



**New Hampshire Commission of Law Enforcement  
Accountability, Community, and Transparency**  
Remote Commission Meeting via Teleconference  
Friday, August 7, 2020 at 12:00 p.m.

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**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 Major John Marasco, *New Hampshire State Police*.

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**DEPUTY ATTORNEY GENERAL YOUNG:** Are we good, Fallon?

**MS. REED:** Yeah, go ahead, sorry.

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

As always, the first order of business is the call to order. This is the 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 being conducted remotely.

I'm going to do a roll call of the Commission Members, ask to identify who you are, where you are currently located, and if anyone is with you. To start, I am Jane Young. I am at the Department of Justice in Concord, New Hampshire. With me today, as always, Kim Schmidt, Annie Gagne, and Nicole Clay. Good afternoon, Commissioner Quinn. How are you?

**COMMISSIONER QUINN:** Good afternoon, everybody. I'm Robert Quinn, Department of Safety. I'm at my office, 33 Hazen Drive in Concord. And I am alone.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Good morning, Director Malachi. How are you? Afternoon.

**DIRECTOR MALACHI:** Yes, I am well. Yeah, right? Good day. I messed all that up for everybody. I am Ahni Malachi and I am at my home in Penacook. And I'm alone.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Good afternoon, Director Scippa.

**DIRECTOR SCIPPA:** Good afternoon, Deputy General. And good afternoon, Commission Members. I am in Exeter at my home. There's other adults in the building, but not in the room.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Good afternoon, Commissioner Johnson. How are you?

**MR. JOHNSON:** I'm well. Thank you, Deputy General. And good afternoon, Commissioners. I am Rogers Johnson. I'm in my home office here in Stratham. There are people in the house but they are not in this room.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Good afternoon, President -- oh, you have joined us. Good afternoon, President McKim. How are you?

**MR. MCKIM:** I'm well. Thank you, Deputy General. Good afternoon to you and to all the Commissioners. I am James McKim. I am in my home office in Goffstown. I am alone in the room. My wife is in her office in the other room in the house.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Good afternoon, Judge Gardner. How are you?

**JUDGE GARDNER:** Good afternoon, everyone. I am actually in Dover in my chambers alone.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Good afternoon, Lieutenant Morrison.

**LIEUTENANT MORRISON:** Good afternoon, everybody. Lieutenant Mark Morrison, on behalf of the New Hampshire Police Association, I am located at the Londonderry Police Department. And I am alone in this conference room but not in the building.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Hello, Chief Dennis. How are you?

**CHIEF DENNIS:** And good afternoon, Deputy Young and fellow Commission Members. I'm Charlie Dennis. I'm located at the Hanover Police Department at 46 Lyme Road. I'm in my office and I'm alone. I just want to say I enjoyed meeting many of our fellow Commission Members at the Fair and Impartial Policing Training on Wednesday and Thursday. And it was good to meet you in person, finally, a lot of you. So, thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Director Norton, how are you?

**DIRECTOR NORTON:** Good. Thank you, Deputy Young. Ken Norton from NAMI New Hampshire. I am in Penacook. I'm alone at the moment, but I expect family here in a little bit. They will not be in the room with me.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Attorney Jefferson, good afternoon.

**ATTORNEY JEFFERSON:** Good afternoon, everyone. Julian Jefferson, I am in my office in Manchester. And I am alone.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Good afternoon, Chief Edwards. How are you?

**CHIEF EDWARDS:** Good afternoon, Deputy Young. How are you? And hello, fellow Commission Members. Happy Friday. I'm at my home in Dover. There are other adults in the house, along with the dogs in their other rooms.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you.

**CHIEF EDWARDS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Good afternoon, Ms. Tshiela. How are you?

**MS. TSHIELA:** Good afternoon. I'm good. How are you?

**DEPUTY ATTORNEY GENERAL YOUNG:** I'm good, thanks.

**MS. TSHIELA:** I'm at my residence in Durham, New Hampshire. And I'm alone.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. And good afternoon, Commissioner Lascaze. How are you?

**MR. LASCAZE:** Good afternoon, Deputy Young. I just wanted to take a couple moments to make a quick statement, if I could, before I do my roll call.

**DEPUTY ATTORNEY GENERAL YOUNG:** Certainly.

**MR. LASCAZE:** Thank you. Yesterday, I was contacted by a Reporter who felt the need for all the Commission Members and the New Hampshire public to know that I have a criminal background, more directly the facts of my 2005 conviction. My criminal background is not something that I'm proud of at all and I've never tried to hide it. And I've already shared this information with almost every Member of this Commission that I've spoke to.

An element of this Commission is transparency. And being an advocate who calls for transparency from Law Enforcement, I want to take this moment to practice what I preach and be very transparent with the New Hampshire public and for anyone else who doesn't know.

I have made several poor choices in my life, including committing an armed robbery as a teenager that resulted in me being incarcerated at the New Hampshire State Prison. To all of New Hampshire, I am truly sorry for breaking public trust and for putting New Hampshire residents in harm's way.

I have taken ownership of my actions. I have served my time. And I chose I was not going to let my bad choices from 15 years ago and all my total incarceration define me. Instead, I let it refine me into the man that I now am that's sitting on this Commission, that testifies before the Legislature, that works with the Department of Corrections, and collaborates with community partners to improve our State. And I want to thank the Governor for giving me this opportunity to take my negative experience and turn it into a positive to help bring about meaningful reform.

So, if you're someone out there who thinks the facts of my mistakes from 15 years ago is more important than the facts of what I've accomplished in the last 15 months, I challenge you to pay attention to what Abraham Lincoln said. He said, if you look for the bad in mankind expecting to find it, you surely will. I just hope that we get to a place in society where we can look for the good in the others first.

With that being said, I am Joseph Lascaze. I'm the Smart Justice Advocate for the ACLU of New Hampshire. I am at my residence in Bedford, New Hampshire. There are family members here, but I am alone in this room.

**LIEUTENANT MORRISON:** Glad to have you, Joseph.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Joseph. I have spent my entire career being a Prosecutor. People make mistakes. It's not the mistake you make. It's how you move on from that mistake. It's been an honor to work with you on this Commission. You are a valued Member. Your input is necessary. And I think you just demonstrated the man that you are. So, as the Commissioner, thank you. I think that there may be a couple of other Commission Members that want to say something to you, but you're a brave guy, Joseph. Chief Edwards?

**CHIEF EDWARDS:** Yes, I couldn't agree with Deputy Young more. And Joseph, I have known you through Leadership New Hampshire as a Panelist and on this Commission. And I think you are what we hope for: someone who has identified, recognized their mistakes, come back to the community to add a positive change to the community.

I think your voice is uniquely positioned on this Commission. I am thankful and support the Governor nominating you to this Commission. I think your voice, your advocacy, is something that's been missing from these type of discussions. I think you are adding and setting an example for so many who leave the Department of Corrections and come back to their community, that they can be an important member and add value to the community. Thank you for being the man you are. And thank you for being on this Commission, and the value you add every day to the citizens of New Hampshire.

**DEPUTY ATTORNEY GENERAL YOUNG:** John and then Julian, and then Ahni.

**DIRECTOR SCIPPA:** Joseph, it has been my absolute pleasure to have come to know you as a Member of this Commission. Clearly you just demonstrated to every person who's on this Commission, and every person who is listening and watching, the character that all of us wish we could have every single day. You prove to all of us how good a man you are.

It has been a privilege to work with you. And it's been a privilege to get to know you. And the voice that you bring, the perspective that you bring adds tremendous value to what we're trying to accomplish today. And I just really welcome the opportunity to work with you. You bring tremendous value to this effort.

**DEPUTY ATTORNEY GENERAL YOUNG:** Julian?

**ATTORNEY JEFFERSON:** So, Joseph, I want to thank you for your work on this Commission. I want to tease you about making this grown man cry. I haven't done that in a while. But, let me tell you this. You are the hope and the dream of the slave. You are the personification of the reasons that Black Lives Matter.

To say that your past in any way diminishes your ability to serve on this Commission is the most absurd thing I've ever heard. And I hope that you find it to be equally absurd. You are literally the reason that I am here, the reason that I do the job that I do. So, thank you for your courage and your bravery.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ahni?

**DIRECTOR MALACHI:** Okay, I'm trying really hard but I don't know if I can get through this. As the Executive Director of the New Hampshire Commission for Human Rights, I was excited to find out who you were so that I could work with you on in-Prison information and right-to-know information for people who are on their way out of the Prison System.

And as a Member of this Commission, having you shared that information with me privately, I am equally as excited to get together and to work with you, correct-labor with you, on the important work that you're doing and the important work that the Commission is doing. The whole point of what happened, what you went through, was that you paid your debt. Debt done. Slate cleared, ready to move on.

And it is inexcusable for someone who is looking for click-bait to determine that what happened to you in the past and the attempts, and the good work, and the hard work that you're doing to be that better person that you wanted to be back then, but just didn't have the tools to do, but you have found the tools and made the way to make it happen. It is shameful for someone to decide that that part of you is more important than who you are today, or who you are as a whole person. Really sad that that's the world that we live in.

And I'm just going to say, I apologize that you even had to go through that, that you even had to deal with this, because you have been an upfront human. And you have shared with us clearly who you were, who you are, and who you want to be. And what happened in the past, it certainly gives you a unique perspective. It does not diminish in one bit who you are as a human, who you are as a man, who you will be as a husband, who you will be as a father. It will shape that certainly. But it will make you even stronger, because you have made the conscious decision to move forward.

And in this moment, by you making this public declaration, you have said (claps hands) with shaming, as necessary. And it's ridiculous that we even have to do this. But I appreciate it. I guess I needed

a cleansing cry and you have messed up my makeup for today. So little brother, I'm not happy about that. But I love you just the same.

And as a mother to who would be a son, I appreciate the man that you have become and are continuing, and working hard to be even more so. So I thank you for that. I thank you from the bottom of my heart.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Ahni. Ken?

**DIRECTOR NORTON:** Yeah, Ahni expressed a lot of what I think I was feeling. I'm angry. And I'm upset that none of us should be defined by the worst thing that we've ever done. And the fact that somebody decided to try to tear you down, as a result of that, and you've been totally open on this Commission about that. And it's really upsetting to me.

I think you bring a lot of credibility to the Commission. And you're an incredibly honorable person. And it's my honor to work with you on the Commission. Thanks.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Ken. James?

**MR. MCKIM:** I've known Joseph for a couple years now. And he first walked into one of the NAACP Manchester branch's general member meetings. And you could tell from the way he walked in that he was an intellectual. He was a thinker. He was a person who cares.

And that is what he has shown us, as a Member of this Commission; to be a thought leader in the area of criminal justice. And that is what we need right now, thought leaders who have experience. We need people with many different types of experiences. And it's been already said, but I want to echo it. The experience that he brings is so unique and so needed by this Commission that it just made me so proud to be able to serve with him on this Commission and to see him get the recognition that he so justly deserves.

So, I, too, am disheartened, angered. So many emotions are brought up by this situation. But it makes me want to continue the mission of the NAACP to fighting discrimination where we see it. And this is one of these cases of discrimination that we all need to fight. It's out in front of us. It's attacking the highest levels of our society. And we need to cull it out, shine the light on it, and combat it in every way that we can. And in so doing, and while so doing, lift up Joseph and all those like him who personify what we are trying to do with our Criminal Justice System.

So, thank you so much, Joseph. I look forward to continuing the great relationship we have. I'm just so sorry that this has happened. But we will overcome. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Chief Dennis and then Mark, I see your hand up, and Commissioner Quinn. So we will get to you. Chief Dennis?

**CHIEF DENNIS:** Thank you. And Joseph, I think the Governor made an excellent choice when he put you on this Commission. I can remember the first time I heard you speak, which was on the House Bill about recording of Police misconduct. And I was so impressed with your testimony, because you present a perspective, a personal story of what you've experienced. But you're able to balance that and see good on other sides, too.



And as I talked to you when I met with you yesterday or Wednesday, and I said, you are that perfect person to be that bridge, to bring people together. There's many people that maybe just have one agenda on one side. You have perspectives that can see things on both sides. And I think if our Politicians could take a lesson from you of seeing things from two sides and bringing, and bridging people together, you can do that.

What you did today took a lot of character and courage. You're a great person. And I love you, brother. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Chief. Mark?

**LIEUTENANT MORRISON:** It's hard to say strong enough how much I think not just me but everybody echoes the same sentiments that have been mentioned already. I don't think there would be a more stereotypical relationship of somebody who's faced the Criminal Justice System and a Law Enforcement Officer, and how you would not expect them to get along.

That has been the absolute opposite. Joseph has been outstanding in his thoughtfulness and his compassion for this entire process, all involved Parties. To have to shoulder the burden of this like you have with whoever this Reporter is in this situation, is a travesty.

But, I have very much appreciated all your contributions you've made so far. Our discussions that we've had have been nothing but positive and fruitful. They will enable us to really carry forward in this Commission and make some outstanding recommendations to continue bringing this entire area of the fabric of our society forward. I appreciate everything that you have to say. And I look forward to continuing to work with you and listening to your position, using your position to sharpen my own, and moving forward as a body for this Commission. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Mark. Commissioner Quinn?

**COMMISSIONER QUINN:** Sure, I'm going to go against what I said, Deputy Young, about weighing in for the interest of time. But I think this is important. And I don't want to repeat what everyone said. But, Joseph, I hope you understand and know that everybody on this Commission, and I would say everybody that's listening in, makes mistakes. And it's not the mistakes we make. It is how we respond to them and how we learn from them, and move forward.

But just to validate what he said, Joseph did call me and explain to me the mistake he had made. But he also asked if he could come, when this Commission is slowed down, so he can better learn and understand some of the fast-paced things that we've talked about. So we did make a meeting. He is welcome to come in. He is going to come in.

And we had a conversation about building trust. And I said to him on the phone call, we talked about trusting each other and moving forward. And he said it's the most important thing for him to fully understand. And so, I just want everyone to know that what he said was true.

And I still look forward to working with you, not only on this, Joseph, but moving forward after it's done. So best of luck and I know we still have a lot of work to do.

**DEPUTY ATTORNEY GENERAL YOUNG:** Judge Gardner?

**JUDGE GARDNER:** So, in the interest of time, I was just going to reach out to Joseph personally. But since everyone's spoken, I feel like I should say something, as well. I echo everyone's sentiments. And Joseph, please don't let your pat define who you are. Instead, let it shape you in a positive way, like you're doing right now. I feel really proud to serve with you on this Commission. And I will reach out to you separately. So, thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** And on a personal note, you're funny and you keep us moving along. But I never tell you that. But, we appreciate your sense of humor.

**MR. LASCAZE:** All right, thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. You can still make the Motions at the end to move us along.

**MR. LASCAZE:** Okay. All right, I will.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Okay. Is Ahni back from redoing her makeup here? Ahni, you with us? We got to move on. I don't know where she went. There you are. Okay. You're back.

**DIRECTOR MALACHI:** Oh, it was boohoo crying. That's all. I was sitting right here. I heard everything.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So, we now have to move onto the approval of the Minutes. I got everybody, correct, on the roll call? Okay. So, we have the Minutes that we passed on from July 31st and from August 4th. I think that we got all the corrections. The 31st was the difficult one. Do I have a Motion to Approve both sets of the Minutes? So, Ahni, you make a Motion to Approve the 31st and the 4th?

**DIRECTOR MALACHI:** 4th, yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** And John Scippa, you are seconding that. Is that correct?

**DIRECTOR SCIPPA:** That is correct.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So I will take a roll call on this. Commissioner Tshiela, how do you vote?

**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:** Commissioner 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?

**CHIEF DENNIS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Judge Gardner?

**JUDGE GARDNER:** Yes. Yes to the 31st, but abstain from the 4th.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Thank you. We got that? Thank you.  
President McKim?

**MR. MCKIM:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Johnson?

**MR. JOHNSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Quinn?

**COMMISSIONER QUINN:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** And I vote yes on both sets, as well. So we will move onto today's business, which will close what we're calling the Subject-Matter Experts on relationships between Law Enforcement and communities. Mary Georges is not able to join us. That is somebody that Commissioner Malachi wanted us to have on. But she's just not able to.

So we will start with Attorney Jefferson and then we will conclude with Major Marasco from State Police, who I'm sure a lot of you know from the work that he has done with community outreach. So with that, Julian, I will turn the floor over to you.

**ATTORNEY JEFFERSON:** Brown lives matter. Young people's lives matter. Poor people's lives matter. And all lives matter. I wish to testify on two issues regarding community relations, and that is potential reforms related to the prosecution of children, and second, potential reforms related to the prosecution of drug possession in our State.

In both of these areas, as in all cases, the Police play a vital role. In this State, we have no minimum age for the prosecution of a child in Juvenile Court for an allegation of committing a crime. This is something we need to change, particularly for children under the age of 13, and especially if the allegation is that the child committed a misdemeanor offense.

What could a 12-year-old do that amounts to a misdemeanor offense that should result in the prosecution of that child in Juvenile Court? Some common misdemeanor offenses are simple assault, criminal mischief, disorderly conduct. Misdemeanor offenses are low-level offenses that do not involve the elements of violence that can be part of some felony-level offenses.

The Manchester Police provided us with data showing that roughly 92 prosecutions were initiated against 12-year-old children over a 5 1/2 year period, with approximately 78 of them being for misdemeanor offenses. That means, on average, that more than one child 12 years old, every month, was being brought into court to face prosecution on a criminal offense in Juvenile Court. That is at least 78 too many prosecutions. We have plenty of other tools to address the behavior of a 12-year-old child.

And I want to be clear that this is not an indictment of the Police. They are responding to calls for service when people are asking them, in some instances, to initiate a prosecution. We need to set a minimum age at which we, as a society, say that we are not going to prosecute children in court.

I used the word "arrested" in early remarks to the Commission when speaking children 12-and-under. And I agree with both the Manchester Police and the Nashua Police that the word "arrest" can imply handcuffing and being brought to the Police Station. And I do sincerely apologize for that. I did not mean to suggest that. What I did mean and continue to mean is that any prosecution of a child 12 years old or younger should be a rare event and only done in the most extreme cases.

I had the opportunity this week to speak with Deputy Chief Testaverde from the Nashua Police. And like his Lieutenant and his Captain who have already testified before this Commission, I was very impressed with his vision and his approach towards juvenile justice. I was also encouraged by the figures from the Nashua Police showing that there were not any arrests for any child 12-or-younger for any misdemeanor offenses over the past six years.

The pampers-to-Prison pipeline is real. And we need to find ways to disrupt it and to change the trajectory of these children's lives. It is one thing to read the studies and research on it. It is quite another to grow up in a community that feeds this pipeline. I grew up in a community of high levels of poverty, addiction, violence, and low-education outcomes. And as I mentally walk through my community in my head, I see the boys and the young men who are either dead, or in Jail, or in Prison. I see the countless people who never graduated from high school.

This pipeline is real. It disproportionately affects people of color. And we have to come together as a nation and as a State to find ways to meaningfully combat it. Putting children into the Criminal Justice System is the first step in that pipeline. We can disrupt that pipeline by trying to build strong children, to

find out the underlying issues and address them, with the supervision of the State, if needed, but not through a prosecution of that child. We have Educators, Social Workers, DCYF Workers, Abuse and Neglect Petition, Child in Need of Services Petition. All of these tools are to be employed and replace the prosecution of children.

12-year-old children and younger in most instances are not competent to stand trial, which is another reason to set a minimum age for prosecution. A related issue is the transfer of children from the Juvenile System into the Criminal Adult System.

Our law currently creates a presumption of transfer for too many alleged offenses. Giving up on a child and transferring them into the Adult Criminal System should be a last resort and not a first resort. For that reason, our law needs to be amended to reflect the fact that children are first and foremost children, meaning we have the time and the space to build strong children and not to create broken men and women.

There's a black boy right now at our Youth Detention Center who wrote a letter to the NAACP. He listened to this Commission's deliberations and he was writing to voice his thanks, support, and optimism that his life, his situation was being valued and discussed by so many people, to include Lieutenant Camacho, to include Chief Edwards, to include Rogers Johnson.

If we sit and think about that for a moment, this young black boy is seeing such a diverse group of people talking about his life. If that is all that I get from this Commission, that is such a testament to our State and to our Governor performing this Commission, and to the Members of our Legislature who have already expressed a willingness and a desire to address the pressing issues in front of us.

The last issue I would like to discuss is drug addiction and drug possession. We over-police and prosecute drug addicts. Drug possession is currently a felony-level offense in this State. For the Public Defender Office, which is the lead office for all criminal cases, from 2016 to 2019 they amounted to 26% to 32% of our entire felony caseload. This is not an efficient use of Police resources, prosecution resources, or indigent defense resources. These cases should be misdemeanor cases brought in the District Court with plenty of opportunity for diversion out of the Criminal Justice System in exchange for seeing treatment.

Drug addiction is a public health issue. Our Police resources should be laser focused on the prosecution of drug dealers and the related and very real criminal organizations that victimize the people addicted to drugs in our State.

And if I could have some indulgence, I would just like to say one thing in response to Joseph. Joseph had the courage to share his story. And I want to make sure he understands that he does not stand alone. The only reason that I am an Attorney and sitting in this office, and not potentially sitting in a Prison cell, is blind luck. When I was either 17 or 18 years old, I was hanging out with a friend. I had never been in trouble before, never involved in gangs or drugs.

But this was a friend of mine. He was a low-level guy who sold marijuana, or weed, on the street. He got into a fight with somebody else and I had a car. And he needed a ride. And me, as a teenager, not thinking, not being able to understand the risk and absolute stupidity of saying, sure, I'll give you a ride, gave him a ride. He found his friend, who had a gun. I saw the gun. The gun was in my car. And the only reason that I am not in the same situation as Joseph is that we, as stupid teenagers, never found that child.

So to Joseph, I say to you, you are a man of courage. You are a man of character. And I want to remind you of what our former First Lady said that nothing as you do as a child should define you for the rest of your life. And with that, I look forward to a conversation with all of my fellow Commission Members about these important issues. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Julian. Questions or comments, we will try the raise-your-hand way and see how this works. Rogers?

**MR. JOHNSON:** Good afternoon. Julian, something you said piqued my interest. If we have all these tools, why aren't they being used?

**ATTORNEY JEFFERSON:** And that's a great question. And I think it is because we have a tendency to rely on the Police. And again, this is not an indictment of the Police. We have a culture where we are over-policing because of an overreliance on Police.

If you remember Chief Edwards had said to us, well, what do we do when we have a Elementary School Teacher calling us to say they want to arrest this child? And this is why we need to have these reforms, because we have turned ourselves into a police state, instead of responding to our society's ills with all of these other tools. And it does a disservice to the Police. And it does a disservice to the community. That would be my response to you guys on that issue.

**MR. JOHNSON:** The follow-up, I don't mean to keep going. It's just that this makes me think that what we're really creating here is what I call a no-risk society. We're going to make sure that all the people taking the risks are on this side of the aisle. All the people who have responsibility who should be doing something are on that side of the aisle.

There are a number of individuals who should be involved with this process. But it's a lot easier to pick up the phone and call the Police, and have them do something, because I don't want to be involved. Do you see a lot of that in this?

**ATTORNEY JEFFERSON:** Yes, and if you remember the remarks of Captain Newport, that he receives calls from parent saying my child is misbehaving. So it is, yes, this instinct to call 911 instead of using all the other tools in the tool basket and having a very interdisciplinary approach is something that we are sorely lacking. And that is certainly not unique to this State. And in many ways, we have made progress in this State. But, yeah, I think that is the systemic issue at the heart of a lot of what we're talking about.

**MR. JOHNSON:** Thank you for that. I don't have any more questions. I had to mute, because somebody wanted to call me for some reason.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Joseph, question/comment?

**MR. LASCAZE:** Yes, please. Thank you. Attorney Jefferson, thank you for everything that you've shared today. And you're right. We all make mistakes and I'm happy that it didn't alter the course of your life, because you wouldn't be who you are now. So happy to have you here.

I did have a quick question for you. You spoke about drug possessions being almost 30% of the caseload that the Public Defender's Office handled. I was wondering. Do you know a rough estimate? And I don't know if you have an exact percentage, but a rough estimate of how many of the other cases that you handled that weren't drug possession charges, but they were underlying driven by drug-related issues?

**ATTORNEY JEFFERSON:** That is an excellent question. And I can't put a precise number on it. But I can tell you that it is an overwhelming number. So drug addiction, if you look at a person's criminal record, and any Prosecutor and probably any Law Enforcement Officer will tell you, it's very easy to spot. If you look at a criminal record and you see a bunch of thefts, and you see a bunch of burglaries, and then you see some drug possessions, you know that's a drug addict.

And so, not only does it victimize that person, but then it also has this residual effect of them now committing crimes to support their habit. And those most commonly are petty thefts and burglaries into people's homes.

And so, if you put the combined percentage, I would hazard to say it's at least 50% of our entire felony caseload is directly related to drug addiction. And as we all know in this State, that's hit our State especially hard. We've been the epicenter of the heroin addiction, which we've done a lot of progress on in the creation of Drug Courts and Safe Stations. But it is still something that we are deep in the throes of. And it is directly related to, I would say, 50% of felony cases.

**MR. LASCAZE:** Okay. And in your opinion, would you think that legislation that would make drug possession, not drug distribution, not drug sales, but drug possession a misdemeanor, that that -- and the use of Drug Courts being expanded -- that that would help address the underlying issue?

**ATTORNEY JEFFERSON:** Yes, and I think it would do two things. And I thank you for clarifying, because I want to be very clear. We are talking about drug possession only, not possession with intent, because that's a drug dealer; not drug sales. And so, yes, so this is simple possession where we're truly talking about the drug addict, themselves.

Yes, I think it makes absolute sense to reduce it to a misdemeanor. In reality, a lot of Prosecutors are doing that in some degree or another, taking them and reducing them to misdemeanors. But others are not. So it needs to be a legislative change. And there needs to be Court Rules or legislation that creates paths to diversion, because we need to recognize again on this overreliance of the punitive Criminal Justice System, instead of the Public Health System, and that will free up Police resources to focus valuable time on training, and to laser focus on going on the dangerous elements in our society.

**MR. LASCAZE:** Thank you very much. And I yield the rest of my questions.

**DEPUTY ATTORNEY GENERAL YOUNG:** Can I follow up on that? Julian, do you ever see a case where sort of the multiple possessions ever become a felony? Or do you think simple possession is always simple possession, and there's no gradual penalty for that?

**ATTORNEY JEFFERSON:** So, do I understand your question to mean like if you have a second? So if we changed the law and we said, the first one is the misdemeanor, but the second or third is a felony, is that what you're saying?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes, and it also has to be tied to a weight, correct?

**ATTORNEY JEFFERSON:** Correct, because we want to be very careful that we're going for simple possession. So this is not the pound of marijuana. This is not the 50 baggies in individually wrapped.

Those are appropriately charged as possession with intent and not simple possession only. And I would also be supportive of putting a weight component on it so that we truly are laser focused on this simple possession.

And to answer the question, my thoughts are because drug addiction, to me, is not a criminal issue, and that we all know that drug addiction can be a long, torturous process that has relapse, I don't think it makes sense to say the first two times you have drugs on you, it should be a misdemeanor. But the third time, it should be a felony, because that's still just a drug addict. And whether that drug addict gets that on day 1 or day 990, I don't think it should be a felony offense.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. President McKim?

**MR. MCKIM:** Thank you, Deputy General. And thank you, Attorney Jefferson, for your testimony. I'm still learning about this age issue. And I wonder if you could share with us your thoughts on, what are the arguments for not having this age limit for prosecutions?

**ATTORNEY JEFFERSON:** I would honestly challenge somebody to come up with one. I think it's just a function of when Juvenile Justice Systems were created, they never had an age limit. And over the years, States have started to incorporate some.

Massachusetts and California have their age set at 12. There's about 10 other States that have their age set at 10. But the vast majority of this country just simply never thought to set that limit. But it's important because, I mean, the materials I provided to the Commission, statewide FBI surveys, there are tens of thousands of children under the age of 12 that are either arrested, handcuffed, and prosecuted; one of those three variants or all of them.

And so, I think it's just a function of, when we created our Juvenile Justice System, we just said, oh, well, it's just the Juvenile Justice System. But people need to be very clear. These are prosecutions. If I could walk you through what it means to prosecute a child in Juvenile Court, that the child has to appear in court at least twice, which means they're taking two days off of school. They have to come into a Criminal Law Office and meet with a Criminal Defense Attorney to go over Police Reports and the crimes.

They have to go into Juvenile Court and be arraigned. And then, as part of that process, they're (inaudible) by armed Security Officers. And then they're put in a room surrounded by other children accused of crimes with Police Officers and Probation Officers, and guns, and badges, and a black robe.

So people often think, well, it's just Juvenile Court. No, it's a Criminal Court. It's a Criminal Court for children. And children internalize that. So we cannot take this sort of carefree approach. It is the beginning of the pampers-to-Prison pipeline. And it is a Criminal Court. And that is why we need to be very careful that we're only using it as a last resort and not a first resort.

And again, I just simply cannot imagine anything that a 12-year-old does that fits the bailments of a misdemeanor offense where we're going to say we're going to bring that child into a Criminal Court and prosecute them. I mean, to me, that is just absolutely absurd.

And if you look at Dr. Becotte, who does the majority of our Child Evaluations here, from a resource perspective it's just a waste of resources. 12-year-old children and under are routinely found not competent to stand trial. So they're getting all of this trauma of having to go through this process. And then, the charges are just ultimately dismissed, because they're not competent to stand trial. They're not competent to participate in a criminal process.



So, I mean, on the moral reason alone, I think we need to set a minimum age. But also from just a resources and practical perspective, I think that that's also the case. So, yeah, those are my thoughts.

**MR. MCKIM:** Great, thank you. And just one more follow-up on that; that's very helpful. I'm just thinking about the age that we choose now. Over time, we've seen that youth mature differently and what used to be that 16 was the age of consent in marriage and it's evolving. So, I'm curious to hear your thoughts about the choice of the age now and what implications that might have going forward.

**ATTORNEY JEFFERSON:** Yeah, and that's an excellent question, because I would agree with you that things can evolve. So I would say that we need to look at the science and the data, as it exists now, to create that benchmark. And I think that's why California and Massachusetts chose their age and raised their age higher than other States.

But I also think, separate and apart from that, getting back to the moral sort of part of it and us drawing this line in the sand as a society from a moral perspective, I think regardless of the evolution of time and maturity, children are children. And I just come back to that point. I just don't see how we, as a society, should be saying that anything a 12-year-old child does results in a Criminal Court process.

And it's not that children aren't being held accountable. But there's so many ways to hold children accountable and to give them the resources that they need. And even with supervision of the Court, if there's abuse and neglect at home, we can get at that. If the child is in need of services, we have a system that does court supervision and imposes services. We have schools. We have Counselors. We have Social Workers.

So, to Rogers' point, it is, why are we, as a society, not using this toolkit? And it's because we, as a society, have just turned to incarceration, Probation Officers, Police Officers, and Prisons, as a response. And that's why we incarcerate more people in our country than any other country on earth, to include Russia and North Korea. I mean, that should give us a moment to pause and say, we have to be doing something wrong.

And we get no results for it. For advanced societies, we are one of the most violence. So we're locking up all of our people. And we're still violent, as a society, compared to comparable other advanced societies, and because it's not that we're using this other toolkit. So these, I believe, are two commonsense recommendations that can really get to the heart of that issue.

**MR. MCKIM:** Thank you. I'll yield the balance of my time.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. We're going to go Lieutenant Morrison, Commissioner Quinn, and then Director Norton.

**LIEUTENANT MORRISON:** Thank you. Sorry, good to go? Okay. Thanks, Julian. Although I may agree with you on some of these things, I don't know if we're sort of the proper body to address it. But to some of your points, as far as juveniles go, were you aware of the legislative change for the CHINS Statute? Were you an Attorney before the change and after the change?

**ATTORNEY JEFFERSON:** Explain to me what you mean.

**LIEUTENANT MORRISON:** Well, there was a legislative change to the CHINS Petition Statute some years ago. And it essentially wiped out the CHINS Petition. It really drastically, drastically reduced that sort of tool of the CHINS Petition, where it wouldn't be so court-involved and much more focused on service, some component. And that was drastically limited with the statutory change.

And I believe some of the testimony we heard before, some kids need to be court-involved before they qualify for some of these services. So, I very much appreciate your position and something that you said, like, we're sort of stuck in the middle as Law Enforcement. We're stuck, because we have some situation where we have to deal with something, and then we don't really have access to as many tools as we'd like. So as far as that goes, I agree with you and I think that definitely we should provide a recommendation to somebody that we increase that. I'm all for that.

Transitioning to your second topic for substance use disorder and things like that, by the time Law Enforcement really gets to deal with people, they're at or near the bottom in their lives, very often. And I think it's a very common sentiment that Law Enforcement recognizes and agrees. We are not going to arrest our way out of this problem. That isn't the answer.

Services and treatment, and addiction, and those things is certainly that answer. However, there has to be sort of that backup, or, I guess, the motivation of incarceration if you don't. I don't think all the Jails have the medically-assisted treatment program that I was speaking to somebody about.

But I'm just not sure that I'm going to be able to -- or sort of our Commission will be able to really move this ball forward from what our job is. But I agree with a lot of what you said. And I wish there were more we could do. But I'm not quite sure. So I guess it's more comment than question. But, I get it. Thank you.

**ATTORNEY JEFFERSON:** So, Lieutenant Morrison, so it seems like we're in agreement that there's these issues that we need to take a different approach to. And specifically to your point about the CHINS Petition, I do know what you're talking about. I think it was like 2012/2013. They made that change.

But I think that is the essence of what his Commission is doing because we're not a legislative body and we're not the executive body. But I think what we're here to do is exactly this, is to say here are the issues. And if we're using Police resources too much, how do we move that?

And I agree with you that we, as a body, aren't the ones that get down to the nitty-gritty. But I think it's so valuable for us to speak with one voice as a Commission and say we got to do better with the prosecution of children. And the Political Leaders in our State, refund CHINS and stop relying on criminal prosecution. Beef up Fire Stations and access to recovery centers, and stop relying upon the Police and the Jails.

So I agree with you that we're not the body to get to the nitty-gritty. But I think it gives our Political Leaders so much more support and boldness if they hear us, especially because we're from such a diverse cross-section of our community. If we're able to come together and speak with one voice and say, you guys got to take a look at this, ladies and gentlemen, I think that has a lot of value.

And I'm certainly open to the wording of our recommendations. But I think you and I, and the rest of the Commission, can hopefully come together and be able to speak with one voice about these issues.

**LIEUTENANT MORRISON:** Fair enough, I agree. Thanks, Julian.

**ATTORNEY JEFFERSON:** Thank you, Lieutenant.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Quinn?

**COMMISSIONER QUINN:** Sure, thank you. And to add to that, Attorney Jefferson, I think it's important that the Commission understands. I understand you see it from a different venues, being in court every day and representing possession.

I just want to share that our Drug Units across the State, they're not targeting people for possession. But clearly, I'd agree with you. A lot of folks do get arrested for possession, smaller quantities of drugs. But let's just stay focused on this.

If our task here is to make the State better, we had over 400 people die last year from overdose deaths. This year, we're trending in or around the same area. We have roughly 100 people die, innocent people, on our highways. And drugs are involved.

So we're dealing with fentanyl. So as we move together, any recommendation, let's remember 0.002 milligrams, so it's just a small amount of this fentanyl, is deadly. So really address, because if Law Enforcement's on the frontlines, sometimes the interaction with Law Enforcement is the only thing that can get them into a recovery program.

So I don't think anyone will debate we don't want to see the recidivism. We want to see these folks get help, triculate [sic] back into society, be successful. But sometimes Law Enforcement is the only one that can get that started.

So if we're not paying attention to them, if we're just ignoring those folks that are passed out in vehicles, or on the side of the road, or have those amounts of fentanyl on them, then I don't think that makes us safer. What happens after that interaction, I think I would agree with you. We just want to make sure that they get the right treatment, so that they don't interact with Law Enforcement again.

But, let's just make sure we're all on the same page. And I'm happy to share offline what the data is on the fentanyl and what we're dealing with, no marijuana, but the harder drugs. But people today, when we use the word "heroin", we are not seeing heroin. It's fentanyl that's coming into the Crime Lab. And I'm happy to share that with Ms. Schmidt offline, so that the Commission can see what we're dealing with. But thank you for your testimony, Julian.

**ATTORNEY JEFFERSON:** No, thank you. And Commissioner Quinn, to be clear, we're on the exact same page. So my recommendation is just to reduce it from a felony to a misdemeanor. And I agree with you that Police are often the first step in that process.

But as far as a recommendation to the Governor and our other Political Leaders is: what do we do after that arrest? And how do we treat it? So, I agree with you.

**COMMISSIONER QUINN:** Okay.

**ATTORNEY JEFFERSON:** No, we were 100% on the same page there. And I'll upload this to the website. I had our Office pull the numbers. I mean, it is. It is 25% to 30% of our felony caseload is low-level simple possession. And that is not to say that the State Police -- I mean, we see it all the time. The State Police and the Drug Units, they are going after these bigger drug dealers, and those often result in Federal prosecutions, which is the reason why it's not reflected in our numbers.

So I'm not discounting the need for Law Enforcement to go after the real perpetrators of this. And I'm also not saying that Law Enforcement doesn't have a vital role to play in the drug addiction part of it. I'm just saying let's not equate -- so we call a drug dealer a felony. But we call drug possession a felony, as well. This is the victim over here with the drug possession. Drug felony is the perpetrator. I don't think this person should be going to Prison. So that's what I'm saying.

**COMMISSIONER QUINN:** Okay.

**ATTORNEY JEFFERSON:** Yeah, that's all.

**COMMISSIONER QUINN:** All right, thank you.

**ATTORNEY JEFFERSON:** Yeah.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Director Norton?

**DIRECTOR NORTON:** Yeah, if you'll indulge me one quick comment and then a question, thank you for your compelling testimony, Attorney Jefferson. I mean, I think we saw at the beginning of this meeting that felony becomes the F word and it follows people for the rest of their lives. And I certainly have a family member that has a felony conviction and it still follows them years later, in terms of employment and whatnot. But that's my comment. My question is: are there any other States right now that have a law that simple drug possession would be classified as a misdemeanor and not a felony?

**ATTORNEY JEFFERSON:** That is a very good question that I don't know the answer to. But I will get the answer to it. It's an answer that I can get to a known quantity. I can tell you that, in practice, Prosecutors at the felony level are moving in vast numbers towards reducing these to misdemeanors anyway. So, in practice, we're already doing that to a very large degree in the State.

And I would imagine that there are. But let me get that number. And I will make sure it gets posted to the public website, because I think that's a good question to have an answer to.

**DIRECTOR NORTON:** Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards and then Commissioner Lascaze, you would be up after that. Chief Edwards?

**CHIEF EDWARDS:** Thank you. And good morning, Attorney Jefferson, and thank you for your testimony, as well as your personal story. I wanted to kind of touch on the issue of the classroom-to-Prison pipeline issue. That's an issue that I've spent some time looking at. I was New Hampshire's Representative to the President and the Congress on Juvenile Justice for New Hampshire some years ago.

And those began with national Policies pushed down to the State. There was a top pushdown. And I am very concerned about some studies being used to drive issues, the Federal Government being used to drive Policy down to States, as well as national organizations being used to drive Policies within States. And that's how we got to this issue about classroom-to-Prison pipeline.

And so, I just want to get your perspective on this, because it's very concerning to me that we don't take Policy recommendations here in New Hampshire that are given to us by national organizations to make those fit here in New Hampshire. I think States have to be independent enough to make Policy changes that do not drive the issues that you are point out as the issues you're pointing out began with national organizations and the Federal Government pushing those Policies down to the States.

**ATTORNEY JEFFERSON:** So that's an excellent question. And it was actually you who prompted me to do a little bit more digging, especially on that myth of the super predator. That sort of was the starting point of getting all of these laws, the Transfer Statute, no minimum age, to start treating children like criminals versus children.

And so, I agree with you that there needs to be that data and Policies from a national level always need to be uniquely then looked at, independently, from a State level, because they can have dangerous consequences. And this poverty or classroom-to-Prison pipeline, I would say, is the most glaring example of how that myth, which has been denounced by the very Professors who created it, is still lingering in our laws. So it is something that is worth of our attention.

**CHIEF EDWARDS:** And if I can just follow up on that, when crafting your proposed recommendations, are those recommendations really leaning against issues here, specifically in New Hampshire? Or are they taken from national recommendations from other organizations?

**ATTORNEY JEFFERSON:** No, no. I tried to be very New Hampshire-specific. So if you look at -- if you just take Manchester, alone, that is a city that exists inside of the State of New Hampshire, where we had 78 prosecutions for misdemeanors of 12-year-old children under a 5-year period.

And I also gave you the letter from Dr. Becotte, who is a Forensic Psychologist here in New Hampshire who was saying, listen, I know the data. I know the research. And I'm the one who evaluates these kids. And he said two things. He said, one, I find them not competent. So it's not an efficient use of resources. And two, we have these other tools in the toolkit.

So, my experience and my driving compassion on the prosecution of children is a result of my practice here. And I've only practiced here in the State of New Hampshire.

**CHIEF EDWARDS:** Thank you very much.

**ATTORNEY JEFFERSON:** Yeah.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Chief. Joseph, questions or comments? Whoops, we just lost Joseph. Okay, so until he comes back on, I have sort of a follow-up to the juvenile question. Julian, do you believe that there are any crimes in which a child should be certified?

**ATTORNEY JEFFERSON:** So, yes, absolutely. So, yeah. No, my recommendation is very clear that I just want to narrow the offenses. So right now, for example, first-degree assault, second-degree assault, robbery, criminal restraint, those all create a per se presumption of transfer. And if you look at...

**DEPUTY ATTORNEY GENERAL YOUNG:** And murder, right, murder?

**ATTORNEY JEFFERSON:** And murder, right. And so, murder and aggravated sexual assault, I think, appropriately create per se presumption of transfer. And the Juvenile Statute doesn't say they have to be transferred. But they have to say, if you committed a murder, or you committed an aggravated felony sexual assault, then you're a presumption of transfer. And I think that makes sense.

**DEPUTY ATTORNEY GENERAL YOUNG:** That does.

**ATTORNEY JEFFERSON:** Yeah. But for all other felonies, to create a per se presumption, I don't think that does make sense, because with two things. Whenever you have a mandatory law or a mandatory presumption of transfer, you're going to catch way too many. Second-degree assault, the most common variant of second-degree assault is strangulation. So if I, as a child, strangle another child or another adult, I don't think that should create a per se presumption of transfer, because they're children.

The United States Supreme Court, since our Roper, Miller, and Graham, have pulled together all the social science data to say that we have to treat children as children. Their executive functioning does not exist. Their moral culpability is not there and we should not be treating them as adults.

So I think that that's why. And the fact that these Transfer Statutes were driven, in large part -- and this is not a Republican or a Democratic issue. It was the super-predator myth that came out in the '90s that prompted a lot of our laws to be changed. And now, with the benefit of the past 25 years, we know that, one, that is false. They retracted those positions. And two, we know from a science perspective that we have to treat children differently. Their moral culpability and their level of executive functioning is dwarfed.

And I think anybody who's a parent or who remembers being a child just knows that from common sense, as well. What a 12-year-old does is very -- and their thought process is extremely different from what a 20-year-old does.

**DEPUTY ATTORNEY GENERAL YOUNG:** How many juveniles do you see certified out of your Office? I mean, it can't be that many over the course of a year, can it?

**ATTORNEY JEFFERSON:** So that is a good question that I don't know the answer to. I can tell you for my Office, right now, the Manchester Office, there are five children, all young black men facing certification right now. So I know that from the Manchester Office specifically.

**DEPUTY ATTORNEY GENERAL YOUNG:** What are their crimes? What are those crimes?

**ATTORNEY JEFFERSON:** Yeah, I know one was first-degree assault for a stabbing. I cannot speak to the others. But I know that they're all for felony-level offenses. And when the State moves for transfer, it's not this he stole some pizza from Pizza Hut and this is his third-strike felony.

When the State is looking to certify somebody as adult, it usually does have some element of violence, or the child could be involved with a gang, or they were caught with a weapon and there's a robbery situation. But that should not create a presumption of transfer.

And to burrow upon, just to Joseph or myself as an example, those elements there cry out for us to still treat this child as a child, not to say that there's nothing wrong and we don't need to hold this child



accountable. But we should do it in the Juvenile Justice System where we have the tools in the toolkit that create their primary focus of rehabilitation.

You put a child into the Criminal Adult System. They now are going to be sent to Prison for a period of years, instead of being in either a residential home or a Juvenile Detention Center, where the focus is solely on rehabilitation. And they're not going to be in an adult criminal population, which you know has so many ugly, ugly, ugly collateral consequences due to their own personal safety while incarcerated, and then going forward. But I will get the number to you, because I think that's also an important question to know. Yeah.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. So I think that Joseph is not back on. He's trying to get back on. So Chief Edwards and then Ahni, but what I was going to say is we will move on. And when he comes back on, we can loop back. But, Chief Edwards, a question or comment?

**CHIEF EDWARDS:** No, I was just going to say that Joseph is trying to get back on. You know that.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, I'll get him back on. But I won't let him miss his opportunity. Ahni, do you have a question or are you just telling me the same thing? He's trying to get back on.

**DIRECTOR MALACHI:** Question.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay.

**DIRECTOR MALACHI:** Julian, so just, yeah, a couple of questions to the points that you were making. So, if we have that 12-year-old or whatever age, right, and they've done something that, based on what you're stating here, would be something that would be an effective charge, so if it's a felony assault or murder or something like that.

I mean, if we follow the logic with this, I would think -- please correct me if I'm wrong -- it would be safe to assume that there's some underlying issues prior to this incident happening. So, if we go with that assumption, then why would they be incarcerated at all? Why wouldn't we do whatever the mental-health work is or the Social Worker work, or all of those things combined and not have them in a juvenile system?

**ATTORNEY JEFFERSON:** Right; and so that's exactly my point is that the Judges right now are confined to the Transfer Statute because we, as a society, have said that if you are alleged and found probable cause that you have committed any first-degree assault, any second-degree assault, any criminal restraint, any robbery, any kidnapping, that you are presumptively should be transferred to the Adult Criminal System.

And that is a wrongheaded approach, because it's creating this mandatory of presumption of transfer, where the presumption should be the exact opposite is that we have a child who is clearly in need of services, one, that the Juvenile Justice System was created to serve; and two, children are not morally culpable in the same way that adults are.

So, when you put those two things together, it is this super-predator myth that Chief Edwards so eloquently articulated, created this classroom and pampers-to-Prison to pipeline. And it's laws like this

that have helped vet it, because we, as a society, have come together and said, if you've committed these crimes and you're a child, we're going to treat you as an adult. And I think more than enough time has gone by that we need to say no to that.

And to Deputy Young's point, there are some that are appropriately. And murder and felony sexual assault are there and they should remain there. But other than that, to create a mandatory presumption for these catchall felony-level offenses is us drawing a line in the sand as a society in the wrong direction. We created that line. Let's change it.

**DIRECTOR MALACHI:** Understood. However, if the 12-year-old -- and we will stay with your example -- if the 12-year-old does commit murder and does commit a felony assault, I mean that individual has not been on the planet long enough to have worked through all of these issues, or to have created enough angst, anger, whatever to create these things. So if we were to agree that there are underlying social issues, then why would that child, then, be transferred into the Adult System? Why wouldn't they be kept in the Juvenile System? And what would that look like? Or is that not a good thing?

**ATTORNEY JEFFERSON:** So, for a 12-year-old child specifically, 12-year-old children wouldn't be eligible for transfer. We recently in our State had a very young child who was charged with homicide. And the child was just simply too young to even be competent to stand trial even on a homicide. So that child was just shifted into a Child in Need of Services.

So this transfer part of the law really applies to older teenagers. So these are 14-, 15-, 16-, 17-year-olds that if they are committing a felony offense, then the State can seek and the State has, in instances, sought transfer to the Adult Criminal Court. So, that's kind of the universe.

For the younger children, the age issue would still -- so a 12-year-old would still be eligible for prosecution because murder and felony sexual assault, there'll be an exception for that. But even for that, they're still very likely going to be found not competent to stand trial. And then, we, as a society, just find different avenues to take care of them.

**DIRECTOR MALACHI:** So then, they would remain in the Juvenile System, if that were the case?

**ATTORNEY JEFFERSON:** Not even in the Juvenile System, because somebody that young is just not competent to stand trial, so they're not even in the Juvenile System. You use the Social Services side of the system, so a Child in Need of Services position or the State takes over guardianship of the child. So we use the Social Services side of the piece for children who are too young to be competent to stand trial.

**DIRECTOR MALACHI:** So one other question, for the clients that you have, as well as clients of others in the Public Defender Office -- and this should certainly be by way of conversation for anyone that's not you -- how important or -- let's see. How do I want to say this?

How relevant is the lack of fathers in homes, regardless of ethnicity? And I've looked up some numbers. And I believe the study that I looked at between -- because this is something that's an interest for me as a single mother raising three children -- between 2009, I think, and 2013, 20% of the households in New Hampshire were female-headed households. And that's a little over 29,000 households. That's huge. And you compare the same span of time and only I think it was like 11%, or a little over 7,000, were male-led.

So in all of this, we understand that zero-tolerance policies are an issue. We understand that that is really the beginning of that school-to-Prison pipeline. But what else are you seeing? Are you also seeing that not having a father in the home is relevant?

**ATTORNEY JEFFERSON:** Yeah. No, absolutely. And that is such a great question, because that -- and I think we need to take that sort of aerial view and say that when we see children coming into the school-to-Prison pipeline, and their disproportionate effect on minority communities, that has nothing to do with showing that there's racism in a Police Force. That shows that where those children are coming from, literally everything about their community is designed for that outcome.

So I grew up in a very poor neighborhood in Boston. It was not designed for me to be an Attorney. I am the exception to the rule. And what was different was I came from a two-parent household. I was in the METCO Program, which means I did not go to an inner city public school. I went to Weston, which is one of the richest communities in the State. And so, I had an excellent public education. And those two things alone are inputs that don't exist in poor communities. And it can drastically change the trajectory of a person's life.

So, yes, I do think, from that aerial view, there are so many things in impoverished neighborhoods and in single-parent households being one of them, that those communities are literally designed to get the outcomes that we do. And we need to have that honest conversation that we've chosen as a society to respond to that by containment. And we use the Police for it. Instead of trying to build strong children, we maintain broken men and women.

And I think it is important to keep that aerial view, especially so that Police Officers are not demonized in the process. It is our overreliance on Police Officers that is the issue, not Police Officers, themselves.

**DIRECTOR MALACHI:** Understood, and I would certainly agree with that. I think part of where we, as a community of people, as well as when we're in our specific ethnic groups, I think it's incumbent upon all of us to shake off the untired, and be that auntie or that uncle to the child that doesn't necessarily have that input, or, even if they do, to be that extra sounding voice.

And to your point, I think that's exactly what the Police Athletic Leagues tries to do, to put those positive inputs into the kids, whether they have a strong male or female voice in their homes or not. It doesn't hurt to have other adults, because sometimes there are difficult things you can't communicate or connect with your parents to discuss. And you need someone else that's an authority figure, but that can still connect with you as a person.

So I do appreciate the programs that the Police are doing, just bringing us back to our focus. I appreciate the community programs that they're doing and the attempts that they're making to reach out to everyone in all communities, and especially what we heard from Nashua and the things they're doing in Manchester, to really try to stem the tide as much as one can, because there's so many social issues that have to be dealt with, as well.

And who knows how to deal with all of that, right? It'll just be me, you, and Ken. We can do it, along with everyone else. You all, thank you very much for your patience. And thank you, Julian.

**ATTORNEY JEFFERSON:** Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** So we do have Joseph back. But, Ahni, I just want to weigh in for one second. So, my juvenile work has been limited to juveniles who have committed murders. In the cases that I've had, they have been young men.

I will tell you that, over the past few years, we have seen an increase in those cases. They are certainly not the norm. But we have seen more frequency. And we have had robust hearings in the Circuit Court. So it's not automatic. But I think as Julian has pointed out, there is a presumption. And that presumption weighs in favor of the transfer.

I think that when somebody takes somebody else's life, that presumption should be there. And these have been young men who have been closer to the age of 17 and sort of the minority. But I think sort of as a group and as a society that there is a different penalty and that there is a different price to pay. It is heartbreaking having to do those cases. You look at them and they look like babies.

But on the flipside, there is somebody who has lost their life. And there is a family there who is just as devastated. And one of the ones that I have done that has been adjudicated, and that young man has now gone to State Prison, it was an assassination, as somebody slept. And you look at those kids in court and you think that kid will never go to a prom. That kid will never get to graduate and probably isn't going to sort of have a traditional wedding. But you hope they get out.

But they are the -- luckily, in New Hampshire, they are the anomalies. But they are heartbreaking all around. But there is a reason that some of those crimes -- and I have not done a sexual assault. But I think we have to think long and hard before we say, oh, no, no, they just stay in the Justice System for the safety of the larger community, as well.

Joseph, where are you? Is he back? Yeah, Joseph, you're back. Does that triangle mean he's here -- or he may still be having connection issues. Oh, there he is. Oh, he's on there twice. That's why. So, I have no idea why he -- now I've lost him again. Okay, Joseph, there you are.

**MS. REED:** But if Joseph's unmute, then we should be able to hear him okay.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay.

**MR. LASCAZE:** Can you hear me?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, you're good, Joseph.

**MR. LASCAZE:** All right, good. Thank you. I don't know what is happening. My internet is acting really funky right now. So I just wanted to make a quick comment to Director Norton in response to his question to Julian about States that may have adopted drug possession charges.

And Ken, to my knowledge, there have been around five States, including California and Connecticut, that have adopted policies that would now make all drug possession charges a misdemeanor. I don't know how exclusive or how restrictive the legislation is. I haven't actually looked at it, itself.

But I also did want to note, too, that New Hampshire did have this past session a House Bill that passed on voice vote in the State House. And it would have made a law that would make a first-time drug possession a misdemeanor. And then, COVID came and uprooted all of our lives. So that's what happened there.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you very much. Julian, thank you very much. And I think that we have no further questions or comments. The way to do this seemed to work out pretty well, rather than doing the roll call. So we will continue this. See how we do with this. Yeah, thank you. Eddie, we will call this the Eddie Edwards Rule.

And we are now going to move onto John Marasco, who is a Major with the New Hampshire State Police. John was also on standby the other day, if we had extra time. So, thank you, John, for letting us eat up a number of hours of your valuable time. So, thank you. Welcome, and with that you have the floor.

I will tell you that John's PowerPoint presentation has been up on our website. So he will just go over it quickly. And John, as we discussed last night, you have a whole three minutes. So, thank you.

**MAJOR MARASCO:** Well, thank you, Deputy. I was trying to -- actually, I'm trying to share that, but it doesn't appear as though it's going to do that. Okay. If it comes up, then actually I'm -- can you...

**MS. REED:** Major, I just changed your permission. So you should do it now.

**MAJOR MARASCO:** Okay, thank you. Okay. Jane, thank you very much for that. I know I only have three minutes. Thank you, everyone, for the opportunity on behalf of the men and women of the New Hampshire State Police to share some of the community initiatives and outreach events that we have hosted over the past seven to eight years.

The first slide here, I think what it really indicates, what you see there is what Troopers do on a daily basis. If they have an opportunity to engage, to interact positively with the community, while they're doing their jobs out there in the field, they always take the opportunity to do that.

This invitation was given out back in 2014. It was an opportunity to bring together the New Hampshire State Police and Members of the Department of Motor Vehicles, as well as members of New Hampshire's Congolese community. And then-Colonel Quinn recognized the fact that we wanted to make sure that we were serving everybody at the highest level throughout the State. And we had a lot of new immigrants and refugees to the State that we wanted to make sure we knew about their culture, their language, and what their previous experiences with Law Enforcement were, so that we could make sure that we did the best we could for them when we interacted with them out there in the public.

This was a photo that was taken after that event back in 2014. Many of the people that are in the photo we still communicate with today and have built lasting friendships. There was also one young man at the event that applied to become a New Hampshire State Trooper.

We did a secondary event in January of 2017 at the Michael Briggs Community Center in Manchester. The patches on the bottom of the invitation, those are the other Agencies that we collaborated with for that. That was a great night. We took a photo at the end of that night. And again, it was just magical to share perspectives and get to know one another.

We've worked closely with the Bhutanese community throughout the State and we have a great relationship there. We're thankful for that. We've made presentations at Second Start, which is here in Concord. It's a location where immigrants and refugees to our State go to learn English as a second language. We go there to speak about constitutional rights, answer questions. And they always say the same thing that they feel safe in New Hampshire and they support their Law Enforcement here.

In the fall of 2019, we put together a Community Empowerment Forum with a dynamic group of speakers to let people in the community know what resources are available, and what governmental and



nonprofit opportunities exist. The World Affairs Council of New Hampshire comes to Headquarters couple times a year. This was a Delegation from Africa that came within the last couple years. And we're always thankful to have the opportunity to listen to their experiences and to share with them what policing is like in the United States.

We actually had a Delegation that came in from Brazil a couple years ago. We have a Trooper who is here who was from Brazil. And so, that was one of those meetings where the Translators could take their earpieces out, and the Trooper was able to communicate directly with the Delegation. It was great.

Our Troopers work with many different nonprofits in the community. Make-A-Wish: we have many Troopers that support that organization and work with children; as well as Special Olympics. Within the last couple years, we had a retired Captain, Greg Ferry, who went to Abu Dhabi to represent the State Police as part of a Special Olympics event there.

We do a lot of youth outreach in the community. And when the community tells us that we need to do some other things, or that there are youth that are looking for more of an education, we set up events such as this one here. And again, there are many patches on the bottom. It's a collaborative effort to get out there and to listen, and to make a difference.

The New Hampshire Troopers Association, they support and they sponsor the New Hampshire Police Cadet Academy. They have about 100 young people that go through the Cadet Academy for a weeklong event that takes place at the Police Academy once a year. We're very proud to be part of that. Sergeant Justin Rowe, who's pictured there, he's actually a Sergeant here with the State Police. And he is the Commandant of the Academy.

We provide for a variety of internship opportunities for young people. We work with Southern New Hampshire University on webinars: one that's focused on foreign languages; one that focused on crime-scene investigation. It went out to 75,000 online students internationally.

We've worked with UNH in the past. And they've done research for us on a variety of topics. We can't thank them enough. Here are four topics that we have focused on. We've worked with the media. We put together a Public Service Announcement, "I am a New Hampshire State Trooper". Ahni Malachi worked for Channel 9 at that time and helped produce that. That was shown 1200 times between 2015 and 2016. It showcased diversity and languages spoken within the New Hampshire State Police.

Every Thursday morning, we have a State Police segment on New Hampshire Today with Jack Heath. We always provide an education there. We bring in other Law Enforcement Members. And we always serve up community topics. And we bring in community members so they can have their voices on the radio and speak about what's important to them. Here are some of the topics that we've covered over the years.

When COVID hit, Troopers wanted to step up and do something special for children, knowing that they were home and not in school. And they worried about how they were feeling. So, every Friday night, for a couple months, Troopers would read stories on Friday night, give virtual tours. There was a coloring contest. We actually have a Trooper who's a magician part-time and he did some magic tricks, just to try to lift the spirits of the children throughout that difficult time. Here are some other things that took place during COVID-19 that we did proactively.

And lastly, our social media platform is vibrant. We have nearly 60,000 followers on our Facebook page. We have Twitter and Instagram, as well. And that's been a great way to provide for transparency, community outreach, and accountability. And here's some of the affiliations that we have in the community.



So everything that you just saw in the presentation was done from the heart. And that's proactive, making a difference. And I can tell you that we gave this presentation, or something similar to it, to Members of the ACLU in the past. And one of the Members that was there said she had worked with a large metropolitan Police Department outside of our State and that some of the initiatives that we put together here in the State Police are right inline with what they do. So we're really proud of what we've produced.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you very much, Major. Questions or comments? James, I saw your hand go up.

**MR. MCKIM:** Thank you. And thank you, Major Marasco, for your testimony. This is all great work. I've seen some of this work and the impact that it has, and it is truly valuable and valued. I'm wondering, based on your experience, what recommendations should we make as a Commission to the Governor to help spread the notion and the concepts, and the way that -- information about the way that you've gone about building those relationships that you've been able to build and doing the work that you're doing.

**MAJOR MARASCO:** Well, thank you so much, James. That's a great question. Really everything that you saw in the slide presentation was built really on one relationship at a time. So the New Hampshire State Police, the relationship that we share with the immigrant and refugee community throughout the State, again that goes back seven, eight years ago. And that was done to learn, to really have informational sharing and make sure that we improved Officer safety, improved our service. And boy, we generated some great relationships along the way and friendships that are so meaningful.

So, that one there, then-Colonel Quinn actually had met with two gentlemen that came in to interview him as part of a program that they were going through, a Master's degree program. And that's when he became aware that there is a disconnect. We have some people in our State who are from countries where Law Enforcement is dangerous and violent, and they steal your possessions, and they're not to be trusted. And two of those communities are the Congolese and Bhutanese communities. So it was then-Colonel Quinn that introduced those two gentlemen to me. And we worked with those communities to put on those events that you saw.

And so, I guess to answer your question, I think you look at Manchester Police. You look at Nashua Police. And they have dedicated Community Policing Units. I think when you have people that are focused on those areas that can -- a lot of what you saw there was really done off-duty. It was done trying to do everything else that we do in policing, to try to make sure that we did those things because we wanted to.

But sometimes it's not always easy to find the time to make that happen. So if you did have people that were dedicated that were thinking outside the box, that were collaborating amongst themselves through other Agencies and nonprofits, and other Governmental Agencies to put together world-class events, that's really how you do it. I think that's what we've done.

**MR. MCKIM:** Thank you. And just to follow up, if I might, as you're aware we have towns of many different sizes here in New Hampshire. So I'm curious about your thoughts on how smaller towns who probably won't be able to have a focused individual on community relations, what can we recommend for them?

**MAJOR MARASCO:** Great question; I did hear some of Captain Newport's testimony the other day. And I think what the Captain said there was right on, which is it really does start with just the conversation. Pretty much everything that you saw in the slides starts with initiatives, starts with reaching out to a nonprofit, starts with saying, what can I do to contribute? Do you have any need for Law Enforcement to come in and speak to young people? Or how can we support what you're doing, because we believe in what you do?

So, for a small town and the small towns throughout our State, they do a fantastic job of getting out there and knowing their community members, knowing people, what their expectations are, going into coffee shops and sharing a laugh, and getting to know what's going on in the community. So, I mean, really that's community policing at its finest is just being out there and being aware, and having these conversations.

Some of the things in the presentation that I just showed, those are a little bit more -- those are forums. There's more organization that goes into those. But at the end of the day, I think that if Law Enforcement, throughout the State of New Hampshire, just like we did with the Community Empowerment Forum, can communicate and talk about what we have going on, small-town Officers can come to those forums and be a presence there, even if it's just for a few hours.

And they can develop a network and make a contact. And they may have people that live within their communities that, in this case, are immigrants and refugees, as well, that they now have resources and they become a beacon for them and a nexus.

So I think making sure that Law Enforcement Officers communicate throughout the State on what's going on, that's what we try to do collaboratively with the cities. But could you take that model and have it go out more broadly to all the different towns to at least keep them in the loop and have some type of forum, even if it's online to say, here are the trends? Here's what's going on. I think you could do that.

**MR. MCKIM:** Thank you. I'm done.

**MAJOR MARASCO:** Thanks, James.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Joseph and then Ahni.

**MR. LASCAZE:** All right, thank you. Thank you, Major, for your testimony. I have a quick question about civilian involvement. And I'm very impressed with the work that the State Police is doing to reach out to communities to make sure that they're involved.

And one of the things about community relations, though, is not just one side reaching out to the other and saying, how can we be a part of your life and your community? Sometimes it's allowing others into our own lives or organizations, and having them understand, as Commissioner Quinn had stated at the beginning of the call, what's actually going on and happening.

So what I was wondering is yesterday I had heard from some Law Enforcement Departments that they use Civilian Oversight Boards as a part of the hiring process and evaluation process of Officers. And I was wondering. In your opinion, do you think that having civilian oversight, or having civilians involved in that type of process could help improve community relations between the State Police and New Hampshire residents?

**MAJOR MARASCO:** Well, thank you, Joseph. Thanks for the question. I know that my understanding was, years ago, we were looking at different promotional processes throughout the State and not just throughout the State but at the Federal level and throughout New England, as well. And I know that there are some Agencies within the State that do have a Civilian Board, that there is a weight assessed to that when candidates are coming through the hiring process. And so, certainly, that works for them very well. And they utilize that model. So that's always something that can be considered.

That being said, if I could speak maybe about what we do within the State Police to let the public see what it is that we do day-in and day-out -- and I think one of the best examples of that really is the internship program. We bring in about roughly 20 interns a year. They work within our specialized units, whether it's the Major Crime Unit. They work in Recruitment and Training. They work all throughout the buildings to include the Troop Stations throughout the State.

So they're there day-in and day-out and they get to meet the Troopers. And they get to see what the operation looks like. They get a flavor for the culture. And we've had quite a few interns who have come in that maybe were going to do this as something to put on their resume. And once they started meeting the men and women of the State Police, they realized, wow, this is for me. This is where I want to be. Everybody is friendly here. Everybody gets along. This is a healthy environment. And they end up applying for the job, and they end up getting hired, in some cases on the civilian side, in some cases on the Trooper side. We have many individuals that wear this uniform out in the field that were interns. And so, we're proud of that.

There's one intern that, when I was in Recruitment and Training years ago, he was a young man from Lawrence, Mass. and originally from Dominican Republic. And he would drive from Lawrence up to Concord several days a week to take part in this internship, while he was getting his Bachelor's degree and while he was raising his family. He had a dream to get into law enforcement. And that internship helped him do that. And he does work for the Lawrence Police Department. I just spoke with him within the last couple weeks. He's thriving down there. Everybody in the City knows him. And it's a real success story.

So, the internship program has been great. We do job shadows here for high school students that want to come in. And I think that, like I said, the World Affairs Counsel that comes through, we have a meaningful conversation there. Anybody that wants a tour or anybody that wants to come out and learn more about what we do, we're transparent and open at any time.

**MR. LASCAZE:** Thank you. And one last question I had in the community relations section, it involves dashcams and bodycams. There are some Departments that use them. And Manchester Department, in particular -- and I don't want to speak for Commissioner Ronelle -- but her and I have both have experiences with the Manchester Police Department. They announced that they have the body cameras that that is for our safety and theirs. And it's a really beneficial thing when they do that and it definitely makes us feel safe in that moment.

And I'm wondering. Do you believe that that would -- the State Police having bodycams would improve community relations, as well? Could be another factor to improve community relations.

**MAJOR MARASCO:** Well, I think the State Police, we're always looking for those areas where we can improve, whether it's through operations, through technology. There's a project going on within the organization right now to expand the use of cruiser cameras pretty much across the board. So you'll have that opportunity coming out.

Obviously, these things, there's always a funding issue there. And you have to seek grants and make sure that if you implement something like that, you can sustain it long-term. So I know the Commissioner's Office, the Colonel always having conversations about technology and what we could implement.

But I think the cruiser camera project is definitely a step in the right direction. And that's something that's happening real-time. So we will see what the future brings.

**MR. LASCAZE:** Thank you. I appreciate that. And I yield my questions.

**MAJOR MARASCO:** Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Joseph. Ahni, questions or comments for the Major?

**DIRECTOR MALACHI:** Yes, questions and good afternoon, John.

**MAJOR MARASCO:** Hi, Ahni.

**DIRECTOR MALACHI:** So in thinking about the events that the State Police have put together over time -- and full disclosure, I think we met in 2012, maybe, or 2013, somewhere around there a long time ago.

**MAJOR MARASCO:** Um-hmm.

**DIRECTOR MALACHI:** And there have been a variety of events. Some, I've taken part in, which have been amazing. Do you think -- and I'm certainly not trying to put more work onto Director Scippa. Since his camera's off, maybe I will put the work on him and we will just let him know in the Minutes that he has some extra work to do.

But, as the State Police will publicize and invite the public and other Law Enforcement Departments across the State to events that are taking place, do you think it would be useful at all, maybe if it's a Facebook page or someplace, where different Law Enforcement Agencies could put their public-facing events, one place that everyone could go to see, because everyone doesn't have a community person?

But if everyone knows, if I'm putting it on the State Police page because it's coming up, I also put it on the training page or something, the outward-facing, so that way anyone, any Agency across the State that would like to participate, they know how to reach out and how to connect. Would that be something that would be useful?

**MAJOR MARASCO:** I think that's a great idea. I really do. And I know that Ms. Amber Latuch, who runs our Social Media Program and does a fantastic job with that and has built it to where it is now, you got to figure. I mean, close to 60,000 followers focused on marketing, public relations, community outreach, recruitment, that's a lot of what goes out there.

So people get to see, if you will, the inner workings of the organization, where people are. And we have, through those social media platforms, we're tagged with a lot of other Law Enforcement Agencies. So we will do that. If there's something going on in Manchester, Concord, anywhere in the State and

something that we can push out through our social media platform, we always do that and we're happy to do that.

Do I think there could be a greater conversation as to how are we going to do more events and do them geographically throughout the State, and really do it in a collaborative way in a little bit larger model? And then, how are we going to utilize and leverage social media as a multiplier to get the information out?

And with an event, you get a certain number of people. But if you can capture that event on video and you can push it out over social media, then you can get it to thousands of people. So I think these are all great conversations that don't cost a lot of money that we could all get together on.

**DIRECTOR MALACHI:** Would that be something that could be a viable recommendation in this area that we're covering now, to create some mechanism? I mean, it doesn't have to be overly cumbersome, but some mechanism for a variety of different Law Enforcement Agencies across the State to be able to put their events in one location so that, if you were -- hey, I've got some time this week. I want to do something in North Conway and they're having a parade or something. Then, other Agencies can cross-connect, as you were suggesting, and just be visible across the State.

**MAJOR MARASCO:** Yeah, I think we could do that through social media. The other potential opportunity is the Information Analysis Center, which can send out a notification to Chiefs around the State all in one touch of a button. So if we can develop that one central repository for information to go to that can be pushed out statewide, everybody would benefit from that.

And the other thing I was thinking of, Ahni, while you're speaking is we have Task Forces from a lot of different things throughout the State. Maybe it's something where you could have a small handful of Officers that are assigned just a day a week, or a day month, whatever it might be, to some type of collaborative Task Force, to get together and figure out, how can we really bring people together?

**DIRECTOR MALACHI:** I think that's good. And thank you.

**MAJOR MARASCO:** Thanks, Ahni.

**DIRECTOR MALACHI:** I'm done. Thanks.

**MAJOR MARASCO:** Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Anybody else? I'm sorry. Yeah, Rogers, go ahead. Thank you.

**MR. JOHNSON:** A while back, I was appointed the Chair of the Governor's Diversity and Inclusion Council. And we were tasked to conduct listening sessions all across the State. We ended up conducting about 20 listening sessions from Keene to North Conway, to Hampton, to wherever.

In this process, I have reached out to the Members of the State Police, because, as part of the community, they should probably be listening to what the members, or their constituents, were doing. What I found that, in almost every instance, a Member of the State Police Leadership and the local State



Police that were responsible for that particular area of the State would appear at our listening sessions and sit in in our breakout groups.

I had made the request, Commissioner Bothems (ph) at the time, who was on the Council, to make sure that it happened. Major Marasco showed up several times, took pictures that I never got. He still owes me a hat and a ride.

Having said that, the level of interaction with the State Police during those listening sessions was very appreciated all across the State. And because of that, then a working relationship between the Governor's Council and ostensibly the Seacoast NAACP was tremendously enhanced to the point that Members of my branch and people in the local church where we had our last MLK breakfast actually had a standing ovation for the Members of the Police who showed up at the church for MLK Day. Now, I want you to understand. We're talking about, let's say, 150, 200 people giving a standing ovation to the Police. When does that ever happen?

I was gratified, because they were so willing to extend themselves, not just the State Police but the Portsmouth Police, to the point that I am very grateful that we've established this relationship. And this is more of an example of what community policing is all about, because they took the time and effort.

So, this is, of course, more of a comment than a question. Major Marasco could add onto this, if he wants. But I'm a little redescent for saying it, only because I don't want to sound Pollyannish. But this is what's transpired in the last, say, three, four years. And they provided me with information. They've been very helpful, a level of protection, I must add. And I feel that I have an excellent working relationship with the State Police, in particular, and specifically Major Marasco. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Commissioner Quinn?

**COMMISSIONER QUINN:** Yeah, Jane, not to repeat everybody, I just want to publicly recognize and thank the Major for all he's done over the past seven or eight years. And I think some of the other Officers -- I think Mark Newport said it in Nashua. You got pick the right folks that understand what they're trying to accomplish. And every event that I asked John to attend, put together, he always thanked me and really appreciated being involved.

But again, to go back to what James asked for, what are our recommendations? I think we've all heard the same thing. Law Enforcement's primary responsibility is investigating crimes, keeping their communities safe, whether it's crashes or robberies, burglaries, rapes. So it's just finding the time to do what is so important and hard to quantify, this building goodwill, building trust.

And I think, James, what John had said, I'll just add to it. Troopers have been welcomed into the City of Manchester and Nashua. And we've met those community members by partnering up, as you saw the badges that are on the bottom of the fliers.

So, I think, moving forward, our recommendation should be to continue and encourage these types of events, understanding the importance, understanding the goodwill and trust, but seeing -- putting forward regional events and allowing Law Enforcement to work together. Not only does it develop and grow community trust. It also has the -- it's the opportunity for the Law Enforcement to get together.

And again, I know that I won't speak for everybody. But I think these are the events that Law Enforcement Officers want to do. It's just we have to ensure, as our recommendation, that we work it in, and recognizing the need to invest. It's an investment of time.



As John said, many of those events were done. I remember the first one with the Congolese community with the DMV was done on either a Saturday evening or a Sunday evening, and just trying to find the folks to do it. So my recommendation is encouraging these regional events and partnerships.

And I'll end with this, Jane. We had talked about messaging. How do we do it? Do we do it through Rogers' Commission? But that's going to be very important, because we've talked about sharing information on whether it's new caselaw or training opportunities. So I'll defer to Director Scippa. But we're going to have a lot to share with Law Enforcement on these recommendations. So what is the voice? And how do we get all this great information out? But I want to thank John publicly for all he's done and will continue to do. And thank you.

**MAJOR MARASCO:** Thank you, sir.

**DEPUTY ATTORNEY GENERAL YOUNG:** I see no more questions or comments. So, thank you, John. Oh.

**MAJOR MARASCO:** Thank you, Deputy.

**DEPUTY ATTORNEY GENERAL YOUNG:** Wait a minute. Wait a minute. No, hold on. John Scippa has a question or a comment, or maybe a follow -- no, you don't? He's just waving goodbye.

**DIRECTOR MALACHI:** Waving.

**DIRECTOR SCIPPA:** Just thanking the Major for his time. That's all. Thank you, Major.

**MAJOR MARASCO:** Thank you, Director. My pleasure; thank you, everyone. And Rogers, thank you for those kind words. I appreciate it.

**DEPUTY ATTORNEY GENERAL YOUNG:** Bye, John. Have a good weekend. Thank you.

**LIEUTENANT MORRISON:** See you later, John.

**MAJOR MARASCO:** Thank you, Deputy. Have a good weekend.

**DEPUTY ATTORNEY GENERAL YOUNG:** So with that, that concludes the testimony. I'm going to win the bet here in the room that we were going to stay under our time today. So thank you for that. Hopefully, this next part is not going to drag on.

So, you got the calendars. Did everybody see the calendars? Yeah. Good, Mark printed it. We followed the Doodle poll and every time I looked, I was looking for an afternoon or an evening. And it was always 9:30 that had the greatest amount of time.

So, Monday, we will start the public comment on this section. So we have the new rule. They'll be limited in what they can speak. And if you have questions, you'll send them through to Kim. So this is now sort of for the people that are listening and for the public. I'm going to encourage anybody who wants to

Speak on Monday to submit written testimony to the website, which is leact@doj.nh.gov. Again, it's leact@doj.nh.gov. So I would ask that you submit written testimony.

And also, if you would like to speak, that you provide your name, so we will have an understanding of who will want to speak. Then, what will happen is Kim will put together a list of names. And just like we do here, we will go in order. So the first one to get into that queue will be the name that I call first.

And as we said, we are not going to limit the public. Anybody who wants to speak can speak. But what we will do will be we will limit their time to the numbers that we agreed on. So that's how Monday will go.

And then, on Tuesday, I'm going to ask the Commission Members to submit their recommendations just on this section. We will keep it narrow in what we will do. We will try to compile those and get them back out. You get them to us on noontime. We will get them back out by the close of business on Tuesday with the draft of that next section.

And then, on Wednesday, we will discuss those recommendations, as well as the draft. Then, on Thursday, we will do a final vote. And then, Friday, we will move into the next section, which is the reporting and investigating misconduct. So that's the schedule for next week. Then, the following week, you'll see it laid out on the calendar. But is that helpful to everyone to have a roadmap as to where we're going?

So we have a number of people who we already have on. So, John Scippa, you'll be first up. We have somebody from the Attorney General's Office. We have Professor Cher, Robin Malone, Jose Bassinet, Jake Krupsky (ph), and Julian, we know that you sent us the Attorney from the Attorney Discipline Office. So that will just sort of show how other disciplines do their -- investigate their misconduct claims. So we do have him listed.

Kim's going to work with people today just to sort of finalize. I have sort of an idea of how I'd like to put them on. But we're going to try to accommodate people's schedules. So to the extent that you, the Commissioners, have any other Subject-Matter Experts, can you send those to Kim and we will work them in? We got to get this part done. So we may have to sort of tighten up the time. But we all did a really good job today. And because of that, maybe we can go home early. Joseph, do you want to do anything? Okay. See, happy Joseph.

**MR. LASCAZE:** As soon as I heard that, yes, absolute. I'd like to put in a Motion right now that we adjourn this meeting and enjoy the rest of the afternoon and our weekends.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Do I have a second? Julian, you are the second. So, I'm going to vote yes, gentlemen, because it's a beautiful day. Commissioner Quinn?

**COMMISSIONER QUINN:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Malachi?

**DIRECTOR MALACHI:** Absolutely.

**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, please.

**DEPUTY ATTORNEY GENERAL YOUNG:** Judge Gardner?

**JUDGE GARDNER:** Yes, and everyone have a great weekend.

**DEPUTY ATTORNEY GENERAL YOUNG:** Lieutenant Morrison?

**LIEUTENANT MORRISON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Dennis?

**CHIEF DENNIS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Norton?

**DIRECTOR NORTON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards?

**CHIEF EDWARDS:** Yes. Have a wonderful weekend, everyone.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Tshiela?

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** And Joseph, I thank you for bringing tears and smiles all in the same meeting.

**MR. LASCAZE:** Thank you so much, Deputy. Thank you, every Member of this Commission for their kinds words. I really appreciate everyone's support. And I look forward to working with you all.

**DEPUTY ATTORNEY GENERAL YOUNG:** I'm glad we end with the smiles and not with the tears.  
Bye.

**MR. LASCAZE:** Yes, all right, bah-bye.

**DEPUTY ATTORNEY GENERAL YOUNG:** Have a good weekend, guys.

(Meeting adjourned.)