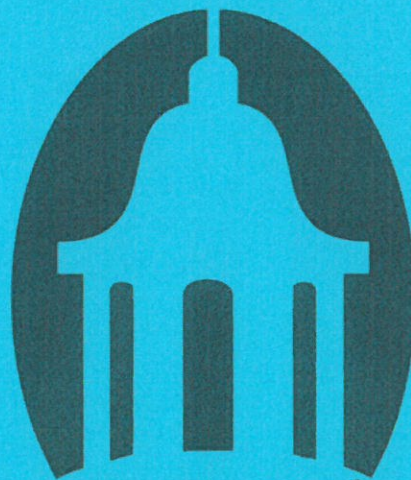


FINAL REPORT
ORGANIZATIONAL AND RISK
ASSESSMENT
POLICE DEPARTMENT
AUBURN, NH
AUGUST 2016

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FINAL REPORT



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FINAL REPORT

**ORGANIZATIONAL AND RISK
ASSESSMENT**

POLICE DEPARTMENT

AUBURN, NH

AUGUST 2016

OVERVIEW

The Town of Auburn, New Hampshire, through its Board of Selectmen, contracted with Municipal Resources, Inc. (MRI), of Meredith, New Hampshire, to conduct an organizational and risk assessment of the Auburn Police Department. This police department review was requested to review the manner in which police services are delivered by the Auburn Police Department. At the end of this project, the police consultants assigned to this project, MRI President and retired police chief Alan Gould, retired police chiefs Neil Ouellette and Bruce MacDougall, were requested to make recommendations for improvement in the overall delivery of police services. This assessment involved in-depth interviews with Police Chief Edward Picard and other key department personnel. All department employees were offered an opportunity to talk to the MRI consultants and offer their insights regarding the operation of the department. This project also included interviews with a number of elected and appointed municipal officials. The Auburn Police Commission agreed with the Board of Selectmen to move forward with this review and cooperated fully with the consultants. This study also included a tour of the police facility and extensive reviews of relevant statistics, policies, and department documentation. Observations made by the consultants are included in this report and were often compared with national best practices. This process led to a number of recommendations for the consideration of the police department and the Town of Auburn.

CHAPTER 1

ORGANIZATIONAL DESIGN

OBSERVATIONS

The Auburn Police Department provides a full range of police services on a 24/7 basis, to its 5,078 (2014 U.S. Census Bureau) residents, within this community consisting of 25.5 square miles of land and 3.3 square miles of water, through its authorized strength of eight fulltime, and twelve part-time sworn officers. Part-time officers are limited to working no more than 1300 hours per year unless they were formerly full-time certified officers. The police population ratio would therefore be 1.57 officers/thousand residents, as compared to the Federal Bureau of Investigation's Crime in America, Table 71, of 2014, which reported the national average of 2.9 officers /thousand residents, for those communities with fewer than ten thousand residents in New England. Currently, the department consists of one Chief, one Captain (who retired on July 1, 2016), and one Lieutenant, who administer the department, and are supplemented by three Sergeants. One Sergeant is a full-time Detective Sergeant, and two are part-time Sergeants, of which one is a retired full-time Sergeant, and the other has never attended the full-time police academy. In his role as a supervisor, the part-time sergeant, who has not attended the full-time academy, is making command decisions for full-time trained officers at critical incidents and serious calls for service. MRI feels that this could expose the Town to liability and potential litigation should a situation occur that results in injury or alleged civil rights violation. This topic will be expanded on within the training section.

The Town of Auburn has a three member Police Commission established under New Hampshire Statute, Section 105-C:3, which states:

"... consisting of three Commissioners, who have the authority to appoint such police personnel, including police officers, staff, constables, and superior officers as they deem necessary, and to fix such persons' compensation."

Additionally, the Commission is mandated to make and enforce all rules (which is spelled out further in Section 105:2-a, to include policies and procedures) necessary for the operation of the police force in the manner most beneficial to the public interest. It is noteworthy that the Town of Auburn is one of only five communities in the state of New Hampshire to have a Police Commission. Currently the Commission is not in agreement on whether they approve policy and procedures for the police department, and have not done so with the recently updated police department manual.

The Town of Auburn is bordered on the south by Derry and Londonderry, the east by Chester, the north by Hooksett and Candia, and the west by Manchester. The Auburn Police Department reported 5,057 calls for service in 2015 in their budget presentation and annual

report, as compared to 4,067 calls for service in 2014. The department noted that these totals do not include directed patrols, security checks, and walk through patrols, which if included would be responsible for an additional 3,015 incidents, equal to 1/3 of their activity. Current crime rates are relatively low for the Town of Auburn as evidenced by the FBI's Crime in America 2014 data, which reported 2 violent crimes, 2 aggravated assaults, 49 property crimes, 24 burglaries, 24 larcenies-thefts, and 1 motor vehicle theft. The community is primarily comprised of residential properties with very few businesses consisting of a couple of restaurants, a blasting company, and an insulation company.

There are no retail businesses that draw shoplifting suspects to the community, so the largest property crime problem is associated with house breaks. It should be noted that there is an expected increase in police activity due to the proximity of larger communities such as Manchester and Hooksett, coupled with two lakefront parks/parking lots that draw a significant number of people to congregate at all hours of the day and night. Chief Picard commented to the MRI Team that the department has had good success clearing housebreaks due to the diligence of Detective Sergeant Chip Chabot, and prevention efforts made by patrol in the form of house/property checks.

Auburn has significant undeveloped property within the community and is expanding at a fixed rate due to the control of building permits, which are limited to forty annually. The current homes being built are very large single family homes and have market prices from the seven-hundred-thousand and up sales bracket. As a result of increased affluence within the community, there will likely become a higher expectation for basic police services on a 24/7 basis. Due to this factor, along with officer safety concerns resulting from a single officer assigned to the midnight shift, the Town should explore the possibility and cost associated with having two officers assigned to patrol on a 24/7 basis.

The department currently has two police officers on each shift, with the exception of the midnight shift, where a single officer patrols the community from 02:00 hours to 08:00 hours, after the evening shift's departure. During this time period, the neighboring communities of Chester, Londonderry, and Candia provide additional backup, in addition to the potential emergency call-back of Auburn Police Department personnel. The Candia Police Department is the primary source of additional personnel when back-up assistance is needed.

Auburn police officers are currently allowed to pick shifts for the month based on seniority, as opposed to any consistent scheduling theme. This policy can be troublesome from multiple perspectives. The current system lacks any continuity for patrol operations which is not consistent with Community Policing tenants that require officers to be scheduled on a permanent beat/shift for four months at a minimum, so that officers become personally known to business owners and residents, they are familiar with business activity and vehicles within the neighborhood or area, and are able to recognize things that are out of place while out on

patrol. Additionally, having such laissez-faire assignments complicates overall supervision of police operations and the ability to provide consistent supervision to patrol shifts.

Employees confided during interviews that although they appreciate the flexibility that current scheduling allows for obtaining certain days off for personal commitments, they admit it is not operationally effective overall for the department/community and it prohibits junior officers from being able to cycle through varying work shifts to gain experience and reduce the likelihood of being stifled for long periods on the midnight shift, based on their lack of seniority. MRI recommends that the Auburn Police Department consider assigning officers to shift/beats for at least four-month intervals and consider a rotating workweek, so all employees have a certain number of weekends off within the work cycle. Seniority can still be incorporated within the staffing plan and if part-time employees continue to be utilized they should be mandated to work a certain number of patrol shifts prior to being authorized to work private/town/out of town details. Although the CBA contains such language it is unclear if it is actually enforced in practice.

The MRI Team believes that consideration should be given to other scheduling alternatives such as by implementing a rotating four on/two off schedule for patrol personnel. To provide for a two police officers on each shift Auburn would need nine full-time equivalent positions. The Department could then scale those positions between officer and sergeant to provide desired supervisory coverage on all three shifts. Currently, the department has three sergeants and one lieutenant within the command staff however two of the three sergeants are part-time employees and work more private details than patrol shifts reducing the instances where sufficient supervisory coverage is present. Although calls for service drop off between midnight and 6 a.m., the sole officer assigned to this time period is the most junior officer in the department, this coupled with recent events of violence against police across the country gives credence to consider providing for two officers around the clock. If the rotating schedule was undertaken by the agency, voids created by officers taking vacation time, sick-time, and holiday time would need to be back-filled either by part-time officers or through the use of overtime. It should be noted that the Detective Sergeant currently lacks any supervisory responsibility in investigations; however, he does serve as a back-up supervisor for patrol officers when a sergeant or lieutenant is not scheduled. The department should explore assigning a patrol officer to investigative duties and utilize the Detective Sergeant to supervise the patrol force.

A review of the current Auburn Police Department's Organizational Chart depicts the Police Commission at the top of the hierarchical chain followed by the Chief of Police, the Captain, Patrol Lieutenant, Patrol Sergeants, and Patrol Officers. The chart depicts the Prosecuting Attorney and Office Manager equilaterally with the Chief of Police, and the Animal Control and Detective Sergeant equilaterally with the Captain. The Chain of Command General Order # 104 actually articulates that the Captain is responsible for commanding the Prosecution Division; however, under the Prosecutor's "Authority" as stated in General Order # 104, Chain of Command, it delineates that he/she reports and takes direction from the Lieutenant.

Under the Authority of the chief of police it states that:

“The Chief and Captain shall have the power and authority to discipline members of the department short of suspension for non-compliance with the rules, regulations, procedures, and lawful orders issued by them or any supervisor. Suspension and termination recommendations shall be directed in writing to the Police Commission for action”.

However, General Order # 204 - Discipline states under Section G, Suspension without Pay that “If the Chief of Police determines that the situation warrants, he/she may suspend an employee without pay”, and further states in section 2, “the Chief of Police shall inform the officer of the nature of the alleged violations and afford the employee the opportunity for a hearing before the Chief”; although Section H. states: “The Chief of Police may demote an employee”, but clarifies that “this may vary depending on the structure of the department”.

It appears to MRI that these two policies were “borrowed” policies but not specifically altered to meet the legal and structural needs of the Auburn Police Department, or national best practices (CALEA, Chapter 26).

Another area within the organizational structure that was found to be lacking was the absence of a functional table of organization that describes roles and responsibilities for established positions within the agency. This is especially important within a small sized agency, due to the fact that all personnel must assume collateral duties to ensure proper accountability for those areas of responsibility that do not justify full-time positions/titles. The agency should create a functional table of organization that identifies responsibility consistent with current job descriptions, ancillary duties, and specialization within the department according to national best practices (CALEA, Chapter 21).

With the retirement of Captain Bartis on July 1, 2016, there has been discussion about the possibility for the position to be eliminated due to the small number of officers within the department, the size of the command staff, and the ability to increase the full-time compliment at the patrol officer level. MRI agrees that the command staff is too large for the number of patrol officers within the department and savings from the Captain’s position could be leveraged for additional fulltime patrol officers. Conversation with the Board of Selectmen, the Town Administrator, and the Police Commission have all included discussion of their desire to reduce part-time personnel in favor of committing to a predominantly full-time certified officer police force.

MRI suggests that the Town of Auburn reevaluate the existing position of Sergeant due to the fact that two of the three Sergeants are part-time employees. One existing Sergeant recently retired from fulltime employment and was retained at his supervisory rank, but he only works a few patrol shifts per month and predominantly works private duty details, thereby eliminating

his supervisory expertise and decision making on patrol shifts. The other part-time Sergeant was a full-time employee of the Manchester Fire Department and was recently promoted to Fire Chief, which will curtail his ability to work in Auburn part-time, if he is allowed by the Mayor of Manchester to work at all.

Given the limited supervision that MRI identified within the Auburn Police Department it may be an appropriate time to offer promotional opportunities to existing Auburn Police personnel or attempt to attract seasoned police sergeants from another department in New Hampshire, should the existing personnel lack the experience necessary at this time for advancement within the agency. MRI was advised that most of the full-time officers were fairly new to the department and possessed limited experience within Auburn.

MRI suggests that the Town implement the following proposed organizational structure to enhance management accountability and control within the agency. The Chief of Police would be responsible for the direct supervision of the Lieutenant, Office Manager, and Records Manager/Community Outreach Coordinator. He would be functionally responsible for overall supervision of the department, fiscal affairs, budget, recruitment, selection, and internal affairs. While the Administrative Lieutenant would be responsible for the direct supervision of Patrol Sergeants, and should functionally supervise policy and procedure development, special operations, and future accreditation initiatives. If the Detective Sergeant's position is retained, an additional Investigations Division would include responsibility for the direct supervision of an Investigator and the Prosecutor, along with functional supervision for property and evidence, internal affairs, and acting as a liaison to the Rockingham County Dispatch Center.

The first level of supervision within the agency would be relegated to Sergeants, and they would be responsible for the direct supervision of patrol officers while exercising functional supervision of fleet maintenance/cruiser inspections, traffic enforcement initiatives/grants, and breath testing and speed measuring devices. Patrol officers should be provided collateral duties to foster enhanced responsibility and specialization in the form of serving as Firearms Instructors, First Aid/CPR instructors, Field Training Officers, Computer Laptop Maintenance Officer, Citizen Police Academy Instructors, Senior Citizen Liaison, and School Outreach Officer.

MRI would also suggest that the Auburn Police Department enter into a partnership with the University of New Hampshire to obtain interns from a research based major to assist the department with data and crime analysis to enhance deployment strategies, assist in criminal investigations, compile regional crime intelligence, and enhance the ability of the department to seek highway safety grants. Data Driven Approaches to Crime and Traffic Safety is a program supported by the National Highway Safety Administration which overlays high traffic crash locations with high crime locations to focus enhanced enforcement to reduce the incidence of crime and motor vehicle crashes. Departments can obtain technical assistance for training and implementation of this program which requires enhanced data collection and analysis capabilities from the Highway Safety Administration through your state contact. Recently there

has been a greater focus on data collection by the State in the distribution of highway safety grant monies. Enhanced data collection and analysis capabilities would also increase the department's ability to seek grant based assistance for emerging technologies and initiatives from state and federal funding sources.

RECOMMENDATIONS

- 1.1 The Auburn Police Department should update General Order # 104, Chain of Command, to accurately describe authority and reporting relationships within the department according to national best practices (CALEA, Chapter 11).
- 1.2 The Auburn Police Department should update General Order #204, Discipline, to accurately reflect the authority of the Chief of Police to take suspension, demotion, and dismissal action against employees commensurate with a Police Commission, consistent with national best practices (CALEA, Chapter 26).
- 1.3 The Auburn Police Department should consider eliminating the Captain's position and seek to utilize allocated monies to hire full-time patrol officers to enhance staffing.
- 1.4 The Auburn Police Department should implement the proposed organizational structure/chart.
- 1.5 The Auburn Police Department should collaborate with the University of New Hampshire to provide a research methods student internship program to assist the department in data collection and crime analysis.
- 1.6 The Auburn Police Department should consider promoting full-time Sergeants within the agency, or seek qualified transfers to ensure better full-time supervisory shift coverage, thereby reducing liability in critical incident management or decision making.
- 1.7 The Auburn Police Department should consider assigning personnel to consistent shift/beat assignments for at least four-month intervals consistent with Community Policing Philosophy.
- 1.8 The Auburn Police Department should consider assigning personnel to a rotating four day on/two day off work schedule to provide adequate patrol/supervisory coverage, while allowing all officers the benefit of having some weekends off.
- 1.9 The Auburn Police Department should re-visit the position called Dispatcher. This position should be re-titled with a job description commensurate with newly developed

responsibilities. MRI would suggest Records Manager/Community Outreach Coordinator.

CHAPTER 2

HIRING/RETENTION/PROMOTION

OBSERVATIONS

The Auburn Police Department is fortunate to have a fairly significant pool of prospective candidates within area departments interested in working at the agency when vacancies do occur. The Department appears to appeal to applicants due to the training opportunities they offer, the low turnover exhibited, but probably most importantly, the caliber of employees that exist, their ability to get along with each other, and the way that they interact as a family. MRI was advised that in most instances when a vacancy has occurred there have been interested officers from surrounding communities who seek out positions, thereby eliminating the need to advertise open positions.

During employee interviews, the MRI Team was advised that the department has a good candidate pool for openings, due specifically to the flexibility at which the department schedules patrol shifts, by posting the blank schedule for the upcoming month and allowing employees to fill in their preferred shifts, which will ultimately be assigned by seniority for both full-time and part-time employees. This type of personnel scheduling practice is unusual in the law enforcement sector, because it inhibits effective management, lacks consistency of operations, and prohibits effective interaction with various stakeholders in the community.

MRI noted that the demographics of the department reflects a lack of full-time female officers and they currently have one minority officer, who is African American. According to the Town Administrator, the department/Commission has not advertised for any recent police positions and has no written recruitment and selection policy/plan. By implementing a recruitment and selection plan, the agency can attempt to recruit more female officers.

A review of the Police Department's Collective Bargaining Agreement relative to recruitment, selection, and promotion, only governs promotion as being at the discretion of the Chief of Police and the Police Commission, and allows the choice between the top three candidates as scored by the process. Seniority appears to only apply during decreases in the work unit; however, the Town of Auburn may consider a part-time officer selection for full-time status a promotion. The Town's Personnel Policy only has a couple of paragraphs relating to recruitment and promotion which indicates that they can advertise to outside candidates, invite interested parties to an interview, and evaluate candidates based on whether they meet the qualifications for the position. There is controlling language that police hiring will be done by the Police Commission.

Police departments across the country struggle to recruit and select the best candidates for police officer positions, and many have utilized a Police Explorers Post as a recruitment tool to

capture the widest, most diverse pool of prospective candidates, while benefiting from having personally known and interacted with these explorers. The department has the benefit of observing them in a diverse set of circumstances and varying situations to better determine their potential as full-time officers. Exploring is organized under the umbrella of the Boy Scouts of America, and is open to both males and females age fourteen to twenty. The department should consider a Police Explorers Post to identify youths within the community and region who are interested in policing as a career, while establishing relationships with high-school aged students, so that they can mentor them and impress the importance of healthy decision-making, while acting as formal role models.

Another significant population from which to attract and recruit prospective police officers is from the many colleges and universities in the area. The department could attempt to recruit college aged students from local community colleges and four-year criminal justice programs through a formalized internship program or a Speakers Bureau, where personnel could be designed to guest lecture within college classes when vacancies occur. It is not uncommon for command level personnel to become adjunct faculty in local colleges to facilitate recruitment and keep open mutually beneficial lines of communication among college aged populations.

Another attribute that the Auburn Police Department exhibits is the ability to retain officers due to the existing environment within the agency. The retention of personnel can only be strengthened by opportunities provided to patrol officers through specialization, the existence of collateral duties, combined with training opportunities, and future promotional openings that will enhance longevity.

The department could consider recruiting full-time certified officers/supervisors from other agencies who can work as part-time officers to fill regular shifts or remain in reserve status for back-fill situations occurring due to injured, sick, or vacation leave. Currently, The Manchester Water Works which has vast water and land area within the Town of Auburn, utilizes sworn police officers to patrol their property and are sworn in as special officers in the Town of Auburn. Given that they are sworn officers in Auburn and routinely provide mutual aid and back-up to Auburn officers they serve as an important cog in mutual aid response, as well as, one officer serves as part-time police officer for Auburn. This scenario could be further expanded to enhance the presence of part-time staff for backfill situations occurring with short notice.

The addition of a consistent and effective internship program, with a four-year criminal justice curriculum, could enhance recruitment efforts by providing a candidate pool for future openings, and additional personnel hours to work on special projects within the department.

RECOMMENDATIONS

- 2.1 The Auburn Police Department/Commission should enact a written recruitment and selection plan/policy for the hiring process.
- 2.2 The Auburn Police Department should consider implementing an Explorers Post as a way to develop relationships with youths in the community and create candidate pools for future openings.
- 2.3 The Auburn Police Department should consider creating a recurring internship program with local criminal justice college programs for future recruitment, while availing itself of additional personnel hours for special projects within the agency.
- 2.4 The Auburn Police Department should expand their relationship with Manchester Water Works Patrol personnel for mutual aid and part-time employment opportunities.
- 2.5 The Auburn Police Department should attempt to diversify the sworn staff of the department especially with the addition of a female officer(s).

CHAPTER 3

SUPERVISION

OBSERVATIONS

The Auburn Police Department is made up of eight full-time police officers, one full-time Detective Sergeant, two part-time Sergeants, a Lieutenant, a Captain, and the Chief for a total of eight sworn full-time and twelve part-time sworn staff. There are four full-time police officers for patrol duty, who are supplemented by ten part-time officers, six being retired police officers and four being non-retired officers. The supervisory staff includes the Chief, a Captain (position now vacant due to retirement), one Lieutenant, one Detective Sergeant, and two part-time Sergeants, one of which was a retired full-time Sergeant, and the other is a part-time Sergeant who was just promoted to Fire Chief in the City of Manchester.

As previously discussed, the current scheduling plan allows officers and supervisors, except the Chief of Police, to pick their entire months' individual work shifts by seniority, thereby eliminating any consistency in staffing or supervision. The supervisors and full-time staff also work Monday through Friday and have every weekend off, as long as part-time officers are available to fill in openings. The result is that staff working on weekends are routinely all part-time employees during the time when most serious calls for service occur. This has been inconsistent in the recent past due to part-time officers being more interested in private detail work, as opposed to patrol coverage. The Chief works a Monday through Friday, administrative day schedule, although MRI was told that he works several major holidays to allow younger staff with family to have time off. The remaining shifts consist of a midnight to 8:00 AM, an 8:00 AM to 4:00 PM, a 4:00 PM to Midnight, and a 6:00 PM to 2:00 AM shift.

MRI requested a work schedule from August 2015 and February 2016 to observe staffing patterns that were in place at that time. As a result, MRI observed that there is no consistency to the staffing of supervisory officers. In fact, in many instances there are two supervisors on at the same time, while there was a lack of any supervisor on other shifts. This results in a lack of supervision due to the absence of any formulated staffing plan consistent with proper span of control and accountability. The Detective Sergeant, although assigned to shifts on many occasions, does not supervise anyone in his investigative capacity, because the department does not have a full-time detective to conduct investigations.

Although employee interviews acknowledged that there was supervisory support when needed, often occurring through after hours' telephone calls, it is not in the best interest of the department or the community not to have a supervisor on-duty as consistently as possible, to make critical decisions and handle unfolding crisis events. MRI previously suggested that supervisory personnel be assigned to rotating consistent shifts to ensure guidance and accountability within the organization as much as possible. Until the department has a

sufficient number of supervisors to staff shifts, the agency should consider implementing an on-call supervisor for those shifts lacking a superior officer to ensure a timely response should a serious situation unfold needing supervisory presence.

Additionally, MRI suggests that the Auburn Police Department consider promoting current qualified officers to the Sergeant's rank, or if unable to do so due to existing officers being deemed to be too inexperienced, the Town should recruit qualified full-time sergeants from another agency to ensure proper supervision consistent with best practices. This would provide full-time supervision to oversee police operations on a 24/7 basis.

Consistent supervision is especially stark given that most police pursuit policies mandate that a supervisor be entrusted to monitor the pursuit and order its discontinuance if he/she deems it to be too risky, or believes it places the public in harm's way. Currently, this is impossible on the midnight shift, given it is being staffed by a single officer who is the most junior officer in the department. Auburn Police Department Policy does dictate that the Chief/supervisor will be called when a pursuit occurs, but in reality it is hard to be awakened in the middle of the night, brought up to speed on the facts surrounding a vehicle pursuit, and make decisions relative to the danger posed by it, without being privy to details which led up to the pursuit. This type of supervision is further complicated if the dispatcher is unable to make immediate contact with the Chief or on call supervisor. In many instances the pursuit could be end badly before that contact is even made.

As previously stated and confirmed through employee interviews, supervisors are not always delegated official duties upon being promoted within the department. This issue was also discussed under the department's organizational structure as it relates to duties and responsibilities consistent with command staff positions evidenced through disparity between the organizational chart, job descriptions, and policy and procedures. Once the proposed promotions/retirements are administered, the Auburn Police Department should conduct an audit of responsibilities and required oversight and reporting relationships within the agency, update current job descriptions, and create a new organizational chart that reflects accurate duties and responsibilities going forward.

RECOMMENDATIONS

- 3.1 The Auburn Police Department should consider a fixed rotational shift plan on a four day on/two days off schedule for all operational patrol and supervisory personnel, thereby assigning a supervisor to each shift to ensure proper accountability and supervision of critical incidents and decision making.
- 3.2 The Auburn Police Department should consider appointing/hiring additional full-time supervisory personnel by either promoting patrol officers if they have the necessary

- experience and training, or soliciting external sergeant candidates to ensure proper supervision of patrol shifts.
- 3.3 The Auburn Police Department should immediately implement an on-call supervisor plan to ensure a supervisor is available for call-back for critical decision making and handling crisis situations.
- 3.4 The Auburn Police Department should eliminate the use of part-time Sergeants as it is clear that they do not work enough patrol shifts to adequately provide supervisory coverage. One option would be to leave their current pay rate in place, but remove the supervisory title and responsibility, as one has never been a full-time academy certified officer and the other is only attending an abbreviated annual in-service training program for part-time officers.

CHAPTER 4

POLICY AND PRACTICE REVIEW

OBSERVATIONS

At first glance, MRI observed that although the policy and procedures manual stated that the policies were all recently reviewed and issued, the entire document contained a DRAFT watermark. Upon discussion with the Office Manager, it was revealed that the electronic files are utilized to update the policy, and once updated, they are approved and disseminated to all personnel without the watermark.

During discussion with Lieutenant Ray Pelton, who spearheaded the recent Department Manual update/revision, he conveyed that the majority of files in the Auburn Police Department's Policy and Procedures Manual were recently established after he attended a leadership program for "Emerging Leaders" at Primex. Primex is an entity that provides New Hampshire local governments with insurance coverages and services, that has a primary focus in risk management. Research confirmed that Primex has recently begun partnering with the New Hampshire Police Standards and Training Council on issues such as policy development and police risk reduction training. The Emerging Leaders Program required participants to select a project to perform at their department and the revision of the policy manual was Lieutenant Pelton's selected project.

MRI was advised by the Lieutenant that he garnered the policies from the Durham Police Department, the Derry Police Department, and the Hooksett Police Department, as they are or were Nationally Accredited by the Commission on Accreditation for Law Enforcement (CALEA). Lieutenant Pelton then took the policies and provided them to different officers within the Auburn Police Department, who had volunteered to help with this project by editing them to reflect agency-specific policies for the department. Upon completion of the manual update, MRI was advised that Primex reviewed and approved the newly created policies, prior to their implementation and dissemination to personnel.

Accreditation for law enforcement is a high bar to achieve and CALEA mandates compliance with over 400 individual standards of compliance verified through an extensive on-site assessment every three years. Additionally, there are mandatory areas of compliance which require police facilities capable of being retrofitted with certain equipment, space, and security measures, necessary for accreditation. Although accreditation is a very positive accomplishment for a law enforcement agency, it is equally important that all agencies embrace the best practices concept and attempt to meet or exceed those standards, especially standards that relate to high risk policies and procedures, which are frequently litigated. By following these standards, the agency can enhance credibility within the community by

delivering state of the art, 21st century police services, while reducing risk and potential litigation that can negatively affect a community and budget.

During the course of MRI's review, it became clear that although many of the policies originated in accredited departments, Auburn removed the CALEA Standard references, along with many of the mandated duties and responsibilities required for specific standard compliance. Upon inquiry, the MRI Team was told that some of those standards were too tough, or the required reports, audits, inspections, reviews, and analyses were too cumbersome, so they removed them from the policies. Additionally, onsite inspection revealed that on many occasions, even though required by current policy, many mandates were not being met. This result may in part be due to the officers that wrote the new policies not being trained or familiar with the accreditation process, thereby not understanding the importance or the reasoning behind the CALEA mandates.

MRI will recommend that the agency go back and re-evaluate their decision to remove CALEA standard references, and the required reports, audits, analysis, and inspections, because they require the agency to look at high risk areas of performance and evaluate on a per incident and yearly basis past performance to assist in managerial decision-making and evaluate the need for policy change, enhanced training, or the procurement of equipment, including less lethal force options.

The following review will look at high risk areas within law enforcement, as those areas tend to be areas that result in bad outcomes or police liability issues across the country, and identify those CALEA standards which the agency should meet to be in compliance with best practices for law enforcement.

Use of Force

No policy and procedure topic is more important within a law enforcement agency than restrictions through policy placed on officers surrounding the issue of deploying force against their citizenry. Over the last few years, many departments across the country have been at odds with their citizens, as a result of fatal officer involved shootings against suspects that were viewed by the public, at least initially, as resulting from excessive force. Several communities have experienced significant civil unrest, protests, and riotous behavior as a result of these actions.

The Auburn Police Department has ten different policies and procedures relating to the use of force. MRI reviewed the policies to ensure that they meet national best practices. General Order # 301.4, "Firearms", was found to be deficient regarding authorized ammunition as the policy stipulates that the department issued firearm is the:

Glock Model 31, double action, semiautomatic pistol, chambered for the .357 Speer LE Cartridge.

Section IV. A. states all members will be issued ammunition for their on-duty firearms. However, the policy fails to state the caliber, weight, manufacturer, and type of round that will be issued and is approved for personally owned weapons authorized by the Chief for officers to carry conducting court, motor vehicle hearings, trainings, and other instances approved by the Chief of Police. Additionally, the policy is lacking specificity as to what caliber, make, and type of weapons are acceptable, nor does it require annual qualification with those weapons officers are authorized to carry during the previously mentioned police activities. Approved ammunition for authorized weapons should be included within the policy according to best practices (CALEA, Chapter 1).

MRI made note that although it is lawful for a Police Chief to authorize officers to carry personally owned weapons during policing duties, it should be cautioned that the agency should ensure that the officers qualify according to the same prescribed standards and intervals as the Police Standards and Training Council requires for duty weapons. Many agencies require their officers to exclusively carry the issued duty weapon while conducting any police related activities as the municipality will certainly be held responsible for actions undertaken by their officers, both on and off-duty. The Auburn Police Department "Firearms" policy is silent to the issue of officers carrying a back-up weapon. Many departments now allow officers to carry a personally owned authorized weapon of suitable caliber as a back-up weapon, as long as they qualify with those weapons during the prescribed firearms training and qualification course.

The "Firearms" general order states under Section V, Subsection Training F:

"... that in addition to annual qualification, the department conducts other firearms related training, which may include, but not be limited to, one on one training, friend and foe shoot, night fire, simmunitions training, and any other training as deemed necessary."

Due to the fact that two-thirds of police shifts take place at night in the dark, national best practices dictate officers should conduct low light firing annually (CALEA, Chapter 1). During employee interviews, MRI was told by several employees that they have only attended one low light firing in recent memory.

General Order # 301.3, "Use of Force Officer Involved", was found to be lacking a requirement that any employee whose actions result in death or serious bodily injury be removed from line duty assignment pending administrative review of the use of force consistent with best practices (CALEA, Chapter 1).

General Order # 303, “Oleoresin Capsicum”, General Order # 304, “TASERS”, and General Order # 305, “Baton Use”, were all reviewed as they apply to less lethal force options authorized by the department. Although all three policies include language that requires initial training/certification, the only policy that specifically spells out re-certification training is the Baton, and that only stipulates annual training will be available. Best practices require in-service training, must occur at least biennially, and the policies should be updated to include the requirement to recertify all less lethal force options on a bi-annual basis (CALEA, Chapter 1). The Baton Usage policy stipulates officers are authorized to carry an expandable baton, but it lacks specification relative to the appropriate make and model; however, the “Oleoresin Capsicum” policy contains a statement that the PR24 (a very specific baton with specific training required do to its design), as the baton of choice. This is clearly an oversight when the policies were edited and needs to be deleted because Auburn does not allow the use of the PR24 Police Baton. The Auburn Police Department should update the “Baton” policy to include the authorized make/model and require biannual training consistent with best practices (CALEA, Chapter 1).

Recent Supreme Court Decisions involving TASER probe deployment have increasingly stressed that officers should not deploy the weapon against those individuals who are actively resisting an officer’s direction, when there is no danger to the officer or bystanders, and they should only utilize the weapons when a suspect is, or has been, assaultive. The department policy is silent to those individuals described as emotionally disturbed individuals, and there is no prohibitive language regarding deployment in the area of the heart, nor is there cautionary language regarding suspects who are elevated, which if deployment occurs, could result in death or serious bodily injury secondary to a fall.

The TASER policy requires medical personnel to be called if the barb shaft is embedded so deep as to prevent the probes from hanging loosely. Regional Emergency Medical Services (EMS) guidelines prohibit Emergency Medical Technicians (EMTs), from removing impaled objects from a patient except when the impaled object is in the mouth/cheek. The Auburn Police Department should consult the State EMS Board to determine if officers should be removing TASER probes in any circumstance.

The TASER policy also lacks any specifications of what model TASER is authorized and in use within the agency, and allows the Chief of Police to exempt employees from carrying the TASER. The policy does not indicate in what circumstances that exemption might occur such as when there are not enough units to outfit on-duty officers, or units are inoperable or out for repair. MRI was told that the department leaves discretion with the officer to choose if he/she carries the TASER. MRI would caution against this type of selective deployment of a less lethal tool, which if not available for deployment because the officer chooses not to carry it, could require the officer to escalate his/her use of force, resulting in a deadly force situation. The Auburn Police Department should update the TASER policy consistent with best practices and require officers to carry it (CALEA, Chapter 1).

General Order # 301.5, "Reporting Use of Force", requires officers to complete an IMC Records Management System Report when:

"... they discharge a firearm outside of the firing range, or hunting or competitive shooting, takes action that results in, or alleged to have resulted in injury or death of another, when less lethal weapon is used on a person, excepting handcuffing under normal arrest circumstances, when an officer applies force to a person, when a less lethal weapon is used on a person."

The policy further mandates that a supervisor be immediately summoned to the scene and comply with investigative procedures as required by the department in the following situations:

When a firearm is discharged outside of the firing range, with the exception of the use of a firearm to put down an injured animal, or when a firearm is used for recreational purposes such as hunting or competitive shooting, when a use of force results in death or serious injury, when a subject complains that a serious bodily injury has occurred, when a subject complains that a serious bodily injury has occurred:

- a) Photos will be taken of the injury
- b) The injury should be cleansed as reasonably as possible before photographing it for a clearer photo.

The policy is deficient due to the fact it lacks any mandate for supervisory review of the use of force report, nor does it require that the agency complete an annual analysis of use of force, which may reveal patterns or trends that could indicate training needs, equipment upgrades, and or policy modifications, and should be updated to be consistent with national best practices (CALEA, Chapter 1).

Pursuits

The Auburn Police Department General Order # 302, "Pursuit Driving" was issued and became effective on February 1, 2015. The policy was found to be compliant with national best practices in the majority of standards outlined by CALEA. Those standards which were found to be lacking included:

Section F. Procedures, under Officer Responsibilities, the policy mentions permission to use forceful stopping techniques such as ramming, bumping, colliding, and forcing the suspect vehicle off of the road are permitted only in cases where the failure to apprehend the fleeing vehicle will likely result in deadly force being used, or great risk to human life, and requires the permission of the Chief of Police or a supervisor.

Section VIII, alternatively describes forceful techniques and rolling roadblocks or ramming the pursued vehicle. The policy seems to be implying the ability to utilize a Precision Immobilization Technique (PIT) maneuver, or rolling roadblock; however, this policy and the Use of Force Policy are silent to specific criteria and training required by personnel prior to implementing these forceful stopping techniques (CALEA, Chapter 61).

Section VII, requires that the supervisor shall submit a report to the Chief of Police detailing his/her supervisory actions during the pursuit and an analysis of the pursuit's compliance with State Law and Department policy. National best practices require procedures for reporting and administrative review of each pursuit along with an annual documented analysis of the previously cited reports (CALEA, Chapter 41). It should be noted that the policy also lacks any pursuit reporting form, which is cited in General Order # 302.1, Use of Stop Stick Policy.

During a site-visit, MRI asked Captain Bartis to provide the last annual analysis of pursuits and per incident reporting and review. MRI was told that Auburn hasn't had a pursuit in a long time and that "the department doesn't pursue people; however, we do attempt to stop persons". This statement was repeated by Sergeant Chabot and Officer Kapos, leading MRI to believe that the department intentionally does not identify situations as pursuits. Earlier in the day, Captain Bartis stated during an informal discussion that "liability goes through the roof when an agency uses the word Pursuit". At the time MRI did not comment, but given the previously related facts the theme is becoming apparent. Captain Bartis indicated that the last pursuit he was involved in revolved around a burglary suspect who fled, and it was sometime between four and ten years ago. Sergeant Chabot indicated that the last time he was involved in a pursuit was assisting the Candia Police Department, and he deployed stop sticks.

Response to Calls/Emergency Driving

The Auburn Police Department does not have a policy and procedure relating to response to calls and emergency driving, although General Order #302, "Pursuit Driving" does cite a "Code 3 response". The department should compile a policy which includes procedures for responding to routine and emergency calls and includes guidelines for the use of authorized emergency equipment, along with specifications requiring that those vehicles utilized for general patrol have distinctive markings and must be equipped with operational emergency lights and siren (CALEA, Chapter 41).

Cruiser/Special Purpose Vehicles/Bicycles/K-9

The Auburn Police Department has General Order# 313, "Cruiser Inspection and Maintenance" in place, which describes daily cruiser checks and places responsibility on the patrol officers and supervisor to ensure that they are completed. The policy further assigns overall responsibility

for the maintenance repair, and restocking of cruisers with the Cruiser Maintenance Officer consistent with best practices (CALEA, Chapter 41).

The Auburn Police Department possesses one police motorcycle unit and one four wheeled All-Terrain Vehicle (ATV); however, there is not a policy for their use listed within the department's manual. The Auburn Police Department should compile a policy and procedure outlining objectives for these special purpose vehicles, instructions, conditions, and limitations of usage, authorization for use in various situations, qualifications and training for personnel assigned to operate the vehicles, and a listing of equipment to be kept in or on the motor cycle or the ATV consistent with national best practice (CALEA, Chapter 41).

The department does have a K-9 and General Order # 310, "Canine Unit Operations" governs its use. Upon reading the general order it is clear it came from a larger agency and it was not edited for the Auburn Police Department, as it states "the K-9 Unit Commander reports directly to the Lieutenant" and "department members assigned as handlers" ..., it would be unlikely that a department the size of Auburn would ever have multiple K-9's due to its size and crime rate. Further, the policy fails to describe any statement of objectives, instructions, conditions, and limitations of use, authorization for use in various situations, qualifications and training for personnel assigned, or a listing of equipment required for the animal. It should also indicate that if the K-9 apprehends a suspect by force, it is considered a use of force and requires a Use of Force report. The K-9 is not listed within the Use of Force Reporting Policy. The policy should be updated consistent with national best practices (CALEA, Chapters 1 and 41).

Dispatch

The Auburn Police Department utilizes the Rockingham County Sheriff's Department 911 Communications Center for emergency 911 dispatch; however, during the daytime hours a Dispatcher/Receptionist answers the non-emergency business line, as well as greets the public, acts as a records clerk, and coordinates the department's outreach programs including updating their website, Twitter account, and Facebook accounts. MRI found the receptionist to be attentive to customers and immediately available when entering the front lobby. During conversation with the Fire Chief, he also related that the dispatcher/receptionist will be learning how to issue fire burning permits so the public is not turned away when the two on-duty firefighters are out of the station on calls for service.

The Dispatcher/Receptionist related that previously the department lacked an IMC Records Management Dispatch Module and she routinely answered the non-911 emergency line when it rang, as one could not differentiate which line was ringing. After careful consideration the department changed the ring for the emergency line and requires Rockingham County 911 to answer all of those calls. Currently, the Dispatcher/Receptionist answers the business line and occasionally receives emergency requests for police service via that phone line, at which time she takes the information and assigns the call to patrol officers. Unfortunately, if the caller has

a blocked number, it is impossible to identify the location of the caller and there is no capability for immediate playback of the call. This would be especially significant in situations relating to a serious criminal investigations/crimes and internal investigations, as the recordings of the call are often indispensable. It is also unclear how accurate the dispatch and arrival times are considering the multiple duties and responsibilities of this position.

The Auburn Police Department should evaluate whether it would be prudent to add a recording system to the business telephone line. MRI would suggest renaming the position to Records Manager/Community Outreach Coordinator and rewrite the job description to remove dispatch as a primary function, given the previously stated conflicts within the dispatch function, and enhance and expand her outreach coordination activities to include website updates/maintenance, electronic social media, and community outreach programming.

MRI was also told by employees that there is no uniform policy or practice when officers come on-duty to require them to advise Rockingham County Dispatch of duty rosters, or portable radio assignments, to ensure immediate officer identification for emergency button alarm activation. This is especially important for part-time officers who are not permanently assigned a portable radio and should be rectified immediately. The Auburn Police Department should implement a policy to require on-duty personnel to advise Rockingham County Dispatch of their status, portable number, and unit number consistent with national best practice (CALEA, Chapter 81).

Road Detail/Ordinance/Policy

Historically, outside work assignments or private details benefit the officers and community by allowing employees to supplement wages, the cost of which is usually paid by contractors, while offering the community a supplemental sworn police compliment. This is especially important during the day, when serious incidents take place, exceeding the capacity of on duty personnel, along with providing the ability to use enhanced earning power as a benefit, while paying lower police salaries. It also often eliminates officers from acquiring second jobs which during crisis events may prohibit timely call back to duty opportunities for smaller agencies.

MRI has significant concern relative to the Auburn Police Department's practices surrounding private road details, as they relate to efficient staffing, depleting safe minimum manning, shifting the emphasis of existing employees (especially part-time employees) away from police work and prioritizing the safety of the community, toward the focus on the ability to acquire and staff lucrative private road details, not only in Auburn, but externally within the region. MRI Reviewed General Order # 222, "Outside Work Assignments", the "Town of Auburn Traffic Control in Construction Work Zones Ordinance", as well as, the "Collective Bargaining Agreement between Town of Auburn (the "Town"), the Town of Auburn Board of Police Commissioners (the "Commission") and the Auburn, New Hampshire, Police Union, New England Police Benevolent Association (NEBPA), Local #216 (the "Union").

The Town of Auburn Traffic Control Ordinance is very well written and comprehensive in its approach to establishing minimum accepted traffic control requirements, based on the actual roadway and or the section of roadway under construction. It further requires that officers receive road construction safety training by an American Traffic Safety Services Association (ATSSA), or National Safety Council (NSC), certified instructor or equivalent within the preceding four years, providing that the certificate be on file with the Board of Selectman. Additionally, the use of a Stop/Slow paddle is required by flaggers and police officers under the ordinance, as well as requiring officers to wear high visibility clothing per the Manual on Uniform Traffic Control Devices, Section 6E.02 or equivalent. It was reported to MRI that the paddle boards have been seen sticking out of the rear window of cruisers at officer controlled construction sites. MRI was also told that officers are observed on their cellular telephones while working road construction details. It was explained to MRI that the officers are often called by the department on police business and that is why they are on the telephone. The Auburn Police Department should update the policy to prohibit the utilization of cell phones by officers working construction details or actively engaged in traffic control unless it is an emergency to ensure both officer and motorist safety.

When the ordinance was written the Town incorporated a check and balance system due to the fact that the Chief of Police often indicated that every street needed a police detail to provide safety. The ordinance further establishes timelines for notification and oversight with the Chief of Police, while stipulating that the contractor may appeal those conditions set by the Chief, relative to the level of required traffic control, if it exceeds that level stipulated for the roadway within the appendix, to the Board of Selectman.

MRI found that General Order # 222, "Outside Work Assignments" did not adequately regulate specific issues concerning restrictions placed on officers consistent with required conduct at work sites.

MRI has concern with the policy as it fails to specify how many consecutive or cumulative hours an employee can work within a twenty-four-hour period, or the total number of hours an employee can log in one work week. The Collective Bargaining Agreement however, establishes a sixteen-hour rule within a twenty-four-hour period, and specifies that officers who work a shift and then a private duty detail must have eight hours off prior to the next work assignment, as well as, establishing a maximum of eighty hours within the workweek. This language should be added to the policy.

The Collective Bargaining Agreement (CBA), in Section 13.6.7, speaks to requiring part-time officers to have worked a minimum of thirty-two hours' patrol duty within the previous month's schedule to be eligible for the rotating outside detail list, but it is not clear if this language applies to Auburn police details. Given the reported failure of part-time officers to work patrol shifts necessary to supplement the full-time officer complement, this should be included within the policy.

Another instance in which MRI found concern was Section IV. Procedures C. 2:

Members, while on paid detail, will comply with the following:

- a) Uniform of the day will be worn, if working a traffic detail, a reflectorized traffic safety belt or vest shall be worn.
- b) Be alert for oncoming traffic, be considerate of the motoring public, the workers on the job, and your own personal safety.
- c) Position your cruiser to create high visibility to traffic.
- d) Remain outside the cruiser whenever the detail requires any significant altering of the traffic flow. Maintain radio contact by outside speaker if time and location permit or by hand held radio.
- e) The officer will maintain a military decorum and will be governed by the Department Rules and Regulations, Standard Operating Procedures, and Department orders.

MRI found great conflict in the previously mandated action contained within the policy, as it relates to “b)”, which requires officers to be alert for oncoming traffic, while “d)” only requires the officer to be outside the cruiser when significant altering of traffic flow is occurring, which is in direct conflict with the ordinance requiring the use of Slow/Stop paddles at all traffic control construction sites. The ordinance specifically addresses Class IV, V, and VI roadways, which clearly are not limited access highways where one would expect to find traffic control officers sitting in cruisers on the roadside. This leaves MRI to question the assertion that construction site traffic details are necessary to ensure public safety, and the safety of workers while allowing officers to sit inside a parked police vehicle where visibility is diminished and they cannot take prompt immediate action to prevent a crash from occurring or a worker from being endangered. Additionally, the general Order relative to Outside Work Assignments should be amended to include descriptive information for the appropriate reflective vest which the ordinance requires.

MRI was made aware of previous conflict between the police department and the Road Agent relative to Auburn road construction details and private duty construction details. It was alleged that officers would confront construction workers on the roadway and attempt to mandate that a police detail be hired. MRI would suggest that the policy include language requiring that a supervisor be called to construction sites to evaluate the need for additional traffic control in any work zone. The policy should also prohibit officers on duty from leaving their patrol shift for a more lucrative private detail to ensure adequate staffing for public safety.

Take Home Cruisers

The Town Administrator requested MRI to evaluate the department's take home cruiser policy within the purview of our review. Currently the Chief of Police, the Lieutenant, the Detective Sergeant and the K-9 officer all have take-home cruisers. Upon review, MRI found that neither the police department nor the Town of Auburn has any take home vehicle usage policy. If the Town of Auburn would like to implement a take home vehicle policy, there are numerous communities that currently have them in place. Before implementing such a policy, the Town should consult with its insurer Primex for specific language that will ensure coverage.

RECOMMENDATIONS

- 4.1 The Auburn Police Department should update General Order # 301.4, Firearms to provide guidance as to what caliber, make, and type of weapons are acceptable, and require annual qualification with those weapons officers are authorized to carry during the mentioned police activities. Approved ammunition for authorized weapons also should be included according to best practices (CALEA, Chapter 1).
- 4.2 The Auburn Police Department should evaluate General Order # 304, TASERS as it requires medical personnel to be called if the barb shaft is embedded so deep as to prevent the probes from hanging loosely. EMS guidelines prohibit EMTs from removing impaled objects from a patient with the exception of the mouth/cheek. The Auburn Police Department should consult the NH State/National Registry of Emergency Medical Technicians (NREMT)/EMS Board to determine if officers should be removing TASER probes in any circumstance. The policy should also specify what make/model TASER is authorized for use within the department, and require all personnel to carry the TASER if available according to national best practices (CALEA, Chapter 1).
- 4.3 The Auburn Police Department should evaluate General Order # 304, TASERS as recent Supreme Court decisions involving TASER probe deployment have increasingly stressed that officers should not deploy the weapon against those individuals who are actively resisting an officer's direction when there is no danger to the officer or bystanders, and should utilize the weapons only when a suspect is or has been assaultive. The policy is silent to those individuals described as emotionally disturbed individuals, and there is no prohibitive language regarding deployment in the area of the heart, nor is there language regarding suspects who are elevated, which could result in death or serious bodily injury secondary to a fall according to national best practices (CALEA, Chapter 1).
- 4.4 The Auburn Police Department should update General Order # 304, TASERS to require recertification/in-service training consistent with national best practices to at least biennially (CALEA, Chapter 1).

- 4.5 The Auburn Police Department should update General Order # 303, Oleoresin Capsicum to require recertification/in-service training consistent with national best practices to at least biennially (CALEA, Chapter 1).
- 4.6 The Auburn Police Department should update General Order # 305, Baton Use, to require bi-annual recertification, and identify the authorized baton by make/model, according to national best practices (CALEA, Chapter 1).
- 4.7 The Auburn Police Department should update General Order # 301.3, Use of Force Officer Involved to include that any employee whose actions result in death or serious bodily injury be removed from line duty assignment pending administrative review of the use of force consistent with national best practices (CALEA, Chapter 1).
- 4.8 The Auburn Police Department should update General Order# 301.4, Firearms to require officers to conduct low light firing annually, consistent with national best practices (CALEA, Chapter 1).
- 4.9 The Auburn Police Department should update General Order # 301.5 to mandate for supervisory review of each use of force report and require that the agency complete an annual analysis of use of force which may reveal patterns, or trends that could indicate training needs, equipment upgrades, and or policy modifications consistent with national best practices (CALEA, Chapter 1).
- 4.10 The Auburn Police Department should update their General Order # 302, Pursuit Driving to include specific criteria and authorized forceful stopping maneuvers along with required training in those procedures, prior to them being deployed by personnel consistent with national best practices (CALEA, Chapter 61).
- 4.11 The Auburn Police Department should update their General Order # 302, Pursuit Driving to include per incident reporting by the officer, supervisory/administrative review, and an annual documented analysis of pursuits consistent with national best practices (CALEA, Chapter 41).
- 4.12 The Auburn Police Department should update their calls for service code to include one for Pursuits, and mandate that all calls falling into this criterion be utilized for those incidents, consistent with national best practices (CALEA, Chapter 41).
- 4.13 The department should compile a policy which includes procedures for responding to routine and emergency calls that includes guidelines for the use of authorized emergency equipment, along with specifications for establishing those vehicles utilized for general patrol have distinctive markings and must be equipped with operational emergency lights and siren, consistent with national best practices (CALEA, Chapter 41).

- 4.14 The Auburn Police Department should compile a policy and procedure outlining objectives for the special purpose vehicles, instructions, conditions, and limitations of usage, authorization for use in various situations, qualifications and training for personnel assigned to operate the vehicles, and a listing of equipment to be kept in or on the motor cycle or the ATV, consistent with national best practices (CALEA, Chapter 41).
- 4.15 The Auburn Police Department should edit the K-9 Policy to include a statement of objectives, instructions, conditions, and limitations of use, authorization for use in various situations, qualifications and training for personnel assigned, or a listing of equipment required for the animal, consistent with national best practices (CALEA, Chapter 41).
- 4.16 The Auburn Police Department should evaluate whether it would be prudent to add recording capability to the telephone business line.
- 4.17 The Auburn Police Department should immediately implement a policy requiring oncoming shift officers to contact Rockingham County 911 Center and update them with officers/units/portable numbers ensuring that if an emergency button activates they know who is assigned to the radio, consistent with national best practices (CALEA, Chapter 81).
- 4.18 The Auburn Police Department should include, in its policy, the restrictive language contained in the CBA relative to private details restricting officers to 16 hours in any 24-hour period and 80 hours per week, along with clarification relative to the prerequisite 32-hours of patrol shifts for part-time officers enabling them to work details.
- 4.19 The Auburn Police Department should update the Outside Work Assignment policy to prohibit officers from utilizing cell phones during traffic control duties except in an emergency, require officers to remain outside the cruiser while working construction details, and mandate that supervisors are called to the scene of a work zone to evaluate the need for initial or additional traffic control.
- 4.20 Consideration should be given to loading the entire policy manual into cruiser laptops.

CHAPTER 5

TRAINING

OBSERVATIONS

Auburn Police officers are only granted police powers upon graduation from the full or part-time academy and all officers of the department are graduates of an academy. In addition to the full-time officers, a number of part-time officers are graduates of the full-time academy. This situation arises when an officer retires from the Auburn Police Department, or a near-by department, and agrees to work in Auburn on a part-time basis. The Auburn Police Department complies with the requirements of the New Hampshire Police Standards and Training Council regarding officers receiving a designated amount of in-service training per year. Use of force training, first aid training, and eight hours of additional training is required for each officer on an annual basis. Additionally, part-time officers, who have graduated from the part-time academy only, are allowed to work a maximum of 1300 hours in any calendar year. The Chief of Police must submit signed declarations each year attesting to the fact that these requirements have been met. The MRI Police Team did exam copies of the submitted documents.

MRI also reviewed the training file of an officer who volunteered to have this done. What was found was a neatly kept file, containing each training certificate ever issued to the officer. There was no hard copy or electronic file listing each of the courses. The Office Manager maintains these files of training certificates in the Captain's office. She also maintains running lists for each officer tracking the mandatory training each officer has received in a given year.

The department utilizes a number of sources for training. This includes the Police Standards and Training Council, the Attorney General's Office, Primex, private companies, and other police agencies, such as the Manchester Police Department. Some training is offered by certified instructors from within the department. Firearms, baton, pepper spray, and Taser instruction would be received through in-house instructors. The Auburn Fire Department provides training for first aid related topics. Training is sometimes offered on-line and the department has utilized this format in the past. The Auburn Police Department schedules quarterly department meetings, which usually include a meeting portion and a training portion. A recent example of such instruction was given by Department Prosecutor Lonnie McCaffrey on the topic of photo lineup identification. Some desired training topics mentioned by interviewed officers included accident investigation, prosecution training, and defensive driving. MRI was informed that civilian employees of the department receive training commensurate with their duties, such as computer program training.

The Auburn Police Department does utilize a field training program to introduce new officers to their assignment. All department field training officers are certified for this task. There is no policy covering the topic of field training as would be expected. Weekly progress reports on new officers are submitted to the Chief.

Detective Sergeant Chip Chabot acts as the unofficial training officer for the department. He has a significant interest in training, but has never been officially designated as filling that ancillary duty. The department does not have a training policy, a training plan, nor does the department utilize a training calendar.

The Town of Auburn has an Emergency Operations Plan. This 173 page document was last updated in 2014. It includes a number of operational tasks for the police department to fulfill should a disaster strike the community. In an emergency, it is imperative that all parties with tasks respond in a manner associated with their training. In such cases, where all municipal departments would be activated, it is even more important that agencies function in the way expected by other responders. This is why the Federal Emergency Management Agency (FEMA) instituted the National Incident Management System (NIMS). There are different levels of training predicated upon an employee's anticipated level of responsibility. At the present time no full-time members of the Auburn Police Department have participated in the NIMS training program. The only members of the department who have received this training are part-time officers who have received NIMS training through their full-time employment with the Manchester Fire Department.

RECOMMENDATIONS

- 5.1 The department should officially designate an employee as the training officer, write a job description for this ancillary duty, and delegate responsibilities for training to this individual.
- 5.2 All records for the training function should be located in one location, under the control of the training officer.
- 5.3 The department should utilize the training module of the records management system to record all employees' training. This will assist with tracking annual training requirements, as well as enable searches for officers with specific training.
- 5.4 Offering training in the areas of defensive driving, prosecution, and accident investigation should be considered.
- 5.5 The department should discuss the value of establishing a training policy, plan, and calendar.

- 5.6 A policy should be written documenting the field training program for new officers.
- 5.7 All police personnel should be trained to an appropriate level in the National Incident Management System (NIMS). Additionally, joint training exercises should be held in town to practice inter-department cooperation during community emergencies.
- 5.8 The department should take full advantage of the specialized, no cost training offered by its insurer, PRIMEX.

CHAPTER 6

THE POLICE FACILITY



OBSERVATIONS

The Town of Auburn built a public safety complex to house the fire and police departments. The police department address is 55 Eaton Hill Road. This facility was first occupied in 2001, and is of wood frame construction. There are signs on either end of Eaton Hill Road directing people to the police department. The Town's tax map indicates the police department as utilizing approximately 2,500 square feet of space specifically dedicated to the department. There are sufficient parking spaces for department vehicles, employees, and visitors. The pavement is in good condition. The police station is currently divided into the following spaces: an administrative area where visitors are welcomed and two civilians complete their work assignments, an office for the Captain, an office for the Sergeants, an office for the Chief, an office for the Lieutenant, a men's locker room, a break room consisting of restrooms and a kitchen area, the booking area consisting of a booking desk, prisoner bench with handcuff bar, two cells, an interview room, and the evidence room. It should be noted that lockers for female employees are sited in the female restroom off the break room. The Auburn Fire Department shares a training room and work out room with the police department.

The building has a combined forced air heat, cooling, and air circulation system which is fueled by oil. There were some early issues with the heating system which have now been resolved. The system is regularly maintained by a vendor who will also respond for specific problems. Water is provided to the facility by an on-site well. Waste water is directed to an on-site septic system. Both systems are reported to be working well and are regularly maintained by a contracted vendor. The only issue regarding water was the hardness of the water which could

be seen in the cell block facilities where rust is noticeable. The electrical system is reported to have no outstanding issues.

Comcast provides cable to the building and one television in the breakroom has cable television. All computers in the police department are linked to the internet through Comcast, with the exception of the booking room computer. All computers within the police department are networked. The police department is not networked with town hall or other municipal departments. Building security is provided through a system of locked doors operated with metal keys, pass cards, and buzzers. The outer lobby door can be locked when there is no staff in the building. Keys are distributed by town hall to groups utilizing the community room which is contained in the public safety complex. There is a closed circuit camera recording system which has cameras for both inside and outside the building. The building is not equipped with an intercom system. The facility is equipped with a burglar alarm system and a fire alarm system. There is a separate alarm specifically for the evidence room. The building is not equipped with a sprinkler system.

The police department has a small budget line for maintenance and repairs. If an issue arises, which would require a plumber, electrician, or carpenter, these funds would come from the department budget. If there is a more significant issue with an associated cost, the department can apply to the town's Building Maintenance Fund for approval. Some walls have not been painted since the building opened fifteen years ago. The department is gradually trying to have the remaining walls painted as funds become available. The building is cleaned by a private vendor who is contracted to spend six hours per week at the police department. All employees were happy with the manner in which the building is cleaned and the MRI Team noticed no cleaning issues.

In a conversation with Fire Chief Edward Gannon and Police Lieutenant Raymond Pelton, it was determined that the Town has a Joint Loss Management Committee. This working group is made up of town employees representing various departments who inspect all town buildings on a regular basis. The last documented inspection of the police department was conducted on October 21, 2014. A copy of the completed report following that inspection was reviewed by MRI. A number of safety issues were highlighted in the report. Notations on the report seem to indicate most issues were promptly resolved. During this same conversation, Chief Gannon reported that the police department has access to a training room and a workout room within the fire station.

A walk around the exterior of the public safety complex identified two issues which MRI brought to the attention of the police and fire departments. First, the antenna pole located behind the building does not have security fencing or protection against accidental damage from a vehicle. There is nothing stopping an individual from climbing the pole, a criminal from cutting radio transmission lines, or a truck sliding on ice into the pole. Second, a very similar situation exists for the electrical generator located behind the building. It has no security

fencing or protection against intentional or accidental damage. This vital piece of equipment could be intentionally damaged leaving both public safety departments without their backup source of electricity. Chief Gannon related that both pieces of equipment were under the control of the fire department and he acknowledged the need for these issues to be addressed. He stated he would work on the problem and generate cost estimates to present to the Building Maintenance Fund.



A number of police employees mentioned the unattractiveness and inconvenience associated with the two rented storage containers in the parking lot. These units are mostly utilized for records, as well as some other items such as vehicle tires. When a file or document is needed, the searching individual must traverse the weather conditions to access the record. There have been some discussions with the Town regarding the potential for an addition directly to the police portion of the public safety building to move these needed records to a more accessible location.



The MRI Team observed a storage closet inside the sally port, which is utilized for the storage of the department's armory and firearms, which lacked any deadbolt or enhanced security measures. Lieutenant Pelton was advised that this room should have heightened security measures in place and it should be addressed immediately given its access to the garage. MRI also would suggest an alarm system be installed to accurately monitor this area.

RECOMMENDATIONS

- 6.1 The department should make a concerted effort to have any remaining walls, that have not been painted since the building opened, resurfaced.
- 6.2 MRI suggests that the radio antenna pole be protected against vehicular damage and that fencing be installed to prohibit undesired access to radio wires and the pole itself.
- 6.3 MRI recommends that the backup electrical generator be protected against vehicular damage and that fencing be installed to prohibit undesired access to this vital piece of equipment.
- 6.4 In the future, consideration should be given to adding a female locker room to the police facility.
- 6.5 It is recommended that all the current and future needs of the police department be considered when planning for a building addition. Thought should be given to records storage, a female locker room, and a location for the storage of large items of evidence.
- 6.6 MRI recommends that the armory security be immediately enhanced to include a deadbolt lock set along with consideration for alarm monitoring due to its location adjacent to the garage area.

CHAPTER 7

PROSECUTION, EVIDENCE AND PROPERTY CONTROL

OBSERVATIONS

Felony prosecutions originating with the Auburn Police Department are forwarded to the Rockingham Superior Court in Brentwood where the cases are supervised by assistant county attorneys. Misdemeanor cases are prosecuted by the department's prosecutor, Attorney Lonnie McCaffrey, at Candia District Court. Attorney McCaffrey is an independent contractor who works a set number of hours per month for the Auburn Police Department. He is also contracted for court prosecution work by the police departments of Litchfield and Raymond. The prosecutor related that should he find an officer's testimony or report in need of modification, he has historically dealt directly with that officer. There have never been any issues where he needed to bring a problem to the administration of the department. When McCaffrey first came on board in Auburn, he did recommend some changes in procedure as it related to preparation of cases for court. These suggestions were accepted and instituted. He feels the officers of the department are good people who always try to do the right thing. He further stated that he did not have any recommendations for outstanding equipment or training needs associated with case preparation. Attorney McCaffrey recently completed training for Auburn police officers on the topic of photo lineups.

Average investigations are completed by the police officer who takes the original report. In more serious cases, Detective Sergeant Chip Chabot either assists the original officer with the case or he takes the investigation over himself. Historically, the department's investigator has always had the title of Detective Sergeant. This was explained to MRI as being necessary based upon the desire of the department to have a ranking officer in charge at the scenes of serious crimes. There is a job description for the position of Detective Sergeant. Detective Sergeant Chabot has been trained in crime scene investigation, as well as evidence and fingerprint recovery. The Detective Sergeant utilizes crime solvability factors to concentrate his efforts on incidents which have a better than average chance of actually being solved. He also uses the case management system, which is a part of the department's record management system. Using this system, he can work with officers regarding adding needed information or requesting supplemental reports. Detective Sergeant Chabot relates that he works on burglaries, sexual assaults, and significant thefts. He points out that he has had success in recovering stolen property by keeping an eye on pawn shops in the area. He also works on investigations initially reported by part-time officers who may not work another shift for a significant period of time. The department's policy manual does not currently include any general orders on criminal investigation topics such as crime scene search, search warrants, and suspect identification, or interrogation procedures. There are a number of recommendations contained in the CALEA Chapter on Criminal Investigations which should be reviewed for potential inclusion in the Auburn Police Department Policy Manual.

At the time of this review, the department had one full-time officer and one part-time officer assigned as evidence officers. In multiple conversations with Auburn police officers, it was apparent that there was no clear knowledge of who was administratively in charge of the evidence process. Both current evidence officers have received training regarding the operation of an evidence room. There is a department policy, General Order # 308, Evidence and Property Control, which directs how evidence should be received and maintained by the evidence officer. The order details the responsibilities of the evidence officer, but there is no job description. The maintenance of possessed property and evidence is a very important matter for police departments and the written directives, as well as actual practices, governing this topic must meet the highest level of competency and ethical standards. While there is an existing general order in place, this order could go further toward approaching national best practices. One particular aspect in need of enhancement relates to the need for regular inspections, audits, and inventories. A second issue relates to the need for cash, jewelry, firearms, and drugs to be maintained behind a second level of security. Currently, the general order for evidence mandates that jewelry and cash be secured with two levels of security. This is accomplished by keeping such items in a locked safe within the evidence room. There are currently no provisions for allowing for the second level of security for firearms and drugs. The MRI Team shared various options with an evidence officer to move toward reaching compliance with this standard. Examples included moving a lockable filing cabinet into the evidence room to store drug evidence and running a secured metal cable through the trigger guards of firearms kept in the evidence room.

The evidence room itself is very well secured and monitored. Entrance is restricted to officers designated as evidence officers. The room is accessed by utilizing a pass card in association with a pass code. Each entry is electronically logged by a third party vendor. Entrance into the evidence room is recorded by a closed circuit television system. A member of the MRI Team inspected the evidence room and found it to be neat, clean, and well organized. Individual pieces of evidence are logged into the department's record management system. A label is then generated and attached to the evidence and placed on a designated shelf inside the room to facilitate ease of locating the item. The very time consuming process of conducting evidence audits and inventories could be assisted with the introduction of a hand held scanner which would work in conjunction with the records management system to track pieces of evidence. It was reported to MRI that full evidence inventories were conducted in 2010 and 2015.

The department does not presently have any provisions for the storage of large pieces of evidence which would not fit within the evidence room. There is a need for such an area to provide evidentiary level security for items such as appliances, construction tools, and vehicles parts such as tires. The department does have one small refrigerator for maintaining evidence requiring refrigeration. This refrigerator is kept inside the evidence room and would not be accessible to officers for new evidence when an evidence officer is not available. A second refrigerator is needed for the temporary storage of evidence needing refrigeration. This

refrigerator would be available at all times and would be locked after the evidence is secured inside until removed by an evidence officer.

RECOMMENDATIONS

- 7.1 MRI strongly recommends that general orders for the topics of crime scene search, search warrants, suspect identification, and suspect interrogation be instituted as soon as practicable. Additionally, the CALEA Chapter on Criminal Investigation contains a number of highly desirable recommendations which the department should consider adopting.
- 7.2 The MRI Team recommends that the department include in its General Order on evidence enhanced requirements for evidence room inspections, audits, and inventories.
- 7.3 The department should consider adding the requirement for two levels of security for drugs and firearms to the evidence directive and to institute practices to bring the department into compliance with this CALEA standard.
- 7.4 The department should purchase and put into place a second refrigerator for the temporary storage of evidence. This would be for evidence needing refrigeration when an evidence officer is not available to put such items in the main evidence refrigerator inside the evidence room.
- 7.5 Evidence audits and inventories could be completed in less time with the introduction of a hand held label scanner, working as part of the records management system.
- 7.6 MRI would suggest that evidence officers be placed under the administrative control of either the patrol or investigations unit and that responsibility for audits and inventories be placed within the jurisdiction of the opposite unit.
- 7.7 It is suggested that the department construct job descriptions for ancillary duty positions such as evidence officer.
- 7.8 When giving thought to solutions for the lack of record storage space at the department, expanding the space needed estimate to include an area for the securing of large items of evidence would be suggested.

CHAPTER 8

PRISONER HANDLING AND HOLDING

OBSERVATIONS

The Auburn Police Department has three General Orders on the topic of detaining prisoners. They are General Order # 306 – Detention Facility and Prisoner Processing, General Order # 306.1 – Juvenile Custody, and General Order # 307 – Inventory and Booking Searches. General Order # 306 deals with entering the police station with a prisoner, booking searches, notification of family or friends, completion of the booking process into the computer records management system, fingerprinting, photographing, cell procedure, and the setting of bail.

General Order # 306.1 deals with the handling of juveniles and discusses notification of the parents of a person under age of eighteen, non-secure custody of juveniles, options for the handling of juvenile offenders, dealing with neglected or abused children, as well as Children in Need of Services. New Hampshire has a number of statutes restricting the confinement of juveniles in locked spaces. General Order # 307 is a combination of directives dealing with motor vehicle inventory searches and booking inventory searches. A review of the above listed general orders found that booking inventory searches were covered in both General Order # 306 and # 307. The wording is not the same in both locations. Strip searches and body cavity searches are also covered in both General Orders # 306 and # 307. In General Order # 306 these subjects receive two sentences of discussion. In General Order # 307 these topics receive a much more thorough coverage, including the utilization of medical personnel for body cavity searches.

The Auburn Police Department reports making 80 arrests in 2010, 67 arrests in 2011, 71 arrests in 2012, 40 arrests in 2013, 73 arrests in 2014, and 103 arrests in 2015. Removing the low and high years, the average number of arrests would be 73 per year. However, 2013 recorded a low of 40 arrests and 2015 a high of 103. The department explained that three sworn officers were out of work for various lengths of time in 2013 and that 2015 saw the addition of one full-time officer to the department. The department further explained that 2015 saw a dramatic increase in the heroin problem in the area, which led to a significant increase in drug possession arrests. The five previous years saw an average of 4 drug related arrests per year. In 2015, the number of drug arrests jumped to 16. MRI did notice some differences between the arrest statistics provided to the Police Team and the number of arrests reported in the Town's Annual Reports. The arrest numbers listed for the years prior to the 2007 Master Plan also show a significant difference with the number of arrests currently being reported.

Municipal Resources, Inc. inspected the booking area of the Auburn Police Department. It was found to be neat, clean, and orderly. The police department facility contains a Sally Port. Prisoners are driven into this secured garage and then brought into the booking area. MRI was

significantly impressed with the cleanliness of this section of the building. It was also noticed that the department had taken steps necessary to clear this area of any potential weapons such as brooms and shovels often found in other police Sally Ports. There is a booking counter with a computer for entering arrest information into the records management system, as well as a bench with a handcuff bar for unruly prisoners. All doors leading out of the booking area are locked when there is a prisoner present, and all officers secure their firearms prior to entering this section of the station when a prisoner is present. Firearms lockers are provided outside the two entrances to this section; however, there are no reminder notices posted to remove firearms prior to entering the booking area. Officers have access to handcuffs, as well as ankle cuffs and flex cuffs for multiple arrests.

The department does not have an emergency evacuation plan that would include the cells/prisoner holding areas. The department does not conduct weekly sanitation inspections. There is a regular sink in the Sally Port which could be used to flush pepper spray from individuals' eyes, but there is no "eye flushing station." Officers do have access to universal precaution equipment to protect themselves from exposure to bodily fluids. There is a first aid kit available in the kitchen of the police station, but not in the booking area. Fire extinguishers are available throughout the building and are inspected on an annual basis.

Two officers are present during the booking of a prisoner whenever possible for safety purposes. When only one officer is working, this is not generally possible. The booking area does not have a separate panic alarm button; however, each portable radio in the department's inventory has a panic alarm which would be received by a dispatcher at Rockingham County Dispatch. Should this situation occur, an officer from a surrounding community would be dispatched to assist. At least one area department has keys to the Auburn Police Department should this situation occur.

The MRI Team inspected the two cells operated by the Auburn Police Department. They were found to be clean and operational. When not in use, they are kept locked, which is a good practice. The team did notice that the bed platforms had handcuff bars attached and that the underlying bed frames were exposed. Both of these items could facilitate the hanging of a prisoner while in custody. Anything in a cell which could be used to wrap an item around and allow for a hanging should be eliminated. Because of the seriousness of this finding, the MRI Team immediately mentioned this to the department. MRI received photos of the bed platforms on July 12, 2016 showing that both of the mentioned issues had been eliminated by a welder contracted by the department. The department explained that prisoners are not kept in these cells for long periods of time. They are either bailed in a very short amount of time or are transported to the jail in Brentwood for overnight or weekend stays. A round trip to drop off a prisoner in Brentwood averages approximately 1.5 hours for one officer. Juvenile arrests are maintained in the interview room with the door open until they are released or transported to a special juvenile detention center in Manchester. Auburn police officers receive suicide

prevention training at the part-time and full-time police academy, but there is no further training on that topic after the academy.

There are closed circuit television cameras recording activities in the booking area, as well as inside each cell. The purpose of these cameras is more for checking on incidents after they have taken place, as opposed to having someone monitoring the feeds in real time. Dispatchers at Rockingham Dispatch do not watch the images emanating from these cameras. Prisoner belongings are kept in a plastic bag for safe keeping, but not secured.

Photographs of prisoners are taken with a digital camera and attached to the case file in the records management system. Fingerprints are taken using the older technology ink system and filed separately. Fingerprint cards are forwarded to the New Hampshire State Police for introduction into the Automated Fingerprint Identification System (AFIS).

RECOMMENDATIONS

- 8.1 The various searches associated with persons under arrest are important for the integrity of criminal cases brought by the department, as well as to ensure that all such searches do not bring unnecessary civil liability. As such, each such search is deserving of a general order dedicated to the specific type of search. Court mandates on these topics change frequently and department policies need to be constantly reviewed and updated. The MRI Team would recommend separate general orders be dedicated to Motor Vehicle Inventory Searches, Booking Inventory Searches, Strip Searches, and Body Cavity Searches.
- 8.2 The MRI Team recommends the posting of reminder signs for officers to secure their firearms when entering the booking area with a prisoner.
- 8.3 It is recommended that the officer panic response protocol, for an officer requiring assistance while alone in the booking area, be reviewed by the department. This would include testing the panic buttons on all portables, determining what departments have keys to gain entrance to the police station, and consideration of an outside key box for responding officers who may not have a key to the building.
- 8.4 The two cell bed platforms should be replaced or modified to eliminate the potential for a prisoner suicide while in police custody. (Issue eliminated as of July 12, 2016)
- 8.5 MRI suggests that prisoner belongings be secured in a locked cabinet during their stay at the Auburn Police Department.

- 8.6 It is suggested that until such time as the department secures its own AFIS machine, it could experiment with scanning its ink rolled fingerprint cards and attaching these scans to the arrest case file for improved storage and retrieval.
- 8.7 The MRI Team recommends a first aid kit be sited in the booking room.
- 8.8 It is recommended that the prisoner suicide training received by police officers at the academy be supplemented by an in-service training on that topic on a recurring basis.
- 8.9 The differences between the number of arrests published in the Town's Annual Report and the statistics provided to MRI should be researched. A clear definition of arrest should be devised and computer generated numbers should be consistently reported to show actual trends. What incidents were being recorded in the years prior to the 2007 Master Plan that are not currently being recorded as arrests?
- 8.10 The appropriate general order should be updated and approved by a licensed physician that identifies the policies and procedures to be followed when a detainee is in need of medical attention, as discussed in CALEA, Standard 72.6.1.

CHAPTER 9

CITIZEN COMPLAINTS AND INTERNAL INVESTIGATIONS

OBSERVATIONS

Captain Gary Bartis was interviewed regarding the department's handling of citizen complaints and internal affairs investigations. The Captain's position is specifically charged in departmental general orders to oversee complaint reception and investigation of those complaints. The department has two general orders on the topic of citizen complaints and internal discipline. General Order # 204 – Discipline, and General Order # 209 – Complaints Against Police Personnel.

General Order # 204 – Discipline, describes the goal of the department is to impose disciplinary action “fairly and impartially”. The department recognizes the need to acknowledge excellent job performance, as well as the need for the imposition of positive discipline. The policy describes the potential steps included in the progressive discipline system from counseling and training, through dismissal.

General Order # 209 – Complaints Against Police Personnel, states that the department “will investigate all complaints of alleged officer misconduct...and to take appropriate action.” The policy describes how a complaint is to be received and how it is to be investigated. By policy, there should be a copy of this notice posted in the public area of the public safety complex. A check determined that copies of the notice and forms were on a table in the lobby, but one was not actually posted. A section on the department's web site described how to submit a compliment or complaint, and also included a copy of a complaint form. All complaints are requested in writing; however, “anonymous complaints will be followed up to the extent possible.” Serious complaints shall be overseen by the Chief, who may communicate with the County Attorney or Town Attorney as needed.

Complainants are kept informed of the progress of the compliant investigation, and any reasons for the final disposition requiring more than the suggested thirty days. The current policy does not include any mandate that the complained against employee be notified of the complaint or the investigation. Copies of actual complaint allegations, as well as investigatory reports, are secured in the Captain's office. Decisions determining if an internal investigation should be of an administrative or criminal nature would be made by the Captain in consultation with the Chief. The Chief would communicate with the Town Attorney and the County Attorney for assistance and guidance during the decision making process. The department utilizes progressive discipline for violations, such as rudeness or being late for work. Allegations of a more serious nature could proceed directly to determinations such as suspension or termination.

The Auburn Police Department related that no citizen complaints were received by the department in 2014 or 2015. The year 2016, has so far, seen three complaints. A review of the nature of these allegations by Captain Bartis found one to be rudeness at a traffic stop, one to be questioning the handling of an investigation, and the third was regarding an officer in uniform at an alleged political event.

RECOMMENDATIONS

- 9.1 The police department should consider drafting a tri-part brochure describing the process for citizens to submit compliments and complaints. This brochure could be available on the web site, as well as in the lobby of the police station.
- 9.2 The department's web site section dealing with submission of compliments and complaints contains a complaint form. MRI would suggest the creation and posting of a second form to submit compliments. An alternative would be to have one form which could serve both purposes.
- 9.3 Neither the complaint policy, nor the current department practice, includes provisions for the complainant to receive a copy of his/her written complaint. It is suggested that a copy of the complaint, to include the date, time, and receiving official, be given to the complainant.
- 9.4 CALEA, Standard 52.2.5, mandates that employees be notified that they "have become the subject of an internal affairs investigation, the agency issues the employee a written statement of the allegations, and the employee's rights and responsibilities relative to the investigation". MRI recommends this requirement be included in the department's policy, as well as its practice.
- 9.5 The Auburn Police Department does not currently make the number and types of citizen complaints openly available. MRI would suggest that such a listing, submitted at the completion of each year, would increase the level of trust the community has that its police department is able to maintain its own level of discipline. This data could be considered for inclusion in the Town of Auburn Annual Report or be posted on the department's web site.

CHAPTER 10

FISCAL MANAGEMENT

OBSERVATIONS

The MRI Team examined the recent budgets of the Auburn Police Department. All categories of expenses appeared to be necessary and appropriate. The level of expenditures also appeared to be what would be anticipated for a department of this size. A multi-year analysis indicated that each line item is adjusted yearly, based upon the past year's history or an anticipated need for the upcoming fiscal year. Town Administrator William Herman provided copies of the Auburn Police Department budgets for the three years covering 2014 through 2016. The current, 2016, budget stands at \$1,136,862. This represents a \$75,614, or a 6.6% increase from the 2014 level. Therefore, the police budget increased an average of 2.2% per year over the last three years. During this same three year period, the Town's municipal budget increased from \$5,054,873 to \$5,169,138, a difference of \$114,265, an increase of 2.26%, or an average of .75% per year. The Town's Finance Director reports that the department consistently remains within its annual budget. Year end balances indicate that in 2014, the department expended approximately 98% of its allotted budget. In 2015, spending was closer, with over 99% spent when the books were closed.

For various legal and consistency reasons, a number of costs are aggregated for all municipal departments at Town Hall and are not included in the department budget numbers mentioned above. These include health insurance, dental insurance, disability insurance, and longevity pay. In the 2016 budget, these costs amounted to \$147,879.

The assembly of the annual police budget submission begins with internal discussions regarding anticipated needs associated with department goals. Prices and costs are determined and worked into an initial budget request constructed by the Office Manager, Lillian Deeb. The police department is only responsible for putting together the expenses part of the budget, as the Finance Director is responsible for the personnel section. The draft budget moves from the Chief of Police to the Police Commission for approval. The draft budget is then also reviewed and modified by the Board of Selectmen. The Town's Budget Committee makes recommendations which are considered by the voters when presented as a warrant article.

Neither the Town, nor the department, utilizes a purchase order system, but the Town does have a written policy on purchasing to which all departments must conform. This document, entitled the Town of Auburn Purchasing Policy, was approved by the Board of Selectmen in 2014. The eight page policy outlines the various forms of obtaining goods and services based upon specific dollar categories. Department heads may approve purchases up to \$1,500. The Town Administrator may approve purchases up to \$5,000. Between \$5,000 and \$15,000, three verbal or written quotes must be secured, with final approval by the Board of Selectmen.

Purchases costing over \$15,000 require a competitive procurement process, overseen by the Town Administrator and the Finance Director, with final approval resting with the Board of Selectmen.

Police department invoices are first approved by the Chief of Police and then the Police Commission. The department tracks its spending by entering purchases into its own records management system. This is an issue between the finance department and the police department. The police department contends that, in order to keep a close eye on daily balances, it must rely on its own accounting system. The finance director relates that all municipal spending is tracked through the MuniSmart system, which produces the Town's official balances. Balances are forwarded to each department every two weeks, which the police department feels is insufficient. The finance department feels the police department keeping a second set of books causes problems when the two sets of balances do not match. The finance department also feels that entering data into a computer system twice is an unnecessary expenditure of time. The police budget is administered on a "bottom line" basis, which means that individual lines can be overspent as long as the total figure for expenses is not exceeded.

MRI asked the police department office manager if she could eliminate tracking budget balances in her own system if she had real time access to the MuniSmart system. Ms. Deeb agreed that could be a potential solution. When this suggestion was made to the finance department, the response was that the cost of networking the system to all town departments would be too high. With the exception of this minor issue, both departments feel that their relationship is good.

Ms. Deeb also pointed out that some invoices go directly to Town Hall and are neither seen nor approved by the Police Chief or the Police Commission before payment. In order to balance her accounts after the fact, she must retrieve these paid invoices to adjust her line items. These bills include invoices for oil, electricity, and telephone service. This practice is authorized by the Town of Auburn Purchasing Policy.

The department does not have a petty cash system. It also keeps no cash on hand for undercover drug purchases. Forfeited drug assets are maintained at the County Attorney's Office. There is very little cash handled by police personnel. The price of report copies is set by state statute and the department does not charge victims of crime for reports. Fingerprinting services are provided free of charge to residents and persons working in the community. Citizens are requested to pay any charge by check, but on occasion cash is accepted. All income is promptly transferred to Town Hall. The total amount of such deposits is minimal. Bills for police details are paid directly to Town Hall. The Finance Director and the police department work together to encourage payment of overdue detail invoices. This level of cooperation has led to a situation where there are no outstanding detail bills for the entire year of 2015.

The Auburn Finance Department reports the current hourly rate for police details is \$57.00 per hour. Of that amount \$40.00 is paid to the officer, \$4.85 is for the use of a police cruiser on the detail, 15 cents is for workers compensation, and \$10.55 is for the costs associated with the officer's retirement. The \$4.85 for the use of a cruiser was based upon a Federal Emergency Management Agency (FEMA) cost calculation several years ago. The MRI team researched the current FEMA cost calculation and found it to be \$19.75 in 2015, the most recently published figure. Research compiled at the national level estimates that 1 hour of idle time is equivalent to approximately 23 miles of driving. It is clear that the \$4.85 is not sufficient to cover the costs related to the cruiser. The Finance Department also advises that the overall hourly rate does not include any costs associated with billing or accounting for police details.

The police department developed a list of grant funds received from 2014 through 2016. All such grants have come from the New Hampshire Highway Safety Agency. Over \$48,000 has been received during this period. Most of these grants are for the deployment of additional patrol, targeting a particular type of motoring behavior and include drunken driving patrols, seat belt patrols, and extra patrols on Route 101.

Various department members look for grant opportunities and bring them to the attention of the Chief for a decision to apply. Should a local match be required, the Town is approached. The recent grants from the Highway Safety Agency have not required local matching dollars. The department points to a trailer donated by the local Lions Club as an example of working with other organizations to accomplish department goals without requesting a municipal contribution. The department reported that on one occasion they applied for a Department of Justice Community Oriented Policing Grant. There was difficulty in the timing of the application between securing municipal approval and the time lines established by the grant. Therefore, the department has not applied for additional officer grants, community policing grants, or school resource officer grants.

The office manager usually writes the actual grant application, as well as administers any grants received. No one from the department has ever received any formal grant writing or administration training. The department does not subscribe to a grant notification service. There is no one at the Town level that deals with grants, and each department applies for and administers their own grants. The department seemed open to the suggestion of receiving assistance from a citizen volunteer to assist with locating potential grants. The Auburn Police Department does not presently have an account with the Town to receive contributions from local citizens and businesses. Such an account could be utilized to fund a special piece of equipment or project outside of the budget.

RECOMMENDATIONS

- 10.1 The Town or the police department could consider initiating an electronic purchase order system for the approval of purchases before items are actually ordered, rather than approve expenditures already made.
- 10.2 The Town might consider researching the costs associated with making the MuniSmart finance program available to the police department or all Town departments. It appears this would solve the issue of the police department maintaining a separate set of books. An alternative option would be to secure a second license for MuniSmart for the police department.
- 10.3 The police department might consider advertising for a citizen volunteer for researching potential grant opportunities.
- 10.4 The department should attempt to locate classes on grant writing and administration and assign appropriate personnel.
- 10.5 The Town and the department might consider the establishment of a donation account. Should the department develop a need for a piece of equipment, a project, or a service not funded through the budget, the department could request donations from citizens and businesses to fund the expense.
- 10.6 The Town might consider aggregating the expenses for all departments associated with electricity, oil, and telephone service to a Town Hall account. These bills are currently sent directly to Town Hall and are not approved by department heads prior to payment. This system would be in a manner similar to costs associated with the health, dental, and disability insurances currently so aggregated.
- 10.7 The Town might consider increasing the amount charged for use of a cruiser on police details to a more current figure. This fee should only be included for details when a cruiser is actually utilized. The Town may also want to consider a small percentage be added to the detail fee for administration of the billing process.

CHAPTER 11

VEHICLES, UNIFORMS, AND EQUIPMENT

OBSERVATIONS

The Auburn Police Department currently has a fleet of seven vehicles. This is the exact same number of vehicles listed in the 2007 Master Plan for the department. This number includes two Ford Taurus sedans, which are being phased out of service, and five Ford Sports Utility Vehicles which are the current vehicles of choice. The newest vehicle is a 2015 Sport Utility Vehicle, with 24,898 miles as of the end of April 2016. The oldest unit in the fleet is a Ford Taurus, with 72,575 miles as of the end of April 2016. Additionally, the department operates a 2015 Harley Davidson motorcycle and a 2005 Bombardier Off Highway Recreational Vehicle (OHRV). The department leases its vehicles and purchases an extended warranty. In recent years, cruisers have been replaced on a set schedule of five vehicles every three years. This system works well in order to keep the vehicles in good condition with a minimum of repairs and down time.

Minor repairs, such as replacing light bulbs, are accomplished by the officer assigned to maintain the fleet. This is currently Officer Calvin Kapos. Oil changes and brake replacements are completed by local vendors. For major repairs, cruisers are returned to the dealership where work is usually covered by the warranty. Police officers keep cruisers cleaned inside and out. An MRI Team member inspected a patrol vehicle and found it to be neat, clean, well maintained, and well equipped. Officers do inspect their assigned vehicle prior to each shift and, utilizing a laminated check list, report any damage, missing equipment, or needed repairs to the cruiser maintenance officer. While the police department does have universal protection gear for body fluid stains, it was reported that fire department personnel have more experience with handling hazardous spills and a firefighter would usually respond to a request for assistance to clean a blood or other spill. Vehicles which should be taken off the line for any safety or other reason are marked on a white board in the Sally Port, and a note left on the steering wheel.

The goal of the department is for the three patrol vehicles to have the exact same equipment in each cruiser. Usual equipment includes a patrol rifle, an Automatic External Defibrillator (AED), a first aid bag, an animal snare, traffic accident equipment, crime scene equipment, a chemical spill identification book, binoculars, a fire extinguisher, a tire deflation device, and a sharps container. These pieces of equipment are in addition to more standard built in equipment, such as a prisoner separator partition, emergency lights and siren, and a radar unit. The Lieutenant and Detective Sergeant's vehicles are equipped with shotguns. For the three patrol vehicles, it was determined that there were only two AEDs and one animal snare. The department does not currently utilize dash board cameras or officer worn cameras.

Of the seven primary vehicles, one is assigned to the Chief, one to the Lieutenant, one to the K-9 Officer, and one to the Detective Sergeant. Both the detective unit and the K-9 unit are especially equipped based upon their unique needs. All these officers are on call and return to work as needed. Due to the size of the department and the key roles of the Lieutenant and the Detective Sergeant in the everyday operation of the agency, having four take home vehicles may be appropriate. However, MRI would suggest that the granting of a take home cruiser follow a written policy of the town. Consideration might be given to monitoring the number of times each of these officers is called back to duty outside of their usual work hours. The three remaining cruisers are assigned to patrol, with one Taurus utilized as a backup when a primary patrol vehicle is out of service. The total number of vehicles, as well as their assignment, is what would be expected of a department of this size and no modification in the number of cruisers would be suggested.

The MRI Team asked to review the accident reports involving police cruisers. Two reports were produced, which both happened in 2014. One involved a cruiser striking a dog that ran into the street, and the second accident involved an unoccupied parked cruiser being struck by a second vehicle. This is an outstanding record of near non-existent police related accidents, and all officers should be commended for operating their assigned emergency vehicles in a safe manner, thus avoiding the negative impacts of police involved accidents.

The Auburn Police Department has a number of General Orders related to the topic of police vehicles. These include General Order # 213 – Accident or Damage to Police Vehicles, General Order # 219 – Seatbelt Use in Police Cruiser, General Order # 302- Pursuit Driving, and General Order # 313 – Cruiser Inspection and Maintenance. These procedures are generally comprehensive and well written. Municipal Resources would suggest that some additional written directives covering these topics be included within existing orders related to the operation of department vehicles which will be included in the recommendations section below.

The issued sidearm of the Auburn Police Department is a Glock Model 31, 357 caliber pistol. Each officer carries this weapon along with additional ammunition. The department has a system of trading in their firearms every five years to the manufacturer, which keeps cost at a very low level. There are no current issues with the Glock firearm. The department has access to armorer services through private vendors. Weapons are checked by certified instructors at each training course or qualification. Based upon current staffing levels, the department has two spare weapons. In addition to firearms training, Auburn officers receive Taser, pepper spray, and baton training, as required by the New Hampshire Police Standards and Training Council. The Taser and pepper spray must be carried by each officer, while the expandable baton must at least be in the officer's cruiser. The department does not have the ability to disable an individual with so-called bean bag rounds.

The police department has a number of standard operating procedures on topics involving the use of force. They include General Order # 300 - Use of Force to Accomplish Law Objectives, General Order # 301 - Use of Force, General Order # 301.1 - Use of Deadly Force Limitations, General Order # 302.2 - Medical Aid, General Order # 301.3 - Officer Involved Shooting, General Order # 301.4 - Firearms, General Order # 301.5 - Reporting Use of Force, General Order # 303 - Oleoresin Capsicum (OC Spray), General Order # 304 - Tasers, and General Order # 305 - Baton Usage. These policies have been discussed previously in this report.

The Auburn Police Department wears a dark navy uniform with a French blue stripe on the pants. Specific parts of the uniform are listed in General Order # 207 – Uniforms. This order also covers such topics as when the seasonal uniform changes take place and the utilization of a “Clothing Allowance System” to repair or replace uniform parts resulting from normal wear and tear. The annual uniform allowance for full-time officers is \$500.00, and for part-time officers it is \$350.00, per year. Department supervisors mentioned there were no on-going uniform issues with officers, but stated they do need to speak to some officers on occasion to remind them to replace a faded pair of pants or shirt. The department has accepted some uniform modifications for the uniform allowed for working details such as a yellow shirt to make officers more visible. Officers are currently allowed to choose any appropriate vendor with invoices being sent to the department for payment, up to the dollar figure allowed by the collective bargaining agreement. The current agreement does not make provisions for a cleaning allowance over and above the clothing replacement allowance.

The Uniforms General Order also mandates the wearing of ballistic vests when an officer is assigned to patrol duties. For other sworn officers the vest must be readily available when working. Vests are replaced based upon the suggested schedule of the manufacturer. The department’s office manager keeps an ongoing record of which officer’s vest needs replacement in each budget year. The department does not currently request funding from the Bulletproof Vest Partnership Grant Program offered by the United States Department of Justice, which will provide 50% of the cost associated with new and replacement vests.

RECOMMENDATIONS

- 11.1 The department should purchase two additional animal snares in order for all three patrol vehicles to be so equipped.
- 11.2 The note affixed to the steering wheel of a police cruiser taken off the line for safety reasons should consist of a laminated red cardboard notice.
- 11.3 With national attention focused on the tactics of police when subduing suspects, MRI suggests that the Auburn Police Department research the practicability of instituting a weapons system capable of firing a less lethal, bean bag round.

- 11.4 The department should initiate grant requests on an as needed basis to the Bulletproof Vest Partnership, operated by the United States Department of Justice, to be reimbursed for 50% of the cost of new and replacement ballistic vests. When purchased on a rotating basis this could cover 50% of some percentage of vests purchased every year.
- 11.5 The Town of Auburn should create a written take home vehicle policy. Being assigned a take home vehicle should be based upon documented community need. MRI would suggest that emergency call back situations be documented and submitted as justification for this practice.

CHAPTER 12

USE OF TECHNOLOGY

OBSERVATIONS

The Auburn Police Department utilizes technology within the work environment consisting of desktop personal computers, two different models of the Panasonic Toughbook mobile laptop computers, an IMC Enterprise Police Records Management System, TASER electronic control devices, Stalker fixed and portable speed measuring devices, Heartstart semi-automatic electronic defibrillators, and an Intoxilyser 5000 alcohol breath testing machine. Currently, the Department lacks any electronic fingerprint/palm print technology consistent with the Automated Fingerprint Identification System (AFIS) for identifying prisoners based on previous fingerprint based criminal records.

MRI's review found that the laptops are dated and in need of upgrading, and MRI suggested that the Auburn Police Department look at the Patrol PC mobile computers, which provide only a screen and keyboard tray within the cockpit area, while storing the cumbersome processor of the computer in the rear compartment. These units allow greater room and comfort for the officer and any potential passengers in the police vehicle.

MRI was told one major deficit in the IMC/Mobile Computer functionality was that there is no automatic download interface capability, and therefore, requires each officer to utilize a manual thumb drive at the end of each shift to get the reports from the mobile computer into the IMC sever. This situation is easily rectified by a secure wireless interface and should be implemented immediately.

The department should attempt to obtain an electronic fingerprint scanner either by available grant funding or through the annual budget appropriations process as it is imperative in today's environment to ensure accurate identities based on fingerprints of suspects arrested, prior to their release on bail or personal reconnaissance, often preventing dangerous, wanted criminals from escaping custody based on false identification or aliases. Alternative solutions available should the Town of Auburn be unwilling or unable to fund this technology, would be to attempt to direct book prisoners at the Rockingham County Facility where prisoners are held, as it appears they also possess the IMC Records System as stated in the mobile computing policy. Another alternative would be to look at vendor's inventory of used units that have been refurbished, the cost of which, are greatly reduced, or look for a surrounding community that is procuring a new unit and purchase or obtain their present system.

The agency does not have a Telecommunications Use Policy or an Information Technology Security policy, other than General Order # 220 - Mobile Computer & System. MRI is aware that the department's computer system was hacked last year and as a result, the Town procured a

private sector computer network and security firm to restructure the system. The Auburn Police Department should implement a Computer Security Policy and a Telecommunications Use Policy consistent with national best practices and CALEA, Chapter 82. This policy would include cellphones and other electronic communication devices.

Police records include a multitude of paper generated records/documents which either existed prior to computer generated records or are received from the public in the form of vehicle crash reports, written witness statements, or paper court files containing confidential and protected information, which is required to be kept consistent with state law regarding public records retention schedules. MRI observed two pods in the rear parking lot, which Auburn personnel conceded contained various records including adult and juvenile arrest records, as well as old or very large articles of evidence which needed to be stored. MRI advised the department personnel that it is inappropriate to store such records in that environment, with no security other than a padlock, and described that anyone could access the area unnoticed to department personnel. The Auburn Police Department was advised that this situation should be rectified immediately consistent with national best practices CALEA, Chapter 82. The Town and Police Commission have indicated that they are currently seeking funds and making arrangements to enhance storage within the secure police facility.

The Stalker speed measuring devices appeared to be in good working order and tuning forks were properly assigned and labeled for the unit that MRI conducted a ride-a-long in. The department has a speed trailer which is older, and MRI suggested that they explore the procurement of smaller sign mounted speed/message devices, which allow for statistical reporting and desktop functionality, and are much less expensive than the full size trailers.

RECOMMENDATIONS

- 12.1 The Town of Auburn should consider the purchase an additional license for the accounting software, MuniSmart, so that the police department office manager can access the accounting system remotely. The Town could also consider networking all Town departments.
- 12.2 The Auburn Police Department should attempt to acquire an electronic fingerprint scanning device or collaborate with the Rockingham County Sheriff's Department to implement a direct booking procedure for arrestees.
- 12.3 The Auburn Police Department should acquire a secure wireless IMC interface between the IMC server and mobile laptop computers to accomplish automatic downloading of officer's reports. The Department should ensure all marked police vehicles are equipped with computing units.

- 12.4 The Auburn Police Department should acquire additional Semi-Automatic Defibrillators to allow for each police cruiser and the police station to have an available unit for service to the public.
- 12.5 The Auburn Police Department should research sign-mounted speed/message equipment with desktop access control, capable of statistical reporting, in lieu of full-size trailers which necessitate large off-road areas for safe placement.
- 12.6 The Auburn Police Department should have a Telecommunications Use Policy and an Information Technology Security Policy consistent with national best practices (CALEA, Chapter 82).
- 12.7 The Auburn Police Department should immediately remove any juvenile and adult arrest records, along with any other sensitive records and articles of evidence currently stored in outside POD storage, or any other non-secure area within the jurisdiction, consistent with New Hampshire Law and national best practices (CALEA, Chapter 82).
- 12.8 The department should undertake a project with Rockingham County Dispatch to attempt to identify and resolve the low radio signal quality when Auburn officers use their portable radios.

CHAPTER 13

PERCEPTIONS OF THE AUBURN POLICE DEPARTMENT

OBSERVATIONS

The MRI Team interviewed four municipal department heads in Auburn, as well as all the members of the Board of Selectmen and the Police Commission. Additionally, all members of the Auburn Police Department were offered an opportunity to speak with an MRI consultant. A majority of the department employees did respond to the offer. Most were interviewed in person, with a small number interviewed by telephone.

Each of the department heads interviewed felt they had a good working relationship with the Auburn Police Department. All were aware of the unique staffing schedule of the department, and some felt that a different schedule might be more helpful as far as establishing a more consistent relationship with officers with whom they interact.

The issue of police details came up in discussions with all members of the Board of Selectmen. There was concern in some conversations that the focus of some of the officers was on details, rather than policing of the community. This was particularly true when speaking about some of the part-time officers who did not seem as eager to staff patrol shifts as they were to accept the better compensating road details. One selectman pointed out that detail officers were necessary and easy to deal with on the road. Some people in the community believe that the current divide in town between the police department and the highway department is an outgrowth of the police department pushing contractors for details and the road agent's contracts being exempted from the Town's ordinance on that topic. There was some discussion that the Town should consider following its own ordinance and eliminate this contentious issue. The current ordinance, as written, allows for flaggers on specific streets of the community. The Town had hired a firm a couple of years ago to try and resolve the issues between the two departments. After going through a process, one selectman felt that the main issues remained unresolved, but communications within town government were somewhat improved. The selectmen felt there remains an outstanding need to resolve this problem as many in the community have taken positions and it remains, to this day, a frequent conversation among residents.

One selectman stated that the Board had forwarded complaints about the department in the past to the Police Commission. The Board never heard the results of any inquiries the Commission may have made. All Board members felt there was too much of a police department reliance on part-time officers and they would prefer to see the agency move toward hiring a sufficient number of full-time officers to fill most of the required shifts. Part-time officers could then be utilized to fill in for officers missing due to vacation, sickness, or training. It was pointed out that the Board of Selectmen did authorize increased patrols by

staffing two patrol sectors most hours of the day, as recommended by the department. The prevalent view of the department is that it does a good job with preventative patrol and investigations. Some selectmen mentioned that they felt there should be a flattening of the organizational structure with more officers assigned to street patrol.

MRI reached out to each member of the Police Commission, and two of the three were able to meet separately in person with MRI to discuss the police department. The entire Commission had met with both MRI consultants on a previous occasion. One member related that the department has been a good department for a long time. Specifically, this member mentioned middle management down to patrol officers and civilian staff. He did relate that lately there has been a philosophical difference in that the Commission has shifted from a check and balance on the department to that of a cheerleading squad. The member related that detail work has taken precedence within the department as opposed to policing, which is exacerbated by the part-time officers being allowed to stay on even though they do not work many patrol shifts. It was further reported that one Commissioner goes into the station to approve bills and payroll and often socializes with the Chief. One member even goes to some police scenes, and Commissioners now have badges that they carry. One member further advised that a couple of incidents over the past few years have caused the Attorney General and others to be critical of the department and the Chief. These incidents included the investigation of a fatal motor vehicle accident in 2012, the need to drop charges against a former Auburn Police Lieutenant accused with misappropriating a rifle from the possession of the department, and, more recently, the handling of the Dross investigation.

Another Police Commissioner emphasized that the department is very good, and that he has taken the opportunity to do ride-a-longs with the officers and see them in action at all hours of the day and night. He highlighted that they deal with the businesses and schools very well, and treat residents with respect, often giving verbal warnings instead of writing citations for infractions. He further reported that the Commission was instrumental in establishing two patrol sectors designated as the A & B routes and starting the Neighborhood Watch Program, which began with ten people and has swelled due to many events the Commission has held. He described how they have brought speakers in to educate people about crime prevention. He further acknowledged that the Town was able to raise the money to re-institute the K-9 program.

This member related that unfortunately, the community has become divided where 50% of the people love the Chief and 50% would like him to retire. He related that the Chief is a fair guy and this member has even ridden with him on patrol. The member highlighted how the officers are respected in the schools. The member cited a day when Officer Kapos came to help in the school and all the kids were calling out his name and saying hi, which left the Commission member with a warm feeling. The member also related how the part-time motorcycle officer drives around the town waiving to everyone and even stops at the park to talk to the elderly

residents. He did relate that the Road Agent Case has hurt the Town and divided residents into sides.

Police department employees interviewed during this review were eager to tell the consultants about their agency and were most courteous and helpful. They felt that the department did make its performance expectations clear through quarterly department meetings, policy, annual personnel evaluations, and supervisory feedback. However, at least one employee felt that evaluation feedback was not timely. This officer also pointed out that the evaluations were completed by the Chief and Captain, although they do not work directly with the officers on patrol. This employee also felt that quarterly or semi-annual feedback would be more productive. All employees related that training opportunities were available through the department as many officers requested, and were granted, training courses they desired. Several officers related that low light firearms qualification/training has only occurred once in recent memory, and active shooter training should be provided within the agency. Some officers were unclear of the department's active shooter or crisis response plan for the schools. Although officers are granted requested specialty training over the year, this does not establish department-wide training levels to ensure unity of action for critical incident response. Recently the department provided a training dealing with the deaf and hard of hearing populations.

Some categories of training were mentioned as being desired in the future. They included juvenile law, dealing with autism, mental illness, and Alzheimer's. All patrol officers related that mid-level supervisory staff was responsive and always available to answer questions. Some officers related that although the department is open to suggestions, they often never hear back from the Chief regarding their input. Some officers felt that the Chief is not always open to changing the way things are done, mentioning that he is "old school" and has not kept up to changes within the profession. The Chief has an open door policy and encourages officers to stop by and talk to him. One officer mentioned that Detective Sergeant Chabot was now using the records management program in the computer to improve the quality of the reports submitted by officers. It was noted that the department policy manual and Rules and Regulations were deficient, and the department lacked direction from the top of the organization. Most officers recognized the policy manual is a work in progress. Copies of policies are available in the computers in the police station, as well as in hard copies. A copy of the manual has not been loaded into cruiser laptops as of this time.

Most sworn officers had high praise for the condition of the department fleet. Cruisers are replaced on a regular schedule and repairs are made in a timely fashion. Any problems with vehicles are noted to the cruiser repair officer who makes sure the repair is completed. One officer reported that the position of Cruiser Maintenance Officer had changed several times and that officer is given an eight-hour shift/week to schedule repairs and maintenance. One interviewed officer questioned the need for this amount of time to complete this function. It was also reported that multiple vendors are utilized to install vehicle equipment and repairs,

and he opined, correctly, that due to the electrical intricacies of a police vehicle you need experienced repair personnel to work on cruisers. Two officers reported that they thought more attention should be paid to cruiser cleanliness. One officer mentioned the good condition of the fleet was one of the reasons he transferred to the Auburn Police Department.

A number of officers mentioned that there was considerable difficulty with reception when utilizing their portable radios. It is not believed that the issue resides with the portable radios, but rather in the strength of the receivers and transmitters utilized by Rockingham County. One of the officers confirmed that newly purchased portable radios at another agency did transmit and receive better with fewer problems than the shared pool of portable radios utilized by part-time officers in Auburn. The radios in the cruisers work fine due to their increased wattage. A number of officers noted that the cruiser laptops were not able to download to the computer system at the police station. Reports written in the cruiser had to be downloaded to a memory stick and then physically downloaded in the station. This was seen as detrimental, as too much time was spent downloading or writing in the station, as opposed to being present on the roadways of the community. The current records management system does have a module that would allow for a laptop to station interface.

Other equipment mentioned as being desired by officers was night vision equipment, an Automated Fingerprint Identification System (AFIS), as well as road closed and detour signs to be kept in the trunk of cruisers. Otherwise, all employees felt they had sufficient equipment to perform their assigned functions. The Auburn Fire Department does have heat detecting equipment which has been used by the police department in the past. Officers related that night vision and heat detectors were different technologies for different purposes and that officers would have to wait for a fire department employee to open the fire house to retrieve the equipment.

While the overall benefit package offered to employees was not mentioned as a major issue, many officers noted that the salaries in Auburn were on the low side, and in their opinion necessitated the working of details to bring their overall income to a level needed to support their families. All officers interviewed stated that they felt safe performing their police duties in Auburn. Mutual aid agreements existed with all surrounding communities. Calls for backup were placed based upon the nearest community to the call, with a heavy reliance on the Candia Police Department. When asked about support from the Town Administrator and the Board of Selectmen, the reaction was mixed. Some employees felt that the administration of the community did not take the time to understand police issues. Many employees mentioned a need for improved communications between the department and Town Hall. A suggestion was made that members of the Board of Selectmen should go on ride-a-longs with officers in an effort to improve communications and increase their understanding of police functions. Additionally, officers were told that the department should host a Citizen Police Academy and personally invite Board of Selectmen and Police Commission members, as well as residents and town employees. Employees did not hesitate to point out which members of the Board of

Selectmen, and which members of the Police Commission, were perceived as anti-police department.

There was frequent mention of the outreach efforts made by the police department to build a trusting relationship with residents of the community. The work of Administrative Assistant/Dispatcher Melissa Gates was frequently mentioned in this regard. In addition to Ms. Gates greeting walk in clients and answering the business phone lines, she works on the various social media platforms. Dispatcher Gates also organizes a number of programs for the department such as Public Safety Night, Drug Take Back Day, Movie Night, The Giving Tree, and many other initiatives. The Neighborhood Watch Program in the community is very active and has a very large number of members. One employee commented that the neighborhood watch program received too much emphasis, especially during Police Commission meetings, to the detriment of other initiatives needed within the community such as school resource work, accreditation, and patrol initiatives.

When asked to describe why they liked working for the Auburn Police Department, employees mentioned the schedule, the experience of their co-workers, availability of details, the trust the administration shows its officers, good equipment, approachability of the Chief, and high level of morale. When asked to list some of the items that contribute to why they do not like working in Auburn employees stated infighting with other town departments, not being supported by the Town, lack of supervision, and the work schedule. When the MRI consultants asked about the work schedule being both a positive and a negative regarding working in Auburn, officers responded they enjoy the potential to have a day or evening off for a family event; however, they related that the present system keeps some officers from having any weekends off or mandate that they work all the holidays. The present system has no consistency for day off planning and officers were aware there was a lack of consistency for residents as well. Some officers shared that they would like to see a shift bidding system with rotating shifts on some regular basis. At least one Officer related that the schedule is tailored to benefit those within the department seeking to benefit from working details. Often times this is to the detriment of police work. It was reported that often when two officers are assigned to a shift and a private detail becomes available, one officer will leave the regular shift leaving a sole officer on patrol so that they can earn the inflated hourly rate of the private detail. Several officers reported that the part-time officers do not work enough shifts during the month and are mainly focused on working details. One officer related that there is no direction for policing efforts, noting that often the dayshift officers are in their civilian clothes for an hour or so and only change when they receive their first call for service, while often times in the afternoon, at shift change, the officers are out of their uniforms and are wearing t-shirts and no gun belts when the evening officers arrive for work.

RECOMMENDATIONS

- 13.1 The Auburn Police Department could consider offering additional programs to the school such as firearms safety and winter safety if requested by the Auburn Village School. One goal would be for an Auburn Police officer to make a presentation in each grade level once a year.
- 13.2 The Police Department might review the manner in which it currently responds to calls for service from the Auburn Village School.
- 13.3 The Town and the Police Department should consider staffing patrols with a sufficient number of full-time officers to cover most patrol shifts without a heavy reliance on part-time officers. The number of part-time officers could be reduced, if desired, by attrition.
- 13.4 The Police Department directive on the handling of citizen complaints should include a flow chart for informing complainants of the outcome of the complaints. If a complaint was made through the Board of Selectmen, the Board should be informed of the investigation results as a courtesy.
- 13.5 Effort should be ongoing to resolve ongoing issues between the Police Department and the Highway Department. The current divide is diverting energy needed to work on community problems, such as drug abuse, and is having an adverse effect on municipal workers and citizens alike.
- 13.6 The Police Department and the Town should initiate programs to bring town officials and citizens together with police officers in an informal manner to increase mutual understanding. Examples could include a public safety open house, increased ride-along opportunities, as allowed by General Order 212, introduction of a public safety explorer group, and encouraging officers to stop and interact with residents in neighborhoods and at group events, such as sports activities.
- 13.7 Training opportunities should be developed for topics mentioned by officers in their interviews such as mental health, autism, and Alzheimer's disease.

CHAPTER 14

CONCLUSIONS

The Auburn, New Hampshire, Police Department is a good agency with caring employees, a solid budget, and a modern facility. It has functioned for many years in a manner that was consistent with a community with a small population, that experienced very little crime and disorder. While there have been some incidents and on-going issues that have brought undesired exposure to the department, officers and civilian employees of the agency have continued to have a very good relationship with Auburn citizens. As recent news stories have indicated, the negative urban issues of increased violence and expanded problems associated with drug usage are present in the immediate area. Auburn has seen a significant increase in drug related arrests starting in 2015. Municipal Resources, Inc. was commissioned to perform an organizational review and risk assessment of the Auburn Police Department and the report above describes the findings of the assigned consultants. MRI has concluded that the Auburn Police Department, while staffed with engaged and energetic employees and well supported by the community, should make some fundamental changes to better serve the community in 2016, as well as prepare for the ever changing mandates the future holds for all policing organizations.

Organizationally, MRI would suggest that the Captain's position be eliminated and that this salary be used to provide additional police officers assigned to the patrol force. As the community deems appropriate, MRI would suggest the department move toward being an organization more reliant upon full-time officers. A full-time officer is dedicated to his department and is not torn by obligations to another work place or balancing family obligations, during what would normally be the employee's time off. The MRI consultants also feel that rank should be restricted to full-time employees. While the experience of a retired full-time officer is invaluable, in their part-time status they cannot be expected to be current on all issues facing the community or changes in the policing profession. Supervision is important, over a period of time; the Town of Auburn should consider promoting a couple of police officers to the rank of Sergeant to allow for a supervisory presence when the Chief and Lieutenant are not on duty.

The MRI Team applauds Lieutenant Pelton's recent upgrade to the policies of the department. Our review, however, indicates that even the new policies are insufficient to meet national best practices. A number of high risk policies are not present in the manual and many that are in place are incomplete. The written directives of a police agency are a starting point for knowledge, training, and implementation of proper police procedures. Policies ensure proper interaction with all citizens and mandate appropriate follow-through when required. The number of deficiencies listed in our review of the use of force and emergency vehicle operation are examples of areas of policy that require additional attention.

While most officers described their equipment and technology as sufficient, MRI would suggest that the inability of the police department to see its account balances in real time on the MuniSmart system is an issue. We would also point out that officers should be able to download reports directly to the server at the police station without having to transfer the data via a memory stick. Both of these issues can be resolved with currently available technology. MRI would also suggest that an adequate number of modern Automatic External Defibrillators be purchased for the department. Municipal Resources, Inc. recommends that the Auburn Police formalize and computerize their training program and initiate National Incident Management System training for all officers.

The community should be acknowledged for providing a modern facility for its police department. However, as in most buildings used by the police, they become inadequate in a very short amount of time. In the case of Auburn, there is a current need for additional file storage, a female locker room, and space for large pieces of evidence that will not fit in the evidence room. MRI understands that a committee in Town is looking at this issue and we would only suggest that all identified needs be considered when planning any addition. An important finding of MRI during this review was the presence of bed platforms in the two prisoner cells, which offered the ability for a prisoner to strangle him or herself. The MRI Team is pleased to see the department reacted to our suggestions and have modified the platforms to eliminate the suicide risk originally present.

Municipal Resources, Inc. and the MRI Team would like to take this opportunity to thank Town Administrator William Herman, the members of the Board of Selectmen, the members of the Police Commission, Chief Edward G. Picard, and all the members of the Auburn Police Department for their openness and partnership. It was only through the complete cooperation of these and many other individuals in the Town of Auburn that allowed the degree of analysis required to complete this review and make the recommendations we felt will make the Auburn Police Department well prepared to face current and future policing challenges.

CHAPTER 15

THE PROJECT TEAM

PRINCIPAL IN CHARGE AND PROJECT MANAGER

Alan S. Gould, President and Chief Operating Officer, is a graduate of Saint Anselm College with a BS degree in Criminal Justice. He is certified as a Public Manager by the American Academy of Certified Public Managers and has completed numerous management and leadership programs including the Babson Command Training Institute and the FBI's LEEDS program. He is recognized for his creativity in community policing and his leadership in promoting ethics in the law enforcement community. Mr. Gould began his public sector career with the Salem, NH, Police Department where, during 21 years, he served at all ranks of the Department. He served as Chief of Police in Rye, NH, where, upon retirement from law enforcement, he was appointed and served as Town Administrator until joining MRI in 2008. Mr. Gould served as the Ethics Instructor at the New Hampshire Police Academy for 15 years and has been an instructor of college courses in Criminal Code, Criminal Investigation, Report Writing, Constitutional Law, and Juvenile Delinquency. Among his many community involvements, Alan served as an initial incorporator of two non-profit organizations; one addressing family violence and visitation issues, and the other established to help seniors remain in their homes as they age. He continues to serve as Deputy Emergency Management Director in the coastal community of Rye, NH, located within the Seabrook Nuclear Power Plant's Emergency Planning Zone. In addition to his responsibilities as MRI's Chief Operating Officer, Mr. Gould manages most of the company's public safety projects including operational studies and "internal" investigations. Mr. Gould also specializes in recruitment/selection processes for executive level municipal positions and has completed dozens of processes for top management positions throughout New England.

PROJECT TEAM MEMBERS

Bruce A. MacDougall received a Bachelor of Arts Degree in American Government from Boston University and a Master of Science Degree in Criminal Justice Administration from Northeastern University. Chief MacDougall has received professional training through the Federal Bureau of Investigation's Law Enforcement Executive Development Seminar Program and is a graduate of the Police Executive Research Forum's Senior Management Institute for Police. His police career began as a summer special police officer in Barnstable, Massachusetts and continued as a provisional full-time officer in Wakefield, Mass. He moved to the Methuen, Massachusetts Police Department where he rose through the ranks from dispatcher to chief of police including ten years as the Commander of Field Operations. As Chief for 9 years, he was responsible for the planning, organizing, staffing, directing, and administering a department of eighty-four sworn officers and sixteen civilian staff members. At the time of Chief MacDougall's service, Methuen was a diverse community of 44,000 citizens, with a total department budget of seven

million dollars. MacDougall has been an Instructor of Criminal Justice at Northern Essex Community College and an Instructor of Constitutional Law for the Massachusetts Criminal Justice Training Council. In addition to teaching, Chief MacDougall has been involved in over one hundred and fifty police and correctional consulting assignments, including being assigned as interim chief numerous times in Massachusetts and New Hampshire. He is experienced in conducting internal affairs investigations, organizational assessments, and completing evidence audits. Chief MacDougall is a certified assessor for the Massachusetts Police Accreditation Commission and has experience in preparing departments for assessment. He has been a member of a large number of promotional assessment centers and executive selection teams. From 2006 to 2008, Chief MacDougall served as the Director of the Massachusetts Police Leadership Institute in Lowell, Massachusetts. He is Past President of the Essex County Chiefs of Police Association and past Vice-President of the North East Massachusetts Law Enforcement Council.

Neil F. Ouellette obtained a Bachelor's Degree in Criminal Justice Administration from Salem State College in June 1991. He continued his education at the University of Massachusetts-Lowell, obtaining his Master's Degree in Criminal Justice Administration and a Certificate in Domestic Violence Prevention in June 1997. He has attended the Massachusetts Police Leadership Institute at the University of Massachusetts-Lowell, FBI LEEDS Program, and is a graduate of the 237th session of the FBI National Academy. He is an adjunct professor at North Shore Community College in Danvers and previously lectured at Endicott College in Beverly. He joined in May of 2015 after serving thirty-two years with the Danvers Police Department having led the Nationally Accredited Police Agency for the past eleven years. In 2011 the Danvers Police Department was re-accredited with CALEA's Award of Excellence at Colorado Springs, Colorado. The Danvers Police Department is also accredited by the Massachusetts Police Accreditation Commission. Chief Ouellette began his career in 1979 as an Auxiliary Police Officer in Danvers and was appointed a reserve Officer in 1983 and worked as a fulltime Boxford Police Officer for eighteen months after completing the police academy. Returning to Danvers as a full-time officer in 1987 he moved through the ranks as a patrol officer, patrol supervisor, Operations Commander having responsibility for Patrol, Dispatch and Detectives, which comprised ninety-two percent of the agency. During his career he served in specialized assignments including Field Training Officer, Background Investigator, Court Prosecutor, Evidence Officer, and CPR and First Aid Instructor. As Chief of the department, he was responsible for managing all aspects of this department of forty-six sworn personnel and a total staff of fifty-nine employees, serving twenty-six thousand residents with a very robust commercial and retail business sector, encompassing multiple highways, malls and entertainment venues. The department was very community oriented, initiating the first drug take back program in Massachusetts, along with initiating a Jail Diversion Program, Crisis Intervention Team Policing, and enhanced lockdown procedures within the school district. Chief Ouellette served as past President of the Essex County Chiefs of Police Association, served on the Board of Directors of the Massachusetts Chiefs of Police Association, Chaired the Northeastern Massachusetts Law Enforcement

Councils' Technology Committee and was a member of MCOPA's Civil Service Committee, and Traffic Records Coordinating Committee.