

Commission on Law Enforcement Accountability, Community and Transparency

Meeting Minutes for August 7, 2020

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

Deputy Attorney General Jane Young called the meeting to order at 12:05 p.m. and reminded participants that the meeting was being recorded.

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

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

Robert Quinn, DOS Commissioner - Concord, NH

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

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

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

James McKim, President of NH NAACP - Goffstown, NH

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

Mark Morrison, New Hampshire Police Association – Londonderry PD

Charlie Dennis, NH Chief Association – Hanover, NH

Ken Norton, Executive Director of NAMI – Penacook, NH

Joseph Lascaze, NH ACLU representative – Bedford, NH

Julian Jefferson, Criminal Defense Representative – Manchester, NH

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

Eddie Edwards, public member – Dover, NH

Joseph Lascaze wanted to inform the Commission that he was spoken to by a reporter that wanted to bring to light his criminal background. Mr. Lascaze added that, as this is a Commission of transparency, he wanted to be transparent with the Commission about his past. The Commission reiterated their support for Mr. Lascaze and value his unique position on the position and his input.

The Deputy Attorney General requested the approval of the July 31st, 2020 minutes and August 4th, 2020. Director Ahni Malachi moved to accept the revised minutes, Director Scippa seconded the motion. A roll call vote was taken and the votes were recorded as follows:

Deputy Attorney General Jane Young –Y

Commissioner Robert Quinn – Y

Director Ahni Malachi – Y

Director John Scippa – Y

Chairman Rogers Johnson – Y
President James McKim – Y
Justice Sawako Gardner – Y to 31st, abstain from 4th
Lt. Mark Morrison – Y
Chief Charlie Dennis – Y
Director Ken Norton – Y
Mr. Joseph Lascaze – Y
Attorney Julian Jefferson – Y
Mr. Eddie Edwards – Y
Ms. Ronelle Tshiela – Y

The Deputy Attorney General covered the list of participants today. We will start with Attorney Julian Jefferson and conclude with Major John Marasco.

Attorney Julian Jefferson (testimony on website)

No minimum age for juvenile in court for prosecution. Need to set minimum age to say we are not going to prosecute juveniles in court. Children under the age of 12 are not competent enough to stand trial. Over police and prosecute drug addicts. From 2016-2019, 26-32% of case load for the public defender's office. Police should be focused on drug sales and corporations pushing illegal drugs to the population.

- Rogers Johnson – why are we not using all the tools in the toolbox?
 - o That's the exact problem
- Joseph Lascaze – drug possessions being almost 30% case load, rough estimate of other case underlined by drug issues
 - o Can't put precise number, but it is overwhelming
- Joseph Lascaze – legislation that makes drug possession a misdemeanor and implementing more drug courts
 - o Drug possession only, need a path to diversion
- Jane Young – is simple possession always simple possession and should multiples be elevated to felony level
 - o No, possession should be possession
- President James McKim – what are arguments for not having this age in prosecution
 - o Would challenge someone to come with some. Should only be a last resort, not first.
- President James McKim – the age we choose now, what implications would that have going forward
 - o Look at science and data as it exists now. We incarcerate at a higher rate than any other nation.
- Lt. Morrison – change in CHINS petition back in 2011, but law enforcement are stuck and limited to the tool kit.

- Commissioner Quinn – agrees that we need to stay focused on how we address possession cases, sometimes law enforcement is the first to help
- Ken Norton – is there an amount that gets you to a felony
 - o In practice, already moving towards reducing to misdemeanor
- Eddie Edwards – classroom to prison pipeline, state’s need to be independent enough to make own policy issues
 - o
- Eddie Edwards – are recommendations specific to NH
 - o Yes.
- Jane Young – any crimes in which juvenile should be certified
 - o First, second assault, robbery, murder, aggravated sexual assault per se presumption of transfer
- Jane Young – how many juveniles certified out of your office
 - o 5 children, young black men, facing certification right now. First degree assault (stabbing), for felony level offenses.
- Director Ahni Malachi – 12 year old, safe to assume underlying issues prior to incident happening, why would we incarcerate at all
 - o That’s exactly his point
- Director Ahni Malachi – why not keep in the juvenile system
 - o 12 year olds use social services side of system or state takes over guardianship of child.
- Director Ahni Malachi – how relevant is the lack of fathers in homes, is that an issue?
 - o Communities are designed to support or not to.
- Joseph Lascaze – California has adopted policies to make all drug possessions a misdemeanor. NH had voice vote that would make first time drug possession a misdemeanor

Major John Marasco, NH State Police (testimony and slideshow on website)

Covered various community outreach. Many Troopers work with non-profits in the community. Lots of youth outreach in community, including youth forum. 100 young people go through cadet police academy. COVID outreach as well.

- President James McKim – recommendations to the Governor?
 - o Built one relationship at a time.
- President James McKim – towns of many sizes, what can we recommend to smaller towns
 - o Starts with initiative, what can I do to contribute, how can we support?
- Joseph Lascaze – do you think the increased use of body cameras would help with community relations
 - o Cruiser camera project is a step in the right directions
- Director Ahni Malachi – helpful to post community police events for other agencies without a dedicated community officer

- Great idea
- Rogers Johnson – member of state police leadership and local officer would appear at listening sessions, good community involvement.
- Commissioner Quinn – recommendation should be to continue and expand events, regional events, builds trust.

The Deputy Attorney General noted the upcoming agenda. Public comments on Monday, August 10th for the Community section. Written testimony can be submitted to LEACT@doj.nh.gov. If any members of public would like to speak, please contact Kim Schmidt and will be placed in order. One Tuesday, we will get the recommendations on this section and back out for review on Tuesday. On Wednesday, we will discuss the recommendations for the Community section with the final draft and votes happening on Thursday. Friday will begin the reporting/investigating section.

The Deputy Attorney General requested a motion to adjourn. So moved by Mr. Joseph Lascaze and seconded by Julian Jefferson. A roll call vote was taken on the motion to adjourn and the votes were recorded as follows:

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

The meeting was adjourned at 2:06 p.m.