LEGISLATIVE COMMITTEE MINUTES

SB376

Bill as Introduced

SB 376-FN - AS INTRODUCED

2022 SESSION

22-2988
08/05

SENATE BILL ***376-FN***

AN ACT establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

SPONSORS: Sen. Giuda, Dist 2; Sen. Rosenwald, Dist 13; Sen. Hennessey, Dist 1; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Gannon, Dist 23; Rep. M. Pearson, Rock. 34; Rep. Lang, Belk. 4; Rep. Lynn, Rock. 7; Rep. Gordon, Graf. 9

COMMITTEE: Judiciary

ANALYSIS

This bill establishes a committee to study the creation of a board to study mental health incidents among law enforcement officers. The bill also makes an appropriation to the police standards and training council for CIT training.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

22-2988
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Findings.

I. The general court finds that the number of deadly force incidents involving individuals suffering from mental health disorders is increasing, consistent with the significant increase in mental illness among the general population. The general court seeks to study establishing a committee or commission to review all incidents involving use deadly force, such committee to focus exclusively on comprehensive review of mental health aspects of all deadly force incidents, with all working papers, notes, deliberations, electronic records and correspondence, discussions, and information or work products developed by such committee to be absolutely exempt from discovery or disclosure for any reason, and prohibited from disclosure or use for discipline, prosecution, or civil litigation.

II. The general court also finds, in the interest of protecting the well-being and safety of its citizens, that it is prudent to expand the number of crisis intervention training (CIT) qualified law enforcement officers throughout the state. Each CIT trained officer shall serve as a local police department resource in situations where mental health is a factor in law enforcement interactions with member of the public.

2 Committee Established. There is established a committee to study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of incidents involving law enforcement use of deadly force, and such non-lethal special weapons and tactics (SWAT) engagements, including regional SWAT teams, as the mental health incident review board may choose to review.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee, one of whom shall be a member of the health, human services and elderly affairs committee, and one of whom shall be a member of the judiciary committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties.

I. The committee shall study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of incidents involving law enforcement use of deadly force, and such non-lethal SWAT engagements, including regional SWAT teams, as the mental health incident review board may choose to review.

II. The committee shall solicit testimony from the following:

(a) The commissioner of department of health and human services.

(b) The commissioner of the department of safety.

(c) One representative from the department of health and human services responsible for establishing departmental policy regarding mental health crisis intervention, appointed by the commissioner of the department of health and human services.

(d) One representative from the department of safety responsible for statewide oversight and review of SWAT engagements, appointed by the commissioner of the department of safety.

(e) The director of New Hampshire police standards and training council.

(f) The chief executive officer of the New Hampshire hospital, or designee.

(g) The executive director of the New Hampshire Brain Injury Association.

(h) The executive director of National Alliance for Mental Illness, New Hampshire chapter.

(i) The president of the New Hampshire Association of Chiefs of Police, or designee.

(j) The President of the New Hampshire Police Association, or designee.

(k) A member of the New Hampshire Tactical Officers Association, appointed by the president of such association.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held by August 1, 2022. Three members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2022.

7 Appropriation. The sum of $3,950,000 for the fiscal year ending June 30, 2022 is hereby appropriated to the police standards and training council to compensate local police departments for regular and overtime pay for officers filling in for the officer in CIT training, for officer transportation, lodging and meal expenses during CIT training, and for travel and meal expenses for CIT instructors. The appropriation shall be in addition to any other funds appropriated to the police standards and training council. Applications, scheduling, and reimbursement of local police departments and sheriff offices shall be managed by NAMI-NH, which shall coordinate officer training with individual departments throughout the state. Departments with one or more previously CIT trained officers shall not be eligible for this CIT training program. The governor is

authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect upon its passage.

LBA
22-2988
Redraft 12/14/21

SB 376-FN- FISCAL NOTE
AS INTRODUCED

AN ACT establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

FISCAL IMPACT: **[X] State** **[ ] County** **[ ] Local** **[ ] None**

	Estimated Increase / (Decrease)			
STATE:	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**
Appropriation	$3,950,000	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	Indeterminable	$0	$0	$0
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

LOCAL:

Revenue	Indeterminable	$0	$0	$0
Expenditures	$0	$0	$0	$0

METHODOLOGY:

In addition to establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers, this bill makes a general fund appropriation of $3,950,000 in FY 2022 to the Police Standards and Training Council for crisis intervention training (CIT), which may include reimbursements to local police departments. Since this bill does not contain language specific to when this appropriation would lapse, it is assumed it would lapse June 30, 2022 (end of the fiscal year), therefore only allowing the Council from the time between the bill's passage and fiscal year end to expend funds. As such, the Council cannot estimate how much of this appropriation it would be able to expend, if any, prior to lapsing, however, has provided the following relative to the intent of this bill:

- The Council is unlikely to have available space on the Police Standards and Training property to hold much of this training due to current ongoing lack of classroom space at the facility, therefore additional facilities would need to be considered.

- The Council does not anticipate any administrative impact in the current language as the administration of this program lies with the National Alliance on Mental Health New Hampshire (NAMI-NH).

- The Council is unable to estimate the true cost of this program as the bill does not state how many officers are to be trained, nor does it place a cap on reimbursement for individual officer expenses.

AGENCIES CONTACTED:

Police Standards and Training Council

SB 376-FN - AS INTRODUCED

2022 SESSION

22-2988
08/05

SENATE BILL ***376-FN***

AN ACT establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

SPONSORS: Sen. Giuda, Dist 2; Sen. Rosenwald, Dist 13; Sen. Hennessey, Dist 1; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Gannon, Dist 23; Rep. M. Pearson, Rock. 34; Rep. Lang, Belk. 4; Rep. Lynn, Rock. 7; Rep. Gordon, Graf. 9

COMMITTEE: Judiciary OTP 5-0 CONSENT

ANALYSIS

This bill establishes a committee to study the creation of a board to study mental health incidents among law enforcement officers. The bill also makes an appropriation to the police standards and training council for CIT training.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

SB 376-FN - AS INTRODUCED

22-2988
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Findings.

I. The general court finds that the number of deadly force incidents involving individuals suffering from mental health disorders is increasing, consistent with the significant increase in mental illness among the general population. The general court seeks to study establishing a committee or commission to review all incidents involving use deadly force, such committee to focus exclusively on comprehensive review of mental health aspects of all deadly force incidents, with all working papers, notes, deliberations, electronic records and correspondence, discussions, and information or work products developed by such committee to be absolutely exempt from discovery or disclosure for any reason, and prohibited from disclosure or use for discipline, prosecution, or civil litigation.

II. The general court also finds, in the interest of protecting the well-being and safety of its citizens, that it is prudent to expand the number of crisis intervention training (CIT) qualified law enforcement officers throughout the state. Each CIT trained officer shall serve as a local police department resource in situations where mental health is a factor in law enforcement interactions with member of the public.

2 Committee Established. There is established a committee to study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of incidents involving law enforcement use of deadly force, and such non-lethal special weapons and tactics (SWAT) engagements, including regional SWAT teams, as the mental health incident review board may choose to review.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee, one of whom shall be a member of the health, human services and elderly affairs committee, and one of whom shall be a member of the judiciary committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties.

I. The committee shall study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of incidents involving law enforcement use of deadly force, and such non-lethal SWAT engagements, including regional SWAT teams, as the mental health incident review board may choose to review.

II. The committee shall solicit testimony from the following:

(a) The commissioner of department of health and human services.

(b) The commissioner of the department of safety.

(c) One representative from the department of health and human services responsible for establishing departmental policy regarding mental health crisis intervention, appointed by the commissioner of the department of health and human services.

(d) One representative from the department of safety responsible for statewide oversight and review of SWAT engagements, appointed by the commissioner of the department of safety.

(e) The director of New Hampshire police standards and training council.

(f) The chief executive officer of the New Hampshire hospital, or designee.

(g) The executive director of the New Hampshire Brain Injury Association.

(h) The executive director of National Alliance for Mental Illness, New Hampshire chapter.

(i) The president of the New Hampshire Association of Chiefs of Police, or designee.

(j) The President of the New Hampshire Police Association, or designee.

(k) A member of the New Hampshire Tactical Officers Association, appointed by the president of such association.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held by August 1, 2022. Three members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2022.

7 Appropriation. The sum of $3,950,000 for the fiscal year ending June 30, 2022 is hereby appropriated to the police standards and training council to compensate local police departments for regular and overtime pay for officers filling in for the officer in CIT training, for officer transportation, lodging and meal expenses during CIT training, and for travel and meal expenses for CIT instructors. The appropriation shall be in addition to any other funds appropriated to the police standards and training council. Applications, scheduling, and reimbursement of local police departments and sheriff offices shall be managed by NAMI-NH, which shall coordinate officer training with individual departments throughout the state. Departments with one or more previously CIT trained officers shall not be eligible for this CIT training program. The governor is

authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect upon its passage.

LBA
22-2988
Redraft 12/14/21

SB 376-FN- FISCAL NOTE
AS INTRODUCED

AN ACT establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

FISCAL IMPACT: **[X] State** **[ ] County** **[ ] Local** **[ ] None**

	Estimated Increase / (Decrease)			
STATE:	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**
Appropriation	$3,950,000	$0	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	Indeterminable	$0	$0	$0
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

LOCAL:

Revenue	Indeterminable	$0	$0	$0
Expenditures	$0	$0	$0	$0

METHODOLOGY:

In addition to establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers, this bill makes a general fund appropriation of $3,950,000 in FY 2022 to the Police Standards and Training Council for crisis intervention training (CIT), which may include reimbursements to local police departments. Since this bill does not contain language specific to when this appropriation would lapse, it is assumed it would lapse June 30, 2022 (end of the fiscal year), therefore only allowing the Council from the time between the bill's passage and fiscal year end to expend funds. As such, the Council cannot estimate how much of this appropriation it would be able to expend, if any, prior to lapsing, however, has provided the following relative to the intent of this bill:

- The Council is unlikely to have available space on the Police Standards and Training property to hold much of this training due to current ongoing lack of classroom space at the facility, therefore additional facilities would need to be considered.

- The Council does not anticipate any administrative impact in the current language as the administration of this program lies with the National Alliance on Mental Health New Hampshire (NAMI-NH).

- The Council is unable to estimate the true cost of this program as the bill does not state how many officers are to be trained, nor does it place a cap on reimbursement for individual officer expenses.

AGENCIES CONTACTED:

Police Standards and Training Council

SB 376-FN - AS AMENDED BY THE SENATE

03/31/2022 1203s
03/31/2022 1302s

2022 SESSION

22-2988
08/05

SENATE BILL ***376-FN***

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

SPONSORS: Sen. Giuda, Dist 2; Sen. Rosenwald, Dist 13; Sen. Hennessey, Dist 1; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Gannon, Dist 23; Rep. M. Pearson, Rock. 34; Rep. Lang, Belk. 4; Rep. Lynn, Rock. 7; Rep. Gordon, Graf. 9

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill establishes a committee to study the creation of a board to review police incidents involving citizens affected by mental health issues.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

03/31/2022 1203s
03/31/2022 1302s

22-2988
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Findings.

I. The general court finds that the number of deadly force incidents involving individuals suffering from mental health disorders is increasing, consistent with the significant increase in mental illness among the general population. The general court seeks to study establishing a committee or commission to review all incidents involving use deadly force, such committee to focus exclusively on comprehensive review of mental health aspects of all deadly force incidents, with all working papers, notes, deliberations, electronic records and correspondence, discussions, and information or work products developed by such committee to be absolutely exempt from discovery or disclosure for any reason, and prohibited from disclosure or use for discipline, prosecution, or civil litigation.

II. The general court also finds, in the interest of protecting the well-being and safety of its citizens, that it is prudent to expand the number of crisis intervention training (CIT) qualified law enforcement officers throughout the state. Each CIT trained officer shall serve as a local police department resource in situations where mental health is a factor in law enforcement interactions with member of the public.

2 Committee Established. There is established a committee to study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of all incidents involving law enforcement use of deadly force, and such non-lethal special weapons and tactics (SWAT) engagements, including regional SWAT teams, as the mental health incident review board may choose to review.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee, one of whom shall be a member of the health, human services and elderly affairs committee, and one of whom shall be a member of the judiciary committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties.

I. The committee shall study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of incidents involving law enforcement use of deadly force, and such non-lethal SWAT engagements, including regional SWAT teams, as the mental health incident review board may choose to review.

II. The committee shall solicit testimony from the following:

(a) The commissioner of department of health and human services.

(b) The commissioner of the department of safety.

(c) One representative from the department of health and human services responsible for establishing departmental policy regarding mental health crisis intervention, appointed by the commissioner of the department of health and human services.

(d) One representative from the department of safety responsible for statewide oversight and review of SWAT engagements, appointed by the commissioner of the department of safety.

(e) The director of New Hampshire police standards and training council.

(f) The chief executive officer of the New Hampshire hospital, or designee.

(g) The executive director of the New Hampshire Brain Injury Association.

(h) The executive director of National Alliance for Mental Illness, New Hampshire chapter.

(i) The president of the New Hampshire Association of Chiefs of Police, or designee.

(j) The President of the New Hampshire Police Association, or designee.

(k) A member of the New Hampshire Tactical Officers Association, appointed by the president of such association.

(l) The president of the New Hampshire Sheriff's Association, or designee.

(m) A member of the New Hampshire American Civil Liberties Union, appointed by that organization.

(n) The president of the New Hampshire Trooper's Association, or designee.

(o) The president of the New Hampshire Police Association, or designee.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held by August 1, 2022. Three members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2022.

7 Appropriation. The sum of $1,100,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the police standards and training council to compensate local police departments for regular and overtime pay for officers filling in for the officer in CIT training, for officer

transportation, lodging and meal expenses during CIT training, and for travel and meal expenses for CIT instructors. The appropriation shall be in addition to any other funds appropriated to the police standards and training council. Applications, scheduling, and reimbursement of local police departments and sheriff offices shall be managed by the police standards and training council, which shall coordinate officer training with individual departments throughout the state. Departments with one or more previously CIT trained officers shall not be eligible for funds allocated under this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect upon its passage.

LBA
22-2988
Amended 4/8/22

SB 376-FN- FISCAL NOTE

AS AMENDED BY THE SENATE (AMENDMENTS #2022-1203s and #2022-1302s)

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**
Appropriation	$0	$1,100,000	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	$1,140,000	$0	$0
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	Indeterminable Increase (when combined with local revenue not to exceed $1.1M)	$0	$0
Expenditures	$0	$0	$0	$0

LOCAL:

Revenue	$0	Indeterminable Increase (when combined with county revenue not to exceed $1.1M)	$0	$0
Expenditures	$0	$0	$0	$0

METHODOLOGY:

In addition to establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers, this bill appropriates $1,100,000 of general funds in FY 2023 to the Police Standards and Training Council to compensate law enforcement agencies for regular and overtime pay for officers filling in for the officer in crisis intervention training (CIT), for officer transportation, lodging and meal expenses during CIT training, and for travel and meal expenses for CIT instructors. The Police Standards and Training Council has provided the following information:

- It is unlikely to have available space at its current location to hold much of this training, due to current ongoing lack of classroom space at its facility.
- It expects it would need to hire a part-time employee (program assistant III, labor grade 17), to assist in managing reimbursements, at an estimated total cost (salary, benefits, and other costs) of approximately $40,000 per year.
- It cannot estimate at this time how many officers may be trained by this program.

It is assumed this program would be confined to FY 2023, as the appropriation would lapse June 30, 2023.

AGENCIES CONTACTED:

Police Standards and Training Council

SB 376-FN - AS AMENDED BY THE HOUSE

03/31/2022 1203s
03/31/2022 1302s
21Apr2022... 1614h
4May2022... 1728h

2022 SESSION

22-2988
08/05

SENATE BILL ***376-FN***

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

SPONSORS: Sen. Giuda, Dist 2; Sen. Rosenwald, Dist 13; Sen. Hennessey, Dist 1; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Gannon, Dist 23; Rep. M. Pearson, Rock. 34; Rep. Lang, Belk. 4; Rep. Lynn, Rock. 7; Rep. Gordon, Graf. 9

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill establishes a committee to study the creation of a board to review police incidents involving citizens affected by mental health issues.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
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SB 376-FN - AS AMENDED BY THE HOUSE

03/31/2022 1203s
03/31/2022 1302s
21Apr2022... 1614h
4May2022... 1728h

22-2988
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 Findings.

I. The general court finds that the number of deadly force incidents involving individuals suffering from mental health disorders is increasing, consistent with the significant increase in mental illness among the general population. The general court seeks to study establishing a committee or commission to review all incidents involving use deadly force, such committee to focus exclusively on comprehensive review of mental health aspects of all deadly force incidents, with all working papers, notes, deliberations, electronic records and correspondence, discussions, and information or work products developed by such committee to be absolutely exempt from discovery or disclosure for any reason, and prohibited from disclosure or use for discipline, prosecution, or civil litigation.

II. The general court also finds, in the interest of protecting the well-being and safety of its citizens, that it is prudent to expand the number of crisis intervention training (CIT) qualified law enforcement officers throughout the state. Each CIT trained officer shall serve as a local police department resource in situations where mental health is a factor in law enforcement interactions with member of the public.

2 Committee Established. There is established a committee to study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of all incidents involving law enforcement use of deadly force, and such non-lethal special weapons and tactics (SWAT) engagements, including regional SWAT teams, as the mental health incident review board may choose to review.

3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee, one of whom shall be a member of the health, human services and elderly affairs committee, and one of whom shall be a member of the judiciary committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

4 Duties.

I. The committee shall study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of incidents involving law enforcement use of deadly force, and such non-lethal SWAT engagements, including regional SWAT teams, as the mental health incident review board may choose to review. The committee shall consider establishing the mental health incident review board under the auspices of a law enforcement conduct review committee similar to that established in HB 1682 of the 2022 regular legislative session.

II. The committee shall solicit testimony from the following:

(a) The commissioner of department of health and human services.

(b) The commissioner of the department of safety.

(c) One representative from the department of health and human services responsible for establishing departmental policy regarding mental health crisis intervention, appointed by the commissioner of the department of health and human services.

(d) One representative from the department of safety responsible for statewide oversight and review of SWAT engagements, appointed by the commissioner of the department of safety.

(e) The director of New Hampshire police standards and training council.

(f) The chief executive officer of the New Hampshire hospital, or designee.

(g) The executive director of the New Hampshire Brain Injury Association.

(h) The executive director of National Alliance for Mental Illness, New Hampshire chapter.

(i) The president of the New Hampshire Association of Chiefs of Police, or designee.

(j) The President of the New Hampshire Police Association, or designee.

(k) A member of the New Hampshire Tactical Officers Association, appointed by the president of such association.

(l) The president of the New Hampshire Sheriff's Association, or designee.

(m) A member of the New Hampshire American Civil Liberties Union, appointed by that organization.

(n) The president of the New Hampshire Trooper's Association, or designee.

5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held by August 1, 2022. Three members of the committee shall constitute a quorum.

6 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2022.

7 Appropriation. The sum of $1,100,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the police standards and training council to support CIT training. Such funds shall be used to reimburse agencies for any overtime or backfill costs associated with the attendance of one officer who attends and successfully completes a police standards and training council recognized CIT training offered within the state, for any costs associated with the transportation, lodging, and meal expenses incurred by the agency during such CIT training, for the costs associated with police standards and training council hiring any outside vendor to deliver the CIT training, and to provide for and compensate a part-time program administrator at police standards and training to manage this program. The appropriation shall be in addition to any other funds appropriated to the police standards and training council and shall be nonlapsing. Applications, scheduling, and reimbursement of local police departments and sheriff offices shall be managed by the police standards and training council, which shall coordinate officer training with individual departments throughout the state. Departments with one or more previously CIT trained officers shall not be eligible for funds allocated under this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

8 Effective Date. This act shall take effect upon its passage.

LBA
22-2988
Amended 5/6/22

SB 376-FN- FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2022-1728h)

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**
Appropriation	$0	$1,100,000	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase (Not to Exceed Appropriation)		
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	Indeterminable Increase (Not to Exceed Appropriation)		
Expenditures	$0	$0	$0	$0

LOCAL:

Revenue	$0	Indeterminable Increase (Not to Exceed Appropriation)		
Expenditures	$0	$0	$0	$0

METHODOLOGY:

In addition to establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers, this bill appropriates $1,100,000 of general funds in FY 2023 (nonlapsing) to the Police Standards and Training Council for compensating law enforcement agencies for regular and overtime pay for officers filling in for the officer in crisis intervention training (CIT), for officer transportation, lodging and meal expenses during CIT training, and for travel and meal expenses for CIT instructors, as well as for a part-time program administrator position. The Police Standards and Training Council has provided the following information:

- It is unlikely to have available space at its current location to hold much of this training, due to current ongoing lack of classroom space at its facility.
- It expects it would need to hire a part-time employee (program assistant III, labor grade 17), to assist in managing reimbursements, at an estimated total cost (salary, benefits, and other costs) of approximately $40,000 per year.
- It cannot estimate at this time how many officers may be trained by this program.

Since the appropriation in this bill is nonlapsing, and it cannot be predicted what the breakdown of county versus local law enforcement agencies may participate, this bill's impact on state expenditures, and county and local revenue in FY 2023 and each year thereafter, is indeterminable.

AGENCIES CONTACTED:

Police Standards and Training Council

LBA
22-2988
Amended 5/6/22

SB 376-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2022-1728h)

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**
Appropriation	$0	$1,100,000	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase (Not to Exceed Appropriation)		
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	Indeterminable Increase (Not to Exceed Appropriation)		
Expenditures	$0	$0	$0	$0

LOCAL:

Revenue	$0	Indeterminable Increase (Not to Exceed Appropriation)		
Expenditures	$0	$0	$0	$0

METHODOLOGY:

In addition to establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers, this bill appropriates $1,100,000 of general funds in FY 2023 (nonlapsing) to the Police Standards and Training Council for compensating law enforcement agencies for regular and overtime pay for officers filling in for the officer in crisis intervention training (CIT), for officer transportation, lodging and meal expenses during CIT training, and for travel and meal expenses for CIT instructors, as well as for a part-time program administrator position. The Police Standards and Training Council has provided the following information:

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Police Standards and Training Council

LBA
22-2988
Amended 5/6/22

SB 376-FN FISCAL NOTE
AS AMENDED BY THE HOUSE (AMENDMENT #2022-1728h)

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

FISCAL IMPACT: [X] State [X] County [X] Local [ ] None

	Estimated Increase / (Decrease)			
STATE:	**FY 2022**	**FY 2023**	**FY 2024**	**FY 2025**
Appropriation	$0	$1,100,000	$0	$0
Revenue	$0	$0	$0	$0
Expenditures	$0	Indeterminable Increase (Not to Exceed Appropriation)		
Funding Source:	[X] General	[ ] Education	[ ] Highway	[ ] Other

COUNTY:

Revenue	$0	Indeterminable Increase (Not to Exceed Appropriation)		
Expenditures	$0	$0	$0	$0

LOCAL:

Revenue	$0	Indeterminable Increase (Not to Exceed Appropriation)		
Expenditures	$0	$0	$0	$0

METHODOLOGY:

In addition to establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers, this bill appropriates $1,100,000 of general funds in FY 2023 (nonlapsing) to the Police Standards and Training Council for compensating law enforcement agencies for regular and overtime pay for officers filling in for the officer in crisis intervention training (CIT), for officer transportation, lodging and meal expenses during CIT training, and for travel and meal expenses for CIT instructors, as well as for a part-time program administrator position. The Police Standards and Training Council has provided the following information:

- It is unlikely to have available space at its current location to hold much of this training, due to current ongoing lack of classroom space at its facility.
- It expects it would need to hire a part-time employee (program assistant III, labor grade 17), to assist in managing reimbursements, at an estimated total cost (salary, benefits,

and other costs) of approximately $40,000 per year.

- It cannot estimate at this time how many officers may be trained by this program.

Since the appropriation in this bill is nonlapsing, and it cannot be predicted what the breakdown of county versus local law enforcement agencies may participate, this bill's impact on state expenditures, and county and local revenue in FY 2023 and each year thereafter, is indeterminable.

AGENCIES CONTACTED:

Police Standards and Training Council

CHAPTER 332
SB 376-FN - FINAL VERSION

03/31/2022 1203s
03/31/2022 1302s
21Apr2022... 1614h
4May2022... 1728h

2022 SESSION

22-2988
08/05

SENATE BILL ***376-FN***

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

SPONSORS: Sen. Giuda, Dist 2; Sen. Rosenwald, Dist 13; Sen. Hennessey, Dist 1; Sen. Birdsell, Dist 19; Sen. Carson, Dist 14; Sen. Gannon, Dist 23; Rep. M. Pearson, Rock. 34; Rep. Lang, Belk. 4; Rep. Lynn, Rock. 7; Rep. Gordon, Graf. 9

COMMITTEE: Judiciary

AMENDED ANALYSIS

This bill establishes a committee to study the creation of a board to review police incidents involving citizens affected by mental health issues. The bill also makes an appropriation to the police standards and training council for CIT training.

Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

CHAPTER 332
SB 376-FN - FINAL VERSION

03/31/2022 1203s
03/31/2022 1302s
21Apr2022... 1614h
4May2022... 1728h

22-2988
08/05

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Two

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

Be it Enacted by the Senate and House of Representatives in General Court convened:

332:1 Findings.

I. The general court finds that the number of deadly force incidents involving individuals suffering from mental health disorders is increasing, consistent with the significant increase in mental illness among the general population. The general court seeks to study establishing a committee or commission to review all incidents involving use deadly force, such committee to focus exclusively on comprehensive review of mental health aspects of all deadly force incidents, with all working papers, notes, deliberations, electronic records and correspondence, discussions, and information or work products developed by such committee to be absolutely exempt from discovery or disclosure for any reason, and prohibited from disclosure or use for discipline, prosecution, or civil litigation.

II. The general court also finds, in the interest of protecting the well-being and safety of its citizens, that it is prudent to expand the number of crisis intervention training (CIT) qualified law enforcement officers throughout the state. Each CIT trained officer shall serve as a local police department resource in situations where mental health is a factor in law enforcement interactions with member of the public.

332:2 Committee Established. There is established a committee to study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of all incidents involving law enforcement use of deadly force, and such non-lethal special weapons and tactics (SWAT) engagements, including regional SWAT teams, as the mental health incident review board may choose to review.

332:3 Membership and Compensation.

I. The members of the committee shall be as follows:

(a) Two members of the senate, appointed by the president of the senate.

(b) Three members of the house of representatives, appointed by the speaker of the house of representatives, one of whom shall be a member of the criminal justice and public safety committee, one of whom shall be a member of the health, human services and elderly affairs committee, and one of whom shall be a member of the judiciary committee.

II. Members of the committee shall receive mileage at the legislative rate when attending to the duties of the committee.

332:4 Duties.

I. The committee shall study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of incidents involving law enforcement use of deadly force, and such non-lethal SWAT engagements, including regional SWAT teams, as the mental health incident review board may choose to review. The committee shall consider establishing the mental health incident review board under the auspices of a law enforcement conduct review committee similar to that established in HB 1682 of the 2022 regular legislative session.

II. The committee shall solicit testimony from the following:

(a) The commissioner of department of health and human services.

(b) The commissioner of the department of safety.

(c) One representative from the department of health and human services responsible for establishing departmental policy regarding mental health crisis intervention, appointed by the commissioner of the department of health and human services.

(d) One representative from the department of safety responsible for statewide oversight and review of SWAT engagements, appointed by the commissioner of the department of safety.

(e) The director of New Hampshire police standards and training council.

(f) The chief executive officer of the New Hampshire hospital, or designee.

(g) The executive director of the New Hampshire Brain Injury Association.

(h) The executive director of National Alliance for Mental Illness, New Hampshire chapter.

(i) The president of the New Hampshire Association of Chiefs of Police, or designee.

(j) The president of the New Hampshire Police Association, or designee.

(k) A member of the New Hampshire Tactical Officers Association, appointed by the president of such association.

(l) The president of the New Hampshire Sheriff's Association, or designee.

(m) A member of the New Hampshire American Civil Liberties Union, appointed by that organization.

(n) The president of the New Hampshire Trooper's Association, or designee.

332:5 Chairperson; Quorum. The members of the study committee shall elect a chairperson from among the members. The first meeting of the committee shall be called by the first-named senate member. The first meeting of the committee shall be held by August 1, 2022. Three members of the committee shall constitute a quorum.

332:6 Report. The committee shall report its findings and any recommendations for proposed legislation to the president of the senate, the speaker of the house of representatives, the senate clerk, the house clerk, the governor, and the state library on or before November 1, 2022.

332:7 Appropriation. The sum of $1,100,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the police standards and training council to support CIT training. Such funds shall be used to reimburse agencies for any overtime or backfill costs associated with the attendance of one officer who attends and successfully completes a police standards and training council recognized CIT training offered within the state, for any costs associated with the transportation, lodging, and meal expenses incurred by the agency during such CIT training, for the costs associated with police standards and training council hiring any outside vendor to deliver the CIT training, and to provide for and compensate a part-time program administrator at police standards and training to manage this program. The appropriation shall be in addition to any other funds appropriated to the police standards and training council and shall be nonlapsing. Applications, scheduling, and reimbursement of local police departments and sheriff offices shall be managed by the police standards and training council, which shall coordinate officer training with individual departments throughout the state. Departments with one or more previously CIT trained officers shall not be eligible for funds allocated under this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

332:8 Effective Date. This act shall take effect upon its passage.

Approved: July 08, 2022
Effective Date: July 08, 2022

Amendments

Sen. Giuda, Dist 2
February 1, 2022
2022-0418s
08/05

Amendment to SB 376-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

Amend the bill by replacing section 2 with the following:

2 Committee Established. There is established a committee to study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of all incidents involving law enforcement use of deadly force, and such non-lethal special weapons and tactics (SWAT) engagements, including regional SWAT teams, as the mental health incident review board may choose to review.

Amend paragraph II of section 4 of the bill by inserting after subparagraph (k) the following new subparagraphs:

(l) The president of the New Hampshire Sheriff's Association, or designee.
(m) A member of the American Civil Liberties Union, appointed by that organization.
(n) The president of the New Hampshire Trooper's Association, or designee.
(o) The president of the New Hampshire Police Association, or designee.
DOC

Amend the bill by replacing section 7 with the following:

7 Appropriation. The sum of $3,950,000 for the fiscal year ending June 30, 2022 is hereby appropriated to the police standards and training council to compensate local police departments for regular and overtime pay for officers filling in for the officer in CIT training, for officer transportation, lodging and meal expenses during CIT training, and for travel and meal expenses for CIT instructors. The appropriation shall be in addition to any other funds appropriated to the police standards and training council. Applications, scheduling, and reimbursement of local police departments and sheriff offices shall be managed by the director of the police standards and training council or his or her designee, which shall coordinate officer training with individual departments throughout the state. Departments with one or more previously CIT trained officers shall not be

eligible for this CIT training program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

2022-0418s

AMENDED ANALYSIS

This bill establishes a committee to study the creation of a board to review police incidents involving citizens affected by mental health issues. The bill also makes an appropriation to the police standards and training council for CIT training.

Sen. Giuda, Dist 2
February 1, 2022
2022-0418s
08/05

Amendment to SB 376-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

Amend the bill by replacing section 2 with the following:

2 Committee Established. There is established a committee to study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of all incidents involving law enforcement use of deadly force, and such non-lethal special weapons and tactics (SWAT) engagements, including regional SWAT teams, as the mental health incident review board may choose to review.

Amend paragraph II of section 4 of the bill by inserting after subparagraph (k) the following new subparagraphs:

(l) The president of the New Hampshire Sheriff's Association, or designee.
(m) A member of the American Civil Liberties Union, appointed by that organization.
(n) The president of the New Hampshire Trooper's Association, or designee.
(o) The president of the New Hampshire Police Association, or designee.

Amend the bill by replacing section 7 with the following:

7 Appropriation. The sum of $3,950,000 for the fiscal year ending June 30, 2022 is hereby appropriated to the police standards and training council to compensate local police departments for regular and overtime pay for officers filling in for the officer in CIT training, for officer transportation, lodging and meal expenses during CIT training, and for travel and meal expenses for CIT instructors. The appropriation shall be in addition to any other funds appropriated to the police standards and training council. Applications, scheduling, and reimbursement of local police departments and sheriff offices shall be managed by the director of the police standards and training council or his or her designee, which shall coordinate officer training with individual departments throughout the state. Departments with one or more previously CIT trained officers shall not be

eligible for this CIT training program. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

UNAPPROVED

2022-0418s

AMENDED ANALYSIS

This bill establishes a committee to study the creation of a board to review police incidents involving citizens affected by mental health issues. The bill also makes an appropriation to the police standards and training council for CIT training.

UNAPPROVED

Senate Finance
March 23, 2022
2022-1203s
08/04

Amendment to SB 376-FN

Amend the title of the bill by replacing it with the following:

AN ACT relative to creating a board to review police incidents involving citizens affected by mental health issues.

Amend the bill by replacing section 2 with the following:

2 Committee Established. There is established a committee to study establishing a mental health incident review board for the purpose of performing a comprehensive analysis of all mental health aspects of all incidents involving law enforcement use of deadly force, and such non-lethal special weapons and tactics (SWAT) engagements, including regional SWAT teams, as the mental health incident review board may choose to review.

Amend paragraph II of section 4 of the bill by inserting after subparagraph (k) the following new subparagraphs:

(l) The president of the New Hampshire Sheriff's Association, or designee.

(m) A member of the New Hampshire American Civil Liberties Union, appointed by that organization.

(n) The president of the New Hampshire Trooper's Association, or designee.

(o) The president of the New Hampshire Police Association, or designee.

Amend the bill by deleting section 7 and renumbering the original section 8 to read as 7.

2022-1203s

AMENDED ANALYSIS

This bill establishes a committee to study the creation of a board to review police incidents involving citizens affected by mental health issues.

Sen. Giuda, Dist 2
March 31, 2022
2022-1302s
08/10

Floor Amendment to SB 376-FN

Amend the bill by inserting after section 6 the following and renumbering the original section 7 to read as 8:

7 Appropriation. The sum of $1,100,000 for the fiscal year ending June 30, 2023 is hereby appropriated to the police standards and training council to compensate local police departments for regular and overtime pay for officers filling in for the officer in CIT training, for officer transportation, lodging and meal expenses during CIT training, and for travel and meal expenses for CIT instructors. The appropriation shall be in addition to any other funds appropriated to the police standards and training council. Applications, scheduling, and reimbursement of local police departments and sheriff offices shall be managed by the police standards and training council, which shall coordinate officer training with individual departments throughout the state. Departments with one or more previously CIT trained officers shall not be eligible for funds allocated under this section. The governor is authorized to draw a warrant for said sum out of any money in the treasury not otherwise appropriated.

Committee Minutes

SENATE CALENDAR NOTICE
Judiciary

Sen Sharon Carson, Chair
Sen Bill Gannon, Vice Chair
Sen Harold French, Member
Sen Rebecca Whitley, Member
Sen Jay Kahn, Member

Date: January 14, 2022

HEARINGS

Tuesday	02/01/2022
(Day)	(Date)

Judiciary	State House 100	1:00 p.m.
(Name of Committee)	(Place)	(Time)

1:00 p.m.	**SB 376-FN**	establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.
1:20 p.m.	**SB 298**	repealing the law relative to certain discrimination in public workplaces and education.

EXECUTIVE SESSION MAY FOLLOW

Sponsors:

SB 376-FN

Sen. Giuda	Sen. Rosenwald	Sen. Hennessey	Sen. Birdsell
Sen. Carson	Sen. Gannon	Rep. M. Pearson	Rep. Lang
Rep. Lynn	Rep. Gordon		

SB 298

Sen. Watters	Sen. Rosenwald	Sen. Whitley	Sen. D'Allesandro
Sen. Sherman	Sen. Prentiss	Sen. Soucy	Sen. Kahn
Sen. Perkins Kwoka	Sen. Cavanaugh	Rep. Cushing	Rep. Espitia

Jennifer Horgan 271-7875

Sharon M Carson
Chairman

Senate Judiciary Committee

Jennifer Horgan 271-7875

SB 376-FN, establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

Hearing Date: February 1, 2022

Time Opened: 1:04 p.m. **Time Closed:** 2:19 p.m.

Members of the Committee Present: Senators Gannon, French, Whitley and Kahn

Members of the Committee Absent : Senator Carson

Bill Analysis: This bill establishes a committee to study the creation of a board to study mental health incidents among law enforcement officers. The bill also makes an appropriation to the police standards and training council for CIT training.

Sponsors:

Sen. Giuda	Sen. Rosenwald	Sen. Hennessey
Sen. Birdsell	Sen. Carson	Sen. Gannon
Rep. M. Pearson	Rep. Lang	Rep. Lynn
Rep. Gordon		

Who supports the bill: 57 people signed up in support of the bill. Full sign in sheet available upon request.

Who opposes the bill: 0 people signed up in opposition to the bill. Full sign in sheet available upon request.

Who is neutral on the bill: 1 person signed up neutrally on the bill. Full sign in sheet available upon request.

Summary of testimony presented in support:

Senator Giuda (provided written testimony)

- This is a bill with lifesaving consequences.
- Spoke to the response and holistic investigation that occurs when there is an airplane accident.
- That investigation looks at what went wrong and what can be done to improve training, policies, operations, and procedures moving forward.
- In the last several years three NH citizens have been killed by police in the line of duty and they were all known to have mental health issues.

- The officers were all appropriately cleared by the Attorney General in the subsequent investigation, but that investigation only determined if the officer involved violated the law regarding the use of lethal force.
- It does not investigate circumstances or potential points of intervention that could have been addressed earlier on and changed the outcome.
- This bill establishes a study committee.
- Participants in the development of the bill and Amendment 0418s were Senator Rosenwald, Commissioner Shibinette, DHHS' Katja Fox, Attorney General Formella, State Police Colonel Nathan Noyes, Commissioner Quinn, State Police Lieutenant Frank Harris, and others.
- This committee will study the idea that after a fatal or another shooting is deemed deserving of review, the entirety of that incident from the first moment of contact until its conclusion would be reviewed.
- The objective of this study would be identifying points along the way where an intervention of a different nature may have occurred that would have changed the outcome.
- This in no way understates or diminishes the circumstances when an officer in hundredths of a second has to make a life-or-death decision.
- It is not meant to critique an officer, but to look at a succession of events in which an intervention might have taken place by qualified personnel.
- Reviewed the list of invitees the study committee will ask to participate.
- Asks the committee to consider adding the Department of Corrections.
- This review would not be intended to nor could the contents of it be utilized in any way as a vehicle for discipline.
- This is even more important as we now have our Mobile Crisis Units ready to deploy.
- A very small number of our officers are trained with crisis intervention (CIT).
- Lt. Harris gives that training to State Police, and it is a 40-hour course with a lot of experts brought in.
- The second part of this bill appropriates $3.95million to train officers in CIT.
- Our Mobile Crisis Units are limited in numbers and are not instantly available when a crisis occurs.
- This appropriation will be to train one officer in every police jurisdiction in the state in CIT training, so we have resources in the field.
- This will ensure a community or a group of communities will have resources available immediately to respond until the Mobile Crisis Unit gets there.
- The Attorney General's reports come out and say a shooting it justified; that officer was doing their job.
- Justified is very different than necessary.
- Officers do not relish the possibility of taking a human life, no one does.
- Senator Gannon asked if we are doing anything today in terms of a mental health review of the individual.

- If such a review is done, it is done departmentally. The Attorney General only looks at the criminality of the use of lethal force.

- Senator Gannon asked about mental health testing for officers.
  - This bill only addresses the training of police and establishing a committee to study the idea of a review a chain of events that led up to a shooting to see if there was a possible intervention mechanism or training that could be put in place to prevent that outcome in the future.
- Senator Whitley asked why do a study and not just create a review board.
  - Due to the number of participants and the sensitivity of our officers, it is important to bring all the stakeholders to the table to discuss how this is not about finding culpability, it is about looking for the potential for mental health intervention. Does think a review board initially would be premature due to the sensitivity of our police officers. A similar program exists for the hospitals, and anything discovered is prohibited from being used for trial or discipline. This is because the point of these reviews is not to find fault but to look to the process that produced an undesirable outcome and pick out things that could be changed in the future.
- Senator Whitley asked if he would be amendable to making an indication regarding the implementation of the Mobile Crisis Units in the bill.
  - Did discuss that. There is in development or developed a memorandum of understanding (MOU) between DOS and DHHS. Would be reluctant to make that change to the bill. Would leave it to the departments to come forward with a request to do that. NH only has four or five Mobile Crisis Units funded. The important part of this is getting the officers trained and getting the processes in place to evaluate these incidents. The Departments are working at high level to integrate how a Mobile Crisis Unit respond in situations where an officer may already have a weapon drawn. Police only have a tenth of a second to respond in many cases. As a former marine and FBI agent would not want to be in their position. Thinks her request is already being addressed and would be more appropriate to have the departments come forward with their own legislation on that.
- Senator Kahn asked about reiterating the distinction about this being about policy, procedures, and training versus the judgment of individual's actions in committee's purpose.
  - The bill does state that in I, "The general court seeks to study establishing a committee or commission to review all incidents involving use deadly force, such committee to focus exclusively on comprehensive review of mental health aspects of all deadly force incidents, with all working papers, notes, deliberations, electronic records and correspondence, discussions, and information or work products developed by such committee to be absolutely exempt from discovery or disclosure for any reason, and prohibited from disclosure or use for discipline,

prosecution, or civil litigation." That establishes the fact that if the review committee is formed, what comes out of it is not for punitive purposes and to be used by PSTC to improve based on those facts. Would not have a problem adding that into Section 2 as well.

- Senator French asked how many officers are trained at CIT at this time
  - Does not know, but it is a significant minority.
- Senator French asked how many officers would go through this course in the first year.
  - Subsequent testimony will be able to speak to that. Some officers are already trained, which will likely reduce those departments for consideration.
- Senator Gannon asked about NH's deadly force ratio in proportion to other states.
  - Does not know. Would guess we are on the low end. Our people are much more supportive of police than in places like CA, NY, and DC. Our crime rate is amongst the lowest in the country, so there is a lower response and less opportunities for escalation.
- Senator Kahn asked if the intent of the appropriation is for it to be non-lapsing.
  - The purpose of this program is to get everyone trained in two years. Amendment 0418s changes who is going to manage the program from NAMI to the PSTC.
- Senator Kahn asked if the appropriation is meant to be available from July 1, 2022 until June 30, 2024.
  - Correct. Just wants to get the training done. Rather than put a definitive end on the appropriation it should be until the training is completed it.

Cheryl Bailey

- Shared her experience of having to call the police for her son's mental health crises.
- Has been a part of the CIT training with NAMI for the past couple years.
- That training has been very successful.
- Expanding CIT training is crucial to keep everyone safe and to reduce deadly force.
- Not everyone knows how to handle a mental health crisis and without appropriate training things can go bad very fast.

Patrick Dowling

- Has been working with Lt. Harris as a guest speaker for CIT for the past few years.
- Has gone through mental health admissions, voluntary and involuntary, and this training is really helpful to officers.
- People having a mental health crisis are existing in an altered reality.
- These people are trying to grasp what is going on in front of them while also dealing with seeing or hearing things or thinking they have superhuman strength.

- How you have to approach someone who is having a mental health crisis is much more psychological versus someone who is just drunk.
- It is important to have someone there who understands psychosis and mania there in those situations.

Lissa Massio (Department of Corrections) (provided written testimony)

- Supports the bill with the amendment to include the Department of Corrections.
- There is currently a MOU between the DOC and DHHS for NAMI to be give the CIT training.
- Some DOC probation and parole officers have done the training and they found it to be useful and helpful.
- Senator French asked if we train DOC officers in CIT now.
    - Yes. This past year the DOC did enter a short term MOU to do some of this training with the probation and parole officers. Is not sure if this bill is talking about the exact same training. Would defer to NAMI on that.

Ken Norton and Holly Stevens (NAMI) (provided written testimony)

- Has 35 years of training law enforcement and has had to call 911 for a mental health crisis in his home.
- The interest is to decrease the number of people with mental illness involved in officer involved shootings.
- Currently provides a 16-hour mental health block for all officers coming through the Police Academy and some CIT training.
- Concerned about the mental health impacts on families of people who are victims and the impact on officers.
- In December of this year the Concord Monitor ran a series called "Shots Fired", which highlights one case that identifies some of the system failures that resulted in law enforcement having to respond to these situations and the impact on that officer who did not return to the line of duty due to the trauma he experienced.
- The article went through 10 years of reports for officer involved shootings and determined that 60% of those shooting in NH involved people with known mental illness.
- NAMI currently provides CIT training, which is an internationally recognized training.
- The President's 21st Century Taskforce on Policing (2015) made recommendations that all officers should receive this training.
- The challenge now is that smaller departments cannot afford to send people for the training due to overtime/salary costs.
- It is a 40-hour training.
- From a provider point of view it is intensive training with over 20 faculty members and volunteers.
- Classes can only be 25-30 people.
- NAMI is training 150 people a year right now.
- For this proposal that would bump up to 300 people a year.

- Because it is so intensive and since many of the faculty is volunteers along with the other volunteers, they can only do so many trainings without over burdening them.
- There are several other fatality review committees in the state including, domestic violence, child mortality, suicide, incapacitated older adults, and others.
- Would support Senator Kahn's suggestion to reiterate the language in purpose of the committee.
- Does not want to duplicate the Attorney General's efforts.
- The Attorney General now uses standard boiler plate language "The Attorney General does not investigate or opine on the particular procedures or tactics used by a law enforcement officer. Instead, the review of an officer-involved use of deadly force incident consists of a criminal investigation, which is limited to determining whether the officer complied with the applicable law and whether charges are warranted."
- Any review that is done beyond that is done to an internal department. There is nothing to inform findings for the purposes of training or other recommendations.
- The Claremont shooting was a 144-page review.
- Spoke to Senator Giuda about what had happened and why some things did not happen to address the person's mental health crisis.
- NAMI's intent is not to place shame or blame but to reduce these incidents and learn from them.
- Wants to pay attention to the mental health of those families and of first responders.
- Senator Whitley asked why create a study committee and not just a review board.
    - Mr. Norton answered that they talked about that in these meetings. It was difficult. Believes it would be better to gather more information and build a consensus around some of those pieces before moving on from there.
- Senator French shared his experience calling law enforcement for mental health crises in his family and the fear that that relative would lose his life if the police showed up. Asked if 40 hours is enough training.
    - Mr. Norton answered that that is a tough question to answer. It is in addition to the 16 hours officers do when coming through the academy. The International Association of CIT says it should be followed up with a 8 hour refresher course every three years. Larger communities already do have CIT teams. The intent is to try and get at least one officer trained per jurisdiction. This would be a significant step forward. Would defer that question to Director Scippa.

- Senator Kahn asked if there will be sufficient time for the study committee to complete their work if the first meeting is convened in August and the final report is due in November.
    - Mr. Norton responded that he thinks the timing was intended that way in order to accommodate legislation being submitted next year. The fact that it is a study committee allows for a more efficient use of that time.

Lt. Frank Harris (State Police, State Office Complex Police.)

- Has been involved in the de-escalation of people in crisis.
- Intimately aware of the dire need of training for officers in order for them to be confident in managing these types of incidents.
- The majority of law enforcement do not feel completely confident when it comes to managing mentally ill people and how to negotiate through mental health laws.
- This lack of confidence could and likely will have adverse effects on an officer's response.
- That training is once a year, and if they don't use it they can get rusty.
- 40 hours is not enough training.
- Does 40 hour a week for 22 years and it is still not enough.
- 40 hours is a great start though and is more than the 16 hours at the Academy.
- This would allow for statewide participation and remove the barriers many jurisdictions face in getting this training.
- Supports the initiative of the study committee.
- It is important we understand all individuals aspects of an incident and not just the police response.
- This will help evolve responses to these difficult situations in a positive direction.
- There are aspects of the language that could be improved in the bill, but the concept and intent is there.

Director John Scippa (Police Standards and Training Council)

- Reiterates the testimony of his law enforcement colleagues.
- It is important to recognize that PSTC has reached its capacity operationally given the vast increases with regards to training and oversight they have taken on in the last 18 months.
- That is due to the cumulative buildup of the LEACT recommendations.
- Would ask that this legislation speak directly under the appropriations to allow PSTC to hire a full-time program specialist who would be able to manage this program.
- It is going to be a heavy lift to keep track of the overtime and backfill costs involved in this training effort.
- The appropriation does not speak to the actual costs of the training, just the ancillary costs for overtime, meals, and travel.
- NAMI is a vendor PSTC hires for that training, so it would also need to cover those costs.

- Senator Whitley asked if there would need to be an increase to the appropriation for the training.
    - Does not believe so. Thinks of the appropriation could cover that added staffer.
- Senator French asked how the $3.95million came about.
    - Cannot say specifically how that number came to be. It is important to recognize this would need to be an ongoing process. There 4200 officers in the state and if we are trying to train one or two from each agency that will take a couple years to accomplish. There is a huge demand for CIT training and PSTC is running those classes as fast as they can. Presently NAMI has that contract. Would refer to Senator Giuda who came up with that number.
- Senator Kahn asked if this will be developing CIT trainers in each department.
    - The objective would be to train one or two officers from every agency with the 40-hour training. Would not be training offices to be a trainer due to the level of expertise needed for CIT training.
- Senator Kahn asked if one week of training is the CIT course.
    - Correct. The program is generally delivered in one week, which is a pretty big hit for a smaller agency to have someone be gone a whole week. Having that backfill and overtime would be very important to some of those smaller agencies. However it is important to maintain that 40-hour block and not break it up.

Commissioner Robert Quinn (Department of Safety)

- Supports the bill and thinks it is extremely important.
- There are discussions being held at a high level on how to roll out the Mobile Crisis Units.
- Thinks there needs to be an integrated team and everyone needs to be on the same page.
- Agrees with Chief Goldstein we need to look at this at all levels from what took place before, during, and after an incident.
- The Department is responsible for state's SWAT team.
- There is a member in the bill for the New Hampshire Tactical Officers Association which represents local SWAT agencies.
- CIT training does work
- Would defer to the Chief on how many hours is sufficient for training.
- NH has 4000 officers; 100 troopers, 100 local officers, and some fire and EMS have had CIT training.
- This is a giant step in the right direction.

Summary of testimony presented in opposition:
None

Neutral Information Presented:

Chief David Goldstein (NH Association of Chief of Police)

- Shared his experience as a SWAT officer and as the senior crisis negotiator for the state.
- Appreciates the underpinnings and supports the underlying premise of the bill.
- As long as this remains a study, the chiefs believe they can contribute to this.
- Has been involved in mental health since the 1970s and shared his expertise in the field.
- Met with Senator Giuda once regarding this issue and did reach some consensus.
- Concerned about ensuring that there is no preconceived outcome at this point.
- Agrees that the assertion language that mental health disorders are/appear to be increasing and law enforcement must function successfully with that.
- Officers do not wake up in the morning hoping to shoot someone; they are putting their life on the line to protect people in NH.
- Shared his experience with officer involved shootings and how quickly things happen in those scenarios.
- An officer dies every 52 hours in the US.
- Does not oppose the study committee regarding how to identify and improve the relationship between law enforcement and mental health.
- This bill specifically promises confidentiality but is concerned about what happens later on. What happens with the next legislative body or with a new ruling on a RSA 91-A request?
- CIT is incredible training.
- 40 hours is not even close in terms of what is needed for training. We need more, but we have to work with what we have.
- This is very expensive training especially for smaller communities.
- There are still officers that do not believe in this stuff, and we have to be able to have officers that buy into the training.
- How are the CIT officers going to be deployed? What shift do they work? Do they work together?
- In his neighborhood of Franklin this would have to be a regional response option.
- Who is in charge of the CIT officers? What if lethal force is used? How does that fall in conjunction with the Attorney General's investigation?
- The concept of mental health is an ever-evolving notion,
- Who makes determinations as to who is suffering from mental health and who is not?
- What role does HIPPA play in the review?
- The chiefs are more than willing to participate in the committee while keeping in mind that this is a complex issue.
- There is no oversight of SWAT operations in the state, so (b) does not exist. There is an association.

- In Seattle, WA a mother begged police to help her son, but a new state law made it so officers could not take the son against his will to get help.
- We must be very careful of unintended consequences with this.
- Senator French asked if he would not be in favor of the bill as written.
    - Thinks we have to be very cautious and make changes to the bill.
- Senator French asked if he willing be working with Senator Giuda on those changes.
    - Would be delighted to.

jch
Date Hearing Report completed: February 4, 2022

Speakers

Senate Judiciary Committee
SIGN-IN SHEET

Date: 02/01/2022 **Time:** 1:00 p.m.

SB 376-FN AN ACT establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers

Name/Representing *(please print neatly)*

Cheryl Bailey	Support ☑	Oppose ☐	Speaking?	Yes ☑ No ☐
Patrick Donahue	Support ☑	Oppose ☐	Speaking?	Yes ☑ No ☐
Lissa Masse - NHDOC	Support ☑	Oppose ☐	Speaking?	Yes ☑ No ☐
Ken Norton / Holly Stevens - NAMI	Support ☑	Oppose ☐	Speaking?	Yes ☑ No ☐
David Goldstein NH Chiefs	Support ☐	Oppose ☐	Speaking?	Yes ☑ No ☐
Frank Harris	Support ☑	Oppose ☐	Speaking?	Yes ☑ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Judiciary Committee
SIGN-IN SHEET

Date: 02/01/2022 **Time:** 1:00 p.m.

SB 376-FN AN ACT establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers

Name/Representing *(please print neatly)*

JOHN SCIPPA (Director)	Support ☒	Oppose ☐	Speaking?	Yes ☒ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
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	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Judiciary Committee
SIGN-IN SHEET

Date: 02/01/2022 **Time:** 1:00 p.m.

SB 376-FN AN ACT establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers

Name/Representing *(please print neatly)*

Senator Bob Giuda (Prime) SD 2	Support ☑	Oppose ☐	Speaking?	Yes ☑ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
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	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
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	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐
	Support ☐	Oppose ☐	Speaking?	Yes ☐ No ☐

Senate Remote Testify

Judiciary Committee Testify List for Bill SB376 on 2022-02-01

Support: 50 Oppose: 0

Name	Title	Representing	Position
Chappelle, Maura	A Member of the Public	Myself	Neutral
Shea, Maggie	A Member of the Public	Myself	Neutral
McCarthy, Annette	A Member of the Public	Myself	Neutral
Quinn, Mary Ann	A Member of the Public	Myself	Neutral
Stallione, Tailor	A Member of the Public	Myself	Neutral
Rosenwald, Cindy	An Elected Official	SD 13	Support
Hennessey, Sen. Erin	An Elected Official	Myself	Support
Birdsell, Senator Regina	An Elected Official	Senate District 19	Support
Hennessey, Erin	An Elected Official	Myself	Support
Murdoch, Kim	A Member of the Public	Myself	Support
Mahady, Tara	A Member of the Public	Myself	Support
Bailey, Cheryl	A Member of the Public	Myself	Support
Wagner, Michelle	A Member of the Public	Myself	Support
Rude, Suzanne	A Member of the Public	Myself	Support
Trudel, Karen	A Member of the Public	Myself	Support
Nadeau, Kimberly	A Member of the Public	Myself	Support
Ragen-Coffman, Debra	A Member of the Public	Myself	Support
Metz, Ashley	A Member of the Public	Myself	Support
Metz, Charles	A Member of the Public	Myself	Support
Carroll, Cheryl	A Member of the Public	Myself	Support
Rubin, Robin	A Member of the Public	Myself	Support
Abbott, Amanda	A Member of the Public	Myself	Support
Guggisberg, Karen	A Member of the Public	Myself	Support
Cowell, Jackie	A Member of the Public	Myself	Support
Sheridan, Nancy	A Member of the Public	Myself	Support
Gray, Andy	A Member of the Public	Myself	Support
Nossiff, Virginia	A Member of the Public	Myself	Support
MacKinley-Smith, Norma	A Member of the Public	Myself	Support
Widger, Barbara	A Member of the Public	Myself	Support
Kadle, Madeline	A Member of the Public	Myself	Support
Pennington, Jill	A Member of the Public	Myself	Support
Boczenowski, Stephen	A Member of the Public	Myself	Support
Paul, Tasha	A Member of the Public	Myself	Support
Murphy, Eileen	A Member of the Public	Myself	Support
Demeter, Micaela	An Elected Official	Myself	Support
DeMaio, Christina	A Member of the Public	Myself	Support
Hegarty, Christine	A Member of the Public	Myself	Support
Brunelle, Barbara	A Member of the Public	Myself	Support
Wilson, Debra	A Member of the Public	Myself	Support
Welch, Kristen	A Member of the Public	Myself	Support
Rochette, Tonya	A Member of the Public	Myself	Support
Rochette, Robert	A Member of the Public	Myself	Support
Docherty-Hendrick, Barbara	A Member of the Public	Myself	Support
Korzen, Lori	A Member of the Public	Myself	Support
Clyde, Terri	A Member of the Public	Myself	Support
Wright, Jessica	A Member of the Public	Myself	Support
Sinclair, Jill	A Member of the Public	Myself	Support

Valcourt, MSLD, Melissa	A Member of the Public	Myself	Support
LaCroix, Lorraine	A Member of the Public	Myself	Support
DeJoie, John	A Lobbyist	National Association of Social Workers-NH Chapter	Support
Berry, Jake	A Lobbyist	New Futures	Support
Holmes, Caroline	A Member of the Public	Myself	Support
Norton, Melissa	A Member of the Public	Myself	Support
Termini, Marcella	A Member of the Public	Myself	Support
Dudal, Colby	A Member of the Public	Myself	Support

Testimony

STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
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HELEN E. HANKS
COMMISSIONER

WILLIAM T. CONWAY
ASSISTANT COMMISSIONER

To: The Honorable Members of Senate Judiciary Committee

From: Helen E. Hanks, Commissioner
New Hampshire Department of Corrections

Date: February 1st, 2022

Re: SB 376 – establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers

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The New Hampshire Department of Corrections (NHDOC) is support of this bill with the request for an amendment.

In review of SB 376-FN and the proposed establishment of a committee to study establishing a mental health incident review board, I would ask that the prescribed membership of those required to solicit testimony include the commissioner of the department of corrections or designee.

Rationale for this request is that as an agency we have 11 district offices at which over 70+ probation parole officers are in NH communities as members of law enforcement supervising almost 6,000 citizens on probation or parole. The prevalence rates of mental illness amongst those involved in our criminal justice system can be summarized as follows:

Percent of NH Department of Corrections Residents Receiving Psychiatric Treatment:

NH Department of Corrections: Residents Prescribed Psychiatric Medications by Gender			
As of November 10, 2021			
Biological Gender	**% on Psychiatric Medications**	**Count**	**Total Population**
Males	37.8%	669	1768
Females	66.9%	91	136
Total		760	1904

Our Division of Field Services caseloads are disbursed throughout the state as outlined in the attached report.

Through use of Federal dollars, the Department began in FY2021 teaching correctional officers, probation parole officers and judiciary staff, through a collaboration with NAMI-NH, DHHS and the Judiciary, crisis intervention training – outlined in more detail in the attached Governor and Executive Council Item dated January 27th, 2021.

A testimonial from one of our Probation Parole Officers post the Crisis Intervention Training from the summer of 2021 –

"Good morning, Commissioner-

I just wanted to reach out and say thank you for making Crisis Intervention Training available as a training opportunity for our department. I feel that I gained a lot from the training and that I am better educated in regards to mental health and how it applies to

our line of work. Between the CIT training and the 2 years I spent working in SPU, It was a great experience working with NAMI- I worked with them a little bit in college and applaud them for what they do.

Again, thank you for providing the opportunity to participate in CIT. I hope to attend more trainings regarding mental health in the future.

Sincerely,"

By including our agency, we can be responsive across the whole continuum of the criminal justice system and continue to work to divert those with mental health disorders while responding to mental health crisis with enhanced skills for more effective outcomes.

Thank you for considering this testimony.

If you have questions, please feel free to call me at 603-271-5603 or to e-mail me at Helen.E.Hanks@doc.nh.gov

NH DOC Monthly Field Services Supervision Summary Report - All -

	Jan 1 2021	Feb 1 2021	Mar 1 2021	Apr 1 2021	May 1 2021	Jun 1 2021	Jul 1 2021	Aug 1 2021	Sep 1 2021	Oct 1 2021	Nov 1 2021	Dec 1 2021	Jan 1 2022
Total Supervised Population	5,527	5,406	5,354	5,306	5,241	5,191	5,222	5,187	5,139	5,029	5,009	5,040	5,063

NH Parole Supervised	Jan 1 2021	Feb 1 2021	Mar 1 2021	Apr 1 2021	May 1 2021	Jun 1 2021	Jul 1 2021	Aug 1 2021	Sep 1 2021	Oct 1 2021	Nov 1 2021	Dec 1 2021	Jan 1 2022
Berlin District Office	45	44	46	45	47	47	48	46	47	46	44	44	44
Central District Office	254	255	258	258	263	260	253	252	253	252	246	245	250
Central Office	254	255	258	258	263	260	253	252	253	252	246	245	250
Claremont District Office	72	69	66	68	69	63	60	59	58	58	63	63	62
Concord District Office	356	357	358	358	357	346	344	340	334	331	328	318	316
Dover District Office	159	158	162	162	160	163	172	168	167	164	167	170	165
Exeter District Office	173	173	170	171	167	172	169	165	158	152	155	152	152
Haverhill District Office	82	81	83	87	83	85	92	91	85	81	81	81	85
Keene District Office	96	96	100	100	100	92	91	91	86	79	78	77	77
Laconia District Office	84	79	81	80	83	79	82	80	82	81	78	76	75
Manchester District Office	603	597	614	606	616	617	620	607	607	591	593	590	602
Nashua District Office	145	145	140	140	141	141	139	140	137	135	133	135	138
Newport District Office	72	69	66	68	69	63	60	59	58	58	63	63	62
Wolfeboro District Office	37	36	38	38	36	35	35	34	35	34	34	38	38
Total NH Parole Supervised	2,106	2,090	2,116	2,113	2,122	2,100	2,105	2,073	2,049	2,004	2,000	1,989	2,004

NH Probation Supervised	Jan 1 2021	Feb 1 2021	Mar 1 2021	Apr 1 2021	May 1 2021	Jun 1 2021	Jul 1 2021	Aug 1 2021	Sep 1 2021	Oct 1 2021	Nov 1 2021	Dec 1 2021	Jan 1 2022
Berlin District Office	81	81	79	78	72	76	77	75	71	65	67	69	71
Central District Office	131	133	129	121	118	117	113	110	106	105	107	109	109
Central Office	131	133	129	121	118	117	113	110	106	105	107	109	109
Claremont District Office	185	185	183	181	181	181	182	184	187	186	183	193	205
Concord District Office	368	351	343	331	320	311	316	314	314	303	288	296	288
Dover District Office	287	277	272	257	249	244	239	230	223	221	229	235	237
Exeter District Office	375	354	358	352	342	337	345	338	333	317	301	308	315
Haverhill District Office	222	205	205	204	200	202	204	204	193	194	199	192	187
Keene District Office	248	251	240	243	229	231	232	239	242	240	237	236	241
Laconia District Office	204	198	188	195	187	178	180	175	178	170	168	171	172
Manchester District Office	487	471	464	469	457	458	453	454	455	443	449	460	447
Nashua District Office	226	223	210	209	215	226	230	239	230	227	228	220	214
Newport District Office	185	185	183	181	181	181	182	184	187	186	183	193	205
Wolfeboro District Office	88	88	90	93	91	91	93	96	94	92	93	95	93
Total NH Probation Supervised	2,902	2,817	2,761	2,733	2,661	2,652	2,664	2,658	2,626	2,563	2,549	2,584	2,579

Non-NH Supervised	Jan 1 2021	Feb 1 2021	Mar 1 2021	Apr 1 2021	May 1 2021	Jun 1 2021	Jul 1 2021	Aug 1 2021	Sep 1 2021	Oct 1 2021	Nov 1 2021	Dec 1 2021	Jan 1 2022
Berlin District Office	18	14	15	14	12	12	12	11	13	12	12	12	14
Central District Office	4	4	2	2	2	2	2	2	2	2	2	2	2
Central Office	4	4	2	2	2	2	2	2	2	2	2	2	2
Claremont District Office	20	22	20	19	21	21	21	21	25	25	23	26	25
Concord District Office	29	29	28	26	27	28	30	30	30	29	30	29	30
Dover District Office	56	57	54	51	53	56	58	54	53	59	56	59	57
Exeter District Office	103	98	86	88	84	80	83	88	91	89	91	91	99
Haverhill District Office	39	38	39	39	37	36	37	36	38	38	38	41	43
Keene District Office	36	34	33	31	31	28	29	30	32	33	29	29	34
Laconia District Office	18	17	16	15	16	14	15	16	14	14	13	13	12
Manchester District Office	78	76	77	78	75	73	71	75	76	72	73	78	76
Nashua District Office	70	62	59	56	58	50	54	52	52	53	59	56	58
Newport District Office	20	22	20	19	21	21	21	21	25	25	23	26	25
Wolfeboro District Office	25	25	25	23	23	23	24	24	21	20	20	18	17
Total Non-NH Supervised	496	476	454	442	439	423	436	439	447	446	446	454	467

AHC Supervised	Jan 1 2021	Feb 1 2021	Mar 1 2021	Apr 1 2021	May 1 2021	Jun 1 2021	Jul 1 2021	Aug 1 2021	Sep 1 2021	Oct 1 2021	Nov 1 2021	Dec 1 2021	Jan 1 2022
Berlin District Office	1	1	1	1	2	1	1	1	1	1	0	0	0
Central District Office	0	0	0	0	0	0	0	0	0	0	0	0	0
Central Office	0	0	0	0	0	0	0	0	0	0	0	0	0
Claremont District Office	0	0	0	0	1	1	2	3	3	1	1	1	1
Concord District Office	1	2	1	2	2	2	2	1	2	2	2	2	3
Dover District Office	0	1	1	0	1	2	2	2	2	1	0	0	0
Exeter District Office	8	8	8	6	5	2	2	1	0	0	1	1	1
Haverhill District Office	1	1	0	0	0	0	0	0	0	0	0	0	0
Keene District Office	0	0	0	0	0	0	0	0	0	0	0	0	0
Laconia District Office	0	0	0	0	0	0	0	0	1	2	2	2	1
Manchester District Office	8	7	9	9	7	7	8	9	8	8	7	6	6
Nashua District Office	2	2	1	0	0	0	0	0	0	1	1	1	1
Newport District Office	0	0	0	0	1	1	2	3	3	1	1	1	1
Wolfeboro District Office	2	1	2	0	1	1	0	0	0	0	0	0	0
Total AHC Supervised	**23**	**23**	**23**	**18**	**19**	**16**	**17**	**17**	**17**	**16**	**14**	**13**	**13**

Footnotes:

1. Report is based on Responsible location and includes all cases that are the responsibility of that office.

   This means that clients included in the count may be physically out of state, in county jail, or incarcerated pending a hearing.

19 mac

FEB03'21 AM10:27 RCVD

STATE OF NEW HAMPSHIRE

DEPARTMENT OF HEALTH AND HUMAN SERVICES

DIVISION FOR BEHAVIORAL HEALTH

129 PLEASANT STREET, CONCORD, NH 03301
603-271-9544 1-800-852-3345 Ext. 9544
Fax: 603-271-4332 TDD Access: 1-800-735-2964 www.dhhs.nh.gov

Lori A. Shibinette
Commissioner

Katja S. Fox
Director

January 27, 2021

His Excellency, Governor Christopher T. Sununu
and the Honorable Council
State House
Concord, New Hampshire 03301

REQUESTED ACTION

Authorize the Department of Health and Human Services, Division for Behavioral Health, to enter into a memorandum of understanding with the New Hampshire Department of Corrections, Concord, NH, in the amount of $105,962, for a series of training sessions for personnel working with individuals with mental illness who are involved with the justice system, including the Department of Corrections, court, and law enforcement personnel, with the option to renew for up to one (1) additional year, effective upon Governor and Council approval through September 30, 2021. 100% Federal Funds.

Funds are available in the following account for State Fiscal Year 2021, and are anticipated to be available in State Fiscal Year 2022, upon the availability and continued appropriation of funds in the future operating budget, with the authority to adjust budget line items within the price limitation and encumbrances between state fiscal years through the Budget Office, if needed and justified..

05-95-92-922010-41200000 HEALTH AND SOCIAL SERVICES, HEALTH AND HUMAN SVCS DEPT OF, HHS: BEHAVIORAL HEALTH DIV, BUREAU OF MENTAL HEALTH SERVICES, MENTAL HEALTH BLOCK GRANT

State Fiscal Year	Class / Account	Class Title	Job Number	Total Amount
2021	085-588546	Interagency Transfer out of Federal	92234120	$60,550
2022	085-588546	Interagency Transfer out of Federal	92234120	$45,412
			Total	*$105,962*

EXPLANATION

The purpose of this request is for approval of a memorandum of understanding for the Department of Health and Human Services to provide funding to the Department of Corrections for a series of training sessions to be conducted by the National Alliance on Mental Illness-New Hampshire (NAMI NH) between the effective date and September 30, 2021, for people working with individuals with mental illness involved with the justice system. Attendees will include employees of the Department of Corrections, the New Hampshire court system, and law enforcement organizations statewide. Trainings will include Building Trauma-Responsive

Correctional Settings; Mental Health First Aid/Awareness Training; Suicide Prevention Training; Responding to People with Mental Illness; and Crisis Intervention Training.

Trainings will directly address recommendations within New Hampshire's 10 Year Mental Health Plan. Based on Recommendation 8 in the 10 Year Mental Health Plan, the Governor's Executive Order 2019-02 established an advisory commission on mental illness and corrections to make recommendations on steps that can be taken to reduce incarceration and improve mental health services. The training sessions that will be provided through this memorandum of understanding are an important component of the plan to meet the identified objectives.

Approximately 300 individuals will attend at least one training session between the effective date and September 30, 2021.

The Department will receive a final report for each completed training session, which will include:

- A description of the training provided.
- The target audience.
- Total attendance.
- Any outcomes noted during training.
- Results from surveys completed by attendees.

As referenced in Section 2 Term, Subsection 2.2 Duration of the attached Memorandum of Understanding, the parties have the option to extend the agreement for up to one (1) additional year, contingent upon satisfactory delivery of services, available funding, agreement of the parties, and Governor and Council approval.

Should the Governor and Council not authorize this request, employees of Department of Corrections, the New Hampshire court system, and law enforcement organizations statewide may not receive valuable training that will increase their knowledge and improve their ability to address the complex issues experienced by individuals with mental illness in the criminal justice system.

Area served: Statewide.

Source of Funds: CFDA #93.958, FAIN #BO9SM082617-07.

Respectfully submitted,

Lori Shibinette

~~Lori A. Weaver~~ Lori Shibinette

~~Deputy~~ Commissioner

MEMORANDUM OF UNDERSTANDING BETWEEN
THE STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES

AND

THE NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS

MOU-2021-DBH-01-MENTA-01

1. GENERAL PROVISIONS

1.1. This memorandum of understanding (MOU) is between the New Hampshire Department of Health and Human Services (DHHS), 129 Pleasant Street, Concord, NH 03301 and the New Hampshire Department of Corrections ("DOC"), 105 Pleasant Street, Concord, New Hampshire 03301 (referred to as the "Parties"). This MOU sets forth the roles and responsibilities of DHHS and DOC related to training based on recommendations from New Hampshire's 10-Year Mental Health Plan, and funds from the Substance Abuse and Mental Health Service Administration (SAMHSA) grant, CFDA #93.958, FAIN # BO9SM082617-07.

1.2. Based on Recommendation 8 in the 10 year Mental Health Plan, the Governor's Executive Order 2019-02 established an Advisory Commission on Mental Illness and Corrections to make recommendations on steps that can be taken to reduce incarceration, improve mental health services, and transitions, including transportation to and from county and state institutions. The proposed training sessions are a component of meeting those identified objectives.

1.3. The purpose of this MOU is to provide a suite of training sessions for those working with justice-involved individuals with mental illness, including the Department of Corrections, courts, and law enforcement. The training sessions are designed to provide information to improve outcomes and increase awareness among corrections, courts, and probation, parole and law enforcement professionals. The training sessions will address complex issues experienced by individuals with mental illness in the criminal justice system, including:

1.3.1. Lack of appropriate mental health treatment;

1.3.2. Longer jail and prison stays;

1.3.3. Homelessness and lack of affordable housing upon release;

1.3.4. Meaningful employment upon release;

1.3.5. Increased emergency department visits; and

1.3.6. Re-arrest and recidivism.

1.4. In connection with the performance of this MOU, the DHHS and the DOC shall comply with all applicable laws and regulations.

2. TERM

2.1. Effective date: This MOU is effective upon Governor and Executive Council approval.

2.2. Duration: The duration of this MOU is from the Effective Date through September 30, 2021. The parties may extend this MOU for up to one (1) year at any time by mutual written agreement, subject to the continued availability of funds, satisfactory performance of responsibilities, and Governor and Executive Council approval.

2.3. Modification: The parties may modify this MOU by mutual written agreement at any time, subject to Governor and Executive Council approval.

3. Termination: Either party may unilaterally terminate this MOU upon written notice to the other party, in which case the termination shall be effective thirty (30) days after the date of that notice or at a later date specified in the notice. In the event of an early termination of this MOU for any other reason than the completion of services, the DOC shall deliver to DHHS, not later than thirty (30) days after the termination, a "Termination Report" describing in detail all activities performed and the MOU funds used up to and including the date of termination. In the event the services and/or prescribed outcomes described within this MOU are not met to the satisfaction of DHHS, DHHS reserves the right to terminate this MOU and any remaining funds will be forfeited. Such termination shall be submitted in writing to DOC and will require DOC to deliver a final Termination Report as described above.

4. **RESPONSIBILITIES OF THE NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS**

4.1. The DOC agrees to:

4.1.1. Provide a series of training sessions conducted by the National Alliance on Mental Illness-New Hampshire (NAMI NH) between March 1, 2021 and September 30, 2021, which must include, but is not limited to:

4.1.1.1. No less than one training session of no less than three hours for employees of the State of New Hampshire Judicial Branch on the subject of building trauma-responsive correctional settings.

4.1.1.2. No less than two training sessions of no less than three hours for employees of the State of New Hampshire Department of Corrections on the subject of building trauma-responsive correctional settings.

4.1.1.3. No less than two training sessions for up to forty participants for each session on the subject of mental health first aid awareness, including, but not limited to:

4.1.1.3.1. Signs, symptoms and risk factors of mental illnesses and addictions.

4.1.1.3.2. Role-playing and simulations to demonstrate how to assess a mental health crisis;

4.1.1.3.3. Types of professional and self-help resources for individuals with a mental illness or addiction.

4.1.1.3.4. Tools for assisting individuals in distress.

4.1.1.4. No less than one training session for up to three hundred participants on the subject of suicide prevention, using NAMI NH's Connect Gatekeeper eLearning program.

4.1.1.5. No less than one follow-up training session for up to twenty- five participants on the subject of suicide prevention, using NAMI NH's will Connect Gatekeeper eLearning program.

4.1.1.6. No less than two training sessions for up to twenty-five participants on the subject of responding to people with mental illness, including, but no limited to:

4.1.1.6.1. An overview of mental health disorders, related behaviors and risk concerns.

4.1.1.6.2. How to manage effectively in a crisis when someone is identified as having a mental illness.

4.1.1.6.3. An introduction to stigma, perceptions, myths and misconceptions.

4.1.1.6.4. Best practices for involving families and community resources.

4.1.1.6.5. Information about the impact of stress on law enforcement, and resources that can provide help.

4.1.1.7. No less than two training sessions of no less than five days each for up to twenty-five participants on the subject of crisis intervention to prepare participants to:

4.1.1.7.1. Understand common signs and symptoms of mental illnesses and co-occurring disorders;

4.1.1.7.2. Recognize when those signs and symptoms represent a crisis situation;

4.1.1.7.3. Safely de-escalate individuals experiencing mental health crises; and

4.1.1.7.4. Utilize community resources and diversion strategies to provide assistance.

4.1.2. Provide a final report when the training suite is complete that includes, for each training session:

4.1.2.1. A description;

4.1.2.2. Target audience;

4.1.2.3. Total attendance;

4.1.2.4. Any outcomes; and

4.1.2.5. Survey results (if any).

5. RESPONSIBILITIES OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES

5.1. The DHHS agrees to:

5.1.1. Provide funding to DOC upon receipt of approved invoices and subject to DOC's compliance with the terms and conditions of this MOU.

5.1.2. Make funds available from the SAMSHA grant for reimbursement under this MOU, not to exceed $105,962.

6. IT IS FURTHER UNDERSTOOD AND AGREED BETWEEN THE PARTIES:

6.1. DHHS may adjust amounts within the price limitation and adjust encumbrances between State Fiscal Years through the Budget Office without approval from the Governor and Executive Council, if needed and justified.

6.2. If federal funding no longer becomes available or if this MOU is terminated early, DHHS will not be required to provide funding to sustain services described in Section 3.

6.3. The parties agree that the schedule of training sessions can be changed or adjusted, and training topics may be modified, by mutual agreement, in the event of unforeseen circumstances including, but not limited to restrictions imposed because of the Covid-19 pandemic.

6.4. Notwithstanding any provision of this agreement to the contrary, all obligations of DHHS hereunder, including without limitation, the continuance of payments hereunder, are contingent upon the availability and continued appropriation of funds. DHHS shall not be required to transfer funds from any other source in the event that funds become unavailable.

6.5. DOC shall take appropriate steps to accept and expend the funds provided within the project period. DOC agrees to submit monthly invoices to DHHS for costs incurred. Invoices must include line items with dates, description of services and associated costs.

6.6. Invoices shall be mailed or emailed to:

Department of Health and Human Services
Division for Behavioral Health
Finance Manager
105 Pleasant Street
Concord, NH 03301
Kyra.Leonard@dhhs.nh.gov

6.7. DHHS agrees to pay DOC within thirty (30) days of receipt of the approved invoices.

6.8. Disputes arising under this memorandum of understanding, which cannot be resolved between the agencies, shall be referred to the New Hampshire Department of Justice for review and resolution.

6.9. This Agreement shall be construed in accordance with the laws of the State of New Hampshire.

6.10. The parties hereto do not intend to benefit any third parties and this memorandum of understanding shall not be construed to confer any such benefit.

6.11. In the event any of the provisions of this memorandum of understanding are held to be contrary to any state or federal law, the remaining provisions of this memorandum of Uunderstanding will remain in full force and effect.

6.12. This memorandum of understanding, which may be executed in a number of counterparts, each of which shall be deemed an original, constitutes the entire memorandum of understanding and understandings between the parties, and supersedes all prior memoranda of understanding and understandings relating hereto.

6.13. Nothing herein shall be construed as a waiver of sovereign immunity, such immunity being hereby specifically preserved.

APPROVALS:

Lori Shibinette — 2/2/2021
Lori A. Shibinette — Date
Commissioner
NH Department of Health and Human Services

Helen Hanks — 1/28/2021
Helen Hanks — Date
Commissioner
NH Department of Corrections

The preceding memorandum of understanding, having been reviewed by this office, is approved as to form, substance, and execution.

OFFICE OF THE ATTORNEY GENERAL

02/02/21
Date:

Catherine Pinos
Name: Catherine Pinos, Attorney
Title:

The following authority of the State of New Hampshire approved the foregoing memorandum of understanding:

Date:

Name:
Title:

NAMI New Hampshire
National Alliance on Mental Illness

February 1, 2022

Honorable Senator Sharon Carson Chair
Senate Judiciary Committee
State House Room 100
107 North Main St.
Concord, NH 03301

Dear Madame Chair and Members of the Committee,

Thank you for the opportunity to testify today. My name is Holly Stevens, and I am the Public Policy Director at NAMI New Hampshire, the National Alliance on Mental Illness. On behalf of NAMI NH, I am here to speak in support of SB 376 establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

By way of background, NAMI NH has provided training to law enforcement for over 2 decades. Currently we provide a 16 hour block of mental health training as part of the curriculum for all Law Enforcement Officers going through our Police Standards and Training Academy. We have also been involved in a number of policy matters related to law enforcement. This includes serving on the Governors Law Enforcement Accountability and Transparency Commission, and several commissions including the current and past commissions addressing Post Traumatic Stress Disorder for Law Enforcement and First Responders.

During the past several years, NAMI NH has also been involved in a number of meetings regarding officer involved shootings, and use of deadly force with the NH Attorney General's Office, NH State Police, the Governor's Office, the NH Department of Health and Human Services, NH Department of Safety, NH Police Standards and Training, and concerned legislators. These discussions resulted in the bill before you today, and we thank Senator Giuda and the other sponsors of this bill.

NAMI NH's interest in these issues is several fold and includes the high number of people with mental illness who are victims of officer involved shootings, how training could be improved to reduce the incidence of these shootings, and the mental health impacts on the victims families, as well as on the officers involved and their families.

In December of 2021, the Concord Monitor ran a three-part series titled *Shots Fired* which I highly recommend reading https://www.concordmonitor.com/mental-health-police-fatal-shooting-43690060 That series gave a detailed look at officer involved shootings in New Hampshire and indicated that sixty percent of the officer involved shootings in New Hampshire involve people with known mental illness. The series looked at one specific case which clearly elucidated the challenges faced by law enforcement and first responders in being the front lines in responding to individuals with mental illness and/or substance use disorders. It also demonstrated the impact on the family of the victim and on the police officer and the ongoing post traumatic stress and anxiety he continues to experience since the shooting.

This bill contains two parts. One part would be to expand the availability of the 40 hour Crisis Intervention Team (CIT) Training available to law enforcement/first responders in New Hampshire.

CIT is internationally recognized and often referred to as the "gold standard" for law enforcement in mental health training. CIT is specifically recommended in the May 2015 President's Task Force on 21st Century Policing in Pillar 5: Training and Education. That report recommends that all law enforcement officers receive CIT training. Over its 30-year history, It has been found to have an evidence base for officer-level cognitive and attitudinal outcomes. However, as noted earlier, determining an evidence base for other areas such as reducing violence or arrests has proved more elusive. Some departments have noted remarkable outcomes such as decreased arrests and increased engagement in treatment, reduction in use of SWAT teams, and reduction in injuries to law enforcement. More importantly, CIT trained officers and departments across the country are strongly endorsed by people with mental illness and their families who have had CIT trained officers respond to them. Many families indicate that when they are faced with a crisis and need to call law enforcement, they specifically ask for a CIT officer. One of the biggest challenges of advancing CIT training is that many smaller departments are not able to send people to participate in CIT training due to the costs involved of having to pay overtime in order to cover the shifts of the attending officer. The fiscal note of this bill includes funding to reimburse municipalities for sending people to CIT training.

The other component of this bill establishes a legislative study committee to gather information and make recommendations on forming an ongoing committee to confidentially review incidents of officer involved shootings. The purpose of this committee would not be to review the determination made by the Attorney General's office regarding whether the shooting was legally justified, rather it would be to review what actions might have been taken earlier to avoid the shooting, and whether there are lessons learned which can inform procedural responses in the future, as well as inform law enforcement training.

It is important to note that New Hampshire has legislatively created a number of different confidential fatality review committees including ones on: domestic violence, infant mortality, suicide, and incapacitated and older adults.

Currently there is a significant gap in the review process of officer involved shootings. The Attorney General's office acknowledges this by placing the following caveat in all of their reports of officer involved shootings.

> *"The Attorney General does not investigate or opine on the particular procedures or tactics used by law enforcement officers. Instead, the Attorney General's review of officer-involved use of deadly force incidents consists of a criminal investigation, which is limited to determining whether officers complied with the applicable law."*

An example of this gap can be found in the 144 page report which the Attorney General's office issued in August of 2021, following an officer involved shooting in Claremont – questions which might be pursued by a review committee include:

- Why did the Claremont police fail to take the individual into protective custody or seek to do a compulsory mental status exam when they had contact with him 3.5 hours before the incident which resulted in the state police SWAT team being called in. They observed him to be hallucinating and he admitted to being suicidal
- The NH State police SWAT team brought in the "Bear" armored vehicle and parked it outside the only entrance to the isolated warehouse where the individual was barricaded

- Why didn't they just wait it out – however long it took to try and resolve the situation without force?
- Did their decision to use the Bear's armored pole to push in the door of the warehouse exacerbate an individual who was reported (by Claremont PD) to be paranoid and hallucinating and feeling "harassed" by the voices in his hear.
- Did pushing in the door result in him coming out shooting?
- If the SWAT team had an armored vehicle (Bear) outside the front door, why was it necessary for 6 swat team members to shoot the victim?
    - What danger were they in?
    - Were any SWAT team members positioned to use less lethal force like sponge guns/bean bag rounds prior to using lethal force?
- Is it unusual to have 6 officers fire on a suspect?
- What was the impact on the 6 officers involved?
    - How long were they placed on administrative leave for?
    - At what cost?
        - Is it likely that the cost of having six troopers on administrative leave for many weeks would be much less than waiting hours or days to try and resolve the situation peacefully?
    - Have any of them been involved in prior shootings? (according to reports several have been)
        - Are there any best practices from the International Association of Chiefs of Police regarding how many shootings an officer should be involved with, and what if any mental health supports they should receive?
- How much staff time did the Attorney General's office investigation take and what was the cost of the investigation?.

The focus of these types of questions would not be about shaming or blaming those involved, rather it would be to review and learn how to improve responses to individuals in a mental health crisis that might resolve without the use of deadly force.

NAMI NH is committed to improving the response to people in a mental health crisis as well as to addressing the mental health of law enforcement and first responders. We believe that this bill which expands Crisis Intervention Team training and studies the possibility of establishing a use of deadly foce review committee will improve the response to individuals in a mental health crisis and decrease the frequency of officer involved shootings. NAMI NH respectfully requests that you vote SB 376 as ought to pass. I am happy to answer any questions which you have

Sincerely,

Holly A. Stevens, Esq.

STATE OF NEW HAMPSHIRE
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE COMMISSIONER

Lori A. Shibinette
Commissioner

Lori A. Weaver
Deputy Commissioner

129 PLEASANT STREET, CONCORD, NH 03301-3857
603-271-9200 1-800-852-3345 Ext. 9200
Fax: 603-271-4912 TDD Access: 1-800-735-2964 www.dhhs.nh.gov

February 1, 2022

The Honorable Sharon Carson
State House
107 North Main Street, Room 106
Concord, NH 03301

Dear Senator Carson:

On behalf of the NH Department of Health and Human Services, I am writing to offer my support for Senate Bill 376 FN, AN ACT establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

Individuals experiencing a mental health crisis can get caught up in the criminal justice system when there appear to be no alternatives. Over the last several years, there has been strong recognition that how communities respond to these crises can have a significant impact on providing the right treatment in the right place, which ensures these individuals receive the care they need.

The Department and community mental health programs have partnered to develop and implement community-based interventions, including the new NH Rapid Response program, which includes a centralized call center that triages calls and, when warranted, deploys mobile crisis teams into the community. In July, the national suicide prevention line will become 9-8-8 and that transition is well underway with law enforcement a big part of the planning process.

I believe that Critical Intervention Training for law enforcement, first responders and others in the criminal justice system will enhance the work that we do and have a positive outcome for the individuals, families and communities we call serve.

Sincerely,

Lori Shibinette

Lori A. Shibinette
Commissioner

Cc: Senator William Gannon
Senator Harold French
Senator Rebecca Whitley
Senator Jay Kahn

Debra Martone

From: Barbara Widger <b.uuidger@gmail.com>
Sent: Saturday, February 19, 2022 3:41 PM
To: Gary Daniels; John Reagan; Lou D'Allesandro; Chuck Morse; Bob Giuda; Cindy Rosenwald; Erin Hennessey; Debra Martone
Subject: We supporting SB376

My husband and I support the establishment of a committee to study the creation of a board to study mental health incidents among law enforcement officers and to make an appropriation to the police standards and training council for CIT training. We hope you will also.

Barbara Widger, 171 High Ridge, Manch NH 03104
UU for 'double-U' & Unitarian Universalist

Debra Martone

From: cheryl_bailey11 <cheryl_bailey11@aol.com>
Sent: Monday, February 21, 2022 8:00 AM
To: Gary Daniels; John Reagan; Lou D'Allesandro; Chuck Morse; Bob Giuda; Cindy Rosenwald; Erin Hennessey; Debra Martone
Subject: SB376

Dear Finance Committee,

Please support SB376.
I have been involved with CIT with NAMI well received with First Responders.
The training is crucial for First Responders.
My son has a mental illness and he has been involved with CIT as well.
Let's keep everyone safe and support SB376!

Thank you for your time.

In Health,
Cheryl Bailey

Sent from my Galaxy

Debra Martone

From: Michael Franklin <mfranklin@naminh.org>
Sent: Monday, February 21, 2022 8:51 AM
To: Debra Martone
Subject: SUPPORT SB376

Like it says.

My name is Mike Franklin.
I live at 43 Hartshorne Lane Warner NH 03278.

I am asking that you pass this message along to all members that they vote to SUPPORT SB376.

Thank you.

Sent from Mail for Windows

Voting Sheets

Senate Judiciary Committee
EXECUTIVE SESSION RECORD
2021-2022 Session

Bill # 376

Hearing date: _____

Executive Session date: _____

Motion of: OTP **Vote:** 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	☐	☐	☒	☐
Sen. Gannon, V-Chair	☐	☒	☒	☐
Sen. French	☐	☐	☒	☐
Sen. Kahn	☐	☐	☒	☐
Sen. Whitley	☒	☐	☒	☐

Motion of: Consent **Vote:** 5-0

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	☐	☐	☒	☐
Sen. Gannon, V-Chair	☒	☐	☒	☐
Sen. French	☐	☐	☒	☐
Sen. Kahn	☐	☒	☒	☐
Sen. Whitley	☐	☐	☒	☐

Motion of: _____ **Vote:** _____

Committee Member	Made by	Second	Yes	No
Sen. Carson, Chair	☐	☐	☐	☐
Sen. Gannon, V-Chair	☐	☐	☐	☐
Sen. French	☐	☐	☐	☐
Sen. Kahn	☐	☐	☐	☐
Sen. Whitley	☐	☐	☐	☐

Reported out by: Carson

Notes: _____

Senate Finance Committee

EXECUTIVE SESSION

Bill # SB 376-FN

Hearing date: N/A

Executive session date: 03/22/22

(1) Motion of: ~~[redacted]~~ Interim Study VOTE: 1-5 fails! only Reagan in favor

Made by Senator:	Daniels	☐	**Seconded by Senator:**	Daniels	☑	**Reported by Senator:**	Daniels	☐
	Reagan	☑		Reagan	☐		Reagan	☐
	Giuda	☐		Giuda	☐		Giuda	☐
	Rosenwald	☐		Rosenwald	☐		Rosenwald	☐
	D'Allesandro	☐		D'Allesandro	☐		D'Allesandro	☐
	Morse	☐		Morse	☐		Morse	☐
	Hennessey	☐		Hennessey	☐		Hennessey	☐

(2) Motion of: Comm Amdt 04185 - Strike Sec. 7 - allocation VOTE: 6-0

Made by Senator:	Daniels	☐	**Seconded by Senator:**	Daniels	☐	**Reported by Senator:**	Daniels	☐
	Reagan	☐		Reagan	☑		Reagan	☐
	Giuda	☐		Giuda	☐		Giuda	☐
	Rosenwald	☐		Rosenwald	☐		Rosenwald	☐
	D'Allesandro	☐		D'Allesandro	☐		D'Allesandro	☐
	Morse	☐		Morse	☐		Morse	☐
	Hennessey	☑		Hennessey	☐		Hennessey	☐

Committee Member	*Present*	*Yes*	*No*	*Reported out by*
Senator Daniels , Chairman	☑	☑	☐	☐
Senator Reagan, Vice-Chair	☑	☑	☐	☐
Senator Giuda	☒	☐	☐	☐
Senator Hennessey	☑	☑	☐	☐
Senator Rosenwald	☑	☑	☐	☑
Senator Morse	☑	☑	☐	☐
Senator D'Allesandro	☑	☑	☐	☐

(3) Amendments: OTP/A - Rosenwald - Motion
D'Allesandro - 2nd
6-0 VOTE

Notes: Carries

Committee Report

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE
FOR THE CONSENT CALENDAR

Thursday, February 10, 2022

THE COMMITTEE ON Judiciary

to which was referred **SB 376-FN**

AN ACT establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS

BY A VOTE OF: 5-0

Senator Sharon Carson
For the Committee

This bill establishes a committee to study the creation of a board to study mental health incidents among law enforcement officers and makes an appropriation to the Police Standards and Training Council for CIT training. The study committee established by this bill is a carefully balanced opportunity to examine whether there is a need for a board in the State without any preconceived outcomes. The appropriation laid out in this bill will provide internationally recognized and supported training for officers in each jurisdiction in the State to better prepare them to deal with individuals who are experiencing a mental health crisis. These steps are both equally important to the public and to our law enforcement community to strive towards the best outcomes possible.

Jennifer Horgan 271-7875

FOR THE CONSENT CALENDAR

JUDICIARY

SB 376-FN, establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.
Ought to Pass, Vote 5-0.
Senator Sharon Carson for the committee.

This bill establishes a committee to study the creation of a board to study mental health incidents among law enforcement officers and makes an appropriation to the Police Standards and Training Council for CIT training. The study committee established by this bill is a carefully balanced opportunity to examine whether there is a need for a board in the State without any preconceived outcomes. The appropriation laid out in this bill will provide internationally recognized and supported training for officers in each jurisdiction in the State to better prepare them to deal with individuals who are experiencing a mental health crisis. These steps are both equally important to the public and to our law enforcement community to strive towards the best outcomes possible.

STATE OF NEW HAMPSHIRE

SENATE

REPORT OF THE COMMITTEE

Wednesday, March 23, 2022

THE COMMITTEE ON Finance

to which was referred **SB 376-FN**

AN ACT establishing a committee to study the creation of a board to study mental health incidents among law enforcement officers.

Having considered the same, the committee recommends that the Bill

OUGHT TO PASS WITH AMENDMENT

BY A VOTE OF: 6-0

AMENDMENT # 1203s

Senator Cindy Rosenwald
For the Committee

Deb Martone 271-4980

SB376-FN

Bill Details

Title: (New Title) relative to creating a board to review police incidents involving citizens affected by mental health issues.

Sponsors: *(Prime)* Giuda (R), Rosenwald (D), Erin Hennessey (R), Birdsell (R), Carson (R), Gannon (R), Mark Pearson (R), Lang (R), Lynn (R), Gordon (R)

LSR Number: **22-2988**
General Status: **SIGNED BY GOVERNOR**
Chapter Number: **332**
House:
Committee: Finance
Due Out: 4/14/2022
Status: PASSED/ADOPTED WITH AMENDMENT
Senate:
Committee: Finance
Floor Date: 5/12/2022
Status: CONCURRED

Bill Docket

Body	Description
S	To Be Introduced 01/05/2022 and Referred to Judiciary; **SJ 1**
S	Hearing: 02/01/2022, Room 100, SH, 01:00 pm; **SC 4**
S	Committee Report: Ought to Pass, 02/16/2022; Vote 5-0; CC; **SC 7**
S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 02/16/2022; **SJ 3**
S	Committee Report: Ought to Pass with Amendment # 2022-1203s, 03/31/2022; **SC 13**
S	Special Order to the end of the Regular Calendar, Without Objection, MA; 03/31/2022; **SJ 7**
S	Committee Amendment # 2022-1203s, AA, VV; 03/31/2022; **SJ 7**
S	Sen. Giuda Floor Amendment # 2022-1302s, AA, VV; 03/31/2022; **SJ 7**
S	Ought to Pass with Amendments 2022-1203s and 2022-1302s, MA, VV; OT3rdg; 03/31/2022; **SJ 7**
H	Introduced 03/31/2022 and referred to Criminal Justice and Public Safety
H	Public Hearing: 04/08/2022 09:45 am LOB 202-204
H	Executive Session: 04/08/2022 09:45 am LOB 202-204
H	Committee Report: Ought to Pass **(Vote 21-0; CC)** **HC 15** P. 6
H	FLAM # 2022-1614h (Rep. Abbas): AA VV 04/21/2022 **HJ 10**
H	Lay SB376 on Table (Rep. Osborne): MF DV 155-156 04/21/2022 **HJ 10**
H	Ought to Pass with Amendment 2022-1614h: MA RC 206-107 04/21/2022 **HJ 10**
H	Referred to Finance 04/21/2022 **HJ 10**
H	Division Work Session: 04/22/2022 01:00 pm LOB 209
H	Executive Session: 04/27/2022 03:00 pm LOB 210-211
H	Committee Report: Ought to Pass with Amendment # 2022-1728h (Vote 20-0; RC)
H	Amendment # 1728h: AA VV 05/04/2022 **HJ 11**
H	Ought to Pass with Amendment 1728h: MA VV 05/04/2022 **HJ 11**
S	Sen. Carson Moved to Concur with the House Amendment, MA, VV; 05/12/2022; **SJ 12**
H	Enrolled (in recess of) 05/26/2022 **HJ 14**
S	Enrolled Adopted, VV, (In recess 05/26/2022); **SJ 13**
S	Signed by the Governor on 07/08/2022; Chapter 0332; Effective 07/08/2022

General Court of New Hampshire - Bill Status System

Docket of SB376

Docket Abbreviations

Bill Title: (New Title) relative to creating a board to review police incidents involving citizens affected by mental health issues.

Official Docket of **SB376.**:

Date	Body	Description
12/17/2021	S	To Be **Introduced** 01/05/2022 and Referred to Judiciary; **SJ 1**
1/14/2022	S	**Hearing:** 02/01/2022, Room 100, SH, 01:00 pm; **SC 4**
2/10/2022	S	Committee Report: Ought to Pass, 02/16/2022; Vote 5-0; CC; **SC 7**
2/16/2022	S	Ought to Pass: MA, VV; Refer to Finance Rule 4-5; 02/16/2022; **SJ 3**
3/23/2022	S	Committee Report: Ought to Pass with Amendment **#2022-1203s**, 03/31/2022; **SC 13**
3/31/2022	S	Special Order to the end of the Regular Calendar, Without Objection, MA; 03/31/2022; **SJ 7**
3/31/2022	S	Committee Amendment **#2022-1203s**, AA, VV; 03/31/2022; **SJ 7**
3/31/2022	S	Sen. Giuda Floor Amendment **#2022-1302s**, AA, VV; 03/31/2022; **SJ 7**
3/31/2022	S	**Ought to Pass with Amendment**s 2022-1203s and 2022-1302s, MA, VV; OT3rdg; 03/31/2022; **SJ 7**
4/1/2022	H	Introduced 03/31/2022 and referred to Criminal Justice and Public Safety
4/4/2022	H	Public Hearing: 04/08/2022 09:45 am LOB 202-204
4/12/2022	H	Executive Session: 04/08/2022 09:45 am LOB 202-204
4/12/2022	H	Committee Report: Ought to Pass (Vote 21-0; CC) **HC 15** P. 6
4/21/2022	H	FLAM **#2022-1614h** (Rep. Abbas): AA VV 04/21/2022 **HJ 10**
4/21/2022	H	Lay SB376 on Table (Rep. Osborne): MF DV 155-156 04/21/2022 **HJ 10**
4/21/2022	H	**Ought to Pass with Amendment** 2022-1614h: MA **RC** 206-107 04/21/2022 **HJ 10**
4/21/2022	H	Referred to Finance 04/21/2022 **HJ 10**
4/22/2022	H	Division Work Session: 04/22/2022 01:00 pm LOB 209
4/22/2022	H	Executive Session: 04/27/2022 03:00 pm LOB 210-211
4/28/2022	H	Committee Report: Ought to Pass with Amendment **#2022-1728h** (Vote 20-0; RC)
5/4/2022	H	Amendment # 1728h: AA VV 05/04/2022 **HJ 11**
5/4/2022	H	**Ought to Pass with Amendment** 1728h: MA VV 05/04/2022 **HJ 11**
5/12/2022	S	Sen. Carson Moved to Concur with the House Amendment, MA, VV; 05/12/2022; **SJ 12**
6/6/2022	S	Enrolled Adopted, VV, (In recess 05/26/2022); **SJ 13**
6/7/2022	H	Enrolled (in recess of) 05/26/2022 **HJ 14**

NH House	NH Senate

Other Referrals

Senate Inventory Checklist for Archives

Bill Number: SB 376-FN **Senate Committee:** FINANCE

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee

___ All Calendar Notices

___ Hearing Sign-up sheet(s)

X Prepared testimony, presentations, & other submissions handed in ~~at the public hearing~~

___ Hearing Report

X Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

X - amendment # 0418s ___ - amendment #_____

X - amendment # 1203s ___ - amendment #_____

X Executive Session Sheet

X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

X - amendment # 1302 ___ - amendment #_____

___ - amendment #_____ ___ - amendment #_____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

X as amended by the senate ___ as amended by the house

X final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Debra A. Martone
Committee Aide

06/23/22
Date

Senate Clerk's Office AT

Senate Inventory Checklist for Archives

Bill Number: SB3716 **Senate Committee:** Judiciary

Please include all documents in the order listed below and indicate the documents which have been included with an "X" beside

X Final docket found on Bill Status

Bill Hearing Documents: {Legislative Aides}

X Bill version as it came to the committee

X All Calendar Notices

X Hearing Sign-up sheet(s)

X Prepared testimony, presentations, & other submissions handed in at the public hearing

X Hearing Report

X Revised/Amended Fiscal Notes provided by the Senate Clerk's Office

Committee Action Documents: {Legislative Aides}

All amendments considered in committee (including those not adopted):

X - amendment # 04185 ___ - amendment #_____

___ - amendment #_____ ___ - amendment #_____

X Executive Session Sheet

X Committee Report

Floor Action Documents: {Clerk's Office}

All floor amendments considered by the body during session (only if they are offered to the senate):

___ - amendment #_____ ___ - amendment #_____

___ - amendment #_____ ___ - amendment #_____

Post Floor Action: (if applicable) {Clerk's Office}

___ Committee of Conference Report (if signed off by all members. Include any new language proposed by the committee of conference):

___ Enrolled Bill Amendment(s)

___ Governor's Veto Message

All available versions of the bill: {Clerk's Office}

___ as amended by the senate ___ as amended by the house

___ final version

Completed Committee Report File Delivered to the Senate Clerk's Office By:

Jennifer Hauger 8/12/22

Committee Aide **Date**

Senate Clerk's Office AK