



**New Hampshire Commission of Law Enforcement  
Accountability, Community, and Transparency**  
Remote Commission Meeting via Teleconference  
Friday, July 31, 2020 at 9:00 a.m.

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**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*; and Nicole Clay, *Assistant Attorney General, New Hampshire Department of Justice*.

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**DEPUTY ATTORNEY GENERAL YOUNG:** Good morning, everyone. This meeting is being recorded. I am Deputy Attorney General Jane Young. And pursuant to Executive Order 2020-11, I am serving as the Attorney General's Designee.

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

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

**COMMISSIONER QUINN:** Good morning, Deputy and fellow Commission Members. Robert Quinn, Department of Safety, I'm at my office, 33 Hazen Drive in Concord. And I am alone.

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

**DIRECTOR MALACHI:** Good morning, doing well. So, Ahni Malachi, Director of the Human Rights Commission, I'm in my home in Penacook. And I am alone.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Director Scippa, are you with us? There you are. Good morning.

**DIRECTOR SCIPPA:** Good morning, Madame Chair. John Scippa, Police Standards and Training, I am in my home in Exeter. There are other adults in the house, but they are not in the room. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Commissioner Johnson, good morning. Welcome.

**MR. JOHNSON:** Good morning, Attorney General Young. Good morning, fellow Commissioners. I am Rogers Johnson, Chair of the Governor's Diversity and Inclusion Council. I am at my home office in Stratham. And I am alone, somehow.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you.

**MR. JOHNSON:** Welcome.

**DEPUTY ATTORNEY GENERAL YOUNG:** President McKim, good morning. How are you?

**MR. MCKIM:** Good morning, Deputy Attorney General and Commissioners, and everyone here. This is James McKim. I am in my home office in Goffstown. My wife is in her home office just across the way of the house. Other than that, we are alone.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Judge Gardner, good morning.

**JUDGE GARDNER:** Good morning, Deputy General. Sorry, as you can tell, I have a dog and other members in the house. And it's the kitchen area. And I am in Rye, New Hampshire. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Lieutenant Morrison, good morning.

**JUDGE GARDNER:** Good morning, everyone. Lieutenant Mark Morrison, acting in the capacity of New Hampshire Police Association President, I am located at the Londonderry Police Department, Londonderry, New Hampshire. And I am alone in my conference room.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Chief Dennis, good morning.

**CHIEF DENNIS:** Good morning, Deputy Young and fellow Commission Members. I'm Charlie Dennis, Chief in Hanover, President of the Chief's Association. I'm at my office at the Hanover Police Department at 46 Lyme Road in Hanover, New Hampshire. And I am alone.

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

**DIRECTOR NORTON:** Good morning. Ken Norton, I'm in Penacook, New Hampshire. And there are other family members here with me but not in the room with me.

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

**MR. LASCAZE:** I'm doing well. You, Deputy Young?

**DEPUTY ATTORNEY GENERAL YOUNG:** I'm good.

**MR. LASCAZE:** Good. Joseph Lascaze, I am the Smart Justice Organizer and Representative for the ACLU of New Hampshire. I am at my residence in Bedford, New Hampshire. There are two family members here, but neither one of them are in the room.

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

**ATTORNEY JEFFERSON:** Good morning, Deputy Young. I am in my office in Manchester, and I am alone.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Chief Edwards, hello.

**CHIEF EDWARDS:** Good morning, Deputy Young and fellow Commission Members. I am in my home in Dover. And my wife's in the other room.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. And good morning, Commissioner Tshiela. How are you?

**MS. TSHIELA:** I'm good, how are you?

**DEPUTY ATTORNEY GENERAL YOUNG:** I'm good.

**MS. TSHIELA:** I'm at my home in Durham, New Hampshire. Two people are in the home with me, but they're not in the room.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. So we are all present and accounted for this morning. So, thank you. The next matter that we will take up are approval of the Minutes from Wednesday's meeting. Has everybody had a chance to look at those?

(No response)

**DEPUTY ATTORNEY GENERAL YOUNG:** So I will tell you that I didn't read them until this morning. And on page 6, I have an amendment. When we were talking the other day, when Lieutenant Morrison asked that the last line be stricken from one of our recommendations that we wanted to have in there, he wanted the sentence in there, "This should be accomplished with the assistance of advocacy groups that represent the viewpoints of communities that have traditionally had adversarial relationships with Law Enforcement."

Lieutenant, you wanted that stricken and replaced with language in your recommendation, which was "with community partners from New Hampshire NAACP, the New Hampshire ACLU, and the New Hampshire Commission for Human Rights or equivalent partners." We added that language.

I think that when we were taking the Minutes, we then incorrectly added "the actual training to be performed by Police Standards and Training Council." We did not vote on that. That was not included in the recommendation. That has made itself into the Minutes. So I would move that on page 6 of the Minutes, that line be stricken. So that would be my amendment. Do any of the other Commission Members have any amendments or comments on the Minutes?

Okay. With none seeing, anybody want to move to approve these Minutes? Whoops.

**JUDGE GARDNER:** So move.

**DEPUTY ATTORNEY GENERAL YOUNG:** Rogers, I think your mic is off. Did you move?

(No response)

**DEPUTY ATTORNEY GENERAL YOUNG:** Whoops, his mic is off. Kim, Fallon, can you tell him that his mic is off?

**MS. REED:** I just unmuted Mr. Johnson. He's good to go, sir.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay.

**MR. JOHNSON:** Yeah, I said moved, as amended.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. And Judge Gardner, you're a second?

**MR. JOHNSON:** You're welcome.

**JUDGE GARDNER:** I'll second it.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Thank you. Commissioner Tshiela?

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards?

**CHIEF EDWARDS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Attorney Jefferson?

**ATTORNEY JEFFERSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Lascaze?

**MR. LASCAZE:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Norton?

**DIRECTOR SCIPPA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Dennis?

**CHIEF DENNIS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Lieutenant Morrison?

**MR. LASCAZE:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Judge Gardner second. President McKim?

**MR. MCKIM:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Commissioner Johnson was the first.  
Director Scippa?

**DIRECTOR SCIPPA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Director Malachi?

**DIRECTOR MALACHI:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Quinn?

**COMMISSIONER QUINN:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** And I am also a yes. So that will take us to our real order of business, which is the Report. So I will tell you that the Attorney General has made the request, the extension. The request was for 60 days. So we're waiting a final word back on that. So I will try to get you an answer by the end of this meeting. So I know that that probably question will come up.

But I think what we need to do right now is to go through the Report and through the recommendations that we voted on. So, everybody having reviewed the Report, I am going to go through. I'll call you one-by-one.

Let's just stick with the contents of the Report, not our recommendations. Then we will go through and we will talk about the recommendations, because I have sort of a technical edit to one of the recommendations that I want to discuss with you.

But as you'll see in the Report, we tried to be consistent. We tried to use Law Enforcement Officer instead of Police Officer. Law Enforcement Officer was what was defined in the Governor's original Order. We went through and I think we tried just to be consistent with naming terms.

So, I will start with you, Commissioner Quinn. For the body of the Report, exclusive of our 18 recommendations, do you have any edits or comments?

**COMMISSIONER QUINN:** No, I do not.

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

**DIRECTOR MALACHI:** No, I do not.

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

**DIRECTOR SCIPPA:** I believe there is one portion of the document that does not have to do with the recommendations that myself and another Commission Member spoke about earlier this morning. And I will let Commissioner Lascaze express his concerns. But whatever those concerns are, I would support the amendment that he put forth.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Thank you very much. Commissioner Johnson, comments, questions, edits?

**MR. JOHNSON:** No, none such.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. President McKim?

**MR. MCKIM:** Thank you, Deputy Attorney General. I actually have a somewhat philosophical question. I was reviewing our charge. And being the grammar Nazi that I am, I'm not sure why I didn't see this earlier. But it dawned on me, from reading the charge, it says training curriculum, procedures and Policies developed by State Police, local Police Departments, etc.

And what I noticed is the placement of the comment in that phrase, training curriculum, procedures and Policies. So, my philosophical question here is: we have really been putting a warranted focus on training. However, the content of our Report and the focus of our recommendations has been only on training and not on procedures and Policies, which would be exclusive, potentially, of training, depending upon how you read that phrase, training curriculum, procedures and Policies.

We even went so far in the Report to highlight legislation that has been signed by the Governor since our inception that was around Policies rather than training. So it seems as if, in our Report, we are talking about training and Policies and procedures. Yet, our focus and our recommendations are strictly on training.

So I guess my question is: if we're given this charge and we're really supposed to be looking at training and Policies and procedures, and we don't say something about Policies and procedures, we only focus on training, what does that say about our body of work? What should we say in response to that? Or is the reading of that phrase "training curriculum, Policies and procedures" meant to be really training curriculum, Training Policies, and training procedures? And I don't know that we've really had a conversation about this. But it's something that just struck me and I wanted to bring it up.

**DEPUTY ATTORNEY GENERAL YOUNG:** The old Oxford comma debate, right?

**MR. MCKIM:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** So I think that that's a good question. Let me see if I can get clarity for you on that, because I was not here sort in the beginning. But that is a good point. So, I will tell you that I've read is that training modifies those other three words. And I think that that's sort of where we have been. But I certainly understand your grammatical quandary.

**MR. MCKIM:** Thank you. That was really my question. And if we do say we want to focus on just the training piece, then we probably should remove any content from the Report that doesn't speak to training.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Judge Gardner, questions, comments, concerns?

**JUDGE GARDNER:** Good morning. So, it's just a typo. It's on page 5. And so, it's that first full paragraph. It starts with "Each Police Department". The last sentence should probably be or procedures versus are procedures.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. That change will be made.

**JUDGE GARDNER:** Yeah, thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Lieutenant Morrison?

**LIEUTENANT MORRISON:** I am all set with them right now, as written. But in case of any further conversation to be had, I'll reserve the right to change my answer, or add, or delete later.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Chief Dennis?

**CHIEF DENNIS:** I would concur with Lieutenant Morrison.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you very much. Director Norton?

**DIRECTOR NORTON:** I have no edits right now.

**DEPUTY ATTORNEY GENERAL YOUNG:** Joseph, I'm going to come back to you. I'll run through the list and then we can talk about what your amendment is. Thank you. Attorney Jefferson?

**ATTORNEY JEFFERSON:** I have no comments or edits. I would say that I think our second section does speak to Policies, the section before we get to Police -- let me just find it really quickly. On page 9, specifically paragraph number 8, I think those are all Policy-related Police Policies that we're looking to create some minimum standards for. So I took our discussion and our move to adopt that recommendation as speaking to Police Policies. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Julian. Chief Edwards?

**CHIEF EDWARDS:** I have no amendments at the moment.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Commissioner Tshiela, questions, comments, edits?

**MS. TSHIELA:** Nothing right now.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Joseph, the floor is yours.

**MR. LASCAZE:** Thank you, Deputy Young. So, on page 3 of the final draft, under the Use of Force paragraph, the very first paragraph on the page, three, the very last sentence, it seems to be that is taken out. "It is unclear whether any scenarios reflect racial disparities in New Hampshire or involve use of force involving people of color."

And I was first wondering why this sentence was being taken out, because written testimony that had been submitted on the VirTra review outlined a scenario that does involve use of force with people of color. And when I was reading this Report, it made it seemed like it wasn't clear. But it is clear.

And so, I was looking to have language added for that sentence, to change that sentence to language that would say, "There is no a finding that people of color are overrepresented in the VirTra scenarios. However, it is clear that people of color are used in the VirTra scenarios that involve use of force." And that would be what I would have to say for that sentence.

**DIRECTOR SCIPPA:** Madame Chair?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, so we're trying to capture that. So, Joseph, can you just one more time, just a little slower, so we can sort of type and write at the same time, please?

**MS. REED:** Mr. Lascaze, you're muted.

**MR. LASCAZE:** Sorry. Sorry about that. So, I said that what I would be comfortable with for a sentence would be, "There is no finding that people of color are overrepresented in the VirTra scenarios. However, it is clear that people of color are used in the VirTra scenarios that involve use of force."

**DIRECTOR SCIPPA:** Madame Chair?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes, Director.

**DIRECTOR SCIPPA:** I would second that amendment as Attorney Clay is writing that. That is a much more accurate representation of that Summary t.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Anyone else have questions or comments? And I know, Director, that when you reviewed this the first time, you put a pop-up. So we struck it to see how the language was to be read today. So, thank you, Joseph, for picking that up. Anyone else have any comment on that section?

(No response)

**DEPUTY ATTORNEY GENERAL YOUNG:** So we will make that addition. So, President McKim, back to your comment, so you are correct. It's training curriculum, procedures and Policies. That does encompass training, as well. But it's not just exclusive to Training Policies. And I would then harken back to what Attorney Jefferson said about our Recommendation 8, but certainly welcome further discussion.

**MR. MCKIM:** Thank you, Deputy. I am appreciative of Attorney Jefferson's catching that Number 8 does address Policies and Procedures outside of training. And that heartens me, as I was reading this early in the morning and not having all of it my head really yet.

And I think I'm okay for now. There's certainly more changes to Policies and Procedures that I would like to see us recommend. But I also recognize that we are pressed for time and we can't get the whole enchilada immediately. We will have to work on it. So I'm satisfied to proceed as we are proceeding at this moment.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. And we do have a final category, which is other subjects. So as I said to you, as we go along through this process, because we are going to finalize this section today doesn't mean that we can't add an amendment down the road. So don't think that you're foreclosed from ever bringing up whatever part of the enchilada you want down the road. Okay?

**MR. MCKIM:** As long as we get the rest of the next 60 days' extension.

**DEPUTY ATTORNEY GENERAL YOUNG:** I'm working on it. Okay? Thank you.  
Commissioner Malachi?

**DIRECTOR MALACHI:** Good morning, thank you. I just needed clarity from Director Scippa and Mr. Lascaze on this sentence that we're adding back in. Why are we adding it in? Was it an oversight that it was taken out? Or I'm not clear. So I need some help, please.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. I will let Director Scippa answer that, because when we sent this out the first time, he pointed out that that wasn't particularly accurate. So I will let him fill in the blanks.

**DIRECTOR SCIPPA:** Thank you, General. Really just a reiteration of what the General just said, the initial struck line that says that, "It is unclear whether any scenarios reflect any racial disparity or use of force involving people of color," I had sent a very detailed Summary Report that outlined every single VirTra scenario that included the color of every person that was involved, the race, the overt reflection of religious background.

I tried to have the Training Specialist capture all of that information so we could accurately reflect to the Commission. And I had submitted it in its first instance. But it had the answers to the questions, so to speak. So I asked that it not be posted publicly and was advised that, if it was going to be considered as part of the Commission's review, that it had to be posted publicly.

So I went back, redid the Summary Report, and I took, I guess, all the answers off the test, so to speak. But it still reflected the name of the scenario and then the pedigree of each of the actors within the scenario. I just took the answers off and then resubmitted it. And I just questioned that that, exchanging emails, probably got lost in the shuffle, so to speak.

So, Commissioner Lascaze and myself had a very quick email this morning. I commend him for pointing that out. And his amendment clearly is more accurate in capturing that Summary Report.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ahni, does that answer your question?

**DIRECTOR MALACHI:** Oh, okay. And then, I think Mr. Lascaze had some input, as well.

**MR. LASCAZE:** Oh, the only thing I was going to say was that it had originated from a conversation that I had had with Director Scippa at Police Standards and Training when I had asked about the VirTra machine. So this was going back to that. So we had been going back-and-forth on that for a little while, both trying to figure out exactly what was going on with the VirTra machine and the participants in it. And so, that was what that was in reference to.

**DIRECTOR MALACHI:** Okay. And just so that I make sure I'm completely clear, this is in reference to the quality -- maybe that's not the right word, but the types of scenarios that are available for training in the VirTra machine, and that the training that is available captures a variety of ethnic groups in the situations, a variety of religious representations. Just a variety of communities are represented in the VirTra training, so that, whether it's Recruits in the Academy, or in-service training hours, whomever is using this has an opportunity to interact with this variety of communities and have training in those areas. Am I getting that right?

**MR. LASCAZE:** Yes. When I had first heard of and seen the VirTra machine, I was speaking with Director Scippa about passive conditioning that could possibly be an unintended consequence of this machine by Officers being placed in scenarios that were overly representing people of color in use-of-force scenarios. And so, that was what my concern was. And I was asking him if he had recognized that or seen it throughout the training.

And he's like, he would look into it. And he did. And he submitted that Report. And so, there wasn't a finding that there was overrepresentation. But taking that sentence out that there's not people of color used in use-of-force scenarios wouldn't be accurate, because there are. And that was what I wanted to capture there.

**DIRECTOR MALACHI:** Okay, so that there were. But are we agreement that that's a good thing? Or are we stating that, by that practice, it's not a good thing?

**MR. LASCAZE:** No, we're not stating it either way. We're stating that it does happen is all we're saying. We're not assigning if it's a good or bad thing. I hope I was making it clear, through my amendment, coming to the consensus that there isn't a finding of an overrepresentation of people of color there.

I went through the review, myself, and looked. There isn't a overrepresentation. But there was particular scenario that I spoke to Director Scippa about that use of force is specifically used in that scenario. And it involved people of color.

**DIRECTOR MALACHI:** Okay, understood. Thank you, both. Thank you, Commissioner.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Lieutenant Morrison, question, comment?

**LIEUTENANT MORRISON:** Yes, my suggestion for this sentence now would be to remove the words "however, it is clear" and simply replace it with the word "but" or "and". And I would defer to Mr. McKim for a word preference.

**MR. MCKIM:** If you're looking for me, I guess I would say I always like the more direct. So removing the words "however", I might just remove the word just "however", and just leave the "It is clear that people of color are used in these scenarios."

**LIEUTENANT MORRISON:** And I guess my contention is that I don't know that it was unclear. It just was a how many or whatever. And just to double-check to make sure that there was different scenarios to incorporate a variety of backgrounds, that's why I just suggest taking out, "however, it's clear". It just seems that it's placing a connotation that doesn't need to be there. And I just think, "And people of color are used in the scenarios." Or although not overrepresented, there are people of color in scenarios.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, James, you can continue. I will tell you my grammatical issue. If it's clear or apparent, I don't know why we have to say clear or apparent. But we all have sort of a grammatical issue. That's my grammatical concern. But I will defer.

**MR. MCKIM:** So this actually gets to the question I wanted to ask, to pick up on Director Malachi's question. The word "overrepresented", we were just in a discussion about whether the phraseology here expressed a judgment as to whether it was good or bad. And the term "overrepresented" actually does lead into implying a judgment. So, I would love to hear from Mr. Lascaze and Director Scippa what their sense of overrepresented means.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, Joseph, you are the next up in line. So you can make your comment and then answer James' question.

**MR. LASCAZE:** Sure; so when I was coming up with this sentence -- and I will be the first to admit, when it comes to grammar, I am not the best at that. So the reason why I said that because one thing, in particular, that was stated about the VirTra machine was that the Instructor has full control over every aspect of the machine, from making the settings to how the scenario plays out.

And so, that, to me, means that there isn't a clear finding of this overrepresentation. The Report does not suggest that there is an overrepresentation at all. I'm just saying that there's not a finding of that, in particular. And I'm fine with the "however" being taken out. But I thought that by stating that it is clear that people of color -- I was looking at it as, in the first sentence, from the very first initial draft that said it is unclear whether or not -- I was thinking of that sentence when I put that it was clear, because, to me, it was clear. And so, that's why I added that, Lieutenant Morrison.

And to President McKim and Director Malachi's point of the overrepresentation for me, there is no finding that people of color are overrepresented. You're asking what I think -- are you thinking if I think overrepresented means a bad thing in this sense?

I mean, if we are being overrepresented in a use-of-force scenario, which is what I was asking Director Scippa months ago, yes, that would not be a good thing. So, I see what you're saying. But I don't see how this sentence -- or no, I don't see how that would be suggestive that we're passing judgment on it.

**MR. MCKIM:** I guess I was just looking to understand. I mean, overrepresented, if you say that, then there must be some assumption of a norm. And I'm not sure what that norm would be, if we all agree on that norm to the point where we could agree on the sense that there is no overrepresentation. So without saying any more words about, or having any definition of, the norm, would we all feel comfortable with the term "overrepresented"?

**MR. LASCAZE:** Yeah. Okay. Now, I think I get a little bit more of what you're saying. So, disproportionately represented, I'm fine with that word, too. Also, because the point of this was to show whether or not there was a disparity in the situations, because the situations in the VirTra machine are supposed to be reflective of New Hampshire.

**MR. MCKIM:** Right.

**MR. LASCAZE:** So, if it's reflective of New Hampshire, then the norm of representation would be whatever the population percentage is. And that that was me and Director Scippa were looking at, we were looking at the amount of people. So that disparity isn't there. There isn't 20% of the people of color that are involved in VirTra machines. They're not involved in use of force. That would be a disparity that we

were looking to find out. So, I think that the percentage of people of color in New Hampshire would be that baseline that we would use to know if they were being overrepresented or not in these scenarios.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Scippa, do you want to weigh-in here?

**DIRECTOR SCIPPA:** I would offer just a couple of things. The first thing is that actually Joseph and I had this conversation even before this Commission was formed. Joseph is part of our review of the Cultural Dynamics Class.

And after our first meeting, I took folks from the ACLU through the building. Devon Chaffee was there, as well. And I just showed them the device. And Joseph made a very quick observation and asked, gee, how many of the people who are involved in a use-of-force situation are of color? And I thought it was a wonderful question. I said, I have no idea. And that's what prompted us to really delve into exactly how many people of color are involved in a use-of-force situation in that device.

So I thought it was an excellent question. And I thought it was information that I needed to have as the Director of the Police Academy, number 1. Number 2, would it be better if we could -- and I can do the math on this and then have my wife check my math, because she's a Math Teacher. And make sure that instead we can just say 3% of the time the assailant is a person of color. Does that provide a more objective way to measure what we're trying to accomplish with this sentence?

**DEPUTY ATTORNEY GENERAL YOUNG:** James, so I'll sort of let this conversation continue. And then, we will move to Chief Dennis, Ahni, and Judge Gardner. But I'll let Joseph, John, and James sort of continue this discussion. Oh, and then I'll come to you, Ahni. Let's just see what these guys say.

**MR. MCKIM:** Thank you. So, thank you, Director Scippa. I somewhat like the way you're headed. But I'm not sure we need to be that mathematically specific here. I think really we're just trying to get across the general point. And I'm about to make -- I think I'm formulating a recommendation for the sentence that might simplify it greatly and still get across what we want. I think what we've seen is we have found no disparate representation of people of color in the virtual training scenario. Maybe that's all we need to say.

**LIEUTENANT MORRISON:** See, why I went to you for advice on the grammar?

**DIRECTOR SCIPPA:** I concur with President McKim.

**DEPUTY ATTORNEY GENERAL YOUNG:** Can you repeat it more slowly?

**MR. MCKIM:** I guess I want to put it in the positive, as well. Let's see. And maybe the way to say it is, people of color -- "We have found no disparity in the representation of people of color in the virtual training scenarios." Or there is no -- we didn't research this. There is no. That's just a statement of fact.

**DEPUTY ATTORNEY GENERAL YOUNG:** Questions, comments, or concerns with what we've just highlighted? Ahni?

**DIRECTOR MALACHI:** Although I like that a lot better, it just still feels so cumbersome, though. I mean, why could we not be super simple and just say that people of color are included in the training scenarios? Done.

**MR. MCKIM:** Oh.

**DIRECTOR MALACHI:** Because if there's nothing here to -- so we've done the follow-up research. So nothing proves that there's a disparity. So there isn't one. And we could even say maybe everybody's equally represented, or fairly represented, or something along those lines. But that's part of our conversation.

To add it here, or to say this is more represented or not represented, then it opens a whole other, well, how many? What is the percentage? Is it two scenarios that have people of color? Is it 12? And so, I think it just overcomplicates it, although I like the wording much better from where we started. I just think if we completely simplify it, people need to know that people of color are a part of the VirTra training scenarios, so that Police Officers have an opportunity to do training with people that don't look like them, regardless of what they look like, right? And so, they have that experience. That's all that's important, just my thoughts.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Dennis, do you still have questions or comments?

**CHIEF DENNIS:** Yes, Deputy, I do. And I guess I'm just going back. I'm a little confused and I'm kind of following up what Director Malachi's saying is I guess I'm a little unclear why we're putting either one of the sentences in there. Certainly, Director Scippa, and if you look at the Report the way it flows, it's people giving an overview. He's describing the training at the Academy.

And although I think Commission Lascaze's question that he asked during Director Scippa's presentation was a great question, and a great question that should have been looked at, was looked at, and came back with the response. I guess I'm unclear why we're even mentioning it in this overview of training at the Academy, unless the Commission feels it's important to make that statement.

But I say, if we're going to make that statement, Director Scippa also mentioned religious groups. Why aren't we putting that in there, too? So, my question goes back. Why are we putting either one of the sentences -- the one we struck or the amendment that was looked at this morning? Why are we putting it in there at all, if it's just an overview of training?

But if we feel it's important, it should go in there. Then, do we need to represent the other groups that are not -- I hate to use the word "overrepresented", since we're kind of getting rid of that. But that's my point. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** President McKim?

**MR. MCKIM:** It's a great question. I was just going to respond to Director Malachi's comment. My next revision was going to be similar to what she said. I think the one thing that people might want to hear us say, though, is -- and this, I guess, is a bit of a judgment on our part -- is to whether we think the ratio, or the inclusion, is appropriate. And I guess that may not even be part of what should be in this section, if it's just a factual description of the way things currently stand.

And to Chief Dennis' point, this is an overall summary. So there is question as to how much detail should be in the section at all, versus what we think should be included. So I suppose one way to look at this from an overall perspective is to take a vote to see if we think this is something that should be in the Report at all. I was just making comment because it was in here. I hadn't really considered whether it should be in the Report at all. And maybe that's what we should be considering.

**CHIEF DENNIS:** Deputy, can I just comment one more time? I think the question was great that was asked. Again, I think it was a perfect question and a question we should really look at. And we did. And we got the response back, which I think was great. And it was great that it was not overrepresented. But, again, just as my point is, do we have a need to talk about it at this point in the Report? And that's my comment.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. So, Judge Gardner and Commissioner Tshiela want to make comments. And then, after that, I'll see if anybody wants to take a vote on this, because I think we got to move on from this one sentence, because we get to the recommendations. Judge Gardner?

**JUDGE GARDNER:** Yes, you can pass me over. Both Director Malachi and Chief Dennis expressed the same sentiments that I have.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Commissioner Tshiela?

**MS. TSHIELA:** Yeah. So if not here, where else is that going to go, simply because when people see this part of the summary, they're going to wonder whether or not that's a thing? And so, I think it needs to be included. I think it's important part. And to leave it out is to ignore one of the very reasons that we're sitting here on this Commission.

And I don't understand why else. Like, I understand the wording and everything. I think the best in this situation is there's no disparity in the representation of people of color in the virtual training scenarios. And I heard a problem that was brought up earlier that I think it was Director Malachi that said people of color are used in the virtual training scenarios. But I don't believe that was the problem that Joseph brought up and why that was included in this in the first place.

And so, I think it's either going to be there is no disparity in the representation of people of color in the virtual training scenarios, and that's just what I would say. And I would not support taking it out at all, because I do think that that's going to be something that people are going to look for, regardless of how we word it.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ahni, question, comment?

**DIRECTOR MALACHI:** Yeah, just to circle back. Chief Dennis brings up a very good point. So if we're going to include one group, we need to include multiple, right, because we're not here -- so certainly the events that have preceded the convening of this Commission are why we are here. But we are also here not just dealing with racial disparities. But our charge is to look at everything. And in testimony that was given previously, we've heard from the deaf and hard-of-hearing groups.

So maybe we simply say minority groups, if we want to include everyone. Or we can do this group, this group, this group, and add all the commas to put everyone in. So, one group shouldn't be more important than another group. They should all be equally represented if we're going to say that.

So I guess the decision is: are we mentioning it at all? And then, if we are mentioning it, how many groups are we mentioning? Are we using one title to encapsulate a variety of groups? And then, if we want to break that down further in other recommendations, we could certainly do that.

And the last thing I would offer is, in this section, if we're not mentioning it as an issue then my assumption would be it's not a problem, because we're going to recommend a particular kind of training, or a Policy review to something that there's an issue, or something that's good but could get better. So we drill down in other areas to support any changes that we, as a Commission, see need to take place.

So even if it's not this group, that group, the other group specified in this area, it is addressed somewhere else. We've discussed that this particular action should not happen with this particular group. But I don't want us to lose sight of the fact that there are other minority groups in the State Law Enforcement interact with and that our Policy recommendations, procedure recommendations, training recommendations have to represent, as well. That's our job, too. Thank you.

**MS. TSHIELA:** I understand that completely. And with that being said, I would support the word "minorities" being included. But to just strike the sentence at all, I would not. And I think that just completely ignores why the virtual simulation is even being mentioned in this Summary.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Okay. So, Julian, James, and Joseph, and then I am going to try to move us on. But, Julian, you haven't weighed-in on this. So I will let you do so. James, because you are our linguist today, and Joseph, because you are the one who caught this, I'll let you guys speak. So, Julian, the floor is yours.

**ATTORNEY JEFFERSON:** So I think I agree with Commissioner Malachi's point and also Ms. Tshiela's response. And so, as long as Director Scippa can say that in the positive, then I think we should say that, that there is no disparity that any minority group is overrepresented in these virtual training scenarios, because if it is a positive thing and it's something that we can say, I think it's important to put it in there to say, this is something that we're cognizant of. This is something that we're certainly aware of, and one of the reasons why this Commission was formed, if not the primary reason.

So putting out a positive finding to say this is a good thing that we're doing, and it's something that we're cognizant of, I think I agree with Ms. Tshiela. I think it's important to say that. And so, I think that encapsulates both of those concerns.

My only question, Director Scippa, is: can we confidently say that? So, can we say that any minority group, because I don't think we should just assume something, either? So, I mean, if we looked at that and we can say that, then I agree. We should say it in the way that Commissioner Malachi suggested. Thank you.

**DIRECTOR SCIPPA:** I would ask everyone on the Commission just to look again at the Summary Report I submitted relative to the study that was conducted. I applaud Commissioner Lascaze in terms of recognizing that wording.

I stand ready to accept whatever wording the Commission can ultimately come up with. The question was asked. The Summary was conducted. And the findings, in my opinion -- I'd defer to the rest of the Members of the Commission. But the findings, in my opinion, demonstrated that there was no disparity with regard to any particular race or overt indication of religious background. So, I'd defer to everyone else with regard to that Report.

**ATTORNEY JEFFERSON:** Great; I think we just needed to defer to the Report to make sure that you were comfortable in saying instead of just people of color, that any minority group. So, I'm completely fine with it, as well.

**MR. LASCAZE:** I did want to say that I am okay with changing the wording to minorities to accurately reflect in the larger group. And I did want to say that the only reason -- this was to Chief Dennis and Director Malachi. The reason why I felt it was important to have this included in here is because not only did I -- I brought this up, like Director Scippa said, not only before this Commission, but I also did bring it up again during the Commission. And because it was brought up during the Commission, and this review was submitted during the Commission in response to what I was asking specifically, I felt like it had to be addressed. How couldn't we address it? Well, something was written. The evidence was submitted. This review was submitted on this. How would we not include something on this? And this whole Commission is based on a situation that involved use of force elsewhere. So, that's all I was just trying to do.

**DEPUTY ATTORNEY GENERAL YOUNG:** James, question or comments?

**MR. MCKIM:** Thank you. So I am in favor of the statement. I think it is accurate with one question. The data that Director Scippa has provided is great data. And it is quantitative in nature. It is, I don't believe, qualitative in nature.

So, I actually asked the question, which I'm not sure we really got the response to. And maybe Director Scippa can respond to this. While the numbers of people seem to be appropriate and representative, what about the scenarios, themselves? And my question was around: were there any scenarios involving people of color that showed people of color in a positive light, rather than a negative light? So that would be a qualitative kind of representation, rather than a quantitative type of representation. And maybe this too fine of points to get to here. But just because we're here to look at improvements, that's something I wanted to make sure we raise.

**DEPUTY ATTORNEY GENERAL YOUNG:** Go ahead, John.

**DIRECTOR SCIPPA:** If Attorney Clay could put up my Summary Report and we will go to the last page, I'd like to think that the actors in all the scenarios with the VirTra training kind of represent all pedigree, all colors. We have males, females, juveniles. A vast majority of the actors are white.

And then, within each scenario -- and you can look at that Courthouse crisis, we have a white female Deputy, a black female Deputy. We have a white male shooter. We have a black male shooter. We have a Hispanic female hostage. And then, there's a bunch of different ethnic representation kind of in the background.

I'll tell you. When Joseph first asked me the question, my biggest fear was there was going to be an overrepresentation of Latino people, because this company is located in southwestern United States. And they just use actors from that area. And so, initially my first thought was, oh, gee, I wonder if there's going to be a lot more Hispanic people than any other race, just because of the location of where they're making this device.

There is a significant number of Muslim representation in the software that comes with the device, because it was initially designed to train the United States Military for their work in the Middle East and in Afghanistan. So, clearly we don't use any of those kind of packaged pieces of the software, because it's really a Military setting.

So, again, I think President McKim's question is a good one in that are we showing people of color in a positive way, as well? And I think if you go through these scenarios, you'll see that there might be a black female Clerk in a store who is the Victim of a crime, and a white shooter comes in to rob the place. So I think there's a pretty good mix.

I invite anybody and everybody to come down and take a look at it, if they have concerns. And I'd be happy to put everybody through the device and show the different branching options and things of that nature.

**MR. LASCAZE:** I actually wanted to just comment on that, that I agree with Director Scippa. I don't think that there was -- I think that I went through all the scenarios. And apart from one specific part of a scenario that I spoke to Director Scippa about personally, apart from that one scenario, I don't think that there really was a representation in the negative sense that was being thematic throughout or being portrayed, in my opinion.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay.

**LIEUTENANT MORRISON:** If I may, I may have some suggested wording that incorporates. I've been trying to scribble some stuff down here. I think it's important to note that we reviewed the simulator scenarios, right? So, if we have this sentence, it might encapsulate everything. "After a review, the simulated scenarios were found to incorporate a fair cross-section of participants from various backgrounds." Does that sort of encapsulate the fact that we reviewed the scenarios, and incorporates a fair cross-section of participants in the videos, without getting into the overly complicated minutia of the actual device, itself, and the programming?

**ATTORNEY JEFFERSON:** I would just say members of the community, Lieutenant Morrison, instead of participants. But I love it. I think that I'm in support of it.

**LIEUTENANT MORRISON:** And the only reason I used the word "participants", because there's suspects, actors, background Victims. There's just the participants in the scenarios. It was just sort of that catch-all, I guess.

**ATTORNEY JEFFERSON:** No, I take your point.

**LIEUTENANT MORRISON:** And I think that takes Mr. Lascaze's point, as well, or his concern and his appropriate questions, as noted. If we want to just make sure that there isn't something out-of-what here -- and obviously, it wasn't -- but to best sort of encapsulate that statement, we have reviewed it, found it to have a fair cross-section of participants from various backgrounds. So everybody was represented: participants, suspects, Victims, youth, old, job, task, whatever. I just think that sort of throws it all together.

**DIRECTOR MALACHI:** Maybe to Mr. Jefferson's point, if you use, instead of various -- what did you say, backgrounds? Participants, various communities, instead, maybe that is a bit more generally specific, because the average person isn't going to know what the virtual training is or what the machine is. Or they may not necessarily think that these are actors. You know what I mean? So if you say communities, it just keeps it super relevant to the outsider.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So now I'm going to ask if somebody wants to make a Motion on that last one. Chief Edwards, are you making a Motion or do you have a question?

**CHIEF EDWARDS:** I make a Motion that we accept Lieutenant Morrison's sentence.

**DEPUTY ATTORNEY GENERAL YOUNG:** And that is seconded by Director Scippa. So, that last sentence of that paragraph will say, "After review, the simulated scenarios incorporate a fair cross-section." I think that's a hyphen, or fair-cross section of participants from various communities. That's what we're voting on. Commissioner Quinn?

**COMMISSIONER QUINN:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Malachi?

**DIRECTOR MALACHI:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Scippa, you were the second. Commissioner Rogers? Sorry, Commissioner Johnson?

**MR. JOHNSON:** In the neighborhood, yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Close, right? Close.

**MR. JOHNSON:** No, it's a wonderful day in the neighborhood.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah. President McKim?

**MR. MCKIM:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Did I put that right hyphen there? Or across that there?

**MR. MCKIM:** Well, I'm not so sure that that comma belongs there. I think it probably...

**DEPUTY ATTORNEY GENERAL YOUNG:** Cross sect, right?

**MR. MCKIM:** Cross-sect, hyphen there, yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah. Okay. Thank you. I'm having technical difficulties here today. Judge Gardner?

**JUDGE GARDNER:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Lieutenant Morrison?

**LIEUTENANT MORRISON:** I'm all for what's in the green.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Chief Dennis?

**CHIEF DENNIS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Norton?

**DIRECTOR NORTON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Lascaze?

**MR. LASCAZE:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Attorney Jefferson?

**MR. LASCAZE:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Tshiela?

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** I also vote yes. So we will put that in there right now in the Report. So now we are going to -- the body of the Report has been approved. We will accept all the redlines. We will make Judge Gardner's correction.

So now, we will move onto the Recommendation portions. As I indicated, we changed Police Officer to Law Enforcement Officer. When we had acronyms, we used the whole name. We changed Police Standards and Training to be consistent throughout to NH PSTC. I think that those were -- I think we might have taken the word "Policy" out when it was redundant in Number 8.

So my technical change is on Number 1. Had conversation with sort of people in the office that do rulemaking, so we're going to pop up -- I would like to change Number 1 and then Numbers 2, 3, 4, and 5 to the following. This is really just a technical cleanup to try to get it through as quickly and efficiently as we can.

Can you blow it up on the screen? Can we full-screen it? So the date stays the same, no later than September 15th of 2020, PSTC should take all actions necessary, including emergency rulemaking, pursuant to -- we put the Statute in there -- 541-A to amend existing administrative rules to provide as following.

And then, we broke those down into the subcategory. So, A would be the number, two. Let's do this. That's the increase, right? Let me just double-check this. We did the increase of time: two hours' training -- "A minimum of two hours' training approved by PSTC in implicit bias and cultural responsiveness, as part of the recertification process for 2021. Training on the topic of implicit bias and diversity to be developed with one or more community partners from the New Hampshire National Association of the Advancement of Colored People, the New Hampshire Civil Liberties Union, the New Hampshire Commission of Human Rights, or equivalent community partners."

II, "A minimum of two hours of approved ethics training annually as part of their recertification process. PSTC will be responsible for reviewing and publishing a menu of approved ethics trainings."

And III, "A minimum of two hours of approved de-escalation training annually as part of the recertification process. PSTC will be responsible for reviewing and publishing a menu of approved de-escalation training."

IV, "This training is included in the minimum number of hours required for yearly certification, not in addition to the minimum numbers required for yearly certification."

B, "Effective April 1, 2020, the number of hours required for Law Enforcement to be recertified will be 16 hours annually."

C, "Effective April 1, 2023, the number of hours of training required for Law Enforcement Officers' recertification in New Hampshire will be 24 hours annually."

So we just tried to clean up what we had in five bullets to one. So I'll give everybody sort of a minute to review that.

**DIRECTOR SCIPPA:** Madame Chair, just a question.

**DEPUTY ATTORNEY GENERAL YOUNG:** Oh, yeah, sorry. Yes?

**DIRECTOR SCIPPA:** If we vote on this kind of technical cleanup, does that negate our ability to, then, speak to each of the items outlined under letter A separately?

**DEPUTY ATTORNEY GENERAL YOUNG:** So I think the easiest way to do it is vote on the technical cleanup. And then, if we want to have further discussion on it, we can.

**DIRECTOR SCIPPA:** Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** So I'll give you about two or three minutes just to read it and digest it.

**DIRECTOR MALACHI:** Is there a way to make it completely filling the screen, or smaller? Yeah, there we go, so we can see the whole thing. Thank you.

**COMMISSIONER QUINN:** Deputy, I have a question.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. I'm going to give them one more minute and then I'm going to go through, okay? Okay. So I think the easiest way to do this is just to go through the list to see what questions or comments people have. So we will start, Commissioner, with you. Questions or comments?

**COMMISSIONER QUINN:** No, I just didn't know if you were looking for a Motion to move the technical reformatting first. That's what I was...

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes, that would be what we would do. Yeah. So I have...

**COMMISSIONER QUINN:** I have no questions. I'd be willing to move that.

**DEPUTY ATTORNEY GENERAL YOUNG:** Well, Director Norton has his hand up. So let me see what he has and then we will go back to you. Director Norton?

**DIRECTOR NORTON:** Yes. My original recommendation around this was to give Police Standards and Training the authority to mandate specific training in the future, depending upon what was happening. So that might be that, during the opioid crisis, they would determine that there were two hours of Narcan training needed. It might be, during the COVID crisis, that there's two hours needing on safe handling of individuals in custody.

I don't know what the future brings. But I think part of it that they should have the authority in the future to determine the types of training that might be necessary. Maybe it's a one-off. Maybe it's annually. I don't have an issue with the rest of A, other than one piece in Number 1, which I had hoped to bring up, that is also sort of a technical issue.

**DEPUTY ATTORNEY GENERAL YOUNG:** Oh, okay. So do you think that this, as written, the hours will go up? And I'll defer this back to Director Scippa. But the way that this is written, so long as they have these minimum components, you still have additional hours. That's why we worded it this way. So, the concern's not addressed.

**DIRECTOR NORTON:** It doesn't specifically give Police Standards and Training the ability to mandate training that they determine is necessary, which is what I understood is lacking right now.

**DIRECTOR SCIPPA:** Madame Chair?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, Director, go ahead.

**DIRECTOR SCIPPA:** So, this is the one piece of this overall effort of the Commission that I've really struggled with. The New Hampshire Police Standards and Training already has the ability to make rule changes, like every other State Agency.

So to reiterate that in this particular recommendation sort of muddies the waters a little bit. And we did, during the pandemic, make emergency rule changes to the POL Rules that control Police Standards and Training. So we're asking to recommend something that already exists, in the first instance.

Secondly, the way that some of these things are written puts New Hampshire Police Standards and Training in a box with regard to total number of hours. And so, I have a number of amendments that I would like to make to (A)(I), (A)(II), (A)(III), (A)(IV), as we move through this.

And to Director Norton's point, there may be other things that the Council of the New Hampshire Law Enforcement community sees as being something worthy of mandatory training that we need to have that flexibility to address. As an example that Director Norton gave, if the opioid crisis becomes something that we just have to hit real hard again, in terms of training, it would be nice to have that flexibility.

So, at this point, as far as the technical layout of this, I'd be willing to second the technical layout. But I just struggle with the fact that the recommendation is to give us emergency rulemaking when it already exists.

**DEPUTY ATTORNEY GENERAL YOUNG:** So just answer me this on the flexibility piece. These recommendations -- and I think this is what we had a fair amount of discussion with the other day. If it's a minimum of two hours in implicit bias and cultural responsiveness, two hours in ethics, and two hours in de-escalation, right, that's six hours. The recommendation is the eight will go to 16 and then to 24. Don't you have that flexibility with this as sort of your baseline?

**DIRECTOR SCIPPA:** I do. But when you look at this -- where's the line -- that speaks to annual training, it says by 2022, annual training will be 16 hours. What if the Council says that, no, it's got to be more than that? For that particular line, I would ask that the term "at least" be placed in there, because if this Commission dials down on a number and the Governor says that is the number, then that is the number. And it takes away the ability for Police Standards and Training to be flexible to address needs that come up in the future.

And that's the situation. The number of hours training required for Law Enforcement recertification, and we got to change that wording, too, in New Hampshire will be at least 16 hours annually.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So, Lieutenant Morrison and Attorney Jefferson have comments. So I'll take those comments. And then I'll ask if there's a Motion to replace this sort of as the technical. And then, we can have further discussion about it, once we know which form we're working off of. So, with that, Lieutenant Morrison?

**LIEUTENANT MORRISON:** Thank you. I think I'm with Ken. And I am concerned about the reformatting and what it does. There's also the wording, "The Director shall seek input from all relevant Law Enforcement Agencies" has been stricked [ph] out of there, as well, which is concerning. It should be in paragraph 1.

And my other concern, I guess, is starting April of 2021. I mean, we're already in a current budget cycle for a lot of Agencies. And that puts that training burden in mid-cycle for some Agencies to try to budget for that. I just think that's a concern that we shouldn't get into.

That being said, I'm for obviously increasing. That was one of my recommendations, increasing the training hours. I just think we have to be careful how we suggest that we do it. And like Director Scippa said, putting him in a box to do it this way, I'm just not terribly in favor of. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Does the training have to be completed by the end of '21, which would get you into the next budget cycle? That's just another technical question.

**DIRECTOR SCIPPA:** Madame Chair, we're on an annual cycle, as well. So, for annual in-service training, that has to be completed by the end of December of that particular year.

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

**ATTORNEY JEFFERSON:** Yes, so just two points on the technical edits. So I, the way it's written, doesn't suggest that that two hours is on an annual basis, which I believe was the intent. So for I, I think it should be saying, after cultural responsiveness, it should say "annually as part of their recertification process", and take out before 2021. That will make it consistent with II and III.

**DIRECTOR NORTON:** This is Ken, and I would second that. That was one of my concerns, as well.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, gentlemen.

**ATTORNEY JEFFERSON:** As far as to IV, I think it should just say these trainings, instead of this training, to Director Scippa's point that so this training could suggest that it's just one of the three. And I think Director Scippa's very valid point was that all of these trainings need to be as part of the eight minimum hours as it stands now.

To Lieutenant Morrison's point, I think why we drafted the language for roman numeral A, so this is part of the current eight-hour mandatory minimum training. So it's standardizing the eight hours. So this, A, and I through IV, does not create an additional burden on the Police, because it's saying those eight hours that you have to do in 2021 anyway, we're saying that six of those eight hours need to be to these three topics. And that was part of our very long discussion about the standardizations, and what do we think is important that needs to be done on an annual basis.

And after a lot of testimony and review, we said these things need to be thematic and done on an annual basis, and at a minimum of two hours. And we were very thoughtful and deliberate about that piece to make sure that it is taking up no more than the eight hours of the discretionary time that is already there, and then going to 2022 and 2023, increasing the hours.

I fully support Director Scippa's putting a minimum 16 hours and minimum 24 hours. So that doesn't put him in a box to go above and beyond that if needed. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Bear with us for one second, as we're making these changes. Okay?

**ATTORNEY JEFFERSON:** Deputy Attorney, I would also like to -- I completely agree with Lieutenant Morrison that that line that the PSTC shall consult with all relevant Law Enforcement Agencies, that that was in the original Motion that was carried. So I think it should be there, as well.

**DEPUTY ATTORNEY GENERAL YOUNG:** We're putting it in. We're trying to cut it into the best spot here. Yeah.

**ATTORNEY JEFFERSON:** Okay.

**DIRECTOR NORTON:** Could I ask a question of Director Scippa?

**DEPUTY ATTORNEY GENERAL YOUNG:** Certainly.

**DIRECTOR NORTON:** Just a clarifying point of information, is if the -- or the Judge could answer, as a Member of the Council, as well -- if the Council voted at the next meeting to require two hours of implicit bias training of all Law Enforcement, do they have the authority right now to enforce that? Or would it have to go through some type of rulemaking process?

**DIRECTOR SCIPPA:** Ken, the way Number 1 is written right now puts a tremendous amount of burden on New Hampshire Police Standards and Training Council to make a number of rule changes. And it has been my point since this Motion was first made, that this is -- what we're trying to accomplish here can be accomplished.

But by creating these very tight time tables and writing these recommendations in a way that takes away the flexibility of me and my organization to deliver what this Commission is asking for is really making this turn into be a very challenging thing. I think everybody on this Commission understands that we have to increase these types of training. And if the Commission wanted to identify some very kind of open-ended timelines, that's all well and good, too.

But the more that this first recommendation gets touched and gets changed, understand that it becomes just more and more technically difficult to make this go. And that's why I implore the Members of the Commission to really reevaluate the way this is written. I would ask that the Commission allow that the recommendations I put forth address the same things here. It just gives me the flexibility to be able to deploy them in a much more meaningful way, working with my Council that has to okay these things. That is my position.

**DEPUTY ATTORNEY GENERAL YOUNG:** All right. I would also note we have asked for an extension. What I indicated today is I'm going to try to work in 30-day blocks. We don't have an answer back yet.

But September 15th is not that far away. So that's part of the problem. We are meeting two or three times a week. This week, alone, we're at 12 hours. So, to then say to Director Scippa, by September 15th you have to start this process, he can't be in two places at once. So I sort of echo that sentiment. I think that that September 15th day is beyond ambitious, given what this Commission is still doing, because I think we all agree that Director Scippa is an integral part of this Commission. I think he did most of the speaking on Wednesday.

So I think that we just have to keep that in mind. The questions or comments, Chief Dennis, Judge Gardner, President McKim, and Chief Edwards, and then we will sort of move, at least, to accept this technically. And then, if we want to sort of wordsmith it or make additional changes, we can do that. So, with that, Chief Dennis, you are up.

**CHIEF DENNIS:** Thank you, Deputy. And I agree with a lot of the statements made by Attorney Jefferson and Director Scippa, and actually what you just touched on. And maybe we change the December date and do PSTC until the end of the year. If they can get it done in September or October, or November, but it gives them a date with a timeline. We still leave the effective April 1st, 2021 for them to start making some of those recommendations and rolling them out.

And then, my other second question was, since we're kind of making changes, when we get to B and C, this is a little change. But I think it's important. The training that Law Enforcement Officers have to do each year is based within the calendar year. If we're saying on B, effective April 1st, 2022, it moves to a minimum of 16 hours, can we not replace that with effective January the 1st, 2022? And then, on C, effective January 1st, 2023, that way it gives Law Enforcement that whole year of knowing what that expectation is, versus three months into it. And that's my only comment. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Chief. Judge Gardner?

**JUDGE GARDNER:** Yes, thank you. And so, to answer the question about Police Standards and Training Council, just like this Commission, it takes time to have anything really accomplished. We have to post everything. We have to put it on the Agenda.

And so, to ask Director Scippa, September 15th is literally impossible. Our meetings, we only meet once a month. And so, I think to give him at least until the end of the year would be much more achievable, if that's something that the rest of the Commission would be willing to extend to him.

And also, the timeframes in terms of April 2021, that is really around the corner. And so, I'd just point that out, as well, because it says beginning on April 1st, 2021, they shall complete. So I'm not sure. Does that mean that they start that process? Or do they complete it by that time? And so, that's one of the things that I think we need to clarify.

Then, what I raised my hand for, we just procedurally speaking, according to procedure, accept this version so we can vote on this particular version, instead of the prior version. I think that's what Deputy General wanted us to do, so we can work off of this draft instead of the old draft. So, those are my points. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** You are correct. But I will let President McKim, Chief Edwards, and Mr. Norton speak. And then, we will take a vote on the amendment. And then, as I said, we can amend the amendment, if we so choose. So, with that, President McKim, you are up.

**MR. MCKIM:** Thank you, Deputy. So, my question is related to format. I had the same thought that we were getting into the details, and I wanted to make sure that we were addressing the format that was, I think, moved by Commissioner Quinn.

So, my question is to Director Scippa. The way this is formatted is indicating number of hours for specific types of training. And I think we've addressed the B and C here. But I'm wondering if your

thinking is that, even if we were to put numbers on A, the number of hours for implicit bias training, the number of hours for debiasing training, and the number of hours, sorry, for de-escalation training, are you considering that too much of a burden, as well? Or is it appropriate for us to give specific numbers of hours for those specific topic areas?

**DIRECTOR SCIPPA:** Can you rephrase that question, please? I'm not clear as to what you're asking.

**MR. MCKIM:** Sure; so the way that the formatting in front of us appears -- and it's not up there. So I can't see it. But I'll refer to it from memory now -- the Section 1(A)(I), (II), and (III), I believe it is, all have specific amounts of time as -- and I don't remember if we had the word "minimum" of two hours in there or not. But I'm just curious as if we don't have the minimum word in there, do you think that that's too restrictive and putting you in a box, if you were to say you're rather have three hours' worth of training? Is that too much of a box for us to say two hours' worth for you? Or would it be okay for us to say two hours and you're okay with that?

**DIRECTOR SCIPPA:** So, in my mind, it almost sounds like we're kind of going back to the last time we talked about this. In the end, if the Commission says we need two hours of training for this, as far as the number of hours are concerned that are mandated, if the Commission decides that there's a minimum number of hours for each one of these topics, I am fine with and we certainly can make that happen.

But to Judge Gardner's point, the timeframes that lock Police Standards and Training into and talking about total numbers of hours of training, as compared to the mandated hours of training that these recommendations are laying out, it just really -- this, in its entirety, creates a very tight box to operate in. And I wonder if it would be better to set timelines and minimum hours of training, and kind of leave it at that. And I don't know if that helps or more confuses the answer here. I mean, in the end, I stand ready to accept this formatting with the changes, as they exist right now. And then, get into the weeds, in terms of each one of these roman numerals going forward.

**DEPUTY ATTORNEY GENERAL YOUNG:** So unless there's a question or a comment just about sort of this cleanup of numbers I through V, I'm going to ask if there's anybody who wants to move this in. And then, we can have detailed discussions about the timeframes in there. Do I have a Motion, Commissioner Quinn?

**COMMISSIONER QUINN:** Yes, I move.

**DEPUTY ATTORNEY GENERAL YOUNG:** Do I have a second?

**CHIEF DENNIS:** Second.

**DEPUTY ATTORNEY GENERAL YOUNG:** Sorry, who said second?

**CHIEF DENNIS:** Chief Dennis.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, Chief Dennis. So I will do a roll call to have the cleanup number 1 replace numbers 1, 3, 4, and 5. Director Malachi?

**DIRECTOR MALACHI:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Scippa?

**DIRECTOR SCIPPA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Johnson?

**MR. JOHNSON:** Yes, to the Cloture Motion.

**DEPUTY ATTORNEY GENERAL YOUNG:** President McKim?

**MR. JOHNSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Judge Gardner?

**JUDGE GARDNER:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Did she say -- Judge Gardner, can you repeat that? I didn't hear you.

**JUDGE GARDNER:** Yes, I said yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you.

**JUDGE GARDNER:** Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Lieutenant Morrison?

**LIEUTENANT MORRISON:** I'm going to vote yes only because Director Scippa voted yes. My inclination is to revert it back to the old wording. But if he's okay with it, I'll be okay with it.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Chief Dennis, Director Norton?

**DIRECTOR NORTON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Lascaze?

**MR. LASCAZE:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Where'd he go? Attorney Jefferson, are you there?

**MR. JOHNSON:** I am, and yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thanks. Chief Edwards?

**CHIEF EDWARDS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Tshiela?

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** So now that it's been accepted, we're going to put up the ones that we've been having debate on with the language. Okay. So we currently have added the language that was left out, Lieutenant Morrison, that you pointed out. "No later than September 15th, 2020, PSTC with input from all relevant Law Enforcement Agencies should take all actions necessary, including emergency rulemaking, pursuant to RSA 541-A to amend existing administrative rules to provide as follows."

We inserted (A)(I), "A minimum of two hours' training annually." And we took out the date at the end. On (A)(IV), we changed the language to these trainings. We changed B and C to effective January 1, 2020 -- excuse me, 2022 and January 1, 2023. And we inserted a minimum of for the 16 hours and the 24 hours.

I think where we left the discussion was the incredibly tight timeframe for the September 15th, 2020. There was some discussion if that should not be the end of the year or beginning of next year. So that's where we will pick up. Ken, you had questions or comments?

**DIRECTOR NORTON:** Sure; and I'll just say that my original dates for that were only two, and the hope that I had had September for the initial rulemaking, and then December for the final rulemaking, with the intent that, if there were additional costs that were going to be associated with that, that Director Scippa would be able to come before the Legislature in January for that. So, I'm fine with changing the dates.

But the second piece -- and I keep asking this. And maybe I'm just asking it in the right way -- I do not understand. Does PSTC currently have the authority to require any specific training of the existing eight hours required for certification? That's question number 1.

And question number 2 would be: if that authority exists, what's the approximate timeframe to operationalize something like that? And my reason for that question is that I think that PSTC should have the ability to immediately respond to whatever situation exists in the future, where Officers may need additional training, to say, from this point forward, two hours of the eight hours for the coming year will be in this. So I still don't understand whether that authority exists.

**DEPUTY ATTORNEY GENERAL YOUNG:** And I will ask either Director Scippa or Judge Gardner to respond to your questions. I think that they probably have the greatest understanding.

**DIRECTOR SCIPPA:** Madame Chair, Director Norton, at this time, the rules that we operate under do not mandate specific topics with regard to the eight hours of training. The additional four hours of use-of-force training mandate a number of topics that the Departments can choose from, and that those topics must be rotated annually so that the Agencies are touching upon those topics every third year, to include certain types of use-of-force training.

So the eight hours is wide open for any kind of in-service training. There's four hours that are required for what we refer to as use-of-force training. And then, there's topics within there: OC, baton, handcuffing, things of that nature. Those topics are mandated. But they're mandated with some flexibility that allows the Agencies, individually, to address them as they need be. And then, there is the firearms qualification which is mandated. But we don't mandate the number of hours.

So, as it stands right now, there's eight hours wide open that the Agency, as long as it is Police training and it does not have to do with use of force or firearm, then they can choose anything they want. There's four hours that we have some direction and guidance which mandates topics. But there's flexibility that they can choose from those topics annually. And then there is a qualification with the firearm, or firearms, that they use with no mandated hours. That's how it stands now.

**DIRECTOR NORTON:** Okay. And my...

**DIRECTOR SCIPPA:** We do have something in place that allows us presently in the rules to mandate a certain topic. We would have to make a rule change for that to happen. Outside of this Commission, it is my hope that I can make a rule change that will allow the Council, with the input from relevant Law Enforcement Agencies and organizations to mandate certain training annually to include a legal update, which does not occur right now. It's not an organized effort.

So, again, there are things that are going on that are outside of the purview of this Commission, with regard to in-service training, that I'm also trying to accomplish. I hope I answered your question with regard to right now there's no rule that allows us to make that mandate for annual training. And the fact that I explained how the training exists right now, I hope that answers your question.

**JUDGE GARDNER:** And I can jump in, as well.

**DIRECTOR NORTON:** Yes.

**JUDGE GARDNER:** So the minimum hours, if we want to change that number, we do have to go through a rule change. So that is a definite. Yes.

**DIRECTOR NORTON:** Yes. And I would just clarify that my intent was -- and I don't know if this is possible -- would be to give Police Standards and Training the flexibility in the future to make a determination about specific training without having to go through the rulemaking process, so that it would go through the rulemaking process to allow the Council in the future to be able to make determinations about specific training.

We've heard that it takes up to a year to go through the rulemaking process. And it seems to me that that's what the Council's role should be is to have the authority and the flexibility to respond in the crisis without having to go through the rulemaking process.

**DIRECTOR SCIPPA:** So, Director Norton, you and I see the world the same way. And that was a goal that I had set for myself to work with the Council to allow us to have that ability to mandate certain types of training from now to the future. But that will necessitate a rule change that clearly I'm going to need to start working on sooner than later. But that was my intent prior to this Commission.

**DIRECTOR NORTON:** And that was intent of this rule -- or excuse me, of this recommendation, albeit then the secondary part to that was everything that follows. But I think it's important for us, as a Commission, to make a recommendation to allow the Council -- to endorse the Council's efforts in the future to have that flexibility. Thanks.

**JUDGE GARDNER:** That's appreciated. Yes, thank you. I think it would really be helpful coming from the Commission.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Malachi, question, comment?

**DIRECTOR MALACHI:** So, I'm not completely sure at this moment.

**DEPUTY ATTORNEY GENERAL YOUNG:** Talk to you.

**DIRECTOR MALACHI:** I did have my hand up, but we've covered so much. Maybe the answer to this is certainly changing the September date to the end of the year. Because even that's hard, and maybe the end of the year date is to start the process for the Commission to begin, because I know, from my Agency, it's taken us a year to review and agree on the amendments that we -- any of the changes and updates that we want to make through our rules, because we had to go through all of them, versus everything is great and you're just adding a section, which doesn't take very long.

But if you're going to go through JLCAR, you want to comb through everything. And if there are other areas that the Standards and Training Council needs to change, then they need to have discussions. And much like them, I have seven Commissioners. And we meet monthly. And so, someone has to do all of the heavy lifting to structure and make sure the legally correct, etc. And then, you're hoping that everyone, that you have a quorum, that will make it to the meeting. And then, those changes, as they go tranche-by-tranche are agreed upon. So, I don't know. So, to that point, that's my only comment on that.

And I thought, with the hours that we were discussing here for the ethics training, de-escalation, and something else, there was some other training, that those recommendations were a reflection of what Chief Edwards had put forth to assign some time to the current eight hours of training that was already currently being utilized. And so, that wasn't going to be a heavy lift for everyone, because those eight hours are already mandated, or required.

And then, this gave some additional refinement and structure to how six of those hours could better be used. And I thought that's what we were doing in there. But, please, somebody correct me if I'm misremembering. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** So we have a number of hands up. But I want to ask this to Director Scippa and to Judge Gardner, because you are the -- again, you are the ones that know this the best.

What we want to do are we want to make recommendations that are realistic so they bear fruit at the end of this process. If the September 15th date, we're not going to meet it, that's not sort of a good foot to start off on, because I would point out this is our first recommendation. So we need to sort of be solid in our recommendations.

So I would defer to both of you to give us realistic dates, but dates where we can start to see some initial steps. We certainly can't put this out a couple of years, because when we asked the other day, John, you said an April date would be something you could make. So I want to have a close target, but a target that we could hit. So, with that, John, I will go to you, Judge Gardner.

And then, Julian, James, I know that you also have your hands up. So I will look back to you. Thank you. John?

**DIRECTOR SCIPPA:** Thank you, General. We're talking about two different types of training right now. And I think it's really important to understand that, when I first put out the April 1st deadline and I said emphatically it'll be a big lift but I can do it by April 1st, I was talking specifically about introducing fair and impartial policing, EPIC training, and de-escalation training into the Recruit Academy. Those are things that I unequivocally, with hard work, with my Staff, we can introduce those things certainly by the end of that timeframe, that April 1st timeframe.

Additionally, I would be able to put out a bunch of this training for in-service, make it available. Even though we can't mandate it, I can make it available if we are able to implement a robust software program that can deliver online training. So even though we don't mandate it, I can put it out into the general public.

But with regard to in-service training -- now, in-service training is different than that Academy training that we're talking about -- that's where -- and I don't know whether people on the Commission maybe got confused about just talking about all training and we're going to do that by April 1st, or whatever the case might be.

But for in-service training changes to take place, this is going to have wide impact across New Hampshire Law Enforcement. It's going to take a lot of time for us to make these rule changes, working with New Hampshire Police Standards and Training Council. This will have some financial impact that I'm going to need to address with my peers in the New Hampshire law enforcement community and kind of work with them, as well, and give them opportunities to start building out their budgets to take on this additional training that we would ultimately mandate.

So I don't know if that maybe clears the air a little bit. But as far as that April 1st, 2021 deadline for the Academy training, I can do it. My Agency can do it. With regard to this in-service training -- and I'd defer to Judge Gardner and her expertise in this area, but there's going to be a lot of moving parts that we're going to have to address.

And to Director Malachi's point, her Agency is working through close to a year's worth of effort just to get the rule change made. So those are where my concerns lie.

**JUDGE GARDNER:** And if I can jump in, there are a lot of stakeholders as part of the Police Standards and Training Council. And so, when we have those hearings, also the community's allowed to jump in and comment on these rule changes.

One of the concerns that I have, obviously, is the timeframe for the September timeframe. That's just not achievable. And also the language about the April dates, I'm thinking we should perhaps look at

Director Scippa's Recommendation Number 6 that indicated that this increase in training should be adjusted incrementally over the next three years. And so, that kind of language keeps it open for Director Scippa to accomplish what we all think is necessary in terms of training.

And whether he is going to be able to do this, it sounds like he's confident that he can put this training into place into the Recruit Academy. But it still does need to go through the approval process through the Council. So I just point that out. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Your Honor. Attorney Jefferson?

**ATTORNEY JEFFERSON:** So, in the conversation between Director Norton and Director Scippa, it seems clear now that Police Standards and Training does not have the authority to mandate minimum topic areas for this eight hours. And I think that is something we clearly decided and deliberated we want them to have the authority to do.

So I think really the only question here is: what do we do with the dates of September 15th? And if that's not reasonable, then let's move it to December. And emergency rulemaking seems to me -- and this is, I guess, the question I have -- emergency rulemaking seems to me to mean that that can happen in an expedited process. So if an emergency rulemaking is initiated in December, then I guess the question is, so if we initiate it in December, when does that emergency rule come into effect? What's the realistic timeline of if you initiate the emergency rulemaking procedures in December, what is an anticipated timeline? And I think I would defer to Judge Gardner on this question of: when do you think that would come into effect?

**JUDGE GARDNER:** I'm not sure that -- just because it's labeled emergency doesn't mean it can happen right away. And I don't actually take the rules to JLCAR. So I'm not sure what the process is. But all I know is it takes a long time and it comes through revisions. They look at it. They bring it back to us. WE have to resubmit it.

So I don't think it's that easy to accomplish. I'm not sure what the timeframe is. Perhaps, Director Malachi, do you think you could jump in on that question?

**DIRECTOR MALACHI:** Yes, I'm still learning as we go. I do know once everything is finally submitted, it's 222 or 226 days is the schedule. And then, you have different things that you must accomplish over the course of that time.

But I believe there was some commentary regarding the emergency rulemaking that you could certainly put forth an emergency rule. But you needed to also simultaneously be ready to have everything to submit to JLCAR so that those things are happening side-by-side, and that there was a finite amount of time that the emergency rule would be effective. And then, you had to be going through the process to make the permanent change.

So let's just say for this moment we would keep the September 15th date. That means, if they were to submit something for emergency rulemaking on September the 15th, they needed to submit the completed documentation to change the rule permanently simultaneously, so that JLCAR could start going through its process, sending it back to the Council for revisions or questions, or whatever. And I believe even in the JLCAR process, there is a completely -- there's a part of that process where the public can then come in and comment. And changes can still be made.

So it's legislation. So it just takes as long as it does. I totally understand what we're trying to do. The problem I think is that we, as a Commission, want to give specific dates so that you have deliverables, right, like anything, so that you know this is being done and we can tell it's being done, because it's completed by this time, or in the process, and we can see that.

The problem is that, when you're dealing with a budget cycle, that's one thing, which is a biennial budget. And then, you have the training calendar, as Chief Dennis talked about, which is -- or Director Scippa, which is annual. And then, JLCAR is 200-and-whatever days from the day you drop it in. So you have all of these times that are overlapping.

And the difficulty is affixing a timeframe to something that you can't tell how long it's going to take to get started. And I completely understand that that is diametrically opposed to what we're trying to do here. So I'm not sure if I have a better answer to that. And it may be just open end -- leaving it a bit more open-ended, but making sure that specific things are happening.

And maybe we have it so that we get a Report. This Commission gets a Report in six months or eight months, or whatever, so that we can make sure that the process is moving forward and holding the Council accountable to the open-ended deliverables that we're giving them, which we know they're going to do. But then, we can be that accountability body to make sure that's happening and report that out to the public. Offer, I don't know.

**JUDGE GARDNER:** Oh, sorry. But, I think, Commissioner Quinn, you probably also know the whole process, as well.

**COMMISSIONER QUINN:** My recommendation on the rule, Ahni was accurate. I think that we need to give Director Scippa a couple of months at a minimum to have his draft in place. Before you file the emergency rules, you should have your draft ready to go. Do them simultaneously, maybe. And it's got to work for the Director.

But whether it's no later than January 1st, but the time should be to have the draft ready to go, when you file the emergency rules. And we generally shepherd them through six to nine months. But the key is filing them simultaneously.

And I also agree with what Chief Dennis said. These months are going to be very, very confusing. We should stick to a standard on January. I think it'll be much more helpful for everyone, the Training Officers involved in getting all this training done. Every Head of an Agency has to submit something to Police Standards and Training at the end of the year that says we have done all this and signed to it, and attest to it.

So whatever you can do to make it more consistent, but I think that September's going to be off the table. He's going to need time to get the draft ready, meet with the Commission, and put it. That's how you set yourself up for success with JLCAR.

**DEPUTY ATTORNEY GENERAL YOUNG:** So I would suggest that September 15th, 2020 realistically go to January 31st, provided that's not a Sunday, January 31st, 2021. And then, I would move the A from April 1st of 2021 to January 1, 2022. With that, Director Scippa, is that reasonable?

**DIRECTOR SCIPPA:** I hope so. Yes. I think it's clearly more reasonable than what was initially proposed. And I'll defer to Commission Quinn's expertise in this area. He's been at it a long time. So if he

feels that those dates are operational, then, as far as I'm concerned, they're operational and we can go forward.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner, thoughts?

**COMMISSIONER QUINN:** Sure, I think what we're saying is that gives him several months to start. So, he'll have the time to draft the rules, get them ready. And it doesn't prohibit it him from doing it earlier. Yeah. And it gives you -- I think it gives you enough time, John.

**DEPUTY ATTORNEY GENERAL YOUNG:** And it also has to be done in consultation with the Council. I mean, right? The Council is sort of the real body over there. And they have limited number of meetings. January 31st is a Sunday. President McKim, questions, comments?

**MR. MCKIM:** Thank you. This is fascinating stuff. And I wanted to go back to something Director Scippa said, because it really intrigued me and speaks to the format. He outlined for us that we're talking about different kinds of offerings here, and the timing, we may have been confused. And I think I certainly was confusing the timing that he was suggesting.

So it sounds as if there's a certain set of timing and capabilities he has around the certification offerings and possibly a different set of timings and authorities, and capabilities around in-service training, and even a different set of capabilities and timings around training for Recruits. So, if that's the case, I'm wondering if lumping all of those into one section is appropriate. We have a number 1 that's around certification and training; number 2, that it's around in-service training; number 3 that's around Recruits training with dates and kind of hours or whatever we feel appropriate for each of those. And I guess it's mostly a question for Director Scippa to make sure that we're really being able to make recommendations that don't dumble [ph] themselves up based on the different audiences for the trainings.

**DIRECTOR SCIPPA:** I concur wholeheartedly with the way you are kind of seeing maybe the way we should organize this. But at the fear of having to really redo a lot of work that's in front of us, that would be my only concern.

**COMMISSIONER QUINN:** Deputy, can I make one comment?

**DEPUTY ATTORNEY GENERAL YOUNG:** Go ahead.

**COMMISSIONER QUINN:** Yeah. Yeah. And I think John touched on it earlier. And I want to make sure we're all clear with the hours. So if you're looking under A, A is we're working within the eight hours currently. But I think we should all understand that once you touch B and C, what we are doing here, this increase is going to have a financial impact on law enforcement.

And I did some rough numbers. So, as we looked, if you looked at the spreadsheet I provided -- and I get this is a very, very -- if you looked at one of the lines we have, we have the basic cost for the Officer, the backfill. And just at that, eight hours' additional, at 4,000, and that's roughly 3,000 fulltime and 1,000 part-time, you're at \$3.3 million. That's exclusive of PS&T cost.

So I think we just need to be aware, if we're saying effective January 1, 2022, and January 2, 2023, we internally are just building our '22/'23 budget. We should be clear. And I think Chief Dennis can expand on this a little better than I can on their process.

But I want to make sure we all understand, B and C will have a financial impact at the municipal level. Do you agree, John?

**DIRECTOR SCIPPA:** I do, Commissioner.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, can I ask a question? If you can get your online platform up, John, will that help reduce some of the cost, or, no, because they're still going to have to come out of service while they do the training? Is that your issue, Commissioner?

**COMMISSIONER QUINN:** Absolutely.

**DIRECTOR SCIPPA:** And if they have to do brick-and-mortar in-service training and we keep it completely offline, that means that we're going to have to run these trainings really to -- it would be almost fulltime to get all 4,000 Law Enforcement Officers through this particular training. And to be able to continue operations to deliver Fulltime Police Academy training, fulltime corrections training, and Part-Time Police Academy training, it would just be a heavy lift.

If we had the online capabilities, we clearly would have a better way and a much more inexpensive way, fiscally, to deliver that in-service training. But, again, we can't snap our fingers and make it go. I'm going to work with the Commissioner and some his Troopers. They have some assets in place, and we're going to work together on that. We also have the ability to create online training. But again, it's not flipping a switch. It's going to take a lot of work to put those things together.

**DEPUTY ATTORNEY GENERAL YOUNG:** Lieutenant Morrison, comment or question?

**LIEUTENANT MORRISON:** Yes, thank you. I have a suggestion for just rewriting that paragraph. I just chatted it to whoever's on the other end of the chat, whoever that is. But, to keep in mind that these are recommendations that have to go through the process, would it make sense to just say as soon as practicable, PSTC, with input from relevant Law Enforcement Entities should pursue all actions necessary and recommend required annual training hours be increased, and include the following training topics and suggested time schedules?

Leave it general, but, hey, get it done as fast as you can. You have to work through your process. We get that. But get the process started. These are clearly our recommendations. There should be training topics and we suggest these schedules for the increase of training hours.

I'm specifically sensitive to the hard parameters that are going to be unmanageable and sort of, on their face, not practical to even put out there. So if we just say, as soon as you can, like as soon as possible, pursue these things, include the training topics and the mandatory training. And our recommendation for increased schedules of training hours on these years are, you know, something along those lines.

I couldn't edit very well on the chat. But I sent some suggested rough wording. We could really put this to bed and I really don't want to spend another eight-hour day. And we're on our first recommendation.

So, if we can sort of avoid belaboring the topic of carving out such rigid unmeetable timelines, failing to take into consideration the process that needs to be undertaken, and just say, as soon as you can. Start on it right away, and work through. And these are our recommendations. And allow PSTC, the Council, to say, okay, we see what those are. We're going to adopt them into our framework and work to put those in. Does that make sense?

**DEPUTY ATTORNEY GENERAL YOUNG:** It does. So, Chief Edwards, Ken, Julian, Charlie, and Joseph. Eddie, you're all set.

**CHIEF EDWARDS:** Okay. Thank you. I'm concur with Lieutenant Morrison's approach. And if you look at the Administrative Rule process, generally speaking, when laws are passed or Agencies are asked to amend their rules, there's a 90-day beginning period. Generally speaking, the administrative process says begin this process no later than 90 days after.

So when our work is done here, when Director Scippa has time to fully invest with his Agency, I think that's what we say. No later than 90 days from this point, Director Scippa, PSTC shall start the rulemaking process to accomplish these tasks.

I think, using common language that's already there for rulemaking authority keeps us consistent. It moves the needle. It gives some direction. It gives a starting point. But the process is going to take the process, because when you have community input, that may change the dynamics of this, because once this goes beyond this Commission into the general public, also, to have comment, a lot of these things may change along the way. So I think we give a starting point that's consistent with the rulemaking authority now. And we can't project an end date. We can certainly talk about a beginning point, but not an end date.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Chief. Director Norton?

**DIRECTOR NORTON:** Thanks. I support what Chief Edwards said. I think that that makes sense, number 1. Number 2, I still think maybe for a parking lot, we need a separate recommendation to endorse the authority for PSTC to make these decisions in the future.

And number 3, I wonder. I mean, we've been focused so much on Police Standards and Training. Should we make a separate recommendation that's just something along the lines of all Police Departments in New Hampshire are encouraged to, and then have our points relative to the two hours of training in implicit bias, two hours in ethics, two hours in whatever.

And again, these aren't requirements, but to give a clear message to Police Departments in New Hampshire, outside of the role that we understand right now that Police Standards does not have, relative to those eight hours, and consider that as a separate recommendation. Thanks.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Julian?

**ATTORNEY JEFFERSON:** Yeah. So, for the language of Number 1, Commissioner Quinn had suggested February 1st of 2021. That's a significant ways away to initiate the process. But I'm fine with whatever language we decide there.

But I don't think that we should change anything else below that, because we're already putting ourselves into 2022. So if you start the process as soon as possible, whatever that means, that makes A, B,

and C all completely doable, because it's all of 2021 to do whatever you need to do on the rulemaking procedure to get you ready for 2022.

To Ken's point -- and I think this is what Chief Edwards brought up -- is for 2021, these eight hours are already there. So we should standardize them for these six hours. So I think a separate Motion would be we encourage all -- to what Director Norton said, for calendar year 2021, we encourage all Police Officers to mandate two hours of implicit bias, two hours of ethics, two hours of de-escalation.

So it gives us the urgency of now to say calendar year 2021, we think these things are important. We think you should be focusing on an annual basis. And it's already part of the eight hours. And then, this language is putting us out to 2022. And that should give Police Standard Trainings and Council [sic] more than enough time to initiate that rule process starting now in 2020 and working through all of it to 2021. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Chief Dennis?

**CHIEF DENNIS:** Thank you. And I think Attorney Jefferson just did a pretty good job of kind of outlining things for us. But I just want to make a couple additional comments. One was the one when Commissioner Quinn was talking about the training and the financial impact, and that is true. There is always a financial impact.

But, many of the Law Enforcement Agencies already go above-and-beyond the eight-hour minimum. And remember, when we're setting the minimum of the 16 hours, the minimum of 24, besides what we're talking about PST starting to structure, which I think is a good thing, the other hours are any Police training that the Chief of Police or that Law Enforcement Executive feels is needed for that Agency.

So, yeah, there is some costs. But I would think a lot of the Agencies are already probably doing 16 hours on average, or more. And there's a lot of alternative methods out there, certainly with the Director talking about getting their online version going. That's critical. There's other online versions out there that are pretty reasonable to add training that's good and valid.

But I also think the point that it is also important for that foundation to be set here. And it is important for PST to set some sort of structure on some within those minimum hours dealing with those specific topics that we've talked about that put us today: the duty to intervene; the de-escalation; implicit bias. Those things, I think, are critical of becoming structured.

Could we certainly encourage for 2021? We can encourage. And maybe that gives us that year to then build in, hey, moving forward, PSTC is going to review the trainings in those topics areas, and come up with a list of what's approved to do. But we can encourage it for 2021. I could live with that. But, again, there's no teeth to it. But I think it's a good move. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Chief. Joseph?

**MR. LASCAZE:** Yes, thank you. I just wanted to say I agree with Chief Edwards on the structuring of the beginning of it to be more realistic for a start date. But the only thing that I just want the Commission to keep in mind is the community. And while most of the Commission may understand the workings of how it would go and the changes, they understand how it works. But the community is going to want to know what is happening during this process.

And if we can't set an end date, is there a way that we can put in there language that would allow the community to know what is happening during this process, because the community doesn't know what Law Enforcement is doing next in response to everything? They don't. And I'm just wondering if we can do something like that for that factor of assuring the public this is being worked on.

And I did like Director Malachi's earlier comment about a Report may be coming back to this Commission. But I don't even know if we're going to be here six months from now, or however long, and definitely don't want to be here six months from now doing eight-hour days. So, hopefully we can figure something out on that.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Tshiela?

**MS. TSHIELA:** Yeah, I actually just wanted to reiterate what Joseph said really quickly, because we are in the public eye. And the way we're structuring things, it's for us to under -- well, it's in a way that we understand, but members of the public might not really get it. And so, there needs to be some sort of form of accountability along the way not only for us but so that we know, like someone like me knows that these things and these steps are being taken.

And so, I agree with what Director Malachi and what Joseph said. I second. I think there needs to be some sort of Report back in a certain amount of time to show us that those steps are being taken. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you very much. Director Scippa?

**DIRECTOR SCIPPA:** I would ask that the language put forth by Lieutenant Morrison with the caveat that a specific Report would be delivered to this Commission six months from the date that the Commission puts forth all the recommendations and the Governor puts forth, can we have kind of incremental reporting to speak to the concerns about making sure that we're communicating back to the community where we're at in the process and that the process is still ongoing? And just kind of assure everybody that the work is being done within the framework of State business, so to speak. That might be a way to address it.

**LIEUTENANT MORRISON:** Could just have a Report be made available, it doesn't have to necessarily come back to this Commission, because I think this Commission will be dissolved by Statute. But i could just be the Report will be available either from PSTC or the Council, or somebody, whoever generates it. And it'll just be made publicly available. And I don't think that would be a problem.

**MR. LASCAZE:** I can live with that.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So what we're going to do for time, Ahni, you have your hand up. James, you have your hand up. We will take your comment. We will work on redoing one and two. We will move onto the rest, and then we will probably take a short break to circulate that. So, Ahni, questions, comments?

**DIRECTOR MALACHI:** Yes. So, I think this is sort of a sidebar to all of this but still a salient point. I think we should, as the Commission, consider remaining together to provide that oversight. It doesn't mean that we're doing this level of meeting, because we have to do this level to listen to testimony and be able to put together effective recommendations. And we need to hear from the public and make this a public process, so they can see what they're doing.

But to the point of giving the open-ended date for the deliverables, because of the legislative process and the rulemaking process that none of us can control, I think, to Ms. Tshiela's point and to Mr. Lascaze's point, to give the public, or the community, some idea that someone is looking at this, if we stay together as a Commission and we meet quarterly, or whatever, and it's an hour meeting, or whatever it is, it would not be to this magnitude. Then, the PTSC and all of those entities that are coming together to actually do these recommendations would then be giving us a Report on where things stand. And then, all of that becomes public.

And so, the communities can feel like someone is looking out for them, making sure that both communities, meaning Law Enforcement and everyone else, is working together to move all of these points forward. SO that would be what I would suggest. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** So I think, technically, Ahni, this Committee is here by Executive Order. That would have to be extended. Certainly, we could discuss that in the other category, if the recommendation wants to be made that the Committee continue on.

**DIRECTOR MALACHI:** Okay. I was hoping to off that maybe as a way so that people felt a little better about some of the open-ended options that we're giving, that if we may be in the other, consider staying together to give oversight. It might make everyone feel a bit better about some of the decisions that we may need to make now.

**DEPUTY ATTORNEY GENERAL YOUNG:** Understood, thank you. President McKim?

**MR. MCKIM:** So, I put my hand up a while back before the discussion of accountability happened. And that was going to be my point, the accountability discussion. How do we hold ourselves and everyone involved accountable for doing the work that we are recommending be done?

And so, along those lines, to just add on what the folks before me have said, I'm just curious. Is there a body? And maybe the PSTC Council already plays this role. But is there a body that is responsible for ensuring that this kind of work that our recommendations are asking for actually gets done?

I'd hate for us to reinvent the wheel and create yet another Commission or Committee, when there's one that should be charged with that responsibility for ensuring that these recommendations are, in fact, implemented. So that was just my thought to add to the discussion, and the question. So, I understand, as well. I don't understand exactly who's accountable to whom for much of this law enforcement stuff. So, that would be my question and my comment.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director, I'm going to let you answer, and then we are going to move onto Section 2 of the recommendations.

**DIRECTOR SCIPPA:** Mr. McKim makes an excellent point. And maybe the recommendations should point specifically to the Police Standards and Training Council to act as the overseer and group that accounts for progress in these recommendations. They are appointed by the Governor. There are four Ex-Officio positions. But the rest of those people -- and there are people from the public that are part of that Council. And that certainly would be a way for the public to know what the progress is on these pieces.

Our Council Meetings are public. They're of public record. And notes are produced and made available to anybody who wants them on our website. So, Mr. McKim, excellent point, and maybe that's who we would rely on. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So now we're going to move onto Section 2 of the recommendations. We will rework Section 1, try to get something. Section 2...

**LIEUTENANT MORRISON:** Are we tabling that Motion, or...

**DEPUTY ATTORNEY GENERAL YOUNG:** Say that again.

**LIEUTENANT MORRISON:** Are we just going to table that Motion for right now, or what are we going to do?

**DEPUTY ATTORNEY GENERAL YOUNG:** What we're going to try to do, Mark, is we're going to try to rewrite it and then put it up. So I want something up that we can talk about. So, yeah, we're just going to move on.

Section 2, Recommendations 6 through 17, I will direct you to paragraphs 10, 11, 12, 13, 14, and 15. So these are all what Police Standards and Training will do to improve and augment the Academy. I would note, in 10 and 11, the word is "will improve". But 12, 13, and 14, and 15, it's "should improve". I think we probably just didn't pick that up.

I think, as a Commission, because we are making recommendations, I would ask that in 10 and 11, the word "will" would go to "should". Those are my only comments on those. And I will go through the roll. Anybody have any questions? Director Scippa?

**DIRECTOR SCIPPA:** I'd hate to do this. But going back to the first recommendation, there was a piece within one of those recommendations that I would request to be moved to Number 10. Specifically, the wording that speaks to training on the topic of implicit bias and diversity, be involved with one or more community partners from the New Hampshire Association for the Advancement of Colored People, the New Hampshire American Civil Liberties Union, New Hampshire Commission for Human Rights or equivalent community partner.

The training that we're going to be using to accomplish Number 3, it's already developed and it's ready to go. But Number 10, we have to rely heavily on representation from all of those groups. And so, I would just ask that the language just be moved from where it presently sits to Number 10.

**DEPUTY ATTORNEY GENERAL YOUNG:** President McKim?

**MR. MCKIM:** Great, thank you. I'm very happy with that move. Thank you, Director Scippa. I had a few questions. And I guess I should ask. Are we free to make comment on all the suggestions, or are we just commenting on your corrections of the wills to the shoulds?

**DEPUTY ATTORNEY GENERAL YOUNG:** No, we can comment on the whole section.

**MR. MCKIM:** Great, thank you. So, for Number 9, as I think it's still called, Number 9 on the screen, so it says "Scenario-based training should be increased by PSTC." I'm wondering what the thinking is in terms of increased how? Is it increased in time? Is it increased in content? Do we need to make some specific recommendations of how we want the increase to be made is my first question. And I'm not sure who. It looks like Director Scippa has a hand up there and may have some thoughts, but...

**DEPUTY ATTORNEY GENERAL YOUNG:** Go ahead, Director Scippa.

(No response)

**MS. REED:** Director Scippa, you're muted.

**DIRECTOR SCIPPA:** I'm sorry. Thank you. I wonder if Number 9 should just read Police Standards and Training should increase the number of hours of scenario-based training in both the Academy and in-service portions.

And I would take Law Enforcement Agencies out of it, because that may be too difficult to impose. I think it's very easy for us to just say that "Police Standards and Training should increase the number of hours of scenario-based training in both Academy and in-service settings". Does that speak to your concern, President McKim?

**MR. MCKIM:** It does, thank you. And I really was asking the question because we heard testimony about challenges that mentally ill and hearing-impaired folks were having. And I think it just triggered to me, not knowing what the scenarios were about, we might want to be specific about what our recommended improvements would be. So that does answer my question. It's about the timing, amount of hours point. So, thank you.

My next question was on Number 10. And I think you actually mentioned it when you, Director Scippa, asked for the verbiage to be brought over from what was Number 3 over to Number 9. I wonder if we might have that same language on Number 10, as well, the working with one or more community partners to put together that training. And that might apply to 11, and I guess any of these that are around putting together a training that isn't already developed.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, James, it is on 10. It's not on the others. But we did put it on 10.

**MR. MCKIM:** So I must have an old copy. I see it there now, sorry.

**DEPUTY ATTORNEY GENERAL YOUNG:** It's all right.

**MR. MCKIM:** Okay. That's great. Thank you for that one.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Scippa, your thoughts on putting it on the others, as well?

**DIRECTOR SCIPPA:** I think that putting it on the others, we're relying specifically on training that has been identified as training that is nationally accepted and endorsed by a number of Law Enforcement Organizations to include the IACP, PERF, NOBLE. So these trainings have been vetted very, very deeply. They're already developed and ready to go. So for 11, 12, I would ask that we not include that verbiage, only because it's already been done and it's already been vetted. And I hope that maybe makes it a little bit clearer for the Commission Members.

**MR. MCKIM:** It does for me. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** James, do you have any other questions, comments?

**MR. MCKIM:** My last comment is about Number 16. And would you mind scrolling down so I see what's actually there versus what's on my sheet, which has just proven to not be the latest and greatest? So I'll see if it's there. It's still there. Okay.

So, it says NH PSTC should consider reevaluating the part-time Police Officer certification process. I'm wondering if we should remove that consider and make it a strong recommendation to reevaluate, based on the testimony that we heard. There seems to be a pretty strong recommendation that we do, in fact, reevaluate.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, I'll weigh-in. We had a fair amount of robust discussion about this. I think that this was one of the proposals that was -- or one of the recommendations that was on Judge Gardner's recommendation. But she had heard back from a number of Agencies. I think that Rogers Johnson also heard, being on the seacoast, there are a number of part-time.

So I don't think you were around in the afternoon, James. But there was a lot of debate around this. And this is sort of where we landed. I would certainly welcome anybody else's opinion on it. But I do think that we had a lot of discussion around this.

**COMMISSIONER QUINN:** Jane, I'd like to weigh-in.

**DEPUTY ATTORNEY GENERAL YOUNG:** Absolutely, Commissioner.

**COMMISSIONER QUINN:** Yeah, agreed. I think Judge Gardner was agreeable to continuing with the Part-Time Academy. The only comment I have here, and it's more looking out for Director Scippa, is I think we just need to be clear. What does this mean? And that could also be a heavy lift, too. Reevaluating the Part-Time Officer Academy, what are we going to ask him to do? And what's the intended outcome of this?

And just so everybody's clear, once that part-time Officer puts his or her badge on, they have the same authority as a fulltime Officer and they assume the same risks when they're stopping a vehicle. But I

just want to make sure that we give Director Scippa the right resources and ability, if this is what we're going to ask him to do, to see it done right, because we're putting a lot on his plate.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Director Scippa, we will go back to you.

**DIRECTOR SCIPPA:** Thank you, Commissioner. I appreciate that. I wonder if we should put in there that we would reevaluate the part-time Police Officer process upon receipt of the results of the Job Task Analysis. And maybe that's a good way to measure what, and if any, changes need to be made to the certification process, and to what extent, if any, that we give certain consideration to their function.

But thank you, Commissioner. I think that that clearly will allow us to make very clear reevaluation in a scientifically validated way, and so that we're making moves not so much quickly but appropriately. We're using data to make those moves. Thank you.

**MR. MCKIM:** So, Deputy Commissioner, I guess I have a question. And you're correct. I was not in attendance at the discussion. The way I read the use of the word "consider" here is a question of whether there should be a reevaluation or not, which is different than assuming that there will be a reevaluation and considering what changes might be made.

So my point was the testimony that we heard was there absolutely needs to be a reevaluation. There shouldn't be a considering as to whether there should be one. There should be one. So that was my point of taking out the word "consider". Just say we should reevaluate, and reevaluation doesn't necessarily have to change anything. But we're looking at it anew. And I think Director Scippa's addition puts in the databased approach that will allow us to make whatever changes appropriately.

**COMMISSIONER QUINN:** Comments?

**DIRECTOR SCIPPA:** John Scippa concurs.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, Judge Gardner, any thoughts on that to delete the word "consider"?

**JUDGE GARDNER:** I think it probably should be deleted. Scippa...

**MR. MCKIM:** Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards, you have your hand raised, as well.

**CHIEF EDWARDS:** Yes. I wanted to go back to Number 10. And I have some concerns about the language that Director Scippa wanted to transfer to Number 10. And I say this because Director Scippa put together a type of Working Task Force prior to this Commission meeting to address some of these issues.

And so, when I read this language, it's kind of suggesting that the NAACP and the ACLU were voices for a wide swath of minority people. I think the New Hampshire Humans Rights Commission and Police Standards and Training are capable of doing that. I think Director Scippa should have the flexibility and the

leadership, and we can hold him accountable of those things, a Task Force he wants to put together, or an information he wants to bring in, or exclude, or whatever the case may be.

But to specifically mention two organizations, I don't know. I don't feel comfortable that we should be telling, or directing, the Governmental Agencies who they should work with, because I think Director Scippa's shown that he was interested in this without this type of recommendation. And I also think it ties his hands.

And I could see more challenges coming from this. What about organizations that aren't included in this? Arguably, across the country, most of these discussions are taking place because of what Black Lives Matter has brought forward. They're not included in this.

So I think we have to be very careful about making these type of recommendations. I think something along the lines that the Director of Police Standards and Training will work with community members provides a little bit more flexibility. I'm just not comfortable having a specific organization who's designated to represent the interests of a wide swath of minorities.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, Director Scippa, you asked for this to be cut-and-pasted here. What are your thoughts on Chief Edwards' comments?

**DIRECTOR SCIPPA:** I am in full agreement of his comments. Again, I come here with an open heart and an open mind to make sure that we are really addressing concerns that have been put forth that we all find in front of us right now.

But to Chief Edwards' point, does this exclude other organized groups? The gay community, they're not specifically mentioned in this group and/or in this particular recommendation. So if the Commission is comfortable with kind of making this a more wide-open recommendation, I certainly am, as well. And I'd defer to Chief Edwards' position on this. But I agree wholeheartedly.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Dennis, your hand is raised.

(No response)

**COMMISSIONER QUINN:** Jane?

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief, you're on mute.

**CHIEF DENNIS:** Thank you, Deputy. Sorry about that. Yeah, mine was back to the Part-Time Academy. But I think we've covered that. I think it should be looked at. And I think with additional language that Director Scippa put in there, that I am certainly comfortable with that, that it's going to be looked at once he receives the Job Task Analysis. So that was my only comment. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** President McKim?

**MR. MCKIM:** Thank you. I just wanted to say that I actually agree with Chief Edwards. In legislation and such formal recommendations, and guidelines, generally it is not good practice to name specific organizations, especially since those organizations may or may not exist over time. So, I think the

point about if there is an existing group that is evaluating, or helping with designing training, I think that group should be identified as the group to provide the input, and leverage what already exists.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, the way that we have left it now, training on the topic of implicit bias and diversity to be developed with one or more community partners, are you satisfied with that language?

**MR. MCKIM:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, thank you. Commissioner Tshiela, you are up next.

**MS. TSHIELA:** I kind of forgot what I was going to say. But I do know that I was going to agree with what Chief Edwards said, because it's super important to understand that, like he said, Black Lives Matter, the organization that I work with, was a super big part of this conversation. We weren't even included in the list of orgs in this part of the recommendation. And so, like Mr. McKim said, I think it's best practice to not include specific ones.

And so, I wanted to just get this comments, just so you know. The ACLU does work with multiple different communities. And that includes the LGBT community.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you very much. Commissioner Quinn?

**COMMISSIONER QUINN:** No, my question was already answered by one of the other participants.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So do I have a Motion to Accept Section 2 with the edits that we have up there?

**DIRECTOR NORTON:** This is Ken. I'll make that Motion that we accept Section 2 as amended.

**LIEUTENANT MORRISON:** Ken, before you make that Motion, I just have one other edit, to repeat that same wording that we just changed in Number 3. We might as well make it consistent.

**DEPUTY ATTORNEY GENERAL YOUNG:** So I think we're not on three. We're just on Section 2, which is Numbers 6 through 17. We're going to go back to the first section when we make your edit. Is that okay? Oh, Mark, you're on mute. Is that okay, Mark?

**LIEUTENANT MORRISON:** Yeah, that's fine. I just was going to just make it consistent throughout. That's fine.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, we got to work on that first section. Okay. So, Director Norton made a Motion to Accept Section 2, which are Numbers -- oh, they're currently numbered. Their numbers are going to change, but Section 2, Numbers 6 through 17, with the amendments on the screen. Do I have a second? Joseph is our second. So I will vote yes, with the amendments. Commissioner Quinn?

**COMMISSIONER QUINN:** Yes, with the amendments.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Malachi?

**DIRECTOR MALACHI:** Yes, with the amendments.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Scippa?

**DIRECTOR SCIPPA:** If the Attorney can just roll up to where we're starting?

**DEPUTY ATTORNEY GENERAL YOUNG:** It's the section, New Hampshire Police Standards and Training Council General Recommendations.

**DIRECTOR SCIPPA:** Thank you, yes, with the amendments. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** And again, with the caveat, they will not be numbered 6 through 17, because we have to rework the first section. Commissioner Johnson?

**MR. JOHNSON:** Yes, as amended.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. President McKim?

**MR. MCKIM:** Yes, as amended.

**DEPUTY ATTORNEY GENERAL YOUNG:** Judge Gardner?

**JUDGE GARDNER:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Lieutenant Morrison?

**LIEUTENANT MORRISON:** Yes, as amended.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Dennis?

**CHIEF DENNIS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ken and Joseph were the first and second. Attorney Jefferson?

**ATTORNEY JEFFERSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards?

**CHIEF EDWARDS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Tshiela?

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. And then, we're going to move to Section 3, which should be pretty quick. It's the other recommendation, which is currently Number 18. This was Director Malachi's. Any discussion on this? Or do I have a Motion to vote on it?

**LIEUTENANT MORRISON:** I'll make a Motion to vote on it.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So Joseph's hand was up first. Joseph, you...

**MR. LASCAZE:** Yes, just real quick. I just had one question about this recommendation. Should we define this Study Committee? Who is going to make up this Study Committee? Are we going to have -- I think that we should have community members, as well as Law Enforcement on there. And as it stands, it's not very clear who would be on the Study Committee.

And speaking of Legislative Study Committees, that would be exclusive of Legislators. So I just wanted to get some clarity on this Committee and who would be a part of it, and if we can put recommendations that it's made up of community members, as well Law Enforcement.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Joseph. Ahni, can you clarify what your intention was, please?

**DIRECTOR MALACHI:** That's an excellent question, Mr. Lascaze. I think it's open, because we could determine who those people are. Yet, I think my first thought would be if you're doing a Study Committee legislatively, then more than likely it goes to a legislative body relative to whatever the topic is.

So, with this, maybe, excuse me, a part of this is looking at with accreditation, and maybe Director Scippa or Commissioner Quinn, or one of the other Chiefs can speak to this, how accreditation happens. I mean, I think the limited knowledge that I have, each individual Law Enforcement Agency may have one to four or five people doing this fulltime, working on what the accreditation standards are, how to meet those standards, what things need to be addressed, the financial portion.

So, I think we could have a relatively quick, hopefully, discussion. And maybe Commissioner Quinn could say who is putting together the body for their accreditation. And then, we can earmark a couple of people to make it more specific. Thank you.

**MR. LASCAZE:** All right. Okay. Thank you for clarifying that for me. And I am wondering, then, is a Study Commission more the word that we should use in this sentence? And the other thing is, I just wanted to know. Are you envisioning that this recommendation be implemented with Legislators next session or now?

**DIRECTOR MALACHI:** It would have to be relative to when the study takes place. So when the Study Members are decided upon, and then what the timeframe would be. And there's certainly a reasonable amount of time, I mean not a two-year study, certainly. But given a reasonable amount of time to look at all of the pieces to then determine what it would cost, what it looks like, and then formulate a Report.

But our in-house Legislator, Commissioner Johnson, may have more specific information on the structure of a Committee or Commission. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes, Rogers, you're next. And I think you can shed some light on this. So, thank you.

**MR. JOHNSON:** If I'm not mistaken, these recommendations are going to the Governor. Is that correct, or to the Attorney General, one or the other, or both? If that's the case, then it's going to be up to the Governor to do one of two things: actually appoint the Committee where he would, then, of course, include members of the public, Law Enforcement Entities, Legislators, whoever he wants, whoever he thinks can better serve the process of doing the evaluation.

If he wanted to go through a legislative process, he could, then, say, okay, fine. You guys vote on creating this Committee. But that would take time. I think the Governor's going to go ahead and support establish a Commission, a Committee. It doesn't really matter what the title is, so long as he appoints it in the requisite amount of time and they start to work.

**MR. LASCAZE:** Okay. Thank you for that. So, maybe I misunderstood. So just to make sure I'm clear, so are we saying that we shouldn't recommend, as we did in the other part of community members working with Law Enforcement on this, that we shouldn't put that same recommendation here, that it's made up of community members and Law Enforcement, regardless of the title, Committee/Commission?

**MR. JOHNSON:** I trust the Governor to do this. Looking at the Committee that we have right now, that's part and parcel. I've been part of three different Committees. I don't think that that's going to be an issue. There's going to be public members involved. And in fact, if you want to be involved, you can actually make the request. And he'll probably put you on the Committee.

**MR. LASCAZE:** Okay, not if it's going to be eight-hour days. I can't do it.

**MR. JOHNSON:** Well, then, what you need to do is tell him that you don't want to be involved, so he won't put you on.

**DEPUTY ATTORNEY GENERAL YOUNG:** Eight-hour days; Director Scippa?

**DIRECTOR SCIPPA:** I would offer candidly that accreditation is going to be really something that probably a good half of the Police Departments are just not going to be able to -- the amount of funding that has to go behind an Agency attempting accreditation is a pretty big chunk of money. And just from a pragmatic point of view, particularly those Agencies that protect communities north of Concord, this is going to be a huge financial struggle for them to be able to even consider accreditation.

So I think that the recommendation is made with the best of intentions. But I think, from a pragmatic point of view, if we put a Committee together, or a Commission together, and we have community members involved, I can tell you that a lot of the Law Enforcement Agencies are just not going to be able to swing it, as much as they want to.

And it's my understanding that there are some moves federally through Congressman Pappas' office to help try to find some Federal funding to assist with Agencies trying to move forward with accreditation. That still may not make it available to everybody here. So I'd just offer that comment. Thank you.

**COMMISSIONER QUINN:** Joseph, can I just add this, too? I still think it's worth looking at. I agree with what John said. But being in the position we're in, I am really looking forward to getting our Policies CALEA-compliant, that standard. And I think, as the Director enhances his ability to share learning modules, share Policies, I think you're going to see a lot of Police Officers.

I know I did. It's a network. And the ability to share these standardized Policies and be able to promulgate them at your Department, I think that if the Commission can get Law Enforcement to that level, that's a real big step in the right direction.

And then, it's an individual decision to get to the next level. But I think the Colonel said it best that culture trumps Policy. And I think we do have a good culture in the State. But if we can get all the Departments with some nationally-recognized gold-standard Policies, that is the first step. And then, this is the next step, if that makes sense.

**DEPUTY ATTORNEY GENERAL YOUNG:** The lineup is Ken, Mark, and Ahni. And then, I'm going to ask to take a vote. But Ken has some language that he has sent everybody. So we have it up on the screen.

**DIRECTOR NORTON:** I would just say that if I had to sum up in a word what the last 45 days have been for me, that word would be accreditation. And I heard it over and over, and over again from different testimony, encompassing all of the different areas that we've talked about: implicit bias training, community engagement, accountability.

And so, I think it's really important for us to make a statement relative to accreditation. And I understand the practical aspect of all of that. And so, I submitted language. But based on what the Commissioner just said, maybe it should just change to read to say, "Accreditation through CALEA represents a thorough ongoing review of Policies, procedures, accountability, transparency, and community engagement. And all Police Agencies in New Hampshire should be encouraged to have Policies and Procedures which are CALEA-compliant. And if we want to have a separate recommendation recognizing the challenges and barriers to achieving accreditation, a Study Committee should be created to further explore establishing accreditation standards for Law Enforcement Agencies in New Hampshire," which, in my mind, would leave the door open to whether Police Standards and Training might have a role in that in the future. But it's not just CALEA.

**DEPUTY ATTORNEY GENERAL YOUNG:** Sorry, Ken, we're doing five other things here. Can you try to recreate?

**DIRECTOR NORTON:** I'm sorry? I didn't catch the last part of what you said.

**DEPUTY ATTORNEY GENERAL YOUNG:** Could you try to recreate what you just said, please, while we...

**DIRECTOR NORTON:** Sure. "Accreditation through CALEA represents a thorough ongoing review of Policies, procedures, accountability, transparency, and community engagement. All Police Agencies in New Hampshire are encouraged to develop Policies and Procedures which are CALEA-compliant." That was the first part.

And then the second part -- maybe we take then one at a time -- is "Recognizing the challenges and barriers to achieving accreditation, a Study Committee should be created to further explore establishing Law Enforcement accreditation standards" or accreditation for Law Enforcement Agencies in New Hampshire.

I'll also say, having been involved in previous Commissions that have made recommendations for Study Committees, that that doesn't mean that a Study Committee happens. And was involved in a previous Commission that made a recommendation for two Study Committees, and neither of them have occurred.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So, Mark, Ahni, Joseph, Charlie, Eddie, and then I am going to call it. And we're going to do a vote on either 18 or 19. So, Mark, you're...

**LIEUTENANT MORRISON:** Yeah, I'm sorry. I thought this was by far the easiest one out of the group. But the second sentence in Number 18, I think, encapsulates what Ken is also trying to say. "In the absence of CALEA accreditation, Agencies should continually review and maintain Policies consistent with nationally accepted best practices."

Obviously, those best practices are founded in CALEA and the whole process is in its ongoing maintenance, altogether Policies and practices with continual updates. So, I'm fine adding a second paragraph. But I really think that we can push through here and get back to Number 1, so we can wrap...

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Ahni?

**DIRECTOR MALACHI:** Yes. So, in totality regarding the Study Committees, to Mr. Norton's concern, I mean, technically everything in this document that we're creating is simply a recommendation. So, technically, none of it has to be implemented, although we know that that will not be the outcome.

But the reason for promoting the idea of the Study Committee on this is a couple different things. There's several of our Law Enforcement Agencies across the State that are already working on becoming CALEA-compliant or simply, at the very least, improving their Policies, procedures, how they train, etc., everything that you would need to retain accreditation. And this recommendation is supporting their efforts.

There are some that may never be able to attain CALEA because of things that are beyond their control: size of the Agency; location of things that are a part of the accreditation process, etc. And so, to that end, I think if we keep it super simple, as Mark mentioned, Number 18 kind of keeps it clean. And again, I thought we had kind of agreed that that was where we were going in trying to keep it super easy, because on one hand, yes, accreditation is important. And CALEA is a great organization that does that.

But if Director Scippa get -- if the cash truck backs up to the PTS&C and they have whatever unlimited resources to hire Staff and create their own accreditation for the State, they're absolutely going to do it, because somewhere down the line it does say taxpayer dollars. So I think Number 19, although it talks about accreditation, it heavily weights it on CALEA and makes that the focus more so than other things that Standards and Training may come across that will do exactly what we're wanting it to do.

So ultimately, this Commission sort of doesn't care what accreditation standards you use, Law Enforcement, as long as they are the best available. So we don't want to tie their hands with that. And I think 19 weights that very heavily and ties them up to only CALEA. And it gives the impression is, if you're an Agency that can't attain this, what's wrong with you? But if the size of your building is a part of why you can't attain it, there's nothing they can do to change that. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Ahni. Joseph?

**MR. LASCAZE:** I'm trying to get this email up. I'm writing a sentence. I guess I could just say it, in the interest of time, that maybe we could word it to that "All New Hampshire Law Enforcement Agencies should be encouraged to consider pursuing CALEA accreditation. In the absence of CALEA accreditation, Agencies should continually review and maintain Policies consistent with nationally accepted best practices." And I think that that could be a way of rewording it that captures it all. And hopefully everyone can agree to.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Chief Dennis?

**CHIEF DENNIS:** Just a couple of quick comments, I know everyone's talking about CALEA. And this is more probably information-type things. But I do know that CALEA probably really busy right at the moment, but no different than they already have two levels of accreditation: the basic and then an advanced. The basic is the 180 or 188 standards. The advanced is the 400-and-something.

I've received some information recently that they're doing some initial research into another level of accreditation that may be below that level that's at the 188 standards. So if something like that comes along, that certainly may make the (inaudible) a little bit more for some of your smaller Agencies and things like that. It also may be a difference in the cost and things like that, too.

And also, Congressman Pappas just passed an amendment for \$10 million for small and medium Agencies looking to seek accreditation. So there is some help that's coming the way to help Agencies attain that. That's it. Thank you.

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

**CHIEF EDWARDS:** Yes. I just wanted to say briefly, I'm okay with 18 or 20. 19, I just want people to also understand that CALEA is the gold standard because of what goes into making a CALEA Agency. Just simply copying the Policies doesn't make you a CALEA Agency, doesn't mean you're in compliance. There's the ongoing development of your Policies, the review of your Policies. And most importantly, having someone else come into your Department to do an audit on your Agency, that's what gives you the gold standard.

So I think 18 or 19, you kind of accomplish that, what we're trying to recommend, as a condition. I think 19, it speaks to something that can't be done. And also, it kind of pushes us to an area where you're trying to copy-and-paste something that for Law Enforcement Agencies, that's not appropriate.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Can I have a Motion to move forward 18, 19, or 20, as our recommendation under 3? Joseph? Hold on.

**MR. LASCAZE:** I apologize. I was on mute.

**DEPUTY ATTORNEY GENERAL YOUNG:** No. Wait a minute. If we have just one second, I see a question from John Scippa.

**DIRECTOR SCIPPA:** Yeah, I would make a Motion, Number 20, as written, to be recommended by the Commission.

**DIRECTOR NORTON:** This is Ken. I'll second that.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. But Joseph was in here, and I shut him down.

**DIRECTOR NORTON:** Oh, sorry.

**DEPUTY ATTORNEY GENERAL YOUNG:** Joseph, do you have a question, or were you making a Motion?

**MR. LASCAZE:** No, actually, I was just going to do what Director Scippa just did. So that's fine. I'm fine.

**DEPUTY ATTORNEY GENERAL YOUNG:** So you can be the second, because your hand was up first. So do you want to be the second?

**MR. LASCAZE:** Please.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So I'll take a roll call on what is now Number 20 under Section 3.

**MR. LASCAZE:** Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Tshiela, how do you vote?

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards, how do you vote?

**CHIEF EDWARDS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Attorney Jefferson, how do you vote?

**ATTORNEY JEFFERSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Norton?

**DIRECTOR NORTON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Dennis?

**CHIEF DENNIS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Lieutenant Morrison?

**CHIEF DENNIS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Judge Gardner, your vote?

**JUDGE GARDNER:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** President McKim, your vote?

**MR. MCKIM:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Johnson, your vote?

**MR. JOHNSON:** Aye.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Malachi, your vote?

**DIRECTOR MALACHI:** I apologize. We are adding Number 20 or are we...

**DEPUTY ATTORNEY GENERAL YOUNG:** 20 will substitute in for 18. So our recommendation under 3 will be Number 20, not 18.

**DIRECTOR MALACHI:** So, no.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Commissioner Quinn?

**COMMISSIONER QUINN:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** And I vote yes, as well. So 20 will be the other recommendation. So what we are going to do right now is we are going to send you our best attempt at reworking Section 1, which is the required training to maintain law enforcement certification. It's 12:19. We will email you those, again, our attempt to have everybody's comments in from this morning.

We will take a 15-minute break. And we will come back. And we will hopefully discuss that and take a quick vote on that. And then, take a final vote on the Report as it all is. And then it will be good to go hopefully to the Governor. Ahni, you have your hand up?

**DIRECTOR MALACHI:** Just really quickly, and so on that last vote that we took, I voted no not because I don't agree that CALEA and what's in there should not take place. I voted no because I believe it still should be a Study Committee, so that all of the costs and all of those things can be taken into consideration and presented appropriately, so that all of the things are taken into consideration.

So I don't know if it's too late to allow the record to show that. But that was my reasoning for the no vote, not that I don't agree that all of the standards are there and that Policies and such should be reviewed. So, thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Ahni. The record will reflect that. Thank you.

**DIRECTOR NORTON:** Deputy Young, quick question, do we know what the schedule -- it's Ken -- do we know what the schedule is for next week? I'm holding dates open and people are waiting. Need to know if we know when we're meeting next week.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes, we were going to discuss that when we got through the Report.

**DIRECTOR NORTON:** Great.

**DEPUTY ATTORNEY GENERAL YOUNG:** I will see if we have the extension. I have a game plan for the month of August. So I got to get through the Report and get through the vote. So, 12:20 right now. We will be back at 12:40. And we will share what we have hopefully synthesized that first section down to. Thank you.

**MS. REED:** And just for logistics, I'm going to pause the recording. And then, when we get back together, we will regroup it.

(Off the record at 12:20 p.m.)  
(On the record at 12:40 p.m.)

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Thank you, everybody. So, as you see, we tried to synthesize the discussion from Section 1 into bullets 1 and 2. Any discussion or somebody want to move to take a vote?

**DIRECTOR SCIPPA:** Madame Chair?

**DEPUTY ATTORNEY GENERAL YOUNG:** Sorry, Julian, your hand is up.

**ATTORNEY JEFFERSON:** Yes. So I just sent an email with a couple of edits in Section 1 that I see the edit in Section 2. But I don't see the edit yet in Section 1. They're technical, but I think important.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So, you can just walk us. We got multiple screens going. You want to just walk us through it, and we will add it as we speak?

**ATTORNEY JEFFERSON:** Yes. So let me just pull it up in mine. So for I, I just added in...

**DEPUTY ATTORNEY GENERAL YOUNG:** So, wait one second while we pull it up.

**ATTORNEY JEFFERSON:** Sure.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Yeah, now you can go. Thank you.

**ATTORNEY JEFFERSON:** So for I, I just suggested that we put in New Hampshire Police Standards and Training responsible for reviewing and publishing, because that wasn't in there. And it's in II and III. And also in I, so this is (B)(I), just to make it more clear, that second line about community partners, that they should be involved in the selection or creation of training, so that it's just clearer.

And then, my thoughts on Number 2, I think, were already reflected in the highlighted portion. Yeah, it's already there. So those were my thoughts.

**DEPUTY ATTORNEY GENERAL YOUNG:** Any other questions or comments?

**DIRECTOR SCIPPA:** Madame Chair, Director Scippa.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, go ahead, John.

**DIRECTOR SCIPPA:** So, I also sent a reworked version of this out to everyone. And what Attorney Jefferson has put forth, there are some that are speaking to the same thing. I just had a little bump in my computer. Can you still hear me?

(No response)

**DIRECTOR SCIPPA:** Can anyone still hear me out there?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes.

**MS. REED:** Yes, we can, Director. But we don't have your video.

**DEPUTY ATTORNEY GENERAL YOUNG:** Can you hear me?

**DIRECTOR SCIPPA:** Oh, okay. All right. Sorry, I just had a little bump. Some of my amendments have nothing to do with Attorney Jefferson's amendments. And some of mine do. I apologize. I'm trying to get back online here. Oh, boy. Hang on one second.

In the first instance, you'll see that I suggested the changes in 1(A). I just have to stay inline with the language that we use in our Administrative Rules and the language that every Police Department understands. So there's been a lot of discussion about recertification, recertification. And that is not how we would refer to this training. This training is referred to as annual in-service training. And if we can just change that technical language, that'll just make it so much clearer to all the Police Officers and Police Administrators in the State of New Hampshire.

And then, secondly, the mandated training, again, we're going to be using those products that have already been vetted by PERF, IACP, NOBLE. Those blocks of instruction are already packaged. They've already been vetted. So to include that this type of training is going to be developed and we will work with a number of groups, it's counterproductive to the way I'm going to be able to get this information out, and this training out, in a very efficient way.

So, clearly the training is going to be provided. Those topic areas are going to be covered. There's going to be a minimum of two hours on each one of those topics, as included in mandatory annual training for in-service. But it needs to be listed the way that I'm presenting it, only so that I can do it in a very efficient way.

**ATTORNEY JEFFERSON:** Director Scippa, just in response to that, is it your position that Police Standard Training and Council is in charge of designating which trainings are to be approved? Or are you saying that that should not be the case?

**DIRECTOR SCIPPA:** I'm sorry, Attorney Jefferson. Can you repeat that? I'm just having some technical stuff on my end.

**ATTORNEY JEFFERSON:** No, that's okay. So, the language that you don't have in yours is that we specifically say that Police Standards Training and Council is responsible for approving what training would qualify under these three different sections. So is that something that you agree with, that, in order for this training to be uniform, the Police Standard and Trainings Council [sic], they provide a list of saying here's the universe of training for these specific topic areas? They've been vetted and you need to choose one of these.

**DIRECTOR SCIPPA:** So, we have very specific rules that address that very thing. They're already in place with regard to if a Police Agency wanted to hire Attorney Jefferson's four-hour block of instruction in implicit bias, there's a process by which those Agencies already know. We already have rules established on how we would document that training.

And then, if there is training that's going to be delivered at the Academy and paid for by the Academy, there's a whole other chapter in our Administrative Rules that speak to how those Vendors can be vetted. We gather the appropriate information: their lesson plans, their CVs, all of that. So all that's already in place. And that's why I just want to simplify it, as I have presented it, just so that it's going to fit in our existing rules as they already stand.

**ATTORNEY JEFFERSON:** So, my final question to you on that point is so I understand for the Academy training. But is that responsibility also there for in-service training? So say Derry Police Department wants to do a training on implicit bias. Does that training have to be reviewed and approved by Police Standard Trainings and Council [sic]?

**DIRECTOR SCIPPA:** And the answer is yes, not the way that you outlined it. But in fact, there is a process so that a Police Department can hire an outside Vendor to come in, deliver that in-service training. And then, it is the Police Department's responsibility to maintain training records, as we have set forth in our Administrative Rules, that would speak directly to being able to answer for the topics and the delivery of whatever was delivered. And those rules already exist.

**ATTORNEY JEFFERSON:** Okay. So as I understand it, though, but it doesn't require your Agency to approve it in the first instance. It just requires them to document it so that it can be reviewed?

**DIRECTOR SCIPPA:** For in-service training, as it stands right now, that is correct.

**ATTORNEY JEFFERSON:** Okay.

**DIRECTOR SCIPPA:** And again, outside of the purview of this Commission, we're also looking at those rules to make it so that it just makes more sense going forward. So, I understand your concern. And I guess I would relay to you that that concern is being addressed in a more global fashion.

**ATTORNEY JEFFERSON:** So, in addressing in it more global fashion, so I guess my question is, does Police Standard and Trainings Council [sic] agree that it's important that you do review and approve any trainings that are done for in-service training, to make sure that there's some uniformity in the quality of the training?

**DIRECTOR SCIPPA:** Yes.

**ATTORNEY JEFFERSON:** Okay. So, with that being said, I think it's important. And I think the language should be in there to express the Commission's desire that there be some uniformity and that there be a gatekeeper regarding the quality of the training on these very important topics. So that's why it's in there. So I would suggest that we leave that language in there, that Police Standard Trainings and Council is responsible for reviewing and publishing a menu of approved trainings on these topic areas. But I welcome further discussion from Director Scippa or any other Commission Member. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Julian, what about the discussion of the second sentence in B(I), the selection or creation of training to be developed with one or more community partners? Are you okay with that coming out, because of the standardized training?

**ATTORNEY JEFFERSON:** Speaking for myself, personally, yes, I am fine with that. Yes.

**DIRECTOR SCIPPA:** I think I'm back. Can anybody hear me?

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Yeah, you're back. Go ahead, John.

**DIRECTOR SCIPPA:** So, just understand that, Attorney Jefferson, the way that you're presenting this is going to now mandate that we make this change in the way we do business without it being vetted by my Council. So, again, I understand where your concern lies. Please understand that we are the vetting source for this type of training.

We just need to tighten that rule up. And that rule is going to be tightened up. But again, I'm asking, I guess, for the Commission's understanding or appreciation that I have to be able to take the interests of this Commission and the recommendations that this Commission comes out with and be able to very practically put these recommendations into play, if the Governor directs me to do so.

So I'm trying to identify to the Members of the Commission these small stumbling blocks that are going to create a lot of difficulty with regard to -- hey, I'm back -- a lot of difficulty in trying to just make it go. So believe me. I hear your concern. Understand that the concern is already kind of addressed. But if we simplify the recommendation, it'll just allow it to happen a whole lot easier and a whole lot quicker than putting in these little bits of, you got to do this one other step, too.

And I just hope that you can appreciate the fact that I'm coming at this with a very clear understanding of how it's going to have to work on my end. So I'm not trying to water down anything here. I'm just trying to make sure that we're setting ourselves up for success on the deployment side of it. Thank you.

**ATTORNEY JEFFERSON:** And I hear you there, Director Scippa. But it doesn't sound like we're in conflict at all, because it sounds like your goal is to have Police Standard Trainings and Council [sic] both be the Agency that is responsible for vetting any in-service training done by Law Enforcement so that we have some uniformity, and you're the gatekeeper.

And I think the language is important, because this is not just a conversation between us Commission Members. This is going out to the community. So if we don't have it in there and we just infer that it's going to be there, I think that's not good for our charge. So that's the only reason why I'm insistent on keeping it in there, especially if that is Police Standards and Trainings Council's [sic] goal anyway. I think we're getting caught up in the minutia a little bit. But the message of that sentence I still think is pretty important. And with that, I yield my time.

**DIRECTOR SCIPPA:** Julian, does it help you if we put that an approved selection process will be created by Police Standards and Training? I understand what you're trying to accomplish. But if we leave language in there to communicate something to the community which puts a blockade up for us to successfully be able to do what we're trying to do here, do we want to have words in there to convey a meaning? Or do we want to have the ability to put forth what we're trying to accomplish, which is the training? And that's where I'm at.

**ATTORNEY JEFFERSON:** And I'm comfortable with the language that you suggested, because, to me, it sends the same meaning, so that there is an approval process that these trainings have to go through. So I'm more than open to having some language changed along those lines that you suggested.

**DIRECTOR SCIPPA:** Let me try to put something together. Can I send it to you, Julian, and then you take a peek at it and tell me if it fits your needs?

**DEPUTY ATTORNEY GENERAL YOUNG:** So, because we are on a time clock, we have to do this here. I mean, we have to take a vote on this. And we have to get something to the Governor now. So, I mean, we're happy to -- we will give you a minute, John, to sort of get it in your head. And we will type it in here. But we got to get a vote on this.

**DIRECTOR SCIPPA:** Sure.

**LIEUTENANT MORRISON:** Could I just suggest that we remove that last sentence from B(i), as discussed? Thanks.

**DIRECTOR SCIPPA:** Without taking it out, Julian, I don't see how it could be rewritten. If in the end you need to have that in there, but just for the record understand that if that produces a blockade to get the actual training accomplished, let it be known that I pointed that out, going forward.

**DEPUTY ATTORNEY GENERAL YOUNG:** John, let me ask you this question. Can you make that decision without going back to the Council?

**DIRECTOR SCIPPA:** Make what decision, ma'am?

**DEPUTY ATTORNEY GENERAL YOUNG:** Can you review it and publish the menu?

**DIRECTOR SCIPPA:** I can. But ultimately what that means is every single Vendor that wants to be recognized by PSTC for their 2, 4, 6, 8, 10 whatever block of instruction that they're selling, I will have to manually go through each one of those things, as the rules stand right now. And then, I will have to make a decision based on whether this fits the needs or doesn't fit the needs for what we're trying to accomplish.

So what this is going to create is a workload that's going to hold me responsible for sitting at my desk with the door closed saying yea or nay to every single person who's trying to make a buck by selling their training. That's the problem.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ahni, you have your hand up, followed by President McKim.

**DIRECTOR MALACHI:** And that was what I was afraid of to what Director Scippa was saying, because the way it's written here -- which I totally understand what Attorney Jefferson is trying to do, and it's just to standardize these particular trainings so that you know everyone's receiving the same thing. But what if, based on the Work Group that PTS -- PSTC has already created, maybe out of that comes guidelines for the trainings that will be published.

And then, if each Agency is -- currently now I think each Agency is picking what they're going to use for these trainings. But if the individual Chiefs are making sure what whatever training they're going to use

meets some sort of guidelines or best practices, which I think could be easier to put together, and then that would be the foundation.

If there's a training that does above-and-beyond, great. But at a bare minimum, everyone across the State, when they're choosing different Vendors, there would have to be a bare minimum. Maybe that is a better way to slice that question.

**DIRECTOR SCIPPA:** I think I have maybe a much easier way to address this. Under letter B where it says, "Mandate that annual in-service training, as approved by PSTC, include at a minimum."

**ATTORNEY JEFFERSON:** That works for me.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. President McKim, still a comment?

**MR. MCKIM:** Yes, thank you. This is getting at exactly what I was wanting to comment about. I was really telling them to make sure that we understood what the potential barrier was that Director Scippa was getting at. And it sounds like we are getting at this.

One comment I wanted to make about this, which may go to the PSTC group that makes sure that they're identifying this training and the topic, we talk about implicit bias training. Implicit bias training traditionally does not include debiasing training. And this is an area that I'm particularly seeing as I go about my work that implicit bias training is great. It's awareness level. But being aware of it doesn't mean you know how to deal with it.

Debiasing training is what makes you understand how to deal with it, and also makes it so that you're implicit. There's no longed implicit bias. And I don't know if that needs to be here or not, but it's just what I am seeing in the world. Implicit bias training alone is not sufficient.

**DEPUTY ATTORNEY GENERAL YOUNG:** Could we make that addition in both sections? Would that be the correct language to include it that way?

**MR. MCKIM:** Yes, it would.

**DIRECTOR MALACHI:** Is it implicit bias/debiasing, or is that whole other training area, Mr. McKim?

**MR. MCKIM:** You could put it either way, as long as the phrase "debiasing training" is there. I think that would accomplish what we want to accomplish.

**DIRECTOR MALACHI:** Okay. Mr. McKim, in you seeing this, are there entities that are offering debiasing training? Is that a new thing? Is it an old thing?

**MR. MCKIM:** It is new. I'm seeing people starting to talk about it. But I've not seen real training on it. It's actually a training that I'm starting to offer for my daytime job, my own company, because I think it's so critical.

**DIRECTOR MALACHI:** So could that not be very problematic, though, because although you're saying it's important -- and I don't disagree. I'm not exactly -- I've not heard much about it. But it could be perceived that you're promoting something that you're doing that only you know how to do. Could that be problematic?

**MR. MCKIM:** I fully understand that. So this is where the question of who decides what training is important, having an eye toward what is up-and-coming versus what has been done traditionally by most organizations, I think, is important.

**DIRECTOR MALACHI:** Maybe we just put something in there that talks about future relevant training or something, because you're never going to be able to out-list a growing list. So if we leave it the way that it was, but some caveat somewhere that future topics, as discovered, as appropriate, or whatever, to include more things, it becomes inclusive. But I don't think any of what we're doing is -- I don't think the purpose of anything that we're doing is to create an exhaustive list.

**MR. MCKIM:** I agree.

**DIRECTOR MALACHI:** We are absolutely creating a foundation so that it's uniform and that elements are not forgotten, so that we can move forward. And then, it would obviously be to the discretion of PSTC and the Governor, and all of these relevant Agencies to make sure that they're looking at things that can become problematic. And at some point, we need to trust that they want to do the right thing and are going to do the right thing and use this as a guideline to don't forget to do the right thing, maybe. I'm offering, thank you.

**MR. MCKIM:** I'm fine with that. I'm fine with that.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards?

**CHIEF EDWARDS:** Yes. Commissioner Malachi talked about the issue I was going to bring up.

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

**CHIEF DENNIS:** Yeah, just a quick comment. I think Director Malachi covered a lot of that. But just in the little bit of research that I've done in that area of implicit bias, it talked about the importance of it being ongoing. And through that ongoing is how people can recognize and begin to change those biases.

I also understand what President McKim's talking about also. But, maybe that's something new coming down the pipeline that's being talked about. But I also thought that was important in why we're saying this needs to occur annually, because that also helps us start changing those biases. So that's my only comment. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Chief. Director Scippa?

**DIRECTOR SCIPPA:** I yield.

**DEPUTY ATTORNEY GENERAL YOUNG:** Do I have a Motion to take a vote on one and two, as they stand?

**COMMISSIONER QUINN:** I move.

**DEPUTY ATTORNEY GENERAL YOUNG:** Who is the I move? Is that you, Commissioner Quinn?

**COMMISSIONER QUINN:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Do I have a second?

**CHIEF DENNIS:** Second.

**DEPUTY ATTORNEY GENERAL YOUNG:** Who moved the second? I'm sorry. Who is it? Chief Dennis, you are the second?

**CHIEF DENNIS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. I vote yes, one and two, as they stand. Director Malachi?

**DIRECTOR MALACHI:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Scippa?

**DIRECTOR SCIPPA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Johnson?

(No response)

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Johnson, are you with us? Oh, you're muted, Commissioner.

**MR. JOHNSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. President McKim?

**MR. MCKIM:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Judge Gardner?

**JUDGE GARDNER:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Lieutenant Morrison?

**LIEUTENANT MORRISON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Dennis was the -- Director Norton?

**DIRECTOR NORTON:** I support them, but I'm going to abstain. This last conversation made, I probably should have been more aware of this earlier. But as a Vendor that could probably be considered as providing de-escalation training, I think it's best for me to abstain. Thanks.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you, Director. Commissioner Lascaze?

**MR. LASCAZE:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Attorney Jefferson?

**ATTORNEY JEFFERSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards?

**CHIEF EDWARDS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** And Commissioner Tshiela?

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. I will take one final overall vote to submit the first section of our Report, which is the Training and Curriculum section, including our recommendations, to submit that today, once we make the edits that we've all agreed on, that it will be submitted to the Governor. So I'm going to take a roll call, last chance just to say anything. Commissioner Tshiela, do you agree that it will be submitted with all today's edits?

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards?

**CHIEF EDWARDS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Attorney Jefferson?

**ATTORNEY JEFFERSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Lascaze?

**MR. LASCAZE:** I do. I just had one question that I thought was going to get brought up but it never was. Under the public recommendations, are we going to address -- it's specific public recommendations. And there was a recommendation that was submitted by I believe Attorney Donna Brown on bodycams and dashcams being used. Would that be in this section? Or would that be in a different section of the Report, like on the community relations part? I'm just wondering, because she did testify during the training portion. But I didn't know.

**DEPUTY ATTORNEY GENERAL YOUNG:** I think, Joseph, that that probably goes better in the Accountability section as opposed to the Training section.

**MR. LASCAZE:** Okay.

**DEPUTY ATTORNEY GENERAL YOUNG:** So we will try to remember. If it's not there, remind us. Okay?

**MR. LASCAZE:** Okay. And I do vote yes on this final recommendation.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay, thank you. Director Norton?

**DIRECTOR NORTON:** I support this. But I'm still wondering about giving the PSTC the authority to mandate in-service training in the future. Are we going to discuss that at a different point?

**DEPUTY ATTORNEY GENERAL YOUNG:** We can discuss it in the other section. I mean, we got to get this vote in.

**DIRECTOR NORTON:** Yeah.

**DEPUTY ATTORNEY GENERAL YOUNG:** We're getting close to 1:30 here. This needs to get over to the Governor's Office. So we can put that in the other section.

**DIRECTOR NORTON:** Thank you. Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. 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:** Commissioner Johnson?

**MR. JOHNSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Director Scippa?

**DIRECTOR SCIPPA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Malachi?

**DIRECTOR MALACHI:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Quinn?

**COMMISSIONER QUINN:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** And I vote yes. Great job, team, first section done. So, the Attorney General came in while we were doing this last debate. So the Governor was asked about the request. We don't have a final word back.

But I am going to propose a path going forward. And I'm going to propose a pretty aggressive path going forward on a what, for all intents and purposes, is a month plan. So, next week, we will have two meetings. Based on the Doodle poll, the meeting will be Tuesday at 9:30. And it will go -- right now, these are three-hour meetings, 9:30 to 12:30. And next Friday, from 12:00 to 3:00.

And here's my proposal. And I'm happy to talk about it. Because we have two meetings next week, I think that we really should complete the section on community relations. Then, on the week of August 10th and the week following, I would suggest -- and don't come after me when I say this -- I think we should have three meetings a week. I think we have a task that we need to get done.

So I would propose one meeting the week of August 10th would be public comment on the community relations. Then, we would have a meeting to discuss our recommendations. And then, we would have a meeting to go over the final draft.

The week of the 17th, I think that we should then turn to the section on Police misconduct and reform. I think that just sort of given what I think that that topic is, that we should have three meetings the week of the 17th on that. The first meeting on the week of the 24th would be the public on that, that we would have two meetings to discuss recommendations with a final Report August 31st.

That's pretty aggressive. I know that it's a lot of work. But I'm hopeful that we get 30 days. I can't say that I think we will get 60 days. What we have lined up on the -- we still have in the queue for the Police and Community Relations sections, Ahni wanted Mary Georges. Judge Gardner wanted Mark Newport and Stephanie Shaheen. Julian wanted Attorney Cher and Attorney Malone.

The Deputy Chief in Nashua wanted to testify on School Resource Officers. And we talked about bringing in somebody from the Association on School Resource Officers. I just put that out there. I mean, if we're ready to move on from that section, we can do that, too. I mean, we are a Committee. I'm just trying to sort of lead the Committee.

But I know that we've taken a lot of testimony. I don't think that this is really a Committee just to talk about School Resource Officers. I think we've had a lot of conversation around that. But I'm afraid we're a little bit down a rabbit hole on that. So I would welcome sort of discussion, if that seems like a good plan.

But I think when we had talked, if we only got 30 days, we were going to try to wrap up the Community Relations section in two weeks. And that's what I've tried to do. So I will open the floor for discussion. And with that, I see John Scippa's hand up.

**DIRECTOR SCIPPA:** Notwithstanding the fact that there's been a lot of testimony and a lot of discussion relative to School Resource Officers, it's my strong opinion that that is a community-level decision, much like the number of Police Officers they want on their Police Department. I think those are local decisions that need to be left in the hands of the communities that really want SROs. Let them have them. Those communities that don't see the value or need in having SROs, let them make that decision.

I guess the only thing I would speak to is that if SROs are going to be deployed in the schools, then I think this Commission should speak to the level of training that they're required to have. And I hope maybe just if the Commission can recognize that if we stay focused on training for those SROs that are deployed, with the understanding that having SROs is a local decision, I think that might streamline it. Just my two cents, thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** For what it's worth, I concur with Director Scippa. I think to have sort of a conversation if it's a good idea to have them there or not, I do think it's a bit beyond the scope of our mandate. But certainly if somebody chooses to have them in a school, how they're trained and perhaps selection of who goes is probably within our purview. But whether they should be there or not, in my vote and my opinion is that it's beyond the scope. Yeah. Go ahead, Julian.

**ATTORNEY JEFFERSON:** So I agree. I mean, I think it's clear that that's a pretty contentious issue. And we will get bogged down in it. And if you saw, as part of my recommendations, I sort of moved from that, because I realized that's probably not something we will be able to speak to with one voice anyway, and we should move on and try to speak with one voice.

So my testimony will be about youth generally with Law Enforcement, exclusive of SROs, and if there is some Policy and legislative recommendations we can make surrounding that. So I'm in support of that. None of my testimony is anticipated to be on SROs. It'll just be on youth and Law Enforcement, and the Juvenile Justice System, generally. So I am certainly onboard with that. And I concur. We should leave that as a local decision and we can't really speak to that with one voice anyway. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, with that being said, I would suggest that we -- because they submitted testimony, I would take off Deputy Chief Testaverde. And I would also take off Rick Bergeron to speak generally about School Resource Officers.

**LIEUTENANT MORRISON:** You're on mute. But if that's what the Deputy Chief was going to speak about exclusively is SROs?

**DEPUTY ATTORNEY GENERAL YOUNG:** That's my understanding, Mark. And they submitted testimony. Nashua and Manchester submitted testimony about the number of arrests of students in schools. I think it was tied sort of to the SRO discussion. I could loop back with them. But that's my understanding. And their testimony has been posted.

**LIEUTENANT MORRISON:** Okay. Thank you. I was just wondering.

**DEPUTY ATTORNEY GENERAL YOUNG:** You're welcome. Ahni?

**DIRECTOR MALACHI:** Quick question, so for next week -- I'm sorry, for the week of August the 10th, so at this point it looks like there are four people, in terms of the community relations. So it would be Mary Georges. I just wrote the last names: Newport, Cher, and Malone, and Mr. Jefferson, or is that exhaustive?

**DEPUTY ATTORNEY GENERAL YOUNG:** So, there are two meetings next week, Ahni. I would like to get that accomplished next week. So we would check with Mary Georges, Mark Newport. So Mark Newport and Stephanie Shaheen are Judge Gardner's. Attorney Cher, Attorney Malone, and then Attorney Jefferson, and I would like to get that accomplished in the two meetings next week. So that's the week of August 3rd. So I'd like to get that accomplished Tuesday and Friday.

**DIRECTOR MALACHI:** Okay.

**DEPUTY ATTORNEY GENERAL YOUNG:** And then, the first meeting the week of August 10th, I would like public testimony regarding -- I'd like one meeting on public testimony. I think I'm going to limit it to one meeting on public testimony, and then move onto the recommendations. So, Judge Gardner, I will ask you. Do you still want to call Mark Newport and Stephanie Shaheen?

**JUDGE GARDNER:** You know what? I will check with them and see, because some of it was tied to the SROs. So I'll see if that's something they still want to talk about.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Thank you, Judge. So if you could just get back to Kim, we have to put out an Agenda Monday. We will sort of leave it wide open. We won't list the names. But, yes, if you could get back to us?

And certainly, we can move on. I mean, if we get 30 days, we could wrap this up in 20 days, if we could. So I think that sort of where we're going to have probably some spirited discussion is when we get to Police misconduct. I think that that's probably where we should spend a good deal of our time.

**JUDGE GARDNER:** And so, on that note, Stephanie Shaheen might want to speak in that segment, instead of community.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. So you know what, Judge? I'll take her off for next week. You check with Mark. And then just remind Kim that we will put her back on in the next section.

**JUDGE GARDNER:** All right, thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Commissioner Tshiela, you have your hand raised?

**MS. TSHIELA:** Yeah, I actually lowered it. It's fine. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Norton?

**DIRECTOR NORTON:** Yes, Deputy Young, thank you for putting out this schedule, because I think it is helpful to have something to react to. Just a couple comments, when we're saying these speakers' names, I'm unclear what topics they're going to address. So if we know what topics they were going to address, that'd be helpful for me.

And I'm concerned that when we get into misconduct that there are a lot of people that are going to want to tell their stories. Are we able to limit that somehow? Or how are we going to address that? And do we know in advance how many speakers we can anticipate? I mean, when we have had people present, even with the time limits, we've been averages no more than two or three people during a meeting.

**DEPUTY ATTORNEY GENERAL YOUNG:** No, I appreciate those comments. Yes. So that's why I thought I would put together a schedule today and try to hold to the schedule, because we will be here for months if we don't do that.

So I know that we have the McKim rule and we limit people. I might even tighten that up a little bit, as well. So, I think we're going to try to -- I'm hoping to get the extra time. And I'll try to tighten that up a little bit. But I did think it was important to give everybody a schedule.

We're scheduled for three hours. I know everybody is incredibly busy and three hours have -- the other day turned into eight. Maybe we do these four hours. And what we can get through in a four-block, we get to. And we just have to look at written testimony. I don't know that we can hear from everybody. But I'll let the group decide that.

I don't think we have to make that decision today. I think we can think about it over the weekend and hope we get our extension. If not, it's been great seeing all you guys.

**DIRECTOR NORTON:** And I would add that I...

**DEPUTY ATTORNEY GENERAL YOUNG:** I think some of you would be praying that we don't get an extension.

**DIRECTOR NORTON:** That I also know that there's written testimony out there right now where people have asked to speak to the Commission, so I wonder how we're going to structure that.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah. I will tell you. Sort of my rule will be, if you have already spoken, you're not going to get back in until other people have had a chance. So, that will be -- as the Chair, I think that that's sort of my prerogative. And I will enforce that rule. I think everybody should be able to speak and not sort of keep hearing from the same people. John?

**DIRECTOR SCIPPA:** Just a real technical question relative to, I guess, reconsideration of the recommendations we've just put forth. Is it the understanding that those are done and they're done? Or are Commission Members going to have the ability to go back to those recommendations that we just agreed on to try to make amendments? And I just ask that, I guess, coming back from a Town Meeting, Municipal Law. I'm just curious as to where the Commission would stand on that.

**DEPUTY ATTORNEY GENERAL YOUNG:** Is anything ever done? I think, so to get a good product if we hear testimony down the road and we have to look at something with another lens, that's why there's an other category.

**DIRECTOR SCIPPA:** I concur. I just was looking, I guess, at the question of brevity and efficiency. But I concur wholeheartedly. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** So now Rogers has his hand up. And he's going to correct me on my parliamentary procedure.

**MR. JOHNSON:** Yeah, you have an opportunity for people to come back within a time certain, as it's designated, to say that they want to revisit a vote. Having said that, the easiest way to say that is to make sure that after a vote that all aspects of reconsideration are laid upon the table and that ends that. I don't know if you want to go through that process. You can. But that's another way of ending any possibility of reconsideration after a vote's taken.

But that's not the reason why I was asking the question. It comes down to, in terms of people testifying in front of our Commission here, how do we know that the people testifying are actually subject-matter experts? Are they just testifying because they want to testify? Or do they actually know something about the subject? How do I know that? Is that a dumb question?

**DEPUTY ATTORNEY GENERAL YOUNG:** No, I think that that's a spot-on question. And I think that that's why you get ask them questions. I mean, I think we have seen Ahni do that with great skill. Why are you here?

So we try to vet them and we take recommendations from the Committee Members as to why they're being called. The two individuals that I knew that we were going to -- I believe I know what Deputy Chief Testaverde was going to talk about. And we were going to bring Rick Bergeron to talk about the School Resource Officers.

So when they come from the Committee Members, we should say what they are. We try to vet them when they come in. I mean, we could try to do that a little tighter, if that's what the Committee wants. But I do think we have to put a time limit. James, you had a comment or a question. Then, we will go to Ahni.

**MR. MCKIM:** Sure, thank you. I'm just curious in terms of best practice for these Commissions. What do other Commissions do around having more testimony than they can really hear in the time that they are allotted? We can't be the first to run into this situation.

**DEPUTY ATTORNEY GENERAL YOUNG:** Rogers, can you answer that?

**MR. JOHNSON:** The purpose of time limits is to specifically limit the testimony of a particular individual. It's within the questioning by the Council Members. That's where the time is elongated. And we need to make it a purposeful and make sure that it's understood that you can only ask so many questions.

If you get a person who's really adamant about doing this, you can ask questions until the cows come home. And that's what causes us problems that we're just delaying the process. If the individual's knowledgeable about the subject, it's apparent. If they're not, that's also apparent. If that's the case, then perhaps we don't ask as many questions, because we understand what the situation is. And so, it becomes incumbent upon us to recognize the reality. Does that answer the question?

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you.

**MR. MCKIM:** Not quite for me, though. And so, what I'm still struggling with is, as Deputy Young said, we could have 50 people wanting to testify. And even if we, as Commissioners, asked no questions, we still might run out of time. So, I'm still struggling with that.

**MR. JOHNSON:** In the era of free speech, we don't have the ability to really cut off any individual who would want to come before us to testify. So, in that reality, if it's 100 people, what do you do? You say, oh, we're only going to limit to the first 25 who stand in line? What about the other 75?

In other words, there's very little we can do in terms of individuals who want to come before us. The only thing we can do is limit the time and limit really the time that we have to listen to individuals. If we're only going to do this for another, say, 30 days, well, we can't hear necessarily 100 people in the next 30 days. So we have to be time-limited as a Committee and make sure that that's understood. Having said that, if there's 100 people out there who want to testify, what do you do? Do you just say no?

**COMMISSIONER QUINN:** I have a suggestion, Deputy.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes, Commissioner.

**COMMISSIONER QUINN:** So, I mean, I think we've all learned how we can better work together and maybe limit our own questioning, if it's duplicative, or unless there's some substantive changes. But I think what's helped in the past is the written notes.

So requiring somebody to submit something, it captures what they want to testify to. Then, you as the Chair can really see. And I think that's your role. At some point, we're going to read their written notes. So we will all see what they have to say, or what their issues are. And we can do that offline. I mean, I think that's our homework to do.

And then, once we understand or read what it is what they want to discuss, we can be better prepared, if we do have questions or we don't have questions. And you, as Chair, are going to understand. Are there some commonalities here? So I think requiring folks to submit something, it's better for them. It puts it on the record. It's better for us. It allows us in advance to really understand what our next meeting's going to entail.

**MR. JOHNSON:** Yeah, and Commissioner Quinn's correct. The most important thing for us to do is to do our homework, but also require those individuals who are desirous of testifying before us to submit written testimony in a succinct and orderly fashion. If you see something from someone that's completely disheveled, it's an indication of what their thought process is going to be. So, that should be a tell.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, right now, under the rule, presenters have five minutes. A number I've seen still read their comments, despite the fact we say we've read your comments. I would entertain a Motion to change the five to three. Ahni?

**DIRECTOR MALACHI:** Yes, I would make that Motion or second the Motion.

**DEPUTY ATTORNEY GENERAL YOUNG:** Eddie, do I have a second on that Motion?  
Judge Gardner?

**JUDGE GARDNER:** Yes, second.

**DEPUTY ATTORNEY GENERAL YOUNG:** Presenters will be asked to submit their written testimony and will be limited to the three minutes to sum up their testimony, not to read it. So we will reduce the five to three. Okay? I vote yes. Commissioner Quinn?

**COMMISSIONER QUINN:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Scippa?

**DIRECTOR SCIPPA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Johnson?

**MR. JOHNSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Mr. McKim?

**MR. MCKIM:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Judge Gardner, you were the second.  
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, did you have a question? Or were you trying to do a second?

**MR. LASCAZE:** Yeah. No, I did have a question for you real quick. As members of the public are listening to this call right now, I did want to just voice that I think it's very unsettling for members of the public to hear what is sounding like they will be cut off, like not cut off in their testimony, but that we're going to have a finite amount of public people testifying.

And I was just trying to clarify. No matter how many people from the public sign up to speak, especially on community relations and accountability, which are two very big topics for New Hampshire, are we suggesting that we are going to limit the amount of public testimony, like the amount of people that are allowed to testify, is what I would just like clarity on first?

**DEPUTY ATTORNEY GENERAL YOUNG:** So, no. Where we are right now, Joseph, is the people who will testify, instead of having five minutes will have three minutes. There's no Motion to Limit the Number of People. What that probably means is we have to go longer days. That's where we...

**MR. LASCAZE:** Okay. And with that, also you are still reserving the right not to cut a testimony off, as you had stated before, right, if you felt that the testimony was relevant that was being spoken?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yeah, I'm pretty liberal. I haven't cut anybody off yet.

**MR. LASCAZE:** Just for clarity purposes; all right. I vote yes.

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

**ATTORNEY JEFFERSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards?

**CHIEF EDWARDS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ms. Tshiela?

**MS. TSHIELA:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** So we will note that the five minutes will now be three minutes. So, I have a list here. Chief Dennis?

**CHIEF DENNIS:** Yes. Thank you. This is relating to time again. I think moving the five to three is helpful. But I don't think that was the big problem. I think the problem got to when Commission Members are asking questions. They were on the timer for three minutes. But the other person could respond for as long -- there was no timer. And so, I think if we're limiting the initial presentation to three minutes, maybe follow-up questions and responses could be limited to a minute-or-two, I mean, just to further reduce that, but allow each person to speak. That, to me, is where the big issue of it was becoming longer again. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Recognized, Chief. Thank you. McKim, you had your hand up?

**MR. MCKIM:** Can you hear me?

**DEPUTY ATTORNEY GENERAL YOUNG:** I can. It's a little delayed.

**MR. MCKIM:** My apologies. My computer died. So I'm on my phone. I was wondering. We're speaking here. I'm wondering if written testimony is being considered the same as spoken testimony, because certainly we're able to allow anyone to submit written testimony. And that's for people to read as part of our homework.

What we're also talking about here is spoken testimony. So, are they equated? Are they the same in our consideration? Or do we really need to consider both as allowing both? And I'm not sure I phrased that well.

**DEPUTY ATTORNEY GENERAL YOUNG:** So, you don't have to submit written testimony in order to be able to speak. But written testimony is encouraged, I think, is what the group has said. Does that answer your question? And now, you're gone.

**MR. MCKIM:** It gets to it. But we're struggling with how to allow everyone who wants to testify to testify. And if everyone can submit written testimony, that's allowing everyone to testify. We're on top of that, though, saying we want to try to get everyone who wants to verbally speak to also testify, which makes it sound as if written testimony is not really being given the same weight as spoken testimony.

So I'm just trying to understand if that's assessment is valid and it's the way we want to proceed, or if we have to proceed that way. There may be part of the RSA that says spoken testimony, or some law. But I just don't understand what the guidelines are and what the laws are around this.

**DEPUTY ATTORNEY GENERAL YOUNG:** So I think that the way that we have seen it is when you have written testimony, we know who you are. Otherwise, they're the people that just want to speak. I think they raise their hands. So, that's just sort of part of the way I think that we've processed it. Probably

not the most artful way to do it, but sort of the only way that we can do it right now. So, Ahni, comment? So, Ahni has a comment, Ken, Joseph, and then Ronelle. So, Ahni, you're up.

**DIRECTOR MALACHI:** Okay. Thank you, Jane. I was trying to remember with some of the -- to Mr. McKim's point and to the overall point, what happens when there's testimony given on a Bill. And I think anyone can sign up. It would be great if you have written testimony so you can submit to the Committee that is taking up that Bill.

And I'm sure Mr. Johnson will correct me if I'm wrong. But I believe that there's only a certain amount of time that's allotted, in general, for testimony. And sometimes, depending on the number of people, they will move it to another day, so that those that have signed up, so to speak, can continue giving their testimony. But it's cut off.

And so, I think, although I appreciate wanting to hear from everyone and making sure everyone feels heard, the other thing is that we have a time constraint. And we cannot move that time constraint. We're hoping to be able to, to some degree.

So I don't know if we pick a lottery system where you put the names in the hat and you pick these people, or you separate out this group are people who are Experts in the field. So that's going to be a little different from people who are from whatever the group is that's been negatively or positively impacted by the topic that we have.

And I appreciate wanting to hear everyone. But if we have 50 folks and not Experts, but 50 people who want to testify and they're all testifying basically to the exact same fact, although it's important for them to be heard and feel heard, but the other part of that is are we listening to all 50 stories that are basically the same? Or do we pick a few people from that to speak and then we can read -- however they write it -- read everyone's testimony? And we can even speak to that in a larger format. I'm not really sure. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Ken, you're up.

**DIRECTOR NORTON:** I mean, really important conversation that we're having and difficult to sort of find a path through with this. And I have some various thoughts. I mean, I really appreciated what Ahni just said about Expert Witnesses versus people who have been personally impacted and aren't considered Experts, and how we weigh those. And I also wonder if we were to try to get some sense of how many people are out there that want to testify.

On the other hand, sort of thinking about this and I agreed with the conversation about School Resource saying, okay, I think we've had enough conversation. We've had enough information. We know what we want to do with this.

When we get into misconduct, I mean, I'm expecting that we probably have a lot of ideas already about where we want to go with some recommendations about misconduct. And that could be a topic that many, many, many people want to testify to.

So how do we balance sort of what our thoughts are already about some of these things, or even preliminary recommendations that we may want to make with providing the public with the opportunity to provide input? Thanks.

**DEPUTY ATTORNEY GENERAL YOUNG:** Joseph?

**MR. LASCAZE:** Thank you. Just two things real quick, first I wanted to respond to Chief Dennis' suggestion of a time limit in the response to questions in the public testimony. And I personally have a concern with this, Chief Dennis, and hopefully you can offer a suggestion to clear this up, or we can come up with one.

But if an in-depth question is asked, or a great question is asked, limiting someone to a minute to respond, especially if they are an Expert, or not like -- I don't see it. Like that's very concerning, because we can't limit their response to a question that we're asking them that may be extremely important, and just try to have an answer summarized up in one minute.

And I think that making a distinction between who's an Expert and who's not, I do understand the concept of what we're trying to get at. But by saying, oh, we will have these people who are Experts talk and non-experts, that, one, is minimalizing the others' experiences, because in this day and age and this society, Experts are considered people that have degrees or titles, or things like that, right?

But experience isn't looked at as an expertise on things. And people have gone through experiences. We shouldn't minimalize them as not being an expert in their own way of what they have gone through. And so, those are two concerns that I have, when it comes to that. And I'm hoping that we can figure out a way that we are not limiting people's responses to our questions.

**CHIEF DENNIS:** Deputy, can I respond?

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes, Chief. And then we will go to Ronelle and then to Ahni, and then I think I'm probably going to call it after that, see if anybody wants to make a Motion. And we have the weekend to think about it. We don't have to set it in stone right now. So, Chief, certainly respond to Joseph.

**CHIEF DENNIS:** Okay, certainly some responses may be longer than a minute, Joseph. And certainly the Chair has the authority. As she said, she's been pretty liberal so far of not cutting someone off. But sometimes I think at least putting the notion out there that we want to limit those responses, if it takes longer than that, it may take longer than that. But, again, sometimes if people know there's a limit, they can reduce that. You do bring up some points. Sometimes there's those personal experiences, different things like that, that may run longer than that. But, anyway, I'm just making suggestions. Thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** Hi, Ronelle. We're up to you.

**MS. TSHIELA:** Hi. Yeah, I just wanted to kind of reiterate what Joseph is saying simply because -- and I don't know that this was anybody's intention. But I do hear a lot of what the public might hear as minimalizing the weight that they have in this conversation, simply because my very position on this Commission is a public member. And there is a lot of controversy surrounding my very involvement in it. And I'm a member of the community. And I know how involved I am with the public and how that experience is very valuable to this conversation.

And so, I just wanted to make this comment, because I couldn't in good faith sit here and hear people minimalizing, whether on purpose or not, the experiences of those who might want to testify, when that is what I'm here doing. And I know that this is making a couple people uncomfortable in here, but I think it needs to be said, because, like I said, my very involvement and position on this Commission is

uncomfortable and it is controversial. But, yeah, I just wanted to agree with what Joseph said. I think we need to caution against trying to minimize people that want to speak in regard to their expertise.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Commissioner Quinn, and then Ahni. You can have the last word, Ahni.

**COMMISSIONER QUINN:** Oh, I just think, as Chair, you've done a very good job ensuring all voices are heard. And we're really unsure of how much input there might be. But I think that that's your position and that's your charge. And I think that that's why there's a Chair to these. And I would hope that you would continue to ensure that all voices are heard in a professional manner.

And I think if we all work together to limit sometimes our maybe duplicative questions, then the public will have their opportunity to speak in this important venue. But I think it's your job, Madame Chair, to ensure that it all gets done. And I trust you'll do that.

**DEPUTY ATTORNEY GENERAL YOUNG:** I think that eight-hour meeting was proof in the pudding. Ahni, I'll let you end today. We're knocking on five hours. Ahni, I'll let you go last.

**DIRECTOR MALACHI:** Thank you. To address Mr. Lascaze's concern, as well as specifically to Ms. Tshiela's concern, it wasn't implied, unintentional, or intentional, to specify the differences in terms of expertise.

When you're doing a court proceeding, you have what's called an Expert Witness. And an Expert Witness, yes, is someone that's degreed or something. But it is also up to the body to determine what expertise means. And that is specifically what I was speaking of. It was not a slight.

Of course there are people who don't have a degree or who may not have worked in a particular area to have a certification. But the work that they do, the people that they work with, their information is considered an expertise. It is considered valuable. So, in no way, shape, or form, was it implied, was it understated, was it accidentally, or anything to that point of diminishing people's participation.

And to speak to you, Ms. Tshiela, as a member of the community, there are community positions specifically on this Commission and many others that the Governor has put together so that people with community expertise, whatever that is that's relevant to the Commission, have an opportunity to have a voice and a say to make sure that the other people on the Commission are hearing directly from the people who these rules and guidelines, and procedures will affect.

And so, to that end, there does need to be a separation in terms of understanding, because our line of questioning may be different. So if it's someone who has an expertise in how they've been affected by something, their personal experiences, we may not ask them any questions. There may not be questions to ask. And so, that's something to take into consideration, in terms of us deliberating to determine timeframes and how we're going to look at it to be able to move the puzzle pieces around so that we have a good understanding of who's coming before us to provide testimony.

And it gives the Deputy AG an opportunity to maybe schedule people in a certain way so that the Expert Witnesses, those people who are degreed in something, can give us particular testimony, and maybe we take a little longer with them, or even less time, because they may be faster in submitting written testimony. And that way, it gives people from the community with their personal experiences an

opportunity to have more time to express what their experiences have been, so that we can give them the voice that they're looking for and the opportunity to listen.

So it was not a slight. It wasn't intended or unintended. I was focused and clear on what I meant, but maybe I could have explained it better by, in a court setting, an Expert Witness. And it's not to denigrate anyone with personal experience in any area. Thank you.

**MS. TSHIELA:** To respond to that quickly, I was not responding to your comment directly when I said that. So I apologize if that's how it came across. I do think that that explanation that you just gave was valuable, because we might know that, but other members of the public who are listening and who might watch this later do not know that. And that is extremely valuable for those things to be explained because people just don't understand things like that.

My comment when I said expertise and things like that, I wanted to really highlight that, because I know how the public sees words like that, when they talk about expertise, because I know. There's been articles written about me and I see people under them, hundreds of people talking about how I'm not an Expert and how I don't deserve to be on this Commission. So I just wanted to highlight that for people that see the word "expertise" like how the public sees expertise and not really in this situation.

**DIRECTOR MALACHI:** I appreciate that and thank you very much. And if you're selected, you deserve to be here. Can't worry about what other people say about you, so there's that to them.

**MS. TSHIELA:** Oh, I'm not worried.

**MR. JOHNSON:** You can always refer them to me.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. With that, Joseph, would you like to make a Motion?

**MR. LASCAZE:** I usually have Lawyers do it. But I am putting in a Motion right now.

**DEPUTY ATTORNEY GENERAL YOUNG:** And what would that Motion be?

**MR. LASCAZE:** That Motion is that we take the rest of the day off.

**DEPUTY ATTORNEY GENERAL YOUNG:** Okay. Would anybody like to second that?

**MR. JOHNSON:** Don't need a second.

**DEPUTY ATTORNEY GENERAL YOUNG:** And you know what? I'll give you the weekend of. So, Ms. Tshiela, how do you vote on the Motion to Adjourn?

**MS. TSHIELA:** Yes, 1,000 times, yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Chief Edwards?

**CHIEF EDWARDS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Attorney Jefferson?

**ATTORNEY JEFFERSON:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Director Norton?

**DIRECTOR NORTON:** Yes, and I'd like to thank your Staff for doing a great job, and also Director Scippa, who was on the hotseat a lot this week. So, thank you.

**DEPUTY ATTORNEY GENERAL YOUNG:** I hope my Staff comes back.

**ATTORNEY JEFFERSON:** Second that.

**DEPUTY ATTORNEY GENERAL YOUNG:** It's been a world of hurt. Thank you for recognizing them. Chief Dennis?

**CHIEF DENNIS:** Yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Lieutenant Morrison?

**LIEUTENANT MORRISON:** Yes, and thank you, everyone, for all your hard work.

**DEPUTY ATTORNEY GENERAL YOUNG:** Judge Gardner?

**JUDGE GARDNER:** Yes, and I echo those sentiments. Everyone have a great weekend.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. President McKim?

**MR. MCKIM:** Yes, and ditto to everybody.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you for that use of the Oxford comma, or the question of it. Director Scippa?

**DIRECTOR SCIPPA:** A great weekend to all of you, yes.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Director Malachi?

**DIRECTOR MALACHI:** Yes. And I can't wait to see some of you guys next week. I'm looking forward to seeing some people in person. Oh my, gosh.

**DEPUTY ATTORNEY GENERAL YOUNG:** Commissioner Quinn?

**COMMISSIONER QUINN:** Yes, and thank you to Fallon Reed for all she's doing on top of her work at HSEM. Thanks, Fallon.

**DEPUTY ATTORNEY GENERAL YOUNG:** Yes, and I say thank you to everyone. This was a lot of hard work. But as I have said to some of you individually, I really hope that these are the seeds of change. It's been an honor to work with you guys. So see you next week. Hopefully, I'll see you next week. Bye.

**MR. JOHNSON:** You didn't ask me.

**DEPUTY ATTORNEY GENERAL YOUNG:** No, you were the second.

**MR. JOHNSON:** I was not.

**DEPUTY ATTORNEY GENERAL YOUNG:** Oh, I'm sorry, Commissioner Johnson. Would you like to leave?

**MR. JOHNSON:** John Scippa's (inaudible) seems to be so far away, doesn't it? Yes, goodbye.

**DEPUTY ATTORNEY GENERAL YOUNG:** Thank you. Have a good weekend, everybody.

(Meeting adjourned at 1:57 p.m.)