

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 by remote access on Wednesday, May 6, 2020 at 7:00 P.M. Participants in this meeting: Comm. Peters, Comm. Stevens, Comm. Stanley, Chief Toussaint, Dep. Chief Boudreau, Capt. Thomas, Chaplain Cilley, Secretary Warburton. Also logged into the meeting were Samantha Rodgerson, CIP Senior Executive Assistant to the City Manager & City Council and Celeste Plaia Rochester Government Channel Coordinator

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

Preamble for City Meetings during COVID-19

Good Evening, I am Derek Peters. As Chairperson of the Rochester Police Commission, I am 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.) **Providing public access to the meeting by telephone:**

At this time, I also welcome members of the public accessing this meeting remotely. Even though this meeting is being conducted in a unique manner under unusual circumstances, the usual rules of conduct and decorum apply. Any person found to be disrupting this meeting will be asked to cease the disruption. Should the disruptive behavior continue thereafter, that person will be removed from this meeting. The public can call-in to the below number using the conference code. This is currently set to allow the public to “listen-in” only, there will be no public comment taken during the meeting.

Phone number: 857-444-0744

Conference code: 843095

b.) **Public Access Troubleshooting:**

If any member of the public has difficulty accessing the meeting by phone, please email becky.warburton@rochesternh.net or call 603-330-7134.

A. Pledge. No pledge due to remote meeting.

B. Prayer. Chaplain Cilley offered 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:

***note – the Police Commission did not meet in April due to pandemic – COVID-19.**

A. March 6, 2020 regular meeting.

Comm. Stanley MOVED to accept the minutes of the March 6, 2020 meeting as presented. Comm. Stevens SECONDED the motion. The motion to accept the minutes PASSED by roll call vote 3 - 0 with Comm. Peters, Comm. Stevens and Comm. Stanley voting in the affirmative.

4. OLD AND UNFINISHED BUSINESS:

A. Policy Update; Second Reading for adoption

1. Policy 1.3.4.2 Use of Force, Pepper Ball System

Comm. Peters read by title only for second reading and adoption policy update 1.3.4.2 Use of Force, Pepper Ball Gun [System]; opened for discussion and overview by Deputy Chief Boudreau.

Dep. Chief Boudreau recapped that the old pepper ball launcher was specified by name in the policy and it is no longer in service. We also adapted the naming of the policy and updated some of our language such as saturation and target areas in line with recommendations by pepper ball policies.

Comm. Stevens MOVED to adopt Policy 1.3.4.2 Use of Force, Pepper Ball System. Comm. Stanley SECONDED the motion. The motion PASSED by roll call vote 3 - 0 with Comm. Peters, Comm. Stevens and Comm. Stanley voting in the affirmative.

5. NEW BUSINESS

A. Accept Resignations

(1) Officer Geoffrey Moore (effective 3/13/20)

Comm. Stevens MOVED to accept the resignation of Officer Moore with regret. Comm. Stanley SECONDED the motion. The motion PASSED by roll call vote 3 - 0 with Comm. Peters, Comm. Stevens and Comm. Stanley voting in the affirmative.

(2) Officer Craig Forrest (effective 5/9/20)

Comm. Stevens MOVED to accept the resignation of Officer Forrest with regret. Comm. Stanley SECONDED the motion. The motion PASSED by roll call vote 3 - 0 with Comm. Peters, Comm. Stevens and Comm. Stanley voting in the affirmative.

B. Monthly Reports

OPERATIONS: All ward meetings are on hold during the pandemic.

The investigations bureau had 29 cases submitted for review. There are currently 77 cases assigned. There were four detective call outs, (2 Deaths, 1 robbery, 1 fire.) There were three compliance checks for sex offenders. There were 300 pieces of evidence logged in, and 20 items returned to owners.

CEO/ COMMUNITY ENGAGEMENT OFFICER: POP Officers Robinson and Seager were reassigned to patrol this period. They will resume POP duties May 4. Officer Danie and Sgt. Babine have been assisting Detectives and Patrol getting information out to patrol. They are maintaining a downtown presence and completing business checks, incorporating bike and foot patrols. They distributed a flyer to local auto dealerships regarding a recent string of motor vehicle thefts.

COMPSTAT: The April report is not available yet, so we are reporting out on March, which reflects an impact to our numbers due to the COVID-19 pandemic. The first part of the month did not have any quarantine orders in place; however, during the second half of the month, the Governor did enact a “stay at home” order which severely reduced proactive activities, and all categories have declined.

As expected, Field Activities drastically decreased during the month due to the reduction of proactive enforcement because of the quarantine and limited contact with citizens for officer safety. Crashes were down 23% due to the reduced number of vehicles on the road. The number of DWI's was down for the month, 5, compared to 10 in February. Of the five, two were from crashes.

Burglaries were up from the previous months, but it is important to point out they remain consistent with 2019 numbers. The previous two months had a low number of burglaries, which was the trend in 2019 as well. There were no trends related to burglaries for the month with one exception. A vacant house, under reconstruction, was burglarized twice in the same week. The other burglaries were not related, nor do they appear to have similar MO's—all are still under investigation.

Other theft related cases appear to be consistent with the effect the pandemic restrictions had on Field Activities. There was a slight increase in Shoplifting over the previous month however, that total number for the year is lower than 2019. Walmart has seen an uptick in cases. No other category of theft cases appear to be related, or have similar trends that would lead one to believe they are related.

There is a significant change this year, trending upward, in vandalism related cases. Many of these are DV related while others seem to be burglary/theft related. There does not appear to be an increase in random destructive acts rather these vandalism cases are part of specific isolated incidents.

Drug related activity remained consistent throughout the month. Most of the possession cases were the result of search incident to arrest, or vehicle searches. The number of overdose related calls officers responded to decreased slightly in most categories with the exception of fatalities. There were 4 fatalities during the month—all still under investigation. Officers continue to promote rehabilitation and recovery services.

Overall, the city has experienced consistent levels of activity in all categories during the month of March. There does not appear to be any trends or crime series connecting different property crimes. The assaults appear to be committed by persons known to the victims.

Comm. Stevens asked how we are with overdoses compared to last year.

Capt. Thomas replied year-to-date we are up in overdoses; 35 compared to 21 in 2019. However, April has seen a sharp decrease with only one for the month.

Comm. Stevens said he thought we were on a downward trend between 2018 and 2019, with fewer overdoses.

Capt. Thomas said that is correct. We were down last year over 2018, but fatals are up.

COMMUNICATIONS: We are working to cover upcoming maternity leaves for three dispatchers. It is important to note that the other dispatchers, both full time and per diem have stepped up to cover the shifts and are doing a tremendous job. That is worth mentioning.

Our new dispatcher is now 8 weeks into training and has done well learning Fire and EMS. She will be transitioning over to police dispatching.

Trainings were canceled this month because of the COVID-19 pandemic.

The Center celebrated Telecommunicator Week this month spotlighting each dispatcher with a little profile that went out to the Police Dept and the Fire Dept along with posting on the FB page. We received a lot of positive feedback from the public and it was nice for the staff to hear how much they were appreciated. We really appreciate all their hard work especially during this trying time.

The dispatchers have been diligent at cleaning the center and maintaining social distance. The backup Center is still at the Gonic Station in case we need to decontaminate the one at the Police Department.

DIVERSION: April and May Teen nights were canceled due to COVID-19 risks. On average there were 214 youth attending per event during this year. Teen Travel for the summer has been canceled, but conversations will be held as to providing opportunities for the teens to connect over the summer should COVID circumstances change.

Nicole continues to work on the Juvenile Probation Transformation Certificate Program with the State team. There have been some delays in our rollouts due to COVID circumstances. Overall, the plan is still in place with a roll out of an assessment tool developed to direct cases into diversion or probation prior to any court filings. The team is hopeful that activities will take place in the fall, starting with the statewide Summit that is in planning.

Nicole held the first virtual Intake and Diversion Panel hearing this month. Many programs across the State have continued services through this model allowing Departments an effective and timely tool in juvenile justice.

As NHJCD Network's Board Chair, Nicole has worked with the Diversion Network partners in establishing programs for Coos County, Rockingham County and firming up the program in Carroll County. As of the end of April, there will be Diversion programs overseeing the entire State of NH- the first time ever that RSA 169B:10 can be the option to every youth in NH.

Nicole has been working with the NHJCD Network's Evaluator on establishing NH's diversion programs as Evidence-based and currently as a promising practice. This process will roll out over the next year, but will produce a replicable program manual so we will be able to create more programs in NH and shared nationally.

Nicole has completed all necessary trainings and paperwork for recertification as a Certified Recovery Support Worker (CRSW), allowing Staff to continue services to the PD as needed.

EMD USE: Display and Deploy: None Display Only: One

FINANCIAL/PURCHASING: We are approximately 83% of the way through FY20 and overall our operating budget is very good shape. Our O&M lines are currently spent to 70%. The budget freeze enacted on March 19th by the finance office has been extended into May. We have still been permitted to make purchases in line with our essential functions.

We have received authorization to draw down on the JAG grant and have moved forward with ordering of the new outer load bearing carriers. We will need to have the vendor come for sizing of all personnel. You should see us transitioning to those in the coming months.

The radio replacement project is continuing to move forward. The staging of our equipment is complete and the design approved. We released our second payment to Motorola. We continue to work with 2-Way on work that needs to be scheduled in our building. They are set to be here next week working on the tower and our radio room, before moving into dispatch. When it is all set, it is simply flipping a switch.

We have picked up one of our new frontline cruisers. The second is on the lot at the dealership. We will pick it up after we remove the emergency equipment from the car we are trading. We will need to schedule installation of said emergency equipment into the new cars with our vendor.

Purchases of \$5000 or more which would require a signature from the commission this month.

- Purchase order for outer carriers
- Second payment to Motorola for the radio replacement.

FORFEITURE SPENDING: There was no forfeiture spending this period.

HIRING: Certified Officer Matt Kimball started employment on April 27th. He will be assigned to field training after some in house training. Police Standards will reinstate his certification pending a successful physical training test. This leaves us with one full time patrol opening, with another vacancy on the horizon.

HONOR GUARD: The C.H.a.D. football game in June 2020 has been canceled due to COVID-19. The Honor Guard has been requested to participate in the Memorial Day Parade and ceremony, but we are waiting to see if permits will be granted.

HOUSING: We had 36 Police related calls for service this month. Officer Blair has adjusted his operations to comply with COVID-19, but is still patrolling and being a presence at the various buildings. Officer Funk remains out of work due to injury. Marsh View had reports of a transient person getting to the building and breaking in to the coin operated laundry machines. Maintenance repaired a broken door and that activity has ceased.

Following reports of a resident letting people into the building at Wyandotte, Housing put up notices of no visitors during the Covid pandemic. This is not easily enforced. Officer Blair, Officer Danie and Sgt. Babine have stepped up presence at that location.

There were only two background checks completed for new residents.

K-9: This month the Rochester K9 Unit responded to five calls for service. All of the calls were for tracks, and they were all in Rochester. Officer MacKenzie and Phlirt did some foot beats in the downtown area. They are checking in to the after-hours hot spots such as Cumberland Farms and Walgreens. Walgreens has become less active since they started closing at night.

PROSECUTION - ADULT: Due to limitations in operations being imposed/mandated by the Court, adult prosecution has been working in a reduced capacity.

PROSECUTION - JUVENILE: These numbers are not typical but are a result of the reduction in cases presented by the Court. Juvenile prosecution had 16 petitions, and 1 CHINS. Most cases were canceled during the pandemic. The following were resolved telephonically: 1 arraignment, 4 review hearings, 1 dispositional hearing and 1 trial resolved by plea. Lt. Gould worked on a project for the City Attorney.

RENTAL PROPERTY OWNERS ASSOCIATION: The April and May meetings were canceled. They are exploring doing a meeting via Zoom.

SCHOOL RESOURCE OFFICERS: **COVID-19 school closures went into effect March 18th. SRO Jackson and SRO Porfido have been assigned to Patrol during the closure while SRO Deluca has been assisting the schools with helping families in need of services in getting food and other items needed during the closure.**

Middle School Highlights: Sgt. Deluca continues to assist the Middle School with student attendance and schoolwork issues as well as joining in on online classes. He and Officer Porfido,

and with the truancy officer and the Assistant Superintendent have been checking in on students who have not checked in with the on line learning. Sgt. Deluca has been attempting different activities with as many students as possible. He is still attending all the school meetings via Zoom teleconferencing. He has been assisting with organizing and dispersing the food bags to families.

Explorer Post: No meetings were held this period.

TRAINING: The Academy was interrupted by COVID-19. Officers' Colson and Knox transitioned to remote learning and both successfully passed their final exam and received certification. They will move into field training for about 10 weeks before going to solo patrol.

Officer Bilodeau was released to solo patrol this period. Officer Alexander returned from military deployment. He was deployed for more than a year. He will have a short field-training program, some in house training on policies, and qualifications, before being released to solo patrol.

With the COVID-19 pandemic, all outside trainings were canceled. We are continuing on line training courses through the Policeone Academy. We are completing some of our long arms training at the range, which we normally do in November. These efforts will have most officers in compliance with annual training requirements from Police Standards ahead of schedule.

C. Other

(1).Activity and Calls for Service. Comm. Stevens asked about the breakdown of priority one, two and three calls. Has there been a decrease in the last month with the number of calls.

Capt. Thomas said that we don't yet have the April compstat report showing that breakdown. Looking at the last report, the combined number of all priorities is up from 3177 on the last report to currently 5116 year to date.

Chief Toussaint added there has been a steady increase in all categories, which we discussed as part of our budget presentation on workload last week in requesting for two officers. . The work is still there and increasing month-to-month and year-to-year.

Comm. Stevens commented that with less people out he thought we might see a decrease in some areas, but instead we have seen an increase in domestic violence.

Chief Toussaint said with the decrease in proactive time, one of our strategies to combat this and to keep officers safe as we are getting up to full staff, we reduced proactive activity so that officers were not needlessly exposed. It seems counterintuitive. However, the courts are effectively closed both at Superior Court and at District Court. There is no Grand Jury, so making arrests would back up the system.

(2).Domestic Violence Outreach. Comm. Stanley noted she is hearing about the spike in April related to domestic violence. Capt. Pinkham did a great story in Foster's yesterday getting the word out on how to reach out. As we are getting the POP officers back to that unit, we need to make sure we are focusing on this and doing some outreach to folks that might be vulnerable.

Capt. Thomas said that he would share this with Captain Pinkham.

Comm. Stanley said since we are doing less in traffic, and we know this is a hotspot, with the help of Det. Frechette we could put some focus on this.

Chief Toussaint said other than outreach; we do a lot with domestic violence. We have a full time officer dedicated to the domestic violence project at the county. He works closely with all the partners such as Haven and the Family Justice Center. That group constantly shares the information. There is not a whole lot of patrolling and throwing resources at this. I do not think it is an unknown that its not acceptable behavior in this day and age, but we continue to put the message out.

Comm. Stanley said she respects that and all the work that is done with the Family Justice Center and Haven. It seems though we can put some smart people in a room and brainstorm some ideas.

(3). POP Unit. Comm. Peters asked if we are tracking the POP unit activity month to month so that we can see at year-end how it has been working and how successful it has been.

Capt. Thomas said yes, it is easy to track and easy data to collect.

Comm. Peters said it's important to see the impact they will have as they take some of the work from patrol.

(4). Operations Overview.

Chief Toussaint said he wanted to provide a general overview of where things stand in the Department. He said since the stay at home orders came out several weeks ago, we have had the command staff working remotely from home. He said, I have been coming in, because I think it's important to have someone from command here. The theory behind working from home is when this [pandemic] first started the projection and predictions for how this would affect agencies were dire. We did not want to be caught without supervision should a patrol Sergeant, or shift go down. We approached this with a "next man up" philosophy in place so that operations could continue.

We also instituted in collaboration with city leadership limiting the amount of exposure for officers and first responders. These responders obviously have direct contact with many people daily. We worked with the EOC to ensure adequate PPE, including eye protection, masks, gloves and ponchos to put over the uniform in the event of a CPR situation.

We have had daily talks about protecting officers and minimizing exposure. We initiated an essential on call day for each officer during the week. As we were not having officers do proactive work, to minimize contact, we did not feel we needed all of them at once in direct contact with each other. This on call day was not a vacation day. They still had to be prepared to respond to work should shift staffing or call volume necessitate it. We did have to call officers in during this on call "COVID" day.

The City is starting to look towards some sense of normal with employees. I'm told the plan is that DPW employees are back to full staff starting Monday of next week. Command staff will be coming back and we felt this was a good time to end those COVID on call days. Officers will return to normal schedules effective on Sunday, May 10.

We have learned a lot about social distancing and technology and holding meetings remotely to minimize exposure. We need to get back to a normal state. As the State moves to reopen, we are still going to limit proactive activity. The Court is still at a standstill. There are no trials taking place, so every arrest we make creates a backlog with the court.

We want to be seen in public. The weather is getting warmer. We added nine officers to the bicycle patrol. The big issue in the past has been funding the equipment. We had money left in a JAG grant, when the items we purchased initially came in under estimate. You will start to see officers out on bikes more frequently. We will be setting up some training for them soon.

The sense of normalcy is going to be different than it was. We do not want to be face to face if we do not have to. We had spoken in the past about the on line reporting software that we rolled out earlier than anticipated so that people do not have to wait for an officer. The report is submitted and reviewed. The Lieutenant will decide if it needs further investigation and if so it will be assigned for follow up. Many of these reports are things needed for insurance, such as someone scratched a car. They no longer have to wait for an officer if there are no suspects. They can also upload photos.

Dep. Chief Boudreau noted that we have had an issue with the photo uploads that we are working to correct with Lexis Nexis and IMC.

We will still maintain distancing measures in our lobby. Some people come in and do need to be seen face to face with an officer. We are directing as many as we can to a phone call, or officers are speaking to them via the lobby phone. This is not to be distant or cold, but protection of officers and citizens from exposure as much as possible. The social distancing is going to be the new norm moving forward in how we do things.

Our evidence technician is still out due to being in the high-risk age category. We have more work to do with decontamination of the items that move through the evidence locker, such as backpacks. We are working with human resources and the EOC. Once those details are ironed out, we anticipate bringing him back to work.

By the end of this week, we will have two openings to fill. The Academy continues virtually and Sgt. Cost has been putting together a hiring process. We will need to figure out how to set up interviews with the Commission. We are hoping to send them to the Academy in August.

We are in better shape with hiring and staffing than we were at this time last year. Last week we presented our budget, which included a request for two new police officers. The City Manager supported that request as half year positions starting in January. We still have a way to go from budget presentation to budget adoption.

We are fortunate that we have come through this, thus far, not down a lot of people due to illness.

Comm. Peters asked if the vehicles are being sanitized.

We are having a company come in each week to clean them.

Comm. Peters asked if the motorcycles are up and running.

Chief Toussaint said yes, we do have them out.

Dep. Chief Boudreau added that we only have two patrol officers on the motorcycles. All other certified riders are either in detectives or promoted to Sergeant. Outfitting and training people on the motorcycle is more expensive.

Comm. Peters asked if Officers are using some of this time to catch up on reports.

Capt. Thomas said most are. They are still going from call to call. As we speak right this moment there are ten calls pending on the board. 4-12 is the busiest shift. For the most part officers are caught up.

Comm. Stevens asked if the EOC is still active, or is that scaling down.

Chief Toussaint said the EOC is still there five days a week and available by phone. It has been a good experience for us as on a couple of occasions we had some exposure and testing questions. They have been a useful resource.

The testing at the National Guard Armory is a benefit to us because when this first started anyone that was symptomatic we could potentially lose them to self-quarantine for 14 days. Now we can send an officer right over and know within 24 hours if it's positive or negative.

Comm. Peters asked how long that site would be open.

Chief Toussaint said we are not sure as it was opened at the direction of the Governor.

6. CORRESPONDENCE:

Correspondence for the month included: Off. A motorist who had stopped to assist at a serious accident scene thanks Johnson for her compassion. Off. Robinson is recognized for extra effort in counseling a juvenile on choices after damaging a neighbor's property. Off. Riddle is thanked for his professional courtesy conducting a civil escort detail. Off. Danie is thanked for participating in Read Across America Day.

Comm. Stevens thanked all the staff and officers for their work during these difficult times. We are proud of all of them.

Comm. Peters concurred that the Commission is proud of them and appreciative. We know this is stressful and we hope all are staying safe. When we get back to some normalcy hopefully, we can thank them all in person.

7. INFORMATION:

A. 2019 Year End Reports – Strafford County Regional Accident Reconstruction Team.
No discussion.

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

Commissioner Stanley MOVED to enter a nonpublic session at 7:50 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 8:03 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 per the collective bargaining agreement a merit track advancement on the respective anniversary date to Off. Andrew Jackson (top of grade), Officer Adam Govoni to merit track 6, and Sgt. Marc Cilley to merit track 4. 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.

10. ADJOURNMENT:

Comm. Stevens MOVED to adjourn. SECOND by Comm. Stanley 8:07 P.M.

Respectfully Submitted

Rebecca J. Warburton
Secretary

APPROVED BY COMMISSION: 06/03/20