

SENATOR BOB DOLE

NEW HAMPSHIRE POLICE SQUARE

CLUB

MARCH 31, 1995

**THANK YOU, LLOYD, FOR
THAT KIND INTRODUCTION.**

**IT'S A PLEASURE TO BE HERE
THIS EVENING TO HONOR THREE
OF NEW HAMPSHIRE'S HEROES--
ARNOLD HARTLING, JOHN**

STEVENS, AND CLARK BENSON.

IT'S ALSO GOOD TO SEE OLD

FRIENDS LIKE WARREN LEARY.

LIKE MANY AMERICANS, I

WAS DISAPPOINTED LAST YEAR

WHEN CONGRESS FAILED TO

PASS WHAT THE AMERICAN

PEOPLE WANTED AND DESERVED-

-A TOUGH CRIME BILL.

BUT, AS THEY SAY, WHAT

**GOES AROUND COMES
AROUND...AND LATER THIS
YEAR, SENATE REPUBLICANS
WILL HAVE AN OPPORTUNITY TO
PERFORM SOME RADICAL
LEGISLATIVE SURGERY. THIS IS
WHAT WE HOPE TO DO:**

**FOR STARTERS, WE WILL
PROPOSE STRIPPING-OUT THE \$5
BILLION IN SO-CALLED**

**"PREVENTION" MONEY...MONEY
FOR ACTIVITIES LIKE MIDNIGHT
BASKETBALL AND DANCE
CLASSES.**

**WE INTEND TO FORCE THE
PERPETRATORS OF FEDERAL
CRIMES TO PROVIDE
RESTITUTION TO THEIR VICTIMS.**

**WE WILL PUSH FOR
MANDATORY MINIMUM**

**PENALTIES FOR THOSE WHO USE
A GUN WHILE COMMITTING A
CRIME OR SELL ILLEGAL DRUGS
TO CHILDREN. I UNDERSTAND
THAT THE NEW HAMPSHIRE
HOUSE OF REPRESENTATIVES
PASSED LEGISLATION JUST
YESTERDAY THAT ENHANCES
THE PENALTIES FOR THOSE WHO
COMMIT GUN-RELATED CRIMES.**

**CONGRATULATIONS TO
REPRESENTATIVE LEO PETINO,
THE SPONSOR OF THE BILL...AND
HOPEFULLY, WE WILL BE ABLE TO
FOLLOW SUIT AT THE FEDERAL
LEVEL LATER THIS YEAR.**

**REPUBLICANS ARE PUSHING
FOR REFORM OF THE FEDERAL
HABEAS CORPUS RULES TO
PREVENT VIOLENT CRIMINALS**

**FROM GAMING THE SYSTEM--
WITH MORE UNNECESSARY
APPEALS, MORE DELAYS, AND
MORE GRIEF FOR THE VICTIMS OF
CRIME AND THEIR FAMILIES.**

**WE WILL ATTEMPT TO CUT
DOWN ON THE THOUSANDS OF
FRIVOLOUS LAWSUITS FILED
EACH YEAR BY CONVICTED
CRIMINALS WHILE SERVING OUT**

**THEIR SENTENCES. PRISONS
SHOULD BE PRISONS, NOT LAW
FIRMS.**

**WE WILL TRANSFORM THE
\$8 BILLION POLICE-HIRING
PROGRAM INTO A LAW
ENFORCEMENT BLOCK GRANT,
THEREBY GIVING THE STATES
AND CITIES MORE FLEXIBILITY IN
DETERMINING WHAT BEST SUITS**

**THEIR OWN UNIQUE LAW
ENFORCEMENT NEEDS. IS IT
MORE POLICE? BETTER
TECHNOLOGY? MORE SQUAD
CARS?**

**AND, BESIDES, WHO KNOWS
WHAT'S BEST FOR NEW
HAMPSHIRE? ~~IS IT~~ A
WASHINGTON BUREAUCRAT? OR
~~IS IT~~ THE PEOPLE IN THIS ROOM**

**WHO, EACH DAY, ARE ON THE
FRONT-LINES IN THE WAR
AGAINST CRIME?**

**FINALLY, REPUBLICANS WILL
STAND FOUR-SQUARE BEHIND
TRUTH-IN-SENTENCING. A 20-
YEAR SENTENCE SHOULD MEAN
JUST THAT--20 YEARS, NOT FIVE
OR TEN YEARS. THAT'S WHY WE
HOPE TO GIVE STATES MORE**

**RESOURCES TO EXPAND
AVAILABLE PRISON SPACE SO
THAT THEY CAN MAKE TRUTH-IN-
SENTENCING A REALITY.**

**YOU KNOW, I'VE ALWAYS
BELIEVED THAT THE MOST
EFFECTIVE SHORT-TERM CRIME
"PREVENTION" PROGRAM IS A
PRISON CELL. SOMEONE SITTING
BEHIND BARS CAN'T TERRORIZE**

**A SINGLE LAW-ABIDING CITIZEN.
NOT ONE.**

**EARLIER THIS MONTH, I HAD
THE OPPORTUNITY TO TALK
WITH SOME OF NEW
HAMPSHIRE'S SHERIFFS ABOUT
ANOTHER PROPOSAL THAT I
INTEND TO PUSH.**

**THIS PROPOSAL WOULD
ALLOW STATES AND LOCALITIES**

**TO USE SOME OF THE CRIME-BILL
FUNDING TO PURCHASE**

INSURANCE TO INDEMNIFY

POLICE OFFICERS WHO ARE

PARTIES TO LEGAL PROCEEDINGS

AS A RESULT OF

~~FOR~~ ACTIONS TAKEN WHILE

DISCHARGING THEIR DUTIES.

UNDER THE PROPOSAL, THE

FUNDS COULD BE USED BY A

STATE OR LOCALITY TO PAY THE

**OFFICER'S LEGAL FEES AND
OTHER EXPENSES. SO LONG AS
THE OFFICER ACTS IN GOOD
FAITH, HE OR SHE WILL BE
COVERED.**

**THE BOTTOM LINE IS THAT
OUR POLICE OFFICERS SHOULD
BE ABLE TO DO THEIR JOBS
WITHOUT HAVING TO SECOND-
GUESS EVERY STEP THEY TAKE.**

**IF AN OFFICER ACTS IN GOOD
FAITH, THEN HE OR SHE SHOULD
BE PROTECTED FROM THE
FINANCIAL BURDEN OF A
LAWSUIT.**

**BY THE WAY, THE
INDEMNITY CONTAINED IN MY
PROPOSAL IS VIRTUALLY
IDENTICAL TO THE INDEMNITY
ENJOYED BY THE EMPLOYEES OF**

**THE LEGAL SERVICES
CORPORATION. SO, IF IT'S GOOD
ENOUGH FOR LEGAL SERVICES, IT
SHOULD BE GOOD ENOUGH FOR
THE MEN AND WOMEN WHO
WEAR THE POLICE UNIFORM.**

**I KNOW THE PEOPLE IN THIS
ROOM UNDERSTAND THE
IMPACT--POSITIVE AND
NEGATIVE--THAT JUDGES CAN**

**HAVE ON OUR SYSTEM OF
CRIMINAL JUSTICE.**

**LAST YEAR, THE CLINTON
ADMINISTRATION NOMINATED
TWO JUDGES WITH VERY
LIBERAL AND VERY ACTIVIST
RECORDS--ROSEMARY BARKETT
AND H. LEE SAROKIN.**

**JUDGE BARKETT'S RECORD
IS FULL OF THE "CRIMINAL-AS-A-**

**VICTIM-OF-SOCIETY" RHETORIC
THAT HAS DONE SO MUCH TO
ERODE PUBLIC CONFIDENCE IN
OUR SYSTEM OF JUSTICE.**

**JUDGE SAROKIN'S RECORD IS
EQUALLY AS BAD: AGAINST
MANDATORY SENTENCING.**

**AGAINST THE PRE-TRIAL, EVEN
THE PRE-CONVICTION,
DETENTION OF THOSE CHARGED**

**WITH VIOLENT CRIMES. YOU GET
THE PICTURE.**

**REPUBLICANS FOUGHT BOTH
NOMINATIONS, BUT
UNFORTUNATELY, WE CAME UP
A BIT SHORT AND THE TWO
JUDGES WERE CONFIRMED.**

**NOW FAST FORWARD TO
1995. TODAY, THERE ARE 54
REPUBLICAN SENATORS...A**

**REPUBLICAN MAJORITY THAT
WILL MAKE A BIG, BIG
DIFFERENCE WHEN IT COMES
TIME TO JUDGE THE JUDGES.**

**SO, THE CLINTON
ADMINISTRATION SHOULD BE ON
NOTICE: NOMINATE A SOFT-ON-
CRIME JUDGE, AND WE WILL
SEND THAT NOMINATION BACK
TO THE WHITE HOUSE STAMPED**

WITH THREE SIMPLE LETTERS--

D.O.A. DEAD ON ARRIVAL.
- - - - - -

**SOME OF YOU MAY HAVE
READ A RECENT BOOK, CALLED
THE MORAL SENSE AND WRITTEN
BY CRIME EXPERT JAMES Q.
WILSON. IN HIS BOOK,
PROFESSOR WILSON MAKES A
VERY SURPRISING OBSERVATION.
HE SAYS THAT PEOPLE ARE**

**MORE LIKELY TO HELP A VICTIM
OF CRIME WHEN THEY ARE
ACTING ALONE RATHER THAN IN
A GROUP. ACCORDING TO
WILSON, WHEN IN A GROUP,
PEOPLE DON'T FEEL THE SAME
SENSE OF PERSONAL
RESPONSIBILITY: "IT IS AS IF
EACH PERSON IN A GROUP SAYS
TO HIMSELF OR HERSELF,**

**'MAYBE SOMEBODY ELSE WILL
DO IT'."**

**AND THAT'S THE FINAL
POINT I WANT TO MAKE THIS
EVENING: NO ONE ELSE WILL DO
IT...NO ONE ELSE CAN TURN THE
PAGE ON CRIME. CONFRONTING
CRIME IS NOT SOMEONE ELSE'S
RESPONSIBILITY. IT IS OUR
RESPONSIBILITY.**

**YES, CONGRESS CAN PASS
ANTI-CRIME BILLS. WE CAN
PROVIDE MORE FEDERAL
FUNDING FOR PUBLIC SAFETY.
WE CAN TOUGHEN THE CRIMINAL
LAWS.**

**BUT, IN THE FINAL
ANALYSIS, THE REAL HEROES IN
THE WAR ON CRIME--AND IT IS A
WAR--WON'T BE THE MEMBERS**

OF CONGRESS, OR THE
PRESIDENT, BUT THE PEOPLE
THEMSELVES. PEOPLE LIKE
ARNOLD HARTLING, JOHN
STEVENS, CLARK
BENSON...PEOPLE WHO WON'T
GIVE UP, WHO HAVEN'T LOST
THEIR SENSE OF OUTRAGE AT
THE HORRIBLE ACTS OF
VIOLENCE THAT ARE COMMITTED

**EACH DAY ON THE STREETS OF
OUR COUNTRY.**

**SOME SAY THAT THE
CARNAGE OF CRIME IS THE PRICE
WE PAY FOR LIVING IN A FREE
SOCIETY. BUT IF WE CONTINUE
TO PAY THIS PRICE, SURELY WE
WILL HAVE LOST OUR
FREEDOM...AND I KNOW THAT
THE PEOPLE IN THIS ROOM LOVE**

**THEIR COUNTRY TOO MUCH TO
LET THAT HAPPEN.**

**THANK YOU FOR ALLOWING
ME TO SHARE THIS EVENING
WITH YOU. AND, MORE
IMPORTANTLY, THANK YOU FOR
THE WORK YOU DO EACH AND
EVERY DAY TO MAKE THIS A
SAFER, BETTER, COUNTRY FOR
US ALL.**

TO: Kathleen Dorn
FROM: Barbara Russell

RE: Dinner remarks - NH Police Square Club

This is a group of Masons who are police officers. The dinner will be attended by approx 160 people - the members and their wives, an informal social atmosphere.

NH Police Square Club - President Lloyd Dowdy - law enforcement for 17 years. Never met Sen. Dole. Served with Manchester PD, Hillsborough County Sheriffs office. personal: 4 children (4 mos to college age), enjoys power boating.

Three Awards

Award #1: Past President's Award - to last year's President
Arnold Hartling - Deputy Sheriff

Award #2: Lieutenant John Stevens - NH State Trooper, Troop
Commander
extensive background with NH State Police

Honored for his contributions/advancement of the DARE program in the state of NH. NH became a DARE accredited training facility state, thanks to his efforts. DARE liason for the NH Police Square Club
liason

Award #3: Clark Benson - Facilities manager of Coos County Superior Court, Lancaster, NH. He came to the aid of a deputy sheriff who had been struck and knocked unconscious by an inmate. Benson detained the inmate until officers arrived.

Warren Leary -

THE UNION LEADER, Manchester, N.H. — Monday, March 20, 1995

Make Inmates Pay, Some Say

By PAUL TOLME
Associated Press Writer

CONCORD — State prison inmates may have to learn to stretch their dollars.

Prisoners now spend their average daily wage of \$1.50 on cigarettes, snacks, toiletries and other odds and ends. The state wants to add health care and legal fees to that list.

As federal, state and county governments get tough on crime yet try to keep prison and jail budgets low, inmates are being asked to chip in for doctor's visits, room and board and parole costs.

If prisoners don't like it and

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INMATES PAY

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want to sue, they'll have to pay for that, too.

"An inmate who has assets should be contributing to the costs he is incurring at taxpayer expense," said Rep. Donna Sytek, R-Salem, chairman of the House Corrections and Criminal Justice Committee and sponsor of several bills addressing prison costs.

The Legislature is considering bills to:

- Discourage lawsuits by requiring inmates to pay court costs.
- Charge inmates for doctor's visits.
- Allow the state to seize prisoners' assets to pay prison expenses.
- Charge inmates for the privilege of being paroled or on probation.

The state hopes prisoners will think twice before suing the prison or visiting a doctor unnecessarily.

"You've got to make a choice between buying your cigarettes and mouthwash or filing a lawsuit," Sytek said. "If you're complaining about the temperature of your orange juice, then you're going to pay to make that complaint."

In all cases, exceptions would be made for inmates who couldn't afford the charges and no one would be denied help for lack of money, Sytek said.

But critics say pinching inmates for money will leave them impoverished when they are released, causing them to go on welfare or return to crime; prevent them from getting needed services; or make their families pitch in, creating a hardship for them. They say the bills are part of a nationwide surge in anti-crime sentiment.

"This is quite consistent with what Congress is doing," said Elliott Berry, a New Hampshire Legal Assistance lawyer. "There is nobody less popular than prison inmates."

Michigan last year raised the maximum room and board rate counties can charge inmates to \$60, the cost of a hotel stay. New federal inmates are being assessed a one-time incarceration fee, though exceptions are made

Inmate Costs

By The Associated Press

New Hampshire is considering charging prisoners for non-emergency doctor's visits and for the costs of lawsuits prisoners file.

- The state spends \$9 million annually for health care at the state prison for men, with the average prisoner making nearly two sick calls per month.
- The state hopes to halve the number of frivolous sick calls by charging a fee.
- Daily wages at the state prison range from \$1 to \$3.
- Inmates file about 150 lawsuits per year, costing the Department of Corrections about \$120,000.
- The department hopes to save \$60,000 per year by discouraging frivolous lawsuits.
- One inmate recently had 24 lawsuits pending.

for the impoverished.

Supporters of the changes say inmates aren't financially accountable for their actions. Inmates play sick to get out of work, break the monotony or get prescription drugs to make the prison experience more tolerable.

State prison inmates visit the doctor nearly twice a month, which will cost New Hampshire an estimated \$9 million this year. County jails say they have the same problem.

In February, Belknap County became the first in the state to charge for health care at its jail. Most counties are expected to follow.

Belknap County's sick calls have been halved since it began charging \$5 to visit a doctor, \$4 for a nurse and \$3 a week for prescriptions. As with the state proposal, inmates don't pay for emergency care, physicals and treatments initiated by the staff such as HIV screening.

Michael Marchand, a Belknap County inmate, said the policy is hard on people who don't have money, but it is fair.

Inmates call co-pay plan unfair

They argue they have no way to earn cash

By BEN SCHMITT
Monitor staff

Merrimack County Jail inmates may think twice about a brief escape from their cells to the doctor the next time they have a headache or feel a cold coming on. Beginning April 1, inmates will have to pay for part of their medical visits.

Under the new plan, inmates will pay \$5 for non-emergency doctor visits, \$4 for nurse visits and \$3 for prescriptions.

Jail administrator Carole Anderson said the philosophy behind the policy is that it will save the jail and taxpayers money.

"We get a lot of frivolous medical calls," Anderson said. "We have inmates going down to see doctors because of headaches, upset stomachs or during cold

“Some of these guys live for their Kit Kat bars and occasional thing of Cheez Whiz. Take that away from them and they're going to blow.”

— Nick Brodich, lawyer

and flu season, when they should just stay in bed and get rid of it.

"Our medical staff is really inundated, and they take a lot of flak."

The jail has two doctors, three full-time nurses and several nurses on call.

Inmates like Marcus Dunleavy say the plan is unfair because jail inmates, unlike state prison inmates, have no source of income. At the state prison, inmates earn an average \$1.50 daily wage.

"There's no way we can make money in here," said Dunleavy. "Some people's parents don't come in here and give them money."

Dunleavy said inmates were outraged when jail officials began posting information about the new policy on Monday.

"There was a lot of screaming, and a lot of letters to lawyers," he said.

Anderson, however, said inmates with no money in their accounts will not be charged for medical expenses.

In addition, inmates will not have to pay for physical and mental health screening when they enter the jail. HIV tests will also remain free, along with any emergency medical care.

■ JAIL

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"No one in need of necessary medical attention will go without," she said. "The idea here is to have inmates become more responsible for their own health than they have been in the past."

But Dunleavy, who says he has no source of income, is wondering who will foot the bill for his prescription for Elavil, an anti-depressant.

"I take it (Elavil) to keep calm," he said.

Anderson said when she was posting notices throughout the jail, inmates said they wouldn't receive their prescriptions if they had to pay for them.

"What that says to me is that perhaps the medical expenses we're incurring weren't that necessary," she said. "If I needed a prescription, I'd get it."

The Merrimack County Jail is following in the footsteps of the Belknap County Jail, which became the first in the state to charge for health care in February. Sick calls there have been cut in half ever since, according to jail superintendent Walter Newcomb.

"It's working out very well," Newcomb said. "The inmates might not like it, but some feel it's fair, and the taxpayers certainly feel it's fair."

But in some cases, what little money the inmates have, they spend on items like snacks, cigarettes and toiletries.

"Some of these guys live for their Kit Kat bars and occasional thing of Cheez Whiz," said Concord defense lawyer Nick Brodich. "Take that away from them and they're going to blow."

The state legislature is also considering several bills to charge inmates for doctor visits and court costs for lawsuits.

Concord Monitor
3/22/95

Portsmouth Herald (N.H.) Friday, March 10, 1995

NH House votes to revoke deadbeat parents' licenses

CONCORD (AP) — Deadbeat parents who fall behind in their child support would lose their driving, occupational and sporting licenses under legislation approved yesterday by the House.

The state Office of Child Support Enforcement Services sought the authority in hopes of mirroring Maine's success in getting the parents to pay up.

Maine has collected \$22 million since it instituted a similar program in August 1993.

Under the bill, parents who fall two months behind in support payments would be notified their licenses could be revoked if the debt isn't paid. The parent could request a hearing to fight the notice or work out a payment plan.

The parent also could ask the courts to adjust support amounts to reflect changes in income that led to the failure to make payments. Only parents ordered by the courts to make payments would be covered by the bill.

The state currently is handling 38,000 child support cases, of which 25,000 involve court orders. Human services officials say the

intention isn't to revoke thousands of licenses, but to use the threat as a way to get the deadbeats to pay up. Maine has only revoked 40 licenses since it started its program.

Supporters say the bill will especially help collection efforts involving parents who hide their income.

Parole System Strained

■ Director Michael K. Brown says he needs 20 more officers to maintain adequate supervision, but he doesn't expect any budget or staff increases.

By ROGER TALBOT
Sunday News Staff

The state director of probation and parole, Michael K. Brown, who has 55 officers watching over about 5,300 offenders, said he needs 20 more officers to maintain an adequate level of supervision.

Brown insisted public safety is not compromised

at present, but admitted he has no crystal ball to predict the future.

The state spends about \$47 million a year on its Department of Corrections, but Brown's piece of that budget is only about \$4.5 million. And given the state's financial problems, he is planning for the future with no expectation of expansion in the budget or staff for the Division of Field Services.

As the prison system and the courts funnel increasing numbers of offenders to Brown's supervision, he said his staff will be forced to "prioritize," spending the time they have with offenders who are more of a risk to the public and letting their

other work slide. That means fewer pre-sentence reports, sporadic contact with minimum-risk offenders, and less time to collect fines and restitution payments.

In interviews, Brown and his field officers expressed pride for the face-to-face supervision they maintain on offenders and fear that the increasing caseload will force them to become office-bound paperwork processors.

The 20-officer shortage noted by Brown was the same cited in a consultant's report done last year

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PAROLE

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for the Legislature's Joint Corrections Study Committee.

The report, based on a year of study by Mark D. Corrigan Associates, focused on the state's need for additional prison space, but it also contained comments and recommendations for Brown's division.

Crime and public safety, Corrigan said, are "the two variables which stand at the forefront as New Hampshire works to define how government will respond to changing problems and how very limited tax dollars will be invested to maintain the quality of life which citizens seek and demand."

The consultant found thieves, sex deviates and drug offenders make up the bulk of the prison population and he questioned whether they all should be incarcerated.

Corrigan wrote:

● "As the state faces difficult choices concerning capital investment in the correctional system... it is important to examine the nature of property offenders, a pool which may not, in all cases, warrant prison confinement in order to ensure public protection."

● "With such a high representation of drug offenses in both prison and field services populations... is existing sentencing policy and practice adequately structured to ensure that the system employs a public protection strategy when needed and a treatment strategy when appropriate?"

● "The state has not yet maximized the options for controlling capital investment in institutional expansion through the extended use of community based punishment (such as home confinement and electronic monitoring) and treatment strategies."

Brown said he approaches things "a little bit differently" than Corrigan.

For example, the director said it would be impractical to set a cap on the number of offenders assigned to each probation/parole officer because

some offenders require a lot of supervision while others need minimum attention.

In general, Brown said he agreed with Corrigan's conclusions and was mindful of the consultant's warnings of future increases in the number of offenders on probation and parole.

"I would describe as accurate Corrigan's recommendation that the division needs an additional 20 officers," Brown said. Ten would bolster the staff in the dozen district offices and 10 would be added to High Intensity Supervision, doubling the size of the unit that keeps track of high risk offenders.

"I estimate my budget is roughly 20 to 25 percent under what I think it should be," Brown said.

"I'm preparing for the next biennium (beginning in July) on the assumption I will not have additional staff and that there will be a continuing burgeoning of the caseload...."

"There may be things we are doing today, such as collections, that we will not be able to do in the future... It may mean fewer pre-sentence investigations. It may mean not supervising 'minimum' cases, perhaps some of our 'medium' cases. We're simply going to have to develop strategies to deal with non-violent offenders differently than we do today."

Brown said:

● "Our work load will go up significantly," if lawmakers lower the age of majority, shifting more young offenders into the adult courts and corrections system.

● Probation/parole officers deal with "the most difficult and dangerous offenders this state has ever encountered," but some have to carry their own pistols "because I can't afford to purchase firearms."

● Many officers have "maxed out" on vacation and compensatory time. "They haven't time to take time off... They are so safety oriented. There has been minimal, if any, diminution of safety to the public, but I don't have a crystal ball. I don't know how long we can do this."

"Oftentimes I'm just putting out fires because I don't have the time to be as proactive as I would like."

— Probation Officer Mark C. Ryder

● The public has a "superficial view of the criminal justice system" because it is aware only of the high-profile case where an offender commits a violent crime while on parole or probation. "But when I've had the opportunity to talk to people at meetings and forums, they overwhelmingly embraced the full range of punishments that we have and a big chunk of those punishments are community-based."

Asked if the parole program were necessary, Brown described it as a method of maintaining supervision while reintroducing convicts to community life. He noted that all inmates now in the state prison system, except for about 30 serving life without parole, will eventually be released.

"Parole works efficiently and serves as a way of minimizing the cost to the taxpayer. Most of the states (about a dozen have tried doing away with parole) have found themselves needing to expand their prison bedspace substantially," he said.

The senior probation/parole officers who were interviewed agreed that parole is valuable and not used just to ease crowding in the prisons.

"I don't think the Department of Corrections is pushing dangerous inmates on the streets to relieve overcrowding," said Brian Jones, head of the field services chapter of the State Employees Association.

Parole offers early release and "is an important incentive for inmate behavior. I think it works and I would not want to see it abolished," said officer Mark C. Ryder.

Ryder, who works out of the Franklin office, has a caseload of about 100, a third of them parolees.

"Ideally, I wish it were smaller, both from a rehabilitation perspective and to be able to monitor the individual more closely.... Oftentimes I'm just putting out fires because I don't have the time to be as proactive as I would like," Ryder said.

Robert D. Bennett, who covers rural Carroll County, said the caseload and driving time keep his home visits to a minimum. He holds office hours in Conway, Wolfeboro and Ossipee; monitors his drug offenders with frequent urine tests; and tries to keep "clients" employed in a region dependent on the seasonal tourism industry.

David M. Cooley, a 20-year veteran, said, "we try to keep the caseload at a reasonable level. If the person needs us, we're there. If they don't, we try to get them off probation."

Cooley would like to see a return to the practice of involving probation officers in the pre-sentence investigation process before the judge agrees to a "plea bargain" arranged by lawyers. "If we had more input early in the process, it might result in more appropriate sentences. I think you would see more of the alternative sanctions (such as home confinement) being used," he said.

Most nettling to field officers, Jones said, has been the state's refusal to allow them to join other law enforcement officers in the "Group 2" retirement program.

"First and foremost in the minds of every probation/parole officer is that we are out there making the arrests, carrying the guns, doing the transports, working in the cities. The argument is sound as to why we should be in Group 2. It's really frustrating. The governor is still opposed and I don't know why," Jones said.

THE UNION LEADER, Manchester, N.H. — Wednesday, March 8, 1995

Merrill: Violent Youth Crimes Soaring

By **DONN TIBBETTS**
State House Bureau Chief

CONCORD — The rate of serious, violent crimes committed in New Hampshire by juveniles has tripled over the past five years.

Yesterday Gov. Steve Merrill's proposed legislation to deal with the problem got its first public hearing.

He proposes reducing the age at which juveniles may be tried as adults for violent crimes such as armed robbery, rape and murder from 18 to 17 years of age.

It was noted that the number of violent crimes had increased from 40 in 1989 to 130 now.

During the daylong hearing, law enforcement officials solidly supported House Bill 52 as a needed tool. Opponents argued it's not rational to legislatively mandate that a chronological age change in the law will miraculously transform an adolescent into an adult.

"Recently the Attorney General's Office prosecuted a 16-year-old girl for beating a stranger with a baseball bat," said Merrill, testifying for the meas-

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ure. "They recently prosecuted a 17-year-old boy for shooting and killing one person and wounding another. That defendant has not once showed any signs of remorse. He disrupted the courtroom a number of times. He cursed the jury when they returned the verdict, and that is a lot different than the kind of conduct that our laws were originally intended to deal with."

"All I'm asking this committee to do is to become as sophisticated and tough as some of those young people are out on the street," Merrill, a former attorney general, told the House Corrections and Criminal Justice Committee. "They won't listen to me. They won't listen to the attorney general. They probably won't listen to their teachers and probably have long since decided they are not going to listen to their parents."

"They probably won't listen to anybody but the law, and therefore, the law needs to send a message that while we will cut all the breaks we can for young people in New Hampshire, if you are going to commit a serious crime, we are not going to let you use an excuse, your age," said Merrill.

Assistant Attorney General William Lyons cited statistics showing that young offenders come here from Massachusetts to commit burglaries and drug offenses because they feel New Hampshire juvenile laws are more lenient.

Besides revising the jurisdiction over delinquent minors, the bill, among other things, would transfer supervision from the division of Children, Youth and Families to the Department of Corrections. It would also transfer the place of detention from the YDC to an adult correctional facility.

In response to Committee Chairman Rep. Donna Sytek's

question, Merrill said he would support transferring the DCYS funding to corrections.

The bill will be assigned to a subcommittee for more work before the measure will be reported to the House floor where it faces stiff debate.

"Passage of this legislation will set juvenile justice backward and place tremendous financial burdens on county taxpayers," said Norman Brown, superintendent of the Coos County Department of Corrections.

"This legislation does nothing more than change the location and the costs for juvenile detention from the state to the counties. This is cost-shifting legislation and clearly an unfunded state mandate," said Brown.

"If the committee believes there is a need for better juvenile legislation, and I won't dispute that there is a need, then create a task force to study the issue with representatives from county human services, corrections and the juvenile court system along with state agencies," he suggested.

But Goffstown Police Chief Steve Monier, speaking for the New Hampshire Chiefs of Police Association, testified that in cases involving violent crimes against persons "there must be effective means available to treat 15- and 16-year-olds as adults."

Monier said House Bill 52 "empowers society and our young adults by stating clearly what we all know — today's young people are smart, they do know right from wrong and they are responsible for their actions."

Gov. Merrill: OJ Case Would Be Over in NH

CONCORD — The OJ Simpson murder trial would be over by now if it were being held in New Hampshire instead of California, Gov. Steve Merrill said yesterday.

"I never thought as governor that I would mention the OJ Simpson case, because I'm already so sick of it, but not all trials are tried in that California style," Merrill said during testimony to a House Corrections & Criminal Justice panel yesterday.

"We don't believe in surprise in New Hampshire. All those lawyers (in the Simpson case) ought to spend an hour in a New Hampshire courtroom. That case would be concluded by next Friday," Merrill said.

"We don't surprise. We don't bring out tapes. We don't do those kinds of things (in N.H. trials) because we have a system and a state that cares," Merrill said.

— *Donn Tibbetts*

Valley News

Wednesday, March 8, 1995

Citing Increase In Juvenile Crime, Merrill Proposes Changes In Laws

By NANCY ROBERTS TROTT
Associated Press Writer

CONCORD — Serious crimes committed by juveniles have tripled in the six years since he was the state's top prosecutor, Gov. Steve Merrill told legislators yesterday.

The increase — from 40 in 1989 to 130 now — warrants reducing the age at which juveniles will be tried as adults, Merrill told the House Corrections and Criminal Justice Committee.

"Young people have become sophisticated about which crime they can commit, and they're willing to pay the price," he said.

"They will not listen to me ... their teachers ... their parents," he said. "They probably won't listen to anybody but the law. We have got to say we're not going to excuse your age."

Merrill was state attorney general until 1989. Getting tough on juvenile criminals was a theme of his second inaugural address as governor in January.

For violent felonies such as murder, rape or armed robbery, Merrill proposes reducing the age from 18 to 17 for juveniles to be considered adults.

The bill also would shift the burden of proof for trying youths as adults. Now, prosecutors have the burden of showing someone should be tried as an adult. Merrill

“They will not listen to me ... their teachers ... their parents. They probably won't listen to anybody but the law. We have got to say we're not going to excuse your age.”

Gov. Steve Merrill

Explaining why he favors reducing the age for juveniles to be tried as adults

would make defense lawyers show why a juvenile should not be tried as an adult.

"I'm not going to try to protect or excuse violent behavior," Merrill said.

"We, in our society, have tended to say, 'But that's a juvenile,'" and we close the door," he said.

Merrill said the juvenile justice system still would operate for those accused of less serious crimes.

"You can give victims rights without taking them away from defendants," Merrill said.

A8

THE UNION LEADER, Manchester, N.H. — Thursday, March 30, 1995

Government

Inmates May Have To Pay for Medical Care

CONCORD (AP) — When it snows, an epidemic of bad backs sweeps through the state prison as inmates try to get out of shoveling.

Corrections officials cited the phenomenon yesterday as they sought permission to begin charging inmates for health care to eliminate wasteful medical expenses.

Charges would be \$3 to \$5, said Rep. Donna Sytek, sponsor of a bill to authorize the charges.

"The goal isn't to raise money for the state but to reduce the demand for medical services," Sytek, R-Salem, told the Senate Public Institutions, Health and Human Services Committee.

Other states that charge inmates for medical care

have halved their health care costs, she said. The aim is not to discourage legitimate sick visits, she said.

Joseph Panarello, director of medical services at the prison, described the heavy turnout at sick call after snowstorms.

"I have people say, 'I need a special pass so I don't have to shovel today,'" he said.

Inmates also try to obtain drugs and get expensive treatments that are unnecessary, he said. Two inmates in the last week complained about losing prosthetic eyes, which cost about \$900 apiece.

It's unlikely the prison could recoup all that money, but it may get several hundred dollars and

prevent inmates from deliberately losing medical devices, he said.

Inmates make an average of \$1.50 a day for prison work and the money is deposited in an account. The accounts would be charged when inmates make non-emergency visits to a doctor.

No inmates would be denied care for lack of money and there would be no charge for emergencies, Sytek said.

Other legislation to cut prison expenses would discourage lawsuits by requiring inmates to pay court costs, allow the state to seize prisoners' assets to pay for room and board, and charge inmates for the privilege of being paroled or on probation. In-

mates also could be charged for damages or escape attempts under Sytek's bill.

Frivolous lawsuits by inmates range from complaints about the prison's failure to mow the law to complaints about failing to provide fried chicken, said Michael Brown, director of field services.

Belknap County jail has begun charging inmates for health care and other counties are considering it.

Opposition to the bills center on ensuring the charges are affordable and don't leave inmates impoverished or in debt, causing them to turn to crime or welfare when released.

March 31, 1995

**New Hampshire--Recent Developments
Crime**

* **Prisoner Rights.** The New Hampshire State Legislature is considering bills to:

- discourage lawsuits by requiring inmates to pay court costs
- charge inmates for doctor's visits
- allow the state to seize prisoners' assets to pay prison expenses
- charge inmates for the privilege of being on parole or probation

Note: Inmates file 150 lawsuits per year, costing the Department of Corrections about \$120,000. One inmate recently had 24 lawsuits pending.

* **Juvenile Crime.** Governor Merrill has proposed legislation reducing the age at which juveniles may be tried as adults for violent crimes such as armed robbery, rape, and murder--from 18 to 17. The number of violent crimes committed by juveniles has increased from 40 in 1989 to 130 now.

March 31, 1995

CRIME

The Dole Philosophy on Fighting Crime

The Dole philosophy on fighting crime can be summarized by the following four points:

1. Victims First. (Last year, the Democrats unbelievably blocked a proposal requiring mandatory restitution for the victims of federal crimes.)
2. Swiftness and certainty in punishing criminals--it has to be crime and punishment; not crime or punishment. (At the state level, the average violent offender serves less than 40% of his sentence. That's why we need truth-in-sentencing.)
3. A recognition that fighting crime must be done at the local level, by local law enforcement, with the federal government extending a helping hand, but not wielding a "one-size-fits-all" sledgehammer.
4. The focus should be on criminals, not on law-abiding citizens ("crime control, not gun control")

Gun Control

1. There will be no anti-Second Amendment legislation passed in the 104th Congress.
2. We will have a vote to repeal the assault-weapons ban, and I will support such a repeal.
3. I have written to Senate Judiciary Committee Chairman Orrin Hatch to request hearings on a broad array of Second Amendment issues (self-defense, Brady Bill effectiveness).
4. The Administration talks a good game about gun control, but for some mysterious reason, they oppose mandatory minimum penalties for gun crimes. While the Administration touts the assault-weapons ban as one of its great accomplishments, federal gun prosecutions are actually declining--by as much as 20%.

Judges

When we talk about crime, we too often overlook the role of federal judges.

1. Federal judges can have an enormous negative impact on our ability to fight crime--remember the Warren Court

days.

2. Today, an astounding 39 states and 300 of the nation's largest jails operate under some form of federal court supervision, including the so-called "prison population cap."
3. In 1993, the state of Florida put 20,000 prisoners on early release because of a prison cap order issued by a federal judge who thought that the Florida system was overcrowded and thereby "cruel and unusual."
4. In Arizona, federal judges tell state prison officials the types of publications and typewriters they must buy for prisoners and the number of law clerks they must hire for the state's prison libraries.
5. Last year, Senate Republicans tried to defeat the nominations of two very liberal, very activist judges--Rosemary Barkett and H. Lee Sarokin. Now, with a Republican majority, the nomination of any soft-on-crime federal judge will be D.O.A.--Dead on Arrival.

Crime Legislation--Background

1. **House Action.** The House of Representatives has passed 6 separate crime bills covering the following subjects:

Bill #1: mandates restitution to the victims of federal crimes

Bill #2: exclusionary rule reform (codifies a good faith exception for warrantless searches)

Bill #3: criminal alien deportation

Bill #4: \$10.5 billion in prison grants, including grants to encourage states to adopt truth-in-sentencing laws

Bill #5: habeas corpus reform

Bill #6: \$10 billion "law enforcement" block grant that replaces last year's police-hiring fund

Legislation repealing the assault-weapons ban should be considered by the full House sometime in May, after the 100 days of the Contract with America are finished.

2. **Senate Action.** Senators Hatch, Thurmond, Simpson, Gramm, Smith, Santorum, and Abraham have cosponsored S.3, the Republican crime bill. S. 3 does the following:

- * incorporates the 10 amendments that Senate Republicans unsuccessfully sought to offer during last year's crime-bill

debate (these amendments include 1) mandatory minimum penalties for those who use a gun in the commission of a crime, sell drugs to minors, or employ minors to sell drugs; 2) repeal of the \$5 billion in wasteful social spending; 3) a provision requiring restitution to the victims of federal crimes; and 4) revisions to the prison-funding section).

Note: As a result of Senator Hatch's insistence, the current version of the bill does not touch the \$1.4 billion Violence against Women provisions that were part of last year's crime bill.

- * increases funding for prison construction and operation by approximately \$1 billion

Last year's crime bill authorized \$7.8 billion for prisons over a six-year period; the proposed Republican bill authorizes \$8.7 billion for prisons over a five-year period

- * re-packages the \$8.8 billion community-policing program into a block grant program

Under the block grant program, states will have the option of using the funds to hire new police officers, train existing officers, pay overtime, upgrade equipment, or invest in new crime-fighting technologies. Unlike the community-policing program in last year's crime bill, there will be no matching requirement or per-officer spending cap. This should give states and communities some much-needed flexibility.

- * increases funding for the FBI and the Drug Enforcement Administration

Last year's crime bill authorized \$245 million for the FBI over a five-year period; the proposed Republican bill authorizes \$943 million for the FBI over the same five-year period.

- * proposes a comprehensive reform of the federal habeas corpus procedures, thereby making punishment swifter and more certain and enhancing the confidence of the American people in our system of criminal justice

(requires federal courts to give deference to state court decisions on federal constitutional claims, so long as the claims were "fully and fairly" litigated at the state level)

California Attorney General Dan Lungren, as well as the National Association of Attorneys General, played a prominent role in the drafting of the habeas reform provisions.

- * abolishes the exclusionary rule as it pertains to the Fourth Amendment and provides a tort remedy for those whose Fourth

Amendment rights have been violated by an unreasonable search and seizure (Under the tort remedy, the United States will be liable for damages resulting from an unlawful search and seizure conducted by a federal law enforcement officer, who was acting within the scope of his office or employment. An aggrieved person may recover actual damages and punitive damages up to \$10,000)

The point: Probative evidence, particularly in a criminal trial, should not be excluded because a police officer made a mistake. We should not punish the crime victim by excluding probative evidence.

The Senate Judiciary Committee has been holding a series of hearings. Floor action will take place sometime in late May.

D. Shea