

MINUTES

July 27, 2006

The 350th 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: Chief Michael J. Magnant, Portsmouth Police Department; Chief Timothy Russell, Henniker Police Department; Chief Gregory C. Dodge, Epping Police Department; Chief Peter P. Morency, Berlin Police Department; Sheriff Scott A. Carr, Carroll County Sheriff's Department; Associate Justice Norman E. Champagne, Manchester District Court; Associate Justice Stephen H. Roberts, Dover District Court; Colonel Frederick H. Booth, NH State Police; Assistant Commissioner Les Dolecal, designee of Commissioner William L. Wrenn, Jr., Department of Corrections; Deputy Commissioner Charles Annal, designee of Commissioner William G. Simonton of the NH Community Technical College System; and Attorney General Kelly A. Ayotte.

Staff Present: Assistant Director Robert B. Stafford, Jr., Paralegal Cassandra Erickson and Secretary Denise Crocker. Director Keith H. Lohmann was excused from the meeting as he was representing the Council at the National CALEA Conference in Kentucky.

Commissioner William L. Wrenn, Jr., Department of Corrections was excused from today's meeting due to prior commitments.

Guests: Officer Richard Belanger, Chester Police Department; Chief Alfred J. Wagner, Chester Police Department; Chief David C. Bailey, Bedford Police Department; Officer Christopher Boucher, Sunapee Police Department; and Chief David P. Cahill, Sunapee Police Department.

Approval of Minutes

Following a motion by Chief Dodge, seconded by Chief Morency, the Council voted unanimously to accept the Minutes of the June 27, 2006 meeting as presented.

On a motion by Chief Dodge, seconded by Attorney General Ayotte to take the agenda items out of sequence and to move directly to "Other Business" to address the Compliance Issue of the Mason Police Department and Officer Richard Belanger's violation of the 1300-hours Rule, the Council unanimously agreed to hear the compliance

matter before any other agenda item.

Compliance Hearing - Violation of the 1300-Hours Rule. The Assistant Director outlined the details of this case. **Officer Richard Belanger** of the **Mason Police Department** exceeded the 1300-hours rule for two consecutive years (2004 and 2005) in violation of Pol 302.12. The officer stated that he has worked 18 years as a part-time officer and never had a problem until he attempted to become a full-time officer. The physical demands and a medical issue prevented him from meeting the requirements of the full-time Academy and subsequently the temporary movement to full-time from part-time attributed to his exceeding the 1300-hours limit. That coupled with the fact that he was employed by more than one department and a miscalculation of hours on his part caused him to exceed the limit. He is now currently employed by only one department.

Chief Russell noted that he continues to feel that it is a dual responsibility of the officer and the Chiefs to monitor the hours of part-time officers to prevent them from exceeding the 1300 hours rule. Sheriff Prozzo noted that if the officer is working for more than one community, the responsibility should be on the officer to keep track of his time. Chief Russell asked the questions: “Whose responsibility is it to enforce the rule? Is it the officer or the Chief? Is the rule on the books directed to the Chiefs, to the Administration or to the Officer or to all of them? Sheriff Prozzo’s answer was that the officer is responsible for his certification. The Chief has some responsibility but the primary responsibility belongs to the officer.

On a motion by Judge Champagne, seconded by Attorney General Ayotte, that Officer Belanger not exceed 1216.5 for the 2006 calendar year and if he should do so it would be a violation of Pol 302.12 for the third consecutive year and the Council would then require Officer Belanger to appear before them for a decertification hearing, the Council voted unanimously to accept the motion as stated.

Director’s Report

Director’s Business Trip. Director Lohmann is headed to Kentucky to address CALEA on the Alliance issue and will be joined later in the week by Sheriff Prozzo.

Police Academy. The 140th Police Academy graduated on June 30th with Governor Lynch and Sheriff Carr addressing the graduates.

Compliance Check. The compliance check that was discussed at the last meeting in Alexandria is complete and PSTC is providing technical assistance to the police department.

Part-Time Curriculum Committee. The Committee met last week which resulted in a proposal which the Director will be presenting to the Council at the August Meeting.

NHTI-Cafeteria. The Director recently met with NHTI officials concerning the cafeteria expansion and President Kilchenstein will be attending the August meeting to give a presentation about the expansion and what NHTI feels PSTC's financial role is in the expansion.

Audit Follow-up. Last week the Director and Assistant Director met with the Administrative Services Auditor regarding some of the follow-up questions that the LBA auditor had and it appears that his inquiries have been satisfied. It is expected that his final report will be forthcoming.

Meeting w/Dept. of Safety and Administrative Offices of the Courts. The Director and Assistant Director met with Wes Colby and others from Safety and Dale Trombly from the Courts about developing a more accurate accounting for PSTC revenue. After meeting with them, the Director and Assistant Director felt comfortable with the revenues PSTC is receiving and also how they are reporting them which will hopefully meet the auditors' requirements.

August Council Meeting. The Assistant Director requested a change in the date for the August Council Meeting due to vacations and other commitments of the staff. The request was to move the meeting from August 22nd to August 29th. The Council members agreed to change the meeting to August 29th to meet staff needs.

Old Business

Michael E. Crowell, Loudon Police Department. The Assistant Director outlined the PT&E for this officer and noted that at the May meeting the Director had requested this agenda item be tabled until he could gather some additional information. The issue was that the officer had resigned in lieu of dismissal from Webster Police Department. The Assistant Director indicated that the written report from the Compliance Officer who did the investigation had not yet been received. Judge Champagne felt that this may not be a PT&E issue but a certification issue. Council Members requested additional information.

On a motion by Attorney General Ayotte, seconded by Colonel Booth, to table the PT&E request for Michael E. Crowell, Loudon Police Department, until more information is gathered on the reason for this officer's resignation in lieu of dismissal from the Webster Police Department, the Council voted unanimously to table this request until this information is available to them.

Daniel A. Whitman, Fremont Police Department. A letter from the Fremont Police Chief was received requesting reconsideration of the Council's decision of June 27, 2006. Staff recommends that since it is the intention to hire Officer Whitman after next town meeting, if not before then, the staff recommends that Officer Whitman attend the **full-time** law package (as opposed to the original PT school); and then at such time as Officer Whitman does go back to full-time, he would have to apply for full-time PT&E. At that time the staff recommendation would probably be the fitness test, and first aid/CPR, if

lapsed. The reasoning behind this is that if the town is going to hire him full-time there is no sense in sending him to the part-time school and then have him attend the Law Package soon after that.

On a motion by Chief Dodge, seconded by Sheriff Carr, to reconsider the Council's decision regarding the PT&E of Daniel Whitman, Fremont Police Department, at their June 27, 2006 meeting, the Council voted unanimously to reconsider the decision that was made on this matter at the June 27, 2006 meeting.

On a motion by Sheriff Carr, seconded by Judge Champagne, that Daniel Whitman of the Fremont Police Department, be permitted, upon successful completion of the PT test, to attend the NH Law Package at the Full-Time Academy and in the event that Mr. Whitman fails the PT test be required to attend the entire Part-Time School, the Council voted unanimously to grant this request which was adjusted from the Council's original decision at its June meeting.

New Business

Decertification/Suspensions/Revocations/Surrenders. There were no decertifications this month.

Nonpublic Session – To Discuss Personnel Matters

The Chairman requested a non-public session to discuss some personnel matters.

Following a motion made by Judge Champagne, seconded by Chief Magnant, the Council voted unanimously on a roll-call vote to enter into a nonpublic session.

Following the discussion of several matters, on a motion made by Sheriff Carr, seconded by Chief Dodge, the Council voted unanimously to seal the minutes of the nonpublic session.

Chief Dodge then made a motion, seconded by Attorney General Ayotte, which carried unanimously by the Council on a roll-call vote to exit the nonpublic session.

Upon return to public session, on a motion by Sheriff Carr, seconded by Judge Roberts, that in light of information brought to the Council's attention in regard to **Lee Police Department's Officer Ian Lauder**'s medical issues and the provisions under which his original certification was issued that Officer Lauder be required to permit his medical records be reviewed and to undergo a medical evaluation by an agency-selected physician to determine his ability to perform his duties and maintain his certification, the Council majority voted to have Officer Lauder and his medical records be evaluated by an agency-selected physician, with Chief Russell voting against this motion.

Christopher W. Storti, Bedford Police Department. In the matter of the PT&E request of Christopher Storti, on a motion by Chief Dodge, seconded by Chief Magnant, that PT&E be granted to Christopher Storti based upon the resubmission of Long Form E correcting the discrepancies and providing explanations that were omitted on the original form to be satisfied by the Director and further that Mr. Storti attend the August 14th PT test, the Council voted unanimously to grant PT&E for full-time certification to Christopher Storti with the stipulations listed in the motion above and staff recommendation of successful completion of the medical, PT, NH Law Package at the Full-Time Academy and First Aid/CPR, if lapsed.

Christopher Boucher, Sunapee Police Department. In the matter of the PT&E request of Christopher Boucher, on a motion by Chief Dodge, seconded by Sheriff Carr, that Christopher Boucher of the Sunapee Police Department be granted PT&E for full-time certification based upon the explanation of Chief Cahill regarding correction of some errors on the dates of some information contained on the Long Form E, the Council voted unanimously to grant Christopher Boucher full-time certification upon successful completion of the medical, PT, NH Law Package at the Full-Time Academy and First Aid/CPR, if lapsed.

Prior Training and Experience Requests

Full-Time

Jesus Ostolaza, Jr., Pembroke Police Department. The Assistant Director outlined the PT&E request of Jesus Ostolaza of the Pembroke Police Department for full-time certification. On a motion by Sheriff Carr, seconded by Chief Morency to grant full-time certification, based on staff recommendation upon successful completion of the medical, PT, NH Law Package at the Full-Time Academy, Firearms Training and First Aid/CPR, if lapsed, the Council unanimously granted the PT&E request of Jesus Ostolaza based on staff recommendation.

Michael A. Manfredi, Belmont Police Department. The Assistant Director outlined the PT&E request of Michael Manfredi of the Belmont Police Department for full-time certification. On the motion by Sheriff Carr, seconded by Chief Morency to grant full-time certification based on staff recommendation upon successful completion of the medical, PT, NH Law Package at the Full-Time Academy, and First Aid/CPR, if lapsed, the Council unanimously granted the PT&E request of Michael Manfredi on staff recommendation.

Marcello D'Alessandro, Alstead Police Department. The Assistant Director outlined the PT&E request of Marcello D'Alessandro of the Alstead Police Department for full-time certification. On the motion by Sheriff Carr, seconded by Chief Morency to grant full-time certification based on staff recommendation upon successful completion of the medical, PT, NH Law Package at the Full-Time Academy, and First Aid/CPR, if lapsed, the Council unanimously granted the PT&E request of Marcello D'Alessandro on staff recommendation.

Dick Scott, Concord Police Department. The Assistant Director outlined the PT&E request of Dick Scott of the Concord Police Department for full-time certification. On the motion by Sheriff Carr, seconded by Chief Morency to grant full-time certification based on staff recommendation upon successful completion of the medical, PT, NH Law Package at the Full-Time Academy, and First Aid/CPR, if lapsed, the Council unanimously granted the PT&E request of Dick Scott on staff recommendation.

Michael R. Fawcett, Londonderry Police Department. The Assistant Director outlined the PT&E request of Michael Fawcett of the Londonderry Police Department for full-time certification. On the motion by Sheriff Carr, seconded by Chief Morency to grant full-time certification based on staff recommendation upon successful completion of the medical, PT, NH Law Package at the Full-Time Academy, Firearms Training and First Aid/CPR, if lapsed, the Council unanimously granted the PT&E request of Michael Fawcett on staff recommendation.

Mark W. Mele, Sr. Lebanon Police Department. The Assistant Director outlined the PT&E request of Mark Mele of the Lebanon Police Department for full-time certification. On the motion by Sheriff Carr, seconded by Chief Morency to grant full-time certification based on staff recommendation upon successful completion of the medical, PT, NH Law Package at the Full-Time Academy, and First Aid, if lapsed, the Council unanimously granted the PT&E request of Mark Mele on staff recommendation. He is currently CPR certified.

Requests for Extensions

Full-Time

Reginald Crone, Farmington Police Department

After the Assistant Director outlined the reason for the request for extension through the 141st Academy, on a motion by Colonel Booth, seconded by Chief Russell, the Council voted unanimously to grant the extension through the 141st Full-Time Academy to Officer Crone, Farmington Police Department.

William R. Hardy, Jr., Newbury Police Department

After the Assistant Director outlined the reason for the request for extension through the 141st Academy, on a motion by Colonel Booth, seconded by Chief Russell, the Council voted unanimously to grant the extension through the 141st Full-Time Academy to Officer Hardy, Newbury Police Department.

Ernest G. Rowe, Newport Police Department

After the Assistant Director outlined the reason for the request for extension through the 141st Academy, on a motion by Colonel Booth, seconded by Chief Russell, the Council voted unanimously to grant the extension through the 141st Full-Time Academy to Officer Rowe, Newport Police Department.

Andrew B. Salmon, Tilton, Police Department

After the Assistant Director outlined the reason for the request for extension through the 141st Academy, on a motion by Colonel Booth, seconded by Chief Russell, the Council voted unanimously to grant the extension through the 141st Full-Time Academy to Officer Salmon, Tilton Police Department.

James J. Fisher, Jr., Winchester Police Department

After the Assistant Director outlined the reason for the request for extension through the 142nd Academy, on a motion by Colonel Booth, seconded by Chief Russell, the Council voted unanimously to grant the extension through the 142nd Full-Time Academy to Officer Fisher, Winchester Police Department.

Stacy Seluk, Chichester Police Department

After the Assistant Director outlined the reason for the request for extension through the 142nd Academy, on a motion by Colonel Booth, seconded by Chief Russell, the Council voted unanimously to grant the extension through the 142nd Full-Time Academy to Officer Seluk, Chichester Police Department.

Joseph M. Freda, Brookline Police Department

After the Assistant Director outlined the reason for the request for extension through the 142nd Academy, on a motion by Colonel Booth, seconded by Chief Russell, the Council voted unanimously to grant the extension through the 142nd Full-Time Academy to Officer Freda, Brookline Police Department.

Part-Time – Marine Patrol Officers- 248th Part-Time School

After the Assistant Director outlined the reason for the requests for extension through the 248th Part-Time School for the Marine Patrol Officers listed below, on a motion by Colonel Booth, seconded by Judge Champagne, the Council voted unanimously to grant the extensions through the 248th Part-Time School to the ten officers listed in the list below:

**Christopher Ball
Evan R. Boulanger
Derek O. Gray
Corey R. Lewandowski
Matthew G. Randall**

**Adam C. Bastone
Tricia L. Currier
Robert A. Hill
Jesse D. Middleton
Kyle J. Shute**

Part-Time – Marine Patrol Officers - 249th Part-Time School

After the Assistant Director outlined the reason for the requests for extension through the 249th Part-Time School for the Marine Patrol Officers listed below, on a motion by Colonel Booth, seconded by Judge Champagne, the Council voted unanimously to grant the extensions through the 249th Part-Time School to the eight officers listed in the list below:

**Fred J. Butler
Raymond A. Grenier
Ryan C. Murphy
Fawn M. Woodman**

**Daniel P. Cossette
Jonathan R. Jangro
Daniel B. Thomas, III
Richard S.C. Yu**

Part-Time – Marine Patrol Officer - 251st Part-Time School

After the Assistant Director outlined the reason for the request for extension through the 251st Part-Time School for **Marine Patrol Officer Angela K. Lyford** who is in the military and was being deployed overseas during July 2006, on a motion by Colonel Booth, seconded by Judge Champagne, the Council voted unanimously to grant the extension through the 251st Part-Time School for Officer Lyford.

Chief Russell asked that Director Barrett be asked to come before the Council to explain the reasoning behind the approach to the timeframes for the training schedules and Judge Roberts requested that Director Barrett also address questions regarding these officers having law enforcement powers without any formal Council training.

Specialized Training Grants

Command Training

Lebanon Police Department. The Assistant Director outlined the request of the Lebanon Police Department to send **Sergeant Philip J. Roberts** to Roger Williams University's Command Training Series First Line Supervisor's Course in Portsmouth, Rhode Island from September 11-22, 2006 at a cost of \$1,000. On a motion by Chief Dodge, seconded by Chief Morency, the Council unanimously approved the grant request of the Lebanon Police Department for Sergeant Roberts.

Farmington Police Department. The Assistant Director outlined the request of the Farmington Police Department to send **Corporal Scott Ferguson** to Roger Williams University's Command Training Series First Line Supervisor's Course in Portsmouth, Rhode Island from September 11-22, 2006 at a cost of \$1,000. On a motion by Chief Dodge, seconded by Chief Morency, the Council unanimously approved the grant request of the Farmington Police Department for Corporal Ferguson.

Hollis Police Department. The Assistant Director outlined the request of the Hollis Police Department to send **Lieutenant James P. Sartell** to Roger Williams University's Command Training Series Mid-Level Management Course in Portsmouth, Rhode Island from October 23-November 3, 2006 at a cost of \$1,000. On a motion by Chief Dodge, seconded by Chief Morency, the Council unanimously approved the grant request of the Hollis Police Department for Lieutenant Sartell.

Pembroke Police Department. The Assistant Director outlined the request of the Pembroke Police Department to send **Sergeant Dwayne Gilman** to Roger Williams University's Command Training Series First Line Supervisor's Course in Portsmouth, Rhode Island from September 11-22, 2006 at a cost of \$1,000. On a motion by Chief Dodge, seconded by Chief Morency, the Council unanimously approved the grant request of the Pembroke Police Department for Sergeant Gilman.

Other Training

Seabrook Police Department. The Assistant Director outlined the request of the Seabrook Police Department to send **Lieutenant Lee Bitomske, Sergeant Michael Gallagher, Sergeant Jason Allen, and Sergeant Dana Bedell** to the 1st Annual Alumni Reunion and Training Forum at Roger Williams University from July 31 – August 2, 2006. On a motion by Judge Champagne, seconded by Colonel Booth, to deny Seabrook's request based on the fact that the Council had previously established a policy to no longer fund conferences, expositions or similar annual events, the Council unanimously voted to deny Seabrook's request for \$501.60 to send the above officers to the Annual Alumni Reunion at Roger Williams University.

Swansey Police Department. The Assistant Director outlined the request of the Swansey Police Department to send **Sergeant Mark Chamberlain and Corporal Joel Sampson** to the FBI-LEEDA Supervisor Leadership Institute sponsored by the Portsmouth Police Department from September 10-15, 2006 at a cost of \$1,383.19. Chief Russell asked if there was a policy regarding allowing more than one officer from a department to attend the same training session. Sheriff Prozzo indicated that there has been no precedent or policy set in this regard. Judge Champagne questioned what has been done in the past regarding in-state training by private organizations and asked for staff recommendation. Sheriff Prozzo noted that In-state training has been limited to specific groups requesting funds, i.e., the SWAT training that was done last year. The Assistant Director indicated that officers have been sent to this program when it has been

offered in other states. Staff would recommend this grant request be approved. The Attorney General felt the Council should approve in-state training requests as it saves on the travel expenses.

On a motion by Chief Dodge, seconded by Chief Morency, with Chief Magnant abstaining from the vote, the Council unanimously voted to grant Swanzey's request for \$1,383.19 to send **Sergeant Mark Chamberlain and Corporal Joel Sampson** to the FBI-LEEDA Supervisor Leadership Institute being held in Portsmouth, NH.

Belmont Police Department. The Assistant Director outlined the request of the Belmont Police Department to send **Officer Sean Sullivan** to the Police Motorcycle Instructor Training School sponsored by Harley Davidson and Northwest University in Arlington, Virginia from September 10-30, 2006 at a cost of \$2,761.34. On a motion by Attorney General Ayotte, seconded by Chief Russell, the Council unanimously voted to grant Belmont's request for \$2,761.34 to send Officer Sullivan to the Police Motorcycle Instructor Training School. The Assistant Director noted that Chief Baiocchi has agreed to make the officer available to PSTC as an instructor should PSTC run its own course offerings or should other departments run a similar program.

Division of Ports and Harbors. The Assistant Director outlined the request of the Division of Ports and Harbors to send **Harbor Master Tracy Shattuck and Deputy Harbor Master Grant Nichols** to the 5th Annual Maritime Security Exposition and Conference at the Jacob Javits Center in New York City from September 18-20, 2006 at a cost of \$1,230.66. On a motion by Judge Roberts, seconded by Colonel Booth, the Council unanimously voted to deny the Division of Ports and Harbors' request for \$1,230.66 to send Harbor Master Shattuck and Deputy Harbor Master Nichols to the 5th Annual Maritime Security Exposition and Conference. This request falls under the Council's position that it will no longer continue to provide funding for annual conferences and expositions.

Kingston Police Department. The Assistant Director outlined the request of the Kingston Police Department to send **Patrolman John Ventura and Captain James Champion** to Sniper Training at Crosshairs Training Academy in Keene, New Hampshire from September 18-22, 2006 at a cost of \$1,062.67. The Assistant Director noted that this request was previously submitted in February, 2006 and it was denied because of lack of funding. On a motion by Chief Magnant, seconded by Chief Dodge, the Council unanimously voted to grant Kingston's Police Department's request for \$1,062.67 to send Patrolman John Ventura and Captain James Champion to Sniper Training at Crosshairs.

Other Business

Fitness Testing Extensions

Department of Corrections. The Assistant Director outlined the request of **DOC Officer Mary McCormack** for an additional medical extension through December, 2006 due to a serious ongoing medical condition. On a motion by Chief Magnant, seconded by Attorney General Ayotte, the Council unanimously voted, with Les Dolecal abstaining from the vote, to grant Officer McCormack the medical extension through December, 2006.

Brentwood Police Department. The Assistant Director outlined the request of **Officer Randall Frotton** for an additional military leave extension through December, 2006 due to his continued deployment in active military service. On a motion by Chief Magnant, seconded by Attorney General Ayotte, the Council unanimously voted to grant Officer Frotton the military leave extension through December, 2006.

Department of Corrections. The Assistant Director requested a show cause hearing for **DOC Officer Ciprian Susca** due to his lack response in submitting paperwork verifying his ongoing medical condition. On a motion by Chief Magnant, seconded by Attorney General Ayotte, with Les Dolecal abstaining from the vote, the Council unanimously voted to request Officer Ciprian Susca's appearance before the Council for a Show Cause Hearing.

General Discussion

Physical Fitness Standards. Chief Russell asked if PSTC was still in compliance with the current Cooper Standards. The Assistant Director noted that PSTC has not updated to Coopers most recent changes and that that would be accomplished for the January Academy.

Contracts for Training. Sheriff Carr brought up a request from a police department that the Council support departments in having recruits sign contracts that state that the recruit commit to a certain number of years with that department after that department pays for the recruit's training at the Academy and if the recruit should leave that department that the agency be reimbursed for the training or the Council would impose sanctions. The Council felt that this was not an area that they should become involved in. This issue was between agencies and recruits. Judge Champagne indicated Council authority surrounds certification not hiring. One Council member suggested it may be something to be incorporate into their collective bargaining agreement. Another suggestion was that this police department speak to other departments which have had success in recouping funds.

Complaint from Recruit. There was a complaint from a Chief that there were no parameters on the first day of the Academy program. Two Council members received this same complaint. This Chief was a veteran police officer from another state and he

has taken a position in NH and was subjected to the first day PT test in the same way as a new recruit and he felt it was humiliating and haphazard and felt there should be a separate day for veteran officers taking a position in New Hampshire. Chief Dodge suggested that he formalize his complaint in writing to the Council.

Next Meeting Date/Adjournment

After scheduling the next Council Meeting date for 9:00 a.m., Tuesday, August 29, 2006, in the John D. Morton Conference Room, the Council unanimously voted to adjourn the meeting at 11:25 a.m., on a motion by Chief Dodge and seconded by Chief Morency.

Chairman Michael L. Prozzo, Jr.