

BELKNAP

Andrew Livernois (R) (*Incumbent*)

1. This is a very complex and important issue, and does not lend itself to easy answers.

I agree that as a nation, we incarcerate far too many people overall. The United States' incarceration rate far exceeds that of all other similar industrialized nations, which is something that all politicians and policy-makers should be concerned about. Compared to the nation as whole, however, New Hampshire has a very low crime rate and low incarceration rate, and therefore I think that this is somewhat less of a concern here. Nonetheless, I think it is an issue that everyone involved in the criminal justice system should take seriously, and should keep in mind when setting policies.

I cannot agree with the rather broad conclusion that prosecutor's practices have "contributed significantly" to this issue. There are many different factors which have caused the high incarceration rate – our criminal statutes, the so-called "war on drugs," mandatory minimum sentences, the history of racial inequality and discrimination, political pressures placed on elected officials, judges' actions, etc. So it is hard to assess the extent to which prosecutors' actions have contributed to this problem as compared with these other factors.

That said, I agree that prosecutors play a vitally important role in the process, and can have a significant impact on incarceration rates in their local communities. Prosecutors have very broad discretion in deciding what charges to bring, and what plea bargain terms to offer. I believe, therefore, that is important to elect prosecutors who are thoughtful in their approach to criminal justice; prosecutors who try to maintain a broad vision when it comes to thinking about the goals and purposes of sanctions (including rehabilitation, deterrence, community safety and punishment); prosecutors who understand that there are times to be lenient and understanding and times to be tough; who are understanding of the causes of criminality, and its connection to drug-addiction and lack of opportunity. A good prosecutor should not be a zealot. A prosecutor should not be so consumed with "winning" or putting people in jail and "throwing away the key", so to speak. The prosecutor must never forget that the primary aim of the job is to bring about *justice*.

2. The short answer is "yes". In Belknap County, we have a number of programs and initiatives that are already in place to try to reduce the number of defendants we incarcerate, and in the year and half that I have already been in office, I have been a strong and ardent supporter of those programs. For example, our county has a Recovery Court program designed to divert non-violent defendants with serious substance abuse disorders and who otherwise would be headed to prison, into an intensive, community-based drug treatment program. The Recovery Court uses a combination of intensive outpatient drug treatment, community based support groups, close monitoring and supervision, and behavior modification therapy, to try to keep those defendants in the community and to them lead productive, law-abiding lives. I sit on the Recovery Court team, and have provided the full backing of my office to that program. We also have a program called CORE which is a program in the House of Corrections designed to try to get inmates intensive drug treatment

for a few months, followed by work release and electronic monitoring and after-care in the community.

I have supported and advocated for these programs, and have instructed my prosecutors to utilize those programs in circumstances where it is appropriate. These types of programs make sense – they save money and rehabilitate criminals. If elected to another term, I will continue to support them.

In addition, my prosecutors are constantly working to try to devise alternative sentencing arrangements (e.g. creative uses of probation, mental health treatment, drug treatment, community service programs, etc.) in those cases where appropriate, to avoid sending defendants to jail or prison if it is not necessary.

But again, this is a very complex issue, which does not always lend itself to simple answers. One of the most challenging aspects of the job of a prosecutor is to determine what type of punishment or deterrence to mete out in a specific case -- one which will respect and validate the harm which has been done to the victim(s), protect the community, deter future crime, punish the defendant, and rehabilitate the defendant. There is no easy one-size-fits-all answer. In some cases involving less-serious, non-violent crimes, community service, or a rehabilitation program or probation is appropriate. In some cases, a drug treatment program would be best. In some cases, a period of incarceration in the county jail is appropriate. But in some cases, for example those involving serious crimes or violent offenders, or which involve the use of weapons, incarceration in prison (sometimes for a long period of time) is absolutely appropriate and necessary. As a prosecutor, one of my primary responsibilities is to try to protect the public from those individuals who pose a danger to the community, and I take that responsibility very seriously. Some people pose too high a risk to the community to be allowed to remain at liberty.

My goal, therefore, is to explore all options with regard to sentencing, and to make sure that we are only sending those people to jail or prison for whom it is appropriate, based upon their criminal record, the severity of their crime, the danger they present to the community, etc.

3. Yes, please see the answer to Number 2, above.

4. I am currently serving as the Belknap County Attorney, a position I have held for approximately a year and a half. During that time, I have already taken steps to engage in meaningful communication with my constituencies. I am an active member of my local community. I also make efforts to meet with various community groups and organizations, including religious and civic organizations, political parties, advocacy organizations, victims' rights organizations, etc. to discuss the criminal justice system and my office's role in that process. I maintain an open-door policy and respond to all requests for information or assistance from my constituents. I take all of that information (along with my education, training, many years practicing law, and my prior experience as a prosecutor) into account when setting goals and priorities for my office.