



Chief David P. Cahill
Chairman

**State of New Hampshire
POLICE STANDARDS & TRAINING COUNCIL
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John V. Scippa
Director

**PUBLIC MINUTES
Police Standards and Training Council
October 27, 2020**

*Amended by motion 11-17-2020

Present: at PSTC with below listed staff

Mr. Edward Lecius; Dr. Maureen Sullivan;

Attorney General MacDonald (initially signed onto Zoom but arrived at PSTC at 9:30 in person).

Zoom:

Judge Gardner, Circuit Court Judge; in Rye, alone

Colonel Noyes, New Hampshire State Police, at his office alone

Attorney General MacDonald, briefly in his office alone as the meeting started, then attended in person

Judge Vetanze, 3rd Circuit District Division, Ossipee alone

Sheriff Massahos, Rockingham County Sheriff's Office; at his office alone

Chief Morency, Vice Chairman, Berlin Police Department in his office with Sheriff Valerino,

Coos County; Commissioner Helen Hanks, New Hampshire Department of Corrections, in her office alone

Not present: Chief Cormier, Tilton Police Department; Jason Bishop, Community College System of New Hampshire.

Staff Present: Director Scippa, Major Parenteau, (Ret.), Lt. Hawkins, and Anne Paquin, Investigative Paralegal at PSTC in PSTC classroom two.

Guests Present: Chief Rataj, Hinsdale Police Department, Chief Osgood, Concord Police Department, Chief (ret.) Cain, Loudon Police Department; Chief Kristopher Burgess with Justin Swift, Loudon Police Department

Guests by Zoom: Robert Collman, PSTC staff; Mark Hayward; Jim Demers; Gregory Sullivan; Chief Adam Marsh, Gorham Police Department; Chief Paul Toussaint, Rochester Police Department

This month's Council meeting was held using "Zoom" due to COVID-19 restrictions for gathering of people. Per instruction for remote meetings, voting was done by roll call for every motion. Public and Nonpublic sessions were held by using separate log ins for "Zoom".

Chairman Cahill called the meeting to order at 9:05 a.m., and took roll as listed above.

Chairman Cahill asked for approval of the meeting minutes from the September 22, 2020 Council meeting.

Motion by Mr. Lecius, seconded by Dr. Sullivan to approve the public meeting minutes of September 22, 2020. Chairman Cahill took the roll call vote.

Morency	Yes
MacDonald	
Noyes	Yes
Hanks	Yes
Vetanze	Yes
Gardner	Yes (on chat per Lt. Hawkins)
Valerino	Yes
Sullivan	Yes
Lecius	Yes

The motion passed.

Financial Report

Major Parenteau summarized that PSTC continues with essential spending only. The agency has been allowed to maintain the bulk of the budget. One hundred and fifteen thousand dollars will be lapsed from the food line budget. The contract for food has been finalized, it may or not be needed, depending upon the Covid circumstances. It is going to Governor and Council for approval in November. The academy will provide lunch if the contract is approved, any money not used will be lapsed to the state.

The Virtra system has been installed and it is up and running, and PSTC will seek reimbursement from the Department of Safety's Grants Unit.

Director's Report, submitted in writing, attached.

While summarizing the written report, Director Scippa noted thanks to PSTC's Lt. Chris Paquette for his diligence in catching up officers that were due to update their firearms recertification, and to Chief Osgood of the Concord Police Department for making Concord's outdoor firearms range available to PSTC.

The Executive Order for LEACT is also attached. Director Scippa noted that it will be a monumental task to complete requirements of LEACT considering that PSTC staff members complete their regular duties in addition to the mandates of LEACT.

Discussion ensued amongst the Council members. The cost for CALEA accreditation, which is an item from the LBA Audit is eight thousand dollars to begin the process and then over the span of three year window for accreditation, Director Scippa believes that he'd need a part time employee to manage the program, associated costs, at least twenty thousand to close out the accreditation. It is a large financial undertaking.

Between processing of all of the LEACT requirements, the state budgeting process for PSTC taking place during the pandemic and the database management system, the aforementioned were the priorities.

Chairman Cahill thanked Director Scippa for all of the effort and diligence he has made with LEACT and the LBA Audit items that remain.

Director Scippa noted that there were requests for administrative rules amendments mandated by the LEACT executive order. The 2019 LBA Audit also noted amendments to administrative rules. Director Scippa expressed that some the amendments should be made using the emergency rule process, other rules are housekeeping and support mandated training that the LEACT requires.

Draft suggestions to POL 301.05 were sent out by email to Council members, this rule is relative to background investigation, and in his opinion the rule amendment should be initiated using emergency filing with the Office of Legislative Services Administrative Rules.

Discussion ensued regarding the language of the current rule, and the specific language of the suggested amendment.

Motion by Attorney General MacDonald to adopt the emergency rule amendment outlined by the Director, the motion was seconded by Mr. Lecius.

Chairman Cahill took the roll call vote on the motion.

Morency	yes
MacDonald	yes
Noyes	yes
Hanks	yes
Vetanze	yes
Gardner	yes
Valerino	yes
Massahos	yes
Sullivan	yes
Lecius	yes

Chairman Cahill voted yes, and the motion passed.

Director Scippa then presented another rule amendment.

The second change would be Pol 402.02 revocation or suspension. Language changes for Pol 402.02 (a) certification of any police or corrections officer, adding to the verbage. The same verbage in (a) (4) police or corrections service and then (a) 13, in addition the officer has engaged in behavior whether on or off duty which tends to bring discredit on the police, corrections or probation parole services or upon the officer as a sworn law enforcement officer or

which impairs the operation or efficiency of the criminal justice system or the officer. This is in addition to Pol 402.02. “There is a suggested language change under letter

- c, examples of crimes that involve moral turpitude or of a crime which tends to bring discredit on the police, corrections or probation parole service shall include but not be limited to:
- under letter (g) in determining to suspend or revoke or impose no sanction the Council shall apply the following factors in determining the level or kind of discipline sanctioned imposed, the seriousness of the offense, the officer’s prior disciplinary record, the officer’s acknowledgement of his or her wrongdoing the purpose of the rule or statute violated the potential harm to the safety of the public or confidence in the criminal justice system including maintaining the integrity of sworn law enforcement”
- Under letter (i) if a person has been denied a certificate after exhausting all appeals under this section the Council shall accept a petition for rescission of the denial no sooner than twelve months following the date of denial and the petitioner shall state in writing the reasons why the denial should be rescinded.

It more specifically spells out with some simple language changes there is one real strong addition that clearly defines bringing discredit the officer’s ability to act as a law enforcement officer, or impairs the ability of the hiring authority to maintain it’s integrity. That is the significance of the amendment to Pol 402.02.

Director Scippa noted that a document with the language had not been sent out to Council members prior to the meeting.

Discussion ensued amongst the Council members, whether to initiate the rulemaking process to amend Pol 402.02 immediately, or to review the information and discuss it further at the November Council meeting.

Chairman Cahill recommended that the amendment to rule Pol 402.02 be added to the November agenda so that Council members could review the proposed new language.

Attorney General MacDonald thanked Director Scippa for making the amendments and expressed addressing the emergency rule as quickly as possible, and that this amendment will be very important.

Major Parenteau noted that the next Council meeting would be on November 17, 2020, a much shorter period of time than usual.

Director Scippa described he had sent an email to the Council members of an edit of Chapter Four of the Technical Assistance Manual regarding certification of adjunct instructors, an audit issue, to which one amendment was requested by Chairman Cahill. The question was whether or not the Council approved changes to the Technical Assistance Manual or was the Director able to change items on his own?

Director Scippa will resend Chapter Four of the Technical Assistance Manual to all Council members for their input, and the decision was made that since it is an LBA Audit item, it should be approved by the Council.

The Council will address both the amendment to Pol 402.02 and also the changes to the Technical Assistance Manual during the November 17, 2020 meeting.

Chief Bradley Osgood, Concord Police Department

Chief Osgood was present to discuss Pol 301.03, as it pertained to a candidate being considered for hire by Concord Police Department. The candidate was in the process of obtaining United States Citizenship. Chief Osgood summarized the candidate's background in education and noted that he was in the US Marine Reserves.

Discussion ensued amongst the Council members. It was suggested that Major Parenteau contact PSTC's legal counsel at the Attorney General's Office to inquire about waiving a rule, and to research any examples of east coast case law on the subject.

The Council took no action on Concord Police Department's request, however Major Parenteau will contact legal counsel for information before the November 17, 2020 Council meeting.

Request to amend the Academy Manual by Derry Police Department and Hinsdale Police Department

Police Standards and Training Council were in receipt of letters from both Derry Police Chief Garone, and Hinsdale Police Chief Rataj requesting changes in the rules for recruits attending the academy. Specifically to amend the discretion given to PSTC's Director when disciplining recruits.

Discussion ensued amongst the Council members, particularly regarding why recruits could not understand the policies on honesty, integrity and cheating.

Currently the Director has the discretion to dismiss students for reasons listed in the manual, and the recruit has the opportunity to contest his or her dismissal.

It was noted that the best information could be obtained by recruits asking for staff explanations for acceptable methods to study and where to obtain information to study.

There was no Council action on the request by Derry Police Department and Hinsdale Police Department.

Jimmy Willoutte, Prior Training and Experience Request, Gorham Police Department

Chief Adam Marsh was present via Zoom technology.

Major Parenteau summarized Jimmy Willoutte’s employment and certification history. The item was in question because Mr Willoutte’s four year lapse in law enforcement employment, according to protocol, would require him to attend the full time police academy.

When asked, Chief Marsh further summarized Mr. Willoutte’s employment and education history.

Judge Gardner asked Major Parenteau about past Council practice on prior training and experience certification for those with a lapse in law enforcement employment. Major Parenteau noted that the Council has accepted these requests in the past, providing those making the request have continued law enforcement training since the law enforcement employment lapse.

Motion by Chairman Cahill, seconded by Mr. Lecius to allow prior training and experience certification for Mr. Willoutte, taking into consideration his twenty nine years of full time law enforcement employment, as well as law enforcement training, to be granted with completion of the medical examination, entrance fitness test, and the law package classes of the full time academy.

Chairman Cahill took the roll call vote

Morency	yes
MacDonald	yes
Noyes	yes
Hanks	yes
Vetanze	yes
Gardner	yes
Valerino	yes
Massahos	yes
Sullivan	yes
Lecius	yes

Chairman Cahill voted yes, and the motion passed.

Benjamin Cartier Voluntary Surrender of Certification

Major Parenteau announced that the hearing for Benjamin Cartier was moot as a letter from Mr. Cartier’s attorney had been received in which Mr. Cartier has voluntarily surrendered his law enforcement certification.

Chairman Cahill read the letter into the record, which had been sent by Attorney William Cahill for his client Benjamin Cartier “CO Cartier is voluntarily surrendering his certification as a Correction’s Officer, in light of this he respectfully requests to be excused from the hearing on Tuesday, October 27, 2020”.

Commissioner Hanks noted that she was recusing herself from the matter.

Motion by Chairman Cahill, seconded by Chief Morency, to accept the letter as written and suspend the certification of Mr. Benjamin Cartier.

*Motion to amend on November 17, 2020, to accept the voluntary surrender of certificaion of Benjamin Cartier by Chairman Cahill, and seconded by Chief Morency. The roll call vote was unanimous in favor of the motion.

Chairman Cahill took the roll call vote

Morency	yes
MacDonald	yes
Noyes	yes
Hanks	abstained
Vetanze	yes
Gardner	yes
Valerino	yes
Massahos	yes
Sullivan	yes
Lecius	yes

Chairman Cahill voted yes, and the motion passed.

Aaron Brown, Manchester Police Department

When asked about additional hearings, Major Parenteau presented a letter from Attorney John Krupski to Chairman Cahill.

The letter was regarding the hearing for Aaron Brown. Chairman Cahill read the letter into the record.

“As you know I’m representing Aaron Brown in regards to the hearing before Police Standards and Training Council on October the twenty seventh regarding the possible suspension of his certification. On October 22, 2020 Aaron Brown received notice of the hearing by Major Parenteau and was to appear before the Police Standards and Training Council to determine if his certification for full time police officer should be suspended under Pol 402.02 (10). Aaron James Brown has been unable to complete the applicable firearm’s training requirements of 404.03 and the inservice training requirements of 403.01. The city was ordered to reinstate him through final and binding arbitration and they have not done so.

Mr. Brown acknowledges that his certification as a full time police officer will be suspended effective this date 2020 until he can satisfy the requirements of 404.03 and 403.01 according to rule 402.02.”

Motion by Chairman Cahill, seconded by Colonel Noyes, to suspend the law enforcement certification of Aaron Brown due to noncompliance with maintaining ongoing training requirements for his certification in the state, the suspension is effective today, until such time that he can satisfy the requirements of ongoing training for his certification.

When asked by Judge Gardner, Chairman Cahill explained that any agency that wished to employ Aaron Brown would be required to supply documentation requirements from the motion for the ongoing training, which would occur at an eligibility hearing to request reinstatement of certification.

Chairman Cahill took the roll call vote

Morency	yes
MacDonald	yes
Noyes	yes
Hanks	yes
Vetanze	yes
Gardner	yes
Valerino	yes
Massahos	yes
Sullivan	yes
Lecius	yes

Chairman Cahill voted yes, and the motion passed.

The Council members took a short break at 10:50 a.m. and reconvened at 10:55. Prior to the break, Judge Vetanze announced that she would recuse herself from the next matter, a hearing on Justin Swift.

Chairman Cahill asked for a motion to accept the Consent Calendar.

Consent Calendar

PT&E Requests

David M. Perkins, New Durham Police Department

Was granted certification upon successful completion of the medical exam and entrance fitness test, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Patrick Bohanon, Lebanon Police Department

Was granted certification upon successful completion of the medical exam, entrance fitness test, and the NH full time law package, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Myles Mastrototaro Plaistow Police Department

Was granted certification upon successful completion of the medical exam, entrance fitness test, and the NH full time law package, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

Aaron McAulay Porstmouth Police Department

Was granted certification upon successful completion of the medical exam, entrance fitness test, and the NH full time law package, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

John Corridan IV, Bedford Police Department

Was granted certification upon successful completion of the medical exam, entrance fitness test, and the NH full time law package, with the stipulation that the officer must work in the direct presence of a certified officer unless the officer completes the agency's FTO program and then may work under normal supervision.

***Full Time Academy**

Class Number	183	184
Dates	08/31/2020 - 12/18/2020	01/04/21 – 04/23/2021
Paperwork Submission Deadline *	08/03/2020	12/07/2020
Fitness Test Date	08/17/2020	12/21/2020

* All paperwork by the submission deadline, which is before 4:30 PM close of business. Class size is limited to 67 students. The attendees will be determined after successful completion of the Entrance Fitness Test, based on the received order of the completed applications.

****Part Time Academy POSTPONED**

Class Number	280
Dates	
Paperwork Submission Deadline *	
Fitness Test Date	

****Corrections Academy**

Class Number	113
Dates	9/08/2020 – 11/13/2020
Paperwork Submission Deadline *	08/10/2020
Fitness Test Date	08/24/2020

****All paperwork by the submission deadline, which is before 4:30 PM close of business. Class size may be limited. If so, the attendees will be determined after successful completion of the Entrance Fitness Test, based on the received order of the completed applications.**

Requests for Fitness Testing Extensions for the following officers:

Scott Fanjoy, Concord Police Department

Scott Avedisian, Goffstown Police Department

Denis Abrams, Keene Police Department

Peter Fowler, Rockingham County Sheriff's Office

End of Consent Calendar

Motion by Mr. Lecius, seconded by Attorney General MacDonald to accept the consent calendar items.

Chairman Cahill took the roll call vote

Morency	yes
MacDonald	yes
Noyes	yes
Hanks	yes
Vetanze	
Gardner	yes
Valerino	yes
Massahos	yes
Sullivan	yes
Lecius	yes

Chairman Cahill voted yes, and the motion passed.

Attorney General MacDonald exited the meeting.
Judge Vetanze recused herself from the hearing.

Justin Swift, Loudon Police Department Pol 402.02 (a) (5) (c)

Justin Swift was present and requested a nonpublic session.

Motion to initiate a nonpublic session by Mr. Lecius, citing RSA 91-A 3, II: c matters which if discussed in public would likely affect adversely the reputation of any person other than a member of this board, the motion was seconded by Dr. Sullivan.

Chairman Cahill took the roll call vote

Morency	no response inaudible
Noyes	yes
Hanks	yes
Gardner	yes
Valerino	no response inaudible
Massahos	yes
Sullivan	yes
Lecius	yes

Chairman Cahill voted yes, and the motion passed.

Before the nonpublic session was initiated (both in person at the academy and via a separate log in for Zoom), Gregory Sullivan, the attorney for Union Leader Corporation made a statement regarding the public's right to access government hearings, via the public session on Zoom.

Chairman Cahill paused the meeting at 11:04 to contact Police Standards and Training Council's counsel at the Attorney General's Office in order to respond to Gregory Sullivan's request.

At 11:17 Chairman Cahill was unable to reach Police Standards and Training Council's counsel at the Attorney General's Office, he denied the request of Gregory Sullivan to access a nonpublic session.

At 11:24 the Council began a nonpublic session

Motion to exit the nonpublic session by Judge Gardner, seconded by Sheriff Massahos

Chairman Cahill took the roll call vote

Morency	yes
Noyes	yes
Hanks	yes
Gardner	yes
Valerino	yes
Massahos	yes
Sullivan	yes
Lecius	yes

Chairman Cahill voted yes

Council members in attendance by Zoom exited the nonpublic session and logged into the public Zoom session.

12:40 the Council was back in public session.

Motion to seal the minutes of the nonpublic session as any divulgence of the information would adversely affect the reputation of anyone other than a member of the Council was made by Chairman Cahill and seconded by Dr. Sullivan.

Chairman Cahill took the roll call vote

Morency	yes
Noyes	yes
Hanks	yes
Gardner	yes
Valerino	yes
Massahos	yes
Sullivan	yes
Lecius	yes

Chairman Cahill voted yes

Judge Gardner inquired about the language of Pol 402.02 indicating ‘the Council shall unless it has just cause to do otherwise order the suspension or revocation of the certification of the officer’. She summarized that the Council should look at the ‘balancing test, the seriousness of the offense, prior discipline records and acknowledgment of the wrongdoing, the purpose of the rule and the statute violated and the potential harm to the safety of the public or confidence in the criminal justice system’.

The Stalking Petition was dismissed, and is not an issue before the Council, the only question is the SPOTS violation.

When asked, Major Parenteau noted that the pending item was the SPOTS violation, however Loudon Police Department wasn’t aware of the violation when Mr. Swift was hired, but learned afterwards.

Mr. Lecius expressed his concern of conflicting Form B’s, and internal politics, and the fact that no charge was brought by the County Attorney on the SPOTS violation.

Chairman Cahill agreed about the conflict Form B’s, what type of resignation, and the accountability because of that.

Major Parenteau noted that perhaps two separate Form B’s were completed, but that only one was filed at Police Standards and Training.

Chief Burgess expressed that Ossipee Police Department has been clear that they will not file charges on Mr. Swift’s SPOTS violation, and that during their internal investigation there was no criminal conduct apparent.

Chairman Cahill noted that the only thing to consider was the SPOTS violation during the background.

Judge Gardner asked about past incidences of SPOTS violations, and if so, if the officers certification has been suspended.

Major Parenteau responded that

- he was not aware of SPOTS violations being heard before the Council during his time at Police Standards and Training,
- the fact that it was a crime by RSA 260:14, this is the reason why it was before the Council today.

Chief Burgess noted that at Loudon Police Department there are no MDT's for the ability to run SPOTS, and part of the reason why it hasn't been implemented is because of the current situation.

- His belief was that "it happens every single day in law enforcement". He noted that "Officer Swift through his integrity was very honest in the fact that he admitted to running that".
- Loudon does not have MDT's and he would not have the ability to do that.

Commissioner Hanks inquired if she heard correctly, if the testimony was that law enforcement is violating SPOTS terminals every day?

Chairman Cahill confirmed that was the statement made, and noted that it was a violation of public trust.

Motion by Chairman Cahill, based on the information provided during the hearing that Mr. Swift's certification be suspended for thirty days, and reinstated without further order of the Council, the motion was seconded by Commissioner Hanks.

Chairman Cahill took the roll call vote

Morency	yes
Noyes	yes
Hanks	yes
Gardner	yes
Valerino	yes
Massahos	yes
Sullivan	yes
Lecius	yes

Chairman Cahill voted yes

Chairman Cahill reviewed that Officer Justin Swift's certification was suspended for thirty days, at the end of thirty days, the certification would be reinstated automatically.

Chief Burgess expressed thanks to the Council and confirmed that Justin Swift would not be required to return before the Council to regain his certification, that his certification would return to full status. He is not allowed to work as a police officer for the next thirty days.

When asked to clarify employment status, Chairman Cahill noted that Chief Burgess should speak with his selectboard, as it would be the preference of the town whether the position remains open for the thirty day suspension.

Previous Unfinished Business

Psychological Testing Refunds

Major Parenteau noted that this item was on the agenda as a reminder for discussion for a committee, and that PSTC has an accounting unit, to allow for the refunds. There was approximately nineteen hundred dollars in the account deposited from the Drug Asset Forfeiture Fund. There will be a percentage from the fund deposited each month, there is a draft form and an Excel spread sheet to track requests for reimbursement. PSTC staff was asking if there was more to discuss.

Chief Morency asked how to recognize if the communities had budgeted for the psychological testing on their own, that was the intended purpose of the language. If the agency has budgeted for the testing, they would not be reimbursed. This fund was to supplement agencies that did not budget for psychological testing. Chief Morency noted he was asking for clarity on which agencies qualifies for reimbursement and those that do not qualify.

The bill that was passed in the legislature noted that if agencies have budgeted for psychological testing they would not be reimbursed by this new fund. Major Parenteau stated that this was bill 1645, Chairman Cahill stated that he would review the bill's criteria.

Three Year Fitness Testing

Major Parenteau explained currently there were 697 officers remaining to file three year fitness test requirements for 2020 and reports were sent to agencies in their compliance packets for those that were due.

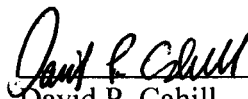
LEACT Committee

Director Scippa has provided information on the Governor's Orders, outlining each item.

Motion to adjourn at 1:05 pm by Mr. Lecius, seconded by Dr. Sullivan, the council voted unanimously in favor of the motion.

November 17, 2020

Respectfully Submitted



David P. Cahill
Chairman

To: All NHPSTC Council Members
FROM: Director John Scippa
DATE: October 26, 2020
RE: Director's Monthly PSTC Council Report

Full Time Police Academy:

1. Recruit Class 183 is in session with 65 recruits.

Part Time Police Academy:

1. The next Part Time Academy is scheduled to begin in January 2021. We are over 14 applications at this time.

Corrections Academy:

1. Corrections Class 113 is in session with ____ recruits.

In-service Training:

1. Every effort is being put forth to develop lesson plans and online training for the 2 hour mandatory in-service training blocks for Ethics, Implicit Bias and De-Escalation. Each topic is in various stages of development at this writing.

Budget:

1. At the request of the Governor, we have provided anticipated lapses in our present operating budget that reflects the money not spent to deliver dining services to this point and the anticipated reduction in dining services due to COVID challenges.
2. The Governor's office has stated their support to allow us to maintain a flat to slightly increased budget for FY 22-23 in support of implementing LEACT mandates.

Outreach, Education and Legislation:

The LEACT Commission filed their report to the Governor on August 31, 2020. Based on this report, the Governor issued Executive Order 2020-19 on October 7, 2020 mandating significant changes to the rules, operations and training topics at NHPSTC. This order is attached for your reference. The Governor has offered full support to make these changes occur by using executive order, if necessary, to assist with the

implementation of these mandates. Every staff member at NHPSTC has been tasked with certain projects to move these mandates to completion. I will need dedicated assistance from the Council in the way of a sub-committee, to begin making all necessary rules changes.

Staff Training and Development:

1. Staff has been directed to attend monthly webinars delivered by the International Association of Directors of Law Enforcement Training. Each month will cover a different Instructor Development topic to include curriculum and lesson plan development, creating grading rubrics, developing scenario training, etc. Lessons learned by the staff will be incorporated in our training environment. This continues from August.
2. Three LETS staff members have successfully completed train the trainer to be able to deliver training for Active Bystandership by Law Enforcement (ABLE training, aka EPIC training) at both the recruit and in-service environments. ABLE was just delivered last week in the current FT Academy session. Two more LETS will be attending train the trainer training in November.
3. All staff have been provided access to the IACP Conference on-line training that will be available for the next 12 months.

Completed Action Items:

1. NHPSTC has certified ABLE instructors.
2. The VirTra has been upgraded and is in service.

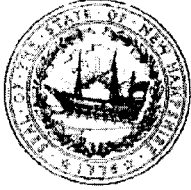
On-Going Open Action Items:

1. Curriculum Review: Based on recommendations made by the Governor's Commission on police accountability, existing curriculum will need to be augmented and or re-written.
2. Database Purchase: The Governor has approved the release of our present capital funds and is in support of building in to FY 22-23 operating budget on-going maintenance costs associated with this purchase. We are working with DOIT to make the purchase. This is an audit item.

3. Boiler Replacement Project: The engineering study has been completed. There is a possibility that this project may be funded through the Energy Efficiency office.
4. Accreditation: Due to the number of changes that have come from the LEACT report, no money was allocated for accreditation for FY 22-23 This is an audit item.
5. Fitness Testing: Lt Adam Hawkins has reached out to the NH LEO Community and has assembled an exploratory working group to help identify possible alternatives to our current Fitness Testing procedures.
6. Cultural Diversity/Implicit Bias: Lt James Watson is facilitating a working group to develop lesson plans for this topic.
7. SRO/MOU: Director Scippa is facilitating a working group to develop a statewide MOU template for SROs.
8. Open LETS Positons: The Governor has approved the filling of all open LETS positions. The in-state postings for the LETS I and II positions have just closed. The LETS III position will be posted shortly.
9. On-Line Training Development: Lt Hawkins and Director Scippa are working with NHSP and NH Bureau of Education and Training to begin creating on-line training.

Discussion/Open Action Items:

1. Academy schedule and class additions will to be discussed for 2021
2. Appointment of in-house council to PSTC by AG
3. The need for more staff
4. Rule change for In-service hours
5. Rule change for Instructor certification



CHRISTOPHER T. SUNUNU
Governor

**STATE OF NEW HAMPSHIRE
OFFICE OF THE GOVERNOR**

**STATE OF NEW HAMPSHIRE
BY HIS EXCELLENCY
CHRISTOPHER T. SUNUNU, GOVERNOR**

Executive Order 2020-19

**An order regarding implementation of recommendations of the New Hampshire
Commission on Law Enforcement Accountability, Community, and Transparency**

WHEREAS, in the wake of the tragic murder of George Floyd in Minneapolis, Minnesota, our country continues to engage in a nationwide conversation regarding law enforcement, social justice, and the need for reforms that enhance transparency, accountability, and community relations in law enforcement; and

WHEREAS, law enforcement in New Hampshire make daily sacrifices, serve our State admirably, and are a necessary and pivotal part of our communities; and

WHEREAS, the State of New Hampshire has an obligation to participate in the national conversation and engage in self-examination to identify opportunities to improve the state of our law enforcement and the relationship between law enforcement and the communities they serve; and

WHEREAS, New Hampshire finds itself in a pivotal moment that demands prompt action to initiate important conversations and develop recommendations for reform; and

WHEREAS, on June 16, 2020, the Governor issued Executive Order 2020-11, which established the New Hampshire Commission on Law Enforcement Accountability, Community and Transparency (the "LEACT Commission"); and

WHEREAS, on August 31, 2020, the LEACT Commission issued its final report, which included 48 recommendations for reforms that the Commission deemed necessary to enhance transparency, accountability and community relations in law enforcement; and

WHEREAS, on September 17, 2020, the Governor issued a statement endorsing all of the recommendations of the LEACT Commission and put forward a road map for implementation of each of the recommendations; and

WHEREAS, many of the recommendations of the LEACT Commission can be implemented in whole or in part by Executive Order and rulemaking.

NOW, THEREFORE, I, CHRISTOPHER T. SUNUNU, GOVERNOR of the State of New Hampshire, by the authority vested in me pursuant to part II, article 41 of the New Hampshire Constitution, do hereby order, effective immediately, that:

Certification - Training Requirements

1. The Director of the Police Standards and Training Council (PSTC) shall take all necessary steps, including initiating appropriate rulemaking, to:
 - (a) Increase the mandatory number of required hours of annual in-service training on an incremental basis over the next three years to ensure that, by January 1, 2024, the total mandatory number of hours of annual in-service training is no less than twenty-four hours.
 - (b) Mandate that annual in-service training as approved by PSTC include, at a minimum, two hours on each of the following topics:
 - i. Implicit bias and cultural responsiveness
 - ii. Ethics
 - iii. Deescalation
 - (c) Incentivize and encourage all law enforcement agencies to require their officers to receive at least two hours of training annually in the following areas:
 - i. Implicit bias and cultural responsiveness
 - ii. Ethics
 - iii. Deescalation

Certification and Ongoing Training Curriculum

2. The Director of PSTC shall conduct a review of academy and in-service training curriculum and take all necessary steps, including initiating appropriate rulemaking, to:
 - (a) increase the number of hours or scenario based training in both academy and in-service settings by an amount which PSTC deems necessary after consultation with the Department of Justice, Department of Safety, local law enforcement agencies, and community partners;
 - (b) in consultation with one or more community partners, amend the current lesson plan on cultural dynamics as necessary to ensure that the topic is properly addressed;
 - (c) improve and augment police academy and in-service training on implicit bias and procedural justice by adopting the International Association of Chiefs of Police (IACP) recognized Fair and Impartial Policing training or similar type training;

- (d) improve and augment police academy and in-serving training on de-escalation techniques by adopting the Police Executive Research Forum's (PERF) Integrated Communication and Tactics training (ICAT) or similar training;
 - (e) improve and augment police academy training on police ethics by re-instituting the ethics block of construction in police academy training;
 - (f) improve and augment police academy and in-service training on the duty to intervene by adopting Georgetown University's Active Bystandership Law Enforcement (ABLE) training or similar training; and
 - (g) utilize an attorney from the Attorney General's Office to provide, during training on applicable topics, instruction on *State of New Hampshire v. Jones* (January 10, 2020) and any other State court decisions where race or protected class was a matter the court considered when reaching its decision.
3. In addition to the specific steps outlined in Section 2 of this Order, the Director of PSTC shall take all necessary steps to initiate a Job Task Analysis for entry-level law enforcement officers and entry-level corrections officers and, based upon those findings, conduct an overall review of the present academy curriculums. Based upon this review, the Director shall, within 120 days from the date of this Order, submit a recommendation to PSTC and the Governor as to whether the current length of the police academy should be expanded beyond 16 weeks.
 4. Upon completion of the Job Task Analysis conducted pursuant to Section 3 of this Order, the Director of PSTC shall conduct a review of the Part-Time Police Officer certification process. Based upon this review, the Director shall, within 120 days from the date of this Order, submit a recommendation to PSTC and the Governor as to whether changes should be made to (i) the length of the training period for part time officers and (ii) the scope of law enforcement functions that part-time officers are allowed to perform.
 5. The Director of PSTC shall take all necessary steps, including but not limited to providing recommendations to the Governor on necessary funding in the next biennial budget, to develop and deploy a robust database management system and on-line learning platform for the twofold purpose of: 1) maintaining a full record over the course of an officer's career of his or her training completion, any incidents of sustained misconduct, movement from agency to another, and decertification, and (2) developing and delivering standardized on-line training to all law enforcement officers in an efficient and economical way.

Reporting and Investigation of Misconduct

6. The Director of PSTC, in collaboration with other law enforcement agencies and using nationally vetted best practices as set forth by the IACP, PERF, Commission on Accreditation for Law Enforcement Agencies (CALEA), and National Organization of Black Law Enforcement Executives (NOBLE), shall create policy guidelines on the following topics:

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Telephone (603) 271-2121 • FAX (603) 271-7640
Website: <http://www.governor.nh.gov/> • Email: governorsununu@nh.gov
TDD Access: Relay NH 1-800-735-2964

- a) Use of Force
 - b) Duty to Intervene
 - c) Code of Conduct
 - d) Duty to Report Misconduct
 - e) Prohibition of Chokeholds
 - f) Procedures to Guard Against Positional Asphyxia
7. The Director of PSTC shall initiate rulemaking to amend administrative rule POL 301.05 to mandate that background investigations for police recruit candidates specifically vet such candidates for demonstrations of outward bias toward a protected group by way of past history, behavior, affiliation with a subversive group, social media posts and other objective sources, and that these findings be considered in the overall decision to hire such candidates.
8. Within 30 days of the date of this Order, the Attorney General shall take the following actions:
- a) Establish a Public Integrity Unit within the Department of Justice using existing resources within the Department. The purpose of the Public Integrity Unit shall be to promote a uniform approach to the investigation and prosecution of alleged criminal conduct by government officials, including law enforcement officials. Within 60 days of the date of this Order, the Attorney General shall submit recommendations to the Governor for additional necessary resources for the completion of the build out of the Unit, including estimated funding needs for inclusion in the next biennial budget.
 - b) Establish a community outreach position within the Department of Justice to facilitate communication between all state, county, and local prosecution offices and New Hampshire's diverse communities.
 - c) Take all necessary action to require or provide implicit bias and racial profiling training for all New Hampshire prosecutors, including city prosecutors and police prosecutors.
 - d) Take all necessary actions to require or provide implicit bias and racial profiling training for all attorneys, investigators, legal staff, and victim/witness advocates in the Attorney General's Office and County Attorney Offices, and for all State agency attorneys.
9. The Executive Director of the Judicial Council shall take all necessary steps, including initiating rulemaking or seeking contract amendments, to require implicit bias and racial profiling training for all New Hampshire public defenders.
10. The Commissioner of the Department of Safety and the Colonel of the State Police shall take all necessary steps to equip State Police with body worn cameras, including but not limited to either (i) identifying available funding in the Department of Safety's existing budget and seeking necessary approvals to utilize such funding for the purpose of equipping State Police with body worn cameras or (ii) providing recommendations to the Governor on necessary funding to be included in the next biennial budget. Once funding has been identified and

approved and the necessary equipment is obtained and ready for use, the use of body worn cameras shall be required for State Police in any circumstance where State Police interact with members of the public and use of body worn cameras is permitted by existing State or Federal law. Within 60 days of the date of this Order, the Commissioner of the Department of Safety shall submit a plan for implementation of this directive to the Governor. This plan shall include, at a minimum, identification of the necessary funding and a timeline for final implementation.

Law Enforcement and Community Relations

11. All State law enforcement agencies shall:

- a) Take all necessary steps, including initiating rulemaking, to adopt the following definition of “community policing” as set forth by IACP:

“Community policing is a comprehensive philosophy that guides policy and strategy aimed at achieving more effective and efficient crime control, reduced fear of crime, improved quality of life, and improved police services and police legitimacy through a proactive reliance on community resources that seeks to change crime causing conditions. This assumes a need for greater accountability of police, elected community leaders, and the community in general, along with greater public share in decision-making through the identification of service needs and priorities and a greater concern for civil rights and liberties.”

- b) Establish and dedicate a team to focus on community policing and engagement. This team shall, among other things, (i) engage in community relationship building by working collaboratively with community liaisons, public agencies, non-profits, community stakeholders and existing community-based programs and (ii) identify opportunities to promote community events and use social media and Public Service Announcement (PSA) campaigns to educate the public about law enforcement officers and their work.
- c) Take all necessary steps, including initiating rulemaking, to require ongoing training for law enforcement officers that empowers and enables individual officers to engage in community policing and relationship building efforts.

12. The Director of PSTC shall ensure that PSTC maintains and publishes a list of all currently CALEA accredited law enforcement agencies within New Hampshire.

School Resource Officers

13. The Director of PSTC shall:

- a) Take all necessary steps, including initiating rulemaking, to mandate certification for school resource officers (SROs) that requires each SRO to complete, prior to assignment, both (i) National Association of School Resource Officers (NASRO) training and (ii)

Mirror Project Train-the-Trainer and Effective Police Contact with Youth training. If the Director determines that legislation is necessary to enable rulemaking on this topic, the Director shall submit recommended legislative language to the Governor within 30 days of this Order.

- b) Take all necessary steps, including initiating rulemaking, to develop and implement mandatory annual in-service training requirements for SROs to maintain their certifications. If the Director determines that legislation is necessary to enable rulemaking on this topic, the Director shall submit recommended legislative language to the Governor within 30 days of this Order.
- c) Work with stakeholders and the State Board of Education and oversee the development of a model SRO Memorandum of Understanding (MOU) to be used by police departments and School Administrative Units (SAUs) that clearly defines the roles, expectations and prohibitions of the SRO's role in the school setting and specifically with regard to the SROs's role in student discipline for non-criminal matters.

Recruitment for State Law Enforcement Agencies

- 14. All State law enforcement agencies shall establish a team to continue and enhance the each agency's efforts to recruit officers from minority communities. This shall include the development of a new comprehensive plan and strategy to actively attract, recruit, and retain diverse law enforcement candidates, including candidates from outside New Hampshire. Each State law enforcement agency shall submit this plan and strategy to the Governor within 60 days of the date of this Order, and upon submittal this plan and strategy shall be published on each agency's website and Governor's Office website.

Gender Non-Conforming Community

- 15. All State law enforcement agencies shall take all necessary steps, including initiating rulemaking, to require ongoing training for law enforcement officers that advances the relationship between officers and the gender non-conforming population including, but not limited to, training on pronoun inclusion.

Deaf and Hard of Hearing Community

- 16. Each law enforcement agency shall develop a plan to advance relationships with the deaf and hard of hearing community. The plan for the Division of State Police shall address, among other things, the potential for greater use and dissemination of driver viser cards by State Policc.

Mental Well-Being of Officers

- 17. All State law enforcement agencies shall take all necessary steps, including initiating rulemaking, to require ongoing training regarding the mental well-being of officers. Such

training shall include information regarding the high rates of post-traumatic distress, depression and suicide among law enforcement officers and available resources for seeking help.

18. The Director of PSTC shall form a team to review whether to require mandatory periodic psychological screenings of law enforcement officers, similar to what is currently required for physical fitness under Pol 404.07, to determine ongoing fitness for duty and assist with referring officers for mental health treatment and support.

Implementation of the Directives in this Order

19. Within 60 days of the date of this Order, the Director of the PSTC, the Attorney General, the Executive Director of the Judicial Council, the Commissioner of the Department of Safety, and the head of each State law enforcement agency shall, as applicable, submit to the Governor an estimated timeline for implementation of the Directives contained in this Order.
20. On or before November 1, 2020, and the first day of every month thereafter until implementation of all directives in this Order is complete, the Director of the PSTC, the Attorney General, the Executive Director of the Judicial Council, the Commissioner of the Department of Safety, and the head of each State law enforcement agency shall, as applicable, submit monthly reports to the Governor summarizing the progress made on implementation of each of the directives in this Order. These reports shall be posted on the Governor's Office website on the LEACT Commission page.
21. All directives contained within this Order shall be fully implemented by July 1, 2021, unless otherwise provided in this Order. The Governor may approve extensions to this deadline on a case by case basis.

Given under my hand and seal at the Executive Chambers in Concord, this 7th day of October, in the year of Our Lord, two thousand and twenty, and the independence of the United States of America, two hundred and forty-four.


GOVERNOR OF NEW HAMPSHIRE