



**New Hampshire Commission of Law Enforcement
Accountability, Community, and Transparency**
Remote Commission Meeting via Teleconference
Thursday, August 27, 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*.

MS. EKLUND: Recording.

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 of the Commission on Law Enforcement Accountability, Community and Transparency is called to order. This meeting is taking place pursuant to Emergency Order Number 12 and is being conducted remotely.

I'm going to ask the Commission Members to identify themselves by name, where they are currently located, and who, if anyone, is with them. I am Jane Young. I am at the Department of Justice in Concord. And with me this morning are Kim Schmidt, Annie Gagne, and Nicole Clay. Good morning, Commissioner Quinn.

COMMISSIONER QUINN: Good morning, Deputy Young and Commission Members. Robert Quinn, representing 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.

DIRECTOR MALACHI: Good morning, Deputy Young and fellow Commissioners. I am Ahni Malachi representing the New Hampshire Commission for Human Rights. I have not finished my cup of coffee yet. I am alone in my room in my home in Penacook. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Good morning, Director Scippa.

DIRECTOR SCIPPA: Good morning, Deputy General. Good morning, Commission Members. John Scippa, representing Police Standards and Training, I am located in my office at the Police Academy at 17 Institute Drive in Concord. And I am alone.

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

MR. JOHNSON: I am well. Thank you, Deputy Attorney General Young. Good morning, fellow Commissioners. I am Rogers Johnson. I am Chair of the Governor's Advisory Council on Diversity and Inclusion. I am in my home in Stratham, my home office. And there are people in the house but they're not in this room.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

MR. JOHNSON: You're welcome.

DEPUTY ATTORNEY GENERAL YOUNG: Good morning, President McKim.

MR. MCKIM: Good morning, Deputy Young. And good morning, fellow Commissioners. I'm James McKim. I am President of the Manchester branch of the NAACP. I am located in my home office in Goffstown. And I am alone in the house today.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, okay. Judge Gardner, I do not see that she is...

JUDGE GARDNER: I'm here.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, there you are. Good morning.

JUDGE GARDNER: Sorry, I'm kind of backlit here. I'm not sure how to do this. But, anyways, good morning, Deputy General Young and fellow Commission Members. I'm in Rye, New Hampshire. And there are other family members in the house but not in the room.

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

LIEUTENANT MORRISON: Good morning, Deputy Young. Good morning, fellow Commission Members. Mark Morrison, on behalf of the New Hampshire Police Association, and I feel kind of boring. I always have the same backdrop. I should go and travel so I can change my camera view. But I am once again located at the Londonderry Police Department. And I am alone in my conference room.

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

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

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Good morning, Director Norton.

DIRECTOR NORTON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Can you hear me, Ken?

DIRECTOR NORTON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: We will -- I will pass and come back to Director Norton. Good morning, Commissioner Lascaze. How are you?

MR. LASCAZE: Good morning, Deputy Young and fellow Commission Members. Joseph Lascaze, representative of the ACLU of New Hampshire, I am located at our Concord office. And there is no one else in this office. I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: I do not see Attorney Jefferson. Chief Edwards, good morning.

CHIEF EDWARDS: Good morning, Deputy Young and fellow Commission Members. I am in the Hamilton Hotel in Washington, D.C.

DEPUTY ATTORNEY GENERAL YOUNG: Good morning, Commissioner Tshiela.

MS. TSHIELA: Morning, everyone. Chief Edwards, I'm jealous of you, because I was supposed to be in D.C. today. But, I'm in Durham, New Hampshire. And I am alone.

CHIEF EDWARDS: For the same reasons?

DEPUTY ATTORNEY GENERAL YOUNG: Thank...

MS. TSHIELA: Probably not the same reasons.

DEPUTY ATTORNEY GENERAL YOUNG: I was wondering about that, too. It didn't compute in my head. Not to get too far afield, but, Eddie, is it hot there?

CHIEF EDWARDS: It's very hot. It was 80° here last night. And...

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, that's toasty.

CHIEF EDWARDS: Oh, yes. Yes.

DEPUTY ATTORNEY GENERAL YOUNG: I like the heat. So I would be in my climate.
Director Norton, can you hear me?

DIRECTOR NORTON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: No.

DIRECTOR NORTON: Can you hear me now?

DEPUTY ATTORNEY GENERAL YOUNG: I can. Good morning, Ken.

DIRECTOR NORTON: Okay. Good morning. I'm having some difficulties. I'm on my phone at the moment rebooting my laptop. Ken Norton from NAMI New Hampshire, I'm at my residence in Tilton. There are family members in the home with me, but not in this room.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. The next order of business would be the Meeting Minutes from yesterday, August 26th. Has everybody had an opportunity to review those?

(No audible response)

DEPUTY ATTORNEY GENERAL YOUNG: Do I have any edits or corrections? Do I have a Motion to Move Them Forward? Joseph, you move to move the Minutes from yesterday, August 26th, 2020, forward?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a second? And a second by Director Malachi. So I will take a roll call on approval of the Minutes from August 26th. Commissioner Tshiela, how do you vote?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Still no Julian, right? Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis?

CHIEF DENNIS: Yes, I know I missed just the end of the meeting yesterday. But I have reviewed the Minutes. So, yes, I agree.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Chief. Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: I'm going to abstain because I was in-and-out too much.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. President McKim?

MR. MCKIM: I will copy Chief Dennis. I was out toward the end. But, I did review the Minutes and the record. And I vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chairman Johnson?

MR. JOHNSON: Judge Gardner is a ghost.

DEPUTY ATTORNEY GENERAL YOUNG: I know.

JUDGE GARDNER: I am trying to figure this out.

MR. JOHNSON: Holy cow. It's amazing. I'm sorry I'm off-topic. But, holy cow. Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: There you are. Director Scippa, I didn't hear.

DIRECTOR SCIPPA: Yes.

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

COMMISSIONER QUINN: Yes, I stepped away for 10 minutes yesterday. But I do feel comfortable approving the Minutes. I have read them. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. And I vote yes, as well. So, we will go to the next topic, which is the other discussion, so any other topics that we thought that we needed to complete our task.

As you know, our Final Report is due on Monday. So we need to get -- I think that we have 17, plus I think we had an addition of two. So we have about 20 recommendations to discuss. We have to hold to the four hours today, because we have to finalize the Report with these recommendations, listen to public testimony.

Our goal is to get you the final draft of the Report tomorrow so that you can review it over the weekend, so that we can take a vote on Monday and make any last-minute edits. So, with that, I will probably hold the comments on each of the recommendations to 20 minutes. I think that that's probably the only way that we're going to get through this. I think that I have seen Attorney Jefferson. Are you on the line now?

ATTORNEY JEFFERSON: Yes, I am.

DEPUTY ATTORNEY GENERAL YOUNG: Good morning.

ATTORNEY JEFFERSON: Good morning. I'm in my office in Manchester. And I am alone.

DEPUTY ATTORNEY GENERAL YOUNG: We took a vote on approving the Minutes from yesterday. Are you able to weigh in on that?

ATTORNEY JEFFERSON: Yes. I vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Thank you. So, we will start with the -- we will put them up on the screen. We will start with the first recommendation, which is from Chairman Johnson. Qualified immunity should be extended to Members of Crisis Response Teams. We didn't have much discussion. We didn't take a vote on qualified immunity. Chairman Johnson, if you'd like to discuss this, and I'll open the floor for discussion about it.

MR. JOHNSON: I probably mean to say absolute immunity. But what I'm really concerned about is that we are asking people to go and do a specific job. And giving the litigious nature of our society, I don't want individuals who have volunteered their time to do a service be subject to unwanted intrusions, based upon their activities.

I had noted that Ken had included some approach along these lines in his, I would say, annotated recommendations, based on, I think, it was one RSA, 153-A:17, which, in many ways, is asking the same thing. So, I think he and I are thinking along the same lines. We may have a different approach. I just believe that there's got to be some way to afford some protection for these people.

DEPUTY ATTORNEY GENERAL YOUNG: And that would be -- there maybe would be a combination or an overlap between 1 and 11. Is that correct, Ken? Is that what your 11 contemplates?

DIRECTOR NORTON: Yes. The -- I need to go back and look at that RSA. I think it's to -- but, yes, there's the connection there.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: So, that may not be the right RSA, Ken. So we will just sort of clarify that. I don't know that we have to cite to an RSA. Can we put 11 up, so we could talk about if there's some way we could combine 11 and 1? So, Ken, we will put your recommendation up with Rogers' recommendation.

DIRECTOR NORTON: And I think, if I recall, one -- to S.W.A.T. maybes, I don't -- I'd (inaudible) reference to that.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis, you have your hand up, followed by Joseph. So, Chief?

CHIEF DENNIS: Yes, thank you. And I had meant to say this at the beginning when I had signed on. I have to log off at 11:30 for a meeting I can't get out of. If I get back in time, I'll locating back in. But it could well last past the 1:30 hard stop that we have today.

Then, also, I guess in some of the testimony I gave yesterday, I wasn't maybe really clear. But someone reported that -- the news reported this morning that Hanover had a body-worn camera program since 2009. That's not accurate.

I started a body-worn camera program in 2009 in another city, where I was the Chief. Hanover's had their body-worn program since 2009 -- or since 2018. So I just wanted to make that clarification. Thank you.

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

MR. LASCAZE: I just wanted to just offer some thoughts on this recommendation here. Yesterday, when we came to the topic of official immunity and qualified immunity, we, as a Commission, decided that we weren't going to have any further discussion on anything that would be about limiting qualified or official immunity here in our State.

And I am just want us all to ask ourselves if we really think that this is appropriate to talk about expanding this, when we tabled an entire discussion about limiting it. We didn't even get into it. And now, we're going to talk about expanding it on a Commission that was formed to make sure that we were looking at corrections that we could do to help Law Enforcement achieve that exceptionalism that we hear about.

So I just -- I don't feel comfortable talking about anything that would be about expanding immunity, and if we're not going to have any conversations at all about any State cause of actions or any other conversations about limiting immunity. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: I agree with Joseph on that one. I voted not to have a discussion on qualified immunity, because it was clear that we weren't going to be able to have any agreement, one way or the other. So I certainly agree that it would be doing an absolute disservice to not discuss limiting it, and then to turn around and discuss expanding it for non-Law Enforcement Personnel, which I think is also kind of outside our charge.

So, I would support more along the lines of Director Norton's recommendation to say, generally the Legislature should look at ways of protecting non-Law Enforcement Personnel and providing them with some protections against litigation. And just leave that up to the Legislature as to what that would be, if they want to do it. But to discuss official or qualified immunity in an expansion would require us to have a very meaningful conversation on the reasons why to limit it, as well. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Tshiela.

MS. TSHIELA: I feel the same way, simply because we voted so swiftly to not talk about limiting it in any way. And I'm pretty sure Mr. Johnson also voted that. And I just don't see why we should talk about expanding it in any sort of way.

But I also support trying to look at this from Mr. Norton's point of view, because I think that's important. But I do not feel comfortable talking about extending absolute immunity in any way. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. President McKim?

MR. MCKIM: Thank you, Deputy. I was just referring back to the Minutes, myself, to refresh my own memory. And I'm just cognizant of the distinction that we heard testimony on between qualified immunity and official immunity. And I just wanted to make sure I was clear on what we voted on yesterday about not discussing. Was it any kind of immunity? Or was it just qualified immunity? Or was it both? That's what I was just trying to go back and make sure we talked about.

And then, I do recognize that this really does bear a much deeper discussion. And I'm just wondering also if we make a recommendation along the lines of what Attorney Jefferson, I think, just mentioned, that -- and I don't know if it's just the Legislature, but some entity really look at this more closely and come up with some recommendations.

DEPUTY ATTORNEY GENERAL YOUNG: So we moved on from the topic of immunity, in general, yesterday, President, is what our notes are reflecting.

MR. MCKIM: Okay. Then, would it be inappropriate to make a recommendation that the issue be looked at by someone else, as a -- because we decided not to do anything about it? I'd hate for us not to say anything about it, I guess, is where I'm sitting.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Commissioner Johnson, and then, Ken, you will have the last word.

MR. JOHNSON: Yeah, I'm thinking that we're talking about apples and oranges here. We weren't really thinking about immunity relative to Law Enforcement Officials. And we're talking about individual Professionals who may be exposed in a way that they may not have thought of, or no one has thought of, prior to now.

I'm envisioning a situation where some individual, who is a Mental Health Professional, finds themselves in a situation where something untoward happens. And then, they become liable because of the fact that they intervened.

I'm not so sure I want to put New Hampshire citizens in that situation. If you feel comfortable in doing that, then remove this. But when it happens, don't say anything about it. Just realize that the issue here, as I heard yesterday, is on your heads.

I don't want people to be in that situation. If they're willing to step forward and put themselves in the situation, we need to provide them with some protection, in case something happens. That's all. If you don't want to do this, don't do it.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Norton?

DIRECTOR NORTON: Yeah, I really appreciate what Commissioner Johnson has said in putting this forward. But I do agree with what was said previously by Joseph and others that this doesn't belong there. I mean, I can say that I've personally been sued as a result of work involving people (inaudible) New Hampshire Hospital. And essentially acting as a Government -- doing Government Entity, and that's part of what's a challenge for anybody in the mental-health world.

And I do think that I agree with what's been said that this is really outside of our purview. I think it should be considered at some point in time. But I don't think that this is something that we should be pursuing.

I also just want to clarify that that RSA that I had referenced in the S.W.A.T. Teams was specific to critical incident stress debriefing. And it was a protecting for individuals that participate in that sort of peer-review process. And that was just to state that if an individual was embedded -- a Mental Health Professional was embedded in a S.W.A.T. Team, that they should be extended that same consideration. But I'm okay leaving that out, as well. Thanks.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: John Scippa?

DIRECTOR SCIPPA: Ditto; and I was just going to offer that this is something that should be taken up. I agree wholeheartedly with President Johnson on this. But I also absolutely agree with the position of Commissioner Lascaze and Attorney Jefferson. It is outside of the scope of this Commission. It's important. It should be taken up. It should not be taken up by us at this time. And I would make a Motion to -- notwithstanding the fact it's important -- I would make a Motion to Strike this and move on.

MR. LASCAZE: I second that Motion.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: Rogers, your hand is up.

MR. JOHNSON: Yes, I don't think that you need a Motion or a second, if the original person making the recommendation withdraws the original recommendation. Would that be true?

DEPUTY ATTORNEY GENERAL YOUNG: Correct.

MR. JOHNSON: In other words, you don't need to vote on something if the person decides to withdraw it.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, Rogers, your number 1 will be withdrawn.

MR. JOHNSON: That makes sense, therefore no vote need be taken. But I do want it noted that we took this action and that individuals who are in the mental health services have now been exposed. That's it.

DEPUTY ATTORNEY GENERAL YOUNG: So noted. So my question is, we merged 1 and 11. So, this is that the trained Mental Health Professionals should be embedded in S.W.A.T. Teams. And then, following up on Attorney Jefferson, there should be a review to determine if such Professionals will be afforded protection from litigation stemming from their participation in such activities. Attorney Jefferson?

ATTORNEY JEFFERSON: I would so move to adopt this as a recommendation.

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a second on this?

MR. JOHNSON: Second, because they need protection.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. So this will become our first recommendation. I vote yes. Commissioner Quinn?

COMMISSIONER QUINN: I vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: I'm sorry. John Scippa, were you the second? No, Rogers was the second. Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. President McKim?

MR. MCKIM: I'm going to vote no, because I'm uncomfortable with the second sentence dealing with protections at all, after we just had this discussion about not discussing -- or making any recommendations around protections or immunity.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: I'm going to vote yes. But I just also want to remind people that this has been commonplace for well-over a decade, just for everybody's edification.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Dennis?

CHIEF DENNIS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze?

MR. LASCAZE: I'm going to vote 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. This will be our first recommendation in the other section. We will next go onto Commissioner Lascaze's recommendation, the first one being: encourage communities to pursue services to help with substance abuse disorders and to help reduce the burden on Law Enforcement to respond to issues stemming from substance abuse disorders. Joseph, would you like to discuss this? And then, I will open it up for any questions or comments.

MR. LASCAZE: Sure, thank you very much, Deputy Young. This was in reference to the last section, the community relations section that we had had. We heard quite a bit of testimony that Law Enforcement does not want to be, or shouldn't be on the frontline of substance abuse disorders, crisis situations, as they're not medical professionals.

And also, the substance abuse disorder crises (ph) also places a tremendous burden on Law Enforcement resource-wise, timewise, manpower-wise. And given the fact that substance abuse disorders, they can tend to sometimes be criminalized, we are looking to try to have a recommendation in there where this would alleviate that burden on Law Enforcement and have the communities be able to address this crisis that we're going through in a way that will hopefully lead to recovery and not criminalization for these disorders. And that's what this was about. So...

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Joseph. Do I see any questions or comments, or have a Motion to Move It Forward?

MR. LASCAZE: I'll move it forward.

DEPUTY ATTORNEY GENERAL YOUNG: So we're watching multiple screens here. Julian, your hand is up. Do you have a question?

ATTORNEY JEFFERSON: Yes, I just had a recommendation. I'm in support of this, as this was something that I discussed, as well. And I like the recommendation. I think to make it a little bit more powerful is to encourage communities, in consultation with their local Police Departments, to pursue services and finish the sentence, because I think that was kind of the aim of the testimony is to try to shift, when deemed appropriate, Police resources away from the addicts and have some other services there. So, the communities working with their Law Enforcement Agencies, I think, is the best way to see if they can come up with something that both sides think are useful. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Judge Gardner?

JUDGE GARDNER: Yes, thank you. And I think maybe if Director Norton can also chime in on this that a lot of times they're dual-diagnosis. So, along with substance use disorders, there is an underlying mental-health issue. And so, I'm not sure if we want to include that somehow, or if we're just going to take this separately.

DEPUTY ATTORNEY GENERAL YOUNG: Ken, can you respond to that?

DIRECTOR NORTON: Sure, that the Judge is absolutely correct that the co-occurring substance use disorders and mental illness is very prevalent, particularly in the population of folks that come into contact with Law Enforcement, or people that are homeless, or etc., etc. Yeah, I mean, I would welcome language including mental illness. But I'm fine with it standing alone as substance use disorders, as well.

DEPUTY ATTORNEY GENERAL YOUNG: Ken, do you think it would be appropriate to add it in here? I think if you submit recommendations, if you have five or six really strong ones, I think you sort of start to lose some steam when you're recommending 12 different things. So if we could combine it here, I just want to make sure that it's appropriate to combine them into one.

DIRECTOR NORTON: Unfortunately, the systems still remain pretty separate. And there's a variety of reasons of that that we won't get into, I mean, including Federal funding and how things are delineated between mental health and substance use disorders. But I think that the -- I really like Attorney Jefferson's added language. And I think that if we did combine it, it would be helpful here.

DEPUTY ATTORNEY GENERAL YOUNG: So, Ken, if we add it after substance abuse disorders, what would be your preferred language?

DIRECTOR NORTON: Yeah, right. Keep going, mental illness and to help reduce the burden on Law Enforcement to respond to issues stemming from substance use disorders, as well as mental illness.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. Director Malachi, your hand is up.

DIRECTOR MALACHI: Yes, so I have a question. I'll direct it to Commissioner Lascaze and maybe Commissioner Jefferson, too. So, to help me, I just want to understand. Are we looking at this like we are using Safe Stations?

So, for example -- and I'm just sticking to the SUD portion. So, someone has an issue, make their way to a Safe Station. And then, I mean, certainly, that's not Law Enforcement. But let's just call that a community program. And so, a community program, whether it's recovery center or something like that, in conjunction with Police, would be working together to create some sort of a plan.

So, maybe if the Police Officers -- if Law Enforcement interact with someone, let's say they're not committing a crime, if it's just someone that's homeless, but it seems as though there's a SUD issue. Then, maybe they refer them to this place for assistance. Is that sort of what you're envisioning?

MR. LASCAZE: I'm sure Attorney Jefferson will weigh in on what he envisions. I personally -- I am trying to keep this a broad framework, only because I think that every community in New Hampshire is different. So I didn't want to try to -- substance abuse disorder is very unique to each individual and the communities and the Law Enforcement Agencies in those communities I feel like would have a better sense of what exactly they would need to do in collaboration to address this.

So I didn't want to try to think about it from the Manchester perspective in my mind, which is what I would know. And I tried to keep this a broad framework. Let the communities work together with Law Enforcement. And let them come up together with a plan of how they feel that they can alleviate this burden and address it.

ATTORNEY JEFFERSON: And Commissioner Malachi, I would agree with that. And also specifically to your question, that is something that I would envision is this really helps kind of the community policing framework to say, instead of proactive policing that results in arrests for very low-level offenses, there can be a shift to -- and especially when there's buy-in from both sides, from the community and Law Enforcement. And they've identified services to say let's drop these people off at the Safe Station.

Let's create an Internal Diversion Program, which I know some Police Departments started to spearhead very early on in our heroin addiction problem, is they decided not to arrest them at all and decided to work with them, and did their own Diversion Program, even before a Court Diversion Program.

So I like the language to Joseph's point because it's broad enough to encompass all kinds of things. But I'm certainly -- the things you were discussing were things that I would envision as part of this.

DIRECTOR MALACHI: Thank you, both. I just wanted to make sure that, in my own imagination, I was at least sort of on the same page with you guys. And maybe it helped the public to have at least a picture of one example. And then, for the communities that would move forward hopefully with this recommendation, they at least have that to look at and then create whatever actually works in their community. So, thank you, both, for your explanations.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Lieutenant Morrison followed by President McKim.

LIEUTENANT MORRISON: Yeah, I really appreciate this suggestion. And I'm just trying to, I guess, maybe offer a suggestion on some of the wording to capture what we're hoping to do with this. And roughly I came up with something close, but encourage communities to partner with Law Enforcement to allow for services and resources dedicated to substance use disorder and mental illness to be made readily available.

And the reason I say -- or frame it like that is simply because of the very few resources available to us. And we don't arrest people simply for obviously being an addict. It's obviously the criminal behavior associated with it.

And I know it has been the position of almost every Law Enforcement Agency in this State to hope for some sort of treatment in conjunction with safety of that person in the community. And one of the biggest issues is we don't have anything readily available. There isn't somewhere to really bring people and something that's really working. So, I think this would be a good spot to add it and capture the sentiments of everybody who's really trying to, I think, do the right thing and provide a substantial recommendation.

DEPUTY ATTORNEY GENERAL YOUNG: Mark, is your language in one of your submissions? Or did you just do that now?

LIEUTENANT MORRISON: No, I just did it on my little yellow pad.

DEPUTY ATTORNEY GENERAL YOUNG: Can you send it to Nicole?

LIEUTENANT MORRISON: Sure, thanks.

DEPUTY ATTORNEY GENERAL YOUNG: Thanks. President McKim, followed by Commissioner Quinn, and then we will move off of this, once we get it wordsmith. President?

MR. MCKIM: Thank you, Deputy. I, too, am very much in favor of the notion around the suggestion. I have a question for Commissioner Lascaze (inaudible) in thinking about who this is targeted at. The wording here is encourage communities to partner. And I -- that, to me, puts the burden on the community -- someone in the community to be the driver. I'm wondering if that's what you were intending. Or was

this an intent to encourage Law Enforcement in communities to partner with communities. I'm curious to hear your thinking on who we're encouraging to be the driver here.

MR. LASCAZE: That's a very, very good point. I personally think that it should be both. I think that the community wants this. And I also think that, from hearing the testimony from Law Enforcement, that they also would like to see something happen that could help reduce this burden.

So it's really a driver for both, because this -- substance abuse disorders and mental illness is a very real thing here in New Hampshire. And both sides recognize this. And I just was putting the recommendation forward that everyone that's involved in this situation, this is a all hands on deck situation, I think. And that's what my driver was for both sides.

MR. MCKIM: Great, thank you. So, what I'm a little concerned about here is just implementing this practically in a community. Who? And that's what I meant by driver. Who, in a community, would be the driver, especially when there may be communities that don't really have a community activism (inaudible) or person in the community who can drive this, whereas Law Enforcement, there's Law Enforcement in every community? So, that's what I'm grappling with here.

MR. LASCAZE: I see your point. So you're pretty much saying flip that first part. Have encourage Law Enforcement to partner with community, or encourage Law Enforcement to partner with community organization, stuff like that to -- is that what you mean, to have it flip?

MR. MCKIM: Yes, that's what I was thinking.

MR. LASCAZE: Okay.

MR. MCKIM: But I didn't want to go against what your intent was. I wanted to understand what your intent was.

MR. LASCAZE: Yeah. That's my intent. Yeah. Let me -- huh, I do see.

ATTORNEY JEFFERSON: Encourage communities and political leaders, or local Officials, could that help, because I think I agree with Joseph that it's both. Both sides are sort of equally responsible. Both of these things are public health issues. And we, as communities, are the ones that have limited the options and relied 100% on Law Enforcement.

So, if we put Law Enforcement first, I think that creates kind of the suggestion that it's Law Enforcement that created this issue of using only policing as a way to respond to these issues that are more so public health issues. So I think the language up here, I think, actually is really good that they're doing right now. Thank you.

MR. LASCAZE: And just one last response to President McKim, because you just put something in my mind, as I'm reading this, is there a way that -- so, I really do like this. Can we change allow, then, to pursue, because that's what we're doing, right? And if we need -- they need to pursue this. This is a very big issue and something that we need to actively go after, in my opinion.

DIRECTOR NORTON: This is Ken. Joseph, would you consider, instead of allow, advocate?

MR. LASCAZE: Instead of -- in replacing pursue?

DIRECTOR NORTON: Yes, sure, yes, instead of pursue to advocate for services?

MR. LASCAZE: Encourage partnerships between community and Law Enforcements to advocate for -- well, when you say "advocate", who would they be advocating to? Are they advocating to each other? Or just because when I say pursue, I'm thinking that they're going after these services to build something, to put something out there that will address this. And when we say advocate, I'm just wondering who would these entities be advocating to?

DIRECTOR NORTON: To work collaboratively to try to -- I mean, I think part of the -- and I'm fine with pursue. It was just a thought about advocate, that these services don't often exist. So it's who would you be pursuing it to?

MR. LASCAZE: Yeah, okay.

DIRECTOR NORTON: I mean, it's Catch-22 either way. But, I think that the -- I think the important message here is the partnership between communities and Law Enforcement.

MR. LASCAZE: Yeah.

DIRECTOR NORTON: That's what's the key message here, and the recognition that they should be working together. And to your point, that it's very different for different communities about how they would approach that and how it impacts on their communities.

MR. LASCAZE: Absolutely, Ken. So what about to pursue collaboratively, if we added collaboratively after pursue to really highlight this partnership and what we're trying to achieve, would that be better in your opinion?

DIRECTOR NORTON: Sure, I don't know if it's needed, because it's partnerships. But...

MR. LASCAZE: Yeah, that might be a little redundant.

DIRECTOR NORTON: I think it's pretty good the way it -- I mean, I think it's really good the way it is. In fact, I'm willing to make a Motion that we adopt this.

MR. LASCAZE: I'll second that.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, but I had two hands raised, and then we will go back to you.

DIRECTOR NORTON: Sorry.

DEPUTY ATTORNEY GENERAL YOUNG: So, no, that's okay. Commissioner Quinn, followed by Chief Edwards.

COMMISSIONER QUINN: It's just wordsmithing, I'd go either way. I understand what Joseph's trying to do. It's important. I just banged something out. To enhance community relations with Law Enforcement, ensure Law Enforcement remains focused on public safety and those in need of professional clinical services directed appropriately, encourage communities to be aware of those suffering from SUD or mental illness, and increase clinical services to addressed [sic] and assist those suffering from SUD or mental illness. I think we're both on the same track. So I'll forward what I have and I will defer to the -- to our Chairwoman to make a decision. But I think it's very important.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. Chief Edwards?

CHIEF EDWARDS: Yes, thank you, Deputy. I couldn't agree more. I think this is extremely important. And one part here -- and I don't know if folks want to get into it. We have this amount of time. But I really think this should be between the community and Law Enforcement to work with the Legislature, or encourage the Legislature.

This is a funding issue. I can tell you most of the Police Departments in most communities that I'm aware of are trying to partner and come up with ways to manage this. But, this is something that local communities and Community Leaders, and Law Enforcement Officers have dealt with.

So, I think we'd kind of miss the target a little bit, if we don't encourage them, give them a target to go after. This is really advocating, pursuing, encouraging Legislature to fund these programs. This is not because there's not the desire or effort. This is a funding issue. So, there should be some type of coordinated effort to secure funding, not just working together.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson and then, Joseph, this was your recommendation. You will have the last word.

ATTORNEY JEFFERSON: I like Chief Edwards' point, as well. And I think we can just add one sentence toward the end to say that the Commission encourages the Legislature to make sure that there's appropriate funding for these issues, something like that. Some sentence at the end that puts our approval that the Legislature needs to look at it, and so that will also help the communities and Law Enforcement, as well.

DEPUTY ATTORNEY GENERAL YOUNG: So, funding has come up on a number of these topics. Instead of putting it on individual ones, should we make one sort of final recommendation about funding?

(No audible response)

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Joseph, your hand is up. I'm going to call it after Joseph, because I got to be cognizant of time. So, Joseph, you have the last word.

MR. LASCAZE: Yes, thank you. And I was just going to say that I agreed with how this is out there. And I really do feel that this captures it all in a way that everyone will grasp the meaning of it. And I do want to just thank everyone for their input on this. And I would like to just move forward with this Motion.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, as two is written, Joseph, do you still move it forward?

MR. LASCAZE: I do.

DEPUTY ATTORNEY GENERAL YOUNG: Ken, are you still a second?

DIRECTOR NORTON: Yes.

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

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards, how do you vote?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson, how do you vote?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis, how do you vote?

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: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chairman Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa?

DIRECTOR SCIPPA: 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. The next one was an -- is Joseph's second recommendation, which is a recommendation that we moved from yesterday. I think we tabled it, if my memory was correct.

So, this was to recommend that the -- that legislation be enacted to require Law Enforcement to reasonably intervene when witnessing misconduct by Law Enforcement. Joseph, I will let you discuss this again. I'll take any questions. But because of timing, we're going to be limited to the same 20 minutes on this. So, we could have less. But -- so, go ahead, Joseph.

MR. LASCAZE: Just so very briefly, this was -- I know that yesterday there was some concerns about the wording of the recommendation. And I definitely thought about that and took that in. So I wanted to resubmit a new recommendation that got to the point of what we were talking about yesterday but addressed the concerns that were raised about how it was worded, not the principle, itself. So I'm hoping that this takes care of those concerns and that we can adopt this recommendation, as a group.

DEPUTY ATTORNEY GENERAL YOUNG: Questions or comments?

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: So, Joseph, I still have the same -- sort of the same heartache with this one that I had yesterday. I get what this is going to. I mean, I think that there are instances when everybody would say, yes, you have to intervene. Why didn't you?

But I think, as we heard sort of discussion from Law Enforcement yesterday, sometimes things happen so quickly you don't have time to intervene. And I just -- reasonably intervene when witnessing misconduct, I just -- I don't know how we can -- I think that that probably needs to be defined greater.

So you're going to intervene there, but you're taking your attention away from somewhere else. I think that those are very difficult situations that Police are in most of the time. Again, I think that we all know the example of this. Why didn't somebody intervene? I just -- I don't know how to capture that in a fair way that a Law Enforcement Officer knows what he's supposed to do, when he's dealing with two

emergent situations. So that's my concern. I agree with the sentiment on certain cases. I just don't know how to capture that in words. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes, so, my feelings remain the same as yesterday. But I wanted to respond directly to Commissioner Lascaze, because I know how passionately he feels about this. And I know how passionately I've felt about some of my recommendations. So I want to be really clear about why I oppose this.

And there's two reasons. One, because I think we have to be careful that we're not swinging the pendulum too far in one direction or the other; but more to the point to your actual concern. So if I look at the George Floyd situation, for example, the duty to intervene for those younger Officers that were there would be to have a culture and Policies that are in place that empowered them to intervene. And because we have that in our earlier recommendations, this is just -- this would be putting on Law Enforcement that we're going to make it a criminal act. And to your point of yesterday, I want to do everything in my power to prevent that from happening.

I think here's the harsh reality is that if you have a bad Officer who's going to sit there and watch another Officer use some -- use excessive force that is so great that it's imperiling another person, they're a bad Cop. And just like a bad criminal, the fact that there's a law in the book is not going to prevent them from doing something.

I think it's much more important on the frontend that you have good Cops and that you create cultures and Policies, and training. And I think we've done that. And if we get through all of that and you still have a bad Cop who's willing to be sitting there while somebody's being mercilessly beaten, or their neck is being sat on for eight minutes, no law is going to change that.

And I think you have a danger that it can single out Police Officers here in New Hampshire to say that we think that they're capable of that. And it may send the wrong message that we're swinging the pendulum too far in the wrong direction. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Malachi?

DIRECTOR MALACHI: Yes, I -- and I think everything was already covered by Commissioner Jefferson. I think what I was looking at was, with this concept, which I completely understand, and I think we're all on the same page with you, Joseph, that, if it's something that could be -- just if it's not explicitly clear in terms of Policy, Procedures, training, then we need to tweak it a little so that it's very clear that there will be a statewide Policy, in terms of intervening.

But that's part of training, which I think those things mesh together so that you can create, as Commissioner Jefferson was talking about, that culture. And then, with ABLE and all of these other things, you're doing a culture shift.

And I don't think it's something that's going to take eons to do. With that culture shift, you're giving that younger Officer, that new Officer, or that Officer that's been on the Force for 10 years, permission to activate when they see something that doesn't follow the strict Code of Conduct that law enforcement has.

So I was hoping to offer that as maybe an olive branch to be somewhere in the middle to accomplish what Joseph is looking for which is for Officers to intervene and be proactive about it. But, by not creating a -- because when we look back on something, if you slow anything down, you can say, well, you had

X amount of time to intervene. But sometimes, in real-time, it doesn't operate that way. So, maybe the thought isn't needed. Maybe it's already well-covered, but hoping to sort of bridge the gap between what's here and what Joseph is trying to accomplish. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Seeing no hands up, do I have a -- oh, Joseph, go ahead.

MR. LASCAZE: I just wanted to respond. I thank you very much for that and I hear these concerns. And so, I -- okay. I -- in my mind, I was thinking that because we were going to be adopting training that would actually deal with this very issue to intervene, I thought that reasonably would be the word that would highlight the fact that it's in a situation where an Officer would be able to intervene.

And I understand completely what Deputy Young is saying. And I guess, for me, the only thing that I think about is situations that are involved in correctional facilities in our State. That's the situations where I start thinking about that being able to intervene, because Law Enforcement is the only one who's able to intervene in those situations.

And that's just what I'm thinking about. And community members have reached out that they applaud HB-1645 for it does have the requirement to report misconduct, but feel that it should be coupled with the intervene, because sometimes, in some situation, Law Enforcement is the only one that can.

And hindsight is always 20/20. I think, though, that when a situation -- or when we're looking at a situation and we have foresight, it can be just as good, too. So that was where I was coming from. And I understand the Commission and what they feel. And I would remove this, if this is not going to go through. Then, I would rather remove it and we move on from here.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. It will be removed.

DIRECTOR NORTON: This is Ken. Can I suggest an alternative?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, go ahead.

DIRECTOR NORTON: Recommend that Police Standards and Training Council study the issue of duty to intervene and determine whether current rules and Code of Conduct need to be amended. Sorry, Director Scippa and Judge, throw another one in your lap. But...

DEPUTY ATTORNEY GENERAL YOUNG: So, Ken, if we look back at our recommendation for Police Standards and Training...

DIRECTOR NORTON: Number 5?

DEPUTY ATTORNEY GENERAL YOUNG: Five, yeah, the duty to intervene is probably covered there.

DIRECTOR NORTON: Original

DEPUTY ATTORNEY GENERAL YOUNG: I'll defer to Director Scippa. I won't speak for him. But I think it may be there.

DIRECTOR SCIPPA: Thank you, Madame Chair. I concur wholeheartedly with the general view on this. I think that we're doing everything that we can to, in Attorney Jefferson's words, to really empower the Police profession here in New Hampshire to recognize that it's important to step in, in these cases, to prevent them.

We are ready to produce model Policy that's going to reinforce this. We are bringing in training very, very specific to this point. The ABLE training is exactly what Commissioner Lascaze is speaking about, in terms of particularly in the Corrections environment where there's only inmates and Correctional Officers in there. And so, it's incumbent upon those Officers to be able to recognize when they need to step in, prevent things, and still do their jobs.

And so, I think this Commission has done an outstanding job of recognizing that this could be an issue, taking proactive steps to address the issue, in regards to Policy development, training, empowering Officers to take those actions. And the law has changed here in New Hampshire that they're mandated to report that misconduct, as well.

And so, it -- there's a lot of layers on this. And I absolutely appreciate where Commissioner Lascaze is coming from. I concur with his position, in that these are very real things that we're talking about. And my hope is that this training, this mandated reporting through law, and empowering our profession to be able to step in will be the things that will help address this. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. Since Commissioner Lascaze has asked to remove his Recommendation 3, we will move on. Thank you. We will next move to Commissioner McKim's recommendation.

The first one being, endorse the findings and recommendation of the Police Standards and Training Council February 2019 Audit. President McKim, if you could just discuss that? And we will take any questions or comments.

MR. MCKIM: Thank you, Deputy. I think we had discussion about just wanting to support those findings and to support Director Scippa's efforts to address those findings. And that was the reasoning for the recommendation.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa, would you like to weigh in on this? I just think that right there, if you could just sort of give us a quick overview of the findings and if the findings and recommendations, if they all need to be endorsed by this Commission, or certain ones? I will -- as the Chair, I will defer to you to sort of weigh in on this, since it will impact you.

DIRECTOR SCIPPA: I think that a number of specific topics that we have dealt with as a Commission, since our inception, have spoken to a number of the identified Audit observations, to include a software platform for records, Record Management System, learning management system, addressing our forms as a whole.

I'm looking through all of this. Any support that we could receive from this Commission, in terms of the Audit, is clearly helpful and welcome by myself. We're talking about -- in this Audit, we're talking about rule changes. We're talking about kind of building out our audit process.

There's a number of things that we've talked about, as a Commission, that speak directly to this Audit. So, again, any support that we could get from the Commission with regard to moving these audit items forward is appreciated. I don't know if that answers the question, Madame Chair.

DEPUTY ATTORNEY GENERAL YOUNG: So, while I said we should have a general funding statement at the end, because you had an Audit with findings and recommendations, would it be helpful if we put a funding line on this recommendation directed towards you?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Thank you. Question, I thought we -- did we sort of chop up a few of the Audit findings and sort of disperse them in other areas, because I thought we supported some if not all of those? Or is this, in other, will be the sum total of everything we may not have already supported? I'm a little confused.

DEPUTY ATTORNEY GENERAL YOUNG: We did support some pieces of it. But this would be an overall support of the recommendations.

DIRECTOR MALACHI: Okay, great. Thank you.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: I would just put in here -- I would make it clear that it was the LBA Performance Audit. If you read it, it looks like it's the recommendations of their own audit. They were the subject of the Audit. So maybe if you can just weave in?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, thank you, good point. Ahni and Commissioner, it's the Legislative Budget Office, correct?

DIRECTOR MALACHI: Yes, but let me look up what the A stands for, because that would technically be LBO. But I think it's maybe Legislative Budget Audit. But hang on one second. I'll tell you exactly.

DIRECTOR SCIPPA: Commissioners, it's...

COMMISSIONER QUINN: I think it's Assistance.

DIRECTOR SCIPPA: It's the Office of the Legislative Budget Assistant.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, we got it. Thank you.

DIRECTOR MALACHI: Takes a lot of cooks.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: President McKim and Director Scippa, could you read this and tell me your thoughts?

MR. MCKIM: I would suggest adding the word -- let's see. Endorse the findings and recommendations, and ensure that there be sufficient funding -- ensure that there is sufficient funding to implement the recommendations.

LIEUTENANT MORRISON: Or sufficient funding is provided to implement the recommendations.

MR. MCKIM: Mark has the grammar. You get the gold star for grammar today, Mark.

COMMISSIONER QUINN: I would also add and sustain. Implement and sustain.

DIRECTOR NORTON: Thank you. I was going to suggest the same thing.

DEPUTY ATTORNEY GENERAL YOUNG: Ken, your hand is up?

DIRECTOR NORTON: I'd like to move the Motion forward, as written.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Do I have a second on that? Commissioner Quinn is the second. I vote yes. Commissioner Quinn, you were the second. Director Malachi?

DIRECTOR MALACHI: (No audible response).

MS. EKLUND: She had to step away for one moment.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chairman Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: 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: Commissioner Lascaze?

MR. LASCAZE: I actually have not read this Audit, the 2019 Audit. And I'm actually trying to find it while this conversation is on. And because I have not read it in entirety, or read it at all, I'm going to just abstain from voting on this, as I do not know exactly what this document says.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Joseph. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Tshiela?

MS. TSHIELA: I'm going to abstain, as well, only because the same reason as Joseph and the word "endorse", along with that and funding, I can't give a yes-or-no vote. So I'm going to abstain.

DEPUTY ATTORNEY GENERAL YOUNG: Understood. Thank you. Oh, Ahni, you're back. If you want a second just to read the wordsmithing language, you are welcome to do so.

DIRECTOR MALACHI: I vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you very much. We will now move onto Commissioner McKim's recommendation that requires that Sheriffs be Certified Police Officers.

President McKim, what I would just say to this is they are Elected Officials. I think that our reading of the Statute is that they do not have to be Certified Police Officers.

So, you certainly have the floor and we can have any further discussion. But I don't think that we can require or make this recommendation. So, before you -- Director Scippa has his hand up. So he may be able to shed a little bit more light on it.

DIRECTOR SCIPPA: Thank you, Madame Chair. Specifically it is an elected position. And so, anyone who's sitting on this Commission, quite frankly, could run for the office of Sheriff and be elected. They're elected by the people of that county.

It is not a requirement in Statute that the person be a Certified Police Officer to run for office, nor is it mandated that they become certified after their election. The only caveat to that is, a non-Police Officer candidate who is elected to the position, they just don't have any law enforcement authority.

Now, I can tell you, as a practical measure, every Sheriff that I have known has already been a Certified Police Officer. And so, they carry that Certification into the office. And so, because they have a Certification, prior to entering office, then we, at Police Standards and Training, hold them accountable for -- just like any other Police Officer, with regard to their Certification, hours of in-service training, all of that.

So, if they are a Police Officer prior to their election, then they get treated as a Police Officer. If they do not have Police Certification prior to their election, they just don't have any Police powers. And I don't know if that helps clear things up or maybe gives you a little more background information on that particular office. Thank you.

MR. MCKIM: Thank you, Director. And I think my thinking on this recommendation is not to say that someone who is running for office needs to be certified to run for office. It's that -- and I think you touched on this, Director Scippa -- once in office, Sheriffs have, I believe, the responsibility for enforcing the law, which I believe includes arrest authority.

So, it seems that those people who are in that office, with those kinds of responsibilities, should be Certified Police Officers. And I guess I need to make sure I'm correct, because I heard something that was a little nuanced that once -- and -- a Sheriff is elected, if they're not previously a Police Officer, then they don't have law enforcement authority or duties. Is that what I heard?

DIRECTOR SCIPPA: Yes, I would defer to Judge Gardner, who can lend some more -- shed some more light on this.

JUDGE GARDNER: And so, if I can just jump in, is that all right, Deputy General?

DEPUTY ATTORNEY GENERAL YOUNG: (No audible response).

JUDGE GARDNER: Okay. All right. So, I did a little research on this issue, just because I was curious about really where we can go with this. It is a constitutional position. And the caselaw, there's actually caselaw on this issue in terms of Sheriffs. It's Linehan v. Rockingham County Commissioners.

And so, they cite the constitutional provision, which is Part 2, Article 71. And I can read it to you. It provides that Sheriffs shall be elected by the inhabitants of the several towns in several counties, according

to the method now practiced. And so, where the Sheriff is named in the Constitution, his or her duties (inaudible) constitute.

And so, it looks like they do have arrest power. The Statute, also, when you look at it, indicates that they do have arrest powers. It says generally the Sheriff's common law powers -- so it's common law powers -- include conserving public peace, preserving public order, preventing and detecting crime, enforcing Criminal Laws by, among other things, raising a posse and arresting persons who commit crimes in their presence, providing security for Courts, serving Criminal Warrants, and other Writs and Summons, and transporting prisoners. So, I guess the question is whether or not, as such, we need to kind of review this issue. But I see Chief Edwards say no, no, no. And so, I'll defer back to Deputy General.

DEPUTY ATTORNEY GENERAL YOUNG: So you don't have to be a Certified Police Officer. So you can still run the office. But I think that the office has powers. But if you're not certified and you don't have to be certified to be a Sheriff, because it's a Constitutional Officer, it can't be mandated once you get in there.

It's not like, well, once you get in -- so, right, you can run sometimes and not be a resident, as long as you're a resident within a certain period of time. There's no way -- constitutionally I don't believe that there's a way for us to require somebody to become certified.

I understand what you're saying, President. I get it. You don't have to be -- like, to run for County Attorney, you don't have to be a Member of the Bar. But you have to bar up and be a Lawyer in good standing once you get in.

MR. MCKIM: Right.

DEPUTY ATTORNEY GENERAL YOUNG: There's nothing that says once you get in, then you can get certified, because if you're not a Police Officer, I'm not aware. So what you're saying -- well, I still think you're going to run into a problem if you say, okay, if you get elected, you have six months to become certified. But that's not the requirement. I just think that we're buying ourself litigation here. Judge Gardner?

JUDGE GARDNER: I agree with you. I think that we can't mandate anything. But I do see why President McKim put this on the Agenda, because we've been talking about culture and how it comes from the top-down. And so, if they're not familiar with law enforcement duties, then I guess that's where we kind of bump up against some of the issues that we've been discussing. And I know that they can appoint Deputies who actually do the law enforcement work. But, then, again, there's one layer removed.

DEPUTY ATTORNEY GENERAL YOUNG: I think that it has been well-publicized that there was sort of a recent Sheriff that was -- did not have Certification after an arrest and a conviction. And the answer was, I'm going to administer the office. I have other people that can do the day-to-day function.

I will tell you sort of from where I sit, it's a problem. But they are the Elected Official. And so, trying to even remove them after a conviction is challenging. That has to be done on a county level. So that certainly doesn't instill a sense of fairness in the community or that the High Sheriff, when there's a conviction and they're still in the office, I absolutely understand where you come from. I don't think that this is the vehicle to do it.

MR. MCKIM: Thank you. That's enlightening and hopefully at least just having this discussion that is public will help some folks to understand a bit better the challenges that we're facing, and that we're trying as best we can to bring accountability. And I see Director Scippa's hand is up.

DEPUTY ATTORNEY GENERAL YOUNG: And I will call on him. But I say absolutely. If they are the High Sheriff in the county, they should be held to the same standard. It's just given the fact that they are a Constitutional Officer. They do not have to be certified. Director Scippa?

DIRECTOR SCIPPA: And I'd just concur with that. It's a constitutional office. And they do derive power from the Constitution, just as the Judge read. From a pragmatic point of view, and so that everybody on the Commission understands, every Sheriff's Deputy must be certified as a Police Officer in order for them to work. And they do attend the Academy.

And it has been my experience, personally, to know that the Sheriffs will always identify what they call a Chief Deputy who the Chief Deputy is kind of the number 2 position within the office. And they really run the operational side of that office.

Then, there's some administrative stuff. And then, there's obviously the law enforcement piece. And that Chief Deputy will usually oversee that, even though the Sheriff does have a Certification. So I'd hand it over to Chief Edwards.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: I would concur with Judge Gardner and what Director Scippa just said. And I'd say to the community folks, as well, that the Sheriff is, perhaps more so than any Law Enforcement Leader in our industry, really speaks to the people, because the people have to put the Sheriff in place.

So if a community was looking for a control of a Law Enforcement Agency, it would be the Sheriff's Office, because the Sheriff is the highest-ranking Officer in the county. And I think that's where communities should focus some of their attention, if they really want to look at where they have tremendous input and tremendous say. That's why the Sheriff is embodied in our State Constitution.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Chief. So, President McKim, after that conversation, do you want to take a vote on this, or what would you like to do?

MR. MCKIM: I'm struggling. I think, at this point, that there's so much to this that I would like to modify this to recommend that this issue be looked into by some -- and I'm not even sure who would look into it. But not that we have a specific recommendation other than this is an area that we think bears some more scrutiny.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So just give us a little minute here to wordsmith it. And feel free to hop in, while we're doing it.

MR. MCKIM: Okay.

DIRECTOR NORTON: This is Ken. Can I just clarify, while we're doing this, that it would take a constitutional change, not just a legislative change?

DEPUTY ATTORNEY GENERAL YOUNG: Correct, yeah.

MR. MCKIM: And for me, I mean, certification is (inaudible) is maybe just one mechanism. The notion here is that Sheriffs, who have law enforcement arresting authority aren't required to be trained, aren't necessarily trained.

So, how do we make sure that, if they do exercise that authority and they're not certified, that they, in fact, have that understanding of how to properly carry out those duties? So if there's another way, other than certification, standards around performing the duties in the office, perhaps, maybe that's something that could be developed. But, that gets into who creates standards for Sheriffs' Offices. I don't know where that falls in the ecosystem.

(Pause)

MR. MCKIM: And I would phrase it not as focusing on the constitutional amendment, but I'd focus it on review of how to ensure that Sheriffs have the necessary training and the skills to fairly discharge their law enforcement duties.

DIRECTOR MALACHI: But, Jim, you can't do that without a constitutional amendment. If it's not changed, then how are you review -- what are you reviewing, then, right?

MR. MCKIM: I'm not suggesting necessarily that reviewing the Constitution is the only way to accomplish this.

DIRECTOR MALACHI: There's no other way to do it.

MR. MCKIM: There is no other way? Okay.

DEPUTY ATTORNEY GENERAL YOUNG: They're the Elected Official. And what they will tell you, and rightfully so, they only answer to the people that elect them.

MR. MCKIM: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: They answer -- I mean, the Commissioners have no say over them except to the extent that they probably control a budget. But they answer to the people.

MR. MCKIM: Yeah, okay. Then, I guess this is the way it has to be.

DIRECTOR SCIPPA: I don't know if anybody's brought this up. But, the -- there have been people who have run for the office literally who were charged with crimes during the election period that did not negate their ability to run for that office.

So, it really is -- this has been an issue at Police Standards and Training for a long time. The Council has really looked this over and looked this over to try to reconcile the constitutional authority that comes with the elected position and being chosen by the people of the county, and, at the same time, the regulatory function of New Hampshire Police Standards and Training with regard to law enforcement authority.

So, this is something that we've looked at for a long time. We continue to look at it to try to reconcile it. But, to everything that's been mentioned, right now, it's constitutional. They're elected by the people. And it would take a change in the Constitution to really address this, or some kind of Administrative Rules on our end to maybe try to bridge the gap. And that's something that we're trying to work on. Ultimately, it's a function of the Constitution.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison, Judge Gardner, and then Attorney Jefferson.

LIEUTENANT MORRISON: Thank you. And as much as I appreciate Mr. McKim's position, I mean, part of, I think, what we have to remind ourselves is sort of what we can and can't do, and what we should or should not really, I guess, weighed [sic] into.

This topic just seems to be one of those that we should not really weigh into. And as much as I agree that you should be a Certified Officer if you're going to be in charge of Certified Officers, or something along those lines, this is such a constitutional, direct sort of vote issue. I just think it kind of falls outside of where we're at. And I just don't want to get bogged down on something that we can have zero impact on, except to make some statement of support or concern.

And I just would like to, again, respectfully kind of strike this and move onto some of the other recommendations that we still have to do. And so, I don't know if it's appropriate at this time to make a Motion to Strike It and move on. And again, it's with all due respect and appreciation for the concerns. I just want to keep going.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Mark. I'll let Judge Gardner and Attorney Jefferson speak. And then, if you want to make a Motion to take a vote, we can do that. Thank you. Judge Gardner?

JUDGE GARDNER: Thank you. And it is not an easy issue, because reading some of the caselaw -- and Deputy General, you can jump in -- it looks like there is also certain Personnel Policies and Procedures that the County Commissioners can set forth which would not be applicable to the Deputy Sheriffs, but would be maybe applicable to the Sheriff.

And so, there's so much in terms of this issue that I'm not sure that this recommendation would cover all of the issues that surround a Sheriff's employment as a County Official. So that's just another point.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes. So, I would say, one, that there's no harm in recommending a review. But, in this instance, I would move to strike it, because I don't think we've had any testimony

before us that there's currently any pressing concerns about abuses by Sheriffs in their law enforcement capacity in front of this Commission. And this is a huge thing to do, to consider amending the Constitution. So, for that reason, really because I don't think it was a pressing issue that was brought before this Commission, I would second Lieutenant Morrison's Motion to Strike. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So I have a Motion to Strike This, as written, and to Lieutenant Morrison's strike, and move on. Is that correct?

LIEUTENANT MORRISON: Yes, ma'am.

DEPUTY ATTORNEY GENERAL YOUNG: And I have a second by Attorney Jefferson.

ATTORNEY JEFFERSON: Yes.

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

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards, how do you vote?

CHIEF EDWARDS: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze, how do you vote?

MR. LASCAZE: I vote yes. Can we recommend that New Hampshire voters research their Sheriff candidates?

DEPUTY ATTORNEY GENERAL YOUNG: Well, I -- we should recommend that they research any candidate that they vote for.

MR. LASCAZE: Yeah, well, on this one, we could recommend they research their Sheriff candidates. But I vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Norton?

DIRECTOR NORTON: I vote no.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Dennis?

CHIEF DENNIS: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Is he back? Did he step away? Chief, are you there?

CHIEF DENNIS: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Okay. He might be gone. Lieutenant Morrison was the first. Judge Gardner?

JUDGE GARDNER: I'll say that just a correction, there was written testimony from Chief Andrew Shagoury who did indicate that this is an issue. So I'd just point that out for Members of the Commission, as well as the public. And I agree with Commissioner Lascaze that everyone should really research the candidates on the ballot. But I will -- because it is a complicated issue, I will vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. President McKim?

MR. MCKIM: I will -- because it is such a complicated issue, I personally would love to have this Commission say something, at least, to recommend review, to highlight that we acknowledge that we heard about it. I will vote no and also note that this, to me, this discussion, leads me to think that even though Sheriffs were named in our original Charter, that we should not address them at all in this case, going forward, or at all in our Report, if this carries.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chairman Johnson?

MR. JOHNSON: I will vote yes. One of the things that I'm very familiar with, and I'm sure you are, Deputy Attorney General Young, that here, in Rockingham County, we've had a number of different problems with the Sheriffs over the past, I'd say, 15 years. And honestly, if people actually knew who these individuals were, they probably wouldn't get elected. So, the concept of them being certified, some of these people aren't certified to even walk and chew gum at the same time. So, my -- again, my answer is yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa?

DIRECTOR SCIPPA: 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. And I echo Joseph and Judge Gardner. You have to have competent people in these positions. They affect everyone's life, from victims to defendants. And it's a delicate system. And if you don't have the right people in there, it just causes it not to operate the way that it should.

So the next one that we're on is President McKim, what we had as what was his Number 6, require that, prior to any promotion, candidates must demonstrate not only their understanding of, but also their ability to follow fair and impartial policing practices as well as de-escalation and procedural justice. So, President McKim, if you would like to discuss that recommendation, and we will take any questions or comments afterwards? Thank you.

MR. MCKIM: Thank you, Deputy. And this recommendation came because we had heard testimony. And I was looking to refresh my memory as to who actually raised this issue. But my recollection is that it was mentioned that, while we do have accountability for the Law Enforcement Officers in the field, in terms of the higher-level Officers in a Law Enforcement Agency, they are not required to demonstrate their ability or understanding of following fair and impartial policing practices. So, this is an attempt to put some more Policy and Procedure into the mix, so that the culture is driven from the top-down to follow these practices.

DEPUTY ATTORNEY GENERAL YOUNG: Questions, comments, follow-up? I see Commissioner Lascaze and Director Malachi have their hands up. So, we will start with Joseph. You will be first, followed by Ahni.

MR. LASCAZE: Thank you very much. I actually do like this recommendation. And I just had a quick question for President McKim about, when you say demonstrate not only their understanding, but also their ability to follow fair and impartial policing practices, my only question is how? What does that look like, because I completely agree that we can demonstrate de-escalation and procedural justice? But how do we demonstrate that they're following fair and impartial policing practices is my only question?

MR. MCKIM: I'd say it's a good question. And I -- I'm not sure what the answer to that might be. I think Director Scippa may have a better sense of how that might be accomplished. And that might be something that we -- that he might be learning, as we go through the ABLE training, for example.

So, I don't really have an answer as to how or what that would look like. But, certainly, I think we would want our Leaders in our Law Enforcement Agencies to be able to demonstrate that they're following what we're trying to teach them.

MR. LASCAZE: Oh, 100% agree.

DEPUTY ATTORNEY GENERAL YOUNG: Ahni, I know you have your hand up. But John Scippa has his hand up. So I'm going to let him go first. He may shed some light on this. And then, I'll loop back to you. Thank you.

DIRECTOR SCIPPA: I agree with President McKim's premise on this. I think it's an excellent theory. Maybe a different way to accomplish this in a more objective and measurable way, the Fair and Impartial Policing Program that we are getting ready to adopt has different layers of training for Police Officers, Field Officers, Executive Officers, and Command-level Officers. And maybe a better way to address this would be to write this recommendation so that any Police Officer that is promoted to the next rank should complete the Fair and Impartial Policing Program for that rank within six months of their

promotion, or within a year of their promotion. That might be a more measurable way to try to accomplish what you're speaking to.

Now, that does mean that the person gets the promotion before they go to the training. And I don't know if that's against what you're trying to accomplish. I just see -- again, I'm looking at it from a pragmatic point of view. And it may just make more sense to compel that Officer that has now become a Supervisor to understand fair and impartial policing from their new position by requiring this particular block of instruction. Thank you.

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

DIRECTOR MALACHI: Thank you. Okay. So, help me out. And this is sort of a James McKim and Director Scippa quandary that I have here. So, my perception of this recommendation is that it's almost as if it's frozen in time.

So it's a separate entity. And it looks like it's written from the perspective of there is no Fair and Impartial Policing Program or all of the other recommendations that we've made, in terms of bias training and profiling, and all of those things.

So, in my mind, if we put this recommendation in real-time, with the list of recommendations that we've already made, the training that is already happening, the training that Director Scippa has already stated is going to take place, regardless of our recommendations, then it would seem to me that anyone that is being promoted has gone through all of the hours of training that are required by Law Enforcement to do, annually. We've already broken down and specified what those in-service hours look like.

So, they are year-over-year receiving a plethora of training in these areas. And anything else that Director Scippa can add on, regardless of what we recommend, is already going to take place. So we're supporting the ABLE training by making a recommendation. But he'd already moved -- that ship has already sailed -- signed up and is planning to create that opportunity here.

So, to me, it feels like this is not necessary, because if the person is already in the ranks, has received all of the trainings that we have already recommended, they're going to get the next level of training when they go for their next in-service, unless I'm missing something. If I am, then we can speak specifically to that higher level. But if they're already receiving all of these hours, do we really need this is my question. And if we don't need it, I would move to strike. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Joseph, you have your hand up.

MR. LASCAZE: I think my hand was still up from before. I am horrible at lowering my hand after I raise it. So I apologize for that. I have to be told like 40 times a commission call, because I'm so bad at it. So, I'm so sorry.

DEPUTY ATTORNEY GENERAL YOUNG: I know. But your connection's much better today.

MR. LASCAZE: It is. It is much better today. I'm not having this whole craziness that was happening yesterday. So that's a step up.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

DIRECTOR NORTON: You're not the only one, Joseph.

MR. LASCAZE: Oh, okay, good. I feel so bad for Maria. I think that she has to cut-and-paste it. Could you please lower your hand, because I do this to her all the time. I'm so sorry.

DEPUTY ATTORNEY GENERAL YOUNG: That's okay. So, Commissioner Quinn, and then we will go back to James. And then, we will take a vote on this. And then, I'll give you a break. Commissioner Quinn?

COMMISSIONER QUINN: Yeah, quickly, just to touch on what Ahni said, I don't think this is placed in the appropriate section. I think, as written, it shines a light on the importance of this for promotions. But I will speak to the State Troopers.

We have the Fair and Impartial Policy for all. Everyone has to take it annually. They have to test annually. They have to score 100% on the test, every Division Member. So, I think, for us, I think we water it down if we just speak to promotions.

I understand what James is trying to do. And I think what we've discussed in the past is weaving it and making it a part of the culture so that all do it, period. And again, it's a given. So I think we addressed this in the training. And if my memory is not correct, I think it should be mandatory for all Officers and all the way up through the ranks, from whether you're promoted or not. And I think that if we do that, then we've really put the emphasis where it needs to be, and it becomes part of the culture, not just a requirement, if you've been promoted or to get those stripes. So that's it. Thanks.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. President McKim, I will let you have the last word. And then, we will move forward on this one.

MR. MCKIM: Thank you, Deputy. So, this discussion is turning away from my original thinking. My original thinking was not to have this be about training at all. We have dealt with training previously. This is about in an organization, the Policies and Procedures around promotion such that the criteria for promotion is having demonstrated the knowledge and ability.

So in many organizations and organizational design best practices, in order to be promoted, you have to already have been doing the job, showing that -- you have to already have shown that you can do the job you're about to be promoted into, not that you have the training to do it, but that you have executed the skills that you've acquired to do it.

So that's what my recommendation was really about is ensuring that the criteria used for promotions are ensuring that the individual has shown that they can -- that they know how to deescalate, that they have actually deescalated situations; that they have, in fact, that understanding and can coach the people they are managing to implement the fair and impartial policing practices. So, that's where I'm come from. Training, we've already dealt with. This is about showing the actual skillsets before promotion.

DEPUTY ATTORNEY GENERAL YOUNG: So, James, because this is your recommendation, can you just look at it the way that it's written on the screen now and tell me if it captures your...

MR. MCKIM: That captures what I had intended, yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Do I have a Motion on this, as written?

(Pause)

MR. MCKIM: I'll move.

DEPUTY ATTORNEY GENERAL YOUNG: You move to accept it, as written, correct?

MR. MCKIM: Yes, correct.

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a second?

MR. LASCAZE: I'll second it. Yeah, I will second that.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. Commissioner Quinn, how do you vote?

COMMISSIONER QUINN: Based on the fact that I think, as written, there are many unintended consequences of this, there are -- I think it just opens up so many questions. There are so many agreements in place.

There could be Officers applying for positions that may not have had an opportunity to deescalate. Or there are so many different positions in Agencies, whether it's administrative or you could be in a training position, having someone compete that has more field experience, as opposed to -- so I think, for that, I think we've addressed it enough. And I think this specific recommendation, for me, is just not clear in what it would mean. And for that, I'd vote no.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Malachi?

DIRECTOR MALACHI: Understanding what President McKim is attempting to do, the challenge is that the model that he's using to base this on, in terms of already exhibiting certain traits prior to promotion, that is a private industry model. That is not a Government model, good, bad, or indifferent. You have years served. And then, if you meet the requirements of said promotion, then you are able to apply for it. You don't always have to demonstrate certain things in order to simply be promoted. So, there's a slight disconnect there.

And I believe that we've also already covered this and it will continue to be covered, because it is a training issue in order to learn these skills so that you can exhibit these skills to be able to do the next thing. So, for those reasons, I vote no. Thank you.

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

DIRECTOR SCIPPA: As a Police Chief, I would absolutely look at every one of these items that President McKim identifies with regard to consideration of promoting somebody, because having understanding of that shows me that that person is ready to take on a supervisory position, because of their maturity and their ability to be able to take care of their subordinates.

But I do have to agree that applying this to 200-plus Police Agencies with different Collective Bargaining Agreements, it's just -- I believe that it would just be too difficult to require. If the word was "encourage", I would vote for it. A requirement, I can't do that. So I'll vote no.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chairman Johnson?

MR. JOHNSON: Thank you, Deputy Attorney General. It's my belief that any person who aspires to a new position, that person who's overseeing that position would know that the person is qualified and demonstrates the ability to do this. Otherwise, they wouldn't put them in that situation. So I'm thinking that the answer to this would be no.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Judge Gardner?

JUDGE GARDNER: So, although I agree with Commissioner McKim's sentiments behind his recommendation, for the reasons that Commissioner Quinn had articulated, I will vote no.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Lieutenant Morrison?

LIEUTENANT MORRISON: I concur, as well. And I'm going to vote no.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chief Dennis, I think he's gone still. Is that correct? Director Norton?

DIRECTOR NORTON: I wish we had a little more time to work this. But I also agree with Director Scippa that I'm hung up on the word "require" as well as some of the other language. So I'm going to vote no.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Attorney Jefferson?

ATTORNEY JEFFERSON: No.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards?

CHIEF EDWARDS: I'm going to vote no for many of the reasons that have been expressed by my fellow Commissioners here today. I just think this has been covered. I think most Professional Law Enforcement Officers in Departments will make this a priority in their promotions, hiring practices. So, it's a no for me.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Commissioner Tshiela?

MS. TSHIELA: No.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, I didn't vote. No, I vote no, as well. I'm sorry. Did you get that? So, Commissioner McKim, your last recommendation was legislation to intervene. And that has already been discussed.

So, the -- we will next go to Commissioner Norton's recommendations. And we will do that when we come back from break, noting that Number 11 has been sort of morphed into our new Number 1. So, Ken, I'll give you the break to think about it. If you want to go through each one of these, or if there's some way that we could combine them into a couple, I just think it would be more effective with two or three coming out of this section. But I'll give you the break to think about it.

It's 11:31. We can come back. I have another matter I have to deal with. So I'll give you to about 11:45. And then, we will go to 1:30. But we have to get through all of Commissioner Norton's recommendations. So, thank you. I'll see you back in 10, 15 minutes.

(Off the record at 11:31 a.m.)

(On the record at 11:45 a.m.)

MS. EKLUND: All right. And we are once again recording.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: President McKim, did you have something to say before I went to break? There's some question if your hand was still up and I didn't recognize that. So I apologize if it was.

MR. MCKIM: Thank you, Deputy Director -- Deputy Young. I did have something I just wanted to share. It's just I noticed during that last vote that a number of folks indicated that they might be inclined to vote for the recommendation if it had the word -- instead of required, it had encourage. And I would have certainly supported that word change, had it come up. So I just wanted to get that on the record and put that out there, in case someone felt that they're so inclined to move that the recommendation be made with that word change.

LIEUTENANT MORRISON: Mr. McKim, I think some of my concerns with it, in addition to the word "required", but it also -- trying to figure out how to quantify or qualify those, again, we're expecting everybody to be -- have those skills and have that knowledge base. To sort of extra require, or extra suggest that those things are in place, it's one of those recommendations, I think, is extremely difficult to really work with and say that you do it. Prove that you do it or prove that you don't.

So just out of the sort of collection of concerns with it, and, again, as much as I appreciate the sentiment, we're going to expect -- hope everybody has those skills, not just Supervisors and not just their ability to demonstrate that as some sort of a promotional process. So, tying those things together just made it too convoluted for me to support, although I think we're all in agreement. We do support the overall implicit bias training and these skills generally that everybody should possess.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Lieutenant. I see no hands raised, so we will move onto the next area, which are Commissioner Norton's recommendations. So, Ken, in the first

instance, I will defer to you, because the final recommendations are all yours. How would you like to go through them? Would you like to do it one-by-one?

DIRECTOR NORTON: Yeah, I'm open to suggestions here. And I would just say, at the outset, that we kept kind of delaying these. They were brought up in several different places. And so, some of those recommendations, I think, have been dealt with.

I would like to maybe start, Deputy, with the recommendation coming from the Attorney General's Office about training for S.W.A.T. Teams in mental health. And I don't know whether that might be combined with something else. Or I don't know how -- whether you're still feeling like that's a recommendation, because I think some of what is in that first recommendation I had has been covered.

And then, the other thing that I would say is that one of my big concerns is addressing the mental health of Law Enforcement, which I don't think we've really made any specific recommendations regarding yet. And I'm not sure. I mean, there was a piece of that in the first piece that I had. Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: So, I agree with you on the last part. I think that we have deferred the Officer wellbeing and mental health to this section. And I do think it's something important that we discussed.

So, the recommendation that had come from this office was that the State Police S.W.A.T. Team should receive training on mental-health issues and de-escalation. I'm going to ask Commissioner Quinn if you believe that this is covered. I was not covering the Commission when Colonel Noyes came in. So, Commissioner Quinn, could you address your thoughts on this recommendation, as written?

COMMISSIONER QUINN: No, I think -- yeah, so, Ken, it's helpful. Can we see -- can you collapse this a little, so we can see the other two, because there was some talks about including 1 and 10. But specifically to this, no, I think it does need to be addressed. And I know Lieutenant Morrison said that in some S.W.A.T. Teams...

DEPUTY ATTORNEY GENERAL YOUNG: No, we combined 1 and 11. So, we will show you 8, 9, and 10.

COMMISSIONER QUINN: Okay. So, the short answer is I do think it's important. And I can just speak for the State Police S.W.A.T. Team is we do not have an embedded, licensed Clinician supporting. We do have Crisis Negotiators. They have gone to some very good training, continue to do this training.

But I think it is important. And I agree. And internally, we have already had one meeting, and several conversations, of how to align ourselves with a Professional, not only a Psychologist but an MD to deal with triaging of wounds. And I think Lieutenant Morrison's -- he's a Negotiator. They're probably a step ahead.

But I think it should be consistent for all. So, yeah, I think it is important. And we are moving in that direction. It is not done as of today. But we are talking. We are looking. And we're trying to try to get there. I think it's an important recommendation and I support it. And I know the S.W.A.T. Team does, as well.

DEPUTY ATTORNEY GENERAL YOUNG: So, as 10 is written, do you have any issues with that?

COMMISSIONER QUINN: I would -- and I'd let Mark speak to the language. The State of New Hampshire S.W.A.T. -- I don't know what the exact terminology is -- Teams should receive continuous training on mental-health issues and de-escalation. And have a...

DEPUTY ATTORNEY GENERAL YOUNG: We will get the correct title, Commissioner, but just our recommendation for training on mental-health issues and de-escalation.

COMMISSIONER QUINN: Oh, okay. So is this to add a Licensed Healthcare Professional with the Team to assist? Or is this just the current Team, the men and women on these Teams, receive training?

DIRECTOR NORTON: It's just the training. I think we added that in the first recommendation today about embedding a Mental-Health Professional.

COMMISSIONER QUINN: Oh, yeah, I support it.

DIRECTOR NORTON: And I guess I'd like to hear from Director Scippa about just generally whether he feels like we've covered the first part of Number 8, because I don't know whether we should say something like expand the offering of mental-health training for Law Enforcement, including crisis intervention and de-escalation, as well as for Special Reaction Teams or S.W.A.T. Teams.

DIRECTOR SCIPPA: So, are we still talking about Number 10? Or are we talking about moving Number 10 into Number 8?

DIRECTOR NORTON: The latter, possibly. I mean, trying to -- I get that there's a lot of recommendations here. And I'm looking for suggestions about how to condense them.

DIRECTOR SCIPPA: So, I think we've already -- if we look at Number 8, I think that we've really kind of covered that first sentence with a lot of the recommendations that have already come out of these discussions that we've had. The one piece that we haven't really spent a lot of time on is talking about mental health for the Police Officer. And I wholeheartedly agree that we should look to have a specific class, both at the Academy level and to continue to offer those kinds of programs for in-service, as well.

And then, with regard to the Special Reaction Teams having mental-health training, I can speak for the Team on the Seacoast. They actually have two MDs, practicing Doctors, that are part of the Team, as well as Certified Crisis Negotiators, imagine like Lieutenant Morrison, who receive a lot of their training from the FBI. So I think the way it's written now -- Number 10 is written now really covers, I think, what's going on. I think most of these Teams are right on this particular topic, Number 10. I don't know if that helps.

COMMISSIONER QUINN: Deputy, just to clear it up, it's the New Hampshire Tactical Officers Association. That is the group. I believe there are either eight or nine of these Teams. But Special Response Team is not the right acronym. They're the Tactical, or commonly referred to as the S.W.A.T. Team. But it's New Hampshire Tactical Officers Association.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. So, the hands raised are Director Malachi, Judge Gardner, and Attorney Jefferson. Director Malachi?

DIRECTOR MALACHI: Thank you. Before we get too far into the weeds and going point-by-point, would it not be swifter, hopefully, to look at the six or seven recommendations very quickly to determine what we've already covered? And you can leave the numbers as they are, but just strike through what we've covered already so that we know what we're actually talking about, because, I mean, de-escalation training, we've worked through a lot of that.

We've talked about mental health in some other areas. But certainly, as Director Scippa mentioned, the mental health, the area for Law Enforcement Officers, we touched on but we didn't really dive into. And we have an hour and a half left. So there's too many of these to go through in an hour and a half.

So if we'd look through and feel it may not be covered exactly, but at least covered to some satisfaction, the areas that we've already discussed, and then spend the time on the ones that need more conversation, I think, would be a bit more prudent use of our time. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: I think Number 9, I had a wording issue on it that they're regional S.W.A.T. Teams. Like, Seacoast is SERT Team. But that's been changed. And I also agree with Director Scippa that I thought this portion was going to be more in reference to available resources for Law Enforcement for their issues with any mental-health concerns. And so, I thought that that's what this paragraph was going to be focused on. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes, I had a question for Director Scippa or any of the other Law Enforcement Officials on the Commission. Is there a statewide, or some kind of organization, that is a confidential line that Police Officers can call in if they're experience any kind of mental health, addiction, or any issues whatsoever?

That, I know, in pretty much every big job that I've had, even in the private sector before becoming an Attorney, there was always, as part of the Human Resources Division, there was a confidential number that anybody could call at any time, if they were experiencing any problems. And the Attorney Discipline Office also has that number and resource available. It's not really the Attorney Discipline Office. The State of New Hampshire has a Legal Assistance Program.

I was wondering if there was any comparable entity that exists on either a statewide basis, or an individual Police Agency-by-Police Agency basis. And if not, is that something that we should be talking about? Thank you.

COMMISSIONER QUINN: Deputy?

DEPUTY ATTORNEY GENERAL YOUNG: Is that you, Commissioner? Yeah, go ahead, Commissioner.

COMMISSIONER QUINN: Yeah, so, Julian, I don't have the legislation in front of me. I'm going off my memory. I'm searching, as I'm looking. You've heard some discussions on our Peer Unit. There are other Teams throughout the State. As you know, there's 10 community mental health centers. We have in the State Police a Peer-to-Peer Unit. There is the Granite State Crisis Intervention Teams. There's the EAP, the State Employee's Assistance Program.

But I know there was legislation. And I'm going to look at it, find it, to define and ensure the confidentiality of those conversations between the Troopers and the Peer Support. So I will look to that. But that has been addressed. The confidentiality of it has been addressed. And there's been talks -- and I think I won't speak for Ken -- of expanding that model. So whatever you call it, whether it's Peer-to-Peer or Support Team, yeah, that has been addressed. And I'm going to look for the legislation now.

ATTORNEY JEFFERSON: And Commissioner Quinn, to the statewide EAP Program, is that something that any Police Officer is eligible to call in right now?

COMMISSIONER QUINN: Yes.

ATTORNEY JEFFERSON: Okay.

COMMISSIONER QUINN: Yes, if you're a State Employee. So I guess what's important, Julian, is this. What has really been most beneficial of Peer-to-Peer, it's they have developed a huge system. So once a -- once something presents to them from Law Enforcement, no matter what it is, whether it was a critical incident, whether it was a problem at home, whatever, they have the resources. They can reach out and make the connections. And those conversations and connecting people to services to help are confidential. So that -- the success has become the -- is the system, the resources have expanded over years. So...

ATTORNEY JEFFERSON: So, does that apply? So, I understand the State Police are covered under that. But how about all other Police Agencies? Do they have a comparable system that they can call into? Or are all these other individual Police Agencies also able to call into this EAP Program?

COMMISSIONER QUINN: Well, the EAP is just State Employees. But I think Chief Dennis is still with us. But there are similar systems in place, Teams, for local Law Enforcement. They've done a really good job, too. I'll point to Chief Dave Goldstein from Franklin. He's been working on this for years.

So, yeah, there are systems in place. And I don't think the confidentiality has ever been a problem. It's just that's the beginning of it. That's the start is that first interaction with Peer Support and getting the person the help they need.

ATTORNEY JEFFERSON: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. Chief Dennis is not with us. But Director Scippa and Lieutenant Morrison have their hands raised. So, Director Scippa?

DIRECTOR SCIPPA: Thank you, Madame Chair. The short answer, Attorney Jefferson, is that we are behind the curve compared to the Lawyers, where you have a statewide system in place. It's recognized.

Our programs are very fragmented. The New Hampshire State Police Peer-to-Peer Unit has really kind of been a go-to Unit for a lot of the local Agencies. I, unfortunately, was part of some very horrible events on the Seacoast. And in both cases, New Hampshire State Police Peer-to-Peer were there immediately after each one of those events to help all the local Officers.

Also speaking from a local perspective, I know that our health plan in Stratham offered an Employee Assistant Program through our health insurance. But that will differ from community-to-community. And again, we do rely very much on New Hampshire State Police Peer-to-Peer. It is a -- it really is an embedded program now, in terms of locals knowing that we can go to them. And they're very, very responsive.

But it is also a lot more informal than I think what the New Hampshire Attorneys have available to them, which is a centralized call-in service, and something that's made available across the board, the way you guys have it, as opposed to us. So, I don't know if that helps clear it up a little bit.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Thank you. Yeah, I'm not quite sure how many subjects I want to weigh in on. But, to Julian's question, it is sometimes regional-, sometimes Department-, sometimes Agency-specific for some of the Crisis Management Teams or Crisis Intervention Teams. I know Manchester has a Team. My Department has a Team. And a lot of times, those Teams work together.

There isn't that one entity that exists as Julian's referring to. And these Peer-to-Peer, I guess, meetings or resources are -- would happen sort of outside of your shift, if you could do it. So it's not a very structured and available system to all Officers across the State. It depends on the size of the Agency and the resources that Agency has dedicated to it. So there isn't, across the State, this access that I'm aware of. And I mean, I can speak to any of the other questions. But I guess I'll stop for right now and deal with this one issue.

DIRECTOR NORTON: This is Ken.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah.

DIRECTOR NORTON: Can I hop in? And maybe, Julian, I think that that's a great suggestion and we should hold that for a second. Or somebody could work on language, relative to that. I have language that would combine part of Number 8 and part of Number 12.

And I've sent that in, but I will read it to say, expand the offering of training regarding the mental health of Law Enforcement. Training should include information regarding the high rates of Post-Traumatic Stress, depression, and suicide among Law Enforcement, and available resources for seeking help. Training should also be offered to expand the availability of Law Enforcement Peer Support Programs in the State.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner and then, Rogers, you can -- Judge Gardner, you can go while we're working on the language.

JUDGE GARDNER: Okay. So, the language, I guess, I was going to say the last sentence, training should be also offered, should it be resources should also be offered, not training, but somewhere that the Law Enforcement Officers can go and receive the assistance that they need? I don't know. Yes, right, thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Chairman Johnson?

MR. JOHNSON: Thank you, Deputy Commissioner Young. I'm wondering exactly how this is going to be set up for the various Agencies, because if we're talking about providing assistance and possibly through an Employee Assistance Program, I think we're precluded by law from doing so, because, in order to do that, you have to set up what's known as a Multiple Employer Welfare Association to combine various groups that are otherwise unaffiliated, even though they may do policework. They all have separate Contracts, Employee Benefit Programs, and the like.

And so, in order to provide Employee Assistance at an insurance program, you need to set up a MEWA. And in order to do that, the individual municipalities have to give up their autonomy for establishing their own health plan within the city or town.

And to me, somebody's got to tell me how is this going to work, systematically? I don't know that. So someone needs to explain that to me, without violating really -- it's really a Federal Law. So, help me out here.

COMMISSIONER QUINN: Okay. Deputy, if I could?

DEPUTY ATTORNEY GENERAL YOUNG: Go ahead, Commissioner.

COMMISSIONER QUINN: Yeah, so, I think, honestly, President Johnson, I think we're overcomplicating this. I think, as both Mark and John said, there are a lot of resources out there right now. And I think that what we are trying to do is we recognize a lot of good work has been done. There's some governance. There's been a lot of work. Ken's been involved in this. We play a part. There's a lot of Teams at Departments.

I think the last sentence, if we just put in there enhance the availability and continued collaboration of Law Enforcement Peer Support Programs in the State, what we're doing is recognizing how important it is. Enhance the availability. What that's saying is invest in it. Continue to invest. Many have expanded.

And I think we've done the best we can with this, without creating any 28-A issues. But -- so I think it's good. I don't think that -- I think, as written, it's pretty good. And I'll defer to Ken on this, because he's been providing a lot of this training. He's well-versed in what's out there today.

And I will say this. It's not which -- who's best. There's just a lot of people out there that are listening and being able to point people in the right direction. So, I think this is good. I think, as a Commission, I think it's something we can be proud of. And there's no price. It's the same price tag. It's continued training and available. And it's showing to Law Enforcement Leadership how important it is.

So, I don't know. I didn't -- President, I didn't mean to -- I understand what you're saying. But I think if you look at what's going on day-in and day-out, confidentiality piece is addressed. There's no one-stop shopping. But we're just going to build on the good work that's been done and continued.

So I think the continued collaboration, what that means is, I think, as Judge Gardner -- they're -- I'm sure the Londonderry Police Team would help a neighboring Team if they needed it. And I think these Peer Members and Unit Members, they're in it for the right reasons. And they're going outside their borders all the time.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Commissioner. Attorney Jefferson, President McKim. And then, we will move on from the language on this. Attorney Jefferson?

ATTORNEY JEFFERSON: Yes, I like it, as written. And I was going to ask Director Norton his thoughts and also potentially the other Law Enforcement Leaders on this Commission. Is one of the concerns that we want to make sure that we're publicizing to our Law Enforcement community that these resources are available and we encourage you to take advantage of them? I think we should, in that last sentence, somehow include that language, that we want to make sure and encourage Law Enforcement Officers to know that these resources are available to them, and that they're important, and they should feel free to take advantage of them.

And don't limit it to Peer Support Programs, because it seems like there's also Employee Assistance Programs. So this should just say, or similar Employee Assistance Programs or something like that. So that would be my thoughts. But I agree with Commissioner Quinn that this is really important. And I think it's broad enough that we don't get into the weeds of statutory issues, that that can be dealt with later. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you, Attorney Jefferson. I think that that's why we chose the word "enhance" the availability.

DIRECTOR NORTON: This is Ken. Can I hop in to just say that that specific mention of Peer Support Programs is really important, because there is a separate RSA in the State that talks about peer support for Law Enforcement and what their roles are, and what their confidentiality is. I don't disagree that all of the Employee Assistance Programs, all of those other resources are important.

I would also kind of direct our attention to Number 14, which I think is really key, is that we lack in the State Mental Health Professionals that are really trained to deal with the special needs of Law Enforcement. And that's a separate resource issue, or training issue.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. President McKim?

MR. MCKIM: Thank you, Deputy. As I listened to the discussion and I read the language that's here, I really like what I'm seeing. I'm wondering if we aren't really talking about two different things. The first two sentences focus on training, which feels like we should have it and it should be separate, and perhaps moved into the first section of our Report. And then, the enhance the availability and encourage the continued collaboration around the Peer Support Programs, that feels like it belongs in this section as an other.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So I see no further hands up. So, this language, offer training regarding the mental wellbeing of Law Enforcement Officers. Training should include information regarding the high rates of Post-Traumatic Stress, depression, and suicide among Law Enforcement Officers, and available resources for seeking help. Enhance the availability and encourage the continued collaboration of Law Enforcement Peer Support Groups in this State. This is the language that would be the new Number 8. Do I -- having heard the discussions, do I have a Motion on this, as written?

(No audible response)

DEPUTY ATTORNEY GENERAL YOUNG: Ken?

DIRECTOR NORTON: I make a Motion that we adopt the new Number 8, as written.

DEPUTY ATTORNEY GENERAL YOUNG: I'll second that Motion. I will take a roll call. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Whoops, Director Malachi?

DIRECTOR MALACHI: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chairman Johnson?

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis is still gone, correct? Director Norton was the first. Commissioner Lascaze?

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: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So just give us one second to format this.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: So that will become our Number 4 for today. So, then, we are back to the ongoing training for Law Enforcement regarding intervention and de-escalation, as well as including S.W.A.T. Teams in that. I guess my question, Ken, is do you believe that this has been covered?

DIRECTOR NORTON: Can I hop around a little bit again? I would like us to look at the additional recommendation that I had sent in last night about psychological screening for Law Enforcement, because I think it just fits in with this conversation that we've just had.

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, we will pull that up for you, okay? Just be patient.

DIRECTOR NORTON: Yeah.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

DIRECTOR NORTON: And sorry, Director Scippa, to throw another one in your lap, and Judge. But I've tried to keep it very general, and to not make it a requirement, but to -- studying this issue and whether we should have something like this on an ongoing basis.

DEPUTY ATTORNEY GENERAL YOUNG: So, I will ask Director Scippa, Judge Gardner, and Commissioner Quinn, and Lieutenant Morrison to weigh in on this. So, Director Scippa, I will start with you.

DIRECTOR SCIPPA: Thank you, Madame Chair. I'm just kind of reading this quickly, as it's being typed. (Reading to self). Yeah, so I don't know. I don't know that we have anybody here on staff that has the background to study the issue with any degree of foundation, or ability to kind of work in that environment. We're really all Police Officers and (inaudible) here. So I think we lack a foundational knowledge with regard to this.

I see what you're trying to accomplish. I agree that we should, from our perspective, keep an eye on what the industry is using across the nation with regard to psychological screening. It is mandatory in the State of New Hampshire on initial hire. And we certainly should be inline with what is going on nationally and accepted in our profession as best practice.

And clearly, from my perspective as the Director of the Police Academy, I would make it a point to stay on top of this topic during my appointment here, just to make sure that we're staying inline with what's being done across the country. I don't know that I could dedicate any time or Staff to study the issue. But certainly we can stay on top of it from a national perspective.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner, do you have anything to add?

JUDGE GARDNER: Once again, it would have to go through the Council. But, usually we'd leave a lot of these decisions to the Director. But I'm not sure that we would give him time to study the issue. I think we would ask him to make sure that any screenings would be consistent with best practices. I think that's how we would ask him to view it. And so, I think that's my input on that.

DIRECTOR NORTON: I'd be happy to change the word from study to explore, or something else, if that makes a difference for folks.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison, your hand is up.

LIEUTENANT MORRISON: It is. For me, I'm reading this and it seems to be combining two different things, sort of a mental wellness portion. But it's manifesting itself as a screening, or some sort of a test that will need to be passed, in order to continue working. And I don't think that's the appropriate sort of framework.

I think it would be more beneficial to maybe make a recommendation to offer a regularly scheduled counseling session or something along those lines. But when you look at the numbers, say there's 4,000 Officers in the State, that's 4,000 appointments, if you want to just use an hour. And then, the cost of 4,000 appointments with a Mental-Health Professional, should one be available, or should one be sort of qualified to even make these determinations on an ongoing sort of, I guess, study, I'm just having some problems with the way it's worded in that it appears it would be some sort of a test or something like that, instead of just focusing on sort of ongoing mental wellness of the Officers.

So, I'm having a hard time, especially with the last part, to determine ongoing fitness for duty. And I guess we would have to, I guess, what, hope that an Officer might have an issue at that determined -- predetermined meeting time. I just don't like the -- sort of the formation of this requirement here.

DEPUTY ATTORNEY GENERAL YOUNG: I see no other hands raised. Do I have a Motion on what will be Number 5, as written? Commissioner Quinn, your hand is up.

COMMISSIONER QUINN: Yeah, I'm not in the Motion. But I had a comment. And I think what we're trying to -- I know what Ken's trying to accomplish here. He's trying to accomplish what we all want, is to identify and mitigate something at the earliest possibility.

I think it's important. I think what we are trying to accomplish here goes back to what we just talked about with training. Right now, an Employer, when something presents itself that an Officer had an issue that was interfering with his or her job, there are opportunities to request psychologicals. As everyone knows, we get one at the beginning of someone's career.

But, I guess what I want to say is this. What we're trying to do with the training component is -- and we have worked really hard to remove stigma -- is to get Officers -- to make them recognize and reach out for these services, and know that there's nothing wrong with it, and to get them -- to encourage them to pay more attention to their psychological wellbeing.

So, I think the key to this is not as much as just mandatory screening, but as much as encouraging training and a better understanding throughout everyone's career, not only on the Chief Executive side but on the individual Officers' side for fitness for duty. And I think that's what Ken has in the other recommendation.

But maybe we just haven't explained the importance of it. I'll defer to John on that. But I think what we're trying to do here is not let something slip through the cracks. And I think there's a couple of -- there's not one particular way. But there's a number of ways.

And I think the most important one is removing the stigma and getting Police Officers to understand that this might happen. There's nothing wrong with it, with picking up the phone, yourself, before your Employer's even involved and starting those conversations. So I don't want to speak for Ken. But maybe -- and I can't see the other recommendation, but I think the training in recognition and awareness, which is what we've done here with Ken's assistance.

DIRECTOR NORTON: I would just add I don't know what's happening nationally with this. But I think it's an important area to consider. And I would note that I believe several other Members of the Commission, in their recommendations for misconduct, talked about early warning and the need for early warnings.

And so, that was part of what my thinking was, relative to this. And I don't pretend to think that the language is perfect or to know how to go about doing it. But I would say that we test people for their physical health. Is there a way that we should be considering people's mental health and wellbeing, as well?

COMMISSIONER QUINN: So, Ken, did you mean when they do the annual physicals? Is that the timing, through PSTC? Is that what...

DIRECTOR NORTON: I think that those are every three years now. And I didn't -- I deliberately didn't put a time on it, due to the issue that Lieutenant Morrison raises about availability or how many -- I mean, should it be every three years? Should it be every five years? How often should it be?

And I do really appreciate the comments that you and others have made about, does this feel -- does this move us backwards, when we're trying to reduce stigma and encourage a culture of help seeking, if people feel like it's being forced upon them? And those are some of those challenges. So, putting it out there and seeing what other people's thoughts are.

DEPUTY ATTORNEY GENERAL YOUNG: John Scippa, I'll let you speak. And then, we need to move on from this recommendation. We need to take a vote. Go ahead, John Scippa.

DIRECTOR SCIPPA: Real quick, if we're talking about Number 16 and all that is being asked is that the Council explore this issue, I mean, ultimately, to Judge Gardner's point, it's really going to be up to the Council to kick Number 16 around and determine whether that's something that they want to put into Administrative Rule.

So, as far as Number 16 is concerned, I have no problem moving that to a vote, just with the caveat that the Council may (inaudible) say we can't. There's no way we can make this happen. But I have no problem moving Number 16. And Number 4, with regard to mental-health wellbeing for Law Enforcement Officers...

DEPUTY ATTORNEY GENERAL YOUNG: I think we've already voted on Number 4. So we're not going to go back. Number 4 is there. This will become Number 5. We're just sort of (inaudible) so don't go to four. We're done with four. So this would be the new -- what's numbered -- we can't -- we're pulling them from other areas, because Ken wanted to sort of not go in sequential order that we had. So this will -- what would be Number 5. So just look at the language on the screen, as written.

DIRECTOR SCIPPA: As written, understanding that the Council will be the ultimate arbiters on this, I have no problem moving that for a vote.

DEPUTY ATTORNEY GENERAL YOUNG: No other hands up. So, what is written on the screen now, numbered 16, which will become Number 5.

DIRECTOR NORTON: If that was a Motion, I'll second it, Ken.

DEPUTY ATTORNEY GENERAL YOUNG: John Scippa, are you moving to vote on this, as written, to accept it, as written?

DIRECTOR SCIPPA: That is my Motion, as written.

DEPUTY ATTORNEY GENERAL YOUNG: Ken, you are a second?

DIRECTOR NORTON: This is Ken. I'll second it.

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

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: No.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis is not with us. 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: Chairman 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. That will become our fifth recommendation. Ken, where would like to go for...

DIRECTOR NORTON: Thanks for indulging me and jumping around. I'd like to go to Number 14 next.

DEPUTY ATTORNEY GENERAL YOUNG: No, happy to -- we just got to keep track here.

DIRECTOR NORTON: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. So, there's 14. There's 14, Ken. So, Ken, can I just ask you, Ken?

DIRECTOR NORTON: Can I -- is this the...

DEPUTY ATTORNEY GENERAL YOUNG: Oh.

DIRECTOR NORTON: Sure.

DEPUTY ATTORNEY GENERAL YOUNG: Is there any way we could combine 13 and 14?

DIRECTOR NORTON: Was 13 the S.W.A.T. Team one?

DEPUTY ATTORNEY GENERAL YOUNG: Yes.

DIRECTOR NORTON: Sure.

DEPUTY ATTORNEY GENERAL YOUNG: So let's put 13 and 14 up to see if there's any way they could be combined. So, Ken, you have the floor.

DIRECTOR NORTON: Can you give me a minute to -- well, let me just speak to them first. And we can get some comments. And I'll try to combine the language. But, to just say that based on the conversation that we've been having, and these previous recommendations we've made, there's a lack of Mental Health Professionals in the State that really have specialized training for dealing with the mental-health needs of Law Enforcement. That's part 1.

And there's also a lack of training for Mental Health Professionals who would work in situations like S.W.A.T. Teams with specialized training, or together on mobile crisis calls, or other types of calls. Certainly, we have Mobile Crisis Teams in New Hampshire that operate. The Manchester Team operates very closely with Law Enforcement. But I think the intent of these two recommendations is to encourage more specialized training and to increase the collaboration and the merging of cultures, if you will, so that it enhances trust, common language, and knowledge, between Law Enforcement and Mental Health Providers.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Thank you. Being in charge of the Negotiating Unit on my S.W.A.T. Team, the Southern New Hampshire Special Operations Unit, the way we integrate Mental Health Professionals -- well, first, let me back up.

The negotiating element is the -- I guess you would say the Professional De-Escalation Group, right? That's the only reason that they're there. You have your tactical element. And you have your negotiating element. And the negotiating element does all the communication and really works to bring everything down, slow everything down. And we have a completely separate focus, even though we work together.

The Tactical Team does their operation to get in place to handle things, if they go terribly wrong. But the negotiating element does everything possible to deescalate, slow down. We take advantage of the Mental Health Professionals to help us identify what might be going on with the person that is in crisis that we're dealing with. The Negotiators do the speaking. The Mental Health Professionals don't traditionally do the speaking, unless they are a Certified Negotiator, which is a rarity across the country.

I'm also on -- or I recently stepped off of the New England Crisis Negotiator Network, where all the Teams in New England essentially go to the same training, the same conference, and we partner with the FBI in this effort. So, I just need everybody to sort of understand how that sort of jives together. So the Negotiators work with the Mental Health Professional to help maybe get an idea of what techniques and what tactics are going to be the most beneficial, the most effective in reaching the person who's on the other end of the phone, or who's involved in the situation.

Now, to Ken's point, I think that takes a special sort of a Counselor. You have to have sort of a special person who's willing to get called out in the middle of the night, or sort of be part of that effort. So, it's good that these two things are combined. But, from the standpoint of understanding what Negotiators do, I think that it's critical to sort of get that across. That is our job, the de-escalation piece.

And if there's any other questions, I'm just trying to keep up while the words are shifting on the screen. But if there's anything else I can answer, I'd be happy to. But, yeah, I'll stop right there and see if anybody else has any other questions.

COMMISSIONER QUINN: Deputy?

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

COMMISSIONER QUINN: Yeah, Deputy, I'm good with this. I think it's really important. I think, like Ken says, we're asking for all this. But if the Team isn't out there to support Law Enforcement, then it's going to fall on deaf ears.

The only thing I would say, Ken, in this, is in paragraph number 1, we classify them high-profile incidents. It might be high-profile. It might be not. I think if we just say to maybe respond more effectively to these challenging incidents, because they might not be high-profile. It might happen at 3:00 in the morning and nobody knows. And whether it's high-profile or not, I don't think that's really relevant.

But, I think this is really important. And I think it strikes to a definite problem of if we're going to ask Law Enforcement to do this and we want the help, we have to make sure that individuals are there to enhance our Law Enforcement Teams. So, thank you for doing this, Ken.

DEPUTY ATTORNEY GENERAL YOUNG: Ken, it's...

DIRECTOR NORTON: I'm sending the language now.

DEPUTY ATTORNEY GENERAL YOUNG: Ken, what is your definition of high-profile? That's...

DIRECTOR NORTON: I -- can you hold on one second?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, take your time. Take your time.

LIEUTENANT MORRISON: Could we just say critical incidents, Ken?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: I think that that's the word, Mark. Thank you.

DIRECTOR NORTON: So I've just sent Kim and folks some alternative language to combine the two here. But, yes, critical incidents would be great.

(Pause)

DIRECTOR NORTON: Apologies, Nicole, I should be sending it to you directly, I guess. Thank you. So I see one word that needs to be added. The University of New Hampshire or other college within the New Hampshire University System should collaborate with New Hampshire Police Standards and Training to develop specialized training and/or a graduate/post-graduate certificate program in treating the special health. So, adding treating before special mental-health needs of Law Enforcement, First Responders. I was down here in 14. But like we...

LIEUTENANT MORRISON: Could we say addressing instead of treating there, Ken?

DIRECTOR NORTON: Yes. All right, thanks.

DIRECTOR MALACHI: Morrison for the wordsmithing win.

DIRECTOR NORTON: Two.

(Pause)

DIRECTOR NORTON: So, maybe could we -- I think it looks good. But the last part of number 2, in order to enhance the skills, understanding, and availability of Licensed Mental-Health Professionals, if you maybe take the sentence that I added in 14: these programs should strive to enhance the skills, understanding, and availability of Licensed Mental-Health Professionals in New Hampshire who can provide treatment support and collaborate with our Law Enforcement Community.

ATTORNEY JEFFERSON: Ken, the only thing I was going to suggest is instead of develop specialized training, use the word "curriculum". Do you have any objection to that? I just think it makes more sense.

DIRECTOR NORTON: Sure, that's great. Are we good?

COMMISSIONER QUINN: I would just look at your 14 sentence in 13.

DEPUTY ATTORNEY GENERAL YOUNG: One second. One more second, we're just...

COMMISSIONER QUINN: All right.

DEPUTY ATTORNEY GENERAL YOUNG: Give us one second.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: Okay, Commissioner, what do you have?

COMMISSIONER QUINN: I would just -- your first sentence in 13, we got to decide. Is that what we want, or is it 14? Is it UNH or other college within New Hampshire? Or is it UNH or other college within the New Hampshire University System? Are we trying to limit it or keep it to the University System? Or should it just be or others, plural? I didn't know what Ken's intent was.

DIRECTOR NORTON: The broader the better, I mean, I certainly wanted to mention the University System in New Hampshire. But if other colleges want to develop it, that's fine, too.

LIEUTENANT MORRISON: Would any of the schools object to the fact they're a university as opposed to a college? Or is that encompassing enough? Like, should you put college/university, or does that even matter? I'm not higher-education world right now.

COMMISSIONER QUINN: That looks better.

JUDGE GARDNER: If I can just jump in?

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: Yes, Judge, yeah, you can.

JUDGE GARDNER: It's more construction. So, at the last paragraph, 13, last sentence, it says dedicated: for -- do you want to just say dedicated to or for, and then, one, Mental-Health Providers; two, to the rest? I don't know. It's just sort of...

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, so that's where we have...

JUDGE GARDNER: Yeah, it's a little odd there.

DEPUTY ATTORNEY GENERAL YOUNG: I mean, it's clunky.

JUDGE GARDNER: Yeah.

DIRECTOR NORTON: We could leave final editing to...

JUDGE GARDNER: Yes, let's do that.

DIRECTOR NORTON: Yeah, but it is a little clunky.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. All right. So we will move on.

DIRECTOR NORTON: I agree.

DEPUTY ATTORNEY GENERAL YOUNG: So, we will delete 14. So this would be our six, right? And then, that would be A and B. So what's on the screen now, 13.I and II will become 6A and B. President McKim?

DIRECTOR NORTON: This is Ken. I...

DEPUTY ATTORNEY GENERAL YOUNG: No, wait a minute.

DIRECTOR NORTON: Oh, it...

DEPUTY ATTORNEY GENERAL YOUNG: President McKim just raised his hand. President McKim?

MR. MCKIM: Yeah, thank you, Deputy. I'm wondering, Ken, if we were just talking about UNH and other higher education institutions, that feels like it's limiting it to academia and not including potentially other institutes, other perhaps organizations that might be able to bring some expertise into this mix. Was that your intent to limit it to academic institutions, only?

DIRECTOR NORTON: It wasn't. But my intent was to sort of offer career path Mental-Health Professionals an opportunity to specialize in this, or for schools to offer it as a specialty area. I mean, if you have other language relative to how that would happen, I'm certainly open to that.

MR. MCKIM: I don't have any other language. I just know that there are institutes that are not academic institutions that provide certificates that I don't know whether they would be appropriate here or not.

DEPUTY ATTORNEY GENERAL YOUNG: All right. So, for time, we have about 34 minutes left. So we have spent our time on this one. I'm going to see if there's a Motion to Move It Forward, as written.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: President McKim?

MR. MCKIM: I move that we vote on the recommendation as currently written.

DEPUTY ATTORNEY GENERAL YOUNG: Do I have a second? Ken is a second. That's my list. Commissioner Tshiela, how do you vote?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards, how do you vote?

CHIEF EDWARDS: Yes. And I have to step away.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, bye. Are you coming back?

CHIEF EDWARDS: Not today, I've given Director Scippa my proxy for the last vote.

DEPUTY ATTORNEY GENERAL YOUNG: Oh, okay. We might have other votes, though. Okay. Are you coming back tomorrow?

CHIEF EDWARDS: Okay.

DEPUTY ATTORNEY GENERAL YOUNG: Will you be back tomorrow?

CHIEF EDWARDS: Oh, absolutely.

DEPUTY ATTORNEY GENERAL YOUNG: Okay. All right. Enjoy your day.

CHIEF EDWARDS: Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: Bye, Eddie.

CHIEF EDWARDS: Bah-bye.

DEPUTY ATTORNEY GENERAL YOUNG: Attorney Jefferson?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner?

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chairman Johnson?

JUDGE GARDNER: Yes.

MR. JOHNSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: 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. Okay. 32 minutes left; Ken, let me just make sure. So, Ken, that takes out what we have as 13 and 14. Is that correct?

DIRECTOR NORTON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Ken, where'd you go? Ken?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Are you there?

DIRECTOR NORTON: I am.

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

DIRECTOR NORTON: Can you hear me?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, I can hear you now. So we've done 11, 12, 13, 14, 16. Where would you like to go next?

DIRECTOR NORTON: I think I'd like to go to the other additional one I sent in about use of force and Officer-involved shootings. And I would just say, at the outset, I understand that this is really controversial. I think that this is part of the reason that we are all here. And we haven't -- we have had some testimony relative to this.

I get that there's not the time left to really properly deal with this issue. But I feel like it would be remiss to not consider some type of recommendation relative to further exploring the use -- further exploring Officer-involved shootings.

And to say that -- I think I've said before. I mean, I know that some States have Deadly Force Review Panels. Some of them are public. Some of them are not, meaning that they're confidential proceedings. And what I've said before is, in the mental-health world, we have similar things for psychological autopsies after a suicide.

And would just say that with the number of Officer-involved shootings increasing in the U.S., that if we're only looking solely at that criminal piece that's investigated by the Attorney General's Office now and we are not looking at a review and a learning mechanism about how we could do things differently, or whether there's training, or different Policies that need to be in place, that I think that we're missing something. So, with that, I offer this recommendation.

DEPUTY ATTORNEY GENERAL YOUNG: Questions or comments regarding this recommendation, Director Scippa?

DIRECTOR SCIPPA: Understanding where the Director is trying to go and what to cover here, I don't think that we should speak at all to letter A. Letter A is legislatively defined. And that definition fits in the framework of federally accepted caselaw that speaks directly to the use force, and particularly use of deadly force. Both Tennessee v. Garner and Graham v. Connor are the standards across this nation, with regard to use of force. And we don't have clearly enough time, nor is it in our wheelhouse to speak to the definition under 627:5. I would ask that that be struck.

DEPUTY ATTORNEY GENERAL YOUNG: So, Director, just A or the whole recommendation?

DIRECTOR SCIPPA: Well, I can speak to letter B, as well. And I'd be out-of-line, Deputy General, because I think you're in a better position to speak to that. But, the -- that entire process is happening at the Attorney General's Office with every Police Officer-involved shooting.

And I think that those reviews should be conducted entirely by Experts in the field. And the review of this type of event needs to be looked at with such expert clarify that I don't know what a public review after-the-fact, I don't know what value that would have. And I understand. I validate the concerns that the Director has that brought this forward. But I think this is already being done.

I think letter C is probably not being done to the level that it could be done. But, again, I think we talked about that in the last section. And I would defer to you, Madame Chair, in terms of how you see it from the AG's Office on letter B.

DEPUTY ATTORNEY GENERAL YOUNG: So, as I have said to this Commission, we respond to any deadly force incident. We lead the investigation. This last session, we were able to hire an Investigator, Cast Sully, for that to have the independence.

We are not able to stand up a Police Force here. So we do work with State Police, with the Major Crime Unit. They are sort of the most skilled. But they are under our direction for these. We do not opine. We look at whether a crime has been committed within the confines of the Criminal Code, which 627:5 is

part of the Criminal Code. We are guided by the applicable law and the facts. So, we follow the facts where they take us.

We do not opine on whether that was best practice, or whether another step could have been taken to deescalate the situation. We look at after-the-fact shooting. I agree. I'm not sure, if we can't make that determination, how people who are not trained can make that determination.

I know I'll defer to Commissioner Quinn. I know that, at least at State Police -- and I'm sure that Lieutenant Morrison would say the same thing -- that their Agencies look at these. They have their own internal review.

I think that this is one of those areas that we would be talking about for days. And I think that this is sort of beyond what our mandate is. Here, I understand that it's to form a Study Commission. But, if it's put to a vote, at least initially, my vote is going to be no. But I would defer to the Commissioner and to Lieutenant Morrison. And I do see that Attorney Jefferson has his hand up first. So, Attorney Jefferson?

ATTORNEY JEFFERSON: So, I think 17A, I would be in support of. And I think it falls into our mandate because of this. I think it's been recognized widely that this George Floyd incident was one of the things that sprung up this need. And then, looking at Officer-involved, although that wasn't a shooting, a lot of the impetus behind that was a lot of shooting of people and particularly people of color.

And what I've been thinking about in sitting here is the continuum of force that is needed. So there's been a lot of debate in regards to the Rayshard Brooks shooting, whether or not that -- when you use deadly force and when you should not. That continuum of when you should use deadly force is, I think, something in this State and around this nation is something that we should look at. The shooting in Wisconsin, I think, is another example of that. And all of these incidents were reasons why the Commission was formed.

I do agree with Deputy Young. We really haven't heard any testimony on that issue. But, I think it would be remiss for us not to at least take a vote on 17A, because I think it goes to the heart of the unrest across the country. So, for those reasons, I would support 17A and get rid of the language of B and C. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: I would say, having handled these cases, we are -- we do not have C. And that's very difficult, because no matter what happens, somebody's loved one, somebody's child, is dead. And it's a very difficult situation.

And how it happens now, it's actually the Attorneys that have to deal with the families. And it's my belief the families should be getting information earlier on than they do. So that is a void that we have seen. And I think that Director Norton is accurate, that we need to figure out how to provide support to those families, and not wait until a charge is brought. There's too much of a gap in time, if a charge is brought. And that is just fundamentally unfair to those families who have lost somebody that they love.

Commissioner Quinn, President McKim, and Mark Morrison, and then I'm going to have to move this one to a vote, because we just have to make sure that we've covered everything that Ken wants. So, Commissioner Quinn?

COMMISSIONER QUINN: Yeah, real quick, Deputy is right. We do have our own internal Policy on review of shootings, whether there should be -- even if -- irregardless (ph) of the Attorney General's, I would say, primary investigation.

I just want to say this. I know that the Deputy's talked a little bit about how these investigations are done. But I think we need to just be very sensitive that the Attorney General is the State's Chief Legal Officer, and is in -- tasked with seeking justice on all prosecutions. And this falls under it, as well.

And I will just add to what the Deputy said, in regards to C, that has been brought up before. And I think it's a fair thing to bring up. And I've also seen this, as well, in some of our fatal car crashes. So what we've done is looked to see how we can support families following some of these, also, incidents that need support.

So, I -- and back to Julian's point, as to recommending revisions on this, I think that, based on what my question would be to Attorney Jefferson, based on what has happened outside of New Hampshire, or is this based on issues that we've had inside of New Hampshire that we're going to make this recommendation? I think that's important to really get on the table here. Are we saying what's happened in other States could happen here because of fundamental maybe holes in the Statute? So, what is your thought process on that, Julian?

ATTORNEY JEFFERSON: Yes, I'll be very brief. Yes, so it is issues outside of New Hampshire that could happen inside of New Hampshire. And the fact that it hasn't happened here should not be a reason for us not to -- and I don't know if it has happened here. So I don't know of any specific examples inside of the State of New Hampshire. But I do know we are the United States of America. And we've had countless examples of whether they're not -- and I'm just saying a discussion about that continue of use of force.

And when I look at some of these videos, I've heard robust discussion both inside and outside of law enforcement of whether or not we need to take a look at how quickly an Officer can resort to deadly force. And we need to expand that continuum more than it is. And are we having too many unnecessary killings, and we need to continuum of force? And I think that's something that is a robust discussion. So I think there should be a separate Study Commission to do it. So, that's my respond.

DIRECTOR NORTON: This is Ken. Can I hop in for a second here, in response to the Commissioner? I mean, I created this because of incidents that have happened in New Hampshire. I mean, I've sat with three families of people with mental illness whose loved one has been killed in an Officer-involved shooting and it's painful. And they were not bitter. But they had a lot of questions. And I think that they wondered what changes could be made in the future so that this didn't happen to another family.

And I want to be clear that part B for me was not -- was that the Deadly Force Review Panel would not review the criminal investigations. I apologize. My language was poor on that. It was after the completion of the criminal investigation by the Attorney General's Office.

And to Deputy Young's position, my thought was that to take it that -- to set aside that criminal piece, but to look at what those Policies and Procedures are, and to have a review of that. We have a Child Fatality Review Committee in this State. We have a Domestic Violence Fatality Review Committee in the State. We have many of these Committees that are composed of both public and nonpublic members who have some expertise to look at these things from a learning experience, to understand what we can do differently. And so, that's what my thinking was, relative to this. But, yes, I do think that there have been incidents in the State that leave people wondering whether this could have, or should have, been handled differently, not questioning the criminal judgment made by the Attorney General's Office, but wondering what might have happened differently to save someone's life.

DEPUTY ATTORNEY GENERAL YOUNG: President McKim and then Lieutenant Morrison?

MR. MCKIM: Thank you, Deputy. And a number of my thoughts have been touched upon here. First, A, the revision that was just made on A addresses what I was going to recommend, because the way it was reading before was around definition of use of force, rather than application of force. So I appreciate the word change there.

And I also appreciate Director Norton's clarification on B. That was going to be a question I was going to ask him. So, he took care of that. And I'm glad that we have the wording now, which better reflects, I think, what's necessary.

And I was also just going to say on C, just that clarification question, I guess, of Director Norton. The support services we're talking about for victims of the families following the Officer-involved shooting, not the Officers, themselves, or the families of the Officers, is that correct? This is targeted at the victims?

DIRECTOR NORTON: That's correct. And I hesitated using the word "victim" because I understand that sometimes these individuals are perpetrators. But for their families and to Deputy Young's (inaudible) communication is just what's excruciating for the family. And again, I didn't know how to express without getting very wordy that support also meant communication. Thanks.

MR. MCKIM: Yeah, thank you. And so, I agree. I think involved doesn't quite do it. But I'm starting to just try to think about what word do it to make it clear. I'm not sure. But thank you for that clarification.

DEPUTY ATTORNEY GENERAL YOUNG: Lieutenant Morrison?

LIEUTENANT MORRISON: Thank you. I would, I guess, sort of echo some of the concerns with the review of 627:5. I mean, 627:5 is about as tight as it can realistic be in its wording, as it exists. And I don't think anybody on this Commission is in the position to make any suggestions to change it. I know it's forming a Study Committee. But I don't know that that is something that I would support.

I certainly support C. I would suggest that we sort of make C its own recommendation. And just for, I guess, clarification, many Agencies just like mine, they do a review of every use of force, not just deadly force. Any time there's force used, there's a internal review to make sure that that force that was used was in compliance with Policy.

And every year, you look at your Use of Force Policy to see if any changes in the Policy need to be made. So these reviews are not just regularly schedule but happen after each incident, as far as Policy goes for each Agency.

And I think the only part of this that I would really be in favor of is sort of expanding the support for those involved in Police shootings, because, as Deputy Young mentioned, everybody has a family. And I think that's important that we take all of that into consideration, regardless of our opinion of the involved person. It's more their family and others associated with it. So, the only thing out of this I would be in favor of is C, and then just altering that wording to have it stand alone.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: So we're getting a question on 17A. So I think, Ken, what you're trying to do is to have somebody look to see the law, as written, if that -- if there should be a change to it. Is that correct?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: And even though there's applicable caselaw, you want to -- so, I guess, what would you envision that to look like, Ken?

DIRECTOR NORTON: Well, I know that there have been -- there's been legislation brought in the last couple years to look at use of deadly force. And so, I know that there's other people out there, including Legislators, that feel like this should be reviewed.

I'm not an attorney. I don't know the complexities of these things. But that's why I thought a Study Commission that could go more in-depth to this would look at that. And I think that, again, this is really what the public is asking of us, that the public is saying that they are not okay with the current use of deadly force. And maybe in New Hampshire, 627:5 is perfectly fine. I don't know that. But, I think some in-depth look at that would be helpful.

DEPUTY ATTORNEY GENERAL YOUNG: All right. So I'm going to ask. I'm going to -- so we're down to 10 minutes. So I'm going to ask if we have a Motion on 17, as written. John Scippa, your hand is up.

DIRECTOR SCIPPA: As written, to form a Study Commission, I'll make a Motion, as written, to take the vote.

DIRECTOR NORTON: Ken, I'll second it.

COMMISSIONER QUINN: Well, can we clarify this, Deputy, before the vote? What is the recommendation? We're going to vote this in as...

DEPUTY ATTORNEY GENERAL YOUNG: So the only -- what is up is to take a vote, just to vote on it. Julian's hand was up as a second to vote on it. So now, we will take the votes, yes or no to pass, as written, correct, John Scippa? Was that your Motion?

DIRECTOR SCIPPA: Yes.

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

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards has left us. Attorney Jefferson, how do you vote?

ATTORNEY JEFFERSON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Lascaze, how do you vote?

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Director Norton, how do you vote?

DIRECTOR NORTON: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Dennis is not back. Lieutenant Morris [sic], how do you vote?

LIEUTENANT MORRISON: This is only for the Study Commission, just so we're clear, to form a Study Commission?

DEPUTY ATTORNEY GENERAL YOUNG: Correct.

LIEUTENANT MORRISON: I'll vote yes.

DEPUTY ATTORNEY GENERAL YOUNG: Judge Gardner, how do you vote?

JUDGE GARDNER: Vote no. I've reviewed RSA 627:5. I'm not sure what else needs to be revised in that Statute. I'm not sure that creating another panel -- I don't know the benefit of putting so much energy into a Study Commission. I think that if they're going to form a Review Panel, that's one thing. Support services, I'm totally in favor of. But I do have reservations about a Study Commission for A. So I vote no.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. President McKim?

MR. MCKIM: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chairman Johnson?

MR. JOHNSON: No.

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: I moved it. Do you want to me to vote?

DEPUTY ATTORNEY GENERAL YOUNG: Yes, I want you to vote.

DIRECTOR SCIPPA: I'm sorry?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, vote...

DIRECTOR SCIPPA: I would vote no.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: As written, no.

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner Quinn?

COMMISSIONER QUINN: (No audible response).

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

COMMISSIONER QUINN: As written, no. I'm not opposed to a Study Commission. But I think we need to -- I just don't -- I...

DEPUTY ATTORNEY GENERAL YOUNG: Okay.

COMMISSIONER QUINN: For the record, I think we should first identify areas of concern with 627:5 before we say we're going to have a Study Commission. I think we, as a Commission, should put something on the table. So, I understand the importance of it and of this Commission, and what's happened outside the State. I think it could be written a little clearer.

DEPUTY ATTORNEY GENERAL YOUNG: As written, I vote no.

LIEUTENANT MORRISON: And Madame Chair?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah. Who has their hand raised? So, wait a minute. So, I cannot see who's speaking. Who's speaking right now? Is that you, Mark?

LIEUTENANT MORRISON: Lieutenant Morrison, yeah, sorry. I was trying to grasp this and that's why I'm trying to understand exactly the working pieces to this. And I don't think I'm in a position to vote yes. So I'm going to change my vote to no, based on what I'm still trying to grasp here. So I'm going to change my vote to no.

DEPUTY ATTORNEY GENERAL YOUNG: Okay, thank you. Director Malachi, you have your hand up?

DIRECTOR MALACHI: Very quickly, I think everybody is comfortable with 17C. And then, there seems to be issues with the other parts. If there's a willingness to separate out and we can move C along, I don't know if that's helpful or not. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: I see. All right. So, let's do it this way, just so it's -- 17, as written, fails. So it did not have enough votes. If somebody wants to bring it up at the end that there's a recommendation to provide support services, we can take it up. But, as it's written, it fails. Ken, where would you like to go next? And we have five minutes.

DIRECTOR NORTON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Ken, your mic is off.

DIRECTOR NORTON: I think I'm pretty much good. But I think we kind of left one hanging about mental-health training for Tactical Response Teams. And I don't know if we should hop back to that.

DEPUTY ATTORNEY GENERAL YOUNG: So, if we want to go back and address that, could somebody raise their hand? Otherwise, we will move on. So, Ken, you had numbers 8, 9, 10, 15. What would you like to do with those?

DIRECTOR NORTON: I'm not able to see what they are anymore, or what remains. I mean, I think we're out of time, so I'm not sure that we really can move any of them forward right now.

DEPUTY ATTORNEY GENERAL YOUNG: Well, I know. But we will put them up. And we will just...

(Pause)

DIRECTOR NORTON: So, is it those three that are remaining? Sorry.

DEPUTY ATTORNEY GENERAL YOUNG: And no, there's one more, Ken. We just can't get it up on the screen. So I'll let you look at these three and decide if you want to -- I'll give you an extra 10 minutes to try to wrap this up. But our crunch problem is to get this Report formatted and back out.

DIRECTOR NORTON: So, I think we've covered eight. I mean, I'd love to see that go in more detail, but I'm willing to remove that one. The 10 was -- it's not my area of expertise, but it was a recommendation of the 21st Century Policing Report. And Commissioner Lascaze's recommendation kind of got at that a little bit, but it didn't (inaudible) whether anyone -- if no one feels the need to move that one forward, I'm willing to let that go. It was just something that I thought we should, at least, look at. But that's number 1. If I don't hear anything, I guess that one we can remove, as well.

I see. Oh, yes, that was the other one. I would -- for this one, for the mentoring program, I would be really interested in hearing from Law Enforcement. We have not -- this one was something that I kind of combined a couple of ideas to me.

One was very concerned about the mental health of Law Enforcement Members who retire and what happens to them. And thinking about some of the cultural changes that we've talked about and whether there could be some type of mentoring program that would utilize the wisdom and skills from retired Law Enforcement and keep them connected, and be providing an independent sort of sounding board for new Officers coming through.

DEPUTY ATTORNEY GENERAL YOUNG: Go ahead, Director Scippa?

DIRECTOR SCIPPA: I think this idea is an excellent idea. And Director Norton, I would be happy to work with you offline on this to try to put this together. And for the sake of moving things along, I don't know that this needs to be a recommendation to the Governor so much as maybe something that myself and Director Norton, with the assistance of the other Law Enforcement Officers on the panel, maybe we could just work offline on this. And put it together. And make it happen.

DIRECTOR NORTON: That'd be fine.

DEPUTY ATTORNEY GENERAL YOUNG: Do any Commissioners have any other recommendations that we didn't capture?

(No audible response)

DEPUTY ATTORNEY GENERAL YOUNG: Director Scippa?

DIRECTOR SCIPPA: Thank you, Madame Chair. I would ask Kim Schmidt to put up the last recommendation that I had put forward. I had emailed a copy of that to all the Members of the Commission, as well.

COMMISSIONER QUINN: Deputy, before that one...

DEPUTY ATTORNEY GENERAL YOUNG: Go ahead, Commissioner.

COMMISSIONER QUINN: Yeah, just structure for Ken, the one on the New Hampshire Tactical Officers Association may be up to that, who are tasked with responding to critical incidents, I think there's something missing there. So, you could just...

DEPUTY ATTORNEY GENERAL YOUNG: Commissioner, can you point to which one, please?

COMMISSIONER QUINN: It was Ken's number -- well, the numbers have changed now. It started the New Hampshire Tactical Officers Association.

DEPUTY ATTORNEY GENERAL YOUNG: We don't have that one. That one's not up there. That was not a Final Recommendation, I don't think.

COMMISSIONER QUINN: Okay, strike that, then.

DIRECTOR NORTON: It was one of the ones that was kind of left hanging.

COMMISSIONER QUINN: I'm good.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you.

DIRECTOR SCIPPA: Madame Chair, if I could, I do not want to be presumptive with the Governor or the Governor's Office. But I'd like to put forth a recommendation that we respectfully request the Governor to formally recognize the Staff that has been behind this collective effort. If not for their work, I do not believe that this Commission would have been as successful as we have been and would be, in the end. And so, I've put forth this and ask anybody who is a better wordsmith than myself, please weigh in if we can really recognize these folks that are listed. Thank you.

DEPUTY ATTORNEY GENERAL YOUNG: So I think that the better way probably to do this would be that we recognize them to the Governor, because I'm not sure what that means for the Governor to formally recognize them. So I would just be a little cautious with that. So let's see if we can wordsmith it. But I certainly understand your recommendation. So hold on for one second.

(Pause)

DEPUTY ATTORNEY GENERAL YOUNG: How about when we write the conclusion, we put it in there? And then, that would sort of be our final word, as a Commission? Does everyone agree with that?

COMMISSIONER QUINN: Yes.

MR. LASCAZE: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: So we will work that in. But, thank you, Director, for pointing that out. So, that concludes our work on our recommendations. So, tomorrow, we will have a public hearing starting at 1:00, if there are any members of the public who would like to discuss anything that has not been discussed.

Because we are on a time crunch, if public members call in and are going to discuss matters that we've sort of already addressed, they're going to be pretty limited. It's only on other matters, such as what we discussed today. So we'd begin that public hearing testimony tomorrow.

This is a reminder that any members of the public who want to speak should notify the Commission in advance by sending an email to the website, LEACT@doj.nh.gov. Written testimony is strongly encouraged. And as the public can see, the Commission Members are very diligent. They read the writings and they are up-to-speed by the time somebody is given an opportunity to speak.

And please send your written materials to that email, as well, which is LEACT@doj.nh.gov. They will be posted to the website and we could have discussions on them tomorrow. Lieutenant Morrison, your hand is up?

LIEUTENANT MORRISON: And these are for topics that we've not covered yet, or is it just open?

DEPUTY ATTORNEY GENERAL YOUNG: No, it's for topics not yet covered. So we've done the other section today. So we aren't going to go back over training or misconduct. Members of the public had opportunity to call in.

We are on a very tight timeline here and we need to get materials out. As it is, the Commission Members are going to have a fair amount of reading over the weekend, because, on Monday, we have to spend our time doing any last-minute edits. Director Scippa, your hand is up?

DIRECTOR SCIPPA: I -- to what degree to do you see Monday with regard to the Commission's time, only because Monday I -- my availability is almost zero?

DEPUTY ATTORNEY GENERAL YOUNG: Director, we are scheduled to start at 9:30. We would discuss the Final Report and make any last-minute edits. So I'm hopeful that if we send you out a solid, well-written product, we voted on all these recommendations. Other than maybe somebody picking up a typo, I would think that we would be able to get it done somewhat efficiently.

DIRECTOR SCIPPA: May I just call in, as opposed to be on Zoom or WebEx on Monday?

DEPUTY ATTORNEY GENERAL YOUNG: Yeah, certainly. Joseph?

MR. LASCAZE: I'd like to make a Motion that we adjourn for the day, because I don't think anything else is coming up. So I am ready to get off-camera and go to the rest of my day.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. That is seconded by Lieutenant Morrison. I would just like to thank you all for sending in those others and for being patient as we worked through them, especially you, Ken. I know that there was a lot of your recommendations that we said that we would put in the other section. So, thank you for your patience, as we worked through those. Commissioner Tshiela, how do you vote?

MS. TSHIELA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Chief Edwards has left us. Attorney Jefferson, your vote on calling the meeting closed?

ATTORNEY JEFFERSON: That will be a yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Norton?

DIRECTOR NORTON: Yes, and thank you for your facilitation and your Team for all their work the last few weeks here.

DEPUTY ATTORNEY GENERAL YOUNG: Great, thank you. Lieutenant Morrison? Oh, he was the second, sorry. Judge Gardner? There you are.

JUDGE GARDNER: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Sun must have shifted. Thank you. President McKim?

MR. MCKIM: Yes, with thanks.

DEPUTY ATTORNEY GENERAL YOUNG: Chairman Johnson?

MR. JOHNSON: (No audible response).

DEPUTY ATTORNEY GENERAL YOUNG: Oh, no, your speaker's not on. Oh, is that a cat?

JUDGE GARDNER: Yes, it's my cat, Jackson. Yes.

DEPUTY ATTORNEY GENERAL YOUNG: It's a (inaudible) cat.

MR. JOHNSON: It's good to see Judge Gardner today.

DEPUTY ATTORNEY GENERAL YOUNG: And her cat.

MR. JOHNSON: And her cat, and the answer is yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. Director Scippa?

DIRECTOR SCIPPA: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: Thank you. And thank you for recognizing the hard work of Kim, Annie, Nicole, Maria, and Fallon. It really has been monumental task. So, thank you for that recognition.

DIRECTOR SCIPPA: Absolutely.

DEPUTY ATTORNEY GENERAL YOUNG: Director Malachi?

DIRECTOR MALACHI: Yes, with an umbrella, and glad to see the cat and the dog of Judge Gardner.

DEPUTY ATTORNEY GENERAL YOUNG: We didn't see the dog today. Commissioner Quinn?

COMMISSIONER QUINN: Yes.

DEPUTY ATTORNEY GENERAL YOUNG: And I vote yes. Thank you. We will get you this draft. We will work on it this afternoon. We will get it out to you so you can start looking at it. We will add any additions on there, based on the public comment today [sic]. But we will get you sort of a good working draft tonight. Thank you.

(Meeting adjourned.)