

## **Statement by Bill McGonagle**

For over thirty years I worked in the New Hampshire criminal justice system, the vast majority of that time in adult corrections. I served the last eight plus years of my career as Assistant Commissioner for the NH Department of Corrections.

Sentencing in the American criminal justice system seeks to account for and balance four expectations; (1) Can it provide for the safety and protection of the community from the offender? (2) Will it serve as a deterrent to other would-be offenders? (3) Is it likely to provide opportunities for the offender to rehabilitate him or herself? (4) Does the sentence “meet the severity of the crime”?

In the context of Capital Murder the issue of the sentence protecting the community is equally served by life without possibility of parole as it is by an execution. If the professionals working in the Department of Corrections do their job well (and they do it remarkably well), the combination of proper classification of the offender and watchful supervision can and does protect the community.

Deterrence is one often cited in debates of the death penalty. It is true that if we put the offender to death, he or she would be “deterred” from committing future crimes against DOC staff and other inmates. It has been my experience, however, that most individuals sentenced to life without parole seek to find a way to make their lives predictable, routine and safe. Those individuals who are found to be continually aggressive will be classified to maximum security for the highest levels of control and supervision. Prisons are by definition dangerous and stressful places to work. NHDOC Corrections Officers are well trained to handle potentially violent inmates. No NHDOC Corrections Officer has ever been killed by an inmate.

The prospects of providing opportunities for rehabilitation for individuals either on death row or serving a life sentence without possibility for parole may seem a fool’s errand. Not so. Even those offenders who have committed the most serious crimes often find ways to serve their prison community, some by living their lives quietly within the structured routine of prison life, others, by counseling younger offenders toward meaningful programs and others by seeking ways to give back to the community beyond the walls (Toys for Tots is just one example).

So, the debate for me comes down to the question of “does the sentence meet the severity of the crime”? This debate often resides in one’s personal and moral beliefs. Is it the right thing to do? My answer to that question is an emphatic “no.” The seeking of the death penalty, in my mind, is more about seeking revenge than it is seeking justice. The facts of capital punishment include high costs and use of untested drugs to put the condemned to death, frequently with agonizing and cruel results. Those that NHDOC employees we charge with carrying out the killing will undoubtedly suffer PTSD, some haunted by it for life.



It is my belief that state authorized killing of one who kills is fundamentally wrong. I believe that no one is beyond redemption and it is beyond the province of man to act as the final arbiter of another man's fate.

The NH Legislature has spoken. SB 593 has passed both the Senate and the House of Representatives. Governor Sununu, respect these elected officials by allowing SB 593 to pass into law.