

Police Officers Commission on Standards & Training

Meeting Minutes

August 28, 2008

I. Call to order

Colonel Stephen M. McCartney called to order the regular meeting of the Police Officers Commission on Standards & Training (POST) at 10:12 a.m. on August 28, 2008 in RIMPA-Lincoln.

II. Roll call

Colonel McCartney stated for the record that all POST members were present with the exception of Colonel Brendan Doherty, who was here but is excused. The following persons were present: Colonel Stephen M. McCartney, Chief George L. Kelley, III, Chief Anthony Pesare, Chief Anthony J. Silva, Mr. Robert Driscoll, Mr. Richard B. Woolley, Esq., Captain David Ricciarelli, and Donna Lavallee.

III. Approval of minutes from last meeting

Colonel McCartney asked for approval of the minutes from the last meeting dated May 22, 2008. The minutes were approved following no further discussion. Chief Pesare made a motion to accept the minutes; Mr. Driscoll seconded the motion. After no further discussion and all in favor (4-0), the minutes were accepted.

IV. Update on current 2008-III recruit class and schedule

Captain David Ricciarelli briefed everyone about the current class. There are 38 candidates (including two sit-in's). We have had about 6 recruits sick with a respiratory infection and rescue has been here

twice. The P/T and Use of Force schedules have been tailored to the adaptability of the class. Other than that, the class is progressing well and on schedule.

V. Update on grants

Chief Silva began by talking about the Kennedy appropriation. This grant kicks in on September 1st - - it is a three-year grant. The first six months of the grant give us the opportunity to meet with the committee and look at the steps to take to see which way the grant will proceed for the next 30 months. There will be a meeting here on Tuesday with our partners, Roger Williams University which will include Bob McKenna and his staff members. Chief Silva anticipates that the loss of staff here at the Academy will have a dramatic effect on the processing of this grant.

As for the Job Task Analysis \$35,000 grant – the first team meeting will be held today.

Colonel McCartney asked who the partners are in the Community Policing Grant. Chief Silva responded that the grant with BJA is Roger Williams University and the Academy. The organizations to physically administer the training will be the RI Police Chief's Association and a number of cultural groups, etc. Colonel McCartney suggested that Toby Ayers may be a good person to start with and help move us forward with this. Chief Silva said that he will do his best to have them a part of it. The meeting on Tuesday with R.W.U. will be to talk about timelines, administration, etc. In September we will call in the stakeholders.

Colonel McCartney stated he received a call from the U.S.

Commission of Civil Rights about a meeting on September 19th. The R.I.P.C.A. is at a legislative stale-mate. It was alluded to the fact that no one from the community assisted with the grant. This may be a great opportunity for the community to step up to the plate. Chief Silva stated for the record that no one ever helped us with the securing of the grant. Colonel McCartney said he will be prepared to take the A-team to the plate on this.

Also, under grants, Chief Silva stated that we still have the Byrne Grant. Chief Kelley said that at a meeting with the Justice Commission, Mr. Ledoux indicated that we still have monies to be spent for previous years. Chief Silva stated that he explained to Mr. Ledoux that when he came aboard almost three years ago, there were three years of Byrne Grant monies stacked up. He then began in-service trainings and we have been nipping away and we are catching up. We are asking for an additional \$10,000 this year. Chief Kelley assured him that the monies are allocated to R.I.M.P.A. and no one can touch them and they would definitely be there set aside for the Academy. He needs Chief Silva to establish on paper what the monies will be spent on. Colonel McCartney said there were other agencies looking for monies from Byrne such as the A.G.'s office, Hate Crimes, etc. and made bids for unallocated funds. He suggests sitting down and get the Byrne monies squared away and submit to the Commission as soon as possible. Chief Kelley stated to have \$75,000 earmarked so the rest can be allocated. He also stated that he attended a 100 Club meeting and for everyone to keep their ears open as they are looking for some ideas to disperse monies. They

have been very good to RIMPA.

VI. Discussion of establishing the position of “Law enforcement Highway Safety Coordinator” at the Academy.

Director Silva explained that Retired Colonel Richard Sullivan held the Law Enforcement Liaison position with the RISP, which was federally funded with NHTSA. The position was eliminated last year; however, the money is still floating – approximately \$300,000. He has been speaking with the Feds and the State has no process for bringing in employees. This is a 100% fully funded position so we are losing hundreds of thousands of dollars. He made the pitch to the State to get him hired and the State has come up with a process which involves a public hearing. He has requested one and they feel it may be heard as early as next week. He asked Colonel McCartney to be present at the meeting and he agreed to whatever we needed to get this position here. Colonel Doherty and members of NHTSA will also be present. Colonel McCartney asked if he needed to speak of the importance of this position and Chief Silva said yes, absolutely. Colonel McCartney asked if the job would have to be posted and Chief Silva said no, as he already named Colonel Sullivan as the person that would be coming in to this position. Colonel McCartney suggested getting all the groundwork done before the hearing so everything is ironed out. He feels the State has suffered by losing Colonel Sullivan in this position.

VII. Discussion relative to the oversight of RIMPA under the new Department of Public Safety.

Chief Silva stated that this discussion began last week with Colonel

Doherty out of concerns that he has. He wanted Colonel Doherty to be part of this meeting and part of the minutes; however, something came up and he couldn't be present today.

Colonel McCartney stated he is in agreement with the theory "No man can work under two masters". He would like to hear from Chief Pesare or Mr. Woolley on their past research and findings, perhaps there's a way to outline in a process or policy form as to what issues need to be discussed with the Director of Public Safety as opposed to what issued to discuss with the POST. RIMPa is still legally under Public Safety agency. Mr. Woolley stated that legally RIMPA is still under the Commission. Colonel McCartney stated that the Public Safety Director still sits on the POST. Chief Pesare stated that after reading the legislature, appointed members of the POST answer to the Dept of Public Safety. He feels there is a conflict. The A.G.'s office did not feel there is a conflict. Chief Pesare thoughts are that how can the Public Safety Director be a member of the POST when he oversees the POST? Colonel McCartney asked that if there is an issue, does Colonel Doherty recluse himself because of the potential he may have to be on the appeal process? That may be hard to predict. Chief Pesare suggests that the Superintendent of the State Police should designate a member of the RISP to sit on the POST. Chief Silva stated that prior to Colonel Pare, no Superintendent ever sat on the Board – it was always a designee. Capt. Ricciarelli stated that the POST was originally set up to include Chief's – it was the Governor's choice to include the Superintendent of the State Police. Chief Silva stated he recently had a conversation with Colonel

Doherty regarding RIMPA and he suggested that we continue operating status quo. DOA did our budgets and invoices, now RISP does all of that for us. He suggests writing a policy stating we now fall under the Dept of Public Safety and administratively speaking, Public Safety will be handling our affairs. Colonel Pesare stated he still sees a problem with the Colonel sitting on the Board. Colonel McCartney suggested that in order to avoid potential legal issues, remove him from the POST and appoint a member of his agency to the Board. He still thinks its important to have a member of the RISP on the Board. Chief Silva stated he thinks the Colonel would be in agreement with that solution as he is just as concerned as what may happen down the road a few years from now. Colonel McCartney suggested we do what we need to do now to rectify the situation. He suggests making the recommendation to Colonel Doherty to appoint a designee to sit on the Board as it will be in his best interest. Then tweak the policies to refer to this change, with RIMPA falling under Public Safety. He said it should be recommended to the Colonel to consider removing himself and stepping aside from the POST; however, he should name someone to the POST from RISP. Chief Silva read RISL which reads that the POST consists of 1 personal from League of Cities and Towns and 3 Chiefs. It does not mention RISP specifically as one.

It was decided that no vote it necessary. Chief Silva would discuss this with Colonel Doherty and prepare a policy noting the necessary changes to list RIMPA now under Dept of Public Safety, administratively.

VIII. Discussion re: 12-7-21 par (22).

Colonel McCartney received a letter from the Trust and Chief Silva stated he has had discussions with Paul Dutra and attended several committee meetings and discussions regarding Reserve Officers and carrying of firearms and doing details. RIGL 12-7-21 (par 22) has been amended..he read the legislature with the amendment. It allows municipalities to swear in non permanent members of a Police Department who can carry a firearm and a badge. Chief Silva is looking to the POST to give him the authority to send letters to all Chiefs that this is SUBJECT TO THE THREE-YEAR RULE. Mr. Woolley sees no problem with reminding Chiefs of the three-year rule.

Colonel McCartney read the letter from Paul Dutra of the Trust. Chief Silva stated this letter would merely be a reminder and courtesy to all Chiefs. Colonel McCartney agreed that it would be in everyone's best interest to send another letter re-affirming the three-year rule to prevent any liabilities. Chief Silva said he would see that gets out.

IX. Retirement of Assistant Director Glen Shibley. Discussion.

Chief Silva stated that on approximately September 26th, Glen Shibley will be officially retired from his position with the Police Academy. Currently, this position is a Classified position, with the title of Administrative Assistant and the Salary range is \$45,000 - \$51,000. The POST did change the job titles of both Dave and Glen to Assistant Director positions; however, this was name only. The opportunity has now arisen to make changes. When the position is posted, hopefully we can re-classify the position. He suggests getting Colonel Doherty, Colonel McCartney and himself to make a

pitch to the State that this is the lowest paying job in New England and getting Glen's position bumped up and advertised as soon as possible. Then once that position is filled, do the same for Dave's. We absolutely need to be sure the State does not wait a year to fill this position as we are in desperate need of another employee. There are only three of us and as you know, there is no overtime; therefore, Dave especially has been putting countless hours in with the class, as well as weekends.

Chief Pesare asked if he could do both positions together and Chief Silva stated he would need to post and fill one at a time. Everyone on the Board was in agreement that he should move to getting this done immediately.

At this point, Chief Silva introduced Val Lubans, who is our consultant for the Job Task Analysis project.

X. ADJOURNMENT

Chief Pesare made a motion to adjourn the POST meeting of August 28, 2008. Mr. Driscoll seconded the motion. Meeting was adjourned at 11:55a.m.

Minutes submitted by: Donna M. Lavallee