



Sheriff Christopher D. Connelly
Chairman

State of New Hampshire

POLICE STANDARDS & TRAINING COUNCIL

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John V. Scippa
Director

February 22, 2022
Public Minutes
Police Standards and Training Council

In attendance:

Chairman, Sheriff Christopher Connelly, Hillsborough County Sheriff's Office
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,
Judge Sawako Gardner, Circuit Court Judge
Chief Steven Russo, Keene Police Department
Colonel Nathan Noyes, New Hampshire State Police
Judge Melissa Countway 3rd Circuit District Division, Ossipee
Chief Allen Aldenberg, Manchester Police Department
Dr. Maureen Sullivan
Mr. Jason Bishop, Community College System of New Hampshire

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

Guests Present: AAG Stacie Moeser, PSTC counsel

The Council was in a 'nonmeeting' with their counsel, Assistant Attorney General Stacie Moeser from 9:00 to 9:15 a.m.

Chairman Connelly called the meeting to order at 9:15 a.m.

Chairman Connelly and Council members congratulated Deputy Attorney General Jane Young with a round of applause, on her nomination as United State's Attorney for New Hampshire.

Motion to approve the Public Minutes from the January 25, 2022 Council meeting, by Mr. Lecius, seconded by Chief Hoebeke with amendments as noted by Chief Russo, and Deputy Attorney General Young. The voice vote of the Council was unanimous, with Judge Gardner abstaining from the vote.

Motion to approve the nonpublic minutes for the Brandon Girardi matter by Chief Hoebeke, seconded by Chief Russo. The voice vote was unanimous in favor of the motion with Judge Gardner, Deputy Attorney General Young and Colonel Noyes abstaining from the vote.

Motion to approve the nonpublic minutes for the Logan Basta matter by Chief Hoebeke, seconded by Chief Ho-Sing-Loy. The voice vote was unanimous in favor of the motion with Judge Gardner, Mr. Jason Bishop, and Judge Countway abstaining from the vote.

Director's Report (copy attached)

In the budget category of the report, Director Scippa noted a few specific repairs were for flooring and stairways. Other specific requests were for buying more training equipment for classes:

- physical training equipment
- simunitions gear
- crime scene and evidence collection equipment

The equipment will increase the value of those blocks of instruction for recruits and in-service students.

In the Outreach, Education and Legislation category of his report, Director Scippa noted that RSA 91-A requests were overwhelming to the legal staff of PSTC. The volume of requests makes it difficult for legal staff to accomplish other tasks.

Director Scippa asked the Council members' input on the Staff/Cadre/Instructor guide that he had provided to them, specifically the new disciplinary matrix. The matrix is nearly identical to CMR550, which is the Massachusetts Administrative Rule, Discipline at Police Academies.

Commissioner Hanks asked about the definition of hazing from a past disciplinary hearing. Director Scippa responded that the definition of hazing in the proposal is much more in line with what they spoke about (during that particular hearing). Director Scippa asked for a motion from the council to adopt the new disciplinary matrix.

Motion by Commissioner Hanks to adopt the new guidebook for staff, cadre and instructors which outlines the disciplinary matrix. Colonel Noyes seconded the Motion. The voice vote was unanimous in favor of the motion.

The old portion in the recruit manual on discipline will be replaced by Director Scippa's newly drafted section. There will be an acknowledgement to be signed for all that receive the manual. PSTC will initiate a formalized vetting process for all instructors, which is necessary for accreditation. This includes actors in scenarios.

Director Scippa asked the Council members for input on the LEOSA Guide, Technical Assistance Manual, noting:

- LEOSA is not a priority in this police training academy.
- The majority of people requesting a LEOSA program are not NH officers, they are from out-of-state or federal.
- The attachment to the agenda was the manual that was proposed.
- Director Scippa had proposed an administrative rule Pol 700, but now asked Council members to disregard it because it does not support what the federal statute requires.
- There is no way for private entities to provide this type of training.
- He suggests charging \$25.00 per person to cover consumables.

Judge Countway commented that \$25.00 was barely worth the effort of collecting, should it be closer to \$100.00?

Council member comments included that to accomplish the program at PSTC, using regular training hours would impact anything else currently scheduled, and would offering the program every other month would be sufficient?

Director Scippa noted that this will be a lot of work for the firearms instructor and more demands on the facility.

- When you put someone on the range for one day, it takes away the opportunity to have a five-day school on the range and it impacts a five-day school in the tactical center, as you can hear the gunfire in the tactical center.
- Could LEOSA classes be held as needed?

Chairman Connelly noted that there has been hesitation by individual law enforcement agencies to offer the program, as the agencies have not seen the academy in favor of it. If the academy holds programs, it might prompt agencies to agree to run the program internally for their own employees.

Director Scippa agreed with Chairman Connelly's suggestion and stated that once the Council approved the LEOSA Technical Assistance Manual, PSTC would make it available to all agencies as a resource. Any agency could run a program.

Chief Hoebeke asked if there was language to specify that a retiree in the state should be required to pursue certification through their agency, (the agency that they retired from), and their agency would bear the responsibility to certify them? That might alleviate the frequency of requests to the academy.

Chief Hoebeke also noted that he would support a quarterly occurrence for this training, and it would cost more than \$25.00.

- How long is the duration of the class?
- Take the hourly wage of the highest paid instructor and use that as a basis to determine what to charge.

Director Scippa agreed with Chief Hoebeke, stating that officers should seek LEOSA certification through their own agencies. There have been people from New York that have contacted PSTC about this when they could have contacted their home agency.

A rough calculation to address hourly rate, the rate of the instructor consumables, including turning the range on, that ended up being \$78 and some cents per hour, per person, if PSTC were to run a class with 15 attendees.

Director Scippa continued:

- We looked at that as turning the range on, on a Saturday, outside of normal working hours.
- We can talk about the transparency where you are on company time and then you are charging almost like an outside detail. There is impact to the staff. Currently, PSTC does not have the staff to run a Saturday class.

Judge Gardner commented that to go back to the mission of PSTC, while it is a great service for those who are retired, we should not take away from what we are supposed to be doing, which is training officers for New Hampshire.

Chief Russo asked if there was a financial mechanism for the Academy to be reimbursed with the fees that people would pay, or does it go into the general fund? Director Scippa answered that it would all go to the general fund. It is difficult to get a revolving account.

Commissioner Hanks discussed allowable revolving funds in the legislature, turning the money into a revolving fund that goes towards building maintenance, firearms range.

Motion by Chief Hoebeke to approve the LEOSA program manual, to increase the fee charged from \$25.00 to \$75.00; that will offset some of the costs for PSTC. The motion was seconded by Mr. Lecius. The Council vote was unanimous in favor of the motion.

Further discussion on the motion ensued.

Judge Countway noted that in her opinion, \$75.00 was not enough and Judge Gardner agreed. Judge Countway suggested \$250.00

Colonel Noyes stated that if the class was to be held as needed, or quarterly, was it worth looking into if the staff would be willing to work overtime on a Saturday if it is not going to be every month? Investigate an overtime rate, for whatever instructors were amenable, and the cost could be factored into a four-hour class.

When asked about the number of personnel to provide a four-hour LEOSA class, Director Scippa noted that it was important to have two instructors for safety purposes. Colonel Noyes noted that for 15 people, there should be three instructors.

Chairman Connelly asked if local agencies could support a LEOSA class, similar to the way they would with regular academy firearms courses?

Director Scippa stated, with one person from PSTC as an instructor, PSTC could offer the opportunity to any certified firearms instructor that wanted to come in and help out, then PSTC could pay a detail rate to those officers that were coming in, an overtime rate. The constraints are that PSTC does not have a revolving detail account like the State Police does. He is unsure if PSTC could get the revolving account or how long it would take to get one if possible. PSTC could have one staff person available for a Saturday if needed. If we couldn't get more PSTC staff, staff at PSTC could contact State Police. Firearms instructors need to get a certain amount of range time to maintain their certifications.

Chairman Connelly stated that if the LEOSA program were to be held quarterly, his agency could provide instructors as well.

Council members discussed that part of LEOSA, the federal requirement, is that there is a lot of administrative paperwork that needs to be held onto and filed. PSTC would have to issue letters afterwards, people must be registered for the class, money collected, include a revolving detail account or into the general fund. That is the most difficult part of administering the program. The instructor could be paid for completing the administrative part of the program as they are technically responsible for managing the paperwork and issuing appropriate documents upon successful completion. The interface financially with the State of New Hampshire will be complicated.

Chief Hoebeke suggested (referring to the LEOSA document from Director Scippa) language stating that the fee is to be determined by PSTC, that way it can be adjusted. Also, take out the word "check". Checks bounce and money orders do not. All payment should be by money orders, and no cash.

Benchmark could be used for registrations, but the person interested in the class could not register themselves because they are retired. Someone on PSTC's staff would have to register them.

Colonel Noyes noted that if a class is held on a Saturday, there should be a plan for so many people in this class, it takes this many hours, the class and the administrative duties, eight hours on scene, buildup the range, take down the range, how much will that eight hours cost?

Director Scippa asked the Council if the LEOSA program approval should be carried off until the next meeting? Make the amendments?

The Motion with the amendment "the fee will be adjusted by PSTC" carried.

Administrative Rules

Director Scippa then asked for the Council's approval for final proposal on two administrative rules.

Pol 403.01

Commissioner Hanks inquired about Pol 403.01, the Annual In-service Training rule. She suggested changing text in Pol 403.01(b) to read, "Annually each police, *probation/parole* or corrections officer; and also changing (c) by attending *law enforcement* training."

Motion by Mr. Lecius to approve the final proposal for Pol 403.01 with the amendments suggested by Commissioner Hanks, Deputy Attorney General Young seconded the Motion.

Director Scippa asked that the years quoted in Pol 403.01 be updated to reflect as follows: Pol 403.01(b)(1) 2023, (b)(2) 2024, and (b)(3), 2025.

Judge Gardner asked if the second year in each section should be changed as well, in-service training required for the years as 2023, 2024 and 2025. Director Scippa agreed.

Mr. Lecius approved the amendments made to those sections of Pol 403.01.

Pol 403.02

Pol 403.02, School Resource Officer Certification, amend to read: Mandatory training complete within six months of the assignment of the school resource officer.

Chief Hoebeke asked about section (e) and asked if the certification that was referenced shouldn't be School Resource Officer? Council member agreed to that amendment.

Motion by Chief Hoebeke to approve the final proposal for Pol 403.02, Chief Russo seconded the motion. The voice vote of the Council was unanimous in favor of the motion.

Joshua Edson, Winchester Police Department

Major Parenteau explained that staff at PSTC had received a letter from Attorney Eric Wilson, who is representing Joshua Edson. Joshua Edson provided a letter to Director Scippa voluntarily surrendering his police certification. Major Parenteau informed the Council members that the resignation involved an ongoing investigation.

Council members discussed the following:

- Judge Countway asked, in terms of public transparency, in light of people making inquiries, should we obtain additional information about what the ongoing investigation is? Is it our policy to accept a resignation without questioning it? Major Parenteau

responded that he had a conversation with Senior Assistant Attorney General Sullivan from the New Hampshire Attorney General's office, who noted that this was an ongoing investigation and that it remains confidential.

- Commissioner Hanks suggested a motion to accept the voluntary surrender of certification knowing that there is an ongoing investigation and that the Council is limited because of confidentiality.
- Chief Hoebeke asked if a voluntary surrender of certification prohibits the Council from having a hearing in the future, about revocation of the certification based on the outcome of the criminal investigation? Major Parenteau responded "No, we would follow up on this to determine what the outcome was, when it was cleared out and releasable by the AG's office and/or the town".

Motion by Chief Hoebeke, seconded by Chief Russo, to accept the surrender of Mr. Edson's certification. The Council vote was unanimous in favor of the Motion, Deputy Attorney General Young abstained from the vote.

Michael Doran, New Hampshire State Police

Major Parenteau explained to the Council that staff at PSTC received a letter from Attorney Marc Beaudoin, his Notice of Appearance for Michael Doran. Attorney Beaudoin had communicated with Major Parenteau asking if Michael Doran's hearing would be scheduled for the January Council meeting, it had not been scheduled for that date.

The Notice of Hearing was sent for today's meeting, (February 22, 2022) registered, return receipt mail to Attorney Beaudoin's office. Staff has not received the return receipt card back. Major Parenteau sent two emails to Attorney Beaudoin's attention, one on February 15th and one on February 18th to ask the status, whether they would attend the meeting. There was no response to the emails.

Michael Doran was arrested in August 2021. Staff has been attempting to hold hearings as soon as possible, however, the arrest was in Maine and Maine did not file a complaint until January. Michael Doran's arraignment isn't until April.

He has currently been suspended, three 30 day suspensions since this situation began by his employer, New Hampshire State Police. The suspensions are non-disciplinary leave without pay, recently he was placed in a non-law enforcement position, without police powers.

Major Parenteau noted that in the past, when people fail to appear, Council would postpone the hearing and determine whether or not the party had received the notice.

Deputy Attorney General Young asked if there had been communication with the attorney, but currently no response?

Major Parenteau confirmed that emails had been sent February 15th asking if they (Michael Doran and Attorney Beaudoin) were attending on February 22nd, and then on February 18th Major Parenteau sent a follow-up email. There has been no response. Major Parenteau

confirmed that he had received a Notice of Appearance for Attorney Beaudoin.

Motion by Commissioner Hanks to temporarily suspend Michael Doran's certification pending any additional information to the Council. Judge Gardner seconded the Motion. The voice vote of the Council was unanimous, with Colonel Noyes abstaining from the vote.

Consent Calendar

PT&E Requests

Officer Jeffrey Bauer, Manchester Police Department

(DOH: 01/31/22) requests consideration for full-time police officer certification based on prior training and experience. Will be granted certification upon successful completion of the medical exam (done 01-07-22), 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 John Dube, Mason Police Department

(DOH: 11/09/21) requests consideration for part-time police officer certification based on prior training and experience. Will be granted certification upon successful completion of the medical exam, (done 01-23-22) and entrance fitness test with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Officer Laura Fraser, NH DOS Marine Patrol

(DOH: 01/28/22) requests consideration for part-time police officer certification based on prior training and experience. Will be granted certification upon successful completion of the medical exam, entrance fitness test (done August 19, 2021), 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 Matthew Poole, Stratham Police Department

(DOH: 12/06/21) requests consideration for full-time police officer certification based on prior training and experience. Will be granted certification upon successful completion of the medical exam (done January 11, 2022), entrance fitness test, 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 Cassidy Rohde, Portsmouth Police Department

(DOH: 01/03/22) requests consideration for full-time police officer certification based on prior training and experience. Will be granted certification upon successful completion of the medical exam (done 10-27-21), 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 John Rohde, Portsmouth Police Department

(DOH: 01/03/22) requests consideration for full-time police officer certification based on prior training and experience. Will be granted certification upon successful completion of the medical exam (done 10-27-21), 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 Katie Bolton, Strafford County Sheriff's Office

(DOH: 01/02/22) requests consideration for full-time police officer certification based on prior training and experience. Will be granted certification upon successful completion of the medical exam (done 02-07-22) 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 Jeremy Heinrich, Strafford County Sheriff's Office

(DOH: 01/09/22) requests consideration for full-time police officer certification based on prior training and experience. Will be granted certification upon successful completion of the medical exam (done 02-07-22), 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**

| | | |
|---------------------------------|-----|--|
| Class Number | TBA | |
| Dates | | |
| Paperwork Submission Deadline * | | |
| Fitness Test Date | | |
| | | |

****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.

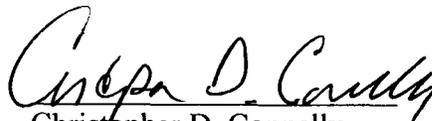
End of Consent Calendar

Motion to approve the Consent Calendar by Judge Countway, seconded by Chief Hoebeke. The voice vote of the Council was unanimous in favor of the motion. Judge Gardner was recused on the Mason Police Department item, Chief Aldenberg was recused on the Manchester Police Department item, and Colonel Noyes was recused from the Department of Safety, Marine Patrol item.

Motion to adjourn by Commissioner Hanks, seconded by Deputy Attorney General Young at 10:23 a.m. The voice vote of the Council was unanimous.

March 22, 2022

Respectfully Submitted


Christopher D. Connelly
Chairman

To: All NHPSTC Council Members
FROM: Director John Scippa
DATE: February 22, 2022
RE: Director's Monthly PSTC Council Report

Academy and In-Service Training:

1. 187 Full Time Police Academy is in session with 49 recruits.
2. 188th Full Time Police Academy is in session with 51 recruits.
3. The Corrections Academy is in session with 7 recruits.
4. COVID impact is zero since our last Council meeting.
5. In-Service/On-Line Bureau reports in-person in-service classes are running smoothly, and Benchmark is live and running smoothly as well.

Budget:

1. We are preparing to appear at the March G&C meeting to ask permission to transfer funds from certain lines in our operating budget. We have realized some significant savings in our reduced meal expenditures and open positions being filled later in the budget cycle. The re-allocation of these funds will help us address existing needs such as building repairs that have been needed for some time and for some training equipment.

Outreach, Education and Legislation: (no changes from last report)

1. JLCAR final review, Council vote on 2 of the 4 proposed rule changes will occur today. Two the proposed rules have been withdrawn based on next line.
2. Both Senate and House are moving identical bills regarding major re-write of RSA 106-L. I had sent the house version to the council members for review. We should wait until these bills work their way through the legislative process before we continue with moving the two withdrawn rule changes forward.
3. We will be submitting our Capital Budget requests in March. We anticipate that we will be making three requests for the next budget cycle. Two of the three will be directed at creating more classroom space and one will be to increase security measures for the facility.
4. We continue to address 91-A requests for regulatory documents and curriculum. We continue to work with our civil attorney to respond to these requests.

Staff and Operations:

1. The background investigations on the two FT LETS candidates are moving along nicely and should be concluded in the next week or two.

2. A candidate for the open part time LETS position has been identified and an offer has been made and accepted. The background has begun.
3. We are still waiting to hear on the SJD for the FT Instructional Design position from DAS.
4. DAS is in the process of completing a statewide reclassification system for all state employees. We anticipate that this effort may have positive impact on PST staff.

Pending Action Items:

1. **Police Misconduct Committee:** I will be offering public testimony later this afternoon on SB 456 which is the identical bill working through the House.
2. **LEOSA program-**Draft of the NH PST LEOSA Technical Assistance Manual to offer the program here has been circulated. Due to state accounting constraints and lack of staff to offer this on weekends, we will need to offer the program during the normal work week. The alternative solution I offered in the way of a draft rule change that had been circulated is withdrawn.
3. **State Level Accreditation Program:** Meetings continue with members of the executive board of the NH Association of Chiefs of Police in the develop of Articles of Organization for a State Level Accreditation body that will develop and deliver a voluntary accreditation program for NH Law Enforcement.
4. **Curriculum Review:** JTA is being refined by UNH Justice Works. I have met with the UNH staff and grad student who is conducting the 2nd phase of the project.
5. **Boiler Replacement Project:** Parts for the project continue to be delivered and stored here in preparation of the project beginning in the spring. Two boilers that are slated to be replaced failed a recent state inspection. Deficiencies were corrected and have now passed inspection.
6. **Administrative Rules Committee:** First meeting of this sub-committee is this Thursday.
7. **Discussion on Part Time Certification:** Date for the next meeting is in the first week in March.
8. **Citizenship Committee:** Date needs to be set for first meeting of this committee. (Major Parenteau)

Discussion Items:

1. **Request for Declaratory Ruling:** I offer for further discussion that a declaratory ruling be issued on how to deal with officers that are hired and appointed but not yet certified. Present rules under POL 301.05 speaks to candidates prior to "appointment". POL 402.02 speaks to officers' certifications.
2. **Staff/Cadre/Instructor Guide:** Review of proposed draft that was sent on 12-09-21. Specifically interested in the discussion and acceptance of the proposed disciplinary rules.
3. **LEOSA Guide and Program:** Discussion and possible acceptance.

