

September 28, 2020

The Nashua Police Commission held public meeting on Monday, September 28, 2020, at the Nashua Police Department.

Members present:

Commissioner James R. Tollner, Chairman
Commissioner Nicholas Dahl, Clerk
Commissioner Matthew Plante
Chief Michael Carignan
Deputy Chief James Testaverde
Deputy Chief Kevin Rourke
Karen Smith, NPD Business Manager
Kathy Breslin, Administrative Project Specialist (acting as Recording Secretary)

Others Attending the Public Session:

Aldermanic Liaison Lori Wilshire (not in attendance)
Aldermanic Liaison Richard Dowd (not in attendance)
Stacey Geesey-Citizen

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 5:30 pm. Roll call taken.

APPROVAL OF MINUTES:

- July 30, 2020

MOTION: Commissioner Tollner made a motion to approve the minutes of the July 30, 2020 meeting. Motion seconded by Commissioner Plante All in favor.

BUDGET:

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

FY2021 Resolution-Escrows:

R20-069 FY21 Escrow Request included items for NPD as outlined in the attached report to include a \$48,000 transfer to the Police Equitable Trust Fund for overtime, \$20,000 to fund the cost of conferences and seminars and \$4,000 to fund the cost of training and certifications. The original \$100,000 requested for the Equitable Trust Fund was added to the account by the Board of Aldermen this month during the escrow process.

FY2021 Grant Resolution:

Resolution R20-063 was to accept \$37,500 from the State of New Hampshire Department of Safety for the purpose of purchasing night vision equipment through August 31, 2022.

FY2021 August Expenditure Report:

A copy of the August 31, 2020 Expenditure Report was provided.

FY2021 August Revenue Report:

A copy of the August 31, 2020 Revenue Report was provided.

FY2020 Monthly Overtime Tracking by Specific Case Number or Significant Occurrence:

In August, \$9,015 of the overtime was due to significant occurrences.

FY2021 August Functional Strength Report:

During August the functional strength was down 20. This number was based upon 4 vacancies, 2 new hires, 1 resignation, 5 officers on extended leave, 8 officers at the Academy and certified officers with FTOs.

FY2021 August Overtime Analysis:

The overtime for the month of August averaged \$51,000 weekly compared to our current goal of \$40,000. We saw the overtime trending down the first week in September at \$42,717. In order to meet our budget, as the overtime weekly budget is actually \$23,597 we are offsetting the overtime budget through the two-digit payroll budget; we will need to see the weekly overtime at \$40,000 in September then come down to \$30,000 in October/November when we expect to see changes as a result of the new hires coming off of the FTO program. The last two weeks have been at \$31,000 and \$38,000.

FY2021 August Strength Report:

A copy of the August 31, 2020 Strength Report was provided.

Commissioner Dahl inquired if the year-end process has been completed for 2020. Karen Smith stated that it was still pending.

Chief Carignan wanted to personally thank Karen Smith for all her hard work that resulted in the Police Department receiving the requested \$100,000 in the Equitable Trust Fund.

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

ACTIVITY REPORT:

Deputy Chief Kevin Rourke reported the following:

Officer Brown, a new certified officer from Bedford, NH, has been doing a great job. He was the responding officer in a MV accident and due to his thoroughness in this investigation and his requests for search warrants he was able to locate a firearm and illicit drugs.

We have 8 officers that recently graduated the Academy and are doing very well with their current Field Training Officers (FTO). We currently have 3 certified officers in their 8th week of the FTO program and they are doing so well we will be putting them on the street next week to cut back on the overtime.

Officer Donahue and Officer Colby who recently sustained concussions during an arrest have had a full recovery and are back to work.

During our CALEA review it was noted that the police department could update the questions asked by the Detention Specialist during the booking process. The questions could be more in depth in regards to current drug use and suicide. We reached out to the Accreditation Manager from Virginia Beach who helped us update our questions. These will go into effect next week.

Officer Delaney is in week 3 of K9 School. We currently have 3 dogs in K9 service. Officer Josh Trefry's dog will be retired when Officer Delaney's dog finishes K9 School.

Deputy Chief James Testaverde reported the following:

Detectives:

There will be a lot of movement in the Detective bureau in the coming month with new supervisors in every division.

Captain Allard has been covering the Detective bureau, while also covering 2nd and 3rd shift of Patrol for the last month.

In the month of July Detectives Rayho and Rousseau led the SID division in arrests.

Detective Berry has also done a fantastic job recently with his investigations. We have also received letters from Bridges praising his assistance to the victims of these crimes.

Professional Standards:

We currently have 174 officers, which leaves us down 5 officers. We have given 4 conditional offers and we are holding a recruit test on October 4th. We are getting closer to full staff.

We recently hired a certified officer, Albert Tien. He is currently in firearms training, after which he will be training with a Field Training Officer and attending the Academy to complete the law portion.

Lieutenant Clark Gaphardt has started a program to recognize our fallen officers. He is sending out emails to all NPD staff on their anniversary dates to remind us of their service.

Legal:

It has been status quo with the workload in the Legal bureau. They currently have a backlog of 250 trials.

Lieutenant Urban will be coming out of the Legal bureau next month and go to Patrol to assist in his career development. Lieutenant Moriarty will be replacing him. She currently is shadowing Lieutenant Urban.

Services:

Currently we are down one Dispatcher and Communications Technician and have received a handful of applications.

Chief Carignan is looking to fill the positions of Ed Lecius and Jane Constant sometime in January after we have reviewed and updated the job descriptions.

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

CORRESPONDENCE FROM THE PUBLIC & OTHER AGENCIES:

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

- School Specialty- Officer Adamson
- Citizen-Thank you
- St. Joseph's Hospital-multiple officers
- Citizen-Thank you
- Citizen-Multiple officers
- Citizen- Thank you
- Citizen- Sergeants Roy and Boutwell

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

SWORN NEW HIRE:

For the record:

First Year Special Officer-Certified II Albert Tien effective September 21, 2020.

NEW HIRE:

For the record:

Probationary Dispatcher Gina Ballard effective August 31, 2020.

CIVILIAN CHANGE OF POSITION:

For the record:

Brittany Benjamin Probationary Communications Technician from Probationary Dispatcher effective August 20, 2020.

PROMOTIONS:

For the record:

The following promotions are effective October 2, 2020:

- Promoted to the rank of Captain:
 - Lieutenant Robert Page
 - Lieutenant Matthew DiFava
- Promoted to the rank of Lieutenant:
 - Sergeant Michael Welch
 - Sergeant Jennifer Moriarty
- Promoted to the rank of Sergeant:
 - Master Patrolman II Ryan Jones
 - Master Patrolman II Joseph Rousseau

CIVILIAN RESIGNATIONS:

- Chaplain Steven Closs effective September 18, 2020

MOTION: Commissioner Plante made a motion to accept the resignation of Chaplain Steven Closs effective September 18, 2020. The motion was seconded by Commissioner Dahl. All in favor.

- Senior Relations Specialist Jane Constant effective September 24, 2020

MOTION: Commissioner Dahl made a motion to accept the resignation of Senior Relations Specialist Jane Constant effective September 24, 2020. The motion was seconded by Commissioner Plante. All in favor.

SWORN RESIGNATION:

Senior Patrolman Cody Beard effective August 27, 2020

MOTION: Commissioner Plante made a motion to accept the resignation of Senior Patrolman Cody Beard effective August 27, 2020. The motion was seconded by Commissioner Tollner. All in favor.

SWORN RETIREMENTS:

- Captain E Z. Paulson effective September 17, 2020

MOTION: Commissioner Plante made a motion to approve the retirement of Captain E Z. Paulson effective September 17, 2020. Motion seconded by Commissioner Dahl. All in favor.

- Captain Kerry Baxter effective October 1, 2020

MOTION: Commissioner Dahl made a motion to approve the retirement of Captain Kerry Baxter effective October 1, 2020. Motion seconded by Commissioner Tollner. All in favor.

OTHER BUSINESS:

Commissioner Tollner announced that on August 26, 2020, at the Governor and Council Meeting, Commissioner Matthew Plante was reappointed as a Nashua Police Commissioner for a 3 year term that expires on September 1, 2023.

Chief Carignan congratulated Commissioner Plante and thanked him for his service.

Chief Michael Carignan reported the following:

Halloween:

There was been a lot of email and social media chatter about what to do for Halloween this year due to Covid. The CDC has issued some guidelines as well as Governor Sununu, but they were vague.

I have had some recent discussions with Bobbie Bagley from the Board of Health regarding the matter. At this point I do not want to cancel Halloween completely, but maybe make suggestions on ways the holiday can be

celebrated.

Wednesday there is a statewide meeting to discuss Halloween and on Monday I have a meeting with the local Board of Health. I believe the responsibility for making the decision should come from the Health Department rather than the Police Department.

Update on the Governor's Executive Council on Law Enforcement:

Recommendations from the Council, that apply to us, we are currently practicing based upon our SOPs and guidelines. The only adjustment we may have to make is to increase the training hours for Biased Based Policing.

We just started using Power DMS which gives us the ability to post training that the officers can access when available.

Commissioner Tollner asked if the Nashua Police Department was involved in this process in Concord. Chief Carignan stated that Bill Pease our Accreditation Manger and Lieutenant Carlos Camacho were asked to speak.

Promotional Ceremony:

Friday there is a promotional ceremony that you are welcome to attend, but we are requesting you do not in an effort to keep the numbers down so the promotional candidates can bring a family member. No employees will be allowed to attend, but we will be setting up a Zoom call so those who cannot attend can observe the swearing in.

Body Cameras:

Deputy Rourke and I recently attended a presentation at the Hudson Police Department for body cameras. Hollis and Merrimack PD also attended. This was the lowest priced vendor with a price tag of \$1.1 million for 5 years, or \$220,000 each year. This would break down to \$1,300 per officer per year.

The Governor's Council has recommended body cameras, but it was not mandated. We are in support of using body cameras at the Nashua Police Department, but we cannot afford to pay for it with our budget. This would have to be paid by the City.

The Commissioners unanimously agreed to the use of body cameras, but also emphasized this cannot come out of the current Nashua Police Department budget.

National Night Out:

National Night Out is normally a very big night for the police department. It is a night where we can display our vehicles and equipment. Due to Covid this event was postponed from August to October 6th. Due to the fact the sun sets earlier in October, decreasing the amount of daylight, we have decided to cancel the event this year and wait until next August.

PUBLIC COMMENT:

No public comment.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, October 26, 2020, at 5:30 pm

END OF PUBLIC SESSION:

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

Time: 6:23 pm

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:28 pm

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:

A. **RSA 91-A: 3, II (a)**, “The dismissal, promotion, or compensations of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.”

Motion by Commissioner Dahl, seconded by Commissioner Plante.

A roll call vote was taken:

- Commissioner Tollner – yes; Commissioner Dahl – yes; Commissioner Plante – yes
-

NON-PUBLIC SESSION

MINUTES SEALED

Item #2:

B. **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
-

NON-PUBLIC SESSION

MINUTES SEALED

Item #3:

C. **RSA 91-A: 3, II (a)**, “The dismissal, promotion, or compensations of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.”

Motion by Commissioner Tollner, seconded by Commissioner Dahl.

A roll call vote was taken:

- Commissioner Tollner – yes; Commissioner Dahl – yes; Commissioner Plante – yes
-

END OF NON-PUBLIC SESSION:

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

RETURN TO PUBLIC SESSION: 7:22 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 #1: RSA 91-A: 3, II (a), “The dismissal, promotion, or compensations of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.”

Item #2: RSA 91-A: 3, II (b) “The hiring of any person as a public employee”

Item #3: RSA 91-A: 3, II (a), “The dismissal, promotion, or compensations of any public employee or the disciplining of such employee, or the investigation of any charges against him, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.”

MOTION: Motion by Commissioner Dahl seconded by Commissioner Plante, to seal the minutes of the Non-Public Session (**Item #1, Item #2 and Item #3**) as authorized above. All in favor.

COLLECTIVE BARGAINING AGREEMENT: COMMUNICATIONS

Collective Bargaining Agreement between the Nashua Board of Police Commissioners and Nashua Police Communications Employees N.E.P.B.A. Local 125, I.U.P.A., AFL-CIO (July 1, 2019 - June 30, 2022)

MOTION: Commissioner Tollner made a motion to accept the Collective Bargaining Agreement between the Nashua Board of Police Commissioners and Nashua Police Communications Employees N.E.P.B.A. Local 125, I.U.P.A., AFL-CIO (July 1, 2019-June 30, 2022). Motion seconded by Commissioner Plante. All in favor.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, October 26, 2020 at 5:30 pm

ADJOURNMENT

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

Time: 7:27 pm

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk