

# WORK STUDY GROUP RELATIVE TO THE POLICE COMMISSIONERS

December 2, 2021

A meeting of the Work Study Group Relative to the Police Commissioners was held Thursday, December 2, 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.

Alderswoman Shoshanna Kelly, Chairwoman, presided.

Members of the Committee present: Alderswoman-at-Large Shoshanna Kelly, Chairwoman  
Alderman Richard A. Dowd – Vice Chairman  
Nicholas Dahl, Clerk  
Mark Brave (via Zoom)  
Deborah Novotny  
Kerry Baxter (via Zoom)  
Kendra Smith (arrived after roll call)

Members of the Committee absent: Eva Castillo  
Marylou Blaisdell

Also in Attendance: Alderman-at-Large Lori Wilshire  
Alderman Linda Harriott-Gathright (via Zoom)

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## ROLL CALL

## PUBLIC COMMENT

### Chairwoman Kelly

Is there anyone from the public who would like to speak? There's no one in the chamber that I see. I don't see anyone on line.

## DISCUSSION

- Final recommendations working session

### Chairwoman Kelly

Okay. So what we have before this evening is we agreed at the last meeting that we would bring together some recommendations and kind of put the final touches on it here. Give me a second and I will get my screen shared.

Alderman Harriott-Gathright joined us via Zoom.

So I have pulled together notes, including some of the stuff that was in my previous presentation from last time. Trying to get us a draft that we could all talk through this evening. I know that many of the Committee members shared some of the recommendations that they would like to see. I'll just share what I have put together and I think we should focus on the recommendations that we'd like to make sure get in here.

So I'm still filling in some of this stuff but just like I started with some background. We'll lift out the members, summarizing the methodology which we had in the previous one which was about meeting, how often we were meeting, who we wanted to talk to including the questions that we came up with at the initial meeting, and then a list of the meetings that we planned to have, the ones that we did have, and who attended. Then I have this piece down here that we're going to work on.

This is just my own brain dump here. I'm wanting to come up with a few bullets here that we feel really strongly about. We have a summary that was included in the packet. Did everyone get this? If you didn't I can pass it out. Sorry about that.

This is just a summation of notes that were shared through Donna so that we could come into this meeting and have a working session. So I think I'll open it up to the group. I know that we kind of know some of the things we want but I want to share it with everyone what we think should be in here and we can start filling in the bullets.

### Alderman Dowd

I do think it's a good idea to have how you apply to be a Police Commissioner in probably two places. One ought to be

on the Police Commissioners or the Police website and probably on the city's website somewhere or a link to it.

Chairwoman Kelly

If everyone is all right, I'm going to shorthand. I'll clean this up and then we can share it. So I think one of the things we all kind of agreed with was that we want to have a place where people can come to find out how they could apply, some transparency, etc. So Alderman Dowd just to clarify, you're saying that it should be in more than one place?

Alderman Dowd

Well at least there should be a link from the city because if somebody goes on the city's website to look for it, there should be a link that would take them over to wherever it's located.

Chairwoman Kelly

And that's the piece you were saying.

Alderman Dowd

To what the Police Commissioner's website?

Chairwoman Kelly

Yes. So some of the notes we have like there are certain things we wanted to make sure we include like responsibilities, qualifications – we had talked about.

Alderman Dowd

Yeah maybe instead of responsibilities. Do they have an existing job description?

Chairwoman Kelly

Job description is interesting. Is there one? Do you know?

Nicholas Dahl

On the website, no. Whether it even exists, I'm not – it just might be the language.

Deborah Novotny

Is there a job description for aldermen on the website?

Alderman Dowd

There's a definition. I don't know if it's a...

Chairwoman Kelly

There's a definition in the City Charter.

Alderman Wilshire

In the Charter, yes. What we can and can't do?

Chairwoman Kelly

Yeah. Okay. We had talked about the list of current Commissioners and potentially when their seats were up.

Deborah Novotny

Shoshanna that's on both websites right now. If you go to the city website, it's there and you can go to the Police website - the list, and a little bit of background, and their dates.

Chairwoman Kelly

It would be helpful to pull up what's currently there.

Deborah Novotny

I didn't find

Chairwoman Kelly

Yeah I could do it. You said it's on the Nashua...

Deborah Novotny

It's on both.

Chairwoman Kelly

I'll see if I can find it. So that we don't need that because it's already there.

One of the other recommendations that came through in the notes that we got was whether or not affiliation should be on there. Do you know if it's on there now - party affiliation?

Deborah Novotny

I didn't see it. Nick is that part of the qualifications?

Nicholas Dahl

My understanding is that you can't have more than two from the same party. I don't know if all of us are undeclared or not. Probably not. Probably at least one is a party. But I'm undeclared.

Alderman Wilshire

That is true. I mean it can't be more than two from one party. So regardless of who's on there now even that there must be somebody who's a Republican or Democrat because they can't all be the same or all be undeclared. That's my understanding of it.

Deborah Novotny

And I know there were comments back and forth of whether that should or shouldn't be out there. And Kerry actually gave the reason why it should and I know she's on Zoom if she wants to.

Alderwoman Kelly

Yeah, Kerry did you want to speak to that? I know - go ahead.

Kerry Baxter

Okay, thank you. I was just thinking that it might be good to have that on there because that way somebody would know if they're able to go through the process based upon their party affiliation and who is currently serving as Commissioners and their party.

Chairwoman Kelly

Yeah, I see a lot of head nods in the chamber. If we're bringing transparency to like oh can I even apply knowing whether or not you would qualify for that seat makes the most sense to know.

Kerry Baxter

Right and I think it would also, you know, if someone were to apply and then they weren't eligible, it could bog down the process. So I just think, you know, to your point with transparency and just switch to sort of make things flow a little bit faster and simpler it might be a good idea.

Chairwoman Kelly

Yeah, okay. I also had the idea of like where do you even start. Who do you talk to if you want to apply? That came up a few times.

Alderman Dowd

Can we also list the RSAs involved?

Chairwoman Kelly

That would be good. Do you know what they are off the top of your head Rick? This is okay. This is a working document. I'll clean it up and make sure everyone looks at it before we finalize it but RSAs that apply. What else?

This has any link to State forms and the background process. I have no idea whose notes these are but that was one of

the bullets that was sent along. Does anyone know what that was there or who? I'm hoping for someone on the Zoom knows what? Yeah, Kerry. Go ahead. I didn't know if that was yours or not. Go ahead, Kerry.

Kerry Baxter

Yeah. I had included that some of the information on the website should include some of the basic requirements for the position - the duties and responsibilities, the nomination process, and a link to any forms. I'm assuming that there must be some type of form or something like that, that one would have to fill out but I could be wrong, and what the background process consists of. So that was just some of the information that I think would help guide people along and also give them sort of an idea of what is going to be expected.

Chairwoman Kelly

What's funny because some of these things are kind of hand in hand, right? Part of the background check is part of the progress is also a qualification.

Kerry Baxter

Correct. One would have to presumably pass a background investigation. But you know, there could be some people who may not understand that that's part of the process. So I just think having that information out in front is a good idea.

Chairwoman Kelly

Yeah, just filled up with random thoughts. So we have responsibilities a couple of times, qualifications, which we've said defined and I think we can define them a little bit broadly but also as they are defined by the RSAs like you have recommended Alderman Dowd. I'm going to put that in the same line. What else?

Alderman Harriott-Gathright

Madam Chair I have my hand up, can I speak?

Chairwoman Kelly

Sorry. Yes, I'm looking at a document and Zoom at the same time. So I apologize that I missed your hand. Go ahead, Alderman Harriott-Gathright and then I see you Kerry afterwards.

Alderman Harriott-Gathright

Okay. I think at one point in one of the meetings if I understood this correctly, so correct me if I'm wrong, but currently right now if the Governor receives an application and he chooses not to forward it, he does not forward it. So there's always that possibility that the Executive Council doesn't know that someone is actually applied for the position. Now, do you folks remember that conversation?

Chairwoman Kelly

I know that I personally remember it. I don't know how much we can influence that. I think it's at his pleasure. I mean, I don't know that he can...

Alderman Harriott-Gathright

So that's my conflict. That's why I'm bringing that forward because whether it's an RSA or something like that needs to be identified for some type of check and balance. Okay because supposedly the check and balance is the Executive Council. So I feel as though the check and balance is not there. So I'm not sure how that could be remedied but I think that's a concern.

Chairwoman Kelly

So it's interesting and I think, you know, this Work Study Group has definitely talked about it and one of the things we talked about, at the last meeting - I don't believe you were there was like is there a way to bring some of that process out in the open, have the Personnel Committee pre-vet these people? But there was, again, the concern that that, again, is local politicians being influencing the process. So I'm open to ideas. I think it is a piece of it that we did try to get information on and we didn't really hear from the Governor's office or I don't know what authority we have. There's lots of hands though

Alderman Dowd

Yeah I talked to Corporation Counsel. We can't tell a Governor what to do and we can't make any changes to the RSA. That can only be done by people sitting in Concord.

Alderman Harriott-Gathright

Yup I understand. I understand that but that's my point. Is there something there that talks to that or speaks to that? And if not, maybe something that somebody could look at.

Alderman Wilshire

I had the same response that Alderman Dowd did. We have really no authority to change that. If we only knew a State Rep.

Chairwoman Kelly

Well, I mean, the other thing is, and Kerry before I go on, you had your hand up but I don't know as the time passed or if you're – go ahead.

Kerry Baxter

That may have just been from before or I hit it accidentally. So I'm sorry.

Chairwoman Kelly

That's fine. I mean, one of the things Alderman Gathright that we've been working on is just bringing some more transparency. There was a lot of discussion around - oh well, you know, none of the Aldermen ever even put my name forward to the Governor and that kind of thing. So I think we're hoping that having some more transparency about how you even apply can help with some of that.

Alderman Harriott-Gathright

I would agree.

Nicholas Dahl

I would add that I think it's done differently by different Governors. I will say that I know the Mayor said I applied 10 times, which is absolutely false. My name came up twice. The first time it came up, Councilor Pignatelli took my resume but she did not support me and that was after the Governor had indicated a willingness for me to be considered. But Counselor Pignatelli put a stop on it.

So a year later when my name came up again, it was a different Councilor and the Governor was still willing to have me do it. It was still the Governor Hassan but the Councilor at that time was supportive of it. So, you know, it could be either the Councilor that stops it or the Governor. I think that's at the Governor's discretion.

Alderman Harriott-Gathright

Right. So that goes back to I guess my question with the Governor. If the Governor said no, would the Council had known that?

Nicholas Dahl

I'm not sure.

Chairwoman Kelly

I'll reflect to this room because we have multiple discussions over the past. My understanding is that not necessarily unless he chooses to bring it forward is the only time that you might know who's brought the resume forward.

Alderman Dowd

Again I think if a Rep. brought up legislation to change the RSA to insist that the Governor release the names that he sends to the Executive Board, then he'd have to.

Chairwoman Kelly

Can we include that in our recommendation? These are just recommendations that the RSA be more clear.

Alderman Dowd

I was thinking before if you wanted to make any recommendations to the State Reps. on the Board of Aldermen, you could do that but the action then becomes theirs.

Alderman Harriott-Gathright

Right.

Chairwoman Kelly

What does everyone think about including something like that as a recommendation?

Alderman Wilshire

I don't think we should because there's nothing we can do. I mean we can't enforce it. We can't do anything with it. It seems like if that is an issue, that it has to be taken up at the State level not at the city level unfortunately.

Alderman Dowd

It probably shouldn't be resolved of this but the Reps. know what's going on.

Chairwoman Kelly

We can have a separate discussion about that.

Kendra, I see that you've joined us. We'll make sure that is noted in in the record and I see your hand up.

Kendra Smith

So I kind of agree with Linda Gathright. When we're looking for transparency I mean I think that kind of points to why a lot of people were kind of looking for it to be local control because if the Governor is the person that's at the top and he's the one that pretty much tosses an application into the trash before anybody even sees it, what's the point? There could be somebody who's great for that position but they're not even being seen. So I mean, that brings it back to a popularity contest. He gets to pick and choose his friends. That's how I feel about that. So I mean, I think we should try to put that RSA in there at least as a recommendation. I don't think we should just say no because I feel like people voted and there was a significant amount of people who voted yes. So I mean, we have to kind of, you know, look at that too. People want to know what the process is and how it's done. If we're just gonna say, you know, if whatever sitting Governor is in there can just say you know what, I don't even think anybody needs to see this application. I mean I just don't think that's fair to the people in Nashua for somebody in Concord to have that much control over something that's local.

Chairwoman Kelly

Are you all set Kendra?

Kendra Smith

Yes.

Chairwoman Kelly

Yeah, I mean, I feel like I hear you and there are parts of me that agree with you and I think the transparency that we're looking for 100% that's a hard thing but we also are a body in Nashua that is, you know, we're only able to really can only do the things that we could do in Nashua. Oftentimes the things that happen at the State level really do tie our hands in terms of what we kind of can't do outside of this, you know, this whole issue. I would love to have the conversation. I don't know what is putting the recommendation in here will do for the Governor's office.

Other thoughts or recommendations?

Alderman Wilshire

I'm looking at your third bullet down that says the Nashua voters voice strong opposition on Election Day to any change in appointment for the Police Commission and to any change of the number of Commissioners. Therefore, I recommend no changes.

Chairwoman Kelly

Yeah so the notes that you're referring to was kind of a collaboration of everybody. So I think we as a group have to decide if there's conflicting thoughts there. We have to decide which one we feel most strongly about. But I did put that as a first bullet. I have, you know, they felt strongly that the Commissioners appointed should remain the same, then the voters said that, and then even beyond that the common theme was that they wanted more transparency and how some of them put their name forward, what makes a qualified Commissioner, etc, etc. So I think that's more of a website piece that we're recommending can be the most helpful and I think also just the community conversations we've had already.

Alderman Wilshire

Yes, I agree. What I think is that putting suggestions or recommendations out there that we can't control or can't do anything about doesn't do anything. It's feel good legislation or feel good recommendations that we have no control over. I think the simpler we keep it the better because most of what's happening - the voters have spoken. Most of what's happening is that people don't like at this point are State issues not city issues.

Kerry Baxter

I will say I'm in agreement with the first bullet point. I think it's pretty specific and short and to the point.

Secondly, I don't know if we can put somewhere or ask the Nashua Police Department to put just some information out there where they welcome individuals with diverse backgrounds to apply and that somehow that information gets communicated up to Concord both on behalf of Nashua Police Department and the City of Nashua, the aldermen that individuals with diverse backgrounds, provided they are citizens in good standing, meet requirements, will add value to the Commission, and will support the mission of the Nashua Police Department.

Chairwoman Kelly

Can you write that down? That was very well written. I can get it in the notes but I was like that was perfect.

Kerry Baxter

It was sent in so you should be able to just cut and paste it from something that got e-mailed.

Chairwoman Kelly

Oh, yeah, I see it right there. Look at that. Okay, yeah, I will pop that in. I agree with that.

Kerry Baxter

Thank you.

Chairwoman Kelly

I'm just gonna write myself a note cause pull from so we don't have to sit here while I clean this up.

Yeah, I thought that's a good point because I know that came up multiple times in one of the reasons that it was brought forward, at least what we were told was that they would like to see more women and more people of color. So I think that's a good thing to include personally.

Deborah Novotny

The only change that I would make or the only not necessarily changed but the Nashua Police Department should advocate, it seems like it should be Nashua should add "advocate" like citizens of Nashua and not necessarily the Police Department trying to advocate. That it should be a focus should be made for the addition of commission members with diverse backgrounds.

Chairwoman Kelly

Maybe even as a welcoming committee or some like in that realm.

Deborah Novotny

More inclusive and not just the Police Department advocating.

Chairwoman Kelly

Okay. I'm gonna pick this up.

The other piece that we talked about, and I heard Alderman Dowd say both is great but I think there were some varying decisions about do we think it should be on the city side? Do we think it should be on the Police Department side? Should they be in both places? How do we feel about that?

Deborah Novotny

Right now it is on both and I don't know if there's a way to mirror on both because I think some people will go to the city website. Some people will go to the Police Department and sometimes the links don't work as well as they should. Either a really clear link to the page that you just go to the city website and you link directly one way or the other or have the same information on both sides. So it doesn't matter where someone ends up looking for it, they get the information they need.

Alderman Dowd

I don't know if we follow ISO rules, but there's only one valid place where it should be located and that's why you have links to it. If you have two things that contradict each other, which one's right? So you have one place that has it the way it should be including any changes they make and you have links to get to it. If the links don't work, that's an IT issue that could be solved.

Chairwoman Kelly

Yeah, I agree with you Alderman Dowd having to mirror pages can recreate issues if changes are made to one but not the other. So linking is probably the better way to do this. How do we do it now? I'm trying to find it. This is the description but it's not linked.

Nicholas Dahl

No but there is a link to the Police Department as well on that main page.

Chairwoman Kelly

Just generally to the Police Department. So I think what we're saying is that this page should link to the Police Commission page that's on the Nashua Police Department page.

My notes, I apologize. I'm not a typist. I'll get it cleaned up and everyone will approve before it gets published. Anything else? See if I hit on all of the bullets here. Anything else from the Committee that we feel is missing or needs to be in here?

Alderman Dowd

Because it's formal recommendations from the Committee, somebody should sign it.

Chairwoman Kelly

Yeah, so my plan was so I'll go back to the top here. I was trying to just block it out what it would look like. I was gonna put the background why this happened, how long we did. I'll put a little bit about the fact that it ended up being on the ballot and then it came back. So that will be background. I'll list out us as group members.

Methodology is really just about how often we met, what do we talk about, and then the notes from that document I had shared last meeting that has links specifically to the meetings that we've had. Who we talked to. What was the overall discussion summary where people can find it if they would like to pull. If we want to get really geeky because I'm a geek, we could make an appendix with agenda links and all that but I was always the overachiever.

Alderman Dowd

When you're done with it, you should probably send it all the committee members and have them read it.

Chairwoman Kelly

That was my thinking and that I'd love to get it on city letterhead or whatever the appropriate thing would be to finish it off.

Alderman Wilshire

Can I recommend?

Chairwoman Kelly

Sure.

Alderman Wilshire

Okay so since I appointed the Committee, I think what the Committee should do is send that back to me as the President and the Board of Aldermen and we can accept it, you know, as a communication and keep it on file. So I mean it seems to be the way it should go. We can copy the Mayor, and the City Attorney, and the Police Department.

Chairwoman Kelly

We haven't done too many formal votes but I do think that if we all feel pretty confident in most of the pieces here, I'd love to just get a vote from everyone that we're feeling good with this draft. We'll clean it up, share it with everybody, and then it will be ready to go. I don't know what motion I just made to accept the draft recommendations and allow some tightening so we can get this in front of the Board. Can we call the roll on it please?

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

Yea: Alderwoman Kelly, Alderman Dowd, Mark Brave, Kendra Smith,  
Deborah Novotny, Kerry Baxter, Nicholas Dahl 7

Nay: 0

### **MOTION CARRIED**

#### Chairwoman Kelly

Okay, so we're gonna do some more typing and we'll get this in front of everybody? Before we close our final meeting in person, I just want to say thank you to everyone for giving us their time. This was an important issue for the city and I think we get a lot of really good work and just digging into the issue, letting the community vet out what they were feeling, and making sure that we put a fine point on this, and get everyone into a place where they feel it's open, and transparent, and we have great Commissioners. We can continue to appoint the Commissioners. So thank you everyone for participating and giving your time. I know it's precious. So with that, I want to make sure it doesn't anything on the agenda.

#### REMARKS BY THE COMMITTEE

#### Alderman Wilshire

I'd like to thank you for taking the responsibility for this. I appreciate that. To Nick for Clerking and to all the people who we asked to volunteer. They stepped forward and I appreciate every single one of you for stepping forward to work on this important issue. So thank you all.

#### Chairwoman Kelly

Thank you Alderman Wilshire.

#### Nicholas Dahl

Thank you Alderman Wilshire for leading on this issue as well and seeing this as a valuable process to help get us to this point.

#### Chairwoman Kelly

Anyone else? Any of my Zoom members want to weigh in?

#### Mark Brave

Hi. I just want to say you know this experience was refreshing. In regards to this. I believe this is how all issues should be discussed. We had people give testimony on why they believe the process should stay the same. Residents that also said why it shouldn't and nobody came to a conclusion. The voters voted and like I said, I just, you know, I'm happy that I was a part of the process and it was just refreshing to see. Thank you.

#### Chairwoman Kelly

Thank you Sheriff Brave. Anyone else? Okay.

Do I have motion?

#### ADJOURNMENT

### **MOTION BY ALDERMAN DOWD TO ADJOURN, BY ROLL CALL**

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

Yea: Alderwoman Kelly, Alderman Dowd, Mark Brave, Kendra Smith,  
Deborah Novotny, Kerry Baxter, Nicholas Dahl 7

Nay: 0

### **MOTION CARRIED**

The meeting was declared adjourned at 7:35 p.m.