

**PORTSMOUTH POLICE COMMISSION**  
**MINUTES OF THE OCTOBER 29<sup>th</sup>, 2014 SPECIAL MEETING**

11:00 .m. Public Session – Conference Room “A”, City Hall

John F. Golumb, Chairman  
Gerald W. Howe  
Brenna Cavanaugh

- I. **CALL TO ORDER:** The October 29<sup>th</sup>, 2014 special police commission meeting was called to order at 11:04 a.m. in Conference Room “A”.

**Present during the public session:** Commissioners Golumb, Howe, and Cavanaugh, Mayor Lister, Assistant Mayor Splaine, Chief Stephen DuBois, Deputy Chief Corey MacDonald, City Attorney Sullivan, Exec. Assistant Kathleen Levesque, members of the press and the public.

II. **PUBLIC COMMENT SESSION:**

Chairman Golumb said the commission was making provision for public comment at this session, and invited anyone in attendance who wished to address the commission to come forward. He said each person’s comments would be limited to three minutes.

Joe Onosco – 27 Shaw Road, - Mr. Onosco said he felt the scope of the inquiry being made into the Goodwin/Webber matter was inadequate and needed to be expanded. He said he respected the police department, but he felt healing was needed and that could not happen unless the investigation expands.

Jane Zill – 27 Shaw Road, Ms. Zill would like to see the scope of the investigation expanded. She stated she felt even her 57 questions were not inclusive enough. She repeated her hope the commission would expand the investigation. She also stated she would like to echo husband’s comments, that she also respects the police dept. and has been treated well by police officers and felt they were always professional. She closed her remarks by asking again for scope of investigation to expand.

Arthur Clough – 431 Pleasant Street. Mr. Clough stated it was important not to reach conclusions before the investigation is complete. He believes the police department, the commission, and the council made a mistake in the way they set the investigation up. He said he was not familiar with criminal investigations, but did know something about financial investigations, and stated that anonymous input is critical. Mr. Clough said if he had heard the police department was the

group involved in setting up the email system for anonymous input, and then heard someone tried to use the system and it didn't work, he would, and felt other would be reluctant to come forward. Mr. Clough feels the town may have to go outside the local jurisdiction to do a proper investigation.

David Witham – 238 Walker Bungalow Road – Mr. Witham supports an expansion of the investigation, and feels it casts a shadow over the whole dept. He said the way it (the investigation) is set up now, feels narrow to him. He stated if we expand it, then healing can begin, and we can move on as a town.

Kathleen Logan – 21 Blossom Street – Ms. Logan said she thinks the state played a pretty big role in this in the early stages. She felt it seems like they were contacted early on. They saw a vulnerable old person being taken advantage of and did nothing. She drew an analogy of a child being abused in another state, no one doing anything about it, and the child dies. Ms. Logan felt the Bureau of Elderly and Adult Services (BEAS) needs to be investigated as well. They should have nipped this in the bud. Now we're in a mess. She stated she knows the attorney general's office is aware of everything going on, and haven't done anything either. Ms. Logan wants to know what role BEAS played "in this mess."

Darcy Davidson, 60 TJ Gamester Drive – Ms. Davidson stated she is here because she reads the paper. She hopes the investigation will include everything it needs to, get to the bottom of things, fix what is broken, and make sure it never happens again. She said she applauds the police commission for having the meeting and hearing from the residents.

There being no further comments from the public, Chairman Golumb closed the public comment session.

Commissioner Cavanaugh asked the Chair for floor time for a brief statement. The Chair recognized Commissioner Cavanaugh. Commissioner Cavanaugh said she appreciated the Herald's vigilance in reporting on the matter, however, it needs to be remembered that news articles and social media will not determine the outcome of the investigative process. It is the \$20,000 the city has invested in the outside investigative team that will determine the outcome.

The Chair then recognized Commissioner Howe – Commissioner Howe indicated the Letter of Charge to the investigatory body contains a sentence which reads in relevant part, "Items of concern include, but are not limited to...". He explained the commission felt in choosing that wording, they gave the investigators a wide berth to investigate and follow whatever they find. As the panel moves forward, or as Tidewater moves forward, and they find things, they have the commission's blessing to pursue whatever they find.

Chairman Golumb added the commission thought it laid sufficient groundwork to allow the panel to follow the facts wherever they lead.

Commissioner Cavanaugh said while the commission would like to accommodate citizen's requests to add this or add that, once the commission does that, it ceases to be an independent panel and process. The commission feels to be in contact with the panel giving additions and input taints the independent process of the team.

Commissioner Howe added that in listening to the city council and to public input, it was clear people wanted an independent investigation. He said if we go messing with that by telling the investigators to do this, or do that, we compromise the independence of the investigation.

Jane Zill then spoke up and explained she did send her questions to Judge Roberts, and the judge replied that her questions were outside the purview of their charge.

There was some discussion about what Ms. Zill said was Judge Robert's response. Another resident in attendance had a copy of the letter and it was submitted to the commission. Jane Zill felt the judge did not understand the team has that freedom the commissioners spoke of.

Joe Onosco also spoke up and echoed her sentiments.

Jane then indicated they were asking the commission to correct the misperception; perhaps there is confusion.

A gentlemen who did not identify himself asked if this issue would be clarified, and wanted to know how long today's non-public session would take.

Jane asked who would be in attendance at the non-public session. Commissioner Golumb indicated everyone at the table with the exception of the Chief's executive assistant would be in the non-public session.

**Action: Commissioner Howe moved** to go into non-public session for the purpose of discussing pending litigation, as provided for in RSA 91-A:3, II (e).

**Seconded by Commissioner Cavanaugh.**

**On a Roll Call Vote:** The motion passed unanimously to enter non-public session for the purpose of discussing pending litigation, as provided for in RSA 91-A:3, II (e). The commission entered the non-public session at 11:26 a.m.

The Commission, the Mayor and Assistant Mayor, along with the Chief and Deputy Chief, exited the room and made their way to the Wm. Mortimer Conference Room to continue the non-public session.

**Chairman Golumb called the public session back to order in Conference Room 'A' at 12:50 p.m.**

He expressed his appreciation to those residents who waited for the public session to resume. Chairman Golumb also commented on the value of the public comment session. The Chair said it was obvious from the comments the commission's intention expressed in the Letter of Charge to the independent panel was not clear to the public. He therefore restated the original intent by reading the following statement into the record:

“The scope of the investigation, as the commission designed, was created to encompass a broad latitude for the investigatory team to go wherever the facts and evidence may lead them.

Chairman Golumb will communicate with Judge Roberts to reiterate the sentence within the original charges to the investigatory panel, which reads:

“Items of concern include but not limited to...”

The Chair said he would speak with Judge Roberts and reiterate the latitude the panel has to take the investigation wherever it leads. The other commissioners agreed there would be value in doing that.

The Chairman closed his remarks by expressing appreciation for the mayor's and assistant mayor's time.

The residents in attendance signaled their appreciation for the steps taken by the commission with a brief round of applause.

The assistant mayor asked if he and the mayor might comment. He then deferred to Mayor Lister. Mayor Lister said he greatly appreciated the public's input, as well as the police commission, the chief and the deputy.

The assistant mayor said he was pleased to have met with the police commission today. He said they're all dedicated to getting to wherever the facts may lead. He felt this meeting was a win/win, with the process continuing over the next several months. He said, "We'll all be on the same page."

### III. MOTION TO ADJOURN

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

**Action: Commissioner Howe moved** to adjourn the October 29<sup>th</sup>, 2014 special meeting of the police commission.

**Seconded by Commissioner Cavanaugh.**

**On a voice vote:** The motion passed unanimously to adjourn the October 29<sup>th</sup>, 2014 special meeting of the police commission. The meeting was adjourned at 1:00 p.m.

### IV. NEXT MEETING: *WEDNESDAY, November 19<sup>th</sup>, in the Eileen Dondero Foley Council Chambers, Portsmouth City Hall, at 6:00 p.m.*



*Respectfully Submitted By Kathleen Levesque, Executive Assistant  
Reviewed By Commissioner Cavanaugh, Clerk of the Commission*

*Brenna Cavanaugh*





**Board of Police Commissioners**  
of the  
City of Portsmouth, N.H.

**29 October, 2014**

**The scope of the investigation, as the commission designed, was created to encompass a broad latitude for the investigatory team to go wherever the facts and evidence may lead them.**

**Chairman Golumb will communicate with Judge Roberts to reiterate the sentence within the original charges to the investigatory panel, which reads:**

**“ items of concern include but not limited to...”**

A handwritten signature in black ink, appearing to read 'John F. Golumb', is written over a horizontal line.

**John F. Golumb, Chair**

**Portsmouth Police Commission**