



# Governor's Commission on Police Accountability, Community and Transparency

Summary Report on Certification and De-Certification of NH Police Officers

Chief John Scippa (ret)

Director of NH Police Standards and Training

August 14, 2020

# Scope of Presentation

- The scope of this presentation will cover:
- An overview of the source of authority granted to NHPSTC with regard to certification of a Police Officer.
- An overview of the Certification Process for a NH Police Officer
- An overview of the De-Certification Process for a NH Police Officer
- Areas identified for improvement by the NH LBA 2019 Audit

# Source of Authority

- NHPSTC is a stand alone executive branch of NH government established under RSA 106-L.
- Further, NHPSTC operates under NH Administrative Rules POL 100-800
- Both of these have been provided to the commission and public in support of this presentation.

# RSA 106-L:6 Education and Training Required

- This law sets forth the authority to require Police Officers to comply with background vetting, education and training requirements in order to become certified as a police officer in New Hampshire.
- This law is further refined under Administrative Rule POL 100-800

# Rule POL 301-Hiring

- This rule clearly defines the vetting process that every police officer candidate must successfully pass in order to become eligible for certification:
  - HS Diploma, GED, Home School Equivalent
  - Finger Print and Criminal/Motor Vehicle Records Check
  - Citizenship
  - Physical Exam with Drug Screen
  - Fitness Test
  - Background Investigation
  - Psychological Screen
- The **HIRING AUTHORITY** is responsible for completing this vetting process.

# Revocation or Suspension of Certification

- Rule POL 402.02 provides the authority and defines the reasons when the Council can take action on the revocation or suspension of a police certification.
- The process the council must follow is set forth generally in Rule POL Chapter 200 and specifically under Rule POL 206 Conduct of Hearings.
  - Any sustained de-certification is on the public record
  - NHPSTC reports all de-certifications to the National Decertification Index (NDI)

# Why Would NHPSTC Begin a Process

- A Report of Criminal Activity-“Form G”
- Employee Status Change- “Form B”
- Complaint

# Criminal Activity--FORM G

- Under Rule POL 501.01 ***Report of Arrest***, every law enforcement agency in New Hampshire is required to report to NHPSTC anytime they arrest or charge any officer (as defined) with any violation of the criminal law within 15 days of the action
- Further, under this rule, any law enforcement agency in New Hampshire that becomes aware of any such arrest of an officer, (as defined) must report it to NHPSTC within 15 days
  - Reported on a “Form G”.
  - Minor Motor Vehicle Violations are exempt.



# Status Change- FORM B

- NHPSTC tracks any and all status changes of NH officers.
- This is accomplished through the use of the Form B
- Filed by the hiring authority
- Often times the status change is positive (New hire, promotion, retirement)
- Sometimes the change is not, (termination, suspension, in lieu of)
- In those cases, NHPSTC will contact the hiring authority and investigate the status change to determine the reason

# Complaint

- In this case, it's when NHPSTC receives a complaint from an outside source.
- If it's anonymous, the Council will rule on whether to pursue it
- If it's an allegation of a crime, NHPSTC will seek guidance of the AG
- If it's an allegation of a rule violation, NHPSTC will investigate
- If probable cause is sustained, a hearing is set.

# 2019 NH LBA Audit Observations

- The NH LBA made two recommendations to improve the complaint and disciplinary process:
  - Increase authority in the POL rules to allow for disciplining non-terminated officers and officers found not guilty of criminal offenses
  - Develop mechanisms and procedures to ensure unreported criminal misconduct is addressed