

LEGISLATIVE PERFORMANCE AUDIT AND OVERSIGHT COMMITTEE MINUTES

June 6, 2025

The Legislative Performance Audit and Oversight Committee met on Friday, June 6, 2025 at 10:00 AM in the State House, Room 100.

Members in attendance were as follows:

Rep. Gerald Griffin, Chairman
Rep. Lucy Weber
Rep. Karen Ebel, Alt
Rep. Keith Erf
Sen. Cindy Rosenwald
Sen. Timothy Lang
Sen. Howard Pearl

The meeting was called to order by Representative Griffin at 10:00 AM.

VOTE ON ACCEPTANCE OF THE MAY 2, 2025 MEETING MINUTES:

On a motion by Representative Weber, seconded by Senator Rosenwald, that the minutes of the May 2, 2025 meeting be accepted. **MOTION ADOPTED.**

POTENTIAL AUDIT TOPICS – REVIEW STATUS OF PRIOR PERFORMANCE AUDITS:

Jay Henry, Supervisor of Performance Audits, informed the Committee that the Executive Director of the Office of Professional Licensure and Certification (OPLC), Deanna Jurius, and Director of Operations, Heather Kelley, were in attendance to discuss the October 2023 Mental Health Workforce Licensing performance audit.

Deanna Jurius gave an update on all 12 audit findings in the report and their resolution status. After briefing the Committee, Senator Pearl noted there was good progress being made and thanked Jurius for her work. Jurius informed the Committee that she will have these findings published on the Department of Administrative Services website.

The Committee further discussed additional letters that would be sent to the following agencies inviting them to update the Committee on prior audits. Agency heads will be asked to address the LPAOC at the next meeting.

- Liquor Commission for the May 2015 Statewide Recycling audit
- Adult Parole Board for the April 2019 audit
- Wetlands Council for the May 2019 Wetlands Bureau Permitting audit
- Department of Employment Security for the April 2016 WorkReadyNH program audit

DATE OF NEXT MEETING AND ADJOURNMENT:

Next meeting is scheduled for Friday, September 5, 2025, at 10:00 AM, in Room 100 of the State House. Representative Griffin adjourned the meeting at 11:04 AM.

Gerald Griffin, Chair

State of New Hampshire
LBA Audit Division
Performance Audits - 10 Year Status Summary
Agency Progress In Implementing LBA Recommendations As of August 26, 2025

Performance Audit Topics	Year of Release	# of Observations	# Concur	# Concur in Part	# Don't Concur	Fully Addressed Observations	% Fully Addressed	# of Updates Completed	Year of Last Update	Final Update?	LPAOC Received Update	Notes
Board of Pharmacy Inspections	2015	10	9	1	0	0	0%	1	2015	N		
Statewide Recycling - Liquor Commission	2015	1	0	1	0	0	0%	0	N/A		<input type="checkbox"/>	
DOC Sex Offender Treatment Program	2016	6	6	0	0	0	0%	0	N/A			
Naturopathic Board of Examiners - Board	2017	18	17	1	0	0	0%	0	N/A			
Naturopathic Board of Examiners - OPLC	2017	8	8	0	0	0	0%	0	N/A			
Real Estate Commission - NHREC	2017	13	8	4	1	0	0%	0	N/A			
Real Estate Commission - OPLC	2017	6	6	0	0	0	0%	0	N/A			
Police Standards & Training Council	2019	16	14	2	0	9	56%	2	2023	N		
Adult Parole Board - Board	2019	26	21	5	0	0	0%	0	N/A		<input type="checkbox"/>	
Adult Parole Board - DOC	2019	13	11	2	0	0	0%	0	N/A			
Board of Dental Examiners & OPLC - Board	2022	33	22	11	0	0	0%	0	N/A			
Board of Dental Examiners & OPLC - OPLC	2022	10	10	0	0	0	0%	0	N/A			
DRED Office of Workforce Opportunity, WorkReadyNH	2016	9	7	2	0	8	89%	1	2017	N	<input type="checkbox"/>	
DOS Division of Homeland Security & Emergency Mangement	2016	8	8	0	0	7	88%	6	2025	N		
DOT Bridge Maintenance	2016	20	3	15	2	14	70%	11	2025	N		
DHHS Prescription Drug Monitoring Program	2017	26	25	1	0	24	92%	2	2025	N	<input checked="" type="checkbox"/>	
Department of Information Technology	2018	24	23	1	0	21	88%	13	2025	N		
DHHS Sununu Youth Services Center	2021	10	10	0	0	8	80%	5	2025	N		
OPLC Mental Health Workforce	2023	12	12	0	0	1	8%	1	2025	N	<input checked="" type="checkbox"/>	A
Dept of Energy Weatherization Assistance Program	2023	6	6	0	0	4	67%	3	2024	N		
Commission for Human Rights	2025	25	24	1	0	0	0%	0	N/A			C
Statewide Recycling - DAS	2015	8	1	7	0	8	100%	8	2023	Y		
DHHS Public Health - Food Protection Section	2015	29	18	11	0	29	100%	11	2024	Y		
DES State Owned Dams	2015	12	12	0	0	12	100%	3	2017	Y		
DHHS Child Support Services	2015	7	6	1	0	7	100%	7	2020	Y		
DHHS Bureau of Development Services: Unspent Appropriations	2016	12	7	5	0	12	100%	6	2023	Y		
DAS Back Office Consolidation	2016	12	10	2	0	12	100%	1	2019	Y		D
Community College System of NH - CCSNH & Foundation	2017	29	22	6	1	29	100%	2	2023	Y		
DES Air Resources Division	2018	10	10	0	0	10	100%	4	2022	Y		
DES Wetlands Bureau Permitting - Department	2019	60	57	3	0	60	100%	8	2024	Y		
DES Wetlands Bureau Permitting - Council	2019	10	3	4	3	0	100%	8	2024	Y		
DHHS Therapeutic Cannabis Program	2019	9	9	0	0	9	100%	11	2024	Y		
NHED Bureau of Vocational Rehabilitation	2021	46	4	42	0	43	100%	4	2025	Y		B
Liquor Commission Division of Enforcement & Licensing	2021	47	44	3	0	47	100%	7	2024	Y		
DHHS Child Care Licensing	2022	8	8	0	0	8	100%	5	2024	Y		
NHED SPED Dispute Resolution Processes	2024	20	9	11	0	20	100%	3	2025	Y		

Legend

Red = Agency Not Demonstrating Progress
Yellow = Agency Made Progress
Green = Agency Reports Corrective Actions Are Completed

Notes

- A - LPAOC recently received an update; it has not been posted on TransparentNH.
- B - Recently moved down the list
- C - Statutorily required to address findings
- D - Payable Shared Services was dissolved.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF ADMINISTRATIVE SERVICES
STATEWIDE RECYCLING PROGRAM**

**PERFORMANCE AUDIT
MAY 2015**

had a contract to supply the same service for 41 Hazen Drive, even though they are for the same department and located adjacent to each other.

Recommendation:

We recommend DAS management evaluate its contracts to determine whether better pricing can be obtained by changing pick-up schedules, container sizes, and using the most competitive vendor.

Auditee Response:

We concur in part.

When we initially established this program we went out to bid for services by district/region, and some agencies conducted their own bid processes. We had entire regions of the state where vendors did not bid or bids were inflated because it was not cost effective for them to pick up in those remote locations and/or they knew they were the only vendor that could provide the service. Regional bidding resulted in smaller companies not being able to compete against their larger counterparts, and the state lost the advantage provided by a competitive bid process. The current process is that each location is competitively bid and the lowest bidder, for a given location, is awarded a contract. In situations where two vendors are servicing nearby locations, it is possible that Contractor A chose not to bid on an adjacent location (possibly because of an already full truck, for example) which resulted in two contractors providing services in close proximity to each other. The price differential can also be attributed to the bid timeframe for each location. Vendors base their pricing on the then-current recycling market. The market is very dynamic, and other then-current operating costs and fuel prices play a large part in the cost as well. DAS will continue to explore bidding and contracting options to determine if there is another way to obtain the best services and pricing. This too is dependent upon sufficient staffing as detailed in Observation #1.

Observation No. 8

The Liquor Commission Should Manage Its Own Recycling Program

The New Hampshire Liquor Commission did not pay for its corrugated cardboard recycling program as intended by statute. Although the Liquor Commission recycled its corrugated cardboard during the audit period, using DAS-negotiated contracts, the recycling services were paid directly by the Fund rather than the Liquor Commission. Revenues were also paid directly into the Fund. According to Liquor Commission personnel, the Commission saw no revenue produced by the sale of corrugated cardboard.

According to RSA 9-C:7, II, revenues earned by the Liquor Commission from the sale of corrugated cardboard boxes were exempt from requirements for State agencies to pay into the Fund. Statute required the Liquor Commission report quarterly to the DAS, Director of the Division of Procurement and Support Services, on the use of its recycling revenues and to pay

excess funds generated by its recycling program, and not used by June 30 of each year, to lapse to the Fund.

Both DAS and Liquor Commission personnel interpreted statute as requiring the DAS to pay for the recycling services of the Liquor Commission.

We examined 14 invoices containing rebates for corrugated cardboard originating at Liquor Commission locations. The State received a rebate of \$643 for 26.1 tons of corrugated cardboard or an average of \$24.63 per ton. When we evaluated the average monthly price the State *could* have obtained if it received the market rate less the 50 percent discount required by the contract, we found the State could have earned \$1,356 for these 14 transactions for an average price per ton of \$51.95.

During our audit we learned of a practice that may prove more lucrative for the State Liquor Commission. When a distributor in the retail industry delivered products to a store, the distributor took corrugated cardboard from the previous delivery on the return trip to its warehouse for recycling and shared the revenue with the store. This practice eliminated separate contracts for cardboard recycling for the retailer. However, the retailer must store the corrugated cardboard until the next delivery by the distributor, which will require ensuring adequate storage space during the interims between product delivery.

As a result of the expenditures and revenues directly paid from/to the Fund, the Liquor Commission did not have the benefit of monitoring its expenses or revenues related to its recycling program. There may also have been less of an incentive for the Liquor Commission to efficiently recycle its corrugated cardboard if the revenue and expenses were handled by DAS. In addition, no excess funds were deposited into the Fund at the close of the fiscal year by the Liquor Commission as intended by statute.

Recommendations:

We recommend the Liquor Commission coordinate with the DAS to:

- **ensure recycling contractors send invoices for payment and remit revenues directly to the Liquor Commission,**
- **have the Liquor Commission establish accounting procedures to track recycling-related revenues and expenditures, and**
- **ensure the Liquor Commission pay excess recycling funds to the DAS by June 30 of each year.**

We also recommend the Liquor Commission explore contracting with the warehouse and delivery contractor for recycling cardboard and revenue sharing.

Auditee Response:

DAS: We concur.

DAS and the Liquor Commission did not interpret RSA 9: C— 7 II to mean that Liquor is required to manage and pay for its own recycling program, rather than have them handled by DAS and paid for by the recycling fund. We will work with the Liquor Commission to transition management of their recycling program to them. The Liquor Commission will be responsible to manage their recycling program and provide quarterly reports on the use of their recycling revenues to DAS. They will also be required to pay any excess funds from their recycling program to the state recycling fund.

Liquor Commission: *We concur in part.*

Regarding the recommendation that recycling contractors invoice the Liquor Commission and that the Liquor Commission establish accounting procedures to track recycling revenues and expenses, the Commission does not agree with this approach. The current system of invoices being paid by the recycling fund directly and the fund directly receiving revenues from our recycling is working quite well. Why include a middleman when none is required? If this procedure conflicts with the current law as written, the law should be changed to allow this procedure to continue.

As a point of information, we have not budgeted for these recycling costs and therefore, they are not in our Fy16-17 budget. This will have a negative impact to Liquor revenues to the General Fund.

Regarding the recommendation that the Commission explore contracting with our private warehouse and transportation company to recycle cardboard and share revenue, we have contacted Exel regarding this opportunity. They have indicated they would be willing to research the feasibility of establishing such a program. The Commission would have to be satisfied that such a program would not interfere with timely deliveries to our stores and that a fair agreement could be reached with Exel regarding the sharing of recycling revenue.

**STATE OF NEW HAMPSHIRE
RESOURCES AND ECONOMIC DEVELOPMENT
OFFICE OF WORKFORCE OPPORTUNITY
WORKREADYNH**

**PERFORMANCE AUDIT REPORT
APRIL 2016**

**STATE OF NEW HAMPSHIRE
OFFICE OF WORKFORCE OPPORTUNITY
WORKREADYNH**

PROGRAM GUIDANCE AND MEASUREMENT

How were improvements to the program identified and incorporated into the program?

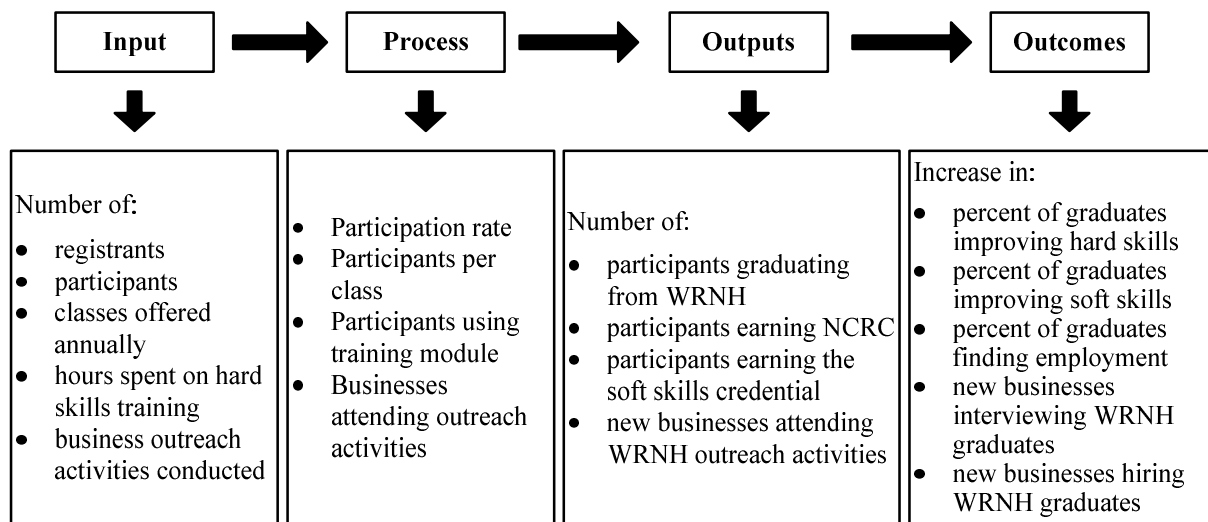
A successful program must have a mission with well-defined goals guiding its activities, as well as an internal mechanism to evaluate progress toward success of these goals. With the exception of memorandums of understanding (MOU) between the Community College System of New Hampshire (CCSNH) and the Office of Workforce Opportunity (OWO), WorkReadyNH (WRNH) had no formal guiding documents articulating its mission, goals, and objectives; nor did it have formal mechanisms for evaluating its progress. While WRNH captured mainly output data, this information was not used to gauge progress towards program goals or identify improvements to the program.

A performance measurement system allows efficient and effective management by assessing whether an agency is achieving its mission and producing desired results. Performance measurement ties program activities to goals supporting its mission, compares actual performance to pre-established targets, allows the program to identify strengths and weaknesses, and actively monitors performance over time. WRNH can use performance measures to gauge different aspects of its activities including inputs, processes, outputs, and outcomes. Inputs are the resources WRNH uses to meet its goals, while processes are activities program staff perform using these resources. Outputs, in turn, are the product of these processes, and outcomes are the impact of the service provided. After performance measures are established for inputs, processes, outputs, and outcomes, the organization should set clear performance targets. Monitoring this information could allow management to correct weaknesses and enhance strengths.

Figure 1 illustrates how performance measures can be used by WRNH staff. Unemployed New Hampshire residents register to take the program, take a pre-assessment, and participate in the soft skills course. These constitute program inputs. After attending at least two classes, they are considered participants in the program, attend 60 hours of soft skills classroom instruction, and use the training module to increase their hard skills. These are the processes used to work towards the program's outcomes. Upon completion, participants may earn a National Career Readiness Certificate (NCRC), a soft skills credential, and graduate from the program. These are considered the program's outputs and are expressed in numerical figures. By participating in WRNH, participants increase their technical and soft skills, and eventually find employment using the skills they have learned from WRNH. These are the program's outcomes or the program's desired results. From a business outreach perspective, WRNH staff plan and conduct business outreach efforts throughout the year (inputs) and businesses attend these activities (process). Outputs could consider the number of new businesses attending outreach activities and outcomes could include an increase in the number of new businesses granting WRNH graduates an interview or hiring WRNH graduates. Appendix F contains more detailed examples of performance measures and how they link to the WRNH's mission, goals, and objectives.

Figure 1

Example Of WorkReadyNH Performance Measures



Source: LBA analysis of WRNH documents and conversations with WRNH staff.

Observation No. 7

Formalize Program Guidance

No statutes or other planning documents guided the WRNH program other than the MOU between the OWO and CCSNH outlining the responsibilities of each party. WRNH was funded through the Job Training Fund (JTF), a fund annually capped at \$2 million designated “for funding training under the job training program for economic growth,” commonly referred to as the Job Training Grant (JTG) program. Funds were equally distributed between WRNH and the JTG program. When we requested legislation governing WRNH, the OWO Director provided us with statutes governing the JTF and the JTG as they were also applicable to WRNH.

Statutes governing the Job Training Program for Economic Growth stated one of the program’s purposes was to “provide technical education and training” and may include training in basic skills as well as technical skills. However, the remainder of the statutes did not pertain to WRNH as they outlined the process for businesses to apply for grants to provide training to their employees, none of which applied to the WRNH program.

WRNH’s sole guiding documents were MOUs between the CCSNH and the OWO. The MOUs required the OWO and CCSNH establish, collaborate with, and update an advisory committee that would “provide input and advice as the program evolves, and act as advocates for the program...” Additionally, according to the OWO Director, statutes governing the JTG and JTF did not formally establish any oversight structure for WRNH. While the OWO and CCSNH brought issues to the Interagency Director’s Group (IDG) for discussion and a vote, the IDG did not have direct oversight for WRNH. Therefore, its votes served as recommendations and did not

carry any weight. According to WRNH, CCSNH, and OWO staff, programmatic changes were approved by the IDG. However, we could not find evidence of this as the IDG did not record meeting minutes prior to March 2015.

WRNH was originally developed as part of the Governor's New Hampshire Working Initiative in 2010. As such, the MOUs required the OWO and the CCSNH to "[w]ork as a partner with the Governor's Office in the development, dissemination, publicizing, and evaluation of the program." However, according to OWO and CCSNH staff, besides the initial planning and implementation of WRNH, there has been limited involvement from the Governor's office regarding WRNH. In February 2016, the Governor announced a new initiative meant to compliment the 2010 New Hampshire Working initiative.

Recommendations:

We recommend the Department of Resources and Economic Development and the OWO work with the Legislature to determine whether statutes governing the Job Training Grant program and Job Training Fund appropriately cover WRNH. If it finds legislation is not sufficient, the Legislature may wish to consider amending RSAs 282-A:138-a and 12-A:51 through 12-A:58 to include WRNH.

Agency Response:

Concur in Part. The Economic Development Plan for the state will evaluate and seek to align all the programs and funding mechanisms related to economic development, including workforce development. DRED recommends that this process be completed before recommending any specific changes to legislation. In addition, this will provide adequate time to assess the impact and direction of the Governor's new Gateway to Work program (if approved), which allocates significant new funds to support the WorkReadyNH program.

Observation No. 8

Establish A Performance Measurement System

The OWO and the CCSNH did not have a performance measurement system to gauge whether WRNH activities were performing efficiently or effectively. Additionally, the program lacked formal articulation of mission, goals, and objectives, making such measurement problematic were it to occur.

According to the U.S. Government Accountability Office (GAO), performance measurement "focuses on whether a program has achieved its objectives, expressed as measurable performance standards." A performance measurement system facilitates comparing actual performance levels with pre-established targets to determine whether program results are achieved. Used correctly, performance measurement improves accountability and identifies areas of possible improvement. Additionally, performance measures can help a program define what it wants to accomplish through formally articulated goals and objectives, gauge progress towards meeting these goals, and improve decision-making. In fact, the GAO states "Legislators, oversight bodies, those



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GEORGE N. COPADIS, COMMISSIONER
RICHARD J. LAVERS, DEPUTY COMMISSIONER

August 27, 2025

Rep. Gerald Griffin, Chair
Legislative Performance Audit and Oversight Committee
State House, Room 102
Concord, New Hampshire 03301

Re: Follow-Up on the 2016 Performance Audit of the WorkReadyNH Program

Dear Chair Griffin:

Thank you for your recent letter and for the invitation to attend the Legislative Performance Audit and Oversight Committee's meeting on September 5th. I will certainly be in attendance and prepared to answer any questions the members may have.

In preparation for that meeting and to follow up on the information first provided to the Legislative Budget Assistant Audit Division (LBA) back in June, I submit the following.

An audit of the State of New Hampshire Resources and Economic Development Office of Workforce Opportunity's WorkReadyNH (WRNH) program was conducted in 2016. One of the findings from that Audit (#7) remains open. This involved an identified need to "work with the legislature to determine whether existing statutes appropriately encompass WRNH". This finding has since been addressed legislatively through changes made by the Legislature in 2019.

At the time of the Audit, the New Hampshire Department of Employment Security (NHES) did not have any role with the WRNH program. This changed in 2019 when the Legislature made significant revisions to the Job Training Program, including the reassignment of responsibility for administering the Job Training Program to NHES and expanding the program from an annual appropriation of \$2 million from employer paid unemployment taxes to an annual appropriation of \$6 million.

In addition to the above changes, and most importantly for purposes of this discussion, the Legislature also formalized the role of the WRNH program within the Job Training Program by including multiple references to the WRNH program in statute, specifically in RSA 282-A:181. The statute not only recognizes the WRNH program but also requires the WRNH program to be provided annual funding from the Job Training Program.

In light of the above action taken by the Legislature, it appears the original concerns raised in the Audit about the WRNH program and its role in the Job Training Program have been addressed.

I look forward to the opportunity to discuss these issues with the Committee on September 5th.

A handwritten signature in black ink, appearing to read 'Richard Lavers', with a large, stylized initial 'R'.

Richard Lavers
Deputy Commissioner
New Hampshire Employment Security
Richard.J.Lavers@NES.nh.gov

Agency Name	NH Adult Parole Board
Audit Name	Performance Audit
Status Report Date	Friday, September 5, 2025

Summary of Audit Observations/Findings					
Number	Observation Title	Status			
		Unresolved	Partially Resolved	Substantially Resolved	Fully Resolved
1	Ensure Information Provided to the Board is Complete			X	
2	Give the Board Access to Inmate Mental Health and Substance Abuse Information			X	
3	Develop Procedures to Weigh Decision Making Criteria		X		
4	Establish A Process to Review Parole Records				X
5	Promulgate Rules for Medical Parole				X
6	Ensure Inmates Recommended for Medical Parole Receive a Similar Level of Scrutiny as Other Inmates				X
7	Thoroughly Track and Review Medical Parolees				X
8	Establish Parole Conditions for Medical Parolees				X
9	Review Authority to Impose Alternative Sanctions				X

Agency Name	NH Adult Parole Board
Audit Name	Performance Audit
Status Report Date	Friday, September 5, 2025

of Audit Observations/Findings					
Number	Observation Title	Status			
		Unresolved	Partially Resolved	Substantially Resolved	Fully Resolved
10	Ensure Parole Revocation Sanctions Are Compliant With Statute				X
11	Ensure Presence of Attorney of the Board is Properly Documented				X
12	Establish Program To Re-engage Parole Violators In Their Parole Plan				X
13	Develop A Process For Reviewing Petitions For Reduction Of Maximum Sentences				X
14	Ensure Petitions For Reduction Of Maximum Sentences Are Accurate And Complete				X
15	Develop Comprehensive Staff Policies and Procedures				X
16	Develop Comprehensive Member Policies and Procedures			X	
17	Establish Processes in Administrative Rule			X	
18	Comply With Right-To-Know Law Requirements For Board Meetings			X	

Agency Name	NH Adult Parole Board
Audit Name	Performance Audit
Status Report Date	Friday, September 5, 2025

of Audit Observations/Findings					
Number	Observation Title	Status			
		Unresolved	Partially Resolved	Substantially Resolved	Fully Resolved
19	Comply With Right-To-Know Law Requirements For Hearings				X
20	Ensure Hearing panels Are Compliant With Statute				X
21	Better Document Notices Of Hearing				X
22	Review Notice Of Hearing Requirements				X
23	Improve The Process To Waive Supervision Fees				X
24	Establish A Records Retention Policy		X		
25	Establish A Process To Record Board Member Votes				X
26	Establish A Performance Measure System		X		



NH ADULT PAROLE BOARD

Response to the 2019 Performance Audit

Roger Phillips, Esq-Chairperson
roger.b.phillips@doc.nh.gov

Response of New Hampshire Adult Parole Board to the 2019 Performance Audit Report

INTRODUCTION

The 2019 Performance Audit of the Parole Board and Department of Corrections addressed the areas of Board Access to Inmate Information, Medical Parole, Parole Revocation, Reduction of Maximum Sentence, and Administrative Functions.

This response will address only the Adult Parole Board's improvement efforts and not the Department of Corrections responsibilities. A number of categories were addressed through legislative action and appropriation, including a new medical parole statute, amending the parole statute to reduce board members from nine persons to five members, creating experience categories for board memberships and appropriations to bring the Board into the digital age.

The outdated CORIS 4 computer program governing DOC activities was replaced in May of this year with CORIS 8, and when that updated program becomes fully activated, automatic statistics will be available for such matters as the reasons for parole revocations and other areas. This response will outline some of the statutory changes, the practices and procedures adopted and then address in order the twenty-six (26) "observations" of the audit.

Legislative Changes

The first step in addressing the needs of the Board to satisfy the suggestions of the audit occurred through the 2021 amendments to RSA 651-A:3. The nine member board was reduced to five members, with two being attorneys who are active members of the Bar Association; one member with law enforcement or corrections experience, one member with criminal policy experience (e.g. a teacher, researcher) and one member without "categorical designation". The Chairperson continued to be appointed by the Governor.

Other changes included requiring 36 hearing days each year for parole and 36 hearing days for revocation hearings. The Board appoints a Director of Operations in place of an Executive Assistant and raises the compensation of Board Members to \$30,000 per

year and \$40,000 for the Vice Chair, who is appointed by the Chairperson. The Chairperson and Director of Operations are full time, unclassified employees of the State and join the four full time and one part time classified employees. Unfortunately, one full-time position created by the Audit was not funded for the upcoming fiscal years. Now, the Parole Office must accomplish its tasks shorthanded.

Important changes also include further defining violent offenders and requiring a first-time parole violator to serve 90 days but also comply with other terms of parole, which include having a home plan and any needed rehabilitation programs. If a hearing panel cannot meet the 3 member requirements, the Chair is able to call on a prior board member to complete the panel.

Highlights of Adult Parole Board Accomplishments

No longer are there nine total members of the Board, with the three members of the hearing panel receiving a carton of paperwork to review 2 days before a hearing. Each of the five members who have the statutory prior experience now have a laptop computer to access complete digital packages for parole or revocation hearings. Each member can also access the CORIS platform for additional information if needed.

The Board has adopted thirty-three (33) “Policies and Practices” and two Policy and Practices Directives to follow legislative enactments to allow rehabilitative release in the community.

Recently, all five members of the Board attended the five-day training sessions sponsored by the Association of Paroling Authorities International (APAI) in Atlanta, Georgia as a precursor to the Structured Decision-Making Training the NH Board has been scheduled for in September 2025. The National Institute of Corrections conducts the training and, if federal funding is available, NH has been approved for the in-person 6–8-week training in measured decision-making, a process 14 states have adopted.

Once that training is completed the Board will update its Practice and Administrative Procedure Rules, that will then be proposed for adoption.

The Handbook for Board members is being updated as laws and practices are modified, and a staff manual is in process, with many pages now available on the Board's "S Drive".

More administrative changes need to be accomplished but the loss of a full-time employee this fiscal year creates a delay in meeting some goals. The additional parole classified position was created and previously funded as a result of the 2019 audit recommendations and without the staff available administrative minutes may not be prepared promptly and scanning of old paper files are not getting done to allow for the destruction of old paper files.

Board Access to Inmate Information

Observation No. 1 – Ensure information provided to the Board is complete.

Each inmate works with their case manager to complete and submit a Resident Release Synopsis (RRS), and a Resident Release Application (RRA) for parole consideration. (See Appendix, pp 1,4). The digital package provided to each hearing panel member contains 22 other categories of information. (see Appendix pp 29-76).

Observation No. 2 – Give the Board Access to Inmate Mental Health and Substance Abuse Information.

To qualify for parole, each parolee applicant executes a medical release to allow the hearing panel member to access required mental health and substance abuse treatment information. A Behavioral Health Discharge (BHD) summary is prepared by the DOC and provided to each panel member that addresses the mental health and substance abuse treatment needed for each person applying for parole. This information allows the panel to require treatment in the community as a condition of parole upon release.

Shortly after incarceration, an inmate completes an Ohio Risk Assessment System-Prison Intake Tool (ORAS-PIT) assessment to determine rehabilitation programs needed. If substance abuse is an issue, the inmate is referred to a DOC Licensed Alcohol & Drug Abuse Counselor (LADC) for evaluation and the inmate's level of care (LOC) is determined. The American Society of Addiction Medicine (ASAM) LOC may range from 0.5 to 3.5 and treatment may be accomplished by the DOC or in the community. Most inmates are referred to the Focus Program if a 3.5

treatment level is recommended, but sometimes that treatment can be had in the community if so recommended by the LADC.

Mental Health services and programs are also accomplished during incarceration and aftercare, if any, is recommended through the BHD summary. The RRS verifies that required programs are successfully completed.

Observation No. 3 – Develop Procedures to Weigh Decision Making Criteria

The Chair and Director of Operations have attended annual training conferences of the APAI since the present parole chair was appointed in 2022. Having learned of the Structured Decision-Making Program adopted by parole authorities in other states and countries, the NH APB applied to the National Institute of Corrections (NIC) and the NH APB was approved for training to begin in September of 2025, provided federal funds are available. Board members will receive four to six weeks of training on Structured Decision Making (SDM), which is intended to remove any bias in decision making. With each member choosing a weighted decision in each parole category, the NH APB looks forward to the training and implementation of SDM. (See Appendix p.105).

Observation No. 4 – Establish a Process to Review Parole Records

The statute which required review of parole plans and records every three years has been repealed.

Medical Parole

RSA 651-A:10-a was a revision of the medical parole process (See Appendix p. 11). In summary, the Commissioner of the DOC recommends medical parole and supports their request through application submitted to the Board. Medical parole is dependent upon the inmate meeting one or more of the following categories: (1) Permanently incapacitated or debilitated; (2) terminally ill or (3) suffers from a serious and complex medical condition that cannot be managed at the DOC. The statute requires that the Board find there is a reasonable probability the parolee will not violate the law and will conduct himself as a good citizen. The Board requests that any change in the medical condition be immediately reported to the Board. Those serving life without parole are not eligible for medical parole.

Observation No. 5 – Promulgate Rules For Medical Parole

Administrative Rules were adopted by the DOC .

Observation No. 6 – Ensure Inmates Recommended For Medical Parole Receive A Similar Level of Scrutiny As Other Inmates

The Criminal Code RSA 651-A:10-a stipulates medical parole application is a DOC decision based on the premise the inmate can not achieve rehabilitation because such severe illness precludes either cognitive or physical functioning, or there is such severe threat to life or limb that a pause in the usual DOC efforts needs to be delayed to obtain outside medical services. Parole conditions apply and routine review are in place to withdraw medical parole.

Observation No. 7 – Thoroughly Track And Review Medical Parolees

In the case of cognitive or physical dysfunction, such as Memory Care or Hospice Care, the “home” plan parole procedures are in place and a 6 month parole review by the DOC and Adult Parole Board is undertaken. In the case of outside Acute Medical Care, review is prompted by a) change in facility, b) discharge from acute care, c) completion of therapy or improvement (cure) of the condition, or a 6 month review.

Observation No. 8 – Establish Parole Conditions For Medical Parolees

While on Medical Parole and conditions of medical parole are adhered to, the inmate may apply for Parole at their minimum parole date(MPD). If cognitively or physically able, the criteria for parole remain the same; completion of DOC programming, assessment of their threat to society and their risk of reoffending are essential components. A formal parole hearing is necessary.

Parole Revocation

Observation No. 9 – Review Authority To Impose Alternative Sanctions

The issuance of a warrant request is the last alternative used by a supervisory PPO. Prior to requesting a warrant (unless the parolee commits a crime), the PPO first requests that other alternatives be used and to document those alternatives on the application for a parole warrant. (See Appendix p.18 for alternatives that can be

used in addition to a 7-day set-back- See warrant request and summons form Appendix p. 13).

Parole warrants are submitted to attorney members of the board (now the Chairperson and Vice-Chair) to ensure that warrant requests meet statutory requirements. PPO's must document alternative sanctions that have been used before a warrant is authorized.

Observation No. 10 – Ensure Parole Revocation Sanctions Are Compliant with Statute

RSA 651-A:19 I, II & III, set forth the sanction to be used for a parole revocation. Each parole hearing panel must include an attorney member who makes certain that sanctions imposed comply with NH Statutes. If an attorney member of the Board is not available for a revocation hearing, an attorney from the AG's office is present to offer the needed advice and compliance.

Observation No. 11 – Ensure Presence of Attorney of the Board Is Properly Documented

At each parole revocation hearing, the name of the attorney of the Board is announced and is documented in the record of the hearing.

Observation No. 12 – Establish Program To Re-engage Parole Violators In Their Parole Plan

The statute requiring the three-year review has been repealed. However, PPO's supervise parolees and adjust plans and reporting requirements as needs and behavior dictate.

When a parole hearing is held, the parolee submits a parole application and if parole is granted, a home plan must be submitted by the parolee, investigated and approved by the PPO.

If substance abuse aftercare is needed, the PPO enforces the aftercare requirement.

PPO's enforce the standard conditions of parole. (See attached sample parole certificate Appendix p.19).

Reduction of Maximum Sentence

Observation No. 13 – Develop A Process For Reviewing Petitions For Reduction Of Maximum Sentences

The Board has adopted a request form (See Appendix p. 21) and has adopted Policies and Practices No. 18 (See Appendix p. 26).

Reduction of Maximum petitions are scheduled with notice in conjunction with parole hearings and Victims Services is notified.

Observation No. 14 – Ensure Petitions For Reduction of Maximum Sentences Are Accurate and Complete

A PPO or parolee, with or without counsel, may petition for a reduction of the maximum sentence. The petition is first examined by the Director of Operation to determine if the petition is in order and whether the parolee is eligible for the reduction. The hearing panel during consideration of the request confirms if the requirements of the petition are met and are in accordance with the Board's practices and policies.

Administrative Functions

Observation No. 15 – Develop Comprehensive Staff Policies and Procedures

The Parole office has a hard copy of each staff members duties in a binder with instructions on how to complete each task. We also have these digitally saved onto the Parole Board S Drive for easy access. With the implementation of CORIS 8, these will need to be updated once all the bugs are worked out and clear instructions are able to be determined.

Observation No. 16 – Develop Comprehensive Member Policies and Procedures

Each board member is provided with a Handbook which contains Policies and Procedures, copies of statutes and suggestions for hearings. The Board adopted a Code of Ethics (Appendix p. 98) and a policy addressing conflict of interest (See Appendix policy #5, p. 23).

Observation No. 17 – Establish Processes In Administrative Rule

The Board has adopted 33 Policies and Procedures (Appendix p.23) to supplement its statutory duties. Once the Structured Decision-Making Training is completed, the Board will update its policies manual and examine the

Administrative Rules to be certain all statutory obligations of the Board are properly addressed.

Observation No. 18 – Comply with *Right-To-Know Law* Requirements For Board Meetings

The Board reserves the 4th Friday of every month for Administrative Meetings and has arranged for a hearing room available for public attendance at the NHTI in Concord at the Grappone Building.

Minutes of Meetings are soon to be published on the website of the APB. Policy requires review by the Chair to be certain no confidential information was inadvertently mentioned in the minutes. Posting is done through the assistance of the IT Department.

The notice and agenda for the monthly Administrative Meetings are posted to the NH Adult Parole Board website as well as being posted on the NHDOC Intranet page. This satisfies the notification requirements of RSA 91-A:2, II for Meetings Open to Public.

Observation No. 19 – Comply with *Right-To-Know Law* Requirements For Hearings

The list of inmates scheduled for Parole Hearings and Revocation Hearings is posted on the NH Adult Parole Board website as well as the NHDOC Intranet page to satisfy the notification requirements of RSA 91-A:2, II for Meetings Open to Public.

Observation No. 20 – Ensure Hearing Panels Are Compliant With Statute

The Director of Operations ensures that each Board Member has complied with the Secretary of State yearly filing requirement. The Board has adopted a conflict policy (See addendum p. 27 # 5) and a Code of Ethics (Appendix p.98).

Observation No. 21 – Better Document Notices of Hearing

In accordance with RSA 651-A:11, the notice of parole hearings is published no sooner than 15 days and no later than 30 days prior to the hearing date. The list is posted to the NHAPB website, the NHDOC Intranet, and sent to separate email distribution lists in accordance with the statute. To address questions asked specifically in the audit, we have a distribution list that includes the Chiefs of Police, County Attorneys, and County Attorney Victim Advocates offices. Another distribution list contains DOC staff to include the NHDOC Victims Services office. The distribution lists are maintained and updated regularly.

We do not document when we send notices as they are preserved digitally via the emails being sent.

A notice of hearing is sent to each inmate once the list is posted publicly. A copy of the notice is placed in their file.

Observation No. 22 – Review Notice of Hearing Requirements

In accordance with RSA 651-A:11, the notice of parole hearings is published no sooner than 15 days and no later than 30 days prior to the hearing date. The list is posted to the NHAPB website, the NHDOC Intranet, and sent to separate email distribution lists in accordance with the statute. To address questions asked specifically in the audit, we have a distribution list that includes the Chiefs of Police, County Attorneys, and County Attorney Victim Advocates offices. Another distribution list contains DOC staff to include the NHDOC Victims Services office. The distribution lists are maintained and updated regularly.

We do not document when we send notices as they are preserved digitally via the emails being sent.

A notice of hearing is sent to each inmate once the list is posted publicly. A copy of the notice is placed in their file.

The audit recommended that the Board work with its DOJ representative to review if the notice of hearing requirements applied universally to all hearings conducted by the Board. In May of 2021, RSA 651-A:11 was amended, and the following section was added: *“IV. The notice provisions of this section shall not apply to revocation, review, or reconsideration hearings.”*

The audit recommended seeking amendments to statute if the established statutory timeframes would not allow reconsideration hearings for parolees who receive major disciplinary hearings with less than 15 days of release. This would only apply to those parolees who were scheduled for a mandatory release. In May 2021, RSA 651-A:19 was amended which removed the mandatory release on the first parole violation. The only parolees eligible for a mandatory release now are ones that were released prior to May 25, 2021 due to ex post facto principles.

The audit recommended that the Board adopt administrative rules outlining the process for conducting reconsideration hearings. Administrative Rule PAR 203.08 states *“The board shall hold a reconsideration hearing for any inmate previously approved for parole who receives a disciplinary write-up prior to release. At the reconsideration hearing the board shall determine the effect of the disciplinary upon the inmate’s release date. The*

standard setback shall be 60 days for a minor disciplinary and 90 days for a major disciplinary.” In addition to this, Policies 31 and 32 of the NH Adult Parole Board Policies and Practices outline the process for conducting reconsideration hearings. (Appendix p. 28).

Observation No. 23 – Improve The Process To Waive Supervision Fees

The Board has adopted Practice and Policy # 30 wherein supervision fees are waived whenever restitution is owed. Supervision fees are also waived when a parolee does not have sufficient income to meet fees. (Waive for “good cause shown” Policy 13 Appendix pp 25 & 27).

Observation No. 24 – Establish A Records Retention Policy

We do not have a formal Records Retention Policy in writing at this time. We are abiding by the *States Archives and Records Management Act* in regard to the length of time required to retain records. The results of all parole and revocation hearings have been kept in a filing cabinet for the past several years. We have run out of room in the office, and we can no longer use the basement in the building where the DOC and Parole Board records had been stored. Due to flooding issues, the air quality has been deemed unsafe, and we are waiting on the DOC to resolve the issue before being able to salvage the records we do have. We are beginning to digitally store our files. The following files are being stored digitally in the Parole Board S Drive:

- Audio recordings of hearings
- Results of Parole Hearings
- Results of Revocation Hearings
- Administrative Meeting minutes
- Voting Records for parole and revocation hearings

We will begin transitioning to the File hold digital storage system for the files we retain for parolees. File hold is a system maintained by the DOC and we initiated steps with the DOC to provide the appropriate document schema to allow our files to be scanned. The implementation of the new version of CORIS has tied up the IT personnel from the DOC so there has been a delay in moving forward with this.

Observation No. 25 – Develop A Process To Record Board Member Votes

At all parole hearings and parole revocation hearings one member of the Board is appointed to record the votes of each member. That vote list is preserved.

Observation No. 26 – Establish A Performance Measure System

One of the required components of Structured Decision Making is to track parolees to determine success or failure. If failure, what was the cause – a technical violation of a parole rule or the commission of a new crime.

The new CORIS 8 program is supposed to track this information and provide the DOC and APB with the results. That information is not yet “populated” in the CORIS 8.

However, the Director of Operations has been doing a limited tracking of first-time offenders to determine recidivism categories. This is labor intense because each parolee must be tracked to determine if a parole violation occurred and if it was a technical one which rule was violated. Hopefully when CORIS 8 is completely “populated” the necessary recidivism information will be available.

Some early DOC tracking indicated that more than 50% of inmates who completed FOCUS did not return to prison in the first six months of release. The APB is anxiously awaiting the results of the new CORIS 8 to determine if the Performance Measurements are available.

Respectfully Submitted,



Roger B. Phillips

NH APB Chairperson