

**From:** [tonya tyler](#)  
**To:** [DOJ: Commission on Law Enforcement Accountability](#)  
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To The New Hampshire Governor's Commission on Law Enforcement Accountability, Community, and Transparency,

Please accept this as a formal request to have the opportunity to testify in this upcoming commission meeting. I have listened to the prior meetings and appreciate the community writing in giving their feedback and concerns to the Commission.

My name is TY Tyler. I am a prior Detective in Child Abuse and Sex Crimes in the State of Florida, and have lived in the state of New Hampshire for 10 years. I am on the board of directors of The New Road Project, a nonprofit focused on advocating for reforms of New Hampshire's child protection system. Certainly, a key element to a strong child protection system is access to knowledgeable and experienced law enforcement professionals well-versed in handling the investigations of crimes pertaining to child abuse and neglect with the sensitivity and specialization that they require. The New Road Project is grateful for the existence of this commission and the opportunity to offer suggestions on improvements that can be made to best protect New Hampshire's children, as over the past year, we have collected experiences from over 100 families, many of them who have come into contact with law enforcement during the child protection process.

Based on my experience, education and training, below are my recommendations for the Commission's consideration.

1. Through the NH Police Standards and Training Council, mandate all NH law enforcement agencies to have basic child abuse and sex crimes training for their patrol officers.
2. Establish a policy and or statute that states law enforcement officers MUST investigate all reported cases of child abuse within 72 hours. NH has no set response time, therefore allowing the abusers to abuse longer and the children to become the victims for a prolonged period of time.
3. Establish a statewide policy for ALL police departments on the handling of child abuse and sex crime cases. The policy should list how to investigate, the

interviewing process (who should interview the victim, the suspect, and others) , and a time frame on the investigation. Often inexperienced officers are placed on these cases with lack of training, at great detriment to the victims. Interviews are not conducted within an appropriate time frame, therefore the victim may be less likely to speak out or behave in a withdrawn manner. Cases MUST be handled in a sensitive manner with experienced officers who EACH have been trained on how to approach, interview , gather evidence, and document these incidents.

- Sensitive investigation techniques can protect children from further trauma that can occur with less compassionate treatment. Investigative procedures alone, such as physical exams and interviews, are very traumatic for children. Every effort should be made to minimize their effects, and which will help to create positive impressions of the law enforcement community, both for the child and family.
- Compassion produces a greater response at obtaining information from a child that may be essential to obtaining a conviction, or sometimes more integrally, meeting the lesser burden of proof of a preponderance of the evidence necessary for child protection workers to remove a child from an abuser. If the child is unafraid because of sensitive treatment by sympathetic interviewers, they will be more likely to provide useful information and speak openly about the incidents.
- Knowledge about how to appropriately respond to the family- biological, immediate, extended, or foster- during an investigation, is also paramount to achieving cooperation and allowing the non-perpetrating family members to best support the child. Situations with abuse and neglect are traumatizing for the whole family, and having a detective on the case who can be effective while showing empathy, especially if the family is upset or questioning the actions of the investigation or department, is critical.

4. When even perceived conflicts of interest exist, eliminate them immediately. New Hampshire is a small state where it is very likely that the law enforcement personnel investigating crimes will have a connection to the suspect. A repeat complaint to The New Road Project involves alleged perpetrators (often men) who have connections to those in the investigating police department who are not being investigated properly or being given lee-way that a suspect who was a stranger would not be. No one wants to believe that someone they know is hurting a child, but the reality is that everyone who hurts children knows other people. It is a breach of duty as law enforcement and adults in this state to do anything to compromise an investigation involving the well-being of a child. When it is reported that anyone on a case has a personal connection to someone involved in investigating child abuse or neglect, especially the alleged perpetrator, efforts to minimize the conflict of interest

up to and including involving state police, and to increase transparency need to be put into place.

5. Training officers about the preponderance of the evidence standard necessary for DCYF investigations. Obviously, police are trained to find evidence to meet the higher burden of proof necessary for a criminal conviction, beyond a reasonable doubt. With child abuse investigations, that can be very difficult. However, DCYF's burden for taking action to protect a child, such as removing them from their abuser, is lower than that needed for criminal prosecution. Law enforcement professionals should be trained in conducting investigations to help DCYF meet their lower burden of proof in addition to their own higher burden for criminal charges. This way, even if not enough evidence exists to charge a perpetrator criminally, law enforcement can still work to protect children through the statutes and policies that exist for child protection measures.

6.) A culture of accountability. This is being discussed a lot right now, and in fact is the focus of this commission. Officers need to be able to hold each other accountable when there are missteps being made, whether it's through a lack of knowledge or a conflict of interest. The stakes are literally the lives of children. Every time there is a child fatality, we as a society, and especially as professionals, review the child's life and what things were missed. There are always points in time when adults could have intervened, could have advocated more, could have done a better job, could have made a difference. The pressure on law enforcement is immense because law enforcement is undoubtedly one of the few professions that has the ability to undertake extraordinary measures to protect children, and meeting that responsibility requires people with a sense of mission and integrity greater than themselves.

The State of New Hampshire rotates officers into detective positions which handle many different types of cases from child abuse to robberies. Not only is this practice harmful to children and families, it is also extremely unfair to law enforcement personnel who desperately want to do a good job and secure justice. Most detectives in the state of New Hampshire do NOT have the proper training or expertise to investigate reports of child abuse. These men and women are placed into these positions for months or weeks at a time with no professional training. They are then expected to successfully investigate a sensitive crime against children. With the lack of professional training, many of these cases go unfounded or not prosecuted because they lack evidence due to inexperience and ineffective policies from the officers and their departments.

The lack of training in this area has caused deaths of children, prolonged abuse of children, and children being placed into homes where there has been abuse and crimes committed that were not documented.

The lack of specialized education in this area is even more chilling when combined with DCYF caseworkers who also suffer from a lack of education and experience surrounding best practice in abuse and neglect assessments. While a select few caseworkers have an appropriate educational background to prepare one for child protection work, such as a Master's degree in Social Work, the vast majority do not. To our best knowledge, as of July 2020, there are currently only two licensed Social Workers working at DCYF. The base standard educational requirement is a Bachelor's degree in any field with what amounts to a minor in a variety of fields, including Cultural Anthropology and Divinity. The internal training caseworkers receive at DCYF is nowhere near able to meet a base threshold for content expertise in handling abuse and neglect assessments, especially for caseworkers just starting out. As DCYF and law enforcement are the primary two assessing parties assigned to an investigation, it is not difficult to see where many things can go seriously wrong, and they have.

The New Road Project hears from families every week that are struggling to protect their children when law enforcement and DCYF are not following best practice. The founder of our organization, Anna Rose Carrigan, MSW, witnessed many of these failures while a minor family member was undergoing an assessment including the loss of a rape kit and underwear collected into evidence, incorrect assertions about sexual abuse by Manchester Police detectives assigned to the case, such as "perpetrators don't retract the foreskin when they're committing abuse", a suspect who wasn't interviewed for over a year and a half, a Detective who brought incorrect and assumed bias into the case without evidence and significantly negatively affected the outcome, and repeated covering up of mistakes when they were pointed out. An outside reviewer from Dartmouth Hitchcock who audited the work of police on the case determined that, "The child has been asked questions in a way that has contaminated (their) disclosures...I agree with the family that there was some questionable behavior, I think largely on the part of the detective: 1. Detective excusing the delay in investigation on another case, 2. Pejorative assumptions that mom is making up allegations due to a "custody battle," 3. Use of the term coaching (I think this is a misuse of the term and they probably more likely were referring to contamination by repeated questioning and possibly inadvertent leading, 4. Suggesting that the child should be placed in foster care, due to unsubstantiated claims of sexual abuse." This has been brought to the attention of Mayor Craig of Manchester and Manchester Police Chief Carlo Campano who have had no response, further indicating how difficult it is for a family to try to protect a child when professionals assigned to handle a case are not adequately prepared.

One cannot have inexperienced police officers or other investigators, to include DCYF, investigating child abuse or sex crimes cases without the proper training and expect

positive outcomes. In New Hampshire, there is a task force set up for New Hampshire Internet Crimes Against Children, but nothing for added training for departments on child abuse and sex crimes. This task force is set up with experienced police officers and higher ranking officials that have experience and training in this field.

**I have listed below a basic scenario of how to handle a case. From start to finish, this is just a brief description. There is minimal guidance in New Hampshire, especially for smaller departments on how to handle child abuse and sex crimes cases:**

A call comes in that may involve child abuse. The officer should be able to do the following:

### **ON THE WAY TO THE SCENE**

- Get to the scene as soon as possible to protect those involved.
- Review signs of child abuse and neglect
- Review child age/response categories
- Recall how to respond to children (Policies and handbooks with guidelines should be placed into every vehicle).
- Recall the basis for removal of the child ( Policies on how to contact DCYF should be placed into vehicles).

### **AT THE SCENE**

Law enforcement responsibilities on the scene are to:

- Stabilize the situation; do an initial assessment and look for signs of abuse; emove all parties into separate areas.
- Do an initial assessment
- Interview whoever reported the incident, if on the scene, or witnesses. Insist on seeing the child and any injury.
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Look for signs of abuse or neglect

- Gather evidence and write down all information collected.

## **RESPONSIBILITIES OF THE LAW ENFORCEMENT OFFICER**

In cases involving suspected child abuse case you as a sworn duty officer is to protect the child's life and safety.

You have several responsibilities:

- Protect the child: This primary responsibility is ensuring the child's safety. At NO TIME should a child ever feel unsafe.
- Investigate: interview everyone, more is better, collect evidence, preserve the evidence, set up all appointments for the victim and family.
- Report: Follow your state's laws and your department's written policies regarding the reporting of child abuse to child protective services. (Many departments do not have set guidelines or policies on how to respond to child abuse cases. A prime example of how this can have fatal consequences is the child fatality that occurred in Manchester in Fall of 2019 when adequate communication between the MPD and DCYF was not established).
- Coordinate: Know the roles and responsibilities of various professionals involved in the investigation and prosecution of child abuse cases. Establish working relationships with them. Provide law enforcement support to child protective service case workers. Find more resources if you have too. When reporting use your experienced officers or reach out to others to assist with the case.
- Educate yourself and others: Learn about child abuse, child development, departmental policies and procedures, and other relevant content areas to help you execute your responsibilities. Prevent child abuse and child sex crimes from occurring by recognizing signs of abuse and using opportunities to educate others.

This is a brief summary on how departments should handle cases and contains some brief examples of common sense measures New Hampshire can start adopting to better respond to investigations involving harm to children. As a career detective with personal knowledge and experience with New Hampshire Police Departments, there is currently

insufficient training on how to effectively and safely handle these situations. This should be a high priority area to protect our children to stem in childhood the factors that we know increase involvement with the criminal justice system in adulthood. Thank you for reviewing this, and if our organization or I personally, can be of any assistance or add to further discussion on this topic, we are happy to make ourselves available.

Sincerely,

Ty Tyler  
Board Member  
The New Road Project