeting, #515 will be held on March 24, 2020.

Motion to adjourn by Judge Gardner, seconded by Chief Cormier, at 11:47 a.m., the Council vote was unanimous in favor of the motion.

March 24, 2020

Respectfully Submitted



David P. Cahill
Chairman