

MINUTES

March 23, 2004

The 323rd meeting of the NH Police Standards and Training Council was called to order at 9:15 a.m. by Chairman Michael L. Prozzo, Jr., in a conference room at the Christmas Farm Inn in Jackson Village, New Hampshire.

Members present included Chiefs William L. Wrenn, Jr., Hampton Police Department, John P. Curran, Meredith Police Department, and Donald J. Gross, Nashua Police Department; Sheriff Scott A. Carr, Carroll County Sheriff's Department; Attorney General Peter Heed; Colonel Frederick H. Booth, NH State Police; and Associate Justice Stephen H. Roberts, Dover District Court.

Also in attendance was Sr. Assistant Attorney General Nancy Smith, counsel for the Police Standards & Training Council.

Justice Norman E. Champagne, Manchester District Court, William G. Simonton, Commissioner of the NH Community Technical College System, and Chief Michael J. Magnant, Portsmouth Police Department, were excused due to prior commitments.

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

Chairman Prozzo welcomed recently-appointed Colonel Booth to the Council and said he was pleased the Colonel plans to attend as many Council meetings as possible.

The Chairman said he felt the retreat had been productive and outlined the topics discussed for Attorney General Heed, who could not attend the retreat meeting yesterday due to other commitments. The Chairman also thanked all the members for attending the retreat and meeting.

Approval of Minutes

The Police Standards & Training Council voted unanimously to accept the minutes of the February 24, 2004 meeting as presented, following a motion by Attorney General Heed that was seconded by Colonel Booth.

Director's Report

The Director told members the Corrections Academy started March 15 with 19 recruits and civilians in attendance. He said two civilians were enrolled who

had previously been dismissed, one due to sexual harassment and one due to academic inability. Although hesitant to allow them to re-enter an academy, he conceded to do so after speaking with the Department of Corrections; however, the one that was expelled due to sexual harassment will only be allowed to attend the two weeks he missed.

Physical agility testing was conducted for the next academy and of 46 tested, 34 passed. Two failed for medical reasons. Due to the small size of the enrollment, the Director plans to allow re-testing again this week which, although very soon after the first testing, is the only time available due to the academy graduation on Friday and staff time off between academies next week. The Council members were invited to the graduation Friday evening.

The Director told members we have a website available at <http://pstc.nh.gov> which continues to be worked on by one of our Law Enforcement Training Specialists.

Previous/Unfinished Business

Request for former Director Arthur Kehas

This agenda item was discussed during the annual retreat yesterday, with the conclusion being reached that portraits of all previous directors will be displayed in the lobby. The Director will also offer to have Mr. Chris Kehas hand out his father's award at graduations.

Maurice Blake Request for Reconsideration

Corrections Officer Blake's certification was suspended for six months by unanimous vote of the Council at the February 24 meeting of the Council. Officer Blake had failed to show up for the hearing, despite having scheduling a meeting with State Employee Association representatives to take place just before the meeting. Following that meeting the SEA would appear with and represent him before the Council.

After being advised of his suspension Officer Blake called the Director and asked what could be done to rescind the action. The Director advised him he could ask the Council for a reconsideration of their motion. The Director was concerned about the mental status of Officer Blake based on his telephone conversation with him, and contacted the Department of Corrections to go to his home, which they did.

Officer Blake submitted a letter to the Council, but it failed to show any grounds for the Council to reconsider its action. However, because the Council said they would be willing to reconsider their decision if Officer Blake could show them cause to do so, the item was brought before the Council.

A motion by Chief Curran not to reconsider the decision based on Officer Blake's emotional status failed to receive a second.

Chief Wrenn made a motion to allow Officer Blake to address the Council for reconsideration of their motion. The motion was seconded by Attorney General Heed and carried unanimously.

Thomas H. Fiero Surrender of Certification

The Director explained to members that part-time Deputy Fiero, Hillsborough County Sheriff's Department, failed a polygraph during a hiring process for employment with New Ipswich Police Department. He refused to provide a reason for his failure of the polygraph test to the Hillsborough County Sheriff's Department.

Although no longer employed by the Hillsborough County Sheriff's Department Deputy Fiero's part-time certification is still valid, and he has offered to surrender it to the Council, which has the same ramifications as a decertification.

In response to a question, Chief Wrenn was advised the form B from the department on Deputy Fiero stated his departure was due to a negotiated resignation.

Following a motion by Chief Wrenn that was seconded by Colonel Booth, the Council voted unanimously to accept the surrender of Deputy Fiero's certification.

New Business

Prior Training & Experience Requests

Full-Time

The Director explained that Officer Chad L. Larson, East Kingston Police Department, attended a full-time academy but never worked as an officer. He was subsequently hired by East Kingston as a part-time police officer and approved by the Council for part-time certification with unlimited hours by the Council (9/23/03 meeting) upon successful completion of medical and physical agility testing and the NH Law Package at a full- or part-time school.

Following a motion by Chief Wrenn that was seconded by Chief Curran, the Council voted unanimously to approve certification to full-time Officer Chad L. Larson of the East Kingston Police Department, upon successful completion of medical exam, physical agility test, Officer Survival, Simunitions and OC Spray and the NH Law Package at a full-time academy.

A handout was distributed to members for Officer Jeremiah O'Sullivan, Kensington Police Department, a former New Jersey police officer for 24 years.

Following a motion by Sheriff Carr and second by Chief Curran, the Council voted unanimously to grant certification based on prior training and experience in accordance with staff recommendation upon successful completion of medical exam, physical fitness test, and NH Law Package at a full-time academy, and refresher training in First Aid/CPR if lapsed.

Another handout was distributed for Officer Robert Garvin, Lisbon Police Department, a former Rhode Island police officer for 3 years. Following a motion by Chief Curran and second by Judge Roberts, the Council voted unanimously to grant certification based on prior training and experience in accordance with staff recommendation upon successful completion of medical exam, physical fitness test, and NH Law Package at a full-time academy, and refresher training in First Aid/CPR if lapsed.

Part-Time

A handout was distributed for part-time Officer Jody Laflam, Charlestown Police Department, a former part-time officer in Vermont, with 3 years experience.

The Director noted Vermont now requires a minimum of 40 hours of training for part-time officers before they can wear a uniform and another 150 hours of training over the next 18 months prior to being certified, during which time they can only work with a full-time certified officer.

In accordance with the Director's recommendation, the Council voted unanimously to grant part-time certification to Officer Laflam upon successful completion of the NH Law Package at a Part-Time Officers' School, following a motion by Sheriff Carr that was seconded by Chief Curran.

Extension Requests

Following a motion by Chief Wrenn that was seconded by Attorney General Heed, the Council voted unanimously to grant extensions as requested to full-time Deputies Michael E. Chavez and Adam E. White of the Rockingham County Sheriff's Department; and to full-time Officer Paul M. Roberts of the Lyme Police Department.

Training Grants

Training grants totaling \$1,658.72 were unanimously approved to the Conway Police Department and Strafford County Sheriff's Department, following a motion by Chief Curran that was seconded by Judge Roberts.

Other New Business

Non-Public Session to Discuss Personnel Matters

Following a motion by Chief Curran that was seconded by Chief Wrenn, the Council voted unanimously on a roll-call vote, to enter into a non-public session at 9:50 a.m. for the purpose of discussing personnel matters.

Following the discussion, on a motion by Chief Wrenn 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 Sheriff Carr and a roll-call vote, to exit the non-public session at 10:26 a.m.

Pre-Hire Prior Training & Experience Request

John H. Marenghi, Hancock Police Department

A request from Hancock Police Department for evaluation of Mr. Marenghi for prior training and experience certification if hired by that agency was later withdrawn by the agency, but the officer was not informed of the withdrawal and drove to Jackson Village to appear before the Council.

In view of the fact that the department had withdrawn the request, the Council advised Mr. Marenghi that they were unable to make a decision on his previous experience, because Police Standards & Training Council rules mandate that he would have to be hired by an agency before the Council could certify him for prior training and experience.

General Discussion

The Director related to the members a conversation he had with NH Community Technical College System Commissioner William Simonton, who told the Director that he had a conversation with the President of the Senate, Senator Eaton, who asked what the Commissioner would think if the Police Standards & Training Council were placed under the NH Department of Justice.

The Director contacted Attorney General Heed regarding the statement, and Attorney General Heed then told members he had heard about the rumor in much the same way the Director had, and said that he has not been approached about the idea in an official matter. He also said it was his opinion the agency should stay neutral as it is now.

Sheriff Carr said previously the Council had found backgrounds were not always being done by departments when hiring individuals previously employed at another law enforcement agency; and discussions were held at previous meetings about steps that could be taken to ensure they were done. He wanted the Council's input on whether it would be a good idea to send, in addition to a copy of the fingerprint card, a capsulation of the background investigation.

During discussion on this matter Chairman Prozzo noted there possibly could be a one-page attachment to the Form A that asked if a background investigation had been completed, who performed it and when it was conducted, and the hiring authority would have to sign it.

The Director explained he believed the Form A now includes a statement that the form is being signed subject to the provisions of the RSA on unsworn falsification, and said if it was not already in place it could be added.

When Chief Wrenn asked the other members if they were interested in whether the background investigation was performed, or were they interested in items in the background that should be brought to the Council's attention, Sheriff Carr said it was the second - being made aware of any issues discovered.

Chief Wrenn said signing off on the background being done, date of performance, and who conducted it as the Chairman had suggested seemed to be a good idea and a brief description of anything that didn't meet the standards should be noted.

The Director said, referring to Council Pols 301.05 and 402.02, that if the Council decides to list specific criteria under which the Council would take a review, they would have to proceed with caution in order to avoid becoming the State's internal affairs bureau. Later in the discussion the Director asked members if, in the case of an agency deliberately hiring a felon, for example, should the Council sanction the agency or the individual

The Chairman read from a Form A: The above-named officer satisfactorily meets the Council's minimum standards for employment as a police/ corrections officer and the hiring authority certifies that all items in Section 14. have been complied with. **This form is signed subject to the provisions of RSA 641:3 (Unsworn Falsification),**" and noted the specifics to be checked off having been done under item 14. on the form.

This topic remained a discussion only and no action was deemed necessary at this time other than to remain aware of agencies adhering to the requirements stated on the Form A and taking action if they fail to do so.

Adjournment

The next meeting of the Council will be at 9:00 a.m. on Tuesday, April 27, 2004. Following a motion by Chief Curran that was seconded by Attorney General Heed, the Council adjourned the meeting by unanimous vote, at 11:30 a.m.

Chairman Michael L. Prozzo, Jr.