

I am a black man, I have lived in this New Hampshire since 2008, I have been working in the criminal justice system since 2011. I can tell you that racism exists in this State and in our criminal justice system.

I have suffered the indignity of being asked by Court security if I was an attorney when crossing the threshold from the gallery into the well of the courtroom.

I have suffered the indignity of a prosecutor telling me “I am glad you made it out of there” when I told her I grew up in the inner-city of Boston (where my entire family still lives).

I have suffered the indignity of a Concord Police Officer putting his spotlight on me for several seconds, with no explanation or apology as I walk home from the law school to my house, after the end of my work-study shift as security for the law school.

I have suffered the indignity of a senior-level clerk of court telling me “I thought you were one of your clients when I saw you walking past the courthouse without your suit on”.

The painful reality that I hope I can get you to see is that without my suit, I am just a black man....and that can be a dangerous thing to be in this Country...and in this State.

We all have work to do to confront and change this reality.

This is no time for patting ourselves on the back. This is no time to speak around the issues and not confront the issues.

We are not talking about corruption. We are talking about how to identify and eradicate the elements in our law enforcement that are racist, sexist, and bullies.

To quote Chief Hamplin: It is naïve to think we do not have any of these issues in our State.

With a clear and sober eye, we must identify concrete steps that we can take to root out any culture in our law enforcement community of the “Us vs. Them” mentality. We must adopt recommendations that seek to crush any thin blue line that prevents the good officers from calling out the bad officers.

We must confront these issues head on, to do anything less, would be a disservice to the young men and women of color in our communities like Joseph Lascaze and Ronelle Tshiela. We owe it them, we owe it to ourselves, to be bold, smart and calculating as we make recommendations to the political leaders our State and our Country that get us closer to that “more perfect union” we have been aspiring to become (and have come closer and closer to over the years).

Let us be that “City on a Hill” that can be an example to other States of what courage, decisiveness, and bold action look like. Let us embrace the charge of our Governor that no subject is taboo, and that nothing is “off limits”.

I have seen and heard with my own eyes comments and actions of some police officers that clearly show they should have never been a police officer.

I have provided this commission with the article that showed a Manchester detective referring to black people with the N\*\*\*\*\* word and referring to black people as “parking tickets”.

We would be naïve to think that others in the department did not share his views. We would be naïve to think that others in the department were not aware of this racism and did nothing to get rid of him.

I have read a transcript of a court hearing where a State trooper said that a man was suspicious because he was speaking Spanish. Speaking Spanish, to this officer, was a sign of criminal activity.

I have watched on television a NH and MA State trooper beat up a person on the highway.

I have watched more than one video showing Manchester police using force that was clearly excessive.

I have defended three different clients in cases where police used excessive force against my clients and then turned around, with the complicity of the prosecutors, to overcharged cases. Thankfully for those clients, the citizens that served on their juries saw the excessive use of force for what it was.

All of these indignities and injustices did not happen decades ago, they have all happened within the past several years.

All of this is in a climate where the President of the United States says “they are criminals and rapists” In a climate where the President, speaking to a group of police officers says “don’t be too nice” when you are arresting a suspect. His remarks drawing smiles and applause from several police officers in the audience.

These are the reasons why we need a duty to intervene policy. These are the reasons why we need a duty to report policy. These are the reasons why we need a ban on chokeholds, strangleholds, and keeping an arrestee in a prone position for an extended period of time.

These are not redundant, burdensome, or unnecessary policies. They are one small, but very important step, that we must take to change the culture where it needs to be changed and send the message that we are going to give real meaning to mantra that Black Lives Matter. And that does not mean that police lives don't matter; it simply recognizes the obvious truth that it is the poor, the people of color, the mentally ill, and the trans-gender community that need our leaders to advocate for them. It is their time to be heard. It is their time to be respected.

One of the first comments I made on this commission is that I refuse to accept the notion that all police officers are bad. I have been in this State and gotten an opportunity to see how our police officers conduct themselves. There are plenty of good officers out there. Officers Max Rahill and Nathan Harrington of the Manchester police department are good officers. There was no better example of professionalism or integrity than that of Nashua Police Captain Jon Lehto.

There are also some bad ones. There are also cultures, policies, and procedures in our law enforce community that can lead to bad outcomes.

It is my sincere hope that we can come together as a commission and confront these issues. We are fortunate that we live in a State where the murder of George Floyd is viewed as an unspeakable act of violence, perpetrated under the color of law. We are fortunate to have a Governor and a legislature that are willing to reflect, with honesty and understanding, on ways to make sure that never happens in our State.

It is with that hope that I recommend the commission to endorse the following recommendations:

1. Adopt a duty to intervene policy.
2. Adopt a duty to report misconduct policy.
3. Adopt a ban on chokeholds, strangleholds, and positional affixation in the prone position.
4. The creation of a statewide organization that is responsible for the investigation and adjudication of all claims of police misconduct. That organization should be modeled after the organizations charged with misconduct of attorneys and judges. Namely, they are comprised of committees with both members of the profession, and members who are outside of the profession.
5. The elimination of the EES or "Laurie List". Instead, all misconduct that is deemed to have occurred by the agency charged with investigating it shall be made public. All other allegations deemed to be unfounded are to be confidential.
6. The elimination of police officers being stationed in schools.

7. If police are to remain in schools the following is recommended:
  - a- Create a statewide restorative discipline program that favors diversion, community service, and mediation over arrest, suspension, and expulsion of children.
  - b- All school resource officers, prior to working in schools, must attend at least an 8-hour training course specifically designed toward understanding youth, school discipline, restorative justice, and adolescent brain development.
  - c- All school resource officers should have to complete “ongoing training” on an annual basis, on topics directly related to youth, school discipline, restorative justice, and adolescent brain development.
8. Update legislation to create a minimum age for prosecution a child in Juvenile Court. All children under 13 years-old should not be subject to Juvenile Court; exceptions can be made for murder and aggravated sexual assault allegations.
9. Update legislation to limit the offenses that create a presumption of transferring children to the adult court system to murder and aggravated sexual assault. Create a presumption the juveniles not charged with murder or aggravated sexual assault shall remain in the juvenile system.
10. A fundamental reimagination of the way we deal with drug addiction and drug possession. To include reducing all simple possession charges to a misdemeanor. To include a policy that any person willing to engage in substance abuse services and successfully complete them will not have a conviction on their record. Drug addicts are overpoliced. This is not an efficient use of police resources; in addition, it is not right to criminalize addiction to the degree that we do in this State and more broadly in our Country.
11. Increase the required minimum amount on “ongoing training” for all law enforcement officers to at least 16 hours.
12. Have standardized training that is required for “ongoing training”. Annual topics to include de-escalation, conscious/unconscious bias, and ethics. The authority to determine the number of hours and actual training shall rest with the Director of our statewide police academy. The Director shall seek input from all relevant stakeholders in the criminal justice system when making these determinations.
13. Enact a law that reforms and limits the court doctrine of “qualified immunity” for law enforcement officers.