




New Hampshire Association of Chiefs of Police

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MEMORANDUM

To: Members of the Governor's Commission on Law Enforcement Accountability, Community, and Transparency

From: Charlie Dennis, President 
New Hampshire Association of Chiefs of Police

Date: August 24, 2020

Subject: Recommendations for Reporting Police Misconduct

All police officers must be committed to serving as guardians of their communities and champions of the Constitution. This crucial role demands that departments earn the confidence of their communities by 1) establishing a culture of accountability and transparency, 2) instituting policies and practices that reflect community values, and 3) building lasting community relationships based on trust and mutual understanding.

Law enforcement culture must embrace the sanctity of life, customer service, community orientation, dignity, empathy and respect for all to include those who may resist us or who are in our care and custody. Our culture must also embrace the foundational elements that require all officers to report misconduct of any nature, as well as to actively intervene in situations where excessive and/or unreasonable force is observed.

The responsibility for the establishment and delivery of professional and skilled police services rests with every member of a law enforcement agency. Therefore, all police departments should build a foundation of qualified and committed personnel, sound policies, robust training, strong internal controls, and effective discipline. These elements reinforce the appropriate culture of policing by clearly and transparently requiring high standards of conduct by every law enforcement officer.

Accountability and transparency are not only fundamental principles of a democratic society but are also central to achieving lawfulness and legitimacy in law enforcement. Lawfulness and legitimacy are critical to accomplishing the law enforcement objectives of reducing crime and disorder, enhancing the quality of life for all, and serving community needs.

Below are several recommendations from the New Hampshire Association of Chiefs of Police:

- Thorough pre-employment background investigations to include polygraph and enhanced psychological examinations; successful New Hampshire Police Standards &

Training (PST) Academy completion; participation in regular agency field-training programs; and well-established probationary periods following PST certification.

- Establishment of statewide model policies, procedures, and standards of conduct, and a model disciplinary system to be utilized by all New Hampshire law enforcement agencies.
 - **Model Standards of Conduct:** Standards of Conduct policy that (1) embodies the necessary elements to effectively govern law enforcement behavior while including and embracing the sanctity of life for all; (2) includes the requirement to strictly adhere to all policies and procedures relative to ethics and integrity; and (3) contains a mandatory requirement to report integrity related misconduct (to include the unnecessary and/or excessive uses of force), and language that outlines a duty to intervene for the purposes of stopping excessive/unnecessary uses of force.
 - **Model Disciplinary System:** We recommend a model NH disciplinary system that ensures a progressive discipline approach for the purposes of assuring that compliance with standards of conduct are uniformly applied.
- Creation of a statewide model policy regarding the investigation and reporting of misconduct.
 - **Model Guide for the Investigation and Reporting of Misconduct:** We recommend the development and dissemination of a NH model guide for the investigation and documentation of integrity related misconduct to assure the proper outcome in all integrity related investigations.
- Development of a risk management system (Early Warning System) for the purposes of identifying employees who may be in need of additional performance assistance, guidance, supervision, and/or training.
- PSTC should establish a 40-hour minimum course of instruction to certify detectives/officers how to do Internal Affairs investigations.
- Establishment of clearly defined definitions of misconduct.
- Sustained findings of police misconduct such as untruthfulness, criminal excessive force, integrity related misconduct, and criminal charges should be made public.
- If the recommendation of the Attorney General for Improving, Investigation and Punishment of Police Misconduct is accepted by the Commission, we recommend the following:
 - a. Majority of the Board should be LE professionals with the make-up of the other board members being attorneys, retired judges, and other community members.
 - b. Local agencies that can do their own internal investigations will continue to do them and send the ones related to “defined” misconduct to the Board for review and appropriate action.