Law enforcement applauds ‘Laurie List’ changes

Protocol:

Changes address threshold that must be achieved to place a police officer’s name on the list and conditions under which a name may be removed.

By PAUL FEELY

New Hampshire Union Leader

LONDONDERRY — Flanked by the attorney general and law enforcement officials, Gov. Chris Sununu on Monday announced changes to how police officers are placed on a list of people with potential credibility problems if called to testify during a trial, commonly referred to as the ‘Laurie List.’ The changes address the threshold that must be achieved to place a police officer’s name on the list — along with conditions under which a name may be removed.

“The new guidance being issued today represents a major step in restoring full due process for our men and women in law enforcement,” said Sununu during a news conference at police headquarters in Londonderry. “Our men and women in law enforcement put their lives on the line every day. They protect each of us, they protect our families, and they protect our most basic rights. It is time that we do our part in protecting theirs.” The so-called ‘Laurie List’ stems from the 1995 New Hampshire Supreme Court.

police chiefs must report to county attorneys any officers found to “lack credibility,” use excessive force, fail to comply with legal procedures, or exhibit mental illness or instability.

On Monday, Attorney General Gordon MacDonald said while the state’s list of officers “flows from the fundamental principle” that a prosecutor must inform a criminal defendant of any “exculpatory or impeachment evidence that is favorable to the accused,” the New Hampshire Supreme Court has found in two cases that law enforcement officers are entitled to due process as to both placement on and removal from the list.

“In an opinion authored by now Chief Justice Lynn,” MacDonald said, “the Court observed that because “inclusion on the ‘Laurie List’ carries a stigma, police officers have a weighty countervailing interest in ensuring that their names are not placed on the list when there are no proper grounds for doing so.”

MacDonald said the new guidance issued Monday is intended to make clear that “a basic process must be followed with regard to allegations of misconduct against an officer.”

“Only allegations of misconduct which are sustained after an investigation will result in an officer’s name being placed on the (list),” said MacDonald. “An allegation which is not sustained or finding,” said Mac-Donald.

Monday’s announcement was well-received by members of the law enforcement community.

“The New Hampshire Police Association in coordination with Governor Sununu’s Office and the Office of the New Hampshire Attorney General are both pleased and proud to announce the release of additional guidelines concerning the Exculpatory Evidence Schedule,” said New Hampshire Police Association President Patrick Cheetham. “The collaborative and cooperative efforts between our three organizations along with the New England Police Benevolent Association and the NH Chiefs of Police Association has led to appropriate due process rights being established for New Hampshire’s police officers.”

New England Police Benevolent Association New Hampshire State Director Stephen J. Arnold said the changes were “long overdue.”

“During the Governor’s campaign, I specifically addressed the Laurie concerns and asked that if he got elected that he make it a priority to fix this problem,” said Arnold. “Governor Sununu came through with his promise to us. Your New Hampshire police officers demand integrity, honesty and loyalty from one another. We do not want bad apples spoiling our profession, but the process to weed out the bad
decision in State vs. Carl Laurie, which overturned Laurie’s murder conviction after prosecutors withheld information that a key police witness was disciplined for dishonesty. Since 2004, police chiefs across New Hampshire have been required to keep lists of police officers who have been disciplined for disclosure to defense attorneys.

In 2017, former Attorney General Joseph Foster broadened the requirement for being placed on the list to include complaints against officers that are found to be unsubstantiated, a change many in law enforcement regarded as unfair.

Under the expanded guidelines, has been deemed unfounded will not cause an officer’s name to be placed on the list.”

According to the new guidance, “mere investigation” into an officer’s conduct does not warrant inclusion on the list.

“Accordingly, law enforcement agency heads should not cause an officer’s name to be ‘temporarily’ placed on the list” while an investigation into the allegations is pending, reads the guidance.

“The guidance we are issuing today specifies the protocol for removal of an officer’s name from the (list) if there has been a determination overturning the original and protect the good has been a blurred and controversial endeavor — up to now.

pfeely@unionleader.com

Gov. Chris Sununu addresses a gathering of reporters and law enforcement officials during a news conference Monday at Londonderry police headquarters, announcing changes to the so-called “Laurie List”. Behind Sununu are, left to right, Attorney General Gordon MacDonald, Londonderry Police Chief William Hart, and Londonderry Police Lt. Patrick Cheetham, president of the New Hampshire Police Association. PA UL FEELY/UNION LEADER