

MINUTES

February 22, 2005

The 333rd meeting of the NH Police Standards and Training Council was called to order at 9:05 a.m. by Chairman Michael L. Prozzo of the Sullivan County Sheriff's Department in the John D. Morton conference room at the Police Standards and Training Facility in Concord, New Hampshire.

Members Present: Vice-Chairman William L. Wrenn, Jr., Hampton Police Department, Chief Michael J. Magnant, Portsmouth Police Department; Chief Gregory Dodge, Epping Police Department; Sheriff Scott A. Carr, Carroll County Sheriff's Department; Associate Justice Stephen H. Roberts, Dover District Court; Assistant Attorney General Michael Delaney, designee of Attorney General Kelly A. 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.

Staff Present: Director Keith H. Lohmann arrived late due to testimony at a legislative hearing, Assistant Director Robert B. Stafford, Jr., Paralegal Cassandra Erickson, Account-Technician Helen Robinson, and Council Secretary Denise Crocker, and Council Legal Counsel Nancy J. Smith, Sr. Assistant Attorney General.

Guests Present: Chief Kenneth A. Borgia, Barnstead Police Department; Cpl. Paul S. Carroll and Lt. Chris Shaw, Department of Corrections; Louisa Young, fiancée of Cpl. Paul S. Carroll.

Associate Justice Norman E. Champagne was absent due to vacation.

Approval of Minutes

Following a motion by Sheriff Carr, seconded by Chief Dodge, the Council voted unanimously to accept the minutes of January 25, 2005, as presented.

Director's Report

The Director's Report was given by Assistant Director Robert Stafford. Last Wednesday, February 16, 2005, the Director testified before the Judiciary Committee on behalf of HB 698, our Penalty Assessment Bill. As a result of his testimony, the Judiciary Committee

formed a subcommittee and contacted the Director late last week to request he appear before them today, at 9 AM to give further information regarding HB 698.

The Academy still proceeds with 57 recruits. There have been no issues other than a few minor complaints from the OC class last week. This Saturday, we will graduate 49 officers from the 243rd Part-Time School. A Corrections Academy will be starting in March and Commissioner Curry indicated that he expects to have approximately 50 students enrolled.

The 3-year annual fitness testing has resulted in 19 people with medical or injury issues, 9 failures and 1 person presently deployed overseas whom have been given waivers; there are 16 people still pending documentation and only one person has not complied. The Council was given a handout for their information from a corrections officer who felt compelled to address the Council in regard to his testing status. Corrections Officer Todt has been given a six-month extension to complete the fitness testing requirement.

The Annual Retreat has been scheduled for March 21 and 22 to be held at the Christmas Farm Inn in Jackson, New Hampshire. Casual attire is acceptable for the retreat. The Council was urged to submit any agenda items they might have for this two-day meeting. The business meeting will be held on Tuesday morning with planning discussions starting Monday at 9:30 a.m. On the planning session's agenda, topics to be included are discussions of HR 218, the Public Safety Officer Act of 2004, the In-State Grant Funding and the Homeland Defense Funding. At the last meeting, questions arose regarding correctional staff attending the police academy as a result of one of our staff member's request to attend the full-time academy. Council deferred discussion of this matter to the March meeting.

Chief Borgia will be addressing the Council at 10:00 a.m. today. Sergeant Bray will not be present.

Upon his return from the Legislative subcommittee meeting, the Director updated the Council on HB 698, the Penalty Assessment Bill. This Bill is divided into two provisions. The first provision of this Bill provides for a penalty assessment on the full fine amount if a portion of or all the fine is suspended. The Legislators did not appear to take issue with that portion of the bill. The second provision has to do with cases that are placed on file and a \$50 fee being assessed on those cases. The subcommittee is opposed to this and particularly in cases for which people would be assessed a \$50.00 fee if there is not a finding in the case. The Director presented the opinion from Sr. Assistant Attorney General Nancy Smith that this course of action is constitutional, but the committee was not responsive to his making a constitutional argument. Rep. Wheeler indicated he would vote against the bill in any case. In order to salvage the legislation, Director Lohmann negotiated to assess the \$50.00 fee on only those cases that had a finding. This compromise will have a rather significant impact on revenue, but the Director felt it was the only way to save it. According to statistical data collected by PSTC, the bill, if it passed was estimated to result in about \$375,000 to PSTC in additional revenue and \$125,000 to the Victim Assistance Fund. When data was finally received from the Administrative Office of the Courts, their estimates were that it would have resulted in a total net of \$589,000 for PSTC and \$223,000 for the Crime Victims'

Fund. The Director indicated that based on data available, about 90% of the cases on file had no finding and therefore the bill, as amended would result in a decrease in revenue for Part II from \$294,000 to \$29,000. However, the combined total net from both provisions would be \$404,000 for PSTC and \$134,000 for the crime victims' fund. The Director was informed the bill would be going to House Finance. The Director feels fairly confident it will pass through the House but may encounter some significant difficulties in the Senate. The Director will be asking for Council members support to get it through the Senate. Based on the financial projections, if the bill dies, we will have significant financial difficulties by FY 2011.

The Director brought up an issue with the three year fitness testing. Last month it was noted that two officers attested to the fact that they were not subject to the three year testing. These were officers who were part-time certified before 2001; subsequently became full-time certified after 2001; and the assessment was that since 188-F:27 d and f refers simply to certification, they met those requirements. The Director sent a request to the Attorney General's Office for an opinion. The way the Council and the Staff have always interpreted our certifications is that each certification is unique. The Council then went off the record at 10:25 a.m. to acquire legal advice from counsel and returned to regular session at 10:45 a.m.

Based on Council's legal advice, there are the two issues before the Council. The first is the original issue of people changing types of certification which is the issue currently before the Council regarding the two people who have appealed whether or not they would fall under the confines of the statute. The second issue has to do with people who were newly hired without regard to the type of certification. The Council requested Director Lohmann to search previous minutes for information and discussions on the topic of fitness testing for the next meeting. Chairman Prozzo brought the question to the table about whether the Council was prepared to discuss or make a determination on the first issue. Clarification of the staff's position was outlined by Chairman Prozzo. It is the staff's position, that if the individual is a part-time officer prior to 2001 and moves to a full time officer after 2001, the individual would have pass the three-year fitness testing. Chief Wrenn questioned whether this was the original intent of the Council. Chairman Prozzo and the Director suggested that a determination not be made at this time and further discussion of the matter be tabled until the Planning Session of the Council Retreat. Council Members agreed.

Previous and Unfinished Business

Chief Borgia/Richard Bray

The Director summarized the decision of the Council from the January 25, 2005, Council meeting at which the Council decided to request Chief Borgia and Sergeant Bray to appear before the Council today in response to the Council's decision to uphold it's original decision to require Sergeant Bray to complete the entire Part-Time School and the Council's further decision to review it's original action of June, 2004, of granting Sergeant Bray the opportunity to recertify.

In the interim, the Director contacted the NH Retirement System in order to resolve the issue of whether someone who had a disability retirement could serve as a part-time police officer. According to the benefits counselor at the NH Retirement System, it is allowable as long as the person earns only a limited income and is not a member of the Group II retirement system while working. With that, the Director wanted to give Chief Borgia and Sergeant Bray an opportunity to address the Council because of the Council's own motion to reconsider.

Chief Borgia appeared before the Council and noted for the record Sergeant Bray's ADA issue. Currently, he has one prosthetic knee and will be having surgery for his other knee as well. Assistant Commissioner Sweeney previously advised Chief Borgia when he was Director of PSTC that there had been special dispensations granted for such a circumstance in the past. In doing so, a creative job description would have to be written, which Chief Borgia indicated was done. Sergeant Bray will not be performing the duties of a street cop; it is strictly a desk supervisor's position. Sergeant Bray is to assist the Department with HR issues as well as financial issues and fill in as day-time supervisor when the Chief is unavailable. He will enact warrants, act as the telephone resource officer, and be responsible for evidence management.

Colonel Booth explained to the Chief the Council is struggling with the fact that the Sergeant is on a disability retirement, and if Council recertifies him as a police officer and he somehow gets into some type of situation which requires him to engage in an activity that he is unable to fulfill because of his prior injuries, what liability does that put on the Council for allowing him to be a certified police officer. The Chief assured the Council that this position is strictly a desk job.

Council members asked the Chief numerous questions and his responses are highlighted below. The Chief felt he needs more than just an administrator to handle warrants, mentor younger officers, and fill in during the Chief's absence. Chief Borgia confirmed that Sergeant Bray is armed and does wear his uniform from his home. Chief Borgia felt Sergeant Bray didn't need to attend the entire part-time school since he had been previously trained as a full-time police officer. The Chief said Sergeant Bray was also concerned about injury in doing the other parts of the school. The Council felt the defensive tactics course might help Sergeant Bray in the event that he needed to subdue a prisoner and indicated to the Chief that his participation would show that he's at least making an attempt to complete the program.

The Colonel questioned how this meshes with the fitness testing issue that the Council was previously discussing.

Sheriff Prozzo stated the Council's concern is that deviating from the policy causes difficulties in the future. The Director suggested getting the advice of legal counsel before proceeding. The Council went off the record to speak with legal counsel at 11:07 a.m. The Council resumed regular session at 11:29 a.m.

Based on conversations with legal counsel, Colonel Booth made a motion that the Council not waive any training requirements for any part-time officer, seconded by Chief Dodge. Discussion on the motion involved whether this motion was in conflict with

giving credit for PT&E requests. Council determined that giving credit for any of the requirements that the Council had imposed on other part-timers if they are otherwise qualified to not do certain elements through the matrix would be okay. The Council voted and the motion carried unanimously to not waive any training requirements for any part-time officer.

New Business

Decertifications/Suspensions/Revocations/Surrenders

Revocation – Amy L. Howe, formerly of Enfield Police Department

The Assistant Director presented the case of Amy Howe who resigned in lieu of dismissal from the Enfield Police Department on November 11, 2004. She was hired on April 7, 2003 as a part-time officer and was certified on June 8, 2003 as a part-time officer. She was in violation of 402.02 (a) (5) which says an officer's discharge has become final or he or she has been allowed to resign in lieu of discharge in this or any state or country or territory for reasons of lack of moral character as defined in Pol 101.28 for moral turpitude as defined in Pol 101.29 or for acts or omissions of conduct would cause a reasonable person to have doubts about the honesty, respect or fairness of the rights of others and for the laws of the state or the nation. In essence the police department entered into an investigation after she attempted to interfere in the investigation of her boyfriend. The following was entered into evidence:

Exhibit A – Form A, dated April 7, 2003

Exhibit B – Part-time Officers Certification, dated June 8, 2003

Exhibit C – Form B, Resignation in Lieu of Dismissal, dated November 11, 2004

Exhibit D - Certified Mail Receipt with a delivery date of February 7, 2005

Exhibit E – Internal Investigation by the Enfield Police Department

Synopsis: On October 27, 2004, the Enfield Police Department received a complaint from Jonathan Howe, the estranged husband of Amy Howe. He complained that Dennis Clark, the boyfriend of Amy Howe, was following him too closely, running his siren, beeping his horn and yelling at him. Mr. Howe wanted to make a record of the event. On October 29, 2004, Mr. Howe spoke with Detective Sergeant Kenneth May and told him that on the 27th that he had contacted Ms. Howe to arrange a visit with his children. As he approached her residence, Mr. Clark was traveling in the opposite direction and he flipped Mr. Clark the bird as they passed each other. Mr. Clark and Ms. Howe were friends according to Mr. Howe. Mr. Clark turned around and followed Mr. Howe. As Mr. Howe was making a left turn, Mr. Clark came upon Mr. Howe almost hitting him with his car; passed him, blew his horn, activated his emergency audible equipment, stopped in front of him and leaned out his window to yell at him. Mr. Howe arrived at the residence, took out his cell phone and called the Enfield Police Department; Ms. Howe asked him what he was doing. When he explained to her, she asked him not to press charges; and Ms. Howe would speak to Clark and tell Clark to stay away from him. She also told Mr. Howe he could get in trouble for flipping the bird. After the conversation Mr. Howe told Ms. Howe he would not press charges. Before he left, Ms. Howe again asked him if he was going to press charges. However, Mr. Howe did go to

the station and spoke to Lt. Thompson about the issue. As he left, Ms. Howe saw him leave the station. She followed him and told him she thought he wasn't going to do anything. Mr. Howe said he only spoke with Lt. Thompson about the issue. Ms. Howe told Mr. Howe she had spoken with Clark.

Clark was interviewed and admitted to blowing his emergency audible equipment and leaning out the window of his vehicle and yelling to engage Mr. Howe in a physical confrontation; however, he denied doing it on the second occasion. Howe said that he did it twice. On October 30, 2004, Mr. Howe was interviewed again and told investigators Ms. Howe had contacted him and asked what they (the police) wanted of him. He told her that he had filled out the written statement. Ms. Howe stated to him that she thought he was not going to do that and further inquired whether the police department said not to speak to her. Mr. Howe told Ms. Howe that he could not tell her anything more and she said yes you can and told him he did not have to fill out the statement.

Detective Sergeant May met with Ms. Howe on November 5, 2004, and she gave a taped interview. She said that on October 27, 2004, Mr. Howe came to her residence visibly shaken, upset and asked to use her phone to call Lt. Thompson. Ms. Howe said she overheard the conversation and Mr. Howe stated that Clark almost hit him and was yelling out the window. Ms. Howe told Mr. Howe that they both need to grow up and that she wished Mr. Howe had not called Lt. Thompson. She told him she didn't want it to go any further and did not want Mr. Howe to go speak to Lt. Thompson. She further told Mr. Howe to tell Lt. Thompson that he changed his mind and that he didn't want it to go any further. She told Mr. Howe that she would speak with Clark. When she saw Mr. Howe later she asked him what he said to Lt. Thompson and that she was angry and told Mr. Howe that she thought he was not going to do anything further. Mr. Howe told her he wrote a statement and could not tell her anything further. She did ask him if the department told him not to tell her so that she could determine if she was being investigated. She told Detective Sergeant May she did not think about her position as a police officer and did not recognize what Mr. Howe had reported to her was a crime; she determined it to be an incident. So she really never thought of her position as a police officer while she was doing this with Mr. Howe.

Since there was no response to the letter sent to Ms. Howe and she failed to appear for the hearing, on a motion by Chief Wrenn, seconded by Commissioner Curry, the Council unanimously voted to revoke Amy L. Howe's certification pursuant to Pol. 402.02 (a)(5).

Prior Training and Experience Requests

Full-Time

The Assistant Director outlined the request of Thomas W. Yerkes, Jr., Concord Police Department for prior training and experience. The Council then voted unanimously, on a motion by Chief Magnant and seconded by Commissioner Curry to accept staff recommendation and grant full-time certification on prior training and experience to

Officer Yerkes upon successful completion of the medical exam, PT test, NH Law Package at the Full-Time Academy and First Aid/CPR, if lapsed.

The Assistant Director outlined the request of Daniel O'Neill, II, Gilford Police Department for prior training and experience. The Council then voted unanimously, on a motion by Chief Wrenn seconded by Sheriff Carr to require Officer O'Neill to attend the entire Full-Time Academy due to the fact that Officer O'Neill had no police experience and his training was at a community college level and not at a police academy.

Based on the discussion that arose from the PT&E training request of Daniel O'Neill, the Council decided to discuss the issue of prior training and experience from community college programs versus police academy programs at the upcoming planning meeting at the March Retreat.

Requests for Extensions

The Assistant Director made note that the ending date for the 138th Full-Time Academy fell on Veteran's Day and is in the process of being changed.

Full-Time

After the Assistant Director outlined the reasons for the extension requests, on a motion by Chief Wrenn, seconded by Sheriff Carr, the Council voted unanimously to grant extensions through the 137th Full-Time Academy to Full-Time Officers Joliene Williams, Charlestown Police Department, Robert L. Bacon, Bristol Police Department; Sean J. O'Reilly, Middleton Police Department; and Emmons Neil Cobb, Sunapee Police Department.

On a motion by Chief Wrenn, seconded by Judge Roberts, the Council voted unanimously to grant Mathew Burke, Hooksett Police Department, an extension through the 137th Full-Time Academy with the stipulation that Officer Burke work under the strict supervision of a full-time certified officer.

Specialized Training Grants

The beginning balance as of February, 2005 was \$14,458.87.

Command Training Programs

The Assistant Director outlined the request of the Rochester Police Department to send a Sergeant to the April 25, 2005 session at Roger Williams University, in Portsmouth, Rhode Island. On a motion by Chief Magnant, seconded by Colonel Booth, the Council unanimously voted to approve the grant request for \$1000 to the Rochester Police Department.

Other Training

The Assistant Director outlined the request of the Salem Police Department to send two Sergeants to Police Supervisor's Training for New Sergeants and Lieutenants through a program at the Lowell Police Department Training facility in conjunction with Middlesex Community College for the March 21 - April 1, 2005 training session. The Assistant Director noted this program has never been funded before but the staff felt it might be worthwhile to send the officers to this training to see what response there is. At this time, there is no college credit assigned to these courses. On a motion by Chief Wrenn, seconded by Chief Magnant, the Council unanimously voted to approve the grant request in the amount of \$927.13 for the two Sergeants from the Salem Police Department with the stipulation that upon completion of the program they will submit evaluations and course materials of the program to the Director for Council review to decide whether it would be beneficial to send officers to this training in the future.

The Assistant Director brought back Belmont Police Department's request to send the Chief to Excel in Accident Investigation in Hanover, MD which was tabled at the January 25, 2005 Council Meeting for more information. The additional information that was gathered was Chief Baiocchetti is going to have a spreadsheet with formulas that he's going to be able to apply to crash scene investigations. Chief Baiocchetti is currently spending two days this week with us helping instruct crash scene investigations. He's very involved with the instruction of crash scene investigation. Chief Wrenn inquired whether it would enhance our program. Staff was unable to ascertain whether it would be beneficial to our program at this point in time. The Chief indicated he would leave this program with the formulas and he would be able to use them. Judge Roberts questioned whether additional software would be required to use the formulas. Staff did not have the answers to that. On a motion by Sheriff Carr, seconded by Chief Magnant, the Council unanimously voted to approve the Belmont Police Department's grant request for \$988.25 to send the Chief to the Excel in Accident Investigation program with the condition the Chief provide an evaluation of the course and course materials of the program to the Director for Council review.

One of the reasons Chief Wrenn voted to grant this training is that the Council encourages police departments to send officers to training seminars. Since the funds are available, the Council has a responsibility to honor as many reasonable requests as possible. Also, by asking attendees to submit course evaluations and course materials for new programs, it gives the Council the opportunity to review the value of the course content for future grant requests for these programs. Chief Magnant asked the Director to make available these evaluations and course materials to Council members when they have been submitted.

Other Business

Requests to Exceed Part-time 1300 Hour Limit

Strafford County Sheriff's Department. The Assistant Director highlighted Strafford County Sheriff's Department request for Part-Time Deputy Sheriff Andrew Benaris to

exceed 1300 hours for 2004. According to Sheriff Estes' letter, Deputy Sheriff Benaris worked 2019 hours.

The Council was concerned by the vast number of hours Deputy Sheriff Benaris had exceeded the 1300-hour rule. The Council had a lengthy discussion regarding this matter. Chief Wrenn questioned what caused Deputy Sheriff Benaris to exceed the number of hours and how the hours were allotted. Sheriff Carr spoke with Sheriff Estes on this particular item. Andrew Benaris typically does bailiff work for Sheriff Estes but the Sheriff calls his bailiffs deputies. Bailiffs do not come under the jurisdiction of the Council; they can work as many hours as they are given because their jurisdiction is limited to the court; however, if they are called deputies and are paid as deputies then the 1300-hour rule applies. The question is how many hours were worked in law enforcement versus in the court authority. Chairman Prozzo indicated in the past if the Council were to grant that request, the hours worked over the 1300-hour rule in the prior year would be taken back in the current year; therefore, we need more information regarding how many hours were paid bailiff hours. Judge Roberts asked from a practical standpoint since these are hours already worked, if we disagree with this, what difference would it make. What would happen? The hours would be subtracted from this year. Also, Judge Roberts asked if the department foresees this type of situation coming, shouldn't they be approaching the Council sooner. The Council decided to defer any action on this issue until more information is received from Sheriff Estes. The Director will invite Sheriff Estes to the March Council Meeting in Jackson, New Hampshire to provide information on the way the hours are assigned to his deputies (i.e.,volunteering for extra hours, emergency requirements, etc.) and to provide a breakdown of Deputy Benaris' bailiff/law enforcement hours for the period in question. Should Sheriff Estes not be able to attend the March meeting in Jackson, he may submit the information in writing.

Bradford Police Department. The second request for exceeding the 1300-hour rule was submitted by the Bradford Police Department for Part-Time Officer Warren Foote. On a motion by Chief Wrenn, seconded by Chief Dodge, the Council voted unanimously to deny, without prejudice, the Bradford Police Department's request for unlimited part-time hours for Officer Foote due to lack of information.

Sheriff Prozzo noted for the record that Chief Valiquet did call him and inquired about the 1300-hours. The Sheriff's understanding was that since the officer had been full-time certified that he could be exempt from the 1300 hours; however, there was some question because the officer had been out of law enforcement for about two to three years. He retired from Concord and Sheriff Prozzo thought the officer went to work for AOC. Sheriff Prozzo advised Chief Valiquet that there was a formula and the Chief should touch base with Director Lohmann as there may be requirements that need to be met. It was Sheriff Prozzo's understanding that the Chief would send a letter or speak with Director Lohmann regarding the situation.

Hillsborough County Sheriff's Department. The Assistant Director outlined Hillsborough County Sheriff's Office request that Part-Time Deputy Sheriff John Tuthill be granted unlimited hours. Deputy Sheriff Tuthill just recently retired full-time from the Goffstown Police Department and will be working on special assignment with the Hillsborough County Sheriff's Department and the AG's Office. On a motion by Chief

Wrenn to approve the Hillsborough County Sheriff's Office request to grant unlimited work hours for Deputy Sheriff John Tuthill due to the fact that he is a retired full-time police officer of the Goffstown Police Department, seconded by Sheriff Carr, the Council unanimously approved this request.

Fitness Testing

The Assistant Director outlined the show cause hearing involving Jeffery Ballard from the Hanover Police Department. The Director sent a letter to Jeffrey Ballard in reference to why his certification should not be suspended for failure to comply with NH RSA 188-F:27, III-D and III-F. The Staff just barely heard from him this weekend. Cassie Erickson called him on Friday, February 18, 2005 to verify that he was going to appear before the Council today and she received a voice message on her phone this morning that he would be unable to attend because he is involved in another investigation. He also said he was having trouble getting medical clearance but Cassie was unclear what that meant and she was unable to speak directly with him on this matter. The first letter went out on January 12th with a follow up letter on February 4th and Officer Ballard did not respond. On a motion made by Colonel Booth, seconded by Judge Roberts that Officer Ballard be suspended, effective immediately, and until such time that he comes into compliance with the fitness compliance rule, the Council unanimously approved Officer Jeffrey Ballard's suspension. Copies of the letter will be sent to Chief Nicholas Giaccone, Hanover Police Department.

Other New Business

Chairman Prozzo excused himself from the remainder of meeting's business due to a prior commitment that he needed to attend. He turned the meeting over to Vice Chairman Wrenn.

Non-Public Session to Discuss Personnel Issue(s) – Cpl. Paul Carroll

Commissioner Curry recused himself from this hearing.

Vice-Chairman Wrenn read and reviewed Council protocol with Corporal Paul S. Carroll.

Following a motion made by Sheriff Carr that was seconded by Chief Dodge, the Council voted unanimously on a roll-call vote, to enter into a non-public session at 11:38 a.m. for the purpose of discussing a personnel matter related to an officer at the New Hampshire Department of Corrections.

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

Sheriff Carr then made a motion seconded by Colonel Booth that carried unanimously on a roll call vote to exit the non-public session at 12:29 p.m.

Based on the information gathered in the non-public session, on a motion by Sheriff Carr, seconded by Chief Dodge and unanimously approved by the Council, the Council voted to take this matter under advisement. The Director will advise the officer of the Council's decision.

Non-Public Session - Deliberations of Issues - Cpl. Paul Carroll

After discussion of a date to go into deliberations regarding this issue the Council decided not to hold the matter over. On a motion by Judge Roberts, seconded by Chief Magnant to enter non-public session for purpose of deliberations on this personnel issue, the Council unanimously approved on a roll call vote to enter non-public session for deliberations of this case at 12:30 p.m.

Following deliberations, on a motion by Sheriff Carr that was seconded by Judge Roberts, the Council unanimously voted to seal the minutes of the non-public session.

Sheriff Carr then made a motion seconded by Judge Roberts that carried unanimously on a roll call vote to exit the non-public session at 12:47 p.m.

Based on the discussions during deliberations on the Paul Carroll matter, on a motion by Judge Roberts, seconded by Colonel Booth and unanimously approved by the Council, the Council voted that based on the evidence presented to Council, Corporal Carroll's certification be suspended for a period of six months provided, however, that five months of that six months be held in abeyance for a period of one year so long as there are no further violations of Pol 402.02.

Next Meeting Date/Adjournment

March Retreat – March 21 & March 22 – Christmas Farm Inn, Jackson, NH

Deputy Commissioner Charles Annal will not be available at the March Council Meeting due to prior commitments.

After scheduling the next meeting of the Council for 9:00 a.m., Tuesday, March 22, 2005, at the Christmas Farm Inn in Jackson, New Hampshire, the Council unanimously approved to adjourn the meeting at 12:47 p.m. on a motion by Colonel Booth and seconded by Chief Dodge.

Chairman Michael L. Prozzo