

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 at the Rochester Police Department on Wednesday, November 6, 2019 at 7:00 P.M. Present at this meeting was Comm. Peters, Comm. Stevens, Comm. Stanley, Chief Toussaint, Dep. Chief Boudreau, Capt. Pinkham, Chaplain Cilley and Secretary Warburton. Also present were invited guests and members of the public.

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

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

B. Prayer. Chaplain Cilley delivered the opening prayer.

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. October 2, 2019 regular meeting.

**Comm. Stevens MOVED to accept the minutes of the October 2, 2019 meeting. Comm. Stanley SECONDED the motion. The motion to accept the minutes, PASSED unanimously.**

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

A. Policy Update: 26.1.1.2 Uniform Appearance: Second Reading for Adoption. Dep. Chief Boudreau noted as discussed last month the changes to this are on page 2, we cleaned up language that officers don't need to purchase the mock turtleneck, and on page 4 the outer load-carrying vest the language is consistent in all sections.

**Comm. Stevens MOVED to place Policy Standard 26.1.1.2 Uniform Appearance into a second reading by title only for adoption. SECONDED by Comm. Stanley and PASSED unanimously.**

**Comm. Stevens MOVED to adopt Policy Standard 26.1.1.2 Uniform Appearance as updated. SECONDED by Comm. Stanley. The policy as updated was unanimously adopted.**

#### **5. NEW BUSINESS**

A. Oath of Office: Jonathan Marshall. Officer Marshall took his oath of office, administered by Secretary Rebecca Warburton. His family was on hand to participate and recognize his achievement. Officer Marshall comes to us already NH certified. He will spend some time in-house training of policies and procedures and then move to Field Training.

B. Monthly Reports: Captain Pinkham reported that Wards 1, 3 and 6 had scheduled meetings this period. Aside from Police, there were no attendees at the Ward 3 meeting. Areas discussed included thefts from motor vehicles, a problem residence in Ward 6, transient camping on private property, and bail reform. The comp stat report was reviewed.

Comm. Stanley reported that Ward 6 most likely is not meeting in November or December around the holidays.

The investigations bureau had 23 cases sent up from patrol for review or investigation. There are currently 66 cases assigned. There were 23 cases presented to the Grand Jury all with true bills. There were two detective call outs (an overdose death and an untimely death). There were two polygraphs and two backgrounds. There were 266 pieces of evidence logged in, 41 items returned to owners and an additional 100 pieces destroyed.

**HONOR GUARD:** The Honor Guard participated in a ceremony for recently retired Director Donald Vittum from Police Standards and Training. Director Vittum served as Chief of Police in Rochester from 1991 to 1995. They are preparing as well for participation in the annual Chamber Christmas parade.

**COMP STAT:** There was an increase in DUI arrests. More than half of them were discovered via officer initiated activity. There were two serious motorcycle collisions this period. One on Route 11 where a vehicle turning left into the Ridge collided with an eastbound motorcycle and one on Old Dover Road where one motorcycle tried to pass the other and lost control. There were serious injuries sustained in both accidents. The riders are expected to recover. The majority of the drug possession charges were related to methamphetamine and heroin/fentanyl. There was an increase in drug events which are calls utilizing police resources due to behaviors of individuals under the influence of drugs. Violent crimes are down year to date.

Dep. Chief Boudreau added that Old Dover Road at Tebbetts Road has an ongoing traffic safety audit. Engineers from the City and State have been out there and walked the intersection. It will be about 12 weeks before any recommendations come back. The group that was there was surprised at the traffic load, including commercial traffic. Some ideas that have been floated for improvement include a 4-way signaled intersection, or a mini roundabout.

Part of the audit is to look at accident data. We put the speed trailer out there and the speed wasn't as high as people think.

Comm. Stevens commented on the DWI's both coming from the same establishment. He also commented on the thefts from motor vehicles, where guns were taken.

We do see thefts from unlocked vehicles far too often and have done public service announcements encouraging people to remove valuables and to lock their vehicles.

Comm. Stanley commented that DWI's seem to be increasing. How do we get the word out that UBER is in Rochester.

**CEO/ COMMUNITY ENGAGEMENT OFFICER:** Off. Danie is working to develop a job description for the unit as we anticipate expanding in the months to come. The POP and Community Engagement continue to work with the crime analyst on areas of concern. Off. Danie also during the month attended Teen Night, the Senior Breakfast, Monarch School Harvest Fest, Home Depot Safety Day, and he is working on planning for Christmas on the Common and Skate with a Cop.

Comm. Stanley asked if we need a policy for the POP Unit.

Chief Toussaint said no, just a job description.

When do we anticipate rolling out the full POP Unit.

Now that Officer Root is on solo patrol, Officer Turner has been moved into investigations. She has been waiting for this move while staffing has been low. We still owe investigations two more positions. We are working to get them at least one additional. We hope to have the unit up and running by summer.

One thing that came out of the candidate forum during elections was more public safety personnel.

Chief Toussaint said that today we got the budget schedule and parameters. We know to increase we have to do it in a responsible manner.

Comm. Peters commented that we need a five-year plan of how many we would add each year.

Adding personnel also adds equipment, cars, clothing, and training. We also have to consider that the COPS grant expires this year, so the City is taking on the full amount of that salary which may affect how many we could ask for next year.

Comm. Stevens asked if there is any more grant funding through the COPS program.

Chief Toussaint said they are making COPS grants so specific now. The reason why we qualified last time was the addition to the School Resource Program and teaching LEADS. To say we just need the added manpower on the street doesn't fly.

Comm. Stanley asked about what if we dedicated a person to the downtown.

Chief Toussaint said I hesitate to say I'm dedicating an officer to one specific thing. It can hamstring you. The last two budgeted positions we got at half year each was one was going to patrol and one was going to detectives. I can't go in and move them to patrol now. Once we get all the positions hired and people on the street it will look a lot different.

Dep. Chief Boudreau asked the finance department to pull data for the number of positions added in recent years. Our authorized strength in FY10 was 46. In FY11, we added two grant positions. In FY12, we added 1. From FY13-FY17, we added zero positions. In FY18 we added one with a grant and in FY19 we added two half positions. So there was a five-year stretch where we were not keeping up.

Comm. Stevens commented that we aren't saying we don't need the positions; we just have to do it at the right pace and be able to justify it.

Chief Toussaint said we need to add a Lieutenant on the support side, but that is not an easy sell. We need to shore up the boots on the ground. The average citizen doesn't want to hear more bosses.

Comm. Stevens asked if there is data on the recommended number of officers we should have.

Dep. Chief Boudreau said that we base our numbers on our data and what is happening locally.

Chief Toussaint said that he has been asked to be on the legislative committee for Bail Reform. The argument that this is cruel, they shouldn't be in jail just because they are poor. There are people who have no plans ever to go to court. The law was changed on stories of the single mother stealing food to support her kids going to jail and potentially losing her kids. Well that person was never going to jail.

Off. Danie and Sgt. Babine have been working random evening shifts checking in on some of the homeless camps and providing resource information with a goal to get help to those that need it and want it.

Comm. Stevens asked if we have any idea how many homeless camps are in the city.

We know there are quite a few. Some of the larger ones and the smaller ones that get moved along if the landowner complains. They usually just move to a new location and set up again, but often they leave shelters, materials, and belongings behind. There have been a number of volunteer clean up days as well as use of city resources to clean those up.

Sgt. Babine and Off. Danie are also communicating with Rochester Rise Up members helping to guide them on things they can and cannot do. There had been a Facebook post about a security force and patrols that got some folks and businesses upset.

We reached out to them and held a meeting. Their heart is in the right place, but there is a process. We welcome their help as eyes and ears. There has been conversations with them about how to be a good witness and willingness to be a witness and testify in court.

The group doesn't have an organized structure yet where one person can speak and make decisions. They have a lot of buy-in from the downtown. There have been similar efforts in the past.

Capt. Pinkham said group members went on a foot patrol with some of the officers.

The group has a lot of potential to do good things and we have spoken to the media about that.

Comm. Peters said speaking about downtown do we have a goal for a beat patrol. Stop and walk. It doesn't have to be for a whole shift.

Chief Toussaint said that the downtown is always a priority for us, but it slips when staffing is low. As staffing allows we like to get folks out there.

Capt. Pinkham added that efforts are there, but the log will show that the duration is not long, based on responding to priority calls.

Comm. Peters commented that at the wrap up meeting for Thank A Cop there were comments made about the eye opening the students who were painting downtown got. We need to be cognizant of this next year that we have adequate staff for the students.

Chief Toussaint said we hope by this time next year to be in a much better position.

Chief Toussaint said that he attended a strategy session at the Police Academy recently. They want to decrease the number of attendees by 7 per academy, or 21 officers per year. We are having a hard enough time getting people in now. There are still four weeks before the closing date for the January academy and they are sitting at 80 applicants, with only 67 available slots.

Comm. Stevens asked about the Chief's Association talking to the academy. Chief Toussaint said there are city chiefs and sheriffs on the training council. They know how the Chief's feel about this. They are looking to decrease the academy by one week, and cut some dead weight out of the program. All this reduction does is kick the can down the road.

**COMMUNICATIONS:** The two new communications specialists are moving swiftly through training. They will be transitioning from Fire and EMS to police dispatching soon. At this pace, it is anticipated they will be released to solo headset after Thanksgiving. Specialist Holman submitted a resignation and accepted FT employment at another agency. She will remain per diem. Per Diem Specialist Spicer has returned to FT dispatching. The Communications Supervisor attended the recent IMC conference and will attend the Supervisors Academy through Primex. Specialist Neal will attend the APCO conference. We have an anticipated vacancy for one of the specialists transitioning to a police officer position.

**PROSECUTION - ADULT:** There were 287 new cases with 381 charges. There were 130 guilty pleas, 78 not guilty, 36 cases nol prossed. There were 80 who failed to appear, 30 found guilty by the court, 5 cases dismissed by the court and 4 cases placed on file.

**PROSECUTION - JUVENILE:** Juvenile prosecution had 18 petitions and one CHINS. There were 13 arraignments (5 set for trial, 2 resolved by plea, 6 rescheduled, continued or failed to appear). There were three review hearings, nine violation hearings, two dispositional hearings, four motion hearings and one sentencing hearing. Additionally Lt. Gould completed six investigations (four complaint and warrant) for bail jumping, one contempt of court and one motion to impose suspended sentence.

#### **SCHOOL RESOURCE OFFICERS:**

High School Highlights: Off. Jackson has begun teaching LEADS, has spent more ours in Hanson Pines reference student activity there, routine checks of school security and participation in the Pep rally. The Explorer program open house went well and it is anticipated they will add 5 new members.

Middle School Highlights: Sgt. Deluca is has begun teaching the LEAD classes. He has made several arrests from the school for fights, possession of tobacco products, disorderly conduct and resisting arrest. He attended 15 meetings with Guidance Counselors regarding student mediation.

Comm. Stevens was concerned about arrests at the middle school.

Chief Toussaint said Sgt. Deluca is working to improve the environment. However, our role is different from that of a school administrator.

Elementary School Highlights: Off. Porfido has made regular visits to the HOPE school. He has begun teaching LEADS, participated in re-entry meetings for out of school suspensions.

**DIVERSION:** Teen night had 218 youth in October. There are a lot of activities for including trivia games, pool tables, obstacle courses and the other regular activities. Staff has begun working with Alton and Northwood PD's on starting their own Diversion programs. Nicole attended the Children's Behavioral Health Collaborative Annual meeting and found some resources for natal health connections and resiliency training information for diversion jurors. Nicole also attended the Smart Approaches to Marijuana presentation centered around the impact of recreational use laws on youth development.

2. Administrative. Dep. Chief Boudreau noted that our backline vehicle has been received and is in use. We do not yet have an ETA on the two front line cruisers. The two cars that were in accidents have been repaired and are back on line.

Comm. Peters said with the new budget and two new front line cars coming, can we look at keeping two.

Dep. Chief Boudreau said that we retained one this year.

**FINANCIAL/PURCHASING:** We have started to review and hold preliminary discussions about our needs for the FY21 budget. The online crime reporting software is moving forward. We are scheduling implementation meetings. The radio project is also moving forward. Meetings with stakeholders are for different aspects of the project continue.

Chief Toussaint said we initially envisioned a dispatch upgrade as part of the radio project. We would like to look at a future capital improve to move dispatch to the third floor. One half would be dispatch and one half would be an emergency operations center (currently housed at the Fire Department.)

Comm. Stevens asked what would you do with the space downstairs. We would have to see and try to figure out ways to increase existing spaces. For example, the female locker room is already at capacity.

**HIRING:** Officer Marshall started on October 28. We have submitted academy paperwork for two recruits starting in December. While submitted only days apart, one candidate falls outside of the 67 max recruits per academy. Three people would need to fail the entrance PT for our second recruit to attend the January academy. We have one opening left and there is a certified person whom has expressed interest in coming on. We would need to set up an interview. This person has about 18 months of experience.

**TRAINING:** Officer Root has been released to solo patrol. Officers Coffey, Riddle and Crawford are projected to be released from field training after Thanksgiving. Officers Flathers, Bilodeau and Miller at the academy have completed 10 weeks of the program and all are on track to graduate on December 20, 2019. Other training this period included court preparation and testimony, National EMT Conference (paid by other employer), Project Safe Neighborhoods and Search and Seizure mobile enforcement.

Lastly, Drug Take Back Day we collected eight boxes, weighing in at 149.8 pounds. While this is down from prior collections, it is still that much medication that is out of medicine cabinets and not on the street.

C. Other.

(1) Constituent Concerns.

Comm. Stanley said that Councilor-elect Rice noted speeding logging trucks on Four Rod Road. We have asked for more specific times this is occurring rather than just "commuting hours." The concern however is this is occurring when school buses are on the road.

Comm. Stanley asked that we ensure Officer Garstin touches base with his victim who had a wallet stolen and update him on this case.

Comm. Stanley noted that Rotary Club has been doing a lot of the work related to Wings and Wheels. This is a great event and she hopes that the Police Department can give more resources to the planning and implementation of the event.



## **6. CORRESPONDENCE:**

Correspondence for the month included: Scott Wood recognizes Lt. Swanberry for his demeanor and excellent communication skills. Ms. Paquette from the Rochester Public Library recognizes Off. Turner, Off. Riddle and Off. Labosier for participating in the children's story hour. Off. Root and Off. Brinkman are thanked for how they handled a parking concern. Off. Crawford is recognized for his dedication during an investigation. Off. Gantert is recognized for professionalism and compassion. Sgt. Babine, Sgt. Emerson, Sgt. Miehle, Det. Flathers, Det. Rousseau, Det. Livingstone, Off. Turner, Off. Krochmal, Off. Murphy, Off. Crawford and Off. Govoni are thanked by the Mass State Police for assistance with a homicide investigation. Off. Brinkman is recognized for making connections with a young child in the City.

## **7. INFORMATION:**

There was no discussion.

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

**Commissioner Stanley MOVED to enter a nonpublic session at 8:15 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 8:41 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. Stevens MOVED to award a merit increases on the respective anniversary dates to Off. Joseph Rousseau (4.1%) and Off. Craig Forrest (3.9%). Comm. Stanley SECONDED the motion. The motion PASSED unanimously.**

**10. ADJOURNMENT:**

**Comm. Stevens MOVED to adjourn. SECOND by Comm. Stanley 8:41 P.M.**

Respectfully Submitted

Rebecca J. Warburton  
Secretary

APPROVED BY COMMISSION: 12/04/19