



**New Hampshire Commission of Law Enforcement
Accountability, Community, and Transparency**
Remote Commission Meeting via Teleconference
Tuesday, August 25, 2020 at 9:30 a.m.

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: Maria Eklund, *Operations Program Assistant II, State of New Hampshire, Homeland Security & Emergency Management*; 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*.

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

This meeting on the Commission on Law Enforcement Accountability, Community and Transparency 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 Commission Member to identify themselves, where they are currently located, and who, if anyone, is with them. I, as I said, am Jane Young. Good morning. I am at the Department of Justice in Concord. And with me this morning are Kim Schmidt, Annie Gagne, and Nicole Clay.

Judge Gardner has -- oh, she's here. I was going to say I think she has a hearing. But here they are. And I think that John Scippa is going to (inaudible) a bit. But I'll take the roll call. So why don't I start with you, first, Director Scippa, because you may have to come in-and-out of the meeting? So, good morning.

DIRECTOR SCIPPA: Good morning, Deputy General. Good morning, Commission Members. John Scippa, Police Standards and Training, I'm actually in my home in Exeter. And there is two other adults in the house but they are not in the room.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. Good morning, Judge Gardner. How are you?

JUDGE GARDNER: Good morning, everyone. I'm going to be in-and-out. They're having some technical difficulties at Police Standards. And that's why I'm able to join in this morning. Sawako Gardner, I'm in chambers in Dover District Court. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Good morning, Commissioner Quinn.

COMMISSIONER QUINN: Good morning, Deputy Young, fellow Commission Members. Robert Quinn, Department of Safety, I'm located 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. Not caffeinated yet, but I'll make it through. Ahni Malachi, Human Rights Commission, I am at my home in Penacook. And I am alone.

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

MR. JOHNSON: I am well, thank you, Deputy General Young. Good morning, fellow Commissioners. And I am Rogers Johnson. I'm the Chair of the Governor's Diversity and Inclusion Council. I am in my home office here in Stratham. There are two adults in the home, but they are not in this room.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. President McKim, I do not see him on the line. Maria, has President McKim joined us yet?

MS. EKLUND: No, I do not see him.

DEPUTY ATTORNEY GENERAL YOUNG: I think I see him. But I don't see a...

MS. EKLUND: Oh, yeah. Just give me one...

DEPUTY ATTORNEY GENERAL YOUNG: President McKim, are you there?

MR. MCKIM: (No audible response).

MS. EKLUND: I can try sending a message to let him know...

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. Good morning, Lieutenant Morrison.

LIEUTENANT MORRISON: Good morning, Deputy Attorney General. And good morning, fellow Commission Members. Mark Morrison on behalf of the New Hampshire Police Association, and, as always, I'm located at the Londonderry Police Department in my conference room. And I am alone in this room.

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

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

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Good morning, Director Norton. It appears that you're back home.

DIRECTOR NORTON: I am. Ken Norton, representing NAMI New Hampshire, and (inaudible) my residence in Tilton, New Hampshire. And the family is (inaudible) but not in the room with me.

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

MR. LASCAZE: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Whoops. There you go.

MR. LASCAZE: Oh, well, I'm having internet troubles. Were you speaking to me?

DEPUTY ATTORNEY GENERAL YOUNG: Yes, good morning.

MR. LASCAZE: Oh.

DEPUTY ATTORNEY GENERAL YOUNG: How are you?

MR. LASCAZE: Good morning, Deputy Young. I apologize. I'm having some really bad internet issues. So I might be coming in-and-out. But, Joseph Lascaze, Representative of the ACLU New Hampshire, I am at my residence in Bedford, New Hampshire. There are two family members here, but they are not in the room.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. Good morning, Attorney Jefferson.

ATTORNEY JEFFERSON: Good morning, Deputy Young and fellow Commission Members. Julian Jefferson, I'm at my office in Manchester, New Hampshire. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Good morning, Chief Edwards. How are you?

CHIEF EDWARDS: Morning, Deputy Young and fellow Commission Members. I am in Charlotte, North Carolina. I think this is the Western Motel. Can you see my face?

DEPUTY ATTORNEY GENERAL YOUNG: I can, yes, very good. Yeah.

CHIEF EDWARDS: I tried to adjust this room here. So, okay, we're good.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, no, it's good.

CHIEF EDWARDS: Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: You're coming in a little better than some people around here. I don't know if it's storms or just internet connection. But, yeah. No, it's perfect.

CHIEF EDWARDS: Okay, great. Thanks.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Tshiela, good morning.

MS. TSHIELA: Good morning, everyone. This is Ronelle Tshiela. I am at my residence in Durham, New Hampshire. And there are people in the home with me, but not in the room with me.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. And President McKim, I see that we have you on the line. Good morning.

MR. MCKIM: Yes, good morning, Deputy Young, and good morning, fellow Commissioners. I'm James McKim. I'm President of the Manchester branch of the NAACP. I am in my home office in Goffstown. And my wife is in the other room. But I'm alone in my office.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. So the next order of business is the approval of the Minutes. So we have Minutes from three meetings last week: the 18th, 19th, and 20th. I know that there were some editions by President McKim this morning, on the 20th. So I will ask if I have a Motion to Approve the Minutes from the 18th and the 19th. We will hold the 20th probably until after the break and try to get that done at the end of the session if we have time. So do I have a Motion for the Minutes for the 18th and 19th, as they are? Ken, you move? What do you move?

DIRECTOR NORTON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Oh, no, Ken. Your mic is off.

DIRECTOR NORTON: Sorry, about that.

DEPUTY ATTORNEY GENERAL YOUNG: That's okay.

DIRECTOR NORTON: I move that we accept the Minutes from the 18th and 19th, as drafted.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Do I have a second? Lieutenant Morrison?

LIEUTENANT MORRISON: Second.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Tshiela, how do you vote on approving the Minutes from the 18th and 19th of August, as written?

MS. TSHIELA: Yes for the 18th and (inaudible) for the 19th, because I wasn't here.

DEPUTY ATTORNEY GENERAL YOUNG: That's right, thank you. Chief Edwards, how do you vote?

CHIEF EDWARDS: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: You said yes, but your mic was not on. So...

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze?

MR. LASCAZE: I did go over and read all the meeting notes and I did watch the video. So that is why I am voting yes.

DEPUTY ATTORNEY GENERAL YOUNG: For the 18th and the 19th?

MR. LASCAZE: Yes, even though I wasn't here. I went back and went through everything.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, and that's permissible. So, thank you for doing that. Ken was the second. Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Morrison -- Judge Gardner, are you with us?

JUDGE GARDNER: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Johnson?

MR. JOHNSON: Yes and yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa, for the 18th and the 19th?

DIRECTOR SCIPPA: Madame Chair, I'm going to abstain from this vote. I didn't get a chance to really review them with any detail. And just to let everybody know, I'm going to just step away quickly to join a Council meeting. And then, I'll be back.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Malachi?

DIRECTOR MALACHI: I need to abstain. I did not rereview the Minutes. So I'm going to abstain for both.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. Commissioner Quinn?

COMMISSIONER QUINN: Yes to both.

DEPUTY ATTORNEY GENERAL YOUNG: And I will vote yes to vote. That's enough to pass. Is that correct? Thank you. So, we will next move onto the order of business today which is the section of our Report. Sorry, too many pieces of paper. Section III of our Report, which is reporting and investigation of Police misconduct. So, you want to show your screen? So, do I have any comments, questions, edits on what is the draft -- the Narrative draft? Just raise your hand if you do.

(No audible response)

DEPUTY ATTORNEY GENERAL YOUNG: Do I have any Motion on the Narrative draft?

LIEUTENANT MORRISON: (Inaudible) have there been any changes since it was emailed out? Or should we just kind of go through it real quick?

DEPUTY ATTORNEY GENERAL YOUNG: So there's the one change. I think we changed it to Judicial Doctrine. And with that being said, we will have to go back at the end and, again, make any sort of stylistic changes. Make sure that everything blends together.

(Pause)

DIRECTOR NORTON: Are you still waiting for a Motion?

DEPUTY ATTORNEY GENERAL YOUNG: I am.

DIRECTOR NORTON: This is Ken. And I make a Motion that we accept the current draft, as written, with the intention that there might be stylistic changes made at a later point, depending on our recommendations.

DEPUTY ATTORNEY GENERAL YOUNG: And that would be the Narrative portion, correct, including how we have captured the specific recommendations submitted by the public?

DIRECTOR NORTON: Yes, correct.

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a second on that? Joseph is a second. Sorry, Joseph, the screen is -- so, Joseph, are you a second on that?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So I will take a roll call. Commissioner Tshiela, how do you vote on approving the Narrative draft, as written?

MS. TSHIELA: Can you come back to me?

DEPUTY ATTORNEY GENERAL YOUNG: I can.

MS. TSHIELA: Okay, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: You're welcome. Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner, are you back?

JUDGE GARDNER: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: I'm going to abstain, as I have not had an opportunity to review it yet.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa has left us. Commissioner Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: I vote yes. Commissioner Tshiela, have you had enough time, or do you want to wait a little longer?

MS. TSHIELA: Yeah, I'm going to say yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. So, now, we will get down to the order of business, our recommendations. So we have provided you all the other Commission recommendations. And so, we have tried to sort of boil them down into -- I think we have either 10 or 11 topic areas to discuss. We will put that up on the screen.

So the first recommendation would be the recommendation proposed by the Attorney General, which is the single statewide body to receive complaints alleging misconduct regarding all sworn and elected Law Enforcement Officers. So, as we indicated, it would be staffed by fulltime Attorneys, Paralegals, Legal Assistants, and Investigators. There would be that Hearing Panel of at least 23 Members appointed by the Governor, consisting of community members, current or retired Judges, Law Enforcement Officers, Attorneys, with a three-year term.

There would be developed -- and as I have indicated, I don't think that it's our mandate to make that definition but that there would be a universal definition of what constitutes misconduct. And that would be finalized through rulemaking. There would be Notice of Complaint to the Officer and an opportunity for that Officer to be heard.

There would be an initial screening of all complaints received by the body. If it met the standard, then an investigation would ensue. There would be a statewide universal standard applied with respect to determination of whether misconduct occurred. At that juncture, if there was misconduct, the finding would become available to the public. And there would be a right of appeal to the New Hampshire Supreme Court. So that would be the general framework on which to build. Questions, comments, or Motions on Number 1?

MR. JOHNSON: I move that we adopt this recommendation. I do have a question.

DEPUTY ATTORNEY GENERAL YOUNG: Go ahead, Commissioner.

MR. JOHNSON: Will this replace the existing body that exists within the Attorney General's Office?

DEPUTY ATTORNEY GENERAL YOUNG: No, this would be a separate entity. So what the Attorney General's Office does right now, Rogers, is it investigates allegations of criminal conduct only. So we don't have an ability, when we do a review of Officer-involved shootings, we do not opine on whether the use of force was within Policy or protocol. We look at conduct within the confines of the Criminal Laws.

MR. JOHNSON: Oh, okay. So we're talking about conduct only with this body?

DEPUTY ATTORNEY GENERAL YOUNG: As opposed to what else, Rogers?

MR. JOHNSON: As opposed to criminal with the Attorney General's body?

DEPUTY ATTORNEY GENERAL YOUNG: That's correct. So if there were criminal allegations, it would come over to the Attorney General's Office, to the Public Integrity. That is correct. This body would not make determinations on criminal conduct and whether charges should be brought. They would...

MR. JOHNSON: Okay, I'm clear now. Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. So I know, Rogers, you have moved to adopt it. But we have some questions. Attorney Jefferson?

ATTORNEY JEFFERSON: Thank you. So, this recommendation has a lot of detail to it. And there's some other details that some other Commission Members had, as well. So I guess my question is, like, for example, I think it was Director Scippa who wanted a clear and convincing standard put in there. And so, I guess my question is, the other details from other Commission Members, are we considering those separately? Or are we considering them all in this recommendation? I guess that's my question there, so I have a follow-up question.

DEPUTY ATTORNEY GENERAL YOUNG: So, what I would answer to that, what the definition of misconduct is, what is the proper standard of review, I don't think that that is within sort of our scope right now, because, as I have said repeatedly, we will never get out of this Commission. I think that Commissioner Quinn has sort of described that as a heavy lift. I don't disagree with that. But we needed a framework. So this is the initial framework that has to, then, be built out.

ATTORNEY JEFFERSON: Okay. So, with that in mind, I think A and B are actually too specific. I mean, I think it needs to certainly have Investigators who are independent from any Police Agency. But, whether or not this Misconduct Agency would need fulltime Attorneys and Paralegals, I think, is a question that should remain open.

And same thing with B, because B is then getting into the system process. And I think we should just leave that up to the Governor and the Legislature to define how it is. I mean, I think we can suggest that they look to certain models, like the Attorney Discipline Office or the Judicial Conduct Commission. But to say that a Hearing Panel membership of at least 23 people should be there, I think, is too specific. And I don't know if I agree with that, because I don't know where that would fit in the system flow of the entire process, how many opportunities for appeal. Where is this Hearing Panel structured? So I think we should

take that out and just suggest that they look at models that we think are models to look at. So those would be my comments.

DEPUTY ATTORNEY GENERAL YOUNG: So, on B, if we had a Hearing Panel membership appointed by the Governor and left it at that?

ATTORNEY JEFFERSON: I wouldn't even include that, because I don't know what that means. So I think, because, as we looked at the Attorney Discipline Office framework, there's multiple Committees. A Hearings Panel to preside over a case is just one small part of that.

So, just using the Attorney Discipline Office as an example, the system of how the due process will be there, and opportunities to be heard, and who comprise of these various Committees or Panels, and how they're weighted, as far as Law Enforcement membership versus non-Law Enforcement membership, I think all of those things, we're getting too deep in the woods. And we just -- so I would just use much more general language to say something like you can use these Agencies if you so wish as a model, and just sort of leave it at that.

DEPUTY ATTORNEY GENERAL YOUNG: Joseph, questions or comments?

MR. LASCAZE: Yes, two things. I just wanted to comment on B that Julian was just referencing. I do think that, since this body is going to be made to serve our community members, I do think that it is important that it is stated that this Panel would have community members in it, in some way, shape, or form. I do think that that is important to keep that there. As...

MR. JOHNSON: It says that.

MR. LASCAZE: Excuse me?

MR. JOHNSON: It says that.

MR. LASCAZE: Who was that?

MR. JOHNSON: Consisting of community members, comma.

MR. LASCAZE: Oh, Mr. Johnson, I'm sorry. I couldn't see who was speaking on my screen. No, you're right. It does. But I was saying that in reference to what Julian was saying. That's what that was in reference to, because, if I understood correctly, all of that would be removed. And I was just saying, in particular, community members, I do think, are a core part of this.

As for C, I think that we do need a statewide definition of what constitutes misconduct. But as for finalizing it through rulemaking, I think that that should be open, because if this is going to the Legislator, as well, whether that's finalized through -- or legislation, I think that that is not something that we should make recommendation on. We should just keep it that we do need a statewide universal definition regarding what constitutes misconduct.

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

DIRECTOR NORTON: Yes, I'm generally supportive of this recommendation the way it's written. My concern is that, given that this would require legislative approval and funding, that we're looking at that being a year out and at least six months to operationalize it. And so, we're looking at 18 months away.

And I'm okay with that, if we're noting that. But I also feel like that there are steps that we should take in the interim, until something like this is in place, to address misconduct. And that's my overall comment. Question: I'm a little bit unclear whether this is under the Department of Justice or independent of the Department of Justice.

DEPUTY ATTORNEY GENERAL YOUNG: We have envisioned it, Ken, to be independent of the Department of Justice.

DIRECTOR NORTON: Okay. And then, another question is, under G, finding becomes available to the public. Do I assume that that finding is if there is a finding of misconduct? Or is that any finding becomes available to the public?

DEPUTY ATTORNEY GENERAL YOUNG: So, as we discussed, I think, in the Attorney Discipline, all that is public. I have concerns about somebody who just will send something in to sully up somebody's reputation. So I think that there has to be further discussion about what that looks like. I think that those are the rare cases. So I think we'd envisioned the bulk of it would become public.

DIRECTOR NORTON: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: There is the need for transparency. And that is why that's there. But I think that we probably have all seen instances where you look at something and you think this just doesn't seem right.

DIRECTOR NORTON: And then, I would -- although I understand why we don't want to get into defining misconduct, I think it would be helpful if we suggested categories to be explored, to be included in a definition of misconduct. And noting that, in the Bill that was just passed, the definition of misconduct does not include failure to report misconduct or failure to intervene, both of which are things that I think the public is very much wanting to see, in terms of misconduct.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Ken.

DIRECTOR NORTON: Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Thank you, a couple things. What happens with the finding, other than it's made public? Is there a new list that's created?

DEPUTY ATTORNEY GENERAL YOUNG: So, again, I think that what we had envisioned would be there would be a searchable database that you could go on and search someone's name, and see if there's information there.

LIEUTENANT MORRISON: Okay. Is there going to be referrals to PSTC or anything like that with sustained findings from this group?

DEPUTY ATTORNEY GENERAL YOUNG: There would be referrals. There could be referrals, if it came to them in the first instance. You'd have to send a referral back to the Department, because the Department would still do internal investigations. That's the Employment Agency.

If there's a criminal component, it would be referred to the Attorney General's Office. Under the current protocol that the Attorney General's Office has mandated, local Law Enforcement would go back to the County. We would envision, if we had a fully-staffed Public Integrity Unit, that those would all come here, and then, if there are issues surrounding certification, that would go back to Police Standards and Training.

LIEUTENANT MORRISON: Okay. And I think it would be important to spell out from the get-go much like the ADO, where the Report is considered work product. I think the findings should be made public, not a problem with that at all. But the entire Report, I think, should be treated exactly like the ADO, that it's work product. I think that would be something we should add at the outset.

DEPUTY ATTORNEY GENERAL YOUNG: And Mark, what would be, then, come public? Would there be an Executive Summary?

LIEUTENANT MORRISON: I would think yes, there would be the findings of the investigation. I have a very stripped-down example in my suggestions that would include the name, the conduct, and the sustained finding. But, I think that we're really treading into some dangerous waters by saying everything is going to be public, or at least leaving it up to speculation, which these do. I think if we spell out in the initial recommendation that the Report should be confidential, and only able to be disclosed through an in-camera review, I think that's appropriate.

DEPUTY ATTORNEY GENERAL YOUNG: And what are some of the reasons that you think that that should happen? Do you think that that would shield somebody's right to make a complaint, if they thought everything that they said, including their name, could become public?

LIEUTENANT MORRISON: Well, I mean, this could be a whole afternoon discussion. But I think several things. One, Law Enforcement is involved in very personal matters in people's lives. And some of these complaints, the genesis of the complaint is how they handled an investigation. So not only is the Officer being broadcast in the Report, but so are victims, so are the names or certainly the testimony would be, even if they were redacted. I think anybody could sort of recreate the investigation, based on where the incident happened.

I just think there are so many issues that we don't know, or the unintended consequences of having such openness would stifle the actual investigation and do the opposite of what we want. And I think to

have anybody be perfectly candid and offer more than the bare minimums, I think it's important to keep that Investigation Report -- the Investigative Report as work product. And it's exactly like the ADO. And I don't think it's an unreasonable thing. And it's still not entirely sealed, because you could have an in-camera review, should that be requested.

DEPUTY ATTORNEY GENERAL YOUNG: Anything else, Mark? We will work on try to capture that.

LIEUTENANT MORRISON: And the only other thing that I would suggest, even if we're not going to get into the specifics of the Panel membership, I think keeping the consistent model that exists today that we're looking at, in comparison, I think it would be important to at least note a majority of members of the Panel should be Law Enforcement.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Mark. Director Malachi?

DIRECTOR MALACHI: Thank you. Couple of thoughts; I know there was some concern, in terms of being a bit specific in A and B. To that point, I would be a little more concerned if we weren't. I know we're looking at the ADO as an example. But this body is going to be a little different, right?

And so, inasmuch as it's the same, there will be some differences, just because it's a different group of people that we're discussing. And so, I think having some guidance in there for those that are looking at these recommendations, it allows them to understand the direction in which we, as a group, are thinking this should go.

And when you get into community members, retired Judges, and such, you are assisting in painting the picture of what we hopefully would agree would be a fair depiction of a particular Commission, or Council, or body of this larger body. I think it's important to keep that in there. I don't think it gets too drilled down, having staffing in there.

I think, in terms of budgeting, is important, because it allows the Attorney General to be very specific in what the requests are, when it comes time to do this for budget cycles. That, I clearly understand.

And I was a little confused, Ken, when you talked about not having the categories there. I wasn't clear. I mean, I'm sorry. I'm -- I wasn't sure if you were saying no categories, or you wanted to have categories. And if you wanted categories, I was a little confused. What would they look like?

And then, my last point would be on the misconduct, someone said, I believe already, that it would be a long road, if we were to give specific examples of misconduct. I think if we -- at a minimum, I mean, the assumption would be whatever misconduct is right now would be at the very least what that definition would include.

And then, once there's a statewide definition of misconduct, then I do agree that it needs to be put into the Administrative Rules, because then you can point to it specifically, versus just having this information in a Memo or a White Paper or something. So it does need to be included in the Rules, so that you can -- whatever side of the locker you're on, if you're a Prosecuting Attorney, or a Defense Attorney, you have very specific information on what misconduct is so that you can prepare a case, whatever side. So, those are my thoughts. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Julian, you're back up.

ATTORNEY JEFFERSON: Yes, so, I agree with Lieutenant Morrison's suggestion on H. And I do that, in my thought process of what the due process and what the investigation would look like. And this is why I come back to B. And this will be my last sort of thought on it.

So, there can be detail, but this is very specific detail. So, when I read B, so what I see is, okay, there's going to be a Hearing Panel that consists of 23 people. So my thoughts are, when I'm looking at that, okay, so this is the Panel that will preside over the trials. Does all 23 people preside over this trial? Is this broken up into other trials? Is there any due process that comes before then? Is there an initial finding by an Investigator that can be appealed by either side? And if so, who deals with that appeal? And does this -- and then, does it go to this Hearing Panel?

So, when you put the word "Hearing Panel" in there, it just suggests that this is the model, that there's going to be a Hearing Panel that is going to preside over this entire process. And as we know, from the ADO and the JCC, there's many ways to look at it with multiple layers of due process, which is one of the reasons why I was very supportive of creating this statewide body, is that there were multiple layers for review, and that these Committees were people from the public, none of them which are getting paid to do this. And they're just there trying to do the right thing and to do good work, and that, to protect the relevant Police Agency, it is staffed by -- every Committee and Hearing Panel has a slight majority of that relevant profession.

Now, all of that is getting way down in the weeds. And I don't suggest that we should. But by putting a Hearing Panel there, it's creating an inference that we are suggesting this one model. So that's my concern.

So I -- and that's why I come back to think that there's better language that we can use to say, for example, we recommend a system that allows for robust due process, multiple layers of review, and appeals for both sides. These bodies -- Panels/Committees -- are to be comprised of both Law Enforcement and non-Law Enforcement. So that is being specific without putting in this detail to suggest that we've come up with this one acute model that we haven't heard any testimony on. And I don't know if that would work. So that's my thought that there's a different way to craft B, to provide some detail and guidance without going too far down the rabbit hole.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. We will work on B, while we -- Joseph and then James.

MR. LASCAZE: Thank you. What I just wanted to flag something real quick about H, and I'm just trying to understand, just for myself. When Lieutenant Morrison was speaking about this and what his concerns were of this being public, under the ADO, from what I understand, that the ADO would be that the decisions and the -- I should say the disciplinary findings are made public, as well as the factual basis for the discipline and reasons are also made public from the ADO Committee. So I was just trying to figure out if this is something that Lieutenant Morrison was saying that we shouldn't have, or if that is being captured here.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant, you can respond to Commissioner Lascaze's question.

LIEUTENANT MORRISON: Sure. Thank you, Joseph. My suggestion is to keep the Investigative Report confidential. I mean, I think we could probably get into Constitution, State Law, as it exists. There's a whole host of things I think we can speak about. And the important part of this that I think most everybody would agree is the finding, and having a fair adjudication of this complaint.

Who said what and what victim the Officer responded to, if they went to their house because they had a sexual assault, or it was a child abuse case they were investigating, I don't think any of that really rises to the level of necessary disclosure. And at the same time, if something in this investigation were to bring about an exculpatory issue, say, then the Defense Attorney or even the Prosecutor, if they're not sure, could request an in-camera review by a Judge. And then, the Judge can make the determination whether that should be released to the Defense, as is the current established process.

And I think part of my concern is, well, we've created this new body and we've swept aside all the established practices that we have right now. So, that's part of my concern, which is why I raised the issue. And I certainly appreciate Julian's sentiments for the robust due process, which I think has been the one constant ask from Law Enforcement. They just want due process.

We understand that anybody who isn't living up to our standards needs to go. This just simply does it the right way. And nobody's ever against getting rid of somebody who shouldn't be here. It's simply a matter of just a fair process that everybody can buy into.

We're certainly not against the scrutiny. But there are some things we just have to keep in mind. This body, is it going to take the place of a Department Internal Affairs investigation? If not, that means that an Officer will have the investigation at their Department. Then, they'll appeal. And then, they'll go here and have to fight everything all over again. It could be seen as multiple layers of due process. And it also could be seen as multiple chances to try to get at somebody.

So I just think any time you create something brand-new, I just think we need to just have a reasoned discussion about it to make sure that we're accomplishing what we want to accomplish. And simply announcing that there's something to investigate people, I don't think, gets there.

So, I think if we're going to put this recommendation forward, I would just like to sort of vet it out a little bit. And we really haven't had the opportunity to talk amongst ourselves to vet this, which is why I think I'm trying to take my time and really kind of think it through, now that I hear some of the other opinions on it.

MR. LASCAZE: Thank you. I appreciate that. So -- and I hear that. And so, balancing that I think I'm just trying to balance the fact that underlying facts are important, I think that they -- underlying facts can really give a clearer picture and context, when we're looking at things, especially when it involves misconduct.

But I do agree that there are personal things that should not be out there. And I was wondering how, if we have redactions, how redactions in this instance couldn't be used to protect that, while, at the same time, keeping that transparency and openness for our New Hampshire community members.

LIEUTENANT MORRISON: And I guess I would answer, Joseph, that some of these things are going to be plain on their face, meaning if you have a complaint for excessive use of force, that's self-descriptive. You know something happened. And then, with the Executive Summary or that finding, it'll be very clear. You really don't need all that extra stuff in there.

If you have some sort of a -- like we -- I'm just trying to pick another crime or pick another conduct. They're self-descriptive in their title. So you would know exactly what happened. If we're going to look at just general untruthfulness, I've put forward what untruthfulness kind of should be in my recommendations. So, I don't think there's the -- I don't think you'll need to have the Report to put anything in context, because the context will be, I think, blatantly clear.

MR. LASCAZE: Okay. I hear you on that. I guess the only thing that I have to compare it to is when I see Reports that Police actually fill out on subjects in the community, when they're doing an investigation of someone who committed a crime. I mean, all of those underlying facts are taken into account, not only by Law Enforcement, by Detectives, but also by Attorneys, Prosecutors, and Judges. So I'm just trying to balance that all why it's good there but not elsewhere. So, thank you, though. I appreciate that, Lieutenant Morrison.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, gentlemen. President McKim?

MR. MCKIM: Thank you, Deputy. I have a number of questions and just clarifications. I want to thank Lieutenant Morrison for his suggestion. I think it's a -- on is it I, as a balanced suggestion. I do have a -- first, a kind of philosophical question about this body.

And what triggered this for me was the discussion around the composition. And I appreciate not having specific names and not being too specific in C. I like the wording that's there right now. So my philosophical question is one of what is the purpose of this body? And what I mean by that is, is this body intended to be a place where the community has transparency and preference? Or is this a body where Law Enforcement has a preference?

And what struck me here is we -- there was discussion about having the majority of the body be Law Enforcement. So, when you say the majority is going to be one group, then that means that the body, itself, is really kind of dedicated and focused on -- and not to say that -- pejoratively about that. But there is certainly the perception that the body will lean toward that one group.

So, philosophically, I guess I'm just curious. Is this really supposed to be focused on community? Or is it focused on the community through Law Enforcement, which could be kind of problematic for me, perception perspective?

DEPUTY ATTORNEY GENERAL YOUNG: So the reason for its creation, President, would be that there would be this, what I would call a neutral body to go to, because you hear complaints. I bring it to the Police Department, depending -- I mean, we've heard this testimony, right -- depending if the Chief likes me or doesn't like me. So this would be a body that would be what I would describe as more neutral.

That being said, if you get to a hearing, you do have to have Subject-Matter Experts that sort of understand what it is like to do that job. So, in no way, if you have a five-member Panel, no way would you envision it being five Law Enforcement Officers. But you do have to have those Subject-Matter Experts on there that understand the job, understand the dangers in the job, and also, quite frankly, understand the expectations of the job.

I think that when we are viewed by our peers, our peers sometimes judge us more harshly than members of our community would. But, that is the recommendation that has been made. You have to have

sort of kind of one more that weighs in your favor, so they can understand the job and what it is that you do in that job, and be able to explain to others.

MR. MCKIM: Thank you. So I certainly appreciate needing the expertise. I guess, looking at the potential perception is -- and I guess I might not want to put that explicitly in this recommendation that we have more Law Enforcement than community members. And that feels like, then, the community's not being as put on a priority as Law Enforcement, which we actually have heard about this very Commission. So I just want to be very careful about what wording we put into this around that majority language.

My next question was, I -- we took out the number being the explicit number being 23. I'm just curious. How was that number derived? Was there a thought in mind, something that was trying to be addressed, by coming up with that number, 33 [sic], that we might want to try to incorporate in language? Or does it really matter?

DEPUTY ATTORNEY GENERAL YOUNG: So it's 23, correct? We took it out. It was 23. I think that when we look at other Panels around the State, that is the number that they have. So there's -- I don't believe that that's a statutory number. So we actually -- we took it out.

MR. MCKIM: Okay, great. Thank you. Yeah, I didn't know whether there was some concept behind the number that we might want to capture. But it sounds like there isn't. So that's fine. My last question is -- oh, the letters have changed. So, now it's F, initial screening of all complaints received by the body. So, my question is: who does that initial screening? And what are the criteria for that screening?

DEPUTY ATTORNEY GENERAL YOUNG: So that initial screening would be done by the fulltime Staff, whether that be an Attorney, or an Investigator. And the criteria for the screening would be, does it fit the definition of misconduct? Does it fit the mission of this body?

MR. MCKIM: And is that a model that's used by other bodies?

DEPUTY ATTORNEY GENERAL YOUNG: So, as you heard from the Attorney Discipline System, right, if you violated one of the Rules of Professional Conduct, they will look at it. If you haven't, they send it to wherever it goes.

MR. MCKIM: Okay. That's all for me, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Julian, I saw your hand raise. Do you have a comment in response to President McKim's questions?

ATTORNEY JEFFERSON: Yes. So, I think President McKim raised a really good point of what is this recommendation for? And I think the words "neutral" and "independent" came out. And I think that should be part of the tagline. So we establish a single statewide body that is neutral and independent from any Law Enforcement Agency to receive complaints, I mean, because I think that is the spirit of what we are trying to accomplish here. So I think, again, knowing our various audiences, considering the community

at-large, I think toying with that language up top to make that clear that that's one of the reasons why we're doing this is good. And the only other thing I...

DEPUTY ATTORNEY GENERAL YOUNG: Julian?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: State that again, so we can capture it, if you can.

ATTORNEY JEFFERSON: Sure; I think establish (reading to self). Yeah, I think that captures it.

DEPUTY ATTORNEY GENERAL YOUNG: So, neutral and independent, so do you not foresee that somebody who's working -- let's use Mark for an example.

ATTORNEY JEFFERSON: Um-hmm [yes].

DEPUTY ATTORNEY GENERAL YOUNG: Mark works on Agency. Mark could sit on a case, but not of another Londonderry Police Officer, or any Agency that he's worked with in the recent past. And again, we can't make all these rules up today.

ATTORNEY JEFFERSON: Right.

DEPUTY ATTORNEY GENERAL YOUNG: But when we choose the words, I just want to make sure that we don't exclude every current Law Enforcement Officer.

ATTORNEY JEFFERSON: Yeah. And I agree with you on that. I think that, to use Lieutenant Morrison as an example, I think it would be a valuable resource to have Lieutenant Morrison. He could potentially be one of the Investigators.

So, if we envisioned a system where Police Departments sort of loan people to this program, as part of not creating a new funding issue, that that person has the ability to participate in an investigation, or sit on a Hearings Committee, as long as, yeah, they don't have that conflict. So I'm certainly open to changing that language, if we believe that language would inhibit somehow that from being an option, because I agree with you, Deputy Young, that that is valuable.

The only other thing I was going to say is on letter C. I think any Hearing or Committee Panel should be slightly weighed in favor of law enforcement, so that it's clear. And at least in my view, why I'm in favor of that, is that is how the Attorney Discipline Office works. And I think there is value in having a slight majority of the -- any Committee or Panel from the relevant field.

And I can tell you, somebody who's been doing this for eight years on the Attorneys' side, Attorneys largely tend to be more harsh, or more inclined to see the misconduct, than sometimes laypeople will. And sometimes vice-versa, too. So, I mean -- and that's why I also think it's really important to have people from the community and people from the profession, because that interplay of the different perspectives, I think, is really valuable. And I don't think, if Attorneys have it, I don't think it would be right for Police Officers to have something less, as well. And I think it works. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Ken, you have your hand up, Ahni, and Commissioner Quinn. Commissioner Quinn, I'm going to let you go first, because you have not had an opportunity to speak. But then, when you three are done, I am going to move forward on a vote, as it's written, when the last person is done speaking, because we've spent an hour and we've done one of 10. So, thank you. Commissioner Quinn?

COMMISSIONER QUINN: Sure, Deputy. Maybe you can just share the vision. I want to just point to something that hasn't been brought up, and that's letter G. And we've talked a lot about complaint reception and how this new Panel, this new body gets notified. And as you've said before, complaints can come in from the public to the Police Department. They can come from the public to the Police Academy. They can come to the Attorney General's Office.

But as you've stated, the Department, the Hiring Authority, still has to do their independent investigation, whether they have an Internal Affairs, or a Detective. And that investigation can be extensive, can take time. So that investigation is done at the Department level on that complaint. And it's either sustained or not sustained. It could result in discipline, suspension, dismissal. Maybe the conduct could rise to the standard of decertification.

But my question is rather narrow is, is it that work product going to be forwarded to the Commission? And is that the intent of an investigation following consistent standards? Or is it your vision that that will be bifurcated and this Panel will do their own investigation and come to their own conclusions?

So maybe if you can just share your vision on what investigation -- who -- what is the investigation? Is it the one that's generated at the Department? Or will there be a separate one? I think it's -- we should all be clear in that, that's all. I'd just like to know what the vision is.

DEPUTY ATTORNEY GENERAL YOUNG: So the vision is built on the Attorney Discipline Office. When the complaint comes in, it's initially screened. If it meets the level of misconduct, then the Attorney and the Investigator would conduct an investigation to determine if there's, in fact, misconduct. That would, then, go to one of the Panels, right? There would be a finding as to what should happen. It would then go to one of the Panels.

It's independent of the actual Police Department. So Police Department can -- there's no reason that they can't do their internal investigation. As a matter of fact, they should do their internal investigation. If there is a criminal aspect to this, then that would, under the proposal, would go to the Public Integrity Unit at the Attorney General's Office, or if there's not funding for that, that would go, then, to the County Attorney. So you could have three parallel investigations going on. I think what you would need to figure out is what you could share between those entities.

COMMISSIONER QUINN: Oh, okay. Thank you. So, yeah, that makes it clearer for me. So there could be two parallel investigations being done, if the Department is aware of the complaint, and then the Commission gets it at the same time. The Department would do their investigation and the Commission could do their own -- or would their own.

DEPUTY ATTORNEY GENERAL YOUNG: There could be three, right? There also could be a criminal investigation going on at the same time.

COMMISSIONER QUINN: Oh, okay. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Did you have a second part to that question, though?

COMMISSIONER QUINN: No, that's it, because we've talked a lot about the files. So the files at the Police Departments, so they would be -- okay, so there could be two separate independent investigations done, once there's a complaint of misconduct that reaches the definition that we will agree upon. Okay. No, that clears it up for me. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. Did Ahni say hold on? Okay. So, Ahni, you do not -- your hand went down. Ken, you have your hand up. But, Chief Edwards has not asked a question. So I'll go to Chief Edwards. And then, Ken, you can have the last word. Chief Edwards?

CHIEF EDWARDS: Thank you. I -- Commissioner Quinn's question and your answer kind of provoked a question for me. So, there are three separate investigations taking place. What happens? What's the vision, if Investigation 1 has no finding of misconduct, but Investigations 2 and 3, there are findings of misconduct? So now we have a Department investigation says there's a finding of misconduct, perhaps. This Panel says there's no finding of misconduct. The third investigation says there's no finding of misconduct. So you have a conflict. So I'm just curious how that's going to be resolved, if you have three separate investigations around the same fact patterns.

DEPUTY ATTORNEY GENERAL YOUNG: So you could have three separate investigations, Chief. But I would envision then that they would have different focuses. So if it came to Public Integrity, the question would be, is there criminal conduct, and can you prove that criminal conduct, because sometimes we do investigations, but we don't believe we can meet our burden beyond a reasonable doubt in Court?

CHIEF EDWARDS: Um-hmm [yes].

DEPUTY ATTORNEY GENERAL YOUNG: So that could be, right? So you could have this entity find that there's misconduct. But, yet, there may not be a prosecution from it. The Hiring Agency would look to see if there's a violation of sort of their SOPs for employment issues.

So, you could have the Attorney General's Office not charge. You could have this new Agency say that there's no misconduct, as defined by their rules. But yet, you, the Hiring Agency, could fire somebody, correct, because you all have different roles, and you're looking at the same conduct. But you're looking at it for different remedies, I guess, would be the word. Does that make sense?

CHIEF EDWARDS: No. Yeah, I understand that portion. But the new Agency and the Department is more concerning, really, because one is -- the criminal portion of an investigation is very clearly defined. But -- and the Code of Conduct, for instance, so this statewide established Code of Conduct, I'm assuming that most Departments probably will end up adapting -- adopting that standard definition. Or truthfulness, some Departments will adopt -- adopt that standard.

So, I'm still thinking that an Officer, if they misrepresenting facts at the Department level, and before this Commission could face facts -- misrepresenting facts, those are both conduct issues. One could lead to

termination. One could lead to decertification. But if there's a conflict, because I envision that this new group would send their findings to Police Standards and Training for decertification.

But if the Department says, we don't believe the Officer violated the Code of Conduct, based upon our definition, the same one we have adopted that the Agency has. We just don't view it the same way. So, I just think that may become an issue at some point. It may not be, but...

DEPUTY ATTORNEY GENERAL YOUNG: I don't disagree. And I don't want to get this train too far off the track.

CHIEF EDWARDS: No.

DEPUTY ATTORNEY GENERAL YOUNG: But, I have wondered, because I have sort of seen how some of these have played out. Somebody says A in one place and they say B somewhere else. Well, how do you rectify that?

So, right, I mean, I think that there's certainly a lot of details that have to be hammered out. And I think Director Norton is correct when he says that this is going to take a -- sort of take a long time. But, yeah, I see that those issues could arise.

But you try to keep everybody sort of in their lane, as to what they're doing and what they're really looking at. Again, I don't want to get too far afield. But when we run these investigations in the past, criminally, we have said to Agencies, hold off on your internals until we look at these criminally. Sometimes that works for timing purposes. Other times, it doesn't. So, I think -- I like to think that those are the anomalies and we can address them as they come up. But, you're accurate to raise that. I don't have a brilliant answer. I'm sorry.

CHIEF EDWARDS: No, it's no problem. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. Ken -- Joseph, put your hand up. But, Ken, you're next. And then, Joseph, you are going to be the last one. Thank you.

DIRECTOR NORTON: Thanks, and I've been -- I think a lot of the previous folks have kind of gotten at one of my key questions. And then, I have a few comments. But I was trying to understand the difference between F and G, in terms of whether that initial screening would divert something to one place or the other, or whether the investigation results in a recommendation to go to Public Integrity, or criminal cases, or PSTC decertification. So, was trying to understand that piece, in terms of the initial screening versus the investigation piece. So I'll start with that. And I think you got at some of that with President McKim and Chief Edwards. And...

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, so what would happen in that, when the complaint would initially come in -- and the complaint could be made to that body in the first instance -- it would be reviewed. Is it something within the purview of that Agency? If it is, they would then do the follow-up investigation. If it doesn't meet the definition of misconduct, they would send it out. They could also send it out at the same time. They could investigate it and send it to the Department, and send it to the Public

Integrity Unit. You also have to have some level of discretion, because sending it back to an Agency, there may be some issues there.

DIRECTOR NORTON: And then...

DEPUTY ATTORNEY GENERAL YOUNG: I'm not saying bad. Sometimes you just want to look at something, too, so as to not negatively influence an Agency, either. So you have to have some level of discretion to know when you could call or where you could call.

DIRECTOR NORTON: So, would there be discretion about an Agency -- a Police Department moving a complaint forward to this independent entity? Or would all complaints ultimately start with the independent entity?

DEPUTY ATTORNEY GENERAL YOUNG: So, certainly there are instances when an Agency learns of something on the first -- in the first instance. I think you'd have to figure out what has to be sent there. Certainly, there are -- right -- there are certain issues. You don't have your vehicle in order. Your uniform is not the way it should be. That's not what should be going to that Agency.

But certainly if you question somebody about why evidence hasn't been submitted and you think that there's a lie, that would be something that would go to that Agency. So you got to formulate those rules so not everything would go. But certainly there could be instances when some conduct went and on another time it didn't.

DIRECTOR NORTON: But misconduct would go, whatever the definition of misconduct?

DEPUTY ATTORNEY GENERAL YOUNG: Correct; that is...

DIRECTOR NORTON: All misconduct would go to this organization?

DEPUTY ATTORNEY GENERAL YOUNG: That is correct.

DIRECTOR NORTON: Okay. And then, just back to the process, I mean, are we -- I just want to be clear. Is this going through a legislative process? Or is there some different rulemaking process, because if it's going through a legislative process, we can get way into the weeds and the Legislature's going to get 10 times more into the weeds than we do? So, just trying to be clear that this is something that would go through the Legislature.

DEPUTY ATTORNEY GENERAL YOUNG: So, Ken, it would have to follow whatever path it would need to sort of create a new Agency. As you said, there has to be funding. So there probably has to be a legislative mandate for this.

DIRECTOR NORTON: Yeah, okay. And then, my -- to answer Commissioner Malachi's question, I was just saying that we're suggesting categories to be considered for misconduct. But it's not necessary all-inclusive. But based on public testimony that we suggest that, that's not a big point.

And then, last thing, just a couple of word suggestions, is that, in the first, that we establish a single, neutral, and independent -- instead of statewide body, say entity, or organization. And that in the membership, that we not use the word "favor" of Law Enforcement, that we say -- I mean, I think that that doesn't come across well to the public. Any Hearing Panel would be slightly weighted with a membership of Law Enforcement or something like that.

And then, also just want to sort of question that, how -- I mean, do we want all of these Committees to be appointed by the Governor? I mean, how many Committees can -- I mean, that becomes very cumbersome moving forward, in terms of keeping Committees staffed and having to go through that membership process.

And wondering whether that -- we've gotten away from that Panel. But, should there not be -- I mean, we -- yeah, and maybe this is too far into the weeds. But shouldn't this perhaps be like PSTC, where there is a Council that is the oversight or governing body for this entity, and in the same way that a nonprofit would have a Board of Directors? So those are my questions and comments. Thanks.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, Joseph, I said you'd have the last work, but Mark has his hand up. But we do have to move off this one. So, I am cutting you off after that. So, Joseph and then Mark.

MR. LASCAZE: Thank you. I just had a quick question actually for you, Deputy Young, which was, on -- going back to point I, on the Executive Summary, what do you envision that Executive Summary sort of looking like? Or what would be included, because I'm just wondering if it would be like the Laurie List, where the Laurie List only has three words for misconduct?

And Law Enforcement had raised a concern before like you look at the Laurie List. You see something on it. And you don't even know what it really means. And it could appear bad, but it could be something completely different. What does that look like in your mind, I guess?

DEPUTY ATTORNEY GENERAL YOUNG: So, as I sit here today, what does it look like? It looks like the type of complaint that came in, the date it came in, what steps were taken to look at that complaint, and some factual basis around it. So you have an understanding, but you don't have every fact.

MR. LASCAZE: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: You don't have every detail. My concern would be somebody that would come forward, say, with an allegation of a sexual assault. Are we going to name that victim? Are we going to put every detail at least in that first Executive Summary, if I'm understanding what Mark is saying?

The same way, if you have a complaint about an Officer, they're having some mental-health issues or some issues at home. You need to know every detail initially. Not to say if that person's involved in a criminal case that that can't go to court and be subject to disclosure in a criminal case, but initially is that something that should be out there?

I mean, I think that that's something that really has to be vetted and understood, both from the protection of the person making the complaint as well as the Officer who the complaint is about. And I always have concerns when people come forward that you don't chill somebody else from coming forward.

It's a delicate balance. We have a number of people that come forward in different realms that they don't want to go forward with criminal prosecutions, because they don't want all that information being out there. So...

MR. LASCAZE: Okay. No, thank you very much. And that really -- I think that that really cleared it up for people. And so, that's good. And the other thing that I was just wondering, if we are doing a model that is similar to that for Lawyers, could we issue that this body would have -- I guess it would be like the right to issue an Interim Orders on individual cases, as necessary to protect the public correction. So, that's something that I was just wondering, if this body is neutral and independent. Would they be able to issue any Interim Orders, if we could put that in there?

(Pause)

DIRECTOR MALACHI: And for the legal scholars on the panel, can someone explain what that means, please?

DEPUTY ATTORNEY GENERAL YOUNG: I think, Ahni, what Joseph is seeking, if you get a complaint that is egregious that it looks like it has a basis that you can take at least some initial action, so the individual temporarily loses their Certification. Is that where you are, Joseph?

DIRECTOR MALACHI: So that...

MR. LASCAZE: Not lose their Certification, suspended, if it's egregious.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, that's what I mean, temporarily.

MR. LASCAZE: Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: But that would be, then, a quick referral back to Police Standards and Training.

DIRECTOR MALACHI: So like an...

MR. LASCAZE: But this would mean they would have to be indicted, though.

COMMISSIONER QUINN: Deputy, can I jump in?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, go ahead, Commissioner.

COMMISSIONER QUINN: Yeah, that process, Joseph, is in place right now. That Form B, as Director Scippa has stated, if, at the Department level, something rises to the level where somebody's suspended or there's potential criminal, then PSTC is notified. And that could trigger them to have a hearing.

MR. LASCAZE: Okay.

COMMISSIONER QUINN: So that process has been in place for a while now. That's the Form B we've discussed.

DEPUTY ATTORNEY GENERAL YOUNG: And Commissioner, correct me if I'm wrong. But if an Officer is arrested, is Police Standards and Training notified of that arrest?

COMMISSIONER QUINN: Yes. Yeah, and that's been taking place for years. The Head of the Agency makes those notifications. And those are done. I will say that is just in the culture now. Those forms get to PSTC regularly by Departments.

MR. LASCAZE: Thank you very much. That clears up everything, I believe. Thank you.

COMMISSIONER QUINN: You're welcome.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Lieutenant Morrison?

LIEUTENANT MORRISON: I just had a couple of quick wording suggestions for Number 1. Should we just say support the establishment of a single, neutral, and independent statewide entity? For the F, initial screening of all complaints, I think it's important for people to understand that there's a great many complaints that might come in that really aren't complaints. They just are people that don't understand why their car was towed, or why something happened. And that's why we would entertain the complaint. But it may not be something that needs to be investigated.

So, I think for F, initial screening of complaints to determine if an investigation is warranted, I think, would make a lot of sense. And that's sort of the discretion part, because sometimes people think they have a complaint. And it's just maybe an unfortunate part of being arrested, or, well, the Officer couldn't tell you that because of confidentiality, or something along those lines. And that's where the law enforcement knowledge can screen those complaints.

And then, under D, my thought is, do we want to suggest that we form a Work Group, or -- so we don't just leave it up to whoever, but support a Work Group to come up with the definition -- a definition of misconduct and rulemaking for the hearing. And it's not a very articulate way to say it, but come up with what the rules are. If you are going to have a hearing, this is what the -- it'd be rulemaking for the hearing.

I don't really want to leave it up to legislative action for the rulemaking. I mean, obviously, they may have some opinion. But I think if we support formulating a work group to determine the definitions and the protocols, and rulemaking for the hearing, I think that would make much more sense and keep it to a smaller group. Other than that, I think I've exhausted my free passes this discussion.

ATTORNEY JEFFERSON: Deputy Young, if I may, really, really quickly?

DEPUTY ATTORNEY GENERAL YOUNG: Go ahead.

ATTORNEY JEFFERSON: So, Lieutenant Morrison, I think we addressed the coming up with the universal Code of Conduct way back in the beginning. That was one of the recommendations that went through and that was part of my reasoning for having that recommendation. So I think it's earlier in our training section we task PTSC in consultation with all Law Enforcement Agencies to come up with a universal Code of Conduct that will be this minimum standard. So I think that's addressed.

DEPUTY ATTORNEY GENERAL YOUNG: So we can drop a footnote back to Section II.5 there.

LIEUTENANT MORRISON: And then, just the -- do we need to include rulemaking for what the process might look like?

DEPUTY ATTORNEY GENERAL YOUNG: So we can remove finalize through and just leave it there.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: There just has to be some vehicle to implement it. But I don't know that we have to be the ones that define that vehicle.

LIEUTENANT MORRISON: Okay. I mean, I'm just trying to get as much work done early as possible, to speed it or sharpen the process, I think.

DEPUTY ATTORNEY GENERAL YOUNG: John Scippa has returned. So I will let him make his comment, or ask his questions. John, are you back?

DIRECTOR SCIPPA: I am back, Madame Chair. Thank you. I think Commissioner Quinn was able to answer Commissioner Lascaze's question relative to an immediate temporary suspension of a Police Officer's Certification. We do have that process in place. It's been in place for years. There is the hearing process. And the way to do that has already been established.

And I would just say that, with regard to the formation of this particular body, we would just need to make very clear how the interface occurs between this proposed Commission and the Police Standards and Training Council, because, in the end, the Council controls the Certifications of all Law Enforcement Officers. And so, if there was any recommendations that came from the Council, we would just need to make sure there was a formal way to communicate that to PSTC, so that we could begin our process.

Otherwise, I think, generally speaking, I am in support of this. I think it's a good idea. And I understand and share with everybody's concerns with what exactly is it going to look like and how is it going to go.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. We're just going to add to K for a second. And then, we will...

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa, so what we've done is we've built out K to indicate that the Law Enforcement Agencies and the Police Standards can investigate discipline or take any action, and also that this office, or any County Attorney with jurisdiction, could investigate or prosecute any criminal conduct. So it shows that you could have all three actions at the same time. One doesn't limit the other. Does that cover your concerns, Director?

DIRECTOR SCIPPA: Generally, yes. I would just -- as this gets built out, just to make sure there's a very clear process of when and how the Commission would get the information to Police Standards, but, yes. Generally speaking, that addresses that concern.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, Rogers, you made a Motion about an hour and a half ago to accept Recommendation 1 as written. It has been modified. Will you renew that Motion?

MR. JOHNSON: Yes, I'd make a Motion to Accept Recommendation 1 as amended.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Ken, you are the second on that?

DIRECTOR NORTON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Is that correct, Ken?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. I will vote yes, as well. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Judge Gardner is not with us. Judge Gardner, have you been able to look at one with the modifications, and have you heard any of the discussion?

JUDGE GARDNER: I did not hear all of the discussion. So I...

DEPUTY ATTORNEY GENERAL YOUNG: I can pass and come back to you. And you can...

JUDGE GARDNER: Yeah, that would be -- the only question I have initially, just looking at the recommendations, is 1B talks about including both sides having the right to appeal. Who are the both sides? I thought this was just complaints against Law Enforcement.

DEPUTY ATTORNEY GENERAL YOUNG: It is. So the Officer or the Complainant could have right to bring it to a next level.

JUDGE GARDNER: Oh, I see. Okay. Got it, thank you. So, it...

DEPUTY ATTORNEY GENERAL YOUNG: Whoops, you put mute back on. Judge Gardner, you're -- yeah, now you're back.

JUDGE GARDNER: Yeah, if you can just come back to me afterwards, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: I will. Thank you. Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Dennis?

CHIEF DENNIS: Deputy Young, I just have a quick statement that I would like to make.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, go ahead.

CHIEF DENNIS: Okay. As presented in my letter with recommendations, the Chiefs Association believes that accountability and transparency are fundamental to achieving lawfulness and legitimacy. We also believe that Police misconduct has to be reported, thoroughly investigated. If it's sustained, appropriate action taken, and the finding should be public. We know the current system, the EES, is not perfect and challenging to maintain.

The framework that is presented here is just that. It's bare bones. The membership I represent has numerous questions that I am unable to answer. As you know, we've spent an hour and a half just trying to get answers today. We've got more answers than we had than when we started.

I'm hopeful I will obtain further information and direction from my membership later this afternoon, which would allow me to vote tomorrow on this part. With that said, I am going to abstain from this vote.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Chief. Mr. Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. 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: Judge Gardner, have you had an opportunity?

JUDGE GARDNER: I have had an opportunity to review the recommendation. There's nothing about whether or not this is going to be -- I think this is just a framework. So I just want to make sure that whoever -- whatever body decides to determine the details of this framework would really consider just the fairness to all Parties involved, including but not limited to whether or not sustained -- it's only sustained findings are going to be part of this Summary of Finding or Investigation Report. So I think just the details are going to be hashed out later on is my understanding. Is that correct?

DEPUTY ATTORNEY GENERAL YOUNG: Yes, this is just a framework, Your Honor.

JUDGE GARDNER: Okay. So just a framework, I would say yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Okay. So, now we are going to move onto Number 2.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: Sorry, so Number 2 would be to establish a dedicated Public Integrity Unit within the Attorney General's Office. All criminal complaints of Law Enforcement would come here. There would be a permanent Staff: Attorneys, Paralegals, Legal Assistants, and Investigators to look at those.

As it currently stands, this office investigates State Police. We do not have the resources to investigate all Police Officers through the State. There are some cases that we look at either because of conflicts, because they traverse multiple jurisdictions, or just the gravity of the offense that we take them. But as we indicated, there is not statewide consistency. And in situations like this, there needs to be. So, do I have any questions or comments on Recommendation Number 2? Or do I have a Motion to Adopt it?

CHIEF DENNIS: I'll make a Motion.

DEPUTY ATTORNEY GENERAL YOUNG: Rogers, do you have a question?

MR. JOHNSON: Yes, do you need a new building?

DEPUTY ATTORNEY GENERAL YOUNG: Yes, but we need a new building now.

MR. JOHNSON: Yeah, that's what I thought. So I'm establishing something through this recommendation. And I'm just -- you're sitting on top of each other now.

DEPUTY ATTORNEY GENERAL YOUNG: I know. But that doesn't mean that we shouldn't do this.

MR. JOHNSON: I didn't say that. I just...

DEPUTY ATTORNEY GENERAL YOUNG: And we have been -- we've been creative with space.

MR. JOHNSON: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: We could double up.

MR. JOHNSON: We should build more floors on that building.

DEPUTY ATTORNEY GENERAL YOUNG: It'll collapse.

MR. JOHNSON: Yeah, it will. Okay. I'm sorry. I'm being flippant. But I think you know what I mean.

DEPUTY ATTORNEY GENERAL YOUNG: I know. You're right. Yeah. No, you are absolutely right. And I'm not being flippant when I said that we've been creative. We have an Office Administrator who has great vision to have worked with us. So, it's an odd building to begin with. There are hallways. There are closets, so...

MR. JOHNSON: No, Jane. I've been there.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, well, that's right. So, I just -- I wouldn't want to be limited by a building shape.

MR. JOHNSON: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa?

DIRECTOR SCIPPA: If there's no discussion, I would make a Motion to Accept this, as written.

CHIEF DENNIS: Second.

DEPUTY ATTORNEY GENERAL YOUNG: How about we do this? Everybody put their hand down that's on the screen and raise it if you have a question. Okay. So I have three questions. So, Julian, James, and Mark; so, Julian, we will start with you.

ATTORNEY JEFFERSON: Thank you. So, I'm in support of it. It's just wording. So, I would say something along the lines of this. To promote a uniform approach to the investigation and prosecution of all alleged misconduct involving Law Enforcement Officers, we should establish by Statute, something like that, so we know why we're doing this. So, just something that's really so much more so for the audience, so that we know why we're proposing it and why we think it's important.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Ken, I can't tell if your hand is up. So I don't want you not to be called on. So just raise your hand.

DIRECTOR NORTON: Yeah. No, I was going to suggest what Attorney Jefferson said. So, that's great.

DEPUTY ATTORNEY GENERAL YOUNG: Great minds think alike. Thank you, guys. President McKim?

MR. MCKIM: Thank you, Deputy. And along the lines of the great minds, I had actually a more expansive -- slightly more expansive question about all of the recommendations. I happen to think it might be valuable to put an explanation section for each of these recommendations, as I actually did in my set of recommendations, which didn't quite make everything into what was sent around. But to the point of Attorney Jefferson and Mr. Norton, just the recommendation, itself, that it lacks the context, and for the understanding of what solution -- what problem we think this is going to solve.

DEPUTY ATTORNEY GENERAL YOUNG: So do you want that as a heading on each set of the recommendations, or at -- so if after each recommendation, it's pretty bulky. I think sometimes the audience wants to sort of see the actual recommendations laid out. We can certainly do headers.

MR. MCKIM: Not sure what the most readable format is; I mean, obviously, the -- who the audience is dictates what format you choose. And maybe there's an Executive Summary of recommendations. And then, the details of the explanations of the recommendations are in a further section. I'm not sure who the right audience is to focus our format.

DEPUTY ATTORNEY GENERAL YOUNG: Understood.

MR. MCKIM: Do we have a model for how other Commissions have addressed this?

DEPUTY ATTORNEY GENERAL YOUNG: So, my understanding is, at least what we've looked at, we have not seen forms or consistency, not helpful. Do you have other questions?

MR. MCKIM: No, that was my comment or request.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Lieutenant Morrison?

LIEUTENANT MORRISON: Thank you. I don't know that I'd be in favor of those types of explanations that were just suggested by Mr. McKim, because that would be a whole other discussion topic that I think would slow some things down dramatically.

But, do we really need a Statute for this? Because you have it in existence now, is the Statute more about funding or permanency of the position, instead of a uniform approach to investigation and prosecution? And obviously, you do more than Law Enforcement investigations. You do all Public Officials, right?

DEPUTY ATTORNEY GENERAL YOUNG: So we added that by Government Officials. So currently under our protocol, we handle State Government Officials, meaning State Commissioners, Department Heads, and State Police.

Do we need it in Statute? I would say yes because currently the Criminal Bureau's statutory mandate are homicides, so any case that's prosecutable by death, and appeals, and forfeitures. So, in order to make sure that this becomes a priority, not just today but going forward, the best way to do that is to establish it by Statute, to make sure that it continues as a statutory mandate for the office.

LIEUTENANT MORRISON: Okay. I guess I was just wondering why the Statute was necessary, if we're already doing it. Okay. I'm all right with that. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Because frankly we're not doing it full scope, we are doing it pretty limited. And what we have seen is, when we look at some of these, there's just not consistency.

And I can tell you that the County Attorney's Offices are burdened. They all, too, need bigger offices. But sometimes when people come to us to look at them, we look at it and say, gee, why wasn't this prosecuted? And so, we typically will look to see if they've abused their prosecutorial discretions. Most of the times, they haven't. But I think if you had a dedicated office, you'd have the ability to handle more of those cases. And having it in Statute would mandate us to do it.

LIEUTENANT MORRISON: Okay. I'm less comfortable with what you just said, but I'm not uncomfortable enough to oppose it. So I'll stop.

DEPUTY ATTORNEY GENERAL YOUNG: So what made you uncomfortable? No, I want to make sure that if you vote for it, you're...

LIEUTENANT MORRISON: Well, as written, I'm okay with it. But, I mean, if we're going to have a -- an entity now that is going to be reviewing any prosecutorial discretion incident and things that people bring, I mean, my goodness, that's going to be terrible.

DEPUTY ATTORNEY GENERAL YOUNG: But that's currently what we do, Mark. So anybody who has a complaint that thinks that they -- we look at those. But what I'm saying is, in doing that job that we

already do now, we see instances that there is inconsistency across the State in the way matters are handled or what cases will bring.

I mean, without getting into detail, we looked at a case recently. And the response was, well, he's a good guy. That's not the standard. The standard is, if they're -- right? If a crime was -- and that's hard, right, when people have relationships. I mean, we have heard that along the way. Sometimes good guys and good gals do things that are criminal.

LIEUTENANT MORRISON: Okay, thank you for clearing that up.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Okay. Seeing no more hands raised, do I have a Motion to Move Number 2 Forward, as written?

LIEUTENANT MORRISON: Think we had Scippa make the Motion and Chief Dennis seconded it, I think.

DEPUTY ATTORNEY GENERAL YOUNG: Right; I have really bad screen today. John Scippa, are you with us still?

DIRECTOR SCIPPA: I am, Madame Chair. And if necessary, I will move this recommendation to a vote, as written.

CHIEF DENNIS: I will second that.

DEPUTY ATTORNEY GENERAL YOUNG: Seconded by Chief Dennis. Commissioner Tshiela, how do you vote?

MS. TSHIELA: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Tshiela, can you hear me?

MS. TSHIELA: Can you hear me? Hello?

DEPUTY ATTORNEY GENERAL YOUNG: Hi. We are...

MS. TSHIELA: Oh, okay. Yes.

DEPUTY ATTORNEY GENERAL YOUNG: We are looking for a vote on Number 2.

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 NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis was the second. 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: Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: I vote yes, as well.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: So Number 3 is to require implicit and racial profile training -- excuse me, implicit bias and racial profile training for all Prosecutors, including

Police Prosecutors. And there is a recommended training for all Defense Attorneys. Director Scippa, question or comment?

DIRECTOR SCIPPA: I would ask that this be amended and require implicit bias and racial profiling training for all Prosecutors, all Police Prosecutors, all Defense Attorneys, and all Judges.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Thank you, Deputy. I just wanted to clarify something I just thought I heard Director Scippa say. I thought he said training for all Police Prosecutors, putting that adjective in before the word "Prosecutors". And my understanding is that various Departments -- some Departments have -- some Police Departments have Prosecutors as part of the Unit. And the County Attorneys' Offices are separate, and they are Prosecutors. So I want to make sure we're clear on who we're talking about here. Hopefully, it's everyone, all Prosecutors, regardless of where they sit in this organizational structure.

DIRECTOR SCIPPA: So, Mr. McKim, just to be clear, in our world, when we use the term "Prosecutor", we mean an Attorney. That could be the County Attorney. That could be a Private Attorney that's contracted by the Police Department. That could be a Police Officer that's an Attorney. But in all cases, when we use the word "Prosecutor", we mean an Attorney.

When we use the term "Police Prosecutor", what we mean is a Police Officer that has received training in prosecuting cases at a District Court level. And so, there's the differentiation. The second group are not Attorneys. They have not gone to Law School. And that's the only reason we use that verbiage, if that helps.

MR. MCKIM: Thank you. So, this -- the current language, I'm okay with, because not putting the adjective in front of Prosecutors for that first kind of clause. And if that's the way it is, then I'm fine with that.

DEPUTY ATTORNEY GENERAL YOUNG: John Scippa, could I ask you a question?

DIRECTOR SCIPPA: Yes, ma'am.

DEPUTY ATTORNEY GENERAL YOUNG: This would be over and above any training that a Law Enforcement Officer would get, correct? This would be geared toward sort of a prosecution aspect. So if you're a Police Prosecutor, you'd probably have a couple of layers of training. That's the way that I would envision is that. Is that...

DIRECTOR SCIPPA: I guess. I mean, certainly, that would be the better way to do this. But I think, as long as the entire group that's responsible for prosecuting, defending, and hearing these cases receives some level of implicit bias and racial profiling training, then, I think, in the first instance, at least there's a shared message and a shared understanding, and shared education.

To your point, Madame Chair, if you saw that we could actually create another layer of training specific to prosecution, defense, and hearing of cases on this topic, I would support that, as well. But, I'm kind of, I guess, looking at the easier of the two solutions to make sure that we're at least getting the education out there. But I do agree with the way you're seeing it. If we could do that, then, yes.

DEPUTY ATTORNEY GENERAL YOUNG: And is -- as I had stated to Commissioner Johnson, when he asked a question and we made this proposition, we can do the -- we can mandate the Prosecutors that we have oversight over. We have no oversight over Defense Attorneys, and certainly no oversight of the Judges. But that doesn't mean that this isn't a recommendation we shouldn't put forward. Any other questions, Commissioner Quinn?

COMMISSIONER QUINN: Just a comment, Deputy. Maybe as with other recommendations, maybe we need just a couple words at the beginning, what we're trying to do. And I'll defer to the Attorneys on the team, whether it's to ensure fairness of all prosecutions, to ensure a fair judicial process. I think that this sentence, as structured, just needs something at the beginning, why we are recommending training for everybody.

So, is it judicial process, to ensure a fair process? And I'll defer to you and Julian. And it doesn't have to be done now. But I just think it needs something, why we're making this important recommendation.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Any other questions or comments?

COMMISSIONER QUINN: Did...

DEPUTY ATTORNEY GENERAL YOUNG: Julian?

ATTORNEY JEFFERSON: So I'll take Commissioner Quinn's invite there. I would say to promote equal justice under the law in all aspects of the Criminal Justice System, and then go from there.

COMMISSIONER QUINN: Thank you.

ATTORNEY JEFFERSON: You're welcome and thank you. I think it's always important that we're talking to our audience.

(Pause)

ATTORNEY JEFFERSON: And Deputy Young, if we can just put Criminal Defense Attorneys, so it's clear?

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. President McKim?

MR. MCKIM: Thank you, Deputy. Just a question about this specific -- the mentioning of this specific training. In conversations with several County Attorneys, the topic of training overall for both

Prosecutors in their offices, as well as for the County Attorneys, themselves, leadership kinds of training, came up. And so, I'm wondering if we have any recommendations that we're going to be considering here around training overall for Prosecutors in which implicit bias and racial profiling training may be one of the topics trained on.

DEPUTY ATTORNEY GENERAL YOUNG: So I think we're trying to capture that, President, in 3B. So we're going to facilitate and arrange for the training, and that we're going to establish a system where new prosecutor hires receive the training.

MR. MCKIM: Well, my question was around training on more than just implicit bias.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, so we have a Training Prosecutor that's been with us almost a year. He was deployed to another mission. So he's sort of getting up-and-running on that. So we do have that position in the office to do that exact training. And we also have facilitated Prosecutors to go to trainings through the National Association of Attorney Generals. So I think that that is being done already.

MR. MCKIM: Okay. This is probably bar for more conversation, because the conversations I've had with a couple of Attorneys did talk about training. But what I heard from them in my estimation is necessary but not sufficient. So I'm not sure where to -- I'm thinking this may be a different conversation from where we are today. So I guess I'll let it go for now.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. I'm happy to have that conversation. And I don't disagree with that characterization. Thank you. Seeing no further questions, do I have -- oh, Mark, I'm sorry. Your hand is up.

LIEUTENANT MORRISON: It was going up as you were saying that, so my apologies. I'm just trying to understand how we're going to require this training. It seems the appropriate wording would be to recommend that all Prosecutors have that. Like, is there some sort of licensing body of Prosecutors that would prevent somebody from prosecuting, if they did not have it?

And I'm just generally not in favor of C at all. I think the Attorney General's Office should make available this training as soon as you can make it available, and encourage everybody to go attend it. And I think anybody who doesn't attend it sort of does it at their own -- wouldn't say peril, but I think it would be strongly encouraged that everybody go to fulfill this sort of goal.

DEPUTY ATTORNEY GENERAL YOUNG: So, other than the Elected Official, the Attorney General has to approve the hires at the county level. So this would be something that you would have to have done before that would be done, before the approval would be given.

LIEUTENANT MORRISON: So it would just be county level?

DEPUTY ATTORNEY GENERAL YOUNG: Sure.

LIEUTENANT MORRISON: Because I'm in favor of this being recommended for all Prosecutors, I think just that, I guess, the requirement side is the little bit of a rub. I mean, you can require it for the people that you appoint. But I think that we should just strongly recommend it for all Prosecutors to take. And then, I don't like having another list reflecting those who have not received it. I think that could be handled internally. I don't know, Julian. This is some of your wording. I don't know if you have any thoughts on it, as to where I'm going with it.

DEPUTY ATTORNEY GENERAL YOUNG: So, Mark, just so you know, this wasn't Julian's. These are the Attorney General's recommendations, just so you know. I mean, we changed the top part. But the A, B, and C are his recommendations.

(Pause)

LIEUTENANT MORRISON: Okay. Well, I just -- I would ask that C be removed.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: I would actually agree with Lieutenant Morrison on removing C. I think we just had many discussions about a list, the Laurie's List, and the EES. I think this sets up another bit of confusion. And I wonder if there's another way for addressing the issue that C might be intended to address.

And I think the issue -- and you can correct me if I'm wrong. But I think the issue is transparency around Prosecutors that they have, in fact, taken this training and are going to be able to fairly prosecute cases. And if that's the case, then I wonder if there's another way that we can encourage or allow the public, or anyone who might be involved with a Prosecutor, to find that out. Am I correct in my assumption of why this would be put forth -- why C is being put forth?

DEPUTY ATTORNEY GENERAL YOUNG: You are correct, sorry. We're trying to rework some words back here. So, yes, you are correct.

MR. MCKIM: Yeah. So, I would be in favor of striking C, as well.

DEPUTY ATTORNEY GENERAL YOUNG: Joseph?

MR. LASCAZE: On that part right there, C, the section that we're on right now is transparency. And I am just -- I don't understand how having -- the Laurie List, I completely agree. We need to get rid of that. And keeping a list creates problems.

My question, though, is: how are we going to track those who have not complied with this? And how do the community members also know this? New Hampshire's listening right now and hears that we're about to make this recommendation. And yet, they're not going to be able to track who hasn't completed this recommendation. And on the section of transparency, we're taking something out so that it's not transparency. I just want to know how we can balance that.

(Pause)

MR. LASCAZE: I also think that C, especially now that this is being done publicly, I think that keeping C is an incentive for individuals to do this training, because I think that when something that is being required, that's put out there by the AG's Office, I think that everyone's going to want to comply with that. And I think it's a very good way of keeping individuals accountable, which is another part of this section, and transparent.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Judge Gardner?

JUDGE GARDNER: So, I understand that transparency is really critical in all of our discussions. I just kind of wonder how this list is going to work, just like any other list. So you have all these Criminal Defense Attorneys. I don't even know how many Attorneys practice criminal defense work. And when you say criminal defense, how do you define that? If they take on, say, five cases a year, does that make them a Criminal Defense Attorney? And so, that's another question.

But, in any event, so that list, if -- I don't know who's going to keep track of it. But, if you get on the list but you take the course, do you automatically get off the list within 24 hours? If you can't take the course for whatever reason, is that going to be reflected on the list?

So I think that there's a lot of questions when you mandate this kind of list. I think there should be a better way to sort of make sure that everyone gets the training that they need. I think it's really important that everyone receive this training. It's just the whole, I think, list part of it that is a concern. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: So, Your Honor, the list was to show that the Prosecutors had done it. So this recommendation was for Prosecutors, because sort of that's what this office has oversight over. We...

JUDGE GARDNER: I thought it was everyone. I thought it was Prosecutors, Criminal Defense Attorneys, and Judges.

DEPUTY ATTORNEY GENERAL YOUNG: That's who has to -- that's the recommendation for who has to have the training.

JUDGE GARDNER: Right.

DEPUTY ATTORNEY GENERAL YOUNG: But Attorney General's Office is going to facilitate the Prosecutor training. And we envisioned it for that. Not to throw a sort of a complete, but I wonder, should we make a recommendation -- so, as Lawyers, we have to complete 12 hours of continuing legal education credits a year. You have to. You will get suspended if you don't.

Two of those hours have to be based on ethics. I'm wondering if we don't make a recommendation that one hour would have to be to this. And then, that's sort of the real entity. They control our License to practice.

JUDGE GARDNER: Right.

DEPUTY ATTORNEY GENERAL YOUNG: That may be the better -- so maybe we would take out A and B, and we would suggest at least for the Lawyers that the Bar consider mandating one hour of annual CLE to be for this training. And that's how you would know.

JUDGE GARDNER: That might work.

DEPUTY ATTORNEY GENERAL YOUNG: That might be sort of the cleaner way to do it.

JUDGE GARDNER: Yeah, I agree.

DEPUTY ATTORNEY GENERAL YOUNG: Julian, your hand was up?

ATTORNEY JEFFERSON: Yes, I agree with the discussion between you and Judge Gardner and fully support that. And to Lieutenant Morrison's point, I agree. We should take out the word "require" and say strongly encouraged, because I don't think we can require Defense Attorneys or Judges to do it. So I think strongly encourage is a better word.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So we have been going for a little over two hours. We will take our break now. We will rework this one. And then, we will come back to this one, and then move on. Okay? It is 11:40. So we will be back at 11:50. Thank you.

(Off the record at 11:40 a.m.)

(On the record at 11:50 a.m.)

MS. EKLUND: And we are now recording.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Good almost-afternoon, Commission Members. We are back. So we have reworked the language of three. And we have put in a D. We've recommended that the Bar Association require one hour of yearly continuing legal education credits to be dedicated to implied bias and racial profiling training. Do I have any questions or comments? President McKim, your hand is up.

MR. MCKIM: Thank you, Deputy. So I'm not familiar -- I'm not a lawyer -- so I'm not familiar with the Bar Association's requirement or its process for tracking and making available apropos of Mr. Lascaze's point, of the fact that someone has -- that an Attorney has taken a specific type of training.

So, I guess my question is, is that information public? And if so, then I'm okay with this. But if not, my suggestion to remove C was in lieu of our -- was along with making some mechanism, which I would assume would be in the establishment of the system, to have that fact known to the public.

DEPUTY ATTORNEY GENERAL YOUNG: So, in order to maintain your Law License, you have to have 12 hours of credit a year. Two of those hours have to be in ethics. What we're saying is one of those other 10 hours would have to be in that. So, by deduction, if you maintain your License, you have

committed that. I don't know the answer if you can go to the Bar and see what courses a Lawyer has taken. Maybe Julian knows that, because he works with the ADO and the PCC. Julian, are you aware of that?

ATTORNEY JEFFERSON: So, I don't believe that that exists that you can drill down that far. Every year, as an Attorney has to specifically attest and denote in their CLE Compliance Reporting that they've done this two hours of ethics training.

So, if this was adopted, they would have to personally attest every year that they've also complied with this one-hour unit training. So there would be on file their Sworn Affidavit that they've complied with the requirement. I don't believe, beyond that, that there's publicly information available -- publicly available information for an interested citizen to see that. It would just be that their Law License is current, so therefore they've complied.

The only thing I was going to say for the beginning is, in the first sentence, under Number 3, is that we either say we, or the Commission, strongly encourage. And with that, I am fine with the language, as written.

MR. MCKIM: So, could we add, then, verbiage to -- perhaps it's C, that indicates that we are establishing a system whereby all new Prosecutors, hires receive implicit bias training within 30 days of their start date, and that the fact that they have taken such training is made available to the public?

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So now, I'm confused. So, how are we going to make that available to the public? I thought that that was the whole...

MR. MCKIM: My concern with C before was -- and I think Judge Gardner mentioned this. And I think Lieutenant Morris [sic] mentioned this, as well -- is we're describing -- prescribing a specific process for making the information available, i.e. on a list -- a specific, separate list. And that was my concern about having a list. I absolutely want the transparency of who's taken the training. I just am not convinced that creating another list is the way to accomplish that.

DEPUTY ATTORNEY GENERAL YOUNG: So how do we do that? Give people certificates, and they can ask us if there's a certificate on file. I'm just trying to figure out the mechanism for that.

MR. MCKIM: Well, do we even need to identify the mechanism? Do we need to just say that the system, whatever it is, has a way for the public to find out this information, and leave the details to whoever implements this?

DEPUTY ATTORNEY GENERAL YOUNG: Rogers and then Mark Morrison. Rogers?

MR. JOHNSON: Yes, for number C, it becomes a condition of employment, meaning that, in terms of being employed as a Prosecutor, you have to do X. If you don't do X, your job's on the line. It's that simple.

DEPUTY ATTORNEY GENERAL YOUNG: Mark?

LIEUTENANT MORRISON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: No, Mark, you're muted. Sorry.

LIEUTENANT MORRISON: Sorry about that; I -- the reason I'm against these things is just sheer logistical nightmare-type stuff. If there's a statement by the AG that they require this to happen, I think that we have to have some trust that they're going to make sure that everybody gets it.

And I just -- I struggle with this notion of transparency just turning into logistical nightmares. I mean, we have professional honorable people that work in some of these spots. If they say, hey, this is what we're going to require people to do, I think we just say, okay, thank you. And trust that they're going to make sure everybody does that.

It's just another layer of aggravation in the name of transparency. And it's not that I'm against the transparency. I'm against the reality of all these logistical problems with it. So I think if there's just that's part of the requirement, or this is a condition that we're going to set, then we leave them to do that. And believe that they're going to make everybody do it.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, and so, C is written. My concern would be Londonderry hires a Police Officer. He's going to be the Prosecutor. I'm not sure we can come in and say, you got to fire them. I think it's different when they're in the County Attorneys' Offices. I'd have to go back and sort of look at the law on that. But...

LIEUTENANT MORRISON: Yeah, I think it's clear from this wording that we're encouraging implicit bias training for people who are making these decisions. And people, or Agencies, I truly believe are going to comply and get that done.

If we're going to require something, are we going to pay for it? These are just the real logistical concerns that I have. And I think we just encourage people to do it, know that it's important for the mission this Commission is undertaking right now, and that's our recommendation.

DEPUTY ATTORNEY GENERAL YOUNG: So, Ahni, John Scippa, Rogers, Eddie, and then I'm going to call it. This was supposed to be the -- this was supposed to sort of be the easy straightforward one. We have eight others that we have to get to. So, with that, Ahni?

DIRECTOR MALACHI: Thank you, Deputy Young. It just feels like we consistently are getting pulled off-track into the minutia of the weeds of the minutia of the weeds. If the Attorney General's Office is saying they're going to do this, consider it done.

And if you attach this, even though it's a suggestion for a CLE, that is mandatory. So the new Prosecutors there, they're Lawyers. So they'll get one swipe at this within 30 days. And then, there's another one to keep their License.

So I think, in support of certainly what Commissioner Jefferson was saying about the Bar and with what Lieutenant Morrison is saying, transparency, wonderful. But every iota of everything is just way too much. So you have to put some sort of trust in there. If we trust the Bar, then we trust the Bar. Or we don't trust the Bar. We trust the AG's Office to do this training, or we don't trust the AG's Office to do this training. I think having lists, as we've all agreed, is just -- it's a mess. So, leaving it the way it's written, moving onto the next topic, I'm in favor of that. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa?

DIRECTOR SCIPPA: Agreed; we're dialing into a whole bunch of specifics relative to really a strong encouragement. And that's the first line. We're strongly encouraging that this happen. The AG's Office takes it upon themselves to -- they're mandating their people, which is above and beyond whatever this strong encouragement is. And we're also recommending a way that all Lawyers can receive the same training, depending on whether the New Hampshire Bar Association takes upon this recommendation or not.

So, I think it's -- this is a strong, encouraged recommendation. We're not mandating anything. But we're trying to move the ball forward in a positive way. I would say, I mean, unless somebody has something different, or other concerns, I would move that this recommendation be voted on, as written. Thank you.

MR. LASCAZE: And I will second that.

DEPUTY ATTORNEY GENERAL YOUNG: Is that a Joseph second?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. I am not going to cut off Commissioner Johnson and Commissioner Edwards. So I will let them speak, and then I will take a vote after that, because they had their hands up. Commissioner Johnson?

MR. JOHNSON: I agree with everything that's just been said. I mean, quite frankly the Attorney General's Office firing somebody because they haven't gotten their implicit bias training in 30 days, I think there's going to be a lot of leeway in that. Things can come up. If they don't have it done in 60 -- in 6 months, somebody could make a phone call and say, hey, you got to get this done. If somebody hasn't gotten it done in a year, then you may have a question. Other than that, I'm thinking it's good to go as it is. I'm done.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. And we just looked it up. So it's the Supreme Court. It's not the Bar that mandates the CLEs. And Eddie, you have the last word before a vote.

CHIEF EDWARDS: Sure; I'm good as it's written, except for one area. And I'm not sure if this is a big deal or not. But we have implicit bias and racial profiling. Aren't we just talking about implicit bias training, I think? And I only bring that up because it appears that that's two separate trainings that they're asked to take. And this entire time, I thought we were talking about implicit bias. If people are fine with it, I'm fine with it, too, but...

DEPUTY ATTORNEY GENERAL YOUNG: President McKim, I will ask you to have us capture the right wording there.

MR. MCKIM: Thank you, Deputy. This actually goes back to something we were discussing a little bit earlier around the -- with Director Scippa about the applicability of skillsets and knowledge. So, training about implicit bias is understanding what it is, is one thing.

But it's another thing to understand how it is manifests through behavior. And so, racial profiling is a manifestation -- or the issue of racial profiling gets into the manifestation of implicit bias, with particularly thinking about how does that manifest for what a Prosecutor does versus how does that manifest for what a Police Officer does? So, just to say implicit bias training, in and of itself, for me, is not enough. I -- the racial profiling is a specific manifestation of that, which you might not get, if you just had implicit bias training.

DEPUTY ATTORNEY GENERAL YOUNG: So the preferred way is the way that it's written now, correct?

MR. MCKIM: That would be my preferred way to write it. Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So I have a Motion to Move this in, as well written, Number 3. I have a second. So I will take a roll call on that vote. I vote yes. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: So, yes, but quick question. I have a question.

DEPUTY ATTORNEY GENERAL YOUNG: Yes.

DIRECTOR MALACHI: Was Director Scippa okay with racial profiling being added to this, as well, or leaving it at implicit bias, where we had it before?

DIRECTOR SCIPPA: I agree with President McKim. And I would move as it is written right here. Thank you.

DIRECTOR MALACHI: Okay, thank you for the indulgence. And my answer is yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. And Director Scippa, you moved. You were the original move, correct?

DIRECTOR SCIPPA: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner, are you with us?

JUDGE GARDNER: I am. Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. 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: Commissioner Lascaze, you were the second, correct?

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: Commissioner Tshiela?

MS. TSHIELA: Back on, but I missed too much. So...

DEPUTY ATTORNEY GENERAL YOUNG: Abstain?

MS. TSHIELA: Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Or do you want to read it and we will come back to you?

MS. TSHIELA: Okay. That works, too. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you. Remind me of that when we come to four. Okay? Four?

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: So now, we are moving onto four, which was also an Attorney General recommendation. That was to establish a community outreach position within the Attorney General's Office to facilitate communication between all state, county, and local prosecution offices in New Hampshire, and the diverse communities within the State. Do I have any -- so you have questions or comments, raise your hand. We will call on you. Otherwise, if there's a Motion to Move It Forward without discussion, I'm happy to do that, as well.

DIRECTOR SCIPPA: If there's no discussion, Madame Chair, I would move this, as written.

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a second?

DIRECTOR MALACHI: I would second that. Ahni seconds.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Ahni. Commissioner Tshiela, how do you vote?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Lascaze?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: 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?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Johnson?

MR. JOHNSON: This is a communications position, internal government. And yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank -- yeah, I see it more as an outreach, right? I see it as really a goodwill ambassador, somebody who's interfaced?

MR. JOHNSON: Yeah. Absolutely, somebody who's capable of internal and external communication.

DEPUTY ATTORNEY GENERAL YOUNG: Yes, effective.

MR. JOHNSON: Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, okay.

MR. JOHNSON: Exactly.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa was the first. Ahni was the second. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: And I vote yes, as well...

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: So, Director Norton, I believe this one is yours, correct?

DIRECTOR NORTON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: So that's to increase funding and Staff to enable Police Standards to conduct -- so what we've done is we've sort of done these in categories. So this was sort of the next category that we saw. Increased funding to enable Police Standards and Training to conduct periodic audits of all New Hampshire Law Enforcement Agencies to ensure compliance with PSTC Rules; to amend

the rules to authorize Police Standards to audit Internal Affairs investigations and Police personnel files. So, Ken, do you want to just discuss this for a moment?

DIRECTOR NORTON: Yeah, mine had a little bit more specificity to it. But it was that gap between the PSTC not having the staffing available to audit Local Law Enforcement Agencies. And then, the transparency piece that I had added was that it was my understanding that there was no public disclosure of what a PSTC audit was to that local Department, other than to the Chief. And it was up to the Chief to disclose who else they wanted to disclose it to.

And I put that it should be every three years. And then, I believe that these were the categories that Director Scippa had said that they were currently directed to audit on. And the -- so Section A was the Hiring Policies and background investigations, which we heard was whether they were following those processes, as laid out in the -- under Administrative Rules.

Section B, we've certainly spent a lot of time talking about in-service training requirements, but to make sure that within individual Departments that they were meeting those -- Officers were meeting those. Section C is their annual firearms and use of force training requirements.

And then, D was the reporting Internal Affairs investigations to the Police Standards and Training. And then, E is the hours worked by Part-Time Officers to make sure that they are, in fact, meeting the Administrative Rules and that they are not working excessively, I assume. And then, I had put the -- I had added in F, relative to transparency.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa, any thoughts or comments on this?

DIRECTOR SCIPPA: I -- just to be clear, looking at letters A, B, C, D, and E, we are doing all of those except for D right now. And it might be more clear and more inline with our POL Rules if D was written as that we are determining that there was reporting, relative to Form B submissions. And then, that way we can refer back to a direct rule that we have to make sure that that Department is in compliance with filing Form Bs, as they are required to.

As far as F is concerned, letter F, I think that -- I don't know that there needs to be a public record of all of the details of the audit. And generally speaking, what we are talking about here is compliance with kind of ministerial rules that they're conducting, or meeting these annual requirements.

In the first instance -- and again, you have to remember. My house is twofold. It's training and it's standards. Oftentimes, when it comes to these types of standards, I have to -- if there is something that needs to be resolved and it's just a matter of lack of training, then we're here to provide that training to make sure that that Agency is able to clearly understand what the defined expectations are and how to meet those expectations going forward.

So, it may just be a corrective action that we're taking in terms of hey, you didn't know about this. We're going to tell you about it. Go ahead and fix it. I just don't know if that needs to be a public document. Certainly, a listing of aggregate Summary Findings, we're already including a little bit of that. And to build that Annual Report out, I have no problem with.

I just don't -- I don't want to create an environment where the Police Departments are not ready and willing to invite us in, open all their records, so that we can help them stay on-track with the POL Rules, which is a whole lot different than investigating somebody for misconduct. And to be clear, that those types of things we've already spoke about, the transparency and the importance of that transparency. I

think this is more an administrative function just to make sure that they're hitting all the marks for POL. So I do have some trouble with F.

DEPUTY ATTORNEY GENERAL YOUNG: So, with that being said, I guess my question is, do we need this recommendation now that we've recommended this freestanding, because, right, we don't want sort of people bumping into each other? What are we doing here at the Department?

And I think the -- sort of the vision of the new entity would be that they could come in and they could do these audits, somewhat different than yours. But I just wonder if this confuses what the first recommendation was and if we need this one.

DIRECTOR SCIPPA: Well, then, that wasn't clear to me, when we were talking about the creation of the new Commission, which I thought was specific to Police misconduct and specific to determining whether an action is exculpatory in nature. In our Rules, it is Police Standards and Training's job to conduct these audits, specific to making sure that they are meeting the requirements set forth by POL as a regulatory function. So this is not investigative in nature.

I don't see how the other Commission that hasn't been created yet would be tasked with doing these types of audits. I think that these types of audits are written into RSA 106-L and our POL Rules. So now, I guess I'm concerned about the scope of the Commission that hasn't been formed yet.

DIRECTOR NORTON: All right. And this is Ken. And I agree with Director Scippa. And that's why I wrote it this way, because I thought that what we just did was specific to misconduct. And this was specific to the current authorization of what PSTC is supposed to do.

And I would just say, relative to F, that I think that communities should understand two parts: that, one, that those PSTC dollars that are funding the audit are taxpayer dollars, and that communities should understand whether their Departments -- local Departments are meeting the criteria that's established under the POL Rules or not, and that that could be a leverage point to generate more funding in the community or just to -- yeah -- have transparency about what's happening within that Department. With 240-plus Agencies in the State, there needs to be some level of oversight and transparency relative to that for communities.

DIRECTOR SCIPPA: Could it -- instead of publishing all types of Audit Reports, can we -- would it be fair to say, under letter F, that the results of in compliance or out of compliance be made a matter of public record within 30 days? And then, that way, the audit -- the summary of the audit may be included.

I just don't want to put work product out there as a public document, much like we were talking about with this Commission. And I understand where you're coming from, Ken. But, at -- I'm just trying to balance that with, again, getting back to the pragmatic piece to this. Just...

DIRECTOR NORTON: Sure, I'm fine with a summary statement, but would be interested in seeing what -- if other Commissioners have other thoughts, as well.

DEPUTY ATTORNEY GENERAL YOUNG: So we have a list of questions. Can I just ask for my own edification, what does the Audit Report look like, John?

DIRECTOR SCIPPA: It -- right now, it's a Narrative Report, much like a Police Report. And then, at the end of the Report, generally there's a summary finding which says that this Agency is in compliance, or this Agency is almost in compliance. They just need to tweak this. And we will get back to them next week, and just confirm that that -- the roster of that class is put in the training file, just little regulatory things of that nature. Or if there's a real problem, that's captured in the summary, as well, with a plan to go forward to fix the matter.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. And you're correct. The first is a misconduct. The first entity is for misconduct. So that was -- again, oftentimes I have to talk these things out to sort of figure where we're going. Okay. Commissioner Quinn?

COMMISSIONER QUINN: I'm sorry. I just have a question for Director Scippa -- or actually two questions. One is, your current authority right now gives you the authority with just cause to conduct an audit to ensure that a Department is in compliance with your training standards. So you have that authority now, correct, John?

DIRECTOR SCIPPA: That is correct.

COMMISSIONER QUINN: Okay. So the next thing -- and just, again, the details are always what's going to catch us. Just looking at this, Line 1, saying that at least every three years they should conduct an audit of each Law Enforcement Agency -- and again, I think John touched on that a little bit. But when you come to audits, whether you have a small Department or a large Department, you could have three Officers. You could have 300-and-plus Officers.

Going into a Department, auditing at what are -- and there are general -- generally accepted auditing standards on systematic systems, whether it's every Form B, or let's look at all the training. Are you auditing random Officers' training?

Are you -- again, because at 240, Ken, that'd be 1 1/2 Departments a week that Police Academy are going to have to -- if you did 80 a year, you're about 1.5 weekly to go out, physically drive out to the Department, get in. Start looking in the files, pulling files out, cross-sectioning, auditing to see if everything is in place.

So my question to the Director is: is it better to do -- to have a standard? Or do you have some flexibility so that you determine when and how an audit needs to be conducted? I just don't want to set you up for failure here, because that's a lot of auditing. And if they've got to be done at the Police Department -- and as the Director said, we want to ensure we're not spending time looking for problems, if there are no problems, knowing all the other things that he's got to be doing. And how many folks would you need to do that, John, to get all that done, at that pace and that rate?

DIRECTOR SCIPPA: Yeah, Commissioner. And again, I look at these recommendations clearly from my own front-porch view in terms of is this something that, as it's written -- is this something I can do right now? And I can't.

And I understand what this Commission's mission is. I do. And I embrace the mission that is before all of us. But I don't -- what I'm struggling with is that the number of recommendations that are going to come to this Agency, as the Agency exists right now, we can't do it. I just don't have the resources to be

able to stay on pace with that kind of -- with those timelines, and then be able to publish these Reports, and subsequent Corrective Action Plans. This is going to be an undertaking that I'm just -- I just couldn't stay on pace with that. If I had more resources, yes. Then, I probably could stay on pace with that. But we're talking about building out an investigative body that's going to require up to and including a building. So, I...

DIRECTOR NORTON: Well, this is Ken. And I really appreciate those comments. And that was -- and Commissioner, absolutely agree. But part of my reason for trying to be specific was just that, that it -- I find it infuriating that the LBA Audit noted these challenges but didn't do anything about adding additional resources to PSTC.

And I'm afraid that if we don't put some mark in the sand about what the expectation is, that we won't be able to fight to get adequate resources for PSTC. And so, that was my motivation in putting it in there.

COMMISSIONER QUINN: No, I -- yeah, I believe it's -- look at -- it's well-intended. And I just want to make sure, before I vote on it, that -- and maybe if we put it, if the resources exist or -- but there's got to be something in here that address the resources, or it's just not going to come to fruition. With the resources he has in place right now and all the additional tasks we've given him in the first two venues that we've addressed, that's the only reason.

Understanding that we here at Safety are required to do audits on certain things, and having been through some audits, it's a lot of work. And the last thing we want to make it -- do is do a recommendation that isn't done correctly.

So, let's just go into this with our eyes wide open. And if it's a recommendation for more resources to do this, if the Commission thinks it is that important, or maybe the Director -- and again, I go back to we have to trust the Director to identify areas and be able to laser in where he believes an audit needs to be conducted. So, I just wanted to bring that up, only because I think it is a good recommendation, Ken. I just want to make sure that he's got the resources to get it done. That's all.

DIRECTOR NORTON: Yeah, and I would suggest we bring in the piece from the Attorney General's recommendation to talk about resources. I'm also hoping, when we get to other here at the end of the week, that we would make a finding to just say that it's our finding, as a Commission, that Police Standards and Training is currently under-resourced to fulfill the obligations that they currently have.

DIRECTOR SCIPPA: I thank you very much, Ken, for that perspective, and, in fact, at lending support to making sure that we're resourced appropriately. I do appreciate that. And I don't know if Judge Gardner's still on.

JUDGE GARDNER: I am...

DIRECTOR SCIPPA: Judge, I have yet to be in a Council meeting where there was a presentation of a Summary Report on an audit. And I don't know if you've had any experience. Are those Summary Reports brought forward in the public setting?

JUDGE GARDNER: I don't recall any of them being in public. I know that you do make Reports stating whether or not someone has been in compliance with the POL Rules. But I do see it more as a administrative sort of regulatory-type of function.

And I just want to add, since I have the floor right now, that I feel like we're heaping on so much work on Director Scippa and Police Standards. I have to say they are so underfunded. And it is a battle every fiscal year to try to get funding. I don't know how they stay afloat with the people that they have there. And I have to say it's because of their dedication.

And so, I know that audits are important. However, they cost money. And so, the question becomes: where do we put our money, resources, and time? Do we want it doing auditing? Perhaps we should think about putting the burden on the individual Police Departments to report back to Police Standards, instead of Police Standards going out and doing all the legwork.

And I think that's part of Director Norton's goal is to make sure that the Form B, there's sort of a -- it appears that there's disconnect, sometimes. And so, maybe what the Council can do is review again. And Form B has gone through a number of transformations. But maybe we can recommend that the Council review some of the forms that we send out. I mean, that's something that we could do to try to address those issues.

But for Director Scippa and his Staff to go out and do these is just unworkable. There's so much he has to do in terms of training, and making sure we have hearings for decertification of Officers, suspensions of Certifications. And so, that would take away a lot from his daily activities. And so, I think we're getting into a micromanaging kind of situation here. And I just worry about that, given all the things he has to do. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Judge. Attorney Jefferson, Chief Dennis, Director Malachi, and Lieutenant Morrison, and then we will move this forward to a vote. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes, so my recommendation is to have line 1 read, annually, instead of at least every three years, so annually PTSC should conduct random audits of Law Enforcement Agencies to determine compliance with A through F. And I think that gives Director Scippa a lot of flexibility to determine how many audits he's going to do, who he's going to audit. And so, as long as Director Scippa and PTSC thinks this is something that should be done, and is a valuable use of their regulatory function, I think that should provide the flexibility we need.

In regards to F and the conversation about transparency, I also agree with what I believe was Director Scippa's recommendation is. So, I would say keep the second line, as it exists. And I believe Director Scippa was in support of that.

But the first line, to say if -- to make public corrective actions that weren't being followed, and I think that that creates the balance that PTSC and Law Enforcement Agencies are funded by the public, for the public, but also to what I think is Director Scippa's real concern that we need to create a nonhostile environment where PTSC is coming in to make sure, hey, are you in compliance with the best standards and training that we're looking for?

If they take the corrective action, I think that's great. And that shouldn't be made to the public. But if they haven't, then I think transparency trumps. And I think that's -- and I think Director Scippa's giving

me some positive signs there. So, I think those two corrections will, I think, get us a long way to where we need to go. Thank you.

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

CHIEF DENNIS: Thank you, Deputy. Something was a little troublesome to me when this conversation first started and it was that this was similar to Recommendation 1. And I don't see that at all. If it's similar, or that other Recommendation 1 should be involved in this process, I think we have some serious problems. This is totally administrative, has nothing to do with misconduct of what we've been talking about. Do I think PSTC...

DEPUTY ATTORNEY GENERAL YOUNG: So, no.

CHIEF DENNIS: Go ahead.

DEPUTY ATTORNEY GENERAL YOUNG: No, I agree. And I said to Director Scippa, no, I take that back. So...

CHIEF DENNIS: Okay. All right. I missed that part, sorry.

DEPUTY ATTORNEY GENERAL YOUNG: That's all right.

CHIEF DENNIS: I do think certainly PSTC has the authority to do audits. We certainly know staffing is an issue for Director Scippa, as he's said before. I don't know when the last time an audit's been done for an Agency. But we certainly know the staffing is an issue.

I heard someone else talk about the Director's decision. But PSTC has always had a Director. I think the issue is the staffing issues and the funding issues that that Agency has had for years and years. Random audits, I would be okay with that. I think there's some form of audits that need to take place.

The Chiefs certainly file paperwork each year saying that we're in compliance with training measures and things like that. Maybe other things could be added for these things that the Chief is saying this is occurring. But you also have the audits coming from PSTC, whether they're random, or they're three years, or whatever, to at least those checks to make sure that there is that compliance going on with an audit process. And with that, I'll end. Thank you.

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

DIRECTOR MALACHI: Yes, couple of thoughts here. I guess one of them is, it would appear that quite -- or I -- correct me if I'm wrong. I'm thinking some of these are "CALEA" things that have to be attested to. And for those that are CALEA, they're doing a lot of these things. For those that aren't, then we've already spoken about attaining CALEA certification.

And I'm agreement with a couple of other people have said, with this list, I'm not sure that it makes sense to make it the responsibility of the PTSC -- PSTC to go out and get. If there are reporting mechanisms

that the Chiefs are required to do annually already, then why not add these to the list? Have them check those things off.

And then, I guess one other question was relative to audits. So, when I hear the word "audit" with a State Agency, I'm thinking an LBA-level audit, which is five or six months. You've got people that are dedicated to it. So if we're looking at something in that level, which would produce the Report that Director Scippa shared with us, so there's that level of audit.

Is this something that's just spot-checking a few things, because what it's sounding like, based on the lists that Commissioner Norton put together, this is a whole separate Department? And this is all that they do. They are assessing the information that's coming in from the Chiefs, checking it against whatever the audit standards are going to be, filing that information, and then, when they do a spot-check, making sure that the information that was attested to is actually -- I mean, that's three or four people just doing audits. That's separate from everything else that Director Scippa has to do.

And then, we had some written testimony from Mark Odanza [ph]. I hope I'm not mispronouncing his last name. And in that testimony, he talked about what has historically taken place and whittled away the funds of PSTC.

So I'm not really sure that putting a line in the sand to try to force the Legislature to give Director Scippa money is the best way to do that. I think the best way is to, in our recommendations, consistently and in individual ones, as well as in other, consistently make a recommendation that he be given adequate funding to do all the things that the audit specified that needed fixing, as well as all of the items that we're looking at and suggesting that need fixing. So, I think I have some more questions, not sure how much of this is actually needed. And I'm done.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Lieutenant Morrison?

LIEUTENANT MORRISON: Well, I guess great minds do think alike, because I had that same testimony highlighted to raise that concern, as well. But I wonder if we might change the wording sort of in support of Ken's concern in Number 1 that simply states, we recommend providing adequate funding and personnel to allow NH PSTC to conduct random audits of Law Enforcement Agencies to determine compliance with.

And I think that captures the concern that there clearly isn't funding or personnel. And our recommendation as a Commission is to fund it, pay for it. Give the appropriate amount of money and personnel to be able to conduct these random audits. I don't know that we need to have the annual language in there. And I think we leave it to PSTC to conduct their audits in accordance with their existing Policy. And the only other question I had the -- for the Director is: the Annual Report is already public. Is that correct, from PSTC, Director Scippa?

DIRECTOR SCIPPA: That is correct. And it -- just to kind of speak to this generally, please understand that, within the Legislative Audit that was issued in 2019, it directs the Council at Police Standards and Training to make rule changes specific to our auditing function.

And so, the other concern that I have, as we sit here and talk about this, is this Commission is starting to create a situation where this recommendation, if it goes, then, in essence, I have to turn around. I have to bring this to our Council. And our Council might have a whole different view of how they were going to kind of reform the way we do audits, and what's going to be checked and what's not going to be

checked, and the form by which it'll be reported. All of those things, this is also being worked on at the Council level.

So, again, I just share that because everybody on this Commission is trying to do the right thing. And I appreciate that. And I appreciate the way this is written now. And I certainly could support this, the way it's written right now.

And with that said, this is going to impact directly the Council. The Council's going to have to embrace this. And then, the Council will have to create a rule change to support whatever this recommendation is, plus whatever the Council wants to see changed in the audit process. So I'd just share that with all of you. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Director, what is the current audit mandate to you right now?

DIRECTOR SCIPPA: So, my understanding -- and I apologize. I'm not in my office and I don't have the Audit right in front of me. So the Audit's done in February 2019. There is some implementation that occurs with regard to trying to make the audit process a little bit more regular.

And so, PSTC decides, as a Council, all right, listen. Any time that there's a change in Department Head, that will be a reason for PSTC to come in and conduct just a regulatory audit. Where are you guys at? What do you need to change to get better?

There may be other reasons that the Council will want to have an audit done on an Agency. Certainly, if we receive a complaint or if we have reason to believe that the Agency is not complying with POL Rules, statutorily we have the authority to go in and conduct that audit to make sure that they're doing what they're supposed to be doing. And we would base that on reasonable suspicion.

Otherwise, that's really the only kind of change that's been made. It has not been captured in POL Rule yet. And candidly, the Council has not had full discussion. And that's nobody's fault, other than lack of timing and significant and unforeseen changes in the leadership at Police Standards and Training, to include the untimely passing of one of the Chief Administrators there.

So this is something we know that we have to address, something that's been identified in the audit. There has been a lot of good-faith effort to start moving it forward. But I don't believe the Council is done visiting this particular identified audit issue through the legislative budget review.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Director. I see no hands raised. So, do I have a Motion to Move This Forward as written?

MR. LASCAZE: I do have just one thing that I wanted to say real quick, if I can, on this. When we're talking about the funding situation right now is I do want everyone to keep in mind the fact that we're in the middle of COVID, and I do want to keep in mind that we're already going to be short on our budget. And I don't know how fair it is to the New Hampshire public to ask for additional money right. I just don't know conscience-wise how fair it is to ask them to fork over more money on this situation right here in particular. So...

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

DIRECTOR NORTON: This is Ken. And I would just like to say I appreciate everybody's comments. But I think that the charge of this Commission is to come up with recommendations to address areas that we've been charged with.

And I think that it's pretty clear, from the LBA Audit, when we see that -- I think it was 27% or 30% of Law Enforcement Agencies had not reported about drug screening was one of the ones that I recalled as part of the hiring process, that these issues need to be better addressed. And it's up to the Legislature and whoever to make determinations about whether they want to fund our recommendations or not. But I don't think that, if we believe that there's a need to address these issues, that we should worry about the budgetary implications of that at this point in time.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Ken. Ahni?

DIRECTOR MALACHI: Hi, thank you, Deputy Young. So, looking just going through the cobwebs of my mind with some of the other recommendations that we've made in other areas, and if you take into consideration the level of conversation we've had with Director Scippa and Judge Gardner, relative to the Council, a lot of these things are already in the works.

And I understand that we're not -- it's not always about making recommendations on -- not making a recommendation on something that's already in the works. But some of this can already be handled in rulemaking that is going to be handled. Some of this is easy Policy changes, or additional asks that PT -- PSTC can do anyway.

We just need to table -- well, it's now Number 5. It was Number 1. But I think we just need to table this, because we're already getting at all of this information from about three different directions in the laundry list of things we've already recommended and the things that are already happening at the Standards and Training Council.

And to put yet another recommendation that says the exact -- that says the same thing, but now we're adding another stipulation to it, it's just way too much. It's in the weeds. It's micromanaging. Just table it. Move onto the next thing.

DEPUTY ATTORNEY GENERAL YOUNG: So I have a Motion to Table what is five. Do I have a second on that? John...

JUDGE GARDNER: I'll second that.

DEPUTY ATTORNEY GENERAL YOUNG: John Scippa raised his hand. So, I will take a vote. Commissioner Tshiela?

MS. TSHIELA: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Tshiela, are you on?

MS. TSHIELA: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: No.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze?

MR. LASCAZE: What are we voting on?

DEPUTY ATTORNEY GENERAL YOUNG: That we're going to table this, that we're going to not make it a recommendation. We're going to take it off.

MR. LASCAZE: Can you come back to me on this, please?

DEPUTY ATTORNEY GENERAL YOUNG: I can. Thank you.

MR. LASCAZE: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: No.

DEPUTY ATTORNEY GENERAL YOUNG: 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: (No audible response).

MS. EKLUND: He had to step away for a moment. I don't know when he will be back.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Commissioner Johnson?

MR. JOHNSON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Ooh, sorry, Commissioner. Your mic is off.

MR. JOHNSON: So I see. The answer is yes, although tabling means that it is placed it on the table. It can be brought back at another time.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, yeah. Thank you.

MR. JOHNSON: So that was yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Scippa, you were the second. Ahni was the first. Commissioner Quinn?

COMMISSIONER QUINN: Yes to table.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Tshiela, are you with us?

MS. TSHIELA: Sorry, did you call me for a vote? I can hear everybody but you for some reason. So I can see your lips moving.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, sorry.

MS. TSHIELA: But I have no idea what's being said.

DEPUTY ATTORNEY GENERAL YOUNG: So, Commissioner Malachi moved to table this, which meant...

MS. TSHIELA: So, can somebody else tell me what we're voting on?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. So, this is to provide -- oh, can you hear me now, Ronelle? Oh, okay.

DIRECTOR MALACHI: Ronelle, this is Ahni. Can you hear me?

MS. TSHIELA: Yes, I can hear you.

DIRECTOR MALACHI: Okay. I made a Motion to Table. This is now Number 5.

MS. TSHIELA: Oh, okay. That's what we're -- okay. Cool.

DIRECTOR MALACHI: Yeah.

MS. TSHIELA: I vote yes.

DIRECTOR MALACHI: So we're just voting to table or not to table.

MS. TSHIELA: Okay.

DIRECTOR MALACHI: That is the question.

MS. TSHIELA: I vote yes. I don't know why I just cannot hear Jane for some reason. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Ahni, tell her thank you.

DIRECTOR MALACHI: Deputy Young said thank you.

DEPUTY ATTORNEY GENERAL YOUNG: And I vote yes to table this, as well. So this is tabled. So this will become the new five. Oh, she can't hear me. Ahni?

DIRECTOR MALACHI: Yes, ma'am.

DEPUTY ATTORNEY GENERAL YOUNG: Could you ask Commissioner Tshiela if she's had an opportunity to review Number 3 and if she has a vote on it?

DIRECTOR MALACHI: Yes. Commissioner Tshiela, Deputy Young has a question if you had an opportunity to review Number 3, which is on the screen now.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

DIRECTOR MALACHI: And if so, do you have a vote on that?

MS. TSHIELA: Yes, my vote is yes. Thank you for relaying the information to me.

DIRECTOR MALACHI: Hey, I like a good game of telephone.

DEPUTY ATTORNEY GENERAL YOUNG: Can you thank her again? Thank you.

DIRECTOR MALACHI: And Deputy Young says thank you.

MS. TSHIELA: Thanks.

DEPUTY ATTORNEY GENERAL YOUNG: So this is the new Number 5, terms of a judgment or settlement from a civil suit against any Law Enforcement Agency or Officer to be a matter of public record and Nondisclosure Agreements should be prohibited. I will just tell you that there is currently a law that we will pop up, which is RSA 501:17. And I know that we have had a lot of discussion on these being public. But the law currently reads:

"Governmental Unit means the State and any political subdivision within the State, including any county, city, town, precinct, school district, charter or public school, School Administrative Unit, or Departments or Agencies thereof. In any action against a Governmental Unit, where the Governmental Unit has agreed to a settlement of such action, the complete terms of the settlement and the Decree of the Court Judgment shall be available as a matter of public record, pursuant to RSA 91-A."

That's currently what we know as the right to know. "The Court may redact the names of minor children or any other person the Court determines to be entitled to privacy." So those are currently Court Judgments. Can you go back to that?

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: So, Ken, this was yours. If you just want to discuss it, I know that we've had lots of conversation about making sure that any settlements are public.

DIRECTOR NORTON: Sure, I guess I would just say, if that's the existing law, I don't know why there was so much testimony that we need to have transparency, because it would seem that it's not being followed.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: So, Ken, with 91 -- yes, the question would be if those were Attorneys wanting the information just put out there or not? The other part of it is, if it's 91-A, then you have to request the information. So instead of it just being -- instead of you Googling someone's name and something popping up, then you actually have to make a records request. So that's all that's needed.

DIRECTOR NORTON: I guess I would ask Deputy Young. In your experience, have there been Nondisclosure Agreements, as part of civil suits against the State?

DEPUTY ATTORNEY GENERAL YOUNG: So, Director, I can tell you that the position of this office, for as long as I can remember, has been you cannot do such Nondisclosure Agreements, that those are public. I will tell you that we have bumped into those in other areas, in other jurisdictions.

So I think that there was one indication there was a Reporter who did a list of settlements. And one of them said it was settled out of court, meaning if you took your case out of court, there's a judgment. I don't know. But I will tell you that it's been the Policy of this office that those are to be disclosed. Commissioner Johnson?

MR. JOHNSON: Thank you, Deputy General. It's been my experience, and unfortunately it's rather checkered experience, that, in certain circumstances, a lot of these settlements are taken to a binding arbitration. Somebody reaches a deal. They sign a Nondisclosure Agreement. And then, they go to the Court and say, okay, we resolved the issue, meaning that there is no court so to speak settlement. And because of that action, they can mask the results of what the settlement is. Is that what you have found, Deputy General Young?

DEPUTY ATTORNEY GENERAL YOUNG: So, my experience has been limited. But what I have seen is that the matter is taken out of court. And then, there's a separate settlement with the Governmental Entity and the individual. Or it's pre-suit.

MR. JOHNSON: Yeah, which then indicates, because even with the existence of a law, it doesn't cover the circumstance. And given the desire for apparently all Parties to do this, I'm not so sure how we can enforce it.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze?

MR. LASCAZE: Yeah, so I just wanted to -- on this one, I think that one thing that I just wanted to clear up that I just didn't understand was are -- would this -- this wouldn't mean that people who are involved in these cases, would they be allowed to speak about their case outside of court? So I guess, like I don't -- I think the term is "litigants" for people of law. Would they be allowed, under this, if they -- court case happens. They get out in the public. Would they be allowed to talk about their litigation, their case?

DEPUTY ATTORNEY GENERAL YOUNG: So, if I understand your question correctly, the Plaintiff, the Aggrieved Party, if they signed a Confidentiality Agreement, can they talk about it?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: I don't know. I -- so you know what? Why don't we -- let me -- let's see if we can work on language. I understand what the intent of this is. We just want to make sure, Ken, that if there's a settlement, that the public is entitled to see that, correct? And how does that bump up against the current law? Is that where we are?

DIRECTOR NORTON: Yes.

DIRECTOR SCIPPA: Madame Chair?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, go ahead.

DIRECTOR SCIPPA: I guess I would just offer this. Would an amendment to Number 5, terms of a Judgment or Settlement Agreement from a civil lawsuit against any Law Enforcement Agency or Officer, for

misconduct, be a matter of public record? And Nondisclosure Agreements should be prohibited, because the one thing that I see that may -- there might be an employment issue within the Agency where a Department Head sees that a particular Employee needs to be removed from employment.

And they may not have enough to demonstrate misconduct or violation of the law, or something that's nefarious. It may just be that the employment relationship is not working out, and it's not beneficial to both Parties.

And what I would be afraid to do is to take away a -- an established practice in employment situations that could help the Agency Head kind of hold the bar high and in a very efficient way separate Employees that need to be separated, particularly with when they haven't really done anything wrong, but they haven't done anything right. And in a case like that, maybe a Nondisclosure Agreement and a small, negotiated settlement under a Collective Bargaining Agreement, that may be the best course of action for all included, to include the community.

So, I would just hate to tie a Department Head's hands with a way that you can address an employment issue that has nothing to do with misconduct and nothing to do with what this Commission is talking about. And that's why I would recommend civil lawsuit against any Law Enforcement Agency or Officer for misconduct be a matter of public record. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: I had one other question. But I'm going to ask it. But I think we've already answered it. And if we have, we can certainly move on. So if a civil lawsuit is paid for with public monies, my understanding is that it's public. So, would it not just fall under 91-A and that's that? Deputy Young?

DEPUTY ATTORNEY GENERAL YOUNG: I don't know that I can answer that. I don't know that I can answer that question for you now. That's why...

DIRECTOR MALACHI: Okay.

DIRECTOR NORTON: This is Ken and I would say that it's likely that some of those settlements may occur through Primex or another entity that is providing coverage for a Department or an Officer.

DIRECTOR MALACHI: So, then, I guess the other part of the question becomes, if it's -- because I'm putting on my EEOC hat right now. So if they do a suit against -- pick a business -- big box store, they publicize all of that. So, they sued big box store for these things. Usually there's a Class Action, basically. All of these people were aggrieved in these ways. And they publish the amount of money that was -- that the Judgment for the Plaintiffs were, was, is.

So, I mean, if it's a -- if it's mediated, meaning we -- you think there's a problem. Someone says okay. And then, there's mediation. The mediation doesn't necessarily mean there was actually an issue. But sometimes it's just better to mediate so you're done with it, as opposed to moving forward with a trial.

So, that is getting us just with my explanation there, I don't -- that's getting us way in the weeds. So I'm not sure exactly what it is that we want to have disclosed, and if what we're doing here is actually getting us to where you're trying to get us to, Ken. And maybe we just need to look at it through the AG's lens and then circle back around to it?

DEPUTY ATTORNEY GENERAL YOUNG: Joseph?

MR. LASCAZE: Okay. I think I understand what Director Malachi was getting at. And what I would like to -- when I'm looking at this sentence, I guess what I -- a more articulate way of stating what I was saying earlier was my concern. And I don't know if this is a -- happening or not, but what I would like to know is, so if someone was -- and we're talking about misconduct here.

So if a Law Enforcement Agency, a Law Enforcement Officer was sued because of misconduct, are there agreements that happen where, to settle that lawsuit, the individual who launched the complaint would not be allowed to talk about it outside of court? That is what I am asking, because, to me, if that is the case, that is a problem because we are now keeping a secret veil on a situation where it's about misconduct and it has been found. That should not be kept secret, in my opinion, when that's happening. So I just wanted to make that distinction.

And as far as the second sentence go -- I mean, the first sentence, Deputy Young has shown us is that's law. The second sentence, I don't know. But, maybe something along the lines that that's talking specifically about provisions that mandate that Parties are not speaking or commenting on a settled case that is involving misconduct, that should not be something that's enforceable or allowed. That's what I'm getting at, when it's in that specific situation.

DIRECTOR NORTON: Joseph, this is Ken. And I think, to your point, we don't know whether there had been Nondisclosure Agreements, because, if there are, no one's able to talk about it.

MR. LASCAZE: Exactly, and that's what I wanted to get to is that, if that is a possibility that there are agreements where the individual who launches the complaint, as a part of their settlement is not allowed to talk about it, we need to ask why? Why is that the case that an instance involving misconduct as a part of a settlement, that an individual would not be allowed to talk about it? I just don't see that as being transparent. And I don't -- I can't agree with that.

DIRECTOR MALACHI: Just to jump in, NDAs are commonplace, whether we agree or disagree. I mean, I can't speak to Police misconduct. But when you have settlements on the employment side, those are very commonplace.

And what the Employer is attempting to do is not have a former Employee bash them publicly in a negative light. But it also will not allow the Employer to bash the former Employee. And sometimes you'll have an agreement where, even if the charges are not founded, there is a settlement.

So sometimes an Entity will enter into this agreement because they kind of want to make it go away. And there are Attorneys -- not those that are here with us today -- that that's how they make their living. So, they may say, oh, it's \$100,000 on something. They'll get \$10,000 or \$20,000 to make it go away.

Now, I'm not saying -- I'm not painting with a broad brush the entire Bar. Sometimes you have that protection in there for both sides. So if the person who's aggrieved can talk about, so can the other Entity. And that's a whole other can of worms.

MR. LASCAZE: Absolutely, and I 100% agree with you, Director Malachi. But I'm talking about misconduct. I'm not talking about Employee/Employer situations, as you just stated, because I do get what you're saying.

DIRECTOR MALACHI: Yes.

MR. LASCAZE: Because I do get what you're saying, but I'm specifically talking about in those incidents. I think that if they -- this is just a random hypothetical. If an unfortunate situation happens where an individual is excessive use of force, okay?

We will be really drastic right here, just for the sake of my point. So, a person gets stomped down really bad by individuals in Law Enforcement who are not representative of law enforcement, as a whole. But they do that.

And then, a settlement happens. That individual, there -- it should not be enforceable or even considered that that individual who this happened to, after it has been found sustained, if they chose to pursue a civil lawsuit, and they should not be barred from talking about that situation outside of it, because I feel like that is a silencing -- it's just going to be seen as silencing that person. That's all I'm talking about in that situation.

DIRECTOR MALACHI: And I do understand and I know employment is so minor compared to Police misconduct in this particular situation. But, I would offer that those Police Officers would -- if this is going to trial, then those -- all of that is being handled publicly, right? So they've been decertified. They've been terminated. They're now in Criminal Court if it raises to that level. So all of that does become public. And so, I don't know. I'm sure Chief Edwards has some thoughts and maybe Director Scippa, as well.

MR. JOHNSON: Well, the only reason why I said that, Director Malachi, is because I am aware of one individual in particular who is currently at the New Hampshire State Prison who was viciously assaulted. And as part of his agreement, he's not allowed to talk about it. And he can't even talk about it to the inmates that he's living with. And to me, that's what I'm talking about where it's a silence. No one on the -- outside here generally doesn't even know about this incident or this case.

But that's what I'm talking about is this is a very serious aggrieved situation that happened to him. He's currently serving time right now. And that was part of his agreement to get the money that he got was that he can't talk about this situation. And that, to me, I just don't -- that just doesn't sit well with me, when it comes to silencing a specific incident.

And the thing about it is -- and I hear you about what you're saying about the criminal. But there was no criminal charges that were pursued against the Correctional Officers. But there was a settlement that was done for him. So, I -- that's all I'm talking about in this situation.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes. So, Commissioner Lascaze, I just want to explain a little bit about those NDAs. It is the choice of both Parties to enter into these Nondisclosure Agreements. And they can be fashioned different ways.

So, for example, the example that you gave, a Nondisclosure Agreement can state that you can actually talk about what happened, but you cannot talk about the settlement. So you can fashion it different ways.

So -- and part of some of these Settlement Agreements is so that it doesn't sort of clog up litigation and the victims can get paid quicker than if they prolonged the litigation. So sometimes they have to weigh what is most important to them. And I think it's just a choice that people are given.

But in terms of this paragraph, Number 5, I think that it's covered in 507:17. I'm looking at the Statute right now. And if it is a Governmental Unit, then, because I believe there are taxpayer dollars that are contributed towards the settlement, it's a mandatory language. It's shall be available as a matter of public record, pursuant to 91-A. So, I -- I'm not sure that we need to get into the details of what needs to be done, because I think it's already covered under this Statute.

In terms of Nondisclosure Agreements, you're taking away one method of recovery for some people that may otherwise want to go that route. So, it -- I -- there are pros and cons to every single piece of legislature and every single type of legal remedy. And so, I'm not sure that it's -- I agree that everything should be transparent and everyone should know about what's going on. But I don't know that it would be helpful all the time. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: Yeah, I was going to make the same point that Judge Gardner just made. I agree with her 100% that, even in those cases where you have Nondisclosure Agreements, if public funds are used, the State or the local municipality still has to answer to that question, when it's posed to them on the 91-A.

So, I'm not sure if we need this recommendation at all. I think it hurts -- it has the potential of hurting victims. It has the potential of prolonging the cases. And Judge Gardner's point, I think it's already covered. I think there's ample cases out there you can look to where Nondisclosure Agreements have actually been moved aside because of 91-A, when public funds are involved. So, I just -- I don't -- I would make a Motion to Remove This Recommendation, personally speaking.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Tshiela, can you hear me yet?

MS. TSHIELA: I can hear you. Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, thank you.

MS. TSHIELA: Yeah, I've just been listening to the conversation. I'm interested to see if anyone else has anything to say. But I do share Joseph's concern that I don't think this meshes well with -- well, I don't think they mesh well with transparency. Yeah, that's just my input on that. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson, are you back yet?

ATTORNEY JEFFERSON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis, can you hear me?

CHIEF DENNIS: Wow, I said it so quick and I thought there was just silence. I said I agree with Chief Edwards and I second his Motion.

DEPUTY ATTORNEY GENERAL YOUNG: So, I will take a roll call to table, Commissioner Quinn. Was it -- so, Chief Edwards, sorry, you want it tabled or you want it...

CHIEF EDWARDS: Which is ever most effective of getting rid of this recommendation, if we're going to table it, then fine. But I -- my Motion was to remove this recommendation. I don't think it's necessary.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

CHIEF EDWARDS: The law already addresses this.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So it's to remove this recommendation once and for all. So, Chief, is that what you...

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Commissioner Quinn?

COMMISSIONER QUINN: So, Deputy, just I have a question for you, just to make sure I'm clear on Judge Gardner. I hadn't looked at the Statute. You put it on briefly and then took it off. But, Deputy, is -- should I be clear that the Statute that exists addresses most of -- most, if not all, the issues that have been raised on transparency in these matters? So, am I safe to say that, that the law is already in place?

DEPUTY ATTORNEY GENERAL YOUNG: So, you are safe that there is, in fact, a law in place. I am doing questioning in my own mind if there could be prelitigation settlements that would not be public. It, then, comes back to, if you're using taxpayer dollars and there is a Right to Know Request, would you get that? So, just that's the issue that I'm going through in my own mind.

COMMISSIONER QUINN: Sure; I would feel more -- I would feel -- I don't want to just keep kicking the can down. But as opposed to removing it or tabling it, if there was something that needed to be looked at on your end to ensure that there isn't some sort of recommendation we can wordsmith to tighten it up, because I think everybody's got some unique and I would say individually relevant comments on this. So, I will -- is the vote to remove or table, Deputy?

DEPUTY ATTORNEY GENERAL YOUNG: The Motion that was made and seconded was to remove it.

CHIEF EDWARDS: I can amend it, if that's more pleasing to other Board Members. I'm fine with that. I think it was...

DEPUTY ATTORNEY GENERAL YOUNG: So, why don't I make this suggestion? We're coming up on four hours. Why don't we -- we can -- I'll take a Motion to Adjourn today. We understand sort of what the concerns are and what the testimony is.

Let's see if we can rework this, understanding what the Statute is. Okay? That probably makes more sense. And we can come back tomorrow and take this up in the first instance. Does that make sense to everybody?

CHIEF EDWARDS: Sure.

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, with that being said, tomorrow we will continue to go through the recommendations. What we will do is we will incorporate today's recommendations in the draft that we sent.

And then, we will show you where we're going. The other areas that we're going to discuss tomorrow will be the retention of Police personnel files; the EES, whether that should be public or not; judicial -- excuse me, official immunity; duty to intervene for Police Officers and if there's a penalty for a failure to do so; and then lastly encourage all Law Enforcement Agencies to use body and dashcams. Those were the topic areas that we saw.

So, (inaudible) you think that there are other areas, we can discuss it. But we only have four hours tomorrow to get through all of these. So I appreciate the comments by the Commissioners who indicate we can't get into the weeds on everything. We have these recommendations due.

And then, we have the other category. So, to the extent a Commissioner wants somebody to testify on other topics or recommendations on Thursday, I would ask that you provide those names to Kim. Otherwise, we can discuss amongst ourselves other topics and recommendations. Whoops. We can discuss the other topics or other recommendations, and we can put those into a Report and get that back out to you for hopefully reading on the weekend. Ken, your hand is up.

DIRECTOR NORTON: Yes, Deputy Young, are we going to discuss use of deadly force? And I thought at one point somebody from the AG's Office was going to present to us about that.

DEPUTY ATTORNEY GENERAL YOUNG: So, as the current schedule is now, no. Certainly, if there are questions about use of deadly force, you could answer [sic] those. But sort of a formal presentation, when it was our time last week, we looked at that and thought that that probably didn't fit within the parameters of what we were doing. So, to the extent you have questions about that, Ken, can you just sort of give me an idea of what they are?

DIRECTOR NORTON: Can I think about it?

DEPUTY ATTORNEY GENERAL YOUNG: You can absolutely think about it. And you can...

DIRECTOR NORTON: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Not to give you more work to do, but if you want to send them -- questions to Kim, you can do that. We can put that on for the other topic on Thursday.

DIRECTOR NORTON: And I think other Commissioners had made recommendations about use of deadly force. And I don't remember exactly what they were. I think somebody said making a determination about justified or not justified. But, yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, and that's not the scope of the review of the Criminal Bureau here.

DIRECTOR NORTON: Understood.

DEPUTY ATTORNEY GENERAL YOUNG: That's not our training. I know that there was testimony that a County Attorney made that determination at one point. I'm just not sure how that was made. So, with that being said, do I have a Motion to Adjourn for the day? Joseph?

MR. LASCAZE: Motion right here.

DEPUTY ATTORNEY GENERAL YOUNG: No sun today, Joseph, right? Is it cloudy out?

MR. LASCAZE: No.

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a second? Ahni is the second. Commissioner Quinn?

MR. LASCAZE: It's really nice out right now.

DEPUTY ATTORNEY GENERAL YOUNG: Is it? It looks kind of -- well, the screen's down.

MR. LASCAZE: No, it's nice. We're going to get some rain this afternoon. But, before that happens, thinking about finishing the work outside for the day.

DEPUTY ATTORNEY GENERAL YOUNG: It looks sunny where Eddie is. So, Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: I seconded, but, yes. And to Ken's point on deadly force, that was public testimony.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim is not with us. Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: 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: Attorney Jefferson, is he back?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Tshiela?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Thanks, guys. See you tomorrow.

(Meeting adjourned.)