

MINUTES

January 27, 2004

The 321st meeting of the NH Police Standards and Training Council was called to order at 9:02 a.m. by Chairman Michael L. Prozzo, Jr., in the John D. Morton conference room at the Police Standards and Training Facility in Concord, New Hampshire.

Members present included Chiefs William L. Wrenn, Jr., Hampton Police Department, John Curran, Meredith Police Department, Donald J. Gross, Nashua Police Department, and Michael J. Magnant, Portsmouth Police Department; Sheriff Scott A. Carr, Carroll County Sheriff's Department; Sr. Assistant Attorney General William Delker, designee of Attorney General Peter Heed; Major Barry Hunter, NH State Police; Assistant Commissioner Les Dolecal, designee of the Department of Corrections; Justice Norman Champagne, Manchester District Court; and Associate Justice Stephen H. Roberts, Dover District Court.

William G. Simonton, Commissioner of the NH Community Technical College System, was excused due to prior commitments.

Staff present included Director Keith H. Lohmann, Administrative Assistant Jeanette Evans, Paralegal Cassandra Erickson, and Training Development Manager Bradley W. Parker.

Guests present included Chief Nicholas J. Halias, Deputy Paul K. Kopreski, Captain Paul H. Dean and Officer Sabrina R. Bohun of the University of New Hampshire Police Department; and Charles E. Pearson, Chief of the Freedom Police Department.

Approval of Minutes

The Police Standards & Training Council voted unanimously to accept the minutes of the November 25, 2003 meeting as presented, following a motion by Chief Wrenn that was seconded by Sheriff Carr.

Director's Report

The Director said after agility testing, approximately fifteen candidates failed the testing for this academy, which is a small class size. Therefore, the Director decided to allow retesting rather than have all the failures retest

for the spring academy, which resulted in two more recruits passing the test. However, a rumor then spread that the Academy would pass or fail prospective recruits during agility testing depending upon the size of the class, i.e., if there were too many people more

candidates would fail. The Director said he took measures to correct this misconception. He has already addressed it at the Hillsborough County Chiefs' meeting and will address it at the Merrimack County Chiefs' meeting as well.

Interviews were conducted for the vacant Law Enforcement Training Specialist positions. Two conditional offers were extended, but both applicants decided not to accept the offers. A third candidate has accepted a conditional offer of employment and a fourth is in the interview process. The Director said if this candidate does not work out it will most likely be necessary to advertise for the position.

The Director said regarding HB1195, the penalty assessment bill, he had some discussions with the House and Senate leadership. It became abundantly clear to the Director during those discussions that the bill would not proceed, and the Governor's office did not return calls from the Director. One influential member of the Senate advised the Director that if the bill did make it through the House and got to the Senate, that Senator would amend the bill to do away with the penalty assessment and institute user fees so that everybody who came to the Academy would be charged \$2 - 3,000 for attending the Academy. Because of that, the Director asked the sponsors to "ITL" the bill in committee, which they did. The Director hopes that next year another bill on the penalty assessment can be submitted, and told members he had a budget presentation planned for the final topic of this meeting.

The Director said he had information that NECP², the community policing partnership school is doing a leadership school based on one done at West Point, at St. Anselm College. He has had some questions regarding whether the school could be funded from the specialized training grant fund, and brought it to the Council's attention because the grant fund is usually reserved for training unavailable in New Hampshire; however, due to the similarity to the Roger Williams Supervision school he thought the Council might want to consider this option and wanted their input on the matter.

The Chairman asked members to consider the Director's request, and Chief Wrenn said he would like more information on the school including curriculum, instructors, length of school, whether it would be a one-time seminar or a permanent program out of St. Anselm's, etc. The Director said he would provide that information at the next meeting of the Council in February.

The Chairman also asked members for volunteers for the subcommittee to assist in the hiring process for a new Assistant Director. Chiefs Wrenn and Gross, and Assistant Commissioner Dolecal volunteered for the subcommittee, and Chief Magnant volunteered as well, but it was decided that three members would be sufficient.

Referring to the Director's discussion regarding the Legislature, Chief Wrenn advised the members of three pieces of legislation that he felt had an impact

on the Council. He said HB1407, which grants limited law enforcement authority to certain federal officers stationed in New Hampshire could impact the Council because part of the law states that before they can exercise any authority granted in this section they have to receive training in state statutory and constitutional laws as may be determined by the Director of the Police Standards & Training Council.

Chief Wrenn related that SB471, which is relative to the administrative operation of the Manchester Airport, authorizes the airport to establish a law enforcement department there, which will call for all their security officers to have completed a program of police training established by the Police Standards & Training Council.

Chief Wrenn said the third bill he felt impacted the Council was HB1391 relative to motor vehicle violations, which will assign the ability to manage motor vehicle violations at the Department of Safety, so that all hearings on motor vehicle violations will be done at the Department of Safety. Chief Wrenn said that besides having a number of problems with it that he could see regarding police officers coming to Concord for hearings, he was concerned about what that change could do to the penalty assessment fund and felt it could be very problematic for the Council.

The Chairman noted the information presented by Chief Wrenn bore consideration.

Unfinished Business

The Director told members that a request for certification based on prior training and experience from Lisbon Police Department for full-time Officer Stephen Medeiros, was tabled at the November 25th meeting, to allow him to ascertain why Officer Medeiros had been disciplined at a department he was previously employed with.

The Director told members he had taken handcuffs from the department booking room when he forgot his, and then forgot to return them. The department accused him of stealing the cuffs and fired him, following which arbitration reinstated him.

The Director said Officer Medeiros was polygraphed by Dave Crawford with no adverse information resulting from it. Because the department wanted to get the officer through the physical agility testing process in January, the Director called members for their input on this case, which resulted in two negative votes.

The Director said the officer failed the physical agility testing but asked for a vote on the Council. Chief Magnant said although he personally would not hire him, if the Lisbon Chief wanted to hire him he did not feel the officer's

infraction rose to the level of the Council preventing him from being employed by Lisbon.

Chief Magnant motioned with reluctance to grant Officer Medeiros certification based on prior training and experience in accordance with staff recommendation. The motion was seconded by Chief Wrenn, who stated he agreed with Chief Magnant that he would not hire the officer himself, but didn't feel he should prevent the Lisbon Chief from doing so. Several other members concurred with Chiefs Magnant and Wrenn.

Chief Wrenn noted the Council was voting on the officer's previous experience, and the Chairman agreed and said that quite often members would not personally hire a particular officer but the requests are based on the officer's previous experience.

Following the discussion, the Council approved the request on a vote of 7 - 4, with Judge Champagne, Chief Curran, Chief Magnant and Sr. Assistant Attorney General Delker opposed.

Chief Wrenn then made a motion, seconded by Sheriff Carr, to approve an extension to the Lisbon Police Department for Officer Medeiros. The motion carried unanimously.

Proposed Facility Name Change

The Director told members that Senator D'Allesandro called and asked him to file a Governor and Council item to rename the Police Academy facility in the name of Arthur Kehas. The Director told him he didn't have the authority to take such an action and would have to speak to the Council about it.

Senator D'Allesandro offered to come to a Council meeting and speak with members directly.

The Director brought the members' attention to a letter in support of such an action submitted by the former Director, Earl M. Sweeney.

Chief Wrenn said he would like to stay with the plan to name areas of the facility after individuals, rather than the building named for any one person if it cannot be named for the person most responsible for the institution it is today.

Chief Gross agreed with Chief Wrenn, and pointed out that many people have done much for the Academy and the name could be changed in the future for the next person in favor. He said this agency is the New Hampshire Police Standards and Training Academy, and people should be thanked for their contributions in another way. He also recalled that when he attended the Academy when Arthur Kehas was Director it was in the little building next door.

Chairman Prozzo asked if the members wanted a letter drafted to Senator D'Allesandro telling him they would like the name of the facility to remain the same for the reasons stated herein, and offering to name an area after former Director Kehas.

Chief Gross made a motion to advise Senator D'Allesandro that it is the Council's position that the facility name should be kept as it currently is, and that we also dedicate something within the facility to individuals who did much toward making the Academy what it is today.

The Chairman asked, before a second was voiced, if it might not be appropriate to offer Senator D'Allesandro the opportunity to address the Council as he has expressed a desire to do, rather than motioning at this time. Chief Wrenn said that it was a good idea to have the Senator come in, since he offered to do so.

Chief Gross asked if the members could relate to the Senator the Council's position to retain the current name when inviting him to address them, and the Chairman said the Senator should be aware the members have thoughts on the matter while listening to his thoughts on the subject.

Judge Champagne also felt the Senator should be invited to address the members on the subject at the next meeting, and Chief Gross then withdrew his motion.

As a matter of information for the members, the Director told them the computer classroom upstairs in the main building is named for Arthur Kehas, and an Arthur Kehas award is given at every Academy graduation. The Chairman said that was important information for both the members and the Senator to be aware of.

New Business

UNH Police Department Accreditation

In introducing Goffstown Chief Michael French, NNEPAC Assessment Team Leader, the Director noted UNH Police Department, if approved, would be the first to receive simultaneous accreditation on a state and national level under the new compact between New Hampshire and the national Commission on Accreditation for Law Enforcement Agencies, Inc.

Chief French then explained the assessment process conducted at the UNH Police Department and concluded with his recommendation that the department be granted New Hampshire accreditation.

Nicholas Halias, Chief of the UNH Police Department then addressed the Council, citing the valuable assistance to the process provided by UNH Police Department officers, Captain Paul Dean, Deputy Paul Kopreski and Officer Sabrina Bohun, the Accreditation Manager.

Chief Wrenn then made a motion, based on the recommendation of the team assessors, to award the UNH Police Department with New Hampshire recognition, and congratulated Chief Halias and his officers for becoming the first department in the state to complete the recognition program with CALEA. Following a second by Chief Gross, the motion passed unanimously.

Maurice J. Blake, NH Department of Corrections

The Director advised members he received a call yesterday from the State Employees' Association advising they had just learned Officer Blake wanted their assistance at his hearing before the Council for a conviction of DWI. Since they had insufficient time to familiarize themselves and prepare for the hearing they asked to have the item continued until the February meeting of the Council, and the Director accommodated their request.

Kristy A. Hannigan

The Director told members Ms. Hannigan was employed by the Department of Corrections but had not attended the Academy when she was arrested for DWI on May 31, 2003 by the Berlin Police Department. She was convicted of the charge.

Ms. Hannigan resigned from the Department of Corrections, but now seeks reinstatement of her eligibility to be certified as a Corrections Officer. The Director

spoke with Major Cunningham of the Department of Corrections, who said he would put her through the hiring process, with no guarantee of being hired, if her eligibility were reinstated. The Director recommended that her eligibility be reinstated.

Chief Wrenn said he dislikes deciding a person's eligibility to be certified prior to them being hired by an agency and receive a Form A.

Judge Champagne wondered if the Council could require a department to take a position as to whether they would hire a person or not before the Council takes a position on their eligibility; and noted the department could discover information during their hiring process that would cause them not to hire the individual that the Council would be unaware of and yet the Council is asked to certify their eligibility.

Chief Curran said the department should hire the person before the Council becomes involved in the eligibility process, and Chief Gross said the department should be able to make a determination on an individual's eligibility by looking at the Council rules.

A motion made for purposes of discussion by Chief Curran and seconded by Chief Wrenn not accept the request for declaratory judgement because there was nothing for the Council to consider, was later withdrawn.

Judge Champagne suggested Ms. Hannigan be told the Council would consider her request once she had gone through a hiring process and been offered employment by an agency.

Chairman Prozzo said the Council needed to be consistent with requests such as these. Chief Wrenn felt the Council has been pretty consistent about DWIs in the last few years.

Following considerable further discussion, Chief Curran made a motion to advise Ms. Hannigan that based on the information brought before them at this meeting (a single DWI conviction in 2002 while employed by the Department of Corrections and subsequent resignation before attending a Corrections Academy), the Council found nothing that would bar her from gaining certification in the State of New Hampshire upon the submission of certified documentation from any hiring authority. The motion was seconded by Judge Roberts, and carried unanimously. Assistant Commissioner Dolecal abstained from the discussion and vote on this item.

Prior Training & Experience Requests

The Director outlined all the requests for certification based on prior training and experience. Chief Curran asked about an incident in which Chief Brackett had been involved in a shooting resulting in death, and Sr. Assistant

AG Delker was familiar with the case and told Chief Curran the shooting had been ruled accidental and no charges were ever brought against Chief Brackett.

Following a motion by Chief Wrenn that was seconded by Chief Curran, the Council voted unanimously to grant certification to full-time Deputy Albert M. Brackett of the Rockingham County Sheriff's Department and Officer Thomas J. Larkin of the Keene Police Department, upon successful completion of medical exam, physical fitness test, and NH Law Package at a full-time academy, and First Aid/CPR refresher if necessary.

After the Director outlined the requests for certification based on prior training and experience for part-time Officers Gary R. Farnsworth and Michael P. Bedard of the Lyndeborough Police Department; and George L. O'Brien of the Conway Police Department, Chief Curran, seconded by Sheriff Carr, made a motion to grant the requests upon successful completion of the NH Law Package at a Part-Time Officers' School, with the additional proviso that Officer Farnsworth successfully pass physical agility testing so he can work unlimited hours and take First Aid/CPR refresher training if that certification has lapsed. The motion passed unanimously.

Extension Requests

The Director outlined the circumstances of the requests for extension for full-time Officers Richard Belanger of the New Ipswich Police Department, Aaron Berube of the Brentwood Police Department, William Blais of the Rye Police Department, Kurt I. Driscoll of the Newington Police Department, Brian J. McGrath of the Conway Police Department, Robert J. Peterson of the Weare Police Department, Jennifer V. Pierce of the Allenstown Police Department, Amie I. Prescott-Colbeth of the Northumberland Police Department, and David R. Radun of the Colebrook Police Department.

Chief Wrenn made a motion to grant all requests but Brentwood Police Department's for Officer Aaron Berube. The motion was seconded by Sheriff Carr and carried unanimously.

In response to a question from Chief Wrenn whether Officer Berube was part-time certified, the Director confirmed that he was. Chief Wrenn then made a motion to grant the extension request for Officer Berube. The motion was seconded by Chief Curran and carried unanimously.

Following a motion by Chief Wrenn that was seconded by Chief Magnant, the Council unanimously approved extensions as requested to NH Marine Patrol part-time Officers William S. Congdon, Eric A. Boucher, Derek E. Holston, Audrey B. Johnson, Benjamin C. Kane, Garrett M. Malloy, Sharon C. Reidy, John W. Stewart, and Michael J. Vito.

Chief Curran made a motion to grant extensions as requested from the Department of Corrections to Jay A. Degreenia, Christopher G. Goyette, Jennifer A. Harris, Robby J. Lemieux, Renee M. Marchesseault, and Marianne M. Sylvester. The motion carried unanimously following a second by Chief Wrenn.

Chief Wrenn, seconded by Sheriff Carr, made a motion to grant an extension as requested to Probation/Parole Officer Beatrice J. Piccolo. The motion carried unanimously.

Training Grants

The Council voted unanimously to approve grants to the Farmington Police Department and Concord Police Department to send one officer; and Conway Police Department to send two officers, to command training at the Roger Williams University in Rhode Island, following a motion by Chief Wrenn that was seconded by Chief Curran.

Grants were also unanimously approved by the Council for a motorcycle instructor course for a North Hampton police officer and a Law Enforcement Diversity Recruiting course for a Portsmouth police officer, following a motion by Chief Curran that was seconded by Chief Wrenn. Chief Magnant did not participate in the deliberation or vote on the Portsmouth Police Department request.

Other New Business

Guidance on Decertification Actions

Following a motion by Chief Wrenn that was seconded by Judge Roberts, the Council voted unanimously on a roll-call vote, to enter into a non-public session at 10:22 a.m. for the purpose of discussing possible future decertification actions.

Following the discussion, on a motion by Judge Champagne seconded by Chief Curran, the Council unanimously voted to seal the minutes of the non-public session.

Chief Curran then made a motion that carried unanimously following a second by Judge Champagne and a roll-call vote, to exit the non-public session at 11:06 a.m.

Auburn Police Department

Following a motion by Chief Wrenn that was seconded by Sheriff Carr, the Council voted unanimously on a roll-call vote, to enter into a non-public session

at 11:29 a.m. for the purpose of discussing a personnel matter at the Auburn Police Department. Chief Curran had left the meeting prior to this business.

Following the discussion, on a motion by Chief Wrenn seconded by Sheriff Carr, the Council unanimously voted to seal the minutes of the non-public session.

Chief Wrenn then made a motion that carried unanimously following a second by Sheriff Carr and a roll-call vote, to exit the non-public session at 11:35 a.m.

Budget Presentation

The Director presented a PowerPoint® presentation on the past, present and future financial state of the Academy.

General Discussion

A date of the annual planning session and retreat was set for Monday, March 22 and Tuesday, March 23.

Adjournment

After scheduling the next meeting of the Council for 9:00 a.m. on February 24, 2004 in the John Morton conference room, the Council unanimously voted to adjourn the meeting at 12:13 p.m., following a motion by Chief Wrenn that was seconded by Sheriff Carr.

Chairman Michael L. Prozzo, Jr.