

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, October 7, 2020 at 7:00 P.M in City Hall, Council Chambers. Participants in this meeting: Comm. Peters, Comm. Stevens, Comm. Stanley, Chief Toussaint, Dep. Chief Boudreau, Capt. Thomas and Secretary Warburton.

Chaplain Cilley was excused.

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

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

**City of Rochester, NH**  
**Preamble**

Good Evening, as 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.

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](mailto: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

A. Pledge. All participated in the pledge.

B. Roll Call. The clerk called the roll marking Commissioner’s Peters, Stevens and Stanley present.

## **2. PUBLIC COMMENT:**

No public comment.

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

A. September 2, 2020 regular meeting.

**Comm. Stevens MOVED to accept the minutes of the September 2, 2020 meeting as presented. Comm. Stanley SECONDED the motion. The motion to accept the minutes PASSED unanimously.**

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

A. Governor’s Commission on Law Enforcement and Accountability. The Police Commission has copies of the report from the Governor’s Commission on Law Enforcement and Accountability with the Commission’s recommendations. We are looking to set a meeting date for the Police Commission to review it. Then to sit with the Chief and command to go over what we feel will be important. Today it was reported the Governor has made some recommendations that we can take under advisement. [The Commission set a non-public meeting for Tuesday, November 10, 2020 at 10:00 A.M.]

## 5. NEW BUSINESS

### A. Monthly Reports

1. Operations: Capt. Thomas stated all ward meetings are on hold during the pandemic.

**HONOR GUARD:** We were scheduled to participate in the September 11<sup>th</sup> ceremony at the Fire Department, which was canceled due to COVID concerns.

**K-9:** This month the Rochester K-9 Unit responded to 5 calls for service. All were for tracks in Rochester.

Comm. Stanley asked if we know the results of those tracks.

Capt. Thomas said he does not, but can get that for the next report.

Comm. Peters said normally the report would say if the track was in or out of the city and if the tracks were successful or not.

**COMPSTAT:** Capt. Thomas reported that our comp stat report is always the month previous because the new one is not out in time. So some of the numbers you may hear mentioned, particularly on the detective side, are different.

In field activities there has been a significant increase in traffic stops. We have been focused in the downtown and on the major routes of the City. There was an increase in motor vehicle collisions with 13 being in busy shopping plazas. There has been an increase in field interviews. This is important to note because we have a good crime analyst who is able to use this information in comparison to crime in the area. We are pushing officers to do more of these, particularly at night. You will be seeing an increase in those.

There have been no trends or rushes of property crime. Two categories we are happy to see numbers down in are thefts from motor vehicles down 63% and burglaries down 57%.

In violent crime aggravated assaults are down 50% year to date. Simple assaults increased slightly but the crime analyst did not see any patterns or trends. We did have two homicides (one on Monroe Drive and a negligent homicide from a car accident) and two robberies this period.

Capt. Thomas said the drug incidents that possession offenses have increased year to date. Many of those are from searches incident to arrest. We had a good month of proactive work. We seized some cars and completed search warrants recovering some drugs. Overdoses have declined 26%. While we are having more contacts, people using meth don't overdose, typically.

Comm. Stanley inquired when is the compstat report usually ready.

Capt. Thomas said typically it is the second week of the month. The September report just came out today.

The investigations bureau had 35 cases submitted for review. There are currently 52 cases assigned. There were nine detective call outs, which is high. Typically there are four or five. There were a rash of robberies, two death investigations and the homicide on Monroe at the end of August. There were 18 cases presented at Grand Jury. All were true bills.

Comm. Peters asked with ISB so busy. How are the arrest rates going, for the robberies?

Capt. Thomas said we made two arrests for the robbery in Gonic the next day. Officers saw the suspects. Detectives came out and made the arrest. The Milton Road robberies and the bank robberies are still under investigation.

Chief Toussaint said we have had a rash of robberies. We had a couple at a bank, we had a couple at a convenience store on Milton Road. We are still working this homicide. There was a double fatal accident. There have been a lot of things going on. The Detective division is putting in the work every day and have made significant progress on a majority of these cases. We had six robberies, but I don't think six robbers. It is the same two or three people doing this. These are active investigations that are progressing nicely.

Comm. Peters said the word he was looking for was closure. Are they managing to keep up with the closure rates with this influx of new cases?

Dep. Chief Boudreau said that the majority of these cases are complex. We don't want to rush to make an arrest and have to do hasty work after. We want to take our time, make an arrest and close all the cases.

Comm. Peters said they are probably a little overwhelmed, but we are fully staffed compared to where we were a year ago.

Chief Toussaint added staffing is good. This is a tremendous amount of work in a short time. And we have other cases coming in. People die, frequently, in Rochester and if it's not a clear cut case of natural causes, then we call detectives in. Recently there was an altercation and someone was shot. We've had other altercations where guns have been fired recently. Everyone has been identified. These are not drive-bys. These are significant cases and I would say they are kind of overwhelmed right now.

**COMMUNITY ENGAGEMENT OFFICER/PROBLEM ORIENTED POLICING UNIT:** The Community Engagement Officer, the POP unit, two patrol officers and Somersworth PD did a warrant round up. They made 16 arrests and seized a lot of drugs and one gun.

Both the POP officers and the Community Engagement Officer continue to work with the homeless and homeless camps. We continue to provide information on services and are working with property owners and citizens involved. The ultimate goal is to come up with solutions. There is no quick answer or solutions to this issue. POP and CEO are maintaining a downtown presence as well. They recently did motor vehicle enforcement for use of mobile devices. They are also working with the investigations bureau on active investigations.

Officer Danie is working with the Fire Department and Codes for quality of life issues. That team has been pretty successful addressing issues.

**COMMUNICATIONS:** The new radios were cut over the second week in July. We are trying out new head sets that can accommodate the radio and phone at the same time.

We continue to work on the Rapid SOS system where 911 sends the call over to us and then 911 will typically terminate the call. Once the Rapid SOS is set up our dispatchers can trace a call or ping a phone, even if the connection is lost, up to 30 minutes after. This is an important tool to have in the center. We do a lot of pings and try to track a lot of phones so that will be helpful.

Comm. Stevens asked if there a projected date to go live?

Capt. Thomas stated we are setting up our jurisdiction boundaries and coordinates for the city. Time frame is not known. Dep Chief Boudreau confirmed we are waiting on the vendor to set up the coordinates.

Comm. Stevens asked do we think it will it be before the end of the year?

Dep. Chief Boudreau said he believes so.

Comm. Peters asked overall the radios are 98% complete and you've noticed an improvement?

Dep. Chief Boudreau said to clarify, the cut over was just to the new equipment in dispatch we haven't cut over to the sites yet.

Comm. Stanley asked if this [Rapid SOS] is strictly from E911 calls.

Capt. Thomas replied that it is separate from E911. A caller calls 911 and it goes to Concord, then Concord sends it to us with the information as to what the call is. Typically once they have done that, they disconnect. So once a caller is live with our dispatch we can log into the system and from that point our own dispatchers can track that phone.

Comm. Stanley said so if a call comes directly to us we are already tracking that phone?

Capt. Thomas said no, we don't currently have the equipment or capability to do that. We either have to use 911 or the phone carrier by filling out forms and faxing them back and forth.

Comm. Stanley asked so this Rapid SOS will give us the ability to ping only 911 calls, or all calls?

Capt. Thomas said once our dispatch has the call, we can do that, even if a person calls our seven digit line. It doesn't have to be sent over from 911.

**PROSECUTION.** We have no update on juvenile or adult prosecution.

**SCHOOL RESOURCE OFFICERS.** Last month the Commission talked about the LEAD Program. We talked with Sgt. Deluca and there is no solid answers. They are still evaluating it. There is no concrete info on when LEAD would be starting.

Dep. Chief Boudreau added that where the delivery method is evidence and results based curriculum they have to figure out a way to quantify the results they get through the delivery method so that is part of what they are running up against.

Comm. Peters said but the officers are still out there engaging with the students and building trust.

Capt. Thomas said yes. Sgt. Deluca said that he is busier than ever. He monitors the doors the students come in and out of, things he never had to do before.

Comm. Stevens asked if they think the LEADS program will be looking to go virtual down the road.

Dep. Chief Boudreau said they are looking at different options.

**HOUSING.** Officer Blair has fully retired and Officer Mundy has officially taken over that role. Sgt. Babine has been key in assisting Officer Mundy. Officer Mundy also spent some time with Officer Blair before he left. There were 27 police related calls. The Arthur Nickless property did have an issue with rocks being thrown from the railroad tracks. We did some canvassing and set up a trail camera. The problem does seem to have stopped.

Officer Mundy has been spending time introducing himself to the various locations and he completed two backgrounds for potential tenants.

2. Administrative. Dep. Chief Boudreau advised that all the cruisers were inspected in September. Our maintenance line is up 29% year to date as wearable items found during inspections were repaired.

We discovered our in-car camera systems extended warranty had expired. We did a quick project to extend the warranty. It will be annual moving forward. It is expensive. However in the long run this has cost savings. Without the warranty a dvr replacement could be as high as \$2,500.00 and it could be down for four to six weeks. With the extended plan they will send out parts within 24-48 hours.

Comm. Stevens asked who the vendor for that is.

Dep. Chief Boudreau stated it is WatchGuard.

Comm. Peters asked if we had the funds to cover this.

Dep. Chief Boudreau said it was unanticipated but we worked it out.

The radio replacement project is progressing. All of the hardware is in place in the building and dispatch has been cut over. The antennas have been installed at the water towers and two of the three cabinets have been installed. Right now we are waiting for an electrician to do electric work at the off-site locations. We are looking toward the end of October to turn the back half of the system on and to be using the new antenna and systems if everything goes well. Once the back half of the system is turned on the police and fire radios going through a phone line to Manchester and back is eliminated. Everything is modular here in the City either through a microwave or fiber optic connection. We should see an improvement even without the additional tower sites we are working on.

The tower for the site at the new DPW facility was delivered on Monday. The contractor can now begin the foundation work. They will coordinate that with the foundation pour of the new building. The tower itself should be erected by the end of the year, but will not be operational until the DPW facility is completed.

Dep. Chief Boudreau said we also still have gear to put on a tower site on Long Hill Road in Dover that is being discussed with Chief Breault of Dover Police Department. There is also a water tower being designed for the top of Highfield Commons and we bought gear for that.

Purchases over \$5,000 in September: We paid for the three front line cruisers, and for the extended warranty for the in-car cameras.

The mobile dispatch center trailer we received just one bid. Doing our due diligence with finance we did reach out to a couple of vendors who received the bid. One got back to us saying that none of the models they carry met our bid specs. We did a memo to finance on that. I believe the bid award will be coming out next week.

Comm. Stanley stated so the bid was within the expected range.

Dep. Chief Boudreau said it was right where we expected it to be.

Comm. Stevens asked why the COPS grant was denied.

Dep. Chief Boudreau said he didn't see the letter. They just didn't accept our proposal. Chief Toussaint said they don't specify other than to say it was a competitive process and other departments were awarded grants.

**TRAINING:** Officer Rummo has completed five weeks of Academy training. This is different in that it is a day academy that he commutes to. He is doing well.

The majority of the department has met the required 8 hours in service training using our on line platform. Officer Danie attended a 4-day car seat technician course. If you need help with car seats you can set up an appointment with Officer Danie.

**HIRING:** We had one conditional offer signed and the background packet has been assigned to ISB.

**D. OTHER.**

1. Codes and Ordinances. The City attorney has presented that a comprehensive review of the local ordinances should be done. The Police Department is on deck for the November meeting for sections of the ordinances that pertain to the Police.

2. Teen Night. Dep. Chief Boudreau, Diversion Coordinator Nicole Rodler and the Recreation Department met. As recreation is not doing in-house programs right now we felt it was best to cancel Teen night, at least through the fall. We will revisit in the New Year and see where we are pandemic wise. This unfortunately is the best and safest decision based on the number of kids and inability to social distance.

3. Drug Take Back Day. This will be held on Saturday, October 24 from 10a-2p in the municipal lot. It will be set up drive-thru style where residents can dispose of unwanted medications. We bag it up and send it to the DEA. We have been doing this for many years and at each collection event we are getting rid of 150-250 pounds of unwanted prescription medicines per event.

4. K9. Comm. Stanley wished to discuss the K9 unit and the training of a new officer. This is why I asked about the results of tracks. Lately reading the results of the tracks in the news it seems like many are not coming to any fruition. Perhaps with the existing K9 Officer who I believe owns one of the existing K9's, it's not even the Department's dog considering retirement and us training a new person it might be time to evaluate the program generally speaking to see if it's still something of value for the Department.

Chief Toussaint said we essentially lease [the dog] from him for one dollar.

Comm. Peters asked as far as the tracking dog?

Comm. Stanley said yes. As far as keeping it in house. She said I think there may be some other priorities, especially when we start looking at some of the recommendations from the commission on accountability, and some of the things that might be coming down the pike. I love dogs. I think all dogs should work. But I don't think we should do it just because we've always done it, or have for the last decade. This is not a bad time to step back and evaluate or not whether it's still valuable to have it in house where we can take advantage of the sheriffs.

Comm. Peters said as far as the tracking dog, I think we've only had it for two or three years.

Chief Toussaint said the current dog. *[The prior tracking dog was owned by the Sheriff's Department and handled by a Rochester Officer.]*

Comm. Peters, yes. Cause Keith has two. The other dog we've had for several years.



Chief Toussaint responded here is my view of the status of the K9 program. The tracking function of the program is critical in my opinion. We have a need for a tracking dog a lot. Unfortunately our current handler is near the end of his career, and he is less available than he was at the beginning of his career as far as that dog available to us. He is ready to transition. The hope is we will have someone who is much more available than he is able to be right now.

Chief Toussaint said as far as the drug dog goes, I don't think there is a whole lot of value in it. The laws within the State of NH have changed, court cases and rulings have changed so much that the drug dogs position is not as valuable as it once was. You pretty much need a search warrant to use that dog at this point. Previously you could do motor vehicle interdiction and if you had reasonable suspicion of drugs in that car, you could run a dog around the car. We're hamstrung to the point where we're not even supposed to ask routine questions if it is beyond the scope of the stop. We're getting cases thrown out. You stop someone for a headlight out and you ask them anything beyond why they have a headlight out. The traditional "where are you coming from, where are you going to." That generated in the past a lot of arrests for us because of people up to no good. So to me anyway, the drug dog aspect is not as important as it used to be.

I will never be in favor of a patrol dog, a "bite dog" if you will. I've just seen too many scenarios where the dog bites everyone. Bites the handler, bites the cops, and bites everyone. Now I'm certainly not a dog expert and there may be handlers who say I don't know what I'm talking about. But I know what I've seen. So I'm not in favor of that.

The serious cases we've had just this month. The homicide. We called in a dog for that. Every robbery we have we call in the dog. Unless someone can see somebody get into a vehicle and leave, that's standard procedure, we are calling in a dog. We call for a dog a lot. A Department this size, an agency this size, we utilize a tracking function of a dog enough that it is a worthwhile endeavor for us to pursue in the future.

Comm. Stanley asked can we please look at how many calls and the results of those calls. Do we own the tracking dog or the drug dog?

Chief Toussaint said we own the drug dog.

Comm. Stanley said so we don't own a tracking dog.

Chief Toussaint said we don't. We own the handler, per se.

Comm. Stanley asked to look at this over the past 12 months. The number of calls, the results of those calls, the cost of maintaining the program. And then a forward looking analysis as far as bringing in a new person, bringing in a new dog and the training that's going to require.

Chief Toussaint said the dogs are generally donated. Dep. Chief Boudreau concurred, depending on the dogs function.

Comm. Stanley said if we could just get a plan. If the dog is going to be donated then cost is zero, but how are we going to accomplish that.

Comm. Stanley said the County has a dog, a bloodhound.

Chief Toussaint said I don't know the status of any of that at the County. I know they laid off a bunch of people.

Comm. Stanley asked can we found out about that. I don't know what the answer is. I would just like to look at the data.

Comm. Peters said his recollection is that the county has one handler and two dogs now. The other deputy, when he was laid off, had to turn his dog in.

Comm. Stanley said there is going to be a new Sheriff so let's found out the status at the county.

Chief Toussaint said we have the option to do that. Essentially right now, during the day, Keith is not available. So we call the State Police or we call another agency. And we do it enough that I really believe that if we have our own dog it's a much more effective situation.

Dep. Chief Boudreau added that just with the robberies this month it's been 45 minutes, plus, for that dog to get on scene because they are coming from wherever they are.

Comm. Peters said he favors keeping a tracking dog.

Comm. Stanley said I just want to look at the data.

Comm. Stevens said in the past a dog was used on so many occasions we had a fairly quick response time. And it's fairly quick now if it's in the evening. We are one of the top five-sized Departments in the state, it seems like a department this size would have a dog. The dog can track lost people, kids and adults, and timing is crucial for lost people. I would have to be convinced otherwise to not keep this program.

Comm. Stanley said I'm not making a judgment. I want to look at the data.

Comm. Stevens said this is a tool that's taken many years to get and it has proved itself.

Comm. Peters said based on this discussion, he would be more inclined to have two tracking dogs, and no drug dog.

Chief Toussaint said the problem with more than one handler is incurring more expense. The handler is the expense because then you need another cruiser all outfitted with K9 gear.

Chief Toussaint added we do have a plan. It's not as detailed as you are asking for. We have selected who we want for the next handler. He has been going to training to ensure this is what he wants to do. It's a huge commitment. We want to make sure he is capable of doing this. He will be working with our current dogs, and then from there we need to get another dog. The plan is to transition with Keith, using that cruiser.

Chief Toussaint said I would love to have two tracking dogs, but then you need two handlers and that is a significant expense.

5. Thank a Police Officer Day. Comm. Peters thanked the citizens of Rochester for all the signs and banners everywhere thanking our officers. He noted he personally brought food into the station that officers were appreciative of and thankful to have. On behalf of the Commission we thank the public for supporting the men and women of the Department.

## **6. CORRESPONDENCE:**

The following correspondence was received this period: A citizen thanks Off. DeCost for being nice and helpful during a traffic stop. A witness to an auto accident commends Off. Turgeon for his professionalism and caring nature. A resident compliments the professionalism and compassion from Off. Gantert during the investigation and resolution of a civil matter. Sgt. Benjamin and Off. Brinkman are recognized for proactive work resulting in the arrest of persons involved in a convenience store robbery.

Comm. Stevens commented on these examples of good work in our community that is noticed by those involved. The traffic stop the person was stopped for speeding and the officer made them feel comfortable. This was a potential negative turned to a positive. The nurse that stayed at the traffic accident is another good example of doing our job. Lastly the proactive work of officers resulting in arresting robbery suspects. All of these people working hard for us in Rochester.

## **7. INFORMATION: None**

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

**Commissioner Stanley MOVED to enter a nonpublic session at 7:50 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 3 - 0 with Comm. Peters, Comm. Stevens and Comm. Stanley voting in the affirmative.**

**The non-public session closed at 8:14 P.M. on a MOTION by Comm. Stanley, SECOND by Comm. Stevens. The motion PASSED by roll call vote 3 - 0 with Comm. Peters, Comm. Stevens and Comm. Stanley voting in the affirmative.**

**Comm. Stanley MOVED to seal the minutes indefinitely. SECOND by Comm. Stevens. The motion PASSED by roll call vote 3 - 0 with Comm. Peters, Comm. Stevens and Comm. Stanley voting in the affirmative.**

**9. MISCELLANEOUS:**

**Comm. Stanley MOVED to accept the evaluations as presented and to award merit track advancements to Sgt. Thomas Powers Sergeant Merit Track 3, Off. Spencer Williams-Hurley Patrol Merit Track 6, Off. Jacob Garstin Patrol Merit Track 6, Off. Jonathan Labosier Patrol Merit Track 3, Off. Kendall DeCost Patrol Merit Track 3, and Off. Elizabeth Turner Patrol Merit Track 10. Comm. Stevens SECONDED the motion. The motion PASSED unanimously.**

**10. ADJOURNMENT:**

**Comm. Stevens MOVED to adjourn. SECOND by Comm. Stanley 8:14 P.M.**

Respectfully Submitted

Rebecca J. Warburton  
Secretary

APPROVED BY COMMISSION: 11/04/2020