

WORK STUDY GROUP RELATIVE TO THE POLICE COMMISSIONERS

November 18, 2021

A meeting of the Work Study Group Relative to the Police Commissioners was held Thursday, November 18, 2021, at 7:00 p.m. in the Aldermanic Chamber and via Zoom teleconference.

The Zoom meeting link can be found on the agenda and on the city's website.

Alderwoman Shoshanna Kelly, Chairwoman, presided.

Members of the Committee present: Alderwoman-at-Large Shoshanna Kelly, Chairwoman
Alderman-at-Large Lori Wilshire
Nicholas Dahl, Clerk
Mark Brave (via Zoom)
Deborah Novotny
Kerry Baxter

Members of the Committee absent: Alderman Richard A. Dowd, Vice Chairman
Eva Castillo
Marylou Blaisdell
Kendra Smith

ROLL CALL

PUBLIC COMMENT

Laurie Ortolano

Hi, Laurie Ortolano, 41 Berkeley Street. I come here to tell you that I think this Work Study Group should be abolished. I think the one task you have in front of you is more clearly defining the process by which the Commissioners can go through to become selected by the Governor and participate in the commission board. I think that should be outlined on the city website and that process should be more public for candidates. Once that's put on the city website, you've identified a good process that everyone understands.

I'm opposed to this Committee meeting because I come to almost of them and you won't answer questions and you allow the public to speak but you don't allow us to have questions answered. I think at a committee level, that should be allowed and there is somebody who should be responsible for answering questions.

Also, I think the Board of Aldermen as a whole should open the Ethics Committee and issue sanctions against the Mayor – hold hearings, address the ethics issues, and address how he operated during this Police Commission Charter changer because I think there were many ethics violations that he committed. You have a means of dealing with that. The reason you want to deal with that now is because his Commission change was beat down and won. If you did it and lost, you look like a poor loser but if you do it now after winning, you're making a solid statement on what you're going to tolerate for partisan politics in this city. You're not going to tolerate it so let's turn this around and send a strong message to the Mayor because anything else that comes up again, we're going to see the same antics. This is the cloth he's cut out. It's not public service. It's self-service with him. That's a dangerous game and I don't think we should put up with it.

So, you know, using the cable TV station – the government channel – to hold a press conference less than a week before the vote to pitch a personal agenda item to change the Charter not the position of the governmental body which was a 8-6 vote not to bring it was simply out of line. Just because he wore the hat of the Mayor, he was able to take control of a TV station for personal agenda and this should never be allowed. He should not be allowed to exercise the type of partisan politics he exercised to move this thing forward, including shutting down government to virtually two months of not holding meetings. So please convene that ethics committee and take action on this, and be decisive, and let's break this Committee up. It's a waste of taxpayer dollars. We've got an answer. Let's move on. Thank you.

Chairwoman Kelly

Would anyone else from the chamber like to speak during public comment? Okay. I will go to Zoom. Does anyone on Zoom wish to speak? I see Sonia Prince.

Sonia Prince

Hi. Sonia Prince. Can you hear me?

Chairwoman Kelly

I can hear you.

Sonia Prince

49 Tufts Drive. I'm surprised there is a meeting today because most of this Committee was openly against the question about local control. I expected that you will probably maintain the good old boys status quo. We got 4,931 votes for local control. It wasn't enough but it wasn't totally unexpected. It often takes a few tries to flip 130 years of control and massaging, especially after the Police Department decided their PR campaign stunt would be a game of intimidation (inaudible).

One of the highest tax paid employees, public employees, used his position of power and safety leader as a Police Chief to spread fear. People will often vote out of fear. Well played sadly. It's too bad voters were misled by lies and fear of (inaudible). When the Chief and his buddies filed an 11th hour lawsuit PR stunt asking a Judge not to uphold the law, the PR damage was brilliantly done since the Judge conveniently didn't give his decision to deny the injunction until only five days before the election. The PR damage was done by then and the Nashua voters were afraid. Mr. Police Commissioner Dahl should be apologizing for mocking the intimidation tactics used by the Police Department when they sent three police officers to my home in July. I have the e-mails and the Attorney General's office didn't think it was funny either. Neither did my minority 21 year old son. They tried to harass us by sending the Chief's bff FBI buddy, also a former Nashua Police officer who also tried to intimidate some of the alderwoman who supported this petition question for transparency and better representation.

When Nashua had the White Supremacist group in front of City Hall holding lit torches and a banner of racism of hate, the NCS 131 hate group threatening the life a Nashua State Rep., I called to reconfirm on a police detail that I was told by Officer Camacho was available for a rally against hate being held at Greeley Park. When I voiced the safety concerns, Chief Carignan mocked me and claimed the white supremacist picture in front of City Hall. It wasn't even real and it didn't even look like City Hall claiming I would have to book and pay \$400 for two police detail. No one answered when I called to reserve. Then I caught this Chief in his lie because the threatened State Rep. had shared with me that he reported the City Hall white supremacist picture to the Chief the previous day.

Chairwoman Kelly

Thirty seconds.

Sonia Prince

Anyway, the picture was real. He back pedaled and I got the police detail. Did you say time?

Chairwoman Kelly

You still have 20 seconds.

Sonia Prince

Well, anyway, the Police Chief had spent \$122,000 on the George Floyd rally but he couldn't spare \$400 for this rally. Luckily we had some volunteers who stepped up – a peace keeper group who kept the 200 people who attended safe because they're amazingly professional organized and cared out our community's safety. I can't say the same for everyone else. Thank you.

Matthew Gouthreau

Yes thank you. I appreciate the time to speak today. I appreciate you guys convening here today to discuss this matter. I think the voters have said it all. With over 60 percent of the vote, the voters have said that they did not want this item as it was proposed on the ballot. So your goal in this committee is determined to find another way if you're going to change this. You need to find a more responsible, thoughtful way in which to present this item to the voters of Nashua.

I'm not going to opine on here about how this affected me personally. I think that the previous speaker has already done that. I want to talk about how this is going to affect the City of Nashua and I think that one of your previous speakers also was pretty on point when she talked about the money that was spent by the Mayor's office to push this agenda whether it be using his taxpayer vehicle to go door to door to speak to residents about this or use the taxpayer funded cable TV network to go out there and propagate this issue. I think if you looked around the city before election day, you would see a lot of people were against the way that this item was proposed and I hope that if this board will continue this special committee, that they will find a more thoughtful way to present this to the voters rather than giving the Mayor all the power to appoint these individuals. I thank you for your time and I thank you for your understanding.

Chairwoman Kelly

Thank you. Anyone else on Zoom that wishes to speak during public comment this evening? I don't see any hands. Okay.

The next item on our agenda is discussion. Before I move on, Alderman Dowd had reached out that he was unable to make it as well as Marylou Blaisdell. There was an event going on this evening downtown that I wish I was at but I'm here. I spoke with Mark Brave. The Commissioner from Rochester was prepared to be here since we were unable to talk with him the last meeting, but they had an emergency meeting come up in their city and he's unable to make it. As we kind of go into the discussion with the group if we want to still hear from him, we can ask for that to be rescheduled.

DISCUSSION

- Commissioner Derek Peters – Rochester, NH, Police Commissioner
- Summary Report

Chairwoman Kelly

So what we have on the agenda here is a summary report which I've put together kind of who we've talked to and where we started. I know a lot of people in the public comment pointed out what happened on Election Day. It was decisive from a 60 percent almost 2 to 1 vote in terms of the way that the voters were feeling. When we first started this, I was very emphatic that we needed to – the job that was in front of us was what the Board of Aldermen asked us to do which was to look at this issue.

So having said that, I think the decisiveness of the conversation from the voters is something that we should definitely talk about this evening and kind of talk about where we want to go with this Committee. I know we had talked about if it did pass, we could look at how that would work. It didn't pass, what do we want to do with it. So let me just quickly – I have a quick little presentation – it's something that I do - that kind of talks through how many times we've met and all of that. Let me just go through that real quickly to refresh our

memories.

Okay. So in terms of how many times we've met, at this time we've met almost 8 different times. We had two ward meetings with constituents as well as public comment at each of our meetings for people to share their information and their pieces of thought. In terms of who we've spoken to, we made a list at the beginning. We had an Executive Councilor. We talked to Police Chiefs current and past. Actually a couple of them we had someone come and speak to us who had submitted to be a Commissioner. Again, citizens during public comment and the ward meetings. We also had some Commissioners from other cities. There was one who spoke about a city and where they are elected. And then of course, us as committee members have weighed in on how we feel about it. Did I miss anybody?

Some of the questions that we drafted early on was like the dismissal piece, accreditation, does that matter, oh – we had the CALEA person. That's who I missed. I knew I was missing somebody. We had a couple of questions around accreditation. Does it change our accreditation depending on how they're appointed? There were questions around historical background. I'm not sure that we've answered the why this came about now, or looking to fix, getting the word out in the city, and having people really talk about that. I think we've definitely had conversations with a lot of people around this. Then just talking about long-term goals, etc. I can share this with everybody but I put together what we talked about at each meeting, the lengths of the meetings so you can see the details or the video but this is just more detail. The first meeting was our organizational. We talked to Deputy Testaverde, Stephanie Shaheen. We did a lot in a short amount of time. The Police Chief came and spoke with us on the 7th. Deborah Pignatelli came who is a past Executive Councilor. Linda Pritchett and Chief Hefferan came. Then the gentleman from CALEA – Will Pease and our previous Chief Lavoie was here as well. So what we have on the agenda for this meeting through the end of the year which was all we scheduled was this evening and then two meetings in December. That's all I have.

- Organization and Invitee Discussion

Chairwoman Kelly

So I wanted to open it up to the Committee in terms of organizationally what do we want to do? We have these two meetings on these books. We have this evening and that Commissioner from the seacoast who was unable to make it. I'm going to open it up for some discussion from everybody here.

Kerry Baxter

I think it's apparent based on the vote as everybody has seen where the citizens of Nashua stand on this issue. So I really don't think we have too much work to do there. I do feel like others have expressed that there are probably some improvements we can make as to providing information on how someone can go about nominating somebody else to be a Nashua Police Commissioner. I don't know if that information should be on the city website or the Nashua Police Department website. I lean more towards the NPD website with perhaps a link on the city website but nonetheless, I think there could be some efforts made to get more information out there about the process and what it entails.

I don't know how many more meetings we should have to just sit here and discuss a couple of minor issues. I think as everyone witnessed, the voters spoke loud and clear about how they feel about where the nomination should come from and appointments should be made.

Chairwoman Kelly

Thank you. Other committee members?

Deborah Novotny

Part of the reason why this was formed was because the Board of Aldermen voted it down and said let's get a study together to see what should be done, what other towns do, what could possibly should something be changed, and then there was a petition, and it ended up on the ballot. So I completely agree that we shouldn't be meeting about the Police Commissioner anymore. I also agree that we need to have information on either the – again, I think it's a great idea to have it on the Police Department website but the link to city or vice versa about how to qualify, what the qualifications are, how the process works. I guess maybe even about the Police Commission and what they do. So that was evident with a lot of conversations that people don't really know. I think having it out on the website so that anyone who's

interested in knowing can look at it and say that I don't think we should be having any more meetings.

Alderman Wilshire

Thank you. I wanted to weigh in too. I know that I spoke with you earlier Alderman Kelly about how I felt about it. I think this Committee has to come away with a product of some sort even if it's a summary, if it's just something that says we think that based on what the citizens voted, they have spoken loud and clear. I don't want to leave this Committee just kind of floating and saying okay we did what we had to do. I think something needs to come out of this that's going to be beneficial to our voters. Like you said, information. Right. How do you become a Police Commissioner? When do you apply? Who do you ask? How do you get nominated? Those kind of things should be out there, should be public, should be somewhat transparent. Should it be or could it be that the Personnel Committee vets candidates for the Governor to nominate? That's also something that could come up and we vet people in all the other committees that come through.

I just think there needs to be a summary. Kind of a wrap up of what could happen. What should happen? What does somebody out there need to know about the Police Commission? They need to know how, who, when, and those things. I think we owe it to them at least. I don't know that it needs 3 or 4 more meetings. I don't think it does. I was hoping to get a break for December but maybe not. I guess that's just my take. I'd like to see a little something come out of this group that the voters have spoken and we did our due diligence just giving the voters for the people of Nashua more information about how and when to apply to be a Police Commissioner.

Chairwoman Kelly

Thank you Alderman Wilshire

Commissioner Nicholas Dahl

Are we allowed to work on something like that by e-mail as a group or it all has to be like sitting...?

Unidentified Female Speaker

Channeling Attorney Bolton.

Chairwoman Kelly

I'm not Attorney Bolton but in general any sort of committee communication has to happen in person due to Right-to-Know unfortunately. Did you have other comments? I didn't mean to interrupt you.

Commissioner Nicholas Dahl

No I mean I get what Alderman Wilshire is saying. It might make sense to have some sort of product to show where we went with this. Like everyone said, it's pretty clear what the voters thought. My thought is that the earliest this would come up again is two years, right? So before I heard you, my thought was that let the new Board in January reconstitute a committee if they felt. Maybe it is as simple as us just coming together and sharing more information so that it is more transparent to people that don't know how the process works. I wouldn't think that you need a series of meetings for that at this point. I would think its pretty close.

I would be a little concerned about the city – maybe it's all formal what you're suggesting – but I would be a little concerned about the city formally vetting and sending names to the Governor only because I truly think that way it is set up is for the independence from the city government. That's my thought. Other than that, I'm certainly open to discussion.

Chairwoman Kelly

I have thoughts but I want to see if Mark has any. Mark do you want to weigh in here?

Mark Brave

Yes, thank you Alderwoman Kelly. Like I said, I believe in the vote. The people did speak. I think now the discussion is how do we go about delivering some sort of basically a product so that it wasn't in vain. We weren't just meeting here for an hour or so for the last six weeks or so without coming to some sort of conclusion or just allowing the voters to know that we heard them. They spoke at the polls. Offering some other form but I do think the voters did speak and we

just need to come up with some sort of closure if that's the correct verbiage.

Chairwoman Kelly

Are you all set? Okay. I have to agree with a lot of the things that's been said here. I think that the voters spoke and we have really talked to pretty much everybody we had on our original list. I do agree with Alderman Wilshire that we should have some sort of output at the end of this. I don't think it's through more meetings. I think the idea that I heard again and again either side of this was just wanting to have a little bit more insight into how the process works. So some of the conversations around really making that very clear to people. I think that makes a lot of sense.

The Personnel Committee was just a thought in terms of I know Pignatelli had mentioned like oh could we have a public forum. I know there's some intricacies to that but I think we heard throughout our conversations with people that some people didn't know where. Some people didn't know that they could weigh in. Some people didn't know what happens to their appointment after they gave it. I think if we could focus ourselves on how do we bring more transparency for people who might want to be on the Commission or just know what's going on, I think that would be a really solid way for us to kind of wrap up our work or citizens and anyone else who's involved or wanting to be involved.

Alderman Wilshire

Thank you. I agree with the independence of the Police Commission and the Personnel Committee I guess is probably not the way to go because that would mean it's not independent. That's not what the voters voted for. So I agree with that.

Commissioner Nicholas Dahl

I thought we were just throwing out ideas.

Alderman Wilshire

Yeah we were just...

Chairwoman Kelly

It was an idea. I think it was more like getting that okay who's applying for this. Just getting that out there. It wouldn't be the same way that Committee members are appointment by the Mayor and brought to our – it was just more like I remember hearing from some of the Chiefs that there are specific qualifications. You have to pass a background check. Some of the logistic stuff out of the way. I hear your point about wanting to keep it (inaudible).

I would say I'd love to hear from everybody but I think we can probably wrap it in one meeting. It seems like we're in a pretty good consensus here. I'd like to have more committee members here before we finally wrap it.

Alderman Wilshire

Can I make a suggestion that anybody on the Committee send to you our suggestions and maybe you put that in some kind of a format and send it to Donna who can distribute it before our next meeting. I think one more meeting personally would be sufficient.

Commissioner Nicholas Dahl

That's what I really asking. I didn't think just e-mail. I thought if we shared ideas, and then came to talk about it, and then we could put out a report.

Chairwoman Kelly

So I think what Alderman Wilshire is saying is that if Donna gets it and then we pull it together that's fine but we're all on "reply all" that's where we get into personnel issues.

Commissioner Nicholas Dahl

No as long as there's a vehicle. We can just sit here and look at each other and talk and try to write a report. If we have a starting point, we're good.

Chairwoman Kelly

I agree with you. I think having (inaudible) before we come to the meeting is an important point.

Kerry Baxter

I was just going to recommend pretty similar to what you all are saying is that a report be drafted, summary of recommendations perhaps where we indicate on there that the process should not change. The appointments remain coming from the Executive Council. We recommend to the Police Department that by a certain date – January 1st, February 1st, something like that, that they have more information readily information accessible on their website as to the qualifications to be a Police Commissioner, any sort of restrictions, the process by which a Commissioner is vetted, the background investigation, and what not, and the process to get nominated or to nominate someone, as well as any of the associated documentation that might be required. That's what we may be present at our next meeting. If everyone agrees to it, it can be approved and it can be done. At the same time, we can provide a recommendation maybe to the city that they provide a link to the Nashua Police Department website to find more information on the Commission.

The other thing I would also add is, and I don't know if it's there now – it's been a while since I've been poking around on the website, but the dates that our terms come up.

Chairwoman Kelly

Yes, I've heard that from a couple of people.

The only other thing that I'll just pose out here, I think that the manner in which they're appointed has been resounding we said let's keep it the same. I did hear some willingness on both sides to maybe increase to five. I don't know if we want to talk about that or potentially put that in.

Alderman Wilshire

I think the voters said no. I personally think they said no.

Kerry Baxter

It was posed in the question to increase it. So when they said no, they said no.

Commissioner Nicholas Dahl

And it would require a Charter change. It's not just something we could do, right?

Chairwoman Kelly

I think it would. It's a good question for Attorney Bolton. I think it would because it's still changing the nature of the Commission. Okay. So then it sounds like we're all in pretty good lock step here in terms of having one more meeting but also everyone sharing information that they would like to have on this report with Donna so we can pull it together and have something to work with. We had two dates held in December. Does the Committee want to meet in December? Do you want to push it to January so we can...?

Commissioner Nicholas Dahl

I personally I'm okay with keeping that second meeting in December to give us a little more time to do that. If that's a tough date for people, I get it if they want to push it out further. December 2nd with Thanksgiving, it's a little close.

Chairwoman Kelly

I believe it's the 18th.

Commissioner Nicholas Dahl

2nd and 16th.

Deborah Novotny

The 16th is fine.

Chairwoman Kelly

I'm trying to verify it. The 16th, correct. What were you going to say about the 2nd Alderman Wilshire?

Alderman Wilshire

I can make the 2nd but the 16th is I have work commitments the last couple of weeks before Christmas that I just can't – I don't commit to many meetings during that time but I'm not on the Committee. Rick is and I'm just sitting in for Rick. Maybe Rick can be here. I won't be here on the 16th.

Commissioner Nicholas Dahl

We can maybe poll for the people who aren't here tonight maybe.

Chairwoman Kelly

Yeah. It sounds like maybe we'll just take a quick vote that everyone agrees that we are going to do just one more meeting so we'll set a date whether it's the 16th or the first date. I would like to make sure as many people from the Committee can be there for that.

Commissioner Nicholas Dahl

Yup and the Board President because she's been helpful all along.

Chairwoman Kelly

She has and you said you can't do the 16th. We would cancel the 16th. Do you think the 2nd is too close?

Commissioner Nicholas Dahl

It's just me but.

Chairwoman Kelly

Well we have the holiday in there, right?

Kerry Baxter

Why don't we see what works for some of the other Committee members. If they can make the 2nd and we think we can get it done, then pushing into January could get dicey too.

Chairwoman Kelly

Okay. So then what I'll do is I'll have Donna reach out to the full Committee and just ask if one of those days work better to make sure we can get a) a physical quorum, and b) most of us at that meeting. If we are unable to make either of those dates in December work, then we can do it via e-mail to figure out when in January it makes sense.

Deborah Novotny

Shoshanna there was a comment about public comments questions not being answered. I think that most of those weren't answered because we didn't really know what the answer was either. Should we go through to see if there was a question that we could have answered that we didn't?

Chairwoman Kelly

Like the ones that I shared before or in general? I mean I hear you and I think I said to people who wanted to weigh in to send them to us. That's generally how we work in committee and the Board of Aldermen. You have public comment

and or if you have questions in advance, then we can send them to an alderman to bring forward. In the nature of this Work Study like to your point, we had questions that we didn't have the answers to. I think that if there's anyone who is in the public who feels like they had questions that weren't answered, they should submit them to us as quickly as possible and we can make sure that they get answered before we wrap up. How does everyone feel about that? You can submit them to me directly or to Donna Graham and we'll make sure that they get answered.

Deborah Novotny

Although the answer could be, I don't know.

Chairwoman Kelly

It could be. I do think that we have a good pool of people that we spoke with. So we could make sure it gets directed to the right person. I would also say just if anyone has anything that they think should go on this website that what report that we're talking about, that we're open to hearing from that as well. Okay.

REMARKS BY THE COMMITTEE - None

ADJOURNMENT

MOTION BY ALDEMAN WILSHIRE TO ADJOURN, BY ROLL CALL

A viva voce roll call was taken which resulted as follows:

Yea: Chairwoman Kelly, Alderman Wilshire, Nicholas Dahl,
Mark Brave, Deborah Novotny, Kerry Baxter 6

Nay: 0

MOTION CARRIED

The meeting was declared adjourned at 7:34 p.m.

Nicholas Dahl, Committee Clerk