

MINUTES

August 24, 2004

Commented [PS1]:

The 328th meeting of the NH Police Standards and Training Council was called to order at 9:05 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, Hampton Police Department, John Curran, Meredith Police Department; Sheriff Scott A. Carr, Carroll County Sheriff's Department; Justice Norman E. Champagne, Manchester District Court; Associate Justice Stephen H. Roberts, Dover District Court; Attorney General Kelly Ayotte; Colonel Frederick H. Booth, NH State Police; Stephen J. Curry, Commissioner of the Department of Corrections, and Charles Annal, Deputy Commissioner designee of Commissioner William G. Simonton of the NH Community Technical College System

Chief Michael J. Magnant, Portsmouth Police Department was excused due to other commitments.

Staff present included Director Keith H. Lohmann, Paralegal Cassandra Erickson, and Account-Technician Helen Robinson.

Guests included Chief Kenneth A. Borgia, Barnstead Police Department; character witnesses Maggie Duffy-Durkin, wife, and Officer John Dalton of the Durham Police Department for Dennis J. Durkin.

Prior to commencement of the regular meeting, Chairman Prozzo welcomed recently-appointed Commissioner of Corrections, Stephen J. Curry as a new member to the Council and asked that he introduce himself to the other Council members. He replaces former Commissioner of Corrections, Phil Stanley.

The Chairman read a "Thank You" note from Jeanette Evans, Administrative Assistant who retired June 30, 2004, as Council secretary.

Approval of Minutes (7/20/04 Special Session & 7/27/04 Regular Meeting)

The minutes of the July 20, 2004, special session for deliberation purposes were corrected to reflect that Associate Justice Stephen H. Roberts recused himself due to a conflict. The minutes were then unanimously approved, following a motion by Sheriff Carr that was seconded by Charles Annal.

Following a motion by Sheriff Carr, seconded by Colonel Booth, the Council voted unanimously to accept the minutes of the July 27, 2004 meeting, as presented.

Director's Report

The Director informed the Council he has met at length with Corrections Commissioner Stephen J. Curry who has an extensive training background with the Army. Commissioner Curry indicated he would like to have all Department of Corrections instructors attend the Instructor Development course before the Corrections Academy scheduled in March 2005. He brings many levels of training to the department. He stated that Warden Gerry will be his training czar indicating there are significant training deficiencies within the department including Parole/Probation Officers, and Corrections Investigators. Commissioner Curry said there are significant challenges ahead to re-establish a training mind set prior to service and in-service which will start with the qualification and certification of instructors and validation of their capabilities. He'll be increasing instructor standards and redesigning the curriculum to include a Task Analysis process,

Director Lohmann has provided Commissioner Curry with a 1993 Job Task Analysis. More than several years ago, there was a proposal on training of Parole/Probation Officers. The proposal was put together by former Commissioner of Corrections, Paul Brodeur, and former Director of PSTC, Earl Sweeney, but not presented to the Council for approval. The Director will forward a copy of the document to him.

Corrections Academy #77 started August 16, 2004, with 20 Correctional Officer trainees and civilians. Commissioner Curry attended the opening along with the Wardens.

PT testing was completed for the 135th Police Academy on August 23, 2004. Tested were 96 recruits and 12 law package students ending up with 75 recruits and 11 law package students passing. This will be the second largest academy. Due to academy size and space availability, there will not be a retest for those who failed. Commissioner Curry inquired as to capacity. Director Lohmann indicated the facility could accommodate 83 recruits.

At the last Council meeting, Director Lohmann stated \$130,000 previously allocated from the FY04 budget for renovations to Lecture Hall #2, did not come forward in Class. The next step is to go to Governor & Council and Fiscal Committee. He said there is a specific statute stating, "the Board of Trustees of the NH Community Technical College System has the authority to transfer money within accounts." Supposedly funds were being held by Department of Administrative Services. Attorney General Ayotte suggested speaking with the Council's legal advisor reference this statute.

The Director briefed the Council on Kenneth "Biff" Ranney. Sunapee Police Department will file a Form "A" and Mr. Ranney will return to Florida at the end of the summer. Basically, he will be under the six month window for training purposes. The Director will

forward a CD-Rom training disk on “Use of Force” to Chief Cahill for Mr. Ranney’s training purposes and to limit the town’s liability to some extent.

The Assistant Director’s position has been posted. Applications have been received from two internal and two external candidates. A written submission will be sent to candidates with two weeks to complete and interviews to be scheduled in three weeks. Chairman Prozzo indicated a date should be set for these interviews as soon as possible.

New Business

Decertifications/Suspensions/Revocations/Surrenders

Arthur R. Locke Hearing

The Director outlined the circumstances of Arthur Locke’s resignation as a Deputy Sheriff in lieu of dismissal from the Merrimack County Sheriff’s Office on August 1, 2001, Mr. Locke is requesting to be recertified as a police officer.

After Chairman Prozzo explained procedures of a public and non-public hearing, Mr. Locke chose to have a non-public hearing at which time Mr. Locke was sworn in by Chairman Prozzo.

At 9:24 a.m. 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 with character witness, Chief Borgia of the Barnstead Police Department, speaking on his behalf.

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

At the conclusion of the non-public session, following a motion by Chief Wrenn that was seconded by Colonel Booth, on a roll-call vote the Council voted unanimously to exit the non-public session at 9:45 a.m.

Colonel Booth then made a motion to table the discussion until a Form “A” is received. The motion was seconded by Sheriff Carr, and carried unanimously.

Decertification – Jeremy J. Yeglinski

Jeremy Yeglinski, formerly a part-time Officer with Marlow, Gilsum, Roxbury and Stoddard Police Departments, is currently incarcerated in the NH State Prison. He was convicted in Cheshire County Superior Court of one count of Simple Assault for Unprivileged Contact with a 9 year old and subsequently found guilty of one count of Felonious Sexual Assault on a 9 to 11 year old. Exhibits presented were as follows:

- Staff Exhibit A: Part-Time Officer certification dated April 27, 2002
- Staff Exhibit B: Form “A” hiring from Stoddard PD dated January 21, 2003

- Staff Exhibit C: Form “A” hiring from Roxbury PD dated May 15, 2002
- Staff Exhibit D: Form “A” hiring from Marlow PD dated February 10, 2002
- Staff Exhibit E: Form “A” hiring from Gilsum PD dated August 2, 2002
- Staff Exhibit F: Court return June 23, 2004, noting conviction of Jeremy Yeglinski on one count of Simple Assault
- Staff Exhibit G: Court return June 23, 2004, noting conviction of Jeremy Yeglinski on one count of Felonious Sexual Assault.

Director Lohmann summarized the case and indicated that Mr. Yeglinski was sentenced to 5 to 15 years at the NH State Prison to include participation in the Sexual Offender Program.

Following a motion by Chief Wrenn that was seconded by Colonel Booth, the Council voted unanimously to revoke Mr. Yeglinski's certification pursuant to Council rule Pol 402.02 based on convictions in the Cheshire County Superior Court.

Following the motion, a brief discussion ensued in response to a question from Chief Curran as to whether all the chiefs have filed a form indicating dismissal, Director Lohmann stated they have not. A Form “B” was received from Stoddard but not from Roxbury, Gilsum or Marlow. Gilsum and Marlow are chronic offenders. Chief Wrenn suggested bringing departments before the Council on failure to comply with paperwork requirements. Chairman Prozzo stated that the NH Municipal Association may be an avenue to this problem whereby they could deal with the Selectmen, as hiring authority, for submitting the necessary paperwork to the Council.

Chief Curran stated action should be taken on delinquent paperwork and a copy sent to the Selectmen of the Town. Director Lohmann generate a form letter indicating the chiefs have so many days to comply with the necessary paperwork or appear before the Council for violation or show just cause for delinquency.

Chief Wrenn then made a motion to ask the Director to compose a form letter to be sent to any Chief when delinquent in filing necessary paperwork to the Council, with thirty (30) days to comply or appear before the Council for violation or show just cause for delinquency. The motion was seconded by Chief Curran, and carried unanimously.

Decertification – Dennis J. Durkin

Dennis J. Durkin, formerly of the Durham Police Department, appeared before the Council for the purpose of having violated Council rule Pol 402.02 (convicted of Reckless Driving in the Portsmouth District Court on April 7, 2004).

Speaking on his behalf was his spouse, Maggie Duffy-Durkin, and Officer John Dalton of the Durham Police Department.

Chairman Prozzo explained the hearing procedures to Mr. Durkin stating he could choose between a public hearing with the public present, or a non-public hearing in which the public was not allowed to be present. Mr. Durkin chose to have a non-public hearing.

Following a motion by Chief Wrenn that was seconded by Chief Curran, the Council voted unanimously on a roll-call vote, to enter into a non-public session at 9:57 a.m. Colonel Booth had left the meeting prior to this business.

Following the hearing, on a motion by Chief Curran that was seconded by Chief Wrenn, the Council, unanimously voted to seal the minutes of the non-public session.

At the conclusion of the non-public session, following a motion by Chief Wrenn that was seconded by Chief Curran, on a roll-call vote the Council voted unanimously to exit the non-public session at 10:35 a.m.

On a motion by Chief Wrenn that was seconded by Chief Curran, the Council voted unanimously to take this matter under advisement.

Requests for Extensions

The Director outlined the circumstances of the request for extension for Chief Robert J. Scheiderhan, Jr. of the Wentworth Police Department. He was hired and elected March 12, 2004, and granted certification on prior training and experience at the May 25, 2004 Council meeting. An extension requested through the 136th Academy was tabled at the July Council meeting for further information relative to his surgery.

Chief Scheiderhan, Jr. appeared before the Council stating he is scheduled to have a mild hernia operation with a rehabilitation period of 3-4 weeks. He has delayed surgery due to department workload which is heavier with the summer population and relies on bordering towns for mutual aid assistance.

Chief Wrenn asked what steps have been taken to update and obtain knowledge of the laws in this state. Chief Scheiderhan responded he has taken different courses, installed the Homeland One program at the police station for training, studying law books, obtaining assistance from his Deputy Chief, Sgt. Chierichetti of the Plymouth State College Campus Police Department, and has qualified with his firearm. He previously was a police officer for 35 years in Weymouth, Massachusetts and was required to have 40 hours per year of in-service training not including firearms certification.

Chief Wrenn indicated he has no problem with the fitness test extension, but has concern that Chief Scheiderhan is on patrol as a Chief with no training in the laws of the State of New Hampshire. Chief Wrenn felt the laws and courts in Massachusetts differed considerably from New Hampshire and felt that delaying this until January 2005 places a major liability on a community.

Chairman Prozzo concurred with Chief Wrenn and asked the Director how much time it would take the Chief to complete the Law Package. Director Lohmann replied the Council made a policy decision a couple of years ago due to a few incidents, not to allow an officer to attend the Law Package until passing the PT test. A couple officers who took the Law Package first, were unable to pass the PT test, therefore, were not certified. The Council did not want to put themselves in that position.

The Director recommended that an exception could be made, due to injury, to require the Law Package, give him an extension until the entrance test for the 136th Academy to pass the PT test.

Following a motion by Chief Wrenn that was seconded by Chief Curran, the Council voted unanimously to grant an extension until the next agility fitness test in December for the 136th Academy with the requirement that Chief Scheiderhan attend the Law Package at the 135th Academy.

Prior Training & Experience Requests

Full-Time

Director Lohmann outlined the requests for certification based on prior training and experience. Following a motion by Chief Curran that was seconded by Deputy Commissioner Annal, the Council voted unanimously to accept the recommendations of the Director to grant certification to Officer Robert W. Russell of the Dover Police Department, Chief Wayne I. Rioux of the Whitefield Police Department, and Deputy Sheriff Todd H. Shanks of the Cheshire County Sheriff's Office, upon successful completion of medical exam, physical fitness test, NH Law Package at a full-time academy and First Aid/CPR certification if necessary.

Judge Roberts asked a procedural question relative to question #12 noting there are two separate PT & E forms being utilized by departments. The obsolete form does not have the question concerning the five year use of marijuana whereas the later updated form does. Judge Roberts indicated it's a significantly different question and feels they are not being evaluated on the same level.

Director Lohmann told members a revised form was sent to all departments. Council members instructed the Director to have staff return the obsolete form with a letter requesting the current form.

Chief Curran amended the motion to include that departments will be required to forward the updated PT & E form to the Council from this date forward. Should the problem be ongoing, it will be brought before the Council.

Part-Time

After a brief discussion, on a motion by Judge Champagne that was seconded by Judge Roberts, the Council voted unanimously to grant certification on Director's recommendation for prior training and experience to part-time Officers Adam J. Harlor, of the NH Marine Patrol upon successful completion of the NH Law Package at the Part-Time Officers' School; Terry L. Choate, Jr. of the Jaffrey Police Department and Christopher R. Hamilton of the Madbury Police Department part-time certification with **unlimited hours** upon successful completion of the NH Law Package at the Full-Time Academy and First Aid/CPR certification, if lapsed.

Requests for Extensions

Full-Time

The Director outlined the circumstances of the requests for extension for full-time Officers Kurt I. Driscoll of the Newington Police Department, Steven D. Beal of the Lee Police Department, and Jennifer V. Pierce of the Allenstown Police Department.

Chief Wrenn made a motion to grant extension for Steven Beal and Jennifer Pierce with the condition that Jennifer Pierce be enrolled in the 242nd Part-Time Officers' School in September. The motion was seconded by Attorney General Ayotte and carried unanimously.

Kurt I. Driscoll of the Newington Police Department was requesting his fourth extension. The Director informed the Council that Officer Driscoll failed the agility test for the 135th Police Academy which took place on August 30, 2004. Chief Wrenn made a motion to deny the extension based on the fact that his two years will expire before the 136th Police Academy physical agility test. The motion was seconded by Judge Champagne and carried unanimously.

Part-Time

The Director explained circumstances for the requests for extension for part-time Officers Richard W. Bray, Sr., of the Barnstead Police Department, and part-time Officers of the NH Marine Patrol Stephen A. Bova, Deb J. Bryce, Anthony J. Cattabriga, Christopher J. Clooney, Adam J. Harlor, Sean T. Harrington, Brian W. King, Steven L. Lombard, Matthew R. Morison, Cecil A. Neeley, Matthew J. Trombley, Westley H. Verrill, Jr., Jeffrey W. Viera, and Michael S. Zegarelli, Jr.

In response to a question from Judge Roberts reference the extension process for NH Marine Patrol Officers who only work through the summer, the Director explained the process indicating they are hired in February or March, and taught boating skills for summer patrols.

A suggestion made by Chief Curran was to track the situation to see how many of these officers actually attend the school.

Chief Wrenn explained Director Barrett of the NH Marine Patrol attended a previous Council meeting, shared curriculum with members, indicating officers are trained in boating skills in the Spring to enforce boating laws on various lakes along with other internal training; therefore, because of their specialty this does not allow enough time for them to attend a 100-hour part-time school beforehand, but are required to attend after the first summer.

Following a motion by Chief Wrenn that was seconded by Judge Champagne, the Council unanimously approved the extensions as requested for Barnstead Police Department and NH Marine Patrol.

The Director briefed the Council on a handout from Sanbornton Police Department regarding certified part-time Officer Garrett S. Wright, hired full-time on February 11, 2004, and requesting an extension until the 136th Police Academy for staffing reasons.

On a motion by Chief Curran that was seconded by Deputy Commissioner Annal, the Council voted unanimously to grant the extension as requested.

Training Grants

The Council discussed the training grant request submitted by the Claremont Police Department requesting \$726.00 for SWAT II training at PSTC tabled at the July 27, 2004, meeting for discussion. The Director briefed the Council on his future proposal indicating when departments request training grant funds for in-state programs, the instructional entity or the sites would ask for pre-approval from the Council as an agenda item. The Council would determine a fixed sum for the entire program. Once provided with a roster and course completion certificate, the sum allocated would be divided for that program between departments and would be issued a check for the proportional share. Only tuition would be considered excluding meals and mileage. Allocation will not exceed tuition amount. If proportional amount exceeds tuition, it would be cutback to tuition amount.

On a question by Attorney General Ayotte relative to sponsoring training, Director Lohmann explained the training process indicating departments invite training entities to the state for types of training not provided by PSTC. If we allocate a fixed amount, we'll know how much an impact it will have on the training grant funds. Some SWAT programs, in the past, have been funded 100%, and a couple cases a proportion of the

cost. Specialized Training Grant Funds are used to send officers out-of-state for training not offered in New Hampshire. The Director would like to phase out teaching by outside instructors, utilize New Hampshire officers trained in SWAT I and II and save resources for SWAT for some of the specialized training schools PSTC cannot teach.

Chief Wrenn felt whereas there are so many SWAT Teams in the state that this will be an ongoing issue and said a cadre of instructors trained in SWAT I and II should be developed, run more SWAT schools, and inform departments of schools offered at PSTC for students and instructors.

Chief Curran indicated that Belknap County received a \$500,000 federal grant along with a grant in the North Country for this type of training which he felt should be shared.

Chairman Prozzo commented that training grant funds have lapsed back into the fund with an average of \$10,000 in previous years and approximately \$15,000 last year. The Chairman mentioned this should be discussed during the Council's retreat.

Following a lengthy discussion of the matter by members of the Council, Chief Wrenn, seconded by Deputy Commissioner Annal, made a motion to accept the Director's proposal to grant a maximum of \$7,000 from allocated training grant funds with each student attending to receive two-thirds (\$331.65 per 20 student) towards tuition for in-state SWAT training courses. Passed unanimously.

Insofar as the Claremont grant was for the SWAT class, their grant request will be granted at the level of funding determined by enrollment.

Lyndeborough Grant

Judge Champagne made a motion to deny a retroactive training grant request submitted as a handout from the Lyndeborough Police Department for Chief James Basinas to attend the IACP's Leadership In Police Organizations, August 2-6 and August 9-13, 2004. The motion was seconded by Commissioner Curry and carried unanimously.

Adjournment

The next meeting of the Council was set for 9:00 a.m. on September 28, 2004. On a motion by Commissioner Curry that was seconded by Chief Curran, the Council unanimously voted to adjourn the meeting at 11:59 a.m.

Chairman Michael L. Prozzo, Jr.

