



Sheriff Christopher D. Connelly
Chairman

State of New Hampshire

POLICE STANDARDS & TRAINING COUNCIL

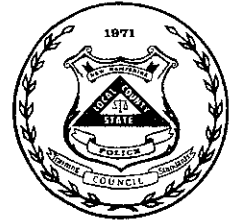
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John V. Scippa
Director

Public Minutes

May 28, 2024

Police Standards and Training Council

In attendance:

Chairman, Sheriff Christopher Connelly, Hillsborough County Sheriff's Office

Vice Chair Chief Emily Cobb, New London Police Department

Commissioner Helen Hanks

Sheriff Charles Massahos, Rockingham County Sheriff's Office

Colonel Mark Hall, New Hampshire State Police

Attorney General John Formella

Chief Mark Chase, Center Harbor Police Department

Dr. Robert Eckstein, Justice Studies, University of New Hampshire via Zoom

Mr. Michael Harrington

Judge Amy Manchester, Circuit Court

Judge Sawako Gardner, Circuit Court

Mr. Christopher Stawasz

Mr. Edward Lecius

Not in Attendance:

Sergeant Jaqueline Pelletier, Goffstown Police Department

Chief Kevin Rourke, Nashua Police Department

Chief Allen Aldenberg, Manchester Police Department

Dr. Maureen Sullivan

Staff Present: Director John Scippa, Major David Parenteau (ret.), Attorney Stacie Moeser, Captain Tom McCabe, Lt. Anna Croteau, Captain Adam Hawkins, and Anne Paquin, Investigative Paralegal.

Guests present: Chief Kevin Maxwell with Gregory Miller, Mason Police Department; Chief John Parsons with James MacKenna, Grantham Police Department; Deputy Chief James Gardiner with agency candidate Matthew Donoho, Littleton Police Department, Captain Mark Livie with candidate Connor O'Neill, Wolfeboro Police Department, Alyssa Conley, Tilton Police Department and her counsel, Attorney Joseph Cherniske.

Chairman Connelly called the meeting to order at 9:27 a.m.

Chairman Connelly used roll call votes for the entire meeting due to the rule for those attending via Zoom.

April 23, 2024 meeting minutes were approved by a motion from Chief Chase, seconded by Colonel Hall. Chairman Connelly took the roll call vote,

Commissioner Hanks	yes
Vice Chair Chief Cobb	abstain
Chief Chase	yes
Judge Manchester	yes
Judge Gardner	abstain
Sheriff Massahos	yes
Mr. Lecius	abstain
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes
AG Formella	yes
Colonel Hall	yes
Chairman, Sheriff Connelly	yes

Director's Report (copy attached)

Financial Report (included in Director's Report)

Director Scippa summarized his report, the Council members offered the following motions for requests from the report.

Motion by Mr. Lecius, seconded by Commissioner Hanks, to accept the proposed updated firearms qualification course. Chairman Connelly took the roll call vote,

Commissioner Hanks	yes
Vice Chair Chief Cobb	yes
Chief Chase	yes
Judge Manchester	yes
Judge Gardner	yes
Sheriff Massahos	yes
Mr. Lecius	yes
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes
AG Formella	yes
Colonel Hall	yes
Chairman, Sheriff Connelly	yes

Motion by Chief Cobb, seconded by Mr. Lecius that all academies will return to the 16 hour mental health training, and discontinue 40 hours of training. Chairman Connelly took the roll call vote,

Commissioner Hanks	yes
Vice Chair Chief Cobb	yes
Chief Chase	yes
Judge Manchester	yes
Judge Gardner	yes
Sheriff Massahos	yes
Mr. Lecius	yes
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes
AG Formella	yes
Colonel Hall	yes
Chairman, Sheriff Connelly	yes

Mason Police Department Gregory Miller

Chief Kevin Maxwell was in attendance with Officer Gregory Miller. During the April 23, 2024, meeting, Chief Maxwell made an extension request to the Council; members voted to table the request, and asked Council staff to research ADA.

Officer Miller described his situation over the past two years with the reasons why he was not approved by his medical professional to take the entrance fitness test and have his lapsed certification reinstated. Major Parenteau compared those facts to the rules.

Pol 302.01

d) The council shall grant an extension as follows of the time limit for the completion of the basic training program upon receipt of a written request from the hiring authority setting forth the reasons therefor for good cause shown:

(1) Extensions of the time limit for completion of the basic training program shall not exceed 2 years from the original date of hire

(f) The termination and subsequent reemployment of an officer by any agency shall not affect the requirement that he or she attend and satisfactorily complete the police, corrections or probation/parole basic training program as appropriate within 6 months from the date of original appointment unless the officer has been separated from police, corrections or probation/parole employment for a period of not less than 2 years beginning the day after the termination has become final.

Major Parenteau summarized that Officer Miller's certification had lapsed between the time he had worked for Nashua Police Department and the time he was hired at the Mason Police Department. The Council had granted Officer Miller prior training and experience certification with the requirements that he provide a medical examination and pass an entrance fitness test. Any

requirements of the Council to reinstate certification, notwithstanding the fact that the officer had attended an academy, is considered part of that training requirement. Officer Miller had attended the academy but became uncertified after he left employment with Nashua and after a three-month gap was hired by Mason. To re-gain certification, he would have to pass the Council dictates, which was to have a medical exam and pass the fitness test.

Major Parenteau stated he did not see an ability to circumvent the Pol rule or the statute 106-L which states they must be certified no later than two years (from date of hire).

Major Parenteau defined what a “disability” is under the ADA (ADA.gov Feb 2020).

...the ADA covers a wide range of individuals with disabilities. An individual is considered to have a disability if he or she has a physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment and is regarded as having such impairment.

It further defined what a major life activity is, which is a non-inclusive list,

...a major life activity includes such things as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. To be substantially limited means that such activities are restricted in a manner the condition or duration of which they are performed in comparison to most people.

He also stated,

An ADA disability is a legal term not a medical one.

The State of New Hampshire policy dealing with reasonable accommodations with Americans with disabilities, talks about the employer/employee relationship, it’s between the individual and employer and what accommodations that the employer is going to make upon receipt and application for accommodations from the officer.

Attorney Stacie Moeser expressed:

- A similar situation has been reviewed in the past.
- Presently Officer Miller has no certification.
- His situation is the same as someone who has been initially hired for a police officer position; they have two years to complete their training/academy requirements.

Director Scippa explained to the Council that the two-year separation from law enforcement employment was to eliminate potential officers from resigning or being terminated after two years of not completing certification training, having been granted extensions, and then being hired again and the “two-year clock” would begin all over again. That’s the reason that the ‘separation for two years rule’ exists. He continued, saying, “the Council cannot violate their own rules”.

Discussion ensued amongst the Council:

- Pathways to Certification document could be helpful in future situations.
- The Pathways document may require filing emergency rules.
- The two-year rule was not intended for someone with a medical condition.
- There should be an exemption for those with a legitimate physical issue.
- He was injured on the job; is it fair to end his career.
- It's time to discover a means to address the issue without violating the rule.
- The results will not necessarily work for this officer, but for officers found in this situation in the future.
- Officer Miller, when asked, confirmed that he was still receiving workers' compensation.

Council discussion led to trying to incorporate some language into the proposed "Pathways" document to address officers with legitimate medical injuries who are unable to obtain medical clearance to participate in required fitness testing.

Motion by Mr. Lecius, seconded by Commissioner Hanks, to table this matter until the June Council meeting. Chairman Connelly took the roll call vote,

Commissioner Hanks	yes
Vice Chair Chief Cobb	yes
Chief Chase	yes
Judge Manchester	yes
Judge Gardner	yes
Sheriff Massahos	yes
Mr. Lecius	yes
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes
AG Formella	yes
Colonel Hall	yes
Chairman, Sheriff Connelly	yes

Council members took a break at 10:30 a.m.

Meeting back in session at 10:45 a.m.

Grantham Police Department

Major Parenteau explained that Chief John Parsons and Captain James MacKenna were in attendance per their request from the March 26, 2024, meeting. They are requesting a waiver for ongoing three-year fitness testing due to Captain MacKenna's chronic knee injury; he is not able to complete the mile and a half run or the alternative stationary bike portion of the fitness test.

Major Parenteau continued, noting that there was a provision in RSA 106-L that the Council may grant a waiver for fitness testing in order to comply with state or federal law. As requested by the Council, the staff researched ADA for what is considered a disability. Major Parenteau read from the State of New Hampshire, Reasonable Accommodations Policy, into the record,

“an individual with a disability is a person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment or is regarded as having such an impairment. A qualified employee or applicant with a disability is an individual with or without reasonable accommodations and can perform the essential functions of the job in question”.

Major Parenteau provided Council members with the **Guidelines for Application for Waiver of Fitness Testing** document which the Council has used to determine eligibility for waivers in the past. At the March 26th meeting, the agency and town were asked to answer the requirements in the waiver process. There are seven items on the document.

Major Parenteau asked the Council to determine whether the condition was an actual disability under the ADA; ADA is a legal term, not a medical term. Does the affliction effect his quality of life under normal everyday circumstances. He asked that Chief Parsons and Captain MacKenna update the Council regarding their request.

Captain MacKenna explained that the knee injury was from 2007, he had surgery. The injury has gotten worse since then, the next step is knee replacement. Captain MacKenna asked his doctor about fitness testing after knee replacement, the doctor replied that it would depend upon the advances at the time of the surgery, if he has knee replacement surgery now, he'd have to have another in his lifetime. Captain MacKenna noted that as a police officer, that the disability affects running as a life function.

Chief Parsons stated that the town had sent Captain MacKenna's doctors' copies of the job descriptions for patrolman, which is similar for all the officers in the Grantham Police Department officers. The doctor felt that Captain MacKenna could safely perform all the core functions of law enforcement in the job descriptions as a patrolman, with one accommodation, to drive a larger vehicle. Grantham Police Department has an SUV that is suitable. The remaining question is the physical fitness test.

Major Parenteau addressed the Council, for their recollection, the rule on the three-year physical fitness testing and the ability to meet the criteria. If someone is not able to get medical clearance to test, there is a two-year maximum addition, with extensions in six month increments after the three years to heal and pass a test. That amounts to two years of extensions. The way the rule is written is that after five years, if unable to pass testing, they are suspended until such time as they can pass the test. That is the rule.

The Application for Waiver form is something that was developed for the Council with assistance from the New Hampshire Attorney General's Office quite a few years ago to address what could be done to show there was an ADA illness and how the department and the town would make accommodations in order for the officer to not have to test.

Major Parenteau asked the Council members to review the application guidelines for a fitness waiver.

After the Council members had reviewed the application, Major Parenteau stated that he would read each question from the application and that Chief Parsons could respond with the information he'd provided in a document to PSTC.

Major Parenteau read the first question on the application, “whether the officer has a physical disability that prevents him or her from taking and successfully passing the physical fitness test”?

Chief Parsons’ response was, “the town submitted a medical inquiry form designated by the town in conjunction with the ADA site, that was what was submitted by Captain MacKenna to give his doctor. The response received from the doctor was that there was a left knee injury that would be lifelong at this point. It limits his ability to either run or bike for long periods of time and would be detrimental to his knee injury.

Major Parenteau addressed the Council and asked them to discuss whether running long distances was a disability for the ADA guidelines, but not a disability for a police officer who would be expected to run in their job description? Police officers are required to perform a fitness test, by statute, and rule.

Major Parenteau read the accommodation section again, then asked, is a knee injury considered a disability? Does Captain MacKenna have a running disability that gets a waiver from the Council and his job? Further, is this a legitimate disability based on ADA? That’s the point for discussion. If the Council feels that this is a disability, we can move on to other questions.

Commissioner Hanks remarked, “there’s a form written by a licensed provider confirming that he has a disability. How does the Council countermand a licensed provider’s determination that they have a disability that impacts them”?

Major Parenteau remarked that the ADA research was from a large law firm in Chicago, that stated in a presentation that disability is a legal term, not a medical term. The doctor is saying because he has a bad knee, the duration of disability appears to be lifelong. If the doctor can say that, in a legal sense.

Sheriff Massahos was recognized, and stated, “the doctor says that he can perform his core job responsibilities in law enforcement without risking the physical safety of himself or others.” He confirmed that Grantham Police Department was a five-officer agency. He asked how the town of Grantham felt about the situation.

Chief Parsons responded that the town feels like they are in the middle, Captain MacKenna’s certification is being held by the Council, some members of the town believe that they are not a part of it.

Sheriff Massahos asked, if Captain MacKenna works out on the road, and he has to chase someone and his knee lets go, who is responsible for that? The town?

Chief Parsons response was that he would say yes but could not answer for the town.

Sheriff Massahos asked if this was a legal matter that PSTC could look into?

Attorney Moeser responded that, the issue is, it identifies running as a core function of the job. There’s no statement about how an accommodation can be made to perform the core function of the job. Or is the town determining that it’s not a core function of the job?

Sheriff Massahos stated that the doctor said that he is able to do his job.

Attorney Moeser replied that the questions haven't been answered, the town hasn't made a statement on performance of core functions of the job. The doctor has said he can perform the core functions. But, he can't run.

Sheriff Massahos stated that he thinks the Council needs a legal opinion on this.

Attorney Moeser continued, stating that a statement from the town, to say, can he still perform the core functions of the job? We cannot make that determination, we can only make the determination on the fitness test. Not on the core functions of the job.

Commissioner Hanks commented on number seven on the guidelines, "it wasn't clearly answered in the information provided from the employing agency. They have provided a modified vehicle, there is nothing in the packet as the employing agency *how they will help the captain modify his job assignments*, so that other officers can perform their duties alongside of him". That is a gap of information that she cannot cross based on what's before (the Council) today.

Attorney General Formella put forth that the whole packet is missing information. *Can they have the medical provider certify that they have reviewed the core job description?*

Chief Parsons confirmed what Attorney General Formella asked, *"the doctor certify that he has read through the job description, point by point, evaluation of those and that Captain MacKenna can meet those."*

Chief Chase asked, the next step, if we answer those questions, do we still have the authority to waive, irrelevant to the final decision?

Director Scippa expressed that he thought under RSA 106-L that it contemplates the Council the ability to address these types of requests. He also thought that the Council's responsibility is to address the certification. He offered to the Council that it is not under our purview, nor should it even be contemplated, about employment. This individual is requesting a waiver on having to run and it goes back to the notion that, is that a core job function that a police officer has to be able to perform during a normal course of duty? If it is, what accommodation is the employer ready to make to prevent the employee from having to run? Unless police officers in that particular jurisdiction don't have to run.

- When we're talking about these core functions, the skills, knowledge and ability to be a police officer.
- The Council needs to also consider, do police officers have to run at a full sprint for a mile and a half?
- No. Do they need to be able to cover a mile and half if they have to go look for someone lost in the woods, yes.
- Do they need to be able to run full sprint up a flight of stairs? Maybe.
- But do they need to be able to run up a flight of stairs with some tempo, yes.
- Or down a flight of stairs.
- These things that are required of any police officer in the state of New Hampshire.
- Every officer needs to be able to demonstrate that they have the ability to do it.

Sheriff Massahos response was, if the Council was to do this, it must be done correctly and ensure that the Council makes the right decision. Not only for this police officer but for his town, and for others in the state of New Hampshire. This could be a test pilot for matters that we may have to decide on in the future.

Director Scippa's suggestions were to

- contemplate whether we would be able to offer the three hundred meter run as an alternative to the mile and a half test.
- Review the statute and the rules
- Speak with Major Parenteau and with Attorney Moeser to see if we can even bring that to the Council as an alternative.
- Just from a job function point of view can you run up a flight of stairs?
- Can you run down a flight of stairs?
- Could you go out in the woods and look for a lost child, where you might have to cover a couple miles?

Those are questions about the ability to do those portions of a job that people expect every police officer to be ready to do. If the Council were to table this, staff could continue to look to see if there is an alternative out there.

The whole notion of getting rid of the fitness test was brought before the legislature this past session. The legislators really decided on that, and they decided they didn't want to change the standards.

Chief Cobb asked Major Parenteau, "is there any precedent for other officers coming to the Council that have requested reasonable accommodations for the ADA, of their employer and their employer has then granted those reasonable accommodations which impacted their certification in the way it has with Captain MacKenna"?

Major Parenteau answered that in one town the agency and the town felt that going through the request for waiver form meant accommodations could be met, but when the answers came back to the Council, the Council didn't feel that the guidelines for the application of a waiver was sufficiently performed. The Council denied it initially. The town came to the meetings two or three times. At one point the officer did get medical clearance, he had previously not been able to get clearance, and he came to the academy and passed the test. He was questioned about getting medical clearance to pass the test, he indicated that he implored the doctor to clear him because he could not get the information that he needed (for a waiver) so he got clearance to test and passed the test.

The Council can't waive rules; the Council is left with a request for a disability waiver, which is where we are now. Is it a legitimate disability? Is the fact that he is being given a larger vehicle an accommodation that's going to make "job responsibilities" okay? That's up for discussion. The Captain has an extension for six months granted in March; I don't think that decisions have to be made right now. There are a couple more months for the Council to decide to ask the chief go to the town and provide clear answers to inquiries. Captain MacKenna is still certified, he's still working as a police officer and that extension will be in effect until September.

AG Formella commented that we have a process to deal with this, we have a statute that gives us authority to grant a waiver, I think the guidelines are pretty good. We need to be exacting about how we go about this, which is why I think, the Major said the last time this happened someone had to come in a few times, and that makes sense. That's the way we avoid this just becoming an often-repeated thing. If we do our due diligence and we ask questions and ask for documentation, then I think we have a pretty good process. We have a lot of the information in the packet that we got, but the packet needs more information, that's why we gave him six months last time. I agree with the Sheriff that we need to be diligent, I just want to make the comment that I don't think this demonstrates that this isn't a workable process. I think if we all try to look at what we have and see what else we need to do to make a determination, we can work through the process.

Judge Gardner commented,

- I have a comment in terms of what our function is.
- We are certifying police officers, what are their core functions if we decide that running is not a core function we need to rethink where we are.
- From a public safety perspective, you expect a police officer to be able to run quite a distance, especially if they're armed and dangerous.
- if the officer had just been able to run an additional minute, we would have avoided a tragedy.
- Or you're running for back up and if you had just gotten there a minute earlier the officer wouldn't have sustained an injury.
- Those are the type scenarios that the public would be looking at.
- Saying to the Council, why do you say that running is not a core function of your duties?
- I put that out there in terms of what our responsibilities are.

Chief Cobb commented,

- Are we saying that running wouldn't be a function?
- Wouldn't that essentially be on the town?
- The town saying that they're willing to accommodate that running is not a core function of a police officer that needs an accommodation request under the ADA?
- Would the Council be saying, would they be accepting what the town, whoever it might be putting forward?

AG Formella replied,

- I think it's up to the town to define what the core functions are.
- I believe running is a core function.
- The question is just where is that delta between how much he needs to run to perform the core function and how much more to run to pass the fitness test?
- If it's close enough and there's a disability, then I think that's where I'd be comfortable granting the waiver.
- The question is can he run enough to perform the core functions of the job?
- When he's got a disability that prevents him from passing the fitness test, and I think if the town says we think he can run enough, his medical provider says he can run enough to

fulfill what we've defined as the core functions, he just can't run enough to pass the physical fitness test.

- In this circumstance I think we could grant a waiver.
- We've also had a conversation on what should the standards be, if we started seeing a lot of officers come through saying I can run enough to perform my core functions but not enough to pass the fitness test, then we have to start thinking about what that physical fitness test really requires.

Director Scippa commented,

- When Police Standards and Training conducted the last job task analysis, that analysis produced a job description, a general job description of a police officer for the state of New Hampshire.
- The vendor that PSTC is getting ready to engage to conduct this test further, part of that product will be a reiteration or a confirmation with maybe some minor changes relative to the core function of a police officer in the state of New Hampshire.
- I agree in part that it's the employer that has to make that decision as to whether the disability is acceptable, and accommodations can be made.
- I do think that the Council unilaterally does have that authority to identify a requirement to meet certification.

Attorney General Formella commented,

- I think the town has to tell us what the town thinks in the first instance.
- The Council can look at that and decide whether we think that's a sustainable determination or not.
- If the town indicates that they have an officer, and the officer does not need to be able to run, our core job description is x, y, z and it looks very substandard to us, the Council can say then we're not granting the waiver, we don't think that your determinations are well supported.

Director Scippa offered if the circumstances would be different if this was from very large agency, where the employer could say, "you know what, this person never leaves the station, they're going to sit in this office and they do evidence, they will never have to respond to an accident or search for somebody. In that case it would provide more relief for the Council to be able to act on that. Under those circumstances with those accommodations, it's a much easier decision to come to. But as a patrol officer, it makes that a little more difficult.

When asked by the Council, Chief Parsons said, "we do have a job description it was provided to Captain MacKenna's medical provider, they went through it and made the determination that his injury doesn't prohibit him from doing any of the functions as a patrol officer in the town".

Chairman Connelly asked for further questions or comments.

Seem to be heading in the direction to table this for further research? Further discussion?

Chief Parsons asked for confirmation on the items that they had been asked to complete.

- Attorney General Formella would like Captain MacKenna's doctor certify that he has reviewed the job description and compared that to Captain MacKenna's evaluation and make sure that everything is copacetic.
- Director would like to see something more as to what the accommodation would be as to running, not the one that was listed in terms of making the vehicle available.
- Attorney Moeser, you would like to see the town make a decision on whether or not running is a core function, based on what the doctor said?

Attorney Moeser stated if it is a core function how can they accommodate it?

Chief Parsons asked for a clarification if the word running meant distance or time. The town could say sprints or time, whatever. Seems like we need something more specific to bring to the town.

Major Parenteau offered, as far as running is concerned provide the standards for PSTC's fitness test. This is what is required for a healthy individual, and then see if the town wants to respond to what they feel would be an appropriate use of core function?

Commissioner Hanks commented that there should be a lot more clarity on what limited running means or pertains to with the regular certification standard but also the job description so that we have a better sense of the ADA accommodation. The terms 'limited running and biking' doesn't give a depth of awareness of what that means as it pertains to the Captain doing or performing duties for the community with the job description. And then mapping to the normative standards of a police officer or law enforcement officer.

Colonel Hall asked, the PT test was put in place by the Council, at some point as a minimum measurement of fitness for police officers. So how do we then determine, if the town says limited running, how do we then measure that? What is limited running? Now we have a minimum standard of the PT test which includes a mile and a half run with certain times based on your age, how do we determine what that measurement is now going to be if the town says yes he can still perform the job function with limited running, what measurement is going to say ok he can do x amount of, sprint a certain distance in a certain time that sort of thing, how do we measure that and determine that that is okay?

Chairman Connelly stated, unless we were to look at the Cooper standards that we do not currently use and find that those are an applicable substitute.

Director Scippa commented, 'to the Colonel's point, statutorily the Council's job is to determine the requisite training and ability of fitness. Fitness meaning, overall fitness, physical fitness, background fitness, mental health fitness, that is well within the purview of this Council. Otherwise the Council will end up leaving it to the determination of each individual municipality or state agency to set those standards. I just want to remind the Council;

- that is a dangerous slippery slope to allow that to happen.
- If the Council's position is that physical fitness should not be a standard, by all means give me direction and I will find a legislator and we'll work on having it removed from the law.
- If on the other hand the Council says we should have some level of fitness in order to be a police officer, the Council will have some decisions to be made.

- Then if there is an ADA claim, we would have to work with the hiring authority and try to figure out whether the person can still maintain their certification. There are standards that need to be met in order to do the job, then those standards need to be met.
- There is a provision for an ADA claim, it's just how does the Council address that?
- How to work with the hiring authority to recognize that person is still able to do the job but we have to provide them relief and this one standard that we hold all police officers to.
-

Chairman Connelly stated, 'what's interesting is this discussion and our previous discussion both involve things that the Council has discussed and that staff has been looking at as far as the Pathways to certification in our previous discussion and the physical fitness standards that I know that Captain Hawkins has been looking at in great depth. There is progress being made and things being looked at, and with an update to Pol's (PSTC's administrative rules.)

Chairman Connelly asked if there was anything else?

Motion by Mr. Lecius, to table the matter pending further information based on the questions posed to the chief of the agency. The motion was seconded by Chief Chase. Chairman Connelly took the roll call vote.

Vice Chair Chief Cobb	abstain
Judge Manchester	yes
Judge Gardner	abstain
Sheriff Massahos	yes
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes
Commissioner Hanks	yes
AG Formella	yes
Colonel Hall	yes
Chairman, Sheriff Connelly	yes

Sheriff Massahos exited the meeting at 11:50.

Annual Report for Police Standards and Training Council

Major Parenteau thanked the Council members for their input on PSTC's Annual Report. The suggested corrections have been made.

Motion by Chief Cobb, seconded by Mr. Lecius to approve the PSTC Annual report. Chairman Connelly took the roll call vote.

Chief Chase	abstain
Judge Manchester	abstain
Judge Gardner	yes
Mr. Lecius	yes
Mr. Stawasz	yes

Mr. Harrington	yes
Dr. Eckstein	yes
Commissioner Hanks	yes
AG Formella	yes
Colonel Hall	yes
Chairman, Sheriff Connelly	yes

Littleton Police Department

Deputy Chief James Gardiner was in attendance with their agency candidate, Matthew Donoho. They are seeking a waiver for Mr. Donoho’s color blindness, which is an item on the Form D medical form to attend the academy.

Major Parenteau summarized the eyes and vision section from the medical screening guidelines from the PSTC “Technical Assistance Manual”.

- The candidate’s color vision is no worse than mild color deficiency.
- Perception of color shall be deemed acceptable if the candidate is able to read at least nine or more of the first 13 plates of the 24 plate Ishihara test.

The guidelines state that these are not absolute restrictions but to be considered by the medical process as well as the Council.

Existence of a potentially disqualifying condition may not necessarily keep the qualified health care professional from concluding that the candidate is able to perform the essential job functions.

The tests indicated that Mr. Donoho had tested and the doctor indicated that Mr. Donoho is color blind. The medical provider circled “no” for no reservations about the individuals ability to participate without restriction in a physical training program or perform the duties of a police officer.

There was an eye test done by an ophthalmologist, the same results as the test on the Form D. The testing numbers are low, but the doctor has no reservations about the patient performing the duties of a police officer.

Motion by Commissioner Hanks, seconded by Judge Gardner to grant the waiver for Littleton Police Department’s candidate. Chairman Connelly took the roll call vote.

Chief Cobb	yes
Chief Chase	yes
Judge Manchester	yes
Mr. Lecius	yes
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes
AG Formella	yes
Colonel Hall	yes
Chairman, Sheriff Connelly	yes

The motion passed.

Wolfeboro Police Department

Captain Mark Livie was in attendance with a candidate for the agency, Connor O’Neil. They are requesting a waiver for Mr. O’Neil’s epilepsy, in order to attend the academy.

Major Parenteau explained that Mr. O’Neil was cleared to participate in the training program despite his history of epilepsy and seizures as per the guidelines outlined in the Technical Assistance Manual. Per the guidelines, it’s not a categorical denial for not allowing a waiver. Major Parenteau read from the Technical Assistance Manual.

“Nervous system, 12.1, seizure disorder, all types or tourettes syndrome. Requires a case-by-case review and waiver by a qualified physician approved by the hiring authority or the Council. Form D indicates that the last seizure was in 2015 per the doctor’s notes. He has tolerated medications without side effects, the physician’s assistant that filled out the Form D indicates that they have no reservations about his ability to participate without restrictions in rigorous physical training program or performing the duties of a police officer”.

Captain Livie stated that they received a letter from the neurologist, that Mr. O’Neil is capable of all of the elements in the job description. He read the letter into the record. “To whom it may concern, Connor P. O’Neil is currently being treated by the neurology department for seizures, he has been seizure free since 2015. He remains on Keppra for seizure treatment. He is capable of performing as a police officer at this time. Please feel free to contact the office with any additional concerns.

Mr. Harrington asked if there were any issues with driving, or side effects from the medication that he was on, would anything prevent him from doing his job. Mr. O’Neil confirmed that he has not had any side effects from Keppra.

When asked by Judge Manchester, Mr. O’Neil stated that emergency flashing lights do not cause him to have seizures.

Motion by Mr. Stawasz, seconded by Mr. Harrington, to approve the request for waiver. Chairman Connelly took the roll call vote.

Chief Cobb	yes
Chief Chase	yes
Judge Manchester	yes
Judge Gardner	yes
Mr. Lecius	yes
Mr. Harrington	yes
Dr. Eckstein	yes
Commissioner Hanks	yes
AG Formella	yes
Colonel Hall	yes
Chairman, Sheriff Connelly	yes

The motion passed.

Judge Manchester exited the meeting.

Bristol Police Department

No one in attendance for the Bristol matter

Addendum

Tilton Police Department

Alyssa Conley was in attendance with her attorney, Joseph Cherniske, to request reinstatement of her police officer certification.

Chairman Connelly read the following into the record:

“Hearings before the Council are presumed to be held in public session; however, parties have the right to a brief hearing in non-public session to request closure of a portion of the hearing if it will reveal confidential information that creates a compelling interest outweighing the public’s right of access. All parties appearing before the Council have been provided with notice of the applicable procedure”.

Attorney Cherniske advised the Council that the history of Alyssa Conley’s arrest has been annulled. He requested that the matter be heard in nonpublic session.

Motion to begin a nonpublic session to hear the merits of the matter requested in nonpublic session by Commissioner Hanks, seconded by Mr. Lecius. Chairman Connelly took the roll call vote.

Chief Cobb	yes
Chief Chase	yes
Judge Gardner	yes
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes
AG Formella	yes
Colonel Hall	yes
Chairman, Sheriff Connelly	yes

At 12:14 the Council entered a nonpublic session. Chief Cobb exited the meeting at this point.

Motion to exit the nonpublic session and seal the minutes by Mr. Lecius, Chief Chase seconded the motion. Chairman Connelly took the roll call vote.

Chase	yes
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Gardner	yes
Stawasz	yes
Harrington	yes
Eckstein	yes
Hanks	yes
Formella	yes
Connelly voted	yes

At 12:40 the meeting returned to public session.

Motion by Attorney General Formella, seconded by Colonel Hall to seal the exhibits. Chairman Connelly took the roll call vote.

Chase	yes
Gardner	yes
Stawasz	yes
Harrington	yes
Eckstein	yes
Hanks	yes
Hall	yes
Connelly voted	yes

Motion to reinstate the certification by Mr. Lecius, seconded by Mr. Harrington. Chairman Connelly took the roll call vote.

Chase	yes
Gardner	abstain
Lecius	yes
Stawasz	yes
Eckstein	abstain
Hanks	yes
Hall	yes
Connelly voted	yes

The motion passed.

Consent Calendar

PT&E Requests

Michael Machado, Hillsborough County Sheriff's Office

(DOH: 04/22/2024) Council will grant certification upon successful completion of the medical exam (done April 23, 2024), entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Leandro Hidalgo, Hillsborough County Sheriff's Office

(DOH: 05/19/2024) Council will grant certification upon successful completion of the medical exam, (done May 6, 2024) and entrance fitness test with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Emily Taylor, New Hampshire Forests and Lands

(DOH: 04/12/2024) Council will grant certification upon successful completion of the medical exam, (done March 19, 2024) entrance fitness test, and the Law Package of the Full-Time Police Officer Academy as a sit-in student, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Mateo Chacon, Nashua Police Department

(DOH: 06/10/2024) Council will grant certification upon successful completion of the medical exam (done April 16, 2024), entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Ashley Farfaras, Nashua Police Department

(DOH: 06/10/2024) Council will grant certification upon successful completion of the medical exam, (done March 28, 2024) entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Reid Carter, Nashua Police Department

(DOH: 06/10/2024) Council will grant certification upon successful completion of the medical exam, (done March 26, 2024) entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Douglas Gamache, Keene Police Department

(DOH: 05/13/2024) Council will grant certification upon successful completion of the medical exam, (done May 2, 2024) entrance fitness test, and the Law Package of the Full-Time Police Officer Academy, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Requests for Extensions

Note: Extensions granted until the first council meeting following the fitness testing for the requested Academy, and, if testing is successful, to the first council meeting following the end of the requested Academy.

Christopher Samiya, Franklin Police Department

DOH (01/08/2024) will be granted an extension to July 30, 2024, to complete 30/60 retesting to allow Mr. Samiya to complete the retests for his academy.

Paul Karamourtopoulos, Rockingham County Sheriff's Office

DOH (01/02/2024) will be granted a six-month extension from June 2, 2024 through January 2, 2025 to allow Mr. Karamourtopoulos to complete law package testing.

***Full Time Academy**

Class Number	196
Dates	February 12, 2024-May 31, 2024
	197
	June 24, 2024-October 11, 2024
	198
	July 22, 2024-November 8, 2024

* More detailed information about each academy session can be found in Benchmark. This will include the dates of the session, the fitness testing date and number of available seats.

***Part Time Academy**

Class Number	283
Dates	January 27, 2024 – May 23, 2024

* More detailed information about each academy session can be found in Benchmark. This will include the dates of the session, the fitness testing date and number of available seats.

***Corrections Academy**

Class Number	124
Dates	March 25, 2024- May 17, 2024

* More detailed information about each academy session can be found in Benchmark. This will include the dates of the session, the fitness testing date and number of available seats.

Medical Extensions for Fitness Testing

Six-month extensions, expiring on December 31, 2024 were granted to:

Maxim Schultz, Police Standards and Training Council
David Torrisi, Brookline Police Department

End of Consent Calendar

Motion to approve the Consent Calendar by Commissioner Hanks, seconded by Attorney General Formella. Chief Connelly took the roll call vote.

Chief Chase	yes
Mr. Lecius	yes
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes
Colonel Hall	yes
Chairman, Sheriff Connelly	yes

Chairman Connelly abstained from the Hillsborough County Sheriff's Office items.
Mr. Lecius abstained from the three Nashua Police Department items.

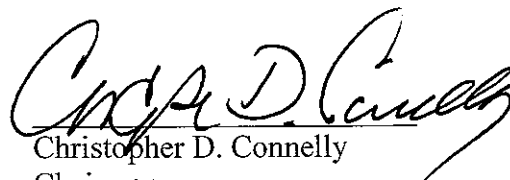
Council members were asked to remain after the meeting adjourned for a nonmeeting.

Motion to adjourn at 12:41 by Commissioner Hanks, seconded by Attorney General Formella. Chairman Connelly took the roll call vote.

Chief Chase	yes
Mr. Lecius	yes
Mr. Stawasz	yes
Mr. Harrington	yes
Dr. Eckstein	yes
AG Formella	yes
Colonel Hall	yes
Chairman, Sheriff Connelly	yes

June 25, 2024

Respectfully Submitted,


Christopher D. Connelly
Chairman

To: All NHPSTC Council Members

FROM: Director John Scippa

DATE: May 28, 2024

RE: Director's Monthly PSTC Council Report

Bureau of Recruit Training:

1. 196th Full Time Police Academy graduates on May 31, 2024.
2. 197th Full Time Police Academy set to begin June 17, 2024.
3. 198th Full Time Police Academy set to begin July 29, 2024.
4. 282nd Part Time Police Academy graduated May 23, 2024.
5. 125th Corrections Academy set to begin on October 11, 2024.

Bureau of Professional Development:

1. Court Security Officer Training and Certification program meeting with development team where we discuss proposed POL rules that will cover CSOs. That discussion will continue as the development team seeks some guidance from DOJ and contemplates expansion of the academy to allow other security stakeholders to participate.
2. 2023 Annual Report- Already submitted but final amendments need to be made.
3. Website Redesign – PST final approval of new configuration pending, then goes live.
4. 2024 In-Service Training RFPs have been received and are being vetted.
5. RFP for LMS/RMS System has been completed and approved by DOIT. Preparing to release.
6. RFP for Accreditation Manager is closed, and contract is being finalized with the selected vendor.

NH Law Enforcement Accreditation Commission:

1. Presently we have 21 agencies enrolled in program.
2. The last meeting was held on May 7th.
3. State Accreditation table has been secured for the NH Chiefs of Police Association Trade Show for next week.
4. After being awarded a 300,000 COPS grant, the Commission has voted to waive application fees during the grant period to encourage more participation.
5. Contract is being finalized with vendor for state level program manager.

Bureau of Standards:

1. Pathways to Certification guidance document is being finalized for Council Review.
2. The Bureau continues to respond to 91-A requests as they are received.

Conduct Review Committee:

1. As of Thursday, May 23, we have received 243 complaints with 93 originating from the public portal.
2. 147 cases have been closed by the CRC.
3. Eleven (11) cases have been sustained as misconduct and are being prepared for a hearing at the Council.
4. The bureau is attending the Daigle Advanced Internal Affairs Investigation online training next month.
5. The next (12th) meeting of the CRC will be held on Monday, June 17.

PST Budget:

1. Two capital projects that were approved in last year's biennium (Firing range remediation and AC repair and upgrade), have finally received total ARPA funding through the GOFER office.
3. The second budget transfer request was approved by G & C.
4. We are beginning the budget development process for FY 26-27 and have received indication from the Department of Administrative Services that we may have tight caps imposed as we develop the budget.
5. We were able to secure an extension to our dining contract with Alladin Food services and that contract is being finalized for Governor and council consideration.

Outreach, Education and Legislation:

1. I briefly attended the New England Sheriffs Summit Meeting on April 30, 2024.
2. I attended the Firearms Instructor's meeting on April 29, 2024.
3. I attended the Strafford County Chiefs Meeting in Strafford on May 15, 2024
4. I attended the NH Association of Sheriffs meeting in Concord on May 16, 2024
5. I attended the Rockingham County Chiefs Meeting in Rye on May 23, 2024.

Staff and Operations:

1. We are working with the vendor to finalize the contract for them to conduct a Job Task Analysis and a Fitness Test Analysis. They are having some issues complying with State contract requirements.
2. We have had two resignations: Jessica Casale and Lt Matt Terry.
3. I am pleased to announce that Major Max Schultz has been promoted to Assistant Director.
4. I would like to welcome our newest LETS, Lt Sonya Robicheau, who will be our Accreditation Manager for PST and will be supporting the Statewide Accreditation Program.

Open Action Items:

1. Administrative Rules Committee: Chapters 100 to 400 have been amended and are being prepared for final council review and approval.

Discussion Items:

1. Full Time Academy Cadre.
2. Proposed new qualification Course of fire for certified officers, new LEOSA course of fire and standardized target.
3. Transition form CIT back to 16-hour NAMI class for all academies.