



*Sheriff Christopher D. Connelly
Chairman*

State of New Hampshire

POLICE STANDARDS & TRAINING COUNCIL

Arthur D. Kehas

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August 23, 2022 Minutes

Police Standards and Training Council



*John V. Scippa
Director*

In attendance:

Chairman, Sheriff Christopher Connelly, Hillsborough County Sheriff's Office

Deputy Attorney General James Boffetti

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

Mr. Edward Lecius

Chief Joseph Hoebeke, Hollis Police Department

Assistant Commissioner Paul Raymond, New Hampshire Department of Corrections

Not attending:

Mr. Jason Bishop, Community College System of New Hampshire

Dr. Maureen Sullivan

Chief Michael Ho-Sing-Loy, Sugar Hill Police Department

Colonel Nathan Noyes, New Hampshire State Police Vice Chairperson,

Commissioner Helen Hanks, New Hampshire Department of Corrections

Judge Melissa Countway 3rd Circuit District Division, Ossipee

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

Sheriff Connelly called the meeting to order at 9:05 a.m.

Motion by Mr. Ed Lecius, seconded by Judge Gardner to approve the meeting minutes from July 26, 2022, the voice vote was unanimous, with Chief Hoebeke, Deputy Attorney General Boffetti and Assistant Commissioner Paul Raymond abstaining from the vote.

Director's Report

Director Scippa noted that he had sent his report out the day before (copy attached) by email to all the Council members. He explained that the absence of a business agent has caused a tremendous amount of extra work for Major Schultz. The business office position will be posted as soon as possible once the job description has been okayed. He and Major Schultz must go before the Governor and Council to have it approved.

Chief Russo Retirement

Sheriff Connelly announced that today was Chief Steven Russo's last Council meeting as he is retiring from the Keene Police Department. Members wished him well and expressed gratitude for his time spent with the Council.

Financial Report

Director Scippa explained that it was the beginning of a new budget, the first draft of the new budget is due September 19, 2022. Staff is working to complete the draft. There has been a lot of changes in PSTC personnel with legislation and with requested positions into the next biennium. Today, Major Schultz is working on the reconciliation of this year's biennium.

Previous and Unfinished Business

Haden Wilber

Major Parenteau explained that he had received information from Attorney John Krupski about his client, Haden Wilber. Haden Wilber has surrendered his police certification, the information was provided to PSTC staff by a letter dated July 28, 2022. Major Parenteau summarized Haden Wilber's law enforcement career and certification history for the Council members. He had been noticed for a hearing before the Council last year. Haden Wilber was discharged from the New Hampshire State Police on August 9, 2021, for a violation of Pol 402.02(a)(5), an integrity violation.

- Haden Wilber appealed his termination from the New Hampshire State Police.
- He was hired by the Kingston Police Department in August 2021.
- PSTC sent Haden Wilber a notice for an eligibility hearing because he was hired by the Kingston Police Department.

The hearing was scheduled, but then continued at Attorney Krupski's request. Subsequently, staff received a request for a declaratory ruling from Attorney Krupski to determine what the term "final" meant regarding termination. The Council determined it was better to continue the matter until the appeal process was final. The Personnel Appeals Board upheld the discharge of Haden Wilber by the New Hampshire State Police. At that point, Haden Wilber decided to surrender his police certification. Major Parenteau provided the letter to the Council members for their review. He explained that the surrender of a certification was the same as a revocation of certification. Mr. Wilber's name would be entered in the national database, NDI, National Decertification Index and IADLEST, International Association of Directors of Law Enforcement Standards and Training to alert any agency that considered hiring him should he seek to get law enforcement employment in the future.

Motion to accept the voluntary surrender of Haden Wilber's police certification by Chief Hoebeke, seconded by Chief Russo. The voice vote of the Council was unanimous in favor of the motion.

Seabrook Police Department

The item on the agenda for Seabrook was canceled.

Three Year Fitness Medical Extensions

Major Parenteau explained that the Council members had decided during a Council meeting in February 2021 that if officers missed the deadlines for three-year fitness testing, they would be notified to meet with Director Scippa, members of PSTC staff, and the Council Chairman to discuss the matter. They would be asked to explain why they did not comply with the rule.

Thursday, August 11, 2022, Director Scippa and Sheriff Connelly met with Officer Greg Huard of the Epping Police Department, Officer Brian Stice of the Raymond Police Department, and Officer Michael Valenti of the Manchester Police Department. On August 15, 2022, Sheriff Connelly and Major Parenteau met with Officer Michael Carrier and Chief Charles Rataj of the Hinsdale Police Department.

As a result of the meetings, all were provided with copies of the confirmation of notification of three-year fitness testing requirement that they signed, as well as a copy of RSA 106-L, and copies of administrative rule Pol 404.06 and Pol 404.07. All parties signed an acknowledgement of the meeting indicating that they will be called for a hearing before the Council if they disregard the rule in the future. Copies will go into each of their training files in case of further actions in the future.

Major Parenteau explained the time periods for medical extensions. They are available in six month increments for up to two years after the year the test is due. If an officer cannot complete the test after those two years' worth of extensions, they are suspended until they are able to pass the test.

Hearings

Chairman Connelly read a notice into the record regarding the parameters of non-public sessions before the Council.

"These hearings are presumed to be heard in public session. You are entitled to request that the hearing be held in non-public session. If you choose to make that request, you are required to provide "relevant facts and factors" for the Council to consider "in making an independent, case-specific and fact-based determination to hold a decertification hearing in non-public session." The Council may not enter into a non-public session or seal the minutes of a non-public decertification hearing, "if the only reason for prohibiting public access is that the respondent in the decertification hearing has so requested."¹

James Kirk, New Hampshire Department of Corrections

¹ From June 10, 2021 Order of Merrimack Superior Court Justice Andrew Schulman, Union Leader Corp. v. NH Police Standards and Training Council.

Major Parenteau introduced Corporal James Kirk and his attorney, William Cahill. He provided exhibits to all the Council members. The rule that pertains to this matter is Pol 402.02(a)(4)(c), conviction for DWI. Major Parenteau reviewed Corporal Kirk's employment and certification history for Council members. James Kirk is employed by the New Hampshire Department of Corrections and is a certified corrections officer. He pled guilty and was found guilty of DWI impairment on July 13, 2022.

Major Parenteau continued, outlining the disposition from Laconia District Court. Corporal Kirk was fined \$620.00, his driver's license was revoked for nine months for DWI First Offense. Major Parenteau went over each exhibit for the Council. Staff at PSTC received Form G's (the notices of arrest) from both Laconia Police Department and from New Hampshire Department of Corrections for the June 26, 2021, arrest of James Kirk, on June 28, 2021.

James Kirk was sent a Notice of Hearing citing Pol 402.02, for temporary suspension of his certification dated July 14, 2021. The hearing was scheduled for July 27, 2021; staff received communication from attorney William Cahill who requested and was granted a continuance, as well as permission for an informal conference, scheduled for August 19, 2021. On the date scheduled for the informal conference, Attorney Cahill contacted Major Parenteau to inquire about James Kirk agreeing to voluntarily surrender his certification temporarily pending resolution of the criminal matter, which the council members heard and accepted during the August 22, 2021, meeting.

Major Parenteau provided details of James Kirk's arrest by the Laconia Police Department.

- James Kirk was arrested after committing a motor vehicle violation and failing standard field sobriety tests by Laconia Police Department officers.
- After being transported to the police station and being read the Administrative License Suspension Rights Form, James Kirk agreed to the breathalyzer exam.
- The results were 0.15.
- Due to the test results, James Kirk was instructed about Administrative License Suspension.
- On July 26, 2021, James Kirk's license was suspended pursuant to Administrative License Suspension
- On July 13, 2022, James Kirk pled guilty and was found guilty of DWI impairment.

Attorney William Cahill addressed the Council.

- He noted that James Kirk's driver's license had been revoked since July 26, 2021.
- James Kirk's driver's license was reinstated on August 17, 2022.
- He has taken responsibility for his actions since his arrest.
- He has sought counseling to assist him with handling the stress of his job.
- He has met with a licensed clinical mental health counselor/licensed alcohol and drug counselor.
- The counselor advised that James Kirk's use of alcohol does not meet criteria for any type of alcohol abuse-related diagnosis.

- Mr. Kirk was dealing with several difficult personal problems at the time of his arrest. He continued with counseling after the initial session (which dealt with alcohol) to learn how to deal with stressors in his life, coping mechanisms in his profession.
- He did not handle the stressors appropriately on June 25th and June 26th, 2021.

James Kirk has no disciplinary history at work, and he has received a commendation for handling an incident at work. June 26, 2021 was an atypical situation, it was a serious lapse in judgment for him to drive while intoxicated. His corrections certification has been suspended since August 24, 2021, and he could not work as a correctional officer, he was placed in a civilian position by the Department of Corrections. The New Hampshire Department of Corrections requires correction officers to cover shifts above and beyond their normal shifts three to five times each week. The loss of certification was also a loss of work opportunities at the prison. Attorney Cahill asked the Council to reinstate James Kirk's corrections certification for reasons previously stated.

Corporal James Kirk was sworn in by Chairman Connelly. He read a statement into the record.

- What he did was wrong.
- He compromised the safety of others and himself.
- He is sorry about his actions.
- He apologized to the Council and to the Department of Corrections.
- His actions were irresponsible and did not hold up the oath he swore to as a law enforcement officer.
- He let down the Department of Corrections, the community, his family, and himself.
- Those actions will not be repeated.
- Through counseling, he has found healthy ways to cope with stress.
- He is reassessing his life and taking his mental health seriously.

Sheriff Connelly commended Mr. Kirk for all the steps he had taken, the additional counseling for coping mechanisms; it is very important for everyone in law enforcement to be aware of and encourage each other to participate in stress management.

Mr. Lecius confirmed with Mr. Kirk that he had been assigned to a non-law enforcement position at the Department of Corrections since his corrections certification had been suspended.

Motion by Chief Aldenberg, seconded by Sheriff Massahos, to reinstate James Kirk's corrections certification with no further Council action. The voice vote of the Council was unanimous in favor of the motion with Assistant Commissioner Paul Raymond recused.

Consent Calendar

PT&E Requests

Ricardo Pereira, Manchester Police Department

Will be granted certification upon successful completion of the medical exam, entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Michael Forti Kingston Police Department

Will be granted certification upon successful completion of the medical exam, (valid until October 4, 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.**

Cheryl Clancy, Division of Ports and Harbors (DOH 09/24/21)

On July 22, 2022 she submitted a request for a six month medical extension for three year fitness testing, due to an injury. She will be granted the extension with the stipulation that she must work in the direct presence of a certified officer unless she completes the agency's FTO program and then may work under normal supervision.

Motion by Chief Hoebeke, seconded by Mr. Lecius to approve the consent calendar. The voice vote of the Council was unanimous in favor of the motion.

Non-meeting with PSTC's attorney, Assistant Attorney General, Stacie Moeser from 9:32 a.m. to 10:37 a.m.

The meeting was back in session at 10:37.

Director Scippa addressed the Council members before adjournment regarding some training for de-escalation. He explained a program from ICAT, Integrated Communications Assessment and Tactics, from PERF, Police Executive Research Forum.

This is a nationally recognized program in de-escalation, while at the same time allowing officers to make safe choices while they try to de-escalate situations.

Director Scippa would like to run an ICAT instructor's class at PSTC; it has been a challenge. Due to an opportunity Chief Hoebeke had, he met a PERF representative, Director Scippa was able to schedule the instructor class "train the trainer" for ICAT in September or October. It is a very expensive class, \$895.00 each; and is less than a week's training.

Police Standards and Training Council used to provide financial assistance for training to New Hampshire agencies, which is in the New Hampshire statute, RSA 106-L. Director Scippa asked the Council for permission to distribute money from PSTC's budget to help offset the cost for New Hampshire officers to attend this ICAT training instead of the officer's agency having to come up with all of it on their own. He was considering PSTC potentially paying half of the fee for the officer, and could spread the funding out amongst many agencies. The training grants

had been eliminated due to a financial crisis at PSTC in the past. The operating budget had to be cut and that was one of the first things to go.

Director Scippa would like to initiate the grants for just this one class. New Hampshire has adopted this program for de-escalation in the state. Director Scippa would like to be sure that there are agencies that have instructors that not only spread the word but that are able to help out teaching the class at PSTC's training facility. If staff had seen this opportunity earlier, we would have asked for a "sole source contract" and tried to pay for it all ourselves. It would have been \$24,000 for them to teach, which is so much more than other in-service classes held at PSTC. Because it is the program that we have adopted, Director Scippa believes it is very important to make the class available. Chief Hoebeke was recognized, he asked about speaking to Pat Sullivan to see if the New Hampshire Chief's Association could contribute to offset the cost of the training. Chief Hoebeke asked how many spots were available for train the trainer, and has it been listed on Benchmark?

Director Scippa answered that staff has received the flyer for approval, it is important to know that PERF services the entire country. They could not provide the training for just New Hampshire officers, when the advertisement goes out it will be for the entire nation. There was training two years ago in Maine, it was well attended but it was attended by all New England states.

When the class is advertised the registration will go through PERF, it does not go through PSTC, and it is first come, first served. Director Scippa asked PERF if they could give New Hampshire a week's opportunity to register before posting the class to all and did not get an answer to his request. Because PSTC is hosting the class, PSTC will get five spots in the class at no cost. Director Scippa would like to get as many staff members in the class as possible. There are 45 or 50 spots to fill the class completely.

Mr. Lecius asked Chief Hoebeke if he would be able to send a notice through the New Hampshire Chief's Association? Chief Hoebeke confirmed that he could once Director Scippa has confirmed that all was in place for the class. Director Scippa reiterated that the cost of the class was high for a small community to enroll officers in the class. He would like to offset the class cost as much as possible to assist them. Chief Hoebeke noted that the New Hampshire Chief's Association may be able to provide additional financial assistance.

10:25 a.m.

Motion to adjourn by Chief Hoebeke, seconded by Chief Russo.

September 27, 2022

Respectfully Submitted,


Christopher D. Connelly
Chairman

To: All NHPSTC Council Members
FROM: Director John Scippa
DATE: August 23, 2022
RE: Director's Monthly PSTC Council Report

Academy and In-Service Training:

1. 189th Full Time Police Academy is in session.
2. 190th Full Time Police Academy is in session.
3. 116th Corrections Academy scheduled to begin Sept 7, 2022.
4. Part Time Academy is set to begin this Saturday August 27, 2022 with 11 recruits.
5. In-Service/On-Line Bureau has several programs being scheduled, including Instructor Development, Active Shooter, Incident Management and Crime Scene Response, ICAT train the trainer. These are all new programs, they are rolling out in the next month.

Budget:

1. Facility repairs continue, but will not be done by the deadline. Boiler, Range Remediation and AC Replacement projects are still pending completion.
2. FY24-25 budget development is now underway and first draft is due September 19th. We have been able to add all new mid-budget legislative positions to the FY22-23 budget. We have been given a target of 3% increase to our existing budget for FY 24 and 0% increase to our FY25 budget, (exclusive of personnel costs). We have requested 4 new positions, (two LETS, one Instructional Designer and one Administrative Assistant) in the next budget cycle.

Outreach, Education and Legislation:

1. State Level Accreditation Program: NH Police Accreditation Commission's next meeting is Sept 1, 2022.
2. Under RSA 106-L:9, I request permission to provide reimbursement for 50% of the tuition cost (875) associated with any agency sending an officer to the upcoming ICAT Instructor Class being sponsored by PSTC. ICAT is the new de-escalation model that we are teaching in the academy. Reimbursement would be for only one officer per agency.
3. I continue to meet with other state level stakeholders on the development of PTSD training and with School Safety Initiatives.

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. Human Resource Services Unit of the NH DAS has taken over our HR and Payroll needs.
2. We have successfully reclassified the position formerly held by Lorelee Ames, and must now go before the G & C for their approval before we can post the position.
3. We have interviews this week for the open LETS I position.
4. We will be conducting a review with the LETS and admin staff on how the overlapping academy delivery worked and will provide a summary report to the council on the findings.

Open Action Items:

1. **Administrative Rules Committee:** We continue to meet as a sub-committee and continue to draft amendments as we feel appropriate for final council review and approval.
2. **Discussion on Part Time Certification:** I will be preparing a summary report to the Council on the subcommittee's position and suggested recommendations moving forward.

Discussion Items:

1. None