

TO: His Excellency, Christopher Sununu, Governor of the State of New Hampshire

FROM: Chief John V. Scippa, Director, NH Police Standards and Training

DATE: October 30, 2020

RE: 30 Day Report on LEACT Mandates Set Forth in Executive Order 2020-19

Governor Sununu,

The following is submitted to reflect the progress towards completion of all LEACT mandates set forth in your Executive Order 2020-19 that are the prime responsibility of myself and NH Police Standards and Training. I have left the numbering of each item in place from the original order for reference purposes and my summary notes are in red font after each mandate. After your review of this summary report, I stand ready to answer any questions or make any clarifications as you find necessary.

Respectfully submitted

John V. Scippa

Certification -Training Requirements

1. The Director of the Police Standards and Training Council (PSTC) shall take all necessary steps, including initiating appropriate rulemaking, to:

(a) Increase the mandatory number of required hours of annual in-service training on an incremental basis over the next three years to ensure that, by January 1, 2024, the total mandatory number of hours of annual in-service training is no less than twenty-four hours. I have drafted this proposed rule change and it has been submitted to the members of the NHPST Council for their review. Upon their vote to approve, I will be submitting the proposed rule change to JLCAR. It should be noted that there are other rule changes that need to be addressed that were not part of the LEACT mandates. To that end, a sub-committee of Council members will be addressing those changes as well. **Anticipated completion date dependent on JLCAR process.**

(b) Mandate that annual in-service training as approved by PSTC include, at a minimum, two hours on each of the following topics:

1. Implicit bias and cultural responsiveness **Included as part of the rule change language**
11. Ethics **Included as part of the rule change language**
111. De-Escalation **Included as part of the rule change language**

It should be noted that all mandatory in-service training listed above is mostly content ready and regardless of when the rule change is final, we will be ready to deliver this by April of 2020. There are a number of vendors that can provide this training to individual departments at a significant cost right now. While this will allow for some agencies to meet this mandate, NHPSTC staff are working with the Instructional Design team from the Division of Personnel, NH Department of Administrative Services to take our present and anticipated content to build online classes that can be delivered remotely. Online delivery will clearly be the most efficient and economical way to provide this training

statewide. We will use the new RMS/LMS platform to deliver this training. This is an on-going project that is time frame dependent on the availability of the instructional design team and the implementation of the RMS/LMS.

(c) Incentivize and encourage all law enforcement agencies to require their officers to receive at least two hours of training annually in the above following areas: **I have communicated to all Police Chiefs by way of my attendance at County Chiefs meetings as well as through the NH Association of Chiefs of Police to encourage all agencies to begin accessing in-service training that covers the three mandated areas.**

2. The Director of PSTC shall conduct a review of academy and in-service training curriculum and take all necessary steps, including initiating appropriate rulemaking, to:

(a) increase the number of hours or scenario based training in both academy and in-service settings by an amount which PSTC deems necessary after consultation with the Department of Justice, Department of Safety, local law enforcement agencies, and community partners; **after the LEACT Report was finalized, I directed the NHPST Training Specialist to begin to build out more scenario based training, particularly at the recruit training level. We have increased the scenario training at the recruit academy from 44 hours of scenario training to 59 hours of scenario training for a total increase of 15 hours of scenario training. These hours will further increase after the JTA is completed and a deeper review of the academy curriculum can be conducted. This will be an ongoing effort for the next 12 to 18 months. Presently, the increase in hours reflects more scenario training in communication and de-escalation tactics. It should also be noted that we have revamped the way we deliver the scenario training during the training day that has increased the number of times that recruits can participate in the training scenario to help re-inforce the learning. Due to the on-going COVID prohibitions, our face to face in-service classes have been significantly curtailed and so the development of scenario training for such classes are not prioritized.**

(b) in consultation with one or more community partners, amend the current lesson plan on cultural dynamics as necessary to ensure that the topic is properly addressed; **Presently, PSTC staff are working with a committee of stakeholders that includes representation from the ACLU, NAACP, SAG, NHSP, NH ACOP, UNH System Professors and citizens to develop this lesson plan. It should be noted that this committee is leaning toward incorporating the topic of Cultural Dynamics with below, (c) to create a 16 hour program that addresses both Cultural Dynamics and wraps in with Implicit Bias and Procedural Justice. It is my position that the ultimate direction this committee takes on these two topics would be the one that I fully endorse and if it were to be developed that way, I would consider that both later (b) and (c) of this mandate would be addressed. Timeline for completion and deployment of this lesson plan is for January 2021 for the next academy session.**

(c) improve and augment police academy and in-service training on implicit bias and procedural justice by adopting the International Association of Chiefs of Police (IACP) recognized Fair and Impartial Policing training or similar type training; **See letter (b) above.**

(d) improve and augment police academy and in-serving training on de-escalation techniques by adopting the Police Executive Research Forum's (PERF) Integrated Communication

and Tactics training (ICAT) or similar training; **The lesson plans, PowerPoints and supporting videos and scenario scripts have been obtained and are scheduled to be delivered in the January 2021 academy.**

(e) improve and augment police academy training on police ethics by re-instituting the ethics block of construction in police academy training; **A new lesson plan is being constructed. This class will be made part of the recruit curriculum starting in the January 2021 session. Further, this lesson plan will serve as the content foundation for the in-service block of instruction on this topic.**

(f) improve and augment police academy and in-service training on the duty to intervene by adopting Georgetown University's Active Bystandership Law Enforcement (ABLE) training or similar training; **Three LETS have completed the train the trainer class and two more are scheduled to attend. This class was immediately added to the academy that we have in session now and will be part of the recruit curriculum going forward. It should be noted that we were the first of only two states in the country who have incorporated this training as a state wide initiative. Once COVID restrictions allow, we will also be offering this as an ongoing in-service class.**

(g) utilize an attorney from the Attorney General's Office to provide, during training on applicable topics, instruction on State of New Hampshire v. Jones (January 10, 2020) and any other State court decisions where race or protected class was a matter the court considered when reaching its decision. **I anticipate that this will be ready to be deployed in the January 2021 session and is dependent on the availability of the attorney to review our present lesson plan on Search and Seizure.**

3. In addition to the specific steps outlined in Section 2 of this Order, the Director of PSTC shall take all necessary steps to initiate a Job Task Analysis for entry-level law enforcement officers and entry-level corrections officers and, based upon those findings, conduct an overall review of the present academy curriculums. Based upon this review, the Director shall, within 120 days from the date of this Order, submit a recommendation to PSTC and the Governor as to whether the current length of the police academy should be expanded beyond 16 weeks. **With respect, I request that a time extension be granted for this mandate.** The Job Task Analysis is going to be conducted by graduate students of the UNH Justice Studies program and overseen by JusticeWorks, which is the research arm of the Justice Studies program. There is no cost to this but the completion of the JTA must coincide with the school year at UNH. JusticeWorks Professors advise that the JTA could not be completed until **the end of the 2021 Spring semester.** Alternatively, an outside vendor has quoted 50, 000 dollars to conduct the JTA but this cost could not be addressed in our present operating budget.

4. Upon completion of the Job Task Analysis conducted pursuant to Section 3 of this Order, the Director of PSTC shall conduct a review of the Part-Time Police Officer certification process. Based upon this review, the Director shall, within 120 days from the date of this Order, submit a recommendation to PSTC and the Governor as to whether changes should be made to

- (i) the length of the training period for part time officers and
- (ii) the scope of law enforcement functions that part-time officers are allowed to perform

Clearly, this **task is contingent on the completion of the JTA.** Further, there will need to be thoughtful discussion with Law Enforcement stakeholders as this task is addressed as it may have significant financial impact to the state, counties and municipalities who depend on the use of part time officers to augment police services to their respective communities particularly during peak tourist seasons on the Seacoast and in the lakes region. Again, I respectfully request that a time extension be granted to allow for the completion of the JTA.

5. The Director of PSTC shall take all necessary steps, including but not limited to providing recommendations to the Governor on necessary funding in the next biennial budget, to develop and deploy a robust database management system and on-line learning platform for the twofold purpose of:

- 1) Maintaining a full record over the course of an officer's career of his or her training completion, any incidents of sustained misconduct, movement from agency to another, and decertification, and
- (2) Developing and delivering standardized online training to all law enforcement officers in an efficient and economical way.

NHPSTC has vetted a number of RMS/LMS solutions and are presently working with NH DoIT to find pricing for those who have been identified as being able to provide all necessary functionality to address the needs set forth above. Dependent on the final solution that we go with, it will be imperative that funding is kept in the annual operating budget to maintain the solution.

Reporting and Investigation of Misconduct

6. The Director of PSTC, in collaboration with other law enforcement agencies and using nationally vetted best practices as set forth by the IACP, PERF, Commission on Accreditation for Law Enforcement Agencies (CALEA), and National Organization of Black Law Enforcement Executives (NOBLE), shall create policy guidelines on the following topics:

- a) Use of Force
- b) Duty to Intervene
- c) Code of Conduct
- d) Duty to Report Misconduct
- e) Prohibition of Chokeholds
- f) Procedures to Guard Against Positional Asphyxia

Position papers developed by the IACP and PERF that are endorsed by CELEA and NOBLE on each topic area have been gathered. Further, Model Policies are being finalized that address all areas identified in this mandate. Anticipated completion date is **December 1, 2020**. Once they are developed and finalized, all model policies and any supporting position papers will be made available through our website.

7. The Director of PSTC shall initiate rulemaking to amend administrative rule POL 301.05 to mandate that background investigations for police recruit candidates specifically vet such candidates for demonstrations of outward bias toward a protected group by way of past history, behavior, affiliation with a subversive group, social media posts and other objective sources, and that these findings be considered in the overall decision to hire such candidates.

I have drafted this proposed rule change and it has been submitted to the members of the NHPST Council for their review. Upon their vote to approve, I will be submitting the proposed rule change to JLCAR. It should be noted that there are other rule changes that need to be addressed that were not

part of the LEACT mandates. To that end, a sub-committee of Council members will be addressing those changes as well. **Anticipated completion date dependent on JLCAR process.**

Law Enforcement and Community Relations

12. The Director of PSTC shall ensure that PSTC maintains and publishes a list of all currently CALEA accredited law enforcement agencies within New Hampshire. **Completed.** We have added a link to our webpage that brings you directly to the CALEA webpage that lists all NH Police agencies that are accredited.

School Resource Officers

13. The Director of PSTC shall:

a) Take all necessary steps, including initiating rulemaking, to mandate certification for school resource officers (SROs) that requires each SRO to complete, prior to assignment, both

- (i) National Association of School Resource Officers (NASRO) training and
- (ii) Mirror Project Train-the-Trainer and Effective Police Contact with Youth training. If the Director determines that legislation is necessary to enable rulemaking on this topic, the Director shall submit recommended legislative language to the Governor within 30 days of this Order.

I have drafted a proposed rule amendment to add to our POL Administrative rules to address this. I am working with state level instructors and members of NH EMHS to integrate efforts to address crossover topics that appear in both this Executive Order and the School Safety Executive Order. Effective Police Contact with Youth will be added to the recruit curriculum starting in the **January 2021 session**. Both classes will be offered as In-Service classes, again, once COVID restrictions allow.

b) Take all necessary steps, including initiating rulemaking, to develop and implement mandatory annual in-service training requirements for SROs to maintain their certifications. If the Director determines that legislation is necessary to enable rulemaking on this topic, the Director shall submit recommended legislative language to the Governor within 30 days of this Order. **This is part of the efforts described above. I do not feel that legislation will be necessary as it can be addressed through the rule making process.**

c) Work with stakeholders and the State Board of Education and oversee the development of a model SRO Memorandum of Understanding (MOU) to be used by police departments and School Administrative Units (SAUs) that clearly defines the roles, expectations and prohibitions of the SRO's role in the school setting and specifically with regard to the SROs's role in student discipline for non-criminal matters.

In concert with the School Safety Director from NH HSEM, a committee made up of representatives from NH DOE, police chiefs, SROs, SAU administrators and school principals was formed to address this. The committee has already met and I anticipate completion of the model MOU by **December 1, 2020**. Once completed, this model MOU will be made available on our website.

Mental Well-Being of Officers

17. All State law enforcement agencies shall take all necessary steps, including initiating rulemaking, to require ongoing training regarding the mental well-being of officers. Such training shall include information regarding the high rates of post-traumatic distress, depression and suicide among law enforcement officers and available resources for seeking help. This will be part of the efforts listed in #18 as it is my belief that the committee members below will be able to provide guidance and best practice on developing and delivering training in this area.

18. The Director of PSTC shall form a team to review whether to require mandatory periodic psychological screenings of law enforcement officers, similar to what is currently required for physical fitness under Pol 404.07, to determine ongoing fitness for duty and assist with referring officers for mental health treatment and support. At this writing, I have yet to begin this action item. I will be reaching out to parties who are identified as mental health professionals and public safety professionals that have significant background and experience in the area of metal health screening, peer support and counseling, all specific to law enforcement, to begin this. Anticipated completion date, **January, 2021.**