

PORTSMOUTH POLICE COMMISSION
MINUTES OF THE NOVEMBER 14TH, 2007 MEETING

10:00 AM (Non-Public) 11:00 AM (Public)
Eileen Dondero Foley Council Chambers

John D. Kelley, Chairman
Gerald W. Howe
John C. Russo

- I. **CALL TO ORDER:** The chairman called the November 14th, 2007 monthly police commission meeting to order at 11:15 AM.

Present during public session: Commissioners Kelley, Howe, and Russo, Chief Michael Magnant, Deputy Chief Len DiSesa, Captain Bill Irving, IT Manager Felicia Donovan and Executive Assistant Kathleen Levesque.

- II. **PLEDGE OF ALLEGIANCE:** Captain Irving led the Pledge of Allegiance. Chairman Kelley also asked for a moment of silence to acknowledge the service and sacrifice of our men and women in the armed services.

- III. **ACCEPTANCE OF THE MINUTES OF THE MEETING HELD ON:
October 11th, 2007**

Action: Commissioner Howe moved to accept the minutes and place them on file.

Seconded by Commissioner Russo.

On a Roll Call Vote: The board voted to accept the minutes of the October 11th, 2007 meeting and place them on file.

- IV. **PUBLIC COMMENT:**

Commissioner Kelley explained the rules governing this portion of the regular meeting.

- Comment by Mr. Rich Depentina (sp.) regarding conditions and activity on Dunlin Way, which include illegal dumping, drug dealing, and other illicit activity.

- V. **UNFINISHED BUSINESS: None**

VI. NEW BUSINESS:

A. POLICE COMMISSION:

1. Personnel Items that require action:

Action: Commissioner Howe moved to appoint Officer Bentz to Master patrolman status.

Seconded by Commissioner Russo.

On a Roll Call Vote: The Board voted unanimously to appoint Officer Bentz to Master Patrolman status.

Action: Commissioner Howe moved to extend the Memorandum of Understanding between the commission and the Portsmouth Police Civilian Employees Association (PPCEA) regarding Officer Aaron Stacy's continued light duty assignment to Dispatch.

Seconded by Commissioner Russo.

On a Roll Call Vote: The board voted unanimously to extend the MOU covering Officer Aaron Stacy's light duty assignment in Dispatch.

Action: Commissioner Howe moved to suspend the agenda as written to allow Deputy DiSesa to address Mr. Depentina's concerns regarding Dunlin Way.

Seconded by Commissioner Russo.

On a Roll Call Vote: The board voted unanimously to suspend the agenda as written.

Deputy DiSesa indicated that he has been working with Mr. Depentina on the Dunlin Way issues and in response we have stepped up patrol coverage on this street. Our Special Investigations Unit is following up on information received regarding possible drug dealing in this area. In addition, the city's Traffic & Safety Committee is now involved to get gates installed to stop the illegal dumping.

Action: Commissioner Howe moved to return to the written agenda.

Seconded by Commissioner Russo.

On a Roll Call Vote: The board voted unanimously to return to the written agenda.

B. CHIEF OF POLICE

1. Chief Magnant introduced **IT Manager Felicia Donovan**. Using a PowerPoint presentation, Felicia reviewed the structure of the department and covered the scope of responsibilities of this two-person department. She updated the commission on the challenges currently facing our information systems in both hardware and software. She also covered recent improvements. Chief Magnant asked Felicia to explain the 'hot spot' at the rear of the police department building. This 'hot spot' enables the cruiser laptops to receive any new information from the roll call folder. Items such as new warrants & officer safety alerts are automatically sent to the cruiser laptops out back through the 'hot spot'.

Commissioner Howe asked if we were still experiencing dead spots in radio transmission/computer connections in certain areas of the city. Felicia said this problem has become a thing of the past.

2. Streetsweeper Grant

As with last month's meeting, the loss of the Streetsweeper funding dominated this portion of the meeting, as Chief Magnant briefed the commission. On October 29th, along with Chairman Kelley, Chief Magnant met with staff from Senator Judd Gregg's office in Washington, D.C. The Senator was scheduled to meet with Chairman Kelley and Chief Magnant, but had to be on the Senate floor for a vote and could not attend the meeting as planned. Although we have a good working relationship with the Senator and his staff, the bottom line is the Streetsweeper funding probably will not come through. Chief Magnant wanted to know which option the commission wished to pursue first: Go back to the city council and request a supplemental budget allocation, or begin the process of planning a **Reduction-In-Force (RIF)** along with the other measures that will be required to compensate for this loss.

Chairman Kelley asked the Chief for a breakdown of what the Streetsweeper funds were used for. The Chief reminded the commission that this funding ended October 31st, 2007, so the department is already debiting other accounts to make up the short fall. This is not an operational mode that we can sustain.

Commissioner Howe suggested that the Chief and Captain Irving prepare a supplemental budget request, and that the commission schedule a non-public work session as soon as possible to review it.

Action: Commissioner Howe moved the commission direct the Chief and his administration to prepare the above referenced document for their review and submission as soon as possible.

Seconded by Commissioner Russo.

On a Roll Call Vote: The board voted unanimously to instruct the Chief and his staff to prepare a supplemental budget request for the commission to review.

3. **New Hampshire Legislative Anti-Gambling Caucus** – Chief Magnant advised the commission that he is the spokesman for the New Hampshire Chiefs of Police Association on this issue. There are a number of bills currently in the legislature designed to expand different types of gambling in the State of New Hampshire at different venues. The Association's stated position on this issue is against the expansion of gambling in the state. Chief Magnant wanted to inform the commission of his role because it is likely the commission will be seeing his name in the newspapers in connection with this issue at some point. Commissioner Russo asked the Chief if he has heard anything about plans to put a casino somewhere in Portsmouth. Chief Magnant said that this is a rumor that has caught on like wildfire. It surfaces anecdotally at every meeting that if a casino is going into Portsmouth, Pease Tradeport would be a good location, because it is owned by the state.

However, the Chief stated he has neither heard nor seen anything that would give credence to the rumor. He added that therefore, as the Chief of Police in Portsmouth, he is occasionally asked his opinion on having a casino in Portsmouth. Commissioner Howe asked if the Chief's opinion would be negative. Chief Magnant responded that it would be. He believes that expanded gambling would negatively impact our quality of life.

4. **Financial Report**

Capt. Irving reviewed the financial report.

5. **Grants & Donations:**

Action: Commissioner Howe moved that the commission accept a grant award in the amount of \$2,325.40 from the Bureau of Justice Assistance, Bulletproof Vest Partnership initiative.

Seconded by Commissioner Russo.

On a Roll Call Vote: The board voted unanimously to accept the grant and forward to the city council.

Action: Commissioner Howe moved the commission accept a training grant in the amount of \$2,987 from Police Standards & Training to send four (4) officers to the “Total Station” Photogrammetry training scheduled to take place December 10th through the 12th, 2007.

Seconded by Commissioner Russo.

On a Roll Call Vote: The board voted unanimously to accept the training grant and forward to the city council.

Action: Commissioner Howe moved that the commission accept the following individual donations to the Accident Investigation Team to upgrade the Photogrammetry equipment:

- A donation in the amount of \$1,000 from AXL, Inc. of Greenland.
- A donation in the amount of \$1,000 from Siegel Limited Partnership.
- A donation in the amount of \$1,000 from Hanscom’s Truck Stop.

Seconded by Commissioner Russo.

On a Roll Call Vote: The board voted unanimously to accept the donations and forward to the city council.

Action: Commissioner Howe moved that the commission accept a grant in the amount of \$911.33 also from Police Standards & Training to send one of the ranking officers to specialized training in South Carolina.

Seconded by Commissioner Russo.

On a Roll Call Vote: The board voted unanimously to accept the donation and forward to the city council.

Action: Commissioner Russo moved that the commission accept a donation in the amount of \$500 from Jocelyn Freschette and Gerald Howe for the Portsmouth Explorers enabling them to attend the national meeting of Police Explorers in Colorado next summer.

Seconded by Commissioner Howe.

On a Roll Call Vote: The board voted unanimously to accept the donation and forward to the city council.

6. Division and Team Reports

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

7. Letters of Thanks and Appreciation from Outside the Department:

A letter of appreciation from Lt. Robert Quinn, Commander, NHSP Troop 'A', for the support of Officers Wassouf, Malcolmson, Kotsonis, Evans, Maloney and Jones, and Dispatchers Dumont and Thomas during a recent pursuit. The subject of the pursuit had tried to run over a State Trooper Sergeant. This same person had been involved in a pursuit in 2005 during which he threatened Portsmouth officers with a lethal weapon.

C. PATROL SERVICES BUREAU:

1. Log Activity Reports
2. Emergency Communications Center Report
3. K-9 Report
4. Auxiliary Monthly Activity Report
5. Personnel Out Sick or Injured – There are currently 8 officers out injured or on FLMA leave. Four officers are expected back by next week.
6. Special Events in the City

D. CITY PROSECUTOR REPORT

E. BUREAU OF INVESTIGATIVE SERVICES

As the Deputy completed his review of the Detective Division, Chairman Kelley ask him if, when large new projects like hotels present their plans to the city for approval, they address provision for the security of the new property. Deputy DiSesa said not really, other than things in the building specs like repeaters for radio transmissions, etc. The Deputy did say that he believes we could see an increase in calls for service growing out of a larger visiting population.

Chief Magnant explained it was his understanding that the increase in visiting population growth from the new hotel rooms is figured into the service population formula. He said this is taken into account when authorizing the specific number of sworn officers that the department may have. If that service population number should substantially increase it would play a part in determining the number of sworn officers authorized by the city.

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

Seconded by Commissioner Russo.

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

Action: Commissioner Howe moved that the commission submit the Capital Improvement Program budget request to the city.

Seconded by Commissioner Russo.

On a Roll Call Vote: The board voted unanimously to submit the Capital Improvement Program budget request to the city.

VII. MISCELLANEOUS OTHER BUSINESS

After the motions Chief Magnant asked if the police commission wanted to talk about the Union Pin ULP (Unfair Labor Practice), and about adopting an anti-adornment policy for police uniforms. He also indicated that as per the commission's direction at the October meeting, the administration was appealing the hearing officer's ruling. Chief Magnant said that our attorney has submitted a brief requesting a review of the decision by the full Public Employees Labor Relations Board. He believes the union's attorney has also submitted a brief in response. The Chief indicated that according to the written opinion of the PELRB hearing officer, the policy needed to be comprehensive and needed to limit the Chief's discretion.

Action: Commissioner Howe moved that the police commission direct the Chief to draft an anti-adornment policy for the department, and that it be brought to the commission for review and ratification.

Seconded by Commissioner Russo.

On a Roll Call Vote: The board voted unanimously to direct the Chief to draft an anti-adornment policy and bring it to the commission for review and ratification.

Chief Magnant suggested the motion be amended so that the police commission is instructing the Chief and his staff to develop an anti-adornment policy and put the policy in place through the department's policy procedure; after which, the Chief will bring the policy back to the police commission for its blessing.

Commissioner Howe asked if doing it this way would be a contractual violation. The Chief explained that it would not, rather, it would be following the procedures previous Portsmouth Chiefs have put into place to work with the union to put policy in place.

Action: Commissioner Howe said he felt that was a friendly amendment to the motion and made the amended motion.

Seconded by Commissioner Russo.

On a Roll Call Vote: The board voted unanimously to pass the amended motion as stated.

VIII. MOTION TO ADJOURN

There being no further business before the commission, the Chairman asked for a motion to adjourn.

Action: Commissioner Russo moved the November 14th, 2007 meeting be adjourned.

Seconded by Commissioner Howe.

On a Roll Call Vote: The board voted unanimously in favor of the motion at 12:17 P.M.

IX. NEXT MEETING: - *December 13th, 2007, 7:00 p.m. – Eileen Dondero Foley Council Chambers, Portsmouth City Hall*

*Respectfully Submitted By Kathleen Levesque, Executive Assistant
Reviewed By Commissioner Gerald Howe, Clerk*