



**New Hampshire Commission of Law Enforcement
Accountability, Community, and Transparency**
Remote Commission Meeting via Teleconference
Friday, August 28, 2020 at 1:00 p.m.

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: Maria Eklund, *Operations Program Assistant II, State of New Hampshire, Homeland Security & Emergency Management*; Kim Schmidt, *Legal Research Assistant, New Hampshire Department of Justice*; Nicole Clay, *Assistant Attorney General, New Hampshire Department of Justice*; Tracey Reel; and Linda Wojas.

MS. EKLUND: Now recording.

DEPUTY ATTORNEY GENERAL YOUNG: Good afternoon. This meeting is being audio-recorded. I am Deputy Attorney General Jane Young. And pursuant to Executive Order 2020-11, I am serving as the Attorney General's Designee on this Commission.

This afternoon's 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 themselves by name, where they are currently located, and who, if anyone, is with them. I will start. Today, I am Jane Young. I am at the Attorney General's Office with Kim Schmidt, Nicole Clay, and in for Annie Gagne today is Tracey. So, thank you for joining me. I will take the call. Is -- yeah, hi, Commissioner Tshiela. Good afternoon.

MS. TSHIELA: Good afternoon. I am at my residence in Durham, New Hampshire. And there are people in the home with me, but not in the room with me.

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

CHIEF EDWARDS: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Is Chief Edwards not on yet? He may still be traveling.

DIRECTOR MALACHI: He's back in New Hampshire. And I'm sure he'll be on any moment.

DEPUTY ATTORNEY GENERAL YOUNG: Wow, that's whirlwind in a week.

DIRECTOR MALACHI: Oh my, gosh. Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, that's a lot of traveling. Attorney Jefferson, are you with us yet?

ATTORNEY JEFFERSON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: No. Good afternoon, Commissioner Lascaze. How are you?

MR. LASCAZE: Good afternoon, everyone. How are you doing? I am Joseph Lascaze. I am located at our Concord office. There is, I believe, one person in the building, but there's no one here in this room with me.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Norton, are you on yet?

DIRECTOR NORTON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: No. Lieutenant Morrison, good afternoon.

LIEUTENANT MORRISON: Good afternoon, Deputy Young. Good afternoon, fellow Commission Members. Mark Morrison on behalf of the New Hampshire Police Association; and, as always, I am located at the Londonderry Police Department. And I am alone in my conference room.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. Judge Gardner, I -- as Commissioner Johnson would say, you are a ghost against today.

JUDGE GARDNER: I know. I don't know what (inaudible) the problem. Okay. So, Sawako Gardner, I'm in Rye, New Hampshire. There are other people in the house but they're not in the room.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. President McKim, good afternoon.

MR. MCKIM: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: He may be just signing in. We will come back. Chairman Johnson, good afternoon.

MR. MCKIM: Good afternoon.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, James, is that you?

MR. MCKIM: It is.

DEPUTY ATTORNEY GENERAL YOUNG: Hello. How are you?

MR. MCKIM: Hello. I'm well. Thank you, Deputy. This is James McKim, President of the Manchester branch of the NAACP. I am in my home office in Goffstown and I am alone in the room.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Good afternoon, Chairman Johnson.

MR. JOHNSON: Good afternoon, Attorney General Young. I am Rogers Johnson. I am Chair of the Governor's Advisory Council on Diversity and Inclusion. I am in my home office here in Stratham. There are people in the house, but there's nobody in this room but me.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

MR. JOHNSON: You're welcome.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa, do I not see him on? Where is he? Oh, there you are.

DIRECTOR SCIPPA: Good afternoon, Deputy General. And good afternoon, Commission Members. This is John Scippa, Police Standards and Training. I'm in my office at the Police Academy at 17 Institute Drive in Concord and I am alone.

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

DIRECTOR MALACHI: Good afternoon, Deputy Attorney General Young. It is so great to see everyone's beautiful face today. And those that haven't joined us, I know we will see them soon. So, yay. Fri-yay, everyone.

DEPUTY ATTORNEY GENERAL YOUNG: Yay.

DIRECTOR MALACHI: We have made it. Oh my, gosh. Ahni Malachi, representing the Commission for Human Rights, and I am in my room alone in my home in Penacook.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Good afternoon, Commissioner Quinn.

COMMISSIONER QUINN: Good afternoon, Deputy Young and fellow Commission Members. Robert Quinn, Department of Safety, I'm at my office, 33 Hazen Drive in Concord. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Edwards, you've joined us now?

CHIEF EDWARDS: Good afternoon, Deputy Young and fellow Commission Members. I am at my home in Dover, New Hampshire.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. While we can hear you, you don't have your video on.

CHIEF EDWARDS: Yes, I'm trying to get that to come up.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

CHIEF EDWARDS: It appears someone's been working my computer room. Get my camera back on.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Well, you fix that. Welcome back home.

CHIEF EDWARDS: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: And Julian is not with us yet. Is that correct? So, we will let him weigh in when he joins us. And for the record, I was doing multiple things here. Oh, Chief?

CHIEF DENNIS: You missed me.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, how could I do that?

CHIEF DENNIS: I don't know. Good afternoon, Deputy General Young and fellow Commission Members. Charlie Dennis, representing the New Hampshire Chiefs of Police, I'm located at the Hanover Police Department in my office. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. And also with me, I should have noted for the record. I was doing multiple things. Tracey Reel is with us from the Attorney General's Office. Good afternoon, Attorney Jefferson. Welcome.

ATTORNEY JEFFERSON: Good afternoon, Deputy Young. I am in my office in Manchester and I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. I think that I have now captured everyone. So the next order of business would be to approve the Meeting Minutes from yesterday's meeting, which is August 27th. Has everybody had any opportunity to read those Minutes?

(No audible response)

DEPUTY ATTORNEY GENERAL YOUNG: Any questions or comments on the Minutes?

(No audible response)

DEPUTY ATTORNEY GENERAL YOUNG: Anybody would like to move to approve the Minutes? Judge Gardner, do you move to approve them?

JUDGE GARDNER: I will move to approve the Minutes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. And I have a second from Ahni. I vote yes, as well. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chairman Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: I'm going to abstain, since I missed over two hours yesterday.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you very much. Director Norton?

DIRECTOR NORTON: (No audible response).

MS. EKLUND: Director Norton's not joined the meeting yet.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Commissioner Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Oh, he's gone. Commissioner Tshiela?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: So, I -- we will try to get Chief Edwards back on. So we have a couple of orders of business. Although he's not on, Commissioner Norton just sent an email that he would like to propose that there be further discussion. I guess I'm going to wait until he gets on. I'm having sort of a hard time. I think he wants to have a few minutes to discuss his topic yesterday regarding use of force. So, when he comes back on, we will let him do that.

We made edits to Section III. And those edits were we did not capture all the public recommendations. So we have added those as 22 through 30. Have the Commission Members have an opportunity to read those?

DIRECTOR MALACHI: A quick question, Deputy Young.

DEPUTY ATTORNEY GENERAL YOUNG: Go ahead.

DIRECTOR MALACHI: Were those emailed or were they on the website? I read a bunch of stuff and I don't remember.

DEPUTY ATTORNEY GENERAL YOUNG: We would have sent those to you. They'd also be on the website. So they'd be in both places. But I believe that we sent them to you.

DIRECTOR MALACHI: Okay, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi, we will pop them up. One public member also wrote in that they didn't think that we captured their positioning language correctly. So we have just made a change. So these are just the public recommendations that we list.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a Motion to Move Numbers 22 through 30 in, as written?

DIRECTOR MALACHI: I'm sorry. These are public comments that are being added in the public comment section?

DEPUTY ATTORNEY GENERAL YOUNG: Correct. Some of them, Ahni, came in after. So, I think that we got comments from Detective Bernier. 22 was Attorney Ober and perhaps Captain -- these are Captain Bodanza's. So, these came in after we put the list together. So these are simply comments that were written materials that came in from the public. Judge Gardner, you have your hand up?

JUDGE GARDNER: Yes, I would move to include these into the public comments.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. I would second that. I'll take a vote. Commissioner Tshiela?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Pass him. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Do we have Director Norton on yet? Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chairman 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: Maria, are you able to get Chief Edwards on for us?

MS. EKLUND: So I'm messaging him now. The most I can do at the moment is manually unmute him. If you'd like, I can do that and see if it helps at all.

DEPUTY ATTORNEY GENERAL YOUNG: Sure.

MS. EKLUND: All right. He's been unmuted.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards, can you hear me?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: We took a vote on the Minutes from yesterday. Were you able to review them? And are you able to vote?

CHIEF EDWARDS: Yes and I vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. And on Section III, the reporting misconduct section, we added numbers 22 through 30, which are (inaudible) public comments. We took a vote on those. Are you able to accept those?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. And Fallon, is Director Norton on? Oh, sorry, Maria.

MS. EKLUND: It's okay. I do not see him as having joined yet.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So we will then go to any public members that may be on the line. I would remind public members that they have three minutes to present their comments. And comments will be limited to other subject matters not already discussed by the Commission Members. So we are not going to go back and discuss the other areas. These are just areas that have not been previously discussed. After their three minutes, the Commission Members then have an opportunity to ask questions.

MS. EKLUND: Okay. For those of you using a computer, on the bottom-right of your Attendee List, there's a little hand icon. Please click that icon and it will raise your hand in the system. For those of you calling in via phone, please select *3 on your phone, so we can identify your line.

Okay. So it looks like our first comment is from a phone line. And just one moment. I will unmute your line. Once unmuted, please state your name for the record. Please go ahead. Your line has been unmuted, caller.

MS. WOJAS: Yes, can you hear me?

DEPUTY ATTORNEY GENERAL YOUNG: We can. Good afternoon.

MS. WOJAS: Good afternoon. Thank you. I'll be very brief. My name is Linda Wojas. I listened for three hours on July 16th with my hand raised. I was not heard. I, then, addressed my request in print to Director Malachi.

I requested that she make a public apology for her public denigration of Officer Pivero's testimony, which was polite and accurate. We must respect and, if need be, disagree in a civil manner. And this was uncalled for on your part, Director Malachi.

Your brash statements calling his testimony diatribe was made in a public forum. And therefore, your apology should be made there, as well. If you've made that apology, I thank you. And if not, why not? Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Maria, do we have any other callers?

MS. WOJAS: You're welcome.

MS. EKLUND: I apologize. Could you repeat that?

DEPUTY ATTORNEY GENERAL YOUNG: Yes, Maria. Do we have any other callers?

MS. EKLUND: All right, one moment. Let me see. I do not see any additional callers at the moment.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So this will conclude the public testimony. So, Commission Members, as I indicated, it appears that Commissioner Norton would like to address a recommendation from yesterday. But he is not on the line, but did send me an email at 1:04.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: So it looks like, Director Scippa and Attorney Jefferson, he may have reached out to you. Am I correct?

ATTORNEY JEFFERSON: Yes, he did reach out to me.

DIRECTOR SCIPPA: And to me, as well.

DEPUTY ATTORNEY GENERAL YOUNG: Is he expected to be here today?

DIRECTOR SCIPPA: It's my understanding that he was going to be here today. I know that he and I spoke at-length relative to some of the recommendations that he had put forth in front of the Commission yesterday. I'm going to shoot him a quick text, just to see if he's all set.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Commissioner Johnson?

MR. JOHNSON: Yes, Deputy Attorney General Young. Is this a recommendation that we did -- that we voted on yesterday?

DEPUTY ATTORNEY GENERAL YOUNG: Yes, we voted on it yesterday. But I think that the Commissioner has some concerns as to the way the vote was taken. So I don't want to speak with [sic] him. I literally got an email as this meeting was started. So I wanted to give him an opportunity to discuss it with the other Commission Members.

MR. JOHNSON: Well, since this is an item that's been voted on, in order to actually bring this issue up, we have to reconsider our vote. If he voted in the affirmative, meaning to confirm this, then he can ask for reconsideration. If he voted in the negative, then he cannot. So, in order to really bring this up, we have to reconsider that Motion. That's just being technical. If you don't want to do it that way, it doesn't matter.

DEPUTY ATTORNEY GENERAL YOUNG: No, I understand the technicality. But I also want to make sure that everybody has had sort of their opportunity to be heard. So we're a little bit ahead of scheduled today. So, hopefully he will join us and we could sort that out.

So, yesterday, we voted on recommendations through six. And then, there were emails later. I think that there were two additional recommendations that we will put up. One was to encourage the Legislature to allocate appropriate funding for the recommendations and services adopted as a result of this Commission. So we're going to put those up.

And then, eight, there was some question about extending this Commission at least to assist with the implementation of any recommendation, as needed. So, if somebody would like to have discussion about number 7, not to move it forward? Any discussion, raise your hand, please.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze, followed by Attorney Jefferson, and then Lieutenant Morrison. Joseph, the floor is yours.

MR. LASCAZE: Thank you, Deputy Young. On this recommendation, I think that, during the -- considering the fact that we're going through a COVID-19 crisis right now, the ACLU strongly feels that we should focus on reallocating sources here possible to support the recommendations, instead of having the New Hampshire public have to pay and foot, as the primary focus. So, I just wanted to flag that, that we are uncomfortable with this, as written.

DEPUTY ATTORNEY GENERAL YOUNG: So, Joseph, you'd like it to reach strongly encourage the Legislature to allocate appropriate funding where possible, or where possible to allocate?

MR. LASCAZE: Well, that's fine, except that it seems too broad in a sense that -- seems too broad in the sense of what's being talked about here. It's open-ended. And I think that reallocate would be a better way of wording it in the sense of what is there to go -- obviously, things will require funding. But what is there to possibly looked [sic] at that could support this should be the focus, instead of New Hampshire taxpayer.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: So, I would be fine with allocate or reallocate. I think there can't be an assumption that we just will be able to reallocate existing funding. I think there's been a lot of discussion that additional funding for specifically New Hampshire Police Standards and Training will be necessary for some of the recommendations that we propose, as well as some potential services.

So I would say allocate or reallocate. I think both would need to be there. And I'm fine with this recommendation. I think the ending of the sentence is -- would need some wordsmithing, or maybe just, as a result of this Commission, that language at the end seems to be odd to me. So I would just maybe suggest either just taking that off or wordsmithing it a little bit. But in general, I'm completely fine with this recommendation. Thank you.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Thank you. I think the constant refrain that we've heard throughout the testimony from our inception is the lack of funding that we have, to include funding taken away from the Police Academy to balance State budgets and things like that. And although I agree with Attorney Jefferson on sort of the end of this, the wording of it, I would not support the reallocation addition, as explained.

I think wording that we might be able to use -- and I'm just scratching it out -- would be to strongly encourage the Legislature to allocate appropriate funding in consideration of the recommendations made by the Commission, or something to that effect. That would sort of capture the stark reality that these changes are going to result in a need for increased funding. And I think that would be my best guess, as far as to how that might be worded.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Lieutenant. Judge Gardner?

JUDGE GARDNER: Yes, I would agree with Lieutenant Morrison. So, I wasn't sure how we should put something in, in the beginning, something about in order to achieve the goals of equality and fair (inaudible) strongly encourage. And then, allocate appropriate funding to implement and sustain the recommendations.

So, the concern is that it might be funded for a year. But then, the next few years, there's no money for the training that we have recommended or any of the other changes that we have recommended. So I just put that out as a possible amendment or addition to the language that's already up there. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Your Honor. Commissioner Malachi?

DIRECTOR MALACHI: Thank you, Deputy Young. Yeah, I'm on the same page with everyone. And I understand Commissioner Lascaze's position. COVID has wreaked havoc on a lot of people in a variety of ways, saddest of which is loss of life. And I absolutely understand the position.

The other piece of it is that specifically Standards and Training has been woefully underfunded. So there's not really -- I mean, he -- there's a struggle to do the things that need to be done. And then, we -- there are great ideas that we've put forth that should be taken up. And I'm sure that Director Scippa and the Council will take them up. However, having additional funding is going to be crucial in making sure that these things take place and that they are consistent, and that they are done in excellence. So, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. Commissioner Lascaze?

MR. LASCAZE: Thank you. I hear everything that's being said. And I will just say that, on this, in particular, when it comes to -- well, one thing that I had said was of specifics, when it came to this before, when this came up previously. And if it was specific to Police Standards and Training Council, that's different than having an open, broad budget here, as this seems to suggest. And that's how we're looking at it.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Tshiela followed by Chairman Johnson, and then I will see if anybody wants to move this forward.

MS. TSHIELA: I agree with Joseph. I expressed concerns about this early on, and we expressed how we wanted it to be very specific. And I think it being, like Joseph said, specific to Police Standards and Training is different. And I just do not feel comfortable touching this knowing that it could essentially be used to essentially demand other things that I just don't agree with and I don't think will be helpful. I'm just not comfortable with it. And regardless of whether or not this goes through, I just wanted that on record. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. Rogers?

MR. JOHNSON: Thank you, Deputy Attorney General. I don't know if anyone has ever been a part of this process. But I have been. I can honestly say that the House Finance Committee does this every budget cycle. They allocate or reallocate funds depending upon their impression of what needs to be done. And this goes on, regardless of what we say, when we say it, or how we say it.

In other words, I could honestly tell you that the Finance Committee does not pay any attention to what people say on the outside. They weigh the facts that are in front of them, based on the recommendations of the Ways and Means Committee about how much money they have to spend. And if

there is a particular need to move money into a specific item, that's what they will do. And it will come from somewhere. So it's going to be reallocated from somewhere else. That's the reality of how this happens.

So, I'm happy, if you want to put the statement in. But it will not have an effect at all on the Finance Committee. So, if you would like to say this and feel good about yourselves, that's fine. And I'm sorry to be as demonstrative about this. But, I've been there. I've been there during budgets reconsiderations during the summer, on two separate summers, sitting in that building with no air conditioning. This is the way it happens. So if you want to make this statement, please do so. But realize it will have no effect on the Legislature whatsoever. Thank you very much.

MR. LASCAZE: To say this to feel good about myself? Mr. Johnson, I'm saying this not to feel good about myself, because I'm pointing something out. And if what you're saying is true, then, by your logic, then we really don't even need this recommendation in the first place, because they're going to do whatever they're going to do, right?

MR. JOHNSON: That's correct.

MR. LASCAZE: So, then, we don't need this.

MR. JOHNSON: It's up to you. Like I said, if you want to say this, okay. But if you really understand what's going to happen, which I just explained, the statement is completely irrelevant.

DEPUTY ATTORNEY GENERAL YOUNG: So, Rogers, what is the way to get funding for some of these recommendations?

MR. JOHNSON: To go in front of the Finance Committee and lobby for them by giving people examples of what is that we're intending to have happen.

DEPUTY ATTORNEY GENERAL YOUNG: And who would be best to do that, depending on the recommendation?

MR. JOHNSON: If we're talking about Police Standards, that would be Director Scippa. If we're talking about issues relative to the Department of Justice, that would be the Attorney General. If you want to make a strong impression upon the Finance Committee about what it is that we're trying to do, that would be me, someone who's been there before who can articulate what the issues are and have them understand what it is that we're trying to accomplish. It depends on which approach you would like to take.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

MR. JOHNSON: You're welcome.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Just a couple of really quick things, since we're already in the weeds, to point number 7, it would be potentially -- and Rogers will correct me if I'm wrong. But this would be something put into a budget by a Director. And then, when they go and talk about their specific needs, then testimony can be given in writing. Or it can be given in-person to support the request for the funding. And that means we can go and do this on behalf of -- or in conjunction with Director Scippa.

To the other point, for number 7, one of the things -- and I hear your concerns, Joseph and Ronelle. But I think that this, if it were to pass, would also speak to bodycams and car cams, and some of those other items that we have put forth recommendations on. So, those are not Standards and Training items. Those are Police items, or law enforcement items. But there has to still be funding for those things, funding for training, funding for a variety of the things that we've already put forward. So, my understanding is that number 7 would cover some of those things. And I completely understand the concerns that you two have shared that it may not. So, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Thank you, Deputy Young. In thinking about all of our resolutions and reviewing the documents last evening, I was taken back to the original charge for this Commission, which, as we discussed, was making recommendations to the Governor as to what he could do.

And the way I read number 7 is we're recommending that the Governor strongly encourage the Legislature. We're not asking the Legislature. We're asking the Governor to encourage the Legislature. And I think there are many ways that he could encourage the Legislature. So, I think that that was one of the points I wanted to make.

And I guess the other thing I wanted to raise was actually a question to Mr. Lascaze around his desire to make this more specific. And I think it -- Director Malachi actually touched upon this. My sense is this is looking to encourage funding -- appropriate funding for all of the recommendations, as the wording says, it's the recommendations made by this Commission. And in one sense, we should not have to say this. But, in another sense, it is something that we have observed. We've heard testimony on. And I think we need to make a statement about these recommendations around funding.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson? Commissioner Tshiela, and then Ken Norton.

ATTORNEY JEFFERSON: So, I like seven, as it's written. And I would just offer this for support of carrying this. While this Commission was formed by the Governor, it's very clear that this Report is going to the Governor and the Legislature. So we are not only speaking to the Governor. We are also speaking to the Legislature.

And separate and apart of whether we believe the Finance Committee will or will not consider this, I mean, that's an assumption. I think because this is going to the Legislature, I think we need to put this out here. I mean, this is something that we've talked about repeatedly that some of these things are going to require some funding decisions. And in some cases, that may mean allocating new funding. And in some cases, that may mean that we reallocate our priorities of how we spend our money.

So, I think allocate or reallocate gives the -- captures the message, and it also goes to reality of, when you make funding decisions, sometimes you reallocate and sometimes you look for ways to allocate more funds. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Tshiela?

MS. TSHIELA: (Inaudible) my last comment, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Good afternoon, Commissioner Norton. Welcome.

DIRECTOR NORTON: Hi, apologies for being late. Ken Norton, I'm in Penacook, New Hampshire. And I am alone. And I just wanted to re-echo what Commissioner Malachi said, that it's not just the responsibility of Police Standards and Training to advocate for funding. It's all of our responsibility. That some of what we talked about yesterday, working collaboratively as communities, that was specific to mental health and substance use disorders. But I think we have a -- as a Commission, need to be prepared to advocate for what we've recommended and for funding for that, and it shouldn't just fall to PSTC.

And then, I would suggest that we not focus this exclusively on the Legislature and that we strongly encourage the Governor and the Legislature, because the budget process starts with the Governor. And the Governor submits his or her budget to the Legislature. Thanks.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. As number 7 is current -- oh, Commissioner Quinn?

COMMISSIONER QUINN: I can live with this. I think what Judge Gardner said, I think it needs to be frontloaded. In order to increase -- advance Law Enforcement accountability, community -- I think there needs to be something at the beginning.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Give us a minute.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a vote, as written?

ATTORNEY JEFFERSON: I so move.

LIEUTENANT MORRISON: I'll second, Mark.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Lieutenant Morrison is a first. Judge Gardner is a second. 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: Chairman Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes, again.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, sorry. Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Representative Lascaze?

MR. LASCAZE: While I 100% agree with the idea here of what's trying to be done, unfortunately we do not think that an open-ended budget request like this can be put forward. So I'm going to have to vote no on this.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Edwards?

CHIEF EDWARDS: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Did we lose him? Chief Edwards?

CHIEF EDWARDS: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Maria, is he still with us?

MS. EKLUND: It looks like he may have logged out again. It looked like he was having some technical issues, while you guys were speaking previously.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. Commissioner Tshiela?

MS. TSHIELA: I'm not disregarding any of the testimony that we received or any of the comments by the other Commission Members. But I'm here to represent my community. So, with that being said, I have to vote no.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. And the last recommendation, which I believe may have been discussed by some Commission Members and Chief Edwards, but Commissioner Malachi brought this one up last night. So, Ahni, would you like to discuss this one?

DIRECTOR MALACHI: Yes. So, I believe it's been so long, right, so many weeks ago. I think we briefly talked about this. The thought here is that we certainly, in hopes that everyone would want to stay together as a Commission, making that recommendation.

Now, we would not meet in the same compressed time that we've been meeting. But, potentially meet once a quarter, and this would be an opportunity to connect with Director Scippa and the Council, and, of course, Commissioner Quinn. But the recommendations that we've put forth that we've worked so hard to craft, to be able to make sure that those things are moving forward.

And not micromanaging, but working with the Standards and Training Council if there are things that we need to do to help in that, whether it's the presenting testimony in front of the Rules Commission, or going to have a conversation with the Fiscal Committee, or throughout the budgeting process, different ones of us would be able to do that.

But I think that if we stay together, and we can help push these forward -- it's great that we've come together. We've changed our schedules to put these recommendations forward. We've listened to a variety of testimony. But I feel that if we sort of wash our hands of it now, we're halfway done. We haven't completed the mission.

So, I'm appealing to everyone in the hopes that you would want to stay together as a Commission, and we could make this as a recommendation, and have the Governor assist us with that process. And we would meet quarterly. We'd, of course, have to meet and figure out what that looks like. And it could be an evening or something of that nature. And Director Scippa will be buying lunch. So, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. This happens, maybe some day we could actually be all in the same room together. Judge Gardner?

JUDGE GARDNER: So, I thought about this and, Ahni, I think it's a great idea. I think each -- you don't want to say goodbye. But, in any event, one really good point of keeping us together is that the public has one entity to go to, to sort of (inaudible) with whether or not these recommendations are really coming

to fruition. Maybe some don't work. Some others do. Maybe they have new ideas. Maybe new things are happening.

And so, I think it's a great idea. I don't think we need to meet with such frequency or such intensity. So, Commissioner Lascaze, you don't have to worry about eight-hour days. But, it might be something that we should think about. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Seeing no other hands raised, do I have a Motion on number -- Director Scippa?

DIRECTOR SCIPPA: (Inaudible) a Motion...

DEPUTY ATTORNEY GENERAL YOUNG: John, no, John. There's some background there. You're going to have to start over again.

DIRECTOR SCIPPA: I'm sorry. A quick comment and then a Motion; many of the recommendations that will come to PSTC, I'm looking at a lot of faces on this screen that are going to help me accomplish that. And so, to echo the Judge's position and Director Malachi's position, I think this is a wonderful idea. And I would move the Motion -- or move the recommendation, as stated.

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a second on that? Joseph?

MR. MCKIM: Second.

MR. LASCAZE: Yes, I will second that.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. Commissioner Tshiela, how do you vote?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards, I think you are back with us and may be on camera?

CHIEF EDWARDS: I think this will work. I'm on my iPad. Can you hear me and see me?

DEPUTY ATTORNEY GENERAL YOUNG: Let's see. Oh, there you are. Hi.

CHIEF EDWARDS: Okay, yeah. It's working.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah.

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Maybe we will get President McKim back.
Chairman Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Who was the first? Did Ahni move it? Who was the
second? Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: And I vote yes. I know that nobody dared vote no. That
would have been a bad look. Maybe that's why President McKim just fell off the line. So, Ken, I got your
email. So could you just sort of explain what your request is?

DIRECTOR NORTON: Sure; I would like to revisit the recommendation, Number 17, from yesterday. And I thought that the -- that we were kind of rushed and that the vote being fairly close to being split was reflective of an interest in pursuing something relative to this, albeit we couldn't all agree on it.

And I did have a couple conversations. I do have some language to propose. Unfortunately, I wasn't able, from the video, to sort of see the exact language that we had. But I can send some language on now. I apologize. I was late, because that's what I was working on. I thought we were starting at 1:30.

And my thought was to -- as I'm sending this along -- was to establish -- to take out the reference to the -- what was part A, the reference to 627:5, and to look at establishing a Deadly Force Review Panel similar to the existing panels in New Hampshire for child fatality review, for domestic violence fatality review.

These are confidential panels. And it would not be looking at the criminal part of the investigation that the Attorney General's Office looks at, but would be looking to make -- see any patterns or make suggestions relative to training or Policies. And that's what my thinking was. And then, I had separated out the recommendation relative to establishing a program for victims. And I'm sending that along to Nicole and -- right now.

DEPUTY ATTORNEY GENERAL YOUNG: So, we just went back and listened to it. My memory was that, as the vote was as written, just to take a vote, now I believe that the Minutes are wrong, because the Minutes says a Motion to Adopt. So, we have to correct the Minutes. Annie's not here. So we need to correct the Minutes.

But the Motion that was made and the Motion was seconded was simply to take a vote. Somebody wants -- John Scippa, you made the Motion. Attorney Jefferson, you seconded the Motion simply to vote. Am I correct?

DIRECTOR SCIPPA: Yes, ma'am, that is my recollection. That's what I moved.

ATTORNEY JEFFERSON: I agree and that it was as written was the Motion, which seems to suggest to what Director Norton was saying that there seemed to be some consensus but some issues with the drafting of the language. So I am certainly supportive of having a conversation about this.

DEPUTY ATTORNEY GENERAL YOUNG: So, Commissioner Norton, you're going to send us new language. And you're going to ask us if we would consider this current language. So this would be an additional recommendation. Am I correct?

DIRECTOR NORTON: Yeah, I am open to any suggestions that people have. And I did not -- I thought we were voting on the Motion yesterday. And again, I...

DEPUTY ATTORNEY GENERAL YOUNG: We did. We voted on it, as written. It didn't pass.

DIRECTOR NORTON: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: So that's where we were. So if you have new language that you would like to propose today, I will give you an opportunity to do that. I have the discretion and I will allow you to do that.

DIRECTOR NORTON: Okay. So this might be too much detail. But the suggestion was made to be very detailed in what I was proposing. So...

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: So, Ken, I mean, out of the get-go, I don't know. I mean, out of the Attorney General's Office, I have told you. We do not have that skill level to make these determinations. That's not what we do.

DIRECTOR NORTON: But you oversee and administer the other Fatality Review Committees.

DEPUTY ATTORNEY GENERAL YOUNG: Correct, you are correct on that. So I think to maybe make it easier, we will also email this to all Commissioner Members, because it's fairly lengthy.

MR. MCKIM: Deputy Young?

DEPUTY ATTORNEY GENERAL YOUNG: Yes, Chief?

MR. MCKIM: Oh, not Chief. This is James.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, hi, James. Sorry about that.

MR. MCKIM: I don't know. Maybe it's just me, but this is feeling like this is way more complicated than where we had consensus yesterday. It just felt like we had consensus around a Study Commission, or a Study Panel, to study this issue. And it didn't feel like there was a desire to be as explicit as this is to the makeup of that Panel.

I think there was some sense that we would trust that -- I don't know if it was the Governor's Office or the AG's Office would put that study into place, and determine what the best way to do it was. This feels like it's being prescriptive as to what the Panel is and how the Panel should operate. It's feeling too complicated to me. But maybe that's me. I'd love to hear what other Commissioners think.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Yeah, so, I agree with President McKim that, to me, and my take of our conversation was it was really that sticking point, number 1, in Recommendation Number 17, the review of RSA 627:5. And I gave a lot of thought to that yesterday evening. And I see the point. And I actually agree that the Study Commission wouldn't really be formed to find a need to revise the Statute, because, after looking at it more carefully, I agree with Judge Gardner that the Statute, I don't think, is really in need of revision.

I think what the Study Commission would focus on is the use of force continuum, as it applies to deadly force. As we're looking at these incidents that are happening around our nation, way back from Tamir Rice all the way up and to Jacob Blake just this Sunday, what we're seeing and what we're debating in this country, and we should also be debating in the State, is we need to look at that use of force continuum and see if there's ways that can mitigate Officer safety but also enhance the safety of those suspects, and see what a reasonable belief is, or when the justification to use deadly force, if we need to have some more deliberation about that, and see if there's new Policy initiatives, more training on this issue.

So that, to me, I think, is a much better way to see if we can get some consensus is to go back to that recommendation, Number 17, and remove the language about RSA 627:5, and say we need to, as a State, and really primarily Law Enforcement, as a State, really look at this use of force continuum on deadly force, and see if there's revisions that need to be made. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Malachi?

DIRECTOR MALACHI: Not sure; I -- we kind of moved in a slightly different direction. I thought the majority of the consensus was around yesterday's 17C for sure, and that A and B were problematic. Oh, that's all I'll say for now and see what the other Commissioners are thinking regarding reviewing the continuum of force. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: Sure; thank you, Deputy. Thank you, Ken. I think I understand where Ken is going. And these are enacted by -- I think one was a Governor's Order, and then it was followed up, SB-744. There's an Overdose Review Committee. And as Ken said, there's a Child Lethality Review Committee. So, these Committees or Commissions review these fatalities and try and determine if there's any Policy development or practice training thing. What can be done to prevent them?

So, if that is the direction that you're going towards, I think that's a vision. If we're looking for a Committee to review these, understanding that it's separate and distinct from what the Attorney General's Office does, determining if there's any criminal -- any crime that took place. Then, you've got the civil aspect, which is always looming there.

But I go back to where we discussed the other day. And I think I'll let Chief Dennis speak for himself. But I think most of Police Departments have in place right now Policies that require to review. We review all of use of force, including deadly force, to determine, while there might not be any criminal exposure, maybe there was some Policy development. Maybe we've learned. Maybe we can do things better.

So, I understand what Ken's trying to accomplish here. Let's study these incidents after to see if there's anything we can learn. But the question is: is it already being done? And the Members of the Committee, we can only make a recommendation. But I believe the two that I just looked at on my other screen here, they were enacted by the Legislature. So they're Legislative Committees that were formed. And we participated in both of those.

So, this is completely different than what was proposed yesterday. And I understand this. But we've got a lot of detail here. I mean, we are basically putting the Commission together with this recommendation.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. Judge Gardner?

JUDGE GARDNER: Yes, thank you. I think I'm going to need some more time to really analyze each idea. And so, I can't really give a response to this recommendation. I would need more time. And I find that it is a little different than the recommendation from yesterday.

I would agree with Attorney Jefferson that we were close to some sort of consensus on number 3. And number 1, the first part, was not agreeable to everybody, it seemed like. And then, the second part was -- it needed a little tweaking.

And as Commissioner Quinn, admitted, it sounds like each individual Department does their own analysis of the deadly force that was used, regardless of what the Attorney General's Office finds. And so, I understand that a statewide review panel might be helpful, in terms of the Officer training, as well as accountability towards the citizens that were involved. But I guess I wouldn't comment further. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Your Honor. Chief Dennis?

CHIEF DENNIS: Just to follow up a little bit on what Commissioner Quinn -- I heard him say my name. And I missed this discussion yesterday. But certainly Police Departments all across the State do review use of forces.

I can give you an example of my Department. Each use of force, whether you're putting down a injured animals that's injured on the side of the highway, all the way to deadly force, although we haven't had any of those-type incidents, are reviewed on each supervisory level. Ultimately, it's reviewed by the Chief. We also look to see if it's in line with Policy, and was there any violations? At that time, we're also looking to see if any things in our Policies do need to be modified.

We also look at some of the videos that the AG's Office has relieved on -- released on Officer-involved shootings. We've reviewed those, as an Agency, and with our Staff to see things that maybe we could do differently or better. So we're always looking through use of force situations to see how we can better serve not only the public, but also our safety, too. So, thank you.

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

DIRECTOR MALACHI: Okay. I think I might have it. So, I think what Commissioner Norton is trying to get at is having a clear understanding of whatever that use of force is, whether it's, as Julian stated, continuum, whether it's specific to deadly force.

And so, if all of the Departments are already doing these reviews, then, Ken, would it get to the answer that you're looking for is to potentially have those reviews of those situations sent to somewhere? And then, with that, then it could be -- and I don't know where that somewhere is. Here we go for Director Scippa. But maybe it goes into a packet of whatever Reports already come that way. Or if it's something that could be added to any CALEA information, then it's reported out that way.

And then, those that are seen as good training opportunities, whether it's this was a good way to do this, or this was not a good way to do this, then that information gets funneled to Standards and Training. And then, they incorporate that.

But also, the Chiefs can share that information, so it's not just on Standards and Training. I mean, they'll have it and they can start introducing it to new classes. But then, the Chiefs can discuss amongst themselves best practices and start to incorporate those things immediately.

And maybe that is -- I apologize for putting words in your mouth. But maybe that gets to the heart of what you're attempting to do. And then, we could loosely put that, if we are in agreement to go back to 17 at all, then loosely put that in 17, taking out the references to 627.5 [sic], leaving in the victims services aspect. And we might be able to move this through. And thank you, everyone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes, and because my -- it seems like my position differs from Ken on where we're reviewing, and so I just want to point that out for us to consider whether or not, if we go back to 17 and modify one. So, I think there's a lot more value. So, a Review Panel after somebody has died is all well and good. But the person has already passed.

I think we already have enough of breadth of information of incidents that have happened all across this country, and some in this State, where we can look at saying, for example, if the Police are responding to somebody who has a mental illness, their parents have called. And this person has a screwdriver in their hand. They open the door and what does the Police Officer do then? Does the Police Officer take 20 steps back? Does the Police Officer not go directly to the door?

So it's the use of force continuum on the frontend. And I think those are all complicated questions that really only Law Enforcement has really the expertise to really analyze and assess. But I think what we've seen, by events that have happened all over this country, that there's a need to look at it on the frontend and say, is there things that Police can do to -- that still protect Officer safety but also enhance the safety of the suspect, and that we don't arrive to deadly force as soon as we do? Maybe we push that line back. And what steps can Law Enforcement do to both protect themselves, but to only use deadly force as a last resort?

And I think it's much more valuable to have a study on that on the frontend than to have this Review Panel on the backend, because I think the goal is to not have these things happen. So, that's why I think the timing is important. So, I mean, I would be supportive of this as a separate measure. But I think it's more important to have a Study Commission to -- just to look at it on the frontend. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: And I would echo that, Julian. And I think that that goes back to training. So, the more we can train on the frontend, dealing with Police Officers who have been involved in shootings, most of them say I never thought I'd be here. And you deal with a lot of Police Officers that say, I never fired my gun. I mean, that's where Police want to be, not being in these situations.

And what do we always say, right? Hindsight's 20/20. It's better to be on the frontend of that. And I think it's very hard to step into somebody's shoes, in the light of the day in a conference room, where it's quiet, and everybody's calm. And it's very different on the street. And I don't speak from experience. So I can't put myself in Law Enforcement's shoes.

So, Director Scippa, Mark Morrison, Chief Edwards, and then Commissioner Quinn, we can't -- so, just so you know, we have been working since last night and all morning to get this Report done. So we don't have four hours just to talk about this one topic. Today was a buffer day. We had no public

testimony. So we need to get to the business to deliver this Report. So, I will let the four of you speak. And then, we need to somehow come to a resolve on this issue. Director Scippa?

DIRECTOR SCIPPA: Thank you, Madame Chair. I am partly responsible. While I did not do any typing at all, Director Norton and I did have a phone conversation prior to today's meeting. And it -- as he and I spoke, he referenced the other Boards that are in existence presently.

Police Standards and Training actually participates in a couple of those Boards, as well. And as Director Norton explained that that's -- that was really his goal was to kind of create a system that already exists for other studies of lethality or death-resulting drug use. I had recommend to him that maybe he needs to relook at the recommendation he put forth and try to mirror something that is already in existence.

To Commissioner Quinn's point, we definitely want to learn, notwithstanding Attorney Jefferson's point, which is after-the-fact. But if we can glean information afterwards to make the next time better, I saw where Director Norton was coming from. And so, to that end, if there was a system in place, much like the Juvenile Lethality Study Committee, it's confidential. It's not meant to do anything other than to help prevent, mitigate, or address the same kind of circumstances going forward. I think that's helpful, again notwithstanding the position that Commissioner Jefferson takes, which is let's prevent it beforehand, before it happens. But if we can get information on the back, I do see value in that.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Lieutenant Morrison?

LIEUTENANT MORRISON: Thank you very much. Couple of thoughts I had regarding this entire situation, it's my understanding that some of those panels that we're speaking about that were created to review these situations are basically there because those incidents may not have been reviewed, otherwise, meaning if somebody possibly dies from an overdose, there may be the Detective Division, or if the Officers look into it and that's it. Some of these panels were created because there isn't that sort of review of how did this child die, or something like that.

Deadly force situations are the exact opposite. Not only is the Department going to look at it, the Attorney General's Office is going to be the investigative body. And the standard that exists in 627:5 really speaks to the appropriateness in those investigations.

The one provable, absolutely, without a doubt, cogent argument is training reduces these incidents. Having different levels of force available reduces these types of incidents. Having compliance from those subjects being dealt with reduces these incidents.

I have a problem with the composition of the Panel. I understand Ken's sort of thought process on this and where he's going. But there will be unbelievable amount of review for any of these incidents, both legal, formal and informal, Department, media, everything. There will not be a shortage of eyes on any of these situations.

And to sort of belabor this point, what should it look like? We don't have the time for -- I don't think this is necessarily the form to create that. And as much as I understand Ken's point and I sympathize with what he's trying to sort of get through, I don't think this is the proper venue. And this, I don't know, would be the proper makeup of that Panel. So, for that reason, I wouldn't be in support of sort of this entire block of text to go forward as any recommendation.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Lieutenant. Chief Edwards?

CHIEF EDWARDS: Now, a couple points I want to make, particularly when it comes to use of force and deadly force. As someone, during my career, who've trained other Police Officers in the use of force and also as a Firearms Instructor, I really was hoping that some of the non-Law Enforcement Members of the Commission had taken Director Scippa up on his offer to go through the training simulator, because I think that gives you a different perspective of what it's really like.

And so, I think, Attorney Jefferson, when you spoke about the force continuum, the Officer's presence is the first level of compliance that you would hope that a suspect would respect. When someone resists arrest, when someone engages a level that they want to physically fight with a Police Officer, that automatically elevates that to a level of deadly force, because there's a firearm involved, the Officer's firearm.

If we see some of the cases around the country, not most recent case, but I think about the Atlanta case where the Officer's taser was stripped from him and used against him. Police Officers have had their guns taken from them and used against them.

So I think it does -- to Attorney Jefferson's point, if we were to have a study, I think it would be important for whatever Commission, whatever Panel reviews that, to go through one of those simulators to understand what it's really like and what decisions are being made, to Deputy Young's point, at that critical point, because I can tell you here, in New Hampshire, we are certainly not perfect by any stretch. But we do it better than most. And that's why you haven't seen those level of incidences that have occurred here in New Hampshire.

And I think sometimes we have to take a step back and look at what is actually occurring here in New Hampshire. A lot of Officers work pretty hard, particularly in this area, because, from a risk-management standpoint, it's high risk, low frequency. Thank God most Officers will spend their entire career never removing their firearm from their holster.

But it is a high-risk situation. And every time someone resists or fights with a Police Officer, that risk goes up not only to the Officer but to the suspect and people who are nearby. So, if we're going to have a review, I think it really does start with people having the full understanding, or full breadth, what that process is like. Thank you.

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

COMMISSIONER QUINN: Yeah, I don't want to repeat what's been said. I understand the intent. I think a lot of this falls back on training, which we've discussed and made many recommendations. The other thing I want to kind of point out, too -- and I think we need to table this and move on -- but, for the last several months, we have been kind of driving towards Police Standards and Training what we're seeing. We've talked about CALEA, best standards and practices for training. And I think we have -- I think we've kind of accomplished that.

And to now make a recommendation which kind of goes beyond that, not to say that someday this might not be enacted by the Legislature, but I think it goes beyond what we've been asked to do. And I just think that, at this point, I think this particular matter should be tabled.

And I would encourage everyone, like Chief Edwards said, to understand what's going on at Police Departments today, understand the recommendations we've made for training, the improvements, what

we're all trying to achieve. And let's give Director Scippa -- let's empower him with the ability to bring us to those standards, and that those reviews will and should be taking place everywhere. So I just think, in the interest of time and moving forward, that my recommendation is that we just table this and move on.

DEPUTY ATTORNEY GENERAL YOUNG: So I have a Motion to Table. Do I have a second?

LIEUTENANT MORRISON: Second that.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards? Oh, sorry, Lieutenant Morrison. Chief Edwards is the second. Ms. Tshiela, how do you vote?

MS. TSHIELA: I'm going to...

DEPUTY ATTORNEY GENERAL YOUNG: So the vote is just to table it.

MS. TSHIELA: Yeah, I'm going to abstain. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards, you were the second. Attorney Jefferson?

ATTORNEY JEFFERSON: No.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze?

MR. LASCAZE: I'm going to vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Norton?

DIRECTOR NORTON: No.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison was the second. Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Who was the first? Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Could I get just a bit of clarification on what we're tabling? Are we tabling this recommendation in front of us, as written?

DEPUTY ATTORNEY GENERAL YOUNG: Yes.

MR. MCKIM: Or are we tabling the whole topic of discussion of a study group -- a Study Commission on the continuum of use of force?

DEPUTY ATTORNEY GENERAL YOUNG: As written.

MR. MCKIM: Then, yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chairman 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: Quinn was the first. I vote yes. That is tabled. Moving forward, we have asked for your electronic signatures. You will receive a copy of what should be the Final Report tonight.

I have drafted it with a line for everyone to sign. I think that it's important that if we make these recommendations, we have worked really hard over the past 10 or 11 weeks to come to solid recommendations. I think that we should put our signatures to those recommendations and would ask for everyone's signature. Is there anyone who feels differently about that? If there is, we can have that conversation now. Seeing no hands raised, we will hope that everyone can get their signature in to Kim. Is there anyone who thinks they can't get us an electronic signature?

(No audible response)

DEPUTY ATTORNEY GENERAL YOUNG: I had to learn today how to do one. So, if you don't know how to do one, let us know and somebody here will help you. Any other business before we end today? Seeing no other business, do I have a Motion to Adjourn? Joseph?

MR. LASCAZE: Here's the Motion right here. Time to get out of here.

DEPUTY ATTORNEY GENERAL YOUNG: Lightning speed; do I have a second? Ahni, you are the second. Commissioner Tshiela, how do you vote to adjourn for the weekend?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Oh, boy.

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Get some rest after the whirlwind week that you have had.

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: That's Director Norton.

DIRECTOR NORTON: 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: Chairman Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: And I vote yes. Thank you very much. We will try to get that Report out to you today. We will put a note on it. If you have edits, try to get them back and hopefully Monday we can get through it quickly. And we're going to get it off to the printer to get to the Governor, the Speaker, and the President. So, have a great weekend, everybody. Thank you.

(Meeting adjourned.)