

September 16, 2019

The Nashua Police Commission held a public meeting on Monday, September 16, 2019, 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
Elaine Marcum, Administrative Project Specialist (acting as recording secretary)

Others Attending the Public Session:

Aldermanic Liaison Lori Wilshire
Aldermanic Liaison Ernest Jette (not in attendance)

PUBLIC SESSION

Commissioner Tollner called the meeting to order at 6:10 p.m.

CITIZEN AWARD

Letters of Commendation are given to sworn officers, civilian personnel, and citizens who perform in an exemplary manner which is shown to be above and beyond what is expected and usually under life threatening situations.

- Letter of Commendation: Citizen Leah Michaud

Chief Carignan presented a Letter of Commendation to Citizen Leah Michaud for her actions on March 11, 2019, when she blocked traffic after learning that a young developmentally delayed male walked onto the highway on-ramp from Main Street.

OFF-DUTY DEATH OF NPD CAPTAIN JONATHAN LEHTO

Commissioner Tollner asked for a moment of silence in remembrance of Nashua Police Captain Jonathan B. Lehto who took his own life on Monday, September 9, 2019, while off-duty in Seattle, Washington. A memorial service is scheduled for Tuesday, September 17, 2019.

APPROVAL OF MINUTES:

- August 5, 2019

MOTION: Commissioner Plante made a motion to approve the minutes of the August 5, 2019, meeting. Motion seconded by Commissioner Dahl. All in favor.

BUDGET:

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

Grant / Other:

- A. Annual Equitable Sharing Agreement and Certification (already filed and accepted)
- B. Donations General Law Enforcement Purposes Police Trust Fund Account 7511:
 - o \$7,500 Digital Credit Union
 - o \$250 Rapid Finishing

FY2020 Expenditure Report:

The Commissioners received a copy of the current August 2019 Expenditure Report. Included is a bottom line reduction in account 90210 Mayoral Budget Adjustment in the amount of (\$180,910). A request was submitted to the Mayor to escrow the amount of \$213,000 to fund the balance needed to offset the adjustment as well as \$100,000 to fund the ETF Overtime account. Mayor Donchess has included the funding we have requested for the ETF account. However, the bottom line budget reduction of \$113,000 was not included. We will need to make up the difference through our overtime and operational budget.

Stanley Elevator submitted a quote to replace the elevator hydraulic power unit in the amount of \$24,692. The unit is aged and leaking fluid and in need of replacement. Mayor Donchess has included funding for NPD for the elevator repairs on the escrow request to the BOA which was approved. We are scheduled to go before the Finance Committee on Wednesday, September 18, 2019.

FY2020 Revenue Report:

The Commissioners received a copy of the 2019 Revenue Report.

FY2020 Monthly Overtime Tracking by Specific Case or Significant Occurrence:

Overtime during the month of August included continued overtime for the missing person investigation from May; Simple Assault investigation; FSA investigation; D/V investigation; Robbery-Firearm investigation; Building Maintenance; Miscellaneous Duty; Interdiction; and training.

Functional Strength:

The functional strength includes nine (9) vacant positions: One (1) officer at the Academy, one (1) officer in Field Training; and five (5) positions that have required backfill due to extended leave. Fifteen (16) positions are unavailable and not part of the functional strength.

Strength Report:

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

	Commission Authorized	Budgeted	Positions Filled	Vacant Budgeted Positions
Total Sworn Full-Time	187	179	170	9
Total Non-Sworn Members	1	1	1	0
Total Part-Time Civilians	3	3	3	0
Total Full-Time Civilians	71	63	57	6
Total Grant Civilians	1	1	1	0
TOTAL:	263	247	232	15

UFPO Contract:

The UFPO Collective Bargaining Agreement was approved by the Budget Review Committee and is scheduled to go before the full BOA on September 24, 2019.

HVAC Capital Project:

The sole bid was received from Yeaton Associates, Inc., for the contract for design services, design/build, and construction management services. The contract for Independent Contractor has been reviewed by both Legal and Yeaton Associates, Inc. The Certificate of Liability has been received and Risk Management is giving the final review of all documents. The plan is to bring this item to the Finance Committee on October 2, 2019.

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

ACTIVITY REPORT:***Deputy Chief Kevin Rourke reported the following:***

In response to several complaints during the second shift hours regarding problems with intoxicated individuals on the bike path and in the downtown area, NPD officers teamed up with the New Hampshire Liquor Commission to proactively visit stores in the vicinity to educate storeowners on liquor sales laws. The second phase of the operation focused on surveillance of various stores and issuing verbal warnings regarding improper liquor sales. The third phase of the operation concentrated on issuing citations/making arrests regarding unlawful alcohol sales. NPD will continue to focus on this issue in the future.

Recently, two officers responded to a residence for a follow up to a DCYF letter. While visiting the residence, it was an extremely hot day in July. Both officers took it upon themselves to privately purchase an air-conditioner, carry it up the stairs, and install it for the family. This "good deed" gesture was recognized by NPD.

NPD recently responded to a report of the suicide of the wife of a retired Nashua Police officer. It was a very tough situation for the retired officer and for the Nashua Police Department.

Commissioner Tollner asked about the recent addition of the new city scooter program and if NPD is seeing any problems or receiving any complaints. Deputy Rourke responded that we have not received any complaints regarding the city scooter program.

Commissioner Dahl commented on excellent police work regarding a case involving a theft of a purse from a motor vehicle on the DW Highway in which the perpetrator(s) tried to cash a stolen check at a local bank. Three arrests resulted from the investigation

Deputy Chief James Testaverde reported the following:

Due to the death of Captain Lehto, beginning at the end of September, Deputy Testaverde will temporarily oversee the operations of the Detective Bureau.

Computer Forensics Unit / POP Unit:

Detective Gilbert has been proactively conducting investigations while assigned to the Computer Forensics Unit. Consideration is being given to expanding the role of the Unit in the near future. The POP Unit is also expanding its investigative capabilities through social media sites to find stolen firearms and "catch a predator" cases.

Professional Standards:

The most recent police recruit exam was conducted with the following results:

- 40 signed up to take the test

- 20 showed up to take the test
- 13 passed the test
- Oral Board interviews are scheduled beginning this week.

Recruiting continues to be a problem with fewer people choosing a career in law enforcement. Chief Carignan reported that we continue to reassess our recruiting efforts and look for new ways to recruit officers. An additional officer has been assigned to Recruiting. Consideration is being given to developing a mentorship program through the various organizations we are involved with. The next test is scheduled in October.

CALEA Accreditation:

NPD will be conducting a “mock assessment” in mid to late October. The actual CALEA Accreditation is scheduled in December.

HVAC Project:

The HVAC project is on track for later this year.

Hillsborough County Attorney:

NPD remains in close contact with the Attorney General's Office regarding recent changes in the Hillsborough County Attorney's Office.

Commissioner Plante commented that opioid-related overdoses have decreased but opioid-related deaths have increased. Chief Carignan responded that we are seeing fewer calls for service, however, we are seeing an increase in Meth cases. We may be starting see the results from various drug recovery programs, drug court programs, and people who may be receiving help.

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:

- Salem Police Department: Thank you for assistance with oral boards
- Town of Hudson: Appreciation for NPD assistance during an investigation
- Nashua Citizen: Thank you for NPD service
- Citizen: Thank you for NPD service
- SNHHS: Thank you to NPD officers during an investigation
- NH Bail Commissioner: Thank you for assistance
- Nashua Citizen: Thank you for officer assistance

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

CIVILIAN HIRE:

For the record

- The following civilian have been hired to fill the position of Probationary Communications Technician:
 - Elizabeth Reilly: Effective September 11, 2019

SWORN HIRE:

For the record:

- Matthew Belletete was sworn in as a First Year Special Officer-Certified II on August 19, 2019.

RESIGNATIONS:

- Dispatcher Nicole Anderson: Resignation effective August 21, 2019
- Communications Technician Ashley Cedorchuck: Resignation effective August 24, 2019

With recent resignations of communications and dispatching personnel, Chief Carignan & Deputy Testaverde are working on proposals to increase retention & hiring. There have been difficulties with filling these positions due to low wages and overnight shift hours. Other agencies offer higher wages with less calls for service which makes them more attractive than an NPD position. Once a proposal is prepared, it will be brought before the BOA.

MOTION: Commissioner Plante made a motion to accept the resignation of Dispatcher Nicole Anderson effective August 21, 2019, and the resignation of Communications Technician Ashley Cedorchuk effective August 24, 2019. The motion was seconded by Commissioner Dahl. All in favor.

RETIREMENT:

- ***Administrative Project Specialist Elaine Marcum: Retirement effective November 1, 2019.***

MOTION: Commissioner Dahl made a motion to accept the retirement of Administrative Project Specialist Elaine Marcum, with regrets, effective November 1, 2019. The motion was seconded by Commissioner Plante. All in favor.

AWARDS:

For the Record: (The following awards were presented to the recipients on September 3, 2019)

MEDAL FOR LIFESAVING WITH VALOR

19-24899 (Suicidal Male who jumped of the Main Street Bridge)

- Officer Shaun Mailloux
- Officer Gregory Miller

COMMENDATION BAR FOR LIFESAVING

19-24899 (Suicidal Male who jumped of the Main Street Bridge)

- Officer Scott Ciszek

LETTER OF RECOGNITION

19-24899 (Suicidal Male who jumped off the Main Street Bridge)

- CT Dawn Ariel

MEDAL OF VALOR FOR BRAVERY

19-42017 (Attempt to steal police cruiser incident)

- Officer Michael Kekejian

COMMENDATION BAR FOR MERITORIOUS SERVICE:

(Drug Investigations)

- Detective Michael Lang

COMMENDATION BAR FOR LIFESAVING:

19-39159 (Suicidal male at Best Buy)

- Officer Kevin Delaney

OTHER BUSINESS:

Bicycle Program:

Chief Carignan spoke about recent proposed changes to city legislation/ordinance regarding found bicycles which currently are required to go to public auction. There are several non-profit agencies in the city that are interested in acquiring the bicycles for restoration and repair which they could then be given to needy kids in the city. Alderman Lori Wilshire volunteered to sponsor the legislation when it is put forward.

Overtime:

Chief Carignan and Business Manager Karen Smith will continue to monitor overtime during the next few months.

“Mock Assessment”:

A “Mock Assessment” is scheduled to take place in mid to late October. The actual CALEA assessment is scheduled for December.

Off-Duty Death of Captain Jonathan Lehto:

With the off-duty death of Captain Jonathan Lehto, a long and hard decision was made, with the approval of the Lehto family, to release information that the death was a suicide. The hope is that others who may be in need of help will reach out for support. The Department has received overwhelming support from public officials as well as the public regarding bringing awareness to an ongoing problem in law enforcement and others across the country. Captain Lehto was an amazing individual and the hope is to bring his death to light in hopes of helping others who are struggling so they will reach out for help.

The Nashua Police Department has assembled a team to assist with anything the family needs and is working closely with the Lehto family regarding Captain Lehto’s service. His service is scheduled for Tuesday, September 17, 2019. The NPD Critical Incident Management Team (CIMT) is also assisting as needed.

The Police Commissioners commended Chief Carignan and his staff for handling this situation with respect and dignity for Captain Lehto and his family and for taking the bold position of releasing the cause in order to help

others.

Chief Carignan also briefed the Commissioners on a recent attempted suicide by hanging inside one of the NPD cells. It should be noted that safety systems are in place to monitor detainees at all times. Officers immediately responded and prevented a death from occurring. It should be noted that our cell area is outdated and in need of reconstruction. We are in the process of visiting other agencies and their cell area. An assessment/proposal will be prepared in the near future.

PUBLIC COMMENT:

There were no public comments.

NON-PUBLIC SESSION

MINUTES SEALED

PUBLIC SESSION INTO NONPUBLIC SESSION: 6:53 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 Dahl, seconded by Commissioner Plante.

A roll call vote was taken:

- Commissioner Tollner – yes; Commissioner 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:

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 Dahl.

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: 7:04 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:

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.

TENTATIVE DATE OF NEXT REGULARLY SCHEDULED MEETING:

- Monday, October 21, 2019, at 6:00 p.m

ADJOURNMENT

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

Time: 7:06 p.m.

Respectfully submitted,

Commissioner Nicholas Dahl, Clerk