

LACONIA POLICE COMMISSION
MEETING MINUTES
JUNE 26, 2019
3:00 P.M.

6/26/2019 - Minutes

1. CALL TO ORDER

Chairman Whittum called the meeting to Order at the above date and time.

2. SALUTE TO THE FLAG

Chairman Whittum lead the Pledge of Allegiance.

3. RECORDING SECRETARY

Executive Assistant Lori A. Marsh

4. ROLL CALL

4.A. Chairman Whittum recognized Commissioners present - Chairman Douglas Whittum, Commissioner Thomas Tarr and Commissioner Frank Mello.

4.B. Chairman Whittum recognized Staff present - Chief Matthew Canfield, Captain Allan Graton, Prosecutor James Sawyer, Lieutenant Richard Simmons, Lieutenant Michael Finogle and Lieutenant Kevin Butler.

4.C. Chairman Whittum recognized a quorum has been established and there are three Commission members present.

5. PERSONNEL MATTERS

5.A. Commendations & Awards

No discussion.

5.B. Training

Lt. Finogle advised two officers completed the bike patrol school and were out for Bike Week and will be hitting the road this summer with the new bikes.

5.B.i. Orders & Bulletins

5.C. Miscellaneous

No discussion.

5.D. Resignations/Retirement

No discussion.

5.E. Hirings

Chairman Whittum recognized Lt. Finogle. Lt. Finogle advised we still have four recruits going through training and are in week 7 or 8. He advised Oral Boards were held this past week on Monday and Tuesday and some had interviews with the Chief today. He advised we're in a position where we're starting to do Conditional Offers and backgrounds for an upcoming hire date of August 5th, which will set us up for the September academy to fill the current vacancies.

Commissioner Tarr inquired about our current on-board strength. Lt. Finogle advised we are shy of two positions right now, which will put us at 43. Commissioner Tarr inquired if that includes the vacancy from the officer who resigned last month and Lt. Finogle advised it does.

- 5.F. Promotions/Classification Change
No discussion.

6. COMMAND STAFF REPORTS

6.A. Captain

Chairman Whittum recognized Capt. Graton. Capt. Graton advised we finished out Motorcycle Week with Lt. Simmons doing the planning for that and it went fairly well. He advised there were no real issues and just a lot of accidents. He advised most of the serious accidents were single motorcycles off the road and didn't involve collisions with other vehicles.

Commissioner Tarr inquired about the comparison of attendance last year versus this year. Chief Canfield advised the first weekend was busier than normal. Lt. Simmons advised the weather plays a huge part in it. He advised most of the days had really good showings. He advised there were a couple of days where weather was not as great. Capt. Graton advised there were a couple of rainy days where hardly anyone attended. Chief Canfield advised the second Friday and Saturday were nice so the crowds were up. He advised it's not like the crowds of the late 90's or early 2000's.

Commissioner Mello inquired about the comparison of accidents last year versus this year. Chief Canfield advised he does not have the statistics from last year, but we were certainly ahead on accidents from last year. He advised in reference to the serious nature of the them, we had fourteen accidents with injury this year and didn't have any fatal accidents, whereas we had a fatal accident and two really serious injuries last year.

Capt. Graton advised we are also in the process of installing ventilation for the evidence room and armory and it anticipated it will be completed mostly this week and they will return in July for some final installations. Commissioner Whittum inquired if this will go through an exterior wall and Capt. Graton advised yes.

6.B. Operations Lieutenant

Chairman Whittum recognized Lt. Simmons. Lt. Simmons advised we're just coming out of Bike Week and we a short breather before going into other events coming up. He advised for the 4th of July there is the parade on the 4th, which starts at 4:30 pm and goes from the high school to Opechee Park. He advised that the parade is followed by the usual events at Opechee Park, followed by the fireworks that night. He advised the night of the 3rd kicks off at midnight in the Weirs with fireworks. He advised on July 6th there will be a motorcycle fundraiser ride that will be leaving the Broken Spoke in response to the recent major accident up north involving seven fatalities. He advised National Night Out is on August 6th at 22 Strafford Street this year. He advised following these events there is Biketember Fest and Multi-Cultural Fest.

Lt. Simmons also advised that Sgt. Cameron is in the Primex Leadership Class, which is a seven month program and he is about halfway through. He advised Sgt. Cameron does projects and different speaking exercises and the class isn't just made up of police officers and includes people from all different professions. He advised he had a conversation with Sgt. Cameron this morning and he seems to to be getting a lot out of it.

6.C. Training Lieutenant

Chairman Whittum recognized Lt. Finogle. Lt. Finogle introduced a new intern with our agency, Caroline. He advised we actually started putting interns on the police app just like we would a normal hire and they go through an application process and background check. He advised they are paired with the different divisions within the police department so they get to experience the whole department. He advised today is more of a government aspect of it.

Commissioner Whittum inquired where Caroline comes from and Lt. Finogle advised from NHTI in Concord.

6.D. Investigations Lieutenant

Chairman Whittum recognized Lt. Butler. Lt. Butler advised the Granite Shield funding ends Friday and will be renewed. He advised basically backgrounds have been taking up some time and everything else has been business as usual.

6.E. Legal Prosecutor

Chairman Whittum recognized Prosecutor Sawyer. Prosecutor Sawyer advised body cameras are in place and will shine a positive light on police work. He advised it will show the professional nature of our department. He advised he met with Capt. Graton and Lt. Butler about setting up a plan for redaction and review, as someone basically has to listen to every word that is said on those recordings that are going to be sent out for discovery or sent over to the County Attorney's Office, as we cannot rely on them to redact for us. He advised we have developed a trial plan, utilizing Officer Wholley and Officer Goodheart, for my office and the County Attorney's Office for redaction for discovery.

Commissioner Tarr advised Chairman Whittum inquired at the last meeting about if a victim came to the police department to file a complaint, are those sessions recorded. Pros. Sawyer advised it is his understanding of the policy that the victim can request the camera be turned off and it will be turned off. Lt. Butler advised one thing we can fall back on is that it is clearly posted that if you are coming into the building, you are subject to being recorded. He advised it is going to be the way in which we present it to them. He advised he has not heard anyone decline to be recorded.

Chairman Whittum inquired how much extra time this is going to involve for the prosecutor's office. Prosecutor advised it is going to involve a lot of extra time. He advised he used to review a case with reports in typically ten minutes, with a complex case maybe taking half an hour. He advised with the video recordings, which might involve multiple videos with over an hour or two to view for any given incident, it takes time. He advised if he doesn't need to redact and listen to every word, it can be fast forwarded. He advised the concern is with releasing personal information (ie. identity or addresses of victims where the defendant does not know where they live, or Social Security numbers of individuals) or confidential informant information, which would need to be redacted. He advised additionally an officer might in error show something of a personal nature while reviewing paperwork or if there's nudity not of the offender, that would also have to be redacted. He advised there is not too much concern with the offender, as it is only going to their attorney. He advised if it's released for public consumption through the Information Act, then obviously nudity of the offender would also have to be redacted for the public. He advised for discovery purposes it is not the concern, but anyone else who is partially clothed, we don't want that person's image given to the defendant.

7. COMMISSION ACTION

7.A. Acceptance of minutes from previous meeting

On a Motion made by Commissioner Tarr, seconded by Commissioner Mello, and passed unanimously, the meeting minutes of May 15, 2019 were accepted.

Commissioner Tarr inquired about the new program at LRGH and the activity level. Chief Canfield advised Eric Adams has not had a lot of involvement as of late, as he has been conducting a couple of the background investigations and covering some patrol shifts, but advised he will get the commission a more thorough update.

8. REVIEW OF MONTHLY ACTIVITY REPORTS

8.A. Department Monthly Highlights

Chairman Whittum recognized Chief Canfield. Chief Canfield reviewed the Department Monthly Highlights report. No discussion.

8.B. Criminal Investigative Unit Statistics

Chairman Whittum recognized Lt. Butler. Lt. Butler advised we are on par with last year. No further discussion.

8.C. Monthly Traffic Statistics

Chairman Whittum recognized Chief Canfield. Chief Canfield reviewed the Monthly Traffic Statistics Report.

Chairman Whittum inquired about North Main Street onto Old North Main Street where there is a bicycle path that swerves into the road before the turn into Old North Main Street. Lt. Finogle advised he is not aware of any regulations for that path, but that he runs that area and there appears to be more than adequate space. He advised if anyone is riding their bicycle safely, they are going to be looking when they cross the intersection. He advised the visibility at the intersection is pretty good and you can see both ways when coming off Old North Main Street. Chairman Whittum noted there is a blind spot if two cars are side by side.

Commissioner Tarr inquired about driver inattention always being the main cause. He inquired of the twelve accidents in May, do we have a sense on how many were cell phone or texting related. Chief Canfield responded the majority of them where driver inattention is usually the result of either cell phone usage, whether texting or talking on it, or some other type of activity, such as reading the newspaper or listening to music or changing the radio station. He advised those are the top causes and cell phone usage is one of the causes. He advised when the law went into effect, there was a huge dip in the publicity that went out with it and now you can routinely see people talking on their cell phones. He this is addressed with the STEP Patrol details. Commissioner Tarr inquired if those drivers were issued tickets for texting or use of a cell phone and Chief Canfield advised he would venture to guess no, as it is hard to prove after the fact unless the driver admits to it. He advised when there is no cause for the accident, it can just default to driver inattention. Lt. Simmons advised that if the accident is a rear end accident, it is usually due to driver inattention or following too close. Commissioner Tarr noted that unless the driver admits texting or being on the phone, there is no way to prove it. Lt. Simmons advised no. He advised even if we arrived at the scene within thirty seconds, during that time frame they have probably already put their phone away. He did note that it could also depend on if there are witnesses.

8.D. Monthly Fleet Report

Chairman Whittum recognized Lt. Finogle. Lt. Finogle advised we are already in discussion with Irwin Motors about the next vehicles to be ordered in the fall, as well as a new ACO vehicle, which is pretty well aged and needs to be replaced. Chairman Whittum inquired if we are purchasing three new vehicles and Lt. Finogle advised four, which includes the ACO vehicle.

8.E. Budget Print-Out

Chairman Whittum recognized Capt. Graton. Capt. Graton advised we are coming down to last few days in this budget year. and there will be a very narrow margin. Commissioner Tarr inquired if there will be a slight surplus and Capt. Graton advised no. Commissioner Tarr inquired what happens when there is a deficit and Chief Canfield advised we will then speak with the City Manager to request a transfer to cover those expenses.

Commissioner Tarr inquired about the budget presentation, noting the new budget starts next week. Chief Canfield advised the new budget hasn't been officially adopted and we will run off of a default line budget and will hold off on major expenses until it is officially adopted. He advised the City Council has until July 24th to adopt a budget. Commissioner Tarr inquired if that number is a little bit better than this year's number or about the same and Chief Canfield advised what was presented and what was recommended has an increase from last year.

Commissioner Tarr inquired about overtime being an issue. Capt. Graton advised the homicide alone was a big part of it. Chief Canfield advised the homicide alone was almost \$30,000.00 in overtime with our overtime line item being \$125,000.00. He advised that includes overtime to cover holiday pay and court time. He advised overtime to cover shifts is very limited. He noted spending \$30,000.00 on one event has a big impact. Commissioner Tarr noted it's a lot of money, but money well spent. Chief Canfield agreed.

9. CORRESPONDENCE TO AND FROM THE DEPARTMENT

Chairman Whittum recognized Chief Canfield. Chief Canfield advised we received a nice thank you letter from Pat Kelly, who MC'd the Awards Ceremony. He advised we also received a thank you letter from Sunrise Towers due to Sgt. Black and himself doing a couple of presentations at Sunrise Towers and the Tavern Apartments with Coffee With A Cop events talking about safety for the elderly. Commissioner Tarr inquired if that is the retiree building and Chief Canfield advised it consists of the retired and low income/assisted housing.

10. CHIEF'S REPORT

Chairman Whittum recognized Chief Canfield.

10.A. Officer Reference Cards

Chief Canfield advised we received three responses from the new business type comment cards for the month, which were all positive, with two having very kind words to say about the police department. Commissioner Tarr inquired if this process replaced the other survey and Chief Canfield advised yes. Chairman Whittum inquired if they are able to make comments on all of the same categories like before and Chief Canfield advised that is correct and they follow the same format as the prior blue cards.

10.B. Overdose Statistics

Chief Canfield reviewed the Overdose Statistics report and noted overdoses are significantly down for the year, as are overdose deaths. He noted this is a transition that not only we are seeing, but being seen all the way up from New York City, is that people are transitioning a lot from heroin use to meth use. He advised we have seen a lot of meth here in Laconia recently in comparison to seeing a lot of heroin before and we will continue to track this, but at least people are not overdosing as often.

Commissioner Tarr noted the numbers are encouraging. Chief Canfield advised as of recently, there have been a lot of good drug operations put together due to Granite Shield that have resulted in good cases, which is a resource funded by the State for overtime.

Commissioner Tarr inquired of the 21 overdoses this year, have the public safety departments (police and fire) responded to those. Chief Canfield advised yes. Commissioner Tarr noted we

don't know how many just go directly to hospital and Chief Canfield advised that is correct. He advised he would venture to guess that the hospital's numbers are down also like our numbers. He noted with Narcan being readily available and free, there can potentially be overdoses that are treated with Narcan by their friends and it does happen. He did recognize that it's pretty good gage by the numbers we respond to from last year to this year. Commissioner Tarr inquired if Narcan works on someone who has overdosed on meth and both Chief Canfield and Lt. Butler advised you cannot really overdose on meth.

Lt. Butler noted there was some major currency and poundage of drugs that were taken off the street and we can clearly see the difference in the atmosphere.

10.C. Motorcycle Week 2019 Review/Statistics

Chief Canfield reviewed the statistics for the week, advising we had a total of nineteen physical custody arrests, fourteen of which were Protective Custody; fourteen drug related offenses; five DWI's; seven Simple Assaults (Domestic Violence); regular four Simple Assaults; and two Resists Arrests. He also advised we had thirty-five total accidents, fourteen of which were with injuries and no fatalities. He advised one involved a pedestrian and four involved DWI's.

He advised it was a good week overall and a safe week overall given the number of people who were here in Laconia.

Commissioner Tarr inquired about any Felony arrests or if they were all Misdemeanor charges. Chief Canfield advised it is not broken down, so he cannot comment on that. He advised certainly some of the drug arrests could have been Felonies; however, if they were they were very few.

10.D. Appointment to Attorney General's Civil Rights Committee

Chief Canfield advised he has been appointed to the Attorney General's Civil Rights Committee created by Attorney General Gordon McDonald. He advised he is unsure of what it will entail and the first meeting is sometime in July. He advised the committee governs Civil Rights throughout the State of New Hampshire.

10.E. ONDCP Director Carroll @ DEA Office

Chief Canfield advised there is a meeting tomorrow at the DEA office. He advised the Director of National Drug Control Policy is coming up from DC to speak with certain law enforcement agencies about drug enforcement efforts in and around New Hampshire, specifically the High Intensity Drug Trafficking areas.

11. **OLD BUSINESS**

No discussion.

12. **NEW BUSINESS**

No discussion.

13. **CONFIRMATION OF NEXT MEETING DATE**

The next Regular or Special Meeting date of July 17, 2019 was confirmed.

14. **OTHER BUSINESS**

No discussion.

15. **CITIZEN COMMENTS**

Dennis Lintz advised several years ago he asked Chief Adams about use of body cams. He advised he missed the meeting about them being used now and inquired about what sort of procedures are in place if an officer fails to use the body cam, the video gets deleted or something happens to that evidence. He

also advised the Dover Police Department has a policy welcoming surveillance videos at their department and inquired if someone would like to receive videos.

Chief Canfield advised we are a Nationally Accredited Law Enforcement Agency, which means we have certain standards we have to follow, one of which controls the body cameras. He advised our policy speaks to that and governs everything from usage of the cameras to deletions. He advised officers do not have the rights to delete anything and cannot delete anything. He advised its very comprehensive and covers everything. Mr. Lintz inquired if that policy can be published to the public or he can get a copy and Chief Canfield advised we will speak with legal counsel to see if we can release that, as certain information in it has tactical considerations.

Commissioner Tarr inquired if officers have the ability to turn off the camera as the policy states the camera has to be on. Chief Canfield advised the camera goes into a buffering stage. He advised they go off when they are in the station and go on when they are out of the station, but other than that it's in a buffering stage. He advised the policy speaks to when the camera has to be activated, which is during any type of enforcement action or type of complaint they are investigating.

Mr. Lintz inquired if they are self contained memory or actually transmitted. Chief Canfield advised they are self contained and then, at the end of the officer's shift, it gets put into a docking station and is automatically uploaded into iCloud storage. He advised there is no way it can be doctored and videos cannot be altered.

16. **NON-PUBLIC SESSION (According To RSA 91-A:3, II)**

17. **ADJOURNMENT**

On a Motion by Commissioner Tarr, seconded by Commissioner Mello, and passed unanimously, the meeting was adjourned at 3:35.

DRAFT