

**PORTSMOUTH POLICE COMMISSION**  
**MINUTES OF THE SEPTEMBER 28<sup>TH</sup>, 2015 SPECIAL MEETING**

6:30 p.m. Public Session – Eileen Dondero Foley Council Chambers, City Hall

John F. Golumb, Chairman  
Brenna Cavanaugh  
Wayne Lehman

- I. **CALL TO ORDER:** The September 28<sup>th</sup>, 2015 police commission public session was called to order at 6:32 p.m. in the Eileen Dondero Foley Council Chambers in city hall.

**Present during the public session:** Commissioners Golumb, Cavanaugh, and Lehman, Mayor Robert Lister, Deputy City Manager Dave Allen, City Attorney Robert Sullivan, Chief Stephen DuBois, Admin. Manager Karen Senecal, Exec. Assistant Kathleen Levesque, members of the public and the press.

- II. **PLEDGE OF ALLEGIANCE:** Commissioner Lehman led the Pledge of Allegiance.

- III. **ACCEPTANCE OF THE MINUTES OF THE MEETINGS HELD ON:**  
July 15<sup>th</sup>, and July 22<sup>nd</sup>, 2015

**Action:** Commissioner Cavanaugh moved to accept the minutes of the July 15<sup>th</sup> and the July 22<sup>nd</sup> commission meetings.

**Seconded by Commissioner Lehman.**

**On a roll call vote:** The board voted unanimously to accept the minutes of the July 15<sup>th</sup> and July 22<sup>nd</sup> meetings and place one copy on file.

- IV. **Commissioner Lehman moved** to suspend the rules to address an item not on the agenda.

**Seconded by Commissioner Cavanaugh.**

**On a Roll Call Vote:** The board voted unanimously to suspend the rules to address an item not on the agenda.

**Commissioner Lehman moved** to approve the separation agreement negotiated with Chief Stephen DuBois contingent upon city council approval.

**Seconded by Commissioner Golumb.**

**On a Roll Call Vote:**

**In the affirmative:** Chairman Golumb, Commissioner Lehman

**Opposed:** Commissioner Cavanaugh. The commissioner indicated her opposition was based on some of the details of the agreement.

**V. PUBLIC COMMENT SESSION**

Public comment is limited to three minutes.

Mr. Arthur Clough – Mr. Clough spoke about being raised with a picture of Mother Theresa on the wall of his boyhood home, and of his parents being Rotarians. Mr. Clough spoke about the 4-way test that Rotarians live by. He referenced the Laurie List that we have in New Hampshire, and explained his understanding of the purpose and function of this list. Mr. Clough quoted pieces of Judge Cassavechia's probate court decision. Mr. Clough named specific officers, and urged the commission to put the named officers on the Laurie List based on his understanding of the judge's decision. He also felt it was time for the investigation into the anonymous letter written about Commissioner Cavanaugh to be concluded.

Mr. Joe Onosco – 27 Shaw Road – Mr. Onosco asked if he heard correctly that the chief will be leaving the department, and that being the case said he would refrain from comment until he knows the details of the agreement.

Ms. Mona Pinet – 12 Juniper Ridge Road, Exeter – Ms. Pinet is a senior executive for a medical device company. She indicated that she has taken some time this morning to read the Roberts Report in detail for the first time. She said in her company, after the release and installation of a new system, the installation team convenes to take a look at what went well, what was problematic, and what needs improving. Ms. Pinet said her firm refers to the process as a 'post mortem', and she sees the Roberts Report as the same thing, a post mortem on the handling of the Webber Goodwin matter. Ms. Pinet indicated the executive summary of the Roberts Report provides 5 clear recommendations that serve to form a blue print for the police department going forward, and she reviewed the five items.

Ms. Pinet said the media has drawn the public in other directions away from those five items. She also said no information has been released on how these five things are being addressed. She felt all the other dialogue going on around the Goodwin Webber matter was just noise. Ms. Pinet felt the department and the police

commission, in cooperation with the city council and the public, need to place the focus on accomplishing the recommendations of the report.

Jane Zill – 27 Shaw Road – Ms. Zill said based on actions over the past five years, she recommends personnel decisions be tabled until the public can elect new commissioners. Ms. Zill reviewed the state document on elder abuse as well as her opinion on the events of the past 4 to 5 years pertaining to the Webber Goodwin matter in light of that document. Ms. Zill referenced Judge Cassavechia's decision as well as the Roberts Report and it was her conclusion that certain officers were unfit to continue as police officers and their names should be placed on the state's Laurie List. Ms. Zill explained to the commission what the Laurie List was. Ms. Zill reviewed the events of the July 22<sup>nd</sup>, police commission meeting, and offered her opinions on what the motivations were for the content and actions at that meeting. She also offered her opinions as to the actions that should be taken against Chief DuBois and the reasons why those actions have not been taken. Ms. Zill said she expects the separation agreement announced at the beginning of the meeting to be shared. She closed her remarks by endorsing her candidates for the upcoming elections.

Mrs. Ruth Griffin – 479 Richards Avenue. Mrs. Griffin indicated she has been a resident of the city since 1938. Mrs. Griffin reminisced about her father's wisdom, saying he was the wisest person she ever knew. He told her that what you cannot cure, your mistakes and others, you must endure.

It is important the commission works with the Chief on a plan to move forward. Chief DuBois has been doing two jobs for a year now. She said the police commission provides citizen oversight, but also advocates for the agency, and cannot be wrapped up in what has played out in the papers. Mrs. Griffin closed by saying she sincerely believes the police department is under the right administrator in the person of Chief DuBois.

Mr. Rick Becksted approached the podium as the Chair was closing down the public comment session. Chairman Golumb invited Rick to go ahead and comment.

Mr. Rick Becksted- 1393 Islington Street – Mr. Becksted stated he has known John Connors since he was a child through his friendship with Mr. Connors' son. He said he would like an apology for John Connors. Mr. Becksted spoke highly of John Connors and again requested an apology.

The Chair noted there would be a copy of the separation agreement for the press available tonight, and it would be on line tomorrow.

The commission returned to the agenda.

## VI. NEW BUSINESS:

### A. POLICE COMMISSION:

The Chair turned the meeting over to Commissioner Cavanaugh to address her items.

- Portsmouth Housing Authority notification of meetings: Chief DuBois reported the monthly meeting postings are now going out to every Portsmouth Housing Location via email, to be printed out and posted in each location.
- Update on the Pardue investigations: Chief DuBois said he has spoken with Mr. Pardue, but since these are open and active investigations, the Chief was being very careful not to interfere with anything Mr. Pardue is doing by what he reported.

### B. CHIEF OF POLICE

Chief DuBois received permission from the Chair to address the grants and donations as the first item of his report.

#### **Grants and Donations:**

- a.) A grant from the US Dept. of Justice in the amount of \$10,360.71 has been received for new and replacement bullet proof vests. The grant pays for 50% of new and replacement vest costs.

**Action: Commissioner Cavanaugh moved** to accept the bulletproof vest grant in the amount of \$10,360.71 and forward to the city council for their action.

**Seconded by Commissioner Lehman.**

**On a Voice Vote:** The motion passed unanimously to accept the bulletproof vest grant in the amount of \$10,360.71 and forward to the city council for their action.

- b.) A funding grant from the US Dept. of Justice Office of Justice Programs in the amount of \$256,152 for the New Hampshire Internet Crimes Against Children Task Force (ICAC). This grant will fund the New Hampshire

Task Force for FY '15. The Portsmouth Police Department is the headquarters for the New Hampshire Task Force.

**Action: Commissioner Lehman moved** to accept the US Dept. of Justice Office of Justice Programs grant in the amount of \$256,152 to fund the New Hampshire Internet Crimes Against Children Task Force for FY '15, and forward it to the city council for their action.

**Seconded by Commissioner Cavanaugh.**

**On a Voice Vote:** The board voted unanimously to accept the grant in the amount of \$256,152 to fund the New Hampshire Internet Crimes Against Children Task Force for FY '15 and forward it to the city council for their action.

- c.) A donation from Ms. Dorothy Steere-Doyle in the amount of \$20 in support of the Portsmouth Police Explorer Cadets.

**Action: Commissioner Cavanaugh moved** to accept the \$20 donation from Ms. Dorothy Steere-Doyle in support of the Explorer Cadets and forward to the city council for their action.

**Seconded by Commissioner Lehman.**

**On a Voice Vote:** The motion passed unanimously to accept the \$20 donation in support of the Explorer Cadets and forward to the city council for their action.

2. Chief DuBois announced that Officer Aaron Stacy is the recipient of a New Hampshire Congressional Delegation Law Enforcement Award in the "Above and Beyond" category for responding to a call for a house on fire. Officer Stacy went into the burning building and helped a disabled man get to safety.
3. City Attorney Robert Sullivan presented an orientation briefing to the commission on the Charter provisions relating to the commission. He also gave an overview of the role of the city council as a policy-making body, and the modified city manager form of government. Attorney Sullivan indicated the police commission is a unique hybrid combining both the council and city manager responsibilities as it pertains to the police department.

Commissioner Cavanaugh asked if email communications between commissioners was allowed. The city attorney replied by saying that electronic communication among the three commissioners occurring

simultaneously would constitute the functional equivalent of a meeting, and is prohibited by the Right-to-Know law.

Commissioner Lehman asked if, to the city attorney's knowledge, adjustments had been made in other governing and policy-making bodies to accommodate the reality of email communication. The city attorney replied the only provision in the Right-to-Know law for an electronic component for a meeting allows for an absent commissioner to participate in an otherwise duly noticed meeting electronically or telephonically, but the city attorney was not aware of meeting guidelines that address email communications beyond that.

Next, the city attorney covered the portion of the Charter that lays out the powers of office, and read that portion aloud verbatim. Attorney Sullivan said the broad verbiage of the Charter creates a situation where the police commission is omni-powerful when it comes to the administration of the police department.

Attorney Sullivan said the other area of the Charter that he wanted to present was that of assembling the budget for the department. He said the annual budget for the city was the city manager's budget, and the police department's portion of that budget was assembled by the commission and the Chief of police. There are particular deadlines and protocols that have to be met. He indicated that in an upcoming meeting Finance Director Judie Belanger would be reviewing the step-by-step process of the commission's role in putting the budget together.

With that, Attorney Sullivan closed out his review of the highlights of the Charter as it pertains to the police department and said he would be happy to answer any questions the commissioners had.

Commissioner Cavanaugh said that as a policy making body, the commission has not yet had the experience of crafting a new policy, and wondered if they wanted to work on a new policy, would that be put on the agenda for the following month. Attorney Sullivan provided an example of how the commission might go about bringing a policy draft on a particular subject forward. Commissioner Cavanaugh made a general reference to development of a protocol for employees to use to bring business before the commission as an example. There was a brief discussion on possible content for such a policy, with Commissioner Lehman cautioning that what is done

for one sets a precedent going forward. Attorney Sullivan answered some additional questions. The commission decided to table the discussion on this particular policy issue as the agenda was already quite full.

The Chair then turned the meeting over to Admin. Manager Karen Senecal for the financial report.

Chief DuBois also briefed the commission on the following items:

- The department recently launched a public service announcement funded by former Commissioner Gerry Howe and his wife, Jodie Freschette, on opioid addiction and reaching out for help.
- PPD Facebook page – The Department’s Facebook page has reached over 7,000 ‘likes’; the Chief credited Capt. Warchol with doing a great job of getting our message out over social media.
- The Chief has been working with the city attorney on the Uber ordinance compliance.
- Chief DuBois reviewed the statistics in the Patrol report, citing significant decreases in crime across several fronts from last year to this year.

**Commissioner Cavanaugh moved** to accept the division reports and place one copy on file.

**Seconded by Commissioner Lehman.**

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

## VII. MISCELLANEOUS/OTHER BUSINESS

Commissioner Cavanaugh said there was some discussion about having a conversation in non-public regarding responding to media inquiries. She felt it did not meet the criteria for a non-public session so she wished to have the discussion at that time in the public meeting.

Commissioner Lehman said he felt the commission should have one voice. He said that is not to say commissioners can’t disagree in the discussion process, but once a decision has been reached, that should be the end of the matter. When commissioners respond to the press with different positions, it is not good. The commissioners should craft well thought out decisions, and that’s what should be submitted to the press.

Commissioner Cavanaugh – When commissioners received emails on the city server on a matter where they have a difference of opinion, she did not feel it would be fair to prohibit individual commissioners from making comments. Commissioner Lehman clarified that he was referring to a circumstance where an email is sent to all three of the commissioners with a concern. He felt that in that type of instance, the commission should reply with one uniform comment.

Commissioner Golumb asked if the other commissioners were also going to address going to the papers as well. Commissioner Lehman said he felt that was a separate issue. Commissioner Golumb felt it should probably be discussed here as well, since the commissioners have opened the topic up. He referenced a document in the non-public packet that he felt would have helped the dialogue here, had they had the chance to review it in non-public.

Commissioner Cavanaugh expressed some confusion about what the Chair was referring to. There was a brief pause. The Chair asked the Chief's executive assistant to give the commission some background on the document, which she did.

Former Commissioner Ruth Griffin approached the podium before leaving and asked every to please speak into the microphones as the audience could not hear anyone.

Since the commission had not had the chance to review the document, Commissioner Lehman suggested the commission take it as homework for the next meeting, when they would be prepared to talk about it.

Commissioner Cavanaugh had one more item under miscellaneous, and that was to thank the Fire Department for hosting her on National Night Out and taking her around to the different neighborhoods.

## **VII. MOTION TO ADJOURN**

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

**Commissioner Lehman moved** to adjourn the September 28<sup>th</sup>, 2015 monthly police commission meeting.



Attorney Sullivan asked the Chair if he intended to adjourn the meeting or go into non-public session. The Chair thanked Attorney Sullivan and asked for a motion to go into non-public session.

**Action: Commissioner Lehman moved to go into non-public session.  
Seconded by Commissioner Cavanaugh.**

**On a Voice Vote:** The motion passed unanimously to go into non-public session at 7:28 p.m. The commissioners moved to the Wm. Mortimer Conference Room in the police department to meet in non-public session.

The commission came out of non-public session at 8:30 p.m.

**Action: Commissioner Cavanaugh moved to adjourn the September 28<sup>th</sup>, 2015 monthly meeting of the police commission.**

**Seconded by Commissioner Lehman.**

**On a Voice Vote:** The motion passed unanimously to adjourn the September 28<sup>th</sup>, 2015 police commission meeting at 8:30 p.m.

*Kathe Levesque*

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

*Brenna Cavanaugh*

*Brenna Cavanaugh*  
10/4/15

**MONTHLY POLICE COMMISSION MEETING  
PUBLIC COMMENT PORTION**

DATE OF MEETING: 9-28-15

Name & Address: ARTHUR CLOUGH

Topic: LAVIE LIST

Name & Address: JOE ONOSKO 27 SHAW RD

Topic: \_\_\_\_\_

Name & Address: MONA PINETTE EXETER

Topic: ROBERTS REPORT

Name & Address: Imilia 27 Shaw Road

Topic: Caravachia

Name & Address: \_\_\_\_\_

Topic: \_\_\_\_\_

Name & Address: Griffin

Topic: \_\_\_\_\_

Becksted - <sup>1343</sup> ~~1393~~ - Islington St