

**STATE OF NEW HAMPSHIRE  
POLICE STANDARDS AND TRAINING COUNCIL**

**PERFORMANCE AUDIT  
FEBRUARY 2019**





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*To The Fiscal Committee Of The General Court:*

We conducted a performance audit of the Police Standards and Training Council (PSTC) to address the recommendation made to you by the joint Legislative Performance Audit and Oversight Committee. We conducted this audit in accordance with generally accepted government auditing standards. Those standards require we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objective. The evidence we obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The purpose of the audit was to determine whether the PSTC operated efficiently and effectively during State fiscal years 2017 and 2018.

*Office of Legislative Budget Assistant*

Office Of Legislative Budget Assistant

February 2019

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**ABBREVIATIONS**

CALEA	Commission On Accreditation For Law Enforcement Agencies
CCSNH	Community College System Of New Hampshire
Committee	Corrections Advisory Committee
Cooper	Cooper Institute For Aerobic Research
EES	Exculpatory Evidence Schedule
DAS	Department Of Administrative Services
DOJ	Department Of Justice
IADLEST	International Association Of Directors Of Law Enforcement Standards And Training
NHAC	New Hampshire Association Of Counties
PSTC	Police Standards And Training Council
SFY	State Fiscal Year

**STATE OF NEW HAMPSHIRE  
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**EXECUTIVE SUMMARY**

The Police Standards and Training Council (PSTC) had a dual mission of training law enforcement officers and ensuring officers achieved and maintained standards. We surveyed law enforcement hiring authorities and found 85.1 percent of the respondents were satisfied with the training recruits received. Additionally, we found training operations and policies generally aligned with industry standards. While we found the PSTC was generally efficient and effective, we found several areas of PSTC operations in need of improvement.

The PSTC was tasked with enforcing statutory standards and further developing the minimum standards of law enforcement officers. The PSTC implemented these directives using a series of applications, affidavits, and administrative processes. However, these procedures omitted crucial standards required by statute, such as drug and psychological screenings. Documentation demonstrating compliance with PSTC standards was inconsistently completed by law enforcement hiring authorities, was inefficiently collected, and went largely unaudited by the PSTC.

Although the complaint and disciplinary processes were generally effective at ensuring most officers participating in egregious misconduct would be identified and disciplined, the processes contained gaps in jurisdictional authority and reporting mechanisms. For example, law enforcement agencies could suspend an officer for a long period of time for dishonesty or disrespecting the law but these specific instances of misconduct would never come before the PSTC unless the officer was discharged, involved in a criminal matter, or found to have possessed or used a controlled substance.

While we note training operations produced generally positive survey results from graduates and hiring authorities, we found the curriculum development processes lacked assurance that recent curriculum decisions were made effectively based on a current job task analysis. Additionally, inconsistent management of instructors resulted in the inefficient use of instructional resources by allocating PSTC staff time to monitor non-PSTC instructors.

We also found the overall management of PSTC operations was hindered by lack of a fully developed strategic plan, performance and risk management systems, and a less than fully functional electronic database. We found this potentially limited the PSTC's ability to monitor and measure organizational performance and risk. Inefficient information systems burdened both the PSTC staff and law enforcement agencies with additional administrative tasks.

As a public regulatory body, the PSTC was also required to conduct transparent meetings, free of conflict, with proper statutory authority. Nevertheless, we found some meetings lacked quorum due to noncompliance with financial disclosure requirements and used inconsistent recusal practices. Lastly, the PSTC frequently conducted disciplinary hearings in non-public session under questionable and inconsistent authority which may require further consideration by the Legislature and more explicit guidance from the Department of Justice.

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**RECOMMENDATION SUMMARY**

<b>Observation Number</b>	<b>Page</b>	<b>Legislative Action May Be Required</b>	<b>Recommendations</b>	<b>Agency Response</b>
1	<a href="#">14</a>	Yes	<p>Ensure all State-employed law enforcement officers are screened; ensure all officers employed by political subdivisions are appropriately screened according to whether the subdivision has funds budgeted for such testing; develop rules to describe acceptable psychological and drug screening tests; and develop methods to ensure local hiring authorities either conducted required testing or demonstrated exemption.</p> <p>The Legislature may wish to consider whether the two different standards for law enforcement officers is acceptable.</p>	Concur
2	<a href="#">16</a>	No	<p>Improve forms to ensure the application and certification processes are efficient and collect all the required information. Ensure all the forms are complete upon receipt.</p>	Concur
3	<a href="#">18</a>	No	<p>Develop policies and procedures defining the Police Standards and Training Council (PSTC) audit function and ensure they are conducted.</p>	Concur
4	<a href="#">21</a>	No	<p>Improve the complaint and disciplinary processes by: 1) increasing authority in administrative rule to allow for the disciplining of non-terminated officers and officers found not-guilty of criminal offenses; and, 2) develop mechanisms and procedures to ensure unreported criminal misconduct is addressed.</p>	Concur In Part

Recommendation Summary

Observation Number	Page	Legislative Action May Be Required	Recommendations	Agency Response
5	<a href="#">24</a>	No	Improve policies and practices to ensure the consistent management of instructors by: 1) developing credential verification and instructor approval processes, 2) setting a minimum level of instructor training required, and 3) reducing the level of monitoring activities of non-PSTC instructors.	Concur
6	<a href="#">26</a>	No	Ensure an updated job task analysis is completed and the results integrated into the curriculum.	Concur
7	<a href="#">29</a>	No	Complete a comprehensive strategic plan and design performance measures to achieve goals and objectives.	Concur
8	<a href="#">30</a>	No	Work with the Department of Information Technology to reengineer its processes for efficiency and identify or develop suitable software to assist the PSTC in achieving its primary responsibilities efficiently.	Concur
9	<a href="#">32</a>	No	Fully implement a risk management policy which includes a comprehensive written risk assessment.	Concur
10	<a href="#">33</a>	No	Improve administrative rules by ensuring: 1) rules are consistent with statute, 2) updated timely, and 3) all forms requiring information from external parties are properly adopted.	Concur
11	<a href="#">35</a>	No	Explore opportunities to combine maintenance services with Department of Administrative Services and report to the Legislature.	Concur
12	<a href="#">37</a>	No	Adopt rules defining the approval and oversight of the county corrections academy curriculum.	Concur In Part

Observation Number	Page	Legislative Action May Be Required	Recommendations	Agency Response
13	<a href="#">39</a>	Yes	<p>Work with Department of Justice to develop policies and procedures to ensure proper authority is cited when entering into non-public session for the frequent scenarios before the PSTC.</p> <p>The Legislature may wish to clarify whether exemption from a public setting under RSA 91-A:3, II(a) is for the protection of any public employee before any public body or whether an employer-employee relationship is required.</p>	Concur
14	<a href="#">41</a>	Yes	<p>We recommend the PSTC develop policies and procedures to: 1) ensure compliance with the financial disclosure statute; 2) ensure only eligible members are conducting PSTC business.</p> <p>We also suggest the Legislature consider revising RSA 15-A.</p>	Concur
15	<a href="#">42</a>	No	Formally adopt recusal practices by defining potential conflicts of interest for PSTC members in policy and determining when a recusal from the meeting or abstention from voting is the appropriate remedy to avoid a potential conflict.	Concur
16	<a href="#">43</a>	No	Develop policies and procedures to ensure the Corrections Advisory Committee consistently complies with statute.	Concur

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**BACKGROUND**

In 1971, the Police Standards and Training Council (PSTC) was created by the New Hampshire General Court to establish minimum hiring and educational standards for most sworn law enforcement personnel within the State. The PSTC trained and certified all State and local police officers, probation-parole officers, and State corrections officers. County corrections officers were exempt from PSTC certification and training requirements, but the PSTC maintained oversight responsibility over the county corrections training curriculum.

**Training**

The PSTC operated three different training academies during the year; the full-time police academy, the part-time police academy, and the corrections academy. The full-time police academy and the corrections academy were each offered three times per year. The part-time police academy was offered two or three times per year, depending on need. In addition, probation-parole officers first attended the corrections academy and then attended a portion of the full-time police academy to become certified probation-parole officers.

During the audit period, full-time police officers attending the PSTC academy received 16 weeks of training and education at the PSTC facility in Concord, while State corrections officers received nine weeks. Police officers seeking part-time certification were provided 200 hours of training and education over the course of 14 weeks before becoming certified and are not permitted to work more than 1,300 hours per year. Law enforcement officers were able to have the requirement to attend an academy waived by the PSTC if they demonstrate they received adequate prior training from another program.

**Certification**

Certified officers were required to receive ongoing annual training and, if hired as an officer after the year 2000, pass a physical fitness test every three years. Certification may be suspended or revoked by the PSTC for violating laws or PSTC administrative rules. Certification lapses occurred when an officer was separated from a law enforcement agency for more than three years if the separation was due to an involuntary lay-off or 30 days for all other separations of employment.

The PSTC was responsible for regulating 4,305 individual law enforcement officers from a variety of law enforcement agencies holding 4,740 positions (Table 1).

Table 1

**Number Of Certified Law Enforcement Officers By Agency,  
As Of July 2018**

<b>Law Enforcement Agency</b>	<b>Number Of Law Enforcement Officers<sup>1</sup></b>
Municipalities	3,199
Department Of Corrections	508
Counties	412
State Police	359
Fish And Game Commission	54
Marine Patrol	50
State Universities	45
United States Customs And Border Protection	23
Liquor Commission	22
Fire Marshal	17
Department Of Justice	15
Police Standards and Training Council	13
Department Of Natural And Cultural Resources	12
Other	11
<b>Total</b>	<b>4,740</b>
Note: <sup>1</sup> Represents the number of certified officers employed by the various law enforcement agencies. Some officers are employed by multiple jurisdictions.	
Source: LBA analysis of unaudited PSTC data.	

### **Council Oversight**

The 14 member Council oversaw PSTC operations through a Director and decided whether prior training and experience qualified for certifications, and presided over multiple hearings each year involving certification suspensions and revocations. The PSTC was empowered to subpoena and examine witnesses under oath, take oaths or affirmations, and reduce to writing testimony given at any hearing. Additionally, the PSTC was also authorized to adopt rules and monitor police departments within the State through required submission of reports.

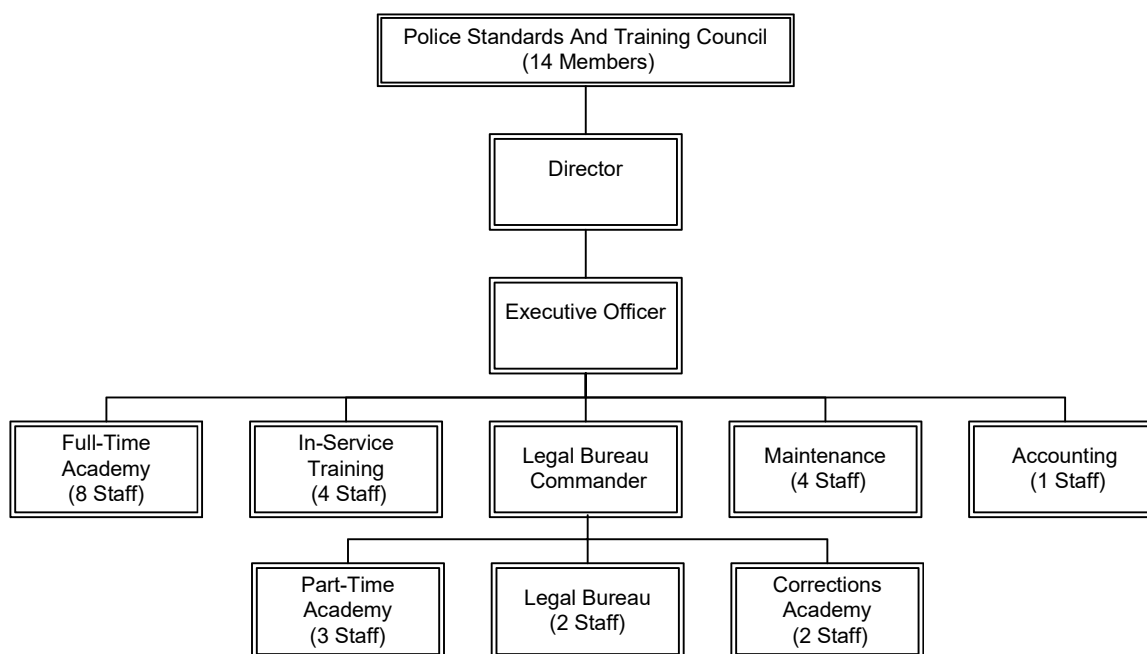
### **Organizational Structure And Staffing**

Operations at the PSTC were overseen by a Director appointed to a four-year term by the PSTC. As of May 2018, operations consisted of 26 employees and were organized into seven different functions, including: full-time academy, part-time academy, corrections academy, in-service training, legal, maintenance, and accounting as shown in Figure 1. The PSTC had experienced some turnover of middle management during the audit period and underwent a slight

organizational restructure, which consolidated some responsibilities of middle management into a newly created Executive Officer position. Additionally, the PSTC was administratively removed from the Community College System Of New Hampshire at the beginning of the audit period.

**Figure 1**

**PSTC Organizational Structure As Of May 2018**



Source: LBA analysis of PSTC organizational chart.

Major PSTC divisions include:

- *Full-Time Academy*: The Full-Time Academy was led by a Law Enforcement Training Specialist II, known as the Commandant, with assistance from an Assistant Commandant. In addition to the Commandants, five Law Enforcement Specialists provided training, while outside instructors from other State agencies and stakeholder organizations supplemented specialized areas of instruction. Additionally, the administrative work of the Full-Time Academy was supported by a program assistant.
- *In-service Training*: The in-service training function was comprised of one instructor, one firearms range supervisor, a program assistant, and a part-time training coordinator who administered the online training systems. Officers were required to maintain annual in-service training in areas such as firearms, deadly and non-deadly force, and an additional eight hours in continuing education required by the PSTC.

- *Legal Bureau:* This bureau consisted of a Commander, paralegal, and a program assistant. Staff assisted the Commander with preparation for PSTC meetings and monitoring compliance with PSTC standards. The Commander also oversaw the Part-Time and Corrections Academies. Each of these academies was led by a part-time Law Enforcement Specialist I (known as Commandants). The Part-Time Academy was staffed with one part-time personnel. The Corrections Academy was staffed by a full-time program assistant and relied on two Department of Corrections' employees as supplemental instructors. Academy responsibilities included enrolling recruits, developing and updating lesson plans, administering tests, and hosting a graduation ceremony.
- *Maintenance:* The maintenance crew at the PSTC was comprised of two building service workers who cleaned and repaired the facility, one mechanic, and one plant maintenance engineer who managed the staff. In addition to the general upkeep of the PSTC campus and equipment, the PSTC provided State vehicle inspections for the PSTC's 13 vehicles and one trailer.
- *Accounting:* One accounting staff performed all clerical financial tasks and received direct oversight and approval of financial functions from the Executive Officer.

In addition to hired staff, the PSTC relied on several volunteers, private contractors, and "cadres" to supplement the training workload. The cadre positions were certified officers from law enforcement agencies who provided mentorship to recruits and assisted the PSTC training staff. The Department of Corrections and State Police voluntarily provided cadres to their corresponding academies and one local law enforcement agency was selected and compensated for providing a cadre.

## **Fiscal Operations**

On July 1, 2016, the Legislature changed the PSTC's funding to 100 percent General Funds instead of relying on a court-imposed penalty assessment for revenue. The penalty assessment revenue formerly deposited into a PSTC fund was now directed to the General Fund. The change in the funding structure had reportedly improved the consistency in the funding of operations.

As illustrated in Table 2, the PSTC spent approximately \$3.3 million a year on operations during the audit period. About two-thirds of expenses were for personnel costs. Major non-personnel expenses included expenses associated with the maintenance and operations of the PSTC training facility. Additionally, another major expense was the food service contract to feed the recruits and in-service officers receiving training. One of the main increases in revenue and expenses from State fiscal years (SFY) 2017 to 2018 involved the purchase of a State grant funded driving simulator. However, other expenses remained relatively stable or decreased during the audit period. The biggest reduction in expenditures was due to the final bond obligation payment ending a bond obligation for the PSTC tactical center in SFY 2017.

Table 2

**PSTC Revenues And Expenditures,  
SFYs 2017-2018  
(In Thousands)**

	<b>2017</b>	<b>2018</b>
<b><u>Revenues</u></b>		
Agency Income	4	108
Revolving Funds <sup>1</sup>	37	0
<b>Total Revenues</b>	<b>\$41</b>	<b>\$108</b>
<b><u>Operating Expenditures</u></b>		
Personnel & Benefits	\$2,260	\$2,244
Equipment and Maintenance	208	370
Food Institutions	304	319
Training of Providers	122	127
Other State Agencies	100	154
Debt Service	80	0
Telecommunications	22	20
PSTC Grants	11	0
Other Expenses (e.g., consumables, utilities, travel)	201	180
<b>Total Operating Expenditures</b>	<b>\$3,308</b>	<b>\$3,414</b>
<b>Excess (Deficiency) of Revenues Over (Under) Expenditures<sup>1</sup></b>	<b>\$ (3,267)</b>	<b>\$ (3,306)</b>

Note: <sup>1</sup>Revolving fund revenue was generated by a court-imposed fee for use by the PSTC, which was transferred to the General Fund when the PSTC funding structure changed. As a result, any deficiency of revenues under expenditures was covered by the General Fund.

Source: LBA analysis of State financial information.

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**STANDARDS AND TRAINING**

The Police Standards and Training Council (PSTC) mission identifies two fundamental responsibilities: standards and training.

**Standards**

The law enforcement profession, like many other professions, was expected to uphold a degree of competency and ethical standards. Unique from other professions, law enforcement officers were granted either the authority to detain individuals and place them in custody, the ability to pursue criminal charges, or both. Due to these powers, law enforcement officers were sometimes put into high-risk situations and required a certain level of training and public trust to perform the job safely and effectively. The PSTC was enacted to develop the minimum criteria for these standards of the profession and ensure compliance through monitoring activities. Industry practices for law enforcement certifying regulatory bodies included requiring: background investigations, fitness testing, medical examinations, training, and drug and psychological screening.

***Background Investigations***

Each officer newly hired in New Hampshire, regardless of previous law enforcement certification status, was required to undergo a background investigation by the hiring law enforcement agency. Background investigations required by the PSTC, at a minimum, involved a review of all local police files where the applicant had lived, citizenship and motor vehicle records, employment history, and a criminal background check utilizing the National Crime Information Center. Additionally, the PSTC background investigation standards included follow-up and supplemental procedures when applicable. The PSTC did not directly conduct the background investigations for hiring authorities or mandate accompanying source documentation. Instead, this standard was implemented by requiring agencies to fill out an affidavit attesting to the completion of an investigation.

***Fitness Testing***

Recruits attending the PSTC Full-time, Part-time, and Corrections Academies required completion of a physical fitness test upon entrance and exit from the academy. Additionally, officers hired after the year 2000 were required to complete fitness testing every three years. The PSTC implemented this standard by requiring academy recruits to conduct testing at the academy, but once certified, officers were allowed to conduct ongoing fitness testing at a convenient location under the direction of a PSTC-certified fitness instructor. Completion of the ongoing fitness testing out in the community was then reported to the PSTC.

### ***Medical Examination***

Prior to serving, law enforcement officers were required to complete a medical examination by a licensed physician. The examination included an in-depth review of the applicant's medical history. Additionally, the physician reviewed the cardiovascular, musculoskeletal, and respiratory systems of the applicant. After a series of tests, the physician made a determination whether any conditions would prevent the applicant from participating in the PSTC academies or the profession of law enforcement. Periodic medical reviews were also conducted for officers participating in the ongoing fitness requirements.

### ***Training Requirements***

Training requirements for officers were ongoing throughout the officer's career. Pre-service training was required for any officer carrying a firearm and handcuffs, or to operate an emergency vehicle. After officer certification, eight hours of ongoing refresher training was required in an area of training outside of firearms, first aid, or defensive tactics. Additionally, annual firearms training and qualification were required for officers carrying a firearm. The PSTC implemented these ongoing standards by requesting law enforcement agencies submit an affidavit attesting to compliance for an agency's roster of officers.

### ***Drug And Psychological Screenings***

Both drug and psychological screenings were common industry practices designed to determine suitability of an officer to serve in the profession. Law enforcement officers were expected to enforce drug laws and prevent those in custody from obtaining illegal controlled substances. An officer found to have used illegal substances possessed behavioral traits potentially incompatible with these expectations of the profession. Psychological evaluations were intended to assess the mental and emotional stability of an officer because of the unique requirements placed on a law enforcement officer. We note in Observation No. 1, the PSTC regulatory processes regarding drug and psychological screenings were lacking.

### **Observation No. 1**

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#### **Require Psychological And Drug Screenings**

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Not all law enforcement officers are screened for psychological stability or drug use prior to assuming their duties as certified officers. RSA 106-L:6, VI stated,

The council shall require that all uncertified part-time and full-time police officers, state corrections officers, and probation-parole officers, prior to assuming their duties, successfully pass a psychological screening test battery administered under the direction of a licensed psychologist or psychiatrist according to protocols adopted by the council and designed to detect behavioral traits that could adversely affect the person's ability to perform the essential functions of a law enforcement officer.



RSA 106-L:6, IV stated,

The council shall require that all uncertified part-time and full-time police officers, state corrections officers, and probation-parole officers, prior to assuming their duties, successfully pass a medical examination including a drug screening administered under the direction of a licensed physician according to protocols adopted by the council.

However, a provision within Chapter 138, Laws 1997 which established these requirements stated, “Such additional standards shall take effect in those localities only if they are approved for funding by the political subdivision.” Therefore, law enforcement officers within State political subdivisions were required to undergo and pass psychological and drug screening only if funding was available within the political subdivision’s budget. Consequently, some law enforcement agencies within the state may have officers who have received psychological and drug screening while others may not.

Our review of 30 previously uncertified officer training files found only one instance where a psychological screening was performed and only two instances where drug testing results were voluntarily provided to the PSTC. Moreover, our survey of 108 law enforcement agencies found 28.9 percent of agencies did not consistently require drug screening and 14.5 percent did not consistently require psychological screening of uncertified officers. We also note two State law enforcement agencies reported not requiring at least one of these screenings.

The PSTC adopted rules to implement the psychological screenings, but no rules addressed the drug screening requirement. The PSTC reported implementing the psychological screening requirement was challenging due to the efforts needed to avoid implementing an unfunded State mandate. As for drug screenings, those were reportedly omitted from processes due to a long standing oversight in PSTC rule.

Additionally, no procedure existed for law enforcement agencies to provide evidence of screenings or exemption due to lack of funding. Therefore, the PSTC had no information on whether this law was implemented or if voluntary compliance existed.

By having two sets of standards for law enforcement officers depending on the law enforcement agency in which they were hired and by not collecting information on drug and psychological screenings, the PSTC cannot ensure all officers were fit for duty or State law was followed. Without psychological and drug testing, some officers performing law enforcement duties may possess psychological characteristics or drug dependence that may not be compatible with law enforcement positions, thereby jeopardizing the safety of both law enforcement officers and the public.

### **Recommendations:**

**We recommend the PSTC:**

- **ensure all State-employed law enforcement officers are screened as required by law;**

- ensure all officers employed by political subdivisions are appropriately screened according to whether the subdivision has funds budgeted for such testing;
- develop rules to describe acceptable psychological and drug screening tests; and
- develop methods to ensure local hiring authorities either conducted required testing or demonstrated exemption.

The Legislature may wish to consider whether the two different standards for law enforcement officers is acceptable or whether some other resolution is necessary.

Auditee Response:

*We concur with the recommendations.*

*RSA 106-L:6, IV and VI, require uncertified police, corrections and probation/parole officers, prior to assuming their duties, successfully pass a medical examination including drug screening, and pass a psychological screening test battery.*

*Pursuant to 1997 Chapter Law, 138:4, current rule Pol 301.07 requires all uncertified police, corrections and probation/parole officers employed by the state, and all uncertified police officers employed by local units of government **who have accepted this requirement by approving the necessary funding shall, prior to hiring, successfully pass a psychological screening test battery administered under the direction of a licensed psychologist or psychiatrist....***

*We will review the rules and statutory mandates regarding both psychological and drug screening and consult with legal counsel to determine whether requirements are an unfunded mandate and whether amendment(s) to the rules are appropriate. Should the legislature enact statutory amendments, the Council will draft policies and rules as appropriate.*

*We will propose an amendment to Pol 301.06 to include verification on Employee Status Notification Form "A", that the requirements for psychological testing have been met pursuant to Pol 301.07 and an amendment to Pol 301.04 to include the requirement for drug screening on the Medical Form "D".*

## **Observation No. 2**

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### **Improve Application And Certification Forms**

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The PSTC certification files did not always contain all required documents or have all documents sufficiently completed. We reviewed 51 newly hired law enforcement officers and found the following noncompliance with PSTC rules or statutes:

- five of the 51 (9.8 percent) newly hired officers did not correctly complete all mandatory sections of the background investigation affidavit. Three of the five (60.0 percent)

incomplete background investigation affidavits were due to a hiring agency not indicating whether military records were checked;

- nine of the 51 (17.6 percent) employment status notification forms for newly hired officers were submitted more than 15 days after the officer's hire date;
- one of four (25.0 percent) officers seeking an exemption from attending a PSTC academy did not provide a completed form demonstrating prior training and experience;
- two of the 30 (6.7 percent) previously uncertified officers did not complete the medical history and examination form required by rule, but submitted a one page medical clearance report as a substitute; and
- two of 30 (6.7 percent) medical examinations were submitted a month after the officer's hire date, although statute required completion of the form prior to serving as an officer.

Our review of ongoing requirements filed by law enforcement hiring authorities found:

- six of 22 (27.3 percent) employment status notification changes were more than 15 days past the effective date of the officer's employment change date;
- three of the 38 (7.9 percent) agencies provided affidavits which included firearm instructors not certified by the PSTC.

We found the certification documentation processes was hindered by a lack of well-designed forms, automation, clear instructions for officers and law enforcement agencies, and insufficient review by PSTC staff.

## **Forms**

Documentation was incomplete because of the following issues with forms and their functionality:

- "Employee Status Notification Form A" and "Employee Status Notification Form B" could be combined into a single "Employee Status Notification" form.
- Not all forms are completely electronically fillable. It may be more efficient to have more forms electronically fillable.
- A statement on unsworn falsification needs to be added to several forms.
- Duplicative forms for officers with prior training and experience contain inconsistent, illogical, or incomplete information requests. One form asks for duplicate information from forms already submitted such as copy of high school or high school equivalency diplomas which were already supplied with "Employee Status Notification Form A".

Due to the reliance on manual processes, the form submission process needs more review to improve compliance. The PSTC could increase compliance by reducing the number of forms. In addition, providing more detailed instructions on how to complete the forms could be valuable since some noncompliance may be due to officer or agency not understanding what the form is

asking for or under what circumstances the form must be completed. As mentioned in Observation No. 10, all forms requiring information of external parties may either be described in rule or adopted by reference.

Without clear, unambiguous, streamlined forms, clear instructions, and sufficient staff review upon receipt, the PSTC cannot be assured its process flows are efficient and effective.

**Recommendations:**

**We recommend PSTC management improve its forms to ensure the application and certification processes are efficient and collect all the required information. The PSTC should ensure all the forms are complete upon receipt and only accept complete and compliant forms.**

*Auditee Response:*

*We concur with the recommendations.*

*We continually seek to improve our forms to streamline and improve the accuracy and efficiency of the system. We have submitted a capital improvement request to purchase a modern, relational database with built-in controls that would be a substantial improvement in accuracy and efficiency by allowing agencies to submit required forms electronically.*

*In order to improve clarity, we will propose an amendment to Form "I" Affidavit of Background Investigation to include an indication that military records are 'not applicable' if the individual has never been in the military.*

**Observation No. 3**

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**Ensure Audits Are Periodically Conducted**

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We found the PSTC compliance monitoring function lacked consistency to ensure law enforcement agencies fully complied with standards set by the PSTC. Although Observation No. 2 illustrated some of the problems identified when we reviewed paperwork filed with the PSTC, the PSTC heavily relied on law enforcement agencies submitting affidavits and other forms attesting to compliance with PSTC standards. By design, these documents were only meant to acknowledge compliance. However, the PSTC conducted no documented audits during the audit period and was only able to provide documentation for audits performed before and after the audit period.

The lack of audits by the PSTC was reportedly due to resource constraints. The PSTC audits were likely labor intensive since they involved onsite visits and a review of all files. A more efficient methodology to ensure compliance could include occasionally requesting source documentation to accompany an affidavit and the use of sampling to limit the number of files to review. However, without a policy or procedure periodically requiring audits, the PSTC had no assurance the hiring authorities actually complied with PSTC rules and statute.

Previous audits conducted by the PSTC found both minor and significant noncompliance with PSTC standards, such as, poor record keeping and unreported criminal activity. By allowing the PSTC audit function to become dormant during the audit period, the PSTC risked unchecked noncompliance with statute and rules.

**Recommendation:**

**We recommend the PSTC develop policies and procedures defining the PSTC audit function and ensure they are periodically conducted.**

*Auditee Response:*

*We concur with the recommendation.*

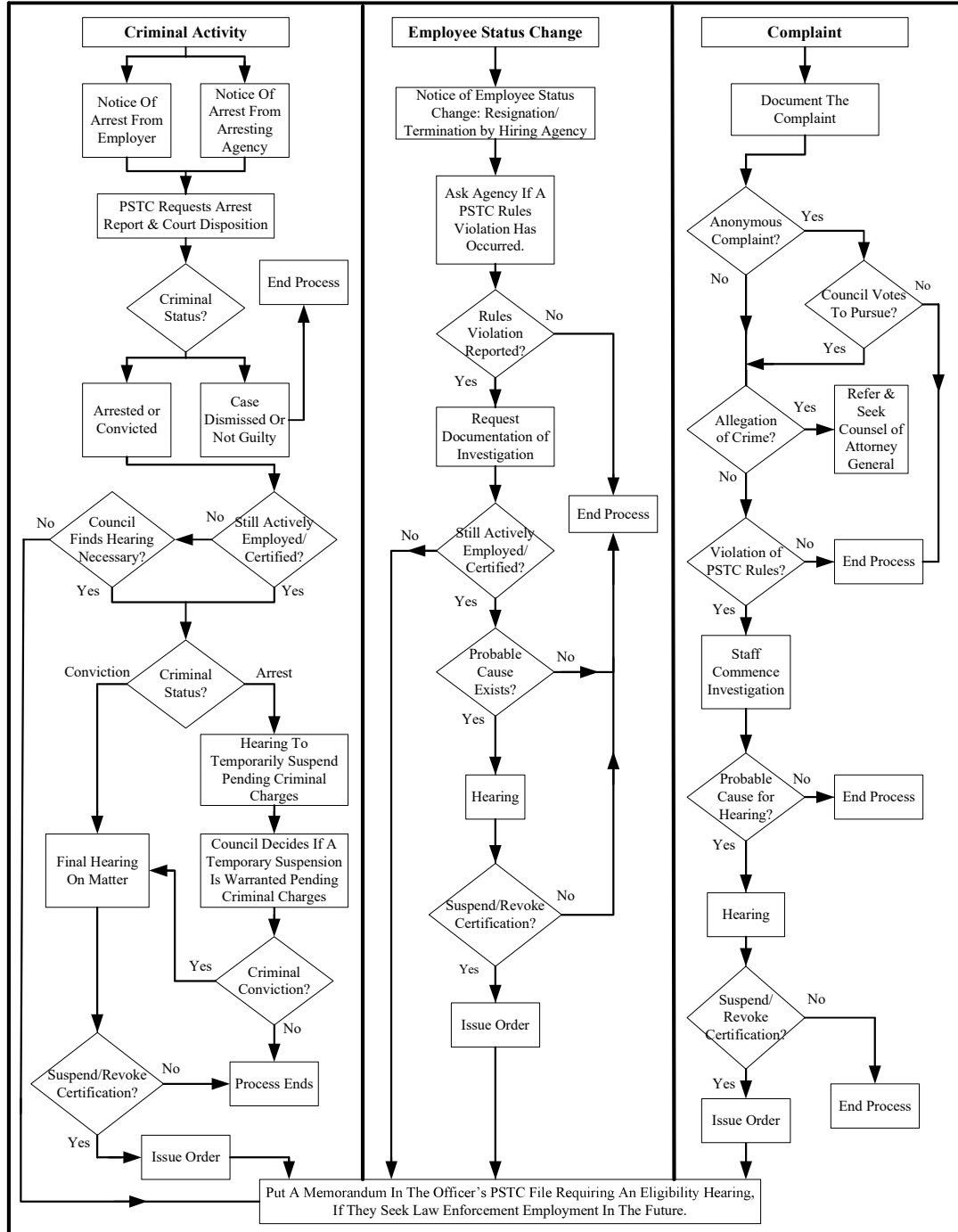
*We will adopt policies and procedures to define circumstances under which PSTC will conduct compliance audits on law enforcement agencies to include audits whenever a new chief law enforcement officer has been appointed or elected.*

***Complaints And Discipline***

The PSTC had three different processes of becoming aware of potential misconduct or noncompliance: criminal activity, officer termination or resignation, or a complaint submitted for a violation of PSTC administrative rule. Our file review of disciplinary hearings before the PSTC, found criminal activity was the most frequent reason for disciplinary hearings and driving while intoxicated was the most common criminal offense alleged. Noncriminal matters ranged from willful violation of fitness testing rules to officer dishonesty resulting in a resignation. Figure 2 demonstrates the complaint and disciplinary processes.

Figure 2

Three Types Of PSTC Complaint Processes



Source: LBA analysis of PSTC complaint and disciplinary processes.

## Observation No. 4

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### Improve Complaint And Disciplinary Processes

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We found the PSTC complaint processes included gaps in both: 1) restrictions on disciplinary authority and 2) misconduct reporting mechanisms.

#### **Disciplinary Authority**

The International Association of Directors of Law Enforcement Standards And Training (IADLEST) states law enforcement officers should be subject to discipline for any of the following acts: conviction of a misdemeanor or felony, dishonesty, reckless disregard for others' rights, or violations of the code of conduct as established by the governing body. The PSTC administrative rules limited disciplinary jurisdiction to a wide variety of offenses, including convictions of crimes, both felonies and some misdemeanors, mental health issues, or an array of other specific reasons such as being discharged from service or resignation in lieu of discharge. However, the PSTC does not appear to have jurisdiction over some officers under specific circumstances.

#### ***Non-Discharged Employees***

The PSTC was generally made aware of officers who were demoted, suspended, or put on administrative leave by their hiring authority, but the PSTC was not made aware of the specific reasons for the hiring authority's disciplinary action. Although the PSTC administrative rules addressed discipline for law enforcement officers demonstrating dishonesty or a disrespect for the law when discharged from their position, arrested, indicted in a criminal complaint, or found to have used or possessed a controlled substance, rules and practices did not address other circumstances that may reflect an officers fitness for duty. For example, under PSTC rules and practices an officer could be suspended for any length of time by their hiring authority for dishonesty or excessive force without the PSTC possessing the authority or requisite information to take appropriate action against their certification as long as the officer remains employed and was not pursued in a criminal proceeding.

The rationale for not pursuing discipline against suspended officers was reportedly based on two assumptions: 1) suspensions issued by hiring authorities were commonly issued for trivial offenses, and 2) serious and substantiated misbehavior would likely result in termination by the law enforcement agency or a criminal complaint. While the PSTC practice of not pursuing officers suspended by their hiring authority may have been reasonable in most scenarios, administrative rules may have been too narrowly structured to allow for a potential situation where the PSTC could become aware of serious misconduct but be unable to act. Additionally, the PSTC rationale assumed hiring authorities were consistent in their decisions to discharge officers due to misconduct.

One scenario in which the PSTC did not pursue discipline was when certain officers were added to the Exculpatory Evidence Schedule (EES), formerly known as the "Laurie list." The EES was

a list maintained by county and State prosecutors that contains the names of law enforcement officers where evidence or an allegation of misconduct could impeach an officer's credibility in a court proceeding. The PSTC management reported this list was unreliable and did not pursue officers on the list for disciplinary action. While some officers who were discharged from their positions because of the underlying facts that got them added to the EES would be subject to PSTC discipline, some officers who were not discharged from their positions would not be subject to discipline by the PSTC unless the misconduct resulted in a criminal proceeding. While the structure of this list was being revised throughout the audit period, the Department of Justice was in the process of making modifications to the list which could assist the PSTC in identifying substantiated cases of misconduct by active law enforcement officers.

### ***Not-guilty Verdicts***

The PSTC policy and practice was to not pursue officers in cases of not guilty verdicts and PSTC rules prevented the PSTC from pursuing discipline in cases where the officer maintained employment with the law enforcement agency. However, a non-guilty criminal verdict fully investigated by a law enforcement agency may have still resulted in an actionable offense under the PSTC evidentiary standards.

While the PSTC relied heavily on the criminal justice system to adjudicate allegations against officers, the criminal justice system and the PSTC's civil regulatory system had separate evidentiary standards. The evidentiary standard in criminal matters to convict was beyond a reasonable doubt, while the evidentiary standard used by the PSTC in final disciplinary hearings was a lower standard of preponderance of evidence. Therefore, an officer found not-guilty of a crime may still have been found by the PSTC to have committed the underlying act because of its lesser evidentiary standards. The IADLEST industry standards recommended serious misconduct, whether a guilty conviction or not, should be grounds for discipline.

### **Misconduct Reporting Mechanisms**

The PSTC system to detect officer misconduct was only as effective as the reporting mechanisms used to identify the misconduct. We found the PSTC complaint processes lacked effective procedures to address officers or agencies chronically underreporting criminal misconduct.

### ***Unreported Criminal Activity***

To ensure allegations of officers participating in criminal misconduct were reported, the PSTC requires both the hiring authority of the accused officer and the agency arresting the officer to report to the PSTC. While requiring two agencies to report criminal misconduct created an additional safeguard, the PSTC took no disciplinary action to ensure timely and consistent compliance with reporting officer arrests. For example, administrative rule required an agency to report an arrest within 15 days. However, our file review of PSTC disciplinary hearings found 3 out of the 20 (15 percent) instances where an officer arrest went unreported to the PSTC for over 30 days. Further, one of those three instances was never reported by an arresting agency or hiring authority. Instead a member of the Council became aware of the arrest through a newspaper



article. Finally, one law enforcement agency with nine arrested officers during the audit period, only reported five out of nine (55.6 percent) arrests to the PSTC.

By allowing agencies and officers to not self-report criminal activity without additional consequences for the officer, the PSTC may have increased the likelihood of criminal activity going undetected.

**Recommendations:**

**We recommend PSTC management improve the complaint and disciplinary processes by:**

- **increasing authority in administrative rule to allow for the disciplining of non-terminated officers and officers found not-guilty of criminal offenses; and**
- **develop mechanisms and procedures to ensure unreported criminal misconduct is addressed.**

*Auditee Response:*

*We concur in part with the recommendations.*

*We will review the administrative rules and explore potential amendments that may be appropriate to address potential discipline of non-terminated officers and officers that have been found not guilty of criminal offenses, yet may be in violation of Council rules, including moral turpitude.*

*We will periodically provide reminders to agency heads regarding the requirement in administrative rules to report arrests of officers to the council within 15 days.*

*We do not concur that PSTC should pursue discipline when an officer is added to the Exculpatory Evidence Schedule. The EES is a tool for prosecutors, defense and the courts to determine whether an officer may have credibility issues. It was not designed, nor intended to be used, as a trigger for a disciplinary action and is therefore, not relevant to this audit.*

**LBA Rejoinder:**

**We agree the function of the EES is for a specific purpose and mere presence on the list should not trigger Council disciplinary action. However, the EES is another source of information the Council could use to identify officers the Council may wish to investigate further given the seriousness of the allegation. If the Council has used newspaper articles to identify officers that should come before the Council, it seems prudent to periodically review the EES to identify officers who have not been brought to the attention of the Council in another way.**

## Training

Training was the largest part of the PSTC organizational structure and operations. The PSTC training operations involved a series of educational tools and systems designed to produce effective and safe training. Components of the PSTC training operations included: lesson plan development and implementation, instructional delivery, instructor evaluation, instilling a culture of discipline, curriculum updating, controlling student testing environments, and ensuring safe scenario and firearms training.

### *CALEA Standards*

To assess the PSTC’s training operations, we reviewed the PSTC policies, procedures, and practices relative to the Commission on Accreditation for Law Enforcement Agencies (CALEA) standards for public safety training academies. The CALEA standards are a set of industry practices designed to promote accountability and limit risk for training academies seeking to provide quality training for public safety officers. Although not required to follow CALEA standards, we used CALEA standards to assess the PSTC operations without holding them accountable to every detail. Table 3 shows we found a majority of PSTC academy operations fully or partially aligned with CALEA standards for training academies. Several areas of noncompliance or partial compliance did not appear to pose a substantial risk or identifiable negative impact to PSTC operations in our opinion. Because CALEA standards are proprietary, there are limitations on how we can discuss them in this report.

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<b>Table 3</b>
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**Percent Of PSTC Compliance With CALEA Standards For Training Academies,  
During The Audit Period**

Standard Applicability	Number of Standards	Non Compliant	Partially or Fully Compliant
<b>Mandatory</b>	124	23.4%	76.6%
<b>Optional</b>	24	45.8%	54.2%
<b>Overall</b>	148	27.7%	72.3%

Source: LBA analysis of CALEA standards and PSTC academy operations.

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We note some areas where the PSTC academy operations diverged from CALEA standards could benefit from further improvement as described in Observation Nos. 5 and 6.

### **Observation No. 5**

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#### **Ensure Consistent Management Of Instructors**

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We found the PSTC inconsistently managed its academy instructors. Whether instructors were directly employed by the PSTC, contracted, or volunteered their time, all instructors effectively

shared the same responsibility of ensuring law enforcement officers received adequate training in accordance to the PSTC curriculum. We found the following areas where the PSTC could improve management of its instructors:

- *Approving and Credentialing:* While PSTC staff and contracted instructors went through a structured approval process, volunteer instructors were informally approved and the PSTC maintained no roster, files, curricula vitarum, or any other evidence of relevant training. CALEA standards suggest management approve instructors, instructors meet academy criteria, and have any requisite credentials verified.
- *Training:* Although PSTC management reported all instructors received some level of training, the level of training was reported as inconsistent and sometimes informal. CALEA standards suggest instructors receive comprehensive training in developing an effective training course and instructional techniques.
- *Monitoring and Evaluation:* Non-PSTC staff instructors were almost always monitored in the classroom by PSTC staff, but monitoring efforts did not result in written evaluations. CALEA standards suggested instructors be monitored by more experienced instructors until deemed effective and then monitored biennially.

### **Monitoring Of Non-PSTC Instructors**

As a result of how non-PSTC staff instructors were vetted and trained, PSTC staff spent a considerable amount of time monitoring non-PSTC staff instructors. We determined non-PSTC staff taught a total of 282 instructional hours in the full-time and part-time academies. We estimated approximately 18 hours per week were spent by PSTC staff or cadre resources monitoring the instruction of these courses. Multiple PSTC staff reported monitoring efforts may not be the most efficient use of staff time. Consequently, if the PSTC followed CALEA standards consistently, monitoring efforts would be significantly reduced. Additionally, recruits provided feedback on each class and instructor which allowed the PSTC to monitor instructors without allocating instructional resources.

The inconsistent management of non-PSTC-employed academy instructors was primarily due to the challenges with relying on volunteers to supplement the PSTC employee instructional workload. While some volunteers remained consistently dedicated to volunteering to teach at the PSTC academy, some volunteer instructors were only briefly involved.

### **Recommendations:**

**We recommend the PSTC improve policies and practices to ensure the consistent management of instructors by:**

- **developing credential verification and instructor approval processes for non-PSTC instructors with some degree of parity to the treatment of PSTC staff instructors,**
- **setting a minimum level of instructor training required and ensuring those standards are consistently met with written evaluations, and**

- **reducing the level of monitoring activities of non-PSTC instructors after instructional proficiency has been demonstrated and documented by the PSTC.**

*Auditee Response:*

*We concur with the recommendations.*

*We will develop an instructor approval process, to include a minimum level of instructor training with periodic written evaluations and maintain a roster of approved instructors.*

*We will reduce the frequency of monitoring of non-PSTC instructor when deemed appropriate.*

**Observation No. 6**

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**Incorporate Job Task Analysis Into Curriculum Development**

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The PSTC lacked a current job task analysis to incorporate into the development of the academy curriculum. A job task analysis is a method to identify and review the tasks required of law enforcement officers. Each task is analyzed to determine the frequency, significance, and most effective training method. Both the CALEA and the IADLEST suggest a job task analysis should be periodically conducted and used as the basis for an academy curriculum. However, the PSTC last completed a job task analysis in 2000.

The job task analysis was reportedly not updated due to the expense of hiring a vendor to conduct the comprehensive analysis. Although the PSTC may have been limited by resources, the PSTC could have better utilized the job task analysis framework in updating academy curriculums. For example, the PSTC was not able to ensure each modification to the curriculum was supported by a current job task analysis or demonstrate any in-depth analysis on how each class should be trained. Consequently, our survey found multiple law enforcement agencies and officers reported aspects of the curriculum were outdated, lacked the appropriate level of scenario based training, or were not best suited for an academy setting.

Lastly, the PSTC Chairman reported the law enforcement profession was facing dynamic changes in societal expectations which further underscored the need for an updated job task analysis.

**Recommendation:**

**We recommend the PSTC seek funding to ensure an updated job task analysis is completed and the results integrated into their curriculum.**

Auditee Response:

*We concur with the recommendation.*

*We agree that an updated Job Task Analysis would be helpful in ensuring the training curriculum is up to date and meeting current trends and the changing expectations of law enforcement. We will explore the cost of a JTA and seek funding to accomplish it.*

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**STATE OF NEW HAMPSHIRE  
POLICE STANDARDS AND TRAINING COUNCIL**

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**MANAGEMENT OF OPERATIONS AND MEETINGS**

Management is tasked with ensuring an organization achieves its mission. Management develops the plans, policies, procedures, strategies, reports, and organizational structure to achieve this mission effectively and efficiently. To be effective, management integrates these functions in ways that ensures compliance with legal requirements and best safeguards assets. Operations of the Police Standards and Training Council (PSTC) included serving 229 customer agencies, overseeing approximately 4,700 certified officer positions, maintaining a 77,000 square foot facility with a small fleet of vehicles, and conducting monthly meetings which adjudicated matters requiring PSTC action.

**Observation No. 7**

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**Develop Performance Measurement System And Strategic Plan**

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Performance measurement is the ongoing monitoring and reporting of program accomplishments, particularly progress toward pre-established goals and is typically conducted by program management. Performance measurement focuses on whether a program has achieved its objectives, expressed as measurable performance standards. Performance measures may address the type or level of program activities conducted (process), the direct products and services delivered by a program (outputs), or the results of those products and services (outcomes). A performance measurement system promotes efficient and effective management by assessing whether an agency's activities are achieving its mission and producing desired results. Such a system can tie activities to goals supporting the agency's mission, compare actual performance to pre-established targets, allow agencies to identify their strengths and weaknesses, and actively monitor performance over time. Therefore, establishing formal goals, objectives, and strategic plan would be the starting point for a performance measurement system. Although the PSTC had a strategic planning session in September 2017, no formal goals, objectives, or strategic plan were formally produced by the exercise.

The PSTC produced quantitative outputs to measure its performance during the audit period. While the PSTC published in its annual report some output data, such as number of recruits graduating during the year and the number of in-service trainings taught during the year, there were no established goals to compare the data with to see if the goals were met. In addition, no year-to-year comparisons were provided in the PSTC annual reports to show trends.

The PSTC Director collected qualitative information by meeting with law enforcement hiring authorities and officers around the State to obtain customer feedback on PSTC operations. However, the information was not summarized or quantified so it could be analyzed by PSTC management or stakeholders. Outcome data such as survey results from law enforcement officers and agencies could provide management and the public with meaningful perspectives on whether the PSTC was meeting its goals, as well as establish baseline measurements of PSTC performance. The Commission on Accreditation for Law Enforcement Agencies (CALEA) standards suggested, as an optional standard to training academies, a periodic survey of client

agencies and students, to include post-graduate officers, to measure their satisfaction with training provided to officers, employee competence, and suggestions for improvement. These surveys could reduce the amount of time the Director spends on the road visiting law enforcement stakeholders and may ultimately be more efficient. Finally, a survey could easily reach a large audience, thereby addressing the concerns of 47.2 percent of hiring authorities we surveyed who did not report being satisfied with the PSTC outreach efforts.

As a result of not having a formal strategic plan with defined goals and objectives connected to a performance measurement system, the PSTC's ability to monitor and report on program effectiveness was limited. While the PSTC performed some strategic planning and performance measurement activities, these efforts were not clearly defined in policy or further developed into systems capable of collecting sufficient information.

**Recommendation:**

**We recommend the PSTC complete a comprehensive strategic plan which identifies goals and objectives for the PSTC, and then design performance measures which can be tracked to determine the organization's achievement of these goals and objectives.**

*Auditee Response:*

*We concur with the recommendation.*

*While continuing outreach through visits to agencies, attendance at the meetings of the County Chiefs of Police Associations, the NH Chiefs of Police Association and the NH Sheriffs Association, we will seek input from stakeholders through periodic surveys. We will continue to hold periodic planning sessions, which are attended by Police Chiefs, Sheriffs, various Law Enforcement Officers Judges, Legislators, Defense Attorneys and others. Curriculum updates and changes to rules, policies and protocol, have been based on the valuable insight and feedback received through the Director's visits to agencies and meetings with law enforcement associations, and through planning sessions.*

*We will identify goals and objectives and performance measurements to track progress towards those goals and objectives.*

**Observation No. 8**

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**Improve Process Efficiency**

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The PSTC used an internally developed database that did not fully support routine tasks necessary for the efficient operation of the PSTC. The two primary activities of the PSTC – initial certification and managing certification – relied heavily on manual processes performed by both PSTC staff and law enforcement hiring authorities.



## **Initial Certification**

One of the PSTC's primary tasks was to provide basic training and certification to law enforcement officers. Components of this task include receiving applications from hiring authorities, providing basic training to recruits, and certifying officers upon completion of the academy. A review of the PSTC's officer certification process indicated several manual processes. The required forms were manually completed by the hiring agency, printed, and then mailed to the PSTC where they were received, date and time stamped, and entered into the PSTC database by a program specialist. The program specialist then either located the hard copy file for filing the paperwork or created a new file if none existed. A separate spreadsheet was used to track the status of applicants and the documents they supplied. Once all documents were received, the individual was added to the academy on a first-application-completed basis until capacity was reached (67 recruits for the full-time academy).

Also, when an officer had a status change (hire, promotion, retire, etc.), a Form A or B was completed by the hiring authority and mailed to the PSTC where a program specialist entered the information into the database. A Form A or B was completed by every hiring authority for every status change for every officer in the State, which had to be manually filed and subsequently entered into the PSTC database.

## **Managing Certification**

The PSTC was also responsible for enforcing standards. Components of enforcing standards included: receiving referrals of alleged violations of law or rules from hiring authorities and arresting agencies, adjudicating allegations of law and rule violations, and suspending or revoking certification. In enforcing standards, both the hiring authority and the arresting agency were required to report arrests to the PSTC using Form G within 15 days. The hiring authority and the arresting agency must manually fill out the form and mail it to the PSTC where it was time and date stamped. The program specialists at the PSTC then entered the data from the Form G into the PSTC database. The Form G was then sent to the Investigative Paralegal for the case to be added to the agenda of the next PSTC meeting. The Investigative Paralegal also requested arrest and investigative documents of the arrest and issued a notice of hearing. If the PSTC revoked or suspended the officer's certification, a comment was added into the "comment" field in the database. Because the certification status was entered into a free form comment box, the database was unable to specifically identify who was certified, revoked, or suspended without looking at the individual record. Reports excluding officers who have had their certification revoked or suspended cannot be produced by the database.

The PSTC may improve efficiency for both hiring authorities and PSTC personnel by enabling electronic form completion, submission, and entry by using commercially available software. With automation, the hiring authority or arresting agency could complete the forms online and submit them to the database online as well, eliminating the need for the PSTC staff to enter the data manually. In addition, the current database required manual manipulation of its data tables, which jeopardized the reliability of the data.

During the audit period, the PSTC went from being administratively attached to the Community College System of New Hampshire (CCSNH) to its own independent State agency. While attached to the CCSNH, the PSTC had few information technology resources available to improve its customer service. The PSTC reported it was unable to budget for a replacement database in the past because the police training fund, which determined PSTC revenue prior to the audit period, did not provide sufficient funds. Currently, the PSTC is funded through the General Fund. The PSTC planned to request \$150,000 during fiscal year 2020-2021 capital appropriations to replace its current database.

**Recommendation:**

**We recommend the PSTC work with the Department of Information Technology to reengineer its processes for efficiency and identify or develop suitable software to assist the PSTC in achieving its primary responsibilities efficiently.**

*Auditee Response:*

*We concur with the recommendation.*

*Our current database is outdated, unsupported by DoIT and not sufficient to meet our needs. We have conferred with DoIT and have submitted a Capital Improvement Project Request for FY20-21 to purchase a new, up to date database system to include electronic submission and acceptance of required information and forms, with built-in controls to assure accuracy and completeness.*

**Observation No. 9**

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**Comprehensive Risk Management Needed**

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The PSTC lacked formal and comprehensive risk management to address potential risks which may disrupt PSTC mission and operations. During the audit period, the PSTC partially implemented a risk management policy which involved a periodic meeting of PSTC staff to discuss academy safety concerns and risk mitigation efforts. However, the PSTC processes did not include a broad review of all potential risks or result in a comprehensive formal risk assessment.

Comprehensive risk management involved identifying, analyzing, and responding to risk. Once both internal and external risks preventing an organization from achieving an objective were identified, each risk was analyzed for significance and likelihood. Finally, the last step of the assessment involved formulating a strategic response. Since the PSTC staff meeting only discussed academy safety concerns, serious programmatic risks were omitted from the PSTC processes. Consequently, we found areas where the PSTC appeared to accept risks without any analysis by management which may have prevented the PSTC from achieving its objectives. For example, we found gaps in PSTC rules and processes which enabled officers who may be unfit for a career in law enforcement to become or stay certified.

In our 2005 financial audit of the PSTC, we found the PSTC had no formal risk management policies and procedures. Subsequently, our 2010 financial audit found the PSTC had made substantial improvements in the area of risk management. While the PSTC policy and its partial implementation was an improvement, the policy was not fully implemented.

**Recommendation:**

**We recommend the PSTC fully implement a risk management policy which includes a comprehensive written risk assessment.**

*Auditee Response:*

*We concur with the recommendation.*

*We will update our risk management policy and include a comprehensive written risk assessment.*

**Observation No. 10**

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**Improve Administrative Rules**

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We found multiple areas where PSTC administrative rules need to be improved, including: rules without statutory authority, expired rules, and unadopted forms. Rules allowed State agencies to set standards and regulations applicable to outside parties by clarifying and implementing statutes. To be binding and enforceable, rules were required to be adopted in a manner consistent with statute.

**No Authority To Punish Law Enforcement Agencies**

PSTC rules included a disciplinary mechanism to penalize law enforcement agencies not complying with PSTC rules by limiting the law enforcement agency's ability to send personnel to the academy free of charge or temporarily banning attendance. The *Administrative Procedures Act* required all State agency penalties or fines to be specifically authorized in statute. However, no clear authority to ban law enforcement agency attendance at the academy or issue a fee as punishment for noncompliance existed in statute. Instead, the PSTC primary disciplinary tool in statute and in practice was to take action on an officer's certification. Although the PSTC management reported not invoking this agency-wide punishment, the existing rule was not consistent with statute and may be unenforceable.

**No Authority To Modify Quorum**

Unless specifically described in statute, the default quorum of a public body with three or more members was a majority of the public body's members. However, PSTC rules adopted a quorum requiring six of the 14 (42.9 percent) PSTC members to be present for a meeting. While the

quorum of six PSTC members may have been adopted under the previous 12 member PSTC, a majority of PSTC members was required by statute. Therefore, the quorum in PSTC rules was required to be seven under the previous 12 member PSTC and eight under the current 14 member PSTC.

### **Expired Rules**

During the audit period, the PSTC did not timely respond to changes in statute requiring the PSTC to update rules and prevent rules from expiring. Recent changes to statute impacting PSTC rules which were not addressed during the audit period included: the addition of two public members to the PSTC, the change in PSTC administrative relationship with the CCSNH, and the repeal and reenactment of PSTC statute. The *Administrative Procedures Act* required the PSTC to begin the rule making process to address organizational changes in statute within 90 days and to fully adopt the new administrative rules within one year. However, the PSTC did not initiate rule making procedures to address these statutory changes. Consequently, the PSTC operated under an expired quorum definition in rules which was not updated after the change in the number of PSTC members. Further, several of the PSTC administrative rules referenced a defunct statute.

### **Unenforceable Forms**

All requirements on external parties not specifically defined in statute were required to be adopted in rules. Forms requiring information of external parties may be described in rule or adopted by reference. While the PSTC described multiple forms in administrative rule, a few of the forms used in practice had minor inconsistencies with the rule. Further, the PSTC utilized several forms not adopted or described in rule, including:

- an application for enrolling at the academy,
- two different and duplicative applications for officers seeking certification based on prior training and experience,
- two forms demonstrating completion of the ongoing fitness testing and the medical clearance report prior to fitness testing,
- two forms requiring recruits to acknowledge the requirements to complete and participate in ongoing physical fitness testing,
- a form requesting the PSTC grant an extension from a PSTC requirement,
- a status notification form for border patrol agents,
- a firearms instructor qualification form, and
- an application to be a cadre for the academy.

Additionally, we note one unenforceable form requested a social security number without authority as required by the *Administrative Procedures Act*.

During the beginning of the audit period, the PSTC readopted and amended most of their rules. However, the PSTC did not address all procedural and operational rules during this readoption effort and some statutory changes occurred after rule adoption. Further, readoption efforts did not include a comprehensive review of forms and application processes.

**Recommendations:**

**We recommend the PSTC improve administrative rules by ensuring:**

- **rules are consistent with statute,**
- **updated timely, and**
- **all forms requiring information from external parties are properly adopted.**

*Auditee Response:*

*We concur with the recommendations.*

*We will review the rules; statutory requirements, authorities and forms, to correct any inconsistencies with any statutory changes, and assure all appropriate forms are properly adopted.*

**Observation No. 11**

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**Evaluate Efficiency Of Internal Maintenance Crew**

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The PSTC used an internal maintenance crew which limited their ability to take advantage of economies of scale. Most State agencies received custodial and maintenance services from one of three bureaus under the Division of Plant And Property Management within the Department of Administrative Services (DAS). However, the PSTC employed a small crew of two maintenance employees and two custodial employees responsible for a 77,000 square foot building, 20.9 acre campus, and a fleet of 13 vehicles. While we found the use of an internal maintenance crew was not inherently inefficient, greater efficiency may be gained by restructuring the PSTC maintenance crew and transferring responsibilities to the DAS.

Areas where a larger maintenance crew managed by DAS may provide operational advantages to the PSTC and the State, included:

- *Work Order System:* DAS managed maintenance requests and tasks using work order system software to schedule, plan, respond, and manage the maintenance work being performed. In contrast, the PSTC lacked any formalized work order system to assist in operations and help ensure maintenance operations were efficient and effective. Consequently, developing reports on the status of maintenance operations was a manual process for PSTC staff and lacked detailed analysis capability for PSTC management.
- *Specialized Labor:* Larger maintenance crews were able to employ specialized labor. For example, DAS maintenance crews had specialized employees, such as, groundskeepers, carpenters, pipefitters, and electricians. In contrast, the PSTC was limited in their ability to access specialized skills given their small size.

- *Shift Coverage:* Larger maintenance crews had the opportunity to more easily provide shift coverage by relying on a larger pool of workers.
- *Fleet Maintenance:* During the audit period, State vehicle maintenance and inspection was decentralized throughout the State. Some large State agencies maintained internal garages to serve their State fleet and some agencies outsourced vehicle maintenance. The PSTC maintained an internal garage to perform inspections and minor repairs to vehicles, but outsourced major repairs. Due to the small fleet size of the PSTC, it may be more efficient to send PSTC vehicles to a larger State garage or private vendor, instead of PSTC maintaining a small garage.

The establishment of the PSTC as a State agency with an internal maintenance crew was likely more efficient when the PSTC and the CCSNH were combined, since the mutual workload and resources were greater and could be more easily shared. However, the PSTC and CCSNH severed any formal relationship in statute during the audit period, so the original justification for an independent maintenance crew may be less practical now.

**Recommendation:**

**We recommend the PSTC explore opportunities to combine maintenance services with DAS and determine whether to keep its internal maintenance crew independent. Its assessment should be reported to the relevant legislative oversight committees for their review.**

*Auditee Response:*

*We concur with the recommendation.*

*While we believe the independent maintenance crew is appropriate to meet unique needs of PSTC, we agree that we should explore any cost effective opportunities to improve services. We will consult with DAS as recommended, to determine if combining maintenance services would improve efficiency while addressing the unique needs of PSTC.*

**County Corrections Officers**

Unlike State corrections officers employed by the Department of Corrections, statute excluded county corrections officers from the requirement to be certified by the PSTC. Instead, county corrections officers were certified and trained under a five-week training program by the New Hampshire Association of Counties (NHAC). Although exempted from PSTC certification, the PSTC was still required by statute to approve the county corrections academy curriculum drafted by the NHAC for all county corrections officers seeking to be placed in the Group II retirement system.

## Observation No. 12

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### Define Role In Reviewing County Corrections Academy Curriculum

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The PSTC lacked a clearly defined process for reviewing the county corrections academy curriculum and exerting oversight over the training of county corrections officers. RSA 100-A:1, VII(c)(2), requires county corrections officers to be certified as correctional personnel by the NHAC after successful completion of a PSTC-approved course of training. However, no administrative rule, policy, or procedure existed to ensure the PSTC consistently fulfilled its oversight responsibility and NHAC effectively implemented the approved curriculum. Consequently, we found discrepancies between the county corrections academy curriculum last approved in July 2013 and the curriculum being implemented during the audit period. For example, some courses were eliminated or amended, the course length was modified, or the order of classes were rearranged.

Areas where the PSTC oversight lacked clear and formal processes included:

- *Frequency of Review:* Without a defined review frequency, the length of time between PSTC reviews varied and it was unclear when and who should initiate a review. Prior to July 2013, the last approval of the curriculum was done almost three years earlier in September 2010. In contrast, the current curriculum has been in effect for at least five years.
- *Scope of Review:* The PSTC management reported the purpose of the county corrections academy curriculum review was to ensure training county corrections officers received aligned with industry standards and was kept current. The last curriculum update was initiated by NHAC after requesting an outside audit of their academy and presenting their findings to the PSTC. However, the PSTC did not clearly communicate to NHAC in rule or policy the scope of the PSTC's review and the criteria NHAC was required to achieve.
- *Degree of Autonomy:* During the last review in 2013, some of the modifications to the curriculum NHAC requested the PSTC approve appeared less consequential than other changes to the curriculum. For example, the location in the schedule when certain classes would be taught. Subsequently, the NHAC made additional minor modifications to the order of courses in the schedule without PSTC approval in the 2018 curriculum. Without a clearly defined process in rule, it was unclear the amount of autonomy and flexibility the NHAC had to implement their training program while staying compliant with the PSTC-approved curriculum.

RSA 541-A requires agencies to adopt administrative rules in certain circumstances in addition to other rulemaking requirements imposed by law such as when adopting rules of practice setting forth the nature and requirement of all formal and informal procedures. Administrative rules are meant to prescribe or interpret agency policy, procedure, or practice binding on persons outside the agency, whether members of the public or personnel in other agencies. Administrative rules facilitate intergovernmental collaboration as they have the force of law. Rules provide greater certainty and

regularity in agencies interacting with others, and the rule-making process provides public and Legislative oversight over agency actions.

The lack of a structured oversight program of the county corrections academy curriculum may have been due to the infrequent and sporadic need to review the curriculum.

**Recommendation:**

**We recommend the PSTC adopt rules defining the approval and oversight of the county corrections academy curriculum, including: the frequency and scope of review, and the degree of autonomy delegated to the NHAC to implement an approved curriculum.**

*Auditee Response:*

*We concur in part with the recommendation.*

*We will work with the Corrections Advisory Committee and Association of Counties to draft protocol defining approval of the county corrections academy curriculum and the frequency and scope of the curriculum review.*

*We do not concur that PSTC should adopt administrative rules regarding County Corrections curriculum or the Association of Counties.*

*RSA 100-A:1, VII(c) requires certain county corrections officers to be certified by the Association of Counties after successful completion of a course of training approved by the police standards and training council in order for the county corrections officer to be eligible for membership in the group II retirement system. However, there is no provision in RSA 106-L authorizing the police standards and training council to adopt administrative rules regarding county corrections, or the Association of Counties.*

*Also, even if county corrections were regulated under RSA 106-L, RSA 541-A:21(s) exempts authority under the provisions of RSA 106-L:5, VI from the Administrative Procedure Act (RSA 541-A).*

*RSA 541-A:21 Exceptions;*

*(s) RSA 106-L:5, VI, relative to educational, training, and evidentiary standards and curriculum requirements for police and corrections personnel and courses and tuition students at such courses.*

*We believe the concerns of this observation can be effectively addressed through protocol and will work with the Corrections Advisory Committee and the Association of Counties to adopt such protocol.*



**LBA Rejoinder:**

**RSA 100-A:1, VII(c) requires PSTC approval for a course of training for county correctional officers. Rules are needed to implement this because statute is silent on the process. The exemption of RSA 106-L found in RSA 541-A only includes “state” corrections personal, not county. Although RSA 541-A:21(s) does exempt PSTC from having to adopt administrative rules under RSA 106-L:5, VI relative to establishing “entrance, student conduct, and curriculum requirements for preparatory, in-service, and advanced courses and programs for schools operated by or for the state or its political subdivisions for the specific purpose of training police, *state* corrections, or state probation-parole recruits or officers or tuition students at such programs[,]” it does not address county corrections personnel. [emphasis added] The PSTC is mistaking the actual statutory language of RSA 106-L:5 VI with a short description of it found in RSA 541-A. Therefore, we still hold that statute requires an approval by the PSTC of a course of training for county correctional officers, the details of which must be in rule because they will be requirements binding on persons outside of the PSTC.**

**Meetings**

Public regularity bodies, such as the 14 member PSTC and any authorized subcommittee, had a responsibility to hold public meetings in accordance with the State laws requiring transparency, ethical conduct, and due process. The Right-to-Know law existed to ensure public business was transparent and only allowed non-public sessions in certain scenarios. In addition, the statutory requirement to file statements of financial interest was to ensure the performance of official duties by public officials would not give rise to any conflicts or potential conflicts of interest because conflicts would be publically disclosed. Observation Nos. 13, 14, 15, and 16 discuss PSTC areas where the PSTC can improve compliance regarding either the Right-to-Know law, or other statutes related to quorum, financial disclosure, and recusal practices.

**Observation No. 13**

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**Ensure Proper Authority To Enter Non-public Session**

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We question whether the PSTC used the Right-to-Know law exemptions as intended by the Legislature. There are two provisions of the State’s Right-to-Know law the PSTC used during the audit period to enter into non-public sessions: the personnel provision (RSA 91-A:3,II(a)) and the reputation provision (RSA 91-A:3, II(c)). The personnel provision allows meetings to be held in non-public settings when:

The dismissal, promotion, or compensation of **any public employee** or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted. [emphasis added]

The PSTC used this provision up until April 2017 when they examined their practices because of a Right-to-Know request. PSTC members, in attempting to invoke RSA 91-A to enter into non-

public session simply gave “personnel” as the reason for entering into non-public session. We noted this invocation was used regardless of the type of matter before the PSTC. For example, the PSTC invoked the personnel provision to enter into non-public sessions when officers faced possible decertification due to criminal accusations against or convictions of officers and for PSTC rule violations such as history of illegal drug activity.<sup>1</sup> Where the personnel provision was referenced, it was unclear in reading statute or Department of Justice (DOJ) guidance, whether the PSTC’s use of this provision was valid as there does not appear to be an employer-employee relationship between the PSTC and officers it regulates. Although the language in statute included “any public employee,” it was unclear whether a direct employer-employee relationship was required for the PSTC to cite this exemption from public session.

The PSTC’s interpretation of a public employee’s exemption from public session was not universally recognized or implemented by other State regulatory bodies. For example, the Office of Professional Licensure And Certification management reported no knowledge of any instance where a public employee with an occupational license was granted a non-public session under the personnel exemption provision of the Right-to-Know law.

The reputation provision of the Right-to-Know law, which was also used by the PSTC, states non-public sessions may be held when, “Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting.” Here, beginning in April 2017, the PSTC began citing the reputation provision for entering into non-public sessions, but the PSTC still did not distinguish its handling of disciplinary matters from mere ministerial proceedings.

DOJ training materials informed regulatory bodies that matters pertaining to an investigation or receiving a complaint can be discussed in non-public session. However, unless specifically exempt from a public session, the hearing to adjudicate the investigated complaint was generally required to be public. The PSTC cited the exemption in disciplinary hearings, including instances where the certification holder had been indicted or convicted of a crime in an open court and in instances where an investigation had concluded that misconduct of the certification holder had occurred. Since all negative facts before a regulatory body could result in an adverse impact to a regulated individual’s reputation, the PSTC’s broad use of this statutory exemption from public session may be inconsistent with DOJ guidance.

By not ensuring proper authority to enter non-public session, the PSTC may have improperly limited the public’s access to State business.

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<sup>1</sup> We note the history of illegal drug activity should most likely be exempt from public disclosure but it should fall under the reputation provision.

**Recommendations:**

**We recommend the PSTC work with DOJ to develop policies and procedures to ensure proper authority is cited when entering into non-public session for the frequent scenarios before the PSTC.**

**The Legislature may wish to clarify whether exemption from a public setting under RSA 91-A:3, II(a) is for the protection of any public employee before any public body or whether an employer-employee relationship is required.**

*Auditee Response:*

*We concur with the recommendations.*

*The Non-Public Session Worksheet used by the Council to ensure proper authority is cited when entering into non-public session has been updated with the assistance of counsel.*

**Observation No. 14**

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**Disclose Financial Interests And Ensure Quorum Requirements Are Met**

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The PSTC lacked policies and procedures to consistently ensure: 1) PSTC members filed required statements of financial interest, and 2) the necessary quorum requirement to hold a valid meeting was met. We found the 28 PSTC members or designees filed 43 of the 59 (72.8 percent) required statements of financial interest during the audit period. Further, of the 28, nine had not filed an initial statement of financial interests before participating in Council activities. As a result, PSTC members without a statement of financial interest on file, and therefore potentially ineligible to serve, voted at six of the 24 (25.0 percent) PSTC meetings during the two-year audit period where their attendance was required to achieve quorum. Disclosure may have been difficult for PSTC attendees only participating infrequently as a designee for another PSTC member.

Although filing was an individual responsibility of each PSTC member, the PSTC was collectively responsible for ensuring a quorum was met to hold a valid meeting. In the six meetings that may not have reached quorum requirements, the following actions were taken: five certification suspensions, 16 certification approvals, five training grant approvals, and one certification revocation. Additionally, two of the 18 (11.1 percent) meetings with a quorum of eligible members involved a recusal where one out of eight eligible members exited the meeting during a hearing which may have further compromised the validity of those specific actions. Consequently, these actions taken by the PSTC with ineligible members may be subject to invalidation by a court.

## **Statutory Ambiguity**

In October 2018, the Department of Justice provided an opinion that decisions made by public officials who failed to file their annual financial disclosures pursuant to RSA 15-A:6 are not voidable. Eligibility to serve was only contingent upon public officials successfully filing an initial financial disclosure and eligibility to serve was not impacted by a lack of subsequent annual financial disclosures. However, we have historically understood the statutory provision determining eligibility to serve to be contingent on both the public official's initial filing and subsequent annual filings. Because the courts have not addressed this issue, we still conclude actions taken by public officials who failed to file their annual financial disclosure pose a risk of being questioned.

### **Recommendations:**

**We recommend the PSTC develop policies and procedures to ensure:**

- **compliance with the financial disclosure statute and periodically review members' compliance; and**
- **only eligible members conduct PSTC business.**

**We also suggest the Legislature consider clarifying RSA 15-A:6 regarding whether failure to file annual financial disclosures should prohibit public officials from serving in their appointed capacity.**

### **Auditee Response:**

*We concur with the recommendations.*

*Council members will be provided copies of the Financial Disclosure Form during the regular council meeting each December. Once completed the members will submit the disclosure to the Secretary of State and will be asked to provide a copy to council staff for filing at PSTC.*

## **Observation No. 15**

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### **Formally Adopt PSTC Recusal Practices**

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The PSTC lacked policies and procedures to ensure PSTC members consistently avoided potential conflicts of interest while performing their duties. The PSTC was responsible for establishing ethical standards and codes of conduct for avoiding conflicts of interest. During the audit period, PSTC members frequently encountered situations that created a potential conflict of interest. While the PSTC members frequently took action to avoid potential conflicts by recusing themselves from the meeting or abstaining from voting, we found practices were inconsistent.

For example:

- PSTC members involved in the criminal adjudication process of an officer inconsistently recused themselves from the hearings conducted by the PSTC;
- actions to discipline a subordinate officer of a PSTC member holding a law enforcement position inconsistently resulted in the PSTC member either recusing by leaving the room or abstaining from a vote; and
- actions to grant time extensions to complete a PSTC requirement for officers who were a subordinate of a PSTC member inconsistently resulted in the PSTC member either recusing, abstaining, or voting.

Ethical guidelines are integral to good management and promote a fair and consistent process to adjudicate matters before the PSTC. Although the PSTC set ethical standards by adopting a conflict of interest policy for PSTC staff, the policy was not comprehensive and did not address PSTC members.

**Recommendation:**

**We recommend the PSTC adopt formal recusal practices in policy by defining potential conflicts of interest for PSTC members and determining when a recusal from the meeting or abstention from voting is the appropriate remedy to avoid a potential conflict.**

*Auditee Response:*

*We concur with the recommendation.*

*We will adopt a Conflict of Interest and Recusal Policy consistent with the Executive Branch Ethics Committee rule on recusal, Eth 204.02.*

**Observation No. 16**

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**Ensure Corrections Advisory Committee Complies With Statute**

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The PSTC lacked policies and procedures to ensure the Corrections Advisory Committee (Committee) fulfilled statutory requirements. The Committee was established by statute to advise the PSTC on correctional standards and training issues. During the audit period, the PSTC worked to fill the Committee with specified members and only conducted one meeting. We found the Committee, which was still being developed, was not compliant with statute in the following areas:

- the Commissioner of the Department of Corrections was included as member of the Committee without statutory authorization as a Committee member,
- Committee members delegated designees without authority in statute,
- the Committee meeting was reportedly not publicly posted, and

- one member of the committee required to file a statement of financial interest as a non-State employee did not properly file the disclosure.

Public bodies created in statute were required to follow their statutory authorization and adhere to other applicable State laws, thereby ensuring proper governance. However, the fact that it was newly formed may have made it difficult to ensure the first Committee meeting was fully compliant.

**Recommendation:**

**We recommend the PSTC develop policies and procedures to ensure the Committee consistently complies with statute and continues its efforts to utilize the Committee.**

*Auditee Response:*

*We concur with the recommendation.*

*We will draft policies and procedures to ensure the committee complies with statute, including committee membership, frequency of meetings, and posting of meetings.*

**STATE OF NEW HAMPSHIRE  
POLICE STANDARDS AND TRAINING COUNCIL**

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**OTHER ISSUES AND CONCERNS**

In this section, we present an issue we considered noteworthy, but did not develop into a formal observation. The Police Standards and Training Council (PSTC) and the Legislature may wish to consider whether this issue deserves further study or action.

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***Consider Increasing Physical Fitness Minimum Standard***

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We generally found the PSTC development and implementation of physical fitness standards for law enforcement officers consistent with statute yet it is less than some neighboring states.

**Physical Fitness Testing**

The physical fitness standard implemented by the PSTC measured an individual's physical fitness relative to the general population of the same age group and gender, according to studies conducted by the Cooper Institute for Aerobic Research (Cooper). The battery of physical fitness tests included sit-ups, pushups, and a 1.5 mile run. The physical fitness testing was not designed to exactly demonstrate an officer's ability to perform specific job tasks, in contrast to an agility test of realistic law enforcement job functions. However, the Cooper standards found the three fitness tests selected by the PSTC were 75 to 95 percent predictive of the job performance of a law enforcement officer.

By implementing a fitness test and not a physical agility test, they fulfilled their statutory requirement. Statute specifically required a physical fitness test and the enabling legislation stated the purpose of the law was to produce healthier law enforcement officers with a level of physical fitness capable of performing strenuous tasks. Additionally, since the Cooper standards reported the physical fitness tests correlates to the job performance of the law enforcement officers, the physical fitness tests appeared to be an effective substitute for an agility test.

**Minimum Standard**

The PSTC required law enforcement officers to achieve the minimum fitness score defined as the 35<sup>th</sup> percentile normed for age and gender, according to the Cooper standards. Therefore, all certified officers were able to demonstrate a level of physical fitness better than 34 percent of their peers in age and gender. The Cooper standards categorized the 35<sup>th</sup> percentile as "poor" physical fitness, slightly below a "fair" physical fitness rating. However, this was only the minimum standard and certified officers were likely capable of achieving a score better than "poor" physical fitness.

Neighboring states, such as the States of Maine, Rhode Island, Connecticut, and Vermont, made minimum police officer fitness testing requirements higher than the 35<sup>th</sup> percentile of the Cooper standards. This slightly higher standard was categorized as "fair" physical fitness by Cooper.

Although these states had more stringent physical fitness standards to enter the profession, unlike New Hampshire, these states did not implement a State-wide ongoing physical fitness standard.

We suggest the PSTC consider slightly increasing the standard for fitness testing to ensure all officers demonstrate an acceptable level of physical fitness.

*Auditee Response:*

*We do not concur. The fitness requirement is a minimum standard to maintain law enforcement certification and employment. Although neighboring states may have slightly higher fitness standards to enter the profession, they do not require officers to maintain that standard throughout their careers. New Hampshire requires officers to meet a minimum entrance standard, provides a rigorous training program throughout the full time police and corrections academies encouraging lifetime fitness, and requires officers to maintain the minimum fitness standard throughout their careers. The New Hampshire requirement of maintaining minimum fitness standards throughout an officer's career goes well beyond requirements of our neighboring states.*



**STATE OF NEW HAMPSHIRE  
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**APPENDIX A  
SCOPE, OBJECTIVES, AND METHODOLOGY**

**Scope And Objectives**

In December 2017, the Fiscal Committee of the General Court adopted a joint Legislative Performance Audit and Oversight Committee recommendation to conduct a performance audit of the Police Standards and Training Council (PSTC). The entrance conference with the PSTC was held in May 2018 and the oversight committee approved the scope of the audit in July 2018.

Our audit was designed to answer the following question:

**Did the PSTC operate efficiently and effectively during State fiscal years 2017 and 2018?**

To answer this question, we evaluated PSTC administration and enforcement of professional law enforcement standards and operation of training programs for police, corrections, and probation-parole officers.

**Methodology**

To gain an understanding of the PSTC and its operating, control, and regulatory environments, we:

- reviewed State laws, administrative rules, PSTC public and non-public minutes, policies and procedures, budget and financial documents, forms, website, organization charts, management and annual reports, IT Plans, prior Legislative Budget Assistant audits and similar audits from other states, and relevant news articles and studies;
- reviewed law enforcement standards from the Commission on Accreditation for Law Enforcement Agencies, International Association of Directors of Law Enforcement Standards and Training , and the Cooper Institute’s Physical Fitness Standards;
- interviewed PSTC management and key stakeholders;
- attended a PSTC meeting; and
- reviewed PSTC management controls.

To determine how efficient and effective the PSTC was in State fiscal years (SFY) 2017 and 2018 and to test relevant internal controls, we:

- examined PSTC compliance with RSA 91-A, RSA 541-A, RSA 15-A, and quorum requirements;
- analyzed PSTC academy curriculum and lesson plans;
- examined PSTC maintenance operations ;
- interviewed PSTC management and staff, cadres, and representatives from other State agencies (Department of Justice, Office of Professional Licensing, and the Department of Administrative Services);

- reviewed PSTC training files and discipline files to assess PSTC compliance with its own rules and standards;
- reviewed certification database for efficiency and effectiveness in supporting the operation;
- analyzed course evaluations completed by students; and
- assessed PSTC administrative operations as well as the complaint, officer certification, and enforcement processes.

## **Surveys**

We conducted two surveys in support of the audit's objectives.

### ***Law Enforcement Agency Survey***

To obtain feedback from law enforcement officials, we sent email invitations to complete a web-based survey to 229 active New Hampshire law enforcement agencies with certified law enforcement officers in August 2018. Email addresses were obtained from PSTC records and public sources. We received 108 completed responses for a 47.2 percent response rate.

The results are in Appendix C.

### ***PSTC Academy Graduate Survey***

To obtain feedback from PSTC academy graduates, we sent a web-based survey link to the last known work address of 98 New Hampshire police officers, corrections officers, and probation-parole officers who graduated from a PSTC academy during SFY 2017. We received 30 completed responses for a 30.6 percent response rate.

The results are in Appendix D.

## **PSTC File Reviews**

We reviewed two different types of files held at the PSTC: 1) discipline files, and 2) training and certification files.

### ***Discipline Files***

We reviewed public and non-public PSTC meeting minutes to identify disciplinary cases presented to the PSTC during the audit period. We identified 39 individuals with cases brought before the PSTC during the audit period. Twenty-one individuals had underlying criminal matters that prompted the disciplinary hearing before the PSTC and 11 individuals had proceedings before the PSTC due to non-criminal violations of PSTC administrative rules. Seven cases coming before the PSTC were for various petitions or requests for waivers from administrative rules. We reviewed all the files for compliance with RSA 91-A and law enforcement agency compliance with PSTC reporting requirements and timeliness of notice of hearing to the officer.

### ***Training And Certification Files***

We randomly selected 50 officers out of the 1,046 officers who were reported as newly hired during the audit period as of July 2018. We reviewed the training and certification files of these 50 officers to determine whether PSTC forms were completed and submitted by law enforcement agencies and acted on timely by the PSTC and general compliance with administrative rules and statutes. We estimated a sample size of 50 officers out of a population size of 1,046 would give us at least a confidence level of 85 percent with a 10 percent margin of error. Additionally, using the randomly selected sample of 50 officers, we matched the officers in those files to a total of 38 unique law enforcement agencies required to submit annual affidavits. These files were also reviewed for general compliance with rules and statutes. Our analysis focused on compliance and was not projected back to the entire population of newly hired officers.

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**STATE OF NEW HAMPSHIRE  
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**APPENDIX B  
AGENCY RESPONSE TO AUDIT**



Chief David P. Cahill  
Chairman

**State of New Hampshire  
POLICE STANDARDS & TRAINING COUNCIL  
ARTHUR D. KEHAS  
LAW ENFORCEMENT TRAINING FACILITY & CAMPUS  
17 Institute Drive — Concord, N.H. 03301-7413  
603-271-2133 FAX 603-271-1785  
TDD Access: Relay NH 1-800-735-2964**



Donald L. Vittum  
Director

January 23, 2019

Stephen C. Smith, MS, CPA  
Director of Audits  
Legislative Budget Assistant – Audit Division  
107 North Main Street  
State House Room 102  
Concord, NH 03301

Re: Performance Audit  
Police Standards and Training Council

Dear Director Smith:

Thank you for the opportunity to respond to the recommendations contained in the Police Standards and Training Council Performance Audit Report. We welcomed the outside review of our operation and found it helpful in identifying areas that may be improved upon to enhance our efficiency and effectiveness. The audit team spent several months conducting a comprehensive review of the Police Standards and Training Council, resulting in 16 observations and recommendations. We concur with the majority of the observations and will work towards implementation of the recommendations.

The auditors, John Clinch and Mark Manganiello were respectful, accommodating, and willing to listen to our point of view. They worked well with us and we appreciate their professionalism.

If you have any questions or concerns, feel free to contact me at [Donald.L.Vittum@pst.nh.gov](mailto:Donald.L.Vittum@pst.nh.gov), or at 603-271-1793, or contact Executive Officer Tim Merrill at [Timothy.J.Merrill@pst.nh.gov](mailto:Timothy.J.Merrill@pst.nh.gov) or 603-271-1790.

Sincerely,

A handwritten signature in black ink that reads "Donald L. Vittum".

Donald L. Vittum  
Director

DLV/tm

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**STATE OF NEW HAMPSHIRE  
POLICE STANDARDS AND TRAINING COUNCIL**

**APPENDIX C  
SURVEY OF LAW ENFORCEMENT AGENCIES**

We sent surveys to 229 active Law Enforcement Agencies with certified law enforcement officers. We received 108 complete responses for a 47.2 percent response rate. We combined and simplified similar answers to open-ended questions and presented them in topical categories; multipart responses were counted in multiple categories where applicable. Some totals in the following tables may not add up to 100 percent due to rounding or where respondents could respond multiple times to the same question.

<b>Question 1. How many PSTC certified officer(s) does your agency currently employ?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
1-10	56	51.9
11+	52	48.1
<i>respondent answered question</i>		<b>108</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 2. Has your agency sent at least one recruit to either the full-time, part-time, or corrections academy at the PSTC since July 1, 2016?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	74	68.5
No	34	31.5
<i>respondent answered question</i>		<b>108</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 3. Overall, how satisfied is your agency with the quality of training your agency's recruit(s) received?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Very satisfied	38	51.4
Somewhat satisfied	25	33.8
Neither satisfied nor dissatisfied	6	8.1
Somewhat dissatisfied	3	4.1
Very dissatisfied	1	1.4
Don't know/No opinion	1	1.4
<i>respondent answered question</i>		<b>74</b>
<i>respondent skipped question</i>		<b>34</b>

<b>Question 4. Briefly explain why your agency was dissatisfied by the training your agency's recruit(s) received.</b>	
<b>Comments</b>	<b>Count</b>
Style of the academy.	2
Addition of weeks.	1
Officers are unprepared to conduct basic investigations and assume their duties without an extensive field training program.	1
Low hours are spent on race issues, mental health, and community relations.	1
Improve leadership of the PSTC.	1
<i>provided comment</i>	<b>4</b>

<b>Question 5. How satisfied is your agency with the efficiency of the academy to make the best use of your recruit's time while at the academy?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Very satisfied	34	45.9
Somewhat satisfied	25	33.8
Neither satisfied nor dissatisfied	9	12.2
Somewhat dissatisfied	2	2.7
Very dissatisfied	1	1.4
Don't know/No opinion	3	4.1
<i>respondent answered question</i>	<b>74</b>	
<i>respondent skipped question</i>	<b>34</b>	

<b>Question 6. Briefly explain why your agency was dissatisfied by the efficiency of the PSTC to train your recruit(s).</b>	
<b>Comments</b>	<b>Count</b>
Physical type training should be conducted at the academy and academic training should be done online.	1
Recent graduates indicated too much time was spent on nonessential subjects and not enough time on critical law enforcement functions.	1
The recruits were sent home during adverse weather conditions and should have stayed to train in adverse weather conditions.	1
<i>provided comment</i>	<b>3</b>

<b>Question 7. Does your agency have any suggestions to improve the full-time, part-time, or corrections academy?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
No	40	54.1
Yes	34	45.9
<i>respondent answered question</i>	<b>74</b>	
<i>respondent skipped question</i>	<b>34</b>	



<b>Question 7. Text Responses, Suggestions:</b>	<b>Count</b>
Revise curriculum (e.g., get back to basics, decrease paramilitary style, CPR training, report writing, driver training, scenario based information gathering and report writing, active shooter training).	6
More hands-on scenario/tactical-based training.	4
Improve part-time academy (e.g., add Field Sobriety and Radar Certification, more in-house instructors, one additional class each year).	3
Update curriculum to match current issues in law enforcement.	3
Expand the capacity of the full-time academy.	2
Partner with a college or university.	2
Improve PSTC management and staff.	2
Improve policies to limit recruit overtime issues.	2
Better communicate information to agencies.	2
Remain a residential academy, but shorten the number of weeks using alternative teaching methods.	2
Decision to expand the academy and its effectiveness is questioned.	2
Mandate firearms instructors assist with the recruit academy and not mandate that they attend a separate training to use the simulator and range.	1
Let the administration train officers and not worry about politics.	1
Faster notification of acceptance or denial.	1
One standard fitness test that is equal for both genders.	1
Examine alternative methods of learning.	1
Increase efficiency with time management and make better use of down time.	1
Consider overnights to be optional and not mandatory.	1
Increase transparency with how council members are appointed.	1
Improve consistency of instruction.	1
<i>provided comment</i>	<b>34</b>

<b>Question 8. Has your agency used the in-service training provided by the PSTC since July 1, 2016?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	100	92.6
No	8	7.4

*respondent answered question*      **108**  
*respondent skipped question*      **0**

<b>Question 9. How satisfied is your agency with the quality of the in-service training your officer(s) received?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Very satisfied	40	40.0
Satisfied	41	41.0
Somewhat satisfied	8	8.0
Neither satisfied nor dissatisfied	7	7.0
Somewhat dissatisfied	2	2.0
Very dissatisfied	2	2.0
Don't know/No opinion	0	0.0

*respondent answered question*      **100**  
*respondent skipped question*      **8**

<b>Question 10. Briefly explain why your agency was dissatisfied by the in-service training your officer(s) received.</b>	
<b>Comments</b>	<b>Count</b>
Course offerings did not meet the needs of more experienced officers.	3
The course offerings have diminished significantly and the process for enrolling individuals in training is outdated and should be computer generated.	1
Instructors often lack the subject matter expertise needed and the PSTC has abandoned bringing in outside experts due to cost.	1
Amount of hours required for ongoing officer certifications is poor, at best. The Academy should be mandating and fighting for annual certification levels with required courses (patrol officer; first line supervisor; middle manager; executive, etc.).	1

*provided comment*      **4**

<b>Question 11. Do you have any suggestions for improving the in-service training provided by the PSTC?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
No	56	56.0
Yes	44	44.0

*respondent answered question*      **100**  
*respondent skipped question*      **8**

<b>Question 11. Text Responses, Suggestions:</b>	<b>Count</b>
Increase course offerings.	15
Increase training for more experienced officers.	8
Increase frequency of Field Training Officer (FTO) classes.	5
Increase class frequency and availability generally.	5
Increase outside instructors.	4
Increase on-line classes.	4
Increase resources for in-service training.	4
Update training generally.	3
Ask law enforcement agencies what they want through outreach	2

efforts.	
More training in the northern part of New Hampshire.	2
Partner with a university for adult learning methodology.	1
Increase enrollment periods to reduce class cancelations.	1
Improve online processes for enrollment, online marketing of classes, and compatibility of website with mobile devices.	1
Mandate an annual law update class for all in-service officers like Massachusetts.	1
Allow outside agency firearms training to be credited with the PSTC.	1
Establish certification levels for various positions and require more hours annually.	1
Establish permanent driving courses and permanent “shoot houses” in the State.	1
All trainings have been very good.	1

*provided comment* **44**

**Question 12. Over the past five years, have you or one of your officers had to interact with the PSTC to address an alleged violation of PSTC standards?**

Answer Options	Count	Percent
Yes	23	21.3
No	85	78.7

*respondent answered question* **108**

*respondent skipped question* **0**

**Question 13. Overall, do you feel the PSTC addressed the alleged violation in a fair manner?**

Answer Options	Count	Percent
Yes	15	65.2
No	7	30.4
Don't know	1	4.3

*respondent answered question* **23**

*respondent skipped question* **85**

**Question 14. Briefly explain why you felt the PSTC was unfair in how it handled the alleged violation.**

Comments	Count
Inconsistent treatment of officers.	3
Excessive reaction/punishment to minor alleged violation.	2
Failed to return phone calls.	1
“Holier than thou” attitude.	1
The investigation was poorly conducted.	1

*provided comment* **7**

<b>Question 15. How satisfied are you with the PSTC's efforts to enforce professional standards to ensure the law enforcement profession is held to high ethical standards?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Very satisfied	59	54.6
Somewhat satisfied	23	21.3
Neither satisfied nor dissatisfied	10	9.3
Somewhat dissatisfied	7	6.5
Very dissatisfied	2	1.9
Don't know/No opinion	7	6.5
<i>respondent answered question</i>		<b>108</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 16. Briefly explain why you were dissatisfied with the PSTC's efforts to enforce professional standards.</b>	
<b>Comments</b>	<b>Count</b>
Politics appear to influence decision making.	2
The PSTC is too lax.	2
Loopholes exist in PSTC monitoring activities.	2
The physical fitness test is burdensome.	1
The PSTC needs the authority to take a firm stance against officers who violate the standards.	1
No standards are kept across the board.	1
There are too many questionable people passing the PT test.	1
I don't think it's their role or place once a candidate graduates.	1
<i>provided comment</i>	
<b>9</b>	

<b>Question 17. How satisfied are you with the PSTC's efforts to improve the public's trust in the law enforcement profession?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Very satisfied	58	53.7
Somewhat satisfied	21	19.4
Neither satisfied nor dissatisfied	20	18.5
Somewhat dissatisfied	2	1.9
Very dissatisfied	0	0.0
Don't know/No opinion	7	6.5
<i>respondent answered question</i>		<b>108</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 18. Briefly explain why you were dissatisfied with the PSTC's efforts to improve the public's trust in the law enforcement profession.</b>	
<b>Comments</b>	<b>Count</b>
I have not seen anything that indicates the Council has publicly made an effort to improve public trust.	1
I don't know what they have done.	1
<i>provided comment</i>	
<b>2</b>	

<b>Question 19. Between July 1, 2016 and June 30, 2018, did your agency hire one or more officers?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes – including at least one officer who was uncertified prior to being hired.	76	70.4
Yes – but only officers who were already certified in New Hampshire.	16	14.8
No	16	14.8
<i>respondent answered question</i>		<b>108</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 20. Did the previously uncertified officer(s) your agency hired receive a drug screening from a licensed physician?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes – every officer who was previously uncertified receives a drug screening from a licensed physician.	54	71.1
No – at least one previously uncertified officer did not receive a drug screening from a licensed physician.	6	7.9
No – my agency never requires a drug screening from a licensed physician for previously uncertified officers.	16	21.1
<i>respondent answered question</i>		<b>76</b>
<i>respondent skipped question</i>		<b>32</b>

<b>Question 21. Did the previously uncertified officer(s) your agency hired receive a psychological screening test administered under the direction of a licensed psychologist or psychiatrist?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes – every officer who was previously uncertified receives a psychological screening test administered by a licensed psychologist or psychiatrist.	65	85.5
No – at least one previously uncertified officer did not receive a psychological screening test administered by a licensed psychologist or psychiatrist.	7	9.2
No – my agency never requires a psychological screening test administered under the direction of a licensed psychologist or psychiatrist for previously uncertified officers.	4	5.3
<i>respondent answered question</i>		<b>76</b>
<i>respondent skipped question</i>		<b>32</b>

<b>Question 22. Did your agency perform a background investigation for all officer(s) hired since July 1, 2016?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes – every new officer receives a background investigation.	91	98.9
No – at least one officer did not receive a background investigation.	1	1.1
No – my agency did not conduct any background investigations for newly hired officers.	0	0.0
	<i>respondent answered question</i>	<b>92</b>
	<i>respondent skipped question</i>	<b>16</b>

<b>Question 23. At any point during the background investigation did the lack of cooperation from a third-party make it impossible for you to obtain all the information required to complete the background investigation effectively?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	7	7.6
No	78	84.8
Don't know	7	7.6
	<i>respondent answered question</i>	<b>92</b>
	<i>respondent skipped question</i>	<b>16</b>

<b>Question 24. Please select all the type of third-party organizations or individuals where you experienced a lack of cooperation during the background investigation process. (Please select all that apply.)</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Federal government agency (e.g., Federal Bureau of Investigation)	1	14.3
Law enforcement agency based in New Hampshire (State, county, or local)	2	28.6
Law enforcement agency in a state outside of NH (State, county, or local)	2	28.6
Private organization	4	57.1
Private individual	2	28.6
Foreign government agency	0	0.0
Other (please explain)	2	28.6
	<i>respondent answered question</i>	<b>7</b>
	<i>respondent skipped question</i>	<b>101</b>

<b>Question 24. Text Responses, Other:</b>	<b>Count</b>
Hospitals.	1
State Police refuse to allow us to view certain files.	1
<i>provided comment</i>	<b>2</b>

**Question 25. Does your agency have any suggestions to improve the background investigation process?**

<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
No	84	91.3
Yes	8	8.7

*respondent answered question*      **92**  
*respondent skipped question*      **16**

<b>Question 25. Text Responses, Suggestions:</b>	<b>Count</b>
Add or improve in-service training on conducting background investigations.	2
Standardize and centralize background investigations by conducting them by the State and not individual agencies.	2
Some agencies submit false forms, not complying with the rules on background checks, and the PSTC does not conduct audits.	1
PSTC should implement a system similar to the Fire Academy, which provides a list of all potential candidates that have met the basic criteria.	1
Most individuals hired have limited work history.	1
Concerned about the political environment.	1
Do away with useless psychological evaluations.	1

*provided comment*      **8**

**Question 26. Could the PSTC's initial academy application process be more streamlined or efficient?**

<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
No	70	76.1
Yes (please explain)	22	23.9

*respondent answered question*      **92**  
*respondent skipped question*      **16**

<b>Question 26. Text Responses, Explain:</b>	<b>Count</b>
On-line or all electronic form submission.	13
Consolidate and simplify forms.	4
No suggestion.	2
Small agency schedules need earlier confirmation.	1
It is difficult for small agencies to meet some of the deadlines for acceptance into the academy.	1
First come, first served.	1
Eliminate subjective physical training standards.	1

*provided comment*      **22**

<b>Question 27. Are you aware of any significant weaknesses in the certification process that would allow an unqualified officer to receive certification?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	10	9.3
No	98	90.7
<i>respondent answered question</i>		<b>108</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 28. Briefly explain the weaknesses in the certification process you believe would result in an unqualified officer receiving certification.</b>		
<b>Comments</b>	<b>Count</b>	
The academy is too lax.	2	
No audits are being performed on background investigations.	2	
Standardize psychological evaluation process.	1	
The absence of a central records system for applicants gives too much wiggle room.	1	
Academy needs more ability to enforce standards.	1	
Improve the review process of terminated officers to assess for decertification.	1	
Find a better way to give 3 year physical training test.	1	
Increase the recognition of military training as a substitute for the academy, so these recruits would just need to take the law package.	1	
Little is done for screening of part-time officers who do not carry.	1	
<i>provided comment</i>		<b>10</b>

<b>Question 29. Do you have any suggestion to improve the application process that has not been discussed?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
No	102	94.4
Yes (please explain)	6	5.6
<i>respondent answered question</i>		<b>108</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 29. Text Responses, Suggestions:</b>	<b>Count</b>	
Digital methods to submit forms.	2	
Let the agency do the hiring.	1	
Require all recruits to be hired as salaried employees until the end of the academy to avoid issues with overtime.	1	
The 30 day window to maintain certification should be longer.	1	
During pre-academy PT, advise candidate of any unacceptable performance.	1	
<i>provided comment</i>		<b>6</b>



<b>Question 30. Do you believe the PSTC provides preferential treatment to some agencies over others?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	34	31.5
No	74	68.5
<i>respondent answered question</i>		<b>108</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 31. How satisfied are you with the PSTC's efforts to solicit input and receive feedback from your law enforcement agency on the operations of the PSTC?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Very satisfied	40	37.0
Somewhat satisfied	17	15.7
Neither satisfied nor dissatisfied	27	25.0
Somewhat dissatisfied	11	10.2
Very dissatisfied	6	5.6
Don't know/No opinion	7	6.5
<i>respondent answered question</i>		<b>108</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 32. Briefly explain why you were dissatisfied with the PSTC's efforts to solicit input and receive feedback from law enforcement agencies.</b>		<b>Count</b>
<b>Comments</b>		
Non-existent, infrequent, or insufficient effort to solicit input.	13	
The PSTC is not interested in the opinion of all agencies.	4	
I feel like I am always looked down upon.	1	
<i>provided comment</i>		<b>17</b>
<i>respondent skipped question</i>		<b>91</b>

<b>Question 33. Overall, was the PSTC effective at ensuring officers met minimum standards required of law enforcement officers?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	103	95.4
No	5	4.6
<i>respondent answered question</i>		<b>108</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 34. Overall, do you have any suggestions on how operations could be improved at the PSTC?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
No	78	72.2
Yes (please explain)	30	27.8
<i>respondent answered question</i>		<b>108</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 34. Text Responses, Suggestions:</b>	<b>Count</b>
Change the model or style of the academy by either: making it a part of the college, have instructors with recent field experience, streamline for officers who don't carry a gun, consider tuition based academy, and decrease tests.	5
Improve use of technology.	4
Improve enforcement of high standards.	4
Treat agencies of different sizes fairly.	3
Improve course offerings (e.g., focus on criminal investigations, cut out patrol, cut out driving, increase seasoned officer classes, increase hands-on training).	3
Conduct an in-depth and formal review of PSTC management.	2
Modify standards (e.g., develop an alternative to physical fitness testing or don't require part-time officers to attend the entire full-time academy).	2
Increase resources.	1
The building is dirty.	1
Improve performance evaluations of recruits.	1
Find a way to utilize "quiet time" on a voluntary basis.	1
Address staff turnover issues.	1
The public is not aware of PSTC's work to enforce standards.	1
<i>provided comment</i>	<b>30</b>

<b>Question 35. Do you have anything else to add that will help us better understand the Police Standards and Training Council?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
No	86	79.6
Yes	22	20.4

*respondent answered question*      **108**  
*respondent skipped question*      **0**

<b>Question 35. Text Responses, Other:</b>	<b>Count</b>
Overall positive comments about the PSTC.	4
Positive statements about the model of the academy.	4
Positive comments about PSTC management/staff.	4
Lax fitness standards or make job-based.	2
Frequency of course offerings is critical to my agency.	2
Concerned about the political environment of the PSTC in which the PSTC operates.	2
Part-time officers should get in-depth training on Driving Under the Influence situations.	1
The residential model of the academy, teaching methods, and poor website functionality is outdated.	1
Focus should be spent if the Field Training Officers are satisfied with the academy.	1

Increase resources.	1
Staffing is in need of a leadership boost and an increase in staffing is critical. Adjuncts need to be vetted, standardized, and paid. Classrooms and buildings need upgrading for an enhanced educational environment. Collaboration with other academies throughout the country may assist in developing ideas and enhancing efficiency, along with professional development of existing staff. The Council deals with more extensions/administrative requests, which could be handled more effectively. Also, their focus could be more succinct and focused on training and evaluation. The Academy lacks vision and needs effective leadership for the staff.	1
I worry about how management treats staff. There are a few staff members with little road experience or who have been out of the field for decades. Some of their techniques and tactics are not effective. The academy has an unspoken “If something goes wrong, this can’t come back to bite us” curriculum. I don’t even think they do it on purpose, rather it’s their paradigm. Personally, I’ve been disappointed in the lack of substance in many classes, which are always followed by a test. I have had good experiences when they sub-out classes such as FBI classes, etc. a common quote heard throughout the State is, “Just get through the academy and we’ll teach you how to be a cop when you get out.”	1
Meetings should broadcast live via a web interface.	1
Less essential classes should be done via satellite.	1

*provided comment*                      **22**

<b>Question 36. If you would like to receive a link to our report when it becomes public, please provide the email address where you would like to receive the link. (We will not report or retain this email address after the report is made public.)</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
No, thank you.	45	41.7
Yes (please provide e-mail address).	63	58.3

*respondent answered question*                      **108**

*respondent skipped question*                      **0**

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**STATE OF NEW HAMPSHIRE  
POLICE STANDARDS AND TRAINING COUNCIL**

**APPENDIX D  
SURVEY OF PSTC ACADEMY GRADUATES**

We sent a letter containing a link to a web survey to the last known work address of 98 New Hampshire police officers, corrections officers, and probation-parole officers who graduated from a Police Standards and Training (PSTC) academy during State fiscal year 2017. We received 30 complete responses for a 30.6 percent response rate. We combined and simplified similar answers to open-ended questions and presented them in topical categories; multipart responses were counted in multiple categories where applicable. Some totals in the following tables may not add up to 100 percent due to rounding or where respondents could respond multiple times to the same question.

<b>Question 1. Which academy did you attend during the period of July 1, 2016 to June 30, 2017?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Police Academy (Full-Time)	20	66.7
Police Academy (Part-Time)	5	16.7
Corrections/Probation-Parole Academy	5	16.7
	<i>respondent answered question</i>	<b>30</b>
	<i>respondent skipped question</i>	<b>0</b>

<b>Question 2. Overall, how satisfied are you with the quality of training you received from the PSTC?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Very satisfied	8	26.7
Somewhat satisfied	13	43.3
Neither satisfied nor dissatisfied	0	0.0
Somewhat dissatisfied	5	16.7
Very dissatisfied	4	13.3
Don't know/No opinion	0	0.0
	<i>respondent answered question</i>	<b>30</b>
	<i>respondent skipped question</i>	<b>0</b>

<b>Question 3. Briefly explain why you are dissatisfied with the training you received from the PSTC academy.</b>	
Not enough practical/hands on time.	4
Too much down time/Time not used effectively.	3
Only touched briefly on basics.	2
Old school 'basic training' attitude was not a good fit for a large part of the content. More focus was on assimilating to the academy way as opposed to how to interact with the public in a safe and effective manner. Staff and facility were taxed trying to manage the logistics of too many students.	1
The training I received from PSTC was rushed and they always stated how there was not enough time.	1

The mental toughness aspect was very easy coming from a military background. It almost felt as if I was in more of a college setting due to the lack of disciplinary techniques. The academic structure was good.	1
What I learned in my 12 weeks of field training was much more useful than 16 weeks here.	1
Many of the instructors are not actually police officers and are unable to answer questions about patrol or investigative duties. Also, morale is usually low due to excessive rules and instructors who ask recruits to lie on their account.	1
It's a bad and uncomfortable feeling when a student leaves the academy feeling like they have not been trained to succeed and only trained to standard.	1

*provided comment*            **8**  
*did not provide comment*    **22**

**Question 4. How satisfied are you with the efficiency of the academy in making the best use of your time while at the academy?**

Answer Options	Count	Percent
Very satisfied	6	20.0
Somewhat satisfied	7	23.3
Neither satisfied nor dissatisfied	4	13.3
Somewhat dissatisfied	5	16.7
Very dissatisfied	8	26.7
Don't know/No opinion	0	0.0

*respondent answered question*    **30**  
*respondent skipped question*        **0**

**Question 5. Briefly explain why you are dissatisfied with the efficiency of the PSTC in training you.**

Time was wasted waiting to participate in practical training/Not enough staff for practical training.	10
Need more time spent on practical/scenario training.	2
Long periods when cadets were not allowed to talk to one another.	2
Needed more feedback after scenarios. Needed to review testing for feedback after grades.	1
Staying at the academy was not beneficial.	1
Too many classes on mental health and dementia that lasted two days and the second day would reiterate the same points made on the first day. This happened often with other classes as well.	1

*provided comment*            **12**  
*did not provide comment*    **18**

<b>Question 6. Do you have any suggestions for improving the academy you attended?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	23	76.7
No	7	23.3

*respondent answered question*                      **30**

*respondent skipped question*                      **0**

<b>Question 6. Text Responses, Yes:</b>	
Need more time spent on practical/scenario training.	8
Time was wasted waiting to participate in practical training/Not enough staff for practical training.	7
Treat cadets like adults.	4
Focus on the basics.	3
Allow review of test results.	2
Need more experienced instructors.	2
Testing occurs too frequently.	2
Offer incentives to gather more guest instructors. Train staff for more program type delivery through other instructors. Drop some of the outdated paramilitary environment to save time and logistics.	1
If possible, another week of the Corrections Academy would be beneficial for more advanced training.	1
I believe there needs to be a new way to take tests. I felt overwhelmed at times due to the amount of material thrown at us and how the tests were given.	1
Allow students to have open gym at night.	1
Recruits should not be forced to stay at the academy and should be able to go home. Separating recruits from their family and support systems is the worst thing that could be done. Also, recruits should be able to work out on their own, but have to complete fitness tests along the way.	1
More discipline, adding physical training routines.	1
More consistency between staff members in regards to how they want things done procedurally.	1
Better food.	1
CPR (Cardiopulmonary Resuscitation).	1
Train them to a standard on how to make a correct police report. Students should have a standard that they meet in police writing before going to their departments.	1

*provided comment*                      **22**

*did not provide comment*                      **8**

<b>Question 7. Have you received any in-service training provided by the PSTC since July 1, 2016?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	10	33.3
No	20	66.7
<i>respondent answered question</i>		<b>30</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 8. How satisfied are you with the quality of the in-service training you received from PSTC?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Very satisfied	5	45.5
Somewhat satisfied	3	27.3
Neither satisfied nor dissatisfied	2	18.2
Somewhat dissatisfied	1	9.1
Very dissatisfied	0	0.0
Don't know/No opinion	0	0.0
<i>respondent answered question</i>		<b>11</b>
<i>respondent skipped question</i>		<b>19</b>

<b>Question 9. Briefly explain why you are dissatisfied with the in-service training you received.</b>	
During the academy you are treated like a child and they never treat you with any sort of respect. During in-service training there is a certain level of respect, but the instructors are still very condescending which does not promote a healthy learning environment.	1
<i>provided comment</i>	
<i>did not provide comment</i>	
	<b>1</b>
	<b>29</b>

<b>Question 10. Do you have any suggestions for improving the in-service training provided by the PSTC?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	3	30.0
No	7	70.0
<i>respondent answered question</i>		<b>10</b>
<i>respondent skipped question</i>		<b>20</b>

<b>Question 10. Text Responses, Yes:</b>	
Fund more through ticket penalty.	1
More hands on training rather than death by power point.	1
Again more patrol experienced instructors and less talking "at" those attending.	1
<i>provided comment</i>	
<i>did not provide comment</i>	
	<b>3</b>
	<b>27</b>



<b>Question 11. Did you submit to a drug screening from a licensed physician prior to entry into the PSTC academy?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	22	73.3
No	1	3.3
Don't know/Don't remember	7	23.3
<i>respondent answered question</i>		<b>30</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 12. Did your agency perform a background investigation before you entered the PSTC academy?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	30	100.0
No	0	0.0
<i>respondent answered question</i>		<b>30</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 13. Do you have any suggestions for improving the background investigation process?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	4	13.3
No	26	86.7
<i>respondent answered question</i>		<b>30</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 13. Text Responses, Yes:</b>		
Allow agencies to share information on candidate's background.	1	
Very in-depth/effective.	1	
The polygraph was a bit much. I completely understand the need for it, but I feel like 4 hours was a bit much.	1	
Speeding up the process and making it more transparent.	1	
<i>provided comment</i>		<b>4</b>
<i>did not provide comment</i>		<b>26</b>

<b>Question 14. Are you aware of any significant weaknesses in the certification process that would allow an unqualified officer to receive certification?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	7	23.3
No	20	66.7
Don't know	3	10.0
<i>respondent answered question</i>		<b>30</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 15. Briefly explain the weaknesses in the certification process you believe would result in an unqualified officer receiving certification.</b>	
Some cadets had trouble on some tasks but eventually passed.	3
Training staff didn't seem to notice cadets with poor character.	2
When tested on the material provided from PSTC, you have to choose from a multiple answer key. A lot of law enforcement is not a black and white answer. They should encourage students to think rather than just study for the test.	1
They do not give us time to be confident and understand the material. The academy spoke of liability the entire time and though it is a good thing to be aware of, it is going to cause new officers hesitant. I feel the entire academy shows you a lot of material but doesn't teach you anything and relies on the FTO program to fill in the gaps.	1
A police department that does not properly screen its applicants.	1
To my knowledge individual hiring processes are not standardized in that background checks are not always required or completed every time depending on the agency, potentially leading to cadets attending the academy without having had a full background check.	1
Each officer should be tested by a senior grader on how to conduct a MV stop, DWI/DUI, Domestic, and Police Tactical side. After each event, a STANDARD police report should be done on a computer and not on a tablet. This would make every officer a more capable officer for their departments.	1

*provided comment*            7  
*did not provide comment*    23

<b>Question 16. Do you have any suggestions to improve the application process?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	2	6.7
No	28	93.3

*respondent answered question*    30  
*respondent skipped question*        0

<b>Question 16. Text Responses, Yes:</b>	
PT test should be done with counting. It should not be about seeing people fail and letting them know. Set them up for success and not failure. It's the basics of leadership.	1
More scenario based training. The biggest issue I noticed was the lack of officer presence that was never truly addressed. The PSTC staff spoke of how they break people down and then build them back up. They never build you back up and a lot of recruits lack confidence. From staying in touch with several of my class mates we were not surprised by the students who did not pass field training.	1

*provided comment*            2  
*did not provide comment*    28

<b>Question 17 Overall, was the PSTC effective at ensuring officers meet minimum standards required of law enforcement officers?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	20	66.7
No	8	26.7
Don't know/No opinion	2	6.7
<i>respondent answered question</i>		<b>30</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 18. How satisfied are you with the PSTC's efforts to enforce professional standards to ensure the law enforcement profession is held to high ethical standards?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Very satisfied	10	33.3
Somewhat satisfied	9	30.0
Neither satisfied nor dissatisfied	5	16.7
Somewhat dissatisfied	3	10.0
Very dissatisfied	3	10.0
Don't know/No opinion	0	0.0
<i>respondent answered question</i>		<b>30</b>
<i>respondent skipped question</i>		<b>0</b>

<b>Question 19. Briefly explain why you are dissatisfied with the PSTC's efforts to enforce professional standards.</b>		
I feel the ethical standards are lower than years past.	1	
From attending PSTC, I understand why people do not like police officers. The instructors were condescending and would take their frustrations on the recruits. We were able to tell when one of the instructors was having a bad day because we would be punished for it, even if it was unrelated to our actions. Also, the class should not be punished for one student's actions. If one student acts up, they should be punished rather than everyone.	1	
Lack of discipline.	1	
I felt the women in the Police Academy were treated differently than the males. If we both aren't held to the same standard, then the system falls apart.	1	
The Chief's "black list" is a terrifying prospect that has few remedies. Instructors at the academy are known for asking students not to report injuries and shuffling issues between recruits and instructors under the rug. Aside from that, you don't hear about misconduct in NH often, so I would assume they do well.	1	
The standards are too low. We are so focused on the tests and not failing the tests, that we are not given efficient and reliable tactics/experience. We should expect our officers to be properly trained and not only trained to "minimum" standards.	1	
<i>provided comment</i>		<b>6</b>
<i>did not provide comment</i>		<b>24</b>

<b>Question 20. Overall, do you have any suggestions on how PSTC operations could be improved?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	10	33.3
No	20	66.7

*respondent answered question*      **30**  
*respondent skipped question*      **0**

<b>Question 20. Text Responses, Yes:</b>	
More instructors for one on one teaching.	1
Please fund repairs to facility and keep staff well compensated. In all driving skills, I think a penalty assessment should be levied for striking a cone, repeating the segment should be only allowed to improve speed. Accurate driving is more important than speed. Presently striking a cone just meant 'go again'. On the job it could be property damage or cost a life.	1
Time management.	1
Being able to see what you got wrong on your quizzes so you can learn from your mistakes.	1
Training courses designed to simulate real-world scenarios.	1
Try to get new officers to teach classes or help out. Revise the training material.	1
Use time more efficiently in the last several weeks.	1
The morning should be based on working out and then jump right into training. Tests and book work should be in the afternoon and taught to the students in an interesting fashion. Still doesn't make sense that I have the PowerPoint, I can read and study it but yet still have to have someone come into the class to read it to me again. We should be going over the information but we spend too much time wasting time.	1

*provided comment*      **8**  
*did not provide comment*      **22**

<b>Question 21. Do you have anything else to add that will help us better understand the Police Standards and Training Council?</b>		
<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
Yes	7	23.3
No	23	76.7

*respondent answered question*      **30**  
*respondent skipped question*      **0**

<b>Question 20. Text Responses, Yes:</b>	
I have been through a Police Academy previously in a different state. They used the first two weeks to do the tear down of people's attitudes and make sure they know how to listen. After that they worked on confidence building and making sure that when you went out on the road you were ready and confident. This academy did the opposite. It	1

<p>was test heavy on things that were not necessary. Sitting in a class room 90% of the time and fighting to stay awake through power point is not a great learning environment. People would just memorize answers for the test and then most of them would just memory dump that information because they were worried about the next test that could have them kicked out. I understand the need for classroom work and I agree with it, but, it is well over done in this academy. Also, the staff there needs to learn that this is not the military and treating people like children the entire time does not build confidence nor does it make anyone respect the leadership (this does not go for all staff there). In my training out of state, they brought in real world, everyday situations. You would learn how to interact as a human and not as a recruit. If you want to get people to come out of the academy and be leaders, you need to start with leadership and training, that was not done at the academy. When I left the academy to work in an extremely busy town with very little staffing where you deal with arrests and drugs daily, I found out I was not ready. I learned more in my FTO period than I did in the whole academy. Another issue is the full time overnight requirements. I understand that departments have to take the cost of someone traveling and that I get. Overnight should be an option and not a must. Again, this is not the military. I have been in the military and this was not needed. The good parts were that I did find some good leadership through the ranks. They showed that they don't need to show off or tear you down 24/7 to feel as if they have power. They were the ones who got the most respect from the recruits. The police academy here in NH had potential and has a decent base for the future. It needs a ton of work. It needs to reach out to other states and find out what is working for them (outside of NH). Also, I understand that people complain and say that there was not enough training on "blank" and then the State says that it needs to be added in to the academy which is why it gets longer and longer and there is so much classroom time. Stop. This is BASIC training. It needs to be up to the departments as well to make sure that they are hiring the correct candidate for the job. They take care of most rules and regulations at the town/city level that do not even need to be touched in the academy. Start putting police officers who have experience in there and telling these recruits how to do the job. I looked up to the people in my first academy and still remember them to this day and the wisdom they brought me. I look back at this academy and question who put it together.</p>	
<p>I had a scheduling issue, and I felt that the Council was unyielding in their requirements. I was a full time officer for 22 years, and felt that I could miss one day of training.</p>	<p>1</p>
<p>I was very satisfied with my overall training. No improvements needed.</p>	<p>1</p>
<p>The staff is fantastic. The curriculum was relevant and helpful as I brought it into actual practice on the job. There was a perfect balance of discipline/strictness/order and a comfortable atmosphere.</p>	<p>1</p>

<p>I felt there was a 'disconnect' between staff members of the academy and the members of the Council. I think leadership should prioritize the flow of information both from staff to policy makers and from policy makers to staff, so that it is consistent and autonomous to the students, both at the academy and for continuing education. I sensed there were a lot of good people trying to teach but not in step with each other as a team nor with the Director as the leader. I don't place blame on any one person or group, but I do believe the 'team' needs work to improve effectiveness first, efficiency second, and earn respect from all students third. Trying to impress students with 'war stories', paramilitary basic training techniques, and other outdated schooling tactics doesn't work today. Turning out consistent, intellectual, tactical skilled, and caring officers will greatly impact the industry in a positive direction. Bring 'Protect and Serve' back to the forefront. Everything there is done by the book, which is good. I understand that discipline needs to be used to help mold people that have not been in that environment. When you're in week 13 and you're getting punishment for talking or other small things. It gets to the point where you just tune people out. You get a pat on the back for doing something good, but dropped way down for something as talking in the hall at night. You give an inch but take a mile.</p>	<p>1</p>
<p>At times it felt as though the academy was more focused on “checking boxes” rather than preparing recruits for their careers. That is to say that there appeared to be such a major effort on meeting a large quantity of minimum qualifications that true preparation and training was, at times, lost in the mix. On another note, in almost every hands-on practical learning session recruits spend a vast amount of their time waiting around for their turn to participate. I recall a number of days at the academy where I spent a majority of my day simply flipping through flashcards waiting to use the virtual simulator, or to participate in a practical scenario, etc. While studying flashcards and notes is certainly important, I do not believe it is the most efficient use of a recruit's time while at the academy when it occurs in such large increments. It appeared to me that higher staffing levels would allow for more practical learning sessions to take place at once, which may help alleviate time spent waiting.</p>	<p>1</p>

*provided comment* 7  
*did not provide comment* 23

**Question 22. If you would like to receive a link to our report when it becomes public, please provide the email address where you would like to receive the link. (We will not report or retain this email address after the report is made public.)**

<b>Answer Options</b>	<b>Count</b>	<b>Percent</b>
No, Thank you.	9	30.0
Yes. (Please provide email address.)	21	70.0

*respondent answered question*      **30**  
*respondent skipped question*      **0**

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**STATE OF NEW HAMPSHIRE  
POLICE STANDARDS AND TRAINING COUNCIL**

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**APPENDIX E**

**STATUS OF PRIOR AUDIT FINDINGS**

The following is the status of applicable observations found in our prior LBA Financial Audit Report dated December 2010, entitled *Police Standard And Training Council, Financial Audit Report For The Six Months Ended December 31, 2010*.

<u>No.</u>	<u>Title</u>	<u>Status</u>
2.	Redundant And Ineffective Controls Should Be Eliminated	● ●
3.	Encumbrance Activity Should Be Regularly Monitored	● ●
4.	Inter-Governmental Revenue Transactions Should Be Used When Appropriate	● ○
5.	Familiarity And Compliance With State Manual Of Procedures Should Be Improved	● ●
6.	Unused Accounting Units Should Be Deactivated	● ●
8.	Compliance With Recycling Statute Should Be Improved	● ●

The following is the status of one applicable observations found to be only substantially resolved in 2010 which was originally reported in a prior LBA Financial Audit Report entitled *Police Standards And Training Council, Financial And Compliance Audit Report For The Nine Months Ended March 31, 2005*.

<u>No.</u>	<u>Title</u>	<u>Status</u>
1.	Formal Risk Assessment Polices Should Be Established (See Current Observation No. 9)	● ○

A copy of the prior report can be accessed on-line at our website  
<http://www.gencourt.state.nh.us/LBA/auditreports.aspx>

<u>Status Key</u>		<u>Count</u>
Resolved	● ●	5
Remediation In Process (Action beyond meeting and discussion)	● ○	2
Unresolved	○ ○	0

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