



**New Hampshire Commission of Law Enforcement
Accountability, Community, and Transparency**
Remote Commission Meeting via Teleconference
Thursday, July 2, 2020 at 9:30 a.m.

Commission Members Present: Attorney General Gordon MacDonald, *Chair*; Robert Quinn, *Commissioner of the Department of Safety*; Ahni Malachi, *Executive Director, New Hampshire Commission for Human Rights*; John Scippa, *Director, Police Standards and Training*; Rogers Johnson, *Chair of the Governor's Advisory Council on Diversity and Inclusion*; James McKim, *President of the Manchester NH NAACP*; Sawako Gardner, *Justice of the New Hampshire Circuit Court*; Mark Morrison, *New Hampshire Police Association*; Charlie Dennis, *President, New Hampshire Association of Chiefs of Police*; Ken Norton, *Executive Director, National Alliance on Mental Illness - New Hampshire*; Joseph Lascaze, *Smart Justice Organizer, ACLU New Hampshire*; Eddie Edwards, *Public Member*; and Ronelle Tshiela, *Public Member, Organizer for Black Lives Matter Manchester*.

Also Present: Fallon Reed, *Chief of Planning and Grants, State Coordinating Officer, New Hampshire Department of Safety*; Kim Schmidt, *Legal Research Assistant, New Hampshire Department of Justice*; Kate Giaquinto, *Director of Communications, New Hampshire Department of Justice*; Annie Gagne, *Paralegal, New Hampshire Attorney General's Office*; Nicole Clay, *Assistant Attorney General, New Hampshire Department of Justice*; Susan Wolf-Downes, *Executive Director for Northeast Deaf and Hard of Hearing Services*; Richard N. Van Wickler, *Chameleon Consulting of New England, The Law Enforcement Action Partnership*; Donna J. Brown, *Wadleigh, Starr & Peters, P.L.L.C.*; Michael Dane; Mike Skibbie, *Policy Director, Disability Rights Center - New Hampshire*; Janet Hadley Champlin; *Former Police Chief of Bartlett, NH*; Veronica Dane; Matt Simon, *New England Political Director, Marijuana Policy Project*; and Representative Robert Renny Cushing, *NH House of Representatives, Criminal Justice and Public Safety Committee*.

ATTORNEY GENERAL MACDONALD: Everyone, this meeting is being audio-recorded. And I will call to order this meeting of the Commission on Law Enforcement Accountability, Community and Transparency. Our meeting today is being held under the provisions of the Governor's Emergency Order Number 12. So we are meeting remotely today via WebEx. The first requirement under RSA 91-A is to take the roll of Committee Members. When I call your name, please state where you are and who, if anyone, is in the room with you. This is Gordon MacDonald. With me is Kate Giaquinto, Kim Schmidt, Annie Gagne, and Nicole Clay. I am at the Department of Justice in Concord. Commissioner Quinn?

COMMISSIONER QUINN: Good morning, General MacDonald. Can you hear me okay, sir?

ATTORNEY GENERAL MACDONALD: Yes.

COMMISSIONER QUINN: I am at my office, 33 Hazen Drive, Concord, New Hampshire. And I am alone. Good morning, everybody.

ATTORNEY GENERAL MACDONALD: Thank you. Director Malachi?

DIRECTOR MALACHI: Good morning, everyone. I am at my home in Penacook, New Hampshire. And I am alone.

ATTORNEY GENERAL MACDONALD: Thank you. Director Scippa?

DIRECTOR SCIPPA: Good morning, General. Good morning, Members. I am at 17 Institute Drive in Concord at the Police Standards and Training building. And I am alone.

ATTORNEY GENERAL MACDONALD: Thank you. Mr. Johnson?

MR. JOHNSON: I am alone.

MS. REED: I'm sorry, Mr. Johnson. Could you say that again? You were unmuted.

MR. JOHNSON: Oh.

MS. REED: That's okay. I just opened up your line. Go ahead.

MR. JOHNSON: All righty. Again, this is Rogers Johnson. I am at my home in Stratham, New Hampshire. And I am alone.

ATTORNEY GENERAL MACDONALD: Thank you. Mr. McKim?

MS. REED: Mr. McKim, we can see your on but having a little trouble hearing you. General, perhaps we could go back to him at the end?

ATTORNEY GENERAL MACDONALD: Judge Gardner?

JUDGE GARDNER: Good morning. Can you hear me?

ATTORNEY GENERAL MACDONALD: Yeah.

JUDGE GARDNER: I'm in Wakefield, Rhode Island. My family's in a different section of the house. Thank you.

ATTORNEY GENERAL MACDONALD: Thank you. Good morning. Lieutenant Morrison? Can see you, can't hear you.

LIEUTENANT MORRISON: How about now?

ATTORNEY GENERAL MACDONALD: Yes, thank you.

LIEUTENANT MORRISON: Okay. I'm broadcasting live from the Londonderry Police Department.

ATTORNEY GENERAL MACDONALD: Thank you. Chief Dennis?

CHIEF DENNIS: Good morning, General and fellow Commission Members. I'm at the Hanover Police Department at 46 Lyme Road. And I'm in my office and alone.

ATTORNEY GENERAL MACDONALD: Mr. Norton?

DIRECTOR NORTON: Good morning. Ken Norton, I'm at my home in Tilton, New Hampshire. I'm alone in the room, although there are other family members in my home.

ATTORNEY GENERAL MACDONALD: Thank you. Mr. Lascaze? You're muted. Can you unmute yourself, please? No. Try it again. Unmute, please. There you go. Cannot hear you. Okay. Go ahead.

(No response)

ATTORNEY GENERAL MACDONALD: We will come back. Attorney Jefferson cannot be with us today. Ms. Tshiela?

MS. TSHIELA: Good morning, everyone. I'm at my residence in Durham, New Hampshire. And I'm alone.

ATTORNEY GENERAL MACDONALD: Morning. Chief Edwards?

CHIEF EDWARDS: Well, first, I'm at my home.

ATTORNEY GENERAL MACDONALD: Okay. Mr. McKim?

MR. MCKIM: Can you hear me now?

ATTORNEY GENERAL MACDONALD: We can, thank you.

MR. MCKIM: Excellent. This is James McKim. I am in my home office in Goffstown, New Hampshire. And I am alone.

ATTORNEY GENERAL MACDONALD: Great. And let's try Mr. Lascaze again. I think we've lost him temporarily. Oh, there he is. There you are. We can see you. Can you unmute yourself, sir? No.

MS. REED: General, I'll try to work with him and see if we can get him unmuted.

ATTORNEY GENERAL MACDONALD: Okay. Well, we have a quorum, and we will work with Mr. Lascaze offline. If you're not speaking, please do mute. We're getting some background noise. Again, good morning. It's nice to see everyone's face. We've got a lot of ground to cover today. We got some background noise, so please mute yourself if you're not speaking. Thank you.

Initially, since we're working on this new platform, I would like to first recognize the extraordinary efforts of Fallon Reed, who her day job is serving as a Coordinating Officer at the Division of Homeland Security and Emergency Management at the Department of Safety. But, as I mentioned, I think, the other day, she has singlehandedly been keeping State Government working by facilitating our various remote meetings.

And Fallon, could you, for the benefit of Commission Members, just kind of walk us through the technology and how Commission Members and members of the public should come forward and be recognized, in terms of raising hands and so on?

MS. REED: Sure thing. For those of you Commission Member that are speaking or have questions of the folks, on your screen, if you hover over the bottom, you'll see where you can mute/unmute yourself. But there's also a little icon that looks like a person. That's your participant screen. You click on that. On the right side, then your name will pop up. And you'll be able to hover where you can raise your hand virtually. And then, we will be able to call on you just for some sort of coordination. If you have any trouble at all, just send me a message in the chat.

For the non-Commission Members who are on the general public, if you're dialing in from your phone, you can hit *3. And that will pop up on my screen that your hand is raised. Or also do the same thing, where you look at the Participants list and then hover over your name. And you'll see a little hand icon that you can raise. Certainly, if anyone's having any trouble, just send me a chat. And I'll try to work through it with you. And I'll be here throughout, if you need anything.

ATTORNEY GENERAL MACDONALD: Thank you very much, Fallon. Next item of business is to approve the Minutes from the Commission's meeting of June 25th, 2020. We did receive some suggested revisions yesterday from Director Scippa. I hope other Commission Members have had a chance to review the Minutes with those proposed amendments. And if so, I would entertain a Motion to Approve those Minutes, please.

DIRECTOR NORTON: This is Ken Norton and I make a Motion that we approve the Minutes, as amended by Director Scippa.

ATTORNEY GENERAL MACDONALD: Thank you, Mr. Norton. Is there a second?

MS. REED: That would second it. Oh.

ATTORNEY GENERAL MACDONALD: Who was the second? Second, raise your hand if you second. Mr. Johnson, thank you. This requires a roll call vote. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

ATTORNEY GENERAL MACDONALD: Director Malachi?

DIRECTOR MALACHI: Yes.

ATTORNEY GENERAL MACDONALD: Director Scippa?

DIRECTOR SCIPPA: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Johnson?

MR. JOHNSON: Yes.

ATTORNEY GENERAL MACDONALD: Mr. McKim?

MR. MCKIM: Yes.

ATTORNEY GENERAL MACDONALD: Judge Gardner?

JUDGE GARDNER: Yes.

ATTORNEY GENERAL MACDONALD: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

ATTORNEY GENERAL MACDONALD: Chief Dennis?

CHIEF DENNIS: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Norton?

DIRECTOR NORTON: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Lascaze? We lost him again. Ms. Tshiela?

MS. TSHIELA: Yes.

ATTORNEY GENERAL MACDONALD: And Chief Edwards?

CHIEF EDWARDS: Yes.

ATTORNEY GENERAL MACDONALD: Okay. Our order of business today, when we left off at our last meeting, Chief Dennis had just presented his testimony with respect to training curriculum,

procedures, and Policies developed by local Police. So, we will give Commission Members a chance to ask Chief Dennis questions. And then, we will turn immediately to public testimony.

And we are going to take members of the public in the order that they have signed up through our email address to testify. And just so members of the public can prepare, I'm going to read the list of names in the order that we will hear the testimony. And I hope we can get to that as quickly as possible. The first witness will be Susan Wolf-Downes; next, Richard Van Wickler; next, Donna Brown; next, Martha Wyatt; next, Robin Davis; next, Representative Renny Cushing; next, Michael Dane; next, Mike Skibbie; next, Janet Champlin; next, Veronica Dane; and next, Matt Simon.

If a member of the public is not on this list that I just read out and does wish to testify, please email us at leact@doj.nh.gov, leact@doj.nh.gov. And we will get you on the list. But even if you were not on the list, we will make any member of the public who is participating out there and wishes to be heard heard.

After we hear from members of the public, we will, then, have an opportunity for Members of the Commission to present testimony. And again, our topic is really focused at least at this point on training curricula, Policies, and procedures. And I do know Mr. Norton wanted to present testimony. And if there are other Members of the Commission, we will do it then.

It is obvious that we are not going to get through all these witnesses today. So we will have to bind that over to our next meeting. But I want to assure everyone who has been so patiently waiting that you will be heard. You will be heard. And I appreciate everyone's patience, as we work through this. Okay?

So, with that, Chief Dennis, you're in the witness chair, if you will, virtually. And I'll just run through the roll and see if, Commission Quinn, do you have any questions?

COMMISSIONER QUINN: No, sir.

ATTORNEY GENERAL MACDONALD: Director Malachi?

DIRECTOR MALACHI: No relevant questions, thank you.

ATTORNEY GENERAL MACDONALD: Thank you. Director Scippa?

DIRECTOR SCIPPA: No questions, General.

ATTORNEY GENERAL MACDONALD: Thank you. Mr. Johnson?

MR. JOHNSON: No questions, thank you.

ATTORNEY GENERAL MACDONALD: Mr. McKim?

MR. MCKIM: Thank you, General. I did have one question. I have asked in the past about funding for training. And I wondered if the Chief might say a few more words about his perspective on thoughts on how funding is currently done around training and what his thoughts are around how that might be improved overall.

CHIEF DENNIS: Thank you, Mr. McKim. And can you guys hear me?

MR. MCKIM: Yes.

CHIEF DENNIS: Okay. Thank you. Certainly, funding is an Agency-community-type thing. Each Agency has their own budget that a town or city sets for them. Generally part of a Police Department's budget would be a training fund that's set that's determined that's approved by the Manager, the Select Board, or City Council. And then, those funds would be used for, again, trainings that the Chief and the Department felt would be beneficial for his staff to go through.

Certainly, there's some trainings that are free. I believe the majority, if not all, the trainings offered through PSTC are free, although certainly Director Scippa could speak more to this. Certainly over the last several years, those amount of trainings have reduced what those offerings were.

But, generally, it's, again, funding that comes through the town or the city, into the Police Department, into a training fund to use for specific trainings that the Chief determines necessary for that Agency to have. Did that answer your question, sir?

MR. MCKIM: It provided a little more background, thank you. I wondered if I might follow up. Given the challenges that cities and towns are having with finding funding for training, what are your thoughts on what this Commission might recommend to help with that situation of not being able to acquire that funding?

CHIEF DENNIS: Well, certainly, there's always the options that Departments, towns, and cities have of grants, whether it's through the State level or through the Federal level. I think many times the types of trainings that we're looking at here -- implicit bias training, whether I've talked about that being an annual requirement; de-escalation trainings, don't know if that would come through a regular basis through the Federal Government. Would it be something that maybe the State Government could do? I don't know. I think those are discussions that we can bring forward and present to the Governor and see what he thinks and what's important.

And this is really going to come down to communities of what they feel is important. And I think this is what we, as a Commission, are bringing forward and what we feel will be beneficial to Law Enforcement in the long run of more focused training in specific areas.

MR. MCKIM: Thank you. And my next question and probably the last area that I wanted to hear a little bit more about is something I've not really heard about yet and that is how unions -- I know unions are probably more an issue for the larger cities. But I want to get an understanding -- and maybe this is not the right area or time. But I'd love to know where -- how unions fit in with Policies and procedures, and the whole (inaudible), and just wanted to learn a bit more about how unions fit in with the picture.

CHIEF DENNIS: Right; certainly at least -- and I can only speak from my experience with the union I have locally which really deals primarily with salary and benefits. Although if I have a Policy that comes out, they may present questions if it feels like it impacts them in a different way, or maybe in a way that they felt maybe I didn't think about. And so, they may bring that forward for us to have discussion and kind of meet about. And through that discussion, either I change that Policy or it stands as it was written. So, they do play that role of coming in and helping us make better informed decisions. Whether we always agree -- and we may not always agree -- but generally they have some good points to present.

MR. MCKIM: Okay. So, are there any recommendations that you might have, what we might look into around helping them to make sure that the relations and the operation of the unions doesn't impact or doesn't impede what is best for the public?

CHIEF DENNIS: Well, Mr. McKim, maybe what you're trying to ask and may not be coming directly out is that there's certainly been talk through the media and nationally that Officers that maybe should have been terminated are allowed to be at work, or those that have experienced Police misconduct and things like that.

I mean, certainly, that's out there. I haven't had that experience here. So I can only really speak from my perspective of that. But, I think anyone has the right to due process. We certainly know that, whether you're a Police Officer or an Employee in any community you work with. And whether you have a union or if somebody hires an Attorney to fight a specific employment action.

But let me just finish. I do think the best thing to do, of course, is having good relationships and communication. I think that that is (inaudible) thing we can do with our local unions and (inaudible). No one wants a bad Cop working beside them. And I think unions would say that, too.

MR. MCKIM: Thank you, Chief, and thank you, General.

ATTORNEY GENERAL MACDONALD: Thank you, Judger Gardner?

JUDGE GARDNER: Thank you. No questions.

ATTORNEY GENERAL MACDONALD: Lieutenant Morrison?

LIEUTENANT MORRISON: I have no questions at this time. Thank you.

ATTORNEY GENERAL MACDONALD: Thanks. Mr. Norton?

DIRECTOR NORTON: Backing up.

MS. REED: I'm sorry, Mr. Norton. You were muted. Can you start over?

DIRECTOR NORTON: Sure. Thank you, Chief Dennis. That was a really informative presentation. And I have a few questions. Just backing up a step, how many Law Enforcement Agencies are there in New Hampshire?

CHIEF DENNIS: Mr. Norton, I don't know the exact number. But I believe there's over 200.

DIRECTOR NORTON: Okay. And how many of them are members of the Chiefs Association?

CHIEF DENNIS: I want to say it's around that 180 mark.

DIRECTOR NORTON: And this is sort of follow-up to Mr. McKim's question. Do you know how many Departments are represented by unions?

CHIEF DENNIS: No, sir. I don't.

DIRECTOR NORTON: Okay.

CHIEF DENNIS: And it can vary. It's not just your large Agencies. I've heard of Agencies as small as two or three having a union. So I can't accurately answer that.

DIRECTOR NORTON: And how many of them are accredited?

CHIEF DENNIS: How many Agencies?

DIRECTOR NORTON: Yes.

CHIEF DENNIS: I want to say I received some information -- don't quote me exactly. But I want to say there's 15 that are accredited nationally through CALEA in the State, and then an additional five that are in the process of becoming accredited. So it should be somewhere around that number.

DIRECTOR NORTON: Okay. And to your knowledge, is there any work group or like a community of practice for New Hampshire Departments working towards accreditation to kind of help train each other and learn, work together to achieve accreditation?

CHIEF DENNIS: Yes, there is. There is actually a group that meets here in New Hampshire. It's the New England -- and I can't remember the exact acronym, sir. But it's Agencies that are accredited and they have meetings throughout the year. And they also invite Departments that may be interested in obtaining accreditation to start going to those meetings. And they will work with that Agency to help them through that process that they've all been through.

DIRECTOR NORTON: Great; and when an Agency decides that it wants to explore accreditation, is there training available through CALEA or another organization that kind of walks them through the process, or helps them maybe make a presentation to their Select Board, or their community, about why accreditation is important?

CHIEF DENNIS: I don't know that there's official what you'd call training. But I do know that CALEA would work with you. They would probably work with connecting you with another CALEA-accredited Agency nearby you. And generally someone within that accredited Agency is generally always willing to come and help you make a presentation to your City Council or your Select Board in support of why accreditation is a good thing.

DIRECTOR NORTON: Great, thanks. And you talked a little bit about the six pillars and the 21st Century Policing Report. And regarding the current annual use of force training requirements, is there a template that's provided by PSTC? Or is that use of force, those hours that each Officer needs for recertification in New Hampshire, is that determined by the individual Department?

CHIEF DENNIS: I want to say -- and Director Scippa is probably going to be able to answer this more accurately, but I believe it's the four hours that you're referring to that they have a bunch of different topics. And you have to rotate through those topics every three years. And Director Scippa, like I said, he could answer that a little bit more eloquently than I could. But they have specific topics that you have to make sure you're covering at least every three years during that four hours.

DIRECTOR NORTON: Great, thanks. And regarding training, you mentioned a New Hampshire Standards of Conduct for Law Enforcement. And I wasn't clear if you were saying that we need one, or that there's currently one now.

CHIEF DENNIS: Okay. So, certainly there's a Law Enforcement Code of Ethics. And generally when we're talking about standards of conducts, many Agencies have Rules and Regulations of which standards of conducts are within those Rules and Regulations. And like you said, each individual Agency sets their own Policies and Procedures.

And what we were talking about is an association that we're looking at recommending to is, could there be a State Standard of Conduct that could at least be, this is a minimum of conduct for what we would expect our Officers in New Hampshire to abide by? It's not saying that an Agency could go above and beyond that. And then, we talked about a little bit of the importance of reviewing that each year with your Officers, so it's staying fresh in their mind of what those Rules and Regulations are.

DIRECTOR NORTON: Great. And in the absence of accreditation, who is responsible for reviewing Policies and Procedures within an individual Department? Is that the Chief or the Select Board? Or is there any other entity that makes that determination?

CHIEF DENNIS: Again, that could vary from Agency-to-Agency and community-to-community. Certainly if they're not accredited, or maybe if they don't fall under a Civilian Oversight Board, because some of the Agencies that do have that, Policies go through a Committee that citizens may sit on. Otherwise, it's up to the Chief and maybe has a certain member of his Command Staff that's currently going through Policies and bringing those up for review. Sometimes they may be referred up to the Manager to review. And sometimes, depending on the Policy, here, in Hanover, our Select Board was very involved with our fair and impartial policing, as well as our Town Manager Policy.

DIRECTOR NORTON: Do Insurance Providers like Primex review Policies and Procedures, as well, and make recommendations regarding training?

CHIEF DENNIS: They certainly can be a resource for an Agency to call and run Policies by them, and see what their perspective -- they certainly have a Head Legal Counsel there that can help provide

feedback to an Agency to make sure that maybe their Policy is inline and maybe it's a best practice. And what was the last part of that question?

DIRECTOR NORTON: And I mean, I'm interested obviously in the Policies and Procedures because that's what informs training and training recommendations.

CHIEF DENNIS: I mean, certainly, I guess, if Primex is helping me with a Policy, they might recommend some sort of a training. I don't really see those two crossing, coming directly from Primex. But, certainly, I think if you had issues and you were discussing those with your Insurance Carrier, through that conversation there might be trainings that come up, or they may offer.

Primex offers a lot of different trainings throughout the year. They may say, hey, this could be a beneficial -- maybe it's a Policy dealing with supervision. Hey, we have some first-line Supervision classes. We have some higher-level ones. These could be beneficial to you for your Supervisors in your organization.

DIRECTOR NORTON: Great; does CALEA make specific training recommendations about racial bias?

CHIEF DENNIS: Well, certainly I know that is something that they have in their standards of talking about -- and I'm flipping through, so give me one second here. And certainly this is a statement that I read last week. It's throughout CALEA's Standard Manuals, there is a clear commitment to procedural justice, ethical policing, community trust and engagement, transparency and service delivery, appropriate organizational culture, fairness in systems and processes, and consistency in what citizens should expect from their Law Enforcement Agency. Is there things specific at -- my Agency is not accredited. There could be something specific that they have in their standards. I'm just maybe not aware of that.

DIRECTOR NORTON: Okay. And I have maybe several other questions related to that. But just specific, does CALEA make specific training recommendations about mental illness or trauma, mental illness for Officers and peer support, LGBTQ folks, reporting misconduct, those kinds of things?

CHIEF DENNIS: I'm sure they support that. But I just can't accurately speak, since I'm not an accredited Agency, of what exactly they may be saying specific to the training element.

DIRECTOR NORTON: Okay. And you mentioned Citizen Oversight Boards or Review Boards. And obviously not all communities have them. But is there training for those citizens so that they have a background in or understanding? Is that a standard practice for when there is a Citizen Advisory Board? What type of training do they get, or what type of training is recommended?

CHIEF DENNIS: Since I don't have one, I can't accurately speak to that, if there is a training for that. There may be something like that exists out there. But I would imagine probably from the communities that do have one, they're probably working with those citizens that are coming in, kind of onboarding them and kind of explaining their processes, how they work, so they have a better understanding when they do look at Policies, Procedures, or they're dealing with employment issues, so they have a better

understanding of how that Agency operates. But whether there is a standard out there, the training that someone would go through, I don't have the answer to that.

DIRECTOR NORTON: Thanks. And I understand I'm asking some complex questions here. But a lot of it did come with your testimony, which was excellent. And these next set of questions, same thing, I'm not putting this all on you.

But you did talk a little bit about organizational culture. And this seems to be obviously a theme that's come up several times already in our meetings. And what type of training is needed to continuously reinforce the prevention-oriented sort of guardian model of policing, versus the arrest-oriented warrior model of policing?

CHIEF DENNIS: Well, I think there are trainings out there that deal with those type of things. And I think Director Scippa's already mentioned a couple of those when he talked about Ethical Policing is Courageous, which deals more with the duty to intervene and why that's important. And it kind of brings you back to center of what is at the core of who we are as Law Enforcement Officers. We're here to really help people.

One of those aspects is sometime we have to go and we have to arrest people. But that shouldn't be our primary focus. It's to help people. It's just an element of something that sometimes we have to do. But there are trainings out there.

I will say this, as a Chief. The organizational culture starts at the top of every Law Enforcement Agency in New Hampshire and across United States. And from there, it goes down to each person right under that. The next person is Assistant Chief. If they're not inline, it creates a problem within the organizational culture. So it starts at the top and it's important for that Chief to make sure that that is being pushed down throughout the Agency.

If you'll look at some of the organizations that have been under a DOJ Consent Decree, and particularly Baltimore comes to my mind, and one of the things when they went through that Agency and looked at is, although, at the top of the organization, they're wanting to accomplish the right thing. But then, you have people being promoted from the lower ranks into the first-line supervisory position. And somehow there was still a disconnect. And so, that creates a problem of really fully changing that organizational culture. So, it can be done. It's a lot of work. It doesn't happen overnight. But it does start at the top of each Law Enforcement Organization.

DIRECTOR NORTON: Thanks for that. And this one is kind of related to that. But, what training do you provide to new Recruits and ongoing Officers to reinforce that their loyalty is to the community and not to their fellow Officer or their Commanding Officer, or the Chief, or the Department? How do we build in that sense of responsibility to a command structure, which is so important, but also train around that duty of loyalty to the community?

CHIEF DENNIS: Well, I think there are trainings out there. I can't name one specifically right off the top of my head. But, certainly there are trainings out there that can help change the culture, that can help change that mindset from a warrior mindset, as you mentioned, to that guardian mindset.

I think it starts in the Academy. And I've had conversations with Director Scippa, with the General over the past year-or-so, of other Agencies that are doing those type of things throughout the United States. So there's ways to do that. I believe that's where it starts.

But even when you get back to the Agency, that first person that that Recruit's going to be with is a Field Training Officer. That is an important part of every Law Enforcement Organization. I mean, you now have the Recruit coming fresh of what they learned from the Academy. Now, they're coming back to that Law Enforcement Organization.

What culture is that FTO putting that new Recruit in? Does he understand and believe in the core values of each individual Agency? Is he promoting a positive attitude in how we interact and treat, because they learn stuff in the Academy. Now they're coming back. Oh, this is it in live-action. Now they're going to be watching that Field Training Officer.

How does he really interact with people in real-life crisis situations? What are they doing when they're driving around in the car? What are they talking about? Are they talking about how great the community it is, how nice it is to help people? Again, attitude is very important within an organization, too. But I do believe there's trainings out there that can help us change those cultures to make sure that guardian mindset is first and foremost. But it takes all of us working together to do that.

DIRECTOR NORTON: Great, thanks so much for all your answers. And I get that these were complex questions and not all sitting on you for the answers. And we will surely be having more conversations about this. Thanks a lot.

CHIEF DENNIS: Thank you, sir.

ATTORNEY GENERAL MACDONALD: Okay. I think, Joseph, are you out there?

MR. LASCAZE: Yes, I am.

ATTORNEY GENERAL MACDONALD: Okay.

MR. LASCAZE: I'm sorry for the technical difficulties I was experiencing. But, just to start from the beginning, I am at my residence in Bedford. I do have one family member that is here. But they are not in the room.

ATTORNEY GENERAL MACDONALD: Great, thank you. Do you have questions for Chief Dennis?

MR. LASCAZE: Yes, I do. Thank you. Chief Dennis, I wasn't able to hear your presentation. I was experiencing some difficulties. So apologize if I ask something that you have already made reference to. But, real quick, I did read the presentation that you had submitted to the Commission, to let you know. You did mention Civilian Review Boards, in responding to a question to Mr. Norton. And I was just wondering. Do you know how many Civilian Oversight Boards exist in New Hampshire?

CHIEF DENNIS: No, sir. I don't. I actually had a conversation with Chief Mark Chase recently, because I know the City of Claremont has a Police Commission. And I was enlightened to know, because I

was curious of how that came about. And it's interesting that that came about through a Governor's Declaration back in maybe the '50s or something like that. And there was several other communities within New Hampshire that received Police Commissions at that time. And so, he kind of gave me a little bit of a history lessoning of how that occurred, which I didn't know the history there. But I do not know the exact number in New Hampshire. But I don't think it's very large.

MR. LASCAZE: Okay. Is there a way that we could find out that answer so we could submit it for the record for the Commission?

CHIEF DENNIS: I see the General shaking his head. Or it looks like he's shaking his head.

ATTORNEY GENERAL MACDONALD: Yeah, we will figure that out, Joseph. It's a good point. Yeah.

MR. LASCAZE: Okay. All right. Thank you. Also, Chief Dennis, while we're still on the civilian oversight, do you support civilian oversight in the form of like an Oversight or Review Board to include the oversight of Policies and training curricula?

CHIEF DENNIS: Certainly, I'm only one person. But I think it's a community decision to make that. I think that each community needs to work with their Police Department and their City Council, or Select Board, and make a determination if that's something that needs to occur or not.

There's many Agencies across the U.S. that -- well, probably the majority of Agencies operate across United States without one and do a good job. So, I'm not saying it couldn't be done or shouldn't be done. I just think it's up to the individual decision of each community.

MR. LASCAZE: Okay, thank you. I want to shift over to demographics. I had provided a chart to the Commission. And it was uploaded to the website. And I wanted to know, Chief Dennis, because this would refer to the training that starts at ground level. Does the Association of Chiefs of Police believe that people of color are disproportionately arrested and incarcerated in New Hampshire?

CHIEF DENNIS: I don't know that that's a question that's ever been discussed at the membership level. So I don't think I could really answer that question not having that response that comes from the membership.

MR. LASCAZE: Okay. Well, based on the data that was provided, do you personally believe that people of color are disproportionately arrested and incarcerated in New Hampshire?

CHIEF DENNIS: And I have to apologize. I have not seen the form that you're talking about.

MR. LASCAZE: Okay. All right. Yeah, because it was showing that, as of June 1st, 11% of the population in the Department of Corrections was people of color, mainly black. And 1.7% of the population of New Hampshire is black. And speaking with a stakeholder, an inquiry had been made to the Valley Street Jail, where they had reported last month that 16.9% of their population was people of color,

specifically black. And so, I was just wondering if there is a theory that could support these disparities that are happening in the Criminal Justice System.

CHIEF DENNIS: Well, I don't know if I have an answer for you on that. I think, again, that's the purpose of having conversations that are beginning. And I think this Governor's Commission is one of those to start happening to see if we can get to the bottom of questions just like that.

MR. LASCAZE: Okay, thank you. Does the Association know the overall demographic makeup of Police Officers in New Hampshire, specifically like what percentage of Law Enforcement is people of color?

CHIEF DENNIS: No, sir. We don't have that specific data.

MR. LASCAZE: Okay. Okay. Because I believe that I read on -- I can't remember which Department's website. But they had stated that Police Departments should reflect the demographics of the community they work in. And I was wondering if the Police Association, as a whole, supports that theory.

CHIEF DENNIS: And again, that's not a direct question that, since I've been the President, has been asked of our membership. I think if you talk to individual Chiefs, I think we would all say -- I can't say from the membership. But I think, as a Chief, we would all support of trying to mirror our communities, as far as diversity and things like that.

But I want to say something, when I've done some research earlier. And I think another thing that we don't want to miss and that I believe is important is, when you talk with people of really what they want, they want to be treated with respect. They want to be listened to, whether it's a white Officer showing up, a black Officer, or a Hispanic Officer showing up at that door. That's what they want. And many times you hear, if an Officer that is black shows up, he may be not looked at that way. He may be looking like he's a Police Officer.

And so, again, I go back that I think it is important to have diversity within Police Departments and mirror your communities the best you can. But above and beyond that, it's who we hire with character, good attitudes, people that can treat people with respect and compassion is the key.

MR. LASCAZE: Absolutely, sir. And I agree with you on that. I think that what was trying to be highlighted was the fact that, specifically when you're dealing with minority cultures, that, when you do have that initial engagement with Law Enforcement, what, in my experience, has happened is people want to be able to know that who they are talking to understands the culture that they come from. And as a person of color seeing a lot of what's happening in the world, it's understood why, when dealing with Law Enforcement, when you are dealing with someone that can understand your culture inherently, it makes that interaction, as you said, respectful and beneficial to all that have to be a part of it.

I wanted to ask about recruiting. How are Police Departments recruiting diverse Officers, specifically from marginalized community groups in New Hampshire right now?

CHIEF DENNIS: And again, I can't speak to what each individual Agency does. I can speak generically that I think Agencies, not only do they advertise through platforms that go nationwide, whether it's Indeed, in Monster, and all those type organizations that, with the invention of the internet, allows

information to get out everywhere. But certainly focusing in on colleges and different things like that, doing job fairs, different things like that; sometimes there's some organizations that reach specifically out to minorities that you can advertise through. And so, I know Agencies do things like that.

MR. LASCAZE: Okay. All right. Going back to training of Police Officers, when it comes to S.W.A.T., in particular, which has not been brought up, how are New Hampshire S.W.A.T. Teams trained, and who conducts that training?

CHIEF DENNIS: And I can speak for Hanover. We're part of the Central New Hampshire Special Operations Unit, which is made up of several different Agencies, I guess, in the central region of the State, from not only Hanover but Concord and other communities like that.

Certainly, they have someone that's over that Unit that they provide their own inhouse training. But they also go to other trainings, or bring Trainers in from other States to help them conduct those trainings and make sure they're getting the best training and best practices in those trainings.

MR. LASCAZE: Okay. And are you aware of any implicit bias training that S.W.A.T. Members receive above any basic training provided at Police Standards and Training Council?

CHIEF DENNIS: That is a great question and I am not aware of that. But I think that would be a great question to ask. And again, I think going back to what we talked about training to where, if implicit bias training and cultural diversity, and explicit bias training became an annual requirement, those people on the S.W.A.T. Teams are Police Officers first and foremost. They would be getting that training.

MR. LASCAZE: Absolutely, okay. Thank you. And one last question, how -- well, it's a two-part question -- how many Departments have Police Prosecutors? And how many of those Prosecutors -- I don't know if you know this off the top of your head -- are people of color?

CHIEF DENNIS: Good question. I don't have that answer. My understanding is that all Police Agencies have to have some sort of Prosecutor to be able to prosecute those misdemeanor cases, because the County Attorney's Office does not handle those. They handle the felony levels in the Superior Court.

So each community either has to have one or hire one, or they'll use a Police Prosecutor, someone that's gone to training. PSTC holds those classes for a Police Prosecutor training to do that. How many of color? I do not have an answer for you, sir.

MR. LASCAZE: Okay. Thank you very much, Chief. I really appreciate this.

CHIEF DENNIS: Thank you, sir.

ATTORNEY GENERAL MACDONALD: Thank you very much. Ms. Tshiela?

MS. TSHIELA: Hi. So, my first question is a follow-up question. Specifically what training do New Hampshire S.W.A.T. Teams receive regarding the execution of No-Knock Warrants?

CHIEF DENNIS: And again, I'm not the S.W.A.T. Team Leader, so I don't have that answer of what trainings they have.

MS. TSHIELA: Okay. Are Police Departments in New Hampshire trained in the use of teargas and rubber bullets?

CHIEF DENNIS: I couldn't speak for all Departments. My Department has not had training in rubber bullets or teargas.

MS. TSHIELA: Okay. Who would be able to answer the question for me about the training of No-Knock Warrants?

CHIEF DENNIS: Probably the Departments that have their own S.W.A.T. Team, certainly your larger communities have their own S.W.A.T. Teams. Smaller communities, like ourselves, are members of what you call more of a Regional Team. And probably the Head of those Teams would be able to provide that information for you.

MS. TSHIELA: Okay. And one last question, this is a follow-up from Mr. Lascaze's question. What data do Police Departments currently collect and compile regarding the demographics of those stopped, detained, and arrested?

CHIEF DENNIS: Again, it's kind of like Policies/Procedures. Everything goes back to each individual organization. It depends on what type of computer-aided dispatch and records management system they have, if that information is compiled into that system. Generally it can be extracted from that system.

MS. TSHIELA: Would you support making race a mandatory demographic that's collected at stops?

CHIEF DENNIS: I think that's a great conversation to have. I think, as the President of the Chiefs Association representing a membership, I think that's a discussion that we could all have.

MS. TSHIELA: Thank you for your answers.

CHIEF DENNIS: Thank you, ma'am.

ATTORNEY GENERAL MACDONALD: Thank you. Chief Edwards?

CHIEF EDWARDS: I don't really have a question. I just want to just make a brief statement. Someone asked a question about recruitment. And I just want to share with you, General, and the Commission Members and the general public.

The State of New Hampshire, about -- I'm going back a little bit here. But we had a large recruitment drive with the Southern New Hampshire University and NOBLE, the National Organization of Black Law

Enforcement Officers, along with the City of Manchester, the Manchester Police Department, and State Police. And I believe Commissioner Quinn was Colonel Quinn at the time. He participated in that.

And we brought in Instructors all over the country to try to recruit minority and women into law enforcement. And we even reached out to HBCUs to bring them to New Hampshire to encourage them to apply for Police jobs. So, that effort has been going on and continues to go on, not that same program, though, not the same program. Thank you.

ATTORNEY GENERAL MACDONALD: Great. There's some lines of question directed to Chief Dennis about what Agencies and Departments are doing. And I was talking offline with folks in my office about that. And it may be that a useful exercise for the Commission to send out a survey and collect some of these data that Chief Dennis understandably just doesn't have. And so, I put that out there for Members of the Commission to think about. And it's something that we could certainly facilitate.

Okay. Thank you very much, Chief. We are now going to move onto public testimony. Our first witness is Susan Wolf-Downes. And at the outset, I want to thank our two ASL Interpreters, Kristine and Amber, who are going to help us with Ms. Wolf-Downes' testimony.

After Ms. Wolf-Downes, we will be hearing from Donna Brown; and after Donna Brown, Martha Wyatt; and after Martha Wyatt, Robin Davis. So, would those subsequent witnesses please use the device on your screen to raise your hands so that we know where you are and we can get you going as soon as possible? For Members of the Commission who want to ask questions, please raise your hand. Please raise your hand. Okay. With that, I will turn it over to Susan Wolf-Downes.

MS. WOLF-DOWNES: I'm ready to testify. Do I have to be sworn in or anything?

ATTORNEY GENERAL MACDONALD: No.

MS. WOLF-DOWNES: Oh, okay. Great. I wanted to get that over with first. But first, I'd like to thank all of you very much for this wonderful opportunity to meet with all of you. I'm deaf, by the way. I'm speaking through an Interpreter. So just in case any of you weren't aware, that is what's happening. I've been deaf all my life. I'm also the Head Director of NEH...

INTERPRETER: Sorry, the Interpreter.

MS. WOLF-DOWNES: Of NDHHS, Northeast Deaf and Hard of Hearing Services, which is in Concord, however it's run statewide. We are an organization, not an Agency, an organization. We're nonprofit. We represent the community. And we're so happy that you're having this hearing. Thank all of you. Thank you, all, the Department of Justice, for all of this. I really appreciate it, for the Interpreters and the Captioners.

I would like to discuss about the trainings and Policies specifically at the Police Academy. For about 10 to 12 years, I have been applying and submitting Applications for a small grant to offer training. I was chosen several times to offer the training. But during the last three years, we were turned down repeatedly, turned down to offer training to work with the deaf.

This year, in particular, I decided not even to apply, because I felt like, why bother? I really felt like we were being oppressed in this situation, that the Police Department didn't care about the deaf

community. I really like hearing right now what's going on that your concerns are for the community. And so, that's why I'm here today.

I'm reading my notes. Give me one moment. So you were speaking about accreditation. It's interesting. People in general can give validation without accreditation. I'm like a person who could give you an accreditation. A black person, we feel we could give you -- we don't have specific training to give this. But we are of the culture. We are practicing our culture. And so, we are qualified to give you trainings about what it's like to work with us.

And in particular, there have been some issues in New Hampshire for Police Departments working with the deaf. I've heard many horror stories. People being asked if they can lipread, and it's really important that the Police Departments not ask that question. They might ask, how would you like to communicate? They could gesture with the deaf person. I mean, I could go on and on with all the differences. But I'd like to keep your meeting brief today.

So, I know it's the day before a holiday. And I know everybody's antsy. And I understand that. So I do have a question for all of you today. Did you know there is one Police Officer who is a child of deaf adults? He's called a CODA. He's a child of deaf parents. Did you know that? Maybe some of you know that. He is very good at signing. And he came and did some meetings with us. He's met with the deaf community. And we know him. He was very happy to work with us.

Did you know that one Officer is an Interpreter? He's a screening Interpreter. Did you know that? Use the resources. There are resources on the Police Department already. And use us, NDHHS. We would love to help out.

I can give you one more example. My husband was pulled over. The two of us were driving. It was 9:00 at night. I had to work late. And I had forgotten a paper. I had to go back to Concord to pick it up. And my husband said, I'll go with you. I don't want you to go alone at night, so I'll go with you. So I said fine. My husband is also deaf. And the two of us went.

And on the way home, I was playing with the overhead light in the car, and it came on. And so, I was signing to my husband. I signed three signs to him to let him know something while he was driving, and then I turned it off. And then, I did again. I turned it on, and I signed something, and turned it off.

And a Police Officer happened to be behind us at the time, which I wasn't aware of and he thought the car was swerving just a little bit. But we saw there were no other cars around us and we were aware of what was going on. I knew we were safe. I could tell him just something quickly, because deaf people are very good at communicating in the car.

But the siren, the lights came on. We were pulled over. My husband and I looked at the window, waiting for the Officer to come. We waited and waited, and waited. And nobody came. And my husband, we were looking. And all of a sudden, we look to the other side, and they were on the other side. They were on my side of the car, not my husband's, who was driving.

So I put my window down halfway. And he asked for the License and Registration. We gave him the License and Registration. And he was speaking to us. And I said, please. I gestured to him to please write it down, and he didn't have any paper or anything. That's happened before to us. He didn't have any paper or anything with him to try to communicate with us. And they're supposed to. The Officers, I am aware that that is -- from training, I learned that Police Officers are supposed to have paper and pencil with them.

So I had paper and pencils. I was able to get out and hand it to him. And so, he was able to write back-and-forth. And he said, you were kind of moving a little bit in the lane. And he admonished us for that, and we said that we understood and appreciated his concern. And he let us go.

But, we were so terrified. We were so scared in the moment. Can you imagine being deaf? You can't hear. You can't communicate with this person who has a lot of power. And so, there's a lot of mental-health issues relating this fear.

Can you imagine, if you were in a different country? Imagine, you go to a different country and you're injured. And it's a different language. What do you do? It's that fear, that anxiety of not having someone who can speak your language to communicate a person in power. That's what we go through.

And so, I just would like to see each person, each District go through the training, each region once a year to have training on how to work with the deaf community all over New Hampshire. And I'd like to see that happen regularly so people can understand. I would like to let you ask any questions. I could go on. But, please, I would like to open it up to questions from you at this time.

ATTORNEY GENERAL MACDONALD: Thank you very much, Ms. Wolf-Downes. Commission Members with questions, please raise your hand. Mr. Lascaze?

MR. LASCAZE: I apologize. That was an accident. I do not have any questions to ask.

ATTORNEY GENERAL MACDONALD: Okay, thank you. Any other Commission Member?

MS. REED: Director Scippa has a question.

ATTORNEY GENERAL MACDONALD: Thank you. Director?

DIRECTOR SCIPPA: Yes. Ms. Downs, could you please send me the names of the Officers that you spoke of? And you can send them to me offline. I would be interested in talking with them, who maybe could help us deliver our two-hour block of instruction on communicating with the deaf and hard of hearing, which is a class that is delivered in every Police Academy here at Police Standards and Training. But I think those two Officers, one was the CODA Officer and one was the Interpreter. Those would be tremendous resources to have as part of that class. Thank you.

MS. WOLF-DOWNES: Okay. Yes, I would be happy to do that. Absolutely. It's important that we still need to have a deaf person in the room when you go through that training. It's very important, because otherwise there's just not enough exposure. There's not enough awareness of the specific experience.

ATTORNEY GENERAL MACDONALD: Okay. Thank you very much, Ms. Wolf-Downes. And thank you to Kristine and Amber for your help today. To the knowledge of the folks who put together our meeting today, this is the first time we've been able to facilitate a translation like this. And it's gone off very, very well. And again, thank you very, very much to our Interpreters and to Ms. Wolf-Downes for excellent testimony. Next, we are going to hear from Attorney Donna Brown. Attorney Brown?

MS. REED: One moment, General, and I'll open her line. Go ahead, Ms. Brown.

ATTORNEY BROWN: Oh, thank you. This is Attorney Brown. I'm going to put my phone on non-speaker. I'm speaking on behalf of the New Hampshire Association of Criminal Defense Lawyers. Couple things I do want to address; Chief Dennis said a little while ago that he was not sure whether persons of color are arrested disproportionately in New Hampshire. If he doesn't know that, that's part of the problem. And they are. The evidence is uncontradicted.

The other thing I want to say before I start reading my statement is also the three days of hearings that I've listened to have been extremely frustrating, as a Criminal Defense Lawyer. For a living, we cross-examine people. And it's a valuable tool to get to the truth. And I've seen some cross-examining going on here, or asking tough questions. I haven't seen enough. And so, I would urge all of the Members to ask tough, probing questions.

About three months ago, I got a call from a Client who's on the side of the road after being stopped by the Police. He said that he'd done nothing wrong and he thought he was being racially profiled. He was screaming and the Officer was yelling back at him. And things were spiraling out-of-control.

I said, breathe. It's going to be okay. Try to stay calm, see if the Officer will take the phone from you. He handed his phone to the Officer. The Officer started screaming at me and he said, he just called me a F-ing racist. I'm not a racist. And I said, this isn't about you. I'm sure you aren't racist. Jim has experienced a lot of trauma because of mistreatment by the Police and in his childhood. So even a good Officer can trigger him.

I asked the Officer, have you ever had a friend or family member who was in combat and got PTSD, and they got triggered in an irrational way? He said, yes. And I said, the same thing. You talk quiet, he'll be okay. Five minutes later, they were joking with each other. Later, I learned the Officer had stopped my Client because of a nonspecific suspicious vehicle call.

Criminal Defense Lawyers have been trying to educate Law Enforcement about racial bias since the 1980s, because we've had a front row seat to it. Every time we have tried to combat racial bias in the Criminal Justice System, the Police and the Prosecutors that enable them have fought us every step of the way.

We go back 30 years to 1987, the United States Supreme Court case of *McCleskey v. Kemp*, where Defense Lawyers presented volumes of irrefutable evidence about racism in the Criminal Justice System. But the Court ignored the research. And the Court specifically expressed a concern about this research on race and how it played a significant role in the administration of the death penalty. And they were concerned because this research would call into serious question the principles that underly our entire Criminal Justice System.

Yes, they would. In the famous words of Justice William Brennan's dissent, Law Enforcement and the Courts were afraid of something called too much justice. As Justice Brennan observed in the *McCleskey* Decision -- again this is 30 years ago -- Americans share a historical experience that has resulted in individuals within the culture ubiquitously attaching significance to race that is irrational and often outside their awareness.

So people who are now saying, oh, this implicit bias stuff, this is something new. We got to learn about this. Been around for over 30 years, and it was mentioned in the dissent of the *McCleskey v. Kemp* case. And that is what Justice Brennan was trying to explain.

Now, the Police are willing to talk about implicit bias. It's only when the people are marching in the streets saying defund the Police that now the Police are willing to listen to the evidence on racial bias in the Criminal Justice System.

Criminal Defense Attorneys, again, tried in 1996 in the case of Whren v. United States. We warned the Court that the Police were abusing the use of minor motor vehicle stops to stop persons of color with the resulting risk of racial profiling. Again, the Police and the Prosecutors who enable them fought against Criminal Defense Attorneys' attempt to limit the use of pretextual stops. And we lost the Whren case. The Cato Institute found that that Decision in Whren, over 20 years ago, basically legalized racial profiling for the last 20 years.

The New Hampshire State Police even had a specialized unit trained in the use of these types of pretextual stops. It's called the New Hampshire Mobile Enforcement Team. As one of the Troopers from this Unit described it, this Unit is a "proactive policing unit where they basically try to stop crimes before they actually occur." This is the motor vehicle equivalent of stop-and-frisk. And if you're knowledgeable about that, that was outlawed in New York City, because it was misused as a tool for racial profiling.

These type of stops for minor motor vehicle offenses, which continue to this day in New Hampshire, is the type of policing that killed Sandra Bland. Numerous recent New Hampshire cases show how this type of policing facilitates racial profiling.

My original statement only listed four. I submitted a Supplemental Report yesterday that listed many more. I think we're up to maybe 10-plus cases, including Brian Perez, Miguel Perez, John Hernandez, Mr. Garcia. A lot of these cases are where the Police stop someone for minor motor vehicle offenses and then extended the stop.

And from the previous speaker, I'm very sad that you had that experience with the Police. But if you were a person of color, it wouldn't have been 10 minutes. It would have been half an hour. They would have asked you, why are you going to Kittery, Maine? Why do you have two cellphones? Why are you going to Lewiston, Maine? They would go on for half an hour asking you questions completely irrelevant to the fact that you didn't have your right turn signal on.

These cases are just the tip of the iceberg of people who have been racially profiled in New Hampshire. These are just the people who got arrested. This list does not include all the people who are stopped on a claim of a violation of a motor vehicle offense, but they knew in their heart they were stopped because of the color of their skin.

The Police are supposed to be the good guys. But they're causing pain. You think it might be unimportant that you stop someone for a motor vehicle offense and then let them go. But if they know you're stopping them for the color of their skin, you're causing pain.

I know there will be resistance from the Police to ending these types of pretextual motor vehicle stops that say we need this as a tool to fight the opioid demic [sic]. Our response to that argument is there are two ways to fight the drug crisis. One's to go after the supply. One's to go after the demand. Those who have been fighting the supply for the last 35 years -- or 30-years plus have failed. They have not done anything to stem the drug crisis. Now, all they have done with this drug interdiction is cause the disproportionate incarceration of persons of color.

Let's try working on the demand, by training the Police not to racially profile, instead getting more treatment facilities and other social supports for persons struggling with addiction, trauma, and other mental-health issues. Instead of training Police Officers to expand the scope and duration of roadside stops and search cars without probable cause, the Police need to be trained not to ask for consent to search when there is no evidence of wrongdoing. You might think, again, as I said, there's no harm to ask for consent. Well, if you have no drugs, why would you worry about that?

In some of the materials that I've referenced, increasing the Briefs in the case of State v. Ernest Jones, research shows that because of a history of negative contact with the Police, persons of color don't feel free to say no to the Police. And these requests are coercive. The Police need to be trained on this and on this history, and change their mindset.

Let's get back to that phone call. I could have said to that Officer, he has trauma from his childhood and systemic racism. But I didn't say that. Why? I didn't think that Officer had the training and knowledge to know how systemic racism contributed to my Client's fear of the Police. I didn't trust that this Officer listened to the dissent in the McCleskey case, which I mentioned earlier, and the Whren case that explained implicit bias and racial profiling.

If that Officer had been trained about black history and information about the history of Police misconduct against persons of color, like the post-Reconstruction black codes, which was discussed in the McCleskey case over 30 years ago, he might have been able to deescalate the situation with my help. I helped humanize my Client to this Officer in a way that he should have been able to do without my help.

We, again, tried in the late-'90s and 2000s. Defense Attorneys tried to fight racial profiling. We made some progress which was set back after 9/11, because then it became okay to not only racially profile against blacks and Hispanics, but we have a new group that we can target, which is persons of Middle Eastern ethnic origin and Muslims.

Our fight against racial profiling was also hindered by the Police refusal to keep data on their motor vehicle stops and to have dashcams and bodycams. Last week, Law Enforcement said that it would be expensive to do training. We don't want to hear about the cost of training. If the Police have money for riot gear, drug interdiction, and Police dogs, they can find money to address racial bias in their training. We cannot look back at 30 years of Police misconduct and say, we don't have enough money to do the right thing. This is unacceptable.

We are here today to focus on Police training. There are many other things about policing that need to be changed. But that is the focus of today, which is just a small part of what needs to be changed, not only for the Police but the entire Criminal Justice System.

What do we recommend? Mandatory Police Academy training and yearly training in the history of Police oppression of minorities, prejudice, and misconduct towards persons of color; mandatory yearly training on implicit bias. And to quote Commission Member James McKim, training that changes the Officers' mindset on the issue.

Also mandatory yearly training on cases like State v. Ernest Jones and Commonwealth v. Warren, where the Officers have to learn how to take the race of the Subject into account in deciding whether there is reasonable cause to either detain someone or whether that person would feel free to consent to a search or a detention.

There's one final lesson from that call, the part where I told the Officer I didn't think he was racist. If I was really being candid with that Officer, I would have said, you may not be racist. But if you're like the overwhelming majority of Americans, you have unconscious racial bias. And you have to work hard to overcome that bias. We all do.

Training is just the start of the work to be done in repairing our history of racial injustice. Many of our members were concerned when the Governor opened this Commission by stating that New Hampshire Law Enforcement is the gold standard. Last week, Director Scippa said we do a very, very good job in New Hampshire.

This is not the time for Law Enforcement to pat itself on the back. This Commission will have no credibility if Law Enforcement keeps coming in here praising themselves. It's time for an honest, likely painful, and long-overdue discussion about race in the Criminal Justice System. And I will take any questions, if there are any.

ATTORNEY GENERAL MACDONALD: Thank you very much, Attorney Brown. Commission Members with questions, please raise your hand.

MS. REED: And General, Mr. McKim has a question.

ATTORNEY GENERAL MACDONALD: Mr. McKim?

MR. MCKIM: Can you hear me?

ATTORNEY GENERAL MACDONALD: Yes, go ahead.

MR. MCKIM: Great, thank you, General. And thank you, Donna. I wondered if you might just comment a little bit about the issue around qualified immunity and Prosecutors, and how Law Enforcement kind of bleeds into that area of the system.

ATTORNEY BROWN: Okay. Qualified immunity is a judicially created concept that it makes it difficult to sue Officers when there is an allegation of misconduct. And I do a lot of work in Criminal Law. But, I've done one case involving qualified immunity, which is in Civil Law, which is where you sue someone for money, as opposed to have a criminal consequence.

And qualified immunity's a concept that makes it difficult to sue the Police. And the theory is that unless you can find a case with nearly identical fact pattern of Officer misconduct, they seem to have immunity from prosecution. I think the original theory of that was that Officers need to have some direction as to what conduct is permissible and not permissible. So, there is definitely an argument that this is an exception where the justification consumes the reasoning for this, that it becomes almost impossible.

And so, the system, in theory, should have lots of protections against Police misconduct. So if you're in the Criminal Court and the Police have conducted a pretextual stop, like I talked about before, you could file a Motion to Suppress. If, say, maybe there was some misuse of force and you got hurt, that you could sue them in Court -- I mean, sue them in Civil Court. So, a lot of people who are asking for reform are asking to either get rid of the conception of qualified immunity or make it not as strict as it is now, where it's nearly impossible to sue the Police. Did that answer your question?

MR. MCKIM: It does to a degree. I guess what I'm also curious about, the concept of qualified immunity I think comes into being, there's a purpose behind it. So, is there a middle ground here? We hear about getting rid of qualified immunity. And we hear about, it has to be there.

ATTORNEY BROWN: As I understand it, a lot of people who are calling for reform of qualified immunity are asking for that middle ground, because a lot of people now believe how it is, it makes it

nearly impossible, because of this problem that if you don't find a case identical to the situation, the you're out of luck, even though most average people would say, that's egregious Police conduct; even though there wasn't a case exactly on point.

The other side of the spectrum is that Police are sued for every little thing and that they are spending all their time in court defending civil suits. And then that's the other side of the spectrum. So, a middle ground is where you don't have to have this concept of finding a case exactly on point, but have the analysis be whether the force is reasonable or not.

And there are all sorts of protections in the Civil Law against frivolous lawsuits. There's a process for Motion to Dismiss and a Motion for Summary Judgment. So there are many ways to deal with concerns about frivolous lawsuits in the civil arena.

MR. MCKIM: So, thank you for that. So is there a particular approach that you think this Commission should recommend for either finding that middle ground, or maybe even suggesting what that middle ground should be?

ATTORNEY BROWN: I think that there are some proposals out there. I know that even at the Federal level there are some Statutes that have been proposed regarding Police reform. I'm not a law writer. So I know there are people that that's their specialty, in terms of writing laws. But I would look at some of the models that are out there.

As I said, it's my understanding that some of the proposals for reforming Police, the national level, there is a Bill before Congress on that, or it may have even passed. So I would look at other languages out there in terms of having that middle ground which you're looking for, which protects the Police against frivolous lawsuits, but also has that people have a redress in court to Police misconduct.

MR. MCKIM: Thank you. Thank you, General.

ATTORNEY GENERAL MACDONALD: Okay. Thank you, Mr. McKim. Mr. Lascaze?

MR. LASCAZE: Yes, thank you. And I just wanted to point out that I support the survey, General, that you had mentioned earlier. I think that that's a great idea for this Commission.

Donna Brown, thank you very much for your testimony today. I appreciate somebody coming out and speaking, and saying it, as it is. Going back to the cases you mentioned, specifically around the MET [sic], on Friday we heard testimony, I believe, from Colonel Noyes that said that State Police are not trained to use motor vehicle stops as a pretext for investigating nonmotor vehicle-related issues.

And your testimony, based on the cases you were saying, seems to contradict the Colonel on this issue. Can you expound on why you believe this is happening, how the State Police do use motor vehicle stops as a pretext for investigating nonmotor vehicle issues?

ATTORNEY BROWN: Yes. In fact, just to mention, I submitted supplemental testimony yesterday which includes several of the cases that I'm referring to with a summary sheet on the top. And in the first page of that summary sheet, it shows that not only do I personally believe that the State Police are making pretextual detentions, a Superior Court Judge in Rockingham County found the exact same thing. And that's Judge Schulman.

In the case of State v. Brian Perez, which I submitted a copy of that case, Judge Schulman said -- and now I'm quoting Judge Schulman -- "Troopers are specifically tasked to make pretextual detentions for very minor driving infractions." And then, as you mentioned, on Friday, I think, Colonel Noyes said that the State Police were not committing pretextual stops. But there's a Superior Court Judge who has found otherwise.

And I really recommend that particular case, the Order in the Brian Perez case, because Judge Schulman goes on to list all the other cases. And I think they were just that county, alone, where the Judges in that county have seen similar types of pretextual stops. And just, again, to define that, that's where the Officers stop people, either because their taillight's out, or they didn't turn on their turn signal, or some minor motor vehicle infraction.

In fact, Trooper Ferry defines it as a motor vehicle infraction, whether speed or following too close. And so, in that Perez Decision, which is the second case I have a copy here, Judge Schulman lays out all the examples of cases where he has seen these pretextual stops in Rockingham County.

MR. LASCAZE: Okay, thank you. Well, for one, because of these pretextual motor vehicle stops, why are the pretextual motor vehicle stops problematic, when it comes to racial justice in policing?

ATTORNEY BROWN: Well, there's two ways that it's problematic. I mean, we have to deal both with a overt racial bias and the unconscious racial bias. So one concern is that there's overt racial bias. When you look at these cases, there's a lot of persons who have Hispanic surnames. And that makes you wonder why the Police are stopping.

Now, also are the Police stopping them for unconscious racial bias? Maybe the Officer is verbalizing that, well, it looks suspicious that he's driving too close to that truck. But in his unconscious racial bias, he may be thinking, oh, this person is a drug dealer. And if the reason that he's thinking that is because of racial bias, then that's problematic.

And that's why one of the articles I cited here talks about how pretextual stops, again, are the equivalent of stop-and-frisk, and that it creates a risk of misusing this process. Also, not to give recommendations for books, but Malcolm Gladwell's recent book of *Talking to Strangers* lays all of this out, in terms of these motor vehicle stops and how they've been misused for 30 years. So, if someone's really interested in that, I'd recommend that book.

But it creates a risk of disproportionate arrests, stops. And what we also see, too, the other problem is not just using these minor motor vehicle offenses. We are also concerned about these stops get expanded because of race and unconscious bias.

So, we had a speaker earlier who said she was stopped because she was weaving within her lane. After some difficulties in communicating with the Officer, she was told to be on her way. We don't see that with some of the other cases we see.

We see, as I said before, where are you going? Oh, I'm going to Kittery. Oh, that's a known drug place. Or I'm going to Lewiston, Maine, or wherever it is. The Police Officers then keep asking questions and asking questions, and prolong the stop. And they also are, oh, the person's got two cellphones. He must be a drug dealer.

So we see that the Fourth Amendment right to unreasonable search and seizures is affected by this. But mostly our biggest concern, as it applies to this panel, is that it really has a disproportionate impact. And there are articles cited. I won't cite them all.

But it just kind of goes back to what I said at the beginning of my presentation to Chief Dennis. And I would say the same thing to Colonel Noyes. If you don't know there is a problem, how are you going to fix it? And if he's coming into this body and saying pretextual stops are not a problem, it's a really big issue.

I was reading somewhere. There's a book on the New York Times Best Seller List. It says *How to Be an Antiracist*. And one of the things it says is, to be antiracist, you have to learn about your history of racism. And that is the piece of advice I would give to both this Commission and to the Police Officers in this process. If they cannot go look honestly at their history, then there will be no progress on this issue.

MR. LASCAZE: Thank you. And one last question, then, in your professional opinion, do you have any proposals for this Commission and for the State of how we should address the misuse of pretextual motor vehicle stops to target people of color?

ATTORNEY BROWN: This one's real easy to fix. It's called dashcams and bodycams, because then we will really see what's happening out there. I mean, I've had several Clients say, I did have my turn signal on, or I didn't follow too close. And then, it's his word against a Police Officer's word. And when you're charged with selling drugs, guess who wins that battle.

And I just want to add to that, I've been doing this for a very long time. About 20 years ago, the New Hampshire State Police had dashcams. And I know of at least one case where there was evidence that suggested racial profiling from those dashcams. And then, the dashcams went away and they haven't had them since.

So, that two is one of the easiest fixes in terms of these types of stops. So, it would save Judges times. It saves Police time that we're all going in court having these battles over what happened. And that, I think, is the easiest fix.

MR. LASCAZE: Thank you very much, Donna. I have no further questions.

ATTORNEY GENERAL MACDONALD: Thank you very much. We have two other Commission Members with questions. But if Martha Wyatt or Robin Davis are out there, can you please press *3 so we can get you in the queue? Commissioner Quinn?

COMMISSIONER QUINN: Good afternoon, General. Can you hear me, sir?

ATTORNEY GENERAL MACDONALD: Yes.

COMMISSIONER QUINN: Yeah, just a brief comment for Attorney Brown. Good morning, Attorney Brown.

ATTORNEY BROWN: Good morning.

COMMISSIONER QUINN: And I'll be brief. I just wanted to say first I'm sorry how frustrated you have been with trying to get some answers and trying to understand some things. (Inaudible) was not on the call, but I'll be real brief and just try and address a few of these things.

One, I want to tell you that we do not train for pretextual stops. And I agree with you. That is not something that we want to see happening here. I would also agree with you that we have been having conversations with the Colonel and the MET Team. And the MET Team, as you know, has been founded to try and strike that balance, as you said, between addressing the supply and the demand. And they have played a role in trying to intercede these drugs before they hit the communities. But I agree with you. They have to follow the law. And I know that they want to follow the law.

I would also agree with you that, whatever we can do to increase their training and give them their support, and whether it's training in unconscious bias, whether it's training on relevant caselaw, I welcome any assistance. They do have training curriculum. They have worked very close at the County Attorney level, with the Attorney General's Office, and at times with the U.S. Attorney. So, we continue that.

I want you to know that the culture here will be openminded. We're not going to turn away from any bad caselaw. We're going to look and see what we can do better as a result of any of this. So I just want you to know.

And lastly, I'll end with this. The camera project, you are correct. We did have cameras at one time. Many of them got put out of service. I will tell you that my first meeting this morning was continuing this. And we are moving in that direction. We do have some funding. So that project is moving forward.

So, again, I just want you to know that. And I will continue to do whatever I can to build your trust to know that we do want, and we will continue, to follow the law, increase our training where it needs to be, and address any of these issues or perceptions that might be out there.

But I can tell you that that Team wants to do their best. They want to follow the law. And they will embrace any support we can give them with training or resources. And I didn't mean to take your time. But I just wanted to address that.

ATTORNEY BROWN: And I can also follow up with that. One of the trainings I would really like to see is in response to the recent case of State v. Ernest Jones, where the New Hampshire Supreme Court found that the Police must consider a history of racism between the Police and a Suspect in deciding what should happen, whether a person is free to go.

So I can certainly send you some materials on that. There's probably about 30, 40 articles on that. So I can definitely send you that. I think all of that should be mandatory reading for persons in the Academy or persons who are currently Officers, because that is a new area of law that all of the Police in this State are going to have to need to understand.

COMMISSIONER QUINN: And any other training that you think, Attorney Brown, should be, we're open to it. We want to work with you. And I hope that, as we continue to work forward, you will better understand that I think we're all trying to get to the same place. But, thank you. And I didn't mean, General, to take anyone's time. But I just wanted time to address those loose ends for the Colonel.

ATTORNEY GENERAL MACDONALD: Thank you very much, Commissioner. Director Malachi?

DIRECTOR MALACHI: Yes, good morning. Thank you, Attorney General. There's a lot and I appreciate Attorney Brown's statements and her testimony. There's a lot to unpack there, but we don't have a lot of time for that.

But I will ask one specific question relative to qualified immunity. And the question, actually, I understand what Attorney Brown has stated, for Attorney General MacDonald and maybe this is something that Commissioner Quinn could address and/or Director Scippa, or maybe even Chief Dennis, as it relates to qualified immunity and how New Hampshire Law looks at that. I would like a little clarity there. I know the Attorney spoke about qualified immunity. But I'd like some legal clarity from the AG's Office as well as Law Enforcement. Thank you.

ATTORNEY GENERAL MACDONALD: Yeah. So that's a great suggestion. And my recommendation is that we put together a briefing for the Members of the Commission on the current status of qualified immunity law, and we'd circulate that, obviously, put it on our website. That's an excellent suggestion, both under State and Federal Law.

DIRECTOR MALACHI: Thank you.

ATTORNEY GENERAL MACDONALD: Mr. Norton?

DIRECTOR NORTON: Thank you, Attorney Brown, for your testimony. And just one question, I'm assuming from your testimony that there is no statewide database regarding stops or arrests based on demographics such as race. Is that correct to your knowledge?

ATTORNEY BROWN: That's my understanding. I was listening to the testimony last week and it was a little unclear to me that they keep some data. But what we are advocating for is that they keep data on all stops, not just arrests. And that's what I wasn't clear from the testimony last week.

But if that data exists out there, we don't know about it. But, we recommend that it get to the stops, because, as I said in my testimony, there are a lot of people who are being stopped for minor motor vehicle offense and then the Officers let them go. And maybe that person didn't fit whatever they were looking for in terms of a more serious crime.

But my knowledge right now, especially as to the State Police, that Unit is probably one of the biggest in terms of highway stops, stopping people for all sorts of minor motor vehicle. I think last week Noyes said that there was over 100,000 stops a year from that Department. So that's a big one.

But my understanding right now is that data is not collected. And they may have it, but they're not sharing it with anyone. But, as I understood the testimony last week, I don't think they were recording the demographic data of stops.

DIRECTOR NORTON: And are you aware? Are there any model States that are doing that, or national recommendations specific to that that New Hampshire could adopt?

ATTORNEY BROWN: Yeah, and there's a lot out there. This is a funny story. Twenty years ago Massachusetts passed a law like this. And guess what? It found disproportionate stops of persons of color. And then, they stopped doing it. So, they are now trying to get that going again and to get the stops. But that's my following of the issues.

I could do some more research and find other States where it's currently going on. I know, after Ferguson, there were a lot of recommendations along those lines that different Agencies do that. But I don't know of any in New Hampshire that are doing that.

But, there was a model of it in Massachusetts where they did this and they kept track of it. And the Police have Summons. And there's a box that they can check off. But there's also a way that almost all the State cruisers have computers right in their vehicle. So it's not like they have to write notepads or anything like that. They can go on their computer and click a button, even if they don't issue a Summons or a Warrant.

DIRECTOR NORTON: Great, thank you.

ATTORNEY GENERAL MACDONALD: Okay. I think that's it for questions, Attorney Brown. Thank you very, very much for your testimony.

ATTORNEY BROWN: Thank you.

ATTORNEY GENERAL MACDONALD: Your supplemental materials that you submitted yesterday will be up on the website. We appreciate your time. Thank you very much. We have not heard from Martha Wyatt or Robin Davis. So we're going to go on. I believe Representative Cushing is out there. So, I will recognize him. After Representative Cushing, Michael Dane, if you are in our audience, please press *3. And after Michael Dane will be Mike Skibbie, *3, please, so we can get you in the queue.

MS. REED: And Representative Cushing, I believe I found your line, but if you could just hit *3 on your phone to confirm? Representative Cushing, if you could hit *3, please? General, I'm unable to confirm that it's his line. I don't have the full information. So I'm not sure.

ATTORNEY GENERAL MACDONALD: Okay. How about is Mr. Dane out there? *3 for Michael Dane. No. *3 for Mike Skibbie.

MS. REED: All right, hang on. I think I might have Mr. Dane. Hold on. Mr. Dane, your line's open.

MR. DANE: Thank you. Can you hear me okay?

ATTORNEY GENERAL MACDONALD: Yes, Mr. Dane. Thank you very much. Why don't you go ahead and identify yourself, and then proceed with your testimony? Thank you.

MR. DANE: Yes, thank you. My name is Michael Dane. I'm a resident of Stratham, New Hampshire. I very much appreciate the opportunity to read a statement. I don't have the qualifications that some of the people testifying have. This is just a citizen's perspective.

First of all, I would like to strongly echo the comments made by Attorney Brown. I think it was very well-done and very important issues raised. This Commission, it's my understanding, was formed in the wake of the killing of George Floyd, expressly to deal with the issues of racism and use of force in policing that this event thrust into prominence.

If we are not looking hard at how those questions apply to our Police here in New Hampshire, we're not doing the job. There is ample evidence that racism is real in New Hampshire. As has been pointed out by Mr. Lascaze and also echoed by Attorney Brown, we live in a State where blacks are approximately five times as likely as whites to be incarcerated. We should be looking at why.

It's the duty of this Commission to find answers to these questions and to be engaged with this specific issue. I encourage anyone interested to follow the Instagram accounts @blackatexeter and @blackatunh. These were created by students who need a safe outlet to share the indignities they regularly face for being black in New Hampshire. Racism is not something that happens only in other places.

While I am encouraged by the comments of Director Scippa that he sees the need to look outside his organization for expertise in addressing these issues, I was equally discouraged by other testimony showing a lack of acknowledgement that the problem of racism exists in New Hampshire policing. In the slides presented, I saw far more on the use of force and on weapons training than on avoidance of force.

A 45-minute video on de-escalation is no substitute for the kind of intensive Instructor-led programming and roleplaying that would be required to help Police Officers understand how to avoid situations where escalations occur and how to diffuse them. Training is needed that helps Police Officers understand what they may need to change in themselves and their patterns of behavior.

What would happen if we reversed the training emphasis and took the resources currently invested in simunitions training, taser, OC, and other weapons training and moved them into training on force avoidance and de-escalation? Given the charge of this Commission, I would expect a strong commitment to exposing, measuring, and correcting implicit bias. So we must commit to making it mandatory to collect data on race for all Police encounters.

Failure to do so would show a lack of will to do the kind of real self-examination that is required for change. I ask that the points discussed in the meeting on the 22nd regarding IAPro not collecting this data be carefully reviewed.

I would like to ask whether transfers from other Departments are subjected to background checks with regard to misconduct, citizen complaints, implicit bias, and use of force. I would like to hear about the complaint process for Officer misconduct and whether it is possible to file anonymously, as well as whether complaints receive any non-Police audit or review. I would like to understand whether New Hampshire has considered dispatching unarmed Responders to calls where social skills may be more applicable than a gun and handcuffs.

I would like to close by suggesting that if the work of this Commission doesn't make everyone involved profoundly uncomfortable, we are doing it wrong. This is our call to action and not, as Attorney Brown said, a time to congratulate ourselves on how well we are doing. If it was going well, we wouldn't be here. Thank you very much for your time.

ATTORNEY GENERAL MACDONALD: Thank you. Are there questions from Members of the Commission? Please raise your hand.

MS. REED: I'm not showing any, General.

ATTORNEY GENERAL MACDONALD: Okay. Mr. Dane, thank you very, very much for your testimony.

MR. DANE: It's my pleasure. Thank you for the opportunity.

ATTORNEY GENERAL MACDONALD: Next will be Mike Skibbie, and then next on the list is Janet Hadley Champlin. If you are out there, please press *3, so we can get you in the queue. After that will be Veronica Dane. So with that, Mike Skibbie, you are up.

DIRECTOR SKIBBIE: Good morning. My name is Michael Skibbie. I'm the Policy Director for the Disability Rights Center of New Hampshire. I'd like to focus today on the need for training and other requirements for School Resource Officers. I also plan to make a quick point about mental-health training for Police and the limitations of that training.

One of the things we do at the Disability Rights Center is to examine how the Criminal and Juvenile Justice Systems can impact people with disabilities, especially people with mental illness, and make recommendations for how the system can reduce or remove any negative consequences for those populations.

On the juvenile justice side of our work, it has largely been in conjunction with the Juvenile Reform Project. That's a collaboration of the ACLU of New Hampshire, my office, New Futures and their Children's Behavioral Health project, New Hampshire Legal Assistance, and Waypoint.

My recommendations with regard to School Resource Officers today are made on behalf of the Juvenile Reform Project, as well as my office. There's been a growth of School Resource Officers in the nation's schools since the 1990s. However, since the late-1990s, there's been a decline of juvenile crime in all settings, including in schools. Last time I looked at national statistics, the juvenile crime rate was at its lowest in about 40 years.

But there's been no significant decline in the use of Police in our schools over that time period. And there's good evidence that the presence of Police in our schools contributes to the school-to-prison pipeline, whereby school responses to students and student behavior leads to contact with the Justice System and sometimes to adult criminal justice involvement and incarceration.

A particularly concerning effect is that, when schools have SROs, the students are more likely to be referred to the Justice System for minor misconduct, not for violent conduct. One study found that schools with SROs had twice the rate of court referrals for disorderly conduct, which is a very minor nonviolent offense. This is conduct that would otherwise probably be handled as a school disciplinary matter. This is the criminalization of children's misbehavior, and it's a big part of the problem of the school-to-prison pipeline.

I think it's probably easy to understand how the pipeline works. When a child is involved in a school disciplinary matter or is referred to court, there is labeling of that child by peers and school personnel, even the parents of peers. There's self-labeling as a child being a bad person. The connections with prosocial peers and supportive adults are weakened. These kind of contacts are extremely important protective factors for kids with disabilities and others who are at heightened risk for court involvement.

Disciplinary responses with or without Police can cause academic failure, particularly if suspension or expulsion is involved. That failure can, itself, weaken connections, creating a feeling of alienation and failure. All of these things contribute to higher dropout rates and later delinquent and adult criminal behavior in the wake of the school disciplinary response that involves exclusion from school or a court referral by the school or by a School Resource Officer.

It's generally understood that this damaging effect of the use of SROs can be reduced through training of the Officers in the particular challenges of operating in a school environment and dealing with children, in general, children with disabilities, as well, and children of color. It's also recommended that there be clear role definition through detailed written Agreements between schools and Police Agencies. This practice helps to avoid Police Officers becoming involved in responding to behaviors that should be handled through the school disciplinary process.

It's worth noting that there's some evidence that even when SROs try to keep their role limited, that some School Administrators push them to become involved in dealing with minor student misbehavior. Explicit role definition at the outset of the involvement of an SRO in a school is believed to help in this regard.

These two requirements of training and role definition are widely recommended by Agencies, such as the United States Department of Justice, United States Department of Education, and the President's Taskforce on 21st Century Policing. Unfortunately neither are required in our State.

An SRO can operate in a New Hampshire school with no explicit limitations of their role and no specialized training for their role. We urge you to strongly recommend that such requirements be imposed in New Hampshire.

Now, there was legislation introduced in 2015 that I think is a starting point for developing your recommendations. I mention it in my written testimony. It's House Bill 527. It had all the key components of the legislate -- oh, I should repeat this. All the key components of the legislation with regard to both training and role definition were removed in Committee, however, due to objections by Law Enforcement Agencies that were raised. And all that was left when the Bill finally passed was a mere requirement of a written Agreement between Police Agencies and schools who anticipate using SROs, but not requirement that there be any particular content, I should say, in those Agreements. I think that if the Commission makes such Agreements and training a requirement, it could make a significant difference in interrupting the school-to-prison pipeline and ultimately reduce the referral of kids to the court system and the damage to their lives and to public safety that results.

If I can make a quick comment about mental-health training for Police Officers, over the last 20 years-or-so, the Memphis Model, or Crisis Intervention Training, has really spread across the country. And it's definitely been spreading in New Hampshire Police Departments.

I think that Law Enforcement encounters with people with mental illness are a significant problem, because they can be deadly. And I also believe that they are avoidable. I'm not meaning that sometimes deadly encounters between the Police and people with mental illness are not legally justified, or that Police Officers are necessarily at-fault in any particular instance of violence between a Police Officer and someone with mental illness, but that we, at the State, could avoid many of those encounters.

I don't think we're going to avoid those encounters very effectively, though, through Crisis Intervention Training of Police Officers, or other mental-health training of Police Officers. I've participated in some of that training and I've been impressed by the motivation of some of the Police Departments and Officers to improve their responses in handling of people with mental illness who are in crisis.

But, the CIT Studies that I'm familiar with do not consistently demonstrate that there's a clear reduction in arrests of people with mental illness or in injuries to Police Officers, or, indeed, to the deadly nature of some of the encounters between Police Officers and people with mental illness. A fundamental problem is not the training of the Officers, but reliance on Law Enforcement to perform non-law enforcement functions. That is to respond to people who are having a health crisis, a mental-health crisis.

I think a central component of how to go forward with this is to find ways to avoid encounters between Law Enforcement and people with mental illness. And I think we know a lot in New Hampshire about how to reduce some of those encounters. And that is with the use of Mobile Crises Response and other non-law enforcement responses to people who are experiencing mental-health crisis.

Now, the State has agreed to implement Mobile Crisis Response as part of the Community Mental Health Agreement in three cities: Concord, Manchester, and Nashua. And this Legislature recently passed a law that requires Mobile Crisis Response for children throughout the State. Unfortunately, compliance with that law has been delayed.

I think we should comply with that law. And we need to make Mobile Crisis Response a reality on a statewide basis for adults, as well. I'd be happy to answer any questions. Thank you for your attention. That concludes my testimony.

ATTORNEY GENERAL MACDONALD: Thank you very much, Mr. Skibbie. Commission Members, if you have a question, please raise your hand. I know Director Malachi does. Go ahead.

DIRECTOR MALACHI: Thank you, Attorney General MacDonald. Thank you so much for your testimony, Mr. Skibbie. I do have a couple of questions, but I'd like to start at the last thing first. And as you spoke about mental-illness issues and the potential of having a Response Team that would assist with those calls, I think to help me understand in a little more detail what you're talking about, if it's possible for either Director Scippa or Chief Dennis, or even Commissioner Quinn to answer, if a call comes in to Law Enforcement, how do you know that it's something that needs to be responded to by Police versus if all of the cities had a Mental Health Response Team? How would you know? Is that something that's immediately known at the time that a call is placed for help? Or is it something that's discovered later? How does that work?

COMMISSIONER: General, I can make comment to that question, if you would like.

DIRECTOR MALACHI: Yeah, sure. Go ahead.

COMMISSIONER: So, I think it's an excellent question because it really kind of shines some light on providing appropriate response to the type of call that we're being asked to respond to. And I can tell you, through my 30 years of experience of responding to calls for help, you may have, as the information comes to you by way of the Dispatcher, you could, in fact, kind of start to put the pieces together in your mind.

But you also have to kind of keep an open mind, too, because we don't often get all of the information, or information that is going to be vital to us to make an appropriate response before we get there. To that end, it would probably be safer for the Police to respond to a call that might appear to be a mental-health-related call in the first instance, really just to make sure that the scene is secure.

Oftentimes, we will be dispatched to domestic violence issues, issues that are of a violent nature and may not be domestically related. And we know that an ambulance is needed. But we will tell the ambulance to stay down the street from the address until we can really make sure that it's safe for the EMS Providers to come to the scenes to help those people that need help.

It's a very precarious situation. It's dynamic. Things are happening not only before we get there but once we get there. And the notion of sending a Mobile Crisis Response Team into a situation first, I think,

would be imprudent. And it would be unsafe. Mr. Skibbie spoke to the fact that people who are suffering from crisis and mental health are very unpredictable, and they oftentimes do turn violent: violent to themselves; violent to family members; or to those that are trying to help.

So, I think it is an important point that you bring up that it really is a question of providing that much-needed mental health support, and, at the same time, making sure that we do it in the safest way possible. I hope that helps.

DIRECTOR MALACHI: Yes.

DIRECTOR SKIBBIE: Can I make a follow-up comment about that?

ATTORNEY GENERAL MACDONALD: Yes, please.

DIRECTOR SKIBBIE: I think that what I'm referring to is not the situation where no one would dispute that the Police should have been called. What I'm talking about, I think, in many instances, is that you have a family or friend of the person who is in crisis who doesn't know anywhere else to call but 911. And that it could, just as appropriate and perhaps more effectively, be a situation that could be responded to by Mobile Crisis. And that is done every day of the week in Concord, Manchester, and Nashua.

If a family member doesn't know, or there is nothing available other than a Law Enforcement call, then the first person that's going to arrive on the scene is going to be a Police Officer. And I don't care how much Crisis Intervention Training they have. That is something that I think increases the chance of a volatile encounter, not because of anything wrong that the Police are doing necessarily, but just because somebody who's in crisis who's confronted with an authority figure, who is going to have the kind of priorities that were just described about securing the scene and ensuring that things are absolutely safe, that just is not a response that leads to de-escalation.

And so, I think that what we need is that, when families are dealing with someone who's in a mental-health crisis, they have somewhere else to call. That's what I think we need to do so that we're not going to eliminate the need for Police to respond to persons in mental-health crisis, but we can certainly reduce it, because we know that it happens in the areas where there's effective Mobile Crisis Response.

DIRECTOR MALACHI: So, Mr. Skibbie, if I could pick up there with you, this is Director Malachi. So if I'm understanding what you're saying, then it would appear that there's money that needs to be secured to have these Mobile Crisis Units. And the general public, then, needs to be made aware that this is a resource that's available, not necessarily something that would be under the purview of Law Enforcement. Do I understand you?

DIRECTOR SKIBBIE: That's right. I mean, I think that you would find that where it's working well that many of their responses do not involve Law Enforcement at all, although they do get some referrals from Law Enforcement.

DIRECTOR MALACHI: Okay. So, then those would be two separate issues, though, correct, because if there is this resource available for the general public, then it's beholden upon the powers that be as we're working through this to notify the public that this is available, and for the public to, then, call those

resources, not engaging through 911 at all, which means Law Enforcement would not show up at all, unless and until someone from the mental-health resource then makes a phone call and says, we need additional help. Does that make sense? And am I understanding what you're suggesting?

DIRECTOR SKIBBIE: I think that every situation is going to be different. I think that there'll be many situations that would work exactly as you described. I think I'm familiar with very close working relationships between Police Agencies and Mental Health Clinicians in the community, where they work together to determine what the best response is in any particular situation. So I think that there's a range of the sort of ways that the different Agencies can respond.

DIRECTOR MALACHI: Okay. And to that point, to the range of ways that response can happen, is that something so if someone, let's say, for example, calls 911 instead of a mental-health resource that's available in the community. Is that determination happening in that split-second time where someone's calling? There's a situation happening. They've called 911. The Dispatcher is trying to get the information to then notify whatever Law Enforcement Agency that call needs to go to.

Are those conversations that are happening during that time, while there's help hopefully on the way, and that person on the other end is waiting? Or are these conversations that are meetings that are happening at a higher level to determine the best way to move forward, so that if a particular call comes in that there's a way to categorize it? I guess my point is, how does the conversation that you're mentioning affect response times either by Law Enforcement, especially if it's a dangerous situation, or Mental Health Workers, if it's a dangerous situation, as well?

DIRECTOR SKIBBIE: Well, I guess I'm not exactly sure at what level the handoff from Law Enforcement to Mobile Crisis happens. I suspect that it can happen a variety of ways. I'm not sure whether a Dispatcher would do that, or whether it would be somebody elsewhere in the Police Agency. I mean, I'd be happy to make some inquiries about the Mobile Crisis operations in the other cities to see where it happens. I suspect the answer is that it happens a variety of ways.

But I think the main message I'm trying to get across is that a family member who is experiencing a mental-health crisis and is not acting dangerously, if that's my family member and I'm unaware of the availability of anything but 911, I'm going to call 911. And that's just not a necessary and sometimes not an appropriate way to deal with someone who is experiencing a health crisis.

I'm not suggesting that if a 911 call comes in and there's talk about extremely violent behavior or a weapon that we'd be talking about a handoff to Mobile Crisis in many of those situations. But I think the problem is that families and friends, and neighbors don't know where else to turn when someone's experiencing this kind of health crisis. And so, Police get involved in things that they don't really need to be involved in.

DIRECTOR MALACHI: Yeah, so I do have one other question and then we will move on. But just with a public service background, it really sounds like a major public service campaign needs to be mounted to sort of move some of the 911 calls to a different avenue, which I think could be very beneficial and something we could all take part in that conversation.

I did have a couple of quick questions for you. You mentioned some statistics earlier regarding SROs, School Resources Officers, in schools. A quick question on that, were the stories that you mentioned,

the situations you mentioned, as well as the statistics you mentioned, were those specific to New Hampshire? Or are those regional or national statistics and information?

DIRECTOR SKIBBIE: They were not New Hampshire-based. Some of the research that has been done comes from some national databases about school-based incidents. But some of the information that I've reviewed also comes from more intensive studies of schools in the same area with and without School Resource Officers, and looking at what they think is the effect of the School Resource Officer on referral of kids to court for minor offenses.

DIRECTOR MALACHI: And would these be areas that are densely populated with multicultural students? Or are these rural areas? Or was there any sort of mention of that in the studies that you reviewed?

DIRECTOR SKIBBIE: As I recalled, the study that I mentioned that talked about the sort of doubling of the rate of court referral for disorderly conduct, that was in a fairly urban area, because they were able to identify two very similar schools with a city limit that sort of passed between them, so that the demographics were extremely similar. But the Police Agencies were different. And therefore the existence of School Resource Officers was different. And so, it sort of made it a very good place to study. So, I believe it was an urban area.

DIRECTOR MALACHI: Okay. And one final question, you also mentioned regarding the School Resource Officers and them working with School Administration, and the Administration requesting that School Resource Officers step in and handle some of the issues that the School Administration was having, as it relates to some of the students. And I'm hoping I'm remembering this correctly.

My question would be, do you think that, in your estimation, either in your firsthand knowledge or a study that you've read -- and if you could please reference which one, whether it's a study or firsthand knowledge -- would you estimate that the requests by Administration to have the SROs step in, is that because the Administration feels that it is not equipped to handle the issue, or that they do not prefer to handle the issue? What was your understanding as to why SROs were requested to step in?

DIRECTOR SKIBBIE: I'm not aware of research that's been done into the sort of individual motivation of the School Administrators when they do that. I think that what I've read about is the reporting by School Resource Officers, or their Agencies, of this sort of creep and the sort of migration of their role more going to a disciplinary role than a law enforcement role, even though they may prefer to stay as law enforcement, in response to the sort of requests by School Administrators. So I'm not aware of studies that have really looked at the individual motivation of individual Administrators.

I mean, in this regard, I think it's important to also remember that there's a lot of student misbehavior that is related to disability, either because there's an untreated behavioral health disorder, or because there is an untreated learning disability that is causing incredible frustration on the part of a child. And I would never attribute this motivation to any individual school or School Administrator. But there's a significant financial incentive for Public School Administrators to have student misbehavior treated as a discipline issue only, or a Law Enforcement issue only, because that means that they don't have to spend the money to deal with the disability.

Now, that is something that is very hard to identify in individual instances. But I was a Public Defender for many years before I got into my current business. And certainly in my individual cases and in the cases that have been handled by some of my colleagues, it's been very clear that there's a fairly frequent incidence of kids with unidentified disabilities who are basically acting out, and, once the school is influenced to deal with the disability, that the behavior settles down.

DIRECTOR MALACHI: Thank you. Thank you very much.

ATTORNEY GENERAL MACDONALD: Thank you, Director. Mr. Lascaze, I think you had some questions.

MR. LASCAZE: Yes, thank you. Yes, Mr. Skibbie, I have a question for you, because you had mentioned the school-to-prison pipeline. But given that exclusionary discipline contributes to the school-to-prison pipeline that you're talking about, and the exposure of minors to Law Enforcement, are you aware of any racial disparities in the use of exclusionary discipline in New Hampshire?

DIRECTOR SKIBBIE: I'm very aware of it and I talked about it briefly and referenced a Report on it in my written testimony. But there's data from the Office of Civil Rights from the United States Department of Education that our collaboration has analyzed and done some writing about that's referenced in my written testimony. There's significant disparity in the use of exclusionary discipline impacting racial minorities in New Hampshire and impacting kids with disabilities.

And one of the problems we have in New Hampshire is that our law allows a child to be expelled for any rule infraction. It may sound unbelievable. But that is the current law for any rule infraction. And so, it basically means that the sanction for a child's misbehavior is entirely discretionary on the part of School Administrators and ultimately School Boards, if you're dealing with expulsion.

And what that does is it invites disparate treatment. It invites making distinctions based on nonobjective criteria. And that basically is fertile ground for discrimination, both on the basis of disability and on the basis of minority.

MR. LASCAZE: All right. Thank you very much. I appreciate that.

ATTORNEY GENERAL MACDONALD: All set?

MR. LASCAZE: Yes, that's all for me. I'm sorry. I apologize.

ATTORNEY GENERAL MACDONALD: Okay. Just to give everyone a status update, we've got about 10 minutes of our scheduled time and I think four more questioners. What I'd propose is to get through the questions for Mr. Skibbie, and then adjourn the meeting. So, next up is Chief Dennis.

CHIEF DENNIS: General, I just had couple comments to Director Malachi, when she was talking about Police response to mental health. And certainly Mobile Crisis Teams would be valuable to Law Enforcement. And as the other gentleman spoke to having another number to call, because basically right now everyone calls the Police Department, or they dial 911, because there is no other place to call.

And when we get called, we have to respond. And we go and we do the best that we can in handling those situations through our trainings that we've received.

But I think another value that we see in law enforcement is many times we respond to people with mental-health crisis, that same individual more than one time. And so, many times we respond, make that initial contact. Having a Crisis Team or another group that deals with mental-health issues that we could pass that information onto, for them to begin having contact with that individual can certainly be beneficial to prevent us being called again back to those scenes, or having those scenes start to escalate with the people not having the appropriate treatment. So there is good value to having another number for people to call, or having people that specialize in mental health available to respond. Thank you.

ATTORNEY GENERAL MACDONALD: Thank you, Chief. Mr. McKim?

MR. MCKIM: Thank you, General. Can you hear me?

ATTORNEY GENERAL MACDONALD: Yes.

MR. MCKIM: Thanks. Thank you. I would like to, well, talk a bit more -- or ask a bit more about the 911 process. And I recognize the challenge that we'd be in for for having to change the public's notion of where they should call.

And I'm just wondering. We're now saying that mental-health challenges, situations like this, are an emergency. And 911 was set up to handle emergencies. So, I guess I'm wondering, couldn't -- or if the 911 Dispatchers could be trained to do triage around mental-health kinds of emergencies, similar to the way that they're trained to do triage around fire, versus Police dispatching. And maybe there's situations that could be understood where there needs to be both Police and the Medical Emergency Response Team dispatched.

I'm just wondering. And I don't have a real understanding of how behind the scenes the 911 process works and how triage happens. But I'm just wondering if there's a way to preserve, in the public's mind, that they always go to 911. And behind the scenes, we, through the Dispatchers, do that triage to determine who should be dispatched, or which Department and expertise should be dispatched. And I guess, Mr. Skibbie, I wanted to hear your thoughts on that, if that makes sense, and then open it up to others.

DIRECTOR SKIBBIE: I think that makes a lot of sense, as long as it's effective and there isn't the sort of default to a Police response, if there isn't any indication of a true needs for that. But I think step 1 is let's put the capacity for a different response into play. We don't have that.

We definitely don't have it for children, even though the law now requires it. And hopefully that'll happen soon. And we only have it for adults in a relatively small part of the State. So let's get those resources in place, so that we don't have to rely on Law Enforcement. And then, we can, I think, fairly efficiently figure out a way to triage the cases properly.

MR. MCKIM: Thank you.

ATTORNEY GENERAL MACDONALD: Thank you, Mr. McKim. Commissioner Quinn?

COMMISSIONER QUINN: Thank you, General. Can you hear me?

ATTORNEY GENERAL MACDONALD: Yes.

COMMISSIONER QUINN: Yes, I'll try and be brief. Mr. Skibbie, thank you for your comments. I just wanted to jump in because I think you raised some really important issues. And I'm just going to touch. I think if you go back several years, Law Enforcement has really been asked to do so much more than their primary mission, when the sentinel crisis started and they started to deal with Subjects that experienced severe medical issues. And they went from law enforcement to life safety, when we started to learn about administering the lock zone.

And that has expanded. So we've got the medical issues. Now we've got the mental-health issues. And as you discussed, we have made some great strides with the CIT Training. I don't want to speak for the General. But I know the General and I have talked at-length about de-escalation and the need to integrate Mental Health Professionals in all types of negotiations. So, we have made some great strides with that. Thankfully, Ken Norton, Russ Conte, his team from NAMI, we're moving in that direction.

But I just wanted to touch on the 911. I think you bring up some very good suggestions. They have run cards, how they address any issues, whether it's cardiac, whether it's choking. So, once they determine what the emergency is, I think just we need to look at all corners of the States and all counties. What resources are there? How do they determine what is the best resource to dispatch? Is it Police? Is it Fire? Is it EMS? Is it somebody from the community mental health field? Is it a CIT Team? Does one exist?

But I will turn it over to the General. And General, if it works for you, I just want to share that I think that Director Doyle from 911 could probably fill in more gaps. But Department of Safety would be willing to continue these discussions on what I believe is a very important topic of, what is the best resource, or resources, to send for the unique call, or crisis, from a family member in any part of the State? Does that make sense to you, General?

ATTORNEY GENERAL MACDONALD: It does. It's an excellent suggestion. And we have spent a lot of time on this, between us and involving a lot of others. It's a very, very, very important topic. So I agree. And those discussions have included Mr. Norton, who also wanted to ask questions. Go ahead, Mr. Norton.

DIRECTOR NORTON: Thank you, Attorney Skibbie, for your testimony. And I hope we have a much longer conversation about Mobile Crisis and then wellness (ph). But I did just want to focus, and I know we're out of time, quickly about the question of emergency calls and 911 to let people know that the Federal Communications Commission is going to vote on July 16th whether to create a three-digit 988 number for mental-health emergencies to replace the current National Suicide Prevention Lifeline number.

It's something that's been studied the last several years. There's a Bill before Congress. To some of the questions that have been raised, it does include funding to expand public awareness and whatnot. So that is in the pipeline. And if that were tied to Mobile Crisis to give options to families to divert these calls from Law Enforcement, that will be a big step in the right direction. Thanks. Just wanted to make people aware of that.

ATTORNEY GENERAL MACDONALD: Thank you. Any other questions for Mr. Skibbie?

(No response)

ATTORNEY GENERAL MACDONALD: Okay. Mr. Skibbie, thank you very, very much for your testimony and your time today.

DIRECTOR SKIBBIE: Thank you.

ATTORNEY GENERAL MACDONALD: So, our next meeting, we will take up the rest of the public testimony. We were able to locate Representative Cushing on the call today. I apologize. We're not able to get to you or Ms. Champlin. But, we will get to you at our next public hearing.

We have taken a survey offline about schedules for next week. And it's still a little bit up in the air. But I would ask everyone to block out tentatively 11:30 on Thursday, July 9th, for at least 2 1/2 hours. And I will say everyone on this Commission is very, very busy. And there are a lot of moving parts in pulling to get one of these meetings. So it's a real challenge. But that, so far, is the best we can do. And obviously we will put out a public notice once we get that finalized.

I am open. Mr. Norton raised a suggestion about getting a regular schedule together. And I am open to that. But, again, just having lived through trying to schedule these past several meetings, it's a real challenge. And so, Mr. Norton, if you'd be willing to sort of take on that task and lead, if you will, a Scheduling Subcommittee, in terms of getting times available with everyone, I'm open to that. Otherwise, we can proceed as we have been. Do you have a reaction?

DIRECTOR NORTON: Sure, I'll do my best. But I'm just concerned that the clock is ticking and that we just barely touched the tip of the iceberg here, and that we need to figure out some ongoing times to meet.

ATTORNEY GENERAL MACDONALD: Yeah. And it's a challenge. It just is. But I hear you and the clock is ticking. We got a lot of ground to cover. And so, I'm open to any other suggestions. But if it's the will of Commission and Commission Members would like to get on more regular basis just going forward, I'm open to that. And we will make accommodations on our end from the DOJ perspective. And really our role really here is just trying to facilitate this whole thing.

So, when we do reconvene, it'll be Representative Cushing, then Ms. Champlin, Veronica Dane, and then Matt Simon. And if any other members of the public wish to testify again, it's leact@doj.nh.gov, leact@doj.nh.gov. Okay. And the written testimony, written submissions are all on the Commission's website, which is governor.nh.gov/accountability, governor.nh.gov/accountability. With that, are there any comments, or questions, from Commission Members? Mr. McKim?

MR. MCKIM: Thank you, General. Just had a thought. I'm wondering if sending out a (inaudible) with a whole slew of potential hours that we could meet during the week, and letting the Commissioners respond to that might be a way to gather quickly a best time or times for us to meet.

ATTORNEY GENERAL MACDONALD: Oh, really? Okay. Apparently, we do have that ability. So good suggestion, thank you. Take you up on that. Anything else? Okay. I want to again thank Fallon Reed for her exceptional help in putting this together, as well as Members of the DOJ Team, Kate Giaquinto,

Kim Schmidt, Annie Gagne, and Nicole Clay. A lot of work goes into putting this on and I'm grateful to everyone. And if there's no other business before the Commission, I'd entertain a Motion to Adjourn.

MR. LASCAZE: Second that Motion.

ATTORNEY GENERAL MACDONALD: Who moved?

MR. LASCAZE: That was Joseph Lascaze.

ATTORNEY GENERAL MACDONALD: Thank you, sir. And a second, second?

CHIEF EDWARDS: Second.

ATTORNEY GENERAL MACDONALD: Who's that?

CHIEF EDWARDS: Second.

ATTORNEY GENERAL MACDONALD: Oh, Chief Edwards, I think. Okay. Roll call vote, Commissioner Quinn?

COMMISSIONER QUINN: Yes, sir.

ATTORNEY GENERAL MACDONALD: Director Malachi?

DIRECTOR MALACHI: Yes.

ATTORNEY GENERAL MACDONALD: Director Scippa?

DIRECTOR SCIPPA: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Johnson?

(No response)

ATTORNEY GENERAL MACDONALD: Mr. McKim?

MR. MCKIM: Yes.

ATTORNEY GENERAL MACDONALD: Judge Gardner?

JUDGE GARDNER: Yes.

ATTORNEY GENERAL MACDONALD: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

ATTORNEY GENERAL MACDONALD: Chief Dennis?

CHIEF DENNIS: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Norton?

DIRECTOR NORTON: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Lascaze?

MR. LASCAZE: Yes.

ATTORNEY GENERAL MACDONALD: Ms. Tshiela?

MS. TSHIELA: Yes.

ATTORNEY GENERAL MACDONALD: And Chief Edwards?

(No response)

ATTORNEY GENERAL MACDONALD: The Motion carries. Thanks again, Commission Members. Good meeting today and we will be in touch about our next one. Thank you very much and have a nice weekend and a nice holiday.

MS. TSHIELA: Thank you.

(Meeting adjourned.)