

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, December 4, 2019 at 7:00 P.M. Present at this meeting was Comm. Peters, Comm. Stevens, Comm. Stanley, Chief Toussaint, Dep. Chief Boudreau, Capt. Thomas, and Secretary Warburton. Also present were invited guests and members of the Department and public.

Chaplain Cilley was excused.

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

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

B. Prayer. Chairman Peters delivered the opening prayer.

C. 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. November 6, 2019 regular meeting.

**Comm. Stevens MOVED to accept the minutes of the November 6, 2019 meeting. Comm. Stanley SECONDED the motion. The motion to accept the minutes, PASSED unanimously.**

**4. OLD AND UNFINISHED BUSINESS:**

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

**5. NEW BUSINESS**

A. Presentation: Thank a Police Officer Day 2019. Committee members Lauren Jerr and Tanya Lee Hervey spoke about the success of the second annual Thank a Police Officer day held on September 21, 2019. This national event brings citizens and the community together to thank police officers for the good work they do in our communities every day. The generosity of the sponsors and community through "Paint the City Blue" had residents and business displaying more than 500 bows, 300 blue lights and 100 decals throughout the city expressing support for law enforcement. The art students at Spaulding decorated the downtown business windows. Sponsorships allowed us to purchase and hang flags a week prior to the event. This year was the first year of the decorating contest sponsored by Hervey's Tire was won by Al and Janice Leeman.

This is only the second year of this and it has been so successful we hope to continue to grow it to

show our thanks for all the police officers do. A multitude of thank you cards from people who wished to express their thanks, as well as a video of images taken during the event were presented to the Department. The committee presented the Rochester Police Benevolent Association with a \$500 donation that will benefit the Rochester Teen night activities

On behalf of the Rochester Police Benevolent Association, the Police Department and the team that works Teen Night, Nicole Rodler thanked all of the community members for all their support, generosity and generous gifts.

Comm. Stanley thanked the committee. This is a wonderful event that has grown and we hope it continues to do that.

Chief Toussaint, on behalf of the Department added that the outpouring of support was as phenomenal this year as it was last year. The thank you cards especially mean a lot. And we are truly thankful.

Comm. Peters noted his thanks on behalf of the Commission to the committee as well as to the men and women of the department who do an extraordinary job and we are very proud they work for us in Rochester.

#### B. Awards and Recognitions:

1. Commendation Bar for Bravery – Officer Seager: Chief Toussaint said a medal for bravery is one of the most prestigious awards we give. It is great to see the support here tonight for the officers. Everyone knows that police work can be dangerous. Officers put their lives on the line every day. At times, that danger is ratcheted up.

Chief Toussaint said on August 3, 2019 Off. Seager was on routine patrol and attempted to stop a vehicle that did not stop. He followed this vehicle and could see the driver reaching for something. He maintained eye contact and communicated with dispatch to send additional units his way. This vehicle took a sharp turn onto Periwinkle Drive, into the Saks Mobile Home Park, which is a tightly congested area. The vehicle quickly stopped, the driver bailed out of the car, and he ran into the wood line, followed by Officer Seager. The suspect fell down a steep embankment. Officer Seager demanded the suspect show his hands. He was met with several rounds of gunfire. Officer Seager returned fire. Officer Seager kept his cool and maintained cover radioing for back up while making sure the suspect didn't try to exit the area between the homes.

Chief Toussaint said we like to think Officers know how they would react under similar circumstances, but, until you are in it, you don't truly know. If you read national news, it doesn't always happen this way.

Officer Seager held his post until he was relieved. He gave a detailed description of what happened. His personal safety was placed in danger. For his actions, he is being awarded the medal for bravery. We hope he wears this with pride for the rest of his career.

2. Distinguished Unit Action – Sgt. Cilley, Off. Garneau, Off. Costin, Off. Krochmal, Spec. Spicer. Chief Toussaint said when we have a major incident there are a multitude of people who also are involved and without their dedication this incident could have been worse. Sgt. Cilley, Off. Garneau, Off. Costin, Off. Krochmal, Spec. Spicer are the people who were on shift with Off. Seager that night.

Sgt. Cilley was the shift supervisor and he effectively coordinated efforts to get additional assistance to the area, which included the State Police helicopter, as well as additional SWAT units.

Officer Garneau and Officer Costin responded to the scene to maintain perimeter for the safety of responding units and for the residents in this congested area. Officer Krochmal happened to pick up an extra shift in dispatch and along with the experienced dispatcher Ellen Spicer made notifications, maintained the phones, all while taking the normal routine calls that come into dispatch. They both performed at high levels with notifications, detailed call logs and coordinating additional responding units. For that, all of these members are recognized with the distinguished unit action.

Of note is that this is Officer Garneau's third such award. He gets a silver star showing multiple awards, the other officers get a bar for the uniform. Specialist Spicer doesn't wear a uniform, so she is presented with a certificate noting her contributions.

C. Oath of Office: Nicole Knox, Brendan Colson: Officer Knox and Officer Colson took their oaths as patrol officers, administered by Secretary Rebecca Warburton. Their families were on hand to participate and recognize their achievement.

Officer Knox grew up in Lebanon, Maine. She has been a dispatcher with us for four years and has transitioned over to patrol officer. Officer Colson grew up in Rochester, graduated Spaulding High School. He served with the US Navy. Both will be heading off to the Academy for 16 weeks in January.

A ten-minute recess was called. The meeting returned to order at 7:34 P.M.

D. City Purchasing Policy: Discussion. Dep. Chief Boudreau noted that the City had recently updated the purchasing policy. The old policy thresholds required purchases over \$1,000 have three comparable quotes. Anything over \$10,000 required a competitive bid. The new thresholds are anything up to \$5,000. doesn't require comparative quotes. From \$5001. to \$15,000 requires comparative quotes and anything over \$15,000. requires a formal bid, or work completed by a qualified vendor.

For many years, the practice of the Police Department has been that the Police Commission Chair signs off on purchase orders with amounts over \$1,000. There is nothing in policy or charter that says the Commission has to do that. We would like to come more in line with the updated City Policy.

Comm. Stanley commented that signing seems redundant.

Comm. Peters had no issue changing the practice to be in line with the new purchasing threshold. We talk about these purchases in public session anyway.

Comm. Stevens agreed, as long as the Commission knows how the funds are spent.

Comm. Stanley noted that we should amend our practice to align more closely with the dollar value in the City policy. She also noted she was not aware of the Commission's prior practice and thus would like a monthly report out on purchases over \$5,000., similar to what the City Manager does monthly. If there is value on one Commissioner knowing, the entire body should know.

Dep. Chief Boudreau noted he would start adding that data to his monthly reports

E. Monthly Reports

**OPERATIONS:** Ward 1 was the only ward to meet this period. Attendance was low. There was a discussion on the traffic rotary going in at North Main, Washington and Walnut intersection. We will be working on getting another resident to take the lead for this ward as Councilor Varney steps down from his role on the Council. Ward 1 will move to quarterly meetings for the foreseeable future as we work to promote attendance. The remaining wards have meetings scheduled for

Ward 1: January 8 - 7 PM - City Hall Annex  
Ward 2: December - 23 - 7 PM - Frisbie Conference Center  
Ward 3: January 15 - 6:30 PM - Briar Ridge Estates  
Ward 4: Not Scheduled  
Ward 5: January 15 - 6 PM - Community Center Conference Room 2  
Ward 6: January 22 - 7 PM - City Hall Annex

The investigations bureau had 34 cases sent up from patrol for review or investigation. There are currently 59 cases assigned. There were 15 cases presented to the Grand Jury all with true bills. There were two detective call outs, both overdose death investigations. There was one polygraph and one background completed. There were 8 sex offender compliance checks. There were 296 pieces of evidence logged in, 42 items returned to owners and an additional 96 pieces destroyed. We continue to work on filling the vacant evidence technician position.

**COMP STAT:** While the traffic stops are lower than we want them to be, as officers are released from training, we expect proactive activities to increase. There were seven DWI arrests from accidents related to alcohol and/or drugs.

Property crimes are up 45% year to date. Much of this number is coming from thefts from motor vehicles. We implore people to lock your cars. It doesn't matter if you are in your driveway, at a friend's house, at the mall. These are crimes of opportunity. We are starting to get video from residents. We have been sharing the videos and have identified a couple of suspects, which we will be able to charge with trespass because they didn't get into the vehicle. Anyone wishing to share video of people coming in to their yards trying doors, we will take it.

Chief Toussaint said the increase in property crimes, thefts from motor vehicles, burglaries, all other thefts, is a symptom that can be tied to the bail reform situation. A small group of people do this. This is how they support themselves. We are not going to catch them every time. When we do catch them, we book them, bail them, and they go back out and do it again. This presents two issues. They are still on the street, and they don't show up to court. We had one person we could predict on his release date from jail that thefts from motor vehicles would spike. When we can't hold people, it really drives our numbers up. They are never off the street and they continue to do what they do to support themselves, which is why we see these big spikes in these crimes of opportunities.

Comm. Stanley noted that public sentiment is on the side of law enforcement, at least on social media. She understood that there was legislation introduced this session to reform bail reform. Is that going anywhere?

Chief Toussaint said he sits on the bail reform committee as a member of the NH Chief's Association. The committee has several senators, public defenders, the ACLU, all stakeholders coming together to discuss this. The one meeting the committee held thus far, there seems to be a bit of a disconnect in interpretation of the law in different courts.

In the law, there is a section that deals mostly with dangerousness where a person can be held without bail, preventative detention. There is also a section that if you have three or more failures to appear that can be considered for holding someone. What we are experiencing is as long as the crime is not violent, or a crime of dangerousness, (i.e., theft, shoplifting or burglary) they are being released immediately. It is being interpreted that if someone has no money and no source of income that any cash bail, by definition, is excessive. There is a case being argued before the NH Supreme Court. We expect a ruling soon. The committee is continuing to talk about parallel legislation to fix some of the loopholes. We have been beating the drum to keep attention on this. These are the unintended consequences of the law in my opinion.

Comm. Stanley asked how we correct this misinterpretation of the law. Is it an education issue with prosecutors or with Judges?

Chief Toussaint said I don't want to say it's a misinterpretation. It can be argued both ways. The Judges are educated people. They know the law better than I do, but I'm not reading it the same way and not all Judges are reading it the same way.

Comm. Stevens noted that sometimes the intent of one thing people don't realize the consequence the intent can cause. Sometimes, good intent has negative consequences. Which is what I think is happening in this case.

Chief Toussaint said members of the ACLU, whom sponsored the bill, and are in favor of it were at the most recent meeting. They were surprised this is happening because there was a provision put in the law that addresses it. The intent by the people who drafted the legislation is that we can look at whether someone will show up in court.

Comm. Stanley asked if there committee takes public input.

Chief Toussaint said there was no public input at the meeting he attended, so he is not sure what the standard is.

Comm. Stevens said the news has covered Police Departments taking a stand regarding the negative consequences of this.

Chief Toussaint said it is a fine line. Nobody wants to hear excuses out of the police department. But, this is so out of our hands. We are making arrest after arrest after arrest. It's not that we don't see the problems. It's not that we don't care or are lazy. We are trying to make a difference in the community and we are being stone-walled because of this.

Comm. Peters said we bring them in and an hour later, they are out only to return the same day or the next day. Then they don't appear in court so they are arrested again. Four or five times. It's a revolving door. That has to stop. Officers should be out on other calls and this is tying up resources. The arrests have to stick so we can move on.

Chief Toussaint added jail is not the remedy for all of these underlying issues that are causing people to live this lifestyle. Everyone knows about the drug problem and the mental health issues. Until we address these issues the only tool law enforcement has is to arrest people and send them to jail. We feel a bit hamstrung by this.

Comm. Stanley said when the Chief hears about opportunities for public input on legislation for this committee or other issues to please keep the Commission informed so the Commission can reach out to their contacts and garner support.

Capt. Thomas said that we had 77 drug incidents we responded to, which included arrests for possession or overdoses. We are dealing with a resurgence of meth, which causes erratic behavior. We seized drugs that included heroin, fentanyl, marijuana and prescription pills prescribed to other people.

Comm. Peters asked about the NA number for this category in 2018.

Capt. Thomas said we have been so focused on the opiate issue we were not specifically tracking this until this year. We are getting calls daily about meth so we started tracking it as drug events or incidents.

Capt. Thomas noted that violent crime is down year to date by 25%.

Comm. Stanley commented that it is horrifying to have DWI arrests up so dramatically. A 55% increase over last year. Do we have something to attribute to that increase?

Capt. Thomas said there is nothing specific. We started tracking DWI from both narcotics and alcohol. The alcohol numbers are higher. Only a few are linked to leaving an establishment. We can look more into this.

Comm. Stanley said as staffing improves this should be a focus. There is no excuse for this.

Comm. Stevens asked if officers are more trained to recognize the narcotics portion.

Dep. Chief Boudreau said we sent an officer to ARIDE training. This class is above basic field sobriety training. We have asked to host the class in 2020. The number of DWI arrests from accidents is a concern.

Capt. Thomas said when we have dedicated enforcement patrols we are working closely with the crime analyst on targeted areas.

Chief Toussaint said that motor vehicle enforcement is an incredibly important priority of mine. Not just for DWI. There are any number of arrests that can be made from a traffic stop. It is effective for law enforcement. As staffing improves, we will see us get back to prior year numbers.

**CEO/ COMMUNITY ENGAGEMENT OFFICER:** Off. Danie is working on the 2<sup>nd</sup> annual Christmas on the Common, Skate with a Cop and has already started planning for Wings and Wheels 2020. Off. Danie and Sgt. Babine have been working random evening shifts teaming up to combat issues related to thefts from cars, homeless camps, the downtown and suspected drug areas. They had an early patrol this week in a neighborhood experiencing thefts from motor vehicles. They came across a homeless camp but were unable to prove anyone in the camp was involved. Once fully staffed these are things the POP unit will do, target specific problems and problem areas. Capt. Pinkham and Officer Danie provided robbery prevention tips to a local bank, and met with a local business to review active shooter and robbery prevention tips.

**COMMUNICATIONS:** The two new communications specialists attended SPOTS school and

are progressing well through training. We held a dispatch testing this month. Oral boards will be scheduled with the top 9 scoring applicants to plan for anticipated vacancies. The dispatch supervisor attended the Primex Supervisors Academy to assist her in her new role.

The annual Project Good Morning Program Christmas party will be on December 16. For any residents not aware, Project Good Morning is a program we have hosted since 1995, focused toward elderly residents who live alone. They call in every day between 8AM and 10AM, if we have no contact by 10AM, we send an officer to check on them. Usually folks are okay, but there have been occasions where medical help was needed.

**DIVERSION:** Teen night had 180 youth in November. Nicole worked with the Strafford County partners on planning the Addiction Summit, which was held on November 20. Staff is working with partners to bring a movie and conversation on the impact on youth having incarcerated parents. This movie will allow service providers and community members to learn how best to help our youth, for the population of our community being raised by non-parental custodians.

As reported previously, Nicole attended the week long Juvenile Probation Transformation Certificate Program with the State team in Georgetown and is continuing the work here in NH in developing the statewide plan to roll out January 2020. This plan is to decrease the overutilization of probation and increase the amount of community based alternatives used to work with juveniles, including diversion. Overall we want a full juvenile justice transformation decreasing the amount youth touch the system. Staff will be working on this plan with the State over the next two years.

**FINANCIAL:** Our FY20 budget is overall in good shape. We are watching a couple of lines, such as medical services, which will be over due to exams for hiring and animal related investigations. Our budget meetings are underway for FY21. All entries are due into the system for January 10, 2020.

**HIRING:** Sgt. Cost has been working to prepare for the in house training of new hires Colson and Knox who start on 12/2/19. This leaves us with one full time police position still to fill. We are waiting for a background packet from a certified candidate.

Comm. Stanley asked if we are looking at staffing as part of this budget process, building that in for long term.

There is a specific format for new staff requests for the budget. We can work on this.

**HOUSING:** There has been a reduction in calls with the onset of colder weather. The holiday feast boxes will be distributed on December 6. There were six background checks completed for potential residents. Officer Blair was able to get several bicycle helmets for some of the children in the housing locations. Sgt. Babine has been covering several locations while both housing officers are recuperating from medical leaves.

**PROSECUTION - ADULT:** There were 255 new cases with 347 charges. There were 99 guilty pleas, 59 not guilty, 26 cases nol prossed. There were 80 who failed to appear, 30 found guilty by the court, 17 cases dismissed by the court and 6 cases placed on file.

**PROSECUTION - JUVENILE:** Juvenile prosecution had 26 petitions and motion to bring forward a diversion agreement for sentence. There were 11 arraignments (8 set for trial, 1 resolved by plea, 2 rescheduled, continued or failed to appear). There were seven trials (2 pleas, 2 guilty, 2 failed to

appear, or were continued and 1 dismissed due to error on the petition). There were two review hearings, six violation hearings, five dispositional hearings. Additionally Lt. Gould completed three investigations (one contempt and two bail jumping), and nine motions to impose suspended sentence.

**PURCHASING:** The radio project is moving forward. We updated the finance committee on project funding for the cost of the new tower as well as notification and signalization for the Fire Department.

The on line crime reporting project is moving along and at this time there is engineering/IT work on going. We are developing our list of crimes, which we will allow for reporting on line. We will have the ability with this platform to allow more citizen reporting.

Comm. Stanley commented that once we have the on line crime reporting demo in house, she would like to look at it. She was looking at the example from a neighboring community and it was not user friendly.

Dep. Chief Boudreau said that several Massachusetts agencies as well as Portland, Maine uses the platform we will be going to, so you can see it working.

Comm. Stanley asked if it could be modified by agency. Dep. Chief Boudreau responded that he believes we can.

**RENTAL PROPERTY OWNERS ASSOCIATION:** Lt. Bossi attended the November RPOA meeting. Lt. Bossi spoke with them about criminal mischief, and what it takes to meet the elements of the statute. The next meeting will be on December 5<sup>th</sup> at 219 Long Hill Road in Dover at the Hellenic Center.

**SCHOOL RESOURCE OFFICERS:** All of the School Resource Officers are teaching LEADS in their respective schools.

High School Highlights: Officer Jackson worked with the school regarding threats made to the school, attended training at UNH, taught two drivers ed courses, consistently conducted security checks at school and throughout area of Pines. He completed 12 Offense reports, 1 Arrest report (tobacco), and a MV Accident report.

Middle School Highlights: Sgt. Deluca has been working with the school on students with social issues, as well as stress and emotional issues. He worked with the City Manager regarding students cutting through the fairgrounds, began teaching, “avoid, deny, and defend” active shooter to the sixth grade, worked on a traffic issue at the William Allen School, and attended Teen night.

Elementary School Highlights: Off. Porfido visited all nine schools. He has made regular visits to the HOPE school. He worked with the kindergarten and Maple St School on an art project, assisted a student at William Allen regarding behavioral issues, worked with staff on the traffic issue at William Allen. He also coordinated a meeting of the Explorers with the NH State Police.

Explorer Post: Officer Jackson

Officer Jackson held 2 meetings this month.

**TRAINING:** Officer Marshall in in field training. Officer Riddle and Officer Crawford were released to solo patrol. Officer Coffey is progressing well. We have three recruits in the home stretch at the Academy, scheduled to graduate on December 20. We have two recruits set for Academy PT testing on December 16, and hopefully both will start the Academy in January.

We are wrapping up an annual use of force training, which includes handgun, rifle and shotgun qualifications.

Several officers attended various training classes to include:

- Ofc. Seager to Advanced Roadside Impaired Driving Enforcement (ARIDE). We have also requested to host this training in 2020 for Rochester officers.
- Ofc. Johnson to Rape Aggression Defense (RAD) instructor training
- Sgt. Cilley to Coaching for Performance
- The Deputy Chief taught a refresher course on active shooter response for the para-educators of the school district.

## **F. Other**

(1) Traffic at William Allen School. Comm. Stevens noted that a constituent raised a question about this as a safety concern. Is the Police Department aware of this issue?

Dep. Chief Boudreau said we are. It came up as a topic at the November public safety committee. There was a DPW project scheduled to start in the spring that will further exacerbate this issue with parking.

One of the big issues is that we have a school in a congested area, that when built was meant to be a walking neighborhood. Many of the kids don't walk to school any longer and adding parents and cars into the mix further complicates it. Granite Street and Sheridan Avenue are small side streets. Parking is limited to one side so when parents arrive at 2:30-2:40 for pick up, traffic, including the buses backs up on Charles, leaving people in line frustrated, and passing on solid lines just trying to get through there. The residents are concerned that emergency vehicles would not be able to get to them. Further, the residents can't even get home during this time. The Public Safety Committee is looking at traffic solutions and what can be done. The issue is the area is not made for the traffic it gets on a daily basis.

Comm. Stevens said the same issue was occurring on Maple Street and it became an issue of educating parents.

Chief Toussaint added all of the schools have similar problems. People are in their registered vehicles, going to public buildings, so we need to look at traffic pattern changes.

Comm. Stevens just wanted to ensure there is an emphasis on looking at this.

Dep. Chief Boudreau said that he doesn't want to speak for the committee. We need a better solution and we are working on it.

## **6. CORRESPONDENCE:**

Correspondence for the month included: Captain Steven Lee of the UNH Police Department thanks Det. Geoff Moore for his assistance with a drug investigation. Brian Brown thanks the Department for diligence in verifying his bicycle was not stolen.

## **7. INFORMATION:**

There was no discussion.

On behalf of the Police Commission Chair Peters wished everyone a joyous and safe holiday season.

**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 9:49 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. Stanley MOVED to award a merit increase on his respective anniversary date to Off. Geoff Moore (4.05%) and a merit track advancement to Off. Eric Ball and Off. Robert Frechette in accordance with the collective bargaining agreement. Comm. Stevens SECONDED the motion. The motion PASSED unanimously.**

**10. ADJOURNMENT:**

**Comm. Stevens MOVED to adjourn. SECOND by Comm. Stanley 9:50 P.M.**

Respectfully Submitted

Rebecca J. Warburton  
Secretary

APPROVED BY COMMISSION: 01/08/2020