

PORTSMOUTH POLICE COMMISSION

**MINUTES OF THE JANUARY 12TH, 2021 POLICE COMMISSION
COMMUNITY FORUM**

5:30 p.m. Public Session – Via City’s Zoom Meeting Platform

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

I. CALL TO ORDER

The Chair called to order the January 12th, 2021 Special Police Commission Community Forum at 5:30 p.m. via the City’s Zoom Meeting Platform.

The following people were present: Commissioners Onosko, Shaheen and Hart, Chief Mark Newport, Admin. Manager Karen Senecal, Exec. Assistant Jackie Burnett, members of the Department and the public.

II. INTRODUCTION TO THE FORUM:

Police Commission Chair Joseph J. Onosko

III. FORUM TOPICS:

Continued public dialog and the sharing of recommendations to increase the police department’s transparency, efficiency, efficiency and effectiveness.

Chair Onosko has previously met with Chief Newport, Lt. Kinsman, and the Resident Group Representatives (RGR); comprised of the following Portsmouth residents: Marta Hurgin – 111 New Castle Ave., Lisa Wolford – 111 New Castle Ave., and Stephanie Hausman – 86 Morning St., to continue the discussion on recommendations they would like the police department to consider implementing in the future (outlined below). *In accordance with RSA 91-A, Commissioners Shaheen and Hart were not in attendance of the meetings with Commissioner Onosko, RGR and other police officials. The Commission and RGR proceeded to provide a thorough line-by-line review of the “Recommendations’ document. **To access a copy of the referenced Recommendations’ document, please go to the Municipal Meetings Calendar on the City’s*

Website – this document is located under the meeting attachments and a full recording of this meeting can be found on the City of Portsmouth Youtube Channel.

A. Transparency & Accountability

- 1.) Chief Newport describes what data is currently collected through the department's antiquated Records Management Software systems. As previously discussed, a new CAD/RMS system would facilitate the department's ability to gather more comprehensive data – along the lines of what the RGR is recommending. The current CAD/RMS system doesn't have the infrastructure to support the recommendation of gathering demographic "encounter data" efficiently and without additional staffing.

Note: Commissioner Hart asked Chief Newport to give an example of what an officer does when a "contact" occurs and how it would be with this new policy?

Chief Newport's adds that the gathering of demographics is based off the opinion of the officer. The police won't ask that of the public). Asking citizens their race, among other data, would be too much of an ask. California PD adheres to this same procedure as well, as it is mandated by state law.

Chair Onosko mentioned that he asked the Captain from San Diego PD and he had stated the data alone won't show racist behavior... the only way to expose this type of behavior is through people filing complaints and internal investigations.

Commissioner Shaheen asked a question regarding how we'd make the determination on race and how do we think about training for that?

Resident Lisa Wolford and the Commission discussed that the ability to make a determination on race would involve training the officers. This is not intended to be an accounting of how many black people, for example, an officer is stopping.

Resident Stephanie Hausman added that RGR's recommendation is to include race on driver's licenses.

Commissioner Onosko: We will post link to the California guidebook on data gathering and analysis, referenced in the 'Recommendations' document, on the Police Department's website. This can be found under the publications tab under 'Public Forum Resources'.

IV. PUBLIC COMMENT:

- ♦ Mr. David Helfrich – 415 Bracket Road, Rye, NH – Discussed a situation in which, during their encounter with the police regarding a matter in which they were the victims of racial aggression, his partner’s ethnicity was misreported by the officer. Mr. Helfrich commended the Commission for having this discussion to ensure these types of situations don’t fly under the radar.
- 2.) The Commission discussed prohibiting NDAs in settlement agreements concerning claims against PPD and its employees. A meeting is set to take place with Attorney Sullivan to discuss this matter further.
Commissioner Onosko added that in some circumstances, employee protection is deserving.
Commissioner Shaheen stated it would be helpful to push on circumstances in which the “wronged person” requested the NDA. It was determined that a policy could inhibit NDAs, except in cases in which the complainant requests one.
- 3.) The Commission and RGR recommended making PPD policies/agreement/contracts publicly available via their website.
Chief Newport discussed that there is a review process in place to ensure that policies that contain confidential procedures or officer safety-related content are not posted publicly, but that the webpage would note those policies.
- 4.) RGR would like for the Commission and the public to consider reorienting Police Commission priorities or create a volunteer Citizen Review Panel.

Resident Lisa Wolford suggested that one thing that needs to be done is analyzing the data previously discussed. The rational is to have that responsibility folded into the responsibilities of the current Police Commission or create another type of Commission which would do that work and also do the work of being a safe haven for citizen complaints.

The Chair explained that the Police Commission should do the work per City Charter.

Commissioner Hart added he is all for it and is willing to do anything to gain the trust of the public. This is a data-driven solution... it is important that the data is uploaded properly. We may need to consider additional personnel to accomplish this, as this is what San Diego PD had to do to implement similar procedures.

Commissioner Shaheen agreed with Commissioner Hart.

There are some logistical questions that remain, but overall am in support. Important to find out: how would it function and how would we delineate roles and functions? To be addressed down the road.

- 5.) The Commission discussed the PD conducting satisfaction surveys in marginalized communities. Chief Newport added that historically, the PD has conducted surveys to gauge community response to the various functions of the PD.

The Chair recalls decent response from the UNH survey that was conducted a few years ago and that it would be worth the cost to utilize UNH for future surveys.

- 6.) A discussion regarding RGR's recommendation to reassess the benefit of body-worn camera (BWC), relying on the data noted above.

The Chair noted that the BWC Sub-Committee found that it was "a solution in search of a problem". Commissioners Onosko & Shaheen do not support BWCs for PPC. They took this time to remind the public that there are resources available on the PPD website, pointing people to resources accessible online. Arguments from both sides of the BWC discussion were made. It was acknowledged that the door is not closed on this topic.

- 7.) The recommendation next presented was to review findings of officer misconduct to make recommendations to determine whether misconduct is reported in criminal cases in which that officer will be a witness.

This recommendation led the Commission and residents to discuss the role of the Police Commission or Citizen review panel in such a process. **The Chair suggested** that the Commission speak with the Attorney General's Office regarding this recommendation.

Chief Newport added that this doesn't allow for due process.

- 8.) The Commission discussed the recommendation to require police supervisors to include an individual officer's 'encounter data' in the performance evaluation of the officer.

Chief Newport spoke to the department's current software systems, one being an "Early Warning System", and outlined their functions as it relates to this recommendation.

B. Outcomes

- 1.) **The Commission and Chief Newport discussed** the RGR's request that prosecuting agencies provide case outcome info,

including court rulings about legality of police conduct, case disposition and sentence.

The Chief and residents went back and forth on the topic and **Chief Newport explained** the limitations of the department due inefficient software and a lack of manpower to support certain requests at this time.

- 2.) The next recommendation was outlined as it relates to the analysis of case-outcome data as part of individual officer's performance reviews.

The Commission asked Chief Newport to explain the current evaluation/review process of individual officers when an officer's procedures impact the outcome of course cases. Residents spoke of the importance of turning case-outcome review into an educational moment for officers. The Commission agreed that this topic will require further discussion.

C. Funding

- 1.) The Commission outlined the funding recommendation to identify and make available to public, the cost percentage of PPD resources spent on officers' responding to the categories of calls and patrol activities identified in the department's current Strategic Plan.

Commissioner Shaheen spoke of the Commission's previous discussions in reference to the CAHOOTS program. How this is implemented and how effective is it? What is the nature of those contractual commitments? Commissioner Shaheen offered to conduct a call with CAHOOTS to learn more and gather answers to those types of questions.

Chief Newport added that we need to find out whether these outside services have the infrastructure to handle the call volume that currently comes into the PD.

Further discussion regarding this topic will continue.

- 2.) Residents have requested the PD to identify and make public stats concerning calls and patrol activities that do not require armed police response, and the cost of PPD resources spent on those calls/activities.

The Chair explained that years ago, PPD had a Family Services Division in Detectives, but due to funding issues, that Division has gone by the wayside.

Residents also recommended the drafting of an MOU to implement a collaboration with non-profit agencies to allow agencies to respond to identified types of calls.

- 3.) The Commission, with the help of RGR, discussed the following recommendation in greater detail: Design budget proposal which focuses on reduction of police.

V. PUBLIC COMMENT:

The Chair opened the meeting up for a final round of questions and suggestions from the public. The following individuals offered comments and/or questions to either the Commissioners and/or Chief Newport:

- 1.) Ms. Lisa Wolford– What are next steps from here?

Commissioner Onosko states that the Commission will continue to work through recommendations and meeting with Lisa, Stephanie & Marta. The Chair mentioned providing another update in the next 2-3 months - date TBD. **Commissioner Shaheen added** that there is a budget work session coming up on January 14th, 2021.

- 2.) Mr. David Helfrich – Final though: when a citizen chooses to make a complaint, it was a difficult process. Mr. Helfrich has a legal background and even he found the process to be difficult. The average citizen may have difficulty – can this process be streamlined and made to be more “friendly”?

Chief Newport agreed that the current process can be worked on to help facilitate the process for citizens moving forward.

Stephanie Hausman added that the ‘Recommendations’ document used in this meeting’s presentation had some language omitted, albeit unintentionally. She clarified that section 5b was meant to say – “Remove barriers to civilians’ reports of misconduct and conduct satisfaction surveys in marginalized communities.”

Chief Newport requested specifics on what barriers currently exist. Ms. Hausman offered to provide those in writing.

The Commission plans to review the current complaint filing procedure to see what ways it can be improved. Looking to address this at the Jan 19th meeting. With regards to creating a Citizen Review Panel, we’d probably need to rewrite the Charter first. It would have to be voluntary, initially.

- 3.) Ms. Stephanie Hausman wanted to know which items in bullet 5 would be addressed by the Police Commission and which would be addressed by a volunteer Citizen Review Panel?

The Chair explained that these recommendations would naturally fall in line with the current responsibilities of the Police Commission.

Commissioner Shaheen urged citizens to work with the Commission by providing them with more examples and recommendations as the come about as this will only help them in their efforts to best support the needs of the citizens.

- 4.) Final Announcement from the Commission: There is an upcoming Budget Work Session to take a deeper look into the FY'22 police budget, Thursday, January 14th, 2021, from 3:30 pm-5:30 pm. Another budget meeting, if deemed necessary, is scheduled for one week later on January 21st, 2021, same time. Lastly, our regular Police Commission Meeting will take place on January 19th, 2021, beginning at 5pm.

VI. ADJOURNMENT

There being no other persons wishing to address the Commission or Chief Newport, the Chair asked for a roll call vote to adjourn the January 12th, 2021 special Police Commission meeting.

Action: Commissioner Shaheen moved to adjourn the January 12th, 2021 Special Police Commission Community Forum.

Seconded by Commissioner Hart.

On a Roll Call Vote: The motion passed to adjourn the January 12th, 2021 Special Police Commission Community Forum. The Forum ended at 7:31 p.m..

The vote was as follows:

Commissioner Onosko:	“Aye”
Commissioner Shaheen:	“Aye”
Commissioner Hart:	“Aye”

END OF MEETING

Jackie

*Respectfully Submitted By Jacqueline Burnett,, Executive Assistant to the Chief of Police
Commissioner Tom Hart, Clerk of the Commission*

TOM HART