

RHODE ISLAND DEPARTMENT OF PUBLIC SAFETY

Municipal Police Training Academy

Community College of Rhode Island — Flanagan Campus

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Colonel Steven G. O'Donnell Chief Anthony J. Silva

Commissioner, Department of Public Safety Executive Director

Superintendent, Rhode Island State Police Municipal Police Training Academy

Police Officers Commission on Standards & Training

Meeting Minutes

February 2, 2012

1. Welcome and Roll Call

Colonel Stephen M. McCartney called to order the regular meeting of the Police Officers Commission on Standards & Training (POST) at 10:05 a.m. on February 2, 2012 in RIMPA-Lincoln.

Colonel McCartney asked Donna Lavalley to take a roll call. The following POST members were present: Colonel Stephen M. McCartney, Chief Anthony Pesare, Chief Edward Mello and Colonel Steven O'Donnell. Also present were Chief Anthony J. Silva, Mr. Richard B. Woolley, Esq., Captain David Ricciarelli, Captain David

DelBonis, Donna Lavalley, Mr. Paul Dutra, Mr. Paul Brouillette, Ms. Lisa Holley, Major Wilfred Hill and Corporal Scott Raynes. Chief Silva introduced Susan Campers, Salve student interning for the semester and Major Steven O'Donnell introduced Corporal Raynes who is on assignment at the Police Academy.

2. Approval of the minutes

Colonel McCartney asked for approval of the minutes from the last meeting dated November 17, 2011. Chief Mello made a motion to accept the minutes; Chief Pesare seconded the motion. After no further discussion and all in favor (4-0), the motion carries and minutes were accepted.

3. Update on Current 118th Session, Recruit Class/Academy Schedule

Captain DelBonis stated that the class is in its 4th week and it is a very motivated class. The class started with 51 recruits but there were two recruits who voluntarily withdrew after the first day and one recruit who was withdrawn this week due to an illness. There are currently 47 recruits and 1 waiver candidate in the class. He stated that Officer Kerrie Mazur of the East Greenwich Police Dept. is the current C.T.O. along with assistance from Trooper Merideth Zenowich of the RISP. Given the large class size, their assistance is welcome and greatly appreciated. Chief Silva stated that we are very fortunate to have Trooper Zenowich with us, combined with the CTO Program, she is a great asset. Warwick Police Dept. will be sending us our second C.T.O. for the next 7-week block of instruction.

4. Update on Continuing Education

Captain Ricciarelli reviewed the upcoming Spring Continuing Education calendar. He also stated that Colonel Sullivan has a very busy schedule with his trainings as well. Colonel O'Donnell stated that from here on in, they will be looking at all instructional staff. Colonel McCartney stated that Chief Silva has been very diligent about the certification of instructors. Major Hill stated that he will be looking into the monies paid to instructors. Due to the budget, there may be alternatives to "paid" instructors.

5. Colonel Steven G. O'Donnell, DPS Commissioner, Discussion on the following:

- DPS/POST Relationship**

Colonel O'Donnell opened by announcing Major Hill's new promotion and that he will oversee the D.P.S. He then stated that each Colonel has handled things differently and he has built a unit consisting of several members of rank that will comprise a unit to oversee D.P.S. He wanted to re-assure everyone that they are only here to help and by no means are coming in to "take over" the Police Academy. He understands that with a small staff, the Director is doing several jobs and therefore, has assigned Corporal Raynes to assist him in some of the Administrative duties. Lisa Holley then stated that before the Unification of the Academies, the goal is to get a handle on different things; for instance, the curriculum, etc., so that everyone is on the same page. According to the statute, the roles diverge but we can work together.

6. Limited Participation Days (recruit)

- **Discussion and recommendation**

Chief Silva explained that currently a recruit has two absences and under current policy, a recruit has 5 limited participation days. This was based on a 12-week Academy. It was past practice that the 5 Limited Participation Days be applied only to Fitness Days. He feels that a Limited Participation Day is a limited day, no matter what the curriculum of the day is. He also suggested that maybe the limited Participation Days should be increased due to the 20 week Academy. Chief Pesare asked how the RISP handles their Limited Participation Days. Major Hill replied that the RISP currently has about a two week window. That gives the recruit a weekend on either end to recuperate further. He recommends increasing the days. Chief Silva asked if those 10 tens are training days consecutively and Major Hill responded they are cumulative. Chief Mello stated that it needs to be defined as to what constitutes a Limited Participation Day. Colonel McCartney asked if there would be “wobble” room. For instance, if a recruit is on a Limited Participation and during that window, there is a “use of Force” test-out. He would be off his Limited Participation Days soon, can we work with the recruit to certify him/her? Lisa Holley stated that doctor notes should be very clear as to what they cannot participate in and a timeline. She said the RISP use one physician and he is very clear as to his directions. Chief Silva thought it was a good idea to send all recruits to see a particular doctor for an injury. Lisa Holley didn’t think that was a problem but we would need to check on the insurance information. Colonel O’Donnell stated that a limit is needed and necessary but you can be

flexible but definitive. Colonel McCartney asked Chief Silva if he is merely looking for guidance from the POST? He knows he would like this sooner rather than later but feels it needs some work first (i.e., legal issues). Chief Silva stated that he was looking at putting it into effect for the July class. Colonel McCartney asked the Director to work on it and bring it back to the May meeting. Chief Pesare stated he would like part of the decision to be choosing a common doctor.

7. Revision to fitness pre-screening (department level)

- Administration (one-year from date of fitness test)
- Academy physical assessment battery

Director Silva stated that in the 1980's the POST required pre-screening by a department in order to come to the Academy; however, no specific test or date was mandated. He is recommending screening be one (1) year and the screening test needs to be our four-test process. He also recommends that the department pre-screening be dated within 12 months of the Academy Physical Fitness Testing and that the test be administered the same as the Academy's.

Chief Pesare made a motion to mandate that a department fitness test must be within one year of the Police Academy's Fitness Testing and must be the same test as the Academy uses. Colonel O'Donnel seconded the motion. With all in favor, 4-0, and no further discussion, the motion carries.

8. Update on 119th Session, July 23, 2012

- Application Process
- Timeline of Deliverables

Chief Silva reviewed the timeline for the July Recruit Class. He stated that on February 29th, we will be holding a workshop on Recruit Applications and Conducting Background Investigations. He is asking the POST to make this workshop mandatory to each department if they plan on sending recruits to upcoming classes. Chief Pesare stated he is concerned with the fact that for some reason a department couldn't make it, we would not hold another one.

Colonel O'Donnell agreed that we must be flexible. The Colonel further stated that a lot of work and effort was put into the application process. He and Major Hill were kept apprised of the application process for this current class and they were dismayed as to the applications still coming in on Friday afternoon for the Monday morning class. He then stated that the Budget was unveiled this week and he has called a Rhode Island Police Chief's meeting on Friday to discuss with the Chiefs that the Governor has proposed that the Police departments pay for their recruits to come to the Academy, a figure of \$4,000 per recruit. This will generate approximately \$240,000, for which the Governor wanted to go into the General Fund but agreed after some discussion that it would go into a Limited Fund at the Academy. This proposal still has to go before the House and Senate and if approved, would not go into effect until January, 2013.

Chief Pesare then made a motion to approve the Timeline of Deliverables and approve the workshop to be held on February 29, 2012 is mandatory that someone from each department attend. Colonel O'Donnell seconded the motion. With all in favor, 4-0, and no further discussion, motion carries.

9. Discussion of “Provisional Certification”

• Waiver Candidates

Chief Silva stated that at a recent POST meeting, there was some discussion about Provisional Certification and some police officer’s being sworn in as peace officers without POST certification and without notifying the Academy. He is concerned that this could be a liability issue—the fact they are working first and coming to us second. Lisa Holley stated that this is a huge liability for the Trust and the cities and towns and asked what would a provision certification mean. Chief Silva stated that he suggests that we would handle in-state (providence and RISP) differently than out of state. Lisa Holley stated that Providence/RISP are the only in-state academies and they are not POST certified. Some out of state academies are POST certified and some are not. Paul Dutra stated that on behalf of the Trust, this raises liability concerns for the members of the community. The Trust currently insures 31 cities and towns. The Trust recognizes Providence/RISP and persons certified by a POST. If the POST provides provisional certification for Providence and RISP, that is not a problem. The concern is with out of state officers. There must be enough safeguards in place. Chief Mello added that most of this can be addressed with the Chiefs through education. Chief Pesare stated that he doesn’t think any Police Officer who graduates out of state, should be given a provisional certification. Colonel McCartney stated that lateral transfers should be POST certified as well. Colonel O’Donnell suggested that a sub-committee be appointed on this issue because

it cannot be pushed aside any longer. Colonel McCartney stated that the word needs to get to the Police Chiefs that you don't put any lateral transfer on the street or execute any police powers until they are POST certified. All should be vetted through the Academy to be sure of what they need. Lisa Holley suggested she could list all the different scenarios and send them to the Director. She also suggested that perhaps a letter be sent to the Chiefs advising them we are looking into this matter and remind them that officers must be POST certified. Chief Pesare made a motion to have the Director draft a letter advising the Police Chiefs that the POST is formulating a policy addressing in-state hires and that all candidates for hire be reviewed by the Municipal Police Academy as to their ability to execute police powers. Chief Mello seconded the motion. All in favor 4-0, motion carries.

10. Certification of waiver candidates

- **Foster Police: Request to withdraw Officer Thomas Masse**

Director Silva stated he received a letter from Chief Coyne withdrawing Officer Thomas Masse.

11. Update on International Association of Directors of Law Enforcement Standards and Training (IADLEST)

- **Executive Board meeting, January 19-20, 2012**

- **Northeast region meeting, April 25-27, 2012**

- **National Decertification Index (NDI)**

Chief Silva stated that 44 states have a de-certification or de-license process (not Rhode Island). We need to think of moving in that direction. Currently, 31 states contribute to the National Decertification Index. There is a national Grant from the DOJ that will permit the Director to attend the April conference in Vermont and either a POST member or legal counsel. Also, the Director stated that at the last conference, he heard from other Academies that are going paperless. He calculated that we spend upwards of \$5,000 a year in paper and printer products for the recruit binders. He is requesting that we require each recruit to purchase a Kindle with the approximate cost of \$139. This could be purchased directly through the Bookstore along with the other items they purchase. Chief Mello stated that he doesn't feel this is a good time to ask departments to make this additional purchase with the current budget issues. Colonel McCartney suggested that this item be deferred to Friday's Police Chief's meeting.

12. Recertification of Warwick Police Tactical Team

Colonel McCartney recused himself from any discussion or vote on this agenda item and deferred to Chief Pesare as the Vice-Chair. Chief Silva stated that we received all the proper paperwork from

R.I.T.O.A. and recommends certification. Chief Mello made a motion to re-certify the Warwick Police Department Tactical Team for three years and Chief Pesare seconded the motion. All in favor, 3-0, motion carries.

13. Update on RI State Accreditation Initiative

- Chief Anthony M. Pesare**

Chief Pesare stated that the Commission met and appointed a Standards Committee which has met twice. They have adopted 50 Tier-One standards. Also, the Treasurer has sent out the bill of \$2000.00 to all agencies. This is due by July 1 and all departments will receive \$500 back if paid by then.

14. POST approval of Academy Adjunct Instructors

Chief Silva asked for approval of Officer Kerrie Mazur of East Greenwich PD as a Fitness Instructor. Colonel O'Donnell stated that he is concerned that we have provided Instructor certification to instructors who may not be POST certified. Colonel McCartney stated that he feels that POST Certification is one issue and certification based on instructor backgrounds is different. Colonel O'Donnell asked for a motion to table Officer Mazur's certification pending further documentation. Colonel McCartney made a motion to table this item and Chief Pesare seconded the motion. All in favor,

4-0, motion carries.

15. Revision of Cooper Fitness Standards

- **Discussion and approval**

David Ricciarelli stated that as of last month, Cooper revised the standards. The only change is in aerobic capacity which makes it slightly easier for males. Major Hill recommends that this change take effect with the next class. Chief Mello agreed but asked who it will affect the recruitment process for departments already started and who use a test for a year. Chief Pesare made a motion to approve the new Cooper Fitness standards effective January 1, 2013. Chief Mello seconded the motion. All in favor, 4-0, motion carries.

Major Hill, Colonel O'Donnell and Richard Woolley left the meeting at 12:45 pm. Colonel O'Donnell left his proxy vote for the next agenda item with Chief Pesare.

16. Approval of firearms (qualification) programs

- **Jamestown PD**

Chief Silva stated that he will send a letter to all Police Chiefs to advice them of RIGL 11-47-15.3. He also is looking for a motion to approve the Jamestown Police Department Firearms Program. Chief

Mello recused himself from the vote. Chief Pesare made a motion to accept the Jamestown Police Department Firearms Program and via Colonel O'Donnell's proxy vote, it was seconded. With all in favor, 3-0, motion carries.

17. Request by IBPO for John Morrissette (Woonsocket PD)

Colonel McCartney stated he received a letter from the IBPO asking for the requirements that John Morrissette would need to meet to exercise his police powers. Colonel McCartney replied back to the IBPO that the request must come from the Woonsocket Police Department.

18. Adjournment

Chief Pesare made a motion to adjourn the meeting and Chief Mello seconded the motion. The meeting was adjourned at 12:55pm.

Minutes submitted by: Donna M. Lavalley, Administrative Assistant