

Agency Name	New Hampshire Police Standards and Training Council
Audit Name	Performance Audit
Audit Period	
Status Report Date	June 1, 2023

Summary of Audit Observations/Findings					
Number	Observation Title	Status [place X in status column]			
		Unresolved	Partially Resolved	Substantially Resolved	Fully Resolved
1	Require Psychological and Drug Screenings			x	
2	Improve Applications and Certification Forms				x
3	Ensure Audits are Periodically Conducted				x
4	Improve Complaint and Disciplinary Process				x
5	Ensure Constant Management of Instructors			x	
6	Incorporate Job Task Analysis into Curriculum Development		x		
7	Develop Performance Measurement System and Strategic Plan	x			
8	Improve Process Efficiency				x
9	Comprehensive Risk Management Needed		x		
10	Improve Administrative Rules		x		
11	Evaluate Efficiency of Internal Maintenance Crew				x
12	Define Role of Reviewing County Corrections Academy Curriculum				x
13	Ensure Proper Authority to Enter Non-Public Session				x
14	Disclose Financial Interests and Ensure Quorum Requirements are met				x
15	Formerly Adopt PSTC Recusal Practices				x
16	Ensure Corrections Advisory Committee Complies with Statute			x	

Observation 1: Require Psychological and Drug Screenings

Summary of Finding: 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;
- Develop methods to ensure local hiring authorities either conducted required testing or demonstrated exemptions

Current Status: **Substantially Resolved**. NH RSA 106-L:6, IV and VI now requires all police officers, state corrections and probation parole officers to successfully complete both Psychological and Drug Screening prior to being hired by the hiring authority. In 2020, RSA 106-L:16 Psychological Stability Screening Fund was created to assist any law enforcement agency to pay for such screening, (as a reimbursement) for up to 750 dollars per officer. PSTC still must make administrative rule changes to Pol 301.06 (Hiring authority to notify Council) to allow the creation of a more robust reporting requirement that hiring agencies will need to follow to definitively state that both the psych and drug screen were successfully completed.

Observation 2: Improve Application and Certification Forms

Summary of Finding: 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.

Current Status: **Fully Resolved**. PSTC previously used paper applications of different types that needed to be filled out by hand by police agencies who would then mail, fax or hand deliver them back to PSTC. We now have a completely computerized application and certification management system that every law enforcement officer has access to, (levels of access are dependent on the officers' ranks and responsibilities). We utilize this system for all academy and in-service application procedures as well as for discipline and the reporting of misconduct. The system tracks when we need to send an application back to the home agency for amendments or corrections and it tracks when it is returned to us and by whom. The system is designed to not allow the submitting party to proceed if there are open required fields of information that are needed to be complete before the form is submitted.

Observation 3: Ensure Audits are Periodically Conducted

Summary of Finding: We recommend the PSTC develop policies and procedures defining the PSTC audit function and ensure they are periodically conducted.

Current Status: **Fully Resolved**. PSTC has adopted protocol defining circumstances under which council staff will audit law enforcement agencies for compliance with Council Administrative Rules, including audits whenever a new chief law enforcement officer has been appointed or elected; when the council, the director, or the director's designee, receives information from a source deemed credible, outlining a potential violation of council rules.

Observation 4: Improve Complaint and Disciplinary Process.

Summary of Finding: 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.

Current Status: **Fully Resolved**. RSA 106-L was amended in 2022 that expanded the statutory authority of PSTC to receive and investigate allegations of misconduct and when sustained, to impose sanctions. RSA 106-L: 17 creates the Conduct Review Committee, (CRC) that oversees this process. RSA 106-L: clearly defines what misconduct is. RSA 106-L:20 mandates agencies to report to PSTC any allegation of misconduct that fits the definition. RSA 106-L:21 mandates agencies to investigate allegations of misconduct and report their findings to the CRC for review to include cases where an officer is arrested but found not-guilty. Any sustained findings by the CRC are then presented to the Council by a prosecuting attorney for disciplinary proceedings. PSTC now maintains a public portal to receive allegations of misconduct.

Observation No. 5: Ensure Consistent Management of Instructors.

Summary of Finding: 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.

Current Status: **Substantially Resolved**. Amendments to our Instructor Certification and Approval protocol have been designed and are ready for approval consideration by the Council. Those protocols

include: Approval process for non-PSTC instructors; Defining the minimum level of instructor training and experience required; the use of written instructor evaluations to ensure delivery of quality instruction. Reducing the level of monitoring of instructors once instructional proficiency has been demonstrated and documented.

Observation No. 6: Incorporate Job Task Analysis into Curriculum Development.

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

Current Status: **Partially Resolved**. PSTC will need to secure significant funding to hire a company to conduct a JTA. In 2019 PSTC contacted Systems Design Group, the entity that conducted the last job task analysis for PSTC and received an unofficial estimate of \$50,000 for a basic JTA. In 2020 PSTC made arrangements with UNH Justiceworks to conduct a JTA as part of a graduate student capstone project at no cost. The project was completed by graduate students in 2021 and was of some excellent value. Overall, it is still necessary for PSTC to engage with a vendor that specializes in conducting these types of studies. We need to seek funding for a job task analysis in our next budget cycle as it is not included in the FY24 – FY25 budget request.

Observation No. 7: Develop Performance Measurement System and Strategic Plan.

Recommendation: We recommend 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.

Current Status: **Unresolved**. While a strategic planning meeting was held with the staff in 2021, no real formal process has been started on this observation. The planning process must include the Copuncil as well as stakeholders.

Observation No. 8 Improve Process Efficiency.

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

Current Status: **Fully Resolved**. PSTC has contracted with a software company that provides us with a full Record Management System and Learning Management System. The system allows for PSTC to maintain a comprehensive "Cradle to Grave" record of every certified officer in the state of New Hampshire. This record system allows PSTC to track all hiring, training and disciplinary records of all officers and streamlines the submission of all annual agency compliance reporting mandates.

Observation No. 9: Comprehensive Risk Management Needed.

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

Current Status: Partially Resolved. We are developing a written risk assessment. We have identified internal risks and are in the process of evaluating external risks to the mission. We have been meeting with staff monthly to assess risk within the building and are developing a risk management plan and policy. We are developing a comprehensive safety program and conducting job hazard analysis. Risk is being addressed in an ongoing basis with repairs being made to unsafe conditions and employee training increased to address specific hazards. All academy training staff is now required to be trained and certified in first aid, CPR, and AED use. New first aid equipment has been added throughout the facility. New vehicles for recruit training have been purchased to replace vehicles that would not pass inspection. We submitted a capital budget request for funds to improve building security, restrict access, and video surveillance upgrades. However, that request was not approved.

Observation No. 10: Improve Administrative Rules.

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.

Current Status: **Partially Resolved**. PST Council has appointed a Rules Sub-committee, which made substantial progress in identifying rule amendments for chapters 100 through 400. Rule changes have been successfully adopted for in-service training requirements. Further revisions are required to align the full administrative rules with the new amendments to RSA 106-L, and the plan is to complete a comprehensive review of all chapters by the end of the calendar year.

Observation No. 11: Evaluate Efficiency of Internal Maintenance Crew.

Recommendation: We recommend PSTC management 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.

Current Status: **Fully Resolved**. We met with DAS Bureau of Plant and Property Management officials at PSTC. We toured the facility and discussed the potential operational advantages of shared services with DAS. After consideration of several aspects of the maintenance function at PSTC, we determined that overall, shared services with DAS would not provide operational advantages to PSTC, and PSTC should keep its internal maintenance crew. PSTC Plant Engineer viewed a demonstration of the Work Order

software system in use by the Bureau of Plant and Property Management. He learned there may be benefits of the system but there is administrative time involved with initial setup, then about a ½ hour each day to maintain the status of projects. DAS personnel advised that they employ very limited specialized personnel and would be unable to provide shared services to PSTC. DAS did offer assistance and guidance in the event of an emergency. Shift coverage: The auditors suggest that the larger (DAS) maintenance crew had opportunity to provide shift coverage more easily. DAS maintenance personnel work daytime shifts only, which would not be beneficial to PSTC. Fleet Maintenance: The auditors note that PSTC maintains an internal garage to perform inspections and minor repairs to vehicles, and suggests that it may be more efficient to send PSTC vehicles to a larger state garage or a private vender. PSTC currently sends vehicles to private vendors for inspections and major repairs. Our mechanic performs basic and minor repair work. Most vehicles in the fleet are used as emergency driver training vehicles. The driving course includes intensive emergency driver training on an 800 foot driving pad involving quick starts and stops, tight corners with rapid acceleration and hard braking. The nature of the course results in extreme tire and brake wear. The driving course is conducted for two solid weeks during four full time police academies and on weekends during one part time academy each year. An on-site mechanic is important to reduce interruption to the program. Outsourcing vehicle maintenance while the driving course is in session is not feasible.

Observation No. 12: Define Role in Reviewing County Corrections Academy Curriculum.

Recommendations: 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.

Current Status: **Fully Resolved**. The PSTC has adopted protocol for consistent annual review of the County Corrections Academy curriculum and allows that the NHAC may make non-consequential modifications to the Council approved curriculum, including modifications to the order courses are presented, and minor changes in the length of specific courses, without prior Council approval.

Observation No. 13: Ensure Proper Authority to Enter Non-Public Session.

Recommendations: We recommend PSTC management 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.

Current Status: **Fully Resolved**. The PSTC has reviewed and updated their Non-Public Session Worksheet which serves as a guide for members to assure proper authority is cited when entering into non-public sessions. Council staff and the DOJ have reviewed minutes of all non-public sessions entered into during

the audit period to assure proper authority is cited. The DOJ review found that none of the non-public sessions were entered contrary to law.

Observation No. 14: Disclose Financial Interests and Ensure Quorum Requirements are met.

We recommend the PSTC management: • develop policy 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.

Current Status: **Fully Resolved**. Council members have been reminded of their obligation to file the disclosures in a timely manner. Each December, members will be provided with a financial disclosure form for the following year and reminded of the deadline. Members will not be allowed to vote on any council action unless they have filed the disclosure. Council staff will review the Secretary of State web site to verify that disclosures have been filed and will advise the Council Chair of any delinquent filing. Also, the non-State employee member of the Corrections Advisory Committee has been informed of his obligation to file a Financial Disclosure Form and he has filed the form with the Secretary of State. Procedures have been implemented at each Council meeting to ensure that there is a quorum before any business is conducted.

Observation No. 15: Formerly Adopt PSTC Recusal Practices.

Recommendation: We recommend 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.

Current Status: **Fully Resolved**. PSTC has consulted with the DOJ and has adapted a recusal protocol to include a recusal guide available to members during Council meetings.

Observation No. 16: Ensure Corrections Advisory Committee Complies with Statute.

Recommendation: Develop policies and procedures to ensure the Corrections Advisory Committee consistently complies with statute and continues its efforts to utilize the Committee.

Current Status: **Substantially Resolved**. The committee membership has been updated and includes only individuals authorized by statute. The PSTC has adopted protocol governing committee membership and practice, consistent with statute. The Committee convened during 2020 and 2021 but has not convened since then.
