

**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, January 3, 2018. Present at this meeting was Comm. Peters, Comm. Stanley, Comm. Stevens, Chief Toussaint, Dep. Chief Boudreau, Capt. Pinkham, Chaplain Cilley, and Secretary Warburton, and invited guests.

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

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

B. Prayer. Chaplain Cilley led the opening prayer.

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

D. Election of Chairman

**Comm. Stevens nominated Comm. Peters as Chair for the upcoming term.
Second by Comm. Stanley.**

Nominations ceased and one ballot was cast for Comm. Peters as Chair.

The motion to install Comm. Peters as Chair, PASSED unanimously.

E. Election of Vice Chairman

Comm. Stanley nominated Comm. Stevens as Vice-Chair for the upcoming term. Second by Comm. Peters.

Nominations ceased and one ballot was cast for Comm. Stevens as Vice Chair.

The motion to install Comm. Stevens as Vice Chair PASSED unanimously.

2. PUBLIC COMMENT:

No public comment.

3. ACCEPTANCE OF MINUTES:

A. December 6, 2017 regular meeting.

Comm. Stevens MOVED to accept the minutes of the December 6, 2017, regular meeting as presented. SECONDED by Comm. Stanley. The motion PASSED.

4. OLD AND UNFINISHED BUSINESS:

A. Any Old Business for Discussion - None

5. NEW BUSINESS:

A. Awards and Recognitions

1. Blair Memorial Award – Sgt. Thomas Powers. Chief Toussaint said it is his privilege to present this award as it exemplifies what we expect in our officers. This award was created in 2002 in honor and memory of Chief Ted Blair. This award honors our Chief who was a career police officer, who loved the city of Rochester and helping people. This award recognizes compassion, commitment, duty and dedication to your fellow man, a consistent display of respect for others, honesty and integrity in all that an officer does. These were all traits exhibited by Chief Blair. He left his mark on the Department and the community. Chief Toussaint said, “Unfortunately I never got to meet Chief Blair. He passed away shortly before I was hired.” We still hear stories about him and his memory is alive within the Rochester Police Department.

Chief Toussaint invited the Blair family up to assist with the award and introduced Sgt. Thomas Powers.

Chief Toussaint said Sgt. Powers has been with the department for just over four years. Tom is a team player. He is vigilant in his duties and shows commitment to going above and beyond, always keeping the goals of the department in mind. He is a proactive

officer and his quality of work, skills and knowledge helped him obtain the temporary Sgt position created while another sergeant was deployed with the military. This speaks volumes as he knows when this Sgt. returns, he will be resuming a patrol position. He accepted the role to help the Department and to further his career. Sgt. Powers is a field training officer, a pepper ball instructor, a physical training instructor, a child passenger safety seat technician and is also a L.E.A.D. (Law Enforcement Against Drugs) Instructor. Sgt. Powers has been recognized numerous times from within the department and from citizens for professionalism and dedication to the job.

The Blair family assisted with the ribbon worn on the uniform, presentation of the plaque, and flowers to Sgt. Powers family.

Sgt. Powers thanked the Blair family, noting that he is grateful for being selected for this award.

2. Service Recognition for Commissioner's Levesque and Lindsay – Postponed until February.

B. Monthly Reports

1. Operations. Capt. Pinkham reported that with the holidays and as is typical for this time of year, there was only one ward meeting in December. There were no major issues raised from the meeting. All six wards are scheduled to meet in January.

Comm. Peters asked that we elaborate on how to get information about ward meetings and when they are held.

Captain Pinkham said ward meetings are posted on the website, on face book, the local government channel and on the City message board. Additionally both the website and face book offer a link to ward officers. People can email questions and all officers in that ward will get the email. Chief Toussaint added that people can also call the police department to inquire about meetings.

The K9 reported 8 call outs. There was one drug search and one track out of town. The remaining calls, all tracks were in Rochester. Keith and the team also participated in a fund raiser for the Working Dog Foundation at the Opera House, where people could meet and greet the team.

The Honor Guard participated in the Chamber holiday parade and also posted the colors for the Council meeting. They are preparing for the CHaD Battle of the Badges hockey game in March. The unit represents the Department very well at events.

In Comp Stat in patrol there has been an increase in proactive activities due to officers being released from field training to solo patrol. We are slowly getting back to full staffing. Traffic stops show an increase of 167% over prior reporting periods. Property crimes were down for the month.

Comm. Stanley asked if it is possible to get more graphs, such as line graphs so that if you are not familiar with the report you can get perspective with longer range data for better comparison. Capt. Pinkham advised we can have the Crime Analyst do this.

Chief Toussaint said that we are working on our 2017 year end reports which we will have for the next meeting. One of those reports is the comp stat analysis that shows a lot of the longer term trends; what has gone up or down, why, and staffing levels so it's easier to digest.

On the support side 35 cases were sent up from patrol for review. There are currently 80 cases assigned. There were 27 cases presented to the grand jury and all returned true bills.

Officer Pendlebury continues to assist in evidence while technician Kerlee recovers from a surgery. We logged in 231 pieces of evidence and returned 36 pieces. An additional 143 pieces were destroyed.

There were 12 phones analyzed with the Cellebrite machine.

There were 12 sex offender checks.

There were four call outs for the month.

The Communications Center is operating at full staff and looking good. One event the center participated in is the annual Project Good Morning party. Dispatchers pitched in, and organized a cookie drive to include in holiday baskets. It was a good success. The dispatchers have a lot to be proud of for this effort.

Comm. Stevens asked how many people are in the Project Good Morning Program. Dep. Chief Boudreau estimated 12 or so. Comm. Stevens asked how the program works.

Chief Toussaint said participants call the police department on a daily basis to check in. If they forget or are unable to call, we start checking on them, first with a phone call and then we send an officer. There have been occasions where a missed call has led to a welfare check, and saved people.

Housing had 17 police-related calls this period. Officer Blair continues to bridge the gap between police and housing. There was one background check for a prospective tenant. And Off. Blair attended the community partners meeting and the senior breakfast.

There were 140 Youth at the last Teen Night. Attendance is down over previous months, and some of that is attributed to the prolonged good weather into the fall. Saturday's event has been cancelled due to the bitter cold, as some participants walk to the event. We hope to be back in February.

The Rochester Police Benevolent Association and Crimeline partnered again this year in a charity golf tournament. The money raised goes toward community and charitable giving. This year, we partnered city-wide to help with the Christmas needs of high school students. There was a giving tree in the briefing room and staff could select and provide items.

As the opiate crisis continues, Comm. Stevens asked how many overdoses we responded to in the past month.

Capt. Pinkham said we will have a definite number next week, but we average 20 per month and were at 230 for the year.

Comm. Stevens asked how many deaths have we had?

Capt. Pinkham replied, twenty.

Chief Toussaint said that our responses to overdoses are significantly higher than last year, however, fatal overdoses, while up from last year did not proportionately increase. We administered Narcan 32 times in 2017, and 18 times in 2016. We find that bystanders, family or friends are administering Narcan before police arrive.

Comm. Peters asked if we are having good luck with the walk-ins for recovery.

Capt. Pinkham said that use of the CAR program at Frisbie has tapered off from previous months.

Chief Toussaint added that it is a big leap of faith for someone involved with illegal activity to come and ask the police for help. We have the ability to take people's freedom away. We do all we can to assist with this problem, but the bottom line is people are not always going to trust us. Every call like this we give information about the recovery centers and available options in hopes that at some point they will say I need assistance. We also give information to family who deal with this who are at wits end. They don't know what to do and have done all they can. We do as much as we can to facilitate getting people to help. But if the person isn't ready to accept help, there is nothing anyone can do. Ultimately, they have to decide on their own.

Comm. Stanley asked is the increase in numbers due to the drugs being more prevalent or more potent.

Capt. Pinkham replied that he has no facts to back this up, but thinks it is a combination of both. The strength of Narcan is adjusted to address the drugs as they are developed.

Comm. Stanley comment but it's not making a dent in terms of using and response to these calls. That's disheartening.

Chief Toussaint agreed and said this isn't a traditional law enforcement problem. Enforcement of the laws and public safety is our main mission. It has morphed into a lot of social stuff, including EMS, a lot of mental health issues which we deal with consistently; they are not traditionally what you call the police for. As services become more and more limited someone gets called and it's usually the police. We roll with the punches but the PD is not the best equipped to deal with the drug crisis.

2. Administrative. Dep. Chief Boudreau stated we took delivery of the first SUV that was ordered. It will replace car 10 – the low profile car used for MV enforcement. It is being outfitted with emergency equipment at 2-Way. The other two are scheduled to be built this week at Ford and we should be taking delivery by the end of the month. While this seems like a long process we took delivery of the cruisers in January of last year as well.

Comm. Peters asked for an update on the carbon monoxide issue with the Fords.

Dep. Chief Boudreau replied that there is an upgrade they have done. Ones that fell in that year we had checked by Ford. Tailpipes have been angle down and the rear window seals were replaced as well. We also put CO detectors in the cars as well.

Dep. Chief Boudreau said that we took delivery of the Tasers from the Taser60 program approved by finance and council. Previously we were going to buy and phase in 10 new units per year, over several years. This plan gave us all new units, as the current ones are nine years old, and is paid in annual installments for five years.

Dep. Chief Boudreau noted as we enter into the second half of the fiscal year, we will start doing the monthly budget projection through the end of the year.

To update the Commission on overtime, we are through 13 of 26 pays, and overtime liability when comp time is factored has us 107.5% spent. When you remove comp time we are 88% spent.

By contract staff members can take overtime money at time and a half or bank time, at time and half. It does save on the budget overall during the year. Our overtime budget is not where it should be, and being strapped for personnel due to vacancies, alt duty, or in training etc., there were many shifts we had to cover with overtime just to meet minimum staffing numbers. Supervisors do an overtime analysis every pay period. We have seen a decrease in overtime used in the past five pays as we release new officers to solo patrol. But our overtime lines are in trouble. We have been keeping both the finance director and the finance committee apprised and we continue to monitor this line.

Comm. Stevens asked how long officers have to use comp time and how many hours can they accrue.

Chief Toussaint said comp time is cashed out at the end of the fiscal year. An officer may use the time before June, which helps a little but not as much as we like. Some officers use it as a bank and it is paid out of the overtime line if it is not taken as time. [They can accrue 160 hours.]

Chief Toussaint said the overtime is not adequate to run the PD in my opinion. Traditionally the deficit has been made up through attrition, but since April, on paper, we've had every allotted staff position drawing a salary. They are not all on the street yet, but are collecting a paycheck. The only one in those salary lines who has not drawn a salary is Sgt. Smith, while he is deployed. We also recently entered into an agreement with ICAC that the Detective assigned to that function, when he is working for ICAC, that those hours can be billed to ICAC. When he works for us, he draws his regular salary. There is a small cushion, but it is not enough.

Comm. Stanley asked if the 2.8 budget number is based on full staffing.

Dep. Chief Boudreau said it is.

Comm. Stanley commented so there are some savings there. Will finance transfer at the end of the year?

Dep. Chief Boudreau said they don't during the year, but will reconcile the lines at the end of the year. Our bottom line being in the black will be close this year.

Chief Toussaint said we are controlling all the expenses we can and are keeping finance updated so there are no surprises. We have met with Finance a couple of times, and are keeping consistent contact with the finance office. They know the situation. We can only control so much at this point.

Dep. Chief Boudreau said this doesn't include comp time because there is not a specific line to show it. We have tried several times to show a comp time liability line within overtime, but it has been denied.

Comm. Stanley said I thought you said it was included.

Chief Toussaint said comp time is money, or time we owe. There is no line for it in the budget. It gets paid out from the overtime line, but it isn't shown there. We show it on our end so that we know where we are.

Comm. Stevens said we are still pretty close on par overall. There will be some savings moving forward.

Chief Toussaint said a lot of the individual accounts get spent in full at the beginning of the year, such as maintenance fees. Our clothing line took a big hit with outfitting 11 officers from top to bottom with uniforms and gear. As the year moves forward some spending should taper off.

Comm. Peters asked about bullet resistant vests. We rotate them out.

Chief Toussaint said that we do rotate at about 3-5 years, and those are purchased from clothing. The bulletproof vest grant was underfunded by the feds this year and our allotment has all been spent. Every vest we buy moving forward for the next two years will be 100% funded through the budget.

Dep. Chief Boudreau said one area we are doing well in is vehicle fuel which is only 22% spent.

Comm. Peters asked about vehicle maintenance.

Dep. Chief Boudreau said that is also good. Sgt. Babine does a great job monitoring those lines. We are about 40% spent in those lines. The fleet is looking good right now.

Chief Toussaint added we have had good luck with the Fords so far, which is the complete opposite of those chargers.

Comm. Peters asked how many chargers we still have.

Dep. Chief Boudreau replied that right now there are four, with two set to be traded, leaving us with two plus a Crown Victoria that we are looking to cycle out next year.

Comm. Stevens commented that the budget is pretty much on track. Some lines are high, some are low, but overall it's pretty good.

Chief Toussaint replied, for the staffing crisis we had this year, and it was bad, we are doing pretty good.

Dep. Chief Boudreau said we are in full swing of the budget process for FY19. The itinerary for building the OM was a 2% increase not including salaries and benefits. Everything has to be entered by January 9th. We have a budget meeting in the morning to go over our final numbers and where we can pare further. We are set to present to the City Manager on January 23.

Comm. Peters asked about staffing and vehicles.

Dep. Chief Boudreau said we are looking for three vehicles in FY19. Staffing we still need to talk about as we are still building.

Comm. Stanley asked as far as budget preparation does the Commission get involved in that or take part. What is our role?

Dep. Chief Boudreau said to advocate for the needs of the agency. One of our things is to potentially add officers which will bring us above the 2% mandate.

Chief Toussaint said this is an odd situation, and he's not really comfortable discussing in public session what we potentially are asking for before talking with the City Manager.

Comm. Stanley said she is not looking for specifics, but what role do you want us to play?

Chief Toussaint said we can have a discussion on what we want to see in the budget. There is not a lot of extra in a 2% increase. There is a lot out of our control. But I would like to have some conversation with you so we are on the same page. We have a schedule we follow and it's pretty complete at this point.

Comm. Stanley said we could post a special meeting at the Police Department. It wouldn't be televised, but it's still public.

Chief Toussaint said that would be great. Comm. Peters said he will work on a mutual date and time.

Dep. Chief Boudreau said moving on to training, the four cadets graduated from the academy on December 15 and will enter formal field training next week. One of the officers still has some academic requirements to fulfill at the academy.

We have one officer on extended field training. We need to ensure we give them all opportunity to be successful and all the tools they need when they go solo. He will enter his final observation in two weeks.

We have completed all mandated training as required by Police Standards. Our reports are due in by the end of January.

We are coming into the latter part of the grant for Bridging the Gaps. We are looking at sustainability. Members of the board discovered an opportunity for another grant that they will present to the Council with a request to apply.

Chief Toussaint said now that staffing levels are getting where they should be and people are being released from training, we are at a point to fill some of the specialty assignments. Officer Kyle Danie has been selected as the new community engagement officer, replacing Mike Miehle who was promoted to Sergeant at the start of last summer. He has been going around and introducing himself to the business community. We are going to ask that he come to the next meeting to introduce himself and to give his vision on where he would like to see the program go. We will also bring him to Rotary as a guest, and then sign him up for membership. This is a good opportunity to develop community contacts.

C. Other.

1. Speeding Vehicles. Comm. Stanley noted a constituent asked her to address a speeding issue on Chestnut Hill Road. She said she did explain the staffing issue and encouraged this person to attend the ward meeting. The constituent is a jogger and this is an ongoing issue. This is a major cut through to other places in the community and its danger. Could we could put the speed trailer out there.

Chief Toussaint said in the winter, narrowing of roads due to snow makes it hard to use the speed trailer. We can do directed patrols and this is an area we get frequent concerns about. As a result of increased staffing we are starting to get traffic stops back up where I want to see them.

Comm. Peters asked about the status of the speed trailer that was struck.

Dep. Chief Boudreau said the trailer was covered by insurance, less our deductible. We received two bids from the bid process. We have received 75% of the payment, and will get the remaining 25% after we purchase the unit.

The Commission requested a list of the ward officers for all six wards to be distributed to all of them.

6. CORRESPONDENCE:

Correspondence for the month included: Dispatcher Holman is recognized for dedication and team work for assisting the shift searching for a missing at risk person. Off. M. Bailey is recognized for diligent patrol and summoning the fire department when he discovered excessive smoke coming from a home and thereby preventing further catastrophic results. Off. Garstin is thanked by a participant in the ride along program.

7. INFORMATION:

A. No discussion.

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

Commissioner Stevens MOVED to enter a nonpublic session at 8:08 P.M. pursuant to RSA 91-A: 3, paragraph II, section A (personnel) and section E (legal.) SECOND by Comm. Stanley. The motion PASSED by roll call vote 3 – 0 with Comm. Stanley, Comm. Stevens and Comm. Peters voting in the affirmative. A five-minute recess was called.

The non-public session closed at 8:34 P.M. on a MOTION by Comm. Stevens, who also MOVED to seal the minutes. SECOND by Comm. Stanley. The motion PASSED by roll call vote 3 – 0 with Comm. Stanley, Comm. Stevens and Comm. Peters voting in the affirmative.

9. MISCELLANEOUS:

Comm. Stevens MOVED to award merit increases on the respective anniversary dates to Off. Matthew Bailey (3.2%), Sgt. Eric Babine (3.9%). Comm. Stanley SECONDED the motion and it PASSED unanimously.

10. ADJOURNMENT:

Comm. Stevens MOVED to adjourn. SECOND by Comm. Stanley 8:37 P.M.

Respectfully Submitted

Rebecca J. Warburton
Secretary