

**GOVERNOR'S ADVISORY COUNCIL ON DIVERSITY AND INCLUSION**

Annual Report

July 2, 2021



## **I. Overview**

Governor Christopher T. Sununu established the Governor’s Advisory Council on Diversity and Inclusion (the “Council”) by Executive Order 2017-09 on December 14, 2017.

Pursuant to Executive Order 2017-09, the Council works cooperatively with the New Hampshire Commission for Human Rights, the Civil Rights Unit of the New Hampshire Department of Justice, and other relevant State entities to:

- A. Review and analyze New Hampshire laws, regulations, and agency policies and procedures, and recommend changes or amendments, where necessary, to further combat discrimination and advance the ends of diversity and inclusion;
- B. Identify and recommend ways in which the State can support local and community efforts, through educational programs or otherwise, to combat discrimination and advance diversity and inclusion;
- C. Identify and recommend ways in which the State can partner with non-governmental organizations to combat discrimination and advance diversity and inclusion; and
- D. Identify and recommend revisions to RSA 354-A and the scope of the duties of the Commission for Human Rights to combat discrimination and advance diversity and inclusion.

The Council is comprised of representatives from governmental agencies and non-profit organizations, and members of the public.

The Council issues this report pursuant to Executive Order 2017-09. The purpose of the report is twofold: (1) to recount the status of the Council’s recommendations to date and (2) to summarize the Council’s activities during 2020.

## **II. Status of Council Recommendations to Date**

In its last report, issued in January 2020, the Council made over thirty recommendations for how the state should advance diversity and inclusion. (You can find a full assessment of the status of these recommendations in Appendix #.) Over the past year, the Governor and the legislature have made progress in implementing select Council recommendations. For example, the state enacted a statute that explicitly incorporated the Multi-Tiered System of Support for Behavior Health and Wellness (“MTSS-B”) framework into the system of care, in tandem with comprehensive student discipline reform, to help better support students’ social, emotional, and behavioral health needs. The comprehensive legislation aims to reduce the disproportionate use of exclusionary discipline on students of color and students with disabilities and better support students in the classroom. The state also enacted a statute to

reduce barriers to public employment for individuals with a criminal record. Finally, the Governor has taken concrete steps to implement the recommendations of the Governor’s Commission on Law Enforcement Accountability, Community, and Transparency (“LEACT”), which overlap significantly with the Council’s 2020 report recommendations on law enforcement.

At the same time, there is still a tremendous amount of work to be done. Over the next twelve months, the legislature and the Governor will make critical budgetary decisions with profound impacts on marginalized communities. Several recommendations from the LEACT Commission require legislative action to implement. And there remains an acute need for more substantial leadership structures focused on equity, diversity, and inclusion to hold government accountable at both local and state levels.

In addition to the Council’s recommendations, the Governor established the Governor’s COVID-19 Health Equity Response Team (“GCERT”) to examine the disparities in COVID-19’s impact upon New Hampshire residents of different racial backgrounds. In its initial report and set of recommendations, the GCERT made sixty-four specific recommendations across eleven categories. Of the sixty-four recommendations, the Governor and executive branch have implemented or are implementing some, while others require further investigation and work before implementation. The Governor tasked the Council with reviewing which recommendations require further work before they may be implemented.

To this end, over the next twelve months, we respectfully urge the Governor to work with the legislature to implement all seven GACDI recommendation that implicate the state budget. We have enumerated those recommendations below, which address issues ranging from education to substance use treatment and rehabilitation, to funding mental health treatment. We urge the Governor to work with the legislature to ensure that all LEACT recommendations requiring legislative action are fully adopted in 2021. (These recommendations are laid out in the [Governor’s road map](#) for LEACT implementation.) We also urge the Governor to continue, either through executive action or in conjunction with the legislature, the implementation of the GCERT’s recommendations. Finally, we urge the Governor and municipal leaders to fund, hire, and/or appoint staff to lead on diversity and inclusion work at the state and local level, as described in detail below.

The Council looks forward to working with the Governor and other state actors to ensure that concrete, measurable progress is made in implementing the below recommendations over the coming year.

HIGHLIGHTED RECOMMENDATIONS	Implementation
<b>Budgetary Recommendations</b>	
<p><b><i>Education</i></b>            To fund a full-time Department of Education leadership position to be filled with a candidate possessing background and knowledge in diversity, inclusion, and equity, who has the education and experience to administer, develop, and</p>	<p>Determined in 2021 budget.</p>

implement diversity and inclusion training, services, and curriculum support. The candidate would serve as a point-person and a resource for New Hampshire school districts and aid in responding to bias related incidents.	
<b>Employment and Housing</b> To support the Commission for Human Rights in their enforcement and educational activities through additional needed resources, including necessary staffing, space, technology, and other critical needs within the upcoming biennium budget.	Determined in 2021 budget.
<b>People with Disabilities</b> To fund a full-time position within the Vocational Rehabilitation Program to better connect with businesses to promote competitive integrated employment opportunities for people with disabilities.	Determined in 2021 budget.
<b>Deaf and Hard of Hearing Community</b> To require that all agencies include a budget line-item covering communication access needs.	Determined in 2021 budget.
<b>Hate Crimes / Hate Speech</b> To increase support for the Dept. of Justice’s Civil Rights Unit to be able to sufficiently resource investigations into hate crimes and systemic acts of discrimination, including providing funding for additional legal personnel, such as attorneys and paralegals, and investigatory staff and providing the Unit with tools to assist its investigatory functions.	Determined in 2021 budget.
<b>Immigration</b> To develop capacity and resources for the State to explore the need for additional services for immigrant and refugee communities.	Determined in 2021 budget.
<b>Mental Health</b> To work toward the full implementation of the recommendations in the Ten Year Mental Health Plan. To assess and implement other steps needed to help NH achieve a properly-funded and fully staffed community mental health service system with appropriate resources and full staffing to allow people with mental health needs to maintain stable homes and families, contribute to the economy, and live fulfilling and meaningful lives.	Determined in 2021 budget.
<b>Law Enforcement: Legislative Implementation of LEACT Recommendations</b>	
To implement all recommendations made by the Governor’s Commission on Law Enforcement Accountability, Community, and Transparency.	Legislation needed in 2021.
<b>Public Health: Implementation of GCERT Recommendations</b>	
To continue to implement the recommendations made by the Governor’s COVID-19 Health Equity Response Team whether through executive or legislative action.	Legislation and Governor’s Action needed.
<b>Public Leadership</b>	
State Leadership To identify a point person in the State Government System to operate as a State Liaison; dedicated to the development and implementation of diversity and inclusion work. This liaison convenes an interagency council of diversity and inclusion leads from each state agency.	Require Governor’s Action
State Leadership	Completed in part through Executive Order 2020-19;

To issue a directive for all state government personnel to receive regular and ongoing training on diversity, inclusion, and equity and the application of state and federal civil rights and non-discrimination laws.	Requires further Governor & Agency Action
State and Local Leadership To encourage municipalities and other state leaders to identify concrete steps that they can take to make NH a more inclusive community.	Require Municipal Action
Local Leadership To have each school district consider hiring an individual to work closely with the Statewide Diversity & Inclusion Administrator while providing support, advocacy, and consultation to students, parents, and teachers with their district.	Require Municipal Action
Local Leadership To encourage all police agencies in New Hampshire to adopt, make public, and amply implement policies on fair and impartial policing, including annual training for officers and accountability measures in the event that such policies are violated.	Require Municipal Action

**III. Council Activities**

As the Council prepared to advance on its recommendations made in 2019 and develop a plan of action in 2020, the State, the nation, and the world were struck by the COVID-19 pandemic. In New Hampshire, efforts to mitigate the spread of COVID-19 led to, among other things, the closure of non-essential businesses, the introduction of wide-spread remote-learning for students of all ages, and the adoption of public health guidelines to limit exposure to COVID-19. Amid the pandemic, the State, the nation, and the world saw protests and other demonstrations in support of the Black Lives Matter movement, which began in response to the killings of George Floyd, Breonna Taylor, and other Black people by law enforcement. New Hampshire was home to multiple protests throughout the year. These protests also prompted a backlash from segments of the public. The Council monitored these events and took steps to provide advice and guidance to the Governor’s Office as matters developed.

**a. COVID-19, Health Equity, and Relief Funds**

The COVID-19 pandemic and state of emergency began in March 2020. At the Council’s meeting on April 30, 2020, the Council devoted its energy to drafting a letter to the Governor’s Office to shine a light on the disproportionate harm that the COVID-19 pandemic would have on vulnerable communities, including communities of color, people with disabilities, people undergoing substance use treatment, and the LGBTQ+ community, in New Hampshire. The data available at the time showed that a disproportionate number of Black and Latinx people in New Hampshire already had been diagnosed with COVID-19 compared to the proportion of Black and Latino people that comprise the population of New Hampshire.

In response to these concerns and this data, the Council voted to send a letter to the Governor’s Office. In that letter, the Council asked the Governor’s Office to establish a team

and plan of action for addressing the disproportionate impact of COVID-19 on the State's vulnerable communities. The Council explained that the team should analyze the available data, identify state resources that could address the disparities, and identify steps that the State could take to remedy the disparate impact of COVID-19. The Council hoped that the team would help the State address the disparate impact of COVID-19 and create a blueprint for improving health equity in New Hampshire. The letter was sent to the Governor's Office on May 4, 2020.

On May 28, 2020, in response to the Council's letter, the Governor created the COVID-19 Health Equity Response Team ("the Response Team"), which included three members of the Council along with two additional public health experts. In addition to collecting and publicizing demographic data related to COVID-19 diagnoses, the Governor charged the Response Team with: (1) conducting a thorough analysis of all available data using a cross-cultural research method to examine the social, cultural, and systemic factors contributing to the differences and disparities in COVID-19 related outcomes; (2) identifying and recommending specific resources that could be allocated to address these disparities; and (3) within 30 days, identifying and recommending achievable steps for the State and other stakeholders to consider undertaking to remedy the disparate impact of COVID-19, which is likely to be a public health concern for months, if not years to come. The Governor charged the Response Team with presenting its recommendations within thirty days.

The Response Team or its subcommittees met twelve times through June and July of 2020. On July 12, 2020, the Response Team issued a report that included its initial recommendations. The report included sixty-four specific recommendations across eleven broader categories of action: (1) COVID-19 Specific Recommendations; (2) Permanence of Equity Response Team; (3) Align Government Systems for Equity Capacity; (4) Organizational Cultural Effectiveness; (5) Equitable Data Practices; (6) Increase Knowledge About New Hampshire Communities At Risk for Experiencing Disparities; (7) Systems Accountability for Equity; (8) Use of Effective Equity-Promoting Strategies; (9) Equitable Resource Allocation; (10) Community Engagement; and (11) Policy.

On August 19, 2020, the Governor asked the Council to review the Response Team's report and recommendations and provide feedback on the outstanding recommendations and whether they are achievable on a short, medium, or long term basis. Through August and September, the Council, along with a Health Equity Subcommittee, met and discussed which recommendations are being acted on by either the State or non-governmental actors and which recommendations remain to be acted upon. The Council identified three broad categories where the Council would take further action to investigate and develop recommendations. Those three broad categories are: aligning government systems for equity capacity; establishing the permanence of the equity response team; and policy. The Council also agreed to emphasize the importance of continuing to collect demographic data in the context of COVID-19 and in general.

While the Council and the Response Team reviewed matters of health equity, the Council also worked to address the distribution of funds under the State's Main Street Relief Fund program. On July 9, 2020, the Council voted to send a letter to the Governor's Office that raised concerns that minority-owned businesses lacked an adequate opportunity to learn about and apply for relief funds under the Main Street Relief Fund program. The letter explained the importance of minority-owned businesses in the State and suggested that the Governor's Office and the Governor's Office for Economic Relief and Recovery perform additional efforts in the outreach and support to minority-owned businesses in the State.

**b. Law Enforcement Accountability, Community, and Transparency**

On June 16, 2020, the Governor issued Executive Order 2020-11, an order establishing the New Hampshire Commission on Law Enforcement Accountability, Community, and Transparency ("the LEACT Commission"). Included among the LEACT Commission's membership were several Council members, including Rogers Johnson in his capacity as Chair of the Council.

The Governor charged the LEACT Commission with examining the following: (1) training curriculum, procedures and policies developed by State Police, local police departments, and the Police Standards and Training Council, and potential options for improving the same to better address certain areas which may include, but are not limited to, (i) de-escalation, (ii) use of deadly and non-deadly force, and (iii) diversity training; (2) State and local procedures related to the reporting and investigation of police misconduct and potential reforms which may include, but are not limited to, development of a uniform statewide system for reporting, investigation, and punishment of police misconduct; (3) the current state of the relationships between law enforcement and the communities they serve, and the potential steps that can be taken to enhance these relationships; and (4) any other subject matter which the LEACT Commission deems relevant to the overall mission of enhancing transparency, accountability, and community relations in law enforcement.

On July 15, 2020, the Council provided written testimony to the LEACT Commission. In that written testimony, the Council explained to the LEACT Commission the findings the Council had made after conducting numerous public listening sessions in 2019. During those listening sessions, the Council heard experiences of people of color who had, among other things, disproportionate contact with law enforcement and feared that they had been subjected to racial profiling. The Council also informed the LEACT Commission of its recommendations regarding law enforcement including: (1) implementation of fair and impartial policing practices; (2) communication of those practices to the public; (3) establishing policies to evaluate the effectiveness of fair and impartial policing practices; and (4) increasing training for sworn law enforcement in the areas of (i) fair and impartial policing; (ii) mental health; (iii) substance abuse; (iv) de-escalation; and (v) diversity. The Council expressed its willingness to work together with the LEACT Commission as needed to support the LEACT Commission's efforts.

**c. COVID-19 Education Equity Listening Session**

On April 30, 2020, the Council began discussing virtual outreach to communities impacted by COVID-19 and hosting virtual listening sessions to gather information and make recommendations as the COVID-19 pandemic and state of emergency continued. Throughout May, the listening session subcommittee met to outline potential virtual outreach. With the advent of the Response Team, the Council decided to focus the listening session on education in the time of COVID and the digital divide. The subcommittee agreed to work collaboratively with the COVID Equity Group, a non-governmental group that has met and worked to address equity issues in multiple fields that have been exacerbated by the COVID-19 pandemic, to host and advertise the listening session.

At its June 2, 2020 meeting, the Council voted to host the listening session with the COVID Equity Group. The Council further voted to allocate \$3,000 of its budget to the listening subcommittee to facilitate procuring interpretive services and technological access for any listening sessions.

Throughout June and July, the listening session subcommittee planned for a virtual listening session on July 30, 2020. The subcommittee worked with an outside vendor to provide technological services and set registration and access parameters that would be secure and prevent “zoombombing” or other efforts that would negatively impact the subcommittee’s work. The subcommittee worked with the COVID Equity Group to perform outreach to constituents and community members and encouraged them to come and participate in the listening session. The Council provided support, facilitators, and note-takers for the session.

On July 30, 2020, the Council hosted the listening session, at which approximately 50 members of the public attended and participated. In addition to gathering data from the participants, the Council learned a great deal about how to host and manage virtual listening sessions and viewed this as a mechanism for hosting sessions in the future. Virtual access has allowed the Council to perform public outreach and to gather information from the public. This also resulted in the Council discussing the possibility of creating other methods for the public to more easily provide direct input to the Council, for example, through a website.

**d. Hate-Speech in New Hampshire**

In response to a reported and observed increase in hate-speech and use of hate-symbolism across New Hampshire, the Council sent a letter to the Governor’s Office on November 4, 2020. Such incidents included the use of hate-symbolism, particularly swastikas, to vandalize private property, theft or destruction of signs supporting the Black Lives Matter movement, and a specific incident where a person drove around several communities with a fake skeleton attached to the grill of his truck and a sign that indicated the skeleton was a Black Lives Matter supporter the person had hit with his car.



In the letter, the Council expressed concern about the impact these incidents have on our communities and our State. It detailed the impact that hate-speech and hate-symbolism have on the targeted communities and how they harm the State's image as a place that values diversity. The letter called upon the Governor to continue to speak up and denounce messages of hate when they occur. It called upon the Attorney General to continue to investigate reports of intimidation and threats of hate-motivated violence. It called upon the Governor's Office to contact members of the affected communities when the office learns of hate-motivated incidents. It also encouraged members of the public to report hate speech, threats, or intimidation to law enforcement so those incidents can be investigated and addressed.

#### **IV. Conclusion**

Looking ahead to 2021, the Council is committed to pursuing its recommendations from its most recent annual report and pursuing recommendations from the Response Team's initial report as well. The Council is exploring its next phase of outreach, listening sessions, and investigation in order to build New Hampshire's capacity and reputation as a place that is supportive of diversity and inclusion for all residents and visitors. As always, the Council stands ready to assist the Governor and Granite Staters in achieving those important goals.