

**Rochester Police Commission
Rochester, NH 03867**

Lucien G. Levesque, Chairman
Bruce E. Lindsay, Commissioner
Derek J. Peters, Commissioner

MINUTES OF THE POLICE COMMISSION MEETING

The Rochester Police Commission held their regular monthly meeting in Council Chambers on Wednesday March 5, 2014. Present at this meeting was Comm. Levesque, Comm. Lindsay, Comm. Peters, Chief Allen, Capt. Toussaint, Attorney Grossman, Chaplain Lachapelle, Secretary Warburton and members of the public.

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

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

B. Prayer. Chaplain Lachapelle led the opening prayer.

C. Roll Call. The clerk called the roll marking all Commissioner's present

2. **PUBLIC COMMENT:** There was no public comment.

3. **ACCEPTANCE OF MINUTES:**

A. February 19, 2014 - regular meeting

Comm. Peters MOVED to accept the minutes of the February 19, 2014 meeting. SECOND by Comm. Lindsay and PASSED unanimously.

4. **OLD AND UNFINISHED BUSINESS:**

A. FY14 Budget Projection: Update.

Comm. Peters inquired if it would be possible for the Chief and the Commission Chair to meet with the finance committee to see if we could move the position of the prosecutor along.

Chief Allen noted he could have that discussion, but at this point we are holding our own and getting by with current staff. The County Attorney has indicated he would be willing to help us if the need arises. We are monitoring this closely and should know within the next couple of weeks if we can sustain it. If we can't the County Attorney is ready to go at a moments notice. We have discussed a financial arrangement as to what that would look like if we exercise that option. Absent that I can have that discussion, because this is not my long term solution. Long term I'd like the council to appropriate funds for a full time attorney to take over that role.

Comm. Lindsay noted that he had spoken to the two prosecutors and they personally feel if we go with the County Attorney the level is more of paperwork sign offs, where they feel they can give the personal care to each case. They believe they can carry that load for the next couple of months while other options are explored. They looked at going to the County Attorney as not supported.

Chief Allen commented, "I don't share their feelings." I have talked with the bureau commander and had discussions with the County Attorney about that issue and concerns that we wouldn't want to see a reduction in the quality of service we provide. I've been assured that wouldn't happen. I know the County Attorney is committed to helping. We have a great working relationship with that office. If we do go that route I am very confident that we would have a very high level of quality service as we would expect from our own staff.

Comm. Levesque asked if we have parameters for red flags that would tell us we need to do something.

Chief Allen replied that he is relying heavily on the staff to keep us apprised. It's early to tell if we can sustain it for several months but we are

monitoring it weekly so we don't see a dip in what is expected in the level of service we've had with the prosecutor here.

Comm. Peters said he would rather start to move now if that is our goal so to have this person hired by July. Being down three patrol officers concerns me. If they are not going to support it we need to know now for alternate planning.

Chief Allen said it is premature to get a commitment from the Council if they will fund this. There are too many variables between now and the budget finalization date to know. Right now that proposal is not in the budget. It is an issue and option. It will be at the will of the council to put it in to the budget.

Comm. Peters noted he will bring this up again next month. This needs to be addressed sooner than later.

B. FY15 Budget Discussion: Update: We are set to present on April 29th during the Council workshop.

5. NEW BUSINESS:

A. Recognitions. Chief Allen noted it is his privilege and honor to present the awards as part of the meeting.

1. Officer Justin Worthley – Life Saving Award. Chief Allen said that the lifesaving award is given to officers who have saved or attempted to save the life of a person or persons during their tour of duty. Officer Worthley responded to a call for an unresponsive and not breathing resident where his quick acts via CPR and the AED gave this resident a fighting chance. So we congratulate Justin for a job well done.

Comm. Lindsay presented the life saving bar to be worn on Off. Worthley's uniform.

2. Recognition for Service – Police Commission. Chief Allen said for those that don't know former Commissioner McManus, he served for just over six years as a Police Commissioner, but prior to that served 28 years

on the City Council and 21 years on the Planning Board. He is retired business owner and a lifelong resident of the city.

During his time on the Commission he was a huge proponent of community policing. Our Department is heavily involved in such programs. Comm. McManus supported things like the DARE Program because he cares about the youth of the city. He supported our School Resource Officer program, and when it was faced with getting cut due to budgets he fought to keep that program funded, and it still is today.

Comm. McManus was a big part of developing the Department to where we are today, on the cutting edge of technology and proactive policing. He was part of policy developments, including those that recognize officers for good work, such as the Red Hayes Award. He knew Red as a child growing up in the City. Jim also supported our applications for grant funds and secured several million dollars in funding for equipment and personnel and saving the taxpayers money.

Chief Allen said, I've appreciated and been honored to serve with you first as a Deputy Chief and am thankful for the opportunity you provided for me to serve as your Chief of Police. You did a wonderful job for us and you will be missed.

Former Comm. McManus said being on the Council and watching the Police Commission from the other side – this is different and its been more enjoyable. We rolled up our sleeves and worked with the men and women. I'm proud to have been part of hiring some of these officers. I will miss that. When we promoted Chief Allen, some said we should go outside, but I said we should hire within. If you have the candidate inside you should stay inside.

Former Comm. McManus said Rochester is moving forward. Our Mayor said at the beginning of this year that he is going to focus on safety. The PD is one of your bigger safety departments and we're going to hold him to that. We need to focus on retaining good officers.

Former Comm. McManus also noted the support he has received from his wife Sharon. She is the one. She has been behind me every step of the way.

Chief Allen noted he had a presentation to make to Sharon McManus, flowers on behalf of the Police Commission and Department. Time and again we talk about the importance of family because they are instrumental in our success. Your wife deserves huge accolades for she has supported you every step of the way in all of your years in public service. So I thank you Sharon for all you have done.

Comm. Levesque presented former Comm. McManus with a plaque recognizing his service, and noting that it has been an honor and a privilege to serve with Jim. He said you were vice chair for four years. You were a man of integrity. If you told me something your word was good as gold. You were dependable. I'll tell you folks, Jim was always there for his constituents and he was never afraid to bring an issue forward. He would take a stand when others wouldn't and never accepted a droll answer. He sought to have a plausible reasonable answer to a problem and how to solve it. He never shunned his work and went to bat for those he served.

Chief Allen also presented a challenge coin and on his behalf read a letter from Sheriff Dubois, who was unable to attend. He served with Comm. McManus as Chief of Police prior to his retirement. Sheriff Dubois thanked Comm. McManus for the important role he has played as a Commissioner. Citizen involvement through the Commission has contributed greatly to the success of the Department, and he hopes he enjoys the satisfaction of a job well done. It was an honor and a privilege to work with him. The challenge coin is a token of appreciation for his contributions to law enforcement in Strafford County.

B. Accept Resignation and Retirement

1. Officer Steven Gahan
2. Officer James Bonneau

Chief Allen noted that both Officers did a great job working for us. Off. Gahan has left to work for another department. Off. Bonneau has retired after serving with us for about 10 years. We wish both of them well.

**Comm. Peters MOVED to accept both notices with regret.
SECOND by Comm. Lindsay and PASSED unanimously.**

C. Standard Operating Procedure Updates

1. 32.1.1 Police Officer Selection, Personnel Selection: Update first reading

**Comm. Peters MOVED to read by title only for first reading.
SECOND by Comm. Lindsay and PASSED unanimously.**

2. 41.2.1 Operation of Police Vehicles: Update first reading

**Comm. Peters MOVED to read by title only for first reading.
SECOND by Comm. Lindsay and PASSED unanimously.**

3. 42.1.1.1 Investigations, Bounced or Fraudulent Checks: Update first reading

**Comm. Peters MOVED to read by title only for first reading.
SECOND by Comm. Lindsay and PASSED unanimously.**

E. Conditional Offer of Probationary Employment Form: Update.
Chief Allen noted that we had made some minor housekeeping changes to the document to spell out certain requirements such as the residency requirement and the training agreement, so candidates know at the outset.

**Comm. Peters MOVED to accept the update to the
Conditional Offer as recommend. SECOND by Comm.
Lindsay and PASSED unanimously.**

F. Monthly Reports

1. Operations. Capt Toussaint noted that Ward 6 held a meeting in February. Three of the remaining wards are set to meet at the end of this month. The program is still very active.

The K9 unit remains busy. There were two tracks in Rochester and three additional in the county as well as two drug searches in the county. Two of the three out of town responses resulted in apprehensions. The team is doing well, as usual.

The comp stat focus has been on property crimes. It is a short report in comparison to last year at this time with minor drops and minor increases, but what has consistently been rising month to month is shoplifting. The # 1 location seems to be the big box stores.

Support Services had a busy month with call outs. There was a robbery at the George and Ed's convenience store. Working jointly with patrol an arrest was made within hours. Search warrants were issued and property was recovered. This was efficient police work and an excellent job by all. We also had a call out of a missing juvenile from Middleton who was located in Rochester at a motel. There are no charges in Rochester on that case.

We are still down one position in the communications center. We are finalizing a background and hope to be up to full staff soon. We welcomed Candace Holmberg last week to fill one of the open positions. She is off to a good start in the FTO program.

The POP officer is our most active person on our social media pages. We have featured five most wanted persons and apprehended three of them so far as a result of tips from the public. We are pleased with how that is working out.

Officer Hayes is also our point person for shoplifting and working with the retailers. The retailer link website allows them to share information, shows who is committing these offenses and who is involved in other scams such as returning stolen items for refunds.

As already discussed the prosecution office is down positions. They are doing a good job working together to get things done. We do have

concerns if they can do it long term, due to the volume of work, but they all have great “can do” attitudes.

Comm. Peters said as I brought up – don’t overstress and overwork them.

Chief Allen concurred. Both of them are hard chargers and no one wants to say they can’t do it.

Comm. Lindsay said you are also down a secretary in that office as well.

Yes. She is out on FMLA. We have reassigned the parking officer temporarily and we’ve also requested to add a part time secretary to that office in the budget. There is a tremendous amount of paperwork in there. It is a testament to the staff in there that they can navigate through that workload. The full time secretary has been with us for almost twenty one years and we’ve been somewhat crippled by her being out. It’s good for her to know we do appreciate how hard she works. That being said we do need that added help in managing that amount of paperwork that flows through that office – subpoenas, copying and filing – hundreds of cases every month including prep time for case management for court. We are hoping to get that added person. I realize we won’t get all that we ask for but we need to ask because we need it.

The School Resource Officers continue to do a great job. Officer Murphy at the high school is working with Det. Loignon to do a demo at the school on the dangers of impaired driving, using the fatal vision goggles that simulate those effects.

Teen night continues to move forward. We had 326 youth attend the recent night along with a lot of staff from the Department.

Comm. Levesque said that shoplifting is getting a lot of attention in the newspaper. What is the process from when an officer shows up until court? What does it take to bring it to justice?

Capt. Toussaint said that most of the time the store employee or loss prevention witnesses the offense. We get a call that loss prevention has apprehended a shoplifter. We go to the scene, take the information and bring the person back to the police department for processing. We have to get statements from loss prevention, collect evidence, including security footage. The booking process is relatively quick unless you have to wait for bail. It takes about an hour for each event. Then the officer has to write up his report, prepare the complaint, submit it to prosecution, and eventually testify in court. We are getting away from releasing people on hand summonses because we want to have bail conditions.

The case gets to prosecution. The prosecutor might work out a plea deal for them to plead at arraignment and they get sentenced right then. If not, then they get a trial date down the road. This goes back to the prosecution office, where the case is prepared, subpoenas are issued for officers and store clerks, and evidence must be secured and taken to court. You could be all set to go to trial and then the case gets continued and you have to cancel everyone and redo that work. It compounds every time. It is a manpower drain.

Shoplifting is a big deal. We see comments on the face book page about why it's a concern. It is a multi-billion dollar problem, across the country. It doesn't matter if it's Wal*Mart or a Mom and Pop store, its still the same crime.

Chief Allen said he is well versed on this issue and is involved on a national level with a group of chiefs from across the country looking at organized retail theft. We are targeting this issue. It is a multi billion dollar a year industry, not just our local stuff, but nationally and internationally. It is a huge issue and the people that pay for it are the citizens. We all pay through the increase in the price of goods, use of police officers time - everybody pays the price.

Chief Allen said I've been criticized of late by individuals regarding our publicity campaign on arrests for this. We do press releases for many arrests. You see a lot because we have a lot of arrests - up 55% last year from the prior year, and that is just those that got reported and

apprehended. We know there are some that don't get reported, or caught the first time.

It's disheartening to hear the criticism when we are being proactive to make an impact. I don't control what gets printed in the paper. But I'm glad they report it because it highlights the issue and the magnitude of what the problem really is. This is part of our comprehensive strategy through our website, our outreach with the retailers through target hardening strategies to get stores to put in place to curtail shoplifting, publicizing arrests to attack the issues. Have press releases alone reduced it, the answer is no, it hasn't, but it doesn't mean its not having an impact on the issue. Some things are intangible and difficult to measure. But we've raised awareness by virtue that people are complaining. It's an important part of our overall strategy to impact the issue. In and of itself will it curtail or discourage shoplifting? I hope so. That's why we are doing it.

We are being criticized that we are making the city look bad by doing this. We 100% disagree with that. We are highlighting a problem in our community. This is generally a reactive situation. We see these number go up we could sit back, throw up our hands and say we can't, or we can. We want to do what we can to be proactive.

The feedback from the merchants is positive. They have benefitted from the website and we are providing them a better way to do a job that might lead to more arrests.

Comm. Lindsay commented that on a recent ride along he learned about the number of people scamming through coupons equal to thousands of dollars.

Chief Allen said the issue of shoplifting and theft in general is tied to other crimes, like drugs. Not just in Rochester, but across the entire country. Other Chiefs are seeing the same thing. It's tied to other more serious crime that's why it's so important to address.

2. Administration. Chief Allen reported we had an issue with the ACO truck where it needed \$1,500.00 worth of repairs just to pass inspection. Since we are looking to replace that as part of our CIP, it didn't

make sense to dump that money into it. It's a 1997 Ford Ranger. The DPW director loaned us a truck to get us through the rest of this year.

In training, Lt. Thomas is now in week 7 at the FBI Academy and slated to graduate on March 28th. A big benefit of that caliber of training is it will make him a better manager and leader for the future.

Officers' Powers and Forrest are still in FTO, with several weeks left to go. We are back grounding people to fill our three open positions.

We are in the process of hiring the crime analyst. She is relocating here from Texas and comes with a good education background. We are looking forward to bringing her on board.

G. Other

1. Minutes on the Web. Comm. Lindsay said that he got some feedback at a Ward meeting about our minutes not being on the website. He said if you link through the City's webpage at www.rochesternh.net and go to the agendas and minutes tab on the left side of the page you can locate them there.

2. Appreciation. Comm. Peters was appreciative of Dep. Chief Dumas who was helpful with a business in town that had been plagued with loitering. Through his efforts the matter has been addressed.

6. CORRESPONDENCE:

Members of the Department, including the following were recognized this month. Off. MacKenzie is thanked for his cooperation and assistance in a search of Spaulding High School. Off. James Murphy is recognized by letter and email for his work as the SHS SRO. Off. Jackson and Off. Gantert are thanked by a resident for their handling of a domestic situation at the home. Off. MacKenzie is thanked by a resident for his compassionate handling of a family death. Lt. Bossi and Sgt. Aucoin are

recognized as the City Employees of the Month for February, for their work with the St. Charles Children's home. Off. Seckendorf is thanked by the property management of Partridge Green Apartments for aiding them in a management issue. Off. Garneau and Lt. Thomas are thanked by a motorist following a roll over car accident

7. **INFORMATION:** No additional discussion.

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

Commissioner Peters 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.) SECOND by Comm. Lindsay. The motion PASSED by roll call vote 3 - 0 with Comm. Peters, Comm. Lindsay and Comm. Levesque voting in the affirmative. The non-public session closed at 9:21 P.M. on a MOTION by Comm. Peters, SECOND by Comm. Lindsay and PASSED unanimously.

9. **ADJOURNMENT:**

Comm. Levesque MOVED to adjourn. SECOND by Comm. Lindsay at 9:22 P.M.

Respectfully Submitted,

Rebecca J. Warburton,
Secretary