

**STATE OF NEW HAMPSHIRE
PRISON EXPANSION**

**PERFORMANCE AUDIT REPORT
APRIL 1992**

TO THE FISCAL COMMITTEE OF THE GENERAL COURT:

We have conducted a review of the prison expansion program of the State of New Hampshire consistent with recommendations made to you by the joint Legislative Performance Audit and Oversight Committee. Our review was conducted in accordance with generally accepted governmental auditing standards and accordingly included such procedures as we considered necessary in the circumstances.

The objectives of our review were to explain the growth of the state's prison system, including the operating and capital budget costs associated with that growth, and the potential impact continued growth will have on the future allocation of resources; to identify alternative programs, along with their costs, that might alleviate some of the problems associated with sustained inmate population growth; and to evaluate the efficiency of prison operations. To accomplish our objectives we relied on computer-based statistical analyses of agency expenditure data, structured interviews with agency officials and employees, reviews of applicable agency documents, telephone surveys of officials in other states and in professional organizations, research of pertinent professional and scholarly articles, and a written survey of justices of the district and superior courts of New Hampshire.

This report is the result of our evaluation of the information noted above and is intended solely to inform the Fiscal Committee of our findings and should not be used for any other purpose. This restriction is not intended to limit the distribution of this report, which upon acceptance by the Fiscal Committee is a matter of public record.

We wish to thank the officials and employees of the Department of Corrections and the Parole Board for their assistance and cooperation during the course of our review.

Office of Legislative Budget Assistant
OFFICE OF LEGISLATIVE BUDGET ASSISTANT

April 1992

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**STATE OF NEW HAMPSHIRE
PRISON EXPANSION**

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ABBREVIATIONS

ACA	American Correctional Association
AFDC	Aid to Families with Dependent Children
AHC	Administrative home confinement; house arrest
DOC	Department of Corrections
FBI	Federal Bureau of Investigation
GAO	General Accounting Office
GED	General Equivalency Diploma
ISP	Intensive supervision probation (parole)
PPD	Policy and procedure directives
PPO	Probation/Parole Officer
NIC	National Institute of Corrections, U.S. Dept. of Justice
SHU	Special Housing Unit, maximum security inmate housing

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SCOPE, OBJECTIVES, AND METHODOLOGY



STATE OF NEW HAMPSHIRE PRISON EXPANSION

SCOPE, OBJECTIVES, AND METHODOLOGY

We performed our audit of prison expansion in New Hampshire's state corrections system in accordance with recommendations made to the Fiscal Committee by the Legislative Performance Audit and Oversight Committee.

SCOPE AND OBJECTIVES

This report describes and analyzes the growth of the state prison system, the operating budget and capital budget increases associated with that growth, and the impact sustained corrections system growth will have on the state's allocation of resources in the future. Our audit also evaluates the efficiency of prison operations and further identifies and analyzes alternatives to incarceration as those programs and activities might help limit the rate of future prison population growth and the attendant expansion of facilities.

Our audit focused primarily on the ten year period from fiscal year 1982 to, and including, fiscal year 1991 and addressed the following specific objectives:

- Identify factors such as rates for crime, arrests, convictions, and incarceration that have contributed to the growth of New Hampshire's state prison system;
- Determine the extent to which the state's \$66.2 million capital expansion program for the prison system has proceeded as planned;
- Evaluate the extent to which prison is used for offenders who committed violent crimes against persons compared to those who committed non-violent or property crimes;
- Determine the extent to which probation, parole, and other alternatives to incarceration are used;
- Analyze the efficiency and effectiveness of prison operations and programs and the extent to which the prison population exceeds operational capacity.

SCOPE, OBJECTIVES, AND METHODOLOGY (Continued)

METHODOLOGY

To obtain general background information and develop an understanding of correctional programs and problems nationally, we reviewed reports, journal articles, and research papers published by professionally-recognized governmental and non-governmental organizations including the U.S. General Accounting Office (GAO), the FBI, the Bureau of Justice Statistics, the National Institute of Justice, the National Institute of Corrections, the National Conference of State Legislatures, the National Institute for Sentencing Alternatives, the Criminal Justice Institute, and the American Correctional Association. We also reviewed audits and reports of corrections programs from other states including Arizona, Arkansas, Connecticut, Florida, Georgia, Idaho, Iowa, Maine, Massachusetts, Nebraska, New York, Oregon, South Carolina, Tennessee, and Vermont.

To obtain background information about New Hampshire corrections issues and problems specifically, we used two basic methods. First, we interviewed DOC officials and employees, the department's legal counsel and assistant attorney general, attorneys from New Hampshire Legal Assistance and the New Hampshire Civil Liberties Union, representatives from the State Employees Association, and members of the Citizens Advisory Council, the Judicial Advisory Council, and the Parole Board.

Second, we reviewed an extensive list of documents pertaining to DOC operations. We reviewed New Hampshire statutes and administrative rules, organization charts, personnel rosters, goals and objectives statements, biennial reports, policy and procedures directives, and numerous letters and inter-office memoranda. Additionally, we reviewed court decisions and orders related to New Hampshire prison issues, particularly Laaman v. Helgemoe and the Laaman Consent Decree; minutes of meetings of Governor and Council, Fiscal Committee, the Citizens Advisory Council, and the Judicial Advisory Council; testimony by DOC officials before legislative committees; and journals of the House and Senate. We also reviewed previous audits and reports of DOC activities.

In explaining the growth of the prison system we examined New Hampshire crime and arrest statistics for selected variables involving violent and non-violent crime for the period and compared those statistics with similar data from the other five New England states, three selected non-New England states, and the United States as a whole. We reviewed random samples of probationer and inmate-parolee files to ascertain or verify basic offender profile information such as age, crime, sentence, substance abuse, and certain socio-economic variables. Additionally, we conducted cost analyses of the impact the state's "Truth-in-Sentencing" law has had upon the growth of the prison system. We used structured interviews of DOC and Division of Public Works staff and a review of documents for each phase of the expansion project to evaluate the effectiveness of the \$66.2 million prison capital improvements program.

SCOPE, OBJECTIVES, AND METHODOLOGY (Continued)

METHODOLOGY (Continued)

In identifying alternatives to incarceration and evaluating their efficiency and effectiveness, we conducted structured interviews with field services personnel including the director, the regional administrators, and the chief probation/parole officer in each district office. Additionally, we made on-site inspections to all eleven field services district offices. During some of those on-site visits we conducted examinations of different parole and probation supervision levels by observing home visits in intensive and maximum supervision cases and observing office visits in medium and minimum cases. We also reviewed the minutes of meetings of district probation/parole chiefs, conducted a computer-assisted caseload analysis of randomly selected samples of probationer and parolee cases, and developed and administered a written survey of district and superior court justices.

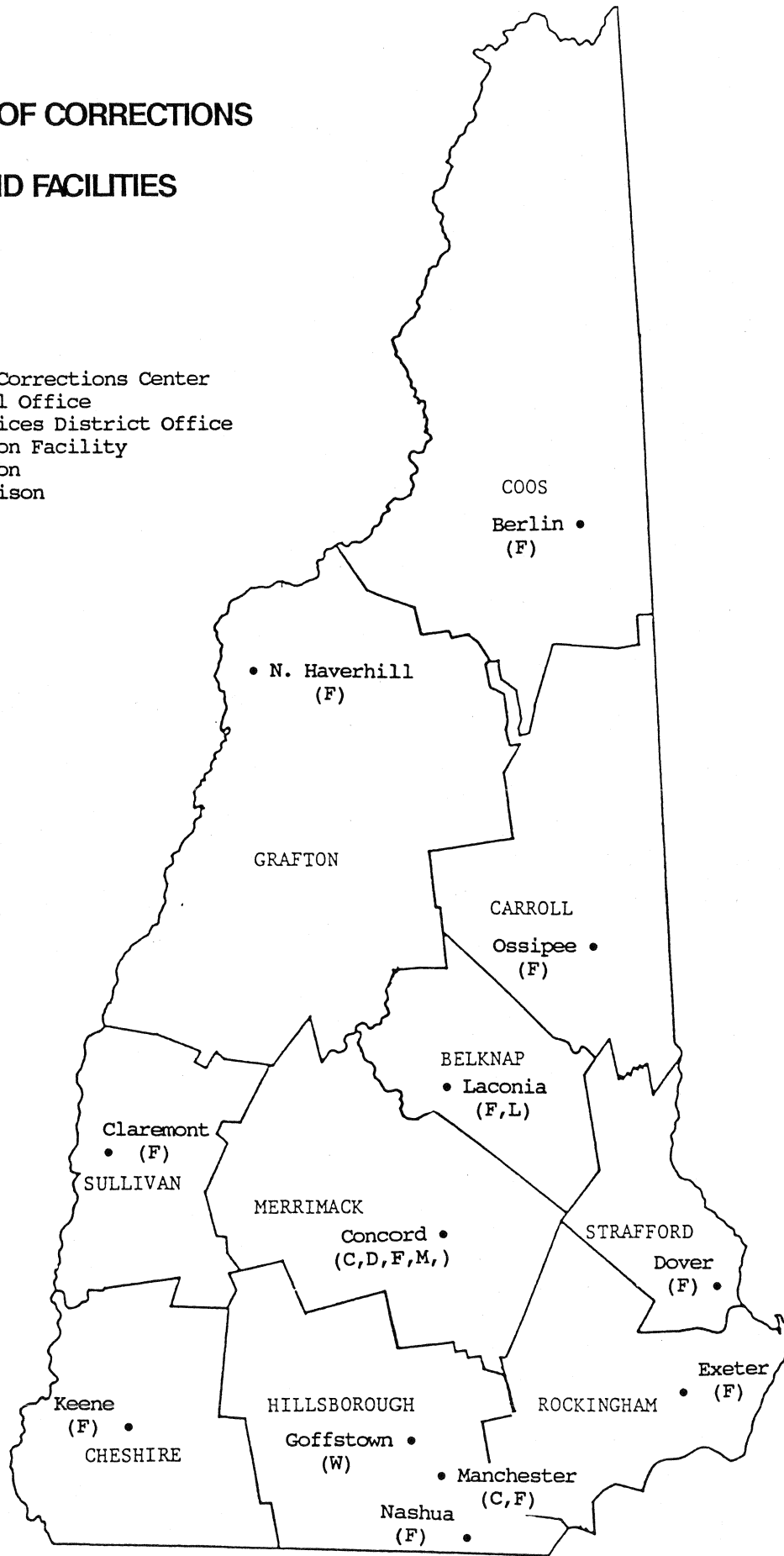
In evaluating the efficiency and effectiveness of prison operations we conducted structured interviews with the warden, the DOC director of administration, several members of the parole board and the board's executive assistant. We made on-site inspections of the men's prison (including the secure psychiatric unit, the minimum security unit, Summit House, the warehouse, and the farm), the women's prison, community corrections centers in Concord and Manchester, and the Lakes Region Facility. We also conducted computer-assisted descriptive statistical analysis of DOC and prison expenditures, capital improvements, and debt service requirements.

DEPARTMENT OF CORRECTIONS

OFFICES AND FACILITIES

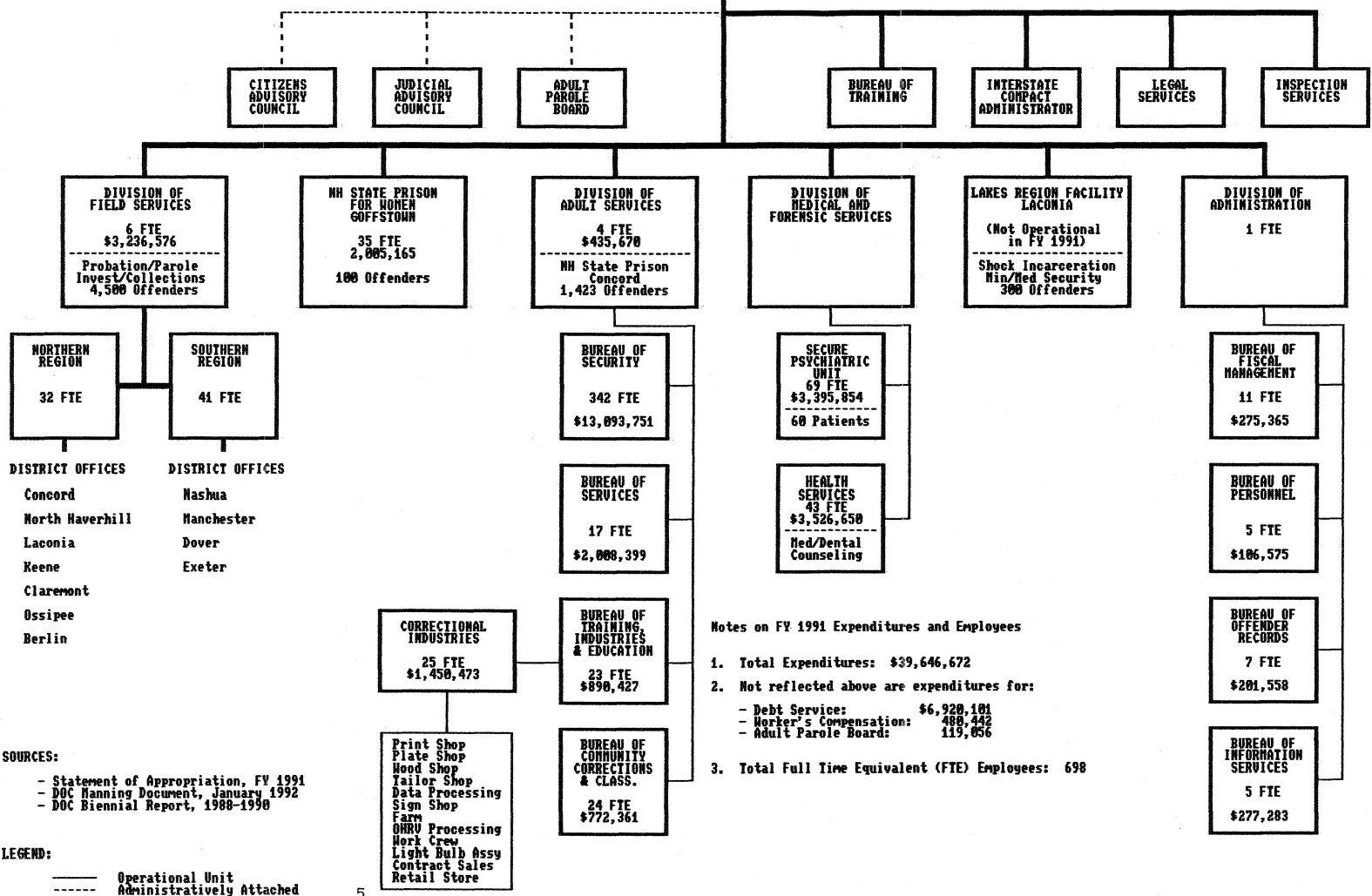
LEGEND

- C Community Corrections Center
- D DOC Central Office
- F Field Services District Office
- L Lakes Region Facility
- M Men's Prison
- W Women's Prison



STATE OF NEW HAMPSHIRE DEPARTMENT OF CORRECTIONS

OFFICE OF THE COMMISSIONER
8 FTE
\$458,966



Notes on FY 1991 Expenditures and Employees

1. Total Expenditures: \$39,646,672
2. Not reflected above are expenditures for:
 - Debt Service: \$6,920,101
 - Worker's Compensation: 488,442
 - Adult Parole Board: 119,036
3. Total Full Time Equivalent (FTE) Employees: 698

SOURCES:

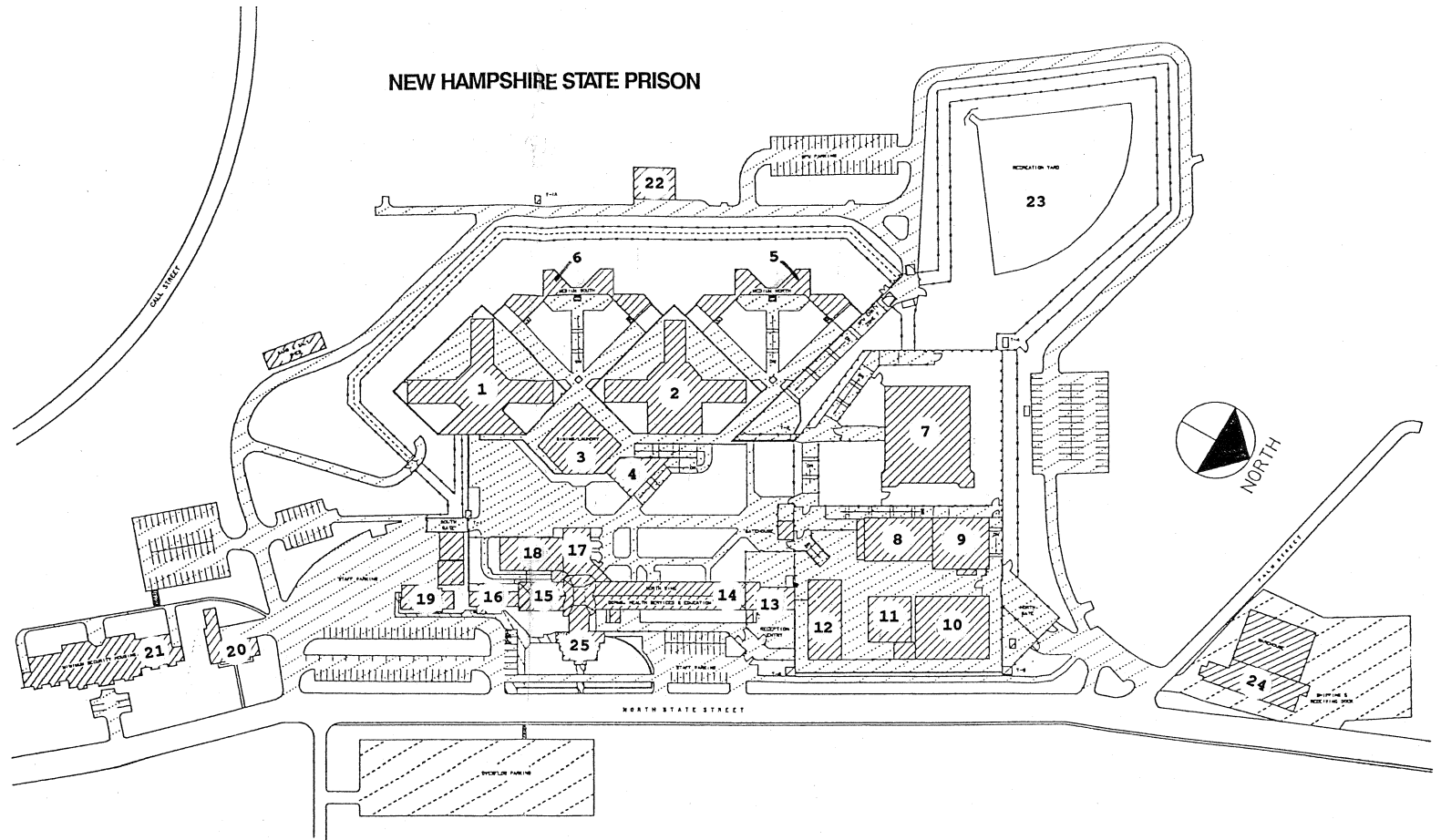
- Statement of Appropriation, FY 1991
- DOC Manning Document, January 1992
- DOC Biennial Report, 1988-1990

LEGEND:

———— Operational Unit
 - - - - - Administratively Attached

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NEW HAMPSHIRE STATE PRISON



- | | | |
|--|---|--|
| 1. Secure Housing Unit
(Maximum Security) | 9. Industries - Building B | 18. Recreation Facilities |
| 2. Close Custody Housing and
Secure Psychiatric Units | 10. Industries - Building A | 19. Maintenance Facilities |
| 3. Dining & Laundry Facilities | 11. Auto Shop | 20. Summit House
(Substance Abuse Program to
be converted to community
corrections center.) |
| 4. Kitchen | 12. Vocational Training Facilities | 21. Minimum Security Housing Unit |
| 5. Medium North Housing Unit | 13. Reception and Diagnostic Unit | 22. Boiler Plant |
| 6. Medium South Housing Unit | 14. Dorms, Health Sources and
Education Facilities | 23. Recreation Yard |
| 7. Hancock Building Housing Units
(Close and Medium Security) | 15. Staff Offices and Program
Facilities | 24. Warehouse |
| 8. Gymnasium | 16. Visitors Facilities | 25. Administration Building |
| | 17. Staff Facilities | |

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SIGNIFICANT ACHIEVEMENTS



STATE OF NEW HAMPSHIRE PRISON EXPANSION

SIGNIFICANT ACHIEVEMENTS

It is important to recognize that performance auditing by its nature is a critical process, designed to identify problems or weaknesses in past and existing practices and procedures. We note here several successful or positive practices, procedures, outcomes, and programs that we observed and for which sufficient documentation was available.

- FACILITIES - In the past ten years DOC has undertaken extensive capital improvements to inmate housing, health care, food service, industries, education, secure psychiatric, and reception and diagnostic facilities inside the men's prison.

Other facilities improvements include a minimum security unit, two community corrections centers, a women's prison, and an intensive drug and alcohol treatment facility.

- TRAINING, INDUSTRIES AND EDUCATION PROGRAMS - DOC has implemented integrated programs of training, industries, and education in a competency-based curriculum leading to certification of inmates in many vocational programs including auto mechanics and auto body repair, small engine repair, horticulture, computers, culinary arts, and building trades. Several of these programs not only benefit the participating inmate but also provide the state with benefits in return. For example, use of inmate labor on some prison construction projects has not only provided on-the-job training, but has saved the state money.

DOC education programs include, in addition to the traditional GED program, a high school diploma program in association with Merrimack Valley School District, the availability of college courses in conjunction with New England College, and vocational-technical education programs in affiliation with the New Hampshire Department of Post-Secondary Education.

- PERSONNEL AND TRAINING - DOC has implemented several personnel selection and training requirements that provide for a more professional and stable work force. These programs contain psychological screening requirements, applicant drug testing, and mandatory certification programs including a 280 hour program for probation/parole officers and a six week Police Standards and Training Commission program for corrections officers.

SIGNIFICANT ACHIEVEMENTS (Continued)

- PUBLIC AND INMATE SAFETY - DOC has made improvements to programs and areas concerning public and inmate safety. The department has a tactical response squad with specialized equipment trained in riot and disturbance control. The department has in place an interagency emergency response plan that would coordinate the activities of state and local police, the National Guard, and the Office of Emergency Preparedness in the event of a disturbance at the state prison. In addition to enhance public safety, DOC has added electronic detection, video surveillance, and other advanced security measures.

In the area of inmate safety DOC has implemented an inmate grievance procedure (which allows inmates to ultimately take disputes before the commissioner for resolution) and created an internal affairs and investigations unit that reports directly to the commissioner. Additionally, DOC has in place an objective inmate classification system designed to measure public and institutional risk when classifying offenders for community and prison placement.

- ACCREDITATION - The State of New Hampshire is one of only three states in the United States to have its corrections programs in all divisions fully accredited by the American Correctional Association (the only corrections agency not accredited by the ACA is the Parole Board). ACA accreditation is accomplished through adherence to nationally-recognized correctional standards as evidenced by a comprehensive self-evaluation and an on-site visit by the ACA.
- PLANNING AND REVIEW - DOC has in place two mechanisms, the Citizens Advisory Council and the Judicial Advisory Council, designed to provide the department with valuable advice and oversight. The 15 member Citizens Advisory Council is made up of four representatives from law enforcement (three police and one prosecutor), five from the judicial branch (three criminal defense attorneys, one court clerk, and the attorney general), two parole board members, an educator, a religious leader, a mental health professional, and a legislator.

The seven member Judicial Advisory Council is made up of four justices from the Superior Court and three from the District Court.

- ALTERNATIVE PROGRAMS - DOC programs providing an alternative to traditional prison incarceration include a community-based intensive supervision program for probationers and parolees, work release and administrative home confinement programs utilizing house arrest and electronic monitoring features, and a shock incarceration ("boot camp") program.

SIGNIFICANT ACHIEVEMENTS (Continued)

- OTHER ACHIEVEMENTS - In addition to the above, while making our on-site inspections of field services offices, we noted several items worthy of mention. Those include:
 - DOC field services offices in Keene and Ossipee have developed an offender supervision tracking report. This report helps officers monitor supervision requirements and facilitates data collection for monthly reports to the Director of Field Services. The report could be easily adapted for statewide use.
 - The DOC field services office in Ossipee works with area mental health providers to develop low-cost offender treatment groups. The substance abuse "Prevention Program" is an excellent example of a resource for addressing a widespread problem in the offender population.
 - The chief PPO in the DOC field services office in Concord is a member of the Concord Mental Health Liaison Committee. Through this committee DOC has access to people who can help with the growing number of offenders with mental health needs and more traditional treatment needs such as substance abuse and sex offender programs. Community involvement of this nature is a definite benefit to DOC.
 - The Intensive Supervision Program (ISP) officer in the DOC field services office in Concord has developed a checklist to track the different type and number of contacts required for ISP offenders. This checklist aids time management and compliance with supervision standards.
 - The ISP officer in the DOC field services office in Nashua uses a stamp for routine home and office visit chronological entries. He supplements the stamped entries with specific comments when appropriate. The PPO estimates that the stamps save him up to six hours per month.
 - The chief PPO in the DOC field services office in Claremont recommends creative sentencing alternatives. For example, on one occasion, the court agreed with his recommendation for a modified incarceration plan for a young female offender with small children. The court sentenced the offender to the county jail during school hours and to probation the rest of the time. This kept the family together, saved state resources, and appropriately punished the offender.

SIGNIFICANT ACHIEVEMENTS (Continued)

- OTHER ACHIEVEMENTS (Continued)

- The chief PPO in the DOC field services office in Claremont requires offenders to complete much of the paperwork for presentence investigations. This not only saves PPO time, but sometimes elicits more information than offenders typically offer during a PSI interview.
- The chief PPO in the DOC field services office in Dover developed a program alternative to incarceration in the county jail. The program will employ current or retired trained law enforcement officers as part-time surveillance officers to supervise community-based offenders who have been convicted of misdemeanors and who would otherwise be sentenced to county jail. When implemented the program has the potential to save Strafford County many thousands of dollars.
- The Shock Incarceration Unit PPO has expanded the "aftershock" meetings that shock incarceration participants attend for three months following graduation. The PPO has arranged for representatives of the Department of Employment Security and the Office of Drug and Alcohol Prevention to attend aftershock meetings. Their attendance will help reinforce the counselling that offenders receive while in the program and will aid their transition to the community.

INTRODUCTION AND ANALYSIS

STATE OF NEW HAMPSHIRE PRISON EXPANSION

1. INTRODUCTION

New Hampshire state government spent more than \$214 million operating prisons and other correctional programs during the ten years from 1982 to 1991. Corrections spending has risen an average of 17.9% annually over that time (TABLE 1.1).

TABLE 1.1

NEW HAMPSHIRE CORRECTIONS EXPENDITURES (1982 - 1991) (in 000s)

YEAR	OPERATIONS	DEBT SERVICE*	TOTAL	% INCREASE
1991	\$ 32,727	\$ 6,920	\$ 39,647	18.4
1990	28,231	5,262	33,493	15.7
1989	25,113	3,842	28,955	14.8
1988	21,237	3,994	25,231	10.3
1987	18,773	4,098	22,871	25.3
1986	14,872	3,384	18,256	32.1
1985	12,978	839	13,817	11.9
1984	11,476	870	12,346	18.3
1983	10,132	301	10,433	14.6
1982	9,103	-0-	9,103	--
TOTAL	\$184,642	\$29,510	\$214,152	
<p>* LBA calculation from State Treasurer records</p> <p>Source: Statements of Appropriation</p>				

Why we build prisons, put people in them, and pay to keep them there has been and will continue to be the subject of much debate. What we do with prisoners while they are in prison and what alternatives to imprisonment we choose will also continue to receive considerable attention.

1. INTRODUCTION (Continued)

The New Hampshire Constitution states, "The true design of all punishments being to reform, not exterminate mankind." ¹ During the past decade there has been considerable debate over the nature and scope of punishment not only here in New Hampshire, but in many other states as well. The rehabilitation theory found in the state's constitution as well as several other theories have been advanced to justify criminal punishment. Those theories include:

- Restraint - While imprisoned a criminal has fewer opportunities to commit acts causing further harm to society;
- Special Deterrence - Punishment may deter the criminal from committing future crimes;
- General Deterrence - Punishment may deter other persons from committing similar crimes for fear of incurring the same punishment;
- Retribution - Punishment is imposed to vent society's sense of outrage and need for revenge;
- Rehabilitation - Imprisonment provides the opportunity to mold or reform the criminal into a person who, upon return to society, will conform his or her behavior to societal norms.²

Whatever the reasons for punishment of criminal behavior, the corrections program is one of the fastest growing programs in the state budget. One major reason the corrections budget has grown so rapidly has been the increase in inmates in the state's prison system which in turn has necessitated an expansion of prison facilities. In 1982 there were 394 inmates in the New Hampshire State Prison; by 1991 an additional 1,029 inmates had brought the total to 1,423 inmates, an increase of 261.2% (TABLE 1.2).

Between 1982 and 1991 the population of New Hampshire grew 16.6% from 951,000 to 1,109,000. During those ten years total state government per capita spending grew 83.0% from \$765 to \$1,400, while per capita spending for corrections programs increased 273.5% from \$9.57 to \$35.74. In 1982 for every \$1.00 spent on corrections taxpayers spent \$79.87 on other programs. By 1991 for every \$1.00 spent on corrections the state spent \$39.10 on other programs.

1. INTRODUCTION (Continued)

TABLE 1.2

**NEW HAMPSHIRE STATE PRISON
AVERAGE INMATE POPULATION
(1982 - 1991)**

FY	INMATES	INCREASE OVER PREVIOUS YEAR	% CHANGE
1991	1,423*	263	22.7
1990	1,160	156	15.5
1989	1,004	130	14.9
1988	874	119	15.8
1987	755	105	16.2
1986	650	74	12.9
1985	576	56	10.8
1984	520	75	16.9
1983	445	51	12.9
1982	394		
* Actual Year End FY 1991			
Source: DOC Biennial Reports			

Spending for corrections programs has grown three times faster than the total cost of state government. In 1982 state corrections programs cost a total of \$9.1 million and accounted for 1.25% of all state spending. By 1991 corrections as a percent of state spending had more than doubled to 2.55% and the total cost of corrections programs, including debt service on capital improvements, was \$39.6 million an increase over the ten years of 335.5%. By comparison, during the same period the cost of state government increased 113.5% (TABLE 1.3).

1. INTRODUCTION (Continued)

TABLE 1.3 **COMPARISON OF ALL STATE SPENDING AND
SPENDING FOR CORRECTIONS PROGRAMS
(1982 and 1991)
(in 000s)**

YEAR	ALL STATE SPENDING	STATE CORRECTIONS PROGRAMS	CORRECTIONS AS % OF ALL SPENDING
1982	\$ 727,129	\$ 9,103	1.25
1991	\$ 1,552,738	\$ 39,647	2.55
% CHANGE	113.5	335.5	
Sources: Statements of Appropriation NH Comprehensive Annual Financial Reports			

The remaining chapters in this report provide an analysis of the expansion of New Hampshire's prison system. Chapter 2 analyzes the role of corrections programs in the context of the larger criminal justice system of which corrections programs are an important component. Chapter 3 assesses the composition of the New Hampshire's offender population and the impact the state's truth-in-sentencing law has had on that population. Chapter 4 provides analyses of the efficiency and effectiveness of prison operations including the capital expansion program. Chapter 5 examines alternatives to prison, including probation and parole as well as other intermediate sanctions. Finally, Chapter 6 presents conclusions on what New Hampshire taxpayers may expect if current prison system growth continues unabated.

2. OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM

The inmate population of the state prison is determined by forces largely outside the control of DOC. In order to gain a better understanding of the context for prison expansion and related issues, we offer a brief comparative description of the following -- crime, arrest, conviction, sentencing, and incarceration -- all components of the larger criminal justice system into which corrections programs fit and play an integral role.

2. OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM (Continued)

Prison is just one component in a much larger system. There are many other players in the larger system -- the legislature, the police, and the courts to name a few of the more important. The legislature defines crimes and determines the punishment for criminal behavior. When a crime is committed, the police will, hopefully, clear the crime and arrest a suspect. The accused person may either plead guilty or demand a trial where a jury (or judge) may find the defendant innocent or guilty. Finally, if guilty, a judge sentences the offender to pay a fine, to make restitution, to probation, to prison, or to a combination of those sentences.

At a time when our prisons are filling to capacity and beyond, there is still a great deal of inefficiency in the criminal justice system. Using a mixture of national trend data and actual New Hampshire data on 1989 felony crimes, we estimate that in New Hampshire for every 1,000 felonies committed, 168 people were arrested. Of those 168 people, 121 adults actually entered the judicial system. The remaining 47 juveniles were processed in a separate juvenile justice system. Of the adults who entered the judicial system, 58 had their cases rejected by prosecutors or dismissed by judges. Of the 63 criminal defendants who got to court, 51 pleaded guilty and 12 went to trial where nine were found guilty. Of the 60 guilty individuals who left the courthouse, 26 were sentenced to probation, 12 went to county houses of correction, and 22 went to state prison.

2.1 CRIMES

How prevalent has crime been in New Hampshire over the past several years? Data on crime are expressed as crime rates (reported felony crimes per 100,000 population). Nationally, crime rates are compiled for violent crimes (e.g., murder, rape, robbery, and aggravated assault) and for non-violent crimes (or property-related crime) including burglary, theft, and arson).

According to federal and state reports, the overall number of reported felony crimes committed annually in New Hampshire between 1982 and 1989 increased 9.3% from 36,416 to 39,810. However, New Hampshire's population increased faster, so the state's crime rate actually decreased 6.1% from 3,829 to 3,597. Upon closer inspection we noted the rate of violent crimes increased 35.2% and further noted that crime rates for murder and rape increased, although from comparatively small bases, 50.0% and 82.1%, respectively. The rate for non-violent crimes decreased 7.5%.³

We compared New Hampshire's crime rates for 1982 and 1989 to the other New England states, three other states (one each in the South, Midwest, and West), and the overall national rates. In New England, New Hampshire's total crime rates of 3,829 in 1982 and 3,597 in 1989 were among the lowest in New England. The New England state with the highest crime rate for 1982 was Massachusetts at 5,503 and for 1989 it was Connecticut at 5,270. For

2. OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM (Continued)

2.1 CRIMES (Continued)

both 1982 and 1989 New Hampshire had the lowest rate among the group including the three non-New England regional states. The highest in that group for 1982 was Iowa with 4,137, for 1989 it was Arkansas with 4,556 felony crimes per 100,000. New Hampshire was also well under the national averages for both years.

Breaking down crime data even further into violent and non-violent categories, New Hampshire's position relative to the other New England states, the non-New England regional states, and the U.S. average does not change (TABLE 2.1).

TABLE 2.1 **COMPARISON OF SELECTED FELONY CRIME RATES FOR
NEW HAMPSHIRE, SELECTED STATES, and U.S.
(VIOLENT AND NON-VIOLENT OFFENSES PER 100,000 POPULATION)
(1982 and 1989)**

STATE	VIOLENT OFFENSES			NON-VIOLENT OFFENSES		
	1982	1989	% CHG	1982	1989	% CHG
New Hampshire	125	169	35.2	3,704	3,428	-7.5
Maine	163	137	-16.0	3,697	3,446	-6.8
Vermont	127	133	4.7	4,565	3,956	-13.3
Massachusetts	571	675	18.2	4,932	4,461	-9.6
Connecticut	400	512	28.0	5,028	4,758	-5.4
Rhode Island	402	378	-6.0	4,962	4,847	-2.3
New England	425	491	15.5	4,730	4,355	-7.9
Arkansas	325	474	45.8	3,547	4,082	15.1
Iowa	173	266	53.8	3,964	3,815	-3.8
Idaho	259	255	-1.5	3,824	3,676	-3.9
United States	555	663	19.5	4,998	5,078	1.6
Source: Uniform Crime Reports						

2. OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM (Continued)

2.2 ARRESTS

When a felony crime was committed in New Hampshire, how often were law enforcement agencies able to apprehend a perpetrator and "clear" a crime? The answer to that question is expressed as the clearance rate. The clearance rate is the arrest rate (number of arrests per 100,000 population) divided by the crime rate (number of crimes per 100,000 population) with the result expressed as a percent. New Hampshire's 1982 clearance rate for felony crimes was 21.6%. By 1989 the clearance rate had decreased nearly five percent to 16.8%.

In New England in 1982 New Hampshire ranked third out of six with a clearance rate of 21.6%. In 1989, Vermont (11.1%) was the only New England state with a clearance rate for all index crimes lower than New Hampshire's (16.8%). The best clearance rate in New England for both years was Connecticut. New Hampshire's clearance rates for 1982 and 1989 ranked lower than the three non-New England states' clearance rates and in 1989 was lower than the national clearance rate of 20.9% (TABLE 2.2).

TABLE 2.2

**COMPARATIVE ARREST & CLEARANCE RATES
NEW HAMPSHIRE, SELECTED STATES, and U.S.
(1982 and 1989)**

STATE	1982		1989	
	ARREST RATE	CLEARANCE RATE	ARREST RATE	CLEARANCE RATE
New Hampshire	825	21.6%	605	16.8%
Maine	933	24.2%	895	25.0%
Vermont	653	13.9%	455	11.1%
Massachusetts	837	15.2%	1,044	20.3%
Connecticut	1,380	25.4%	1,614	30.6%
Rhode Island	1,034	19.3%	915	17.5%
New England	989	19.2%	1,099	22.7%
Arkansas	1,538	39.7%	817	17.9%
Iowa	962	23.3%	835	20.5%
Idaho	1,069	26.2%	1,098	27.9%
United States	1,123	20.2%	1,199	20.9%

Source: Uniform Crime Reports

2. OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM (Continued)

2.2 ARRESTS (Continued)

Data compiled in the Uniform Crime Reports do not include information on arrests for sale and possession of drugs; so a comparison with other states on that subject was not possible. However, the "war on drugs" has had a definite impact on the criminal justice system in New Hampshire. Data show that between 1982 and 1989 total drug-related arrests increased 62.3% from 1,653 to 2,682. Arrests for drug sales increased 255.4% from 130 to 462, while arrests for drug possession increased 45.8% from 1,523 to 2,220.

2.3 CONVICTIONS

To what extent were those accused of criminal behavior convicted? The conviction rate is the percent of arrests which end in conviction. Conviction rates are not currently available for New Hampshire or other individual states. Some national data are available but not for each type of felony crime.

Most felony arrests do not result in a conviction. Nationally, anywhere from one third to one half of all felony arrests are rejected by prosecutors or dismissed by the courts (evidence-related deficiencies or witness problems account for more than half the rejections at screening and are also common reasons for dismissals). Most of the others result in a guilty plea. Nationally in 1987 only three of every 100 arrests went to trial and of those, 75% resulted in conviction.⁴

In 1988, the latest year for information on national conviction rates, for all crimes where data are available, approximately 27.7% of all felony arrests ended in convictions. For murder the conviction rate was 47.8%. For burglary, the most often reported crime, the conviction rate was 32.8%.

2.4 SENTENCING

As with conviction rates the only currently available information on sentencing is national in scope and is not broken out by individual states. In 1988 of those convicted of a felony, 69% were incarcerated (44% in state prison, 25% in county jails), 30% were given probation and one per cent other sanctions (TABLE 2.3).

2. OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM (Continued)

2.4 SENTENCING (Continued)

TABLE 2.3

**U.S. FELONY SENTENCING
(1988)
(% OF CONVICTED OFFENDERS SENTENCED)**

OFFENSE	STATE PRISON	COUNTY JAIL	PROBATION	OTHER	TOTAL
Murder	91	4	5	0	100
Rape	69	18	13	0	100
Robbery	75	14	11	0	100
Agg. Assault	45	27	27	1	100
Burglary	54	21	25	0	100
Larceny	39	26	34	1	100
Drug Traffic	41	30	28	1	100
Others	35	27	37	1	100
All Felonies	44	25	30	1	100
Source: U.S. Bureau of Justice Statistics					

Over the past ten years changes to New Hampshire sentencing statutes have increased the penalties for drug offenses, sex offenses, firearms offenses, offenses against elderly and handicapped victims, parole revocations, and armed career criminals. Additionally, in May 1982 the legislature enacted the so-called "truth-in-sentencing" law requiring all prison inmates to serve their full minimum sentence before attaining parole eligibility.⁵ Prior to this, a prison inmate received automatic deductions of 150 days in "good time" credits from each year of his or her minimum sentence. If the inmate obeyed prison rules the deductions remained. If not, prison officials added days back to the minimum sentence. A well-behaved inmate could serve as little as 215 days of each year of his or her minimum sentence.

The truth-in-sentencing law replaced advance good time deductions with a 150 day "additional disciplinary period" added to each year of the minimum sentence. Under truth-in-sentencing, a well-behaved inmate could reduce the additional disciplinary period by 12.5 days per month, but he or she would not be eligible for parole until serving the full minimum sentence. We estimate that New Hampshire's truth-in-sentencing law has increased the minimum incarceration time by 70% (TABLE 2.4).

2. OVERVIEW OF THE CRIMINAL JUSTICE SYSTEM (Continued)

2.4 SENTENCING (Continued)

TABLE 2.4

EFFECT OF TRUTH-IN-SENTENCING ON SENTENCE OF TWO YEARS IN STATE PRISON

OLD LAW - Minimum Days Served [(365 x 2) - (150 x 2)]	430
TRUTH-IN-SENTENCING - Minimum Days Served (365 x 2)	730
DIFFERENCE	300
AMOUNT OF INCREASE (300 ÷ 430)	70%
Source: LBA calculation	

Thus, today a well-behaved New Hampshire prison inmate must serve at least 365 days of each year of his or her minimum sentence (for further discussion on truth-in-sentencing see section 3.2).

3. INCARCERATION

To what extent were those convicted of felony crimes incarcerated in New Hampshire? The incarceration rate is defined as the number of inmates in prison for each 100,000 of population. In 1981 New Hampshire had 42 convicted offenders in prison for each 100,000 population compared to the New England average of 72 and the national average of 153. New Hampshire's incarceration rate grew to 117 by 1990. While still the lowest rate in New England and far lower than the national average of 293 (New Hampshire ranked 47th out of 50 states), its incarceration rate has increased 178.6% from 1981 to 1990 compared to an increase during that period of 118.1% for New England and 91.5% for the nation as a whole (TABLE 3.1).

3. INCARCERATION (Continued)

TABLE 3.2

COMPARISON OF GROWTH IN
GENERAL POPULATION & GROWTH IN
INMATE POPULATION IN NEW HAMPSHIRE
(1890 - 1990)

YEAR	GENERAL POPULATION	INMATE POPULATION	INMATES/ 100,000 GEN. POP.
1990	1,113,915	1,160	104
1980	920,475	287	31
1970	737,578	243	33
1960	606,400	180	30
1950	533,110	234	44
1940	491,320	266	54
1930	465,115	173	37
1920	442,716	125	28
1910	430,376	173	40
1900	410,938	206	50
1890	376,175	153	41
Sources: Office of State Planning Dept. of Corrections			

3.1 COMPOSITION OF MALE INMATE POPULATION

Much attention has been focused on the growth of the New Hampshire state prison population during the 1980s. While an inmate population increase of more than 300% certainly warrants attention, we believe it has overshadowed significant changes in the composition of the state's prison population.

There is increasing agreement among criminal justice officials that scarce prison and jail space should be reserved for dangerous offenders who truly are a threat to society. More and more corrections officials are coming to the conclusion that society can no longer afford the wholesale lockup of non-violent offenders.⁶ However, an analysis of New Hampshire state prison

3. INCARCERATION (Continued)

3.1 COMPOSITION OF INMATE POPULATION (Continued)

admissions since 1980 suggests that may be happening. Violent offenders comprise a smaller percentage of the prison population today than they did a decade ago. Sex offenders are the only violent offense admission category that has substantially increased since 1982, but they still represent approximately the same percentage of new admissions as in 1982.

During DOC's two year reporting period ending June 30, 1990, violent offenders comprised a 9.4% smaller share of prison admissions than they did in the two year reporting period ending June 30, 1982. In actual numbers of inmates, the state imprisoned fewer people for robbery, kidnapping, and manslaughter in 1990 than it did in 1982. By percent the state imprisoned fewer offenders in 1990 than in 1982 for aggravated assault, kidnapping, negligent homicide, robbery, and manslaughter. Twice as many sex offenders went to prison in 1990 as did in 1982, but their share of admissions remained almost the same: 12.0% in 1982 and 12.5% in 1990 (TABLE 3.3).

TABLE 3.3 **COMPARATIVE STATE PRISON ADMISSIONS**
FOR
SELECTED OFFENDER GROUPS

	1982 REPORT		1990 REPORT		% CHANGE
	ADMITTED /	% TOTAL	ADMITTED /	% TOTAL	
Violent Offenders	207	36.0	294	26.6	42.0
Sex Offenders	69	12.0	138	12.5	100.0
Robbery	60	10.4	54	4.9	-10.0
Aggravated Assault	38	6.6	51	4.6	34.2
Other Violent Offenders	40	7.0	51	4.6	27.5
Non-Violent Offenders	304	52.9	596	53.9	96.1
Burglary	107	18.6	183	16.6	71.0
Drug Offenses	42	7.3	227	20.5	440.5
Habitual Offender	13	2.3	55	5.0	323.1
Other Non-Violent Offenders	142	24.7	131	11.8	-7.7
Parole Violators	64	11.1	216	19.5	237.5
TOTAL ADMISSIONS	575	100.0	1106	100.0	92.3

Source: DOC Biennial Reports

3. INCARCERATION (Continued)

3.1 COMPOSITION OF INMATE POPULATION (Continued)

Drug offenders are by far the largest group in the non-violent offender category and show the greatest growth as a percentage of new admissions since 1982. In both absolute and relative numbers, drug offenders were the fastest growing segment of the New Hampshire state prison population during the 1980s. In DOC's 1982 reporting period, New Hampshire imprisoned 42 drug offenders, or 7.3% of all admissions. In the 1990 reporting period New Hampshire imprisoned 227 drug offenders, or 20.5% of all admissions. Those figures represent a 440.5% increase in the number of drug offenders admitted and a 180.8% increase in their share of total admissions. During the same period, statewide drug arrests also increased, but not as rapidly as imprisonments for drug offenses. Arrests for drug sale and manufacture during the 1982 reporting period totaled 372. During the 1990 period they totaled 941, an increase of 153.0%. Arrests for drug possession totaled 3,383 for 1982 and 3,828 for 1990, an increase of 13.2%. Total drug arrests were 3,755 for the 1982 period and 4,769 for the 1990 period for an overall increase in drug arrests of 27%.

When we reviewed random samples of probationers and inmate-parolee files, we identified several similarities between the state prison and probation and parole populations. Drug offenders comprised 21.4% of our probation and parole sample and 20.5% of prison admissions for the DOC 1990 reporting period. Burglary cases comprised 30.4% of the probation and parole sample and 16.6% of prison admissions for the 1990 reporting period. Burglary and drug offenses accounted for 37.1% of all admissions for the 1990 reporting period, up from 25.9% in the 1982 reporting period. We did not consider such factors as prior convictions, the value of property involved in burglary and theft cases, and convictions for drug sale or manufacture versus convictions for drug possession. However, offender population studies in other states suggest that offenders do receive different sentences for essentially the same offense. A detailed offender population analysis is the best way to determine if this has occurred and, if it has, to what extent. In view of the sharp rise in corrections spending, the opening of the Lakes Region Facility, and the possible need for the construction of another facility, an offender population analysis can help determine if New Hampshire is imprisoning offenders that it could more effectively sanction in the community without unduly compromising public safety.

Additionally, treatment availability is another reason why community corrections may warrant a closer look for some offenders. Our samples of prison inmates, probationers, and parolees revealed potential treatment needs for both segments of the corrections population (TABLE 3.4). Community-based offenders have greater access to treatment programs. Participation in treatment is often a special condition of probation or parole, and failure to participate can lead to revocation of probation or parole, and incarceration.

3. INCARCERATION (Continued)

3.1 COMPOSITION OF INMATE POPULATION (Continued)

TABLE 3.4

OFFENDER TREATMENT NEEDS
(AS OF JULY 1991)

	SUBSTANCE ABUSE	MENTAL HEALTH
Prison Population	82.1%	17.8%
Probation/Parole	81.0%	12.4%*
* Not including sex offender treatment, which is another 12.4% of the population.		
Source: LBA calculation		

Ultimately, a sanction is effective if it keeps an offender from committing new crimes. In our study of recidivism, sample groups of regular probationers and parolees, intensive supervision probationers and parolees, and shock incarceration graduates had lower incarceration or reincarceration rates than regular parolees and prison inmates released after sentence expiration or by court order. Parolees had lower arrest and conviction rates than released inmates, but higher incarceration rates due to technical violations of parole conditions (for further discussion on recidivism see section 5.3).

3.2 IMPACT OF TRUTH-IN-SENTENCING

According to a 1986 consultant's report, the truth-in-sentencing law had a "profound effect" on New Hampshire's prison population.⁷ The impact of the other sentencing changes is considered insignificant by comparison. The effect of truth-in-sentencing has been greater than anticipated for at least two reasons. First, judges did not, as was widely expected they would, shorten prison sentences to compensate for longer minimum prison stays. Second, the number of prison admissions continues to increase and has not stabilized as projected.⁸

The greatest single influence on the cost of incarceration since 1982 is also the truth-in-sentencing law. Allowing for marginal costs alone (those for food, laundry, medical care, and mental health services) which are approximately \$10.44 per day, the truth-in-sentencing law has added at least \$1,566 per year to the minimum sentence of every offender admitted to the prison (150 days X \$10.44). This assumes that an inmate sentenced under either law earns the maximum possible 150 days of good time credit.

3. INCARCERATION (Continued)

3.2 IMPACT OF TRUTH-IN-SENTENCING (Continued)

Additionally, according to a population projection completed in April 1985, if prison admissions remained constant, the truth-in-sentencing law should have added 169 inmates to the prison by 1988.⁹ That number of inmates approximates the capacity of either of the medium (Medium North or Medium South) security units completed during Phase II of the prison expansion program. Each of those units costs about \$3.4 million to build and has an operational capacity for 180 inmates.

The additional 169 inmates represented 19.3% of the FY 1988 prison population of 874. Conservatively, assuming the same proportion of FY 1988 prison operating expenses of \$3.6 million, the truth-in-sentencing law, through FY 1991, has cost New Hampshire taxpayers \$17.8 million (\$3.4 million in capital improvements for one medium security unit plus four years of operating expenses of at least \$3.6 million annually).¹⁰ That would be the cost of truth-in-sentencing if prison admissions remained constant.

However, prison admissions did not remain constant as projected, but increased throughout the 1980s. The 1985 population projection is therefore invalid and increased costs associated with the projection far understate the actual cost incurred as a result of the truth-in-sentencing law. It is probably enough to say that the impact of the truth-in-sentencing law grows with the prison population. Today the prison system houses nearly 1,600 inmates. Each one sentenced since 1982 will remain in the prison for approximately 70% longer than those sentenced under previous laws.

4. STATE PRISON

The New Hampshire State Prison was constructed on its present site in Concord in 1878 and had 248 single cells. Major additions included a medical wing in 1937 and a cell block annex in 1941 that brought prison capacity to 314. Little was done to the facility during the 1950s and 1960s.

In the mid-1970s DOC and other state officials began to realize that they needed plans to deal with both dilapidated prison facilities and an increasing inmate population. An October 1976 consultant report stated in part that the existing prison site was "not adaptable to the construction of a new conforming prison facility due to area deficiencies, topographic limitations, and subsurface conditions."¹¹ The report recommended a new maximum security prison at the White Farm site in Concord, a medium security prison on Litchfield State Forest lands, minimum security prisons at Bear Brook and Pawtuckaway state parks, and additional community corrections centers (halfway houses) in the Manchester-Nashua, Portsmouth, Keene-Claremont, and Franklin-Laconia areas.

4. STATE PRISON (Continued)

4.1 FEDERAL LAWSUITS

In 1975 conditions at the state prison were also brought to the attention of the federal court when a class action lawsuit was filed on behalf of the approximately 280 prison inmates then incarcerated. After a trial in 1977, the court found the 314 single-cell prison "antiquated and dilapidated" and a fire hazard "dangerous to the lives of both the keepers and the kept." Additionally, the court noted that inmates "were not being given adequate medical or mental health care," and that conditions at the prison made "degeneration of prisoners probable and reform unlikely."¹² The court ordered appropriate improvements.

The state began improvements to the prison's physical plant and treatment programs (See Appendix A. Letter from Hon. Hugh H. Bownes, Senior Judge, U.S. Court of Appeals, 1st Circuit. Judge Bownes' comments focus only on physical plant issues). However, inmates filed at least two additional federal lawsuits between 1977 and 1989 alleging continuing sub-standard conditions associated with the 1975 lawsuit. In May 1990 the parties to all related federal lawsuits signed a consent decree.¹³ That consent decree spelled out specific improvements to be made before July 1993 in health services, inmate classification, work programs, vocational training, law library access, food service, and various miscellaneous issues.

4.2 CAPITAL EXPANSION

From the options discussed by DOC officials to update facilities and relieve over-crowding, the department chose a multi-phased development plan for capital expansion with the bulk of the expansion coming at the men's prison site in Concord. Architectural and engineering consultants were given three charges to design a facility:

- Must meet ACA standards for accreditation;
- Must allow for growth to occur while maintaining existing staff-to-inmate ratios;
- Must incorporate good functional flow to ensure efficiency of operation and good overall security.

In 1980 when DOC embarked upon capital facilities expansion, the prison had an inmate population of 347 males (female inmates were housed in out-of-state facilities). The original development plan called for five phases at an estimated total cost of \$31.3 million, including project construction, fees, furnishings, and contingencies. These cost figures also included inflation escalation adjustments to \$46.3 million (48%) good until July 1, 1983 (TABLE 4.1).

4. STATE PRISON (Continued)

4.2 CAPITAL EXPANSION (Continued)

TABLE 4.1

**PRISON CAPITAL FACILITIES
PROPOSED PLANS AND COSTS
(JANUARY 1980)
(000s)**

PHASE	FACILITY	PRELIMINARY COST ESTIMATE	DESIGN CAPACITY (INMATES)
I	Special Housing Unit	\$ 4,530	100
II	Power Plant	1,000	
III-A	Medium Unit - South	3,000	120
	Close Housing Unit	4,000	60
	Dining, Kitchen & Laundry	1,300	
III-B	Renovate North Wing for Vocational & Industrial Uses	1,300	
III-C	Partial Demolition of Existing Industries Building	100	
IV-A	Building for Health, Religion, Canteen, Education and Library	1,600	
IV-B	Staff & Visitor Building, Inmate Receiving and Discharge, Renovate Old Cell Block- South Wing	1,960	
		1,575	
V	Women's Housing Unit	1,000	40
	Medium Unit - North	3,000	120
	Recreation Building & Playing Fields,	900	
	Warehouse (Administration, Maintenance Shops, Motor Pool & General Warehouse)	3,150	
	SUB-TOTAL	\$28,415	440
	Fees, Furnishings and Contingencies	2,835	
	TOTAL	\$31,250	
Source: NH Department of Corrections			

4. STATE PRISON (Continued)

4.2 CAPITAL EXPANSION (Continued)

The first phase required the building of a 100 cell maximum security unit. The preliminary cost estimate for the project was \$4.5 million. When it was completed in 1983, expenditures for the maximum security unit totaled \$6.6 million, 46.7% above the original estimate.

Phase II, as it was originally envisioned, consisted of a new power plant at an estimated cost of \$1 million. However, Phase II was combined with Phase III which consisted of two 120 cell medium security units; a 60 cell close custody unit; a 60 cell secure psychiatric unit; dining, kitchen, and laundry facilities; site work; renovation of a portion of the old cell block for vocational and industrial spaces; and partial demolition of the existing industries building. Phase III was originally estimated to cost \$9.7 million. Phases II and III were substantially completed in 1986 at a cost of nearly \$21.5 million, 100.9% above the original estimate.

The next phase of prison development, Phase IV, was originally planned to construct two buildings, one for health services, educational purposes (including a library), and an inmate canteen; the other for staff and visitor uses and inmate receiving and discharge. These buildings were estimated to cost \$5.1 million. Because of the rapid increase in inmate population, Phase IV was expanded to increase kitchen, industries, and visitor facilities; increase heating and hot water capacity; provide enhancements to security including a new central control and communications center; construct a new 96 bed minimum security unit; renovate a portion of the old cell block to provide a 96 bed dorm; renovate and enlarge the existing minimum security unit; and replacement of equipment. The total cost estimate for the expanded Phase IV was \$21.3 million. Substantially completed in 1990, Phase IV expenditures were \$21.2 million.

A revised phase V called for the construction of housing for 288 inmates for both close security (96) and medium security (192) levels; leasehold improvements to what was to become the 100 bed women's prison; renovations to the "annex" to provide 60 beds for reception and diagnosis; a recreation field; enhancements to perimeter security; and, furnishings and equipment. The total cost for those improvements was \$13.9 million. This allowed \$2 million of the funds remaining to be authorized for development of the 300 bed Lakes Region Facility.

With the completion of the Lakes Region Facility in Laconia in 1992, the prison system will have a design capacity for approximately 1520 inmates, including 1,400 beds provided through the capital expansion program as well as 45 beds at the Manchester Community Corrections Center, 30 beds at the Concord Community Corrections Center, and 45 beds at the Summit House drug treatment center.¹⁴ Total cost for the improvements when completed are projected to be \$65.2 million (TABLE 4.2).

4. STATE PRISON (Continued)

TABLE 4.2 SUMMARY OF CAPITAL BUDGET APPROPRIATIONS AND EXPENDITURES

PROJECT DESCRIPTION	AMOUNT APPROPRIATED	AMOUNT EXPENDED	DESIGN CAPACITY (INMATES)
Design Maximum Security Unit Build Maximum Security Unit Furnishing & Equipment Architectural & Engineering			100
PHASE I - TOTAL	\$ 6,653,000	\$ 6,616,204	100
Design for Phases II & III Building & Site Work: Close Custody Unit Secure Psychiatric Unit Laundry Kitchen Dining Facility Medium North Medium South Boiler Plant Perimeter Security Furnishings & Equipment Architectural & Engineering Engineering & Contingency Design for Phases III & IV			60 60 120 120
PHASE II & III - TOTAL	\$21,569,840	\$21,460,129	360
Warehouse Minimum Security Unit Dorms Medical Facilities Education Facilities Kitchen Expansion Visitor Facilities Chapel Staff Facilities Boiler Plant Expansion Perimeter Security			96 96
PHASE IV - TOTAL	\$21,325,000	\$21,184,254	192
North Yard Housing Annex Renovation Recreation Field Perimeter Security Furnishings & Equipment Women's Prison Lakes Region Facility			288 60 100 300
PHASE V - TOTAL	\$16,703,000	\$15,939,743*	748
GRAND TOTAL - ALL PHASES	\$66,250,840	\$65,200,330	1,400
* Estimated			
Source: NH Department of Corrections			

4. STATE PRISON (Continued)

4.3 PRISON OPERATIONS

The men's prison is actually a number of prisons within a prison. The federal government and states with larger prison populations often operate individual prisons comprising a single classification (minimum, low, medium, and maximum security). New Hampshire's one state prison for men contains minimum, medium, close, and maximum security classifications. In addition there are several housing units outside the prison. Each housing unit requires a different kind and intensity of security (C-level) and programming. Housing units are arranged from highest to lowest security level as follows:

- Reception and Diagnostic Unit - This C-5 unit processes new inmates in an environment separate from the prison population. Upon admittance an inmate's security, medical, mental health, educational, treatment, vocational, and work skill needs are determined and aligned with his institutional risk and public risk scores to determine an appropriate classification level.
- Secure Housing Unit - Sometimes referred to as the "special housing unit," this is the prison's maximum security unit. Except for emergency medical treatment and routine dental care, all activities including work, education, counseling, dining, and recreation are conducted within the secure perimeter of this C-5 unit. This unit, also known simply as "SHU" includes punitive segregation cells.
- Shock Incarceration Unit - This C-4 program confines selected inmates in a military-style "boot camp" environment of close control, rigorous outdoor work, physical exercise, and character building sessions designed to return inmates to the community under intensive parole supervision.
- Close Custody Housing Units - These two units house offenders classified C-4. With the exception of inmates kept in due to illness, all dining and most programming occurs outside the units.
- Medium Custody Units - These three units provide housing to inmates requiring medium custody, C-3. Inmates living in these units receive programming and work assignments which prepare them for transition to minimum security units outside the secure perimeter of the prison.
- Protective Custody Unit - This unit provides a C-3, medium security, living unit for inmates who have a verifiable threat to their lives and are unable to safely live or have contact with the general inmate population.

4. STATE PRISON (Continued)

4.3 PRISON OPERATIONS (Continued)

- Minimum Security Unit - This C-2 housing unit is located outside the secure perimeter of the prison and acts as a critical step in the reintegration process for inmates within 30 months of their minimum parole eligibility date.
- Drug & Alcohol Treatment Unit - This housing unit known as Summit House is also a C-2 security level. It provides an intensive drug and alcohol treatment program for identified inmates who are amenable to treatment and who are within 24 months of their minimum release date.
- Community Corrections Centers - There are currently two of these C-1 housing units, often referred to as "halfway houses." One is in Manchester, the other is in Concord. Programs offered at these centers include work release and on- and off-site counseling. Inmates within nine months of their minimum parole date are eligible to enter these centers. Also eligible are technical parole violators in a "halfway in" program, residents of the secure psychiatric unit ready for community placement, and appropriate offenders as part of an alternative sentencing program.

In our review of inmate housing we were immediately confronted by the question of what criteria to apply in determining prison capacity. Capital improvements to the men's prison were designed using ACA standards in many cases. Those standards call for providing each inmate with at least 35 square feet of unencumbered space in a single cell or a cell size of roughly 65 square feet.

However, DOC has used double-bunking extensively throughout the prison in order to accommodate the increased inmate population. The department has developed an "operating capacity" rating which is based upon management's judgement as to the maximum level at which any housing unit should operate and permits multiple occupancy of up to 50% of the cells in housing units having a minimum of 60 square feet per cell. DOC maintains that its multiple occupancy standard should not apply to cells of less than 60 square feet, to maximum security, or to housing in which 100 % of the cells were designed for multiple occupancy.

Additionally, the GAO in a March 1991 review of the federal prison system concluded that revised prison design standards that made extensive use of double-bunking could save expansion funds. The GAO's conclusion was based in part on the facts that the federal bureau of prisons had not experienced unmanageable problems in providing inmate care and treatment, was not under court order or settlement agreement due to overcrowding, and had not experienced a higher rate of escapes or violent incidents.

4. STATE PRISON (Continued)

4.3 PRISON OPERATIONS (Continued)

Applying criteria based on the GAO study, a standard allowing multiple occupancy at all security levels where an absolute minimum of 30 square feet of cell space per inmate is available does not appear to be unreasonable provided the standard is not applied to disciplinary cells, reception and diagnostic cells, the infirmary, or the secure psychiatric unit (TABLE 4.3).

TABLE 4.3 ANALYSIS OF INMATE HOUSING CAPACITY

HOUSING UNIT	CAPACITY (DESIGN)	CAPACITY (DOC)	CAPACITY (LBA)	AVG ² INMATE POP.	% OF CAPACITY (DESIGN)	% OF CAPACITY (DOC)	% OF CAPACITY (LBA)
Special Housing Unit ¹	92	92	138	141	153.3%	153.3%	102.2%
Close Housing Unit	60	90	90	112	186.7%	124.4%	124.4%
Hancock - Close	96	96	96	90	93.8%	93.8%	93.8%
Hancock - Medium	192	192	240	272	141.7%	141.7%	113.3%
Medium South	120	180	180	238	198.3%	132.2%	132.2%
Medium North	120	180	180	239	199.2%	132.8%	132.8%
Reception & Diagnostic	60	60	60	60	100.0%	100.0%	100.0%
Dorms	96	96	144	47	49.0%	49.0%	32.6%
Minimum Security	96	96	120	120	125.0%	125.0%	100.0%
Summit House	32	45	45	37	115.6%	82.2%	82.2%
Manchester CCC	45	45	45	41	91.1%	91.1%	91.1%
Concord CCC	25	30	30	32	128.0%	106.7%	106.7%
Infirmary	0	0	0	8	--	--	--
Men's Prison	1034	1202	1368	1437	139.0%	119.6%	105.0%
Women's Prison	100	101	90	99	99.0%	98.0%	110.0%
Secure Psych. Unit	60	60	60	56	93.3%	93.3%	93.3%
Present System	1194	1363	1518	1592	133.3%	116.8%	104.9%
Lakes Region	300	300	300	22	7.3%	7.3%	7.3%
Planned System	1494	1663	1818	1614	108.0%	97.1%	88.8%
¹ This unit also contains eight cells used solely for disciplinary purposes and not included here. ² Average of Inmate Population on seven dates between September 28, 1990 and December 6, 1991 Source: LBA Calculation							

4. STATE PRISON (Continued)

4.3 PRISON OPERATIONS (Continued)

Applying each one of the above standards - ACA, DOC's operating capacity rating, and our adaptation of the GAO study - the result is essentially the same. The men's prison is filled beyond capacity overall and within many individual housing units. By ACA design standards the men's prison is at 139.0% of capacity; by DOC's own rating the prison is at 119.6% of capacity; and by our application of the GAO conclusions the men's prison is at 105.0% of capacity.

4.4 MISSION

The prison's mission is to enhance public order and safety in cooperation with all other components of the criminal justice system by providing appropriately secure facilities, which will, in an effective and efficient manner, confine offenders in compliance with court orders in a safe environment, while providing opportunities for self-improvement.¹⁵

The murders of two state prison inmates in the summer of 1991 made institutional violence a major public concern. Our audit was not designed to be, nor was it carried out as, a formal investigation of specific inmate and staff complaints. However, we did review official documents, reports, and studies of independent consultants, professional organizations, and other government agencies as well as various internal DOC reports including state prison incident reporting sheets.

Given the scope of our audit and the methodologies we used, we found no credible evidence of systemic violence in the state prison.

The state prison system is made up of housing units with security levels ranging from minimum to maximum. Much of the more serious inmate assaultive behavior we noted was confined to the maximum security level (See Appendix B. Prison Log (July 22, 1991 - August 30, 1991)).

4.5 INTERNAL PROCEDURES

DOC has a comprehensive array of policy and procedure directives (PPDs) covering all aspects of prison life. These PPDs are reviewed and revised periodically by management and include topics in the areas of general administration, personnel management, fiscal management, training, enforcement, health services, resident programming, physical plant management, and property management. There are PPDs on such specific topics as handling complaints and grievances of persons under DOC supervision, handling citizen complaints, personnel performance evaluations, staff

4. STATE PRISON (Continued)

4.5 INTERNAL PROCEDURES (Continued)

training programs, security manning levels, use of physical force on inmates (including chemical agents and restraining devices), inmate access to health care, and inmate rights.

The department has also published a classifications manual for guidance of staff in classifying and re-classifying inmates to various security levels within the prison. Additionally, there is a written inmate manual provided to every inmate. This manual describes what each inmate can expect from the prison routine and what prison officials expect from each inmate.

4.6 CONSULTANT REPORTS AND STUDIES

Numerous reports on, and studies of, the prison and its programs have been done by corrections professionals independent of DOC. One of the more recent reviews was done by the ACA when DOC sought and received department-wide accreditation of its programs. The accreditation process included a thorough self-evaluation of programs and facilities by DOC management and employees at all levels and in all divisions as well as on-site visits by ACA personnel.¹⁶

Reports are also required under the Laaman Consent Decree. Three that we reviewed were the March 1991 and February 1992 health services evaluations and the May 1991 vocational education and training evaluation. Those evaluations were performed by professionals in health services and vocational education chosen jointly by DOC and lawyers representing the inmate-plaintiffs. The health services evaluation noted significant, and in some cases, remarkable progress, while also noting much to be done prior to full implementation of the consent decree. The vocational education evaluation found DOC in compliance with the consent decree.

In October 1991 the DOC commissioner asked consultants from the National Institute of Corrections, an agency of the U.S. Department of Justice, to conduct a review of the prison's security staffing, focusing on staffing in the maximum security unit. The consultants in their written report found prison officials had made "dramatic, positive changes ..." from the previous NIC visit in 1984. The consultants observed that current staffing levels were "sufficient across the entire prison." The NIC report made several suggestions for improvements to the maximum security unit.

We also reviewed state fire marshal and prison investigation reports concerning a fire at the men's prison on June 13, 1991. Three inmates had filed grievances alleging that prison officials had not acted promptly and appropriately in responding to the fire. The fire marshal, after completing

4. STATE PRISON (Continued)

4.6 CONSULTANT REPORTS AND STUDIES (Continued)

his investigation, wrote an inmate that officials "reacted appropriately to the situation in consideration of the correctional environment." Further communication we had with the fire marshal's office suggests that office is carrying out routine inspections of prison facilities.

Lastly, with regard to inmate rights and safety, we reviewed documentation concerning inmate access to state and federal courts. This access is facilitated by one full time inmate attorney at the prison, New Hampshire Legal Assistance attorneys, attorneys from the New Hampshire Civil Liberties Union, and other attorneys. Many inmates also represent themselves in legal matters. Numerous inmate legal proceedings have been filed in both federal and state courts. Our review indicates that judges in those courts take inmate legal complaints seriously and afford them great deference. Although comparatively few inmate legal proceedings are found by the courts to have merit and fewer still are ultimately successful, several including the ones culminating in the Laaman Consent Decree, have not only been successful, but have had, and continue to have, a dramatic impact upon prison operations.

4.7 EXPENDITURES

There are several different ways to examine DOC and state prison expenditures. We chose two. One is a comparison of programs, the other a comparison of objects of expenditure. From a program perspective, adult services programs including the men's prison, the women's prison, and debt service on capital improvements to those facilities accounted for \$31.1 million (78.5%) of the \$39.6 million spent by the department in 1991. Ten years earlier, in 1982, when the operating budget for DOC was \$9.1 million, the men's prison accounted for \$6 million of that amount or 66.5% of the total budget. At that time there was no women's prison and, because the \$66.2 million capital improvements program was in its early stages, there was no debt service (TABLE 4.4).

A comparison of objects of expenditure for 1991 shows that personnel costs are by far the largest expenditure. DOC personnel accounted for 61.0% of total costs with wages, direct benefits, and overtime at 45.2%, 12.7%, and 3.1% respectively (TABLE 4.5). For the men's prison, personnel accounted for 70.7% of total costs with wages, direct benefits, and overtime at 51.8%, 14.9%, and 4.0% respectively (TABLE 4.6).

4. STATE PRISON (Continued)

**TABLE 4.4 COMPARISON OF ADULT SERVICES WITH OTHER CORRECTIONS PROGRAMS
(1982 and 1991)**

	FY 1982	% OF TOTAL	FY 1991	% OF TOTAL
OFFICE OF THE COMMISSIONER	\$ 36,430	0.40	\$ 450,966	1.14
DIVISION OF ADMINISTRATION				
Bureau of Fiscal Management	\$ 0	0.00	\$ 275,365	0.69
Bureau of Personnel & Training	0	0.00	106,575	0.27
Bureau of Offender Records	72,406	0.80	201,558	0.51
Bureau of Information Service	0	0.00	277,283	0.70
Workers' Compensation	<u>37,514</u>	0.41	<u>480,442</u>	1.21
TOTAL	\$ 109,920	1.21	\$ 1,341,223	3.38
DIVISION OF ADULT SERVICES				
Prison Administration	\$ 343,110	3.77	\$ 435,670	1.10
Bureau of Security	2,468,358	27.11	11,016,523	27.79
Chaplaincy	92,118	1.01	76,354	0.19
Kitchen Supervision	528,546	5.81	1,845,343	4.65
Laundry Supervision	76,596	0.84	231,885	0.58
Mental Health	178,462	1.96	566,342	1.43
Medical/Dental	346,755	3.81	2,778,968	7.01
Prison Industries	262,975	2.89	527,714	1.33
Correctional Industries	414,408	4.55	881,104	2.22
Inventory				
Agriculture	60,763	0.67	41,655	0.11
Education Programs	304,343	3.34	890,427	2.25
Concord CCC	166,738	1.83	163,225	0.41
Manchester CCC	167,446	1.84	205,917	0.52
Minimum Security Unit	26,880	0.30	102,501	0.26
Summit House	0	0.00	265,449	0.67
CHAPT 421 Drug & Alcohol Program	0	0.00	104,986	0.26
Maintenance	612,530	6.73	2,008,399	5.07
Pre-Release	<u>0</u>	0.00	<u>35,269</u>	0.09
Men's Prison	\$ 6,050,028	66.46	\$22,177,731	55.94
Women's Prison	\$ <u>0</u>	0.00	\$ <u>2,005,165</u>	5.06
TOTAL - DIV. OF ADULT SERVICES	\$ 6,050,028	66.46	\$24,182,896	61.00
DEBT SERVICE	\$ 0	0.00	\$ 6,920,101*	17.45
SECURE PSYCHIATRIC CARE	\$ 1,520,021	16.70	\$ 3,395,854	8.57
DIVISION OF FIELD SERVICES	\$ 1,164,247	12.79	\$ 3,236,576	8.16
PAROLE BOARD	\$ 223,163	2.45	\$ 119,056	0.30
GRAND TOTAL - DEPARTMENT OF CORRECTIONS	\$ 9,103,809	100.00	\$39,646,672	100.00
* Estimated				
Source: Statements of Appropriations				

4. STATE PRISON (Continued)

TABLE 4.5 **COMPARISON OF OBJECTS OF EXPENDITURE**
(DEPARTMENT OF CORRECTIONS - 1982 and 1991)

	FY 1982	% OF TOTAL	FY 1991	% OF TOTAL
Classified Employees Salaries	\$ 5,433,597	59.68	\$16,504,330	41.63
Unclassified Employees Salaries	165,573	1.82	439,683	1.11
Holiday Pay	0	0.00	294,579	0.74
Non-Benefit Personnel Costs	0	0.00	490,206	1.24
Overtime Pay	272,315	2.99	1,218,419	3.07
Temporary Employees Salaries	34,846	0.38	183,294	0.46
Employee Benefits	<u>1,071,752</u>	11.77	<u>5,038,524</u>	12.71
TOTAL PERSONNEL COSTS	\$ 6,978,083	76.65	\$24,169,035	60.96
Current Expenses	\$ 418,694	4.60	\$ 911,397	2.30
Food Institutions	396,718	4.36	1,614,529	4.07
Rents & Leases to Non-State	1,380	0.02	454,939	1.15
Heat, Electricity & Water	309,299	3.40	1,211,900	3.06
Maint. Other Than Building and Grounds	290	0.00	60,624	0.15
Transfer - Info Services	5,594	0.06	149,830	0.38
Equipment	31,517	0.35	51,084	0.13
Indirect Costs	2,230	0.02	5,986	0.02
Consultants	23,846	0.26	96,149	0.24
Own Forces Maint - Buildings and Grounds	20,932	0.23	85,309	0.22
Contractual Maint - Buildings and Grounds	0	0.00	63,815	0.16
Transfers - Out	385	0.00	143,313	0.36
In-State Travel	39,547	0.43	72,582	0.18
Out-of-State Travel	4,392	0.05	4,294	0.01
Workers Compensation	37,514	0.41	480,428	1.21
Inmate Clothing	50,215	0.55	170,123	0.43
Gate Money	7,675	0.08	20,800	0.05
Outside Medical Services	100,167	1.10	1,354,498	3.42
Library Expenses	5,635	0.06	29,597	0.07
Inmate Wages	86,488	0.95	443,000	1.12
Uniforms	0	0.00	47,442	0.12
Other Miscellaneous Expenditures	168,784	1.85	204,793	0.52
Revolving Funds	<u>414,424</u>	4.55	<u>881,104</u>	2.22
TOTAL - NON-PERSONNEL COSTS	\$ 2,125,726	23.35	\$ 8,557,536	21.58
TOTAL - OPERATING EXPENDITURES	\$ 9,103,809	100.00	\$32,726,571	82.55
TOTAL - DEBT SERVICE PAYMENTS	\$ _____ 0	0.00	\$ <u>6,920,101</u>	17.45
DEPARTMENT OF CORRECTIONS	\$ 9,103,809	100.00	\$39,646,672	100.00
Source: Statements of Appropriations				

4. STATE PRISON (Continued)

TABLE 4.6

COMPARISON OF OBJECTS OF EXPENDITURE
(MEN'S PRISON - 1982 and 1991)

	FY 1982	% OF TOTAL	FY 1991	% OF TOTAL
Classified Employees Salaries	\$ 3,128,270	51.71	\$10,534,787	47.50
Unclassified Employees Salaries	65,638	1.08	52,247	0.24
Holiday Pay	0	0.00	253,571	1.14
Non-Benefit Personnel Costs	0	0.00	461,215	2.08
Overtime Pay	246,366	4.07	882,693	3.98
Temporary Employees Salaries	34,846	0.58	183,294	0.83
Employee Benefits	<u>686,237</u>	11.34	<u>3,310,311</u>	14.93
TOTAL PERSONNEL COSTS	\$ 4,161,357	68.78	\$15,678,118	70.69
Current Expenses	\$ 278,177	4.60	\$ 632,514	2.85
Food Institutions	396,718	6.56	1,432,529	6.46
Rents & Leases to Non-State	1,380	0.02	925	0.00
Heat, Electricity & Water	309,299	5.11	1,113,029	5.02
Maint. Other Than Building and Grounds	290	0.00	53,055	0.24
Equipment	17,636	0.29	51,084	0.23
Indirect Costs	300	0.00	5,986	0.03
Consultants	23,846	0.39	10,000	0.05
Own Forces Maint - Buildings and Grounds	20,932	0.35	85,309	0.38
Contractual Maint - Buildings and Grounds	0	0.00	63,815	0.29
Transfers	385	0.01	139,947	0.63
In-State Travel	2,816	0.05	6,344	0.03
Out-of-State Travel	3,503	0.06	2,373	0.01
Inmate Clothing	50,215	0.83	145,975	0.66
Gate Money	7,675	0.13	20,000	0.09
Outside Medical Services	100,167	1.66	1,203,414	5.43
Library Expenses	5,635	0.09	29,597	0.13
Inmate Wages	86,488	1.43	378,000	1.70
Other Expenditures	37,412	0.62	44,823	0.20
Uniforms	0	0.00	42,394	0.19
Other Misc. Expend.	131,372	2.17	157,396	0.71
Revolving Funds	<u>414,425</u>	6.85	<u>881,104</u>	3.97
TOTAL - NON-PERSONNEL COSTS	\$ 1,888,671	31.22	\$ 6,499,613	29.31
TOTAL - OPERATING EXPENDITURES	\$ 6,050,028	100.00	\$22,177,731	100.00
Source: Statements of Appropriations				

4. STATE PRISON (Continued)

4.8 PERSONNEL

As of July 1, 1991 DOC's personnel authorization including permanent full time, temporary full time, and full time equivalent employees was 713. Of that number 489 were assigned to the men's prison and 35 to the women's prison. Forty six employees were classified as executives or administrators with 27 of those 46 assigned to the two prisons. Uniformed corrections officers numbered 391 and were assigned as follows: 326 to the men's prison, 45 to the secure psychiatric unit, and 20 to the women's prison. Health services employees at those three facilities numbered 67, while teachers, tradesmen, and recreation personnel accounted for 77 employees (TABLE 4.7).

TABLE 4.7

**DEPARTMENT OF CORRECTIONS
PERSONNEL AUTHORIZATION
(JULY 1, 1991)**

	COMM. OFFICE	MEN'S PRISON	FIELD SERVICES	SECURE PSYCH.	FIN. & ADMIN.	WOMEN'S PRISON	TOTAL	% OF TOTAL
Executive	1	1	1	3	1	1	8	1.12
Manager/ Administrator	5	25	2	1	5		38	5.33
Corrections Officer		326		45		20	391	54.84
Probation/ Parole Officer			50				50	7.01
Doctor/Dentist/PA		3		1		1	5	0.70
Nurse		14		10		4	28	3.93
Psychologist/ Soc. Worker		25		7		2	34	4.77
Teacher/Instructor		20				2	22	3.09
Shop Supv/Tradesman		48		1		4	53	7.43
Recreation Personnel		2		0			2	0.28
Clerical/Technical	2	25	27	2	25	1	82	11.50
TOTAL	8	489	80	70	31	35	713	100.00
PERCENT OF TOTAL	1.12	68.58	11.22	9.82	4.35	4.91	100.00	

Source: Unit Manning Document, Department of Corrections

4. STATE PRISON (Continued)

4.8 PERSONNEL (Continued)

Two widely recognized measures of efficiency are the total staff to inmate ratio and the corrections officer to inmate ratio. On July 1, 1982 there were 394 inmates in the men's prison and 191 total staff for a staff to inmate ratio of 1 to 2.06. There were 107 uniformed corrections officers on that same date for a corrections officer to inmate ratio of 1 to 3.68.

On July 1, 1991 there were 1,423 inmates in the men's prison and 466 total staff for a staff to inmate ratio of 1 to 3.05. There were 312 uniformed corrections officers on that date for a corrections officer to inmate ratio of 1 to 4.56.

Between 1982 and 1991 the staff to inmate ratio increased 46.6% and the corrections officer to inmate ratio increased 23.9%. However, during that period substantial improvements were made to the physical facilities of the prison and, according to corrections officials and other corrections professionals, many of the changes were designed with greater staff efficiencies in mind (TABLE 4.8).

**TABLE 4.8 STATE PRISON EMPLOYEE TO INMATE RATIOS
(1982 and 1991)**

	1982	1991	% CHANGE
Inmates	394	1423	258.4
Uniformed Corrections Officers	107	312	191.6
Total Prison Staff	191	466	144.0
Officer/Inmate Ratio	1:3.68	1:4.56	23.9
Staff/Inmate Ratio	1:2.06	1:3.05	46.6
Source: LBA calculation			

Meaningful comparisons of personnel to inmate ratios among the states were difficult to obtain. Available information which we reviewed compared non-supervisory "line" corrections officers and total inmates in all of a state's prisons. In 1983, data showed New Hampshire with a reported "line" corrections officer to inmate ratio of 1 to 7.4, the highest such ratio in New England. The second highest ratio in New England for that year was Connecticut's at 1 to 4.4. Two of the three non-New England states chosen for comparison with New Hampshire had higher ratios with Idaho at 1 to 8.2 and Arkansas at 1 to 8.3. The average ratio for the U.S. for 1983 was 1 to 5.8.

4. STATE PRISON (Continued)

4.8 PERSONNEL (Continued)

By 1991 the average U.S. "line" corrections officer to total inmate ratio had dropped to 1 to 5.1. New Hampshire's ratio had dropped to 1 to 5.9, but was still the highest in New England followed again by Connecticut at 1 to 4.0. Among the three non-New England states only Arkansas' ratio at 1 to 6.3 was higher than New Hampshire's (TABLE 4.9).

TABLE 4.9

NUMBER OF PRISON INMATES PER
"LINE" CORRECTIONS OFFICER FOR
NEW HAMPSHIRE, SELECTED STATES AND U.S.
(1983 and 1991)

	1983	1991	% CHANGE
New Hampshire	7.4	5.9	-20.3
Maine	3.3	3.7	12.1
Vermont	3.6	3.0	-16.7
Massachusetts	3.3	3.5	6.1
Connecticut	4.4	4.0	-9.1
Rhode Island	2.4	2.2	-8.3
New England	3.6	3.6	-0-
Arkansas	8.3	6.3	-24.1
Iowa	3.3	4.1	24.2
Idaho	8.2	5.1	-37.8
United States	5.8	5.1	-12.1
Source: Corrections Yearbook, Criminal Justice Institute, Inc.			

4.9 PROGRAM COSTS PER INMATE

In 1984 it cost New Hampshire's taxpayers \$16,771 to feed, clothe, house, and otherwise care for each of the 542 inmates in the men's prison. By 1991 that amount had risen by 27.3% to \$21,359 annually for each of 1,423 inmates. The additional annual cost per inmate was comprised largely of per inmate increases in debt service (\$3,255), security (\$1,442), health services (\$967), and administration & support (\$346) offset mainly by a decrease in training, industries, and education programs spending per inmate of \$1,281 (TABLE 4.10).

4. STATE PRISON (Continued)

**TABLE 4.10 MEN'S PRISON - ANNUAL AND PER DIEM EXPENDITURES
(1984 and 1991)**

	FY 1984			FY 1991			% CHANGE (YEAR)
	PER YEAR	PER DAY	% OF TOTAL	PER YEAR	PER DAY	% OF TOTAL	
ADMINISTRATION							
Officer of Commissioner	\$ 80	\$ 0.22	0.48	\$ 232	\$ 0.64	1.09	190.00
Division of Administration	160	0.44	0.95	691	1.89	3.24	331.88
Prison Administration	<u>643</u>	<u>1.76</u>	<u>3.83</u>	<u>306</u>	<u>0.84</u>	<u>1.43</u>	-52.41
TOTAL	\$ 883	\$ 2.42	5.27	\$ 1,229	\$ 3.37	5.76	39.18
SECURITY	\$ 6,295	\$17.25	37.54	\$ 7,736	\$21.19	36.22	22.89
DEBT SERVICE	\$ 1,604	\$ 4.39	9.56	\$ 4,860	\$13.32	22.75	202.99
FOOD SERVICE	\$ 1,253	\$ 3.43	7.47	\$ 1,296	\$ 3.55	6.07	3.43
LAUNDRY	\$ 194	\$ 0.53	1.16	\$ 163	\$ 0.45	0.76	-15.98
HEALTH SERVICES							
Chaplaincy	\$ 115	\$ 0.32	0.69	\$ 54	\$ 0.15	0.25	-53.04
Mental Health	469	1.28	2.80	398	1.09	1.86	-15.14
Medical/Dental	925	2.53	5.51	1,952	5.35	9.14	111.03
Drug & Alcohol Program	<u>0</u>	<u>0.00</u>	<u>0.00</u>	<u>74</u>	<u>0.20</u>	<u>0.35</u>	
TOTAL	\$ 1,509	\$ 4.13	9.00	\$ 2,478	\$ 6.79	11.60	64.21
TRAINING, INDUSTRIES, AND EDUCATION							
Prison Industries	\$ 667	\$ 1.83	3.98	\$ 371	\$ 1.02	1.74	-44.38
Industries Inventory	1,453	3.98	8.66	619	1.70	2.90	-57.40
Agriculture	141	0.39	0.84	29	0.08	0.14	-79.43
Education Programs	<u>664</u>	<u>1.82</u>	<u>3.96</u>	<u>625</u>	<u>1.70</u>	<u>2.93</u>	-5.87
TOTAL	\$ 2,925	\$ 8.01	17.44	\$ 1,644	\$ 4.50	7.70	-43.79
COMMUNITY CORRECTIONS							
Concord CCC	\$ 270	\$ 0.74	1.61	\$ 115	\$ 0.32	0.54	-57.41
Manchester CCC	290	0.79	1.73	145	0.40	0.68	-50.00
Minimum Security Unit	47	0.13	0.28	72	0.20	0.34	53.19
Summit House	<u>0</u>	<u>0.00</u>	<u>0.00</u>	<u>186</u>	<u>0.51</u>	<u>0.87</u>	
TOTAL	\$ 607	\$ 1.66	3.62	\$ 518	\$ 1.42	2.43	-14.66
PRE-RELEASE	\$ 45	\$ 0.12	0.27	\$ 25	\$ 0.07	0.12	-44.44
MAINTENANCE	\$ 1,456	\$ 3.99	8.68	\$ 1,410	\$ 3.86	6.60	-3.16
TOTAL	\$16,771	\$45.95	100.00	\$21,359	\$58.52	100.00	27.36

Source: LBA calculation

4. STATE PRISON (Continued)

4.9 PROGRAM COSTS PER INMATE (Continued)

Data for comparing New Hampshire's total annual program costs per inmate, annual food costs per inmate, and annual health care costs per inmate with the other New England states, the three non-New England states, and the federal prison system were only available for FY 1990.

In New England, New Hampshire had the lowest total per diem cost per inmate (\$48.00), New Hampshire had the lowest annual food costs per inmate (\$3.30), and Vermont had the lowest annual health care costs per inmate (\$4.77).

Of the three non-New England states Arkansas had total per diem program costs per inmate, food costs per inmate and health care costs per inmate considerably lower than New Hampshire's costs in those areas. Idaho's total costs per inmate and health care costs per inmate were lower than New Hampshire's. Iowa's total annual costs per inmate were higher than New Hampshire's, while its food and health care costs per inmate were both lower than those in New Hampshire.

The per inmate costs of the federal prison system may be a better gauge against which to make comparisons because the federal system operates prisons of all sizes and all security levels all over the country. Federal prison system costs may be more representative of "average" prison costs. Total per diem costs per inmate for the federal prison system were \$1.07 higher than New Hampshire's. In addition federal prison food costs per inmate were \$1.30 higher, and health care costs were \$.12 higher than in New Hampshire's system (TABLE 4.11).

4. STATE PRISON (Continued)

4.9 PROGRAM COSTS PER INMATE (Continued)

TABLE 4.11 COMPARATIVE DAILY COSTS PER INMATE FOR
NEW HAMPSHIRE, SELECTED STATES AND
FEDERAL PRISONS
(1990)

	FOOD	HEALTH CARE	TOTAL COSTS
New Hampshire	\$ 3.30	\$ 5.92	\$ 48.00
Maine	N/A	N/A	\$ 57.66
Vermont	\$ 3.31	\$ 4.77	\$ 57.61
Massachusetts	\$ 4.59	\$ 6.26	\$ 64.02
Connecticut	\$ 3.45	\$ 8.86	\$ 56.88
Rhode Island	\$ 5.20	\$ 5.04	\$ 75.76
Arkansas	\$ 2.84	\$ 3.22	\$ 25.60
Iowa	\$ 2.46	\$ 1.08	\$ 55.27
Idaho	\$ 5.12	\$ 5.40	\$ 34.59
Federal Prisons	\$ 4.60	\$ 6.04	\$ 49.07
Source: Corrections Yearbook, Criminal Justice Institute, Inc.			

4.10 LAKES REGION FACILITY

On July 1, 1991 DOC received approval from the legislature to spend up to \$2 million to renovate former Laconia Developmental Services buildings for use as a drug and alcohol treatment center and shock incarceration "boot camp" for 300 minimum (C-2) and medium (C-3) security inmates. DOC will also renovate a building on site for use by men and women as a halfway house.

The Lakes Region Facility is designed for low and medium risk offenders, particularly those who require substance abuse treatment. DOC officials estimate that substance abuse is a problem for up to 85% of the inmates. Approval to operate the Lakes Region Facility will terminate July 1, 1998 unless further authorized by the legislature.¹⁷

4. STATE PRISON (Continued)

4.10 LAKES REGION FACILITY (Continued)

From July 1991 until March 1992 all materials, equipment, and furnishings were purchased from capital budget funds. Labor for the project was supplied by inmates from the men's prison in Concord and food was transported to Laconia from Concord so that the facility has had little or no impact on DOC's FY 1992 operating budget for the first nine months. For the 15 month period April 1, 1992 to June 30, 1993, DOC anticipates requesting supplemental appropriations of \$3.9 million, sufficient to hire 76 employees and house 175 inmates at Laconia.¹⁸

For the first full biennium of operation (FY 1994 and FY 1995) DOC estimates \$11.5 million will be needed to fund 113 employees and house 300 inmates at Laconia. Proposed levels of expenditures for the Lakes Region Facility when added to current FY 1992 appropriations of \$36 million and \$8 million for debt service on completed capital improvements will bring DOC's annual expenditures to approximately \$55.5 million by FY 1994.

4.11 PAROLE BOARD

New Hampshire's five member parole board is an agency administratively attached to DOC. The chairman and members of the board are appointed by the governor for five year staggered terms and may serve no more than two consecutive terms. Board members serve on rotating three member hearings panels and are paid \$50 per day plus mileage for attendance at parole hearings and board meetings (ACA Standards suggest board members should receive \$250 per day, calculated as 80% of a trial court judge's salary). The board has appointed an unclassified executive assistant who serves at the pleasure of the board. In addition DOC has provided two clerical staff and a full time PPO to assist the board and executive assistant.

In reaching parole decisions the board takes into consideration information from a number of sources: original court record, field services, prison officials (including the warden), and the crime victim. However, the board has complete autonomy in arriving at its decisions.

Reliable summary information on parole decisions is scant. According to the board, over a 54 month period from January 1, 1987 until June 30, 1991 a total of 2,179 parole hearings were held, an average of 40 per month. During that period the board granted parole to 1,472 inmates (67.6%), an average of 27 per month (TABLE 4.12).

5. ALTERNATIVES TO INCARCERATION

The majority of convicted offenders are punished in the community and probation is the primary community-based sanction. Offenders are sentenced to probation instead of to prison or jail. In New Hampshire probationers are supervised by DOC field services PPOs and must comply with specific rules and conditions. In addition to standard rules against illegal activities, special probation conditions often require employment, participation in treatment, payment of fines and other financial obligations, abstinence from alcohol, and substance abuse testing. Offenders who do not comply with the terms and conditions of their probation risk revocation of probation and sentence to prison or jail.

Parole is a community-based sanction for prison inmates released from prison before the expiration of their maximum sentence. Inmates usually qualify for parole by behaving well and completing treatment programs in prison that may reduce the risks of a return to criminal behavior. The parole board grants parole if it believes the offender will remain at liberty without violating the law and will conduct himself or herself as a good citizen. As with probationers, parolees must comply with rules and conditions imposed upon them, or face revocation of parole and return to prison.

Community sanctions such as probation and parole have long been the mainstay of criminal punishment. According to a federal study, probationers and parolees comprised 73% of the U.S. adult corrections population in 1980, and 72% in 1989.¹⁹ While this indicates slight change in nine years, the critical difference is in absolute numbers. From 1980 to 1989 the number of adults under corrections supervision more than doubled. This growth affected both the institutional and community corrections systems (TABLE 5.1).

TABLE 5.1

U.S. CORRECTIONS POPULATION (1980 and 1989) (000s)

	1980	1989	% CHANGE
Incarcerated	480	1,143	138.1
On Probation	1,100	2,500	127.3
On Parole	220	457	107.7
TOTAL SUPERVISED	1,800	4,100	127.8
Source: Probation & Parole, U.S. Department of Justice (1989)			

5. ALTERNATIVES TO INCARCERATION (Continued)

The effect of the nationwide increase of prison populations is well publicized. The effect of this increase on probation and parole populations is less publicized but also severe. Although probation and parole supervision staffs have increased as caseloads grew, staff increases have not kept pace with caseloads. In a 1988 federal study, 75% of the probation and parole agencies surveyed cited staff shortages as their most pressing problem.²⁰ From 1982 to 1991 the New Hampshire probation and parole caseload increased from 2,277 to 4,408 (93.6%) while the number of PPOs increased from 31 to 48 (54.8%). The average probation and parole caseload increased from 73 in 1982 to 92 in 1991 (26%). Caseloads of 100 or more offenders for a PPO are not uncommon in New Hampshire.

Larger caseloads are only part of the story. The 1988 federal study also revealed that offenders have greater supervision needs than they did a decade ago. These needs include treatment for substance abuse, sex offenses, and other mental health problems, as well as job and educational assistance.

5.1 INTERMEDIATE SANCTIONS - WHAT IS AVAILABLE

Across the nation, crowded prisons, swollen probation and parole caseloads, and difficult offenders led to the creation of new community-based punishments known as intermediate sanctions. As prisons filled and more states came under court order to reduce crowding, criminal justice and corrections officials faced a perplexing problem. They could not reduce overcrowding unless they reduced the percentage of convicted offenders sentenced to prison. The apparent solution was to sentence more offenders to probation and fewer to prison. However, it was not that simple, because already overloaded PPOs could not effectively supervise the kinds of offenders involved.

Criminal justice experts agree that violent offenders should be incarcerated to protect society, while non-violent offenders should be punished with probation. The choice is not as clear for offenders that fall between these two levels, such as burglars, drug offenders, forgers, and other non-violent criminals. These offenders usually deserve more than traditional probation but less than incarceration. They also comprise a large segment of the prison population. In 1988 the U.S. Department of Justice estimated that one-third of the nation's prison inmates were drug offenders and non-violent property offenders.²¹ According to the DOC Biennial Report during the July 1988 to June 1990 reporting period, non-violent offenders accounted for 54% of New Hampshire state prison admissions, while violent offenders accounted for 27%, and parole violators 19%.

5. ALTERNATIVES TO INCARCERATION (Continued)

5.1 INTERMEDIATE SANCTIONS - WHAT IS AVAILABLE (Continued)

Some criminologists contend that many offenders are jailed or imprisoned because credible community punishments do not exist and judges believe their crimes too serious to be sanctioned solely by an ordinary probation sentence. On the other hand, many offenders are sentenced to probation because credible community punishments do not exist and judges believe their crimes not serious enough to be sanctioned by an ordinary jail or prison sentence.

Intermediate sanctions bridge the gap between probation and prison. They are not the sole solution to prison crowding but may serve as a safe, cost-effective community punishment for carefully selected offenders who normally would go to prison. Supporters cite the following advantages of intermediate sanctions:

- Reserve prison space for dangerous offenders;
- Less expensive than incarceration (we estimate an offender sentenced to prison costs the state \$21,359 per year; a year of intensive supervision probation or parole costs \$2,438; a year of regular probation or parole costs \$683);²²
- Keep the offender in the community, employed, and able to meet financial obligations;
- Help keep families off welfare;
- Increase offender access to treatment providers.

The five most common intermediate sanctions are ISP, house arrest, electronic monitoring, shock incarceration, and community service. These differ from traditional probation and parole.

In traditional probation and parole supervision, PPOs meet regularly with offenders and monitor compliance with rules and conditions. Frequency of contact varies from weekly for high risk offenders to quarterly or even semiannually for low risk offenders. Officers also assess progress by periodically contacting neighbors, employers, law enforcement agencies, treatment providers, and others who know the offender. Most states require a combination of scheduled office and unscheduled home and office visits. During unannounced home visits PPOs can spot contraband and observe lifestyle changes and characteristics that are not apparent in the office environment. Unfortunately, as caseloads have increased, office visits often have been the primary means of supervision. One analyst notes that as caseloads have increased, "close supervision and helping services are too often the exception, not the rule."²³

5. ALTERNATIVES TO INCARCERATION (Continued)

5.1 INTERMEDIATE SANCTIONS - WHAT IS AVAILABLE (Continued)

ISP is a more potent form of probation or parole supervision. ISP provides closer and more frequent offender supervision and greater public safety. ISP officers have reduced caseloads that allow them to visit offenders at home, at work, and in other community settings. Program content varies but usually includes surveillance, drug and alcohol screening, substance abuse treatment, counseling, payment of fines and restitution, and curfews.

ISP costs less than incarceration and provides more surveillance and control than traditional probation and parole. Offenders live in the community where they work, pay taxes, support their families, pay fines and restitution, and undergo treatment. One concern is that ISP will "widen the net," or lose its value as a diversionary program, if applied to offenders who most likely would not be incarcerated.

House arrest (also called home confinement) confines an offender to his or her residence, which he or she can leave only for employment, medical care, treatment, and other essential activities. House arrest can be a sanction in itself or a component of another program such as intensive supervision. House arrest is less expensive than incarceration and offers the same community-based advantages as ISP. Research shows it is not feasible beyond 90 days and that some offenders may lack the self-discipline essential for success.

Electronic monitoring helps officers enforce the curfew provisions of house arrest and intensive supervision. Monitoring equipment determines if an offender is home when required to be. Unauthorized absences trigger alarms in a central monitoring facility which then notifies the supervising agency. Electronic monitoring permits increased offender surveillance without a corresponding increase in manpower costs. However, some increased cost can result from providing 24-hour officer response capability. The greatest limitation of electronic monitoring is that while it can verify if the offender is home, it cannot determine what he or she is doing, or where he or she is if not at home.

Shock incarceration is a program for young adults, typically under 30 years of age, convicted of non-violent felony offenses and facing their first prison terms. The first shock incarceration program began in Georgia in 1983. Such programs are now in operation in at least 26 states.

Shock incarceration confines offenders in a military-style "boot camp" environment of strict discipline, drill and ceremony, hard labor, and rigorous physical exercise. Some programs also offer substance abuse treatment, education, vocational training, and other forms of counselling. If an offender successfully completes the program, the balance of his or her

5. ALTERNATIVES TO INCARCERATION (Continued)

5.1 INTERMEDIATE SANCTIONS - WHAT IS AVAILABLE (Continued)

sentence is suspended and the offender is released on probation or parole. If an offender does not complete the program, he or she will serve the remainder of the original prison sentence.

The goals of shock incarceration include reduction of prison crowding, deterrence from further crime, replacing dysfunctional behavior patterns that lead to crime with healthy coping skills and sound judgement, and providing help for chronic problems. Shock programs save money if graduates do not return to prison. They increase corrections costs if used for the type of offender who normally would not go to prison.

Community service can be an effective alternative for offenders who cannot meet court or parole board ordered financial obligations. For example, the State of Minnesota operates a statewide community service program called "Sentence to Service." This program is jointly operated by the department of corrections, department of natural resources, courts, and communities. Non-violent offenders perform community service and environmental projects either as an alternative or in addition to serving jail time. In 1990 1,418 offenders in Minnesota performed 171,549 hours of service worth \$857,745. The program helped Minnesota complete projects it would otherwise have postponed due to budget cuts. Minnesota officials also estimate that the program saved \$492,730 in incarceration costs.

5.2 INTERMEDIATE SANCTIONS - THE NEW HAMPSHIRE EXPERIENCE

Intermediate sanctions, or community corrections, in New Hampshire are administered by DOC's division of field services. The division is headed by a director and organized into two regions. Each region is headed by an administrator. The northern region encompasses Coos, Grafton, Carroll, Belknap, Merrimack, Sullivan, and Cheshire counties. The southern region includes Strafford, Rockingham, and Hillsborough counties. Each county except Hillsborough has one district office. Hillsborough County has district offices in Manchester and Nashua. A chief PPO officer directs each district office.

The New Hampshire experience is typical of many states in the 1980s. By 1986 the state prison had grown from 287 in 1980 to 650 and showed no signs of leveling off. DOC saw intermediate sanctions as a way to help contain prison population growth. In May 1986 the legislature authorized a package of sanctions that included intensive supervision, house arrest, electronic monitoring, and shock incarceration.

ISP started in January 1987. The legislature funded six probation and parole officer positions for ISP, and the program began with those six officers providing statewide coverage. In 1988 the department abandoned full time programs in the north country and Rockingham County due to rapidly

5. ALTERNATIVES TO INCARCERATION (Continued)

5.2 INTERMEDIATE SANCTIONS - THE NEW HAMPSHIRE EXPERIENCE (Continued)

growing regular caseloads. Today the department has full-time ISP programs supported by four officers in the Manchester, Nashua, and Concord district offices.

ISP caseloads are capped at 25 offenders. Supervision contact standards are twice those of the highest regular supervision level and require most offender visits to take place at home and other field locations during weekends and evenings. Offenders remain on ISP initially for at least 90 days. After that period they may be kept on ISP or reclassified to a lower level. In our random caseload sample, the average stay on ISP was six months.

Due to a lack of space at the state prison, shock incarceration did not begin until March 1990. Since then it has graduated over 150 offenders. In November 1991 the program began a move to the Lakes Region Facility in Laconia. The New Hampshire shock incarceration program spans 120 days and incorporates the standard shock components of strict discipline, hard work, and vigorous exercise. It also tries to build character and change attitudes with a "Positive Mental Attitude" course and offers substance abuse rehabilitation, job search training, relationship and parenting counselling, and other services that help the offender establish a crime-free lifestyle. Shock graduates are placed on intensive supervision for at least 90 days and then supervised at the appropriate levels for the remainder of their probation.

In 1987 DOC requested funds for a statewide electronic monitoring program but Governor and Council did not approve the contract. In June 1990 the department started a pilot electronic monitoring program in Hillsborough County. A monitoring firm supplied equipment and monitoring service at no cost to the department and charged offenders \$15 per day for the equipment. The system worked well but few offenders could afford the \$15 daily charge, and participation averaged only 12 people.

Meanwhile, the department wanted to expand its administrative home confinement (AHC) program. Designed to help limit prison crowding, the program releases from prison carefully screened, low-risk inmates who are within 90 days of their minimum parole date. Participants are placed on house arrest with electronic monitoring and supervised at the intensive level. DOC uses the work/study release provisions of RSA 651:25 as authorization for the program.

Only a few inmates have ever volunteered for AHC and the department attributed this to the \$15 per day electronic monitoring charge. In September 1991 DOC switched to a vendor who provided the same monitoring service for only \$5.25 per day. The department expected participation to increase. As of April 1992 it had not.

5. ALTERNATIVES TO INCARCERATION (Continued)

5.2 INTERMEDIATE SANCTIONS - THE NEW HAMPSHIRE EXPERIENCE (Continued)

Currently, community service programs exist in only two New Hampshire counties. They are widely used in Strafford County and are growing in Merrimack County. As of December 1991 Strafford County had 53 offenders sentenced to 6,509 hours of service with 1,765 hours completed. Participating agencies include towns, drug and alcohol crisis centers and group homes, the Humane Society, Alcoholics Anonymous, drug prevention programs, and elderly service agencies. Most community service cases involve probationers who cannot pay court-ordered obligations. The traditional state response has been to file a violation of probation which can lead to revocation and incarceration. Rather than take up court time and fill up prison or jail space, Strafford County has these offenders meet their obligations through community service. PPOs monitor community service performance along with other probation requirements.

Merrimack County has a smaller community service program. The program has 30 people sentenced to 1,700 hours of service. Most are not on probation but have been directly sentenced to community service by district courts. Participating agencies include the Red Cross, United Way, Community Action Program, Salvation Army, March of Dimes, and New Hampshire Audubon Society. Because most Merrimack County participants are not sentenced to probation, their supervision is confined to performance of community service.

For the most part counties not participating in community service programs attribute their lack of community service programs to concern over liability. DOC has not yet addressed that concern.

5.3 EFFICIENCY AND EFFECTIVENESS OF INTERMEDIATE SANCTIONS

Forty-nine states operate intermediate sanction programs. The most popular are ISP (36 states), shock incarceration (26 states), and electronic monitoring (31 states). The increasing popularity of intermediate sanctions is evident but their effectiveness is difficult to measure. The goals of intermediate sanctions are reduction of prison population, reduction of corrections costs, and reduction of recidivism or repetition of criminal behavior. Most programs originated in the past ten years and few long-term analyses exist because states lack the long-term data required for meaningful evaluation. The most comprehensive is a federal study released in September 1990, which concluded:

- Intermediate sanction programs are not large enough to significantly reduce prison populations;
- Intermediate sanctions sometimes "widen the net" by including offenders who normally would not be imprisoned;

5. ALTERNATIVES TO INCARCERATION (Continued)

5.3 EFFICIENCY AND EFFECTIVENESS OF INTERMEDIATE SANCTIONS (Continued)

- Each diversion does not save the full average annual cost of incarceration (real savings result only when programs divert enough offenders to permit a reduction in prison staff or prevent prison expansion or construction);
- In some states intermediate sanction participants have lower recidivism rates than other groups of offenders. In other states the rates are approximately equal or, occasionally, slightly higher;
- The closer supervision of ISP offenders increases the chance that their criminal behavior will be detected;
- ISP offenders fail less frequently than regular parolees.²⁴

In New Hampshire, as in most other states, intermediate sanctions have not existed long enough to yield conclusive data on their effectiveness. However, preliminary results are encouraging. We compared recidivism rates of sample groups of parolees, prison inmates released by court order or after sentence expiration, and felony probationers to rates for ISP probationers and parolees and shock incarceration graduates.

The first group includes offenders paroled, "maxed out", ordered out, and placed on probation from November 1, 1987 to October 31, 1988. We used criminal records obtained from the NH Department of Safety to compile arrest, conviction, and incarceration data for the three years following release from prison or probation sentence. The ISP population includes all participants from July 1, 1990 to December 31, 1991. The shock incarceration population includes all graduates from program inception in March, 1990 to December 31, 1991. We obtained incarceration data from DOC probation/parole supervision records. Rates for each group indicate that ISP participants and shock incarceration graduates have lower incarceration rates than the others (TABLE 5.2).

In our sample, ISP participants and shock incarceration graduates had lower incarceration rates than parolees, inmates who maxed out or were ordered out, and regular probationers. While data for ISP and shock incarceration cover less than the three years for the other groups, they clearly suggest that so far these programs are effective in controlling criminal behavior.

5. ALTERNATIVES TO INCARCERATION (Continued)

5.3 EFFICIENCY AND EFFECTIVENESS OF INTERMEDIATE SANCTIONS (Continued)

TABLE 5.2

COMPARISON OF RECIDIVISM AMONG NEW HAMPSHIRE OFFENDERS

GROUP	# IN SAMPLE	# INCARCERATED	% INCARCERATED
Parolees	50	18	36.0
Max Out/Ordered Out	43	13	30.2
Probationers	59	16	27.1
ISP Participants	274	56	20.4
Shock Graduates	129	24	18.6

Source: LBA calculation

In terms of cost savings, each offender diverted from prison does not save the state the full cost of incarceration. According to the federal government, until intermediate sanction diversions permit a reduction in prison staff or prevent construction of new prisons, the only savings realized are in "marginal costs" for food, clothing, and medical care.

In New Hampshire expenses for food, laundry, medical and dental care, and mental health services, the so-called "marginal costs," were \$3,811 annually per inmate in 1991. The annual cost per offender for ISP was \$2,438, while the annual cost per offender for regular probation and parole services was \$683. We found the average stay on ISP to be six months. Based on that time, we calculated the cost saving for each offender diverted from prison to be \$2,251 for the first year and \$3,128 for each succeeding year (TABLE 5.3).

Shock incarceration costs are somewhat higher than those for ISP alone because shock incarceration participants are initially imprisoned for 120 days, are separately housed, and require more staff. We computed the cost of the 120 day incarceration phase as \$3,832 (marginal costs for four months plus an additional \$2,579 for estimated enhanced supervision costs for the period). Based on those calculations we estimate that shock incarceration costs \$1,354 more the first year and saves \$3,128 in each succeeding year (TABLE 5.4).

5. ALTERNATIVES TO INCARCERATION (Continued)

5.3 EFFICIENCY AND EFFECTIVENESS OF INTERMEDIATE SANCTIONS (Continued)

**TABLE 5.3 ESTIMATED COST SAVINGS FOR NEW HAMPSHIRE
ISP OFFENDERS
(1991)**

FIRST YEAR	
Annual Marginal Cost	\$ 3,811
Six Months ISP	- 1,219
Six Months Regular Probation	- 341
ESTIMATED SAVINGS PER OFFENDER	<u>\$ 2,251</u>
EACH SUCCEEDING YEAR	
Annual Marginal Cost	\$ 3,811
One Year Regular Probation	- 683
ESTIMATED SAVINGS PER OFFENDER	<u>\$ 3,128</u>
Source: LBA calculation	

**TABLE 5.4 ESTIMATED COST SAVINGS FOR NEW HAMPSHIRE
SHOCK INCARCERATION PARTICIPANTS
(1991)**

FIRST YEAR	
Annual Marginal Cost	\$ 3,811
Four Months Shock Incarceration	- 3,832
Six Months ISP	- 1,219
Two Months Regular Probation	- 114
ESTIMATED SAVINGS PER PARTICIPANT	<u>\$- 1,354</u>
EACH SUCCEEDING YEAR	
Annual Marginal Cost	\$ 3,811
One Year Regular Probation	- 683
ESTIMATED SAVINGS PER PARTICIPANT	<u>\$ 3,128</u>
Source: LBA calculation	

5. ALTERNATIVES TO INCARCERATION (Continued)

5.3 EFFICIENCY AND EFFECTIVENESS OF INTERMEDIATE SANCTIONS (Continued)

Besides direct costs to DOC, we also considered some of the hidden costs of incarceration. An inmate with a family will not be able to contribute to the support of his or her spouse and dependents. According to the New Hampshire Department of Health and Human Services, the unemployed spouse of an inmate with two small children could receive monthly state and federal benefits totaling \$12,612 annually (TABLE 5.5).

TABLE 5.5

**POTENTIAL STATE AND FEDERAL
BENEFITS FOR ELIGIBLE
INMATE SPOUSE & TWO
DEPENDENT CHILDREN
(1992)**

AFDC	\$ 516
Food Stamps	292
MEDICAID	<u>243</u>
Monthly Total	<u>\$ 1,051</u>
Annual Cost	\$12,612
Source: NH Department of Health and Human Services	

An incarcerated offender also cannot pay taxes, fines, legal fees, restitution, and other obligations. Therefore, the total cost to society of each incarceration can be far greater than the cost to the department.

DOC believes intermediate sanctions are safe, cost-effective alternatives to incarceration. Moreover, even though New Hampshire alternatives affect relatively small numbers of offenders, their impact is significant. The 113 shock graduates and 218 ISP probationers and parolees in our study who remain at liberty represent nearly 21% of the current prison system inmate population of 1,600. Were it not for intermediate sanctions, every one of these offenders would have gone to prison or, in the case of parolees, remained in prison.

Support for intermediate sanctions is also strong among New Hampshire judges. In our survey of superior and district court justices, we found:

- 80% (44 of 55 justices responding to the question) favored creation of a high intensity surveillance unit to expand statewide ISP and electronic monitoring capability;

5. ALTERNATIVES TO INCARCERATION (Continued)

5.3 EFFICIENCY AND EFFECTIVENESS OF INTERMEDIATE SANCTIONS (Continued)

- 88.9% (64 of 72 justices responding to the question) favored sentences to community service for offenders who cannot pay court-ordered fines and other obligations;
- 67.2% (45 of 67 justices responding to the question) said they would use expanded capacity of halfway houses as a sentencing alternative.

Overall, the New Hampshire justices surveyed rated community corrections programs very highly. For example, 85.1% rated the quality of probation supervision either "good" or "excellent," and none rated it poor. Ratings are similar for DOC administration of community supervision programs and for judicial confidence in these programs. Many justices recognize that staff shortages limit both intermediate sanctions and traditional probation and parole supervision. Although we did not suggest any responses, 35% of the justices listed "more staff" under "suggested improvements," and 31% listed "more staff" under "suggested changes."

When they are well designed, adequately staffed, and applied to carefully selected offenders, intermediate sanction programs can be safe and cost effective alternatives to incarceration. As we shall see in the next section, intermediate sanctions will play an important role in any realistic, long-term New Hampshire efforts to punish offenders and control corrections costs.

6. CONCLUSION

For New Hampshire the past ten years have been years of dramatic change. The state has seen an increase in total population, a decrease in both the overall crime rate and the overall arrest rate, and a substantial increase in the inmate population of the state prison system. New Hampshire is certainly not alone in experiencing growth in its inmate population as both regionally and nationally prison systems have grown by record numbers (TABLE 6.1).

TABLE 6.1 **COMPARATIVE STATE PRISON INMATE POPULATIONS**
NEW HAMPSHIRE, SELECTED STATES, and U.S.
(1983 and 1991)

STATE	INMATE POPULATION JAN. 1, 1983	INMATE POPULATION JAN. 1, 1991	% INCREASE
New Hampshire	415	1,407	239.0
Maine	794	1,548	95.0
Vermont	509	787	54.6
Massachusetts	4,431	9,183	107.2
Connecticut	3,731	10,101	170.7
Rhode Island	878	2,377	170.7
New England	10,758	25,403	136.1
Arkansas	3,373	6,533	93.7
Iowa	2,770	4,307	55.5
Idaho	1,019	1,857	82.2
United States	395,802	732,236	85.0
Source: Corrections Yearbook, Criminal Justice Institute, Inc.			

Criminologists propose several causes for the rapid growth in the prison system nationally: the war on drugs, the growth in population, mandatory sentencing laws, longer sentences, and more time served before parole.²⁵ With the exception of the amount of time served before parole, those causes are applicable to New Hampshire.

If the past is any guide, and unless use of programs providing alternatives to incarceration is significantly expanded, New Hampshire's state prison inmate population will continue to grow. We have conservatively estimated

6. CONCLUSION (Continued)

that by the year 2000, the state will have 2323 male inmates to maintain. That figure represents an additional 900 male inmates over the 1423 in DOC custody at the end of 1991. Assuming the new Lakes Region Facility in Laconia eventually reaches its maximum of 300 inmates and further assuming the legislature extends the life of the new facility beyond the current expiration date of July 1, 1998, that will still leave 600 inmates without adequate facilities (TABLE 6.2) (For comparison with 1982-1991 inmate population growth see TABLE 1.2, page 15.).

The additional financial burden will be substantial. Experts have estimated the construction cost of an 800 bed prison to be \$56 million. Time from start of design work to conclusion of construction could be as much as five years. Furthermore, the cost to operate an 800 bed facility would be \$18.2 million annually. Those annual operating costs together with an estimated \$5.8 million in annual operating costs for the Lakes Region Facility when it is fully utilized, an annual operating budget of \$35.8 million for current facilities and other correctional programs, and \$4.8 million for debt service on remainder of current debt would bring DOC's total expenditures from \$9.1 million in 1982 to \$64.6 million annually by the year 2000.²⁶

TABLE 6.2

**PROJECTED GROWTH IN
NEW HAMPSHIRE STATE PRISON INMATE POPULATION
(1991 - 2000)**

FY	INMATES	ESTIMATED INCREASE	% CHANGE OVER PREVIOUS YEAR
1991	1,423		
1992	1,523	100	7.0
1993	1,623	100	6.6
1994	1,723	100	6.2
1995	1,823	100	5.8
1996	1,923	100	5.5
1997	2,023	100	5.2
1998	2,123	100	4.9
1999	2,223	100	4.7
2000	2,323	100	4.5
Source: LBA calculation			

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STATE OF NEW HAMPSHIRE PRISON EXPANSION

OBSERVATIONS

OBSERVATIONS RELATING TO THE OPERATIONS OF THE STATE PRISON

OBSERVATION NO. 1: PRISON SYSTEM CAPACITY

DOC has made appropriate use of available capacity in most housing units of the prison system with "double-bunking" (i.e., maximizing reasonable use of sleeping areas). However, some units, particularly the Close Housing Unit, Hancock Medium, Medium North and Medium South units, and the women's prison, are consistently overcrowded while other units, such as Hancock - Close, the Dorms, the Minimum Security Unit, Manchester Community Corrections Center, and Summit House, at times appear to be somewhat under utilized by comparison.

Using a capacity rating system adapted for this audit, we analyzed prison system capacity on seven different dates between September 28, 1990 and December 6, 1991 (including the period during which several serious assaults and two inmate murders took place in the Special Housing Unit). On average the system was at 104.9% of capacity.

On all seven dates we found the Close Custody Unit and the Medium North and South Housing units operating in excess of our capacity ratings. On four of the seven dates we found the Special Housing Unit overcrowded, while on six of the dates we found the women's prison and the Concord Community Corrections Center operating above capacity.

There is not presently enough bed space for medium (C-3) and close (C-4) security level inmates and female inmates. While the system as a whole was at 104.9% of capacity on average, the CCU was at 124.4%; Medium North and South were in excess of 132.0%; and the women's prison was at 110.0%.

Based on a U.S. General Accounting Office study of the federal Bureau of Prisons and our review of DOC operations, "double-bunking" in cells of at least 60 sq. ft. (or in other sleeping areas where at least 30 sq. ft. per inmate is available) appears to be acceptable at all security levels provided adequate additional living space is available (e.g., day rooms); inmates are not unduly restricted to their cells for unreasonable periods during the day; there is an acceptable level of medical care and other services; and there is not an unacceptable level of violence.

OBSERVATION NO. 1: PRISON SYSTEM CAPACITY (Continued)

Severe and chronic overcrowding can and often does lead to lowered morale for staff and inmates, inadequate control or loss of control over inmates, violations of law, and the overall corrections mission not being carried out as well as it should be.

RECOMMENDATION:

We recommend that DOC review its housing needs, security levels, and classification system at the state prison, consistent with inmate and public safety concerns, and consider modifications to alleviate overcrowding in C-3 and C-4 units. Where appropriate DOC might consider modifying or reconfiguring bed space that becomes available at the state prison as the Lakes Region Facility comes fully on line.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

Classification should not be revised to fit housing, but housing should be planned to meet classification requirements. Even with overcrowding, we feel that this has occurred; however, if there were more halfway houses and minimum security bedspace, some inmates at C-3 level could move into C-2 housing, thereby making more space available for C-3 and C-4 inmates inside the prison. When the Lakes Region Facility reaches full capacity, this will definitely alleviate some of the overcrowding.

OBSERVATION NO. 2: STATE PRISON MANNING LEVELS

DOC frequently does not meet manning guidelines at the men's prison in compliance with its own policies and procedures. At nine selected posts, including various housing units, interior, perimeter, kitchen, laundry (first and second shifts only), and community corrections centers assignments, the most recent DOC guidelines require 51, 52, and 27 uniformed corrections officers be on duty on the first, second, and third shifts respectively. Our review of the selected posts for the three shifts on each of seven days (five days randomly selected plus two other days) showed that manning guidelines were met 122 times out of a possible 182 times (67.0%).

Manning levels at the men's prison should be those necessary for the operation of the prison in a manner reasonably calculated to provide for the security of staff, inmates, and the public. The department is understandably reluctant to request additional appropriations for overtime pay, but that reluctance is exacerbating compliance with prison manning guidelines.

OBSERVATION NO. 2: STATE PRISON MANNING LEVELS (Continued)

The effect of not maintaining manning levels in compliance with DOC guidelines can be twofold. First, non-compliance calls into question the validity and appropriateness of the department's own policies and procedures. Second, assuming the department's guidelines are appropriate, non-compliance is a public safety issue.

RECOMMENDATION:

We recommend DOC review its manning guidelines in an effort to validate the reasonableness of the guidelines. We further recommend DOC corrections officers and other appropriate employees be encouraged to participate in that review on the same basis and to the same extent as employees are generally encouraged to participate in the formulation of departmental policies and procedures.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

Additional correctional officer positions, which are being requested in the FY'94-95 budget, would alleviate the discrepancy between optimum staffing guidelines and numbers of officers actually available for deployment.

OBSERVATION NO. 3: ADEQUACY OF MEDICAL CARE

DOC has made progress in providing inmates at the men's prison satisfactory health care services. However, despite greatly increased levels of funding, there are still significant needs to be met in order to fully implement the Laaman Consent Decree. By entering into the decree on May 16, 1990, DOC agreed to provide and maintain health services at certain levels. We reviewed that decree and reports of the health services evaluator required thereunder dated March 31, 1991 and February 14, 1992.

In the 1992 report the health services evaluator, a medical doctor, surveyed 118 items and compared the department's progress in those areas with his report of a year earlier. The 1992 report rates the department's efforts as either adequate, inadequate, or unknown. A summary of the two years follows.

	<u>1991</u>	<u>% OF TOTAL</u>	<u>1992</u>	<u>% OF TOTAL</u>	<u>% CHANGE</u>
Adequate	67	56.7	74	62.7	10.5
Inadequate	31	26.3	32	27.1	3.3
Unknown	<u>20</u>	<u>17.0</u>	<u>12</u>	<u>10.2</u>	-40.0
Total	118	100.0	118	100.0	

OBSERVATION NO. 3: ADEQUACY OF MEDICAL CARE (Continued)

The following specific areas were rated inadequate (last year's rating is in parenthesis):

- Comprehensive dental exams are not being performed within three months of intake (unknown).
- One full-time, supervised physician's assistant has not been provided (inadequate);
- One full-time medical receptionist not available (adequate);
- Emergency medical care not available 24 hours a day, seven days a week (inadequate);
- Sick call not provided in accordance with professional protocols and without 40 hours of in-service staff training on those protocols (inadequate);
- Lack of consistent availability of a Spanish language translator (inadequate);
- Correctional staff interference with inmate access to health services including prescription drug refills and medical transport from maximum security (inadequate);
- Problems with the quality assurance program including medical record and inmate grievance reviews (a total of 12 issues noted);
- Lack of an annual medical emergency response drill for each shift based on written procedures (adequate);
- Problems with mental health treatment programs including timely referrals, timely and appropriate therapies, and adequate professional mental health staff (a total of seven issues noted).

Failure to fully implement the consent decree by July 1, 1993 may well mean that the federal court will continue its jurisdiction over the various prison programs.

RECOMMENDATION:

We recommend DOC fully implement the health services section of the Laaman Consent Decree as soon as practicable.

OBSERVATION NO. 3: ADEQUACY OF MEDICAL CARE (Continued)

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

- a. A careful reading of the evaluation, which was performed over nine months past, reveals that even in areas rated as inadequate, substantial progress had been made toward full compliance. Indeed the DOC believes that we are in substantial compliance at this time.
- b. The department is implementing all aspects of the health services section of the consent decree.

OBSERVATION NO. 4: RECLASSIFICATION

In our audit sample of 60 inmates we found four (6.7%) inmates who were not reviewed for reclassification in a timely manner. Although ACA minimum standards require annual reclassifications, DOC's Classification Manual calls for reclassification every six months for minimum, medium, and close custody inmates and every three months for maximum custody inmates.

DOC's inmate reclassification process is an integral part of the overall classification process. The reclassification process provides inmates with a fair and consistent method of progressing through the prison's custody levels towards eventual release to society, where applicable, and establishes a mechanism through which just consideration is given to the differences, weaknesses, and strengths of inmates for the purposes of safe, appropriate programming and housing.

The primary objective of reclassification is to place an inmate in the lowest security status commensurate with his or her security needs and custody requirements in regards to public safety and institutional risk. Additionally, DOC is required to have a system which will not only house inmates properly but assure that they receive the maximum benefit from available rehabilitative and treatment programs. Obviously when reclassification is not timely, there is a delay in achieving those objectives.

RECOMMENDATION:

We recommend DOC review its reclassification standards and procedures to ensure that, irrespective of any reasonable standards that are ultimately applied, there are no exceptions to timely and proper reclassification of prison inmates.

OBSERVATION NO. 4: RECLASSIFICATION (Continued)

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

The classification manual is now being reviewed in general and the issue of reclassification in particular. The current requirement of reclassification every six (6) months for medium security inmates exceeds national correctional standards which require an annual review. Nevertheless, of the four (4) delinquent reclassifications, two (2) were already in a community treatment center, progressing through program phases.

OBSERVATION NO. 5: QUAY ASSESSMENTS

The Quay assessment used by DOC is an abbreviated version of an evaluation developed by Herbert C. Quay. It is intended to assess inmates through an evaluation of past behavior, staff observations, and inmate interviews. At the conclusion of the evaluation, inmates are classified as either "aggressors," "prey," or "normal." The prison classification manual requires prison unit teams complete a Quay assessment to determine the housing assignment for each inmate assigned to their unit. Prison unit managers can override Quay assessments to meet housing needs when personality conflicts arise or for institutional security reasons. Ordinarily, an inmate classified as a "prey" would not be housed with one termed an "aggressor."

During our review we questioned the value of the Quay assessment and noted that some Quay assessments were not performed regularly.

VALUE OF QUAY ASSESSMENTS IS QUESTIONED

We question the value of the Quay assessment in its present form for several reasons. First, the test's overall contribution to unit team knowledge of inmates appears to be minimal. Additionally, information on the Quay assessment concerning an inmate's institutional record often will change. Because the Quay evaluation is administered infrequently, changes in an inmate's institutional record will render the assessment inaccurate. Finally, the importance of the current Quay assessment system may be lessened by unit managers' ability to override the test or by unit teams engaging in far more thorough, revealing, and on-going interaction with inmates than the Quay assessment allows.

SOME QUAY ASSESSMENTS WERE NOT DONE REGULARLY

In our sample of 60 prison inmates we found that 28 (46.7%) had not been given a Quay assessment. Of the 28 who had not been evaluated ten (35.7%) were violent offenders. Of the violent offenders, five had been convicted of murder or manslaughter, two convicted of sex crimes, two convicted of

OBSERVATION NO. 5: QUAY ASSESSMENTS (Continued)

robbery, and one convicted of assault. Although DOC contends that Quay assessments were completed for nearly 100% of maximum security inmates, our sample shows one out of seven of the prison's highest security risks (14.3%) were not given the required Quay assessments before being given a housing assignment.

RECOMMENDATION:

We recommend DOC reevaluate the efficacy of the Quay assessment to determine whether the evaluation should be revised to include more relevant, up-to-date information on inmates or in the alternative whether the Quay assessment should be replaced by a more appropriate procedure. Pending the results of that reevaluation, Quay assessments should be diligently and regularly performed in accordance with the provisions of the classification manual.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

- a. Although consultants from the National Institute of Corrections reviewed our use of Quay and saw little value in its use, we feel that there is enough practical value in the process to justify the effort.
- b. All inmates at New Hampshire State Prison, except minimum custody, have a Quay Assessment.
- c. No revisions to the Quay process are contemplated at this time.

OBSERVATION NO. 6: COMMUNITY CORRECTIONS

DOC's goal for community corrections is a system of community-based facilities (halfway houses) and programs for offenders within nine months of parole eligibility, for technical parole violators who need a "halfway in" program, for residents of the Secure Psychiatric Unit identified as ready for community placement, and for offenders where an alternative to a prison sentence is appropriate. To date only the first group has been served in any significant manner and then only in two locations - Concord and Manchester.

DOC officials plan to turn Summit House, the department's current and only drug and alcohol treatment facility next to the men's prison, into Concord's second community corrections center when expanded drug and alcohol treatment programs have been fully established at the Lakes Region Facility. However, despite a demonstrated need, there are no community corrections centers in the Nashua and seacoast areas of the state.

OBSERVATION NO. 6: COMMUNITY CORRECTIONS (Continued)

According to department officials, DOC was reluctant to invest the time and resources necessary to obtain additional community corrections facilities in Nashua and the seacoast at a time when it was actively promoting the development of the Lakes Region Facility for additional minimum security and medium security bed space and treatment programs for inmates with alcohol and drug abuse problems.

The purpose of community-based correctional programs is to assist inmates in obtaining the necessary skills and contacts to successfully reintegrate themselves into their communities in a socially acceptable manner. Therefore, these programs and facilities must be available in geographic areas where this reintegration is to occur.

The consequence of either not having enough community corrections bed space or not having available bed space in locations where it is most needed is an inmate reintegration process that is not as effective as it might otherwise be.

RECOMMENDATION:

We recommend DOC confirm the need for additional community corrections bed space in the Nashua and seacoast areas of the state. If such a need is validated, it may be considerably more cost effective during the current economic downturn than it might have been in the recent past to either lease or purchase necessary real estate suitable for this purpose.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur.

An additional halfway house for the Seacoast area is being requested for FY'94-95, and a halfway house for the Nashua area in FY'96-97. In order to expand minimum security bedspace, however, each urban area must be supportive of the concept of community corrections in their community.

OBSERVATION NO. 7: SUPERVISION OF ADULT SERVICES

Given prison system expansion, it is difficult, if not impossible, for one person to function effectively as both the warden for the men's prison and, system-wide, as the director of adult services. Pursuant to RSA 21-H:4, III the warden of the men's prison is also the director of adult services for the entire prison system. The warden's primary responsibility is to supervise and coordinate inmate welfare and public safety. The duties of the director of adult services include the administration and management of a broad array of treatment programs and services.

OBSERVATION NO. 7: SUPERVISION OF ADULT SERVICES (Continued)

At one time the men's prison comprised the entire prison system in New Hampshire and it was sound management for all unit managers and program directors to report directly to the warden. New Hampshire's prison system has now grown beyond the walls of the men's prison to include the women's prison and the Lakes Region Facility. The unit managers of those two facilities are now reporting directly to the commissioner. These additional facilities need and are demanding an increasingly higher level of treatment programs and services.

Mental health, alcohol and drug treatment, educational, vocational, and other treatment programs must be delivered in an efficient, effective and equitable manner to all inmates in the system.

The effect of the warden's dual responsibilities will eventually result in a diminution of service to either the men's prison or the other facilities in the system. Neither outcome is desirable.

RECOMMENDATION:

We recommend DOC seek statutory approval to separate the positions of warden and director of adult services. Such a reorganization might reasonably include a formal realignment of the assistant commissioner's duties to incorporate the supervision and coordination of adult services functions on a system-wide basis and should include a change to RSA 21-H:6, II(b) to provide that the director of adult services or assistant commissioner, as the case may be, serve at the pleasure of the commissioner consistent with all other DOC division directors.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur.

Legislation will be recommended for the 1993 session.

OBSERVATION NO. 8: ASBESTOS REMOVAL AT LAKES REGION FACILITY

DOC has budgeted \$100,000 for asbestos removal at Lakes Region Facility. In our review of development plans and in discussions with officials from DOC, the Department of Environmental Services, and the Division of Public Health, we were unable to determine precisely the location and magnitude of asbestos materials and the nature and scope of any necessary remediation or removal. We are therefore not convinced appropriate environmental concerns have been adequately addressed.

OBSERVATION NO. 8: ASBESTOS REMOVAL AT LAKES REGION FACILITY (Continued)

RECOMMENDATION:

We recommend DOC fully and completely determine the presence and extent of asbestos in facilities to be used by the department and develop a program in cooperation with appropriate state agencies to effectively resolve all outstanding concerns related to any necessary repair, removal, transportation, and disposal of asbestos.

We further recommend DOC seek clarification as to the applicability of the employer's duty to provide information under the Worker's Right to Know Act (RSA 277-A:5) in as much as the department is using inmate labor on the project.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We do not concur.

The Bureau of Public Works and the Bureau of Public Health have both surveyed the Lakes Region Facility and have approved what we are doing as it relates to asbestos. Prisoners have not and will not be used to handle asbestos.

OBSERVATION NO. 9: ADEQUACY OF ACCESS TO LAW LIBRARY BY SHU INMATES

DOC maintains a satellite law library in the Special Housing Unit (SHU) staffed on a regular, part-time basis by an inmate assistant required to be knowledgeable in legal research. The current inmate assistant is described by inmates' attorneys and DOC officials as possessing limited knowledge in legal research.

SHU inmates by virtue of their maximum security classification do not have direct access to the prison's main law library managed by a full time librarian; therefore, those inmates must rely upon legal services available through the satellite law library.

DOC policy and the Laaman Consent Decree require the department to provide reasonable access to legal materials and services for all SHU inmates.

Inadequate legal research assistance effectively denies SHU inmates a level of legal services DOC has previously indicated, through policy directives and court documents, is important.

RECOMMENDATION:

We recommend DOC provide the SHU satellite law library on a regular basis an inmate assistant truly knowledgeable in legal research.

OBSERVATION NO. 9: ADEQUACY OF ACCESS TO LAW LIBRARY BY SHU INMATES
(Continued)

RECOMMENDATION (Continued):

We further recommend DOC explore the possibility of providing the satellite law library with a suitably edited Guide to Basic Legal Research for Inmates similar to the publication of the same name specifically written for, and available at, the women's prison.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We do not concur.

- a. Though it is true that the inmate assistant is not a paralegal and has limited knowledge, this is more than compensated by the ability of all SHU inmates to contact both the inmate attorney and the law librarian for assistance. This help is provided routinely.
- b. The SHU law library has had multiple copies of Prisoners Self-Help for Litigation manual, which have been pilfered and destroyed by the inmates. We continue to replace the document. Additionally there are two other books in the library which provide instructions on legal research.

OBSERVATION NO. 10: FOOD SERVICE DELIVERY AT SHU

Inmates in the Special Housing Unit do not leave that unit for meals, but instead have meals delivered to the unit. On a tour of the prison last fall consultants from the National Institute of Corrections, U.S. Department of Justice, found that the temperature of food served to inmates in SHU on at least one occasion was less than 100° instead of the required 140°.

The Laaman Consent Decree and DOC directives govern food service standards. DOC is required to make best efforts to ensure that food which is supposed to be served hot is hot and food which is supposed to be served cold is cold. Further, all inmates, regardless of custody and disciplinary status, must be served the same quality of food.

RECOMMENDATION:

We recommend DOC purchase a food thermometer for use by SHU staff. Staff should regularly check as-served temperatures, record their findings in the unit log, reject meals found not to be at the required 140° temperature, and assure reasonably prompt, appropriate replacements.

OBSERVATION NO. 10: FOOD SERVICE DELIVERY AT SHU (Continued)

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

To our knowledge the incident referred to occurred after the meal in question had been served and clean up was beginning. A food thermometer is being utilized in SHU at this time on a daily basis, and the temperature of the food is documented.

OBSERVATION NO. 11: EMPLOYEE GRIEVANCE APPEALS

For three fiscal years (1989-1991) on average DOC's employees have accounted for approximately 6.0% of all state employees. Our review of the Annual Report of the NH Personnel Appeals Board for each of those years as well as information supplied by the department shows that DOC recorded approximately 13.7% of all grievances filed (52 of 381) during the period. By type of grievance category, DOC had 8.6% of all termination appeals, 37.8% of all promotions appeals, 11.8% of all disciplinary appeals, and 6.8% of all "other application of the rules" grievances.

In our discussions with DOC management, union officials, and employees we noted considerable hostility and mistrust on the part of management and labor towards each other. The policy of the state is to foster harmonious and cooperative relations between management and labor; numerous DOC policy and procedure directives are in place to provide written assurance the department complies with state policy in this area.

The comparatively large number of employee grievances may be an impediment to greater overall efficiency and effectiveness for the department.

RECOMMENDATION:

We recommend DOC management and employees at all levels explore ways to establish better, more meaningful two-way communication regarding the achievement of departmental goals and objectives.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

Communications could always improve between labor and management, and the Department will continue to seek better communications with employees in general and SEA in particular.

OBSERVATION NO. 11: EMPLOYEE GRIEVANCE APPEALS (Continued)

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS (Continued):

Clearly most of the appeals were promotion appeals (38%). An analysis of the data reveals that one individual was applying for multiple promotions and appealing practically every denial of promotion. Moreover, in the quasi-military rank structure of the prison system, there are many promotional opportunities among the six levels or ranks of officer positions. In a letter from SEA, dated March 24, 1992, field representative McCormack states, "One of the major problems associated with the promotional process, as outlined in the current Personnel Rules of the State of New Hampshire, is the five day appeal requirement. This process obviously lends itself to many appeals because often time an affected employee does not receive the reasons for non-selection in writing and usually there is not time for a meeting to occur between the affected employee, a selected representative (if desired) and the appointing authority to discuss the issue. I am pleased to say that the new proposed Personnel Rules of the State of New Hampshire should resolve many of the past problems..."

OBSERVATION NO. 12: PRISON INDUSTRIES

According to DOC the purpose of prison industries is to employ the maximum practicable number of inmates and provide them opportunities to acquire marketable work skills by efficiently and effectively producing needed goods and services for sale to state agencies, local governments, and other authorized markets, thereby reducing the costs of incarceration.

DOC has made considerable improvements in the physical facilities associated with its prison industries programs. In addition the department has made a conscious effort to integrate vocational training and educational opportunities at the secondary and post-secondary levels with greatly expanded industries programs. We note two areas where action could be helpful: a marketing plan and an advisory board.

MARKETING PLAN

DOC requires goals and objectives for every prison program be prepared annually by program administrators and submitted to the warden for approval. For prison industries programs this is done annually by the Administrator of Training, Industries, and Education (TIE). Also, the TIE Administrator is required to prepare a business plan for each fiscal year.

The requirement for a business plan is not further defined, but prudent business practice suggests it be similar in nature to standard business marketing plans used in the private sector. It should therefore include, as a minimum, a mission statement, sales forecasts, production plans, financial plans, goals and objectives such as product development projects,

OBSERVATION NO. 12: PRISON INDUSTRIES (Continued)

MARKETING PLAN (Continued)

customer service goals, quality improvement plans, and marketing projects. We also believe DOC's marketing plan should include the development of a prison industries catalogue and product price lists.

Prison industries officials assert that an annual marketing plan is prepared. We disagree. The report DOC calls its marketing or business plan describes the previous fiscal year, summarizes highlights, reviews significant events and problems that occurred in each cost center, and provides a comparison of sales for the previous three years. The business plan described by DOC is actually a retrospective report on prison industries and, while such a progress report may be very appropriate and helpful, it is not a prospective marketing plan.

Several years ago the business school of a New Hampshire college provided consultation regarding the development of a marketing plan. The college's ideas were informative. Those ideas, as well as ideas from similar resources, should be considered and annual marketing plans should be developed.

BUSINESS ADVISORY BOARD

To obtain cooperation and ease friction between the private sector and prison industries, many states use public-private advisory or policy boards to oversee the operation of the correctional industries and to provide outside advice, business involvement and expert assistance with programs, expansions, legislation, policies and budgets. Currently more than half of the states reported having either an advisory board or policy board of directors. Membership on such boards typically includes representatives from the corrections department, other government agencies, labor, business, trade associations, inmates who work in prison industries, private citizens, and legislators.

A similar board could benefit New Hampshire's prison industries in providing increased flexibility, independence, and consistency among the various shops in the areas of marketing, customer relations, purchases of raw materials and pricing. Also, the board could introduce and observe programs and make recommendations on equipment, training, and health and safety issues as well as provide guidance for policies and budgets and help with public and private sector backing.

RECOMMENDATION:

We recommend that DOC prepare an annual marketing plan for prison industries as required. This marketing plan should provide a frame of reference for the coming year's activities and should be used as a measure of success for each individual shop within prison industries. When developing the marketing plan, DOC should consider whether or not a prison industries catalogue and price lists should be provided.

OBSERVATION NO. 12: PRISON INDUSTRIES (Continued)

RECOMMENDATION (Continued):

We further recommend DOC consider the feasibility of establishing either an advisory board or policy board of directors. If it appears that either an advisory board or policy board would be beneficial for prison industries, DOC should submit the appropriate legislation needed for the establishment of such a board.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur.

A marketing plan should be funded from prison industries profits, and thereafter updated and/or revised on an annual basis. This will be an operational goal for 1993.

Legislation establishing a Prison Industries Advisory Board will be recommended for the 1993 session.

OBSERVATION NO. 13: POLICY AND PROCEDURE DIRECTIVES

DOC has in place an impressive system of administrative policy and procedures directives covering the operation of all aspects of agency programs and resources including, but not limited to, such important areas as inmate grievances, citizen complaints, personnel selection and promotion, use of restraining devices, use of physical force, and inmate rights. However, management lacks a precise, formal method of monitoring levels of performance and compliance with the directives.

DOC contends that adequate monitoring of its directives is achieved through review and reissuance by executive staff. Further, DOC asserts the ACA accreditation process the department undergoes every three years requires documentation substantiating both annual reviews and implementation. Finally, DOC argues that the safety and sanitation compliance officer, the director of quality assurance, and the investigations office also monitor compliance with directives.

We remain unconvinced that DOC's current efforts, although important, provide management with the best available assurance of performance and compliance with departmental directives. First, executive oversight is no substitute for rigorous, periodic performance and compliance audits. Second, the ACA review is based upon a self evaluation and a short on-site visit. Third, we observed that the one year period to review the policy and procedure directive covering the investigations office and its intelligence activities and internal security operations had expired. The required review for the directive was more than six months overdue.

OBSERVATION NO. 13: POLICY AND PROCEDURE DIRECTIVES (Continued)

RECOMMENDATION:

We recommend DOC consider utilizing its internal audit function in the design and implementation of a formal program to measure the levels of performance and compliance with departmental policy and procedure directives.

We further recommend DOC review the directive concerning investigations and intelligence operations immediately and regularly thereafter.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

The particular policy and procedure directive referred to was under review and had not been reissued because automation of the data was being contemplated. That process is now under development, with an undetermined completion date. However, we agree that the policy should have been removed from the manual, or reissued.

OBSERVATIONS RELATING TO THE OPERATIONS OF THE PAROLE BOARD

OBSERVATION NO. 14: PAROLE DISCHARGES AND TRANSFERS

Parole board response to discharge and transfer requests is often deficient. The board does not respond in a timely and efficient manner to assure that requests from DOC's division of field services for early discharge from parole are acted upon. The board does not promptly notify field services in cases where requests for early discharge are granted by the board. The board does not promptly notify appropriate officials when inmates have been paroled to serve a sentence in another state.

The parole board's sluggish response to discharge and transfer issues is the result of an office staffed by personnel who are overwhelmed and unable to effectively manage their rapidly increasing workload. It is not uncommon for the board's executive assistant to work 60 to 70 hour weeks with little or no vacation. However, at the same time board operations show few signs of modern technology and management. File cabinets and paper files abound. There are no written policies and procedures to guide staff in their daily routines. Not surprisingly, a siege mentality exists.

The parole board must have the necessary administrative capacity and management expertise to respond efficiently and effectively to discharge and transfer issues.

The effect of not being able to respond in a timely manner to discharge and transfer matters can have very serious ramifications. First, in situations where requests for early discharge are not acted upon field services probation and parole officers must continue to supervise an offender who may no longer require such supervision. That is a waste of limited probation and parole supervision resources.

Second, in cases where the board has granted early discharge but failed to notify field services, not only are resources being wasted, but the discharged offender's rights may also be violated when law enforcement agencies rely on information which incorrectly states the person is still under parole supervision. That could be an issue of liability for the state.

Third, in circumstances where the board has failed to notify another state that it has paroled an offender to that state's jurisdiction, the offender remains in New Hampshire's overcrowded prison at a daily cost in excess of \$50. That is a waste of already limited resources.

OBSERVATION NO. 14: PAROLE DISCHARGES AND TRANSFERS (Continued)

RECOMMENDATION:

We recommend the parole board take immediate steps to obtain technical assistance in evaluating the efficiency and effectiveness of its administrative operations. Organizations such as the American Correctional Association, the National Institute of Corrections, and the National Conference of State Legislatures should be contacted for advice and possible assistance.

AUDITEE RESPONSE - PAROLE BOARD:

We generally concur with this observation, as we are aware of the tremendous increase in the workload of our office in recent years and the lack of a corresponding increase in staff and appropriate equipment to handle same. We would be most interested in obtaining a technical team, have been suggesting this for several years, will (hopefully) obtain such assistance in early 1993. The computerization of Offenders Records will allow a corresponding modernization of the Parole Board Office and procedures which will deal with many of the problems with delays caused by work overload.

OBSERVATION NO. 15: SUMMARY INFORMATION FOR PAROLE HEARINGS

Parole board members are not receiving summary information on inmates scheduled for parole hearings on a timely basis or in a manner that will allow meaningful study and deliberation.

Current routine calls for the executive assistant to provide the board "summaries" on each inmate prior to the hearing. Most often the information is not delivered to board members until 24 to 72 hours before the hearings. Additionally, our review of a typical summary provided by the executive assistant showed a 50 page document containing exhaustive information on the following:

- information on crimes committed;
- FBI's National Crime Information Center report;
- pre-sentence investigation report;
- State Police report;
- local police investigation report;
- "Institutional Adjustment Update";
- Visitor's Pass Request (listing everyone allowed to visit inmate);
- mental health reports and psychological needs assessments;
- numerous urinalysis reports;
- certificates of completion for each class or program attended while in prison;
- copies of requests by inmates to court for sentence reduction;
- copies of court rulings on requests for sentence reduction;

OBSERVATION NO. 15: SUMMARY INFORMATION FOR PAROLE HEARINGS (Continued)

- prison classification reports;
- prison education program grade transcripts;
- pre-parole interview form;
- parole recommendation from prison officials.

Our discussions with parole board officials, a review of professional literature, and information from other state paroling authorities indicate that New Hampshire Parole Board members would benefit from the following information in summary format:

- pre-sentence investigation and sentencing court reports;
- victim input;
- efforts at rehabilitation while in prison;
- prior convictions and prior probation and parole records;
- major disciplinary actions;
- the parole plan;
- the warden's recommendation.

Currently, it is not uncommon for board members to hear 25 to 30 or more requests for parole in one day. The effect of having to read, dissect, and understand a total accumulation of 1,200 to 1,500 pages of information one to three days in advance of a meeting constitutes information overload.

RECOMMENDATION:

We recommend the parole board review its current procedures concerning parole summaries and consider developing a more efficient summary format with the resulting information delivered to them in a timely manner. The parole board should also consider developing a methodology that will allow it to more efficiently and effectively decide inmate requests for parole.

AUDITEE RESPONSE - PAROLE BOARD:

We concur in part with this observation. Parole Board members are widely scattered in five parts of the state, and the number of summaries necessary for monthly meetings often meant that preparation was concluded within days of scheduled hearings, making timely delivery and proper review difficult. The Board has recently resolved to hold parole hearings involving fewer inmates every two weeks, which spreads the workload involved in preparation, and reduces the volume for each group of hearings. We have just learned from the Director of Audits that, contrary of what other state officials have previously advised, we can open a Parole Board account for overnight delivery of summaries by UPS or Federal Express, and will establish such an account.

We do not concur, at this time, with that part of the observation which suggests there is currently available a better method to gather and review information in preparation for Parole Board hearings. We have instructed our staff to provide such copies as we feel are relevant for parole decisions. Staff, when in doubt as to relevance, tend to err in favor of

OBSERVATION NO. 15: SUMMARY INFORMATION FOR PAROLE HEARINGS (Continued)

AUDITEE RESPONSE - PAROLE BOARD (Continued):

including documents rather than excluding something which might prove crucial. Parole summaries are as "lean" as we feel they can be, and, still serve their intended purpose for us, and the parole officer who subsequently receives a copy to aid in supervision. Until Offenders Records has been provided with a modern computerized information storage and retrieval system, it is far more efficient to have photocopied all relevant records than to have staff spend time attempting to prepare summaries thereof. When all inmates files are computerized, and we have terminal access to those records in our hearing room, we will gladly adopt the suggested "summary format".

OBSERVATION NO. 16: DELIVERY OF PAROLE SUMMARIES

Parole summaries are not delivered to board members in the most efficient manner. The summaries are currently delivered 24 to 72 hours before a board meeting by the spouse of the board's executive assistant. The executive assistant subsequently submits a voucher for mileage reimbursement.

The summaries should be delivered in the most cost-effective, appropriate, and timely manner possible.

The executive assistant's spouse, although a member of the New Hampshire General Court, is not a state employee as such. Therefore, the state's liability to third parties in case of an accident, or to the legislator in the event of a workers' compensation claim, is uncertain. Additionally, we noted in the case of deliveries to one board member who lives in Barrington, NH, several miles from the executive assistant's home in Northwood, that the state is reimbursing for round trip mileage from Concord to Barrington.

RECOMMENDATION:

We recommend the parole board use the U.S. Postal Service or similarly qualified vendor for the delivery of parole summaries.

AUDITEE RESPONSE - PAROLE BOARD:

We concur; the Board has directed our Executive Assistant to desist from the long-time practice of relying upon her retired husband to personally deliver parole summaries, though that policy did facilitate the delivery of parole summaries in a reasonably efficient manner. Efforts to use the mail and UPS had been frustrated by State policies which, we were advised, delayed parole summary packages unless they were labeled "overnight delivery", which then resulted in their air shipment (to Philadelphia and back) at approximately

OBSERVATION NO. 16: DELIVERY OF PAROLE SUMMARIES (Continued)

AUDITEE RESPONSE - PAROLE BOARD (Continued):

three times the cost of standard overnight delivery. We have been advised by the Director of Audits that we may arrange for simple delivery of parole packages to a local UPS or Federal Express office and will adopt this procedure.

OBSERVATION NO. 17: DOC - PAROLE BOARD COOPERATION

There are some cooperation and communication problems between DOC and the parole board. The board is administratively attached to DOC. In our discussions with officials from both agencies we noted numerous misunderstandings as to the appropriate relationship between DOC and the board. For example, some parole board officials expressed concern about the board's ability to maintain its impartiality and independence from DOC, while DOC officials expressed concern about parole board operations that they see as being antiquated and inefficient.

DOC and the parole board share common objectives, the most fundamental of which are public protection and the maintenance of safe and secure institutions. For parole to work efficiently, there must be clear communication among those involved in the process including the parole board, prison staff, and field services probation and parole personnel. The objectives of the parole process, the information needed to attain those objectives in daily decision making, and expectations in individual cases must be clearly understood by all parties.

RECOMMENDATION:

We recommend the following:

- The parole board should formulate decision making policies and criteria in more specific and objective terms. At a minimum this must include the adoption by the parole board of a written mission statement and written policies and procedures regarding the daily administrative routine of both the board and the executive assistant and how those entities fit into the overall corrections system.
- DOC should improve the information processes that support parole decision making. At a minimum this must include the automation of the Bureau of Offender Records and the inclusion of the parole board in the design and implementation phases of this critical management information system improvement.

OBSERVATION NO. 17: DOC - PAROLE BOARD COOPERATION (Continued)

RECOMMENDATION (Continued):

- DOC should modify administrative and management procedures to prepare inmates for parole more effectively. This should include, but not be limited to, providing more timely mental health evaluations for inmates seeking parole and providing more C-1 bed space in additional geographic areas of the state where warranted.
- DOC and the parole board should collaborate in the development of a structured parole decision policy. The focus should be on clarifying the relationship between offender risk, the seriousness of the offense, as well as other release decision making factors.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

- a. A new computer has been provided to the parole office to facilitate automation.
- b. Additional halfway house bedspace is being requested in the FY'94-95 biennium.
- c. When the Board chooses to seriously consider parole guidelines or a structured parole decision policy, the department would be supportive.

AUDITEE RESPONSE - PAROLE BOARD:

We concur, in most respects, with this observation. We do not concur that there have been "numerous misunderstandings ... between DOC and the Board." Because we are, effectively, a volunteer board receiving only a minimum honorarium for part-time work equal to approximately 20% of full time employment, the Board has been reluctant to spend sufficient time to really deal with the problems that have evolved as the prison population has more than quadrupled during the last decade, and the parole process has developed much greater complexity.

With the retirement of our long-time Executive Assistant, we have taken the time to meet and formulate, for the first time, a comprehensive job description to facilitate hiring of a new Executive Assistant. We anticipate spending considerable additional time with the new Executive Assistant to facilitate training, and the related development of both a "written mission statement", and the policies and procedures which have been recommended.

We strongly concur with recommendations in paragraphs 2 and 3, which are directed at the DOC and legislature which must provide the funds necessary to implement them.

OBSERVATION NO. 17: DOC - PAROLE BOARD COOPERATION (Continued)

AUDITEE RESPONSE - PAROLE BOARD (Continued):

We concur with recommendation in paragraph 4, and anticipate that collaboration with the Department of Corrections will be a necessary part of the integration of our new Executive Assistant in our office, and the development of policies and procedures which will necessarily be involved at that time.

OBSERVATIONS RELATING TO THE OPERATIONS OF FIELD SERVICES

OBSERVATION NO. 18: PROBATION AND PAROLE CASELOAD MANAGEMENT

The management of probation and parole supervision caseloads by PPOs is adequate in some field services district offices and in need of improvement in others.

DOC policy is to make maximum use of probation and parole supervision resources by keeping offenders on supervision for only as long as is necessary to comply with probation or parole requirements. The department encourages the use of early terminations to reward deserving offenders by removing them from supervision before their maximum termination dates. Reassessments and annual reviews are instrumental in this process. DOC policy requires PPOs reassess each offender they supervise every six months and conduct a thorough case review, in conjunction with the chief PPO in each district office, once a year. One objective of these reviews is to determine which offenders should be supervised at lower levels or recommended for early termination.

Based on our sample of 168 files, PPOs fail to complete reassessments 41% of the time and fail to conduct annual reviews 58% of the time. Reassessments and annual reviews are uniformly completed in four of the 11 district offices. Therefore, we suspect that the rate of compliance for the remaining seven offices is even lower.

District offices that do not complete reassessments and annual reviews may be keeping some offenders on supervision longer than necessary. In a time of growing caseloads and static resources, it is imperative that offenders remain on supervision only as long as necessary to ensure public safety and compliance with probation or parole conditions.

Chief PPOs should improve supervision of their district offices so that deficiencies in caseload management and documentation quality can be readily detected and resolved by regular supervisory review of case files and chronologicals. While we realize that some chief PPOs have caseloads and other duties that interfere with their management responsibilities, their primary duty is to manage district office operations and ensure compliance with DOC standards.

RECOMMENDATION:

We recommend DOC ensure PPOs in every district office adhere to mandated caseload management procedures. The chief PPO in each district field services office should take care to fulfill his or her management and supervision responsibilities. Regional field services administrators should apply DOC standards uniformly to all district offices in their regions.

OBSERVATION NO. 18: PROBATION AND PAROLE CASELOAD MANAGEMENT (Continued)

RECOMMENDATION (Continued):

We also recommend DOC delete the requirement for a second semi-annual reassessment in favor of the annual review. The annual review should be adequate because it requires careful analysis of offender behavior and is more comprehensive than the reassessment.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur.

The Director of Field Services has been directed to achieve more procedural uniformity among districts.

We also agree that semi-annual reviews are too burdensome and generally unnecessary; therefore only annual reviews are now required.

OBSERVATION NO. 19: PROBATION AND PAROLE SUPERVISION STANDARDS

Supervision of the 4,600 criminal offenders released on probation and parole in New Hampshire is performed by DOC's Division of Field Services. The division has 82 employees, including 52 PPOs, and operates out of 11 district offices located throughout the state.

Our review of probation and parole supervision standards raised several questions. Is DOC complying with its probation and parole supervision standards? Does DOC have in place a system to effectively monitor that level of compliance? Is DOC relying too heavily on office visits by offenders as opposed to visits by PPOs to offenders homes and visits with offenders employers and others who know the offender well? Are New Hampshire's probation and parole supervision standards realistic compared to the standards used by other states.

COMPLIANCE WITH SUPERVISION STANDARDS

DOC is not meeting offender probation and parole supervision standards. There are several levels of supervision and an offender released on probation or parole is assigned to a particular level depending upon a risk assessment by DOC. Offenders usually begin serving probation or parole at either the "maximum" or "intensive" supervision levels and work their way down to lower levels before finally being discharged.

OBSERVATION NO. 19: PROBATION AND PAROLE SUPERVISION STANDARDS (Continued)

COMPLIANCE WITH SUPERVISION STANDARDS (Continued)

Each probation and parole supervision level requires minimum monthly face to face contacts with each offender. Additionally, collateral contacts with the offender's relatives, neighbors, employers, law enforcement officers, treatment providers, and others who know the offender well are required. These standards are considered the minimum contacts required to ensure public safety and offender compliance with the rules of probation or parole.

Based on a sample of 168 active probation and parole cases, we found DOC meets face-to-face contact standards 56% of the time for intensive supervision cases; 63% of the time for maximum and close cases; and 85% of the time for medium and minimum cases. Although DOC policy on offender supervision requires that officers give more supervision priority to higher risk offenders, our sample reveals that just the opposite occurs. Compliance with supervision standards is highest at the lowest levels and lowest at the highest levels.

MONITORING COMPLIANCE WITH SUPERVISION STANDARDS

DOC does not have an efficient system to track compliance with probation and parole supervision standards. District offices are required to prepare a monthly report on how the district has complied with standards for the intensive, maximum, and close supervision levels. In order to prepare the monthly report, PPOs must review individual offender files and manually count the number of offender contacts. This is a tedious and time-consuming process, and many officers admit they do not have the time to do it.

Monthly compliance reports often reflect estimates at best. However, two district offices have developed tracking sheets that facilitate compilation of this information and generally simplify caseload management.

EXCESSIVE RELIANCE ON OFFICE VISITS

DOC is relying too heavily on office visits as the primary forum for face-to-face contact with certain high risk offenders. In our sample, PPOs used office visits to achieve 94% of their face-to-face contacts with offenders in the maximum and close supervision levels.

DOC policy requires PPOs make scheduled and unscheduled home and field visits. The department considers office visits a useful supplement to field supervision. Moreover, supervision standards require a 3:1 ratio of home to office visits for maximum level offenders, and a 1:1 ratio for close level offenders. The department claims that heavy workloads prevent PPOs from making more home and field visits.

OBSERVATION NO. 19: PROBATION AND PAROLE SUPERVISION STANDARDS (Continued)

EXCESSIVE RELIANCE ON OFFICE VISITS (Continued)

Home and field visits are essential to proper supervision. Such visits enable officers to search offender residences for contraband and to detect changes in an offender's lifestyle which might indicate renewed criminal activity. The visits permit PPOs to see the offender as he or she lives and works, rather than as he or she might act during an office visit. Without sufficient home and field visits, PPOs lack a clear picture of offender behavior and activities.

REALISM OF SUPERVISION STANDARDS

DOC's probation and parole supervision standards are more demanding than those of other states. We obtained data on supervision standards for 13 other states. Standards in these states are similar to New Hampshire's at the intensive supervision level. Below intensive, New Hampshire standards are more challenging than those in other states.

It is possible, therefore, that even when supervised below New Hampshire standards, offenders are still supervised as closely as, or more closely than, offenders in other states.

From a compliance perspective, DOC may have set itself up for failure when it implemented the current standards in 1984. Unrealistic standards that are difficult or impossible to meet can increase unnecessary employee frustration and stress.

RECOMMENDATION:

We recommend DOC take the following actions in regard to probation and parole supervision standards:

- Review supervision standards to ensure they reflect realistic public safety expectations;
- Commit adequate resources consistent with whatever standards are appropriate in order to ensure that offenders requiring the most supervision receive it;
- Implement an efficient and effective system to track compliance with supervision standards;
- Increase home and field supervision of offenders assigned to maximum and close supervision levels.

OBSERVATION NO. 19: PROBATION AND PAROLE SUPERVISION STANDARDS (Continued)

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

- a. Some supervision standards were too high and unrealistic, and modifications have been made.
- b. The reason why there is an over-reliance on office visits and failure to meet reasonable standards is because caseloads are too high and there are too few officers. Additional probation-parole officers are being requested in the FY'94-95 budget which would enable field staff to be in greater compliance with workload standards.
- c. The Director of Field Services is being directed to establish uniform methods for tracking compliance from district to district.
- d. Little officer intervention is required in order to meet workload standards for lower risk cases. Moreover, we feel that each officer, with few exceptions, is responding to the individuals who pose the greatest risk or who have the most pressing need.

**OBSERVATION NO. 20: QUALITY OF PROBATION AND PAROLE SUPERVISION
CHRONOLOGICAL NARRATIVE SUMMARIES**

Some DOC probation and parole supervision chronological narrative summaries are of poor quality or incomplete. The supervision chronological ("chrono") is the only permanent record of how an offender has behaved under supervision. DOC policy requires chronos to be concise, current, and complete. Therefore, the chrono should contain complete details on all contacts and activities related to the supervision period. Moreover, the first entry should contain a full summary of the initial interview with the offender. Chronologicals may be subpoenaed and must be accurate.

In our audit sample, chronos for 15.3% of the cases reviewed did not contain a complete record of supervision. Discrepancies included:

- Insufficient detail to indicate what happened or why;
- No mention of action taken when offenders failed to comply with a condition of probation or parole;
- No mention of offender participation in required treatment programs;
- Missing or incomplete summaries of initial interviews;

**OBSERVATION NO. 20: QUALITY OF PROBATION AND PAROLE SUPERVISION
CHRONOLOGICAL NARRATIVE SUMMARIES (Continued)**

- No closing reports;
- Several months without any chronological entries.

We estimate that 15.5% of all chronos do not adequately portray the supervision period. Chronos are, almost without exception, outstanding in six district offices. Chronos in the other five district offices range from poor to outstanding.

Incomplete chronos create potential problems. In cases involving probation or parole violations and in cases involving lawsuits against the state, DOC must be able to prove it took all required actions. In cases of offender transfer to another officer or another district, the receiving party must have a complete record of the offender's past performance and officer actions taken in response to any problems.

RECOMMENDATION:

We recommend DOC improve the quality and completeness of probation and parole supervision chronological narrative summaries. Chief PPOs and regional administrators should pay more attention to chronos and make sure that a uniform standard is consistently adhered to in all district offices.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur.

This will be a priority for the newly appointed Director of Field Services.

OBSERVATION NO. 21: STAFFING FOR INTERMEDIATE SANCTION PROGRAMS

DOC is not complying with the intent of legislation that established intermediate sanction programs and funded six PPO positions for intensive supervision (1986 Laws of NH, Chapter 156). The department currently has only four full time ISP officers assigned to three district offices. In 1987 the department had six full time ISP officers in five district offices. In 1988 DOC reassigned two officers to regular caseload duties in their district offices. According to the department, this became necessary when growing caseloads placed an inordinate strain on non-ISP officers in those district offices.

RECOMMENDATION:

DOC should consider reallocating PPO resources to comply with the intent of legislation to provide six full time ISP officers throughout the state.

OBSERVATION NO. 21: STAFFING FOR INTERMEDIATE SANCTION PROGRAMS (Continued)

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We do not concur.

The intent of the legislature is more than being met. There are 116 offenders in the ISP. There are 4 officers performing exclusively ISP duties; however, ISP cases are being supervised by 12 other officers around the state as an integral part of their supervision workload. The current deployment and assignment is more economical and has resulted in less down time due to large travel areas.

OBSERVATION NO. 22: PROBATION AND PAROLE ADMINISTRATIVE PRACTICES

Probation and parole administrative practices need to be reviewed and improved where necessary. Many probation and parole officers interviewed during the audit said that paperwork requirements take too much time from offender supervision.

For example, in a felony case the district office has normally prepared a presentence investigation (PSI) by the time the offender first reports for supervision. Each PSI contains a "face sheet" with basic biographical and other identifying data for the offender. When the offender first reports to the district office, the probation and parole officer assigned to supervise the case or the district office support staff must also complete a client profile sheet, a payment plan form, an opening chronological page, a risk/needs assessment, a field book face sheet, a payment card, and an offender data card.

The contents of those seven forms vary, but all require the same or essentially similar identifying data including name, date of birth, age, classification level, residence, social security account number, offense, date supervision began, and other similar information. One probation and parole officer rhetorically asked, "Why should I have to write down the offender's age and birth date on five different forms?"

Probation and parole officers estimate that any one of several possible improvements could reduce administrative requirements by 15 to 30 minutes per case. This equates to several additional hours available each month for case reviews, home visits, and other tasks that are not accomplished according to department standards.

RECOMMENDATION:

We recommend DOC explore ways to reduce probation and parole administrative paperwork. The department should consider:

- Using preprinted, adhesive labels produced by district office computers containing offender identifying data;

OBSERVATION NO. 22: PROBATION AND PAROLE ADMINISTRATIVE PRACTICES
(Continued)

RECOMMENDATION (Continued):

- Letting offenders complete portions of the form as appropriate;
- Developing new forms to satisfy multiple requirements.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur.

The Bureau of Information Services will be asked to work with a committee of line officers and supervisors to streamline data collection and reporting. This will be an objective in the 1993 operational plan.

OBSERVATION NO. 23: FIELD SERVICES COLLECTIONS

DOC field services district offices collect in excess of \$1 million each year in fines, restitution, and legal fees; however, payment plan arrearage reports on individual offender collection accounts are often inaccurate. In addition the department has no way to measure the effectiveness of its collections effort.

PAYMENT PLAN ARREARAGE REPORTS

DOC's payment plan arrearage reports are often inaccurate. The arrearage reports show individual offender collections accounts and district, region, and statewide totals. The system tracks payments according to a payment plan which specifies how much the offender has agreed to pay at regular intervals.

When an offender falls behind in payments, the system continues to add overdue payments after the total original amount due is reached. As a result reported arrearage amounts often far exceed the original obligation. For example, in one officer's December 1991 caseload we found these examples in the first two pages:

<u>Amount Ordered (\$)</u>	<u>Balance Due (\$)</u>	<u>Total Arrearage (\$)</u>
632.50	332.50	701.30
1,342.00	1,342.00	5,445.00
49.50	49.50	1,633.00
110.00	110.00	330.00

In addition to distorting individual accounts, these errors inflate district, region, and statewide totals.

OBSERVATION NO. 23: FIELD SERVICES COLLECTIONS (Continued)

COLLECTIONS EFFECTIVENESS

DOC has no way to measure the effectiveness of collections. Annual collections summaries reflect total amounts collected by district offices in each collection category. However, they do not specify the amount ordered, the collections requirement for the year, nor the percentage collected. For example, in FY 1991 one field services district office collected \$240,484 and another \$200,622. However, as of June 30, 1991, the first district office had 973 clients and the second one 451. Clearly, the office with fewer clients collected more money per offender than the one with more clients.

In FY 1989 and FY 1990 field services expressed collections in terms of officer average per district. Those figures ranged from a high of \$36,252 per officer in one district office to a low of \$16,219 in another office. The statewide average was \$22,717. Four districts fell below the average, one equalled it, and six exceeded it. While averages are not the most representative figures and are subject to distortion by extreme values, differences of this magnitude reflect differences in collections effectiveness that the department should address.

In addition, collections reports do not reflect which amounts are 30, 60, 90 or more days overdue. This information could tell DOC not only which offenders are most remiss in their obligations, but also which officers are most remiss in their enforcement of these obligations. Commercial accounts receivable software can provide this capability.

RECOMMENDATION:

We recommend DOC payment plan arrearage reports be corrected to enable accurate reporting of offender payments and arrearages.

We further recommend DOC devise a system to better measure field services collections effectiveness. Specifically, our recommendations include:

- Formulating a report that shows annual payments ordered versus payments collected;
- Evaluating commercially available accounting software packages to determine if any could provide more useful information than is currently available;
- Reviewing monthly arrearage reports to determine which officers have a high percentage of accounts in arrears (officers with delinquent accounts should, depending on the particulars of each case, either negotiate a different payment plan, file a violation, or consider substitution of community service for the financial obligation).

OBSERVATION NO. 23: FIELD SERVICES COLLECTIONS (Continued)

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur.

The Payment Plan Arrearage Report revisions have been made and corrected reports have been in production since July.

OBSERVATION NO. 24: COMMUNITY SERVICES SANCTIONS

USE OF COMMUNITY SERVICES AS AN INTERMEDIATE SANCTION

DOC needs to make more use of community service as a sentencing option or as an alternative to payments. Community service can be a viable option for some offenders. The Dover district office as of December 1991 had 53 offenders sentenced to 6,509 hours of community service with 1,765 hours completed. Participating agencies include towns, drug and alcohol crisis centers, group homes, the humane society, drug prevention programs, elderly service agencies, and others.

In Dover most community service cases involved offenders who could not pay court-ordered obligations. The traditional state response in such cases was to file a violation of probation or parole, which often led to incarceration of the offender. Rather than waste court time and fill up jail and prison space, Dover had offenders meet their obligations through community service. The sentence can be amended by filing a motion agreed to by the offender, defense attorney, prosecutor, DOC, and the sentencing court.

DOC estimates that 90% of the Dover district office community service orders emanate from superior court; however, district court support for the program is growing.

The Concord district office has a smaller community service program (25 to 30 people). Most are not on probation or parole, but have been sentenced directly to community service by district courts. Participating agencies include the Red Cross, United Way, Community Action Program, Salvation Army, March of Dimes, and NH Audubon Society. Concord participants are not sentenced to probation and are assigned to the district office only for supervision of community service. Therefore, the district office receives no credit for these cases in the division workload system.

Community service is very limited in the rest of the state. According to a summary prepared by DOC in July 1991, several counties are concerned about liability if an offender is injured or injures someone while performing community service. This concern first surfaced in 1989, and several chief PPOs suggested DOC obtain a master liability policy and use a waiver of liability form for community service.

OBSERVATION NO. 24: COMMUNITY SERVICES SANCTIONS (Continued)

USE OF COMMUNITY SERVICES AS AN INTERMEDIATE SANCTION (Continued)

Community service offers several significant advantages: the offender pays his debt to society, the offender does something that can help his self-esteem, the offender makes positive community contacts, the community benefits from the service, and DOC gains free publicity and demonstrates that community sanctions can be beneficial to the community and the offender.

WORKLOAD REPORT CATEGORY FOR COMMUNITY SERVICE CASES

DOC has no workload report category for field services community service cases. The Concord district office has approximately 30 offenders sentenced to perform community service. Most of these cases originated in district court and are not on probation or parole. Therefore, they do not fit into the supervision levels contained in the workload report. The Concord case technician spends considerable time opening, monitoring, and reporting to the court on these cases, yet receives no credit for this time. The cases appear on the workload report as "unknown."

RECOMMENDATION:

We recommend DOC first work to resolve liability issues and make community service more appealing to state and county officials and then consider proposing implementation of a statewide community service program as appropriate.

We further recommend DOC create a workload report category for community service offenders who are not on probation or parole in order to ensure that district offices receive workload credit for these cases.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur.

A new workload requirement has been created for community service and is now a part of the monthly workload report.

OBSERVATION NO. 25: PLANNING FOR PROBATION AND PAROLE SERVICES

DOC often does not follow up on ways to improve the efficiency and effectiveness of probation and parole services. In recent years field services has invested time in planning for optimum efficiency and effectiveness. Unfortunately, these efforts sometimes ended after the planning stage and good ideas were lost to inaction.

OBSERVATION NO. 25: PLANNING FOR PROBATION AND PAROLE SERVICES (Continued)

For example, in April 1989 field services formed a priorities committee to determine how it could sustain services in light of growing caseloads and static resources. Some committee recommendations have since been adopted. These include abbreviated district court PSIs, modified probation and parole rules forms, and charging fees for annulment investigations. However, other ideas with the potential to save time or improve operations remain dormant. These include:

- Advising DOC's central office when ISP standards cannot be met and devising an acceptable solution;
- Adoption of uniform chronological forms (at least five different forms are in use);
- Implementation of individual risk/needs based supervision for shock incarceration graduates (all shock graduates are now placed on ISP and two chief probation and parole officers whose districts encompass the majority of ISP cases questioned whether all shock graduates warrant intensive supervision);
- Requiring a corrections impact statement for legislation that will affect corrections resources (since 1980, legislation involving minimum mandatory sentences, court reorganization, expanded probation and parole officers powers and duties, bail supervision, and parole eligibility has been passed without regard to effect on the corrections system).

In addition, we noted several internal suggestions that apparently never gained momentum, but appear to have merit. These include:

- Negotiation with the courts to make sure field services commits resources to matters that courts value most;
- Accelerated parole board processing of requests for early termination of parole supervision. This problem has been addressed many times, but continues;
- Early termination eligibility after one third of supervision time for first time probationers who have complied with their conditions and owe no money;
- Limits on the numbers of bail supervision cases assigned to each district office.

One senior probation and parole official noted that the objective is not to tell other agencies that field services can no longer provide certain services, but to enlist the help of these agencies in making sure that resources are focused on services that the courts and the legislature consider most vital.

OBSERVATION NO. 25: PLANNING FOR PROBATION AND PAROLE SERVICES (Continued)

RECOMMENDATION:

We recommend DOC revisit and review priorities committee recommendations and other internal suggestions for improving efficiency and effectiveness of probation and parole services and implement those that still have merit.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

- a. Chief probation-parole officers have been regularly advising the Regional Administrators and the Director of Field Services when ISP standards cannot be met. Additional officers are being requested in the FY'94-95 budget in order to meet workload standards.
- b. Developing and implementing a uniform chronological form will be an objective in the 1993 operational plan.
- c. ISP can be completed by compliant graduates of the Shock program in as little as 90 days.
- d. We would support a legislative initiative to require corrections impact statements prior to enactment of statutes increasing the prisoner population.

OBSERVATION NO. 26: PROBATION AND PAROLE OFFICERS EQUIPMENT AND SUPPLIES

Many PPOs lack basic safety equipment and essential supply items. For example, some district offices have only one portable two-way radio. This is hardly sufficient if more than one officer or a team of officers from the same district office conduct home and field visits at the same time. Without standard two-way radios, officers cannot maintain contact with law enforcement agencies. Because law enforcement personnel are the only backup in emergency situations, such contact is essential.

Additionally, PPOs must purchase their own flashlights. Flashlights are important because officers conduct offender home visits at night in unfamiliar and possibly unfriendly neighborhoods and buildings. Law enforcement officers carry flashlights as part of their standard equipment.

Further, district offices do not have sufficient locking cabinets to guarantee the security of offender case files. For example, in some district offices, records are stored on top of file cabinets, in desk drawers, or in plastic crates on the floor. Unsecured records are accessible to unauthorized persons.

OBSERVATION NO. 26: PROBATION AND PAROLE OFFICERS EQUIPMENT AND SUPPLIES
(Continued)

During the 1989 ACA accreditation on-site visits, evaluators noted that even in secure facilities, unlocked cabinets could allow access to janitorial staff and other service workers in the building. In May 1989, DOC polled all district offices and concluded it would need 25 new file cabinets to satisfy the ACA standards. Budget shortages have precluded the purchase of those new file cabinets.

Also, district offices do not back up their computer hard drive files onto floppy disks. All data are stored only on the hard drive. If the hard drive fails, all data will be lost. District office personnel say they do not have the funds to purchase floppy disks.

RECOMMENDATION:

We recommend DOC take all available measures to provide probation and parole officers with necessary safety equipment and essential supplies.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur.

Funding limitations constrain purchase of additional equipment. Additional funds will be requested for FY'94-95.

OBSERVATION NO. 27: DRUG TESTING CAPABILITIES

DOC cannot test offenders for lysergic acid diethylamide (LSD). The department currently tests offenders for marijuana and cocaine use. Neither the manufacturer of the test equipment nor the division of public health has LSD test capability. Private laboratories can test for LSD, at a cost of approximately \$70 per sample. The department drug testing laboratory supervisor sought but did not receive funding for a pilot LSD test program.

According to DOC, an increasing number of PPOs have seen the need for LSD testing. The ISP caseload contains at least one offender convicted of LSD sales. Drug testing is a very useful and productive tool for PPOs. Some officers believe that LSD is gaining in popularity and is being used by some offenders.

RECOMMENDATION:

We recommend DOC consider committing funds to permit LSD testing for offenders where PPOs suspect LSD use.

OBSERVATION NO. 27: DRUG TESTING CAPABILITIES (Continued)

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

While acknowledging that LSD drug use is a potential problem, the use of other drugs is much more prevalent and testing these drugs provides the greatest level of intervention within the resources available.

OBSERVATION NO. 28: PROBATION AND PAROLE RISK/NEEDS ASSESSMENT FORM

The probation and parole risk/needs assessment currently used by DOC form may not permit the most accurate assessment of offender risk and may be unsatisfactory in several other respects. First, the assessment may not attach sufficient weight to drug history. As the assessment is currently written, frequent alcohol usage warrants a risk score of "4," higher than the risk score for frequent drug usage which warrants only a "2." Given the large number of inmates and community-based offenders with drug problems, the fact that drugs are illegal, and that drugs often cause an offender to resort to crime to fund his or her habit, a strong argument can be made that drug use should be scored at least as high as, or perhaps higher than alcohol.

Second, the risk/needs assessment may not attach sufficient weight to violent offenses. The rating allows two points for burglary, theft, or robbery; three points for worthless checks or forgery; and a maximum total of five points. The rating scale does not address such violent offenses as aggravated assault and aggravated felonious sexual assault. Because violent offenders pose a greater risk to society, we do not understand why DOC does not assess additional points for violent offenses.

Third, the assessment form makes no allowance for the special characteristics of sex offenders. According to one chief PPO, many sex offenders do not fit the "typical" offender mold because they generally are employed, have little or no prior criminal record, and little or no alcohol or drug usage. Often because of those characteristics, sex offenders score low enough on the rating scale to warrant a supervision level too low for the severity of their offense. While DOC has developed a sex offender risk assessment override form to compensate for the "low risk profile" of many sex offenders, we saw no evidence of its use in our audit sample.

Finally, we question the relatively low score given to employment history. The rating system gives only two points to offenders employed less than 40% of the preceding 12 months. This, in conjunction with the few points given for frequent drug use suggests that two serious risk factors might be underrated, especially since there is wide agreement among experts that a high correlation exists between criminal behavior and unemployment and substance abuse.

OBSERVATION NO. 28: PROBATION AND PAROLE RISK/NEEDS ASSESSMENT FORM
(Continued)

RECOMMENDATION:

We recommend DOC consider revising its risk/needs assessment scale to more accurately reflect the higher risk of offenders with drug abuse, high unemployment, and violent offense histories. We further recommend the department use the available sex offender override form where appropriate.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur.

Federal funding for the project is currently not available; however, funding opportunities will continue to be sought.

OBSERVATION NO. 29: FIELD SERVICES TRAINING PROGRAM

DOC's Division of Field Services has developed an impressive in-service training and certification program for PPOs that ACA accreditation personnel described as comprehensive and innovative. The 286 hour program includes training on such topics as the criminal code, search and seizure, supervision and surveillance techniques, first aid, CPR, and firearms safety and qualification.

In our review of the training program we found three areas of concern: program content, program timeliness, and program efficiency.

CONTENT OF FIELD SERVICES TRAINING PROGRAM

The field services training program should encompass more offender treatment and rehabilitation issues. As it is presently constituted, the program is heavily oriented toward law enforcement issues. This may be necessary given the types of offenders routinely supervised; however, there are other subjects worthy of training emphasis. In our interviews with PPOs throughout the state, those officers stated a desire for training in several therapeutically oriented areas. Examples of areas suggested for inclusion were:

- Supervision of offenders with mental health problems;
- Interviewing victims of sexual assault and sexual abuse;
- Dealing with irate, angry, and agitated offenders.

Our audit sample shows those are valid areas of concern. For example, sex offenders comprised 12.4% of our sample and offenders with mental health needs comprised 15.7%.

OBSERVATION NO. 29: FIELD SERVICES TRAINING PROGRAM (Continued)

TIMELINESS OF FIELD SERVICES TRAINING

While it is quite comprehensive, the field services certification program for PPOs may not always be provided in a timely manner. For example, a newly hired PPO assigned to work in the Exeter district office in April 1991 did not receive training in handcuffing methods until October 1991 and search and seizure procedures until November 1991. Those methods and procedures are considered basic to DOC's law enforcement role and without them the officer could not perform home visits, a key facet of probation and parole supervision. The officer eventually received the training during regularly scheduled certification classes.

This six to seven month delay when the new employee could not perform some of the most basic and essential duties was unnecessary and was easily avoidable for two reasons. First, field services employs a full time training officer and three regional field training officers. Second, law enforcement officers in counties and cities across the state are trained in essentially the same procedures and several of them indicated a willingness to open their training programs to PPOs.

EFFICIENCY OF FIELD SERVICES TRAINING PROGRAM

The field services training program contains several financial and logistical inefficiencies. First, until we brought the matter to the commissioner's attention, the field services training officer was paid mileage to travel between Keene, his former assignment, and Concord, his current assignment. Prior to FY 1992 the training officer had use of a state vehicle. The training officer acknowledged that he rarely visited field services district offices in a training capacity. To pay the training officer mileage or to give him a state car to commute to work was inefficient at best.

Prior to assuming his current position, the training officer served as the chief PPO for the Keene district office. Although no longer in the chief's position, he still maintained the large office previously assigned to him in the district office. Office space is at a premium for the three PPOs and one secretary assigned to that district office. For example, the current chief PPO and another officer share one office. This often causes problems with offender counselling and with confidential conversations with law enforcement officers and prosecuting attorneys.

The division training officer also had a state two-way radio in his personal vehicle. The radio was assigned to the Keene district office. DOC officials contended the radio was necessary for the training officer to maintain contact with the prison from the nearby weapons firing range. However, the prison firearms instructor stated that he always accompanied the field services training officer to the range, and always had a vehicle-mounted or hand-held radio. The radio could more efficiently be used by the district office.

OBSERVATION NO. 29: FIELD SERVICES TRAINING PROGRAM (Continued)

RECOMMENDATION:

We recommend DOC monitor training offerings to ensure the PPO training and certification program addresses appropriate offender treatment and rehabilitation issues such as supervision of offenders with mental health problems, interviewing victims of sexual assault and sexual abuse, and dealing with irate, angry, and agitated offenders.

We further recommend DOC compile a list of critical skills in which all new PPOs must be trained within 60 days of their assignment. This list should include all procedures an officer needs to safely and legally perform home and field supervision, searches, seizures, arrests, and investigations. Training should be conducted by the division training officer and field services regional training officers, and supplemented as necessary by local law enforcement agencies.

We further recommend DOC cease mileage payments to the field services training officer for travel between Keene and Concord, consider not assigning him a state vehicle, reassign his two-way radio for use by a district office, and reallocate his office in the field services district office to other probation and parole personnel.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

- a. The 1992 schedule for training has been indicative of an enlarged training agenda.
- b. The field training officer has been assigned to do more decentralized on-site training, which would prevent the delay in training for a new officer, such as the situation described in the Exeter office.
- c. The home office base for the training officer is now in Concord. Mileage payments were stopped, and the radio was assigned to another field officer.

OBSERVATION NO. 30: ADMINISTRATIVE HOME CONFINEMENT

An inmate is traditionally released from prison in one of four ways - by completing his or her maximum sentence, by being paroled by the parole board, by being released on probation after serving part of a sentence, or by a court order reducing or suspending the sentence. DOC has two additional options it uses to release inmates - work study release and administrative home confinement (also known as house arrest). Administrative home confinement is used in conjunction with electronic monitoring.

OBSERVATION NO. 30: ADMINISTRATIVE HOME CONFINEMENT (Continued)

Work study release for inmates is expressly sanctioned by state statute (RSA 651:25 (I)) and administrative rule (COR 309). Inmates released for work study release are housed in community corrections centers (halfway houses) supervised by corrections officers. The administrative home confinement option is similar to work study release except that inmates are housed in private residences and supervised by PPOs through electronic monitoring.

If an inmate has not served sufficient time to be eligible for parole, the statute requires DOC to notify the sentencing court before releasing an inmate for work study purposes.

AUTHORITY FOR ADMINISTRATIVE HOME CONFINEMENT

DOC lacks specific rules for administrative home confinement. According to RSA 651:25, the department is authorized to release an inmate at any time during his or her sentence "for the purpose of obtaining and working at gainful employment or for such other purpose as may be deemed conducive to [the inmate's] rehabilitation, for such times or intervals of time and under such conditions as may be prescribed by the commissioner pursuant to RSA 541-A," (emphasis added). Administrative rules prescribed by DOC pursuant to RSA 541-A relate specifically to the work study release program (COR 309) and home confinement for probationers (COR 310). Neither rule provides for administrative home confinement for prison inmates.

While it is clear that inmates may be released for work, study, or other similar pursuits conducive to rehabilitation, without administrative rules it is unclear exactly how, or if, administrative home confinement differs from work release. The lack of rules for administrative home confinement increases DOC's exposure for potential liability.

PLANNING FOR ADMINISTRATIVE HOME CONFINEMENT

Legal implications aside, DOC appears to have implemented its administrative home confinement program on a statewide basis without sufficient planning and due consideration for such things as possible manpower constraints. For the most part inmates on administrative home confinement are supervised by PPOs at the intensive supervision program (ISP) level, the highest probation and parole supervision level. Field services officials initially favored implementation of administrative home confinement in only Hillsborough and Merrimack Counties because those counties had full time intensive supervision program and because it was felt that field services districts without full time intensive supervision programs might not have the manpower needed to absorb administrative home confinement cases.

While DOC initially anticipated a large number of administrative home confinement cases due to the reduced program cost when compared to the cost of incarceration in prison, this growth has not materialized. However, field services officials have indicated the addition of as few as 20 administrative home confinement cases could cause serious supervision problems for PPOs.

OBSERVATION NO. 30: ADMINISTRATIVE HOME CONFINEMENT (Continued)

RECOMMENDATION:

We recommend DOC consider amending its administrative rules to specifically define and authorize use of administrative home confinement. The rules should also provide for notification to the sentencing court as required by statute.

We further recommend DOC consider adopting procedures that ensure proper planning before implementation of intermediate sanction programs such as administrative home confinement.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We do not concur.

- a. Extensive planning preceded the implementation of the electronic device and the pilot program was successful. A thoughtful decision was made to expand the experiment with some of the inmates on work release who would have the lowest risk of offending. In each instance the court was notified in advance.
- b. In the 1992 session of the legislature a Senate bill was submitted to expand inmates eligible for electronic monitoring. House Judiciary concluded:

"The Commissioner of Corrections already has broad discretion pursuant to RSA 651:25 to release inmates anytime during their sentence for the purpose of obtaining and working at gainful employment or for such other purposes as may be deemed conducive to rehabilitation, which would include electronic monitoring."

- c. Policies and procedures were enacted prior to the implementation of Administrative Home Confinement, and administrative rules were promulgated on March 20, 1992.

OBSERVATION NO. 31: JUDICIAL ASSESSMENT OF PROBATION & PAROLE OFFICERS PERFORMANCE

Although superior and district court justices are generally satisfied with services they receive from DOC's PPOs, some areas could be improved. In our audit survey, we asked the justices to rate the quality of services provided their courts by DOC. A clear majority rated the services very highly. Some of the results of the survey follow.

**OBSERVATION NO. 31: JUDICIAL ASSESSMENT OF PROBATION & PAROLE OFFICERS
PERFORMANCE (Continued)**

<u>Service</u>	<u># Ratings</u>	<u># Excellent/ Good</u>	<u># Satisfactory</u>	<u># Fair</u>	<u># Poor</u>
Probation Supervision	63	54	7	2	0
Presentence Investigations	59	53	4	2	0
Annulment Investigations	56	48	5	3	0
Civil Investigations	10	7	2	1	0
Bail Supervision	35	32	2	1	0
Ability to Pay Investigations	16	8	6	1	1
Collections	26	24	2	0	0

Ratings are similar for DOC's administration of various community supervision programs and for the justices confidence in these programs. The survey also asked justices to suggest changes and improvements that would raise their assessment of or confidence in a program. To avoid influencing the outcome, we offered no suggestions. Areas mentioned by the justices include:

- Timeliness of reports submitted to the courts;
- More thorough investigations (ability to pay/annulment);
- More feedback from PPOs regarding offender performance under supervision and programs offered by the district office (24 of the 48 justices who expressed a preference would like regular progress reports on offenders they have sentenced. It also appears that not all justices are aware of everything Field Services does for the courts. For example, only 31 of 73 (42.5%) justices listed "collections" as one of the services provided by Field Services. In fact, our audit sample revealed that collections cases are well distributed among all district offices);
- More vigorous prosecution of probation violators.

The most commonly cited issue was "more staff." Twenty-six justices stated that insufficient PPO manpower limited program effectiveness. Twenty-three stated that more manpower would increase their confidence in alternatives to incarceration. Narrative comments indicate the majority of justices believe that probation and parole officers are capable, but simply have too many cases and too much work to effectively accomplish everything that is required of them.

RECOMMENDATION:

We recommend several ways for DOC to improve its service to the courts:

- The department should improve communication with the courts. Chief PPOs should meet regularly with justices in their districts.

**OBSERVATION NO. 31: JUDICIAL ASSESSMENT OF PROBATION & PAROLE OFFICERS
PERFORMANCE (Continued)**

- The department should explore ways to increase field services PPO staffing. This may or may not require additional funds but any additional expense should be viewed as an investment towards controlling the long range cost of corrections.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur.

The Director of Field Services will establish expanded channels of communication with individual judges.

The department is requesting additional probation-parole positions in the FY'94-95 budget.

OBSERVATIONS RELATING TO SYSTEMWIDE

PLANNING AND MANAGEMENT

OBSERVATION NO. 32: LONG-RANGE CRIMINAL JUSTICE PLANNING

New Hampshire needs more coordinated long-range criminal justice planning that emphasizes a system-wide strategy for both programs and facilities. Corrections problems in New Hampshire reflect problems experienced by almost every state in the nation. Overcrowded prisons, spiralling budgets, growing probation and parole caseloads, costly construction projects, and continued prison overcrowding are all a part of a national corrections crisis.

Since 1982 the state has spent in excess of \$214 million on operations and maintenance and more than \$65 million on capital facilities in order to cope with a corrections population that has grown an average of 16% annually. The problems are nearly as severe today as when the first prison expansion project started:

- The prison system with 1,600 inmates is over capacity.
- At current rates of growth the new Lakes Region Facility will soon reach its capacity of 300.
- Corrections officials speak of the need to construct another prison by the end of the 1990s.
- New laws continue to prescribe more incarceration and longer incarceration.

The state has moved forward in some instances, not moved at all in others, and moved backwards in still others. Some effort has been made to provide for more system-wide coordination of corrections planning. DOC's Judicial Advisory Council and Citizen's Advisory Council are good examples of this effort.

However, while the state has funded \$66.2 million in capital expansion projects for DOC, two notable instances of lack of movement on planning issues are also worthy of note. First, a comprehensive study of future facilities needs has not been undertaken because funds for this study have never been appropriated. Since 1984, DOC has known from its own population analysis that inmate population projections were exceeding the already planned expansion at the men's prison and the department has consistently sought funding for a study to determine additional housing needs for inmates and the best location for that housing.

OBSERVATION NO. 32: LONG-RANGE CRIMINAL JUSTICE PLANNING (Continued)

Additionally, a 1986 consultant's study on offender population management funded by the legislature, provided DOC with projections relating to prison population through the end of the century, a system for increasing the ability of decision makers to manage prison and corrections populations, and a technical assessment of existing capacity and selected targets for possible expansion. The 1986 study recommended the state formally establish a collaborative body of executive, judicial and legislative leadership charged with refining the state's choices in relation to expansion and develop specific recommendations on the size, location and type of correctional facilities to be built. The suggested collaborative body was never formally established.

DOC is one of the largest general fund agencies with a \$43 million operating budget for fiscal year 1992 and over 700 employees. Adequate planning and research is imperative. However, in 1989, due to mandated reductions in personnel funding, DOC eliminated its only full-time planning and research professional. That person was responsible for coordinating answers to inquiries regarding all aspects of DOC's programs, operations and goals; for coordinating statistics and reports (including DOC's biennial report); for planning courses of action required by statute or operational necessity; and for providing information regarding long-term plans through data research and analysis. With the continued and unpredictable growth of the prison population, the functions of coordinating, accumulating, and examining data and national trends in planning for long-range activities are critical and need to be performed by the department.

In the past DOC has been creative and after budget cuts has reassigned necessary or important functions to remaining employees. For example, the duties of security and investigations were assigned to uniformed corrections officers and training functions were reassigned to a full-time PPO. Perhaps the essential functions of planning and research could be addressed in a similar manner.

RECOMMENDATION:

While we are not advocating a particular planning policy or strategy, we do recommend much greater evaluation of the long term implications of, and the alternatives to, any decision that affects the corrections system as a whole. We specifically recommend:

- DOC continue to restate the urgency for funding of a comprehensive study of future needs for prison facilities;
- DOC work to convene a special commission, composed of executive, legislative, and judicial leadership representative of all elements of the criminal justice system. The work of this commission should be on-going and include the development of a total systems approach to comprehensive, coordinated, long range criminal justice planning;

OBSERVATION NO. 32: LONG RANGE CRIMINAL JUSTICE PLANNING (Continued)

RECOMMENDATION (Continued):

- DOC request the legislature consider requiring a corrections impact statement (similar to the fiscal note requirements of RSA 14:44) for any legislation affecting the corrections system;
- DOC validate the need for a full-time planning and research coordinator and evaluate the suitability of reassigning duties within existing manpower levels.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

We support the need for a State Crime Commission or Criminal Justice Coordinating Council in the behalf that a total systems approach is imperative in order to be effective.

A position is being converted through the State Personnel Office in order to reestablish a Director of Planning position, a position previously lost through State reduction-in-force.

OBSERVATION NO. 33: MANAGEMENT INFORMATION SYSTEM

The lack of a fully automated and fully integrated offender records management system, in addition to being inefficient, carries an unnecessarily high risk of liability for the state. According to DOC officials, miscalculation of such basic information as an inmate's release date can carry a penalty to the state of as much as \$1,000 for each day an offender is mistakenly restrained. Offender records must be managed in the most efficient and cost effective manner possible to assure that the information contained therein is accurate and current.

Our review of the department's management information system focused primarily on two distinct systems. One is a manual system maintained by DOC's Bureau of Offender Records and consists of information on 1600 prison inmates. The other is a computerized mainframe operation maintained by the administrative services data center (ASDC) for DOC's division of field services and contains information on a combined total of 4,600 probationers and parolees.

OFFENDER RECORDS

We made several requests for basic offender information. We requested inmate/patient counts by month over a period of time for the men's prison, the secure psychiatric unit, and the women's prison. The data we received was in three entirely different formats and, in the case of the women's

OBSERVATION NO. 33: MANAGEMENT INFORMATION SYSTEM (Continued)

OFFENDER RECORDS (Continued)

prison and secure psychiatric unit, was of questionable value. The men's prison provided us with helpful information contained in a manually generated "Movement Table." This table has been done monthly since at least 1985 and breaks down inmate information by admissions and releases.

The secure psychiatric unit could only give us a count of patients as of the end of each year. The women's prison searched monthly files to give us a count for the past year and a half of female inmates admitted and released. No total count was given for each month and when we tried to reconcile the number of female inmates based on the ending count, we could not.

MISSING OFFENDER DATA

Data management personnel in DOC and ASDC were unable to produce in a timely manner an ad hoc report we requested concerning population characteristics of offenders on probation and parole. In order to compensate for this problem and obtain the information we needed, we conducted a review of two samples. One of our samples was of probationer files, the other of files on inmates and parolees.

We reviewed a total of 122 files in the two samples. Overall, those files contained considerable information on offenders. We were primarily interested in information to be found in 20 common variables we had identified: age, race, sex, offense, religion, military service, fine or restitution, marital status, education, income, classification, prior probation or parole, family problems, prior convictions, mental health problems, medical problems, substance abuse, sentences, jurisdiction, and number of dependents.

We found some files were either completely lacking data in our areas of concern or contained incomplete data in those areas. Of the 20 variables listed above, there were a number of files with missing or incomplete data in 12 of those areas (numbers in parenthesis indicate number of files in which information was missing or incomplete): education (7), classification (4), income (5), prior probation/parole (18), family problems (27), prior convictions (7), mental health (12), medical (12), substance abuse (12), sentences (11), jurisdiction (6), dependents (18).

In summary, of 2,440 possible cases where we sought information (122 samples x 20 variables) 139 (5.7%) were either missing or incomplete.

FIELD SERVICES

The probation and parole management information system in DOC's Division of Field Services requires substantial improvements. The offender tracking system consists of computer terminals in the field services central office and each district office. These terminals are connected to one of the state's two mainframe computers and also operate as stand alone PCs.

OBSERVATION NO. 33: MANAGEMENT INFORMATION SYSTEM (Continued)

FIELD SERVICES (Continued)

By definition a management information system should give managers data that help them more efficiently and effectively manage operations. While the field services system contains useful data on individual offenders and produces some helpful monthly reports on workload, actions due, and offender status, field services staff at every level revealed that they are far more frustrated with what the system cannot do than they are pleased with what it can do. Major shortcomings include:

- No capability to generate ad hoc reports or quickly retrieve anything but data on individual offenders. Summary reports are generated once a month by the mainframe programmers. Supervisors cannot instantly retrieve workload, caseload, or other summary data. Instead, they must request such data through the department information systems officer, who in turn gives the request to a programmer. The programmer writes, tests, and runs the program and generates the report. The report is then sent to the requesting officer. This process takes several days and does not facilitate rapid decision making.
- Assistance to law enforcement agencies is very limited. For example, if a police department needs a list of probationers or parolees whose offenses are similar to a case under investigation, the division must go through the process outlined above to retrieve the information.
- No ability to provide supervisors with historical data on total caseloads, supervision level, caseload management indicators, and other important information. Programmers maintain this information for 90 days, then purge the files to make room for new data. As a result, the only historical data base that exists consists of stacks of old monthly reports. Any trend analysis data must be manually compiled from these reports.
- Offender tracking system screen formats and entry procedures are time-consuming and screen formats are not "user friendly." Offender data displays are neither well constructed nor well organized and therefore are difficult to read. A better organized format would save time and reduce eye strain.
- Procedures for opening a case, adding data, and changing offender status require much repetition. For example, adding a new offense to a fugitive case requires 21 different steps. Experienced personnel insist that this could be reduced to four or five. Revised, streamlined procedures would save time and money and increase administrative productivity.

OBSERVATION NO. 33: MANAGEMENT INFORMATION SYSTEM (Continued)

FIELD SERVICES (Continued)

- Increased exposure for potential liability. The prison control room receives a monthly field services offender status report that controllers use to answer after duty hours inquiries from law enforcement agencies. Updated reports are produced only once a month, and probation and parole populations change frequently. Field services does not notify the prison control room of changes as they occur in offender status, such as discharge, termination, or downgrade to administrative status. Therefore, a three or four week old report is likely to contain outdated information which, if given to law enforcement agencies, could result in illegal detention of an offender.

RECOMMENDATION:

Although DOC has substantially updated physical facilities in the prison system, to date insufficient capital and operating funds have been provided for updating the system's informational infrastructure. We recommend the following:

- The current manually operated prison inmate records management information system should be replaced as soon as possible with a fully automated system. That system should be responsive to prison and parole board needs and be fully integrated with the field services management information system.
- DOC should consider incorporating the women's prison, secure psychiatric unit, and Lakes Region Facility into a standard, system-wide monthly data reporting system similar to the "Movement Table" used by the men's prison.
- DOC should work to improve its ability to conceive, develop, and generate meaningful, timely, and quality ad hoc data reports for management and staff.
- DOC should seriously consider enhancing its probation and parole management information system with commercially available software packages developed specifically for community corrections programs. Several of these packages address such issues as caseload management, offender data, community service management, and other areas where DOC might work to improve its capabilities.
- DOC should consider improving screen formats and streamline operating procedures for its field services offender tracking system. District office secretaries may be the best sources of ideas for improvements.

OBSERVATION NO. 33: MANAGEMENT INFORMATION SYSTEM (Continued)

RECOMMENDATION (Continued):

- DOC should review measures to reduce the potential for liability because of inefficiencies in its probation and parole offender tracking system. Two possible measures to consider include connecting a computer terminal in the prison control room directly to the field services system or requiring district offices to automatically notify the prison control room of all offender status changes.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

- a. The first phase of prison automation is now out for bids. A fully integrated system will depend on the scope of vendor responses to the RFP and available funds.
- b. Since there are unique aspects to the operation of each facility, there will be some differences in reporting movement. The secure psychiatric unit data was available in the daily population report.
- c. An operational objective for 1993 will be to make field services offender tracking more user friendly. In a test we performed, however, it took 6 or 7 steps, not 21, to add an offense to the fugitive screen.
- d. Linkage to the prison control room is part of an RFP for computer improvements, which is out for bid at this time.

OBSERVATION NO. 34: PROGRAM COST ACCOUNTING AND REPORTING

DOC financial information does not accurately reflect total corrections program costs. Financial information should assist citizen-taxpayers, client-user groups, the media, and legislators in assessing the service efforts, costs, and accomplishments of an agency's program. In our review we found three areas of concern. One area included instances where DOC did not readily identify the agency's total annual expenditures; another area where DOC budgeted funds for one purpose, but expended the funds for another purpose; and another where DOC used a questionable accounting technique to avoid exceeding appropriations. Specifically, we found:

- DOC financial reporting does not identify the cost of principal and interest on capital improvements.

OBSERVATION NO. 34: PROGRAM COST ACCOUNTING AND REPORTING (Continued)

Since 1983 DOC has spent more than \$65 million on capital improvements to facilities at the men's prison, women's prison, and new Lakes Region Facility. These improvements have been or will be financed by proceeds from several twenty year general obligation bond issues. For FY 1992 we estimate that more than \$7.9 million will be spent on debt service for DOC improvements. DOC debt service payments are made from a lump sum appropriation in the State Treasurer's budget and are in addition to the approximately \$35 million appropriated for all other corrections operations.

By not identifying and reporting the cost of principal and interest on corrections capital improvements in the operating budget, the total cost of state correctional programs may be understated by as much as 18.6% annually. This may cause program cost calculations for such things as per diem inmate costs to be affected. Per diem costs may be used as the basis for billing outside agencies for correctional services.

- DOC's field services training officer is budgeted in the Division of Field Services as a full-time probation/parole officer III at an annual salary of \$42,781. The training officer is provided a private office in the Keene district field services office, but has no probation/parole caseload and spends much of his time training prison staff.

According to DOC this arrangement became necessary when the prison firearms instructor was called to active military duty for the Persian Gulf War. The instructor has since returned to the prison but the Commissioner considers the field services training officer to be DOC's most capable firearms instructor and expects him to sustain his current level of service to the prison. The training officer maintains that he typically works 60 hours per week and that field services gets a full week from him regardless of how much time he spends at the prison.

The director of field services acknowledged certain inefficiencies in this arrangement, but considers it acceptable from the broader perspective that everyone in the division of field services works for DOC. The director also described a situation that he feels works in favor of field services. A correctional case manager serves as the institutional probation/parole officer (IPPO). As such the IPPO does most of his work for the division of field services but is paid by the division of adult services. The director of field services hesitates to curtail the prison activities of his training officer and risk losing the services of the IPPO. These arrangements mask the true cost of DOC programs and operations.

- DOC has transferred personnel expenditures of \$52,373 for fiscal year 1991 and \$24,202 for fiscal year 1990 so that the fiscal years would not close out with "negative available balances" in salary accounts.

OBSERVATION NO. 34: PROGRAM COST ACCOUNTING AND REPORTING (Continued)

The business supervisor for DOC informed us that such year end transfers have been done in the past by a few agencies but that it is not the preferred way to handle those situations. The proper procedure for handling negative balances in salary accounts is to use the salary adjustment fund under RSA 99:4 and the employee benefit adjustment account under RSA 9:17c. This involves DOC submitting a letter to the bureau of accounts for certification by the director of personnel and approval by governor and council.

RECOMMENDATION:

In order to facilitate better program cost accounting we recommend:

- DOC report the cost of principal and interest on capital improvements in the agency's annual operating statement or in the alternative the State Treasurer could continue to budget all debt service but clearly identify principal and interest payments attributable to DOC projects.
- DOC allocate expenditures so as to show the true cost of each program within the agency. For example, if the IPPO works for field services, the field services budget should reflect this. Similarly, if the field services training officer spends much of his time training prison staff, the adult services budget should reflect this.
- DOC comply with salary adjustment fund requirements (RSA 99:4) and employee benefit adjustment account requirements (RSA 9:17c) by submitting requests for transfers to the bureau of accounts for preliminary approval, to the director of personnel for certification, and to governor and council for final approval.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

- a. The State Treasurer, not the Commissioner of Corrections, should report costs of borrowing money. To make these changes in our annual operating statements would distort comparisons among Corrections agencies, all of whom report expenditures nationally without adding the costs of interest payments by the State.
- b. Program costs are being adjusted in our FY'94-95 budget submission.
- c. We were instructed by the Department of Administrative Services to make the transfers since the Salary and Benefit Adjustment accounts had no money. These transfers had no effect on the total DOC budget.

OBSERVATION NO. 35: RECIDIVISM OF PRISON INMATES

DOC recidivism calculations do not accurately reflect the criminal activity of former prison inmates and understate the criminal activity of former state prison inmates. Recidivism is the tendency of offenders to repeat or return to criminal activity. Rates reported by the department in recent years are as follows:

1986	25% (estimated)
1988	28% (formula unknown)
1989	18% (five years)
1990	30% (ten years)
1991	19% (eleven years)

The above figures include only former inmates who return to the prison as a result of new crimes or parole violations.

The most comprehensive recidivism study to date is a three-year federal study published in 1989. That study tracked over 16,000 prisoners released in 1983 from prisons in 11 states. It measured recidivism by counting the arrests, convictions, and incarcerations of former inmates. Analysts included felony and serious misdemeanor offenses and counted incarcerations in state prisons and local jails.

Based on the federal model, we conducted a recidivism study of both inmates released from the New Hampshire State Prison and felony offenders sentenced to probation between November 1, 1987 and October 31, 1988. Our sample groups were parolees, inmates released after serving their maximum sentences or released by court order, and felons sentenced to probation. We reviewed criminal history records through November 1991 obtained from the Department of Safety. We considered all arrests, convictions, and incarcerations, and computed the following recidivism rates:

	<u>Arrested (%)</u>	<u>Convicted (%)</u>	<u>Incarcerated (%)</u>
Parolees	46.0	38.0	36.0
Max Out/Court Out	53.5	48.8	30.2
Probationers	50.8	42.4	27.1

RECOMMENDATION:

We recommend DOC revise its recidivism formula to include all measures and levels of criminal activity.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

There are many disparities nationally in definitions of recidivism.

OBSERVATION NO. 35: RECIDIVISM OF PRISON INMATES (Continued)

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS (Continued):

We have attempted, albeit inadequately, to distinguish between returns-to-prison for new crimes versus returns-to-prison for technical violations.

A more comprehensive and consistent definition of recidivism will be included as an objective in the 1993 operational plan.

OBSERVATION NO. 36: COUNTY CORRECTIONS DATA

Few counties fully comply with statutory requirements for information. Counties are required to report annually to the secretary of state the number of county prisoners in each category of criminal offense and the total cost of maintaining prisoners (RSA 30:3). Additionally, RSA 30-B:12 requires county commissioners examine the management, condition, and security of inmates in county correctional facilities and report their findings to the attorney general at least every six months.

ACA data management standards suggest all corrections agencies collaborate on information gathering, exchange and standardization. System-wide collaboration is critical to efficient and effective corrections management. The key to effective collaboration is standardized and shared information. Duplication of effort and costs often can be avoided or reduced by exchange of information.

ACA standards further suggest correction agencies contribute to, have access to, and use an organized system of information storage, retrieval, and review that is part of an overall research, and decision making capacity relative to both inmate and operational needs. Management information systems facilitate decision making, research and timely responses to inmate needs and outside inquiries. They also help ensure protection of the public and efficient and effective use of resources. These functions often are provided by a state-wide correctional system.

While New Hampshire has no state-wide criminal justice service agency, the state and county departments of corrections share a common overall purpose to oversee criminal confinement in their respective jurisdictions. They also cooperate in inmate transfers. In these ways, collaboration and cooperation have been attained among the parties. Augmenting the flow of information among the parties is consistent with the professional relationship characterizing state and county departments of corrections and serves the interests of all affected.

Counties are an integral part of state correctional activities. Many NHSP inmates begin their criminal confinement at the county level. Lack of methodically maintained and reviewed information limits DOC's ability to monitor and modify trends in executing inmate transfers and overall correctional objectives.

OBSERVATION NO. 36: COUNTY CORRECTIONS DATA (Continued)

Lack of available data makes comparison, assessment, and planning for correctional programs and services among jurisdictions at the state and county levels difficult at best.

RECOMMENDATION:

We recommend DOC request the legislature amend RSA 30:3 and 30-B:12 to require counties to submit the required correctional reports in standardized format to DOC instead of the secretary of state and attorney general respectively.

We further recommend DOC be required to provide counties access to such an expanded state-wide correctional data base.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

Though we would be pleased to provide counties access to an expanded correctional data base, this department is not in a position to either require reports of the county or to ask the Legislature to mandate such.

OBSERVATION NO. 37: CAPITAL BUDGET REPORTING REQUIREMENTS

All departments seeking funds for capital expenditures are required to submit requests listing estimates for the cost of the land, construction, furnishings, and equipment. In addition each request must include the square footage, estimates of annual operating and maintenance costs, program descriptions, and number of people involved (RSA 9:3a). In our review of the more than \$65 million in capital budget requests submitted to the Commissioner of Administrative Services by DOC from 1984 to 1991 we found:

- Only two of the total 32 capital projects requests included any estimated operating and maintenance costs and those two contained only partial estimates for personnel services. None of the ten capital projects that were approved had operating and maintenance cost estimates as required.
- At least six of the approved capital projects have resulted or will result in additional operating expenditures, including the Lakes Region Facility where capital improvements costing an estimated \$2 million to construct will cost an estimated \$11 million each biennium to operate.

OBSERVATION NO. 37: CAPITAL BUDGET REPORTING REQUIREMENTS (Continued)

- During construction on a portion of the \$15.4 million Phase V prison expansion project, additional corrections security personnel were required. Appropriations for those personnel had not been included in either the capital budget or the operating budget. \$121,786 was transferred between bureau of security accounts and capital fund accounts to cover the overtime that was worked by security officers. Of that amount, \$17,579 was eventually reimbursed by the contractor. The remainder, \$104,207, was included in a long-term bond issue as part of the capital project budget.

In addition to submitting estimated annual operating and maintenance costs, each state agency with capital budget projects must also submit to the Capital Budget Overview Committee a status report on its capital projects every 60 days (RSA 17-J:4).

DOC has not filed status reports on its capital projects since May of 1989.

RECOMMENDATION:

We recommend DOC prepare estimated operating budgets for each capital budget request, greater care be taken to ensure that overtime and other operating expenditures are not included in long-term state debt, and DOC resume filing capital budget reports as required by the statute. These actions will greatly assist the legislature in identifying total program costs associated with capital projects.

AUDITEE RESPONSE - DEPARTMENT OF CORRECTIONS:

We concur in part.

- a. Our agency has already begun to provide more comprehensive projections of operating costs.
- b. With few exceptions Capital costs were associated with facility renovations and expansion within an existing prison complex. Although there were incremental operating costs, basic operations were already funded.
- c. The Legislature, the Division of Public Works and the Department collaborated on each phase of the master plan for New Hampshire State Prison.
- d. D.O.C. provided input to the Division of Public Works for the required Capital Budget reports.
- e. The department will be more diligent in identifying total program costs associated with Capital projects.

OTHER ISSUES AND CONCERNS



STATE OF NEW HAMPSHIRE PRISON EXPANSION

OTHER ISSUES AND CONCERNS

In this section we present issues reviewed during our audit which we did not develop as formal observations. While not fully developed, these issues are not without significance. DOC, the legislature, and other interested parties may consider them worthy of action or further study; therefore, we have included suggestions where appropriate.

FIELD SERVICES DISTRICT OFFICES

The 1983 executive branch reorganization statute (RSA 21-G:7 (I)) prohibits a department from establishing field operations unless specifically authorized by statute. The Division of Field Services, established as part of DOC in 1983 (RSA 21-H:4,II), operates district offices in North Haverhill, Ossipee, Berlin, Concord, Laconia, Claremont, Keene, Nashua, Manchester, Dover, and Exeter.

It is unclear whether or not DOC has complied with the law regarding field operations. Although we could find no specific statutory authorization for the 11 field services district offices, the department maintains that its reorganization implementation plan submitted pursuant to RSA 17-L authorizes field operations.

ADVISORY COMMITTEES

DOC does not appear to have followed state law when it established its citizens advisory committee and judicial advisory committee. The law (RSA 21-G:11) requires that advisory committees be created by the department commissioner with the approval of the governor. Advisory committee members are to be appointed by the governor with the advice of the commissioner. The department is required to file a record of each advisory committee created with the secretary of state.

ENHANCED SUPERVISION TIER

In September 1991 DOC incorrectly assigned an inmate for 11 days to a newly established, experimental, high security status referred to as the enhanced supervision tier (EST). This security status, higher than regular maximum security, was designed originally for inmates with extreme behavior problems. The inmate in question, whose disciplinary infraction was a halfway house escape or "walk away," did not appear to meet the criteria for assignment to the EST.

OTHER ISSUES AND CONCERNS (Continued)

The EST placement criteria required an inmate to be violent or potentially violent and provided for the most restrictive measures used at the prison: restricted movement, single cells, corrections officers in protective gear (i.e., vest, shield, helmet), handcuffs out of cell, food slots (finger foods for the recalcitrant), mandatory daily room searches, video taped investigations, non-contact visitation only (with attorney waiver), one hour dayroom privilege, limited property (no cords, glass, razors, tv, radio, hot pots, etc.), outdoor recreation five hours a week.

GOVERNOR AND COUNCIL ANNUAL VISITS TO STATE PRISON

RSA 622:6 states, "The governor and council shall be visitors of the state prison and shall annually, and as much oftener as may be proper, visit the prison and see that all regulations made for the government thereof are proper and properly executed."

Records of governor and council visitations are not routinely and historically kept; therefore, we were unable to ascertain whether or not this statutory requirement has been met by all responsible elected officials on a regular, annual basis.

JUDGMENTS AGAINST COMMISSIONER

RSA 622:19 provides for the execution of a judgement against the commissioner of corrections ("... against his goods, chattels, and lands, but not against his body") and RSA 622:20 provides for the removal from office of the commissioner of corrections for failure to pay the judgement. The director of legislative services notes, and we agree, those statutory provisions appear to be obsolete in light of RSA 21-H:8, II(g) which requires the commissioner to furnish a bond as specified in RSA 93-B.

PUBLIC INFORMATION PROGRAM

In a September 1991 editorial following a series of incidents at the state prison one of the state's newspapers praised the commissioner of corrections for the department's achievements, but stated, "He has been ill-served in the area of communicating with the public, and it is precisely openness and communication with the public that is now needed to allay concerns."

Since 1983 the department has instituted many new and innovative institutional and community corrections programs. Yet, media coverage often dwells on negative incidents at the state prison. DOC's lack of a solid, positive public information program means that the department often does not get credit for the good things it has accomplished.

OTHER ISSUES AND CONCERNS (Continued)

DISPARITY IN GOOD TIME PROVISIONS

The different good time provisions for the state prison and county houses of correction may be contributing to overcrowding of the state prison. Offenders sentenced to the state prison cannot be released until they serve their full minimum sentence plus any portion of the additional disciplinary period which they have not reduced by good behavior. Offenders sentenced to a county house of correction may be released for good behavior after serving only two-thirds of their minimum sentence.

As a result of those differing good time provisions, judges who believe an offender deserves at least a 12-month incarceration, may sentence the offender to the state prison, where he must serve at least one year, instead of to the county house of correction, where he could be released after eight months.

EXETER DISTRICT OFFICE

The Exeter district office may have too many officers assigned for its workload or it may not be managing its staff as efficiently and effectively as other urban district offices.

We computed the probation and parole supervision workload in each urban field services district office multiplying the number of offenders in each level of supervision by the minimum number of required face-to-face contacts per month for all offenders for each of those levels (the minimum number of face-to-face contacts per month for each level of supervision are eight for intensive, four for maximum, two for close, one for medium, and one half for minimum). We included only active supervision cases and excluded full-time ISP caseloads, collection only cases, out of state cases, bail supervision, and other administrative cases.

We derived an average number of contacts per officer in each district by totaling the contacts for each office and dividing that total by the number of officers assigned (excluding full time ISP officers and chief probation and parole officers without supervision caseloads). We also calculated the percentage of caseload in each supervision level for each district office. The results of our calculations appear on the following page.

OTHER ISSUES AND CONCERNS (Continued)

	TOTAL MONTHLY REQUIRED CONTACTS							Avg/ PPO
	<u>ISP</u>	<u>MAX.</u>	<u>CLOSE</u>	<u>MED.</u>	<u>MIN.</u>	<u>TOTAL</u>	<u># PPOs</u>	
Manchester	**	320	276	148	13	757	6	126
Dover	64	32	158	191	13	458	4	115
Concord	**	68	216	172	26	482	4	121
Exeter	24	88	190	324	62	688	7	98
Nashua	**	108	128	99	17	352	4	88

CASELOAD BY SUPERVISION LEVEL
(% of Total Caseload)

	<u>ISP</u>	<u>MAX.</u>	<u>CLOSE</u>	<u>MED.</u>	<u>MIN.</u>	<u>UNKNOWN</u>	<u>TOTAL</u>
Manchester	6.0	18.4	31.7	34.0	5.7	4.1	100
Dover	2.7	2.7	26.4	63.9	4.3	0.0	100
Concord	6.1	4.3	27.4	43.6	12.9	5.6	100
Exeter	0.5	3.6	15.5	52.8	21.7	5.9	100
Nashua	17.4	10.0	23.7	36.7	12.2	0.0	100

END NOTES

STATE OF NEW HAMPSHIRE PRISON EXPANSION

ENDNOTES

1. New Hampshire Constitution, Part I, Article 18, (1783). "All penalties ought to be proportioned to the nature of the offense. No wise legislature will affix the same punishment to the crimes of theft, forgery, and the like, which they do to those of murder and treason. Where the same undistinguishing severity is exerted against all offenses, the people are led to forget the real distinction in the crimes themselves, and to commit the most flagrant with as little compunction as they do the lightest offenses. For the same reason a multitude of sanguinary laws is both impolitic and unjust. The true design of all punishments being to reform, not to exterminate mankind."

Also found in Magna Carta, Chapter 20. (1215). "[A] freeman shall not be amerced for a small fault, but after the manner of fault; and for a great crime according to the heinousness of it."

2. Law, Peter W. and Jeffries, Jr., John C. and Bonnie, Richard J., Criminal Law: Cases and Materials, 2nd Ed, 1986.

3. Comparisons between years can often be misleading. For example, in 1982 there were 19 homicides in NH and in 1989 there were 36, a dramatic increase; however, in 1990 there were 21 homicides, a less dramatic increase overall and, given the increase in the state's population, an actual decrease in the homicide rate.

4. BJS Data Report 1989, U.S. Department of Justice, 68.

5. NH RSA 651:2(II) (e)

6. For an excellent series of short articles on prison overcrowding see: Burow, James H. and Trisler, Carl L. "America's Overcrowded Prisons." GAO Journal, Fall 1989, 22-34.

7. Mark D. Corrigan and Associates, Offender Population Management Study, 1986.

8. Prison Population Projections for the Periods 1985-1989, NH Department of Corrections and NH Division of Information Services, 1985.

9. Prison Population Projections for the Periods 1985-1989, NH Department of Corrections and NH Division of Information Services, 1985.

10. Statement of Appropriations, FY 1988.

ENDNOTES (Continued)

11. Louis Berger & Associate, Inc. and Prindle, Patrick & Partners, Ltd., New Hampshire State Prison Facility Study, 1976.
12. Laaman v. Helgemoe, 437 F. Supp., 1977, 269, 282, 325.
13. Laaman Consent Decree, Federal District Court (NH), May 16, 1990. (Named for Jaan Laaman who was sentenced to five years in the NH State Prison for armed robbery in 1966, and paroled in 1968. While on parole, Laaman organized a Students for a Democratic Society chapter at the University of New Hampshire and joined the Yippies. In 1972 Laaman was convicted of bombing the Manchester police station and sentenced to 14 years in prison. While in prison he led the 1975 Christmas riot and sued the state over alleged poor conditions at the prison. According to 1982 NH Senate testimony on the truth-in-sentencing bill, Laaman also served time in California on a weapons charge and, at the time of the testimony, was wanted for killing a New Jersey state policeman and for participating in a gunfight with Massachusetts state police. Laaman is currently serving time in a federal prison.
14. Prison system capacity can be measured in different ways. In this report "design capacity" is defined by ACA standards, "operating capacity" has been determined by DOC; and "LBA capacity" is based on a 1991 GAO report entitled, "Federal Prisons: Revised Design Standards Could Save Expansion Funds."
15. Biennial Report, July 1986 - June 1988. N.H. Department of Corrections, 1988.
16. DOC will be undergoing reaccreditation. On-site visits by ACA are scheduled to be completed in September 1992 and a final report issued by January 1993.
17. 1991 Laws of New Hampshire, Chapter 351:27. We also note that shock incarceration inmates in the men's prison were designated C-4 (close security). Shock incarceration inmates at the Lakes Region Facility will be designated either C-3 (medium security) or C-2 (minimum security).
18. DOC did not request a supplemental appropriation for the Lakes Region Facility.
19. Jankowski, Louis. Probation and Parole 1989. United States Department of Justice report. Washington: GPO, 1990, 1.
20. Guynes, Randall. Difficult Clients, Large Caseloads Plague Probation, Parole Agencies. United States Department of Justice report. Washington: GPO, 1988, 1-4.

ENDNOTES (Continued)

21. Burow, James H. and Trisler, Carl L. "America's Overcrowded Prisons." GAO Journal, Fall 1989, 24.
22. Rosenthal, Cindy S. Opportunities in Community Corrections. Denver: NCSL, 1989, 11.
23. Morris, Norval and Tonry, Michael. "Between Prison and Probation - Intermediate Punishments in a Rational Sentencing System." NIJ Reports, Jan/Feb 90, 8.
24. United States Government Accounting Office. Intermediate Sanctions: Their Impact on Prison Crowding, Costs, and Recidivism Are Still Unclear. Washington: GPO, 1990, 1-48.
25. Science, Vol. 251, March 29, 1991, 1568.
26. Letter from PMR Architects PC to DOC Assistant Commissioner (March 23, 1990) estimated construction cost of an 800 bed prison at \$56 million. Based on that estimate and DOC operating expenses expressed in 1992 dollars, we estimated DOC operating expenses for the year 2000 to be \$64.6 million as follows: \$4.8 million for debt service on \$56 million; \$5.0 million for remaining debt services on \$66.2 million capital improvements program; \$13.2 million for operations related to 800 bed prison (our estimate of annual inmate costs minus debt service component); \$35.8 million for continuation of 1992 DOC operations; and \$5.75 million for operations of Lakes Region Facility.

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UNITED STATES COURT OF APPEALS
FOR THE FIRST CIRCUIT

CHAMBERS OF
HUGH H. BOWNES
SENIOR JUDGE

FEDERAL BUILDING
58 PLEASANT STREET
CONCORD, NH 03301

May 23, 1991

Mr. Michael J. Cunningham, Warden
New Hampshire State Prison
P.O. Box 14
Concord, NH 03302

Dear Warden Cunningham:

After touring the New Hampshire State Prison on Thursday, May 23, I went back to my judicial chambers and re-read the case of Laaman v. Helgemoe, which I wrote in June of 1977. It is evident to me that great and constructive changes have been made in the New Hampshire State Prison since that decision was published on July 1, 1977.

In my order and decree supplementing the opinion I singled out sixteen areas in which specific improvements to the prison were ordered: (1) sanitation; (2) physical facilities; (3) segregation and isolation; (4) food service; (5) fire hazards; (6) staff; (7) medical care; (8) mental health care; (9) classification; (10) protection from violence; (11) work opportunities; (12) vocational training; (13) services and programs; (14) visitation; (15) mail; and (16) harassment. After my tour today it is clear that signal and even revolutionary improvements have been made in all of the areas cited by me in the order.

I was very favorably impressed by the tour of the prison. This is in sharp contrast to the tour that I took in the spring of 1977 before writing my opinion in the Laaman case. At that time the old cellblock was in place, and the old isolation cells were being used. The conversion of the cellblock to classrooms and medical and dental facilities was a great step forward. The elimination of the old isolation cells was long overdue.

Your educational and vocational training programs are innovative, well planned and superbly administered.

One of the things that distressed me in my 1977 tour of the prison was the unsanitary and filthy conditions that prevailed throughout. This is in sharp contrast to the clean, bright, spick-and-span condition in which you and your staff have kept the present prison.

I was very impressed by the medical facilities and the medical care that is guaranteed the prisoners by virtue of the fact that you have a full-time doctor and a compliment of nurses on duty at all times. The dental facilities and dental care available are also impressive.

From what I saw today I think I am justified in concluding that the New Hampshire State Prison is one of the finest institutions of its size in the country.

It is evident that you have surrounded yourself, not only with an outstanding staff, but one that believes that prisoners should be treated as human beings and given an opportunity to return to society better prepared mentally and physically to meet its challenges than when they were committed to prison.

The only reservation I have about the prison is the double-bunking of inmates. I know that this is a necessity at the present time, but I am hopeful that the prison will be able to return to the single-cell institution as originally planned.

I salute you and your staff on doing an outstanding job in a very difficult and demanding field. It is reassuring to know that in New Hampshire, at least, prison inmates are encouraged and given the opportunity to overcome their mental and emotional problems and obtain education and training that will help them become useful members of society.

Yours truly;



HUGH H. BOWNES
Senior Circuit Judge

SELECTED REFERENCES



STATE OF NEW HAMPSHIRE PRISON EXPANSION

SELECTED REFERENCES

Major Issues in Corrections

- Beck, Allen J., and Shipley, Bernard E. Recidivism of Prisoners Released in 1983. U.S. Department of Justice. Washington: GPO, 1986.
- Beck, Allen J., and Shipley, Bernard E. Recidivism of Young Parolees. U.S. Department of Justice. Washington: GPO, 1987.
- Burow, James H., and Trisler, Carl L., eds. "America's Overcrowded Prisons." GAO Journal Fall 1989: 22-34.
- Cohen, Robyn L. Prisoners in 1990. U.S. Department of Justice. Washington: GPO, 1991.
- Grieser, Robert C. Wardens and State Corrections Commissioners Offer Their Views in National Assessment. U.S. Department of Justice. Washington: GPO, 1988.
- Status Report: The Courts and the Prisons. ACLU National Prison Project Report. New York: ACLU, 1990.

Corrections Reform

- "Conference Focuses on Filling the Void Between Prison and Probation." National Institute of Justice Reports, Nov/Dec 1990: 12-17.
- Hale, John H. "Stone Walls Do Not a Prison Make." Governing, March 1991: 9.
- Lemov, Penelope. "The Next Best Thing to Prison." Governing, Dec 1991: 34-39.
- McDevitt, Jack; Pierce, Glenn; & Miliano, Robyn. Evaluation of the Hampden County (MA) Day Reporting Center. Boston: 1988.
- Morris, Norval and Tonry, Michael. "Between Prison and Probation: Intermediate Sanctions in a Rational Sentencing System." National Institute of Justice Reports, Jan/Feb 1990: 8-10.

SELECTED REFERENCES (Continued)

- "Officials Aim to Fill the Gap Between Probation and Prison."
Criminal Justice Newsletter, Sep 17, 1990: 25-28.
- Petersilia, Joan, and Turner, Susan. "The Potential of
Intermediate Sanctions." APPA Perspectives, Spring 1990: 32-36.
- Rosenthal, Cindy S. Opportunities in Community Corrections.
Denver: NCSL, 1989.
- United States. Department of Justice. A Survey of Intermediate Sanctions.
Washington: GPO, 1990.
- . Government Accounting Office. Intermediate Sanctions - Their Impacts
on Prison Crowding, Costs, and Recidivism are Still Unclear.
Washington: GPO, 1990.

Shock Incarceration Programs

- MacKenzie, Doris L., Shaw, James W., and Gowdy, Voncile B.
An Evaluation of Shock Incarceration in Louisiana. Baton Rouge,
LSU, 1990.
- MacKenzie, Doris L. "Boot Camp Prisons: Components, Evaluations, and
Empirical Issues." Federal Probation, Sep 1990: 44-52.
- . Boot Camp Programs Grow in Number and Scope. U.S. Dept
of Justice Report. Washington: GPO, 1990.
- Parent, Dale G. Shock Incarceration: An Overview of Existing Programs.
U.S. Dept of Justice Report. Washington: GPO,
1989.
- Sechrest, Dale K. and Crim D. "Prison Boot Camps Do Not Measure Up."
Federal Probation, Sep 1989: 15-20.

Intensive Supervision Probation and Parole

- Byrne, James. "The Control Controversy: A Preliminary Examination of
Intensive Probation Supervision Programs in the United States."
Federal Probation, Jun 1986: 4-16.
- United States. Department of Justice. Intensive Supervision
Probation and Parole Program Brief. Washington: GPO, 1988.

SELECTED REFERENCES (Continued)

Electronic Monitoring

- Beck, James L., Stein-Saffran, Jody, and Wooten, Harold B. "Home Confinement and the Use of Electronic Monitoring With Federal Parolees." Federal Probation, Dec 1990: 22-31.
- Byrne, James M., Kelly, Linda, and Guarino-Ghezzi, Susan. "An Examination of the use of Electronic Monitoring in the Criminal Justice System." APPA Perspectives, 30-37.
- Renzema, Marc and Skelton, David T. "Use of Electronic Monitoring in the U.S. - 1989 Update." National Institute of Justice Reports, Nov/Dec 1990: 6-8.
- Schmidt, Annesley. "Electronic Monitors: Realistically, What Can Be Expected?" Federal Probation, Jun 1991: 47-53.
- United States. Department of Justice. Electronic Monitoring in Intensive Supervision Probation and Parole Programs. Washington: GPO, 1989.

Drug Treatment

- Frohling, Robert. Promising Approaches to Drug Treatment in Correctional Settings. Denver, NCSL, 1989.

Sentence Reform

- Lemov, Penelope. "Dear Judge: If They Aren't Dangerous, Don't Lock Them Up." Governing, Mar 1990: 42-47.
- Lieb, Roxanne. "Washington State: A Decade of Sentencing Reform." Overcrowded Times 2-4, Jul 1991: 1.
- Miethel, Terrance D. and Moore, Charles A. Sentencing Guidelines: Their Effect in Minnesota. U.S. Dept of Justice Report. Washington: GPO, 1989.
- Minnesota. Sentencing Guidelines Commission. Minnesota Sentencing Guidelines and Commentary. St. Paul: 1990.
- . ---. Summary of 1989 Sentencing Practices for Convicted Felons. St Paul: 1991.
- Randall, Sharon. "Sensible Sentencing." State Legislatures, Jan 89.

SELECTED REFERENCES (Continued)

Rosenthal, Cindy Simon. A Legislator's Blueprint to Achieving Structured Sentencing. Denver: NCSL, 1989.

Strassler, Fred. "Making the Punishment Fit the Crime." Governing, Jan 1989: 36-41.

Washington. Sentencing Guidelines Commission. Sentencing Practices Under the Sentencing Reform Act, FY 1989. Olympia: 1988.

---. ---. Washington Sentencing Guidelines Implementation Manual. Olympia: 1990.

Privatization of Corrections Institutions and Programs

Burright, David K. "The Privatization of Correctional Management: Fad or Future." FBI Law Enforcement Bulletin Feb 1990: 1-4.

Johnson, Byron R. and Ross, Paul P. "The Privatization of Correctional Management: A Review." Journal of Criminal Justice 1990, 18: 351-358.

Logan, Charles H. and McGriff, Bill W. Comparing Costs of Public and Private Prisons. U.S. Dept of Justice report. Washington: GPO, 1989.

Audits and Reports - Other States

Arizona. Office of the Auditor General. Department of Corrections: Bed space Impacts. Phoenix: Dec 1990.

Colorado. State Auditor's Office. Privatization in Colorado State Government. Boulder: Mar 1989.

Florida. Office of the Auditor General. Function and Administration of Parole, as Administered by the Parole and Probation Commission. Tallahassee: Apr 1987.

---. ---. An Overview of Release Policies and Programs. Tallahassee: Dec 1988.

---. House of Representatives. Oversight Report on Non-State Prison Sanctions. Tallahassee: Dec 1988.

SELECTED REFERENCES (Continued)

- Georgia. Department of Audits. Department of Corrections, Division of Probation, Diversion center Program. Atlanta: Jan 1988.
- Maine. Governor's Blue Ribbon Commission on Corrections. Corrections in Crisis: Report of the Governor's Blue Ribbon Commission on Corrections. Augusta: Dec 1985.
- . Legislature. Final Report of the Joint Select Committee on Corrections. Augusta: Dec 1988.
- National Institute for Sentencing Alternatives. Maine Corrections Population. Boston: Nov 1988.
- . Arkansas Corrections Strategic Plan, Volume I: Population Analysis. Boston: Jun 1990.
- . Arkansas Corrections Strategic Plan, Volume II: Task Force Workplan. Boston: Jul 1990.
- New York. Office of the State Comptroller. Performance Audit: Division of Parole, Field Services. Albany: Aug 7, 1990.
- . ---. Performance Audit: Division of Parole, Management Practices. Albany: Sep 10, 1990.
- . ---. Staff Study: High Cost of Imprisonment in New York Vs. Other States. Albany: Mar 1990.
- Tennessee. Division of State Audit. Performance Audit: Board of Paroles. Nashville: Mar 1988.
- . ---. Performance Audit: Department of Corrections. Nashville: Apr 1988.
- . House of Representatives. Report of the Select Oversight Committee on Corrections - State and Local Corrections: A Coordinated Strategy for Tennessee. Nashville: Feb 1989.
- Vermont. Department of Corrections. House Arrest Program. Montpelier: Jul 1989.

New Hampshire Issues

Corrections Planning

- New Hampshire. Correctional Task Force. Comprehensive Corrections Plan for the State of New Hampshire. Concord: Jan 15, 1975.

SELECTED REFERENCES (Continued)

- . Governor's Commission on Crime and Delinquency. New Hampshire Corrections. Concord: 1978.

Crime in New Hampshire

New Hampshire. Department of Safety. Uniform Crime Report. Concord: 1980-1990.

United States. Department of Justice. Sourcebook of Criminal Justice Statistics. Washington: GPO, 1987, 1988, 1989, 1990, and 1991.

Corrections Program Evaluation Criteria

American Correctional Association. Standards for Adult Correctional Institutions. Rockville, MD: 1981.

- . Standards for Adult Parole Authorities. Rockville, MD: 1980.

- . Standards for Adult Probation and Parole Field Services. Rockville, MD: 1982.

NH State Prison Operations

United States. District Court (District of New Hampshire)
Laaman v. Helgemoe 437 F. Supp 269 (1977).

- . ---. Consent Decree, Civil # 75-258, Civil # 77-256, and Civil # 87-301-D. (Commonly known as "Laaman Consent Decree.") Concord: May, 1990.

Henderson, J.D., and O'Brien, J.A. Technical Assistance Visit, New Hampshire Department of Corrections. U.S. Department of Justice report. Washington: National Institute of Corrections: October 1991.

PRISON LOG

NOTICE

The LBA makes no representation that the incidents reported in this Prison Log between July 18, 1991 and August 30, 1991 constitute an accurate description of routine life in the state prison.

The names of DOC personnel and prison inmates have been deleted by the LBA.

This Prison Log contains details of events and language that some readers may find offensive.

ABBREVIATIONS

CCCC = Concord Community Corrections Center
CCR = Central Control Room
CCU = Closed Custody Unit
CI = Confidential Informant
HNK = Hancock Housing Unit
HSC = Health Services Center
MCCC = Manchester Community Corrections Center
MCN = Medium Custody North
MCS = Medium Custody South
MSU = Minimum Security Unit
NHSP = NH State Prison
OIC = Officer in Charge
PAR = Pending Administrative Review
PPO = Probation & Parole Officer
SERT = Special Emergency Response Team
SHP = Summit House Program
SIU = Shock Incarceration Unit
SPU = Secure Psychiatric Unit
TCC = Temporarily Confined to Cell
THC = Tetrahydrocannabinol, active ingredient in marijuana

PRISON LOG
(JULY 18, 1991 - AUGUST 30, 1991)

<u>DAY/TIME</u>	<u>INCIDENT</u>
Entry #1 7/18/91 0230 hrs.	MCCC inmate was returned to the Prison for intoxication. Inmate failed two Alco Sensor tests and was brought back to the Special Housing Unit. Disciplinary Report.
Entry #2 7/19/91 1220 hrs.	CCU inmate was PAR'd to SHU. Inmate refused to move bunks when ordered to do so. Inmate also refused to go out of his cell and be cuffed. Disciplinary Report initiated.
Entry #3 7/19/91 1930 hrs.	During a severe thunder storm power went off throughout the entire Institution. According to reports emergency generators and lights did not come on. Power was restored at 2000 hours. Also Unit 19 reported that a tree limb fell on a staff vehicle. Minor damage reported.
Entry #4 7/19/91 1935 hrs.	SHU inmate was ordered by corrections officer to return to his cell because of the power outage. The Unit was being locked down. Inmate refused. Inmate was again ordered and refused to go back into his cell. Inmate became violent toward corrections officers. Two corrections officers responded to A tier. An officer attempted to escort inmate to his cell and inmate became violent. The four officers attempted to control inmate. Inmate struck three officers in the face with his elbow. Inmate was restrained with the use of handcuffs. Due to the previous incident, SHU inmate was subdued by the four point restraint stretcher. A corrections officer related inmate stood up in the stretcher and started striking the J tier dayroom window with the stretcher, causing the dayroom window to crack. Small pieces of glass were secured as evidence. Disciplinary Reports initiated.
Entry #5 7/19/91 1950 hrs.	SHU inmate was ordered by corrections officer to return to his cell because of the power outage. The Unit was being locked down. The inmate ran off A tier, and into the A tier dayroom. The inmate locked the door and barricaded himself in the dayroom. The inmate walked over to the telephone and ripped the receiver off the box. The inmate started whipping the receiver (still attached to the cable) around his head. Six corrections officers responded to A tier. The officers entered the dayroom and subdued the inmate with the use of handcuffs. A corrections officer was struck in the left rib cage, and a corrections officer was struck above the left eye during the subduing of the

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inmate. This inmate and the inmate in Entry #4 both smelled of homebrew. This inmate's cell was inspected and a container of homebrew was found by a corrections officer. Disciplinary Report initiated.

Entry #6
7/19/91
2000 hrs. Subsequent to the power outage and the previous entries, a number of small fires were set on SHU B, E, and K tiers. They were put out by extinguishers. Also flooding took place on A, B, E, and K tiers. Maintenance was called and shut water off to all affected tiers.

Entry #7
7/20/91 Dorm inmate was PAR'd to SHU for Mental Health review. Dorm staff were contacted and could not give any further information.

Entry #8
7/20/91
1500 hrs. B tier of CCU was searched by a State Police corporal and a police dog. An officer of the Investigations Unit had the B tier inmates taken to the CCU exercise yard. The inmates were strip searched upon reentry to the tier. The exercise yard was also checked. Four prescription pills were found.

Entry #9
7/21/91
1020 hrs. While doing a routine cell shake of a SHU cell, approx. 3-1/2 gallons of homebrew was found in a SHU inmate's foot locker. The homebrew was in a plastic bag with a black tube coming from the bag to a Creamer bottle, possibly containing alcohol. The homebrew consisted of fruit and fruit juices. The inmate admitted to making the homebrew.

Entry #10
7/21/91
1200 hrs. While doing a routine cell shake in a SHU cell, a shank was found. The shank was approximately 4 to 5 inches in length with one end sharpened to a point, fashioned from what appeared to be a set of headphones.

Entry #1
7/22/91
0730 hrs. CCCC inmate was returned to the Prison for being under the influence of alcohol. The inmate, while in CCC office smelled of alcohol and was given two Alco Sensor tests. Both tests resulted in a reading of .010. Disciplinary Report initiated.

Entry #2
7/22/91
1510 hrs. MCS inmate was PAR'd to SHU for conduct which disrupts, use of abusive language, insubordination and failing to obey. While engaged in a conversation with a Unit Manager, the inmate became very loud and abusive. He was given direct orders to calm down. He then began yelling to the Unit Manager that he was a, "fuckin' old man" and hopes he gets another heart attack soon. The inmate also called the Unit Manager, "a fuckin' asshole", was very unruly and would not calm down.

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- Entry #1
7/23/91
1005 hrs. Officers reported smoke coming from the light fixtures in the waiting area of the Health Services Center. Officers responding to HSC found smoke coming from the light fixtures and called Concord Fire Dept. Upon checking the area smoke was also found in the electrical room by the Mail Room. Concord Fire Dept. states possibly generator exhaust being sucked into the air via the recirculation system. It should be noted the smoke did not have the odor of exhaust.
- Entry #2
7/23/91
0845 hrs. Doing a routine search of CCU A tier yard, one shank was found partially stuck in the ground next to the outer wall. The shank is approx. 6 inches in length, made of plexiglass and in the shape of an arrow head. The weapon could not be linked to any one inmate as it was found in a common area.
- Entry #1
7/24/91
1240 hrs. HHK Bldg. inmate was PAR'd to SHU for conduct which disrupts. During Noon count the inmate was banging on the pod door and glass. The inmate wanted to put some request slips in the Control Room drawer. The inmate was advised by a corrections officer to wait until "clear yard". The inmate continued to be disruptive.
- Entry #2
7/24/91
1930 hrs. A corrections officer, upon checking the pitcher's mound in the ball field, found 2 of the 3 spikes which hold the mound in the dirt were missing. The spikes are approximately 5-1/2 inches long, approx. 3/4 inch in diameter, with a flat top and a point at one end. The remaining spike with the rubber mound was secured in the Recreation office.
- Entry #1
7/25/91
1130 hrs. Received a Disciplinary Report indicating CCU inmate threatened to assault an/any officer when he has the opportunity. The inmate stated to staff he wants to return to Connecticut and knows he will be sent back if he hurts an officer. The inmate was PAR'd to the SHU without incident.
- Entry #2
7/25/91
1300 hrs. SHU inmate became disruptive while being interviewed by a corrections officer. The officer ordered two corrections officers to escort the inmate back to his cell. The inmate was handcuffed in the front per Medical Dept. The inmate became very disruptive and started yelling threats at a corrections officer. The inmate then spit in the corrections officer's face. The other two corrections officers tried to restrain the inmate, but the inmate pulled away from one of the officers who had the inmate's left arm. The inmate started to struggle and struck a corrections officer in the mouth with his right elbow. The inmate also spit on the corrections officer's face at this time. Three of the corrections officers restrained the inmate by laying him face down on the floor. The inmate was handcuffed

in the back, and leg irons were put on his legs. The Captains's Office and the Investigations Unit were contacted. An officer of the Investigations Unit responded with the video camera. He filmed the inmate making verbal threats to the corrections officers. The inmate was taken to a cell without further incident. Disciplinary Report initiated.

Note: A corrections officer sustained bruises and two small lacerations to his right elbow. Injuries happened when the inmate was restrained.

Entry #3
7/25/91
1400 hrs. SHU inmate, in the presence of officers, did threaten to stab three corrections officers. The inmate was placed on TCC status and put into a strip cell. Disciplinary Report initiated.

Entry #1
7/27/91
0130 hrs. A corrections officer, while working SHU control, observed a fire in front of a cell. Due to officers on another tier handling a medical emergency and not knowing the extent of the fire, the corrections officer deluged the cell extinguishing the fire. At approx. 0200 other inmates began throwing out trash, linen, and mattresses from their cells and flooding the tier. Another fire broke out in front of a cell. Officers used extinguishers to extinguish the fire. Due to the amount of smoke on the tier, the inmates were evacuated to other dayrooms. Two inmates became disruptive during the move and were TCC'd to other dayrooms. After the smoke cleared, all inmates, except for the two mentioned above, were returned to their cells. Inmates cleaned the tier and the two inmates were returned to their cells by 0539 hours.

Entry #2
7/26/91
1300 hrs. A Hancock Building inmate was taken to the Infirmary with abrasions to his left leg, right arm, a gash to his scalp, fat lip and abrasions to the knuckles. The inmate claimed he fell out of bed. He was taken to Concord Hospital, treated for the head wound and returned to the prison. Approx. 1745 hrs. the inmate approached a corrections officer stating he was not going back to his cell, he wanted to go to SHU. The inmate was informed he would have to give a statement as to why he wanted to go to SHU, and he would have to name names. The inmate refused to give names and was given a direct order to return to his cell. The inmate stated, "Alright, I'll go back to my pod" and something to the effect that there will be trouble or words. At approx. 1920 hrs. a corrections officer saw the inmate while making rounds and the inmate stated to the officer that he was all set, and he will make the best of what happened. The inmate still claims to have fallen out of his bed.

Note: injuries are not concurrent with a fall from a bunk.

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Entry #3
7/26/91
1353 hrs. A Dorm inmate was PAR'd to SHU pending PC review. Inmate alleges his life is in danger because of statements he made against inmates while at the Merrimack County Jail. Also, a MCN Unit Manager received informant information that the inmate was in danger. A corrections officer of the Investigations Unit received a phone call from the inmate's sister stating she had received three phone calls from him stating he was in danger.

Entry #4
7/27/91
1420 hrs. Unit 19 found a vehicle unsecured in MSU parking lot. Upon inspection of the vehicle the following items were found: one set of num-chucks, one PR-24, one knife, an inmate ID, and the keys to the vehicle. Shift commander was notified. Visit was terminated and the owner of the vehicle was escorted to her vehicle. Her keys were returned. All other items were confiscated. No other information available at this time.

Entry #5
7/28/91
1730 hrs. An off duty officer reported to Unit 19 that his blue Dodge Ram 50 pick up was missing from the State Prison overflow parking area. The vehicle was last seen 1730 hrs. on 7/27/91 by an officer and Unit 19A. Concord Police Dept. notified.

Entry #6
7/28/91
1845 hrs. While doing a cell shake in a cell the following items were confiscated: One five dollar bill, five one dollar bills, a Bic butane lighter, three nickels, and three religious medallions. An inmate lives in this cell. Items were found in an envelope with the inmate's name on it.

Entry #7
7/28/91
2250 hrs. While conducting a routine cell shake of an inmate's cell, a possible shank was found in the spine of a book belonging to the inmate. The shank is constructed of a small piece of a mirror, melted into a plastic spoon handle. Disciplinary Report initiated.

Entry #8
7/28/91
2240 hrs. While conducting a routine cell search of an inmate's cell, approx. 3-1/2 gallons of what appeared to be the beginnings of homebrew, orange juice, was found in a plastic bag stuffed in the mattress. At approx. 0915 hrs. that morning, approx. 3-1/2 gallons of homebrew was found in a yellow foot locker in a cell. This cell houses two inmates. The homebrew consisted of fermented fruit juices.

Entry #1
7/29/91
1530 hrs. MCN inmate had a seizure, during which he received a cut to his head. Medical staff were not able to respond. The inmate taken to Infirmary, observed and later returned to Unit.

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Entry #2
7/29/91
1945 hrs. SHU inmate was observed throwing a liquid substance from his cell (J tier). Officers responded to investigate and found the inmate's cell window to be blocked with paper. The inmate was given a direct order to remove the paper from the window. He refused. The inmate also stated after being denied a phone call, "I'll stick you if you open my cell door." A corrections officer was struck in the left eye by a liquid substance thrown by the inmate. An RN was notified and treated the officer with eye wash.

The inmate was placed on TCC status. Officers entered the cell, handcuffed the inmate behind his back and stripped his cell. While the inmate was being placed back into his cell he spit on a corrections officer.

At approx. 2230 hrs., a corrections officer, while making rounds on J tier, was shown a razor blade by the inmate and the inmate put the razor blade to his mouth. The officer observed blood on the inmate's left arm and on his undershorts. Medical treatment was offered but the inmate refused. The Platoon Commander was notified and it was determined that the inmate would need medical attention. The inmate then informed the corrections officer that he changed his mind and did want medical attention. The inmate was given a direct order to put on his pants and shoes. The inmate refused. Officers entered the cell, restrained the inmate and had to physically dress him. The inmate was escorted to the Infirmary, treated and escorted back to SHU where he was placed in the restraint stretcher due to his hostile and assaultive behavior toward staff, and to prevent the inmate from further injuring himself.

Entry #3
7/29/91
2000 hrs. While making parking lot rounds, Unit 19 discovered an unsecured vehicle. A search of the vehicle resulted in one 9-mm full metal jacket round being found. The owner of the vehicle was visiting a MCS inmate. The visitor was called from the visit to report to his vehicle where he was advised that the round had been confiscated and due to the fact that his vehicle could not be properly secured, he would have to remove it from the grounds. The visitor did so without incident.

Entry #1
7/30/91
1238 hrs. HNK inmate became very disruptive in the Hancock Building. The inmate was reported as banging doors and was thought to be a risk to his own and others safety. The inmate was taken to SHU for creating a disturbance. Disciplinary Report initiated.

Entry #2
7/30/91
1910 hrs. MSU inmate was given the two hour limit to provide a urine sample. The inmate failed to comply and was taken to SHU at approx. 1910 hrs. Disciplinary Report initiated.

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Entry #3
7/30/91
2230 hrs. A shank measuring 5 inches long and constructed out of a finger nail file melted into the end of a BIC pen was found in a SHU inmates cell. Disciplinary Report initiated.

Entry #4
7/30/91
2020 hrs. While conducting random vehicle inspections, a corrections officer noticed a vehicle unsecured. The vehicle was searched and one bottle of chemical mace was found. The mace was confiscated and sent to the Investigations Unit.

Entry #1
7/31/91
1230 hrs. SHU inmate was TCC'd and placed in the restraint stretcher after being disruptive and threatening staff. While a corrections officer was doing med call on J tier, the inmate was given his meds, he took the correct dosage from the bottle but would not return the rest. Officers had to enter the cell to retrieve the medication. While bringing the inmate out of the cell officers noticed he had a razor blade in his mouth. The inmate refused several direct orders to give this item up. After being put back into his cell, the inmate then cut his left arm approx. 3 times, then placed the razor back into his mouth. The inmate was taken from his cell to the dayroom where he was placed in the restraint stretcher so as not to further injure himself or staff. While in the stretcher, the inmate using the razor blade, put approx. a 3 to 4 inch slice in the canvas at the top of the stretcher. Officers attempted to put a pillow under the inmate's head to stop any further destruction of the stretcher but the pillow would not stay in place. At approx. 1526 hrs., the inmate spit the razor out of his mouth. Prior to being placed in stretcher restraints, the inmate did receive medical attention for the three superficial cuts on his left arm.

Entry #2
7/31/91 SHP inmate was reclassified to C-3 status and returned to the Prison for failure to adjust to the Summit House Program. No further information could be obtained.

Entry #3
7/31/91
1950 hrs. While conducting security checks of the parking lots, Unit 19 observed a vehicle with alcoholic beverages inside. An attempt was made to find the owner of the vehicle with negative results. Box 1 was advised to watch the vehicle until the owner returned. At approx. 2140 hrs., Box 1 notified Unit 19 that the individual was heading toward the car. The owner/driver of the car was approached by Unit 19 and asked for identification. It was discovered that she was under the age of 21. The shift commander and Concord Police were notified. 8 cans of Budweiser beer were confiscated by a Concord Police officer. Also a summons to appear in court was issued to the driver by Concord PD.

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- Entry #1
8/1/91
1000 hrs.
CCC inmate was returned to the Prison PAR for being out of place and lying to staff. No further information at this time.
- Entry #2
8/1/91
1245 hrs.
CCU inmate was PAR'd for threatening any person and use of abusive, profane/obscene language. The inmate sent a Unit Manager a request slip which was threatening and obscene. Disciplinary Report initiated.
- Entry #3
8/1/91
1400 hrs.
A MCN inmate was taken to SHU pending PC Review. The inmate related several inmates approached him and asked if he was an informant. The Unit Manager received information from several CI's confirming this.
- Entry #4
8/1/91
1540 hrs.
Received information from a PPO concerning a NHSP escapee. The escapee was in the area and attempted to rent a vacation type trailer from a former SIU convict (now under Parole/Probation). Her husband said no, he wanted to sell the trailer, not rent it.
- Entry #5
8/1/91
1825 hrs.
A call came over SHU's radio from their Control Room of, "Inmate down on A-tier." Two corrections officers responded to A-tier and found a SHU inmate kneeling on the floor and bleeding from his mouth. Also, the inmate had bruises on his forehead and complained of being dizzy. The inmate was moved to avoid problems. The inmate related that another SHU inmate had struck him. When asked what provoked the incident, the inmate related he did not know. An RN from the Infirmary examined the inmate. At approx. 0530 hrs., the inmate was moved to an out of state institution and it should be noted that move was not a result of the above incident.
- Entry #1
8/3/91
1900 hrs.
CCCC inmate was returned to the Prison. The inmate, after being given direct orders not to use the telephone, disobeyed the orders and continued to use the telephone. The inmate was returned at approx. 2000 hrs. and is housed in SHU. No information was received as to why his telephone privileges were restricted.
- Entry #2
8/2/91
1410 hrs.
The Investigations Unit received information that a MCS inmate was suspected of making a possible drug drop in the Mental Health area. A corrections officer related she saw the inmate go into the bathroom several times. The officer also witnessed the inmate go into the Library. Later that day another inmate was seen "feeling around" the books in the library by the officer. The officer informed another officer of this incident at approx. 1530 hrs. The second officer contacted a sergeant by radio and searched the second inmate's cell with negative results.
- Note: The first inmate was interviewed and strip searched by a corrections officer with negative results.

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Entry #3
8/4/91
1340 hrs. MCN inmate was video taped being masturbated by his visitor. The visiting room and Captains' Office were notified. The visit was terminated by Investigations. Disciplinary Report initiated.

Entry #4
8/4/91
1400 hrs. MCN inmate was seen by Investigators on the video placing something up his rectum while in the visiting room. The inmate received the item in question from his visitor. A corrections officer conducted a strip search on the inmate with negative results. The inmate was taken to the Infirmary and put in an isolation cell in an effort to obtain this unknown contraband.

Entry #5
8/4/91
1500 hrs. MCN inmate was video taped receiving an item from a visitor. A corrections officer responded and ordered the inmate to spit the item out. The inmate refused to do so and began choking on the item. The inmate was handcuffed and taken to the Infirmary by the officer. Once in the Infirmary, a corrections officer talked with the inmate and convinced the inmate to spit the item out. This was witnessed by four corrections officers. The inmate was taken to SHU and the evidence was secured in the Investigations Unit evidence locker. Disciplinary Report initiated. Contraband was field tested on 8/5/91 and tested positive for marijuana.
Note: the visitor was not arrested. She left the premises before the contraband was received.

Entry #6
8/4/91
1723 hrs. HNK-Bldg. inmate was PAR'd to SHU pending Mental Health review and placed on suicide watch. The inmate received information from his brother that his girlfriend was shot to death. The inmate was emotionally upset and talking about suicide. He was placed in J-tier dayroom on suicide watch.

Entry #7
8/4/91
2215 hrs. SHP inmate reported to a corrections officer that he was going to have a seizure and that he had just taken his medication. The inmate started to have a seizure and he was placed on the floor on his side with pillows and blankets to protect him from injuring himself. The Infirmary was called and advised of the situation and it was requested that a nurse respond. Infirmary stated that they would not send a nurse, the inmate would have to be transported to the Infirmary. A captain was notified. At approx. 2245 hrs. Concord Fire Dept. ambulance arrived per the captain's order and transported the inmate to Concord Hospital.

Entry #1
8/4/91
2340 hrs. A corrections officer found a NH Corrections Academy Training Program Booklet on a table in B tier of CCU while doing routine security rounds. Training personnel have been advised and will attempt to find out who this manual belonged to.

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Entry #2
8/2/91
1435 hrs. Late entry: Received information from a PPO indicating a NHSP escapee was working at a local junk yard. Two corrections officers from the Investigations Unit responded to the area and assisted NH State Police, PPO's and local law enforcement personnel in an effort to apprehend the escapee. The escapee was not located at that location nor at two other known locations. Local law enforcement agencies will continue to monitor reports of sightings and act on them as necessary.

Entry #3
8/5/91
1620 hrs. Received a PAR slip indicating a MCN inmate was moved to SHU pending a PC review board. Information received indicates the inmate is being threatened because of information he provided authorities when an inmate stabbed another inmate in CCU several months ago.

Entry #4
8/5/91
2000 hrs. Received an Incident Report indicating a perimeter patrol officer discovered an unlocked vehicle during routine security checks of vehicles in the Prison parking lot. Inside the vehicle the officer found two full speed loaders. One of the speed loaders had a State Police evidence tag attached to it. The vehicle belonged to an AA volunteer for the Prison. The owner explained he had been involved in a domestic violence situation with his wife which resulted in these items being confiscated previously by State Police and later returned to him. The speed loaders were confiscated and the owner was asked to leave. Evidence secured in the Investigations Unit and will be turned over to State Police.

Entry #1
8/6/91
0830 hrs. Received a lost tool report indicating one dough knife was discovered missing from the kitchen at 0400 hrs. on 8/6/91, during the routine knife count.

Entry #2
8/6/91
1630 hrs. MCN inmate was moved from the Infirmary to a SHU cell for refusing to provide a urine sample. Disciplinary Report initiated.

Entry #3
8/6/91
1710 hrs. SHU inmate was TCC'd in his cell after becoming verbally disruptive and throwing some type of liquid substance on a corrections officer. Disciplinary Report initiated.

Entry #1
8/7/91
0849 hrs. Two SHU inmates were seen fighting on K tier by a Control Room officer. The officer radioed a lieutenant of this. The lieutenant and a corrections officer responded to K tier. Upon entering K tier, one inmate was observed with an 8 inch shank in one hand and a laundry bag with a speaker in it in the other hand. The inmates were still fighting and were ordered to stop fighting. The lieutenant ordered the inmate to drop the weapons. The inmate complied. At this time two additional

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corrections officers responded to K tier. One officer handcuffed an inmate and escorted him to the Prison Infirmary. The other inmate was escorted to his cell and locked in. The weapons were secured. The inmate asked for medical attention and was escorted to the Infirmary. He was treated for a bruised left shoulder and returned to SHU. The other inmate was taken to Concord Hospital and treated for a collapsed lung and possible punctured kidney. He sustained 8 puncture wounds during this altercation with the other inmate. Investigation to follow. Disciplinary Reports initiated.

Entry #2
8/7/91
1345 hrs.

Received a statement indicating as the Prison Transportation team was exiting the vehicle trap at NHSP/W on 8/5/91, the control room officer began shutting the trap gate which struck the right rear quarter panel of the vehicle. The only damage done to the vehicle was some minor scratches in the paint on the right rear quarter panel. No damage was done to the gate.

Entry #3
8/7/91
2300 hrs.

The water to a cell was turned off in SHU after a SHU inmate became disruptive and began to flood his cell and tier. No further information available at this time.

8/8/91
Entry #1
1430

HNK-Building inmate was PAR'd to SHU for being insubordinate to staff, abusive and profane language, refused to move and conduct which disrupts.

Entry #2
1705

CCCC inmate was returned to the prison for threatening. The inmate, who was working at a restaurant in Concord, got into a confrontation with a co-worker and threatened to kill him.

Entry #3
1935

Unit 19A observed and stopped a vehicle on the perimeter road by the ballfield. In the vehicle were two former shock convicts. Their vehicle was searched and both individuals were advised to leave and if they were to return to prison property again they would be arrested. Both individuals left without incident.

Entry #4
2120

Officers were notified by SHU control to respond to B-tier for a fire. Two corrections officers responded and found a "dummy" on fire between two cells. The dummy was constructed with state issue green pants stuffed with newspaper. The fire was extinguished by utilizing a fire extinguisher. As the officers were pulling the dummy off the tier, a comment was made by an unknown inmate. "Take (name of another inmate) off the tier before he burns anymore." There were no injuries to staff or inmates.

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- Entry #5
0910
CCU inmate was moving a pallet with another inmate in the Plate Shop. On the pallet were 150 lb. dies. When lifting a steel die the lower section fell on the first inmate's right foot. He was taken to the infirmary, treated and released back to his unit.
- Entry #1
8/10/91
1021
Hancock Building inmate was PAR'd for conduct which disrupts. The inmate was overheard yelling on B-pod. The inmate was ordered to the office and upon entering the office was told to turn around and put his hands behind his back, he refused. Three corrections officers cuffed the inmate who struggled and resisted until cuffed. No injuries were reported as a result of this move.
- Entry #2
8/10/91
1045
Received information 8/9/91 from CCU Unit Manager indicating a CCU inmate would be receiving drugs from his visitor on 8/10/91. Investigators, on 8/10/91, while monitoring visits, witnessed the inmate receiving an object from his visitor. One officer reported to the visiting room to confiscate the object just as the inmate was passing it to another CCU inmate. Both inmates were taken to SHU and the item was confiscated. A State Police Trooper responded to NHSP and took custody of the visitor, charging him with violating RSA 622:24 and RSA 622:25. The visitor was released on his Personal Recognizance and picked up his vehicle from NHSP parking lot at 1433; disciplinaries have been initiated on both inmates. The item tested positive for THC and is in the possession of NH State Police.
- Entry #3
8/11/91
1530
SHU inmate was founding leaning against his bunk and indicated to a corrections officer that he was urinating blood. The officer noticed the toilet to be filled with red liquid which appeared to be blood. The inmate looked pale and weak. The inmate was taken to the Unit's Medical Room where he was examined by an RN. Concord Fire Department ambulance was requested and transported the inmate to Concord Hospital. The inmate was admitted at the Concord Hospital. The inmate had just returned from the hospital on 8/10/91 where he had been treated for stab wounds.
- Entry #1
8/7/91
Chief Dentist reported that 2 sets of napkin clips were missing from his inventory. These clips are used to hold the napkin type bib on the patient's chest. These alligator type clips, connected by a chain, were last seen on 8/5/91.

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Entry #2
8/12/91
1045 hrs. CCU inmate was PAR'd to SHU for not allowing an inmate to move into his cell. The first inmate took the second inmate's property and put it all on the tier. Other inmates began to join in by telling the second inmate to leave the tier. The first inmate was heard stating, "They're trying to put a skinner in with me." and, "I'll do what has to be done." Disciplinary Report initiated.

Entry #3
8/12/91
1540 hrs. Received information (via phone) indicating a MCCC inmate is being returned to NHSP (SHU) for lying to staff. The inmate had been fired by his employer on 7/17/91, but did not inform MCCC staff. In fact, the inmate continued to sign out for work. Disciplinary Report initiated.

Entry #4
8/12/91
1710 hrs. MCS inmate was taken to the Infirmary complaining of chest pains. Concord Fire Dept. ambulance was requested and transported the inmate to Concord Hospital where he was admitted to the intensive care unit (observation only, non-life threatening).

Entry #5
8/13/91
0030 hrs. PC inmate was PAR'd to SHU for threatening staff. The inmate stated to a corrections officer, "I am tired of _____ and _____ not listening to my situations. If they don't start listening and stop taking my mail, I will have to start killing them." The inmate also made threats towards the Administrator of Security. Disciplinary Report initiated.

Entry #1
8/13/91
1925 hrs. HNK Bldg. inmate informed a corrections officer that another HNK Bldg. inmate had his property stolen that day and his life was in danger. The inmate would not provide any further information. The second inmate was moved to A pod in HNK Bldg. for his safety.

Entry #1
8/14/91
1400 hrs. Late Entry: Received a Student Injury Report indicating on 8/9/91, a CCU inmate stepped on a nail while working in the Prison's carpentry shop. The inmate was treated by Infirmary personnel and returned to his unit. Injury consisted of a small puncture wound on the ball of his right foot. The inmate returned to work in the carpentry shop on 8/12/91.

Entry #2
8/14/91
1845 hrs. A lieutenant from a county house of corrections notified a corrections officer that a county inmate had assaulted 2 county corrections officers and was causing a disturbance at that facility. The corrections officer notified a major, who approved that the inmate move to this facility for the night until the situation can be reviewed on 8/15/91 by the Warden. The inmate was transported by authorities to our Institution and is currently being housed in the Special Housing Unit.

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- Entry #1
8/15/91
1000 hrs. The chief of a local police department related to this office that an inmate might possibly be in danger from another inmate. The chief related that the second inmate's ex-wife was arrested in the company of the first inmate for burglary. Informants have told the chief that the second inmate will either take care of the first inmate himself or pay someone to do it for him. The ex-wife's arrest has caused a custody problem with the second inmate's daughter. She is the mother of the second inmate's daughter. SHU was notified and classification has been made aware of the situation.
- Entry #2
8/15/91
1220 hrs. CCU inmate became very disruptive and threatened two corrections officers. The inmate stated that he would have to stab someone if he did not get to go back to SHU. The inmate was taken to SHU and a Disciplinary Report was initiated.
- Entry #3
8/15/91
1236 hrs. Received information from a corrections officer indicating a NHSP inmate (SHU) was refusing to return to his isolation cell in the Infirmary and possibly had a weapon. A Captain assembled a team of officers (with riot gear) and investigations responded with the video camera. The inmate returned to his cell without incident after speaking to the Captain.
- Entry #4
8/15/91
1710 hrs. An Infirmary inmate threw a liquid substance believed to be urine on a corrections officer. The inmate continues to be disruptive in the isolation cell and at approximately 1900 a team of officers entered the room and stripped the inmate out. The corrections officer's uniform pants are secured in investigations.
- Entry #5
8/15/91
1800 hrs. Count in the Hancock Building resulted in 2 inmates unaccounted for. Concord PD was notified and asked to watch the State Street side perimeter while the prison was locked down for another count. On the 2nd count, both inmates were found in their pods. One inmate stated he was on his way back from a visit during the first count and the other inmate states he was returning from the Print Shop. Both inmates' explanations were checked and confirmed. Prison was returned to normal operations.
- Entry #6
8/15/91
1830 hrs. A corrections officer was struck in the head by a tomato while working in Dining Hall #1. An inmate was taken to SHU PAR.
- Entry #7
8/15/91
1830 hrs. At approximately 1830, a MCCC inmate could not be accounted for. The inmate failed to make his 1630 phone check from his job search and failed to return to the house at his scheduled time - 1700. The inmate was placed on escape status and all proper authorities were notified.

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Entry #1
8/16/91
0900 hrs. The Investigations Unit received information that an escapee was living with his mother. Investigations Unit responded to the residence with a State Police trooper and two local police officers. His mother consented to a search of the premises. The residence searched with negative results.

Entry #2
8/16/91
0900 hrs. CCU inmate was taken to SHU PAR pending PC Review. The inmate alleges to be being threatened by another CCU inmate. The inmate gave a statement to a CCU counselor.

Entry #3
8/16/91 CCCC inmate was taken to SHU pending a Grand Jury indictment of aggravated felonious sexual assault. The inmate was picked up by Investigations at his place of employment.

Entry #4
8/16/91
0815 hrs. An Infirmary inmate was taken from the Infirmary to SPU. The inmate, who was in the isolation room, pulled down the smoke detector, pulled out the electrical outlet, smashed the nurse call button, scratched the walls and vomited and urinated on the floors. The inmate informed a corrections officer that after pulling down the smoke detector and plug outlet, packs of Heroin were found and ingested by the inmate. After the inmate was moved to SPU, Investigations took 8 small packets, with red eagles and ships printed on them, from the cell. The contents of the packets were gone but enough residue was present to be tested and tested positive for Heroin.

Entry #5
8/18/91
1140 hrs. MSU inmate was taken to the Prison Infirmary because the inmate was having an asthma attack. The inmate was put into an isolation cell. At approx. 1950 hrs., a corrections officer received a phone call from the inmate's wife. She alleged that the inmate was locked up in a hot room. The corrections officer investigated the situation but found the problem had been taken care of.

Entry #6
8/19/91 MCS inmate was taken to the Infirmary because the inmate was having breathing problems. It was determined by Infirmary staff that the inmate was suffering from an asthma attack. An RN requested that the inmate be taken to the Concord Hospital ER. The inmate was taken to the ER and returned to NHSP without incident.

Entry #1
8/19/91
0800 hrs. MCS inmate was taken to Concord Hospital Emergency Room for a testicular distortion. The inmate was returned to NHSP at approx. 1241 hrs. and was taken to the Infirmary. The inmate was later returned to MCS.

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- Entry #1
8/20/91
0830 hrs. This Unit was advised by NHSP/W staff on 8/19/91 they received a County inmate. Two hours later they received a tip from the police that the inmate had cocaine in her possession. During a strip search a corrections officer saw something in the inmate's mouth, which the inmate swallowed. The inmate was taken to the hospital, her stomach was pumped, and the evidence retrieved. The inmate was arrested by the police for possession of cocaine upon her return to NHSP/W and will be arraigned on 8/20/91.
- Entry #2
8/20/91
0904 hrs. Received information indicating a SHU inmate, while being brought into the building from exercise yard #3, produced a shank and went after another inmate, who was working with maintenance personnel in the SHU rotunda area in front of E tier. The inmate was subdued by a corrections officer prior to reaching the other inmate. The corrections officer hurt his knee during this incident and was sent to Concord Hospital for x-rays. No other injuries were reported as a result of this incident. Disciplinary Reports initiated. Investigation continues.
- Entry #3
8/20/91
0910 hrs. A corrections officer, while working the Visiting Room, overheard a HNK-bldg. inmate's visitor saying something about escaping. The visitor also stated, "I'll go with them, but I'm not being a part of it. What if your terminology is wrong. You can find someone else to do it, but I'm not gonna." The inmate was interviewed by Investigations and related he and his wife were arguing and the officer must have misunderstood the conversation. The inmate has been approved for parole on or after 10/14/91. The inmate does have time to do in Mass. after paroling from NH. According to Offender Records, he does not have an escape history.
- Entry #4
8/30/91
1530 hrs. CCU inmate was taken to SHU for touching a staff member. A corrections officer related he ordered the inmate to stop. The inmate walked up to the corrections officer and pushed the officer aside. The inmate also became very belligerent to the officer and attempted to strike another corrections officer by swinging at him.
- Entry #5
8/20/91
1600 hrs. HNK Bldg. inmate was taken to SHU pending investigation by the Unit on sexual allegations towards his roommate.
- Entry #6
8/20/91
1955 hrs. HNK Bldg. inmate was moved to SHU for fighting with another inmate. Disciplinary Reports initiated. No injuries reported as a result of this incident.

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- Entry #7
8/20/91
2000 hrs.
A Dorm inmate was moved to SHU for conduct which disrupts. No further information is available at this time.
- Entry #8
8/20/91
2030 hrs.
Received information indicating inmates on I tier in SHU became disruptive by cutting up their mattresses and throwing them out on the tier. Information received indicates the inmates were upset because staff had no Malox to give them. I tier was TCC'd, damaged mattresses removed from the tier. Disciplinary Reports initiated.
- Entry #9
8/20/91
2100 hrs.
This Unit received information that one wrench (1/2 inch size) was found to be missing from the Auto Shop.
- Entry #10
8/21/91
0035 hrs.
Received information indicating the inmates on B tier in SHU became disruptive by throwing paper and trash out onto the tier then starting it on fire. The fire was extinguished by using the fire hose. The inmates on the tier were evacuated due to the heavy smoke on the tier. Officers utilized scot air pairs in putting the fire out. No inmate requested or required medical attention as a result of this incident. A corrections officer went to Concord Hospital due to smoke inhalation. Further information received from a corrections officer indicates the situation was not as serious as the above information would appear. Investigations Unit will look into this matter.
- Entry #1
8/21/91
0700 hrs.
CCR received information that there was an outstanding arrest warrant for a SPU resident, who was released yesterday. The resident was reported to be returning to SPU to retrieve this personal property. CCR notified a corrections officer of this information. At approx. 0728 hrs., the resident was seen walking toward Zone 7. The corrections officer stopped the resident and informed him of the outstanding warrant. The officer handcuffed and did a pat down search on the resident. The resident was taken to Zone 7 and detained until Concord Police Dept. arrived at 0730. The resident was arrested at that time by Concord PD.
- Entry #2
8/21/91
0930 hrs.
This Unit received information from a corrections officer that flammable liquids from the Auto Body Shop were being taken to CCU by inmates. The officer said that a CI told him the flammable liquids were already in CCU and that there was going to be a lot of trouble. A lieutenant was notified of this by the corrections officer. A Creamora container filled with some type of flammable liquid was found hidden in the Carpentry/Auto Body shop area by a sergeant during routine security checks on second

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shift on 8/21/91. Correctional staff are being told at briefing to look for these containers during cell searches. North yard personnel have been advised as well as officers working at the north yard gatehouse.

Entry #3
8/21/91
2000 hrs.
MSU inmate was taken to SHU. The inmate was being interviewed by Investigations for sending threatening letters to a family where his girlfriend had been living. During this interview the inmate became upset when he learned his girlfriend was not living there. Because of the inmate's attitude change he was moved to SHU to prevent a possible walk away from MSU.

Entry #4
8/21/91
2250 hrs.
SHU experienced fires on K and E tiers. J tier inmates also flooded their cells. Extra officers were assigned to the unit to assist in evacuating cells and extinguishing fires. One K tier inmate had to be placed in the stretcher restraint in the J tier dayroom. One K tier inmate, after being placed in one of SHU's dayrooms had to be removed and placed into the holding cell after trying to break the dayroom glass. One K tier inmate was also placed in a dayroom for starting fires. An E tier inmate was moved off E tier for starting fires and placed in a dayroom. SHU reported unit quiet at approx. 0200 hrs.

Entry #1
8/22/91
0930 hrs.
SPU resident was moved for SHU for several write ups he received while in SPU.

Entry #2
8/22/91
1130 hrs.
The Investigations Unit was advised a SHU inmate was on a hunger strike. The inmate is upset over not receiving Malox. All appropriate personnel advised.

Entry #3
8/22/91
1200 hrs.
SHU inmate was TCC'd in his cell for threatening staff. The inmate is upset over losing some personal property when inmates on his tier started fires on the tier the previous evening (8/21/91).

Entry #4
8/22/91
1500 hrs.
MSU inmate was moved to SHU. The inmate was overheard by a civilian road crew supervisor talking to another inmate about escaping from MSU.

Entry #5
8/22/91
1910 hrs.
Inmates on SHU K-tier caused a disturbance by setting fires and throwing State and personal property onto the tier. The entire tier was deluged which extinguished the fires. Inmates on K-tier continued to throw clothes, sheets and mattresses onto the tier. Two inmates also ripped up their mattresses. An investigator responded and video taped K-tier. Inmates could be heard yelling, "This was only the beginning," and "You haven't seen anything yet." SHU remained quiet during 3rd shift.

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Entry #6
8/22/91
2135 hrs. MCCC inmate was taken to SHU for being under the influence of alcohol. Earlier that evening a corrections officer called the inmate and informed him to return to MCCC at once. Upon entering MCCC the inmate was given an Alco Sensor test which tested positive for alcohol. Disciplinary Report initiated.

Entry #1
8/23/91
1100 hrs. A corrections officer was notified by CCU control that an inmate was in the Rotunda having chest pains. Infirmary notified and a nurse responded. Concord Fire Dept. was requested and arrived through Zone #7. Concord Fire Dept. paramedics took over care from the nurse. The inmate was transported to Concord Hospital where he was admitted. It is believed the inmate took 5 nitro pills within approx. 2 hours and has a cardiac history.

Entry #2
8/23/91
1100 hrs. Dorm inmate was PAR'd to SHU for conduct which disrupts and threatening staff. The inmate was yelling at a corrections officer saying, "You are fucking my life up," and accusing the officer of saying he was a skinner and baby raper. The inmate got in the officer's face and began yelling, "Fuck you." The inmate was moved without incident.

Entry #3
8/23/91
1135 hrs. HNK-bldg. inmate was PAR'd for refusing to move. The inmate refused to move from E-pod to F-pod. This is the second time the inmate has refused to move when ordered to do so.

Entry #4
8/23/91
1200 hrs. Eight SHU inmates were moved to I-tier due to their disruptive, assaultive disciplinary history. All moves were completed without incident. One inmate refused to relinquish his cuffs. The inmate was CapStuned and removed to J-tier dayroom where the cuffs were removed. Two corrections officers were spit on through the food slot when they opened it to give this inmate a wet towel for his eyes.

Entry #5
8/23/91
1800 hrs. SHU I-tier inmates started fires on the tier. Deluge system activated. Tier was placed on TCC status. No injuries to staff or inmates reported.

Entry #6
8/23/91
1915 hrs. SHU inmate was taken from SHU to Concord Hospital. The inmate was found on F-tier semi-conscious. Nurses responded and the inmate was conscious but acting "sluggish". Alcohol was found in his blood test results from Concord Hospital. An RN reported this A.M. that it was a small amount of alcohol. The inmate was returned to SHU.

Entry #7
8/24/91
0400 hrs. I-tier inmates being disruptive and starting fires. Inmates attempted to throw feces and urine on the officers and also destroying mattresses. Fires were extinguished with the deluge system and smoke evacuation system initiated. This type of behavior continued until approx. 0930 hrs. No injuries to staff or inmates reported.

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- Entry #8
8/24/91
0810 hrs.
A SHU inmate was placed in stretcher restraints after becoming disruptive in the SHU Rotunda area. The inmate, handcuffed and escorted at the time of the incident, was being moved to A-tier after refusing to accept a temporary cellmate. Escorting officers, assisted by other officers, restrained the inmate. Both officers received minor injuries (a scraped knee and a sore back) but did not seek medical attention. The inmate was seen by an RN after he complained of a sore shoulder. The inmate was later released from stretcher restraints and returned to the cell without further incident.
- Entry #9
8/24/91
0845 hrs.
An I-tier inmate was TCC'd in I-tier dayroom. The inmate became disruptive and tore apart the light fixture in a cell. He proceeded to cut his forearms and smash the light fixture glass, spreading it all over the cell floor. The inmate refused to back up to the door and be cuffed. An extraction team was assembled, but not needed due to the inmate complying with the orders. The inmate was seen by an RN and treated for superficial scrapes to the right forearm.
- Entry #10
8/24/91
1151 hrs.
SHU inmate was placed in stretcher restraints after assaulting two corrections officers in the J-tier dayroom. The inmate charged the dayroom door and tipped over the food cart as the officers were offering him dinner. Neither officer was injured in the incident and the inmate remained in restraints. Mental Health was notified. The inmate was offered medical attention but refused.
- Entry #11
8/24/91
1640 hrs.
SHU inmate was stabbed repeatedly on A tier in SHU. Inmate was taken to Concord Hospital and underwent surgery. The inmate was stabbed between 30 and 40 times in his upper torso and back. The inmate was admitted to the hospital intensive care unit in critical condition. As of 0705 hrs. on 8/26/91, the inmate is still critical and remains in a coma. Investigation continues by State Police and Prison Investigators.
- Entry #12
8/24/91
20435 hrs.
SHU inmate was found dead in his cell. An autopsy performed on the inmate on 8/25/91 determined the inmate died of asphyxiation by strangulation. Investigation continues by State Police and Prison Investigators.
- Entry #13
8/24/91
2315 hrs.
MCCC inmate was moved to NHSP/W as a precaution. Inmate is the mother of the above mentioned inmate (entry #12).

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- Entry #14
8/25/91
1100 hrs.
MCCC inmate was reported as missing at approx. 1145 hrs. The inmate was put on escape status at approx. 1200 hrs. for not returning to MCCC. All proper police agencies were notified. At approx. 1330 hrs., the inmate returned to MCCC. The inmate was taken off escape status and APB canceled. Incident is being handled in-house by MCCC personnel.
- Entry #15
8/25/91
1655 hrs.
SHU inmates started fires on I tier. SHU control used the deluge system and deluged the whole tier. SHU inmates began flooding the tier as a result of this. Maintenance was notified and the water was shut off for I tier.
- Entry #16
8/26/91
0106 hrs.
An inmate was taken to Concord Hospital Emergency Room for a hypoglycemic reaction (blood sugar count down). The inmate is being monitored in the Intensive Care Unit of Concord Hospital. An RN related the inmate will probably remain at Concord Hospital for a couple days.
- Entry #1
8/26/91
0900 hrs.
The SERT team shook A, B, G and N tiers of SHU. Several shanks were found during these shakes. All property that was taken was recorded by a corrections officer and a receipt was filled out on the taken personal property. Disciplinary Reports were initiated on possessions of contraband.
- Entry #2
8/26/91
1200 hrs.
SHU inmate refused to comply with orders from the SERT team officers. CapStun was used and the inmate was moved without injury to inmate or staff.
- Entry #3
8/26/91
1430 hrs.
MCS inmate was moved to SHU for assaulting another MCS inmate near the Unit's recreation room. The assaulted inmate reported to the NHSP Infirmary (unescorted) where he was treated for laceration to the back. The injury was not life threatening but required the inmate to be taken to the Concord Hospital by NHSP Transportation for stitches. A Disciplinary Report has been initiated. The assaulted inmate alleges he does not know how the injury occurred. There were no weapons found. The inmate was returned to the Prison at approx. 1910 hrs. and returned to MCS.
- Entry #4
8/26/91
1515 hrs
Received information from a corrections officer that inmates are upset about the strangulation incident (entry #12 on 8/24/91) and are blaming officers and administration for his death. The officer added he hasn't heard any direct threats, but feels tensions are high with the general inmate population. He also related that a corrections officer received flack from inmates in the NHSP Visiting Room on 8/25/91.
- Entry #5
8/26/91
1755 hrs.
An inmate expired at Concord Hospital. The inmate was being treated in the Intensive Care Unit for multiple stab wounds. The inmate was stabbed repeatedly in SHU on 8/24/91 (entry #11).

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Entry #6
8/26/91
1850 hrs. SHU N-tier had to be evacuated because of a fire started by an inmate. The inmate, while in the dayroom, became hostile and disruptive and was placed in the restraint stretcher. A, B, C, and E tier, at approx 1950 hrs. began flooding and trashing their tiers. Fires were started on B, E and I tier. Deluge system, fire hoses and smoke evacuation system were used in extinguishing the fires. No injury to staff or inmates reported.

Entry #1
8/27/91
0800 hrs. Members of the SERT team completed the task of shaking down the rest of the tiers in SHU. While doing A-tier, 6 shanks were found in the mattress of the bottom bunk of a cell. Two of these shanks still had dried blood on them. The last shank was found in another bunk inside the mattress. Other contraband and altered property were also removed from the cells, along with State property in excess amounts. During these searches there were no injuries to staff or inmates.

Entry #2
8/27/91
1030 hrs. CCU inmate was overheard in the Visiting Room with his visitor stating his life was in danger and that he was going to be killed. A corrections officer, after hearing this, questioned the inmate during the strip search. The inmate related to the officer that people were after him and he was afraid of being a rat but would not name names. A CCU corrections officer talked to the inmate and the inmate, in a written statement, wrote, "I don't feel my life is in danger and I don't wish to take PC."

Entry #3
8/27/91
1930 hrs. SHU inmate's property was searched by a corrections officer. The officer found one metal shank that had not yet been sharpened. Disciplinary Report was initiated.

Entry #4
8/27/91
1930 hrs. A corrections officer did a routine cell search of an inmate's property in SHU. The officer found one metal shank approx. 8 inches long and 1 inch wide with a cloth handle. The shank is sharpened to a point. Disciplinary Report initiated.

Entry #5
8/27/91
2000 hrs. SHU inmate was found in D-tier dayroom with a self inflicted superficial cut to his left arm. The inmate was treated in the SHU medical room by Infirmary staff. The inmate, while being examined told a corrections officer he could not return to D tier or B tier. Other inmates were talking about taking him and also another inmate out. The inmate was moved for his protection.

Entry #6
8/27/91
2115 hrs. An A-Dorm inmate was taken to SHU pending PC review. The inmate related that another inmate confronted him in regards to what his crime was. The second inmate then told the first inmate to sign a request slip to Offender Records requesting copies of all legal paperwork in regards to his crime. The first inmate refused. The second inmate then stated that if he was in for

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"ripping", he would be a dead man. The second inmate went through the first inmate's property, found his records and took them. He then began to tell other inmates in the Dorm what the first inmate was in for. The second inmate also stated he, "wanted to beat the shit out of the first inmate and punch his teeth in." Later that day, the first inmate returned to find his property bagged and his bedding torn off his bed. Disciplinary Report initiated for the second inmate.

Entry #7
8/28/91
0140 hrs.

Two corrections officers responded to a problem on H-tier in SHU. An inmate stated he wanted a "time out" and demanded he be taken to J-tier dayroom. The inmate threatened to "cut up" if he didn't get his way. An officer went to inform OIC officer, and when he returned, the inmate had cut his left wrist. An RN treated the inmate. No further information is available.

Entry #1
8/27/91
1405 hrs.

Late Entry: A corrections officer reported to the unit that the SERT Team lost a pair of pliers while searching cells on K tier. After the pliers were noticed to be missing, another search was conducted of K tier with negative results. SHU staff have been notified of the situation.

Entry #2
8/28/91

Two A-Dorm inmates were PAR'd for fighting. A corrections officer observed one inmate punching the other. When both inmates were questioned neither would relate what happened.

Entry #3
8/28/91

CCU inmate was PAR'd to SHU for causing a disruption in the chow hall. No further information is available.

Entry #4
8/28/91

An A-Dorm inmate was reported as having a seizure. The Infirmary and Investigations Unit were notified. The inmate was taken to the Infirmary and received medical treatment. The inmate was admitted into the Infirmary.

Entry #5
8/28/91
1410 hrs.

MCS inmate was taken to the Infirmary. The inmate was sent to Concord Hospital Emergency Room for an eye injury. A small piece of metal was removed from his eye by medical staff. The inmate was returned to NHSP without incident.

Entry #6
8/28/91
1430 hrs.

CCU inmate was taken to SHU for conduct which disrupts. A corrections officer related the inmate was trying to get several inmates to pack up their property and go to the office. The inmate then wanted all these inmates to start disrupting the Unit. Disciplinary Report initiated.

Entry #7
8/28/91

An anonymous PC inmate told a corrections officer that there would be problems on 9/2/91. The inmate told the officer that SHU would be going off first. When the officers responded to SHU, the rest of the units were going to go off.

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Entry #8
8/28/91
SHU inmate was assaulted on K tier by another inmate. The assaulted inmate was taken to the Infirmary and admitted for possible injuries to his head. Disciplinary Reports initiated.

Entry #1
8/29/91
1010 hrs.
Received information indicating a corrections officer found some homebrew hidden beneath the elevator in the kitchen. The homebrew was disposed of and its contents are unknown.

Entry #2
8/29/91
1448 hrs.
This Unit was notified there was no water to the Prison due to a broken water main located in downtown Concord. Water main was fixed and water restored. No reported problems as a result of this.

Entry #3
8/30/91
0030 hrs.
Two Hancock Building inmates were moved to SHU for fighting. This fight was witnessed by officers. Disciplinary Reports initiated. There were no reported injuries as a result of this fight.

**OFFICE OF LEGISLATIVE BUDGET ASSISTANT
AUDIT DIVISION**

SURVEY OF SUPERIOR AND DISTRICT COURT JUDGES

As part of our audit of the Department of Corrections, we surveyed New Hampshire superior and district court judges to obtain their views on probation programs and services provided by the Division of Field Services. We distributed 111 surveys: 24 to superior court judges and 87 to district court judges. We received 75 (67.6%): 21 from superior courts (87.5%) and 54 from district courts (62.1%). Survey responses are cited in the report section on Field Services. All responses are summarized below.

1. Please indicate the duties that the Department of Corrections, Division of Field Services, currently performs for your court.

Probation Supervision

Yes - 67 (94.4%) No - 4 (5.6%) Missing - 4

Presentence Investigations

Yes - 60 (84.5%) No - 11 (15.5%) Missing - 4

Annulment Investigations

Yes - 58 (81.7%) No - 13 (18.3%) Missing - 4

Civil Investigations

Yes - 7 (10.0%) No - 63 (90.0%) Missing - 5

Bail Supervision

Yes - 35 (50.0%) No - 35 (50.0%) Missing - 5

Collections

Yes - 31 (44.3%) No - 39 (55.7%) Missing - 5

Ability to Pay Investigations

Yes - 19 (27.1%) No - 51 (72.9%) Missing - 5

2. For each task indicated in question 1 please rate the quality of service, using the following scale.

5 - Excellent
 4 - Good
 3 - Satisfactory
 2 - Fair
 1 - Poor

Probation Supervision

Excellent - 29 (46.0%)	Good - 25 (39.7%)	Sat - 7 (11.1%)
Fair - 2 (3.2%)	Poor - 0 (0.0%)	Missing - 12

Presentence Investigation

Excellent - 26 (44.1%)	Good - 27 (45.8%)	Sat - 4 (6.8%)
Fair - 2 (3.4%)	Poor - 0 (0.0%)	Missing - 16

Annulment Investigation

Excellent - 25 (44.6%)	Good - 23 (41.1%)	Sat - 5 (8.9%)
Fair - 3 (5.4%)	Poor - 0 (0.0%)	Missing - 19

Civil Investigation

Excellent - 3 (30.0%)	Good - 4 (40.0%)	Sat - 2 (20.0%)
Fair - 1 (10.0%)	Poor - 0 (0.0%)	Missing - 65

Bail Supervision

Excellent - 16 (45.7%)	Good - 16 (45.7%)	Sat - 2 (5.7%)
Fair - 1 (2.9%)	Poor - 0 (0.0%)	Missing - 40

Ability to Pay Investigations

Excellent - 3 (18.8%)	Good - 5 (31.3%)	Sat - 6 (37.5%)
Fair - 1 (6.2%)	Poor - 1 (6.2%)	Missing - 59

Collections

Excellent - 14 (53.8%)	Good - 10 (38.5%)	Sat - 2 (7.7%)
Fair - 0 (0.0%)	Poor - 0 (0.0%)	Missing - 49

3. For each area you rated less than excellent, please state what must be done to improve it.

Most frequently suggested improvements were:

- More staff	26
- More timely investigations	10
- More thorough investigations	7
- More communication with courts	3
- Better violation prosecutions	2
- Better bail supervision	1

4. Please assess Department of Corrections administration of community sanctions and alternatives to incarceration, using the following scale.

- 5 - Excellent
- 4 - Good
- 3 - Satisfactory
- 2 - Fair
- 1 - Poor

Traditional Probation/Parole

Excellent - 26 (49.0%)	Good - 18 (34.0%)	Sat - 7 (13.2%)
Fair - 1 (1.9%)	Poor - 1 (1.9%)	Missing - 22

Intensive Supervision Probation/Parole

Excellent - 12 (38.7%)	Good - 16 (51.6%)	Sat - 1 (3.2%)
Fair - 1 (3.2%)	Poor - 1 (3.2%)	Missing - 44

Electronic Monitoring

Excellent - 3 (33.3%)	Good - 3 (33.3%)	Sat - 2 (22.2%)
Fair - 0 (0.0%)	Poor - 1 (11.1%)	Missing - 66

House Arrest

Excellent - 3 (37.5%)	Good - 2 (25.0%)	Sat - 2 (25.0%)
Fair - 0 (0.0%)	Poor - 1 (12.5%)	Missing - 67

5. How confident are you that each of the following programs is able to adequately supervise offenders in the community? Please use the following scale.

- 5 - Very confident
- 4 - More confident
- 3 - Confident
- 2 - Somewhat confident
- 1 - Not at all confident

Traditional Probation

Very confident - 26 (42.6%)	More confident - 22 (36.0%)
Confident - 10 (16.4%)	Somewhat confident - 2 (3.3%)
Not at all - 1 (1.6%)	Missing - 14

Intensive Supervision Probation

Very confident - 17 (43.6%)	More confident - 17 (43.6%)
Confident - 2 (5.1%)	Somewhat confident - 2 (5.1%)
Not at all - 1 (2.6%)	Missing - 36

House Arrest

Very confident - 3 (10.3%)	More confident - 9 (31.0%)
Confident - 9 (31.0%)	Somewhat confident - 5 (17.2%)
Not at all - 3 (10.3%)	Missing - 46

Electronic Monitoring

Very confident - 4 (13.8%)	More confident - 13 (44.8%)
Confident - 5 (17.2%)	Somewhat confident - 5 (17.2%)
Not at all - 2 (6.9%)	Missing - 46

Halfway House

Very confident - 5 (15.6%)	More confident - 16 (50.0%)
Confident - 7 (21.9%)	Somewhat confident - 3 (9.4%)
Not at all - 1 (3.1%)	Missing - 43

6. If you are less than very confident in any of the programs in question 5, what improvements/changes would increase your confidence?

Most frequently recommend improvements/changes were:

- More staff	23
- Better communication with courts	6
- Better violation prosecution	2

7. What other programs would you like to add to New Hampshire's range of community sanctions and alternatives to incarceration?

Most frequently recommended programs were:

- Community service	19
- More residential programs and alternatives to incarceration	11
- More staff	7
- Mental health/substance abuse	5
- Job training/education	2
- Juvenile shock incarceration	1
- Collection specialists	1

8. The Department of Corrections has considered creating a High Intensity Supervision unit to expand its capacity for intensive supervision offenders. What is your opinion of this initiative?

Favor - 44 (80.0%)	Possibly - 5 (9.1%)
Oppose - 6 (10.9%)	Missing/No Opinion - 20

9. Currently, the Department of Corrections operates halfway houses in Concord and Manchester. These facilities normally house inmates about to be paroled from the state prison and, occasionally, parole violators. They usually operate at full capacity. If the Department expanded the capacity and number of halfway houses, would you use them as a sentencing alternative?

Yes - 45 (67.2%)	Possibly - 16 (23.9%)
No - 6 (8.9%)	Missing/No Opinion - 8

10. What are your views on requiring offenders who cannot pay court-ordered fines, restitution, legal fees, etc., to perform community service instead?

Favor - 64 (88.9%)	Possibly - 2 (2.8%)
Oppose - 6 (8.3%)	Missing/No Opinion - 3

11. Do you receive any feedback from the Division of Field Services on the progress of offenders you have sentenced to community sanctions or alternatives to incarceration?

Yes - 20 (32.8%)	No - 41 (67.2%)
Missing/No Opinion - 14	

12. If you answered No, please specify what feedback (content and frequency) you would like to receive.

Most frequently specified types included:

- Regular summary reports	26
- When required/when problems arise	9
- Not specified	7
- When requested	5

13. Do you favor or oppose formation of a state committee to develop a comprehensive, coordinated, long range criminal justice system strategy/policy for New Hampshire?

Favor - 53 (81.5%) Oppose - 12 (18.5%)
 Missing/No Opinion - 10

14. If you favor such a committee, what groups do you believe should be represented in its membership?

Legislative branch	Yes - 57 (96.6%)	No - 2 (3.4%)
Judiciary	Yes - 57 (96.6%)	No - 2 (3.4%)
Department of Corrections	Yes - 57 (96.6%)	No - 2 (3.4%)
Attorney General	Yes - 58 (98.3%)	No - 1 (1.7%)
Public Defender	Yes - 52 (88.1%)	No - 7 (11.9%)
Victim Rights Groups	Yes - 41 (69.5%)	No - 18 (30.5%)
Prisoner Rights Groups	Yes - 36 (61.0%)	No - 23 (39.0%)

Others

- County prosecutors
- County houses of correction representatives
- NH Judicial Council
- Federal trial authorities
- Law enforcement officials
- Governor's office
- Press
- Independent criminologists