

Commission on Law Enforcement Accountability, Community and Transparency

Meeting Minutes for July 14, 2020

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

Attorney General Gordon MacDonald called the meeting to order at 9:32 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 and Annie Gagne

Robert Quinn, DOS Commissioner - Concord, NH

Ahni Malachi, Executive Director, NH Commission for Human Rights – Penacook, NH

John Scippa, Director of Police Standards and Training Council – Concord, NH with Major Dave Pirento

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 – joined around 12:30 p.m., 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 - Durham, NH

Eddie Edwards, public member – joined at 9:45 a.m., Dover, NH

The Attorney General deferred the approval of minutes to continue public testimony. A hard stop will be at 11:30 a.m. so the Commission may discuss future plans and the timeline of the Commission.

We will hear testimony from the public today in the following order:

Janet Handley Champlin

Matt Simon

Anthony Pivero

Major Tracy Hayes

Janet Hadley Champlin (testimony available on the website)

Retired police chief with 30 years experience. Provided feedback relating to racism, sexism, good officers and experience with officers that should never have been hired. Attended the FBI National Academy which she related her experience with other female leaders. Officers are spending more time with mental health and drug addicted community members. No police academy can fully prepare a new officer for what the job is really like. Has been involved in numerous arrests and understands frustration for all. Law enforcement does a terrible job of taking care of the mental health of officers, need to add this to how we address police corruption.

Provided twelve recommendations for the Commission's consideration. First ten are part of her testimony on the LEACT website (governor.nh.gov/accountability). Additional ones include:

11. The abolishment of the PT police academy. All police officers should receive same vetting and training, whether they work PT or FT.

12. The abolishment of the Laurie List. If an officer's behavior rises to this level, they should be fired. There is no place in law enforcement for them.

We need to elevate our standards and requirements for the profession. We must demand excellence and hold officers to that standard, we owe that to officers who have yet to serve.

- James McKim – what are your thoughts on the elimination of the PT academy and the impact?
 - o A lot of small departments are dependent on PT officers. The PT academy does a good job with what they have, but when working you will deal with same calls that a FT officer does. PT officers don't have enough training. Would you go to a doctor who went to only a PT medical school?
- James McKim – how might we recommend addressing that?
 - o Both policy and monetary. State may save money abolishing PT academy. Should we even have agencies made solely of PT officers?
- Director Scippa – early in NH history, PT officers fit the mold of what NH needed at the time. Based on how we've developed over the years, agencies depend on PT officers. Last PT academy was about 200~ hours of training compared to the FT 600~ hours. Marine patrol runs a seasonal PT patrol. Definitely something we need to look into.
- James McKim – do we have any data about FT vs. PT officers?
 - o Director Scippa – would have to ask each agency
- Julian Jefferson – should officers be trained in paramilitary model?
 - o Paramilitary doesn't equate with racism, sexism, etc. It starts at recruitment and should be followed through in academy and careers. There has to be a rank structure but some of the training has to change. Should be spending more time on de-escalation. Used to be an automatic acceptance having a military background, no longer relevant. Military members may not be perfect fit for law enforcement.

- Julian Jefferson – would it help being trained by non-police officers and what are your thoughts on spending more time on training in de-escalation?
 - o Yes, the more people who train our officers from the outside, the better. More training in de-escalation would benefit officer not having to make as many arrest. Policy standards should be universal. There shouldn't be a difference between departments.
- Julian Jefferson – should there be a minimum or age requirement to become an officer?
 - o If you're 18 and can vote, you should be able to apply to be an officer, doesn't mean you should be hired. A college education is good, but shouldn't be a hard and fast rule.
- Julian Jefferson – do you think we have any systematic racism or sexism that we need to address?
 - o Corruption is corruption. Can't tell you the percentage, but we do have issues. Would look at the Laurie List to determine officers that shouldn't be employed. If we didn't, we wouldn't be here today. We have improved over the years, but we have to do better.
- Joseph Lascaze – what would you recommend regarding how officer is held accountable, do you think they should lose certification when they violate training that erodes community trust?
 - o We don't pull enough certifications from officers. Departments have to be held accountable, am for a national database that records conduct of officers. Would be supported by background investigation.
- Joseph Lascaze – officers who witness misconduct and don't report it?
 - o They are just as culpable. In the real world, individuals would be an accomplice, officers should be held to same standard.
- Ken Norton – will you submit longer testimony in writing?
 - o Yes, already emailed.
- Ken Norton – do you feel the current length of academy is sufficient?
 - o Changes need to be made, if that results in increase of length, that's fine. Definitely shouldn't be shorter than current length.
- Ken Norton – minimum hours of in service training, is it sufficient?
 - o Should increase, definitely.
- Ken Norton – civilian review board, is there a model somewhere and what type of deadly force review should occur?
 - o All use of force, AG's office has data on use of force cases.
- Ken Norton – would you support on-going mental health screening during course of career?
 - o Every three years officers have to pass standards for their age group. Yearly, recertify with fire arm. There is no mechanism in place where police officer goes through any mental health screening, it shouldn't have to rise to level of taking human life to go talk to somebody. There are better ways we could support officers in a healthy way.
- Mark Morrison – what do you think about standardize police practices

- A lot of western PDs are CALEA approved, that would be the direction I would look at for a model
- Mark Morrison – was Portsmouth CALEA accredited when you were there?
 - No.

Matt Simon – Marijuana Policy Project

July 15, 2020 joining NAACP to have conversations about marijuana policy, racism, and public policy. Commission members are invited and Mr. Simon will send an email link to the online discussion after testimony. Mr. Simon read his testimony which is available on the website (governor.nh.gov/accountability).

- Julian Jefferson – 43% of all drug arrests are marijuana related, where is this coming from?
 - ACLU recent report from 2018.
- Julian Jefferson – in the context of our commission, how does this relate?
 - It goes to charge of improving police community relations.
- Joseph Lascaze – disparities in cannabis enforcement?
 - Training alone isn't sufficient, should be coupled with reevaluation of role. Need to scale back war on cannabis and war on drugs. War on drugs has been war on people in disproportionate communities.
- Joseph Lascaze – how do community members feel about police defending cannabis criminalization?
 - Anecdotally, has black friends arrested more often than white friends who are only cited.
- Joseph Lascaze – some of the ways officers are using marijuana as
 - Motor vehicle stops that escalate into searches, smelling of marijuana, dog sniffs, etc.

Anthony Pivero – Retired Nashua Police Officer (4 written letters of testimony)

Governor's executive order states 13 members, but there are 14 members, would like the Commission to address this correction on the website. (Attorney Jefferson was not originally listed as a member). Mr. Pivero read his testimony which is available on the website (governor.nh.gov/accountability). PST should have policies to pull certification of untruthful officers. Spoke about his experiences as a federal agent and local department officer, as well as psych eval post fatal shooting. Supports psych evals for officers.

- Joseph Lascaze – did you say dark population in the beginning of your testimony?
 - I would have used the term black.
- James McKim – Nashua PD CALEA certified, you don't think they are better after becoming certified?

- Doesn't make it a better PD because of people who work there, you will just understand CALEA agencies better.
- Ahni Malachi – reference to people of color in NH as “dark” is highly offensive.
 - Reiterated there may have been an audio issue and was not intending to be offensive.
- Ahni Malachi – that would be a textbook definition of unconscious bias.

Major Tracy Hayes – Strafford County Sheriff's Office

Acknowledge that she is a minority law enforcement officer being both a female and Asian, and so understands racial bias and experiences that occur in law enforcement. Works with a criminal justice reform group and has several recommendations for the Commission. Former Chief John Monaghan also provided testimony about the groups work and how important implicit bias training is to make officers aware of biases they may not be aware of when dealing with the public. Data driven policing is valuable and collecting all this information to have accessible to agencies and the community would be beneficial. Implicit bias is not the end all, but part of the conversation.

Linda Wojas

If you truly believe transparency, the Laurie List is in fact the public's right to know and should not have been moved to the Supreme Court.

Steve Monier

Goffstown retired Police Chief and U.S. Marshall. It's okay to be proud of NH law enforcement, low crime rate and training provided at PST. As Chief, reported to board of local selectmen. Asking members to be both positive and proactive, there are always things that we can do better and strive for. Fair and impartial enforcement to keep communities safe. Sound hiring practices and continuous trainings so when new things come up, can get in-service officers deserve. We should talk about racial and economic qualities honestly, every state is different. Reminds commission and members of public that keeping communities safe are the responsibilities of the whole community. Communities should want their local PDs accredited to stay up to date with new and best practices. Agencies need to be more open to personnel records (i.e. RTK laws), suggests some amendments be made to shine a light on bad behavior and problem people.

- James McKim – given experience with various agencies, about what intersections of agencies should we be concerned at looking at?
 - Networking is very important in becoming effective officer. Officers across the board have the same basic training, but we can do better.
- James McKim – what recommendations we should make regarding interactions between agencies?
 - More in-service training, the better.

- Julian Jefferson – police officers should be colorblind and George Floyd having been killed by a corrupt cop, do you believe we should confront and eradicate racism and realities of where we are at? Community has responsibility of getting PDs they want, do you recognize that persons of color are primarily located in areas of high crime and so there are challenges.
 - o Absolutely should confront, intends colorblind as a goal. Need to live up to ideals and promises that all are created equal. Law enforcement should be reaching out to all aspects of communities (i.e. PAL program, educational system). All our responsibilities to create healthy environments.

The Attorney General directed Commission members and members of the public to testimony that has been provided and posted to the website. The Attorney General requested a motion to approve the minutes from the July 9, 2020 meeting. Director Malachi moved, and Chief Dennis seconded. A roll call vote was taken on the motion to approve the July 9, 2020 minutes. The votes were recorded as follows:

Attorney General Gordon MacDonald – abstain
 Commissioner Robert Quinn – Y
 Director Ahni Malachi – Y
 Director John Scippa – Y
 Chairman Rogers Johnson – Y
 President James McKim – Y
 Justice Sawako Gardner – N/A
 Lt. Mark Morrison – Y
 Chief Charlie Dennis – Y
 Director Ken Norton – Y
 Mr. Joseph Lascaze – Y
 Attorney Julian Jefferson – Y
 Mr. Eddie Edwards – Y
 Ms. Ronelle Tshiela – Y

Ken Norton would like to testify on training, will go first on Thursday at 9:00 a.m. Then we will move to testimony about our next subject. The Attorney General entertained any recommendation about use of time.

President James McKim wants to understand more about funding aspect of training and how to address that. President James McKim and Director Malachi agreed that a 5-10 minute limitation of testimony would be beneficial. Possibly place a timer in the window so members could see and know their limitations. Director Malachi also noted that some testimony has been self-servicing, and needs to be limited. Director Scippa also agrees with President James McKim and Director Malachi. Ken Norton agrees with President James McKim and if we could date when testimony has been posted to the website and whether it has been read. Ken Norton also notes

this is one of the first opportunities to speak amongst the commission members and questioned how often that opportunity would arise and how we are going to address the recommendations. He also noted how he would be interested in the perspective of a newer officer and their feedback. The Attorney General agreed that it would be beneficial to hear from a new officer. Chief Dennis also agrees that a time limit would be beneficial. Attorney Jefferson is also in favor of a time limitation but does see the value in allowing people to speak and provide input. He also agrees recommendations should be written and gather as we go. Director Malachi also notes this may be resolved by additional time and/or days. Judge Swanko agrees that testimony should be submitted ahead of time and it's not unreasonable that speaking time should be limited. Attorney Jefferson inquired whether we are able to ask the Governor for more time to which the Attorney General agreed we can but would like it supported by documentation regarding the needs.

The Attorney General requested a motion to reflect this discussion. President James McKim moved that we limit verbal/live testimony to 5 minutes with the understanding that the testimony is submitted in written form for prior review and limit Commissioner questioning to 3 minutes. Chief Dennis would like to add that the Chair has discretion to limit testimony if not on track with topic. Director Scippa supports the motion if Commission members could yield time to other members or not use it at all. Joseph Lascaze suggested more of a 10 minute testimony length. Ken Norton questioned the 3 minute limitation for Commission questions. Director Malachi suggested that this would work itself out with some members not asking questions. Attorney Jefferson recommends a 5 minute benchmark but gives the Chair authority of reminding testifier about time limitation.

President James McKim reiterates motion: motion that testimony be submitted in writing prior to testifying, verbal testimony limited to 5 minutes with discretion by Chair to allow longer testimony, that questions posed by Commission members be limited to 3 minutes with discretion by Chair to extend time. This was seconded by Mr. Rogers Johnson. A roll call vote was taken on the motion 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 – N/A
Lt. Mark Morrison – Y
Chief Charlie Dennis – Y
Director Ken Norton – Y
Mr. Joseph Lascaze – Y
Attorney Julian Jefferson – Y
Mr. Eddie Edwards – Y
Ms. Ronelle Tshiela – Y

Motion carries (note, the Chair will monitor time).

The Attorney General summarized the future plans and recommendations of the Commission. He also noted that Attorney Nicole Clay has been listening in, taking notes and working to create recommendations for the Governor. Director Malachi and Attorney Jefferson agree that the plan map is helpful and reiterated that we will need additional time. Chairman Rogers Johnson also notes talking points would be valuable for the group so we can approach the media with consistency. Director Scippa requested the group be able to see the recommendations and documentation that Attorney Clay produces to make changes. Attorney General agreed, this is a collaborative effort. Additional members agreed to work flow and requested a written guideline from the Attorney General to better prepare for future meetings.

Responses to Doodle poll of availability is tomorrow, July 15th at 12:00 p.m.

President James McKim requested feedback from Director Scippa about how the funding process works so we can learn how to approach a request for funds. Both Director Scippa and Commissioner Quinn made comments about budgets and factors to look into that will benefit our recommendations. Commissioner Quinn noted that it would be helpful to get with other Committee members to provide numbers surrounding current funding for various aspects of the departments. Chairman Rogers Johnson suggested having someone from the Legislative Budget Committee speak with us to address funding questions. Attorney General has requested an overview from Director Scippa, Commissioner Quinn, Chief Dennis and former Chief Edwards about funding and budgets in police departments.

The Attorney General readdressed his request for a new officer to speak to the group about their training. Director Scippa is willing to spearhead this and create a mini job analysis survey. Director Malachi also noted it would be helpful to hear from minority State Police officers. Commissioner Quinn noted it may be helpful to pose questions to them, he will work with Colonel Noyes to create a survey to reach out and see if someone is willing to participate. Attorney Jefferson would like to defer this to our next section.

President James McKim asked Director Scippa if there are after training surveys completed and whether that was something we could review. Director Scippa noted that he does have those and would be willing to summarize those reports and send to Commission.

The next meeting will be Thursday, July 16th at 9:00 a.m.

The Attorney General requested a motion to adjourn. So moved by Chief Edwards and seconded by Mr. Lascaze. 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
Lt. Mark Morrison – Y
Chief Charlie Dennis – Y
Director Ken Norton – Y
Mr. Joseph Lascaze – Y
Attorney Julian Jefferson – Y
Mr. Eddie Edwards – Y
Ms. Ronelle Tshiela – Y

The meeting was adjourned at 1:13 p.m.

DRAFT