

July 9, 2020

To the Governor's Commission on Law Enforcement Accountability, Community and Transparency:

Thank you for providing this opportunity to participate in the Commission's important work, and for ensuring that the voice of the community is heard. In the interest of respecting time limits, I will confine the scope of my testimony to police training.

Background

My name is Martha Wyatt. I operate Community Strategies Unlimited, a public safety training and consulting firm located here in New Hampshire. I'm a lifelong New Hampshire resident. I retired from the U.S. Department of Justice in 2017 and, prior to DOJ, I served in administration at a local New Hampshire police department for 13 years.

As a member of the law enforcement community for over three decades, I recognize that the overwhelming majority of our police officers have chosen and conducted their careers with a desire to protect and serve, and to keep their communities safe.

Police Academy and In-Service Training

As Director Scippa highlighted, police officers are "regular people who are sometimes put in extraordinary situations." The Director also acknowledged that the length of New Hampshire's full-time police Academy, at 16 weeks, is on the lower end of the national average of 20 weeks. There's no way around the fact that if we want to "do training right," it will cost money. Every state trooper, conservation officer, liquor investigator, gaming investigator, state corrections officer, probation and parole officer, university police officer, marine patrol officer, sheriff or deputy, city or municipal police officer in the State of New Hampshire attends the same police academy. The consistency in the content of their training apparently ends there.

New Hampshire needs to look hard at increasing the amount of mandated annual in-service training. The State also needs to mandate standardized training for all departments. New Hampshire's current eight hours of mandatory annual in-service continuing education is inadequate to retain the skills officers require to keep themselves and the public safe. Increasing the annual mandate to 32 hours, with subject matter standardized statewide, would reinforce the standards we expect our officers to uphold, and would provide a more practical amount of time to cover essential training content.

Unconscious Bias Training

It is not accurate to say that attention to this topic has only come about recently with cries of "defund the police." Implicit bias training has been in existence for at least a decade, in my observation. We are now tasked with developing and effectively delivering relevant training that, in the words of Mr. McKim, is designed to "change an officer's mindset" about racism and disproportionate minority contact.

President Obama's Task Force on 21st Century Policing recommended "providing officers with historical perspectives of policing to provide context as to why some communities have negative feelings toward the police and improve understanding of the role of the police in a democratic society."

Physiological Effects of Stress

Lt. Morrison and Chief Dennis both pointed out the importance of addressing the physiological responses that happen to officers in crisis situations. We need to look harder at the effects of both the

physiological and psychological responses to fear and confusion, and the fact that officers who lack training to recognize those effects may react by using inappropriate and unreasonable force.

Do our officers receive training about toxic stress and adverse childhood experiences? There are educational presentations available that fully explain the physical changes in the brain that occur when a human being is repeatedly subjected to toxic stress caused by poverty, exposure to violence, and other types of trauma. Evidence-based programs are critical to breaking down stereotypes and misinformation. In addition, tools designed to identify the effects of toxic stress should be an integral part of the screening process for police employment. These can provide indicators that some individuals may not be a good fit for law enforcement.

Annual Training to Reinforce Training Goals

Director Scippa talked about the need for officers to continually practice defensive tactics, such as handcuffing skills, much like practicing golf, to reinforce those skills and keep them sharp. In a similar way, annual training reinforces mental skills to promote de-escalation, recognize unconscious bias, and understand the effects of fear and confusion in order to develop the same type of “muscle memory” they acquire by practicing their golf swing or their handcuffing technique.

Once officers are in service, they develop their own methods of deciding which techniques to employ during crisis situations. Additional training time to reinforce proper procedures will help to combat negative influences from sources that may not have the same goals and objectives as Standards and Training or the officers’ agency protocols would dictate. Training should focus especially on developing the skills of tactical planning and sound decision making, preventing the need for the use of force, and adhering to the LEED (Listen and Explain with Equity and Dignity) model advocated by the National Police Foundation (<http://online.fliphtml5.com/emlt/lxdz/#p=2>).

Impact of Agency Culture / Other Influences

I have coordinated dozens of in-service training programs and received extensive feedback from veteran officers about the importance of overcoming the complacency that naturally takes place over time, threatening their safety and that of the communities they serve. Programs are available that are designed to combat “herd mentality” and provide the officer with the resources to fall back on his/her own training rather than go along with a group when it may not be the best approach to a situation.

It’s important to repeat Chief Dennis’s comments about the influence of agency culture on officers after they complete the Academy: “... [E]ven when you get back to the Agency, that first person that that Recruit’s going to be with is a Field Training Officer. That is an important part of every Law Enforcement Organization. I mean, you now have the Recruit coming fresh off what they learned from the Academy. Now, they’re coming back to that Law Enforcement Organization. What culture is that FTO putting that new recruit in... Now they’re going to be watching that Field Training Officer. How does he really interact with people in real-life crisis situations?”

Derek Chauvin, the former Minneapolis police officer who is charged with the murder of George Floyd, was the Field Training Officer for two brand-new police officers, who were instructed to hold Mr. Floyd down as he was dying. Obviously this horrifying incident did not take place in our State, but it is a powerful reminder that we must not rely solely on internal police agency culture to develop or sustain the “guardian mindset” described by Chief Dennis.

New Hampshire

Commissioner Quinn and Colonel Noyes have said that New Hampshire officers are not trained to conduct pretextual motor vehicle stops. Earlier testimony appears to show that pretextual stops and racial profiling are happening anyway. Even though they don't receive formal training in those tactics, officers may learn inappropriate procedures from a small number of their colleagues who have become cynical and jaded, promoting a negative attitude toward certain segments of the public they serve. This represents one of the ongoing challenges faced by those who will determine the future of law enforcement training in New Hampshire, and is another reason for standardizing statewide training protocols.

It has been said (and commented upon) within these Commission meetings that "we do a very, very good job in New Hampshire." While that is the case most of the time, we have issues in our State that cannot be overlooked. To add to the examples provided by other witnesses, I have personal knowledge of New Hampshire police officers who believe that the shooting of Rayshard Brooks in Atlanta was justified. Rayshard Brooks was shot in the back by a former Atlanta police officer, who has subsequently been charged with felony murder and aggravated assault. For any of our officers to assert that this was an appropriate use of deadly force highlights the negative influences that exist in New Hampshire police culture.

I have coordinated training for thousands of police officers. During the time I was assigned to the U.S. Attorney's Office in Boston, a New Hampshire colleague shared with me that he had repeatedly experienced a reluctance on the part of New Hampshire police officers to attend in-service training classes, *even when they were offered free of charge*. When we conduct classes here in New Hampshire, a large percentage of the students are coming from other states. The Commission's attention to increasing the State's law enforcement training budget will hopefully alleviate cost as a justification to resist in-service training; however, the strongest incentive will be a significant increase in the number of mandatory annual in-service training hours.

Recommendations

To properly serve all sectors of our communities, and to provide our law enforcement officers with the appropriate tools and resources they need to function effectively and fairly, New Hampshire needs to

- Increase the length of our full-time police academy to meet the national average
- Increase the annual in-service continuing education requirement from eight to thirty-two hours
- Standardize the required subject matter of in-service training so that it is consistent for all agencies statewide

I welcome the opportunity for further discussion with the Commission, and I stand ready to be of service to the State of New Hampshire in improving our State's law enforcement training and developing new tools for our police officers. Thank you again for this opportunity to offer my testimony, and for the conscientious work of this Commission.

Very Respectfully,
Martha Wyatt