

**Commission on Law Enforcement Accountability, Community and Transparency**

**Meeting Minutes for August 12, 2020**

Meeting held via videoconference at the Attorney General's Office in Concord, NH.

Deputy Attorney General Jane Young called the meeting to order at 9:33 a.m. and reminded participants that the meeting was being recorded.

Members were then asked to introduce themselves and state their present location for the record.

**Deputy Attorney General Jane Young** - from the Department of Justice with Kim Schmidt, Annie Gagne, and Nicole Clay

**Robert Quinn, DOS Commissioner** - Concord, NH

**Ahni Malachi, Executive Director, NH Commission for Human Rights** – Penacook, NH

**John Scippa, Director of Police Standards and Training Council** – Concord, NH

**Rogers Johnson, Chair of the Governor's Advisory Council on Diversity and Inclusion** – Stratham, NH

**James McKim, President of NH NAACP** - Lincoln, NH

**Sawako Gardner, Justice of the NH Circuit Court** – Greenwich, CT

**Mark Morrison, New Hampshire Police Association** – Londonderry PD

**Charlie Dennis, NH Chief Association** – Hanover, NH

**Ken Norton, Executive Director of NAMI** – Great Cranberry Island, ME

**Joseph Lascaze, NH ACLU representative** – Ipswich, MA

**Julian Jefferson, Criminal Defense Representative** – Manchester, NH

**Ronelle Tshiela, public member and BLM organizer** – Durham, NH

**Eddie Edwards, public member** – Dover, NH

The Deputy Attorney General requested the approval of the August 10<sup>th</sup>, 2020 minutes. Ken Norton moves to approve the minutes, James McKim seconds the motion. A roll call vote was taken and the votes were recorded as follows:

Deputy Attorney General Jane Young – Y

Commissioner Robert Quinn – Y

Director Ahni Malachi – Y

Director John Scippa – Y

Chairman Rogers Johnson – Y

President James McKim – Y

Justice Sawako Gardner – abstain

Lt. Mark Morrison – Y

Chief Charlie Dennis – Y

Director Ken Norton – Y  
Mr. Joseph Lascaze – Y  
Attorney Julian Jefferson – Y  
Mr. Eddie Edwards – Y  
Ms. Ronelle Tshiela – Y

Moira O’Neill would like to speak to the group, as moved by Attorney Julian Jefferson (her testimony is dated August 7<sup>th</sup>, 2020). Ken Norton seconded the motion to allow her testimony. A roll call vote was taken and the votes were recorded as follows:

Deputy Attorney General Jane Young –Y  
Commissioner Robert Quinn – Y  
Director Ahni Malachi – Y  
Director John Scippa – Y  
Chairman Rogers Johnson – Y  
President James McKim – Y  
Justice Sawako Gardner – abstain  
Lt. Mark Morrison – Y  
Chief Charlie Dennis – Y  
Director Ken Norton – Y  
Mr. Joseph Lascaze – Y  
Attorney Julian Jefferson – Y  
Mr. Eddie Edwards – Y  
Ms. Ronelle Tshiela – Y

**Moira O’Neill, child advocate**

Recommends developmental framework when dealing with children. Education and collection, robust data collection and analysis. As of today, 13 children at YDC and 7 are persons of color.

- James McKim – child development framework, fair and equitable policing policy, address child framework
  - o Have not seen them, would review and provide feedback
- James McKim – regional inter-disciplinary working group, who should run them
  - o Concord Area Para-Natal group, groups focused on child care
- Julian Jefferson – child development and brain development issues, elaborate
  - o Exposure to stress, crimes, law enforcement on the scene, damages to the brain development due to stress – flight or fight scenarios
- Julian Jefferson – thoughts on Commissions current recommendations regarding juvenile prosecution and minimum age
  - o Minimum age is one of the ways to prevent against bias
- Director Malachi – can you summarize your testimony

- Most important, build out community response services. Understand when children have had exposure to trauma and services to educate child development. Age limits on prosecution.
- Director Malachi – is that in reference to SROs or law enforcement responding to homes, etc. where children may have a compromised living situation.
  - Need to be very careful about normalizing criminality or violence in children’s lives
- Director Malachi – thoughts of SROs in school
  - DH held summit on youth, children requested more training for teachers to understand, more understanding for what parents are going through and more social workers in school
- Director Malachi – best guess of children in juvenile justice system from poverty levels
  - Will give you figures later

Commissioner Quinn made a motion to allow Assistant Commissioner Rick Bailey to be able to speak with the group about data collection. John Scippa seconded the motion. A roll call vote was taken and the votes were recorded as follows:

- Deputy Attorney General Jane Young –Y
- Commissioner Robert Quinn – Y
- Director Ahni Malachi – Y
- Director John Scippa – Y
- Chairman Rogers Johnson – Y
- President James McKim – Y
- Justice Sawako Gardner – Y
- Lt. Mark Morrison – Y
- Chief Charlie Dennis – Y
- Director Ken Norton – Y
- Mr. Joseph Lascaze – Y
- Attorney Julian Jefferson – Y
- Mr. Eddie Edwards – Y
- Ms. Ronelle Tshiela – Y

Motion carries.

**Rick Bailey, Assistant Commissioner – Department of Safety**

Top of the reporting chain is NIBRS. In NH, all law enforcement agencies required to submit all crimes they investigate (arrests of take information on) annually. Each victim, offender and arrestee data collected includes race and ethnicity. NH also has e-ticket capabilities to collect race info. Drivers license system, race is not collected. Fingerprinting captures race information to submit with fingerprints. Concern is accuracy.

- Joseph Lascaze – clarification, information required that led to arrest where there is no-perpetrator
  - o NIBRS looks for info on victim, offender or arrestee. If none, no info collected.
- Joseph Lascaze – data expected to be collected for FBI, requirement?
  - o Yes, law enforcement agencies must submit to be compliant
- Lt. Morrison – briefly touch on obstacle present to including race or ethnicity on DL, if on DL, could be tracked?
  - o Spacing is an issue. Also, how is a DMV clerk to know the answer to that question, or if self-identifying, how do you verify that. Costs to making changes to systems.
- Rogers Johnson – data collection, geared toward FBI, relative to State of New Hampshire, no statewide collection in place so we would have to build system.
  - o Most agencies submit to NIBRS, could use the same path since it’s transmitted through NHSP but would need a repository
- Rogers Johnson – how valid is the data. Smaller agencies are limited in capability.
  - o Yes, fairly accurate statement.
- Chief Dennis – aren’t these issues to self-identifying something we are already dealing with
  - o Yes.
- Joseph Lascaze – more accurate to self-identify at DMV than in the field. Could this be added to the DMV system so it can be run during stops
  - o Yes, there are already several additional fields in DMV system not on DL
- Director Malachi – if birth certificate has race identifier, can’t DMV pull from that?
  - o Excellent feeder document
- James McKim – challenges faced by systems and how to resolve
  - o Various systems presents issues. 200 different municipalities in different formats makes gathering harder. Cost and effort involved.
- James McKim – how to solve financial issues
  - o That’s a question for the legislature

Joseph Lascaze brought up issue on page 2, last sentence. NH’s ability to collect and maintain, ability implies permanence, could we change to mechanism or process? Changing to “currently there is no statewide mechanism.”

James McKim would like an addition to the current state of affairs about juvenile justice versus criminal justice situation. Judge Gardner made the suggestion that our focus on juvenile justice should be directed over to the Governor’s Commission on Youth and Justice. Director Malachi agrees with the suggestion, as do Director Scippa and Chief Dennis.

**Commission members began their discussions of the Community Relations recommendations.**

*Refer to the finalized Section C, Number 1, Subsections A through C.*

Eddie Edwards made a motion approve the above referenced section. Director John Scippa seconded the motion. A roll call vote was taken and the votes were recorded as follows:

Deputy Attorney General Jane Young –Y  
Commissioner Robert Quinn – Y  
Director Ahni Malachi – Y  
Director John Scippa – Y  
Chairman Rogers Johnson – Y  
President James McKim – Y  
Justice Sawako Gardner – Y  
Lt. Mark Morrison – Y  
Chief Charlie Dennis – Y  
Director Ken Norton – Y  
Mr. Joseph Lascaze – Y  
Attorney Julian Jefferson – Y  
Mr. Eddie Edwards – Y  
Ms. Ronelle Tshiela – Y

Motion carries.

*Refer to the finalized Section C, Number 2, Subsections A through F.*

Rogers Johnson made a motion approve the above referenced section. Ken Norton seconded the motion. A roll call vote was taken and the votes were recorded as follows:

Deputy Attorney General Jane Young –Y  
Commissioner Robert Quinn – Y  
Director Ahni Malachi – Y  
Director John Scippa – Y  
Chairman Rogers Johnson – Y  
President James McKim – Y  
Justice Sawako Gardner – Y  
Lt. Mark Morrison – Y  
Chief Charlie Dennis – Y  
Director Ken Norton – Y  
Mr. Joseph Lascaze – Y  
Attorney Julian Jefferson – Y  
Mr. Eddie Edwards – Y  
Ms. Ronelle Tshiela – Y

Motion carries.

*Refer to the finalized Section C, Number 3, Subsections A through D.*

Ken Norton made a motion approve the above referenced section. Joseph Lascaze seconded the motion. A roll call vote was taken and the votes were recorded as follows:

Deputy Attorney General Jane Young – Y  
Commissioner Robert Quinn – Y  
Director Ahni Malachi – Y  
Director John Scippa – Y  
Chairman Rogers Johnson – Y  
President James McKim – Y  
Justice Sawako Gardner – Y  
Lt. Mark Morrison – N  
Chief Charlie Dennis – Y  
Director Ken Norton – Y  
Mr. Joseph Lascaze – Y  
Attorney Julian Jefferson – Y  
Mr. Eddie Edwards – Y  
Ms. Ronelle Tshiela – Y

Motion carries.

Attorney Julian Jefferson moved to adjourn the meeting. Joseph Lascaze seconded the motion. A roll call vote was taken on the motion to adjourn and the votes were recorded as follows:

Deputy Attorney General Jane Young – Y  
Commissioner Robert Quinn – Y  
Director Ahni Malachi – Y  
Director John Scippa – Y  
Chairman Rogers Johnson – Y  
President James McKim – Y  
Justice Sawako Gardner – Y  
Lt. Mark Morrison – Y  
Chief Charlie Dennis – Y  
Director Ken Norton – Y  
Mr. Joseph Lascaze – Y  
Attorney Julian Jefferson – Y  
Mr. Eddie Edwards – Y  
Ms. Ronelle Tshiela – Y

The meeting was adjourned at 2:04 p.m.