

**PORTSMOUTH POLICE COMMISSION**  
**MINUTES OF THE NOVEMBER 16<sup>TH</sup>, 2004 MEETING**

10:30 AM (Non-Public) 11:30 AM (Public)  
Portsmouth High School – Little Theater Room

John D. Kelley, Chairman  
William F. Devine  
Gerald W. Howe

- I. **CALL TO ORDER:** The Chairman called the November 16<sup>th</sup>, monthly Police Commission Meeting to order at 10:34 AM.  
**Action: Commissioner Devine moved** to go into non-public session as appropriate under RSA91-A.  
**Seconded by Commissioner Howe.**  
**On a Roll Call Vote:** The Board voted unanimously to move to non-public session.

The Commission immediately went into non-public session at 10:35 AM.

**Action: Commissioner Howe moved** the commission adjourn from non-public session and re-enter public session.  
**Seconded by Commissioner Devine.**  
**On a Roll Call Vote:** The Board voted unanimously to move to public session at 11:37 AM. (*One cassette tape documenting this meeting is on file for reference*).

In keeping with Chairman Kelley's decision to take some of the police commission meetings out into the community to provide residents with the opportunity to be part of a commission meeting and to learn more about the workings of the commission and the department, this month's meeting was held as a hands-on extension of two high school classes, one in law and government, and one in advanced US history.

**Present during public session:** Commissioners Kelley, Devine, and Howe, Chief Michael Magnant, Deputy Chief Young, Liquor Enforcement Chief Aiden Moore, Sergeant Mike Schwartz, Foster's Democrat reporter Doug Guarino, Budget Coordinator Karen Senecal, Executive Assistant Kathe Hoyt

**INTRODUCTION:** Chairman Jack Kelley introduced the Police Commission, the Chief, the Deputy and the guest speakers to the assembled teachers and their classes.

**II. PLEDGE OF ALLEGIANCE:** Commissioner Devine led the assembly in the Pledge of Allegiance.

Chairman Kelley gave a brief explanation of the function and relationship of the police commission to the police department. He likened it to a board of directors over a corporation. The Chairman also went into some of the history of the police commission in Portsmouth. He explained that in a representative government, the commission provided one of the checks and balances, both to guard against manipulation of the police department by single parties or special interests and to provide a means of holding the police department accountable to the residents of the town it serves. Commissioner Kelley explained that each of the three commissioners holds a four-year term, and the terms overlap to provide continuity.

**III. ACCEPTANCE OF MINUTES:**

**Action: Commissioner Howe moved** the Board accept the minutes of the meeting held on October 19<sup>th</sup>, 2004.

**Seconded by Commissioner Devine.**

**On a Roll Call Vote:** The Board unanimously voted in favor of the motion to accept the minutes and place them on file.

**IV. UNFINISHED BUSINESS: None**

**V. NEW BUSINESS:**

**A. POLICE COMMISSION:**

**1. Personnel Items that Require Action**

**Action: Commissioner Howe moved** to appoint Detective Tom Hart and Detective Mike Leclair to permanent status in the Bureau of Investigations.

**Seconded by Commissioner Devine**

**On a Roll Call Vote:** The Board voted unanimously to appoint Detectives Hart and Leclair to permanent status.

**B. CHIEF'S REPORT:**

**1. Presentation on Underage Drinking**

Chief Michael Magnant introduced Liquor Enforcement Chief Aiden Moore, and explained to the audience that Commissioner Kelley had asked the Chief

to invite Chief Moore to address the commission on the issues and concerns surrounding underage drinking. Sgt. Schwartz of Portsmouth was also in attendance to speak to this issue as it directly affects Portsmouth.

Chief Moore gave a brief background on the establishment of the liquor commission, noting that it came into existence immediately following the repeal of prohibition. The 21<sup>st</sup> amendment gave the right to the states to regulate alcoholic beverages. New Hampshire decided to retain control over alcohol sales, one of eighteen states to do so. All alcohol sales revenue goes to the state's general fund.

Chief Moore went on to describe the structure of the Liquor Commission, noting the agency has three bureaus. Chief Moore heads up the bureau of enforcement. The bureau of liquor enforcement governs how businesses that sell alcohol must operate and insures the public safety. The enforcement bureau uses its resources to make sure people consuming alcohol are of legal age to do so, and that those who have overly-consumed alcohol do not then get behind the wheel of a car and drive.

Some of the areas addressed in Chief Moore's presentation included:

- the true cost of underage drinking, including personal injury and loss, the emotional trauma associated with that loss, and the cost to the state.
- Aspects of the youth risk behavior survey results
- An underage individual's decision to drink has far reaching ramifications
- Perception vs. reality among underage peers regarding how many actually do engage in this behavior and how often.

Chief Moore noted that it has been his experience that Portsmouth Police Officers are a 'cut above' other departments in terms of their proactive concerns for the 'kids' in their town and the underage consumption of alcohol.

At this point, the meeting came back to Chief Magnant. The Chief asked the respective teachers if the students were aware that this was not a staged presentation but was the actual regular monthly public meeting of the commission and the attendant conduct of business. Chief Magnant noted that the concept of commissions and public meetings goes back to the origins of government in the United States. One of the things the Founding Fathers wanted to do was insure that the business of government was as visible to the citizens as possible. Because they had lived under a monarchy

and knew first hand the excess and opportunity for injustice that came with that kind of government structure, it was a high priority for them to make sure there were laws on the books which insured that when government conducts its business, it is done publicly, so that citizens can sit out there and see what's going on. We have the media here today, and the newspapers are free to report on what takes place. There are some allowances, particularly in areas of finance or personnel matters or lawsuits, where public officials can deliberate in non-public session, but any action that they take out of those meetings must be stated and transacted publicly.

What the students were witnessing was an actual public meeting. This commission is an elected body of citizens. The commission sets policy for the police department. Aside from setting policy, it is also responsible for the budget, so this gives it a lot of power and a lot of authority over what the police department can do. The commission members cannot act individually, they have to act collectively as a body. These monthly meetings are public; anybody from the public can come to the meeting, and if they have concerns or questions regarding their police department they are free to come to the meeting and voice their concerns and ask questions.

At this time Chief Magnant returned the floor to Sgt. Schwartz to talk a little bit about what the Portsmouth Police Department has been doing proactively in the area of underage drinking. Sgt. Schwartz briefly reviewed the initiatives that are in place, and made the point that for all of them, the goal is public safety. He reviewed the PSST, the compliance checks, the info. sharing protocols, the athletic contracts, and the Alcohol Tipline.

Chief Aiden Moore then went into the consequences of selling alcohol to underage buyers. A period of questions and answers followed.

**1. Financial Report**

- a. Budget Coordinator Karen Senecal reviewed the status of the budget. Expenditures are actually under the norm. We are at a very good 31.05% expended, which is under the standard of 34.6%.

**3. Grants and Donations**

- a. The State of New Hampshire has approved the purchase of a command vehicle with the 2003 Homeland Security II Portsmouth grant allocation. \$49,815.73 has been allocated to purchase and equip the vehicle to function as a mobile emergency and incident command vehicle.

**Action: Commissioner Howe made a motion** to accept the grant monies and forward to the City Council.

**Seconded by Commissioner Devine.**

**On a Roll Call Vote:** The Board voted unanimously to accept the Homeland Securities monies in the amount of \$49,815.73 and forward to the City Council for action.

**4. Division and Team Reports**

- a. Information Systems
- b. Accident Investigation Team
- c. Records Division Report

**Action: Commissioner Howe made a motion** to accept the Division and Team reports as presented and place them on file.

**Seconded by Commissioner Devine.**

**On a Roll Call Vote:** The Board voted unanimously to accept the Division and Team reports and place them on file.

**5. Letters of Thanks and Appreciation from Outside the Department**

- a. A thank you letter was received from Chief Richard Kane of the Exeter Police Department for Officer Mansfield's and K-9 Viktor's participation in a K-9 search of Exeter high school as part of Exeter's proactive drug deterrent school policy. The search took place on Thursday, September 29<sup>th</sup>, 2004. Chief Kane observed that our team's efficiency and professionalism were remarkable.
- b. A thank you letter was received from Lt. Kyle Metcalf of the New Hampshire Bureau of Liquor Enforcement for the professional support and resources made available by Portsmouth during an operation in town that focused on the use of false identification by underage buyers to purchase alcohol.
- c. Thank you letter from Ms. Susan Asselin of the Swift Water Council of the Girl Scouts of America for the wonderful presentation of Portsmouth Animal Control Officer Patricia Tate. ACO Tate impressed the girl scouts with her expertise, humor and love for her work.

**C. PATROL SERVICES BUREAU:**

**1. Log Activity Reports**

For the benefit of the students, Deputy Young gave a brief explanation of the activity reports. He explained that the number one request of the department from the public is for speed enforcement.

## **2. Communications Center Report**

Commissioner Howe asked about the progress of the redundant dispatch center. The Deputy indicated that the project is in motion and should be underway within the next month or two.

Commissioner Kelley asked the Deputy what was the best way for students to get in touch with the police department. With the in-school SRO Russ Russo being the most timely and accessible way, Deputy Young reviewed 'Campus Watch' and 'Crimestoppers' as anonymous methods to contact the PD and relay information, and beyond that, the Detective Bureau and Patrol services can be contacted directly (Detectives-436-2511). Patrol is open 24/7 and anyone can come in and speak to someone about their concerns.

**Action: Commissioner Howe made a motion** to suspend the agenda and proceed to questions and answers from the audience because of the class time restraints.

**Seconded by Commissioner Devine.**

**On a Roll Call Vote:** The Board voted unanimously to suspend the agenda and move to take questions from the audience.

The Chief asked if anybody had thoughts about the concept of having an elected commission for the police department to answer to. The consensus was that it was a good idea. The Chief indicated that there have been a number of scandals nationwide involving police departments, and a lot of the larger departments are moving towards civilian review boards. Towns are trying to find ways to bring citizens back into the policing process and make law enforcement answerable and accountable to the public, as a way of safeguarding against excessive use of force, or of corruption, or other issues involving integrity.

The police commission is something that Portsmouth has had around for a long, long time, having been established in the 1800's. Portsmouth now finds itself in some ways on the cutting edge of law enforcement in this regard.

Commissioner Devine took the opportunity of a lighthearted comment concerning his being one of the original members of that 1800's police commission, to let the audience know that anyone at all can call the police commission's phone line and leave a message for the commissioners.

Commissioner Howe clarified the common public perception that the police make the laws – they do not. The police department is charged by oath to enforce the legislative decisions of representative government at the state and local level.

The next topic raised the question of whether the drinking age should be eighteen or twenty-one years of age. Liquor Enforcement Chief Aiden Moore weighed in on the arguments for each side. Among the information he shared were the facts of national crash statistics and actual physiological evidence that the human liver is not finished developing at age eighteen and alcohol has a potentized effect in the body of that younger person. Chief Moore said that a considerable volume of data is emerging nationwide on this subject. It was clear that the New Hampshire Liquor Enforcement Bureau Chief was well versed on the most current research and information.

One of the attending teachers asked if information was available on what percentage of crimes in Portsmouth were committed by people under eighteen years of age. The Chief indicated the report the teacher was referring to in the agenda packet was a boilerplate sort of report and that there were actually two different reports. One reports actual crimes committed in the City of Portsmouth. He explained the police department is required by Federal statute to report the statistical information to the FBI, which then researches and studies it and publishes it nationally. The other report is a breakdown of all of our calls for service. Not all of our calls for service will be reflected in the FBI report, because they are only interested in criminal activity in specified areas.

The Chief explained that internally, the reports are reviewed monthly and broken down as a tool to review and evaluate the department's policing strategies. He noted crimes of Domestic Violence come to mind, if a location shows repeated activity, Family Services Division would want to get involved and investigate. Chief Magnant said the reports are also used for staffing decisions. Every year or so the calls for service are broken down by the different beats and the different neighborhoods, the time of day, etc. so we can be sure we are deploying our resources correctly, that we have the correct number of officers or enough officers working on the right shifts.

Commissioner Howe noted that one of the things the entry reports do is provide the commission with data to develop policy on an on-going basis to address trends.

Sgt. Schwartz volunteered to try and narrow the data to provide the information the teacher requested regarding criminal activity by young people under eighteen years of age. He reminded her that not every incidence of criminal activity would result in an arrest, and only the arrests would be captured in the data.

(At this time, the class period being ended, the teachers dismissed the two classes.)

**Action: Commissioner Howe moved to return to the published agenda. Seconded by Commissioner Devine.**

**On a Roll Call Vote:** The Board voted unanimously to return to the agenda published for this meeting.

**3. FTO Report**

Recent academy graduate Jim Parisi will return to finish the FTO program assigned to Officer Rich Webb.

**4. Auxiliary Monthly Activity Report**

**5. Special Events in the City**

Deputy Young reported that the Halloween parade went very well. The next citywide event will be the holiday tree lighting and parade, with the New Year's '05 celebration to follow.

**6. Officers Out Sick or Injured**

**C. CITY PROSECUTOR REPORT**

Commissioner Kelley asked about when Judge Sawako Gardner will begin her tenure in Portsmouth District Court. The Chief said he believed it would be three months before she could begin hearing cases in Portsmouth District Court.

**E. BUREAU OF INVESTIGATIVE SERVICES – Monthly Activity Report**

**VI. MISCELLANEOUS OTHER BUSINESS**



Commissioner Howe inquired if it would be appropriate for the commission to send a letter of congratulations to Officer Rebecca Mansfield and K-9 Viktor for taking first place in the recent Iron Dog competition.

**Action: Commission Howe made a motion** to send a congratulatory letter to Officer Mansfield and K-9 Viktor.

**Seconded by Commissioner Devine.**

**On a Roll Call Vote:** The Board voted unanimously to send a letter of congratulations to the K-9 Team.

## **VII. MOTION TO ADJOURN**

There being no further business before this Commission,

**Action: Commissioner Devine moved** the November 16<sup>th</sup> meeting be adjourned.

**Seconded by Commissioner Howe.**

**On a Roll Call Vote:** The Board unanimously voted in favor of the motion at 1:07 P.M.

**VIII. NEXT MEETING:** *Scheduled for December 21<sup>st</sup>, 2004 at the Police Station, per usual.*

*Respectfully Submitted By Kathleen Hoyt, Administrative Aide  
Reviewed By Commissioner Gerald Howe, Clerk*