



New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency

August 14, 2020

His Excellency, Governor Christopher T. Sununu
State House
Concord, New Hampshire 03301

The Honorable Stephen J. Shurtleff
Speaker of the House
Office of the Speaker
State House, Room 311
107 North Main Street
Concord, NH 03301

The Honorable Donna M. Soucy
President of the Senate
Senate President's Office
State House, Room 302
107 North Main Street
Concord, NH 03301

Dear Governor Sununu, Speaker Shurtleff and President Soucy:

Attached please find an interim report regarding the current state of relations between law enforcement and the communities they serve including recommendations from the Commission regarding reforms and improvements in this area.

Respectfully submitted,

Members of the New Hampshire Commission on
Law Enforcement Accountability, Community, and
Transparency



New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency

IV. Current State of Relations Between Law Enforcement and the Communities They Serve

Executive Order 2020-11 directs that the Commission shall examine: “[t]he current state of relationships between law enforcement and the communities they serve, and potential steps that can be taken to enhance these relationships.” Executive Order 2020-11, at ¶ 3. (c).

This section of the report describes the current state of relationships between New Hampshire law enforcement and the communities they serve; summarizes public testimony and recommendations on this subject; and sets forth the Commission’s recommendations with respect to improving relationships between law enforcement and the communities they serve.

a. Current State of Affairs

Community Policing

Law enforcement officers and citizens often interact with each other for a variety of reasons, not always related to criminal conduct and investigations. Relationships across New Hampshire between law enforcement and the communities they serve are as unique as the communities themselves. Each law enforcement agency is individually responsible for cultivating a relationship with the community it serves. In New Hampshire, there are no statewide standards, policies, or procedures that dictate how to cultivate a strong working relationship between law enforcement and individual communities.

There are a variety of programs promulgated by law enforcement agencies across New Hampshire designed to engage their communities and help foster strong relationships. The Commission received testimony about such programs including Police Athletic Leagues (PAL), self defense courses taught by local law enforcement officers, drug take back programs, Touch a Truck, coffee with a cop, National Night Out, citizens academy, and police explorers or cadet (youth) academy. The extent of community engagement in and effectiveness of these programs is monitored at the local level by the agencies that provide such programs.

The variety of programming available in New Hampshire was illustrated by the testimony of Lieutenant Carlos Camacho of the Nashua Police Department, Captain Mark Newport of the Portsmouth Police Department, and Major John Marasco of New Hampshire State Police. Lieutenant Camacho, Captain Newport and Major Marasco testified before the Commission and provided written materials that are part of the record.

Lieutenant Camacho spoke at length about training titled “Effective Police Interaction with Youth.” All Nashua School Resources Officers complete this course with the goal of fostering more positive interactions with juveniles, both in and out of school. Additionally, Nashua School Resource Officers are certified and teach a Mirror Project class, which educates juveniles on how to interact with law enforcement officers.



New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency

Numerous schools in New Hampshire have a School Resource Officer (SRO) embedded in the day-to-day activities of the school. Currently, in New Hampshire, there are no mandated classroom or field training programs for an officer to become an SRO. As with individual communities, each school that has an SRO also has unique needs and goals for working with that SRO.

Captain Newport attributed the positive relationship between the city of Portsmouth and its police department to constant engagement with the community with the goal of understanding its needs and requests. Portsmouth Police Department has an officer dedicated to community outreach whose goal it is to foster positive relationships and collaborations with members of the community so that they view the presence of law enforcement officers as a comfort in times of need or stress. Captain Newport attributed Portsmouth Police Department's success in this area to hiring the right candidates with the desired motive of wanting to help people. Portsmouth Police Commissioner Stefany Shaheen echoed Captain Newport's testimony regarding the importance of community outreach in order for the community to feel that law enforcement is an ally.

Major Marasco also attributed his agency's positive relationship with members of the public to proactive community outreach through a variety of initiatives. Major Marasco explained that relationships with various communities were built one at a time, many with the goal of law enforcement and the communities understanding each other.

In addition to consistent community outreach, New Hampshire State Police implemented its Fair and Impartial Policing Policy in 2019.[#] When establishing this policy, State Police sought input from community stakeholders. Since its implementation, the policy has served as a model for other law enforcement agencies throughout the state.

There are also programs initiated by various community organizations. New Hampshire Blue and You is a project operated by New Hampshire Listens, which is a civic engagement initiative of the Carsey School of Public Policy at the University of New Hampshire. New Hampshire Blue and You provides an opportunity to connect residents with each other and their local law enforcement agencies in order to form a collaborative relationship geared towards improving the community.

Data Collection and Analysis

Presently, there is no standardized mechanism for quantifying the relationships between each community and law enforcement agency. Each law enforcement agency tracks interactions with members of the public utilizing a records management system, computer aided dispatch system, or other software of their choosing. Currently, law enforcement agencies are not required to collect demographic data, such as race and gender, for all interactions with members

[#] Discussed above at ¶ II(a)(ii).



New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency

of the public. Any data that is collected is maintained locally. Currently, there is no statewide mechanism to collect, maintain or analyze data that is collected.

Law enforcement agencies are required to submit crime reports to the department of safety, division of state police. *See* RSA 106-B:14-c. Crime reports document, among other things, the race and ethnicity of the offender, arrestee, and victim involved in the case. If an individual is not identified as a victim, offender, or arrestee, then his/her race and ethnicity are not recorded. For these reports, race and ethnicity are defined by the Federal Bureau of Investigation's (FBI's) Criminal Justice Information Services' (CJIS) Uniform Crime Reporting (UCR) Program. Arrest reports are included within crime reports that are required to be submitted. Ethnicity is not recorded on eTickets or Fingerprinting LiveScans/ink cards. Race is an optional field for these documents.

New Hampshire law enforcement agencies are also responsible for receiving, tracking, investigating and responding to complaints and concerns from the communities they serve. There is no state-wide database to track complaints made to or against individual officers or agencies. As previously discussed, the degree to which law enforcement agencies are monitored varies; some law enforcement agencies are accountable to police commissions while others are monitored by their respective municipalities.[#]

b. Summary of Public Testimony Received by the Commission

In addition to the information discussed above, the Commission heard testimony from two members of the public during the session dedicated to this topic. Other individuals submitted written testimony. The Commission received testimony on the topic of relationships between law enforcement and the communities they serve throughout the entirety of its work. Several themes repeated throughout the discussion of community relations. These included the need and function of School Resource Officers and the criminalization of juvenile behavior; legalizing marijuana and making simple possession of any drug a misdemeanor as opposed to a felony; and the collection and analyzation of demographic data.

Recordings of all of the Commission's hearings are available on its website: governor.nh.gov/accountability. In addition, members of the public submitted extensive written materials. Those are also available on the Commission's website.

i. Specific Recommendations Submitted by the Public

Members of the public made the following specific recommendations for improvements and reforms with respect to relationships between law enforcement and the communities they serve:

[#] Discussed above at ¶ III(a).



New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency

1. Law enforcement agencies should provide periodic updates/reports to inform the community of the agencies' activities and ongoing efforts.
2. Create and employ alternatives to law enforcement responding to and dealing with non-criminal matters such as mental health crises and substance abuse.
3. Legalize cannabis/marijuana.
4. Decriminalize all drugs.
5. Adopt fair and impartial policing type policies and communicate those policies to the community.
6. Re-allocate resources from law enforcement officers in schools to counselors and social workers for children.
7. Provide opportunities for members of the public to communicate and have positive interactions with law enforcement officers.
8. Law enforcement agencies should initiate conversations with members of their communities in an effort for each side to learn about and understand the other in order to improve the relationship.
9. Remove School Resource Officers from schools.
10. Better define the role of School Resource Officers and mandate specialized training.
11. Provide more funding to law enforcement agencies that have an officer designated to community policing.
12. Children ages 12 and under should not face criminal prosecution.
13. Simple possession of every drug should always be misdemeanor.
14. Require data collection of demographics for all interactions between law enforcement agencies and any member of the public.
15. Training on the topic of respectful interactions with trans and gender non-conforming (TGNC) population and pronoun inclusion.



New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency

16. Increase training in order to improve the relationship between law enforcement agencies and the hearing-impaired community.

c. Commission Recommendations

The Commission makes the following recommendations for reforms and improvements with respect to the current state of relationships between law enforcement and the communities they serve:

I. Data Collection

1. All New Hampshire law enforcement agencies should gather, analyze and make available to the public, at least annually, data on demographics (including, at a minimum, gender and race) for arrests, citations and motor vehicle and subject stops regardless of disposition.
2. New Hampshire Department of Motor Vehicles should include race on NH Drivers' Licenses and Non-Divers' Identification Cards, with the option to opt out from answering the question.
3. All New Hampshire law enforcement agencies will comply with RSA 106-B:14-c by submitting crime reports to the department of safety, division of state police based on the specifications prescribed by the Federal Bureau of Investigation (FBI).

II. Community Policing and Engagement

4. Law enforcement agencies should adopt the definition of Community Policing as set forth by International Association of Chiefs of Police (IACP):

“Community policing is a comprehensive philosophy that guides policy and strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, and improved police services and police legitimacy through a proactive reliance on community resources that seeks to change crime causing conditions. This assumes a need for greater accountability of police, elected community leaders, and the community in general, along with greater public share in decision-making through the identification of service needs and priorities and a greater concern for civil rights and liberties.”

5. Encourage law enforcement agencies, when practicable, to dedicate an officer or unit to community policing and engagement.



New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency

6. Encourage law enforcement agencies to engage in community relationship building by working collaboratively with community liaisons, public agencies, non-profits, community stakeholders and existing community-based programs. Models like New Hampshire Blue and You, the Mirror Project, Police Athletic Leagues (PALs), and citizen police academies serve as a guide for such efforts.
7. Law enforcement agencies should establish ongoing officer training at all levels to encourage a culture that empowers individual officers to engage in community policing and relationship building efforts.
8. Law enforcement agencies should publish/advertise community events and consider the use of social media and establishment of Public Service Announcement (PSA) campaigns to educate the public about police.
9. NH PSTC should maintain and publish a list of all currently accredited law enforcement agencies in New Hampshire.

III. School Resource Officers

10. NH PSTC should set forth mandated "certification" for School Resource Officers that would require the officer to complete National Association of School Resource Officers (NASRO) training, Mirror Project Train-the-Trainer and Effective Police Contact with Youth training prior to assignment. Further, certain annual in-service hours to maintain SRO "certification" should be identified and mandated by NH PSTC.
11. NH PSTC should work with stakeholders and oversee the development of a model SRO Memorandum of Understanding (MOU) to be used by police departments and SAUs that clearly defines the roles, expectations and prohibitions of how the SRO will work in the school setting and specifically with regard to the SRO's role in student discipline for non-criminal matters.
12. Each department should have a field training program specifically for SROs. A transition plan should be implemented over a course of weeks/months between each outgoing/incoming SRO so there is overlap, information exchange, and adjustment for the stakeholders.
13. MOUs between law enforcement agencies and school districts should be made public.



New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency

IV. Hiring/Recruitment of Officers

14. Recognizing the difficulty of hiring and recruiting of qualified candidates, law enforcement agencies should continue efforts to recruit officers from minority communities to allow for a diverse law enforcement workforce.
15. All public entities should develop a comprehensive strategy to actively attract, recruit, and retain diverse law enforcement candidates, to include looking outside New Hampshire.

V. Other

16. In order to advance relationships with the trans and gender non-conforming (TGNC) population, all law enforcement agencies should seek and provide training on pronoun inclusion.
17. In order to advance relationships with the deaf and hard of hearing community, law enforcement agencies should continue to seek a better understanding of and communication with members of that community, to include the greater use and dissemination of driver visor cards by law enforcement.
18. In order to advance a greater understanding of juvenile offenders, form a separate commission to review the present state of juvenile justice laws. In particular, the commission should review the minimum age for juvenile prosecutions and the statute that creates a presumption of transfer to the adult criminal court.