

October 17, 2016

The Nashua Police Commission held a public meeting on Monday, October 17, 2016, 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:

Alderman Liaison Lori Wilshire

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 5:30 p.m.

MINUTES:

- September 20, 2016

MOTION: Commissioner Plante made a motion to approve the minutes of the September 20, 2016, meeting. Motion seconded by Commissioner Tollner. All in favor.

BUDGET:

Business Manager Karen Smith provided the Commissioners with the following reports for their review. Ms. Smith discussed the following:

Grants:

NH Police Standards and Training Council \$4,995 stipend to offset costs for backfill of officer serving as Cadre for 16 weeks at the Academy from 8/29/16 – 12/16/16.

NH Highway Safety grant in the amount of \$8,309 for the purpose of overtime to conduct Bicycle/Pedestrian Patrols from 10/1/16 – 9/30/17. An in-kind match in the amount of \$2,077 will come from enforcement patrols.

NH Highway Safety grant in the amount of \$18,280 for the purpose of overtime for DWI Patrols from 10/1/16 – 9/30/17. An in-kind match in the amount of \$4,570 will come from enforcement patrols.

NH Highway Safety grant in the amount of \$32,367 for the purpose of overtime for the (Speed, Redlight, School Bus Patrols, Seatbelt and Safe Commute Patrols known as "Sustained Traffic Enforcement" STEP grant from 10/1/16 – 9/30/17. An in-kind match in the amount of \$8,092 will come from enforcement patrols. The final reading of the resolution was at the BOA on 10/11/16.

Resolution to accept \$46,592 from the US Department of Justice for the Multijurisdictional Justice Assistance Grant 2016 for the purpose of purchasing equipment, training, and/or funding overtime. First reading was with the BOA on 10/11/16.

State of NH Department of Safety grant FY2017 Opioid Abuse Reduction Initiative (Granite Hammer grant) in the amount of \$249,267 for the purpose of overtime pay to investigate and apprehend individuals or organizations involved in drug use and trafficking. For the period of October 23, 2016, through May 31, 2017 (32 weeks): 16 officers & 2 supervisors, 6 hours per day each.

Department Detail Expenditure Report FY2017:

The Commissioners were provided with the Department Detail Expenditure Report as of month-end September 30, 2016.

Department Detail Revenue Report FY2017:

The Commission received a copy of the September 30, 2016, Revenue Report.

FY2017 Weekly Payroll Overtime:

The overtime averaged \$31,000 per week during the month of September due to training and backfill coverage for Sergeant Command Schools, investigations, and the interdiction efforts. With the recent hiring of First Year Officers, the surplus due to vacancies is no longer available to offset the overtime. We expect coverage to decrease at the end of the summer months.

Karen stated that the weekly average overtime needs to be at \$26,000 in order to meet the current fiscal year budget. Chief Lavoie stated that we cannot anticipate crimes; therefore, we can't do anything about incurring

investigative overtime. We also have “minimum staffing” requirements that requires us to backfill. Training certification requirements also require backfill.

FY2017 Overtime Tracking by Specific Case or Significant Occurrence:

The Commissioners received a copy of the FY2017 Monthly Overtime Tracking by Specific Case Number or Significant Occurrence report showing the overtime cost for recent major cases and or significant occurrences. During September, we spent overtime on Interdiction (with 15 arrests), two cases with high overtime, and various training. There was also an SRT callout.

FY2013 - FY2017 Payroll Graphs:

- The Commission received graphs comparing fiscal years 2013 through 2017 overtime expenditures. Analyzing the first graph entitled NPD Monthly Overtime (All Types), we see the baseline (orange) represents the FY2017 average monthly appropriation at approximately \$90,000 per month.
- The current FY2017 overtime (light blue with the X symbol) decreased slightly in August then increased again in September.
- Data for FY2013, FY2014, FY2015, and FY2016 for comparison purposes:
 - FY2016 (purple) shows the increase in overtime from February through June due to initiatives such as Interdiction and coverage.
 - FY2015 (light green) demonstrates the spike in December of that year due to three homicide investigations in that month followed by the forced decrease in overtime to meet the budget.
 - In contrast, FY2014 overtime (red) hovered closer to the overtime budget benchmark. Staffing was closer to full complement (averaging four functioning strength vacancies) compared to other years averaging closer to eleven functioning strength vacancies.

Payroll Cost Analysis and Forecast:

John Griffin’s form “Police Department Payroll Cost FY2017” was updated by Karen Smith. Basing the year on a weekly overtime of \$26,000 and an average weekly payroll of \$309,000, we can use this form to forecast breaking even on the payroll accounts for the following reasons:

- The overtime budget was budgeted low due to the City’s requirement to anticipate surplus in the full-time payroll account to pay for additional overtime that becomes necessary as a result of turnover.
- As a result of vacancies during the year, a balance of \$537,000 in the Full-time and Part-time payroll account is projected.
- We will be able to offset the projected (\$397,000) deficit in the overtime account caused by overtime continuing at \$26,000 per week versus the budgeted weekly amount of \$20,712. This includes absorbing the \$140,000 reduction already budgeted in for attrition.

Karen stated that the Granite Hammer Grant was recently approved. That grant will cover drug-related overtime going forward but not going backwards.

Strength Report:

The Commission received a copy of the September 2016 Strength Report.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	186	179	176	3
Total Non-Sworn Members	6	6	4	2
Total Part-Time Civilians	6	5	5	0
Total Full-Time Civilians	69	62	61	1
Total Grant Civilians	1	1	1	0
TOTAL:	268	253	247	6

Functioning Strength:

The Commissioners received a report of the current functional strength and an analysis of correlating overtime.

Quarterly Grant Reports and Special Revenue Fund Reports:

Expendable Trust Funds & Revolving Accounts:

- 7081 ETF General is the Pistol Permit replacement account: Balance: \$20,017
- 7080 ETF Overtime is the backup overtime account: Balance \$90,199
- 4020 Special Revenue Revolving Fund Police Drug Enforcement account: Balance \$28,587
- 4022 Special Revenue Revolving Funds US Treasury Forfeiture Funds account: Balance \$17,182
- 4025 Special Revenue Revolving Funds DOJ Drug Forfeiture Funds account: Balance \$343,092
- 4030 Special Revenue Revolving Funds Police Special Details Fund account: Balance (\$7,071)
This is an Accounts Receivable account

- 4032 Special Revenue Revolving Funds Pistol Permit Fees Fund account: Balance \$10,793. Funds encumbered in October for purchases for weapons storage project. Account will be closed once paid.

Grants:

- JAG13 Justice Assistance Grant (ends 9/30/17)
- JAG14 Justice Assistance Grant
- JAG15 Justice Assistance Grant
- VAWA Domestic Violence Grant
- Bulletproof Vest Grant FY2014 funding (ends 9/1/16)
- Bulletproof Vest Grant FY2015 funding
- Police Generator Grant
- Homeland Tactical Armored Vehicle Training (TAVT) Grant
- NH Highway Safety Grant 2016 STEP Patrols
- NH Highway Safety Grant 2016 DWI Patrols
- Homeland Advanced Law Enforcement Rapid Response Training (ALERRT) Grant

Note: The Bulletproof Vests have a lifespan of five years and replacements are on a rotating schedule.

Proposed FY2018 Budget Preparations:

Mayor Donchess sent a memo to Chief Lavoie and the Board of Police Commissioners regarding the FY2018 Budget Request.

Chief Lavoie stated that he met with the City regarding the upcoming FY2018 budget crisis. With the upcoming NHRS pension obligation expected to increase by more than \$2 million, and with the budget cap in place, the city estimates that the FY2018 Police Budget will need to be level funded. It should be noted that approved collective bargaining agreement liabilities alone will increase the NPD budget by approximately \$600,000. This would mean that we would have to reduce our budget by that amount in order to level fund the budget. Our budget is approximately 94% salaries which would mean that we would have to cut employees and overtime in order to meet these budget guidelines. Not filling five police officer positions would equal only approximately \$250,000, far short of the \$600,000 estimate. Postponing their January hire to a July hire would save approximately \$125,000 in this fiscal year but would not help FY2018. Chief Lavoie stated that he would not want to hire in January only to have to lay the officers off in July. Additional cuts would be required. During the past several years, we have cut 9 civilian positions. If civilians are cut further, we would need to backfill those positions with sworn officers. Due to minimum staffing requirements, additional cuts would also be needed from various police specialty assignments such as the Burglary Unit, School Resource Officers, POP Unit, Traffic Unit, etc. These positions would be re-assigned to patrol duty for street coverage. In addition, we would possibly need to eliminate units such as the Dive Unit (for training cost savings) and the Senior Relations position. All these cuts would be needed in order to come in with a level-funded budget. These cuts would severely decimate our manpower and our services to the City. Keep in mind that we cannot forecast crime and there is a severe drug crisis. A cut of \$600,000 to our budget would also cut our base the following year.

Mayor Donchess has scheduled a Budget Presentation meeting on November 10, 2016.

MOTION: Commissioner Dahl made a motion to accept the budget reports and recognize the Chief's request to delay hiring five (5) police officers in January or until further notice. Motion seconded by Commissioner Plante. All in favor.

ACTIVITY REPORT:

Deputy Chief Denis Linehan reported the following:

Detectives furthered two stabbing incidents in September when a female stabbed a male whom was known to her. Also, in a separate incident, officers responded to Southern NH Medical Center for a domestic incident in which the adult male victim had been stabbed by a female that was known to him. The injuries were not life threatening in both incidents

On September 10, 2016, officers responded to Dunloggin Road for a report of Shots Fired. The complainant fled the scene calling 911 to say her son fired a shot into the ceiling and his girlfriend and baby were still within the residence. The subject was located and was taken into custody for several domestic violence related offenses.

Deputy Chief Michael Carignan reported the following:

On October 17, 2016, at approximately 0925 hours, patrol officers responded to Jeannottes Market (2 Courtland St.) for the report of a robbery. Upon arrival officers engaged in a foot pursuit with the suspect who was subsequently captured and taken into custody. Officers later learned that the robbery was possibly related to a drug debt and not related to a robbery of the store.

Officers responded to the area of Blue Hill Avenue for two reports of shots fired. Officers located 9 shell casings at 16 Blue Hill Avenue. Hospitals were checked with negative results. A possible suspect/witness vehicle was located in the area. Detectives furthered and Sean David Camlin was later arrested. He was charged with 9 counts of reckless conduct. He was also charged with falsifying evidence, carrying a loaded handgun without a license, and was in possession of marijuana and \$23,000 in cash.

Drug Arrests:

2016 YTD (1/1/16 - 10/17/16): 618

2015 YTD (1/1/15 - 10/17/15): 466

Fatal Drug Overdoses:

2016 (as of 10/17/16): 250 Fatalities: 37
 2015 (as of 10/1/15): 160 Fatalities: 18

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:

The Chief gave the Commissioners an overview of the letters of appreciation received from the public and other outside agencies.

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

CIVILIAN HIRE:

For the Record:

- **Jenny Sousa:**
Effective October 17, 2016, Jenny Sousa has been hired to fill the vacant Crime Analyst position.
- **Andrew Othot:**
Effective October 24, 2016, Andrew Othot will be hired to fill the vacant Parking Enforcement Specialist position.

RETIREMENT:

- Lieutenant Michael Moushegian: Retirement effective October 9, 2016

MOTION: Commissioner Dahl made a motion to accept the retirement of Lieutenant Michael Moushegian effective October 9, 2016. The motion was seconded by Commissioner Plante. All in favor.

MASTER PATROLMAN & MASTER PATROLMAN II CERTIFICATIONS:

The below listed Master Patrolman has satisfactorily completed all requirements for certification to Master Patrolman II:

Master Patrolman II Certification:

- MPO Donald Densmore - effective December 17, 2016

MOTION: Commissioner Dahl made a motion to certify the above listed officer as a MPOII effective December 17, 2016. The motion was seconded by Commissioner Plante. All in favor.

The below listed Senior Patrolmen will complete a minimum of seven continuous years of service during 2016 and 2017 and have satisfactorily completed all other requirements for certification to Master Patrolman.

Master Patrolman Certifications:

- Effective November 19, 2016:
Senior Patrolman Ian Day-Lewis
- Effective December 21, 2016:
Senior Patrolman Phillip Belmont
Senior Patrolman Joseph Dewitt
Senior Patrolman Steven Hallam
- Effective April 14, 2017:
Senior Patrolman Edward Annino
Senior Patrolman Stephen Morrill
Senior Patrolman Timothy Roach

MOTION: Commissioner Plante made a motion to certify the above listed officer as a Master Patrolman effective on their respective dates. The motion was seconded by Commissioner Dahl. All in favor.

AWARDS:

For the Record.

Commendation Bar for Lifesaving: Subject jumped off the Main Street Bridge into the Nashua River

- *Officer Steven Berry*

Commendation Bar for Lifesaving: Subject with Life-threatening Stab Wound to the Neck (Paxton Terrace)

- Officer Ryan MacDonald
- Officer Jonathan Earnshaw

Letter of Recognition: Subject with Gunshot Injury to the Leg

- Officer Kyle Ingersoll
- Officer Daniel Hayden

The Nashua Telegraph - Best of Greater Nashua Award - Favorite Greater Nashua Police Officer:

- Officer Jaclyn McIver

OTHER BUSINESS:

PAL Cross Country:

Commissioner Dahl wanted to thank PAL Officer Debisz, Detective McIver, and Officer Lewis for their assistance during the Nashua PAL Elementary School Cross Country Championship Race that was held at North High School on Saturday, October 15, 2016.

Vice President Joe Biden:

Vice President Biden will be visiting NCC in Nashua this Thursday. We will provide a security detail for the event.

Roof Project:

An estimate was received in the amount of \$35,000 for asbestos removal for the garage/range roof project.

Generator Project:

We are waiting for the official quote regarding replacement of an electrical panel related to the newly completed generator project.

Evidence:

Commissioner Plante asked about "evidence security". Chief Lavoie and Deputy Carignan responded that we conduct multiple evidence audits throughout the year. These audits can be random and unannounced. Audits are also conducted when assignments are changed for evidence officers.

PUBLIC COMMENT:

No public comments.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:37 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 (a) DISMISSAL, PROMOTION, COMPENSATION, DISCIPLINE, INVESTIGATION OF ANY PUBLIC EMPLOYEE

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 Plante, seconded by Commissioner Dahl.

A roll call vote was taken:

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

RSA 91-A:3, II (b) HIRING

“The hiring of any person as a public employee”

Motion by Commissioner Dahl, seconded by Commissioner Plante.

A roll call vote was taken:

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

END OF NON-PUBLIC SESSION:

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

RETURN TO PUBLIC SESSION: 6:58 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) “Dismissal, Promotion, Compensation, Discipline, Investigation of any Public Employee”
- **Item #2:** RSA 91-A:3, II (b) “Hiring”

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

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

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, November 21, 2016

ADJOURNMENT

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

Time: 6:59 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk