

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

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

DATE: December 28, 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. **SUBMISSION TO JLCAR COMPLETED.** Proposed rule changes were reviewed by a rules sub-committee comprised of members of the NHPST Council on November 17, 2020. After their input and suggested amendments, the proposed rule changes were sent out to all council members for their review. A full vote of the council was taken on December 15, 2020. Proposed Rule Changes have been submitted to JLCAR. **Anticipated completion date dependent on JLCAR process.** Proposed rule change is included with this report.

(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**

**(No change to this from last report)** It should be noted that all mandatory in-service training listed above is content ready and regardless of when the rule change is made final, **we anticipate ability to deliver this In-Service content 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 NH BET from the NH Department of Administrative Services to take our present 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: **COMPLETED.** 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; **CONTINUES-IN PROGRESS.** 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. We anticipate further increases once 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.** 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; **COMPLETED.** PSTC staff worked with a committee of stakeholders that included representation from the ACLU, NAACP, SAG, NHSP, NH ACOP, UNH System Professors and citizens to develop content for a lesson plan and they have completed their work. The committee endorsed the Ohio Lesson plan to be used as a foundation and then amended the content to be more relevant to NH and also updated certain aspects of the content to be more accurate with regard to inclusion and group identity. This block of instruction has been increased from a 2 hour lecture to a 16 hour program that addresses both Cultural Dynamics and Implicit Bias/Procedural Justice using lecture, group projects, panel discussion and scenario training. The committee's work easily addresses letters (b) and (c) of this mandate. All proposed content has been submitted to PSTC and the timeline for completion and deployment of this lesson plan remains to be **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; **COMPLETED.** 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; **COMPLETED**. 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; **COMPLETED**. Five LETS have completed the train the trainer class. 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. **CONTINUES-IN PROGRESS**. 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**. I met with UNH faculty and the graduate student who has been identified to conduct the Job Task Analysis on December 3, 2020. UNH Faculty have updated the original timetable for the completion of the JTA and are now advising that the JTA will not be completed until **August 2021**. There is no cost to this but the completion of the JTA must coincide with the graduate school year at UNH. 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 **(No change to this from last report)** 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.

**CONTINUES-IN PROGRESS.** NHPSTC has purchased our RMS/LMS from Benchmark Analytics and we have met with the Benchmark team to begin the customization phase of the software. **We anticipate that the LMS side of the software will be operational by April 1, 2021.** Timetable for completion of RMS side may be longer due to the fact that the company is customizing it for our specific needs. It will be imperative that funding is kept in the annual operating budget to maintain this solution. Annual cost to be 158,000/year, over the next three years.

#### **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

**COMPLETED.** Position papers developed by the IACP and PERF, and that are endorsed by national police organizations such as NOBLE on each topic area have been posted to provide guidance to NH police departments relative to the formation of department policies. A Model Policy on the Use of Force that address all of the aforementioned sub-topics has been developed and is now being reviewed by the NHAG, NH Chiefs of Police, NHSP and NH Police Association and will be posted with the guidance papers once it is done.

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.

**COMPLETED.** See Number 1 as this is incorporated. **Anticipated completion date dependent on JLCAR process.** Proposed rule change is included with this report.

### **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. **COMPLETED.** Proposed rule changes have been approved by NHPST Council and have been submitted to JLCAR for rule change. Proposed rule change is included with this report. Waiting for JLCAR to approve rule change.

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. **COMPLETED.** This is part of the efforts described above. Proposed rule change is included with this report. Waiting for JLCAR to approve rule change.

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.

**COMPLETED.** Working with a committee made up of representatives from NH DOE, police chiefs, SROs, SAU administrators and school principals developed a sample MOU which is now posted on our website. Sample MOU is attached for your review.

### **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. **CONTINUES-IN PROGRESS.** 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. **CONTINUES-IN PROGRESS**. On December 1, 2020, I met with a committee made up of a number of peer counselors from the NH Law Enforcement community, a police chief with a PHD in psychology, a Police psychologist and the executive director of NH NAMI to begin addressing these topics. Due to the holidays, we were not able to meet again until after January 1<sup>st</sup> to resume our work. We anticipate creating a position paper addressing all topics outlined in this mandate and anticipate a completion of the groups' work no later than **March, 2021**.