

## Police Reform in NH

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Portsmouth Police Department

*26 years as a full time, sworn officer in NH. 23 years as an investigator specializing in predatory behavior, victimology, behavioral assessment and motivation, forensic interviewing, crimes against the person, (DV, SA, HT, child exploitation), narcotics. Have worked for 7 police chiefs, one Commander from NHDTF, and many supervisors, have been an undercover & supervisor with NH DTF, member of ICAC task force, Human trafficking TF, and have worked on many multi-jurisdictional investigations involving local, state and federal agencies. Was a long time crisis negotiator with the Seacoast Emergency Response Team. Current member of Granite State Critical Incident Stress Debriefing Team, board member NH Working Dog Foundation, Suicide Survivors Speaker through NAMI, published author, background in abnormal psych having worked as a juvenile social worker/counselor/family assessment specialist. Married to a police chief for “a really long time”. Grew up in Waterbury, Connecticut area.*

***I appreciate the opportunity to address this Commission. I have been fortunate to be a part of one of the most honorable professions, and I am proud of this profession and the many amazing police officers who do this work in NH. I am proud of the partnerships we have among our state, local and federal law enforcement agencies, community leaders and other service agencies in seeking solutions and providing better services to our residents through a multidisciplinary approach. I am also proud to work in a state where communities and residents are so supportive of us, a situation somewhat unique and not always experienced in other states.***

Below are my own thoughts and ideas, independent of my agency, that come from many years of being in the trenches and observing. These are merely from my perspective, but they come from a place of seeing the reality in the good and the bad, and wanting the best for this profession that so many of us have invested so much of ourselves and our families in in trying to serve and protect those on our watch. We enter this profession because we truly want to make the world a better place for others – it is a calling. We want it to be the best that it can be.

I respectfully and humbly submit the following:

1. **Have we defined the problem?** Are we using “problems” identified in other parts of the country or have we done a deep dive into salient issues pertaining to NH communities, and additionally looking at issues in larger cities as opposed to rural communities? Ie: motor vehicle query and study based off of IMC and other software utilized by county dispatch and sampling of rural and city agencies. A study of use of force forms and reports from various agencies across the state? A study of a sample of citizen complaints and IA’s (internal investigations) done by various agencies (subject matter & outcome)? Think globally but act locally with perspective.
2. **Have we actually assessed what policies departments have in NH re: Response to Resistance?** Ie: Portsmouth, as well as many other agencies, has a very specific policy with built in assessment and review. Is there a standard accepted by NHPS&T, and have all agencies been

audited for their policy and adherence to that policy as part of this commission making recommendations to the Governor?

3. **After watching the media spiral, I would implore you to prioritize educating the public and all of these people from other professions who are underestimating who their local cops are.** There is this public perception that we all barely graduated from high school and only know how to arrest, escalate situations and shoot people. This could not be farther from the truth. With regard to community policing, we were doing it before it became a catch phrase.

NH's first DARE officer and SRO was Kevin Semprini from Portsmouth. The kids LOVED him. The locals LOVED him. He could have been put on the ballot for mayor and not even campaigned, and he would have won. He did DARE classes in uniform, but as the SRO of PHS, you'd find him in a turtleneck sweater, pleated pants, dress shoes and wearing the badge and gun in an inconspicuous manner. Kids knew he was a police officer, and they trusted and respected him. The staff trusted him. Those of us who followed in his footsteps learned from him. We have built a relationship with our schools and are treated as a professional in the building like a teacher or counselor. We attend staff meetings, meet regarding problems with kids, are part of a team intervention approach. We make "arrest" /intervention plans with the admin and do not arrest kids in the middle of the hallway unless it was a violent safety issue. Those almost never occur. In Portsmouth, the PD initiated the concept of "wrap around" meetings involving mental health and DCYF, the school, juvenile probation and housing in order to holistically address issues, more often than not, that began as abuse/neglect issues. Kids would return to disclose to the SRO and later on as adults, go back that SRO as a trusted LEO for a different issue. We were trained to integrate into the schools. This is more common than not in NH. The idea that officers in schools are there as unyielding authority figures to merely arrest and enforce rules is ridiculous. We also facilitated the first Child Advocacy Center as a pilot program in NH, and we started the NH ICAC Task Force. There are so many other initiatives done in cities and towns where police departments work with their community leaders, residents and other agencies in order to make a difference. Drug abuse, suicide, homelessness, elderly issues, police athletic leagues, and other programs that raise awareness and funds such as food banks, Special Olympics, and ChaD, to name just a few. Even in high risk situations, such as barricaded subject calls, we collaborate. Our tactical teams all have trained and experienced negotiation teams, many who consult directly with mental health professionals on scene and who are a part of the team.

**With regard to mental health issues,** yes we are expected to deal with crises that were less common 25 years ago. But the public believing that we are not trained or capable, and that a social worker or MH worker is more qualified, is simply not accurate. We get the calls to deal with the patient at the emergency room, or the behavioral unit, or at the local mental health agency bc they cannot handle the out of control client/patient. We transport for the IEA only to have the subject cleared and released with no intervention just hours later. We handle calls involving the same people over and over, people who already have caseworkers & clinicians. We deal with emergencies and crisis in the field every single day, and we are good at it. The social worker, mental health worker or even psychologist might have education but little or no

experience “in the wild” - they do most of their work in the four walls of an office, seeing a client for 60 minutes. We see the holistic, unplugged person in their natural habitat. We de-escalate every day. We package up the mess for the professional to handle or de-escalate it so they can handle it. They are not equipped for the fluid and dynamic incidents where a motor vehicle stop becomes a shooting or the domestic violence call where the victim turns on the officer, or the drunk person in the square who seems harmless and then pulls out a knife. We are like EMT’s and paramedics who handle the emergency, stop the bleeding, package up the patient and deliver the controlled, neat package to the next step. Our dispatchers have degrees and advanced degrees and handle people in crisis on the phones daily, capably being able to de-escalate with compassion, experience and professionalism.

We are well educated, often coming from other careers. I work with officers who have master’s degrees, law degrees, who have already worked as social workers, lawyers, counselors, nurses, teachers, musicians, artists, care givers for family members with mental health or substance issues, who are working on doctoral degrees...Most have a bachelor’s degree, and those who don’t are often chipping away at the degree while working. Many have served the military in combat and have experienced the traumas that lead to PTSD and mental health issues. Just like everyone else, we all have family issues and have seen adversity in different ways. **I am proud to work with some of the most creative and abstract thinkers who are amazing problem solvers.** I find it offensive that our experiences, capabilities, education and backgrounds are so underestimated. This is not just in larger communities, but in small towns as well. We learn hands on, trial by fire, in a dynamic and fluid situation, out in the open and can only rely on ourselves and each other. It is very common to work with social workers, case workers, counselors and other intervention professionals in the trenches who have far less experience and education than the seasoned cop. Those intervention professionals with more experience and education are often in admin roles and not in the field. Schools, social workers, case workers and MH professionals call us to go with them to clients who might pose a threat or be agitated.

Support us, give us resources, give us options, but do NOT assume we are less capable. We quietly de-escalate situations every day in every community, successfully resolve potentially dangerous situations every day, and successfully problem solve the smaller “stuff” for our residents every day - without fanfare and without anyone getting hurt or mistreated in the process.

4. **LE has more policies and rules and regulations than most other professions.** There is a policy, rule or reg for almost anything - and catch-alls for the undefined issue. If there is motivation to do so, an administration can absolutely discipline an officer for anything. With good reason and for no good reason. Often times the less serious policies or rules garner the write ups, where the more serious things might be overlooked or not addressed, possibly dependent upon who the actor is or bc those in a position to handle it do not have the ability to do so. There is also an unfettered ability to enforce inconsistently and unfairly, or to cherry pick dependent upon the person in question or the situation. **CALEA and policies:** Calea seems to be the psychological feel good measure...”we are accredited” is assumed to be the magic pixie dust of automatic adherence and stellar behavior - my agency always had very specific policies, as well

as the requirement to adhere to NH State law, prior to CALEA - policies and laws mean nothing if not adhered to or not enforced consistently. The greatest issues that have been a black eye to my agency have not been at the hands of non-ranking personnel - it has predominantly been at the hands of ranking officers, including high ranking officers.

5. **Funds cut for NHPS&T mean fewer training courses that are at an advanced level.** There is no consistent training program for supervisors or new chiefs that is mandatory. There are chiefs in this state who served as patrol officers and had no other specialized or supervisory experience. There are agencies where officers are left without supervision or have supervisors who have minimal experience. We rise to the level of our own incompetence. Or to the level of our trainer's or supervisor's incompetence. We are leaving decisions regarding safety, liability and potentially life altering issues in the hands of people who are often well meaning but have not had any mentoring, training or oversight. An individual can run for Sheriff of a county with no LE experience and no supervisory or admin experience. We need to develop a program - FTO - for supervisors and police chiefs. Larger agencies generally have this covered if their policy is to promote those who have been well rounded in an environment with solid institutional knowledge. This was the norm when I started - you were not promoted unless you had become a detective, had worked juvenile services, and had a working understanding of the criminal code, investigations and prosecution issues, as well as having served on special teams or involved in special endeavors with the agency. You were trained and supervised by those who knew the job in and out. You were not promoted into a position where you had no experience. We have a generation of individuals who are looking to move up the ladder, make rank and continue to look for the next job as opposed to becoming competent and invested in the one they currently have. Institutional knowledge is no longer a given. Exploring some type of standard program approved by PS&TC for front line supervision, liability and risk assessment and prosecution should be mandatory - if a larger agency has such a program, they could be signed off if their program met the standard of PS&TC. We also have the issue of smaller communities putting a large investment in officers only to lose them to larger agencies who can offer higher pay or more overtime. Currently we have many leaving the profession altogether, but we also have many jumping from one agency to another. This leaves smaller agencies at a disadvantage, not only for non-ranking positions but also when supervisory positions are open but there is no one qualified to be promoted into that position.
6. **Support for LE and addressing vicarious trauma.** LE sorely lacks still in this arena. It is left to the discretion of the agency admin. Some chiefs are fantastic, and others are horrendous, taking the attitude that if you can't handle it, you're soft. Some officers handle a horrific call and are sent back out on patrol like nothing has happened, where other agencies have wonderful programs and policies in place. Years of responding to awful calls or dealing with people who do not want to interact with you or hate you takes its toll. This can lead to substance abuse, DV, excessive force and discipline problems. Sometimes it leads to suicide. It should not be taboo for officers to seek assistance or for an agency to have a procedure to check in with officers or to call out the state CISD team.

7. **Suicide: cop suicide is becoming an epidemic.** And we are doing little about it.
  
8. **Laurie/EES-** should not be left up to a police chief or one agency head to determine - if an IA is substantiated and the issue could fit into the criteria listed to be on the list, it should be mandatory for the chief to confer with the county attorney and the CA makes the determination based upon standards as outlined by the AG's Office. Many agencies have policies that if you are on the Laurie list, you can no longer work in LE. A chief could absolutely withhold a serious credibility issue from disclosure to CA. Conversely, a chief could erroneously make the determination to place someone on that list when the issue does not meet the criteria. There is no due process, and an officer might not even be aware that they are on a list.

**Additionally re: Laurie, PS&TC should maintain the entire list broken down into three sections: active certified officers currently employed, inactive but certified officers and decertified/retired officers.** The current list contains names of individuals who are no longer working or certified, and yet the public believes that these individuals are actively working in communities. It would lend to more confidence in local agencies if the public realized that many communities do not have active officers on the Laurie list. If an individual were to apply to an agency following a break in service, an agency, as part of the background, should be making an inquiry of PS&TC to see if candidate is on the list in one of the inactive categories.

9. **Agencies are still potentially able to dump their baggage on other agencies.**

Agencies used to offer the choice of resigning in lieu of termination, a practice that occurs in many professions. If the internal investigation appeared as though it would not pan out well for an officer, the officer would be advised of such, and if the officer resigned and left the agency employ, the internal investigation would cease without a formal disposition, even though the agency may have had enough information to make the determination. The agency would then offer to write a recommendation for that employee so they could apply to other agencies. This candidate can apply with other agencies and not be truthful during the hiring process and or oral boards, essentially with the former Chief's blessing. This individual could very well be hired by another agency and ultimately end up in a position of authority in an agency, and this realistically had occurred over the years. In NH, the agency is now obligated to notify PS&TC if an officer is given the choice of resigning in lieu of termination, however the responsibility and duty is on the Chief of the agency to adhere this practice, with PS&TC trusting the agency admin to do so.

Agencies do this sometimes to avoid a wrongful termination lawsuit or to make the problem go away easily. Sometimes this is done as a coercive measure as well. Either way, an agency is obligated to notify PS&TC of this scenario, however there is no guarantee this is always occurring. This passes liability onto other agencies and communities and is malfeasance at the hands of the administration who does so. It perpetuates and enables behavioral issues in individuals who should not wear the badge. It is also a credibility issue and EES issue for the chief or administrator who is not truthful about the circumstances regarding separation from

employment, no different than it is if training records or hiring paperwork is not presented truthfully.

**Questions that should be mandatory on all NH LE applications:**

- 1. Have you ever resigned in lieu of termination (for any reason)? - the issue might not rise to the level of being disqualified from another agency's process, however it starts the conversation regarding what the circumstances were, and it also becomes a question for the polygraph.**
- 2. Have you ever been disciplined in any way for an infraction that would meet the criteria for being on the Laurie list or being Giglio material?**

ANY agency found to have not completed accurate and honest notification to PS&TC regarding the separation of employment of an employee should be held accountable.

**11. Have we looked at the correlation between predatory behaviors that come up in LE?**

Excessive force, discrimination, sexual harassment/discrimination, domestic violence and often substance issues (alcohol or script/illicit drugs) are interconnected. They do not suddenly arise. The tendency for predatory behavior is there early on. Those who have multiple issues with excessive force more than likely have tendencies toward DV, substance abuse, & sexual harassment/discrimination. If DV comes up with a LEO, it is likely that there are other indicators in job performance that will suggest unchecked predatory tendencies. If this remains unchecked, this individual and the behavior move up the chain of command and can ultimately end up in a supervisory position or in upper command staff, which can have huge ramifications on an entire agency and its community.

**12. Criminal investigations.** The AG's Office no longer handles public integrity investigations involving public officials. These cases have been kicked back to county attorney's offices since approximately spring of 2019. This is a huge issue with regard to allegations against officers. This means that investigations are being handled potentially differently in every county. Some cases are passed off to the sheriff's office and the county attorney has no idea. The sheriff's office just assigns the investigation - potentially to a deputy who has no experience in the area of the nature of the allegation. There are no standards and no checks and balances. Because of conflict of interest, these investigations are farmed out from the county attorney or sheriff's office of jurisdiction to a different county. It is not cost effective, and it is inconsistent. The same case and fact pattern could be randomly assigned out to several county attorney's offices and a couple of different sheriff's offices, and every investigation would be done differently, potentially having a different outcome. There is no central clearing house for such cases. I am aware of several cases with allegations of domestic violence or allegation of criminal behavior involving officers, one of which the county attorney's office was initially unaware at the time. If a restraining order is filed against an officer and there is an inkling of suicidal ideation or threat alleged in an affidavit in the scenario, the chief of the community will know his/her officer is the subject of such serious allegations, and the county attorney should be immediately notified as oversight. The decision made between that chief and CA as to the course of action should be to place the officer in question on administrative leave pending an investigation.

This protects the reporting party, the agency, the officer and the community pending a thorough and unbiased investigation.

**An investigation is important for two reasons: for the victim and the accused officer, who might actually be the victim.** We follow the evidence and fact wherever it leads - it might not go where we want, but it is our obligation to flush it out. If the officer has done as alleged, there needs to be accountability. If the officer is innocent, it is just as important to clear him or her, and do so in a transparent, consistent, best practice manner. This is no different than if the alleged suspect is a citizen. We are obligated and have the responsibility to find the fact based upon the NH statute.

In discussing this with other professionals from the LE community and related fields, I believe that there should be one unit, housed at the AG's Office, consisting of an investigative team including a prosecutor, to handle all allegations of criminal behavior by officers. This unit should be insulated from politics and from rotating personnel in and out of it. It could be by appointment for a 4 year term, with those in that unit being highly trained and experienced in all aspects of criminal investigations of complex felony level offenses. In cases where there is a serious crime alleged, the IA should be handled by an independent team, separate from the criminal unit. Public confidence will be found in an independent investigation conducted by specialized professionals that clears an officer, regardless if the agency is completely capable of handling the investigation. This is about public perception. Potentially, the IA could be handled through PS&TC. If the allegation is not criminal but might be a serious ethical issue, that AG's team could do those as well. I am not at all suggesting that agencies lose autonomy handling routine internal investigations, as anyone can make a complaint of any kind, and they do, with the issues being often extremely minor or even erroneous. However, there should be some guidelines and standards regarding allegations that go directly to the officer's and agency's ability to handle their duty to protect and serve a community.

**13. Accountability for upper admin/Chiefs/higher ranking officers** - this is completely overlooked. There is not a truly realistic avenue for a complaint to be lodged against a higher ranking officer, including a Captain, Major, Director, Commander, Chief, etc. Retaliation is unfortunately a reality within some agencies, and those within and the public fear it. Certainly anyone can file a complaint that has no merit or is deliberately erroneous, and we know that this happens. Anyone can file a complaint against an officer. There is an avenue for this to be handled within an agency. Supervisors and admin can initiate IA's involving non-ranking for any reason. There is no independent vehicle for an individual to file a complaint against a supervisor or higher ranking official within their agency. In addition to fear of retaliation, there is inconsistency. We can point to a situation where higher ranking officers were well aware of unethical and illegal actions alleged among their peers and said nothing - it was out of their circle of concern or they were afraid it would ruin their careers. While I subscribe to the theory that you do not deserve to move up the food chain if you do not have the guts to stand up and call something out as wrong or illegal within your agency, that is not always the prevailing sentiment. Blind loyalty brings rewards - overtime, positions, promotions, while standing up results in backlash. ***It is self-survival - it is societal human nature. This is not unique to policing, as it happens in every profession.*** Policies and procedures are enforced with the non-ranking and lower level supervisors, but there is little perceived accountability and checks and balances for upper admin in an agency. An agency looks to its leadership for the

example to emulate - the example flows down the chain of command, not up it. A problem in the trenches is indicative in a problem higher up the chain of command.

Citizen oversight is not the answer, while as well-meaning as people are, there need to be individuals with legitimate experience and understanding of the profession - and not merely a “paper tiger” who has a pretty resume but has no substance in that resume. Additionally, citizen oversight should be connected to municipal human resources and not be operating in a vacuum with no oversight or support themselves. As with any complaint or allegation, everyone involved deserves due process and a fair and unbiased investigation seeking facts. This goes for reporting party and the accused. It is just as important to clear the innocent as it is to find evidence proving the alleged wrongdoing, no different than how we handle investigations involving citizens in our communities.

**14. Recruiting.** The standards are stringent. Many cannot get through the background and polygraph, and law enforcement agencies cut candidates routinely. The public is often unaware that we have physical agility, written tests, oral boards, assessment centers, in depth background investigations, medical evaluations, drug testing, psychological testing, a psychiatric assessment and a polygraph. It is difficult to find recruits who can get through the process. It is even more difficult to find candidates willing to work crazy hours, horrible shifts, responding to dangerous and stressful situations, missing holidays and family events, missing kids’ games and school events, in a field with often little support and horrible pay, especially in small communities, although larger communities are not immune to this. Those candidates are going to go to the agencies who can pay, who might offer further education and advancement and who are often not in NH.

And then, especially in this climate – good officers are leaving the field in high numbers as a result of the entire profession being unfairly targeted, criticized, villainized and even victimized, by a nationwide knee-jerk reaction to a situation created by a few who should not wear a badge. Why would anyone want to *stay* in this field right now in an environment of negativity and automatic assumption that police officers are the problem – society is taking no responsibility, and this is being rampantly enabled and encouraged. Why would anyone want to *enter* this field right now?

**15. Continuing education in key areas: this costs money.** Taxpayers want well-trained officers, however the reality is that agencies cannot afford to train all officers in the many areas that are needed or to offer refresher training of subjects involving perishable skills and knowledge. Hot topics du jour become the salient trainings, and grant monies used to be available for those topics. Agencies would then train officers when grant funding or hot topics dictated the schedule. We are moving away from refreshing the “basics” - often times those basics are the most dangerous calls or the calls where there is the most liability. Training an entire agency is neither easy nor simple. However, making certain that supervisors are well trained, well rounded and experienced in these important areas allows for training and mentorship in roll call and on the street. There should be several areas of training regarding common calls and issues that should be mandatory for all agencies to provide for all personnel in addition to Response to Resistance and the mandatory 8 hours of additional education/training in any area. There are creative ways that knowledge can be passed on, refreshed and instituted in any agency, and that might be an opportunity to work with other LE agencies, county



attorney's offices or professionals in the community. Ultimately, PS&TC needs the funding to set and maintain standards and provide the training and guidance that is necessary.

**16. Deadly Force simunitions/simulator/shoot-don't shoot scenario training:** anyone in a position to recommend, implement, legislate reform or change in the manner in which NH Law Enforcement functions should absolutely go through this training first. It is eye opening & will give you a new perspective that is imperative in order to effect substantive change.

Thank you for your time and for allowing me the opportunity to share my opinion about how to make the profession I love even better than it already is here in NH.

Respectfully,

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