

October 6, 2020

Commissioners Tom Hart, Joe Onosko, & Stefany Shaheen
Portsmouth Police Commission
3 Junkins Avenue
Portsmouth, NH 03801

Dear Commissioners Hart, Onosko, and Shaheen,

Current events have made us painfully aware of the devastating effect of biased policing on Black people, other people of color, and other historically marginalized communities. While Portsmouth has avoided awful headlines, as residents we feel it is incumbent on us to ensure that our police department is serving our community equally and respectfully and that funding decisions are made in a way that best allocates resources to the problems our community faces.

The Portsmouth Police Commission has traditionally relied on the existence of civilian complaints to determine whether bias problems exist in the police department. Yet some in our community have experienced racism from the police and do not feel comfortable or safe reporting it. In addition, while compliance with police violence- and shooting-reduction strategies like Eight Can't Wait is commendable, it does not address other insidious effects of racism.

All these considerations have led us to discuss changes to policing in Portsmouth that can bring more trust, transparency, and accountability, and can better inform funding decisions. We make the following recommendations, which have the support of Black Lives Matter Seacoast, to further those goals:

Transparency & Accountability

How can we best ensure that the Portsmouth Police Department is compliant with constitutional norms and anti-racist, anti-discriminatory policies?

- Collect and maintain demographic encounter data (“encounter data”) for all seizures and searches that implicate the Constitution regardless of whether the person seized or searched is ticketed or charged. This would include collecting data for all motor vehicle stops, license or ID checks, frisks, and searches of containers, cars, or homes. The data collected should include race/ethnicity and gender of the person seized or searched.
- Adopt a policy mandating the collection of the encounter data, anonymize it, and make it available to the public.
- Consider a policy of prohibiting non-disclosure clauses in settlement agreements concerning claims against the Portsmouth Police Department and its employees.
- Make documents, not exempt from disclosure under RSA 91-A:5, publicly available by placing them on the Portsmouth Police Department website, including:
 - Portsmouth Police Department policies.

- Memorandums of Understanding (MOUs) with school entities regarding school resource officers.
- Police union contracts.
- Settlement documents concerning claims against the Portsmouth Police Department and its employees.
- Consider reorienting Police Commission priorities, or creating a volunteer Citizen Review Panel, to:
 - Analyze police-encounter data in consideration of community diversity and gender demographics.
 - Remove barriers to civilian reports of misconduct and conduct satisfaction surveys in marginalized communities.
 - Make recommendations for action based on complaint, satisfaction survey, and encounter data.
 - Reassess the benefit of Body-Worn Cameras, relying on the encounter, complaint, and satisfaction survey data noted above, and the recommendations of the Governor's 2020 Commission on Law Enforcement Accountability, Community, and Transparency.
 - Review anonymized findings of officer misconduct to make a recommendation regarding whether the misconduct must be reported in criminal cases in which that officer will be a witness.
- Require police supervisors to include an individual officer's encounter-data statistics in the supervisor's performance reviews of the officer. Consideration of a subordinate officer's body of work can identify patterns of discrimination that would otherwise go unnoticed.

Outcomes

Arrests and citations trigger a cascade of criminal justice system processes, which may include diversion, prosecution, conviction, acquittal, probation, and incarceration at the county jail or state prison. How does the community best understand whether law enforcement in Portsmouth disproportionately impacts people of color and other traditionally marginalized groups? Which community goals are being achieved through the criminal justice system, which takes as its starting point the work of the Portsmouth Police?

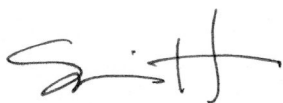
- Request that prosecuting agencies provide case outcome information, including information regarding court rulings about the legality of police conduct, case disposition, and sentence.
- Analyze case-outcome data in consideration of constitutional norms; anti-racist, anti-discriminatory policies; and community policy goals. Make this data publicly available.
- Review case-outcome information as part of individual officers' performance reviews.

Funding

How can Portsmouth allocate taxpayer funds to eliminate or mitigate significant societal predicates for police intervention—mental health crises, poverty, and childhood trauma, to suggest three—and allow police to focus on critical public safety matters such as violent crime?

- Identify and make publicly available the cost and percentage of Portsmouth Police Department resources spent responding to the categories of calls and patrol activities identified in the 2021-2025 Strategic Plan.
- Identify and make publicly available statistics concerning the calls and patrol activities that do not require an armed police response, and the cost of Portsmouth Police Department resources spent on those calls and activities.
- Identify and make publicly available statistics concerning the calls and patrol activities related to mental health issues, and the cost of Portsmouth Police Department resources spent on those calls and activities.
- Explore collaborations with area non-profits, such as Seacoast Mental Health, Families First, Safe Harbor, etc., to allow those agencies to respond alone or in conjunction with Portsmouth Police to calls related to mental health, social service needs, substance abuse, and other types of calls that do not require an armed police response. CAHOOTS, the program in place in Eugene, Oregon is a model for this type of collaboration.
- Draft a Memorandum of Understanding (MOU) that could be used to implement a collaboration with non-profit agencies to allow the agencies to respond to identified types of calls.
- Design budget proposals which focus on the reduction of police response to calls that do not require armed response.
- Design budget proposals which feature the adoption of Body-Worn Cameras.


As the undersigned and listed residents of Portsmouth who are concerned about these issues, we urge you to adopt these recommendations.



Stephanie Hausman



Marta Hurgin



Lisa Wolford