



**New Hampshire Commission of Law Enforcement
Accountability, Community, and Transparency**
Remote Commission Meeting via Teleconference
Tuesday, July 14, 2020 at 9:30 a.m.

Commission Members Present: Attorney General Gordon MacDonald, *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*; Janet Hadley Champlin, *Former Police Chief of Bartlett, NH*; Matt Simon, *New England Political Director, Marijuana Policy Project*; Anthony Pivero, *Nashua Police Officer (Ret.)*; Tracy Hayes, *Major, Stafford County Sheriff's Office*; John Monaghan, *Police Chief (Ret.)*; Steve Monier, *Police Chief (Ret.), Goffstown Police Department*; Lina Wojas; Michele Holt-Shannon; Brandon Thomas; and David Parenteau, *Major, Law Enforcement Training Specialist, New Hampshire Police Standards and Training Council*.

MS. REED: All right, you're all set.

ATTORNEY GENERAL MACDONALD: Okay. Good morning, everyone. This meeting is being audio-recorded. Going to call to order this meeting of the New Hampshire Commission on Law Enforcement Accountability, Community and Transparency. We're meeting today pursuant to Emergency Order 12 and RSA 91-A, which suspends the requirement for physical presence of a quorum, but does require Members to identify where they are and who, if anyone, is with them. I will now take the roll. Commissioner Quinn?

COMMISSIONER QUINN: Good morning, General, Commissioner Members, Robert Quinn. I am at 33 Hazen Drive in Concord in my office and I am alone.

ATTORNEY GENERAL MACDONALD: Director Malachi?

DIRECTOR MALACHI: Good morning, Attorney General and Commission Members. I am at my respond in Penacook. And I am alone.

ATTORNEY GENERAL MACDONALD: Thank you. Director Scippa?

(No response)

ATTORNEY GENERAL MACDONALD: Director Scippa, are you there?

MS. REED: He's on, sir. We're having a little bit of audio.

ATTORNEY GENERAL MACDONALD: Okay. We will come back. Mr. Johnson? No. Mr. McKim?

MR. MCKIM: Good morning, General and Commissioners. This is James McKim. I am in my home in Goffstown and I am alone.

ATTORNEY GENERAL MACDONALD: Thank you. Judge Gardner has a conflict today. Lieutenant Morrison?

LIEUTENANT MORRISON: Good morning, Attorney General MacDonald and fellow Commission Members. Lieutenant Mark Morrison, Londonderry Police Department, which is where I am currently located. And I'm alone.

ATTORNEY GENERAL MACDONALD: Great. Chief Dennis?

CHIEF DENNIS: Good morning, General. I'm located at Hanover Police Department in Hanover, New Hampshire. I'm alone in my office. And good morning to everyone.

ATTORNEY GENERAL MACDONALD: Morning. Mr. Norton?

DIRECTOR NORTON: Hi, good morning, General MacDonald and Commission Members. Ken Norton and I'm in Penacook, New Hampshire. There is family here with me but not in the room with me. And they will be leaving shortly.

ATTORNEY GENERAL MACDONALD: Thank you. Mr. Lascaze?

MR. LASCAZE: Good morning, General and fellow Commission Members. I am Joseph Lascaze. I am at my residence in Bedford. There is one family member here. But I am alone in this room.

ATTORNEY GENERAL MACDONALD: Thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: Morning, Attorney General, fellow Commission Members. I'm at my office in Manchester, New Hampshire, and I am alone.

ATTORNEY GENERAL MACDONALD: Thank you. Ms. Tshiela?

MS. TSHIELA: Good morning, everyone. I'm at my residence in Durham, New Hampshire. My roommates are in the home with me, but I'm alone in the room.

ATTORNEY GENERAL MACDONALD: Thank you. Chief Edwards?

(No response)

ATTORNEY GENERAL MACDONALD: Chief Edwards? No. Director Scippa?

DIRECTOR SCIPPA: Good morning, General. Good morning, everyone. Can you hear me?

ATTORNEY GENERAL MACDONALD: Yeah.

DIRECTOR SCIPPA: Excellent. I'm here at the Police Academy, 17 Institute Drive in Concord. I am joined in the room by Major Dave Parenteau.

ATTORNEY GENERAL MACDONALD: Thank you. And Mr. Johnson, are you with us?

(No response)

ATTORNEY GENERAL MACDONALD: Okay. For the record, it's Gordon MacDonald. I am at 33 Capitol Street, Concord, New Hampshire, the Department of Justice. With me is Kim Schmidt and Annie Gagne.

I'm going to, in the interest of time, defer approval of the Minutes. I want to get directly back to our public testimony. The issue remains Police training curriculum, procedures, and Policies. We do have a lineup of witnesses, for the record. The witnesses, they reached out via our email address. And we're taking them in the order that they identified themselves.

After we get through those who came forward, we will, then, ask for any other member of the public who's with us on the call today to present testimony. And then, we will hear from Mr. Norton, a Commission Member.

I would like to stop hearing testimony at about 11:30, so that the Commission, we can have a discussion about some governance issues, including the work ahead, and timing, and issues such as that. For everyone's planning purposes, the witnesses that I believe are with us and are prepared to testify, first Janet Champlin; second Matt Simon; third, Anthony Pivero; fourth, Tracey Major [sic]; and then again we will hear from any other members of the public.

So unless there are any questions, I want to dive right in. And let me say at the outset, I am extremely -- and I think I speak for all Commission Members -- grateful for the patience of the members of the public who have been waiting to testify. And thank you very, very much for bearing with us. It's certainly my belief that all voices who want to be heard on these important subjects should be heard. And I'm gratified by the outpouring of interest in this subject-matter. But it's just taken a while. So I do want to thank everyone for their patience. So, with that, why don't we turn right away to Janet Champlin?

MS. REED: And General, just for your awareness, Mr. Johnson was able to join us. So, he's on.

ATTORNEY GENERAL MACDONALD: Okay. Why don't we just take care of that? Mr. Johnson, are you there?

MR. JOHNSON: I believe I am.

ATTORNEY GENERAL MACDONALD: And could you just identify where you are and who, if anyone, is with you?

MR. JOHNSON: I am in my home office and I am alone.

ATTORNEY GENERAL MACDONALD: Good, thank you.

MR. JOHNSON: Thank you.

ATTORNEY GENERAL MACDONALD: Okay. Ms. Champlin?

MS. REED: Ms. Champlin, you're on as a panelist. Go ahead.

(No response)

MS. REED: Ms. Champlin? Ma'am, are you there?

CHIEF CHAMPLIN: Yes, I am. Can you hear me?

MS. REED: All right. Yes, go ahead.

CHIEF CHAMPLIN: Okay. You can see and hear me.

ATTORNEY GENERAL MACDONALD: Yes.

CHIEF CHAMPLIN: Okay, thank you very much. Thank you, Attorney General MacDonald and the Members of the Commission. Many of you I know from working with over the years. And it's good to see all of you.

My name is Janet Hadley Champlin. I'm a retired New Hampshire Police Chief with 30 years of law enforcement experience. It is my belief that the core of the issues before you boils down to ethics. Racism, sexism, and all prejudice stem from this. And like a disease, it must be identified and eradicated. You cannot simply train away these traits. We must adhere to higher standards in the first place and hold Officers accountable throughout their careers.

The issue of training cannot be separated from the issues of proper recruitment, standardized best practices that Officers must be held accountable to, and proper retention of good Officers. Each of these builds upon the other and are completely intertwined.

As background, in 1983, when I began my career, I was the first woman hired as a Police Officer for the Cheshire, Connecticut Police Department, an Agency of 38 Officers at the time, all white males. It was

readily apparent to me, as a young 22-year-old, that law enforcement, as a paramilitary profession run predominantly by straight white males, had along with it a culture of racist and sexist Officers. I worked with some Officers over the years who never should have been hired in the first place. And I worked with some who were exemplary and became mentors to me. In law enforcement, those Officers who never should have been hired in the first place can have a devastating effect on not only the Agency they work for, the Officers they work with, but for the community and its citizens that they are supposed to be serving.

I'm proud to have served 20 years at the Portsmouth, New Hampshire Police Department, where, as Captain of Detectives, part of my duties were to conduct internal investigations of Officers when complaints were made. Some Officers were exonerated and the complaints were patently false, often made by an arrestee who was looking for a way to have their criminal charges dropped, or to get a quick payout for a threatened lawsuit. However, some of my internal investigations and the internal investigations that I conducted with other ranking Officers resulted in the resignations of Officers, and, in one case, a criminal arrest and conviction of an Officer.

As a Captain, I had the honor to attend the three-month FBI National Academy in Quantico, Virginia, for Law Enforcement Executives from all over the United States and the world. Among my female colleagues and colleagues of color, there was not one that did not experience either racist-, sexist-, or homophobic-based discrimination or prejudice from within law enforcement at some point during their careers.

In 2015, I became the Chief of Police for the Town of Bartlett, New Hampshire, up here in the White Mountains where I now live. The prior two Police Chiefs before me, with a combined tenure of 35 years, both committed crimes while they were working, both were investigated, arrested, convicted, and served jail sentences.

Corruption and lack of ethics in law enforcement is a deep betrayal and tears down the morale of the good Officers in the Department. It absolutely destroys the trust of the community, a trust that, if it was ever there in the first place, takes years to rebuild, if it can be rebuilt at all. It is a disease in our profession that cannot be left unchecked and untreated.

As the role of the Police has evolved over the years, Officers have to be part social worker, teacher, counselor, and clergy. Thankfully, most Officers will never shoot their gun at another human being during their career. But they will spend much of their time with the ever-increasing population of persons with acute mental-illness and drug-addiction issues.

When I graduated from the Police Academy in 1983, neither I nor any of my classmates were fully prepared for what being a Police Officer entailed. Most of us went into law enforcement with a strong desire to help people and to make our communities and society a better and safer place for everyone. But no Police Academy, no matter how many training hours they teach, can fully prepare a new Officer for what the job is really like.

The first time making an arrest of a man who had just severely beaten his wife so severely that this time their child called 911, only to have the wife physically interfere with the arrest and the child in tears, pleading with the Officers not to arrest either parent; the first time being spat in the face, being punched and pushed, being literally attacked by an intoxicated, drugged, or mentally ill person who wants to kill you; and being called every profane name you can think of, and some that you can't, all while maintaining your own calm and control.

Having to tell a woman that the man that she loved and trusted with her five-year-old child was actually raping her child every time she left them alone together; sitting across the interview room table

from a pedophile while he confesses to his crimes, all while maintaining your own composure, knowing full well that, like most pedophiles, there have been many other child victims, and that, even if convicted, he will never be given the sentence that's long enough. And nothing will ever atone for what has happened to those children.

Having to knock on the door of a home to tell a mother or father that their son or daughter is dead, that they've been killed in a terrible accident, by suicide, or they've been murdered; having to college blood-soaked evidence at crime scenes, touch dead bodies, attend autopsies, witness the aftermath of horrific accidents and suicides; having death threats made against you by people who have the criminal background and the means to do it, and having the constant worry not just about your own safety but for the safety of your own family, as well.

Having people you've arrested make up false accusations against you and posting these on the internet, and there's nothing you can do about it; arresting a rapist knowing that he is guilty, building a case for trial, working with the victim so that she has the strength and courage to testify at trial, only to have some jurors decide the victim shouldn't have been wearing the clothing she wore the night of the attack, that, somehow, because of what she wore, this caused the rape to happen.

Getting to know children in our communities whose parents have neglected them, either due to drug addiction, alcoholism, or mental illness, and seeing these same children through the years in Family Court, and then eventually, and oftentimes sadly inevitably, in adult court; interviewing potential witnesses that you know are lying to you know; interviewing suspects of crimes that you know are lying to you, and knowing they will continue to lie to their Defense Attorney, to lie in court, and to the Judge, and even more than that. Interviewing a Police Officer during an internal investigation, often an Officer that you've worked alongside with for many years, and knowing that they are lying to you, as well.

Most Police Officers, over a long career, will experience many, if not all, of these things. And I know I certainly have. During my 30-year career I've either directly or indirectly been involved in thousands of arrests. I know that all of the people arrested were guilty, and many of them were guilty of numerous other crimes that they were never arrested for.

Of course, not all of them were found guilty. And indeed, our Criminal Justice System is a source of frustration at times for everyone involved, including the Police, and especially for victims of crimes. Our due process most certainly does not apply to many victims of crime.

From 1992 to 1996, I worked undercover narcotics for the New Hampshire Attorney General's Drug Taskforce, while I was a Detective at the Portsmouth Police Department. Drugs were coming into New Hampshire from the same places they come today. And there are more drug-addicted people in our society now than ever before.

Drug addiction is also a disease that we cannot simply arrest our way out of. Children are very often the direct victims of these crimes, due to their parent or parents' drug addictions and drug dealing. Drug dealers and users who are convicted and have to pass a urine screening as part of their probation routinely fail these urine tests over and over with little to no accountability. Prisoners in our jails will tell you that they can get all the drugs they want. It's just a little more difficult, but they can still get them.

There are arrestees who continually break bail conditions and are not held accountable by Judges. Officers and victims of crimes see this every day in courtrooms all over this country. Our Criminal Justice System is broken. And all of this adds to the difficulties and frustrations Police Officers face every day in law enforcement. And as a result, I have seen many good Officers over the years go through personal turmoil, becoming alcoholics, committing suicide.

Throughout a law enforcement career, the job takes an emotional and mental toll that is incalculable. We do a terrible, terrible job of taking care of the mental and emotional health of all of our good Officers. And this has a direct effect on the community that the Officer serves. This factor must also be part of treating the disease of Police corruption.

The following are 12 recommendations for the Commission to consider. Ten of these, I have already submitted in writing. However, after listening to testimony over the past weeks, I have added two more.

Number 1, establish new Police Officer recruitment processes that will address the critical need for diversity and highly ethical standards for all New Hampshire Law Enforcement Agencies.

Number 2, through the New Hampshire Police Standards and Training Council, mandate that all New Hampshire Law Enforcement Agencies, as part of their background investigations of Police Officer Candidates, to specifically include assessment of racial, religious, and gender discrimination resulting in Candidate disqualification.

Number 3, establish a consistent statewide standard for psychological background testing of Police Officer Candidates. This would include updated standards and a specific component to identify racial, religious, or gender bias that would result in Candidate disqualification.

Number 4, through New Hampshire PSTC, mandate the incorporation of ethical dilemma scenarios for entry-level Police Officer Candidates during Oral Board interviews to also include use of force scenarios at all New Hampshire Law Enforcement Agencies.

Number 5, incorporate an ethics course as part of the core curriculum for new Recruits at the New Hampshire PSTC Academy, and require this course for Police Officers of every rank at every Agency as part of annual in-service training and ongoing certification.

Number 6, the implementation of a standardized statewide Policy for all New Hampshire Law Enforcement Agencies regarding use of force that addresses prejudices and resulting abuse of power. And I can't stress this point enough. These Policies must include the culpability of Officers who know of misconduct by another Officer and do not report it, or do not take immediate action to intervene, if they are a witness to it.

Number 7, the implementation of a Civilian Review Board led in conjunction with New Hampshire PSTC and the New Hampshire Attorney General's Office for oversight of use of force incidents by Law Enforcement Agencies statewide.

Number 8, the implementation of a standardized statewide Policy for every New Hampshire Law Enforcement Agency that addresses the proper identification and treatment of Police Officer Post-Traumatic Stress Disorder, otherwise known as PTSD.

Number 9, improvement of the database of the New Hampshire PSTC that will specifically track problem Officers who move, or attempt to move to and from Law Enforcement Agencies within our State.

Number 10, the creation of more civilian positions within Law Enforcement Agencies specifically to assist Police with citizens who have mental-health issues, and to include drug addiction, domestic violence, child abuse and neglect, juvenile delinquency, and victim/witness advocacy.

Number 11, the abolishment of the part-time Police Academy; all Police Officers should receive the same amount of vetting and training whether they work part-time or full-time after graduation. Would any of us go to a Doctor or a Dentist who only completed a part-time medical or dental school? And yet Police Officers have the ability to take away a person's freedom and to take another human life, if need be.

And Number 12, the abolishment of the Laurie List, now called the Exculpatory Evidence Schedule; I know of no other profession where there is a secret list like this. If an Officer's behavior, conduct, and

credibility rises to this level, they should be fired. There should be absolutely no place in law enforcement for them.

To make the systemic changes needed to address these important issues is a tall order in a very short amount of time given to this Commission. Realistically, though, it is an important beginning. We must demand higher standards in recruitment, training, evaluation, and retention of Police Officers in order to serve the community and our profession in the way both deserve.

It's often been said that, as a Police Officer, if I've ever met you, it's likely you were the victim of a crime, a suspect of a crime, or a witness to a crime. But that is not at all everything that a Police Officer does. And even after seeing the worst of humanity, it is rewarding to have had the opportunity to make a positive difference in people's lives, and perhaps have changed someone's life in the community for the better. Many good Officers I know who have retired feel the same way.

In closing, I still believe, just as I did in 1983, that law enforcement is a noble and honorable profession, one that I'm proud to have been a part of. But we must demand excellence and hold Officers to that standard and expect nothing less. We owe it to the good Officers of the future who have yet to serve, for the good ones that are still now serving; to all the victims of crime; to all of our communities; and to our society, at large. And I thank you for your time.

ATTORNEY GENERAL MACDONALD: Thank you very much, Chief. Are there any questions for Chief Champlin?

MS. REED: General, Mr. McKim has his hand raised.

ATTORNEY GENERAL MACDONALD: Mr. McKim.

MS. REED: Mr. McKim, I think you're muted. There you go.

MR. MCKIM: Can you hear me now?

MS. REED: Yes.

MR. MCKIM: Great, thank you, General, and thank you, Chief Champlin, for your testimony. I wanted to just ask for a little bit more of your thoughts on one of your recommendations, the elimination of a part-time Police Academy. And I guess I'm curious to understand a bit more about what this part-time nature is and hear some more thoughts on the impact of it being part-time.

CHIEF CHAMPLIN: Thank you for your question. And I'm sure Director Scippa could also dress the specific hours, the difference between the part-time and the full-time Academy. Having been a Police Chief in a small, rural community here in the White Mountains, a lot of small Departments are dependent on part-time Officers, due to budgetary constraints.

But, it has been my experience, over the last 30 years, that the part-time Academy, they do a good job with what they have. But the problem is a part-time Officer, when you're working, you're going to deal with the same calls for service that a full-time Officer does.

So, the difficulty is, when you have someone who has only completed half the numbers -- again Director Scippa would have the exact hours on the difference between the part-time and the full-time Academy -- but a part-time Officer simply does not have as much training. That's a fact. They don't work as many hours. They don't have the background.

And again, I go back to the analogy of, would you go to a Doctor, or a Dentist, who only went to a part-time dental or medical school? You wouldn't. Of course, you wouldn't. And yet, we expect Police Officers to know all the laws of arrest and to be able to handle highly charged incidents, how to investigate sexual assault cases, which take a lot of training and a certain temperament. So, that is my thought on the part-time Academy that we're not a part-time job/profession. This isn't something that works well part-time. So, that's my thought. It's not a good fit.

MR. MCKIM: And thank you for that further explanation. And I'm curious what your thoughts are about how we might recommend addressing that. I mean, is this a funding issue that we need to think about making recommendations around? Or is it a Policy kind of issue that we need to make recommendations around? What are your thoughts on how we might recommend to resolve this challenge?

CHIEF CHAMPLIN: Well, to answer your question, it's both. Obviously, all of this costs money. I would offer that this State would save money abolishing the part-time Academy. And then, there's the bigger issue of, should we even have Agencies that are made up solely of part-time Certified Officers?

And again, I want to be clear for people listening in who aren't in law enforcement. You can have a full-time Certified Officer working part-time. That's different than having a Officer working part-time who only attended the part-time Academy. That's the difference.

So, I think those issues need to be explored: funding and logistics. Certainly, if the Police Academy was only running full-time classes, that could free up some time, I would imagine. But again, Director Scippa would be the person to talk to directly about that. He's...

ATTORNEY GENERAL MACDONALD: Hey, Mr. McKim, may I just interject and call on Director Scippa right now, because I think that might...

MR. MCKIM: Please.

ATTORNEY GENERAL MACDONALD: Go ahead, Director.

MR. MCKIM: Yes.

DIRECTOR SCIPPA: Thank you, General. Can everyone hear me?

(No response)

DIRECTOR SCIPPA: And Chief Champlin, it's good to see you.

CHIEF CHAMPLIN: Good to see you.

DIRECTOR SCIPPA: Thank you very much for that testimony. And just to kind of speak a little bit more on what the Chief was talking about, if you look at the history of this, understand that early on in New Hampshire policing, the part-time Police Academy and the part-time Police Officer kind of fit the mold for what New Hampshire needed for policing. That was a long time ago. We're talking about probably the '60s and '70s, and maybe even into the '80s. To that end, because of the way New Hampshire policing has kind of developed over the years, as the Chief testified to, a lot of smaller Police Agencies, and even some larger Agencies, depend on those part-time Police Officers.

With that said, that was something that I was very curious about as I assumed this role here. And I'm looking at the last part-time class that we had. And it's just over right around 200 hours of training, compared to close to 600 hours of training for a full-time Police Officer.

Specifically within New Hampshire, you'll see a number of Agencies rely on those part-time Officers as seasonal help. Two Police Departments that come to mind immediately is the Hampton Police Department, who, by virtue of the numbers of people they have come to visit their community in the summer, they just don't have the capacity to police that community during the summer. And again, New Hampshire Marine Patrol also relies very heavily on the seasonal part-time Police Officers.

I stand ready to take a very deep dive into looking at the part-time program. This is something that I would want to talk to the Chiefs about, because it will absolutely impact the way policing is done throughout this State. But it is something that we really do need to look at. And I think it is a very, very valid point that the Chief brings up.

ATTORNEY GENERAL MACDONALD: Thank you, Director. Mr. McKim, anything else?

MR. MCKIM: Yes, thank you, General. I'm curious. And this is a question that's been asked a bit by my colleagues in this work we're doing. Do we have any data that can shed some light on the performance of full-time Officers versus part-time Officer?

ATTORNEY GENERAL MACDONALD: Go ahead, Director.

CHIEF CHAMPLIN: Okay.

DIRECTOR SCIPPA: Mr. McKim, that's an excellent question. I do not know of any database or any collection site where we could gather that data without really just talking to all of the Agencies that employ part-time Police Officers. And I would say that every Police Department that's represented on this Commission, at past and present, with maybe the exception of Londonderry, because I believe that they're CALEA organized organization, depends on those part-timers. But I don't know of any place where that data's collected.

MR. MCKIM: Okay. Thank you. Certainly, something that I think the Commission should consider, along with all the other data we're looking to gather; thank you, General. I'm completed with my questions.

ATTORNEY GENERAL MACDONALD: Great. Attorney Jefferson, thanks.

ATTORNEY JEFFERSON: Thank you. And good morning, Chief. How are you doing today?

CHIEF CHAMPLIN: Good, thank you.

ATTORNEY JEFFERSON: Good. So, thank you so much for your testimony and your recommendations. Your testimony to me was very compelling and honest, and objective. And your recommendations seem to be very thorough.

So, I have a couple of questions for you. In your testimony, you remarked how Police Agencies are paramilitary organizations, or some could be characterized that way. And I wanted to get your thoughts on that.

Part of the discussion about policing is, should Police Officers be trained in this paramilitary fashion? And does that have negative consequences for this function of protecting and serving, versus sort of dominating the space kind of model that can come out of a Military sort of training? And what are your thoughts and reactions to that? Is that something that needs to be looked at and adjusted or not?

CHIEF CHAMPLIN: Well, just as the Military's changed over the years with the inclusion of women, policework has changed over the years. And certainly the Police Academy is a little different than it was when I attended it.

Certainly, there is still that paramilitary part of it that I do think you do need the structure. There's no doubt about it. You have to have some sort of structure. But paramilitary doesn't equate with being racist or sexist, or prejudice. I think that there's definitely, through better recruitment and better training, and what we teach our Officers, and what we expect of our Officers, it starts at the recruitment of the Officer. And it should be followed through the Police Academy and through their career.

So, I do think that there still has to be obviously a rank structure, just because that is the way that you can deliver services the way we have been, as far as promotions. And you could maybe call it something different.

But I think we get into a slippery slope when we start using labels. We start saying, well, this Department's paramilitary and you get into the whole discussion about S.W.A.T. Teams and are they necessary?

I do think definitely, to your question, some of the training has to change. As I testified, we spend an awful lot of hours on use of force, as far as firearms training. Someone recently testified how many hours are spent at the shooting range, for instance. And that's very important because you can take another human life. So of course we have to spend that time. But we should be spending more time with how to deescalate situations, how to talk to people.

The thing that I have seen change over the years is when I first started in policework, an automatic green card to get into a Police Department was if you had served in the Military. And I think those days are over, as far as there has to be a more detailed background investigation done of someone. That just because someone served four years in the Air Force, or any other branch of the service, doesn't automatically mean they would be a good fit for law enforcement. So I do think that that attitude has changed. I've seen that change over 30-plus years. So I'm not sure if that answered your question.

ATTORNEY JEFFERSON: No, it certainly helped. And to your point of the amount of training that needs to be done in de-escalation, can you talk to me a little bit more about that? How many hours do you think this needs to be? Do you think this needs to be standardized? Do you think this needs to be an essential requirement for in-service training on an annual basis?

And also, do you think that Police Officers can be benefited by training from people from people other than fellow Police Officers? Do you think that can help in changing the culture, or improving the training, when it comes to de-escalation and things related to that?

CHIEF CHAMPLIN: The short answer is yes, yes, and yes. I'll take the first one. I'm not sure which order.

ATTORNEY JEFFERSON: Okay.

CHIEF CHAMPLIN: Yes, absolutely, the more members of the outside community that interact with training for Police Officers, the better. Certainly, you can't train people properly, especially people that are going to be in our community to help our community in a bubble. You just can't have them sit and listen to another Police Officer talk. So the more people from the outside, as it were, who train our Officers, especially when they're young and they're formative, as they are in the Police Academy, the better.

The other two points I said yes to are, yes, we need more training that's deescalated training, how to deal with people who are mentally ill. Most Police Officers I know do not want to make arrests. They would rather resolve an issue by not arresting the person and solving the problem. But we know that, with mental illness and with the drug-addiction issues that we have, that that's very difficult to do, unless you're a trained Therapist.

The other answer that I said yes to is standardization. One thing that I found very interesting first coming from a medium-sized Department in Connecticut, serving the City of Portsmouth, and then becoming a Chief in a small community is lack of consistency. And that is a real problem.

We need standards, not just with training, but with Policies. It shouldn't be that if you're a Police Officer in Bartlett, New Hampshire, you're trained differently or you follow a different set of rules than a Police Officer in Portsmouth. It makes absolutely no sense. There has to be more standardizations.

And I can tell you that every Police Department, unless they've cut-and-pasted a Policy from another Department that they borrowed, they all have slightly different Policies. And that makes it very difficult. I think you look at some interagency investigations or critical incidents, one of the things in critical incidents -- if there's a Police shooting and you have Officers backing up Officers from another Agency, they may have a different duty weapon that they use. They may have a different Policy on use of force than the Agency that they're backing up. And yet, they're responding to the same incident.

So, I am a huge proponent -- and I think a lot of Police Officers are -- of make it a standard, mandated Policy, no matter what it is. And that's what every Police Officer that comes through the Police Academy in New Hampshire gets trained on. So it doesn't matter if they're a Police Officer in Manchester or they're a Police Officer in Berlin. They follow the same set of rules. And I think that's critical.

ATTORNEY JEFFERSON: And Chief, do you think there's -- and actually, this is a question. I don't know if there are. And if there are, your thoughts -- if there should be any minimum age requirements or education requirements to become a Police Officer. So, for example, if an 18-, 19-, or 20-year-old can become a Police Officer, is that something we should rethink, and a minimum education requirement, as well? Do you have any thoughts on either two of those issues?

CHIEF CHAMPLIN: Yes, well, of course, 18 is a different 18 than it was 30 or 40 years ago. I think we can all agree on that. I think it has to depend. If you're 18 years old and you can vote, you should be able to apply to be a Police Officer. That doesn't mean you should be a Police Officer.

So that's where background investigations are critical and key, and recruitment is key. Sure, you can have an 18-year-old apply to be a Police Officer. I don't know that they have the maturity yet to deal with many of the situations I've described that they will eventually deal with. So, let them apply. But I personally would not hire an 18-year-old to be a full-time Police Officer. That's just my own opinion. But they should be able to apply.

ATTORNEY JEFFERSON: And how about education requirements? Do you think there's any minimum education requirements, or some ideal education requirements, that a Policy Agency should be looking for in a good Candidate?

CHIEF CHAMPLIN: Yes, well, it used to be that, back in the '80s, again, if you had served in the Military and had no education, you were more easily hired. And in fact, in the '80s, I worked with a lot of Police Officers who had no education and no Military. And that has, over the years, changed, as well. We have more college-educated Police Officers serving.

I think a college education is good. But I don't think that that also should be a hard-and-fast rule, because I've seen a lot of Candidates who have Bachelor's degrees and even Master's degrees sit in front of an Oral Board interview and they have absolutely no common sense, or their background is such that they're not fit for the job.

And let's say you get a Candidate who didn't go to college because he or she was working fulltime having to support a single mother, or take care of a parent. That has value to it. And so, I think you can't have a hard-and-fast rule that way that certainly someone who doesn't have a college degree probably has to prove themselves more, because a college degree in this day and age seems to be sort of a baseline entry-level professions.

But I don't think we can have a hard-and-fast rule on that, because I think that life experience is more important than a college degree. If someone served in the Peace Corps, for instance, or done other worthy volunteer work, I think that that is commendable and we should be encouraging Candidates like that.

ATTORNEY JEFFERSON: And Chief, my last question to you, based upon your decades of experience here in New Hampshire, do you think we have any systemic issues with racism, bullying, sexism, that we need to confront and address here in this State?

CHIEF CHAMPLIN: Well, yes. I gave you some pretty concrete examples. I've heard people say, well, it's really not a problem in New Hampshire. Well, if you look at the population of New Hampshire, we are -- someone out there will know the statistic, but we are pretty white. We are pretty white State. So our minority population is not as big as other States.

But corruption is corruption. Lack of ethics, racism, sexism, to me, they're all rolled into one. And we do have that. I can't tell you the percentage. I would look at the Laurie List and say, okay, well, there's a bunch of Police Officers that shouldn't be on the job still. So, I don't know what percentage that is.

When people say the expression, well, there are a few bad apples. I'm not sure. What is a few? Is that 5% of all Police Officers? Is it 10%? I don't know. I don't think any of us knows the answer to that. But it's naïve to think that we don't have any of these issues in our State. If we didn't, we wouldn't be here today.

Have we improved over the years? I would say we have. But I am also not a person of color. So I think we have to do better. And so, my answer is, it's obvious that we have problems. I just couldn't tell you what the percentage is.

ATTORNEY JEFFERSON: Thank you very much, Chief.

ATTORNEY GENERAL MACDONALD: Okay, thank you. And just note for the record, it's 10:20. We have two more Commission Members who want to ask questions. This is our first witness, so got a lot of ground to cover. Mr. Lascaze, please?

MR. LASCAZE: Thank you, General. Thank you, Chief Champlin for your testimony today. I just had a quick question. You made reference to the Laurie List a couple times and you also spoke during your testimony of the culpability of Officers who know of misconduct but don't report it.

And due to these two issues would be directly contrasting training that would be expected to be given at Police Standards and Training as well as at the Departments, what would you recommend in terms of how an Officer is held accountable in these situations? Should they lose their certification on these issues? And in particular, do you think that they should lose their certification when it comes to issues, when they violate training that also erodes public trust, community trust, and whatnot?

CHIEF CHAMPLIN: So your question is, should they lose their certification if their conduct rises to the level of being put on the Laurie List, or the Exculpatory Evidence Schedule List?

MR. LASCAZE: Well, yes, and also if it's a violation of Departmental Policy but not necessarily criminally charged.

CHIEF CHAMPLIN: Okay. I think I understand your question. There are Police Officers that do end up resigning as a result of violating Departmental Policies. It depends on what the case is. What was the intent? Did they violate an Evidence Room Policy because they didn't properly package a piece of evidence and enter it in the Evidence Log properly? That's very different than an Officer violating a Policy having to do with use of force, or sexual harassment, or that type of thing.

I think I know what you're asking. And I think that we don't pull enough Certifications from Police Officers. That is my experience that I know of some Police Officers whose conduct that I think, wow, I can't believe they're still a Police Officer. So I think that, along with all my recommendations, that Departments have to be held accountable.

I'm also for a national database that would list all of the Officers all over the States so that you can't resign from a job as a Police Officer in California for, say, a violation of a Use of Force Policy and then get hired in New Hampshire. But that also goes back to proper background investigations of Officers.

So, the Laurie List, it really stymies me. I don't understand how there can be this secret list of Officers that you can't put people on desk duty and still let them be a Police Officer, if they have no

credibility for testifying in court. You can't be half-in. You're either a full-time Certified Police Officer with full arrest powers or you're not, because pity the poor victim who comes into a Police Station to report some assault, or a terrible crime. And the person that they're talking to isn't even credible enough to testify in court. It's a disservice to the good Officers on the Police Departments and to the profession to have people that are on this list still serving.

MR. LASCAZE: Okay. Thank you.

CHIEF CHAMPLIN: I'm not sure if that answered your question, though.

MR. LASCAZE: Yes, it definitely helped clear things up. And I just was wondering about the piece of Officers who witness misconduct and don't report it.

CHIEF CHAMPLIN: Oh, absolutely.

MR. LASCAZE: What your thoughts are on that, too.

CHIEF CHAMPLIN: They're just as culpable. If I witness another Officer stealing while they're working and I don't report it, in the criminal world, I'd be charged with accomplice to theft. So, we should have the same standards for Police Officers. If I see a Police Officer mistreating a citizen, excessive use of force -- in the George Floyd case, if those other Officers standing around had intervened, George Floyd would be alive. It's as simple as that.

You can't separate it out. If you witness a Police Officer committing a crime or breaking Policy, you have an absolute duty to intervene and to stop it. And if you don't, you're just as culpable as they are, simple as that.

MR. LASCAZE: Thank you very much. I appreciate this.

CHIEF CHAMPLIN: Thank you.

ATTORNEY GENERAL MACDONALD: Thank you. Mr. Norton?

DIRECTOR NORTON: Thank you, Chief, for your testimony. It was excellent. It's a lot to digest. And thank you, as well, for your service in our State. Will you submit the longer testimony that you gave in writing?

CHIEF CHAMPLIN: Yes, I already did. I sent it prior to my testimony. At about 9:00, I emailed it to the Commission.

DIRECTOR NORTON: Great, thank you. There's been a lot of talk about the length of the Police Academy. Do you feel that the current length is sufficient? Or does it need to be increased?

CHIEF CHAMPLIN: I don't know that it needs to be increased. I think just changes within it need to be made. If that results in it being increased, then that would not be a bad thing. But, again, a lot is asked of the Police Academy. And as I testified, there's so many things you do as a Police Officer that just cannot be taught in a classroom setting. It certainly shouldn't be any shorter than it is. I will say that.

DIRECTOR NORTON: And likewise, there's been a lot of talk about the minimum eight hours for recertification. And I understand that that minimum doesn't include training in firearms and whatnot that's required annually. But that's the additional training. Is that eight hours-plus sufficient? Or should that increase?

CHIEF CHAMPLIN: Yes, that should increase definitely.

DIRECTOR NORTON: In number 7, you talk about Civilian Review Boards. Is there a model for this elsewhere, or standard that you're familiar with? And what types of deadly force specifically would you say should be reviewed, because obviously that's a continuum from pushing someone, or whatever, to an Officer-involved shooting?

CHIEF CHAMPLIN: I think all use of forces that are considered serious -- and again, this would be, I think, the job of a separate Commission to talk about. I don't have the specifics, as far as numbers. I would think the Attorney General's Office probably has the numbers for how many use of force incidents there are in the State. I know they do track them. I think that's something that needs further discussing and researching.

DIRECTOR NORTON: Thanks. And then, for number 8, your broader screening and tracking of PTSD, would you support ongoing mental-health screening during the course of a Police Officer's career?

CHIEF CHAMPLIN: Yes, thank you. You bring up a very good point, Mr. Norton, that it's interesting that up until the late-'90s, I think it was, once a Police Officer passed their physical agility to get into the Police Academy and went through all of the physical part of the Police Academy and graduated, there was no yearly or every three years standards for Police Officers to have to pass a physical agility. That changed, I think, in the late-'90s. So now I think it's every three years, a Police Officer, to keep their certification in New Hampshire, has to pass the Police Standards for their age group to keep their certification.

Every year, a Police Officer, after they get out of the Police Academy, has to qualify with their firearm. This is all well and good. But there is no component where a Police Officer, unless they're involved in an Officer-involved shooting, to my knowledge, or unless their Police Chief recommends them and says, listen, I'm going to put you on administrative leave and you're going to get psychological help. There is no mechanism in place right now where a Police Officer goes through any kind of mental-health screening.

And I think that that is a component that we really need to look at, because it shouldn't have to rise to the level of a Police Officer taking another human life for them to have to go talk to somebody. I mean, some of the horrific child abuse cases or death scenes, those are things Police Officers carry with them.

And so, I think, as a society, don't we want our Police Officers not only to be able to shoot their gun straight, but to be mentally healthy. It's not just good for the Police Officer and their family, and the

profession, but it benefits the community that they serve. So, yes, I'm very much in favor of mental health screening for Police Officers on a more regular basis and a consistent basis than it is now.

DIRECTOR NORTON: Thank you. And maybe related to that, and maybe a little bit afield, but would you see a role for retired Officers like yourself to serve in a formal mentoring role for newer Recruits, that way it's not somebody that's tied to a specific Department but could help through the course of a career by offering perspective, supporting their mental health and wellbeing, etc., etc.?

CHIEF CHAMPLIN: Yes, it's a very good idea. Yes, I think that's an excellent idea. And again, as I testified earlier, in law enforcement I think we do a terrible job at supporting each other in a healthy way. There's a lot of alcoholism, a lot of divorces in policework. And I think that there are healthier ways that we can support the Officers on the frontlines. And I think that's an excellent idea.

DIRECTOR NORTON: And then, I think Mr. Lascaze covered most of what I wanted to ask about number 9, but just to maybe restate I think what you said, does the current review process regarding decertification or misconduct through PSTC need to be strengthened?

CHIEF CHAMPLIN: I believe so, yes.

DIRECTOR NORTON: Great. Thanks so much for your testimony. It was excellent.

CHIEF CHAMPLIN: Yeah. Thank you for your time.

ATTORNEY GENERAL MACDONALD: Okay. I think Lieutenant Morrison, did you have a question?

LIEUTENANT MORRISON: Thank you, General. Good morning, Chief. Thank you for your testimony. I'll be very brief. I have one question. What do you think is, I guess, the best example of a standardized set of Police practices that you've come across in your time as an Officer?

CHIEF CHAMPLIN: Pertaining to what issue?

LIEUTENANT MORRISON: Standardized Police practices, an example that immediately comes to mind would be CALEA or some other sort of standardized set of practices.

CHIEF CHAMPLIN: Correct; I think it's San Diego or Los Angeles. In California, a lot of those Police Departments in the west have been CALEA-approved for many years. And I haven't looked at those in a while, the actual practices. But that would certainly be the direction I would look at, as far as a model.

LIEUTENANT MORRISON: Was Portsmouth CALEA-accredited when you were there?

CHIEF CHAMPLIN: When I was there, it was not.

LIEUTENANT MORRISON: Okay. But it is now, correct?

CHIEF CHAMPLIN: I believe so, yes.

LIEUTENANT MORRISON: Okay. Thank you, Chief.

CHIEF CHAMPLIN: Thank you.

ATTORNEY GENERAL MACDONALD: Okay. No other hands have been raised. Thank you very much for your testimony, Chief Champlin.

CHIEF CHAMPLIN: Thank you.

ATTORNEY GENERAL MACDONALD: I say to the members of the public, if you've submitted written testimony, it's been made available both to Commission Members and the members of the public. And I think it's safe to presume that we've read the written testimony. So, with that, I would call on Mr. Simon.

MS. REED: Mr. Simon, your line is open.

MR. SIMON: Hello, can you hear me?

MS. REED: Yes, sir.

MR. SIMON: Very good. Good morning, Commission Members. Thank you for considering my testimony. For the record, my name's Matt Simon. I'm speaking to you from my home office in Manchester. I work for the Marijuana Policy Project, or MPP, a national nonprofit organization dedicated to ending cannabis prohibition in the United States.

Prior to working for MPP, I founded the New Hampshire Coalition for Commonsense Marijuana Policy in 2007 and served as its Director through 2010. I've also had the privilege of working on Cannabis Policy issues in several other States, including Massachusetts, where I served as a member of the Drafting Committee for Question 4, the ballot initiative that legalized cannabis for adults' use in 2016, and Vermont, which, in 2018, became the first State to legal cannabis for adults' use through the legislative process, rather than directly by voters.

I've been observing these Commission meetings. And while I certainly agree that reassessing Police Standards and Training is important, I'll be trying to somewhat broaden the scope of this conversation by speaking to you today about the intersection between Cannabis Policy, racial justice, and Police-community relations.

Before I do that, I'd like to take an opportunity to invite you all to a virtual event that I hope will be of interest to you all. Tomorrow, July 15th, my organization will be partnering with the National NAACP and several other organizations and individuals for a series of discussions called Reimagining Justice: Race, Cannabis, and Policing. Panelists will include Rachael Rollins, who is the District Attorney of Suffolk County, Massachusetts; Neill Franklin from Law Enforcement Action Partnership; former NBA Player

Al Harrington; and many others. That event will be streaming from the Marijuana Policy Projects Facebook page. And the video will be available on YouTube after the event. And I will email you an invitation after I'm done testifying.

I'd also like to say for the record that my personal interactions with rank-and-file Police Officers in New Hampshire have been pretty much entirely positive over the course of the 14 years that I've lived here. And I say that with two caveats.

One is that I would not make the assumption that my experiences as a middle-aged white guy are the same as the experiences of persons of color, or of persons belonging to other marginalized communities, especially when there's so much evidence to the contrary, some of which I'll get into in my testimony. Second, I would draw a strong contrast between my interactions with rank-and-file Officers and my experiences with the New Hampshire Association of Police Chiefs, which have been much less pleasant and frankly less professional over the course of the last 14 years.

So there are three main points I'd like to make for you today. The first is that cannabis legalization is essential for improving Police-community relations. The unpopularity of cannabis prohibition presents an enormous challenge to Police Officers and Prosecutors as they seek to earn the trust of the communities they serve.

Consecutive polls conducted in 2017 and 2019 by the University of New Hampshire's Survey Center found that 68% of Granite Staters support legalization. Similarly, the National Gallup Poll found, in 2019, that 66% of Americans support legalization. And despite the sea change in public opinion in New Hampshire, the so-called Live Free or Die State continues to punish adults for simple possession and maintains criminal penalties for possession of more than 3/4 of an ounce or any number of cannabis plants.

Additionally, the racially disproportionate impacts of cannabis prohibition have long been undeniable, both nationally and in New Hampshire, according to data reported by the FBI and published by the ACLU. Blacks in the United States were 3.6 times more likely than whites to be arrested for cannabis possession in 2018, despite using cannabis at nearly identical rates.

So, New Hampshire's Law decriminalizing possession of 3/4 of an ounce or less of cannabis, which took effect in September of 2017, resulted in somewhat fewer total arrests for cannabis possession in 2018. The decriminalization did not reduce the racial disparity. Blacks in New Hampshire were still 4.11 times more likely than whites to be arrested. And arrests for cannabis possession continued to comprise 43% of all drug arrests in the State.

So, while these racial disparities persisted in all 50 States, in 2018 the data indicate the disparities were much lower in States that had significant experience with cannabis legalization. Colorado, which has the longest experience with legalization, had the lowest racial disparity of any State. The other three States that pioneered cannabis legalization in 2012 and 2014 joined Colorado. They were all among the seven States that had the lowest disparities in the country. In addition, the total number of arrests and citations, and unnecessary Police-civilian interactions plummeted in States that legalized cannabis.

So one major problem with decriminalization is the fact that Police Officers continue using their reported smell of cannabis, or sometimes the notoriously unreliable alert of a K-9 to justify invasive searches or seizures of a vehicle, or other property. This contributes to the unequal enforcement of laws. A study found that African-Americans in the U.S. are twice as likely as whites to be searched during a traffic stop, even though contraband is found more often on white drivers.

In an effort to reduce racial disparities and enforcement, States with legalization laws have curtailed the ability of Police Officers to justify searches based on the smell of cannabis. And New Hampshire should do the same.

Over time, it has become increasingly difficult to understand, in light of public opinion, how the prohibition of cannabis for adults' use can continue to be viewed as a legitimate function of government. The First Article of our New Hampshire Constitution declares that all Government of right originates from the people. It's founded in consent. And it's instituted for the general good. Similarly, the U.S. Declaration of Independence advises that the just powers of Government are derived from the consent of the governed.

But clearly, it is no longer possible to argue that cannabis prohibition is founded in consent, or that it enjoys the consent of the governed. After thoughtful consideration of this issue, it should be clear that cannabis legalization, while not a panacea, is a necessary step in repairing damaged relationships between the Criminal Justice System and the individuals, families, and communities it is supposed to serve.

My second point is, although we often hear that Police don't make the laws, they just enforce the laws, this is entirely false. In particular, the New Hampshire Association of Chiefs of Police has long been known for its aggressive lobbying tactics in opposition to medical cannabis, decriminalization, and other popular and important Criminal Justice Reforms. And these tactics have repeatedly worked.

Another important factor negatively impacting Police-community relationships is the way that Police Officers are represented at the State House and in the media. If there's one thing I can conclude with certainty, after 14 years of advocating for Bills that were opposed by the Chiefs Association and other Law Enforcement Agencies, it's that the adage, Police don't make the laws, they just enforce the laws, is a pernicious and remarkably persistent myth.

The Chiefs Association, in particular, is often purported to speak for all Members of Law Enforcement in opposition to Cannabis Reform legislation. And here's an example from 2010. This is from the former President of the Police Chiefs Association, Richard Crate, speaking at a public hearing. He said:

"You may hear today from a couple of Police Officers who will testify in favor of this legislation. Let me be very clear. They do not represent the Law Enforcement Officers in our communities, not even 1% of the Law Enforcement Officers in our communities. If this legislation is passed, we will see a wave of devastation not seen before in our wonderful State."

So, what Bill was he talking about that would create this wave of devastation? It was a Bill that would have reduced the penalty for possessing 1/4-ounce or less of cannabis to a violation punishable by a fine of up to \$200. Again, decrim. of a quarter-ounce or less with a \$200 fine, and it was the position of the Chiefs Association that everybody in law enforcement would be against that.

Fortunately, I know from personal experience and from other sources. We know that many rank-and-file Officers feel very differently about Cannabis Policies than the Chiefs Association. A 2016 Pew survey of nearly 8,000 Police Officers nationwide found that 68% believed cannabis should be legal for medical use, and 32% believed it should be legal for personal or medical use. That's a third of Law Enforcement Officers four years ago being supportive of legalization. And these numbers are consistent with the private conversations I've had with many New Hampshire Police Officers who've told me they personally support legalization, but they are understandably reluctant to defy their superiors in public.

So, over the course of the last 14 years, Police Chiefs have also appeared repeatedly on television and radio programs to argue against medical cannabis, against decriminalization, and against Legalization Bills, further contributing to their adversarial relationship with Granite Staters who have friends, family members, or neighbors who use cannabis for medical or nonmedical reasons.

My final point is that it just doesn't have to be this way. The Chamber of the New Hampshire Legislature that most closely represents the people of our State has repeatedly tried to reform Cannabis Policies. But most of these efforts have been rebuffed by the Senate and the Executive Branch, after passing the House.

For many years, the Chiefs Association and other Law Enforcement Entities have relied on their close relationships with Governors and Senators to kill legislation they don't like. And in New Hampshire, it only takes nine votes to block a veto override in the Senate. The strategy has proven very effective of the years.

If it had been up to the House, decriminalization would have become law in 2008, House Bill 1623, instead of 2017. Medical cannabis legislation would have passed in 2009 instead of 2013. And the State would have passed a comprehensive Bill to legalize and regulate cannabis for adults' use in 2019. In each of these cases, the Chiefs Association and others in Law Enforcement have succeeded in delaying progress on reform for many years, in spite of public opinion and the growing body of data that shows Cannabis Policy Reforms have proven beneficial for other States.

Additionally, the most unpopular aspects of New Hampshire's Medical Cannabis and Decriminalization Laws, for example the fact that home cultivation of even a single plant remains a felony, and the fact that the threshold for our Decrim. Law is an arbitrary 3/4 of an ounce, these both resulted from demands made by the Police Chiefs, while those Bills were being considered by the General Court.

And if you look at my written testimony, you'll see I did underline the word "demands". I did so for a reason. The Black Lives Matter groups in Manchester and Nashua recently made some demands and were very strongly criticized for doing so. And I couldn't help but think, gosh, there's another group that makes demands all the time at the State House. And that's the Police Chiefs Association. It's about time somebody else came along and made some demands, in my opinion.

Similarly, the State's Granite Hammer and Granite Shield responses to the overdose crisis should be thoroughly reexamined, in light of their impact on Police-community relations. And on that note, I'd like to close with a quote from the late Economist, Milton Friedman. Similarly the efforts to fight for racial justice and criminal justice reforms are often dismissed as a left-wing or sometimes even a Communist issue. So I'm giving you the Friedman quote on purpose. He's certainly the farthest thing from a Communist. But he wrote in '99:

"How can there be a war on drugs? Can there be a war on stones, on buildings, on aspirin? Certainly, wars are on living, not inanimate objects. And this war is being waged on people. Like every war, it is being waged in wanton disregard of life, liberty, and the pursuit of happiness, unalienable rights which we were endowed by our Creator, according to the Declaration of Independence. As a nation, we've been destroying foreign countries, because we cannot enforce our own laws. As a nation, we have been responsible for the murder of literally hundreds of thousands of people at home, and abroad, by fighting a war that should never have been started and can be won, if at all, only by converting the United States into a police state."

Commission Members, I'll end on that note. Thank you for your time and commitment to improving New Hampshire's Criminal Justice Policies. If you have any questions, please feel free to ask me now or via email. It's msimon@mpp.org. Thank you.

ATTORNEY GENERAL MACDONALD: Mr. Lascaze?

(No response)

MS. REED: Mr. Lascaze, having a little trouble hearing you.

ATTORNEY GENERAL MACDONALD: Oh, let's go to Attorney Jefferson then we will go back.

ATTORNEY JEFFERSON: Mr. Simon, I just had one question for you. And forgive me if I didn't catch this during your testimony. You had a statistic of 43% of all drug arrests were marijuana-related. Can you tell me where you're getting that data from and what time period we're talking about?

MR. SIMON: Yes, Attorney Jefferson. Thank you for that question. That 43% figure was included in the ACLU's recent Report. And that's linked in my testimony. If you go to the New Hampshire page, there's a page for each of the 50 States. And on New Hampshire's page, they break out that data. And it's from 2018 --

ATTORNEY JEFFERSON: Okay.

MR. SIMON: -- which is, again, the year after decriminalization took effect in September of 2017. So 2018 is both the last year and the only year for which data's available for the full year.

ATTORNEY JEFFERSON: Okay. And in the context of our work on the Commission, why do you think that that is a relevant thing for us to consider, that close to half arrests were marijuana-related in 2018? What are you suggesting we do about that?

MR. SIMON: Well, I think it goes directly to the Commission's charge that you consider everything that is related to Police-community relations. It puts Police in, in my opinion, a very difficult -- particularly the good Police Officers that we want to encourage do not want to be seen as enemies in the communities that they're expected to police. And when you have 2/3 of the public that supports legalizing cannabis, I don't see any way around the fact that cannabis prohibition puts Members of Law Enforcement in that unnecessarily adversarial relationship with these communities.

ATTORNEY JEFFERSON: Thank you, Mr. Simon.

ATTORNEY GENERAL MACDONALD: Mr. Lascaze?

MR. LASCAZE: Can you hear me now?

ATTORNEY GENERAL MACDONALD: Yes. Please go ahead.

MR. LASCAZE: Okay. Thank you. So, I wanted to speak to you about the disparities in cannabis enforcement. And do you think that the racial disparities in cannabis enforcement can be eliminated through training? Or in your opinion, does it require a Policy change?

MR. SIMON: I don't believe that training, alone, is sufficient. I believe that training has to be coupled with a reevaluation of what the role of Police is in 21st Century American, in 21st Century New Hampshire. If we're going to continue doubling down on the war on drugs and the war on cannabis, every few years, I predict that we will continue to have terrible outcomes, both on the public health front and the public safety front. But we will never be able to create the kinds of Police-community relations that would be beneficial, I think, to all, as we figure out how to move forward as a society.

I really do believe the war on drugs has been a war on people and that it has been disproportionately waged in certain communities. And if we fail to acknowledge that and simply adjust trainings and tweak standards, that we will probably be right back here in three or four years having the same conversation. And I hope that's not what happens.

MR. LASCAZE: Thank you. And one last question, given the disproportionate enforcement of Cannabis Laws against communities of color, are you aware, or have you heard from community members, on how they feel towards Law Enforcement so aggressively defending cannabis criminalization in their communities?

MR. SIMON: Absolutely, thank you for that question. I can tell you that it's a source of consternation for some and total outrage for others. New Hampshire's Medical Cannabis Law is still very unsatisfactory for the majority of patients. The prices are still incredibly high. And if a patient chooses to grow a single plant, again, that is a felony offense still in New Hampshire.

But, anecdotally, I've talked to so many people about these issues over the years, and a lot of my white friends tell me that they've received warning after warning after warning for cannabis, that they've never actually been arrested or cited. I have black friends that have been arrested and cited. Some of them have lost count the number of times. And that's not just in New Hampshire. That's, I think, nationally. But that anecdotal data would just be anecdotal data, if we didn't have these Reports from the ACLU very plainly showing that it's there in the statistics. It's not just what people are saying.

ATTORNEY GENERAL MACDONALD: Anything else, Mr. Lascaze?

MR. LASCAZE: Yes, just one last thing. I'm sorry about that. I muted myself. You spoke about advocating against the legalization of cannabis and the laws that are used by Law Enforcement. Can you explain some of the ways that this happens and what tactics are used against this?

MR. SIMON: Sure; so I think the most common tactic, or what people most frequently report, it's a motor vehicle stop that so often results in an arrest. And the smell of burnt cannabis is something that is used by Police Officers to justify being able to search a vehicle, being able to get into somebody's trunk, that sort of thing. And it's the kind of thing that is entirely subjective.

Is there really the smell of cannabis, or isn't there? It's the kind of thing that the perception exists that a Police Officer will be believed in court if he or she says that he or she smelled cannabis. And that will justify the intrusion into a person's liberty or privacy.

So, it's very much my sense. And I don't have any idea whether it's 1%, 10%, or 50% of Police Officers that would use this as a tool to oppress certain individuals, or members of certain communities. But I can tell you there's a very widespread possession that Police use that tool to go after people they don't like for whatever reason. And it's certainly possible to find individual case after individual case where it seems like somebody has had the book thrown at them and has been dragged through the Criminal Justice System and had their futures potentially compromised in any number of ways, when they've committed exactly the same infraction that thousands and thousands of other Granite Staters are committing right now and with no consequences.

So, how do we have equal justice under the law? How do we ever have liberty and justice for all, as long as we're continuing to criminalize private behavior? And certainly this is aside of the point of my testimony. Cannabis is not a harmless substance. But the argument that we make is that it's objectively less harmful than alcohol, and that the harms that are associated with cannabis are just absolutely compounded by the fact that we prohibit it and we force all production and sale into an unregulated market. That's another question. First question for this Commission, I think, is why in the world would we have laws against the adult possession, cultivation, and use of cannabis, when we know this is something that contributes very negatively to Police-community relations?

MR. LASCAZE: Thank you. Thank you.

ATTORNEY GENERAL MACDONALD: Mr. McKim?

MR. MCKIM: Thank you, General. I think I'm going to reserve my questioning for later.

ATTORNEY GENERAL MACDONALD: Great. Thank you, Mr. Simon. Next up is Anthony Pivero.

MR. SIMON: Thank you.

ATTORNEY GENERAL MACDONALD: And Mr. Pivero, I know you've submitted written testimony. And please presume that the Commission Members have read it. Please go ahead.

MS. REED: Mr. Pivero, go ahead.

OFFICER PIVERO: Hello?

MS. REED: Yes, go ahead, sir.

OFFICER PIVERO: Okay. I don't know if you can see me or not. But, yeah, my name is Anthony Pivero. I'm a retired Nashua Police Officer. I want to thank you for your time and the opportunity to speak today. It's nice to have such a well-rounded Commission in so many field. I hope that no Commission Member is offended by my testimony about law enforcement's reputation. My first item for

the Commission is a question to the Chair regarding the number of Members on the Commission. Attorney MacDonald, could you tell me? Is it 14? Is that correct?

ATTORNEY GENERAL MACDONALD: I think the membership of the Commission is a matter of public record. It's an Executive Order from the Governor. I'm sorry I don't have it in front of me. I'll try and get the answer. You have testimony for the Commission, sir?

OFFICER PIVERO: Okay. I do. Well, my question was regarding the makeup of the Commission. The Governor's Executive Order, 2020-11, lists 13 Members on the Commission, which would make sense in a voting situation, because obviously an even number of Members, one way or the other, you'd have a split on some of the issues that you folks have to vote on.

Currently, there's 14 Members on the Commission. So I don't know if that's an oversight or a mistake on somebody's party. But apparently Attorney Jefferson was left off the Executive Order from the Governor. There's no spot on the Executive Order that lists for the Public Defenders. But obviously they're a very important and integral part of this Commission. So, I think, you, as the Chair, has to address this issue before you take any votes.

ATTORNEY GENERAL MACDONALD: Sir, we're here to hear public testimony on Police training. I believe the Governor amended the Executive Order to provide for a Representative from the Criminal Defense Bar. Mr. Jefferson was appointed as that Representative. Please, we want to hear from you on Police training.

OFFICER PIVERO: Okay. We had the marijuana talk. So let's not. You've kind of already took the position of we want to hear this from you. But all I'm simply addressing is an issue of how the Commission's made up.

Now, if I'm mistaken -- correct me -- everything on your website, including the Governor's Executive Order, is clearly states that there's 13 Members. So maybe you need to update your website so that the citizens know exactly how the Commission's made up. That's all.

ATTORNEY GENERAL MACDONALD: Okay.

OFFICER PIVERO: Simple question.

ATTORNEY GENERAL MACDONALD: I accept that. Please continue.

OFFICER PIVERO: Okay. My first point is, I guess, how policework is made up. And it's the hiring process that becomes the main problem. And I can speak personally from the Nashua Police Department's perspective, where I worked and retired from.

Currently the Nashua Police Department has over 200 Sworn Officers. And at this time, to the best of my knowledge, there's currently no black Police Officers serving on that force. It seems that the (inaudible) population in Nashua is fairly large. And it just seems unreasonable, I guess, that there's no black Police Officers on that Department.

I don't know how that stands in Manchester, State Police, or (Inaudible) Departments. But apparently the recruitment of Police Officers within any jurisdiction should be (inaudible) the best individuals, not the biggest, not the strongest, but those with integrity and compassion.

The current (inaudible) system is part of the good ole boy promotional system. In other words, who gets hired is who you know or who your buddy is. And that goes onto the Chief of Police position, as well. And I'm not picking on the State Police at all, or Manchester, or even Nashua. But currently the way their systems work is the outgoing Police appoints the new Police Chief. There's no hiring process. There's no selection process. There's no recruitment process.

So, in other words, there's plenty of Police Officers in other jurisdiction, other States, that would love to come to New Hampshire. They're not (inaudible). They're not sending out any type of notice that says, hey, we're looking for a Police Chief. It's basically whoever climbs up the ladder is appointed by the guy that's outgoing. And it's kind of a nepotism system.

Way the retirement system here New Hampshire works is your retirement is based on your highest three years of salary. And obviously, if you're a Police Chief, that would be your top three years. And if you look at historically specifically Nashua, that Police Chief stays in that job for (inaudible) three years, no less, maybe a little more. So what he's doing is he's maxing out his retirement pension based on that Chief position, and out (inaudible). So in other words, he's not staying around to build a better Department. He's staying around to better his pocket. And that statistic, you can go and look at to see how long these Police Chiefs are staying. And that's staying for three years, taking the money and run.

I think the Commission should seek remedies for the failure to hire, promote, and select the best Police Officers, including the Chief of Police in a lot of these cities and towns. I guess that's my talk on how the system works.

The second is going to be a little critical of the Attorney General's Office, so hopefully he (inaudible) me off after I give my little speech on this one. As you begin your task in improving Law Enforcement in the State (Inaudible), I believe that you will find that we are currently already in a George Floyd situation. And it's basically there's a Police shooting that the Attorney General's Office still has that they have not ruled as justified or unjustified, but merely we can't figure it out.

In this day and age, with all (inaudible) technology and law enforcement knowledge, how can the Attorney General's Office decide to put a homicide on the shelf? (Inaudible) years ago in the Town of Weare, August 14, 2013, an individual by the name of Alex Cora (Inaudible) was shot and killed by the Weare Police by fleeing and unarmed. The question put to each Commission Member is what happens the next time? Can this (inaudible) put a new legal term to a homicide is we just don't know?

I ask the Attorney Generals, they need to figure this out. What if it was your relative or a family member that was shot by Police? The Commission that you've (inaudible). It seems every Police shooting should be cleared as justified or unjustified, not left in limbo, because this State will, again, see a shooting that could be in that situation. And how many of these are going to go on? How many times does somebody have to get shot and killed by the Police that the Attorney General's Office can sit back and say, we don't know? And that's it. That's the end of it. I disagree with that. And I hope the Commission Members do all (inaudible).

The Commission has already talked about an early warning tracking system for Police Officers for misconduct. (Inaudible) President for the Patrolmen in Nashua, and this area was addressed by the Nashua Police Department during the mid-1990s. And what happened was the Nashua Police Department implemented a program that collected citizen complaints regarding certain Officers of which I was one.

These complaints were investigated. And even if they were deemed unfounded, (inaudible) personnel file. The collection of unsubstantiated complaints created a hostile relationship between the Department (inaudible) Patrolman's Union.

I disagreed with the Department's handling of this type of so-called early warning system and challenged the Department's right to place unfounded complaints in a personnel file. The matter eventually ended up in the New Hampshire Supreme Court and can be looked at as Anthony Pivero v. Chief Clifton Largy, Chief of Police, dated 97-342.

The Supreme Court ruled on this issue. And it becomes an issue for the Commission because proactive Officers tend to generate more complaints than guys that basically sit around idle and just answer their calls. So if you have an Officer going out there every day and conducting a lot of motor vehicle stops, a certain percentage of those might generate more complaints.

So, for a Police Department to just take an unfounded complaint and say, well, we've got 10 complaints. Well, they might all be unfounded, but still putting them in a personnel file as a tracking mechanism seems a little unfair to the Officers.

And like I say, the matter already made it up to the Supreme Court. But it's kind of an ambiguous Ruling and it really doesn't settle the point. But I think the Commission should have obviously some Labor Attorney's input before they make recommendations as far as how complaints are going to be tracked, how they're going to be handled, where they're going to be filed, because it does strain relations between the unions and the Police Departments.

As far as CALEA goes, I don't think CALEA is going to make a better Police Department. And it certainly didn't in Nashua. Nashua's been CALEA-certified for -- probably one of the originals. I would say it goes back at least 20 years. And the Nashua Police Department certainly has had issues. I don't know (inaudible) guy down there now I went to the Academy with, I consider a good friend. And I hope he's changing the Department for the better.

I can tell you that, prior to the current Police Chief, there was a Police Chief by the name of John Seusing. And this goes back to the Laurie issue that's already been talked about and harped upon, and currently the Attorney General's Office is fighting. The Petition is in the Supreme Court regarding the Laurie List. I believe the Attorney General's Office (inaudible) to keep a Laurie List secretive.

And I can tell you. This is a story and it kind of goes to the heart of the matter, that the promotional system in New Hampshire is unmatched anywhere when you can have a Police Chief of a fairly major city, and Nashua is the second-largest, I believe. And under the current system, a Police Officer in New Hampshire can be deemed truthful as a Rookie Officer, which means in his first couple of years, and be promoted all the way up to Chief of Police and eventually collect a State-funded pension.

This is a factual case and well-documented by the Attorney General's Office and the media. The story goes (inaudible) 1980s, a Nashua Police Officer, John Seusing, was involved in the arrest of a man at a bar at the Holiday Inn hotel. The individual sustained injuries during the arrest and was booked at the Nashua Police Department on various charges.

As a result of the arrest, Nashua Police Department began an investigation of Officer Seusing. The investigation revealed that Seusing had been untruthful during questioning and was suspended without pay for 15 days. The Nashua Police Department dropped all charges against the man that Officer Seusing arrested. And he was eventually paid an undisclosed amount of money by the City of Nashua. And Officer Seusing went on to become Chief of Police and retired during 2016 with a State Pension of \$138,633, which is about the third-highest in the State right now.

Anyone in their right mind would say, how is that possible? Well, it happened. In New Hampshire, a Police Department can hide their skeletons in the files of the Internal Affairs Divisions and use the State's exemption as a personnel matter under the Right to (Inaudible). The Nashua Police Department went one step further and failed to disclose Chief Seusing's truthfulness to the Courts when Chief Seusing had testified in numerous cases.

As a final point, the man that Seusing arrested that night had nothing to do with the disturbance inside the bar. He was merely trying to leave when he got arrested outside the entrance. He, however, was the victim of Police misconduct that night.

And this goes onto previous testimony. I think Police Standards and Training should have some sort of ruling, or Regulation, in their books that would pull Certifications for untruthful Officers. This is kind of a highlighted example of how someone can progress from a Rookie Officer that had an issue all the way up to Chief of Police with no one questioning it.

And now, I believe, (inaudible) the Attorney General's Office is still fighting issues in court regarding their Office and other Prosecutors not releasing information under Brady, which says that, if there's anything favorable to the Defense that the person has a right (inaudible) that. Well, they buried all John Seusing's untruthfulness and let him testify in numerous homicide cases. And the Defense Attorney should have been made aware of this.

It's a fair game out there. Everyone should be on the same playing field. But the Attorney General's Office doesn't agree with that. And now they're fighting to justify why this wasn't disclosed [ph] years later. So, it kind of highlights on truthfulness. I think that's one of the main things at-hand here is integrity, (inaudible).

I'm just trying to see what else I have for notes here. I guess I can talk a little bit about another matter that came up in psychological testing. I, myself, was involved in the fatal shooting (inaudible) gentleman which ended up forcing my retirement.

I can tell you that (inaudible) shooting of any individual is (inaudible). It's actually (inaudible). To look at somebody and to kill (inaudible) individual is a very dehumanizing thing. And unless you've been (inaudible) I guess and/or help someone understand.

I've been there. I had to leave the job because of it. I don't think that Police Department, the Military, or any organization should call upon somebody to do that a second time. I thought it was right for me to retire because of that. I didn't like it. The gentleman that was -- I guess we'd call the bad guy in that situation -- had just killed two people in Nashua, had shot to death. He, himself, was a retired Police (Inaudible).

And I guess all those facts at the end of the day, you're saying, that guy did a job that I did at one time. So, it (inaudible) you to a different level of humanity, when you're in that situation. And I guess I'm lucky enough that I can tell you this firsthand, because I've been there.

And I think that part of the Police training curriculum, that they should bring guys -- not necessarily myself, because I don't like to talk about the shooting -- but guys that have been involved in deadly force encounters, and let them speak in front of Recruit classes. Let them know what it's like. Let them know that this isn't something you should look forward to. This isn't something that is good. There's nothing good about it.

There's nothing good about policework, I can tell you. Nobody calls the Police when things are going well. It's always usually a bad call. It's an accident. It's a domestic. It's a robbery. There's not many

things the Police get called for that are good. Everyone loves the Firemen. Probably should have been a Fireman, I guess.

There's a lot I could talk about. I guess the night of my shooting, there was Officers that had rifles that night. There were a lot of shots that were fired. I believe there were over 20 rounds fired during the shooting. And the individuals that had the rifles, the bullets were being pulled out of houses and (inaudible).

So, as far as getting into the aspect of what kind of guns should be out there, Police definitely need a good assortment of weapons. It's unfortunate, but they do. But those weapons should be assigned to those Officers who are well-qualified, because that shooting that night could have turned very badly. Luckily, the only one that got killed was the bad guy at the incident. But if someone had been sitting on a sofa and that bullet entered their house and killed them on their sofa, then now the Police have another issue. So, I believe that the type of weapons that are used should be in the right hands of the right Officers.

Psychological Tests, I can talk about that a little bit, because I know that's come up (inaudible) of the Commission. And I had taken numerous Tests, trying to get onto various Police Departments over the years. I was actually hired by the Federal System. I was a Federal Agent for about nine years (inaudible) Justice Department before I left there and went to Nashua.

I wanted to do street-level policework. I got more satisfaction. People said I went backwards, that most Police Officers start at a Patrolman's level and work their way up, and go into the Federal System. I went just the opposite. Took a huge pay cut, but I was very happy in doing what I did. I got more satisfaction of driving around in a Police car every day than I did working some high-profile cases in the Federal System.

But as far as the Psychological Tests, the Tests that I took over the years, I believe I passed all of them, because I got job offers, eventually hired. But I had to take a Psychological Test (inaudible) my shooting that was given by a Doctor by the name of Albert Drukteinis, who I believe is well-known in the community. I believe the State uses him for a lot of their testimony, very, very nice individual, very smart individual.

And the Test that I took for him after my shooting was far more in-depth than the one I took prior to getting into law enforcement. And I couldn't figure out why that is, why the test that I took after wasn't the same test I took before. And I was lucky enough to read the Report that he had. He attached to his request from the State, as far as my retirement. And it was very in-depth. I think I was actually in his office for about five or six hours on a Psychological Test.

And when I got it, I read through it. It was probably (inaudible) pages. And it was spot-on. I can honestly say that his evaluation of me, even some of the stuff that was negative that I didn't want to hear, it was spot-on. So, I think when you get into these psychological testing things that the State should have some criteria that they use a similar type of Report that is far more in-depth, because it actually gives, I think, a better profile of who that individual is.

The individual that tested me for the Nashua Police Department was an older gentleman, probably should have been retired years ago. But it was a sit-down conversation for a half-hour or an hour, and out the door I went. And I was fit for duty.

I don't think that's a good psychological exam. I think that mine was part of the MPPI process that they would give Defendants to see if they're able to stand trial. And I think the State really needs to lean toward that way, as far as if you're looking at Psychological Tests. Make sure you have the right criteria, because it's not going to do any good if it isn't.

And I think that's all I wanted -- I could go on and on. I mean, I have a lot of (inaudible). Obviously, you can see that I have a lot of areas that I touched upon in a short career in policework. But I miss it but I wouldn't want to do it again.

It's a tough time for Police Officers right now. There's good guys out there. The majority of Police Officers are good guys. They do it not for the money, because it's not a high-paying job. You're not going to get rich doing policework. Guys do it for the right reasons. Some guys turn bad during the process. Some guys should have never been on there.

I don't miss it. But like I say, you got to be a tough guy mentally to do this job, not physically, but mentally to do this job. I want to thank the Commission for their time. And any questions you have, I'd be more than happy.

ATTORNEY GENERAL MACDONALD: Thank you very much, sir. I see no hands raised. Just give it one minute. Mr. Lascaze?

MR. LASCAZE: Thank you. I just have one quick question. At the beginning of your testimony, you referred to a large population in Nashua. And I couldn't quite hear what you said. Did you refer to that population as the dark population? What was the term that you.

OFFICER PIVERO: No.

MR. LASCAZE: Okay. What was it?

OFFICER PIVERO: It would have been a (inaudible). I used the term "black".

MR. LASCAZE: Oh, okay. All right. I couldn't hear, so I was just trying to clear that up. Okay. Thank you very much.

OFFICER PIVERO: You're welcome.

ATTORNEY GENERAL MACDONALD: Mr. McKim?

MR. MCKIM: Thank you, General, and thank you, Mr. Pivero, for your testimony. I believe I heard you say, in reference to the Nashua Police Department being CALEA-certified, that, even though they are so certified, that you don't think the Department's any better for becoming so certified. I just want to make sure I heard that right. And I'd love to hear a little bit more of what you mean by that.

OFFICER PIVERO: You did hear that correct, sir. Like I say, they've been certified. I don't (inaudible). I know when I got hired there, 1993, they were CALEA-certified back then. And so, it was probably prior to that.

And I guess I can relate that to, again, what makes a Police Department. I guess if we go back to the (inaudible), if you're CALEA-certified and there's all sorts. CALEA is a huge organization and they have Rules, Regulations for everything, as far as booking procedures, paperwork requirement. It's (inaudible)

procedural, in other words, that if you worked for the Nashua Police Department and CALEA, you could go to any other CALEA Police Department and know how it's run.

It doesn't make it a better Police Department as far as the type of individuals that work there. I think if it did, you wouldn't have a guy like John Seusing be able to make it to Chief of Police with an untruthfulness issue in his personnel file. There should certainly be steps along the way that says, if you have any of this, A, B, and C negative items, you're not qualified to be Police Chief. You shouldn't be in that top tier. You shouldn't be the guy making the decisions. You shouldn't be the guy that other Patrolmen look up to and say, hey, I want to be like him.

I can cite another example of the destruction of evidence. Two unsolved homicide cases, the Nashua Police Department destroyed all physical evidence in two unsolved homicides. The Attorney General's Office was made aware of it. They conducted an investigation. They had no admonishment for the Nashua Police Department. But there's currently two (inaudible) homicides in Nashua that there's no physical evidence left for. So, even if someone admitted to the crime, they probably would never get prosecuted, because evidence has been tampered with. It's been destroyed.

So, under CALEA, certainly there should be Rules and Regulations that would prevent the destruction of physical evidence in a Police Department that says, no, you cannot. You cannot destroy this evidence. You cannot do this. And that wasn't the case.

So it goes back to the matter that CALEA doesn't make a good Police Department. It might make it more proficient. It might make it that, oh, sure, you could go to another Police Department and know all the Rules and Regulations.

MR. MCKIM: Thank you for that explanation. So, in your mind, is there a different certification that we might recommend that Departments seek to obtain that would apply more to the actual content of the Policies, rather than the fact of just having Policies?

OFFICER PIVERO: That's a tough one. I mean, I think the New Hampshire State Police is a (inaudible) organization. They don't have very little or none controversy regarding conduct or Officers. In fact, I believe it's probably a year or two ago, they had (inaudible) commercial that portrayed a variety of different Officers from different ethnic backgrounds that spoke different languages. So it showed a makeup of an organization that went out and (inaudible) people for certain talents that they have.

And I guess that goes back to my talk about Police Departments should go out and recruit. The FBI does it. The DEA does it. The CIA does it. Go to schools and colleges and try to recruit people, because that's what they're looking for. They're looking for people either in accounting, business. They're looking for staticians[ph].

And I think Police Departments should be the same way. And this goes back to Nashua that, if they have no black Police Officers right now, they should go recruiting. They should go to schools. They should go out-of-state. They should send stuff to wherever and say, hey, we're looking for Police Officers. Come and apply to us.

And I think you'd see that as more beneficial than just posting a billboard up on the side of the road that says testing for the Nashua Police Department is this date. I think if they made an overt step to recruit, they would find better people.

MR. MCKIM: Thank you, sir. Thank you, General.

ATTORNEY GENERAL MACDONALD: Thank you very much. Attorney Jefferson, I think you had your hand up, then you put it down.

ATTORNEY JEFFERSON: Yeah, no. I'm all set. Thank you.

ATTORNEY GENERAL MACDONALD: Okay. Thank you very much. And then, Director Malachi?

DIRECTOR MALACHI: Yes. So, I actually had a couple of questions for Mr. Pivero. And it was regarding him actively during his time in Nashua recruiting, meaning working with other people of color, potentially, and inviting them or encouraging them to look at law enforcement as a career. However, I will table that question.

I'm a little troubled here. So in his diatribe which is being perceived as testimony here, I'm very troubled in his reference to people of color in New Hampshire as dark people. And that is highly offensive and inappropriate. Mr. Lascaze was attempting to give Mr. Pivero an opportunity to actually make a correction or to better apologize for making such a statement. I'm very troubled by this.

And although there are some elements of his testimony that could carry a little bit of -- excuse me -- a little bit of weight, the larger issue I have here is maybe it just needs to be stricken altogether. The perception is not appropriate at all. So, Mr. Pivero, if you'd like to make a statement regarding what I've just said, please feel free. If not, then I'm happy for us to move on.

OFFICER PIVERO: Absolutely, ma'am. I did not use the term "dark" people at all. That had to have been some type of audio issue. I'm working off a computer that has a satellite dish. So I don't know, if, for some reason, it came across as that, because I think Mr. Kim [sic] said the same thing.

My reference to any person of color would have been black, not dark. And I apologize if that's what you heard. But that certainly isn't what I had said. And that's the only explanation I can give you at this time is that the computer may have said that. I did not use that term. And I apologize. Like I said, my intention isn't to offend anyone here. My intention is to make things better, not offensive.

DIRECTOR MALACHI: I appreciate your response. However, there are multiple who heard what I heard. So I will absolutely take a listen back. And if we need to address this again at a later time after I've had an opportunity to listen back to the recorded testimony, then I will again address that. I'm done.

OFFICER PIVERO: Yes, I guess I would like to know that.

ATTORNEY GENERAL MACDONALD: Thank you very much, Director Malachi. And for the record, all of our proceedings are being audio-recorded. So I encourage everyone to go back and listen to the testimony. The two people sitting in my room with me heard the word "dark". And so, we will...

OFFICER PIVERO: I apologize. I would never use that term. And if that's what was said, it was obviously misspoken, because I'm on an (inaudible). I don't intend to say anything that would be offensive, absolutely not. And I apologize. I did not have any intention to use the term "dark".

DIRECTOR MALACHI: And if I could jump in here, that would be the textbook definition of an unconscious bias. So, thank you for helping us with that.

ATTORNEY GENERAL MACDONALD: All right. Thank you very much. We're going to move on. And I am going to amend what I said earlier, because we need to get through our witnesses, many of whom have been waiting patiently. And I want to turn next to Major -- all of whom have been waiting patiently -- I want to turn next to Major Tracy Hayes, who is joined by John Monaghan. Major Hayes and Mr. Monaghan?

MAJOR HAYES: Very much, and can you hear me?

ATTORNEY GENERAL MACDONALD: Yes.

MAJOR HAYES: Great, thank you. Good morning, Attorney General and Commission Members. Thank you for listening to my testimony. My name is Tracy Hayes. I'm a Major for the Strafford County Sheriff's Office.

I'd like to start by saying that I am a female in this profession as well as a minority. I am Asian. And so, I have both dealt with discrimination and racism personally as well as professionally. So, a lot of what we're talking about here rings true to me.

I'll start by saying that I agree with much of what Chief Champlin's recommendations have been. In my role here, I oversee CALEA and standards and training. So, in my view, I believe that CALEA does make the Agency better in creating the standards that are across-the board, that are recommended and that our Officers must abide by.

I'm actually here to talk about my role with the Race and Equity in New Hampshire series. It's been in the works for almost three years with the Inaugural Symposium back in October of 2017. For the last year, I have been cofacilitating the Law Enforcement Criminal Justice Work Group through the Phase II portion of this series, which is moving from planning to action.

And we have come up with two priority areas that we believe are the first steps towards racial and equity throughout the State, especially in law enforcement and Criminal Justice. The first one was a movement towards a statewide integrated data system. I know a lot of testimony's been talked about, creating a data system that encompasses much of the issues that we're dealing with. I think it'll help identify problems.

But the second main priority that we came up with, which I think is going to be what this Commission is interested in hearing, is in implicit bias training. And that would be across all sectors of the Criminal Justice System, not just within law enforcement.

Believe law enforcement is a first step. That's the initial contact that individuals have with the Criminal Justice System. It is a first step. It's by no means the end-all, be-all solution. It's a work in progress. But the Law Enforcement Criminal Justice Work Group believed that this was a first concrete step in creating change, not only to how individuals experience their interactions moving through the Criminal Justice System, but as a step towards creating lasting change in the culture of this system.

I'm even currently working on a grant to create an implicit bias training, specifically for Law Enforcement Personnel, as that first step. And I know that Retired Chief John Monaghan was one of our Work Group Members. I thought it was important that he participate and discuss how the Work Group felt.

I was there cofacilitating this. But he was actually in amongst the Work Group. We had Representatives from law enforcement, the legal system, NAACP, the ACLU, and community members that were just interested, as well as even individuals who had been in that Criminal Justice System, moving through it. So, Chief Monaghan, if you want to follow up?

CHIEF MONAGHAN: Hello, can you hear me?

ATTORNEY GENERAL MACDONALD: Yes, go ahead, Chief.

CHIEF MONAGHAN: Okay. I'm well, thank you. I'll just briefly introduce myself. I'm John Monaghan. I'm a retired Police Chief from New Hampshire. I currently work for an organization out of Boston called All Aces, Inc., which is a racial equity, diversity, and inclusion firm. So I come to you with two lenses to this conversation.

And when I began my work with the Criminal Justice Reform Group, I was the Police Chief. And that was the experience that I brought to that group. And it was a diverse group, much like your Commission is. And I want to applaud the Governor for putting this Commission together. And I'd also like to applaud you all. I know many of you and I have great confidence in your ability to make something very positive out of this experience.

The group talked about the Criminal Justice System throughout, not just Police Officers, but working through the Prosecution, prison systems, probation and parole, the whole gamut. But that's not your charge. Your charge is looking at law enforcement transparency, accountability, and community.

So our priority that not only our group came up with -- and I believe you have some documents that were submitted to -- that the groups go beyond just law enforcement. They look at Health and Human Services and all sorts of things.

And every single one of those groups agreed that implicit bias was the most important training to begin with. And if you're not familiar with it, it is apart versus explicit bias, which would be racism expressed knowingly. Implicit bias is a part of our brain that has been affected by messages we've received from our society, experiences we've had, the history we've been taught that may and does give us an inaccurate picture of other people.

And so, the importance of undertaking this implicit bias training is so that our Law Enforcement Officers, when they go out, recognize that they may be predisposed to treating some people differently because of the color of their skin, or because of their sexual orientation. There's all sorts of biases that people may have that they are not even aware of but it will cause them to act differently, depending on the person that they're interacting with. And I believe you have heard testimony and people have even provided some statistics on how especially the black indigenous people of color communities have been disproportionately affected by Police actions. So, we believe that that is one of the most important undertakings that should be had in this State.

In addition to that, there is data-driven policing that I think is important. And there was some mention of it before that the Department of Safety collects arrest records, which has race data on it and gender data on it, as well as Department of Motor Vehicles. Their Summonses that they receive have race and gender data on it.

And so, there are statistics available out there that would inform us about what certain Departments are issuing Tickets for, or arresting people for, and even down to the individual Officers who are doing that.

There are signatures on those Arrest Cards. And there are signatures on those Summonses that would inform us.

And the purposes of that is to not only just inform us about what trends we might see, but it can help us to shape our training, to shape our Policies, and to shape the way that we go about bringing people through our system in order to create a more equitable Police Force that is geared to serving and guarding our community, and being less heavy-handed. So we believe that data is available and that it's just collated, and it's not being used in a way that could benefit us to having a more equitable policing society.

And I also want to make sure that I make mention that the implicit bias training is not the end-all, be-all, that there are lots of things that we could look at, like procedural justice, Training Officers and conflict resolution, de-escalation techniques, the use of dialogue and critical thinking. And these soft skills -- I'll call them the soft skills of policing -- and I'm speaking for myself right now -- but those are skills that we need to be able to show proficiency in, just like a handgun, and also be able to practice on a yearly basis to show that we can qualify on the skills that help keep our citizens most safe.

And I'm going to end with that. I don't want to take up a lot of the Commission's time. I know you're short. But I'm more than happy to answer any questions you have. And I believe, in making these changes, it won't just keep society safer, it'll keep our Officers safer, too. It'll change their relationship with the communities that they serve.

ATTORNEY GENERAL MACDONALD: Okay. Thank you very much, Chief and Major. And the materials you submitted have been up on the website and made available to Commission Members. Are there any questions? I see one. Again, thank you very, very much, Major and Chief, for your testimony today, and your written materials.

CHIEF MONAGHAN: You're welcome.

ATTORNEY GENERAL MACDONALD: Okay. Next, we are going to turn to other members of the public who are in the audience. If you do want to be heard, the number is -- or please press *3, *3. There is one person in the queue already. And all I can see is that your number begins with 603-571. So if that's you, I think your mic is open. Please identify yourself and proceed with anything you wish to say.

MS. WOJAS: Yes, good morning. My name is Linda Wojas. And I'm a member of the public. Can you hear me, please?

ATTORNEY GENERAL MACDONALD: Yes. Please go ahead.

MS. WOJAS: Thank you. Okay, thank you. My testimony is directed to you, Attorney General MacDonald. If you truly believed in transparency, I believe you would have accepted the Lower Court's Decision stating that the Laurie List or Exculpatory Evidence Schedule is, in fact, the public's right to know, and not move that decision to your brethren in the New Hampshire Supreme Court.

And that's my testimony. That's how I feel. And I won't take up any more time, so that someone else can also speak, unless someone has a question. And I thank you. And also, I submitted what I just said July the 7th. And it's still not listed up there as testimony on your site. Why is that?

ATTORNEY GENERAL MACDONALD: Yes, you did submit that. First of all, thank you for your testimony and I want to thank you. I know you've been hanging in there and wanting to be heard. And I appreciate your patience.

MS. WOJAS: You're welcome.

ATTORNEY GENERAL MACDONALD: The short answer, because of the volume of the materials we're receiving, there is a delay. But I assure you that it will be up on the website today, along with the response that I believe was provided to you.

MS. WOJAS: Okay.

ATTORNEY GENERAL MACDONALD: Okay?

MS. WOJAS: All right. I thank you very much. And again, if anyone has a question, I've been asking for the Laurie List for years and years, and years, well-before it became embroiled in the Court System. And again, I'll say goodbye and thank you. And that's all.

ATTORNEY GENERAL MACDONALD: Thank you.

MS. WOJAS: Bye, now.

ATTORNEY GENERAL MACDONALD: Thank you very much.

MS. WOJAS: You're welcome.

ATTORNEY GENERAL MACDONALD: Other members of the public, *3, please, *3.

MS. REED: I do have someone else, General, Steve Monier, I believe.

ATTORNEY GENERAL MACDONALD: Go ahead.

CHIEF MONIER: Good morning, General. This is Steve Monier. Can you hear me?

ATTORNEY GENERAL MACDONALD: Yes, good morning. Nice to hear from you.

CHIEF MONIER: Yes. General, thank you. Member of the Commission, thank you. I wanted to take an opportunity to just present a few things to the Commission. First, about myself, I live in Goffstown. I'm a retired Police Chief. I was with the Goffstown Police Department for nearly 30 years. The last 15 of those years as its Chief of Police.

I also served for six years as a United States Marshal for the District of New Hampshire. And after that was a Special Assistant to U.S. Senator Kelly Ayotte, handling Homeland Security and First Responder issues for the Senator.

I'm now fully retired. My family and I still live in Goffstown. And I wanted to offer a few general thoughts quickly for the Committee's consideration. And General, I can submit written testimony afterwards for the record.

First of all, I'd like to say that it's okay to be proud of what New Hampshire Law Enforcement has accomplished in the last several decades. I'd like to mention just a couple of things. One of the most consistent and lowest crime rates of any State in the United States; we have a unified Police Academy for all Law Enforcements, which is overseen by the Police Standards and Training Council, which has broad representation from Law Enforcement, the Judicial, and the Educational Systems with appointment by the Governor. And we have Law Enforcement at the local level controlled by civilians.

I've often said to people in law enforcement, if a single community is having difficulties with their Police Department, that community can change it. As a Police Chief, I reported to a five-member Board of Selectmen elected by the people in Goffstown. We often get the Police Departments that we want, as a community.

The other thing I think we should keep in mind, for the Commission, as you work through this process, I would ask you to be both positive and to be proactive. And by that, I mean, Police science is an evolutionary process that there are always things that our profession could be doing better that we should strive for. And that is to work fairly and impartially in enforcing the law for all of our citizens, while working to keep our communities safe.

I think the Commission should list what some of those things for improvement are that are available to us here in New Hampshire, two of which I think should be high priorities for the Commission. Number 1, sound hiring practices; I once heard a Southern Sheriff at a National Commission Meeting say, if you hire the wrong person and you give them a lot of training, you know what you get? You get the wrong person with a lot of training.

So the first step in making sure we have good people is to hire good people. And psychological testing, administration of polygraph, thorough background investigations should be standard fare for every Law Enforcement Agency. Hire the right people.

Secondly, we need to have continuous and ongoing training so that, when new things come up, that our Officers now serving get the in-service training that they deserve. And that necessitates appropriate resources at both the State and Local level.

And then, the next thing I'd like to say is that we should take about racial and economic inequalities in our Justice System here in New Hampshire honestly. I believe that the national media has failed miserably at this and has painted a broad brush that vilifies all Police everywhere.

I would remind the Commission, as I'm sure you know, there are approximately 235 separate Law Enforcement Agencies just in the State of New Hampshire. Every State is different. And those, like myself, who have served on National Commissions, we know this. We have a lot to be proud of here in New Hampshire. We should be positive.

And I'd like to remind the Commission, as well as members of the public, that law enforcement and the safety of our communities is a community responsibility. Law Enforcement Officers are simply paid to do fulltime what is the duty and responsibility of each and every one of us, and that is to help keep our communities safe, to bring the next generation into the force, so that they are civically-minded and want to give back, and that we keep in mind and preserve the nation's principles that are founded, that all people are created equal and that we each have an inalienable right to life, liberty, and a pursuit of happiness.

I'd also like to talk about being colorblind. I think too often the national media has fallen into this narrative that a white Cop killed a black person. In Minneapolis, for example, I would say a corrupt Cop killed George Floyd. We shouldn't express it any other way. Dr. Martin Luther King prayed for the United States to become a colorblind society. He was right.

I'd like to also talk about the accreditation process. I served on the National Commission for the Accreditation of Law Enforcement Agencies for six years. I was appointed to represent the International Association of Chiefs of Police for their position on that Commission. This is the Commission that accredits Law Enforcement Agencies across the country, including those here in New Hampshire who have achieved that distinction.

I disagree with some of the comments of an earlier witness who said that he does not believe CALEA offers an opportunity for Law Enforcement Agencies to better themselves. Nothing could be further from the truth, just like you wouldn't want to have your relative operated on in a hospital that hasn't been accredited or sent to an educational institution that's not accredited.

Communities should want their Law Enforcement Agencies accredited, if they want to achieve that. It does make them better, by offering a process by which Law Enforcement Administrators and Line Officers can ensure that they are keeping up-to-date with the newest and best practices available in the science of Police Administration. So accreditation can be helpful. Several States have developed their own accreditation process. But it always mirrors the National CALEA process.

One last thing I'd like to talk about some amendments to the Right to Know Law. I think that law enforcement, as well as other public sector organizations in New Hampshire, need to be more open about their personnel matters.

If there's one issue about accountability I hear the most in my own community, for example, it's the frustration the public feels when it doesn't know who the bad Cops are, or who the bad Teachers are, or who the bad School Administrators are, because of the way currently New Hampshire's Right to Know Law exists.

I would suggest that some amendments be made, or suggested, where we shine the light of day on bad behavior. Of course, we have to do that by affording due process to those who may be accused of misbehavior. But I would suggest that, after adjudication, whether it's administrative or criminal in nature, that we shine the light of day on our problem people. I think that would go a long way towards improving accountability and the public's right to know what's happening with people in the public sector.

And finally, I would offer that the New Hampshire Association of Chiefs of Police, which has been part of the New Hampshire law enforcement and political landscape for more than the last six decades, its membership, it has, I would suggest, the expertise, training, and experience to be a significant resource to this Commission, to our Governor, our Executive and Judicial Branches. And I think they'd be more than willing to help in any way possible. So, General, thank you, again, for allowing me this opportunity to address the Commission.

ATTORNEY GENERAL MACDONALD: Thank you very much, Marshall Chief. I know Mr. McKim has a question.

MR. MCKIM: Chief Monier, fellow Goffstown citizen, for your testimony here. I just wanted to ask, given your experience with the various Law Enforcement Agencies, various levels of law enforcement, you

mentioned 235 Law Enforcement Agencies in the State, about what intersections between those various Law Enforcement Agencies should we be concerned and looking at.

CHIEF MONIER: Well, I guess I have two responses. The first, again, because every Law Enforcement Agency in New Hampshire has to become certified, and all Agencies have their people attend a unified Police Academy here in New Hampshire, whether you're a County Deputy Sheriff, a State Trooper, a local Officer, Fish and Game, you get the same basic training starting out. And you help build networks, which, I think, in New Hampshire law enforcement, because we're a small State, the networking's very important in terms of becoming an effective Officer and an effective Department, because you end up knowing people all over the State.

Think of it in your own professional worlds. You get things done by knowing people and being able to reach out to them. So the intersection there is working together. If you're from a small Agency, let's take Dunbarton, New Hampshire, which borders Goffstown. They only have a few part-time and a couple of fulltime Officers. But if they need back up on a domestic, for example, call, or some other burglary-in-progress call, regardless the color of the uniform, whether it's Fish and Game who happens to be in the area or a State Police Officer that shows up to back them up, they know that they have, at its foundation, the same basic training.

And that's a great advantage in New Hampshire, because in many States across the nation, that is not the case. There are regional and local, and statewide different Academies teaching different things, not all of them up-to-date on best practices. And that's a huge difference here in New Hampshire.

Can we do better? Of course. Every profession can do better and should constantly be striving for improvement to serve all of our citizens. So I think that's the intersection. I hope I've been responsive to your question.

MR. MCKIM: So I thought I heard you say there were two thoughts that you had. And I think that the training might have been one. And the backup capabilities are another. I'm just curious, as we look at what recommendations to make, what your thoughts are on how we might look at the interactions between the various Law Enforcement Agencies and what recommendations we might make to improve accountability, community, and transparency.

CHIEF MONIER: Well, the more in-service training that's offered by the State through Police Standards and Training Council made available to all Agencies, in regional or statewide settings, I think that would be one. Of course, that requires resources which, generally, in government, means budgets. And you're competing for scarce dollars at the public trough, because there's a limit to what taxpayers can afford. But training is certainly one.

And the encouraging Agencies again to become accredited, I do believe it makes Agencies better. But, again, having served on a National Commission and having seen Law Enforcement Agencies from around the country of all sizes, New Hampshire has a lot to be proud of. And I hope we remember that, as you deliberate.

MR. MCKIM: Thank you, Chief. Thank you, General.

ATTORNEY GENERAL MACDONALD: Thank you, Mr. McKim. Attorney Jefferson -- and I note we're at four minutes to noon. I hope Commission Members can hang in there with us and we can finish up with Chief Monier and then any other member of the public, and then hopefully have a discussion about our governance. But with that, I want to recognize Attorney Jefferson.

ATTORNEY JEFFERSON: Thank you. And thank you, Chief. And I'll try to be very brief. So, I agree with you that there's a lot that we need to recognize and be proud of for the State of New Hampshire. I want to get your response on this.

So you'd mentioned in your testimony that Police Officers should be viewed as colorblind and that you would like to see George Floyd viewed as a corrupt Cop who murdered George Floyd. And I would ask you to consider this, that, as a black man, that I can't have that be the narrative, because I have encountered situations, myself, and other people have encountered situations. And we have to get to the root cause of what can cause these violent acts, which is racism and bullying.

So I'd ask you if you believe that we should confront and identify, and eradicate instances of racism and bullying, and that it is important not to try to call it being colorblind, like that is a goal that we should get to. But we need to confront the realities of where we are at.

So I'd ask you to respond to that, if that is a legitimate counterpoint for you to consider and if you think that is something from a training perspective, from a hiring perspective, that we need to be very clear-eyed and deliberate, and sober about to root out and identify instances of racism, sexism, and bullying at every stage: recruitment, Internal Investigations, and going forward.

My second question to you is, you'd remarked that the community has a responsibility in getting the Police Department that they want. In areas of black and brown people, and people of color, they often live in high-crime, high-poverty neighborhoods in New Hampshire, most specifically in Manchester and Nashua.

Do you recognize that those people are at a very different position from say a typical resident of Goffstown who has the political power to do that? And should we, as Commission Members, recognize that and factor that into our ability in making recommendations to help protect these people who may not have the political will to protect themselves?

CHIEF MONIER: So, as to your first question, Commissioner, yes, of course. Of course we should confront racism and social and economic injustice wherever it exists. I did not mean to suggest by citing Dr. Martin Luther King's prayers that we become a colorblind society, I do not mean to suggest that we shouldn't confront those issues where they arise.

And what we should be doing, of course, is ensuring that our next generation that we're doing everything we can to live up to the ideals and the promise of America. And that is that we are all created equal, and that we should be striving as a society, not just that Police Officers should be colorblind, that we should all strive to become colorblind, as we interact with each other in society. But of course, we should root out corruption. We should root out racial and economic injustices wherever they may exist.

Secondly, as to the community responsibilities, I think, as relates to what Law Enforcement should be doing in our communities, they should be reaching out to all aspects of your communities. I would cite examples like the PAL Program in both Nashua and Manchester, where attempts are made to reach out to the neighborhoods where more help may be needed than others. We should be doing the same things in

our educational system in New Hampshire. And law enforcement has a role to play in that, but so does the community.

And again, my point in saying that Law Enforcement Officers are simply paid to do fulltime what is everybody's responsibility is just that. It is all of our responsibilities to work to creating healthier, more safe environments for everybody in each community.

And of course, just like each State is different in the United States, each community within a State can be different. I'm sure you know, Commissioner, that, in New Hampshire, the average size of a Police Department is less than 10 people, while we also have the large cities of Manchester and Nashua, and on the seacoast in Portsmouth.

But communities have to be involved. We should be encouraging all of our citizens to become civically-minded. We should encourage them to register to vote and participate. Democracy only works if people participate. So that was my point in saying that.

ATTORNEY JEFFERSON: Thank you very much for your testimony, Chief.

ATTORNEY GENERAL MACDONALD: Okay. Thank you, Attorney Jefferson. I see no other hands raised from Commission Members for Chief Monier. So, with that, I'll move on. And I'd ask, Fallon, do we have any other members of the public who wish to be heard? *3, please.

MS. REED: I'm not seeing any other members of the public.

ATTORNEY GENERAL MACDONALD: Okay. Very good, that really concludes the testimony we've been hearing generally on Police training curriculum, procedures, and Policies, although there's been overlap into other areas.

For members of the public, there has been a great deal of written testimony that's been submitted. That is all up on the website, governor.nh.gov/accountability. And further submissions may be directed to the following email address. It's leact@doj.nh.gov, leact@doj.nh.gov. And again, I want to thank all who testified for their patience in hanging in there with us. And I also want to acknowledge at least two witnesses, or folks who were prepared to testify on our next subject-matter, which is Law Enforcement in the communities they serve. We did not get to you today. But we will get to you on Thursday. That's Michelle Holt-Shannon and Brandon Thomas.

With that, if the Commission can just hang in with me, I want to get some business items. First, I want to note for the record that Chief Edwards, from my observation, has been with us since the very beginning. And Chief, I just want to, for the record, could you just state -- I think you've been with us. And who, if anyone, is in the room with you.

CHIEF EDWARDS: I apologize, General and Commissioner Members, for joining late. But, yes, I am home here in Dover and no one is with me.

ATTORNEY GENERAL MACDONALD: Great. Second, we need to approve the Minutes from July 9th. And I believe there have been some suggested edits. I'd first ask if anyone has any further edits. If not, I'd entertain a Motion and a second to approve the Minutes for July 9th, 2020.

DIRECTOR MALACHI: I motion.

ATTORNEY GENERAL MACDONALD: May I have a Motion, please? Director Malachi moves.

DIRECTOR MALACHI: Motion.

ATTORNEY GENERAL MACDONALD: Is there a second? Is there a second, please?

CHIEF DENNIS: (No audible response).

ATTORNEY GENERAL MACDONALD: I see Chief Dennis. Motion and a second requires a roll call vote. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

ATTORNEY GENERAL MACDONALD: Director Malachi?

DIRECTOR MALACHI: Yes.

ATTORNEY GENERAL MACDONALD: Director Scippa?

DIRECTOR SCIPPA: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Johnson?

MR. JOHNSON: Yes.

ATTORNEY GENERAL MACDONALD: Mr. McKim?

MR. MCKIM: Yes.

ATTORNEY GENERAL MACDONALD: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

ATTORNEY GENERAL MACDONALD: Chief Dennis?

CHIEF DENNIS: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Norton?

DIRECTOR NORTON: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Lascaze?

MR. LASCAZE: (No audible response).

ATTORNEY GENERAL MACDONALD: Yes. I saw his thumb up. Okay. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

ATTORNEY GENERAL MACDONALD: Ms. Tshiela?

MS. TSHIELA: Yes.

ATTORNEY GENERAL MACDONALD: And Chief Edwards?

CHIEF EDWARDS: Yes, sir.

ATTORNEY GENERAL MACDONALD: The Chair will abstain. I also want to note for the record in terms of moving forward. I want to ask Mr. Norton. I know you wanted to testify on training. Is that still your desire?

DIRECTOR NORTON: Yes.

ATTORNEY GENERAL MACDONALD: Okay. So, do any other Commission Members want to be heard on the issue of training?

(No response)

ATTORNEY GENERAL MACDONALD: Okay. So we will structure our next meeting, which I believe is Thursday at 9:30. We will hear from Mr. Norton first and then move to the witnesses that have been identified by Commission Members on the issue of community relations. And that will be generally the order of business. And we will identify the -- I'm sorry. It's at 9:00 a.m. I apologize, 9:00 a.m., Thursday. We will identify the order of witnesses in the public notice that goes out.

I would like to entertain a discussion from Commission Members about our use of time. We've got a limited finite amount of time to complete a great deal of work. And we are all very, very busy with our professional endeavors. And I think, at this point, we have sort of a breaking point in our testimony. And is there a better or more efficient way for us to hear from witnesses? And is there any changes, in terms of our conducting the public hearings, the Commission would want to make. Entertain any discussion on that, or suggestions.

MS. REED: And General, Mr. McKim had his hand raised, and then Director Malachi.

ATTORNEY GENERAL MACDONALD: Go ahead, Mr. McKim.

MR. MCKIM: Thank you, General. I actually had a question on training still. And it might figure into our future operations, as well. I am really interested in learning a bit more about the funding dynamic for training. It really seems to me, and particularly after Representative Cushing's testimony, that that is an issue that I, at least, want to understand a bit more about, because, without the funding, the training is not going to happen.

So, I'm not sure how we deal with that. But, for me, I would really like to understand how to delve into that a little bit more. If there are things that I can do offline to learn that, I'm happy to. But I think the Commission might be suited -- or benefited by hearing more about that.

In terms of how do we cut down the time? I think there has been suggestion. And this has, I know, happened in the past that we limit testimony to a certain amount of time. Five minutes, 10 minutes, I'm not sure what the right amount is.

But particularly if folks are providing written testimony, which we are able to read and hopefully digest beforehand, possibly asking them to maybe hit highlights or anything new that they think we should know above and beyond their written testimony, that might be a way of cutting down the amount of time that we need to spend in actually hearing testimony and our own responses.

ATTORNEY GENERAL MACDONALD: Well, let's just park the funding issue and take up the procedural issue. And then, I'll get back to funding, okay? I'm interested. I want this to be a collaborative consensus-driven process. And I'm interested in reaction to Mr. McKim's suggestion that perhaps going forward the Commission limits testimony to 10 minutes, or something like that and/or some other parameter. I'm completely open and I just want us to work collegially in figuring out the best way to best manage our finite resource, which is time. Director Malachi, go ahead.

DIRECTOR MALACHI: Yes, I would agree with Mr. McKim regarding the limiting of time. And if we did something like 10 minutes, then the person certainly would submit their testimony in writing. And then, they have three or four minutes to -- or three minutes, maybe, even to go over the testimony, or the highlights, as Mr. McKim so eloquently stated. And then, the balance of that time would allow the Commissioners to ask questions.

I recently participated in a testimony-driven conversation with the Judicial Branch. And each person was told ahead of time you have two minutes for your testimony. They were given the opportunity to submit things in writing. And literally there was a timekeeper who was on the (inaudible) by the Chief Judge. Then, the timer would start. The timer was placed in the Zoom window here, so that you could see what amount of time you had to complete your testimony. So I think that would be a very good way to at least try to corral it.

The other thing -- and I'm not exactly sure how well we can make this happen -- but from my perspective, although there have been people that are very tenured and have a wide variety of expertise, in my opinion there has been a significantly heavily weighted attempt to sell services. And I think that takes us off-topic.

So it's fine if you want to talk about training. But if you're someone who provides training, then the bias of what you offer is the perspective that you're using to discuss what should and should not be. I'm not exactly sure if that is appropriate. I'm not exactly sure how we sort of weed that out. And who we pay for services is a separate conversation. And having a heavily weighted amount of testimony from people

who provide services for the things that we're looking to accomplish, in my opinion, it skews it and it doesn't keep the conversation very balanced. So, those are my thoughts.

ATTORNEY GENERAL MACDONALD: Thank you very much. Director Scippa?

DIRECTOR SCIPPA: Thank you, General. I would concur with Mr. Kim [sic] and Director Malachi's position on how we control the speakers in a judicious way.

ATTORNEY GENERAL MACDONALD: And I want to come back to you on the funding question that Mr. McKim has. But let's deal with this procedural thing first. Mr. Norton?

DIRECTOR NORTON: Thank you, General MacDonald. A couple things; first of all, I think that that's fine in terms of Mr. McKim's recommendation. And I will start by limiting my testimony and submitting it in writing.

But, I would also ask that the posting of written testimony be dated. There's such a volume of them up there now. It's really hard to keep track of what has been read and what hasn't been read. And it'd be helpful if it was posted, what day it was posted. That would be helpful to me to keep track of.

I would note that Linda Wojas, who testified earlier, I have read her written testimony. So it is there. I think I may have read it this morning. But I think that there was some previous written testimony that was submitted, as well.

And I would also note, just from a process standpoint, that this is the first opportunity we've had to have even minimal discussion amongst ourselves. And I think, at some point, we need to have a conversation amongst ourselves about where we're going from here.

At what point are we going to begin to talk about recommendations? And should we be doing that in an ongoing process, so that we have an ability to perhaps vote on them? What type of Report are we going to issue? Is it just going to be straight up recommendations? Or is there going to be background information, in terms of supporting those recommendations? Who would be responsible for providing the research and the writing relative to that?

And then, specific to training, I would just note there's been some great perspectives offered about training from some very seasoned folks, including seasoned Law Enforcement Officials. Who we haven't heard from are nobody that's relatively new in law enforcement. And I would be interested in what their perspective is as a new Officer in terms of what the Academy was like for them, what they feel like now, having been on the job for a year or two that they're lacking, or what would be helpful for them, in terms of their ability moving forward. Thank you.

ATTORNEY GENERAL MACDONALD: First of all, let me just respond on dating the testimony submission. That's an excellent suggestion. We will do that. I do want to get to preparation of a Report and that issue. So let's just defer that to later in our conversation and deal with the hearings right now. I personally love the suggestion of hearing from a new Officer. And maybe we can work on that. Let's see, Chief Dennis.

CHIEF DENNIS: Thank you, General. Again, I just want to echo Mr. McKim and Director Malachi's suggestion on limiting time. I was also on the judicial call, two-minute timeframe. You knew what it was. You were able to get those important points across.

So I think even limiting it to 10 minutes is a long time. Three minutes is probably much better, would be a suggestion to move things forward, still allowing people to have input, but also submitting that in writing. And we have a short time window to get things done. So that would be my suggestion. Thank you.

ATTORNEY GENERAL MACDONALD: Thank you, Chief. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes, I am in favor of a timeframe commitment -- or a time limitation, although I will say I don't, myself, personally have an experience, with very limited exceptions, people not being valuable in the use of their testimony and their time. And where this is a Commission that the whole point is to sort of build public trust, if we do a two-minute, three-minute kind of window and we're shutting people off, I think we need to do that with the utmost care and caution.

So, I would say something more closer to five to 10 minutes would be good and that we're very careful that we're really only cutting people off when we think it being objectively unreasonable. And I think with really only one exception, I don't think that's been an issue so far. Thank you.

Oh, and to the other quick piece about where we go, as far as making recommendation, I tend to agree with Director Norton. I think it would make sense to maybe consider the recommendations as we go along. I think we've come to a pretty good point where we've done a lot of testimony on Police training and procedures. Now might be a good time to start deliberating and decide how we deliberate about those things now, as opposed to doing everything at once at the end. Thank you.

ATTORNEY GENERAL MACDONALD: Thank you very much. And just to insert some commentary as we go along, I agree with you. I think the testimony we've heard has been for the most part time well spent. And that's what I heard you saying, Attorney Jefferson. And certainly from my standpoint, I am not comfortable just cutting people off. And that's why I want to have this discussion. I want us to work together on it. And I want us to all be comfortable about the way we're conducting ourselves. With that, Chief Edwards?

CHIEF EDWARDS: I certainly support limiting the time in some way and form. But I also support limiting Commission Members' time in asking questions. I think that would be where we could save some time. If we're going to err on the side of caution and give time, then I think we give the time to the witness and limit the time to the Commission Members.

ATTORNEY GENERAL MACDONALD: Director Malachi? And before you go, let me just insert. At some point, I'm going to entertain a Motion which captures our collective thoughts on this and will govern us going forward. So, whoever wants to make the Motion, begin to think about it now. But in the meantime, Director Malachi?

DIRECTOR MALACHI: One other thought, however we do it, if we allow people to speak as long as they are comfortable and only cut them off, as Attorney Jefferson noted, if it's absolutely necessary, the

other consideration would be that we need more time and more days. So whether we make these significantly longer sessions, or we do a daytime session and an evening session in the same day and have that multiple days across the week, or several six-hour days where we break for lunch and come back, then that gives us a lot more runway to be able to discuss these things. And please correct me if I'm wrong, Attorney General. Our Report is due at the end of this month. Is that correct?

ATTORNEY GENERAL MACDONALD: I believe the current deadline is on or about July 31st.

DIRECTOR MALACHI: Yeah. So, we have a lot more ground to cover and absolutely no time to do it. So the only way, regardless of how we deal with testimony, I believe the only way to even make this work is we need more hours of the days that we're meeting. Thank you.

ATTORNEY GENERAL MACDONALD: Thank you very much. So do I have a -- oh, Your Honor, welcome. Judge Gardner?

JUDGE GARDNER: Hi, sorry. I've been out doing my Docket. But now that we're talking about procedure, I know that I'm not part of the quorum, but I do want to say something about procedure. And as a Judge, I want to give everyone an opportunity to have their fair share, in terms of time to speak.

However, I believe that it's not unreasonable for this Commission to limit the timeframe. And we should have a guideline as to how many minutes each person has. If they submit all their testimony ahead of time in writing, then we can also read that ahead of time, have our questions narrowly focused on the issues that we are charged to perform, and that way we don't really go off-course and waste this valuable time that we have, because, if it's July 31st, we really don't have that much time, because we still have to deliberate.

I know we're supposed to be in a collaborative, consensus-building-type environment. So I think all of us will need to keep that in mind going forward. But I really don't think that it's unreasonable to limit timeframes. Even Judges, we limit people to certain times. So I just put that forth. Thank you very much.

ATTORNEY GENERAL MACDONALD: Thank you, Your Honor. Oh, Mr. Lascaze?

(No response)

ATTORNEY GENERAL MACDONALD: You're on mute, can't hear you. Try again.

(No response)

ATTORNEY GENERAL MACDONALD: Oh, sorry, we can't hear you.

MS. REED: Mr. Lascaze, maybe if you send it to me in chat, I could read your -- okay.

ATTORNEY GENERAL MACDONALD: Thank you. Anyone else, while we're waiting to get the chat? Yes, Attorney Jefferson?

ATTORNEY JEFFERSON: To Director Malachi's point about our deadline being July 31st, which is no time at all, do we, as the Commission, have any ability to ask the Governor for more time, if we think that coming up with something in 17 days is not doable?

ATTORNEY GENERAL MACDONALD: I think the answer is yes. I think it would be helpful to be accompanied by an effort to better govern our time, or to more efficiently govern our time going forward. I think it would be received a little more -- I just think that if we sort of decide, as a Commission, that we need to use our time more efficiently, I think that will help us in going to the Governor's Office with a request for a brief extension. Let me just put it that way.

ATTORNEY JEFFERSON: Yeah, thank you.

MS. REED: General, Mr. Lascaze says he agrees with limiting time on testimony as long as it's not too restrictive. But we should focus on finding more days and time to tackle these critical topics throughout the week.

ATTORNEY GENERAL MACDONALD: Okay. And to that end, I do know we do have a Doodle poll out there. So I ask Commission Members to attend to that when they get a chance. And we will try and build in more days. Good discussion, may I have a Motion that reflects what we've discussed here, please? Mr. McKim, can I put you on the spot?

MR. MCKIM: Sure, thank you, General.

ATTORNEY GENERAL MACDONALD: We will call it the McKim Rule.

MR. MCKIM: Oh my, gosh. I move that we limit verbal, live testimony to five minutes, with the understanding that testimony will be sent in, in a written form, for the Commission to digest. And also that we limit the questioning time for each Commissioner to three minutes, just to get the ball rolling, I guess.

ATTORNEY GENERAL MACDONALD: So every Commission Member would have three minutes to ask questions of each witness?

MR. MCKIM: Yes, yes.

ATTORNEY GENERAL MACDONALD: Any discussion on that? Let's see. Lieutenant Morrison, I saw your hand up first.

LIEUTENANT MORRISON: I would also like to add, I think giving the Chair a little bit more discretion to sort of redirect some testimony to sort of focus, to prevent some of the run-on testimony and straying into areas that really aren't helpful to our discussion. Frankly, Attorney General, I think you could be that person, perfectly suited.

ATTORNEY GENERAL MACDONALD: Further discussion, Director Scippa?

DIRECTOR SCIPPA: I would support Mr. McKim's Motion if each Commission Member is allowed to yield their time to another Commission Member, if they had extended questions to ask.

ATTORNEY GENERAL MACDONALD: Okay. Mr. Johnson?

MR. JOHNSON: Or to not use it at all, the time.

ATTORNEY GENERAL MACDONALD: Right, so every Commission Member would have the ability to yield time.

MR. JOHNSON: You're correct, sir.

ATTORNEY GENERAL MACDONALD: Okay. Any other discussion?

(No response)

ATTORNEY GENERAL MACDONALD: So I believe the Motion is -- oh, I'm sorry. Mr. Lascaze?

MS. REED: So he said I think a five-minute testimony can be daunting for someone who has never testified before. And 10 minutes is more appropriate as a maximum timeframe.

ATTORNEY GENERAL MACDONALD: Do you agree with that amount, Mr. McKim?

MR. MCKIM: I guess I'm a little concerned about the full 10 minutes, if we have folks who are providing their testimony written beforehand, which can be of unlimited length.

MS. REED: Mr. Lascaze is going to try to call back in, so he can respond, I think.

ATTORNEY GENERAL MACDONALD: While we're working on that technology, anyone else?

DIRECTOR NORTON: Yes, General MacDonald, Ken Norton. I question the three-minute limit for Commission Members in terms of questions, because I've asked a question and gotten a five-minute answer. So, how are we going to measure that? And is that the total response time, during the questioning period? Or how does that work?

MR. MCKIM: Great question.

ATTORNEY GENERAL MACDONALD: Director Malachi?

DIRECTOR MALACHI: To answer that, I mean, I think even if you're testifying in front of Congress, there are time limits. So I think if we're all practiced and we're sort of working on it, in order to keep our questions relative, because if we look at the whole thing, we should have the written testimony ahead of

time. We are expected to read and digest, and have a few questions prepared, so that, when the witnesses testify, then we can ask those specific questions.

With there being 14 of us, not everyone is going to ask a question. So, if the majority of us are not engaged in questioning, but you are, Mr. Norton, and you need time, then I'm not asking a question. That's three extra minutes. If Chief Edwards is not asking a question, that's three extra minutes, Attorney Jefferson and so on.

So I think it will work itself out in the wash, as we walk through. We can always make adjustments. But you cannot not have a rule and try to create this as we go. We need to have a rule to start somewhere is my suggestion.

ATTORNEY GENERAL MACDONALD: Yeah, and I would just note another device that we can use is request our witnesses to respond to questions in writing that we may not be able to get to, during the hearing. Let's see. Did we get Mr. Lascaze back?

MR. LASCAZE: Yes, I'm back.

ATTORNEY GENERAL MACDONALD: Okay, go ahead.

MR. LASCAZE: So, I just wanted to respond to Mr. McKim's, his response, is that when we move into the community relations piece and we are having individuals from the public speak from their personal experiences, I know personally and I know that individuals who will be testifying, their personal stories aren't something that's written down.

And so, they don't plan to submit written testimony. And so, limiting them, again, I think that can cut off really pertinent things that can be spoken about. And I think that Director Malachi just spoke on a good point that yielding time can allow. Not everyone's going to question and yielding time would allow for a wash to happen.

So, again, I highly encourage a maximum of 10 minutes being allowed for public testimony, especially in the cases when there is no written testimony that's submitted. That would be a caution that I would like to...

ATTORNEY GENERAL MACDONALD: All right. Attorney Jefferson, you had your hand up.

ATTORNEY JEFFERSON: Yes. So, to respond to Mr. Lascaze's concern, I think five minutes is an appropriate benchmark. And I think a way that we can do that is just to put out a rule to people of the public who want to testify that, to the extent possible, please put something in writing in advance. Second, please try to refrain yourself to five minutes.

And then, I'd agree with Director Scippa. Somebody has to have the authority -- and I think it should be the Chair -- that once we reach that five-minute warning, I think Attorney General MacDonald can step in. Remind the witness that they've hit the five-minute warning. And then, the Chair has the authority to shut the testimony down.

I think that's something where we have a clear benchmark out there, because I agree with Director Malachi. We need to have a benchmark out there. And I think it also gives the Chair the flexibility to make sure it's being appropriately enforced.

To Director Norton's point to the three minutes, to answer that question, my suggestion is that the three minutes should be confined to the Commission Member asking the question and not encapsulating the answer, because I agree with Director Norton. If you encapsulate the answer, then you have virtually no time. So, I would say that we guide Commission Members by giving them three minutes in which to make their remarks and question. And then, the witness will have an opportunity to respond. Thank you.

ATTORNEY GENERAL MACDONALD: Director Malachi?

DIRECTOR MALACHI: One quick point maybe as a suggestion to Mr. Lascaze's point. Is it possible -- and I'm throwing this out to the group -- if we are aware of people that are going to be testifying and maybe there's personal stories that they're telling, if they're not able to, for some reason, submit things in writing -- we would prefer them to do that. But could they not be encouraged to maybe write a few points down personally for themselves to make sure that, within the timeframe that they're allotted, that they do cover the story?

For them, for the person sharing, it may be important to say that they were born prematurely, for example. But that may not necessarily be germane to the actual testimony and could be something that could come out in questioning. So maybe there could be some guidelines, something put on the website, where we tell people what the time limit is, and giving them little hints, almost like a toolkit, on how to testify. That certainly we'd like for you to submit something in writing, if not at least put down the high points, so that your point gets across would be my suggestion.

ATTORNEY GENERAL MACDONALD: Good suggestion. Anything else? Okay. Maybe, Mr. McKim, you could restate -- oh, I'm sorry. Mr. Johnson?

MR. JOHNSON: No, I was just going to say, Attorney General, that, at your discretion, you can or cannot, or may not limit the testimony if somebody was making a point. The way it tends to work in Congress is they try to cut people off with a certain time limit. But the Chairman, at his discretion, can allow a person to continue if the point is germane. If it's not, then you can basically say, okay, it's your time.

ATTORNEY GENERAL MACDONALD: Understood. And my colleagues will tell me if I'm abusing my discretion, correct?

MR. JOHNSON: Yeah, we will tell you.

ATTORNEY GENERAL MACDONALD: Okay, fair enough. Mr. McKim?

MR. MCKIM: I think Mr. Lascaze was raising his hand again.

ATTORNEY GENERAL MACDONALD: Oh, I'm sorry. Oh, go ahead.

MR. LASCAZE: Thank you. Real quick, and this is just for the Commission, can we realistically expect each testimony that's going to be given to be submitted in writing? Some people have difficulties writing. They can't form sentences on paper. They can't put that structure together. But they can speak

very well. So that's one thing that I would like the Commission to also think about and consider that not everyone is capable of sitting there and capturing their thoughts on paper and submitting that. That's a caution that I would want to urge.

ATTORNEY GENERAL MACDONALD: Mr. Johnson?

MR. JOHNSON: The point of putting it on paper is that, in reviewing this document, if the testimony is not there in writing, then there's no way I can go back and look at what the person said. I don't care how well or how poor they write. If they can just put things down, then I have a chance to go back and view it. Otherwise, it's lost in the ether. So, it becomes important for us to understand what a person's thoughts were, how imperfectly they express it, so that we can an understanding of what it is that was said.

MR. LASCAZE: Absolutely, and I think that that's what the transcripts of these Commission Meetings are for and the audio-recording, because I'm going to review today's, in particular, to review to make sure the comments that weren't submitting in testimony were there. So, I do hear what you're saying and I agree with you. Again, I just would like to make sure that we are thinking about this, as we're moving forward.

ATTORNEY GENERAL MACDONALD: Mr. Norton, you wanted to be heard?

DIRECTOR NORTON: Yeah, I really appreciate Mr. Lascaze's comments, because, I mean, there's power in the spoken word and power in the written word. And some people don't have those skills mutually.

But I also -- just a point of information, General MacDonald -- you said that there's two people that are scheduled to testify for community. Were those people that were invited? And do we know that there's more people from the general public that are interested in testifying, relative to the topic of community?

ATTORNEY GENERAL MACDONALD: The answer to the first question is they were. We solicited suggestions from Commission Members. And based on those suggestions, we have, I mean, specific individuals who were recommended. So we have lined up those. We're absolutely open to other suggestions from Commission Members. And members of the public will be allowed to testify, after we hear from these witnesses. Does that answer your question?

DIRECTOR NORTON: Yes.

ATTORNEY GENERAL MACDONALD: Okay.

DIRECTOR NORTON: Yes.

ATTORNEY GENERAL MACDONALD: All right, anything else? So, Mr. McKim?

MR. MCKIM: Thank you, General. So I move that the Commission encourage written testimony be provided to us. And that verbal testimony be limited to five minutes, with there being discretion by the

Chair to allow testimony beyond that five minutes, as appropriate. And further, that the question being posed by each Commission Member be limited to three minutes.

ATTORNEY GENERAL MACDONALD: Very good.

MR. MCKIM: Also with discretion by the Chair of extending that time.

ATTORNEY GENERAL MACDONALD: Very good. Is there a second?

MR. JOHNSON: Second.

ATTORNEY GENERAL MACDONALD: Who was that?

MR. JOHNSON: Mr. Johnson.

ATTORNEY GENERAL MACDONALD: Oh, Mr. Johnson, okay. Like everything else, actions of the Commission require in this setting a roll call vote. So, let me do that very quickly. Commissioner Quinn?

COMMISSIONER QUINN: Votes yes.

ATTORNEY GENERAL MACDONALD: Director Malachi?

DIRECTOR MALACHI: Yes.

ATTORNEY GENERAL MACDONALD: Director Scippa?

DIRECTOR SCIPPA: Yes, sir.

ATTORNEY GENERAL MACDONALD: Mr. Johnson?

MR. JOHNSON: Yes.

ATTORNEY GENERAL MACDONALD: Mr. McKim?

MR. MCKIM: Yes.

ATTORNEY GENERAL MACDONALD: Judge Gardner is on mute. Okay. Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

ATTORNEY GENERAL MACDONALD: Chief Dennis?

CHIEF DENNIS: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Norton?

DIRECTOR NORTON: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Lascaze?

MR. LASCAZE: Before I vote, was it clear who's going to count those three minutes by the Commission Members, where that's going to be monitored? Has that been clarified?

ATTORNEY GENERAL MACDONALD: The Chair will do that.

MR. LASCAZE: Okay, yes.

ATTORNEY GENERAL MACDONALD: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

ATTORNEY GENERAL MACDONALD: Ms. Tshiela?

MS. TSHIELA: Yes.

ATTORNEY GENERAL MACDONALD: Chief Edwards?

CHIEF EDWARDS: Yes.

ATTORNEY GENERAL MACDONALD: Chair votes yes. And the McKim Rule is adopted. Okay. I would like to get back to the point raised by Mr. Norton, which is our workflow, if you will. And I just respectfully offer the following. And I hope Commission Members can hang in with us for a few more minutes. And this is purely a recommendation for us to consider.

I think a good and useful Report and work product of this Commission would have three basic elements. The first element is an objective, straightforward, straight up statement of the current state of affairs with respect to Police training, with respect to community relations, with respect to Police accountability. So that's number 1.

Number 2 would be a summary of the testimony that the Commission has heard. And then, number 3, broken down by the categories that we're charged with, would be recommendations to be made by the Commission.

To that end, we have asked one of the Attorneys in this office to monitor and listen in on the Commission's deliberations. That Attorney's name is Nicole Clay. She has already begun work on those first two elements, in other words the statement of where we are, with respect to training, and a summary of the testimony we have heard.

And if it's acceptable to the Commission, this work plan, what I would envision is getting that out to the Commission, this draft out. Folks can look at that, comment on it, get it back to us. And at the same

time, Commission Members can begin to think about and submit recommendations. And then, we would have a working session where we just go through one-by-one the recommendations that Commission Members want to offer.

That is the Chair's suggestion. I'm open to any other work plan, if you will, that Commission Members have in mind. To me, we are ready, with the possible exception of funding and hearing from a new Officer. I think we are ready to, as we've already discussed, to really think about recommendations around training. And we should do so, while we move onto the other categories of the testimony that we're about to hear. That's my own view. But, with that, I'd open it up. Attorney Malachi -- Director Malachi?

DIRECTOR MALACHI: Well, thank you. Without the hundred thousand dollars, I appreciate that. I would agree with that suggestion. I appreciate the way you have mapped out the work plan. And that also allows us to, since the Attorney, Nicole -- I don't remember...

ATTORNEY GENERAL MACDONALD: Nicole Clay.

DIRECTOR MALACHI: Attorney Clay, since she's already come alongside us and is digesting those first two points, to allow us to look at that and then begin to move forward after that, I think that's great. One of the other Commissioners spoke to that earlier, since we were basically at a good transition point. And I think it was you, Attorney Jefferson, that we were at a good transition point to look at what we've already covered before we move into the next phase. Having this information, I think, would be appropriate. Thank you.

ATTORNEY GENERAL MACDONALD: Thank you, Director. Attorney Jefferson?

ATTORNEY JEFFERSON: I fully agree and I concur with Director Malachi's thoughts. And I think that will also be important for us to make a request to the Governor for more time, because I really don't think we're going to have a complete product by July 31st. But I think, as part of our efforts, is showing that we're already going to start to work on recommendations, as we go, will be useful.

But these two categories that are left -- community relations and then Police accountability and Police discipline procedures -- I mean, those are going to be weighty subjects. And it's just completely unrealistic for us to digest those and come up with some meaningful recommendations, and with some thoughtful deliberation between some very diverse Members of the Commission, and a good back-and-forth debate. I think it's all necessary. And we should. And we need more time. So I would entertain a Motion to today for an extension of time request to the Governor.

ATTORNEY GENERAL MACDONALD: Okay. Let's deal with the request for time after we get a work plan. Okay? So I heard that as an endorsement of our work plan. Is that correct?

ATTORNEY JEFFERSON: (Thumbs up).

ATTORNEY GENERAL MACDONALD: Okay. Mr. Johnson?

MR. JOHNSON: Concur with the work plan and the creation of the Report. I firmly suggest that you also consider developing a series of talking points mainly because I do know that you're going to be questioned by the media about this. But all the Commissioners, Police Officers, whoever's on the Commission will be questioned, as well. So, noting that that's possible, we probably need to have the same song sheet from which to sing, so that we don't fall amongst ourselves saying different things and giving the media the opportunity to start picking the Report apart.

ATTORNEY GENERAL MACDONALD: Director Scippa, do you want to say something?

DIRECTOR SCIPPA: Thank you, General. I concur with the work plan idea. And the only question I would have, sir, is if Attorney Clay puts out in her format, as you stated, the objectives of current state of affairs, would we be allowed to make amendments to that and then send them back for review?

ATTORNEY GENERAL MACDONALD: Absolutely. I mean, this process of putting together a Report is 100% collaborative. Yes. Any other comments? Mr. McKim?

MR. MCKIM: Thank you, General. I also am in support of the workflow that you proposed, with the understanding that we're going to be learning new things as we hear testimony and learn about the remaining two subjects. And we are going to, I would hope, have time to fold in anything we learn there into our recommendations around training, as there may be things that we find we'd like to recommend be added to the training that may not already be there.

ATTORNEY GENERAL MACDONALD: That's a great point. It's a dynamic process and we need to go into it understanding that. I agree. Let's see. Mr. Norton?

DIRECTOR NORTON: Yes. Thank you, General MacDonald. And can you repeat the categories again, because I'm not sure if you left out transparency, which isn't specifically listed in the charge but is listed in our title?

ATTORNEY GENERAL MACDONALD: Well, I absolutely concur that transparency needs to be part of our charge. I personally believe that that comes with -- I think it transcends all of these subjects in some respect. But I think the most important area of transparency really is with respect to Police misconduct and potential reforms. But if Commission Members want a separate topic of transparency, I'm certainly open to that. To me, it imbues kind of all the categories, my own belief.

DIRECTOR NORTON: Again, I agree. I think just the piece that I was concerned about was the objective statement of where we're at. And I think that it would be helpful to have that objective statement relative specifically to transparency that might lead to the other parts of what our recommendations are.

ATTORNEY GENERAL MACDONALD: Okay. Commissioner Quinn?

COMMISSIONER QUINN: Just two comments, one, I agree with the workflow. Thank you for offering up an Attorney to help with putting this together. And maybe my only question, General, is if you

can give us a deadline for the Doodle polls, maybe it'll help you schedule better. So, I just want to make sure we're doing our best to help you get these dates and times ironed out.

ATTORNEY GENERAL MACDONALD: How about tomorrow at 12:00 noon, please? How's that?

COMMISSIONER QUINN: It works.

ATTORNEY GENERAL MACDONALD: Okay. Any other comments? Not sure we need a Motion on this; I think as long as we understand the workflow and we're in agreement, and it seems like we are, we will proceed on that basis. Okay? Oh, Mr. McKim?

MR. MCKIM: Thank you, General. I'm wondering if it might help the Commission Members for you to send out a document outline for us to review, so we have seen and we're on the same page, as Mr. Johnson said, as we proceed here.

ATTORNEY GENERAL MACDONALD: An outline of...

MR. MCKIM: You outlined what the sections of the Report are. And I just thought if we could see it in words, as we're saying also about seeing testimony, but seeing that outline in words would help us to make sure we're all on the same page and start our own thinking about what should go in those sections.

ATTORNEY GENERAL MACDONALD: Okay, that's fair. That's a good suggestion. Yeah. Anyone else? Oh, Mr. Norton, did you want to hear?

DIRECTOR NORTON: I'm sorry. I forgot to lower my hand.

ATTORNEY GENERAL MACDONALD: Okay. All right. So that is the basis we will proceed. Now, Mr. McKim raised the issue of funding with respect to training. And I would like to, in the first instance, ask Director Scippa. Who could we call on to help the Commission understand funding sources, what the state of funding is now, with respect, at least, I guess, to Police Standards and other sources of funds, which I understand to be Mr. McKim's inquiry? Go ahead. Go ahead, Mr. McKim.

MR. MCKIM: So, thank you, General. So that's part of the question. And something that Representative Cushing said that really struck me was that his Committee makes recommendations on what should be done. And those recommendations, along with funding amounts, get sent to the Finance Committee. And the Finance Committee prioritizes what actually goes through. So, trying to understand better that process, as well, and where we might be able to make recommendations that might influence that, versus where we are limited, because we're focusing on what the Governor can do.

ATTORNEY GENERAL MACDONALD: Director Scippa then Mr. Johnson.

DIRECTOR SCIPPA: Thank you, General. So, just generally speaking, we are funded from the General Fund. We are one of many State Agencies that put together a budget. It's a two-year budget cycle here. And so, we have to anticipate spending over a two-year period of time.

We try to take our best three swings during the budget process, just like every other State Agency does. And we have to be able to very clearly substantiate why we were asking for the money that we're asking for.

I think it's also very important to understand that the budget system and the budget process here, as I'm learning very quickly here at a State level, also has situations where we find ourselves right now. And by request of the Governor's Office, every single State Agency has been asked to kind of rework the present operating budget, anticipating that there is a chance that there's going to be a \$500 million shortfall, statewide. And so, literally myself and my Executive Officer, and our Business Agent had to sit down yesterday and try to figure out where we could cut \$700,000 out of a very small budget, as it stands.

So, I speak from a very practical, pragmatic point of view here. But we are one of many State Agencies. And we have to follow the directions of our Governor in these emergency cases, such as we find ourselves now. And I don't know if that helps.

ATTORNEY GENERAL MACDONALD: Commissioner Quinn, I was going to call on you anyway. Does the New Hampshire State Police have a separate training budget?

COMMISSIONER QUINN: Yes. Can you hear me okay, sir?

ATTORNEY GENERAL MACDONALD: Yes.

COMMISSIONER QUINN: Yeah. I thought what might be helpful -- and I'll defer to Chief Dennis to speak at a local level. I mean, obviously every Chief -- I know Chief Edwards dealt with this in a State capacity than a local level. Chief Dennis has his own budgeting process up there.

So, we have line items in our budget for in-service and out-of-service training. But I think what might be helpful for the Commission Members, all of the recommendations that I've heard as I've been sitting here for increased trainings, there's just been so many good recommendations and ideas, how to increase, increase, increase. And I think we've all agreed collectively on these things.

I think, moving forward, and whether it's in a private venue, whether we work to submit some costs associated, what are the costs of doing these psychological testings? And I will defer to Ken Norton and the folks as to which is the best Psychological Tests that we can give Officers, whether it's pre-hiring and then throughout their career.

But I think it's important for us to understand at a local level to send an Officer for eight hours of training, what are the costs for the training? And then, what are the costs back at the Department for either backfilling that patrol or for whatever requirements there are at the local levels?

But what I would think we might be able to do, General, between myself, Director Scippa, and Chief Dennis is be able to come up with some sort of a cost analysis as to, what are the costs at a local level? What are the requirements? What are some of these trainings? And if we are going to increase, if we've got, I believe, 4,000 Police Officers, if we're looking to go to double in-service, or add these others, we don't want to make some recommendations that are unrealistic.

So maybe it's also investing in the technology to deliver these types of trainings. If we want to increase training, how can we do it more efficiently and effectively? How do we get this accomplished? So I think if we all know what these costs are, I think it will allow us to make -- everyone on this Commission's going to want to make recommendations that are achievable. So I'll turn it back over to you, General. But I would be happy to continue a conversation with Chief Dennis and the other Chiefs, and Director Scippa to maybe provide the Commission Members with what some costs are and what they might need to be for these increases.

ATTORNEY GENERAL MACDONALD: Mr. Johnson had his hand up.

MR. JOHNSON: Yes. Attorney General, the best way to figure out how the budget is actually created is by going to the Legislative Budgeting Assistant and have one of them come in and explain to you, or all of us, specifically how the budget was put together relative to this line, understanding that it's gone through two iterations: first the House, then the Senate, and then the compromise aspect.

And then, additionally, because of the current situation, I'm sure that that Legislative Budget Assistant is aware of the current situation and how it's going to affect the budget as it currently stands. So that's a direct way of understanding what the product is at conception and what it looks like now.

The other aspect is all we need to do is bring somebody in from a small town and say, okay, what's the budget process like at a small town, because it isn't just going in front of the Commissions and saying, okay, let's create the budget. I should say the Selectmen. There's a Budget Committee. They go back-and-forth. And so, that process needs to be fully explained. I'm sure everybody knows it. But until we hear it, there's a lot of explanation that goes in it. And how are you changing it?

Now, I just had our Town Meeting last Saturday and it was delayed from March. We're dealing with a different budget in July than we would have in March. Having said that, this budget is dramatically different than what was originally presented to us in March. I think the same situation exists with the State.

ATTORNEY GENERAL MACDONALD: Thank you, former Representative Johnson.

MR. JOHNSON: From the Finance Committee, no less.

ATTORNEY GENERAL MACDONALD: All right. Mr. Lascaze?

MR. LASCAZE: Yes, thank you. While we're discussing budgets and looking at realistic expectations that can happen within Police Departments, due to budgeting constraints, we heard testimony of the last month of the fiscal budget, in particular, being used to spend leftover resources, as to not decrease the budgets of the Police Departments. Is there a way that we can look at, in particular, that spending that's happening on that last month to see if that is money that can be used and be reallocated towards this realistic training that needs to happen?

ATTORNEY GENERAL MACDONALD: If I can interject here, I'm going to use my discretion as the Chair to take Commissioner Quinn up on his offer. I think if we hear from a collaborative effort from Commissioner Quinn, Director Scippa, and Chief Dennis on funding would be a really good first start for us.

And then, Mr. Lascaze, we could plug in your question about end-of-year opportunities, noting, however, that the new fiscal year, at least for the State and most Municipalities, has already begun on July 1st.

MR. LASCAZE: Yeah.

ATTORNEY GENERAL MACDONALD: So, Commissioner Quinn, I'm hearing no dissent from my exercise of discretion, okay?

COMMISSIONER QUINN: Yes, sir. I'll work offline. And maybe Chief Edwards, as well, has some good history, because he headed as a smaller Department. And between myself, Chief Dennis, and Director Scippa, I think we can put our heads together offline, if that works for you, sir.

ATTORNEY GENERAL MACDONALD: Yeah, that's excellent. Mr. Norton, who's next.

DIRECTOR NORTON: Yes. I'd just like to add to what Commissioner Quinn said that, if there's a way to better understand how the certification process might get around the issue of local unfunded mandates relative to training, because obviously we're talking State budget piece. But then we're talking 230 local Departments. So how can we make recommendations that would not end up being unfunded mandates, or that would be unfunded mandates, but to work through the Police certification process in order to do that?

ATTORNEY GENERAL MACDONALD: You got that, Commissioner?

COMMISSIONER QUINN: Yes, sir. I have it.

ATTORNEY GENERAL MACDONALD: Okay.

COMMISSIONER QUINN: Understood.

ATTORNEY GENERAL MACDONALD: All right. Director Malachi?

DIRECTOR MALACHI: I would also ask, when the group of our Law Enforcement Leaders come together to help us understand the budgets, if, just for the record, for that particular conversation, if it can be made extremely clear how many different Law Enforcement Agencies the perspective is being brought to us, because each person is representing multiple Agencies, potentially. So I think that would be important for us to have an understanding that we're not just talking about State Police, or Manchester Police Department, so that we can understand, as Commissioner, the depth and the breadth of the information that we're being given, and actually help us chew on it and really think about what we're doing, how it can be applied universally across all of these law enforcement disciplines. Thank you.

ATTORNEY GENERAL MACDONALD: Thank you. So, I'll toss it back to Mr. McKim. Does this sound like a good start on your question?

MR. MCKIM: I think it does. Thank you very much, General. And it will definitely help us understand the process and the levers that we might be able to apply in our recommendations. So, thank you.

ATTORNEY GENERAL MACDONALD: Thanks. Okay. The final piece that I heard, which it would interest me, personally -- and again, not to unsustainably exercise my discretion -- but I would like to hear from a new Officer. I think that would be really beneficial to have an Officer, one-year out, something like that, to give us a perspective on how relevant the training was, and how it could be improved. I think that was Mr. Norton's suggestion. I think it's an excellent one. Can a Commission Member volunteer to identify an Officer, Director Scippa?

DIRECTOR SCIPPA: General, sir, I would be very happy to reach out. I can create a survey and put it out to members of the last two or three classes, if that's helpful to collect that data through a survey, unless you would rather just hear from a person. I think if we cast the net a little wider, we might get a little bit more feedback if the last question is, tell me what missing that you would have found to be helpful. What'd you study that wasn't helpful? That would be my way of doing that. But I'm happy to take that roll on.

ATTORNEY GENERAL MACDONALD: So, a mini job analysis, essentially. Okay. Mr. Norton, this was your suggestion. Do you have an opinion? Would you like a survey that would go to the last two Cadet classes, or you want to hear live testimony?

DIRECTOR NORTON: I think that would be very helpful. And I think it would be very difficult to put a new Officer on the spot in front of this Commission to offer critical testimony. And maybe that's part of the cultural issue we need to address. Yeah, I support Director Scippa's thoughts on that.

ATTORNEY GENERAL MACDONALD: Okay. So, Director, can I -- oh, on Director Malachi, I'm sorry.

DIRECTOR MALACHI: That's okay. One other thought -- and I'm familiar with this, because it's been over a few years -- but with the State Police, there's a variety of Officers from different ethnic backgrounds. So there's someone from Haiti, from South America, from the Congo. And they're not new Recruits. But maybe it would be worthwhile to be able to hear from some of these Officers, as well, to put that in the mix, potentially. And if we don't want to do that, that's fine, but just throwing that out there.

ATTORNEY GENERAL MACDONALD: Good suggestion. Commissioner Quinn, that would be kind of your world.

COMMISSIONER QUINN: So, General, if it's the will of the Commission to hear from one of these State Troopers, or if they had questions, or maybe if we posed questions to them again so that we could get their thoughts on how the training has been, either which way I'll work with Colonel Noyes. I think what Director Scippa was going to do was look for maybe a poll. Yeah, either which way, I'm happy to speak to the Colonel and see if he's got somebody that's willing to participate and speak to the Commission.

ATTORNEY GENERAL MACDONALD: Great, okay. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes, very briefly. I agree that that's important. And I think it sort of ties into diversity in the workforce and how we go about trying to increase diversity in the law enforcement workforce. And we can push that into our next segment of community relations on law enforcement. So that would be my suggestion is that we do address it, but we defer it to our next section.

ATTORNEY GENERAL MACDONALD: Great. Okay. We got a thumbs up from Director Malachi. Okay. Excellent discussion, is there anything else, any other business that Commission Members want to raise? Mr. McKim?

MR. MCKIM: Thank you, General. Just a quick question, this is probably for Director Scippa. Are there after-training evaluations given out to folks who've gone through the training? And is that something we might look at to just get a sense of what folks have experienced and what their feedback has been?

DIRECTOR SCIPPA: So, the short answer is yes. But we do kind of a survey at the end of their Academy experience. It is ironic that I have read these things 15 years ago, when I worked here as an Instructor. I have read these types of surveys down in Massachusetts, as the Director of a Police Academy down there. And I've just read some up here. And honest to goodness, they all kind of point to the same things, regardless of time and regardless of location.

So, I would be happy to try to summarize some of those Reports. And then, send that out to the Commission, unless the Commission would like to see the actual Reports that were produced. Attorney General, I would leave that to your direction.

ATTORNEY GENERAL MACDONALD: To me, summaries are fine. Don't see anyone objects. Okay. Very good; anything else from Commission Members?

(No response)

ATTORNEY GENERAL MACDONALD: I thank you all for your patience and staying for an hour and 12 minutes longer. But I think we made some real progress. And I'm grateful. Before we adjourn, I also want to thank Fallon Reed at the Emergency Operations Center who facilitates all of this. Thank you so much. And Kim Schmidt and Annie Gange of my office, who are really very helpful, so thank you. We have unanimity among Commission Members commending you also. So, thank you very, very much. Okay. With that, I would entertain a Motion to Adjourn.

CHIEF EDWARDS: So moved.

ATTORNEY GENERAL MACDONALD: Chief Edwards, second by Mr. Lascaze. Requires a roll call vote, Commissioner Quinn?

COMMISSIONER QUINN: Yes.

ATTORNEY GENERAL MACDONALD: Director Malachi?

DIRECTOR MALACHI: Yes.

ATTORNEY GENERAL MACDONALD: Director Scippa?

DIRECTOR SCIPPA: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Johnson?

MR. JOHNSON: Yes.

ATTORNEY GENERAL MACDONALD: Mr. McKim?

MR. MCKIM: Yes.

ATTORNEY GENERAL MACDONALD: Judge Gardner?

JUDGE GARDNER: Yes.

ATTORNEY GENERAL MACDONALD: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes, sir.

ATTORNEY GENERAL MACDONALD: Chief Dennis?

CHIEF DENNIS: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Norton?

DIRECTOR NORTON: Yes.

ATTORNEY GENERAL MACDONALD: Mr. Lascaze?

MR. LASCAZE: Yes.

ATTORNEY GENERAL MACDONALD: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

ATTORNEY GENERAL MACDONALD: Ms. Tshiela?

MS. TSHIELA: Yes.

ATTORNEY GENERAL MACDONALD: And Chief Edwards?

CHIEF EDWARDS: Yes.

ATTORNEY GENERAL MACDONALD: Chair votes yes. The meeting is adjourned. Thank you very much.

(Meeting adjourned.)