



**New Hampshire Commission of Law Enforcement
Accountability, Community, and Transparency**
Remote Commission Meeting via Teleconference
Wednesday, July 29, 2020 at 9:00 a.m.

Commission Members Present: Deputy Attorney General Jane Young, *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*; Julian Jefferson, *Attorney, New Hampshire Public Defender*; Eddie Edwards, *Public Member*; and Ronelle Tshiela, *Public Member*.

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*; Annie Gagne, *Paralegal, New Hampshire Attorney General's Office*; Nicole Clay, *Assistant Attorney General, New Hampshire Department of Justice*; and David Parenteau, *Law Enforcement Training Specialist*.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Fallon. Good morning. This meeting is being audio-recorded. I am Deputy Attorney General Jane Young. And pursuant to Executive Order 2020-11, I am serving as the Attorney General's Designee.

The first order of business will be the call to order. As you are all aware, this is a meeting of the Commission on Law Enforcement Accountability, Community and Transparency. And this meeting is now called to order. This meeting is taking place pursuant to Emergency Order Number 12 and is, again, being conducted remotely.

I'm going to ask each Commission Member to identify themselves by their name, where they are currently located, and if anyone is with them. So, I will start. My name is Jane Young. I'm at the Department of Justice in Concord. With me this morning are Kim Schmidt and Annie Gagne. Good morning, Commissioner Quinn.

COMMISSIONER QUINN: Good morning, Deputy and Commission Members. Robert Quinn, I'm at 33 Hazen Drive, Concord, in my office. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Malachi, good morning.

DIRECTOR MALACHI: Good morning, Deputy Young and Commission Members. Good to see and hear everyone today. This is Ahni Malachi. I am at my home in Penacook. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa, good morning.

DIRECTOR SCIPPA: Good morning, Deputy General. Good morning, Commission Members. John Scippa, I'm presently at the Police Academy at 17 Institute Drive in Concord. I am alone right now. But Major David Parenteau may be in-and-out of the office as the testimony occurs. He's not here presently.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Johnson, good morning.

MR. JOHNSON: Good morning, Deputy Attorney General Young. Good morning, Commission Members. I am Rogers Johnson. I am in my home office in Stratham. I am currently alone in this building, except for that there's a Rocket Scientist here.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. President McKim, good morning. I saw you earlier. I just don't see you at the moment. Oh, there you are. Yeah.

(No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, he's there.

MR. MCKIM: Hi.

DEPUTY ATTORNEY GENERAL YOUNG: Hi.

MR. MCKIM: Hi. I didn't hear anything before this. So, are you looking for roll call. Is that where we are?

DEPUTY ATTORNEY GENERAL YOUNG: And you're up.

MR. MCKIM: And I'm up. This is James McKim. I am in my home office in Goffstown. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, good morning. Judge Gardner is next. And I don't currently see her. Fallon, is she on yet?

MS. REED: No, I don't see her. But I will let you know when she joins us.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Lieutenant Morrison, good morning.

LIEUTENANT MORRISON: Good morning, everyone. Lieutenant Mark Morrison on behalf of New Hampshire Police Association; I'm located at the Londonderry Police Department. I'm alone in this room, but not...

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

LIEUTENANT MORRISON: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis, good morning.

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

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Norton, good morning.

DIRECTOR NORTON: Morning, everyone. Ken Norton; I'm in Penacook, New Hampshire. And there is other family here with me. But I'm alone in the room.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Mr. Lascaze, good morning.

MR. LASCAZE: Good morning, Deputy Young. Good morning, fellow Commission Members. I am Joseph Lascaze. I am my residence in Bedford, New Hampshire. There is family members here, but they are not present in this room.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson, good morning. How are you?

ATTORNEY JEFFERSON: Good morning, Deputy Attorney General and fellow Commission Members. I am at my office in Manchester. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Edwards, hello.

CHIEF EDWARDS: Good morning. Am I -- no? No?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. You're good, first try.

CHIEF EDWARDS: Good morning, Deputy Attorney General and fellow Commission Members. I am at my home in Dover. And my wife is in the other room.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. And Commissioner Tshiela, good morning. How are you?

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

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. So, the next order of business are approval of the Minutes from last week, which is July 24th. We had a late-evening correction last night on page 5, under Lieutenant Morrison's testimony. The way that it currently reads is, "A good majority of mental-health individuals sent to hospitals have these co-dependencies and amplifies the need for statewide Mobile Crisis." He wants to strike co-dependency and have the sentence read, "A good majority

of mental-health individuals sent to hospitals have these cooccurring disorders/conditions." And also, my apologies, we left an A off Director Scippa's name a few lines down.

So with those edits, do I have a Motion to Approve these Minutes? Okay, thank you, Commissioner Lascaze will move to approve them. And Commissioner Quinn, do you second that? I think I saw a second.

COMMISSIONER QUINN: Yes, I do.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Joseph, you moved first, correct?

MR. LASCAZE: (Raises hand).

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you. So I will vote yes on approving the Minutes. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Fallon, we still don't have Judge Gardner, correct?

MS. REED: No, we don't have her yet.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Lieutenant Morrison?

LIEUTENANT MORRISON: I'll approve, but I don't believe I made those recommendations.

DEPUTY ATTORNEY GENERAL YOUNG: Whose were they? Sorry? They were Director Norton's, my apologies.

LIEUTENANT MORRISON: My testimony, not my recommendations, though.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Thanks, Ken. Sorry about that. Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Ken?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Joseph, you made the Motion. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: And Commissioner Tshiela?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So the Minutes have been approved. So why don't we move onto the real task of the day? So the next are the recommendations. So we need to make recommendations under Section 3(a) of Executive Order 2020-11.

And just to remind everybody, our Directive and our Mandate in this section is that we are to look at training curriculum, procedures, and Policies developed by State Police, local Police Departments, and the Police Standards and Training Council. And we have to look at potential options for improving the same to better address certain areas, which may include, but are not limited to: number 1, de-escalation; number 2, use of deadly and nondeadly force; and three, diversity training.

I want to start by thanking you all for getting your recommendations in. I think that when we compiled them all, we had somewhere in the neighborhood of 130 recommendations. So those are certainly going to need to get boiled down.

What we tried to do and what Director Malachi tried to do is to sort of form them in topic areas. So, having led this Commission for a number of meetings, I think that's important that we speak with one voice and that we make these recommendations as sort of simple as possible. They will go out so that people have to understand what their task is in these. And I think that if we are united in these, it's going to go a long way.

I mean, having been here for a number of sessions, I think that we're all striving for the same goals. So we will use these recommendations to get there. I will tell you, personally, I think that if we can boil these down to somewhere between six and eight recommendations, that will be most effective because we have other sections that we have to get to.

So I'm going to go through. As I said, everybody will have three minutes to talk about what their -- I would prioritize. Give me your top one or two recommendations and we will try to move forward. But let's just stick with this section, the training, the Policies, and the procedures. And we will address the other ones when we get to the next section. Any questions about that, before we start?

And while you have three minutes, you don't have to take all your three minutes. So you can certainly indicate what your top priorities are, and then move onto the next. And then, we will move through and we will try to boil these down. Sound like a plan?

MR. MCKIM: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Somehow I just lost my screen. Okay.

MS. REED: Sorry, Jane. I think that was me. I'm trying to get the timer up.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. High-functioning computer skills, okay. So, Commissioner Tshiela, could we start with you, please?

MS. TSHIELA: Am I able to yield my time specifically to give Joseph more time to talk about his?

DEPUTY ATTORNEY GENERAL YOUNG: Certainly.

MS. TSHIELA: Okay. Then that's what I'm going to do.

DEPUTY ATTORNEY GENERAL YOUNG: You sent in your two recommendations that sort of dovetailed in with everybody else, which (inaudible) the amount of time, focused on the areas of bias and cultural dynamics.

MS. TSHIELA: Um-hmm.

DEPUTY ATTORNEY GENERAL YOUNG: Seeking inhouse expertise, correct?

MS. TSHIELA: Yes, sorry.

DEPUTY ATTORNEY GENERAL YOUNG: No, thank you very much. So, next is Chief Edwards.

CHIEF EDWARDS: Policy discussion and so, for me, my top priority would be to try to have us address the issue of implicit bias training, as well as -- one second. I'm trying to get my notes up here -- implicit bias training, as well as de-escalation training, as well as procedural justice, and taking the current eight hours that we are utilizing right now and having those clearly defined around training.

That will immediately reduce any cost, but also it would give structure to those eight hours and allow us to make sure that every single Police Officer in the State is receiving implicit bias training, de-escalation, and procedural justice training, as well as I think I'd also included reporting misconduct by Police Officers. So those are four areas that we could immediately address through the current eight hours of training.

The second area that I think is very important is to make sure that we are actually addressing the Use of Force Policy in the State. The best way to accomplish that is to have a statewide Policy that addresses use of force. And I think that will give every single Officer the same starting point. It would certainly inform the citizens what the level of force has been authorized throughout the State, in the statewide Policy. And it would provide a level of consistency in performance. And that can also be accomplished immediately without any financial impact.

So, for me, those are a couple of critical areas. And thirdly, I would say that I support any effort to ensure that Standards and Training has the appropriate personnel to carry out the training requirements, particularly in the Compliance Monitoring Unit for Police Departments. I think that's critical because, if you look at the Rules and Laws, and Regulations that are set forth by Police Standards and Training, there'd have to be some compliance mechanism and accountability mechanism. And I think the Academy has a Unit, but it's not properly sufficiently staffed to carry out that task of monitoring the different Police Departments to ensure compliance with Policy, Rules, Regulations by Police Officers. So, those would be my three areas of immediate concern.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. So I just have a follow-up question, then. So the bias, the de-escalation, the procedural justice, and the reporting misconduct, do you think that that could be in the eight hours? I know that I think that a lot of us have said that the eight hours has to be expanded. But initially, do you think that those components could be part of the eight hours?

CHIEF EDWARDS: Oh, yes. I think you could accomplish those in four-hour blocks, right? So, what I had in mind is if you look at the implicit bias training on an annual basis, as well as the procedural justice, and you put those in a four-hour block; and de-escalation and reporting Police Officer misconduct, that's another four-hour block of instructions.

So, I think it can be accomplished immediately with those, with the idea that, in the future, there may be an opportunity to increase, or expand, those hours and add additional hours. But right now, what's in front of us is an opportunity to clearly define those hours.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you very much. Attorney Jefferson, you were up next. We have posted your comments and read your comments. But please, you have the floor for three minutes.

ATTORNEY JEFFERSON: Thank you. So, the three that I recommended are ones that I, for this portion of our charge, I'm still very much interested in making sure they are adopted as recommendations. And that is the duty to report misconduct, the duty to intervene by Police Officers, and adopting the Policy on strangleholds as well as the prone position.

I recognize and we've discussed that the Legislature has already passed some legislation in regards to two of those areas, but not the third area of positional asphyxiation. So I would submit to my fellow

Commission Members that I think it's still important that that message be sent not just through legislation but be adopted as a official Policy, as well.

And I think, as I'm looking at recommendations from other fellow Commission Members, there's a lot of ways to achieve that. I think if all of those Policies were just adopted as part of a statewide Policy or Code of Conduct from Director Scippa, I think that would accomplish that. And I'm very much in favor of that.

And also just to quickly comment on some of the recommendations from other Commission Members, I really liked Chief Edwards' suggestion of scenario-based training. I find that to be very helpful and very impactful in training, generally. So I think it would be good. Also, moving the SAG Group into the Police Training and Standards Training is also something that I am supportive of, as recommended by Chief Edwards and Mr. McKim. If I can have just one moment?

DEPUTY ATTORNEY GENERAL YOUNG: Take your time.

ATTORNEY JEFFERSON: And as far as the actual language to adopt, I really liked Director Norton's recommendations and how he laid them out. I think they're very concise. And I think it deals with two issues.

One is the issue of right now there's this eight-hour block of training that I think there's pretty uniform consensus on that that needs to be increased over the years. And I think his language does that. And also, in starting with what we have, I like Chief Edwards' idea to say, if we have these eight hours and we know that's what the definition is now, let's standardize those hours. But also moving forward, a recommendation to increase them, and I think Director Norton does a really, really good job of laying that out there in a concise manner. So I think we should adopt his language pretty much verbatim on those recommendations.

And my last two comments is for recommendations that Director Scippa has. Really am a fan of his recommendation, Number 7, which was to have the statewide Police Academy do training on State Law that specifically covers areas where race was part of a suppression or part of racial profiling, generally. And I would recommend to Director Scippa that he seek a broad universe of sort of Adjunct Counsel -- or Adjunct Faculty to teach that topic. And I can tell you from conversations that I had with Members of the Criminal Defense Bar, he would find plenty of people that would volunteer to teach that to lessen any financial impact.

And my last comment is I'm also a huge fan of the FAIR training that we've been discussing. And I would wholly support that being a recommendation. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much, Julian. Commissioner Lascaze, you are up. You are on.

MR. LASCAZE: Thank you. All right. So, when it comes to these recommendations, one of the first and foremost recommendations that we have is that a qualified inhouse Specialist be hired from Police Standards and Training. We believe that this is very important because the culture that's being spoken about where this disconnect is happening, it needs to be addressed. And it can only be addressed from individuals who understand that culture, in particular.

Also, making the implicit and racial bias training thematic is another big key area, because this shouldn't be just a one-time and you're done type of training. This should be done throughout the whole course of training: in-service, as well as Recruits and Administration level. And this, I believe, will also be able to help correct some of the concerns over compliance with this area.

Also, offering an engagement portion where Law Enforcement Personnel gets to interact with community members, in particular having also a guest Facilitator who represents different community members; having Law Enforcement interact with them is huge. We're talking about mind shifts here. And these shifts are going to come through interactions with people that we don't normally deal with. And I believe that that's going to help also. The training part of it is not going to just -- it will not fully bring about this shift without Law Enforcement interacting with people from these communities.

And lastly, I would just want to point out that we also believe that the data that has been provided of the disproportionate arrest and incarceration rates of people of color, specifically black and brown, be part of the implicit bias training. And the reason why is we need to be aware of what actually is happening, that this is not just something that's theorized or a potential this is actually here, but that we have the data to support this. And having this as a part of their training will allow individuals to be able to keep this in mind moving forward that not only this happening, but being aware, themselves, of whether or not they are doing this.

I do want to say that fully support -- I believe it was -- Commissioner Edwards, who was talking about -- if I can pull up the note right here -- about a statewide Use of Force Policy being adopted by Police Standards and Training. I just want to make sure I'm correct on that. Yeah. Definitely support this; I think that this is great.

And also that New Hampshire Police Standards and Training Council should establish a statewide Policy to address Law Enforcement perjury, we support all instances of misconduct, there being a decertification process for this. And that should include perjury. And with that, I believe that is -- yeah, that's it for it, for the most part.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much, Joseph. Director Norton, you are up next.

MR. LASCAZE: Oh, can I just say one more thing before I pass? I apologize.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah.

MR. LASCAZE: I just saw one last thing.

DEPUTY ATTORNEY GENERAL YOUNG: No, take your time.

MR. LASCAZE: Yeah. So I did want to just also mention one thing, just for clarification purposes, is that I know that we had received an email concerning the current budget and what's going on. But I did want to mention that, in supporting recommendations, the financial impact is one thing in particular that I'm very concerned about, when it comes to this.

So, while I might support recommendations, the financial impact, we need the cost that's associated with these recommendations that are moving forward that do have a financial price tag with them,

especially considering the fact of the shortfall that we will be experiencing, at least the \$500 million shortfall, that this is something that is very, very critical, I think, when it comes to voting that we do need to know the price tags associated with some of these reforms.

DEPUTY ATTORNEY GENERAL YOUNG: Very good, thank you, Joseph. My understanding is that Judge Gardner is on. Judge Gardner, have you joined us this morning?

JUDGE GARDNER: Good morning. So, I have a Docket starting up in like one minute. But I wanted to join in just to say good morning and I will come in-and-out of this meeting, as time allows.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Take your time. When you come back and when you have a few minutes, I will let you -- we've asked the Commission Members, they have three minutes to speak. We have to boil this down to probably under 10 recommendations. So give us your top two, three, or four. And then, we will sort of see which ones overlap. And we will whittle it down from there.

But when you come back, and you have a three-minute block, let Fallon know. And I'm sure that the other Commission Members won't mind if I take you sort of out of what order I have people in. So, everybody's agreeable to that?

JUDGE GARDNER: All right.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, everybody's going to let you.

JUDGE GARDNER: Thank you. I appreciate it. Bye.

DEPUTY ATTORNEY GENERAL YOUNG: All right, thank you.

JUDGE GARDNER: Good luck.

DEPUTY ATTORNEY GENERAL YOUNG: All right.

JUDGE GARDNER: Bye.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, Ken, now you're up. Thank you.

DIRECTOR NORTON: Sure. And I'm a little bit confused about the process, but I'll just say quickly that number 1 for me is to give Police Standards and Training the authority to mandate specific training. I think that, for me, that's the starting point.

And then, number 2 is training to increase the amount of hours required for recertification training. And that would allow for implicit bias, ethics, fair and impartial, misconduct, bystander, whatever, once they're able to mandate it and once those hours increase.

And then, would like to see an increase in mental-health training, specifically crisis intervention; I think we need to address School Resource Officers. And I'm a little bit confused about whether we're getting into Policy pieces at this point or not. I certainly support some of the Policy pieces that have been

put forward but thought that they were going to come later on in the process. And I'll yield the rest of my time.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Ken. Chief Dennis?

CHIEF DENNIS: Thank you. Yes. My highest priorities would be looking at the training part of it, the implicit bias training and de-escalation training. In addition to that, the EPIC or ABLE training that we talked about, which deals with the duty to intervene, also it covers the reporting of Police misconduct. I think those are all important in dealing with that.

I liked Chief Edwards' ideals and other people have commented on that, too, of taking the existing eight hours and structuring that to include this training. It may not be able to cover all of that. And it may not be able to cover the training that we've talked in-depth about.

If you look at the ABLE training, itself, I believe it's at least eight hours. So, again, we may not get there with the training we're talking about. But I'm sure there's other training that's available that covers some of those topics, realizing our goal is to move towards those longer trainings that we're looking at in the area of implicit bias training, de-escalation, and also the duty to intervene training.

Support the idea of the statewide Use of Force Policy; I think that is a good thing. I think it should allow Departments that want to go above and beyond that, that a statewide Policy is just that. That's kind of the baseline. But if Departments want to go above and beyond that, they should be able to do that.

Also feel like Policy development should not rest alone on the shoulders of PSTC. I think they should be a partner. It should be a collaborative effort between all the Law Enforcement Organizations in the State coming together to talk about what would be the best Policies moving forward for the whole State to follow. And I will yield the rest of my time.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much, Chief. Lieutenant Morrison?

LIEUTENANT MORRISON: Yes, thank you. I think share some of the concerns of Director Norton trying to boil down these 8 or 10 pages. It's several recommendations. I think it's important to remember from the perspective of the Law Enforcement Officer, Law Enforcement Officers across the State want one thing more than anything, which is to be effective in their duties. And I think giving the Officers the tools to do that should be, as we mentioned before, the thematic effort behind all of our recommendations.

I think it's pretty clear over the years, especially the last 10 or 15 years, that Law Enforcement has made major sustained efforts to improve in these areas, New Hampshire, probably better than most. But to sort of boil down some key recommendations, I would look to supporting the accreditation model, whether it be CALEA or a State model with the sort of understanding and the reality behind the testimony from Bill Pease that if you want to create a State model, that's going to take a long time.

Having sort of a standardized Policy isn't a terrible idea. But some Departments have Policies that are actually more restrictive than needed. And the State RSA really governs some of these things that we're talking about.

But I would look for accreditation and then increasing training hours, I think, is one of the general common themes that everybody has put forward. I mean, of course everybody would like a superhero to be the Officer that responds to your call. We have to train the Officers to be able to perform how we would like.

And then the other, I think, topic that we need to keep in mind to make any of these suggestions is basic due process and fairness. We have to keep the constitutional principles of due process in mind when we make these recommendations. And as long as that is kept in mind and that is something that we strongly consider, I think we can move forward with a lot of these suggestions.

I thank everybody's hard work that put these thoughtful suggestions together, and the efforts of people to sort of boil them down. But I'd be happy to speak, I guess, more specifically on some, if we get deeper into it. But those are the general topics I'd sort of start with.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Mark. So, Judge Gardner is up next. She's not there. Mr. McKim, you are up next.

MR. MCKIM: Thank you, Deputy Attorney General. My priorities are as follows. First of all, I think it's critically important that, as many folks have said -- Mr. Lascaze and Chief Edwards also mentioned -- that we have implicit bias training. And I would push it a little further.

Implicit bias training generally is of an awareness type. And what I don't hear much talk about at all and I really push for is debiasing training to be included in that. So I would like to put that forth as a piece of the call for implicit bias training and the theme that Mr. Lascaze mentioned about making it thematic and ongoing, along with I think it was Director Scippa who recommended that this kind of training be mandatory. It has to be mandatory.

My second area of focus is in terms of the state of the art data gathering. I think it's critically important for us in terms of creating Policies, so we can be transparent, to have data gathered that highlights and indicate how law enforcement is being done, and that that information be made public.

My third area of high importance is the area of qualified immunity. I think it's critically important to find a balance. Obviously, the Policy was put into place for a reason. But it's not being as effective as it should. And we, I think, owe it to our citizens to find a way to improve that.

My fourth concern is a more generic concern. And that is around funding. I'm really concerned that we have great work being done by Commissioner Quinn, by Director Scippa, and folks who are really trying to improve the way the training is done in this State, but they're constantly being hit with the barriers of not having enough funding, or having the funding taken away. So that's the fourth area that I really would like to see us put some recommendations around somehow. And I will yield the balance of my time.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. My understanding is that Chief Dennis has his hand up. But, Chief, can I loop back to you once I go through everybody? Is that okay?

CHIEF DENNIS: (Nodding affirmatively).

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Johnson, you are up next.

MR. JOHNSON: Thank you. I'll be brief. The main reason I'm being brief is that we've covered a lot of these issues already. So I'll just go over the top. I'm more interested in seeing implicit bias training take place. But, I think the focus shouldn't necessarily be on the Academy training, but going back and doing implicit bias training for existing Police Officers, those who've been in and around the system for 10, 15,

20 years who may have not have had this through the Police Academy, but should be having renewed training along these lines, just to make sure that we catch up.

I think we need to keep de-escalation in our minds, and then, use of force. In addition to that, I do think that the FAIR, ABLE, and CALEA are things that we should be looking at, in terms of making sure that the training standards reach a highest possible level. As you know, Deputy Commissioner, I'm extremely concerned about the funding. But we're going to talk about that later. And that's basically it.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much, Rogers.

MR. JOHNSON: You're welcome.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa, you are up next.

DIRECTOR SCIPPA: Thank you, Deputy General. Sticking specifically to Madame Chair's kind of review of our charge, which is to speak to de-escalation training, use of force training, and diversity training, and I guess coming from the position that ultimately a vast majority of these recommendations are going to fall on my lap, I want to offer the following. And I want to offer it in a very pragmatic way.

Candidly, every single recommendation that was put forth, if I could wiggle my nose and make that all happen, this is all terrific stuff. It's fantastic stuff. Some of it's going to be easy. So let me put forth the easy, cheap, and very quickly implemented thoughts.

In the first instance, we can bring back the block of ethics training at the Recruit level. And that costs no money other than to have a Training Specialist check that lesson plan out and make sure that it is current, up-to-date.

Our cultural diversity training, again, we have a Working Group. I have a Working Group in place. Some of the Commissioners that sit on this Commission are part of that effort. I've kind of put that on hold, based on hold, based on what's going to come out of the recommendations of the Governor's Commissioner here. But that is ongoing. And that is something that we can make very quick moves on and have that ready to go for the next full-time Academy.

It is my recommendation that we embrace statewide the Fair and Impartial Policing model that is out there. It's recognized nationally. It is a model, training product that speaks to Academy level, Supervisors that are out on the road supervising the Police Officers, Command Staff. And it has a community piece, as well. And I think that if the State of New Hampshire's Law Enforcement community embraced that from inception to retirement, that kind of training is going to be -- we talked about being thematic. And I believe Fair and Impartial Policing would address the areas of procedural implicit bias, de-escalation, all of those things that we're looking at right now.

The other piece is to immediately take on the model of ICAT training. That, again, speaks to de-escalation. And it's thematic. You can push that through the entire Academy. To Mr. Johnson's point, we could carry that out into in-service training, as well, just like Fair and Impartial Policing.

And then, finally, with regard to that training, that's low-hanging fruit, could make it happen. It's thematic, and it will go across the State of New Hampshire's Law Enforcement, the ABLE training. ABLE training will empower Officers to prevent misconduct, to be very vigilant about misconduct. And will again speak to Academy and in-service throughout the Officer's career.

Finally, there's a lot of discussion about increasing annual in-service hours. And I think it is important to recognize that we all see, myself, included, that we need to increase the number of in-service hours to maintain certification. Clearly some of those topics need to be mandated. Fair and Impartial Policing should be mandated. ICAT should be mandated. ABLE training should be mandated.

There needs to be some wiggle room on the other end for local control, so that local Police Chiefs can also steer their people into training that's going to help their community. So, without getting down into actual numbers, my personal opinion is we need to increase annual training to 32 hours a year. That's going to have financial impact, not only with my Agency but with every single Police Agency in the State of New Hampshire. So, my recommendation would be to increase annual in-service hours and let's continue to work on that, so that we can dial down into the (inaudible).

And finally -- and I apologize for going over my time -- there's a lot of changes internally that we can make here. Something that I've been, since the day I sat in this chair -- scenario training needs to be increased. We need to have a database here and leverage technology to do online training. Those things cost money.

So, I appreciate every Commissioner who sits there and recognizes that we have a lot of good ideas. But funding and staffing here need to be supported to make all of these things happen. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. Director Malachi, you are up.

(No response)

MS. REED: Director Malachi, I think you're on mute.

DIRECTOR MALACHI: There we go. Is that better? Has to be one in the crowd, right? There have been a lot of topics that we've already discussed. And I'm in agreement with a variety of them. So I will try not to repeat anything in my top items.

But I think the biggest for me is having the PTSC [sic] be the standard bearer for training across the State. And I'm certainly in agreement with a statewide accreditation program. There's a variety of trainings that have already been mentioned. And I don't think there's one that I'm not in support of, so I'll move ahead.

Definitely ABLE, FAIR, and then I think within that is de-escalation, use of force continuum training, and certainly having everything being thematic, meaning across from beginning to end; and let's see. Certainly in support of looking for additional grants to potentially shore up any areas where they may not be local funding, but if there's an opportunity to work with the DOJ or another Federal Agency to look for grant funding for specialty areas, then I would certainly be strongly in support of that.

And then, I would just say the last thing I would recommend is that there were several Study Commissions that I mentioned. And I think those would be very important so that we have New Hampshire statistics for these items and we can use that information going forward to incorporate that into the training, and to be able to better track those items. And that would be it.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. Commissioner Quinn?

COMMISSIONER QUINN: Good morning, Jane and Commission Members. I will try and go down a different path. I think that, after reading everybody's recommendations and having the benefit of going last, I've heard a lot of common themes. And what I tried to do is break down the recommendations that everyone made.

And I think it's important that whatever our recommendations are, we understand the audience. We're going to be making recommendations to the Governor, which could impact potentially the Legislature. Some might need a rule change. And obviously the public is going to want to clearly understand what it is that we're going to recommend.

I think that we should also think about, in our recommendations, being clear with dates, no later than -- it may be a tiered approach. But here are my thoughts as to how the recommendations might be framed. And I broke it down to five titles.

So if you look at the title of cultural diversity, the Commission recommends in this area. And some of the bullets would address the recruitment issues, how we are going to recruit; in the hiring process of identifying any biases; and also training and community engagement that we want Police to do. So that can kind of be a title and include what our recommendations are, which everyone has kind of addressed.

The next would be accreditation/standards. And as Ken said, maybe we address Policies. But we've talked about is some standards. And I think that it's important to give Police Departments, everyone from the State Police to local Agencies, some flexibility, understanding that some might not be carrying the same equipment. But what are some minimum standards that we want to reach? What are our goals, but not put us in an area where we will not succeed? But I think the standards are important. As Chief Edwards has said, there are some minimum standards in Accreditation Policies.

The next one I have is the area of mental wellness. And however we title it, I think in this area we address several things, as Ken has laid out. There's a need for synergy with a Psychologist. It's the overall wellness of Police who have been put on the frontlines. And it is dealing with the de-escalation. So that is an important topic: the overall dealing with the mental-health training.

The next bullet, I think, title is training. So in training we're not going to agree today to which is the right Instructor, which is the best training, whether it's on ABLE or CIT training. But we need to have some clear bullets of we're going to increase the training in diversity. That will be mandatory, and may be a tiered approach. But I think we all agree on what those trainings are.

The next topic, I think, should be PS&T. So we are going to make some recommendations. And I left that last, because if we're going to try and pull this all together, the Commission recommends PS&T, we increase. We add an Attorney to the staff. Or we increase their ability to deliver online training.

So, I think if you look at those titles -- the diversity, the accreditation/standards, the mental wellness, training, specifically, and PS&T -- that kind of captures everything that each of you have found most important. And then, we can maybe put some clear, concise bullets, but also be fully aware of what they might require, whether it's a fiscal note, a rule change, or a legislative change. And I'm sorry I went over.

DEPUTY ATTORNEY GENERAL YOUNG: That's okay. We've been efficient this morning. Chief Dennis, was your hand raised? Oh, Chief, before I get to you, Judge Gardner's back. That was good timing, Judge Gardner. So you could give us your top two, three, four recommendations.

JUDGE GARDNER: Okay. Good morning, everyone. I'm sure there's been a lot of conversation about the training that needs to be done. In having reviewed everyone's recommendations, I'm pretty confident that anything I say has probably already been said.

I guess I start off with the Police Standards and Training developing a statewide accreditation program. And I think that would hopefully address some of the issues that would include all of the items that everyone else has talked about, in terms of cultural dynamics, implicit bias, sensitivity training, de-escalation techniques, use of force, and other issues that impact all the citizens of New Hampshire. And so, that would be my primary point.

Second, I did talk about phasing out part-time Police Academy. And I guess that's really controversial. I also understand that we do rely heavily on part-time Police Officers because of the nature of the geography of the State and some of the unique circumstances. And I've also been educated in terms of this also being a gateway to hiring those folks that may not be able to go through the full-time Academy. So I'm totally flexible on that issue. But I think we do need to rely -- or review the functions of part-time Officers, given the limited amount of training that they receive, and perhaps review the certification process for part-time Officers.

And let's see. I think recruitment is critical. The recruitment process, vetting process, hiring process, Psychological Evaluations, and I think that if there are standards and best practices in terms of how one hires and recruits is really important.

I think all the other bullet points that I've indicated have probably already been -- and I do know that they've been touched upon by everyone else. So I will conclude right there. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Judge. Chief, question/comment?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

(No response)

MS. REED: He might have stepped away for just a second.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, Fallon, when he comes back, you can let me know.

MS. REED: Sure thing.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

CHIEF DENNIS: I'm back.

MS. REED: Chief Dennis is back.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis, you had a question/comment?

CHIEF DENNIS: Yes, I'm sorry. I had to step out and I apologize. Earlier I had notes written in a couple of places. And so, when I talked about the standardized Use of Force Policy across the State, one of the other ones that I wanted to mention was a standardized statewide Rules and Regulations and Code of Conduct.

I mean, many of our Agencies perform mutual-aid responses to other towns and municipalities. And I think it's important to have a statewide Use of Force Policy. Certainly having a standardized statewide Rules and Regulations and Code of Conduct would be useful, realizing that Agencies should still have the authority to go above and beyond that. But at least it provides a standardized baseline that all Officers would fall under. And that's it. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Any other sort of questions or comments before we start to figure out what would be our number 1? Yeah, Ahni, go ahead.

DIRECTOR MALACHI: Just something to toss out there, I know recruitment is certainly important. And quite a few of us have stated, and I'm sure we all agree, that having a more ethnically diverse group of Law Enforcement Agents or Officers across the State is a very good thing.

However I'm not sure if we're all thinking in the same way regarding something as simple as the weather. I mean, if there are people of whatever background that live in the northeast, it would be very easy for them to move from another State to here. But it has to be someone that is very intentional and enjoys very long winters to move from the south or the southwest, which is a completely different climate, than it is here.

So, I'm not sure that we're going to get into any sort of mandates or anything like that. But I think that's something that's always lacking in the conversation of diversity. If we were all in the south, then it's no big deal moving from Alabama to Tennessee to South Carolina to Georgia. But to move from Florida to New Hampshire, that's a big deal. So, that would be my statement there.

DEPUTY ATTORNEY GENERAL YOUNG: So I think that we are all in agreement that there has to be -- training has to be addressed. So why don't we tackle sort of that as the number 1 recommendation? So as Joseph has articulated through this whole process, it has to be thematic. It has to be mandatory. It has to start when they step foot in the Academy. But it has to continue until the day they walk out the door, after having a career. I mean, are we all in agreement with that, that it has to be mandatory, thematic, beginning at the Academy, and going throughout a career? Okay.

So, then, I think we have that sort of fundamental. So, then, we have to look at what the training will include. And we will do these one at a time and we will take a vote. But I think if we sort of put the meat on the bones of what the recommendation would be, absolutely has to include implicit bias, which, as James said, includes debiasing training. We have to talk about de-escalation, procedural justice, and, at the very least, reporting Officer misconduct.

We will put those down as sort of subtopics. And if you want to add to it, raise your hand. So implicit bias with debiasing. Excuse me. But I have to write it, because I'll forget it.

DIRECTOR SCIPPA: Could I just offer one, I guess, point and that is that, generally speaking, in a Police training environment, bias and procedural justice is almost always discussed during the same block of instruction, just to kind of give some frame of reference. Generally in the first half of that training, they

discuss bias, implicit/explicit. And then, we will kind of move that topic over to procedural justice. And I don't know if that helps you outline this, as we go forward.

DEPUTY ATTORNEY GENERAL YOUNG: John, you can start this training now, correct? You could start it with the next...

DIRECTOR SCIPPA: Yeah. I think the thing that's going to happen, and for anybody who's attending the fair and impartial training next week, that's going to give us a real good piece of information and be able to vet this training to see if it fits New Hampshire.

My personal opinion is that this is going to exceed our needs, quite frankly. And we could put that into play, as soon as we can get Certified Instructors through that particular vendor. So I think that it would be contingent on getting certified to instruct those blocks of instruction. And there's different levels of instruction. There's the Recruit Officer. There's the In-Service Officer, the Supervisor, and then Executive Leadership.

So, it's a great program. It's thematic throughout the person's career. And we could make it go quickly, contingent on getting Certified Instructors squared away. Get an Instructor pool developed. And then, we can roll that out.

DEPUTY ATTORNEY GENERAL YOUNG: And so, what do you think realistically that timeframe is?

DIRECTOR SCIPPA: I would say no later than the end of this year.

DEPUTY ATTORNEY GENERAL YOUNG: So, if we would say January, the timeframe's enough to January 1st, 2011?

DIRECTOR SCIPPA: Absolutely.

DEPUTY ATTORNEY GENERAL YOUNG: 2021. James, question/comment? Oh, no.

MS. REED: Mr. McKim, you're muted.

DEPUTY ATTORNEY GENERAL YOUNG: Sorry.

MR. MCKIM: Sorry. Can you hear me now?

DEPUTY ATTORNEY GENERAL YOUNG: Yes.

MR. MCKIM: So, I wanted to just mention that I am really glad to hear this is happening and that it's happening even without our recommendations. My concern goes back to one of my top priorities: finance, funding. And I'm just really concerned about many things, assuming that Director Scippa can do them, and thinking that he can, and then funding get yanked. And I'm not sure what we can do about that. But it's a real concern of mine, understanding how organizations and how Government operates.

DEPUTY ATTORNEY GENERAL YOUNG: So, John, do you want to respond? No? Mic, sorry.

DIRECTOR SCIPPA: So, Mr. McKim, thank you very much for shining a light on that important piece. I will tell you that New Hampshire Police Standards and Training is working directly with the New Hampshire Chiefs Association and Primex, which is the municipal insurance carriers for a vast majority of the Police Departments. They have even stepped up, because they recognized the importance of this Fair and Impartial Policing training.

And so, the New Hampshire Chiefs are getting ready to sponsor the class. So, we're going to get the Chiefs trained. And Primex is coming in to help offset those costs, as well. So, I think here in New Hampshire we're going to see a lot of momentum, in terms of that collaborative effort to make this thing happen.

But, again, I am as sensitive to this, Mr. McKim and Mr. Johnson, to the degree that the recommendations that I have made are the cheap and easy ones that I think we can do for short money and implement quickly. There are a number of recommendations that I feel very, very strongly about. But, to Commissioner Quinn's point, those have to be kind of second tier with longer target dates for completion, because I just think it's going to take a lot of money, staffing, and legislative concerns, rule changes, things like that. But I still want to pursue them. I still want to pursue them. I just think that the easy, meaningful stuff that we could happen quickly, those are the things that I threw out there. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: I have a running list. Raise your hand. Fallon will tell me, and then I will go through. So, Joseph, you are up next.

MR. LASCAZE: Thank you. Yeah. I just wanted to just piggyback off this conversation that's currently happening about funding. And I just want to be very, very blunt and direct about this, is that if I'm going to be supporting a recommendation going forward that has increase of funding, because realistically stuff is going to cost money. That's just life.

But in order to move forward with any recommendation that would require an increase in funding for Police Standards and Training, we would need it very specifically laid out how this funding would be appropriate, or what is it going to be spent on, specifically. This funding is going to be spent on this training. It's going to be spent on that, just not a general blanket increase, because it's not fair to the New Hampshire community members to have the taxpayers foot an increase for reforms, when it's the community members that are being affected by this. It's not right and I don't think it's appropriate.

So I would just have to say that being specific about it would be the way that I think that. And I think that you're right, Director Scippa, that you did point out the easiest and most practical ones that can be implemented right away, but that that specifically would need to be outlined.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Joseph. Attorney Jefferson, you're up next.

ATTORNEY JEFFERSON: Yes. So, I think we've become paralyzed as a Commission, when we're concerned about funding and future funding. Quite frankly, I think that's beyond our charge and beyond our understanding. That's a political dynamic process that's going to take place between the Governor and the Legislature and we really should not be concerned about that.

I think our focus is to simply say, what do we think is important to improve the state of relations between the Law Enforcement and the communities that they serve? And so, I would go back to saying that I think Director Norton's recommendations, specifically 1 through 5, combined with his recommendation, Number 14, modifying the language in 14 to say that Director's Norton position 1 through 5, I think, nicely encapsulate what we have been talking about and what we all agree upon. We might need to change some of the languages in the amount of hours we think it needs to be increased to.

And then, if you take his recommendation, Number 14, and really not focusing on CALEA accreditation but saying that the Police Training and Standards Council and perhaps the New Hampshire Association of Chief of Police need to come up with a number to say, this is what we think the financial impact is, and give that to the Governor and the Legislature. And then, it's not our business at that point. This is not something that is within our pen, or within our ability to solve. I think our recommendation to say, as a broad subsection of our community, here's what we think is important. Political Leaders enforce the will to people. And so, yes, I yield my time.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Julian. Lieutenant Morrison?

LIEUTENANT MORRISON: Yes, thank you, Attorney General. I, myself, agree with Julian on the budget topic. I don't think we really need to dive too deep into that. We should be cognizant of it, but I don't think we need to come up with a (inaudible) worry about that as much.

The reason I keep going back to CALEA is it takes care of vast majority of these trainings in these communities which essentially a number over a third of our State have already been committed to. So it's more about broiling down like what training in implicit bias. What training do we want to see in these types of areas, which is why one of my recommendations was to sort of develop these training tactics with some of our partners who are obviously good-faith partners and really trying to help out and broaden the training topics.

But, we can sort of save the effort of recreating the wheel, because it's sort of already created for us in some accreditation models. And I just wanted to remind. So that can happen a lot sooner than later. And again, a third of our State is already committed to doing these things. I think we just need to figure out exactly which ones.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Lieutenant. Chief Edwards, you are up next.

CHIEF EDWARDS: The issue I was going to bring up was just covered.

DEPUTY ATTORNEY GENERAL YOUNG: Which is to follow some current models that are already there and not reinvent the wheel?

CHIEF EDWARDS: No, it's Attorney Jefferson's point about the cost. I think we definitely have to be mindful of that. That's why I was recommending taking advantage of what we currently have on the table. But the long view of this is putting forth recommendations that are practical that we can give the Governor and the Legislature something to work with, but understanding that we can't craft a budget for it.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: Yes, all I wanted to add, I agree so far with what everyone's saying. But just for Mr. Lascaze, I just want everyone to understand. And maybe Chief Dennis can jump in after. We're talking about a lot of training.

But if you look at some of the recommendations that I have, we are doing a lot of this now. And when we talk about these increases, these mandatory, not all Departments are going to have to -- it's not all going to fall on Director Scippa's responsibility. There's a lot of training that takes place at the local level.

There are some trainings that we have to go to PS&T on. Obviously, everybody gets trained there. But I don't want everybody to believe that every hour of increase is going to have to drive to PS&T or it's going to be their responsibility.

I think the key is to build on his ability to train, whether it's the online. But, as you can see with ours, we're doing a lot of this. We have our modal. I agree with what Lieutenant Morrison said. Look at these trainings that are CALEA-accredited, the gold standard. But the ability to have the local Agents be able to do more on their own and as in an efficient way is the key to getting all this done.

And I agree with what Attorney Jefferson said. There's some really important things here. We threw out some numbers just to be aware of them. But I think that the answer to this is nationally accredited trainings. Not each training is going to be the same. One Instructor may differ here or there.

But maybe there's an opportunity -- we have a Police Standards and Training Commission -- for the Law Enforcement Agency to submit, here's our curriculum. Here's what we're going to deliver for our implicit bias training. Here's our Instructors. But we don't want to put ourselves in a box where we are so restricted that there's no flexibility. But I think that we can get there. There are these opportunities to look at nationally recognized trainings.

And please, Charlie or John, jump in. I just want everyone that is not in the law enforcement world to understand that there are a lot of trainings. Many of these might take place at the local Department, if that helps.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. Director Norton, you have questions/comments?

DIRECTOR NORTON: Attorney Jefferson expressed very well what I thought. And that was about budget versus recommendations and just moving ahead with what we think is best. Thanks.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi, you are next. Director Scippa and President McKim, I know you have your hand up. And Commission Tshiela, I know that, as well. So, I will get to each of you. Thank you. So, Ahni, you're up.

DIRECTOR MALACHI: Okay. I'm in agreement with us not being, as Attorney Jefferson mentioned, not being paralyzed by the numbers. But maybe in taking the financial portion into consideration, maybe we prioritize how we put forth.

So even if there's 10 things -- big number -- but if there's a handful of things in the area of training and we know that 5 of the 10 can be done immediately because it's just a shifting of how things are going now. But the other five could be done next year, because there's funding that's necessary or something. Then, maybe that's how we propose it, especially if we're going to, as Attorney Jefferson suggested, and as Director Norton has submitted, if we put times and dates on these things, so that we make a reasonable

recommendation, a good recommendation on what we're suggesting. But then there's a timing effect, if we're adding that to everything, so that there's time to get it done, so that those that have to implement are in compliance with these recommendations.

And to Mr. Lascaze's point, if there's legislative changes that have to be made, any Department that has to make that legislative change, there's what's called a Fiscal Note that's attached. And you tell them exactly how much it's going to cost. So it wouldn't just be a blanket X number of dollars that your budget would be increased. And there's a specific metric to determine how much something will cost. And it's very specific. So, something like that could certainly be included in the larger conversation when it comes to that part. Thank you.

MR. LASCAZE: Oh, yes. I'm very familiar with the Fiscal Note. I'm at the State House testifying on Bills all the time. I am aware of that. It was because I know how between now and next year this is going to shape, that was why I just wanted that on the record now.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, both. Commissioner Tshiela, you are up next.

MS. TSHIELA: I just wanted to share Joseph's concern, because I know Commissioner Quinn was saying they don't want to be too restricted in everything that they're doing. And that's understandable. However, somewhere down the line, and my personal concern is our recommendation for more funding could be used to lobby for things that aren't the concerns of this Commission and aren't necessarily what we intended them for. And that's a huge concern of mine.

So if there is a recommendation that involves any fiscal component, I know I will not be comfortable voting yes on that recommendation if it is not very specific as to what it's laid out for. And I understand what Director Malachi was saying and what Joseph was saying. So I'm very aware. But I also know how things work in the Legislature. So I just wanted to voice that concern. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Dennis?

CHIEF DENNIS: Thank you. Just wanted to follow up a little bit on some of the Commissioners have commented on regarding funding. Certainly, I agree funding is important, something we should pay attention to. We need to be realistic in what our recommendations are.

But, as Attorney Jefferson said, it shouldn't paralyze us to not list those recommendations and move forward in a realistic manner. And to me, it's kind of like providing a strategy of how we can continue to advance New Hampshire Law Enforcement. We're creating a strategic plan of looking out to the future of what we want to accomplish.

And to follow up on what Commissioner Quinn was talking a little bit about, training and cost, I mean certainly Departments have a training budget. Certainly, we were already meeting the PSTC standards for the required training now. And that's where I think Chief Edwards was talking about taking that eight hours that exists now and structuring that to accomplish some of these goals in the trainings we want to, so that it's not actually increasing the training budgets of the existing Agencies at this time, again realizing we want to move above and beyond that. But it does allow us to work to accomplish some of these goals within current budgets that exist today. And that is it. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Chief. President McKim and then, John Scippa, I will get to you after that.

MR. MCKIM: Thank you. I'm wondering. Just coming from the world of learning and development, I have this understanding that many times people think of training as being the be all and end all solution to an organizational performance issue. And what we talk about in the learning and development discipline is career development. And we've touched upon this during our discussions and deliberations here.

And I'm reminded of recommendations 1 and 2 put forth by Director Scippa and Chief Dennis around a Job Task Analysis and leveraging technology to look at what training people have had throughout their career. And I'm wondering if we might consider, as part of this training piece of our recommendations, including something around career development and career planning, and career training.

And what made me think of this is I think Commissioner Quinn was saying that we need to be sensitive to the fact that training is not just happening at the PSTC, but people get trained in many different ways and from many different sources. And we want to recognize that training, wherever it happens.

So, from a career development perspective, what we look at is identifying skills and capabilities in individuals, regardless of where they got those skills or knowledge. So I'm wondering if that could be part of this training section. Or do we need to think about that as a set of recommendations we make separate from the training piece? I'm just curious to hear Commissions Members thoughts on that.

DEPUTY ATTORNEY GENERAL YOUNG: So, I'm going to let Director Scippa speak. And then, if anybody wants to respond to President McKim's thoughts/questions, that will come up next. So, Director Scippa?

DIRECTOR SCIPPA: Thank you. If I could, I'll speak to Mr. McKim's points first. Spot on, something that I had planned on trying to accomplish before all of these other challenges came before all of us, it is absolutely important to be able to track any Officer's training, regardless of where they got it from, and to set kind of career paths with regard to training.

If somebody wants to be a Detective, they can take these classes. If they want to go into School Resource Officer, they should take these. You want a leadership position, you should be able to take these classes to get to that level of training, those skills, knowledges, and abilities that will make you (inaudible) in those positions.

And I would be very, very happy to speak with you offline. I might even try to talk you into coming over here to work, because we need constructional design person who has nothing to do with policework. We just need somebody that can come in with that set of skills to help our Subject-Matter Experts steer a lesson plan. So I'll talk to you more about that, if you're interested. I look very much forward to that.

To go back to Attorney Jefferson's position, I think I voiced at our last meeting we can't not put something on a recommendation just because we don't think we can afford it. And so, to that end -- and I think some of those recommendations that are probably going to be expensive are going to be the very things that are going to get us to that gold standard. It's just going to take us a long time to get there.

So, to Commissioner Quinn's point, I guess in my mind what I'd like to do is be able to give recommendations where some are first tier, where we can get them accomplished quickly. They're going to be meaningful. We can get them in play and start making these changes.

And then, maybe a second tier of recommendations that are more long-range goals that are going to take rule changes, legislation, money, staffing, and coordination, right, to talk about how to collect data, which I think is vitally important on motor vehicle stops and citizen interactions. But, that's going to take a whole other Committee to kind of put that together.

So, I ask the Commission, can we do first-tier recommendations and then second-tier recommendations with those longer timeframes, understanding we need better resources to accomplish second-tier items? I don't know.

DEPUTY ATTORNEY GENERAL YOUNG: Just so we're clear, John, tell us what the first-tier are. What can you accomplish as of January 1? And then what is a longer term?

DIRECTOR SCIPPA: From my perspective, by the end of this year -- and I'm going to be ambitious. And maybe you'd give me nine months instead of six months. Fair and Impartial Policing, integrating communication and tactics, active bystandership in law enforcement, ethics training, and upgrade, really tighten up our cultural diversity class.

Those are all things that we can accomplish. It's ambitious. Those are all things we can accomplish in the next nine months. Please give me nine months. So, from my perspective, that's stuff we could do. And those things are meaningful. They immediately and head on speak to implicit bias, cultural diversity, procedural justice, de-escalation, reporting of misconduct. We're covering all of those bases, if I can get all those modules of training in play. And I think I can do it in the next nine months. So I would say those are some of the Tier 1 steps that I can take from my own front porch view of things.

DEPUTY ATTORNEY GENERAL YOUNG: So, that would be April 2021, correct, for the Academy class after that day. What would be your second-tier? And I know we don't want to talk about money, but this is the budget season, right? You're starting to build your budget, no better time to ask for than now. What would be your second-tier? And that would go to Joseph and Ronelle's. Don't just ask for money and then spend it on something else. Ask for money and tie it to these recommendations. So, what would you do in the next tier budget request?

DIRECTOR SCIPPA: I think some long-range goals here is -- and I think it's important to know that we have money in the capital reserve right now to purchase software that can track Officers throughout their entire career and provide online training. That money has already been appropriated. And it is sitting in our capital reserve budget right now. But under the circumstances with COVID, that money's been frozen. And I'm going to make a plea to those who have the say in the matter that we be allowed to expend that matter.

If we don't get that permission, that would be something that I would want to plan for and put that money back in capital reserve, so that we can have a very strong database to track Officers, to track if there's any reports of sustained misconduct, if they're jumping from Police Department to Police Department, ultimately if they're decertified. We need to be able to manage that and leverage the technology to do that.

And then, the second thing we need to do is we need to leverage technology to be able to push standardized training so that every New Hampshire Police Officer, while they're on-duty -- so we take away the overtime costs -- can sign into our training module and complete a two-hour refresher class on implicit bias and procedural justice training.

So adult learning theory suggests that once adults learn something, they only need a very quick reminder constantly to maintain that level of knowledge. So that's the kind of the leverage that I want to take on. But it's going to cost a ton of money to get that system in place. That's the problem.

I think accreditation, not only accredit my Agency but build out a State-level accreditation system so that every single Police Department, if you are a three-person Police Department, or you're a 200-person Police Department, there's a chance for you to go through some kind of State-level accreditation. And I don't know what that looks like. But what I do know is that's going to take staffing and money to make that happen. We have to decide all of the criteria for accreditation using people who have worked in the accreditation field. It's a long, long process. And I know the Cops that are sitting on this Commission, they get it, because they know what that's all about. So, those are some of the long-term things.

Mandatory in-service training, that's an easy one. We can implement that quickly, albeit it'll take a rule change and certainly I would need support. The Council would have to vote and support that, and then make the rule change within the Council's rules. But those are things that we can make go fast.

Things that are going to take a long time are the things that I had mentioned -- some of the things I'd mentioned. There's a ton of great recommendations here that I would love to implement. But I guess I want to give the Governor something that he can turn around and say, hey, listen, we're making some really excellent changes that we're able to implement quickly and are going to have a dramatic positive impact. And then, let's look at some of those big, big, big prices and big projects and maybe put those on the second tier. That's my position. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Ahni?

DIRECTOR MALACHI: Quick question for Director Scippa, in that first tier or first phase, did that also include the rearranging of some of the training like Chief Edwards suggested with the eight hours that are already allotted, moving around some of those trainings? I know you mentioned a lot of different ones that you could do easily. But was that including that, as well?

DIRECTOR SCIPPA: So, some of the training that we can implement easily once we get the lesson plans and the method of delivery, get certified to do it, if there's a certification to do it, immediately we can put that into the Academy level. We can start advertising for in-service classes. And then, get those in-service Officers into the building to do that, as well.

With regard to the annual in-service training -- and I think it's important for the Commission to understand that Police Standards and Training Council is in the midst of kind of revisiting our rules, generally speaking. So that discussion was already on the table here before this Commission was ever called to order. And so, we're very thoughtfully trying to look at annual training. How do we make it more effective? And what things do we mandate annually?

And now there's other things that we can consider to mandating annually. So that is something that will probably take a little bit more time. We will be working with those stakeholders: New Hampshire Chiefs Association, New Hampshire Police Officers Association, New Hampshire Troopers Association,

Department of Safety. We want to get all of those people that are going to have to bear the brunt of whatever mandates we put out to make sure that it's meaningful across the board. So, I hope I answered your question.

DIRECTOR MALACHI: Yeah, and one other quick question. Accreditation, so let's just say, for example, if CALEA was the deal, if we started today, how long is that process? Is it six months, one month, a year, two years?

DIRECTOR SCIPPA: And Mark, speak out if I'm off the base here, but once you sign up and you pay your fee, you have two years to accomplish the accreditation. Is it three now? Yeah, okay, three years to accomplish the accreditation.

They give you three years to accomplish the accreditation because that is how much heavy lifting involved for an organization to really take a hard look at where they're at, where they have to improve, put in Policy, and then demonstrate that the Policy is being followed. So that is a huge lift. It's a huge effort, resources, staffing, money, and time.

But, what you get at the end of that is the gold standard. You have met the gold standard industry-wide, nationwide, internationally, really.

DIRECTOR MALACHI: So, then, if we don't do that, or didn't do that, and looked at State accreditation, and it's something that you'd have to build out, would it be safe to assume, in terms of expectation, that it would take reasonably that same length of time to put something in place statewide, and then create the curriculum, and then pull people through, at least three years before you would probably start it? Or within three years, it could be completed, meaning built and local Departments have gone through? Thank you.

DIRECTOR SCIPPA: To give you a year or two years, I'd feel uncomfortable doing that. I would have to hire staff that have a lot of background on accreditation. They would have to build out all the criteria that the State of New Hampshire would see as important to be State-level accredited. We would have to build a team of Assessors that would go out and assess that particular Police Department, once they thing they're ready to kind of be tested, so to speak. Just a lot of parts and pieces that go together and a lot of parts and pieces that are dependent on the part or piece that comes before that, right?

And I know that Mark could speak even in more depth to the accreditation process, the points. I think there's like 160 different metrics that the Agency has to beat. And again, I'd defer to Mark on the actual number of metrics. But it's an enormous commitment that an organization takes. And so, it would be that big a deal to make something like that on a State level.

DIRECTOR MALACHI: Okay. Thank you. I just had no concept of what that would look like. And so, if we make that as a recommendation, if we don't know that it's going to be a long-term thing, then it looks like you're not doing something, or the State isn't doing something. So I just didn't know. But, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So we have just Ken wants to say something and Julian. And then, when we're done with that, I think we should try to move back and boil down what we want as the training recommendation, and then move onto the next one. So, Ken, you're up.

DIRECTOR NORTON: I'd like to make a Motion that we move forward with Recommendation 1 and 2 that Director Scippa and Chief Dennis had put forward.

DIRECTOR SCIPPA: Mr. Norton, which document are you referencing? Is it the one that I put forth or was it a summation document?

DIRECTOR NORTON: The Job Task Analysis and the leverage technology, the database that you just spoke about, I believe that both of these are really important. I might be misreading us. But I think that there's probably consensus on both of these. And I think we should move forward with these recommendations.

DEPUTY ATTORNEY GENERAL YOUNG: And that's the memo. That's your recommendations from Director Scippa dated July 27th, 2020, Ken. Is that right?

DIRECTOR NORTON: I believe so.

DIRECTOR MALACHI: It looks like it's the one that Kim emailed us after we sent everything in. I think, right, Ken?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: So, Ken, what you're moving is you're moving to adopt Number 1 and Number 2. Number 1 being Police Standards and Training Council should conduct a Job Task Analysis for entry-level Police Officers, entry-level Corrections Officers.

DIRECTOR NORTON: Correct.

DEPUTY ATTORNEY GENERAL YOUNG: And based on those finding, conduct an overall review of the present Academy curriculum. Based on curriculum changes founded by the Job Task Analysis, an extension of the length of the Police Academy beyond its current 16 weeks may be warranted. And there's a note on this that major funding is necessary, if done by an outside company, and that UNH Justiceworks is prepared to complete this in the spring of 2021. That's the first one you'd like a vote on?

DIRECTOR NORTON: Yes. And I'd like to suggest that UNH Justiceworks move forward with that, as well.

DEPUTY ATTORNEY GENERAL YOUNG: And then the second one is Police Standards and Training needs to leverage technology and be allowed to purchase and deploy a robust database management system and online learning platform for a twofold purpose of: number 1, maintaining a full record over the

course of an Officer's career if their training completion, any incidents of sustained misconduct, movement from one Agency to another and/or certification; and 2, to develop and deliver standardized online training to all New Hampshire Law Enforcement in an efficient and economical way.

And there's a note on this. While this would have major financial impact, this money was appropriated and now sits in our capital reserve budget. We would need permission of the Governor's Office to proceed with expenditures of the funds and with the understanding that annual funding would be necessary to maintain the system. So, that also addresses Joseph's and Ronelle's issue about funding, that that funding is going to go to a specific targeted task or objective.

So, Ken has made a Motion that these two items, Number 1 and Number 2, be voted on. Do I have a second?

CHIEF DENNIS: Second.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, Chief Dennis, you raised your hand first. So, I will vote first. I will vote yes on both 1 and 2. Commissioner Quinn?

COMMISSIONER QUINN: Before I vote, I have a question on our procedure how we're going to address this, if I may?

DEPUTY ATTORNEY GENERAL YOUNG: Sure.

COMMISSIONER QUINN: I think when you started, I thought what we were going to do was you were going to kind of capture a list of what we thought were the most important recommendations. Then, we were going to maybe vote on that list of what we thought were the most important.

So I think that, for everyone's time, if we could agree on the areas in training -- I thought that's where we were -- then we were going to circle back and have one vote, as opposed to randomly saying I recommend this. I recommend. I just think for everybody's time, that's what I understood. So, I want to make sure I'm on the same page.

DEPUTY ATTORNEY GENERAL YOUNG: So, that's where we were. But Commissioner Norton wanted to address these two, because based on, I think, sort of the discussions of Commissioner Scippa, that's where he wanted to go. And that was seconded. Chief Edwards?

CHIEF EDWARDS: So, are we voting to add this to the list, because we're not voting in our priorities right now, to Commission Quinn's point?

DIRECTOR NORTON: This is Ken. And I guess I'm totally confused about what we're doing.

DEPUTY ATTORNEY GENERAL YOUNG: So, sort of the process that had been set out was we were going to look at topic areas. So the first was training. So we were trying to narrow down our training. So I think that what Attorney Jefferson had suggested was that, Ken, what you proposed, your first five sort of captured it and summed it correctly.

So then, we went to Director Scippa. He indicated what he could do for first tier and then what we could do for second tier. I think that the second tier is what you just voted on. So, ideally what we would do is we would look at training. If this is the correct training parameters of what we want, then we would vote on this and then move to the next topic area. Does that make sense?

DIRECTOR NORTON: Sure. I'll withdraw my Motion. I'm just confused about where we're going. If my Motion is more confusing, I'll withdraw it.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, withdrawn. Okay. So let's stick with training. Oh, President McKim, sorry, you have your hand up?

MR. MCKIM: Thank you. So my question a little while ago involving Director Scippa and Chief Dennis' Number 1 and Number 2 were actually trying to get at whether these topics were considered as part of this training piece, or whether they should be considered someplace else. And that's why I made the comment. And many folks think training is, by itself, just looking at the content of the curriculum. But in the learning and development world, we take a broader view of learning and development, and training as a piece of it. And how the training gets administered is also a piece of it.

And 1 and 2 here are really about both the content. Number 1 there is about identifying the content. Number 2 is about, how is that training delivered? How is it tracked? So that's why I wanted to hear from folks whether they considered this piece to be part of what we want to include in the training recommendations, or whether we want to include it elsewhere.

DEPUTY ATTORNEY GENERAL YOUNG: So, I will defer that question back to Director Scippa and Chief Dennis.

DIRECTOR SCIPPA: President McKim, if you could just ask that question again so that I'm understanding?

MR. MCKIM: Sure. So when we say training, when people use the term "training", traditionally the thinking is about what's the content of that training. What are the topics that are covered? But in the learning and development world, when we talk about training, we don't just talk about the content of that training. We also talk about how was that training going to be delivered? How are people who are getting that training going to be tracked, the things that you talk about in your Number 2?

So, it's still about the training, from a learning and development perspective. But I don't know how this Commission is looking at that definition of the word "training". Are we looking at just the content? Are we looking at the broader definition of how is training also delivered? Oh, I think we lost him.

DIRECTOR SCIPPA: I'm sorry. Right now, we have 16 weeks to put all of this training in. Right now, a lot of it is lecture-based. And then, we measure the competency or the fact that the student received the information, is able to recall that information, or to maybe apply that information to a fact pattern on a written test.

We want to incorporate scenario-based training, so that they have to not just recall it, but be able to apply it to a dynamic situation. And we're talking about going from walking to running a marathon. So there's a lot of things in between that we want to accomplish.

So relying on adult learning theory, trying to kind of facilitate the adult to do their own learning for their own reasons, following the lesson plan so that we can speak to the learning objectives we met, and then trying to measure those learning objectives in a way where we can show that the student received the information and is able to apply the information.

Again, we don't have anybody on staff that has that kind of background. There are a lot of good Subject-Matter Experts that have kind of learned about learning theory and trying to make it a value. I got to hire somebody to do that and really, really kind of steer the Subject-Matter Experts who will deliver it in a meaningful way, if that helps answer your question.

MR. MCKIM: Thank you. I guess, for me, I'm still struggling with whether these two recommendations belong in the list that we are creating here.

DEPUTY ATTORNEY GENERAL YOUNG: So, President McKim, if I look at these two, Number 1 and Number 2, and then I look at Number 3, what we're tasked with from the Governor, I think, for me, sort of part of the challenge is Number 2 looks like it blends into probably reporting Police misconduct, as well. I'm just not sure that 1 fits anywhere other, because you really can't have a training until you have a curriculum.

So I think that the answer -- so as the Chair, I will, for the first time, exert my authority and say, I think that 1 probably is a training. Number 2 appears to be a blend. But again, you can't get to the reporting until you're trained. So I'm going to put them both in this section. Does that make sense and was that your question?

MR. MCKIM: Yes, it is.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

MR. MCKIM: Thank you. And I wholeheartedly support that.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So I think that that probably makes the most sense. And so, then, sort of probably feeding off what Director Norton was saying, how do you know how to train until you look at your group and figure out what's their baseline, and then try to develop a little bit of curriculum around them? Is that accurate?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. There we go. It took me a while to get there, but here I am. So, I'm with you.

MR. MCKIM: Sorry. And I'm more of a collaborative style. So I could have said, I would like to strongly recommend that those two be on. But, I wanted to get the sense of the Commission, too.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. And I'll tell you the challenge for me is not doing this in person. So I'm looking at multiple people on the screen trying to monitor a couple of things. But I think I get where you are. And so, yes, this is part of training, as opposed to another section.

MR. MCKIM: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: So, thank you. And sorry it took me a while to get there. Okay. So I see your hand up, Commissioner Quinn. But, Attorney Jefferson has a question, Lieutenant Morrison, and then Commissioner Quinn. And then, we do. We have to sort of pin this training piece down and move onto the next recommendation, because we will be here, I fear, forever. So, Julian?

ATTORNEY JEFFERSON: Yes. So, in an effort to pin that down, here is what I would propose. So if we look at Director Norton's Recommendations 1 through 5, here are my thoughts that I think has a consensus of everybody.

So, I think Chief Edwards' point was we have a universe of eight hours now. Let's define what that eight hours is. I think that reasonably covers 2021. So I think the eight-hour requirement is going to be the eight-hour requirement for 2021. So, with that in mind, if you look at Director Norton's Number 2, if we change that to say beginning January 2022, the numbers will be increased to 16 hours annually. And beginning January 2023, the numbers will be increased to 24 hours annually. I think that also gives us a consensus of a lot of people saying this number should be at least doubled and somewhere up to 32.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Julian, can I interrupt you for one second, please?

ATTORNEY JEFFERSON: Sure.

DEPUTY ATTORNEY GENERAL YOUNG: Mine are ABC. So you've just converted those, right, for one, two?

ATTORNEY JEFFERSON: No, no. If I look at Director Norton's 1 through 5, so his...

DEPUTY ATTORNEY GENERAL YOUNG: Okay. My version's different, but okay.

ATTORNEY JEFFERSON: Okay. And so, Numbers 3 through 5 -- and I think this will kind of give us in the universe of January 2021 and will go to Chief Edwards' point -- is to say that for Number 3, that there should be two to four hours of improved training on implicit bias and cultural responsiveness; for Number 4, two to four hours on ethics training; and for Number 5, two to four hours on de-escalation.

So, I think that that gives us a way to combine everybody's thoughts into one consensus, and also to put in a deadline. So to add another one, so similar to the language in Number 14 to say that the Chiefs of Police and the Director of Trainings and Council, PTSC [sic], should give to the Governor and the Legislature next year what they think their budget requirements are going to look like for years 2022 and 2023 to increase those hours from 16 to 24.

So I throw that out there at least as a starting point for us. And that's sort of, I think, kind of at least gives us a starting point that takes into account everybody's views. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: So, if I could just work off that, so if that was Norton's 1 through 5, and then President McKim, you'd like to do the Scippa 1 and 2, right? So that would sort of be your foundation, and then followed by the 1 through 5, that could be the training component. I know that there are other hands up, but just at least think of all those groups merged. Lieutenant Morrison, you are up next. I see your hand up, John Scippa, too.

LIEUTENANT MORRISON: Thank you. I just kind of wanted to, I think, combine a few things. From the suggestions 1 and 2 for Director Scippa and Chief Dennis, it seems to me that we have to have the framework to deliver the training before we could talk about what training to deliver. And Number 2 seems to really speak to that framework, because it includes that sort of online or distance learning sort of capability with this suggestion here and the money that's allocated for it.

I think that we would be remiss if we didn't start out saying, let's go ahead and recommend to have the framework in place that we can then fill in. I just look at Number 2 as more of a framework sort of suggestion that we will physically and technologically need to be able to deliver training.

And then, to Commissioner's point, I think we're at the point where we need to really determine what training we want to include under the certain headings. I know (inaudible) that earlier. So I think to start out with, get sort of the foundation laid of the ability to track and deliver training first and foremost. Get that out of the way. And then, we can start to fill in the trainings or topics that we want to do, if that makes sense.

DEPUTY ATTORNEY GENERAL YOUNG: So, Commissioner Quinn, you're up next, followed by John Scippa.

COMMISSIONER QUINN: Yeah, my recommendation would be for the Chair to kind of capture the most important trainings. I think we all agree on how the hours might change, as Chief Edwards has raised. And just whatever our recommendations are, we separate new Recruit from sworn or recertification, just so we're clear with that. What will be for the new Recruit, the Academy? And what will be continued training for the sworn Officers? And just understand, it will impact all sworn Officers across the State. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: So, Director Scippa, Chief Dennis, and Ahni, did I see your hand up, too? Thank you.

DIRECTOR SCIPPA: Thank you, Madame Chair. To Commissioner Quinn's point, I think it's important that we take the number of hours off of these recommendations, and instead speak directly to the topic, itself. And I ask that because if the recommendations are too tight, that's going to eliminate flexibility to be able to introduce maybe better training or more efficient training, or a different style of delivery of training.

Lieutenant Morrison speaks to having the ability for us to deliver online training. If we're able to do that, we can do that in an efficient way. It doesn't impact Police Departments across the State. If you said you have to do four hours of X type of training, we may be creating stuff that's not even necessary. It may be inefficient to do it that way.

I think if we identify topics and we say, yes, Police Officers will receive mandatory training in this topic annually, and then we can build the lesson plan out. And it may be two hours. It may be four hours. It may be eight hours. I don't know. But I think if we just put an hour to it, you're going to create a problem for me, frankly, and for my Agency.

I understand how important this is. I absolutely want to do it to the very best of our ability. But, I would ask the Commission to consider allowing that flexibility so that we could do it in a meaningful way and in an efficient way.

And I don't know if there's anybody who's got a question out there. But I'd like to identify topics to the Commissioner's point. This is going to happen in-service and it's going to happen at the Academy. And it will happen annually, or biannual, or however we see that working best. So that's my point of view. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Dennis?

CHIEF DENNIS: Yes. I concur with Director Scippa. I do believe on the training it is challenging to set a set amount of hours for certain trainings, where it could take longer. Certainly initially looking at implicit bias training and looking at the curriculum that they're wanting to implement in the Academy, which I believe, John, was 16 hours, moving from the cultural dynamics from 2 to 16. Wasn't it a two-day course for the Academy that you're looking at?

DIRECTOR SCIPPA: (Putting finger up).

CHIEF DENNIS: One day?

DIRECTOR SCIPPA: (Nodding head affirmatively).

CHIEF DENNIS: Okay. Anyway, I do agree. It's just challenging to set hours to that, and allow the flexibility to be able to do that. Also just a little concerned about a little bit of some of the timelines in looking at Director Norton's. We're still in the middle of the pandemic. And so, if some of those courses are longer than two or four hours, or it's an eight-hour training, trying to get that done while we're still in the middle of pandemic, given not knowing what next year may look like, could be a challenge.

And also -- and this is to Director Scippa -- in looking at Mr. Norton's Number 1, we're talking about initiating emergency rulemaking in coming up and determining the completion of specific training programs and part of the annual recertification process. Director, would that also involve the Council working with other Law Enforcement Groups, like the Police Association, the Chief's Association, and the Troopers to really get a collective law enforcement look at that training?

DEPUTY ATTORNEY GENERAL YOUNG: Chief, I don't think he knew that that was directed at him.

CHIEF DENNIS: Oh, Director Scippa?

DIRECTOR SCIPPA: I'm sorry, Chief. Once again?

CHIEF DENNIS: Yeah. So we're looking at Mr. Norton's Number 1, when it talks about the Director and PST, the Council, looking at determining and mandating completion of specific training programs for annual recertification process for Law Enforcement Officers. Would that be a collaborative effort to working with the Police Association, the Chief's Association, other Law Enforcement Organizations to come up with that? Or would that just be the Council only and you making that decision?

DIRECTOR SCIPPA: So I would not make that decision unilaterally, only because we're talking about making a widespread change that will affect all New Hampshire Law Enforcement. So, we would have to work collaboratively with our partners. And on top of that, it's going to take rule changes to make happen. And we have the ability to make those rule changes. But, it has to be very well-thought out.

Again, there was already some moves in play, prior to this Commission sitting. So, there's other training issues that we are looking at, as well, that are outside of the scope of this Commission that I also have an interest to kind of look at and revisit, find out whether we're doing it correctly or whether we need to do it...

CHIEF DENNIS: Okay. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi and then, President, McKim, I will go to you.

DIRECTOR MALACHI: Just a quick question, I know we've had a lot of discussion on hours of training. And I know we just talked about some of that. But I wasn't clear that we had agreed to a certain amount of training, other than trainings that need to take place. And then the time that we were initially discussing was the eight hours that was already taking place and the allocation of those hours that Chief Edwards put forward.

But past that, I don't think we were necessarily in agreement. During the testimony, we had 32 hours and all sorts of time thrown out there. But I don't think we ever came into agreement on the quantity of what more time meant. And if the various training topics that we're all in agreement on take place and they take place over the course of all of the training, then does there need to be a specific allocation of time, if we agree de-escalation needs to take place, right? But if ABLE is a part of the conversation, if other types of training that Director Scippa has mentioned takes place, it sort of handles that in and of itself, I think.

DEPUTY ATTORNEY GENERAL YOUNG: So I think the answer to that is no. We've heard numbers all around. So we have not had a discussion on an actual number.

DIRECTOR MALACHI: So we're going to just wait on that part. But let's agree on what we're putting forth, and then we can have a deeper conversation, if necessary?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, I think probably the topics make sense to see.

DIRECTOR MALACHI: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: Can we already work it into the framework that we have? So, President McKim, I will ask that you sort of be the last -- oh, no, Julian. Julian got in, before I called it. So, President McKim and then Julian, and then we do have to do something with training, come to some recommendations on training, and then move onto the next topic. So with that, James, you can go, followed by Julian. Thank you.

MR. MCKIM: Thank you. I'm just going to be very quick and just add that an instructional design, the best practice is actually moving away from identifying specific numbers of hours and more so defining competency levels, looking at creating rubrics around what knowledge and behaviors need to be exhibited, regardless of the amount of time that someone may be in training. And this is in somewhat conflict with this whole licensing notion, where you have to have certain number of hours of training to be certified.

But I think Director Malachi really articulated it well in that we set a total number of hours of training and the topics get covered. And what you really want is to know that the individual has those skills, however much time they've taken to get trained in whichever of those topics. So that's what I just wanted to add. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Julian, you're up. And I see that you have sent an email, as well.

ATTORNEY JEFFERSON: Yes. And so, I just want to briefly respond. So, I agree with Commissioner Malachi. We've never come to a number. I think we need to. And so the testimony out there was at least double to up to 32, so that was the universe that we were at. And I think we do need to come to a number.

In response to -- I think it was -- Chief Dennis' point, and I think Director Scippa's point of not mandating an amount of hours, so a minimum of two to four hours is, I think, fine. It creates flexibility to certainly go above and beyond that. But to -- I think it was -- Commissioner Tshiela's point, that we need to set what we expect as a minimum. And it's just simply a minimum.

So these are three topic areas we've all agreed need to be covered. And a minimum of two to four hours annually for in-service Officers need to be covered on these topics. So I think that doesn't create a barrier, because it's a very reasonable minimum, two to four hours, saying that these topics are important and they deserve at least two to four hours.

So I think this is at least a solid starting point for us to come together and find some consensus to see if we can get this all succinctly into one document. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: We're going to see if we can share that on the screen, Julian, that email.

ATTORNEY JEFFERSON: Okay. And I think I did send it to all Commission Members.

DEPUTY ATTORNEY GENERAL YOUNG: You did. I just don't know if everybody has the ability to sort of...

ATTORNEY JEFFERSON: To see it for the public, yes. Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Does everybody have the email? Do you have access to the email, Commission Members?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So I'll give you a minute to look at that.

LIEUTENANT MORRISON: Sorry, Deputy Attorney General Young, I don't have that. My apologies. I may have an aggressive filter over here. I don't know.

ATTORNEY JEFFERSON: Did you block me, Lieutenant Morrison?

LIEUTENANT MORRISON: Not yet.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Well, we will try to get it to you, because I have a sense we're probably going to take a vote on this.

MS. REED: I just made Kim a presenter. So she should be able to share her screen now.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, John Scippa. You can go ahead.

DIRECTOR SCIPPA: Again, and I'm going to look at the email, but in essence the proposal is that in about a month, we're going to make a complete rule change, affect all annual in-service training. You guys are calling it recertification training. But we refer to it as in-service training.

We would have about a month and a couple of few weeks to come to that decision, and submit in rule what those changes are going to be. And then, two years later, you're asking for a change in in-service training. But this Motion is now putting me in a box with regard to exclusive of firearms qualification, first aid, CPR renewal, defensive tactics. Those are topics that I'm trying to address that are outside of the purview of this Commission. And it may impact the total amount of annual training.

I have to accomplish other things besides the things that we have on our collective table here. So, I have a problem with time on this. If the Commission says we have to implement implicit bias training by the end of this year, yes, I absolutely can do that. And I can do it in a meaningful and thoughtful way.

But the way this is proposed, it is creating these hard boxes that I'm going to have to live in. And you're stepping on things that I'm also trying to address that has nothing to do with this collective table that we sit at now.

To speak to the firearms qualification, first aid, things of that nature, I think it's outside the purview here. And it's going to make it more difficult for me to do my job here, looking at the awfully big picture of getting training accomplished to all Police Officers for all things that Police Officers need to know. I don't know if that kind of speaks to the dilemma.

DEPUTY ATTORNEY GENERAL YOUNG: So if the timeframes were expanded, could you work within that framework?

DIRECTOR SCIPPA: When you say "timeframes", Madame Chair, are you talking about the dates that they need to be accomplished? Or are you talking about the hours that are being required total? I can live with these timeframes. But can you stay away from saying that it's going to be this many hours of in-service training? And then, it's going to be exclusive of this training.

Instead, just saying, by September 15th, we will have a -- or at the end of this Commission, we will have all stakeholders meet to help decide what annual in-service process is going to look like, and then begin to start making changes by the end of this year, so that next year we will increase by this much. And then, the year after that, we will increase more. But stay away from -- dates are fine, but the hours, it's going to cause a ripple effect that's going to be outside of what we're trying to accomplish here.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Yeah, Julian?

ATTORNEY JEFFERSON: So, Director Scippa's first point on that first timeline of September 15th, 2020 for the rulemaking, I'm certainly open to changing that date to whatever he feels is comfortable. But I would say to other fellow Commission Members to the other points, these are recommendations.

And I would hold firm to the, it's a minimum of two to four hours. So it creates enough flexibility. But also, as members of the community, this is us taking a position saying that, based upon all the testimony we've heard, we think these three subject areas are important. They need to be covered annually for all in-service Officers. And it needs to be exclusive of all of these other trainings.

So, I think it creates enough flexibility without putting all of the discretion into the Law Enforcement, which is what we're kind of here to do is to say, here's what the community is saying we think is important. You go ahead and implement.

So I would stand firm on the two to four hours. It's a minimum. It's very reasonable. And so, I would argue against changing that language in any way. But I certainly am open to the first one of saying whatever timeline for the rulemaking procedure. Thank you.

DIRECTOR SCIPPA: Thank you. If I could just make immediate comment to that, the way you explained your statement, unequivocally can stand by that. If you don't speak to total hours and instead speak directly to -- just a suggestion, I think it's dangerous to say a minimum of two to four hours. Let's pick a minimum of two hours of training, because some people will argue, well, is the minimum two or is the minimum four?

But I can absolutely live with that, understanding completely the Commission's role in making sure that we're addressing these very important topics in a meaningful way. And to demonstrate how (inaudible), we are making these things mandatory.

And I guess I would just ask that we take out all of the other stuff that has to do with in-service, the total number of hours, what will be exclusive, or inclusive, outside of the purview of this Commission. But I absolutely agree with Attorney Jefferson in that clearly dates need to be set. And I absolutely can support in-service Police Officers must complete a minimum of two hours of approved ethics training, de-escalation training, things of that nature, that that helps me greatly.

DEPUTY ATTORNEY GENERAL YOUNG: So, earlier you thought nine months was ideal. Can you accomplish it by January of 2021? Previously we talked about April, so I just want to...

DIRECTOR SCIPPA: I'd rather have April. To make my 20% cut, through attrition, I'm not filling two Training Specialist slots. So, I don't have a lot of depth here in terms of staff that can devote that amount of time that quickly. We're right in the middle of an Academy, and then we have another Corrections Academy starting. There's just a lot of things going on in the building right now. So, if you could give me until April, that would help.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson and other Commission Members, if we're going to take a vote on this, can you live with the compromise of April to get it done and get it done well?

ATTORNEY JEFFERSON: Speaking for myself and then I will open it up to other Commission Members, I'm fine with moving these dates from April until April 2021, April 2022, April 2023. That's fine with me.

I would resist taking out the language that says exclusive of. That language was put in there intentionally. We don't want to be confusing that these mandatory hours that go to firearm training and other things, those are their focus. They have mandatory hours. We want to make sure that these areas in and of themselves have mandatory areas and that it's being blended into other areas. So I would not change that language.

DEPUTY ATTORNEY GENERAL YOUNG: So, John, we're having some other technical issue with that, what the technical issue that is. Maybe there's just a way to wordsmith it to get to the same...

DIRECTOR SCIPPA: Only because now you're assuming things that aren't accurate, when you say that you're speaking to there's already mandatory hours for these things. There's not. So, part of what I'm trying to accomplish is to speak more directly to those topics through a rule change that needs to be contemplated mindfully.

So that's why that language needs to be taken out. That training has nothing to do with the training that we are talking about right now. And I understand that your point and really the Commission's point is to make important and have meaning and value that we institute training on implicit bias, cultural responsiveness, ethics training, and de-escalation training, absolutely. And we can do it the way you have written those things.

But it's beyond the scope of this Commission to speak about firearms qualification, first aid, CPR, and defensive tactics. And that language needs to be taken out. It can't speak to things that are outside the purview of this Commission. So, I will stand equally as strong to have that language taken out of this.

DEPUTY ATTORNEY GENERAL YOUNG: So, Julian, if the tasks get accomplished, right, that these have to be a priority, that they have to get done, do you have to have that language exclusive of anything else? I get you don't sort of want the runover into those areas. But if they're mandated, then they have to be completed. I'm just trying to figure out the way to accomplish sort of what both of you desire.

ATTORNEY JEFFERSON: So I guess I would throw this out to Director Scippa. And I don't want this just to be a back-and-forth between the Director, Scippa, and I. So I'd really invite the deliberation of other Commission Members. But I don't see how that language creates a barrier for the Police Standards

and Trainings Council or any other of the Police Organizations. It's just making very clear that these hours are specifically dedicated to these three topics. And they're exclusive of those other areas.

So it doesn't create a mandate that they train on those things. It doesn't create a mandate that there's a specific hours that are dedicated towards those things. It just makes very clear that these three topic areas are specifically dedicated. So I don't see how it creates a barrier, or a problem, but just makes it clear.

So, with that being said, if other fellow Commission Members want to take it out, or if other Members of Law Enforcement think it is an issue, then let's discuss it. But I don't see how putting that in there creates a danger that Director Scippa's going to have to do anything, because we're not creating a mandate about those things. We're just making it very clear that these hours are to be solely focused on these things.

And if there's other areas, like gun safety training, that there's some mandatory hours. And if there's not, then great. And my understanding is that Officers annually have to go through a specific amount of training towards gun safety. And we just want to make it very clear that these hours are exclusive of that. And that's the whole point of having that language in there.

So the extent that those mandatory hours don't exist, great. But to the extent that those are mandatory areas, we're just saying we want to make very clear that these things are equally important. So that's why I believe the language was put in there by Director Norton. And that's why I fully support it, as well.

DIRECTOR SCIPPA: Again, the second paragraph, beginning January 1, 2022, number of hours of training required for Police Officer recertification in New Hampshire, exclusive of those topics, is 16 hours. So already you're asking me to do things that are outside the purview of this Commission.

And then, on top of that, you're increasing the amount of hours to 24 hours. But you're not saying that the topics that we're supposed to be talking about are included in those hours, or whether they're outside of those hours.

ATTORNEY JEFFERSON: Director Scippa, if I may, you're absolutely right. I was reading that language wrong. I do understand your point and I take your point. I would support removing that language. I understand what you're saying now, in the way that it's worded.

DIRECTOR SCIPPA: Okay.

ATTORNEY JEFFERSON: So I agree with you.

DIRECTOR SCIPPA: Oh, thank you.

ATTORNEY JEFFERSON: I understand what you're coming from.

DIRECTOR SCIPPA: And if you were amenable to removing that second line, so to speak, and leaving the rest of what you proposed, absolutely, unequivocally. We're onboard with that, from New Hampshire Police Standards and Training perspective. I absolutely agree with all of that, third, fourth, and

fifth. We look to them as paragraphs, right? But that second paragraph is the one that causes a problem outside. So I appreciate that. Thank you.

ATTORNEY JEFFERSON: Yeah. Yeah. No, and I appreciate it. It took me a second to get what you were saying. But I absolutely see it now. So I'm fine taking that language out to all other Commission Members.

DEPUTY ATTORNEY GENERAL YOUNG: So just so I'm clear, gentlemen, does the whole second paragraph come out, or just the paren. in the second paragraph?

ATTORNEY JEFFERSON: Just the parentheses is what I'm saying.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So I think the...

DIRECTOR SCIPPA: I would say all of it, Madame.

DEPUTY ATTORNEY GENERAL YOUNG: You're saying, "all of it", but I think that they still want to increase. Right, Julian, you still want to increase 8 to the 16, and then the 16 to the 24?

ATTORNEY JEFFERSON: Correct, and that was the clear consensus of every Law Enforcement Officer who testified and other people from the community. Law Enforcement Officers testified and said that number at least needs to be doubled. We heard up to 32.

Lieutenant Morrison has advocated for 32. The Captain from the Nashua Police Department said it at least needs to be doubled. We heard from members of the public that it also should be at 32. So I think it would be going against this Commission to leave it at eight, because there was clear consensus in front of this Commission that the amount of in-service hours that are mandatory need to be increased from 18 [sic], above and beyond that.

We also heard Chief Edwards talk about that, in his experience, most Police Officers will go above and beyond the eight. So I 100% agree taking the parentheses out. But I think it would be doing a disservice to all the testimony we had from Law Enforcement and non-Law Enforcement to say we need to increase the amount of mandatory minimum hours, and if Officers exceed it, great, but we need to increase the floor. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Do you want to resend this with what I think the changes are?

MS. REED: Deputy Young, if I may, there's a couple of hands that I'm not sure you can see.

DEPUTY ATTORNEY GENERAL YOUNG: Hold on. Okay. Who?

MS. REED: I'm sorry. It's Fallon. Director Malachi, Ms. Tshiela, and Mr. McKim all have their hands raised. I'm not sure you're able to see it while Kim's sharing her screen.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. Ahni, you're all set.

DIRECTOR MALACHI: Yes. So, maybe the issue, if there's agreement on the increase of training hours, I think part of the issue is the amount of time in the email that Julian sent. It may need to be a longer pot for the increase.

If we're just going by what Law Enforcement is saying, I feel more comfortable with that, versus people who were selling services. The people selling the training services, that's an in for them. So if the Law Enforcement folk agree that 32 is where we're going, then I think it may take longer than a year to double the amount of time, and then triple, and then quadruple the amount.

So, maybe it's not in one year. Maybe it's two years to go from 8 to 16, because whatever's being increased, whatever you're adding, there needs to be curriculum. So if there's curriculum that's just enough for the whatever hours that they're training on, pick a topic, then you need to vet and make sure that the additional curriculum that will be taught is New Hampshire-appropriate. It fits for the majority of the Law Enforcement Agencies. There's a lot of hoops that have to be jumped through.

So I think just having one calendar year -- and maybe it isn't a calendar year. It depends. But that may not be enough time. So that would be my statement on that.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

DIRECTOR MALACHI: Oh, I'm sorry, one other thing. And the other thing I think we're not taking into consideration is if all of these things are on a continuum, which is where we're going, if we start with the Job Task Analysis to understand what everyone's doing, and then we're instituting all of the training in a bit of a different way, if things are on a continuum and they are constantly being re-instilled -- I know that's not a word. I just made that up for today. But if they're being covered again and again in a variety of areas, as well as a specific amount of time, we may actually get more than the two hours or whatever it is. So that would be my statement.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Tshiela?

MS. TSHIELA: I'm just a little bit confused, because I thought that the exchange between Attorney Jefferson and Director Scippa, the problem was the language that he used, because it was beyond the scope of the Commission. So now I'm a little bit confused, if Director Scippa can clarify. Is it the amount of time that is given to do that, or the amount of hours, because you suggested taking the whole thing out? And so, I'm just a little bit confused as to what the problem is with the rest of it.

DIRECTOR SCIPPA: So I guess my biggest question, so right now we're talking about increasing -- if I read this, as I read what is proposed, I am reading two things happening in this same breath. So, we're talking about increasing the total number of hours for in-service training for each (inaudible) to address.

And there's no talking about what it should cover, what it should not cover. And I testified to it, as well. Attorney Jefferson left me out. I testified to increasing the total number of in-service training hours annually.

But it's confusing because in the next sentence, we're talking about putting a minimum of X number of hours that's mandated. Are those two hours or four hours, or six hours, or whatever we end up finding out to be mandated training for implicit bias, is that part of the 16 hours? Or is that in addition to the 16 hours, because now we're talking about increasing training? We're trying to make it exclusive of firearms, first aid, other topics that they already kind of have to cover, plus we're adding more training that's going to be mandated to address implicit bias, to address ethics, to address de-escalation. Are those the total numbers? Are those addition to?

And you can see how exponentially it's going to really have dramatic impacts. So we have to figure out what hours are our topics that we're discussing now going to take. And then, on top of that, are you going to allow Police Standards and Training to increase the total number of hours that we think are important that don't have to do with these mandatory important classes?

I don't know if that makes sense or not. I guess the easier way to say it is, are these inclusive or exclusive? And if it's exclusive, I would just ask that those hours of training for in-service beyond these mandatory proposals kind of be left so that it doesn't impact the rest of my in-service hours that I have to work with.

DEPUTY ATTORNEY GENERAL YOUNG: So that's an excellent point. I read these to be that the 16 hours have to include these. So that should be, these must be included within the 16 hours.

ATTORNEY JEFFERSON: That is correct, Attorney General. Yes. That was my intention and I would also defer to Director Norton to make sure that that is consistent with what he is saying. So, yes, I think that should adequately address Director Scippa's concern. It's not putting Police Standards and Training or any Law Enforcement Agency in a box, because it won't be increasing those hours.

It is saying that part of that mandatory eight in year 2021, and part of that mandatory 16 in 2022, and going forward, it would be part of that number. So it's not adding to that mandatory minimum. We are just saying, from a Policy perspective, of that eight, because it's only eight in 2021, this needs to be the minimum amount of hours. 2022, when it's 16, still part of that mandatory minimum, but not adding to the overall number.

And I think it also addresses Director Malachi's point of we're not saying this is going to happen in 2021, we're going to increase to 16 hours. We're saying this is happening in 2022 that it would increase to 16 hours. So that will give the Legislature, the Governor, and Law Enforcement Agencies, to the extent they adopt this recommendation, sufficient amount of time to do it. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: So, President McKim has a comment or a question. After that, we want to ask the Commission if they want to take any action with this proposal as it is, knowing that we have to tweak it to include that these hours, inclusive of 16 not exclusive of the 8, 16, and then the 24, correct?

ATTORNEY JEFFERSON: Correct.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. President McKim?

MR. MCKIM: Thank you. So, I guess I'm -- and I'm hearing some background noise. I don't know if it's me or what. But, I'm just curious. And I know we've had testimony from folks who have indicated that they believe that the total number of training hours should be more. And I fully support that.

I think what I'm hearing from Director Scippa, though, is that by us recommending a specific number of hours of overall total training, we are impacting the number of hours. We're making some assumptions about what the maximum number of hours, or minimum number of hours, should be for all the other kinds of training, which are not under our purview.

So I'm wondering if it's sufficient enough for us to take the approach that Attorney Jefferson mentioned of indicating for each topic the minimum number of hours that we believe should be mandated. And I think if we do that, without talking about the total, just because we say that there should be two hours of implicit bias, two hours of whatever, that will mean that the total number of hours will increase.

So I wonder if that's a way of coming up with kind of a happy medium here of making sure that the number of hours that we think are appropriate for the various topics is recommended, but not boxing Director Scippa in by saying we're saying it has to be within a certain number of hours. Give him the flexibility and the Council the flexibility to define that total number of hours, because they could say it should be more. That's my thought, my comment.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. I have four more lined up, but I'm going to cut you off after these four. So it's going to be Commissioner Norton, Chief Edwards, Chief Dennis, and Attorney Jefferson. And then we're going to have to close the training part down and I think move onto another recommendation, because we have 17 minutes left in this three-hour meeting. And we have barely got the tip of the iceberg. So, with that lecture, Ken Norton, you're up.

DIRECTOR NORTON: Thanks. I'll admit my head is spinning a little bit here. And so, maybe just a couple, first a point of clarification. Director Scippa, who is the rulemaking entity that gives the authority to Police Standards and Training to mandate specific training? Is it the Council? Is it somebody else? Is it the Legislature? Who is that entity that would make that decision?

DIRECTOR SCIPPA: Those rule changes would occur at the New Hampshire Police Standards and Training Council level. And then, any proposed rule change would have to go to (inaudible) and then be approved there. And then, those Administrative Rules would carry the weight of law.

DIRECTOR NORTON: Okay. And then, when you use the term "in-service training", do you mean, in your mind -- and I don't know if this is a language thing -- do you mean that that's exclusive of firearms and everything else? Or is it all-inclusive, because a lot of the testimony we heard broke those things up separately, which is why I added in the piece about exclusive?

DIRECTOR SCIPPA: So, ask your question again.

DIRECTOR NORTON: Well, let me ask it a different way which is that, as I understand it now, if we're now looking at minimums, so if we have two hours of ethics, two hours of de-escalation, two hours of implicit bias as a minimum, then it might be that Officers get six hours total in those areas. But they may

get however many hours total we have. I mean, if we're picking 16, if we're picking 24, the rest of that could be in firearms training, or in some of those other areas.

DIRECTOR SCIPPA: I still don't know that I understand your question. But I guess I would go back to Mr. McKim's point which is recommending total hours of annual training, I think, steps beyond. I mean, I think we all agree that we have to increase in-service training, annual training.

If we set hours with the overall in-service training, and then, as part of those in-service hours, we build in a minimum of two hours on this, and a minimum of two hours on this, and a minimum of two hours on this, every time we add an hour of training to the total training, it reduces the amount of hours left in the event that the Council recognizes that there's something else that they want to see done annually.

And that's where I came from. They had mandatory training on things that they just stood alone. The statement was you will have a minimum of two hours of training on X. And it didn't speak to anything else. It just says, you got to have at least two hours in this.

For some Agencies, smaller Agencies, that minimum two hours might be helpful to be part of the total hours. I don't know. But I just think that these two topics are getting in each other's lane. And I don't want to walk away and then all of a sudden realize that because these two lanes kind of crossed a couple, now the ripple effect is something I'm going to have to deal with a year from now, in terms of total annual training. I don't know if that makes sense. I don't know if I'm doing a good...

DIRECTOR NORTON: Well, I'm not sure that I'm making sense, either. So let me try a different piece. And first of all, I guess I want to back up one thing and make a statement and say, you've repeatedly said it's outside of the purview of this Commission. I don't understand that. I mean, when I read what the charge is for the Commission, this is all within the purview of the Commission.

And secondly I would say that these are recommendations. They're not binding in any way. And these are just what we're putting forward as what our recommendations are. And I understand that at some point, if Police Standards and Training Council determines something differently, that these are not binding recommendations. But I'm concerned that we, as a Commission, are recognizing that certain topics and areas need to have some minimum on an ongoing basis, and that that's exclusive of those other pieces that are required for an Officer's recertification.

And I guess I would also say, in my mind, these things were all-inclusive. So it wasn't in addition to whatever amount we were picking. My proposal wasn't, and these would be in addition to that. It would be all-inclusive. Thanks.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. That's the way that I understood those, as well. But I think we probably can add language just to make sure that everybody else understands that. Chief Edwards?

CHIEF EDWARDS: Yes. If I may, I think what's become a little confusing is that we have a four hours of use of force training requirement. Then we have an eight-hour requirement in-service training. And I think that's confusing with folks who want to increase the training hours.

And to Director Scippa's point, I think if we are looking at the current inhouse -- I mean, in-service training hours and putting minimum hours there, whatever the New Hampshire Police Standards and

Training Council determines, or increases those numbers by, the overall training hours will increase no matter what happens here, because you have some hours already mandated, a total of 12, with the in-service training hours and the eight hours of in-service training hours.

So, whatever goes beyond this will increase the hours. Whether that ends up being 16 hours or 32 hours, or 40 hours really wouldn't make a difference at this moment, because we're talking about asking for minimum training hours. And those hours may be extended.

After the Job Task Analysis is done, we may find that those two minimum two hours become six hours. You may find that they become four hours. I think that's been discussed before. So the overall training hours will increase.

But I think what we're trying to propose here is a minimum number of hours. And that's rubbing up against the future planning of training hours. So, I think we're all saying the same thing, as I see it. It's a matter of looking at the minimum, knowing that these hours are going to increase beyond what we're proposing.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Dennis?

CHIEF DENNIS: I'm a little confused, too, so don't anyone feel bad. But I mean, I do agree with Chief Edwards. I think we're kind of all there, maybe it's just being said a little bit differently. Certainly looking at the eight hours that Departments have discretion over right now, there's eight hours. There's four hours mandatory towards use of force, as Chief Edwards said, doesn't include firearms or anything like that, or first aid. And once you get past that four, there's eight hours that Departments can use now for whatever training they want.

Certainly, this Commission is now looking at taking six of those eight and using minimums to be applied to those categories of ethics, de-escalation, and implicit bias. And then, certainly, it looks like, moving forward to 2022, increasing that 8 hours to 16 hours.

I like the idea that we're adding some structure to what Departments need to train in. And I think that's part of the problem we're trying to solve here is that it's not standardized in Agencies of what expected in that training. And I think at least by setting the importance of implicit bias, de-escalation -- I mean, implicit bias and ethics, it's building that foundation for all of us to work on and ensure that all Law Enforcement Agencies and all Officers were receiving that basic foundational training on an annual basis.

So, I don't know if that clarifies anything. I certainly support that being part of the eight. And certainly moving, if we decide to increase later on to 16 hours of training, that that becomes part of that 16 hours and/or anything else that PSTC may determine, we think this should be foundational moving forward as part of annual recertification for Law Enforcement Officers. That's it. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Chief. And so, our final individual on this is Attorney Jefferson.

ATTORNEY JEFFERSON: So, I think Chief Edwards and Chief Dennis really summed it up perfectly. And I think Director Norton also explained the importance of keeping the language as it is. So I think if we add the inclusive part, that addresses that concern that we're saying this is part of the inclusive eight. This will also be part of the inclusive 16. And this will also be part of the inclusive 24.

So in this recommendation, Director Scippa is right, is that we are looking at two different things. But these are two different things that we have gotten substantive testimony on. And I think the Motion should be carried with that inclusive language. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Not to put you two on the spot, but where would you add the inclusive language, after beginning April 1st, 2022, at the end of that sentence? The following shall be inclusive within these hours.

ATTORNEY JEFFERSON: Yes. I think every single time we say that minimum of two to four hours, so that last line is these minimum hours shall be inclusive of the mandatory minimum hours. I think that will be useful language. That will clarify it.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. We can take care of that. So does anybody want to make a Motion in regards to the training component that we should make a recommendation on training? Does somebody want to make a Motion?

DIRECTOR MALACHI: I have a question. I have a question.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, sorry. Is that Ahni? I can't see your face.

DIRECTOR MALACHI: Yeah, it's Ahni. So, the Motion is just to make a Motion on training, or to make a Motion on what was put forth in Attorney Jefferson's email?

DEPUTY ATTORNEY GENERAL YOUNG: So, after a few hours of robust discussion, my question is, would anybody like to make a Motion on training? You have a model here to follow. You could make your own. But I think we need to make a Motion on a training recommendation.

ATTORNEY JEFFERSON: Well, I will move that we adopt the language as we've just discussed, with the inclusion language.

MR. JOHNSON: There needs to be a second somewhere.

DEPUTY ATTORNEY GENERAL YOUNG: I was on mute. I thought everybody was seconding. And I think you were trying to tell me I was on mute. So the Motion, as I understand it, is what was just up on the screen, what Attorney Jefferson shared, with the amendments from this Office, is the Motion. Does anyone second that Motion regarding training? Joseph, you second that Motion? Okay. So I will now take the roll call.

DIRECTOR MALACHI: Before you do that, question, is it possible to read what we are about to agree to, with the updated -- I mean, even if you just read it to us with the updated language, because I'm not sure that I'm clear on what I'm about to agree to or not agree to?

DEPUTY ATTORNEY GENERAL YOUNG: Sure. Yeah. Yeah. Hold on. We're going to just pop it back up on the screen. Yeah. Yes, please. So, Kim's going to pop it back on the screen. And I'll read it. So what has been moved by Attorney Jefferson, seconded by Commissioner Lascaze, is the following:

"No later than September 15th, 2020, the Director of New Hampshire Police Standards and Training shall initiate emergency rulemaking to allow Police Standards and Training the authority to determine and mandate completion of specific training programs as part of the annual recertification process for Law Enforcement in New Hampshire. The Director shall adopt such rules by December 15th, 2020. The Director shall seek input from all relevant Law Enforcement Agencies.

"Beginning April 1, 2022, the number of hours of training required for Police Officer recertification in New Hampshire will be 16 hours annually. Beginning April 1st, 2023, the number of hours of training required for Police Officer recertification in New Hampshire will be 24 hours annually.

"Beginning on April 1st, 2021, all Police Officers in the State of New Hampshire must complete a minimum of two hours in training approved by the New Hampshire Police Standards and Training in implicit bias and cultural responsiveness, as part of their recertification process for 2021. This should be accomplished with the assistance of advocacy groups that represent the viewpoints of communities that have traditionally had adversarial relationships with Law Enforcement.

"Beginning on April 1, 2021, all Police Officers must complete a minimum of two hours in training approved ethics training annually, as part of their recertification process. New Hampshire Police Standards and Training will be responsible for reviewing and publishing a menu of approved ethics training.

"Beginning on April 1, 2021, all Police Officers must complete a minimum of two hours of approved de-escalation training annually as part of their recertification process. New Hampshire Police Standards and Trainings will be responsible for reviewing and publishing a menu of approved de-escalation training."

And Ahni, what needs to be added is those three trainings in implicit bias, ethics, and de-escalation are part of the 16 hours and then 24 hours. They're not in addition to. That is my understanding of what is being proposed by Attorney Jefferson and seconded by Mr. Lascaze. Am I correct, Attorney Jefferson?

ATTORNEY JEFFERSON: Yes, you are.

DEPUTY ATTORNEY GENERAL YOUNG: Do you have any further questions, Ahni?

DIRECTOR MALACHI: No, thank you.

DIRECTOR NORTON: This is Ken. I just wanted to ask. There was talk about dates. Director Scippa, would you suggest different dates for the rulemaking part of this Motion?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa, are you...

DIRECTOR SCIPPA: No, I say we keep the dates.

DEPUTY ATTORNEY GENERAL YOUNG: Hold on for one second, Commissioner. So, Director Scippa, the date you were concerned was the January date, not the September date. We moved the January date to April, correct?

DIRECTOR SCIPPA: Yes, implementation dates were the ones I was concerned with. And this was amended to reflect my request to the April 1st dates. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: Yes, I just wanted to make sure from the Director. Do these have to go through JLCAR?

DIRECTOR SCIPPA: (Nodding head affirmatively).

COMMISSIONER QUINN: So that process is usually six to nine months, once you initiate the emergency rulemaking. So those will go into effect. But I just want to make sure the December 15th, 2020 you haven't put yourself in a box on that date. And maybe you can discuss that with your own Inhouse Counsel. That's all.

DIRECTOR SCIPPA: Well, I agree wholeheartedly. And emergency rulemaking only allows the rule to be in place for I believe it is either 90 days or 6 months. And then, you have to make a permanent rule change to support the emergency rule. So, again, not having the experience that you have with regard to working these things through the system, I would defer to you on those dates, and any guidance you might add.

COMMISSIONER QUINN: Well, I think we can wordsmith it. If you're going to navigate through the process, you'll make your best efforts to initiate it and then follow through with JLCAR. The only comment I had, Deputy, before we make a vote -- and I just want to make sure everyone's clear -- I think Attorney Jefferson and the Team here have really identified the three key areas that we, as a Commission, want to identify, focus, and increase. I think you've done a great job.

When I read this, after we vote, with all the work we've done here, as I see this, this is only going to impact current sworn Police Officers. This does not impact or make any changes at the Recruit Academy. Am I correct on that, John?

DIRECTOR SCIPPA: That is correct. We have not taken any action with regard to implementing the training that we're suggesting at the Recruit level.

COMMISSIONER QUINN: Okay. I just wanted to make sure everybody understood that. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Ahni, do you have a question?

DIRECTOR MALACHI: It was just a statement to the timeframe and that first piece. Yeah, it's over 200 days to go through JLCAR. So if we're attempting to have Standards and Training make something mandatory, it's going to take over 200 days to go through that process. And I'm beginning the process for a rule change right now. And it's nothing to sneeze at. So, I don't know if those dates are reasonable, or if we just do that and we agree knowing that it's not a reasonable amount of time. And certainly for everyone, all of the Departments across the State within a couple of months to get together to agree on things may not be reasonable. So, yeah, that would be my only statement on that.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Norton, comment/question?

DIRECTOR NORTON: Thanks for the clarification. I would be fine with taking the end date out. I thought it was important for us to acknowledge that we believe that Police Standards and Training should have the ability to mandate specific training, and that that rulemaking process should start as quickly as possible. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Judge Gardner?

JUDGE GARDNER: Thank you. So, I was going to echo Director Malachi's comments that it's going to take a while to go through JLCAR in terms of going through the rulemaking process. Also, I believe the Director has to run all of this by the Council. Correct me if I'm wrong. But I don't know if that's already been discussed. But the Council also has to be part of the discussion. And they only meet once a month. And so, I'm not sure that that December date would be really achievable.

ATTORNEY JEFFERSON: I'm fine with removing the December date.

DEPUTY ATTORNEY GENERAL YOUNG: So, Attorney Jefferson has made a Motion to Amend. So strike out the language, "The Director shall adopt rules by December 15th, 2020." Is that your amendment, Attorney Jefferson?

ATTORNEY JEFFERSON: That is correct.

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a second of that? So, Joseph, you seconded the original. Do you second that?

MR. LASCAZE: I would like to say that, while I agree that the December 15th date may be ambitious, I would like to hear from Director Scippa on what he believes would be a more realistic date for this, because I think that if we leave it open-ended, especially when it's something that is important in depth as this, if we leave it, if we don't have a date, it's very easy to just keep pushing it along.

So I do agree December 15 might not be realistic. But I'd like to just hear something from where he thinks it's practical that we can move towards so that we know and the community members know that this is actively being worked on and we're trying to get it implemented by this date.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa?

DIRECTOR SCIPPA: I have Major Parenteau in the room with me, just was able to step in. Our experience here -- and I've only been here for a very, very short period of time. But the Major's been here a little bit longer. And just reminds me that the last time that we went through an attempted rule change, we were talking about just shy of a year.

And to Judge Gardner's point -- and she is a Member of the New Hampshire Police Standards and Training Council -- these decisions really need to be vetted and voted on, and supported by New Hampshire Police Standards and Training Council. So, again, that's some of the concerns I've expressed are concerns from that perspective.

MR. LASCAZE: So would the December of 2021 be realistic?

DIRECTOR SCIPPA: Joseph, I wish I could tell you. I don't know.

MR. LASCAZE: Okay.

DIRECTOR SCIPPA: I think the 200 days, as Director Malachi spoke to, with the amount of time it takes, and then who knows during the process if there's any bumps or reconsideration comes back to us, and then we have to reformulate it. I just don't know. I'm sorry.

DEPUTY ATTORNEY GENERAL YOUNG: So just so we stay orderly, Attorney Jefferson, you're willing to strike that line. Joseph, do you -- because you were the s d on the original Motion, now there's an amendment -- do you second the amendment or not?

MR. LASCAZE: I am going to have to abstain from that vote, if there isn't at least something to work towards. It doesn't have to be a binding date, but just something to work towards so it doesn't get pushed back. I'll have to...

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Lieutenant Morrison?

LIEUTENANT MORRISON: Thank you. I have another sort of edit that I would like to make. In the second paragraph that begins, "Beginning on April 1st, 2021, all Police Officers in New Hampshire," I would like to strike the last sentence in that paragraph and add some of the wording from one of my suggestions that I think just makes it a little bit more appropriate, I guess.

But, any training on the topic of implicit bias and diversity be developed with one or more community partners from New Hampshire NAACP, New Hampshire ACLU, (inaudible), community partner. I just don't like the language at all. For somebody who's had an adversarial relationship to Law Enforcement, I would just like to change that to incorporate the community partners language.

DEPUTY ATTORNEY GENERAL YOUNG: Hey, Mark, you're pretty wobbly. I don't know if it's the room that you're in. But I get like every third word. Could you repeat that for me, please?

LIEUTENANT MORRISON: Sure, I'm sorry. I'll try to get a little closer here. I would like to strike the last sentence in the paragraph that begins, "Beginning on April 1st, 2021". I would like to strike the last sentence that says, "This should be accomplished with the assistance of." I would like to remove that sentence and add in language from my proposal, Number 2, on the sheet that was sent out to add any training on the topic of implicit bias and diversity be developed with one or more community partners from the NAACP New Hampshire, New Hampshire ACLU, New Hampshire Commission for Human Rights, or equivalent community partner. I don't like that language. I just think it should be changed.

ATTORNEY JEFFERSON: Lieutenant Morrison, I agree with you. I think that's a fair point. And I think replacing that sentence with the sentence that you are proposing accomplishes the goal that at least I'm trying to accomplish. I'll defer to Director Norton, as well.

But I'm completely in support of that. I think it recognizes a valid point that you're raising, but also to the bigger point of making sure that we're including community partners. So I'm fine with that.

DIRECTOR NORTON: I'm fine with that, as well. And I just want to clarify. That was a direct quote from the President's 21st Century Task Force Report. That's where that came from. Thanks.

DEPUTY ATTORNEY GENERAL YOUNG: And so, just so I have it clear, Lieutenant Morrison, it's your Number 2. So you want that language inserted: "Training on the topic of implicit bias and diversity be developed with one or more community partners from the New Hampshire NAACP, New Hampshire ACLU, New Hampshire Commission for Human Rights, or equivalent community partners"?

LIEUTENANT MORRISON: Yes, ma'am.

DEPUTY ATTORNEY GENERAL YOUNG: All right. And Attorney Jefferson, you have amended your Motion to include that language to strike out, "This should be accomplished with the assistance of advocacy groups that represent the viewpoint of communities that have traditionally had adversarial relationships with Law Enforcement"?

ATTORNEY JEFFERSON: That is correct.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you very much. So, Joseph, you are up next, and then Chief Dennis and Ahni. Joseph?

MR. LASCAZE: Yeah. So I just wanted to go back to the rule being adopted by Director Scippa. And if instead of having a definitive date there, can we add language that says as soon as practical, or as soon as possible, that this can be done, just because again my concern is that if we don't have language in there that states that we are working to get this done as quickly as possible, it can fall by the wayside?

DEPUTY ATTORNEY GENERAL YOUNG: Julian?

ATTORNEY JEFFERSON: I would be fine with that amendment, as well.

DEPUTY ATTORNEY GENERAL YOUNG: So I'm going to defer to somebody who has more experience with JLCAR. Is that language okay? So that's either Commissioner Quinn or Ahni. I think you probably see that group more than I do.

COMMISSIONER QUINN: Yeah. So, I think again I don't mean to speak over Ahni. But I think the key to this is, when you file your emergency rules, John, having the draft of the permanent ones in place so you can go down the same path at the same time, those rules are in effect for, I believe, six months. So the goal would be to, at the same time you submit those, have a draft in place of your permanent rules. Those are submitted to the LBA. They'll look at any fiscal notes that are necessary.

So the key is really to be ready and prepared to go down both paths at once. So when you file the emergency, those will be in effect. But at the same time, in September, you'll want to start the process with your goal being to have those done before the others expire. So that's really the key is to be prepared by September 15th. Have your draft permanent rules in place and start the process. That was my guidance internally, Deputy Young.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. So that sentence will now read, "The Director shall adopt rules as soon as practical."

MR. LASCAZE: Practicable.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah.

MS. REED: Deputy Young, Ahni has her hand raised. And I'm not sure if you could see it.

DEPUTY ATTORNEY GENERAL YOUNG: No, I can't. Yeah. You're up.

DIRECTOR MALACHI: So to answer what Mr. Lascaze is concerned about, I think -- so let's see. Director Dennis mentioned that potentially that September 15th is a little challenging to make it through the Council and having the rules agreed upon and ready to submit. So we may need to look at a different date for that.

To answer Mr. Lascaze, I think maybe if we put language in there that specifies -- and Attorney Jefferson would have to approve, of course, but if we specify that the rule process is starting, right? And so, it's going through the Council for approval, and then immediately submitted to the -- whether you want to spell out JLCAR, what it means, or the State rulemaking body, or something like that, so that the process is clearly outlined.

And it would speak to what the expectation is, meaning that PTSC [sic] is going to do this. And this is the process, so that if a member of the public is looking, they can track along and know that, as Mr. Lascaze is saying, it's not going to fall by the wayside.

So, oh, what are they doing now? Okay. The Council is meeting and agreeing on the rules that will change. And that could take two months, because they've got to look at it. They've got to digest it. They've got to come back and meet. There has to be a Motion and things have to be discussed. So let's say that takes a couple of months.

Then the next thing that'll happen is once those are agreed upon and the rules are put in, in an emergency fashion, then they move over to JLCAR to make it a permanent change. So I think if we speak to the process, then that may help the public know that it's happening, because all of these things are open to the public to see. And then, it doesn't give a timeframe so that it takes as long as it takes. But the public knows that it's happening. So that would be my answer, suggestion, thought on that.

DEPUTY ATTORNEY GENERAL YOUNG: That is somebody who has gone through the process. Thank you, Ahni. Chief Dennis?

CHIEF DENNIS: I think we've kind of been talking about it a lot. But, is there a way -- just for Joseph's concerns and things like that, we understand there's a process out there in the JLCAR -- is there a way to put a date to give Director Scippa and PSTC time to work on these rules, formulate those rules, and then have a date sometime in 2021, whether it's February or March, that he'll, then, present those to go through that process, that way they've done their part, however long it takes to go through the finalization process? That's just how long it takes. But at least that shows PSTC has done their part in moving the ball as far as they can for that final adoption. That's just my two cents.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So I think we are now ready to take a vote. I think that we have this one ironed out. Commissioner Quinn?

COMMISSIONER QUINN: I vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: Only because I have trouble with the second paragraph...

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, again, I'm having some sound feedback. Can you repeat what you said?

DIRECTOR SCIPPA: I stand in full support of the last three paragraphs. I have trouble with the second paragraph. And for that reason, I'll abstain.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Commissioner Johnson?

MR. JOHNSON: Yes, but there's an underlying problem with the Legislature. But I'll deal with that later.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. President McKim?

(No response)

MS. REED: I think he dropped off, Deputy.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. Judge Gardner, is she on?

JUDGE GARDNER: I am going to need more time to digest all of the changes that have just been made. I kind of jumped in. So, I guess I'm going to have to abstain until I read through it more thoroughly, sorry.

DEPUTY ATTORNEY GENERAL YOUNG: No problem. Lieutenant Morrison?

LIEUTENANT MORRISON: Have we fleshed out the problems with the second paragraph sufficiently before taking this vote that Director Scippa has?

DEPUTY ATTORNEY GENERAL YOUNG: So I thought that we had. I thought that we took out the language. Director Scippa, are you seeing the -- we took out what you had. So it was the number of hours. The way that it reads now, in '22, they're going to go to 16. And then, in '23, they're going to go to 24 hours annually. And there's no indication on there what has to be accomplished during those. It's just to increase the hours. So are you seeing the current version?

(No respond)

LIEUTENANT MORRISON: I just don't want to vote (inaudible) figured out.

DIRECTOR SCIPPA: I'll change my vote. I'll vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

LIEUTENANT MORRISON: Okay. I will vote yes, as well.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Lascaze, you were second on the Motion. Attorney Jefferson, you were the first. Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Tshiela?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: I'm sorry. I didn't hear Ms. Tshiela.

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Yes. I vote yes, as well. Judge Gardner, the changes that have been made, there's not a deadline to adopt the rules by December 15th. They'll work their way through the JLCAR process. And then, the only other significant change is in the third paragraph. We changed out the language of -- hold on. I have two versions.

JUDGE GARDNER: I caught that part of the discussion. But I'm looking at the draft and it's still the same. So that's why I'm still a little confused. And I do have a question on this second paragraph. Is it the second paragraph that Director Scippa was having problems with?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, and so that...

JUDGE GARDNER: It's 16 hours and then the 24 hours. Is that something that everyone had agreed that would be achievable, and that the two-hour additional is included in those particular 16- or 24-hour blocks? Is that correct, as well?

DEPUTY ATTORNEY GENERAL YOUNG: That is correct, Your Honor.

JUDGE GARDNER: All right. I just want to make sure that that language is obtained within...

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, that language has to be added.

JUDGE GARDNER: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, that is everybody's intention.

JUDGE GARDNER: Intention, okay.

DEPUTY ATTORNEY GENERAL YOUNG: So do you still need additional time?

JUDGE GARDNER: No, I do not. So I would vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

LIEUTENANT MORRISON: I think the screen sharing is throwing people off, because it's not the accurate wording.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, we will try to get better with the technology next time. We lost one of our technology people. So the training recommendation passed unanimously. So, where do we move from here?

I would suggest that the next area that we go to are Policies. And we are over. I mean, I think this is going to take us a little while longer. So, through the discussions earlier this morning, people had discussed about statewide Policy for use of force. I think that we are probably all in agreement with that. So I would like to know if there's any discussion on recommending statewide Use of Force Policy.

MS. REED: Deputy?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah.

MS. REED: Ken has his hand up and then Chief Dennis.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes. At one point, I thought that there was conversation about Director Scippa's Recommendations Number 1 and 2 as being training, due to your interpretation, Deputy Young. And so, I don't want to lose track of them, as well. And I think we should deal with those two recommendations as part of training, before we move on.

DEPUTY ATTORNEY GENERAL YOUNG: Certainly. So those were: Number 1, conducting a Job Task Analyst [sic] for entry-level Police Officers and entry-level Corrections Officers to deciding Academy curriculums.

And then the second one was to leverage the technology. And that's when Director Scippa had said that they had the funding for, that it's currently frozen, given the pandemic situation. But they want to deploy a robust database management system and online learning platform with that twofold process to maintain full record over the course of an Officer's career, and to develop and deliver standardized online training.

So, is there any discussion on this? Does anybody want to make a Motion on what to do with these two recommendations?

MR. JOHNSON: So moved, as read.

DEPUTY ATTORNEY GENERAL YOUNG: Rogers, was that you?

MR. JOHNSON: It was.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Good afternoon. Do I have a second this afternoon?

DIRECTOR NORTON: Ken will second it.

DEPUTY ATTORNEY GENERAL YOUNG: No discussion, I will take a roll call.

COMMISSIONER QUINN: Jane?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, go ahead.

COMMISSIONER QUINN: Jane, just a comment. Just a comment, I think Number 1, it is important, as like I had said before. None of our recommendations will include the Recruits. So I think this is a good way of really looking first at what is needed for the Recruits.

But then for Number 2, I'm not sure if half of that goes into the accountability. I'm not quite sure that needs to sit in the training silo. But I agree with its relevance and importance. And I can agree to that. So I'm ready to go to a vote.

DEPUTY ATTORNEY GENERAL YOUNG: So, Commissioner, just to loop back to President McKim's, he raised it a few different times. I agree that Number 2 probably straddles two. It straddles training and also misconduct. It seems probably because it's with the training, it probably is best here. I think it could probably go into either category. But for right now, I think it makes sense to deal with it here.

COMMISSIONER QUINN: Agreed.

DEPUTY ATTORNEY GENERAL YOUNG: Ahni, you had your hand up. Are you all set?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Ahni, did you -- yeah? No? Okay. Chief Dennis and then Lieutenant Morrison?

CHIEF DENNIS: I'm good. I'm good. I have no discussion.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yeah, I believe I took my hand down. But, thank you for checking.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. You're welcome. So we will take a vote on Numbers 1 and 2. Commissioner Tshiela?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Lascaze?

MR. LASCAZE: Just one quick question, would Police Standards and Training be using -- on Recommendation Number 1, would they be using -- they mentioned UNH. And I'm just wondering. Would they be using UNH for that recommendation, the job works? I just wanted to know that.

DIRECTOR SCIPPA: Yes, our intention and the initial plan before the Commission was pulled together was to use UNH Justiceworks, which is a research department of their Criminal Justice Program and Sociology Program to take on the task as a (inaudible) project for some graduates. I saw the opportunity to engage some good graduate students at our local university to save the State of New Hampshire some money. So that was what I was aiming for.

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Joseph. Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Dennis, you were the second. Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Fallon, is President McKim back on?

MS. REED: No, I don't see him.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Commissioner Johnson, you were the first. Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: And I vote yes, as well. So I think that fully exhausts training. Are we ready to move onto Policies? Yes?

ATTORNEY JEFFERSON: I would make a Motion to Adjourn today.

DEPUTY ATTORNEY GENERAL YOUNG: Well, except our problem is we have to have these recommendations on Friday. And we have to notice 24 hours, correct, Kim, to post a meeting? So we'd come back tomorrow.

ATTORNEY JEFFERSON: Are we meeting on Friday or no?

DEPUTY ATTORNEY GENERAL YOUNG: Yes, we are. So the problem is we're not going to be able to sort of do this debate, get them in final form, and get them back out by the end of the day.

ATTORNEY JEFFERSON: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: So, I can accommodate with a 24-hour notice. We can meet again tomorrow beginning at 1:00. But I'd need a second on that adjournment. But, Ahni, do you have a question/comment?

DIRECTOR MALACHI: Yeah, a question. So, once we do Policies, what else do we need to finish in order to be prepared to do the final discussion, or vote, on Friday?

DEPUTY ATTORNEY GENERAL YOUNG: So that would be, are there any other topics that we have not covered?

DIRECTOR MALACHI: Okay. Okay.

DEPUTY ATTORNEY GENERAL YOUNG: So, Judge Gardner?

JUDGE GARDNER: Yes, I just wondered if this would be part of training or not. But one of the issues that Director Scippa had indicated is to have the ability to meet the training needs. So how are we going to implement this?

One of the things is we need to increase the training staff. And so, I wasn't sure if that was something that was already discussed. Just let me know. Thank you.

COMMISSIONER QUINN: Deputy?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah.

COMMISSIONER QUINN: Yeah, when I started, that's one of the things that I had said is I think we need to make kind of a global recommendation for PS&T. And again, if they're going to need more staff, or we're recommending Attorneys, or how do we deliver this? Maybe we should capture that, have kind of another title on Policy/Accreditation, and then look at PS&T, whatever your thoughts are.

DEPUTY ATTORNEY GENERAL YOUNG: Right, or we could have another category that's just PS&T. So, I'm willing to have those discussions. So, I have a note. It must be coming in sort of through. Our other question is: do you want to take a shot break and reconvene? I leave that up to the group. But we're going to have to have a pretty close to a finished product on Friday.

And just sort of the way this has gone, and -- right, but truth be told, this just takes time. It took us time to get through the first one. But look where we got at the end of time, right? It's discussion and it's compromise. But I'd defer to the group. Do you want to come back tomorrow? You want to come back tomorrow? But I'd just have to give it a 24-hour notice.

ATTORNEY JEFFERSON: So I'm fine with either one. I'm fine with either coming back later this afternoon, or meeting tomorrow afternoon. But I think we all need to take a break, one way or the other.

DEPUTY ATTORNEY GENERAL YOUNG: Majority rules.

DIRECTOR MALACHI: I would say we continue.

MR. LASCAZE: We need to take a break.

DIRECTOR MALACHI: Yeah, we can take a break and continue. But I have...

DEPUTY ATTORNEY GENERAL YOUNG: So it's 12:33. Do you want to rejoin at 1:30?

MR. JOHNSON: What time did you say?

DEPUTY ATTORNEY GENERAL YOUNG: 1:30, 1:30.

MR. JOHNSON: That works.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So we will call this a rest break. And we will be back at 1:30.

MS. REED: Deputy, just for logistics -- this is Fallon -- I'll leave the call open. And then, you all can join back in. I'm going to stop the recording for now.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah.

MS. REED: But I'll leave it. And then, you can all join back in later, or whatever we need to do.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

DIRECTOR MALACHI: So, are we just turning our cameras off? Fallon, are we just turning our cameras off, or do we close it out and come back?

MS. REED: Whichever you prefer, I'll leave it open on my end so the call will be open, so you can just use the same link. But certainly, if any of you have trouble, just give me a call or shoot me a text. We're trying something new today.

MR. JOHNSON: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Enjoy your lunch.

LIEUTENANT MORRISON: 1:00 or 1:30?

(Off the record at 12:33 p.m.)

(On the record at 1:30 p.m.)

MS. REED: You're all set, Deputy.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you. Welcome back, everyone. Hopefully, you had a little lunch. I'm just going to ask you if your situation has changed, such as where you are or if anyone else is with you. If you could raise your hand and just tell me that, I'm not going to take a roll call again, because this is just a continuation of the prior meeting.

I will tell you I had to change locations in the office. So I am now in a basement office. And joining me with Kim and Annie is Nicole Clay. And so, now that we have our tech support here, hopefully if we have changes, we can do them on the screen. And it's not me sort of fumbling around with a highlighter. So, I think I can tell that Chief Edwards is on a cellphone. Am I correct about that, Eddie?

CHIEF EDWARDS: I should be in my house in like five minutes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, perfect.

CHIEF EDWARDS: Can you hear me?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. Is anybody with you in the car?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Okay. And I think that we have a note from Fallon that Commissioner Quinn is on his way back and will join us in a couple of minutes. So, now that we all kind of had some sustenance, let's get back at this.

Policies, I think, are probably the next place to go to. Then, we will move to any recommendations we have for Police Standards and Training. And then, sort of a fourth category is anything else that we missed that needs to be recaptured. Does that sound like a plan?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: So, let's start with Policies. And based on my review of what everybody has sent in, what I see that there is sort of universal agreement on, or close to universal agreement on, is a standard Use of Force Policy, a Duty to Intervene Policy, and a standard Code of Conduct, which is also Best Practices. So I will open up the floor for discussion.

DIRECTOR NORTON: This is Ken. Can I just have a point of information? I'm confused about what our process is at this point. And we had asked last time for an extension. Was that extension granted, or...

DEPUTY ATTORNEY GENERAL YOUNG: So, no, that extension has not been granted at this juncture. I think, as I indicated last time, we are going to get this first section done. We did the Report. We sent it out to everyone. We will have the recommendations on there. And if we have this deliverable, the hope would be to be able to get the extension. But, no, we do not have the extension, as we sit here right now. But our goal is to get this part done. Julian?

ATTORNEY JEFFERSON: Just to let you know, Deputy Attorney General, I sent two different emails in the hope that maybe that might help the process. So I do have two different Motions for us to consider. The first one, I think, fairly encapsulates all of the universal recommendations for Police Standards, Training, and Council [sic] to undertake. So, if people want to take a look at that, and if that's something we all agree to, or we can have some discussion on, that might help move the process along for that piece of it.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. We do have that and we can put that up. But I'd like to just sort of kind of go in order and nail the Policy piece down first.

ATTORNEY JEFFERSON: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: So, I mean, I can go through each Policy. I can take a vote, if the group wants to recommend a standard Use of Force Policy. We can do it Policy-by-Policy, if you want to do it that way.

ATTORNEY JEFFERSON: Sure, that's fine with me, as well.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So if somebody wants to make a Motion on which Policy they want to take up first, or if they just want to go to a vote?

LIEUTENANT MORRISON: Deputy Attorney General, I have a problem with the wording. I don't think that we should create standard Policy. I think we should recommend Policy considerations that your Policy should include certain topics.

I don't like the idea of a standard Policy that every Department would have to adopt and retrain to. And part of this goes back to, I think, the strength and flexibility of an accreditation model, where you'd have to meet certain observable standards in your Policy. But your Policy can take on whatever form and be applicable to your Agency, to your tools, to what you have at your disposal to use.

I'm very leery about having a one size fits all Policy that everybody would have to then adopt. So I think before I even engage in what Policy to have, I think just the substance of the conversation should be Policy considerations, not an actual Policy, if that makes sense what I'm saying.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. So, we will go to Director Scippa and then to Commissioner Lascaze.

DIRECTOR SCIPPA: In support of Lieutenant Morrison's position and after further consideration, I wonder if the best way to address Policy with regard to use of force is simply that New Hampshire's Police Standards and Training could mandate that every Agency conform to the CALEA standards for their Use of Force Policy. So even if it's a two-person Police Department and they don't have the money to go through the CALEA accreditation, I think, at a State level, we could compel them to still meet all of the requirements under CALEA for their Use of Force Policy.

I think, to Lieutenant Morrison's point, there has to be some flexibility with regard to just the internal function of a Police Department. But I think if we just said, hey, you got to meet these same standards, whether it's a 2-person or 200-person Police Department, you all have to have a CALEA-level Use of Force Policy, I think that kind of gets us where we're trying to get to, just my thoughts.

DEPUTY ATTORNEY GENERAL YOUNG: Joseph, I lost you on my screen. There you are.

MR. LASCAZE: I'm right here.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

MR. LASCAZE: Yeah. So I wanted to ask Lieutenant Morrison a question of really why we wouldn't have a standardized Use of Force Policy here in New Hampshire. I mean, we've heard several Commission Members speak about the recommendations that come forward need to be New Hampshire-specific. And I know that the community is wondering, what is Law Enforcement going to do next in the wake of everything that's happening nationally that's going on right now?

And so, if we're talking about New Hampshire, specifically, why wouldn't we want to have something that is uniform, specific for New Hampshire, because if we're going to with adopting the CALEA certification -- or I mean the CALEA Policy on use of force, having that standardized, then that would, in essence, still have one standard Use of Force Policy that all Police Departments were using anyways. So, I just wanted to know if you could just clarify that for me, please.

LIEUTENANT MORRISON: Sure, and that's a good question. I think we need to be sort of precise with our language when we start to address some of these things. And to allow Agencies to meet certain standards, but meet them in their own Policy, and the Policy for use of force, for example, with a CALEA-accredited Agency will incorporate virtually every topic that we have.

So, I would prefer to see something along the lines of what Director Scippa just mentioned more so than a Policy that may not be as individualized as it can be for each Agency, while, at the same time, all those standards are met. And again, that's sort of the strength of a accreditation model, where you have certain standards that everybody has to meet. And as an example, one of those standards is no chokeholds. So that's in there. All of these things are in there.

And to come up with a State Policy mandates certain pieces of equipment. As an example, my Agency doesn't carry tasers, right? So, it allows for the individual Department to tailor their Policy, while meeting the required standards. So I think to require standards over a Policy is a better approach, if that makes sense.

MR. LASCAZE: Okay. I am unmuted. Okay. I thought I was muted. Sorry about that. So, I guess one thing, to my understanding, first and foremost the community benefits from a statewide Policy, something that is coming from us, from the people. And I guess, for me, what I'm just still a little bit hung up on about this is if we want -- the flexibility comes from each Department in how the Chief runs it and what they're doing in the community.

But if we have this bar, we keep saying a gold standard, as CALEA is, right, and their Policy. That's covering the entire nation. We need New Hampshire-specific. I think that we are in a position. This Commission is in the position where, for the first time, we can do something that is New Hampshire-specific and put it out there that is governing how all the Police Departments are operating.

We're already a State that has all Law Enforcement trained at the same place. And then, now we can do this and we can really set ourselves apart in that way. And I guess for me that's what my hang up is of why that wouldn't be wanted, I guess, still keeping flexibility in mind on the Chiefs' parts.

LIEUTENANT MORRISON: Well, if you have a cookie-cutter Policy that needs to apply to every Agency, it won't take into account the individual areas, and won't incorporate anything specific about that Agency. It will be a blanket Policy.

And my point is we can have blanket Policy considerations, standards that are going to be required in that Policy. But the Policy, itself, should have the flexibility of being created by that Agency. And if you change every Policy, every Officer will have to be retrained on that Policy. So there's a lot of inner workings that would go along with a complete Policy shift.

And if we simply recommend, I should say, that ever Department meet certain standards in their Policy, which is exactly what CALEA does, it requires your Policy to have certain observable standards in your written Directives. And then, it's proofed with examples, and then inspected by outside Inspectors. That's the process. And it allows for modifications or difference that would be location- and Agency-specific, while still complying with the standard.

MR. LASCAZE: All right. Thank you. I'm going to do a little research right now. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: So, Joseph, are you okay with this back-and-forth for now? You'll come back if you have more questions?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you.

MR. LASCAZE: Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: All right, thank you, Deputy. Certainly, I think sometimes we use words like "standardized" and things like that. I think sometimes in law enforcement we know what we mean. But we also realize that we're all different. So there's those different little tweaks.

And I'll give a little illustration. There's a company out called Lexipol that creates Policies, procedures all across United States. And part of their system is, when they send these Policies to each organization knowing they're different, you'll get them back and there's words and part of the Policy that's in red. Part of it's in yellow. And part of it's in green.

Those words that are in red, you can't change. They're State. They're Federal Laws, all those type of things. You can't change that. Yellow is more best practices. We think you should adopt these to your Agency. The green is the stuff that you can change. It doesn't matter. You may have a Motorcycle Unit in Manchester. We don't have one in Hanover. So you wouldn't want to include a Motorcycle Unit in your Policy.

So, I think when the Lieutenant's talking about that of looking at CALEA standards, those CALEA standards are what's read. In other words, you can't change that. That needs to be in the Policy. The part of Policies may be notifications. Well, you may have a small Department that goes from Patrol Officer to the Chief. If you had a model Policy that said the Officer contacts the Sergeant, who contacts the Lieutenant, who contacts the Captain and the Chief, you have to change those type of things.

So, I understand what Lieutenant Morrison says and Director Scippa. I agree with that. That standardized part, that's the CALEA standards. That's the red stuff that needs to be in there that would include the duty to intervene, that would include information from our RSAs about our State Laws and Federal Laws governing use of force. So I don't know if that's helpful in that illustration at all. They're all a little bit different.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

MR. LASCAZE: Yes. Thank you on that. I guess what it was is by not -- so, a better way I guess I can articulate it is by not having a standard Policy, right, in place, I guess it leaves the impression that use of force in one community is different than use of force in a different community. And as Lieutenant Morrison pointed out, his Department doesn't carry a taser, right? So, it leaves a person like, okay, well, in this community, you can go to this lane and not if you don't have that standard Policy. I guess that's a better of why saying that we should be.

CHIEF DENNIS: And I understand what you're saying. I think the CALEA standards provide those standards so it's consistent what those Agencies do. Unfortunately, like the Lieutenant said, some Agencies have tasers. Some don't. And that's a different step that an Agency may have that another one doesn't have that would be listed in your Use of Force Policy, so therefore it's kind of hard to have it standard in every topic area. But we certainly want to make sure those main standards that we all support -- the duty to

intervene, report misconduct, the force continuum, all those different things we want in there -- are in there and they are standard.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, the lineup will be Attorney Jefferson, Director Malachi, Director Scippa, Commissioner Tshiela, Chief Edwards, and Commissioner Johnson. So we will start with Attorney Jefferson.

ATTORNEY JEFFERSON: So, I'll be very brief. I think it's sort of like our last issue. It's a problem of the wording and understand the wording. So I think it's important that we establish a universal Use of Force Policy. And that is simply the floor and not the ceiling. And we do it in topic. So this is what lethal force looks like. And this is our use of force. This is what nonlethal force looks like, and this is our use of force. And if one Agency doesn't have tasers, then that wouldn't apply to them.

So I don't think it creates a barrier. It's just saying, here's the floor. And to Chief Dennis' point, these are just the standards. So we don't have to drill down into specifics. And it certainly gives Agencies to create more stringent. But we do have to create a floor of which everybody knows, regardless of where we are in the State, this is the floor that everybody must follow. And then, of course, Police Agencies can always go higher. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Ahni?

DIRECTOR MALACHI: Yes. Actually, I was raising my hand to have an example. But Chief Dennis eloquently gave a really good example. And I completely agree with what Attorney Jefferson is saying. I think as long as we -- and this is the problem that happens in the community, right, because a Law Enforcement definition of something is going to be slightly different.

So, I think the beauty of this is that we, the Commissioners that are not law enforcement, as well as the public, have an opportunity to understand what these words mean, so that, as we're coming together to craft these recommendations, we're all saying the same thing. I think we are. It's just a matter of getting the language that allows Law Enforcement the flexibility they need, while giving the community the accountability they need, so that we're all on the same page, ultimately. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: That was well-said, thank you. Director Scippa?

DIRECTOR SCIPPA: I wholeheartedly concur with Attorney Jefferson on this matter. I did send out to some. I could not remember everybody's email address. But there's an excellent position paper that was just released by the International Association of Chiefs of Police. It is signed off by a number of different Law Enforcement Organizations, to include NOBLE, which is a National Organization of Black Law Enforcement Executives.

And it is endorsed across the board, as so eloquently put by Attorney Jefferson, as kind of the floor. These are the things that absolutely every Policy should have in it. If you have to add those things that are helpful to your particular operation at your Agency, then you can add it.

But I did push that out to everybody for your perusal. I concur wholeheartedly. I think that addressing those State concerns of no chokeholds and mandatory reporting, as part of our New Hampshire (inaudible) out to it. I think we accomplish what we accomplish. And it may be easier for each individual

Police Department to adhere to what our recommendations are and make it work for them at their home Agency. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Director. Commissioner Tshiela?

MS. TSHIELA: I had a question but I forgot. But I will say that I do agree with Attorney Jefferson. I think he articulated my second point perfectly. So there's no need for me to go on. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: As soon as I go onto the next person, you'll remember it. So put your hand back up, okay? Thank you. Eddie, you're back home and you're up.

CHIEF EDWARDS: Thank you. I agree with what's been already said about this issue. And I think if we look, for instance, right now in our State, we have the State Attorney General's Manual for Law Enforcement Officers.

So, as I recall, if you look at the Attorney General's Manual, there's a section on Law Enforcement use of force, deadly force. So I think there's some framework in there where we can set standards across the State. So, for instance, if your Department has a taser, these are the standards that your Policy must adopt. If it doesn't apply to you, then you can move onto the next section.

But, the statewide standard, I think, will serve as a way to have uniform use of force adopted across the Departments, because there's one law that governs the use of force in our State. So I think Agencies developing Policies around that one law that would be judged by either the Attorney General's Office, or County Attorneys, makes perfect sense. I think it's consistent. I also think that Policy could be shared with the general public in broader terms, so they begin to understand what Officers are experiencing, why they're using certain levels of force, and what's consistent.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Johnson, you're up next. Good afternoon.

MR. JOHNSON: Good afternoon. How are you?

DEPUTY ATTORNEY GENERAL YOUNG: Great.

MR. JOHNSON: It's my understanding that CALEA is a standard by which we would essentially adopt across the State. There's nothing in CALEA that we wouldn't do. In fact, that would serve as a baseline. Would that be a correct response, anybody?

CHIEF EDWARDS: I would just say that, when it comes to CALEA, I actually established a CALEA Agency. You just can't take a CALEA standard and use it that way. That's not how it's done. I understand the standardization. But to your point, specifically, if an Agency was adopted, or we adopt a model Policy along the CALEA lines, yes, it would be consistent with what we are trying to accomplish.

MR. JOHNSON: Okay. So, if that's the case, then why don't we take CALEA standards, adopt them as a statewide standard, and be done with this issue across the board? It's kind of simple. We will just say, okay, these are State standards. They happen to be CALEA standards. But so what? It's a baseline.

If it adheres to a certain municipality, then it does. If the municipality has to do something different because they don't have that issue, then they don't. Having said that, we can do one, adopt it, and move on. What do you think?

DEPUTY ATTORNEY GENERAL YOUNG: I see lots of hands raised. So we're not going to move on that quick. So, in the queue is still -- Ken was in the queue. And then, we will go to John and Mark.

DIRECTOR NORTON: Am I next? Ken?

DEPUTY ATTORNEY GENERAL YOUNG: You are.

DIRECTOR NORTON: Okay, thanks. Can somebody clarify for me? I'm a little bit -- what the existing New Hampshire Law is regarding use of force and how that would interface with what Policy we might use, question number 1. And then, question number 2 is: are there any other States that have adopted a standardized Use of Force Policy? Question 3 would be: what entity would oversee the Policies for most the Departments? Thanks.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Well, Director Scippa, your hand is up. So I will let you go. I don't know if you can answer any of Ken's questions, or if it back with Rogers' question.

DIRECTOR SCIPPA: I can certainly take a swing at it. So, to Mr. Johnson's question, my understanding is what happened, we used to have a state accreditation system here that was based on CALEA standards. We thought the same way that Mr. Johnson is thinking right now. And CALEA, my understanding, got wind of it, came and said that we're infringing on some copyright issues and that there was going to be some steps taken, if we did not cease and desist our activity. And that is why we don't have an accreditation State-level right now. So to Director Malachi's understanding, you got to follow the money on that one.

To Director Norton's questions, I understand that the Policy -- well, use of force, as a Policy, so that Policy has to be written so that it is supported by State Law, caselaw decisions. There are a number of caselaw decisions that set requirements and set appropriateness of use of force: *Graham v. Connor*, *Tennessee v. Garner*. These are court cases that we have to build into those Policies. We have to also consider the 30 Guiding Principles set forth by PERF with regard to the sanctity of life, and at the same time, enabling Officers to do what they need to do with regard to the lawful application of force to reach lawful goals, acting under the color of law.

So there's a lot of different bits and pieces that come into developing a Policy, particularly that in use of force. I don't know if that answered, I think, your first question, Director Norton.

DIRECTOR NORTON: Yeah, sort of. And I thank you, Director, because I'm also getting at that statewide accreditation piece which I think we keep talking about. And that was part of my question about who would oversee these Policies.

But, as I understand it, I mean, I think two things. One is that some States have started to change their laws regarding use of deadly force. And I don't want to speak for Mr. Lascaze. But I think part of the point of all of this is that the general public is questioning and would like to see changes in Use of Force Policies. And I don't understand the caselaw that you stated. I'm sure it's important. But how do we take all that into account in terms of what we might come up with as a recommendation for Commission?

And one other thing, Director, is if we were to move ahead with instituting some type of statewide accreditation now, is CALEA going to come after us again? You're muted.

DIRECTOR NORTON: Sorry. I would answer your second question first and say, no, because I anticipate that what we would do is hire people who are familiar with the accreditation process and just develop our own accreditation standards that are specific to New Hampshire. So, I think that's how we kind of get around the copyright issues.

And then with regard to your first question, I would implore everyone on this Commission to look very closely, that Kim just sent out to everybody, which is that model Guideline that's put out by the International Association of Chiefs of Police. And if you scroll down to the last page, you'll see how many different Police Organizations have vetted this.

And again, I go back to Attorney Jefferson's just way of explaining it, which is we use this document as the ceiling [sic]. You have to meet these minimum requirements in your Use of Force Policy. And these minimum requirements have been vetted all across the board.

On top of that, I think we add in there the now-lawful requirement that Officers are mandated to report misconduct, and that chokeholds are completely barred. And we use the New Hampshire Law definition of what a chokehold is.

But I think approaching it that way, using the IACP document as the floor, right, build in the New Hampshire pieces, and then allow for flexibility from Agency-to-Agency, because it is important. You could have three Police Organizations that are all CALEA-accredited. All three of their Use of Force Policies are going to be completely different. But they all will share those same -- and I keep going back to Julian's remark. They all share those same kind of floor-level mandatory pieces within their individual Policies. And I hope that kind of makes sense to everybody.

DEPUTY ATTORNEY GENERAL YOUNG: I have Lieutenant Morrison and then, Joseph, we will go to you. Okay?

LIEUTENANT MORRISON: Okay. I'm sorry. I didn't know that I was on deck. But I'm happy to answer questions. I think my point stands like we would want to suggest Policies include these bullet points or these topics. And I've been kind of messaging back-and-forth.

I can try to get the standards to read them, so people might understand a little bit better what the standards mean, how you create a Policy around it. I would have no problem if the State or PSTC, or some entity provided a sample Policy that you could use to draw from. But to, again, have that mandatory Policy, this is the Policy you will enact, I just wouldn't be in support of, because of the lack of flexibility, lack of sort of individual aspect of the Use of Force Policy that that would apply to all Agencies, instead of individuals.

DEPUTY ATTORNEY GENERAL YOUNG: Joseph.

MR. LASCAZE: Yeah, so, thank you. So actually what I was doing is I read the entire CALEA Use of Force Policy is what I was doing. So, I just finished reading that. And so, after seeing that, I do see how it does cover a lot.

But what I wanted to point out, I guess, is that there was a misunderstanding of what I was saying. I can see that now, that I wasn't talking about, when I say a uniform Policy, standardized Policy, I wasn't talking that this one Policy would be as in-depth as the CALEA Policy that I just read through.

It would be a floor for specific things, like Colorado just did, where they passed legislation, like we did, that barred chokeholds, that made it so that, if I remember correctly, that it outlawed deadly force against someone who was fleeing the Police and who didn't pose a substantial immediate risk of death or serious bodily injury. So, there were specific things that I was talking about that we can make a recommendation on, not that it would be the comprehensive standardized Policy, if that makes more sense.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes, I know CALEA's actually looking at making some changes to their standards. So, again, it's an organization that's ongoing of looking at things. And if they need to make changes, they'll make those. I think they have some ready to go out, whenever their next meeting, or whatever their approval process is.

But I think certainly we can include things in there, as we've kind of now went full circle around it. There's standards. There's things we know we want in those Use of Force Policies. I think one of the big things I heard John Scippa say that set the red flag off in my mind again of when he brought up PERF and the sanctity of life. And again, I don't know if that's how that's mentioned in the CALEA standards. But I think there's several things we should really look at: ICP, PERF, CALEA, and come up with those standards that we want to create for New Hampshire.

And maybe it's the point of getting the different organizations -- the Police Association, the Chief's Association, Police Standards and Training, maybe there's some other people involved -- to come up what those standards should be. And maybe that's the recommendation we bring forward to do that with a time/date to have that done.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Chief. Ahni and then Eddie.

DIRECTOR MALACHI: Question for the group, I thought in the Policies that we were looking at that we weren't drilling down to point-by-point specifics. So, I thought what we were saying was that it's important to include a Policy on de-escalation. But it may not have 12 points of what de-escalation means, to allow, once the Policymakers are looking at the specific Policy and what that looks like for the individual Agencies, or whoever's going to be over that, whether it's Standards and Training.

I thought that's more in lines of what we were doing, more so the broad strokes, to make sure that certain topics were included in all of the training and the State standards. Am I misunderstanding?

DEPUTY ATTORNEY GENERAL YOUNG: So I think for purposes of what we have to do in timing-wise, I do think we have to paint with sort of a broad stroke, because if we start to get too granular and start to craft policies, I don't think that this is the mission of this group. I think that we have to make sort of the broad that there needs to be a Policy on. And then, I think that we just lay out the areas that

there has to be a Policy on, and then set the minimum, not that we tell you what the minimum is, but where to go to find a minimum. It sounds like we can't sort of reference back to CALEA. So we have to find at least sort of those minimum standards as a guideline.

DIRECTOR MALACHI: Or could it even be a combination? I mean, even if we included CALEA, since we all are understanding that that's the gold standard, let's say the State isn't going to be CALEA-accredited. But it eventually will create its own. But it sounds like, from what Director Scippa was saying, is that there are a variety of resources that the information can be pulled together and create that standard.

And I think we've had enough different testimony presented to us, as a Commission, that we could potentially agree to include maybe the broad topics of what the Policy is. And it would be based on resources and information from -- and then we can list the Agencies or PERF, CALEA, etc. that we know of, and then even say, and others, as appropriate, or something like that maybe. That was to the group.

DEPUTY ATTORNEY GENERAL YOUNG: So we're trying to craft something as we do this discussion. So we're going to send you something now. Look at it. See if it at least is a jumping off point, because we're never going to accomplish writing Policies, nor do I think it's our mandate.

I'm going to tell you. I don't have the skillset to write a Policy. It's just, I mean, we would spent the rest of our days writing Policy.

LIEUTENANT MORRISON: I'm just referring to the wording that was proposed, which is why I agree with you, Deputy Attorney General, that we shouldn't. And when we have the wording that says, "creation and implementation of a statewide Policy", that's where I took issue. So I think if we want to say all Departments will be recommended all Departments have a Policy on these things, great. But to say, this is your Policy, follow it, that's where I just had issue. I hope that's about as clear as I could distill my issue down.

DEPUTY ATTORNEY GENERAL YOUNG: So why don't you look at what we just sent as sort of a first try? It's pretty broad.

DIRECTOR SCIPPA: Madame Chair?

DEPUTY ATTORNEY GENERAL YOUNG: Go ahead.

DIRECTOR SCIPPA: I would suggest that we write, create Policy guidelines on the following topics.

DEPUTY ATTORNEY GENERAL YOUNG: Eddie.

CHIEF EDWARDS: Sorry?

DEPUTY ATTORNEY GENERAL YOUNG: You're up.

CHIEF EDWARDS: Oh, in looking at the wording, it kind of goes back to the point I wanted to make. So we're not going to create a Policy as a Commission. But, that Policy, or the standards, or the guidelines, should be created by Police Standards and Training. So, for instance, what I see here right now, the Use of Force Policy, I'm not aware of any Police Department that does not have a Policy on use of force. So, that's already occurring.

So, I think what we're trying to put together is if you look at RSA 627:5, that's generally the law that governs use of force for Police Officers. So, within that, we're trying to say that if you have a taser, if you have a extendable baton, OC spray, this is the standard by which your Policy should include. These are the standards your Policy should include. The force continuum, this is how this should be executed.

The reason I bring this up is, when we train Police Officers on the use of force, we train all Police Officers the same on the application and the use of that force. So, it would make sense that the standard would be consistent, right? We're not going to train a Trooper to execute handcuffing or takedowns differently than we would train a Police Officer in South Hampton. That standard, regardless of your Agency or regardless of where you work, or the size of your Agency, would be the same.

So we're looking for a recommendation on Policy to be developed by Standards and Training, or the Attorney General's Office, someone else push out to Law Enforcement that says, here are the standards by which you must live, because what we see in front of us right now, all these are taking place. I would even say in most Agencies, whether they're CALEA-accredited or not, a duty to intervene is in most of their Policies. Code of Conduct is in every basic Policy and Procedure Manual throughout the State in law enforcement. So, I think what we just put together is already taking place.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Joseph?

MR. LASCAZE: No, I'm sorry. I didn't have anything to say on that. If my hand was raised, I'm just reading over this and just looking at it.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you. Ken Norton?

DIRECTOR NORTON: Yeah, couple questions. One is, I guess, to all of us. If we made a recommendation regarding statewide accreditation standards, would that cover most of these Policy pieces? I mean, would that set the floor for us, because they would all end up being covered by those set of standards? That's first question.

Second question directed to Director Scippa, would adopting the IACP Consensus document on use of force clarify or improve standards in New Hampshire? And would it assist Police Standards in developing training and determining Officers' certification or decertification?

DIRECTOR SCIPPA: I think that the IACP guideline that was just sent around would certainly help really kind of help us as a Commission get our arms around what we're trying to accomplish, which is to make sure that every Police Department is including these minimal standards that have to be included in your Use of Force Policy.

To speak more specifically -- and you added kind of two or three extra questions in the question, so I'm not -- you talked about decertification. I'm not sure I understood how the last part of the question went.

DIRECTOR NORTON: Well, let me back up and just say so is it your recommendation that we adopt the IACP Consensus statement?

DIRECTOR SCIPPA: Adopt it in what way, to compel every Police Department to use this as a guideline for forming their Use of Force Policies?

DIRECTOR NORTON: Yeah. You tell me. I'm not sure what the best approach is.

DIRECTOR SCIPPA: Yeah, I agree with the Deputy General. I think if this Commission starts to get down into the weeds and actually draw out a Policy that everybody is going to have to comply with, it will not help us achieve what this Commission is trying to achieve, right?

I think, instead, if we use the IACP guidelines as that floor, these are the minimum requirements you have to put into your Use of Force Policy. Do it any way that fits your Agency. I think what it addresses, it addresses sanctity of life. It addresses prohibiting chokeholds, unless it's a deadly force situation. It speaks to defining different terms that are used within Policy. I think that would be a better approach than actually trying to issue a Policy, or create a Policy and then push it out.

DIRECTOR NORTON: So I'm willing to make that as a recommendation, but would be interested in hearing what other Commission Members think.

DEPUTY ATTORNEY GENERAL YOUNG: So, before we take comments on that, Ahni and then anybody else, as well, going to have further discussion on Ken's proposal.

DIRECTOR MALACHI: Okay. I just want to be clear on what we're doing. So, Chief Edwards std that the list that we put together, the quick list that was sent around to everyone, all of these things -- even though most of us had those in our recommendations, individually -- these are all things that are actively happening today in the State of New Hampshire. Before I move on, Chief Edwards, is that correct, or any of the Law Enforcement?

CHIEF EDWARDS: Yes. What I'm referring to is the short list that...

DIRECTOR MALACHI: Yeah.

CHIEF EDWARDS: As far as I understand it, every single Police Department has a Use of Force Policy. And within those Use of Force Policies, generally speaking, are things in their standard Policies and Procedures that deals with Officers' Code of Conduct, reporting misconduct by other Officers. All those things are already there. In fact, some of things are things that are covered in their recruitment process and interview process, when they're hiring the Officers. So, yes.

DIRECTOR MALACHI: Okay. So then, if those things are already there, then, as a group, are we recommending or considering recommending that there's a ground level of accountability in each of those sections that may be a higher standard than what's already happening, because if this list is stuff that we're

already doing, why are we recommending what we're already doing, if we're already doing it, question to the group?

And I may be misunderstanding that what we, as a group, are recommending is a higher standard of these things. Help me out, you all.

DEPUTY ATTORNEY GENERAL YOUNG: So I'll pose the question to the Chiefs. You're from varying Departments, right, from somebody who ran the State Police. Eddie, you had a State job, then you were in a small town. Scippa, you were in Stratham.

I mean, I get that everybody's got a Use of Force Policy. I get that. Everybody has their own Code of Conduct. Did you have sort of what we're considering, sort of the modern day, a duty to intervene or a duty to report misconduct? If you saw an Officer using force that you believed was excessive, no fine line, you knew, did you have Policies saying that you, the witnessing Officer, had to intervene?

CHIEF EDWARDS: Yes, we were a CALEA advanced accredited Agency at Liquor. So we had all those Policies in place. But we also had those Policies in -- I shouldn't say a Policy. But many of these things were also covered annually, in different areas of our Policies, as well.

So when we talked about use of force in our four-hour block of instructions, some of these things were covered at that point, too. And I understand that, again, I will keep saying this that many Agencies that are not CALEA-accredited but are very professional organizations have many of the standards that we're talking about.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. John or Commissioner, do you want to respond?

DIRECTOR SCIPPA: So, I can tell you that we had Policies on Police conduct and Police behavior that was not included in the Use of Force Policy. It was included in Code of Conduct Policy that was even more broad, that they had to report anything that they saw that was unlawful or unethical. So, again, I think any Police Department is already addressing these things in a very dutiful way. They may have different ways of addressing them. But those are being addressed and looked at.

I think (inaudible) that are probably starting to become more specific that we should really kind of send the message out to is the -- excuse me -- duty to intervene, duty to report misconduct, particularly excessive force, and the prohibition on chokeholds. And I just sent something out, Kim, to shoot everything out. And I just kind of proposed some language, as well, for the Commission's consideration.

DEPUTY ATTORNEY GENERAL YOUNG: So, I will direct you back to the screen that's about to be shared. So if everybody has a Use of Force Policy, you have a Code of Conduct that may encapsulate duty to report misconduct or duty to intervene. Doesn't Lieutenant Morrison's recommendation capture it? And if so, can we adopt this and then move onto the next section? That's not a directive. That's a point of conversation.

MR. JOHNSON: I have no problem with this.

DIRECTOR MALACHI: Can we hear again what Lieutenant Morrison was suggesting, please?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. So it's on the screen, Ahni.

DIRECTOR MALACHI: Oh.

DEPUTY ATTORNEY GENERAL YOUNG: As a recommendation for Policies, recommend all Law Enforcement Agencies maintain Policies consistent with nationally accepted best practices. In the absent [sic] of CALEA accreditation, every Agency should have a review of all Policies by a qualified Advisor.

Now, if you want to just sort of to make sure you have belts and suspenders maintain Policies including but not limited to, if you want to put duty to intervene, report misconduct, prohibit chokeholds, you could put that in there, as well. And then, that would capture everything.

DIRECTOR MALACHI: I'm not opposed to that. How does everybody else feel?

DEPUTY ATTORNEY GENERAL YOUNG: Can you do me a favor? I'm sorry. Go back to Morrison recommended all Law Enforcement Agencies implement (inaudible), including -- put a comma. Whoops.

COMMISSIONER QUINN: Jane?

DEPUTY ATTORNEY GENERAL YOUNG: Go ahead, Commissioner.

COMMISSIONER QUINN: Sure. I have a comment. I'd agree with the basic principle, what's been discussed on Policies of minimum standards, the floor. I think our job, this Commission, should be focused on use of force, the force continuum, and obviously eliminating any excessive use of force. That's what we're narrowly should be focused on.

We have 134 Policies in the State Police. We have been in a process several years now to have all of our Policies updated so that they are CALEA-compliant. So that is taking us a couple years. And we are in the process of getting those finished and hopefully posted. That's the first step to being CALEA-compliant Policies.

I just want to share this. Lieutenant Morrison knows this better than I do. There's another part of being CALEA-accredited. And that has to do with physical site security. So it might be a little different for Agencies that have many different outposts, remote locations, places where they store evidence. There's physical security.

So I guess the only question I have is, I agree with use of force in Policies, the minimums. But just make sure that we capture our recommendations, handle everything in this arena. And in the absence of CALEA accreditation, every Agency should have a review of all Policies by a qualified Advisor. Before I say yes to that, I want to understand what that means. So right now, we're in the process of dealing with a vendor that is a CALEA-accredited and a CALEA Advisor.

So I think the language needs to be whether it's IACP, whether it's CALEA, there's a couple nationally accepted gold-standard models for Policies. If we can kind of agree on that, those being minimum standards in these areas of use of force, nondeadly force, and conduct, we just have to make sure that the Agencies that are existing out there, that have, whether they're CALEA Policies or -- have these minimum standards, as Attorney Jefferson said, the floor that we're not putting them through any unnecessary work,

and as well as Police Standards and Training, because there may be some Agencies out there that meet these minimum standards. But we don't know what they are until we see them. And some Agencies have them already, because they are CALEA-compliant. So, that's all. I didn't mean to be lengthy with that comment.

DEPUTY ATTORNEY GENERAL YOUNG: No, that's a good catch on the what is a qualified Advisor, because that's exactly going to be the debate. So here's sort of where, based on the conversation, we boiled it down. So, I welcome suggestion or comment on this. Chief Dennis and then we have Chief Edwards and Attorney Jefferson. So, Chief Dennis, go ahead.

CHIEF DENNIS: Okay, just making sure I wasn't muted, sorry. I did have a question on the what a qualified Advisor was. I like what's written. I still have some concerns of we're just recommending that people maintain their Policies. We're telling them it shouldn't be limited to the certain things that we list in there. In the absence of a CALEA accreditation, everybody should have a review of all Policies by a qualified Advisor.

Certainly, we've raised the question: who is a qualified Advisor? Is it the Defensive Tactics Instructor at the town next door to you? Is it an Attorney? Who is that qualified Advisor? And also, how often does that review occur? Are they just doing it once and then you're off the hook of making sure you're keeping those Policies up to national standards and best practices?

So, I still like the idea of getting some organizations together, coming up with some standards to create that minimum floor, using best practices, whether it's from IACP, CALEA, PERF. Come up with something by a certain time limit to present that Agencies would have to incorporate those into their Use of Force Police. That's all I have.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Chief. Eddie?

CHIEF EDWARDS: Yeah, I hate to put more work on Director Scippa. But, again, we're going to need someone to convene and carry out, and establish these minimal floor standards, right, because, again, if Agencies are doing these, and we want to make sure that Policies have these minimal guidelines, what organization is going to be responsible for creating that minimal standard, right?

And so, a qualified Advisor, who's going to approve that qualified Advisor? Are we going to leave it up to everyone? So I think that's a very broad term. So I think if we go back and we kind of ask the Director to work with Law Enforcement to create those minimal standards, and that the Police Council hopefully will adopt those standards, put them into rule. And we've created a floor that has to be adhered to.

LIEUTENANT MORRISON: Just if it makes it easier, I'm happy to remove that last sentence. My initial suggestion, I submitted this in my proposals, it was just basically a way of saying, yes, these are nationally accepted best practices.

All of the concerns about what a qualified Advisor is are very well-founded. Commissioner Quinn's indication that there are a lot of Agencies that have Policies that are perfectly acceptable Policies that are not CALEA is also correct.

This submission was a very simple way to capture a lot of the concerns that we've been speaking about. So, want to remove the qualified Advisor, that's fine, or that last sentence. But I think having the Policies consistent with nationally accepted best practices is a very good catchall that would really encapsulate what I think our goal and our charge is that we want to make sure that everybody's following the same set of good Policies.

COMMISSIONER QUINN: Jane, one more comment.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, go ahead, Commissioner.

COMMISSIONER QUINN: I think the terms "continuously review Policies" is also reasonable because, as laws change, Policies, they need to be continually reviewed to make sure that they are current. So, I think that that's important, too, that, once these Policies are at a level that the Commission agrees is kind of the floor or a benchmark, that Agency Heads continuously review them to ensure that they're compliant with law and best practices.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. Julian, I think you were up next, followed by Ahni, and then Joseph.

ATTORNEY JEFFERSON: Thank you. So I cannot support this at all, as it's written. This reference to catchall provisions and that's kind of the point. It has no teeth and meaning to it. To go back to what Chief Edwards was saying and what Chief Dennis was saying is we're looking to create minimum standards, speaking with one voice so that we have minimum standards that we, as community members, all know that all Police Agencies have to follow. And if Police Agencies want to go above and beyond that, great.

This recommendation is reversing what we've all agreed upon with potentially the exception of Lieutenant Morrison, is that, instead of New Hampshire's Police Standards and Training consulting with relevant Law Enforcement Agencies and then coming up with these minimum standards, we've now turned that completely on its head in saying, we will leave it up to Law Enforcement Agencies to mandate, to review their individual Policies.

And that does not give any comfort to the community that we're speaking with one voice, that we know that there's these minimum standards that are going to apply in every Law Enforcement Agency. So I think we've taken our whole conversation and consensus and turned it on its head. And I certainly cannot support it as it's written. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So not to put you on the spot, but take a shot at -- I mean, did you like the first ones better?

ATTORNEY JEFFERSON: Correct, yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Do you agree that we cannot write the Policy? I mean, we cannot write each of these Policies.

ATTORNEY JEFFERSON: And I absolutely agree with you.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

ATTORNEY JEFFERSON: So, the original language that we were tweaking, that option number 1 that we were talking about, is I think is where we were going, that there is a statewide -- I think we started with -- yes, there we go. Yes, this language, I think, is much -- yeah. So that language, I think, is much closer and is much more of a consensus that recognizes the needs of the conversation that we're having.

And it seems to be that there's widespread agreement that we need to have these minimum standards that all Police Agencies follow, and that doesn't frustrate Police Agencies from going above that standard, but to not have a minimum standard. And it does make sense to go to Chief Edwards' points that it comes from the Director of our statewide Police Training Academy, in consultation with the Chiefs of Police and all Law Enforcement Agencies, and say here's the minimum. Here's what we all agree upon. You want to go higher than that, fine. So, I would say this language, I'm comfortable with. I would not be comfortable with the other language. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: So, who creates this? So, is that Police Standards and Training? And if so, John, is that something that you can do? Is that something you have to go to the Council? And then, are we back to JLCAR rules? So, where are we on that?

DIRECTOR SCIPPA: Deputy General, under RSA 106-L, we have statutory authority to create model Policies. And again, those model Policies really just serve as a guide for Police Departments to kind of build off of.

And so, to Attorney Jefferson's point, I think the way that this is written here, the only thing that I would include is the prohibition of chokeholds, which I think needs to be definitively mentioned within a Use of Force Policy, now that the law has changed.

And positional asphyxia, that is a whole separate Policy, quite frankly. Yeah, and for positional asphyxia is a condition. It's not a technique. So, we would love to prohibit positional asphyxia. But we have to prevent against it. That would be a better way of writing it.

DEPUTY ATTORNEY GENERAL YOUNG: So, is that something you could execute on?

DIRECTOR SCIPPA: I don't know who's adding prevent against positional asphyxia. That's like a whole different...

DEPUTY ATTORNEY GENERAL YOUNG: So you're a little wobbly. So what we are (inaudible) that. She did it better than we did.

DIRECTOR SCIPPA: I'm sorry?

DEPUTY ATTORNEY GENERAL YOUNG: What was your language that you used for that?

DIRECTOR SCIPPA: I would just take it out and think that, at least, in my experience, that's covered entirely in a different Policy. And it speaks directly to that Policy. I think what we're talking about is we're trying to set guidelines in the Use of Force Policy to address duty to intervene, duty to report, conduct, prevention of chokeholds. I think there's a better way to word that last bit, if it has to stay.

DEPUTY ATTORNEY GENERAL YOUNG: Julian?

ATTORNEY JEFFERSON: So, Director Scippa, I'm certainly open to any feedback from you or other Commission Members. The only reason why I've been advocating for that is that we have heard from Law Enforcement here that positional asphyxiation can be an issue. And we know that recent death in Arizona where the man was laid in the prone position on the ground, with the handcuffs, and that positional asphyxiation led to his death.

So that's why I think it's something that we need to talk about. And I'm fine dealing with it even as a separate recommendation at a later time. But it's something that I think is important. It can lead to death. We know it's very recently led to death. And I think it's part of use of force in the sense that this happens when a person is being subdued. They're being handcuffed and being laid in this prone position, either in the back of a cruiser or on the ground, for an extended period of time. It causes that positional asphyxiation.

So Police Agencies and Law Enforcement Officers need to be very aware of that and guard against it. And so, what are your thoughts on that, as a topic? And should we just move that to another day? Or what are your thoughts?

DIRECTOR SCIPPA: I think a better way to word it would be something to the effect of procedures to help prevent positional asphyxia.

ATTORNEY JEFFERSON: I'm fine with that.

LIEUTENANT MORRISON: Or to guard against positional asphyxia.

ATTORNEY JEFFERSON: I'm fine with that, as well.

DIRECTOR SCIPPA: Yeah, guard against, yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Any other comment on this, or any Motion to Adopt this?

CHIEF DENNIS: Yes, Deputy, just one quick comment. I think Attorney Jefferson mentioned it. Just at the top, I like the way it's starting to look. Just where it has NH PSTC in collaboration with other Law Enforcement Organizations shall create the Policy.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Whoops, sorry. NH. Ahni, did you have a question or comment?

DIRECTOR MALACHI: Yes, so where we're here with Use of Force Policy, the July 2020 IACP, further down, when we sort of rewrote this, was there some clarity on, were there other governing bodies, or other Agencies, or thinktanks? I'm not sure the right word at this point. But something similar to IACP that we wanted to include there, so that it's clear that there's a couple of different Agencies, or areas, that Policies are being looked to, to incorporate best practices into what we're doing? Or do we just want to say IACP and that's fine?

CHIEF DENNIS: I believe it should go further, just as Director Scippa mentioned. Not only you could mention CALEA, the Police Executive Research Forum, or other organizations.

DIRECTOR MALACHI: Okay. I think NOBLE should be included, because that's the -- correct me if I'm wrong -- National Organization of Black Law Enforcement Executives?

CHIEF DENNIS: Executives, that's correct.

DIRECTOR MALACHI: Okay. So NOBLE should certainly be included.

DEPUTY ATTORNEY GENERAL YOUNG: So, should the next word be "standards", "requirements"? What would be the...

DIRECTOR MALACHI: Yeah, maybe standards. Chief?

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

DIRECTOR MALACHI: Any of the Chiefs, what do you think?

CHIEF DENNIS: And actually, I don't know if July 2020 -- the Report that Director sent out was from 2017. So I don't know if IACP has updated that.

DEPUTY ATTORNEY GENERAL YOUNG: So we will take out the reference to July. We will just say with the guidelines of...

CHIEF DENNIS: Okay, perfect.

COMMISSIONER QUINN: Jane, I have a question. Just as this reads for everybody, I understand the first sentence. But the second, Use of Force Policy, at a minimum, this Policy should comply with guidelines set forth. And then, you go to duty to intervene, Code of Conduct. Do you want to say something like the Policy should include areas that address this? It's not clear what we're trying to say. What are we recommending?

DEPUTY ATTORNEY GENERAL YOUNG: So the way that this reads right now, right, they're recommending Policies, right: Use of Force, Duty to Intervene. So, should the, at the minimum, this Policy should comply, should that modify all of the Policies, or just the Use of Force Policy?

COMMISSIONER QUINN: And again, this goes back to what was brought up. I think some Agencies might have two-in-one. Their Code of Conduct might be in their Rules and Regulations. But is it a Code of Conduct for Use of Force? Or is it a Code of Conduct how you comport yourself off-duty, professional standards?

So I think we just need to be clear. I think everyone agrees on those five additional topics. It's just, are they incorporated within the Policy? Or do we just make sure that those areas meet the minimum standards?

DEPUTY ATTORNEY GENERAL YOUNG: Correct.

COMMISSIONER QUINN: We just have to be clear.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, I think that that's what the intention of the Commission is. So it may not be captured. So, if you can clean up the language a little bit, I welcome you to go ahead and do it. We're trying to do multiple things here, so sorry about that. These are the topics that serve as the minimum standard. I think these are the topics that this group is concerned with.

COMMISSIONER QUINN: I'm trying to write over it, and I'm unable. So if anyone else wants to jump in, I think we all agree.

DIRECTOR MALACHI: So, where it says Use of Force Policy and it says, at a minimum, blah-blah-blah, and it goes to the acronyms, what if that part moves up into this top paragraph, because that covers everything that we're listing below it? And we're using NOBLE, IACP, etc., etc. guidelines or standards to cover all of these: use of force, duty to intervene, blah-blah-blah.

COMMISSIONER QUINN: That makes sense.

DEPUTY ATTORNEY GENERAL YOUNG: Does that do it?

JUDGE GARDNER: You're missing comply.

COMMISSIONER QUINN: That all Law Enforcement Agencies must, okay, at a minimum, comply. Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Is that better, Commissioner?

DIRECTOR MALACHI: I think the minimum-minimum is weird. But I haven't quite figured out how to fix that, if anyone else has a thought. I mean, they're both important. I just don't know how to fix it.

LIEUTENANT MORRISON: Are we talking about making sure that we're creating minimum standards to be included in the Use of Force Policy? Or are we trying to make clear that Police Departments must cover the following items somewhere within their Policies?

ATTORNEY JEFFERSON: So, I think what we're saying is that your Agency is charged with creating these minimum standards so that every Policy has to comply with these minimum standards. And then, they're free to go above and beyond that in all of those different areas.

COMMISSIONER QUINN: Attorney Jefferson, haven't we already done this to not create more work for Police Standards and Training? Aren't we saying that the standards should be complied with guidelines set forth by either IACP, CALEA, PERF? I mean, if those are the gold standard, isn't that kind of a roadmap where PS&T wants to ensure?

In other words, there might be an Agency out there. Londonderry, CALEA-compliant, might have that all in. What are we asking for the Agency that's met it, to send their Policy to PS&T, or to be able to look online and say, I see what the guidelines are, what the standard is, as set by the Police Standards and Training Academy? I meet these. Or do you have to submit it and have it approved? That's what I think we need to be clear of. What's the process?

ATTORNEY JEFFERSON: Right, so, no, I'm not suggesting any submission or approval process. And that goes to Lieutenant Morrison's point that that does, then, encroach upon individual Police Agencies. So what I'm saying is that the intent of this rule is that Police Standards and Training Council, after consulting with Law Enforcement Agencies, creates these minimum standards. And as long as your Policy complies with those minimum standards, if you want to deviate in any way to go above and beyond those, that's great. You just have to comply with these minimum standards.

So it's up to the Police Standards and Training Council to say, in these different areas, here's the minimum threshold you must meet. That gives confidence to the community that we know that, at a minimum, every Police Agency in this State has to follow these minimum standards. And then, of course, every single individual Law Enforcement Agency can go above and beyond.

And there's nothing in here that would create some kind of condition that their Policy has to be individually reviewed and approved by Police Standards and Training Council. That's not something that this recommendation would do.

COMMISSIONER QUINN: Excellent; and just so you and I are on the same page, it would be the responsibility of the Head of the Agency to follow up and ensure that those Policies meet those standards.

ATTORNEY JEFFERSON: Correct.

COMMISSIONER QUINN: Okay, thank you.

LIEUTENANT MORRISON: You'll get back to my wording eventually. That's okay.

DEPUTY ATTORNEY GENERAL YOUNG: While we try to put what we think are the final touch on it, Joseph, question/comment?

MR. LASCAZE: Yeah. So I agree with this. I agree with what Attorney Jefferson has said in this. And I just would like to just add just one -- bring one thing up is that if in touching on what Attorney Jefferson was saying about the community and feeling as if they know what's happening, we could have a guideline that would include, under the duty to intervene and the report misconduct, if we could include specifically that there's a Policy guidelines on the duty to report, what the consequences are for failure to comply with those duties, that that be included in that guideline, just so that the public knows the whole process of this guideline, that it's clear to them in one place.

DEPUTY ATTORNEY GENERAL YOUNG: So, Joseph, my only comment to that would be, would that be here, or would that go better in the misconduct section, as opposed to sort of this training piece?

MR. LASCAZE: Oh, and that's fine. I'm happy to address that.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. But can you bring it up again there, because I think, right, if there's misconduct, it needs to be reported out for transparency. I just think it's probably better in another section.

MR. LASCAZE: Okay. Yeah. And we can refer back to this later on, when we address it.

DEPUTY ATTORNEY GENERAL YOUNG: Definitely.

MR. LASCAZE: Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah.

MR. LASCAZE: Absolutely, okay.

DEPUTY ATTORNEY GENERAL YOUNG: Does that make sense?

MR. LASCAZE: Thank you. Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Anybody else have any comments or questions, or do we want to move forward with this?

DIRECTOR NORTON: It's Ken. Can I have one suggested edit, which would be that I'd like to check with Director Scippa to say New Hampshire PSTC, in collaboration with other Law Enforcement Agencies and community stakeholders. I don't know how burdensome that would be to add that.

DEPUTY ATTORNEY GENERAL YOUNG: John?

DIRECTOR SCIPPA: Candidly, I think it would be very burdensome. I think it would make it extremely difficult to get to what you folks are trying to get to here with this particular Motion. With that said, I'd like to see this kind of rewritten, because it's asking this Agency, along with collaboration with other Police Agencies, to create guidelines in the following topics.

And then, the guidelines we come up with must be the guidelines that must comport with recommendations set forth. It might be easier to say that New Hampshire Police Standards and Training, collaboration with other Law Enforcement Agencies, and using nationally-vetted best practices, as set forth, we could come up with following minimum standards. And I'm happy to rewrite that for consideration.

DEPUTY ATTORNEY GENERAL YOUNG: Without it (inaudible), this seems more efficient doing it this way.

LIEUTENANT MORRISON: Just as a quick side note, CALEA standards are designed and created with, or in collaboration with NOBLE. So they are part of the standard creation process. I don't know if that matters to anybody.

And again, the reason I was kind of half-joking is because if we're not going to have a checking mechanism, I think this could be summed up in the one sentence that I had, which was recommend all Law Enforcement Agencies maintain Policies consistent with nationally accepted best practices, to include, then the list. We could just have that, and it would take care of -- because nationally accepted best practices can be from IACP or CALEA, or PERF. I don't know if just the simplicity matters, of if people are happy with this wording.

ATTORNEY JEFFERSON: So, I would say it matters, because there is a big difference. So the distinction is huge. It is not that every single Police Agency can just have their own Policy. They have a duty to make sure that, once Police Standard, Training, and Council [sic] has these minimum standards, that their Policy has to comport with that. So I think that is a very meaningful difference in between your language and this language.

LIEUTENANT MORRISON: Okay. I think it's just the same thing just said differently. But I appreciate your opinion on it. It is what it is. I'm not going to out-best practice somebody in that realm.

DEPUTY ATTORNEY GENERAL YOUNG: So, Judge Gardner has a comment. And then, I'm going to have to wrap up this Policy section, because we have to move onto other sections. So, Judge, are you still there?

JUDGE GARDNER: I'm still here. It's just a really minor thing. But my pet peeve is ending a sentence with "with". So if we can say instead, a standard with which all Law Enforcement Agency must comply, that's it, just a grammatical thing. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: And I never end a sentence with a pronoun. All right. So, this, I think, is as wordsmithed as we're going to get it. Do I have any Motions to move this forward as a recommendation, under the Policy section? So, Ahni, what is your Motion?

DIRECTOR MALACHI: Oh, that's a good question.

DEPUTY ATTORNEY GENERAL YOUNG: To accept this recommendation?

DIRECTOR MALACHI: Yes, what you said.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Do I have a second?

ATTORNEY JEFFERSON: Second.

DEPUTY ATTORNEY GENERAL YOUNG: Julian second. Okay. So, I will take a roll call.
Commissioner Tshiela?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Chief Edwards, I thought I saw him on the move
again. Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Are you there?

CHIEF EDWARDS: Yes. Yes.

DEPUTY ATTORNEY GENERAL YOUNG: You're a yes. Okay. Julian, you were the second.
Mr. Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Fallon, President McKim is not on, correct?

MS. REED: Correct.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Johnson?

MR. JOHNSON: Aye.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Director Malachi, you were the second.

DIRECTOR MALACHI: First.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, you were the first. You were the first. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. And I vote yes. We're batting 1,000, guys. We're batting 1,000. So now we have to move onto Police Standards and Training. I think that that's the next. So, Julian, you sent us some proposed language. So, following up, Rogers, if we have it, let's just get to it and see if we can agree, or have further discussion on it. So, you're not sharing. No. Can you? We're going to share with you here. So, Julian, I'll let you go over this. Okay? The floor is yours, Julian.

(No response)

MS. REED: Attorney Jefferson, you're muted, sir.

ATTORNEY JEFFERSON: I'm sorry. So, I think we can take out the statewide Use of Force Policy, because we dealt with that. Let's see. Yeah. So what I simply did was I just simply took Policy recommendations from several people and put them into one document for us to consider.

So, we can do these one-by-one. Or if we have an agreement to all of these, we can just do it as a Motion. I just present it to the Commission and we will leave it there.

DEPUTY ATTORNEY GENERAL YOUNG: Can I talk about the statewide Policy to address Law Enforcement perjury? And I think I need probably help from John Scippa on this. So if somebody's charged with perjury, right, that's a crime. Wouldn't they be brought -- and the Judge may be able to

answer this, too -- wouldn't they be brought before Police Standards and Training pretty early on in the process and at least initially have their certification suspended?

DIRECTOR SCIPPA: The quick answer is yes. If a Police Officer, Corrections Officer, Probation and Parole Officer is arrested or indicted for anything, they are immediately suspended. Now, with that said, the way the rules are set up now, if there is an investigation taking place, Council may or may not suspend the certification during the investigation. And they take that on a case-by-case basis.

And I guess to bite off these big chunks like this and say, this is what we're going to do, and have all if these points put in there, I think that it would be much better if we just break these out piece-by-piece and decide whether each piece is needed and proper. This seems to be pretty significantly broad and all over the place. And I'd feel much more comfortable if we were able to talk about these specifically and vote on them specifically.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So why don't we start on the first one, then, the scenario-based training should be increased by New Hampshire Police Standards and Training and Law Enforcement Agencies? Any discussion on that? Any Motion on that?

DIRECTOR SCIPPA: I would make a Motion to accept that.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, Director Scippa make a Motion. Ahni, you second that Motion?

DIRECTOR MALACHI: Sure, I'll second that. I also had a quick question. Attorney Jefferson, do you remember when you emailed this over? It's a little hard to see this one. I'd like to look at your email, if I could.

ATTORNEY JEFFERSON: Yeah, it was right before we came back, so like 1:15-or-so.

DIRECTOR MALACHI: Okay.

ATTORNEY JEFFERSON: 1:15 p.m.

DIRECTOR MALACHI: Okay, thank you. And yes, I will second that, Deputy Attorney General.

DEPUTY ATTORNEY GENERAL YOUNG: Or Jane. Ken, do you have a question, or were you raising your hand for a second?

DIRECTOR NORTON: I was raising my hand for a second.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So Ahni got there first.

DIRECTOR NORTON: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: Rogers, you have a question is my understanding.

MR. JOHNSON: You are correct, ma'am. I'm just questioning the additional cost to local municipalities, based on the fact that onsite training means that their Police Officers have to be someplace. And the various municipalities have to, then, make up the shift that these Officers have to miss shifts. So is there a cost to this? Is it de minimis? Or is this something that may be more substantial?

DIRECTOR SCIPPA: And to answer your question, I guess, begs a question here. Are we talking about scenario-based training at the Academy level and/or in the in-service level, because to Mr. Johnson's point, that may -- and again, I know we're not making recommendations predicated on cost. But that is a very real factor.

So, certainly scenario-based training should be increased at the Academy level. Is this also speaking to the in-service level?

DEPUTY ATTORNEY GENERAL YOUNG: Julian, since this is your recommendation...

ATTORNEY JEFFERSON: I would...

DEPUTY ATTORNEY GENERAL YOUNG: Oh, can you clarify that?

ATTORNEY JEFFERSON: So, I'm going to defer that right over to Chief Edwards, because this was his recommendation. I saw it. And I liked it. And so, that's why I think I put it in this compilation. So I think Chief Edwards should speak to that.

CHIEF EDWARDS: Sure. And I think when we look at the recommendation, this is a recommendation to increase the scenario-based training. We don't have a timeframe on it. We don't have a deadline on it.

So, with the Academy, I think Director Scippa is working on that development. I think, with local Law Enforcement, we are recommending they increase their scenario-based training, because it helps Officers maintain that information, as well as serves as a reference point.

And again, some Agencies are doing this already. Some are not. But I think if we can encourage Agencies to adopt scenario-based training in some of these critical areas, it will certainly increase their understanding of laws and particularly around use of force.

And I say this. When I was the Chief of a very small Police Department in a very small town, we were able to do scenario-based training at a minimal cost. Granted, we work with surrounding Agencies to make that happen. But, I think it's one of these things that we're recommending. And the local Chiefs will figure out a way to adopt that into their training.

DEPUTY ATTORNEY GENERAL YOUNG: Go ahead, Rogers.

MR. JOHNSON: Yes. As I understand it, because it's a recommendation, I'm assuming that the local Chiefs of those municipalities will understand that, in so doing, they're going to be incurring a cost. So, they should know beforehand what that -- not that we need to tell them right now -- that there is going to be a

cost incurred to do this, because it's a recommendation. They don't have to do this apparently. But it's recommended that they do. And because they do, they should know that there's going to be a cost incurred. So they should be prepared for that.

That's the only thought in the back of my mind that we don't necessarily mandate this, because if we start mandating this, that means that the State's going to have to pay for it. And I don't want to go down that rabbit hole. That's it.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. Judge Gardner?

JUDGE GARDNER: Yes. I would agree that the scenario-based training is really critical. My only question is: what does this mean that adult learners are autonomous? I guess I just needed to figure out what, before I'm misreading it.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards, can you respond?

CHIEF EDWARDS: Sorry, can you hear me? Hello?

DEPUTY ATTORNEY GENERAL YOUNG: I can.

CHIEF EDWARDS: Can you hear me?

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner, can you hear him?

JUDGE GARDNER: Yes, I can.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. You're all set.

CHIEF EDWARDS: Okay. So I'm sorry. I didn't hear the question fully.

JUDGE GARDNER: Oh, so, Chief Edwards, I was wondering what you meant when you said research has revealed adult learners are autonomous. I didn't quite understand the usage of the term.

CHIEF EDWARDS: What I meant by that is that most adult learners learn independently, and they learn through action, and they learn through practical exercises. And they rely a lot on their prior life experiences, as well.

I mean, there is research around how adults learn. And those are some of the critical points that have been made in the past of how we educate and train adult learners, particularly Police Officers who are developing points of references. And scenario-based training helps further that adaptability of a new skillset or learned behavior.

JUDGE GARDNER: Thank you. That explains the word. Thanks.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards, I understand sort of the rationale. But what I would, as the Chair, recommend is that we just limit our recommendation that scenario-based training should be increased by New Hampshire Police Standards and Training and Law Enforcement Agencies, and then leave out the rationale behind it.

CHIEF EDWARDS: Oh, sure. I mean, I don't have a problem at all removing the language. When I made the recommendation, I just wanted to give some background, some basis for making the recommendation. I don't think my explanation of why we need to do it is relevant, in terms of a recommendation.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. No, understood. And now as I sit here and I read this, I know that we're talking about Police Standards and this is a Police Standards. But I'm wondering if this is not better in the sort of what I call the catch-all provision, because, as Rogers pointed out, it's New Hampshire Police Standards and Training, which John Scippa said they can do. When we start to mandate it to other Law Enforcement Agencies, I just think that this is probably better in the other category, or the catchall category.

But with that being said, we did have a Motion to Pass it, and a second. So I will take a roll call. So I will vote -- sorry, we're having to (inaudible). So, Ahni, it is that scenario-based training should be increased by New Hampshire Police Standards and Training and Law Enforcement Agencies. That's what you're moving to approve, correct?

DIRECTOR MALACHI: Yes, correct.

DEPUTY ATTORNEY GENERAL YOUNG: And who did I have the second from that?

MS. SCHMIDT: Oh, Ahni was the second. Director Scippa was the first.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

DIRECTOR MALACHI: Oh.

DEPUTY ATTORNEY GENERAL YOUNG: Now, Director Scippa, you were the first. Ahni, you were the second. All right. So, I vote yes. Commissioner Quinn?

COMMISSIONER QUINN: I vote yes with a comment, Jane. I think we should be clear that the heading of this from Julian, I think it's excellent. But just let's make sure that we know that the below is relevant to training and Policies. So maybe the Commission recommends the following be undertaken by New Hampshire State Police Standards and Training in the area of boom-boom-boom, just so it's clear, because we're going to go to other areas now, which might impact Police Standards. So, just to make sure we understand that these recommendations are narrowly to training and Policy and I vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. All right. Commissioner Johnson?

MR. JOHNSON: Aye.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: I vote yes. But I'm just concerned that we're now dealing with more submissions that just happened today. I'm still not sure if we're working through your suggestions in this eight-page document of distilled topics, or...

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, this was encapsulated in there. This came in. We've had this. This is not just today. I think what Julian did was he sort of did his own boiled down of some of them.

LIEUTENANT MORRISON: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: So this is one we have seen before.

LIEUTENANT MORRISON: Okay. I'll vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: It was Chief Edwards'. Okay.

LIEUTENANT MORRISON: Whatever.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Tshiela?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So now we will move onto the next one, which is establishing a statewide Policy to address Law Enforcement perjury. And again, I would just note we have a law that calls perjury a crime. Someone could be charged with it. So I guess I don't understand sort of the rationale behind the Policy. And again, I know that I've sort of asked this to Director Scippa. But there is a process for decertification for an Officer, when they've been charged and when they're under investigation.

And I guess my other question would be, who makes the decision of perjury? Is that after you've been found guilty by a Court, or is it if somebody believes that somebody lied? So I find this one problematic for more reasons than I can articulate right now. John Scippa, you were up first.

DIRECTOR SCIPPA: Based on your comments, Madame Chair, and with the understanding that we haven't really got to this particular topic, I would ask that this particular Motion be tabled until after all testimony with regard to Police misconduct is addressed.

ATTORNEY JEFFERSON: And I'm fine with that.

DEPUTY ATTORNEY GENERAL YOUNG: And that seems to be the area that it probably fits the best. So, can I have a vote on that? Yes. No. Yes, he moved to table it, right? So you moved to table it, John. And Julian, you agreed with the tabling?

ATTORNEY JEFFERSON: So, in order to avoid taking a Motion and a roll call, let's just move onto the next recommendation.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

ATTORNEY JEFFERSON: Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Perfect, okay. Thank you. But, like when I told Joseph to remember something in the future, you're going to remember to bring this one back up, right?

ATTORNEY JEFFERSON: Yes, I will.

DEPUTY ATTORNEY GENERAL YOUNG: I wouldn't have to remind you. Okay. So the next one up is improve and augment Police Academy training on diversity by conducting a review of the present lesson plan on cultural dynamics, and amend it to properly address the topic.

My only comment on that is: do you think that we covered that in our vote from this morning with the review of the curriculum? And John Scippa, you have earned your salary today. I am going to go back to you on this one to see if we've already incorporated this.

DIRECTOR SCIPPA: Thank you, Madame Chair. I stand ready for this challenge. I'm excited. I think, candidly, that I made a bunch of statements saying that I could deliver a bunch of things. I don't know that it was voted on.

So, in my mind, I think we've already addressed it since this morning. But I think the only thing that got voted on was the in-service piece. And I don't know that we voted specifically on the Motions with regard to the training I proposed at the Academy level.

DEPUTY ATTORNEY GENERAL YOUNG: We will go back and get the answer to that.

ATTORNEY JEFFERSON: I believe that is correct, because that was something that Commissioner Quinn had made a point about. And I think our language from this morning was all about in-service training and not Academy training, which is why I kept it on here.

COMMISSIONER QUINN: Jane, oh, hi, Deputy?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. I'm just looking at the language we used this morning. But go ahead, Commissioner.

COMMISSIONER QUINN: Okay. Yeah. And I just think that we got to globally fix this. And it should be all training on diversity, because if we at the State Police have a training curriculum, or another Police Department, we're not all going to go to the Police Standards and Training. So it has to be whether it's -- the same language that we've used in the past, so that -- I know each of you probably has some ideas on what is the best training. And the training differs. The Teachers differ. As Mr. McKim said, the curriculum, what are the goals?

But let's just fix this all at once so that we all agree we need to do this training. But what is it? How is it delivered? And what are the standards, knowing we may have differing Instructors/curriculums? But that's important to understand, unless this is your vision to have one set training on diversity.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. Ahni?

DIRECTOR MALACHI: So, my question is this. The earlier training that we talked about, yes, it focused on in-service. I don't know if we can go back. But would it make sense to add wherever we say in-service, Training Academy -- I mean, Police Academy, as well, since we want the people coming in and the people who have been here to have the same training? And then, you're reinforcing it in in-service.

Or do we have to do something completely different for the Training Academy? If it has to be different, then it should have the same language as the in-service piece is my thought. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: I think if the Commission could look specifically at the recommendations that I put forth only because it addresses exactly Commissioner Quinn's concern, and at the same time gives some meat on the bones, so to speak. And specifically, in my recommendations, I say that we should augment Police Academy and in-service training on implicit bias and procedural justice by adopting -- and

then I have picked something, the Fair and Impartial Policing or similar-type training. And I don't know that anybody has to type it over again as much as just capture it from the document I sent in. And then, the same thing holds true with mandatory reporting of Police misconduct and de-escalation. And the same thing holds true with cultural dynamics.

So I think, to address Commissioner Quinn's point, let me, as the Police Academy Director, identify and say, this is what we're doing at the Police Academy. This is the product we're going to use, or any other similar product that's going to meet that same goal. And again, that just allows us to be able to identify something as kind of this is the standard by which we want to hold everybody to. But we also have to provide flexibility across the board.

DEPUTY ATTORNEY GENERAL YOUNG: So, John, if I'm looking at yours, would that be Number 4 and 5 that NH PST will improve and augment Police Academy training on diversity by conducting a review of the present lesson plan or cultural dynamics and amend it to properly address the topic? And you say that that has a minor financial impact. Is that one of them?

DIRECTOR SCIPPA: So, that's one of them. And that's for the Police Academy. So that's the Working Group that we have put together on that particular lesson plan. And then the next bullet point speaks to impartial bias and procedural justice. And that might be a clearer way to address the concerns that the Commissioner had.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. We will pull those up.

DIRECTOR SCIPPA: Just to save time, we will probably want to also pull up my recommendation on training in de-escalation, where I identify something, and then also include similar training. And then, the same thing holding true on training on the duty to intervene by identifying ABLE training or similar training.

DEPUTY ATTORNEY GENERAL YOUNG: John, you want the ethics one, too?

DIRECTOR SCIPPA: Yes, please. And that's really just us reinstating a lesson plan that we already had that somehow got taken out in the recent past and replaced with something else.

DEPUTY ATTORNEY GENERAL YOUNG: We're going to get those up right now. I would assume that we could probably vote on that as a package, those five. Does that make sense?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Any other questions or comments, as we load these five Police Standards and Training recommendations in?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Okay. If you give us 90 seconds, we will get this up. And then, if somebody wants to make a Motion, we could take a vote on that. It's 3:30. Also, if you want a five-minute break to run and do whatever you need to do that, why don't we do that? Why don't I give you a five-minute break, and then I'll bring you back?

The over/under is 5:00 of when we're going to finish this meeting. I have the over. All right. We will take a five-minute break and we will come back. I'll give you nine minutes. We will come back at 3:40. We will get these typed in. Thank you.

MS. REED: Jane, I'm going to just pause the recording, while we're on a break, if you're okay with that.

DEPUTY ATTORNEY GENERAL YOUNG: Thanks, Fallon.

(Off the record at 3:31 p.m.)

(On the record at 3:40 p.m.)

MS. REED: You're all set, Deputy.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Okay. So we're back from our nine-minute break. And Julian, what we've tried to do is sort of boil the Police Standards and Training criteria down to the five bullet points in Director Scippa and Chief Dennis' recommendations. So we will go over these.

The first one is New Hampshire Police Standards and Training will improve and augment Police Academy training on diversity by conducting a review of the present lesson plan on cultural dynamics, and amend it to properly address the topic.

The next one, NH PSTC will improve and augment Police Academy and in-service training on implicit bias and procedural injustice -- excuse me, procedural justice by adopting the International Association of Chiefs of Police recognized Fair and Impartial Police training or similar-type training.

The third one is NH PSTC should improve and augment Police Academy and in-service training on de-escalation techniques by adopting the Police Executive Research Forum's Integrated Communication and Tactics training, which is called ICAT, or similar training.

Fourth one, NH PSTC should improve and augment Police Academy training on Police ethics by reinstating the ethics block of instruction.

And the last one is NH PSTC should improve and augment Police Academy and in-service training on the duty to intervene by adopting the Georgetown University's Active Bystander Law Enforcement, ABLE, training, formerly known as EPIC training, or similar training. Any questions/comments on these five, or any Motion to move forward with recommending these?

LIEUTENANT MORRISON: I'd make a Motion to Accept these five recommendations, as written.

DIRECTOR NORTON: This is Ken and I'll second it.

DEPUTY ATTORNEY GENERAL YOUNG: So, Mark, was that you, Mark, for the...

LIEUTENANT MORRISON: Yes, ma'am.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. And Ken, you second it?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. I'll take a roll call. Commissioner Tshiela?

MS. TSHIELA: Yes, also, unfortunately, I have to leave at 4:00 p.m. So I just wanted you to know that it's not technical difficulties. I just have to go.

DEPUTY ATTORNEY GENERAL YOUNG: It's your life. It's another part of your life. Okay. Well, come back. We probably might be here when you get home. Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton's already here. Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Johnson?

MR. JOHNSON: Aye.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. And I also vote yes. Okay. So what else did we have on the -- we had a few other topics on that list. So, Julian, do you want to discuss the next one that include New Hampshire v. Jones and any other State Court Decisions? Do you want to talk about that recommendation, please?

ATTORNEY JEFFERSON: Sure. And to be clear, I was just pulling these recommendations from other Commission Members. So this is something, along with the ones we just passed, were by Director Scippa. And just like those, I 100% agreed that this really incorporated our discussion. I think it was an excellent recommendation. And I fully support us adopting this as a recommendation. Thank you.

DIRECTOR SCIPPA: I second.

DEPUTY ATTORNEY GENERAL YOUNG: So the Attorney General's Office teaches at the Academy. But one of our recommendations was that we have somebody there fulltime looking at cases. Those of you that are Lawyers know that the (inaudible) was from the Supreme Court. But I personally have had a lot of conversations with Commissioner Quinn. I think it's also important to look at what's happening at the District Court and Superior Court levels to see if we see issues and if we can sort of ferret that out early.

So, while I support this, I also think that you also have to have sort of a boots on the ground to do this. And I think, with no disrespect to Director Scippa or his staff, sometimes I think you need a Lawyer that can see some of these issues and try to say, hey, listen, you got to try this, or you can't go there until you develop this additional information.

So, I would probably also include that there be somebody embedded at the Academy fulltime with a Law Degree, preferably from this office, to work with that. So that would be my discussion and my one addition.

COMMISSIONER QUINN: Deputy, can I make a comment?

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner.

COMMISSIONER QUINN: Can you hear me all right?

DEPUTY ATTORNEY GENERAL YOUNG: Yes. Can you hear me? We had a technical difficulty during the break.

COMMISSIONER QUINN: No, no, I can hear you. And I would just like to dovetail in that. I completely support any legal support that we can be given. And I think having somebody neutral and detached from Agencies, so just if we think we have the best, up-to-date training on search and seizure or any of these critical issues, I think it's will be very useful to have an Attorney that can review and look at these, and just see if changes need to be made. And whatever support we could have to make sure what

we're teaching is legal and current is very important. So I think that will be a huge improvement that will not only aid to Director Scippa and his Team but all Law Enforcement.

DIRECTOR SCIPPA: Madame Chair?

DEPUTY ATTORNEY GENERAL YOUNG: Yes.

DIRECTOR SCIPPA: Just to augment that, and it's important for everybody to know, we actually do have a Staff Member who is a licensed Attorney. He's from Louisiana. So he has no practice up here in New Hampshire. But I certainly, from a personal point of view and a professional point of view, would welcome the opportunity to have a fulltime embedded Attorney here for a variety of reasons, to include speaking to these very timely court cases that come out that every Police Officer should know about.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, and that should be ongoing. As I said, if we hear something that's happening in the Circuit Court or the Superior Court, we should be able to flag that, too, and do a little bit of a deeper dive on that.

So I've added the language. If we want to have discussion on it, that's fine. Yeah. Otherwise we will just want to do one more update. And if somebody wants to move this forward, happy to do it.

MR. JOHNSON: Without objection.

DEPUTY ATTORNEY GENERAL YOUNG: Rogers, are you moving it forward as a first?

MR. JOHNSON: That's the purpose, without objection, yes, ma'am.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you. Do I have a second?

DIRECTOR SCIPPA: (Raises hand).

DEPUTY ATTORNEY GENERAL YOUNG: John Scippa as a second. So, Commissioner Tshiela, I'll get you in one last vote before you have to go.

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Bye. Have a good night. See you, Friday.

MS. TSHIELA: Bye.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Ken, are you there?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

DIRECTOR NORTON: And I need to leave probably at 4:30 to record a video. I'll be back if we're still meeting after that.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you. Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: And Rogers moved it. Scippa seconded.
Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: And I vote yes, as well. Okay. Move onto the next one. So this is a recommendation. Recognizing that certain New Hampshire Police Agencies need to rely on

part-time Officers, New Hampshire Police Standards and Training Council should consider a reevaluation of the part-time Police Officer certification process and consider extending the length of such training, and give certain consideration to what Law Enforcement functions part-time Officers be allowed to perform. Any discussion on this, questions, comments, concerns? Yes, Ahni?

DIRECTOR MALACHI: I'll defer to Director Scippa first, and then I may have a comment after that.

DIRECTOR SCIPPA: The only comment I'd like to make to this is that this topic is a very sensitive topic in the Law Enforcement community with a lot of varying opinions and positions. It is imperative for the Board to understand that Police Departments across this State rely heavily on the use of part-time Officers to help protect their communities.

With that said, there has not been a real meaningful change in the overall curriculum of the Part-Time Academy in some years. And so, I do think that it is vitally important for us to really take a deep dive and reevaluate what we're delivering to the part-time Officers. Is there a way that we can leverage the technology to get some of that training so that they don't have to be here in the building? Should we add topics to that particular certification program?

And then, there are some States -- Vermont is the closest one that I can tell you about -- that actually kind of limits certain law enforcement functions based on the level of training that their part-time Officers have. So that's a big bite. And that's why it's written as wide open as it is, because I want to be thoughtful, mindful, take a lot of time, talk with the stakeholders, and make sure that the moves that we're making are good moves and not just quick moves. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Rogers, I know that you and Charlie want to speak. But is Judge Gardner on, because I know that this was an issue that she had raised. And she had said that she had sort of done some outreach. So, Judge, do you have any input on this based on what you had said earlier today?

JUDGE GARDNER: Yes, so I concur with Director Scippa. It is a very sensitive topic. And you have opinions varying from just get rid of all the part-timers to we need part-timers. So it does vary across the board.

One of the concerns, of course, that I have is that you have part-time Officers who only have a third of the training or less of a fulltime Officer who is called out to perform duties that a fulltime Officer would be required to do, including responding to very dangerous domestic violence-type of offenses, where they could be in danger to their own safety. So it's not just for the public's safety, but it is also for the Officers' safety, in terms of making sure that they are prepared to go out there and perform their duties. So I think it is important to look at what law enforcement functions part-time Officers would be allowed to perform, and what kind of training they would be given.

The other consideration I've heard is that a lot of the communities, especially communities that have sort of -- for example, seacoast area might have -- or even Marine Patrol might have Officers during those seasons where they have a lot of folks coming in from other parts of the country to supplement their force. On the offseason, they don't need those Officers. But for high season, they do.

But they still deal with all the concerns and issues, and arrests that a fulltime Officer would be required to perform. So, I think they are needed, in terms of in-season and also for those communities that can't afford to have full-timers all yearlong.

The other thing that I have heard is that even for, for example, Corrections, you have part-timers that come through the system. And it's sort of a gateway to becoming fulltime. And you can attract people who would otherwise not enter the profession because of the huge commitment that a fulltime Academy would entail.

So those are some of the considerations that I've heard. I'm sure there are a lot more. It's not an easy issue to deal with. And I think that -- correct me if I'm wrong, Director Scippa, but I would imagine CALEA has certain standards in terms of fulltime versus part-time. And I think there may be some Agencies that do not have any part-time Officers because they're CALEA-certified. But you can correct me if I'm wrong regarding that issue. So, thank you, Deputy General.

DIRECTOR SCIPPA: And Judge, to your point, you're absolutely correct. CALEA has very specific standards with regard to an agency using part-time Police Officers, and to what degree that they use them, and to what level of training those part-time Officers have. And that could actually prevent Agencies from becoming CALEA-certified, because they use part-time Officers in a "fulltime" capacity. So that very much has bearing across the board, to include CALEA.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Rogers, question or comment?

MR. JOHNSON: More a comment; the Judge is right. I am from the seacoast. I do know what the Hampton, Seabrook, North Hampton, Town of Rye Police Forces have to do and deal with, specifically this time of year during the summer, where they have to rely on part-time Police Officers to really do the work. So they're very sensitive to this.

But there's another aspect to this that I don't think people are paying much attention to. That's the part-time Police Officers who exist in a fulltime capacity up in the North Country. The people who live north of Concord have a -- what's the word I want to use -- disdain, distaste, distrust of what happens in Concord, because they believe that Concord knows what's best for them.

And if we're going to go down this road, which I fully support, but we need to make sure that, in doing this, we take into account what their sensibilities are, that we tell them that we're trying to enhance their circumstance, because I can tell you right now, the people in North Country are not going to be very kind to this approach. So we have to find a way to make sure that they understand what it is that we're doing, because, quite frankly, they don't trust us, specifically in Concord, and they don't like us. So you have to take that into consideration. That's all.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Dennis?

CHIEF DENNIS: Yeah, thank you. Just want to echo what Judge Gardner and Director Scippa said. It is a sensitive issue to a lot of Chiefs that do depend on part-time Officers. You heard the example of Hampton and the beach areas where they're really coming into the use in the summertime.

But during the wintertime, we don't need those positions. So it makes it very challenging for them to try to have fulltime staff to accommodate that. And certainly using part-timers to do that makes that easier.

We also find ourselves in the places of you look at fulltime training versus part-time training and they're doing the same job. So there's some challenges to look at. I think the Motion -- or not the Motion, but the statement that's written up there is good. It's allowing Director Scippa to look at the part-time Police Officer certification process and make adjustments, if we need to make adjustments to that. So I think that's wise to be able to do that.

And also I just want to make sure there's one distinction, when I heard Rogers talking. Certainly, you have part-time Officers. You can have a fulltime Officer that's retired and still works part-time for an Agency that would have that training. Then, you also have a part-time Officer that's only gotten certified going through the Part-Time Academy. So I just wanted to make that clarification. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. So, given sort of the priorities that we have and everything that we've done today, is this a topic that we want to take on? Or do we want to move onto the next one? I mean, do we want to make this recommendation or do we want to maybe move back and think of it in another category? Ahni?

DIRECTOR MALACHI: I mean, I'm of both minds. So if the consensus is that we move it over to somewhere else, can. But, I think, based on the conversations we've had, we all have addressed and understand that it's a sensitive topic. However, if we're taking Director Scippa's language on the topic, then I feel comfortable with moving ahead with this, as it's written, because he would have the understanding of the sensitivity of it, the importance of the usage of the part-time Police Officers.

But then, as Judge Gardner weighed in, there's a balance there to understanding and to really reevaluate the type of training they're getting. So, I guess what I'm really saying is I would be in favor of moving forward with this, as written. But I'm open to the majority of the Commission. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Since we're talking about training of Officers, whether they're working part-time or fulltime, I think that this is probably something that Police Standards and Training should review. So I think we should go forward with this.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So I think that we've had the discussion and the debate. Does anybody want to move forward with this?

MR. JOHNSON: So moved.

JUDGE GARDNER: I'll second.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you. So first, Rogers moved it. Judge Gardner second it. We will do a roll call. Commissioner Quinn?

COMMISSIONER QUINN: Yeah. I vote yes. And I was trying to comment. I think it's important the language. I think move it along. It is relevant. It's training. But somebody brought up -- I think it was Judge Gardner -- it's going to be reviewed. But also the importance is to have them stay current for their own safety. And I think the last sentence is the duty and responsibility of the Chief that they work for, not to put them into a situation that they can't perform. But I'm good with this, as written. So I move it along.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Ronelle's gone, right? Okay. And I vote yes, as well. So, Julian, there was one more on your list. I'm going to skip that for right now because Ken Norton is going to get off and he had one. So let's deal with that one, and then we will come back to yours about the background investigation, okay, just so we can get everything covered. Is that all right?

ATTORNEY JEFFERSON: Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: So, Ken, we have yours coming up. We will put it up on the screen, okay?

DIRECTOR NORTON: And I'll just say this is based on some of our conversations. I'm open to any changes and dates. I guessed at things, but to move us in the direction of endorsing the Police Standards and Training establishing an accreditation process for Law Enforcement Agencies in New Hampshire.

DEPUTY ATTORNEY GENERAL YOUNG: So do you want to read it, Ken?

DIRECTOR NORTON: Sure.

"By September 1st, 2021, the Director of Police Standards and Training shall submit to the Governor, President of the Senate, and Speaker of the House a Report detailing the administrative infrastructure and any capital costs anticipated in developing a statewide accreditation program for all New Hampshire Law Enforcement Agencies to be administered by PSTC.

"During the 2022 New Hampshire Legislative Session, the Director of Police Standards and Training shall formally request the funds needed to establish a New Hampshire accreditation process. Pending legislative approval, New Hampshire Police Standards and Training shall initiate the process of developing accreditation standards by September 1st, 2023, with a long-term goal of having all New Hampshire Law Enforcement Organizations accredited through Police Standards and Training."

DEPUTY ATTORNEY GENERAL YOUNG: Questions or discussions, knowing that Ken has 22 minutes before he has to go? Rogers, comment or question?

MR. JOHNSON: Yes, this absolutely runs against the legislative budget standards. The Director has to submit a document to the Governor after the next fiscal budget has already closed for the biennium. And so, they have no ability to submit information to them in the off-year of the budget, because it won't be taken up. And then, he's obligating the Legislature, which they won't do, for a future Legislature to approve an expenditure. So, from a timing standpoint, none of this works.

DIRECTOR NORTON: Right, sorry about that. I put it out a year, because I thought we had already put enough on Director Scippa.

MR. JOHNSON: You're probably right. But financially it...

DIRECTOR NORTON: You're totally right, yeah.

MR. JOHNSON: Yeah.

COMMISSIONER QUINN: Ken, I have a question. It's Bob Quinn. In reading this, Ken, had you given any thought at all to what the personnel requirements might be to have Police Standards and Training, once they do get 240 Departments accredited, continue that process of annual auditing and inspections, and all of the things that Lieutenant Morrison and the Captain, I believe, from Nashua discussed on what CALEA currently does? I mean, this is a heavy lift for Police Standards. You would almost need a separate entity to do this.

DIRECTOR NORTON: Well, it's a huge lift and it's also a huge lift for local Departments, as well. But, I'm putting it forward because we kept coming up against this. And Director Scippa had mentioned that there used to be such a process in New Hampshire.

COMMISSIONER QUINN: Right, and I'll just say this. We're not accredited, the New Hampshire State Police. We've tried in the past. We never succeeded. We're trying again. The first step is to get the Policies that are accredited.

So, whether some are going for CALEA-compliant Policies, whether some are looking at IACP or PERF, I think the first step to any Agency getting accredited is having your Policies in place. So I think this is a good goal. But I think the process starts -- we've discussed it -- with the Policies, having some standards for the Policies. So I just want everyone's eyes to be wide open with this that the Fiscal Note on this might be very, very high.

DIRECTOR SCIPPA: If I could just kind of dovetail on what the Commissioner just said, specifically it's almost a what comes first, chicken or the egg, in that I would not be able to really put together a detailed administrative infrastructure and capital cost anticipation document without hiring somebody who has depth and knowledge with the accreditation system.

I certainly could use that person to manage my own accreditation efforts, because Police Standards and Training, that's one of the things we want to accomplish, one of the things I want to accomplish. But I would almost have to hire that person before we even know whether there's going to be financial support to move that forward. And it may not be supported during the Legislative Session. And now I have somebody on my staff that I don't even need.

I'm just kind of looking at this from a pragmatic point of view. And I'm not sure if there's a more general way that we can make this Motion, have it be more collaborative, a little bit more kind of open-ended, so that we can, again, instead of moving fast, I'd rather move thoughtfully. And I guess that's where I'm seeing it.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis, you have a question or a comment?

CHIEF DENNIS: Actually, I think my hand was up from before. I apologize.

DEPUTY ATTORNEY GENERAL YOUNG: Anybody else, question or comment? Go ahead, Julian.

ATTORNEY JEFFERSON: So, to Director Scippa and Commissioner Quinn's point, I think we all agree that accreditation is something that could be very valuable and useful statewide. But I think this might be one of the things that we would amend more along the lines of Commissioner Malachi's point to recommend creating a Commission to study this, because it seems like this is something that's going to be beyond us to nail down in any significant capacity. So, just to say it's important, as we, as a Commission, have found through testimony that accreditation is valuable and is worth creating a Commission to study it, so maybe that might be a way to adopt some language to that effect.

DEPUTY ATTORNEY GENERAL YOUNG: And we could certainly put that into the catch-all recommendation, a Study Committee, and direct this to that. Ken, your thoughts on that?

DIRECTOR NORTON: That's fine. I just wanted to put it out there. I wonder whether we would make a general recommendation that, based on the testimony that we've heard, this Commission recommends all Law Enforcement Agencies to seek accreditation.

DEPUTY ATTORNEY GENERAL YOUNG: Any questions or comments on that?

LIEUTENANT MORRISON: I'll comment. I think that's the simplest, smartest sort of recommendation. And that recommendation is knowing full well that there will be physical, structural issues with some Agencies. Like Commissioner Quinn mentioned, there's some restrictions on evidence rooms and things that you have to meet to get accredited.

But even if you don't obtain a full CALEA accreditation, I think a smarter move might be having some people available to those Agencies that won't be able to at least initially succeed in getting accredited. Have some sort of body that you can go to, to say, hey, even though we're not going to be able to comply with all of the CALEA requirements, can you assist us getting our Policies?

I know there's some Federal legislation that was filed to, in fact, pay for half the cost of CALEA for Law Enforcement Agencies. And truly, this is an undertaking of great, great effort to recreate a State accreditation process. Everything is in existence. We don't need to create it. We just need to use it, and then use it to the extent that that community can or has the ability to use it. So I think that's a much smarter approach, Ken. And I think that would be much more simple for everybody involved.

DEPUTY ATTORNEY GENERAL YOUNG: So, Mark, what would the language be? Seek accreditation from who? I mean, it all can't be CALEA. So are there other national organizations, or from a recognized organization? I think we just have to fine-tune the language of the recommendation a little bit.

LIEUTENANT MORRISON: I guess my recommendation would be for all Agencies to seek CALEA -- what time is it -- accreditation. And in the absence of, have some sort of review of your Policies to ensure they're compliant with nationally-accepted best practices. And it doesn't really need to be much more complicated than that, as a recommendation.

Commissioner Quinn, you've used State Police as an example. You've had some difficulties with some of your physical structures and buildings being in compliance. But your Policies are still on the way there. And even though the accreditation process may not be 100% fulfilled until those things are taken

care, you've still pursued the Policy corrections, or Policy principles that are consistent with that accreditation process.

COMMISSIONER QUINN: Yes, that's correct. And just for everyone to understand, it seems so simple that you couldn't go to a website and just cut-and-paste a CALEA-compliant accepted Policy on this. But if your Agency has unique contractual agreements or your Policies on details -- so once you look at CALEA, you, then, have to apply it to your Agency, and a larger Agency that might have separate Bargaining Teams. So you have to look at that.

So, it can be done. It's just it's a process. And as I said, the Colonel now, just to share with everybody, he's got a team now of a half-a-dozen Troopers that are working and are reviewing these Policies. And once they go through his team, they're going back through Legal, and then we're going back to our vendor who is on the CALEA side and making sure. So it's a long process. And the folks that are doing it also have their other duties.

So, to go back to before we push this it's you really do need a team in your Department, depending on how large your Department is, or small. You need somebody to manage it, to pay attention. But the first step for us -- and we're going to try really hard -- is to get the Policies all done. We have Policies now. We're just trying to enhance them and make sure everyone in the top-left corner states CALEA-compliant.

Some are easier to do. And as I said, out of our 134 Policies, some may not interest this Commission: Policies on how we wear our uniforms; or Policies on reporting for duty; or Policies on carrying different equipment. But the ones that I think have caught everyone's attention, we've pretty much highlighted here. So if we can get those at those standards, I think this Commission has done a very, very important piece of work with that. So you are correct, Lieutenant.

DEPUTY ATTORNEY GENERAL YOUNG: So, how about the proposed language that's highlighted on the screen?

"All New Hampshire Law Enforcement Agencies should seek CALEA accreditation. In the absence of CALEA accreditation, Agencies should continually review and maintain Policies consistent with nationally accepted best practices."

Ahni?

DIRECTOR MALACHI: I wouldn't be in favor of this, and only because I think putting this in as a recommendation is putting the cart before the horse. So we know that there are some Agencies in the State that are CALEA-compliant. There are Agencies that are not.

And so, through conversation, we know that it's not necessarily that the Agencies aren't doing good work, or don't have standard practices that are excellent. But it could be the size of your building. So that's something that they're not going to be able to change without doing some huge fiscal work.

And I think all of that information would be clear, if it goes into a Study Committee. And so, I would be in favor of this language at the beginning of the sentence for the Study Committee, not as a standalone, because if we're putting this forth in this way, for those Agencies that can't meet CALEA for obvious reasons, then it makes the public look at them and go, well, what's wrong with you? What are you not doing that you can't meet this minimum standard, or these best practices?

And so, I think, yes to these two sentences, but in the Study Group area, and as it relates to the study to understand all of that information, because once that study's complete and that information is put forth to the public, then the public has a much larger view, as well as the State understanding it's going to take this many hundreds of thousands, millions of dollars, or whatever. And then, other recommendations to be made to then determine how those Agencies move forward, so that would be my statement.

DEPUTY ATTORNEY GENERAL YOUNG: Julian, you have a comment. And then, I think we will see where we move from here, once you make your comment.

ATTORNEY JEFFERSON: No, no. I'm all set.

DEPUTY ATTORNEY GENERAL YOUNG: So, can I have a Motion?

CHIEF EDWARDS: I would move what Director Malachi just framed, a Study Commission to look at this issue.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, Chief Edwards has asked that the recommendation that all Law Enforcement Agencies seek CALEA accreditation or, in the absence of that, that they should continually review and maintain Policies consistence [sic] with nationally accepted best practices, that should be in a Study Commission to see if that is feasible. And part of that would be the cost that would be associated with it. Is that right?

CHIEF EDWARDS: Correct.

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a second of that? Ahni seconds that. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Lascaze?

MR. LASCAZE: I'm going to abstain from (inaudible) with a comment. We heard throughout all testimony, Law Enforcement praised CALEA and it being the gold standard. And I fully understand that not every Agency can be accredited. But I don't understand why we would need to look at whether or not Agencies that are capable of being CALEA-accredited shouldn't be seeking that already, why that shouldn't be a recommendation, if we know that Agencies aren't going to be able to do it, and that we're going with second-best being the nationally accepted practices. So I'm going to have to abstain from moving this to a Study Committee.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Director Norton?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Sorry, I will abstain, as well, based on the same comments Mr. Lascaze made.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: I'll vote yes for it to go to the Study Committee, I guess.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Judge Gardner?

JUDGE GARDNER: Yes. I understand that there is a huge financial commitment to this process.

DEPUTY ATTORNEY GENERAL YOUNG: Correct, that is my understanding, as well. Commissioner Johnson? Let's see, did he move it? You moved it, correct?

MR. JOHNSON: Oh, did I?

DEPUTY ATTORNEY GENERAL YOUNG: I think you did. I think you did.

MS. SCHMIDT: No, Eddie did.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, no, Ahni did. Who was the second?

MS. SCHMIDT: That's Eddie.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, sorry, Eddie, sorry. Okay. Commissioner Johnson?

MR. JOHNSON: Oh.

DEPUTY ATTORNEY GENERAL YOUNG: You were on a roll there for a while, so...

MR. JOHNSON: Well, yeah. You know you never know. Yes, there's a cost element involved in the other. So the Study Committee should be moved forward so that everybody understands what the cost is. And the timeframe of the original is way off. And if you push it out a year, it'd probably work. But now you're asking really a future Legislature to do something, which they're not likely or able to do.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa?

DIRECTOR SCIPPA: Just so that I understand what I'm voting on, we're voting on a Commission to be formed to further look into Police Agencies going through the accreditation process. Is that accurate?

DEPUTY ATTORNEY GENERAL YOUNG: Yes, a Study Committee. Yes. So it's a Committee to look at this issue.

DIRECTOR SCIPPA: I vote yes. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: I vote yes and with an explanation that this is as important as we all believe it is. I think the Study Committee's the most responsible thing to do to see that we do meet this goal. So, I think we've stated our case here, saying how important it is, and that they should seek it. But I just want to explain why I vote yes. I think the Study Committee may set us up for success.

DEPUTY ATTORNEY GENERAL YOUNG: And I would also like to vote yes. Ahni, I see that your hand is raised.

DIRECTOR MALACHI: Yes, just to circle back to Mr. Lascaze's point and Mr. Norton, in the other areas that we've already discussed and voted on, we have already stated and agreed that accreditation is important and that standards are important. So I don't think that, by having this go to a Study Committee, that we're losing anything.

We're just making sure that all of this is fiscally responsible, and that there is a clear path to get it all done appropriately, and so that the public will understand very clearly that there's some Agencies that may never be able to be CALEA-certified for reasons far beyond staffing or eligibility, or quality of staff. It could be that they don't have a lab, or that the building is too small, or they don't have a radio tower somewhere.

So, that was just to bring it back around. That was my motivation for suggesting that this go to a Study Committee so that everything that is involved is in black-and-white for the public to be able to see, because I would imagine the Agencies already know the level of heavy lift that it's going to be, but just so that apples are with apples and oranges are with oranges.

So I'm hoping that that helps to clarify my position on that or the suggestion to do that. I don't think any of us are thinking that it's not important or that we don't want to do it. We just want to make sure that everyone is judged fairly, whether they can or cannot. Thank you.

MR. LASCAZE: Absolutely, thank you for clarifying that. And I do get that. I understand your concern and I do understand fiscal costs that are associated with things. My only point was the 15 New Hampshire Agencies that are already CALEA-certified did not require a Study Committee. And there has been nothing but high praise for this accreditation.

So, making a recommendation that all Agencies that are capable of being CALEA-certified seek this accreditation, I don't know. I don't know how we heard so much testimony that we should have it. And then, when we're here on this particular point, it just seems like a disconnect. And I'm taking everything else said into consideration.

DIRECTOR MALACHI: Yes. To that point, if we have 230-some-odd Police Agencies and 15 of them are, then that would, in and of itself, state that there are issues, not that the staffing can't do it or that the quality of the people aren't good. It's absolutely the direction we want to go. I think that was the testimony, right, that we all agree that we want to move in that direction.

And Director Scippa or Commissioner Quinn will correct me. If we have 230-some-odd Agencies and only 15 of them are CALEA-certified, then the disproportionality of that would, in and of itself, say, we need to look at why these others have not either been able to do it, or cannot, or will not.

So I'm hearing you and I understand what you're saying. And I think the large number that haven't been able to, including State Police, which is the premier Law Enforcement Agency for the State of New Hampshire, so if that's a situation for them, our number 1 Agency, then we need a Study Committee to make sure of what's going on.

MR. LASCAZE: All right. And I agree with you. And just one last thing I wanted to say, then, is that the 233 versus the 15 disparity, that, I would agree with you 100% on that, if we were assuming that all 233 Agencies did try to seek accreditation. We don't know if only 15 tried. We don't know if only 20 tried and only 15 made it. That hasn't been said.

So, I think that we would be assuming a lot if we think that that disparity is just because the rest of the Agencies couldn't get it. But I do hear what you're saying.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you. On the vote, that has passed, too, with two abstaining. So now we're going to switch back to what Attorney Jefferson compiled for us. The next one up is:

"New Hampshire Police Standards and Training should mandate that background investigations specifically vet the Police Recruit Candidates in the area of having demonstrated outward bias of a protected group by way of past history, behavior, affiliation with a subversive group, social media post, and other objective sources to help determine the overall fitness for duty (inaudible) and to consider those findings in the overall decision to hire the candidate."

So, questions or comments about this recommendation? Commissioner Johnson and then followed by Director Scippa?

MR. JOHNSON: Don't they do this anyway?

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: New Hampshire Police Standards and Training puts forth all topics and areas that need to be investigated as part of the hiring process for every Police Officer in the State of New Hampshire. And there are some very specific things within those mandates that are mentioned.

The one thing that is not specifically mentioned is an outward bias. And that is something that some of the people in my industry have talked about. Is that something we can vet through the psychological testing? And we've received testimony. This Commission has received testimony that say that it's almost impossible to vet that through the psychological screening.

On the other hand, it's very, very easy through just policework and doing a good sound background that we could demonstrate if this is a problem with the candidate. We're going to be able to vet that out. But it is not specifically spoken to. It's kind of encompassed in any kind of behavior that would bring the disservice to our profession.

So I just think it's important that there's a lot of people that are trying to find a way to find racists to prevent them from being hired. So I think this might be an important thing to put in our background investigation, specifically.

And then, the only other comment I would make is that, with every investigation, whether findings come out, they need to be balanced in the overall decision, and that the New Hampshire Police Standards and Training Council will ultimately have to vet this recommendation, because it will require a rule change. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: So, John, I think this was one of your recommendations. Is that correct? So we added the language for the rule change, because you want to vet, right? You were trying to get vetting that candidate to show if there's an outward bias, correct?

DIRECTOR SCIPPA: That is correct.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Julian, question/comment?

ATTORNEY JEFFERSON: Yes. So, I wholeheartedly agree with this. I think that this was very much reflected in the testimony of Chief Hadley specifically and others generally. And I thought Director Scippa's recommendation was spot on.

And it's important to specifically vet this, so to create a rule that says, we take this issue of outward bias and prejudice so seriously. We're not going to have it in a catch-all provision. This is something we are going to seriously vet each individual candidate on, because we don't want these people having guns and badges.

So I think it was very well-written and that was the reason why I included it in sort of my omnibus list, because I thought it was an excellent recommendation. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Dennis?

CHIEF DENNIS: Just to comment on Rogers' questions, aren't we already doing this? And I would imagine most Law Enforcement Agencies are doing this, certainly looking at people's social media posts, different things like that. But I agree with Director Scippa's thing of putting it into a rule that it's a checkbox to make sure that Law Enforcement is doing that and looking to see if we can find those with those outward biases, and make sure we're aware of those so that we're not hiring those candidates. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a Motion to move this forward to a recommendation?

ATTORNEY JEFFERSON: I'll so move.

DEPUTY ATTORNEY GENERAL YOUNG: Great, thanks, Attorney Jefferson. Attorney Jefferson. A second by who?

CHIEF DENNIS: Chief Dennis.

DIRECTOR SCIPPA: Director Scippa.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, okay. Julian moves it forward, seconded by John Scippa. My understanding is Commissioner Quinn has his hand raised. So we will just hear from Commissioner Quinn before I take a roll call.

COMMISSIONER QUINN: I yield my time. I'm ready to vote.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Well, how do you vote?

COMMISSIONER QUINN: I vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa, you were the second. Commissioner Johnson?

MR. JOHNSON: Yes. I'm just somewhat surprised that there's a possibility that there's a municipality, Police Agency, that wouldn't be doing this.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Judge Gardner?

JUDGE GARDNER: Yes, I think it's particularly important where Officers come from different States and different parts of the country, who just move from Department-to-Department. So I think this is really important. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: I'll vote yes. And having done backgrounds, this is being looked at for any Background Investigator who's doing a thorough background, just to give everybody a little piece of mind.

DEPUTY ATTORNEY GENERAL YOUNG: And I would note that this is for Police Standards and Training to vet the Recruit Candidates. That's what this specific is. Ken, I think, is gone. Ken, have you come back?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Eddie, you were the second, correct?

CHIEF EDWARDS: I was not. But if you don't have a second, I'd be happy to second.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. How do you vote?

CHIEF EDWARDS: Yes. I'm going to vote yes. I just want to make sure I'm clear on what you just said. So this is to make sure that Police Standards and Training is doing background checks on -- investigations, I'm sorry, on Recruits that may be going to the Police Academy.

DEPUTY ATTORNEY GENERAL YOUNG: Correct. That's the specific language of this, correct.

COMMISSIONER QUINN: Deputy?

DEPUTY ATTORNEY GENERAL YOUNG: Yes.

COMMISSIONER QUINN: That's not how I understand this.

DEPUTY ATTORNEY GENERAL YOUNG: Well, I've...

CHIEF EDWARDS: Yeah, that's...

COMMISSIONER QUINN: Yeah. So, the process right now, if I may, is the hiring authority has a responsibility of doing the background investigation. So, our background investigations are done, as I'm sure with Londonderry and the other Departments. And there are some minimum standards of what a background investigation should contain.

And once those background investigations are done by the Agency, then if the hiring authority wants to consider hiring that person, then the paperwork is moved along to Police Standards. But I'll let Director Scippa speak for himself. But the responsibility lies on the hiring authority to ensure that the recruit that's sent to PS&T meets all these standards, which will include now the added layer of making sure we vet out any outward bias.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. So, can you just confirm that that is accurate and I was inaccurate, Director Scippa?

DIRECTOR SCIPPA: Well, you put me in a tough spot. I've been married for 29 years. I don't want to tell any woman she's not accurate.

DEPUTY ATTORNEY GENERAL YOUNG: Won't be the first, won't be the last.

DIRECTOR SCIPPA: The Commissioner (inaudible). We set the rules. We set the standards. The hiring authority's responsible for doing the background investigation. And the hiring authority is also the Head of Department, is also responsible for signing an Affidavit (inaudible) that all of the matters set forth in POL 301.05, Background Investigations, they have been met. So it's kind of the checks and balance that we have in place.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, my apologies. With that, Chief Edwards, how do you vote?

CHIEF EDWARDS: Well, can I ask that we withdraw this Motion, given what we've just discussed?

DEPUTY ATTORNEY GENERAL YOUNG: So the basis for the withdrawal is what?

CHIEF EDWARDS: Well, because, I think, as the Motion was put forth, it's with the notion that Police Standards and Training would be carrying out background investigations on Recruits. But that's not the situation regarding this particular Motion, unless I missed -- I see Commissioner Malachi raising her hand, shaking her head. So I think she wants to explain the Motion.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Okay.

DIRECTOR MALACHI: So, unless I'm way off-base, my understanding was that Police Standards and Training would amend the Administrative Rule to make sure that all Agencies are following that rule, because some of them might be doing background checks to some degree and others might not, but creating a rule that's a standard across the State that whoever's doing the hiring has to follow this rule as a part of hiring. That was my understanding. Did I get that wrong?

DEPUTY ATTORNEY GENERAL YOUNG: Where did...

DIRECTOR MALACHI: Director Scippa is muted. I think he fell over.

DEPUTY ATTORNEY GENERAL YOUNG: This was the recommendations. I will let him explain what his rationale was.

DIRECTOR SCIPPA: Yes. This really is just adding another bullet point in our Administrative Rules to include that we are affirmatively compelling the hiring authority to look specifically into (inaudible)

behavior, or any other objective source of information, vet out whether they're inclined to have any prejudice, bias, racism, like that.

Yeah, somebody's bring up the -- that's perfect. Whoever's bringing up the POL rule, you'll see where it'll be included.

CHIEF EDWARDS: Well, with that understanding, I vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Anybody else have any questions about the way they voted and what they're voting on? I take full responsibility for the confusion.

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Okay. I also vote yes. I think we have one more. So the last one that we have from Julian is a Code of Conduct. So because we recommended the Code of Conduct earlier, Julian, do you think that this is necessary here?

ATTORNEY JEFFERSON: No, I do not. I think our first Motion sufficiently carried that. This was some very specific language to put some meat to those Policies. I will just share that directly with Director Scippa and continue to work with him on that. So I will withdraw that part of that Motion.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. So I know it has been a long day. Is there anything that we have missed, or anything that should be in what I call sort of the catch-all or the overflow that didn't go under the training, the Policies, or Police Standards and Training?

LIEUTENANT MORRISON: So I'm just trying to remember. Did we recommend increasing the Police Academy Staff? I'm trying to get through my brain what we all passed.

DIRECTOR SCIPPA: I don't think we spoke to that at all. And I would hope that maybe we...

DEPUTY ATTORNEY GENERAL YOUNG: Sorry, John. Could you repeat that?

DIRECTOR SCIPPA: Madame Chair, this is John Scippa. Just (inaudible) if we might be able to take a couple of moments to talk about ongoing support, in terms of staffing and funding to kind of take on some of these new pieces to this mission.

DEPUTY ATTORNEY GENERAL YOUNG: Ahni?

DIRECTOR MALACHI: I thought we did. I remember Commissioner Quinn talking about staffing would be necessary to complete some of these. And I thought we put it within one of the training things, because training staff had to be increased. Or maybe we discussed it and it needed to go somewhere else. But I know we talked about it.

COMMISSIONER QUINN: I don't believe, Ahni, that we put it in. I had crafted something roughly. Commission recommends that PS&T be adequately staffed with personnel and equipment to meet these enhancements in training that the Commission agrees are so vital, something like that.

Maybe that goes in the -- I'm not sure where it goes. But we have added a lot to his plate. And I know we spoke to one Attorney, specifically. But maybe we just capture that in a recommendation.

DEPUTY ATTORNEY GENERAL YOUNG: So I'm being told that we don't have it. I was looking back for a specific one earlier today. We can put it in. If it's already there, then we will say it's redundant. But if somebody wants to make a Motion, we can put -- can we just share a screen? And we can pop some language up right now and vote on it.

DIRECTOR MALACHI: Question, are we looking to add that as a separate thing, or to add it in conjunction with something else, meaning Director Scippa had -- there was something towards the beginning of the training regarding the modals and all that? And I know we talked about finances that were already there that were frozen. Did we want to put, I mean, the additional staff in there to carry out that and everything else? Or do we want a separate recommendation just for staff?

DEPUTY ATTORNEY GENERAL YOUNG: So that is what we voted on and we approved this morning, which is maintaining the record over the Officer's career and developing a standard online training. That is, I believe, what Director Scippa said they have the finances for, but that the finances are frozen. Am I correct in my memory of that, John?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: So this is now to recommend additional staff to accommodate the additional training and the recommendations that this Committee makes. That's what we need to do right now. Is that correct, Commissioner?

COMMISSIONER QUINN: That's correct.

DEPUTY ATTORNEY GENERAL YOUNG: So, instead of trying to go back and put it in a training section, we could put it in the other section. I don't know that just because we've broken it down that -- this is not weighted that the first ones are the priority. So we could certainly put it in the overflow. So the language that is up there now is recommend -- I would throw in a that -- Police Standards and Training be adequately staffed to accommodate the additional training and recommendations made by this Commission.

DIRECTOR MALACHI: What was the language that Commissioner Quinn already had, maybe?

COMMISSIONER QUINN: I think that, I mean, in fairness to the Director, maybe the Director needs a moment to really look at see what it is that he is going to need. I mean, if we're saying we're going to take this on and that on, so maybe the Commission recommends that the Director has the opportunity to do an assessment on the additional training needs and requirements of PS&T to ensure he's properly staffed.

I don't know. I don't know if you can -- what does that mean, recommend he's be adequately staffed. It's like a blank check. So maybe we just take a little pause on this and we can include it in the omnibus recommendation, just a thought.

CHIEF EDWARDS: I would agree with that.

DEPUTY ATTORNEY GENERAL YOUNG: So we could wait until the end to see if there are other recommendations in the other sections that impact Police Standards and Training?

CHIEF EDWARDS: Yeah, I would agree with that, because I think ultimately, when Director Scippa puts this in his budget and goes forward through the legislative process, I think a fair number of us may want to go testify in support of whatever efforts he has, as well. So, I think that's going to be very important. So I'd agree with Commissioner Quinn that we kind of push it back a little bit.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Ken, you're back with us. Questions or comments?

DIRECTOR NORTON: Yes. And I agree. And I think that there may be additional recommendations we make regarding additional staff, when we get into misconduct and how things are investigated. So, I support the Commissioner's statement.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Judge Gardner?

JUDGE GARDNER: So, I can't remember if I had mentioned it or not, but I think it's paragraph Number 3 of Director Scippa and Chief Dennis' recommendations. And so, the language, you might want to take from there. And I had indicated that. I'm not sure if it (inaudible) or something else. And also the leveraging the technology, so paragraphs Number 2 and 3 will probably take (inaudible) to fund staff.

DEPUTY ATTORNEY GENERAL YOUNG: Judge, just so you're aware, 2 has (inaudible) recommendation. 1 and 2 have already been (inaudible). So you're saying that'll be 3 when we get to that section.

JUDGE GARDNER: All right, great. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, John. Your hand is up. Go ahead.

DIRECTOR SCIPPA: Commission Members, so my Number 3 might be the wording that we're looking for, at least in the first sentence. To have the ability to meet training needs of all New Hampshire Police Officers, PSTC needs to increase training staff by way of -- and to Joseph's concerns, I speak directly to hiring an instructional design staff person, as well as some Law Enforcement Training Specialists. So I'm trying to be specific in what I'm asking for, and not just a blank check. I'd like a blank check, but...

MR. LASCAZE: You and I, both.

DEPUTY ATTORNEY GENERAL YOUNG: Count me in on that one, too, guys. So you still want to wait until we get to the end to see if we give you more tasks, John, to incorporate that language? Does it make sense?

DIRECTOR SCIPPA: Absolutely I agree with that. And I think that those that spoke to the fact that there may be some additional obligations that my Agency will be responsible for, once we listen to the misconduct testimony, so I absolutely agree that we should probably revisit this at the very end.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Any other recommendations that we need to put out in this first section, the training and curriculum section?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: So this is what we propose. We will get these recommendations on paper. We will insert them into the draft Report. We will get those to you by early afternoon tomorrow.

I'm going to ask you to look at them tomorrow afternoon. And then, when we meet on Friday, we would take a vote. We would have any final discussion. We will edit it, as we speak. But we need to take a final vote on that first section and the recommendations, because that has been promised on behalf of all of us to the Governor's Office, that we will get that part done.

Just sort of the way that these have been going, that will probably take up a good chunk of the morning. We're scheduled for three hours. If we have additional time, we can just break, because we have gone way over today.

But I think, in earnest, we have to get something done on Friday. We've only heard from John Scippa on the draft Report. We have to change Cadet to Recruits. So that's just a technical change. So, we will do that. And we do have sort of one question about the scenarios. So, John, we will just talk to you offline and we will make sure that that one line -- but I assume that if there were big issues, we would have heard from people.

I think it's pretty well-drafted. So, hopefully by Friday at noon, we will have recommendations out. Yeah, Eddie, go ahead.

CHIEF EDWARDS: Just a quick question. We didn't discuss SROs. So are we moving that to the community piece?

DEPUTY ATTORNEY GENERAL YOUNG: Yes, that has always been in the community piece. So I sort of parachuted in here a little late when this was going. But, yeah, that is in the community piece.

CHIEF EDWARDS: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: Certainly, there's a training component for SROs. But instead of getting -- I think it's hard to get into that topic without getting really bogged down. So if there's a training component for the SRO, we can put it in the community section. Does that make sense?

CHIEF EDWARDS: Absolutely.

DEPUTY ATTORNEY GENERAL YOUNG: And hopefully we will get some type of an extension when we deliver this product on Friday. And so, we will send out a poll for next week. But we are going to have to move at a quicker pace (inaudible). We can't spend a couple weeks on SROs. We just can't. And I (inaudible) from that. So, I think that there is sort of -- the heart of this is going to be on misconduct and how to address that.

CHIEF EDWARDS: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: Ahni, question?

DIRECTOR MALACHI: It's fun working with two computers. Next week, I think don't we, with Director Scippa, isn't there a training on two days next week or something? So that take into consideration.

DIRECTOR SCIPPA: Yeah, there is training two days. For those who signed up, you're going to get an email requesting what you want for lunch. So make sure you fill (inaudible). But that does take us two days off of this Commission, unfortunately.

DIRECTOR MALACHI: Okay. And as far as scheduling, I mean, I'll fill out the poll. But I can do whatever everybody else can do.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Joseph, question?

MR. LASCAZE: Oh, no. I just wanted to say, whenever the time comes to make a Motion to Adjourn, I'm just putting it in now that I am putting it. It's already there, whenever the time comes.

DEPUTY ATTORNEY GENERAL YOUNG: You can have it, Joseph. Would you like to make a Motion?

MR. LASCAZE: Yeah, I'm making a Motion right now that we adjourn for the rest of this day.

DEPUTY ATTORNEY GENERAL YOUNG: Seconded?

DIRECTOR SCIPPA: Second.

DEPUTY ATTORNEY GENERAL YOUNG: Ahni, so I will say yes to that. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Rogers?

MR. JOHNSON: Aye.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes, and I also want to recognize and thank Kim, Fallon, and Nicole.

DEPUTY ATTORNEY GENERAL YOUNG: When I don't come back next week, there's your suspect pool. Lieutenant Morrison?

LIEUTENANT MORRISON: I'll vote yes, as well. Thanks, everybody.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: Oh, sure. This is so wonderful. Yes. I vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: And I vote yes, as well. Thank you for a long day. But we did pretty well. We were almost batting 1,000. But I'm not going to call out those that blew my average. Bye, guys.

(Meeting adjourned at 4:48 p.m.)