

June 17, 2017

The Nashua Police Commission held a public meeting on Monday, June 17, 2019, at the Nashua Police Department.

Members present:

Commissioner James R. Tollner, Chairman
 Commissioner Nicholas Dahl, Clerk
 Commissioner Matthew Plante
 Chief Andrew J. Lavoie (not in attendance)
 Deputy Chief Michael Carignan
 Deputy Chief James Testaverde
 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
 One citizen

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 6:00 p.m.

APPROVAL OF MINUTES:

- May 20, 2019
- May 30, 2019

MOTION: Commissioner Tollner made a motion to approve the minutes of the May 20 & 30, 2019, meetings. Motion seconded by Commissioner Plante. All in favor.

BUDGET:

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

State Budget Item: Witness Fees:

Reduction of revenue to the General Fund in the amount of \$30,000 for FY2020/FY2021.

FY2019 Expenditure Report:

The Commission received a copy of the May 31, 2019, Expenditure Report. The Expenditure Report includes 48 of 52 weeks of payroll which is 92.3% of the annual budget.

Included is a bottom line reduction in account 90120 Mayoral Budget Adjustment. NPD is on track to absorb the reduction from a combination of the payroll and operational accounts as needed by year-end.

FY2019 Revenue Report:

The Commission received a copy of the May 31, 2019, Revenue Report.

FY2019 Weekly Payroll Overtime:

The overtime averaged \$45,334 per week during the month and included overtime for a missing person investigation in the amount of \$16,872.

FY2019 Monthly Overtime Tracking by Specific Case or Significant Occurrence:

Overtime during the month of May included the continuation of a homicide investigation from July 2018; a missing person investigation; DUI aggravated collision w/serious injury; DV simple assault x3; search warrant for controlled drug sale; burglary; controlled drug possession; resisting arrest/detention; 1st degree assault with a deadly weapon; AFSA; reckless conduct with a deadly weapon; building; miscellaneous; miscellaneous drug; training; recruiting; training SWAT.

Sworn Functional Strength Analysis:

The functional strength includes nine vacant sworn positions, one officer at the academy, two officers in field training, and five positions that have required overtime backfill due to extended leave. Seventeen positions are unavailable and not part of the functional strength.

Strength Report:

The Commission received a copy of the May 31, 2019, Strength Report.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	186	179	170	9
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	235	12

Additional Discussion Items:

Karen Smith has contacted CFO Griffin regarding the pending request for \$100,000 to replenish the current ETF Overtime account. After a pending request of \$25,183 is processed in June, the balance in the account will be \$16,783. The funding was not added to the FY2020 budget. The amount will be added to the list for consideration by Mayor Donchess for escrows to go before the Board of Alderman. As discussed in the budget, we need to be able to have a set weekly overtime budget to manage. If the escrow is not approved, we will have to operate at a lower weekly amount in order to be sure we have the \$100,000 funding in our budget to cover any significant occurrences such as a homicide investigation, sudden death, missing person, or SWAT callouts, etc.

The FY2020 budget did not include the necessary increase to restore the bottom line Mayoral reduction and we will need to address the \$113,000 shortfall in addition to the before mentioned ETF of \$100,000.

Stanley Elevator provided a quote in the amount of \$24,650 to replace the hydraulic power unit in one of the NPD elevators. The repair is necessary to remain in ADA compliance. The unit is aged and leaking fluid and in need of replacement. Karen Smith stated that she anticipates approximately \$30,000 remaining in the FY2019 budget to cover the expense. She may request the funds be escrowed through the BOA which will occur in September.

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

ACTIVITY REPORT: P/D

Deputy Chief James Testaverde reported the following:

Motor Vehicle Complaints:

Patrol provided special attention to West Hollis Street following complaints regarding motor vehicle violations, speeding, red-light running, etc.

On May 9, 2019, officers responded to a Nashua residence for a report of a domestic situation. It was reported that a male went to the residence after he stated he was looking to hurt his ex-girlfriend and commit suicide. It was also learned that the male had recently purchased a firearm. Upon arrival, officers located the suspect and arrested him without incident. He was in possession of a firearm and had burglarized the apartment.

On June 16, 2019, officers were finishing up a motor vehicle stop on the highway southbound at exit 4. During this stop a summons was issued to the operator for operating without a valid license. The operator of the vehicle was outside of the vehicle about to get in the officer's police cruiser for a courtesy ride off the highway. At this time the officer who was standing with the operator on the side of the highway observed a pickup truck traveling at a high rate of speed estimated at about 100 MPH. The pickup truck lost control exiting the highway striking several signs. The truck passed within 9 feet of the officer and the operator of the vehicle on the right side of the police cruiser off the road. The officer grabbed the operator of the original vehicle in a bear hug pushing her against the cruiser to prevent her from being struck by the truck. The truck continued on the grass shoulder before regaining traction and entering the highway. The truck once again took off at a high rate of speed. Officers located the license plate to the truck on the side of the road. Officers checked the area but were unable to locate the truck. At approximately 0413 hours, NPD was notified that the Bedford NH Police had the vehicle stopped and the driver was in custody for DUI, Disobeying, and Operating after Suspension.

The Hazardous Device Unit was busy last month providing Mutual Aid Assistance in Hudson & Pelham NH regarding suspicious packages. The FBI is offering a rare class on this subject and they have scheduled two training slots for NPD officers.

A joint training exercise with the National Guard is scheduled to take place this Thursday in Nashua and will include Blackhawk helicopters. This training is part of our CALEA accreditation compliance. Residents in the area will be notified of the drill in advance.

Detective Bureau:

On May 21, 2019, UFOB received a report of a series of sexual assaults that had occurred over a 5 year period. The juvenile victim reported that someone known to her had repeatedly sexually assaulted her over that timespan. Based upon the investigation, an arrest warrant was obtained and the subject was taken into custody and charged with AFSA.

On May 27, 2019, UFOB responded to Harbor Mart, located at 42 Harbor Avenue, in reference to a robbery where a male suspect had displayed a knife and demanded money. Detectives identified a suspect who was taken into custody on May 31, 2019.

Members of the NPD Computer Forensics Unit assisted the NH ICAC with a series of investigations involving catching predators. In three days, nine people were arrested and one arrest was made shortly after. An ICAC award is forthcoming regarding this joint operation.

Commissioner Dahl commented on the high overtime costs incurred for a missing person case. Deputy Carignan stated that much of the overtime occurred during the initial two weeks of the intense search and investigation.

Deputy Chief Michael Carignan reported the following:

Professional Standards Bureau:

Recent Police Recruit Exam results:

- 40 signed up to take the test
- 20 showed up to take the test
- 19 took the test (one disqualified due to tattoo policy)
- 13 passed the test
- 15 scheduled for interviews (included two certified officers)

The next test is scheduled in September.

NPD Tattoo Policy:

Alderman Jette asked about NPD's tattoo policy. Deputy Carignan stated that although tattoos are allowed in limited cases, the tattoo cannot be visible below the NPD uniform short-sleeve hem, on the neck or around the collar, or visible while wearing uniform shorts. He stated that there is no plan to change the policy. He stated that some tattoos may be offensive to some people and it would be difficult to draw a line on that issue. He stated that it is important that NPD officers have a professional appearance and tattoos can detract from that.

Services Bureau:

Deputy Carignan attended his first Quarterly Crime Watch meeting for a meet and greet.

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:

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

- Nashua Police Athletic League: Appreciation of assistance with street hockey program
- Citizen: Appreciation for tour of NPD, etc., fundraising event for the Soup Kitchen
- NHSS: Appreciation for School Resource Officer
- Citizen: Appreciation for pulling over speeders

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

CIVILIAN HIRE:

For the record

- The following civilians have been hired to fill the position of Probationary Dispatcher:
 - Shannon Milinazzo: Effective May 28, 2019
 - Alexander Richards: Effective June 25, 2019

RESIGNATIONS:

Sergeant Adalberto Garcia: Resignation effective May 26, 2019

MOTION: Commissioner Plante made a motion to accept the resignation of Sergeant Adalberto Garcia effective May 26, 2019. The motion was seconded by Commissioner Dahl. All in favor.

Communications Technician Melanie Curtis: Resignation effective June 13, 2019

MOTION: Commissioner Plante made a motion to accept the resignation of Communications Technician Melanie Curtis effective June 13, 2019. The motion was seconded by Commissioner Dahl. All in favor.

CERTIFICATIONS: MASTER PATROLMAN & MASTER PATROLMAN II:

Master Patrolman Certifications

The below listed Senior Patrolman will complete a minimum of seven continuous years of service during 2019 and have satisfactorily completed all other requirements for certification to Master Patrolman.

MPO Certifications Effective September 5, 2019

- Senior Patrolman Matthew Duncan
- Senior Patrolman Christopher Rogers
- Senior Patrolman Benjamin Turner
- Senior Patrolman Michael Zupkosky

MOTION: Commissioner Plante made a motion to approve the Master Patrolman Certification for the above listed officers effective September 5, 2019. The motion was seconded by Commissioner Tollner. All in favor.

Master Patrolman-II Certifications

The below listed Master Patrolmen have satisfactorily completed all requirements for certification to Master Patrolman II.

MPO-II Certifications effective July 20, 2019

- Master Patrolman Bennett Stusse

MPO-II Certifications effective December 18, 2019

- Master Patrolman John Cinelli
- Master Patrolman Linnea French
- Master Patrolman Caleb Gilbert

MOTION: Commissioner Dahl made a motion to approve the Master Patrolman-II Certification for the above listed officers effective on July 20, 2019, and December 18, 2019. The motion was seconded by Commissioner Plante. All in favor.

AWARDS:

For the Record:

NH UNION LEADER LEADER'S 2019 HERO AWARD

Fire at 93 Locke Street

- Officer Scott Ciszek
- Officer Colin Flanagan
- Officer Alexander Gangi
- Officer Jason Reinold

2019 Most Valuable Partner Award

For exemplary contribution and innovation to enhance NH's emergency preparedness response & recovery

- Captain Joseph Fay

VFW National Officer Award

- Officer Matthew Allen

NASHUA POLICE PATROLMAN'S ASSOCIATION

Sidebar Agreement

Article 21: Exchange of Work Days

- Modification governing the rules regarding shift swaps.

This sidebar has no cost items and was drafted by Corporation Counsel Attorney Bolton.

MOTION: Commissioner Tollner made a motion to approve the Sidebar agreement between the Nashua Police Commission and the Nashua Police Patrolman's Association. Motion seconded by Commissioner Plante. All in favor.

OTHER BUSINESS:

Notice of Change of Civilian Position Titles / Position Reclassification:

Effective, July 1, 2019, the following civilian position titles have been changed. The new position titles will be changed/replaced accordingly in the respective Collective Bargaining agreements as current contracts are replaced by future ones. All other related material affected by this change will be amended in the near future. A Modification Petition was approved by the State and also by the unions.

In addition, the former position of Secretary D/V Unit (new Administrative Assistant I – Legal) will now fall under the Legal Bureau.

PREVIOUS TITLE	NEW TITLE
Secretary D/V Unit	Administrative Assistant I - Legal
Secretary III	Administrative Assistant I - Detectives
Secretary III	Administrative Assistant I - Detectives
Secretary III	Administrative Assistant I - Detectives
Secretary III	Administrative Assistant I - Detectives
Legal Secretary	Administrative Assistant II - Legal
Secretary V	Administrative Assistant III - Services
Secretary V	Administrative Assistant III - Professional Standards
Secretary VI	Administrative Assistant IV - Uniform Field Operations

Secretarial Supervisor- Detectives	Administrative Supervisor - Detectives
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Communications/Dispatch Positions:

Deputy Carignan brought an issue to the Police Commission's attention regarding NPD Communications Technicians & Dispatchers and a serious retention & hiring issue. It is getting extremely difficult to find people to fill these positions with one factor being that Nashua Fire personnel receive significantly higher wages than Nashua Police personnel (NPD also has a significantly higher call volume compared to NFR). These positions are essential positions as NPD is a 24-hour/7-day operation. This is almost at crisis level and will need to be addressed in the very near future.

NPD Autism Awareness Project: Presentation by Captain David Bailey:

One of this year's Goals & Objectives was to create a voluntary "Autism Registry". The Autism Awareness Program is a new initiative in which participants can voluntarily register those with Autism Spectrum Disorder who live, work, or go to school in Nashua. The purpose of the registry is to promote communications and provide responding officers quick access to critical information about a registered individual. The program will capture information about those with Autism such as a full description with a photo, emergency contact information, and information tailored to each individual to assist with interactions with law enforcement personnel. The information will be shared with officers when responding to calls including missing persons, medical emergencies, crisis situations, and other interactions with police. This is a voluntary program that will be administered by the Nashua Police Department. Once an application has been submitted, information will be verified and linked to our records system and available to NPD officers through the MDTs.

Captain Bailey has met with other Nashua agencies, such as Gateways, and they will add a link to their website regarding our program. The plan is to roll the program out during the upcoming National Night Out event. A press release will also be issued.

PUBLIC COMMENT:

There were no public comments.

NON-PUBLIC SESSION**MINUTES SEALED****PUBLIC SESSION INTO NONPUBLIC SESSION: 7:15 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:

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 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**

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

Item #2:

B. 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

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: 7:31 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 & #2**).

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

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

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, August 19, 2019, at 6:00 p.m

ADJOURNMENT

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

Time: 7:32 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk