

**PORTSMOUTH POLICE COMMISSION**  
**MINUTES OF THE JUNE 14<sup>TH</sup>, MEETING**

12:00 PM (Non-Public) 1:00 PM (Public)  
Public Works Conference Room, and Training Room  
John D. Kelley, Chairman  
Gerald W. Howe  
John C. Russo

- I. **CALL TO ORDER:** The chairman called the June 14<sup>th</sup> monthly police commission meeting to order at: 12:10 PM.  
**Action: Commissioner Howe moved** to go into non-public session as appropriate under RSA91-A.  
**Seconded by Commissioner Russo.**  
**On a Roll Call Vote:** The Board voted unanimously to move to non-public session.

The Commission immediately went into non-public session at 12:10 PM

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**Action: Commissioner Howe moved** the commission adjourn from non-public session and re-enter public session.

**Seconded by Commissioner Russo.**

**On a Roll Call Vote:** The board voted unanimously to move to public session at 12:43 PM. The Commission then adjourned to the Redundant Dispatch Center site in the public works building for a ribbon-cutting ceremony to officially open the center.

**Present during the ribbon-cutting portion of the public session:**

Commissioners Kelley, Howe, and Russo, Chief Michael Magnant, Deputy Chief Len DiSesa, Mayor Steve Marchand, members of the city council, City Manager John Bohenko, officers and staff of the PD and DPW, Foster's Democrat Reporter Matt Kanner, Portsmouth Herald reporter Liz Dinan, Budget Coordinator Karen Senecal, Exec. Assistant Kathe Hoyt

Chairman Jack Kelley invited Councilor Joanne Grasso to join him in cutting the ribbon to open the center. Once inside, Chief Magnant thanked everyone for attending and introduced Emergency Communications Supervisor Gil Emery who oversees the center's operations. Gil Emery gave some technical background about the purpose and capacity of the center. The Chief also explained the historical

timeline from the bringing forth of the idea for such a center to the present. He reiterated his thanks to Senator Judd Gregg who was instrumental in securing the federal grant funds that ultimately made the center possible. The Chief also detailed the City of Portsmouth's commitment and support with certain matching funds. City Manager John Bohenko and Mayor Steve Marchand spoke as well about the significance of the redundant center for the residents of Portsmouth. There was a brief question and answer period and the Chief answered questions from the press.

At the conclusion of the inauguration, the meeting moved downstairs to the DPW training room where the remainder of business before the police commission was conducted in public session, commencing at 1:25 PM.

**Present at this portion of the public session:** Commissioners Kelley, Howe and Russo, Chief Magnant, Deputy Chief DiSesa, Budget Coordinator Karen Senecal, retired officer William Copeland, Sgt. Dubois and presenters for the taser, officers and civilian staff of the police department, Foster's Democrat reporter Matt Kanner, Portsmouth Herald reporter Liz Dinan, executive aide Kathe Hoyt.

**II. PLEDGE OF ALLEGIANCE:** Deputy Len DiSesa led the pledge of allegiance.

**III. ACCEPTANCE OF THE MINUTES:**

**Action:** Commissioner Howe moved the board accept the minutes of the meeting held on May 4<sup>th</sup>, 2006.

**Seconded by Commissioner Russo.**

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

**IV. UNFINISHED BUSINESS: None.**

**V. NEW BUSINESS:**

**A. POLICE COMMISSION:**

**Action:** Commissioner Howe moved the board suspend the printed agenda and move directly to section V. **Chief's Report, Item 1.**

**Seconded by Commissioner Russo.**

**On a Roll Call Vote:** The board voted unanimously to suspend the agenda and move directly to the Chief's Report.

**B. CHIEF'S REPORT:**

**1. Presentation of Retired 'Junk' license to Mr. Wm. Copeland**

## 2. Letters and Certificates of Recognition & Appreciation

- a. Appreciation to Lori Hanchett of the court office for her diligence in gathering police reports from other jurisdictions. Lori's work allowed our prosecutor to demonstrate to the district court judge that the defendant in an assault charge was indeed a dangerous individual. He would have otherwise been released.
- b. Recognition of Officer Andre Wassouf for his police work on the evening of April 27<sup>th</sup>, 2006 which resulted in several drug arrests.
- c. Recognition of Lt. Rod McQuate, Det. Steve Arnold, and Det. Mark Newport for their investigation, pursuit and apprehension of three wanted felons and more than fourteen pounds of marijuana and \$2,500 in cash.
- d. Recognition of Det. John Peracchi for his outstanding case work as a detective in the Bureau of Investigations.

**Action: Commissioner Howe moved** that the commission return to the agenda as printed.

**Seconded by Commissioner Russo.**

**On a Roll Call Vote:** The commission voted unanimously to return to the meeting agenda as printed.

### A. NEW BUSINESS (Commission, resumed)

**Items to be voted on in public session:**

**Action: Commissioner Howe moved** that the commission approve Lt. Earl Cases' request to join the auxiliary unit upon his imminent retirement, according to departmental policies and procedures.

**Seconded by Commissioner Russo.**

**On a Roll Call Vote:** The commission voted unanimously to appoint Lt. Case to the Portsmouth Auxiliary Unit upon his retirement.

**Action: Commissioner Howe moved** that the commission appoint Officer Aaron Goodwin to permanent status.

**Seconded by Commissioner Russo.**

**On a Roll Call Vote:** The commission voted unanimously to appoint Officer Aaron Goodwin to permanent status.

**Action: Commissioner Howe moved** to accept the budget reallocations as explained.

**Seconded by Commissioner Russo.**

**On a Roll Call Vote:** The commission voted unanimously to accept the budget reallocations as explained.

## **B. CHIEF'S REPORT (resumed)**

### **3. Financial Report**

Budget Coordinator Karen Senecal gave a summary of the financial reports. The Chief expanded on the '06 budget attempt to establish a rolling fund for technical equipment so as to be able to keep up with hard and software upgrades and obsolescence. We were not successful in '06 because of the fiscal demands on the city in the aftermath of the 'donor town' designation. This year we will use a portion of EOY funds to try and get some of that badly needed equipment and software.

Karen reviewed the remainder of the reports and the line item overages and summarized by indicating that the department would finish the year in the black.

Chairman Kelley asked if there had been an increase in calls for service. Deputy DiSesa indicated that alarm calls and accident calls had increased.

### **4. Division and Team Reports**

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

### **5. Letters of Thanks and Appreciation from outside the department**

- a. Letter of thanks from Greenland Police Chief Mike Maloney to Officer Tim Black and K-9 'Kai' for their team demonstration at the Greenland Public Safety Complex on May 21, 2006.
- b. Letter of appreciation from Somersworth Chief of Police Dean Crombie for the assistance of Officer Rebecca Hester and K-9 Viktor in attempting to locate a potentially violent and suicidal individual. The search compassed most of the city of Somersworth. The suspect was located and apprehended without incident.

## **C. PATROL SERVICES BUREAU:**

1. Log Activity Reports
2. Emergency Communications Center Report
3. Auxiliary Monthly Activity Report
4. Personnel Out Sick or Injured
5. Special Events in the City

#### **D. CITY PROSECUTOR REPORT**

#### **E. BUREAU OF INVESTIGATIVE SERVICES**

Chairman Kelley asked if there were any questions on the BIS report. Deputy DiSesa returned the commission's attention to the CAD reports to provide more detail on some of the statistics and the activity they represent. He explained that spikes in traffic control and directed patrols statistics reflect the department's response to residents requests in these areas. DWI stats were discussed as well.

Chairman Kelley asked what the issue was in the district court judge's dismissal of the DWI cases that resulted from sobriety checkpoints. Chief Magnant explained the background of the cases in question and the position of the Rockingham County Attorney's office in filing our appeal. The appeal has been accepted by the state attorney general's office for review. An extensive discussion ensued regarding ramifications of the judge's dismissal if it stands, the reasoning behind the use of sobriety checkpoints, the history of the process that went into bringing them into use in the State of New Hampshire, other types of circumstances where roadblocks might be used, as well as the flaws, as we see them, in the judge's rationale in rendering the decision.

**Action: Commissioner Howe moved** that the board accept the division and team reports and the patrol bureau reports and place them on file.

**Seconded by Commissioner Russo.**

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

#### **VI. MISCELLANEOUS OTHER BUSINESS**

Introduction of Electro Muscular Disruption Technology – After a lengthy research project into the use and ramifications of this form of non-lethal weaponry,

the Chief and his command staff have decided that it would be a useful part of the use-of-force continuum available to Portsmouth Police Officers.

Accordingly, Chief Magnant brought the issue before the police commission for their review and decision. In the Chief's view, the decision to allow the use of electro-muscular disruption technology (also known as tasers), by Portsmouth's officers rests with the elected police commission. Chief Magnant, along with Sgt. Stephen DuBois, two officers from other New Hampshire jurisdictions where the taser has already been deployed, and a representative from the New Hampshire vendor, made an extensive presentation to the commission. The presentation included a Powerpoint, experiential testimony from the officers, and a physical examination of the equipment and how it works. A pointed review of the differences between the current technology and how it works and previous generations of similar technology was also part of the presentation. The commission asked numerous questions of the Chief and the presenters.

At one point Chief Magnant, along with Deputy DiSesa, reviewed two particularly dangerous altercations with armed subjects that occurred in Portsmouth. One was in the close confines of a populated downtown store, the other in bitter winter cold on unstable ground. The dangerous escalation of the circumstances was recounted in detail. In both cases weapons were present, one hidden, a 9-inch knife up a sleeve, and the other brandished and in the process of being deployed. The use of lethal force was imminent. Deputy DiSesa then explained how the presence of a New Hampshire State Trooper with a taser brought a safe conclusion to the outdoor incident, and how the availability of a taser in the indoor incident would have offered an additional layer of protection to everyone on the scene.

Deputy DiSesa went on to relay his extensive conversations on the use of tasers with Dr. Albertson who is Director of the ER at Portsmouth Regional Hospital. Dr. Albertson is an advocate for their use and provided sound information on the physiology and after effects of taser deployment.

The Chief elaborated on how this non-lethal technology would be introduced into the department, the development of parameters governing its use, training, etc. He emphasized that he is looking for enhanced training for his officers in addition to the recommended training. He also explained the endorsement of the International Association of Chiefs of Police regarding this non-lethal equipment.

At the end of the presentation a motion was brought forward to approve the introduction of the taser as a non-lethal weapon for use by the Portsmouth Police Department.

**Action: Commissioner Russo moved** that the taser be approved for use by the Portsmouth Police Department as outlined.

**Commissioner Howe reserved the right to reopen the issue if additional concerns or information became available. Commissioner Howe then seconded the motion.**

**On a Roll Call Vote:** The commission voted unanimously to approve electro-muscular disruption technology for use by the Portsmouth Police Department as a non-lethal weapon.

## **VII. MOTION TO ADJOURN**

There being no further business before this commission,

**Action: Commissioner Russo moved** the June 14<sup>th</sup> meeting be adjourned.

**Seconded by Commissioner Howe.**

**On a Roll Call Vote:** The Board voted unanimously in favor of the motion at 3:05 P.M.

## **VIII. NEXT MEETING: *Scheduled for Thursday evening, July 13<sup>th</sup>, 2006 – PLEASE NOTE THAT THE MONTHLY POLICE COMMISSION MEETINGS WILL RETURN TO THE PUBLISHED SCHEDULE OF THURSDAY EVENING MEETINGS IN THE CITY COUNCIL CHAMBERS, BEGINNING AT 7:00 PM.***

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