

New Hampshire Commission for Human Rights

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NEW HAMPSHIRE COMMISSION FOR HUMAN RIGHTS COMMISSIONERS' MEETING

October 5, 2023, at 5:00 PM

MINUTES

ATTENDANCE: Commissioners present: Christian Kim (Chair), Elizabeth Asch, Nancy LeRoy, Melissa Moriarty and Adrienne Evans (via Zoom)

Commission Staff: Executive Director, Ahni Malachi
Assistant Director, Sarah Burke Cohen
Intake Coordinator, Erica Rosignol (Secretary)

Commissioner Kim called the meeting to order at 5:28 PM.

1. PUBLIC COMMENT

Commissioner Kim asked if anyone from the public was present and wished to make public comment. There were no members of the public present.

2. APPROVAL OF SEPTEMBER NON-MEETING MINUTES

Commissioner LeRoy moved, and Commissioner Asch seconded a motion to approve the minutes.

Upon a roll call vote, the motion carried: Commissioner Kim – yea; Commissioner LeRoy - yea; Commissioner Asch – yea; Commissioner Evans – yea; and Commissioner Moriarty – yea. The motion carried.

3. GACDI UPDATE

Executive Director Malachi discussed the ongoing work of the Governor's Council on Diversity and Inclusion ("GACDI"). Paul Dean, a police chief from UNH was welcomed

as a new member. GACDI is currently working on locating an artist for portrait of Rogers Johnson to be displayed at the State House and stated she is open to suggestions for artists. Executive Director Malachi discussed language access plans for the state. Contents and availability of current plans are currently being reviewed. The goal is to ensure access for non-native English speakers to state services. Commissioner Asch mentioned challenges with filling out forms. For example, trying to apply for childcare could prove extremely challenging. As it is a civil right to have communication access to state services, GACDI will continue this conversation. After further investigation, GACDI will draft a recommendation.

4. OFFICE UPDATES

a. Hate Crimes Forum occurred today.

The forum was held at the Department of Safety. Attorney Sean Locke talked about definitions pertaining to civil rights unit and hate crimes. He also moderated a panel discussing law enforcement's approach. The panel included Chief Mark Newport from Portsmouth PD, Chief Matt Canfield from Laconia PD, and Special Agent Tim DeMann from the FBI. They discussed how agencies are working hand in hand and the connectivity of the FBI, US Attorney's Office and AG's Office, which allows access, conversations, etc. Executive Director Malachi moderated the Community Approach panel discussion, which included Director Eva Castillo of the New Hampshire Alliance for Immigrants and Refugees, Scott Spradling, President of the Spradling Group, and former Political Director of WMUR, and Attorney Giles Bissonnette, the Legal Director of ACLU of NH. Executive Director Malachi noted that the community response was interesting, especially when dealing with incidents that do not rise to the level of a hate crime. The forum touched on the importance of reaching out to law enforcement or the Civil Rights Unit at the DOJ even if an incident may not rise to the level of a crime. Likewise, the importance of reporting and communication between agencies was also a common theme. More meetings will be scheduled in the future and a survey will be sent out for feedback. There was a good turnout with approximately 40-50 people in attendance. The audience primarily consisted of individuals or agencies working with organizations that have a stake in addressing hate crimes.

b. RSA 91-A statutory revision impacting public meeting quorum and participating virtually.

Executive Director Malachi asked for thoughts regarding language to include illness, childcare, inclement weather, travel, vehicle issues. Commissioner Kim suggested altering the language to include family matters and transportation-related issues as agreed upon reasons to attend a meeting remotely and be counted toward quorum. He also brought up employment or job-related matters. Assistant Director Burke Cohen clarified proposed language to include family matters, work/ scheduling conflict, accidents.

The Commissioners agreed upon illness/ medical, childcare/ family matters, inclement weather, travel/commute issues, work/ schedule conflict as all-encompassing reasons to conduct a public meeting virtually.

Commissioner LeRoy moved, and Commissioner Moriarty seconded a motion to approve the revision.

Commissioner Kim did a roll call vote to provide blanket approval for five identified causes to conduct public Commission meetings virtually. He also stated that the Commission will do whatever necessary to provide access to the public.

Upon a roll call vote, the motion carried: Commissioner Kim – yea; Commissioner LeRoy - yea; Commissioner Asch – yea; Commissioner Evans – yea; and Commissioner Moriarty – yea. The motion carried.

c. Commissioner Contact Updates.

Executive Director Malachi followed up on monthly availability for Commissioner review of reports. Assistant Director Burke Cohen added that the Commission now has a living document regarding Commissioner’s monthly availability. Per the recommendation of the Attorney General’s office, Commissioners should set up a separate email address for ruling of reports and motions. Executive Director Malachi requested the Commissioner’s email addresses to be sent to her once they are set up and she will share the updated contact information with the investigators.

d. Rules

Executive Director Malachi has been instructed not to send finalized information for review to JLCAR until after November due to lack of staffing. In preparation, Assistant Director Burke Cohen has been in touch with one of attorneys from OLC to look over the manual, table of contents, and if the 200s fall under non-expiring Rules.

5. REVIEW OF INVESTIGATOR CASE LOAD

Assistant Director Burke Cohen stated that the Commission did not make contract of 215 case closures. However, the investigators were able to complete 202 closures by the September 30th deadline. Investigator Katrina Taylor was quick in addressing matters that had potential to be resolved within the pending case file. These numbers are up in comparison to August, where the Commission had 176 case closures. The Commission got through 94% of contract. Commissioner LeRoy asked about how these numbers would be received for future contracts. Additionally, Executive Director Malachi explained that the Commission has been upward modifying every single year and contract amount was raised to 215 this year because of that. Executive Director Malachi also noted that these numbers remain a great accomplishment as the Commission has

experienced staff turnover within the past year. She will provide updates later regarding ways to continue to enhance efficiency in moving cases forward with the Commission. Assistant Director Burke Cohen added that the Commission has been looking at new methods, where accountability of parties will serve as part of moving pending case forwards. There have been 19 mediations scheduled between now until end of the year. Investigator Taylor is strategizing ways to recruit more third-party mediators. Assistant Director Burke Cohen is considering approaching the Bar Association to see if CLE credits could be awarded to attorney participants in the Commission's mediation program. If possible, this will encourage more growth in the Commission's free mediation program.

6. HEARING SCHEDULE UPDATE

Assistant Director Burke Cohen discussed the public hearing schedule. The November hearing is cancelled and being removed to federal court. The Commissioners were given scheduled public hearing dates in the year of 2024 calendar year. This will allow open communication regarding availability of Commissioners for upcoming hearings. Assistant Director Burke Cohen explained that most cases with the Commission settle and that there has been a recent trend of Complainants removing. The other Public Hearing scheduled to this year has been stayed as it is currently with the Supreme Court.

7. OTHER BUSINESS

Commissioner Kim called a vote regarding 354-A: 21-a and the interpretation of language around a 24-month period. Commissioner Kim moved to filing an amicus brief in a case asserting the position that the language has historical protocol for the Commission. The Commission's interpretation, as so stated by the DOJ, is that the language is non-jurisdictional. Commissioner Kim noted that the Commission is commenting on language and not taking a particular position in the case itself.

Commissioner Asch moved, and Commissioner LeRoy seconded a motion to approve the revision.

Executive Director Malachi mentioned that the Commission is slated to move locations next month despite obstacles of navigating the process. She will continue to provide updates for the upcoming move. Secretary Lara Phillips-Ramovic is serving as the Move Project Manager. Executive Director Malachi noted she has done amazingly in moving items forward. Additionally, before the Commission can officially move, the DOJ must approve lease. This should be done at the next meeting for Governor and Council on October 18th. However, Executive Director Malachi anticipates that November Commissioner's meeting will still be held in the current office.

8. NON-PUBLIC SESSION

None.

9. ADJOURNMENT

Commissioner Kim moved for adjournment. The Commissioner's meeting adjourned at 6:23 PM.