

January 18, 2017

The Nashua Police Commission held a public meeting on Wednesday, January 18, 2017, 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 (not in attendance)

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 6:06 p.m.

MINUTES:

- November 21, 2016
- November 22, 2016

MOTION: Commissioner Plante made a motion to approve the minutes of the November 21, 2016, and the November 22, 2016, meeting. Motion seconded by Commissioner Dahl. All in favor.

BUDGET:

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

FY2017 Expenditure Report:

The Commissioners received a copy of the Department Detail Expenditure Report as of month-end December 31, 2016.

FY2017 Revenue Report:

The Commissioners received a copy of the December 31, 2016, Revenue Report.

FY2017 Weekly Payroll Overtime:

The overtime averaged \$30,483 per week during the month of December primarily due to coverage and investigative overtime. The Holiday Stroll overtime was paid in the December 1st pay week in the amount of \$14,675. The recent homicide on Kinsley Street incurred \$24,500 in overtime as of payroll paid on January 12 and the total will be included in the January reports. Once Karen Smith calculates the total overtime for this homicide, she will request a transfer of funds from the City account to cover the overtime costs.

FY2017 Overtime Tracking by Specific Case or Significant Occurrence:

The Commission received a copy of the FY2017 Monthly Overtime Tracking by Specific Case Number or Significant Occurrence report showing the overtime costs for recent major cases and or significant occurrences. During December, overtime was incurred for the Holiday Stroll, a sudden death at Paxton Terrace, an SRT callout, drug investigations, building maintenance projects, SRT training, Dive training, K9 training, and Use of Force training. An agreement was previously made with the City that the Holiday Stroll costs will not be reimbursed by the City and the cost will be carried by NPD.

FY2013 - FY2017 Payroll Graphs:

The Commissioners received graphs comparing fiscal years 2014 through 2017 overtime expenditures. FY2013 was removed from the analysis at the request of Commissioner Tollner. Analyzing the first graph entitled NPD Monthly Overtime (All Types), the baseline (which is light blue with an X symbol) represents the FY2017 average monthly appropriation at approximately \$90,000 per month.

The current FY2017 overtime (the purple line) decreased slightly in August, increased in September, came down slightly in October, came down again in November, and then slightly increased in December.

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 \$28,000 and an average weekly payroll of \$309,000, we can use this form to forecast breaking even on the payroll accounts given any unforeseen circumstances such as major investigations. A request for an additional transfer from the overtime account to cover additional overtime as a result of the Kinsley St. homicide in January will be required.

Strength Report:

The Commissioners received a copy of the December 2016 Strength Report.

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	186	179	174	5
Total Non-Sworn Members	6	6	5	1
Total Part-Time Civilians	6	5	5	0
Total Full-Time Civilians	69	62	62	0
Total Grant Civilians	1	1	1	0
TOTAL:	268	253	247	6

Functional Strength Analysis:

The Commissioners received a copy of the Functional Strength Analysis report. The total officers that we are down include both vacancies and officers at the academy and/or in training. We currently have five vacancies and six officers in training for a total of 11 down.

Quarterly Expendable Trust Funds, Special Revenue Revolving Funds, and Grant Reports:

The Commissioners received copies of the following reports.

Expendable Trust Funds:

- 7080 Police Overtime ETF
- 7081 Police General Fund Purposes ETF (New Pistol Money)
- 7507 Police Bomb Spec Unit ETF
- 7508 Police K9 Unit ETF
- 7509 Police School Programs ETF
- 7510 Police-Rad System Program ETF
- 7511 Police-Law Enforcement Programs ETF (General)

Special Revenue Revolving Funds:

- 4020 Police Drug Enforcement Fund
- 4022 US Treasury Forfeiture Fund
- 4025 DOJ Drug Forfeiture Fund
- 4030 Police Special Detail Funds

Grants:

- 50.1001.14.01 JAG14 Justice Assistance Grant
- 50.1001.15.01 JAG15 Justice Assistance Grant
- 50.1001.16.01 JAG16 Justice Assistance Grant
- 50.1003.16.01 VAWA FY16 Domestic Violence Grant
- 50.1005.15.01 Bulletproof Vest Partnership Grant
- 50.1006.17.01 NH Hwy Safety – Nashua Step Grant
- 50.1006.17.04 NH Hwy Safety – Pedestrian Patrol Grant
- 50.1006.17.08 NH Hwy Safety – Nashua DWI/DUI Patrol
- 50.1011.17.01 Law Enforcement OARI (Granite Hammer Drug)

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

ACTIVITY REPORT:

Deputy Chief Denis Linehan reported on the following:

November:

- 11/16: Officers responded to Lake Street at Ash Street for the report of shots fired. Officers learned that an adult male victim had been shot while seated in his vehicle during an altercation with a juvenile male who was known to him. Officers located and apprehended the shooter on scene a short time later and took him into custody.
- 11/11: Officers responded to Blossom Street for the report of a robbery. The adult male victim reported he was confronted by a male who he was familiar with through past contact. The male was armed with a handgun, which he pointed at the victim and demanded money. When the victim did not respond he was struck in the head with the gun which resulted in minor injury. A second male emerged from a room within the apartment and the victim provided the suspects with several hundred dollars in cash. The victim was forced to lie on the floor while the suspects stole other valuables from within the apartment before fleeing on foot.
- 11/19: Officers responded to the Maple Street lot for the report of a male victim who had sustained a non-life threatening stab wound to his back, He was treated at the scene by UFOB officers and subsequently transported to SNHMC.
- 11/20: Officers responded to the Tropical Point Lounge, 14 West Hollis Street for the report of a disturbance. It was learned that a victim was stabbed in the back and that the injury was not life threatening.

- 11/12: Officers responded to East Pearl Street for a report of a male suffering from a gunshot wound. It was reported that the incident had occurred as part of a robbery. The victim suffered minor injuries and was transported to St Joseph's Hospital for treatment. Guns were recovered.
- 11/15: Officers came upon a disturbance outside of Fody's Restaurant in Railroad Square. Witnesses advised that there had been a previous altercation at Fody's between the defendant and another male. The defendant had entered his vehicle to leave the area at which time he saw the subject that he had an altercation with. He began to rev his engine and subsequently struck a nearby couple with his truck. The male was found unresponsive with significant head trauma and was ultimately air lifted to Mass General Hospital where he was stabilized in serious condition. The female was transported to an area hospital with non-life threatening injuries. The defendant was arrested for DWI Felony Reckless Conduct.
- 11/06: Officers responded to the Temple Street foot bridge for a report of a subject that fell from the train track approximately forty feet (40) to the ground. A pool of blood was located on the shore of the river but a search of the area was unable to locate the potential victim. At approximately 12:47 p.m., officers located the injured subject walking down Bowers Street with significant facial injuries. He was transported to a local hospital.
- 11/17: An SRO at South responded to a medical call where a loaded firearm was located by school administration in a student's backpack. The firearm was seized. SID was notified and later determined the firearm was stolen. The 17-year-old juvenile was arrested and charged with Receiving Stolen Property, Class A Felony and Carrying or Selling Weapons, Class A Misdemeanor.
- 11/27: Officers responded to Farmwood Drive for a report of a suicidal 37-year-old male. Officer Ingersoll was first to arrive and indicated to dispatch that the male now had a knife. After attempts to get the subject to drop the knife failed non-lethal bean bag rounds were deployed and the subject was taken into custody. He was transported to the hospital by AMR for treatment.
- Hazardous Device Unit: It should be noted that Manchester PD and State Police Bomb have been requesting our assistance at large crowd events. We will also provide assistance with the Boston Marathon. NPD is not reimbursed for providing assistance. Our Hazardous Device Unit provides assistance with route clearance and operational standby.

December:

- 12/4: Officers responded to Chestnut St for an Ambulance Call. Upon arrival officers located the victim of a shooting. The victim was transported to the Medical Center with non-life threatening injuries.
- 12/13: Officers responded to the Tropical Point Club, 14 West Hollis Street, on the report of a stabbing. On arrival officers located the victim in the bathroom of the club with three non-life threatening stab wounds to his torso. The victim provided information that he had stopped at the club so his girlfriend could use the bathroom. While waiting for his girlfriend, two males approached him, one with a gun, ordered him out of the vehicle and took his phone and money. The victim was then ordered to get in the suspect's vehicle, but refused to get in and was subsequently stabbed. The victim's girlfriend fled the scene. Officers placed a BOLO on her and her vehicle. Manchester PD later located the vehicle and UFOB responded to the vehicle which was secured by Manchester and towed the vehicle back to NPD. This is the second incident at this location in recent months.
- 12/27: Officers responded to the report of a burglary at Lovewell Street. The complainant reported seeing someone in their home. The suspect fled through a door and jumped a fence in the back yard. A perimeter was established and patrol cleared the residence. A K-9 track was initiated and a sweatshirt was discovered in an adjacent yard; however the suspect was not located at that time. The suspect was located a few hours later at a different location and arrested.
- 12/22: Manchester PD requested that NPD check the Margaritas parking lot for a stolen vehicle. The vehicle was located and Manchester PD provided a possible address for the suspect in Nashua. Upon arrival at Concord Street, the Traffic Unit located the suspect and took him into custody. It should be noted that he is a former Melrose, Massachusetts police officer and was being investigated for impersonating a police officer in Manchester.)
- 12/14: Officers responded to Linton St for an ambulance call after an individual called to report he had shot himself in the leg on accident. Upon arrival officers found an intoxicated 21-year-old male with a single gunshot wound to the leg. The victim was transported to St. Joseph's hospital for treatment. It was learned that the victim had discharged a single round after finding the gun while sitting in the living room. It should be noted that below, above, and adjacent to where the victim was seated during the incident were people sleeping in the surrounding bedrooms. He was charged with reckless conduct charges and convicted felon in possession of a firearm.
- 12/3: Officers responded to a Paxton Terrace residence for an unconscious 4-month-old. The infant was transported to a local hospital where he later was pronounced dead. SID furthered the investigation.
- 12/10: Officers responded to Martha's Exchange for a reported disturbance and possible shots fired call. Arriving officers spoke with security staff who reported a group of three unknown males entered the bar telling security staff a male with a gun was chasing them. Security checked the exterior of the building and

noticed an exterior window to be cracked with an apparent bullet hole. The report was forwarded to CID for review. An arrest has been made.

- 12/23: Officers responded to Allds Street by Main Street for an accident with injury. It was learned that one of the operators had overdosed while driving and crossed the center line causing the collision. The victim was transported to an area hospital with significant injuries while the suspect was taken into custody for DWI.

Deputy Chief Michael Carignan reported the following:

School Resource Officers assisted with counseling following a juvenile suicide incident in November.

Several burglary cases have been cleared in December. Our Crime Analyst assisted with compiling information regarding this burglary series.

An arrest was made regarding a shooting in October in the Temple/Amory Street area

Detectives are continuing the investigation into the death of a 4-month-old infant. It appears to be non-criminal in nature.

Katlyn Marin was sentenced to 45 years to life for the death of her 3-year-old daughter Brielle Gage.

Year 2016:

- 749 drug arrests
- 331 overdoses with 44 deaths
-

Year 2016 CDII (Combined Drug Interdiction Initiative):

- 134 drug arrests

Year 2016 Granite Hammer:

- 99 drug arrests

Year 2017:

- 3 overdose deaths
- Seized \$52,000
- Seized 2 kilos of crystal meth

Professional Standards Bureau Update:

Professional Standards personnel are conducting background investigations for police recruit candidates. The upcoming tight budgets are making the recruiting efforts difficult as candidates are looking at other police departments for employment opportunities.

Services Bureau Update:

The garage roof project is underway with some setbacks due to the weather.

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:

Chief Lavoie 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.

HIRING:

For the Record.

- Derek Ibell was sworn in as a First Year Special Officer on December 20, 2016.

OTHER BUSINESS:

The 2016 Crime Statistics will be out soon, possibly in February.

For the record.

Official Letter from Teamsters Local 633: Request to begin negotiations. The Teamsters Collective Bargaining agreement expires on June 30, 2017. The letter has been forwarded to Corporation Counsel.

PUBLIC COMMENT:

No public comments.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:54 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 (b) HIRING

"The hiring of any person as a public employee"

Motion by Commissioner Plante, seconded by Commissioner Dahl.

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

RETURN TO PUBLIC SESSION: 7:20 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 (b) HIRING

MOTION: Motion by Commissioner Dahl, seconded by Commissioner Plante, to seal the minutes of the Non-Public Session (**Item #1**) 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:

- Tuesday, February 21, 2017

ADJOURNMENT

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

Time: 7:22 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk