



Chief David P. Cahill
Chairman

**State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
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PUBLIC MINUTES**



John V. Scippa
Director

Police Standards and Training Council
November 17, 2020

Present: at PSTC with below listed staff
Chairman, Chief David Cahill, Sunapee Police Department
Mr. Edward Lecius
Dr. Maureen Sullivan;

Zoom:

Judge Gardner, Circuit Court Judge; in Rye, alone
Colonel Noyes, New Hampshire State Police, at his office alone
Attorney General MacDonald, in his office alone (attended from mid point til the end)
Judge Vetanze, 3rd Circuit District Division, Ossipee alone (exited the meeting at noon)
Sheriff Massahos, Rockingham County Sheriff's Office; at his office alone
Chief Morency, Vice Chairman, Berlin Police Department in his office with Sheriff Valerino, Coos County;
Commissioner Helen Hanks, New Hampshire Department of Corrections, in her office alone
Assistant Commissioner Ben Jean, New Hampshire Department of Corrections in his office alone
Chief Cormier, Tilton Police Department; in his office alone (left the meeting before the end)
Jason Bishop, Community College System of New Hampshire, in Laconia, alone

Staff Present: Director Scippa, Major Parenteau, (Ret.), Lt. Hawkins, and Anne Paquin, investigative Paralegal at PSTC in PSTC classroom two.

Guests Present by Zoom: Chief Paul Toussaint, Rochester Police Department, Chief Adam Marsh, Gorham Police Department, Chief Paul Smith, Littleton Police Department with candidates Christopher Wilkens and Zachary Willey, Jim Demers, Tom Prasol, Kathleen Oliver, Racial Justice Mission Group, B. Moulton, Dawn Berry, Harriet Ward

Guests Present at PSTC: Attorney Peter Perroni with Officer Randy Smith Jr., Rochester Police Department, Chief Joseph McGann, Madbury Police Department

This month's Council meeting was held using "Zoom" due to COVID-19 restrictions for gathering of people. Per instruction for remote meetings, voting was done by roll call for every motion. Public and Nonpublic sessions were held by using separate log ins for "Zoom".

Council members convened for a nonmeeting on nonpublic Zoom for legal discussion with their Attorney General Counsel, AAG Perlow from 9:00 until 9:47 a.m. Commissioner Hanks was present only for the nonmeeting.

Chairman Cahill called the meeting to order at 9:47 a.m., and took roll as listed above.

He noted that outside of the agenda, PSTC had received a subpoena, regarding a case in Coos County, the Attorney General's Office was requesting the nonpublic minutes from the Philip Pelletier case.

Motion, by Judge Vetanze, seconded by Mr. Lecius, to respond to the Criminal Bureau of the Attorney General's Office that PSTC does not assent to the subpoena and PSTC takes no position.

Chairman Cahill took the roll call vote.

Vice Chairman, Chief Morency	recuse
Colonel Noyes	yes
Assistant Commissioner Jean	yes
Judge Vetanze	yes
Judge Gardiner	yes
Chief Cormier	yes
Mr. Jason Bishop	yes
Sheriff Valerino	recuse
Sheriff Massahos	yes
Mr. Ed Lecius	yes
Chairman, Chief David Cahill	yes

The motion passed.

Chairman Cahill asked for approval of the meeting minutes from the, October 13, 2020 Public Emergency Council meeting.

Motion by Chairman Cahill, seconded by Chief Cormier to approve the public meeting minutes of October 13, 2020. Chairman Cahill took the roll call vote.

Morency	Yes
Noyes	Yes
Jean	abstain
Vetanze	abstain
Gardner	abstain
Valerino	Yes
Cormier	Yes
Bishop	abstain
Lecius	Yes
Chairman Cahill	Yes

The motion passed.

Motion by Mr. Lecius, seconded by Chief Cormier to approve the non public meeting minutes of October 13, 2020. Chairman Cahill took the roll call vote.

Morency	Yes	
Noyes	Yes	
Jean	abstain	
Vetanze	abstain	
Gardner	abstain	
Valerino	Yes	
Cormier	Yes	
Bishop	abstain	
Lecius	Yes	
Chairman Cahill	Yes	Yes

The motion passed.

Motion by Chairman Chief Cahill seconded by Vice Chairman Chief Morency to approve the public meeting minutes of October 27, 2020. Chairman Cahill took the roll call vote.

Morency	Yes	
Noyes	Yes	
Jean	abstain	
Vetanze	Yes	
Gardner	Yes	
Valerino	Yes	
Cormier	abstain	
Bishop	abstain	
Sullivan	Yes	
Lecius	Yes	
Chairman Cahill	Yes	Yes

The motion passed.

Motion by Chairman Chief Cahill seconded by Vice Chairman Chief Morency to approve the Justin Swift non public meeting minutes of October 27, 2020. Chairman Cahill took the roll call vote.

Morency	Yes	
Noyes	Yes	
Jean	abstain	
Vetanze	abstain	
Gardner	Yes	
Valerino	Yes	
Cormier	abstain	
Bishop	abstain	
Lecius	Yes	

Chairman Cahill Yes

The motion passed.

Chairman Cahill reviewed an item to amend the minutes from October 27, 2020. Chairman Cahill amended his motion on Benjamin Cartier.

Motion by Chairman Cahill, seconded by Vice Chairman Morency, to accept the voluntary surrender of Benjamin Cartier's certification.

Chairman Cahill took the roll call vote:

Morency	Yes
MacDonald	Yes
Noyes	Yes
Jean	recuse
Vetanze	Yes
Gardner	Yes
Valerino	Yes
Cormier	inaudible
Bishop	Yes
Sullivan	abstain (entered meeting at 10:04)
Lecius	Yes
Chairman Cahill	Yes

The motion passed.

Part Time Officer Limitation of Hours

Major Parenteau informed Council members that the rule limiting part time officers from working more than 1300 hours in one year, (PSTC had completed an emergency rule lifting the 1300 hour limit had expired in early October), but through an executive order from the Governor's Office, part time officers are able to exceed the 1300 hours due to the Covid 19 pandemic.

Littleton Police Department Pol 301.05 (g)

Chief Paul Smith was present via Zoom with candidate Christopher Wilkens and requested a nonpublic session.

Motion by Mr. Ed Lecius, seconded by Dr. Sullivan to begin a nonpublic session citing RSA 91-A:3 II c.

Morency	Yes
Noyes	Yes
Jean	Yes
Vetanze	Yes

Gardner	Yes	
Valerino	Yes	
Cormier	inaudible	
Bishop	Yes	
Sullivan	Yes	
Lecius	Yes	
Chairman Cahill	Yes	

The motion passed.

The Council members exited the nonpublic session via Zoom and in person- there was no motion to exit the nonpublic session

Motion to seal the minutes of the nonpublic session, it is determined that divulgence of this information likely would affect adversely the reputation of any person other than a member of this board, by Chairman Cahill, seconded by Mr. Lecius.

Chairman Cahill took the roll call vote.

Morency	Yes	
Noyes	Yes	
Jean	Yes	
Vetanze	Yes	
Gardner	Yes	
Valerino	Yes	
Bishop	Yes	
Sullivan	Yes	
Lecius	Yes	
Chairman Cahill	Yes	

The motion passed.

10:20 back in public session in person and by Zoom

Motion by Chairman Cahill, seconded by Dr. Sullivan, to allow the waiver for the Littleton Police Department for Christopher Wilkens.

Chairman Cahill took the roll call vote.

Morency	Yes	
Noyes	Yes	
Jean	Yes	
Vetanze	Yes	
Gardner	Yes	
Valerino	Yes	
Bishop	Yes	

Sullivan Yes
Lecius Yes
Chairman Cahill Yes

The motion passed

Littleton Police Department Pol 301.05 (g)

Chief Paul Smith was present via Zoom with candidate Zachary Willey and requested a nonpublic session.

Motion by Mr. Ed Lecius, seconded by Dr. Sullivan to begin a nonpublic session citing RSA 91-A:3 II c.

Chairman Cahill took the roll call vote.

Morency Yes
Noyes Yes
Jean Yes
Vetanze Yes
Gardner Yes
Valerino Yes
Bishop Yes
Sullivan Yes
Lecius Yes
Chairman Cahill Yes

The motion passed

At 10:26 a.m. the Council began a nonpublic session.

Motion to exit the nonpublic session by Mr. Lecius, seconded by Dr. Sullivan.

Chairman Cahill took the roll call vote.

Morency Yes
Noyes Yes
Jean Yes
Vetanze Yes
Gardner Yes
Valerino Yes
Bishop Yes
Sullivan Yes
Lecius Yes
Chairman Cahill Yes

The motion passed

The Council members exited the nonpublic session at 10:44 a.m.

Motion to seal the minutes of the nonpublic session, it is determined that divulgence of this information likely would affect adversely the reputation of any person other than a member of this board, by Chairman Cahill, seconded by Mr. Lecius.

Chairman Cahill took the roll call vote.

Morency	Yes
Noyes	Yes
Jean	Yes
Vetanze	Yes
Gardner	Yes
Valerino	Yes
Bishop	Yes
Sullivan	Yes
Lecius	Yes
Chairman Cahill	Yes

The motion passed

AG MacDonald joined the meeting at this point.

Motion by Chairman Cahill, seconded by Judge Gardner, taking the facts, circumstances and expectations into consideration, the waiver request for Zachary Willey is denied.

Chairman Cahill took the roll call vote.

Morency	Yes
Noyes	Yes
Jean	Yes
Vetanze	Yes
Gardner	Yes
Valerino	Yes
Bishop	Yes
Sullivan	Yes
Lecius	Yes
Chairman Cahill	Yes

The motion passed

Kensington Police Department Extension Request, Brad Von Haden

When asked, Chief Paul Cain requested a public session. The request for the Council was a waiver for Brad Von Haden to attend the full time academy and not to go past the two year limit from his (date of full time hire) to achieve his full time certification.

Major Parenteau summarized Mr. Von Haden's employment history and status as a part time certified officer. There had been three academy extensions granted to Mr. Von Haden from the Council. Currently his two year time period to gain certification when attending the 184th academy would expire 22 days before the 184th Academy session would end.

Discussion ensued amongst the Council members.

Motion by Chairman Cahill, seconded by Assistant Commissioner Jean is to allow Officer Von Haden to continue in the 184th Academy until the date of expiration on his time to become certified as a full time officer or a waiver of the statute.

Chairman Cahill took the roll call vote.

Morency	Yes
MacDonald	Yes
Noyes	Yes
Jean	Yes
Vetanze	Yes
Gardner	Yes
Valerino	Yes
Bishop	Yes
Sullivan	Yes
Lecius	Yes
Chairman Cahill	Yes

The motion passed

Randy Smith, Jr. Rochester Police Department

Randy Smith had been noticed for a hearing, regarding Pol 402.02 (b). He was present with his attorney, Peter Perroni. When asked, they requested a nonpublic session.

Motion by Mr. Lecius, seconded by Dr. Sullivan to initiate a nonpublic session citing RSA 91-A:3, II (c).

Chairman Cahill took the roll call vote.

Morency	inaudible
MacDonald	No
Noyes	Yes
Jean	Yes
Vetanze	Yes
Gardner	Yes
Valerino	inaudible
Bishop	Yes
Sullivan	Yes

Lecius Yes
Chairman Cahill No

The motion passed

At 11:18 a.m. the Council began a nonpublic session.

(Chief Morency and Sheriff Valerino exited the Zoom public session and were present for the Zoom nonpublic session; they did not vote on the motion).

Motion to exit the nonpublic session by Mr. Lecius seconded by Sheriff Massahos.

Chairman Cahill took the roll call vote.

Morency Yes
MacDonald Yes
Noyes Yes
Jean Yes
Vetanze Yes
Gardner Yes
Valerino Yes
Bishop Yes
Sullivan Yes
Lecius Yes
Chairman Cahill Yes

The motion passed

At 11:50 a.m. the Council was back in public session.

There was no motion to seal.

Motion by Attorney General MacDonald, seconded by Chief Morency to temporarily suspend the police certification of Randy Smith, Jr. due to maintaining the confidence in the criminal justice system, including maintaining the integrity of sworn law enforcement.

Chairman Cahill took the roll call vote.

Morency Yes
MacDonald Yes
Noyes abstain
Jean Yes
Vetanze Yes
Gardner Yes
Valerino Yes
Bishop Yes

Sullivan Yes
Lecius Yes
Chairman Cahill Yes

The motion passed

Council members discussed the time period when Officer Smith was placed on administrative leave and the amount of time that had passed before Police Standards and Training Council learned about the event.

Madbury Police Department, Chief Joseph McGann
When asked, Chief McGann preferred a public session.

Chief McGann had been noticed for hearing due to his self- reporting of a violation of Pol 301.05 (g) (9).

Council rule Pol 402.02(a) provides: The council shall, unless it has just cause to do otherwise as provided in (e) below, order the suspension or revocation of the certification of any police or corrections officer for any of the following reasons:

Pol 301.05 Background Investigation. The following shall apply to the background investigation of the applicant by the agency:

(a) The hiring authority shall conduct, or cause to be conducted, a background investigation before appointing a person or investing with authority any person elected as a police, corrections or probation/parole officer, notwithstanding that the officer may already be employed by another hiring authority or is already a certified police, corrections or probation/parole officer;

(g) The hiring authority shall evaluate the results of its background investigation and the agency shall not appoint a person or invest with authority any person elected as a police, corrections or probation/parole officer, who:

(9) Within 36 months before the application for hire, has illegally used a controlled substance other than marijuana, unless the applicant was under the age of 21 at the time of using the controlled substance, in which case 24 months shall apply unless, upon review of the council at the request of a hiring authority, the council finds that the behavior pattern under the totality of the circumstances did not demonstrate a lack of good moral character as specified in (m) below;

Joseph McGann (PSTC ID# 1014) is a certified police officer in the State of New Hampshire, employed by the Madbury Police Department.

Joseph McGann hired an officer for the Madbury Police Department that had used a controlled drug within 36 months of the date of his application.

After discussion and further consideration, the Council members took no action on Joseph McGann's certification.

Correspondence

The Racial Justice Mission Group had submitted a letter to the Council and Ms. Kathleen Oliver was present via Zoom. She noted that her group was ready to assist with anything listed from the LEACT group.

Gorham Police Department Chief Adam Marsh

Chief Marsh was present via Zoom to ask about his prior training and experience candidate who was listed on the Consent Calendar.

Motion to approve the Consent Calendar by Mr. Lecius, seconded by Sheriff Massahos. Chairman Cahill took the roll call vote.

Morency	Yes
MacDonald	Yes
Noyes	Yes
Jean	Yes
Vetanze	exited the meeting at noon
Gardner	Yes
Valerino	Yes
Bishop	Yes
Sullivan	Yes
Lecius	Yes
Chairman Cahill	Yes

The motion passed.

Consent Calendar

PT&E Requests

David Perkins, New Durham Police Department

Will be granted certification upon successful completion of the medical exam and 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.

Patrick Harden, Franklin Police Department

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.

Justin Swift, Loudon Police Department

Will be granted certification upon successful completion of the medical exam, 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.

Matthew Cassford, Gorham Police Department

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

Jack Hebert, Brookline Police Department

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

*Full Time Academy

Class Number	183	184
Dates	08/31/2020 - 12/18/2020	01/04/21 – 04/23/2021
Paperwork Submission Deadline *	08/03/2020	12/07/2020
Fitness Test Date	08/17/2020	12/21/2020

* All paperwork by the submission deadline, which is before 4:30 PM close of business. Class size is limited to 67 students. The attendees will be determined after successful completion of the Entrance Fitness Test, based on the received order of the completed applications.

Part-Time Academy

Class Number	280		
Dates	02/06/2021 – 05/14/2021		
Paperwork Submission Deadline *	01/09/2021		
Fitness Test Date	01/23/2021		

****Corrections Academy**

Class Number	113	114
Dates	9/08/2020 – 11/13/2020	1/11/2021-3/19/2021
Paperwork Submission Deadline *	08/10/2020	12/14/2020
Fitness Test Date	08/24/2020	12/28/2020

****All paperwork by the submission deadline, which is before 4:30 PM close of business. Class size may be limited. If so, the attendees will be determined after successful completion of the Entrance Fitness Test, based on the received order of the completed applications.**

Requests for Fitness Testing Extensions

- David Hersey, Seabrook Police Department
- Mark Babbitt, Salem Police Department
- Kira Goodheart, Laconia Police Department
- Brandon Kimbrough, Rochester Department
- Michael McCarthy, Salem Police Department

End of Consent Calendar

Director’s Report attached.

Motion to accept Director’s Report by Dr. Sullivan, seconded by Mr. Lecius

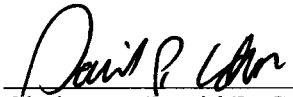
- Morency Yes
- MacDonald Yes
- Noyes Yes
- Jean Yes
- Gardner Yes
- Valerino Yes
- Bishop Yes
- Sullivan Yes
- Lecius Yes

Chairman Cahill Yes
The motion passed.

Motion to adjourn at 12:45 pm by Chief Morency, seconded by Sheriff Valerino, the council vote was unanimous in favor of the motion.

December 15, 2020

Respectfully Submitted,


Chairman, David P. Cahill