

PORTSMOUTH POLICE COMMISSION
MINUTES OF THE FEBRUARY 5TH, 2019 POLICE COMMISSION
MEETING

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

Joseph J. Onosko, Chair
Jim Splaine
Stefany Shaheen

- I. **CALL TO ORDER:** The February 5th, 2019 monthly Police Commission meeting was called to order at 4:40 p.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 (a), “Dismissal, promotion or compensation of any public employee...”, (c), “Matters which, if discussed in public, would likely affect adversely the reputation of any person...”, and (i), “consideration of matters related to the preparation for...emergency functions...”

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

Seconded by Commissioner Onosko.

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

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

The motion passed to go into non-public session at 4:40 p.m.

The public session was called back to order at 5:52 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 Shaheen, Chief Robert Merner, Admin. Manager Karen Senecal, Exec. Assistant Kathleen Levesque.

Chairman Onosko welcomed former city councilor Stefany Shaheen to her appointment as a Portsmouth Police Commissioner.

Commissioner Shaheen thanked the Chair and said she was looking forward to working with the Commission. She also took a moment to honor the memory of Rev. Dr. Hilson.

The Chair joined her in taking time to honor the memory of Dr. Hilson, sharing some personal memories, as did Commissioner Splaine.

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

III. ACCEPTANCE OF THE MINUTES:
The Chair asked for a motion to accept the minutes.

Action: Commissioner Shaheen moved to accept the minutes of the October 23rd, 2018 as written.

Seconded by Commissioner Splaine.

On a Voice Vote: The motion passed to accept the minutes of the October 23rd, 2018 meeting as written.

IV. UNFINISHED BUSINESS: None.

V. NEW BUSINESS:

A. POLICE COMMISSION:

1. Commissioner Onosko:
 - a. Welcome Commissioner Shaheen to the Board
 - b. Recognition of Rev. Dr. Arthur Hilson's Commission Service
 - c. Election of Commission Chair for 2019 – In accordance with the City Charter, the Commission voted to appoint a Chair of the Commission:

Action: Commissioner Splaine nominated Commissioner Onosko to serve as Chair of the Commission for the 2019 calendar year.

Seconded by Commissioner Shaheen.

There being no other nominations for Commission Chair,

Action: Commissioner Shaheen moved to appoint Commissioner Joseph Onosko to serve as Chair of the Police Commission for the 2019 calendar year.

Seconded by Commissioner Splaine.

On a Roll Call Vote: The motion passed to appoint Commissioner Joseph Onosko to serve as Chair of the Police Commission for the 2019 calendar year. The vote was as follows:

Commissioner Shaheen	‘Aye’
Commissioner Splaine	‘Aye’
Commissioner Onosko	‘Abstain’

Election of the Clerk of the Commission:

Action: Commissioner Shaheen nominated Commissioner Splaine to serve as Clerk of the Commission for the 2019 calendar year.

Seconded by Commissioner Onosko.

There being no other nominations for Clerk of the Commission,

Action: The Chair called the question to appoint Commissioner Splaine to serve as Clerk of the Commission for the 2019 calendar year.

On a Roll Call Vote: The motion passed to appoint Commissioner Splaine to serve as Clerk of the Commission for the 2019 calendar year. The vote was as follows:

Commissioner Onosko	‘Aye’
Commissioner Splaine	‘Abstain’
Commissioner Shaheen	‘Aye’

NOTE: The Chair suspended the agenda to provide an opportunity for public comment and acceptance of the minutes.

VI. 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. Bill Downey, 67 Bow Street – Mr. Downey said that while he understands the union's position regarding the release of the arbitrator's decision in the Goodwin/Webber matter, he feels he is speaking for others in saying he really wants to see that report, and hoped that would be the decision of the judge.

There being no further public comment, the Chair closed the public comment session.

VII. ACCEPTANCE OF THE MINUTES:

Action: Commissioner Splaine moved to accept the minutes of the October 23rd, 2018 Commission meeting.

Seconded by Commissioner Shaheen.

On a Voice Vote: The motion passed to accept the minutes of the October 23rd, 2018 Commission meeting.

The Chair returned to the agenda.

V. NEW BUSINESS:

1. Commissioner Onosko, cont'd:

- d. Selection of Ethics Committee Member Commissioner – As per city ordinance Chapter 1, Article VIII, Section 1.804 A, by the casting of lots, the Commission designated a representative of the Police Commission to serve on the City's Ethics Committee should the committee be convened during the 2019 calendar year. Commissioner Splaine received the marked lot and will serve on the City's Ethics Committee if it is convened during 2019.
- e. Changes to the Police Commission Quorum Requirements – The Chair explained this was an issue raised by the city council at a recent meeting. The council talked about changing the city by-laws to allow for two commissioners to constitute a lawful quorum for the Commission to conduct business. The City Charter currently requires all three Commissioners to be present for a quorum to exist. The Police Commission had not been able to meet since the death of Rev. Dr. Arthur Hilson, because no quorum existed for the conduct of business until Commissioner Shaheen was appointed by the City Council.

The Chair spoke in favor of the change. Commissioner Splaine also spoke in favor of the change. He said the council also spoke about expanding the number of Commissioners for each of the charter departments from three to five people.

Commissioner Shaheen spoke about the lack of a check and balance in changing the quorum size from three to two people. She said she would consider it further, but at first pass, would be more inclined to look at changing the size of the commission and making it larger before she would consider going from three to two people.

Such a change in the charter would be subject to a referendum vote of the residents.

- f. Update on the Goodwin Arbitration Ruling – The Commissioner received a copy of the arbitration ruling in the fall of last year. The Portsmouth Herald requested the document be made public; the Police Commission joined the Herald’s request to make the document public. The judge has not yet ruled on the request. Once the ruling is made, the Commission will decide whether to accept that ruling or appeal it.
- g. Update on Contract Negotiations with the Three Police Department Unions – Negotiations have begun with all three unions. We have a series of meetings scheduled over the course of the next two months.
- h. Update on the Dashboard/Body Cam Sub-Committee – The sub-committee is up and running, and three meetings have been held. We will hear from police departments on both sides of this issue. The Chair reminded the viewers that we will have at least one, possibly two public forums once the committee’s assessment has been developed. Chairman Onosko asked Chief Merner to comment as he has been part of the sub-committee as well.
- i. Update on the 2019-20 Police Budget – The 2020 budget process which is normally just beginning now, started two months earlier. We were required to submit our proposed budget in November of 2018. After that presentation, we had a work session with the city council, discussing and explaining the new initiatives in the budget request. After which the city council had another meeting. They took the sum of the additional initiatives from all city

departments, which totaled 1.4 million, and chopped \$500,000 off of that amount. The remaining dollars had to be distributed across all city departments.

Since the city changed the budget process, we really should have already had the public hearing that is scheduled for next Wednesday, 2/13, at 7:00 p.m. This is occurring ‘after the fact’ this year because of the City’s changes to the budget calendar. Next year, the police commission hearing will be scheduled in a more timely fashion.

Chief Merner noted the PPD ‘asks’ this year are the same as they were last year, and they are need-based, not want-based. He noted one of the asks is for a crime analyst, and explained we have been working with the U.S. Army to obtain a crime analyst through a Federal National Guard program. Commissioner Shaheen asked Chief Merner if this program provided multi-year funding for the crime analyst position. The Chief indicated it would.

B. CHIEF OF POLICE

- a. Chief Merner briefed the Commission on “Operation Golden Ticket”, which began in February of 2018. This was a multi-state, multi-jurisdictional investigation into a very organized criminal enterprise operating in several states. They made the mistake of stealing a car in Portsmouth from Enterprise Rent a Car, which put Portsmouth Police Detective Eric Widerstrom on the case. The work done by Det. Widerstrom on the car thefts was instrumental in providing a major break in these cases. The defendants are responsible for tens of thousands of dollars from bank thefts, atm thefts, automobiles, safes, and goods from convenience stores.

The work of Det. Widerstrom led to the identification of the individuals, along with 176 indictments, and 146 additional indictments. When we initially dealt with the car theft at Enterprise, we did not realize it would become part of a much larger case. The criminals were tripping alarms and then deliberately backing off the property in order to observe officer response times, officer tactics, etc. There were real officer safety

issues at stake for responding officers. This was a dangerous crew, and shows that Portsmouth, like anywhere else, is not immune to invasions by dangerous criminals.

C. PATROL DIVISION:

- a. This report will be included in the 2-26-19 commission meeting packet.

VIII. COURT OFFICE REPORT:

- a. This report will be included in the 2-26-19 commission meeting packet.

IX. MISCELLANEOUS/OTHER BUSINESS: None.

X. NEXT REGULAR MEETING:

The next regular meeting may be rescheduled to 3/5 from 2/26 if the Chambers are available. At this time, the next Commission meeting is scheduled for Tuesday, February 26, 2019, with the public session beginning at 5:30 p.m. in the Eileen Dondero Foley Council Chambers. Please check the city website closer to the scheduled date for any changes.

XI. MOTION TO ADJOURN:

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

Action: Commissioner Splaine moved the February 5th, 2019 Police Commission Meeting be adjourned.

Seconded by Commissioner Shaheen.

On a Voice Vote: The motion passed to adjourn the February 5th, 2019 Monthly Police Commission Meeting at 6:52 p.m.

END OF MEETING

Kathe

*Respectfully Submitted by Kathleen Levesque, Executive Assistant to the Chief of Police
Reviewed By Commissioner Splaine, Clerk of the Commission*

Jim Splaine