



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, March 3, 2021 at 7:00 P.M., via remote broadcast on TEAMS. Participants in this meeting: Comm. Peters, Comm. Stevens, Comm. Stanley, Chief Toussaint, Dep. Chief Boudreau, Capt. Pinkham, Chaplain Cilley and Secretary Warburton.

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

1. Preamble. 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. As such, this meeting will be conducted without a quorum of this body physically present in the same location.

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 (*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

B. Prayer. Chaplain Cilley delivered the opening prayer.

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

2. PUBLIC COMMENT:

Mr. Benjamin Pratt asked that the Police Department be better equipped and trained to help those with disabilities.

Comm. Peters asked Chief Toussaint to respond to what we do have.

Chief Toussaint said that we do have training for hard of hearing, a special training for crisis intervention for mental health issues. We do treat all equally. If there is a communications barrier, there are resources to help with that. We have officers that know sign language.

Comm. Peters responding to Mr. Pratt thanked him for coming in and the Commission will take the comment under advisement.

Public Comment closed.

3. ACCEPTANCE OF MINUTES:

A. February 3, 2021 regular meeting.

Comm. Stevens MOVED to accept the minutes of the February 3, 2021 meeting as presented. Comm. Stanley SECONDED the motion. The motion to accept the minutes PASSED by roll call vote Comm. Peters – yes, Comm. Stevens – yes, Comm. Stanley – yes.

4. OLD AND UNFINISHED BUSINESS: No old or unfinished business.

5. NEW BUSINESS:

A. Accept Resignation: Sgt. Marc Cilley

B. Accept Resignation Intent: Sgt. Eric Babine

Comm. Stanley MOVED to accept, with regret, the resignation of Sgt. Marc Cilley and also to accept the retirement intent of Sgt. Eric Babine; thanking them for their years of service. Comm. Stevens SECONDED the motion. The motion PASSED by roll call vote Comm. Peters – yes, Comm. Stevens – yes, Comm. Stanley – yes.

C. Policy Update: Policy Standard 1.3.4.8 Use of Force: Taser X26P: First Reading. Dep. Chief Boudreau stated most of these updates are housekeeping following the recertification our instructors attended. We went through the policy and some recommendations were made to tidy up things in the policy. The changes are highlighted. We added P to the X26 as that is the actual model we use. The wording and definitions are terms we use these were not structural.

Comm. Stanley MOVED to suspend the rules and read for a second reading, by title only. Comm. Stevens SECONDED the motion. The motion passed by roll call vote. Comm. Peters – yes, Comm. Stevens – yes, Comm. Stanley – yes.

Comm. Stanley commented some additional clarifications. The last paragraph on page 1 this electro muscular EMD change to NMI. Further on page 3, Section H1 the 35 ft. cartridge was dispensed with on page one and so also should be on this page.

Comm. Stanley said with those changes that she would MOVE to adopt Policy Standard 1.3.4.8 Use of Force: Taser X26P. Comm. Stevens SECONDED the motion. The motion PASSED by roll call vote Comm. Peters – yes, Comm. Stevens – yes, Comm. Stanley – yes.

B. Monthly Reports

1. Operations: Capt. Pinkham said there have been no changes to the RUN program, no meetings due to the pandemic.

COMPSTAT: In the compstat report, the only area we saw a concern in was in the thefts of catalytic converters. This has been a national issue as well as here in NH; it is on the rise everywhere due to the prices you can get for the metals contained therein.

Other property crimes and violent crime is trending in a positive direction.

Comm. Stanley asked did she understand we had a suspect. Has an arrest been made?

Capt. Pinkham said no arrests. This is an ongoing investigation. We are following up some leads.

In investigations there were 31 cases sent up or detective generated. There are currently 61 cases assigned. Grand Jury was virtual again this month. There were 20 cases presented and all were true bills. There were four background investigations and several ongoing as we speak. There was one call out.

COMMUNITY ENGAGEMENT OFFICER/PROBLEM ORIENTED POLICING UNIT:

Much of the Community Engagement Officer activity has been on hold due to the pandemic. Community events have been reduced, so we are working on plans to do more community events and things that we can within the restrictions that we have. We recently virtually participated in Read Across America Week in different schools. Officer Danie keeps busy helping out with POP and crime line. He still checks in with some local businesses, one in particular he has been working on an issue with, and since that time the issue seems to have slowed.

The Problem Oriented Policing unit worked a few important higher profile cases regarding drugs and thefts with other agencies. We are pleased with their activity. POP has also been using more meetings for public safety, using members of the Fire Department and Code Enforcement dealing with residences or apartment buildings that we have been seeing some issues with. They have been doing a lot of work and we are seeing some good results there.

COMMUNICATIONS: The open position in the Communications Center has been filled, but we also received notice of another dispatcher leaving. We have started another hiring process to get this position filled quickly.

SCHOOL RESOURCE OFFICERS: The School Resource Officers activity has been limited this month due to quarantine requirements. All schools are in-person sessions. A positive note to report is that the Explorer Program has started up again. We are breaking out into two groups of interested candidates to limit attendees at meetings while adhering to guidelines and safety precautions.

DIVERSION: Diversion has been very active with several different projects. Nicole has been attending meetings with Waypoint, a teen homeless youth center, and speaking with others on the Juvenile Probation Transformation program. There are many positive things coming out of that program.

HOUSING: There have been no major areas of concerns in housing. We have been patrolling the various complexes, doing random checks, addressing small issues. We helped with the COVID vaccine process recently held at Wellsweep and helped handing out some food boxes.

2. Administrative. Dep. Chief Boudreau said that we are 66% through FY21 and are 55% spent. There are no concerns on individual lines. We presented the FY22 budget proposal to the City Manager and finance on February 9. There were some minor questions on our CIP budget. We had positive feedback from staff with no immediate reductions on our submissions.

The radio replacement project is waiting on some equipment from Motorola so we can finish the fire side. We are scheduling with the site manager to erect the tower at the DPW site. The tower is 120 feet. We need a crane in there to erect it. This requires coordination with other activities at the location. We need power at the main building before we can bring it on line.

We will have an equipment list at the end of this week for equipment purchases for the Mobile dispatch unit.

In hiring and training, we have several backgrounds that we are pushing for timely completion to ensure getting a slot at the next Academy. They currently have 37 registered of 67 spots for the May Academy.

We have oral boards scheduled for next week. Any viable candidates we will bring before the Police Commission.

Officer Rummo has entered phase 2 of training. Reports are excellent and we expect to release him to solo patrol next month.

Sgt. Cost is working on hosting upcoming training including instructor level de-escalation tactics and critical decision-making, hosting an armorer's level course for firearms and hosting a Taser instructor. Courses that we host with all seats filled gives us free seats.

Sgt. Cost also oversees the crossing guards. We have had to deal with in person and remote learning, but even prior to this, we have had a hard time filling these jobs. There are 11 positions, and only four of them are filled. We are continually advertising. There are a couple of hours each school day in the morning and afternoon. These are vital positions. However, we just cannot get officers to backfill those due to other priority service demands.

Comm. Stanley commented she did not realize the PD handled crossing guards. Have we advertised with the schools and PTA groups?

We have contacted the Superintendent's office, advertised it on the City website, often. Maybe we can get the city's media person to do a press release.

6. CORRESPONDENCE:

The following correspondence was received this period: Multiple Department members from Patrol Officers, Sergeants and Communications are recognized for their contributions to the proactive work of the Department conducted between November 2020 and February 2021. Officers' Danie, Robinson and Seager are recognized for their work on two major drug cases and a theft involving catalytic converters; resulting in search warrants, seized property and arrests. Officer Alexander is recognized for community relations following a recent snowstorm, stopping to help a resident shovel. Officer Ball is praised by a citizen for his demeanor and professionalism in handling a call for service. Det. Robert Frechette is recognized by Jane Young from the Attorney General's office for his work on statewide domestic violence initiatives.

Comm. Stevens commented that we can all agree that everyone has worked hard during this time. Further he noted that he came upon Officer Alexander shoveling for a resident and asked how he came to be doing that. Officer Alexander responded that he drove by and saw it and felt like he had to help. Comm. Stevens said I think that speaks volumes as to his commitment to the citizens.

7. INFORMATION:

1. 2020 Year End Reports. Chief Toussaint said every year in several categories we take a close look to see how we are doing with various topics. All of these reports are in the information packet and are available to the public. We won't go through every one of them, but we do want to highlight a couple of them.

Comp Stat. Our yearly report card, the year end Comp Stat. It is completed by our crime analyst and shows where we are as a city Department with regard to various crimes throughout the year. COVID had an impact this year particularly regarding self-initiated activity. The numbers are not where we want them to be. We, basically, shut down officers from doing self-initiated work in March and had them just responding to calls making limited as possible contacts as they could. That was things like traffic stops, unless there was such a serious offense needing action to protect life safety we wanted to limit our personnel to COVID exposure related issues. That has been relaxed throughout the year and they are free to contact citizens for traffic and field interviews but there is a strong emphasis on PPE and personal safety through all of that.

With that being said we did increase in some areas and in traffic stops, but still are not where we want to be. That is mainly because we had more personnel this year than we did last year at this time.

COVID had an impact on calls for service. Priority 1 calls remained consistent throughout the year as compared to last year and the year before. Overall property crime was down 3% from last year. We had significant decreases in thefts from motor vehicles. They were down 48%. Burglaries were down 40% from last year. Those two were offset by increases in shoplifting which was up 49%. We had a significant decrease in solvability for shoplifting. We don't usually patrol in stores and private businesses. We rely on store personnel and loss prevention to catch these folks in the act of committing shoplifting. So when the security people in the stores can't apprehend on scene we typically rely on video surveillance, which has been successful for us. We put it out on Facebook. We get a lot of comments that this is minor and don't you have better things to do. But this is a theft and it affects everyone in increased prices. This is a serious offense. What we have noticed with the mask mandate in these stores is that it is tough to identify someone on video. It is an unforeseen additional negative to COVID.

Motor Vehicle thefts were up 50% compared to last year. Analyzing these crimes, they are not actual thefts of vehicles where someone stole a vehicle and parted it out, painted or sold it. These have been joyrides, keys left in cars, or increasing numbers of people lending the vehicle, which isn't returned timely. So, individuals call the police and we end up getting it back. Our closure rate is down there as well because frequently as soon as the vehicle is returned, the people don't want to press charges and the victim is no longer cooperative. It counts statistically as a theft, but there is no prosecution in a lot of these.

Moving on to violent crime. Unfortunately, we had five people fall victim to homicide in Rochester in 2020. Three of those were the result of two motor vehicle crashes. One was a double fatal, and the other a single fatality. One was a security guard at Frisbie Hospital. In those four, arrests were made. We still have the home invasion where the resident sustained a gun shot wound and died at

the scene. It is still under investigation. We have been in close contact with the Attorney General's office and we are making progress there.

Aggravated assaults and simple assaults were down significantly from last year.

Robbery had a significant increase this year over last year. We had a couple of small sprees. We had one person who robbed a gas station twice. We had video surveillance, but were unable to identify the suspect. We also had one person responsible for three bank robberies in Rochester. That person was identified and arrested for those - as well as for an additional attempt in another jurisdiction. We noticed through the analysis of the robbery complaints many of them appeared to be drug type transactions gone wrong, or hand in hand with shoplifting complaints. When loss prevention people try to stop people from leaving the store we've had numerous occasions where force has been used to get away. Doing so moves that from shoplifting, to robbery. If you use force during a commission of a theft that becomes robbery. The only one we were unable to identify was the gas station robber. All others have been either identified and charged, or the victim has become uncooperative and didn't follow through with the investigation.

Under the topic of drugs, I want to touch on the overdoses a bit. Our overdoses that we respond to were down 18% from last year, and our fatal overdoses were down 18% over last year. Yet we still had 16 people who lost their lives to fatal overdose in the City of Rochester. The drug problem has not gone away by any means, but it is positive to see the reduced numbers for overdoses over the year..

Affirmative Action. The Deputy Chief spoke briefly on our hiring process. One of the reports that we do is affirmative action. Every police department really strives to have a make up of their sworn officers look like the make up of the community that they serve. Meaning, men and women, white, or minorities. We always strive when we are hiring to reach out to qualified candidates. It is always qualified first. We can't just hire anyone because they are of a certain race or gender. We need the right person in the job. One of the things we have struggled with over the years is the recruitment and retention of minority candidates. It is not just us. This is a national issue, where every police department would like to hire minority candidates and would love to recruit more female candidates. Rochester, according to the last Census we are almost a 50/50 split between males and females. But our sworn personnel we only have 8.2% female. That is something I've always wanted to increase because we really want to represent what the community looks like, or as close to it as we can.

Again, this isn't something that is unique to Rochester. Nationally as far as sworn personnel it is only 12.8% female and within the State of NH it is only 10.3% female. So everyone has a problem recruiting qualified female candidates to do this job for a variety of reasons. It is a traditionally male dominated field. We are slowly making progress but as the Commission is aware, sitting in on the interviews, we don't get a lot of female candidates nor a lot of minority candidates despite reaching out not just in NH, but we frequently use Indeed.com which has more of a national reach to advertise openings. We have been getting some candidates from across the country lately, but still are not seeing any drastic increase in female or minority candidates.

Crisis Intervention. I wanted to highlight just one aspect of the CIT (Crisis Intervention) team report. It is a stark reminder of the importance of CIT. If you review the report, you will see we responded to 502 calls in 2020 that had a mental illness aspect to them. Those are the obvious ones.

We don't have doctors working for us, we don't have psychologists. These are the ones where people are saying there is a definite mental illness component to this case. That is up 24% over 2019. That is a significant. That is one reason why I feel it is so important and I am pushing, ideally, to have all of our officers trained in CIT. We do have a significant number of officers trained and are working on more all the time. It is so critical that all the officers who may deal with someone in a mental health crisis have a least a bit more training in how to deal with them in hopes of preventing a tragic situation that didn't need to be.

Chief Toussaint said he has mentioned several times that the Police Department tends to be the repository of "if you don't know how to handle the situation, you call the police department." There are a lot more calls nationally now saying that maybe the police aren't the right people to deal people in a mental health crisis. I wholeheartedly agree with that. I would love to see teams of psychologists or mental health people go out and deal with people in these situations as they are occurring, but we just don't have that right now in New Hampshire. The people called is the police department. So, we need to do the best we can to deal with people and be able to de-escalate and handle these situations as best we can.

K9 report. We have talked about Officer MacKenzie being in the twilight of his career and ready to pass the torch. He has been so critical to our K9 programs success. He has taken ownership of it and does not want to leave us in a lurch. We do have a transition plan for him. Officer Hatch is slated to succeed Keith in this role. Keith is working on getting us a donated bloodhound from a litter due in the spring. Officer Hatch has been training with Keith on Monday's at the Working Dog Foundation, so that when Keith leaves we will have a new dog to take the place of Keith's personal dog.

Chief Toussaint said it is critical tool in my opinion that we get the tracking dog. We have gone back and forth on tracking vs drug dogs and our numbers just don't bear out the need for a drug dog nearly as much as a tracking dog. We had 53 tracks in 2020, and only 4 drug searches. It sounds strange when everyone knows there is a drug problem. However, court decisions in NH using K9's on traffic stops, you essentially need a search warrant to use a dog for drugs where you didn't in the past. It has marginalized the program from a drug aspect and I don't see it getting better. Tracks are consistent and we see success stories of finding suspects, missing or endangered persons in inclement weather. This is a valuable program for us.

Use of Force. Chief Toussaint said Use of Force is always important one. I want to highlight in 2020 the Rochester Police Department made 2547 arrests. That is a lot of arrests. We also conducted 5554 traffic stops and 146 field interviews where we stopped people on the street acting suspiciously. For a total of 8247 people we made contact with in just those three fields. Out of those 8247 contacts we only had 92 uses of force throughout the year. That is a small ratio and is a testament to the de-escalation strategies of officers. We look to see if there are any officers who may cause red flags as frequent users of force. We do a review of every one. Anything beyond a normal handcuffing, someone pulls away, that's an empty hand technique and is a use of force. If an officer draws a weapon, that is a use of force. Anything beyond the normal handcuffing procedures generates a use of force report. Those 92 incidents were generated by 36 different officers. We didn't notice any significant problems. Officers that had higher uses of force were typically on the 4-12 shift and are busy officers that that is when the activity happens. We didn't see any problems with that.

Racial Profiling. This has been a hot topic this past year. Of the 2,547 arrests. 63% of those arrests were males and 37% were females. That's out of the realm of the 50/50 range. I think everyone can wrap their head around that males typically commit crime at a higher rate. That's what we have faced and found. According to the last Census Rochester is approximately 94% white and the rest are minorities. So we took a look at our arrests and 95% of these arrests were for white people and the remaining 4.5% are minorities.

We have examined these in much greater detail than I am going over tonight. We don't see any problems with any of these. I'm happy to answer any questions as best I can and remind the public that all 15 of these reports are available in the Commission packet on line.

Comm. Peters inquired how many of our officers are currently CIT certified.

Chief Toussaint said I don't know that off the top of my head. It changes frequently with vacancies and promotions.

Dep. Chief Boudreau said it is between 15 and 20 if including detectives and supervision roles.

Comm. Peters asked if we are looking to hold any courses this year for this?

Dep. Chief Boudreau said that part of our JAG grant, we are dedicating a large majority of that money to hosting another Crisis Intervention certification for our officers. We are looking to host this in the fall.

Comm. Peters inquired if there is any type of disability training as was brought up in public comment.

Dep. Chief Boudreau stated there is nothing specific. It is something that we can get more information from the gentleman who spoke tonight. I know Officer Danie has done some stuff in the past with hearing related matters.

Comm. Stanley asked about offense reports. She noted they are up about 8% and I think we were attributing that to folks can go on line and easily file a report. Do we know what the total of online reports that we took were?

Dep. Chief Boudreau said that we could get that number.

Chief Toussaint said that we will be pushing that moving forward. We will be facing a tough staffing summer. We have openings right now. We have 4 in background right now, but they are not certified so we won't be able to fully use them until the fall. We also have others that are unavailable to us for various reasons. We have one on military deployment until next February. We have the retirement of Sgt. Babine, and another officer slated to retire in June. It is easier to lose them than it is to replace them. We will be looking at significant holes in our schedules this summer.

One of the things we have talked about is putting a computer terminal in the lobby for people to use. People that come to the lobby and don't want to wait, or they are reporting something that is eligible, instead of turning them away, sending them home to do this on their computer, they could fill the report out here. Which could alleviate some call volume. There are logistics with that. We will be pushing the on line a lot more moving forward.

Comm. Stevens commented that these reports are useful and in comparison shows how busy the Department is. That number of arrests equates to seven per day. Further, the number of miles the cruisers are driven annually and there were only three cruiser accidents. That says the command and staff are getting the message out about safe operations. That is impressive to me.

Comm. Peters added this has been a tough year all around for officers. I want to thank them for the job that they did. Many people were stuck working from home. Officers were still out there, doing the job, making arrests, using PPE. I think they have done an outstanding job. Looking at these numbers, it shows. On behalf of the Commission, I want to thank every one of them. This includes communications and support as well.

Comm. Stanley echoed Comm. Peter's comments. Kudos to all of the staff.

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

Commissioner Stanley MOVED to enter a nonpublic session at 8:08 3P.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 Comm. Peters – yes, Comm. Stevens – yes, Comm. Stanley – yes.

The non-public session closed at 8:24 P.M. on a MOTION by Comm. Stanley. Comm. Stevens SECONDED the motion. The motion PASSED by roll call vote Comm. Peters – yes, Comm. Stevens – yes, Comm. Stanley – yes.

Comm. Stanley MOVED to seal the minutes indefinitely. Comm. Stevens SECONDED the motion. The motion PASSED by roll call vote Comm. Peters – yes, Comm. Stevens – yes, Comm. Stanley – yes.

9. MISCELLANOUS:

Comm. Stanley MOVED to accept the evaluations as presented and to award merit increases for Officer Crawford to Merit Track 2, Officer Hatch to Merit Track 7, Officer Riddle to Merit Track 2, and Officer Alexander to Merit Track 5. Comm. Stevens SECONDED the motion. The motion PASSED by roll call vote Comm. Peters – yes, Comm. Stevens – yes, Comm. Stanley – yes.

10. ADJOURNMENT:

Comm. Stevens MOVED to adjourn. SECOND by Comm. Stanley at 8:25 P.M.

Respectfully Submitted

Rebecca J. Warburton
Secretary

APPROVED BY COMMISSION: 04/07/21