

Commission on Law Enforcement Accountability, Community and Transparency

Meeting Minutes for July 16, 2020

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

Deputy Attorney General Jane Young called the meeting to order at 9:01 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.

Deputy Attorney General Jane Young - from the Department of Justice with Kim Schmidt, Annie Gagne, and Nicole Clay (remote)

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 – Exeter, 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, NH

Mark Morrison, New Hampshire Police Association – Londonderry PD with Ret. Captain William Pease

Charlie Dennis, NH Chief Association – Hanover, NH

Ken Norton, Executive Director of NAMI – Tilton, NH

Joseph Lascaze, NH ACLU representative – Ipswich, MA

Julian Jefferson, Criminal Defense Representative – Manchester, NH

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

Eddie Edwards, public member – Dover, NH

The Deputy Attorney General deferred the approval of the July 14th, 2020 minutes to next meeting. A roll call vote was taken and the votes were recorded as follows:

Deputy Attorney General Jane Young – 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

The Deputy Attorney General covered the list of participants today. We will start with Juan Cofield under the Relationships Between Law Enforcement and Communities. Then we will go back to Training and Curriculum with a presentation about CALEA by Captain William Pease. Next, back to Relationships with Law Enforcement and Community with Michele Holt-Shannon with Brandon Thomas, and Lt. Carlos Camacho. Then return to Police Training with Ken Norton.

Julian Jefferson has submitted a request to testify, along with Anna Elbroch. The Deputy Attorney General noted that she will be the monitor of time and reiterated the time limits the commission members agreed upon during the last meeting. Additionally, the Deputy Attorney General will share a timeline of our meetings and goals with the group by Monday.

Juan Cofield (testimony available on website)

President of N.E. Conference of NAACP. Covered State issues that he believes needs to be addressed. These issues include:

- Statewide training and certification and enable a decertification;
- Ensure all police units are racially and ethnically diverse;
- Percentage of people of color are proportionate to community people of color;
- Review and modify escalation;
- Require investigation by special unit of AG's office.

- Eddie Edwards – modifying veterans preference?
 - o There needs to be a change to include more
- Eddie Edwards – are you asking this commission that we should remove the preference?
 - o It needs to be modified by reducing priority and increase or include diversity
- Eddie Edwards – blacks and Latinos are disproportionately enlisted in the military and so that would be the bulk of veterans
 - o His understanding that the majority of North Eastern states are non-diverse veterans
- Eddie Edwards – retention and black law enforcement officers in the community
 - o Referring to discrimination of officers of color, very serious issue in Boston and MA; more harsh punishment in policies than white officers
- Eddie Edwards – NH black population is 1%, would that not limit
 - o If less than 5%, it still should be diverse, above 5% should be proportionate
- Julian Jefferson – eliminating police permanently stationed in schools

- Employee of school department designated to maintain order, armed uniformed officer sends wrong message to students
- Julian Jefferson – do you have any studies or data to support the wrong message
 - No specific data, but generally supported
- Julian Jefferson – if you have a diverse population, should be deliberate efforts to recruit for police force
 - Yes, but there is still disproportionate representation
- Ken Norton – aware of states that make public civil suits and payouts
 - Not aware, but very important
- Ken Norton – civilian review boards for misconduct
 - In the municipal recommendations in testimony
- Ken Norton – recommending there be a change in law, or just a standard to be judged internally
 - Part of police certification and police training
- Joseph Lascaze – demographic data collection, growing rift between marginalized community members and law enforcement, how does this effect relationships
 - We don't have a full understanding of racial discrimination and race based practices because it's not fully disclosed
- Joseph Lascaze – if data collected, how so during stops and how accurately collected
 - We can get you some data and models, MA had a clause requiring race to be collected
- Joseph Lascaze – voluntarily provided or left up to discretion by police officer, concerned about unconscious bias
 - Not left up to discretion of officer
- Charlie Dennis – qualified immunity, making public law suits, is there any data about any thrown out by qualified immunity
 - We don't know the full extent due to NDAs, we think it's significant. There is a host of data available regarding qualified immunity
- Charlie Dennis – could this be solved by including on drivers licenses, open to ideas?
- Mark Morrison – is aby of the data based on NH statistics
 - Based on advocacy of 5 New England case
- Mark Morrison – veterans preference, quite a bit of overlap from military to law enforcement, not sure a change in that would benefit hiring process. SRO has benefits and communities have voted to fund those positions, working to create a helpful relationship
 - SROs are not always armed and not in uniformed, review was specific to include armed and in uniformed. Some communities required SROs
- James McKim – qualified immunity, can you provide those resources?
 - Yes
- James McKim – looking at fair and impartial, de-escalation understanding of officers prior to promotions
 - Left to professionals with significant understanding to reduce racial bias in policing

- James McKim – difference between understanding and ability to do
 - o Focus needs to be on practice in policing and less understanding
- Director Scippa – thoughts on how police departments can reach out to people of color or marginalized community to help recruit people
 - o We should plan on discussions later on with the other Presidents of NH
- Director Scippa – from a training perspective, would it be better to reach out to Mr. Johnson, Mr. McKim or yourself to include in training
 - o Being in MA, not as up on NH issues
- Director Scippa – collection of race, as an officer if we can ask for weight, we can ask for race
- Director Malachi – testimony seems heavily weighted on densely populated areas, is there a way to resubmit a paired down version of items that specifically relate to NH
 - o Yes
- Director Malachi – would it not stand to reason that communities could bridge gap with more trained SROs
 - o Should ask teachers union in NH what they think. The reason for the SRO is to maintain discipline, supposedly that another person cannot be expected to do
- Director Malachi – if SROs are engaged and build relationships, won't be afraid of uniform and trust in officers
- Director Scippa – SRO is supposed to work with school and school staff, provide mentorship, positive contact with uniformed officers, work hand-in-hand with disciplinary staff to avoid bringing child into criminal justice system. Collective knowledge can help treat problems with better understanding
- Director Malachi – maybe removing SROs is not the answer, but improve training
 - o Might be helpful for NNEPAC come back and have a discussion
- Commissioner Quinn – Colonel Noyes has been working with Mr. McKim and Mr. Rogers to increase inclusivity and diversity, have to be sensitive to not have departments be competing for same people, want to encourage minority officers and welcome any suggestions create a more reflective force
- Ronelle Tshiela – roles of SROs not clearly defined, first negative experience with officers was an SRO
- Julian Jefferson – not reality in Manchester and Nashua, students 10-12 getting into fights, being suspended from school and charged with felonies
- Joseph Lascaze – what is the purpose that SROs need to be armed
 - o Director Scippa – SROs provide immediate response to threat at school, if not readily identified, could have a blue on blue problem.
- Joseph Lascaze – if for the purpose to prevent threat, shouldn't disciplinary items be left to teachers
 - o Director Scippa – should be a support and aide the teachers, if it escalates then the SROs should step in. Often SROs are asked to discipline personnel, but left to school and SAU

- Director Malachi – disheartened that Ronelle Tshiela had a negative experience, if this is occurring it should be part of this conversation and get clarity regarding what SROs are supposed to be doing
- Deputy Attorney General – under municipalities and then under state, review board of use of force and how would they work
 - o Would work together if there was a shooting and investigation, would be handled by agency other than one in which officer works for
- Ken Norton – draw attention to Mike Skibbie testimony that discusses SROs

Retired Captain William Pease

A lot of the issues brought up, if not all of them, are covered by CALEA. Standard that requires initial and annual training. Nashua is CALEA accredited, has a civilian review board, uses best practices, use of force training, detention facility procedures, disciplinary matters, etc. The CALEA process requires a top to bottom inspection every four years, minor inspection of policies every year. Would recommend commission seriously look at recommending accreditation, even state system, but will take time. Developing standards takes time but consider agencies accreditation and grant funding. Agencies under 25 members, \$8,000 over three year period. 25% of all officers in U.S. work for accredited agencies currently. Showing more and more interest in NH.

- Director Malachi – once accredited, what are the costs?
 - o Once accredited, you are inspected once a year. Not just policies, but that you do it.
- Director Malachi – statewide accreditation
 - o Each PD responsible for own process. There is a body of standard developed, need more funding. Jumping on CALEA would be more cost effective and faster
- Director Scippa – 100% behind accreditation, PSTC will be seeking CALEA accreditation, supports seeking alternative funding
- Rogers Johnson – wholeheartedly supports accreditation
- James McKim – supports accreditation, does standards support training in implicit bias
 - o Has to be valid to subject matter, vetted, does it get into the depth? Part of CALEA process, trainers are educated on how to complete tests, how to train, what needs to be covered
- James McKim – concerned not being specific enough regarding implicit bias training and clear on how deep CALEA standards go regarding what should be delivered
 - o Happy to provide specific standard. PDs do well at sharing resources but not one model fits all
- James McKim – possible to provide data on discrimination cases against departments who are CALEA certified
 - o CALEA are required to annually report various demographics, required to report lawsuits, etc.
- James McKim – how can we see agencies that have had lawsuits

- Can call CALEA for answer
- Mark Morrison – can you speak to the process of CALEA developing their standards
 - Developed body of standards to cover police departments, adding new standards, constantly vetting
- Mark Morrison – speak to community involvement developing standards
 - Commission is made up of 23 members, 13 LEOs, 10 civilians, really good collaboration in development of standards. At end of inspection process, you get a good feel of police department.
- Mark Morrison – how many standards involved in accreditation
 - 2 different level, basic is 181. Advanced is 459 standards.
- Ken Norton – does the President’s report on 21st century policing make any recommendations
 - It does recommend accreditation
- Ken Norton – only 900 PDs around the US certified, do states require it?
 - No, not aware that states require state or national accredited.
- Ken Norton – what if we impose and PDs refuse to apply
- Joseph Lascaze – regarding inspections, does CALEA look for specifically of evidence or signs of racial practices
 - Required to report any reports and that they were investigated properly, as an assessor, if a PD had bias complaints and reports were substandard, would follow up with PD and standard could be not approved and result in issues down the line
- Joseph Lascaze – data compliance reports, does CALEA review to make sure in compliance
 - Up to agency to report data, agency may not get re-accredited if not meeting standards
- Julian Jefferson – current 8 hour in-service requirements, thoughts on more than 8 and what is your recommendation? Should some of those hours be standardized and what should be mandated?
 - Yes, should be increased. CALEA agencies, you can’t do it with only 8 hours. More specific training is required, strongly believes in more mental health training, bias policing training on annual basis, enhanced training on use of force, some states mandate specific LEO training per law. Double if not triple hours.
- Julian Jefferson – should there be outright ban on chokeholds and prone position restraints
 - Faced with deadly situation, need to use resources. Need to be aware of position asphyxiation, CALEA has enhanced standard surrounding restraint
- Eddie Edwards – led CALEA agency, several costs to be aware of, took over a year to get to that level, benefits allow better recruitment and would like to get to a place of all agencies being accredited
- Ronelle Tshiela – in wake of George Floyd killing, is CALEA reviewing standards
 - Yes, enhanced use of force, created new standard of duty to report, on top of current issues

- Joseph Lascaze – CALEA website under implicit bias standard, can't see whether it's required in report to report demographics of stops, does CALEA require demographic data to be reported
 - o Require second documentation in system to report demographics
- Joseph Lascaze – that is a public document?
 - o Yes

The Deputy Attorney General requested a motion to continue meeting past time. So moved by Director Scippa and seconded by Director Ahni Malachi. A roll call vote was taken on the motion to adjourn and the votes were recorded as follows:

Deputy Attorney General Jane Young – 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

Motion carries.

Michele Holt-Shannon with Brandon Thomas

Director of NH Listens, part of work that is led by NH Works. Engaged, connected and heard in decisions that affect their lives. NH Blue and You is about interaction and expanding on participation. NH Blue and You are real conversations with officers and communities, has to be invested in and starts with in-house PD work. Opportunities to talk about bias and racism and history.

- Ronelle Tshiela – Durham Police participated, did UNH participate
 - o Yes they do, the Chief of Police is receptive to ideas. One way in which black students can get involved, when UNH hires an officer they have to meet with a student, faculty and staff panel
- Julian Jefferson – what has your experience been regarding conversation with police and what recommendations do you have

- NH sometimes tries to hide behind the stats, it's not as hard as people make it out. Junior academy, ride along programs, outreach to communities of color, relationships can be built when you get in front of the right people. Conversations have helped and opened up but we need to be receptive to that.
- Joseph Lascaze – when we talk about these issues, it is hard to understand what someone goes through and is experiencing when it's not one you know. The mind shift is possible with these conversations and that's what we are here to do.
- Ken Norton – was involved with NH Blue and You and it's very helpful, made people think and have tough conversation
- Mark Morrison – perceptions or preconceived notions of police prior to meetings and then after
 - View has changed and is more nuanced, understand a little more after education. Relationship can get a little more intense when not speaking the same language. Being an officer is hard, especially when you don't see people on their best day. You want to make it home at night, but what are you willing to do.
- Judge Gardner – person to person relationships help each understand where others are coming from, encourages the dialogue.
- Michele Holt-Shannon – readiness factor is a large part of it
- Rogers Johnson – PDs were not used to NAACP reaching out and having conversations in years past, but the tide is changing in a positive way
- Director Scippa – getting in front of the right people is important, encourages connection with Police Assoc., Sheriff's Assoc., etc. NH Blue and You is valuable and should be applauded.
- Director Malachi – several things happening across the state, if not coordinating together, how can we facilitate pulling people together? One council or commission to amplify group work?
 - Collaboration is important
- Commissioner Quinn – would you be willing to work with Colonel Noyes or communicate offline about collaborating?
 - Yes
- James McKim – serving on advisory council for race and equity. Who is launching and initiating these gatherings?
 - Sometimes PDs, Concord for Change, Dover Red Zone, BLM
- James McKim – who from PDs have been attending, communications officer, mixed?
 - Ideally a mix because it does matter
- James McKim – if there were recommendations to make, what are they?
 - Community policing, officers reflect makeup on communities, define SROs, high quality community communication, implicit bias training that is mandatory (hard to participate in racism training if they don't believe racism)

The next meeting will be Wednesday, July 22nd at 12:30 p.m. and then Friday, July 24th at 9:00 a.m. We have to continue today's agenda with Lt. Carlos Camacho, then we will have Eva Castillo, Anna Elbroch then Julian Jefferson, and Ken Norton. Would like to get to Reporting of

Investigation and Police Misconduct to include Jeff Strelzin (use of deadly force) and Geoff Ward (EES) on Friday.

National Association of School Resource Officers will also be added to the schedule next week.

The Deputy Attorney General requested a motion to adjourn. So moved by Mr. Joseph Lascaze and seconded by Eddie Edwards. A roll call vote was taken on the motion to adjourn and the votes were recorded as follows:

Deputy Attorney General Jane Young – 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 12:40 p.m.