

BARNSTEAD POLICE DEPARTMENT

BARNSTEAD, NEW HAMPSHIRE

PROGRESS REVIEW

DECEMBER 2012

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OVERVIEW

In March 2012, Municipal Resources, Inc. (MRI) submitted a Management Letter to the Barnstead Board of Selectmen that provided a general management review of the Barnstead Police Department. The review placed an emphasis on “best practice” and retention of officers while assessing generally the strengths and weaknesses of the department. The Management Letter contained findings and recommendations intended to help the Board of Selectmen identify deficiencies in the police department’s operations, reduce risk to the town associated with the deficiencies, and to provide recommendations for the efficient and effective delivery of police services to the community.

In October 2012, the Board of Selectmen commissioned MRI to review the progress that had been made in addressing the findings and recommendations of the Management Letter. On October 29, 2012, MRI consultants had meetings with Police Chief Ken Borgia and the Board of Selectmen. During the meetings, the findings and recommendations of the Management Letter were discussed and information gathered to help MRI with its review of the progress made.

Subsequent to the meetings, all current full- and part-time Barnstead police officers were interviewed by telephone to gain their input as to the level of progress made in addressing the Management Letter’s findings and recommendations. Chief Borgia was contacted by telephone to obtain clarification of information received and to provide additional information as needed.

The Management Letter was delivered to the Barnstead Board of Selectmen eight months ago. There are a number of findings and recommendations in that document that will likely need time beyond eight months to consider, plan for, and implement.

MRI has provided the status of progress to address the findings and recommendations of the Management Letter below.

Role of Chief of Police

The significant findings and recommendations in this section of the Management Letter were for the chief and the board to have an effective on-going relationship, for the chief and the board to agree on the overall direction of the police department, for the chief to establish realistic and measurable department goals to allow evaluation of progress toward them, to have a meaningful evaluation process in place to measure the chief's performance, and to establish a periodic reporting and information sharing process between the chief and the board.

The chief feels he has been compliant with board requests, but feels that there is not a cooperative working relationship, one with mutual give and take. He characterizes communications as more demands made of him through memo requests. The chief feels there is no discussion of overall direction of department programs and practice, and that no agreement about it has been reached.

In regard to the chief establishing measurable goals, this recommendation has been met in part. The chief presented a list of one to five year goals and objectives, developed in April 2012, to the board. Some of the goals address deficiencies identified in the Management Letter. While this Management Letter recommendation did not specify that the goals for the police department should address the deficiencies identified in the Management Letter using it as a template, it would be prudent to do so.

There is no personnel performance evaluation process to address the chief's performance against known criteria now in place. MRI understands that in cooperation with the New Hampshire Local Government Center (NHLGC), the town is proceeding with the development of current position descriptions and a personnel performance evaluation system.

Only very limited progress has been made in developing a satisfactory periodic reporting and information sharing process between the chief and the board. The reports provided to the board are characterized as a copy of the police activity log. While this may provide information of some value, a more engaging and interesting monthly narrative report that highlights department activities, community public safety issues, and unusual or significant occurrences would be of greater value.

Identification and Management of Risk

The findings and recommendations in this section of the Management Letter focused on the development, adoption, and dissemination of updated policies based on the Commission on Accreditation for Law Enforcement Agencies (CALEA) standards to direct the operations of the police department.

This development of updated policies recommendation has been met, in that updated policies have been developed by the chief that are based on CALEA standards.

In regard to dissemination of them, on October 24, 2012, the chief posted an updated Standard Operating Procedures (SOP) book, in hard copy form, in the patrol/conference room of the police building. The updated policies are to supersede any prior issued policies. The chief explained that he had developed the updated Barnstead policies using the Laconia, New Hampshire, Police Department's policies (Laconia is a CALEA nationally accredited police agency), NHLGC, and the International Association of Chiefs of Police (IACP) model policies as guides. The policies are reported to be in the process of being uploaded to the police department's computer based records management system where the policies may be accessed electronically. Each of the updated policies carries a date to be reviewed, one year from issue. As all of the policies carry the same review date, this places an undue burden for policy review on one year. It is more normal for high liability policies to be reviewed annually with the remaining policy reviews to be spread out.

It is very important that the police department document that each member of the department has received department policies. In the October 24, 2012, memo that announced the updated SOPs, police department members were instructed to read the updated policies and to sign a receipt form indicating that they have read the policies, have had an opportunity to ask questions about them, and understand they will be held accountable for the policies. Once returned to the chief, the signed receipts are to be retained in the employee's personnel file. The employees were given 30 days to review and sign off on the updated policies. A four page table of contents for the updated SOPs was provided to each officer, along with the receipt form. Each employee was requested to sign each of the four tables of content pages and return each to the chief for filing in the employee's personnel file. In our view, the chief should have provided training on many of these high liability policies. This could have been accomplished at a department meeting, in small groups, or through the chain of command. To simply provide the policies and assume the officers would read and understand those falls short of what is to be expected.

While updated policies have been developed and disseminated to police department members, the Management Letter recommendation that the chief and board work in a concerted manner to adopt updated policies has not been met.

During the discussion with the chief about the process that he followed to update SOPs, he said that the process had been slow as the board was slow to review and return to him the monthly “blocks” of SOPs he sent to the board. The chief also said that some of the SOPs returned to him from the board had comments to change the SOPs provided. The comments were either hand-written on the SOPs, or on sticky notes attached to the SOPs. It is not known which if any of the SOPs were changed by the chief to reflect the board’s comments.

It has been the practice in Barnstead for the board to review and sign off on police department SOPs before they go into effect. A review and sign off by the board of the updated SOPs provided to police department members on October 24, 2012, had not occurred at the time of the writing of this report.

Radio Communications

During MRI’s meeting with Chief Borgia on October 29, 2012, the recent assault incidents on three Barnstead police officers in the previous three weeks were noted. In MRI’s interviews with the officers, and in phone conversations with the chief during the development of this report, the assaults were frequently mentioned. A common concern regarding the assaults and police operations generally was that of poor radio communications between Barnstead officers and the Belknap County Dispatch Center. The problems were experienced on cruiser and portable radio transmissions to County Dispatch and between officers on car-to-car and portable-to-portable radio.

It was made clear to MRI that this is not a new problem and while attempts to address the problem have been made and action to address it continues, the problem still exists. Continued problems with radio communications pose an on-going risk to police officers and community alike and a liability to the town.

Training

In the Management Letter, the findings and recommendations for training in the police department focused on establishing training programs based on a needs assessment, confirming that State required annual police officer certification training and associated record keeping was being accomplished, and to determine if the policy used by the department for its Field Training Officer(FTO) program met CALEA standards.

The training assessment recommendation envisioned a deliberate and formalized assessment of department training needs that would establish those needs in priority fashion. While that process was not used, the chief sent a memo to department members asking for their training interests.

The chief provided a document to MRI that details the training completed by department members from January 1, 2012, to October 28, 2012. In addition to the annual State required certification and recertification training for police officers, training that met one or more significant department training needs was accomplished. Training in Evidence Room Management, Evidence Processing, and Statement Analysis are examples of this. In addition, the document identified needed department training, as well as the officers to receive the training. As examples, Executive Development training was identified for the chief, with Supervisory and Executive Development training identified for the sergeant. Field Officer training, Statement Analysis, and Meth Lab Awareness were identified for other officers. Other needed training was also identified for all police officers. The document also identified department in-service training that is pending, to include medical training, night/low light firearms training, recognition of clandestine labs, and approach to buildings/building searches. In regard to State required training record keeping, the chief confirmed that the training program attendance rosters are maintained at the Barnstead Town Office, while the training lesson plans are retained by the training program instructor.

The chief explained that he is now in the process of reviewing the department's FTO policy in order to bring it into conformance with CALEA.

Career Development

Recommendations in this area highlighted the need to have a career development plan for each department member that would match department training needs with skills and interests of department members. Further, the Management Letter recommended that notice of training programs be provided in a timely and consistent manner, and that last minute rescheduling/cancellation of training programs be avoided.

Overall this recommendation has been met in part. The creation of a career development plan should be a formal undertaking, which was not done. The chief sent a memo asking department members to identify their training interests. Once returned, the chief evaluated the training interests against department needs and available funding. Officers in their interviews acknowledged the training interest memo. Officers expressed several observations about the provided training saying that the selection of training topics and selection of officers to receive training in a particular area was informal and based primarily on the chief's prerogative. There was a sense that the training was provided in part to officers who demonstrated a willingness to do the job. Some comments of frustration were expressed that a particular training program had not been provided. The chief noted that some officers had declined some training offerings.

There appears to be a reasonable attempt to post notices of upcoming training sufficiently ahead of a training event. The chief provided two examples of that with a September posting

of a late November training program and a September posting of a late October training program. The October scheduled training had been cancelled twice due to problems with the instructor's availability. MRI recommended that each training program posting be dated for the day it was posted. As noted, one training program was canceled twice as the instructor was unable to be there. On the second cancellation of this training a new topic was to be addressed, but was not presented due to the occurrence of a critical police incident.

Performance Evaluations

Recommendations were made in the Management Letter to provide employee performance evaluations, based on contemporary job tasks, on a set periodic basis. It was also recommended that job performance standards be communicated to employees and that the performance standards are understood by them. The recommendations in this area have not been accomplished.

Chain of Command

The Management Letter found that the department's chain of command was dysfunctional. During discussions with the chief, he was asked if department employees felt able to circumvent requests and directives issued by the sergeant by going to the chief. The chief said he does not see this happening. The chief said if he is approached by officers at times when he feels they ought to have gone to the sergeant, he will ask the officer if that has been done. If the officer has not gone to the sergeant before going to the chief, the chief said that he will direct the officer to do so, giving the sergeant a "heads up."

The interviews with the officers were clear on this point; they feel that the chain of command is as it was at the time when MRI issued the Management Letter in March 2012. That is to say that the current chain of command is dysfunctional. They also said that the chief and sergeant are often at loggerheads. The officers also noted that it appears that the sergeant feels able to go to the board to address department concerns. If so, this would adversely affect the chain of command in the police department, the chief's working relationship with the sergeant, and the chief's standing with the board.

The chief has issued a memo to department members as a reminder of when and under what circumstances he is to be notified. The officer interviews strongly suggest that the issued memo has not changed the behavior in the department and that the chain of command is not being followed.

Evidence

It was recommended that a full audit of the department's property and evidence system be completed, and that the department's policy for the control of property and evidence meet CALEA standards.

In regard to a full audit of the property and evidence system, the recommendation has not been met. The chief explained that the audit of the department's property and evidence system consisted of one police incident with evidence being checked for proper identification and control of the evidence. In this one case, the identification and control of the evidence was in place. Auditing one case is not a full audit of the department's property and evidence system.

The department is in the process of moving property and evidence to a larger space in the police building. The sergeant recently completed an evidence management training program and will become the department's property and evidence manager. One of the officers completed an evidence management training course in March 2012, and is scheduled to be the department's property and evidence officer. The new space will be improved to meet contemporary property and evidence room standards. Inmate labor is being used to help prepare the new space.

The chief explained that as property and evidence is being moved to the new space, evidence that is identified as no longer necessary to hold will be properly disposed of subject to court order. Property that can be returned to people will be returned if possible.

One of the updated policies recently issued to department members is for the control of department property and evidence (SOP BPD-E-100). As the chief has based the new SOPs on those of a CALEA accredited police department, also relying on IACP and NHLGC polices, this new policy should meet CALEA standards.

Retention of Personnel

There has been no action on the Management Letter's recommendation to develop a program to find, select, and retain well qualified police department personnel. The development of this program based on the IACP's *Bests Practices Guide for Recruitment and Retention of Qualified Police Personnel* would be a shared responsibility between the police department and the community.

As no police officers have been hired since the Management Letter was issued, the recommendation to see if department policy and practice for officer selection meets minimum

State requirements cannot be assessed. For the same reason, it cannot be determined if police officer selection avoids a reliance on State certified police officer candidates.

Wage Scale

No wage scale that recognizes satisfactory years of service, at satisfactory levels of performance, has been adopted as was recommended in the Management Letter.

Scheduling

It was recommended that police officers have a reasonable voice in the development of the basic patrol work schedule, and the six week rotation cycle of the schedule be extended to a 10-12 week rotation cycle.

The six week basic patrol schedule has been replaced with an eight week schedule. The chief explained that the officers were provided an opportunity for input with the new schedule and that no negative feedback was received. The majority of officers interviewed felt that the level of input to schedule development had improved to a degree, while one officer said that there had not been an opportunity for input. The officers felt that the schedule was being followed much more consistently than before. The schedule has been posted for next year which provides a greater ability for officers to plan other aspects of their lives.

Internal Communications

The Management Letter found that there was a sense of disunity and low morale within the department. It was recommended that the chief solicit constructive feedback from police personnel in order to address the finding.

The chief's approach to providing opportunities for constructive feedback from officers is to speak with them, especially the full-time officers, on a one-on-one basis. To accomplish this, the chief says he comes to work early and stays late. The chief explained that he and the part-time officers who work weekends talk on the phone. Email and social media are also used to communicate about how things are going. It was noted that one officer stops at the police building during lunch time to catch up on things and discuss issues.

With the exception of a recently scheduled department meeting that was scrubbed due to a critical police incident, the chief has not scheduled monthly meetings with the officers to discuss department issues generally or those that affect morale. He said that such meetings would cause overtime to be paid and is therefore too expensive. The chief does feel that communications are more productive than before, but that he would like more.

The officer interviews suggest that while there has been improvement with internal communications, it is not enough, and regular department meetings are needed.

The officer interviews on the topic of improving communications to improve morale caused some real concern and frustration about police officer safety to be expressed. It was related that in about as many weeks three officers have been assaulted during police incidents. The chief had talked about this as well. Concerns with officer safety will diminish morale. Given this, improved constructive and regular communications become most important. While informal and one-on-one communications have value, the mainstay of the department's communications should be regularly scheduled meetings (i.e., monthly) with all members attending. The meetings should be announced well in advance, along with an agenda of topics to be addressed. While the chief will be responsible for the development of the agenda, all members should have reasonable input to the agenda's development.

Building and Equipment

It had been recommended that annual equipment replacement schedules be established and followed to smooth out current highs and lows in replacement of essential police equipment. Results for this recommendation are mixed. While one new cruiser has been obtained, no police fleet replacement schedule is in place. Ballistic vests have been replaced, but a request to replace an officer's side arm was not supported by the board. The chief is seeking to upgrade the police department's computer inventory by replacing four laptops, three work stations, and a server(s). This was not supported by the board.

The lack of support for larger "one time" requests may well underscore this recommendation's basic point; that is to request equipment replacement needs in smaller increments, on an annual basis, which tends to flatten out spikes in expenditure requests and help make equipment replacement more routine and manageable.

Improving the security of the police building was recommended by securing ground level windows and with camera surveillance. This recommendation has not been meet. The chief said that a security assessment for the police building has been completed with a \$3,000.00 request to make security improvements included in the 2013 budget.

A finding of real concern was that the department's data was not sufficiently backed-up and stored off-site. The recommendation to improve the situation has not been meet. In discussion about this, the chief explained that providing for data back-up and off-site data storage had been bundled into the proposal for replacement of department servers. In doing this, the focus on the immediate need to have department data backed up and stored off-site is clouded. It was recommended during the discussion that the use of thumb drives to back up data and store it off-site be explored.

The recommendations to meet the most serious of the police buildings deficiencies have been met in part. The roof has been patched. The town is looking into the condition of the well that supplies water to the police building. A recent test of the well showed that the water was high in chloroform. The police building's water is still not potable. Some relatively minor improvements have been made to the building, and as previously noted, work is underway to improve the basement, primarily so the department's property and evidence storage can meet required standards. During the recent discussion with the chief about the musty and damp condition of the basement, it was recommended that dehumidifiers be purchased and placed in the basement. That recommendation has been accomplished.

Community Engagement

It was recommended that a working group, representative of the community and including police officials, be formed to assess the current status of police community relations and to recommend action steps for improvement. This recommendation has not been met.

The chief explained that it is his practice to speak with community members one-on-one and to visit the schools to discuss the department's activities and to promote its agenda. Beyond this, there are no ongoing programs to provide services to the community outside of the department's response to calls for service.

Conclusion

Although we have found that some progress has been made, in that technically some of the recommendations of the Management Letter have been met, often in an informal manner, many haven't been met and few have been met in full. It doesn't appear that the chief has committed significantly to resolving many of the issues identified in any *meaningful* and *sustaining* way. We fear the underlying issues of strained relations with the Board of Selectmen, a lack of systematic internal communications, and little meaningful community engagement, will prevent real progress from being made.

Board of Selectmen (BOS) Review And Response To MRI Progress Review Summary

Issue	Status and Tasks
1. <u>Relationship.</u>	BOS has started monthly face-to-face meetings with Chief to review PD activities, issues, and progress on the tasks and goals. (Similar meetings are scheduled with other department heads.)
2. <u>Overall direction of PD.</u>	BOS will discuss PD direction and review, discuss, and revise goals if appropriate, at monthly progress meetings.
3. <u>Goals.</u>	Chief presented BOS with 1 to 5 year goals and objectives in April 2012, some of which addressed issues that were identified in the April 2012 Management Letter. BOS will confirm that goals are specific, measurable, and realistic with agreed completion dates, to realistically address goals and tasks.
4. <u>Performance Evaluation.</u>	BOS has reviewed PD job descriptions and returned to Chief for revision and return for final BOS approval.
5. <u>Identification and Management of Risk.</u>	PD will continue weekly activity reports. BOS will use the monthly meetings to review PD activities, community public safety issues, and unusual or significant occurrences.
6. <u>Operating Policies.</u>	BOS and Chief are in the process of completing BOS review and approval of all Standard Operating Procedures (SOPs) and setting a reasonable annual review schedule based on risk and liability. BOS notes that MRI recommended updated SOPs but did not suggest or conclude that old SOPs were deficient in content.
7. <u>Radio Communications.</u>	Evaluation of new Town repeater tower is in progress to portable police radio communications can be improved. The new Belknap County transmission tower remains behind schedule. Portable radio "emergency" buttons are operational and lapel microphones have been removed to increase power.
8. <u>Training.</u>	BOS requested Chief to provide proposed 2013 training program that considers (a) previous training, (b) certifications needed, (c) officer training requests training and (d) MRI training recommendations, based on 2013 budget when approved. Internal training will include SOPs.
9. <u>Career Development.</u>	MRI made no specific Career Development recommendations. Career development opportunities remain limited but typical for a small town.
10. <u>Performance Evaluations.</u>	BOS and all Town Dept. heads are developing job descriptions for all personnel that can be used for performance evaluations. BOS supports individual evaluations and recommendations by Department heads.
11. <u>Chain of Command.</u>	The BOS supports the PD chain of command and will advise officers to take matters to their direct superiors and will advise those superiors of officers' failures to follow the chain of command.

Board of Selectmen (BOS) Review And Response To MRI Progress Review Summary

12. <u>Evidence.</u>	BOS and Chief have included property and evidence room renovation in the 2013 budget. BOS will request that the Chief provide a schedule for completion when the budget is approved. Updated SOP for evidence is part of the SOP review. BOS will request evidence audit when evidence room renovation is completed.
13. <u>Retention of Personnel.</u>	BOS will request that the Chief review and advise on the relevance of the IACP (International Association of Chiefs of Police) best practices to Barnstead. MRI did not explain how it's inability to assess the selection process applies to retention of personnel.
14. <u>Wage Scale.</u>	The BOS has adopted a Town-wide employee wage scale. MRI did not request or discuss wage scale information or discuss this issue with the BOS and reported no discussion with the Chief.
15. <u>Scheduling.</u>	PD schedules have been revised to an 8-week cycle, which the Chief provides to the BOS.
16. <u>Internal Communications.</u>	BOS has reviewed monthly PD meetings and overtime budget requirements with the Chief. Will depend on 2013 budget.
17. <u>Building and Equipment.</u>	Police fleet replacement was voted at the 2012 Town Meeting, and the BOS has proposed a 2013 warrant article for a replacement cruiser that must be approved at Town Meeting. BOS has received a quote for the entire Town's current IT hardware with a recommended replacement schedule and proposed a 2013 warrant article. The BOS included funds for upgrading the present security cameras, (which are functional but need improvement) in the 2013 budget.
18. <u>Community Engagement.</u>	MRI presented no information to support its suggestion that a police-community "working group" would either address an identified problem or provide any benefit to the Town, so no plans have been made.
19. <u>Conclusion.</u>	MRI has identified a number of opportunities to improve BOS management of the PD. BOS is applying some of those suggestions to all Town Departments.