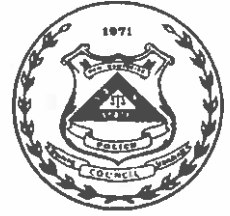




*Sheriff Christopher D. Connelly*  
Chairman

**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

**PLEASE POST**

**MEETING**

**to be held in Public and Non-public sessions**

**There will be a meeting of the New Hampshire Police Standards and Training Council will be held at 9:00 am on Tuesday, April 25, 2023 at the Arthur D. Kehas Law Enforcement Training Facility 17 Institute Drive in Concord, New Hampshire.**

**A meeting of the administrative rules committee will follow immediately after the regular PSTC meeting.**



*Sheriff Christopher D. Connelly*  
Chairman

# State of New Hampshire

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*John V. Scippa*  
Director

Public Minutes  
April 25, 2023  
Police Standards and Training Council

**In attendance:**

Chairman, Sheriff Christopher Connelly, Hillsborough County Sheriff's Office  
Vice Chairperson, Commissioner Helen Hanks  
Sheriff Charles Massahos, Rockingham County Sheriff's Office (left 11:50)  
Chief Joseph Hoebeke, Hollis Police Department (left 11:50)  
Officer Jacqueline Pelletier, Goffstown Police Department  
Mr. Michael Harrington (left 11:50)  
Deputy Attorney General, James Boffetti  
Judge Melissa Countway, 3rd Circuit District Division, Ossipee (left 11:36)  
Dr. Maureen Sullivan  
Colonel Nathan Noyes, New Hampshire State Police  
Mr. Christopher Stawasz

**Attending Via Zoom:**

Judge Sawako Gardner, Circuit Court Judge  
Chief Kevin Rourke, Nashua Police Department  
Chief Allen Aldenberg, Manchester Police Department, 9:15 to 11:50  
Dr. Robert Eckstein

**Not in Attendance:**

Chief Emily Cobb, New London Police Department  
Mr. Edward Lecius

**Staff Present:**

Director John Scippa, Captain Adam Hawkins, Attorney Stacie Moeser, Captain Thomas McCabe, and Anne Paquin, Investigative Paralegal.

Guests present: Chief William Breault, Dover Police Department with candidate Cameron Vahe; Attorney Marc Beaudoin with Mark Goldey, New Hampshire State Police; Attorneys Peter Perroni and Tim Black with Randy Smith, Rochester Police Department; Chief Gary Boudreau and Sergeant Christopher Cost, also from the Rochester Police Department; Captain Scott Towers, New Hampshire Department of Corrections.

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

Council members voted on two motions that had not been ratified from the February Council meeting due to the absence of an in-person quorum.

Motion by Commissioner Hanks, seconded by Chief Hoebeke to accept the changes in the Technical Assistance Manual regarding entrance testing for officers that were grandfathered for ongoing three-year fitness testing.

Those who were present for the February meeting voted on the motion. Two of the 11 in attendance from February were not in attendance, however the remaining 9 made a quorum.

- Sheriff Connelly
- Commissioner Hanks
- Sheriff Massahos
- Mr. Lecius (not in attendance on April 25, 2023)
- Chief Hoebeke
- Officer Pelletier
- Mr. Harrington
- Attorney General Formella (not in attendance on April 25, 2023)
- Judge Countway
- Chief Rourke
- Dr. Sullivan

Chairman Connelly took the roll call vote.

Sheriff Massahos	yes
Commissioner Hanks	yes
Chief Hoebeke	yes
Judge Countway	yes
Judge Gardner	abstained
Chief Rourke	yes
Officer Pelletier	yes
Dr. Sullivan	yes
Mr. Stawasz	abstained
Mr. Harrington	yes
Deputy AG Boffetti	abstained
Colonel Noyes	abstained
Chairman Connelly voted	yes

The second motion was to approve the Consent Calendar for February 28, 2023 agenda.

Motion by Commissioner Hanks to approve the Consent Calendar, seconded by Chief Hoebeke.

Chairman Connelly took the roll call vote.

Judge Countway	yes
Judge Gardner	abstained

Sheriff Massahos	yes
Chief Rourke	yes
Officer Pelletier	yes
Dr. Sullivan	yes
Mr. Stawasz	abstained
Mr. Harrington	yes
Dep AG Boffetti	abstained
Colonel Noyes	abstained
Chairman Connelly voted	yes

Motion to approve the minutes from the March 28, 2023 meeting by Chief Hoebeke seconded by Colonel Noyes. Chairman Connelly took a voice vote, then called the Council members on Zoom

Chief Rourke	yes
Judge Gardener	yes, from 9:25 a.m.
Dr. Eckstein	yes
Commissioner Hanks	abstained

Deputy Attorney General Boffetti was not present at the February 28<sup>th</sup> meeting as Attorney General Formella attended.

Commissioner Hanks asked if because there are Council members on Zoom, should every vote be a roll call vote?

Attorney Moeser noted that there were two things to confirm with those on Zoom.

1. Remote members identify themselves and confirm that they can see and hear everything happening
2. The reason why they are remote.

Chairman Connelly asked those members participating by Zoom to identify themselves and the reason why they are remote, and confirm that they can see and hear the proceedings. All votes will be done by roll call.

Chief Rourke He is at the Nashua Police Department in his office alone, he has an appointment immediately following the Council meeting, and he is able to hear the proceedings.

Judge Gardner She can see and hear everyone, she is unable to join the meeting in person due to a physical injury.

Dr. Eckstein He is at the University of New Hampshire Durham Campus, he was unable to attend due to a pending surgery, he can see and hear the proceeding.

Director's Report (copy attached)

Director Scippa reviewed his April report for the Council members.

Chief Aldenberg entered the meeting by Zoom starting at 9:24, he was in his office alone, he could see and hear the proceedings, and he was using Zoom due to another meeting that started at 9:00 a.m.

Michael Kosa Surrender of Certification

Deputy Attorney General Boffetti, Colonel Noyes and Chief Rourke abstained from this matter.

Attorney Moeser presented the matter for the staff.

Michael Kosa was voluntarily surrendering his certification. Director Scippa received a letter from the Attorney General's Office regarding Michael Kosa, an officer with the Concord Police Department.

The Attorney General's Office had completed an investigation on Michael Kosa, he had misused the State Police's Online Communication system by querying the name and license plate number for one individual, for an improper purpose. There was a negotiated agreement between Michael Kosa and the Attorney General's Office with several conditions. He plead guilty to two counts of records and certification in violation of RSA 260-14 IV (a); that he would resign from the Concord Police Department and he would agree to voluntarily surrender his certification as a law enforcement officer in New Hampshire. He acknowledged that he was being placed on the National Decertification Index, NDI, and that he would not seek future employment as a law enforcement officer, including but not limited to any federal, state, county, municipal university or tribal law enforcement agency.

Motion by Chief Hoebeke, to accept the voluntary surrender of certification, seconded by Sheriff Massahos.

Chairman Connelly took the roll call vote.

Commissioner Hanks	yes
Judge Countway	yes
Judge Gardner	yes
Chief Aldenberg	yes
Chief Rourke	abstain
Officer Pelletier	yes
Dr. Sullivan	yes
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes

Chairman Connelly voted yes.

Dover Police Department Pol 301.05 (g)(9)

Chief William Breault was in attendance, with the Dover Police Department's candidate, Cameron Vahe.

Director Scippa informed the Council that Chief Breault had requested a hearing for consideration of a waiver of PSTC administrative rule Pol 301.05, hiring a candidate for police officer.

Chief Breault noted that Dover Police Department began the hiring process with Cameron Vahe in February 2023.

- In his background investigation packet, Mr. Vahe disclosed that he had used psilocybin mushrooms while he was in college in 2021.
- Dover Police Department continued with the hiring process which included successful completion of an oral board interview, a command level interview, background investigation which determined that he is a suitable candidate. He is of good character; he is the type of candidate that would be successful with the Dover Police Department.
- He had a medical exam, drug screen, psychological exam with Dr. Sawyer who characterized him as a very good candidate for law enforcement.
- On the pre-employment background document, he indicated that he had used mushrooms one time while he was a student. He was not pursuing a career in law enforcement at that time, his degree was for IT.
- Chief Breault was requesting a waiver from the Council regarding Cameron Vahe's use of mushrooms.

Cameron Vahe addressed the Council members.

Using the mushrooms was a mistake he'd made in college, he learned from that mistake. It was in a social situation that he was offered the mushrooms, he accepted them. He regretted having taken the mushrooms.

Mr. Vahe was asked why he chose a law enforcement career. He replied that his current job was working for a bank in IT; he is not fulfilled by the position. Law enforcement appeals to him. He has the ability, the skill set, and a desire to work as part of a team and passion to make an impact in the community.

Motion by Colonel Noyes, seconded by Deputy Attorney General Boffetti, to approve the waiver for Dover Police Department.

Chairman Connelly took the roll call vote.

Commissioner Hanks	yes
Chief Hoebeke	yes
Judge Countyway	yes
Judge Gardner	yes
Sheriff Massahos	yes
Chief Aldenberg	yes
Chief Rourke	yes

Officer Pelletier                    yes  
Dr. Sullivan                        yes  
Mr. Stawasz                        yes  
Mr. Harrington                    yes  
Dr. Eckstein                        yes  
Chairman Connelly voted yes.

Chairman Connell read the following 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 nonpublic 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”.

Mark Goldey, New Hampshire State Police

Colonel Noyes recused himself, leaving the meeting room.

Attorney Moeser presented the matter before the Council, noting that Mark Goldey was present with his attorney, Marc Beaudoin, and that she would provide exhibits to those in the room and that she had emailed them to the Council members who were on Zoom.

She read the rule into the record:

Under authority of RSA 106-L:5, V, New Hampshire Police Standards and Training Council Administrative Rule Pol 402.02(a)(4) (l) requires:

(a) The council shall, unless it has just cause to do otherwise as provided in (e) below, order the suspension or revocation of the certification of any police or corrections officer for any of the following reasons:

(4) The officer has been convicted either prior to or after certification of a crime of moral turpitude or of a crime which tends to bring discredit on the police or corrections service, including but not limited to:

I. Reckless driving

Attorney Moeser explained that the exhibits in the matter were stipulated to by Attorney Beaudoin and his client.

- On April 13, 2018 Mark Goldey was hired by NH State Police
- August 17, 2018 Mark Goldey received his full time officer certification.
- October 22, 2022 Mark Goldey, a certified police officer employed by the New Hampshire State Police was arrested for DUI impairment by the Plainfield Police Department.

- On March 31, 2023 the complaint was plea bargained to reckless driving, as Mark Goldey had completed an extensive rehabilitation program, and still participates in ongoing treatment.
- On April 3, 2023 the reckless operation complaint was filed in Claremont District Court, the disposition the same, Mark Goldey plead guilty to reckless operation, he was fined \$500 and \$180 to penalty assessment, his drivers license was revoked for sixty days beginning on April 3, 2023 to June 2, 2023.

According to the administrative rule, “the Council shall order the suspension or revocation if the officer has been convicted prior to or after certification in this case the crime of reckless driving”.

Attorney Moeser conveyed that also applicable is section “e”

“The Council shall apply a balancing test to determine whether factors constituting just cause outweigh the public interest in protecting the safety of the public or the confidence in the criminal justice system, including maintaining the integrity of law enforcement if a violation of section (a) or (d) of this rule is found. If any just cause demonstrated by the officer outweighs the purpose of protecting the safety of the public or confidence criminal justice system including maintaining the integrity of sworn law enforcement the Council shall decline to order suspension or revocation. Just cause includes but is not limited to suspension or revocation would not have a rehabilitative value or the officer’s health or service status makes suspension or revocation a needless gesture”.

Attorney Beaudoin provided that after the incident,

- Mark Goldey found rehabilitation right away
- has been sober since that day
- is continuing treatment
- Voluntarily relinquished his certification at the January meeting with the Council
- He would like his certification reinstated when his driver’s license is valid, on June 2<sup>nd</sup>.
- He is no threat to the public, it will not hamper the criminal justice system

Mark Goldey was asked by a Council member what happened the day he got arrested.

Mark Goldey responded that:

- he’d made a mistake
- he was under stress
- he has been diagnosed with PTSD through the VA.

He had been dealing with his stress with alcohol. On that day he decided that it would be good for him after consuming alcohol, to go down the road to the convenience store and buy a sandwich, then drive back home, 400 yards. He should not have done that.



Deputy Attorney General Boffetti asked about a narrative from the arresting officer. He asked to see a narrative before voting, he thought it was important to understand the entire circumstance in the matter.

Attorney Moeser located the police narrative regarding the arrest and asked the Council to return to Mark Goldey's hearing after copies were made. Attorney Moeser noted that the report would be scanned as well so the Council members that were participating on Zoom could review it.

#### Randy Smith, Rochester Police Department

Randy Smith was present with his attorneys Peter Perroni and Tim Black.

Director Scippa stated, for the record, and background, the case comes before the Council as a request to have a police certification reinstated.

Attorney Perroni asked that the matter be held in nonpublic session, quoting RSA 91-A:3, II (a) and RSA 91-A:3, II (c).

Chairman Connelly asked if there would be information discussed that was already made public? Attorney Perroni responded that he was unsure, the officer was charged with a criminal offense he was acquitted on all counts. They are concerned about sharing the same information again.

Chairman Connelly asked the Council members if there was a motion to move to a nonpublic session.

Commissioner Hanks was recognized and asked about the citation, was it "a" or "c"?

Attorney Perroni responded that it would be under "a" and "c". Chief Boudreau is present and there will be some discussion regarding the discipline that was investigated, and internal investigation. Under "c" it's their position that the matters if discussed in public would adversely affect the reputation of the officer. The matter is about his reinstatement of police certification. The criminal counsel for Mr. Smith was Tim Black, also present. The acquittals were in December and Attorney Perroni waited to be sure everything was organized before a hearing in front of the Council.

Randy Smith was placed on administrative leave while the criminal process was going forward. There has been a subsequent inquiry related to the event after the acquittal.

Deputy Attorney General Boffetti confirmed with Attorney Perroni that the matter was a public trial, but asked, was the reason they asked for nonpublic session due to new information?

Attorney Perroni explained that their concern was with the continuing impact on the officer's reputation.

- We live in a country where that information is public, the dockets are public.
- That doesn't mean that when someone is eventually acquitted that they have to continue to have that bell rung, about charges that were not proven.

Deputy Attorney General Boffetti responded that the charges were not proven, but they had already been discussed in a public forum.

Judge Countway asked if the Rochester Police Department was in favor of reinstating the certification, regarding the nonpublic session request. Attorney Perroni replied that he was not aware of an objection by Rochester Police Department.

Judge Countway responded that

- if the agency was positive,
- there was no anticipation that there was anything negative about the situation,
- the request for a nonpublic session didn't meet the criteria.

Attorney Perroni offered that they would be discussing criminal charges that have been in the public forum, no one is disputing that, he's concerned about the continued discussion.

Chairman Connelly asked if any Council member proposed a motion to enter a nonpublic session?

There was no motion, the hearing proceeded in public session.

Attorney Perroni asked that his objection be noted for the record.

Colonel Noyes excused himself from this matter, leaving the meeting room.

Attorney Perroni addressed the Council explaining that Randy Smith had been indicted in 2020, and the last time that they were before the Council in the matter was November 2020. At that time his certification was suspended pending the resolution of criminal charges. The case was tried in December 2022 and those indictments all came back as acquittals. They are requesting reinstatement of Randy Smith's police certification. He noted that Chief Boudreau of Rochester Police Department was present to answer any questions. Attorney Black was also present to answer questions regarding the criminal matter, as was Officer Smith's wife.

Director Scippa summarized Randy Smith's background in education and employment.

- He was hired by Rochester Police Department on November 5, 2007,
- received his full-time certification March 28, 2008.
- On August 20, 2020, he was indicted at Strafford County Superior Court on two counts of aggravated felonious sexual assault, and two counts of attempted felonious sexual assault.
- On November 25, 2020, Randy Smith appeared before the Council on a notice of hearing for Pol 402. 02 (b) temporary suspension pending resolution of criminal charges.
- The Council voted to temporarily suspend Randy Smith's police certification pending resolution of the charges.

- The trial began on December 12, 2022
- December 21<sup>st</sup>, 2022, the jury announced a verdict of not guilty, on all four counts.
- On April 11, 2023, Attorney Perroni, counsel for Randy Smith requested to appear today regarding Randy Smith's certification.

Director Scippa informed the Council that when there is no guilty finding, there is no further Council action taken, as Pol 402.02 (a) requires a conviction. Due to no conviction, the temporary suspension under Pol 402.02 (b) can be lifted and the certification reinstated.

Director Scippa explained that Major Parenteau had done the case summary for this matter. In the notes in his case summary, his experience at PSTC, which began in 2018, revealed several DWI cases with a resolution of not guilty. He didn't recall any cases that the Council took further action on any not guilty findings.

Randy Smith is also under suspension for failing to file fitness test paperwork by December 31, 2022. He could not comply with fitness testing because he was under suspension. Absent any further information that Attorney Perroni would like to put forth Director Scippa asserted that he can provide a recommendation from the staff.

The recommendation is for the temporary suspension on the criminal matter to be lifted.

- that the suspension for failure to file three-year fitness testing remain in place, and dependent on any further action taken by the Rochester Police Department,
- require that if and when Randy Smith returns from administrative leave he would be required to obtain medical clearance
- take the fitness test,
- to complete the law package classes with the full time academy
- as well as completing the "three two's classes" Ethics, Implicit Bias and De-Escalation.

Attorney Perroni was recognized and asked, once Randy Smith completes medical clearance, fitness tests and completes the required course work he would be reinstated as a matter of course without coming back before the Council?

Director Scippa confirmed Attorney Perroni's question, there would be no further action by the Council.

Sheriff Massahos was recognized and asked if the Rochester chief, Chief Boudreau, would address the Council.

Chief Boudreau was recognized and explained to the Council, "at the time of the complaint Randy Smith was placed on administrative suspension immediately, his certification was suspended by the Council. He was moved to unpaid suspension; he has remained on that. At the completion of the criminal case we (Rochester Police Department) started an internal investigation, gathering all of the evidence used with the State Police investigation. They listened to interviews and audio from the trial, at this time the Rochester police investigator has

completed his internal investigation, and while it's still under final review, the initial recommendation found no violations of policy to bring forward for a termination".

Chief Boudreau related that at this time they have not found any evidence to show a violation of the agency policies. All the conduct was alleged to have happened off duty, there were no violations of their internal policies.

Deputy Attorney General Boffetti asked if there is a not guilty finding, has the Council ever inquired further in the matter to look for other violations? Or based on the verdict the Council doesn't proceed to look at the matter any further?

Director Scippa replied that "historically it has been that if the rendering of the jury trial is not guilty then the Council has given the certification back. This situation occurred prior to 2023, it's outside of the statute of limitations as written in RSA 106-L, we rely on the historical practice of the Council".

When asked, Director Scippa confirmed that the date in consideration of this matter would be the date of the alleged incident, not the date of the not guilty resolution.

Deputy Attorney General Boffetti asked if Rochester Police Department was the arresting agency. Chief Boudreau responded that "a complaint was made to Rochester Police Department the victim came in, made a complaint, an agency Captain who was a Lieutenant at the time spoke with this person, once she started to make a disclosure, they stopped the interview and requested that New Hampshire State Police investigate it".

Chairman Connelly asked for a motion, subsequently Chief Hoebeke asked to hear the staff recommendation on the matter again.

Director Scippa noted that the recommendation would be that the temporary suspension be lifted for the criminal matter, the suspension for failure to file three-year fitness testing remains in place. Depending on any further action taken by the Rochester Police Department, require that if and when Randy Smith returns from administrative leave back to work for Rochester Police Department, that he be required to obtain medical clearance, take the three-year fitness test, complete the law package classes of the next full-time academy, and to complete the annual in-service training in Ethics, Implicit Bias and De-escalation. Once those requirements are met, then his certification is reinstated.

Motion by Chief Hoebeke, to accept the recommendation as provided by Director Scippa, the motion was seconded by Dr. Sullivan.

Discussion on the motion ensued.

Deputy Attorney General Boffetti inquired about the change in the law in 2023; he asked why there was a change.

Director Scippa, noted two reasons.

- The first reason was that there was a default noted in a 2018 audit conducted by the LBA on PSTC which raised the same question. Officers who may have been brought to trial on a criminal matter and found not guilty while the prosecution did not prevail prove beyond a reasonable doubt, the LBA felt that there could be facts and circumstances that would support a finding of beyond a preponderance which would be in essence the bar that the Council needs to find in these matters. That gap was not addressed either in statute or in our administrative rules.
- The second reason is clearly based on LEACT Commission's work, regarding being able to address police misconduct generally that a more comprehensive way to address these matters be included in the re-write of RSA 106-L.

DAG Boffetti announced, based on the information available, he was not comfortable voting on the matter, a further inquiry should be conducted by the Director and his staff, and the results should come back before the Council. "There is a reason that statute was passed", noting he would vote no on the motion on the floor.

Commissioner Hanks noted that she was reflecting on something that Director Scippa stated in regard to the timing of this event and the passage of the new sections of RSA 106-L affirming that the previous rules and authority of the Council didn't provide a path forward. Under the statute in discussion, does post facto play a role at all in this event regarding this law not existing during the time of this action?

Director Scippa responded that when they wrote the changes to RSA 106-L they were very specific about creating a clear understanding that they would not go back in time. The fear was they would be called upon to go back historically and find themselves re-addressing several things that have happened in the past.

- Other states that enacted similar laws did not clearly define the statute of limitations; Massachusetts is required to go back to the beginning of time to investigate any kind of matter that may be brought before their POST.
- It's an insurmountable amount of work, notwithstanding the level of seriousness in the matter today, the statute of limitation was done purposely for that specific purpose, which was not to go back in time.

DAG Boffetti asked, "when you say go back in time are you talking about re-visiting decisions already made to give certification based on the not guilty finding, that's not what this is. We're not going back in time to reconsider or revisit a decision previously made. We are presented with the questions today of whether we should give him back his certification based on a not guilty finding without any review. Am I correct, so when you're talking about going back in time that's what you're talking about doing"?

Director Scippa agreed, "we knew that there was going to be these kinds of matters that have a foot on either side of the statute of limitations. We were really trying to be very clean in terms of when we began this new process".

Judge Countway stated, “to speak in favor of the motion that’s on the floor, I think there is some sense of due process to the officer that we should recognize where traditionally we have relied on court findings. I recognize that it’s a different burden of proof, but we have had that practice and it could easily have impacted, and I don’t want them to talk about negotiations, but his thought process in terms of dealing with a very serious criminal matter knowing it would impact his career. Going to trial, letting a jury make its decision and now coming back before us. It feels unfair if we were to change our process based on a change in law that happened after he made that decision”.

Commissioner Hanks stated, under RSA 106-L:18, she asked DAG Boffetti which section that he was referring to?

- The Committee, being the Conduct Review Committee, “shall review all valid complaints alleging misconduct and if determined necessary shall cause or direct an investigation of the alleged misconduct to be conducted by the law enforcement agency that employs the subject officer; confirm that any investigation by a law enforcement agency was valid; review the record and findings of the investigation by a law enforcement agency and if that investigation was not valid”.

Commissioner Hanks confirmed that what she’d read was from RSA 106-L:18.

Commissioner Hanks asked, “what is the valid complaint alleging misconduct if due process has happened in the criminal court of a finding of not guilty? There is no other information available to the Council to make a referral. Information can come forward in the future, is the other element”.

DAG Boffetti responded that his “fundamental point was that the statute now seems to permit an inquiry even after a jury verdict, by court”.

Attorney Moeser interjected, regarding the statute. “The process will be that no matter whether there are court proceedings and/or agency proceedings as well. If there are court proceedings; or it’s just an agency proceeding it will be reviewed by the CRC and an independent determination made as to whether the investigation is valid and whether the findings are valid, sustained, findings. And then the presentation to the CRC based on that, whether it goes to the Council, so it’s an additional mechanism. It would be court and / or agency but I think what we’re getting at here is that the definition of misconduct has changed. Even if the part we cannot evaluate is the review by the CRC. The definition of misconduct being broader is immediately, that bias, this is stuck in a position where we don’t have a conviction and there isn’t a sustained finding by the agency and we don’t have the CRC review. We are lacking the mechanism even though the standard as you’re referring to is now this broader standard of misconduct. It’s the mechanism as opposed to the standard.

Chairman Connelly noted, this incident occurred prior to the statutory change, what would enable the academy to look back at this?

Chairman Connelly asked Chief Boudreau about the internal investigation conducted by the Rochester Police Department. Chief Boudreau explained that the investigator had completed it,

it has gone to the Captain, Deputy Chief and it was brought to his own desk the day before. He has reviewed a draft of the investigation, but not the final draft. He understands that there would not be a finding on any statute violations, policy violations that would warrant a termination.

Dr. Eckstein, via Zoom was recognized by Chairman Connelly. He asked, as we go forward, now that the statute has been passed is there is a stated tangible burden of proof?

- The court of law is beyond a reasonable doubt, we know that the officer was acquitted.
- If there is a further investigation, is there a stated burden of proof in those investigations?
- When the Rochester Police Department did their investigation were they specifically using that lense or whatever that burden of proof is, that would be an important part of the answer too.

Dr. Eckstein explained that he would feel better about voting if Rochester's investigation was 100% completed, rather than a rough draft. He wondered if the investigators in Rochester who did this were using a standard that now is the set standard if we are going to be investigating these things beyond the court of law.

Director Scippa replied that within the statute RSA 106-L it's beyond a preponderance of the evidence, he couldn't answer for the Rochester Police Department's standard of proof in their internal affairs process.

Chief Boudreau explained that Rochester Police Department looked at the matter from a policy violation. There was no conviction on any crime, and they didn't discover any more evidence that would lead them to a policy violation to support termination.

Attorney Perroni explained, from what he understood, the investigation was comprehensive, they reviewed transcripts from the trial, evidence from the trial, the initial State Police investigation, which was material. The new process contemplates what has happened.

Chief Aldenberg was recognized on Zoom. He stated that Chief Boudreau mentioned that his internal investigator did not find any policy violations that would rise to termination. Did he find policy violations that would lead to any other type of formal or informal discipline not rising to termination?

Chief Boudreau, responded that "the final review has not been completed. There is one recommendation of a sustained finding for putting the agency into unfavorable light, affecting the agency, based upon conduct. It's a minor policy violation which would not lead to termination".

Chairman Connelly asked if there was further discussion.

Judge Gardner was recognized by Chairman Connelly, on Zoom. She was concerned that the Council was going beyond the request, which is to lift the suspension based upon the criminal conduct that was alleged; for which he was found not guilty. "We need to keep that in mind. The other issue is that we're now infringing going into the role of the CRC, and asking departments to conduct investigations", she is hesitant about that, stating, "this is all new, so trying to figure out what the proper procedure is".

Chief Aldenberg was recognized by Chairman Connelly on Zoom. He stated that due process has run its course, “this young man was found not guilty, and so be it. We have a motion on the floor to vote for his reinstatement of certification”. Chief Aldenberg moved that the Council take a vote.

Director Scippa stated, *the conduct that would be getting examined occurred prior to 2023*, that’s the concern he has. He does not want to go back in time, if they do, there will be a precedent that needs to be asked and answered again and again.

Commissioner Hanks responded that it was not something that should be answered that day, she understands the Director’s thoughts. It’s because the report *is not final*. She asked that PSTC’s attorney examine that, and the new intent of the law.

Chief Aldenberg was recognized by Chairman Connelly. “Again, this young man was found not guilty. I don’t understand why we need to, my guess is that Chief Boudreau is going to come back and say maybe it was conduct unbecoming or something like that, it’s going to be a minor infraction of an internal policy. He’s going to handle it internally for behavior that happened prior to 2023. The system played out; the young man was found not guilty. I’ll leave it at that”.

Chairman Connelly called for the motion on the floor.

Motion by Chief Hoebeke, seconded by Dr. Sullivan.

Commissioner Hanks	yes
Judge Countway	yes
Judge Gardner	yes
Sheriff Massahos	yes
Chief Aldenberg	yes
Chief Rourke	yes
Officer Pelletier	yes
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes
DAG Boffetti	no

Chairman Connelly voted yes.

At 10:37 the Council members took a break.

At 10:51 the meeting was back in session.

Continuation of the Mark Goldey, New Hampshire State Police matter.

Council members were provided with copies of the arrest reports in the matter, those members on Zoom for the meeting had been sent encrypted emails of the reports.

Chairman Connelly asked if Council members both present and on Zoom had reviewed the police reports on Mark Goldey, members confirmed that they had reviewed the material.



Attorney Beaudoin was recognized by Chairman Connelly; he asked Council members if they had questions.

Judge Countway asked about the results from the blood draw; Attorney Beaudoin confirmed that the blood test results were the same as the PBT, .157.

Chairman Connelly asked if there were more questions from Council members. Attorney Moeser provided that the police reports are part of the record in the matter, with necessary redactions.

Motion by Chief Hoebeke to reinstate the certification effective date June 2, 2023, which aligns with his license reinstatement. Sheriff Massahos seconded the motion.

Chairman Connelly took the roll call vote:

Commissioner Hanks	yes
Judge Countway	yes
Judge Gardner	yes
Chief Aldenberg	yes
Chief Rourke	yes
Officer Pelletier	yes
Dr. Sullivan	yes
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes
DAG Boffetti	yes
Chairman Connelly	voted yes

Mark Goldey addressed the Council and thanked them.

### Department of Corrections

Director Scippa noted that he had been speaking with Commissioner Hanks, Assistant Commissioner Raymond and Director Adam Crepeau from the governor's office, on Zoom.

There was an in-depth discussion relative to any steps that could be taken to assist the DOC meet the challenges of their staffing situation. Ultimately the Commissioner is going to ask three things, one of them is easy, one is within the Council's purview, the third would require an emergency rule change.

The first request, which has been discussed in prior Council meetings, the Commissioner would like PSTC begin to hold rolling academies for the DOC academy. Run an academy, then on that Friday of graduation, the next Monday, start another academy; regardless of the number of recruits because of the situation they're trying to address.

The second request is to allow a reduction, temporarily, in a time frame, to reduce the entry fitness standard for corrections officers. Presently they enter the academy at the 20<sup>th</sup> percentile of Cooper Standards, pushups, sit-ups and mile and half run, and they are required to exit at the

35<sup>th</sup> percentile, same tests. They are asking that those numbers be reduced to 10% for entry and 25% for exit at the end of the academy. This would not require any law or rule change, this decision can be made at the Council level. It's important for the Council to recognize that in 2017, there was a departure from the normal fitness standards for the corrections academy. The entry requirement was lowered from the 35<sup>th</sup> percentile to the 20<sup>th</sup>. It was noted to be a trial at that time. The entry standard of 20% has existed since 2017.

The third request is to reduce the prohibition of marijuana use for corrections academy to hire a corrections officer from 12 months prior to the application down to 6 months prior to application. Director Scippa and Commissioner Hanks discussed the waiver process in place, the waiver process should be the process used in the first instance. Commissioner Hanks has had some situations where that would not have been helpful.

Those are the three requests. Director Scippa believes that the first is something that he and the PSTC staff could accomplish, to run rolling academies. The second request is to lower the entry and exit fitness test parameters. The three-year testing may or may not survive from the legislature, required that ongoing fitness testing be reflected as the exit requirement for the academy, in our Technical Assistance Manual. So the one caveat to changing the fitness standards both entry and exit, could affect three year testing beyond that. We may create a class that tests every three years at the 25% percentile unless the Council addresses it as the overall decision. The marijuana change is clearly outlined in our administrative rule, and Attorney Moeser has done well drafting an emergency rule. It would be to amend Pol 301.05 (g) (10). The change would be that within twelve months before the application for hire, **or within six months of the application for hire of a correction's officer candidate has used marijuana** *(unless, upon review of the council at the request of a hiring authority, the council finds that the behavior pattern under the totality of the circumstances did not demonstrate a lack of good moral character as specified in (m) below).*

Chairman Connelly asked to start with the first request. He asked if the rolling academy would have any implications to the in-service training? Can the PSTC staff manage that?

Sheriff Massahos asked the length of the corrections academy and was informed that it was a period of eight weeks.

Chief Hoebeke asked if staff would run an academy for two or three people if there was no minimum number.

Director Scippa had explained to the governor's office that the Council has historically taken the position that if we have less than ten students, regardless of which academy it is, we don't spend the resources for less than ten. He asked Commissioner Hanks to address the matter. Director Scippa would like to have a number.

Sheriff Massahos interjected that he didn't think the numbers mattered, "if you get two candidates that want to go through the academy, you can't wait for ten, eight, or six. You need to get them in and get them out because if you wait for ten, they will not be working for you".

Chief Hoebeke expressed that it's an immense amount of resources being used, there has to be consideration respectfully of a minimum number, to do an academy for one or two people for eight weeks?

Chairman Connelly asked if the majority of instruction was provided by Captain Towers and Lieutenant Lover assigned to PSTC from DOC? Or are there many other resources?

Commissioner Hanks responded that much of the integral part of the DOC operation is taught by DOC instructors, Captain Towers and Lieutenant Lover, who were present. For example, in a class for cell extraction, there would be more instructors than students, in some cases. The class should be conducted in a realistic way for the students to receive the benefit of it.

Sheriff Massahos asked how many people were applying.

- Commissioner Hanks responded that it takes almost one hundred people applying to get two people hired, or more.
- Currently they have a total of thirteen, and they are asking to start the academy early.
- There are 172 vacancies in the DOC's corrections officer ranks.
- There is a fifty-one percent vacancy rate.
- Department of Corrections has cost the state of New Hampshire eighteen million dollars in overtime for the existing staff that are filling the rank and file.
- She wouldn't make the requests unless DOC was able to try something different.
- Running an academy with so few people is hard for the student and hard for the instructors.
- The goal is to have ten but if they have nine, they need nine because every day the state's Department of Corrections is forcing seventy plus people to work a double shift.
- That's with assistance from the National Guard in the system.
- That is an unhealthy place to be.
- How can DOC compete with entry law enforcement; they have much more attractive places to work in the community.
- DOC has a facility that was at its base, was built in the 1800's and looks like it was built in the 1800's.
- Commissioner Hanks said this to the Governor and Council, the fact that DOC has staff so dedicated to the mission that they continue to work inspires her to continue to push and drive for the organization, without them, DOC's mission would fail.

These are pointed requests and she would like to try. The DOC law enforcement team has been the lowest paid entry law enforcement team but their clientele is twenty four hours a day, people adjudicated with felonies. That has now shifted as of Friday, she went through the state personnel process to have all their labor grades re-aligned. The agency should have done that decades ago. DOC is improving itself everyday with the goal to be sure they recruit and retain employees.

Chairman Connelly recognized Mr. Stawasz who asked if the request was permanent or temporary?

Chairman Connelly ask if Mr. Stawasz' question about whether the rolling academy would be permanent or temporary? Mr. Stawasz confirmed that was his question.

Commissioner Hanks affirmed that the rolling academy was temporary.

Chairman Connelly recognized Colonel Noyes, who noted that the Council is trying to help with Commissioner Hanks' staffing, but also should remember Director Scippa's staffing. If there are any classes going through the curriculum that would train for classes that corrections aren't teaching? To take on that burden and "train the trainer" if classes could be identified. That would assist with the low numbers in a rolling academy.

Director Scippa interjected, if PSTC's staffing hadn't changed that may have been a direction to look, but fortunately the positions have been filled, there is one part time position left to fill. The added depth that PSTC received with those three new training specialists will alleviate some of the challenges that we were feeling by increasing the number of corrections academies.

Judge Gardner was recognized by Chairman Connelly. She noted what she'd heard from Director Scippa is that he wanted to have a number, right now the request is to have rolling academies regardless of the number of recruits, we still should have a minimum, there is a benefit to having more than one or two people in a class. "Is there a number of people that you think would be ideal, maybe six to run the academy"?

Commissioner Hanks asked Captain Scott Towers to answer this question.

Director Scippa confirmed that he'd go back to ten recruits.

Captain Towers noted that they'd had an academy with six recruits, there was no comradery, no team work it was a bunch of individuals in a room listening to a lecture.

- The more people available the more communication the more questions are asked, the more interaction there is in a class, the better off everyone is.
- He'd agree with Director Scippa for ten, but bare minimum is eight, in his opinion.
- It leads to a better atmosphere, better learning platform for the student if there is more than one or two, so they can bring up questions on things they've experienced during their FTO program
- They can share those experiences, and everybody learns from that.
- If it's just one or two, it's the instructor talking and the students looking at the instructor for eight hours not getting anything out of it.

Colonel Noyes was recognized by Chairman Connelly. Colonel Noyes expressed, what they (NHSP) run into with the academy schedule, is when they go to a job fair, they ask, 'do you want to be a New Hampshire trooper' people say great, when can you hire me? We say 'well if you start the process now, it's seven or eight months'. They aren't interested, they want a job next week. The question is, if you have a correctional officer come through the process, can Commissioner Hanks hire them in advance of an academy, even if she must hold onto them for a month or two in order to retain their employment. for the department?

Commissioner Hanks responded that she'd asked about hiring people today, outside of their normal state pay period; which is hiring people to start on a Friday. She was granted a waiver for that. She has the Division of Personnel's support to get people on board to rectify the situation.

Director Scippa noted that Mr. Stawasz had asked what is temporary, and do we put an end date on it any one of these requests. The rule change is straightforward, 180 days. But when do we not have rolling academies? When does it stop and we go back to normal? And then the other question is, when, if at all, do we change the fitness requirements back to really the pre-2017 change right and just do the 35% entrance and 35% exit, that's an important question to address during this discussion.

Commissioner Hanks asked, at a minimum, to try it for one year, given it goes in eight-week cycles and see what it does regarding getting people employed, and retaining them. If employees see relief coming, they tend to stay.

Chairman Connelly asked, would a motion be helpful to address the rolling academy, temporary for one year, is that required or what would be most helpful for PSTC to institute it?

Director Scippa stated, to the Commissioner's request,

- "the motion should include the one-year experiment of the rolling academy and to Judge Gardner's question it would be nice to have a number" (of recruits necessary to run an academy).
- If an academy is finished, and we'd like to begin a new one on a Monday, what if there are only two people?
- There is a tremendous recruitment going on for Department of Corrections
- Commissioner Hanks is looking everywhere for people.
- Should they hold off on that academy until there is critical mass, what is the number?

Commissioner Hanks responded to support what Captain Towers expressed, at least eight.

Chairman Connelly asked for confirmation, temporary, minimum 8, rolling academy for a period of one year.

Captain Hawkins interjected, in response to the Colonel's question about the rolling academies, "it's not an impediment but its something that we have to take into consideration. In all of the academy classes, mental health through NAMI is a contracted class. So it's one of those things where NAMI is, we just got their RFP's we've had it for DOC, part time academy and full time academy. They have a certain amount of staff as well, so the idea of being able to put NAMI inside of a class, that may be a challenge that PSTC staff would have to face, working with NAMI. If its rolling, they like to know months in advance".

Director Scippa responded, "everybody on the Council needs to recognize that we've engaged NAMI, this is a great point made by Captain Hawkins. We now engage NAMI to teach eight

CIT each year. Plus, we are preparing to engage them to teach CIT at the academy, our hope is to engage them to teach in corrections academies, we may have to overlap them because they need critical mass for their classes. For PSTC to continue to use NAMI to teach those mental health classes, is going to be close to impossible because we're not going to be able to give them more than a couple weeks of notice and that may fall on something that's already been scheduled a year in advance. I think to answer that is we may have to pull NH NAMI class out of the corrections academy and make it something that we can teach from (Commissioner Hanks) has a lot of staff inside, (the prison) that could take that role on, but that would have to happen. NAMI doesn't have the bandwidth to be able to get a phone call asking them to teach a class in two weeks. If Commissioner Hanks agrees with that, we can begin planning”.

Commissioner Hanks explained that DOC has a psychiatric contracted corrections provider, as well as the ability to leverage DOC's HHS in other communities' mental health resources to fill that void, if NAMI is not available for that class.

Director Scippa noted that it may be a budgeting issue as well.

Motion by Judge Countway to approve the rolling corrections academy as a pilot project for one year, with a minimum of eight within the discretion of the director. Mr. Stawasz seconded the motion. Commissioner Hanks recused herself from the vote.

Chairman Connelly took the roll call vote:

Chief Hoebeke	yes
Judge Gardner	yes
Sheriff Massahos	yes
Chief Aldenberg	yes
Chief Rourke	yes
Officer Pelletier	yes
Dr. Sullivan	yes
Mr. Harrington	yes
Dr. Eckstein	yes
DAG Boffetti	yes
Colone Noyes	yes

Chairman Connelly voted yes

#### Fitness Standards for Department of Corrections

Director Scippa asked the time period for amending the fitness standards for the DOC academy. Commissioner Hanks answered that

- within that year through collaborative work at DOC and PSTC,
- to put forward a job specific opportunity in rule or in policy that is associated with a correction's officers job
- Commissioner Hanks explained that she has been working with the National Correctional Leadership Association who is doing surveys of what are those physical requirements in a correction environment.

- There are some compelling opportunities to map to a job specific fitness test, while making sure the staff is physically healthy.
- She's trying to be reasonable in her approach to for what the different environment is, within the next twelve months for a proposal for the Council to consider.

Chairman Connelly responded that the research Commissioner Hanks was doing is similar to what Director Scippa was doing for police looking for job specific fitness testing.

Director Scippa added that the fitness tests must be well designed and validated.

Director Scippa was quoted \$100,000 from a company that would design tests for corrections and police officers. He'd like to get UNH students from the exercise science program graduates to help, PSTC may be able to save money.

Chief Hoebeke asked Director Scippa, the proposed standards would be 10 percentile entry level to 25 percentile exit tests. He is concerned that if the standard is so low, at the entry that when you have an exit standard it's going to be virtually impossible for that person to meet that standard. They would go through the 8 weeks and not be certified.

Captain Hawkins answered, "when it comes to deconditioned state, it takes more time".

- If you're coming in at a lower rate it takes more time.
- If he is taking somebody on and they go through a minimum of five to six weeks of training,
- it's getting familiar with movement patterns, making sure they don't hurt themselves.
- That timeline is not advantageous to corrections.
- The academy is eight weeks, but having somebody at a lower standard takes more time to get them where they need to be.

Chairman Connelly asked, are we setting folks up for failure at the 25% exit?

Chief Hoebeke said he wanted to be sure that "we're not setting the entry level standards so low that they can't reach the 25% percentile, and eight weeks is wasted. Because if you don't have a person that meets exit standards, I'm not an advocate of eliminating standards all together, but it's a waste of people's time, it does you no good because they're not certified".

Director Scippa replied that they'd spoken about no standard coming in, and the 25% to get out, we thought that very thing but came to the same conclusion, setting people up for failure.

Currently they must come in at 20 and exit at 35<sup>th</sup> percentile. If they are in condition, it will take them less time to get a 15% increase. The hope is that people will surpass the 10% and get to the 35<sup>th</sup> in the first instance. If they fall short, there is a little bit more wiggle room.

Captain Hawkins noted that this is minimum standards, since Paul Moller was a training specialist at the academy, we have kept it up on academy classes. We generally see peak fitness between eight and ten weeks. If they make improvement after that peak, it's still good, but PSTC is exiting people in the current program 80<sup>th</sup> percentile, 90<sup>th</sup> percentile for the sit-ups and pushups. The program works, the full-time academy is fourteen weeks, he's able to get the numbers because he has more time to train recruits.

Colonel Noyes stated that it was good that the Commissioner was looking outside because, “these are the standards but are they right to begin with”? He has seen if a candidate fails the entrance fitness test, they may fail it again the next time they apply, when they pass, they may fail the oral board. If someone now is going to pass at the 10<sup>th</sup> percentile, how many are you losing? The candidates that you see, are they likely to pass everything else?

Commissioner Hanks replied that if people fail the fitness test, they generally are passing the other elements of the process. They see people just miss the 25<sup>th</sup> and the eight weeks impacts getting them to the 35<sup>th</sup>. Looking at their health and saying can you do this job successfully at the 25<sup>th</sup>? Most of the people they have spoken to across leadership felt that at the 25<sup>th</sup> you could do the job successfully. She has spoken with commissioners across the country. If they have a validated test there is something that we can learn from, rather than pay for something that the Council would be able to consider or adopt to save money.

Chairman Connelly stated that he was still concerned whether Commissioner Hanks was confident that the exit at 25% is going to provide value and result in more people.

Commissioner Hanks said she believed that it would.

Chief Hoebeke asked, to be certain, that this is for DOC employees only?

Director Scippa responded that all the requests are for DOC.

Chairman Connelly asked whether this request was temporary, for a year only?

Judge Gardner asked, “how did they come up with 10% versus 15 or some other number? Just following through on Chief Hoebeke’s question. Because you don’t want to set them up for failure”. She wondered if there was a percentage that would yield the highest number of successful achievement at the 25%.

Commissioner Hanks replied that she thought it would be fair to change the entrance to the 20<sup>th</sup> percentile and still see most people pass that, with an exit at the 25<sup>th</sup>.

Chairman Connelly noted that the proposed change was to enter at 10 and exit at 25, from the initial discussion.

Commissioner Hanks stated that she was amenable to looking at something that gives her between those ranges of bringing people on and trying to be sure that people are physically healthy and able to do the job.

Director Scippa replied to Judge Gardner’s question, “I don’t know that we applied any science to it, in essence we looked at the fact that right now these corrections officers come in at 20<sup>th</sup> and leave at the 35<sup>th</sup>, there was a 15 percent increase, the delta was 15%. We just applied that to this thought process”. Director Scippa was curious to see people coming in at the 10% to see whether they could pass at the 25<sup>th</sup> percent, for data collection purposes.

Commissioner Hanks stated that “it would be more reasonable for someone to pass at the 20<sup>th</sup> percentile and finish at the 25<sup>th</sup>. I think at ten percent getting them 15 percent of the way at 10 percent might be setting them up for failure.



Captain Hawkins interjected, “we are going from data and getting numbers? If you were entering at the 20<sup>th</sup> percentile a 20-29 male, would need 22 pushups, and exit would be 24. It’s not a significant increase if you went to 35% it’s still not significant it’s only five, 20-29 male, entry 20<sup>th</sup> would be 22, 25<sup>th</sup> percentile would be 24, 35<sup>th</sup> percentile would be 27”.

Motion to approve the temporary reduction of fitness standards for NH DOC academy, 20<sup>th</sup> percentile to enter and 25 percentile to exit, was made by Colonel Noyes, the motion was seconded by Mr. Stawasz, for one year. At the end of one year, they return to the same standards prior; or collaborate to initiate job specific fitness testing for corrections officers.

Chairman Connelly took the roll call vote  
(Judge Countway had exited the meeting prior to the end of this discussion).

Chief Hoebeke	yes
Judge Countway	exited prior
Judge Gardner	yes
Sheriff Massahos	yes
Chief Aldenberg	no
Chief Rourke	yes
Officer Pelletier	yes
Dr. Sullivan	yes
Mr. Harrington	yes
Dr. Eckstein	yes
DAG Boffetti	yes

Chairman Connelly votes yes.

#### Emergency Rule Change re: Pol 301.05 regarding NH Department of Corrections

Director Scippa commended Attorney Moeser on her preparation on this rule. The emergency rule change would last for 180 days. Administrative rule Pol 301.05 (g) (10) and the amendment would be:

*within twelve months before the application for hire, or within six months before the application for hire of a corrections officer candidate has used marijuana, unless upon review of the Council and at the request of the hiring authority the behavior pattern under the totality of the circumstances did not demonstrate a lack of good moral character as specified in letter (m).*

Attorney Moeser, in drafting the justification recognizes with over a 50% vacancy rate of correctional officers this creates an immediate safety risk to the prison residents, to the staff and to the public. It has been well-documented through Governor and Council, WMUR, it is what it is. The Governor’s office recognizes this as a bit of a state emergency.

Commissioner Hanks stated that “there is a balancing test where we’re trying to apply as an organization; it’s one element of the hiring process. Given that we’re looking at the state-based legalization and surrounding states and Canada, we are telling candidates to come back to us in six months. We say that a lot. It’s looking for those outliers and trying to not to have to turn them away. If all the other elements of the hiring process show that they would be a candidate for trust in our environment”.

Judge Gardner was recognized by Chairman Connelly. She asked, “for this one, since we already have a rule that allows candidates to come before the Council, I’m not inclined to be in favor of changing this part of it, but I wouldn’t mind hearing more about sort of a justification the changing. I think there are a lot of reasons for the rule to be twelve months versus six months especially where there’s so much substance abuse, issue for the people that they’d be working with. So I guess I have some reservation about it”.

Chairman Connelly asked Director Scippa if there is a backlog for a delay on getting people on an agenda for such a hearing?

Director Scippa confirmed that there was not a backlog. They talked about the fact that there is a waiver opportunity for these “one- off’s” that might be an easier way to address them as opposed to making a rule change. But, from his position as director, he would concur with Judge Gardner’s position in the matter. He doesn’t want be an obstruction, and cause any extra challenge that the Commissioner has. When PSTC gets requests for hearings they are put on the agenda for the next month to include anything that is received beyond the closing date of that agenda.

Chairman Connelly stated that in his opinion that there was value in the waiver hearings.

Chief Hoebeke asked, “Commissioner, how many times have you come before, I haven’t been on that long, for waivers, because I can’t recall a whole bunch”?

Commissioner Hanks noted that “it may have been prior to his participation on the Council. We brought some individuals forward. I’ve had more instances that the Council said no on marijuana use which was interesting but and this request we can certainly try to leverage the waiver experience with the people that we have, they just have participated more than I would have generally liked, and in this particular request it was really looking at people that we’ve said no to, and we say come back to us in three months, four months. They don’t come back; they go get a job somewhere else. But we will attempt the waiver process with a change in membership and see how that process goes”.

Chief Hoebeke responded that his concern was “I think it opens Pandora’s box. I think if we were to lower standards for correctional officers to six months, particularly with marijuana usage I think we’d have the same request for the police standards, for hiring”.

Commissioner Hanks responded, “Chief, to your point in dialogue, I think I could be much more patient on this one and let the Council’s committee on rules finish their work and see if the Council wants to do it”.

Dr. Sullivan commented that she’d re-affirm Chief Hoebeke’s statement, she was mostly concerned about a “one-off”, it’s the one that’s been using THC vaping for the past six months and stopped to get into the academy.

Chief Connelly asked for confirmation, do we want to take this request off the table for consideration?

Commissioner Hanks noted that they would attempt using the waiver process with some candidates and review the results, deferring to the ongoing rules process.

### Consent Calendar

Motion by Chief Hoebeke, seconded by Colonel Noyes to approve the consent calendar.

### PT&E Requests

#### Cory Brandon, Conway Police Department

(DOH: 04/24/23) 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 April 5, 2023) 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.

#### Peter Ciccarello, Milton Police Department

(DOH: 04/09/23 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 March 24, 2023) 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.

#### Jason Harris, Rochester Police Department

(DOH: 05/07/23) 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 March 14, 2023), entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

### Requests for Extensions

Note: Extensions granted until the first council meeting following the fitness testing for the requested Academy, and, if testing is successful, to the first council meeting following the end of the requested Academy.

\*Full Time Academy

Class Number	191	192
Dates	January 9, 2023-April 23, 2023	February 27, 2023-June 16, 2023
Class Number	193	194
Dates	June 12, 2023-September 29, 2023	July 31, 2023-November 17, 2023

\* More detailed information about each academy session can be found in Benchmark. This will include the dates of the session, the fitness testing date and number of available seats.

\*Part Time Academy

Class Number	
Dates	

\* More detailed information about each academy session can be found in Benchmark. This will include the dates of the session, the fitness testing date and number of available seats.

\*Corrections Academy

Class Number	120	121
Dates	January 3, 2023 – February 24, 2023	October 11, 2023- December 8, 2023

\* More detailed information about each academy session can be found in Benchmark. This will include the dates of the session, the fitness testing date and number of available seats.

Medical Extensions for Fitness Testing

End of Consent Calendar

Sheriff Connelly took the roll call vote.

Commissioner Hanks	yes
Judge Gardner	yes
Sheriff Massahos	yes
Chief Aldenberg	yes
Chief Rourke	yes
Officer Pelletier	yes
Dr. Sullivan	yes
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes
DAG Boffetti	yes

Chairman Connelly voted yes.

Chairman Connelly announced that the Council would begin a non-meeting at 11:51.

The following Council members exited the meeting at this point:  
Mr. Harrington, Sheriff Massahos, Chief Aldenberg and Chief Hoebeke.

Council members began a non-meeting with Attorney Moeser.


At 12:07 Council members finished the non-meeting and there was a motion to adjourn by Deputy AG Boffetti, seconded by Commissioner Hanks.

Judge Gardner	yes
Chief Rourke	yes
Officer Pelletier	yes
Dr. Sullivan	yes
Mr. Stawasz	yes
DAG Boffetti	yes
Colonel Noyes	yes

Chairman Connelly voted yes.

May 23, 2023

Respectfully Submitted,

  
Helen E. Hanks, Commissioner DOC  
Vice Chairwoman