

**Rochester Police Commission  
Rochester, NH 03867**

Derek J. Peters, Commissioner  
David R. Stevens, Commissioner  
Lisa M. Stanley, Commissioner

**MINUTES OF THE POLICE COMMISSION MEETING**

The Rochester Police Commission held their regular monthly meeting at the Police Department, second floor lecture hall, Friday, March 23, 2018 at 2:00 P.M. This was the rescheduled meeting following the weather cancelation of the previously scheduled March 7, 2018 meeting. Present at this meeting was Comm. Peters, Comm. Stevens, Comm. Stanley, Chief Toussaint, Dep. Chief Boudreau, Capt. Pinkham, Capt. Thomas, Chaplain Cilley and Secretary Warburton.

The meeting was called to order at 2:00 P.M.

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

B. Prayer. Chaplain Cilley led us in 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. February 15, 2018 regular meeting.

**Comm. Stanley MOVED to accept the minutes of the February 15, 2018, regular meeting as presented. The motion was SECONDED by Comm. Stevens. The motion PASSED.**

**4. OLD AND UNFINISHED BUSINESS:**

A. Any Old Business for Discussion - None

**5. NEW BUSINESS:**

A. Awards and Recognition: The awards and recognitions were postponed to the next meeting due to this meeting not televised.

B. Monthly Reports

1. Operations. Captain Thomas noted that only Ward 6 met in February, and 16 people attended. We covered information about field training, the comp stat report. There was an issue with cats brought up last month, so the Animal Control Officer attended to talk about that. Lt. Bossi answered some questions regarding overdoses.

Residents requested the speed trailer on Chamberlain Street and we have put that in the queue when the weather allows.

Councilor Gray discussed some legislative issues.

The Honor Guard will do a flag detail for CHaD at the battle of badges hockey game. Officer MacKenzie is only player from Rochester PD.

The K9 had six calls for service; three tracks and one drug search in Rochester. Daisy Mae's track on January 30<sup>th</sup> was her last, as she passed away from medical complications.

We have seen a significant increase in field activities since officers are being released from training. There are no trends in property crime. We did have one robbery of the Holy Rosary Credit Union where an arrest was made.

On the support side 42 cases were sent up to investigations for review. There are currently 56 cases assigned. There were 18 cases presented to the Grand Jury and all returned true bills.

There were four calls out this period – two untimely deaths, a suicide and a robbery.

We hosted a week long dispatch training course for APCO and two of our dispatchers attended.

Comm. Stevens asked if other agencies attended and if there were certificates provided from this training.

There were 15 other attendees at the training. The instructor is a Hampton PD dispatcher and they allow her time to offer these trainings and professional development. Our only cost was for the materials. The dispatchers all took an exam and received certificates.

Dispatcher Maddie Moule has been added as a tactical dispatcher to the tactical team.

There were twenty-two police calls at Housing complexes. Officer Blair completed ten backgrounds for potential tenants.

Nicole Rodler, along with Julie Perron from Bridging the Gaps, and Spaulding Principal Justin Roy attended the CADCA conference in Washington. It was an opportunity for them to learn some best practices and network with professionals in the field.

Officer Kyle Danie has been doing a tremendous job as the Community Engagement Officer. He is also filling in teaching the elementary LEAD Program while Officer Ball is out. The Skate with a Cop event was a huge success and had a great turnout.

Comm. Stevens noted the recent newspaper article about Officer Danie was very positive and puts the Department in a positive light.

Comm. Peters asked about the investigations case load. How that was holding up.

Chief Toussaint replied that we had asked for two additional people in our budget. The City Manager supported only one. That position will be slated to detectives. The other position is still listed, but is not supported by the City Manager.

Comm. Stevens asked about patrol handling lower level crimes.

Chief Toussaint said all officers handle various crimes, from the basic to the more serious. Some places in the state have patrol take the initial and then it gets sent up for investigation. The vast majority of our cases patrol takes it from the beginning out to any

charges. They get good exposure this way. If we sent all cases up to ISB, we would have to augment that staffing.

Comm. Stanley asked who decides if a case gets sent to ISB?

Chief Toussaint said it is decided through the chain of command. An officer could say the case is complicated and they don't have the time needed to follow up, or it could be the seriousness of the case, forensic interviews or traveling out of state. There are a lot of factors that come into play. So it's determined on a case by case basis.

Comm. Peters asked about the bicycle patrol, downtown foot beats and the motor cycle unit.

Chief Toussaint said we only have a few certified on the bicycle right now. We are concentrating on beefing up the bicycle patrol unit. It is an effective program and is well received. We have had people leave or be promoted so we are generating a list of interest. We have three bikes so we can add people to the unit.

The Motorcycle unit is similar in that people have left or have been promoted. We have a solid base and we would like to increase it. We don't have a need for the MC on the midnight shift.

Capt. Pinkham offered that with the new motor vehicle officers at the next shift rotation we may possibly get them on board.

Chief Toussaint said that would be if they want to. We would not force an officer that didn't want to be on the motorcycle.

Comm. Stanley asked what the real value of the motor cycle is.

Chief Toussaint said they are effective in getting in and out of traffic, they do very well with proactive motor vehicle work, and it frees up a cruiser. It is less expensive to lease a motor cycle than to purchase a full cruiser.

2. Administrative. Dep. Chief Boudreau said the last SUV has been received and been outfitted. Once we get the final bill following the install of equipment it will give us an idea if there is any funding left from cruisers, due to the healthy trade in allowance we received. We anticipate there will be enough to buy a back line car. We are looking at the

Fusion because it is roomier. The oldest Focus has about 95,000 miles on it. We were looking to replace it next year. If we get the approval to do this, it will reduce the number we are asking for in the next budget to three cars, one for the K9 and two front line.

Comm. Stevens commented then next year we will have all SUV vehicles.

Dep. Chief Boudreau said that is correct. The maintenance on these thus far has been much better than the Chargers. Generally at this time of the year we are transferring money into this line. As of this time we are under budget.

Comm. Peters asked about the tires.

Dep. Chief Boudreau said they are holding up well. We have worked closely on this, and where prior maintenance people didn't feel the need to rotate tires, we have been doing so this year at every other oil change it is prolonging the life of the tires.

Highway Safety announced the new round of grants at the beginning of the month. We received permission from the City Manager to apply for the DWI grant and the STEP grant. The applications are due on March 30.

Budget-wise we are in good position. We are 66% into the fiscal year and we are 66% spent overall. This is right where we should be for this time of year. Overtime is still trending over but it has come down from previous pay periods. We should have our next projection for the next meeting.

We present our budget to the City Council on April 24.

Sgt. Cost and Lieutenant Swanberry are working on hosting a 40-hour Crisis Intervention Team training with NAMI and other folks in the state. We want to get some of our new officers through the course.

In field training we have one in his final observation week, another ready to enter his final observation week and the other two the field training has been extended.

We had several officers attending training in the state including the 3<sup>rd</sup> annual retail crime symposium which Officer Danie and Sgt. Babine attended. This is good training because this area has been targeted on different occasions by organized retail crime groups who have cloned credit cards and things of that nature. The training lets us

be aware of what to look for and how to investigate these, as usually groups of people filtrate into an area using stolen cards and purchasing gift cards with them.

The Middle School youth to youth received \$350.00 to make a video on cyber bullying. We hope to be able to show this on the government channel when it's completed.

Comm. Peters asked what is going on with the JAG grant.

What is the time frame for spending the funds?

Chief Toussaint said it is still up in the air. We have two years to spend the funds. The money still hasn't been released. We think it may be because of the federal budget and stop gap measures they are taking to keep the government open. The money has been earmarked for the evidence team. We want to bring expert trainers here for three weeks and get our people certified. In this way if we have a major case that officers are testifying to in court, they will have the certification for this training. We will open this up to other agencies. We are targeting the fall for this course.

Comm. Peters asked about the Speed Trailer.

Dep. Chief Boudreau noted that he just signed the purchase order request for the new one. The company told us it will be about a month, which, works very well for us so it can be in use when the good weather gets here.

### C. Other.

1. Disarming Officers. Chief Toussaint advised the Commission of a phone call he had with Colonel Wagner of the State Police regarding an issue encountered with officers being armed while at events overseen by the Secret Service. This happens when the President, Vice President or other high profile people visit a community the Secret Service comes in and advises what they need for hands on deck. All the Police Departments work with them. There was a request for the recent visit in Manchester that the Secret Service wanted uniformed officers attending as guests at the event to disarm. I advised Colonel Wagner that in Rochester we are not disarming uniformed officers for anyone. I wanted you aware of the conversation, as you may hear more about this.

2. Ceremony for Daisy Mae. The Sheriff's Department has planned a memorial service for Daisy Mae. It will be held on Monday, April 9<sup>th</sup> at 10 AM in Council Chambers.

3. Decreases in Drug Crime Offense/Arrest. Comm. Stanley asked about the comp stat report and drug crimes in particular. It seems like there has been a significant drop year to year in arrests for possession. Is that because we can't arrest at an overdose.

Capt. Pinkham said that is correct. Since September of 2015 with the Good Samaritan law we can't make those arrests that we used to. The search and seizure laws are more stringent as to what the courts will accept. We were making a lot of arrests during proactive traffic stops, but due to those restrictions we have seen these numbers drop. We continue to approach this issue in a non-traditional way.

4. Disorderly Residence. Comm. Stanley said at the Ward 6 meeting when discussion about a particular house on Prospect Street, the following day she went to see Jim Grant in Building Licensing and Zoning office about what we could do. He suggested looking into the ordinance adopted by Franklin NH for disorderly residences. Comm. Stanley said she got copies of that ordinance and shared them with the two Ward 6 Councilors and asked them to look at it. It ended up getting forwarded to the City Manager, the City Attorney and now it is on the agenda for the Codes meeting for next month. That was not my intent. I wanted to talk about it and get some recommendations.

I'd like to put this on a workshop agenda to further discuss.

Comm. Stevens asked if there are laws already on the books that would help.

Chief Toussaint said there is a law on the books that deals specifically with drug houses for common nuisance. It's basically designed to deter "crack" houses. We have tried to use it. We tried to use this for the Riviera after the death of Eve Tarmey. However we needed more to ensure the owner of the property was aware of the activity.

It would be interesting to know if you reached out to Franklin as to their experience with this.

5. CRASE. Comm. Stevens commented that the Deputy did a good job on the recent training at the school. It was interesting to see the responses from those attending.

We spent time with Officer Jackson, Officer Kimbrough, Officer Danie and Sgt. Smith at the high school working with the teachers on the principles of this.

Comm. Stevens said all these things are good exposure for the Police Department.

6. Check Policy. Comm. Stevens noted he was contacted by a business about the policy the Department uses for prosecuting a person writing a bad or fraudulent check. The part that says you have to be able to identify the person who signs the check.

Chief Toussaint said this is what is needed to get a conviction. If the store owner cannot say that's the guy, we have nothing.

Comm. Stevens asked if a business owner collects the check because it's left on a door following a delivery, or it's mailed to them, seldom is that person in front of the business owner. How do we fix the problem?

Chief Toussaint said if you can't identify the person we can't get a conviction. If for instance it's a fuel delivery and the homeowner says I didn't sign that check that's all well and good. But if it's a check in their name and they are saying they didn't sign it, it doesn't take away the fact they still owe the business for the delivery received. Is it possible to identify signatures over a course of a period? Maybe. There isn't a good answer that would make everyone happy. Chief Toussaint said we can re look at it. But that provision is there so that we can get a conviction.

## **6. CORRESPONDENCE:**

Correspondence for the month included: Off. Krochmal and Off. Plumb are commended for professionalism during a traffic stop. Sec. Becky Warburton is nominated for the City Employee of the Year. Off. Marvin is thanked for compassion and professionalism in responding to a domestic dispute. Off. Williams-Hurley is thanked for assisting a family who were unable access their fuel tank to add fuel. Off. Forrest recognizes Sgt. Balint for his leadership and team work. Off. Bentz is thanked by a citizen for treating him professionally and with fairness rather than 'like a villain.

Comm. Stanley commended [amended] ~~Officer Williams-Hurley~~ Sgt. Balint and Officer Forrest on the correspondence.

## **7. INFORMATION:**

A. There was no discussion.

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

**Commissioner Stevens MOVED to enter a nonpublic session at 2:54 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.**

**The non-public session closed at 3:27 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. Stanley MOVED to award merit increases on the respective anniversary dates to Off. Justin Worthley (2.75%), Off. Brenden Bentz (1.9%), Officer Andrew Jackson (3.9%), Off. Dwayne Hatch (3.25%), Off. Jacob Benjamin (2.55%), Officer Nicholas Alexander (3.4%). Comm. Stevens SECONDED the motion and it PASSED unanimously.**

**10. ADJOURNMENT:**

**Comm. Stevens MOVED to adjourn. SECOND by Comm. Stanley 3:29 P.M.**

Respectfully Submitted

Rebecca J. Warburton  
Secretary