

Chief of Police
Carlo T. Capano
Assistant Chief
Ryan A. Grant



Commission
Scott R. Spradling, *Chairman*
Steven J. Spain
Charlie Sherman
Manny Content
Eva Castillo

CITY OF MANCHESTER

Police Department

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Contact: Heather Hamel
Public Information Officer

HHAMEL@manchesternh.gov
(603) 792-5433

Aaron Brown Ruling

The Manchester Police Department is disappointed and disheartened by a labor arbitrator's recent ruling regarding former Manchester Police Officer, Aaron Brown.

Brown was fired from the Manchester Police Department 2 years ago after some alarming information was discovered through an internal investigation. After an evidentiary hearing, an arbitrator found that Brown had made racist comments, something that is not tolerated at this agency. Given that finding, it was to our great surprise and disappointment that the arbitrator ruled that termination was too severe a punishment. The arbitrator ruled that Brown should have only received a 30 day suspension and ordered his reinstatement as a Manchester police officer.

We are extremely saddened and sickened to see that an arbitrator could rule in this manner after hearing this egregious case.

We would like to give the community a better understanding of what took place and how we have gotten to this point. Therefore, we are providing you with the information that we are legally able to release.

On January 19, 2018, the Manchester Police Department received a complaint against Brown. An internal investigation was immediately launched and Brown was placed on leave, stripping him of his police powers. During this investigation we discovered, through Brown's department-issued cellphone, text messages in which he claimed to have intentionally damaged property while executing search warrants. We also discovered text messages that included extremely disturbing racist remarks.

Unfortunately, we are not able to go into the specifics; however the alleged intentional damage to property caused us to request a criminal investigation. The investigation was handled by the Strafford County Attorney's Office which determined that there was not enough evidence to file criminal charges.

However, our concern over the racist comments and destruction of property remained. The internal investigation was concluded on April 11, 2018 and the Manchester Police Department, under Chief Nick Willard, fired Aaron Brown the next day. Notification was immediately sent to the

Michael L. Briggs Public Safety Building
405 Valley Street • Manchester, New Hampshire 03103 • (603) 668-8711 • FAX: (603) 668-8941
E-mail: ManchesterPD@manchesternh.gov • Website: www.manchesterpd.com

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Police Standards and Training Council. The Manchester Police Patrolman Association chose to file a grievance over Brown's termination. The grievance procedure in the Police union contract provides for binding arbitration. An arbitration hearing was scheduled, but for far later than the Manchester Police Department would have preferred.

The hearing took place on August 21, 2019. The arbitrator found that there was insufficient evidence that Brown had intentionally damaged property. However, the arbitrator ruled that Brown's racist comments were egregious and had no place in law enforcement and that the Manchester Police Department had properly applied a "zero tolerance" approach to racist conduct. Nevertheless, the arbitrator determined that Brown should not have been fired, but rather simply suspended for 30 days. The ruling called for Brown to receive his job back with back pay, minus the 30 day suspension. The Manchester Police Department vehemently disagreed with this finding.

Once the case goes to an arbitrator it is binding. Although the Manchester Police Department wholeheartedly disagrees with the ruling, we are forced to follow the arbitrator's decision. However, Chief Carlo Capano refused to implement the arbitrator's reinstatement order. The Police Union then filed an unfair labor practice charge with the PELRB requesting that it order the Police Department to reinstate Brown. That case is currently pending.

Separate from the issue of reinstatement, the Police Department and Union disputed the amount, if any, of back pay that Brown was entitled to receive. On August 24, 2020, the arbitrator issued a ruling and we again got discouraging news. Despite Brown having made no effort to find other employment since the date of his termination, the City is still required to provide Brown with substantial back pay.

The Manchester Police Department has asked the Police Standards and Training Council to review this matter and determine whether Brown should retain his police certification. As it has from the outset, the Manchester Police Department believes that people that hold racist beliefs should not be employed in law enforcement and will lend its full support to the Council as it considers this matter.

"Under no circumstances, does the Manchester Police Department tolerate racist behavior. Aaron Brown was terminated due to the findings of the internal investigation. I, personally, would have handled it the same way if a similar situation had happened, and I am confident this agency always will." says Chief Carlo Capano. "Manchester police officers take pride in the community we serve and the uniform we wear. Aaron Brown's actions cast a shadow on this agency, but those actions are not representative of this police department as a whole. We will do everything possible to make sure Brown is never in a Manchester Police Uniform again. Sometimes fighting for what is right is difficult and an uphill battle, but we take this very seriously and have no intentions of giving up."