

July 2, 2020

From The New Hampshire Association of Criminal Defense Lawyers

In the Executive Order forming this Commission, Governor Sununu invoked the death of George Floyd, noting that, “New Hampshire finds itself in a pivotal moment that demands prompt action to initiate important conversations and develop recommendations for reform.” Yet in their presentations to this Commission Chief Scippa, Colonel Noyes, and Chief Dennis failed to address racism as an issue in New Hampshire or acknowledge its infection of policing in our State. Instead, they touted their existing training programs, while repeatedly stating they are “under-resourced.”

That law enforcement does not readily accept and acknowledge that racism plays a role in policing and New Hampshire’s criminal justice system suggests a willful blindness to what happens every day on our state’s highways and in our communities when Black, Indigenous, and People of Color (BIPOC) individuals encounter law enforcement. Racism is real in New Hampshire. There must be a conscious cultural and ideological shift in how policing happens. Law Enforcement as a whole must start by acknowledging the way our communities are policed and how they perpetuate systemic racism. We ask them to commit to this work.

NHACDL calls for the following training, procedure and policy measures as necessary first steps in advancing anti-racist policing that treats people as human beings rather than presumptively dangerous potential:

- A. We support mandatory data collection for every law enforcement contact whether a summons, ticket, or arrest results. This data must include race, gender identity, age and the name of officers involved in that contact. This data shall be maintained in a manner readily accessible and will be subject to disclosure under 91A without redaction but for personal information (including name, DOB, address) of the subject.
- B. We support publication of proposed police department budgets by police departments and local or state government at least thirty days prior to those budgets being voted on by elected bodies.
- C. We support demilitarization of law enforcement.
- D. We support removing police officers from schools and reallocating that funding to hire social workers in our schools.
- E. We support a ban on all pre-textual stops and the disbandment of police units that effectuate these stops, including NHSP’s Mobile Enforcement Team.
- F. We support requiring all law enforcement officers to be equipped with bodycams and the imposition of meaningful sanctions for failure to record and preserve police activity with bodycams, including suppression of evidence and dismissal of criminal charges.
- G. We support a prohibition on the use of facial recognition technology by law enforcement in NH, specifically including such use in tandem with bodycams.

- H. We support the right of individuals captured on bodycam footage to obtain that recording immediately upon request.
- I. We support a ban on no-knock warrants
- J. We support a policy requiring ongoing de-escalation training for every law enforcement officer state-wide.
- K. We support adoption of a policy of mandated intervention and reporting by all officers of all ranks who observe fellow law enforcement officers engaging misconduct. Having reviewed Commission member Julian Jefferson's proposal we urge this Commission to support his proposal
- L. We also support creating and fostering a culture that protects officers who intervene and report misconduct from retribution or retaliation.