

PORTSMOUTH POLICE COMMISSION
MINUTES OF THE JUNE 17TH, 2015 MONTHLY MEETING

5:00 p.m. Public Session – Eileen Dondero Foley Council Chambers, City Hall

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

I. CALL TO ORDER: The June 17th, 2015 monthly police commission public session was called to order at 4:06 p.m. in the Wm. Mortimer Room of the Police Department.

Action: Commissioner Howe moved to go into non-public session to discuss personnel matters, as provided for under RSA 91-A:3, II (a).

Seconded by Commissioner Cavanaugh.

On a Roll Call Vote: The motion passed unanimously to go into non-public session to discuss personnel matters as provided for under RSA 91-A:3, II(a).

The Commission went into non-public session at 4:06 p.m.

Chairman Golumb called the public session back to order at 5:00 P.M. in the Eileen Dondero Foley Council Chambers of Portsmouth City Hall.

Present during the public session: Commissioners Golumb, Howe, and Cavanaugh, Chief Stephen DuBois, City Attorney Suzanne Woodland, Admin. Manager Karen Senecal, Exec. Assistant Kathleen Levesque, members of the public and the press.

Chairman Golumb read the following opening statement:

“We want to thank everyone for coming to this meeting and participating tonight. On September 4th, 2014, when we commissioned the Task Group headed by Judge Stephen Roberts to investigate the police department’s handling of the Goodwin-Webber matter and issue a report, we said we would read and release the report in a timely fashion, which we’ve done. In addition, we said we would have a separate meeting for public comment on this report, which we did here tonight.

Since the release of the report on June 1st of this year, the commission has met 3 times and will continue to meet, review the findings, and address them. We have not waivered in our commitment to see this through. It would be a discredit to the Roberts report and its authors, and well as to the residents, the commission, and the police department itself, to rush through the report's recommendations and not do our due diligence as elected commissioners.

Amidst the barrage of more than 250 news articles over the past three years, there is a temptation for the public to believe it has all the facts. There is the temptation to believe the action the commission should be taking in response is a "no-brainer", and it's not happening fast enough. However, the reality is, this was and continues to be a very complex situation. As stated multiple times in the Roberts report itself, "in hindsight", different decisions at different way points would have resulted in different outcomes.

It is our responsibility to evaluate the information, to seek legal counsel, seek advice, and perform research. I think it bears repeating here that legal counsel and advice have been sought by the commission from the very beginning on this matter. Decisions were not, nor will they ever be made in a vacuum, or be made carelessly, or with the intent to avoid addressing any issue.

While the commission must listen to the public and to other elected officials, in the end, it is the commission which must arrive at unbiased and substantiated decisions, based on verifiable information, with input from legal counsel on the consequences of each decision. To keep the process untainted, the commission must only be influenced by the full pool of data and not the incomplete or hand picked information provided in the media, that has at times created public discourse and/or political pressure.

This is an isolated event within the whole history of the police department. It does not negate decades of stellar service by police commissioners and staff.

Any efforts to use this one issue to paint a global definition of the department, its staff, and its work, is irresponsible to say the least. Yet I fear this is exactly what has happened. There is the distinct coloration of the commission and the department as corrupt, sneaky, and underhanded in much of the headlines and public rhetoric on this matter. The Robert's Report simply did not find this to be true. In spite of this, the commission is committed to fulfilling its responsibilities in a sound, fair, and impartial way, as expected. As stated more than once in the Roberts report itself, the report should be viewed as constructive. It is designed to foster improvement to the operations and morale of the department for the benefit of not only the employees but of the entire Portsmouth Community.

We said we would release the report in a timely fashion, and we've done that. We said we would be thorough in our review of it and we're doing that now. We

have kept our word on what we said we were going to do. We will not be rushed in this process. Thank you for your time tonight.”

The Chair then explained the format for public comment and opened the floor to anyone who wished to speak:

II. PUBLIC COMMENT: (THE FOLLOWING IS A BRIEF SUMMARY OF EACH PERSON’S COMMENTS. THE ENTIRE MEETING CAN BE VIEWED ONLINE BY GOING TO THE CITY’S WEBSITE AND CLICKING “CHANNEL 22”, AND THEN CLICKING ON “ARCHIVED 2012, 2013, 2014, AND 2015 MEETINGS”.)

(Spellings of resident’s names derived audibly and from signatures on the comment sign-in sheet.)

- Mr. Arthur Clough – 431 Pleasant Street. Mr. Clough felt the report ‘constrained itself’, as he put it. He said people who run for commission already have a conflict of interest. Mr. Clough addressed the circumstances surrounding Deputy MacDonald’s departure, including severance; he asked how Corey could resign while under investigation.** He asked a series of questions which were unrelated to the focus of the meeting. He felt there has been a history of misconduct at the police department. Felt the Robert’s report is censored. **(NOTE: DEPUTY MACDONALD WAS NOT UNDER INVESTIGATION.)

Mr. Roland Cote, 188 Union St. – Mr. Cote said there were two statements given under oath. Sgt. Goodwin’s and Chief Ferland’s. Mr. Cote said the statements were in direct conflict with one another, and therefore, one of the two committed perjury, and perjury is a crime. Mr. Cote suspects nothing is being done to address the possibility of this.

Ms. Dianne Messier for Beth Mosley – 171 Walker Bungalow Rd./Ms. Mosley, 302 Springbrook Circle. Ms. Messier read Ms. Mosley’s letter into the record, as Ms. Mosley was out of town. The letter called for firing the Chief, Capt. Schwartz, and Sgt. Goodwin.

Ms. Jane Zill – 27 Shaw Road. Ms. Zill disagreed with the Chairman’s opening statement. She felt the community has correctly identified the few bad apples. Went on to reference a state document, going into great detail, and citing aspects of the document and the Roberts Report. She felt the public’s trust had been violated.

Mr. Joe Onesko – 27 Shaw Road. Mr. Onesko felt the paper had published a long summary of his concerns already, so he said he would not go into them in detail during his comments. He quoted from the report and from Councilor Shaheen’s

remarks. Mr. Onosko asked for the Chief to tell him what the Chief has specifically learned since 2012 that explained the lack of action in 2013.

Mr. Robert Snober – 62 T. J. Gamester Drive. Mr. Snober read a letter from Councilor Splaine, who could not be present. The letter is essentially the same as the content of the day's article in the Herald. Mr. Snober added his own remarks. He felt it was incomprehensible that so little has been done for so long.

Mr. Michael Frandzell – 404 Union Street. Mr. Frandzell asked where the commission was when the 'lawyer shopping', a term used by the Herald, was happening. He felt the commission has outlived its usefulness.

Ms. Suzanne Ford – 88 Farm Lane. Ms. Ford asked what was expected of the police commission. She felt the alliance between the commission and the command staff is too personal. She questioned the commission's ability to be effective now.

Mr. Bruce Osborne – 2 Echo Avenue. Mr. Osborne felt upper management has dropped the ball. He stated what he thought should have been done. He felt everyone involved should resign.

Ms. Darcy Davidson – 60 T.J. Gamester Drive. Ms. Davidson felt now is the time to right the wrongs; to bring the dept. up to a national standard. Community policing is about making the community better in the long view. Ms. Davidson felt Sgt. Goodwin enabled Ms. Webber to cut loose her support system because of a misguided view. Ms. Davidson said she wanted a deputy who has not been tainted by this matter, and can help the police chief move forward. She appreciated the work of the commission in this matter.

Ms. Maureen Foster – 17 Shaw Road. Ms. Foster said she was lending support to the eloquent and informed voices that have spoken. She said it doesn't seem that complicated. Sgt. Goodwin is an adult, so in the end we have to hold him responsible. We need to have a strong response to this. She felt editing and shuffling codes will not be enough.

Mr. Bob Graham – Mr. Graham doesn't get why people couldn't see the apparent conflict of interest; he cited visits and other activities of Aaron Goodwin and added his voice to others who feel John Connors should have his 'gag order' lifted.

Mr. George Dempsey – 42 Dennett Street – Mr. Dempsey scolded the commission for not mentioning the name of Geraldine Webber. He read from the New Hampshire elder abuse law code. He asked why the commission/dept. has not charged anyone for elder abuse. Mr. Dempsey felt there are criminal charges that should have been filed. He called for the commissioners' and the Chief's resignations.

Mr. Eric Anderson – 38 Georges Terrace – Mr. Anderson stated he is not sure what to comment on because there are so many issues. He said the commission has a job to do. He said there were criminal implications in the Roberts Report.

Mr. Paul McEachern – Dennett Street – Atty. McEachern described John Connors' first visit to Mr. McEachern's office. He said his first reaction was to say to himself, "Why me? Why do I have to hear this?" He said he assured John they may not win, but they would get the facts out there. He read from the city charter. He referenced Atty. Ritzo's initial complaint, and felt as far as he knew, the commission did not know about it. He felt the commissioners who were in place when the incident occurred should consider resigning.

Mr. Bill Downy, Bow Street – Mr. Downey felt the Goodwin-Webber matter was the most egregious violation of the public trust. He disagreed with the Roberts Report.

Ms. Kathleen Logan – 21 Blossom Street. Ms. Logan feels this is a clear case of elder abuse. She would like to know where the Attorney General's office is in all this. She felt this format is a one-way street, and the people would like to know "all the rest of the information".

Mr. Mark Brighton – 285 Union Street. Mr. Brighton was emphatic that the city should not do away with the police commission. He turned to the people in the room and said words to the effect of, "If you think this could not have happened with the city council in charge of the PD, you are kidding yourselves."

Mr. Bradford Burn – 184 Walker Bungalow – Mr. Burn described his impressions of the activity he saw while Gerry was alive, and thought to himself that no one was minding the store. He felt a restoration of trust is necessary, and some action should be taken to put away the idea the commission is not worthy of trust.

Mr. Bob Hassold – 15 Mount Vernon Street – Mr. Hassold said the people want action, they want things done quickly.

Ms. Lessa McCarthy - 529 Union Street – Spoke about elderly people, using her mother as an example. She said there were rules in elder care places like the one where her mother lived because of the ways and behaviors that develop as people age. She cited some of those behaviors.

Ms. Lenora Wise Bronson - 838 Woodbury Avenue – Recommended an RSA be put in place addressing all workers who could possibly be in contact with the elderly so they are bound by a law. She asked the commission to put something like this forward to the legislature.

Mr. Jim Ritzo – Mr. Ritzo state he was Gerry’s lawyer and was proud of the will he did for her; he referenced the will of ’09, specifically designating equipment only be given to the police department. He said he believed this was a ‘scheme’ on the part of Aaron Goodwin to make all this happen. He referenced anecdotal quotes from two former police commissioners, one of whom is nearly 90 years old. He felt the commissioners should do something. He felt Chief DuBois is trying to help right the ship. He said he hoped the commission does something.

Mr. Ritzo was the last person to speak. The Chair indicated the floor was still open if anyone wanted to make additional comments.

Mr. Joe Onesko – Mr. Onesko commented a second time, and said one of the primary reasons he is involved in this matter is, he is trying to raise two sons to have respect for the law. He urged the commission to do the right thing. He referenced the Magna Carta of 1215 as establishing the truth that no one is above the law. He said he feels it is a commitment to the rule of law for the commission to do the right thing.

Ms. Jane Zill – Ms. Zill commented a second time, saying she felt Aaron Goodwin started to see Geraldine Webber in August and not in October as stated in the Roberts Report. She felt there was a systemic, planned operation here to enable Sgt. Goodwin to get the money. She recounted some aspects of Geraldine Webber’s life. She recounted what she believes to be the truth about this matter.

Mr. Michael Frandzell – Mr. Frandzell spoke a second time; he brought up officer Goodwin’s promotion and asked how could it have happened.

Mr. Arthur Cough – Mr. Clough commented again, referencing the oath the commissioners’ take when they assume office; he also referenced the constitution.

He feels there is a history in the department of not caring about the constitution and about the law. He referenced other cases. Chairman Golumb asked Mr. Clough to stick to the Roberts Report. Mr. Clough nevertheless returned to his remarks about other cases. He was again cautioned by the Chair to confine his comments to the focus of the meeting, which was the Roberts Report. Mr. Clough felt there was no action taken.

Mr. Paul McEachern – Mr. McEachern said the command staff was aware the original will left \$225,000 to the police department. He referenced Capt. Schwartz being present and aware of this, and also said that Goodwin met Webber in the summer, not the fall. He again brought up the fact that Chief Ferland said he didn't learn of the inheritance until he saw it in the papers. Mr. McEachern said the BEAS worker told Chief Ferland about the inheritance before then, and Mr. McEachern read from the deposition of Debra Gendron, the BEAS worker.

There being no other speakers, Chairman Golumb ended the public comment portion of the public session. He asked for a motion for a five minute recess.

Action: Commissioner Cavanaugh moved the commission take a five-minute recess.

Seconded by Commissioner Howe.

On a Voice Vote: The motion passed unanimously to recess the meeting for five minutes at 6:18 p.m.

The commission resumed the public session at 6:23 p.m.

III. PLEDGE OF ALLEGIANCE: Commissioner Howe led the Pledge of Allegiance.

IV. ACCEPTANCE OF THE MINUTES OF THE MEETINGS HELD ON:
May 20th, 2015.

Action: Commissioner Howe moved to accept the minutes of the May 20th, 2015 meeting and place one copy on file.

Seconded by Commissioner Cavanaugh.

On a Voice Vote: The motion passed unanimously to accept the May 20th, 2015 meetings and place one copy on file.

V. UNFINISHED BUSINESS: None.

VI. NEW BUSINESS:

A. POLICE COMMISSION:

Personnel items that require action: None

B. CHIEF OF POLICE

The Chair turned the meeting over to the Chief for his report. Chief DuBois briefed the commission on the Justice Assistance grant application outlined in tonight's agenda. He asked Karen Senecal to brief the commission on the financial status of the department as we approach the end of the fiscal year, which she did.

- Ms. Senecal said she was happy to report three Dispatchers have been hired to start on a staggered schedule; this will favorably impact the OT line.
- She informed the commission the department had begun to replace the Tasers used by our officers. This will take place over a period of time. The vendor has updated their product and will soon stop supporting the Taser model we currently have. She also referenced a program by the manufacturer to help agencies accomplish this.

Commissioner Golumb then turned the meeting over to Comm. Cavanaugh, who reported the following:

- a. The Portsmouth Police Commission has joined NACOLE, the National Association for Civilian Oversight of Law Enforcement. She spoke briefly on the benefits of the professional association. She encouraged people to visit the website, www.nacole.org.
- b. The Chief informed the commission the department is taking the next steps in seeking accreditation through the CALEA process.

VII. MISCELLANEOUS OTHER BUSINESS –

Action: Commissioner Howe moved to accept the division reports and place one copy on file.

Seconded by Commissioner Cavanaugh.

On a Voice Vote: The motion passed unanimously to accept the division reports and place one copy on file.

VIII. NEXT MEETING: The next scheduled meeting of the police commission is Wednesday, July 15th, 2015, in the Eileen Dondero Foley Council Chambers of city hall. The public session will reconvene at 6:00 p.m. in council chambers.

IX. MOTION TO ADJOURN

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

Action: Commissioner Cavanaugh moved to adjourn the June 17th, 2015 monthly Police Commission Meeting.

Seconded by Commissioner Howe.

On a Voice Vote: The motion passed unanimously to adjourn the June 17th, 2015 monthly Police Commission Meeting at 6:30 p.m.

Kathe

Respectfully Submitted By Kathleen Levesque, Executive Assistant

Reviewed By Commissioner Cavanaugh, Clerk of the Commission

Brenna Cavanaugh