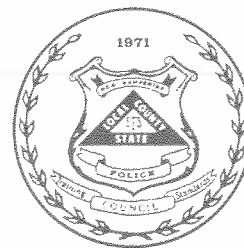




Sheriff Michael L. Prozzo, Jr.
Chairman

State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
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Donald L. Vittum
Director

August 26, 2008

The 375th meeting of the New Hampshire Police Standards and Training Council was called to order at 9:02 a.m. by Chairman Michael L. Prozzo Jr., Sheriff of Sullivan County, in the John D. Morton conference room at the Arthur D. Kehas Law Enforcement Training Facility and Campus in Concord, New Hampshire.

Members Present: Chief Gregory C. Dodge, Epping Police Department; Commissioner William L. Wrenn, Jr., New Hampshire Department of Corrections; Associate Justice Norman E. Champagne, Manchester District Court; Colonel Frederick H. Booth, New Hampshire State Police; Chief Michael J. Magnant, Portsmouth Police Department; Chief Peter Morency, Berlin Police Department; Chief Timothy Russell, Henniker Police Department; Associate Justice Stephen H. Roberts, Dover District Court; and, Deputy Attorney General Bud Fitch, designee of Attorney General Kelly Ayotte.

Members Absent: Vice Chancellor Charles Annal, New Hampshire Community College System.

Staff Present: Director Donald L. Vittum, Mr. Keith H. Lohmann, (Ret.) Chief Timothy Merrill, Captain Benjamin Jean, Investigative Paralegal Anne Paquin, and Council Secretary Kathryn Day.

Guests Present: Lisa Censabella and Chief James Pushee, Deering Police Department; and, Corrections Officer Glenn Bergeron.

Call to Order: Chairman Prozzo called the meeting to order at 9:02 a.m. Chief Magnant arrived within a few moments. Colonel Booth arrived at 9:35 a.m.

Approval of Minutes

Upon a motion by Chief Dodge, seconded by Chief Morency, the Council was in unanimous agreement to approve the minutes as presented.

Director's Report

The Director commented on the current status of the 147th Academy. Sixty recruits attended the first day of the Academy on Monday, August 25. Thirteen other candidates failed to successfully complete the entrance fitness test. Two of the sixty recruits attending on Day 1 have dropped out – one who was terminated by their agency and another who was withdrawn by their agency because of an injury. These two openings were filled immediately by two agencies with recruits who had been placed on a waiting

list following their successful PT. There is now no backlog of qualified recruits, no one on a waiting list. The LIFO policy that is in place is working well; to date, no agency has suggested an alternative procedure.

The Director described the failures of the disqualified candidates as “substantial,” and their agencies were informed that these candidates are eligible to take the entrance test for the 148th Academy. One of the failing recruits was discovered to have a blood clot and staff acted quickly to ensure that he received medical attention.

Previous and/or Unfinished Business

Mission Statement

The Council received a handout that included current mission statements from various State Agencies. The Director asked the Council to review these and make suggestions for an update of our agency’s current mission statement.

Eligibility Hearing

NONPUBLIC SESSION: Lisa Censabella, Deering Police Department

Ms. Censabella appeared before the Council with Deering Chief of Police James Pushee. Chairman Prozzo reviewed the Council Hearing Protocol, informing Ms. Censabella that it was her right to choose for the matter to be heard in public or in non-public session. Ms. Censabella elected to be heard in nonpublic session.

Chief Dodge moved that, pursuant to RSA 91-A:3, II (a), the Council enter into a nonpublic session for the purpose of discussing personnel matters. Upon a second by Commissioner Wrenn and a unanimous roll call vote in agreement, the Council (Colonel Booth absented) entered into nonpublic session at 9:13 a.m.

Chief Dodge, seconded by Chief Morency, moved to seal the minutes of the nonpublic session. The voice vote of the Council was unanimous in favor.

Commissioner Wrenn, with a second by Chief Dodge, moved to exit the nonpublic session. Upon a roll call vote of the Council, the motion carried 9-0. The nonpublic session concluded at 9:46 a.m.

Upon returning to public session, Chairman Prozzo called for the Council to present their determination on Lisa Censabella’s eligibility to train to become certified a full-time police officer, as requested in the Form “A” submitted by Deering Police Department.

Commissioner Wrenn moved that the Council deny the request from Deering Police Department to approve the Form “A” submitted for Lisa Censabella. Chief Russell seconded the motion and the Chairman called for a voice vote of the Council. The motion carried without opposition, with Colonel Booth abstaining.

Revocation/Suspension Hearing

NONPUBLIC SESSION: Corrections Officer Glenn Bergeron

Corrections Officer Glenn Bergeron appeared before the counsel. Chairman Prozzo outlined the Council's hearing protocol and Mr. Bergeron requested that the matter be heard in nonpublic session.

Chief Dodge moved that, pursuant to RSA 91-A:3, II (a), the Council enter into a nonpublic session for the purpose of discussing personnel matters. Commissioner Wrenn and Chief Morency recused themselves from the hearing. Upon a second by Chief Russell and a roll call vote of 8-0, the Council entered into nonpublic session at 10 a.m.

Chief Dodge, seconded by Deputy Attorney General Fitch, moved to seal the minutes of the nonpublic session. The voice vote of the Council was unanimous in favor.

Chief Dodge, seconded by Deputy Attorney General Fitch, moved to exit the nonpublic session. The roll call vote of the eight Council members was unanimous in favor and the nonpublic session was concluded at 10:15 a.m.

Upon return to public session, Chief Russell put forth the following motion: That the Council suspend the certification of Glenn Bergeron for a maximum of six months, effective immediately, with the potential for the Council to restore his certification after 90 days if Mr. Bergeron undergoes a LADAC evaluation and can demonstrate his good faith effort to follow the recommendations. Chief Dodge seconded this motion and the voice vote of the Council (Commissioner Wrenn and Chief Morency excepted) was unanimous in support.

CONSENT CALENDAR

The Council considered the following **Requests for Extension** recommended for approval by staff:

Full-Time Police Officer

Note: Extensions granted until fitness testing for requested Academy and, if testing is successful, through the end of the requested Academy.

148th Academy 01/05/09 – 04/10/09 (fitness test 12/15/08)

149th Academy 04/27/09 – 07/31/09

Officer Warren P. Breau, Winchester Police Department

(DOH: 06/03/07 **Part-time certified**) extension through the end of the NH Law Package of the 147th Academy.

Officer Roger P. Chauvette, Northumberland Police Department

(DOH: 04/14/08 **Part-time certified**) extension through the end of the 148th Full-Time Academy.

Officer Abraham J. Gilman, Northfield Police Department

(DOH: 09/11/07 **Not part-time certified**)) extension through the end of the NH Law Package of the 147th Academy with the stipulation that Officer Gilman continue to work under the supervision of a full-time certified officer.

Officer Frederick A. Nicosia, Brookline Police Department

(DOH: 10/15/07 **Part-time certified**) extension through the end of the 148th Full-Time Academy.

Part-Time Police Officer

254th Academy 09/06/08 – 12/12/08

255th Academy 01/17/09 – 04/17/09

Officer Thomas S. Chagnon Sr., Stoddard Police Department

(DOH: 12/10/07) extension through the end of the 254th Part-Time Police Officer Academy.

Officer Scott D. Cole, Fremont Police Department

(DOH: 05/02/08) extension through the end of the 254th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Kevin M. Chapdelaine

(DOH 02/29/08) extension through the end of the 254th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Eric Diaz

(DOH 02/29/08) extension through the end of the 254th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer David B. Jones

(DOH 02/29/08) extension through the end of the 254th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Aleisha A. Nulph

(DOH 02/29/08) extension through the end of the 254th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Kristin M. Swass

(DOH 02/29/08) extension through the end of the 254th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Peter E. Torosian

(DOH 02/29/08) extension through the end of the 254th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Brendan D. Belleau

(DOH 02/29/08) extension through the end of the 255th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer John T. Bernard

(DOH: 02/29/08) extension through the end of the 255th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Kurtis L. Boissonneault

(DOH: 02/29/08) extension through the end of the 255th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Ryan C. Cooper

(DOH: 02/29/08) extension through the end of the 255th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Christopher N. Elphick

(DOH: 02/29/08) extension through the end of the 255th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Keith M. Heiser

(DOH: 02/29/08) extension through the end of the 255th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Charles A. Jannone, Jr.

(DOH: 02/29/08) extension through the end of the 255th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Jared W. Knox

(DOH: 02/29/08) extension through the end of the 255th Part-Time Police Officer Academy.

New Hampshire Marine Patrol Officer Edward M. Piscopo

(DOH: 02/29/08) extension through the end of the 255th Part-Time Police Officer Academy.

Corrections Officer/Probation-Parole Officer

Note: Extensions granted until fitness testing for requested Academy and, if testing is successful, through the end of the requested Academy.

89th Academy 09/08/08 – 11/07/08 (fitness test 08/27/08)

Probation-Parole Officer Frederick T. Boggess

(DOH: 04/25/08) extension through the end of the 89th Academy.

Corrections Officer Trainee Nathaniel S. Cary

(DOH: 03/14/08) extension through the end of the 89th Academy.

Corrections Officer Trainee Jeffrey R. Chapman

(DOH: 04/25/08) requests extension through the end of the 89th Academy. Staff recommends granting the extension.

Corrections Officer Trainee Dennis R. Fitton, II

(DOH: 04/25/08) extension through the end of the 89th Academy.

Corrections Officer Trainee Daniel R. Gebo

(DOH: 04/11/08) extension through the end of the 89th Academy.

Probation-Parole Officer Eric C. Goyette

(DOH: 04/25/08) extension through the end of the 89th Academy.

Corrections Officer Paul K. Kimani

(DOH: 11/09/07) an additional extension through the end of the 89th Academy.

Corrections Officer Christopher W. Mock

(DOH: 08/03/07) extension through the end of the 89th Academy.

Corrections Officer Robert P. Remillard

(DOH: 04/25/08) extension through the end of the 89th Academy.

Corrections Officer Trainee Prasith Samaluk

(DOH: 04/11/08) extension through the end of the 89th Academy.

Corrections Officer Trainee Robert R. Streeter

(DOH: 04/11/08) extension through the end of the 89th Academy.

Training Grant Requests (Beginning balance: \$47,260.41)

Staff recommended the following training grant requests for approval by the Council:

Command Training Programs (Standard \$1,000.00 Grant)

Center Harbor Police Department's request to send Corporal Scott I. Weiss to the Command Training Series First-Line Supervisor Course at Roger Williams University in Providence, Rhode Island, for two weeks beginning January 25, 2009. **Amount: \$1,000**

Concord Police Department's request to send Sergeant Michael Pearl to the Command Training Series First-Line Supervisor Course at Roger Williams University in Portsmouth, Rhode Island, for two weeks beginning September 15, 2008.

Amount: \$1,000

Derry Police Department's request to send Sergeant Keith Marshall and Sergeant Daniel Beattie to the Massachusetts Police Leadership Institute at the Lowell Police Department for two weeks beginning October 20, 2008.

Amount for two officers: \$2,000

Keene Police Department's request to send Sergeant Darryl Madden to the Command Training Series First-Line Supervisor Course at Roger Williams University in Portsmouth, Rhode Island, for two weeks beginning September 15, 2008.

Amount: \$1,000

Keene Police Department's request to send Lieutenant Brian Costa to the Command Training Series Mid-Management Course at Roger Williams University in Portsmouth, Rhode Island, for two weeks beginning October 20, 2008. **Amount: \$1,000**

Moultonborough Police Department's request to send Detective Corporal Scott J. Fulton to the Command Training Series First-Line Supervisor Course at Roger Williams University in Portsmouth, Rhode Island, for two weeks beginning September 15, 2008.

Amount: \$1,000

Portsmouth Police Department's request to send Lieutenant Frank Warchol to the Massachusetts Police Leadership Institute at the Lowell Police Department for two weeks beginning October 20, 2008. **Amount: \$1,000**

Windham Police Department's request to send Sergeant Edward Fedele to the Massachusetts Police Leadership Institute Program at the Lowell Police Department for two weeks beginning October 20, 2008. **Amount: \$1,000**

Requests for Other Training

Belknap County Sheriff's Department's request to send Deputy Michael McCarn to the Institute of Police Technology and Management "Crash Zone School" in Jacksonville, Florida, for one week beginning November 9, 2008. **Amount: \$1,249.68**

Laconia Police Department's request for Captain Steven Clarke to attend workshop sessions at the Center for Problem-Oriented Policing's 19th Annual POP Conference in Bellevue, Washington, for three days beginning September 22, 2008.

Amount: \$1,987.04

North Hampton Police Department's request to send either Lieutenant John Scippa or Sergeant Joshua Stokel to the FBI-LEEDA's Command Institute for Law Enforcement Executives at the Hampton, New Hampshire, Police Department, for five days beginning September 8, 2008. **Amount: \$433.33**

Rochester Police Department's request to send Sergeant Eric Babine to the FBI-LEEDA's Supervisor Leadership Institute at the Arthur D. Kehas Law Enforcement Training Facility in Concord, New Hampshire, November 17 through November 21, 2008. **Amount: \$433.33**

(END OF CONSENT CALENDAR)

CONSENT CALENDAR: Council Action

Chairman Prozzo asserted that the Council has formed a policy regarding requests to attend conferences. The awarding of training grant funds places an obligation upon the agency receiving funds to make their officer available to share the knowledge they gain from their completed schools or training programs, i.e., to present materials and lecture on the subject(s) at Police Standards and Training Council courses. The Council agreed to adhere to their policy to deny training grant requests to attend conferences.

Deputy Attorney General Fitch moved that the Council approve the staff recommendations for the items on the Consent Calendar **with the exception of** a request from the Laconia Police Department for Captain Steven Clarke to attend workshop sessions at the Center for Problem-Oriented Policing's 19th Annual POP Conference in Bellevue, Washington, for three days beginning September 22, 2008. Chief Morency seconded this motion, and the Council voiced their unanimous approval.

Commissioner Wrenn moved that the Council, in keeping with their policy to deny requests to attend conferences, deny the request from the Laconia Police Department for Captain Steven Clarke to attend workshop sessions at the Center for Problem-Oriented Policing's 19th Annual POP Conference. Colonel Booth seconded the motion. On a voice vote of the Council, the motion carried without opposition.

Chief Russell put forth the following motion that was seconded by Colonel Booth: That the amount approved for specialized training grant requests for training other than command training will be two thirds of the cost per person, not to exceed a cap of \$1,000, effective with requests submitted after August 26, 2006.

The Council agreed that this action was necessary in order to benefit a greater number of officers and for the Police Standards and Training Council to stay within the current budget that is available for training grants. The motion was passed on a unanimous voice vote.

Ongoing Three-Year Fitness Testing

Request for Fitness Testing Extension – Corrections Officer Dwayne Gogan

The Council considered the staff's recommendation to approve Corrections Officer Dwayne Gogan's request for a fitness testing extension. Upon a motion by Deputy Attorney General Fitch, seconded by Chief Dodge, the Council voted to grant CO Gogan's request for a fitness testing extension through December 31, 2008, in a unanimous voice vote, with Commissioner Wrenn abstaining.

Request for Reconsideration – Corrections Officer Dwane Sweatt

At their meeting on July 22, 2008, the Council moved to suspend the certification of CO Sweatt, including his certification as a part-time police officer. Mr. Lohmann clarified that Officer Sweatt was part-time certified on November 14, 1999, excepting his certification from the provision requiring ongoing three-year fitness testing. The fitness requirement, therefore, applies only to his certification as a Corrections Officer. Mr.

Lohmann advised the Council that subsequent to the July 22 meeting, the Chairman had agreed to stay the imposition of suspension on Mr. Sweatt's part-time police certification, pending the Council's approval for a request for reconsideration.

Deputy Attorney General Fitch moved that the Council reconsider their decision regarding Dwane Sweatt. After a second by Commissioner Wrenn, the Council supported the motion in a unanimous voice vote.

Deputy Attorney General Fitch moved that the Council rescind the part of their decision that affected Dwane Sweatt's part-time police officer certification. Commissioner Wrenn seconded the motion and the Council agreed without exception in a voice vote.

Requests for Reconsideration - Officer Jared Peters, Bethlehem Police Department
(Tabled on July 22, 2008)

Deputy Attorney General Fitch moved that the Council take no action on the request of Officer Jared Peters at this time to allow for the Council to receive more input from Federal authorities regarding the assertion by Officer Peters' attorney that his certification is protected by the Sailors and Soldiers Act provisions. The motion, seconded by Chief Russell, carried on a unanimous voice vote of the Council.

Request for Suspension - Officer Jonathan Evans, Hill Police Department,

Mr. Lohmann informed the Council that on Saturday, August 23, Officer Evans successfully passed the ongoing three-year fitness test and submitted those results to the Director of Police Standards and Training. Mr. Lohmann requested that the request for suspension, therefore, be withdrawn.

Other New Business

Request for Rules Change(s)

A Rules change is required to implement the Council's decision to compel part-time police officers to pass an entrance fitness test for admission to the Part-Time Academy beginning in January 2009. Specifically, the change means that Pol 301.04 Physical Examination will be revised to include these part-time officers and Pol 301.07 Medical Standards for Part-Time Officers will be deleted from the Rules. Upon a motion by Chief Russell, seconded by Chief Morency, the Council voiced their unanimous approval for the recommended Rules changes.

General

New Hampshire Department of Justice Law Enforcement Manual

Deputy Attorney General Bud Fitch presented the new manual that was completed in June 2008 and presented to those who attended a meeting of the New Hampshire Association of Police Chiefs in July. The printed manual will be distributed to all New Hampshire Law Enforcement agencies; the manual will be available on CD that will be provided to all law enforcement officers whose agencies request them. Police Standards and Training will provide assistance with this distribution. The Attorney General's Office emailed a PDF version, as well, to all police chiefs and this PDF is also posted on the Police Standards and Training web site.

Police Standards and Training is developing a HTML version, as well, so that when changes occur in the law, updates will be available on the Police Standards and Training web site. For those who prefer printed versions, pages affected by any changes will be there, too, for insertion into the printout. The bulk of the document is reference material.

Attorney General's Request and Motion for the Council to Initiate a Study

Deputy Attorney General Bud Fitch distributed and read a statement and a proposed motion authored by Attorney General Kelly Ayotte.

MOVED (by Deputy AG Fitch): That the Director and his staff prepare for a future council meeting a recommendation for engaging an expert to evaluate the training and standards for Special Operations and Special Weapons and Tactics teams utilized by law enforcement in New Hampshire. The staff recommendation for a study should include identifying one or more experts, from outside the State, who have no relationship with existing New Hampshire SOU or SWAT teams. The work product or results of the study should be limited to recommendations related to future training for SOU/SWAT members and/or proposed standards for SOU/SWAT units to be certified under the existing in-state certification program. The proposed study should seek to learn from the Charlestown SOU deployment and other recent incidents where SOU/SWAT teams were utilized, however, it should be limited to a forward looking proposal regarding training and model standards. The Director and staff should consult with the Attorney General's Office in the preparation of its recommendation to the Council.

Commissioner Wrenn seconded the motion. Justice Roberts asked if there were an urgency to take action, given the potential Legislative response to the Charlestown incident. Deputy AG Fitch replied that it might be very helpful to law enforcement in general to have a professional, neutral set of recommendations and/or for the Chairman or the Director to have the ability to go forward and say, "We've looked at this. We have made changes if changes are warranted to training and the process." He noted that the Valley News has been covering this extensively, and, in Sunday's editorial, called upon the Legislature for a response.

The intent is for the Council to consider, with expert advice from an outsider who can look at these situations and just the general state of training in New Hampshire, whether we should be doing something different and/or whether there should be any changes to the law.

Colonel Booth expressed concern that great care must be taken in our approach so that the Legislature receives any recommendations in a positive way.

Commissioner Wrenn agreed and stated further that a study might be a good way to learn what best practices other states have in place and a good place to start to begin setting standards for New Hampshire teams.

Colonel Booth pointed out that some of these teams are nonprofit and asked what jurisdiction the Council has over nonprofit organizations. Deputy AG Fitch responded that this is one of the issues that will require assistance to determine. The study should examine a model policy or procedures and leave it to the Council to sort out over time what practices and procedures to endorse.

Commissioner Wrenn recalled that when the Seacoast Emergency Response Team was formed, there was discussion about whether or not there should be some standardized training requirements that should be met and that there was some reluctance at the time to get to that level. Subsequent to that time, as an offshoot, a tactical officers association was formed to try to encourage standardization of training.

Chief Russell felt that a study is a great idea because it would offer an opportunity to address false and misleading information that some of the teams may have, to clarify this is what to do and this is what to respond to, for the Council to see what training other states offer, what don't they offer.

Colonel Booth stated that there needs to be written criteria of what this Council wants to be examined and asked what funds are set aside that will allow that study to be conducted and a report generated out of it. Depending on the complexity of that study, the costs could range from \$2,000 to as much as \$7,000 – in which case, the study would require the approval of the Governor and Executive Council.

Deputy AG Fitch assured that the motion will simply authorize the Director to work with the Attorney General's Office and in consultation with the Council members to develop a recommendation and that the Attorney General has grant funds that could supplement Council funds, if needed, to complete the study.

Chief Magnant added that he could see no downside to doing the study, though he agreed with the Colonel about the need to be cautious. Chief Magnant felt that supporting one of these teams is a lot of work, so he could only see positive coming out of this study, namely, some sort of standardization.

The Chairman called for a vote on the motion and stated that he would abstain.

Commissioner Wrenn commented that the motion allows a way for the Council to specify the areas to be studied and come to an agreement on the scope and focus before embarking upon an independent study.

Deputy AG Fitch added that the Council may want to consult with the tactical officers association and other interested parties, with the intent for it to be a positive event and to take the time needed to get it right.

The voice vote of the Council was unanimous in favor of the motion.

Other Business

No other business was raised.

Next Meeting Date/Adjournment

The next meeting of the New Hampshire Police Standards and Training Council will be held on Tuesday, September 23, 2008, at nine o'clock in the morning.

Upon a motion by Chief Dodge, seconded by Commissioner Wrenn, the Council voted unanimously to adjourn the meeting at 11:02 a.m.

Respectfully submitted,



Chairman Michael L. Prozzo, Jr.