

Commission on Law Enforcement Accountability, Community and Transparency

Meeting Minutes for June 25, 2020

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

Attorney General Gordon MacDonald called the meeting to order at 10:03 a.m. and reminded participants that the meeting was being recorded.

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

Attorney General Gordon MacDonald - from the Department of Justice with Kim Schmidt, Kate Giaquinto, and Annie Gagne

Robert Quinn, DOS Commissioner - Concord, NH

Colonel Nathan Noyes, Director, Division of State Police – Concord, NH

Ahni Malachi, Executive Director, NH Commission for Human Rights – personal residence

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

Rogers Johnson, Chair of the Governor's Advisory Council on Diversity and Inclusion – personal residence

James McKim, President of NH NAACP - Goffstown, NH

Sawako Gardner, Justice of the NH Circuit Court - Dover District Court Chambers

Mark Morrison, New Hampshire Police Association – Londonderry PD

Charlie Dennis, NH Chief Association – Hanover, NH

Ken Norton, Executive Director of NAMI – Penacook, NH

Joseph Lascaze, NH ACLU representative – Bedford, NH

Julian Jefferson, Criminal Defense Representative – Manchester, NH

Ronelle Tshiela, public member and BLM organizer - Manchester, NH

Eddie Edwards, public member – Dover, NH

The General informed the commission members that the minutes from the June 22nd, 2020 meeting had been prepared and would be set out for approval at the June 26th, 2020 meeting.

The General noted that Colonel Noyes, Director Scippa and Chief Dennis were scheduled to present at today's meeting and their presentation materials for the general public could be located on the Governor's website: www.governor.nh.gov/accountability.

Addressing some housekeeping items, the General noted that the meeting's hard stop would be at 12:15 p.m. Additionally, after testimony was presented, the presenter would take questions in order of the members on the contact list to best keep things organized. The General also noted that the next commission meeting would be held tomorrow at 2:00 p.m. and any testimony or questions not addressed during the meeting today would roll over into the meeting tomorrow.

Further, if any members of the commission or public would like to present testimony, please email LEACT@doj.nh.gov ahead of time to be added to the agenda and provide the corresponding materials. Meeting minutes, audio and transcription will be posted on the website as they are produced.

Julian Jefferson received a public request that the commission transition the meeting to a video conference if available to allow members of the public to have more insight into the meetings. The General informed the group that it was an option he was looking into and would report back once we have learned the capabilities.

Director John Scippa – Summary Report on Current training and Improvement Considerations

Director Scippa explained his presentation was a 2-fold presentation; an overview of current trainings, and an identification of areas of improvement. Director Scippa first noted that a job task analysis needs to be completed, which is essentially an evaluation for PST graduates. He would like to recruit officers with a level of training to best serve NH. Additionally, Director Scippa has reached out to Justice Works (a UNH program) to seek their assistance in a review.

The Director noted that PST has a cultural dynamics course, which is a 2-hour block offered at the academy. This is an area that needs improvement. It includes bias and diversity training, but the Director has already had meetings and has sought out feedback to better improve this course. Next, the Director noted a communication and de-escalation training, which is a 6-hour training block. This is a main theme reiterated throughout the 16-week academy training and officers are required to complete in-service training in the subject area throughout the year. Third, the academy offers a total 24-hour mental health training that is both lecture and scenario based. Officers also receive a use of force training that totals 93.25 hours of practical work. This training covers areas such as defensive tactics, use of baton, OC spray and firearm training. So much time is dedicated to this area because it is a physical skill that takes time to learn and adopt.

Director Scippa strongly recommends a transition to federal trainings such as PERF and ICAT. NHPST currently trains on a grass roots, local based model, especially in the area of use of force. The Director notes PST is currently reviewing lesson plans to move towards and adopt more PERF models to better train recruits. Director Scippa also mentioned EPIC (Ethical Policing is Courageous) as a valuable training to teach current officer and recruits how to prevent and intervene police misconduct. Additionally, PERF provides a training on the 30 Guiding Principles on Use of Force that would be beneficial to PST. Overall, Director Scippa recommends an increase to in-service hours and consistent training for officers, as well as bringing back police accreditation to New Hampshire.

Questions on Presentation

Director Scippa answered several questions about his presentation, which are listed in bullet points below:

- Explain how the academy works
 - o 630 hours/ 16-week session
 - o All law enforcements officers must attend PST
 - o Each agency has to vet officers pursuant to PST protocols
 - o Residential, para-military style
 - o Fitness in the morning before breakfast, then 8-hours of training (lecture and skills)
- How is the agency funded?
 - o General fund – assemble a budget with PST Council (16 members who oversee academy and Director)
- Have you thought about accreditation down to local PD's and police officers?
 - o Officers are accountable for their own actions
 - They are certified through the vetting process and successful completion of the academy
 - Yearly in-service hour requirements maintain their certification
 - Director recommends specific training topics addressed each year
- Have 100% of LEO's in NH gone through the 16-week academy?
 - o No, the academy structure has changed several times over its history
- How do you bring non 16-week academy graduates up to the same level?
 - o Police Chief's build trainings into their budgets to generally exceed the 8-hour in-service requirement
 - o Historically, this is how PSTC has tried to address the lack of academy hours
- Regardless of cost, which training program would you recommend?
 - o CIT training is excellent in every way
 - o ICAT program is structured so it can be addressed at the academy and in-service level which would be of better service to the community
- Has there been consideration about the diversity mind-shift?
- Why is it important for training repetition?
 - o Officers have to perform unique tasks during high stress situations
 - o Officers lives could depend on the skills, so repetition is key to being successful
- Is there a way to recreate events at the academy?
 - o The academy tries to create scenario based training, including mental health response trainings
 - o Academy uses volunteer instructors to elevate stress levels to make situations as real as possible
- How does the 16-week academy compare to other states?
 - o MA – 750-780 hours / 22-23 weeks
 - Not residential, different format
 - o NH is just less than the average academy
- Use of technology and remote training

- Academy is under-resourced to provide online training
- Staff is working to develop software requirements to provide high-quality trainings
- Need monetary support to reach all officers in NH
- Does the academy have access to data regarding training needs, tech needs, etc.?
 - A lot of resources state-wide still need to be tapped (i.e. learning institutes, PERF)
- What are the hours required in other states for in-service?
 - MA – 20 hours
 - Other states similar to NH
 - Some states require X hours over 2 year period
- Can PST require specific trainings?
 - Rules currently do not require specific trainings
 - Based on specific department requirements
- Who develops the rules?
 - PST council
 - Technical manual and rules are being reviewed currently
- How long is the EPIC training?
 - 8 hours at the academy, 4 hours in-service
 - Helps build trust, keeps officers accountable
- What training is provided for officer's mental health and support?
 - Mental health training provided by a Chief with a PhD in Psychology
 - Health and wellness by PST staff
 - This is another area that needs improvement
- What is Fair and Impartial police training?
 - Available on PERF website
 - Developed by a PhD in Florida
- Did the legislative audit address areas of concern at PST?
 - No
- What is the current PST budget?
 - Director will send out to commission
- Can PST provide the training model to the commission?
 - Director will send out to commission
- What does PST need to adopt Fair and Impartial training model?
 - Reach out to the company to determine cost
 - Create in-house trainers to get certified and send to local PD's
- Who would authorize that adoption?
 - PST Council
- Who are the PST Council members?
 - Director will send list to commission
- What does PST need to adopt EPIC?
 - Reach out to the company to determine cost
 - Create in-house trainers to get certified and send to local PD's
- Does PST have the ability to build scenarios in the simulator at the academy?

- Yes
- How many people of color are represented within the simulator in use of force situations?
 - Currently cannot quantify, but will need to do so to address the Fair and Impartial training
- What is the current PST process to review an officer's certification?
 - 3 general complaint process
 - Report of criminal activity (Form G)
 - Chiefs are required to report status change of officers
 - Negative change results in council review and inquiry
 - General complaint by anyone
 - Prompts inquiry
- If PST is not notified, is there another form of accountability to review certifications?
 - Local PD's could allow for complaints
 - If PST doesn't know it's happening, they can't address it
- How many certifications have been rescinded in the past 5 years?
 - Unsure
- Have there been any automatic removals?
 - No, council reviews every complaint
- Are there any trainings that address protocol regarding civil immigration violations and holdings?
 - Guidance has been developed in the past 5 years to help local PDs
- Are they incorporated into PST trainings?
 - Unsure
- Is specific consideration given to military recruits to shift their training from engagement to community response?
 - Unsure but has not seen negative attributes
- Recommendation: Adopt a policy in writing that officers swear to intervene.
- Recommendation: Express policy of banning chokeholds.
 - Senate bill in process to outlaw chokeholds unless officers are faced with a deadly force situation.
- Recommendation: Call cultural dynamics what it is, race relations.
 - May need additional hours/classes at the academy
 - Would like course to address all minorities (i.e. transgender, etc.)

The General thanked the commission for their time and reiterated the next meeting would be Friday, June 26th at 2:00 p.m. Director Malachi requested that questions be more direct and germane to the topics addressed in the presentations, and to hold comments and general conversations to general comment section. The General requested a motion to adjourn. So moved by Julian Jefferson and seconded by Director Scippa. A roll call vote was taken on the motion to adjourn and the votes were recorded as follows:

Attorney General Gordon MacDonald – Y
 Commissioner Robert Quinn – Y

Director Ahni Malachi – Y
Director John Scippa – Y
Chairman Rogers Johnson – Y
President James McKim – Y
Justice Sawako Gardner – Y
Mark Morrison – Y
Chief Charlie Dennis – Y
Director Ken Norton – Y
Joseph Lascaze – Y
Julian Jefferson – Y
Eddie Edwards – Y
Ronelle Tshiela – Y

The meeting was adjourned at 12:25 p.m.

DRAFT