



**New Hampshire Commission of Law Enforcement  
Accountability, Community, and Transparency**  
Remote Commission Meeting via Teleconference  
Wednesday, August 12, 2020 at 9:30 a.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*; Moira O'Neill, *Director, New Hampshire Office of the Child Advocate*; and Rick Bailey, *Assistant Commissioner, Department of Safety*.

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**DEPUTY ATTORNEY GENERAL YOUNG:** Good morning, everyone. I think, by our count, we are still missing Commissioner Johnson and Chief Edwards. So, oh, no, I see that Commissioner Johnson is now -- is he on, Fallon, coming online?

**MS. REED:** Yeah, looks like he's on.

**DEPUTY ATTORNEY GENERAL YOUNG:** So it's just Chief Edwards. So we will start. This meeting is being recorded. Good morning, everyone. I am Deputy Attorney General Jane Young. And pursuant to Executive Order 2020-11, I am serving as the Attorney General's Designee.

First order of business is call to order. This meeting of the Commission on Law Enforcement Accountability, Community and Transparency 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 ask each Commission Member to identify him or herself, where they are currently, and who may be with them. I will start. I am Jane Young. I am at the Department of Justice in Concord. And with me once again this morning are Kim Schmidt, Annie Gagne, and Nicole Clay. Good morning, Commissioner Quinn.

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

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

**DIRECTOR MALACHI:** Good morning. Ahni Malachi and I am at my home alone in Penacook, New Hampshire.

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

**DIRECTOR SCIPPA:** Good morning, Deputy General. Good morning, Commission Members. John Scippa, Director of the Police Standards and Training, I am located at 17 Institute Drive in Concord at the Academy.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Commissioner Johnson, how are you?

**MR. JOHNSON:** (No audible response).

**DEPUTY ATTORNEY GENERAL YOUNG:** Good morning, Rogers.

**MR. JOHNSON:** Good morning, Deputy Attorney General Young and fellow Commissioners. I am Rogers Johnson. I am in my home office in Stratham, New Hampshire. And I'm alone.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you very much. President McKim, good morning.

**MR. MCKIM:** Morning, Deputy Young. Good morning, Commissioners. This is James McKim. I am once again in Lincoln, New Hampshire. My wife is in the other room. I am in the room I'm in alone.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Judge Gardner, good morning.

**JUDGE GARDNER:** Good morning, Deputy General Young and fellow Commission Members. I am in Greenwich, Connecticut. And there are other family members, but they're not in the room.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Lieutenant Morrison, good morning. Lieutenant Morrison?

**LIEUTENANT MORRISON:** Good morning, everyone. Mark Morrison on behalf of the New Hampshire Police Association, I am located at the Londonderry Police Department in Londonderry, New Hampshire. And I'm alone in this big conference room.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you very much. Good morning, Chief Dennis.

**CHIEF DENNIS:** Hey, good morning, everyone. Charlie Dennis, I'm at the Hanover Police Department, 46 Lyme Road. I'm in my office and I am alone.

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

**DIRECTOR NORTON:** Good morning, Deputy Young and Commission Members. Ken Norton, I'm (inaudible) and I'm going to be home at a later point.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Good morning, Commissioner Lascaze.

**MR. LASCAZE:** Good morning. Good morning, everyone. Joseph Lascaze, I am working out of Ipswich, Massachusetts. There are two other individuals in the residence, but they are not in this room.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Good morning, Attorney Jefferson.

**ATTORNEY JEFFERSON:** Good morning and good morning, fellow Commission Members. I am in my office in Manchester and I am alone.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Chief Edwards, I think you have joined us now. Good morning.

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

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

**MS. TSHIELA:** Good morning, everyone. At -- sorry, I'm in my residence in Durham, New Hampshire. And I'm alone. But that could change, because I might have to change locations.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, thank you. So, the next order of business is approval of the Meeting Minutes for the meeting on August 10th. Has everyone had a chance to review those Meeting Minutes?

(No audible response).

**DEPUTY ATTORNEY GENERAL YOUNG:** Any correction to these Minutes?

(No audible response)

**DEPUTY ATTORNEY GENERAL YOUNG:** Do I have a Motion to Approve these Minutes?

**DIRECTOR NORTON:** This is Ken. I make a Motion we approve the Minutes of August 10th.

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

**MR. MCKIM:** Yes, I am seconding.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you very much. Commissioner Tshiela, how do you vote on the Minutes from the August 10th meeting?

**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:** Chief Dennis?

**CHIEF DENNIS:** Yes.

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

**LIEUTENANT MORRISON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Judge Gardner, if you don't feel comfortable approving the Minutes, will you abstain?

**JUDGE GARDNER:** I'm going to abstain, because I wasn't there.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, thank you. President McKim is the second. Commissioner Johnson?

**MR. JOHNSON:** Yes.

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

**DIRECTOR SCIPPA:** Yes.

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

**DIRECTOR MALACHI:** Yes.

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

**COMMISSIONER QUINN:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** And I also vote yes. So, everyone was sent last evening Section 4 of the Draft Report. So, that will be the first -- well, that'll be the order of business of the day. But, Attorney Jefferson, do you have a Motion before we go into this part of the meeting?

**ATTORNEY JEFFERSON:** Yes, I have a Motion. Moira O'Neill, who is the Director of the Office of the Child Advocate had submitted some written testimony, but had reached out to me and said that she wanted to present some public testimony.

Last week was exceptionally hectic for me, so I didn't get an opportunity to advocate for her to do that on Monday. I also wasn't sure if we'd have enough time on Monday. It turns out we had more than enough time.

But she would like to speak. I think she's a very important voice, being the Director of the lead State Agency. And it's relevant to some of the recommendations. So, I'd ask if we can hear briefly from her, and then, if Commission Members have any questions before we get started with the rest of our business today.

**DEPUTY ATTORNEY GENERAL YOUNG:** Go ahead.

**DIRECTOR NORTON:** This is Ken.

**DEPUTY ATTORNEY GENERAL YOUNG:** Go ahead, Ken.

**DIRECTOR NORTON:** This is Ken, and I'll second that Motion. I thought her written testimony was excellent.

**DEPUTY ATTORNEY GENERAL YOUNG:** So for the Commission Members, Moira O'Neill submitted testimony dated August 7th. And it is five pages. I will do a roll call on that. But I would ask that she be limited to three minutes, and that we keep sort of the questioning short, and that we move on from her at 10:00. So we will give her 20 minutes. Is that okay with you, Attorney Jefferson?

**ATTORNEY JEFFERSON:** That's fine. If it runs a little bit beyond 10:00, I would ask for a little bit of flexibility. But I think the Chair has always been good with that. But, yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Commission Tshiela, how do you vote on the Motion to Allow this testimony and questioning this morning?

**MS. TSHIELA:** Yes.

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

**CHIEF EDWARDS:** Yes.

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

**MR. LASCAZE:** Yes.

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

**CHIEF DENNIS:** Yes.

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

**LIEUTENANT MORRISON:** Yes.

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

**JUDGE GARDNER:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** President McKim?

**MR. MCKIM:** Yes.

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

**MR. JOHNSON:** Yes.

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

**DIRECTOR SCIPPA:** Yes.

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

**DIRECTOR MALACHI:** Yes.

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

**COMMISSIONER QUINN:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** And I vote yes, as well. Fallon, is Moira on the line?

**MS. REED:** Yeah, she is. I'm going to make her appearance. And Ms. O'Neill, your line is open.

**DIRECTOR O'NEILL:** Good morning. Can you hear me okay?

**DEPUTY ATTORNEY GENERAL YOUNG:** I can. Hi, Moira. It's Jane.

**DIRECTOR O'NEILL:** Hi, Jane. Good morning. I don't know. Can you use video for me? Or do you just use the audio? I just want to make sure I'm set up properly.

**DEPUTY ATTORNEY GENERAL YOUNG:** Audio now, do you have video capability?

**DIRECTOR O'NEILL:** I do. But I don't see how to turn it on.

**MS. REED:** You...

**DIRECTOR O'NEILL:** Oh, here we go. Okay. Here I am. Good morning. Sometimes it's better to have a face.

**DEPUTY ATTORNEY GENERAL YOUNG:** There you are.

**DIRECTOR O'NEILL:** Good morning, Deputy Attorney General Young and Members of the Commission. I really appreciate the generous allotment of 20 minutes. I expected three. So I will still make this as brief as possible. As you know, I submitted testimony already. And let me just check if you can all hear me okay.

**DEPUTY ATTORNEY GENERAL YOUNG:** We can. But, Moira, before you start, just so you understand, you'll have three minutes to -- we have your five pages of written testimony. So I thank you for that. You'll have three minutes to sum up that testimony. And then, the Commission Members can ask you questions. I think we have found sort of the more fruitful discussions happen during the question and answers from the Commission. So I would (inaudible) to that. So you have three minutes to give your oral presentation.

**DIRECTOR O'NEILL:** (Inaudible).

**MS. REED:** Ms. O'Neill, we can hear you. We're just not seeing the audio. There's just a bit of background noise on your line.

**DIRECTOR O'NEILL:** Okay. Can you hear me now?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes. Could you hear me, Moira? It's Jane.

**DIRECTOR O'NEILL:** Okay. I can hear you now. Can you hear me?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes. Does this work?

**DIRECTOR O'NEILL:** Okay. This is Moira. Can you hear me now? Oh, I'm very, very sorry about this.

**DEPUTY ATTORNEY GENERAL YOUNG:** Hey, Fallon.

**DIRECTOR O'NEILL:** Any chance you can hear me now?

**MR. LASCAZE:** I think there's a delay from her hearing us.

**DIRECTOR O'NEILL:** All right. Well, so if you can hear me, I'll just start speaking quickly. And if you want to message me if it's not coming through, I can stop. Or you can also message me questions, if I'm not able to hear you. I can at least message the answers, if that sounds like a good plan.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, so start. Yeah, go ahead, Moira. You can start.

**DIRECTOR O'NEILL:** All right. So, I'll just go through it. So (inaudible) you can hear me, and I'll just go through (inaudible). Okay. Okay. I'm going quickly through the bullet points in the testimony, and then I'll certainly take questions if you have them.

(Inaudible), can you hear me now? Okay. I'm going to go ahead. First thing that I didn't mention in my written testimony is that you have an enormous task before you. And 45 days isn't enough. So I would recommend that you consider continuing the Commission so that you're able to steward through your recommendations and monitor outcomes, and regroup, as your (inaudible) address these issues that are well-beyond a 45-day task.

The second important point I want to make as a child advocate is the need for (inaudible). So if we're examining how (inaudible) children, that you understand the impact of racial and ethnic bias and a system that isn't responsive to them.

We heard a Pediatrician last night from Dartmouth-Hitchcock explain that the stress of racial bias causes poor performance in school, depression, isolation, substance use, hypertension, diabetes, asthma. All of those things are long-lasting, very important to be thinking about how we respond to children and how it affects their development.

Although (inaudible) Law Enforcement, we, in the Office of the Child Advocate, learn that the problem at the surface is just that. And firing someone, changing the way someone does (inaudible) the entire system is really important that we look at the (inaudible) and then all the influences on individuals (inaudible) at the time that the decision is made.

My recommendations were (inaudible). One was educating and legislative to raise awareness, and minimize opportunities for bias to occur. And the other is to shore up community infrastructure to stop (inaudible) Human Services, and also by the (inaudible) discretion, and mental illness, and manifestations of complex trauma.

So in terms of education and legislation, I had suggested, number 1, most importantly, a robust data collection and frequent analysis of that, because, unless people see the problem, they don't believe it. This morning, there are 13 children waking up at the Sununu Services Center. Seven of them are children of color. That is a hard fact.

The education that you've already (inaudible) at-length: improve brain development, child development, social determinants of health. A persistent theme that we're seeing in successful communities is inter-collaborative collaboration. We thoroughly encourage that, creating all across in different regions, so that people understand each other's jobs and limitations.

And then, I've made several recommendations about creating an infrastructure of assessment of children, hard Policy that limits discretion in making decisions about where they go, and finally, most



importantly, building out the community services so that we're not relying upon Law Enforcement to do the job of Mental Health and Health Professionals. And I'll stop there, because I see -- I can't hear you, but I can see the zero.

**DEPUTY ATTORNEY GENERAL YOUNG:** Do any of the Commission Members have questions for Ms. O'Neill? James?

**MR. MCKIM:** Thank you, Deputy General. And thank you very much, Ms. O'Neill, for your testimony. I was reading through your testimony and just had a couple of questions of clarification. First, you recommended -- let's see if I can find that. Here we go.

You were recommending on your third page, bullet 1, I think it was, and you mentioned in your testimony, a framework around child development. And I'm just wondering if you have awareness, or knowledge, of whether the Fair and Equitable Policing Policy, or any of the Guidelines from CALEA that we've been hearing about and are considering recommendation, do any of those address child development framework?

**DIRECTOR O'NEILL:** Thank you very much for that question. I actually have not seen the Guidelines that you're looking at. But I would be more than happy to review them as soon as possible and give you feedback about that.

**MR. MCKIM:** I think that would be instructive for the Commission. So, thank you very much for that offer. My other question was around another one of your recommendations around a Regional Intradisciplinary Working Group. And I'm curious to hear your thoughts on who should run those Interdisciplinary Groups. Who, just from the sense of interdisciplinary, who's best positioned to oversee and run those Working Groups, in your perspective?

**DIRECTOR O'NEILL:** Thank you for that question, too. That's a good question, because it does always take a champion, or even just a good Administrative Assistant, to keep gatherings of people consistent.

A model that we use that we encountered when we were looking at the experience and the response to children who are born exposed to substances is the Concord Regional Perinatal Community Collaborative. And this is a group that meets at the Concord Hospital, I believe. And it consists of Law Enforcement, Social Workers, Child Welfare, sometimes Juvenile Justice Probation Parole Officers, and other sort of -- and obviously, Healthcare Experts.

And because they gather together and discuss -- they discuss Policies. They discuss issues that have come up in cases. They discuss access to services. When they encounter a problem, a child born with substances first, they already know the avenues for support. They already know each other's roles. And they're very comfortable in sort of passing the information back-and-forth, or letting people know that they're needed somewhere.

It also establishes a really good rapport and respect amongst each other. And particularly around Law Enforcement response to mental illness, we've reviewed cases of children under DCYF care, or who should be under DCYF care, who can -- for whom the Police are responding on a regular basis, because of mental-health crises. And we hear from the Police that DCYF isn't doing what they should do. So they just

stop calling DCYF altogether. And so, then we have a disconnect between Law Enforcement, child protection, and child needs.

When people sit down and understand what the limitations are of their role, or what communication is necessary in order for people to understand the importance of the moment, there's a much healthier relationship there. And they're easier to ask questions.

So I would suggest that who would -- to answer your question, the person -- the people responsible for bringing collaboratives together would be up to the people in the region. I mean, it's great if someone has the time and wherewithal to organize meetings to happen. And it shouldn't be something that's really too involved that -- lots of paperwork and lots of burden, in terms of administrative oversight, but just a routine gathering of people, even something like a coffee pledge once a month where people do get together and discuss was going on, so that you've built these relationships and you've built understanding. And then, you've built opportunities to decrease the disparities that we're seeing.

**MR. MCKIM:** Thank you. And thank you, Deputy General. I'm finished with my questions and yield back the balance of my time.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you very much. Attorney Jefferson, questions or comments?

**ATTORNEY JEFFERSON:** Yes. Thank you so much, Director O'Neill, for giving us some of your time. I had a couple questions for you. In your testimony, you had cited about the issue of child development and brain development. Can you talk to us a little bit more about that? What is your knowledge of child development and brain development? And how does that potentially inform our decisions, as it relates to Juvenile Justice and the prosecution of children?

**DIRECTOR O'NEILL:** Sure; thank you very much for that question. This is a conversation that started 20, maybe 30 years ago. And I mean, we're now at a point where we can really understand how children develop. We actually have magnetic resonance imaging of children's brains and how they respond to stress. And what I mean by stress is exposure to family dysfunction, exposure even to Law Enforcement on the scene, and exposure to other crises, mental illness, substance use.

And we actually see the brain in a way start to lose its growth. And children lose their development milestones, because they're in a constant state of stress that puts them in -- for ease of explanation -- puts them in this sort of fight-or-flight and on hyperarousal conditions in long-term. They're sort of permanently in there. So they respond to things in a different way than you'd expect. And they actually respond in ways that look suspicious, or criminal, or are aggressive. And so, it's really important to understand them.

We also know that those points of stress -- Law Enforcement showing up, families dysfunctioning (ph) -- those are the points where we're going to intersect these systems. And so, number 1, we're causing the stress and the impact on the child's development. And number 2, our response to it also impacts that.

We know that the number 1 point of a chance that a child would be involved in Juvenile Justice and recidivate in Juvenile Justice is involvement in Juvenile Justice. Any time that there's an opportunity to divert the child from this Juvenile Justice System, there's an opportunity to ensure that the child is going to have a better opportunity to perform well in school, to be able to be employable, and also the ACEs Study

that was conducted over 20 years ago now that showed long-term chronic and physical health conditions because of these kinds of encounters that kids have. So it's really important to just always understand, number 1, the negative impact.

The more important thing to understand is the opportunity for resilience in children. And I think I spoke about that in my testimony, where, if we have more positive engagements with children, if we show children how valued they are in the community, if we give them opportunities to be a part of the community, then they will overcome all of those negative impacts. And either you'll see regeneration of the neurology of the brain, when they have those positive experiences, when they have a single caring, consistent adult, so that would look like a Police Officer who stops and says hello to kids and helps them blow up the air in their bicycles, as opposed to a Police Officer who's in school telling kids to stay in line. There's sort of a difference in the quality of relationships.

Taking Police out of that sort of criminalizing role and ensuring that the safety and Peace Officer role that Police are intended to -- according to their mission, helps children to better -- to feel better about themselves, to feel part of the community, and also to respect and appreciate the role of the Policeman. And that's where you start to build those relationships, if children understand the Police, but more importantly if Police understand children and where they are in the moment. That was sort of a roundabout way.

**ATTORNEY JEFFERSON:** Okay, thank you. And I just have one final question for you. There are two recommendations that are in front of this Commission right now. One is to set a minimum age for prosecution. And also, two is a recommendation to look at the Transfer Statute to limit the amount of crimes that create a possession of transfer. Can you give us your thoughts on both of those recommendations, please?

**DIRECTOR O'NEILL:** Sure; thank you for that question. I think, first and foremost, we have in this country a philosophy of Juvenile Justice which is, of course, based on the framework of child development, which is that we have a separate system because children are different. And children's behavior is malleable, because children's brains are still growing. In fact, most recent studies are showing us that a child (inaudible) all that executive function, and were decision-making, and right/wrong understanding doesn't fully develop until sometimes age 23 or 24.

So the idea of the Juvenile Justice System that is separate from Criminal Justice, where children are allowed to learn from their mistakes, grow, we intervene with lots of positive behavioral supports, so that they can grow up to be better, more productive adults, than lifelong criminals is what you sort of would expect if you treat them as we do adults in Prison.

So it's really important to be thinking always in that developmental framework in how you process a child through the system. As I said, diverting them from the system altogether is the most positive thing you can do for their future.

The idea about certifying them as adults, just for practicality, very young children are not going to be fit to be certified as competent if they're that young. So there's a whole process, cost of court fees, and Lawyers, and everything, where we know what the outcome is going to be. So a minimum age, obviously, would be -- would save a lot just in the logistics of that kind of decision.

But also, a part of what (inaudible) my recommendation is that there be some sort of higher-level entity that makes decisions about whether or not a child is going to be considered for certification, because

if you're in an office where you don't see a lot of children coming through, or you just don't have a lot of experience with these kinds of decisions, or if you have personal biases about the child in a situation, you may make a decision that is more likely to have a biased outcome and not be as objective as it needs to be. So, a hard Policy like (inaudible) the philosophy of Juvenile Justice being a separate thing, because it's (inaudible) the system. And as far as, I'm sorry, the second part of your question?

**ATTORNEY JEFFERSON:** So, no, I think you answered both. I wanted you to speak to both the Transfer Statute and creating a minimum age. And I think you spoke to them both. Thank you so much, Director.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Malachi, you have a question or a comment?

**DIRECTOR MALACHI:** Thank you. Yes. Oh, thank you. Yes, Deputy Attorney General Young. Good morning, Dr. O'Neill. I have a couple of questions for you. And I'm needing a little help to clarify. So if you could bear with me?

For the non-Doctors in the group -- and I will speak specifically for myself -- if you could sum up your very broad testimony. So the written portion, you cover a lot of bases, which is fantastic. However, just so that you can help me track, if you could sum up your testimony is just two sentences for the layperson, so that I'm clear on what your testimony is today, that would be fantastic.

**DIRECTOR O'NEILL:** Thank you for that question. It's always harder to speak briefly. I would say most important is build out community-based services. We passed a law that would establish the Mobile Crisis Response and Stabilization Services across the State. This is the number 1 complaint we get from Law Enforcement that they are responding to mental-health crises.

And when you're pressuring a system like law enforcement to do another Agency's job, you're going to start to see a lot of bias develop, because they're not (inaudible) what they're trained to do (inaudible). And they're not. So I would say to build...

**DIRECTOR MALACHI:** Okay. Thank you for that. So, are you -- oh, I'm sorry. You're still talking. You're breaking up a little.

**DIRECTOR O'NEILL:** Go ahead. Can you hear me now?

**DIRECTOR MALACHI:** Oh, are you back? Yes, sort of.

**DIRECTOR O'NEILL:** (Inaudible). So, that was one, looking at community services. And the other thing that I think is so important for the community is just making sure people understand children and (inaudible) are when they have (inaudible) developmental disorders that impact their behavior. And so, those are the two most important things. The third would be creating hard Policy to minimize people from making biased decisions.

**DIRECTOR MALACHI:** Okay. Okay. So, you were going in-and-out a little bit. So to recap the recap: having mental health services, so the Critical Response Unit, respond instead of Law Enforcement. The second point -- and I got lost in that one.

**DIRECTOR O'NEILL:** I'm going to quickly write this so that you can see it. Build out community services, (inaudible) educate on child development, and three, (inaudible) minimize opportunity for bias by...

**MS. REED:** Deputy Young, if I may, so Moira's sending me a message in the chat saying three things. One, build out community services; two, educate on child development; and three, minimize opportunity for bias by hard Policy limits for age limit -- example -- for example age limits.

**DIRECTOR MALACHI:** Okay, thank you. And is that -- is all of this in relation to School Resource Officers in schools, or regular -- I guess if you could call it -- regular Law Enforcement responding to calls in homes, as it relates to children who may have a distressed living situation?

**MS. REED:** She's not hearing the question. Ahni, can you try again, please?

**DIRECTOR MALACHI:** Yes. So the -- so thank you for your answer. The follow-up question I have to that is, those three components that you have mentioned, is that information in reference to School Resources Officers in the schools, or Law Enforcement specifically outside of the school responding to homes, etc., where children may have a compromised living situation?

**DIRECTOR O'NEILL:** If I only heard a little bit of your question, I'm guessing that you're asking about School Resource Officers and the presence of Law Enforcement in children's lives. And how I would respond to what I think you're asking is that we have to be very careful about normalizing the expectation of criminality or violence in children's lives, normalizing that as though it's expected.

So, this presence of Law Enforcement in schools, and even in Diversion Programs that are designed to divert kids from the system, you often see Diversion Police Officers in Police uniform. So children still have a sense of Law Enforcement in what should be a normal and developmentally-appropriate day in their world.

So we're recommending moving away from that and replacing that with Social Workers who can address social ailments that children are experiencing, Clinicians who can work with children around dysfunctional families, Developmental Specialists who can help children learn how to communicate in positive ways and with lots of positive reinforcements, and supports of those kinds of professions for Teachers and for parents to help them across the board, throughout the domains of their child's life, to develop positive prosocial behaviors.

When we have Law Enforcement presence, the message that we're giving to children is that we expect them to misbehave. And we're there to stop that. There are a lot of children who really enjoy (inaudible), who really look up to them. But they tend to be children who are not in trouble. The children who constantly feel as though they're being scrutinized because of their color, in particular, or because of their (inaudible) are not comfortable with Police in their...

**DIRECTOR MALACHI:** I think so. So a follow-up to that would be, you are suggesting or recommending that the services that you just outlined are increased in schools, and the presence of a School Resource Officer is decreased?

**DIRECTOR O'NEILL:** I'm sorry. I wasn't able to hear that. I wonder if I could try...

**DIRECTOR MALACHI:** Is this any better, Dr. O'Neill?

**DIRECTOR O'NEILL:** Go ahead. Try again.

**DIRECTOR MALACHI:** Fallon, is it -- maybe it's a head -- it seems like it's a headset versus speaker issue.

**MS. REED:** Yeah, Director Malachi, if you're able to ask your question again and I can send it to her in the chat?

**DIRECTOR MALACHI:** Okay. See, how do I want to phrase it? Are you, in your recommendation -- are you suggesting increasing the services that are already available in the schools and decreasing the presence of SROs?

**DIRECTOR O'NEILL:** Okay. Okay. I hear your question. And I'll give you the answer from children, themselves. Last year, Dartmouth-Hitchcock held a Summit of Youth on Mental Health. And the number 1 request and recommendation that the children came up with was more Social Workers in school, more education and training for Teachers to understand what children are going through, and more support for their parents to understand what they were going through. The children's recommendation was not for more Resource Officers, but for more sort of clinical Social Service help for them, for their parents, and for their Teachers.

**DIRECTOR MALACHI:** Okay. So, with that, as you stated in your testimony that there's a multi -- this is a multisystem problem. So, with that in mind, the children that you referenced in your written testimony, I'm making the assumption that this is New Hampshire-focused, yes?

**DIRECTOR O'NEILL:** Yes, those are what we -- we examined the experience of children in New Hampshire, up until now, children who are involved in Juvenile Justice or in child protection.

**DIRECTOR MALACHI:** Okay. So of the children that you've observed or communicated with, and anyone that you specifically are referencing in your testimony, how many of those children that are, let's say, involved with the Juvenile Justice System that you're speaking of, how many of those children live in poverty? What would you say the percentage would be?

**DIRECTOR O'NEILL:** I'm sorry. I didn't hear the last part of that. How are the children...

**DIRECTOR MALACHI:** What would be your best guess of the percentage of children that are involved in the Juvenile Justice System in New Hampshire live in poverty?

**DIRECTOR O'NEILL:** Oh, I would imagine -- that's a great question. And I can try and get you the data for that. But my estimation would be it's very high.

**DIRECTOR MALACHI:** So, your best guess -- and I know you want to give me hard numbers. And I'm okay with the best guess today.

**DIRECTOR O'NEILL:** Yeah. Yeah. I'm not very good with numbers off the top of my head. But -- and the universe of the Office of the Child Advocate is the worst of the worst, because people come to us with complaints and problems. So I would say that nearly all (inaudible) have some element of poverty involved.

And when I talk to the Director of DCYF and ask him what he thinks the worst -- his most -- his biggest worry is, he will tell you housing. So children who are involved in Juvenile Justice, or children who come into child protection, generally have unstable lifestyles where there are issues of housing, there are issues of economic stability. There are issues of parents being able to be home looking after their children.

In fact, we saw early in the pandemic that when parents were home with an enhanced unemployment check, (inaudible) better with their kids, because they were able to be home with them and also had some financial relief that they hadn't had in a long time. So, your point is well-taken that, when we look at underlying conditions -- and we have seen studies where children are often involved in criminality, because they're trying to help their parents pay the mortgage, or get food on the table.

**DIRECTOR MALACHI:** So what you're saying here is the parents that were at home with the enhanced unemployment, are these people that would normally utilize -- or that you would see in your office, and you were noticing that? Or are you speaking just in general for New Hampshire?

**DIRECTOR O'NEILL:** We actually noticed it. It was anecdotal. So I can't give you actual data.

**DIRECTOR MALACHI:** Oh, sure.

**DIRECTOR O'NEILL:** We had one case in particular where it was an impossible situation (inaudible) the parent. And then, suddenly the parent was home and had a check coming in to pay the rent. And they had some time to do some work together with a Therapist. And things were going well for a while.

**DIRECTOR MALACHI:** And then, in your estimation of the children that you have coming through your office, what of that percentage that live in poverty, that high percentage, what of that percentage would you say live in fatherless homes?

**DIRECTOR O'NEILL:** Oh, I would say that it's -- there are two answers to that. There are a good number of fatherless homes. There are also a good number of homes with rotating father figures. So, we

often see children come into the system because they have some antagonism (inaudible) a mother's boyfriend or second husband, or that sort of thing.

And really the important thing there isn't necessarily whether the father's present in the home, but what consistent relationship with any relationship. But it certainly isn't easy when there's a single parent who is working a couple of jobs and not present for the child.

**DIRECTOR MALACHI:** And of the children that you see in your office, is it fair to say that all of them have -- and I don't know the 2020 term for it. So we will call it a Social Workers. I'm sure there's a better phrase for that. But do all of the children have a mental health person and/or a social work person that's assigned to them to assist with whatever they're dealing with?

**DIRECTOR O'NEILL:** No, so the children we see are either in child protection, so they have a Caseworker from DCYF, or they're in Juvenile Justice. So they have a Juvenile Probation Parole Officer. And those two roles are required to see a child at least once a month.

Probably the number 1 reason children's cases are brought to our office is because they don't have access to the Therapist or Clinician, or any kind of a clinical support person that they need. We're often helping them try to get access to that. And that is where crises occur, because of not getting that kind of intervention. And why we had supported Senate Bill 14 for Mobile Crisis Response and Stabilization Unit (inaudible) a family-defined crisis and then (inaudible) or the family were connected up to a therapeutic resource.

**DIRECTOR MALACHI:** So although unfortunate the children are in either system, the positive, if you will, is that they are receiving the -- specifically the mental-health services that they're needing. Is that a fair assessment?

**DIRECTOR O'NEILL:** I'm sorry. I couldn't hear that question.

**DIRECTOR MALACHI:** So I'm saying that although it is sad that the children in either system are involved in those systems, is it a fair assessment that they are receiving, at a minimum, the mental-health services that they're needing?

**DIRECTOR O'NEILL:** Yeah, I apologize for this connection. Actually, I wonder if I should try to call in with my phone. I guess I would say because I understand that you folks are really have a time crunch here, if you wanted to write a couple of questions, I could respond to them right away, if you wanted to pull written questions together. I'm concerned that this is a difficult use of your time with my connection being so bad. Let me see if I can phone into you guys.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, Ahni, if you want to give us questions, we will post them. I do have difficulty hearing sort of both parts of the conversation.

**DIRECTOR MALACHI:** Okay, yes. I can do that.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards, did I see your hand go up?



**CHIEF EDWARDS:** I will withdraw my concern and question, and move on.

**DEPUTY ATTORNEY GENERAL YOUNG:** I'm sorry. Are you -- you withdrew -- so do you have a question?

**CHIEF EDWARDS:** No.

**DEPUTY ATTORNEY GENERAL YOUNG:** Maybe it's my computer, okay. Okay. So I don't see any other hands raised. So, Moira, to the extent you can hear me, if Commissioner Malachi has more questions, she will send them to us and we will get them to you. And then, we will post your answers.

**DIRECTOR O'NEILL:** I will stand by and wait for those today, and respond to them immediately. I really apologize for this connection problem. We have (inaudible), but it doesn't always work for us.

**DEPUTY ATTORNEY GENERAL YOUNG:** No need to apologize, thank you for (inaudible). Commissioner Quinn, do you have a Motion before we move onto looking at the Draft Report and the recommendations?

**COMMISSIONER QUINN:** Yes, I do. I would respectfully ask the Commission to indulge us and allow Assistant Commissioner Rick Bailey to speak briefly on data collection. I know that there's been a lot of questions on how we collect data relative to race and ethnicity. And we had spoke briefly about whether it's on a traffic ticket or in a Police Report. So, Assistant Commissioner Bailey is here and he is going -- will, if the Commission grants us, give a brief presentation which might be helpful, and also be available for any questions.

And just as a background, Rick Bailey was a CIO at DIOT. He was the Director of Motor Vehicles. And now he's an Assistant Commissioner at the Department of Safety. And he's leading many of these technology projects for us. So I thought it might be helpful for the Commission.

**DEPUTY ATTORNEY GENERAL YOUNG:** Is there a second to that Motion? So, John Scippa, second. I will vote yes. Director Malachi?

**DIRECTOR MALACHI:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chairman Johnson -- or Commissioner, sorry, sorry.

**MR. JOHNSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** President McKim?

**MR. MCKIM:** Yes.

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

**JUDGE GARDNER:** Yes.

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

**LIEUTENANT MORRISON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Dennis? Dennis, where's Chief Dennis?

**CHIEF DENNIS:** Yes.

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

**DIRECTOR NORTON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Mr. Lascaze?

**MR. LASCAZE:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Attorney Jefferson?

**ATTORNEY JEFFERSON:** Yes.

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

**CHIEF EDWARDS:** Yes.

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

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So, Commissioner Quinn, the same rules go; three minutes and then there can be follow-up. But we got to move on. So we got to end this by 10:45-ish. Thank you. With that, Assistant Commissioner Bailey, the floor is yours.

**ASSISTANT COMMISSIONER BAILEY:** Okay, thank you. Fallon, can you make me the presenter?

**MS. REED:** All right. You should be all set.

**ASSISTANT COMMISSIONER BAILEY:** Okay.

**MS. REED:** Just a quick note, Deputy Young, if Commissioner Bailey's sharing his screen, I won't be able to put the timer up. But we can just kind of work through that.

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

**ASSISTANT COMMISSIONER BAILEY:** Here we go. Okay. Jane, can you see this screen that I've got up, the slides?

**DEPUTY ATTORNEY GENERAL YOUNG:** I can, Rick. Yeah.

**ASSISTANT COMMISSIONER BAILEY:** Okay, thank you. Good morning, everyone. I will be brief. A lot of the information that's driven in Criminal Justice for collection is based on what we have to report up the chain.

And in this case, the top of the list is pretty much the FBI reporting system. It's been called the Uniform Crime Reporting System in the past. It's switched over to the NIBRS, the National Incident-Based Reporting System. And in New Hampshire, all Law Enforcement Agencies are required to submit annually information about all of the crimes that they investigate. It's any that lead to an arrest or any that they take information on where maybe there's no perpetrator ever found, but it still goes into their annual statistics.

And when they do this for each of the people who is either a victim, an offender, or an arrestee, they collect two data elements, which are either race or ethnicity. The values that they can accept for those fields for race are shown right here: white, black or African-American, American Indian or Alaska Native, Asian, Native Hawaiian or Pacific Islander, or unknown. The definitions are here. We will make this slide deck available to everyone later today.

So, when a local Department has either paper records or a recording-management system, they are expected to collect this information to be part of the submission done annually for the FBI. So that is what tends to be collected.

In New Hampshire, we also have electronic ticket submission, which are violations. And there is space in that system to collect race information. In the driver licensing system, where much of the tickets, the violation information is dealt with and processed, race is not collected in -- it's not collected as an applicant for a Driver License or a Non-Driver ID. It's also not collected on submissions to them for other information. When someone is fingerprinted, as part of an arrest process, that process also captures race information and submits it along with the fingerprints.

The concern with any of this is, of course, accuracy. And we can see, with this slide, shows the NIBRS reporting for arrestees for 2015 to 2019 with the various races shown. That's available on a year-by-year basis reported back out of NIBRS.

Any individual Department that has a records-management system can probably do a similar type of Report, because they would be collecting that information with their arrests. And they would ultimately, then, be submitted as part of their NIBRS annual submission.

And that's really kind of the status of where things are with collecting race information in the law enforcement environment. And I know we're very limited on time. So I guess I would take questions, Jane, or could clarify anything.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Do any of the Commission Members have questions? Joseph, you have your hand raised, I think, in the queue. Is that correct?

**MR. LASCAZE:** Yes, that is correct. I just had a couple quick questions. The first was a clarification. In the beginning, when you were talking, you said that when -- that the information is required for arrests or if it was an arrest, or if it was an interaction that didn't lead to an arrest where they took information. And you said where there was no perpetrator. In that situation, who would the data be collected on, if there was no perpetrator?

**ASSISTANT COMMISSIONER BAILEY:** For that -- let me go back to that slide. So in this case, the NIBRS is looking for information on victims, offenders, or arrestees. If there isn't one of those participants in the event, then there would be nothing reported. So if there's never an arrestee, the NIBRS submission would not have values in Data Elements 49 and 50.

**MR. LASCAZE:** Okay. All right, thank you. And you also said that this data's expected to be collected for the FBI. And so, this is not a requirement, or is it a requirement?

**ASSISTANT COMMISSIONER BAILEY:** It is a requirement for submission. In New Hampshire, back to the Statute, Law Enforcement Agencies are required to submit compliant NIBRS information. And to be compliant, they need to collect that information for these events.

**MR. LASCAZE:** Okay, all right. Okay. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** You all set, Joseph?

**MR. LASCAZE:** Yes, I am. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, thank you. Lieutenant Morrison?

**LIEUTENANT MORRISON:** Yes, good morning. Thank you. Can you just briefly touch on an obstacle that would be present, if any, to including race or ethnicity on the New Hampshire Driver's License? And if that is on the License, would it be able to be tracked?

**ASSISTANT COMMISSIONER BAILEY:** Well, there's probably a couple of issues. The first issue is space. There's no space left on the front of the Driver's License. In the past couple of legislative sessions, the Legislature has added a next of kin phone number and a medical condition fields that have had to be moved to the back of the License. So if a race or ethnicity fields were going to be included, they would probably have to go on the back of the License. And that's -- and we, effectively, would be counting characters and things to see if we could fit that information on the License.

The next obstacle would be how is a DMV Clerk going to know the right answer to that question? Or if we allow someone to self-identify, is there any validation for that information, because any Report that's going to come out the far end, the question will be: was the data collected at the beginning accurate?

And I'm not aware of any other States that have implemented those processes. They may exist. But that's not something we've looked at here at DMV. But those would be a couple of the obstacles that I would see. The last one being, of course there would be cost to making changes to any of the information systems.

**LIEUTENANT MORRISON:** Thank you very much.

**DEPUTY ATTORNEY GENERAL YOUNG:** Rogers, you have a question or a comment?

**MR. JOHNSON:** Yes, a question. Thank you, Deputy Director. I think I have the correct title. I wanted to ask you a question about data collection. The data that's collected is geared toward the FBI, because that's their requirement.

But relative to the State of New Hampshire, there is no single statewide data collection process in place. And if we were to do that, we'd have to build that system which would collect then the data from the various Agencies. Is that a correct statement?

**ASSISTANT COMMISSIONER BAILEY:** I think it is correct to a certain degree. Where most of the Law Enforcement Agencies in New Hampshire are participating in submissions for NIBRS, you might be able to use that same path, since that flows through the Department of Safety. But we'd have to have a repository created here to then kind of take a copy of it and pull it all together. But there would definitely have to be work made to have a New Hampshire-centric data repository to then query this information from.

**MR. JOHNSON:** So essentially we'd be gathering data. The only question is, how valid is the data, because it's all dependent upon individual Agencies complying with, I guess, NIBRS? And in reality, if you have smaller Agencies, they're not terribly -- what's the word I want to use -- adept or I should say not willing, just capable of being that they're really busy. So they're not sometimes in the process of going through the process of actually gathering data. So it is somewhat sketchy, relative to the smaller Agencies across the State. Would that be a correct statement?

**ASSISTANT COMMISSIONER BAILEY:** I think it's reasonably accurate. Any information that Law Enforcement gets from a document during an interaction with the public is fairly easy to pull forward, to the earlier question, something on the Driver's License. But if they have to make an assessment of race or ethnicity, I think that can be a real challenge for Law Enforcement. And I think you're right. Smaller Departments have larger challenges doing training on any topic. Certainly on how to identify race or ethnicity would certainly present a challenge.

**MR. JOHNSON:** So essentially a good third of the State that have smaller Agencies, Agencies with five members, five Police Officers, or less -- well, gee, now I think about it. It's actually more. It's closer to 40%. That would be an obstacle. Would that be a correct statement?

**ASSISTANT COMMISSIONER BAILEY:** I believe so. I don't have any definitive information to suggest that. But I think anecdotally probably.

**MR. JOHNSON:** Thank you very much.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Rogers. Joseph, I know you have a follow-up question, but Chief Dennis has a question, as well. And then, I'll loop back to you. So, Chief Dennis?

**CHIEF DENNIS:** Thank you. And Assistant Commissioner Bailey, just a quick question, kind of a follow-up on Lieutenant Morrison's, when you were speaking about if they were to put race on a Driver's License. You were kind of concerned how the DMV would be able to accurately collect that data. In other words, are they asking someone to self-identify? Or how are we doing that? But it could create an issue with accuracy.

And I guess I would just follow up that and say, isn't that what's occurring right now in the law enforcement world? Aren't we just having to ask people how to self-identify? So I guess I'm just trying to put an analysis, if we're thinking it could maybe make it not accurate on Driver's License, is that what we're dealing with today in our collection of data by Law Enforcement?

**ASSISTANT COMMISSIONER BAILEY:** I think that's accurate. That's what an Officer's dealing with roadside, or interacting with the public. That's not what's happening at the Division of Motor Vehicles. As most folks are probably painfully aware, you have to have documentation to prove who you are, where you live, and all sorts of things. That's the normal DMV process.

**CHIEF DENNIS:** Okay, thank you.

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

**MR. LASCAZE:** Thank you. I actually was going to ask what Chief Dennis did. That was one of my questions. So I just wanted to follow up with that, first and foremost. You said that the Clerk at the DMV would have a hard time, if it was up to the Clerk to identify. It would pretty much be the same scenario, or situation, that's happening with Law Enforcement Officers in the State.

And what I'm asking is if this is required, again, by the FBI for these Reports to be done and they need to be as accurate as possible, would you think that it would be more accurate for an individual to self-identify at the DMV, as to what their race is? And the reason why I'm asking is because they're already self-identifying their weight. And I don't know if that's being validated when someone puts their weight down. I mean, eye color and hair color, we can. But I think it would be more accurate for a person to self-identify during the Driver's License process. Would you not agree?

**ASSISTANT COMMISSIONER BAILEY:** I think the majority of people would accurately self-identify. But again, anecdotally, yeah, I would agree with you. I don't have any information from any of the other DMVs that may or may not be doing this to be able to give an absolute. But, yes, I understand what you're asking and I think that's probably true.

**MR. LASCAZE:** All right. And the other reason why I ask this is because in this past January, I was pulled over for a line violation and it didn't result in a ticket or anything of the such. But when the -- when that traffic interaction, when I got that request from the Police Department, they put my race down as white.

And so, I was never asked to identify. And if it's up to the Officer to identify, I just don't -- I'm finding it very hard to see how I was identified as being white. So I feel like if we don't have the space for Driver's Licenses to put race on it, would we be able to add race, then, to the DMV records so that when an Officer

runs the license plate or the Driver's License of that individual, that information could then pop up for them to be -- so it's more accurate?

**ASSISTANT COMMISSIONER BAILEY:** There's lots of information that's captured about an individual in the Driver License or registration system that's not displayed on the document, but that could be part of a response to a roadside inquiry to -- and let's -- or the Spot System in New Hampshire. So that was a long yes.

**MR. LASCAZE:** Okay, all right. Thank you. I appreciate that. And I will yield the rest of my questions.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Director Malachi, questions/comments?

**DIRECTOR MALACHI:** Yes. Thank you very much, Assistant Commissioner Bailey, for your testimony. And thank you, Jane, for acknowledging. So, I am -- and I know you'll correct me if I'm wrong. I'm old enough to remember that on one's Birth Certificate, one's racial identity is placed there. If that is still something that is happening these days, when you go initially to get your Driver's License and/or when you go to renew, at least initially when you get your License, you have to have your Birth Certificate with you. So why wouldn't that information just be taken from the Birth Certificate?

**ASSISTANT COMMISSIONER BAILEY:** I've not had interactions recently with the Secretary of State to be familiar with what is or isn't. But if race is part of the Birth Certificate, that would be an excellent feeder document for capturing the information, originally.

**DIRECTOR MALACHI:** Okay. That was my only question. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Chief Dennis and then President McKim; Chief Dennis?

**CHIEF DENNIS:** Yeah, just kind of a little of a comment onto what Joseph was following up to and some of the issues we've had. It's kind of all related a little bit. Certainly, we had an issue when we looked at our IMC RMS program back towards the end of June, reference demographic information. And what we determined is that when a call comes into the CAD Center, the Dispatch Center, the Dispatch will put you for race for unknown.

It's then up to the Officer to fill in that information in the field. But there's nothing from the software that forces them to change that U to where it's been done. So, I would imagine sometimes an Officer may forget to do that, or leaves it.

And then, we also have the issue again of the Officers are guessing what the race of this individual may be and/or sex. And so, we put out an order where would ask people to self-identify. And basically, we say, in order to ensure transparency with the public, our Agency needs to document specific information with regard to our contact with the public. For statistical purposes, how do you identify your race, sex, and ethnicity?

And I followed up with one of my Sergeants yesterday asking how that was going. Of course, they say it's a little clunky sometimes remembering how to say that. It doesn't always come out as smooth as what it's in writing. But he says it's been a little challenging. I said, in what way? He says, sometimes people are thinking we're asking a question about their lifestyle. He indicated that some people will respond back, well, I'm mixed race, and the Officer will say, well, how do you wish to identify? And they -- well, we don't care. We don't know.

So even us asking this question for self-identifying, we're finding that it's interesting, the interactions with the public, of some of them don't know exactly how to respond or answer that question, which, in some ways, for Law Enforcement, it would be nice if it was settled once and for all at the DMV, and we didn't have to ask those questions. But I just wanted to make that comment. Thank you.

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

**MR. MCKIM:** Thank you, Deputy Young. And thank you, Assistant Commissioner Bailey, for your testimony. I'm curious just to follow up a little bit on Mr. Lascaze's question around what information can be displayed. And I guess this might be a question for Mr. Lascaze, as well.

What would the impact be for the situation if an Officer knew ahead of time this person that they were approaching, or at least of the owner of the vehicle, was an African-American, or Asian-American? Is that a good thing? Or is that a -- would there be negative consequences? I just am curious, because it intrigues me to think about the scenarios.

**MR. LASCAZE:** If you're asking me that question, Mr. McKim, that's a good one. And I think that it's really -- first and foremost, I think it's really evident with the New Hampshire Supreme Court Decision of Ernest Jones v. State that, in that situation, the Supreme Court recognized that race does play a factor in when people of color, mainly black males, feel that they are free to leave a scene when they are engaging with Law Enforcement.

So if the Supreme Court is recognizing that, I think it's fair to say that Law Enforcement should have just that thought in mind when they are approaching someone, so that they know that, wow, the Supreme Court, which is highest law in the land, has stated that this does play in and that people from a specific background may feel mentally in a different state than others would in that same scenario. And that just gives the Officer more tools when approaching the situation to make sure that it ends the way that it should.

**MR. MCKIM:** Thank you. And then...

**MR. LASCAZE:** And that's not just for people of color. That's multiple community groups across the spectrum that feel the same way. I'm just showing just that in particular as something that has been ruled on just recently. And I feel like that principle carries through to all community members.

**MR. MCKIM:** So, thank you. And I appreciate the Ruling that does show the need to be sensitive to race. I guess I'm curious as to if having that information sent to the Officer before they leave their vehicle to be able to have that foreknowledge -- and I guess the way I should ask it: is that sufficient? Or are there other things that we should be doing, and providing to Officers, to trigger in their mind that they need to be



careful when they get out of the car, or at -- and I shouldn't say careful. I should say they should be aware of and be processing and remembering their training, when they get out of the vehicle and engage with whomever they're going to engage with.

And I guess this is a question from the perspective of the way that Officers think. So I'm curious to hear from Assistant Commissioner Bailey what his thoughts are. And I guess any of the other Officers here who have that experience of -- and what tools -- how they would react and what would help them in the situation.

**MR. LASCAZE:** Can I just say something real quick before he answers that? I just wanted to make it clear I wasn't suggesting that that information has to be sent before an Officer gets out of a car. That's unrealistic. That's unrealistic, because Officers have to respond to situations that are fast-evolving and fast-changing.

**MR. MCKIM:** Thank you.

**MR. LASCAZE:** So that was not what I was suggesting.

**MR. MCKIM:** Thank you. That clarifies it, because that was what I was thinking you were suggesting. So that's great. So, I guess, could you then clarify what you were suggesting, because I may have misheard it?

**MR. LASCAZE:** All I was suggesting was in a situation where an Officer does have the time to either run a license plate, or pull someone's Driver's License, when that information is ran, then that would be there to accurately identify.

**MR. MCKIM:** Okay. Okay. Thank you. And so, I guess my question, though, still does apply for the Officers in the room. Would having that racial information trigger knowledge, or trigger the training that they might have to kick in? Or would it just be -- and this is kind of a practically speaking -- would it just be another fact that they would see and consider?

**ASSISTANT COMMISSIONER BAILEY:** Mr. McKim, I'm a computer guy. I'm not Sworn Law Enforcement, never have been. So I think I would have to leave that question to Director Scippa or the Chief.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edward, have you hand up. Can you -- separate question, or are you going to...

**CHIEF EDWARDS:** Yeah, I'd like to respond to President McKim.

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

**CHIEF EDWARDS:** I think that would be a very dangerous process to begin, asking Officers to be trained or consider a race or ethnicity of the person before they approach them on a traffic stop, or any

other interaction. I can tell you from my experience in stopping motor vehicles, right, or engaging people, no Officer considers your ethnicity or your race when they engage you.

**MR. MCKIM:** Second question, I think, Commissioner Bailey, you may be able to answer, because it's more in the systems bailiwick, which I have a bit of experience in, as well. Just curious, we're talking about potentially adding functionality to systems and integrating systems, or at least gathering data from the RMSes of the various Agencies and their municipalities.

I'm curious to hear. I know we've had Director Scippa talk about cost and the funding challenges he has faced in implementing systems. I'm curious to hear from you. What are the challenges that you face and have seen in pulling these systems together that you've dealt with, and enhancements that might be made? What are some of the barriers and challenges that you face? And what recommendations might we be able to make to help overcome those barriers?

**ASSISTANT COMMISSIONER BAILEY:** The biggest challenge is the diversity of the primary systems that people are using to collect the initial information. I do not believe that every Law Enforcement Department in this State has an automated records-management system. For those that do, I know of at least a half-dozen different vendors that are involved. So the complexity is that it's not simply gathering information from over 200 municipalities. It's 200 municipalities in a few different formats. Not insurmountable, but that difference in source information simply adds to the cost and complexity.

Again, where we have a NIBRS requirement, if the information that is submitted to the FBI contains most or all of the information that people would be interested in looking at as a New Hampshire or local municipal inquiry, that will make it easier. If there are things that want to be looked at that aren't in a NIBRS format, or aren't contained in what people are submitting for NIBRS submissions, then that would be added interface work that would have to be done. And so, I think in a circular way I'm saying I don't think it's insurmountable. But there would be some cost and effort involved. And the various sources is what's really going to drive that complexity.

**MR. MCKIM:** Thank you. And just one last follow-up, do you have any thoughts as to how that cost should be covered? Who should cover it, perhaps?

**ASSISTANT COMMISSIONER BAILEY:** I think that's probably a question for the Legislature.

**MR. MCKIM:** Thank you. And I yield the rest of my time.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Seeing no further questions, I thank you for your time, Rick.

**ASSISTANT COMMISSIONER BAILEY:** All right, thank you, all.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So we will now move onto the order of business today. We sent the Draft Report yesterday. Does anybody have any comments on the Narrative section, before we get to the recommendations? Did you raise your hand, Joseph?

**MR. LASCAZE:** Yeah, you said about the Report?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, the Narrative section, not the recommendations.

**MR. LASCAZE:** Yeah, so I did have just one thing that I just wanted to ask if we could change. It was on page 2, the first paragraph, the last sentence is speaking about New Hampshire's ability to collect, maintain, or analyze data that's collected. And I'm just wondering. I know it's a small thing. And I would defer to McKim's wordsmithing. But could we change ability to mechanism or process, just because ability, when I read this, it implies to me that it's a permanent thing? And New Hampshire definitely has the ability to do many things. And I think that this is one of them. I just think that there's no mechanism or process that's currently in place.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So you think that mechanism is a better word than ability? Or how about...

**MR. LASCAZE:** Because I do agree that this just reflects the current state that there isn't, but if it's...

**DEPUTY ATTORNEY GENERAL YOUNG:** So we could throw in a currently or presently there is no statewide mechanism.

**MR. LASCAZE:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay.

**MR. LASCAZE:** Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** James, you had your hand up?

**MR. LASCAZE:** Thank you. My comment was around the Narrative. I think we heard Director Scippa mention that there is this fact-based system of collection of data for municipalities that is not universally used. And we just were having a discussion around funding, lack thereof, to implement the systems that the Director would love to implement.

And I would suggest that that is current state and it should be included in the current state. I think it's important to note that the Director and the Standards and Training Agency have been asking for these funds over the years and have continually had those funds taken out of the budget or removed. And that's preventing him and the State from gathering a lot of information that we would like to see here. So to me, that's current state. And I would like to see that mentioned.

**DEPUTY ATTORNEY GENERAL YOUNG:** John?

**DIRECTOR SCIPPA:** President McKim, thank you for your support on this. And -- but I really want the Commission to understand, the collection system that I'm speaking of and maybe the one that the Commission has in front of them right now are two different systems to measure two different things.

So, as long as everyone on the Commission is clear on that, but I do appreciate your support, President McKim. But the system I'm looking for is to collect data specifically on Police Officers and their training, their certification, and any kind of follow-ups, allegations, transfers from one Police Department to the other. And it would just be that. It would not have anything to do with Police-citizen interaction. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** So is that better to go in the next section, in the misconduct section, John? Is that sort of -- or is it just the training aspect? Or is it a training and misconduct (inaudible)? So I just want to figure out where to put it in.

**DIRECTOR SCIPPA:** Sure; so it really -- it probably splits. Half of it is training. Half of that software deals directly with training, providing online training, tracking training, developing training. So the software would be able to do that.

And then, the other piece of that is really our Record Management System, which would be used from entry into career until end of career. You would be able to create a database that could track all the Officers and encompass the training, but also encompass any other status changes during that Officer's career. So, I guess the long answer, Madame Chair, is it goes in training, and I would...

**DEPUTY ATTORNEY GENERAL YOUNG:** I lost you for everything after training. I lost the last part of your statement, sorry.

**DIRECTOR SCIPPA:** I would say that the data collection system for the Academy and the record -- let me be more specific. The learning-management system and the Record Management System for the Academy, the learning-management system would be part of training. And then the Record Management System would probably fall under the Police accountability section that we're getting ready to discuss.

**DEPUTY ATTORNEY GENERAL YOUNG:** So we could put a few sentences in this section and then refer out to the other sections, right? We could sort of drop the footnotes and cross-reference. So, James, I'll let you take a stab at what you think those sentences should be, because we want to do a fair amount of cross. And if you could send that back to us by the end of today, because we're going to get through these recommendations and we will send them out. So if you want us to send us the language, we would probably put it in before the data collection...

**MR. MCKIM:** Okay. I will craft some verbiage, if I could just ask one more question of the Director.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes, go ahead.

**MR. MCKIM:** Is it your sense that the information that you're looking to capture on Officers throughout their career would not also be valuable in terms of community relations and transparency, from the perspective if someone wants to know whether an Officer has had certain amount of training, or training on a certain area, or topic? Someone in the community wants to know that. Would that be something that would be available to them through this system? Or does it even make sense to provide that kind of information to the public, or the community?

**DIRECTOR SCIPPA:** I think if this system were to go in place, ultimately I would refer those questions back to the local community's Police Department. As an example, if there was a question of training, and it had to do with the Hanover Police Department, in the first instance that question would be asked to Chief Dennis. And then, certainly Chief Dennis could come to us here at Police Standards and Training to just confirm what he probably already (inaudible) the training was. So, I think really those questions really need to be referred to the local Agency, first and foremost.

And then, from our perspective here at the Police Academy, because we are the sole training site and the sole collection site for these types of records, it just -- we're doing this anyway. But it's literally in paper file in cardboard boxes, in many instances. And it takes us -- it could take us days to find something, particularly if it's been archived, where just leveraging the technology to use present technologies in a way that we can save time and be more efficient is really one of the main goals that I'm trying to accomplish with the software.

**MR. MCKIM:** Great, thank you. And so, my next thought on the Narrative is we heard testimony and had even some discussion today about the age of certification, in terms of the Criminal Justice System versus the Juvenile Justice System.

And I'm curious to hear where, in our three sections, probably obviously not training, but is this a community topic? Or is this a misconduct topic? Or is this an other topic? I just don't want to lose this opportunity to address this issue.

**DEPUTY ATTORNEY GENERAL YOUNG:** So we did put it in the public recommendation sections here.

**MR. MCKIM:** Right, but there wasn't any mention of it that I don't recall in the Narrative, the current state, section.

**DEPUTY ATTORNEY GENERAL YOUNG:** We did not put it in the Narrative section. But we had it in the Community Recommendations section. I think we were struggling with how it fit into our mission here. It's a little bit of juvenile reform coming in. Sort of it's (inaudible). So I think that we have recognized it in here with the community, but we didn't go (inaudible) in the current state of affairs.

**MR. MCKIM:** I guess I'm suggesting that we put it in the current state of affairs section. At least maybe it's a one-sentence kind of mention. But at least mention the current state.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. We will add a couple of lines.

**MR. MCKIM:** And thank you. That's what I have for the Narrative section.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Judge Gardner and then Ahni; Judge Gardner?

**JUDGE GARDNER:** (No audible response).

**DEPUTY ATTORNEY GENERAL YOUNG:** No.

**JUDGE GARDNER:** All right, thank you. So, in response to President McKim's comment, I think it's important that we protect the most vulnerable, including those who suffer from mental illness, the elderly, children, and all many others.

But I think given what our charge is, we can expand it as much as possible. But I'm a little worried that it goes beyond our charge. What I understand is there is a Governor's Youth Advisory Commission out there. We may want to refer it to, for example, maybe a Juvenile Justice Commission. But for purposes of our charge, I'm not really comfortable really delving into that area, because then we would have to hear testimony from everyone else that would like to chime in, in terms of changing the Juvenile Justice System.

So, I'd just put that out there, just wondering if it is really a good idea to put it into everything that we have to deal with in such a short amount of time. I just don't know that we're going to get to everything. So, thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Ahni, Eddie, John; Ahni, go ahead.

**DIRECTOR MALACHI:** Thank you. I would agree with Judge Gardner, I mean, although our ability to hear public testimony is there. People can stay specific to a topic, or veer a little off of a specific topic that we've had. And so, we're certainly going to listen to people who want to give testimony and certainly ask pertinent questions.

And although this is a very important topic, as Dr. O'Neill said today, it's a multisystem situation. And that's a whole other 45, 100 days potentially that could do that. So it feels, although tangential to what we're talking about, it does feel a bit off-topic, relative to the specific task that we have in front of us. So I would support -- I don't know if there's a Motion or anything that we need to make. But if there is, I would support that and I fully agree with Judge Gardner. Thank you.

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

**CHIEF EDWARDS:** Yes, thank you, Deputy. I believe President McKim's concerns are already addressed in the current state on page 1 near the bottom. I'd say the last paragraph actually addresses his concern.

What I mean by that, it's not lost. His concern about this message being lost and not addressed, I think we spoke into that. There's a number of training programs. I made mention to that in my recommendations. So I think we heard a lot of testimony about the transition from particularly young black and brown men and women and their introduction into the Criminal Justice System is through the Juvenile Justice System. So I understand the link there. But I also think, as a Commission, we have looked at this and actually addressed it in that paragraph, at least for me. I'm satisfied where we are now with that issue.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Scippa and then Chief Dennis.

**DIRECTOR SCIPPA:** I concur wholeheartedly with Judge Gardner, Director Malachi, and Chief Edwards. We need to -- notwithstanding the importance of that topic and clearly the fact that children are the most vulnerable portion of our population, in my opinion -- I think, to stay on task, I concur wholeheartedly with those who have spoken.

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

**CHIEF DENNIS:** Just to keep it short, Director Scippa said the same thing I was going to say. So I'll just add him to my list of who I concur with. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Okay. Thank you. Can we move onto Commission Recommendations? So we have the recommendations submitted by the public. We tried to -- it seemed in this section we all sort of had the same direction and goals. So that's good. I think we just have to sort follow frame these out.

We were able to put these into -- I don't know if it was -- to six sort of general categories. Does anyone else have another category? So what we think the recommendations follow into -- and although we didn't do these in order of priority, I think that we probably all recognize that the first one probably is data collection analysis and reporting out. Then, we have community policing. We touched on School Resource Officers a fair amount. Mental Health Crisis Teams, drugs and addiction, hiring and recruitment, and then other; and I think that that's where we had some of the Juvenile Justice, juvenile reform in there. So, are there any -- before we get down to sort of boiling down what the actual recommendations are -- are there any topics that you think we missed in categorizing the recommendations? James?

**MR. MCKIM:** Thank you. And I'm just curious about -- we heard about, and there was -- at least I made some recommendations around -- and I think others did, as well -- community relationship-building. So, we heard about the Mirror Project and other efforts. And we don't have a category for community relation field, and we have community policing, which seems other be focused on what Police can be doing in the community in terms of enforcement. And maybe there doesn't need to be a separate section. Maybe the recommendations around creating a Community Relations Officer, or having, for example, a Community Review Board, perhaps those fit under some other category. But I didn't want to lose those, which were community relationship kind of building and interaction recommendations.

**DEPUTY ATTORNEY GENERAL YOUNG:** Do you -- what -- okay. We have hands going up. So then my thought is can community policing become community relationship building? Or do you think policing a separate -- is policing not part of the relationship with the community? I just -- I'd throw that out for conversation. Mark, I see your hand.

**LIEUTENANT MORRISON:** Yes, thank you. I think, to sort of alleviate some of your concerns, Mr. McKim, community policing is the term that we use in law enforcement to encompass this entire category of methods of working with your community, involving your community. And it's a wide net to cast over all of these topics. So, when you hear that term "community policing", it does not just involve the actual enforcement action. It is an all-encompassing term that is used as thematic building for Law Enforcement and has been for years.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ahni?

**DIRECTOR MALACHI:** I was under the same impression that if we use the term "community policing", it was to include all of the efforts. So whether it's on the Law Enforcement side, whatever training or the Mirror Project, whatever community things that they're doing from their perspective with the community, as well as opportunities for the community to connect with Law Enforcement, whether that be through, as Mr. McKim -- President McKim has as a go-between, or whatever language we use. I thought it was all of that, as opposed to two separate things.

**DEPUTY ATTORNEY GENERAL YOUNG:** Go ahead, James.

**MR. MCKIM:** I'm okay with that. I'm just also thinking that this document is going to be read by the public who may not have that understanding of community policing also entails relationship-building. So I'm just sensitive to that. I'm fine to go with whatever the Committee -- or whatever the Commission thinks best, especially as long as it includes the recommendation to create a Community Review Board in situations which -- I mean, municipalities where maybe there's some size criteria, or qualification. But I think that Community Review Board is an important recommendation for us to make.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So let's start back with the first one, which is probably the easiest one. I think that we're all in agreement that data collection is certainly a recommendation that we have to make. Raise your hand if you think that this is a recommendation we do not need to make. Okay.

So then, why don't we start off? So we have to get the exact language for this. And I think that we had discussed last time that we probably have to stay pretty high-level. So we all agree that it needs to be gathered, analyzed, and publicized. Do we have to go deeper in the woods, weeds, woods? Do we have to go deeper on this?

(No audible response).

**DEPUTY ATTORNEY GENERAL YOUNG:** Wow, okay. Who has a -- Ken, you have a question, go ahead. And then, Joseph?

**DIRECTOR NORTON:** Just a comment that we need to figure out exactly which data it is that we want reported out.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Ken, thank you. Joseph?

**MR. LASCAZE:** Yeah, just following up with Ken on that that it's demographic data. But also, I was just wondering, when we talk about this section, is this also in reference to whether or not the DMV would have this information in their records? Is that also in this part right here?



**DEPUTY ATTORNEY GENERAL YOUNG:** Sorry, I was flipping to the second page, just because I know that we had (inaudible). Just give me one second, okay? But we understand that that needs to be what we have to collect is there.

**MR. LASCAZE:** Okay.

**DEPUTY ATTORNEY GENERAL YOUNG:** We're going to share a screen. Okay? So, 1(a) will be what we will do, right? So they have to gather, analyze, and publish data on demographics. But then, Joseph, to your point, the question is: where do you get this data? So does it come from a Driver's License? I know we've spent a lot of time talking about Driver's License. But I think that there's a fair amount of the population that doesn't have New Hampshire Driver's Licenses, could have Non-Driver IDs, could be from out-of-state. So I think we just have to figure out how to capture that, as well. Julian, question or comment?

**ATTORNEY JEFFERSON:** Yeah, so I was just going to say that I agreed with you, Deputy, that if we keep it at a high level, that might help. And the only thing I was going to say in addition to this, that we be clear in our recommendation that this data collection applies not to just detentions that result in arrest, but to all detentions, so that we make that clear, because that's a very important way to make sure that you're capturing any implicit or explicit bias that might exist. And that we put some timeframe on a semiannual basis, or something, as a recommendation, so it's not just that this is published at least once a year, but probably more than that, as well. So those are my thoughts.

**DEPUTY ATTORNEY GENERAL YOUNG:** So if you see our recommendation, right, it was periodic. I originally recommended annually. I see some Departments that looked like they were doing it monthly. That certainly would be a great way to do it. I just don't know if that's feasible for everyone, nor do I think (inaudible). So I would ask sort of the Chiefs to weigh-in. Can we do it yearly? I know that that's what the FBI standard is. Or do you think that there's a way that it could be done more regularly than annually, John?

**DIRECTOR SCIPPA:** Again, to kind of keep at a high level, it might just be easier to say at least annually. In other words, the Report should come out at least annually. And then, that certainly gives flexibility to both communities that might have a high volume, or a Police Chief, regardless of high volume of Police contacts, if they want to be open and transparent. It just gives a little more flexibility.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ken, is your hand raised?

**DIRECTOR NORTON:** No, I didn't put it down. But I agree with what Director Scippa said.

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

**MR. MCKIM:** Thank you. I seem to recall we had some discussion. And it's actually in (b) there. Collect data in accordance with CALEA standards. So, I'm wondering if there's duplication here. What do

the CALEA standards say? Is that -- do the CALEA standards define what should be collected to our satisfaction, and for timing? Or do we need to be specific, ourselves?

**DEPUTY ATTORNEY GENERAL YOUNG:** Rogers, and then we will go to you, John. Go ahead, Rogers.

**MR. JOHNSON:** Well, yes, can you hear me?

**DEPUTY ATTORNEY GENERAL YOUNG:** Speak up just a tiny bit more, Rogers.

**MR. JOHNSON:** Sure; I just want to make sure that all Commissioners know that the CALEA standards, although they are quite high and very highly regarded, CALEA standards is not something that every Department, every Agency across the State can meet. So, that indicates to me that, within this recommendation, we need to have an understanding that we're asking the various Agencies to meet something that everyone out there just can't meet.

So we need to understand that if we're going to set expectations, we need to set expectations for the public that they could come to grips with. It may not be what we think that it is. It's just something, that leeway. It's aspirational. But there are going to be certain Departments that just can't do this, regardless of how well-intentioned they are. So therefore there may be holes within the data collection concerning the effort by certain Agencies. And it's not something that we could do anything about. It just is.

Unless we're providing these Agencies with the money to do this, even if they decide that they're going to do their best to try to meet these standards, even though they're not going to attempt to achieve CALEA standards, there's certain Agencies that just can't do this, regardless of how well-intentioned they are. So we need to make sure that our expectations of it is fully understood.

**DEPUTY ATTORNEY GENERAL YOUNG:** John Scippa and then Ahni.

**DIRECTOR SCIPPA:** I hate to put another Commission Member on the spot. But Lieutenant Morrison could probably send around to everybody here what the actual CALEA standard is for the collection and dissemination of this type of data is, so that we can all kind of look at the standard that CALEA has set.

And to President Johnson's point, if we don't give them any guidance on this, then nobody will know what they're aiming at. I think if we can point to something and say, this is -- we need you to aim at this, at least it defines the expectation for every Police Department out there.

Otherwise, we take off CALEA standards, and then somewhere in 1(a) we have to say that you're going to gather the following data, which is: race, gender, ethnic background, or whatever the Commission decides. But I think just asking for a general gathering of information probably will not be as helpful to the defined expectation. And Mark, I'm sorry to put you on the spot. But you probably have it at your fingertips or pretty close to your fingertips to get that CALEA standard out to everybody so we can all see it.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, Mark, you're in the queue for a question. I'm going to exercise my prerogative and sort of let you jump the others, so we can have this debate. And then, Ahni, I will go to you, followed by Julian.

**LIEUTENANT MORRISON:** All right, thank you. Essentially it's a yearly reporting. You have to -- obviously, you're collecting the data as you go and you have yearly reporting with an analysis of some of these topics.

But my recommendation was to, I guess, produce the results of arrests and Citations, because those are areas that are captured right now for race. It's on the Summons or Citation. And it's in the Arrest Report. And it's NIBRS-reportable. And I think that would be sort of a realistic lift for Agencies that are collecting that data anyways to just make it publicly available every year.

And I would also follow Director Scippa's verbiage for at least annually, because some Agencies are able to generate these Reports on a monthly basis, or a more frequent basis. I think you heard testimony about Hollis doing it. They're able to do that because of their system. And they have personnel to do it. That's fantastic. But annually, I think, should be the minimum.

And thank you for highlighting detentions, because I think to use the word "detentions" would sort of lead us down the road then to try to define it. And which detentions? I don't want to see detentions in there as a word for this recommendation. But finally, I think I can try to get a hold of the -- I have to go to my computer to get at that. But I can get what the standards are for data collection and dissemination.

**DEPUTY ATTORNEY GENERAL YOUNG:** Mark, so we -- I think detentions, we have to work on that word. That is why we highlighted it. So arrests and Citations probably captures it. What about warnings? I think it would be interesting to find out. Are certain classes of people just given warnings for the speeds, while others are given the tickets? So if you have an interaction at the car that doesn't result in a ticket that's either a written or a verbal warning, is that captured in a system?

**LIEUTENANT MORRISON:** Most of the records -- Record Management Systems that are employed right now have the ability to. But I know a lot of Agencies do not. So it would be sort of a computer shift and a procedure shift for many Agencies to now start to collect that data. I don't know. I wouldn't be able to speak with any authority for all the other Agencies out there. But I know we don't. Again, it would have to be transitioning through the records-management systems.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Ahni, you're up next. Thank you for letting Mark go first.

**DIRECTOR MALACHI:** No worries; so we've certainly had a very robust conversation, specific -- or relative to CALEA and the standards. So if everyone can track and let's jump backwards to what Mr. Johnson was sharing, and, for me, those were my concerns as to why we didn't necessarily want to mandate CALEA. Everyone do that, as opposed to referencing a study first to find out costs and possibilities, availabilities. If you're a small location, do you have the bandwidth to assign a person to track this data? Is that something that's needed?

And Chiefs and such will have to go back to the people that hold the purse strings to find the money somewhere to do all of the things that are necessary to become a CALEA Agency. And Lieutenant Morrison, as well as Director Scippa, certainly can let us know. There are different levels of CALEA. And I think we understand that through a variety of testimony.

But this brings me back to the conundrum that we started with, when we began this whole thing. So I think we all agree a CALEA standard is great. Whatever standard, whatever level of CALEA that is,

understanding that different Agencies will potentially be able to actively work towards different levels of accreditation.

But we can't mandate, so to speak, or strongly recommend everyone does CALEA in one section and then not support that in a different section. We can't have it both ways. So, although I agree that CALEA would be great and we should move towards that, although I would have preferred a study first, so that we could outline all these issues, or have the issues outlined so that everyone would understand what the cost was, I mean, at this point, if the majority has recommended it, then it has to be recommended here. There's no two ways about that.

So, I think, at this point, we just need to determine what the specifics are, if we need to put them in 1(a) indent, or (b), an indent, or whatever. But we cannot not specify that CALEA is something done, because we've already recommended it ahead of time. So, I'm done.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, and I would just point us back to, in the first section, the other recommendations, the Number 15 was Agencies should be encouraged to pursue CALEA accreditation. In the absence of CALEA accreditation, Agencies should continually review and maintain Policies consistent with nationally accepted best practices. So we could just refer to see Section 3, Number 15, instead of having to repeat that whole standard, because we already have it there. We tell them to use those Policies. Julian?

**ATTORNEY JEFFERSON:** Yes, so I like 1(a) and (b). I would just have two comments on (a). I think the word published, I think, just to be clear, we want to make sure that that is being made available to the public. So published to the community or made available to the public, just so that that is clear.

And for motor vehicle stops, I think just it needed to be clearer that even if those motor vehicle stops do not result in a Citation or arrest, because if we don't have that there, then that's a big thing that I know many stakeholders want to make sure we're capturing that data. So I want to make sure that that part is clear, as well.

And with that, I like 1(a) and (b), as it's written. And because not all Police Agencies are CALEA-compliant, I think including (c) and (d) muddies the waters. So I think (a) and (b) is good. And my last comment to Director Scippa's question, I think we do need to say demographics, at a minimum, needs to include race and gender. I agree with Director Scippa. We need to provide some guidance there, so that we're clear that, at a minimum, we're looking for race and gender to be captured as data. Thank you.

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

**CHIEF DENNIS:** Yeah, just one follow-up. On the CALEA accreditation, I know I had one Chief that was extremely concerned from a small Agency about CALEA accreditation being pushed. I guess he did some research nationwide and found only two Law Enforcement Agencies that were certified through CALEA with less than 10 Officers. And his point was that half the Agencies in Carroll County alone would be excluded, or it'd be challenging to do that. So, I think, again, I like, Jane, your point of talking about accreditation. But also if you can't obtain accreditation, using best practices. And one follow-up to Lieutenant Morrison, I thought, on a CALEA standard, isn't a use-of-force analysis also a part of the CALEA standard?

**LIEUTENANT MORRISON:** Yes, and that would include demographic data for use-of-force incidents, as well.

**CHIEF DENNIS:** Okay, thank you.

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

**COMMISSIONER QUINN:** This is just a question for you, Deputy, and the rest of the Commission. I agree with (a) and (b). I like it. Should we not include something about NIBRS, because it's a requirement? It's the law. We have been moving towards getting all Departments to submit their NIBRS. But there's even a section in there that says if an Agency does not have a records-management system, we, the Department of Safety, are supposed to afford them the capability. So, do we want to weave that in somewhere, so that we can recommend getting 100% reporting to NIBRS?

And I agree with all the other conversation about whether it's a CALEA standard or what, I think we all agree what the data should be. But are we remiss by not putting something in there? I look to you, because it is the law. I mean, it's adhering to what's in on it's gathering but it's submission. And that is a public document that deals with race and ethnicity on arrestees, victims, and offenders. So, just a question, and I'll go along with what the Commission wants to do on that.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, thank you for pointing that out. I think that because that is the law, we should probably add that to the narrative. So we will add that to the Narrative section, sort of what the current status of the law is. If you want to just send us what you think a quick recommendation is, we could probably put it maybe as a 1(c). But why don't you send us a quick blurb? Joseph?

**MR. LASCAZE:** For the record, I had just wanted to say that I agreed with what Julian had stated earlier. And I just want to put that on there. And what I did want to ask about this, if we are keeping in mind what the overall theme of this Commission is, when it comes to in particularly protecting our community from biased policing, in the instances that it does happen, would stops that don't lead to arrests, or detentions -- and this is just something for the group to consider, if stops that don't lead to arrests and detentions, should that be included in here? Or is that already captured in here, in order to see is there a gender bias? Is there a racial bias, when it comes to that? So, I was just wondering.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, yes, Joseph, that is our goal. That is our goal, because, right, you could just let somebody walk away and not capture it. That was what my question was, because that's exactly what you want to see, right? If a certain individual, or certain group of individuals, is going to be let go, or another one is going to get the ticket, that's a problem.

**MR. LASCAZE:** Yeah, absolutely.

**DEPUTY ATTORNEY GENERAL YOUNG:** And I think I'll defer to the group. But I think that that's what we've captured in 1(a). That was our goal to capture that, regardless of disposition. If it's only if

you're arrested right, you know with citation, it's going to happen on probably the motor vehicle stops. So, yes, Julian, you think that that captures what we're trying to get at?

**ATTORNEY JEFFERSON:** Yes, I think it does.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, Ahni?

**DIRECTOR MALACHI:** Yeah, to Attorney Jefferson's point on the motor vehicle stops -- and maybe it's Lieutenant Morrison that can correct me -- I thought -- in support of what Julian is saying -- I thought that the CALEA standard, or -- we will just say CALEA standard, I thought that that was a requirement to track whomever you have made contact with at a motor vehicle stop, regardless of what happens. Meaning you stop the person for whatever the reason. They leave with a warning, or nothing, because everything was fine. The Police Officer was still inputting the data of the person that they stopped, even if it didn't move forward to any sort of a Citation, which, if that's the case, do we specify that here, if everyone is supposed to move towards CALEA because that's a requirement of CALEA? Or do we firm it up here to remind people. I'm not sure which.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, to keep us moving, I think we have the CALEA in the other section. That's what everybody's to strive for. I think this captures what we want it to capture. Ken and Julian, you have hands raised. So I'll go to you. But I may take just sort of a quick sort of hand vote if we agree with this and are ready to move on. Ken?

**DIRECTOR NORTON:** Yeah, I've been listening carefully to the conversation about race being on Driver's Licenses. And I will admit I am a white guy. And maybe I'm just not getting it. But it's hard for me to fathom that a certain group of people would not be offended by the State and the Government wanting their racial information on their Driver's License.

And while I think I totally understand why we're thinking that we should be doing this, it's making me very uncomfortable. And just sort of Googling, it looks like the few States that do that do have a opt-out-type mechanism or something. But I just wanted to check in and see whether I'm the only one that's uncomfortable with this. Thanks.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ronelle, you had your hand up?

**MS. TSHIELA:** Yeah, I did have my hand up a couple of times before. Like, I almost thought we were raising hands virtually or something, because I didn't get to give my input. But my questions were asked and answered.

But, other than that, I wanted to say to Mr. Norton's question, I think that that's the most effective way to do this, after hearing a bunch of the testimonies and responses to this idea of collecting the demographic of race. I don't see any other way to compromise on this. Yeah.

And I don't -- I feel like we use that demographic and we provide in other ways in society. So I don't see how that's any different than any of the other things that we're providing on our Driver's License. Thank you. That's it.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, Ken, I hear the discomfort in your voice. What would be another recommendation, if it wouldn't be on a Motor Vehicle License, or a Non-Driver's ID? How would that be captured?

**DIRECTOR NORTON:** I'm not sure I have an alternative. I just think that, as we become a more diverse society, I mean, even we've already heard it mentioned today that I forget who said it, but somebody said they asked somebody. And that person was like, well, I don't identify as a -- I mean, I'm mix race, or whatever.

I mean, so, I think, as I look at what the projected demographics are for our country toward the future, we will become more and more mixed. And I just am not sure that I see -- I think that I would be surprised if some people were not really offended by the State wanting to collect that information. And maybe that's just me projecting that. But, I mean, I understand why we're wanting to collect that information. But...

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So, Julian, Judge Gardner, Ahni, and Ronelle.

**ATTORNEY JEFFERSON:** So, to Director Norton's concern, I would agree with Ms. Tshiela that in so many ways this is something that we ask. We're asked constantly. So I think it's not something that isn't already out there, because we recognize that it's important to track it for a variety of reasons.

I think what we could do to address your concern is to add another line, because when we are asked this question, in the context of employment, or if we're getting a loan, there's always this opt-out feature. So, I think if we add a line to recommendation (b) to address your two points: so, one, make sure that the Commission recommends that the diversity of how somebody can identify, so that it's not just this, fine, are we black, white, Hispanic, because we don't live in a black, white, Hispanic world; and an opt-out option, so if people don't want to answer the question, they don't have to answer the question. I would certainly be open to having those two things there, and so that -- and I think that sort of is inline with how most State Agencies and schools, and employers deal with it. Thank you.

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

**JUDGE GARDNER:** I totally agree with Director Norton. I think that's a really good point. And I think the opt-out option is a good sort of way to deal with that issue, because some people don't know what their mixed race might be and how they would like to identify. And also, some others might not want to put that information on their Driver's License.

The other point I had was in terms of the first, 1(a), it talks about data on demographics related to all interactions. So my concern is when you say all interactions, for example if someone's asking a Police Officer for directions, is that considered an interaction? If a victim has a phone call with an Officer as to the status of their case, is that an interaction? So I just wanted to make sure that that really overreaching verbiage was maybe tweaked a little bit. So, that's just my concern. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. And we were trying to capture the stop on the street, which is really a stop, but then it ends. Who are you stopping? And are you, again, stopping a particular group over another group? So we could probably strike the related to all interactions and have

including the rest, Citation, motor vehicle, and subject stops, regardless of the disposition. So we can probably strike out related to all interactions. Thank you. Ahni, you're next.

**DIRECTOR MALACHI:** Yes, to Director Norton's concern, I hear you. And I do understand what you're saying. But there really isn't another way to capture the data. And in full support of what Commissioner Tshiela mentioned, the information -- and Attorney Jefferson -- the information is already out there.

So if you're a college student and you are applying for a variety of scholarships, your demographic data is out there. And depending on who's collecting the demographics will depend on how far down they drill. So, it could just be black, white, Hispanic. But then there's some that are black/African-American, white Hispanic, white non-Hispanic.

So I think we don't have to get buried in the weeds on that. But we could leave it to the DMV to follow what the Census Bureau does, or some other entity, super smart, way cooler than us, that collects data and really tries to drill down. And maybe those are the choices on the form that you fill out. And then, you have a two-letter code that specifies whatever the answer is that you've selected, or the answer that's on your Birth Certificate, if we go that route.

And to that end, if there's an opt-out -- and that's fine -- then there needs to be a code for the opt-out, as well, so that the Officer then knows they have to make a best guess, or they can ask. And then, those statistics are whatever they are. So, yes, we would be the only or one of two places that collects this data. And for that, it just kind of is what it is. There really isn't another way, I don't believe, for us to get to this information. Thank you.

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

**MS. TSHIELA:** Yeah, I mean, everyone kind of just said what I was going to say just now. Even if we're the only ones that collect this information, I really just don't see another way that it's effective. And I worry that if we don't provide this way for it to be done, then it won't get done at all. So, that's it. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Chief Dennis?

**CHIEF DENNIS:** Thank you. And I stepped out to make a phone call to answer a question. But as I'm looking at 1(a), now has including arrests, Citations, motor vehicle, and subject stops, regardless of disposition. And I understand the discussion amongst Commission Members of why that's important.

But I'm telling you it's a problem with the current softwares (ph) that most Departments have. Most of the State has IMC, is the brand of Record Management System. Certainly, those are set up to collect those demographics for arrests and Citations. I think it can even be done for warnings, as you mentioned, Deputy, certainly our motor vehicle stops. But subject stops, you stop a person on a bicycle, or someone flags you down saying, hey, this person over there may need some help, and you're going over there and you're stopping that subject, there's no way for that data to be collected and extracted from the current RMS systems that we have.

Is that saying that a program could be created by the RMS vendors? I don't know. But I was just told that there's no way to do that without manually having to go back and run any and every type of stop



or interaction to glean that information somehow. It would be very clunky and cumbersome, and very time-consuming. So, I just wanted to share that. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So this is going to show my age. They still do Field Cards, right? So sometimes you'd say, oh, this person doesn't have a record. But hold on. We have a Field Card on them. Is there still a system like that?

**CHIEF DENNIS:** I think there's the FI Cards, Jane. I think those still exist probably electronically, although there's some Departments that may still do those by hand. And whether those could be extracted with demographic information, I don't know.

**DEPUTY ATTORNEY GENERAL YOUNG:** Joseph, you have your hand up, and then John. Ahni, do you have your hand up again, too? Okay. So, Joseph and then John.

**MR. LASCAZE:** Thank you. So, I just wanted to address Commissioner Norton's concerns. And I just wanted to echo the sentiments of other Commission Members that I agree that it can be -- yeah, I understand your apprehension. But if this information is required to be collected by the FBI and it's being done, then I think that it becomes our duty to make sure that it's done as accurately as possible.

And I agree that there should be an opt-out option, because some people are just not going to feel comfortable. And I think that that should be reflected in there. But I think that if it's going to be required, and it's happening, we have to make sure it's done accurately.

And to Chief Dennis' point that he just raised, what I was going to ask -- and if Chief Dennis could answer this, or Lieutenant Morrison -- if a Law Enforcement -- if a Police Officer pulls someone over on a bicycle or an individual is homeless that they're speaking to, and a situation happens, does that Officer file a Report, or like I would consider it an Incident -- it would be like an Incident Report? And then, I guess my -- what I related to in my mind, the Department of Corrections, if an incident happens but there's really not necessarily a finding, or something's happening, they still write behind the scenes what's called an Incident Report about the incident and that's all. That doesn't mean that there has to be sanctions or anything that's filed. Does that happen with Police Officers, as well?

**CHIEF DENNIS:** And generally speaking, any time, Joseph, an Officer makes contact with someone, it generally generates a call for service. And within a call for service, there can be some generalized a little note section that an Officer can type in. If they don't have time, the Dispatcher can enter that of I located the -- maybe they went out on a BOLO looking for a vehicle. They checked out in the area. They clear. They may enter the -- in the call for service, the notes, unable to locate that vehicle. Or they stop this person and it wasn't the person we were looking for. We're clear. So they don't necessarily make an initial Report. But it's documented through a call for service. Does that make sense?

**MR. LASCAZE:** Yes, it makes sense because I was just wondering if -- because I was thinking, to clarify, if it's this -- when it comes to subject stops, because if we are again, I think -- because I hear what you're saying. And I'm thinking of how to balance making sure that we're looking at the lens of implicit bias, and making sure that these subject stops aren't happening, and cumbersome work, as you had stated, that would slow an Officer down in his duties, and trying to balance those both.

**CHIEF DENNIS:** And Joseph, just to come back, and, Deputy, just to follow up a little bit, I've had someone else call me on the phone. So, I'm running about three different ways right now. But there may be a way to go back and, as you suggested, Deputy, using like the FI Card, which exists within the RMS systems. If you made a subject stop, you would just kind of complete that information. And that may be a way to help track some of that.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ken, you're up next, and then John. And then, I'm going to have to move us off this section. So, today, I have a hard 2:00 stop because of other meetings that are scheduled. So we have a little wiggle room today but not a lot. And we got to get through all these recommendations. So, Ken, you're next, followed by John.

**DIRECTOR NORTON:** Yeah, I appreciate everybody's responses to my concerns. And I'm fine with the opt-out provision. I also wanted to ask about whether we're going to -- when we're talking about reporting out data, are we also going to talk about use of force, maybe age relative to juvenile matters? And I had also suggested training, since it's talked a lot about, which I hope is kind of noncontroversial, that different Departments offer different training, just so the public has an idea of what other training is being offered each year by the Departments. Thanks.

**DEPUTY ATTORNEY GENERAL YOUNG:** So I think, Ken, that that probably goes into the next section, at least the use-of-force part. I think that that should be a separate report out. As far as the training, I'd have to go back and look at the first section. I think that this -- the data collection for this part is to deal with the community relations section. So I think that this is why we've crafted it like this. But certainly, if somebody else wants to comment, I'm happy. So, John and then Ahni, and then I think we got to get to the next section. So, John, go ahead.

**DIRECTOR SCIPPA:** If I could offer just a revision on this letter, (a), maybe we say all New Hampshire Law Enforcement Agencies should gather, analyze, and make available to the public at least annually data on demographics, including, at a minimum, gender and race, at least on all arrests and motor vehicle stops, and, whenever practical, any other subject stop, regardless of disposition, because I worked with IMC throughout my career, which is the Record Management System. And I can tell you that, to Chief Dennis' point, IMC and most of those Record Management Systems can very easily pull that information out that we're trying to gather when you talk about arrests and when you talk about motor vehicle stops, regardless of the disposition of that stop. If you give somebody a verbal warning, you can still collect that data in the screen. And you can very quickly and easily pump out Reports -- Summary Reports with regard to arrests and with regard to motor vehicle stops, regardless of disposition.

Because the other thing we want to do is we want to create a situation where these are realistic recommendations that could be met by the Police Departments across the State. I'm very, very sensitive to these smaller Police Agencies that have very limited manpower and resources. I don't think we -- I think we have to take that into consideration as we're putting these recommendations forward.

We want these recommendations to be good. Certainly, it would be wonderful to be able to gather all of the information that this Commission is looking to and talking about, because all of it does give us clearer insight on the topic of racial bias and really any bias.

But in the end, I do think that we need to make it pragmatic, too, so that it's going to work. And that most, if not all, that most Agencies can comply with what we're looking for. So I would say at least on arrests and motor vehicle stops, regardless of disposition, and, whenever practical, any other Police contacts. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** No, one more time, John.

**DIRECTOR SCIPPA:** I'm sorry?

**DEPUTY ATTORNEY GENERAL YOUNG:** Well, do it one more time.

**DIRECTOR SCIPPA:** Okay.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, that's probably it.

**DIRECTOR SCIPPA:** And I would take out -- yeah -- I would take out Citations. And I just hope the other Members of the Commission understand that I'm kind of bringing this back to the perspective of the Chief of ABC Police Department here in New Hampshire. We want to give them the opportunity to deliver on these recommendations that we're making. And there's some places that have not only a Record Management System, but they have a Record Management Department within their Agency. So there's people there that can create these Summary Reports and really dial down into the data that they have collected.

There's a vast majority of Police Departments are 10 Officers or less in the State of New Hampshire. So, I have to really -- I have to speak for them, as well. And to Chief Dennis' point, let's create a situation where every Police Department could be as successful as we could be getting this information out.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. I see Ahni, Julian, and Joseph. And then, we're moving on.

**DIRECTOR MALACHI:** So, I don't have anything relative to this. But I will just wait, because there's another little section here that we moved through. But I think it needs to move somewhere else. So I'll wait closer to the end.

**DEPUTY ATTORNEY GENERAL YOUNG:** But we're going to move on from one, data collection. So what don't -- do you think (c) doesn't go there?

**DIRECTOR MALACHI:** Oh, no. I'm sorry. So, every -- what's on the screen, fine, cool. It's something else in the six-page document that we received.

**DEPUTY ATTORNEY GENERAL YOUNG:** Oh, okay.

**DIRECTOR MALACHI:** There's a paragraph there that I think needs to either have some additional clarification or move to another section. That's it.

**DEPUTY ATTORNEY GENERAL YOUNG:** All right. We will come back to that.

**DIRECTOR MALACHI:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Julian?

**ATTORNEY JEFFERSON:** Yes, I would suggest that 1(a) goes back to where it was for two reasons. One, this whenever practical, other Police interactions, regardless of disposition, to Judge Gardner's point, that's a very broad subject. So when we called it subject stops, regardless of disposition, that narrowed it down. And it came to the issue that we were trying to address.

And as we were having this conversation with Chief Dennis, we were looking at ways of -- I believe Chief Dennis said, we can add a feature to the field interaction box that can capture that data. So I think part of our job is to say, we set the recommendation. And then, Police Departments can then respond to the recommendation and change their Policies to adapt to the recommendation.

So I think, coming back to sort of that high-level thing, if we agree that subject stops are important and we want to capture that data, then I think we should just sort of leave it there. And I think the word "subject stop" was narrow enough that we -- that the Police Agencies can then alter their procedures, if necessary, to get at that information that we think is valuable. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Joseph?

**MR. LASCAZE:** Just real quick, I just wanted to ask the question of Law Enforcement. The IMC system, I think Director Scippa was saying that he's worked with it. The IMC system, does it have a section for field interviews?

**DIRECTOR SCIPPA:** Yes, it does. It actually has a -- if the Agency has purchased this particular CAD, then yes. It actually has a tab for field interviews. And then, you may have to work with the vendor to make sure that (inaudible) include race or ethnic background as a mandatory field that needs to be captured, before they can go forward on that Report.

**MR. LASCAZE:** Oh, so it actually does have -- it does have the gender and race on that field?

**DIRECTOR SCIPPA:** It's been a couple of years since I looked at a IMC interview screen. So I don't know whether it's (inaudible), or whether you'd have to build it, which is going to cost money (inaudible). The -- but there is an option, if you use IMC. And again, I kind of look at this in a more global fashion. There's -- majority of the Agencies use IMC. But some do not. And then, I couldn't speak with any clarity on what those systems are that they're using to collect this data.

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

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So, the first section, data collection, I think that we've sort of captured as best we can everybody's input. Somebody want to make a Motion on Section 1(a), (b), and (c), as a whole? Chief Edwards?

**CHIEF EDWARDS:** I recommend we move Section (a), (b), and (c).

**DEPUTY ATTORNEY GENERAL YOUNG:** Do I have a second on that? Director Scippa is the second. I vote yes, barring any wordsmithing that has to be done for (inaudible). But we will clean it if we have to. Commission Quinn?

**COMMISSIONER QUINN:** I vote yes and allow the Deputy to make any minor wordsmithing changes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Thank you. Director Malachi?

**DIRECTOR MALACHI:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Scippa's the second. Commissioner Johnson?

**MR. JOHNSON:** Yes.

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

**MR. MCKIM:** Yes.

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

**JUDGE GARDNER:** Yes.

**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:** Commissioner Lascaze?

**MR. LASCAZE:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Attorney Jefferson?

**ATTORNEY JEFFERSON:** Yes.

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

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. And I vote yes, as well. So we will move onto the next section we call community policing. But we could call it community policing and relationship building. So we could change the heading. So I would take recommendations of how we -- okay, go ahead, Ahni.

**DIRECTOR MALACHI:** Quick thought, what about community policing and engagement? I mean, maybe that's shorter.

**DEPUTY ATTORNEY GENERAL YOUNG:** Perfect, we could try that, community policing and engagement. Okay. So our first, what we -- and again, this is in no particular order. A dedicated Community Policing Officer or Unit, building relationships; again, we have specifics here. I don't know if we want to direct exactly what the specifics are. A community go-between; community events that are publicized; we have the CALEA standard in there again; PSAs; that they define community policing as defined by the IACP; cultural empowerment; Law Enforcement Agencies working collaboratively with Public Agencies; ongoing training for all levels, regarding community policing; increase opportunity for Citizen Academies and implement PALS where appropriate.

So, I think we have to boil those down to two or three recommendations. So I will have -- I'll let the Commissioners indicate what our first one should be. Just raise your -- okay. So -- and so, Ronelle, you can either do it on the screen or raise your hand. Sometimes I see better when hands are raised. I'm trying to look at multiple screens here. So I don't want you to be left out. Julian, you can start.

**ATTORNEY JEFFERSON:** I think 1(a), I think we just need to move it as it is. I think it's a nice, succinct recommendation, and it seems to have broad support. So I think that one is just one we can just move to recommend and get that one out of the way.

**DEPUTY ATTORNEY GENERAL YOUNG:** I'm going to recommend, Julian, that we add Ahni's language, dedicated Community Policeman and engagement, just so we cover everything. Okay? Is -- James, is that a question or is that a you like it?

**MR. MCKIM:** That's a second for the Motion.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So we will leave this. I'll take a vote at the end. So we will get this (a), and then we will work on the (b). And then, we will take a vote. But we know we all agree with (a). How about we have a broad one for (b), encourages community relationship building efforts? I would stick with that (b) and modeled after successful programs such as -- Ahni, go ahead.

**DIRECTOR MALACHI:** So, to the fellow Commissioners, please correct me if I'm wrong. I seem to remember when we had testimony about the New Hampshire Blue and You Program/Project, there was an

additional cost involved. And they sell those services, if I'm correct. So I would have difficulty recommending that particular program.

If it's a program -- and we could put that information in maybe as part of the community suggestions or something, as a potential program for those that are moving forward with these recommendations could look at, if their budgets allow. But SAG, I believe, Chief Edwards will correct me, but SAG and the Mirror Project, and those type things, those are -- some of those things are things that we, as the makers of the General Fund, are already funding. And it's not an additional cash outlay for a project.

So, I would want to -- although Blue and You sounds great, however, I would want to take that out as a specific recommendation, because they would need to do an RFP or whatever, because they're a seller of services. So, that's my thought on that. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Go ahead, Chief Edwards.

**CHIEF EDWARDS:** And you absolutely are correct. The Mirror Project and Effective Interaction with Youth are currently being funded through Federal funds in the Juvenile Justice Program. So those programs are already being funded.

**DEPUTY ATTORNEY GENERAL YOUNG:** Should we recommend -- I mean, I think if we're going to say relationship building efforts, we should at least give them a model. So...

**CHIEF EDWARDS:** I think the Mirror Project is a model. And I think the Mirror Project has been very successful. Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So we only need one. That's fine. James, you have your hand up.

**MR. MCKIM:** Thank you, I'm okay with just having the Mirror Project. I was just going to say that it seemed to me that if we have the language, modeled after successful programs such as, what comes after the such as is not a recommendation. It's just illustrative of the various programs.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay.

**MR. MCKIM:** But I'm fine with just having the Mirror Project there.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Julian?

**ATTORNEY JEFFERSON:** And to President McKim's point, I would say -- and as a way to sort of combine all this up, like we have the PAL League down there, I think we can include that up there. So I think we can use this one section to identify programs that we have heard about that have been (inaudible).

And you run a counter-problem (inaudible). Police Athletic League's run by the Police. To say that we wouldn't have another program there that's not run by the Police, I think, is problematic. So if we've heard about New Hampshire Blue and You and we've heard that it's a successful program, I think putting it

in here does not endorse that people should go out and engage it, which it's just included as another resource that's not run exclusively by Law Enforcement.

So I would say that New Hampshire Blue and You should stay in here, just like training programs that are run by Police Officers should stay in here, because we're not endorsing that these should be paid for and funded. We're just saying these are programs we've heard about that appear to be done well. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ahni, James, and then Eddie; go ahead, Ahni.

**DIRECTOR MALACHI:** To Attorney Jefferson's point, I absolutely agree. So my statement was not to remove any community programs. So I agree with him. A community program in there and the list of things that Law Enforcement is doing is great.

My problem with it is that that particular program is one that the Law Enforcement Agencies have to pay for. So if Blue and You was a program -- is a program that's offered, however, through their grant funding, if the funds are covered, whether it's the Charitable Foundation, private donorship donors, Federal money, whatever, they want to offer the program and there's no money needed from Law Enforcement, for me you're not really selling a service at that point. You're offering a free service, and you're able to collect your data and do whatever studies you're doing, but do the community building part that the community organization would like to do.

So, my concern is the financial portion, because if you tell me -- if I don't know of any programs and you tell me, oh, here's this name, I'm going to go look for that program. I mean, it's human nature. Why would I look for other things?

We thought highly enough of it to include it in the recommendation. So it has presumably passed muster, which means I would probably, if I'm a Chief, and I don't have a community program, I would look at the other stuff. But then I may take that recommendation as one that I should look at, even though we are not saying, this is the only program.

So I don't know that there's another community program that doesn't have an out-of-pocket cost associated. But I would feel more comfortable if we had a community recommendation such as that versus one that has to be paid for. And I'm not negating the value of Blue and You. I'm -- my concern is the money. If we're going to be concerned about money, then we need to be concerned about money.

**DEPUTY ATTORNEY GENERAL YOUNG:** Eddie, Ken, and Ronelle.

**CHIEF EDWARDS:** Yeah, I just want everyone to be clear that the Mirror Project, for instance, is not managed by Law Enforcement. It's administered by Law Enforcement. But it's overseen by a group of civilians. And it kind of feeds into (c) -- Number 2(c) here, a community go-between. That is what the SAG was established as, as a go-between, particularly at the Juvenile Justice level. So that program is actually developed, managed. And Police Instructors are actually certified by civilians. So that program is much, much different than I think some of the other programs you're talking about. And it's already paid for by public funds again.

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



**DIRECTOR NORTON:** Yeah, I just wanted to mention relative to New Hampshire Blue and You that when that program was done, I mean, first of all the entity that put it forward was the Carsey Institute at UNH. So it's not somebody that's selling a service. And it wasn't necessarily directed at individual Departments. It was more of a regional effort. And I believe most of that funding for that program was covered by grant funds. So I just wanted to clarify that. Thanks.

**DIRECTOR MALACHI:** But the Agencies do have to pay a fee. And I want to say, based on the testimony -- and I can't remember her name, my apologies -- there was like a \$6,000 charge. And that came forth when I asked her questions about it. So there is a fee that's involved. I mean, maybe there's a matching on the other half of their grant. But the Agencies that would deploy that project, they have to pay for it. So that would be my concern, or my conversation about it. So, not negating Carsey or the program, itself, or the good work that they're doing, I'm looking at the money.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So I think we're just sort of spending a little too much time spinning about what we should have for successful models. We're just wanting them to use a model. But I'll let Ronelle and James finish. And then, we will try to put some language up on the screen, while we're doing that. Ronelle?

**MS. TSHIELA:** I'm kind of unsure now, because I had thought that New Hampshire Blue and You is more of a initiative by community members. But I see what Director Malachi's saying. And so, in that case -- okay, or Community Liaisons, that makes sense, because I was just wondering how we can I guess include initiatives done by community members so that all of the programs that we're talking about aren't necessarily administered by Law Enforcement, because this section is about relationship building. And so, I think that's super important. That's it. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Do you like it if we -- so instead of go-betweens, I like the word "liaison" better. Ronelle, do you like it if we kind of add that up to (b), so you have sort of the Law Enforcement and the community section in there?

**MS. TSHIELA:** I think how it is right now with the or Community Liaisons is good.

**DEPUTY ATTORNEY GENERAL YOUNG:** You like it that way?

**MS. TSHIELA:** Yeah.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. James, did you have a question or a comment?

**MR. MCKIM:** I did have a comment. So I think a couple of things here. New Hampshire Blue and You, the Carsey School folks, Michele Holt-Shannon, Bruce Mallory, and folks, do provide facilitation services. I think what's more important is that New Hampshire Blue and You is a model that could, in fact, be facilitated by anyone. So, for me, it's the model of New Hampshire Blue and You that's important to share more so than the potential service offering from the Carsey School.

And along with that, I appreciate the concern about funding. I wonder if we should get into that issue, as there are many sources of potential funding that various entities that might have. And I wonder if not mentioning something because of a need for funding is limiting the potential for illustrating the types of engagements that we want to recommend.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ronelle, do you have your hand back up?

**MS. TSHIELA:** I did for a second. I think the problem was more because the way Director Malachi was explaining it, like she said, if you name it, they're going to go look for that specific one. So -- and I understand that it is shown as a model. And so, it -- introducing that is important, so they know where to look. But I'm a little iffy about that. I think New Hampshire Blue and You was great. I was super happy when they came to testify about it. But I do see the concern in that area.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ahni, go ahead.

**DIRECTOR MALACHI:** I might have a hair split that we can do. So what if we simply put the word model after New Hampshire Blue and You, because if it's something that people can emulate or look to as a reference point, then if we put model there, I think it may solve my concern and everyone else's.

And then, to the funding point, President McKim, it's one of those things I know we always go back-and-forth about it. But, I don't think it's fair or reasonable for us to be concerned about it in one section and not concerned about it in another. So either we're going to be concerned, or we're going to agree to not be concerned and move forward. You know what I mean?

So, if it's something that's not -- well, I'll just leave it there. So we need to either agree to be concerned or agree not to be concerned to that point. And I think if we put the word "model", then that will solve my -- I would be okay with agreeing to that, if we add that word. I don't know how the other Commissioners feel.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So it's 12:30. We've been going for three hours. I'm going to give you a five-minute bathroom break, and then we will come back. We're going to try to merge a couple of these together. So take five minutes. We will come back at 12:35. But we have to end no later than 2:00. Thank you.

**MS. REED:** And just so everyone knows, I'm going to pause the recording. And then we will start it back up when we get back going.

(Off the record at 12:30 p.m.)  
(On the record at 12:35 p.m.)

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Fallon. So we are back and this meeting is resuming. And it is still being recorded. We tried to combine a few of the recommendations into what we have highlighted as Number (c). So we would replace the current (b) with (c). See what a break does?

**DIRECTOR MALACHI:** And the crowd goes wild.

**DEPUTY ATTORNEY GENERAL YOUNG:** Sometimes we just need a little break. Okay. Yes, go ahead, James.

**MR. MCKIM:** So, I'm wondering. I think one of the recommendations that came from Eva Castillo-Turgeon was to establish Community Liaisons, where there are not necessarily Community Liaisons, the go-between people, like herself in various communities. And the way this is reading, it looks like the assumption is the Community Liaisons already exist, which my understanding is that they don't necessarily already exist.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. But that's what we were trying to capture here that you would have them. So that's...

**MR. MCKIM:** Well, the Community Liaisons aren't really, from what Eva Castillo-Turgeon was mentioning, they're not employed by the Law Enforcement Agency. They're identified by the Agency as being a person who's in the community but has this kind of special go-between role.

**DEPUTY ATTORNEY GENERAL YOUNG:** Are they identified by the Police Department? Or does sort of the person -- I don't know that I necessarily agree with that, that the Police Department -- I think sometimes it's sort of a natural, right? It's sort of the leader of the community.

**MR. MCKIM:** Right.

**DEPUTY ATTORNEY GENERAL YOUNG:** I think Eva was sort of, right, her own force of nature. I don't...

**MR. MCKIM:** So, yes. My understanding, though, is that the Law Enforcement Agency has to identify that person, or maybe recognize is a better word.

**DEPUTY ATTORNEY GENERAL YOUNG:** Recognize is a better word. Yeah. Yeah. I don't disagree with that. But that's the sentiment we were trying to capture here. And again, these are recommendations.

**MR. MCKIM:** Yeah. That's fine.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So we're going to delete (b).

**MR. MCKIM:** Based on where we are, I'm okay.

**DEPUTY ATTORNEY GENERAL YOUNG:** And this is going to be the new (b). I think that that was trying to capture sort of the spirit of anything. And as what was said here by the Team here, one size doesn't fit all. And so, you have to with the community that you're within.

**MR. MCKIM:** Right.

**DEPUTY ATTORNEY GENERAL YOUNG:** And it gives them different options.

**MR. MCKIM:** Okay.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. And then, I will just have you look at the remainder ones up here and see which ones you really want to pull out. And see if we can get it into one more, into a (c).

**DIRECTOR MALACHI:** Can Nicole scroll up, once (b) is finished? Can she please scroll up a little bit, so we can see the rest?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes.

**DIRECTOR MALACHI:** Okay. Oh, that was already it. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Don't feel compelled to add another, but these are the ones that are left. So, yeah, James?

**MR. MCKIM:** One of the recommendations that we had included -- at least I had made -- was around having a Community Review Board. Is that encompassed in any of these?

**LIEUTENANT MORRISON:** I don't think I would support that as a recommendation. I would leave it to the individual communities to make that determination. And those that decided that's their model, they've pursued it. But I don't know that we should recommend that be a model.

**DEPUTY ATTORNEY GENERAL YOUNG:** Sorry, James. We're just looking here. So I thought we had included everybody's. But let me just keep looking.

**MR. MCKIM:** And I fully recognize that we don't want to make recommendations that are at all a one size fits all. So I think I may have even said something about qualifying the recommendation based on maybe the size of the Department, or something like that.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, James, what I have for yours as encourage that each Law Enforcement Agency and municipalities where there are Police Unions or Fraternal Organizations establish a Citizen Community Review Board and provide standards and guidance for how that Board should operate.

**MR. MCKIM:** Right.

**DEPUTY ATTORNEY GENERAL YOUNG:** That was as per Stefany Shaheen. So was the thought there, James, to sort of offset the power of the Unions, or the Fraternal Organizations?

**MR. MCKIM:** That was the recommendation.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So we do have that on what we sent out. I don't know if we have it in this section. Eddie, go ahead.

**CHIEF EDWARDS:** I just want to make sure I'm clear on that recommendation. So, it's the recommendation to establish a Civilian Review Board for Police Unions?

**DEPUTY ATTORNEY GENERAL YOUNG:** So, James, that was your recommendation. I'll let you speak to that. But I will tell you, James, when we looked at this, I think we have notes, because we did go over these. We put that sort of in a misconduct section. So is that what it was to be was to sort of be a check on Police misconduct? So I think that's why we didn't put it under community policing.

**MR. MCKIM:** I think putting it under the misconduct section is probably appropriate, because that's, I believe, what Ms. Shaheen was referring to. And to answer Chief Edwards' question, it was not to create a Review Board of Unions. It was to create a Review Board of the Law Enforcement Agency overall.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ahni, question?

**DIRECTOR MALACHI:** (No audible response).

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So, we have (a) and (b) in this section. Does anybody else want to include anything in this section? Or can we move onto the next? Okay.

**DIRECTOR MALACHI:** I do. I'm sorry, Jane.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay.

**DIRECTOR MALACHI:** My background, like I'm all for PSAs. So, PSA stuff and/or in terms of advertising the community events, maybe there's an additional sentence that goes in (b) so that all of those things are sort of connected.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, so we will combine the published community events and the PSAs. We can combine that into one. Eddie, was your hand up? Go ahead, Eddie.

**CHIEF EDWARDS:** Yes, I'm sorry. I was unsure. I thought I was going through this whole list. But, yes, I certainly want to make sure that we include the PSAs, particularly for the general public. And what I meant by listing -- and I know we've kind of beat up this CALEA issue quite a bit. But I think it's important to list out the CALEA Agencies somewhere so that other Police Departments and community members know who those Police Departments are, so they can contact those different CALEA Managers at those Agencies and ask for assistance in developing Policies, learn what models are, learn what their approach has been. I think that will serve as a valuable resource.

And also, it takes a moment, too, to highlight some of the important work that some of these Agencies have put in, because it's not easy to become a CALEA-accredited Agency. So I think if we could

somehow make that a resource that's available to the public, as well as Law Enforcement Agencies, it would be helpful.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, my question is, listed where?

**CHIEF EDWARDS:** Well, that's the question. I think we get -- not to put more work on Director Scippa. But it could be listed on the Police Academy's website. It could be listed on the Department of Justice website.

I mean, if we're going to hold the CALEA Agencies as the gold standard, what we're trying to accomplish and what we expect for people to try to at least achieve, I think it's important to list those Agencies in New Hampshire that have made that sacrifice, the communities have made that sacrifice, the investment. And have those -- that resource available for people so they don't have to go hunt and look for it.

**DEPUTY ATTORNEY GENERAL YOUNG:** Julian?

**ATTORNEY JEFFERSON:** Yes, I wanted to advocate for letter (f) that Chief Dennis put forward. I took a look at the definition of community policing, by the IACP. And I agree 100% with Chief Dennis that this is -- that it encapsulates the heart of community policing. And I think it goes a long way to building positive relationships with communities. So I think it's perfect here. And I would agree with Chief Dennis that we should recommend that that definition be adopted by all Law Enforcement Agencies.

**CHIEF DENNIS:** And Deputy, can I just jump in real quick?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, so can I just -- do you think we should put the definition in here?

**CHIEF DENNIS:** I do.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So we will insert that definition.

**CHIEF DENNIS:** And can I just make a quick comment? I know we're short on time.

**DEPUTY ATTORNEY GENERAL YOUNG:** Go ahead, Chief.

**CHIEF DENNIS:** I think every Chief could go around the room and give a definition of community policing. And I think it would touch on programs, problem-solving, and things like that. But when you look at the heart of this definition, when it gets into mentioning Police legitimacy, when it gets into talking about greater accountability for the Police and different things, greater concern for Civil Rights and liberties, I think that's huge of wrapping in altogether what we should be doing with our community and community policing. So, Julian, thank you for bringing that to the forefront. I really appreciate it.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Quinn, I see your hand up. But, James was up first. James?

**MR. MCKIM:** Thank you, Deputy. I just have a question about I think it's (c). Law Enforcement Agencies should establish ongoing Officer training at all levels. So this is referring to training. Do we have in the previous section a recommendation that covers this?

We talked before about the Fair -- and a number of us went through the Fair Policing Training. If it's not covered in the previous section, then, yes, absolutely have it here. But I'm just curious. And I'm just looking through my notes on my copy to see if it's there.

**DEPUTY ATTORNEY GENERAL YOUNG:** We have a copy. We will go through it, as well. So we will loop back to you. Commissioner, Julian, and Ahni. Go ahead, Ahni. Did you...

**DIRECTOR MALACHI:** I'm sorry. Is it ABLE? ABLE was the model for that, for the community policing, as well as bystandership training and all of that. So I think ABLE was in the first section, under training.

**DEPUTY ATTORNEY GENERAL YOUNG:** Look at this. Okay.

**CHIEF DENNIS:** Well, ABLE was. But I would not consider ABLE community policing training. I mean, it's certainly specific to duty to intervene, reporting misconduct, different things like that. But I think this is separate in dealing with community policing and working, and building those relationships, and different things like that. I guess it could all be thrown under that umbrella. But I think this is more specific to that. And I do not believe it was listed in the training section before.

**DEPUTY ATTORNEY GENERAL YOUNG:** No, we don't see it. And this looks to me to be a little more granular to this section to address what they should do in their own communities. So it probably enriches this section to leave it here. Commissioner Quinn?

**COMMISSIONER QUINN:** Yeah, real quick, Deputy, if you look at (a) and (f), I agree with everything. But if we are focusing on what are realistic recommendations, I don't know if every Law Enforcement Agency is going to be able to have a dedicated Officer to doing community policing in a Unit. I would say that's going to be a stretch.

Might we not consider combining (a) and (f) and at least encourage all to at least accept the fundamentals of community policing, and wherever possible a Unit, but faced with the challenges Law Enforcement has today in vacancies and in investigating crime and keeping a community safe, I just don't know if they all are going to be able to. So, just my thoughts, maybe we can -- there's synergy there with the two of them that we can accomplish what we all want. Did I make sense?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, we're just trying to put it together here. So, yeah.

**COMMISSIONER QUINN:** Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Julian?

**ATTORNEY JEFFERSON:** Yeah, I was just going to say I agree with Commissioner Quinn. I would say I would leave them as two separate things. I think (a) is important enough. It should be by itself. And then, have the next one be the letter, (b).

And I agree with Commissioner Quinn that we need to take into account that not all Law Enforcement Agencies can have a dedicated person, dedicated to community engagement. So I think we should just put, if feasible, if practical, if practicable, something like that. But that should be, yeah, its own letter. So that should be letter (b). And I think (a) is a mission sort of Policy statement. It should be all by itself.

**DIRECTOR SCIPPA:** Madame Chair?

**DEPUTY ATTORNEY GENERAL YOUNG:** John, Ken's first. And then, I'll come to you, unless you want to address this.

**DIRECTOR SCIPPA:** I'd like to address this specifically.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay.

**DIRECTOR SCIPPA:** And specifically with Commissioner Jefferson, the amendment that I made relative to data collection and reporting, I used the exact language that you just put forth with regard to whenever practical, to allow some flexibility. Your response to that was change it back. This Commission is supposed to be making recommendations from a high altitude.

And now, I'm hearing you completely do a 180 and now you're recognizing that there's Agencies that will not be able to do certain things that this Commission is recommending. So I'm getting frustrated. Are we going to, as a Commission, look from the high altitude that you spoke to in the first instance? Or are we going to make recommendations that are pragmatic and that can be carried out? I'm confused.

**ATTORNEY JEFFERSON:** Yeah, and I appreciate the question, Director Scippa. And so, what I would say is that not every recommendation is equal. So when we're talking about subject stops and data collection, I think that is important and that we should not let a financial limitation get in the way, because we're not going to be able to capture implicit or explicit bias.

This recommendation, a recommendation to have a Police Officer dedicated 100% to community policing engagement, I don't place on that same level. So I am willing to say that some flexibility needs to be there.

So my response to you is that not all recommendations are equal. Some recommendations, there should be zero flexibility. Some recommendations, there can be flexibility. So, it is the importance of the recommendation is why I agree with Commissioner Quinn that you should have some flexibility here, because this is a very amorphous recommendation. Have a Police Officer 100% dedicated to community relations, that's amorphous. The heart of the issue about data collection is something wholly different. So, that's why I -- that's my response to you.



**DIRECTOR SCIPPA:** And I guess my concern is that with regard to data collection, by not allowing flexibility, we're basically setting up a vast number of Police Agencies to be unable to reach, or produce, the data that you are looking for, in a very pragmatic way. And I don't dispute the fact that that information would be wonderful to have, and would just speak to the heart of what's going on.

But, we can't -- if we're going to make recommendations, these recommendations need to be within the grasp of New Hampshire Law Enforcement, generally speaking. And I think it's unfair that, as a Commission, if we're making these recommendations where there's -- where Agencies are just not going to be able to deliver, in some places, and then in other places we're being very general and kind of open-ended, and allowing whenever practical, I just think that it's not -- and again, I understand what everyone is trying to accomplish with regard to data collection. I feel it is vitally important.

But if we set boundaries that are so narrow that the majority of these Agencies can't comply with that, because we have been so inflexible in the recommendation, then, in the end, we are not going to get what we are looking for. So, again, in a more general way, as a Commission, are we going to be delivering things from a high altitude with flexibility and allow people to move to get to where we're trying to get them to? Or are we going to just dictate, this is exactly how this needs to go, knowing fully well that they're not going to be able to get there?

**ATTORNEY JEFFERSON:** So, Director Scippa, I guess I disagree.

**DIRECTOR SCIPPA:** I'm confused.

**ATTORNEY JEFFERSON:** Yeah, so I disagree with your assessment that a vast majority of Police Agencies wouldn't be able to catch that data on subject stops. In the conversation between Deputy Attorney General Young and Chief Dennis, there was a conversation about how can you use a Field Card or an electronic field interview to try to capture this data? So I disagree with that assertion. And that helped guide my feelings on that topic.

So -- and trust me. It is a combination of a couple of factors. One, I think that issue is very, very important. So flexibility is going to be limited there. I think we need to speak clearly and with one voice, and have Police Agencies say this is so important. To the extent you need to adopt your Policies and Procedures to capture this data, you should. And it seems like Police Agencies can be able to do that. It's not a situation where we're saying that we're creating an impossible situation for the vast majority of Police Departments.

So, that's why I stood firm on that recommendation. And that's why -- but -- and equally to this one, that's why I have more flexibility with this one, because it's more amorphous and less to the heart of an issue.

**DIRECTOR SCIPPA:** I can only speak again to the pragmatic piece of this, Commissioner. And I can tell you that I have, during my career, collected the very data we're talking about. And I have a tremendous amount of experience with regard to that.

And to your point that you don't agree that it's a very simple thing to do, that's not accurate. And I could speak from direct experience of collecting that data collected by a Police Department over many, many years of experience.

So, just understand that I don't want us -- I want this to be of value. In the end, I want to be able to set realistic goals that are going to accomplish and bring value to what we're trying to accomplish here. And that is my only concern.

And it's clear that we're probably not going to -- we can agree to disagree on this particular piece. But I'm just finding it frustrating that sometimes there's no movement and other times there's just a lot of generalities, with regard to these recommendations. And I guess maybe that's just -- I'm just speaking more to my general frustrations than anything else with regard to trying to put forth things that we're going to be able to make happen. So I appreciate your time.

**ATTORNEY JEFFERSON:** Yeah, no problem. And thank you, Director Scippa, for having that conversation with me. And to the very simple -- and I don't think it would be very simple. It was the vast majority of Police Departments that I was speaking of. But I 100% agree with you that we're probably not going to ultimately agree. But I do appreciate the conversation allowing me to respond. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, gentlemen, for that. Sort of to move this along -- and I know that we have a couple of hands raised -- I just want to tell you that there was a recommendation for Citizen Police Academies. We thought that we could move that into the (c) section. So you'll see that highlighted. So that will sort of take off another letter number, because that probably is where it fits best. Ken, Ronelle, and Joseph; so, Ken, you're up.

**DIRECTOR NORTON:** Yeah, I had a comment about (e). But if other people wanted to comment about this current conversation, I'll stand down for a second.

**DEPUTY ATTORNEY GENERAL YOUNG:** No, we got to -- we have 57 minutes. And we haven't hit School Resource Officers. I'm hoping that's a one bullet point. We're moving on from there. So, go ahead, Ken.

**DIRECTOR NORTON:** Yeah, I would suggest we add into (e) social media. It's a recommendation in the 21st Century Policing Report, and to just say Law Enforcement Agencies should publish/advertise community events and consider establishing public service announcement campaigns and the use of social media to educate the public about Police.

**DEPUTY ATTORNEY GENERAL YOUNG:** Absolutely, thank you.

**DIRECTOR NORTON:** Yeah.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ronelle?

**MS. TSHIELA:** I don't want to beat a dead horse so I'm going to be quick about this. And with the exchange that just happened, I completely agree with Attorney Jefferson. And I think something that Director Scippa said is super important. He says he wants this to be of value.

And I think to talk about flexibility in something as important as data collection does the exact opposite. I feel like it takes the teeth out of that recommendation. And when we're talking about

increasing public trust and rebuilding relationships between Law Enforcement and the communities that they serve, when I see flexibility in something as important and as big as data collection, it makes me think that nothing is going to be accomplished with that. That's just what I have to say. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Joseph?

**MR. LASCAZE:** Just real quick that I just wanted to say on the subject that was spoke about between Attorney Jefferson and Director Scippa, and that I think that what it is, is when it's something that has moral and ethical implications or consequences that that's why there wasn't a flexibility, per se, on this. And when it comes to this recommendation, while I completely understand what Director Scippa is saying, I think that nothing in life that's worth achieving comes easy. And so, this data collection is something, because of the implications of it, and because of what possibly can happen, that is why it's kind of rigid on that, whereas, in this one, this doesn't hold that same weight, as Attorney Jefferson had said. And I hear your point. And I just feel like that -- but they're just not on the same level.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. So before I ask if we can take a vote on two, Chief Edwards, we just looked up CALEA. And they list all the Agencies. Do you think we still need to have a local source for that information?

**CHIEF EDWARDS:** Well, I'd certainly leave it up to the Commission. The only thing I would say is that I'm not sure, if you're a member of the community -- obviously, Law Enforcement Officers are pretty skilled at doing their own research and we have County Chiefs of Police meetings. So there's a lot of conversation that goes back-and-forth there.

I recommended that for two reasons. And I want to be very clear about those. One is to really highlight what this Commission's work has all been about. We're asking for a lot of stuff to be done. And the Agencies that are doing that are, in large part, CALEA-accredited Agencies. So I think it's also a kind of a nice reminder for those folks who have taken the time to invest in their communities and their organizations to highlight them.

But also as a quick reference point for citizens who may visit the New Hampshire Police Academy website or the Department of Justice website, first when they're looking for information on Law Enforcement or Law Enforcement Agencies. So if the Commission feels best that we don't include that, I'm fine with it. But I just thought that we've heard a lot about policing and I think a lot goes in to becoming an accredited Agency. And I think we should highlight those efforts. And they should stand out as a model that people should strive for.

**DEPUTY ATTORNEY GENERAL YOUNG:** So we're just going to wordsmith that section a little bit. Do I have a Motion on Section 2, as written? It would be easier to take it altogether. So, we have to ask. Is that what is it?

**MS. SCHMIDT:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** So do I have a Motion on Section 2, Community Policing and Engagement, (a) through (f), as written?

**MR. JOHNSON:** I'll actually be brief.

**DEPUTY ATTORNEY GENERAL YOUNG:** Rogers?

**MR. JOHNSON:** Yes, am I looking at all of Section 2, including all the way down to (f)? There's nothing after (f)?

**DEPUTY ATTORNEY GENERAL YOUNG:** That's correct. We're going to un-bold. So, that's all.

**MR. JOHNSON:** Okay.

**DEPUTY ATTORNEY GENERAL YOUNG:** So it's just Section 2 with the caveat we will go through and clean it up tonight. If we have grammatical changes, we will make those. But, substance will not change.

**MR. JOHNSON:** No, I was just thinking for clarification, because I couldn't see beyond (f). I thought there was something there.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah.

**MR. JOHNSON:** So, the question's okay.

**DEPUTY ATTORNEY GENERAL YOUNG:** No, it boils down to (a) through (f). So I have a first by Commissioner Johnson. Do I have a second, as written? Ken Norton seconded as written. I will start the voting. I vote yes. Commissioner Quinn?

**COMMISSIONER QUINN:** Yes.

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

**DIRECTOR MALACHI:** Yes.

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

**DIRECTOR SCIPPA:** Yes.

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

**MR. MCKIM:** Yes.

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

**JUDGE GARDNER:** Yes.

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

**LIEUTENANT MORRISON:** Yes, I just have a small problem with (a) that Agencies should adopt that definition. But, as it's a recommendation only, some Departments may have a definition that is more specific, or less. But it's good enough to go ahead and say yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. And there's a should, too. So, Chief Dennis?

**CHIEF DENNIS:** Yes.

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

**MR. LASCAZE:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Attorney Jefferson?

**ATTORNEY JEFFERSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Eddie to -- Chief Edwards?

**CHIEF EDWARDS:** Yes.

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

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So the next section is School Resource Officer. I think that we had talked last time that whether we should have School Resource Officers or shouldn't have them is probably best left up to local. I also thought my memory was that if there was a recommendation, it was going to be based around sort of training and community engagement.

So, because we are short on time, I don't want to spend two or three hours talking about whether there should be School Resource Officers. So, what I would recommend on this would be (b), standardized training, including in-service hours. I don't have any issue with the MOUs or field training, which is probably all in (b). So I would open it up for debate.

I would also say that I think when it comes to School Resource Officers, it also has to be the right candidate. It has to be the candidate who wants to be there and not necessarily somebody who you're just placing in a school. So I open it for debate. But I would pretty much boil it down to (b). Judge Gardner?

**JUDGE GARDNER:** I think that's a great recommendation. And we should kind of move on from here. But, that's just...

**DEPUTY ATTORNEY GENERAL YOUNG:** I'm happy to make it (b). If I can get a second, I'll take a roll call.

**CHIEF EDWARDS:** Second.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards raised his hand for a second. Let me just wordsmith it. Just give me one minute to wordsmith it a bit. Ken, you have your hand raised, and Julian. And then, Joseph; but we do have -- so, Ken, go ahead.

**DIRECTOR NORTON:** Yeah, are we going to say what that standardized training is? I mean, there had been very specific recommendations from the Disabilities Rights Center and other groups. I think I had included that in my previous training recommendation, because what does standardized training mean?

**DEPUTY ATTORNEY GENERAL YOUNG:** Julian?

**ATTORNEY JEFFERSON:** I agree with Ken. And Director Scippa, I think his language was very good. He identified that issue. So I would recommend that we adopt Director Scippa's language around these issues, because I think it goes to what Ken is saying. And I think Director Scippa did a great job of really putting some teeth into it.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. We will work that in. We have it right here. Ahni?

**DIRECTOR MALACHI:** I will defer my statement until later. It's not specific to this. So if I need to make it, I'll do it later.

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

**MR. LASCAZE:** I just wanted to know. When you said just have it down to (b), I know that you said that you were okay with the MOUs. But were you just saying that (b) be the only recommendation? I missed what you were saying.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, so we're going to work it out right here. So give us just one minute. We will put it up on the screen. Okay. Thank you.

**ATTORNEY JEFFERSON:** And Deputy Young, to the Memorandum of Understanding, I also think that Director Scippa's language was great on that, as well.

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

**DIRECTOR MALACHI:** Jane, I have a quick question while we're working this out.

**DEPUTY ATTORNEY GENERAL YOUNG:** Go ahead.

**DIRECTOR MALACHI:** Attorney Jefferson, were you suggesting the three points that Director Scippa suggested for this area?

**ATTORNEY JEFFERSON:** That is correct. His language specifically to the training for School Resource Officers, and the Memorandum of Understanding, yes.

**DIRECTOR MALACHI:** Yeah, okay. I just wanted to make sure I was on the same page.

**ATTORNEY JEFFERSON:** Yeah.

**DIRECTOR MALACHI:** Thank you.

**ATTORNEY JEFFERSON:** No problem.

**LIEUTENANT MORRISON:** If I may interject just for a second, Jane, I think I like Scippa's Number 2 for the MOUs. I'd prefer my wording for the training, simply because it would allow for SROs to work and get that training as soon as practical, or practicable, because if they're in between training sessions and it's just not available, yet the beginning of school's going to start, you're still going to want to have somebody in there. So, obviously your intention is to get certified as soon as you can. But I don't want to have that be a prohibition on somebody being one.

**DEPUTY ATTORNEY GENERAL YOUNG:** Is that your five, Mark?

**LIEUTENANT MORRISON:** It would be my Number 5.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, thank you.

**LIEUTENANT MORRISON:** Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Quinn and then Commissioner Tshiela?

**COMMISSIONER QUINN:** Yes, I just wanted to share with the Commission. I know that the training's very important on the SROs. And I just wanted to let you know I saw a very positive email. And although they had to cancel the Annual SRO Conference, they're continuing to push out the Presenters' blocks that they had planned, one- to two-hour blocks monthly. So it was a pretty robust event and they are going to continue to move it forward. So if there are any ideas or recommendations for training, I just want you to know that some very good training is about to take place. So, I just wanted to let you know that.

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

**MS. TSHIELA:** If I raised my hand, it was by accident, sorry.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, no problem. John Scippa?

**DIRECTOR SCIPPA:** I guess I would just have some concern to put an SRO in place before having any training. It'd almost be like sending a Motorcycle Officer out of the parking lot without going to motorcycle school first.

I guess as a Administrator, I would just have concern about putting somebody in a position without having them properly trained and certified to do the job, prior-to. So I would have some reservation on that, notwithstanding the fact that I understand that things happen and Departments want to get their people into that position, as soon as possible. But I think that -- I think to err to the side of caution, I would rather have them trained before they start their position.

**DEPUTY ATTORNEY GENERAL YOUNG:** So I'd just come back, John, to the question that we had last time. If you're going to do this, do you have to go to the Council to implement this? And do you have to go through any rulemaking? Or can you execute on this?

**DIRECTOR SCIPPA:** So, specifically any time we create some kind of a mandate with regard to certification or mandate, or training, on that particular issue, the Council would have to do what (inaudible) what's being request. And then, we would have to make rule changes to support ultimately if there's a mandated certification process, if there's mandated annual in-service training to maintain that SRO certification. So, yes, notwithstanding this passing, it would still be a tremendous amount of work on my end to actually get it implemented and supported by Administrative Rule.

**DEPUTY ATTORNEY GENERAL YOUNG:** So what would a timeframe look like to have this implemented? I mean, are we talking again 200, 300 days?

**DIRECTOR SCIPPA:** Yes, I think so.

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

**JUDGE GARDNER:** So, to chime in on that issue, that's the other component of the Field Training Program. That's done by the local Agency, so not by Police Standards. What I've heard is that sometimes when you get a SRO and they rotate them out, that you want some overlap in that position, if they already have someone in that position, to make it a more smooth transition.

And so, that's the only reason why I put that in there is to give some of the local Agencies some guidance as to what they should be doing, since Police Standards, they're not going to be able to do the certification training until probably next year. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Just so we're all aware that this is a process and this will not be implemented, so we had a Motion to -- by Judge Gardner, seconded by Chief Edwards. We have now changed the language. Do I have a Motion on 3(a) and (b)? Joseph, is your hand up?

**MR. LASCAZE:** Yes, I just had a quick question. For 3(b), based on -- especially based on the testimony that we heard today, I would like to include in there language around specifically for children under the age of 13, when it comes to SROs. And I'm not asking that we redo the Justice System. I'm not



even asking that we come up with it. But we just put language in there that would require that there's special attention given to the roles of SROs in individuals under the age of 13, language around that.

**DIRECTOR NORTON:** This is Ken. And before we vote on this, might be a little bit off-base, but just wanted to mention that I think it would be helpful if we addressed School Resource Officers separately in the Report, like we do with data collection, to give some of the background on why we decided. I mean, the dialogue about whether there should be, or shouldn't be, and what we decided that these are the recommendations that we want to come forward with, because right now there's only like a paragraph that's embedded under community policing. And it seems like, given the level of public interest, it should have a separate category of its own.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, Ken, I'm going to ask that you, then, sort of put together some language, as I did Commissioner Quinn, to get that done. We have to turn this around overnight. So we recognize that this was an issue. We put in a paragraph. But to the extent you want it developed more, I would ask that you propose that to the group in writing. Attorney Jefferson?

**ATTORNEY JEFFERSON:** Yes, I would just suggest I think Judge Gardner made a really good point. And I think her recommendation about having the field training piece for the local Agencies, as well, I think is important and useful. So I would advocate that we include that as recommendation (c) here.

**DEPUTY ATTORNEY GENERAL YOUNG:** Judge Gardner, that's your number 2, correct?

**JUDGE GARDNER:** I'm looking for it right now, sorry.

**DEPUTY ATTORNEY GENERAL YOUNG:** Just want to make sure that we get the right language.

**JUDGE GARDNER:** Yes. Yes, that is correct.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, thank you. Chief Edwards and then Ahni?

**MS. REED:** Sorry, Chief, you're muted.

**CHIEF EDWARDS:** Thank you. I wanted to go back to (a) just briefly, because I agree wholeheartedly with the language here offered by Director Scippa. Understanding the program, I put in one of my recommendations to move SAG to Police Standards and Training for the purposes of giving Director Scippa a little more resources in making sure these programs were administered effective through that channel. So, I'd ask if we'd consider that recommendation, as well, as part of that, because I think that would be important to making sure that that training that he is looking to accomplish is done effectively.

**DEPUTY ATTORNEY GENERAL YOUNG:** So that's your one, correct?

**CHIEF EDWARDS:** I'm sorry?

**DEPUTY ATTORNEY GENERAL YOUNG:** That was your one in your recommendations?

**CHIEF EDWARDS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ahni, your hand was up.

**DIRECTOR MALACHI:** Yes, I know in this section we certainly have had a lot of conversation. I really do feel as though we have hashed it out and come into agreement on a lot of this. I don't see the necessity for an additional paragraph or more language in the Narrative portion to go into any additional details. I think what we have is sufficient, and that we speak specifically to what we want to see, relative to School Resource Officers, things that we have agreed upon, in the section of Recommendations. So, I would be opposed to having any additional language going into more of the weeds on this topic.

And then, to the other point, I appreciate what Commissioner Lascaze is requesting. I'm not sure if we're going to debate that or discuss that further. I think my only concern would be relative to the 13-year-old age is that a lot of the Policies that the SROs are following are Policies -- certainly, they're Law Enforcement Policies. But they're inside of the school. So if the school is requesting them to do something, then they're obligated to a certain degree to do that.

So, as Dr. O'Neill so eloquently put in her written testimony, there are multiple systems and there are multiple layers here. So I think maybe it confuses some of it if we make that sort of recommendation, because then we're not taking into account what the schools' Policies are. And if they have Zero Tolerance Policies, then that's stopping the Law Enforcement -- or the SRO from doing something that the school is asking for.

And I'm not saying that I agree with Zero Tolerance Policies. So that's not what I'm saying. I just want us to be mindful of if we're going to do something like that, that's going to be a larger discussion, which we can have, absolutely. But we have to take -- I believe we have to take that into consideration, if we're going to move in that direction. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So, James and then Commissioner Quinn, and then we're going to have to move off this topic. So, James?

**MR. MCKIM:** Thank you, Deputy. I certainly appreciate the local control aspect of this. And I wonder if there's wording that we could use in (b) that captures this notion of, and supports the wording that we're looking at creation of a model SRO MOU, not mandating that the one we create gets used. But we're creating a model that should be -- that we recommend might be used, and that that model take into consideration the research that we've been presented with around age. Not to make any statements about what that Policy should be, but at least to recognize so that anyone who uses this -- or looks at this model that we're recommending be created, is made aware that we are recommending that age be considered in whatever official MOU is developed.

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

**COMMISSIONER QUINN:** Yeah, and I -- Deputy, my thoughts align with Mr. McKim's, as well. And I just wanted to -- before I vote on this, I wanted to either ask Judge Gardner or Director Scippa, if you look at

what we are asking PSTC to do in this, I just want to make sure that we fully understand what we're voting on.

So we are going to ask them to work as a Council to develop an MOU, which encapsulates the best practices, all the outcomes that this Commission wants, and then share that, fully understanding that there's no mandate of getting either the local Chief and the SAU to sign it. But again, is that something that is placed in the right -- we're actually asking them to create a legal document that has the fundamentals that we want. So, I just would like to -- if Judge Gardner and Director Scippa thinks that that can be accomplished, I just want to make sure before I vote on it that I've clearly heard from John or the Judge.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, Commissioner, I will let John Scippa speak to that. But I can tell you that his -- that one and two are his recommendations pretty much verbatim. But go ahead, John.

**DIRECTOR SCIPPA:** Thank you, Madame. Commissioner, just to speak directly to that, it was my vision to pull in Representatives from Department of Education, some of the Superintendents from SAUs that already have in place SROs. Bring in some SROs, as well; maybe have a one- or two-day Working Group to come up with something. I know that there are many MOUs that already exist. And it may just be as easy as pulling some of those MOUs together and just looking at best practice. But I don't think it would take a lot of time.

And then, ultimately, the fact that we would be presenting that as a model to be used, to be considered, and that speaks clearly to the roles and expectations of (inaudible), I think ultimately it'd be up to the community and the SAU to adopt whatever model we came up with. But I thought, again, my vision would just be to maybe set forth a best practice by working with the stakeholders and then leaving it to the communities, the SROs, to implement, as they saw necessary.

**COMMISSIONER QUINN:** Thank you. I'm fine. I apologize for taking the time. Thanks, Director.

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

**JUDGE GARDNER:** So, I just want to make sure that it's clear that we are not putting together a SRO MOU for these local communities, that it's just a model kind of sample so that they have a framework with which they can work, things that perhaps should be in there, for example defining the roles. But we are not in the business of creating legal documents for different communities. So I just want to make that clear, as well. And I know that Police Standards Council will not approve that if that were something that was brought before the Council. So I'd just put that in, as well.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. It appears Joseph has a question. Joseph, your question is: is the MOU public? My assumption would be that it would be public. I suppose you'd have to ask that to each Department. But I don't see why it wouldn't be public. That's -- if they were my Client, I would tell them it should be public for the very reason that you're asking the question. But I think I would have to see the exact language in there to see if there was anything. All right, so hands keep going up, but we're down to 27 minutes. So, Ken, and then Ahni, and then I am going to ask for a vote on this. Ken, go ahead.

**DIRECTOR NORTON:** I'm wondering if we should hold (d) until the other category at the end. It doesn't directly (inaudible). My understanding is it's a much broader role than just School Resource Officers.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ahni?

**DIRECTOR MALACHI:** I just sent my question. If we could add Department of Education, as well, into (b)? That was it, to Director Scippa's point of the Working Group that he had in mind. I think if we add DoE also, then it's clear. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ahni, that's probably captured in stakeholders. Work with stakeholders.

**DIRECTOR MALACHI:** Okay. If it's clear enough to everyone, then that's fine with me. I just don't want people to assume that DoE is left out of the conversation and just the SAUs. I mean, DoE would have Attorneys to look over all of this to make sure that the model would fit, or something. But if it's clear to everyone else that DoE is a stakeholder, I'm fine with leaving it the way it is.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So, Ken, do you want to make a Motion to hold this over? Or does somebody want to make a Motion to move it forward? I mean, I think that as we see, we thought this was going to be a quick one. And we can just sort of get lost in a lot of the details here.

**DIRECTOR MALACHI:** To hold over or move forward what part?

**DEPUTY ATTORNEY GENERAL YOUNG:** So, I think Ken had asked, should we put this section off and revisit it, perhaps, Ken, in the Other section, in the final section?

**DIRECTOR NORTON:** Just (d), just the movement of the State Advisory Group being reassigned to New Hampshire Police Standards and Training.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So do I -- I know that there are hand -- oh, there are hands up. Eddie? Eddie, did you have your hand up?

**CHIEF EDWARDS:** Oh, yes. I think it's important, because Section (d) actually should go along with Section (a), because that's one in the same. And I think, to Ken's point, the -- is that the SAG is made up of a civilian group of people and they oversee that program. But that program development and management, and their responsibility, can be -- and when I say assigned to PST -- Police Standards and Training, that's really a place to meet, for resources to be administrated through. That's what that's about. Their work will continue. It's not going to change fundamentally their work and their assignment, and what they were established for.

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

**JUDGE GARDNER:** So, I guess I'm a little concerned what the whole should be reassigned to Police Standards. I don't think we can reassign a group to Police Standards and Training Council. I think it's a conversation we probably should have separate from the School Resource Officer section.

**DEPUTY ATTORNEY GENERAL YOUNG:** James?

**MR. MCKIM:** Thank you. That was actually going to be my question of clarification to Chief Edwards, and agreeing with the question from Mr. Norton. It sounded to me as if the SAG had responsibility for more than just School Resource Officers. So it did seem to me. I wanted to clarify that and I wanted to get clarification on that understanding, to be able to vote as to whether it should be moved or not.

**CHIEF EDWARDS:** Yeah, just so that everyone understands, this conversation about SAG being at Police Standards and Training and other, the Board Members of SAG have had that conversation. Their responsibility, they're a civilian group of people established to oversee Juvenile Justice funds. They don't oversee School Resource Officers. They develop these two programs to be administered.

So, what that essentially does is to move that management responsibility to Police Standards and Training to work with. It doesn't fundamentally change what they do. This is a group of I think 14 different civilian people ranging from Judges, community people, Legislators, youth to meet. They meet on a monthly basis to decide the things. So that also brings forth the resources for Director Scippa to make sure that these things are being done in a timely and efficient way. It's a management responsibility issue.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay.

**MR. MCKIM:** Can I make a Motion?

**DEPUTY ATTORNEY GENERAL YOUNG:** Sure.

**MR. MCKIM:** I'd like to move that what looks like it's been currently changed to (e), the SAG should be reassigned, I'm going to move that that be moved someplace else. It feels like it's a bigger issue than just this. And I think it feels like we need more time to discuss where it might be. And we're running out of time.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, that has moved to (e).

**CHIEF EDWARDS:** I agree.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, 3(e), a State Advisory Group should be reassigned, Eddie, you had asked for it to be here. Do you want to just put it aside for now and we can take it up after?

**CHIEF EDWARDS:** Yes, I agree with that. We could take it up later. Yeah.

**DEPUTY ATTORNEY GENERAL YOUNG:** All right. So that's fine. So, as three is now written, School Resource Officer, Joseph had asked just for clarification that the recommendation be made that any MOU between Law Enforcement and School District should be made public. We added that. But as three stands, regarding School Resource Officers, (a), (b), (c), and (d), do I have a Motion on that?

**DIRECTOR NORTON:** This is Ken. I'd like to move that we adopt Section 3(a) through (d), as written.

**DEPUTY ATTORNEY GENERAL YOUNG:** Joseph, do you second that?

**MR. LASCAZE:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. And again, I would have the caveat that we will do any grammatical cleanup that we need to. I vote yes. Commissioner Quinn?

**COMMISSIONER QUINN:** Yes.

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

**DIRECTOR MALACHI:** Yes.

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

**DIRECTOR SCIPPA:** Yes.

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

**MR. JOHNSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** President McKim?

**MR. MCKIM:** Yes.

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

**JUDGE GARDNER:** Yes.

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

**LIEUTENANT MORRISON:** I'm going to vote no, because I don't like the development of (b). And I just don't think PSTC should be the one with the stakeholders to do that. I just think individual SAUs should be doing that. If it was a recommendation that there be an MOU and we will provide -- a sample will

be made available from PSTC, I could go with that wording. But this wording, I just have a problem with in (b).

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, thank you. And thank you for your clarification. Chief Dennis?

**CHIEF DENNIS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, Attorney Jefferson?

**ATTORNEY JEFFERSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, thank you. Chief Edwards?

**CHIEF EDWARDS:** Yes.

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

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So, the next sections, we broke up into Mental Health Crisis Teams, drugs and addiction, hiring and recruitment, and other. So let's -- and I don't know if these are all other or if you want them broken out the way they are. But let's look at what we have for four now, Mental Health Crisis Teams, drugs and addictions.

The recommendations are one, coordinate Law Enforcement response with trained professionals. We've heard that from a number of individuals. And two, a fundamental reimagination of the way we deal with drug addiction, including reducing all simple possession charges to misdemeanors. Do we have any discussion on either of those? Ahni's hand went up first followed by Rogers, and then Judge Gardner.

**DIRECTOR MALACHI:** Only on (b), there's -- that just -- fundamental reimagine, like, what does that mean? It needs to be a bit more clear. And I don't know that we would have the wherewithal to suggest or recommend that simple drug possession charges be turned into misdemeanors. I think that's way outside of our purview.

I mean, we could certainly talk about how people with mental-health issues and addiction issues are addressed or handled, or whatever word you'd like to use there. But I think for us to make for the second half of that to make (inaudible) that recommendation isn't within our scope. And then, the first half, it's very ambiguous. So I'm a little confused on that. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** And I will tell you because these are recommendations and we've boiled them down doesn't mean we have to have these sections, either. So, I mean, these are our recommendations to make. Rogers?

**MR. JOHNSON:** Yeah, I would concur with Ahni Malachi. When I see the words "simple possession charge", does that mean simple possession of fentanyl or heroin, or Oxycontin? I don't know what that means. So am I reducing felony -- potential felony charges down to misdemeanors? I don't agree with that, unless we start making lists of what we're talking about. I think that that's causing some real, real problems in understanding how this is supposed to work. And I'm not comfortable with this at all.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Rogers. So, Julian, I know that that was your (inaudible). Judge Gardner first and then I'll go Julian. Judge Gardner?

**JUDGE GARDNER:** Yes, I would agree. I just feel this is not part of our charge. And there's just so much ambiguity in terms of what that all means. Possession of methamphetamine of a drug dealer who might just have had a little bit could mean something more than just someone who is addicted. And so, given the really deep implications of this suggestion, I would not feel comfortable voting for that. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Julian, I think that you sent new (inaudible). Pull it up, but this was one of your proposals. So, could you address the concerns that have been raised?

**ATTORNEY JEFFERSON:** Sure; so I think it is relevant to community relations. But I also recognize if this is not something (inaudible), then I'm fine with withdrawing it. I could put something (inaudible), which that would (inaudible) as a recommendation.

And so, a response to (inaudible) if somebody has simple possession of a drug, I don't think that they should be a convicted felon. Let's put that situation aside. So, somebody's arrested for simple possession of a controlled drug, (inaudible) Criminal Justice System.

So if it's simple possession charge, addiction issue, should encourage our Police Agencies and Prosecutors, and Courts to provide these paths. And in some communities, they exist. In some, they do not. So, it's not like it's some brand-new concept. There are Police Agencies in New Hampshire, when the heroin addiction started, (inaudible) that made Policies not to arrest people, but to bring them to the (inaudible) station, instead.

So, I would ask us to consider (d), as it's there now. I will withdraw (c), because I hear from enough Commission Members that is not something (inaudible). But (d), I think, is very specific. And it does go to an issue that we are going to talk about.

Should we (inaudible) drug addiction to the extent that we are? Or should we encourage our Law Enforcement Partners to, when they see they're addicts and it's simple possession, can we create ways to divert from the Criminal Justice System? So I think that's something worth recommending. And so, I'd (inaudible) have a conversation about that.

**DEPUTY ATTORNEY GENERAL YOUNG:** Julian, don't we have that now with diversions in a number of counties? And is this something that is already in place? I just look at it as it's so -- go ahead.

**ATTORNEY JEFFERSON:** So, I'm sorry, Deputy Young. So, yeah, some places have it. Some places don't. So some Prosecutors (inaudible) misdemeanor. Some don't. Some Police Agencies have the



diversion programs, where they won't even arrest somebody in their first instance and will bring them to the (inaudible) station. Some don't.

So there are some Prosecutors' Offices, individual Police Agencies, and Courts that (inaudible). But it's not universal. So it's just a recommendation for every Police Agency, the Prosecutors' Office, and Court Systems to (inaudible). So I think that's all what this recommendation is saying. It's saying (inaudible) and see if there's more paths that we can create, if we don't have any. And if we do, are there better paths to create?

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. For me, it just feels like this isn't our mandate. This isn't our directive. That's my personal feeling. Ahni?

**DIRECTOR MALACHI:** Yes, agreed, not our mandate, not our purview, at all. If we can speak specifically to Mental Health Teams, (a), we can have more discussion about that. Totally cool. If we wanted to -- and we may not even need to include anything on drugs and addiction -- if we wanted to include something, then we could make a slight suggestion that communities work to find ways to help people with addiction, period.

I mean, and even that is overly broad, because we're now moving into legislation. We're moving into the Department of Justice, which are the Prosecutors, working with Defense Attorneys to create a pathway to -- not our purview. So I'm not comfortable with that being in there at all.

We can obviously have a larger discussion. But, if we do, it needs to be so thin that it's way to the other side of going too close to the line on that, because this isn't anything that Law Enforcement can just do on their own.

The recommendations we're making are things that more than likely they can handle, either in their own Departments or through the oversight of Police Standards and Training. Some things certainly will take some administrative changes to rules. But that's a burden, the heavy lifting that Police Standards and Training is willing to do in relationship to others. This, it's a whole different ball of wax. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** James?

**MR. MCKIM:** Thank you, Deputy. So, this -- the way this is worded to me feels like it's not quite in the realm of this section on community. But it does feel more like it belongs in the previous section on training and really procedure, and procedure specifically around providing multiple paths to divert people arrested out of the criminal justice system. That feels like a procedural kind of recommendation. So that was my thought. I think it is under the purview of the Commission, but just not part of this section.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, Julian, I'm going to ask you. Do you want me to take a vote, because I think we could probably get to (a). Do you want me to take a vote on...

**ATTORNEY JEFFERSON:** I don't know. I mean, I can withdraw it.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay.

**ATTORNEY JEFFERSON:** (Inaudible) everything you want. I'm getting the sense that it's going nowhere. So I will withdraw that. And I would (inaudible) because I think it would be relevant to some other recommendations.

This recommendation (inaudible). So I don't think it's limited just to the things that Police can do by themselves. I think our purview and the fact that (inaudible) is a Report to the Governor and the Legislature, that (inaudible) there's things that involve Police and community relations, or Police misconduct, and if there's laws that we need to look at, that our purview is to be thinking about both the Legislature and the Governor. It's not just limited to things that Police can do on their selves. So I (inaudible). Let's just withdraw this and let's get back to mental health.

**DEPUTY ATTORNEY GENERAL YOUNG:** Joseph, did you want to say something? Or are you all set?

**MR. LASCAZE:** I can still say it. If the Commission had wanted, I felt that language that could be appropriate was encourage communities to pursue services to help with substance use disorders and to help reduce the burden on Law Enforcement to respond to substance use disorders. So I figured that that would be something that would capture what Director Malachi was saying and balance what Attorney Jefferson was stating.

**MR. MCKIM:** I'll second that Motion.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, I wonder if that doesn't sort of fit better under a bullet under community policing and community relations. Or we could put it under another. So, Joseph, send us that language and we will look at that to go under the other, under the final category. Okay?

**MR. LASCAZE:** Sure; and I think I sent it over to Fallon. I hope I sent it to Fallon already.

**DEPUTY ATTORNEY GENERAL YOUNG:** All right.

**MS. REED:** You did. I sent it over to the ladies.

**MR. LASCAZE:** Oh, okay, perfect. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. We will put it in the other section and we will come back. So, we have five minutes and we have multiple sections. So, Mental Health Teams, as it stands right now, Ken, this is yours. What would be the best way to capture this?

**DIRECTOR NORTON:** Well, I think coordinate is not the right word, because I think generally that's what happens now. But I think the point is to try to divert people away, that there needs to be a more robust mental health system to take the burden away from Law Enforcement and to produce better outcomes, in terms of crisis response.

And that's Mobile Crisis and other areas; I don't know if we want to get into S.W.A.T. Teams. Maybe that's a separate category. But certainly it's about trying to divert people away from Law Enforcement

contact and to provide more frontline mental-health support for people in a mental-health crisis, and allow Police more time to focus on other activities than dealing with people in a mental-health crisis.

**LIEUTENANT MORRISON:** What if we have something along the lines of recommend Law Enforcement coordinate responses to people suffering a mental-health crisis with trained professionals, or something along those lines, because I think there's only three in the State that you talked about? Is that right, Ken?

**DIRECTOR NORTON:** Well, I think that that's maybe the S.W.A.T. Team piece. And I had had a separate thing about training more people around that. But, I don't know if people feel it's outside of our purview to recommend -- to reinforce the importance of having statewide Mobile Crisis and other mental-health components to divert people from Law Enforcement, to provide more coordinated crisis care.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, Julian and then Rogers?

**ATTORNEY JEFFERSON:** Given that (inaudible), I think they all deserve some time and attention. So I would say we adjourn now, because we've gotten through three sections. And I think that's all we can accomplish for today.

**DEPUTY ATTORNEY GENERAL YOUNG:** Rogers?

**MS. REED:** Sorry, Mr. Johnson. You're muted.

**MR. JOHNSON:** I'm sorry. I would concur with Julian. However, I wanted to add this, because I want people to think about this. As it relates to these Mental Health Teams, are they provided protection should they intervene in a situation where the outcome is less than desirable, meaning they should have had a Police Officer there in the first place? If something were to happen, are they going to be provided with qualified immunity? Or are we just throwing them out there and hope for the best?

**DIRECTOR NORTON:** This is Ken and I would just say that I think that the existing Mobile Crisis Teams, the three in the State, work very closely with Law Enforcement. I mean, I think that those are important questions you're asking.

But -- and I wouldn't want to say that a situation might never happen. But I think that when there is a dangerous situation, they tend to partner with Law Enforcement. The Manchester Team works very closely in responding to dual calls or how they coordinate with Law Enforcement.

**MR. JOHNSON:** And Ken, I don't disagree. I'm just envisioning a situation where a Mobile Crisis Team gets involved in a situation unbeknownst to them turns negative some way or shape, or form. And something happens. And they didn't involve Law Enforcement at the very beginning. By the time they realize it, it becomes too late.

So, do we find a way to provide them with a level of protection? Or do we, like I said, hope for the best? And I don't know the answer to that because I've not heard of this actually working, or how it works. I just don't know.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Quinn, you have a comment?

**COMMISSIONER QUINN:** Deputy, yeah. And I think -- and again, Ken is the expert here. But I will just say these Mobile Crisis Teams do work hand-in-hand with Law Enforcement. And I think that that's the most important thing that they're connected. The training lays that out. So, I mean, that's addressed, Rogers, to make sure that they're not just walking into situations where they could be harmed.

But clearly there's two separate issues. There's the larger calls, the S.W.A.T. calls, where the suspect might be barricaded and suffering from a mental-health situation, or there's the day-to-day calls that we've all been dealing with.

And I think Ken said it best. We've been putting Officers on the frontlines dealing with substance use disorders and mental illness. So it's just I think this is a very important one. How do we capture what we're trying to say in giving Law Enforcement the resources and the tools so that they can best deal with what they're faced with?

And then, I'll end with this. Back to what we brought up before, the calls how they're routed with 911, I've talked with Director Doyle at-length. So that's a whole other issue as to who are they going to call? When the call comes in from the public -- and I think whether it was Lieutenant Morrison or somebody -- people are generally just calling. They call the Police. So I think this is something. I trust that Ken will come up with the right words. But I think the training's there. I think the resources are there. It's just changing the culture to better integrate with Law Enforcement. And I don't want to speak for Ken. But I do think we need more time on this, as Julian said, because it's very important.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. With that being said, the plan would be we will make these changes to the section. We will get those back out to you. We will work on the last section, finalize it tomorrow. We could take a final vote on Friday, before we have John Scippa talking about the certification process and I guess decertification.

We have a glitch in our schedule here. So we are not going to be able to present on Friday on our topics. But Kim is trying to find to have a backup for Friday. So hopefully we can get through these last sections. Thank you. I know today was probably a discussion that we had that got us close to contentious as we have gotten and it really wasn't. So, thank you all for your professionalism. No, I know I have to take votes. I know I have to take votes. I just want to say thank you. Thank you. So, do I have a second? Oh, my screen's gone. Joseph, second?

**MR. LASCAZE:** I seconded myself.

**DEPUTY ATTORNEY GENERAL YOUNG:** Oh, no, Julian went first. Ms. Tshiela?

**MS. TSHIELA:** Yes.

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

**MS. TSHIELA:** Yes.

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

**DIRECTOR NORTON:** Yes, and I want to thank you for your facilitation. It's been excellent today.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, because I have that calendar for you.  
Chief Dennis?

**CHIEF DENNIS:** Yes.

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

**LIEUTENANT MORRISON:** Yes.

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

**JUDGE GARDNER:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** President McKim?

**MR. MCKIM:** Yes.

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

**MR. JOHNSON:** Yes.

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

**DIRECTOR SCIPPA:** (No audible response).

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

**DIRECTOR MALACHI:** Yes, and I appreciate all of my fellow Commissioners for the spirited debate and wonderful conversation we've had today. You guys are awesome.

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

**COMMISSIONER QUINN:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** I vote yes. See you guys in a few hours. Bye.

(Meeting adjourned.)