



**New Hampshire Commission of Law Enforcement
Accountability, Community, and Transparency**
Remote Commission Meeting via Teleconference
Friday, July 24, 2020 at 9:00 a.m.

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

Also Present: Fallon Reed, *Chief of Planning and Grants, State Coordinating Officer, New Hampshire Department of Safety*; Kim Schmidt, *Legal Research Assistant, New Hampshire Department of Justice*; Annie Gagne, *Paralegal, New Hampshire Attorney General's Office*; Nicole Clay, *Assistant Attorney General, New Hampshire Department of Justice*; and Anna Elbroch, Esq.

DEPUTY ATTORNEY GENERAL YOUNG: Just to let you know, this meeting is being audio-recorded. I am Deputy Attorney General Jane Young. And pursuant to Executive Order 20-11, I am serving today as the Attorney General's Designee.

So the first order of business will be call to order. This is the Commission on Law Enforcement Accountability, Community and Transparency. And this meeting is now called to order. It is taking place pursuant to Emergency Order Number 12. And it is being conducted remotely.

I'm going to ask each Commission Member to identify themselves, where they are located this morning, and if anyone is with them. I will start. As I indicated, I am Jane Young. I am at the Department of Justice in Concord. And with me this morning are Kim Schmidt, Nicole Clay, and Annie Gagne. Good morning, Commissioner Quinn.

COMMISSIONER QUINN: Good morning, Deputy Young. Bob Quinn, Department of Safety, I'm at 33 Hazen Drive in Concord, my office. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Malachi, good morning. Happy Friday.

DIRECTOR MALACHI: Good morning. Happy Friday to you, as well. And good morning to all the Commissioners. Glad to be here with everyone today. I'm not highly caffeinated but I'm working through it. Director Ahni Malachi, I am at my residence in Penacook. And I am alone.

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

DIRECTOR SCIPPA: Good morning, Deputy General. Good morning, Commission Members. John Scippa, Director of Police Standards and Training, I am at my home in Exeter. There are adults, family members in the house, but they're not in the room with me.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Johnson, are you on the line?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: We will loop back to him. President McKim's not on yet. Is that correct, Fallon?

MS. REED: Correct. I didn't see him yet.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Judge Gardner, good morning.

JUDGE GARDNER: Good morning, Deputy Young and fellow Commission Members. I am (inaudible).

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Lieutenant Morrison, good morning.

LIEUTENANT MORRISON: Good morning, everyone. I'm Lieutenant Morrison. I am at the Londonderry Police Department in Londonderry, New Hampshire. I am alone. And I am representing the New Hampshire Police Association.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Johnson, I now see you on my screen. Good morning.

MR. JOHNSON: Good morning. It's a pleasure to be seen. Again, I'm Rogers Johnson. I'm in my home office in Stratham, New Hampshire. I am alone, unfortunately.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. Chief Dennis, good morning. How are you?

CHIEF DENNIS: Great. Good morning, everyone. Charlie Dennis. I'm in my office at the Hanover Police Department, 46 Lyme Road in Hanover, New Hampshire. And I am alone.

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

DIRECTOR NORTON: Good morning. Ken Norton, I'm in Penacook. I am alone. But I expect that family will be in-and-out of the building at some point, but will not be in the room with me.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Good morning, Mr. Lascaze. How are you?

MR. LASCAZE: Good morning, Deputy Young. Good morning, Commission Members. I am Joseph Lascaze, representative of the ACLU. I am working out of Ipswich, Massachusetts. There are other individuals here, but no one is in this room.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson, good morning.

ATTORNEY JEFFERSON: Good morning, Deputy Young and fellow Commission Members. I am in my office in Manchester. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Hi, Chief Edwards. How are you? Oh, no.

CHIEF EDWARDS: Good morning, Deputy Young and fellow Commission Members. Eddie Edwards, I'm in my home in Dover. And my wife is in the other room. And she will be leaving shortly.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Tshiela, good morning.

MS. TSHIELA: Good morning, everyone. This is Ronelle Tshiela. I'm at my residence in Durham, New Hampshire. And I'm alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. So, the next item of business is the approval of the Minutes. Oh, sorry. President McKim, you are now on the line. Good morning.

(No response)

MS. REED: Deputy Young, it looks like he may not be fully connected yet. But once I can see him and have his audio, I'll let you know.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thanks, Fallon. So we will move onto the Minutes from the meeting on Wednesday, July 22nd. Do I have a Motion to Approve those Minutes from -- oh, good morning, Commissioner McKim. How are you?

MR. MCKIM: Good morning.

DEPUTY ATTORNEY GENERAL YOUNG: Could you just tell us where you are located today? It looks like you're at the same location. But could you just state it for the record, and who is with you, please?

MR. MCKIM: Absolutely, good morning, everyone. This is James McKim. I am in my office in Goffstown. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. So now we will move onto the Minutes for July 22nd. Would somebody like to make a Motion to Approve those Minutes?

JUDGE GARDNER: I'll so move.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner made the Motion. Do I have a second?

DIRECTOR MALACHI: I'll second. This is Ahni.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you, Ahni. Ahni has seconded. So we will take a roll call on those. Ms. Tshiela, you were not at the meeting. So are you going to abstain from a vote on this one?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you. Chief Edwards? I think that's a yes. But you have to say it verbally.

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Johnson, you were not at that...

MR. JOHNSON: Abstain.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Yeah. You were not at the meeting. Thank you. Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commission Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: And I vote yes, as well. So, those are the Minutes from July 22nd. So, as we discussed at-length on Wednesday, today we are having two witnesses speak. The first one is Anna Elbroch. And she's going to address the section on relations between Law Enforcement and the communities they serve.

Ms. Elbroch submitted, I think, sort of two different versions of written testimony. I trust that all the Commission Members have read that testimony. So, Attorney Elbroch, are you on the line?

ATTORNEY ELBROCH: Can you hear me?

DEPUTY ATTORNEY GENERAL YOUNG: I can. Good morning. Thank you for joining us.

ATTORNEY ELBROCH: Can you hear me still?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. Can you hear me, Anna?

ATTORNEY ELBROCH: Yes, I can hear you. Thank you. Good morning.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. The Commission Members have your testimony. It's presumed that they have all read your testimony. You will have five minutes in which to provide your testimony. And I would like to thank you for waiting through Wednesday's meeting and coming back today. So you may start. And looks like your clock is on. So I won't take any more of your time.

ATTORNEY ELBROCH: Thank you. I'll try to speak quickly, because I have a lot to cover. My name is Anna Elbroch. I have been a Lawyer in New Hampshire for 19 years. 16 of those years, I've represented kids: 9 as a Public Defender, and 7 in private practice. I have represented kids in every possible proceeding from marital, child protection, juvenile justice, delinquency, CHINS, special education, as a Guardian ad Litem, and as a Lawyer.

I've always taken the community approach where I've worked closely with stakeholders, from School Resource Officers, Special Education Staff, Mental Health Workers, family members, everyone who could have an impact on the child. And I've also worked as a Trainer for child protection and juvenile justice professionals through Granite State College. I sat on the Board of Psychologists for six years. I consult on cases. And also sit on the Diversion Committee for Seacoast Diversion Program, where we have referrals from School Resource Officers and school members all the time to address kids who shouldn't be in the court system yet, and work with them to hopefully get them on a successful path.

I wanted to start with the juvenile justice system in New Hampshire, first. Nationally and in New Hampshire, juvenile crime is decreasing. We've had major reforms in New Hampshire, legislatively, in the last few years. And as you heard from Lieutenant Camacho on Wednesday, that has resulted in very few children being held at the Detention Facility in Manchester at the Sununu Youth Services Center.

There's also a group working on probation reforms right now. DCYF had applied and received a grant from Georgetown University. They have a Probation Training Certificate, which moves away from the conventional probation law enforcement model to where the science is. And that's reforms recognizing adolescent development research, trauma-informed approaches, restorative justice models. So children will come into the system and be assessed based on their risk level, rather than the crime that they've committed.

I just want to compare that with school discipline, because school discipline in New Hampshire and nationally still remains very high, despite the fact that juvenile crime is decreasing. In New Hampshire, the 2015-2016 school year, there were nearly 8,000 out-of-school suspensions. And with an overall black population in New Hampshire of just under 2%, black students represented 5% of all out-of-school suspensions. With an overall population in New Hampshire, adults and children, Hispanic/Latino population of 4%, Hispanic and Latino students comprised of 12% of all out-of-school suspensions. Also, 12% of those suspended did have a special education-identified disability under Federal requirements of the IDEA.

So, why is this important? This is important, because as some of you have already mentioned, this is what is called the school-to-prison pipeline, because research clearly shows that students who are suspended or expelled are more likely to drop out of school, repeat a school year and/or have contact with the juvenile justice system. So this is also one of the reasons there is a disproportionate number of black and brown youth in the juvenile justice system nationally and in New Hampshire.

School Resource Officers unfortunately contribute to this school-to-prison pipeline. Nationally, schools with SROs are five times more likely to arrest for disorderly conduct or minor offenses than schools without SROs.

We heard from Lieutenant Camacho that there is a disproportionate number of black and brown youth in our juvenile justice system in New Hampshire, that there's a disproportionate number of black and brown youth who are arrested in New Hampshire. This is where it starts. Teachers are dealing with students with more complex issues.

SROs get involved with discipline without knowing the child's trauma, disability, or background, often resulting in an escalation of the situation, rather than calming it. And this makes sense, because School Resource Officers are Police Officers. Even the right Officer is sworn to uphold the law and has paramilitary training. This is as opposed to Educators and Licensed Mental Health Practitioners who are certified in special education and trauma-informed approaches proven to work well in schools with children.

There is no conclusive evidence that the presence of an SRO makes the school safer in New Hampshire or across the nation. There is some evidence that calls into question that safety. Columbine, Virginia Tech, Parkland, all tragedies, all had armed security present. Thankfully, active shooter situations in school settings are rare, despite what that may feel like sometimes. And from 2000 to 2017, most of those active shooters where 90% were current or former students, students who perceived the maltreatment by peers and/or School Staff. In fact, National Child Traumatic Stress Network estimates that close to 40% of all of our youth have experienced trauma.

So what has been conclusively found to create safe and positive school environments is socioemotional learning, trauma-informed approaches, less punitive, more restorative justice approaches. This is inline with the research, my professional experiences, my personal experiences. And that's why I would recommend that we reallocate resources in New Hampshire from Police in schools to Counselors and Social Workers for children. Thank you very much.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much, Anna. So, Anna, what happens now, each of the Commission Members have three minutes to ask you questions. Your amount of time to answer those questions is not limited. So I will go through the roster of the Commission Members. Okay?

ATTORNEY ELBROCH: Thank you very much.

DEPUTY ATTORNEY GENERAL YOUNG: You're welcome. Commission Quinn, any questions for Attorney Elbroch?

COMMISSIONER QUINN: Can you hear me, Jane?

DEPUTY ATTORNEY GENERAL YOUNG: I can.

COMMISSIONER QUINN: Yeah. I guess I just have one question, Attorney. Based on your testimony, do you see any opportunities at all to enhance the current programs, if you increase training or gave more tools to the SROs that are assigned at those levels? Is there any opportunity at all to enhance them, if they were still in the schools, based on your extensive experience?

ATTORNEY ELBROCH: I see opportunities for Police to recreate relationships with children outside of schools. But I do not see opportunities inside of schools. I should say a permanent substation of Police in schools.

I think that there are opportunities, as Lieutenant Camacho mentioned, a hockey teach, coaching opportunities outside of the school day. But inside the school, unfortunately there are too many

opportunities for students to feel uncomfortable with the presence of a Police Officer and to be affected in terms of their discipline, and their comfort level.

I've had cases where I actually had to write into the Individual Educational Plan of a youth that School Resource Officers should not be involved in any of the discipline with that particular student, because of the trauma, or because of the comfort level, and because of the ability of the situation to get so escalated.

I also do want to just note that I think that National School Resource Officer Association recommends a 40-hour training for School Resource Officers. We can't compare that to a special education-certified Teacher or a Licensed Mental Health Counselor who gets a Bachelor's degree in Education and then goes on to get a Master's degree. That is the level of specialty that is needed for our youth in schools.

COMMISSIONER QUINN: Thank you for your testimony. And I yield my time to the Commission. Thank you.

ATTORNEY ELBROCH: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Malachi, any questions for Attorney Elbroch?

DIRECTOR MALACHI: Yes, good morning. Thank you, Attorney Elbroch, for testifying today. I just have a couple of quick questions. I wanted to wrap my head around a few things. And fortunately, things that have happened nationally have not happened here in New Hampshire. So I do appreciate that we've not had any major school shootings or large-scale tragic events here. So I am appreciative of that.

And to that end, with the reallocation that you're suggesting to remove SROs from schools, and to have other Staff to assist students instead of that, for example -- and I'm sure you'll correct me if I misstate -- the young man that was in Florida, he had a long history outside of school, some I believe inside of school, but had a lot of work with Counselors, Mental Health Professionals, etc.

And my first question is, it seems like it wasn't (inaudible). So it's like seeing four different Specialists that don't communicate with each other, so they can fit the puzzle pieces together to determine if there are other things that that student needed. Would your plan provide something like that?

ATTORNEY ELBROCH: So I think you're maybe suggesting some sort of coordination of care for students in the school system. And my understanding is that there's actually a fairly extensive Report from a number of Academics across the country that have studied gun violence. And they call this a public health crisis.

So, I think it is absolutely about coordinating care of students with people with the right experience and the right trauma-informed approaches. My understanding of that young person in Florida, that there were a number of things that happened outside of school that also sort of triggered some obviously traumatic experiences, and that there was definitely a lack of resources available to that particular student, or access to resources. So I absolutely think that our healthcare system, our mental-health system needs to be fully funded and fully given the resources to address that level of concern in our communities, for sure.

DIRECTOR MALACHI: Yeah, my understanding was that he had seen quite a few Mental Health Professionals and used school resources to identify and to have him go through Diversion Programs and other things in lieu of, even though there were some dangerous things happening outside of school, to have him go through Diversionary Programs to avoid him having to go into the criminal justice system.

I think my main point here is, if that is the track that we were to go down, then, with that being certainly an egregious -- I mean, that's a wild example of potentially what could happen when you don't have an effective SRO in the school, as well, who may have been able to stop a larger tragedy, it would have been a tragedy to lose that young man, regardless.

But there seemed to be no coordination. So, he was seeing this person or that person. How can we assure ourselves that all of these Specialists, whether they're in school or out of school, if a young person is seeing them, will coordinate to allow to provide for something like that tragedy to not happen?

ATTORNEY ELBROCH: I mean, I know that the extensive Report that I was referring to, I think it's called A Call to Action, talks about lifting some of the ability for these people to actually talk about -- so there's a lot of confidentiality that goes along with minors, of course, in schools and outside of schools. So I know that there was a recommendation in that Report to lift some of that confidentiality, to let the outside Provider talk to the inside Provider. And I think certainly that would be helpful.

In New Hampshire, we have a lot of Mental Health Professionals actually go from the local mental-health facility directly to the school and provide services to the students inside the school from the local mental-health facility, which is fantastic for families who are not able to provide transportation, or families who are not able to get them outside of school to the facility.

So, I think opportunities like that also allow for coordination of care. I used to sit on -- we used to have this, and it doesn't exist anymore, as far as I know. But on the seacoast, we had this big group of Providers that would meet. I was the Public Defender, who was a part of the group. And it was local mental-health facilities, education people, Law Enforcement people. And it was sort of, what can we do to help our kids in our community? So, there are these wraparound groups that will also meet to talk about how we can coordinate care in those situations. And I think those can be tremendously effective, as well.

DIRECTOR MALACHI: That sounds like a good resource. With the Mental Health Professionals that you've stated that are currently providing these sort of, I guess we can call them in-service services, or in-school services, do you know -- so two parts to that question -- do you know how effective even anecdotally that has been, as well as how long that's been happening? And is it widespread across the State? Is it a pilot program?

ATTORNEY ELBROCH: I actually don't know how long it's been. It's been certainly as long as I've been around in New Hampshire.

DIRECTOR MALACHI: Which is how long?

ATTORNEY ELBROCH: So, I would say at least 20 years that it's been around.

DIRECTOR MALACHI: Oh, okay.

ATTORNEY ELBROCH: And I think that local mental-health facilities have their own challenges. And so, unfortunately, there can be turnover within local mental-health facility, I'm assuming because of pay. So I think that that is also part of the overhaul of our public health system that would need to occur, as well.

I want to fully say this is a complicated issue. And it's a layered approach that has to be taken. Yeah, there is no quick fix to any of these things. I mean, the fact that we have so many youth who have experienced trauma is incredibly concerning. It should be concerning to every citizen in our country.

And so, I think that there absolutely needs to be a layered approach. And addressing it from a public health standpoint makes the most sense. So, local mental-health facilities need to have strong not only community support but funding, so that they can provide long-term care to our families in our State. And they need to have access to schools so they can absolutely help them.

I think that as many people have already said, my professional experience with these local mental-health facilities is very much Counselor-specific. So, there are some fantastic Counselors out there who go above and beyond, and really work with kids, and have tremendous success. And then there are less successful, is what I would say.

DIRECTOR MALACHI: Oh, that's true.

ATTORNEY ELBROCH: And even there's one Counselor on the seacoast who's been at the local mental-health facility for at least eight years, I think. And she has tremendous success, because she has long-term relationships with her clients.

DIRECTOR MALACHI: So, with this trend -- we will call it a trend -- that to your recollection is potentially somewhere around 20 years in the making, would you suggest, or would you agree that it might be beneficial to have a study done to see, of the places that are doing it, what the benefits have been? And I think Medicaid potentially -- I know we're not here talking about medical issues, but I believe Medicaid potentially already provides opportunities for Mental Health Professionals to partner with schools. So it's a matter of them just tapping into that funding. So maybe that's something that's already available. It's just something that has to be worked through.

ATTORNEY ELBROCH: I definitely know that it's available. I don't know that it's available in every school. But it is definitely available in some schools in our State. I couldn't even give you the number of what it -- I know that at least three schools on the seacoast have -- from Seacoast Mental Health, they have Providers going into their schools.

And then, we have a particular program that has a grant that sends a Counselor into the Seabrook school system. So, I think that there are pockets of it around the State. But I think it would certainly be helpful to have more information. New Hampshire hasn't collected data very well in the past. And so, any opportunities to collect data on what can be helpful to children in our State would be fantastic.

DIRECTOR MALACHI: Okay. And maybe a recommendation that could be made, in light of assisting with having mental resources, would be looking at the schools that already have this, finding out what those schools are doing, and then looking at information on resources potentially available, because if

there are already resources out there, why reinvent the wheel? But maybe make that information available to other schools that may not know that these resources are available?

ATTORNEY ELBROCH: Yes, I think that would be very helpful. And in locations where there isn't a local mental-health facility, maybe researching places that could provide the service through grants or other means.

DIRECTOR MALACHI: Right, yeah. And I'll wrap up with this. Back to the main topic, SROs, since SROs have been around in school systems since, I don't know, the '50s or '60s, obviously populations have changed in a variety of areas. Certainly, things that are affecting children have changed. I mean, some things have remained constant, but other things have changed.

If having an SRO in a school is a reasonable thing -- so we will just posit that that having an SRO is a reasonable thing -- would it be reasonable to ensure that the SROs are only doing things specific to whatever policing they're supposed to do, and making it clear to the School Administration that they have the primary role of the care of the students?

ATTORNEY ELBROCH: That the school has the primary role of the care of the children?

DIRECTOR MALACHI: Correct, meaning disciplinary actions should begin with whatever the chain of command is in the school. So, if a Teacher corrects a situation, or can't correct a situation, and then it escalates from there, but that the SRO has a very clear set of Rules and Regulations, if you want to call it that, on how they are to interact. And the school is very clear that it is not the SRO's responsibility to provide basic discipline. If there's a fight, fights aren't great. But kids get into fights. So that the School Administration should handle that primarily more so than turning a child over, or requesting the assistance of an SRO?

ATTORNEY ELBROCH: So I guess I would just question, at that point, why the School Resource Officer would be necessary at all anyway. If they're sort of isolated in an office in the school for, I guess -- if the school is maintaining the care of the children, the education of the children, and the discipline of the children, I'm not entirely sure of what else the School Resource Officer would need to do. And if we're providing a culture where hopefully bullying and harassment, and maltreatment goes away, because of trauma-informed approaches, then I would hope that we wouldn't need the School Resource Officer.

DIRECTOR MALACHI: Right, and I can appreciate that. However, with human beings, they're people first, meaning good people do bad things. Bad people do bad things. And that's kind of how that works in the world.

So, yes, I would appreciate that, even in my line of work, if workplace bullying or educational bullying could go away. However, if it doesn't and there's a situation that escalates that needs the emergent care, or emergent assistance of a uniformed Officer, that person is physically there to provide that, along with all of the other tools. I guess I'm asking, why would we take -- if we can mete this out and make sure things operate correctly, then why would we take the tool out of our toolbelt?

ATTORNEY ELBROCH: Unfortunately, what the research shows is that it doesn't increase safety in our schools and that it actually can encourage, or escalate situations that wouldn't need to be escalated. So if I'm relying on the research and my professional experiences, which unfortunately have seen SROs insert themselves and be asked by school to insert themselves, and to insert themselves on their own, then that has resulted in the disproportionate number of black and brown children in our juvenile justice system.

And I've heard from some students that just the idea of having them there makes them uncomfortable. So I can't say, unfortunately, that the research supports this idea of having them there, even for the situations when certainly the Police are still in most situations down the road, a call away.

DIRECTOR MALACHI: Understood. And it sounds like the research is showing, based on your experience and based on the research, that there've been a lot of missteps in terms of training on all sorts of sides here. And maybe there's a potential to work through that. I appreciate your testimony. I thank you for bearing with me, you as well as the other Commissioners. And I thank you very much for your answers. Thank you.

ATTORNEY ELBROCH: Thank you very much.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa, any questions?

DIRECTOR SCIPPA: Yes, please. Hi, how are you?

ATTORNEY ELBROCH: Good. How are you? Nice to see you.

DIRECTOR SCIPPA: Doing well. It's good to hear your voice. During my career in law enforcement, I had the privilege to work with Attorney Elbroch on many occasions. And it was always a pleasure to resolve issues in a fair and equitable way.

I do have a couple of questions. You testified to the fact that particularly in the State of New Hampshire, diversion and other support opportunities have really been built out. And there's been a pretty dramatic drop in incarceration and putting juveniles (inaudible) the care of the criminal justice system. Did I understand you accurately there?

ATTORNEY ELBROCH: So there have been legislative changes that have basically said that only certain offenses -- a child who commits a certain offense can be detained. And that has drastically reduced the number of students, or children, who have ended up at Sununu Youth Services Center.

We do have some tremendous Diversion Programs in our State. I am part of one of them. So, of course I support the idea of diversion and children having opportunities outside of the court system. I do worry a little bit that sometimes we get kids who I would argue shouldn't even be in the court system at all, or wouldn't be in the court system. We work with them because we're worried that if we don't, that they will somehow be pushed into the court system, or because we are worried that they won't access services any other way, because it is difficult to access services in our State.

DIRECTOR SCIPPA: Yeah, absolutely. And that kind of segues into, I guess, my next couple of questions to you, and that is it was always my experience in the 30 years that I did this as a Police

Prosecutor that a vast majority of the juveniles that we ended up petitioning, either as a CHINS or as a delinquent, really was dealt with, or resolved with, by way of diversion.

And you have clearly a vast amount of experience. And I'm just wondering overall, is that what you're seeing from your front porch view? Do you see a vast majority of stuff being resolved through diversion and support?

ATTORNEY ELBROCH: And Director Scippa, as you know, I think, you are certainly unique in the way that you prosecuted cases, and you were incredibly (inaudible) to deal with. So, I can understand why that would be your perspective.

Unfortunately, that's not how things happen in every part of the State. And I think that there are unfortunately different approaches in different areas, even on the seacoast, in different towns. There are different approaches. And that is a disservice to our children in New Hampshire in many communities.

But there is very much a conventional law enforcement model in many, and very, I would say, unforgiving of typical adolescent behavior in some communities, and just a lack of understanding. And so, I can't tell you, unfortunately, that that's how I see most cases being resolved in our State. Okay. There are pockets where that does occur.

DIRECTOR SCIPPA: Sure, absolutely. And I was just curious. I swam in a pond and you're swimming in the ocean. So I didn't know if there was kind of two different perspectives there. And finally, I would just ask this. Is it your experience that there are times where those juveniles who are brought into the court system are provided opportunities of support and diversion that would not have been available to them, if they had not been brought under the Court's jurisdiction?

And I ask this question more. Again, my very narrow perspective on this is that it (inaudible) a race issue as much as it was an economic issue, in my experiences. So I would just ask you if you saw that there was kids that needed these support opportunities that would have never gotten them, unless they had been brought onto the jurisdiction of the Court?

ATTORNEY ELBROCH: So, this is a somewhat complicated question, only because, yes, in a lot of circumstances, and I think we have worked over the years. And I know that the Director of DCYF is working right now to create opportunities for crisis intervention and mental-health services without court intervention.

So, I would say that 10, 15 years ago, yes. I would say that the current trend is that we are trying to legislatively, as well as within the community, create opportunities for students and children to access more resources.

And I think part of that could come from schools having more Social Workers, more Guidance Counselors, more Mental Health Workers within their captive audience of the school. And then, also just kind of sort of more community resources, we just constantly talk about diversion, if we had more mentor opportunities in our communities, if we had not just big brother, big sister, because they often have a waiting list, but other opportunities.

DIRECTOR SCIPPA: Sure.

ATTORNEY ELBROCH: And I think that, as juvenile professionals, we're becoming more creative, too. So we're sort of reaching out to other things that can work. Business owners who might be able to provide a mentorship, or I had a client a few years ago who was an amazing Graphic Designer. We hooked him up with a tattoo parlor and he actually sort of was under the wing of this tattoo parlor and created these amazing designs for the tattoo parlor. And that created an ongoing relationship. And I think the research is very clear that children (inaudible) well under those mentorships. So I think that we are improving in that way, is what I would say, to answer your question.

DIRECTOR SCIPPA: Excellent. Thank you so much for your testimony today and for the work that you do. As a dad of two now-adult kids that both had IEPs, they were both kind of on the fringes, it is good to know that you and people like you are out there to make sure that every juvenile is treated in the best way possible. So, it's nice to hear you. And I yield the rest of my time. Thank you.

ATTORNEY ELBROCH: Thank you very much.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. President McKim, questions or comments?

MR. MCKIM: Thank you. I yield the balance of my time. Thank you.

JUDGE GARDNER: Yes, hi, Anna. How are you doing?

ATTORNEY ELBROCH: How are you, Judge?

JUDGE GARDNER: So, I guess my question relates to the School Resource Officer's presence. And I was wondering if there have been any studies showing whether or not their presence has served as a deterrent to either school violence or school shootings?

ATTORNEY ELBROCH: So, there are a number of studies out there, but none of them are particularly conclusive. There have been -- I would say the sort of best studies that I have found are very State-specific. So, for example, Texas did a very extensive study and found unfortunately that -- it's sort of hard to sort of -- as I said, they're not terribly conclusive. So they might say that it was helpful from this year to this year, but not helpful from this year to this year, or that it was helpful in deterring a particular type of offense, but not other types of offenses.

But most of the research has found that it didn't have an impact for the better. So, there's a Justice Policy Institute big Report that talks about a lot of the different -- there's a lot of the different research that's out there. And it talks about, in North Carolina, that there wasn't a conclusive result unfortunately. It talks about a Texas study. So, like I said, they seem to very State-specific.

And even there was a Congressional Review in 2013 that also didn't come up with a definite conclusion. It said generally speaking, schools are safe places for children is what it ultimately concluded. So it was difficult to know the causation of certain things. So at different times, they might see fewer violent incidents. But it couldn't relate that to the presence of the SRO. And then, other times there were not fewer incidents. And so, again, it couldn't definitely point whether it was the result of the SRO or not.

JUDGE GARDNER: Okay. Thank you. And I have another question. What I understand school shootings to involve is that it happens within a very short amount of time. So I was wondering if you have any information that the presence of SROs would make a difference in the number of casualties in, say, school shooting-types of situations.

ATTORNEY ELBROCH: I don't have any information specifically about that. I think that they have looked at Parkland, in particular, Virginia Tech, and Columbine, all had armed Security Guards. And there is a Report from -- let me just get the name of it for you. The Indicators of School Crime and Safety from 2018, it talks about how, again, they're still rare. But that there were a number of shooters who ended up in committing suicide, a number of shooters who were actually apprehended by people other than Law Enforcement.

So I wouldn't say unfortunately that there's enough research to say whether that would impact things or not. It gives you an indication of most of the shootings in school settings where people with one gun versus multiple guns. There are unfortunately I think too many factors to determine that particular issues. And every individual shooting is different, is unique, I guess, in and of itself.

I, as you, I'm sure remember, I am a mom, myself. I have two daughters: one going into high school; one going into middle school. And unfortunately, in the fall, I had that gut-wrenching text from my then-8th grader who was hiding in the woods, because she had been told to run from school, because they thought there was an active shooter. It is an emotional experience. I fully understand that. I was, as you can imagine, terrified. My daughter was terrified.

But I did not feel safer knowing that there was a School Resource Officer there. She did not feel safer knowing there was a School Resource Officer there. The Police responded quickly and organized the situation. And it was what was called a false alarm. But in that moment, of course, was just as terrifying.

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

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Judge. Mr. Johnson, do you have questions? I think that your mic is open.

MR. JOHNSON: Yes, it is. Thank you. And I do have questions. Thank you, Counselor. If I understand this correct, based on your testimony, your real issue here revolves around guns and the SROs in schools. Is that right?

ATTORNEY ELBROCH: I mean, I think it has to do with the presence of Police in the school. I don't know that...

MR. JOHNSON: So, the SRO who's armed in uniform isn't the issue. It's the presence of the SRO, period, is the issue?

ATTORNEY ELBROCH: So I'm not sure if you're suggesting that if the School Resource Officer is present without a gun that that would impact the school differently.

MR. JOHNSON: I'm asking you.

ATTORNEY ELBROCH: I did not read any research about that. So I don't know if it would impact it. I think that Police are viewed in a particular way, and they will insert themselves in a particular way, regardless of whether they have a gun on them or not.

I unfortunately have a case that I represented a student on where the School Resource Officer used a taser on him at school. So it was not a firearm, but it was a weapon, and of course caused a tremendous amount of trauma to my Client. So I don't know that I can answer that fully.

MR. JOHNSON: Understood. Let me ask you a separate question. Are you familiar with the University of Wisconsin -- what's it called -- the Restorative Justice Project?

ATTORNEY ELBROCH: I actually have worked with the Suffolk University Restorative Justice Project. So I am not specific...

MR. JOHNSON: So you're not familiar with the University of Wisconsin Social Justice Project. Okay.

ATTORNEY ELBROCH: I am not.

MR. JOHNSON: Okay. Their approach is that the individual who perpetrated the offense, whatever it is, take ownership of that, apologize, but also speak to the point of taking full responsibility for the actions. Do you have an opinion? When you have a chance, you should go take a look a look at that. Would that be something that you would recommend, if you knew more about it?

ATTORNEY ELBROCH: So, that is very similar to the restorative justice models that I have looked at.

MR. JOHNSON: I know.

ATTORNEY ELBROCH: And in fact, for the Diversion Committee that I worked on, we just had a restorative justice training on Monday. And that is absolutely a part of it. There are these circles where there is an accountability piece. I think there's tremendous benefit to that, when the -- I would say but there's also a can-be very lengthy process to prepare everyone for that. So you're maybe working individually with the child to get them to a place where they can take accountability. And that accountability might be different.

So, say the offense is that they punched a window at school and broke it. They may have had in their head a good reason for doing that, or that they didn't have the skills to be able to control themselves in that instance. And so, you may have to work with them to get them to understand all of the people that they have impacted by doing that. And so, to take accountability for the fact that the Maintenance Person had to clean it up, that the school had to pay out funds to fix it, that the students were scared -- that other students were scared, so you're sort of working through the accountability of each part of that.

And I think that there's huge benefit to that, as long as that process is done appropriately where there are appropriately trained people in restorative justice who are working individually with the child who needs to take accountability, as well as all of the adults involved, and potentially other students involved, who can also prepare them to hear the information and respond appropriately.

MR. JOHNSON: Thank you, Counselor. Ms. Young, I have no further questions. I yield back the remainder of my time.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. Lieutenant Morrison, you are up next. Any questions or comments?

LIEUTENANT MORRISON: Yes, ma'am. Attorney Edelbroch (ph), thank you very much for your testimony, and to receive a ringing endorsement from the Director is something that you should be proud of, because he doesn't give those often.

Now, there's a couple things I want to, I guess, touch on. And I guess the best phrase to use is "correct" in your testimony. And the first thing I want to touch on is your testimony about Columbine and Virginia Tech, and Parkland. Something that I don't think you're aware of, or else you wouldn't be saying this, when Officers respond to active shooter situations, the killing of students stops, because the killer now has to deal with an Officer.

So Police Officers purposefully throw themselves into these situations to now draw the fire away from the kids to allow kids to escape, and then to neutralize that threat. That's the reality of school shootings. That's the reality of why Officers, I think, are very appropriate for schools.

Having spoken with somebody who actually responded to Columbine, their SROs and all of their resources were drawn to another part of town by a diversionary tactic by the killers in that school. But the fact still remains that, once the Police responded, the killing stopped.

Virginia Tech was a college. We're talking about School Resource Officers in our school system, not university system. And the same rule applied with Parkland. Once the Officers entered the school, that sort of stopped. So, I don't think that testimony is accurate.

You touched on Lieutenant Camacho's testimony. And what I got from his testimony was the overwhelming feelings, sentiment, and evidence of positive interaction with Law Enforcement. We have to, I think, re-envision the treatment of Police and their relationship with the community, because it seems like kids are more being taught to fear the Police than should be just fearing the Police. And I think that's a taught emotion that is something that we really want to try to address in our Police community relations.

Could you please touch on any studies that you have, or any information you have, about the interaction with the kids who don't get suspended, who are victims of assault or anything else? And do you have anything to indicate whether they're appreciative of having School Resource Officers or Law Enforcement in the school system?

ATTORNEY ELBROCH: I am not aware of any particular research on that issue. I know that there are communities that have surveyed their individual students as to their particular feelings on having a School Resource Officer, and they have varied greatly. And I completely agree with you that this idea that we should promote this positive relationship.

But I am strongly encouraging that to happen outside of school. The programs that Lieutenant Camacho spoke about, the PAL programs, I think, are fantastic. When I was the Lawyer down at the Juvenile Drug Court in Derry, we had a Teacher at Pinkerton who was willing to bring some of the students to the PAL program, and box, and have great relationships not only with the Teacher who was involved, but also with the Police Officers who were involved in the program, which was fantastic to the

youth who were struggling with substance abuse, but also to the children who were able to access the program who didn't have any court involvement.

I know that in my community, the Police Department put on a picnic for the students who were moving from the elementary school to the middle school. And they have hamburgers together and they do recreational games outside. And that is really well-received by many of the students and the Police Officers. I think both sides really enjoy it. So I think that there should be and are opportunities. And I think we should build on those opportunities outside of the school system.

LIEUTENANT MORRISON: All right, thank you. And in your written testimony, you indicated School Resource Officers often contribute to the school-to-prison pipeline. Are you suggesting that because there is a School Resource Officer, that is the reason that the child is getting arrested or being introduced to that criminal justice system?

ATTORNEY ELBROCH: I am saying that there are situations when School Resource Officers insert themselves into school discipline and it results in a case going to court that shouldn't necessarily go to court. I mean, I had a Lawyer call me last week telling me about two boys who fought in a school. They were both suspended. They both came back. No one was hurt. It was not a serious fight, but they came back.

The Guidance Counselor sat them down. They mediated a plan for the boys. But the School Resource Officer still filed in court a couple of weeks later, even though there had been no further issues.

So, I am suggesting that it has been my experience that, unfortunately, there are times when School Resource Officers involve themselves in school discipline and that results in court involvement that wouldn't necessarily be school discipline. It also allows an opportunity for the schools, frankly, to shirk their duties in terms of special education requirements, because as soon as a School Resource Officer gets involved, the requirements under the IEP are not followed. And then, the school kind of allows it to be pushed outside of their school system into the court, rather than providing what they need to provide under Federal Mandates.

But I will tell you I've worked with many well-intentioned School Resource Officers that I have really enjoyed working with, because I think they do a good job. But unfortunately, on the whole, there is still the possibility that that is what ends up happening.

LIEUTENANT MORRISON: Okay. Well, thank you for the work that you do. Like I said, I don't know you personally. But to have such a positive opinion of your work from the Director's something to be proud of. Thank you for entertaining my questions. And enjoy your day.

ATTORNEY ELBROCH: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Lieutenant. Chief Dennis, any questions or comments for Attorney Elbroch?

CHIEF DENNIS: Yes, ma'am. And thank you, Attorney, for your testimony this morning. I just wanted to follow up a little bit. You'd mentioned Lieutenant Camacho of Nashua PD and his statement

about the disproportionate number of minority youth at the Youth Detention Centers which I think no one disagrees with at all.

But it appears to me that you may be linking those numbers to School Resource Officers. So I was just curious if there's any data or research that would show the percentages of those youth that were placed in Youth Detention Centers was due to that being the actions of a School Resource Officer from some sort of incident that occurred during the school day.

ATTORNEY ELBROCH: So, New Hampshire doesn't have that kind of data, or at least not that I'm aware of. And nationally, I am not aware of linking it all the way to detention. I am certainly aware that there is data that School Resource Officers arrest for more minor offenses, such as disorderly conduct, more often than schools without School Resource Officers. But I am not aware of research that goes all the way to the eventual detention of a particular youth.

CHIEF DENNIS: Okay. Thank you for that. And certainly we know that I agree that sometimes that does happen. And I think that's something, again, that Law Enforcement and probably part of the reason why we're here today is to look at how we can improve what we, in our policing profession -- what we do, how we can improve, how we can continue to advance that.

I think SROs are no different. They're part of the policing profession, too. So are there things they can do better? Absolutely, and it takes all of us working together to be able to do that. I know there was some talk. And Director Malachi, I believe -- no, it was Judge Gardner that brought it up about data regarding SROs being a deterrent to school shootings. And I think you said there's some independent studies, maybe, in some other States, nothing particular in New Hampshire. And I don't know that we could actually get data that does that.

But to me, it makes reasonable and logical sense that if people know you have a School Resource Officer at a school, it may prevent someone from trying to do that, no different than you had a Security Guard that was armed in a bank. Is the Bank Robber going to go into the bank with a Security Guard? Or is he going to go across town to the local savings and loan that maybe has two employees working in there? Again, does it mean it'll prevent all shootings? Parkland High School in Florida certainly had SROs. Again, it could limit and reduce those type of things that are occurring.

Let me see what else I have here. We certainly know that Nashua's doing an excellent job with their School Resource Officers. I believe the Lieutenant said that all their SROs are trained in the Effective Police Interactions with Youth. I think the Commission would agree that that is a great program that should be expanded across our State. And all SROs should probably attend that type of training.

So, I think there are School Resource Officers. There's Agencies doing a great job. That doesn't mean that every Department across the U.S. is doing a great job with School Resource Officers. But I don't believe it's to the point that we disband the program. I think we will continue to look at ways how we can work to improve and make it better. And as you kind of said earlier, a collaborative approach is probably best. And I believe School Resource Officers are an integral part of that collaboration. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Chief. Director Norton, any questions or comments?

DIRECTOR NORTON: Yes, thank you for your testimony and for the work you do. Attorney, what factors do you attribute to the reduction in juvenile crime?

ATTORNEY ELBROCH: I think that there is certainly a better understanding of adolescent development. I know that, just from when I started, 19 years ago, versus today, that everyone -- the Juvenile Probation Officers, the Juvenile Defenders -- everyone has had some sort of training on adolescent development. And I think so there's a better understanding of that.

I also think that, as I was talking with Director Scippa, that there's more of a push to sort of have more community resources available outside of the court system. And so, there is this attempt to access services without having to go through the court system.

Also, particularly in New Hampshire, there have been legislative changes across. That's similar to what's been going on across the country, that there's legislative changes to require certain resources to be put in place before you file a Petition in Juvenile Court. And I think that has also helped. And then, I think that generally you have schools who are trying to provide more resources or be more aware of what they can connect students to in the community.

DIRECTOR NORTON: Great. Do you know what the percentage of Licensed Mental Health Counselors in schools are compared to School Resource Officers in New Hampshire?

ATTORNEY ELBROCH: In New Hampshire, that's a good question. I do not know. I know that the recommendation is for -- I think it's the National Association of School Counselors -- or American School Counselor Association, they recommend one Counselor per 250 students. And I know, even in my community which is a wealthier community, doesn't abide by that guideline. So, I don't. But I do not know what the ratio is.

DIRECTOR NORTON: Thanks. And are there any studies that you're aware of regarding what students' perceptions or comfort with School Resources Officers are?

ATTORNEY ELBROCH: As I mentioned, I think, to Lieutenant Morrison that I'm only aware of individual communities doing such surveys. But not national studies, or other researches, but just like found an article about a particular community maybe doing a survey about how particular students felt. But it's hard to know what to do with that information, because I don't know anything about that particular community.

DIRECTOR NORTON: Thank you. And I have no further questions, and I yield the rest of my time.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Mr. Lascaze, any questions/comments?

MR. LASCAZE: Yes. Thank you very much, Deputy Young. Attorney Elbroch, thank you very much for your testimony and for sharing your personal experiences and your knowledge with us all today. I wanted to talk to you about exclusionary discipline. And I've spoke to several high school students across the State that go to private schools, public schools. And most of them have stated that, when they have seen instances of exclusionary discipline, a lot of the times it involves their friends of color. And these are

students who they are straight-A students. They are not getting in trouble. They are not problematic students. And they are the ones that are saying this. And what I wanted to know was if you could elaborate more on the collateral consequences of minors being arrested or being subjected to exclusionary discipline, what the long-term effects of this is for like a punishment-first approach.

ATTORNEY ELBROCH: So, unfortunately what happens to these children is not only are they labeled by School Officials and community Providers as the sort of bad kids, but they also -- so any disruption in school, because a school suspension, or -- so being removed from school for any length of time can impact academic success, as we sort of know logically. But that's also what the research shows.

And they are, then, sort of under this microscope of how their behavior is looked at. And it's no longer looked at what is developmentally appropriate, but it's instantly criminalized. And unfortunately if children are removed from school and they lose interest or they realize that they don't have the ability to be successful in school anymore, they often drop out, or they have to repeat a grade. And that is demoralizing and brings them back, as well. And their peer group moves on. So that can be incredibly depressing.

And unfortunately it can result in getting involved in, well, the juvenile justice system and then eventually the criminal justice system. If you go to the Prison right now in New Hampshire, I guarantee that many of them have had experiences in juvenile justice system and never found ways to get out of the juvenile justice system.

So, unfortunately there are long-term consequences to even being suspended. There's actually research that says even suspended once can put you on that path of academic issues in school. And if you'd [sic] not having academic success, then you lose the point of school, which then puts you at-risk for other issues in your life.

MR. LASCAZE: Thank you. I appreciate that answer. I wanted to ask you if you are familiar with -- I believe the acronym is MTSSB, which it's a Multitier System Support for Behavior, I believe. And it's a trauma-informed system of care that is being deployed in certain New Hampshire schools. And it's supposed to contribute to a lower exclusionary discipline rates. Are you familiar with this?

ATTORNEY ELBROCH: Yes, there are some schools. And I've just actually sort of been referring to them as trauma-informed schools. But they provide this multi-layer program that allows the child to receive particular treatments and particular -- but every aspect of their education is trauma-informed. So, the Teachers receive training. The Guidance Counselors receive training. The Principal received training. Assistant Principals receive training so that every aspect of contact with the child will have this knowledge and this ability to redirect the child with a trauma-informed approach, taking into account almost the inevitability that this child has experienced trauma in their life.

MR. LASCAZE: Are you aware of any School Districts in New Hampshire that this has been deployed at and they have seen a decline in their exclusionary discipline?

ATTORNEY ELBROCH: My understanding is there's a School District, that Salem, in particular, has utilized this approach. And this is even at the elementary level, and that they have seen an improvement.

They've also, I think, hired an additional Social Worker to assist with the program. And it has been successful.

MR. LASCAZE: Thank you very much. And before I yield the rest of my time, I just wanted to point one thing out. Earlier it was talking about the accuracy of testimony given. And I think the unfortunate active shooter situation at Parkland was mentioned. And what I wanted to point out was that the Officers did not interact with the shooter at the school, to my knowledge, that he was apprehended hours later outside of the school. So I did want to point out that in the sake of accuracy, for that to be mentioned. And I will yield the rest of my time.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much, Mr. Lascaze. Attorney Jefferson, any questions for Anna?

ATTORNEY JEFFERSON: Yes, thank you. And I want to pick up very briefly on Mr. Lascaze's last point, because I do not believe there's anything that you need to correct in your testimony. It was a suggestion that you needed to.

So, my understanding of your testimony was that there were armed Police Officers at Parkland, armed Police Officers at Columbine, and Virginia Tech, which, yes, is not a high school but it's a setting of education. And your testimony was that, in all of those places, having Police Officers with guns did not prevent tragic mass shootings. Is that correct?

ATTORNEY ELBROCH: That is correct.

ATTORNEY JEFFERSON: Okay. Let's move on from that subject. So, do you know any other advanced society that has Police Officers stationed in their schools like the United States does?

ATTORNEY ELBROCH: I actually understand that Canada has a School Resource Program, although I understand that there are communities in Canada that are looking at that right now in light of the Black Lives Matter movement as to whether that's appropriate or not.

ATTORNEY JEFFERSON: And outside of the United States and Canada, do you know of any other advanced society that has the prevalence of armed Police Officers stationed in their schools?

ATTORNEY ELBROCH: So actually just last night I read that England might have them. But I couldn't find any other additional information. And I know that England's Police System is so different than ours that I was interested, because my mother's English. But I wasn't able to find any more information. So I can't say for sure that no other one other than Canada has it or doesn't have it.

ATTORNEY JEFFERSON: Okay. And some conversation was out there about what do we do if a child is a victim of a crime and they want to report something to the Police? Would that be easily solved by simply having 911 being called and a Police Officer come to the school in the rare event that it's needed?

ATTORNEY ELBROCH: Absolutely, yes. I mean I know that Police respond quickly to schools a lot, beyond the School Resource Officer.

ATTORNEY JEFFERSON: And in your professional experience, there's been a lot of talk about, well, maybe we can have training, and maybe can we have laws? In your professional experience, has the presence of School Resource Officers always led to children being charged for things that they should not be charged for, that should be normal school behavior?

ATTORNEY ELBROCH: So, you used the word "always". But I would say that, in my professional experience, the School Resource Officers have absolutely contributed to children being in the court system who shouldn't be in the court system. I have worked with some School Resource Officers who have been more thoughtful about the cases that they send to the court.

ATTORNEY JEFFERSON: And is there data out there that studies this, so that we know beyond anecdotal evidence? What is the data out there that talks about the positive or negative impacts it has by having a Police Officer stationed in a school?

ATTORNEY ELBROCH: Well, I mean, as I sort of mentioned already that the data is that School Resource Officers are one of the reasons that we end up with a disproportionate number of black and brown youth in the juvenile justice system, because of their -- and because inserting themselves into school discipline situations without any of the background knowledge that they would need to have about the child and their Individual Education Plans.

I mean, particular schools are where kids need to grow and develop, and learn. And so, they need to be redirected with that socioemotional, trauma-informed, restorative justice approach rather than a Sworn Police Officer who has that paramilitary training. And unfortunately with that training, even the right Officer will insert themselves, when they see something that doesn't kind of take into account those other approaches, and will react. And that can result in more children in the juvenile justice system than is necessary. And there is data to show that schools with School Resource Officers end up with more arrests for minor offenses.

ATTORNEY JEFFERSON: And you talked in your testimony a bit about the presence of Police Officers can lead to School Administrators abdicating their responsibility and just saying go ahead and arrest this child. And I want to get a little bit more comments about that.

And specifically there was a article in the Concord Monitor where Concord School District is looking at their School Resource Officers and whether or not they're going to keep them. In the Teacher's Union, it was quoted in the article as saying that they want to have Police Officers armed in their elementary schools and even in kindergarten to deal with violent children.

And that should disturb us all. And if anybody thinks that this doesn't lead to absurd outcomes, you should Google children being arrested. And you'll see six-year-old children being arrested. You'll see 10-, 11-, and 12-year-olds being arrested and thrown to the ground. And I wanted you to speak to that from your personal experience, from your professional experience, from any research that's out there of that overcriminalization of school conduct, when schools have Police Officers there.

ATTORNEY ELBROCH: So there's actually a Report from New Hampshire Legal Assistance, the Juvenile Reform Project. It's called Keeping Kids in School, the Urgent Need of Full Reform of School Discipline in New Hampshire. And it talks very specifically about that issue and how unfortunately that many School Administrators lean on the presence of the School Resource Officer to get involved in the school discipline.

And in some ways, I'm sympathetic to schools, because they have limited funding. And so, their ability to actually support students the way they need to be supported with the appropriate treatments and the appropriate approaches is difficult for schools. And I'm absolutely sympathetic to that. But on the other hand, to criminalize the behavior, to remove the child is outrageous, in my opinion. And that Report talks a lot about that.

There's also another Report that's called the School Discipline Consensus Report, which also discusses at-length the overcriminalization of typical adolescent behavior. And I mean, frankly that's something that I fear as a parent. I certainly see my teenager making decisions that are not terribly well thought out and I am absolutely terrified that it will be criminalized in some way, because that has been my professional experience, where I've represented so many children in the court system who I felt like really just needed to be redirected and didn't need the heavier hand of Law Enforcement and Juvenile Probation, and the court system to guide them.

As I mentioned already, I had a young man who was a student, who's a teenager in a school, had significant special education needs. School Resource Officer actually noted in his Report that he was coming out of the School Resource -- I mean, the Special Education Resource Room and was notably upset, was even crying, came barreling down the hall towards the Officer. And the Teacher stood in the doorway calling him back, trying to get him to come back to the room.

He sort of shouldered past the School Resource Officer. The School Resource Officer responded that this was a direct conflict with -- or direct disobeying of his authority and respecting his authority, and the Teacher's authority, and unfortunately the incident resulted in the child being tasered by the School Resource Officer. So you can imagine the trauma that this child felt going back to school. And he ended up in the court system, despite this traumatic event in school.

So, those are the situations that unfortunately I think about. I have spoken to my colleagues over the years. There are unfortunately many situations that are behavioral and end up as Disorderly Conduct Petitions in Juvenile Court. It's almost as though disorderly conduct is sort of like this catch-all situation for behaviors in schools.

And later, those behaviors are found to be a manifestation of the child's disability. And so, thankfully sometimes the Court will dismiss the case, but not always. And so, the child continues working with a Juvenile Probation Officer, which is, again, why we're looking at reforming probation, because you have these kids who already have disabilities and struggles. And you, then, put them on a typical probation. So we're looking at doing very individualized rules of probation, rather than requiring them to live by more rules, when they're already struggling without the resources that they need. So, yes, unfortunately my experience is that there have been some School Resource Officers that have contributed to children being in the juvenile court system that should not be there.

ATTORNEY JEFFERSON: And then, my last question to you is this. There are a lot of these procedural safeguards. And Director Scippa talked about one of them, diversion being an option. We also

even have this new law that we can motion to dismiss conduct if we don't believe that it should have been brought to the Court in the first place.

So, I want to ask you that in relation to, is there a potential for harm to children, even if they're brought into the court system and their case ultimately gets dismissed or diverted, because I'm aware of research out there that says that the stigma of even being arrested, prosecuted, and brought into court even once can lead to very negative outcomes for a child?

And when I first looked at that, I have to be honest. I was like, oh, that's a hard thing to quantify. But then, I had a child this year who was arrested for a school fight. His case was dismissed. He did not even walk into the Courthouse, because of COVID. And still, this child was sitting down and asking me, do I have to call my Probation Officer? Do I need permission to leave the State, after I'd sat down and told him that I would be fighting to get his case dismissed.

So, I want you to talk to me about, are you aware of the data out there that suggests that it's still a problem if we're putting the children into the system, if they ultimately get diverted? And can you speak to it from your professional experience, as well? Thank you.

ATTORNEY ELBROCH: So, yes. I've absolutely had cases where I even had unfortunately a six-year-old child who was petitioned to the Juvenile Court. And I basically filed a Motion saying, I can't even call this child my Client. I refuse to, and that he should not be in court for a number of different legal reasons. And thankfully the Court did dismiss it before the child even had to meet me or go into the Courthouse, because, yes, there absolutely is this -- I mean, first of all there's this labeling effect that, once you're identified as someone who is causing issues, then, yes, the watchful eye will be maybe on you more. And that creates more opportunities.

And I know that some people are probably thinking, well, if you're actually doing something wrong, then that's reasonable for people to be looking out and taking you in when necessary. The problem is that we know kids are kids and they're going to make mistakes. And I know that I think Lieutenant Camacho actually talked about how when he was a kid in Texas that there were opportunities given to him to kind of talk him through things, instead of going to court, because that's -- and historically, I think that's the way community policing worked.

I know that a former Chief of Police in the community I live, he grew up in a community where his father a Police Officer. And he said so many times it was incredibly impactful to him that he was just picked up and brought home, having to face the music at home. And that was much more impactful, and just the fact that he wasn't brought to court for that formal process, that he wasn't given a Lawyer to understand what a Lawyer is and what that experience is to have a Lawyer, to have a Juvenile Probation Officer, to be told you have these additional rules, to have your parents have to take days off of work to go to court and go through that process, and the stress that puts on the family.

The school is always a part of these cases. And so, they, then, get dragged into court. And they become aware. And although the proceedings are confidential, of course there are so many people now who are aware of it. And you, as the child, are in school knowing that someone from the school's aware of it, that your Probation Officer could come into school at any moment and check in with you, that your parents are stressed as a result of it, that they're going to have to miss more work. Unfortunately, this is not just about the child, but all that goes on around him or her, and the impact it has on everyone and how that causes trauma to these children and impacts things going forward in their lives.

ATTORNEY JEFFERSON: Thank you, Attorney Elbroch, for your testimony.

ATTORNEY ELBROCH: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Edwards, any comments or questions for Anna?

CHIEF EDWARDS: Yes, I do. Good morning. Thank you so much for your testimony. I have a couple of questions. Are you aware when School Resource Officers were introduced into the school setting?

ATTORNEY ELBROCH: I'm not aware of the particular date. I know that there were not that many. And then, after 1999 and Columbine, there was a huge surge. And so, there were many. I want to say after Columbine there were something like 3300 that were actually hired at that point. So, between 2000 and 2017 is when really it was a huge surge of School Resource Officers in schools.

CHIEF EDWARDS: Okay. Well, the data actually shows that School Resource Officers entered schools in the 1950s. And are you aware of the term "super predators"?

ATTORNEY ELBROCH: Yes.

CHIEF EDWARDS: And you're aware that term was coined by a College Professor, and used as a catalyst to start the classroom-to-prison pipeline?

ATTORNEY ELBROCH: I'm not aware of that connection. No.

CHIEF EDWARDS: And that's very much when the harsher penalties were inserted, after that term was used, and after that was developed. So, I'm someone who's very concerned about the classroom-to-prison pipeline and many other areas like this, when it comes to young people's engagement. And I think early childhood brain trauma plays a major role in many of the things that we're talking about. And I'm curious, in your recommendations, number 3. Can you help me understand what culturally relevant curriculum is?

ATTORNEY ELBROCH: That is just so that we learn about the history of our country, the history of slavery, the history of Native American experiences. I think that there needs to be an understanding of everyone's history who's sitting in the classroom.

CHIEF EDWARDS: Okay. And when it comes to the programs that you mentioned that Lieutenant Camacho spoke of, I am someone who actually sat on the Board that developed those programs and oversaw those programs: the Effective Interaction with Youth and the Mirror Project. Each one of those programs, we ensure that the Police Officer was in uniform when engaging in youth, because relationships are developed both inside and outside the school. That's why we have seen tremendous success with those programs.

So I'm just curious. Your testimony, you would encourage the Commission to consider removing Police Officers from the school, in spite when you know that these programs that Lieutenant Camacho spoke of are having a tremendous impact?

ATTORNEY ELBROCH: So, I am not entirely sure how the Mirror Project works. But I understood it, based on his testimony, that they would go into the classroom for an hour-or-two and then leave the building. Is that right?

CHIEF EDWARDS: Yes, that's the training program. But I guess my question to you is that, when we develop relationships, we see people in all forms and all settings. And it's helpful to have the Police Officers in uniform. It's helpful to have the Police Officers engage with young people inside and outside the classroom. Again, that is one of the fundamental underpinnings of the program.

ATTORNEY ELBROCH: So, I think that there could be a benefit to having an Officer go in and provide a class, and then leave the building. My concern is with those who are permanently stationed in the school. And as I said before, I think there are some tremendous benefits to the programs that Lieutenant Camacho spoke about, the coaching of the hockey, the PAL programs, and like I said, in my community, where there are opportunities to connect outside of the school, as well.

They also use the DARE program in my community, which frankly the research on that is terrible. But they continue to use it in my community. And I do think it's partly because the Officer is well-known and well-liked. But he enters the building for that period of time, and then he leaves.

CHIEF EDWARDS: Okay. So, what is your position on the zero tolerance schools have developed over the years? So we've instituted zero tolerance in school for bullying, for drug and alcohol use, for internet bullying. And many School Officials as well as parents have notified the Police regarding these type of incidents. So, what should the response be?

ATTORNEY ELBROCH: I think some of the response has to be individualized for the particular situation. I believe that there are trauma-informed restorative justice safe procedures that can be put in place to keep victims safe, as well as working with the student.

What I have found in my experience is that, when we look at why the bullying is happening, or how it occurred, there's always more to the story. And so, when you look at the root cause of the bullying, maybe there is a domestic violence situation at home. Or maybe the child has experienced bullying from someone in their neighborhood. When you can find out what the root causes are and you can address those issues, then you can have the child remain in school safely.

CHIEF EDWARDS: Well, my question was more geared towards, what would you have the Police do when they are being called by parents, School Officials, in relationship to Attorney Jefferson's question or comment about Teachers asking for Police Officers to be involved in school as young as kindergarten? So these are Officials asking for the Police assistance and Police involvement. What will you have the Police Department do when they're being asked? And some parents are encouraging their schools to adopt School Resource Officers programs.

ATTORNEY ELBROCH: So, I mean, I think when the Police are called, they have to investigate. And they have to investigate using the school resources available. So if they can ask the school what has been done to address the situation, what do you know about the situation? And determine whether Police involvement is necessary or not.

I'm certainly not suggesting that the Police, when called by the school, should ignore the school. I think that they should do what their investigation requires. But, I think that they can certainly ask the school what has already been done to address the situation.

And on our Juvenile Petitions right now, if the situation has happened at school, there are several boxes that have to be checked to indicate to the Court that the school has tried to address the issue and that the attempts have failed, before it can even be brought to court. So there has to be a certain level of work that needs to be done, in terms of the investigation, with what the school has done for it even to be brought to Juvenile Court.

CHIEF EDWARDS: Thank you. And my final question -- and I'm sorry (inaudible) -- but my final question is, in your experience, why do you think Teachers are calling Police Officers? And why do you think parents want School Resource Officers in school? Parents, not Teachers, but parents; why would a parent want a School Resource Officer in school?

ATTORNEY ELBROCH: I mean, it's an emotional issue, right? And I get that, because I am a mom. And I think there is the perception that it provides safety. But unfortunately the research doesn't back that up.

And I think Teachers are reaching out because students today are certainly coming with complex issues, when they attend schools. And I think that, like Mr. Lascaze has said, there are other approaches that are multi-modal with trauma-informed approaches that can address some of those complex issues for Teachers.

CHIEF EDWARDS: Thank you very much. I appreciate your testimony.

ATTORNEY ELBROCH: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Chief. Ms. Tshiela, any comments or questions for Attorney Elbroch?

MS. TSHIELA: I do have sort of a comment. Thank you for your testimony. I think it gave us very valuable perspective because, to me, it becomes increasingly clear that the members of this Commission, we all come from different walks of life and different worlds, which is totally fine.

But for example, earlier I heard Lieutenant Morrison make a comment that children are being taught to fear the Police, when that is not, in fact, the reality for the black and brown students in our most populated cities here in New Hampshire. Fear is bred through experiences with Police.

After a Commission Meeting recently, following our conversations about SROs, as middle school student in Manchester told me that she's never seen SROs do anything but look scary and arrest children. And situations like that and the situations that were talked about earlier, that is where fear comes from. Fear is bred through our experiences.

And so, I wholeheartedly agree with that girl. And I wholeheartedly agree with the Attorney that school is not the place to create relationships between children and Police. And thank you, again, for your testimony. And I yield the rest of my time.

ATTORNEY ELBROCH: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much, Ms. Tshiela. Any other comments or questions before Attorney Elbroch is done? Seeing none, Anna, thank you so much.

COMMISSIONER QUINN: Oh, hey, Deputy Young?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. Yeah, yeah, sorry.

COMMISSIONER QUINN: Oh, I'm sorry. I'm sorry. I'll be really brief.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, take...

COMMISSIONER QUINN: Can you hear me okay?

DEPUTY ATTORNEY GENERAL YOUNG: I can.

COMMISSIONER QUINN: Sure, I just want for Attorney Elbroch and the Commission Members, I just wanted to showcase approximately two years ago, after 1,000 hours of work and a very robust team, which included Mr. Norton, School Officials, First Responders, parents, Teachers, they released -- and Assistant Commissioner Perry Plummer did a lot of work on this -- the New Hampshire School Safety Preparation Taskforce which discusses a lot of the issues that have been brought up today.

And I will see that you can share the link so that if Commission Members or anyone want to look at this. But clearly it was a very robust team that looked at safety, social and emotional learning, and many of the things that got discussed.

This is a living document. We're continuing to work on the recommendations. But, I'd be remiss if I didn't share this and just let people know that the document and some of the information is there. And I will make sure that we get a link to you so that the other Members can see the material. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Any other questions or comments? President McKim?

MR. MCKIM: Thank you, Deputy General. And thank you, again, Attorney Elbroch, for your testimony. I just wanted to follow up on a couple of points just to get a little more clarity. Police Officers outside the schools -- and this is a great deal of the reason why we're here as a Commission -- don't have knowledge of the background of the people who they're stopping. And we're talking about a similar situation with the students in schools. As you mentioned, the SROs don't necessarily understand the background of the individuals that they're dealing with. So what's the difference about schools, from outside schools?

ATTORNEY ELBROCH: Because schools should be this sanctuary, right, this place where kids can learn and grow, and even make mistakes, and be redirected according to the appropriate restorative justice and trauma-informed approaches. So students shouldn't be on edge, or scared, or uncomfortable at school. They should be in a place where they can feel like they can make comments, make mistakes, and learn and grow from them.

MR. MCKIM: And how does that differ from the rest of the world? I mean, when we're out, we, as adults, we want to feel that same way, don't we?

ATTORNEY ELBROCH: Yes. But, to me, I think that, well, I mean, as adults, we are hopefully fully grown and fully developed, and hopefully can take on the responsibility that being in the world puts us in. I understand that there are some people in this world that are way more disadvantaged than others. And so, that we are not all on equal footing when we're out in the world, and that needs to be addressed. And I'm hoping that this Commission can address some of those concerns.

But schools are, to me, different in the fact that, first of all, they're all minors. And second of all, they're public schools. We're entrusting the State and the Teachers to educate and to understand, using the adolescent development research and early development research to address and hopefully make good citizens.

MR. MCKIM: Thank you. That's very helpful. And my last question, Mr. Johnson touched on this notion of the question of, what about SROs without guns or not in uniform? And it seems to me that this is getting to the point of, how is discipline done in schools? Where's the line between School Administration doing discipline and, I think, as you put it, the Administration giving up that role of doing discipline? And I know a number of schools have created a Dean of Discipline, for example, who is responsible for discipline in the school. So, I wanted to hear a little bit more of your thoughts on that line of thinking.

ATTORNEY ELBROCH: So, I'm trying to think of how to sort of explain it. I mean, obviously being disciplined by a Sworn Police Officer who can arrest you is a different approach than sitting in the Dean's Office who can be stern and certainly remove you from school. But being arrested is a whole other level of consequence, as you can imagine.

Also, these are hopefully the Educators who have significant education in the appropriate approaches with these youth. These Administrators are also typically people who have had contact with the family members.

There is research to show that schools who have good relationships with their students and parents have greater academic success rates. So I think that you are working in a school within a community that works well with the relationships with the family and the community Providers and can know what's available to that student who's sitting in their office about to be disciplined. That's a whole different level of a Police Officer just reacting in accordance with their paramilitary training.

MR. MCKIM: Thank you for that. So it almost feels like it boils down to if there was an Officer who was not armed and not in uniform, that brings us to the point of, where's the funding for this resource that is ensuring that discipline is happening in the school? I mean, could we think about having Officers who

wore plain clothes, didn't have guns, being in the school to help with the discipline? Or should we just say that it has to be up to the school to provide that ultimate disciplinarian?

ATTORNEY ELBROCH: Well, I mean, I think that the Police are still a phone call away. So if it does rise to the level of an offense that should be brought to the court system, or at least through a formalized program, like diversion, then the Police can certainly get involved by the school. So it's not that the school has to be the end of the road for anything that happens within that building.

But, I guess I'm not sure that having a plain clothes, unarmed Officer in schools -- I'm just not sure that that would be -- because they still wouldn't have the background necessary and they still wouldn't have the significant level of education and mental-health training that they would need in order to be able to assist the school appropriately. But when it rose to the appropriate level, they could certainly reach out to the Police, who could then investigate.

MR. MCKIM: So your thought is -- and this goes back to Director Malachi's line of thinking a while back -- your thought is that Officers could not ever attain that level of experience and knowledge that would be appropriate?

ATTORNEY ELBROCH: I think that that's why we have Licensed Mental Health Counselors and why we have Guidance Counselors, and why we have Social Workers. So I'm not sure why that wouldn't be sufficient.

MR. MCKIM: Okay. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: With that, Anna, I think that the question and comment portion is done. I would thank you for your time. And again, thank you for waiting patiently through Wednesday and coming back today. Have a good weekend.

ATTORNEY ELBROCH: Thank you very much. And thank you very much to the Commissioners. I really appreciate your time. And I am aware of the difficult position that you are all put in. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Bye, Anna. So, for timekeeping purposes, we have a half an hour left. So, Ken, your presentation is up next. And then, when that is done, we will move onto sort of next steps for planning purposes.

So, with that, Ken, the floor is yours. Your items, your talking points, your papers were posted, I believe, on Wednesday. And I think you can trust that we have reviewed them. So, I would, again, remind the five-minute time. And you may begin. Thanks, Ken.

DIRECTOR NORTON: Thank you for the opportunity to testify. The most significant glaring negative impact of the institutionalization of people with mental illness has been the resulting criminalization and incarceration of people with serious mental-health conditions.

Police are not the root cause of this. Rather, it's the longstanding discriminatory practices which people with mental illness have endured in access to health and mental healthcare, housing, education, and

employment. For people of color with mental illness, the negative impact of these discriminatory practices is significantly worse.

It's also important to state unequivocally that we can't train our way out of the systemic failures of our mental-health system. Specific to mental illness, the lack of inpatient capacity reflected by last week's 45 adults and 17 children in a mental-health crisis being boarded in an Emergency Department in our State demonstrates the inability of our current system of mental-health services to provide appropriate and timely care to people in a mental-health crisis, and which unfortunately ends up often defaulting to Police to respond to.

People in a mental-health crisis need help, not handcuffs. Families need other options than calling 911 or going to the Emergency Department, when someone is in a mental-health crisis. Like many individuals and families in New Hampshire, I've had to call Police when a family member in a mental-health crisis became unsafe at home. It's extremely stressful for all involved, and unpredictable whether the presence of Police will escalate or deescalate the situation.

We need to look upstream and expand community mental-health support, such as the establishment of a three-digit national mental-health crisis hotline number -- the FCC did vote unanimously last week to move ahead with that -- combined with statewide Mobile Crisis Response to divert people in a mental-health crisis away from contact with Law Enforcement.

Making informed decisions about training requires good data. The most concerning piece of data related to mental illness in law enforcement comes from the Attorney General's Report on the use of deadly force. Of the 56 Officer-involved shootings in New Hampshire during the past 30 years, reviewed by the Report, 45% involved a person with a documented mental illness. This is considerably higher than the 25% of Officer-involved shootings nationally which involve the person with mental illness. I've personally sat with and spoken to three of those families. And it is truly heartbreaking.

Suicide's the second-leading cause of death in New Hampshire, ages 10 through 34, and the third-leading cause of death, ages 35 to 44. While Mobile Crisis Response can handle many of these calls, there are calls involving someone who is armed and threatening with a firearm that may require Police response. These situations can often be deadly for the individual and for Law Enforcement. As a result, some Police Departments across the U.S. are no longer responding to individuals who are armed and threatening situations.

While fortunately, this is not happening in New Hampshire, clearly we need to think, as a society and a State, how we respond to people in a mental-health crisis, including the use of deadly force, and how training and other measures may reduce the incidence of these tragedies. This includes the use of S.W.A.T. Teams in these situations and what type of mental-health training S.W.A.T. Teams receive.

NAMI New Hampshire provides 16 of the 24 hours of mental-health training for all Recruits at the Police Academy. We're also offering Crisis Intervention Team, CIT, training to New Hampshire State Police and First Responders under a three-year grant from the Substance Abuse and Mental Health Services Administration.

Other Police Departments in New Hampshire also provide CIT training. CIT is internationally recognized and often referred to as the gold standard for law enforcement in mental-health training. And it's specifically recommended in the May 2015 President's Task Force on 21st Century Policing in Pillar 5, stating -- it's 5.6 is the recommendation. "Peace Officer training standards should make Crisis Intervention Training a part of both basic Recruit and in-service Officer training."

I am hoping this Commission will support expanding CIT training in New Hampshire. We also provide mental-health first-aid training for Public Safety Personnel, a one-day evidence-based program. NAMI New Hampshire is also very concerned about the mental health of Law Enforcement in our First Responder community.

Police are exposed daily to the worst of humanity and have higher rates of depression, trauma, and suicide than the general population. Since 2008, we've included training at Police Standards not only in suicide-by-Cop, but suicide of Police, a situation which has gone largely unnoticed in New Hampshire until the past year.

New Hampshire State Police and other Departments have begun to train Officers to provide confidential mental-health peer support. We need to expand training and supports for Law Enforcement for addressing their own mental health.

Though not my area of expertise, I also think it's important to minute the importance of training in issues related to the LGBTQ population. Research points to Police bias connected to sexual orientation. The International Association of Chiefs of Police Report, Evidence-Assessment of the Recommendation of the President's Task Force on 21st Century Policing, implementation and research priority states:

"Recent studies have found that Police can be more intrusive, especially within the context of investigations in victimization experiences, when interacting with members of the lesbian, gay, bisexual, transgender, and queer communities. Specifically, Officers are more likely to be dismissive and are more likely to engage in negative responses and behaviors during encounters with the LGBTQ citizens."

A member of the public pointed out to me that the Police Standards and Training website indicates that most, if not all, of the Instructors are male. I'm not aware of whether there are people of color who are fulltime Instructors. I am aware that many of the adjunct faculty who participate in PSTC are more diverse. I don't know if there's any data regarding demographics of Field Training Officers throughout the State. However, having a more diverse training force is an important consideration. Full copy of my testimony is posted, and the references and resource materials. And I'm happy to answer any questions. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. Ms. Tshiela, do you have any questions or comments?

MS. TSHIELA: I do not have any questions. But thank you for your presentation, Mr. Norton.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Edwards, questions/comment?

CHIEF EDWARDS: No questions or comments. Thank you, sir, very much for the testimony.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson, question or comments?

ATTORNEY JEFFERSON: Yes. Director Norton, in response to creating this 311 emergency response, is a part of that recommendation that the Police also respond with that Mobile Crisis Response

Unit, but the Mobile Crisis Response Unit taking the lead, or Police would not be involved in the first instance?

DIRECTOR NORTON: Thank you for your question, Attorney Jefferson. The number is actually going to be 988. But there are different models. New Hampshire did vote in the 2019 legislative session, Senate Bill 14, to create Mobile Crisis statewide for children. It's my hope and NAMI's hope that that will be expanded for all adults, for anyone all across the lifespan in a mental-health crisis.

That Mobile Crisis may operate and should operate independently from Law Enforcement. But we have seen in situations like in Manchester, there's a very close relationship with the Police Department in Manchester that's been very effective. And in certain situations, they may work together in responding to calls. But typically, most Mobile Crisis Teams operate separately from Law Enforcement.

ATTORNEY JEFFERSON: So, in the event that somebody calls 911 and Dispatch can glean that there's a mental-health issue, is part of your recommendations, or something you would support, sending a Mobile Crisis Response Team with the 911 call, if that's something that's available in that particular town or municipality, so that we are capturing all of these calls to sort of guard against bad outcomes, and having Mental Health Professionals along with the Police, if that's something that's available?

DIRECTOR NORTON: Thank you for your question. My hope would be that, depending on the circumstance, that there might be a quick warm handoff by 911 to Mobile Crisis, and that there would be some situations that would not automatically result in Police responding but would result in Mobile Crisis responding.

ATTORNEY JEFFERSON: So, I guess my last comment on that is I think it might be tricky to -- or question to you is, if the Police aren't there in some kind of backup capacity, is there a concern of who decides when the Police should or should not respond, especially if the call originates through 911 instead of through a mental-health crisis response number?

DIRECTOR NORTON: Thanks for your question. I think one way to handle that would be for the 911 Operators to ask the caller what level of response is needed. Could we refer you to a Mental-Health Mobile Crisis Team? Would that be satisfactory? Or do we need to dispatch Police?

ATTORNEY JEFFERSON: Thank you, Director. I yield the balance of my time.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Julian. Mr. Lascaze, any questions or comments?

MR. LASCAZE: I do not have any questions. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

DIRECTOR NORTON: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis, questions or comments?

CHIEF DENNIS: Thank you, Mr. Norton, for your comments today and for your work with NAMI. It is a fantastic organization. And we appreciate all the work they do for New Hampshire Law Enforcement and helping us through the training in the Police Academy to also the CIT training that's done throughout the State.

Certainly, mental health is a problem. I think Law Enforcement appreciates any help that we can get in dealing with these delicate issues. We don't want to incarcerate people with mental-health issues. Unfortunately, sometimes we're put in circumstances that it ends up that way. But that's certainly not the way that we would like it to see go that way.

Certainly, I think there's some good things going on, not only a national level but a State level with the three-number digit is a good thing. I think the Commission Members ask a lot of questions. How do you hand it off from 911 to a Mobile Response Team? And again, I think these are questions that certainly are going to have to be thought out a little bit deeper than just a Commission Board meeting, because every situation's different.

You could ask one person, the 911 caller, do you want a Mobile Response Team? They say yes. The next caller could say something differently. Or maybe they're relaying that there are weapons involved. There's just so many different circumstances that turn up. But I certainly like the dialogue in looking of how we can do things differently and better with mental health. So, thank you, Mr. Norton, for all you do. Appreciate it.

DIRECTOR NORTON: Thank you, Chief.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Chief. Lieutenant Morrison, questions/comments?

LIEUTENANT MORRISON: Yes. Thank you, Mr. Norton. I always enjoy hearing what you have to say and your contributions in this testimony is no different. Do you know the number of Mobile Crisis Teams that are currently available in New Hampshire, and where they might be located?

DIRECTOR NORTON: Yes, Lieutenant. There are three in New Hampshire. And they are in Concord, Manchester, and Nashua. And they are part of the Mental-Health Settlement Agreement from the lawsuit that had been brought by Advocates in the Federal Department of Justice against the State. And it was settled in 2014. And that was one of the conditions of the Settlement Agreement.

LIEUTENANT MORRISON: Do you think that is an adequate number for our State?

DIRECTOR NORTON: Definitely not; NAMI New Hampshire has believed for a long time that we need statewide Mobile Crisis. And many States, including many States more rural than us, have statewide Mobile Crisis for mental health that's available.

LIEUTENANT MORRISON: Okay. And just to briefly touch on S.W.A.T. Teams in the State of New Hampshire, do you know, or can you offer an opinion, on the pairing of Mental Health Professionals with the Crisis Negotiation Units that are part of Regional S.W.A.T. Teams around the State?

DIRECTOR NORTON: Thanks for your question. I don't really know the answer to that. I would like to learn more. But I do think that there is obviously significant overlap. And I know that some of the Regional S.W.A.T. Teams work closely with a Mental Health Professional. I don't know if they all do. And the S.W.A.T. Team is deployed versus some alternative type of response to a mental-health crisis.

LIEUTENANT MORRISON: Okay. I'm a Negotiator, myself. And it is becoming almost commonplace to have a Mental-Health Consultant as part of the Negotiating Units. And I know the vast majority of the Negotiating Units around the State do partner with Mental Health Professionals. But I didn't know if you were aware of any sort of specific protocol or training on the mental-health side of things in your arena where there may be sort of a -- I don't want to say a pool of candidates, but a group of people who would be willing to assist in those efforts.

DIRECTOR NORTON: Thank you for your question. I think that that's an excellent point. And I am aware that there are some sort of specialty training for Mental Health Providers relative to that. I know that we have some folks in the State that have some of that training. I don't know specifically what those programs are. But I think that that might be something that we would look into as a potential training recommendation.

LIEUTENANT MORRISON: Okay. Thank you very much. And if you have time, I don't know if this is an appropriate point for it, but could you sort of touch on, I guess, the co-dependencies that are sometimes found with people with mental health and substance use, abuse, or any of the other sort of challenges that Law Enforcement is going to face walking into a situation, where all they get is a 911 call for somebody, and how, I think, some of the training that you're suggesting might help with that response?

DIRECTOR NORTON: Sure, thank you. It's another great question. And depending on the statistics that you look at, many people in a mental-health crisis, potentially as many as half of the people who end up involuntarily admitted to our State Hospital, have some cooccurring substance use disorder. And like other illnesses, there may be other cooccurring situations. There may be a person with developmental disabilities and a mental illness. There may be medical conditions and a mental illness.

And those can all complicate the situation and make it difficult to determine what an appreciate response should be. And I think that that just adds to the challenges relative to responding to individuals in a mental-health crisis. And in my mind, amplifies the need for trained Professionals and having Mobile Crisis statewide that's available to respond in those situations.

LIEUTENANT MORRISON: Excellent, thank you. So, I'm just going to close with this question. Do you think it's fair to say that we need more resources, maybe more funding, that Law Enforcement can partner with and take advantage of to address these issues basically across the board?

And I mean, I can tell you. I don't even know how many suicidal calls I've been on where we've taken somebody who has cut their wrists, or whatever the behavior is. We get them to the Emergency

Room and within two to three hours we see them driving around town with bandages on their wrists. Is there anything that you can maybe suggest, or put forward, I guess to inject something into that type of a circumstance where we can take advantage of some other services at the Emergency Room, or in a point of crisis like that?

DIRECTOR NORTON: All right. Thank you again for that thoughtful question. And having not done Emergency Room work for 20 years, I can say that it's probably not much different in that when we are responding to somebody in an Emergency Room, you don't know what the disposition is and why that person may be released. I mean, did they get a follow-up appointment? Are they okay? Did a family member join them, whatever? So that follow-up piece is really important.

But I think it's sufficient to say that we lack in New Hampshire the capacity to have the community-based services that we need for people in a mental-health crisis, which then ends up impacting on Police. And I can give an example of a model that's used elsewhere in the country.

It's called the Fusion model. And that model, I think, originated out of the Phoenix area. And it involves having what's called a Living Room, where people can be brought to in a mental-health crisis. And it's a separate facility. It has recliners and not beds. And people can stay, I think, up to 36 hours, or maybe, depending on the place, up to three days.

But the point being that they don't refuse anyone, and their average intake for when Police bring somebody to that facility is less than five minutes of Law Enforcement's time to have somebody brought there. And that includes voluntary as well as involuntary admission.

So, obviously for something like that to work, it requires -- I mean, it's not just that model, itself. But it requires the community services behind it to, then, help people get appropriate housing and mental-health supports following that brief stay in the Living Room. But those types of models, I think, are what we really should be looking towards, in terms of that crisis response, and minimizing, if any, the contact with Law Enforcement, and having a strong mental-health system.

I should also say that that Fusion model, 40% to 50% of the staff are Peer Mental Health Providers. So they're people with mental illness, themselves. The person that greets the person at the door and Law Enforcement is a person with mental-health history, living experience who does the intake. And those are some of the models that we need to be looking at in our State.

LIEUTENANT MORRISON: Well, thank you very much. And I have no further questions. I just know, speaking from a member of law enforcement, you always are welcome, any partners in this challenge. Thank you, again.

DIRECTOR NORTON: Thanks. And I will revise my testimony. I will put in a link to the Fusion model. There's a three-minute video about that that I think is pretty informative.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. Judge Gardner, questions or comments?

JUDGE GARDNER: Thank you. I had to step out just for a moment. Mr. Norton, thank you so much for all the help you give to the people of New Hampshire. I usually get very frustrated, being in the judicial system, in terms of seeing folks who suffer from mental illness be part of the criminal justice system. And

so, I remember it is a collaborative effort in terms of trying to help out people who suffer from mental illness.

And in Portsmouth, I can't even remember, maybe 10 years ago, we started Community Wellness Court, so a Mental-Health Court. And that seems to have tried -- we tried to divert people from that criminal justice system into a more restorative type of system.

And one of the things that I found was that the community Providers, Mental Health Providers, are just so taxed with caseload, with budgetary issues. And so, they were very helpful, in terms of providing services. But we were very limited in terms of who we (inaudible) in terms of the program, because we're not funded. Only the folks that suffered from severe persistent mental illness could be part of this program.

And so, I guess one of the issues is whether or not you think that this is a sort of global effort in terms of -- I'm sorry -- a global effort in terms of figuring out a solution to this issue of people who suffer from mental illness sort of with Law Enforcement, because it seems like they're the First Responders who go to all of these calls that have to deal. Their jobs have really expanded, in terms of dealing with all sectors of society. And I wasn't sure if you had sort of a global kind of perspective to this issue.

DIRECTOR NORTON: Yes. As I indicated at the beginning of my testimony, I mean I think it's one of the biggest failures of the institutionalization that Law Enforcement has been put on the frontlines of responding to people with mental illness. And as Lieutenant Dennis pointed out, oftentimes it's repeatedly. I mean, it's some of the same people over and over again, because they're not getting the level of help and support that's needed.

So, yes, I think certainly different parts of the country are emerging in different ways in terms of how they're responding to this. But I think from NAMI's perspective, while we very much enjoy the partnership that we have with Law Enforcement and working closely with them around training, it's still very much our goal to divert as many people away from Law Enforcement in a mental-health crisis, as possible, and likewise from the court systems, as well.

JUDGE GARDNER: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Judge. President McKim looks like he's no longer on the line. So if he joins us back, I will call on him. Mr. Johnson, any questions or comments for Ken?

MR. JOHNSON: No questions or comments. Chief Dennis took all of my stuff.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa, questions or comments?

DIRECTOR SCIPPA: I do, Deputy General, thank you. Director Norton, thank you very much for your testimony. When I was interviewed for my present position, I was asked to give my opinion as to some of the biggest challenges that New Hampshire Law Enforcement faces going forward. And my first response was dealing with mental-health issues, both as a Responder and also the mental wellness of First Responders, of Police Officers.

And so, I appreciate the fact that you spoke to really both sides of that. It is, from a professional point of view, absolutely imperative that we do the best job we can as Police Officers. And from my personal life, I see the importance of the work that NAMI and Mental Health Providers provide.

So, with that said, I want to ask questions. And it's not in a confrontational way, but in a way to shine light on the predicament that we find ourselves in. As much as I stand behind this, there's some pragmatic things that need to be recognized by the Members of the Commission. By all accounts, the CIT program is a phenomenal program. Can you tell me how long that program takes to deliver?

DIRECTOR NORTON: Yes. It's 40 hours.

DIRECTOR SCIPPA: And how many students can you have in that class at a time?

DIRECTOR NORTON: We have had typically 25 students, although we have had as many as 50. And the challenge with it is that a good day and a half of that training involve roleplays. So it's how to be able to break people down into small enough groups to be able to have those roleplays.

DIRECTOR SCIPPA: And you speak to a problem that I deal with almost every day, and that is being able to provide valuable scenario training, but to a much larger group. What's the cost of delivering the CIT training?

DIRECTOR NORTON: The grant that we have is \$120,000 per year for three years. And that includes a number of different things besides the CIT training. We were recently funded by the Department of Health and Human Services to provide an additional CIT training this year. It's going to take place at Dover Police Department. And that amount was for just under \$10,000.

DIRECTOR SCIPPA: So, I guess the question I'm asking is, at Police Standards and Training, if I wanted to deliver this block of instruction, it would be for about 25 people. And what would the cost of that be?

DIRECTOR NORTON: Well, thank you for the question, because it is a complicated question. And let me answer the other side of it. The cost, or what NAMI is charging, is about \$10,000. But the other significant cost is the cost that Departments incur in having Officers attend the training and whether they need to pay additional Officers overtime in order to cover their duties back at home, on their Department.

There are some States that include those costs as part of funding for the program, so that Departments are reimbursed for (inaudible). Officers come to participate in the training knowing that 40 hours is a significant chunk of time for somebody to be off of the street.

DIRECTOR SCIPPA: And again, I ask these questions really to kind of bring light to the Commissioners. I would love to place the CIT program in with the Academy. It's difficult because right now we're servicing 67 Recruits per class. So the number of students is even beyond that 50 mark that you would recommend.

On top of that, the cost to provide that is pretty significant. The Police Standards and Training already incurs a cost to have NAMI come in to teach those 16 hours of training. Again, just to shine light,

and this is all I'm doing is objectively putting out the facts, Police Standards and Training presently is expending about 25% of our in-service resources to have NAMI come in and teach at both the fulltime Police Academy, the fulltime Corrections Academy, and the part-time Corrections -- check that, part-time Police Academy.

So I am 100% in support of NAMI, 100% in support of trying to get this CIT training out to everybody, to all the Law Enforcement Officers. And the biggest single obstacle to do that is the finances. But I cannot thank you enough, Director Norton, for your testimony and for your assistance, and the product that you provide to New Hampshire Law Enforcement. Thank you.

DIRECTOR NORTON: Thank you. And yeah, absolutely agree, and again that, for those smaller Departments, those costs of sending an Officer are significant, as well, and need to be taken into consideration.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, gentlemen. Director Malachi, any questions or comments?

DIRECTOR MALACHI: Oh, yes. Thank you very much, Deputy Young. Mr. Norton, thank you for your testimony today. And I did have a couple of questions for you. When you were talking about the Response Teams that I guess we could call them a cluster of them, the Mental Health Response Teams, are those services provided by one particular Mental Health Provider like Riverbend, or is it a variety of places that provide those Response Team services?

DIRECTOR NORTON: Thank you for your question. Of the three Mobile Crisis Teams, two are operated by Community Mental Health Centers. So, yes, in Concord, Riverbend operates theirs. In Manchester, the Mental Health Center of Greater Manchester operates theirs. And in Nashua, Harbor Homes operates the Mobile Crisis Team there.

DIRECTOR MALACHI: And those were the ones that were created by the lawsuit. Do I have that correct?

DIRECTOR NORTON: Yes.

DIRECTOR MALACHI: Okay. And are there metrics that would help the Commission to understand how well the response has been?

DIRECTOR NORTON: Thank you for that question. Yes, I believe there are. I don't know how in-depth they are. But I would be willing to try to get that information. And I think that those metrics do show that they're able to divert people from contact with Law Enforcement and from incarceration, as well as from hospitalization, having that person come out to somebody's home and deal with them in their home environment certainly results in better outcomes all around.

And I would say that, while that's how things are structured in New Hampshire currently, that other States look to a single statewide vendor or particular, or regionalize it to several vendors to provide those services. So there are different ways of structuring Mobile Crisis.

DIRECTOR MALACHI: Agreed. And I would think, if we moved in that direction, once we looked at the metrics from the local resources, then it would be a larger conversation certainly to determine if a more regional or a single vendor statewide approach would be better.

My thinking off the top of my head would be that having the local entities in the communities who may already interact with these people for either inpatient or outpatient -- if I'm using that word correctly -- services may be better suited so that it's not a cookie-cutter approach to handling it. If they get a call and it's Jim, then they're well-versed in how Jim handles this particular situation. They'll be able to help Jim a little bit better. Would that be something that could be considered?

DIRECTOR NORTON: Yes. I mean, certainly as we know in New Hampshire, relationships are key. And we are a small State, as we've talked about. And having that strength of having local Providers who are familiar with people, it's certainly an advantage.

DIRECTOR MALACHI: So in the gathering of the metrics on response -- and you may not have an answer for this, which is fine -- have there been any maybe surveys done, or additional anecdotal information that's been taken from those who are receiving the services, whether it's the patient, themselves, or family members that have commented on how well the service has been provided, if it's been efficient, if they showed up?

DIRECTOR NORTON: Thank you for that question. Yes. I mean, I think that there's a lot of anecdotal information. I know that we had a Board Member who was using Mobile Crisis several times in the Concord area and who offered testimony at the Legislature about how effective it was for her. And certainly in her mind avoided what had been a pattern of hospitalizations that she had had previous to being able to access Mobile Crisis.

DIRECTOR MALACHI: Oh, I'm sorry.

DIRECTOR NORTON: And I should also add that the three Mobile Crisis Teams in New Hampshire do come together with crisis apartments that can be accessed for 72 hours. So it isn't just that standalone Mobile Crisis alone. They can bring people back to these 24/7 staffed mobile -- I mean, 24/7 staffed crisis apartments where people can get stabilized.

DIRECTOR MALACHI: And I would hope, whether it be anecdotal information that's given to us for the purposes of this Commission, or if we carry on, or if there's other information, I would also be interested in learning what things were not satisfactory, so that if this becomes a way that we address these issues that we can approach that.

I accidentally came upon some information relative to the Concord Crisis Response Team. And it was a conversation that wasn't related to this. And the information was that a phone call was made and the person who made the call for a family member, it was known to the Crisis Response Team that this person needed assistance. And from what the family member shared, they never showed up.

So that could create another issue with having to have Police come, if the person's threatening bodily harm to themselves, which they were, or others. Now the Police have to get involved. So we could certainly figure things out.

To dovetail off of that, how has the messaging gone forth so that family members and/or maybe the general public, if there's a situation at a convenience store, and this person, it may be somewhat obvious that they're having a mental-health issues. And let's keep it in Manchester, because they have a Response Team there. Has there been a public information campaign that would teach the public to make that call for the services we have now? Or is it primarily family members that are trained, or given information, to reach out for these services, in lieu of Police?

DIRECTOR NORTON: Thank you. That's an excellent question. And I believe that there have been public information campaigns. And some of that may be ongoing. But I think it's sort of unfortunate that it's until you need something like that, you may not really pay any attention to it. And so, you don't retain that information. And that's why I think having a national three-digit mental-health crisis line is going to be so important, because that would be the way to funnel that call and to get an appropriate response to the individual.

DIRECTOR MALACHI: Could you see what you're speaking of work in partnership with the Know the Signs campaign? I mean, I know that that's something that former Chief Justice Broderick is very keen on. And he's been very public about his son's issues with mental illness, and unfortunately them not knowing it and the son having to become involved in the criminal justice system. And it was actually in jail or prison, I think, at that point that they were able to even determine that he had a mental-health issue. And they began addressing that, because, as you mentioned before, he had cooccurring issues. So, is there a way, or is there some conversation about putting those things together, because the Know the Signs campaign has moved out into schools, into workplaces, and into the general lexicon of conversation?

DIRECTOR NORTON: Sure. That's, I mean, an excellent suggestion. Work pretty closely with Judge Broderick; I spoke with him yesterday. And he's one of my heroes. He's done a phenomenal job in increasing public awareness and perhaps more important than just increasing public awareness, in generating conversations about mental health and mental illness among families, with schools, and in communities. And that's all part of that. Increased awareness is an important driver for people to get help and to understand what resources are out there in the community and are available to them.

DIRECTOR MALACHI: And one last topic I wanted to ask you about -- and I appreciate the Commissioners that yielded time. I'm obviously using all of it. So I appreciate that. It was not unnoticed. You mentioned before regarding mental health for Police Officers, so not so much training for them and how they would deal with people suffering, or suffering with mental illness.

However, how would you see the mental-health work to be done with Police Officers? I mean, is there a recommendation on a program, or a way that the actual services would be deployed to Law Enforcement Officers? Has there been that conversation yet?

DIRECTOR NORTON: Yes. Thank you for that question. And like anything, it's somewhat complicated. But I think that if we look to New Hampshire State Police, they've been a model relative to this. They've had a Peer Support Program for about 10 years. And I'll say a little bit more about that in a moment.

They're not the only one that has that Peer Support Program. Manchester, I think Nashua, there are other Departments that have Peer Support. And there's also Granite State Critical Incident Stress Debriefing Team, which has been around for about 20 years that are other First Responders and Mental Health Professionals that go in and do debriefing after critical incidents.

But the challenges that you can imagine for Law Enforcement and First Responders are, again, we're a small State. And we all know each other. And we're bumping into each other. So if you are having a mental-health issue, where do you go? And does that jeopardize your career, because of the discrimination and the stigma that's involved with mental health?

And this is why Peer Support becomes so important, that to have that support of a trained peer -- and these are not mental health counselors. These are other Officers who you can go to and confidentially -- because there was a law passed to protect that information that Peer Support Law Enforcement Providers provide to each other -- to help guide them to treatment.

And they have been incredibly effective at getting people who need hospital admissions admitted. There is a special unit. I mean, there are some different ones. But there's a special unit at McLean Hospital in Boston for First Responders and Law Enforcement to address their mental-health issues. I believe that Brattleboro Retreat may have one, as well.

Many of our Law Enforcement and First Responders are Veterans. And they may be able to access care through the Veteran's system, as well. But we also need more Providers in the community that are trained, or can specialize in how to deal with the special needs, particularly related to trauma, for our First Responders and for Law Enforcement. And there are certainly some, but, again, few and far between. And I think that people may be reluctant to seek out a General Practitioner around that.

We did, as a State, pass legislation in 2019 to change the law regarding Worker's Compensation, so that there's a presumption for First Responders of PTSD. It lowers the threshold of what they need, if they're filing a claim relative to PTSD. And obviously there's not a flock of people coming in, as a result of that law. But it does begin to change the culture and to let people know that we, as a society, recognize the incredible duress that our First Responders are faced with on a daily basis, when they see us at our worst.

And so, it is about culture change. I think that there has been significant culture change among Law Enforcement in recognizing their own mental-health needs. But we need to look at ways to strengthen that and improve that statewide.

DIRECTOR MALACHI: Are EAP services something that could be utilized? Or do you feel that they're not uniquely qualified to work with Law Enforcement?

DIRECTOR NORTON: Thank you for that. And yes, Employee Assistant Programs I think are readily available to Law Enforcement, depending on their coverage and their health plan. Certainly among State Employees, that's available. But oftentimes, those are just a preliminary. You get three appointments kind of thing, and then they may refer you on to other folks. I know that the Peer Support Program does work close with -- for State Police does work closely with EAP. And that certainly is a resource that's available to Officers and First Responders.

DIRECTOR MALACHI: And the Peer Support Program that you mentioned, is that per Department? Or is it one unit that goes and helps out?

DIRECTOR NORTON: Well, I might let Commissioner Quinn answer a little bit relative to that, because he's been very involved. But certainly, at State Police, they have a couple people that are in lead roles. And then, they have trained throughout State Police Peer Support Counselors. So they are available at different barracks and regionally throughout the State.

And then, different Departments, I think, handle that in different ways. But obviously it's the larger Departments that have this Peer Support. And while I think it's fair to say -- or maybe the Commissioner could answer -- I think that the New Hampshire State Police Peer Support Program doesn't turn any Officer away, whether they're a State Police or not. We need to expand those supports and the availability of that around the State.

DIRECTOR MALACHI: Director Norton, thank you very much for your testimony. Thank you for answering my questions. Just one final statement: it sounds like, from your testimony and so many others that have given testimony over the days, that we have a variety of good things that are happening across the State. But we seem to be struggling, however, with what I'd like to call information bunkers. And that seems to be contributing to a lack of statewide availability for solutions.

So, hopefully some of the recommendations that this Commission can give would help to interconnect different areas that are doing different things across the State to make it so that everyone can find out what these great ideas are, and these really awesome practices, so that they can institute those in their neighborhoods and communities. Thank you very much again for your testimony. Thank you, Commissioners, for bearing with me.

DIRECTOR NORTON: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commission Quinn, you're next. Questions or comments, and certainly feel free to continue the conversation that was just had about the Peer Support that you're so very familiar with.

COMMISSIONER QUINN: Oh, good. And I'll try and be brief, everybody. I know we're getting close to noontime. But I want to start with there was a little discussion about 911 and how, if we increase these Crisis Intervention Teams, how calls could be transferred.

I would just say that our Director, Mark Doyle, was a former Police Chief in Merrimack. And I know Division of Emergency Communications falls within the Department of Safety. And we will be happy to continue these conversations with the mental-health community and Police, Fire, and EMS to make sure if we are migrating towards that, that it's done correctly. So, we're happy to continue that after this Commission's done and work with it.

I also just want to just add this. Although this is a Law Enforcement Commission, as we talk, as Ken mentioned, if we're shifting some of these calls, I think this training's important to ensure that all First Responders on the Fire side and on EMS are included in that, if they have to deal with folks that are in crisis or suffering from some substance abuse disorder.

But to the most important part, I just want to say this. I listened to Ken's testimony. I think it is spot on. And I will say this. This Commission is going to be tasked with making some very important recommendations. And I think that the training that Ken discusses is probably at the top. Anything that we can do to keep Officers safe and those that are in crisis safe, and deescalate I think is just paramount.

And I also want to say this. We have been fortunate. I have been fortunate to have access to Ken. And just on the Department of Safety State Police, just to kind of just give a little insight to Ahni, the Peer-to-Peer Unit, as Ken said, has been up-and-running for about 10 years. We were fortunate to have Russ Conte, who retired as a Major, but stayed on in his capacity as I would say our overall Wellness Coordinator. He works very closely with Seth Garr. Seth is a Trooper that's been on and has been in that Unit for quite a few years.

We have had different State Police Members that go to the training. They join the Peer-to-Peer as Peer Members. They stay on for several years. And then, they might shift them around. And we increase the capacity and expand the knowledge.

So, in short, I would say this. What Russ and Seth have done, with Ken's help, and others, is expand our network of services, and have access to services, while maintaining confidence and integrity in that system. And so, it has worked very well.

I will give credit to Ken, though, with Russ having access to Ken and his training and I would say mentorship, and guidance. It's not something that's ever going to be done, though. It is a continuous process, because, as we say, we know some of the crimes that Officers have to respond to. And while they go and investigate, and respond, and do their jobs, when their shifts are done, they have to go back to their families and have a life.

So, as we read the newspaper at night and see, look at a violent crime, we have to remember that those who have been tasked to investigate, including Prosecutors and those in the court, there's a lot of folks that are impacted by this. We have to invest in their wellness to see them through the end of their careers. So I think it's very important.

I will just say this. We've trained 60 Troopers already in CIT, with Ken's help. Russ Conte got a grant. We're expanding that. And the Troopers love the training. It works. It's being utilized in the field. There's been tremendous outcomes with the training.

So, we have a lot of important work to do. And I just think that what Ken is doing, shining a light on the mental illness, and getting the right folks to get the right treatment, and have the outcome that we all want, is something that we need to continue to work on.

So, I hope that helped. And Ken, thanks for what you're doing. Thanks for always taking our phone calls. And access to information is very important in this line of work. And Ken has availed himself to us, and trying to help us navigate through a challenge that should be front-and-center. So, thank you, Jane, for the time.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Mr. McKim, I think you are back with us. Welcome. Questions or comments for Mr. Norton?

MR. MCKIM: Not at this time, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Any other questions or comments, in regards to Mr. Norton's presentation?

(No respond)

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. So we will move on to our other business. So, you'll be glad to know I have a game plan for us for next week. So we sent the proposed outline. I don't think that we got any feedback. So, given that proposed outline, there is one addition under Section 2, which is our first task, training curriculum, procedures, and Policies. So we have Police Standards and Training, New Hampshire State Police, local Police Departments. We have added a IV, which is recent legislative changes based on the law that was passed on July 16th.

So, I have really good news. The Attorney General has been working diligently over the past week. So we have a draft for Section 2 that encompasses A and B. So what we have to fill in will be C, the recommendations. So, at the end of today's meeting, if you probably give us an hour, we will send you a Draft Report to look at. So you don't have any homework in regards to that over the weekend.

So, what I'm going to ask you to do over the weekend is to do those recommendations. Have them to us by Monday at noon. We will, then, spend Monday afternoon going through those recommendations, building them into the Report, trying to de-dupe them. And then, we will get that back out to you Monday by the close of business, whatever sort of that means in our world here.

We will not meet on Tuesday. What you will spend Tuesday doing is looking at the Report and all the recommendations. We will meet on Wednesday at 9:00. I think just the way that we've been doing these meetings, we should probably block off three hours.

Each Commission Member will have three minutes to go over their recommendations. And then, at the end, we will take a vote on each recommendation. You will also comment, if you have any corrections to the Report. We will get that turned around hopefully Wednesday, get it back other to you. And then, we can take a final vote on Friday. So, what I'm going to ask is, do I have a Motion to Accept the proposed outline, with the addition of the IV for recent legislative changes?

JUDGE GARDNER: I'll so move.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So Judge Gardner moves. Do I have a second? Okay. Chief Edwards. So I'm going to take a roll call for the proposed outline as it is with that one addition. I will vote yes. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, sorry. You made the Motion. Sorry. Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Eddie, you made the second. Ms. Tshiela?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. I think that that probably covers it. Anybody have any questions as to where we're going on that? John?

DIRECTOR SCIPPA: I guess I would just ask. During the deliberative session of this Commission, would it be of greater value if we were all sitting in the same room, notwithstanding the situation as we find it with the pandemic? But could we be a little more nimble if we were all in the same room, as opposed to using this technology to deliberate? I don't know. I've never done this before. So, I'll defer to those who have.

DEPUTY ATTORNEY GENERAL YOUNG: So, as the Chair today, I'll do whatever you want. If you want to make a Motion to all get together, we would just have to find -- we would find a location. I would still want to do it Wednesday at 9:00, because we have sort of the deadline for Friday.

I've spoken to the Chair, the Attorney General. And he wants to see a product. We can get him a product. I mean, if we can get some good movement on Wednesday, then he'll consider the request to extend it. So I think we have some fair amount of work to do Monday, Tuesday, Wednesday.

So if you think that it would be more fruitful to be together, you want to make a Motion, somebody wants to second it. We will take a vote. We will find a location. You probably have a location. I mean, you probably have more space than anybody, correct?

DIRECTOR SCIPPA: Unfortunately, I had to split the class in half, because I can't have them sitting that close. So I'll withdraw this topic.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, because we would have to find a location that we could -- if the public wanted to attend. Okay. All right. So, again, we will get you a draft of the Report, following this outline that was just approved. We will get that to you shortly.

You will get to us on Monday, by noon, your recommendations to fill in Section C, the Commission Recommendations. We will put those together. We will add them to the Report. We will try to de-dupe them if we can. We will get them back out to you on Monday.

You will have Monday night and Tuesday to go over them. We will reconvene Wednesday at 9:00 a.m. Each Commission Member will have three minutes to discuss his or her recommendation, as well as any comments on the Report. We will take those back. We will put out what hopefully will be a final draft. And we will take a vote on Friday. Does that make sense to everyone?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: And then, we will have the first chapter of our book report done. Okay?

DIRECTOR NORTON: I have a question. It's Ken.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, hi, Ken.

DIRECTOR NORTON: My question is, because we haven't had a chance to talk amongst ourselves, and you've already identified that we anticipate that there will be duplicative recommendations, how will we determine who's going to speak to the recommendations? And as you eliminate duplications, will you maybe assign out so that we kind of know who will be speaking to what recommendations? Does that make sense?

DEPUTY ATTORNEY GENERAL YOUNG: So, that does make sense. So when we get them back out to you, you can certainly call one of the other Members. If there are emails that everybody's on, those will become public records.

I don't know that we have sort of sorted out how we're going to de-dupe them. Maybe the first person up can sort of talk about it. I mean, I think that we'd probably all agree there's probably going to be a recommendation for additional training in the area of implicit bias or diversity. That's probably going to show up on everybody's list. The first person up, if they cover all the points, somebody else can just say, that's already been covered. I suspect that there will be areas that we will see. Does that make sense?

DIRECTOR NORTON: Okay, yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

DIRECTOR NORTON: And maybe we will just do some emailing with each other. And that can become part of the public record between Tuesday, after we see the Report and have a chance to review it.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, certainly. Julian and then I'll go to you, Commissioner.

ATTORNEY JEFFERSON: So, to the emailing us back-and-forth, to one of the first points that was brought up about that being unauthorized deliberation not being in the public sphere, I don't know what we should be concerned about doing that, or if that would just be deemed procedural. I think one solution I would have is just everybody send in their recommendations. And we just deal with the recommendation one at a time. And whoever wants to comment on the recommendation can comment on the recommendation, so that way we're not dealing with a recommendation from a particular person.

We're just saying, here's the recommendations. The Chair creates one master list, so there will be no duplication. And let's just go through the recommendations one-by-one. And let's deliberate on them one at a time would be my thought.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner?

COMMISSIONER QUINN: Yeah, good afternoon, everyone. I just wanted to remind and update the Commission. At one of our prior meetings, I volunteered to work with Chief Edwards, Chief Dennis, and Director Scippa to kind of get maybe a spreadsheet as to what cost might be.

So, just for the Commission Members, we're trying to finalize that now. But what we tried to do -- and we worked for a few hours on two days. And we're trying to give you a spreadsheet that's easy to understand in what are the current costs for recruitment. What are the current costs to recruit an Officer? And then to get them into the Police Academy, what are those costs?

And then, I think we all understand what the current required training hours are, and what those costs are. And then, if we were to increase it, say 24 hours, what might that look like? And we also tried to include in there the current training that already goes on and is required, if you're in a specialty unit.

Again, we didn't want to overcomplicate it. But I think we need to frame out, so that everybody understands what is taking place today. What's current state? What are the costs at current state? And what might the costs be of future state, which does not include all the different and unique contractual requirements? But we basically took a dollar amount, an average, and any backfill would be time and a half at that, if that's required.

So I guess what I'd want you to know is we're going to try and get that finished, get it out to the Commission so that you can see it and just understand it. Know what the costs are, as we make the recommendations.

And I'm happy, and I know the team is happy, to answer any questions. But we looked at it from a local, State level, and PS&T level. So I'm happy to answer, or Charlie or John, any questions you might have before you get that. And like I said, we tried to make it as clear as possible. And it is an approximation.

DEPUTY ATTORNEY GENERAL YOUNG: Any other questions, concerns, comments? Ahni?

DIRECTOR MALACHI: So, I'm trying to form my question here. When Director Scippa offered the information on the EPIC/ABLE, it was an open house that we could participate in to understand what that training looked like, or what it was, what it looked like, and why it would be potentially beneficial for New Hampshire, I believe that's something that the State is moving towards.

So, if the State, Standards and Training, is already moving in a particular direction, meaning has signed up for training and it's a thing, are we still making that a recommendation? Or are we supporting something the State is already doing? Maybe that's more procedural, but before we start discussing the recommendations, I just wanted to be clear.

DEPUTY ATTORNEY GENERAL YOUNG: So, John, can you answer that? Sorry, I think I have construction going on here.

DIRECTOR SCIPPA: I'm happy to speak to that. And thank you, Director Malachi. The recommendations that I will put forth is that -- one of those is that we strongly consider introducing this block of instruction, ABLE, which it was EPIC training. Now it's ABLE training, fair and impartial policing, and better communication classes than we have now. So, those will be recommendations that are reflected, with the understanding that I am taking steps to be ready to implement them, if, in fact, these are recommendations that are approved by this Commission.

DIRECTOR MALACHI: One follow-up, so let's just say that the Commission didn't necessarily select ABLE, but there was value in it. The Commission didn't say don't do it. But let's say the Commission didn't recommend it. Would you still move forward, because you see value in it? And then, if that's the case, if that's a -- I guess what I'm asking is, if it's a trajectory that's already happening, do we make that a recommendation? Or do we simply support either what's already being done, or what you're signed up to do, which is days away practically from happening? Does that make sense?

DIRECTOR SCIPPA: So, the quick answer is that, if the Commission says don't do it, then obviously I won't. I personally see value and I think everybody else sees value in these programs. And so, my efforts are going to be to move that towards delivery at the Academy.

And the other thing that I think everybody in the Commission should recognize is that I have a Council that acts as my boss. And so, a lot of these recommendations that will come from this Commission's Report and efforts, anything that would impact New Hampshire Police Standards and Training, I would, then, have to turn around and go back to the Council and speak to those recommendation.

They would (inaudible) my opinion, as the Director of the Academy, as to what priority they should be in, or whether the Counsel would even support those. I do know that one of my bosses is on this Commission. And I'm sure that she sees the value in what we're trying to accomplish here, as the rest of the Councilmembers would. So, I don't see that it would be more procedural than anything else for me to take this to the Council.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. McKim, you have a question, and then Chief Dennis, you have a question as well? Okay. So we will start with Mr. McKim. Yeah.

MR. MCKIM: Thank you, Deputy General. So this is actually one of the areas that I have a grave concern about. And I certainly appreciate the Commissioner, Commissioner Quinn in his work on identifying costs for the things that we've been talking about.

But my concern is also around the funding process overall, because the Director and anyone who's in charge of training can have identified great training and can be desirous of implementing it. But if the funding is not there, it's not a priority from the legislative perspective as the funding gets put into the budget -- and we all know that budgets get cut. And what is the first thing that gets cut? The training. So, that's why I was really concerned and I really want to understand the funding process so that we can make some recommendations around that process to ensure that the training that we're recommending actually is going to take place in a sustainable fashion over time.

DIRECTOR SCIPPA: Mr. McKim, I wholeheartedly agree and support that position.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

DIRECTOR NORTON: This is Ken. And I would just like to add that I share those concerns, but also share the concern about municipal funding. And with 230 Departments plus around the State, how do we -- we can take some action at a State level. But how do we require that, or how do we make that sustainable? And that's a concern that I have, relative to recommendations. And again, that's not just the offering of the training. It's the cost for that local Department to send somebody to the training.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Chief Dennis, comment, and then, Joseph, I know you had your hand up.

CHIEF DENNIS: Thank you, Deputy. And just to follow up to Director Malachi's question and Director Scippa's comments, I mean I do think this is something that does need to be looked at as a recommendation. I think it's important, if you look at why we are here today. Not only is it because of recent events, it's also events that have been occurring over time.

The duty to intervene is a big one that's been talked about and been mentioned. The ABLE deals with that. The reporting of Police misconduct, the ABLE program, or the EPIC program, deals with that. I think it's important that all Law Enforcement in New Hampshire goes to that training. And I think through having a recommendation from the Governor's Commission that requires that, versus it being left up to each individual Organization and Agency, which we've talked about the differences, that it should be mandated.

Is there a cost factor, like Mr. McKim says? Absolutely. That's where we, as a Commission, are going to have to look at priorities and what priorities are most important for us to move forward with this Commission. So, that's my comments. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Chief. Yeah. Joseph, and then I'll go to Ahni.

MR. LASCAZE: Sure. My comments are directed for Commission Quinn. With the spreadsheet that you are making, I remember that there was testimony that we had received specifically about end of the year fiscal spending that is done on items that are not necessarily needed, but that are done to stop budgets from being decreased. So, what I was wondering is if, in the spreadsheet you're providing, we could -- is there any looks at that specifically, the last month of the fiscal year, how much spending is being done on those line items that were referenced?

COMMISSIONER QUINN: So, yeah, thanks for the question, Joseph. I can only speak to Department of Safety. I think that you would have to check with all the different municipalities. They're budgeted at the local level.

But I can tell you, from where I sit, there are different line items. And I can explain it more in detail as to how these are budgeted. But for Department of Safety, we have some lines on the instate and out-of-state training, and the travel that's associated with it. And those funds are generally limited.

The different Bureaus do a good job with kind of planning that out to see what training they need. Some of our training's required, whether it's the forensic lab. So, we know when we start the biennium, the fiscal biennium, the two years, what we have. And we try and manage it very closely to ensure that we can make most importantly the required trainings.

A lot of the training that we do at Department of Safety is done on-duty. There are no overtime. The Troopers are on-duty. And they're assigned a training day. So, I know what you're trying to determine. Is there a larger pot of money here that could be spent on training that is not? Is that kind of what you were trying to look at?

MR. LASCAZE: Thank you. I'm sorry. I keep forgetting. Yeah. So, I'm just looking to see. Right now, our State is going through crisis, as the rest of the world is. And especially when it comes to funding, and we've already heard that there's going to be a \$500,000 shortage that's going to happen.

And so, I'm just looking to see. With these resources that are -- I mean, with these reforms that are needed, is there ways that we can reallocated already existing funds into what everyone is agreeing is needed? So that's why I was looking to look for that.

COMMISSIONER QUINN: And I think we need to add a zero to the potential shortfall, too. It could be in the millions. But I think that's a larger conversation. And I think what you're saying is, should decisions be made prior to the budgets being done -- and I'll let Chief Dennis chime in on this -- how are you spending your money? What are you investing in?

So, I think that is maybe a larger conversation for the Commission. And I can't narrowly answer that. But if you're asking, are there funds that could be captured immediately to increase training? I don't see them in my Agency.

But your second question is, well, moving forward, might you not spend your dollars on this and spend your dollars on training? And I think that's an operational question that would have to be answered by each Police Chief or Town Manager, or Head of the Agency. But it's a fair question.

And I would be happy to talk more offline, expand these conversations. But with our training budget, it's very limited. And it's always utilized to ensure that it gets done. But we generally don't lapse a significant amount of money where it can be used for training.

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

COMMISSIONER QUINN: Sure.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, gentlemen. Ahni, and then, Mark, I know you have a question.

DIRECTOR MALACHI: Yes, really quickly to circle back around to Chief Dennis who was answering my question, so to put it into short words, by the Commission making a formal recommendation, whether it's something that is already in the pipeline to be done, or is on the vision board to get done, by this Commission coming together in agreement and making a recommendation for it to be done, it carries a different weight and will assist in the process of making sure that the vision board item, or the item in the pipeline, actually happens. Do I understand you?

CHIEF DENNIS: You did a very great job of saying that simply. So thank you very much. You're absolutely right. I think again it sets a priority for us. I think it reinforces that. And sometimes I think things need to be kind of like the eight hours that PS&T already mandates. You're going to do this training. It's mandated. Agencies know we have to do that.

I think these specific trainings that we're looking at that we think need to occur, we need to make sure they're mandatory. And whether they're in the pipeline -- I know the Director's working on that. This just reinforces, this is a top priority for New Hampshire Law Enforcement. We recommend that it gets done.

I know Director Scippa's working with the ABLE group. I'm not sure what the costs were. And this goes back to Mr. Lascaze's question. Certainly if the State is able to bring that training, then the local Agencies are going to have to pick up getting their people to that training, the travel cost, any backfilled cost. But as long as they know that's mandated, that helps them, when they're preparing their budget, to be able to cover those costs.

DIRECTOR MALACHI: Okay. And really quickly, Director Scippa, so, in your recommendations, the things that you are working on, you are putting those into your recommendations so that if there's something that the general Commission didn't have knowledge of as of yet, because maybe we didn't touch on that subject, you're making that recommendation. We can see what those items are?

DIRECTOR SCIPPA: Absolutely.

DIRECTOR MALACHI: Thank you very much, everyone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Mark, question/comment?

LIEUTENANT MORRISON: Just very quickly, I just wanted to sort of clarify something that Mr. Lascaze brought up from the earlier testimony. Having worked on the budget here, very often what happens is the Chiefs and Administrators of budgets have to keep a cushion, if you will, so they don't go over. I know specifically going over is problematic for Police Chiefs. And they can be fired.

And as an example, if you have a snowstorm, or an emergency, a major event, that could be tens of thousands of dollars in a budget. And it can be gone in a day. So, we oftentimes have to hold off on purchasing things that we would have purchased earlier in the year until the end of the year, when we know there might be money left for it. So, our budget isn't reduced when we don't spend it. That money just simply goes back to the general fund, or is frozen by the town. So it's more a matter of strategic planning for the budget process.

And I'm also in agreement with the Chief and the Director that this is something that should be built in. And it should be built in sort at the beginning of the year, because you can't depend on the end-of-year sort of spending to cover something that you definitely want to make sure you have.

MR. LASCAZE: Oh, absolutely. And I agree with it being thought of beforehand. I wasn't saying we should depend on the end of the year. I guess I was just looking for a general number of what the end of the year spending looked like to see how much of that it -- because if we were hearing testimony that these items that are being spent at the end of the year aren't necessary, and you're saying that they are, I guess I'm just trying to wrap my head around that. And what does that look like? How much is that? What is it being spent on to find this training, I guess?

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, Rogers, Eddie, and Ahni, that's the order now. So, Rogers, you're all set.

MR. JOHNSON: Thank you, Attorney General. One of the things that we need to understand is that we're at the very beginning of the fiscal year, specifically for the State of New Hampshire. And in many instances, because of COVID-19, we're also at the beginning, if you will, of the fiscal year for the various municipalities, although they've been going on for several months. Most of these budgets have just been voted on in the last, I say, two, three, four weeks.

Recognizing that there can be monies left over at the end of the year, in many instances the end of the year is either five, in the case of the State, 11 months away. There's no way for anybody to know what's going to happen within those fiscal priorities.

So if these are things that we want done in terms of our recommendations, there's really two ways to do it, relative to the State. It's got to be put into the budget that the Governor submits in early-February. And you would need to submit them, in terms of potential legislation, the traditional New Hampshire belt-and-suspenders approach. And then, it'll be up to the Legislature to find the money for these processes.

Otherwise, it's good to know what you want to suggest and then allocate the money -- or request that the money be added. It may not be our decision. So, we need to be careful to understand what the realities are, because, in some instances, either municipalities won't be able to do it, because they're in the middle of their budget process, or the State can't do it, because of issues with the budget, as it goes forward.

Now, there's silver lining in all this is you never know what the Federal Government's going to do, although I'm pretty familiar with the next COVID Bill and the one after that. But at this point in time, I don't see a whole lot of money coming out of Congress for this next iteration to help out the States for their finances. So, all these things need to be taken into account. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Eddie?

CHIEF EDWARDS: Yes. I just think, for clarification purposes, we're having two different conversations. I think Joe's question was leaning against a statement made earlier from some of the witnesses we heard, particularly one who made a statement about funds being left over and then spent on things that are not really relevant. And I think that may be from her particular experience, but that may not necessarily be the case across the board. I know it's not the case across the board. So she made that statement. I think that's where Joe's question's coming from.

The other issue is that I think we all recognize that funding is going to be an issue. That's why the work that the four of us have been doing offline in trying to prepare costs of training or recruitment, and those things that Commissioner Quinn pointed out, are forthcoming.

So I think we're going to have to wait until we get the numbers that we're trying to produce for the Commission's discussion. But as I see this conversation, it appears to me that we're talking about two separate things.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

DIRECTOR SCIPPA: And if I could just add something, I think that I guess my own front porch view of this is that the Governor asked us to look at the issues specifically with regard to training and with regard to transparency, Police accountability, and engagement in the community. And I don't know. I think, as a Commission, we should render recommendations and not predicate those recommendations on whether funding may or may not be available.

I just think that if we're making decisions just based on money, let's agree that unless it's (inaudible), we probably shouldn't even make a recommendation at this point, because we're looking at a \$500 million shortfall. So, I think we need to make all recommendations that we feel as a Commission are going to speak to and enhance these areas that we were charged to look into. And that's just my opinion. But I wanted to share that with the Commission Members.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, Ahni, I'm going to let you comment. And then, I'm going to have to shut it down, because we're an hour over.

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: So, Ahni, you have the floor.

DIRECTOR MALACHI: Yes, I'm all set.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. All right. So, we have our game plan. We will execute it. We will deliver this first section on-time. We will get an A on it. And then we will move onto the next section. Sound like a plan?

(No response)

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Have a great weekend. It's supposed to be -- oh, no, sorry. So, they wanted me to end the meeting. Sorry. Joseph, anybody want to second Joseph? Sorry.

LIEUTENANT MORRISON: I'll second, Mark.

DEPUTY ATTORNEY GENERAL YOUNG: You all volunteer for that very quickly. John Scippa seconded. So I will vote yes. Ms. Tshiela?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Eddie? Yes? Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. -- no, Joseph, you already went. Ken?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Mr. McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Rogers?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Ahni?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: And I vote yes, too. Okay. Now, I can say have a nice weekend. The weather's supposed to be perfect. Bye, everybody.

DIRECTOR SCIPPA: Bye, thank you.

MR. MCKIM: Thank you, everyone.

(Meeting adjourned.)