TOWN OF NEW LONDON
CITIZENS' ADVISORY COMMITTEE
DECEMBER 9, 2006

PRESENT: Peter Bianchi, Barbara Brown, Hugh Chapin, Bill Clough, Sue Clough (Selectman), Celeste Cook, David Dunning, Ray Ettenborough, Paul Gorman, Bob Gray, Mark Kaplan (Selectman), Peggy Holiday, Steve Landrigan, Bob Lavoie, D.J. Lavoie, Jessie Levine (Town Administrator), Harmon Lewis, Sue Little, Doug Lyon (Selectman), Joe McCarthy, Bob MacMichael, Peter Messer, David Seastrand (New London Police Chief), Stephanie Wheeler, John Wilson (Budget Committee Representative).

Doug Lyon opened the meeting at 7:37 a.m., and said two topics would be on the table for discussion during this meeting: (a) possible purchase of tazers for the New London Police Department, (b) consideration of the Town's purchase of the "Mesa building" in Elkins.

Tazers

Doug Lyon reported that the Police Department made a presentation on this subject to the New London Budget Committee on November 15, and at the conclusion of that meeting, the Budget Committee agreed to recommend approval of this request at Town Meeting. It will be part of the budget submitted at Town Meeting in March. Before that time, the Board of Selectmen wants to begin to acquaint the public with these devises, and hopes the CAC will help get the word out in the community. Jessie Levine added that she hopes to get a sense from the CAC at this meeting, of how much more public discussion there should be. Should the Selectmen hold an open meeting one evening that would be dedicated to this subject? What level of education (on tazers) should there be, before Town Meeting?

Bob Gray asked for more clarification on exactly what tazers are. David Seastrand explained that a tazer is a small plastic gun-shaped device with handle and trigger, and with a yellow cap in front that contains the prongs. It can be deployed in two ways:

> (a) From as far away as 15 feet, an officer can point it so that a red light with which the tazer is equipped shows where the tazer will hit the subject, within a range of one foot. The tazer deploys two prongs which attach to the subject one above the other. Both prongs must attach in order to close the circuit and deploy the electricity. It can work through 1½" to 2" of clothing.
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> (b) If the officer needs to deploy it again before being able to insert a new cartridge, he can touch a subject with it and that will provide a certain amount of electrical charge.

Once deployed, it temporarily immobilizes a subject's skeletal muscles, without affecting anything else such as heart or pacemaker, and without permanent effects. The subject continues to breathe normally; only his movement is restricted. In response to Jessie Levine's question, he said if the prongs are actually in a person's skin, medical personnel would remove them. In response to another question, he said the tazer has between 40,000 and 50,000 volts, but low amps.

He went on to discuss the Police Department's "force continuum," and where tazers would fit into that:

1. Generally, the arrival of, and presence of the Police is all that is necessary to get people's attention, and to have people interact with the Police on a professional level.

2. Second, a verbal command without physical contact is used.

3. Third, open hand technique will let a person know that he or she is not free to leave at that point. A police officer can use an open hand to guide a person to where he wants that person to be, to the police car, for example.

4. Fourth, hand-cuffing restricts that person's movement. He added that anytime the Police take someone in custody, they are responsible for that person's well being.

5. The next step would be to go to a closed hand technique. At that point, the officer is grappling with someone.

   *Always, the Police Officer would prefer to restrain someone without injury to anyone.

6. At this point, pepper spray is an option which would allow an officer to get control more quickly. Though it contains all natural ingredients, it is an irritant to mucous membranes, eyes and skin. It contains resin which causes it to stick to a subject, and if left untreated, the effects can last 45 minutes. There are limitations on where it can be deployed. For example, they cannot use it in a hospital or other setting where it is likely to get into duct work and affect the entire building. They cannot use it in locations with high wind, such as on the interstate, where it is likely to blow back on the officer.

7. Currently, the New London Police Department carries an expandable metal baton on their belts. When taken out , it expands and locks into place. He passed one around the meeting, and CAC members found it to be extremely heavy. The Police are trained to hit only non-vital areas of a person, but that is difficult when the subject is moving around. He said he does not know of one instance in which the New London Police have used the baton on anyone. New London Police Officers would rather risk injury to themselves rather than hurt another person.

8. The last step would be use of a firearm.

Tazers would be used before any physical contact, including with batons. The term that is used to describe tazers is "less than lethal." He noted that nothing is really completely "non-lethal" since death can occur as a result of any cause, at any time.

He reviewed some of the concerns that have been brought to his attention to date.

o Some people have suggested that once the Police Department has these, they will be used more and more often.

Response: In fact, other Police Departments who have them have not used them often at all, no more frequently than other tools. The Sutton Police Department has had tazers for two years and has never had to deploy one. The NH State Police have them, but use them infrequently. When they have used them—as in stopping a fight for instance—they have found them to be very effective. He added that in many cases, displaying the tazer, and pointing the red light on a subject, may be adequate to diffuse the situation. It may not be necessary to actually deploy it. Doug Lyon said he understands that the Vermont State Police also have them and have found them to be very effective in diffusing certain situations.

The tazer would be another tool, another option available to the Police. Dave Seastrand gave as example, instances when the Police respond to a house alarm at an empty residence. They must actually go through the house to assure that it is empty. In that scenario, the officer goes through the house with his or her firearm drawn and held down at his side. Should something happen, that officer has only seconds to make a decision.

o Will liability to the Town increase?

Response: Dave Seastrand said they want to do anything they can do to prevent lawsuits. The tazers decrease risk of injury to both the subject and the officer. Sue Clough asked him to speak about the inclusion of recording equipment on the tazers. Dave Seastrand explained that the tazers he is proposing to purchase for New London, though slightly more expensive, will include both video and audio recording equipment right on the device itself. When the tazer is pulled out, the camera and audio turn on, so it is possible to review what the subject is doing and what the Officer is saying. It is equipped with an infrared light, so can be used in low light situations. He noted that New London Police Officers train with flashlights, so could use those with the tazer as well.

Peter Messer asked about cost. David Seastrand said it would be in the neighborhood of $1200 to $1300 each, though he is still exploring costs at this time. Peter Messer asked if the part time officers could share one. David Seastrand said he feels if they are trained to use them, they should be carrying them on their belts at all times. He does not want to put a part-time officer out on the street with fewer tools than the full time officers have, and he

does not want to require people to drop them off, and determine who would be responsible for care and maintenance, etc. He added that three of the four part-time officers in New London are certified full-time officers. Jessie Levine observed that the part-time officers are most frequently used on nights and week ends, when they anticipate the highest potential use for tazers.

She went on to say that initially, she had concerns, but changed her mind when she learned that the tazers would be used before any physical contact or the batons. The tazer is safer for both the officers and the subjects. She said the Police Department is talking about backing off the batons. Dave Seastrand agreed, they can use the tazer long before any other impact weapon.

He said that the Department is always receiving training, and as recently as this spring, trained with the Local Government Center on how to escalate or de-escalate within the force continuum. Where the officer is within the "force continuum" depends entirely upon the individual situation, and the officer can go up or down within that continuum, depending on circumstances at any given moment.

Sue Clough said she, too, had initial concerns, but one of the reasons she changed her mind was the increase in protection of the officers. The tazer is a less than lethal tool, and having it may reduce the need to exercise a lethal weapon. Mark Kaplan pointed out in instances where there is a disparity in size between the officers and a subject, the tasers offer a definite advantage.

Celeste Cook asked if they can be used only on one person, and not on a whole room of people, and David Dunning also asked if it is a one-time use weapon (one shot at a time). Dave Seastrand said potentially, it could be used on two people. There is only one shot per cartridge (officers will carry two cartridges), but it can be used to touch stun a second person.

David Dunning asked about the possibility of one of the barbs getting in someone's eye. David Seastrand said they have the red light, and that limits that possibility.

Sue Little asked how long the effect of the tazer lasts. Dave Seastrand said it stays on as long as the officer is pulling the trigger. At least five seconds is recommended. That is just enough to time to immobilize someone, and allow the officer to get handcuffs on. Peggy Holliday asked if that is as effective if someone is intoxicated. Dave Seastrand said someone who is intoxicated may take longer to feel the effect of the tazer.

David Dunning asked about the possibility of criminals getting these. For example, could a tazer be used to immobilize a security guard long enough to allow that criminal to go in and commit a robbery. Dave Seastrand explained that the trigger must be held on for the electricity to be discharged.

Peter Bianchi asked how many times during the past year did the New London Police Department find itself in situations where they would have used the tazers if they'd had them. Dave Seastrand said the question has come up before, and he feels, realistically, four times, but he added that that is probably a higher number than is typical for New London. Jessie Levine added that during one of those four times, the Officer broke his finger, and had to be out for a time on disability. She said that the Town's insurance company supports tazers as they would reduce risk of employee injury. Doug Lyon pointed out that the tazer allows the officer to be physically away from the subject until the subject is incapacitated. D. J. Lavoie asked where those four incidents occurred. David Seastrand said one occurred on I-89, and they could not deploy pepper spray because of high wind. Another occurred in the hospital and they could not deploy pepper spray because it would have gotten into the duct work and passed throughout the building. A third occurred at the Police Station where they did deploy pepper spray and everyone in the room suffered. The fourth occurred on Newport Road.

Peter Messer asked if an individual would need a permit to carry one. Dave Seastrand said no, one person in Town has bought one on ebay.

Celeste Cook asked about the College's security, Doug Lyon explained that the College calls its security officers "safety officers," and they do not carry weapons of any type. They are usually people involved with student development, who work as counselors as well. They know the students and are able to steer them in appropriate

directions. They call the local Police Department as back up. Most calls from the College to the Police Department are regarding visitors, not students.

Bill Clough asked if the Department's officers are unanimous in their support of having these. Dave Seastrand said yes, but are less enthused about having to be tazed themselves as part of the required training.

Harmon Lewis expressed concern about the risk of death related to tazers, and referred to reports of that. David Seastrand said deaths could result from anything. In the articles referred to, autopsies showed that the deaths occurred as a result of the number of drugs the subject ingested, or to some other cause. The cause was not the tazer. Harmon Lewis asked if in some of those cases, the death occurred as a result of the combination (of the drugs or alcohol plus the tazer) and might not have occurred as a result of the drugs only, or the alcohol only. David Seastrand said no.

Paul Gorman asked what other towns have tazers. Sutton and Hillsboro do. Sunapee is getting them this year, thanks to a donation of the funds to be used for that purpose.

Harmon Lewis said there is always a concern about the potential for excessive police force, but added he does not think that mentality exists in New London. David Seastrand agreed that that will always be a concern, but they are always evaluating use of force, always training and always under scrutiny. They are always vigilant. Jessie Levine said that New London will adopt a tazer-specific policy. They are now looking at about a dozen sample policies from around the country. If the officers follow policy, the potential for liability is significantly lower.

Ray Ettenborough said he feels that the Police Officers' lives are on the line, and if they want the tazers, they should get them. He asked if the Department were to not buy the tazers, but one individual officer went out and got one for himself, would he be allowed to use that. David Seastrand said no, there has to be a policy.

Bob MacMichael expressed some concern about the font page headline in the *Concord Monitor* last week referring to New London's "*arsenal.*" He said it is upsetting to think that the Town has changed to the point that this is necessary. But he said he has complete faith in David Seastrand and the New London Police Department, and he knows this will be handled properly.

Bob Lavoie said Dave Seastrand's presentation is good, but asked if there is a video available. Yes, and Jessie Levine suggested that may be shown at an open hearing if they have one. She can also set up a link to that.

Bill Clough pointed out that though there is no divisiveness on the subject within this group, there may be concern among New London residents that this is not warranted, and goes beyond what is rational. He suggested that they find ways to diffuse that feeling in Town. Doug Lyon agreed, noting that there are some anti-tazer websites, some of which raise serious issues, and which show tazers being used by people who are poorly trained. He suggested people ask what the alternatives are. The alternatives are almost always worse: pepper spray in some cases, the baton or the firearm. Jessie Levine also agreed that there must be a series of communications to offset a knee-jerk reaction, and to emphasize to people that these are not being purchased because New London is changing, but because the tools available are changing.

No, they would not be used on animals.

Mesa Building in Elkins

Doug Lyon reminded members that the possibility of the Town acquiring this property has come up in the past, and has been discussed at previous CAC meetings. Those discussions included some sentiments for taking down the building and expanding the park there, and some for rehabilitating the building. The property is still on the market, but the change now is that Mesa will be moving to the Jiffy Mart. That leaves open the possibility of the building being bought by someone who will put anything in there. There is little that current zoning can do to control that. The price has come down to just below $300,000 and the current owners are willing to work with the Town. If the Town were to purchase this, it would have to be approved as a warrant article at Town Meeting.

David Dunning opened some discussion about that dam there. Doug Lyon said that at one time, there was some consideration given to the Town accepting the dam as a gift, but legal counsel opposed that, as part of the old building actually sits on the dam.

On a related subject, Celeste Cook noted that the Rocky Point Cottages property is also on the market, for $5.5-million. It has four acres with 1200 feet of waterfront, and would make a spectacular extension of the Town's own waterfront at Elkins beach.

Harmon Lewis said he would favor purchasing the Mesa property, and moving the post office to that building, thus allowing more room for Elkins Beach. He added that he feels the Rocky Point property seems too expensive.

Peter Bianchi said before this idea (purchasing the Mesa building) is seriously presented, they should have a very well defined plan for it, including what the costs and long term liabilities may be down the road. People should know exactly what it will be used for. He has expressed in the past his opposition to the Town getting into a business enterprise. Jessie Levine agreed that the Town should not be in the real estate business; however, it should be in the business of planning. This is the last historic mill building in Town, and there may be some potential to work this in with the Historic Trail. It would be part of a greater plan. Peter Bianchi indicated that he would be more supportive of something like that. Jessie Levine said that the engineer who is working on the roundabout design, has said that he would be willing to conduct a charette on this subject, at no cost.

Mark Kaplan asked Bob MacMichael how he feels about the idea of purchasing the Mesa building. Bob MacMichael pointed out that the Town has invested money in improving the Elkins Post Office, and he feels that is good now. He pointed out that the congestion there occurs only two months out of the year, and that could be improved with better enforcement. He said he would hate to see the Mesa building gone, noting that the current owners have kept it up, and have retained its character. He noted also that the back of the store is over the water, and that the septic system, the park and the Ladies' Aid property are all very close there. There is no room for the post office and parking there now.

Bob Gray asked if the Town could acquire right-of-first-refusal. There is usually a cost for right-of-first-refusal, so that would also have to be approved at the next Town Meeting, and Sue Clough asked if at that point, would it be fair to ask the owners to wait yet another year for approval of the purchase. Harmon Lewis said he feels the Town should go ahead and submit this to the next Town Meeting.

Sue Little said she too feels this would be a good idea. She went on to open some discussion about another potential for the Town. She asked if any consideration has been given to purchasing the building next to the library. It would be a wonderful children's library, and it does have a parking lot. Jessie Levine said at one time, there was thought given to putting that in the CIP, but it was never actually added to that plan, and after about three years, discussion stopped. Sue Little said there is enthusiasm among Library staff for the idea, now.

Doug Lyon asked to confirm that the consensus of the CAC is that the Town ought to continue exploring the idea of purchasing the Mesa building, and to develop a plan, taking into account concerns as those expressed by Peter Bianchi, and such factors as why it would be purchased, purposes of it, potential uses.

John Wilson noted that tax bills went up 18% last year, and he said it should be made clear to citizens how their tax rate is going to be affected by doing things like this. Specifically, how will a purchase like this affect the tax rate, and how will it affect the average resident's tax bill. Doug Lyon agreed that they will have to look at the potential domino effect. They do need a plan, and will continue to explore this.

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Barbara Brown informed everyone that there will be an "open house" at the new middle school site today, at 10 a.m. Also, everyone can keep up with weekly progress at the site by looking at Kearsarge.org.

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Meeting adjourned at 9 a.m.

Respectfully submitted,

S.A. Denz
Recording Secretary