

## ***MINUTES***

***January 24, 2006***

The 344<sup>th</sup> Meeting of the NH Police Standards and Training Council was called to order at 9:12 a.m. by Chairman Michael L. Prozzo, Jr., 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:*** Chief Timothy Russell, Henniker Police Department; Sheriff Scott A. Carr, Carroll County Sheriff's Department; Chief Gregory C. Dodge, Epping Police Department; Chief Peter P. Morency, Berlin Police Department who arrived at 10:30 from a prior commitment; Associate Justice Stephen H. Roberts, Dover District Court; Associate Justice Norman E. Champagne, Manchester District Court; Commissioner William L. Wrenn, Jr., Department of Corrections and Attorney General Kelly A. Ayotte.

***Staff Present:*** Director Keith H. Lohmann, Assistant Director Robert B. Stafford, Jr., Paralegal Cassandra Erickson, and Secretary Denise Crocker.

Chief Michael J. Magnant, Portsmouth Police Department, Charles Annal, Deputy Commissioner and designee of Commissioner William G. Simonton of the NH Community Technical College System; and Colonel Frederick H. Booth, NH State Police were excused from today's meeting due to prior commitments.

***Guests:*** Members of the NH National Guard; Donald G. Cloutier, Hillsborough County Sheriff's Department.

### ***New Member to the Council***

After Chairman Prozzo called the meeting to order the first order of business on the Agenda this meeting was welcoming the new Council member, Chief Timothy Russell of Henniker Police Department, to the Council.

### ***Approval of Minutes***

Following a motion by Chief Dodge, seconded by Commissioner Wrenn, the Council voted unanimously to accept the Minutes of December 12, 2005, as presented.

***Director's Report***

**139<sup>th</sup> Police Academy.** Seventy-eight recruits and eight law package students were tested for this Academy. Sixty-three (63) Recruits passed the Fitness Test, which included 12 females and 4 law package students. These figures represented an 80% pass rate for recruits and 50% for the law package students, which was fairly close to the average. The result of this was immediate questions regarding retests. In the past, retests have been conducted when the percentage of recruits whom have passed the fitness test have been low, typically during the Spring Academy, in order to maximize the use of the facility and staff. This, however, has created an expectation that retests will occur in every Academy and that recruits are being denied an opportunity when retests are not offered. The remedy the Director suggests to avoid further controversy is to eliminate all retesting, regardless of the percentage of recruits who pass the initial fitness test. Therefore, the Council might want to formulate a policy of whether or not retests will or will not be done in the future.

Sheriff Prozzo suggested that this matter be held over for discussion at the March Retreat unless the Council Members wished to address the issue today. Commissioner Wrenn noted that consistency was imperative and that all Academies should to be handled the same way. Commissioner Wrenn felt that retesting should be eliminated. The question was approached regarding the date of the next PT testing and whether it was before or after the March Retreat. The Retreat is the 27<sup>th</sup> and 28<sup>th</sup> of March and the Fitness Testing is the 27<sup>th</sup> of March. Chief Russell, therefore, felt that the Council should act on it at this meeting. Chief Russell felt that retesting should be eliminated. Sheriff Prozzo encouraged the Council to consider the low enrollment of the Spring session in the decision-making process. Without retesting to increase the numbers for the Spring Academy, it could run at a lower than optimum capacity and is that what the Council wants to do? Judge Roberts suggested the possibility of splitting the difference—No retesting in the Fall/Winter sessions with possible retesting in the Spring session if the enrollment numbers are low.

On a motion by Sheriff Carr, seconded by Judge Champagne, that for clarity and fairness, PSTC will no longer offer any fitness retesting for acceptance into a specific Academy. After discussion by the Council, they voted unanimously in agreement with Sheriff's Carr motion. Council noted that Academy staff will be responsible to demonstrate the proper way for performing the fitness requirements, explaining the common problems encountered when the student is performing the testing and advising the student of the counting techniques and procedures the instructors will be using before the individual begins the timed test as retesting will not be permitted. The Council also requested the Director to disseminate this new policy to the Police Departments.

**Personnel Update.** In December the Director had noted he had two more candidates. One withdrew at the beginning of the polygraph exam and the second candidate decided that he/she was not interested which still leaves PSTC down three employees. The Director has now made a request to convert two of the positions to part-time and he has also put out a nationwide ad to the Police Academies seeking applications for employment by February 17<sup>th</sup>. The Director will be talking with a candidate on Wednesday, January 25. It is necessary to fill these positions in the immediate future as it is becoming difficult for current staff to maintain coverage for the three vacant positions, in addition to fulfilling their own responsibilities.

The Director left at 10 a.m. to testify at the State House on HB1477 which is HR 218, the bill to give PSTC authority to act on the Law Enforcement Officers Safety Act 2004. At 1 p.m., he will be testifying on HB698, which was the bill last session that increased PSTC revenue by changing the penalty assessment. On Wednesday, he will be testifying on HB1243 which has to do with penalty assessment and reducing motor vehicle fines; the other part of this bill HB1411 has been ITL'd. The third bill that has to do with motor vehicle fines is Senate Bill 298. This one has a good deal of support but has not yet been scheduled for hearing; it also reduces fines and would cost PSTC \$400-500,000 a year. Commissioner Wrenn asked that Council Members make appearances to support the Director in his efforts to support this agency's endeavors. The Director handed out a copy of his testimony on House Bills 1477 and 698 to the Council members.

The Assistant Director Robert Stafford completed the Director's report in the Director's absence.

**Firearms Range.** The Corrections Academy has never been invited to use the Firearms Range and the Director feels that this should be available to the Corrections Academy. He asked for the Council's opinion on this use during Correction's Academies. This would result in a little more cost and a bit more hazardous material mitigation but PSTC does conduct Corrections Academies. Sheriff Prozzo felt that this was an administrative decision and did not need to come before the Council. The Council members felt that this was an Academy and firearms training is part of Academy business; therefore, the general consensus of the Council was this was appropriate use of the range.

**Computerized Training.** In regard to firearms training, with the implementation of some computerized training courses to replace lecture time, the Director has been able to free up time to provide recruits with more range time. Sheriff Prozzo noted that Chief Morency is interested in being involved in changes to the firearms instruction program and advised staff to involve the Chief in the process.

**Computer Crime Training.** Currently, there is a major initiative happening in which PSTC is going to be acquiring a number of pieces of equipment that will emulate the State Police's forensic system for the purpose of training officers.

**Part-Time Training Program.** An offer was put out to the Chiefs and to the Sheriffs to assign some people to a Committee to review our part-time training program. Staff would also like to have a couple of Council members on the Committee. Gerry Taylor, who is doing our part-time officer training program, is going to spearhead the effort.

**Simunitions.** The Director was approached by the Local Government Center because they have a simunitions training program and they are going to do our part-time school for the first time.

### ***Previous and/or Unfinished Business***

**Staff Survey.** The requested changes were made to the survey. The questionnaire will be distributed to the staff and returned to Chairman Prozzo. The survey should be returned to the Council Chairman by February 13<sup>th</sup> in order for the results to be tallied and prepared for

discussion at the March Retreat. Cassandra Erickson will work with Sheriff Prozzo to implement this process. Cassandra will draft a cover letter to attach with the survey.

### *New Business*

#### *Decertifications/Suspensions/Revocations/Surrenders*

##### **Decertification - Richard C. Sault, formerly of Troy Police Department.**

The Assistant Director outlined the circumstances of the case involving Richard C. Sault, formerly of the Troy Police Department for violation of 402.02 (a)(3) and (4) as a result of his conviction in Windham, Vermont District Court for Prohibited Acts on October 12, 2004.

Mr. Sault had an ordinary resignation as of January, 2003. He pled guilty on October 12, 2004 to five (5) counts of prohibited acts; for each count the maximum sentence is 12 months and a fine of not more than \$100. The information provided by the Windham, Vermont District Court does not address whether the incarceration was suspended, which would be a violation of Pol 402.02 (a)(3); However, the prohibited acts which were soliciting five (5) individual women for sex in exchange for \$200 does fall under Pol 402.02 (a) (4) which is a crime of moral turpitude or a crime which tends to bring discredit on police service. He was fined the maximum amount of \$500 and a \$180 surcharge. The exhibits for this case were:

Exhibit A – Part-Time Certification, dated May 19, 1996

Exhibit B – Packet from Windham, Vermont District Court including Affidavit of Lt. Aleck and the Court's Disposition

**Synopsis:** On July 13, 2004 Lieutenant Charles Aleck of the Brattleboro Police Department responded to a complaint of a woman who was on Cross Street in Brattleboro when a late model white station wagon pulled up beside her and the occupant asked her how much it would cost for her to have sex with him. She walked away from him. She described him as a white male in his forties, skinny, with short brown hair. There was a second report of a female juvenile who stated she was walking behind Blockbuster Video and an older white station wagon pulled up next to her and the lone white occupant said, "\$200 if you will have sex with me." She thought she heard incorrectly and asked, "What?" He repeated his request and showed her the \$200. She walked away. She described him in his forties, wearing a blue-green shirt and a mustache. Another female called into the department and stated that a man asked for directions and asked if she wanted a ride and she told him no. He turned the car around as she was walking away and asked her if she wanted to make a quick \$200 and asked her to get into the car as he was pulling \$100 bills from his shirt pocket. He said all you have to do is have sex with me while undoing his pants. He followed her for awhile then drove away. He came back a few minutes later and when he pulled up she told him to leave her alone and he left. She described an older white station wagon; the occupant was in his late thirties, early forties with short hair and a gap in his front teeth. While Lt. Aleck was speaking with this woman, Officer Parker stopped a suspect car and the Lieutenant asked her if she would be willing to do a drive by; she agreed and she identified the car and the suspect on the drive by. Lt. Aleck returned to the scene after dropping the victim off and asked Mr. Sault what was going on and he said he was just driving around. He had no identification on him. Mr. Sault was arrested based on the

identification of the victim and it was found he had two \$100 bills in his shirt pocket. In the glove box there was another \$1280. Once at the station, Mr. Sault waived Miranda and spoke with Officer Parker. He said he was in Brattleboro checking out cars to buy wholesale. Mr. Sault admitted to approaching two girls and offering them \$200 for sex but they just walked away. Another call came into the department and the victim said she was riding her bike when a white 70's station wagon pulled up beside her; she thought he was looking for directions but he pulled two \$100 bills from his pocket and asked if she wanted to have sex for \$200. She yelled at him and he left. She described the occupant as in his forties or fifties, light brown hair and a mustache. And after a press release was done on the incident another victim contacted the department and she stated that as she was walking home the station wagon slowed down and she also thought he was going to ask for directions but the man reached in his shirt pocket and flashed some money and stated he would pay her \$200 to have sex. She described him as having a mustache and short scraggly brown hair.

There was a delay in bringing this action before the Council due to difficulty in locating the jurisdiction.

On a motion by Judge Champagne, seconded by Judge Roberts, to decertify Richard C. Sault as a result of his violation of 402.02(a)(3) and (4) and his conviction in the Windham, Vermont District Court for Prohibited Acts on October 12, 2004, the Council unanimously voted to decertify Richard C. Sault.

#### **Decertification - Daniel Yoder, formerly of Middleton Police Department.**

The Assistant Director outlined the circumstances of the case involving Daniel Yoder, formerly of the Middleton Police Department, for violation of 402.02 (a) (5) as a result of his discharge from Middleton.

He was originally discharged from employment from the Town of Middleton on July 7, 2003. The case has been under appeal most recently to the NH Supreme Court. The exhibits are as follows:

Exhibit A – Form A, dated May 23, 1994

Exhibit B – Full-Time Certification, dated May 27, 1988

Exhibit C – Packet from the Town of Middleton with the Strafford County Superior Court Order

Exhibit D – Form B – Dismissal, dated July 7, 2003

Exhibit E – Decision from the NH Supreme Court, dated June 16, 2005

**Synopsis:** Shortly after September 11, 2001, Yoder was called to active duty in the Air Force and was placed on administrative leave. The Town appointed Sergeant Randy Sobel as acting Chief, however, they allowed Mr. Yoder to perform part-time shift patrol work at his request since he was stationed at Pease in Portsmouth. In July of 2002 acting Chief Sobel conducted inventory at a request by the Selectmen for insurance purposes. He reported to the Selectmen that some of the Department's items were in Mr. Yoder's personal possession and also reported to the Selectmen that a citizen was looking for Mr. Yoder because he was owed some ammunition as a result of doing some automotive repair work on Mr. Yoder's car. Prior to Mr.

Yoder's shift on September 3, 2002, acting Chief Sobel took inventory and photographed ammunition stored in a desk drawer at police headquarters. Acting Chief Sobel met Mr. Yoder at the beginning of his shift and drove him to the citizen's business and saw the two men speak to each other. On the ride back from the business, Yoder told Sobel that he was to give the citizen some ammunition that was green, old and/or defective. Mr. Yoder did not ask Acting Chief Sobel for permission to give away any department ammunition nor did he tell Sobel that the ammunition belonged to the department. On September 4, 2002 Acting Chief Sobel checked the ammunition drawer again and determined that there were 4 boxes of ammunition missing and that the remaining boxes had been rearranged. He photographed the ammunition drawer and notified the Selectmen. He was directed to get the ammunition back from the citizen. When Sobel went to the citizen to get the ammunition, the citizen told Sobel that Yoder had given him the ammunition and that it was old ammunition that he had at his house. After consulting with the Attorney General Office, the Selectmen decided to meet with Mr. Yoder and give him the option of resigning or be subject to an investigation by the AG's office. The Selectmen requested Mr. Yoder attend a meeting on September 18<sup>th</sup> 2002 and he asked if he should bring an attorney. He was not told the subject of the meeting but was advised he could bring an attorney. Mr. Yoder subsequently contacted Acting Chief Sobel to try to determine what the meeting would be about. He was not provided with that information and Mr. Yoder appeared without counsel at the September 18<sup>th</sup> meeting, without having ever asked for a postponement. During the meeting Mr. Yoder initially denied taking the ammunition, responding evasively to questions, and then changed his story stating that the old ammunition he had given away came from his house. He again changed his story and conceded that it was possible that some of the ammunition came from the department. After the Selectmen determined that Yoder was not being truthful, they gave him the opportunity to resign within 24 hours or they would ask the Attorney General to conduct an investigation. Mr. Yoder did not resign and he was placed on further administrative leave on September 20, 2002, pending the Attorney General's investigation. In May 2003, the Attorney General's Office declined to prosecute the theft of the ammunition in light of the de minimus value of the ammunition being \$44.00 and suggested that this matter would be more appropriately handled as an internal disciplinary matter. It was also suggested that Mr. Yoder may have a future Laurie issue based on his inconsistent statements during the investigation. Mr. Yoder was dismissed by the Town of Middleton on July 7, 2003 for the taking of the ammunition and failure to tell the truth when asked in violation of the rules, regulations and department's standard operating procedures. Mr. Yoder argued that grounds given by the Selectmen were not a sustainable cause for his removal pursuant to NH RSA 105:2-A and was given a hearing in the Strafford Superior Court on November 17 & 18, 2003. The Court ruled in favor of the Town on January 9, 2004. Mr. Yoder appealed to the NH Supreme Court and his dismissal was upheld and an opinion issued June 16, 2005. The Director sent a letter to Mr. Yoder's Counsel on August 25, 2005 for a September 20<sup>th</sup> hearing and was told that he was activated to serve in Louisiana for the disaster relief efforts. When Counsel was contacted in December 2005, the Director scheduled a hearing for January.

Cassandra Erickson noted that Mr. Yoder's attorney had indicated he was going to send a letter to the Council requesting that they consider Mr. Yoder's surrender retroactive. Cassandra noted that she had not received any correspondence indicating his intention to surrender his certification and no letter had been received from his attorney as of the meeting time regarding a retroactive surrender date.

On a motion by Judge Champagne, seconded by Judge Roberts, to decertify Daniel Yoder for violation of 402.02(a)(5), the Council voted unanimously to decertify Daniel Yoder, with Attorney General Ayotte abstaining from the vote.

### ***Prior Training and Experience Requests***

#### **Full-Time**

The Assistant Director outlined the requests of **Sabatino L. Falzarano**, Rockingham County Sheriff's Department; **David M. McLean**, Jaffrey Police Department; **Jeffrey W. Perkins**, Lebanon Police Department; **Jeremy F. Aucoin**, Rochester Police Department; **Reginald A. Crone**, Farmington Police Department; and **Victoria Thomas**, Exeter Police Department; for prior training and experience.

On a motion by Commissioner Wrenn, seconded by Chief Dodge, the Council voted unanimously to grant full-time certification to each of the above listed officers based upon his/her successful completion of the medical, PT Test, NH Law Package at the Full-Time Academy and First Aid/CPR, if lapsed.

#### **Part-Time**

The Assistant Director outlined the request of **Donald G. Cloutier**, Hillsborough Sheriff's Department for prior training and experience and the additional request for a waiver of the 1300 hours rule so that Mr. Cloutier may be permitted to work unlimited part-time hours. Mr. Cloutier was present and spoke on his behalf.

On a motion by Commissioner Wrenn, seconded by Chief Russell, to accept staff recommendation and grant part-time certification based upon successful completion of the medical, PT Test, NH Law Package at the Full-Time Academy and First Aid/CPR if lapsed, along with granting Officer Cloutier a waiver of the 1300-hours rule, the Council voted unanimously to accept staff recommendation and grant part-time certification based on the above outlined criteria along with unlimited hours to Mr. Cloutier.

### ***Requests for Extensions***

#### **Full-Time**

#### **David E. Bourne, Holderness Police Department**

After the Assistant Director outlined the reason for the request, on a motion by Commissioner Wrenn, seconded by Chief Morency, the Council voted unanimously to grant the extension through the 139<sup>th</sup> Full-Time Academy to Officer David E. Bourne, Holderness Police Department.

**Thomas D. Kaempfer, Whitefield Police Department**

After the Assistant Director outlined the reason for the request (noting that Mr. Kaempfer needed an extension through the 140<sup>th</sup> not the 139<sup>th</sup> Academy), on a motion by Commissioner Wrenn, seconded by Chief Morency, the Council voted unanimously to grant the extension through the 140<sup>th</sup> Full-Time Academy to Officer Thomas D. Kaempfer, Whitefield Police Department.

**Matthew A. Amatucci, Somersworth Police Department**

After the Director outlined the reason for the request, on a motion by Commissioner Wrenn, seconded by Chief Morency, the Council voted unanimously to grant the extension through the 139<sup>th</sup> Full-Time Academy to Matthew A. Amatucci, Somersworth Police Department.

**Thomas P. Phelan, Somersworth Police Department**

After the Assistant Director outlined the reason for the request, on a motion by Commissioner Wrenn, seconded by Chief Morency, the Council voted unanimously to grant the extension through the 139<sup>th</sup> Full-Time Academy to Officer Thomas P. Phelan, Somersworth Police Department.

**Richard K. Vanderhoof, Somersworth Police Department**

After the Assistant Director outlined the reason for the request, on a motion by Commissioner Wrenn, seconded by Chief Morency, the Council voted unanimously to grant the extension through the 139<sup>th</sup> Full-Time Academy to Officer Richard K. Vanderhoof, Somersworth Police Department.

**Sean Harrington, Rockingham County Sheriff's Department**

After the Assistant Director outlined the reason for the request, on a motion by Commissioner Wrenn, seconded by Chief Morency, the Council voted unanimously to grant the extension through the 140<sup>th</sup> Full-Time Academy to Officer Sean Harrington, Rockingham County Sheriff's Department.

**Donald Welch, Center Harbor Police Department**

After the Assistant Director outlined the reason for the request, on a motion by Commissioner Wrenn, seconded by Chief Morency, the Council voted unanimously to grant the extension through the 140<sup>th</sup> Full-Time Academy to Officer Donald Welch, Center Harbor Police Department.

**Christian Martino, Temple-Greenville Police Department**

After the Assistant Director outlined the reason for the request, on a motion by Commissioner Wrenn, seconded by Chief Morency, the Council voted unanimously to grant the extension through the 140<sup>th</sup> Full-Time Academy to Officer Christian Martino, Temple-Greenville Police Department.



**Stuart M. Chase, Wolfeboro Police Department**

After the Assistant Director outlined the reason for the request, on a motion by Commissioner Wrenn, seconded by Sheriff Carr, the Council voted unanimously to grant an extension to pass the fitness test through the 141<sup>st</sup> Full-Time Academy to Officer Stuart M. Chase, Wolfeboro Police Department, on the condition that he attend the Law Package at the Full-Time Academy at the 140<sup>th</sup> Academy and that if he is on patrol that he will be supervised by a certified officer.

**Part-Time****Roger R. Beauchamp, Winchester Police Department**

After the Assistant Director outlined the reason for the request, on a motion by Commissioner Wrenn, seconded by Chief Russell, the Council voted unanimously to grant the extension through the 246<sup>th</sup> Part-Time School to Officer Roger R. Beauchamp, Winchester Police Department.

**Department of Corrections**

After the Assistant Director outlined the reasons for the requests for extensions of Department of Corrections Officers **Rocky Bilodeau, Megan Duarte, Keith Forcier and Brian Moriarty**, on a motion by Sheriff Carr, seconded by Judge Roberts, the Council unanimously voted to grant the extensions for Officers Bilodeau, Duarte, Forcier, and Moriarty through the 82<sup>nd</sup> Corrections Academy, with Commissioner Wrenn abstaining from the vote.

***Specialized Training Grants***

Dover returned \$1,000 in training grant funds due to the inability of the officer to attend the training. \$5000.00 was added to the Training Grant Funds budget to meet the demand for training.

**Command Training Programs**

**Keene Police Department.** The Assistant Director outlined the request of the Keene Police Department to send Lieutenant Kenneth Meola to Roger Williams University's Command Training Series Mid-Management Course in Portsmouth, Rhode Island from March 5 -17, 2006 at a cost of \$1,000. On a motion by Chief Dodge, seconded by Judge Champagne, the Council unanimously approved the grant request of the Keene Police Department for Lieutenant Meola.

**Keene Police Department.** The Assistant Director outlined the request of the Keene Police Department to send Sergeant James Cemorelis to Roger Williams University's Command Training Series First Line Supervisor's Course in Portsmouth, Rhode Island from April 16-28, 2006 at a cost of \$1,000. On a motion by Chief Dodge, seconded by Judge Champagne, the Council unanimously approved the grant request of the Keene Police Department for Sergeant Cemorelis.

**Concord Police Department.** The Assistant Director outlined the request of the Concord Police Department to send Sergeant Steven Smagula to Roger Williams University's Command Training Series First Line Supervisor's Course in Bristol, Rhode Island from April 16 - 28, 2006 at a cost of \$1,000. On a motion by Chief Dodge, seconded by Judge Champagne, the Council unanimously approved the grant request of the Keene Police Department for Sergeant Smagula.

### **Other Training**

**Antrim Police Department.** The Assistant Director outlined the request of the Antrim Police Department to send Chief Todd Feyrer to the 9<sup>th</sup> Annual New England Law Enforcement Executive Development Seminar sponsored by the FBI at Foxwoods Resort and Casino in Mashantucket, CT from February 27 – March 10, 2006 at a cost of \$697.00. On a motion by Commissioner Wrenn, seconded by Judge Champagne, the Council unanimously approved the grant request of the Antrim Police Department for Chief Feyrer.

**Bridgewater Police Department.** The Assistant Director outlined the request of the Bridgewater Police Department to send Chief Ernest R. Thompson, Jr. to the Institute of Police Technology and Management's Traffic Radar Operator Instructor's Course at the University of Florida in Jacksonville, Florida from March 5 – 10, 2006 at a cost of \$577.13. On a motion by Commissioner Wrenn, seconded by Chief Morency, the Council unanimously approved the grant request of the Bridgewater Police Department for Chief Thompson.

### ***Other Business***

### **Requests to Exceed the 1300-Hours Rule**

**Hillsborough County Sheriff's Department.** The Assistant Director outlined the request of the Hillsborough County Sheriff's Department requesting a waiver be granted to Officer Mark A. Putney so that he may be permitted to work unlimited hours. Staff supports this request. On a motion by Commissioner Wrenn, seconded by Chief Morency, Council granted Officer Mark A. Putney the waiver of the 1300-hours rule and permission to work unlimited hours.

### **Fitness Testing Extensions**

**Colebrook Police Department.** The Assistant Director outlined the extension request of Officer Joseph Caron who had been extended to December 31, 2005 due to his military deployment. He is requesting a further extension through June 30, 2006. On a motion by Chief Dodge, seconded by Chief Morency, the Council unanimously granted Officer Caron an extension through June 30, 2006.

**Strafford Police Department.** The Assistant Director outlined the extension request of Officer Timothy Sawyer who had been medically extended to December 31, 2005; he continues to be in rehabilitation. He is requesting a further extension through June 30, 2006. On a motion by Chief Dodge, seconded by Chief Morency, the Council unanimously granted Officer Sawyer an extension through June 30, 2006.

**Department of Corrections.** The Assistant Director outlined the extension request of **Corrections Officer Mary McCormack** who had been medically extended to December 31, 2005; her medical condition continues. She is requesting a further extension through June 30, 2006. On a motion by Chief Dodge, seconded by Chief Morency, the Council unanimously granted Officer McCormack an extension through June 30, 2006 with Commissioner Wrenn abstaining from the vote.

Two additional extensions were brought to the table, which were not on the agenda. The first being **Officer Randall Frotton** of the **Brentwood Police Department** who is deployed and **Officer Tobias Wolfe** of the **Department of Corrections** who has an ongoing medical condition which Cassandra Erickson highlighted for the Council. On a motion by Chief Dodge, seconded by Chief Morency, the Council unanimously granted Officers Frotton and Wolfe extensions through June 30, 2006, with Commissioner Wrenn abstaining from Officer Wolfe's vote.

### **Fitness Testing Issues**

#### **Lack of Submission of Documentation for Continued Medical Extensions**

Cassandra Erickson approached the Council with how the Council wanted to handle situations for individuals who had not sent in further documentation to support continued extension for medical conditions in regard to complying with the fitness testing requirements. As a matter of policy the Council decided that staff would automatically advise individuals by letter that proper documentation must be submitted prior to forthcoming Council meetings, outlining reasons for continued extension or the PT test must be completed prior to that meeting; otherwise Council would vote to suspend certification until such time as they receive information on the matter. **On a motion by Chief Wrenn, seconded by Chief Russell, the Council unanimously voted to make this standard policy in handling all such situations that come before the Council when documentation is lacking for continued medical extension for fitness testing.**

#### **Failure of the 3-Year PT Tests**

Cassandra Erickson also approached the Council regarding whether the Council's position on officers who failed their 3-Year PT tests were to continue to be automatically given two-year extensions without coming up for review before the Council. This is the process that is currently being implemented and does the Council wish to continue in this format. The Council agreed that the procedure would continue in that Cassie would send a letter to the individuals who failed the 3-year PT test advising them that they were on probationary status and that they had two years to pass the fitness testing before their certification would be suspended.

**Gift Acceptance**

The NH Department of Corrections Academy Class #81 has presented Police Standards & Training Council with the gift of a Samsung DVD player as a token of their appreciation and has requested it to be placed in the DOC Lecture Hall. On a motion by Chief Dodge, seconded by Sheriff Carr, the Council unanimously moved to accept the gift of the DVD player from the Corrections Academy Class #81.

**In the Matter of Colin Wentworth**

Judge Roberts summarized the current documentation in the matter of Colin Wentworth. Colin Wentworth's Attorney had submitted a Motion for Rehearing. He is giving the Council the opportunity to correct what he believes to be the errors; and if the Council chooses not to grant a motion for re-hearing, then his next recourse will be Supreme Court. He is doing what he has to do to move the process along. Council Members were handed out the Objection to Respondent's Motion for Rehearing for review.

Judge Roberts moved, that after review of the Respondent's Motion for Rehearing and the Objections to the Motion for Rehearing, that the motion for Rehearing be denied which was seconded by Sheriff Carr and carried by Chief Dodge, Judge Champagne, Commissioner Wrenn, Sheriff Prozzo, and Attorney General Ayotte. Not participating in the vote were Chief Russell and Chief Morency.

Noted for the record was that Colin Wentworth's elected term in Stark ends in March 2006.

**Nonpublic Session – James P. McIntire**

Director Keith Lohmann requested that the Council enter into a nonpublic session to discuss a matter involving the PT&E request of James P. McIntire.

Following a motion made by Commissioner Wrenn, seconded by Sheriff Carr, the Council voted unanimously on a roll-call vote to enter into a nonpublic session at 11:45 a.m.

Following the discussion of the matter, on a motion made by Chief Dodge, seconded by Commissioner Wrenn, the Council voted unanimously to seal the minutes of the nonpublic session.

Chief Dodge then made a motion, seconded by Commissioner Wrenn, and carried unanimously by the Council on a roll-call vote to exit the nonpublic session at 11:55 a.m.

Upon return to public session, on a motion by Commissioner Wrenn, seconded by Chief Dodge, to deny James P. McIntire's request for PT&E and to send a letter to Officer McIntire stating that due to his admission to smoking marijuana while a police officer he is being called before the Council to address violations of Council rules Pol 301.05 (g) (11) Pol 402.02 (a)(6) and

Pol 402.02 (a) (9) pursuant to RSA 541-A:30 et. seq., RSA 188-F:26, including paragraph IV and RSA 188-F:27, III, the Council unanimously voted to deny James McIntire's PT&E request and to request his appearance before the Council for a certification hearing at the February 28, 2006 meeting.

### ***General Discussion***

#### **Request from the Army Reserve in Massachusetts to use the PSTC facility**

The Director highlighted the request of this Military Police Unit who would like to use the entire facility for an entire weekend during April which would include the use of the entry trailer and the driving cars. The request came from a member of this unit who lives in Allentown, NH. The Director has some concerns about doing this as he does not have staff or funds available to provide coverage during the time that the unit would be here and the Unit cannot reimburse for the use of the facility. The Council decided that this was not the best use of the facility and they have decided to decline Army Reserve's request.

#### **Request of the NH National Guard To Attend the Part-Time School**

The Director outlined the request of the NH National Guard to attend the part-time school. The general consensus of the Council was that this was a very positive endeavor and that PSTC looked forward to this educational/training relationship with the National Guard. Members of the National Guard were present to receive the news. The National Guard recently held a training program at PSTC and permitted one of the PSTC staff members to attend their training program as a cooperative effort in cross-training. The National Guard awarded a plaque to Sergeant Paul Moller for his participation in the Military Combative Training Program.

#### **Proposed Rule Changes**

The Council decided to postpone further discussion of the proposed rule changes until the March Council Retreat.

### ***Next Meeting Date/Adjournment***

The Council Retreat in March is waiting for one more bid to come in before the location is determined. The dates of the retreat will be Monday, March 27 and Tuesday, March 28, 2006.

After scheduling the next Council Meeting date for 9:00 a.m., Tuesday, February 28, 2006, in the John Morton Conference Room, the Council unanimously voted to adjourn the meeting at Noon on a motion by Chief Dodge and seconded by Commissioner Wrenn.

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Chairman Michael L. Prozzo, Jr.

