

Commission on Law Enforcement Accountability, Community and Transparency

Meeting Minutes for July 9, 2020

Meeting held via videoconference at the Attorney General's Office in Concord, NH.

Deputy Attorney General Jane Young called the meeting to order at 11:37 a.m. and reminded participants that the meeting was being recorded.

Members were then asked to introduce themselves and state their present location for the record.

Deputy Attorney General Jane Young - from the Department of Justice with Kim Schmidt, Nicole Clay, and Annie Gagne

Robert Quinn, DOS Commissioner - Concord, NH

Ahni Malachi, Executive Director, NH Commission for Human Rights – personal residence

John Scippa, Director of Police Standards and Training Council – Concord, NH

Rogers Johnson, Chair of the Governor's Advisory Council on Diversity and Inclusion – joined at 12:20 p.m.

James McKim, President of NH NAACP - Goffstown, NH

Sawako Gardner, Justice of the NH Circuit Court – Dover, NH

Mark Morrison, New Hampshire Police Association – Londonderry PD with William Pease

Charlie Dennis, NH Chief Association – Hanover, NH

Ken Norton, Executive Director of NAMI – personal residence

Joseph Lascaze, NH ACLU representative – Ipswich, MA

Julian Jefferson, Criminal Defense Representative – Manchester, NH

Ronelle Tshiela, public member and BLM organizer - Durham, NH

Eddie Edwards, public member – Dover, NH

The Deputy Attorney General requested a motion to approve the minutes from June 26th and July 2nd. Judge Gardner moved, Chief Edwards seconded. A roll call vote was taken on the motion to approve the June 26, 2020 and July 2, 2020 minutes. The votes were recorded as follows:

Deputy Attorney General Jane Young – Y

Commissioner Robert Quinn – Y

Director Ahni Malachi – Y

Director John Scippa – N/A

Chairman Rogers Johnson – N/A

President James McKim – N/A

Justice Sawako Gardner – Y

Lt. Mark Morrison – Y

Chief Charlie Dennis – Y

Director Ken Norton – Y
Mr. Joseph Lascaze – Y
Attorney Julian Jefferson – Abstain
Mr. Eddie Edwards – Y
Ms. Ronelle Tshiela – Y

We will continue to hear testimony from the public today in the following order:

Christopher Emerson with Rebekah Mallory and Rachel Farrell
Martha Wyatt
Robin Davis
Renny Cushing
Janet Handley Champlin
Veronica Dane
Matt Simon
Ken Norton

Following public testimony, Mark Morrison with Bill Pease will present on CALEA accreditation.

Christopher Emerson with Rebekah Mallory and Rachel Farrell

Would like PST to have more deaf and hard of hearing training and members speak with officers. Visor cards are a big resource and Emerson was integral in getting those into vehicles and made available.

- Director Scippa – would like PST to be a point of dissemination to get those visor cards out, they are extremely helpful.
- Julian Jefferson – can you provide some issues or unfavorable things you are hearing from deaf community with law enforcement, and any action items you would like this commission to consider recommending to Governor?
 - o A high percentage of deaf community feel there is no communication with officers when pulled over. Need to find better options to communicate (i.e. visor cards, paper to write on, etc.)
 - o Would like an invite to trainings, etc. to make services and issues more visual. A large part of the police force doesn't know how to request for an interpreter, or react to issues. Services need to improve and Emerson wants to help educate.
- Chief Dennis showed visual of visor cards and when/how they are provided.
- Lt. Morrison – has experience dealing with deaf community, cards are great. Are there any programs or interest in programs to have a decal or sticker on plate to address concerns (i.e. better identification of hearing impaired)?
 - o That's been discussed in the community, several members do not want anything on license plate. Legislation in progress to have identifier on license card for

hearing impaired. If you go to DMV and identify as hearing impaired, that identifier can be put in system to assist officers when they are pulled over.

Martha Wyatt

Operate Community Strategies Unlimited, LLC. Member of law enforcement community for over 30 years. NH needs to increase mandatory in-service hours, current level is inadequate. Increasing mandate to 32 hours with standard subject matter state-wide. Implicit bias training has been in effect for years, but we need to expand on what is already provided. Physiological effects needs to be studied more and how to better understand and train when exposed to stress, violence and trauma. This should also effect who is hired for service. Should not rely on internal culture to teach guardian mindset. NH needs to increase length of academy, increase in-service from 8-32 hours, standardize training state-wide.

- James McKim – What an increase in budget would look like, what do you recommend?
 - o Increase in budget should be split between state and local police departments
- James McKim – how to prioritize budget and training?
 - o Legislatively, increase training by law.
- Judge Gardner – how did you reach 32 hours for training?
 - o Looking at current training and what needs to be added, put together block that needs to be trained annually
- Joseph Lascaze – are you saying law enforcement cannot undertake reform without additional money
 - o No, changes can take place at PST and in-service and can be enhanced. Expansion of training and more hours means more money spent. May need to be approach step-by-step.
- Joseph Lascaze – could current funds be reallocated to bring about change?
 - o Likely, but not informed enough to answer effectively
- Joseph Lascaze – pretextual stops and racial profiling, do you think it's possible that in order to accurately represent stops, demographic data should be shared publicly?
 - o Yes.
- Bob Quinn – training provided on stops and searches, DOS is working with AGO to update process and stay current
- Dir. Malachi – verify that you are a trainer and provide trainings?
 - o Training coordinator
- Dir. Malachi – people could reach out to you with needs and you would coordinate experts?
 - o Yes, trainings throughout New England and 14 years before retirement, 3 post retirement.
- Dir. Malachi – how many trainings relevant to this have occurred in NH?
 - o 2
- Dir. Malachi – have you not reached out to law enforcement?
 - o Extensively reached out, only 2 local PDs trained

- Dir. Malachi – how many minimum people do you need to host training and cover costs?
 - o 50 – PDs need to help coordinate training space
- Dir. Malachi – who covers fees or training?
 - o Flat fee, covers trainer’s professional fee, usually covered by PD. Rare occasions the individual officers. \$130 fee/person.
- Dir. Malachi – has outreach been in timely manner for funds to be requested, or opt to do your training vs. another one?
 - o Fiscal years can vary agency to agency. We offer several different trainings, but responses have generally been non existent. Invites every officer they can get contact for to invite
- Dir. Malachi – demographic data, in your training how would you suggest that data be collected?
 - o That information could be collected during field contact. We are not training officers on that particular topic but could be collected.
- Dir. Malachi – let’s say this info can be collected during stop, what metric are they using to make determination of ethnicity?
 - o Would leave to Quinn, Dennis or Scippa to answer
- Dir. Malachi – what has fruit of training yielded, what positive shifts has been reported back?
 - o To best of her knowledge, evidence of change is not being collected. Great idea but not sure they exist. Would like to look into it to provide answer.
- Dir. Scippa – PST tries to budget to hire outside vendors to provide training. 75k per year to fund third party vendor training to make available to all NH officers free of charge. As example, \$125/person for 50 people = \$6,250. That would allow 50 officers at 12 trainings which could be brought back to PDs. Benefit of having single source academy means could bring that money internally to provide training to all officers. Alternatively, if we could increase that money, we could provide more third party vendor trainings.
- Julian Jefferson – de-escalation, unconscious bias, would require shift in funding priorities, without line item budget in front of you, what are some things that could be curtailed, limited, reduced, etc?
 - o Many times at the end of the budget year, funds left over and spent quickly so budget for subsequent year isn’t reduced. That funding could be allocated to additional training.
- Julian Jefferson – extension of training hours, reasoning and recommendations?
 - o Officers should have at least as much training as my accountant. They should not have to put lives on line and not receive the tools needed to do so. Any increase is an improvement.
- Julian Jefferson – speak to why training is important around dealing with citizens in worst times, stressful situations?
 - o Referring to physiological effects that officers go through during stressful situations, etc.

- Julian Jefferson – if you have 1000 officers, 10 are on bad path, 990 are not doing anything to stop the bad behavior, you have 1000 dangerous officers, is that an important thing we need to confront? Should we have trainings and duty to report?
 - o Absolutely important and possible current legislation on duty to report.
- Ken Norton – will you submit this in writing?
 - o Yes
- Ken Norton – having academy increase hours, what is the national average?
 - o Approx. 20 weeks
- Ken Norton – LEAD model, please explain.
 - o National Police Foundation website. Listen and Explain with Equity and Dignity.
- Ken Norton – add a link to that in your testimony
 - o Yes
- Ken Norton – programs that address herd mentality, other programs you would recommend?
 - o Important to be trained to spot signs of pretextual context when they come up. Should not treat population as suspects from onset.
- Chief Edwards – example of PD that had structural problems, took training and produced positive outcomes? Any data or department you can point to that was effective with training?
 - o No, but have class evaluations, officer feedback. Not aware of departments having problems then corrected by training.
- Chief Edwards – how often should this training be conducted to change officer bias?
 - o Training to refresh an officer of unconscious bias should take place every year.
- Chief Edwards – could you share any data with the commission that supports effectiveness of training?
 - o Yes
- Joseph Lascaze – demographic data is already being collected, just need to disperse it.
 - o What about those not fingerprinted? Demographic info should still be collected.
- Dir. Malachi – how are those demographics collected (i.e. looked at, checking government ID, etc.
 - o Joseph Lascaze – usually asked of individual in his experience, not mandatory to provide
- Dir. Malachi – should allow for option to note if information is not provided out of choice
- Julian Jefferson – use of deadly force training, should there be just as much training on de-escalation and stress?
 - o Absolutely. Vital because standard response is fight or flight. Officer needs to recognize when situations are going south and take control.
- Julian Jefferson – emotional intelligence takes time to build and develop?
 - o Yes.
- Julian Jefferson – reasonable to say not natural, needs training and retraining?
 - o Yes.

- Chief Edwards – use of force takes place annually at PDs, many officers far exceed training of 8 hours
- James McKim – would it be possible, as we look at success of training, to get rate of success by looking at topic areas?
 - o Will put something together.
- Bob Quinn – there are fields for race on ticket (not on driver’s license), also different record management systems across police departments, unsure if mandatory fields.
- Ken Norton – referenced report in his testimony, will provide documentation to commission

Rep. Renny Cushing

Criminal Justice and Public Safety Committee. HB 1645 contains elements of commission’s work, need for reform, transparency, accountability, etc. Mandatory reporting, ban on chokeholds, ban of private prisons, etc. (Please refer to submitted testimony on governor.nh.gov/accountability). Includes requirement for officer psychological assessment and fitness test. Requirement of officers to report misconduct by law enforcement officers. Concerns they have about training is conduct of officers in personal life, should be flagged for training. Rep. Cushing provided a background of his personal experiences and anecdotal experiences. Are victims of crime in the minority community represented?

- Julian Jefferson – ban on chokehold language, is statutory language in depth enough to cover all restrictions on breathing, etc.
 - o Yes. Rep Cushing read the proposed law.
- Julian Jefferson - Leaving people on back or stomach for any length of time, is this mentioned?
 - o No
- Julian Jefferson – is there some catch-all language at the end that covers officer accountability?
 - o Yes. Rep Cushing read the proposed law.
- Julian Jefferson – equally important officer report other officers’ conduct from a policy perspective?
 - o Yes. This may cover Laurie List, but what is our expectation of law enforcement?
 - o Glad to hear commission spending time on this.
- James McKim – funding, what’s your take on discussion and what recommendations should we be making on funding?
 - o The finance committee is where good ideas go to die. Not a whole lot of lobbyists that come into committee that are there to argue for public resources. We could step back and look at some of the prioritization.
- James McKim – why is funding placed more on war on drugs than safety?
 - o I don’t know.
- Joseph Lascaze – HB 1645, would you support legislation that requires reporting of misconduct and intervention?

- Yes.
- Joseph Lascaze – restorative justice, any experience with program and how resourced?
 - Have some experience, sponsored bill that became law that crime victims should have access to restorative justice programs. Needs to be victim initiated and victim-centered, more effective on low level crimes.
- Joseph Lascaze – changes to drug laws could free up funding for other areas like training?
 - Yes. We should spend more money on treatment.
- Ken Norton – does HB 1645 require live, in-person screening for testing or just reporting?
 - Bill says that what’s already in place, should be done for everyone. Psychological and drug screening required.
- Ken Norton – Dr. Nicole Sawyer testimony should be referred to. Physical agility tests, should there be psychological and drug screen throughout careers?
 - Yes. There is an emphasis on use of force and agility, but needs to screen for more whole person approach.
- Ken Norton – relative to victim services, need for services in officer involved shootings, do you think there is a need when there has been an OIS?
 - Yes. We need community-based victim advocates. System-based are torn between priorities of specific office and specific victim.

Ken Norton would like Mike Skibbie testimony posted on website.

The next meetings will be as follows: Tuesday, July 14th at 9:30 a.m. and then Thursday, July 16th at 9:00 a.m..

The Deputy Attorney General requested a motion to adjourn. So moved by Chief Edwards and seconded by Director Ahni Malachi. A roll call vote was taken on the motion to adjourn and the votes were recorded as follows:

Deputy Attorney General Jane Young – Y
 Commissioner Robert Quinn – Y
 Director Ahni Malachi – Y
 Director John Scippa – Y
 Chairman Rogers Johnson – Y
 President James McKim – Y
 Justice Sawako Gardner – Y
 Lt. Mark Morrison – Y
 Chief Charlie Dennis – Y
 Director Ken Norton – Y
 Mr. Joseph Lascaze – Y
 Attorney Julian Jefferson – Y
 Mr. Eddie Edwards – Y

Ms. Ronelle Tshiela – Y

The meeting was adjourned at 2:13 p.m.

DRAFT