

Commission on Law Enforcement Accountability, Community and Transparency

Meeting Minutes for July 24, 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 9:03 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, Annie Gagne, and Nicole Clay

Robert Quinn, DOS Commissioner - Concord, NH

Ahni Malachi, Executive Director, NH Commission for Human Rights – Penacook, NH

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

Rogers Johnson, Chair of the Governor's Advisory Council on Diversity and Inclusion – Stratham, NH

James McKim, President of NH NAACP - Goffstown, NH

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

Mark Morrison, New Hampshire Police Association – Londonderry PD

Charlie Dennis, NH Chief Association – Hanover, NH

Ken Norton, Executive Director of NAMI – Penacook, NH

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 the approval of the July 22nd, 2020 minutes. Motion to approve the minutes by Judge Gardener and seconded by Director Malachi. A roll call vote was taken 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 – abstain

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 – abstain

The Deputy Attorney General covered the list of participants today. We will start with Anna Elbroch (relations between law enforcement and communities they serve) and end with Ken Norton. The Deputy reminded the commission members about the McKim rule governing testimony and question times.

Anna Elbroch (testimony on website)

Strong background in the juvenile justice system. Nationally and in NH, juvenile crime is decreasing. School discipline remains very high despite reduced juvenile crime rates. Black population in NH represents 2% of population but students represent higher juvenile crime rates. Students suspended or expelled more likely to enter criminal justice system and experience school to prison pipeline. SROs get involved with children discipline without understand of trauma. No evidence to support SRO efficiency. Recommend reallocating funds from law enforcement to schools and counselors.

- Commissioner Quinn – do you see opportunities to enhance current programs with training or tools to SROs assigned at those levels?
 - o See opportunities outside of schools, not in. Coaching opportunities, etc. National SRO training requires 40 hours of training but can't be compared to certified educators and licensed counselors.
- Director Malachi – would your reallocation plan cover coordination of care for students?
 - o Mental health system needs to be fully funded and provided resources to assist.
- Director Malachi – how can we coordinate this?
 - o Local mental health facilities go to schools to provide assistance to youth
- Director Malachi – how effective has this been and how long has this been going on?
 - o Not sure.
- Director Malachi – would you recommend a study done?
 - o Helpful more information, any opportunities to collect data is beneficial
- Director Malachi – having an SRO is reasonable, make clear to school administration that SROs has specific duties. If we have the tool in our tool belt, why take that away?
 - o We don't have the research to show they are helpful. Having officers there makes students uncomfortable.
- Director Scippa – understand that there are legislative efforts to reduce children in system
 - o Legislative efforts that say only certain children can end up in YDC/juvenile justice system.
- Director Scippa – overall are you seeing vast majority being resolved through diversion and support

- Can't tell you that's how she sees most cases being resolved
- Director Scippa – is it your experience, when children brought into court system are given support and diversion if not brought into system
 - Yes in a lot of circumstances, DCYF looking for crisis interventions without court intervention
- Judge Gardner – studies showing presence of SROs deterrent of child violence or shootings
 - None conclusive, studies found are state specific
- Judge Gardner – presence of SROs might reduce casualties in school shootings
 - Nothing conclusive
- Rogers Johnson – presence of SRO is the actual issue?
 - I don't know if unarmed is the problem or just the presence is what makes people uncomfortable
- Rogers Johnson – familiar with U. Wisconsin restorative justice project?
 - No
- Lt. Morrison – studies of interaction with kids who don't get suspended or are appreciative of SRO support in school
 - No, strongly encouraging outside of school relationships
- Lt. Morrison – SROs contribute to school to prison pipeline, reason for arrest
 - SROs insert themselves into school discipline and result in court solutions, schools can skirt their responsibilities by pushing off onto SRO
- Chief Dennis – data or research showing students placed in YDC by SRO situations happening during school day
 - NH doesn't have that data
- Ken Norton – what factors do you contribute to reduction of juvenile crime
 - Better understanding of adolescent behavior and development, more community resources available outside of court system
- Ken Norton – percentage of licensed mental health counselors in schools?
 - Don't know.
- Ken Norton – studies regarding students perception of SROs
 - Only aware of specific community studies, not national studies
- Joseph Lascaze – exclusionary discipline, long term effects of this
 - Labeled by school officials and community as bad kids. Any disruption in school can impact academic success.
- Joseph Lascaze – trauma formed system of care, MTSSB, aware of this?
 - Yes.
- Joseph Lascaze – aware this is productive?
 - Seen improvements and success
- Julian Jefferson – any other advanced society that has officers in schools like US?
 - Canada
- Julian Jefferson – any others?
 - England may, but not positive

- Julian Jefferson – child victim of crime and wants to report, could they just call 911 and have police respond
 - o Yes
- Julian Jefferson – in your experience, has the presence of SROs always resulted in charged crimes
 - o Not always, but in her experience yes
- Julian Jefferson – is there data that exists that talks about positive or negative impact
 - o SROs are the reason we end up with black and brown youth in juvenile justice system
- Julian Jefferson – potential for harm when kids brought into court system even if charges dismissed
 - o Yes. Far more impactful having family and community response rather than court process.
- Eddie Edwards – aware when SROs were introduced in school system
 - o Aware that after 1999 Columbine shooting there was a spike
- Eddie Edwards – data shows they entered schools in 1950s, curious is recommendations what culturally relative curriculum
 - o Learn the history of our country, slavery, Native Americans, etc
- Eddie Edwards – understand that you want to remove programs like Mirror Project, etc.
 - o Issues with permanently stationed officers
- Eddie Edwards – position on zero tolerance in schools (bullying, internet policies, etc.)
 - o Individualized for specific situation, restorative justice, etc.
- Eddie Edwards – what would you have police do when called for service at schools
 - o They have to conduct their investigations and get information
- Eddie Edwards – why do you think parents want SROs
 - o Perception that it provides safety. Teachers reach out because students today are coming with complex issues
- Commissioner Quinn – NH School Safety Preparation Task Force Report, will share to commission
- James McKim – police officers outside of school don't have knowledge of people they are stopping, what's the difference between having them in schools vs. outside of schools
 - o Sanctuary, should feel safe and be able to make mistakes, etc.
- James McKim – where is the line between school administrators vs. SRO disciplining
 - o Educators who have education about appropriate interaction vs. individuals who can arrest you
- James McKim – where is the funding for this resource and should it be plain clothes unarmed vs. uniformed armed
 - o Plain clothes unarmed are still not trained at appropriate response and trauma
- James McKim – your opinion that officers could never obtain that level of knowledge
 - o Not sure why licensed mental health counselors and school counselors are not sufficient

Ken Norton (testimony available on website) – Testimony is on Training

NAMI provides 16 of the 24 hour training at PSTC. CIT training is the gold standard for mental health training. NAMI is also concerned about law enforcement and first responder mental health. Research points to police bias on LGBTQ+ and so need more training. More diverse training force would be beneficial.

- Julian Jefferson – 311 emergency response, police also respond with mental mobile health unit
 - o Number will be 988, mobile crisis should operate separately
- Julian Jefferson – if someone calls 911 and identifies mental health issue, send mobile health unit with 911
 - o Depending on circumstance, hand off from 911 to mobile health so would not result in police response
- Julian Jefferson – if police aren't there in backup capacity, who decides when they respond
 - o Have 911 operators ask caller what help is needed
- Lt. Morrison – do you know the number of mobile crisis teams available in NH and where located?
 - o 3 – Concord, Manchester and Nashua
- Lt. Morrison – adequate for our state?
 - o Definitely not, need state wide mobile crisis
- Lt. Morrison – SWAT teams, pairing of mental health professionals with crisis negotiation units
 - o Don't know answer, want to learn more
- Lt. Morrison – aware of specialty training for negotiation or group of people that would be willing to assist in those efforts?
 - o Would look into a potential training recommendation
- Lt. Morrison – touch on co-dependency of mental health crisis and drugs, etc.
 - o A good majority of mental health individuals sent to hospital have these co-dependencies and amplifies the need for state wide mobile crisis
- Lt. Morrison – fair to say more resources/funding that law enforcement can partner and take advantage of across the board, anything you can suggest for PDs to take advantage of in emergency rooms or in those situations?
 - o When responding, you don't know why being released, etc. Need to look towards crisis models that minimize law enforcement contact (fusion model).
- Director Scippa – how long does CIT take to deliver?
 - o 40 hours
- Director Scippa – how many students at a time?
 - o 25-50, day and a half of training involves role plays
- Director Scippa – cost of delivering CIT training?
 - o Grant is \$120,000 for three years (includes other things beyond CIT), Dover training will be under \$10,000

- Director Scippa – if wanted to deliver to PSTC for 25 people, how much?
 - o NAMI charges about \$10,000, additional costs include PD costs to cover OT, training attendance, etc.
- Director Scippa – love to place CIT program into academy, but have 60+ students per class. PSTC already incurs cost for 16 hours NAMI training. PSTC expends 25% of in service resources to have NAMI come in and teach at FT Corrections academy, Police academy and PT Police academy. Wants to get out to all law enforcement officers but finance continues to be challenge.
- Director Malachi – are mobile crisis provided by one or multiple providers?
 - o Of the three, two are community mental health
- Director Malachi – created by the lawsuit?
 - o Yes
- Director Malachi – metrics to help commission understand how well response has been?
 - o Yes, not sure how in depth but will get info
- Director Malachi – consideration for non-cookie cutter approaches and local providers to be more specific in response
 - o Yes, very beneficial
- Director Malachi – surveys done or anecdotal response on how well services are provided?
 - o Yes
- Director Malachi – how has messaging gone out regarding public information to use mobile crisis rather than law enforcement
 - o There has been public information campaigns but until you need the resources, you don't necessarily pay attention
- Director Malachi – working closely with Judge Broderick about increasing public awareness and the programs he is advocating
 - o Yes, all part of increased awareness
- Director Malachi – mental health for officers, how would you see the mental health work with officers like a program or services deployed
 - o Somewhat complicated, NHSP has done a model relative to this, some departments have peer support, need culture change
- Director Malachi – peer support you mentioned, per department or a unit that goes out
 - o NHSP has a couple people in lead roles and have trained throughout the department. Larger departments have peer support.
- Commissioner Quinn – peer to peer unit running for 10 years, expand network of services and have access while maintaining confidentiality. Trained 60 troopers in CIT, expanding on that.

Proposed outline, added recent legislative changes based on law passed July 16th. Have a draft for section two that encompasses A and B, will send draft report to look at. Deputy Attorney General asks you get recommendations by Monday at noon. AGO will compile everything and get back to Commissioners by COB on Monday. Tuesday there will be no meeting but Commissioners are asked to review finalized recommendations and Wednesday at 9:00 a.m.,

Commissioners will be allowed three minutes to discuss their recommendations and then a vote will be taken on Friday.

The Deputy Attorney General requested a motion to accept the proposed outline for recommendations. Judge Gardner moved, Eddie Edwards seconded motion. A roll call vote was taken on the motion 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

Commissioner Quinn, Eddie Edwards, Director Scippa and Chief Dennis will provide funding breakdown regarding additional training for commissioners to see. After list is de-duplicated, Commissioners can speak to any recommendation that contributed.

The Commission discussed concerns surrounding funding and how to make recommendations that will ensure funding stays in place for the various recommendations that are made.

The Deputy Attorney General requested a motion to adjourn. So moved by Mr. Joseph Lascaze and seconded by Director Scippa. 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 12:31 p.m.

DRAFT