

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, June 3, 2020 at 7:00 P.M. Participants in this meeting: Comm. Peters, Comm. Stevens, Comm. Stanley, Chief Toussaint, Dep. Chief Boudreau, Capt. Pinkham, 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 called to order at 7:07 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](mailto:becky.warburton@rochesternh.net) or call 603-330-7131.

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:**

1) Ben Kramer - Hussey Hill Road, Rochester, NH (Mr. Kramer's letter was read into the record by Commissioner Stanley.) Mr. Kramer noted recent events in our country have cast a shadow of doubt over his trust in our law enforcement system, fearing for the safety of minorities in our City and fearing the suppression of constitutional rights when our citizens feel obliged to exercise them. Mr. Kramer posed questions of training and screening processes to ensure officers act impartially. Is training provided to ensure officers awareness of and respect a citizen's right to record? Are officer disciplinary records (sanitized of identifiable information) available for public review. What measures are in place to prevent or combat corruption within the local force and with respect to interaction with other state and local law enforcement agencies?

2. Colin Lentz – Linden Street, Rochester, NH (Mr. Lentz's letter was read into the record by Commissioner Stevens.) Mr. Lentz s wishes to discuss the issue of race and police with his community and how community leaders address this issue formally. He what kind of implicit bias and de-escalation training Rochester Officers receive? He wants his community to have honest discussion about how we can lend Rochester's voice in solidarity with culture change that is required. Police Officers are not solely responsible for the challenges our country faces on the issue of race. But, I believe they have the most powerful voice at this moment to effect real change.

**3. ACCEPTANCE OF MINUTES:**

A. May 6, 2020 regular meeting.

**Comm. Stanley MOVED to accept the minutes of the May 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. Response to Public Comment. Comm. Peters said I know we don't normally answer public comment. Because of the situation that is happening in our world today and that we have had two letters tonight. I asked the Chief if he would speak to give the public an idea of what our community does. How the men and women of our police department act and how they are trained.

Chief Toussaint said in any Police Department it has to start with the hiring process. We screen our applicants through one of the most stringent processes that you must go through to be hired as an officer. We do thorough backgrounds, we go through their social media; we talk to former employers, neighbors and anyone we can think of to vet these people. We put potential applicants through a psychological screening. Our background involves a polygraph. On each part of the background, we delve deep into any bias they may have, any groups they are involved in or have been in the past. There is a standard line in the background that we ask if they know if this person has any bias based on race, religion, orientation or any of the protected classes.

Once an applicant passes the background, they are indoctrinated into our culture, which deals heavily with community policing, heavily with fair and equal enforcement. Several of our policies that deal with fair and equal enforcement starting with our mission statement, actually starting with the oath of office, which requires them to swear to uphold the principles of the state and national constitution.

We have the law enforcement code of ethics in our policies which requires fair and equal enforcement without regard to race, color, creed, religion, sexual orientation.

We work hard to get the right person. We spend a lot of time vetting them and watching them through a field-training program, indoctrinating them to all policies. With regard to our actual policies, we have policies on bias, and policies on standards of conduct. We have policies that require an officer if they see a violation of someone's constitutional rights to report that immediately to their supervisors. So many of our policies deal with that type of thing.

One of the biggest areas you will see in the country is the use of force. We have extensive use of force policies. Some of the basic principles of these use of force policies and it's in every one of them is that the use of force has to be reasonable and necessary to accomplish a legally justified goal. All force has to cease as soon as the resistance stops. Force cannot be used to punish someone. This is said over and over again.

The training that is provided in the academy is the same that is provided to every NH Police Officer. They all get the same training on ethics, constitutional law, fair and equal enforcement for all people. And we continue that process with their ongoing training on ethics, bias. We deal a lot with mental health and people with disabilities so we emphasize this over and over again.

We have a very rigorous use of force program where every use of force is reviewed on multiple levels. Anything beyond a simple handcuffing - if they pull away and you pull them back it gets a use of force report, which is reviewed by the supervisor, by a use of force instructor and up the chain to the Chief of Police. We track these all year long. We put out a year-end report about use of force. It is constantly reviewed. If an officer's name pops up repeatedly, that is reviewed. Is the officer just an aggressive on a busy shift so it would make sense they are involved in more of these, or do we have a problem. If we have a problem we do remedial training, and sometimes with discipline.

Both of these letter writers said they want to live in a community where they trust the police and I venture to say they do. We do not have issues with use of force in Rochester. We do use force. There are times it is justified in police work. We have a robust system and a culture of fairness and impartiality and I am confident we are doing the right thing on a daily basis and that is borne out in our yearly report review.

It is understandable, but it drives me crazy that every time in this country, an officer screws up, and it's frequently, it paints law enforcement nationally with a broad brush.

People are justifiably angry with situations that are going on. We try to counter that with having strong community relations and a community-policing philosophy. We get officers out in the community, approachable and friendly. Professional. I believe we have a strong relationship within our community as a result. Both of those letter writers should be confident in their police force.

Comm. Stanley said she had a comment, and wanted to let people know that we report out on this stuff annually. Our year-end report for use of force can be found in our March Commission meeting agenda and packet. If you go to the city website, under boards and commissions, go to the Police Commission and the agendas tabs. The March 4 agenda and packet has this report in the information tab 2019 year-end reports, which includes reports such as such as affirmative action, racial profiling, crisis intervention and use of force. All of those things are addressed in that report.

Chief Toussaint added that if either letter writer or anyone listening has concerns or questions, they are free to contact me to talk in much more detail.

Comm. Peters added that this is not the forum for a back and forth. Captain Pinkham is meeting with one of the letter writers next week. Comm. Peters added that the Commission takes letters from the public seriously and we will respond. We will make sure the Chief sees it and make sure the citizens are not only heard, but that we respond timely. I think it is very important that we do that.

## **5. NEW BUSINESS**

### **A. Monthly Reports.**

1. Operations: Capt. Pinkham noted that with all that has been going on there has been a reduction in proactive activity. Ward meetings remain on hold. We did have a string of motor vehicle thefts that patrol, investigations and the POP unit have been working on and sharing information with

surrounding agencies. We have made some good headway. We also issued a press release today noting the arrest for graffiti vandalism in the downtown.

Capt. Pinkham said that the support side of our operations includes detectives, the POP unit, the CEO and dispatch. Detectives have been busy over the past month. There are currently 95 cases under investigation. A lot of that relates to the motor vehicle thefts.

The POP unit has returned to full operation and we have been working on proactive uses of the unit. As regulations loosen from the Governor's stay-at-home orders we anticipate them being more active.

Comm. Stevens said that he has spoken with a constituent in Ward 1 about fireworks. We had discussions on how to resolve some of those issues last year. One of the solutions was to have the POP Unit concentrate on this. As we get closer to the date of July 4, the days up to and after, if we could have a plan of how the POP unit can address these concerns. The codes and ordinances committee worked extensively on this issue. It seems as if this would be a perfect example for POP to help that situation.

Capt. Pinkham said that we could brainstorm this. Last year we issued a public safety announcement about the city ordinance advising people of this. We are already receiving complaints on fireworks and we have been issuing warnings and in some instances summons. This is already on our radar.

Comm. Stevens said specifically in the days leading up to and after if, the POP unit could address those calls so that patrol can focus on other priority calls.

Capt. Pinkham advised over in Communications the newest dispatcher is at week 12 of her training and has completed EMS and fire training. She just transitioned over to police. She has worked different shifts to experience different calls and call volume.

The back-up Communication Center at the Gonic Fire Station is still operational.

With the schools transitioning to remote learning and completing the year on May 15, School Resource Officers Jackson and Porfido were reassigned to patrol. Sgt. Deluca has assumed all SRO duties. He has been assisting with meal programs, checking in which students, attended teacher meetings remotely and has been overall the school liaison during this period.

The dispatch contract is before the Council for review and agreement.

Comm. Peters inquired if the bike patrols were out.

Capt. Pinkham said they are, out daily and evening shifts, depending on how busy the shift is. Even midnights have had a couple out. With the ten new officers trained, the CEO and the POP unit are also bike patrol, as the weather has improved we are out there.

Comm. Peters noted the downtown business have seen many people speeding, not using the crosswalks, and road rage incidents. Having the bikes out there along with the speed trailer should help.

Dep. Chief Boudreau commented that there was a concern lodged by a downtown business about speed. We will be pulling the data from the speed trailer tomorrow and will reach out to the business. The original complaint was from the outdoor seating A wall was built in a way that the vehicles could not see someone in the crosswalk. To improve those site lines, the wall was moved. We also had officers out there on a plain-clothes detail with a hand held radar. Of the 117 vehicles checked by radar, the average speed was 22 mph, well below the limit. The two that were above the 30 mph limit, were at 32 mph. That area is congested and thus gives the appearance they are moving faster than they are. When you have vehicle exhaust reverberate off the businesses that too can alter perception.

2. Administrative. Dep. Chief Boudreau noted that we are still in a budget freeze, so things are status quo. We will come in well under budget.

The radio replacement project is moving forward. We have had Two-Way on site doing tower work at the station, and we anticipate them moving into dispatch soon.

We received both of the new cruisers. One has been outfitted and is on the road, the other is pending installation of the emergency equipment. Officers have given positive feedback on the redesign by Ford.

All three recruits are in field training and will be moving into their second phase. All reports are positive. The certified candidate interviewed last week has submitted all the background paperwork and that is moving along.

We had just one person pass all phases of the PT test on May 30. Oral boards are in a holding pattern. We are waiting for more information from people inquiring about employment.

Comm. Stanley asked if we are going to be short on purchases because of the budget freeze.

Dep. Chief Boudreau stated we are not. We worked closely with finance. Because of our mission, we have been able to purchase the things that we need.

Comm. Peters inquired about positions.

Dep. Chief Boudreau said that currently we have two openings. One of those has a conditional offer extended.

**6. CORRESPONDENCE:**

There was no correspondence received this month beyond the items read during public comment.

**7. INFORMATION:**

A. No July 2020 Meeting. Comm. Peters noted the Commission would not hold a public meeting in July, absent a reason to do so. The next regular meeting will be August 5, 2020.

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

**Commissioner Stanley MOVED to enter a nonpublic session at 7:46 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 8:08 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 accept the evaluation reviews for Off. Justin Livingstone (top of grade), Off. Michael Mundy (top of grade), and to award per the collective bargaining agreement a merit track advancement on the respective anniversary date to Sgt. Michael Miehle to merit track 4, Off. Thomas Butcher to merit track 3, Off. Timothy Costin to merit track 3, Off. Joseph Oswalt to merit track 4 and Off. Alexander Turgeon 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 8:09 P.M.**

Respectfully Submitted

Rebecca J. Warburton  
Secretary

APPROVED BY COMMISSION: 08/05/20