

October 22, 2018

The Nashua Police Commission held a public meeting on Monday, October 22, 2018, at the Nashua Police Department.

Members present:

Commissioner James R. Tollner, Chairman
Commissioner Nicholas Dahl, Clerk
Commissioner Matthew Plante
Chief Andrew J. Lavoie
Deputy Chief Michael Carignan
Deputy Chief Denis Linehan
Karen Smith, NPD Business Manager
Elaine Marcum, Administrative Project Specialist (acting as recording secretary)

Others Attending the Public Session:

Aldermanic Liaison Lori Wilshire
Aldermanic Liaison Ernest Jette
Two public citizens

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 6:01 p.m.

APPROVAL OF MINUTES:

- September 17, 2018

MOTION: Commissioner Plante made a motion to approve the minutes of the September 17, 2018, meeting. Motion seconded by Commissioner Dahl. All in favor.

BUDGET:

Business Manager Karen Smith provided the Commissioners with the following reports.

Grant:

State of NH, Highway Safety Grant in the amount of \$35,908 for the purpose of funding various law enforcement overtime.

FY2019 Expenditure Report:

The Commission received a copy of the September 30, 2018, Expenditure Report. The Expenditure Report includes 13 of 52 weeks of payroll which is at 25% of the annual budget. The current overtime budget account 51322 now includes the transfer in the amount of \$97,865 from the Overtime Expendable Trust Fund account for two separate incidents in July for overtime related to a shooting and an ongoing homicide investigation.

Funding the bottom line reduction in account 90120, Mayoral Budget Adjustments in the amount of (\$94,935): It is still early in the year, so Ms. Smith will continue to monitor the Full-Time Payroll account and the Overtime account with the progression of the recruitment plans in the coming months. She will also monitor the use of funds from operational accounts, such as the fuel account, to determine the best method to fund the bottom line reduction by year-end.

FY2019 Revenue Report:

The Commission received a copy of the September 30, 2018, Revenue Report.

FY2019 Weekly Payroll Overtime:

The overtime averaged \$39,597 per week during the month of September. Ms. Smith is looking to bring that down to \$28,000 with the upcoming anticipated hiring of police officers.

The Holiday Stroll is scheduled in November and will require overtime.

FY2019 Overtime Tracking by Specific Case or Significant Occurrence:

Overtime during the month of September included the continuation of the homicide investigation from July, a second degree assault, recruiting, and training for dive, K9, and Use of Force. Ms. Smith anticipates an additional transfer from the Expendable Trust fund to cover costs.

Chief Lavoie: Vice President Pence may be visiting Nashua in the near future. NPD will provide assistance during his visit which will require overtime. His visit has not been confirmed as of this date.

Sworn Functioning Strength Analysis:

The functional strength includes eight vacant sworn positions, three officers in field training, and six positions that have required overtime backfill due to employees on extended leave status. Seventeen positions are currently unavailable and not part of the Functioning Strength.

Strength Report:

The Commission received a copy of the September 30, 2018, Strength Report.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	186	179	171	8
Total Non-Sworn Members	1	1	1	0
Total Part-Time Civilians	3	4	3	1
Total Full-Time Civilians	71	62	60	2
Total Grant Civilians	1	1	1	0
TOTAL:	262	247	236	11

MOTION: Commissioner Tollner made a motion to accept the budget reports. Motion seconded by Commissioner Plante. All in favor.

ACTIVITY REPORT:

Deputy Chief Denis Linehan reported the following:

On September 3, 2018, officers responded to SNHMC to meet with a 33-year-old male who was reporting he was stabbed. The victim reported he was jumped by three males and stabbed in the chest in the area of Whipple Street. The scene was secured by UFOB. The wound was non-life threatening and CID was notified and furthered the investigation.

On September 7, 2018, officers responded to Glastonbury Drive for a reported assault. An adult female walking her dog in the area reported being assaulted by an unknown male. The female was knocked to the ground and scratched as she struggled to get away. The female received minor scratches and declined medical attention. A K-9 track was performed with negative results and no witnesses were located. CID was notified and furthered the investigation.

On September 14, 2018, officers responded to Monroe Street for a house fire. Officers learned from neighbors that the house has been vacant for an extended period of time. Neighbors reported they observed three juveniles in the area prior to the fire. These three juveniles were located nearby a short time later. All three juveniles made admissions to entering the residence and one admitted to starting the fire. The three juveniles were subsequently arrested and the investigation was furthered by SID.

On September 24, 2018, the POP Unit and UFOB officers arrested a 21-year-old male on an active misdemeanor warrant. IEA paperwork was drafted due to the concerns of his family as he had made several threats to the community along with law enforcement. A search of the residence was conducted and several different firearms and ammunition were seized and taken for safe keeping. CID was notified and furthered the investigation.

Deputy Chief Michael Carignan reported the following:

On September 29, 2018, officers responded to Shell, 270 Main Dunstable Road, for the report of an assault. There it was learned that three subjects came into the store with their faces obscured, jumped on the counter, and struggled with the clerk taking the JUUL electronic cigarettes display. This investigation is ongoing and suspects have been developed.

Officer Gilbert recently completed computer forensics training in Florida and since that time has been very impressive and taking a proactive approach with cases.

Professional Standards Bureau:

Professional Standards completed 45 police recruit candidate interviews following the recent recruit test. Six candidates are moving on to background investigations.

Legal Bureau:

To civilian Police Attorneys have been hired to fill vacancies in the Legal Bureau.

Services Bureau:

The Senior Relations Specialist, Jane Constant, recently completed a five-part senior safety class at the Arlington Street Community Center.

Crime Watch meetings are expanding.

Building Maintenance has been running generator testing today for Accreditation compliance. The testing showed that the generator wasn't switching back to city power properly. Building Maintenance personnel will follow up with the vendor company regarding this issue.

The firearms range "lead" report just came in. The range will be shut down for approximately one week during the cleaning process.

HVAC Project: City Legal is reviewing the proposed HVAC contract.

The NPD Crime Analyst continues to work with NFR / AMR / "Safe Stations" regarding drug-related statistics.

Chief Lavoie reported the following:

The POP Unit made 38 arrests with 25 arrests being at the felony level. The POP Unit officers continue to do solid work. He stressed the importance of having a dedicated small unit out on the street to assist in all areas of policing.

MOTION: Commissioner Dahl made a motion to accept the activity report. Motion seconded by Commissioner Plante. All in favor.

CORRESPONDENCE FROM THE PUBLIC & OTHER AGENCIES:

Chief Lavoie gave the Commissioners an overview of letters of appreciation received from the public and outside agencies including the following:

- Attorney General-DOJ: (State of NH v. Anthony Barnaby and David Caplin)
- Hollis NH Police Department: (Assistance with Hollis Old Home Days event)
- Bridges: (Assistance with Bridges Volunteer training program)
- Chamber of Commerce: (Leadership Greater Nashua - Assistance w/retreat)
- Nashua School District: (Assistance with Walk to School Day event – Physical Education Teacher Deanna Lavoie)
- Citizen: (Assistance after vehicle was towed)

Commissioner Tollner requested that Alderman Jette provide a copy of the letter from the Attorney General-DOJ regarding the Barnaby/Caplin homicide case to Mayor Donchess.

MOTION: Commissioner Plante made a motion to accept the correspondence. The motion was seconded by Commissioner Dahl. All in favor.

CIVILIAN HIRES:

For the Record:

- Police Attorney Katherine Muzzy (full-time): Effective October 8, 2018
- Police Attorney Kathleen Brown (full-time): Effective October 15, 2018

POLICE CHAPLAIN:

For the Record:

- Chaplain Steven Closs will be our new NPD Chaplain: Effective September 27, 2018, (this is a voluntary non-paid position)

RESIGNATION:

- Senior Patrolman Dennis Pereira: Resignation effective October 25, 2018

MOTION: Commissioner Dahl made a motion to accept the resignation of Senior Patrolman Dennis Pereira effective October 25, 2018. The motion was seconded by Commissioner Plante. All in favor.

AWARDS:

For the Record

Commendation Bar for Lifesaving: (18-44860 Choking Female)

- Office Ryan Fitzpatrick

OTHER BUSINESS:

There was no other business to report.

PUBLIC COMMENT:

Citizen Steve Przystac:

Mr. Przystac asked if officers with elevated lead levels following recent lead testing in the firearms range will be treated. He also gave Chief Lavoie information he researched on lead levels.

Citizen George Deneault:

Mr. Deneault questioned the Strength report which shows 186 Commission Authorized officers, 179 Budget Authorized officers, and 171 sworn positions filled, which would translated to NPD being down 15 officer not 8 vacant positions.

Commissioner Tollner explained that the vacancies are the difference between positions that budgeted vs. positions that are filled. The Commission can authorize as many positions as it chooses, which is how many positions are needed. However, the city funds the budget and the extra commission authorized positions were not funded in the budget. Therefore, we are only authorized to fill the 8 vacancies not the 15 vacancies.

Chief Lavoie stated that NPD is having a difficult time hiring qualified police officers. It also takes an extensive amount of time to background a candidate. Unfortunately, NPD is forced to budget through attrition.

Mr. Deneault questioned if it would be a problem getting police funding if we had the candidates to hire. Commissioner Tollner stated that it would be a problem getting the funding from the City since the FY2019 NPD budget was cut by an additional \$100,000.

Commissioner Tollner added that he is concerned with the lack of interest by people to become a police officer. When testing is conducted, we may start with a large pool of candidates; however, the pool gets cut down quickly due to strict NPD hiring standards.

Chief Lavoie added that at one time, we would have 400-500 candidates signing up for the police test. Of late, we are lucky to have 150 candidates sign up with sometimes only 90 candidates showing up to take the test. Out of those testing, half will fail and others will not make it to the backgrounding phase. We are seeing a national trend in our communities of less support for police.

Commissioner Dahl explained that only the Commission can change the Commission Authorized Strength and they can authorize any number of positions that it chooses. However, it would be up to the city to approve that funding in the budget.

Alderman Jette added that the Mayor and Board of Alderman are continually dealing with having less money and it is a matter on how much money can be taken from the taxpayers. There are very high costs associated with retirement system funds, the state rooms and meals tax is no longer being shared with the communities, and the state is no longer contributing to the school building fund, etc. The state has reneged on its promises and the cities and towns have to pick up the financial slack. Unless there are legislative changes, this is the reality we have to deal with.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:47 p.m.

MOTION: Commissioner Tollner asked for a motion by roll call vote to *suspend* the public session and enter non-public session as authorized by:

Item #1:

RSA 91-A:3, II (b): “The hiring of any person as a public employee”.

Motion by Commissioner Tollner, seconded by Commissioner Dahl.

A roll call vote was taken:

- Commissioner Tollner – yes; Commissioner Dahl – yes; Commissioner Plante – yes
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END OF NON-PUBLIC SESSION:

MOTION: Commissioner Tollner made a motion to end the non-public session and return to public session. Motion seconded by Commissioner Dahl.

RETURN TO PUBLIC SESSION: 6:59 p.m.

MOTION TO SEAL RSA 91-A:3 III:

Minutes of proceedings in nonpublic session shall be kept and the record of all actions shall be promptly made available for public inspection, except as provided in this section. ...”

- “divulgence of the information likely would affect adversely the reputation of any person other than a member of the body or agency itself,
- or render the proposed action ineffective,
- or pertain to terrorism...”

Commissioner Tollner asked for a motion to seal the following minutes of the Non-Public session (**Item #**).

Item #1: RSA 91-A:3, II (b):

“The hiring of any person as a public employee”.

MOTION: Motion by Commissioner Tollner, seconded by Commissioner Plante, to seal the minutes of the Non-Public Session (**Item #1**) as authorized above.

Commissioner Tollner – yes; Commissioner Dahl – yes; Commissioner Plante – yes. Minutes sealed.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, November 19, 2018, at 6:00 p.m.

ADJOURNMENT

MOTION: Commissioner Dahl made a motion to end the public session and adjourn the meeting. Motion seconded by Commissioner Plante.

Time: 7:00 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk