



Chief David P. Cahill  
Chairman

**State of New Hampshire  
POLICE STANDARDS & TRAINING COUNCIL  
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John V. Scippa  
Director

**PUBLIC MINUTES  
Police Standards and Training Council  
December 15, 2020**

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

Zoom:

Judge Gardner, Circuit Court Judge; in Rye, alone (entered Zoom after the start of the meeting)  
Colonel Noyes, New Hampshire State Police, at his office alone  
Attorney General MacDonald, in his office alone (entered 9:20)  
Judge Vetanze, 3<sup>rd</sup> Circuit District Division, Ossipee alone  
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  
Dr. Maureen Sullivan, at home alone;  
Chief Cormier, Tilton Police Department; entered meeting at 9:40  
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: Attorney William Cahill, Benjamin Veilleux, NH DOC; Jim Demers,  
Tom Prasol.

Chairman Cahill called the meeting to order at 9:02 a.m.

Motion by Mr. Lecius, seconded by Chairman Cahill to approve the public minutes from  
November 17, 2020.

Chairman Cahill completed the roll call vote:

Chief Morency           yes  
Colonel Noyes           yes  
Commissioner Hanks abstained, she was not present for the entire meeting

Judge Vetanze abstained, she was not present for the entire meeting

Mr. Bishop            yes  
Sheriff Valerino      yes  
Sheriff Massahos      yes

Dr. Sullivan           yes  
Mr. Lecius            yes  
Chairman Cahill       yes

The motion passed.

Motion by Chief Morency, seconded by Chairman Cahill to approve the nonpublic session minutes regarding Randy Smith.

Chairman Cahill completed the roll call vote:

Chief Morency         yes  
Colonel Noyes         yes  
Commissioner Hanks   yes  
Judge Vetanze         yes  
Mr. Bishop            yes  
Sheriff Valerino       yes  
Sheriff Massahos      yes  
Dr. Sullivan           yes  
Mr. Lecius            yes  
Chairman Cahill       yes

The motion passed.

Motion by Mr. Lecius, seconded by Chief Morency to approve the nonpublic session minutes regarding Zachary Willey

Chairman Cahill completed the roll call vote:

Chief Morency         yes  
Colonel Noyes         yes  
Commissioner Hanks   abstained  
Judge Vetanze         yes  
Mr. Bishop            yes  
Sheriff Valerino       yes  
Sheriff Massahos      yes  
Dr. Sullivan           yes  
Mr. Lecius            yes  
Chairman Cahill       yes

The motion passed.

Motion by Chairman Cahill, seconded by Dr. Sullivan to approve the nonpublic session minutes regarding Christopher Wilkens

Chairman Cahill completed the roll call vote:

Chief Morency            yes  
 Colonel Noyes            yes  
 Commissioner Hanks    abstained  
 Judge Vetanze            abstained  
 Judge Gardner            yes  
 Mr. Bishop                yes  
 Sheriff Valerino          yes  
 Sheriff Massahos        yes  
 Dr. Sullivan                yes  
 Mr. Lecius                 yes  
 Chairman Cahill          yes  
 The motion passed.

Director's Report

Director Scippa summarized the attached report of his activity since the November 17, 2020 Council meeting.

Administrative Rules Amendments, (copies attached)

Director Scippa proposed amendments to:

- Pol 301.05 Background Investigation
- Pol 402.02 Suspension/Revocation
- Pol 403.01 In-Service
- Pol 403.02 SRO certification

Pol 301.05 Background Investigation, motion by Mr. Lecius seconded by Dr. Sullivan to initiate the rule making process.

Chairman Cahill completed the roll call vote:

Chief Morency	yes	
Colonel Noyes	yes	
Commissioner Hanks	yes	AG MacDonald Yes
Judge Vetanze	yes	
Judge Gardner	yes	
Mr. Bishop	yes	
Sheriff Valerino	yes	
Sheriff Massahos	yes	
Dr. Sullivan	yes	
Mr. Lecius	yes	
Chairman Cahill	yes	

The motion passed.

Pol 402.02 Suspension/Revocation motion by Dr. Sullivan seconded by Mr. Lecius to initiate the rule making process  
Chairman Cahill completed the roll call vote:

Chief Morency	yes	
Colonel Noyes	yes	AG MacDonald Yes
Commissioner Hanks	yes	
Judge Vetanze	yes	
Judge Gardner	yes	
Mr. Bishop	yes	
Sheriff Valerino	yes	
Sheriff Massahos	yes	
Dr. Sullivan	yes	
Mr. Lecius	yes	
Chairman Cahill	yes	

The motion passed.

Pol 403.01 In-Service motion by Mr. Lecius seconded by Chairman Cahill to initiate the rule making process  
Chairman Cahill completed the roll call vote:

Chief Morency	yes	
Colonel Noyes	yes	AG MacDonald Yes
Commissioner Hanks	yes	
Judge Vetanze	yes	
Judge Gardner	yes	
Mr. Bishop	yes	
Sheriff Valerino	yes	
Sheriff Massahos	yes	
Dr. Sullivan	yes	
Mr. Lecius	yes	
Chairman Cahill	yes	

The motion passed.

(Chief Cormier arrived via Zoom at 9:40)

Pol 403.02 SRO certification motion by Judge Gardner, seconded by Mr. Lecius to initiate the rule making process  
Chairman Cahill completed the roll call vote:

Chief Morency	yes	
Colonel Noyes	yes	AG MacDonald Yes
Commissioner Hanks	yes	
Judge Vetanze	yes	
Judge Gardner	yes	Chief Cormier Yes
Mr. Bishop	yes	

Sheriff Valerino        yes  
Sheriff Massahos        yes  
Dr. Sullivan                yes  
Mr. Lecius                yes  
Chairman Cahill        no

The motion passed.

Financial Report

Nothing new to report

Previous Unfinished Business

Major Parenteau noted that he has been researching information regarding citizenship requirements for New Hampshire law enforcement, and plans to have a presentation for next month's meeting.

Benjamin Veilleux, NH Department of Corrections – Informal Conference

Chairman Cahill advised Council members on the informal conference held with Benjamin Veilleux, and his attorney, William Cahill, earlier in the month.

Benjamin Veilleux's case has been placed on file without a find for one year on the condition of his good behavior and participation in a diversion program, a parenting class.

At the close of the informal conference, Chairman Cahill recommended no further action.

Motion by Chief Morency, seconded by Chief Cormier, to support Chairman Cahill's recommendation of no action in the matter of Benjamin Veilleux.

Chairman Cahill completed the roll call vote:

Chief Morency	yes	
Colonel Noyes	yes	AG MacDonald Yes
Commissioner Hanks	yes	
Judge Vetanze	yes	
Judge Gardner	yes	Chief Cormier Yes
Mr. Bishop	yes	
Sheriff Valerino	yes	
Sheriff Massahos	yes	
Dr. Sullivan	yes	
Mr. Lecius	yes	
Chairman Cahill	yes	

The motion passed.

Consent Calendar

## PT&E Requests

### Michael Einsiedel, Concord Police Department

(DOH: 11/30/20) 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.

### Steven Sforza, Brentwood 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.

### Adam Lawton, Seabrook Police Department

(DOH 11/30/2020) 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.

### Jonathan Whiteman, Manchester Police Department

(DOH 11-30-2020) 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.

### CO/PPO Eric Goyette New Hampshire Department of Corrections Dual Certification

(DOH: 04-25-08) is granted dual certification based upon completion of facility field training requirements for a CO.

### Officer John Sullivan, Manchester Police Department

(DOH: 11/30/20) 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.

### Officer Michael Smith, Manchester Police Department

(DOH: 11/30/20) 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.

### Officer Rachael Eutzy-Barkley, Manchester Police Department

(DOH: 11/30/20) 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.

## 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**

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

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

**\*\*Corrections Academy**

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

- Christopher Bashaw, Rockingham County Sheriff's Office
- Thomas Trask, DRED Forests and Lands
- Thomas Kench, Salem Police Department
- Robert Cameron, Laconia Police Department
- Laura Desautelle, New Hampshire Department of Corrections
- Travis Austin, Hebron Police Department
- Michael Pelletier, New Hampshire State Police
- Steven Lakowski, Chesterfield Police Department
- Clinton Trussell, New Hampshire State Police
- Jason Dziertlatka, Windham Police Department
- Daniel Dawe, Windham Police Department
- Kristen Gore, Londonderry Police Department
- Jeffrey Antista, Londonderry Police Department
- Gerald Lewis, Windham Police Department
- Shaun O'Keefe, Lyme Police Department
- Adam Anderson, Nashua Police Department
- Michael Chavez, Rockingham County Sheriff's Department
- John Goodridge, Nashua Police Department
- John Mounsey, Seabrook Police Department
- Jeannine Wood, Thornton Police Department

Motion by Mr. Lecius, seconded by Chairman Cahill, to approve the consent calendar

Chairman Cahill completed the roll call vote:

Chief Morency	yes	
Colonel Noyes	yes	AG MacDonald Yes
Commissioner Hanks	yes (abstaining from NH DOC items)	
Judge Vetanze	yes	
Judge Gardner	yes	
Mr. Bishop	yes	
Sheriff Valerino	yes	
Sheriff Massahos	yes	
Dr. Sullivan	yes	
Mr. Lecius	yes (abstaining from Nashua items)	
Chairman Cahill	yes	

The motion passed.



The next meeting (#525) will be held on January 26, 2021.

Meeting adjourned at 10:38.

January 26, 2021

Respectfully Submitted



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David P. Cahill  
Chairman

To: All NHPSTC Council Members  
FROM: Director John Scippa  
DATE: December 14, 2020  
RE: Director's Monthly PSTC Council Report

**Full Time Police Academy:**

1. Recruit Class 183 is in session with 56 recruits. Graduation is this Friday.
2. Recruit Class 184 is set to begin January 4, 2021. At this writing, we have 72 applications received for this class.

**Part Time Police Academy:**

1. The next Part Time Academy is scheduled to begin in January 2021. We are over 14 applications at this time.

**Corrections Academy:**

1. Class 114 is scheduled to begin January 11, 2021. PSTC and corrections staff are delivering a 40+/- hour Correction Training to approximately 50 NH National Guard members in this week to help assist staffing issues with NH Corrections due to Covid impact.

**Academy and In-Service Training:**

1. Efforts continue on the development of lesson plans and online training for the 2 hour mandatory in-service training blocks for Ethics, Implicit Bias and De-Escalation. Each topic is in various stages of development at this writing.
  - a. Ethics-The lesson plan is completed and will be delivered in the next academy. Content from this lesson plan will provide framework for 2 hour on-line in-service training.
  - b. Implicit Bias-Stakeholder working group has had their final meeting with Lt Watson and all content suggestions have been identified and submitted to Lt Watson who will now begin lesson plan development. The hope is to have the lesson plan ready for delivery in the January academy. Content from this lesson plan will provide framework for 2 hour online in-service training.
  - c. De-Escalation-Lt Hawkins has moved the ICAT program over to our Lesson Plan data base and is now working with NH DAS is develop the online portion of training using the ICAT content for 2 hour in-service online training.

- d. Lt Hawkins is working with NH BET to create online content for in-service delivery. BET has proposed a contract of no more than 12,000 dollars to compensate them for this assistance.

#### Budget:

1. Governor and Council voted to approve the dining services contract on November 18, 2020.
2. The First PSTC Budget presentation for FY 2022-2023 occurred on November 19, 2020. I submitted written testimony along with copies of the 2019 LBA Audit, the LEACT Final Report and Governor's EO 2020-19 in support of the budget request.

#### Outreach, Education and Legislation:

1. I filed the second 30 Day LEACT progress report to the Governor on November 30, 2020, reporting the status update of each mandate that PSTC is responsible for.
2. The NHPSTC Sub-Committee for Rule Changes met after our last council meeting and developed proposed formal rule changes to certain Administrative Rules both for housekeeping and to address LEACT recommendations. Those proposed rule changes were sent out to all council members in a separate email for review. I request the council to vote on these proposed changes in an effort to move to the rule making process with JLCAR.

#### Staff and Operations:

1. Interviews have been conducted for the advertised open LETS I. A number of excellent candidates applied. We are working with DAS as we move through the hiring process. The LETS III position will be posted shortly.

#### Completed Action Items:

1. None to report

#### On-Going Open Action Items:

1. Curriculum Review: Based on recommendations made by the Governor's Commission on police accountability, existing curriculum will need to be augmented and or re-written. The JTA will be needed to begin this.
2. Plumbing Issue: An unanticipated water issue presented and Clem Hamilton has worked with NH DAS to secure funding in the area of 12,000 dollars to fix this problem. This money will not be coming out of our operating budget.
3. Database Purchase: NH PSTC has chosen to work with Benchmark Analytics as the LMS/RMS provider. We have made the purchase and are now working with Benchmark as they begin to customize the software to our requirements. This is an audit item.

4. Boiler Replacement Project: The engineering study has been completed. This project has been approved and is moving forward with an anticipated completion date of May 1, 2021.
5. Accreditation: Due to the number of changes that have come from the LEACT report, no money was allocated for accreditation for FY 22-23 This is an audit item.
6. SRO/MOU: Director Scippa, along with the working group has developed a statewide MOU template for SROs. This document is in the final editing stages and will be posted by the end of the month.
7. Model Police Development: Director Scippa and a working group have met on LEACT model Policy development mandates. The final products should be ready for posting by the end of the month.
8. JTA: Director Scippa has met with UNH professors and the graduate student who will be assisting with our JTA. This work will begin in January.
9. Mental Wellness/Screen: Director Scippa has met with a working group and and has begun discussions on the need/feasibility of conducting periodic mental health screening of in-service officers. This group will continue to meet and will produce a position paper to meet a LEACT mandate.

#### Discussion/Open Action Items:

1. Academy schedule and class additions should be discussed for 2021:
  - a. Facing the new surge in COVID infections, the pending availability of vaccinations and to insure continuity of operation, I believe that we should revert back to a Zoom model of delivery for the next sessions until all classes that can be delivered in that manner are exhausted.
  - b. As the mandated LEACT classes get placed into the existing schedule, we are finding that there will be a need to either remove certain blocks of instruction from the schedule to remain at 16 weeks or extend the academy by about 40 more hours.
2. Request change in procedure for initial fitness testing for in-coming recruits. The Cooper Fitness recommendation, (circa 2000) for a pre-fitness test level two screening (requires B/P and Pulse at rest and then again after a 3 minute step test) provides no value beyond the completed Form D. Level 2 screening will not provide us with any more health information than the doctor has provided already. The costs associated with hiring nurses to provide this service would be better spent on hiring EMTs and a dedicated ambulance for those days that initial fitness testing is being conducted. Further, each participant would be required to complete a PARQ (Participant Activity Readiness Questionnaire) prior to the test.

3. Block Testing: Seeking Council's permission to allow for block testing for this next academy session. Presently, the recruits take upwards to 60 separate written exams during the 16 week session. This turns into testing on almost every day of the academy. The staff and I would like to reduce the number of tests per week and instead, provide for a comprehensive test every Monday that covers all classes from the previous week. We have already worked out procedures to address what would happen if a recruit failed a block test or if they missed a class within the week.
4. Wet Lab for DWI/HGN/SFST/Intox week: Dosing of vetted volunteers to create opportunities for the recruits to actually observe indicators of impairment is vitally important to this type of training. Sgt Chris Storm, NHSP and statewide coordinator of these programs also feels strongly about returning this to the academy. We are confident that this can be accomplished with minimal risk and in a way that would mirror existing Wet Labs in academies across the country. Request permission for your consideration. Sgt Storm could provide details of such training at the council's request at a future council meeting.

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;

(b) Prospective applicants shall complete a personal history for the hiring authority on a Personal History Statement form supplied by the council, including the following information:

(1) Applicant identification information, including:

- a. Full name;
- b. Address;
- c. Telephone;
- d. Nicknames;
- e. Driver's license number and expiration date;
- f. Height;
- g. Weight;
- h. Hair color;
- i. Eye color;
- j. Scars, tattoos, or other marks;
- k. Birth date;
- l. Place of birth; and
- m. Citizenship;

(2) A listing of residences for the past 10 years, including address and dates of residence;

(3) Work history for the last 10 years, including:

- a. Employer name, address and telephone number;
- b. Job title;
- c. Supervisor;
- d. Co-worker;
- e. Dates of employment; and
- f. Reason for leaving;

(4) Military record, including:

- a. Dates and branch of service;

- b. Highest rank held;
  - c. Unit designation;
  - d. Military service number;
  - e. Type of discharge;
  - f. Disciplinary actions; and
  - g. Complete details if other than honorable discharge;
- (5) Educational history, including:
- a. High school name and address, dates attended and whether graduated;
  - b. Names, addresses and attendance dates of colleges/universities and trade schools attended; and
  - c. Major and certification/degrees awarded;
- (6) Special qualifications and skills, including:
- a. Licenses held including dates of issue and expiration;
  - b. Abilities to operate specialized machinery;
  - c. Foreign language proficiency; and
  - d. Other special skills;
- (7) Convictions, arrests, detentions, and litigation, including for each instance as applicable:
- a. Agencies;
  - b. Charges;
  - c. Disposition; and
  - d. Civil litigation that the applicant was a party to;
- (8) Traffic conviction and accident record, including:
- a. Revocations and suspensions of license;
  - b. Current automobile insurance policy number and issuer; and
  - c. A listing of the following information for traffic charges and crashes:
    - 1. Dates;
    - 2. Charges;
    - 3. Locations; and
    - 4. Disposition;
- (9) Marital and family history, including:

a. Name, address and telephone numbers of current and former spouses, children, other dependents, parents and siblings;

b. Date of marriage;

c. Date of separation or divorce, including:

1. Date of court order; and

2. Name and state of court;

(10) Name, address and telephone number of 5 references or acquaintances, and number of years known;

(11) Financial history, including sources of income, real estate owned, identification of bonds, stock, and bank accounts;

(12) Financial obligations, including identifying information on all forms of indebtedness;

(13) Any history of illegal use of any controlled substance since the age of 16;

(14) Any history of illegal use of any controlled substance while employed as a law enforcement officer, prosecutor or courtroom official;

(15) Any history of illegal purchase, manufacture, trafficking, production, transfer, shipping, receiving, or sale of any narcotic, depressant, stimulant, hallucinogen, or cannabis;

(16) A statement certifying that there are no willful misrepresentations, omissions, or falsifications in the completed Personal History Statement form and that the applicant is fully aware that any such misrepresentations, omissions or falsifications will be grounds for immediate rejection or termination of employment; and

(17) Current date and signature of the applicant;

(c) The hiring authority shall include in its investigation a check of the following sources in order to determine the applicant's character, reliability, and honesty, pursuant to (g) below:

(1) Military records;

(2) Documents, including driver license, high school diploma and birth, or naturalization records;

(3) The National Crime Information Center;

(4) All local police files, and police files in all communities where the applicant has lived or worked;

(5) State motor vehicle records in each state where the applicant has lived or worked;

(6) Schools attended within the past 10 years;

(7) Past and present neighbors, spouses, and landlords;



(8) Acquaintances and character references, and fraternal and social organizations the applicant belongs to or has belonged to;

(9) A personal inquiry with the applicant's present and past employers for the past 5 years; and

(10) Any other sources of information which the above contacts show to be important;

(d) One or more of the items specified in (c)(6), (7), (8), and (10) above may be omitted when, in the opinion of the hiring authority the applicant's character and background are so well-known to the hiring authority as to render such action unnecessary;

(e) The agency shall retain in its files until 5 years after termination, a synopsis of the background investigation report. Such files shall be made available for inspection by the director of police standards and training or his or her authorized representative should an occasion arise where the accuracy of those files or compliance with these rules is in question;

(f) The hiring authority or designee shall conduct a personal interview of the applicant;

(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:

(1) Falls under any of the following:

a. Suffers from a mental disorder, as defined in Pol 101.27, for which he or she has not undergone effective rehabilitation, and which would affect his/her ability to perform law enforcement or corrections duties;

b. In the opinion of the psychologist or psychiatrist, exhibits behavioral traits that could adversely affect such person's ability to perform the essential functions of a law enforcement officer, or

c. In the opinion of the psychologist or psychiatrist or the hiring authority exhibits a psychological profile that is incompatible with that which is required for law enforcement duties, including but not limited to:

1. A lack of impulse control;
2. A lack of anger management;
3. A propensity for assaultive behavior; and
4. A propensity for illegal sexual behavior.

(2) Has ever been convicted of a felony by a civilian court or by a military court, whether or not the charge had been annulled nor whether a suspended sentence was completed, and for which he or she has never received a pardon;

(3) Has been convicted of a misdemeanor by a civilian or military court and for which he or she has not received a pardon, which offense or the underlying circumstances surrounding the commission thereof was such that it would cause a reasonable person to doubt the applicant's character, honesty or ability;

(4) Has been convicted in a civilian or military court of multiple misdemeanors or violations for which he or she has not received a pardon, and which would indicate to a reasonable person a pattern of disregard for the law;

(5) Has been convicted in a military or civilian court in the 10 years immediately before application for hire as a police or corrections officer of a misdemeanor for which he or she has not received a pardon, and which resulted in a serious bodily injury to another person;

(6) Has ever been dishonorably discharged from the military service;

(7) Has been discharged from the military service under other than honorable conditions, where the circumstances demonstrate a lack of good moral character as specified in (m) below;

(8) Has ever illegally manufactured, transported for sale, or sold a controlled substance as sale is defined in RSA 318-B:1, unless, upon review of the council at the request of a hiring authority, the council finds that:

a. Either:

1. The conduct occurred at an age when the applicant would have been considered a juvenile under the laws of the state of New Hampshire; or

2. Where a sale as defined in RSA 318-B:1 did occur, however, the intent was not for profit, meaning the actual conduct exhibited was not intended to result in an excess of financial return over the expenditure in a transaction or series of transactions; and

b. The behavior pattern under the totality of the circumstances did not demonstrate a lack of good moral character as specified in (m) below;

(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;

(10) Within 12 months before the application for hire, has used marijuana 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;

(11) While employed in a law enforcement capacity has ever illegally used a controlled substance 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;

(12) Has knowingly made a material false statement in the application process;

(13) Has a history of discriminatory behavior or outward bias against any protected class or minority group which would bring into question or cast doubt on the candidate's ability to act in a fair and impartial manner.

(143) Has been discharged or allowed to resign in lieu of discharge for reasons of moral character as defined in Pol 101.28 or Pol 301.05 (m) or moral turpitude as defined in Pol 101.29, from employment as a police, corrections or probation/parole officer for acts or omissions of conduct which would cause a reasonable person to have doubts about the individual's honesty, fairness, and respect for the rights of others and for the laws of this state or nation;

(154) Uses any legal drugs or alcohol to excess; or

(165) Whose general character and reputation in the community are such that a reasonable person would doubt that the applicant would conduct him/herself with honesty and integrity and uphold the rule of law;

(h) If there is any indication of mental disorder, the applicant shall not be appointed unless the results of a mental status examination conducted by a New Hampshire licensed psychologist or psychiatrist indicates that the applicant is fit for duty as a police or corrections officer;

(i) The hiring authority or designee shall inquire whether certification or license of the person as a police or corrections officer has ever been denied or revoked by the council or by a similar agency in another jurisdiction, and if so, whether the denial or the revocation has been rescinded. The agency shall not appoint an officer whose certification or license is under suspension or revocation in this or any other jurisdiction;

(j) All information, documents and reports obtained by a police or corrections department as part of the background investigation shall be retained by the department along with any criminal record and copies of the personal history statement, the medical examination, the high school diploma or G.E.D. certificate, and the psychological status report if any. Such documents and reports shall be made available for inspection by the director of police standards and training or his/her authorized representative should an occasion arise when the accuracy of those documents or compliance with these rules comes into question;

(k) Prior to admission to a basic training program for full or part-time police, corrections, or probation/parole officers, or prior to submitting a request for certification based on prior training and experience, the hiring authority shall certify to the council on council form "I", titled "Affidavit of Background Investigation" that he or she conducted a background investigation on the applicant in compliance with the provisions of this rule, and caused the applicant to be fingerprinted on an applicant card, and that the department has received or is waiting for written notification from the Federal Bureau of Investigation that the applicant has no criminal history record that would prohibit his/her hiring according to these rules:

(l) The hiring authority shall provide the following on the Form "I":

(1) The name of the hiring official;

(2) The name of the applicant;

(3) The list of required areas of inquiry listed in Pol 301.05(c)(1)-(10);

(4) The signature of the hiring official; and

(5) The date of completion;

(m) For purposes of this section, a determination of a lack of "good moral character" shall not be restricted to acts that reflect only moral turpitude, but shall be based upon the consideration of all aspects of a person's character as exemplified by his or her behavior, including but not limited to the following:

(1) Violation of a statute of this or any other state, territory or nation for which a penalty may be imposed;

(2) Conduct involving dishonesty, fraud, or attempted deception regarding an application, examination or other document for securing employment, eligibility, or certification;

(3) Conduct involving misrepresentation or tampering with official records or reports, tampering with witnesses or falsifying evidence; and

(4) Conduct that would adversely reflect on a person's fitness to perform law enforcement or corrections duties, including but not limited to:

- a. The excessive or illegal use of force;
- b. Intoxication while on duty;
- c. Sale or use of illegal controlled substances;
- d. DWI;
- e. Domestic abuse;
- f. Undue familiarity with known criminals, which for the purpose of this clause means any social or sexual relationship between an officer subject to certification by the police standards and training council and a known criminal;
- g. Sexual harassment;
- h. Stalking, or criminal violations of a protective order;
- i. Slanderous use of confidential information;
- j. Bribery or acceptance of illegal gratuities;
- k. Theft or misappropriation of funds or property;
- l. Child abuse;
- m. Perjury;
- n. Assault; or
- o. Disorderly conduct; and

(n) The council shall not certify a person as a police, corrections or probation/parole officer, as applicable, if it finds that an applicant was hired by an agency despite meeting any of the disqualifying criteria set out in Pol 301.05 (g).

Source. #1534, eff 2-17-80; ss by #1988, eff 3-25-82; ss by #2783, eff 7-27-84; ss by #4437, eff 6-22-88; ss by #5836, eff 6-15-94; ss by #7302, eff 6-8-00; amd by #7967, eff 9-26-03; ss by #9168, INTERIM, eff 6-3-08, EXPIRES: 11-30-08; ss by #9224, eff 8-1-08; ss by #12041, eff 11-16-16

Emergency Rule [DATE]

Amend Pol 402.02, effective [11-16-16] (Doc. # 12041), by inserting new paragraph (a){13} cited and to read as follows:

Pol 402.02 Revocation or Suspension.

(a) 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 certified officer for any of the following reasons:

- (1) The certification was obtained by fraudulent or illegal means;
- (2) The officer has been convicted either prior to or after certification of a crime which constitutes a felony in this or any other state, territory, province or country;
- (3) The officer has been convicted either prior to or after certification of a misdemeanor for which there was a sentence of incarceration, regardless of whether all or part of the sentence was suspended;
- (4) The officer has been convicted either prior to or after certification of a crime of moral turpitude or of a crime which tends to bring discredit to themselves, to their hiring authority or to the police, corrections or probation/parole service on the police or corrections service, including but not limited to:
  - a. Theft;
  - b. Assault;
  - c. DWI;
  - d. Criminal threatening;
  - e. Reckless conduct;

- f. Corrupt practices;
- g. Falsification of documents or evidence;
- h. Fraud;
- i. Sexual assault;
- j. Public indecency;
- k. Stalking or criminal violation of a protective order;
- l. Reckless driving; or
- m. Disobeying an officer;

(5) The officer's discharge has become final or he or she has been allowed to resign in lieu of discharge, has resigned during an internal investigation, or resigned through a negotiated resignation, from police or corrections employment in this or any other state, country, or territory for reasons of:

- a. A lack of moral character as defined in Pol 101.28 or Pol 402.02 (l);
- b. Moral turpitude as defined in Pol 101.29; or
- c. For acts or omissions of conduct which would cause a reasonable person to have doubts about the individual's honesty, fairness, and respect for the rights of others and for the laws of the state or nation;

(6) The officer has, after being hired as a police, corrections or probation/parole officer:

- a. Used marijuana;

b. Illegally used or possessed any other controlled substance; or

c. Illegally purchased, sold, cultivated, transported, manufactured, or distributed a controlled drug or an imitation controlled drug;

(7) The officer is unable to continue as an active duty police, corrections or probation/parole officer for a period of 45 days or more by reason of a severe level mental disorder as diagnosed by a psychologist or psychiatrist who uses mental status examinations and standardized psychological tests normed for police or corrections officers;

(8) Any certified law enforcement officer has willfully:

a. Violated council rules relative to himself or herself or the officers working under his/her control;

b. Submitted false or forged documents; or

c. Misrepresented a document or testimony before the council;

(9) The officer's certificate was issued through administrative error;

(10) The officer has failed or refused to complete the applicable firearms training requirements of Pol 404.03 or the in-service training requirements of Pol 403.01; until the requirements have been met;

(11) A part-time officer has worked more than 1300 hours in a calendar year without successfully completing the full-time academy; or

(12) The officer has entered no plea or an innocent plea to a criminal offense, and agreed to participate in a diversion program in lieu of a trial.

(13) The officer has engaged in behavior, whether on or off duty, which tends to bring discredit on the police, corrections, or probation/parole services or upon the officer as a sworn law enforcement officer, or which impairs the operation or efficiency of the criminal justice system or the officer.

(b) 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 service, unless the council, in its 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 those items listed under 402.02 (a) (4).

~~(1) Theft;~~

~~(2) Assault;~~

~~(3) DWI;~~

~~(4) Criminal threatening;~~

~~(5) Reckless conduct;~~

~~(6) Corrupt practices;~~

~~(7) Falsification of documents or evidence resulting in unsworn falsification, false testimony or evidence tampering;~~

~~(8) Fraud;~~

~~(9) Sexual assault; and~~



~~(10) Public indecency.~~

(d) A certification shall be suspended if the officer has attempted suicide or self-mutilation, or committed self-mutilation, until such time as an evaluation by a licensed psychologist selected by the council certifies the person as fit for duty.

(e) The council shall apply a balancing test to determine whether factors constituting just cause outweigh the public interest in protecting the safety of the public or confidence in the criminal justice system, including maintaining the integrity of sworn law enforcement, if a violation of section (a) or (d) of this rule is found. If any just cause demonstrated by the officer outweighs the purpose of protecting the safety of the public or confidence in the criminal justice system including maintaining the integrity of sworn law enforcement, the council shall decline to order suspension or revocation. In determining whether to suspend, revoke, or impose no sanction, the council shall apply the following factors in determining the level or kind of disciplinary sanction imposed:

(1) The seriousness of the offense;

(2) The officer's prior disciplinary record;

(3) The officer's acknowledgment of his or her wrongdoing;

(4) The purpose of the rule or statute violated;

(5) The potential harm to the safety of the public or confidence in the criminal justice system, including maintaining the integrity of sworn law enforcement.

(f) Examples of just cause pursuant to (e) above shall include but not be limited to:

(1) Suspension or revocation -would not have a rehabilitative value; or and

(2) The officer's health or service status makes suspension or revocation a needless gesture.

(g) In determining whether to suspend, revoke, or impose no sanction, the council shall apply the following factors in determining the level or kind of disciplinary sanction imposed:

(1) The seriousness of the offense;

(2) The officer's prior disciplinary record;

(3) The officer's acknowledgment of his or her wrongdoing;

(4) The purpose of the rule or statute violated;

(5) The potential harm to the safety of the public or confidence in the criminal justice system, including maintaining the integrity of sworn law enforcement.

(h) A suspension or revocation imposed upon an officer pursuant to (g) above shall be intended to be the minimum sanction or sanctions, both in type and extent, that the council believes will, based upon the unique facts and circumstances of each act of misconduct:

(1) Protect the safety of the public or confidence in the criminal justice system, including maintaining the integrity of sworn law enforcement; and

(2) Deter both the officer charged and any other officer from engaging in such misconduct in the future.

(i) If a person has been denied a certificate after exhausting all appeals under this section, the council shall accept a petition for rescission of the denial no sooner than 12 months following the date of denial. The petitioner shall state in writing the reasons why the denial should be rescinded.

(j) If a person has had his or her certificate revoked after exhausting all appeals under this section, the council shall accept a petition for rescission of the revocation after no sooner than 24 months following the date of denial. The petitioner shall state in writing the reasons why the action

should be rescinded. The action shall be rescinded if conditions or circumstances have changed so that the basis for the action no longer exists.

(k) If a petition for rescission is based on one or more of the reasons set out in Pol 402.02, a hearing on the petition shall be held as provided in Pol 200. If the denial is rescinded, the petitioner shall be eligible for hire by a participating police department, but shall serve a probationary period as defined in Pol 101.35, before he or she shall be recertified.

(l) For purposes of this section, a determination of a lack of "good moral character" shall not be restricted to acts that reflect only moral turpitude, but shall be based upon the consideration of all aspects of a person's character as exemplified by their behavior, including but not limited to the following:

(1) Violation of a statute of this or any other state, territory or nation for which a penalty may be imposed;

(2) Conduct involving dishonesty, fraud, or attempted deception regarding an application, examination or other document for securing employment, eligibility, or certification;

(3) Conduct involving misrepresentation or tampering with official records or reports, tampering with witnesses or falsifying evidence; and

(4) Conduct that would adversely reflect on a person's fitness to perform law enforcement or corrections duties, including but not limited to:

a. The excessive and illegal use of force;

b. Intoxication while on duty;

c. Sale or use of illegal controlled substances;

d. DWI;

e. Domestic abuse;

f. Undue familiarity with known criminals, which for the purposes of this clause means any social or sexual relationship between an officer subject to certification by the police standards and training council and a known criminal;

g. Sexual harassment;

h. Stalking or criminal violations of a protective order;

i. Slanderous use of confidential information;

j. Bribery or acceptance of illegal gratuities;

k. Theft or misappropriation of funds or property;

l. Adultery;

m. Child abuse;

n. Perjury;

o. Assault; or

p. Disorderly conduct.

(m) A person who has had their police, corrections or probation/parole officer certification revoked or suspended shall not be allowed to work in a capacity that would allow them to exercise the same authority as a certified officer or that would give the appearance that they have the same authority as a certified officer during the period of suspension or revocation.

The Director of the Police Standards and Training Council (PSTC) shall take all necessary steps, including initiating appropriate rulemaking, to:

(a) Increase the mandatory number of required hours of annual in-service training on an incremental basis over the next three years to ensure that, by January 1, 2024, the total mandatory number of hours of annual in-service training is no less than twenty-four hours.

(b) Mandate that annual in-service training as approved by PSTC include, at a minimum, two hours on each of the following topics:

1. Implicit bias and cultural responsiveness

11. Ethics

111. De-escalation

#### PART Pol 403 CONTINUING EDUCATION

Statutory Authority: RSA 106-L:5 IV-488 F:26. III

##### Pol 403.01- Annual In-Service Refresher Training.

(a) ——— (a) Beginning January 1, 2021, Each police or corrections every certified officer, in order to maintain their certification, shall complete at least 8 hours annually of refresher 2 hours of mandatory in-service training, on each of the following topics:

a. Implicit Bias and Cultural Response. (2 hours)

b. Ethics. (2 hours)

c. De-Escalation. (2 hours)

(b) Annually, each police or corrections officer shall complete, in addition to the above mandated 6 hours of in-service training:

a. Beginning on January 1, 2021, an additional 4 hours of appropriate in-service training, for a total of 10 hours of in-service training required for 2021, exclusive of firearms, first aid or defensive tactics, sanctioned by the agency or the council.

b. Beginning on January 1, 2022, an additional 6 hours of appropriate in-service training, for a total of 16 hours of in-service training required for 2022, exclusive of firearms, first aid or defensive tactics, sanctioned by the agency or the council.

c. Beginning on January 1, 2023, an additional 8 hours of appropriate in-service training, for a total of 24 hours of in-service training required for 2022 exclusive of firearms, first aid or defensive tactics, sanctioned by the agency or the council.

d. These training requirements can be completed by officers attending in-service training at NHPSTC, by attending police training through 3<sup>rd</sup> party vendors, by attending local agency classes or by completing on-line. In the case of local agency classes, the records requirements under POL 403 (c) apply.

(c) The hiring authority shall submit to the council 30 days after the conclusion of each calendar year a certification that it has complied with this requirement, and shall retain in its files for 5 years a copy of the lesson outlines and attendance rosters of any training relied upon to satisfy the requirement.

## **Pol 403.02 School Resource Officer Certification**

- (a) Any certified police officer who is assigned as a School Resource Officer must be "School Resource Office certified", under this rule, prior to their assignment.
- (b) To achieve initial certification as a NH School Resource Officer, a certified police officer must complete the following three (3) training programs before they can assume their position as an SRO:
  - a. National Association of School Resource Officer, (NASRO) 40 hour Basic Certification,
  - b. Mirror Project-Train the Trainer Certification, and,
  - c. Effective Police Contact with Youth Certification.
- (c) Thereafter, to maintain certification as a NH School Resource Officer the SRO must complete eight (8) hours of annual in-service training in topic areas that will continue to enhance their effectiveness in working within the school environment and with their school population. In-service training topics could include, but would not limited to training in, Mental Illness Response Involving Juveniles, Legal Issues in Schools/NH Juvenile Law Review, Youth Mental Health First Aid, Youth Crisis Intervention, Active Threat Response Restorative Justice Techniques, or any other such training that enhances SRO effectiveness.
- (d) Any training that is completed by a certified police officer to obtain or maintain a NH SRO certification outlined in this rule may also use these training hours to help complete their overall annual in-service training requirements listed in Pol 403.01.
- (e) If an SRO fails to meet their annual SRO mandated training, their certification will lapse until such time as they make up all outstanding training hours.