



Sheriff Christopher D. Connelly
Chairman

State of New Hampshire

POLICE STANDARDS & TRAINING COUNCIL

Arthur D. Kehas
Law Enforcement Training Facility & Campus
17 Institute Drive, Concord, N.H. 03301-7413
603-271-2133 – Fax: 603-271-1785
TDD Access: Relay NH 1-800-735-2964



John V. Scippa
Director

July 26, 2022 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
Attorney General John Formella
Judge Sawako Gardner, Circuit Court Judge
Chief Steven Russo, Keene Police Department
Sheriff Charles Massahos, Rockingham County Sheriff's Office
Chief Allen Aldenberg, Manchester Police Department
Dr. Maureen Sullivan
Chief Michael Ho-Sing-Loy, Sugar Hill Police Department
Colonel Nathan Noyes, New Hampshire State Police (exited at 10:34 a.m.)
Mr. Jason Bishop, Community College System of New Hampshire
Mr. Edward Lecius

Not attending: Chief Joseph Hoebeke, Hollis Police Department and Judge Melissa Countway
3rd Circuit District Division, Ossipee

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

Guests Present: Chief Eric Oleson, Wilton Police Department with Officer Nina Rak

At 9:04 a.m. Chairman Connelly called the meeting to order.

Motion to approve the public minutes from the June 28, 2022 PSTC meeting was made by Dr. Sullivan, seconded by Judge Gardner. The voice vote was unanimous in favor of the motion, with both Mr. Bishop and Mr. Lecius abstaining from the vote.

Motion to approve the nonpublic minutes regarding NHSP from the June 28, 2022, PSTC meeting was made by Commissioner Hanks, and seconded by Chief Russo, the voice vote was unanimous in favor of the motion, with Mr. Bishop, Mr. Lecius, and Colonel Noyes abstained from the vote.

Director's Report (copy attached)

Inservice training report from Captain Hawkins (copy attached).

Motion by the authority of RSA 106-L:5, XVII to accept the donation of dumbbells from the Concord Police Department by Colonel Noyes, seconded by Chief Aldenberg. The voice vote of the Council was unanimous in favor of the motion.

Mr. Lecius asked that Director Scippa provide a letter of thanks to the Concord Police Department for the donation.

Wilton

Major Parenteau introduced Chief Eric Oleson and Officer Nina Rak from the Wilton Police Department.

Major Parenteau explained that Chief Oleson had made a request to Director Scippa to appear before the Council to request another attempt at the firearms qualification necessary to achieve certification.

Officer Rak attended the 187th Academy class, she failed to qualify after the initial test, the re-test and the 30/60-day re-test. According to the Academy Technical Assistance Manual, she must appear before the Council to request another attempt to qualify and be able to continue working.

Chief Oleson explained that Officer Rak had done well academically, however, the firearms qualification was problematic. They have been addressing her shooting skills, she has been participating in training at the Nashua Police Department and has qualified with their instructor. Chief Oleson asked the Council how to proceed.

Major Parenteau explained that in the past, the Council has granted permission for the officer to continue working and has offered an additional attempt to qualify to complete the firearms requirements. Also, in prior similar situations, officers have been granted the opportunity to attend another academy practical firearms class during a current or future academy.

Chief Oleson confirmed that Officer Rak was accompanied by an FTO when working on the road.

Director Scippa was asked by Council members if the requirement to qualify in firearms at the academy could be waived, and performed by a certified instructor at another law enforcement agency? He noted that the Council has held the position that all portions of the academy must be completed at the academy.

- There is a standard course of fire.
- There is no standard target.
- PSTC is in the process of standardizing so that there will be a standard course of fire and standard target for use.

Officer Rak must become certified within two years of her date of hire.

Discussion ensued amongst Council members and Chief Oleson to determine the best method for Officer Rak to qualify in firearms to allow her to become a certified officer.

Director Scippa explained that Massachusetts has several police academies in the state and that it is not beneficial. The training Massachusetts officers receive is different from academy to academy. New Hampshire has one academy and one set of standards. Director Scippa noted that maintaining the same set of standards was important. While he was director at one of the Massachusetts academies, the consensus was that Massachusetts law enforcement did not like their situation (many academies in the state and with different standards) and wished that Massachusetts had only one academy like New Hampshire.

Options to qualify in firearms at individual agencies instead of at PSTC where all the training is conducted would not be conducive to standard requirements.

While Council members were interested in assisting Officer Rak in her firearms training and successful qualification to complete her full-time officer certification, they also realized that their decision in the matter was precedence setting.

Major Parenteau suggested a possible option. Officer Rak could make arrangements to come to PSTC and attempt to qualify. If she is not successful, she could sit in for remedial training with the current class, and then make another attempt to qualify.

- August 8th firearms – classroom.
- August 11th and 12th – dry fire.
- The week of August 15th is the practical training.

Motion by Mr. Lecius to allow the officer to continue to work under the current arrangement at Wilton Police Department and, as Major Parenteau offered, allow her to attempt to qualify at PSTC and, if she is not successful, allow her to attend the firearms section of the Academy that is currently in session. The motion was seconded by Chief Aldenberg. The voice vote of the Council was unanimous in favor of the motion.

Entrance Fitness Test Discussion

Major Parenteau explained that during the May 24, 2022, Council meeting, Chief Rondeau of the Wolfeboro Police Department had requested a waiver of the entrance fitness test for Christopher Warn. Officer Warn was a recent hire for Wolfeboro, they were requesting prior training and experience certification for him. Christopher Warn had a greater than 30-day lapse in employment. When Chief Rondeau applied for Prior Training and Experience certification for Officer Warn, he was advised that Christopher Warn would be required to take a medical exam and complete an entrance fitness test due to the lapse in employment. The entrance fitness test for lapse in service has been a requirement since at least 2008, based upon a previous Council decision.

Major Parenteau provided the Council members with labeled attachments to reference in this entrance fitness test discussion. Attachments included minutes from the Christopher Warn matter, May 24, 2022, as well as other attachments noting protocols, research on Pol 404.06,

ongoing medical suitability for fitness testing accompanied by Pol 404.07, the fitness testing requirement.

When the rule was read into the record during the Christopher Warn matter, Major Parenteau noted the specific quote “condition of continued certification and employment for police, corrections, or probation/parole officers. All law enforcement shall furnish the Council, every three years, with a Medical Clearance Report signed by a physician, and that includes the ability to participate in entry testing, 1 ½ mile run, push-ups, and sit-ups”.

In Pol 404.06(a)(3) there is a clause that states “unless previously certified in NH and he or she obtains new employment as police, state corrections or probation/parole officers in the state of NH with a lapse in police, corrections or probation/parole with less than three years.” That is about grandfathered officers not being required to do *three-year fitness testing* if they were hired before 2001; or had gone past three years, then they would be subject to testing. That rule is not about *entrance fitness testing*.

Major Parenteau referenced additional attachments, page two of Attachment 1, Protocol of the Thirty Day Lapse, as well as rulemaking in Pol 401.01 rulemaking, Lapse in Service.

On May 24, 2022, the Council agreed to give a waiver of the entrance test to Officer Warn, who was out of law enforcement for a year and eight months.

- Attachment 2 describes what took place during the December 16, 2008, meeting. The Council discussed putting requirements in for lapses of service.
- There was a motion by Commissioner Wrenn, “after any break in service upon re-hiring, the officer is considered a new hire and the Council will require a medical waiver and successful completion of the entrance fitness test, along with any other requirements placed on them, such as law package, annual training, or firearms within six months before the officer can be certified.” There was a unanimous agreement on that motion.
- This is the history for the 30-day lapse protocol.
- Pol 401.01 Lapse in Service (a) – The certification of a police, corrections or probation/parole officer shall lapse if the officer terminates employment and is not employed in this State as a police, corrections or probation/parole officer within a period of 30 days after such termination.
- The rule does not list any of the protocol requirements, the actions taken by the Council in 2008, and the protocol developed by the Council.
- By protocol, if you lapse, after 30 days you must take a medical exam and a fitness test.
- If you are out over two years, you must take a medical exam and a fitness test plus the law package.
- If you are out over three years, you must complete the entire academy.

In the Technical Assistance Manual, Chapter 6, confirms Council protocol regarding reciprocity of certification

- 2.1, an officer previously certified in New Hampshire that has been out of law enforcement employment for more than 30 days, but less than two years will be required to pass a medical examination and the academy entrance fitness test.
- Section 2.2 explains if the officer is out over two years, but less than three years, it is the same as 2.1, plus the law package, or else test out for the law package.
- Section 2.3 is if someone is out more than three years the same as 2.1 and 2.2, plus the entire academy per specific certification.

Major Parenteau also provided Attachment 5, which is a document drafted by prior PSTC staff describing requirements for Prior Training and Experience certification, both in-state and from out-of-state.

- It notes that all individuals that have been out more than thirty days must take the entrance fitness test.
- Attachment 6 is the work sheet used by PSTC staff for evaluation of Prior Training and Experience, the work sheet has been used for a long time.
- There are two sample letters that had been used by prior Director Vittum when addressing officers with lapses in certification that address the requirement for an entrance fitness test and the grandfathered status for ongoing three-year fitness testing. *This pertains to officers that are grandfathered for 3-year fitness testing, but they are subject to the entrance test.*

Research from Council agendas from 2010 to 2017 indicates 27 grandfathered officers with Prior Training and Experience requests that were required to take entrance fitness tests and medical exams for employment lapses. That is the PSTC history of the requirements with 30-day lapses in employment.

Based on May's decision to grant a waiver for an entrance test, there is no guidance in any of our rules, protocols, or statutes about the 30-day lapse. The rule reference is Pol 401.01 lapse in service, there is nothing else besides "may need additional training", the Council decides whether or not training is required.

Chairman Connelly asked where the 30-day lapse came in and what should be done about the current item on the agenda for Prior Training and Experience.

Most people will age out eventually, there are individuals that are still grandfathered and were hired before 2001.

- When they retire, they go beyond 30 days without a law enforcement job, when they get a job offer for a part-time position with another agency – they have been required to take an entrance test for their new part-time position.
- They are not required to continue after that entrance test with three-year fitness.
- The only issue today is entrance fitness testing for a grandfathered officer.

Judge Gardner asked “why 30 days? Where did that begin, why for instance is it 30 days and not six months”? Major Parenteau responded that it would have been a decision by made by a previous Council, he was not sure when the 30-days lapse rule (Pol 401.01) was established.

Attorney Moeser found dates relative to amendments in Pol 401.01 as 1980, 1988, 2000 and 2008.

There have not been any changes in the Council protocol in the (30-day lapse) matter since the motion by Commissioner Wrenn in 2008. Director Scippa offered that the 30 days may be relative to a retirement law.

Commissioner Hanks had worked with legislators on matters to reduce what they initially offered to 28 days so her agency, New Hampshire Department of Corrections, didn't lose people that they could have otherwise hired back, part-time.

Chief Russo asked what was the reasoning or value behind doing one fitness test?

Commissioner Hanks noted, the question to the Council is, do we want to change the protocol to include something else? Such as, should they have an updated medical exam?

Major Parenteau responded that this was protocol and could be changed by the Council. That would eliminate taking an entrance test.

Major Parenteau said that the staff is looking for direction, will this be the situation going forward, would the Council like the person with the 30 day lapse prior training and experience application to make a request for a waiver?

- At some point it will get out in the field ‘you don't have to do an entrance test anymore; you just ask for a waiver’.
- Or we change it if the Council changes it to eliminate the entrance fitness test?
- He was concerned with Pol 401.01 that says over 30 days the officer is no longer certified.
- He inquired of Commissioner Hanks’ “would you simply say, you must complete a medical exam to determine a physically fit officer”?

Major Parenteau explained that the item from May was not as straightforward as it seemed. The item as presented by the agency had explained that a prior chief had been granted a medical waiver for fitness testing, *the waiver that was granted was for ongoing three-year fitness testing*, not a waiver for the *entrance test*.

Council members could make a motion today to modify that protocol, it is not in the statute or in (PSTC's administrative rule) Pol. It would be more difficult to change the rule for a 30-day lapse.

Sheriff Connelly asked, “Why just one test? What is the value”? He noted further thoughts:

- When officers try to get ready two months before their test, they face potential injury while training.
- There is value in what Commissioner Hanks has mentioned about a medical sign off by a physician so someone who is not able to run a mile and a half in a certain amount of time is still physically fit to perform.
- People coming back to work in law enforcement, as evidenced by the May discussion, are returning in a variety of roles.
- The person from the May meeting who requested a waiver will be working on accreditation and various other similar tasks.
- The medical sign off provides some assurance while eliminating the requirement for the fitness test.

Director Scippa interjected that this would apply to only those who were grandfathered in the first instance:

- Commissioner Hanks mentioned the recruitment and retention, we may be facing these kinds of issues for the long term.
- Chief Aldenberg said this a while ago, “are we getting in our own way”?
- This is an obstacle that is completely under the control of the Council.

Motion by Commissioner Hanks that we modify our internal Council procedures and requirements, referencing (Major Parenteau’s presentation) “Attachments,” the last sentence to say, “individuals that have been out over thirty days must provide a medical examination by a licensed New Hampshire provider confirming they are physically fit and able to perform the duties assigned to them at their law enforcement agency.”

It was noted that under administrative rule Pol 301.04, the physical examination must be conducted by a New Hampshire licensed physician.

Attorney Moeser asked, “the people who are not eligible for grandfathering, would you limit the wording so it’s required, all individuals who have been out over thirty days must take the entrance fitness test at PSTC or if they are grandfathered, they would provide evidence of a medical clearance”?

Major Parenteau responded that “All individuals except those that are grandfathered prior to 2001 will be subject to an entrance fitness exam”.

Motion by Commissioner Hanks, based upon the Council’s conversation, legal counsel and staff take the intent of what the Council is attempting to move forward with and propose language for the Council at the next meeting. The motion was seconded by Chief Russo, the voice vote was unanimous in favor of the motion.

Joshua Carrier, New Hampshire Department of Corrections

Major Parenteau summarized that CO Joshua Carrier, a certified New Hampshire Corrections officer had been arrested for failing to stop at a stop sign and DWI by the Concord Police Department. He voluntarily surrendered his certification temporarily pending resolution of the matter on May 20, 2022, and the Council accepted his temporary voluntary surrender of certification on May 24, 2022, during the meeting that day.

Staff recently learned that on June 28, 2022, the DWI case was nol prossed and the other two minor violations were placed on file. Major Parenteau spoke with Chairman Connelly about the resolution of the case, based on the fact that if the individual has been discharged or convicted of a crime, there is no further action for the Council to take.

Consent Calendar

PT&E Requests

George Huckins, Bridgewater Police Department

(DOH: 06/26/22) George Huckins was granted certification upon successful completion of the medical exam (done July 6, 2022), 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.

Christopher Warn, Wolfeboro Police Department

(DOH: 05/31/22) Christopher Warn was granted certification upon successful completion of the medical exam, (entrance fitness test was waived by the Council May 24, 2022).

Nicholas Henault, Sunapee Police Department

(DOH: 06/24/22) Nicholas Henault was granted certification upon successful completion of the medical exam, (done July 11, 2022) 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.

Keith Letourneau, Barnstead Police Department

(DOH: 06/22/22) Keith Letourneau was granted certification upon successful completion of the medical exam (done May 26, 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.

Jesse DeAngelis, New Hampshire State Police

(DOH: 07/01/22) Jesse DeAngelis was granted certification upon successful completion of the medical exam (done June 6, 2022), entrance fitness test, and sit in participation for 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.

Seth Parker, New Hampshire State Police

(DOH: 07/01/22) Seth Parker was granted certification upon successful completion of the

medical exam (done April 27, 2022), entrance fitness test, and sit in participation for 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.

Matthew Cummer, Milton Police Department

(DOH: 05/31/22) Matthew Cummer was granted certification upon successful completion of the medical exam (done July 2, 2022), entrance fitness test, and sit in participation for 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.

Timothy M. Scott North Hampton Police Department Addendum

(DOH: 08/01/22) Timothy Scott was granted certification upon successful completion of the medical examination (done June 24, 2022), 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	189	190
Dates	06/06/2022-09/23/2022	08/01/2022-11/18/2022
Paperwork Submission Deadline *	05/09/2022	
Fitness Test Date	05/23/2022	07/18/2022

* 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	282	
Dates	07/27/22-12/30/22	
Paperwork Submission Deadline *		
Fitness Test Date		

****Corrections Academy**

Class Number	118	
Dates	05/23/22-07/22/22	
Paperwork Submission Deadline *		
Fitness Test Date		

****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.**

Six Month Medical Extensions for Fitness Testing were granted to the following officers:

James MacKenna, Grantham

Neal Casale, Hampton Falls and Barnstead

Christopher Corey, Amherst

Matthew Currier, Gilmanton

Glenn Chislett, Boscawen

Christian Horn, Manchester

Michael Valenti, Manchester

Bradley Wheeler, Newbury

Jason Wyatt, New Hampshire Department of Corrections, Probation Parole

Kevin Sullivan, Northwood

Scott Knox, Hillsborough County Sheriff's Office

Christine Maille, Hillsborough County Sheriff's Office

Justin Laffin, Claremont

Gregory Huard, Epping

Michael Carrier, Hinsdale

Lesley Cosgro, New Department of Corrections

End of Consent Calendar

Motion by Mr. Lecius, seconded by Judge Gardner to approve the Consent Calendar to include the addendum by North Hampton Police Department. The voice vote of the Council was unanimous in favor of the motion with the following abstentions: Chief Aldenberg for the Manchester Police Department matters, Sheriff Connelly for the Hillsborough County Sheriff Department matters, and Colonel Noyes for all of the New Hampshire State Police matters.

There was no further business. The next meeting is scheduled for August 23, 2022.

Motion to adjourn at 10:30 a.m. by Sheriff Massahos, seconded by Chief Russo with a unanimous voice vote from the Council members.

August 23, 2022,

Respectfully Submitted,


Christopher D. Connelly
Chairman