The list of New Hampshire police with credibility issues has grown by 81 officers since a redacted version of it was released in June, according to the attorney general’s office.

That list, which includes officers who have engaged in conduct such as lying in court, falsifying evidence or using excessive force, now includes 249 officers, according to a Nov. 15 letter from Senior Assistant Attorney General Geoffrey Ward.

While the list includes the department an officer works for and, in most cases, the dates and nature of the offenses, it excludes officers’ names.

Six news outlets and the American Civil Liberties Union of New Hampshire filed a complaint in Hillsborough County Superior Court earlier this year against the state’s Department of Justice, arguing the names of
Officers featured on the Exculpatory Evidence List (formerly known as the Laurie List) should be made public.

The attorney general's office has argued the list should remain private and wants the case dismissed. A central part of the state's argument is that the list may be unreliable because it does not remain static.

On top of the 81 new names on the list, Ward said the Justice Department has received 10 removal requests since June. Three officers have been removed from the list as a result of those requests; three have been denied; the remaining four cases are being reviewed, Ward states.

The Justice Department has said the list should be treated like confidential personnel file information, which is protected from disclosure under the state's right-to-know laws.

The ACLU and media outlets disagree, arguing the list is separate from police departments' personnel files. And even if it was considered as personnel file information, the state Supreme Court has ruled such information can be released when public interest is great enough.

The list exists as a way for prosecutors to let defendants know when an officer involved in a case has been found to have credibility issues. Created in 2004, it was maintained by the state's various counties for years until the attorney general's office took it over in 2017.

Officers are added to list only after an investigation and a decision from a police chief. A name can be removed from the list if a chief determines the allegation against the officer was not credible, and only remains after an officer has exhausted due process.
Ward noted in October that the list isn’t foolproof – partly because every officer on the list has not been given the due process afforded to them as a result of changes made to list in 2017.

As the AG’s office compiled the various lists from various counties, police departments were required to notify officers on the list. Some officers claimed they were unaware they’d ever been placed on the list, Ward previously said.

Ward pointed out on Friday some of the new names might be officers who have done something in the past but were not added to the DOJ’s list until recently.

Law enforcement agencies had a December 2017 deadline to submit names of officers who should be on the list, Ward said. They are required to re-submit that information every year by July 1.

As of now, 69 percent of those agencies have complied with that initial deadline. The DOJ has sent out various memos reminding departments to submit the information, but has no other enforcement mechanism that causes departments to comply.

In his November letter, Ward notes the Department of Justice compiled the recent list by including “officers who had historically been included in the DOJ’s Laurie List so as to best ensure that no officer who was previously identified was omitted. That did not require the DOJ to determine if officers received due process.

Media outlets involved in the case include the Monitor, the Valley News, the Nashua Telegraph, the Keene Sentinel, Seacoastonline.com, the Union Leader and InDepthNH.com.
N.H. AG’s Office: Number of officers with credibility issues has increased since June