

August 20, 2018

The Nashua Police Commission held a public meeting on Monday, August 20, 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 (not in attendance)
Aldermanic Liaison Ernest Jette
Two public citizens

PUBLIC SESSION

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

APPROVAL OF MINUTES:

- July 19, 2018
- July 30, 2018

MOTION: Commissioner Dahl made a motion to approve the minutes of the July 19 & July 30, 2018, meetings. Motion seconded by Commissioner Plante. All in favor.

BUDGET:

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

Resolution / Grants:

A grant was received for funds in the amount of \$261,767 from the State of NH, Department of Safety, for the Opioid Abuse Reduction Initiative (OARI) grant.

FY2019 Department Detail Expenditure Report

The Commission received a copy of the July 31, 2018, Expenditure Report. The Expenditure Report includes 4 of 52 weeks of payroll which is 7.7% of the annual budget. The current payroll account requires a transfer from the Overtime Expendable Trust Fund account for two separate incidents in July for overtime related to a shooting and an ongoing homicide investigation estimated at \$88,276 collectively. The homicide is ongoing so the transfer request will be placed on hold temporarily. For demonstration purposes, if we remove the \$80,000 in the calculation, the percentage would be 7.9% for month-end July.

Funding the bottom line reduction in account 90120 Mayoral Budget Adjustments in the amount of (\$94,935): It is early in the year, so Ms. Smith will continue to monitor the Full-time Payroll account and the Overtime account and follow 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 July 31, 2018 Revenue Report.

FY2019 Weekly Payroll Overtime:

The overtime averaged \$70,697 per week during the month of July.

FY2019 Overtime Tracking by Specific Case or Significant Occurrence:

Overtime during the month of July included criminal threatening with a firearm, homicide investigation, attempted suicide, 4th of July activities, Nashua Pride Parade, and various training overtime.

Alderman Jette referred to a recent Board of Aldermen meeting in which it was brought up that donations received for the recent Pride Parade event exceeded the expenses incurred. Alderman Jette was inquiring if any of those funds were transferred to NPD for reimbursement of NPD costs. Chief Lavoie responded that the Pride parade cost NPD over \$3,000. NPD does not charge the city for city functions. There was some talk about the city possibly starting up a "special fund" for these types of donations; however, they did not say what the city would do with the money once received.

Strength Report:

The Commission received a copy of the July 31, 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	4	4	4	0
Total Full-Time Civilians	70	62	59	3
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 June 2, 2018, officers responded to Whitney Street for the report of a domestic disturbance. A male victim sustained non-life threatening injuries after being struck in the head with a hammer by his boyfriend who was subsequently placed into custody without incident.

On June 17, 2018, officers responded to a Nashua residence for a report of a domestic situation. Upon arrival, an adult male was observed with minor stab wounds to his left arm. The adult female girlfriend was also on scene and stated she stabbed her boyfriend after he assaulted her multiple times and prevented her from leaving the apartment. Both the female and male were transported to the hospitals for treatment.

On June 26, 2018, officers responded to Ledge Street for a check well-being call of a suicidal male with a firearm. Upon arrival, one of the officers made contact with the male subject who displayed a firearm at the officer during the encounter. In response, the officer subsequently shot the male subject twice. No officers were injured during the incident. Additional units responded to the scene and medical aid was immediately rendered to the subject who was subsequently transported to the Medical Center and then to Massachusetts General Hospital for further treatment. The NH Attorney General's Office is investigating the incident.

On July 7, 2018, officers responded to Buck Street for the report of an assault. The calling party reported that he came home to find his roommate unconscious. The subject was confirmed to be deceased. The scene was secured and CID was notified to further the investigation. The ME and AG's office were also notified and responded to the scene. The death was ruled a homicide and the investigation is ongoing.

On July 14, 2018, officers responded to Extended Stay America at 2000 Southwood Drive for the report of a male employee who had been stabbed. On arrival, contact was made with the victim who stated that while he was on a smoke break, an unknown male subject approached him, brandished a knife, and stabbed him in the stomach. He reported that the suspect then fled on foot into a heavily wooded area adjacent to the hotel. The victim showed officers an injury to his stomach that was not consistent with a knife wound. CID furthered the investigation and it was determined that it was a false report.

Deputy Chief Michael Carignan reported the following:

The NH Attorney General's Office is investigating the shooting incident on June 26, 2018, and we are awaiting their report. The suspect was later arrested and the officer is back on duty awaiting the results of the Attorney General Office's investigation.

The investigation into the homicide on Buck Street is ongoing. The main suspect in the homicide was recently killed in a situation in Virginia with police. The Chief/Deputy Chiefs will keep the Commissioners updated on the progress of the investigation.

Opioid-Related Overdose Reports/Deaths: (June 2018)

- 21 overdoses
- 2 deaths
- 7 overdoses with toxicology pending

Commissioner Tollner asked that our drug statistics be sent over to Harbor Homes, Drug Court, and other agencies. Chief Lavoie met with Safe Stations today and the statistics from fire are different from NPD statistics for a number of reasons. Deputy Carignan will speak with our Crime Analyst regarding sharing the statistics with other agencies.

Professional Standards Bureau:

The new firearms are in and officers are in the process of being re-outfitted for related gear.

The next police recruit examination is scheduled for September 8, 2018, with an application deadline of August 24, 2018. Recruiting is trying new strategies to find candidates. A new hiring rank, First Year Officer-Certified-II will be added to the benefit package in hopes that this will attract current certified officers to apply at NPD. Currently there are 99 applicants plus 5 certified officer applicants.

Services Bureau:

Senior Relations Specialist Jane Constant is planning a Senior Fraud & Crime Prevention Series which will be held at the Arlington Street Community Center. This program is designed to provide residents 60 years of age and older a glimpse of the Nashua Police Department and their community partnerships to address scams and other concerns that face seniors today including various scams, personal safety, financial exploitation, and driving concerns.

Other:

Commissioner Dahl asked about a June 17, 2018, disturbance call on Palm Street. Deputy Linehan stated that the incident was a fight situation and all on-duty officers were requested to respond to the scene. Incidents such as this one can be unsettling as many times crowds/bystanders form in the area and officers need to control the scene to prevent escalation. In this incident, there were no injuries.

Academy Graduation:

Three officers graduated from the Police Academy on Friday. They will be assigned to Field Training prior to being assigned on the streets.

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

- US DOJ (FBI Indoor Post Blast School); (Assistance w/enforcement efforts)
- Nashua Foundries (burglary)
- PAL (Assistance w/hockey program)
- New Searles Elementary School (Bike to School Day)
- Hollis NH Family (Check conditions)
- Hudson PD (Mutual Aid)
- Harbor Homes (CRSW Training)
- Citizens (Civilian Response to Active Shooter training)
- Citizen (appreciation for check wellbeing call)

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

CIVILIAN HIRE:***Information only.***

The following people have been hired to fill vacant civilian positions:

Effective July 16, 2018

- Michael Hagen: Probationary Dispatcher

Effective August 6, 2018

- Melanie Curtis: Probationary Communications Technician

RETIREMENT:**Communications Technician Wendy Savoie: Retirement effective July 3, 2018**

MOTION: Commissioner Plante made a motion to accept the retirement of Communications Technician Wendy Savoie effective July 3, 2018. The motion was seconded by Commissioner Dahl. All in favor.

RESIGNATION:**First Year Special Officer Stefanie Welch: Resignation effective June 23, 2018.**

MOTION: Commissioner Tollner made a motion to accept the resignation of First Year Special Officer Stefanie Welch effective June 23, 2018. The motion was seconded by Commissioner Plante. All in favor.

AWARDS:

(For the Record)

Medal for Lifesaving with Valor (18-1471 House Fire at 93 Lock Street)

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

Exemplary Communications Employee July 2018

- Dispatcher Karen Goulding (Suicidal / shooting incident)

FIVE YEAR PLAN:

Five Year Plan 2018 – 2023:

The Commissioners received a copy of the new revised Five-Year Plan for 2018 – 2023. Chief Lavoie noted that included in the plan are NPD Goals & Objectives including increasing and reallocating manpower, enhancing recruitment & retention of sworn personnel, obtaining an accredited crime & computer forensics laboratory, creating a public relations unit, and capital improvements. Chief Lavoie added that although we know the level of services we provide to the community, the citizens don't always know what we do and we need to do a better job of getting that information out to the community. The Five-Year Plan is the vision for the Police Department over the next five years and this report is what we base our goals & objectives on. We continue to be vastly understaffed and doing more with less. The plan will be posted on our website. It is crucial that the Capital Improvement Project be approved as some requests have been on hold for ten years. For example, the HVAC system replacement project is extremely important due to the fact that the entire radio system for city of Nashua, including police, fire, DPW, is housed at NPD. Commissioner Tollner suggested we have a conversation with Alderman McCarthy and Mayor Donchess to emphasize the importance of our Capital Improvement Project requests. He also suggested that the Chief send a copy of the plan to the Board of Aldermen with a cover letter.

PROFESSIONAL EMPLOYEES OF NPD – UNITED FEDERATION OF POLICE OFFICERS

Official Notification for Request to Negotiate:

Formally UAW Local 2322, Professional Employees of NPD, formally voted (and was approved) on Friday to change their exclusive representation from UAW to United Federation of Police Officers – Professional Employees of NPD. A formal notification and request to negotiate was submitted. The current contract expired on June 30, 2018. Negotiations will begin in the upcoming weeks.

FIRST YEAR SPECIAL OFFICER BENEFIT PACKAGE:

(Adjustments due to approval of Patrolman's agreement)

**FIRST YEAR SPECIAL OFFICER BENEFIT PACKAGE
SUMMARY OF AMENDMENTS
FY2019
07/01/18 – 06/30/19**

ARTICLE	CHANGES
Article 2: Defined	Added new rank of First Year Special Officer – Certified-II
Article 7: Minimum Qualifications of Sworn Personnel	Housekeeping: <ul style="list-style-type: none"> • 7. Removed date
Article 16: Sick Leave	Housekeeping: <ul style="list-style-type: none"> • Removed stale language •
Article 19 Wages	Effective on approval by Police Commissioners on 8/20/18: <ul style="list-style-type: none"> • Added new Rank of First Year Special Officer – Certified-II
Article 22: Outside Details	Housekeeping: <ul style="list-style-type: none"> • Removed stale language <i>(if applicable)</i> • A. Removed first sentence as it is no longer applicable
Article 28: Non-Eligible Benefits	Added language related to First Year Special Officer-Certified-II: <ul style="list-style-type: none"> • 4. Vacation Leave: First Year Special Officer-Certified-II will be allowed to use accrued vacation time following the completion of their FTO period.

MOTION: Commissioner Tollner made a motion to approve the additional rank and other revised language as outlined above. The motion was seconded by Commissioner Dahl. All in favor.

OTHER BUSINESS:

Police Academy Graduation:

Three officers graduated from the Police Academy on Friday. They will be assigned to the Field Training Program until late October/November. Once that is completed, they will be assigned to the street. Until the FTO training is completed, they will not be considered a functioning officer.

First Day of School:

NPD is gearing up for the fall startup of the new school year. Officers will continue to do random visits and checks ins at all schools throughout the day. Officers physically go into the school on their visits.

Barnaby Homicide Case:

Anthony Barnaby, accused of the homicide of two females 30 years ago, intends to enter a plea on Wednesday at 1:30 p.m. at the court. Barnaby was previously tried three times – all with hung juries. The second homicide participant, David Caplan, also plead guilty and was sentenced in February.

Resolution R-18-066 – Addressing Possible Inequities in Sick Leave Police for Certain Unaffiliated Employees:

Commissioner Tollner gave Alderman Ernest Jette, the liaison between the Police Commissioners and the Board of Alderman, notification of a recent resolution R-18-066 that went before the BOA for its first reading on August 14, 2018, and has been forwarded to the Personnel Advisory/Administrative Affairs Committee for review. Commissioner Tollner gave Alderman Jette a quick overview of the reason for the proposed resolution. As the liaison, he asked Alderman Jette to review the proposed legislation and contact the Police Commissioners with any questions. The purpose of the legislation is to correct inequities in the Unaffiliated Employees Benefit Package following an approved correction to benefits for Fire Department employees and not other Unaffiliated Employees. The Commissioners agreed that this proposed legislation does not rectify the inequity for certain employees. The next Personnel Advisory/Administrative Affairs Committee meeting is scheduled for September 10, 2018. The Commissioners and Chief plan on attending the meeting to express their concerns.

PUBLIC COMMENT:

Mr. George Deneault commented that he had a hard time hearing the meeting as the voices were not loud enough. He also asked how many applications have been received thus far for the upcoming police recruit test. We have received 99 applications plus 5 certified police applications. The application deadline is August 24, 2018.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 7:00p.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): “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 Plante.

RETURN TO PUBLIC SESSION: 7:27 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**).

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

“The dismissal, promotion, or compensations of any public employee or the disciplining of such employee.....”

MOTION: Motion by Commissioner Tollner, seconded by Commissioner Dahl, 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:

- September 17, 2018, 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: 7:28 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk