



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 (PTSD 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.

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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 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. Some departments trained in CIT 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 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 consist 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 but were not addressed in the report 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

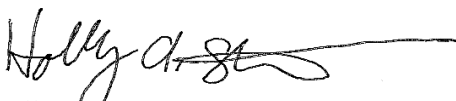
which resulted in the state police SWAT team being called in. They observed him to be hallucinating and he admitted to having thoughts of suicide.

- The NH State police SWAT team brought in the “Bear” armored vehicle and parked it outside the 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 escalate an individual who was reported (by Claremont PD) to be paranoid and hallucinating and feeling “harassed” by the voices in his head?
 - 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 they not in defensive positions or in the Bear?)
 - Were any SWAT team members positioned to use less lethal force like sponge guns/bean bag rounds prior to using lethal force, if he came out the door armed?
 - 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 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 force 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.