

New Hampshire: CCJR, Dornin fight for equal treatment of all prisoners

written by admin | August 27, 2017



By Dave Solomon . . . Generating sympathy for sex offenders is a challenging task, but it's one that Chris Dornin pursues with a passion. The former State House reporter and now criminal justice reform advocate would say he is not seeking sympathy, just equal justice under the law.

Dornin and other members of the group calling itself "Citizens for Criminal Justice Reform" were on hand for a meeting of the House Committee on Executive Departments on Tuesday, as the committee discussed the fate of [HB 192](#), a bill that would require all rules of the Department of Corrections to be approved by the Joint Legislative Committee on Administrative Rules (JLCAR).

The department that runs the state prison system currently enjoys some exemptions from JLCAR review. On the surface, that may sound like an obscure debate about administrative process,

but it's actually an attempt to force a public debate on a little-known operation within the state prison system known as the Administrative Review Committee.

The committee's purview is limited to sex offenders, and it has enormous power over their fate. But it operates entirely in secret under rules and procedures that have never been reviewed or approved by lawmakers.

HB 192 was introduced last year and retained in committee. The committee took no vote on the question on Tuesday, so it remains in limbo.

Dornin submitted a written statement urging lawmakers to at least keep the bill alive, and cited a November 2016 performance audit of the sexual offender treatment program at the men's state prison in Concord by the Office of Legislative Budget Assistant.

The auditors recommended that the ARC be approved as part of a formal rule-making process, with transparent development of policies and procedures.

"Even though the ARC has a lot of power in granting sexual offenders a discharge . the Department of Corrections did not formally establish the ARC in rule or document its operations in policy and procedure directives," they wrote. "Without rules, policies or procedures describing the ARC's roles, responsibilities, and scope of authority, the DOC risks uncertainty and irregularities when performing its function."

According to Dornin, who has interviewed many prisoners and received statements from others, "Sex offenders never go before the Administrative Review Committee. They don't know when it meets, who serves on it, what information it looks at or what its rulings say. But the Parole Board almost always accepts the recommendations of the Administrative Review Committee on sex offenders."

We do know that the committee is a small group of mental health professionals who determine whether treatment goals have been met, and communicates its findings to the parole board. The results are often that sex offenders are incarcerated beyond their eligible parole dates due to what critics characterize as arbitrary decisions by a shadowy group.

State Sen. John Reagan, R-Deerfield, chairman of JLCAR, has followed the debate closely, and would welcome the opportunity to review rules for the Administrative Review Committee and other aspects of the jail system's operation. But he sees the logic in having a panel of health care professionals offer recommendations to the parole board in the case of a sex offender.

In addition to its influence with the parole board, Reagan said the ARC uses access to the mandatory sexual offender treatment program as another way of extending the jail sentence of sexual offenders it deems inappropriate to release.

"That's the way you are able to hold them back," he said. "You just don't put them in the program right away until they show signs they can be reliable. These are mental health people dealing with this, and without getting into a whole other trial or something like that, you have to trust their judgment."

To Dornin, that's not how due process is supposed to operate. And if the state is going to empower a panel to operate that way, the rules and procedures should at least be transparent.

State Sen. Dan Feltes, D-Concord, a co-sponsor of HB 192, hopes the House committee will move the bill forward. "Folks should invite this kind of scrutiny for these agencies to ensure that they are undertaking reasonable rules, rather than developing internal policies that may unreasonably affect the

people they interface with and serve.”

Corrections Department spokesman Jeff Lyons says the department is responding to the recommendation of the auditors, and preparing ARC rules for review by the legislature. “No specific date yet, but we are working to complete this as soon as possible,” he said.

Dornin can't wait, saying, “The Administrative Review Committee will not do well in a public debate before JLCAR.”

Source: [New Hampshire Union Leader](#)