

**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 City Hall Council Chambers on Wednesday, April 4, 2018 at 7:00 P.M. 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. Also present were invited guests, members of the Department and general public.

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

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

B. Prayer. Chaplain Cilley led 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. March 23, 2018 regular meeting.

Comm. Stevens MOVED to accept the minutes of the March 23, 2018, regular meeting as presented. The motion was SECONDED by Comm. Stanley who requested an amendment.

Comm. Stanley said she misspoke one of the names under correspondence, and where the minutes say Officer Williams-Hurley it should say Sgt. Balint.

Comm. Stevens MOVED to accept the minutes with that amendment. The motion was SECONDED by Comm. Stanley and PASSED unanimously.

4. OLD AND UNFINISHED BUSINESS:

A. Any Old Business for Discussion – None

5. NEW BUSINESS:

A. Awards and Recognition:

1. Business Partnerships - Patrick Gagnon, Granite Steak and Grill – Postponed until next month due to unavailability of Mr. Gagnon

2. Employees of the Year

A. Support Employee of the Year was given to Lead Communications Specialist Nicole Knox. Specialist Knox joined the Department in 2015 and was promoted to Lead Specialist one year ago. Her peers had this to say about her. Nicole is a people person and has proven to be one of the most positive people around. She strives to keep morale high, and developed a positivity board in the dispatch center where anyone can acknowledge actions performed well. Nicole communicates clearly, provides guidance and is a great facilitator in mediating conflict. She supports new ideas and team work. She recently became an APCO Instructor. APCO is the Association of Public-Safety Communications Officials, which is the world's oldest and largest organization of public safety communications professionals. Her membership with this group will give her access to training and materials that she can use in her daily environment to benefit the City of Rochester.

B. Police Officer of the Year was given to Officer Jacob Garstin. Officer Garstin joined the Department in 2014. He regularly exceeds expectations for an officer with his length of service. His peers have this to say about him. Officer Garstin maintains enthusiasm and a positive outlook. His daily attitude is like his first day on the job. His drive can motivate an entire shift. While we were running bare minimum shifts, he remained a “hard charger.” While investigating a burglary he obtained video surveillance from the area and developed a suspect who was eventually charged with the offense. He is always advancing his knowledge of the job, and readily shares it with others. He excels at proactive police work. He was recognized for his efforts in traffic enforcement and knowledge of motor vehicle law. He is very kind and compassionate. His personnel folder holds many letters of appreciation from citizens he has helped.

B. Monthly Reports

1. Operations. Captain Pinkham reported that Wards 3 and 6 met this period. Ward 6 expressed concerns in a prior meeting specifically about Prospect Street and an abundance of cats.

Lt. Bossi attended the Rental Property Owners Association meeting on March 1, and answered questions related to references and background checks, as well as questions on security deposits. This is very beneficial information for those attending.

The K9 unit responded to three drug calls one was in Rochester. Officer MacKenzie attended Teen night. He is also actively training with another bloodhound to replace Daisy Mae.

The Honor Guard participated in the annual CHaD Battle of the Badges. Officer Mackenzie was also a player in that game.

Field activities are up as more officers get released to solo patrol and staffing improves. There have been no major areas of concern in property crimes. The numbers overall are lower than they have been. Violent crime is the same. We had one robbery at Rite Aid and a suspect was identified and arrested.

Comm. Stanley said overdoses look like they are up substantially. The news tells us they are up also in Manchester and Nashua. I saw a program on PBS a couple of months ago. There are a couple of communities in the country; this story in particular was in Ohio that are sending peer recovery coaches out with first responders to overdoses. I know we offer assistance in getting people into recovery, but they are having a lot of success in sending somebody out from the recovery organizations. I don't know that would be practical for every call, but I know there are situations where there are multiple calls to the same address and I'm wondering if that's something we have ever considered doing.

Captain Pinkham said it's something we have talked about in the past. Coincidentally he reached out to the recovery center today to talk about different approaches than what we have been doing and I am waiting to hear back. We can revisit it. I know in the past there were discussions about availability, staffing, funding and the center was relatively new in getting up and running.

Comm. Stanley said there are a couple of organizations in town now. She will forward the link to the story to Capt. Pinkham.

Chief Toussaint said we are open to suggestions and ideas to deal with this issue. Our CAR (Community Access to Recovery) has not been as successful as we want it to be. People have to have a lot of faith. If they are doing illegal acts and confess, there is a mentality still that

they are going to get in trouble. We do occasionally still bring people to the hospital and connect them with recovery coaches. I think it would be beneficial to have recovery coaches do ride alongs as we go to these calls frequently, but it couldn't be a paid position.

Comm. Stanley said that is what these other communities have found is that having a peer person they get a better response than just with law enforcement.

In the support division ISB had 30 cases sent from patrol for review. They have 61 cases assigned. There were 15 cases presented to the Grand Jury all returned true bills. The evidence locker took in 300 pieces, returned 101 pieces and 1746 pieces were destroyed.

There were 15 phones analyzed with the Cellebrite machine. There were compliance checks done on sex offenders and pawn shops.

There were five call outs for detectives including completed suicides, a stabbing and overdose. They also assisted the Attorney General's office with a fraud case.

The Communications Center hosted a week long basic dispatch training session. We sent two of our members through the course and both completed the training and were issued a certificate.

There were 25 Police related calls at the housing complexes. There were 8 backgrounds completed for potential tenants. There was a complaint of drug activity at one residence and that is being addressed.

Comm. Peters asked if they only concentrate on Rochester Housing properties. The answer is yes primarily because their salary is paid through an agreement with Rochester Housing.

The Teen night numbers were down again this period. There is just one session left for the school year and we will complete a critique and ways we might be able to improve.

We are three weeks in to the Citizens Academy which is going well.

In prosecution Lt. Gould completed 12 investigations for truancy and 11 warrants have been issued to parents for compulsory attendance.

Officer Ball returns to duty on April 16 and will resume teaching the L.E.A.D program.

Comm. Stanley asked how frequently do students get the L.E.A.D. program. Is it once per grade or more often?

Dep. Chief Boudreau said the course can be taught to grades 1 – 12. We identified three key age groups and teach it to Grades 3, 6 and 9, once per year. They get one class per week. This is the first year we've had the whole year to do it so some schools had the training during the first half of the school year, and the rest are finishing up in this second half.

Comm. Peters asked that we have the L.E.A.D. officer come and present on the program at the next meeting. What they teach at each level. It is a good time to discuss, as we have been doing it for a full year now.

Officer Danie has been busy with CEO duties. Some things that he participated in included Teen Night, meetings for community events, downtown foot patrols, the Rotary fingerprint project, training as a RAD instructor, maintaining the face book page and also presenting during active shooter training courses.

2. Administrative. Dep. Chief Boudreau said the last SUV has been outfitted and is on patrol. Now that we have received all of the bills for that, we have submitted a request to finance regarding purchasing a backline car from monies left in the CIP. This would reduce our CIP request for this year by one car.

The speed trailer that was totaled in a hit and run accident has been ordered. We are told the build time is about one month.

We are 75% through the budget year and our operations lines are on target at 72% spent. We are in good shape. The latest projection has us approximately \$200,000.00 to the good with most of the savings coming from salary and benefit lines. Overtime remains overspent when comp time is factored in.

Comm. Peters asked the status of the JAG grant? We have not heard any update. Hopefully with the federal budget passing we will hear something soon.

Two of the four officers in field training were released to solo patrol. The third is set to be released next week. The fourth is doing well and making good progress.

We hosted the Remington 870 Shotgun Armorers class. It is a two-day class that Remington charges approximately \$750.00 per seat to take, and this was the only course offered in the Northeast in 2018. There were approximately 20 people in attendance. As the host agency, we were able to send one officer through the course at no fee.

We were able to reserve one slot by hosting for free. It's a two day class.

Other training attended this period included our use of force mandated training, certifying officers to teach RAD (Rape Aggression Defense), FBI LEEDA public relations training, and first line supervisor.

We also held some CRASE (Citizen Response to Active Shooter Events) training. Several classes have been taught at the hospital, at the school and multiple city departments on defending oneself, denying entry to classrooms and defending oneself, which has been well received.

Bridging the Gaps had another busy month. They worked with the high school to offer a career day to freshman while other students were doing PSAT and SAT's. They brought in a two-time Olympian to talk about healthy self images and goal setting.

The sustainability work group met to talk about the future of the coalition as we get to the end of the grant. We are also registered for National Drug Take Back Day on April 28. This will be from 10-2 and we will again set up a drive through lane outside of the Police Department where people can dispose of unwanted medications and then continue along their way.

Comm. Stevens asked how many participated last year.

Dep. Chief Boudreau stated that we don't track by people. We collected 13 boxes which had a weight of over 200 pounds of unwanted medication to dispose of. Chief Toussaint added it is so critical to get this off the streets. Many people when asked say the first exposure was taken from a medicine cabinet.

We have started another hiring process. The next possible class we could enter someone is in late August.

C. Other.

1. Comm. Stanley stated that at the State of the City breakfast the Mayor had an open forum soliciting ideas about the good and bad about Rochester. There was some discussion of the downtown and the perception of people not feeling safe, or that there was an unsavory element in the downtown. The City Manager rightly brought up arrest statistics and police response doesn't bear out that it's unsafe. When talking about trying to revitalize a downtown, its perception. So I'm hoping that now we have fuller staffing and the weather is improving it would be great to see consistent and strong foot patrols in the downtown.

Chief Toussaint said he would like to address both of those points, saying he was unable to attend the State of City breakfast this year. Feeling unsafe in the downtown is absolutely a perception. The comp stat report shows we have our share of violent crime in Rochester. Every month during comp stat I ask are we seeing random crimes. Are people just being assaulted, accosted and harassed walking in the down town. And the answer is no. We don't have a high level of crime in the downtown. Consistently, month to month and year to year the crimes we have are from people that are known to each other. A lot of them are domestic violence that happens in homes. We have robberies, and sometimes spreeds of them, for pharmacies and convenience stores, but the vast majority are drug deals gone bad, to be honest; people that are involved in a subculture treating each other badly.

Chief Toussaint said if you do see quality of life things, people doing things that give you a perception this is not the safest place, please call us, immediately. We know how important a downtown is to any community, and with so many people involved for many years trying to revitalize it, we take this stuff seriously. As Captain Pinkham mentioned, Officer Danie, the community engagement officer, a major part of his job is to work with the down town businesses, to have frequent contact regarding quality of life or safety issues. We are not seeing random crimes of assault or things of that nature when people are walking in the downtown. We are not seeing people being accosted or harassed. The average person should not be afraid to walk in the downtown any time of the day or night.

Chief Toussaint said I understand and I've heard that perception of Rochester; that it's a dangerous place. We have our share of violent crime, but not random crime and people walking downtown to go to a restaurant or shop should not fear being mugged, assaulted or harassed. I think that's important to clarify.

Last year was not a good year for us for staffing, but we are almost back to full staff. We talked last month about beefing up the bicycle patrol unit. We had ten officers express an interest and we have decided to add all of them to the unit. It's that important to us. We use them for enforcement of bikes on sidewalks, or people hanging around and doing things that make people feel unsafe. The bikes travel well in and out of traffic. We can use the unit from the onset of good weather, right into the late fall. We will be purchasing gear and offering an abbreviated training on bike patrol.

Comm. Peters asked if we could explain what area the bicycle patrol covers. It's not just in the downtown.

Chief Toussaint said we like to keep them generally in the downtown. If there are no calls we will send them to neighborhoods and side streets. First you have to define what is the

downtown? I know what I think it is in my head, but it may not be what others are looking for. My thumbnail sketch is from the Commons to the High School and into the Pines.

Comm. Stevens asked have we considered taking them to East Rochester and to Gonic for a couple of hours to get familiar with the neighbors.

Chief Toussaint said we have done that in the past, putting a bike rack on one of the cruisers. That becomes an event tying up a cruiser for that. So we do that as needed, but we have found it's easier to have an officer do that on foot patrols, and that way they can jump back into a cruiser if needed.

Comm. Peters said we will also start to see the motorcycles out as well.

Chief Toussaint said yes, that too is weather dependent. The motorcycles we do primarily traffic. You are not sneaking up on anyone on a motorcycle. But they are effective for traffic as people are not expecting it.

Chief Toussaint said with the increased staffing we are encouraging shift supervisors to give the officers a bit more freedom. What we want is for the ideas to bubble up from the bottom. Officers may say here is an issue. Maybe its people hanging out in front of Frisbie's south main street campus and it's making people uncomfortable. A lot of those people may be wanted and are doing things we don't want them to be doing. You put a couple of officers in plain clothes and walk right into the crowd, ensuring people are behaving.

We were hamstrung a bit by staffing last year but we are right up there this year, just one short of full staff right now. We plan to have an active proactive summer. Even with the low staffing last year it was not the Wild West down there. It just isn't. Our numbers just don't bear that out. And I know people will say well I had a bad experience. And I would challenge that person to say well what did you do. Did you call us and let us know.

Comm. Stanley said that is important. At RUN meetings she has seen that folks are hesitant to call.

Chief Toussaint said when he has gone to RUN meetings he has said this is your neighborhood, this is our city. If you don't feel safe walking down your street, where your house is, that's a problem. People may not be doing anything illegal, but playing music loud hanging out and using inappropriate language is a problem if you are afraid to walk past them. Give us a call. We will work with you and deal with it.

2. Disorderly Residence Ordinance. Comm. Stanley said the disorderly residence ordinance ended up on the May agenda for Codes and Ordinances committee. I think we should have a workshop to discuss it. Unless you think it should die.

Chief Toussaint said we had Lt. Bossi reach out to Franklin and see how their ordinance was working out. As suspected the ACLU has issues with it. They haven't charged anyone. They use it as a tool to get people to talk. They run a dispatch log at the end of the month of the repeat residences and then send a letter to the landlord to remind them of the ordinance and invite them in to talk. We don't need necessarily an ordinance to do this. We can use CEO or Ward Officers to notify landlords and request they come and have a chat with us. There is a perception that there are all these absentee landlords that don't care about the property or the community, but we haven't found that. There are some. But the majority does want to do the right thing. They don't want to be associated with a property that's blight to the city. I think we can do a better job of problem solving and working with landlords. We don't want to charge anyone. The object is voluntary compliance. I would suggest that we let this lie for now and try to be a bit more proactive. I'm not confident that ordinance would sustain a legal challenge.

Comm. Stanley said she was speaking with a landlord just before this meeting. And he said they need to know when there are calls to the property. They don't always know of problems unless another tenant tells them. So maybe it is developing internal procedures to ensure landlords are notified. I understand that you are required to post in the building who the owner is. This is set to be discussed by the Codes committee at the meeting in May, so we probably ought to have a comment.

Chief Toussaint said I am all for an ordinance, but he would defer to the legal bureau to see if the ordinance would withstand a legal challenge. Otherwise we are just spinning our wheels. If legal says it would sustain the challenge, I'm for it, but I think it should be our last resort. I think it's a bit lazy to just say here is your summons.

Comm. Stanley said it would have to be adapted to Rochester. It's another tool in the tool box.

Comm. Peters said this was tabled indefinitely by the past Commission in 2006. We'd have to take it off the table.

Comm. Stanley said there was a lot of commentary and it may not have been presented in the right way.

Chief Toussaint said I think the codes committee is the proper forum.

Comm. Stanley said I wanted to bring it here because so much of the enforcement comes back here.

Comm. Stevens said you have to be careful creating laws where there are so many that people don't even know what they are most of the time. We have enough laws that we have to have and sometimes adding doesn't solve the problem. Trying to change through dialogue and voluntary compliance is better.

Chief Toussaint said a lot of that is perception as well. What is actually going on at a house that is getting all the attention? People jump to conclusions without knowing the whole story. At a minimum we can do a better job in notifying landlords with problem residences.

Comm. Peters said I don't want to be caught behind the 8 ball, Will they include us in the discussions and input. The other part is we have a code compliance officer. What is his role in this?

Chief Toussaint said the Building, Zoning and Licensing Service is very active in code compliance and is doing an outstanding job in getting residences up to code and in compliance. Their mandates are not usually behavior but more with structure and surroundings.

Comm. Stanley said it was Director Grant that pointed me to this.

Dep. Chief Boudreau said a lot of landlords don't know they can make a records request for the property they own and get a listing of all the calls we have responded to. We encourage them to do that.

Chief Toussaint added we have on line technology that residents can plug in a section of the community and see where the crime is happening. This is something we should be promoting.

Comm. Peters said that this is something Lt. Bossi can share with the landlords, and how to get this information. It's another tool for them.

Chief Toussaint said if we are having a problem at a specific residence, we can make sure we get on the phone with the property owner. There's no ordinance but this is what is going on at your building.

In defense of the landlords it is hard to get problem people out once you have rented to them. A lot of them are working and trying to get people evicted, but the speed at which it happens is frustrating.

Capt. Pinkham added that once they are evicted, they are still in Rochester, just at a different address and different neighborhood.

Comm. Peters will set up a workshop to further discuss this regardless of what happens at the Codes meeting

Comm. Stanley said I would like to go to that Codes meeting with some real recommendation for improving this.

6. CORRESPONDENCE:

Correspondence for the month included: Off. Pendlebury is thanked by Evidence Technician Stephen Kerlee for the work he did in filling in for him while he was out of the office. Off. Kyle Danie is thanked by a person for the understanding and reassuring way he addressed a young juvenile with fears of the police. Sgt. Cost is thanked for his continuing representation of the Rochester Police Department while presenting at criminal justice courses at New England College.

7. INFORMATION:

A. There was no discussion.

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

Commissioner Stanley MOVED to enter a nonpublic session at 8:08 P.M. pursuant to RSA 91-A: 3, paragraph II, section A (personnel) and section E (legal.) SECOND by Comm. Stevens. 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 8:28 P.M. on a MOTION by Comm. Stanley, who also MOVED to seal the minutes. SECOND by Comm. Stevens. The motion PASSED by roll call vote 3 – 0 with Comm. Stanley, Comm. Stevens and Comm. Peters voting in the affirmative.

9. MISCELLANEOUS:

Comm. Stevens MOVED to award merit increases on the respective anniversary dates to Sgt. Marc Cilley (3.75%) and Off. Charles Pendlebury (3.35%) Comm. Stanley SECONDED the motion and it PASSED unanimously.

10. ADJOURNMENT:

Comm. Stevens MOVED to adjourn. SECOND by Comm. Stanley 8:33 P.M.

Respectfully Submitted

Rebecca J. Warburton
Secretary