



**New Hampshire Commission of Law Enforcement
Accountability, Community, and Transparency**
Remote Commission Meeting via Teleconference
Thursday, July 9, 2020 at 11:30 a.m.

Commission Members Present: Deputy Attorney General Jane Young, *Chair*; Robert Quinn, *Commissioner of the Department of Safety*; Ahni Malachi, *Executive Director, New Hampshire Commission for Human Rights*; John Scippa, *Director, Police Standards and Training*; Rogers Johnson, *Chair of the Governor's Advisory Council on Diversity and Inclusion*; James McKim, *President of the Manchester NH NAACP*; Sawako Gardner, *Justice of the New Hampshire Circuit Court*; Mark Morrison, *New Hampshire Police Association*; Charlie Dennis, *President, New Hampshire Association of Chiefs of Police*; Ken Norton, *Executive Director, National Alliance on Mental Illness - New Hampshire*; Joseph Lascaze, *Smart Justice Organizer, ACLU New Hampshire*; Julian Jefferson, *Attorney, New Hampshire Public Defender*; Eddie Edwards, *Public Member*; and Ronelle Tshiela, *Public Member, Organizer for Black Lives Matter Manchester*.

Also Present: Fallon Reed, *Chief of Planning and Grants, State Coordinating Officer, New Hampshire Department of Safety*; Kim Schmidt, *Legal Research Assistant, New Hampshire Department of Justice*; Annie Gagne, *Paralegal, New Hampshire Attorney General's Office*; Nicole Clay, *Assistant Attorney General, New Hampshire Department of Justice*; Matt Simon, *New England Political Director, Marijuana Policy Project*; Bill Pease, *Nashua NH PD Accreditation Manager and CALEA Team Leader*; Rebecca Mallory, *ASL Interpreter*; Rachel Farrell, *ASL Interpreter*; Christopher Emerson; and Representative Robert Renny Cushing, *NH House of Representatives, Criminal Justice and Public Safety Committee*.

DEPUTY ATTORNEY GENERAL YOUNG: It's being audio-recorded. I am Deputy Attorney General Jane Young and I am here as the Attorney General's Designee, pursuant to Executive Order 2020-11. So, first order of business will be the call to order.

This is a meeting of the Commission on Law Enforcement Accountability, Community and Transparency. And it is being called to order. It's taking place pursuant to Emergency Order Number 12 and it is being conducted remotely.

I'm going to do a roll call. And I would ask each Commission Member to identify themselves, where they are currently located, and if anyone is with them. So, I will start. My name is Jane Young. I am the Deputy Attorney General. And I am at the Department of Justice in Concord, New Hampshire. With me this morning are Kim Schmidt, Nicole Clay, and Annie Gagne. Commissioner Quinn?

COMMISSIONER QUINN: Good morning, Attorney General Young. Can you hear me okay?

DEPUTY ATTORNEY GENERAL YOUNG: I can, thank you.

COMMISSIONER QUINN: Okay, great. Well, good morning, Commissioner Members. Bob Quinn here. I'm at my office, 33 Hazen Drive in Concord. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Good morning, Director Malachi?

DIRECTOR MALACHI: Good morning, Commission Members and Attorney Young. I am here at my home in Concord and I'm alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Good morning. Director Scippa, good morning.

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: He was on here. Okay. I will come back to him. Mr. Johnson, are you on?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: We will pass. Mr. McKim, are you on here this morning?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner, I believe that I see you. Good morning.

JUDGE GARDNER: Good morning. I'm here in Dover in chambers and I'm alone. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Lieutenant Morrison?

LIEUTENANT MORRISON: Good morning, everyone. I am at the Londonderry Police Department, Londonderry, New Hampshire. And with me today is Bill Pease, who's prepared to provide some testimony on CALEA, the accreditation.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Dennis, I believe you are on.

CHIEF DENNIS: Good morning, Attorney General Young and fellow Commission Members. I am here today at the Hanover Police Department in my office. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Norton, I believe I saw you, as well. Good morning.

DIRECTOR NORTON: Good morning. Ken Norton, I'm in Penacook, New Hampshire. And I'm alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Mr. Lascaze, are you on there? I think I saw you, as well.

MR. LASCAZE: Yes, good morning, Commission Members. I am Joseph Lascaze. I am a Representative for the American Civil Liberties Union. I am in Ipswich, Massachusetts. And there is no one in the room I'm in.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes, good morning. I'm in my office in Manchester. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Edwards, good morning. Nice to see you. It's been a while.

CHIEF EDWARDS: Yes, good morning, Deputy. How are you?

DEPUTY ATTORNEY GENERAL YOUNG: I'm great.

CHIEF EDWARDS: All you fellow Commission Members, I am at my home in the basement in Dover. There are folks upstairs.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. And Ms. Tshiela, I think I saw you on there, as well. Good morning.

MS. TSHIELA: Good morning, everyone. I'm at my residence in Durham, New Hampshire. My roommates are in the home with me, but they're not in the room with me.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Did I miss? Has anyone come on? Mr. McKim, are you on? No. I think Mr. Kim [sic], you may be muted. I see you up there. No.

MS. REED: And Deputy, he is on. He and I are chatting. He's having some technical difficulties. So we will try to get him sorted out.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

MS. REED: But he is on the line.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. And I thought the other one that we had passed was Director Scippa. Is he on? I had seen him earlier. I thought maybe he was having some technical difficulties, as well.

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

MS. REED: I'll work through to try to get them up and running, and let Kim know when they're on.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thanks, Fallon. So we will now move to the approval of the Minutes from June 26th and July 2nd. My understanding is that there was a set of edits that went out last evening and this morning there was a second revised draft. So when I go through the roll call, I'll ask if you have had the opportunity to read what came out this morning and not last evening. So, could I have a Motion to Approve the Minutes that went out this motion?

JUDGE GARDNER: I'll so move.

DEPUTY ATTORNEY GENERAL YOUNG: So, Judge Gardner is making the first Motion. Could I have a second to Judge Gardner's Motion?

CHIEF EDWARDS: Second.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards, there's a second. So I will now do a roll call vote. And the question is approving the draft Minutes from June 26th and July 2nd, 2020 meetings. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner, you've already done it. Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. I think you were muted. Thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: I'm going to abstain. I wasn't present at one of the meetings.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. And Ms. Tshiela?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. And do I see? Mr. McKim, are you on this morning? There you are. Good morning.

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Fallon, can he hear me?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: He's speaking, but we don't hear him.

MS. REED: Yeah, he can hear you. Let me port through the audio with him.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Fallon, do you want a minute before I proceed, or...

MS. REED: It might take me a minute. But if Mr. McKim's able to message me, I can confirm that he is voting in favor of the passing the Minutes. And he says he votes yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. Can Mr. McKim hear me, Fallon?

MS. REED: (Nodding affirmatively).

DEPUTY ATTORNEY GENERAL YOUNG: You can hear me. We just can't hear you. Okay. We will work through that. Thank you for your patience. So we will now move onto the next order of business, which is where you left off at the last meeting.

So we will continue to hear testimony from the public. I will tell you who we anticipate hearing from this morning. We will hear from Mr. Emerson with assistance from Rebecca Mallory and Rachel Farrell. We will then move onto Martha Wyatt. We will then move onto County Attorney Robin Davis, followed by Representative Cushing, then Chief Janet Hadley Champlin. We have Veronica Dane listed. We are still working through if she's going to be able to be here this morning. We have some issues with confirmation. She will be followed by Matt Simon. Then, Mr. Norton, we will move onto you. And then, we will open it up to any other members of the public.

Then, when we finish that, we will move onto Lieutenant Mark Morrison. As he indicated to you, he has Mr. Pease with him today. They will discuss CALEA Accreditations. Mr. Pease has had a lengthy career in law enforcement and has now moved onto working with the accreditation. I've had the pleasure to work with him, as well. So he is somebody who is well-versed in this area.

After each presentation, as you know, Commission Members, you'll have the opportunity to ask any questions that you would want. What you have to do is raise your hand by pressing *3 on the phone, or use the hand-raising icon on your computer. The order will go whoever raises their hand first will be called on first, and then so on down the lone [sic]. And we will finish up the topic of Police training.

We will move to community relations. At the suggestion of the Committee [sic] Members, we have individuals lined up for that. We plan on having Mr. Juan Coalfield speak, as well as Michelle Hogue-Shannon.

So I think that that is probably at least the order of business for the bulk of the meeting. So if there are no questions, I will start with Mr. Emerson. Thank you. And Fallon, I see that Director Scippa has joined us visually, as well. So, good morning, Chief, how are you?

DIRECTOR SCIPPA: Good morning, all. I apologize. Some major technical difficulties here. I'm going to use my phone. So apologize for the late entry.

DEPUTY ATTORNEY GENERAL YOUNG: No problem. I could tell you had a little glitch going on over there. So, welcome. Thank you. We're ready for Mr. Emerson. Thank you.

MR. EMERSON: Hello there, everyone. I hope that there's no technical issues. You can hear and see me. I know last time there was a lot of glitches. I'm not so great with technology. Thank you for having me. My name is Christopher Emerson, and I'm an Advocate with the deaf and hard of hearing community here in New Hampshire.

And I just wanted to be involved in building the bridge between the Police Department in New Hampshire, throughout New Hampshire. And I've talked to Police Academies before and tried to explain some things. But it seems that there might have been some misunderstandings.

And I would like to see the Police Academy actually improve and better the services that they have for the deaf and hard of hearing communities in New Hampshire, because many, many deaf folks have struggled with communication access. And I would like to see the Police Academy invite people like me and other deaf folks in the New Hampshire community to educate and advocate for each other, and how to approach a lot of different methods for communication within the deaf community in New Hampshire.

And a friend of mine who actually did something like this in the State of Oregon, and they actually did a retreat, a weekend. It was a full two days, a Saturday and a Sunday, where they actually really involved themselves with the Police Academy. And they had all-day trainings. And the Police Academy said they learned a lot. And it was a benefit for the entire State, Police, community members, and everyone so that the deaf and hard of hearing and the Police Force could gap that bridge -- or bridge that gap.

INTERPRETER: Excuse the interpreter.

MR. EMERSON: So I really urge the people in New Hampshire to just have more deaf and hard of hearing community members involved with the Police Academy and just education, and explaining the cultural differences that we have, and how we can all work together as a community. And just develop that relationship.

And I mean, if you want a top-notch Police Force giving services to deaf and hard of hearing, I suggest something like that, because right now we're hearing a lot of things from the deaf community that

are not favorable. So I would really, really strongly urge you to be more involved with the deaf community and having something like that.

And I'm one who's been involved with the visor cards. I'm somebody that actually pushed for those visor cards to have in cars for when deaf people get pulled over. So, there's a lot of things on that visor card. And there's a lot more that the State could do. And if anyone wants to learn more about that, I'm more than willing to help you understand anything, as far as the visor cards, or anything else about the deaf community.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much, Mr. Emerson, Ms. Mallory, Ms. Farrell. Any questions for Mr. Emerson from the Commission Members?

MS. REED: Director Scippa has his hand raised.

DIRECTOR SCIPPA: Yes, I have some experience from another State where we worked with an organization down there which made those visor cards available to all Police Recruits. And I don't know if there's a resource here in New Hampshire where we could kind of use Police Standards and Training as a point of dissemination to get those cards out. I think they really kind of address a lot of immediate issues when Police Officers have to contact those who may suffer from a hearing loss. And we'd be very willing and excited to get involved with that.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Director Scippa. Next, Attorney Jefferson, I believe you have a question or a comment. Thank you. You have to unmute it. Sorry.

ATTORNEY JEFFERSON: Yes, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: It's okay. I've only not unmuted about five times already.

ATTORNEY JEFFERSON: So two questions for you. Can you give us some examples of the issues, or the unfavorable things that you're hearing from the deaf community and hard of hearing community with Law Enforcement? And second to that, beyond the visor cards, are there any specific action items that you would like this Commission to consider in recommending to the Governor? Thank you.

MR. EMERSON: Well, a high percentage of the deaf folks in this State usually say that there's no communication when they're pulled over. And as a Police Officer pulls somebody over, it's hard for the deaf person to see when the lights are going. And I know that the Police have a lot of concern and fear. I mean, and I don't blame them, because you never know what situation you're going to involve yourself in when you're pulling somebody over.

But, the best approach is when going to the car door. When someone says I'm deaf, the Police say, okay, I know what to do. And then, if deaf person's reaching for the visor card, for example, or they're reaching for a way to write down something on a notepad, they could do that. Or the Police Officer in that situation could, then, write notes back-and-forth or do some gesturing.

But sometimes when the Police actually sometimes even, for example, go to your house, and there's no kind of warning. Maybe somebody had called or something. It's the same concept. It doesn't matter if you're in a car or in the house. A lot of deaf folks have actually had issue with communication access.

And that's where the Officers, I think, might need to learn how to improve their skills in approaching somebody and how to interact with a deaf person. Like, have a plan in place. And that's what I'd like to be involved in. I'd like to educate those in the Police Academy to understand how to approach a deaf person, because the cultures are very different, hearing and deaf cultures. And if there's a state of emergency or any kind of an emergency situation, an accident, whether it be in a car or your home, that kind of thing, just so that the Police Officers are aware of how to interact with deaf folks and how the best communication could happen.

And the second question was what could the Commission do to help. So, right now, I recently helped with the New Hampshire Commission on the Deaf and Hearing Loss. I was involved in that Commission for three years. And I was the one who actually suggested the visor cards. And I had some ideas.

And I would like to see the Police Academy, or the Police Officers, be willing to invite deaf community members to events and actually hear from them, because it seems that a lot of Officers don't understand how to approach, how to get an Interpreter, how to request for an Interpreter, or get somebody there, because a large percentage of the Police Academy does not -- or Police Force doesn't know how to get services for a deaf person. They don't know how to request for an Interpreter, or how to wait to get an Interpreter there. So if a deaf person asks, hey, could you get me an Interpreter, most of them won't. And they don't understand the issues there. So, that service needs to improve.

And I'd like to help educate people on that, because a lot of Officers will say, oh, no, it's best to start with the Police Academy there. Start there. Start teaching them, and then that filters up, because if you're teaching the Police Academy Members, then the Officers who have been teaching them will also be involved in that process. And everybody would get the same information.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson, are your questions answered before I move onto the next question?

ATTORNEY JEFFERSON: Yes, I believe so. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you. Next, Chief Dennis?

CHIEF DENNIS: And also Director Scippa, what he said, and I don't know if you can see me holding this up. This is the deaf and hard of hearing visor card that was created for Law Enforcement. It's two-sided for Officers to use if they encounter someone on a traffic stop that's deaf or hard of hearing. It also has information of how Law Enforcement can contact an Interpreter.

These were also distributed not only to Law Enforcement Agencies, they were distributed to hospitals, First Responders, nonprofits, audiology clinics. They're available to the public. They go to the Department of Health and Human Services websites, they can actually print one of these out. So those that are hard of hearing or deaf can place those in their cars, too. But they are available to Law Enforcement and to the general public. So I just wanted to share that. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Chief. That was a very good visual for those of us who haven't seen the card before. Next, Mr. Lascaze, you have a question/comment?

MR. LASCAZE: I don't. I don't know why my hand was raised.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, no problem.

MR. LASCAZE: Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes, thank you very much. I've dealt with several deaf people on car stops.

INTERPRETER: Can we hold for one minute, because the Interpreters are switching? So just make sure that Chris can see us. Just one second.

LIEUTENANT MORRISON: Okay.

INTERPRETER: Okay. So Chris just needs one moment to adjust his screen. We're just trying to explain to him how to make the switch. Apologize for this, but we are going to have to figure out, because it's a long meeting. So I can't have Rebecca doing the whole thing.

DEPUTY ATTORNEY GENERAL YOUNG: Take whatever you need for time.

INTERPRETER: All right.

DEPUTY ATTORNEY GENERAL YOUNG: Take however long you need.

MS. REED: So is there anything I can help with? This is Fallon.

INTERPRETER: I'm just trying to explain to Chris how to switch who he's got.

MS. REED: Oh, got you. Okay.

INTERPRETER: Okay. So I'm going to be voicing for Chris and Becky is going to keep on signing, because he can see her on the big screen. So you'll hear my voice and see her sign.

LIEUTENANT MORRISON: Should I continue?

INTERPRETER: Yeah, sure, if you'd like to repeat the question, that'd be great.

LIEUTENANT MORRISON: Okay. I've had the experience of dealing with several members of the deaf community over my time in law enforcement. And they've always been fantastic. And we've communicated either by paper or even on the phone through like the text app with Siri to make it faster and things. It's really worked out well. And the cards are great.

Do you know if there's any program? Or would you have any interest in a program to have something like a decal on a license plate, or some sort of sticker, to sort of help address the concerns that you mentioned with being pulled over and the Officer not knowing that they're pulling over somebody who's hearing impaired?

MR. EMERSON: That's a very good question that you brought up. That's actually been discussed for years and years within the community. And there are many, many community members who are deaf and hard of hearing who do not want that to be on their license plate.

So there's discussion now with the DMV about putting something on the actual someone's License card itself, but not on the license plate. And that's actually been passed. And it's within the Senate now. There's a holdup because of COVID-19, of course. But the beginnings of that are in the works.

There has been actually proposals within many States for when people go to the DMV, if they let someone know that they're deaf or hard of hearing, within the data system that's pulled up. So if a Police Officer were to pull someone over and they type in the license plate into their system, that person is identified as deaf or hard of hearing, before the Officer even gets out of their car to approach the vehicle.

So, it could be actually in a situation where the person who owns the vehicle is deaf. But the person who may be borrowing the vehicle, a family member or something like that, is not deaf. But the Officer can at least know, in the back of their mind, the person driving the vehicle could be deaf. So they can approach the vehicle knowing that maybe they don't want to shine the flashlight in the deaf person's face and remove visual access, for example.

So, that is something that is in the works. But people don't want the decal on the license plate to identify them as deaf or hard of hearing because of potential hazards that can come from that with the general public knowing that the person is deaf, potentially follow them home, and a dangerous situation could happen there. Does that answer your question?

LIEUTENANT MORRISON: It definitely does. Thank you so much.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Any other questions from the Commission Members? If not, again, Mr. Emerson, thank you for your information. Thank you, Ms. Fallen and Ms. Mallory. Thank you. We will now move onto Martha Watt [sic].

MS. REED: Martha, you can just hit *3. And I can unmute your line.

MS. WYATT: Thank you, Deputy Young.

MS. REED: Okay. Go ahead, ma'am.

MS. WYATT: Deputy Young, can you hear me?

DEPUTY ATTORNEY GENERAL YOUNG: I can. Good morning, Ms. Watt [sic]. How are you?

MS. WYATT: Good morning. Thank you, Deputy. And first of all, I would like to thank you and the Commission for providing this important opportunity to participate, and for ensuring that the voice of the community will be heard.

As you've heard, my name is Martha Wyatt. I operate Community Strategies Unlimited, which is a public safety training and consulting firm here in New Hampshire. I'm a lifelong New Hampshire resident. I retired from the United States Department of Justice in 2017. And prior to DOJ, I served in an administrative role 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. 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 fulltime Police Academy is on the lower end of the national average.

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-matters 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.

On the subject of 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 Taskforce 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.

Lieutenant 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 the 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.

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 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 model, which stands for Listen and Explain with Equity and Dignity, and is advocated by the National Police Foundation. I have coordinated dozens of in-service training programs and have 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 her mentality and provide the Officer with the resources to fall back on his or her own training, rather than go along with the group when it may not be the best approach to a situation.

It's important to repeat Chief Dennis' comments about the influence of Agency culture on Officers after they complete the Academy. And I'm quoting here:

"Even when you get back to that Agency, that first person 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 or she really react with people in real-life situations?"

Now, Derek Chauvin, the former Minneapolis Police Officer who was 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 on internal Police Agency culture to develop or sustain the guardian mindset described by Chief Dennis.

Commissioner Quinn and Colonel Noyes have said that New Hampshire Police 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 member of their colleagues who have become cynical and jaded, promoting a negative attitude towards 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 do exist in New Hampshire Police culture.

I have coordinated training for thousands of Police Officers. During the time that I was assigned to the United States Attorney's Office in Boston, one of my New Hampshire colleagues 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 neglect in-service training.

However, the strongest incentive will be a significant increase in the number of mandatory annual in-service training hours. To properly serve all sectors of our community 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 8 to 32 hours, and standardize the required subject-matter of in-service training so that it's 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.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much, Ms. Wyatt. Any Commission Members have any questions/comments? So, Mr. McKim, and then we will go to Judge Gardner. Thank you. Mr. McKim?

MR. MCKIM: Thank you, Deputy. Can you hear me?

DEPUTY ATTORNEY GENERAL YOUNG: I can now. Morning.

MR. MCKIM: Morning, morning. Thank you so much for that testimony. And I just had a question. You just mentioned the suggestion of increasing the budget for training. And there's been some discussion here about the lack of funding for training, lack of budget, and the shifting priorities. And training is usually one of the first things that gets cut.

So I'm curious to hear if you have any thoughts on how an increase in budget would look like, what it would look like. What should we recommend to make that increase in the budget happen? It's one thing to recommend an increase in budget. But it's another thing to figure out how to actually make that happen. So, I'm curious to hear your thoughts on that.

MS. WYATT: Well, not having taken a deep dive into the actual line-by-line State budget, one of the things that I would recommend would be that the increase in funding be divided between State allocations. In other words Local Police Departments would receive half of the increased funding. And half would be managed by the State, so that towns would not have to raise all the funds on their own to increase the training for their Officers. But I'm sure that there are areas that will have to be -- as training has become an item that gets pushed to the backburner, there are other areas that will have to be reduced in order to improve this area that's going to improve public safety.

MR. MCKIM: Thank you. And just a quick follow-up. It's interesting to me that the big challenge that any organization has to face is prioritizing the use of its limited resources. So, I'm curious to hear any thoughts you might have on how to prioritize training higher than other items that need to get prioritized and budgeted for in the Police Forces.

MS. WYATT: I think it would actually have to be done legislatively. I think we would have to require that Police have an increased amount of in-service training by law. That would be the way that it would be mandated. And a goal is 32 hours per year. But any amount of increase at this point would be preferable to the eight hours that they receive at the present time.

Budgets have to be reevaluated every year. And these are clearly safety issues that Officers are not receiving as much training in as they should be. So we have to focus on the public safety aspect in order to justify the increase in the budget.

MR. MCKIM: Thank you. Deputy, I yield back my time.

MS. WYATT: Thank you, Mr. McKim.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. I'd like to welcome Rogers Johnson. He has joined the meeting. Good afternoon. Nice to see you.

MR. JOHNSON: Thank you for having me.

DEPUTY ATTORNEY GENERAL YOUNG: Next, Judge Gardner had a question. And then, we will go to Mr. Lascaze and Commissioner Quinn, in that order. So, Judge, your question?

JUDGE GARDNER: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

JUDGE GARDNER: And so, Ms. Wyatt, thank you for your thoughtful testimony. My question was regarding the hours of in-service training annually. You had mentioned increasing it from 8 to 32 hours. And my question was how you reached that number. Thank you.

MS. WYATT: Well, looking at the trainings that Officers have evaluated as being most valuable, in my experience, and also in the discussions that have taken place in this Commission, I'm looking at blocks

of eight-hour training, which is the way to enable a deep dive into these topics. And we would need to have training every year on unconscious bias, racial profiling, Officer safety and recognizing the signals of impending violence, de-escalation techniques, and also managing those effects of stress and understanding toxic stress in adverse childhood experiences. And those are the things that I just sort of put together as a block that needs to be repeated and refreshed annually.

JUDGE GARDNER: Thank you. I have no other questions.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Your Honor.

MS. WYATT: Thanks, Judge.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Lascaze, you have a question or comment?

MR. LASCAZE: Yes, thank you. Yes, I just have a couple questions. The first question that I had you were talking about funding. And while we're on this, I just wanted to make sure that I was understanding correctly what you were saying. And are you saying that Law Enforcement cannot be expected to undertake any transformational reforms, unless they receive more money?

MS. WYATT: No, sir. I would absolutely not assert that. There are various, I'm sure, changes, for lack of a better word, that can take place within the Academy experience, itself, and with in-service training that is currently provided within the State. And I'm sure that some of those can be enhanced within the existing framework.

But, the expansion of training and more hours of presentation just logistically lends itself to the fact that more money will have to be spent. And we may have to approach that in a step-by-step approach. We may not certainly be able to dive into the ideal situation. But, no, I would not say that the Law Enforcement culture cannot be expected to make any positive corrections without funding. That's not accurate.

MR. LASCAZE: Thank you. Do you believe that any current funds then could be reallocated to start this transformational change that we are looking to bring about in law enforcement?

MS. WYATT: I believe that that is likely. But I am not informed enough about the structure of the law enforcement training line items in the New Hampshire budget. And I would need to probably study that a little bit better before I would answer that question intelligently.

MR. LASCAZE: All right. Thank you. And one last question, during your testimony you were speaking about pretextual stops and racial profiling happening. And you said that this was done by a minority of Law Enforcement. And I agree that I don't believe that this something that is happening in all of Law Enforcement. But do you think that it's possible that in order to accurately find out how extensive this is, the demographic data of all arrests, stops, detentions that Law Enforcement is making should be made public?

MS. WYATT: Yes, sir. I absolutely do agree with that. I did confine my testimony to the subject of training. But that is a discussion I have been listening to with interest. And I believe that that demographic data needs to be collected on every contact and recorded. And I see no reason why it wouldn't be publicly available.

MR. LASCAZE: Thank you very much. I appreciate that. I yield my time.

MS. WYATT: Thank you, sir.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Quinn?

COMMISSIONER QUINN: Great, thank you, Jane. And for our speaker and for the Commission, I just wanted to update you. Since I provided testimony at our last meeting, I just want to share with you that there has a lot come up regarding search and seizure, pretextual stops.

I just want to share that the training that we have been providing internally and externally, the Colonel is working with the Attorney General's Office to have that closely reviewed just to make sure that it stays up with current and all relevant cases, and have a better process for more oversight and support to this training.

So, the Colonel has began those conversations, and we welcome any recommendations on our training. And I think that is definitely a step in the right direction to ensure that we are training correctly, and staying up with all relevant State and Federal Law. So I just wanted to share that for the last speaker, ma'am.

MS. WYATT: Thank you, Commissioner. It's good to hear that. We look forward to hearing more about that.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. Director Malachi, you're next.

DIRECTOR MALACHI: Yes. Thank you so much for recognizing me. Thank you, Ms. Wyatt, for your testimony. I have a couple of questions for you. And please forgive me if I missed this in the beginning of your testimony. You have provided information that you are a Trainer and you've done a variety of trainings across the board for Law Enforcement. Is that correct?

MS. WYATT: I am a Training Coordinator. I rely on the Subject-Matter Experts to actually conduct the training.

DIRECTOR MALACHI: Okay. So, if someone were to use your services, they would contact you to schedule a training. And then, you would provide the appropriate people to actually administer the training?

MS. WYATT: Yes, ma'am. That's correct.

DIRECTOR MALACHI: Okay. And then, with that, do you -- and please forgive me if I am misunderstanding this. You do these efforts in New Hampshire only, in Massachusetts, other places?

MS. WYATT: We do them throughout New England.

DIRECTOR MALACHI: Okay. And how long have you done this particular job?

MS. WYATT: Since I retired from the United States Department of Justice, three years. But prior to that, I fulfilled that role as a Coordinator for DOJ for 14 years.

DIRECTOR MALACHI: Okay. And how many trainings would you guesstimate? I mean, we don't necessarily have to go back 14, but just in the last three where you've done specific coordination relative to what you were speaking of before. How many trainings have taken place in New Hampshire?

MS. WYATT: Two.

DIRECTOR MALACHI: Okay. And is that because no one requested it? Is that because you weren't able to reach out to Law Enforcement to make this available?

MS. WYATT: I have reached out extensively to Law Enforcement and have not been able to successfully engage with more than two Agencies to host law enforcement training.

DIRECTOR MALACHI: And which Agencies? Were they local or State?

MS. WYATT: Local.

DIRECTOR MALACHI: Okay. And then, I would assume there are fees. And are the fees based on the number of people that attend, or is it just one charge and trainings are provided?

MS. WYATT: We do have to have a minimum number of people just to meet expenses.

DIRECTOR MALACHI: Sure. How many is that for the minimum?

MS. WYATT: Fifty, 50.

DIRECTOR MALACHI: Okay. And so, maybe some of that is contingent upon the size of the particular Police Department, possibly?

MS. WYATT: Actually, what we do is we ask the Police Department to serve as the host for a training. And that does not cost the Police Department anything. But we do ask them to assist us in locating a venue that is large enough to seat 50 people, because our Agencies here in New Hampshire don't have training rooms large enough. And now, with COVID-19, we have to have a space that's at least twice as large.

DIRECTOR MALACHI: Sure, yeah.

MS. WYATT: So that's the only request in that partnership that we make. So it's not just for, for example, if Manchester Police Department hosts a training, it's for Manchester Officers. They're just hosting. And then, I have an extensive email list of over 3,000 Officers that we invite from all over New England. Anyone can attend.

DIRECTOR MALACHI: Sure. And then, for the fees, is that for the Police Department to pay? Or is this something that the Police Officers would pay, themselves?

MS. WYATT: Most of the time, the Police Department covers the fee. There are some instances where Officers pay, but they are a small percentage.

DIRECTOR MALACHI: And then, two questions relative to this piece and then I'll move onto something else. The fees that are charged, do those vary from year-to-year? Or is it a flat \$100 or \$200 per person? Yeah, I'm sorry.

MS. WYATT: I'm sorry, ma'am. It's a flat fee and it's just to cover the cost of the Trainer's professional fee.

DIRECTOR MALACHI: Sure.

MS. WYATT: And we feed them. So, there's a cost of breakfast and lunch.

DIRECTOR MALACHI: Right.

MS. WYATT: And copying and basic things like that; there really isn't any extra built into that.

DIRECTOR MALACHI: Sure; and then how much are the fees?

MS. WYATT: \$130 apiece.

DIRECTOR MALACHI: Okay. And then, with the request that you've made of the Law Enforcement Agencies that you've reached out to across the State, so Local as well as State Agencies, is it something that maybe you've -- as you well know, you've worked for the State before. So you understand our budgeting cycle and how those things work, and how those funds are allocated, and what lines are created in a biennium and how those things go.

Is it something that maybe you've reached out prior to starting, or right after you started to work with some of the Law Enforcement Agencies across the State to include something like this on a biennial level, so that there's money that's already been requested, already been set aside, so that those particular trainings can take place? Or if they're not able to increase their fees in training, that maybe they're opting to do this training versus something else. I guess the point I'm making is, has the outreach to them been in

a timely enough manner for either the funds to be requested on a biennial level, or for them to opt to do the training that you are coordinating, versus another training that you are not?

MS. WYATT: Well, that is a good question. And it's not something that I've been able to consider, because it seems as though fiscal years and so on differ from Agency-to-Agency. So I haven't in a across-the-board manner been able to take that into consideration.

DIRECTOR MALACHI: Yeah.

MS. WYATT: We do offer several different trainings. So it's not that an Agency would have to have this training this year, or not be able to do it at all, or anything like that. But, for the most part, the responses that have been received have been crickets. I haven't received responses at all. So if I was to start getting some feedback when I send those invitations out that, here's why we can't send people, or here's why we're not able to host, I think that would be helpful for me to understand how to engage New Hampshire Officers more effectively.

DIRECTOR MALACHI: Okay. Yeah, I only work on a State level. So I know the State fiscal year is the same. I don't know if towns do something different. That would be a good question. And another curiosity that just popped up would be, with the outreach that you're doing, is it the right person at the Agency level that you're reaching out to?

So, if you're reaching out to, let's say -- and I don't know staff at a Police Station. But if you're reaching out to the public information person and that's who you have on your database, however that information was gathered, that may not be the right person, or that position is part-time, or there's turnover in that position, so you would not be able to be consistent in gathering the information that you need.

I mean, has it been something maybe you've set up a meeting potentially with the Chiefs of Police to then make a presentation to say, this is what we do. This is what we offer. This is why it's important to then potentially have them participate with your organization.

MS. WYATT: It has been a learning curve at the beginning. And what I have instituted as a policy is I invite every Officer that I can get contact information for, by using email, so that they're able to look at the class description and understand where and when, how much, and all that.

I haven't traveled around the State to personally represent this to the individual Chiefs. And my email system will tell me if certain people, like, as you said, there might be turnover in a position or so on. If an email gets kicked back, I will know so that I can go back and dig further.

But, I've spent many hours building an email list. And I have evidence that they read them, and not every Agency has a dedicated Training Officer much of the time. Chiefs are. And then the Chiefs get inundated with emails. So that's why I send it to every single Officer in an Agency, whenever possible.

DIRECTOR MALACHI: Sure, and maybe the suggestion is if you're looking and potentially dealing with the Chiefs organization, that's maybe a little easier a nut to crack to make the phone call and set up a meeting, so that you have that foot in the door. And I'll switch over to this, and this will be my last question. There was a question asked of you and a comment made regarding collecting demographic data

as it relates to stops and different interactions. In the training either that your organization provides, or training that you have witnessed, how would you suggest that demographic data be collected, if we were to make that recommendation in our notes?

MS. WYATT: Let me make sure I understand. Do you mean demographic data of the Officers who are participating in the training?

DIRECTOR MALACHI: I apologize. Demographic data of people that have been stopped by Police Officers, so I would imagine that would need to be something that could be included in a training. My question would be, what would be the suggested way for the Law Enforcement Officers to collect the demographic data to, then, as we've been discussing, to put it into the system so that there are statistics that can be derived from that? And I'm not sure if there's a training that your organization already does on demographics, or advising Police Officers how to collect that data.

MS. WYATT: At the present time, to the best of my knowledge, we are not including that. But as you've got my brain thinking, there's no reason why that couldn't be incorporated. Now, I'm not an expert on the Computer-Aided systems that the Officers are using in their cruisers. But I believe that that information could be collected very quickly as a part of the field contact that they record. But we aren't doing that right now.

DIRECTOR MALACHI: Yes, I'm sorry. Go ahead.

MS. WYATT: We are not training the Officers who attend our classes on that particular topic right now. But there's no reason why it couldn't be incorporated.

DIRECTOR MALACHI: And last question, I promise. And I thank you so much for your patience with me, very curious mind here. So we will make the assumption -- and I'm sure someone here will correct me if I'm wrong. But let's assume that that data can be collected in the system that the Police Officers or Law Enforcement Officers are using when they make a stop, whether it's a warning, whether it's an actual writing of a Ticket. And let's say they can collect that data. What metric are they using to make the determination of someone's ethnicity?

MS. WYATT: That is a good question. And I appreciate your curiosity. And I would leave that to either Commissioner Quinn, or Director Scippa, or Chief Dennis to answer that question, because it's not in my wheelhouse at this time.

DIRECTOR MALACHI: Okay. No worries.

MS. WYATT: That's a great question.

DIRECTOR MALACHI: I'm sorry. Go ahead.

MS. WYATT: It's a great question.

DIRECTOR MALACHI: Great, and thank you so very much for your patience with me. And thank you very much for answering my questions. I have one more, but I'll scoot that to the side and allow others well-deserving to have time with you, as well. Thank you.

MS. WYATT: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Ahni, you're more than welcome to ask the question.

DIRECTOR MALACHI: Okay, thank you. So the one last-last -- it's like a Baptist Preacher's message. We keep closing out. So, the question was the trainings that have been done, the fruit of that training -- so what I'm asking is, the block of training that you were suggesting to be included, if we're able to move that into what takes place going forward, I'm assuming -- dangerous word -- that that type of training has been offered in other places in New England.

And the question would be, what has the fruit of that training yielded? So we can offer all sorts of trainings, right? And we can teach people how to do things. We can tell you to tie your shoe this way but not this way. So we can train. But what is the outcome of that training? What positive shifts or changes have been reported back? We can take anecdotal, but statistical changes would be better to support that the training that you're looking to offer, or could potentially be offered to Law Enforcement here in New Hampshire will actually do what the training is saying that it will do.

MS. WYATT: So, to the best of my knowledge, the evidence of any change or lack thereof in Police procedures is not being collected. I don't think that those metrics exist, as far as how has the training impacted the actual on-the-street procedures by the Police. I think it's a great idea. But I don't believe that those metrics exist at this time.

DIRECTOR MALACHI: So then, would we be wasting our time to potentially legislate changes with money we don't have, with metrics we don't have to know if it's effective?

MS. WYATT: I would need to look into whether or not those metrics exist in other States. I know they don't here, because we're not offering the in-depth training that I talked about. Would we be wasting our time? I can provide feedback from Officers who take part in the training. And in those instances, I can tell you unequivocally we are not wasting our time. If the Officers are feeling more safe and capable in many ways, then they're able better to protect the public. And that is our goal. I would like to take the time to look into that for you, and find out if studies are being done on the evaluation of how successful are the trainings.

DIRECTOR MALACHI: Yeah, because, for me, if we make a recommendation to potentially mandate something, and I mean mandate legislatively, not just make a suggestion, then for me to make sure that it's working -- I mean, we can all feel great about a training that we receive, new information that we received, ways to interact with a variety of cultures and ethnicities.

I mean, obviously I think like the TV commercial, the more you know, it's always a good thing. But I think when we are taking something as serious as policing and the topics that we're discussing here

without actual metrics, then we have no way to know, other than we feel good, that we're making changes. Does that make sense?

MS. WYATT: It's difficult in some ways, though, to quantify what didn't happen, as you know. Like, for example, I can give scientific evidence that a person who understands the physiological responses to stress is better able to manage it and maybe even use it to their advantage and to become calmer, and handle a situation better.

But, I'm not able to say a Police Officer, particularly, per se, handled a situation in a different way because he had training to do so. So that's going to be a difficult ask. But I think it's important to know those things. So allow me to take the time to look into that and see if I can give you some more concrete responses on that.

DIRECTOR MALACHI: Okay, yes. And then, I think, also, I mean, well, when the statistics are being done, I mean, you're certainly looking at how the Law Enforcement Officer felt during the interaction, but also how the person who's being stopped -- if you're speeding and you were definitely speeding, and you were stopped, you might not be happy that you got a ticket. But you could still have a positive interaction. So something like that could also be enabled to quantify the training when you're looking at both sides of it. So maybe that's something to put into the hopper, as well.

MS. WYATT: Okay, right.

DIRECTOR MALACHI: Thank you, all. Thank you very much. And thank you, Ms. Wyatt.

MS. WYATT: Thank you, ma'am.

DEPUTY ATTORNEY GENERAL YOUNG: So, Director Scippa has, I think, some feedback or some comment on that. So I'm going to let him make that, and then we're going to continue with the questions. And then, Attorney Jefferson, you'll be next. Just seems for a better flow, I'm going to let Director Scippa hop in here, okay?

DIRECTOR SCIPPA: Thank you, Deputy General. Ms. Wyatt, thank you very much for your testimony. Clearly just by listening to your testimony, you definitely have a tremendous amount of experience with regard to the toping that you're discussing.

I couldn't agree with your testimony any more than the way you placed it. I have to come at this from a pragmatic point of view, as well, and particularly under some of the things that are happening at a State level right now, with regard to funding and things like that.

It's just important for the Commission to understand that Police Standards and Training does try to budget to hire these outside vendors to come in and deliver different segments of training. And we do that by way of the State's system, by putting out RFPs. And then we hope to get returns on those RFPs for both the topic and then the cost of the delivery of that training.

As an example -- and I just put this out there again just to give everyone an idea of what we're dealing with -- as it stands now, we have about \$75,000 per year to be able to fund this third-party vendor

training, so that we can make it available to all New Hampshire Law Enforcement Officers free-of-charge. The State of New Hampshire Police Standards and Training foots the bill to have the vendors come in.

We have about \$75,000 to operate with. And just as an example, in this particular case, this vendor needs 50 people to make it worth them having the class. And I believe \$125 per seat, and correct me if I'm wrong. I may have misunderstood that. So the cost of that particular training for 50 Officers comes out to \$6,250.

If we take our budget of \$75,000 and divide it by just that number, because some of these RFPs come in a little bit higher, some come in a little bit lower, we could hold 12 classes that could help educate 50 Police Officers at a time. And we would be able to provide in-service training to 600 Police Officers annually using that budget by hiring outside vendors.

We have about just over 4,000 Police Officers in the State of New Hampshire. And I think it is vitally important to have outside vendors come in to provide specialty classes. The Subject-Matter Experts that Ms. Wyatt spoke of and a lot of these third-party vendors have to offer are tremendous. And they really are nationally recognized Subject-Matter Experts in their particular area.

But I think with regard to this type of training that we're talking about right now, and to standardize it across the board in the State of New Hampshire, it would be my personal opinion that that money should not go to a third-party vendor. It should come here so that we can augment and develop programs here that we can deliver to all of the Police Officers. And whether that be face-to-face or whether we continue to move forward on our online training, but the one thing that we really have of great value here in New Hampshire is that we have a single source Academy and single source training.

And from a pragmatic point of view, this type of training that we're talking about right now -- diversity, bias, interacting with mentally ill, interacting with those who suffer from hearing loss -- those types of subject-matter topics, we should be investing here, so that we can push the message out in a much greater way.

Alternatively, if we can up that money that every State Agency is clamoring for right now, then we could provide more training through a third-party vendor. But it's just important, I think, for the Commissioners to understand kind of that dynamic and have that be part of your decision-making process as you go forward.

With regard to Ms. Wyatt's position on training, she's absolutely correct. And some of those things that she spoke of, I really support wholeheartedly. So I appreciate the Commission's time. I yield. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

MS. WYATT: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Thank you. Ms. Wyatt, thank you so much for your testimony. I can't tell you how refreshing it was to hear, especially from somebody who comes from the Prosecutor's side of things, because, as I've been sitting through this Commission, a lot of times it's been hard for me to see the disconnect between things that I see and hear for myself and that I hear from others, versus the current state of whether or not we have systemic issues that we need to address in New Hampshire. So it was so

refreshing to hear your testimony to confront the fact that we do have some systemic issues that we need to have a clear-eyed view upon so that we can make some meaningful recommendations.

The questions that I have for you is your conversation about de-escalation, unconscious bias, and the fear structures and dignity. I agree with Director Scippa that to go from 8 to 32 hours would require a shift in funding priorities or an overall increase in priorities.

And this conversation about reallocation of resources and reprioritizing Police Departments' budgets, without having line-item budgets in front of you, can you give me a sense, from your experience, what are things that are typical in any Police Officers' Agencies line-item budgets that could be curtailed, eliminated, or reduced, so that these very important trainings that you're talking about can have the funding that they need? That's my first question to you.

MS. WYATT: Thank you, Mr. Jefferson. Okay. I'm going to say something that's not going to be very popular, but it is from personal experience. So it's not very scientific. However, many times at the end of the budget year in Police Agencies -- and this is more than just my personal experience -- there are funds left over. And they are spent quickly so that the budget is not reduced at the end of the year -- I'm sorry, the subsequent year.

I am not able to specifically say. I think equipment, at times, is a line item that could probably not necessarily eliminated but put off until another time, if training was mandated to be increased. But I believe that there are times when those funds that are spent at the end of the year so that the budget doesn't go down the following year could be allocated to additional training.

ATTORNEY JEFFERSON: Okay. And in regard, from going from eight hours to something more than that -- and I know your proposal is 32 -- my question to you is this. Other Commissioners have spoken about, well, how do you arrive at that number? How do we pay for that number? Will this training be effective?

Police Officers have control over people's lives, literally, in some circumstances. Attorneys, Judges, and Doctors who have power over life and death to a less degree than Police Officers do have to go through mandatory training at a high level. So do you think that it is important, in and of itself, because of the power that Police Officers have over members of the public, that those hours need to be increased, regardless of whether or not there's specific metrics that you can come up with, that it is important in and of itself, due to the amount of power and control that we give them in our society?

MS. WYATT: Correct, I believe that, given the level of responsibility that any Law Enforcement Officer has over the safety of the public, the safety of the community, that they should be mandated to have at least as much training as my Accountant. These are people who have to behave in a certain way and have signed up for same. However, they have not signed up to put their lives on the line and then not receive tools to work with that so that they're able to deal with the public in an equitable and fair way, and not feel their own fear that's overwhelming them.

So, the training that I propose is designed, in large part, to combat that. And I think that, yes, the increase in amount of training -- to be honest with you, like I said, any increase would be an improvement. So 32 hours is an ideal. And I think that we should strive for that. But any increase in New Hampshire's in-service training would be an improvement.

ATTORNEY JEFFERSON: And my last question to you is in regards to two things that you had brought up that I just found so interesting, things that I wholeheartedly agree with. And it's the idea of training on treating people with dignity and how that can be hard to do, especially for a Police Officer who is encountering people over and over again, and, in many circumstances, at sort of the worst point they can in their lives, and how it is easy for a Police Officer to become jaded. And you constantly need to be reinforced to guard against toxic fear, to guard against toxic stressors, and to remind Police Officers how important it is to treat members of the public with dignity, and that herd mentality that can set in when you're not actually doing that. So if you could speak to me a little bit about why that's important and what the training is around that? Yeah, so that's my question to you.

MS. WYATT: Well, what I'm referring to is training on the impact of toxic stress on the architecture of a brain. So we're looking at that both from the perspective of the Police Officer, but also from the perspective of the person that he's dealing with.

So rolling back the behavior of the person that the Officer is encountering and trying to teach them to understand maybe where that behavior comes from, as in also President Obama's 21st Century Policing Report. Understand some of the history; understand some of the physical responses to the experiences that this person might have had.

And I mean I know Officers who have been in the business for 30 years that have no idea of the Adverse Childhood Experiences Study of over 17,000 people, and the fact that their neuropathways are changed based on their exposure to trauma and poverty, and violence. Understanding that, it's going to go a long way for an Officer to be able to understand why the person that he's encountering is treating him in a certain way, and therefore, as you said, to treat that person with more dignity and more equity.

ATTORNEY JEFFERSON: Okay, wonderful. And my last question to you is, in regards to your testimony about recognizing from what you've seen and heard, there is anecdotal evidence and actually, indeed, concrete evidence that we do have issues in New Hampshire in regards to racism, potential bullying, lack of dignity at times, and treating the public, and even if it's a small minority.

So, I want to get your response to this statement. If you have 1,000 Police Officers, and 10 of them are really on a bad path, and the other 990 are not doing anything to effectively isolate, highlight, and eliminate those people, then what you really have is 1,000 dangerous Cops, because that herd mentality, that pervasive culture seeping into new Recruits that have a bad Field Training Officer, because nobody will root those people out, is that an important thing that we need to confront? And is one meaningful way to do that is to have part of training and explicit Policies a duty to report Police misconduct by fellow Officers, and that failure to do that, in and of itself, would be grounds for discipline?

MS. WYATT: It is important. And absolutely, too, I believe there's legislation before the Senate at this time to require, to mandate reporting of unethical behavior. And I think Direct Scippa talked about the EPIC training that is advocated by the Police Executive Research Forum that teaches Officers about reporting improper behavior by their peers.

You absolutely hit the nail on the head. If you have 10 Officers that are not behaving in the way that they are trained to do, they potentially can infect every one of the other 990 Officers that are in the sample. Absolutely.

ATTORNEY JEFFERSON: Thank you so much, Ms. Wyatt, for your testimony and your time before the Commission.

MS. WYATT: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: We will go next to Mr. Norton. And Chief Edwards, did I see you raise your hand? Or do you have a question?

CHIEF EDWARDS: Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: All right. So I'll call on you after Mr. Norton, okay? Thank you.

CHIEF EDWARDS: Okay.

DIRECTOR NORTON: Thank you. And thank you, Ms. Watt [sic], for your detailed testimony. My first question is, will you be submitting this in writing for the Commission?

MS. WYATT: Yes.

DIRECTOR NORTON: Or can you submit it in writing?

MS. WYATT: Yes, sir.

DIRECTOR NORTON: Thank you.

MS. WYATT: Yes.

DIRECTOR NORTON: That'd be really helpful. And then, you mentioned having the Academy be geared toward -- that the Academy needs to increase its hours. And mentioned to the national average, relative to the length of the Police Academy. Do you know what the national average is?

MS. WYATT: Approximate 20 weeks.

DIRECTOR NORTON: Okay. Thank you. And then, you also mentioned the LEED model. And I tried Googling that but I found something else relative to law enforcement. Can you say a little bit more about what the LEED model is?

MS. WYATT: Sure. It's available. And I don't have the description -- I'm sorry -- in front of me. But it's on the National Police Foundation website. And it's Listen and Explain with Equity and Dignity. It gives a detailed description about that. And it's also incorporated into our trainings, as well.

DIRECTOR NORTON: Great, can you maybe put a link into your testimony for that?

MS. WYATT: Yeah, I certainly will.

DIRECTOR NORTON: Thank you. And then, following Attorney Jefferson's comments, you also had mentioned programs that address herd mentality. And certainly Director Scippa mentioned EPIC. But are there other programs besides EPIC that you would recommend, or that you're aware of?

MS. WYATT: Well, when we have trainings that teach Officers about concrete ways to anticipate, or to be able to spot impending violent crime, and to be sure that they are able to articulate that properly so that they're not putting -- what should I say? They're not using a pretext. That's basically what I'm trying to say. We don't want to conflate plotting violent crime with a pretextual motor vehicle stop. It's most important that they are trained to be able to spot those signs as they come up. Now, the LEED model in treating people with equity and dignity is incorporated into the training on those types of encounters each and every time, so that Officers are not being encouraged to treat the public as if they are suspects from the outset.

DIRECTOR NORTON: Great, thank you. That's all the questions I have.

MS. WYATT: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Mr. Norton. Chief Edwards?

CHIEF EDWARDS: Good afternoon, Ms. Wyatt. And thank you so much for your testimony and your patience. My question is really geared towards the training, because I know many of the Commission Members, like myself, we don't just want to have a check off the box-type of approach here and say that we established training. And I just want to follow up on some of the questioning that was put forth by one of the Commission Members.

In your coordinating training and reaching out to Police Departments, do you have data, or can you give us an example of a Police Department that had some of these structural problems, and took the training, and produced positive results from that training? And very specifically the Department had demonstrated issues. The training was implemented. And the outcomes were different. Is there any data, or any Department or City or State Agency you could point to and say, this training was effective in delivering this change of behavior?

MS. WYATT: Chief, no, I do not. I do not have metrics on specific Departments that had problems that were corrected by the individual training. What I do have is class evaluations from the Officers who attend who have told me that they found it valuable to combat complacency. So I realize that that is a problem.

I've had Officers tell me that the training may have saved their life, because they were realizing things that they were doing that were being overlooked. So, what I do have is detailed feedback that I received from the Officers who are taking part in the training. But I'm not aware of information that's out there about Departments that are having problems that are, in fact, corrected by any individual training.

CHIEF EDWARDS: Okay. Is there any data or any information you could provide to the Commission regarding -- I know you recommended going from 8 to 32 hours. But how often should this particular training be conducted to change an Officer's attitude? If an Officer has a perceived bias, how often should that training be given to change that behavior?

So, for instance, if we're talking about efficiency or effectiveness and use of firearm, there's an annual training done every year that stress tests that Officer's ability. How often should this training be given, this particular training to change an Officer's behavior? Should we do it one training once a year? Or should this training take place throughout their career the entire time?

MS. WYATT: Training to refresh an Officer on recognizing the signs of unconscious bias should take place every year.

CHIEF EDWARDS: And in those classes you've produced -- and I just really want to get down to a place that, when we make a recommendation, we're on a solid ground of making that recommendation that this training is highly effective, because what we don't want to do is recommend training here in New Hampshire that is being used in some other State that has not shown the results that people are looking for. So, if, in your travels and when you have time, if you could produce, or share with us any data that supports the effectiveness of this training, whether it's a two-hour block of instruction, an eight-hour block of instruction, or a 32-hour block of instruction, it would be very helpful.

MS. WYATT: Excellent, Chief. I will do that. I will follow up on that for you.

CHIEF EDWARDS: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thanks, Chief. We will next go to Mr. Lascaze.

MR. LASCAZE: Yes, I just had a quick comment for a follow-up going back to Commissioner Malachi speaking about data being collected. And when we're talking about potentially mandating demographic data being collected, what I wanted to highlight is that this data is already being collected. It's being collected on the level of Police Departments, because, when someone is arrested at a Police Department, the fingerprint card has the demographic data on there to be checked off. And then, this information is, then, forwarded to other Law Enforcement Agencies. So, this data's already here. It's just we can't seem to get it public. That's what I wanted to chime in on that.

MS. WYATT: But what about the people who are not fingerprinted? What about other field contacts? When an Officer takes an individual's identifying information for any reason, it would stand to reason that demographic information could be collected.

MR. LASCAZE: Absolutely. And to my knowledge, this is also done on tickets that are forwarded to the DMV, that this demographic data is also on those, as well, to my knowledge.

MS. WYATT: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Ahni, did you want to? Go ahead.

DIRECTOR MALACHI: Yeah, so to Commissioner Lascaze and to Ms. Wyatt, so -- and I'm certain we have a plethora of Law Enforcement that can specifically answer the question. But let's take your example of when a person's arrested and then they're fingerprinted. And on the fingerprint card, the information is collected there. How is it collected? How is that person's race or ethnicity placed on the card? Is it me looking at you determining what your race is? Is it me asking you what your race is? Is there some other Government-issued document that you, as the individual, have on you that specifies what your race or ethnicity is?

MR. LASCAZE: That has been asked of the individual being fingerprinted by the Booking Officer, in my personal experiences and in that of people that I know. It has been done. The Booking Officer has asked the person specifically the question of what their race and ethnicity is.

DIRECTOR MALACHI: Okay. And has the person always volunteered that information?

MR. LASCAZE: It is optional whether or not a person wants to answer that. But, yes, people sometimes won't answer it. But most of the time, people do.

DIRECTOR MALACHI: Okay. So then, maybe if that's something that we put into the works for a further conversation, then maybe if you're going to put something that signifies whatever the standard alphabets would be, or shorthand would be, then there would equally need to be something that would support that the person refused to acknowledge, because if you don't do that, then it looks as though either they weren't asked or that someone forgot to do it, or just didn't comply, versus I've asked you and you're refusing to tell me, because that would, then, also shape the demographic statistics that we, as this Commission, and others would be looking for, if I'm understanding that. And I don't know if that's something that's done at traffic stops, as well, or if this is data that's just collected once they're fingerprinted. That would be a question for someone else to answer.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson, question/comment?

ATTORNEY JEFFERSON: Yes, very briefly, Ms. Wyatt. Chief Edwards had brought up a really good point of, if we're going to be doing training, we want to make sure that it's effective and it's important. And so, I think it is important to come up with, if we can, some metrics.

But also to respond to that and to get your thoughts on it, Police Officers are trained without question every year on use of deadly force and firearm safety training, because they're authorized to use deadly force. So, do you think it's equally important, on the other end of the scale, that you have just as much training on de-escalation, on getting rid of toxic fear and stress so that they are only pulling out their guns and using their guns, and using force when it is actually necessary? And is that so fundamental and so important that we have to train on it regardless, that it is just as important as firearms training, how to use a gun, to training to make sure you're only using the gun when you're supposed to?

MS. WYATT: Well, absolutely. And the training on de-escalation and recognizing toxic stress is vital because a human being's response is fight-or-flight. And a Police Officer does not have either of those options, unless it's a deadly force situation. They need to be able to learn how to not only deescalate but what I call pre-escalate. Before the situation gets to a point where a de-escalation is needed, in other words it's already started to escalate, an Officer needs to recognize those signs that this is starting to go south and become in control of it in a way that pays most attention to the safety of everyone concerned.

They don't have the opportunity. They don't have the option to run away. And they don't have the opportunity or the option to punch somebody in the mouth, or they shouldn't. So, reinforcing de-escalation training is necessary every year because the natural inclination is not to deescalate.

ATTORNEY JEFFERSON: And this emotional intelligence, this is something that, in your opinion, that requires deliberate effort to build and maintain over time?

MS. WYATT: Well, it does because we're all emotional beings. And when a person who may have whatever background is insulting or hurling epithets at us, our natural reaction is for the blood pressure to go up and to start raising our own voices. And we have to train ourselves out of that and we have to continually work on that. We all do, and Police Officers are especially responsible to maintain calm for everyone concerned.

ATTORNEY JEFFERSON: And would it be reasonable to say that that's not something that's just going to come naturally? That is something that we are going to have to make a very deliberate effort to train and constantly retrain on, on an annual basis?

MS. WYATT: That is correct. It has to be repeated regularly.

ATTORNEY JEFFERSON: All right, thank you very much.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: Thank you. I just want to make sure that we are all very clear on the picture here and somewhat a lot of the things that we're talking about, the training, particularly around use of force, de-escalation, that takes place in many Police Departments right now annually, when they do their use of force training. I can tell you firsthand that type of training takes place annually.

Most Police Officers are not just given the eight hours of mandatory training. Many far exceed that. Some do not, but many far exceed that. So, I want to make sure that we're all talking on the same level here when we're describing this, because we shouldn't have people walk away with the notion that Police Officers in New Hampshire only receive eight hours of training and that's it. Most Officers receive far in excess of that training. And de-escalation, escalating is part of the use of force training.

So some of that training's taking place. That's why I want to be very clear that if we're going to adopt new training models, that we have some point of reference to say this training was used. And the outcomes were very positive. It really shift the culture of that Police Department.

So, having a conversation just about training for the sake of training will not be effective. So if we're going to make recommendations, we want to make sure that we're making recommendations based upon the best models possible. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Mr. McKim?

MR. MCKIM: Thank you, Deputy General, and thank you, Commissioners, for your very in-depth questions, and, Ms. Wyatt, for your patience with us in trying to sort this out. Having some experience in training, as well, I'm wondering, Ms. Wyatt, if you think it would be possible -- going back to a point that Chief Edwards was making, and I think Attorney Jefferson was making, as well -- as we look at the success of training that has been delivered, do you think it's possible to get a sense of that success, looking at the topic areas, and distinguish that from the actual delivery?

I mean, in the training world, we talk about an offering of a training versus the curriculum design of the training. And a training design to be delivered can be executed by different organizations and have different outcomes. So I'm curious to hear if you think it's possible, with your gracious offer to do some more digging into this and find examples and results, if you can tease out that distinction between a curriculum design being effective versus the actual delivery being effective.

MS. WYATT: So I think I understand your question, Mr. McKim. You're looking to find out if there is data, for example, that would indicate changes in an Officer's behavior if he has taken a class to learn about toxic stress, versus any particular class and how successful that delivery was.

MR. MCKIM: Almost. So, many Trainers deliver training on implicit bias. One Provider's training could be successful, could produce the outcomes that we want. Another Trainer on that same topic could provide training that's not successful. And so, that's the distinction I want us to be able to make because, as we come up with recommendations, we need to consider whether we're recommending a topic area be taught, or if we're recommending a specific Provider to deliver that topic.

MS. WYATT: Okay, I understand. Now, I understand. Okay. I'd like to put something together on that for you.

MR. MCKIM: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. McKim, are those all your questions?

MR. MCKIM: Those are my questions. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. Commissioner Quinn?

COMMISSIONER QUINN: Yes, thank you, AG Young. Just to add a couple comments, I know there's been a few questions and inquiries on race. I just want to share with you that there are fields for race on a ticket, as Ms. Malachi said. It is not on the Driver's License. There are also different Records Management Systems across different Police Departments which may require. But I can't speak for them, whether

they're mandatory fields. And as you know, there are two separate fingerprint cards. One is for the State and one is Federal. And those are fields, as well as opportunities.

But I will say that there is no consistent reporting there. And again, I agree with whatever reporting there is, we should make sure that it's accurate as to what the race is. But I just wanted to share for Mr. Lascaze, because he spoke about a fingerprint. There's two separate cards and there's a traffic ticket. But there's also different reports which may have race there, as well. But I cannot speak to whether they're mandatory fields, if that helps. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Norton?

DIRECTOR NORTON: Thank you. And I really appreciate these questions that started by Ms. Malachi and Attorney Jefferson, Chief Edwards. And I want to just read a quick excerpt from some of my testimony, because I think that this gets right at the heart of it. And I want people to be able to refer to this Report regarding the difficulty of effectively evaluating training.

The 2016 International Association of Chiefs of Police Report, which is called An Evidence-Assessment of the Recommendations of the President's Taskforce on 21st Century Policing Implementation and Research Priorities states:

"Only limited research has examined the impact of any type of Police training. The National Research Council's review of policing research concluded that there is limited evidence available on the effects of training and that few studies evaluate the impact of training programs on actual performance on the job."

And that's in page 33 of that Report. I will provide a copy of that with my testimony. But the Report also contains a wealth of other information which may help inform our efforts relative to the work of this Commission.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. Anyone else have any questions or comments for Ms. Wyatt?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Thank you for your contribution, Ms. Wyatt. This was sort of a lively spirited discussion. So I thank you.

MS. WYATT: Thank you for the opportunity.

DEPUTY ATTORNEY GENERAL YOUNG: Have a good afternoon.

MS. WYATT: You, too. Thanks.

DEPUTY ATTORNEY GENERAL YOUNG: Next on the Agenda is Merrimack County Attorney Robin Davis. County Attorney Davis, are you on the line?

MS. REED: Deputy General, I don't see her. But if she is, if she can hit *3 on her phone? And I'll just take a quick moment, if I may, for the Members of the Commission. If you've raised your hand, if you can just un-raise your hand by clicking the button again, that way I don't call on you twice, or make sure that, if you have a question, I get you.

DEPUTY ATTORNEY GENERAL YOUNG: Thanks, Fallon. Okay. So we will move past County Attorney Davis to Representative Renny Cushing. Is he on the line, Fallon?

MS. REED: He is, one moment. Representative?

REPRESENTATIVE CUSHING: I'm muted?

MS. REED: Yeah, go ahead, sir.

REPRESENTATIVE CUSHING: Good, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Good afternoon, Representative. It's Jane at the AG's Office.

REPRESENTATIVE CUSHING: Good afternoon, General. How are you? Members of the Commission, for the record, I'm Renny Cushing, a resident and a State Representative from the Town of Hampton. I'm at my house on Winnacunnet Road and I'm alone in the room.

For purposes of the meeting, I'm wearing two hats as I testify: one as an Elected Official; and the other as a private citizen. And if it's okay, I'd like to bifurcate my remarks, commenting first as Chair of the Criminal Justice and Public Safety Committee of the New Hampshire House of Representatives, which will be sharing information on some recently passed legislation that may be relevant to the Commission's work, and answer any questions related to the legislation oversight. And then, claim a few moments to share some thoughts and experiences as a private citizen. Is that all right, General?

DEPUTY ATTORNEY GENERAL YOUNG: That is absolutely okay.

REPRESENTATIVE CUSHING: All right. There's been reference to is. Wearing my Chairman's hat, the Criminal Justice and Public Safety Committee, it's a Standing Policy Committee of the House of Representatives which has, among other things, jurisdiction over matters relating to Police, corrections, Criminal Law, Victims' rights, and public safety, obviously Policy areas that are covered by the mandate of the Commission.

And I've done my best and I'm doing my best to follow the Commission in its work to-date, learning with you as an observer, as you go about your work. I'm mindful at the end of the process that there may be recommendations for changes in the law and Policies. And if I'm reelected, I might be part of the collaboration to craft new legislation, as New Hampshire deals with issues related to the modernization of our public safety systems and race and equity in law enforcement.

And I did circulate to Members of the Commission, or sent it in, a copy of House Bill 1645. And that was an Omnibus Criminal Justice Reform Bill that was passed by the Legislature last week. And it's on its way to the Governor for his consideration, and hopefully his signature.

I bring it to your attention because it contains elements that relate to the Commission's work and the ongoing conversation regarding law enforcement, social justice, and a need for reforms to enhance transparency, accountability, and community relations in law enforcement. And I know that Direct Scippa and perhaps others testified during the Senate Judiciary Committee on that Bill and in the House on underlying parts of the Bill that were subject to public hearings. And I have to tell you. If lawmaking's akin to sausage making, the past four months have been a whole new world of virtual sausage making. But what you have in the result is House Bill 1645.

The four areas of the Bill that I want to draw your attention to are: a ban on private prisons; mandatory reporting of Police misconduct; requirement that all Law Enforcement in the State pass psychological testing; and a ban on chokeholds. And I just begin, ban on private prisons, I realize it's not the charge of this Commission to oversee that. But I think Law Enforcement's part of a continuum. I recognize Police Standards and Training has jurisdiction over training Corrections Officers.

And this ban, I think it's part about not wanting to have Criminal Justice System be a profit center, and we don't want to have a situation where we have incentives to keep people incarcerated, which private prisons do. And we're trying to be consistent with the Constitution of our State that the purpose of punishment is rehabilitation and not extermination.

And part of this Bill, it started out just to cover the Department of Corrections, but also turned out it was the Superintendents of Jails and House of Corrections who also have a part of this Bill. And I say that because it might be a place to note here that, while we have one set of Criminal Laws and a unified court system, we have 11 separate systems of corrections and incarcerations, and, as Chief Dennis told us last week, hundreds of different Agencies enforcing that one set of Criminal Laws, which leads me onto the next part.

And it's been alluding to how one good thing that we have going on in the State of New Hampshire is that we do have a unified place in the Police Standards and Training Council and to the Academy to train all Members of Law Enforcement. And what this bill also incorporates is a requirement that all Certified Law Enforcement in the State pass Psychological Fitness and Drug Tests.

In 1997, the State passed a law that did just that. And for personal reasons I'll share later, I followed that legislation then. But what I didn't know is that it contained a footnote where local communities could opt out of having their Law Enforcement Personnel be tested for psychological fitness and drug testing.

And last year, I got to read the audit of the Police Standards and Training Council. And I want to give kudos to the Council for drawing attention to the fact that even though we'd had a law in the books for 13 years that required training, that not every Agency did it. And I believe it was up to 29% of the Law Enforcement Personnel in the State had not passed either a drug or psychological fitness testing.

And something I wanted to flag to you, General Young, is that, in going over the history of this Bill, how this came to be that you would have a requirement for all Law Enforcement that actually didn't really require all Law Enforcement to do it, there was arguments that were raised about 28-8, about whether or not the State could impose a mandate on Local Law Enforcement.

And I did see reference to the 1997 debate to an opinion of the Attorney General that said to the effect that because Law Enforcement was an essential government that predated our Article 20A, that, of course, it was in the authority of the Legislature to require somebody. I couldn't find a copy of that Memo,

because it's not in the permanent AG's online listing of opinions. But it might be helpful if you could dig that opinion out from whomever the predecessor, because I think it comes up time and again when we're talking about issues about whether it be requiring unconscious bias training, or requiring that dash and bodycam cameras be worn, by all Members of Law Enforcement. But there are a number of issues where we should have some clarification about this.

So what 1645 is, it removed that exemption so that, if it becomes law, to say we will have, as a minimum, knowing that every person who is given the authority to go out and use deadly force has, at least, passed a minimal level of psychological screening. And I know that, again, this was somewhat controversial in part because, again, of the funding mechanisms that we do.

The next component of it relates to the requirement that all Members of Law Enforcement in the State, that they are mandated to report the misconduct by another Law Enforcement Officer. And misconduct is defined as assault, sexual assault, bribery, fraud, theft, tampering with evidence, tampering with a witness, use of a chokehold or excessive and illegal force as defined by the New Hampshire Criminal Code. And it imposes a duty on Law Enforcement who observes that action by another Member of Law Enforcement to report it to their Chief and/or to the Police Standards and Training.

And I know that this will be an important departure. In the State, we've had a system where there are mandatory reportings [ph]. If you know about child abuse, you have to report it. I think this will be different. And again, I think it's going to involve part of what's been alluded to, or discussed, on this earlier about new training. What does it mean? Or dealing, I believe, with I guess the term would be the herd mentality. And so, I think this is significant.

And finally the fourth major change I think that is different is that it bans the use of chokeholds, the exception being with a use of deadly force. And we know that, while it's clear that we know that it's not taught at the Police Academy, anecdotally, at least, is that some people in law enforcement do know how to use a chokehold and do use it. But it's a clear statement, I think, that, in New Hampshire, that's just something that we're not going to accept.

And so, that's kind of an overview of what the legislation does. I don't know if there's any questions. I might add another couple comments in my capacity as the Chair of the Criminal Justice Committee. And it's somewhat of kind of an observation.

I get information fed to me anecdotally all the time from people that relate to concerns they have about Law Enforcement. And sometimes I digest it. But one of the concerns that we have about training, and about monitoring, has to deal with conduct by Members of Law Enforcement in their personal life that needs to be screened or needs to be flagged.

I say that specifically. I do hear complaints. I do hear stories all the time, because I work with the domestic violence community, of incidences involving Members of Law Enforcement who engage in domestic violence actions. And kind of the conundrum that people find when it's someone who's part of the law enforcement community who is engaging in these acts, and it's an additional sense of disempowerment that I think Victims of partners of Law Enforcement who are subjected to domestic violence.

And I think I would like to suggest that that issue be flagged for training or for recognition, because I think it's a little bit more widespread than is kind of recognized, or acknowledged. And I do know that we have addressed it.

I want to move into the experience of people who have been victimized by Members of Law Enforcement. And I do so somewhat gingerly. I guess I want to step down and talk about my own personal experience.

My father was murdered by a Police Officer. He was killed in our family home in front of my mother. The execution was carried out with a sawed-off shotgun he took from the Police Evidence Locker Room. He practiced at the Police firing range. The shotgun shells that shredded my father's body were paid for by local taxpayers. And then, after the murder, he got up the next morning, put his Police uniform on, strapped on his firearm, got in a cruiser, and patrolled the streets of our town. And I'll readily acknowledge that the incidence of people who've been murdered by Law Enforcement is very rare in this State. But it does happen.

And I will tell you that we're not talking about whether Law Enforcement roles should be the warrior model or should be the guardian model. We need to address that there are times when it's the predators is what we're dealing with. And those incidences when it does take place, when the perpetrator is actually a Member of Law Enforcement, if you are the Victim of that, or in my case the survivor of the Victim of that, it's very, very isolating and very disorienting, because the very forces that you rely upon to protect you are the ones that are responsible for that. And it's hard to know how to get grounded in any sense of public safety.

And funny things happen. I still wonder to this day how it was that hacksaw blades were smuggled into the Officer who killed my father's cell at the Strafford County Jail, while he was awaiting trial. And I understand communities and wanting to get together. But, there is an isolation that takes place.

And I will acknowledge that, in my instance, it was white-on-white crime. But I think for many people in the State who are in a different situation, they feel really isolated by that. And I think I will say one of the reasons why I paid attention in 1997 about the need for training grew out of my experience of my father's killer, because he is somebody who, although he was a Member of Law Enforcement, prior to becoming a Member of Law Enforcement, he had committed an armed robbery and done time for it as a juvenile, and changed his name, and was hired onto the Force. He is somebody who, in his time as a Member of Law Enforcement, was a domestic abuser and a deadbeat dad who threatened to cut his spouses gut like a deer. He was somebody who, in private conversations, was a blatant racist who used language that we know is very appropriate [sic].

And the question is: how did this person, first of all, get on Law Enforcement? And then, how did he remain on Law Enforcement? And that's why I realize I'm glad that we have in place mechanisms that do a better job screening on that. But I want us to not become complacent about that.

And another thing I just want to talk about relates to when Police misconduct happens, how you get services? How do you get Victim's services? We have the situation where, when Mr. Towler [sic] at the Shea Farm, the women's prison, was raping prisoners, and they weren't believed, that those women who were raped by this Guard weren't able to access Victim's services, because we had them precluded. We changed that law. When Mr. Blanchette, when we had the Deputy Sheriff from Merrimack County raping, or having sex, with the woman who was transported to the state prison, that person, what Victim's services do they have available to them?

And I want to challenge the Commission to think about this law enforcement continuum not just for how the interactions and the experiences who encounter Law Enforcement on a routine day-to-day basis, but also what their experience is when they become Victims of crime. I know that there was an allusion about that.

And my question is: are Victims of crime of minority community, are they represented? Is there consciousness of it? Is there a satisfaction level, because, again, anecdotally I know that there are people of color in this State who I know who do not feel that they will get access to justice as easily as someone who's white. And I know again, this is anecdotal, but it's real. And it's a real experience.

And anyways, I want to just thank you for this. I will give you one metric, because I know we talked about it. The metric that I think you should look at, as we have this discussion, is that New Hampshire, as a State, we spend about \$80 million a year in general funds on the State University System. And we spend \$120 million in Department of Corrections. And to me, it's just not sustainable for a State to spend \$1.50 to incarcerate someone in prison for every \$1 it spends to educate somebody in college.

And the final thing I want to say is, I want to say Dick Dow. There's a guy, old Member of Law Enforcement, who killed his wife and his stepson. It's a stain on the State of New Hampshire. I just think there should be some justice on this case of a rogue Member of Law Enforcement. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much, Representative Cushing. Any questions or comments for Representative? Attorney Jefferson, do you have a...

ATTORNEY JEFFERSON: Yes. Representative, I had a question on the statutory language on the two portions of that Bill that you said are currently going before the Governor.

REPRESENTATIVE CUSHING: Right.

ATTORNEY JEFFERSON: With the ban on the chokehold language, so does the statutory language include both strangleholds, chokeholds, and any pressure being applied to the neck, even with a knee? So is the statutory language comprehensive enough to cover all of those circumstances? That's my first question.

REPRESENTATIVE CUSHING: I'll read the language:

"The use of chokehold by any Law Enforcement Officers is prohibited, with the exception of circumstances in paragraph 2(a) that's been identified. In this paragraph, chokehold means the application of any pressure to the throat, windpipe, or neck, which prevents or reduces intake of air, or oxygen, to the brain."

ATTORNEY JEFFERSON: And my second question related to that is, another dangerous activity -- and this was recently found out to be the case in Tucson, Arizona -- is when a Suspect is laid flat on their belly with their hands behind their back in handcuffs. That produces the same dangerous result. Is that included anywhere in the statutory language, the prohibition against that, leaving people prone, either in the back of a cruiser, or on the side of the street, on their belly with both of their hands restrained behind their back for an extended period of time?

REPRESENTATIVE CUSHING: I would say no, unless one could construe that having the effect of putting pressure on the throat, windpipe, neck, or preventing or reducing the intake of the air or oxygen. But it does not specifically address placing someone in a prone position.

ATTORNEY JEFFERSON: Okay. And moving onto the statutory language of the duty to report language, it is my understanding the language requires a Police Officer to report another Police Officer under these very specific instances that you laid out. Or is there some catchall language at the end?

REPRESENTATIVE CUSHING: I read the language which outlines that. The language I read, again"

"Misconduct means assault, sexual battery, bribery, fraud, theft, tampering with evidence, tampering with a witness, use of a chokehold or excessive and illegal use of force as defined by the Criminal Code."

That's the language.

ATTORNEY JEFFERSON: So, question to is this, as a Representative on the Criminal Justice Committee and the Legislature, do you think it's equally important that a Police Officer report any conduct that he observed by another Police Officer that goes towards his trustworthiness, fitness, or any other respect related to law enforcement duties; that, beyond these very specific instances, do you think it's important from a Policy perspective that Law Enforcement Agencies have a Policy that says that anything that another Police Officer does that goes towards their fitness, trustworthiness, or honesty in relation to their law enforcement duties is equally important? And there needs to be a duty to report that, as well.

REPRESENTATIVE CUSHING: Yes, myself, I do. I will also note that this may be moving over into the whole area of the Laurie List. And that's another subject perhaps that I didn't feel like opening it up right now.

But the question of what do we do with Members of Law Enforcement who, if they hit a certain standard where they're not considered to be reliable witnesses by the Prosecutor in a situation, what should be their status as a Member of Law Enforcement? There are some people who I believe think that there are instances on the Laurie List that might -- the people are on the Laurie List not because they've been charged with any specific crime, but because they're on there because of untrustworthiness because of an experience where they have done something that does not meet the standard of excellence that we require.

I mean, a lot of this conversation gets around what's best practices and what is our expectation of Law Enforcement. So, I, myself, I realize that in the sausage making process, what we have now in 1645 is what one could construe is a narrow definition for what the misconduct is and does not include a broadening. But I think that's something perhaps that this Commission, if it was so inclined, could make as a recommendation to the Legislature to take up.

ATTORNEY JEFFERSON: Thank you. Yeah. So that was important. That's what I wanted to get your feedback on is, as far as it relates to recommendations we make as influencing Policy and training for Law Enforcement Agencies, that we shouldn't take this legislation and say, yeah, we're all set. And that we should challenge ourselves to take a much broader view from a Policy and training perspective, that we should not be satisfied with that limited view from a legislative point, but that it's important that Police Officers have a duty to report other Police Officers, to root out that 10%, 20%, whatever percent it is that may be people who should not be Police Officers.

REPRESENTATIVE CUSHING: Yeah, I mean, I think we're always trying to do that. I approach this all as a collaborative process. Lawmaking is a collaborative process. I think it's important that we have stakeholders who have different perspectives on stuff, kind of sit around the table and work. And my experience is we do that in good faith. And we try to get a better project. And we make mistakes -- not mistakes all the time. We don't hit the ideal all the time. And we go back and we revisit it, and we learn.

I mean, I think now the fact that 13 years after the Legislature decided that it wanted to have all Certified Law Enforcement to pass psychological and drug screening, the fact that there was a little bit of a flaw that I think people didn't realize that there would be so many people who were not passing that. And again, this came about, just our awareness, because of the Police Standards and Training Council which, I think, wants to have best practices, wants to have the best Law Enforcement Personnel we can possibly have in the State.

ATTORNEY JEFFERSON: Thank you. No, and I couldn't agree more. I was very encouraged by what I've heard from Director Scippa in response to questions from the Commission, and just wanted to get your thoughts of whether or not, beyond what the Legislature had done, there's more things that the Executive Branch can do, and that individual Police Departments can do, above and beyond the statutory language.

REPRESENTATIVE CUSHING: And I will tell you. Part of the discussions that came around trying to strengthen the requirements for people to become certified and what should be included in the testing, this legislation began its journey before the Jones case was handed down, which Attorney Brown talked about last week.

But that recognition on the part of our State Supreme Court of the unconscious bias in policing, had we had a different outcome, if we had not been in a pandemic, I think that might also have been included in part of the conversation about Police Standards and Training, to try to see if we were going to try to meld or incorporate that, or strengthen the ability of Police Standards and Training to do its job to address what the Court kind of laid out as a challenge to the State in the Jones Decision on unconscious bias.

ATTORNEY JEFFERSON: Thank you so much.

REPRESENTATIVE CUSHING: And again, I'm glad to hear the Members of the Commission addressing this.

ATTORNEY JEFFERSON: Thank you. I yield my time.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Attorney Jefferson. Mr. McKim, I believe you are next, followed by Mr. Lascaze.

MR. MCKIM: Thank you, Deputy General. And thank you, Representative Cushing, for your testimony. I just have a question for you in your capacity as Chair of the House Committee. And it goes to the question of funding, from your experience. We've heard testimony that there isn't enough funding. We've had testimony that there is enough funding. What's your take on that discussion? And what recommendations do you think we should be making around funding?

REPRESENTATIVE CUSHING: Well, as a Member of the Legislature, I have a saying is that the Finance Committee is where good ideas go to die, because we are the Policy Committee. We try to establish Policy, what we think is important. And then, once we establish what's good Policy, it goes over to another Committee that says, who's going to pay for it? What are you going to pay for it?

And I will simply say that there are not a whole lot of Lobbyists that come into my Committee that are there to argue for public resources being used. Things get cut from Committees under our jurisdiction. I do think that we could step back and take a look at some of the prioritizations of things.

I will tell you what my experience has been that the thing that has seen the most lobbying on the part of Law Enforcement is not necessarily for additional resources, but it's to continue, or resistance to changing, our Policy concerning drugs. I mean, resources spent on the war on drugs which I think has been a failure.

I got in a position where I realized we're spending at the time \$35,000 a year to keep somebody in prison, because they were convicted of possession of marijuana. And we tried to make changes there. I think that a change in our Cannabis Policy -- I looked, when we decriminalized, all of a sudden the State Police Crime Lab, they got to free up a whole bunch of resources to concentrate on other things rather than trying to run down the war on cannabis.

I just think that when I hear what people ask for, for resources, I don't hear them ask, first of all, for training. I hear them ask, first of all, for money to buy equipment or to fund drug buys so that they can respond to the war on drugs.

And I guess some of it is we have to realize is our war on drugs, should that be a criminal justice issue? Or should it be a public health matter? And that's something I think that this Commission might want to look at.

MR. MCKIM: Great, thank you. And just a follow-up. You mentioned that people are asking about the reallocation to deal with drugs and not the reallocation of funding and resources to deal with the discrimination. Why do you think that is?

REPRESENTATIVE CUSHING: I think maybe it goes to the culture. I mean, I wonder all the time if people are responding to the war on -- why there is the response to the war on drugs, why that resonates with people more so than dealing with things like implicit bias or different issues that relates around race and equity. I don't know.

MR. MCKIM: Great, well, thank you. That's end of my question.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Mr. McKim. We have Mr. Lascaze and Ken Norton. So I think that when we are done with these two questions, that will wrap up today's meeting. So I don't say that for you to do it any quickly. We started a few minutes late. So if we go over, too, that's fine, but just sort of for planning purposes. I think that we will end with any final questions for Representative Cushing. So, Mr. Lascaze, you are up next.

MR. LASCAZE: Thank you. Thank you, Representative Cushing, for your testimony and sharing your experiences here. I wanted to build on Attorney Jefferson's questions about HB1645. And would you support legislation that not only is requiring the reporting of Officers' misconduct, but the intervention,

and requiring Police to intervene when they are witnessing this misconduct; and training that would be about how Law Enforcement Personnel should intervene in situations?

REPRESENTATIVE CUSHING: Would I personally? Yes. I will just a simple yes, conscious of the time. General Young will admonish me not to go on.

MR. LASCAZE: All right.

DEPUTY ATTORNEY GENERAL YOUNG: No, no admonishment. You could go on.

REPRESENTATIVE CUSHING: Thank you, General. Again, I think House Bill 1645, I just see it as like a component of the larger conversation that's taking place. And it's taking place. You're going to be doing heavy lifting on this Commission. And it may be that this may be what we have as kind of an incremental step forward. We take a look and see if it meets what the needs are, if it kind of holds up what the vision is for a modernization of our public safety sector in our State. I would encourage you to put that in the Report. Make that as a recommendation, or have the conversation about it.

MR. LASCAZE: All right, thank you. Speaking to the Victim's services part of your testimony, in theory our State has a Restorative Justice Program. Do you have any experience with this program? And can you speak on it, including how it's resourced, or how low it's resourced?

REPRESENTATIVE CUSHING: Yeah, I actually do have some experience. I was one of the people who helped it. And I passed the law. I sponsored the Bill that became law that establishes, as part of the Crimes Victims Bill of Rights, that a crime Victim should have access to Restorative Justice Programs, including a Victim-initiated, Victim-Offender Dialogue Program under the Department of Safety.

I will say I think the term "Restorative Justice" has different connotations and different meanings in many instances. I see restorative justice on level, when you deal with -- I'll use the term "low-level crimes" I'm thinking primarily of property crimes. I think it in terms of trying to deal with juveniles, trying to provide an alternative, a way that, instead of asking the question of, who broke the law, the question is, who has been harmed? And how do we help repair that? I think it's very important. And it can be done, doing that.

I will say that most of my work I've done in the restorative justice area involves Victims of severe violence. And that's a little bit different. I get a little weary sometimes when people talk about restorative justice, that it gets conflated with helping Perpetrators get a Get Out of Jail Free card. And I don't mean to be cynical about that.

But I think some Offender Advocates promote that as a way that's not genuinely restorative. It's a way that it's not Victim-centered. I think the whole importance of Restorative Justice Program, it has to be Victim-centered. And it has to be Victim-initiated. Otherwise, you're just imposing an additional burden upon somebody who's been victimized to go through a program to maybe create an artificial relationship that never existed, prior to the time they were victimized. That, I mean, I know that it operates sometimes.

The one that operates at the State level, it has not been active for a few years. We had the most wonderful Director of Victim's Services for the Department of Corrections, Peter Michaud, who passed away. And it needs to be reinvigorated. And I know that steps are being taken now to reinvigorate it.

The funding from it, to a certain extent, some of the monies are available through the Victim's Assistance Fund that can help compensate for a Victim's participation in it. There's not anything that would have an Offender's participation.

But in my experience, when it's Victim-initiated and when a Victim is ready to move to a restorative justice process, and interact with the person who victimized them, that they've done a lot of work and that the real challenge ends up being with the Offender, with the Perpetrator, because, quite frankly, we don't, generally speaking, do a very good job at rehabilitation or promoting introspection, or self-reflection in our corrections systems.

MR. LASCAZE: Okay, thank you. And one last question, since we were speaking about funding, as a Legislator, do you think that changes to our current Drug Laws could free up funding for other areas like training?

REPRESENTATIVE CUSHING: Yes.

MR. LASCAZE: Thank you. I yield my time.

REPRESENTATIVE CUSHING: I mean, I don't think that would be the only that we'd fund. I also think we should spend more money on treatment than we do. And that's a whole other problem. All of these questions we have, we're getting back to things that aren't directly related to Criminal Justice, because we have a substance-use disorder epidemic.

We're dealing with issues of how is it that in the State of New Hampshire, the largest Provider of mental health services is the Department of Corrections? What is that saying about the rest of our priorities in our State?

MR. LASCAZE: Thank you very much, Representative Cushing.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Mr. Lascaze. Mr. Norton, I think you are next.

DIRECTOR NORTON: Yes. Thank you, Representative Cushing, for your testimony today. But especially thank you for your stalwart leadership over the years on all these issues. And just can you clarify for me that in 1645, does the requirement for psychological screening and drug use, does it include live in-person screening? Or could it just be a simple test?

REPRESENTATIVE CUSHING: Thank you for the question. What has taken place is that, under rulemaking, Police Standards and Training, there has been adopted rules that outline in a lot of specificity what the tests are composed of. And what the Bill really does is to say that's actually what's already in place will be done for everybody.

My reading of it -- and I would defer to you -- is that it has a fair amount of specificity. Director Scippa could probably comment on what it's composed of. I do know that I believe it's in-person, and I believe it is both psychological screening and also drug testing that are required.

DIRECTOR NORTON: Great. And for other Commission Members, I would draw attention to written testimony submitted by Dr. Nicole Sawyer regarding her perspective on the importance of in-person testing. And then, Representative, some Law Enforcement folks have careers that span 20, 30, even 40 years. And I'm assuming that there are Physical Agility Tests for them during that time that they must meet.

REPRESENTATIVE CUSHING: Yes.

DIRECTOR NORTON: Do you feel that there should be some type of psychological and substance use screening at different points during their career, as well?

REPRESENTATIVE CUSHING: Yes, absolutely. I mean, I think I would actually suggest to go back to look at the 1997 Bill which led the way for the establishment of this testing regimen that we made. And we want to be concerned more than just somebody who's proficient with their firearms. But we want to make sure, if you're proficient with your firearms that you're psychologically prepared to understand when you should use those, because it's a little bit weighted, I think, in an emphasis on physical agility and firearms proficiency.

And while those are important, I think having an understanding of issues related to kind of the totality of someone who is going to be our guardian, someone who is going to be our public protector, I think, in 2020, we realize that it's more than just the ability to shoot straight and run fast, and be able to wrestle somebody to the ground. We need to have more of a whole-person approach to it.

And I think most Law Enforcement, quite frankly, wants to see that, because if we elevate the standards, it ends up garnering more respect and more support from the community at-large, because I'll let you know. It is a hard job. If I skipped over that part, I just want to acknowledge it's a hard job. And I want to acknowledge the work that's done day in and day out by so many people in our State to protect us.

DIRECTOR NORTON: Great. And maybe Director Scippa can get us the rulemaking piece. But I know in NAMI New Hampshire's testimony before the Committee relative to this, we talked about that for Law Enforcement having some type of mental illness wouldn't necessarily be an automatic rule-out, that somebody with lived experience or somebody in recovery from a substance abuse problem might be much more effective in their role than somebody who hadn't had that life experience.

REPRESENTATIVE CUSHING: Absolutely.

DIRECTOR NORTON: Great. And then, relative to Victim's services, I really appreciated your testimony and obviously your personal experience with this. We've had conversations with three successive Attorney Generals about the need for Victim's services when there's been an Officer-involved shootings. And it's been more specific to mental illness, because that's NAMI's focus.

REPRESENTATIVE CUSHING: Yes.

DIRECTOR NORTON: And I understand that the individual in some of these instances may have been the Perpetrators. But for their families, for others, while the investigation is going on, do you think that there is a need for Victim's services for when there has been an Officer-involved shooting?

REPRESENTATIVE CUSHING: Yes. I think when incidents of violence take place, many people are impacted. The fabric of our society is torn about. And we ought to have in place mechanisms by which we help people be able to heal in the aftermath of violence.

And again, part of this comes back. I'll go back to resources. Okay. We talked about, we don't have enough resources. And it's fine that we have systems-based Victim Advocates. But I also think we need community-based Victim's Advocate, because, in some ways, the systems-based Victim Advocates are torn between what the needs or priorities of a particular office are, and what the needs and priorities, or sentiment, of a particular Victim might be.

And even in Victim's community, if you have instances of where you have multiple Victims of a single act, Victims, they can have very different experiences to that. And one size doesn't necessarily fit all. One response doesn't fit all. And that involves things like the basic access to information that all Victims are entitled to under our Victim's Rights Statutes, a right to be consulted [ph] with stuff.

But sometimes, for instance, like on a charging decision or in a prosecution, you'll have instances where what a Prosecutor perceives is the interest of the State that are in conflict with what the wishes or the desires of an individual Victim might be in a given situation. And those can't always be reconciled. And I think what's important, though, is to recognize where those aren't reconciled, there still needs to be a mechanism to kind of affirm the integrity, the autonomy, and the perspective, and the experience of that Victim.

DIRECTOR NORTON: Great, and thank you for those comments. And I will say that, in my conversations with General MacDonald, that he has acknowledged that moving ahead with something like that would certainly require that it was a community-based Victim services, not under the current system. And those are my questions.

REPRESENTATIVE CUSHING: Yeah.

DIRECTOR NORTON: I know we're out of time. I did just have one administrative comment, which was, can we get the testimony from Attorney Skibbie from DRC posted? I was looking for that. I don't see it up on the website yet.

REPRESENTATIVE CUSHING: And I just want to follow up on something Ken said. That is, there's another Bill that passed. It's House Bill 705, which deals really in large part with Victims of crime and Victims of sexual assault. And that, again, that's kind of a pretty comprehensive rewrite, or refinement, of some of our Crime Victim Statutes to plug some holes that happen there.

But as part of that, there'll be a Study Committee that will be looking at the needs of crime Victims in the State. So, we will follow that and see how that may be intersectional with what you're doing on the Commission.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much, Representative Cushing. Any other questions or comments for him? All right, thank you. Yes, Mr. Norton, we will get that posted. We are working on getting some other matters posted. So we will get Mike Skibbie's comments up.

So, thanks to the good idea from Mr. Kim [sic]. We have started a Doodle poll. So, based on that poll, the next two meetings, the first one will be Tuesday, which is the 14th, at 9:30. So it will go from 9:30 until noon on Tuesday. And then, one week from today, Thursday, July 16th, that meeting will start a little earlier. That will go from 9:00 until 11:30. And again, Kim will send that information out. But just so you have it, Tuesday 9:30, Thursday 9:00. And if there is nothing else, I would ask if there is a Motion to Adjourn this meeting.

CHIEF EDWARDS: So moved.

DEPUTY ATTORNEY GENERAL YOUNG: I didn't see who did that.

CHIEF EDWARDS: So moved.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, Mr. Edwards. Could I have a second to that Motion?

DIRECTOR MALACHI: Second.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, Ahni, thank you very much. And I will go through the roll. So, yes, I agree to adjourn. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Did he say yes? Did he say yes?

MR. LASCAZE: Yes, yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Okay. Thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Mr. Edwards, you already did it. And Ms. Tshiela, is she still with us?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you, all, very much. Have a good rest of the day and enjoy the weekend. Thank you, everybody.

CHIEF EDWARDS: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Bye.

DIRECTOR NORTON: Ty.

(Meeting adjourned.)