

Commission on Law Enforcement Accountability, Community and Transparency

Meeting Minutes for August 4, 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 9:34 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

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 – Stratham, NH

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

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 – Dover, NH

The Deputy Attorney General requested the approval of the July 31st, 2020 minutes on Friday to allow Commission members a final review and a review of the audio.

President McKim wanted to put on the record that his vote for the final training section should be changed from 'Yes' to 'abstain' based on his involvement as a training vendor.

The Deputy Attorney General covered the list of participants today. We will start with Mark Newport and then Stefany Shaheen who is available starting at 11:00 a.m.

Captain Mark Newport, Portsmouth Police Department (testimony available on website)

Feels Portsmouth PD has been a leader in the policing community, integrated into the fabric of the community. Involved with all levels of community, from students to elderly, etc. Suggest less

restrictive recommendations. Defunding police would have adversarial effects. Build community partnerships is important.

- Director Scippa – Recruitment, how do we improve that?
 - o It's a challenge, difficult to get people to come to NH. We are far advanced in our area. Benefits of being a police officer has not increased, you don't become an officer to get rich.
- President McKim – what would attract officers of unrepresented demographics?
 - o Police officers deal with bad people, when people don't know who to call, they call the police. NH well above training scale of national average. PPD offers ride alongs, citizens academy.
- President McKim – underserved communities, what does good interaction look like vs. what can be improved?
 - o Community involvement, community police officers. Every situation you go into, look at it from their perspective. Treat everyone with respect.
- Lt. Morrison – do you feel that law enforcement is forced to deal with societal issues before there's any organized structure to address that?
 - o When people don't know who to call, they call the police. Police officers are not trained social workers.
- Lt. Morrison – how important is it to have a community police officer in your department?
 - o Very important and beneficial to our community.
- Lt. Morrison – part of building community relations, exposing outside community to inside operations?
 - o Very important to see different perspectives.
- Lt. Morrison – would you recommend this commission support budget cuts from police agencies?
 - o Absolutely against it. You want a proactive police department and can't do that without the resources.
- Joseph Lascaze – Portsmouth isn't ethnically diverse, how would you categorize relationship with POC?
 - o Very good relationship.
- Joseph Lascaze – any fear of community members (POC) to reach out to law enforcement, applicable to Portsmouth?
 - o Applicable everywhere.
- Joseph Lascaze – if your community wanted body cams, would you implement?
 - o Worked off the data that the department has, but would work with community
- Julian Jefferson – anyway you can think to shift our approach to drug addiction rather than possession
 - o Mental health court. The only process we have to follow is to take them to jail, need a better system.
- Julian Jefferson – felony possession of controlled drug, should that be felony? Change to misdemeanor and provide better paths to health, something worth exploring?

- Definitely worth exploring. Possession, have to look at amounts. If charged with possession with large amounts, it's a different story.
- Julian Jefferson – could we improve community relations by not trying to arrest our way out of the situations. Diversion programs?
 - Would be helpful.
- Eddie Edwards – what impact the demonization of police officers has had on recruitment of black persons into law enforcement
 - Not just black persons, all minorities.
- Eddie Edwards – what is your view of the impact of community relations from a business owner vs. minority community or white community, what does Portsmouth PD do to improve those relationships?
 - We go into the community, we engage with them and them with us.
- Ronelle Tshiela – who made up commission on body camera study, where we can find info
 - Makeup was Chief, police commissioners, to ranking supervisors, two patrol officers, 6-7 citizens of Portsmouth
- Ronelle Tshiela – us vs. them mentality, didn't see that in PPD (recognize disparity vs. regular us vs. them)
 - That is not the mentality of PPD, community needs us as much as we need them, great working relationship
- Ronelle Tshiela – would agree that based on dissimilar racial makeup, that's part of the reasoning for no us vs. them mentality
 - Doesn't believe it's a racial factor, good at doing what we do
- Ronelle Tshiela – would like list of programs that worked for your community. Defunding is different for each community and police department, which should be recognized.
- President McKim – for places that do not trust police, any way we can gather data that proves community trusts PD
 - Part of fear is approaching it, go into your local PD, talk to them about your concerns. Recommend funding for community officer and outreach.

Stefany Shaheen (written testimony will be provided for website after)

Part of Portsmouth Police Commission. Recommendations and suggestions are not end all, lots of ways to tackle systemic racism in community. Four general thoughts and recommendations:

1. Citizen oversight and policy review
 2. Community relations
 3. CALEA accreditation
 4. Re-evaluate response teams
- Eddie Edwards – do you believe there is an implicit bias of POC
 - Depends on who you are talking to.

- Eddie Edwards – do you think a demonization of police officers has an impact on recruitment, especially regarding black officers
 - o Anything we can do to breakdown barriers is beneficial
- Eddie Edwards – do you think there is systemic racism in NH
 - o We have a problem in the United States that needs to be addressed
- Julian Jefferson – systemic inequalities in NH
 - o Officers are responding to situations where support is not there.
- Julian Jefferson – should we be empowering police officers to use various agencies and resources to better serve communities
 - o Absolutely.
- Joseph Lascaze – civilian oversight taskforce, what authority or powers would you recommend that these bodies be given and purpose specifically to voice complaints and raise concerns, or also make changes like documents public, etc.
 - o Portsmouth contribute to who can be promoted to officer positions, financial recommendations, etc.
- Joseph Lascaze – do you believe that having body cameras would establish more transparency with community and hold themselves accountable, and vet complaints
 - o Would not argue against dash cams and body cams if funding wasn't an issue
- Ken Norton – would expanding mobile health crisis teams help police department respond and lessen the strain on their services
 - o Absolutely
- Ken Norton – training as Commissioner and what training should elected officials have to receive
 - o Spent time in dispatch, ride alongs. How do you confront issues facing department that aren't happening within the department.
- Ken Norton – do you believe all complaints of misconduct should be reported to PSTC or only after investigations?
 - o All misconduct should be reported
- Ken Norton – would recommend or be in support of more regional approach so responsibility isn't all on department
 - o Not sure if regional, more independent
- Chief Dennis – community response, does Portsmouth have that?
 - o No, Manchester has ACERT
- Lt. Morrison – how would you characterize Commission relationship with community and PD
 - o Depends on makeup of commission
- Lt. Morrison – what was your opinion of PD before on Commission vs. now
 - o Holds men and women of PDs in high regards, concerned about structures in place that restrict officers but also make citizens feel unsafe
- Lt. Morrison – regarding funding, you get what you pay for?
 - o Absolutely.
- Judge Gardner – pros and cons of elected Commission vs. appointed
 - o Appointments can come with political implications vs. community review

- President McKim – what goals does diversity, equity and inclusion does the Commission have?
 - o Can share electronically
- President McKim – would love to hear what attracted new hires?
- President McKim – review of policies and procedures, what have you looked for that we could make recommendations on
 - o How you address things like detaining, when you fire a gun, etc.
- Rogers Johnson – militarized PDs
 - o Portsmouth is in stark contrast
- Director Scippa – share your perspective, to what degree should the civilian makeup of commission be involved in the investigation of allegation of misconduct
 - o Commission does not have expertise to conduct investigations, important to be involved in the knowledge of investigation
- Director Malachi – how do you prioritize your work on the Commission?
 - o Staffing takes precedent, some things are cyclical
- Director Malachi – what is your training like coming onto the Commission
 - o Not standardize, but needs to be.
- Director Malachi – body cams, concerns surrounding that
 - o Issues with Geo Mapping, finances, etc. would support but lots to consider
 - o Data storage fees
- Director Malachi – handle ethics complaints?
 - o Supposed to oversee any complaints raised to the department
- Joseph Lascaze – ethics committee, community member that raises concern, goes to PD or ethics committee
 - o Defer to city attorney

Friday, August 7th will be Mary Georges, Julian Jefferson and John Marasco. Next week will be public comment and then recommendations due from commissioners on Community Relations ONLY. Week of August 17th, three days worth of testimony on Police Misconduct. This will include John Scippa and the AG's Office on OIS and EES. The week of August 24th, we will use a day to address recommendations then to talk about final recommendations and then get the final report due on August 31st.

The Commission discussed how to tighten up the timeline and allow public testimony with no questions from Commissioners. Director Scippa made a motion to not limit number of public testimonials, limited to 3 minutes of testimony and Commissioners will not ask questions (any questions sent to Kim and/or Fallon to be asked by Jane and limited to 5 minutes). The motion was seconded by Eddie Edwards. A roll call vote was taken on the motion 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 – absent
Director Ken Norton – Y
Mr. Joseph Lascaze – Y
Attorney Julian Jefferson – Y
Mr. Eddie Edwards – Y
Ms. Ronelle Tshiela – Y

Motion carries.

President McKim made the motion that subject matter experts will be limited to 3 minutes of testimony, each Commissioner will be allowed to ask questions which are limited to 3 minutes and total testimony time is limited to 1 hour. (Motion not seconded)

Julian Jefferson made the motion that each Commissioner member be limited to 4 questions with the understanding that questions can be yielded to other commission members, and will raise hands if questions. The motion was seconded by Joseph Lascaze. A roll call vote was taken on the motion 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 – absent
Director Ken Norton – Y
Mr. Joseph Lascaze – Y
Attorney Julian Jefferson – Y
Mr. Eddie Edwards – Y
Ms. Ronelle Tshiela – Y

Motion carries.

A Doodle poll will be sent out for all Commission members to indicate available time this month, to include evening availability and up to 16 hours per week.

The Deputy Attorney General requested a motion to adjourn. So moved by Mr. Joseph Lascaze and seconded by Director Scippa. 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 – absent
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 1:53 p.m.