



Municipal Resources
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REPORT

POLICE DEPARTMENT REVIEW

NEW DURHAM, NH

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Overview

Municipal Resources, Inc. of Meredith, New Hampshire, was engaged by the Town of New Durham to provide a review of the New Durham Police Department. This review by MRI is not intended to be a comprehensive analysis, but rather, a higher elevation look at the major functional components of the Police Department operations.

Staffing & Deployment

Staffing and deployment are the core to the delivery of police services. In every department, large or small, the challenge is to provide the level of service desired by the community. Generally, the expectation of services to be provided is determined through the adoption of the police budget by the legislative body. Once the budget is adopted it is the chief's responsibility to staff and deploy resources as effectively and efficiently as possible in order to meet the community's demands and expectations. In a small community like New Durham, that challenge is magnified due to limited staffing options. Accounting for employee absences due to vacation, sick time and vacancies adds to the challenge.

The authorized strength of the New Durham Police Department is five (5) full-time officers, several part-time officers and a part-time administrative assistant. Until recently, the organizational structure of the department was a full-time police chief, sergeant and three (3) full-time patrol officers. This staff is currently supplemented by three (3) part-time officers including one who is currently in field training and one that recently finished the field training (FTO) program. Generally, the chief and sergeant have been working Monday through Friday (five 8 hour shifts followed by two days off from 7a.m. to 3 p.m. or 8 a.m. to 4 p.m.). The other full-time officers are assigned to cover evening and weekend shifts (four 10 hour shifts followed by two or three days off). Generally this means there are two officers on duty during the day

Monday through Friday, one officer on duty evenings and weekends, with no officers on duty between 2 or 3 a.m. and 7 a.m. The officer going off duty at 2 or 3 a.m. is “on-call” until 7 a.m. The on-call officer is compensated at the rate of one “straight time” hour per “on call” shift. There is a two hour minimum for callouts. This deployment provides on duty coverage, generally between 7 or 8 a.m. through 1 or 2 a.m. with on-call service during the remaining early morning hours.

From a supervisory standpoint, it would be beneficial to avoid having both department managers working the same shift. It would be more effective to have one supervisor (perhaps the chief) working days with another officer and the sergeant working early nights. During the day, the chief is able to perform his administrative duties, provide back-up as necessary and patrol as available. This means there would be a supervisor on duty most of the time that patrol coverage is being provided. This is further underscored by a review of statistics regarding calls for service, as recorded by Strafford County Dispatch. These non-self-initiated calls would exclude officer initiated calls such as motor vehicle stops, business/building checks, directed patrols and other activities initiated by the officers. These types of calls provide for a more accurate representation of when the community is calling for the services of an officer. For the 14 month period of June 2014 through July 2015, the heaviest call volume was for the period of 1 p.m. through 8 p.m. This trend provides further justification for having a supervisor on duty during this peak call volume period. A further review of the call statistics reveals that calls for service are spread out relatively evenly except that Mondays have the lowest call volume or demands upon police officer time.

For the purposes of providing on-duty coverage, it would be preferable to have the chief working day shifts along with a patrol officer and the sergeant working evening shifts with a patrol officer. This could be accommodated through a 4 on and 3 off, 10 hour day schedule (a full-time chief could retain the Monday through Friday 5 on and 2 off schedule). Part-time officers could be scheduled on a regular basis to specific days of the week to provide coverage during gaps in the schedule. For instance, a part-time officer could be regularly assigned to the Sunday day shift. When regularly assigned in this manner, part-time officers remain proficient, a part of the team, and can make that shift a regular part of his/her weekly schedule.

An alternative to a full-time chief is a part-time chief. Much of the efforts of a police chief relate to administration and management of the department’s affairs. Often this is specialized work that can require specialized training and experience. In our experience this work can usually be accomplished in about 3 days per week or fewer. In a small department that has less volume of this specialized administrative and managerial work, the rest of the chief’s time may be spent performing the duties of a patrol officer, such as providing back-up, responding to calls and performing proactive patrols. In communities that can be served by a part-time chief, there may be more funds available to pay for full or part-time patrol officers, thereby providing expanded patrol coverage at the same costs. It would also be desired that the part-time chief

spend his time on those administrative duties that are the sole responsibility of the chief, such as policy development. In essence you pay a chief to do chief's work and an officer to do officer's work. A downside of a part-time chief strategy is that "The Chief" is less available to the public on a routine basis.

There are similar issues related to the position of an administrative assistant. When evaluating such a position it is crucial to determine what tasks *should* this position accomplish as opposed to what tasks *does* this position accomplish? A good example is the entering of traffic citations in the computer. This is work that can routinely be completed by officers on the road. If the administrative assistant is performing this task, how much time is spent doing it? Although the administrative assistant has the ability to receive non-emergency calls at the station and dispatch officers to these calls for service, is this what the staff person should be doing? Is the person in this position trained to dispatch officers to calls for service? Is it more efficient and effective for these calls to go directly to the Strafford County Dispatch Center as they do when no one is in the office? Does the community want a receptionist at the police station for a specified number of hours per week? If so, that will likely determine the number of hours required to staff the position.

Prosecution

Felony prosecutions are handled by the County Attorney's Office in compliance with State Law. Misdemeanor and violations are prosecuted by the Strafford County Sheriff's Office pursuant to a contract. Discovery requests (requiring the prosecution to turn over reports and other relevant information to defense counsel) are also handled by the Sheriff's Office. This arrangement is encouraged because the function of prosecuting criminal cases has become very specialized and time consuming to do properly. In most cases, defense counsel is an experienced attorney with a full-time law practice.

Dispatch

Routine and non-emergency calls for service are received and dispatched to New Durham officers by the Strafford County Sheriff's Office pursuant to a contract. 911 emergency calls are received by the NH Division of Emergency Services PSAP (Public Safety Answering Point) in Concord and then forwarded to Strafford County Dispatch as appropriate. When the administrative assistant is in the office at the New Durham Police Department, non-emergency and business calls coming in on the local line can be received at the New Durham Police Station and then forwarded to New Durham officers by cell phone, text or radio. The arrangement with the Sheriff's Office is pretty much the norm for smaller agencies in New Hampshire and supports a nationwide trend for regional dispatch centers. Dispatching is a critical and highly specialized component of policing. The staffing and technological costs of maintaining a competent dispatch service 24x7 are extensive. It is recommended that any calls being received through the New Durham police station be processed and officially dispatched

through the County dispatch center. This provides for accurate calls for service records and offers enhanced protection for the officers.

Records Management

The New Durham Police Department uses the IMC (TriTech Corporation) records management system. This software is used extensively by law enforcement agencies throughout New Hampshire and is also the same records management system used by the Strafford County Sheriff's Office Dispatch Center. The use of a records management system is vital for recording, tracking, managing and archiving police activity. In New Durham it appears that the administrative assistant is responsible for entering citations (warnings and summonses) into the IMC system. It's not clear why this is the practice, since it is more common for officers to enter their own citations into the system. Industry wide, it is common for officers to enter citations directly into the laptop in the cruiser, at the time the action is taken. In many places, the information is automatically transmitted from the cruiser to the Police Department computer server via an rf (radio) or cell phone link. In many smaller jurisdictions without connectivity between the laptop in the cruiser and the station's server, the information is transferred via Wi-Fi at the station. Absent a Wi-Fi connection, the information would be transferred at the end of the shift via a USB thumb drive.

Absent a very good reason to have an administrative assistant enter citations in the records management system, it is strongly recommend that officers enter their own citations while on the road. Warnings can be entered directly into the system at the time of the car stop, eliminating the use of paper forms. Summonses can be entered while parked in a visible public area thereby providing a valuable deterrent. Since there is no translation of written notes/handwriting by a third party, it is expected that there should be a very high degree of accuracy if officers enter their own citations. Also, direct entry by officers eliminates the hours that would normally be spent by an administrative assistant performing this function.

Personnel Files

One personnel file was reviewed for completeness and it was found to be in good order with an appropriate background investigation and other documentation complying with the usual practices.

Evidence

Officer Blackwood is assigned as the primary custodian of evidence and Sergeant Meattley as the secondary. Officer Blackwood was not available during this review. The evidence room appeared to be orderly. Best practice and department policy requires that money, drugs and other high value items be secured with extra security. New Durham did have a small locking fire retardant cash box that reportedly contained only cash. Drugs and jewelry were held in a plastic bin that reportedly held all 2015 evidence that could fit in the box. Many departments



use a fire proof locking five drawer vertical filing cabinet to provide the extra level of security required for high value property. For the temporary storage of evidence (from the time it comes into police custody until it can be processed by the evidence custodian) a cabinet is used that allows officers to place evidence in a file cabinet drawer and when the drawer is closed the evidence drops down into a lower compartment where it remains until retrieved by the evidence custodian. This system is fine for small and non-fragile items. There does not appear to be any secure location for the temporary holding of larger items such as weapons, alcohol or anything bigger than a loaf of bread. The chain of evidence is crucial, and unless such a holding exists, steps should be taken immediately to remedy the situation.

Fleet & Equipment

The New Durham fleet is comprised of 5 patrol vehicles:

- 2015 Ford Explorer
- 2014 Ford Taurus
- 2013 Ford Taurus
- 2011 Ford Explorer
- 2008 Ford Expedition

The Ford Explorer package is an excellent platform for policing in rural and semi-rural areas due to its all-wheel drive capability, ground clearance and cargo hauling capacity. The all-wheel drive Ford Taurus (Ford Police Interceptor) is another good choice because it is comparatively inexpensive to operate and maintain yet capable in challenging weather conditions. Given the size of the department it seems that four vehicles would be sufficient for this community. Although maintenance records for these vehicles were not examined, the 2008 Expedition is likely nearing the end of its life cycle and consideration should be given to removing this vehicle from the fleet. The Ford Expedition is a large vehicle that is expensive to operate and maintain. As they age, the expenses only increase. It seems the department is in a solid position with the 2015 Explorer (not yet in service at the time of my initial site visit), the 2014 and 2012/13 Tauruses. Typically, the two newest vehicles serve as the primary patrol vehicles, another serves as the back-up and the Chief may have a permanently assigned vehicle. Likely the fifth vehicle is a result of the police K-9 program. If the K-9 is not being used on regular tours of duty, but rather in response to certain situations, the dedication of a vehicle to this function may not be necessary.

The cruisers seem to be equipped appropriately, although it is noted that there are apparently just two AEDs (Automatic External Defibrillators). Since it is likely that often a police officer may be able to reach the scene of a medical emergency before an ambulance/EMS, it is desirable that all cruisers be equipped with an AED. In the event this isn't possible due to expense, officers should be sure to transfer the units between cruisers at the start of each shift.

It is recognized that there is an expense to AEDs but often there are non-profit sources available for the purchase of AEDs and batteries.

The Department does own a 4 wheel drive OHRV (Off Highway Recreational Vehicle) that is used to patrol various trails in the area.

Firearms & Less Lethal Deployment Systems

The department owns eight (8) Glock pistols which are assigned to officers. The pistols for part-time officers are stored in a lockbox for checking in and out by the officers. The department owns five (5) patrol rifles which are assigned to vehicles. It appears that these rifles are three different makes and models. This fact can pose some risk/liability since the operation and features can vary within similar makes and models, let alone between rifles of different manufacturers. To limit any potential proficiency issues it is best practice that the rifles are assigned to specific officers so they may gain proficiency and qualify with a specific rifle. When that's not possible, it is advisable that the rifles be of the same make, model and specifications so as to limit, to the extent possible, variations between the rifles. The department also owns seven (7) Taser units that are assigned to officers.

Facility

The facility seems adequate for what would be expected in a community of this size and appears to have been adapted over the years to meet the needs of the department. It appears to be well maintained. There is the usual prisoner containment bench in the booking area and a locking room/cell. The attached garage is of sufficient size to accommodate 2 or 3 police vehicles. Since the garage is also used as a "sally port" for the transfer of prisoners between the cruiser and booking room, the tools and equipment along the wall and floor should be removed/secured so there is no ability to use them as a weapon by an uncooperative prisoner or present a trip/fall hazard. There is a gun locker in the sally port for the retention of the officer's pistol before entering the booking room. There is no gun locker at the entry door from the office area into the booking room. This is highly recommended since no officer should ever enter the booking room armed, while a prisoner is present. The full length "glass" door that separates the booking room from the office area is less than desirable for reasons of safety and distractions/privacy.

Police K-9 Program

The New Durham Police Department has been served by a police K-9 assigned to the police chief. Police K-9's are a valuable policing tool but a K-9 program can be very expensive and ultimately do expose the community to some liability/risk. A community must evaluate the cost of the program against the value of the program. It should also be noted that MRI did not review calls specifically related to the use of the New Durham police K-9, but often, particularly

in smaller communities, many of calls are related to mutual aid requests from other towns, while the expense for the program is borne by the community that owns the program. Any community considering a K-9 program must consider what is the ultimate goal to be achieved with a K-9 program? Once that is established it is possible to weigh the value of that against the actual costs. For a program already established in a community it can be helpful to take a periodic look back at how the K-9 has been used and whether other options would have been available such as K-9 services from a nearby community, the Sheriff's Department or State Police.

Costs related to a K-9 program generally fall into a number of areas:

Maintenance expense related costs

These expenditures cover the costs of feeding and caring for the dog. In addition to routine veterinary costs, these costs can be extensive if the dog develops health issues that requires extensive medical treatment.

Training

Police K-9s and their handlers require extensive ongoing training. Initially, the team may require months of training to become certified and then ongoing training of about 1 day per week. To calculate this properly you must consider the overtime hours for a non-salaried handler as well as the overtime hours of any officer covering a vacant shift. In the event of a salaried handler, some of those overtime costs won't apply.

Handler costs

For non-salaried K-9 handlers there are overtime costs for the handler to care and maintain the dog outside normal work hours. This requirement is based on a number of court decisions that can be traced back to the 1985 Supreme Court decision known as the "Garcia Decision". This is generally considered to be 3.5 overtime hours per week.

Call outs

This is the overtime related to actual off-duty call-outs of the K-9 team if the handler is not a salaried employee.

Special Vehicle Outfitting and Equipment Costs

Often, the K-9 handler is assigned a designated vehicle which may be equipped with a K-9 containment unit and special cooling equipment. Routinely there is other expensive equipment such as harnesses and bite sleeves/suits that may be necessary to purchase.

Generally, chiefs in smaller departments are tasked with administrative and managerial responsibilities, supervisory duties and some patrol duties. Given the time requirements to

achieve certification and ongoing competence of the handler and dog, careful consideration should be given as to whether or not this is the best use of a chief's time.

Policies and Procedures

One of the most important components of the management structure of any police department is a set of written directives that guide and direct employees as they conduct their tasks. The policy and procedures manual is the foundation for all of the department's operations, actions and the manner in which members of the organization conduct business. When properly developed and implemented, a policy and procedure manual provides staff with the information to act decisively, consistently, and legally. Ideally, these directives should be readily accessible to each employee so that they may immediately access them for guidance. In New Durham all officers have access to a binder containing the policies of the department. Electronic copies of the policies are available to officers on the computer. The binder reviewed contained 36 policies. The electronic compilation of policies contained 50 policies. Although it is desirable to have policies available to officers in electronic format and in hard copy binders, it is important that there be consistency between them so that all policies are contained in both formats.

In today's technologically savvy workplace, having the policies and procedures readily available on agency desktops allows employees access, while facilitating ease of periodic updating. As policies are a living document that provide timely guidance and reflect modern policing environments, each should have a review date in order to ensure that they are revised when appropriate and remain relevant. To ensure employee awareness, each staff member should sign an acknowledgment of receipt and review of the manual with a copy of the receipt placed in each officer's personnel file.

MRI did not perform a complete and thorough review of the New Durham Police Department policies, but rather reviewed a sampling of the policies. This preliminary review of the policies indicates the vast majority were created at various times in 1995 with review dates designated for 2005. Based upon these dates, it seems that the majority of policies have not been reviewed in the last 20 years. For instance, if a policy written in 1995 was reviewed in 2005, that would have been noted on the policy and a new specified review date would have been added. If updates were made, the updated policy would have been distributed and the "old" policy archived. Due to changes in law, court decisions and universally accepted best practice, certain high risk policies should be reviewed on an annual basis and all other policies at regular intervals.

Upon initial review the documents appeared to be well written and reflective of the New Durham Police Department and the community it serves. However, there were numerous inconsistencies and contradictory language throughout the directives, with pieces of information here, and others related to the same topic there. Topics appear to be developed

singularly rather than grouped together in a cohesive manner. For example, under the pursuit policy there is discussion about spike strips, but another separate policy discusses their use. Under use of force policies, Taser and OC are separate rather than formulated under one critical directive. Several of these topics involve highly litigious areas and neither offer guidance nor management of the risk inherent in the use of force by a New Durham officer. While no policy can prevent litigation, well established policies that are adhered to will provide the Town of New Durham with a higher probability of success in defending a lawsuit.

Firearms and Use of Force Policies:

Issues covering use of force and firearms can be found in a number of different policies such as “Deadly Force/Response to Resistance GO.01” dated 2/28/95 with a specified review date of 11/4/09, “Authorized Firearms GO. 012” dated 2/28/95 with a specified review date of 4/8/05, and “Hand Held OC GO.09” dated 8/30/01 with no specified review date. It should be noted that OC and Taser are included in the Deadly Force/Response to Resistance policy but there is also a standalone OC Policy with no standalone Taser policy. It is not possible to know whether the standalone OC policy dated 8/30/01 or the Deadly Force/Response to Resistance policy dated 2/28/95 governs the use of OC spray. The written directives in this area are directly related to a police officer’s use of any weapons, lethal or non-lethal against a person. Modern policy should state definitively the specific types of weapons and ammunition authorized for use by the officers of New Durham. Under the area pertaining to sidearm weapons, the weapon authorized is the Glock 21, .45 caliber but there is no mention of the type of ammunition that is authorized. Conversely the agency authorizes “rifles” but does not identify the brand/type but does state that the ammunition will be .223 hollow points. Additionally those officers issued weapons had no specific qualification standards referenced in the directives provided MRI for anyone using *any* weapon system.

There is no sidearm/pistol holster specified in any of the firearms or uniform policy. The manner in which a pistol is secured on the duty belt is critical to officer safety and the holster should be specified by security level, manufacturer and model. All officers should be required to carry the pistol in the same specified holster. It is assumed the qualifications standards are on file with the firearms instructor and meet state standards.

There was no reference to the use of “body armor” (bullet resistant vests) found in this preliminary review of policies. Most departments have been mandating the wearing of “body armor” for many years. Since 1998 the US Department of Justice, through its BVP (Bulletproof Vest Partnership), has offered extremely easy to access grants covering the cost of 50% of bulletproof vests for police departments. In order to receive these grants a department must have a mandatory wear policy. If there is no mandatory wear policy and the Town has not been receiving funding through this program, serious consideration should be given to these items.

The requirement for a “Use of Force Report” was only noted when an officer of the New Durham Police Department used the OC Spray or Taser but was not required any other time an officer engaged in force with a deadly or non-lethal weapon. For instance, the use of force policy does not require the “Use of Force Report” to be completed and submitted for review if an officer fired their duty weapon. Although we did not ask for proof of compliance, we were told that officers are completing “Use of Force Reports” for all incidents involving the use of force. This is desirable but should be clearly mandated by policy. So significant is the use of lethal and non-lethal force, these separate “Use of Force Reports” explain an officer’s use of force to determine if the use was within policy, if adequate policy/guidance was provided, if additional training to the employee is appropriate, and once reviewed from these platforms by management, signed off by management as acceptable and authorized. Additionally, all use of force incidents should be analyzed on an annual basis to determine policy failures, training needs and ensure that no one officer is in utilizing force more than another.

Internal Investigations/Citizen Complaints Policy:

The policy titled “Personnel Complaint/Internal Investigations GO. 30” covers the handling of internal investigations and citizen complaints. It is dated 5/24/01 with a specified review date of 4/15/05. The Internal Affairs directive was comprehensive but had a significant amount of confusing language that seemed to apply to a larger agency rather than a five (5) person agency. Terminology such as “Professional Standards Unit Commander” was routinely used. Other notations such as “Investigators should forward completed reports directly to the Chief of Police”, “Appropriate command staff should review all applicable reports” and yet another where it stated that the “Chief of Police or his designee (investigating supervisor) shall be responsible for the administration of the Departments personnel complaint/internal affairs investigative function”. Language that is designed to guide staff and ensure a proper procedural investigation of citizens’ complaints certainly can be “cut and pasted” from another agency but there should be an expectation that the document as important as Internal Affairs that impacts the organization’s integrity should reflect the existing environment and more importantly, the size and capacity of the agency. A prime example of the problem of simply cutting and pasting is the expectation that an agency the size of New Durham could/should ever consider conducting a criminal investigation of one of its own officers. The policy should be definitive that any allegation of criminal conduct of a New Durham Police employee must be referred to an outside agency such as the County Attorney or New Hampshire Attorney General.

High Speed Vehicular Pursuits & Emergency Driving Policies:

Policies pertaining to pursuits were reviewed and in MRI’s opinion may expose the Town to significant liability. There were numerous references to NH laws that allowed proceeding through stop signs, traffic signals exceed speed limits and disregard other rules of the road, but without sufficient specificity. Department policy regarding pursuits is found in two separate policies, “High Risk Pursuit GO.06” and “Emergency Driving GO.13”, yet the language is not

consistent between them. The Emergency Driving policy was dated 7/20/94 with a specified review date of 4/8/05, while the Pursuit policy was dated 2/28/95 with a specified review date of 9/5/01. Operation of police vehicles is a high risk and high frequency occurrence in police work. These two policies should be combined, or at least made consistent, reviewed and updated together on a frequent basis.

Police Detail Policy:

The use of police officers to work private/outside details is governed by policy "Police Detail GO.45". This is one of the most recent policies issued and is dated 8/14/08 with no specified review date. The policy specifies that:

- A. The charge for a police detail will be \$55.00 per hours. Police officers will receive \$42.00 per hour. The Town of New Durham will receive \$15.00 per hour for cost of cruiser and benefits for the officers.

The \$42 plus the \$15 equals \$57 per hour so it is unclear if this is a simple mathematical error/oversight, the Town is undercharging or there is \$2/hour that can't be accounted for. It is unclear if there is an option for a company/group/function to hire a police detail without a cruiser, and if so what the charge would be. If the Town is receiving \$15/hour for "cruiser and benefits", it is likely the costs of the cruiser and benefits are not being recovered by the Town. Given payroll taxes, retirement, insurance... a good general practice may be to add 20% to the rate paid to the officer to cover just those payroll and administrative costs. The cruiser charge, for those details requiring a cruiser, would be \$10 to \$15 an hour in addition to the rate paid the officers and the payroll/admin costs. This takes into account fuel, maintenance and wear and tear. The Ford Police Interceptor Owner's Manual specifies that one (1) hour of idling is equivalent to 33 miles driven.

The process for billing of outside details and receiving payment for the outside details seems to reside with the administrative assistant. As a matter of simple internal financial controls, MRI recommends that both of the functions should not be the responsibility of one person, but should be separated, with the police administrative assistant handling the billing and the payments being remitted directly to the finance administrator/bookkeeper at Town Hall.

Shift Change Policy:

Included in the policies received by MRI was a policy titled "Shift Change Policy GO.46", dated 10/15/08 with no specified review date. It appears this policy addresses what is commonly referred to as shift swaps. The policy makes reference to officers waiving "their rights to the provisions set forth in Chapter 464:1, NH Laws 1965, otherwise known as the Forty-Hour Bill". It is unclear what that Chapter of law references, since Chapter 464 of the NH Revised Statutes Annotated was titled "MENTALLY INCOMPETENT PERSONS, SPENDTHRIFTS, ETC., CONSERVATORS" and was repealed in 1979.

Investigation of Serious and Fatal Accidents Policy:

“Investigation of Fatal Accidents GO.14” is dated 8/19/94 with a specified review date of 4/22/05. This policy states the following:

- A. Whenever a police department vehicle is involved in any accident which results in fatalities or serious personal injuries, consideration should be given to having another agency conduct the investigation if that agency has the expertise to do so.
 - 1. Investigative assistance may also be requested from the Technical Accident Reconstructive (TAR) Unit of NH State Police or Strafford County Sheriff’s Office.
 - 2. The decision to request assistance from an outside agency shall be made by the Chief of Police of the affected agency or his designee.

In MRI’s opinion, not only does the Town of New Durham Police Department not have the resources to conduct an investigation of a serious/fatal police department involved motor vehicle accident, but it would be extremely inappropriate practice for a department to conduct an investigation into a serious or fatal motor vehicle accident involving its own personnel. Investigations of this nature should not be discretionary and should always be investigated by an independent police agency.

Medical Emergency/Request for Aid Policy:

The New Durham Police Department has a policy titled “Medical Emergency/Request for Aid GO.07.” The policy is dated 2/1/94 with a specified review date of 2/8/05. This policy states in part:

- A. The New Durham Police Department has adopted as its policy, in addition to all other duties, that its members will maintain a basic level of medical training consistent with the curriculum of the National Registry of Emergency Medical Technicians.

All sworn members of the Department are required, within eighteen months of employment, to obtain and maintain certification of a Nationally Registered Emergency Medical Technician, hereinafter referred to as “EMT”.

- B. Whenever a New Durham Police Officer is called upon by any person to render first aid or medical assistance, it shall be the duty of such officer to act without hesitation, in an efficient and proper manner, and in accordance with the standards set forth by the National Registry of EMT’s.

This may have been a good policy when initiated, but we don't believe it is still applicable or enforced. If not, it should be rescinded or updated to reflect the actual practice in order to prevent the Town from being held to the standard of its own policy, should litigation occur.

Evidence Policy:

Written directives related to the evidence function of a police department are designed to ensure the integrity of seized, recovered and evidentiary property as well as abandoned, lost and/or found property that is in the custody of the New Durham Police. This is a very high liability area that requires detailed procedures and strict adherence by staff. At the very core of the evidence process is integrity that can be proven without waiver and validated via judicial hearings with documentation that is irrefutable.

The New Durham Evidence policy is titled "Evidence/Property GO.02" and is dated 2/1/94 with a specified review date of 2/8/05. This policy requires quarterly inspections of the evidence room by the evidence officer, with a written report to the chief. It also mandates an annual audit of the property room by someone other than the evidence officer (should be by someone without regular access to the property room) or anytime there is a new officer appointed as the evidence officer. These audits require a written report and inventory to the chief. This is an appropriate policy and meets or exceeds best practice standards but MRI could not verify that there was compliance with this policy. If not it should be revised.

FTO (Field Training Officer) Policy:

It does not appear there is a written FTO policy for the department. Field training officer programs are an essential part of modern day policing. Most FTO policies are derived from what is known as the "San Jose" model which was developed in the early 1970's. The FTO program pairs a new officer with a trained, veteran officer in order to learn relevant laws, policies of the department and the geography of the community. More importantly, the new officer must demonstrate an understanding of relevant materials/standards and demonstrate proficiency in performing his or her duties. The performance of the officer in training is documented in Daily Observation Reports (DORs) which are completed by the FTO. A written FTO policy documents the field training program and is crucial for evaluating new officers and essential in defending claims against the Town. The FTO program is also an important part of the hiring program and unless documented in a formal policy could lead to claims of discrimination by a terminated "probationary" employee that did not meet standards.

It is our understanding that there is an FTO program of some fashion being used by New Durham Police Department. This program must be documented in a written policy.

Conclusions

As noted previously in this report, this review was not intended to provide a comprehensive review of the New Durham Police Department, but rather, a high elevation overview of some of

the functions of the department. A comprehensive review would include interviews with all employees, a sampling of previous employees, review of budget and expenditures, proofs of compliance with relevant laws, polices and best practices, and a thorough review of department written directives. Former Chief Bernier was not contacted for this review but would likely have the answers to many of the questions we typically would ask.

Operationally, the police department provides the various functions required of a police department in a reasonable manner. The department is well equipped and staffed for the level of service it is providing. The facility, with a few noted exceptions, is satisfactory or better. The most significant area of deficiency is in the written policies and procedures of the department. Some of the flawed policies could subject the Town to significant and unnecessary risk from an operational as well as a liability standpoint. The simplest way to remedy this is to start with a set of policies from a similarly sized accredited agency and modify those polices to meet the needs of New Durham with as much compliance as possible. Once those policies are implemented, adherence and compliance with those policies must be ensured and documented through the chain of command. The policies have no value if not followed or if the department can't prove they were followed. Conversely, practices that may comply with best practices but are not documented in a written policy also have little value.