

## ***MINUTES***

***May 24, 2005***

The 336th meeting of the NH Police Standards and Training Council was called to order at 9:07 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:*** Vice-Chairman William L. Wrenn, Jr., Hampton Police Department, Chief Michael J. Magnant, Portsmouth Police Department; Chief Gregory Dodge, Epping Police Department; Chief Peter Morency, Berlin Police Department; Associate Justice Norman E. Champagne, Manchester District Court; Associate Justice Stephen H. Roberts, Dover District Court; Associate Attorney General Ann Rice, designee of Attorney General Kelly A. Ayotte; Major Barry Hunter, designee of Colonel Frederick H. Booth, NH State Police; Commissioner Stephen J. Curry, Department of Corrections; and Charles Annal, Deputy Commissioner and designee of Commissioner William G. Simonton of the NH Community Technical College System.

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

Sheriff Scott A. Carr, Carroll County Sheriff's Department; Attorney General Kelly A. Ayotte, and Colonel Frederick H. Booth, NH State Police were excused from the meeting due to prior commitments.

***Guests Present:*** Gerald J. Trudel, Department of Corrections; Officer Thomas Dronsfield, Lee Police Department; Chief Chester W. Murch, Lee Police Department.

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

Following a motion by Commissioner Curry, seconded by Chief Dodge, the Council voted unanimously to accept the Minutes of April 26, 2005, as presented.

### ***Director's Report***

The Corrections Academy graduated on May 6<sup>th</sup>. It was one of the larger groups in recent years. Also of note, the Department of Corrections is working with PSTC and Assistant Director Stafford on a revision of the curriculum.

The 244<sup>th</sup> Part-time School graduated Saturday, May 7<sup>th</sup>. This was the second graduation of a part-time school that was conducted by video conference.

During the summer the Director is planning to have an open house at each of the two new sites (Keene and Portsmouth) for those who have not seen it. As soon as the dates have been set, the Council will be advised.

The ongoing audit is in its final stage. The auditors have indicated that they expect to complete the process by the end of next week (June 3<sup>rd</sup>). There have been no clear indications of what their findings are going to be. A new item that had been brought to the Director's attention was a performance agreement that the Director had entered into with CTC (The New Hampshire Community Technical College System) which was a sub-grant through the NH Department of Justice and was approved by the DOJ beforehand. The auditors have indicated that this performance agreement could not be executed. The auditors are looking into this matter further. The way the process will proceed is when the auditors have their proposed findings they will give them to the Director, who will then have the opportunity to respond to their findings, and the Director's responses will be included in the final report. The report will consist of two areas: The findings which are negative and recommendations.

The Law Enforcement Memorial Ceremony was held last Friday, May 20<sup>th</sup>. The Law Enforcement contingent that was there was the largest the Director had ever seen. It was a spectacular event to watch from the podium and the survivors appreciated the support. The Director thanked the Council members for their support and their departments' support for their contributions in making this event a success.

Joe Collins of the PSTC staff has announced his resignation. He is taking a position in Sunapee. His last day will be May 26<sup>th</sup>. The Director is in the process of reviewing resumes and scheduling interviews. Any Council members who would be interested in being involved in the interviewing process, let the Director know. Chief Magnant asked the Director about other vacancies within PSTC. The Director responded that interviews for the other vacancies will be done at the same time.

The Director was approached by Chip Sawyer and Ed Garone on behalf of the Chief's Association. There is a gentleman from Tire Warehouse who has a picture he would like to donate to the Academy and have PSTC display here. Tire Warehouse wanted to make the presentation at the Police Memorial Ceremony and the Director said "No." Their follow-up request was to make the presentation at a graduation ceremony. The Director passed around a copy of the picture for Council review. If the Council decided to permit Tire Warehouse to make this presentation at graduation, the Council would have to formally accept the gift. Another option would be to let the Chief's Association accept the donation and then the Chief's Association could ask PSTC to display the picture. Council discussion ensued. Chuck Annal questioned the symbolism the picture represents. Judge Roberts felt it was just a print and to keep it in that perspective. Chief Wrenn felt it should not be presented at graduation. If it is going to be accepted, it should be accepted without ceremony. Judge Champagne felt the Chief's Association should accept it and the Chief's Association should give it to the Academy for display purposes.

The Director has been selected to serve on a Supreme Court committee that is looking at Court Security. In addition to that, the Committee also made the Director Chairman of the Subcommittee on Transportation of that same group. The Committee wants to look at prisoner transportation, etc. The Director indicated that he would be approaching the Sheriff's Association and the Chief's Association to meet on the issue.

In closing of the Director's Report, Commissioner Curry asked if the Council had gotten any closer to an idea of how the state is going to implement HR-218? The Director responded that he had talked with Attorney Nancy Smith before the last meeting and she requested that she be given until the end of June to do the research. Chief Wrenn asked if anyone has had any requests in regard to this statute. Commissioner Curry indicated he is getting numerous requests from within his department. Chief Wrenn indicated he has had a couple of inquiries from his retired people but hasn't had anyone from outside the state. The Director has had approximately 50 calls over the past year and some of those calls have been from individuals out of state, who indicated that they were considering moving here, but first wanted to know how we were going to implement HR-218.

### *New Business*

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

##### Nonpublic Session to discuss Personnel Issue(s) – Gerard J. Trudel

Commissioner Curry recused himself from this hearing.

Chairman Prozzo read and reviewed Council protocol with Corrections Officer Gerard J. Trudel.

Following the motion made by Chief Wrenn, seconded by Judge Champagne, the Council voted unanimously on a roll-call vote to enter into a non-public session at 9:27 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 the motion by Chief Wrenn, seconded by Chief Dodge, the Council unanimously voted to seal the minutes of the non-public session.

Chief Wrenn then made the motion, seconded by Chief Morency, which carried unanimously on a roll-call vote to exit the non-public session at 9:40 a.m.

Upon returning to public session, Chief Wrenn made a motion to suspend certification of Officer Gerard Trudel for a period of 90 days beginning June 1, 2005, seconded by Chief Dodge. Discussion of the motion by Judge Champagne indicated that this situation warranted a longer suspension. Chief Dodge withdrew his second on the motion. Chief Wrenn withdrew his original motion and made a motion to suspend certification of Gerard Trudel for nine months due to the aggravated circumstances and the high BAC levels and that the suspension become effective as of June 1, 2005. This motion was seconded by Judge Champagne and was unanimously approved by the Council to

suspend Corrections Officer Gerard Trudel's certification for a period of 9-months beginning June 1, 2005.

Decertification – J. Scott Currier, formerly of Sandown Police Department

J. Scott Currier, formerly of Sandown Police Department, in violation of 402.02(a)(3); plead guilty to stalking on April 1, 2005 in Derry District Court. He was sentenced to 12 months in the House of Corrections, suspended two years conditioned upon probation and for one year enter into a domestic violence counseling program, with state approved providers, following all counselor recommendations, monthly counselor reports for probation, letter of apology to victim within 15 days to the Department of Corrections, no contact with the victim for two years and good behavior for a period of two years.

In this case, PSTC notified the individual of the hearing by certified mail, return receipt requested. The letter went out and it was not returned. Cassie checked with the probation officer and confirmed that, in fact, we had sent the letter to the correct address.

Apparently, Mr. Currier has decided not to return the card. The Director's recommendation in this case is to go forward with the case but that the Council preserve Mr. Currier's right to due process and hold a later hearing if he requests such. Submitted into evidence:

- Exhibit A - Form G from the NH State Police received February 15, 2005
- Exhibit B - Full-Time Officers Certification effective March 16, 1990
- Exhibit C - Form A, Sandown Police Department dated August 27, 1990
- Exhibit D - Stalking Conviction, Derry District Court, dated April 1, 2005
- Exhibit E - NH State Police Incident/Arrest Report dated February 6, 2005

**Synopsis:** On February 6, 2005, Trooper Christopher Roblee responded to a domestic disturbance at the request of Sandown Officer Jason Morrow. The residence was that of John Scott Currier, former Chief of Sandown, and that of his wife Denise Currier. Officer Morrow requested State Police assistance to avoid a conflict of interest. Officer Morrow told Trooper Roblee that Ms. Currier had redness on her throat with more pronounced coloration on her right side. Trooper Roblee spoke with Denise who was crying. Her eyes appeared glassy. He could detect a moderate odor of alcohol. She stated she had had a few drinks earlier. Denise told Trooper Roblee that she didn't want anything to happen to Mr. Currier and that she knew if something happened to him he would not be able to go back into police work. She further stated that this was not the first time this had happened. She told Trooper Roblee that she had come home about 8 p.m. and Mr. Currier was already at the residence in an agitated state. He verbally confronted her about her whereabouts during the day and said that he had gone by where she was supposed to be riding horses and did not see her truck there. He forced her to the floor with his hands on her throat and blocked her from loading her personal items into her truck and grabbed her when she went up the staircase. Ms. Currier stated she would provide a written statement then she changed her mind. Trooper Roblee spoke with Mr. Currier. His eyes were also glassy and he too had a slight odor of alcohol. Mr. Currier stated he had two or three beers while fishing. Mr. Currier would not provide a written or verbal statement. He had a cut on his left cheekbone and a scratch on his neck. Currier stated he did not know how he got the injury. He then stated it must have happened in

self defense and that she came at him twice. Trooper Winters advised Ms. Currier of her domestic violence rights which she refused to sign. She further stated she did not want to take out a restraining order. Mr. Currier's bail conditions included a no contact provision; he subsequently sent a letter to Ms. Currier in violation of those conditions and was charged with stalking. As stated above he plead guilty and was found guilty on April 1, 2005.

Since Major Hunter was unfamiliar with Council protocol, Cassie Erickson, Council's Paralegal, suggested Major Hunter recuse himself from Council vote on this case since it was a State Police investigation. On a motion by Judge Champagne to decertify J. Scott Currier, seconded by Judge Roberts, the Council unanimously voted to decertify J. Scott Currier.

### ***Prior Training & Experience Requests***

#### Full-Time

##### Christopher Hamilton – Lee Police Department

The Director outlined the request of Christopher R. Hamilton, Lee Police Department, for prior training and experience. On a motion by Chief Wrenn, seconded by Chief Morency, the Council voted unanimously to accept staff recommendation and grant Officer Hamilton full-time certification with no further requirements.

##### Stacy F. Edmunds – NH State Police

The Director outlined the request of Stacy F. Edmunds, NH State Police, for prior training and experience. On a motion by Judge Roberts, seconded by Deputy Commissioner Annal, the Council voted unanimously to accept staff recommendation and grant Officer Edmunds full-time certification upon successful completion of the medical, PT test, New Hampshire law package at the Full-Time Academy and First Aid/CPR, if lapsed.

##### Thomas Dronsfield – Lee Police Department

The Director outlined the request of Thomas Dronsfield, Lee Police Department, for prior training and experience. The Director noted that Officer Dronsfield did not meet the matrix for the Law Package due to the length of time he had been out of law enforcement. He did, however, have a long career prior to his resigning. Chief Murch of Lee made a presentation on behalf of Officer Dronsfield outlining the reasoning behind why Officer Dronsfield should be granted prior training and experience. Chief Murch had provided Council Members with a bound package of information regarding Officer Dronsfield for their review prior to his appearance before the Council today. The Chief recognized the medical, PT test and NH law package would have to be completed but he hoped the Council would give PT&E credit so that Officer Dronsfield would not be required to attend the entire Full-Time Academy. Officer Dronsfield has had numerous in-service courses to supplement the initial Full-Time Academy he originally attended in New Hampshire. The Council asked why Officer Dronsfield didn't want to attend the entire

Full-Time Academy as the Council thought he would be a positive influence for the Academy. The Chief indicated that Officer Dronsfield has no objection to attending the Full-Time Academy. The Chief indicated that it would be very difficult to lose Officer Dronsfield for 13-weeks if it really wasn't necessary to due to the small size of the Lee Police Department.

Chief Wrenn made a motion stating that Officer Dronsfield be required to successfully complete the NH Law Package, medical and PT testing for granting full-time certification which was seconded by Commissioner Currier and opened for discussion of the Council.

Chief Magnant asked for comments from the Director regarding his recommendation. The Director noted that the matrix was meant to be a guide and that his concern was not at an individual level but at a precedent setting level. As long as the Council clearly states why they came to the conclusion they reached, the Director felt that it would be acceptable. When the Director reviewed the in-service courses the officer had taken, he noted that some of the material the officer might have missed in the structure of the current Academy was taken through the in-service classes. The only other classes the Director felt the officer should take were Officer Survival and Simunitions due to the length of time he had been out of law enforcement.

Chief Wrenn noted he made his motion after reviewing Officer Dronsfield's resume. Chief Wrenn felt that the officer had done enough within a 10- year span that would make attending the Academy redundant. Chief Wrenn indicated his motion would stand. Judge Roberts supported Chief Wrenn's motion. Chief Magnant indicated he would vote against this motion as it stood. Chief Magnant was in agreement with the Director that the officer should attend firearms and survival due to the length of time the officer had been out of police work.

On the motion made by Chief Wrenn stating that Officer Dronsfield, upon successful completion of the NH Law Package at the Full-Time Academy, medical and PT testing, be granted full-time certification, seconded by Commissioner Currier, the Council voted and the motion passed with 7 for and 4 against. Those against the motion as called were Judge Champagne, Chief Magnant, Deputy Commissioner Annal and Chairman Prozzo.

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

#### **Full-Time**

After the Director outlined the reasons for the extension requests, on a motion by Chief Wrenn, seconded by Chief Magnant, the Council voted unanimously to grant extensions through the 138<sup>th</sup> Academy to Full-Time Officers Robert L. Bacon, Bristol Police Department; Sean J. O'Reilly, Middleton Police Department; and Gary C. O'Brien, Seabrook Police Department.

#### **Part-Time**

After the Director outlined the reason for the extension request, on a motion by Chief Dodge, seconded by Commissioner Curry to grant Officer David F. Kratz an extension

through the 245<sup>th</sup> Part-Time School, the Council decided to open it up for discussion. Chief Wrenn was concerned that since the next part-time school was not until the fall, Officer Kratz would be operating without any training. Council was concerned about putting the requirement that the officer must work in conjunction with a full-time certified officer would be a hardship on the department. A suggestion was made that the officer go through some type of FTO program. The Director suggested that he provide the officer with some computer based training until he comes to the fall Part-Time School. Council wants the Chief to provide a letter outlining what the Chief has done to make this officer skillful and knowledgeable enough to be in a cruiser. Chief Magnant feels Council should be willing to grant the extension with restrictions.

Upon further review of Officer Kratz' file, the Director highlighted that Officer Kratz had, in fact, completed 7 of the 10 modules at the Part-Time School prior to his deployment to Iraq. He is currently missing Motor Vehicle Law, Drug ID, and Juvenile Law. The Director indicated that he could provide Officer Kratz with the Motor Vehicle Law module on a CD training a package, although he would have to retake this module at the Part-Time School in the fall.

The Council voted down the original motion by Chief Dodge, seconded by Commissioner Curry to grant Officer David F. Kratz an extension through the 245<sup>th</sup> Part-Time School.

Then, on a motion by Chief Wrenn that the Council grant an extension for Officer David F. Kratz with the requirement that he successfully complete the Motor Vehicle Law module through the computerized training program at PSTC within 15 days, seconded by Chief Morency, the Council voted unanimously to grant the extension with the aforesaid requirement.

In light of the type of training issue that occurred with Officer David Kratz, Chairman Prozzo has asked the Director to develop a computerized program for use with new hires/extension requests to alleviate training gaps while waiting for an academy/part-time school to begin. Chairman Prozzo asked the Director to bring the proposed plan before the Council for review.

### ***Other Business***

#### **Requests to Exceed the 1300 Hour Rule**

**Greenland Police Department.** The Director outlined Greenland Police Department's request that Part-Time Officer Thomas F. Simmons be granted a waiver of the 1300-hour rule and be permitted to work unlimited part-time hours. Officer Simmons was employed full-time with Greenland PD from July 3, 1995 until he retired on April 1, 2005. On a motion by Chief Wrenn, seconded by Chief Dodge, the Council voted unanimously to grant Officer Simmons the waiver of the 1300-rule and permit him to work unlimited part-time hours for Greenland Police Department.

### **3-Year PT Testing**

**Strafford Police Department.** Officer Timothy I. Sawyer, Strafford Police Department requests a 6-month extension at the recommendation of his physician to comply with NH RSA 188-F:27, III-d and III-F. Officer Sawyer was previously granted a 6-month waiver due to an injury. On a motion by Judge Roberts to accept staff recommendation and grant the 6-month extension to Officer Timothy I. Sawyer, seconded by Associate Attorney General Ann Rice, the Council voted unanimously to grant Officer Sawyer an additional 6-month PT testing waiver per recommendation of his physician.

**Department of Corrections.** Corrections Officer Kelly A. Olsen, NH Department of Corrections, requests a 6-month extension at the recommendation of her physician to comply with NH RSA 188-F:27, III-d and III-F. Officer Olsen was previously granted a 6-month waiver due to an injury. On a motion by Judge Roberts to accept staff recommendation and grant the 6-month extension to Officer Kelly A. Olsen, seconded by Associate Attorney General Ann Rice, the Council voted unanimously to grant Officer Olsen an additional 6-month PT testing waiver per recommendation of her physician.

**Department of Corrections.** Show cause hearing on Officer Jessica L. Riendeau, Department of Corrections, regarding why certification should not be suspended for failure to comply with NH RSA 188-F:27, III-d and III-F has been removed from the agenda due to the receipt of her paperwork on May 23, 2005, indicating she is now in compliance.

### ***General Discussion***

#### **Hampton 3-Year PT Testing/Medical Exam Grievance**

Chief Wrenn brought before the Council Hampton Police Department's PT Testing Medical Exam Grievance case that went to arbitration. The arbitrator who heard the case split the decision. The arbitrator decision was that Hampton had not violated the collective bargaining agreement and that there was no liability to pay for the medical examination or to reimburse the officers for their co-pays charged in going for the medical exams. However, when it came to the agility tests, Hampton had sent out a notice with language explaining to the officers that had said it was mandatory and that they had to comply with this testing and the police department had set a date and time. The arbitrator said this was, in fact, symbolic of an order. If you are going to order the officer to undergo any sort of testing, as in this case, it would be subject to the call-back provision in the collective bargaining agreement and the department would be required to pay the officer the call-back which in Hampton's case would be a 3-hour call back. Hampton will have to pay the 3-hour call-in for the 6 officers that had to do the 3-year testing this year.

The problem that Hampton encountered upon review of this material was on some of the forms. One form was the PSTC Form that the Officers fill out and sign--PSTC Form, Confirmation and Notification of New Hampshire State Law RSA 188-F:27, which basically advises the officer that there is a medical requirement and physical agility



requirement every three years. There's a paragraph on that form that says "Notice: If hired by this department you are hereby notified that this department is required to impose this requirement on you as a condition of employment and continued employment and your acceptance of an offer of employment with this agency signifies your awareness of this fact." The attorneys for Hampton had found that to be extremely problematic because what this is stating is that the State is saying to the Department is that you have to make this requirement work and the attorneys felt that this will be looked at as a mandatory testing process and the department will have to pay for everything. It is Chief Wrenn's recommendation that that language be removed from the form. Chief Wrenn feels the form itself is workable because the arbitrator did ask if the officer received notice of these requirements when the officer was hired. It is going to be Hampton's position that the department does not do the testing any more. Police Standards and Training is going to have to do the testing and the officers are going to have to drive here to have it done. The onus will be on the officers to satisfy their certification requirements without any further notification from the department.

The Director believes the intent of the language on the form was a requirement for the department to give the officers the form and have them sign it. The Director asked if the language was clarified would that be ok? Chief Wrenn responded that he felt that there should not be any requirement put on the department

Chief Magnant noted that his department is also going to arbitration on the same issues and Portsmouth's attorneys have made the same statements about that paragraph on the PSTC form. It should be a State Form and not impose an obligation on the city or the department, in Chief Magnant's opinion.

The Director noted that as the full impact of this law is felt, it will be very difficult for PSTC to test approximately 1700 officers a year. He, however, understands the positions of the departments. Therefore, if the law is not repealed, PSTC will take on the testing responsibility; it will, however, be a financial burden. Chief Magnant felt it will eventually work itself out through collective bargaining agreements.

The Director asked if he could still send mail to the officers at the departments for which they work? Council members did not see that as problematic. The Director agreed to remove the paragraph in question at the request of the Council members.

### **Non-Public Session to Discuss Personnel Issues**

The Director requested to go into nonpublic session to discuss personnel issues.

Following a motion made by Chief Dodge and seconded by Chief Morency, the Council voted unanimously on a roll-call vote to enter into a non-public session at 11:15 a.m. for the purposes of discussing personnel matters.

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

Chief Wrenn then made a motion, seconded by Chief Magnant that carried unanimously on a roll-call vote to exit the non-public session at 12:18 p.m.

Upon return to public session, Chief Wrenn made a motion that in order to prevent a certification from being issued in error, no certification be issued to Colin Wentworth until the Council has had the opportunity to hold a hearing on the circumstances involved in Colin Wentworth's background, in conjunction with any additional information that may come to light from other sources; motion was seconded by Judge Roberts. The Council voted unanimously on this motion deciding not issue certification until such time as a hearing is held to determine the validity of issuing certification to Colin Wentworth.

Chief Wrenn noted that in the second case discussed in the nonpublic session if the Director feels there has been any falsification of forms or information, the individual needs to be brought in to address these matters.

***Next Meeting Date/Adjournment***

After scheduling the next Council Meeting for 9:00 a.m., Tuesday, June 28, 2005, in the John Morton conference room, the Council unanimously voted to adjourn the meeting at 12:33 p.m. on a motion by Chief Dodge and seconded by Colonel Booth.

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Chairman Michael L. Prozzo