



Rochester Police Commission
Rochester, NH 03867

Derek J. Peters, Commissioner
David R. Stevens, Commissioner
Lisa M. Stanley, Commissioner

MINUTES OF THE POLICE COMMISSION MEETING

The Rochester Police Commission held their regular monthly meeting on Wednesday, February 3, 2021 at 7:00 P.M., via remote broadcast on TEAMS. Participants in this meeting: Comm. Stevens, Comm. Stanley, Chief Toussaint, Dep. Chief Boudreau, Capt. Thomas, Chaplain Cilley and Secretary Warburton.

Comm. Peters is excused.

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

1. Preamble. Chairman Stevens read the City's Preamble for accessing this meeting into the record.

City of Rochester, NH Preamble

Good Evening, as Vice Chairperson of the Police Commission, I'm declaring that an emergency exists and I am invoking the provisions of RSA 91-A:2, III (b). Federal, state, and local officials have determined that gatherings of 10 or more people pose a substantial risk to our community in its continuing efforts to combat the spread of COVID-19. In concurring with their determination, I also find that this meeting is imperative to the continued operation of City government and services, which are vital to public safety and confidence during this emergency. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

a.) **Public Input:** Due to the ongoing situation with COVID-19, the City of Rochester will be taking extra steps to allow for public input, while still ensuring participant safety and social distancing. In lieu of attending the meeting, those wishing to share comments, when permitted, with the Police Commission are encouraged to do so by the following methods:

- **Mail:** Becky Warburton/Public Input, 23 Wakefield Street, Rochester, NH 03867 (*must be received at least three full days prior to the anticipated meeting date*)
- **Email** becky.warburton@rochesternh.net (*must be received no later than 4:00 pm of meeting date*)
- **Voicemail** 603-330-7131 (*must be received no later than 12:00 pm on said meeting date in order to be transcribed*)

Please include with your correspondence the intended meeting date for which you are submitting. *All correspondence will be included with the corresponding meeting packet (Addendum).*

In addition to the above listed public access information, the Police Commission will be allowing the public to enter Council Chambers and speak in person during the Public Input portion of this meeting. In an effort to adhere to CDC guidelines: enter only at the front Wakefield Street entrance and exit on the side closest to the police department and adhere to 6-foot social distancing while inside. Hand sanitizer and facemasks will be available at the Wakefield Street entrance.

Participants will be admitted into Council Chambers one at a time to speak, and will exit directly thereafter. Please note; the seating in Council Chambers will not be available for the public during meetings.

At this time, I also welcome members of the public accessing this meeting by phone. The public can call-in to the below number using the conference code. This meeting will be set to allow the public to “listen-in” only, and there will be no public comment taken via conference line during the meeting.

Phone number: 857-444-0744 Conference code: 843095

B. Prayer. Chaplain Cilley delivered the opening prayer.

C. Roll Call. The clerk called the roll marking Commissioner Stevens and Commissioner Stanley present.

Comm. Peters was excused.

2. PUBLIC COMMENT:

No public comment.

3. ACCEPTANCE OF MINUTES:

A. January 6, 2021 regular meeting.

Comm. Stevens MOVED to accept the minutes of the January 6, 2021 meeting as presented. Comm. Stanley SECONDED the motion. The motion to accept the minutes PASSED 2 – 0.

4. OLD AND UNFINISHED BUSINESS:

A. Policy Updates: Second Reading

Comm. Stanley MOVED for a second reading, by title only, for adoption, the policies as outlined below:

1. Policy Standard 1.2.4 Search and Seizure.
2. Policy Standard 1.3.1 Use of Force to Accomplish Lawful Objectives/Non-Deadly Force.
3. Policy Standard 1.3.1.1 Use of Force Definitions.

4. Policy Standard 1.3.2 Use of Deadly Force.
5. Policy Standard 42.1.1.4 Investigations; Willful Concealment (Shoplifting) Complaints.

Comm. Stevens SECONDED the motion. The motion to adopt the policies as updated PASSED 2-0 with Comm. Stevens and Comm. Stanley voting in the affirmative.

5. NEW BUSINESS:

A. Accept Resignation: Officer Jason Plumb

Comm. Stanley MOVED to accept the resignation of Officer Plumb, with regret, thanking him for his service and heartfelt letter. Comm. Stevens SECONDED the motion. The motion PASSED 2-0 with Comm. Stevens and Comm. Stanley voting in the affirmative.

B. Monthly Reports

1. Operations: There have been no RUN or WARD meetings, which will continue during the pandemic; there have been no honor guard events either.

K-9: The K9 team had six call outs this period. Three were tracks and three were drug searches.

COMPSTAT: Our traffic stops continue to be focused in the downtown and thoroughfares in and out of the City. There were 514 stops with 19 arrests. Accidents were up last month, which is typical for December. Year to date we are down 9%.

There were 7 DWI arrests, all from accidents. DWI is down 23% year-to-date and from accidents is down 10%. The decrease could be attributed to the stay at home orders early in the pandemic.

There are no trends or patterns with property crime, which is down year-to-date 3%.

Drug offenses are down slightly. However, there has been an increase in offenses search incident to arrests. Overdoses and overdose deaths are down year-to-date from the prior year.

Violent crime is down 4%. Simple assault fluctuates month to month, but we are not seeing major trends. Aggravated assault is down dramatically from years past. We did have an increase in homicide attributed in part to the motor vehicle accidents and charges of negligent homicide.

Capt. Thomas clarified what a 90F code means. It is a domestic disturbance, with no crime, so potentially an argument but no probable cause for arrest (no assault, threat or other DV crime) the officer does a report (90F) which is a code used in the computer system.

Comm. Stanley said that our fatal drug overdose numbers are down dramatically from last year. The City of Dover had twice that number. Do we have pending cases to make that up? What do we attribute this to?

Capt. Thomas replied that if it is a suspected drug overdose, when we get the final toxicology report back, we adjust those where needed.

The Investigations Bureau had 29 cases sent up from patrol, or were detective generated. There are currently 59 cases under investigation. Grand Jury was held virtually this month. 15 cases were presented and all returned true bills. There were three call outs this period. There were three polygraphs and one background. There were five pawnshop compliance checks.

COMMUNITY ENGAGEMENT OFFICER/PROBLEM ORIENTED POLICING UNIT:

The Community Engagement and Problem Oriented Policing unit are continuing some ongoing drug investigation work in a few specific problem locations in the city. They are also working on a rash of thefts from motor vehicles. There was good coordination with the unit and detectives doing a warrant arrest sweep. Most of those were felony warrants.

COMMUNICATIONS: The background is wrapping up on a candidate with a conditional offer to fill the open dispatch position. Dispatch has been assisting the ACO and PEO with some old violations for dog summons and parking summons; voiding out those that have exceeded time limits.

SCHOOL RESOURCE OFFICERS: SRO Jackson and SRO Porfido had been working patrol for a few weeks. Both returned to the schools two weeks ago.

HOUSING: Had six background checks for potential tenants. There were 15 calls for service. We have been addressing calls related to transient people at Wyandotte. Officer Mundy is doing well in his role and Sgt. Babine helps by providing off-hour coverage and resolving issues.

2. Administrative. Dep. Chief Boudreau advised that all of the cruisers we ordered have been delivered. There has been a bit of a delay in the up fitting due to Covid.

There are no big updates to the radio project. We continue to work on solutions for station alerting and toning for fire. There has been a lag with the switch from analog to digital, particularly for the tones sent to off-duty firefighters.

Comm. Stevens asked about a completion time frame.

Dep. Chief Boudreau said that we are ordering the gear; it depends on how long it takes the vendor to get the equipment. We could be looking at six weeks. 2-Way will install all parts of the radio project.

The mobile dispatch trailer has been delivered. It is being stored at DPW. We are waiting on Motorola for designs for installing the gear. We will be looking at late spring for the install.

We are half-way through the FY21 budget. Our O&M lines are about 52% spent. Many of the accounts we monitor closely are in good positions at this point. Our second projection is under review. We are projecting a good return, mostly from salary and benefits from open positions.

Our FY22 Budget has been submitted to finance. We are set to review it with the City Manager on the February 9, 2021.

TRAINING: The Pandemic has limited our training. Officer Rummo has started his field-training program. He will move to phase two in a couple of weeks and is tracking for a release to solo patrol in April.

We hosted a 2-day Taser Instructor course through Axon. We filled the class, and therefore got two free slots for our instructors, which normally cost \$275.00 per student. We are looking to host a second course in July.

C. Other.

1. Education Incentive. Chief Toussaint provided the materials to show that Det. Bob Frechette had been conferred a Bachelor Degree and in accordance with the contract is eligible for the education incentive.

Comm. Stevens MOVED to award the education incentive for a Bachelor Degree, in accordance with Article 21 to Det. Frechette. Comm. Stanley SECONDED the motion. The motion PASSED 2-0.

6. CORRESPONDENCE:

The following correspondence was received this period: Specialist Sarah Bailey is recognized for going above-and-beyond to assist a member of our Project Good Morning program. The Commission noted that Specialist Bailey went grocery shopping for this individual, which is outstanding. Thank you Specialist Bailey.

7. INFORMATION:

A. Any other information to come before the Commission.

1. 2020 Year End Reports. Chief Toussaint requested to table this for a month, as we do not have all the reports available for this meeting.

Comm. Stevens MOVED to table the 2020 Year End Reports discussion. Comm. Stanley SECONDED the motion, which PASSED unanimously.

2. PSTC LEACT Compliance Confirmation. Chief Toussaint advised the Police Commission that we had received confirmation of compliance from Police Standards and Training which was a requirement based on the Executive Order by President Trump dealing with issues of law enforcement reform. Specifically the reform addressed the use of force, and in particular chokeholds and things of that nature. We did a review of our use of force policies, and the Police Commission accepted the updates to all of those policies.

Police Standards and Training is the certifying agency for this mandate. All Departments receiving federal grant money had to comply with this executive order to be eligible for federal funds. This certification has to be revisited every three years. We will bring this back in 2.5 years for recertification.

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

Commissioner Stanley MOVED to enter a nonpublic session at 7:30 P.M. pursuant to RSA 91-A: 3, paragraph II, section A (personnel) and section E (legal.) Comm. Stevens SECONDED the motion. The motion PASSED by roll call vote 2 - 0 with Comm. Stevens and Comm. Stanley voting in the affirmative.

The non-public session closed at 8:16 P.M. on a MOTION by Comm. Stanley. Comm. Stevens SECONDED the motion. The motion PASSED by roll call vote 2 - 0 with Comm. Stevens and Comm. Stanley voting in the affirmative

Comm. Stanley MOVED to seal the minutes indefinitely. Comm. Stevens SECONDED the motion. The motion PASSED by roll call vote 2- 0 with Comm. Stevens and Comm. Stanley voting in the affirmative

9. MISCELLANEOUS:

Comm. Stanley MOVED to accept the evaluations as presented and to award merit increases for Lt. Gould [3.75%], Sgt. Deluca [3.45%], Chief Toussaint [3.9%], Officer Bilodeau to Merit Track 2, Officer Jacob Coffey to Merit Track 2, Officer William Robinson to Merit Track 5. Comm. Stevens SECONDED the motion. The motion PASSED by roll call vote 2 - 0 with Comm. Stevens and Comm. Stanley voting in the affirmative.

10. ADJOURNMENT:

Comm. Stevens MOVED to adjourn. SECOND by Comm. Stanley at 8:18 P.M.

Respectfully Submitted

Rebecca J. Warburton
Secretary

APPROVED BY COMMISSION: 03/03/2021