



ANNUAL REPORT 2019

Londonderry Police Department

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FROM THE CHIEF'S DESK

Strategic Highlights

The Department saw the departure of one of its longest serving employees with the retirement of Deputy Chief Paul Fulone, who served with distinction for more than 33 years. This marked a change in command staff with the promotions of Lieutenants Patrick Cheetham and Kim Bernard to Captain, Sergeants Joseph Bellino and Alvin Bettencourt to Lieutenant, and several divisional re-assignments.

Financial Highlights

For the 24th consecutive year, the Department came under budget, which is an example of the excellent working relationship between of the Office of the Chief of Police, Office of the Town Manager, Town Finance, and the Town Council. We pride ourselves on requesting a fair and manageable budget that allows us to provide the quality police services our community demands and expects.

“The Londonderry PD is a destination agency within NH’s law enforcement community. We pride ourselves on our regional reputation as one of the most progressive and professional agencies in the region.”

Looking Ahead

Department leadership, with support from the Office of the Town Manager and Town Council, have begun preparations to pursue national accreditation through the Commission on the Accreditation of Law Enforcement Agencies in coming years (CALEA www.calea.org). In doing so, we will open our policies, procedures, and practices to outside audit and scrutiny to pursue a best practices approach to modern policing.



Lt. Mark Morrison, who is currently enrolled at the Massachusetts School of Law pursuing his law degree, has been assigned full-time to achieve accreditation, update policies, and command the newly created Office of Professional Standards, which will oversee future policy review, maintenance, and compliance as well as internal affairs and state mandated Exculpatory Evidence Schedule (EES) reporting.

Chief William R. Hart, Jr.
Chief of Police

FINANCIAL AUDIT REPORT

Lt. Morrison, with assistance from Executive Secretary Suzanne Hebert, completed and authored our 2019 independent financial report, which includes an analysis of hours worked, hours billed to vendors, monies collected from private persons and entities, and grants.



Special Investigative Funds

Applicable Policy: Special Investigative Funds P-A-129

Recommendations:

- The special investigation fund should be audited during any change of leadership. No further recommendations at this time.

Management of Cash Fund (Petty Cash Fund)

Applicable Policy: Management of Cash Fund P-A-128

Recommendations:

- It appears this fund is strictly managed and accounted for by the Administrative Secretary.

Purchasing Procedures

Applicable Policy: Purchasing Procedures - A-123 and Londonderry Municipal Code Title VI - Purchasing Policy (*Revised: May 26, 2014*)

Memorandum Order 10-02: Purchasing Guidelines

Recommendations:

- Follow up on recommendations of 2018.
- Add another credit card for use by the Services Division as they are the primary users of the card outside of the administration members.
- Updated policies that are CALEA compliant will require quarterly reviews of these accounts. The need for an annual review may not be necessary.

Grants

Applicable Policy: Memorandum Order 11-07

Recommendations:

- Utilize the grant manager position to track what grants LPD is participating in.
- Formalize a process to search for and apply for grant.

Property and Evidence Management

Relative Policy: S-301- Property and Evidence Management, S-302 - Records Management

Recommendations:

- Another more comprehensive audit should take place involving a higher number of items at a later date.
- The updated policy that will be CALEA compliant should be fast-tracked to allow time for correction and new policy restrictions.
- Daily checks of the proper operation of the refrigeration units should be logged (added to new policy) to catch any malfunctioning equipment.
- Mandatory review of property being held longer than 180 days should be enacted (added to new policy).
- Evidence return or destruction of old items should be reviewed
- Arrange for scheduled regular general cleaning of area with building maintenance.
- Consider a scheduled replacement of refrigeration equipment, or a second unit as a backup.

Payroll, Overtime, Detail Billing

Relative Policy: P-116- Form Flow: Overtime & Payroll Forms

Recommendations:

- Follow recommendations from 2018 Audit.
- Crosstrain another employee in payroll.
- Implement a paperless system.

Forfeitures (RSA 318-B:17-b)

Relative Policy: O-415 Forfeitures Under New Hampshire RSA 318-B:17-b

Recommendations:

- Change the language in the policy to require a review of any requested seizure by the detective lieutenant. (Section A, iii and section E).
- Change Technical Sergeant to Vehicle Maintenance Officer.
- Add the bank account where funds shall be deposited and for what purpose they may be used to policy.

Solicitation - Acceptance of Donations

Relative Policy: P-114 Solicitation & Acceptance of Donations

- The town of Londonderry has a very active community that generously donated to functions and causes of the Londonderry Police Department. Items donated to community functions do not meet the requirement to be listed under Policy P-114. There were few donations that required record keeping.

Recommendations:

- The Services Lieutenant should coordinate all donations and maintain records of all donations.
- The policy does not reflect the current process of accepting donations and should be updated to reflect current procedure.

EMPLOYEE GRIEVANCES

The LPD consists of two primary unions, the newly created Londonderry Police Employees Association (LPEA) which was formerly AFSCME Local 3657, and Londonderry Administrative Employees Association (LAEA). We are proud to report that only no grievances were filed during the 2019 calendar year. This is another example of the excellent relationship between LPD management, the Town of Londonderry, and AFSCME Local 3657 and its successor, the LPEA.

OFFICE OF THE CHIEF OF POLICE ANNUAL REPORT EMPLOYEE GREIVANCE SUMMARY

JANUARY 2019 - DECEMBER 2019

THE FOLLOWING IS A SUMMARY OF THE EMPLOYEE GRIEVANCES RECEIVED AND
SUMMARY FINDINGS OF THE GREIVANCE PROCESS COMPLETED BY THE
LONDONDERRY POLICE DEPARTMENT IN ACCORDANCE WITH
LABOR AGREEMENTS

The police department responded to ZERO grievances filed by employees or representatives in 2019.

Please note there have been a total of five (5) grievances filed in the past seven (7) calendar years (2013-2019); all were either withdrawn or settled (2) by the bargaining unit. Of the five (5) total grievances, two (2) were brought by the same member, a person no longer with the Police Department.

COMPLAINTS AGAINST EMPLOYEES

Citizen Complaints

Five total complaints were filed against officers of the Londonderry Police Department and subsequently investigated for veracity by administrative employees at the rank of lieutenant or above. The below chart details the date of the complaint, its finding, and internal tracking number.

Date of Complaint	Tracking Number	Finding
January 24, 2019	19-01-IA	Sustained
February 15, 2018	19-02-ECF	Not sustained
April 6, 2019	19-03-IA	Sustained
April 15, 2019	19-04-IA	Sustained
April 26, 2019	19-05-IA	Not sustained
August 31, 2019	19-06-IA	Not sustained, in part Sustained, in part
September 4, 2019	19-07-IA	Not sustained, in part Sustained, in part
October 6, 2019	19-08-IA	Suspended/resignation
October 6, 2019	19-09-IA	Suspended/resignation

UNFOUNDED - The incident complained of did not occur.

EXONERATED - The incident complained of occurred, but the employee/member's actions were lawful and proper.

NOT SUSTAINED - There is insufficient evidence to prove or disprove the allegations of the complaint.

SUSTAINED - The allegation is supported by a preponderance of the evidence.

ECF - Employee Complaint Form

IA - Internal Investigation

USE OF FORCE

Lt. Joseph Bellino of the Services Division stores, records and compiles the Department's Use of Force after each incident is reviewed by the duty supervisor, watch commander, and Operations Division Commander for adherence to LPD Policy and NH RSA 627:5, which details the allowable use of force by a law enforcement officer in the State of New Hampshire.

In 2019, the Londonderry Police Department responded to 1,934 incidents which resulted in 723 arrests. Of those, (39) Use of Force Reports were filed with the Services Bureau. After a complete review of all 2019-Use of Force Reports and LPD Policy O.101, Lt. Bellino did not find one to be in violation of our policy or any case where use of force was not justified. After each review, a copy of the incident report, along with each Watch Commander's findings, were sent to Operations Commander Captain Kim Bernard for his review with recommendations (if needed). After separate and individual review, Captain Bernard concurred with each Watch Commander's findings on all incidents.

Below are some statistics of interest.

- (24) Empty hand (wrist locks, arm-bars, etc.)
- (1) OC spray was used (after empty hand attempts)
- (13) Alcohol or drug was a factor at time of arrest
- (27) Resisting arrest
- (0) Use of Force/bite from police K-9 (outside agencies assist LPD)
- (14) Firearm drawn (10 during felony stops, 3 armed suicidal suspects, 1 prowling)
- (0) Deadly force
- (1) Officers suffered minor scratches/cut or strain
- (5) Suspects suffered minor scratches/cuts and or strain

We are pleased to report after an individual review of each use of force occurrence, there do not appear to be any training issues associated with our officers in their decision making or actions when required to use force when required.

TRAINING HOURS

Officer Timothy O'Donaghue, Sergeant Keith Lee and Lieutenant Joseph Bellino manage our Training Unit in not only scheduling training outside of the agency, but also coordinating and managing all of our in-house training such as firearms qualifications and instruction, use of force, defensive tactics, and more.

Included below are the recorded department training hours for the calendar year ending 12/31/19. The categories of Use of Force, Tactical and Emergency Response, Investigations, In-House Academy, and Continuing Education hours are broken down individually. No Special Operations training hours are included in the data set, but each of those assigned officers average and additional 16 hours per month.

Category	Training Hours
Use of Force (includes classroom, firearms, DTs, OC, baton and LLIMs)	705
Tactical and Emergency Response	1,229
Investigations	632.5
New Hire In-House Academy	448
Continuing Education	1,254
TOTAL:	4,269 Hours

The average training hours per officer for 63 officers in 2019 was **67.76** hours per officer.

In addition to training our sworn personnel, members of the Services Division also conducted training for our school district and town hall staff in the nationally recognized CRASE program (Civilian Response to Active Shooter Events), general active threat awareness and response training, and Active Threat and Gun Shot Awareness training with the TSA at our Airport Division. Rape Aggression Defense or RAD continues to be a popular program within our community and additional sessions are planned throughout 2020.

ANNUAL EES REVIEW

Through executive memorandum, the Office of the NH Attorney General requires each police department to submit a compliance letter certifying that it has conducted a review and either found officers who should be added to the Exculpatory Evidence Schedule (EES) or if the review concluded that no such officers should be added. The EES identifies officers with potential credibility issues or excessive use of force incidents. Pros. Michael Malaguti, our full time prosecutor, conducted this review and submitted our certification letter on January 21, 2020.

Hon. Gordon J. MacDonald
New Hampshire Attorney General
c/o Geoffrey W. Ward
Senior Assistant Attorney General
Via email only to: Geoffrey.ward@doj.nh.gov

Dear Attorney General MacDonald:

Enclosed please find this Department's Exculpatory Evidence Protocol Schedule - Annual Certificate of Compliance for 2018. Please note that while the certification requires Chief Hart and I to certify, unqualifiedly, that we "have sought advice from the County Attorney and the Attorney General when assessing whether conduct should be considered potentially exculpatory[.]" we have not found it necessary to seek such advice during this year's annual review because no close or difficult questions were encountered. This is consistent with Attorney General Foster's March 21, 2017 Law Enforcement Memorandum (the "Foster Memo"), as modified by your April 30, 2018 Law Enforcement Memorandum (the "MacDonald Memo"). *See Foster Memo* at p. 3 ("If there is a question regarding whether the conduct documented in the file is potentially exculpatory, the Chief should consult with the County Attorney."); *MacDonald Memo* at p. 1 (Foster Memo survives, except to the extent of a conflict between the two).

Should you have any questions or concerns, please feel free to contact me or Chief Hart.

Very truly yours,
Michael J. Malaguti
Prosecutor - NH Bar ID # 20355

cc: William Ryan Hart, Jr. Chief of Police



“Expect Excellence”