

December 21, 2020

The Nashua Police Commission held a public meeting on Monday, December 21, 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-not in attendance
Kathy Breslin, Administrative Project Specialist

Others Attending the Public Session:

Aldermanic Liaison Lori Wilshire-not in attendance
Aldermanic Liaison Richard Dowd
Laurie Ortolano-Citizen

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 8:03 am. Roll call taken.

APPROVAL OF MINUTES:

- November 23, 2020

Commissioner Tollner made a motion to approve the minutes of the November 23, 2020 meeting. Motion seconded by Commissioner Plante. All in favor.

BUDGET:

Business Manager Karen Smith was unable to attend the meeting, but provided reports and a summary as reported below.

FY2021 Grant:

FY2021 Federal Highway Safety Grant totaling the amount of \$31,682 from the State of New Hampshire, Office of Highway Safety for the purpose of funding overtime to conduct various enforcement patrols. The grant period is 12/4/20 through 10/8/21.

FY2021 November Expenditure Report:

A copy of the report was provided.

FY2021 November Revenue Report:

A copy of the report was provided.

FY2021 Monthly Overtime Tracking by Specific Case Number or Significant Occurrence:

The November overtime for significant occurrences totaled \$19,439.

November Functional Strength:

The functional strength for November is 27. This is the number of total officers we are down due to vacancies, officers in training and officers on extended leave.

FY2021 November Overtime Analysis:

The average weekly overtime for the month of November was \$38,353. We would like the weekly average to be \$31,000.

November Strength Report:

A copy of the report was provided.

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

ACTIVITY REPORT:

Deputy Chief Kevin Rourke reported the following:

The overtime is decreasing in Patrol due to the addition of 8 new officers. Officer Tien has excelled and has completed his FTO and has been assigned to Patrol. Officer Tien came from San Francisco where he was an officer for 3 years and recently completed his law package at the Academy.

Officer Anderson and Officer Colby are doing better. Officer Colby has an appointment on December 29th and hopefully will be cleared to return to work. Officer Anderson has an appointment on January 6th.

Covid update- we currently have 4 employees out and over the last 3 weeks we have had 4-12 employees cycling back to work. In regards to the vaccine, we were contacted by the State to provide them with all the email addresses for employees wanting to receive the vaccine. We have 155 employees on the list. It looks like we will be getting vaccinated the week of December 29th. We are currently looking into having one location for NFR and the NPD to receive their vaccinations.

Officer Delaney and his K9 Bob have graduated from the K9 School and are back to work this week. We are looking to retire Officer Trefry's K9 Scooby Doo in the coming months.

Deputy Chief James Testaverde reported the following:

Detectives:

Captain Allard and I met with County Attorney John Coughlin and had a fairly productive meeting. We discussed the recent officer involved assaults. The County Attorney's office has been talking to our Legal bureau about Officer Anderson's case. The defendant involved in Officer Colby's case is serving a year.

In October the POP Unit helped NID during a drug interdiction. Sergeant Stone and Officer Fitzpatrick arrested a male subject for Possession of Crack Cocaine and Possession of Stolen Items. Officer Fitzpatrick got the subject to make full admissions regarding the drugs and theft. The subject also gave consent for Officer Fitzpatrick to access his phone and then made admissions about child pornography. This information was passed onto Detective Rayho who is working with ICAC.

The Feds got involved and used this information to hit a house in the Dominican Republic where they saved a 14-year-old girl who was being trafficked.

Professional Standards:

Currently we are down 3 officers and will be down 1 more with the resignation of Officer Debisz. We have 1 conditional offer and Professional Standards is currently working on other candidates.

Commissioner Tollner praised our Professional Standards bureau for the work they are doing, especially when so many other police departments are having trouble filling positions.

On December 22, 2021 the Honor Guard will be holding a memorial service at the Edgewood Cemetery to honor Officer Michael Latvis who died in the line of duty 64 year ago.

Commissioner Tollner praised Lieutenant Gaphardt in his work to honor officers who have died in the line of duty. He suggested contacting one of the local newspapers to notify them of the service.

Legal:

On January 1st Attorney Kathleen Brown will begin working for the Hollis Police Department part-time. Professional Standards is currently working on the background for the new police attorney.

Services:

Lieutenant Camacho and Officer Adamson are doing a great job covering the Community Policing position. We have selected a candidate and Professional Standards is in the process of completing the background investigation.

Captain Mederos has done an amazing job since he has started in the bureau.

We are currently down one dispatcher and currently have a candidate going through the background process.

The plans for the new HVAC Unit should hopefully arrive in the coming weeks so the project can go out for bid. There has been a 6 month delay due to Covid.

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

- Gateways Community Services-Deputy Jim Testaverde
- Town of Waterville Valley, NH, Department of Public Health-Lieutenant Carlos Camacho

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

AWARDS:

For the record:

Commendation Bar for Lifesaving: (July 18, 2020)

- Officer Derek Ibell
- Officer Michael Kekejian

Letter of Commendation: (January 6, 2017 Homicide)

- Sergeant Brian Moores
- Detective Joseph Dewitt

Letter of Recognition: (August 2020 Robberies)

- Officer Brian Howe

SWORN NEW HIRES:

For the record:

Effective December 7, 2020:

- 1st Year Special Officer Tyler McDaniel
- 1st Year Special Officer Certified I Nichole Rudolph

PROPOSED PT INCENTIVE: (Presentation by Lieutenant Clark Gaphardt)

Chief Carignan wanted to say a few things prior to Lieutenant Gaphardt speaking. He stated that Lieutenant Gaphardt has been in the Professional Standards Bureau during very difficult times, with many unfilled positions. He has taken charge and worked to get us to full staff. Lieutenant Gaphardt has also taken the time to recognize our fallen officers. It is important for people to remember these officers and talk about them since they are still a part of our family. Lieutenant Gaphardt has taken the initiative to look into a PT Test Incentive. Officer wellness has been a cornerstone at the Nashua Police Department and we have mostly focused on mental health. The retirement age of officers has been extended and we need to prepare our officers to work 5 more years, especially in Patrol. This includes nutrition, sleep and mostly physical fitness. Lieutenant Gaphardt has taken this to a new level. The prior mentality at the PD was to do the bare minimum to pass a PT Test. We want our officers to strive to be at a better physical fitness level.

Lieutenant Gaphardt provided a handout providing the current PT Test requirements and the CALEA standards.

The main goal of the PT Incentive is to reward officers who do well on their PT Test with time off. Currently the officers just need to pass the PT Test every year so they do not become decertified. The standard is meeting the 35%, which is considered "poor". These are guidelines set by the State of NH. PT Tests are not on employee evaluations and are just a pass/fail situation. We cannot do monetary incentives to get officers to change their habits, so we are looking to reward them with time off. If an officer does well on a PT Test they can earn a day off, much like a Special Personal day. You cannot take the day off if it causes overtime and you must use it within the year or lose it. The main issue with the idea is that it cannot cause overtime and the bureau where this may be an issue is the Uniform Field Operations Bureau (Patrol).

Other incentive ideas:

- Additional time off for those who excelled on their PT Test
- Add the test results to the evaluations
- Cash reimbursements
- Specialty Unit requirements that are higher to remain in a unit.
- Top male and female officers of the year for PT Test results.

In order to earn initiatives PT Tests must maintain strict standards and every test must be witnessed by 2 officers who are PT Test Certified so the integrity of the program remains intact.

Deputy Testaverde stated that Lieutenant Gaphardt did a great job. In regards to abuse of the program, he trusts the program, especially with two officers administering the test. We have not decided to do the incentive program, but if we did and the majority of the officers hit the mark we can set the level higher.

Chief Carignan stated that Lieutenant Gaphardt did an excellent job with his presentation, but nothing is set in stone. Officers cannot maintain a good level of physical fitness without also sleeping and eating well. Officers who have more energy have better interaction with the public.

The Commissioners stated that they liked the idea, but would like to limit the amount of time off an officer can earn in a year. Commissioner Tollner also mentioned that he would like to make sure that mental health is included in this program. The Commissioners thanked Lieutenant Gaphardt for his time and stated he did a nice job with his presentation.

LONG TERM BUILDING EXPANSION: (Chief Carignan)

Everyone has been sent a copy of the expansion plans for the building. We started the HVAC project a year ago. Part of this process was to make sure the new HVAC system would work if we expanded the building. I struggle with the City of Nashua capital improvements being a long term plan. I need to figure out a way to let the City know we need something in 15 years, but to start making a plan for that now. The Booking area in the building does not work anymore and it is a liability, but it does not make sense to just change one area.

I am happy to answer questions, I just want to get the information out there. The design shows the reorganization of the bureaus that makes sense. How do we go about getting this done?

Alderman Dowd stated that this project should be in the bonding plan rather than capital improvements.

Commissioner Tollner stated that it is a challenge to spend a lot of money on a building in the City. It might be a good idea to do a presentation to the Board of Alderman to notify them of the long term plan. The recent CALEA report stated that we are at risk in the Booking area.

Commissioner Dahl stated that he did not feel we could wait 15 years to renovate that area. He did not think it was an emergency, but definitely a 5 year plan.

OTHER BUSINESS:

Chief Michael Carignan reported the following:

We recently received a \$1,000 donation from Home Depot. We bought 85 tree stands to go with the 110 Christmas trees for the Arlington Street Community Center.

We recently presented awards to students and staff at Bishop Guertin who helped save the life of Sergeant Joseph Rousseau's father, a teacher at the school.

Tonight at 7:00 pm there is an emergency meeting with the Board of Alderman to discuss the proposed City curfew. We do not make the laws, but we will enforce them. The curfew will be difficult to enforce. I cannot have designated Patrol officers go into establishments to hand out tickets. We do not hand out fines we hand out tickets. The courts determine the fines.

Alderman Dowd stated that the plan was to discuss the curfew tonight and the vote will take place the following evening. The vast majority of the Alderman are against the curfew.

PUBLIC COMMENT:

Nashua Citizen Laurie Ortolano is currently involved with an investigation between herself and the City of Nashua. She wanted to state for the record that she felt the Nashua Police Department should not be performing the investigation and it should be done by an outside entity.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, January 25, 2021, 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 Dahl. All in Favor

Time: 10:12 am

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 10:13 am

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 (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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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 Tollner, seconded by Commissioner Plante.

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

RETURN TO PUBLIC SESSION: 10:26 am

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**).

***Item #1: RSA 91-A:3, II (b):* “The hiring of any person as a public employee”.**

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

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

Commissioner Tollner asked for a motion to seal the following minutes of the Non-Public session (**Item #2**).

***Item #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 Plante to seal the minutes of the Non-Public Session (**Item #2**) as authorized above. All in favor.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, January 25, 2021 at 5:30 pm

ADJOURNMENT

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

Time: 10:37 am

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk