

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 in City Hall Council Chambers on Wednesday, March 4, 2020 at 7:00 P.M. Present at this meeting was Comm. Stevens, Comm. Stanley, Chief Toussaint, Dep. Chief Boudreau, Capt. Pinkham and Secretary Warburton.

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

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

B. Prayer. Chaplain Cilley was excused. A moment of silence was observed for those affected by the tornados in Tennessee.

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

Commissioner Peters was excused.

**2. PUBLIC COMMENT:**

No Public Comment.

**3. ACCEPTANCE OF MINUTES:**

A. February 5, 2020 regular meeting.

**Comm. Stanley MOVED to accept the minutes of the February 5, 2020 meeting as presented. Comm. Stevens SECONDED the motion. The motion to accept the minutes, PASSED unanimously.**

**4. OLD AND UNFINISHED BUSINESS:**

There was no old or unfinished business to come before the Commission.

**5. NEW BUSINESS**

A. Policy Update; First Reading

1. Policy 1.3.4.2 Use of Force, Pepper Ball Gun

**Comm. Stanley MOVED to place Policy 1.3.4.2 Use of Force, Pepper Ball Gun into first reading. SECOND by Comm. Stevens and PASSED unanimously.**

Open for discussion.

Comm. Stanley noted areas within the document requiring typo corrections and renumbering, and use of proper terminology. Those areas will be corrected and the document brought back to the next meeting.

Dep. Chief Boudreau noted an additional change on page one where it says pepperball gun that will be changed to read pepperball system.

## B. Monthly Reports

**OPERATIONS:** Ward 6 was the only ward that met this period. There were no major issues. There was a review of the crime map from Lexis Nexis. The remaining wards are scheduled to meet as follows:

**Ward 1:** Scheduled for April 8<sup>th</sup> 7pm at the City Hall Annex.

**Ward 2:** Scheduled for April 27<sup>th</sup> at 6:30pm at the City Hall Annex.

**Ward 3:** Scheduled for April 22<sup>nd</sup> at 6:30pm at the Briar Ridge Estates Community Room.

**WARD 4:** Scheduled for April 13<sup>th</sup> 7pm at the City Hall Annex.

**Ward 5:** Scheduled for April 15<sup>th</sup> at 6pm—location change to the City Hall Annex.

The investigations bureau had 47 cases submitted for review. There are currently 83 cases assigned. There were 20 cases presented to the Grand Jury all with true bills. There were three detective call outs, (1 death investigation, 1 stabbing and a storage unit burglary.) There was one evidence call out. There was one polygraph and one background completed. There were four compliance checks for sex offenders. There were 276 pieces of evidence logged in, and 55 items returned to owners.

**COMPSTAT:** In field activity, traffic stops are consistent with past months and are taking place in the higher density areas, and main roads in and out of the city. Arrests from traffic stops, two were drug related, one vehicle had drugs (meth) found after a search warrant was completed.

We have seen a trend in the direction of overdoses compared to this time last year. They are a little more than doubled, but are still down from the year before.

The accidents are consistent with no major locations or trends. Most accidents took place on North Main Street and Farmington Road. We did have one fatal accident when a vehicle struck a parked car and rolled over.

We had two DWI's for the month - one was an accident, and one was a stop after a reported erratic operation complaint. One was drugs, and the other was alcohol. There are no trends or patterns in DWI's for this reporting period.

In property crimes, we had 4 burglaries, and half of those are storage units where a suspect and others involved have been identified. The other two have suspects and are not common to each other or a trending factor. There were five thefts from motor vehicles. These were sporadic and no trends were identified. Property crimes are down slightly year to date.

In drug related matters, we had 17 possession cases. The drugs ranged from meth, heroin, suboxone, adderall, methadone, mushrooms, fentanyl, and marijuana. Of the 9 over doses, they were from heroin or fentanyl. There were no fatal over doses.

In violent crime, we had one isolated robbery involving three females that were known to each other. There were two aggravated assaults. One was domestic violence related and the other a self-inflicted stab wound that was originally reported as an assault. Violent crime is up slightly, with an increase in simple assaults.

Comm. Stevens noted that traffic stops have almost doubled which is a good indication of what happens when you are fully staffed. You can do more.

Chief Toussaint added that traffic stops is a focus area and are a big measure of proactive activity. It means healthy shift numbers. We are also going to be adding to the bike patrol unit this summer. We are using some remaining JAG grant funds to equip eight officers.

Comm. Stevens noted that a long time ago patrol did some bike patrols in Gonic and in East Rochester. He'd like to see us do that again. Bring the bikes over with the car, and ride through the neighborhoods. During the summer, the pools are open and there are a lot of side streets. It is good for those neighborhoods.

Dep. Chief Boudreau said that we have done that in the past and we can again, with staffing. The bikes are a great tool.

**K-9:** This month the Rochester K-9 unit responded to four tracks, all in Rochester.

**CEO/ COMMUNITY ENGAGEMENT OFFICER:** Officer Danie and Sgt. Babine have been working closely with Nashua PD and Somersworth PD gathering information on establishing POP units. Two officers (Seager and Robinson) will be joining the POP unit at the next shift rotation. The Skate with a Cop event was the largest to date attendance with over 250 youth. Officer Danie is also working on Wings and Wheels, National Night Out and Community Coffee at the Community center.

Comm. Stanley asked how many staff attended Skate with a Cop. We couldn't provide the individual number but there were quite a few.

**COMMUNICATIONS:** The newest dispatcher will be starting in March. The dispatch supervisor attended training related to evaluations. We are looking to have SPOTS installed on all of the consoles to streamline operations. The radio project is set to begin in the next few weeks in dispatch. Upcoming trainings for dispatch include a certified training officer as well as a tactical operator with SPOTS via NCIC. We do have some upcoming maternity leaves and are adjusting the schedules, using per diems and the dispatch supervisor to cover open shifts. There will be some overtime.

**PROSECUTION - ADULT:** There were 322 new cases with 343 charges. There were 99 guilty pleas, 90 not guilty, 40 cases nol prossed. There were 94 who failed to appear, 5 found guilty by the court, 7 cases dismissed by the court and 4 cases placed on file. There were 4 cases continued.

**PROSECUTION - JUVENILE:** Juvenile prosecution had 17 petitions. There were 21 arraignments (6 were rescheduled). There were nine trials (5 pleas, 4 continued). There were 5 hearings, (1 review, 3 violation, 1 dispositional). One charge nol prossed for juvenile aging out. There were 3 investigations or complaints/warrant for bail jumping, and 2 motions to impose suspended sentences or motions to bring case forward for trial.

Lt. Gould attended a meeting for Ryan Home Project to discuss ideas related to teens in need of housing and services.

### **SCHOOL RESOURCE OFFICERS:**

High School Highlights: Officer Jackson attended Teen Night. He completed some LEADS classes. He filed a complaint and warrant for an issue involving an adult student. He did daily checks on the external doors, Hanson Pines and related parking lots. He performed a “secured campus drill” with staff and students. He counseled students on issues of fighting. He completed 2 offense and 2 arrest reports.

Middle School Highlights: Sgt. Deluca completed the LEADS lesson 5 with 150 students. He attended Teen Night. He worked with guidance and students on societal and emotional stress issues. He assisted the William Allen School with an issue involving a parent and also assisted with a re-entry meeting at School Street. He completed a texting lesson with 7<sup>th</sup> graders. He had one offense report and five arrest reports.

Elementary School Highlights: Officer Porfido did daily checks with all schools throughout the week for safety issues and school lunch. He did a check in at Maple Street for two students and met with the William Allen principal and a student regarding a face book post. He conducted crossing guard responsibilities at a couple of locations in the City where there are vacancies. He worked with Officer Danie regarding Skate-with-a-Cop, and skated with the Rochester Team for the game with the Granite Cannons. He monitored the William Allen School for traffic issues. He chaperoned a field trip to the Museum of Science in Boston. Officer Porfido also visited the Hope Program on a regular basis and coordinated a public skate event for the students with the Rochester Ice Arena.

Explorer Post: Officer Jackson held two Explorer meetings this month. He is working on setting up a post meeting at Pease Air Force Base.

Comm. Stevens commented what an honor it is for Sgt. Deluca to be recognized as LEAD instructor for New Hampshire.

**DIVERSION:** February Teen night had the highest attendance this school year with 237 youth. Our partner service agency was Seacoast Youth Services. Nicole completed additional work on the Juvenile Justice Summit and the Justice Transformation project. She also assisted the POP Unit with the Skate with a Cop event promoting pro-social youth relationships.

**EMD USE:** Display and Deploy: None                      Display Only: None

**FORFEITURE SPENDING:** We spent \$59.99 for cruiser equipment.

**HONOR GUARD:** The Honor Guard will participate in the Battle of the Badges, C.H.a.D. game on March 13, 2020.

**HOUSING:** We had 28 Police related calls for service this month. There has been a concern about some homeless people getting into the Wyandotte building. We are working on target hardening with the maintenance and parking the cruiser there to deter activity. One person was trespassed from the property. There were six background checks for new applicants.

**FINANCIAL/PURCHASING:** We are 66% through the fiscal year and overall where we should be in our spending. We have had some minor transfers in heating fuel and staff development for some training. Our second projection is still showing a surplus of about \$288,000., most from salary and benefit lines throughout the year.

Comm. Stevens commented like other departments, we use our appropriated funds wisely and what we don't use goes back to the general fund. We don't just spend to spend.

Comm. Stanley asked was that before the \$51,000 authorized by the Council for the ISB furniture project.

Chief Toussaint confirmed it was. We will be updating the furniture in the investigations bureau. He said its really not a want, it's a need. What is in there was all hand-me-downs from the former Cabletron. The City's Joint Loss Management Committee has said you can't have things the way they are in there. There are not enough outlets in there and there are extension cords, which are tripping hazards. It is not safe. This is way overdue.

Comm. Stevens said this was going in next year's budget anyway. So it will be done this year instead.

Dep. Chief Boudreau added that we did have this as a project in our FY21 budget. However, during our FY21 budget presentation to the City Manager we proposed funding this with surplus FY20 funding. As noted, all of that furniture was hand-me-down and original to our move-in date in 2004. The Council finance committee recommended approval and sent this on to the full council for a vote, which they approved at their March 3, 2020 meeting. We are looking at state of the art workstations, ergonomic desks, electric outlets, paint and carpeting. It is long overdue and will last them for another fifteen years.

Our presentation on the FY21 operating budget is scheduled for April 28, 2020 and the CIP projects for May 12, 2020. The City Manager's overall budget presentation to Council is for April 21.

The online crime reporting software project has moved into the testing phase. We sent emails out to various individuals asking them to be part of the testing and to provide feedback on the process.

Comm Stanley said there is language that says if further review is needed you may be contacted. As a citizen filing a report with my local PD, I think I would want some type of response, not you may be contacted. Even if its just an email that we have your report, and pending nothing further needed it will be filed.

Dep. Chief Boudreau said there is an auto generated response when you put in your email that gives notification we received the report and assigns it a number.

Comm. Stanley commented then it is likely no one will respond.

That is correct, unless further follow up is necessary.

Comm. Stanley said then the email needs to be clear that this may be the only contact you have from us. A citizen may be thinking I've submitted and I'm waiting to hear from an officer. There will be times they won't hear. It needs to be obvious.

Dep. Chief Boudreau noted that he will look at the file to see if that can be modified. We think this is going to be helpful and convenient for the public. Sometimes they will call and report something suspicious, such as the car was gone through, but nothing was taken, so they don't necessary need to see us.

Comm. Stanley asked if video can be attached.

Dep. Chief Boudreau said you can attach photos. He will check on the video.

Chief Toussaint said that if the citizen has video it is likely something we would want an officer to go collect.

Dep. Chief Boudreau said we could have multiple reports of similar activity and one officer may be assigned follow up for all of them. We are in test phase through March and then we will go live with it.

Purchases of \$5,000.00 or more requiring a signature from the Commission included the Watchguard Systems in car video system for new cruiser; payment for equipment on the radio project; new mobile radios (two) for cruisers.

The Council accepted our JAG Grant. It had been approved in February, but it wasn't allocated correctly in the language. It needs to go to a non-lapsing multi-year fund. As the Commission is aware, we are purchasing the outer vest carriers with that money.

**HIRING:** We still have one full time police position remaining to be filled. Sgt. Cost has mapped out our next hiring process to create an eligibility list. We have received the list of people who took the most recent Great Bay College police entrance exam and have sent invitations to our process. We also will be starting advertisement with Indeed.com which we have had good luck with. We have requested two new positions in the FY21 budget. If they are approved, we are targeting attendance in the August academy.

**TRAINING:** Officers' Colson and Knox are through eight weeks of the Academy, with no concerns. Officer Marshall has been released to solo patrol. Officers' Miller and Flathers are moving into their final observation period prior to being released to solo patrol. During the month, we sent personnel to various training classes, which included search and seizure mobile enforcement training. And a LEAD Conference in New Jersey.

Sgt. Cost and Off. Root are working on a basic criminal investigation course to be taught in house. With their combined experience, our goal is to further develop the abilities of some of our younger officers in investigating criminal cases.

**Other.**

Drug Take Back Day. We registered with the DEA for Drug Take Back Day on April 25, 2020. It runs from 10a-2P here in front of the police department.

COPS Grant. We received notice that the COPS office had grant funding available. Applications are due by March 11. The City Manager gave us permission to apply for one officer. This grant funds \$125,000 over three years and we are obligated to keep the officer for an additional year. Our current COPS grant for the SRO in the middle school expires this month.

This application will not affect our request for officers in the budget this year. But it may assist us getting additional personnel down the road. It is a very competitive grant, with short application timetables. We don't know at this point, if we will get the position.

Comm. Stevens noted that we have had good luck in the past.

Chief Toussaint said they like to have specific areas that you will target, such as drugs or violent crime. We would use it to beef up our POP unit.

## **6. CORRESPONDENCE:**

Correspondence for the month included: Off. Plumb and Off. Butcher are thanked by a victim of domestic violence for how they handled the call for service. Spec. Bibeau, Spec. Spicer, Off. Johnson, Off. Williams-Hurley, Sgt. Benjamin, Off. Riddle and Off. Robinson are recognized for patience and kindness addressing the concerns of a citizen. A victim of credit card fraud thanks Off. Root for his assistance.

## **7. INFORMATION:**

A. 2019 Year End Reports. Comm. Stevens said the year-end reports contain a lot of good information and are a good snapshot of the things we do, and do well, such as affirmative action, crisis intervention and the tactical team. A number of the SWAT calls were in Rochester this past year. I think we had the most. But it does show it's a worthwhile team to belong to.

Chief Toussaint said it is. He said even if you don't stay with the team, you get sound tactical techniques that you will use in your career, which also prepares you for future leadership roles.

Comm. Stevens was impressed with the 2019 internal investigations from 31 to 12; at one point back in 2011 and 2013 we had in the 60's. That is a good sign of leadership from the top down is keeping a handle on things.

Chief Toussaint said we employ some quality people who do good and professional work, on a daily basis.

Comm. Stevens added that we have hired some quality people and any department would be lucky to have them.

Comm. Stanley also commented on the drop in the number of internal investigations. The fact that six were internally generated and six were externally generated says that we are doing the job.

Comm. Stanley commented the one thing that stood out to me, and my concern might not be founded is the use of force numbers. While significantly down, which again is a huge positive when calls are up, what stood out to me was that two officers had 24 of the 81 incidents, which is almost 30% of the total number. Looking at when those occurred they were during the evening shift, which was responsible for 45 of the 81 incidents. So those two were responsible for over half of the incidents on that shift. It may or may not be an issue. I just want to make sure we are looking at that and are aware of those numbers.

Capt. Pinkham said that all Use of Force is reviewed. The Sergeant responds out to the call, and completes a use of force report. That report is then reviewed by the Lieutenant, and forwarded to the Captain. Many layers of review go into these. If there are issues that are noticed, they are addressed. He added that the 4-12 shift is historically the shift with the highest number.

Chief Toussaint said that we are aware. When we have high numbers, we do look closer. Even if the force is justified and follows policy it can be a disturbing pattern if it's the same officer repeatedly, which is part of the reason we look at and analyze the year-end closely.

Comm. Stevens said you have to make sure what it is. Just a display of the taser can be a use of force.

Chief Toussaint said not can be. It is.

Comm. Stevens continued that a use of force doesn't mean it was a physical altercation it just means we had to move up the escalation to get the person to comply.

A use of force can be as simple as an officer directing a person to put their hands behind their back, and if they don't comply, an officer can take the wrist and help them do it.

Chief Toussaint said if you have to grab a wrist to handcuff, or they are pulling away and you pull them back, we do a use of force report on that.

Comm. Stanley said we are way down on use of force, shockingly low; I just want to make sure that we are cognizant of the percentage of these calls between small numbers of officers. And I know we are. I am not suggesting in any way that we are beating on suspects.

Chief Toussaint added these things go hand in hand with internal investigations. If people feel in any way that too much force was used, they make a complaint and that would show up in our internal investigations.

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

**Commissioner Stanley MOVED to enter a nonpublic session at 7:41 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 8:00 P.M. on a MOTION by Comm. Stanley, SECOND by Comm. Stevens. 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. SECOND by Comm. Stevens. 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 award per the collective bargaining agreement a merit track advancement on the respective anniversary date to Off. Dwayne Hatch to merit track 6. Comm. Stevens SECONDED the motion. The motion PASSED unanimously.**

**10. ADJOURNMENT:**

**Comm. Stevens MOVED to adjourn. SECOND by Comm. Stanley 8:01 P.M.**

Respectfully Submitted

Rebecca J. Warburton  
Secretary

APPROVED BY COMMISSION: 05/06/20

\*NOTE: The Commission did not meet in April of 2020 due to Pandemic – COVID-19