

**Town of Auburn
Police Commission
June 19, 2014**

Present: David Dion, Police Commissioner, Dennis McCarthy, Police Commissioner, Ken Robinson, Police Commissioner, Captain Gary Bartis and Lillian Deeb, Office Manager

Also Present: Prosecutor Lonnie McCaffrey, Lt. Pelton and Sgt. Goonan

Absent: Chief Edward Picard

D. Dion – the meeting was called to order at 7:00 and mentions the locations of the exits and restrooms.

REVIEW THE June 3, 2014 MINUTES

K. Robinson - motion to accept the June 3, 2014 minutes. **D. McCarthy** - second. All in favor. **Motion passes.**

REVIEW BILLS AND CORRESPONDENCE

D. Dion – comments there are no bills and only one letter of correspondence. The letter is related to a call Officer Cashman responded to on Rattlesnake and the resident wanted to compliment the officer's demeanor handling the call and Mr. Edwards letter comments Officer Cashman professionalism impressed friends he had visiting also at the time.

NEIGHBORHOOD WATCH UPDATE

D. Dion – comments NW members not present tonight but that he asked Attorney McCaffrey to attend tonight in an effort to see how things are working out now that Attorney McCaffrey is half way through his first contract and asks for an update on what has been going on seeing that budget season will be coming up. **L. McCaffrey** – quickly outlines what he has prepared tonight to speak about, relating he will discuss his promises made in November that he has fulfilled, his payroll to date, case numbers and stats. He further comments APD has had no cases dismissed for defect, dealing with his fiscal responsibility subpoenas are cancelled religiously when witness are not needed so as not to incur costs and he reminds the commission he never plea bargains on the day of trial, therefore having witness fees paid when they are not needed. **D. Dion** – recalls press complaints regarding this kind of wasteful spending. **L. McCaffrey** – relates information related to DWI cases and ALS hearings commenting these are the most costly cases and most time consuming. Further commenting he has had only one trial thus far and because it was a case he was not involved in since the beginning had to do some catch up but with that being the case spent 10.75 hours with him only attending the 2nd day of trial and at an attorney's rate trial would be very costly. He explains his decrease in unnecessary trials related to his plea offers sent early in the process allowing for a fast case resolution, which results in less trial prep for him and Ms. Deeb for additional cost savings. A high percentage of the cases have resulted in a conviction or placed on file which is he does for two reasons, one if there is a potential legal issue, does not want to bring this to trial showing the judge issue, keep pristine record or if the defendant doesn't have a previous record as mistakes can be made and feel those kinds of resolutions are appropriate which allows a motion to bring forward and impose if anything changes. He further relates he has had victim

input with all case resolutions and has done some training and updating with the officers. He thanks Ms. Deeb for all her assistance she provides. **D. Dion** –asks what part of the process Ms. Flight plays. **L. McCaffrey** – explains he primarily deals with Ms. Deeb. **L. Deeb** – explains when she had temporarily taken over the court cases in an attempt to become well versed as it was something Ms. Flight was responsible for and intends to share the responsibility sometime in the future when she is confident she has learned all the aspects. **L. McCaffrey** – explains the department is keeping him busy especially Officer Cashman, relating the department joke of “the Cashman effect” and relates the arrest numbers to date total what the department had in total last year. Further relates he is in the seventh month of his contract which requires he perform 168 hours which works out to \$42.00 per hour a very cost effective rate for an attorney but has actually done 210 hours and will look to make some adjustments for next year’s contract as he indicated he would up front when he initially proposed a contract because “he would keep track of the hours he went over”. He compared it to recent costs paid by the town of Auburn related to Attorney Staple’s cost of \$24,000 and the town would only be paying for a year of prosecution half of that. He has had 16 court dates with only one trial which shows there is a lot of good police work occurring and he has only had to file one motion to suppress and is confident the motion will go his way and without good policing could have 10 motions to suppress. He has handled about 40 citations which is not a total issued but the ones that have contested and requested a trial, and he hasn’t had any ALS hearings and explained that process and the cost savings. **D. Dion** –comments that if the department didn’t have Attorney McCaffrey prosecuting it would be Detective Chabot handling these cases. **L. McCaffrey** – explained for the Detective to do this as effectively would take a considerable amount of his time away from detective work. **D. McCarthy** – asked Mr. McCaffrey what this means for next year’s prosecution costs. **L. McCaffrey** – comments he estimates it to be approximately a \$250.00 per month increase with the time he is devoting. **D. Dion** – comments this is something that will need to be addressed with the budget committee. **L. McCaffrey** – asks the police commissioners to keep in mind the hours he has worked to date but has not billed for because this was a test and learning experience because the town had not used a prosecutor before. **D. Dion** – comments if the police department was not using Attorney McCaffrey and had gone with Rockingham County prosecutor they would be faced with what many of the local towns are facing with the County Attorney facing drug charges. **K. Robinson** - comments he took some time to go and observe court and has seen Attorney McCaffrey in action and comments department is getting their money’s worth. **D. Dion** – asks if any of the fine money comes back to the town. **L. McCaffrey** – comments of the case types that would. **D. McCarthy** – comments if the savings can be shown it would be a wash. **D. Dion** – comments this was reasoning behind having Mr. McCaffrey speak here tonight and has heard from the officers that they are appreciative of Attorney McCaffrey efforts.

CHIEF’S REPORT

D. Dion - comments in the Chief’s absence will move right into Captain’s report.

CAPTAIN’S REPORT

G. Bartis – comments his report is very short and confirms with the commission that an advertisement was placed in the paper for Annie’s position and the department has received 38 applications and the Chief, Lil and himself reviewed them, concurring on three names. **D. Dion** – comments that the interviews have been set up for Tuesday and PC have Board meeting on Thursday or Wednesday but PC will need to meet again to review potential new hire. **D. McCarthy** – comments he is not available on Thursday but comments the commission will

make that decision anyway. **G. Bartis** –comments in light of the decision for the applicants being made next Thursday and a notice most likely being given put a potential start date two weeks past Annie's retirement date. Further commenting doesn't want Ms. Flight sitting around doing nothing and don't see the need for her to be here to train especially considering some of the candidates have IMC experience are being interviewed. **K. Robinson** –asks about the dispatch experience. **G. Bartis** –comments two of the final candidates do. **D. Dion** – asks Ms. Deeb if she thinks she can manage for two weeks without Ms. Flight. **L. Deeb** –comments it would be similar to when either one of them takes a vacation. **D. Dion** – comments he would need to approach her if it was necessary. **L. Deeb** – asks about if the need was determined if dispatch training could be set up, like Ms. Flight did. **G. Bartis** – comments on the two components of the position being the phone and dispatch and in past he has answered phone/radio and data entry which Ms. Deeb performs. **D. McCarthy** – comments Ms. Deeb can handle it and the Captain will assist as any other officer present in the station can. **D. Dion** –comments Ms. Flight has been asking and he will relay and thank her for the offer. **D. McCarthy** –reminds the commission for the need to discuss and consider the development of the Offer Letter, making sure the conditions of the position is clearly outlined. **L. Deeb** – comments she will put something together using past offer letters and get the outline to commission for review. **D. McCarthy** – reminds the commissioners this is a buyer's market and suggests getting the best candidate but not necessarily paying them at the top of the scale and make sure the offer letter contains information on background checks, probation period and other information like that.

OLD BUSINESS

D. Dion – comments the need for the discussion of the evaluations not addressed at the prior meeting, relating to Officer Rogers and Officer Barry. **D. McCarthy** – comments he has read them both. **D. Dion** – comments these evaluations are back for discussion now that there are three members on the board to review. He further asks Mr. McCarthy if he has changed his position. **D. McCarthy** – comments he is not. **D. Dion** – asks Mr. Robinson if he had an opportunity to read them and indicates there is also an evaluation for Mr. Lennon. **D. McCarthy** – comments he hasn't had an opportunity to review that evaluation. **L. Deeb** – relates it was by way of her mistake that this evaluation wasn't presented at the last meeting. **K. Robinson** -motion to accept the evaluation of Officer Barry and award him the appropriate STEP increase for a satisfactory evaluation. **D. Dion** – second and asks for discussion. **D. McCarthy** – comments the other commissioners are aware of his position. **D. Dion** – comments both officers received a satisfactory evaluation and there is funding. **D. McCarthy** – comment he has a problem with Officer Barry's involvement in the investigations as Mr. Dion is aware, comments it was not done appropriately or impartially. **D. Dion** – comments that response is more emotional. **D. McCarthy** – replies in the negative commenting Officer Barry is an Auburn Police officer and he was not happy with the way the matter was handled from calling the DES before the town and comments the other commissioners should take the vote. **D. Dion** - All in favor. **D. McCarthy** –opposed. **Motion passes.** **D. Dion** – comments the next evaluation is Officer Scott Rogers. **D. McCarthy** – comments he can related the issues he has with Officer Rogers if the commission wants to put the motion out. **K. Robinson** -motion to accept the evaluation of Officer Scott Rogers and award him the appropriate STEP increase for a satisfactory evaluation. **D. Dion** –second. **D. McCarthy** – comments the issue he has with that is this officer made \$10,000 working shift and \$33,000 working details, working three times more on details then he did shifts and officers hired are here to take shifts. Further commenting he doesn't care what the review indicated Officer Rogers is no use to the town of Auburn if he is not working shifts and injustice to give

raise when three quarters of his time he is not working for Auburn. **D. Dion** – asks Lt. Pelton to comment since the Lt. makes the schedule and comment on Officer Roger's availability. **R. Pelton** – comments Officer Rogers puts in for the minimum amount of shifts pursuant to the union contract, also commenting he the Lt. didn't negotiate the contract or approve the amount of shifts allowable on the contract. He further comments when Officer Rogers is on shifts at the department he does an excellent job, performing satisfactorily if not higher than that. **D. McCarthy** – asks if Officer Rogers is meeting the new standards. **R. Pelton** – confirms Officer Rogers is but comments there are officers on the roster that are not and maybe that is something that should to be looked at. **D. Dion** – comments that issue may need to be addressed at a monthly PC meeting and prepare a summary for that PC on those not meeting the necessary requirement. **G. Bartis** – comments that may need to be discussed in a non-public meeting. **R. Pelton** – comments much of what was just discussed maybe should have been in non-public. **D. McCarthy** – comments in the negative relating what he just spoke of was in the town report, what Officer Rogers earned. **L. Deeb** – asks if the police shift schedule is public knowledge. **D. McCarthy** – comments every person coming in to get hired is asked the same questions and answer the same or they wouldn't be hired. **D. Dion** – let's have a vote....All in favor. **D. McCarthy** – opposed. **Motion passes.** **D. Dion** – comments he would like the shift information for the August meeting. **K. Robinson** - motion to accept the evaluation of Officer Peter Lennon and award him the appropriate STEP increase for a satisfactory evaluation. **D. McCarty** - second. All in favor. **Motion passes.**

D. Dion – comments on the last items on the agenda relate to the merit increases for Officer Calvin Kapos and directs the commissioner's attention to the union contract. He further comments Ms. Deeb and Officer Kapos sent a letter to the Chief in the allowed period of time. **D. McCarthy** – asked to address the merit increase separately. **D. Dion** – agrees and suggests discussing Officer Kapos first and might want to go into non-public depending on what might be said. **D. McCarthy** – comments on the face value of what Officer Kapos wrote indicating that might not be more than just doing job. **D. Dion** – comments on the investigations related to the Silva case and Landfill case as all the work Officer Kapos put into completing that. **K. Robinson** – concurs and motions to approve the award of a merit increase to Officer Kapos. **D. Dion** – second. All in favor. **D. McCarthy** – nay. Motion passes. **D. Dion** – the second was at the urging of someone outside of the department. **D. McCarthy** – motions to forward to the Selectmen with our recommendation that Ms. Deeb receive the appropriate merit increase. **K. Robinson** – second. All in favor. Motion passes.

D. Dion – comments the last item on the agenda relates to 105-C that was on the last PC agenda but Commissioner Robinson was not in attendance to address his issue and asks Mr. Robinson to address why this remains a concern and he'd like Matt Serge from Upton and Hatfield to come speak to commission. **K. Robinson** – comments it still remains an issue to him that RSA 105-C makes the commission autonomous and would like answers to put this issue to bed once and for all as to why commission's decision must go before the Board. Further commenting their input may be informational and valuable but not required. **D. Dion** – clarifies Mr. Robinson is looking for a non-meeting, meeting with counsel and reiterates the past history behind the issue, agreeing he would like to see closure. **K. Robinson** – comments on the section of the personal policy that relates to the power of the commission of RSA 105-C. **D. Dion** – comments he understands Mr. McCarthy is against it. **D. McCarthy** – comments it is not that he is against 105-C's authority but asks the other commissioners to understand the Selectmen also have certain authority further mentioning past union negotiations where the commission has the authority to negotiate but the Selectmen still need to approve contract and comments unlike 105-C, the Town cuts pay checks and provides medical insurance not the

police commission. **D. Dion** –comments his understanding that the commission is not the funding authority but asks if the signing of the personal policy override the RSA and he'd like to get answers to questions like that, further commenting town's counsel "said Yes" by the commission signing that the commission's life was signed away. **K. Robinson** – Motion to hire the attorney. **D. Dion** – asks for discussion. **D. McCarthy** – restates his position once again. **R. Pelton** – asks if he can make a brief comment and suggests since the relationship with the Selectmen has recently improved, in keeping with this good will, include the Selectmen in this process and they may learn something as well. **D. Dion** – comments there is a motion on the floor questioning if he can get a second. **D. McCarthy** – second. All in favor. **Motion passes.**

D. McCarthy – comments there is a meeting Wednesday or Thursday on reclassification issue and commenting he will be unable to attend but doesn't have any issues with it. **D. Dion** – asks if Mr. McCarthy can send something to the Board members since he was against it at the last meeting. **K. Robinson** – asks if there has been a time set for this meeting. **D. McCarthy** – no time was set, comments himself, the Library Trustee and Jim Headd all somewhat agreed to go with the recommendations made by Mr. Cox and because not in attendance will not have vote.

NEW BUSINESS

none

K. Robinson - Motion to adjourn. **D. McCarthy** -second. All in favor. **Motion passes**

Meeting closed at 7:45 pm.