

PORTSMOUTH POLICE COMMISSION

MINUTES OF THE OCTOBER 23RD, 2018 POLICE COMMISSION MEETING

5:30 p.m. Public Session – Eileen Dondero Foley Council Chambers

Joseph J. Onosko, Chair
Jim Splaine
Arthur Hilson

- I. **CALL TO ORDER:** The October 23rd, 2018 monthly Police Commission meeting was called to order at 10:06 a.m. in the Wm. Mortimer Room of the police department for the purpose of going into non-public session.

The Chair called for a motion to go into non-public session under the provisions of RSA 91:A, 3-II (c), “Matters which, if discussed in public, would likely affect adversely the reputation of any person...”

Action: Commissioner Splaine moved to enter non-public session for the purpose delineated above.

Seconded by Commissioner Hilson.

On a Roll Call Vote: The motion passed as follows:

Commissioner Onosko:	“Aye.”
Commissioner Splaine:	“Aye.”
Commissioner Hilson:	“Aye.”

The motion passed to go into non-public session at 10:06 a.m.

The public session was called back to order at 5:34 p.m. in the Eileen Dondero Foley Council Chambers. (An archived video of the meeting is available on the city’s website.)

The following people were present: Commissioners Onosko, Splaine, and Hilson, Chief Robert Merner, Admin. Manager Karen Senecal, Exec. Assistant Kathleen Levesque, and members of the public.

II. **PLEDGE OF ALLEGIANCE:** Commissioner Splaine led the Pledge of Allegiance.

III. **ACCEPTANCE OF THE MINUTES:**

The Chair asked for a motion to accept the minutes.

Action: Commissioner Hilson moved to accept the minutes of the September 25th, 2018 meeting as written.

Seconded by Commissioner Splaine.

On a Voice Vote: The motion passed to accept the minutes of the September 25th, 2018 meeting as written.

IV. **PUBLIC COMMENT:** (The following is a brief summary of each person's comments, and represents the speaker's personal opinion. The entire meeting can be viewed online by going to the City's website and scrolling down the home page of the City's website to "Recent Meeting Broadcast", or "City YouTube Channel..." which is in the blue box just below it.)

Mr. Charlie Griffin – 210 Hillside Drive –Mr. Griffin spoke regarding the NH bicycle laws. He briefly reviewed the contents of a handout given to the Commission and Chief Merner. The handout contained copies of several New Hampshire RSAs governing bicycle laws and city ordinances. He noted it is conceivable that cyclists could be cycling after dark as they go home from work or other business. Mr. Griffin said his purpose was to find out who would be enforcing to the standards set forth in the RSAs and city ordinances, and who is responsible for inspecting bicycles. He wanted to know if the Department has officers that are trained to make safety determinations on bicycles. The RSAs seem to imply there is some responsibility on the part of the Police Department for this.

Chief Merner said the Department does have a number of certified bicycle officers, and he would confirm to what extent their training covers this type of equipment safety assessment.

Commissioner Splaine suggested the department look at possibly bringing back some type of cycle inspection.

The Chair asked Mr. Griffin what his underlying concerns were in bringing these questions to the meeting. Mr. Griffin said he felt the cyclists were being given all of the benefits and none of the responsibilities regarding the roadways, and he wished to make sure this was not going to be the case.

Commission Hilson – if we have the bike paths, we need to create the policies that go with them. He said Mr. Griffin makes a very good point.

There being no further public comment, the Chair closed the public comment portion of the meeting.

V. **UNFINISHED BUSINESS:** None.

VI. **NEW BUSINESS:**

A. **POLICE COMMISSION:**

1. Commissioner Onosko:

- a. Selection of the Commission's Body Cam Sub-Committee – The Chair announced the names of the seven people who were chosen to make up the citizen component of this working group.

The sub-committee will consist of six police officers, including members of the command staff, a representative from each of the three police unions, and seven citizen representatives along with the three commissioners. It is anticipated the working group will meet once or twice a month, with a final report being submitted sometime in the spring. The following Portsmouth Residents will serve on this sub-committee:

- Mr. Buzz Shear
- Ms. Meghan Hagaman
- Ms. Kathleen Collier
- Mr. Mike McDonald
- Ms. Jennifer Murray
- Mr. Tom Morgan
- Ms. Karen Bouffard

The Chair said some of the other applicants on the list are likely to be called on for input because of their expertise.

Commissioner Splaine moved to accept the slate of seven citizen representatives put forward by the Commission to serve on the sub-committee.

Seconded by Commissioner Hilson.

On a Voice Vote: The motion passed to accept the slate of seven citizen representatives put forward by the Commission.

B. CHIEF OF POLICE

1. Grants & Donations:

- a. A grant in the amount of \$5,817.50 has been received from The Bureau of Justice Assistance Bulletproof Vest matching grant program. The Bureau of Justice Assistance will provide a matching grant for 50% of the cost to replace aged bulletproof vests for Portsmouth Officers.
Action: Commissioner Hilson moved to accept the grant in the amount of \$5,817.50 from the Bureau of Justice Assistance and forward to the City Council for their action.
Seconded by Commissioner Splaine.
On a Voice Vote: The motion passed to accept the grant in the amount of \$5,817.50 and forward to the City Council for their action.
- b. The 2018 Internet Crimes Against Children Task Force Funding Grant in the amount of \$274,854 has been received from the US Department of Justice. This grant funds the New Hampshire Internet Crimes Against Children (ICAC) Task Force for the 2018 Federal Fiscal Year. These grant monies will be distributed by the ICAC Commander to our task forces throughout the state.
Action: Commissioner Hilson moved to accept the grant in the amount of \$274,854 from the US Department of Justice for the funding of the New Hampshire ICAC Task Force for the 2018 Federal Fiscal Year and forward to the City Council for their action.
Seconded by Commissioner Splaine.
On a Voice Vote: The motion passed to accept the grant in the amount of \$274,854 from the US Department of Justice for the funding of the New Hampshire ICAC Task Force for the 2018 Federal Fiscal Year and forward to the City Council for their action.
- c. Multiple grants totaling \$31,930 have been received from the New Hampshire Department of Highway Safety. The allocations for each initiative are given in the grant document.
Action: Commissioner Hilson moved to accept the New Hampshire Department of Highway Safety grants totaling \$31,930 and forward to the City Council for their action.

Seconded by Commissioner Splaine.

On a Voice Vote: The motion passed to accept the New Hampshire Department of Highway Safety grants totaling \$31,930 and forward to the City Council for their action.

- d. A donation in the amount of \$4,000 from Lonza Biologics Corporation to help the Portsmouth Police Training Department, given in appreciation for the extensive active-shooter-response training provided to about a thousand Lonza Employees.

Action: Commissioner Hilson moved to accept the \$4,000 donation from Lonza Biologics Corporation to help the Portsmouth Police Training Department and forward to the City Council for their action.

Seconded by Commissioner Splaine.

On a Voice Vote: The motion passed to accept the \$4,000 donation from Lonza Biologics Corporation to help the Portsmouth Police Training Department and forward to the City Council for their action.

- 2. Accreditation Report – The CALEA on-site accreditation team will be here in January for Portsmouth’s CALEA accreditation audit. The pre-assessment preparations are ramping up.
- 3. Traffic Stats:
 - o 945 stops
 - o 53 summonses, 9 for speeding, 10 for hands-free.
 - o 99 accidents

Note: Commissioner Splaine asked Chief Merner if he could give the public an idea of the kind of time and resources of police officers that are required to handle a motor vehicle accident.

Chief Merner answered the Commissioner’s question, noting that each accident has its own circumstances, but they often consume several hours, sometimes of more than one officer. He added that he’s asked our Communications Supervisor to create a separate category to capture data on the number of Crisis Calls (Persons in Crisis) that officers respond to and the amount of time the calls are requiring.

- 4. Financial Report:
 - a. The Department is tracking at about 3.5% under the budget forecast.
 - b. Grant Applications Update
 - c. Facilities Report

C. PATROL DIVISION:

- a. This report is included in the Commission packet.

VII. COURT OFFICE REPORT

- a. This report is included in the Commission packet.

VIII. MISCELLANEOUS/OTHER BUSINESS:

Commissioner Hilson – The Commissioner noted Officer Navelski did a marvelous job presenting currently active scams and frauds that target our senior citizens in a presentation last week out at the Pease Tradeport. The Commissioner said he hoped such presentations would continue.

IX. NEXT REGULAR MEETING:

The next Commission meeting is scheduled for Tuesday, November 27th, 2018 with the public session beginning at 5:30 p.m. in the Eileen Dondero Foley Council Chambers.

X. MOTION TO ADJOURN:

There being no further business before the Commission, the Chair asked for a motion to adjourn.

Action: Commissioner Hilson moved the October 23rd, 2018 Monthly Police Commission Meeting be adjourned.

Seconded by Commissioner Splaine.

On a Voice Vote: The motion passed to adjourn the October 23rd, 2018 Monthly Police Commission Meeting at 6:36 p.m.

END OF MEETING

Kathleen Levesque

Respectfully Submitted By Kathleen Levesque, Executive Assistant

Reviewed By Commissioner Hilson, Clerk of the Commission

Arthur L. Hilson

265:124 to 265:142 Repealed

Former RSA 265:140, which was derived from RSA 269-C:4; 1973, 560:1; and 1981, 146:1, related to the use of any frozen surface of any public body of water. See now RSA 215-A:4.

Former RSA 265:141, which was derived from RSA 269-C:14; 1973, 560:1;

MOTOR VEHICLE

and 1981, 146:1, related to penalties and responsibilities. See now RSA 215-A:4.

Former RSA 265:142, which was derived from RSA 259:1, XXXVIII; 1973, 389:2; and 1981, 146:1, related to limited area of driving for ski area vehicles.

Special Rules for Bicycles and Mopeds

CROSS REFERENCES

Bicycle, defined, see RSA 259:6.

Bicycles and mopeds, equipment of vehicles, see RSA 266:85 et seq.

Moped, defined, see RSA 259:57.

Operation of certain vehicles, highway regulation, protection and control regulation, see RSA 236:56 et seq.

LIBRARY REFERENCES

ALR

Operation of mopeds and motorized recreational two-, three-, and four-wheeled

vehicles as within scope of driving while intoxicated statutes. 32 ALR5th 659.

265:143 Application of Motor Vehicle Laws to Bicycles.

I. Every person propelling a vehicle by human power or riding a bicycle shall have all of the rights and be subject to all of the duties applicable to the driver of any other vehicle under the rules of the road, except as provided in paragraph II and as to special regulations in this subdivision and except as to those provisions which by their nature have no application.

II. (a) Any peace officer, wearing a distinctive uniform, operating a bicycle during the course of his or her duties is exempt from the provisions of this subdivision, except as those provisions relate to driving under the influence of alcoholic beverages or drugs, if the bicycle is being operated under any of the following circumstances:

(1) In response to an emergency call.

(2) While engaged in a rescue operation.

(3) In the immediate pursuit of an actual or suspected violator of the law.

(b) This paragraph shall not relieve a peace officer from the duty to operate a bicycle with due regard for the safety of all persons using the public way.

HISTORY

Source. 1939, 164:1. RL 106:17. 1973, 440:1. 1981, 146:1; 422:9. 1945, 188:1, part 20:17. RSA 250:17. 63:1, eff. June 16, 2000.

HISTORY

Source. 2008, 209:2, eff. Jan. 1, 2009.

LIBRARY REFERENCES

West Key Number

Automobiles ☞162(7), 335.

Westlaw Topic

Westlaw Topic No. 48A.

CJS

C.J.S. Motor Vehicles §§ 815 to 817,
882, 902, 1748, 1750, 1752, 1755 to 1756.

265:144 Riding on Bicycles.

I. A person propelling a bicycle shall not ride other than upon or astride a permanent and regular seat attached to the bicycle.

II. No bicycle shall be used to carry more persons at one time than the number for which it is designed and equipped.

III. No person riding upon any bicycle, coaster, roller skates, skateboard, sled or toy vehicle shall attach the same or himself to any vehicle upon a roadway.

IV. No person operating a bicycle shall carry any package, bundle or article which prevents the driver from keeping at least one hand upon the handlebars.

V. Persons riding bicycles 2 or more abreast shall not impede the normal and reasonable movement of traffic and, on a laned roadway, shall ride within a single lane.

VI. Bicyclists intending to turn right or left shall not be required to give a continuous hand or arm signal if the hand is needed in the control or operation of the bicycle.

VII. A person propelling a bicycle may pass a slower-moving vehicle in the same lane provided such movement can be made with reasonable safety. A person propelling a bicycle may pass a stationary or stopped motor vehicle on the right.

VIII. Any bicyclist shall stop upon demand of a peace officer to permit his bicycle to be inspected.

IX. No bicycle shall be operated unless the steering, brakes, tires and other required equipment are in safe condition.

X. No person less than 16 years of age may operate or ride upon a bicycle on a public way unless he or she wears protective headgear of type approved by the commissioner of health and human services.

XI. A person propelling a bicycle upon a way at a speed less than the normal speed of traffic moving in the same direction at that time and place shall remain on the right portion of the way as far as practicable except when it is unsafe to do so or:

266:87 Pedal Reflectors and Reflective Equipment Required.

I. No person shall operate a bicycle, except for a bicycle equipped with clipless pedals, or moped unless such bicycle or moped has pedals equipped with a reflector of a type approved by the director which conform to 49 CFR 571.108 Table 2 and which shall be visible from the front and rear of the bicycle or moped from a distance of 200 feet during darkness.

II. No person, during darkness, shall operate a bicycle equipped with clipless pedals unless the operator is wearing either reflectorized leg bands on the lower exterior of the operator's legs or some other type of light reflective equipment on the exterior of either the operator's legs or shoes.

HISTORY

Source. RSA 250:11-e. 1971, 319:1. 1981, 146:1; 479:57. 1983, 431:14. 2000, 126:1, eff. July 7, 2000.

Amendments—2000. Amended generally.

—1983. Substituted "the effective date of this act" for "January 1, 1972" following "or after" and "49 CFR 571.108 Table 2" for "16 CFR 1512" following "conforms to".

LIBRARY REFERENCES**West Key Number**

Automobiles ☞ 148, 212, 327.

Westlaw Topic

Westlaw Topic No. 48A.

CJS

C.J.S. Motor Vehicles §§ 621 to 628, 681, 1009 to 1010, 1015, 1063 to 1064, 1639.

266:88 Brake Required. Every bicycle and moped shall be equipped with a brake or brakes which will enable its driver to stop the bicycle or moped within 25 feet from a speed of 10 miles per hour on dry, level, clean pavement.

HISTORY

Source. RSA 250:11-a. 1971, 319:1. 1981, 146:1; 479:57, eff. Jan. 1, 1982 at 12:01 a.m.

LIBRARY REFERENCES**West Key Number**

Automobiles ☞ 148, 212, 327.

Westlaw Topic

Westlaw Topic No. 48A.

CJS

C.J.S. Motor Vehicles §§ 621 to 628, 681, 1009 to 1010, 1015, 1063 to 1064, 1639.

266:89 Sirens Prohibited. No bicycle or moped shall be equipped with a siren, nor shall any person on a bicycle or moped use a siren.

ARTICLE V: BICYCLE REGULATIONS

Section 7.501: RIDING ON SIDEWALKS

No person shall ride or propel any bicycle with wheels of 16" or more in diameter upon any sidewalk in the City of Portsmouth. This shall not prohibit operation of a bicycle on a path that is signed and marked as a designated share-use path with a minimum width of 8'.

Section 7.502: MANNER AND SPEED OF OPERATION

No person shall ride or propel a bicycle upon any public way, except in a prudent and careful manner and at a reasonable rate of speed and must exercise due care around pedestrians and must yield to pedestrians.

Section 7.503: EQUIPMENT REQUIRED

No person shall ride or propel a bicycle upon any public way in the City of Portsmouth unless the steering, brakes, tires and other required equipment are in safe condition. Helmets are required for all persons riding on or operating a bicycle under the age of sixteen.

Section 7.504: LIGHTS, WHEN REQUIRED

Every bicycle operated upon a public way during darkness shall be equipped with a lamp emitting a white light visible from a distance of 300 feet in front of the bicycle and with a red reflector or red light on the rear, which shall be visible from a distance of 300 feet to the rear. Every bicycle operated upon a public way during darkness shall have reflectors on both pedals or wear reflector leg bands on operator's lower extremity or other reflectors on legs or shoes visible from 200 feet. Any person operating a bicycle during the period from one half hour before sunrise and one half hour after sunset must wear at least one item of reflective outerwear apparel such as a reflective vest, jacket, helmet or helmet strip.

Section 7.505: OBSERVANCE OF TRAFFIC REGULATIONS

Every person riding a bicycle shall have all of the rights and be subject to all of the duties applicable to the driver of any other vehicle under the rules of the road except as follows:

- A. A person propelling a bicycle may pass a slower-moving vehicle in the same lane provided such movement can be made with reasonable safety.
- B. A person propelling a bicycle may pass a stationary or stopped motor vehicle on the right.
- C. A person propelling a bicycle upon a way at a speed less than the normal speed of traffic moving in the same direction at that time and place shall remain on the right portion of the way as far as practicable except when it is unsafe or impractical to do so or where signage or pavement markings are provided which indicate that it is acceptable for bicycles to use the full lane.