

August 10, 2020

LEACT statement 2 – data collection

I submit these recommendations in conjunction with my first written statement, to supplement my live testimony, and to respond to some of the issues discussed by the Commission. My recommendations do not extend to how collected data should be shared or analyzed.

I ask the Commission to consider a recommendation that law enforcement agencies collect racial data for all police interactions of constitutional import. Our citizens have constitutional rights to be free from unreasonable government searches and seizures. Searches and seizures occur but must be justified to a certain level to comply with the constitutions.

This would mean tracking all traffic stops, whether or not they result in a ticket or charge. For non-motor vehicle interactions, this would include interactions where the person is told they aren't free to leave or when a law enforcement officer takes the person's identification in-hand. This would exclude a lot of more informal police interactions. I would also include a requirement that law enforcement track all searches – frisks or more invasive searches of people's bodies and home, car, or container searches.

I would ask that a brief description be included of how the seizure or search is justified: consent, reasonable articulable suspicion, exigent circumstances, etc.

This information could be tracked on a state-wide form. The state currently uses uniform forms for motor vehicle tickets, criminal charges, juvenile allegations, etc.

This type of tracking could benefit law enforcement agencies. Interactions of constitutional import can give rise to civil suits if the person feels they were seized or searched unconstitutionally. This would require officers to document the justification of the search or seizure contemporaneously, instead of having to remember the interaction at a much later date when a complaint or suit is filed.

I recommend using a drop-down menu for both race and justification. In general, there are a finite number of likely responses to both questions. If an individual stopped does not identify as any of the races listed, there could be a chance to fill in their answer. In addition, there could be space to fill in what offense the officer had reasonable and articulable suspicion

of or what caused the officer to believe the person was armed and presently dangerous.

To address some of the discussion amongst the commissioners: based on inquiries I have made of my own police department, I don't believe CALEA requires agencies to track data when there is no ticket or criminal charge.

Also, I believe it is important to make this recommendation regardless of whether all agencies in the state eventually track the data. Some information is better than no information. For example, New Hampshire State Police is a statewide agency and could provide helpful information about what is happening around the state. Data from Manchester, Nashua, or any other locality could be compared to the demographic data of that place to reach helpful conclusions about policing in that city or town.

Again, I appreciate the work the commission is doing and I appreciate the opportunity to share my thoughts with you.

Sincerely,

/s/ Stephanie Hausman

Stephanie Hausman