

TO: Town of Salem, NH
FROM: ^{PTD} Paul T. Donovan, Chief of Police
DATE: November 9, 2018
SUBJECT: Kroll Report Response

Introduction

I was provided the Kroll Report, which was commissioned in the spring of 2018, by Town Manager (TM) Christopher Dillon for my review and response. I was provided with only nine business days to put this response together, without the assistance of others. While it was provided to my legal counsel on November 5, 2018 by court order for the purpose of advising me on my personal rights, this response contains my thoughts, beliefs and opinions.

The Kroll Report consists of three main parts: part one is about time and billing practices, part two is about internal affairs (IA) investigation and recordkeeping procedures and policies, and part three is about the Salem Police Department culture. I was also given a memo on October 29, 2018 that highlighted those parts of the Kroll Report that TM Dillon was most concerned about, which were the IA and culture parts of the report.

I have read the Kroll Report and the memo carefully. I have some disagreement with the allegations in these documents. I am also disappointed with the lack of transparency and lack of opportunities for collaboration before and during the investigation.

However, in the interest of putting the Town first, I want the Town, TM Dillon, the Board of Selectmen, HR employees and police officers in Salem to know that I am committed to work with everyone to implement changes in the administration and day-to-day operations of the SPD as suggested in the Kroll Report. I have and will continue to dedicate my full time and energies to the day-to-day operations of the police department.

I can and am willing to implement, in partnership with TM Dillon and our Town officials and employees, changes in the police department to initiate recommended changes to our IA and disciplinary processes.

I envision the IA process changes to include public input on our policy changes, additional IA training and education for SPD staff (myself included), best practices reviews by a committee of senior staff and mid-manager members, legal review, regular policy reviews and updates, an IA section in the TM's monthly report and Attorney General Protocol reviews. With these types of improvements in place, I anticipate greater citizen satisfaction, more transparency in the processes and improved risk management for the Town. Collective Bargaining Agreement changes will require negotiation and alignment with legal requirements.

I believe that the SPD culture is inclusive, collegial and respectful to those inside and outside the department. In my 17+ years at the SPD, I have worked hard to foster an environment of

mutual courtesy and respect. But I understand that there is always room for improvement, which is why I am willing to further enhance the police department culture as described in the Kroll Report. Together, the Town and I can work collaboratively to focus on the issues identified by Kroll and implement their recommended changes. Changing a culture is a carefully guided process, that requires time, facilitation, and continual monitoring to ensure course corrections are effective and sustainable. We as a community can work together to define goals, create a strategy, provide training and track the progress.

I look forward to meeting with TM Dillon weekly to discuss our progress in implementing changes and improvements to the police department. I am willing and ready to put frustrations and litigation behind us as we work together on creating a new approach to serving the people of Salem.

I also will work with the Town regarding the transition of a candidate for the Chief position in preparation of my retirement at the end of 2021. I will prepare the candidate selected as my future replacement for his/her new role. By the end of 2021, I fully expect that this candidate will be prepared to move into their new role as Chief.

I look forward to the opportunity to sit down with TM Dillon and other representatives of the Town in order to discuss the Kroll Report and my responses in further detail. I want to state categorically that neither I or any police officers that I am aware of did anything unethical or illegal, nor does the Kroll Report make any findings about this.

Background

I have worked extremely hard over the past 17+ years to provide Salem with an outstanding, professional police department. We have truly remarkable, well-trained and educated, highly motivated men and women serving our community.

I have devoted the majority of my life to law enforcement. It is my passion and as such, I have always been, and remain, devoted to my position, agency, the Town and serving and protecting my community. The men and women of the Salem PD are unmatched and I am proud and honored to lead and work with them each day.

The SPD should be encouraged by the significant progress that we have made as a department over the years. But we should always be striving to improve. Salem is experiencing positive change and growth at this time, and the SPD is doing the same. Implementing new, best practices in the PD will benefit the agency and Salem community. I say this not only as the police chief, but also as a Salem resident.

I am proud of the progress that the police department has achieved under my leadership. These achievements include:

- Annual positive audits regarding property room evidence and use of force
- Power DMS
- Guardian Tracker
- School Resource Officer Program
- SPD was a beta site for J-One Criminal Justice
- Drug Take-back program, drop off vault
- Rape Aggression Defense Program (RAD)
- FBINA – 2 grads – Morin & Dolan
- Award-winning Juvenile Div.
- Safety Net Tracker
- SWAT Team – 2 Lt.'s high-level tac. Cmdrs.
- Coffee with a Cop events
- Motorcycle Unit escort/charity events
- Supervisors completed FBI LEEDA Trilogy
- Community Partnerships (Tuscan Village/Boys & Girls Club)
- Breast Cancer Awareness marked line cruiser
- Citizen Police Academy
- Data Vis (electronic notification and statistics program implemented recently)
- Community Resource Unit
- 3 K-9's, one with explosive detection capability
- Felonies First
- National Night Out
- Night of Lights
- Irving St. Response
- Senior Cookout
- Toys for Tots/Salem Christmas Fund
- PD Social Media/ Facebook, Twitter, SPD
- Senior Center events
- Ceremonial Honor Guard
- Third busiest agency in the state
- Leader in DWI detection and arrests
- Operation Granite Shield – One of the most significant contributors in the state

- Chief Donovan – Past President of NH Chiefs of Police Association
- Chief Donovan, D/C Morin and Cpt. Dolan are all Master's prepared
- Cpt. Dolan – Past President NE Chapter FBI NA Graduates
- Collectively, the four SPD command staff have almost 100 years of direct, law enforcement experience

Response to Kroll Report

I have chosen to address matters in a constructive and positive manner, rather than discuss my different recollections and disputes with aspects of the Kroll Report. I would be willing to discuss these issues with TM Dillon and others, if necessary. I have specifically chosen to use this response to create a constructive dialogue to improve communications and relationships going forward.

Response to Finding and Recommendation #1: CBA Language

I am not "pro-union"; rather, I am fair and equitable. The Collective Bargaining Agreement (CBA) is a product of union and Town negotiations. I, as police chief, have never been invited to, nor involved in these negotiations. I work with the result of the negotiations, and I am required to stay within the CBA language or the Town will be headed to costly arbitration. Some of the language in the CBA is decades old, a result of former Boards of Selectmen granting this language in lieu of pay increases. Changes to the CBA must be achieved through direct negotiation with the unions. If sections of the CBA are proven to be illegal, I fully concur that they need to be identified and removed as soon as possible.

Response to Finding and Recommendation #2 and #3: Internal Affairs Process and Policies

When I arrived at the Salem Police Department 17+ years ago, the IA process was almost non-existent. I have implemented the system we use today based on my previous professional experiences, which I was hired for. Over the years, I have reviewed and updated our policies in this area.

IA Issues

The Kroll Report raised several issues regarding our IA policies and processes. The SPD had already addressed many of these issues independently before the Kroll Report was released. Still, I support the Kroll Report's suggestions for prompt adoption of new processes and policies regarding the IA system:

- Implement the Guardian System to identify and track officer performance.
- Develop a comprehensive IA checklist.
- Accept any and all complaints; including those submitted in person, over the phone, in writing (including email), through third parties and anonymously.

- Initiate investigations proactively, even for those where no formal complaint is made but for which information is developed from lawsuits, social media posts or any other means.
- Investigate any and all complaints regardless of perceived severity or perceived biases against the complainant.
- Provide officers with formal IA training.
- Amend the complaint process to eliminate the potential for intimidation towards complainants.
- Implement consistent investigative processes, documentation and disciplinary actions for all members of the department to avoid disparate action based on relationships.
- Administer standard outreach to all complainants, as well as witnesses.
- Record audio statements for all interviews, when possible.
- Conduct periodic audits of IA investigations, both internally, as well as via external third parties.
- Provide timely notification of complaints, as well as outcomes, by electronic and/or certified mail.
- Implement a consistent protocol for recordkeeping to ensure complete and accurate case files.
- Ensure compliance with the department CBAs for officers' due process rights.

I address some of these points in more detail below.

IA Training and Education

I am willing to revisit and revise the IA policies and procedures and attend training and educational sessions of Internal Affairs Investigations, with select staff, or to bring such education and training to SPD. I do want our process to be within best practices and I accept the recommendations that Kroll suggests, to improve our IA process.

Discipline Process

I believe I have implemented a fair and impartial discipline process. The SPD is a 65+ officer agency and I am very familiar with all SPD employees. I am aware of those who need closer supervision and who are more self-directed. I know who has had prior discipline and why. I, together with SPD employees, have implemented an electronic tracking system (Guardian Tracker), which flags employees who have had prior discipline on record. It also has an electronic, retention process that allows us to maintain electronic copies of IA's.

The officers know that if they own up to a mistake, an infraction of our General Orders or other discipline issues, I will take corrective disciplinary action at a level commensurate with the violation, the level of intent, prior violations and any injury that resulted. The intent of a discipline process is to correct negative behavior and promote good behavior. There are times

where a performance improvement plan and/or retraining or mentoring is used to assist an officer with doing his/her job better. I have professional officers who do an outstanding job.

On occasion mistakes are made, and are dealt with fairly, appropriately and in a timely manner. When appropriate, I have suspended and/or terminated employees for policy and/or criminal violations. I have high expectations of conduct and the staff is aware of these expectations and standards.

Complaint Process

Every year, there are thousands of contacts between the SPD officers and the public. Only a very small number of these interactions result in citizen complaints.

Our policy is to accept all complaints. We do not ignore complaints, we deal with them. Complaint forms are in the lobby and are now on line. Our main goal is to resolve the complaint to the complainant's satisfaction and in compliance with the law.

We conduct informal investigations in matters when a walk-in complainant comes in and states a grievance. They can have a face-to-face conversation with the officer involved. Many people find that their perception of their contact with the officer was not what they originally thought after having these conversations, and they leave satisfied with the resolution. If the complaint is not sustained, the incident is closed and expunged per the collective bargaining agreement (CBA). Based on information in the Kroll Report, this practice will be reviewed and amended as recommended.

Sometimes the complainant is not satisfied or a complaint is serious. In those cases the complaint is assigned for investigation and a formal investigation is conducted, a review performed, a finding rendered, and discipline may or may not result depending on the outcome of the investigation. We have had written guidelines for this process and a format to follow to ensure consistency. The Kroll Report suggests that we conduct more formal investigations and suggests that our policy should be amended. I agree and will comply with these recommendations.

I have worked with our Primex-assigned legal defense counsel, Attorney Brian Cullen, who knows how we have conducted discipline issues, IA's and handle complaints in the past. We work with him for the best outcomes for the Town. I believe Attorney Cullen has told the TM that SPD has no more lawsuits than any other agency our size. We are a very active police agency - the third busiest in the State.

We do not have an IA Division; IA's are assigned to a supervisor. I do agree that it could be an issue to assign IA's to an appropriate supervisor who is also a union member. Sergeants and mid-managers are often union members, even captains. I am the only non-union member in my agency, though it has been mentioned from time to time that the D/C should also be non-affiliated, which I have no control over.

I have reviewed the IA summaries in the Kroll Report and will use these to help improve our process. In addition to the other recommendations made regarding IA's, a training class on IA's that is current and teaches best practices would be beneficial for all supervisory personnel, including me.

Guardian Technologies

Before this audit came about, SPD Senior Staff had determined that we would automate our IA's. We selected the Guardian Technologies product to fulfill our needs and had installed the software to begin using the technology. Since the audit began, the SPD has entered numerous IA's, random observations, awards, training, and other records into the system. We have set the system to follow the requirements of the CBA to include expunging IA's with findings other than sustained. This can be changed if training and best practices indicate otherwise. This is a state-of-the-art system.

PowerDMS

The SPD is now using PowerDMS as a retention process for police department policies. Having these policies stored electronically, allows full time access of these policies to staff. They may now review a policy at any time when needed.

PowerDMS will track policy expiration dates and send reminders when it is time to update them; it is our goal to keep our policies current.

We are currently finalizing our policy for situations involving relatives and friends.

We will continue to monitor policies to ensure they are reviewed and updated in a timely manner using the best available information, to keep our policies in line with best practices.

Social Media Complaints

The Kroll Report included half a dozen negative reviews of the SPD from Google. This is not representative of public perception of the SPD. There are several positive reviews of our agency on Google. There are also other sites on social media where the PD is often given accolades. To be clear, when I am made aware of an unfavorable experience with our agency, I follow up on the matter.

Two Cases Identified by Kroll

Two incidents [REDACTED] referred to in the Kroll Report are open and ongoing matters. While I am hesitant to comment on these matters, I will do so with the understanding that my responses and the Kroll Report references will be redacted if the Kroll Report and my response are made public under RSA 91-A or otherwise.

[REDACTED]

The ICenter situation would probably have not been of interest to the media, but I believe that the news of the audit gave rise to an opportunity for the criminal defense attorneys to obtain pre-trial publicity, which they hoped would slant the court case in their favor. WBZ (a Boston news station who has never been interested in us before) picked up on the ICenter story and Attorney DiBella decided to try the case in the public forum in MA, despite the fact that the case is in NH courts. The story that aired on WBZ and the panel of parents interviewed by the reporter, Cheryl Fiandaca was completely one-sided and inciteful. Not one parent from the Salem team was included in this interview. No effort was made to contact the Salem PD or Salem residents for comments. It is important to note that Cheryl Fiandaca was recently a Public Information Officer for the Boston PD.

A gag order was issued by a judge to keep information regarding the ICenter contained. Salem PD stayed silent in order to allow the defendant(s) a fair trial, despite being ridiculed daily in the media, on television, in social media and in printed and electronic New Hampshire and Massachusetts newspapers.

There was focus on the amount of time between the first arrest and the others. The reason for the gap is that the Salem PD had not yet identified the subjects. They were identified after the video was aired on WBZ, when Salem NH citizens came forward. The department was then able to identify the subjects, apply for and receive arrest warrants and execute the warrants. Once the gag order was lifted, evidence of the matter was released.

[REDACTED]

The second case that the Kroll Report focused on, [REDACTED] is on-going. [REDACTED] continues to write to the PD, TM and Kroll. [REDACTED] pled guilty in court nearly a year ago, but a DMV Administrative Hearing is still active. [REDACTED] is accusing SPD of doing something out of the norm to harm [REDACTED] which is untrue. [REDACTED] has been told that as [REDACTED] and represented by counsel, [REDACTED] may file a formal complaint with us and we will investigate [REDACTED] claims. I offered to have our Prosecutor meet with [REDACTED] counsel if he wished, and I too would speak with [REDACTED] counsel.

The main issue is in the interpretation of the CBA which states the time limit for investigating complaints and also states that the Chief of Police shall assign them for investigation; the TM is not mentioned in the CBA, however, he is a step in the grievance process.

This matter is particularly complicated, as the alleged witness was married to [REDACTED] and the complainant's [REDACTED]

Despite the fact that [REDACTED] was involved, [REDACTED] was not on scene until summoned by the supervisor on the scene.

The [REDACTED] complaint was sent to the AG's office for independent review. No civil or criminal misconduct on behalf of the SPD officer was found. The TM suggested another review conducted by the State Police or County Sherriff. It was not possible or proper to ask any other agency to re-investigate this matter after the AG's review, as the AG is the highest law enforcement authority in the state of New Hampshire.

Response to Finding and Recommendation #4: Retention of IA Investigative Files

Nobody at SPD did anything unethical or unlawful regarding retention of IA files.

I recommend that the Town re-negotiate the retention piece of the CBA. In light of the newest AG Protocol relative to retention practices, I will ensure that a complete review of the policy is conducted and will provide training to applicable staff.

Response to Finding and Recommendation #5: Deputy Chief as Union President

I am not opposed to the Deputy Chief position being a non-affiliated position, however, this can only be achieved through the collective bargaining process. This matter should be addressed at the upcoming contract negotiations as the position of deputy chief is named as such in the CBA for SPAA.

Response to Finding and Recommendation #6: Detail Assignments/Time and Attendance

Detail Assignments

A previous TM and I negotiated my contractual increase for nearly two years. He was unable to give me a substantial raise, even though he and HR identified that I was under-paid; at one point the deputy chief was making more than I was. After nearly two years of back-and-forth contract drafts, I offered up benefits totaling approximately \$14 thousand dollars, which the previous TM then put back as my salary increase. I have flex time in my contract, and he agreed to let me work details – in essence, work for my own salary increase. Two previous TM's said as long as my work gets done, I can work details. No requirement was placed on me as to the type of time used. I have checked with each incoming TM, to confirm that my working details was ok with them. None said they had an issue with it. I tend to work one a week, when available, now.

I have always worked at least my 37.5 hour minimum. Many weeks, I am at 45, even 50 hours, sometimes more. I am required to respond 24/7. Though I, along with the majority of Town salaried staff, was not documenting hours worked electronically at that time, I was tracking and documenting them for my own record. I now log into IMC and document my hours electronically as directed by the TM under his time and attendance program, newly implement in an effort to bring the Town into compliance with the DOL. At least one SPD chief worked details before me.

I have never been out of contact with my agency, nor inattentive to the operation. I am in constant contact with my staff when not in the office, including when I am at meetings, on the weekends and evenings and holidays, and unless out of the country on vacation; at all times. Even on those occasions, I am attentive via email. I keep my portable radio on at home, I constantly check my emails, I am out in the community in my cruiser (equipped fully and has a radio) at all hours of the day and night as I live in Salem, and I am always aware of what is going on in Salem. If on a detail and a serious matter arises, I will respond to attend to it. I have given up details to attend to tasks requiring extra attention. My work gets my full attention.

I have not been questioned about working details until this report. Three town managers were aware that I worked details and all were asked if they wanted me to stop. If told to stop, I would have. And if the Town wants me to stop now, I am open to discussions.

Time and Attendance

As discussed in the TM memo, time and attendance issues discovered as part of the Kroll Report are PD and Town payroll integration issues, which are being remedied by the Town as this report is being written.

I will work with the Town to develop a policy that addresses comp time, tracking of comp time and use of comp time.

The PD is in compliance with the TM's directive to record hours worked. SPAA has sent me a verification that they are following the directive and are logging in time in/time out and total hours. Hourly employees have always been logged in on a roll and now on IMC.

We have implemented a new detail slip system. We will implement any other time and attendance improvements that we are told to do.

I do believe that our officers are in compliance regarding details and work within the CBA and detail policy. The nuances such as SWAPS and minimums for details are confusing for people unfamiliar with SPD practices. A specifically assigned SPD officer does watch the detail work carefully and he is conscientious with his hiring and recording of detail work.

An Actual Hours Worked policy should be negotiated with the unions, so clear policy guidelines can be written. This has been a very long-standing past practice which well pre-dates my arrival.

Response to Kroll Report Addendum Regarding Culture

I was not aware that "culture" was going to be a subject of the investigation. This subject was not mentioned to me during our meetings. I was told that Internal Affairs and Time & Attendance were the only subjects of the audit.

While some former and present Town employees (present and past TMs, HR representatives, selectmen) have made negative comments to the Kroll investigators about me in this part of the Kroll Report, I dispute a number of these and have a different recollection of others. I do

not intend to address each and every disputed matter in this response as I do not believe that it will be productive for a joint effort to repair relationships and work towards the common goal of providing the best services to the citizens of the Town.

I understand and acknowledge that the police department and I as chief serve the Town, office of the TM and the Board of Selectmen as laid out in RSA 105:2-a and court decisions. I have always carried out the Town's directives and will continue to do so.

If there is tension between the union and management, I reiterate that I am not pro-union and that I am part of the management team that includes the TM, the Board of Selectmen, and other department heads. If there is a misperception that I am "unable and unwilling" to recognize the authority structure within the Town, I want to correct that misperception through my words and actions going forward.

In every workplace, individuals possess personal and professional filters; they have differing workstyles, management styles, likes and dislikes, beliefs, backgrounds, behaviors, etc. These types of differences are bound to cause "tension" in some situations, especially in those that are stressful. Due to this fact, it is critical that leaders are able to recognize these differences and modify their leadership styles accordingly, when leading a diverse workforce. This is how I lead and it is a skill that is honed with years of management experience. Over my 44 years of service, I have worked in multiple roles and levels of responsibility, from police officer, tactical officer, supervisor, instructor, mentor, manager and acting town manager to chief. I have worked with hundreds of people as a subordinate, a colleague and as a leader.

As you are well aware, not everyone perceives everything the same way both in personal and professional environments, however, that does not mean that people cannot work professionally together. They may need to work harder or differently in order to understand one another and remain objective and open to the opinions of others. Throughout my many years in Salem, I have witnessed members of town government working in an outstanding manner in numerous, critical incidents, regardless of their personal and professional styles. In these cases, there may well have been "tension" as the Kroll Report suggests, but that did not stop the participants from working successfully together in order to resolve the situation or achieve their goals. Tension in the workplace is a fact in every organization, not just in Salem and can be minimized when handled properly by all parties involved.

I assured our staff that the Kroll investigation was going to be an open and collaborative process as we were told at the outset. I am hoping to engage in an open and collaborative process as we move forward in implementing the Kroll Report's recommendations. Any feelings of mistrust between by PD staff members toward the TM and the Kroll investigators need to be resolved and put behind us for the benefit of everyone involved.

Police Department Cooperation with the Town, TM, the Board of Selectmen, and HR

I have respect for the Town, the Board of Selectmen (BOS), the TM, and HR. I am a direct report to the Town Manager and have and will continue to attend BOS meetings when asked. In my 17+ years with the Town, I have attended numerous BOS and Budget Committee (BUDCOM) meetings. I recently presented at the October 10, 2018 BOS budget meeting. It is my understanding that department heads attend BOS meetings when they are requested to attend.

I create a monthly report that is given directly to the TM which is intended for him to share with the BOS so they remain continually informed of our PD activity to include the statistical data, personnel information, arrests and violations, among other pertinent information. In addition, I create a Letter of Transmittal that I submit with my budget, to make it easier for the BOS to see the increases and decreases in my budget request. The PD also conducts an annual update for the BOS and whenever they have questions, either directly or through the TM, we answer them completely and in a timely manner. I also have provided meeting recaps to the TM. I do my best to keep the BOS informed, through information I provide to the Town Manager.

The SPD has a great working partnership with DPW, Fire, Finance and other Town departments. I look forward to open, cordial and frank meetings with TM Dillon, HR, and other department heads regarding the SPD. I have enjoyed having weekly, standing meetings with the TM's I have worked for and with. These meetings are important because they keep the TM informed of the activities of the police department and also strengthen the professional, working relationship between our two roles. I am open to weekly meetings with TM Dillon at either Town Hall or the PD.

Retention of SPD Employees

The Kroll Report implies that the turnover in the SPD is due to cultural and discriminatory issues. I feel that this is incorrect. To clarify, of those SPD employees who retired, 4 retired on approved, medical disabilities resulting from work-related injuries, 5 retired to start second careers at [REDACTED] so they could collect their NH retirement and start participating in a new retirement system (as other Town employees have done), 2 resigned to go on the [REDACTED] for better advancement opportunities and more money, 3 retired and 3 resigned in order to move to other states ([REDACTED]) for family reasons. Of these departures, seven (7) officers were eligible/able to stay on as Special Officers; of these seven (7), six (6) asked to stay on and were approved. This indicates that they did not leave because they did not like the management of the PD.

Because [REDACTED] was specifically named in the report, I will address this separately here. I personally promoted [REDACTED] position. After approximately two (2) years in the position, [REDACTED] retired and like others noted above, took a position at a Massachusetts college. [REDACTED] is one of the employees who asked and was approved to stay on as a Special Officer after he left SPD. He worked as a Special Officer. [REDACTED] was not "forced out."

People retire or leave employment in all organizations. While I am often saddened to see them go, I am pleased when my employees move on to new positions, especially those who secure higher level jobs. For example, we have had employees retire and start second careers as leaders in other agencies, similar to my own employment track. I foster my employees' growth and development and mentor my employees to help them be successful in current and future roles. Our employees are recognized as well-trained, highly skilled and exceptional candidates for employment.

Inclusiveness of the SPD

Another issue raised in the Kroll Report deals with hiring. The PD does not hire only "...white, single, young men." Profiling in this manner is inappropriate and unlawful. The PD hires qualified candidates based on their expertise, past work experiences, current work experience, education, high ethical standards, command presence (sworn employees) and other qualifying factors. Our candidates must meet many pre-employment qualifications to include background checks, an oral panel interview, polygraph testing (sworn employees), physical agility testing (sworn employees), medical examination and drug testing (sworn), psychological testing (sworn employees), and Chief's interview, to name a few. At SPD, we do not make hiring decisions based on one's race, color, religion, sex (to include gender identity and sexual orientation or pregnancy), national origin, age, or marital status, as that would be a discriminatory practice.

I am unable to control the applicant pool of candidates. We hire the best, qualified candidates who we believe will protect and serve the Town exceptionally, provided they successfully make it through our pre-employment process and requirements. Unfortunately, we have lost some desirable, possibly qualified candidates who have failed some portion of the pre-employment requirements; some of these candidates we had hoped to hire, were in protected classes.

The approximate 80+ employees currently on our roster include people of diverse backgrounds and various, protected classes. Within the past year, for instance, among our qualified candidates who were hired, are women and a Hispanic person. We will continue to seek the best, qualified candidates for our vacancies. We are inclusive of everyone.

████████████████████
It has been insinuated that I "cover" ██████████. I have issued ██████████ discipline in the past. The case involving ██████████ referenced in the Kroll Report is a private and personal matter unrelated to the police department. I worked with a prior TM on this matter to achieve a reasonable approach. The case against ██████████ was rejected for a lack of probable cause.

Free Speech and Social Media

The Kroll report references social media posts by employees. There is a balance that must be considered when dealing with First Amendment and NH RSA 98-E issues. As I understand, NH RSA 98-E:1 Public Employee Freedom of Expression gives a public employee the full right to publicly discuss and give opinions as an individual on all matters concerning any government

entity and its policies, and that NH RSA 98-E:2 specifically prohibits interference in any way with the right of freedom of speech, full criticism, or disclosure by any public employee. Comments on social media are frequently the opinions of individuals, and are not necessarily true and factual.

Employees and government officials in public positions inevitably will have their detractors; although unfortunate, no one is immune to this. I have been told by the Town throughout my career, that due to my public position, I should expect negative comments made about me or my agency. I personally do not comment on social media in matters concerning the Town or my position. In fact, I do not belong to any of the Facebook groups concerning the Town, with the exception of the Salem PD's page for the business purposes of reviewing the content.

Closing Remarks

I understand that I serve the Town and will continue to do so. Asking questions, offering advice, rendering opinions, and providing constructive feedback are forms of employee engagement and tools used to make informed decisions, solve problems and/or to come to proper conclusions.

My responses above are based on my best recollection. If necessary, I ask for the opportunity amend, expand upon and clarify my responses. I have done my best to submit my responses in the time allotted.

I believe that collaborative changes will be beneficial to the Town, its citizens and the police department. I look forward to sitting down with TM Dillon and other representatives of the Town in order to discuss the Kroll Report and my responses in further detail. I also look forward to working with the TM regarding a transition period for a candidate for the Chief position in preparation of my retirement at the end of 2021. I will prepare that candidate to seamlessly move into his/her new role as Chief.

Thank you.