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Hon. Gordon MacDonald, Chair
Governor's Commission on Accountability,
NH Department of Justice
North State Street
Concord, New Hampshire 03301

Dear Mr. Chair and Commission Members:

I am forwarding this rather detailed submission to you as a law enforcement officer with 63 years of experience at the state and local level and an interested observer of current events including the "defund the police" movement. The contents herewith represent my personal opinions and are not intended to represent the viewpoint of any of the organizations or individuals in local or state government that I am now or have been affiliated with in the past.

I have attached my personal resume in case the readers would like to know what in my background and experiences may have motivated my opinions and suggestions. Briefly, I was born during World War II, and raised by my grandparents when my father abandoned the family when I was less than a year old. My grandfather was a carpenter by trade, walked to worked or rode with another worker and we did not own an automobile until I was able to purchase one at the age of 16. I started working at the age of 11.

I joined the Belmont Police Department as a part-time officer at the age of 20 in response to a time when teenage thugs from surrounding towns had invaded our village on a nightly basis and caused the closure of the local teen center. Over the course of 17 years of attending various college classes on a part-time basis, I earned Associates, Bachelors and Masters' Degrees in criminal justice. I was at one time the youngest Police Chief in the state and went on to become the Assistant to the Director of Motor Vehicles, the Deputy Commissioner of the Department of Safety, the Director of the Police Standards and Training Council, a State Liquor Commissioner, and retired as the Assistant Commissioner of Safety. I served terms as the President of the International Association of Directors of Law Enforcement Standards and Training and Chair of the Highway Safety Committee of the International Association of Chiefs of Police. I held appointments as Chair of the State Board of Parole and on the commissions that oversaw the drafting of the state's first Criminal Code and the recodification of the Motor Vehicle Laws as well as various volunteer positions in local government.

I have served as a consultant to federal and local agencies on a number of occasions doing performance evaluations of police departments and police training programs in major cities and small towns in a

number of states, overseeing hiring and promotional processes, and as a part-time adjunct professor in college criminal justice programs, and have authored or co-authored two criminal justice textbooks.

I would describe myself as apolitical, in that in all of the appointed positions I have held I was never asked what my politics were and I have variously been registered as a Republican and as a Democrat depending on who the candidates were and the party's position on the issues I felt most strongly about. While with the Police Standards and Training Council, I hired the first African American Police Training Specialist for the Police Academy, the first African American Commandant of the Academy, and the first female Commandant. While with the Department of Safety, I served as temporary Director of State Police and was in charge of what at the time was policing the largest peaceful anti-nuclear demonstration in the world, taking place at the Seabrook Nuclear Power Plant following the previous year when police officers had been injured and numerous arrests made. As a police officer, I served during a motorcycle riot at Weirs Beach and a riot at Hampton Beach.

Political Extremism and Defunding the Police

To understand the unprecedented chaos that has suddenly emerged in the United States, we need to factor in the coming together of a Presidential election, a worldwide Pandemic unlike any seen in a couple of centuries, the largest ever number of nationwide heavily armed hate groups, a suddenly crumbling economy, constant threats from cybercrime and cyber terrorism, meddling by competing nations in our economy and our governmental affairs, worldwide damage from unprecedented weather emergencies, and rampant militaristic political extremism, with seemingly nobody left in the middle between right wing white nationalist extremists and left wing socialist extremists.

The nation's police forces are charged with maintaining order, projecting fairness and honesty, and keeping the nation safe. As the Commission examines the various questions posed in the Governor's order that created you, it would be well to look at the current state of the nation and the extent to which Covid-19 has changed it.

In previous wars and national calamities, Americans of all ethnicities, social, educational and economic backgrounds have come together, overcame tremendous odds, and displayed seemingly endless courage, patience, and perseverance to force our way to a victorious conclusion. We have seen "stronger together" slogans, and examples of selfless, charitable, and courageous acts during this present crisis, however it has also been disappointing to see the antics of some of our fellow citizens and numerous organizations on the radical left and the radical right, including some of our top political leaders, as well as armed groups, trying to take advantage of the situation, to tear us apart. Truly, it has brought out both the best of us and the worst of us.

Extremist groups are sabotaging law and order

Attempting to wrap themselves in their own, self-serving conceptualization of our Constitution, white supremacists, neo-Nazis, extreme Socialists and other radical individuals and groups have spread and are spreading misinformation via online messaging and at public demonstrations, some of them violent and including hate crimes designed to disrupt procedures devised by the best minds in the biomedical profession to keep us safe. Cyber criminals quickly expanded their burrowing into our communications and messaging systems to disrupt people's lives, steal assets and destroy the reputations of individuals, governments, and businesses and foment distrust, hate, and disorder. Rival nation-states such as Russia,

China and North Korea have seized the opportunity to accelerate interference with our elections and sow distrust among us. Sadly, it has also been an eye-opener to those of us in law enforcement to be reminded that some dangerous hate mongers and misfits reside right here in New Hampshire.

Gun sales have spiked to unheard-of levels, daily E-911 logs report one or more suicides somewhere in our state nearly every day, most of them either shootings or hangings. Domestic violence incidents have increased as bread winners spend more time cloistered at home obeying restrictions on travel, cope with layoffs and financial crises and find it difficult to keep up with household expenses and financial obligations, and mental illness has spiked upward. It is difficult to predict the long-term consequences on the next generation because of closed schools, waivers of academic requirements, elimination of college entrance exams, and lack of jobs. Internationally, we see a reduction in globalization and cooperation among some of our leading nations and a return to “everyone for themselves” nationalism. When and if the level of Covid-19 infections and deaths tapers off, we will still be unsure if the crisis is truly over or if it will start up again when the seasons change.

The ability of our state, county, and local governments to continue to provide the level of services required to keep our residents healthy and safe and our infrastructure intact, will be questionable for some years to come. Government agencies are sure to face reductions in staffing and backlogs in services. The gasoline and diesel fuel taxes that we depend on for maintaining our roads and bridges and supporting the services of the State Police and DMV have been negatively impacted by people and companies driving fewer miles and consuming less taxable fuel. Closed and shuttered businesses are generating fewer rooms and meals and payroll taxes, and some of these businesses will be bankrupted as everything from RV sales, camping areas, amusement parks, ski areas and public beaches have had to close or greatly scale back. Homelessness has increased. There will be more delinquent property taxes due to foreclosures, evictions, and downward adjustments to assessed valuations in cities and towns.

Although the past 8 years have seen a healthy stock market and low unemployment figures, the available resources of the federal government to absorb a huge economic shock will be limited by a growing federal deficit, even before the Pandemic. The 2017 Congressional tax cut of two trillion dollars resulted in 83% of the cut benefitting only the top 1% of taxpayers, and the national debt zooming past \$23 trillion as of November 2019.

There is growing evidence that perhaps Covid-19 cannot be eliminated in the foreseeable future, despite the development of immunization and other medical advances. It may become, like the common cold and other maladies, a permanent fixture of life in the civilized world, recurring annually. If so, governments and businesses may force adjustments in everyday life. Telecommuting from home may eliminate the existence of many large office and administrative complexes. Simple devices like entrance doors to stores and public buildings may be designed to avoid people having to touch them with their hands to manipulate them. Meat packing plants, poultry producers and other places where assembly line workers labored in proximity may be replaced by robots. Masks may become part of everyday fashion. Only time will tell.

The actions of a number of people claiming to be “peaceful demonstrators” have been made a mockery of by the actions of a growing number of outliers that have turned them into riotous actions causing the most harm to the persons they have claimed to be helping. How these thugs have managed to go on causing chaos night after night indicates to me that they would rather live off looting than hard work. Sadly, the windows they have smashed, the items they have stolen out of businesses, the rocks they

have thrown and the fires they have set have victimized the minority-owned places they pretend to be advocating for. The more violence they have gotten away with, the more dangerous they have become. When they have observed the never before response of the public and some politicians who have advocated as a solution radical disarming and defunding the police, they have felt encouraged and energized to stage violent attacks on the police, and when the police have reacted in kind, a vocal element of the public and politicians have blamed the police and given silent approval to the criminals.

The George Floyd Saga

The name of George Floyd, Jr., who died in the custody of Minneapolis police has become synonymous with “police reform.” Critics on the right have painted Mr. Floyd as a lifetime criminal and evil person, and critics on the left have painted him as all but an angel victimized by law enforcement.

On May 25 at about 8 pm, personnel from a neighborhood convenience store called the police to report that a man had used a counterfeit \$20 bill to purchase cigarettes, then ran outside to a parked vehicle.

The store owner later said his clerks are trained to handle these incidents, which occur regularly, without calling the police unless violence occurs. But in this case a teenage clerk who was new to the job called 9-1-1. The owner said Floyd, who was 6 feet 7 inches tall, had been a regular customer for about a year and had never been a problem. Two officers, Lane and Kueng, responded to the call and after speaking with witnesses at the store, located Floyd in a nearby parked car. They confronted him at gunpoint and told him to show hi his hands. He complied, they ordered him out of the car and handcuffed him. He walked with them to the cruiser and then sat down on the sidewalk, said “Thank you, man” and appeared calm. He gave the officers his name and they noted foam around his mouth and believed he was using drugs.

When the officers got him up and tried to put him in the cruiser, he stiffened up and fell to the ground. He said he did not want to get into the back seat and that he was claustrophobic. Just then two backup officers, Chauvin, and Thao, arrived and tried to get him into the police car. He began telling them he could not breathe. He went to the ground face down and still handcuffed. Officer Kueng held his back and Officer Lane held his legs, while Officer Chauvin, a 19-year veteran officer, placed his left knee on Mr. Floyd’s head and neck. Floyd repeatedly said he could not breathe, said, “Mama,” “Please,” and at one point, “I’m about to die.”

Camera footage showed Chauvin keeping Floyd pinned to the ground with his knee on Floyd’s neck for about 9 minutes, about 3 minutes of which he had lost consciousness. One officer suggested removing the knee, but Chauvin kept him pinned. EMT’s arrived, put him in an ambulance and used a mechanical chest compression device on him but he did not regain a pulse. Coroner tests showed that he tested positive for fentanyl, a synthetic opioid, and methamphetamine as well as other illegal substances.

Hearing so many various things about Floyd, some painting him as a dangerous criminal and others as a solid citizen, I researched his rap sheet. In 1997 he spent 6 months in jail for furnishing cocaine to another person. In 1998 he was arrested twice at age 23 for theft and spent 10 months and 10 days in jail. In 2001, he spent 15 days in jail for failure to identify himself to a police officer who was questioning him. Between 2003 and 2005 he was arrested and charged with four crimes – possession of less than one gram of cocaine, criminal trespassing, intending to provide less than one gram of cocaine to another person, and another occasion of possession of less than one gram of cocaine. He served a total of 30

months in jail for these incidents. In 2007, he was arrested and charged with aggravated assault with a deadly weapon. In this last arrest, he was part of a gang of 6 who forced their way into an apartment where two young women and a toddler were present, looking for drugs. Floyd was armed with a pistol and at one point held it to the abdomen of one of the women. At another point someone struck her in the head after she screamed for help. Unable to find any drugs or money, the six stole some jewelry and a cellphone and fled. Three months later the police solved the case and in 2009 Floyd was sentenced to serve 5 years in State Prison. He was paroled in 2013 at the age of 40. Most of these offenses occurred in Texas.

Floyd was the son of a single mother, who moved from North Carolina to Houston, TX, when Floyd was an infant. They lived in low income public housing. As a teen, he excelled at football and basketball. He later attended a community college in Florida, where he played sports, and did one year at Texas A&M University but left there for jobs in construction and private security.

When Floyd's death hit the media, I happened to be watching TV news and saw the video footage of his arrest and the actions of Officer Chauvin. I told my wife that I was horrified and that no matter what kind of a guy this was he did not deserve to die that way. If I were the Chief, I said I would have charged Officer Chauvin with a felony and immediately taken his gun and badge.

The Aftermath of the Floyd Incident

In a 4-day period last month, police made 1,669 arrests across 22 U.S. cities. Target, Inc. temporarily closed 175 stores, 71 in Minnesota, 49 in California, 12 in New York and the remainder in various other states due to the violence. The District of Columbia ordered a citywide curfew, Dallas, Texas declared a local disaster, Arizona issued a statewide emergency declaration, and a Los Angeles curfew was expanded. Twenty-two states activated their National Guard units and federal agents were deployed to assist local police in Washington, DC protecting federal properties. Six additional states issued emergency declarations, and state emergency operations centers were fully activated in 5 states and partially activated in 4 others, while 12 other cities and counties nationwide enacted emergency declarations of their own.

The omnipresence of cameras in the form of cellphones and dashboard and body cameras in the hands of the police, have resulted in a new phenomenon – the mass photographic capturing of snippets of police-citizen encounters. The newsgroup *Pro Media* undertook an analysis of slightly less than 400 recent video clips from social media sites of “police violence” and criticized police conduct in 184 of them. They said the police used pepper spray or tear gas improperly in 59 videos, 12 instances where officers used physical force against “non-combative” protesters, and in 87 videos, officers continued to use physical force when protesters retreated, including several uses of an arm or a knee to exert pressure on a protester's neck. They criticized what they said was “a willingness by police to escalate confrontations.” They opined the presence of officers armed with tear gas or beanbag rounds can incite panic and intensify confrontations and can make officers less disposed to de-escalate and more willing to use force.

In Ft. Lauderdale, FL, the Police Chief was fired as a result of officers' tactics during racial injustice protests, including officers laughing while firing rubber bullets into a crowd. One woman suffered injuries requiring 20 stitches and damage to an eye. One officer was charged with battery for shoving a black protester to the ground.

A Philadelphia SWAT officer was charged with pulling down protesters' masks and pepper-spraying them as they knelt on an Expressway, the second Philly officer to be charged with criminal misconduct during days-long protests over police brutality in May and June. A Staff Inspector was charged with beating a Temple University student with a police baton during a demonstration.

The Mayor of Portland, Oregon, was tear-gassed by federal agents while standing amid protesters outside the federal courthouse. Portland has seen 423 arrests in protests since May 29th.

As examples of over-reaction, a Detroit Police Corporal was charged with felonious assault for allegedly firing rubber bullets at 3 press photographers during a protest. In Portland, Oregon a protester was hospitalized in critical condition after being hit in the head by a less-lethal round fired by a federal officer.

In Honolulu, an officer was sentenced to 4 years in prison on a complaint from two years ago for forcing a homeless man to lick a public urinal, telling him to imagine someone doing that to his two young daughters. The officer had responded to a disturbance at a public restroom, where he threatened to beat the man and stuff his face in the toilet if he did not lick the urinal, then grabbed him by the shoulder and stepped on his legs to keep him on his knees until he licked the urinal.

Policing of demonstrations has become more dangerous for the police

In the process of dealing with the current protests, a Philadelphia police officer was run over by an unidentified vehicle, suffering a broken arm. Dozens of Denver officers were injured. Twenty Secret Service officers in DC were injured. In Boston, 7 officers were hospitalized, and more were treated at the scene. Numerous government facilities across the USA were damaged by fire, vandalism, and graffiti. In San Diego, demonstrators cut down the US flag and threw urine at the federal building and Hall of Justice. Four police cars were spray painted and had their windows smashed, and the VA building was vandalized. In Louisville, KY, several US Postal Service vans were stolen. Parts of Interstate 84 in Waterbury, CT were closed after people blocked the highway. A New Haven civil disturbance shut down I-95. The National Guard in Boston was deployed after vandalism and destruction of stores and police vehicles. A Transit Police officer responding to a report of an officer down was surrounded by a combative and aggressive mob that attacked his cruiser. Fires were set in Boston Common, and the walls and staircase outside the State House were vandalized with spray paint.

In Colorado, 3 officers were intentionally struck near downtown Denver, and officers seized military style assault rifles that were being brandished. In Florida, an officer was slashed in the neck and hospitalized, while others were attacked with rocks and bricks. In Illinois, demonstrators disrupted police communications to prevent appropriate police response to incidents. In Minnesota, an officer was shot at but uninjured. In Missouri, 7 officers had minor injuries when people began attacking a police station. Thirty-three New York City officers were injured, and 47 police cars damaged in a single night. An Ohio officer was struck in his helmet while trying to disperse crowds. A Pennsylvania officer was run over, a bomb was left in a park, and some officers received chemical burns from objects thrown at them. In Washington, accelerants were thrown at a police station to start a fire. In Wisconsin, water bottles and rocks were thrown at officers, and two sustained injuries.

In DC, 60 police officers and federal agents were injured near the White House, with 11 brought to the hospital for treatment. In Los Angeles, a man with a sidearm and assault rifle impersonated a National

Guard soldier and was arrested after he was spotted by real members of the NG. He arrived by Uber, had night scope on his helmet and was described as “armed to the teeth.” A New York City man was charged with attempted murder when he threw a Molotov Cocktail into a police van with 4 officers inside. Harrisburg, PA was placed on lockdown due to escalating violence at the State Capitol. In the Georgetown area of DC, protesters looted stores, broke windows, set small fires, and damaged 3 Secret Service vehicles. Due to violence in Chicago, the Federal Emergency Management Agency vacated its site and relocated, while Minneapolis PD’s website was taken down by the hacking group *Anonymous*, and in Seattle, WA, the Coast Guard’s district command center had to be temporarily relocated.

Common and ongoing themes nationwide involving vandalism and violence at these “peaceful” protests have seen police cruisers rolled over, vandalized or set fire to, various projectiles thrown at police officers, firefighters and EMTs, piles of bricks placed on sidewalks for protesters to throw, widespread looting, vandalism and arson at government buildings and retail establishments, officers struck by rioters in vehicles, interference with police and fire radio communications, a cyber-attack on government computer systems, and threats toward public safety workers. The Chicago Police Superintendent has now ordered his officers to wear full protective gear at future protests after agitators hijacked a peaceful demonstration, injuring 49 officers including broken kneecaps and destroyed eye sockets, in an orchestrated attack on police that also left many peaceful protesters in the crowd injured. The attackers dressed in black and distributed frozen water bottles, rocks, and explosive devices to throw at officers and used sharpened PVC pipe as weapons. They had multiple restocking of these items. This diverted police resources from other parts of the city where shootings took place and at least 71 citizens were shot at over the weekend, killing 12.

In Portland, OR, a night that started with a reported shooting and a bag found with loaded rifle magazines and Molotov cocktails amid a supposed peaceful protest became an intense early a.m. confrontation between demonstrators and federal agents outside the federal courthouse who climbed over a fence surrounding the courthouse while others shot fireworks and aimed lights at the building. That same night a courthouse in Oakland, CA was set afire by a mob, vehicles were set ablaze in Richmond, VA, a protester armed with a rifle was shot and killed in Austin, TX, and two persons were shot and wounded in Aurora, CO, after a car drove through a protest. Mobs in various locations have shot fireworks at police officers and aimed lasers at officers’ eyes. New York City police say 303 police vehicles have been vandalized, causing taxpayers nearly \$1 million in damage.

Do some police overreact? Yes, but they are a minority

Unfortunately, some police officers in larger cities have lacked sufficient control and supervision in the field and have gone beyond what their departments’ policies and the laws of the jurisdiction would consider reasonable and measured responses to these attacks and riotous behaviors. The over-use and apparent lack of training in the use of what, when properly deployed, are non-lethal or less-lethal devices such as tear gas have resulted in injuries to some peaceful demonstrators and innocent bystanders. This has led to equally unreasonable responses by governments and legislative bodies that know little or nothing about riot control and would deprive law enforcement of these weapons that in many cases are the last resorts to putting tanks and soldiers on the street.

And lest we think the police lack public support, in Kansas City, MO, a single mother who lost her job because of the Coronavirus pandemic and could not pay her bills, donated money she won on a lottery ticket to a local police officer who had been shot in the line of duty. She had found \$1 in a grocery store

parking lot and used it to buy a scratch ticket, which won her \$100. She and her 12-year-old daughter decided to donate the money to help a police officer in the intensive care unit after being shot while on duty. It turns out her oldest daughter was murdered in Kansas City 8 years ago. She said the police officers and detectives “were really there for us. They were there for us more than anyone I can imagine. They did things they didn’t have to do. They came to see my kids. They did a lot. They were fathers, therapists – they were everything.” The police, in turn were so touched by her gift that they started a GoFundMe for Mrs. Sims and have raised \$100,000 for her family so far.

In Miami-Dade County, FL, a police officer ended up getting punched and choked after a traffic stop, being rescued only when the suspect’s father intervened on the officer’s behalf. The 27-year-old driver had been speeding through traffic and with the officer behind him, pulled into a driveway. He started yelling profanities as the officer approached the car, became increasingly aggressive and refused to produce his driver’s license or registration. He continued yelling insults and told the officer he was going in the house and challenged the officer to come back with a warrant. The officer told the driver he was under arrest and tried to restrain him from going into the house. The driver punched the officer in the face several times, then placed him in a chokehold and impeded his airway. The driver’s father saw the encounter from the house and came to the officer’s aid trying to remove his son’s arm from the officer’s throat. A backup officer arrived and Tasered the driver twice before he got him to release the chokehold and submit to arrest.

In Louisville, KY, a group of mostly black men linked arms to protect a lone Metro Police officer who was separated from his unit when protests turned violent. The white officer, wearing a helmet, face shield and ballistic vest, stood in front of a pizza restaurant. A group of men, reportedly the initial protest organizers, wore face masks and linked arms to prevent other members of the crowd who were trying to reach and assault the lone officer.

Political Responses to Date

In most of the highly publicized cases, the response of local and state governments has been to reduce the budgets and funding of police departments, and to replace physically and mentally fit and trained police officers with unarmed civilians.

St. Petersburg, FL has announced that all non-criminal calls will be handled by social workers instead of police officers. This announcement was met with concern by the city’s firefighters and paramedics. They pointed out that when an emergency is reported to 9-1-1, police officers generally arrive at the scene first and make sure it is safe for the firefighters and paramedics to do their jobs. This is particularly important when civilian responders such as paramedics and mental health workers encounter an armed or hostile patient who resists medical attention. St. Pete will hire a firm to provide crisis training to social workers. Instead of using a federal grant and local funds to hire additional police, as was planned, the city will give up the grant and fund the civilian program. These social workers will respond to an estimated 12,700 calls a year, about 5% of the total calls the PD receives annually. The types of calls the civilians will handle will include disorderly juveniles, drug overdoses, homeless complaints, involuntary committal for mental health evaluation, intoxicated persons, mental health calls, neighborhood concerns and disputes, panhandling, substance abuse, suicide threats, truancy and youth problems.

Advocates of civilianization point to CAHOOTS, the *Crisis Assistance Helping Out on the Streets* program in Eugene, Oregon, run by a mental health and crisis service facility. If a dispatcher decides a call is

nonviolent, a crisis worker and a paramedic are sent to the scene. It responds to about 20% of 9-1-1 calls and last year the program called for police backup in only 150 out of 24,000 calls. To date no staffer or patient has died or suffered a major injury.

In Dallas, TX, RIGHT Care, the Rapid Integrated Group Healthcare Team, serves the area of the city with the largest number of mental health calls. A police car is dispatched and arrives first and leaves once the RIGHT Care team arrives and takes over. That team consists of a police officer, a paramedic and a social worker. The police officer ensures the scene is safe and free from weapons, the social worker conducts a psycho-social risk assessment, and the medic provides any needed medical attention. Folks in Dallas say they would not be comfortable without police presence because the calls can change very quickly. The police and the social workers learn from each other that there is “a different way of doing things.”

In the Texas State Capitol, Austin, their union is asking officers to stop actively enforcing non-violent crimes. “They don’t want us enforcing traffic laws, dealing with the homeless, or prosecuting drug crimes,” they said. “Just answer your calls and that’s it.”

The Minnesota State Legislature has passed a sweeping package of police accountability measures after two months of negotiations since the death of George Floyd, Jr. The bill includes a statewide ban on police use of chokeholds and neck restraints, a prohibition on “warrior style training for police” (whatever that means), more data collection around deadly force encounters, a mandate for officers to intervene if they see illegal applications of force by other officers, and creates a new State unit to investigate cases of over-use of force by police.

Massachusetts is pushing a reform bill that would affect their 351 police departments. These bills call for limiting use of force tactics, banning chokeholds, limiting the use of tear gas, licensing all officers and developing a new independent commission to certify all officers and renew, revoke, or modify those licenses. (Currently the state does not have a statewide program to certify police officers.) It also seeks to link the qualified immunity defense to the licensing process and revoke immunity in a case that leads to an officer being decertified.

In Pennsylvania, their Governor has just signed police reform legislation consisting of two bills that passed the Legislature unanimously. The bills are designed to keep problem officers from continuing to find employment in other police departments, provide more cultural sensitivity training, and require more mental health screening of officers. Bills to narrow the use of lethal force and appoint special prosecutors to investigate police shootings or make officer disciplinary records accessible to the public have not passed.

Vermont’s Governor has signed police reform legislation that will require Troopers to wear body cameras, and prohibit police from using chokeholds and similar restraint techniques that would apply pressure to the neck, windpipe, or carotid artery that could prevent or hinder breathing, reduce air intake, or impede the flow of blood or oxygen to the brain.

In Bennington, VT, the city has hired two three-person teams of local residents to research best practices in community policing and civilian oversight of law enforcement, in collaboration with the Vermont Partnership for Fairness and Diversity and following a review of the local police department’s procedures by a team from the International Association of Chiefs of Police.

One of the most sensible reactions, in my opinion, has come from the African American Mayors' Association, that recently met and devised a "Peace Pact for Community-Centered Policing." It calls for transparency in policing, reevaluation of police policies and union contracts, advocating for sensible federal policy changes, improving community engagement, and creating budgets reflecting community values. Leaders of the group said they want to build on the momentum of the movement ignited by the death of George Floyd, but do not favor "defunding the police."

The IACP President Speaks Out

Following night after night of violence around the nation, Chief Steve Casstevens of Buffalo Grove, IL, the current President of the International Association of Chiefs of Police and a longtime friend of mine, issued the following statement:

Message from IACP President Steven R. Casstevens

"These are the times that try men's souls." In the winter of 1776, Thomas Paine penned these words during a time of profound challenge among colonists fighting for the independence of this great nation. He continued, "The summer soldier and the sunshine patriot will, in this crisis, shrink from the service of their country; but he that stands by it now, deserves the love and thanks of man and woman."

The summer soldier, the sunshine patriot, the "fair weather fan," as they may be called today, are those without the fortitude, the pride, the honor, and the strength to stand up for what is right and just in a free and open society. I find it incumbent on me—in fact, I am compelled by frank and righteous indignation—to speak against the vitriol, the violence, and the abject inhumanity being heaped upon the men and women of law enforcement today.

Despite my visceral urge not to, I turn on the news every night, read the social media posts, see the vulgar and profane anti-police graffiti, and listen to some elected leaders spew disparaging scorn and contempt on the very people who have so selflessly shouldered the mantle of selflessness, sacrifice, and devotion to service and the protection of every citizen of these United States.

I watch as they are taunted and attacked by agitators posturing as protesters and stand their ground as bottles, bricks, and Molotov cocktails are hurled at them. I see them aid the very people who are disgorging hatred and brutality upon them. I see toddlers decked out in profanity-laced signs and t-shirts as they trail beside grown adults leading them down a path of hate.

These acts are not productive protests. These are assaults on civility and the very fabric of American communities. And I am sick, I am weary, I am enraged, I am insulted, and it must stop.

What of these officers in Minnesota and Chicago and Portland? Outrageous, coordinated, directed, and potentially lethal assaults caught on film, not just courtesy of bystanders, but by people who choose to focus on tactics used by officers to defend themselves rather than identifying and condemning the violent crimes being committed in plain sight.

As a chief, I tell them, “things will get better”; “rise above it”; “remember our calling to public service, and all the good work you do each and every day. Don’t let the negative drown out the immense good.” I hope and pray that these words will help.

I watch the men and women in a thankless job get up each day; put on their uniforms; go out into their communities; and seek to make a better, safer, and more just world. We know that our communities are filled with good people and the violent acts of a few, while extremely disheartening, do not represent the views or beliefs of the whole.

The same is true of the policing profession. We recognize that our profession faces many challenges, and that some among us, a rare few, should not be wearing the badge. As police leaders, it is our job to hold these officers accountable and weed out those who should not be here. We are actively working to reform our profession, enhance our training and operations, and improve our connections with all members of our communities.

Just as unprovoked violence by the police is despicable, so is unprovoked violence against the police. Both should be condemned and equally denounced. There is a peaceful process for speaking your mind and voicing your opinions. What we are witnessing in many communities around the globe is not it. Violence is never the solution. It does nothing to bring us together. It does absolutely nothing to advance positive relationships. It merely increases the divide. As Dr. Martin Luther King Jr. pointed out, an eye for an eye leaves the whole world blind.

Police officers, like the people they serve, are fathers, mothers, husbands, wives, daughters, and sons. I implore all involved to remember that and to focus on our humanity, even as passions flare.

Rather than letting tragedy continue to divide us, this is a time for us to come together as a community and a nation and move forward together. We must stop talking about the theoretical common ground and instead find it. It’s not us and them. It’s we.

Solving the Problems and Avoiding Over-Reaction

Across the nation, we have seen a plethora of solutions proposed to unite our nation, promote fairness for all, and ensure that all segments of our population can lead lives that will cause them to be proud to be Americans.

It has disturbed me to observe that it seems that much of the discussion and suggestions surrounding these noble goals has focused on the police as being the problem rather than part of the solution; reforming law enforcement, addressing police brutality, and “de-funding the police.” This approach is somewhat akin to de-funding hospitals as the solution to the Coronavirus!

I know that I have been fortunate to spend my policing career in New Hampshire, because many of the incidents involving big-city law enforcement agencies and states managed by radical politicians have not, and could not, in my opinion occur in New Hampshire. Nevertheless, I believe the outrageous and shameful incidents that we have become aware of, as well as some instances of clearly out-of-bounds behavior by a minority of officers in our own state, are a rarity in comparison to the vast majority of police officers in the USA, and that the solutions do not lie in handcuffing the police.

Below is a “shopping list” of the proposals I have heard from across the nation, and which ones I view as unworkable and the ones that I would heartily endorse.

- *“De-funding the police” and sending unarmed civilian employees to answer a litany of typical police calls.* In my opinion this is pure lunacy. As a longtime police officer in a small town during a period when services we take for granted today, such as community mental health centers and alcohol and drug treatment programs did not exist, my officers and I carried out numerous duties including even delivering medicines to elderly citizens who could not travel to the doctor’s office. Those services enabled us to grow familiar with many of our citizens, the layout of their homes in case we ever had to respond to a dangerous call there, and an ability to dialog with these folks during a crisis and calm down situations without the use of force. If you look at the issues surrounding child abuse, the number of social workers that walk into dangerous home situations that make them fearful every time they approach that household, and where they open a case file that drags on and on without any resolution, you can only imagine the results if you begin sending civilian city employees in fluorescent orange garb, armed only with an M.A. in public administration, to respond to a neighborhood battle or a domestic abuse situation which can erupt into a physical assault at any minute.
- *Prohibiting the use of tear gas and other less-lethal weapons by police confronting a riotous situation.* These are useful tools that if properly employed can keep a situation from becoming totally out of control and resulting in loss of life and massive destruction of property. The answer to this is not removing these items from the police toolkit, but rather insisting that any officer in order to use these tools must have initial training and periodic refreshers in their proper use, and effective disciplinary action if they are misused.
- *Increasing the length of police recruit training.* This is a must, provided the additional time is made productive use of. I have great faith that the new administration at the Training Council will ensure that the curriculum involves more emphasis on scenario-based training and is based on Job Task analyses. I believe that de-escalation training needs to be emphasized not only in classroom training but also in scenarios. It also needs to be presented in such a manner that officers will not hesitate to act until a situation gets out of control and someone is killed or

seriously injured when prompt physical control methods could have prevented it. I also believe that awareness training in the realities of unconscious bias is important.

- *Proper emphasis on mental health.* This cuts two ways – enabling officers to recognize various forms of mental illness on the street and during calls for service, but also providing officers the ability to identify deteriorating mental condition in themselves or fellow officers and seek assistance. The growing number of suicides by police officers, firefighters and EMTs today is alarming and must be addressed. As to dealing with mental illness while handling calls for service, involving participation in training by actual persons in recovery from mental illness can be effective both ways – in encouraging police to see these folks as fellow humans in need of support, and allowing the mentally ill who participate to see police as understanding and ready to help them. When I was the Director of Police Standards and Training, we worked with NAMI to produce a series of training videos involving mentally ill persons telling their stories. Groups such as NAMI can be a tremendous help, however one viewpoint on which they and I differ is the belief that the mentally ill are no more dangerous than the average person. I can cite sufficient personal experience to the contrary. That does not mean we should treat them as “bad people” or criminals – simply that in dealing with mentally ill persons in crisis, attending police officers must be properly alert and aware, for their own safety, that of others present, and of the mentally ill persons themselves.
- *Repealing the Qualified Immunity legal defense for police uses of force.* Any attempt to do this should be approached carefully and only after extensive consideration of the pros and cons. In most instances the judicial community has approached these cases with caution and common sense, where this defense has been raised. We should not open the floodgates for rampant frivolous lawsuits.
- *Polygraph exams for police applicants.* Having been an extensive user of polygraph exams, not only for applicants but also in criminal investigations, I cannot express strongly enough my support for this. Unfortunately, some misguided town and city officials refuse to fund these because they are an “unfunded mandate.” There are plenty of unfunded mandates that they could choose to take this stance on, but not this one! I could cite many instances from my own experience including one local K-9 officer who was a Trooper applicant and revealed to the polygraph operator that he had been giving his dog oral sex, and a Patrol Officer applicant who would have failed on account of “perverted sex acts” but for the Polygrapher pursuing the results of the test further and discovering that this was a staunch Catholic whose wife had left him for another man and abandoned her children, and our candidate had guilt feelings because he had masturbated in the privacy of his bedroom after his wife left him, and he considered it a perversion. Polygraph testing depends on a skilled, persistent, well trained polygrapher, and will reveal problems that cannot be otherwise discovered. In criminal investigations, I have used it to clear suspects as well as provide evidence that led to arrests and convictions. I would also support polygraphing applicants for promotion to certain sensitive positions and for internal investigation of alleged on-the-job wrongdoing.
- *Thorough Background Investigations and Psychological Exams.* Polygraphs are great, but only a part of a thorough hiring or promotional process. A good background investigation by an experienced investigator is essential. It should also include for all new hires, a psychological exam and a post-psych interview with a licensed psychologist who is familiar with the police profession. Again, this is an “unfunded mandate” but is worth its weight in gold. I have been

concerned recently with the story of a recruit from one of our most professional local police departments, who completed all but the last week of the Police Academy, when other recruits came forward to the staff with some alarming news. They said this recruit had contacted other recruits and tried to convince them, since recruits wear their uniforms and guns to the Graduation ceremony, to stage a mass shooting at graduation. Fortunately, this allegation was taken seriously, and the recruit was dismissed the very week of graduation. I know his hiring agency to be very professional. I also suspect that the psychological tests administered to recruits probably have not changed much over the years and consist of the MMPI and other traditional tests. I would like to see Police Standards and Training assemble a group of professionals from a representative sample of local police, sheriffs and the state police who are familiar with the hiring process, to examine that man's background investigation report, the polygraph exam, and the psychological testing of this applicant, looking for any telltale signs that may have been missed. I would also recommend assembling a number of licensed psychologists who administer these tests for NH police departments and have them discuss the varied testing regimens not only here but across the nation and see if there are more modern tests and processes that would better detect psychological aberrations in today's police applicants.

- *Funding for Police Standards and Training.* I have watched with horror since I left PS&T, the divorce of the organization from the Community College System, where it had been the equivalent of a regional technical college. That affiliation provided a modicum of educational professionalism that had led to college credits for persons completing the Academy and some of the more stringent in-service classes, and the recognition of those credits by highly respected colleges and universities. This was followed by the loss of dedicated Penalty Assessment funding and placing PS&T into the General Fund where it has to compete with the majority of State agencies for what almost always consists of not enough money to go around to fill everyone's needs. Because the source of penalty assessment funding (a surcharge on court fines) diminished over the years and apparently no creative thinking went into how to breathe new life into it, the Council became less and less sufficiently funded. Whereas in the past, highly regarded specialized police trainers from around the nation were contracted with to provide advanced training was made available to departments throughout the state, recently the only training of this type offered has been by a few local departments that provide that training for their own officers and make a few extra seats available to other departments. Financial assistance to local departments to fund otherwise unfunded mandates became impossible. There seemed to be little success in identifying prominent legislators to carry the banner for the organization. I would recommend the development of a long-range plan to gradually acquire more adequate, dedicated funding, and revamp the curriculum, both recruit and in-service, on an ongoing basis.
- *Training Needs.* Certainly, today's police training requires more attention to such things as enhanced mental illness training, training in diversity, hidden bias, de-escalation and de-fusing, but not at the expense of eliminating other topics that involve frequent, routine police duties and infrequent but highly critical ones. I was appalled several years ago when the Academy eliminated First Aid training and certification. I was told that "Today, the Fire Department usually arrives at a scene ahead of the police, so this training is no longer critical." My response was if a police officer is eating at a restaurant in full uniform and someone starts choking, who will the patrons in that restaurant be looking at to step into the breach and save a life, and the

officer has no idea how to perform the Heimlich maneuver? And what about the officer who has responded to a deadly force incident and his partner is stabbed or shot and bleeding profusely? And how about the officer who is at home or on vacation and a relative suddenly stops breathing? Today, some departments equip their officers with tourniquets, and a knowledge of first aid can save the life of a fellow officer, the officer him/herself, the offender, a victim, or a witness.

- *“Warrior Training”*. There is still a hue and cry in some quarters to omit paramilitary discipline and training in the Academy as harmful to the concept of Community Policing. This is totally untrue. Police officers face many dangerous and critical situations where the ability to act as a cohesive unit and follow commands is critical. A readily identifiable and uniform, professional appearance leads to confidence and respect in tumultuous situations where you may need it most. The need to follow orders and to take command is critical. There is no reason why a paramilitary environment in the academy or at the police station cannot be balanced with the ability to show empathy, patience, and respect with the people you serve.
- *Personal Appearance*. Academy recruits, the majority of whom have never been in the military, benefit by learning proper grooming and appearance, and how to follow orders. Today’s lax appearance of some police departments and their officers is of great concern to me. A lot of it is in response to TV programs and movies where actors portraying police officers portray us as unshaven, unkempt, and covered with tattoos, and wearing uniforms consisting of no hat, a t-shirt with an embroidered badge and a pair of “no-iron” jeans and sneakers. This has been enhanced lately by charitable campaigns that encourage police, including their Chiefs to spend the month of December growing beards and missing haircuts in the interest of a charitable campaign. The officers enjoy this ability to dress like butchers and mechanics, and their labor unions, many of whom have negotiated extra pay for “donning and doffing” the uniform, negotiate a year-round elimination of dress and grooming standards. A police officer may one moment be dealing with a senior citizen, another with a lost child, then a college professor or a recent immigrant. The portrayal of a consistent, neutral, professional appearance makes it much easier to interact with this wide variety of individuals that constitutes the constituents that you serve and that “pay your salary.” Let’s tell the charity to give us pins to wear on the uniform showing our support, and dress with dignity in December!
- *Intercepting and Reporting Misbehavior*. This is tremendously important for a highly respected profession. If it is taught in recruit training and reinforced occasionally at in-service classes, and part of regular organizational discipline, it will become expected behavior and eliminate any “tattletale” stigma that might otherwise attach. It will keep good officers out of trouble and earn public respect for the agency. It should be written into law or regulations, taught, and enforced.

I could go on and on, but I have taken up 15 pages of your life, so allow me to sign off with thanks to you for taking on this important responsibility and to our Governor for recognizing the need.

Respectfully,

Earl Sweeney