

PORTSMOUTH POLICE COMMISSION
MINUTES OF THE JULY 23rd, 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 July 23rd, 2019 monthly Police Commission meeting was called to order at 4:09 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 4:09 p.m.

The public session was called back to order at 5:40 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, members of the Department and the public.

II. PLEDGE OF ALLEGIANCE: Karen Senecal 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 May 28th, 2019 meeting as written.

Seconded by Commissioner Splaine.

On a Voice Vote: The motion passed to accept the minutes of the May 28th, 2019 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.)

There being no one wishing to speak, the Chair closed the public comment section.

V. MOTION TO SUSPEND THE AGENDA:

Commissioner Splaine moved to suspend the agenda and move to items 1. And 2. under the Chief's Report.

Seconded by Commissioner Shaheen.

On a Voice Vote: The motion passed to suspend the agenda and move to items 1 and 2 under the Chief's Report.

1. David Monesmith was sworn-in as an Auxiliary Officer with the Portsmouth Police Department.
2. Recognitions – Chief Merner recognized Lowe's Home Improvements and Mr. Max Lindstrom for their contributions of time, labor and materials to the recent Regional PD1 K-9 Field Trials at Portsmouth High School. Mr. Lindstrom built all of the physical obstacles to the exacting specifications required by the K-9 certification body. Lowe's donated all of the materials through their 2019 Heroes Project.

VI. UNFINISHED BUSINESS: None.

VII. NEW BUSINESS:

A. POLICE COMMISSION:

1. Commissioner Onosko:
 - a. Review & vote on the three police union contracts:
 - i. Civilian and Patrol contract negotiations have been completed. The Chair gave an overview of the new Tentative Agreements and asked for a vote from the Commission to accept the agreements.

Action: Commissioner Shaheen moved to accept the new Tentative Agreement with the Portsmouth Police Civilian Employees Union and forward to the City Council for their action.

Seconded by Commissioner Splaine.

On a Voice Vote: The motion passed to accept the new Tentative Agreement with the Portsmouth Police Civilian Employees Union and forward to the City Council for their action.

Action: Commissioner Splaine moved to accept the new Tentative Agreement with the Portsmouth Patrol Officers Union, Local #11, and forward to the City Council for their action.

Seconded by Commissioner Shaheen.

On a Voice Vote: The motion passed to accept the new Tentative Agreement with the Portsmouth Patrol Officers Union, Local #11, and forward to the City Council for their action.

The Chair noted the Tentative Agreement with the Ranking Officers Union was not completed in time to be taken up by the Commission at this meeting.

- b. Update on Body-Camera Subcommittee Findings and Recommendations:
 - i. The sub-committee meetings are complete; the findings will be presented at the September 17th Police Commission meeting. At that meeting the Commission will take questions from any interested citizens. The citizens who

participated in the sub-committee meetings voted 5 to 1 not to move forward with body cameras at this time. Six citizens were in attendance for the vote. The seventh citizen who was not able to attend the meeting for the vote was contacted by the Chair after the meeting so she could make her position known even though it would not be counted as a vote because she was not present. That sub-committee member indicated she would also vote not to take up this matter at this time.

2. Commissioner Splaine:

a. Facial Recognition:

- i. Commissioner Splaine placed this on the agenda at the recommendation of a constituent of his, a Mr. Fox. He is not seeking to adopt a position on this at this time. He would like it on the agenda for the September meeting.

Commissioner Shaheen asked if Commissioner Splaine had anything else the Commission could look at on this subject besides Mr. Fox's input. Commissioner Splaine said he would be forwarding more information on this to the other Commissioners.

Chief Merner indicated both IACP and PERF, which are police executive professional associations, have information that he will obtain and make available to the Commission.

b. Status of GPS technology in Portsmouth Police Department vehicles:

- i. Commissioner Splaine asked that this be put on the agenda for the September 17th meeting. The Commissioner said he would like input from command level officers and from the Chief on this.

Commissioner Shaheen asked Chief Merner if we currently have GPS on the cruiser laptops. The Chief indicated that we can track cell phones, however, we cannot pinpoint the exact location of a cruiser at any given point in time.

Commissioner Shaheen indicated she was not seeking to overcomplicate the discussion, but rather to understand what is currently in place. Citing her experience on a ride along, she said she already knows each officer calls in to dispatch before getting out of the cruiser.

The Chair felt he needed to hear more on the subject first. Commissioner Shaheen agreed she too would like a better understanding of what GPS allows, and of what is already available through phones and computers currently in the cruisers.

Chief Merner explained the current capability allows us to ping a nearby tower, which is not as accurate as GPS. He added there are devices out there that private citizens and organizations concerned with personal privacy issues are fighting against. They do not want these invasive technologies available to law enforcement. The Chief said this GPS is not something we would have here in Portsmouth. He added that he was a citizen first, so he is not enthusiastic about facial recognition technology.

B. CHIEF OF POLICE (continued from Item V. above):

3. Letter of Appreciation: Chief Merner received an email from a citizen, thanking Officer Sean Evans for his kindness and help in the aftermath of a vehicle breakdown in the middle of heavy traffic.
4. Accreditation Report: CALEA – the department will be doing a high risk evidence audit tomorrow. We are now working from a new edition of CALEA standards. We will be putting together a succession plan, and a review must be completed annually on our Response to Resistance incidents. This category used to be known as, ‘use of force’. He said job descriptions for every department employee are being reviewed and updated, and new ones written for new positions.
5. Traffic Stats:
 - We have seen a 90% increase in traffic stops; we’re stopping around 1400 cars a month.
 - Approximately 75% of the stops are Portsmouth residents.

NOTE: Commissioner Shaheen said she would be interested in seeing what the stats are for security checks of businesses where we

have found doors unlocked, or where we have responded to false alarms and have contacted the alarm company and the owner, but continue to have to respond to false alarms at those same businesses.

6. Financial Report

a. Grants & Donations:

- i. **Action: Commissioner Shaheen moved** to accept the ICAC Forensic Shield Grant Agreement, pending approval as per grant instructions from the state, in the amount of \$500,000.

Seconded by Commissioner Splaine.

On A Voice Vote: The motion passed to accept the ICAC Forensic Shield Grant Agreement, pending approval as per grant instructions from the state, in the amount of \$500,000 and forward to the City Council for their action.

Karen Senecal told the Commission these funds are clearly and strictly for conducting investigations; she said Internet Crimes Against Children arrests are up 129%.

NOTE: The Commission would like to be briefed on the work of the ICAC Task Force at the October meeting. They asked if Lt. Sargent could attend their meeting and talk about this work.

ii. Donation:

Action: Commissioner Shaheen moved to accept the donation of \$1,000 from Police Chaplain Jeff Pelkey in support of the Portsmouth Police K-9 Unit and forward to the City Council for their action.

Seconded by Commissioner Splaine.

On a Voice Vote: The motion passed to accept the donation of \$1,000 from Police Chaplain Jeff Pelkey in support of the Portsmouth Police K-9 Unit and forward to the City Council for their action.

- b. Strategic Plan Update: We are looking at the plan as we begin the 2020 fiscal year. We have already received a deadline for submission of the Capital Improve Projects plan (CIP).

Regarding the Strategic Plan, Chief Merner said he has reviewed a realignment of command which would streamline the four divisions so they each report directly to the Chief instead of the

existing profile which has separate divisions reporting to other divisions. To do this we would shift command positions from one captain, which is what we have currently, to three captains, one for each division, and would correspondingly reduce the number of lieutenant positions. The anticipated cost for this adjustment overall would be about 4-5K which is an adjustment we can handle in the present budget.

Commission Shaheen said she is glad it has been brought forward for discussion and said she likes the proposal.

Commissioner Splaine said it appears to be a more streamlined structure.

Commissioner Onosko felt this realignment makes more sense than what is in place now.

Action: Commissioner Splaine moved to accept the proposed realignment of the command structure.

Seconded by Commissioner Shaheen.

On a Voice Vote: The motion passed to accept the proposed realignment of the command structure.

- c. Grant Applications Update:
 - i. We are awaiting the grant application for the annual Federal ICAC funding.
 - ii. Drones: The equipment has been received; the team is cataloging and registering it for insurance purposes, and the officers training will follow.
Commissioner Onosko asked if there would be some provision on the website so citizens can know when the drones are deployed and any related information that can safely be made public. Chief Merner said that should be possible.
 - iii. Facilities Report: Karen meets with Joe Almeida, who is the City's facilities ombudsman, every two weeks to address facility issues. We are addressing serious issues in the men's locker room right now. Karen distributed photos of badly corroded shower fixtures to the Commissioners.

- A bid has been awarded to do all the mold abatement in the different locations throughout the police department. Karen said this will be a lengthy process because the vendor will need to work around 24/7 police activity.
- We will be replacing tiles and old carpet in the supervisor's office and patrol hallways.

Commissioner Shaheen asked what the current thought process is internally as to whether the current building space can be retrofitted for the demands of 21st century policing. In response, Chief Merner said it is time to really start looking at a new building.

She asked if the current approach of identifying band aids to the plethora of building failures are in the current budget and getting done, or are they being pushed out as items for a future CIP.

Karen Senecal explained that several years ago a new building was actually put on the CIP, but it has just been sitting out there, without any action being taken.

Commissioner Shaheen said going forward, she will put a facility item on her own agenda for the monthly meetings. She said we have to move forward on this if we're going to actually address the many facility issues the department faces daily. She said unless there is public pressure applied, the facility will never get prioritized.

Chief Merner added that he has been told we're looking at roughly 10 years of building neglect where maintenance was put off and put off, and put off.

iv. Scheduled Conferences: Chief Merner is scheduled to present at the upcoming International Association for Identification Conference in Reno in August.

C. PATROL DIVISION:

- a. This report was included in the 7-23-19 Commission meeting packet.

VIII. COURT OFFICE REPORT:

- a. This confidential report was included in the 7-23-19 Commission meeting packet.

IX. MISCELLANEOUS/OTHER BUSINESS: None.

X. NEXT REGULAR MEETING:

The next commission meeting is scheduled for Tuesday, August 27th, 2019, with the public session beginning at 5:30 p.m. in the Eileen Dondero Foley Council Chambers.

XI. MOTION TO ADJOURN:

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

Action: Commissioner Shaheen moved the July 23rd, 2019 Police Commission Meeting be adjourned.

Seconded by Commissioner Splaine.

On a Voice Vote: The motion passed to adjourn the July 23rd, 2019 Monthly Police Commission Meeting at 6:47 p.m.

END OF MEETING

Kathe

Respectfully Submitted By Kathleen Levesque, Executive Assistant

Reviewed By Commissioner Splaine, Clerk of the Commission

Jim Splaine