

**Rochester Police Commission  
Rochester, NH 03867**

Lucien G. Levesque, Chairman  
Bruce E. Lindsay, Commissioner  
Derek J. Peters, Commissioner

**MINUTES OF THE POLICE COMMISSION MEETING**

The Rochester Police Commission held their regular monthly meeting at the Police Department on Weds. January 8, 2014. Present at this meeting was Comm. Levesque, Comm. Lindsay, Comm. Peters, Chief Allen, Dep. Chief Dumas, Attorney Grossman, Secretary Warburton, members of the public and the media.

The meeting was called to order at 7:00 P.M.

A. Pledge. All participated in the Pledge of Allegiance.

B. Prayer. Chaplain Lachapelle was excused. Comm. Levesque led the opening prayer.

C. Roll Call. The clerk called the roll marking all Commissioner's present.

D. Election of Chairman

**Comm. Lindsay nominated Comm. Levesque as Chair for the upcoming term. Second by Comm. Peters.**

**Comm. Peters MOVED to cease nominations and cast the ballots. SECOND by Comm. Lindsay. The motion PASSED unanimously.**

**Comm. Levesque was declared Chairman of the Commission by unanimous vote.**

#### E. Election of Vice Chairman

**Comm. Levesque nominated Comm. Lindsay as Vice-Chair for the upcoming term. Second by Comm. Peters.**

**Comm. Peters MOVED to cease nominations and cast the ballots. SECOND by Comm. Levesque. The motion PASSED unanimously.**

**Comm. Lindsay was declared Vice Chairman of the Commission by unanimous vote.**

#### **2. PUBLIC COMMENT:**

There was no public comment.

#### **3. ACCEPTANCE OF MINUTES:**

##### **A. December 4, 2013 – regular meeting**

**Comm. Lindsay MOVED to accept the minutes of the December 4, 2013 regular meeting as submitted. SECOND by Comm. Peters and PASSED unanimously.**

#### **4. OLD AND UNFINISHED BUSINESS:**

A. FY 14 Projection. Dep. Chief Dumas noted we are 50% through the year. The Commission shouldn't be alarmed about some of the accounts that show 100% spent. Some of that relates to bills that have been paid in full, or the funds have been encumbered to be spent. There are a couple of lines we are concerned with.

Our legal line is showing in the red due to bills charged to that line unexpectedly. These were personnel issues that are not usually charged there. This line is typically used for the retainer for Attorney Grossman. We are working with the City to get that line back in order this week.

Chief Allen said those charges related to a case filed in Superior Court by an Officer. The case was against the City and former Chief Dubois, although former Chief Dubois has since been removed from the suit. This officer had been placed on a list known as the "Laurie" list, maintained by the County Attorney, which deals with potential credibility issues. Attorney Wensley is handling the City's response to this matter.

Equipment Maintenance Lines – last year all of our operations lines were flat lined to comply with the zero percent budget submission. We knew we were going to have some increases in that line and we expected to be able to absorb them. But we didn't anticipate having to replace existing cruiser radios this year, at a cost of approximately \$3,000.00 per radio. This is the only line it can come from. These radios have not been manufactured since 2010, and parts are not being manufactured as of 2012. These radios were purchased via a grant many years ago and they are at the end of their life cycle.

Comm. Peters inquired if from this point forward when ordering cruisers are we planning to have them include the radio?

Chief Allen replied we typically move the radios from car to car as we cycle cars out of the fleet. As stated we were fortunate in obtaining these radios via a grant at no cost to the taxpayer. But, fast forward ten years and its something you have to address.

Comm. Lindsay inquired if the radios come with a warranty.

Dep. Chief Dumas said yes, but it's typically only a year.

Comm. Peters asked about the repeater system. Are these compatible? Are we all set on the repeater?

Chief Allen replied we have the latest technology of the digital system. He is aware that the Fire Department has been exploring and discussing going to satellite based systems. It would be a better system, but very expensive. They have been looking at grants but the money is not as plentiful as it has been in the

past. We wouldn't have the equipment or personnel we have without the grant funding we've received over the past ten years.

Lease Copier Printer – is showing a \$9,000.00 negative. In the past the city spread copier costs evenly across all Departments. We budgeted approximately \$2,600.00 annually for copiers and printers. The city did a recent upgrade of leases and costs per copy citywide. With this the city will see an overall savings but the true costs for the users will be borne by the users. The Police Department makes a lot of copies both in prosecution and in our records department. The increase in costs was unexpected. Therefore the city will move money to cover those costs this year, but next year we will have to pay those increased costs.

Officer Liability and General Liability – the Local Government Center changed the funding calculation. This is another area where previously the city spread these costs evenly between departments. Now it is being charged to the affected departments.

Overtime – we are projecting to be \$12,000.00 in the red, primarily due to compensatory time pay out.

Chief Allen said the compensatory time pay out is done annually due to the liability of carrying those costs from year to year. If an officer works an overtime shift, they have the option of taking it as overtime pay, or taking it as compensatory time to be used later. The hours are capped at 160 hours. That comp time liability is an expense to our overtime line. The city has typically paid that out of our salary line because there is not enough in the overtime line to cover those costs. We tried last year and will try again this year to have the city add comp time liability to our overtime line so that it shows a true picture of what the overtime expense is and shows what we really need.

Comm. Peters asked if there is a provision in place if someone is on time off and another officer puts in for comp time. Could you potentially incur more overtime?

Chief Allen said that we generally grant time off requests unless there is a safety issue that would prevent it. We could incur more overtime, but we typically don't. We don't have specific staffing levels per shift, but we do have a number we don't drop below per shift. Line supervision uses their discretion on replacing officers.

Dispatch – overall the bottom line is in good shape. The overtime line is projected in the red primarily due to staffing shortages. We have not been up to full staff this entire fiscal year. We are currently down two positions. We recently filled two; one with a rehire and one new. The line would be in worse shape without having officers on TAD helping out in there.

Labor negotiations are overspent due to a personnel issue we have been dealing with in that line. Other than that it's in good shape.

Comm. Peters noted that we are halfway through the year but dispatch staff development has not been touched.

Dep. Chief Dumas said our staffing has been such that we couldn't free up anyone to send anyway. Some of that money was slated for the supervisor. That number could change before the end of the year.

Comm. Peters asked if the dispatchers have certifications they have to maintain.

Chief Allen said not ongoing. We send them to SPOTS school, but there is no additional cost for that.

Comm. Peters asked how many positions we need to fill.

Chief Allen said we need to fill two positions. We did have an offer out there but the candidate turned us down for financial reasons. We have a list that we are working from and getting ready to do backgrounds.

## 5. NEW BUSINESS:

A. FY15 Budget Submission. Chief Allen said before the Deputy Chief gets into his discussion he wished to clarify that this proposed submission is very preliminary. It has yet to be discussed with the City Manager. We are set to meet with him later this month. But this will set the stage so the Commission is informed of what we are looking at for this year.

The City did the preparation and input different this year. We had the opportunity to input all of our needs and wants into the budget to see where we were at. Then we had to trim that down to 1.5% directive. We came in at 4.9% over. There were many preliminary meetings with staff to discuss needs and wants to trim us down to the target number.

We have done internal studies, surveys in the community and a workload analysis of our calls for service through a model at the ICMA regarding how to get more officers on the street. There is a need out there. How do we do that with our resources and not be a huge draw on the City. We are looking at civilianizing a few positions.

We have a part time lieutenant and 2 full time officers assigned to prosecution. We also have a full time officer assigned to evidence. We feel we can civilianize three of those police officer positions.

We also lost a part time secretary in prosecution a couple of budgets ago. That office is extremely busy and the staff is barely keeping above water. We have a big need to get that position back.

The ammunition line has gone up significantly strictly due to the cost of the ammunition. There is no additional ammunition being purchased.

Comm. Levesque noted that we had a civilian prosecutor before. What was the experience and why did we eliminate it.

Chief Allen said we've been back and forth on this several times. We have had a difficult time retaining a long term civilian in that position. Part of the problem was the workload and the structure, and part was the pay.

What is different now than before?

Chief Allen said the lieutenant prosecutor is doing a phenomenal job managing that bureau. With her in that role and bringing on a competent bar certified attorney, we can offer a competitive salary. This structure makes for a good mix and we hope to get some longevity in the person that we hire. We feel specifically adding the part time support with it we've got the system and management in place to make that unit successful where now it's barely keeping above water. Previously we had added supervisory responsibilities to the Attorney. By taking that out and giving it to the Lieutenant the Attorney can manage better this time.

Comm. Levesque asked if the civilian will be paid commensurate with what is being paid to the lieutenant.

Chief Allen said no. The Human Resources department will rate the job based on current standards and apply a range based on the responsibilities for the position. That hasn't been done yet, but it will be done before the budget is finished. For the purposes of this document we plugged a mid range of what we feel the grade would be.

Chief Allen said we believe we can clearly demonstrate the need to have more officers based on surveys this past year, our activity levels in comp stat and increases year after year in certain crime categories.

Chief Allen said additionally I went a conference with the City Manager and obtained information on conducting a workload analysis. This takes your call for service data and plugs in these formulas to give you a recommended staffing level. You are not comparing yourself to other communities using demographics. This uses your own data to develop your own needs analysis. This clearly shows we need to add more officers on the street to meet the service

demands and what the community has told us they want from their police department. This along with our strategic plan ties all of this together.

The most cost effective way to do this rather than ask for three additional bodies is to redeploy existing officers. Even hiring the civilian attorney and part time evidence technician there will be a savings.

Comm. Peters said I like it because it takes at least six months to hire and train an officer before they are solo patrol. This is immediate.

Does the FBI still have their formula?

Chief Allen said they do and we've used that as a basis before but it has never received the support at the City Manager or Council level. A population based formula is not a good way to do this;  $x$  cops for  $x$  population. You have to look at your demographics. If Dover and Rochester both have the same population it doesn't mean we should both have the same number of officers. The Rochester crime rate and calls for service are significantly higher than Dover. This is based on real data. That is why the ICMA frowns on using population as a base. Using it as a general rule of thumb is fine but it is not indicative of these changing times, budgets and economy.

Comm. Lindsay asked what background an evidence technician needs. Will it be hard to find someone?

Chief Allen said, "I don't think it will be hard at all. We will look for someone with a background in law enforcement. It would be suitable for a retired police officer with a background in evidence management. There are plenty of folks out there interested and I'm confident we'd find somebody.

Court Diversion; City Wide Programs we are seeing an increase because it was inadvertently left out of the final budget last year. We had \$2500.00 transferred from our operations line which was bare bones to get us through the year.



Our draft is what we feel we need. We will support the cuts with the issues and options as we discuss the budget with the City Manager. We are confident we can get to the 1.5%

In the dispatch budget it will be a bit more difficult. The starting budget for dispatch was 14%. We had put in for an additional dispatcher that was cut from the budget three years ago. That would get us to our ideal 3/3/2 coverage. We are still down two positions in there and we calculated health insurance at a two-person plan. That could fluctuate to an increase or a savings depending on the plan. To get to 1.5% equates to finding \$91,000.00.

We added \$8,000.00 to labor negotiations because it was underfunded this year and the year upcoming is a contract year.

Everything else in the dispatch budget operation is flat. If you take out the additional dispatcher, it still leaves us \$32,000.00 short of the 1.5% goal. That equates to people.

Comm. Peters said he has had personal dealings with dispatch and even ten is not enough. You need the 3/3/2 ratio and to cut any jeopardizes the citizens and the quality provided to our residents. We can't afford to put cops or firefighters in there. You need trained professionals for a reason. Cops do their job, firefighters do their job and dispatch does their job. I would never support cutting it below ten.

#### B. Capital Improvements Program.

Several years ago the cruiser replacement plan was established by the city. They have been very good about following it. We are getting some quality vehicles. We've budgeted \$105,000.00 for two front-line and two back-line cars. This amount includes the changeover costs that we have traditionally taken from operations. The changeover for the crown victoria is roughly \$2,500.00. But the switch to the chargers increased that to about \$6,500.00, because the retrofitting and lighting are different. We also put the MC lease program into this plan. The vehicles we are changing out have high miles and the truck for animal control is

getting ready to cost us money. We are spending about \$1000.00 now to keep it up and running.

Cruiser Radios. These are not being manufactured any longer and are starting to breakdown. We replaced one last year and are replacing two this year. It is estimated to cost \$63,000.00 to replace the remaining radios.

The ComLog recorder system takes in all the business lines and radio traffic in and out of the station. It is old and hard to find support for it. We had a technician from Canada come down and work miracles. Figuratively it is being held together with duct tape and bubble gum. It went down for 2.5 weeks this year. When it goes down it can cause issues for some of the recordings required to come out of that center.

In 2016 we are looking to update the firing range. It needs to be modernized.

In 2017 we are looking to replace some of the exterior cameras on the building for better security of the parking lot, the building and people coming and going.

Comm. Peters asked what model we are looking at for the backline cruisers.

Dep. Chief Dumas said probably the Ford Focus. But the ACO truck is also one of them. There are some government surplus programs out there that we are watching.

## B. Monthly Reports

1. Operations. Chief Allen said there were a couple of ward meetings this period, but nothing noteworthy to share. The K9 had nine call outs this period, four in Rochester; one for a track and three searches. He attended Teen Night, and the family Christmas party he dressed as Santa. He did a great job.

Comm. Lindsay noted the track completed in Eliot, Maine the other night. Nice to have our dog make a successful track. How does mutual aid like that work?

Chief Allen said that Off. Mackenzie is sworn as a Dep. Sheriff for Strafford County. He is the handler for two dogs, one owned by Rochester and one owned by the County. Daisy, the County dog was used in Eliot. When he is called out by the County, he is paid by the County. The Sheriff's department has agreements with jurisdictions outside of our mutual aid agreements. It is common for Keith and Daisy to be called beyond the boundaries of Strafford County.

He is well-renowned in the K9 community and known as one of the best teams in the country. He's been to competitions, which qualify as team training sessions and placed very high in the rankings. He does a lot of training through the Working Dog Foundation and they are one of the first teams that get called out. They are in high demand because they are so good. This incident in Eliot was a burglary interrupted by the homeowner. Keith and Daisy located the suspects hiding a few homes away. It is a good success story for the team.

Comp Stat. Part of our goals for this year under the strategic plan is to reduce property crime. We have been plagued with thefts from MV, shoplifting and burglaries. We have done a lot of work to target areas in the community where the crimes are most prevalent and dedicating resources to those areas. Additionally we look at those same areas for accidents. We call this the DDACTS (data driven analysis for crime and traffic safety) area. You look at your crime and accidents and where they intersect the concept tells you to target your resources.

Comm. Lindsay asked if the overlap floats much.

Chief Allen said not really. We do see some float based on the seasons. This is analyzed every month and there are times we broaden the scope of the targeting because that is where the activity is. We haven't met our target goals in that area.

The big three impacting the property crime numbers are the shoplifting, thefts from Motor vehicles and burglaries. We know what the problem is and we are dedicating resources to attacking it. But we haven't seen an impact. Overall year to date this year over last property crime is up 29%. On the other side of that we do make a lot of arrests.

We are up 95% in shoplifting year to date in 2013. That is a huge increase. The amount of time it takes to process a case from the response, arrest, processing, bail, report writing and court is a lot for each one of these.

Comm. Lindsay said that Wal-Mart has a policy of three returns without a receipt. That is ripe for being taken advantage of.

Chief Allen said we have done a lot of outreach with retailers to target this. We have used the POP officer to target that issue to impact and reduce it. That hasn't happened; instead it's gone the other way. But, while the number is discouraging it's not necessarily a bad thing. In addition to number of offenses, our arrests in this category are up by 90%. It is our hope the outreach and publicity we do will impact retail theft in the long term.

Comm. Peters noted that retail loss prevention has also stepped up efforts.

Comm. Lindsay said when they catch someone does the PD have to send an officer?

Chief Allen said typically yes. He also concurred there is a trend toward a zero tolerance policy.

On the plus side, violent crime is down 2% for the year. Arrests overall are up 39% for the year. We are doing a good job.

Comm. Lindsay said that it appears from our traffic stop data we had 70 warnings to 30 summonses. Is this about the same every month?

Chief Allen said we write more warnings than summonses. As do a lot of communities.

The investigations bureau had a busy month of call outs. We had a child abuse investigation, a death investigation, a home invasion and shooting. Our drug unit made an arrest on possession charges. They have been working diligently on background investigations as well.

We continue to work on getting the communications center up to staff. We were fortunate to have Specialist Devine return.

This year we introduced a new Resource Officer to the high school. Officer Jim Murphy took over from Officer Blair who retired full time and now works part time in our housing program. Off. Murphy is doing a fantastic job up there. He has stepped up enforcement efforts at the schools request with smoking issues on school grounds and in the Pines.

There were 288 youths in attendance at the most recent Teen night. This program is near and dear to Comm. Levesque who was instrumental in getting this up and running. It started with between 40 and 50 attending, and it has grown and been as high as 370. It is very successful and well received. We have a grant pending approval of the Governor and Executive Council for \$10,000.00 to support Teen Night.

Comm. Levesque said that he may have been instrumental in getting it going, but he has to give credit where it is due, and that is to the Dep. Chief who planted the original seed.

Chief Allen commented, no disrespect to the Deputy, but it needed the support of the Commission to propel it forward. We are thankful for that.

2. Administration. Dep. Chief Dumas said most of his report was already covered in discussions related to the budget. He did note that the old light bars that were replaced with CIP funds have been sold. We were able to get a little better than market value for them. Those funds have been turned in to the general fund.

Under hiring, Officer Danie and Officer Bourque were released to solo patrol. Officer Powers graduated from the Academy on December 20<sup>th</sup> and should be ready to enter the field training program shortly. We also filled a vacancy with Officer Cilley who had previously worked for Milton.

Officer Forrest doesn't look like he will make this next academy. They limit the attendance to 60 and he is holding at slot 64. So he won't go to the academy until May. However, because he is part time certified he can do his in-house and FTO and he can be part of a two-man unit. Upon graduation from the full time academy he will be able to hit the ground running.

During recent weapons inspections there was an issue with the Glock firing pins. Four of them had to be replaced. The cost was not expensive, but there is a concern because not that many rounds have been fired through the weapons. Glock says it's our ammo and we say its Glock's pin. We've had the guns for about 3 years.

Comm. Lindsay asked about the Smith and Wesson and their free trade in.

Dep. Chief Dumas said the Glock was also a trade for trade. We used to carry the Smith and Wesson. When we were evaluating the change the firearms instructors tested several models. The Smith and Wesson is a nose-heavy gun. The Glock was more balanced particularly for those with smaller hands. It was more comfortable to fire and that is why it was selected.

### 3. Other.

A. Street Lights. Comm. Peters asked while we are out patrolling can we report on street lights that are out.

Chief Allen said we already do that.

Comm. Lindsay asked about the City policy of turning some lights off.

It was noted the policy covers where they put them, currently it is every third pole and at intersections.

B. Bullet Resistant Window. Comm. Lindsay inquired if that has been installed.

Dep. Chief Dumas said not yet but it is in the queue to be done. We purchased an inexpensive intercom to be used in conjunction with it.

## 6. CORRESPONDENCE:

Members of the Department, including the following were recognized this month. Sgt. Chris Cost is recognized by Prof. Frank Jones for being a guest lecturer to New England College on the topic of crime scene photography. Off. Geoff Moore is thanked by a citizen for his professionalism. Ms. McKay thanks Off. Porfido for good service and thorough follow up. Off. Balint is thanked for his work on a theft investigation leading to an arrest. The Chamber thanks the Department and Chief Allen for participating in the annual parade. Mr. Mowrey thanks Off. Smith for his assistance with a civil matter. Sen. Kelly Ayotte writes acknowledgment letters to our Officers of the Year and the Blair Award for 2013. NHSP Col. Quinn acknowledges the recent loss of Comm. Bemis. Off. Jim Murphy is thanked for his presentation to the Future Educators of America course at the high school.

Chief Allen noted the acknowledgment of our Department by Senator Ayotte. He said in all his years he's never seen that from a sitting Senator to recognize local awards. It was impressive and appreciated.

## 7. INFORMATION:

A. Information Other; enclosed with Agenda: No discussion.

## 8. NON-PUBLIC SESSION: (Pursuant to: RSA 91-A:3)

**Commissioner Peters MOVED to enter a nonpublic session at 8:26 P.M. pursuant to RSA 91-A: 3, paragraph II, section A (personnel) and section E (legal.) SECOND by Comm. Lindsay. The motion PASSED by roll call vote 3 – 0 with Comm. Peters, Comm. Lindsay and Comm. Levesque**

**voting in the affirmative. The non-public session closed at 10:04 P.M. on a MOTION by Comm. Peters, SECOND by Comm. Lindsay and PASSED unanimously.**

**9. MISCELLANEOUS:**

Following the non public session the Commission took the following action:

**Comm. Peters MOVED to award merit increases on the respective anniversary dates to Det. Jeremiah Murphy, Off. Eric Ball, Off. John Harding, Off. Jamey Balint, Det. Dominique Murphy, Det. Steven Gahan, Det. Kenneth Tapscott, Det. Robert Frechette and Sgt. Eric Babine. SECOND by Comm. Lindsay and PASSED unanimously.**

**10. ADJOURNMENT:**

**Comm. Levesque MOVED to adjourn. SECOND by Comm. Lindsay at 10:07 P.M.**

Respectfully Submitted,

Rebecca J. Warburton,  
Secretary