

Commission on Law Enforcement Accountability, Community and Transparency

Meeting Minutes for June 26, 2020

Meeting held via teleconference at the Attorney General's Office in Concord, NH.

Attorney General Gordon MacDonald called the meeting to order at 2:02 p.m. and reminded participants that the meeting was being recorded.

Members were then asked to introduce themselves and state their present location for the record.

Attorney General Gordon MacDonald - from the Department of Justice with Kim Schmidt, Kate Giaquinto, and Annie Gagne

Robert Quinn, DOS Commissioner - Concord, NH

Colonel Nathan Noyes, Director, Division of State Police – Concord, NH

Ahni Malachi, Executive Director, NH Commission for Human Rights – personal residence

John Scippa, Director of Police Standards and Training Council – Concord, NH

Rogers Johnson, Chair of the Governor's Advisory Council on Diversity and Inclusion – personal residence

James McKim, President of NH NAACP - Goffstown, NH

Sawako Gardner, Justice of the NH Circuit Court – Jackson, NH

Mark Morrison, New Hampshire Police Association – Londonderry PD

Charlie Dennis, NH Chief Association – Hanover, NH

Ken Norton, Executive Director of NAMI – personal residence

Joseph Lascaze, NH ACLU representative – Bedford, NH

Julian Jefferson, Criminal Defense Representative – Manchester, NH

Ronelle Tshiela, public member and BLM organizer - Manchester, NH

Eddie Edwards, public member – Dover, NH

The General informed the commission members that the meeting would be transcribed in real time by Communication Access Real Time (CART) transcription and is available on the website for attendees to follow along. Additionally, the Attorney General's Office is continuing to work on video conferencing which the General hopes to have available for the next meeting.

The General noted that the next LEACT meeting would be from 9:30 a.m. to 12:00 p.m. on July 2nd, 2020. The June 22nd, 2020 minutes were dispersed to Commission members prior to today's meeting and the General requested a motion to approve those minutes. Rogers Johnson moved to approve the June 22, 2020 meeting minutes with a second from Ken Norton. A roll call vote was taken on the motion to approve the June 22, 2020 minutes and the votes were recorded as follows:

Attorney General Gordon MacDonald – Y
Commissioner Robert Quinn – Y
Director Ahni Malachi – Y
Director John Scippa – Y
Chairman Rogers Johnson – Y
President James McKim – Y
Justice Sawako Gardner – Abstain
Mark Morrison – Y
Chief Charlie Dennis – Y
Director Ken Norton – Y
Joseph Lascaze – Y
Julian Jefferson – Y
Eddie Edwards – Y
Ronelle Tshiela – Y

Addressing some housekeeping items, the General noted that the meeting's hard stop would be at 4:30 p.m. Further, if any members of the commission or public would like to present testimony, please email LEACT@doj.nh.gov ahead of time to be added to the agenda and provide the corresponding materials.

Director John Scippa – Summary Report on Current training and Improvement Considerations (Continued)

Continued questions on presentation by Ronelle tsheila and Eddie Edwards. The commission will then move on to the presentation by Colonel Noyes. Director Scippa noted that he had provided the breakdown of academy training and resources mentioned during his presentation.

- Does PST have sufficient in house resources to address race diversity, etc.
 - o No
- Who are the individuals delivering training?
 - o Andrew Smith (deceased) – was primary subject matter expert
 - o Chief Edwards
 - o Carlo Camacho, Nashua PD
 - o Gerry Taylor
 - o Does not only rely on in-house staff, uses outside subject matter experts
- AG manual on LEO statewide use of force would be great (recommendation)
 - o Develop training model
 - o Vast majority of time, multiple agencies respond, statewide policy would help sync up responses
- Explain compliance with training and audit compliance
 - o Do not currently have adequate staff for that (1 PT employee)

- General MacDonald would like to see lesson plan for cultural dynamics and Ohio reference

****Amendments by Director Scippa**

- Total PSTC training hours – 684
- Mental health hours – 16, 8 of which are simulation
- 3.4 million budget last year
- 3.5 million budget this year
- 70-80k/year spent on in-service training
- Provided a list of council members to Kim Schmidt

Colonel Nathan Noyes– Summary Report on New Hampshire State Police Current Training and Improvement Considerations

Colonel Noyes started his presentation by noting several stats of the NHSP and that his presentation is available on the LEACT website

- 350 sworn officers
 - o Marine Patrol
 - o Troopers
 - o State Hospital
 - o 50 PT officers
- 123,00 motor vehicle stops
- 83,000 calls for service
- 5,500 arrests
- Have focused training on de-escalation
- Hiring process
 - o Physical agility
 - o Oral board
 - o Written test
 - o Background
 - o Interview with Colonel Noyes
 - o Polygraph
 - o Psychological evaluation
- PSTC is foundation of training
- NESPAC includes additional training
- NHSP is a training heavy organization
 - o 3 week training in house before PST
- Increased training budget over past years
- Field training
 - o Send new recruits to Troop location and have them pass certifications
 - o New recruits are provided 65 days of additional training post PSTC
- Several Troopers assist PSTC with trainings – must be field training officers
- NHSP is looking at implicit bias training

- NHSP has IPro which tracks internal and external complaints
 - o Tracks use of force, loss/damage property, crash data, etc.
- DOS has recently purchased a new record management system
- NHSP has a Fair and Impartial Policy
 - o Worked about 1.5 years with ACLU to develop
- NHSP has a strong organizational structure – want the best candidates

Questions on Presentation:

- Benefits to national accreditation, national standards, has NHSP pursued?
 - o Not currently ~~CLEA~~CALEA certified but always looking at more trainings and certifications
- New internal system, do you have early detection policy?
 - o Have capabilities through IPro and Blue Team, not sure about policy
- How much time dedicated to unconscious bias training?
 - o Number of trainings offered throughout year
 - o Identified NHSP is lacking and looking to bolster
- Can we get copy of curriculum of training?
 - o Yes
- Policy goals, why are they not centered around race?
 - o Would welcome recommendations
- Is data collected from motor vehicle stops?
 - o If it's entered, NHSP collects it
- Is race and reason for stop collected?
 - o If license is scanned in, information is automatically entered
 - o If it's a manual entry, information is not always captured
 - o Not sure if this is a mandatory field
 - o Searches are collected by forms
- Is race a mandatory field?
 - o Not prepared to answer
- Does NHSP have duty to intervene policy?
 - o Do not, feels the same as Director Scippa that officers have a personal duty
- Would you support signed duties to intervene?
 - o Yes
 - o Checking policy of NHSP, agrees should be policy everywhere
- Does NHSP have a chokehold policy?
 - o No, not taught or trained against
 - o Yes, would support unless deadly force situations
- Is it important to guard against us vs. them culture?
 - o Absolutely
- How many motor vehicle stops in a year?
 - o 123,000 stops
- Are Troopers trained to use stops as spring board for further search?

- No
- Troopers trained to stop based on race?
 - No, part of fair and impartial training
 - Violation of policy
 - Look into civil rights violation
 - Could be handled internally and at the AG's office
- How can we evaluate that compliance is fair and impartial?
 - In Moodles, answers to be addressed
 - Trooper must score 100% to pass
- What resources are needed to apply for accreditation:
 - We need to find the personnel and devote the time
- Training that occurs at the NH Hospital
 - Spend a full shift to deal with specific circumstances and how to handle them
 - This will expose Trooper in a controlled environment
- How many re-certification hours
 - Comes through PST
 - Identify additional hours to exceed
- What training do you provide in intervention?
 - No specific training
 - If there is misconduct, that could violate a law or internal policy
 - Review internally or at AG's Office
- What threshold needs to be met to forward complaint to PST
 - Follow a variety of personnel rules
 - PST standards
 - AG protocol
- If investigation is happening and trooper resigns or retires, is the investigation completed?
 - Yes
- Blue Team explanation
 - Specific to internal process
 - New records management system will support personnel training
 - CSI (info module)
- Do you have guidance or a recommendation to establish recruitments or assess bias?
 - Use every avenue to identify best candidates
 - Choosing this profession is a calling
 - Constantly looking at standards to determine if appropriate
 - Culture takes time to develop and build
 - Wants to create more efficient ways to identify bias
- Is explicit bias testing done?
 - No
- Bias testing done to lead to de-bias training?
 - No
- What quarterly training is completed?

- Use of force
- Simulations
- Firearms
- Is there consistent training on bias\?
 - No
- You mentioned grant funding, is there danger in not funding training?
 - Not sure if grant funding is available for specific training
 - When grants open, we pursue as best as possible
- Resiliency and Wellness Training – what prevents 100% of officer trained?
 - Not all available all the time
 - Sent 270 troopers and other members
 - If troopers didn't attend, there was a valid reason
- Is this training done on a regular basis?
 - No but PEER Unit is available
 - Trying to create a culture to ask for help
- Training for analysts on IAPro?
 - Unfamiliar
 - Every officer trained in Blue Team
- ACLU working on plicy review or outside members reviewing your policy?
 - No
- Could we get costs about how to get accreditation?
 - NHSP tried a few years ago but it's very difficult
 - Challenges – venues, evidence storage, etc.
 - NHSP to report back
- RMS system – CSI info shared
 - Dir. Scippa to speak with Colonel Noyes off line
- If 100 candidates applied, how many do you end up with?
 - 2/3 show up for test
 - Lose some in physical
 - Lose some in oral
 - Lose some in polygraph
 - Out of remaining 65-70, will end up with about 3
- Background check to identify bias?
 - Interview friends, family, references
 - Field training and evals every day in 65 day field assignment
 - Check social media
- Training or conversation with higher ranking members to work with attorneys to get insight or document incidents
 - No, nothing formal but building relationships is important
 - Shift bids changed every 4 months
 - Trooper could have multiple new supervisors throughout career
 - Identifies issues easily
- Specifically don't do?

- It is challenging to identify specific use of force situations where specific tactics should be prevented

Opportunity to adopt and change reviews and questions, etc.

Review of social media is extensive.

Attorney General Gordon MacDonald requested a policy on Fair and Impartial for the record.

Other agencies reached out for copies of policies to adopt?

- Yes, and they have been provided

Chief Charlie Dennis-Local PD trainings

- They have had and Impartial training
- 12 hours are required for certification in service
- FTO (10-12 week) program
 - New officers work with training Officers
 - Rotate FTOs and shifts
 - One complete, xxx officers
- Chief determines the training for the department
 - Special assignments
 - Drugs, M.V.
- Factors that determine trainings
 - Funds
 - Travel
 - Costs
- Most are small PDs
- Manchester and Nashua are the largest
 - Manchester does 6 weeks prior to YSTC and 2 weeks after
- Looking at additional trainings
 - Implied and explicit bias
 - Cultural diversity
 - De-escalation training
 - Wellness and resilience training
 - Create a State model on Standards of Conduct
 - Core classes annually
- Policies reviewed and updated when appropriate
 - Technology changes
 - Legislative changes
- Local departments govern their own policies
- Accredited agencies
 - Reduce risk
 - of liability exposure

- Greater accountability
- Clear commitment to ethical justice and consistency
- Costs associates
 - 1-24 ~~any~~ employees \$8,500 (\$4,000 yearly contract)
 - 25-199 ~~any~~ employees -\$11,500 (\$4,600 yearly contract)
 - Evidence upgrade
 - Specific crime

~~— Could we get cost on getting accreditations~~

- ~~○ NHSP tried a few years ago but it was very difficult~~
- ~~○ Some challenges are the venues and evidence storage~~
- ~~○ NHSP to report back~~

~~— RMS system CSI info shared~~

- ~~○ Director Scippa will speak with Noyes offline~~

~~— If there are 100 candidates how many do you end up with:~~

- ~~○ 2/3 show up for the test~~
- ~~○ We lose some to the physical testing~~
- ~~○ We lose some in the oral testing~~
- ~~○ We lose some to the polygraph test~~
- ~~○ Out of 65/70 we may end up with 3~~

~~— Background check to identify biases?~~

- ~~○ Interviews with friends, family and references~~
- ~~○ Field training and everyday evaluations in a 65 day field assignment~~

~~— Training and/or conversations with higher ranking members to work with attorneys to get insight or document incidents~~

- ~~○ No, nothing formal but building relationships is very important~~
- ~~○ Shift bids are charged every 4 months~~
- ~~○ Troopers could have new supervisors throughout their career~~
- ~~○ This identifies issues easily~~

- A full time person is needed to maintain and stay current
- PST/NH ACP had accreditation standards
 - This was dissolved 10+ years ago
- We should look into re-accreditation
 - This will have costs

The General requested a motion to adjourn. So moved by Director Scippa and seconded by Julian Jefferson. A roll call vote was taken on the motion to adjourn and the votes were recorded as follows:

Attorney General Gordon MacDonald – Y
 Commissioner Robert Quinn – Y
 Director Ahni Malachi – Y
 Director John Scippa – Y
 Chairman Rogers Johnson – Y

President James McKim – Y
Justice Sawako Gardner – Y
Mark Morrison – Y
Chief Charlie Dennis – Y
Director Ken Norton – Y
Joseph Lascaze – Y
Julian Jefferson – Y
Eddie Edwards – Y
Ronelle Tshiela – Y

The meeting was adjourned at 4:29 p.m.

DRAFT