

PORTSMOUTH POLICE COMMISSION
MINUTES OF THE JULY 15TH, 2015 MONTHLY MEETING

6:00 p.m. Public Session – Eileen Dondero Foley Council Chambers, City Hall

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

AMENDED

I. CALL TO ORDER: The July 15th, 2015 monthly police commission public session was called to order at 5:00 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)(e).

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)(e).

The Commission went into non-public session at 5:02 p.m.

Chairman Golumb called the public session back to order at 6:20 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 Robert Sullivan, CALEA Representative Paul McMillan, Admin. Manager Karen Senecal, Exec. Assistant Kathleen Levesque, members of the public and the press.

II. PLEDGE OF ALLEGIANCE: Commissioner Cavanaugh led the Pledge of Allegiance.

III. ACCEPTANCE OF THE MINUTES OF THE MEETINGS HELD ON: June 17th, and July 1, 2015.

Action: Commissioner Howe moved to accept the minutes of the June 17th and July 1st, 2015 meetings and place one copy on file.

Seconded by Commissioner Cavanaugh.

On a Voice Vote: The motion passed unanimously to accept the June 17th, and July 1st, 2015 meetings and place one copy on file.

IV. PUBLIC COMMENT SESSION

Ms. Bess Mosley – 302 Springbrook Circle. Ms. Mosley requested that if it has not already been done, she is asking for an investigation into who sent the anonymous letter making accusations against Commissioner Cavanaugh.

Mr. Arthur Clough – 431 Pleasant Street. Mr. Clough stated: The City claims immunity in matters where the city is sued; this most recent lawsuit was completely avoidable in his view. This lawsuit is a constitutional issue. Mr. Clough said all city officials and sworn officers in service take an oath to uphold the constitution.

Ms. Jane Zill – 27 Shaw Road. – Ms. Zill referred to the “Webber Goodwin debacle”, stating the city lost money in equipment it would have been getting in the original will. She listed the lawsuits that ensued, and felt the management of this matter has been detrimental to the city. Ms. Zill reviewed elements of the details of this matter as she sees them. She urged the commission to take action. Ms. Zill referred to Aux. Officer John Connors being told he was a police officer 24 hrs. a day and therefore couldn’t talk about the matter, but Sgt. Goodwin was told he could have an off duty relationship with Mrs. Webber. Ms. Zill sees a double standard in this.

Councilor Zelita Morgan – 39 Richards Avenue. The Councilor spoke directly to Chief DuBois saying he owed John Connors a public apology. She said this was an opportunity to roll up ones’ sleeves and take the hard steps. This matter is in the hands of the commission to take the right actions, and be part of the solution to this. To act expeditiously but thoughtfully to put processes in place that are sustainable and to speak to the core principles of the community.

There being no other members of the public wishing to speak, the Chair closed the public comment session.

Chairman Golumb turned the floor over to Commissioner Cavanaugh. Commissioner Cavanaugh addressed the public, saying the Commission as a whole requested the investigation of allegations made against her in an anonymous letter. She said the department cannot cherry-pick which allegations they’re going to investigate. The decision to have the letter investigated was not the Chief’s decision; it was the collective decision of the commission. Commissioner

Cavanaugh went on to say the two other commissioners have been professional and supportive of her during this time. She stated specifically that she has not been bullied and both of the other commissioners have been gentlemen.

Chairman Golumb added that he and Commissioner Howe have been supportive and will continue to be supportive. The Chair turned the meeting over to Chief DuBois.

B. CHIEF OF POLICE:

1. Chief DuBois introduced retired police chief Paul McMillan who was at the meeting to present information on CALEA. Commissioner Howe asked what CALEA stood for. Mr. McMillan said it stands for the Commission on Accreditation of Law Enforcement Agencies.

Mr. McMillan said he was in law enforcement for 31 years; he has been a chief of police and is now part of the assessment team for CALEA. He was also a former accreditation manager for the Transit Authority in Boston when they went through the CALEA certification process.

Mr. McMillan reviewed the structure of the accreditation commission and described the types of people who make up the commission. He explained that CALEA has gone completely digital and has partnered with Power DMS to do this. The cost of accessing CALEA documents, the assessment process, etc., is included in the enrollment fee. He added that Power DMS has other document suites available to CALEA agencies for additional fees, and other than making that reference, he was not here to promote them. Mr. McMillan moved to an overview of the process.

NOTE: The full presentation is available for viewing on YouTube through the city's website.

At the end of the presentation, Mr. McMillan took questions from the Commission, the Chief, and members of the public.

The Commission recessed the public session for five minutes to vacate the council chambers and move to Conference Room 'A', so the Historic District Commission could start their meeting in council chambers.

The public session of the July 15th, police commission recessed at 7:15p. in council chambers. The public session resumed in Conference Room 'A' at 7:20 p.m.

Commissioner Howe moved to suspend the agenda.

Seconded by Commissioner Cavanaugh.

On a Voice Vote: The motion passed to suspend the agenda.

Commissioner Cavanaugh moved to discuss an investigation into who sent the anonymous letter which made accusations against Commissioner Cavanaugh. She said we need to demonstrate a zero tolerance for anonymous letters of accusation.

Seconded by Commissioner Howe.

On a Voice Vote: The motion passed unanimously to discuss an investigation into who sent the anonymous letter which made accusations against Commissioner Cavanaugh.

Discussion: Commissioner Cavanaugh said she struggled with the necessity of doing an outside investigation because of the cost involved. Commissioner Howe felt it would be remiss for us to investigate ourselves. Commissioner Cavanaugh asked the Chief what the investigation would cost. Chief DuBois replied that Mr. Pardue is already doing some things for the city, and is already investigating the matter of the allegations specific to the commissioner made in the letter. He felt the investigation into who actually wrote and sent the letter would be an extension of that work. There was some discussion by the commission on how to frame the motion.

Commissioner Howe moved the commission direct Chief DuBois to investigate the source of the anonymous letter.

Seconded by Commissioner Cavanaugh.

On a Voice Vote: The motion passed unanimously to direct Chief DuBois to investigate the source of the anonymous letter.

Commissioner Cavanaugh said the commission made a decision yesterday to address the issue of how Geraldine Webber died. She said she doesn't understand why the subject of inanition was not on the agenda. The Chair explained he subsequently learned there are some Hippa issues with doing this, and he is waiting for clarification on the boundaries of that.

Commissioner Cavanaugh returned to the issue of why this was not put on the agenda. Commissioner Howe said we certainly are not attempting to keep information from the public.

Councilor Morgan said she felt it was an IT issue where one of the links was updated and the other was not. Commissioner Cavanaugh returned to the matter of the item not appearing on the agenda. Chairman Golumb decided that all future agenda items would be emailed to the Chief's exec. assistant with a 'cc' to the Chair.

Commissioner Howe moved to return to the agenda.

Seconded by Commissioner Cavanaugh.

On a Voice Vote: The motion passed unanimously to return to the agenda.

Chairman Golumb turned the meeting over to Chief DuBois.

Chief DuBois talked about the multi-jurisdictional exercise coming up on July 24th. He explained why it is being kept relatively quiet. The Chief said it has to be as realistic as possible for the responding personnel, and the more information on details is made public, the less spontaneous and realistic the exercise becomes for the first responders. He said he will be doing a press release next week as the date approaches to make the public aware of what will be happening.

Chief DuBois also talked about National Night Out coming up on August 4th.

2. Donations and Purchase Orders

Commissioner Cavanaugh moved to accept two donations in support of the Explorer Cadets. Twenty dollars from Ms. L. Anderson, and forty dollars from Ms. McNutt.

Seconded by Commissioner Howe.

On a Voice Vote: The motion passed to accept the two donations in support of the Explorer Cadets and forward to the city council for their action.

Commissioner Howe took up the matter of the three purchase orders, first asking the Chief if the money was in the budget. Chief DuBois indicated the monies for these expenditures was in the budget.

Commissioner Howe moved to approve the purchase order for \$3,000 for Mr. Jim McClaren to come and provide a specialized briefing to the city council on the unique requirements, security and otherwise, of building a present-day law enforcement facility.

Seconded by Commissioner Cavanaugh.

On a Voice Vote: The motion passed to approve the \$3,000 for Mr. Jim McClaren to come and provide a specialized briefing to the city council on the unique requirements, security and otherwise, of building a present-day law enforcement facility.

Chief DuBois asked if he could clarify this request. He explained he and two other members went to a training hosted by Mr. McClaren's firm. The city council has understandably had questions on a police facility, and we thought there was value in bringing Mr. McClaren out to answer the council's questions. This purchase order approval would allow us to do that.

Commissioner Howe moved to approve the two for CALEA. One for \$11,450 which covers the process of accreditation, and the other for \$5,500 which covers the on-site assessment team.

Seconded by Commissioner Cavanaugh.

On a Voice Vote: The motion passed to approve the two purchase orders for CALEA. One for \$11,450 which covers the process of accreditation, and the other for \$5,500 which covers the on-site assessment team.

Commissioner Howe again thanked Commissioner Cavanaugh for advancing the idea.

Commissioner Howe moved to approve the \$4,788 for Public Relations & Training with Mr. John Guilfoil.

Seconded by Commissioner Cavanaugh for discussion. Commissioner Cavanaugh asked for more information on this purchase order.

Discussion: Chief DuBois explained he attended an FBI training where Mr. John Guilfoil presented a lecture on media and media relations. The Chief gave the commission some information on Mr. Guilfoil's professional background and experience. Chief DuBois said he spoke with him about doing some training for us. Subsequently, Mr. Guilfoil presented training for the ranking officers on media contact and management. The Chief said that during this time period while we don't have a deputy chief, Mr. Guilfoil would be available to us to handle any type of major issue, as far as getting

our message out and managing media inquiries to take some of the burden off of command staff who would be managing the law enforcement aspects of a major issue. The Chief also indicated because he has experience in this specialized field, Mr. Guilfoil understands the commitment to be available around the clock, as well as the unique information restraints connected to potential criminal and public safety events.

Commissioner Cavanaugh asked what period of time the fee would cover. Chief DuBois indicated Mr. Guilfoil operates on an hourly rate.

Commissioner Howe said that at one time, the department had a Community Relations Officer who had media management as part of the position's responsibilities. Having to do away with that position has left a lack of good coverage in several areas and this is one of them. He felt the department should have help getting its message out. Commissioner Cavanaugh asked about aspects of the agreement with Mr. Guilfoil.

Commissioner Howe called the question in order to vote on the purchase order for Mr. Guilfoil's services.

On a Voice Vote: The motion passed to approve the purchase order for Mr. Guilfoil's services.

Action: Commissioner Cavanaugh moved to accept the resignation of Detective Michael Leclair.

Seconded by Commissioner Howe. The Commissioner mentioned the work and contributions of Det. Leclair during his tenure here, especially in the area of cyber crime and Internet crimes against children. Commissioner Howe said Detective Leclair was known throughout the state for his skill and expertise in this area.

On a Voice Vote: The motion passed to accept the resignation of Detective Leclair. Commissioner Cavanaugh wished Detective Leclair continued success in future endeavors.

Action: Commissioner Cavanaugh moved to accept the resignation of dispatcher Jessica Doucette.

Seconded by Commissioner Howe.

On a Voice Vote: The motion passed to accept the resignation of dispatcher Jessica Doucette.

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 to accept the division reports and place one copy on file.

3. Financial Report

Admin. Manager Karen Senecal reported the preliminary year end projection has the department turning money back to the city through good fiscal management.

Ms. Senecal also gave the commission some background on what was being done to try and fill the gap of Detective Leclair's departure. She explained a grant program she is working on with ICAC Commander Det. Sgt. Tom Grella whereby wounded veterans who have been trained to do the highly specialized forensic computer work would be funded to work for the police department for a limited period of time. She explained there are only going to be four such positions funded through this grant, so we may not be awarded one of them, but we may be able to access the work of an intern from the same program under a different provision. Ms. Senecal is looking into that as well. There was some additional discussion about the funding of the grant.

Commissioner Cavanaugh made additional comments about the commission being pushed out of council chambers and having to interrupt their meeting. She then asked where things were with the deputy chief's position. The Chair asked Chief DuBois to speak to this.

Chief DuBois said that at one point there was some conversation about waiting until the Robert's Report came out, and consequently the process was put on hold. The Chief said we could start the process up again at any time, and he would welcome that, having juggled the responsibilities of both positions for the past six months.

Commissioner Howe asked where things left off. Chief DuBois indicated the position was advertised and we received about 40 resumes in response. The Chief suggested it might be prudent to re-contact those respondents to update individual interest and availability. He said the advertising portion is going to take a bit of time, followed by time to cull down resumes and schedule interviews.

Commissioner Cavanaugh asked about how the committee was formed. She felt it was important the union be represented on the committee. She said she wants to avoid allegations of stacking the committee. Commissioner Golumb said the committee comprises a cross-section of business, law enforcement, and community leadership.

Commissioner Cavanaugh asked the city attorney what the proper way would be to put the committee together. The city attorney said he felt that was the commission's responsibility. There was a brief discussion about reviewing the elements of the committee that was previously assembled. The Commission directed Chief DuBois to start the search process up again for the position of deputy chief.

V. 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 July 15th, 2015 monthly Police Commission Meeting.

Seconded by Commissioner Cavanaugh.

On a Voice Vote: The motion passed unanimously to adjourn the July 15th, 2015 monthly Police Commission Meeting at 8:06 p.m.

Kathe

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

Brenna Cavanaugh

Note from Commissioner Cavanaugh: pg 6&7 amended; clarification: No purchase orders were seen by police commission or included in the PC packet. Votes were approved without p.o's.

**MONTHLY POLICE COMMISSION MEETING
PUBLIC COMMENT PORTION**

DATE OF MEETING: 7-15-15

Name & Address: Familid
27 Shaw Road Portsmouth NH 03801
Topic: Cavanaugh Investigation

Name & Address: Bess Masley
302 Springbrook NH 03801
Topic: Police Comm

Name & Address: ARTHUR CLOUGH
431 PLEASANT ST
Topic: PUBLIC TRUST

Name & Address: _____

Topic: _____

Name & Address: _____

Topic: _____

Name & Address: _____

Topic: _____