

PORTSMOUTH POLICE COMMISSION

MINUTES OF THE JULY 14TH, 2020 POLICE COMMISSION FORUM ON POLICING IN OUR COMMUNITY GOING FORWARD

6:00 p.m. Public Session – Via City’s Zoom Meeting Platform

**Joseph J. Onosko, Chair
Stefany Shaheen, Commissioner
Thomas Hart, Commissioner**

- I. **CALL TO ORDER:** The July 14th, 2020 Special Police Commission Forum was called to order at 6:03 p.m. via the City’s Zoom Meeting Platform.

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

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

- III. **INTRODUCTION:**
The Commission Chair gave a brief overview of the Department’s organizational chart. Commissioner Shaheen added the Police Commission is an elected body, and each Commissioner serves a 4 year-term.

- IV. **CHIEF MERNER:**
Using a PowerPoint for the benefit of the public, Chief Merner gave a thorough overview of the Portsmouth Police Department’s practices, starting with our rigorous hiring process. He asked each of the following members of the Command Staff to speak to their areas of responsibility:

- Lt. Kinsman spoke about the comprehensive training Portsmouth Police Officers receive. In particular, he covered de-escalation training in response to resistance, which every officer receives. De-escalation is also part of defensive tactics training.

Note: Commissioner Shaheen asked if the training timeline required to equip a new officer could be explained for the public. Lt. Cummings laid out the process new officers go through. A total of 160 days are required to prepare an officer to work solo on the street, providing public safety. For officers coming to Portsmouth from another police department, this period is a bit shorter.

- Capt. Maloney – The Captain explained the structure in place to provide internal oversight on an ongoing basis over every officer, at every rank, every shift. He also referred to the organizational structure put in place by Chief Merner that places a street sergeant on-scene providing direct supervision of responding officers in real time. This was not always possible in previous staffing models used for patrol. Captain Maloney also briefly touched on how complaints from citizens about the conduct of officers are handled by the Department.
- Capt. Sergeant – Under Chief Mara, a Professional Standards Department was created and every SOP was reviewed line-by-line. A lieutenant at the time, Capt. Sargent re-wrote nearly every Standard Operating Procedure, and completely overhauled the Department's Rules & Regulations.
- Accreditation Manager Jackie Burnett – Ms. Burnett described the accreditation process the Department began under Chief Mara and continued by Chief Merner, to achieve CALEA certification. She also outlined the continual process required by CALEA to demonstrate to the national accrediting body the Portsmouth Police are following the standards set forth. This includes the collection and submission of 1,000 proofs of compliance every single year, along with a remote annual file review. In addition to the annual review, every two years the Portsmouth Police must conduct a community satisfaction survey and every four years the Department undergoes an on-site audit and file review.
- Capt. Newport – The Captain reviewed the extensive community network the Department is involved in primarily through the Community Policing Liaison Officer, but also through the Command Staff and other individual officers. These provide community outreach services, trainings, and other police/community events, both large and small. Chief Merner added some information on what we have in place to provide support and outreach to persons dealing with mental health challenges.

V. FORUM TOPICS:

a.) “8CantWait” – As he did at the monthly Commission Meeting in June, Chief Merner spoke to each of the eight elements of this document developed by the **N**ational **A**ssociation for the **A**dvancement of **C**olored **P**eople (NAACP). He asked Lt. Kinsman to briefly review the comprehensive reporting required by the Portsmouth Police Department should any of an officer’s law enforcement equipment be deployed in response to resistance, or an accident involving an officer, a vehicle pursuit, etc. The Lieutenant described a very strict and rigorous process of reporting and committee review.

VI. PUBLIC COMMENT:

The Chair open the Forum up to questions and suggestions from the public. The following individuals offered comments and/or questions to either Chief Merner or to the Commissioners:

1.) Henry Klementowicz – Mr. Klementowicz said he is a lawyer for the American Civil Liberties Union. He asked if Portsmouth could provide reporting on the racial make-up of all persons who have interactions with police. Chief Merner addressed the issues raised by Mr. Klementowicz, and directed the public to the Department website where the CALEA-mandated reports on this subject are posted.

2.) Lisa Wolford – Ms. Wolford thanked the Commission and the Department for the work they do. Her question addressed funding. After providing a context, she said she felt the root causes for many of the reasons people have contacts with police (i.e. food insecurity, mental health issues, homelessness, etc.) also need to be addressed and she felt the police needed to be part of that conversation and part of the solutions developed.

She also asked if government institutions were just pouring money into the criminal justice system, or were they in fact addressing underlying issues that precipitate someone finding themselves in the system.

3.) Mike Ippolito – Mr. Ippolito felt there were many people here in Portsmouth who feel they are targeted by police; people who do not feel safe, but feel threatened by police. He said he didn’t think this forum provided a safe space for anybody who feels threatened by police, because of the presence of police command staff on the panel. He didn’t think the Commission had provided a space where they could voice their criticisms.

He felt this forum was not a space where such people could bring their concerns forward. He felt there needs to be different forms of dialogue that do not include police at all. The Commission Chair addressed his concern, indicated a second forum would be held in the fall, probably in September. The Chair added he continually invites citizens to reach out to him or the other Commissioners personally, or through the website, where all the Commissioner's cell phone numbers are published. He said in his five years on the Commission, very few people have contacted the Commissioners, who are themselves citizens, to express the kinds of concerns Mr. Ippolito spoke about.

4.) Ms. Danielle Miles – Ms. Miles asked the following questions:

- She wanted to know if the Portsmouth Police have specific language that bans choke holds. Chief Merner addressed her question and asked Lt. Kinsman to read the actual language from our SOP.
- She also wished to know if as a department, did Portsmouth Police have any goals to make the demographic of the department match the demographic of the city with regard to race and gender. Lt. Cummings explained what the Department is doing to address this area of recruiting.

NOTE: Ms. Wolford, who had spoken earlier, said she would take Commissioner Shaheen up on her offer to meet regarding interactions that she personally has had with officers in Portsmouth.

Questions from Ms. Miles, cont'd.:

- Are there specific provisions in place in the form of training to address implicit bias and cultural competency for our officers. Chief Merner indicated Lt. Cummings is currently culling through the plethora of offers currently flooding the market in response to the tragedy in Minneapolis. He said he wants to insure the Department spends its training dollars on sound, well-grounded training in this area, and that requires considerable vetting of what is on the market.

5.) Mr. Richard Samdperil – Mr. Samdperil is a defense lawyer. Attorney Samdperil said he believes there is a risk for the Commissioners and the Chief to feel that because of all the things the Portsmouth Police are already doing and have in place, there might be this false sense of security that there is no risk of a tragedy occurring here.

- He asked the Panel what has changed for them in the last two months about how they as Commissioners and as the Chief look at the police budget and at the types of people being looked at as officer candidates? All three of the Commissioners addressed his question and added their own

concerns and ideas. Chief Merner added information on what is being looked at currently to fill in the gaps experienced by under-served and disadvantaged persons or their children. He said we (the police) can serve as a conduit to help such people access the services that are needed; very often, police officers are the responders of last resort for much of this population. Atty. Samdperil asked if the current police budget structure is the right budget structure to have in place in light of these things.

6.) Stephanie Hausman – Ms. Hausman is a public defender. She said her primary concern is systemic racism in policing. She wanted to know how the Department handles a complaint of racial profiling or bias. Chief Merner explained that we have an early warning system in place which allows us an overall look at a particular event, as well as a look at the history of the officer(s). Lt. Kinsman added additional information about the early warning system.

- Ms. Hausman asked in the event there is a motion to suppress in a particular case, is there a mechanism in place that would let the judge know if the officer has done anything unconstitutional. Capt. Sargent explained if there is a motion to suppress, there would be a hearing and that officer would have to testify. Chief Merner said he felt the court would notify the department, but also felt some aspects of the reporting mechanism between the police and the court could be improved.

7.) Mr. Bill Downey – Mr. Downey asked if the department or the city have a COVID policy, and wanted to know how the Chief or the Commission felt about the mask-wearing policy being considered by the City. Chief Merner explained the Department's early response steps and policies which have been in place starting back on March 2nd. He also indicated he felt it was not effective policy to place police officers in the position of having to issue summonses to private citizens who are not wearing masks.

8.) Mr. Arthur Clough – Mr. Clough described a number of adverse contacts he and members of his family have had over the course of many years with Portsmouth Police Officers, most of whom are no longer with the Department, though a couple are. He still does not personally feel people can feel safe in coming forward to make complaints against members of the Department. He said he has PTSD as a result of his police interactions, and still feels fearful of the Portsmouth Police.

VII. MOTION TO ADJOURN:

There being no other persons wishing to address the Commission or Chief Merner, the Chair asked for a motion to adjourn.

Action: Commissioner Shaheen moved to adjourn the July 14th, 2020 Special Police Forum on Policing in Portsmouth Going Forward.

Seconded by Commissioner Hart.

On a Roll Call Vote: The motion passed to adjourn the July 14th, 2020 Special Police Forum on Policing in Portsmouth Going Forward. The Forum ended at 8:35p.m. The vote was as follows:

Commissioner Onosko:	"Aye"
Commissioner Shaheen:	"Aye"
Commissioner Hart:	"Aye"

END OF MEETING

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*Respectfully Submitted By Kathleen Levesque, Executive Assistant
Reviewed By Commissioner Thomas P. Hart, Clerk of the Commission*

Tom Hart

