

**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF CORRECTIONS  
NONSECURITY STAFFING**

**PERFORMANCE AUDIT  
NOVEMBER 2012**



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*To The Fiscal Committee Of The General Court:*

We conducted a performance audit of nonsecurity staffing within Department of Corrections (DOC) prisons to address the recommendation made to you by the joint Legislative Performance Audit and Oversight Committee. We conducted the audit in accordance with generally accepted government auditing standards. Those standards require we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions. The evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

The purpose of the audit was to determine if the DOC efficiently and effectively staffed its prisons with nonsecurity personnel to provide inmate services. The audit period was State fiscal years 2010 and 2011.

*Office of Legislative Budget Assistant*

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November 2012

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Table 3: Correctional Industries Employees And Shop Closures During SFYs 2010 And 2011.....18  
Table 4: Recommended Verses Actual Library Staff By Facility .....19

**Abbreviations**

CC/CM	Case Counselor/Case Manager
DOC	Department Of Corrections
FTE	Full-Time Equivalent
GED	General Educational Development
IWP	Introduction To The Workforce Program
NCF	Northern New Hampshire Correctional Facility
NHSP/M	New Hampshire State Prison For Men
NHSP/W	New Hampshire State Prison For Women
RTU	Residential Treatment Unit
SFY	State Fiscal Year
SHU	Special Housing Unit
SOTS	Sexual Offender Treatment Services
SPU	Secure Psychiatric Unit

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**EXECUTIVE SUMMARY**

While the Department of Corrections (DOC) effectively staffed its prisons with nonsecurity personnel in some service areas during State fiscal years 2010 and 2011, we found six out of 14 services (education, Correctional Industries, career and technical training, library, chapel, and recreation) we reviewed could be provided more effectively with additional staff resources. For example, there were 2 full-time equivalent (FTE) librarians providing services at the State's three prisons, which should be staffed by 3.6 FTEs according to industry standards.

To determine if the DOC was efficiently and effectively staffing nonsecurity services, we examined if the Department was able to effectively provide 14 services to inmates. However, we did not assess the quality of those services. Some services we found may be operating with a minimum level of staffing, which may have negatively affected the provision of services. For example, sexual offender treatment services (SOTS) were being provided during the audit period; however, there was a backlog of inmates needing treatment prior to reaching their minimum parole eligibility date.

Of particular concern was staffing for the New Hampshire State Prison for Women (NHSP/W). Insufficient nonsecurity staffing has been a factor in the State's inability to provide female inmates programs and services "on parity" with those provided to male inmates. Not providing equivalent services puts the State at risk for further legal action and may negatively affect female inmates' rehabilitation.<sup>1</sup>

According to DOC officials, budget constraints have resulted in fewer positions and the Department has had to operate with unfilled positions. Nothing we observed, were told, or reviewed led us to conclude nonsecurity services were overstaffed. We found the DOC augments its State employee staff with inmate labor (e.g., maintenance, patient-care, and clerical work), volunteers (e.g., religious and recreation services), and contracted professionals (e.g., doctors, dental staff, and psychiatrists).

We identified a number of management control weaknesses that may have also affected how the DOC managed nonsecurity staffing, such as its hiring process. For example, although Department personnel stated the number of nursing positions is sufficient to meet inmates' needs, high rates of turnover, coupled with a reportedly inefficient hiring and recruitment process, has resulted in nursing vacancies at all three prisons that may cause service provision to suffer. Additionally, we found the DOC needs to provide SOTS more timely, determine staffing needs for the newly implemented SOTS program, produce preventive maintenance plans for each prison facility, and improve monitoring of dental care.

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<sup>1</sup> Subsequent to the drafting of this report, a lawsuit was filed against the State's DOC Commissioner in August 2012 for failing to achieve parity of services between male and female inmates.

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**RECOMMENDATION SUMMARY**

<b>Observation Number</b>	<b>Page</b>	<b>Legislative Action Required</b>	<b>Recommendation</b>	<b>Agency Response</b>
1	13	No	Provide the Legislature with options for providing parity of services to female inmates.	Concur In Part
2	15	No	Provide all inmates with education and career and technical courses required by legal agreements. Determine whether additional funding may be needed to provide services and request it in the next budget cycle if necessary.	Concur
3	17	No	Determine whether resources can be reallocated to ensure required industry programs are consistently available to inmates; if necessary, seek additional resources to ensure compliance with federal court orders.	Concur
4	19	No	Determine library staffing levels needed to meet court orders and industry standards and reallocate or request additional resources.	Concur
5	21	No	Consider seeking additional resources to ensure religious programming is readily available to inmates.	Concur
6	22	No	Review recreation staffing for all prisons and consider following industry standards, determine whether a uniformed employee is the most cost-effective way of providing recreation services to female inmates, review recreation and hobbycraft staffing patterns at the Concord men's prison, and request resources as needed.	Concur
7	25	No	Review the recruitment and hiring process, establish timeframes for each phase, and reduce internal postings to five days.	Concur In Part

*Recommendation Summary*

<b>Observation Number</b>	<b>Page</b>	<b>Legislative Action Required</b>	<b>Recommendation</b>	<b>Agency Response</b>
8	27	No	Develop a system to track inmates requesting sexual offender treatment services (SOTS), include backlog information in annual reports and budget requests, establish goals for offering SOTS to inmates prior to their minimum parole date, and determine staffing needs for the newly revised treatment program.	Concur In Part
9	29	No	Require and regularly review formal preventive maintenance plans, implement an electronic system to improve management over maintenance requests, and use the information to re-evaluate the number of positions needed at each prison.	Concur
10	31	No	Update dental policy to conform to industry standards and monitor timeliness of appointments.	Concur

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**BACKGROUND**

The Department of Corrections (DOC) was created in 1983 when the Legislature combined the Probation Department, Parole Department, and State Prison into one organization to increase the efficiency and effectiveness of administering correctional programs. The DOC is headed by a Commissioner appointed by the Governor and confirmed by the Executive Council. The Commissioner is responsible for the management of all DOC operations.

One of the DOC's statutory functions is to maintain and administer correctional facilities and programs for the custody, safekeeping, control, correctional treatment, and rehabilitation of inmates. The DOC operates three prisons:

- New Hampshire State Prison for Men (NHSP/M) in Concord,
- New Hampshire State Prison for Women (NHSP/W) in Goffstown, and
- Northern New Hampshire Correctional Facility (NCF) in Berlin.

New Hampshire is unique among the states in physically placing its Secure Psychiatric Unit (SPU) within its prison system. According to DOC officials, the Department's facilities are no longer accredited by the American Correctional Association because of budget cuts. While the DOC attempts to follow American Correctional Association standards, DOC administration acknowledged some standards were not met because of staffing limitations.

**Prison Population**

In State fiscal year (SFY) 2011, the DOC implemented legislatively-directed initiatives to reduce the incarcerated population by attempting to reduce recidivism. According to DOC data, there was a 13 percent decrease in the incarcerated inmate population from SFYs 2010 to 2011. Table 1 presents the in-State offender population between SFYs 2008 and 2011.

**Nonsecurity Prison Staffing**

As of December 2011, the DOC employed 642 full-time and part-time employees at its prisons. Of 274 nonsecurity positions in the prisons, 246 were filled. Nonsecurity personnel provide services needed to maintain and operate prisons, as well as provide direct services and programs to inmates. Because nonsecurity personnel work within the prisons they also have security responsibilities, but they are not certified corrections officers. Some nonsecurity positions and functions needed to operate the prison are required by law, Administrative Rules, consent decrees, or court orders. The DOC uses State employees, contracted personnel, volunteers, and inmates to provide nonsecurity services to the inmate population.

Table 1

**End-Of-Year  
In-State Offender Population**

Facilities	State Fiscal Year			
	2008	2009	2010	2011
NHSP/M	1,418	1,448	1,516	1,363
NCF	567	729	729	601
NHSP/W	149	145	148	107
SPU/RTU <sup>1</sup>	52	49	58	59
Lakes Region <sup>2</sup>	341	50	—	—
<b>Total</b>	<b>2,527</b>	<b>2,421</b>	<b>2,451</b>	<b>2,130</b>

Notes: <sup>1</sup>The SPU provides mental health services to male and female inmates as well as citizens civilly committed by the courts. The Residential Treatment Unit (RTU) provides services to male inmates who are functionally impaired due to mental illness. Both units are located at the NHSP/M.  
<sup>2</sup>The Lakes Region Facility was closed as of SFY 2010.  
Source: 2011 DOC Annual Report (unaudited)

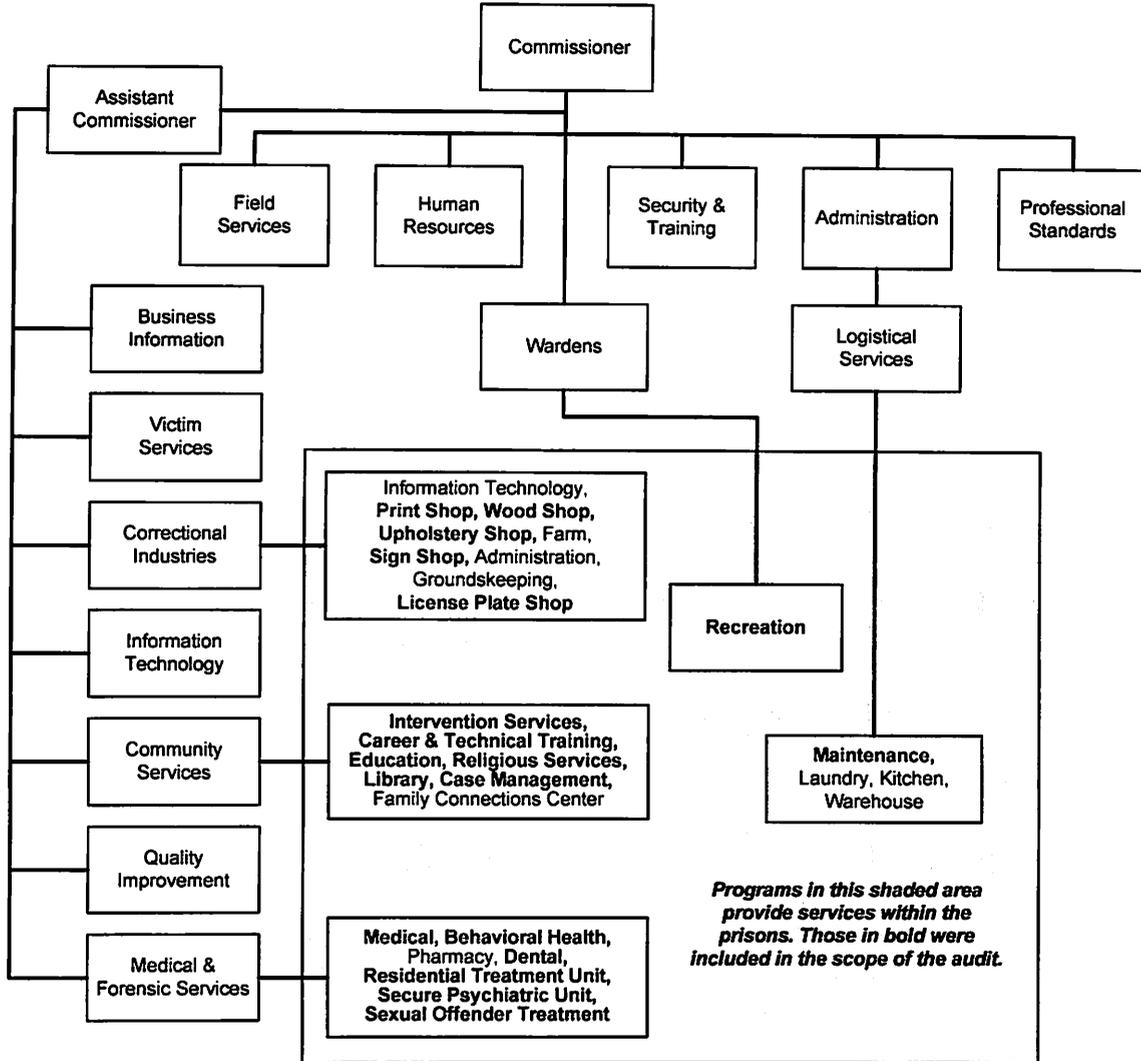
### Prison Services And Programs Reviewed

We reviewed 14 nonsecurity services and programs within the prison system. Based on our planning work, we judgmentally selected the 14 services taking into consideration whether the service 1) had deficiencies in the past, 2) contributed to inmate rehabilitation, 3) was legally required, and 4) was identified as problematic by DOC personnel. Figure 1 presents the lines of authority within the DOC at the end of SFY 2011 and identifies services primarily based within the prisons. While Wardens are responsible for the operations of their prisons, other units within the Department had oversight and responsibility over specific activities.

Because the DOC did not maintain detailed historical staffing information corresponding to SFYs 2010 and 2011, we used the number of personnel for each service area as of January 2012. Similarly, certain data for years before and after the audit period were used to document trends over a time horizon greater than the two-year audit period.

**Figure 1**

**DOC Organizational Chart  
Of Nonsecurity Services For SFY 2011**



Source: LBA analysis of DOC information.

*Maintenance Services*

Maintenance is responsible for repair, remodeling, installation and overall upkeep of the prison facilities; including but not limited to plumbing, heating, ventilation, air conditioning, boiler repairs, welding, carpentry, and electronics.

*Recreation Services*

Each prison has recreational programs intended to encourage good health and promote positive activities. Recreation included participation in intramural sports, art and music education, weight training equipment and free weights, gardening, as well as hobbycraft programs such as woodworking, leather craft, basket weaving, and ceramics. Not all recreation activities were available in all facilities. Wardens oversee recreation staff in their facilities. Inmates' recreation privileges can be revoked for disciplinary issues and only inmates who were discipline-free for 90 days may participate in the hobbycraft program.

*Library Services*

In its 1977 ruling in *Bounds v Smith*, the U.S. Supreme Court required prison authorities provide inmates with adequate law libraries or assistance from persons trained in the law. Each prison provides a library for legal research as well as recreational purposes. Libraries also offer training on legal research, photocopying, notary services, and book clubs. Inmates may only request to visit the library during their non-working time and a librarian is available five days a week to aid in legal research, with the exception of the NHSP/W.

*Case Management*

Case Management provides identification, assessment, treatment, referral to treatment, case counseling, and monitoring of offenders with immediate and measured sanctions for non-compliance actions. Case counselors/case managers (CC/CM) provide support services to inmates such as security classification reassignment and parole planning.

*Educational Programs*

An agreement between the DOC and the New Hampshire Department of Education created the Corrections Special School District, which comprises the Granite State High School and the Career and Technical Education Center within the prison facilities. Depending on the prison facility, inmates have the opportunity to receive a high school diploma or take the General Educational Development tests to receive a certificate of high school equivalency.

*Career And Technical Education Center*

Inmates have the opportunity to learn information technology and business management skills. Upon successful completion of the business management program, inmates receive an Accounting Technician Certificate. Inmates also have the opportunity to earn certification in auto mechanics, small engine repair, and building trades. In addition, the NHSP/W offers a hospitality program to female inmates in its business management program. Vocational programs were not offered uniformly across the prisons.

### *Intervention Services*

Inmates have various programs and services available for rehabilitation, coping techniques, and behavior modification. The programs offer inmates education to aid in changing behaviors. Intervention services include “Living in Balance” and “Thinking for a Change.” The programs cover areas such as drug education, behavioral changes, spirituality, and social and problem-solving skills.

### *Religious Services*

Chaplains and religious volunteers serve inmates’ spiritual needs by providing access to worship, fellowship, and religious studies. Each prison has a chaplain to provide for the needs of its inmates. Chaplains are also required to coordinate religious volunteers and conduct training, monitor religious opportunities for inmates, conduct outreach with religious resources in the community, and provide spiritual guidance for inmates in crisis.

### *Correctional Industries*

Correctional Industries provides job skills and training to inmates; however, the industries are not uniformly provided among the three prisons. Nine programs operate at the NHSP/M, two at the NCF, and none at the NHSP/W. The programs have training components covering safety, quality control, and skill development. Correctional Industries’ goals are to increase sales, profits, and the number of inmates involved in the various programs.

### *Medical Services*

A combination of contracted physicians and State-employed nurses and nurse practitioners provide medical care to inmates at all three prisons. Low- and medium-security inmates at all three sites are able to see medical staff either by submitting a request for a medical appointment, or by attending the prisons’ regularly scheduled sick calls. Maximum security inmates or those on restricted status who are prevented from visiting sick call are supposed to be visited at least once per day by a member of the medical staff. Inmate medical records are maintained by a combination of clerks and medical records technicians. The central medical records office at the NHSP/M is responsible for maintaining records of inmates housed at that facility and at the SPU/RTU as well as records of inmates receiving sexual offender treatment services (SOTS).

### *Mental Health Services*

Inmates receive services from a combination of State-employed psychologists, counselors, and psychiatric social workers, as well as contracted psychiatrists and psychiatric nurse practitioners. Collectively, mental health staff within the prisons conduct mental health screenings; develop, implement, and monitor treatment plans for inmates deemed in need of mental health services; and preside over individual and group therapy sessions. Group therapy sessions are structured around a variety of topics, such as development of socialization and self-discovery skills. Inmates designated as severely and persistently mentally ill are supposed to receive close

psychiatric supervision at regularly scheduled intervals, including intensive, regularly reviewed treatment plans.

#### *Secure Psychiatric Unit And Residential Treatment Unit*

The SPU provides services to individuals civilly committed by the courts and inmates in need of acute psychiatric care. The SPU conducts court-ordered evaluations of male and female individuals to determine their competency to stand trial, as well as conduct assessments regarding their sanity at the time the offense. The SPU also stabilizes patients and provides treatment to allow transition into a less restrictive level of care. In response to court-ordered requirements, the DOC created the RTU to provide services to male inmates who are functionally impaired due to mental illness but not in need of acute psychiatric care. The RTU expanded from 20 to 40 beds in 2012 with the construction of additional space.

#### *Sexual Offender Treatment Services*

The DOC provides sexual offenders access to SOTS. The level of service is based on an assessment conducted by SOTS staff, which may include the use of a polygraph. The goal of treatment is to eliminate sexual victimization by inmates. The DOC offers all male sexual offenders SOTS at the NHSP/M using State employees. Male inmates at the NCF are transferred to the NHSP/M to receive treatment. A contractor provides SOTS to female inmates at the NHSP/W.

#### *Dental Services*

The DOC provides a range of routine and emergency dental care such as exams, x-rays, cleanings, and restorations. Inmates are screened upon admission to the prison system and given a full examination within three months of admission.

Table 2 presents nonsecurity staffing positions for various programs at each prison.

### **Consent Decrees And Settlement Agreements**

Several federal court orders require the DOC to make programs available to the prison population. Many of these orders are in the form of consent decrees, defined as “a judicial decree that sanctions a voluntary agreement between parties in dispute.” Court orders currently in effect include those issued in the cases of *Laaman v Helgemoe* (1978), *Laaman v Powell* (1990 and 1994), and *Holliday v Curry* (2006). Collectively, these orders require the DOC to provide a range of health care services (covering physical, mental, and dental health), educational and vocational programs, and a variety of other services to the prison population. Additionally, a settlement agreement filed in *Laaman v Warden, NH State Prison* (2003) imposed educational, vocational, and treatment requirements not addressed in the previous consent decrees, and a federal court order issued in the case of *Fiandaca v Cunningham* (1992) required the DOC to provide female inmates with facilities, conditions, and programs on par with those provided to male inmates. These orders and settlement agreements directly affect nonsecurity staffing requiring the DOC to provide programs and in some cases identify particular positions the DOC must have.

Table 2

State Positions<sup>1</sup> As Of January 2012

Service	NHSP/M <sup>3</sup>	NHSP/W	NCF	Total
Case Management	8	1	6	15
Education	15 (Shared)		2	17
Career And Technical Training	10 (Shared)		0	10
Intervention	4	2	2	8
Library	1 (Shared)		1	2
Maintenance	13	2	6	21
Nursing <sup>2</sup>	27	6	14	47
Dental <sup>2</sup>	3 (Shared)		2	5
Mental Health <sup>2</sup>	7	0	2	9
Medical Records	6	0	2	8
Sexual Offender Treatment <sup>2</sup>	6	0	0	6
Recreation	3	1	1	5
Religious Services	1	0	1	2
Correctional Industries	17	0	2	19
<b>Total</b>				<b>174</b>

Notes: <sup>1</sup> Filled and vacant positions; does not include program administrators.  
<sup>2</sup> Services also provided by contractors.  
<sup>3</sup> NHSP/M positions include positions assigned to the SPU/RTU.

Source: LBA analysis of January 2012 DOC organizational charts and other DOC information.

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**PROVISION OF SERVICES**

Prison management must ensure it provides cost-effective services while simultaneously ensuring compliance with laws, rules, policies, procedures, and legal requirements. In 1976, inmates filed a lawsuit to improve the level of services at the New Hampshire State Prison for Men (NHSP/M). The resulting consent decree and its subsequent amendments, as well as a federal court order requiring parity of services for female inmates, still directly affect nonsecurity staffing in several program areas. Despite these legal agreements and other requirements, we found low staffing levels negatively impacted service delivery in several areas. As a result, the Department of Corrections (DOC) was unable to provide services to female inmates on parity with those provided to male inmates. We found some required education, as well as career and technical education courses, were not available; some religious programming responsibilities were not fulfilled; and Correctional Industries programs were not consistently available to all inmates. In addition, library services were disproportionate between the three prisons and staffing patterns affected the NHSP/M's ability to provide recreation services to inmates.

**Observation No. 1**

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***Ensure Parity Of Services For Male And Female Inmates***

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During the audit period, the DOC did not provide the same level of programs and services to male and female inmates. The New Hampshire State Prison for Women (NHSP/W) facility and staffing levels did not permit the DOC to provide comparable level of services for female inmates. We identified a number of services not being equally provided, including:

- vocational programs,
- Correctional Industries programs,
- intervention services,
- recreational services, and
- library services.

We note some services, including library services and intervention services, depend more on staffing resources rather than an improved facility.

Several court orders require the DOC to make various programs available to the prison population. Many of these orders are in the form of consent decrees that sanction a voluntary agreement between parties in dispute. These orders and settlement agreements directly affect nonsecurity staffing in that they commit the DOC to providing certain programs and services. In *Fiandaca v. Cunningham* (1992), the U.S. District Court for the District of New Hampshire ordered the DOC to provide female inmates “with a facility, conditions of confinement and programs and services on parity with those provided to male New Hampshire State prisoners.”

The DOC risks further legal action if it does not provide services to female inmates on par with male inmates. Consent decrees and settlement agreements can force the State to make any number of corrective actions and can involve court oversight for many years, thereby reducing the flexibility the DOC and the State have in making programmatic and financial changes in the future. Additionally, by not providing female inmates with similar rehabilitation opportunities, the DOC may be increasing the chances of female inmates returning to prison.

**Recommendation:**

**We recommend the DOC submit to the Legislature options to provide services to female inmates on par with male inmates as required by court order, either before or by the 2014-2015 budget cycle.**

**Auditee Response:**

*Concur In Part.*

*We concur in part with the recommendation that the DOC submit to the Legislature options to provide services to female inmates on par with male inmates as required by court order. We would seek the necessary funding to allow for more robust offerings if the facility provided the necessary space to conduct the activities. It serves no purpose to request funding at this time to increase these resources when the existing facility does not have space that is necessary for facilitating them. The Legislature will have to support our Capital Budget request for a new women's prison facility to provide the physical space needed and support the additional staffing and operational resources to properly facilitate these programs.*

*While we do provide vocational programs and some opportunities through Correctional Industries at the NHSP-W, they are very limited primarily due to the space restrictions of the facility.*

*The DOC has a fully operational Intervention Services program at the NHSP-W. There are two case counselor/case manager-Licensed Alcohol and Drug Counselors working with the women and providing evidence-based and gender appropriate programs on par with the male inmates. This program is supervised and coordinated by an Administrator III.*

*Recreation Services at NHSP-W does offer a variety of opportunities for recreation and is staffed by a Correctional Officer who serves as a Recreation Officer. But, these services are not on the scale of what is offered at the NHSP-M. Again, the primary reason for the limited offerings is the lack of space that is available at the facility.*

*The Corrections Special School District has one librarian position at the NHSP-M. While we do provide a library at the NHSP-W, there is no full-time librarian position currently assigned to that location. The librarian from the NHSP-M normally visits NHSP-W one morning per week.*

**Observation No. 2**

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***Ensure Corrections Special School District Conforms To Service Requirements***

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During the audit period, the DOC did not provide educational and vocational services at the State prisons as required. Additionally, programs were not offered to the NHSP/W and Northern New Hampshire Correctional Facility (NCF) inmates on a par with inmates at the NHSP/M.

Consent decrees, State law, Administrative Rule, or DOC policy and procedure require the DOC provide an array of academic and vocational programs. The DOC did not provide the following:

- physical science and family and consumer science at the NHSP/M and NHSP/W;
- writing, social studies, reading, advanced math, and some science preparation courses for the General Educational Development (GED) test at the NCF;
- Introduction to the Workforce Program (IWP) and occupational counseling at the NHSP/W and NCF; and
- individual tutoring at all three prisons.

A limited number of staff and lack of adequate space also limited the DOC from offering the full catalog of vocational courses to inmates at the NHSP/W and the NCF as it does at the NHSP/M. The DOC was also not able to offer a full course of IWP to inmates in the NHSP/M Special Housing, Close Custody, and the Residential Treatment Units, as there is one position split between the restricted Units and for the general population. The instructor taught classes four days a week for the general population and rotated to one of the restricted units one day a week each quarter, essentially offering only one-quarter of the instruction to restricted population inmates each quarter.

According to DOC personnel, the NCF is not covered under consent decrees affecting educational services at the prisons, nor is it included in the interagency agreement between the DOC and the Department of Education; therefore, the DOC is not required to provide educational services at the facility. DOC education officials reported the Corrections Special School District has not fully implemented educational services based on available staffing, which decreased along with the budget.

Fewer staff dedicated to education, combined with the impact of detention, can potentially exacerbate low levels of self-esteem and motivation of inmates. Education is fundamental in addressing the ability of inmates to develop and maintain skill sets that will enable the inmate to take advantage of social and economic opportunities once released. For most inmates, incarceration is temporary and the consequences of what does or does not happen in prison will be felt by the community to which inmates are released.

**Recommendations:**

**We recommend the DOC consider providing:**

- **required science courses at the NHSP/M and NHSP/W;**
- **all required GED preparation courses at the NCF;**
- **Introduction to the Workforce Program at the NHSP/W, NCF, and restricted populations at the NHSP/M; and**
- **individual tutoring at all prisons to inmates who qualify.**

**We also recommend the DOC determine whether providing required educational and vocational courses will require additional funding and, if so, request such funding in its next biennial budget submission.**

**Auditee Response:**

*Concur.*

*We concur with the recommendation that the DOC comply with consent decrees and consider providing required science courses at the NHSP-M and NHSP-W. The Corrections Special School District currently offers Physical Science and Biological Science rotating through both prisons which are requirements for high school graduation and which meets with this recommendation. We also have a teacher seeking an alternative certification in chemistry that will be offered as an elective course at both facilities.*

*The School District does not currently have a certified individual to instruct Family and Consumer Science at either location. At this time, the DOC budget constraints prevent us from seeking an additional staff member with this specific certification. We have been meeting this requirement with an interdisciplinary course entitled Career Awareness which rotates through both facilities.*

*We concur with the recommendation that the DOC comply with consent decrees and consider providing all required GED preparation courses at the NCF. It should be noted that NCF is not included in the actual consent decree and subsequent court orders. However, the Corrections Special School District concurs that such courses should be available to inmates at the NCF and we currently have two certified individuals who instruct GED courses at the NCF which meets with this recommendation.*

*We concur with the recommendation that the DOC comply with consent decrees and consider providing the Introduction to the Workforce program at the NHSP-W, NCF, and restricted populations at the NHSP-M. However, it should be noted that neither the NCF nor the NHSP-W are included in the Lepine consent decree which requires the IWP course. Currently, the Corrections Special School District is limited in offering IWP to only the NHSP-M. Offering IWP at the NHSP-W and NCF would not be possible without additional staffing, resources, and appropriate space in the facilities. Additionally, the Corrections Special School District would have difficulty meeting the 2001 Lepine Court Order for the NHSP-M if the School District were*

*to be required to rotate the IWP instructor to NHSP-W. Regarding the ability to offer IWP to restricted populations at NHSP-M, the school district currently rotates the IWP instructor through the restricted units on a quarterly basis.*

*We concur with the recommendation that the DOC comply with consent decrees and consider providing individual tutoring to inmates at all prisons who qualify. The Corrections Special School District does provide tutoring of inmates at all prisons on a limited basis. Due to budget constraints and limited staffing, the school district has to schedule particular times for tutoring. This tutoring is facilitated through our Special Education instructors when schedule permits. Additionally, these services must be requested by the inmate.*

*We always evaluate our programs during the budget process to determine the needed level of funding. These programs will be evaluated and may be submitted if they fit within the new budget guidelines for the SFY 2014-2015 State Budget.*

### **Observation No. 3**

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#### ***Ensure Correctional Industries Staffing Is Adequate To Provide All Required Services***

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Despite legal requirements to prepare the maximum number of inmates for successful re-entry by teaching them marketable job skills or a trade, staffing levels within Correctional Industries impeded the DOC's ability to consistently provide these services (i.e., industry shops) to inmates in required facilities. Legal agreements and court rulings require the DOC to provide training, industry, and education programs to inmates at the NHSP/M and the NHSP/W. However, due to staffing and space constraints, female inmates did not have industry shops while, with no court-ordered requirement to do so, inmates at the NCF had two.

During the audit period, four industry shops operated with one employee, the shop manager, while the print shop and sign and plate shop each had three employees including the shop manager, as shown in Table 3. Five of six (83 percent) NHSP/M and NCF Correctional Industries shop managers stated their shops were understaffed and, as a result, closed when they were not present. The Correctional Industries Administrator stated most industry shops have one staff member mainly due to DOC cutting shop hours after an escape in the early 1990s. The reduced hours and program revenues could not support additional staff. Further, given the current budgetary constraints, the Administrator will not hire additional staff until Correctional Industries generates more business. Table 3 below also shows the estimated number of times Correctional Industries shops were closed for the day during State fiscal years (SFY) 2010 and 2011 due to staff being on leave.

DOC policies and procedures require Correctional Industries ensure inmates have the opportunity to learn job skills and develop good work habits, including an approximation of the workday in the community with minimum workday interruptions. The NHSP/M ran two three-hour shifts, while the NCF ran one seven-hour shift. These shifts also included set-up, clean-up, and accounting for tools prior to inmates leaving the shop areas. According to DOC staff, limited

hours and inadequate coverage when shop managers are absent will make it difficult for Correctional Industries to generate enough revenue to cover its own expenses as required by the SFY 2013 budget.

**Table 3**

**Correctional Industries Employees And Shop Closures  
During SFYs 2010 And 2011**

<b>Shop</b>	<b>Number Of Employees</b>	<b>Estimated Shop Closures</b>
NHSP/M Print	3	1
NHSP/M Sign & Plate	3	6
NHSP/M Upholstery	1	24
NHSP/M Wood	1	25
NCF Upholstery	1	18
NCF Wood	1	18
Source: Unaudited Correctional Industries data.		

Industry programs can give inmates work experience, build personal attributes and skills required for success, and enhance prison and public safety by keeping inmates active and busy. Industry programs can also generate revenue for the DOC. Additionally, if the State does not provide services and programs as required by the *Laaman* consent decrees it risks further legal action against the DOC.

**Recommendations:**

**We recommend the DOC review whether it can reallocate resources to ensure required Correctional Industries programs are consistently available to male and female inmates as required by court orders. If needed, the DOC should also seek additional resources from the Legislature to staff Correctional Industries programs at the NHSP/W if it determines such programs are covered under the 1992 U.S. District Court order in *Fiandaca*.**

**Auditee Response:**

*Concur.*

*We concur with the recommendation that the DOC review whether it can reallocate resources to ensure required Correctional Industries programs are consistently available to male and female inmates as required by court orders and consent decrees. However, an important objective is to create customer demand for the products made by the program. Increased demand for products creates opportunities to expand the number of inmate jobs and expose greater numbers of inmates to training that helps them to develop skills that can benefit them when they return to the community. We continue to review opportunities for additional jobs and training in the*

*Industries program at NHSP-W. We currently rotate staff into the Women’s Prison for existing work and will consider reallocation of staff with the development of new business opportunities.*

**Observation No. 4**

***Review Library Staffing***

Library staffing at the NHSP/W and the NHSP/M does not comply with industry standards. Limited staffing resulted in limiting the availability of library services to inmates at the NHSP/W and the NHSP/M. As a result, the DOC may not be in compliance with federal court rulings, various legal agreements, and its own policies and procedures, exposing the DOC to potential court action.

Despite a federal court ruling requiring the DOC to provide female inmates with services on parity with male inmates and the DOC’s own policies and procedures requiring each library be managed by a librarian or media generalist, female inmates only have access to a librarian one morning per week to aid in legal research, while male inmates at the NHSP/M and NCF have a librarian five days per week. If the librarian misses the scheduled day at the NHSP/W, female inmates do not receive assistance with law library services for the week.

A 1977 U.S. Supreme Court ruling and industry standards require prisons to assist inmates in preparing and filing meaningful legal paperwork. Industry standards further recommend prisons provide additional assistance when an inmate is unable to make meaningful use of the law library on their own. Table 4 below shows industry recommendations for full-time equivalent (FTE) professional library staff for the number of inmates housed at the State’s prisons as of June 30, 2011.

**Table 4**

**Recommended Versus Actual Library Staff By Facility**

<b>Facility</b>	<b>Number Of Inmates</b>	<b>Actual FTE Librarians</b>	<b>Industry Recommended FTE Librarians</b>
NHSP/W	107	0.1	0.6
NHSP/M	1,422	0.9	2.0
NCF	601	1.0	1.0
Source: LBA analysis of DOC and industry information.			

According to DOC personnel and female inmates, access to a librarian one morning per week does not meet the population’s needs, nor does it provide adequate supervision. Female inmates reported they must rely on other inmates to help navigate electronic legal materials and they do not have access to the librarian’s depth of legal research knowledge, which male inmates have on

a daily basis. According to the NHSP/W Warden, lack of direct supervision makes it difficult to ensure improper activity is not being conducted in the library. Additionally, as inmates also serve as library assistants, the NHSP/W cannot ensure workers are only claiming hours actually worked without adequate supervision.

The NHSP/M employs one librarian while industry standards recommend two for the size of the inmate population. This has negatively impacted access as limited staffing only allows the library to operate during the day with no access at night or on weekends. Industry standards recommend a prison library maintain day, evening, and weekend hours that do not compete with other programs. Additionally, the DOC is legally required to provide law library services so when the librarian is on vacation or other leave, the NHSP/M has been forced to close the recreation and reference library to keep the law library open, further limiting inmate access.

**Recommendations:**

**We recommend the DOC:**

- **determine the staffing needs to meet court orders and industry standards for librarians; and**
- **consider reallocating or requesting additional budgetary resources to provide these levels of service.**

**Auditee Response:**

*Concur.*

*We concur with the recommendation that the DOC determine the staffing needs to meet court orders and industry standards for librarians. The DOC currently employs one FTE who serves as a librarian to meet the needs of the male inmates at NCF. However, we do not have the recommended number of librarians at NHSP-M or NHSP-W in accordance with industry standards. As discussed in Observation No. 1, the position of librarian at the NHSP-M is at times used to try to minimally meet the needs of the women inmates at NHSP-W. However, this does impact the librarian's ability to meet the needs of the men at NHSP-M. Therefore, additional staffing would be needed for library services at the NHSP-M and NHSP-W if we were to comply with industry standards and the recommendations of the LBA auditors.*

*Our current budget constraints do not allow for allocation of funds to support additional staffing and the next budget is projected to be very tight which will greatly limit our ability to create new positions.*

**Observation No. 5**

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***Ensure Religious Staffing Can Provide All Required Services***

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Despite DOC requirements for the chaplain to supervise religious volunteers to “ensure institutional security” and “enhance volunteer safety,” some volunteer-led services at all three prisons occur when chaplains are not present. Each prison has one chaplain, two of whom are State employees and one is paid by a non-profit religious organization. No DOC staff is normally present to monitor discussions between inmates and volunteers or ensure volunteers and inmates behave appropriately. Additionally, chaplains are occasionally called back from a scheduled day off to attend to emergencies, requiring the prison to adjust the chaplain’s schedule to accommodate additional time off.

Prior to 2006, the NHSP/M had between two and three chaplains to attend to the religious needs of its approximately 1,400 inmates including general and restricted population; currently it has one. DOC policies and procedures require the NHSP/M chaplain visit the Special Housing Unit (SHU), administrative confinement, and disciplinary confinement areas weekly; and make “regular” visits to the infirmary, living quarters, work areas, and recreation areas. However, the chaplain reported only visiting inmate living quarters once a year and only visits the other areas at an inmate’s request.

DOC policies and procedures require each institution’s religious programs be coordinated and supervised by a qualified and trained chaplain. Although female inmates receive religious programming, the NHSP/W does not have an authorized position responsible for providing these services. Instead, a non-profit religious organization pays a chaplain to provide 20 hours of religious services to female inmates per week. Since the chaplain is not a DOC employee, the position is considered a volunteer at the facility. According to DOC personnel, the chaplain is not required to follow State personnel rules, does not receive Corrections Academy training, has access to most areas of the prison, and is not supervised by prison staff when working within the facility. Despite this, the chaplain is responsible for coordinating and supervising other religious volunteers. According to the DOC Commissioner and NHSP/W Warden, if the non-profit stops providing funds for the position, the DOC will have no ability to continue providing religious programming to female inmates.

**Recommendation:**

**We recommend the DOC consider seeking additional resources, if needed, from the Legislature to staff chaplain positions and ensure religious programming is readily available to inmates.**

**Auditee Response:**

*Concur.*

*We do not have the resources or funding to ensure all duties required of the Chaplains are consistently performed, including adequately monitoring volunteers; regularly visiting inmate living, working, and recreational areas; and visiting the SHU and confinement areas as required. We have many recognized religions within the prison population. The inmates are allowed to freely worship individually or in groups. Each group must be led by a volunteer. The DOC does not allow inmates to be the leaders of any groups in order to control against gang-related activities. We, therefore, depend upon the use of volunteers to facilitate the group meetings in an effort to accommodate so many different religions. Each volunteer must apply for authorization to enter the facilities and must go through a background screening and an orientation by the DOC volunteer coordinator. The Chaplains oversee the religious programs and are responsible for ministering and leading services where qualified; facilitating groups where appropriate; assisting inmates to find volunteers to lead their groups; monitoring religious volunteers; addressing religious issues, including review of inmate religious requests for new faiths, religious articles, and diets; and assisting with lawsuits. We are unable to reallocate more resources to this area at this time.*

*The DOC will consider seeking additional resources from the Legislature as recommended.*

#### **Observation No. 6**

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#### ***Review Recreation Staffing To Ensure Service Delivery***

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Lack of recreation staff at all three State prisons has left inmates with little to no activities during the evenings and weekends, and sometimes during the weekdays. Inmate idleness has been identified nationally as one of the causes of unrest and violence in prisons, and according to seven DOC personnel, leaving inmates idle compromises security at the facilities.

Despite industry standards recommending a full-time recreation position in institutions with more than 100 inmates, the NCF has not had recreation or hobbycraft staff since 2004 and 2008, respectively, for as many as 729 inmates during the audit period. Instead, the facility relied on on-duty personnel to provide ad hoc recreational programming as their other duties permitted. As a result, recreation (e.g., intramural sports, fine arts, and weight room) was only offered, on average, three days per week with no activities offered on weekends and only one activity one evening per week. Hobbycraft (e.g., hobby woodworking, leather, ceramics, and basket weaving) was only offered when staff was available to supervise.

Industry standards recommend recreation programs be supervised by someone with a degree in recreation or leisure services, or with similar education and experience; however, the NHSP/W has a uniformed employee to coordinate recreation and hobbycraft activities. During the audit period, the uniformed employee was also used to fill security positions when the facility was short-staffed. Activities were reportedly cancelled if the uniformed employee was absent or needed for other duties. The NHSP/W was unable to provide outdoor recreation on some evenings and some portions of the weekend. Additionally, it could only “periodically” offer

outdoor recreation for inmates requiring separate outdoor time as there was not enough staff to supervise them.

According to DOC personnel, budget cuts have affected its ability to fully staff recreational activities. In May 2011, five NHSP/M security personnel assigned to recreational activities were reassigned to other duties and areas of the prison, leaving three non-security staff to coordinate recreation and hobbycraft for approximately 1,300 inmates during the fiscal year. All three recreation staff worked first shift during the week, so recreation was limited in the evenings and on weekends, with most activities ending by mid-afternoon during the week. Activities were not offered if the staff member working in that area was absent or on leave. According to the NHSP/M Warden, staggering recreation personnel schedules to provide coverage later in the day would require a cut to some popular activities offered during the day. Additionally, despite legal requirements and its own policy and procedure directive to the contrary, the NHSP/M did not provide recreation or develop individual programs for inmates in the SPU.

**Recommendations:**

**We recommend:**

- **The NHSP/M review its staffing pattern and determine whether it could assign nonsecurity recreation and hobbycraft personnel to work different shifts to provide better coverage during the evenings and weekends.**
- **The DOC review recreational staffing needs for all facilities and consider providing at least one dedicated full-time recreation staff for the NCF and NHSP/W as recommended by industry standards.**
- **The NHSP/W review whether using a uniformed employee for recreational activities is appropriate and cost effective.**
- **The DOC consider seeking additional resources from the Legislature, if needed, to fully staff recreation and hobbycraft services.**

**Auditee Response:**

*Concur.*

*We concur with the recommendation that the DOC review recreational staffing needs for all facilities to provide for at least one dedicated full-time recreation staff for the NCF and NHSP-W as recommended by industry standards. A full-time Recreation/Hobbycraft position is now in place and is filled at the NCF. However, this cannot be accomplished at this time at the NHSP-W without the creation of a new position.*

*With the limited staffing at the NHSP-W, we do not have a choice between a Corrections Officer or non-security staff member. We would have to create a new position and the next budget is projected to be very tight which will greatly limit our ability to create new positions.*

*The DOC has reviewed its staffing pattern and determined it could not assign non-security recreation and Hobbycraft personnel to work different shifts to provide better coverage during the evenings and weekends at NHSP-M. The staffing assigned to cover the current work schedule is needed to supervise the numbers of inmates in those activities. To re-assign the current staff to other shifts would require a reduction in the number of inmates in those activities and could lead to more hours of cancelled activities due to fewer available personnel to cover when a recreation/hobbycraft staff member was absent. The only solution to increasing the hours of recreation and Hobbycraft would be to create additional recreation and Hobbycraft positions. At this time, the next budget is projected to be very tight which will greatly limit our ability to create new positions.*

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**MANAGEMENT PRACTICES**

Management is responsible for implementing controls to provide reasonable assurance agency operations are efficient and effective. Management controls include the policies, procedures, plans, operational data, and monitoring efforts adopted to ensure missions, goals, and objectives are met. Controls serve to safeguard assets, as well as prevent and detect noncompliance with law, policies, procedures, and program requirements. We found several areas where management controls can be strengthened including reviewing the hiring process, providing sexual offender treatment services (SOTS) more timely, determining staffing needs for the newly implemented SOTS program, producing preventive maintenance plans for each prison facility, and measuring its success in meeting dental appointment deadlines.

**Observation No. 7**

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***Evaluate The Recruitment And Hiring Process For Nonsecurity Personnel***

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Department of Corrections (DOC) personnel at various levels of the agency identified the recruitment and hiring process as an impediment to maintaining adequate staffing for nonsecurity positions. They identified the hiring process as an issue in the following areas:

- nursing,
- medical records,
- corrections counseling/case management,
- clinical mental health counseling, and
- psychiatric social work.

Managers in each of the above areas stated the length of the hiring process is the primary issue of concern. The DOC Commissioner also identified hiring as an area of concern, although he noted that some aspects of the process – for example, drug testing and background checks – are necessary and take time.

As per DOC policy, the Department posts open positions internally for fourteen calendar days prior to making the posting public. Reportedly, the internal posting period was expanded from its original five business days, as required by the Collective Bargaining Agreement, to accommodate employees who are on vacation while the position is posted internally and may be unaware the position is available.

Vacant positions can negatively affect services; for example, DOC managers and staff identified insufficient nursing staff as a problem at all three prisons. The Department reported it took two to four months to fill each of 19 vacant nursing positions during calendar years 2009, 2010, and 2011. The Director of Medical & Forensic Services and the Chief Medical Officer stated that as

of August 2012, sick call at the New Hampshire State Prison for Men (NHSP/M) had been canceled with increasing frequency,<sup>2</sup> a situation they attributed to nursing shortages at that facility. The Director stated the current number of authorized nursing positions is adequate to meet the current needs of inmates at all three prisons, but the length and complexity of the hiring process has resulted in high vacancy rates and a consequent shortage of nurses. The Director also stated retention and recruitment have posed a problem, as the prospect of privatization of the State's prisons (as well as a separate DOC proposal to contract for nursing positions) has reportedly made it difficult for the DOC to recruit and retain nursing staff. As nursing is a critical staffing need and has reportedly been subject to higher than average turnover rates in the recent past, a lengthy recruitment and hiring process may result in needed positions remaining vacant longer than necessary.

The Workforce Planning Model disseminated to State agencies by the State's Department of Administrative Services suggests that agencies periodically review hiring, recruitment, and retention strategies, as well as examination requirements, to ensure they are up to date and well-suited to meeting the agency's personnel needs.

**Recommendations:**

**We recommend the DOC:**

- **review the recruitment and hiring process for nonsecurity personnel, and establish timeframes for each phase of the process; and**
- **post vacant positions internally for no longer than the five business days, as required by the Collective Bargaining Agreement.**

**Auditee Response:**

*Concur In Part.*

*We concur with the recommendation that the DOC review the hiring process for non-security personnel, and establish timeframes for each phase of the process. We have already begun the review on the hiring process and have eliminated some of the steps that existed prior to the review. This modification should result in a shorter overall time frame for the hiring process. We are continuing to monitor the process for additional modifications.*

*We do not concur with the recommendation to post vacant positions internally for no longer than five business days required by the Collective Bargaining Agreement. We have agreed after discussions with the Union to extend the posting period to fourteen days to be fair to those who may be on vacation or away from the workplace for a week or more.*

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<sup>2</sup> The NHSP/M holds daily sick calls, at which medium- and low-security inmates can see a nurse or doctor without a prearranged appointment.

**Observation No. 8**

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***Provide Sexual Offender Treatment Services In A Timely Manner***

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The DOC sexual offender treatment services program (Program) had backlogs of male inmates needing assessments and services at the NHSP/M. It is DOC policy “to provide all sexual offenders with access to appropriate sexual offender treatment services as clinically indicated. The goal of such services is to eliminate sexual victimization through responsible and ethical treatment of incarcerated offenders.” During the audit period, the DOC provided male inmates with three levels of services: 1) an 18-month intensive sexual offender treatment, 2) cognitive behavioral treatment, and 3) relapse prevention treatment. Vacancies in Program staffing reportedly resulted in reduced services for sexual offenders. One Program employee reported the Program had not been fully staffed for a very long period of time and there had been backlogs for years.

*Assessments*

The Program Administrator reported staffing vacancies have led to backlogs in initial screening assessments, which determine the level of treatment each sexual offender needs. Priority was given to those offenders with approaching parole hearing dates. The Program Administrator estimated there were 350 sexual offenders waiting for an initial assessment as of July 2012. The DOC is required by Administrative Rule and DOC policy to have enough staff to assess inmates’ needs for SOTS in a timely manner. Assessments should be conducted by Program staff whenever possible within two years of an offender’s minimum parole eligibility date.

*Timeliness*

There is no direct requirement for SOTS to be provided to eligible inmates in a timely manner (i.e., prior to their minimum parole eligibility date) like assessments. Program personnel, the Assistant Commissioner, the Director of the Division of Medical and Forensic Services, a Parole Board member and a Parole Board employee, and New Hampshire Legal Assistance lawyers stated sexual offenders had not been offered SOTS in a timely manner. By not offering sexual offenders court-ordered SOTS in a timely manner, sexual offenders may be less likely to be paroled when they reach their minimum parole eligibility date. As a result, the DOC may be needlessly paying for and keeping inmates in prison longer than necessary. In addition, if SOTS cannot be provided timely, sexual offenders may choose to serve out their maximum sentence, if completing SOTS does not have the potential to reduce their prison term.

*Program Changes In Calendar Year 2012*

The DOC recently started to electronically track SOTS program data; in the past, tracking SOTS data was a manual process. Given staff turnover and lack of Program data during the audit period, it was difficult to determine if the number of positions assigned to the Program had an impact on providing services in a timely manner while the DOC operated the 18-month intensive program. In May of 2012, subsequent to our audit period, the Program reportedly stopped

providing services in one of two units housing sexual offenders. According to the Administrator, the Program used to offer interim treatment services to inmates who were waiting for the 18-month intensive treatment to begin; however, this was discontinued because of staff vacancies. Additionally, the DOC started to implement a new treatment schedule having the potential to reduce the 18-month long intensive treatment down to an individually based treatment program which may only take six months. According to the Program Administrator, the reorganized program will still provide the same types of services, but in a shorter time frame.

**Recommendations:**

**We recommend the DOC:**

- **develop and maintain a system to identify, organize, and track inmates requesting SOTS assessments, along with their minimum parole eligibility dates, to identify backlogs in services;**
- **include backlog information in its annual reports and in budgetary requests to the Legislature;**
- **establish specific policy goals and procedures for offering SOTS to inmates prior to their minimum parole eligibility date; and**
- **determine its staffing needs for the revised and shorter treatment Program.**

**Auditee Response:**

***Concur In Part.***

*We concur with the recommendation to develop and maintain a system to identify, organize, and track inmates requesting SOTS assessments, along with their minimum parole eligibility dates, to identify backlogs in the system. The Department has already developed an electronic reporting system to track inmates pending the need for SOTS assessment to facilitate efficiency and accuracy in the system. A report is generated automatically based on information within our electronic inmate management system (CORIS). The variables included in the report are the following: offender name, date of birth, offender ID number, facility location, booking date, whether the offense is eligible under the sexually violent predator law, total number of sexual offenses charged, and most current assessment date. We will be adding the minimum sentence date to the report.*

*We concur in part with the recommendation to include backlog information in the annual reports and in budgetary requests to the legislature. We do not concur that quality improvement measures of this type should be included in the annual report. However, we do include this information in our Continuous Quality Improvement Plan developed for each fiscal year. Since our newly re-defined SOTS curriculum and reporting system has been in place, we have demonstrated a higher rate of successful completion of the program and a higher number of assessments completed every week.*

*We concur with the recommendation to establish specific goals and procedures for offering SOTS to inmates prior to their minimum parole eligibility date. We will modify our existing policy to reflect our department goal of providing the SOTS to inmates prior to their minimum parole eligibility date.*

*We concur with the recommendation to determine the staffing needs as we implement our newly revised treatment curriculum.*

## **Observation No. 9**

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### ***Implement Preventive Maintenance Plans And Systems For Prisons***

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The DOC did not have formal preventive maintenance plans for its three facilities; nor did it have an effective system for scheduling this work. The DOC Commissioner, the Assistant Commissioner, the Warden, and the full-time maintenance staff at the New Hampshire State Prison For Women (NHSP/W) expressed concerns about the inability to address maintenance issues in a timely manner. For example, according to the Commissioner and the NHSP/W Warden, the progress to address suicide risks in inmate cells at the NHSP/W has been slow, and the Warden added that security cameras at the facility were not completely installed two years after receiving the equipment. According to the Commissioner, limited maintenance staffing at the NHSP/W resulted in inadequate levels of maintenance service. Additionally, we found the Northern New Hampshire Correctional Facility does not staff a limited maintenance crew to cover weekends as required by DOC policy.

Preventive maintenance practices and contingency plans can help ensure the continued operations of the prisons. Without maintenance plans and a system to carry out those plans, the DOC increases the risk of avoidable failures in necessary systems such as water, heating, electricity, or security. This is especially important when institutional knowledge is lost with turnover of maintenance staff. In addition, preventive maintenance plans and electronic maintenance systems can be used by management to:

- help determine the number of positions needed for maintenance at each facility;
- assess the knowledge, skills, and abilities needed by staff;
- allocate maintenance positions among facilities; and
- assign daily work to maintenance staff.

#### ***Preventive Maintenance Plans***

According to the Administrator of Logistical Services, there are no formal preventive maintenance plans; there are individual instructions for specific staff in certain areas. However, Department policy requires there be a maintenance plan, and American Correctional Association standards recommend a prison facility have a written plan for preventive maintenance of the physical plant, which includes provisions for emergency repairs or replacement in life-threatening situations. In fact, in its 2011 request for proposals for the construction and operations of prison facilities, the DOC required vendors to have a preventive and routine

maintenance plan. Plans are a type of management control used by an agency to guide its work to meet program goals and objectives. An important objective for a prison is to remain operational at all times for the safety of the public, its staff, and inmates. A comprehensive maintenance plan for each facility should be: 1) written, 2) approved by the appropriate DOC managers (e.g., the Administrator of Logistical Services and the Warden), 3) available to current and future workers, and 4) monitored.

#### *Maintenance System*

Department policy requires each facility's head of maintenance to keep repair slips and a log for each area listing the date the repair slip was received, location, problem, any special remarks, and date completed. Repair slips and logs are to be maintained in a central location at each facility. The DOC has a paper-based work order request system, which is subsequently entered into a database. This manual system has not always been consistently used according to maintenance personnel and DOC managers. The Department does not have an electronic preventive maintenance system to prioritize, track, schedule, or assign preventive maintenance.

#### **Recommendations:**

**We recommend the DOC revise its maintenance operation policy to require formal preventive maintenance plans for each facility. These plans should be regularly reviewed and monitored against actual results.**

**Additionally, the DOC should improve its management over preventive maintenance and work order requests by implementing an electronic preventive maintenance system. The DOC could likely use such a system to help determine the number of positions needed for maintenance at each facility.**

#### *Auditee Response:*

*Concur.*

*We concur with the recommendation that the DOC revise its maintenance operation policy to require formal preventive maintenance plans for each facility which should be regularly reviewed and monitored against actual results.*

*We concur with the recommendation to improve its management over preventative maintenance and work order requests by implementing an electronic preventive maintenance system. We will need to research the availability of this type of program and the costs to purchase and maintain it. We will evaluate the ability to fund it during these times of very tight budgets.*

**Observation No. 10**

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***Monitor Timeliness Of Dental Appointments***

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According to the Director of Medical and Forensic Services, the DOC did not monitor its compliance with policies for dental appointment timeframes. The DOC dental care policy required the Department to conduct:

- screenings of all newly arrived inmates within 14 days,
- complete examinations within three months,
- examinations within 90 days for an inmate with a reported low priority condition, and
- examinations by the next working day after an emergency is reported.

The DOC had no system in place to track if it was meeting these timeframes. While the DOC created a dental office supervisor position and developed an automated system to track appointments to help organize and schedule dental care, it could not easily determine if dental appointments were meeting these policy requirements. The DOC was examining whether its Correction Information System could be used to help track the timeliness of dental appointments. Monitoring the Dental Unit's performance would help DOC management determine the adequacy of State and contracted dental staffing levels and ensure inmates' dental needs were being addressed in a timely manner.

We also found the DOC policy on when a dental examination should occur was two months beyond the most recent industry standard of 30 days. As of July 20, 2012, the DOC reportedly was in the process of updating its dental policy, including reducing this timeframe down to 30 days.

**Recommendations:**

**We recommend the DOC:**

- **consider updating its policy on timeliness of dental services using current industry standards, and**
- **track and monitor the timeliness of dental appointments.**

**Auditee Response:**

***Concur.***

*We concur with the recommendation to consider updating its policy on timeliness of dental services using current industry standards. However, the Department policy has been updated to reflect the current American Correctional Association and the National Commission on Correctional Healthcare standards for timeliness dental services. In addition, the Department has established clinical treatment guidelines based on the correctional standards and standards*

*from the American Dental Association to ensure we are providing constitutionally appropriate care is rendered to all inmates.*

*We concur with the recommendation to track and monitor the timeliness of dental appointments. The Department has transitioned to using an electronic appointment scheduler within our computer offender management system (CORIS) to track and monitor the timeliness of dental appointments based on the offender's booking date and previous dental appointments. The members of the IT staff are working with the Division of Medical & Forensic Services to develop reports using existing data in the computer system.*

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**OTHER ISSUES AND CONCERNS**

In this section, we present issues we consider noteworthy but not developed into formal observations. The Department of Corrections (DOC) and the Legislature may wish to consider whether these issues and concerns deserve further study or action.

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***Additional Responsibilities In The Medical Records Office May Necessitate A Review Of Staffing Levels***

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In 2011, the DOC added responsibilities to the medical records office at the New Hampshire State Prison for Men (NHSP/M). Office personnel, the DOC's Chief Medical Officer, and the Director of Medical and Forensic Services expressed concern staffing may be inadequate for the office's current responsibilities and increased the risk of error in handling inmate medical records.

The office's responsibilities expanded to include maintaining records of inmates housed in the Secure Psychiatric Unit (SPU) and Residential Treatment Unit (RTU), as well as those of inmates in the Sexual Offender Treatment Services Program. These functions were previously performed by clinical mental health counselors. Redirecting the functions to lower labor grade positions in the medical records office appears reasonable from a financial standpoint,<sup>3</sup> but the DOC increases its risk by assigning additional responsibilities to the office while leaving staffing levels unchanged. The potential negative consequences of understaffing include untimely and incorrect filing of inmate medical information, which may have adverse effects on inmate health and expose the DOC to increased risk of litigation. For example, three health providers at the New Hampshire State Prison for Women reported delays receiving medical records for inmates returning to the facility, and expressed concern these delays could negatively impact their ability to treat inmates in emergency situations.<sup>4</sup>

We suggest the DOC review staffing levels in the NHSP/M medical records office to determine if they are appropriate for the office's current responsibilities.

We also note inmate medical records are in hardcopy format and we suggest the DOC consider an electronic medical records system.

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<sup>3</sup> Clinical mental health counselors in the SPU/RTU are labor grade 21s, while medical records technicians are labor grade 13s.

<sup>4</sup> The NHSP/M medical records office is responsible for archiving records of inmates released from the State's three prisons. If an offender is released and returns to prison at a later date, technicians in the office are responsible for retrieving that inmate's records and sending them to the appropriate facility.

Auditee Response:

Concur.

*We concur with the recommendation that the DOC staff review staffing levels in the NHSP/M medical records office to determine if they are appropriate for the office's current responsibilities. We currently have 7.20 FTEs or 274 hours/week of staff time employees assigned to medical records and we maintain that the current staffing levels are appropriate.*

*We concur with the recommendation that the DOC consider an electronic medical records system. We have included an EMR system in our 2014 – 2015 Capital Budget Request.*

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**Monitor Compensatory Leave Balances**

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The DOC's lack of monitoring over compensatory leave balances during the audit period resulted in 12 nonsecurity employees violating the Department's leave accrual policy and employees accumulating a financial liability greater than that allowable by policy without management knowledge. At the end of State fiscal year (SFY) 2011, these 12 employees carried a total balance of over 1,800 hours of compensatory time with individual balances ranging from just over 44 hours to 673 hours. DOC policy prohibits any employee from accruing more than 40 hours of compensatory time and requires compensatory time be used within one year of accrual. The Collective Bargaining Agreement in effect for SFYs 2010 and 2011 also requires employees take the compensatory time off within one year of accrual or agencies must make payment for the compensatory time.

DOC Human Resources personnel did not generate reports for its own monitoring or for managers to enforce compensatory time accrual limits.

We suggest the DOC monitor compensatory time accrual to ensure personnel do not carry balances larger than those allowable by policy.

Auditee Response:

Concur.

*We concur with the recommendation that the DOC monitor compensatory time accrual to ensure personnel do not carry balances larger than those allowable by policy. We do monitor compensatory time on a yearly basis. Any employee who is over the cap on accrued time is mandated to provide a plan for using up the excess amount of time. The plan is then managed by the employee and their immediate supervisor. We will consider creating these reports on a more frequent basis.*

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**APPENDIX A**

**SCOPE, OBJECTIVES, AND METHODOLOGY**

**Scope And Objectives**

In January 2012, the Fiscal Committee of the General Court adopted a recommendation by the joint Legislative Performance Audit and Oversight Committee to conduct a performance audit of nonsecurity staffing at Department of Corrections (DOC) prisons. We held an entrance conference with the DOC the same month. In February 2012, the Legislative Performance Audit and Oversight Committee approved our scope statement. Our audit sought to answer the following question: **Did the Department of Corrections efficiently and effectively staff its prisons with nonsecurity personnel to provide inmate services during State fiscal years 2010 and 2011?** To address this question, we focused on the Department's staffing responsibilities and activities during the audit period.

**Methodology**

To gain an understanding of the DOC's nonsecurity staffing, as well as standards and best practices in prison staffing, we:

- Reviewed State and federal laws; Administrative Rules; staffing and organizational charts; prior LBA audits; job descriptions and classifications; financial information and contracts; collective bargaining agreements; consent decrees, court orders, and settlement agreements; DOC annual reports; executive orders; and policies and procedure directives.
- Identified prison staffing standards by reviewing industry staffing standards, internal and external reports on DOC practices, and other states' nonsecurity prison staffing practices.
- Visited each of the State's three prisons.
- Interviewed DOC personnel, contracted personnel, and other stakeholders.

The DOC did not maintain detailed historical staffing information for all of the service areas we reviewed. We obtained information dating back to January 2012 and, after meetings with DOC human resources personnel, were able to determine the number of staff for each service area as of that date. All references to number of personnel in this report reflect personnel information as of January 2012.

We judgmentally selected 14 services to include in the scope of our audit taking into consideration whether the service 1) had deficiencies in the past, 2) contributed to inmate rehabilitation, 3) was legally required, and 4) was identified as problematic by DOC personnel.

To assess whether the DOC efficiently and effectively staffed its prisons with nonsecurity personnel, we:

- Compared DOC prison staffing to industry standards.
- Assessed how the DOC determined its nonsecurity staffing needs.
- Determined DOC compliance with laws, Rules, legal agreements, and policies and procedure directives.
- Identified nonsecurity personnel working primarily within the prisons and analyzed vacancy rates, use of overtime, compensatory time, and leave time.
- Reviewed efficiency of contracted nonsecurity staff, volunteers, and inmates.
- Interviewed DOC and contracted personnel, inmates, and other stakeholders to gain their opinions and insights on staffing at the prisons.
- Determined whether nonsecurity personnel are performing security duties which should be handled by security staff (and vice versa).
- Assessed status of prior audit findings.

**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF CORRECTIONS  
NONSECURITY STAFFING**

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**APPENDIX B**

**STATUS OF PRIOR AUDIT FINDINGS**

The following is a summary of the status of observations applicable to this audit found in two of our prior reports of the Department of Corrections: the *Sexual Harassment And Misconduct Performance Audit* (October 2002) and the *Inmate Health Care Performance Audit Report* (January 2003). Copies of these audits can be obtained from the Office of Legislative Budget Assistant, Audit Division, 107 North Main Street, State House Room 102, Concord, NH 03301-4906 or online at our website <http://www.gencourt.state.nh.us/LBA/audit.aspx>.

<u>Status Key</u>				
Fully Resolved	●	●	●	4
Substantially Resolved	●	●	○	0
Partially Resolved	●	○	○	0
Unresolved	○	○	○	1

***Department Of Corrections Sexual Harassment And Misconduct Performance Audit Report (October 2002)***

<u>No.</u>	<u>Title</u>	<u>Status</u>
3.	DOC Staffing Issues May Increase Risks Of Staff Misconduct Allegations	○ ○ ○

***Department Of Corrections Inmate Health Care Performance Audit Report (January 2003)***

<u>No.</u>	<u>Title</u>	<u>Status</u>
1.	Reorganize Division To Improve Management	● ● ●
2.	Develop A Health Services Staffing Plan	● ● ●
4.	Improve Contract Management	● ● ●
5.	Utilize State Contract Bidding And Approval Process	● ● ●

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