



*Sheriff Christopher D. Connelly  
Chairman*

# State of New Hampshire

## POLICE STANDARDS & TRAINING COUNCIL

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*John V. Scippa  
Director*

### Public MINUTES Police Standards and Training Council January 25, 2022

#### In attendance:

Chairman, Sheriff Chris Connelly, Hillsborough County  
Vice Chairperson, Commissioner Helen Hanks, New Hampshire Department of Corrections  
Sheriff Massahos, Rockingham County Sheriff's Office  
Mr. Edward Lecius  
Chief Ho-Sing-Loy, Sugar Hill Police Department  
Jane Young, Deputy Attorney General,  
Chief Steven Russo, Keene Police Department  
Colonel Nathan Noyes, New Hampshire State Police  
Judge Melissa Countway 3rd Circuit District Division, Ossipee (excused at 3:11 p.m. due to obligations)  
Chief Allen Aldenberg, Manchester Police Department  
Dr. Maureen Sullivan  
Jason Bishop, Community College System of New Hampshire

Not Attending: Judge Sawako Gardner, Circuit Court Judge

Staff Present: Director John Scippa, Major Max Schultz, Major David Parenteau (Ret.)  
Captain Adam Hawkins, Lt. Justin Paquette, and Anne Paquin, Investigative Paralegal.

Guests Present: AAG Stacie Moeser, PSTC counsel via Zoom; Attorney John Krupski, Attorney Marc Beaudoin, Killian Kondrup, and Lt. Donald Laliberte, Lee Police Department, Chief William Breault and Captain Brad Gould, Dover Police Department, Chief Erik Josephson of Winchester Police Department with Melissa Allen, Brandon Girardi, New Hampshire State Police, Jeffrey Pierimonte, Manchester Police Department, Chief Peter Pelletier, Northumberland Police Department with Logan Basta

Chairman, Sheriff Christopher Connelly called the meeting to order at 9:07 a.m.

Chairman Connelly welcomed the newest member of the Council, Chief Allen Aldenberg of the Manchester Police Department.

Motion to approve the Public Minutes from December 14, 2021 was made by Mr. Lecius, seconded by Judge Countway, the Council vote was unanimous in favor of the motion with Mr. Bishop abstaining from that vote.

Motion to approve the Nonpublic minutes from December 14, 2021, Personnel Matter by Dr. Sullivan, seconded by Chief Hoebeke, the Council vote was unanimous in favor of the motion with Mr. Bishop abstaining from that vote.

Motion to approve the Nonpublic minutes from December 14, 2021 regarding the Alec Atwood matter was made by Mr. Lecius, seconded by Colonel Noyes, the Council vote was unanimous in favor of the motion with Mr. Bishop abstaining from that vote.

Motion to approve the Nonpublic minutes from December 14, 2021, regarding the reason for the Jeannine Wood matter to be held in a nonpublic session was made by Chief Hoebeke, seconded by Chief Ho Sing Loy, the Council vote was unanimous in favor of the motion with Mr. Bishop abstaining from that vote.

### Director's Report

Director Scippa summarized his report for the time period since the December 14, 2021 meeting, copy attached.

### New Business

Chief Erik Josephson of the Winchester Police Department was present with a candidate for his agency, Melissa Allen. The request was for prior training and experience certification for Ms. Allen.

Ms. Allen had graduated during the 173rd Full-time Academy.

Major Parenteau summarized that Ms. Allen hasn't been hired by Winchester yet, typically the individual must be hired before PSTC will accept a request to review certification status. Ms. Allen has been out of law enforcement employment for more than three years.,

Sheriff Connelly asked Chief Josephson where he was in the hiring process of Ms. Allen, does he intend to move forward with her hiring no matter what?

Chief Josephson remarked that he would do an in- depth background investigation, finances are an issue for the agency, he wanted to be sure about the waiver. He agrees with a law package update for Ms. Allen. She's a good fit for the agency.

Major Parenteau asked Chief Josephson if the Council does not grant the waiver, would Ms. Allen be willing to attend the next full time academy? Chief Josephson noted that he had discussed this with Ms. Allen and she was willing to attend a full time academy. Seeking the waiver was due to the fact that his agency was very short handed. Ms. Allen would be a perfect fit.

Council members made inquiries to Ms. Allen about the time period in which she had not been employed in a law enforcement position.

- Melissa Allen is currently a pharmacy technician, she would like to go back to law enforcement
- Massachusetts agencies could not accept her New Hampshire certification as she did not have enough years of experience, the agencies did not want to send her to the Massachusetts academy
- Council members were concerned that Ms. Allen had a total of one and a half years' experience as a police officer, she had not worked in law enforcement for three and a half years and then she'd be back on the job after only attending law package classes.
- The fact that Ms. Allen was a correction's officer in 2014 is an advantage in de-escalation situations
- Chief Josephson is trying to do his best for the town, if Melissa Allen has to attend the academy, that is fine.

Motion by Deputy Attorney General Young to deny the request for waiver for prior training and experience certification without attending the full time academy, the motion was seconded by Chief Russo. The voice vote of the Council was unanimous in favor of the motion.

#### Hearings

Sheriff Connelly read the notice into the record.

Hearings before the Council are presumed to be held in public session; however, parties have the right to a brief hearing in non-public session to request closure of a portion of the hearing if it will reveal confidential information that creates a compelling interest outweighing the public's right of access. All parties appearing before the Council have been provided with notice of the applicable procedure.

#### Brandon Girardi, New Hampshire State Police

Attorney Marc Beaudoin was present with his client, Brandon Girardi who is employed by the New Hampshire State Police.

Colonel Noyes recused himself from this matter.

Major Parenteau presented the matter to the Council, Brandon Girardi had been noticed to attend the December Council meeting, he did not appear, Council voted to suspend his certification temporarily, based on an arrest for DWI in Berlin New Hampshire. There was confusion on the part of Mr. Girardi if the notice was for PSTC or for New Hampshire State Police. Attorney Beaudoin requested a hearing to explain the facts and circumstances that led to the arrest of Mr. Girardi, however the case had been resolved in Berlin District Court prior to the Council meeting date.

A change of plea, and different charges had been made at the court on January 19, 2022.

Major Parenteau provided exhibits to the Council members.

The hearing on the matter was for a final hearing on the plea for reckless driving. Major Parenteau cited the statute, RSA 106-L:5, 5, the administrative rule Pol 402.02 (a) (4)(l) was read into the record.

Major Parenteau described exhibits regarding Brandon Girardi's law enforcement employment and certification history, forms filed by New Hampshire State Police with Police Standards and Training Council staff regarding his arrest, his status of administrative leave from New Hampshire State Police, the complaints filed on his arrest, the plea, resolution and revocation of Brandon Girardi's driver's license.

On October 24, 2021, Brandon Girardi, a certified police officer, employed by the New Hampshire State Police was arrested for DUI Impairment, a violation of RSA 265-A:2 1(b) a Class B Misdemeanor, and, DUI Adult >.08, a violation of RSA 265-A:2 1 (b) a Class B Misdemeanor and Yellow/Solid Line Violations, a violation of RSA 265:22, a Violation by the Berlin Police Department.

On October 25, 2021 Brandon Girardi plead not guilty to Driving While Intoxicated and Solid Yellow line violation.

On January 19, 2022 the charges of DUI Impairment, a violation of RSA 265-A:2 1(b) a Class B Misdemeanor, and, DUI Adult >.08, a violation of RSA 265-A:2 1 (b) a Class B Misdemeanor and Yellow/Solid Line Violations, a violation of RSA 265:22, a Violation were all nolle prossed by Lt. Zachary Howry of the Berlin Police Department.

Also on January 19, 2022, Brandon Girardi plead guilty and was found guilty of Reckless Driving a Class B Misdemeanor. He was fined \$500, and \$120 to penalty assessment, his driving privileges were suspended for 60 days beginning January 19, 2022.

Major Parenteau read administrative Rule Pol 402.02(a)(4)(c)(e) into the record.

Attorney Marc Beaudoin was recognized and requested a non-public session to discuss the reason he was going to request a non-public session for his client.

Motion by Dr. Sullivan, seconded by Mr. Lecius to initiate a nonpublic session in order that Attorney Beaudoin may inform Council members to determine is the reason for requesting a nonpublic session in his client's matter. Chairman Connelly took the roll call vote:

Vice Chairman, Commissioner Hanks	yes
Chief Ho-Sing-Loy	yes
Chief Hoebeke	yes
Judge Countway	yes
Sheriff Massahos	yes
Chief Aldenberg	yes

Chief Russo	yes
Dr. Sullivan	yes
Mr. Lecius	yes
Jane Young, Deputy AG	yes
Mr. Jason Bishop	yes
Chairman, Sheriff Connelly voted	yes

At 10:07 a.m. the Council began a nonpublic session.

Motion to exit the nonpublic session by Mr. Lecius, seconded by Chief Hoebeke.

Judge Countway noted the medical component, subject to the nonpublic session. Will there be part of the presentation that is a public proceeding?

Attorney Beaudoin stated he asked for a limited amount of time for a nonpublic session, then return to public session to finish.

Vice Chairman, Commissioner Hanks	yes
Chief Ho-Sing-Loy	yes
Chief Hoebeke	yes
Judge Countway	yes
Sheriff Massahos	yes
Chief Aldenberg	yes
Chief Russo	yes
Dr. Sullivan	yes
Mr. Lecius	yes
Jane Young, Deputy AG	yes
Mr. Jason Bishop	yes
Chairman Connelly voted	yes

At 10:11 a.m. the Council was back in public session.

Motion by Chief Hoebeke, seconded by Deputy Attorney General Young, to begin a nonpublic session, for the purposes protecting information relative to a medical consideration.

Vice Chairman, Commissioner Hanks	yes
Chief Ho-Sing-Loy	yes
Chief Hoebeke	yes
Judge Countway	yes
Sheriff Massahos	yes
Chief Aldenberg	yes
Chief Russo	yes
Dr. Sullivan	yes
Mr. Lecius	yes
Jane Young, Deputy AG	yes
Mr. Jason Bishop	yes
Chairman Connelly voted	yes

At 10:12 a.m. the Council went into a non-public session.

Motion by Dr. Sullivan, seconded by Chief Russo to return to public session.

Vice Chairman, Commissioner Hanks	yes
Chief Ho-Sing-Loy	yes
Chief Hoebeke	yes
Judge Countway	yes
Sheriff Massahos	yes
Chief Aldenberg	yes
Chief Russo	yes
Dr. Sullivan	yes
Mr. Lecius	yes
Jane Young, Deputy AG	abstained
Mr. Jason Bishop	yes
Chairman Connelly	voted

At 10:30 the Council was back in public session.

Deputy Attorney General Young recused herself from the remainder of the hearing.

Attorney Beaudoin summarized that Brandon Girardi was arrested for DWI.

- Mitigating factors heard in nonpublic session
- There was an agreed upon disposition, nolle prosequing the DUI charges
- The plea to reckless driving
- He takes responsibility for his actions
- They ask that the Council reinstate his certification, the internal affairs investigation has not been completed
- If he has his certification back it allows the agency to complete the process
- They ask that the Council reinstates Brandon Girardi's certification or continue the suspension of his certification until his driver's license becomes valid and run concurrently, when his license is valid, his certification is reinstated, and he can return to his agency if that is the outcome.

When asked, Attorney Beaudoin noted that Brandon Girardi had no prior discipline issues.

Motion by Mr. Lecius, seconded by Dr. Sullivan to reinstate Brandon Girardi's certification, upon restoration of his driving privileges. The motion was amended by Judge Countway, a 90 day suspension back dated to the December 14, 2021 Council meeting, to run concurrently with the reinstatement of his driver's license. The voice vote of the Council was unanimous in favor of the motion.

Jeffrey Fierimonte, Manchester Police Department

Chief Aldenberg exited the room, recusing himself from the hearing in this matter.

Colonel Noyes and Deputy Attorney General Young returned to the meeting room.

Major Parenteau summarized that Jeffrey Fierimonte was present for a DWI matter, RSA 106-L:5, V and Pol 402.02 (a)(4)(c). He explained the rule and referred to Pol 402.02 (e), the handout prepared for Council reference describing the balancing test that must be used for rule violations.

Major Parenteau provided exhibits to all of the Council members. The exhibits described Jeffrey Fierimonte's history of law enforcement employment and certification, the documents relevant to his arrest for DWI by the Bedford Police Department, complaints that were filed by the Bedford Police Department at the Merrimack District Court, the resolution in the matter and document from the Manchester Police Department that put Jeffrey Fierimonte on administrative leave, a letter from Attorney Krupski requesting that the Council accept Officer Fierimonte's voluntary, temporary surrender of his certification until the case was resolved.

The disposition of the case indicated that Mr. Fierimonte plead not guilty to the DWI charges, but was found guilty after trial, fined five hundred dollars and one hundred twenty dollars to penalty assessment. He was referred to an Impaired Driver's Care Management Program, convicted of DWI First Offense, and his driver's license was revoked for nine months. The Manchester Police Department submitted a status form to PSTC indicating that Jeffrey Fierimonte was being suspended for one hundred and twenty days, effective December 22, 2021.

There were no questions for Major Parenteau.

Attorney John Krupski introduced himself to the Council, he also provided exhibits to them.

He noted that he had nothing in dispute for the exhibits that had been provided by PSTC staff. The trial took place and the order was issued on December 2, 2021.

Attorney Krupski noted that Jeffrey Fierimonte admits to driving while impaired, he had taken responsibility for it. They were present to speak to the Council about the sanction in the matter, asking for consideration on the following factors:

- Seriousness of the offense
- The officer's prior disciplinary record
- His acknowledgment of wrongdoing

Jeffrey Fierimonte was a ten-year veteran at the time the arrest occurred, he's had no discipline issues, he has been a detective, a field training officer, a canine officer, he volunteers and teaches robotics for the youth league in Manchester, he was Queen City Officer of the year and also received a New Hampshire Congressional Law Enforcement Award in October 2021. Amongst the exhibits that Attorney Krupski had provided to the Council were numerous commendations and letters of thanks from members of the public.

- After his arrest he was immediately put on administrative leave
- The city of Manchester conducted an internal investigation
- He was issued a six -month suspension on December 21, 2021 with two months held in abeyance for good behavior, and a thirty day suspension for conduct unbecoming.
- He is currently on suspension, it will expire April 21, 2022.
- For the IDCMP the intake was done in December, it was assessed by a LADAC on December 14<sup>th</sup>, he completed all the recommended treatments and classes as of January 17, 2022
- He intends to file under the order that the nine month's suspension can be reduced to a ninety- day suspension if he completes the program and petitions the court.

Attorney Krupski requested that the Council impose a sanction of time served, his certification was voluntarily surrendered on November 21, 2021, suggesting it should run concurrently with the suspension from the Manchester Police Department.

The Council members asked Officer Fierimonte several questions, he answered as follows:

- The case went to trial as he did not think that he'd driven to the degree of impairment that he had, he takes full responsibility for his actions.
- He has sought additional counseling
- There was no breath or blood test for alcohol

Motion by Judge Countway, seconded by Commissioner Hanks, for a one hundred twenty day suspension of certification for Jeffrey Fierimonte to run concurrent with the Manchester suspension. The voice vote of the Council was unanimous in favor of the motion.

The Council took a recess at 11:01 a.m. and was back in session at 11:17 a.m.

#### Killian Kondrup, Lee Police Department

Major Parenteau began by distributing exhibits to all the Council members.

He stated that the Killian Kondrup matter was two parts.

The first part, Major Parenteau summarized the exhibits, Killian Kondrup's employment history with the Dover Police, his certification, and his employment with the Lee Police Department. Killian Kondrup was discharged from the Dover Police Department on April 7, 2021. He was hired by the Lee Police Department on July 2, 2021, Lee Police Department included an affidavit for the background investigation as part of the hiring documents for Mr. Kondrup.

Major Parenteau noted for the Council that in the past there was a hearing conducted every time an officer was discharged from an agency. In 2008, the Council made a change in protocol that when an officer is discharged, terminated, resigned in lieu of dismissal, and a few other categories from a Form B (change in status form), that PSTC staff would send a letter to the hiring authority or head of the agency and ask them to review Pol 402.02, for sanctions against the individual.



The response back from the agency might indicate that the reason was a violation of that agency's own policy, or that it did implicate Pol 402.02.

The Council found it cumbersome to have to hold that many hearings each month on those matters.

In 2008, anyone discharged and confirmed by the agency to have violated Pol 402.02, a memo was drafted by staff and placed in the officer's training file; if they sought law enforcement employment in the future, they would be required to participate in an eligibility hearing.

The case before the Council today is one of those cases.

Killian Kondrup was employed by the Dover Police Department, then he was discharged. The reason for discharge did involve Pol 402.02. This is an eligibility hearing in the matter.

The second part. He has been hired by the Lee Police Department. The Lee Police Department completed a background investigation, and that matter has been brought forward to determine what facts and factors were taken into account by the Lee Police Department to offer a position to Killian Kondrup.

Major Parenteau asked Captain Brad Gould of the Dover Police Department to testify regarding the event that led to Killian Kondrup's discharge.

Captain Brad Gould was sworn in by Chairman Connelly.

When asked by Major Parenteau, Captain Gould summarized his employment history and duties with the Dover Police Department. One of his duties is reviewing citizen complaints and internal investigations.

When asked by Major Parenteau, Captain Gould described an event in March of 2021 involving a vehicle-police interaction.

- Officer Kondrup was working the midnight shift for Dover Police Department as a patrol officer.
- The shift was March 17<sup>th</sup> at 10:00 p.m. to March 18<sup>th</sup> at 8:00 a.m.
- About 12:25 a.m., March 18<sup>th</sup>, Officer Kondrup discovered a vehicle that had crashed into a tree on upper Sixth Street in Dover by the intersection of Long Hill Road, which resulted in the death of the driver and the passenger in the car.
- Captain Gould was notified about the fatal accident shortly after it happened by the patrol supervisor.

When asked by Major Parenteau, Captain Gould noted that the patrol supervisor at that time was Lt. Carey Beaulieu.

The Special Investigative Bureau was contacted, Det. Sgt. Mark Nadeau was contacted as he had responsibility for the scene. He was assisted by Detectives and the crime scene personnel.

Det. Sgt. Nadeau spoke with Officer Kondrup at the scene. Officer Kondrup told Det. Sgt. Nadeau that he believed the operator of the vehicle was one that he had seen outside an Irish pub in Dover earlier, 11:30 p.m. He and Officer Brown were aware that the driver of the car was wanted. Officer Kondrup told Det. Sgt. Nadeau that he had tried to locate the driver of the car outside of the bar, unsuccessfully. He had stumbled upon the crash on Sixth Street during the course of his patrol duties.

When asked by Major Parenteau, Captain Gould stated that Officer Kondrup had not stated that he was in pursuit of the car that had crashed.

Captain Gould confirmed that while the crash investigation was still ongoing, Dover Police Department officers contacted the families of the deceased driver and passenger to make the death notice. One of the individuals notified produced messages that were sent that indicated that before the crash the driver was fleeing from the police as the police were attempting to stop him.

Captain Gould noted that at the time of delivering the death notice, the Dover Police Department had no knowledge that the car that had crashed had been pursued. Officer Kondrup was not asked if he had been pursuing the car at the scene of the accident. He led the Det. Sgt. to believe that he had seen the car outside the bar an hour or so before, and then stumbled upon the crash.

After Dover Police Department received the information about the messages, the information was given to the Chief of Police who directed Det. Lt. Pettengill to contact Officer Kondrup, who was off duty, to ask him if he had been involved in any attempt to stop the car that had crashed.

Captain Gould noted that when Det. Lt. Pettengill contacted Officer Kondrup to let Kondrup know about the information received about the messages, Officer Kondrup was asked, would the occupants of the car have any reason to believe that they were being pursued by police?

Officer Kondrup said "no". He told Det. Lt. Pettengill he saw the car outside the bar, waited for the vehicle owner to return to try to intercept it during a traffic stop. He drove around a loop and when he came back the car was gone, and he didn't see it again until he came upon the crash. He couldn't think why the occupants would think they were being chased.

When asked by Major Parenteau, Captain Gould noted that the reason for stopping the car would have been that the driver had a warrant for disobeying and other charges from the NH State Police that had happened in Rochester. The Dover Police Department had extensive contact with the car's driver, and a recent arrest with the passenger. They were attempting to contact the driver because of the extensive warrants.

Major Parenteau asked Captain Gould to review the contact with Officer Kondrup after the car accident.

Captain Gould noted the first occasion was when Officer Kondrup discovered the car accident, the driver and passenger were deceased. Officer Kondrup met with Det. Sgt. Nadeau and told him he had seen the same car outside a bar earlier in the night and later stumbled upon the crash.

The next morning, detectives that delivered death notices learned about the messages that indicated the driver was running from police trying to stop the car. The Chief learned this, and directed the Det. Lt. to contact Officer Kondrup to find out if there was any truth to the claims from the deceased person's family. Officer Kondrup denied the claim.

The investigation continued for the next week.

- Video collected from a dental office on Sixth Street shows that shortly before the time of the car crash, a dark sedan is seen on Sixth Street in the direction of the crash traveling at a high rate of speed, then a few seconds later there is a marked cruiser with its blue lights activated also traveling at a high rate of speed in the same direction as the sedan, then the blue lights shut off.
- Dover Police pulled the GPS data from Officer Kondrup's cruiser, and it showed that the cruiser was in the same area of Sixth Street where the video surveillance was, the cruiser data showed he was traveling at 74.5 mph at the time.

The information was given to the Chief at Dover Police Department who ordered an internal investigation.

- Det. Lt. Pettengill conducted the investigation.
- During an interview with Officer Kondrup, Det. Lt. Pettengill covers the initial location of the car accident, and the conversation the next morning where Officer Kondrup was asked if the car driver and passenger would believe they were being pursued, and he said "no".

Officer Kondrup was confronted with surveillance footage from the dental office that shows the sedan going past at a high rate of speed then the marked cruiser behind it with its blue lights on traveling 74.5 mph.

Officer Kondrup said he didn't remember doing that, he wasn't sure the blue lights were on. He then asked for union representation.

Major Parenteau asked Captain Gould about information from Officer Matthew Brown.

Captain Gould explained that Officer Brown spoke with Det. Sgt. Nadeau at the car crash scene that night. Officer Brown told Det. Sgt. Nadeau that he believed the crashed vehicle was the same one that they had seen at the bar, they knew the driver was wanted. (Officer Brown and Officer Kondrup were driving in separate cruisers). Officer Brown did not have any information about stopping the car.

Major Parenteau asked about the communication between Officer Brown and Officer Kondrup.

Captain Gould continued noting:

- Officer Kondrup was interviewed at the crash.
- He spoke with Lt. Pettengill on the phone the following morning.

- He had a formal interview on the 25<sup>th</sup>.
- As part of the internal investigation, Officer Brown was also interviewed.

When Officer Brown was interviewed, he said that he and Officer Kondrup had been searching for this vehicle, they were in different parts of the city downtown trying to find the car. He got a message from Officer Kondrup saying "6 out". The agency recognized that as Sixth Street outbound.

- Officer Brown and Officer Kondrup were on the phone when Officer Kondrup found the crash.
- Officer Brown told Officer Kondrup to radio the crash in.
- The two of them met hours later during the course of the shift. Officer Brown told the agency that during their course of conversation, Officer Brown said to Officer Kondrup "Please tell me you weren't trying to stop that car".
- Part of their conversation noted that Officer Kondrup should have called in that he had attempted to stop the car.

March 25<sup>th</sup> was Officer Kondrup's first formal interview with Dover Police Department as part of the internal investigation. He told Lt. Pettengill that he had lost the car downtown and then found it in flames on Sixth Street, but never attempted to stop it and hadn't seen it between the downtown and the time he saw the car on fire. At that point, Lt. Pettengill confronted him with the surveillance footage, and the GPS data from his cruiser. Officer Kondrup requested union representation and the interview ended shortly after.

Officer Kondrup was interviewed again the following day with Attorney Krupski. They summarized all of the events leading up to the crash; that Kondrup tried to catch up to the vehicle in the downtown with blue lights on, lost the vehicle and then at this point in the interview Officer Kondrup stated at one point while he was searching the area of Sixth Street and some of the intersecting roads leading to the crash, he turned onto Glenwood Ave., connects to Central Ave., a major thoroughfare, and Sixth Street runs perpendicular.

Officer Kondrup said that at one point before the crash, he turned onto Glenwood Ave. and he was passed by a dark sedan occupied by two people, and he thinks it is the vehicle he's looking for. He turned around to follow the car, turned on the blue lights, he realized they were going too fast for him to catch, and he shut the lights off and discontinued.

- He did not provide any of that information at the scene of the crash.
- Not during the phone call the next morning.
- Or during his formal interview on March 25<sup>th</sup>.
- The last time the agency heard that information was on March 26<sup>th</sup>.
- It was a significant event as part of the internal investigation.
- He was interviewed a final time on March 30, 2021.
- During that interview, he acknowledged that he had omitted information at the scene that he should have told Det. Sgt. Nadeau that he had attempted to stop this vehicle, it wasn't that he intentionally omitted information and wasn't truthful to Lt. Pettengill on the phone on March 18<sup>th</sup>, and that he was not proud of how he conducted himself

and he had omitted some details during this interview on the 25<sup>th</sup> – the internal investigation was completed sometime after.

Captain Gould noted that the internal investigation was given to him at the conclusion, it was his responsibility to review it, identify policy violations, and forward a recommendation to the Chief, which he did, and he recommended termination.

Major Parenteau asked Captain Gould about the document he provided to the Chief, if it contained a listing of the agency violations by Killian Kondrup.

Captain Gould noted that whomever at the Dover Police Department completes an internal investigation, they must detail every violation that has been identified, and may have been committed.

Captain Gould would highlight the most significant violations and provide those to the Chief with a recommendation. He found that Officer Kondrup violated:

- Pursuits and Attempts to Stop;
- He engaged in an attempt to stop a vehicle but failed to notify dispatch.
- Excess of 20 mph above the posted speed limit. Sixth Street is a 30-mph zone. He would have been restricted to 50 mph; his vehicle was going 74.5 mph.
- Pursuits and Attempts to Stop  
He failed to submit a comprehensive written report regarding his involvement in attempts to stop.
- Truthfulness  
He intentionally withheld information from Det. Sgt. Nadeau when questioned at the scene of an accident during the early morning hours of March 18, 2021.
- Truthfulness  
He intentionally withheld information from Lt. Pettengill when questioned during a phone call on March 18, 2021.
- Truthfulness  
He provided untruthful information to Lt. Pettengill during an interview on March 25, 2021.

For these reasons, he recommended that Killian Kondrup's position be terminated.

Attorney Krupski then provided his own exhibits in the matter. He cross examined Captain Gould on the events leading to the crash and subsequent investigation. He noted that Killian Kondrup was a good employee prior to the incident, accolades from the agency and twice named community officer of the year. There was no discipline in his history.

- On March 17<sup>th</sup> and 18<sup>th</sup>, Captain Gould was not at the scene, he is relying on what he has been told by others.
- Det. Sgt. Nadeau at the scene, Officer Kondrup didn't reference that he was following the vehicle.
- Officer Kondrup had very little interaction with Det. Sgt. Nadeau, and that it was Matt Brown who spoke to Det. Sgt. Nadeau. Captain Gould could not agree with that statement.

Attorney Krupski referred to the official report, which references only speaking to Officer Brown.

- Captain Gould stated that he had not reviewed Officer Brown's report before today's hearing, he reviewed the memo and the internal investigation.

The general report of Det. Sgt. Nadeau completed references speaking with Brown first.

Officer Brown and Officer Kondrup were communicating prior to the car crash. They were trying to locate the car.

Attorney Krupski questioned Captain Gould about the information he had previously provided in testimony for Major Parenteau.

Attorney Krupski focused his line of questions on untruthfulness by omission, by Killian Kondrup.

Attorney Krupski confirmed that Captain Gould had no direct knowledge during the interviews with Killian Kondrup.

Questions from the Council answered by Captain Gould:

- Officer Brown and Officer Kondrup first saw the car parked near a bar in downtown Dover the night of the 17<sup>th</sup> about 11:30 p.m. Officer Kondrup found the vehicle crash at about 12:25 a.m.
- The 74.4 mph that was logged on the cruiser's GPS was after the cruiser had turned around, it was not reported to the agency, the data from the GPS was not sought until the police department viewed the video from the dental office.
- Glenwood Avenue and Sixth are about two miles apart from the downtown area of Dover, not less than a mile and a half.
- The distance from the dentist office where the video was taken, and the crash site is about a mile. It is mostly straight but there are a few curves in the road and hills.

- When asked if the video from the dental office was pursued after learning about messages while delivering the death notification, Captain Gould stated that the detectives were completing due diligence in the matter overall, as this was two deaths in the crash.
- Captain Gould reviewed the GPS data and confirmed that Officer Kondrup was outbound speeds increased to 74.4 mph. The blue lights were activated. Speeds decreased to 39 and the blue lights were shut off.
- The messages were 11:39 p.m., the passenger had an interaction with his friend about noticing police around, then police attempting to pull their vehicle over.
- There was no information on the speed of the car that crashed, no black box or transponder information because the fire from the crash was extensive.
- Captain Gould could not correlate the time from the messages with the time of the car wreck, doesn't know whether messages were subpoenaed.
- The dental office video showed the vehicle go past, shows the cruiser going past, the cruiser's lights go off about 12:22 a.m.
- The cruiser got up to 74.4 mph, the crash site is approximately a mile on the same road in the same direction of travel that both vehicles were going.

Chief William Breault, Dover Police Department, called as a witness for PSTC staff. He was sworn in by Sheriff Connelly.

- Chief Breault summarized his history at the agency, he has been Chief since 2018.
- He had been notified about the crash the night it happened by Captain Gould, and also spoke with Det. Sgt. Nadeau. He was updated by the detectives the next morning when he arrived at work.
- Chief Breault received a text message from Colonel Noyes asking if Dover Police Department needed assistance, Colonel Noyes had heard about the double fatal accident, and also heard that it had been part of a police pursuit. Chief Breault was concerned about whether Dover officers were chasing the car.
- Chief Breault asked Lt. Pettengill to ask Officers Kondrup and Brown if they were chasing the car.
- Chief Breault had been told that Officer Kondrup was on patrol driving Sixth Street and saw a bonfire that got his attention. It was a vehicle in the road on fire.

- Chief Breault asked Lt. Pettengill to call Officer Kondrup and Officer Kondrup re-affirmed that he was not attempting to stop the car.
- Investigation continued over several days. On March 25<sup>th</sup>, Chief Breault was asked by the two agency captains to watch the video from the dental office. The video shows the dark colored car driving at a high speed, then seconds later the cruiser with its lights on at a high rate of speed, contrary to everything they had heard since the crash. Specifically contrary to the conversation Lt. Pettengill had with Officer Kondrup the morning of the 18<sup>th</sup>. At his direction, an internal investigation was started into what had actually happened.

As the investigation continued, Chief Breault wanted to know if the car was being pursued.

- The family of the deceased had concerns about the messages and the version of events that Killian Kondrup provided initially made sense.
- The Dover Police Department believed, based on the time of the messages, what the car's passenger was referring to was the officers' actions downtown. They did not believe the passenger was referring to the chase. This was prior to the video being found. Dover Police thought the messages referred to the police seeing the passenger and driver outside of the bar.
- Dover Police takes integrity seriously. Lying would get officers fired. Mistakes can be made, but how you respond is critical, regardless of the mistake, tell the truth.

Part of the internal investigation was:

- Do we have an officer that is lying?
- Has the agency been truthful to the family?
- At a scene, the officer must tell the truth. We shouldn't have to say were you chasing this car? The officers must be expected to tell the truth.
- When the investigation concluded, and was given to him by Captain Gould, Chief Breault had watched the videos, he wanted to be sure; he knew that officer would be terminated if he had lied. He wanted all of the information to deal with the officer, but also get the correct information to the family. Based on the entire investigation, it was clear that Officer Kondrup did omit that pertinent information at the crash scene.
- The mistake he made was not informing the officer at the crash scene that he had been pursuing the car, he should have called it in, and he did not.
- He would not have been fired if that was the only mistake he had made.
- He made a deliberate decision, he said as little as possible not to "jam himself up".
- When the vehicle crashed, the cruiser was not directly behind it with the lights on.
  - He should have called the pursuit in.
  - He stopped his pursuit because of the speed.

It was relevant to tell the Det. Sgt. on the scene.



The agency should not have had to wait a week and watch video footage in order to get the truth in the matter.

There were multiple times when Officer Kondrup had an opportunity to tell the agency the truth.

They should not have to treat their own officers like suspects and interrogate them to elicit truthful responses. That is why integrity is important.

Chief Breault made the decision to terminate Officer Kondrup, he violated the "Attempt to Stop a Pursuit" policy four different ways. Those themselves, he wouldn't be terminated He was untruthful at least three times, that's why he was terminated.

The arbitration found that there was sufficient evidence to show that the officer lied by omission.

Attorney Krupski questioned Captain Breault, asking about the agency policies – violation of the Pursuit Attempt to Stop policy, and the interviews that took place.

Attorney Krupski called Sgt. Donald Laliberte of the Lee Police Department as a witness. Sgt. Laliberte was sworn in by Chairman Connelly before testifying.

Sgt. Laliberte was questioned by Attorney Krupski about the background investigation he had completed on Killian Kondrup for the Lee Police Department. He had completed an Affidavit of Completion of a Background Investigation on Officer Kondrup for Lee Police Department. It was mandatory per Pol 301.05, PSTC's administrative rule.

Sgt. Laliberte was aware of what happened at Dover, and he interviewed many people listed as references as well as others. Everyone had good things to say about Killian.

- Honest.
- Moral.
- Ethically sound.
- Ability to de-escalate.

He had worked with Officer Kondrup on occasion and was impressed by his ability to communicate. Officer Kondrup was forthcoming about what he had done while working for Dover Police Department.

The Lee Police chief required a polygraph examination for Officer Kondrup. There was no deception indicated during the polygraph examination.

Sgt. Laliberte made the recommendation to hire Killian Kondrup to the Lee chief.

Sgt. Laliberte was questioned by Major Parenteau who asked if he had contacted the Dover Police Department, and if he had access to records for Killian Kondrup from Dover, and he confirmed.

Sgt Laliberte noted that after learning what happened with Dover, he decided to do a more thorough background. More thorough meant that he contacted and interviewed more people regarding Killian Kondrup.

Officer Kondrup noted during the hiring process that all of his past employers would give him a good recommendation. He was terminated from Dover Police Department; he made mistakes on the job and was let go.

Major Parenteau asked Sgt. Laliberte, did Officer Kondrup actually believe that the Dover Police Department would give him a good recommendation for a law enforcement job?

Sgt. Laliberte wasn't sure he discussed that with Killian Kondrup.

Regarding making mistakes at Dover, Killian Kondrup told Sgt. Laliberte that he should have handled the situation differently. "He was not forthcoming in certain areas".

Sgt. Laliberte was questioned by members of the Council:

- He was aware that Killian Kondrup lied on three separate occasions and the Lee Police Department hired him.
- Sgt. Laliberte was not present during the polygraph examination.
- He has not reviewed a recording of the polygraph.

Attorney Krupski noted on the polygraph examination, the Supreme Court has said when it comes to police officers and reviewing polygraphs in employment situations and their veracity, that polygraphs are a useful tool, they are allowed to be used and can be used.

Commissioner Hanks asked when the polygraph was established for this candidate after the file was reviewed in Dover, were there any specific questions for the polygrapher to use about the event in Dover, or was it a standard employment polygraph?

- Sgt. Laliberte was not aware if there was or not.

Judge Countway asked if this person's name was on the EES list. Attorney Krupski objected, RSA 105-13(d), the names are confidential until certain matters are resolved. It is considered confidential.

Judge Countway clarified her question – Does the agency have concerns, in the context of hiring this individual, for Laurie issues?

Sgt. Laliberte stated that it was always a possibility.

Deputy Attorney General Young asked won't those lies have to be disclosed if he testifies in court?

Sgt. Laliberte answered that he was not familiar with the process.

Attorney Krupski asked that Killian Kondrup address the Council so the Council can hear from him as everything else has been hearsay.

1:25 p.m The Council members took a break.

1:38 p.m. They were back in session.

Killian Kondrup was sworn in by Commissioner Connelly.

Attorney Krupski noted that he had the polygraph test questions on Killian Kondrup. He provided those questions. The issue at Dover was addressed during the polygraph examination.

Attorney Krupski provided copies of a map of Sixth Avenue to Council members for their review.

Attorney Krupski questioned Killian Kondrup about what happened the night of March 17, 2021, while he was working the midnight shift for the Dover Police Department.

He explained that Officer Matt Brown had stopped a car in the downtown area near a bar. Officer Kondrup parked next to Officer Brown's cruiser to speak with him.

He recognized a person that had been arrested by Dover Police Department a few days before. The person got into the passenger seat of a car parked close by. Officer Kondrup did a SPOTS search on the license plate, which returned that the person the car was registered to was from Maine, had warrants and a probation violation, and was wanted for two incidents in New Hampshire. Officer Brown was familiar with the vehicle's driver.

Officer Kondrup and Officer Brown decided to split up. Officer Kondrup described how he travelled in an attempt to stop the car.

He never called the police department about an attempt to stop the car, he didn't identify the vehicle. He looked at the speedometer and it was 50 mph, and he knows now that wasn't accurate. He turned his emergency lights off. He called Officer Brown while continuing to follow the car. He told Officer Brown he had seen a car but lost it. While he was on the phone, he came around a corner and found a vehicle engulfed in flames, liquid in the road, wires down. He told Officer Brown, then called it in.

Det. Sgt. Nadeau came out to the crash scene, the fire department had identified the car as the one Officer Brown and Officer Kondrup saw earlier in the evening.

Det. Sgt. Nadeau told Officer Kondrup that Officer Brown told him that this was the car they had seen earlier that night. Officer Kondrup said that he should have said more to Det. Sgt. Nadeau at that time, at the crash scene.

He stayed at the scene until he was relieved by another officer. It was about 1:30 a.m. He

worked until 8:00 a.m., he went home, went to bed, and was woken up by someone knocking on his door. It was an officer who told him Lt. Pettengill was trying to call him.

He called Lt. Pettengill. Officer Kondrup was not “forthcoming” with everything that had happened the night before.

He felt as though he could not articulate what he knew. He was half asleep during the conversation. Lt. Pettengill asked if he thought the people in the car would have any reason to think that he was trying to stop them? Officer Kondrup said “no”. He did not want to speculate on what they might think. He had the opportunity to say what happened and he did not. That was on March 18<sup>th</sup>.

During the March 25<sup>th</sup> interview, Lt. Pettengill asked him what had happened that night. He told Lt. Pettengill he had turned on the cruiser lights and sped up, he looked at the speedometer and it was 50 mph. At that point, Lt. Pettengill showed Officer Kondrup the video of the cruiser speed, and the lights shutting off.

When he went to the interview, he did not want union representation, he had nothing to hide. At a point, he felt as though he was being asked questions that they already had answers to. He asked for union representation at that point. He agreed to return the next day with Attorney Krupski.

He told Lt. Pettengill the same thing on March 26<sup>th</sup> that he had on March 25<sup>th</sup>, except for the car passing him.

- He thought he was in trouble for exceeding the speed and activating emergency lights.
- He did not lie, but he was not forthcoming.
- He liked his job at Dover, Dover has a reputation in the state as being a premier police department, and he had opportunity to expand his career.

He did not dispute whether he had violated the Pursuit and Stop Policy.

If the Council allows Killian Kondrup to continue a career in law enforcement, he will not forget this experience. He does feel confident that he can perform the functions of a law enforcement officer.

Major Parenteau questioned Killian Kondrup, asking, “Did you knowingly or intentionally omit any information that you should have given out?”

Killian Kondrup replied that he did omit information. At the time he mistakenly believed that it was not pertinent.

Major Parenteau asked him “if a sergeant or lieutenant asked him to tell him everything that happened, is it fair to say that you were picking and choosing what you were going to say? Shouldn’t everything be pertinent when you’re talking about a fatal crash like that”?

Kondrup response "Yes, it should have been".

At 2:08 p.m. the Council took a break

At 2:10 p.m., the Council was back in session.

Major Parenteau stated that there were two items for consideration, following up on the discharge from Dover Police Department would be the Pol 402.02, Violation, Section (a)(5)(a)(c) (Major Parenteau read the rule into the record).

Council members had been provided with a copy of the section of Pol 402.02 listing the means the Council had to determine the factors for just cause.

The second item is if Officer Kondrup was eligible to work for the Lee Police Department, Pol 301.05, Background Investigation. Major Parenteau read Pol 301.05(g) into the record.

Chairman Connelly asked, if in the first instance the Council determines that a revocation or suspension based on the Dover termination, does that eliminate the second section?

Major Parenteau responded that this was the first incidence of this particular situation that he has encountered, most officers that are discharged do not get law enforcement jobs again. If the Council chooses to suspend or revoke, that has an effect on Killian Kondrup's ability to be hired. If the Council finds that Officer Kondrup was untruthful during this internal investigation, it will bear consideration on whether he is allowed to continue employment with the Lee Police Department. Should he be allowed to work period if he was discharged for lying?

Motion to revoke permanently by Deputy Attorney General Young, seconded by Chief Aldenberg.

Discussion on the Motion

Deputy Attorney General Young noted Officer Kondrup has been through an arbitration, he lied three times, between the 18<sup>th</sup> and the 25<sup>th</sup>, he never came forward.

- he is trying to differentiate between a lie and not being forthcoming.
- "It was a lie, you all (Council members) represent organizations that you agonize over every day, how does this officer ever raise his hand and testify on the stand and be believed"?

Judge Countway noted that the motion was that he could not come back.

Major Parenteau noted that if there was a time period set, for example, revocation was two years, then he could re-apply and start the process again to enter law enforcement. That would be a Council decision.

Chief Hoebeke asked if the motion is to revoke without parameters on the revocation?

Deputy Attorney General Young confirmed the motion was for a permanent revocation.

Chief Russo asked why didn't this come up before the person got hired? Is there a requirement to come here (PSTC) and get a waiver before hiring the person because they were let go by an agency because of an issue such as this?

Major Parenteau answered Chief Russo.

The case was complicated. Someone has to say why he was discharged from Dover. There must be a representative from law enforcement or staff to produce evidence as to why he was discharged. He cannot get hired until he has an eligibility hearing. The eligibility hearing requires the department to come in if it is a complicated case. If it is not complicated, staff can present the case alone.

Major Parenteau explained further, that in 2008, the Council did not want everyone that was discharged to come in for a hearing.

Chief Russo disagreed stating that it didn't make sense. Now we are possibly taking someone out of a career and a department loses a person, and we may have been able to do that before the person was hired?

Chairman Connelly noted that he (Killian Kondrup) had already been working for Lee.

Major Parenteau stated that was something that the Council could discuss changing.

Chief Hoebeke added that the Council would not be in this situation if the Lee Police Department did the background investigation and found out that he was terminated by the Dover Police Department. It could all be avoided if the Lee Police Department had not taken an unnecessary risk.

Commissioner Hanks noted issues from the audit of PSTC by the Legislative Budget Assistant. PSTC has been auditing agencies regarding the hiring process.

The Council vote on the Motion by Deputy Attorney General Young, seconded by Chief Aldenberg to revoke the certification of Killian Kondrup was unanimous with the exception of Judge Countway, who opposed the motion due to it being a lifetime revocation.

Chief Russo asked if the Council could discuss the process before the next agenda item.

Director Scippa explained that there was a complete re-write of RSA 106 to address many of the dynamics which had just occurred. Hopefully the legislation will go through as written to add clarity to the process, reduce and eliminate those situations.

Deputy Attorney General Young asked, "How many more"? How does Dover discipline someone, dismiss them, and another department hires them"?

Major Parenteau answered that PSTC doesn't know until receiving the Form A that the person has been hired by another agency. At that point, staff reviews the information regarding the prior

agency. This particular case took longer as they asked for continuances while the discharge was going through an arbitration.

- Chiefs should know the information before hiring people.
- Add a component for an immediate administrative suspension.
- They must come to Council before being hired.
- Word should permeate out that agency heads should do due diligence and it is not a good gamble to take.

#### Logan Basta, Northumberland Police Department

Mr. Jason Bishop recused himself.

Logan Basta was present with Attorney Marc Beaudoin.

Major Parenteau explained that Logan Basta was dismissed from the 185<sup>th</sup> Full-Time Academy by Director Scippa for comments that were made to another recruit, that the recruit felt uncomfortable and threatened by.

On August 24, 2021, Chief Peter Pelletier addressed the Council to discuss Logan Basta's Academy dismissal. Chief Pelletier, Director Scippa and the Council discussed the derogatory term used by Logan Basta regarding the protected class.

Logan Basta was not allowed to return to the next Academy, there was strong urging by a Council member to have a psychological exam done in conjunction with a psychologist used by PSTC. It was arranged and Logan Basta attended an appointment in November with the psychologist. Major Parenteau had the results of the evaluation. Major Parenteau noted that he would request a non-public session to discuss the document.

Chairman Connelly addressed Attorney Beaudoin for input on his preference for presenting his client's matters.

Attorney Beaudoin asked Council members to focus on the hazing matter, which was the category in which Logan Bast had been dismissed from the Full-Time Academy, and then the psychological examination.

He will ask to discuss the reason for non-public session in a non-public session.

Attorney Beaudoin provided Council members with exhibits, some public, some confidential.

He asked the Council to view the exhibit regarding hazing or horseplay from PSTC's Technical Assistance Manual. He noted that the term was "subjective". He included a Department of Defense definition of hazing.

Attorney Beaudoin summarized that Logan Basta came out of the military and was attending the Full-Time Academy. He used derogatory terms. There was an incident in a bathroom and in the hallway. Recruits heard Logan Basta use this derogatory term. The term that he used wasn't

being directed at anyone, it is inappropriate, and he should have used a different word. Attorney Beaudoin stated that Recruit Basta was using the term as a synonym, the term was not used in reference to the LGBT community. He wasn't using the term to be derogatory to any group of people.

Attorney Beaudoin then directed the Council members to several exhibits which were statements from recruits that had been submitted by recruits regarding the situation and the derogatory language. One recruit noted that Logan Basta used the term three or four times, and he was not in front of the recruit who was offended by the term. Attorney Beaudoin stated that the term was often used in the military. The term was used while he was talking with a group of military veterans.

Attorney Beaudoin brought the Council members attention to another statement. The author of the statement noted that after Logan Basta used the derogatory term in the bathroom, he apologized. The statement noted his choice of words was poor and unprofessional:

Attorney Beaudoin summarized:

- A group of people were in a conversation.
- Logan Basta used inappropriate words.
- The conversation was not directed at any one individual.
- Nor was it directed at any class of people; it was a term synonymous with "jerk".

Attorney Beaudoin asked the Council to begin a non-public session to discuss why a non-public session was necessary.

Motion for non-public session by Chief Hoebeke, seconded by Chief Aldenberg to discuss the reason for a nonpublic session on Logan Basta. The roll call was taken by Chairman Connelly.

Commissioner Hanks	Yes
Chief Ho-Sing-Loy	Yes
Chief Hoebeke	Yes
Judge Countway	Yes
Sheriff Massahos	Yes
Chief Russo	Yes
Dr. Sullivan	Yes
Mr. Lccius	Yes
Deputy AG Young	Yes
Colonel Noyes	Yes

Chairman Connelly voted yes.

(Chairman Connelly did not call Chief Aldenberg's name for the roll call vote as he thought he was the second on the motion. Anne asked for clarification on the motion, it was seconded by Chief Ho-Sing-Loy).

At 2:45 the Council began a nonpublic session.



Motion by Mr. Lecius, seconded by Deputy Attorney General Young to exit the nonpublic session. The roll call was taken by Chairman Connelly

Commissioner Hanks	Yes
Chief Ho-Sing-Loy	Yes
Chief Hoebeke	Yes
Judge Countway	Yes
Sheriff Massahos	Yes
Chief Aldenberg	Yes
Chief Russo	Yes
Dr. Sullivan	Yes
Mr. Lecius	Yes
Deputy AG Young	Yes
Colonel Noyes	Yes

Chairman Connelly voted yes.

At 2:47 p.m., the Council was back in public session.

Motion by Commissioner Hanks, seconded by Chief Hoebeke, to initiate a non-public session for the purpose of discussing a document relevant to healthcare.

Chairman Connelly called the roll for the vote:

Chief Ho-Sing-Loy	Yes
Judge Countway	Yes
Sheriff Massahos	Yes
Chief Aldenberg	Yes
Chief Russo	Yes
Dr. Sullivan	Yes
Mr. Lecius	Yes
Deputy Attorney General Young	Yes
Colonel Noyes	Yes

Chairman Connelly voted Yes

At 2:48 p.m., the Council began a non-public session.

Motion to exit non-public session by Deputy Attorney General Young, seconded by Mr. Lecius.

Chairman Connelly took the roll call:

Commissioner Hanks	Yes
Chief Ho-Sing-Loy	Yes
Chief Hoebeke	Yes
Sheriff Massahos	Yes
Chief Aldenberg	Yes
Chief Russo	Yes
Dr. Sullivan	Yes

Mr. Lecius	Yes
Colonel Noyes	Yes
Chairman Connelly voted	Yes

At 3:42 p.m., the meeting was back in a public session.

Major Parenteau explained to the Council members that the academy manuals had not been updated.

He asked Logan Basta if he remembered the Power Point presentation from the first day of the academy and reviewed the recruit manual. Major Parenteau directed Mr. Basta's attention to one slide. The definition of hazing in the manual was different from the slide.

Major Parenteau asked Logan Basta to read from a copy of a slide used for academy recruits on the first day of the academy.

Logan Basta read:

"Hazing – no ridiculing or joking about anyone, no insulting any person or group of people, no offensive words ethnically, sexually, no physical touching and no horseplay".

When asked, Logan Basta stated that he didn't remember the Power Point presentation.

When Major Parenteau asked if he agreed that the definition of hazing was more than what was described earlier, Logan Basta responded "I'm not sure what you're trying to ask Major".

Major Parenteau read the description from the Power Point slider again:

- No ridiculing or joking about anyone.
- No insulting any person or group of people.
- No offensive words, ethnically, sexually.

Major Parenteau continued, "it is a greater amount of conduct beyond what is in that initial description".

Logan Basta responded, "If that was the definition that's on the slideshow Major, if that's what it says, I do not believe however is the definition of hazing, or whether that's common law or Department of Defense."

Major Parenteau noted that this is what is taught at the beginning of the academy.

Major Parenteau read a statement into the record, from the person who felt he was discriminated against. Before reading, he noted that the statement does show the incident was more than walking down the hall using offensive words.

"June 15, 2021, Squad 1, to Whom it May Concern:

Over the last seven weeks I have been discriminated against for my sexual orientation, along with being picked on by recruit Logan Basta. Starting with Week One when I was squad leader, I gave instructions to my squad and Basta replied "I don't take orders from people like you". Within Week Five, while I was in the restroom on the tiled side, Basta called me a faggot, outing me to everyone in the bathroom. He then said "Oh, sorry," with a smile on his face. I was told he was in the hallway that night repeatedly using that language referring to me. Additionally, while in that same bathroom in Week Six, someone was talking about homophobes and Basta replied "Do you blame them," then giving me a dirty look. It has been brought to my attention that he has also picked out some of my friends and is making unwelcome rude comments to them. Lastly, there have been more comments made by Basta to myself that are unwelcomed, and as someone in the LBGT community I find that extremely inappropriate. If roommates get switched in the future, I ask not to be with Basta, I do not feel safe around him".

After reading the statement, Major Parenteau noted that the recruit felt aggrieved, it was more than just Recruit Basta walking down the hall and shouting out faggot.

Attorney Beaudoin asked Logan Basta if he knew the recruit that Major Parenteau was referencing, and he did. Logan Basta was asked to explain what he felt about the statement, and if he thought it was accurate.

Logan Basta said that a lot of what was in the statement was false. He was in the tile bathroom talking with friends he had known from service years. During the conversation, he said the word. He noticed the recruit in the bathroom, and he apologized to him.

Attorney Beaudoin asked if the conversation in the bathroom was in reference to that recruit; Mr. Basta said no. He doesn't remember what the conversation was about.

When asked about the sincerity of his apology, Mr. Basta said that he meant it. "I slipped up with my verbiage, that word did come out, when I did realize he was present, I went up to him and apologized".

Logan Basta read a statement to the Council.

"Distinguished members of the Police Standards and Training Council, as I stand before you today, I realize the mistake I made and understand the word I used was unprofessional and in poor taste. I did not use the word to purposely offend any one individual or group of people. I apologize for my callous use of a pejorative term. Although it is not an excuse, coming from the active-duty military environment it's a reality. At the time I was in the bathroom, I was under the false impression that I was alone with other recruits with shared cultural experience. None of the circumstances absolved me of using the word. But these circumstances influenced the outcome of the situation. As soon as I was made aware of there possibly being a recruit that may have been offended, I immediately took it upon myself because I did not have malicious intent towards the recruit. If I offended the recruit, I do apologize for having said the term as it was not my intention to offend him. I understand the word used is not appropriate and wish I had chosen my words more carefully that day. I understand what I said cannot be taken back now but I would like to right my wrong by apologizing and saying I will take a better path and choose my words more carefully in the future. And I assure this Council today that it will never be a

problem in the future again.”

Chief Aldenberg asked about the first sentence in the statement, “It’s a reality in the military”?

Mr. Basta read “Although it’s not an excuse for my action, coming from the active-duty military environment it’s a reality”.

Chief Aldenberg responded that he had “thirty-one years in the military, it’s not my reality, I can assure you of that”.

Colonel Noyes asked Mr. Basta about the individuals in the bathroom at that moment. He said he knew them from his prior life in the military. He asked “one of them that knew you from before didn’t believe you were sincere in your apology, is that accurate?”

Mr. Basta replied “yes, in one of the statements. There were two separate statements, one of the recruits was in the military with him, the other recruit was a friend of his. He wasn’t sure which had written the statement.

Commissioner Hanks asked if Mr. Basta has educated himself, gone to training around this topic in general?

Logan Basta noted after his dismissal from the academy, he was struggling with his transition and what was said during the meeting. He attended three counseling sessions, he confided in family members to get their perspective/life experience.

Commissioner Hanks noted that it had been nearly six months since the academy dismissed him and he had not attended professional training.

Attorney Beaudoin asked if Chief Pelletier would like to speak to the Council.

Deputy Attorney General Young asked to make a motion. “Council has heard from the Chief before, unless it’s something new, unless he can expand on this report, I don’t know why we should hear from him again”.

Attorney Beaudoin asked if Chief Pelletier had anything new to share.

Chief Pelletier noted he was present to fight for his employee.

- Logan Basta has been working for the past 14 months.
- During his hiring process, he was driving from Long Island riding along with them, doing a working interview.
- He did polygraph and psych tests, which were all great.
- The agency personnel got to know him. The agency as a group decided to hire him.
- There have been no regrets since.
- He had brought the Northumberland officers to the Council meeting.
- They were present to support Basta.
- They have not seen any bad traits.

- He is exactly the person the Chief wants to hire, and he is happy that he did hire him. He would like to keep him.
- Going forward, the subject of how he deals with other communities and so on, he has even attended at least one domestic with a couple of guys that are together.
- Utmost professionalism was displayed at all times.
- The town loves and respects him.
- He is an outstanding employee.
- No discipline issues.
- He doesn't argue with orders.
- This is the caliber person he wants for Northumberland Police Department.
- Now he knows that there are words he cannot say.

Dr. Sullivan asked if he had seen any biases when Basta is on the job.

Chief Pelletier responded that he had not. He doesn't display bias, he's professional. None of the Northumberland personnel are allowed to be an exception to that rule.

Dr. Sullivan asked Chief Pelletier if he thought that Logan Basta recognized his biases. She noted that we all have biases.

Chief Pelletier stated he thought he had.

Dr. Sullivan asked, do you think he is mature enough and motivated enough to change that?

Chief Pelletier thought he was.

Dr. Sullivan asked, does he have a strategy?

Chief Pelletier responded "absolutely".

Attorney Beaudoin stated that Logan Basta is 23 years old, he spent some time in the military, he may have had a difficult time transitioning into civilian life. Dr. Sawyer is correct in some aspects of her report where she says maturity can occur over time if he's provided the right guidance, which his chief is willing to do.

Chairman Connelly asked for a motion from the Council.

Motion by Deputy Attorney General Young to deny the request.

There was no second on this motion.

Discussion ensued amongst the Council members.

Dr. Sullivan asked Director Scippa if he had experienced any similar situation in the past.

Director Scippa said "Where a recruit called another recruit or used the term faggot while they were in, during the session, no."

Commissioner Hanks asked Director Scippa if he had experienced any one during the time he had been the Director in any academies in which a racial or sexually explicit derogatory term was used towards another member of the training group?

Director Scippa stated not in the 18 months he had been Director at PSTC.

Attorney Beaudoin spoke, saying that Logan Basta did not direct the term at anyone. Major Parenteau had read a statement, and Attorney Beaudoin could not cross-examine (the person as that person was not in attendance).

Commissioner Hanks noted there was a motion made and no second. Part of her concern is that, is that there is a young person that needs mentoring and maturing.

- There has been no training or professional development, or planning implemented to help the Council to understand how Logan Basta can grow as a professional in his field to overcome that implicit bias.
- That is part of a national dialogue, there has been ample opportunity to engage in that, and she is slightly disappointed as a Council member that it wasn't provided or contemplated before today.

Chairman Connelly asked Chief Pelletier if there had been mentoring or discussion about specific types of things that have been done on his part.

Chief Pelletier stated that there had been in-house discussions on those topics, it didn't occur to him to get Logan Basta into an online program, he did go to sessions with a counselor to try to address that. In-person is difficult due to Covid.

Chief Pelletier was asked if he would be open to providing training in that area, to be sure the issue wouldn't be repeated.

Chief Pelletier agreed, he was embarrassed he hadn't thought of that.

There was no second on the motion to deny the request.

Motion by Commissioner Hanks, they have Dr. Sawyer's 'non-recommendation' pursuant to Pol 301.05, and recommendation of the contrary, not recommended according to the psychologist. Pursuant to a plan approved for training in the area and an updated psychological exam, those two things must be completed before he is eligible to return to the academy. The Motion was seconded by Dr. Sullivan. The voice vote was unanimous with one opposed, the Motion passed.

Chairman Connelly asked that Attorney Beaudoin work with Director Scippa, Major Parenteau and Chief Pelletier to develop a plan regarding Logan Basta.

## CONSENT CALENDAR

### PT&E Requests

Joseph B. Gonsalves Swanzey Police Department

(DOH: 10/25/21) Will be granted certification upon successful completion of the medical exam (completed November 2, 2021) 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.

Kelley Scholbe, Portsmouth Police Department

(DOH: 12/06/21) Will be granted certification upon successful completion of the medical exam, (completed October 5, 2021) 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 Jonathan Wood, Stratham Police Department

(DOH: 11/15/21) Will be granted certification upon successful completion of the medical exam (completed November 17, 2021), 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 River Payne, New Hampshire Department of Fish and Game

(DOH: 12/03/21) Will be granted certification upon successful completion of the medical exam (completed November 12, 2021), 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 Brian Morrill, Holderness Police Department

(DOH: 01/10/22) Will be granted certification upon successful completion of the medical exam (completed December 27, 2021) 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.

Officer Andrew Lipson, Moultonborough Police Department

(DOH: 12/03/21). Will be granted certification upon successful completion of the medical exam (completed November 12, 2021), 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 David Bailey, Police Standards and Training Council

(DOH: 01/14/22) Will be granted certification upon successful completion of the medical exam (completed November 16, 2021), 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.

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

Class Number	187	188	189
Dates	01/03/2022-04/22/2022	02/07/2022-05/27/2022	06/06/2022-09/23/2022
Paperwork Submission Deadline *	12/06/2021	01/14/2022	05/09/2022
Fitness Test Date	12/20/2021	01/24/2022	05/23/2022

\* 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>	<b>TBA</b>	
<b>Dates</b>		
<b>Paperwork Submission Deadline *</b>		
<b>Fitness Test Date</b>		



**\*\*Corrections Academy**

Class Number	117	
Dates	01/22/2022-05/20/2022	
Paperwork Submission Deadline *	12/27/2021	
Fitness Test Date	01/08/2022	

**\*\*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.**

**Medical Extension Granted for six months for Three Year Fitness Testing**

Dawn Shea, Allenstown Police Department

Gregory Huard, Epping Police Department

Matthew Oppenhaemer, Exeter Police Department

Scott Knox, Hillsborough County Sheriff's Office

Judy Kosman-Wolsworth, Strafford County Sheriff's Office

Lesley Cosgro, New Hampshire Department of Corrections

Matthew Yao, Haverhill Police Department

Ryan Jarvis, Franconia, Sugar Hill, Woodstock and Haverhill Police Departments

Adam Cortese, Manchester Police Department

John Connors, Manchester Police Department

Christian Horn, Manchester Police Department

Peter Boylan, Manchester Police Department

Bradley Wheeler, Newbury Police Department

Patrick Morrissey, New Hampshire State Police

Mallory Littman, New Hampshire State Police

Tara Elsemiller, New Hampshire State Police

Cynthia Flinn, Newton Police Department

Michael Valenti, Manchester Police Department

Mark Babbitt, Salem Police Department

Daniel Nelson, Salem Police Department

David Hersey, Seabrook Police Department

Colby Morrison, Waterville Valley Police Department

Bryan Smith, Windham Police Department

Patrick Carr, Whitefield, Lancaster Police Department

**End of Consent Calendar**


Motion to approve to consent calendar by Chief Hoebeke, seconded by Mr. Lecius. The vote was unanimous with Commissioner Hanks recusing herself from the DOC item, Lesley Cosgrove, Chief Ho-Sing-Loy from Ryan Jarvis of Sugar Hill, Mr. Lecius from David Bailey, Sher Connell from Scott Knox of Hillsborough County, Deputy Attorney General Young from Peter Boylan of Manchester Police Department, and Colonel Noyes from Patrick Morrissey, Mallory Littman and Tara Elsemiller of the New Hampshire State Police.

Administrative Rules were not reviewed or approved. Commissioner Hanks had many comments, she agreed to assist.

Motion to adjourn at 4:15 by Deputy Attorney General Young, seconded by Commissioner Hanks. The voice vote of the Council was unanimous in favor of the motion.

February 22, 2022

Respectfully submitted,

  
Christopher D. Connelly  
Chairman