

State of New Hampshire
Police Standards and Training Council

In re: Justin Swift (PSTC ID# 17033)

Order of Suspension
Pursuant to Pol 402.02 (a)(5)(c)

Notice was given to Justin Swift by registered mail dated October 15, 2020 that the Council was considering suspending or revoking his police officer certification based on Pol 402.02(a)(5)(c), which reads:

Pol 402.02(a) (5)(c) The Council shall unless is has just cause to do otherwise as provided in (e) below, order the suspension or revocation of the certification of any police or corrections officer for any of the following reasons:

(5) The officer's discharge has become final or he or she has been allowed to resign in lieu of discharge, has resigned during an internal investigation, or resigned through a negotiated resignation, from police or corrections employment in this or any other state, country, or territory for reasons of:

c. For acts or omissions of conduct which would cause a reasonable person to have doubts about the individual's honesty, fairness, and respect for the rights of others and for the laws of the state or nation;

(e) The council shall apply a balancing test to determine whether factors constituting just cause outweigh the public interest in protecting the safety of the public or confidence in the criminal justice system, including maintaining the integrity of sworn law enforcement, if a violation of section (a) or (d) of this rule is found. If any just cause demonstrated by the officer outweighs the purpose of protecting the safety of the public or confidence in the criminal justice system including maintaining the integrity of sworn law enforcement, the council shall decline to order suspension or revocation.

Officer Justin Swift is alleged to have Violated Council Rule Pol 402.02 (a)(5)(c):

Justin Swift resigned during internal investigation from the Ossipee Police Department, the agency determined that he was in violation of Pol 402.02 (a)(5) c.

A hearing was held on October 27, 2020.

Based on the evidence and testimony presented by Major David Parenteau (Ret), the Council finds and rules as follows:

FACTUAL FINDINGS:

1. Justin Swift is a full time certified officer employed by the Loudon Police Department.
2. Staff at Police Standards and Training Council, as part of protocol, sent a letter of inquiry to Chief Duchesne about the reason for Justin Swift's resignation during internal investigation.
3. Chief Duchesne responded by letter, and supplied staff at PSTC with information from Ossipee Police Department's internal investigation, Justin Swift had used SPOTS to search a license plate of a motorcycle on which his wife was a passenger. Chief Duchesne included texts and photographs from Justin Swift's cell phone, and documents filed at the 3rd District Division Ossipee Court on Justin Swift by his spouse for stalking and trespass.
4. Justin Swift resigned during internal investigation from the Ossipee Police Department on August 1, 2020
5. Justin Swift is employed as a full-time officer with the Loudon Police Department.

CONCLUSIONS:

- A. Justin Swift is a New Hampshire certified police officer.
- B. Justin Swift resigned during an internal investigation from the Ossipee Police Department effective August 1, 2020 for using the agency's SPOTS system to search the license plate of a motorcycle on which his wife was a passenger.
- C. Suspension or revocation is required based on these findings under Pol 402.02 (a)(5)(c), unless the Council has just cause to do otherwise as provided in Pol 402.02((e) .

RULING:

On October 27, 2020, based on the above findings of fact and conclusions of law; and after a full hearing on the merits of the case was conducted, the Council ruled as follows:

1. Justin Swift resigned during internal investigation from the Ossipee Police Department for misuse of the SPOTS system, which would cause a reasonable person to have doubts about his honesty, fairness, and respect for the rights of others and for the laws of the state or nation, in violation of Pol 402.02(a)(5)(c); and
2. Suspension of his police officer certification will promote a legitimate public interest.

3. The Council unanimously voted to suspend Justin Swift's police officer certification for 30 days, to begin immediately, reinstatement of certification without further order of the Council.

So Ordered,

Dated: October 28, 2020



Chief David Cahill
Chairman

Any motion for rehearing/reconsideration must be filed within thirty (30 days) pursuant to POL 208.01 and RSA 541:3.

Pol 402.02(m) A person who has had their police, corrections or probation/parole officer certification revoked or suspended shall not be allowed to work in a capacity that would allow them to exercise the same authority as a certified officer or that would give the appearance that they have the same authority as a certified officer during the period of suspension or revocation.