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# Recent Trends in New Hampshire's Prison Population

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## **Executive Summary**

After two decades of steady growth, New Hampshire's prison population stabilized from July 2002 to November 2005, then began to increase again. The population hit a new high of 2,583 at the end of April 2006. It is unknown whether this increase will be shortlived or the beginning of a new upward trend.

Admissions to the prisons are still being driven primarily by offenders known to the system—parole violators—and not by new crimes, continuing a trend established over the past decade in New Hampshire and across the country. National crime rates are declining while the prison population has continued to increase.

This paper looks more closely at these and other trends in an effort to inform discussions about future corrections policy and spending. The major trends are:

- The number of offenders admitted to prison for new crimes dropped by 12 percent from 2002 to 2005, while those re-incarcerated for parole violations increased by 10 percent.
- The population of the women's prison declined slightly between FY 2002 and 2005, with a decrease in admissions from the counties and an increase in admissions of women serving prison sentences.
- The use of the Academy alternative sentencing program declined between 2002 and 2005, even as policy makers recommended increasing its use.
- The prison population is getting older. The percent of the population over the age of 61 has doubled over the past 10 years.

These trends raise several questions:

- How should the relatively stable prison population over the past three years affect discussions of possible Berlin prison expansion?
- Given that recidivism is the main factor driving prison admissions, how can the Department of Corrections (DOC) meet short-term budget constraints without continuing to eliminate programs designed to foster long-term rehabilitation?
- Why is sentencing to the Academy decreasing, and how can policy makers at the state and local levels work with the judiciary and DOC to support appropriate, cost-effective alternative sentencing, either through the Academy or other programs?
- What would it cost New Hampshire to support a long-term investment in programs proven to reduce recidivism, including alternative sentencing options, and how should the state balance the need for these investments with recent requests for facility expansion and improvements?

The Center will continue to inform discussion of these and other questions as policy makers confront the costs of maintaining an aging and expanding prison population.

## The Prison Population: Forces behind Change

The prison population peaked in August 2002, declined slightly in 2004 and remained essentially static until November 2005, when it began to increase again (Figure 1). Incarceration for non-violent offenses and drug crimes changed at a pace similar to that of the overall prison population, while incarceration for violent offenses increased. The overall distribution of the prison population by type of conviction has not changed significantly since July of 1997.

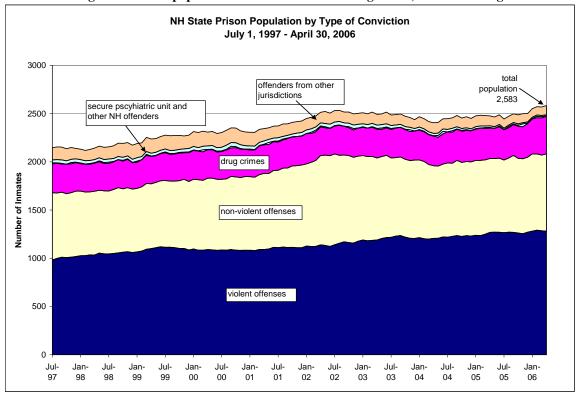


Figure 1: Prison population stable from 2003 through 2005, now increasing

As Table 1 illustrates, Admissions to the prison peaked in FY 2000, and have slowly declined since then. This pattern holds regardless of the type of admission, with the exception of parole violators. Admissions from the secure psychiatric unit declined most precipitously, followed by admissions from other jurisdictions, and probation violators. Admissions for new crimes peaked in FY 2002, and decreased by almost 12 percent between 2002 and 2005.

Contrast these reductions with the changes in admissions for parole violations. Since 1998, admissions of parole violators have increased by 36 percent. As shown in Table 1, in FY 2005 alone the DOC and Parole Board admitted 445 individuals for parole violations. Without this increase in parole violation admissions to the prison would have declined by almost nine percent from 1998 to 2005. Using the average time served of

2.78 years, <sup>1</sup> a nine percent decrease in admissions could reduce prison time served by approximately 328 "inmate-years," at a potential savings of \$4.9 million in marginal costs and reduced staffing costs. <sup>2</sup>

Table 1: Admission of parole violators increased by 36 percent from 1998 to 2005

Total Admissions to NH State Prison by Type FY 98 - FY 05								
	New			Secure				
	NH	Parole	Probation	Psych	Other	Total		
	Crimes	Violators	Violators	Unit	Jurisdictions	Admissions		
FY98	528	327	118	89	371	1433		
FY99	511	368	162	85	457	1583		
FY00	527	355	145	93	500	1620		
FY01	599	347	171	81	415	1613		
FY02	656	405	104	89	276	1530		
FY03	576	387	148	72	237	1420		
FY04	544	429	91	23	264	1351		
FY05	578	445	114	28	264	1429		
Percent Change (98-2005)	9%	36%	-3%	-69%	-29%	0%		

As Figure 2 shows, parole violators as a share of total prison admissions have increased from less than one-quarter of admissions in FY 1998 to almost one-third of all admissions in FY 2005.

Parole Violators Admitted to Prison as a Share of All Admissions 35.0% 31% 30.0% 27% 26% Share of All Admissions 23% 22% 20.0% 15.0% 10.0% 5.0% 0.0% FY1998 FY2001 FY2002 FY2003 FY2004 FY1999 FY2000 FY2005

Figure 2: Parole violators account for one-third of all prison admissions

<sup>&</sup>lt;sup>1</sup> This is the average length of stay for sentenced inmates as reported in DOC's governor's reports; based on the monthly averages from November 2005 through March 2006.

<sup>&</sup>lt;sup>2</sup> This calculation assumes the state would save marginal costs, such as food, clothing and medical care, plus some correctional officer staffing costs. The Center used 2002 savings estimates of \$5,791 in marginal costs and \$9,143 in supervision costs; full documentation of assumptions can be found in *Under the Influence, Part 2* at www.nhpolicy.org.

Parole revocation is the main factor driving prison admissions, and most revocations are not due to new crimes. In 2002, 13 percent of revocations were for new felonies, 21 percent were for misdemeanors, and 66 percent were for technical violations.<sup>3</sup>

The high number of parole violator admissions is evident in the recently-completed DOC study of prison recidivism, which found 44 percent of all released inmates return to prison within about three years, and 52 percent of those paroled return.<sup>4</sup> These rates are consistent with the Center's 2003 recidivism study which tracked only non-violent, first-time prisoners and found a slightly lower return rate of 37 percent.<sup>5</sup>

#### Women and NH's Prisons

Of the state's total inmate population, only six percent are women. Although women represent a small subset, a recent study of the women's prison underscored the importance of understanding the needs of this population in order to provide effective rehabilitation, and pointed to the current inadequacies in programming for female offenders. The Center has begun to analyze data on female inmates in an effort to understand trends among women prisoners specifically to inform discussions about the needs of this population.

Like the overall prison population, the female inmate population has increased dramatically in recent decades, though at an even faster pace. The female prison population grew from a total of two sentenced offenders in 1977 to 119 offenders in 2004, the third-fastest rate of growth in the country.<sup>7</sup> In spite of this increase, the rate of incarceration of women in New Hampshire is the fourth-lowest in the country, at 18 prisoners per 100,000 women in 2004.<sup>8</sup> Other New England states also have relatively low rates of female incarceration.

Although the female prison population has been increasing over the past two decades, the population decreased between 2001 and 2005, as shown in

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<sup>&</sup>lt;sup>3</sup> These percentages are based on 2002 data provided by the NH Parole Board; the Parole Board has been unable to provide more recent data to update this analysis.

<sup>&</sup>lt;sup>4</sup> Joan Schwartz, Ph.D., NH DOC, *Recidivism in New Hampshire*, forthcoming in 2006.

<sup>&</sup>lt;sup>5</sup> The Center tracked offenders for three years and nine months; see Katherine Merrow and Richard Minard, *Under the Influence Part 2*, February 2003, available at www.nhpolicy.org.

<sup>&</sup>lt;sup>6</sup> See Double Jeopardy: A Report on Training and Educational Programs for New Hampshire's Female Offenders, NH Commission on the Status of Women, December 2004.

<sup>&</sup>lt;sup>7</sup> These numbers are based on data reported by the Bureau of Justice Statistics, as reported by Natasha Frost in The Punitiveness Report, *Hard Hit: The Growth in the Imprisonment of Women*, 1977 – 2004, Institute on Women and Criminal Justice and the Women's Prison Association, May 2006, available online at www.wpaonline.org.

<sup>&</sup>lt;sup>8</sup> Ibid.

Figure 3.<sup>9</sup> The recent decline in population is consistent with trends in other New England states, but contrasts with increases seen in other regions of the U.S.<sup>10</sup>

<sup>9</sup> Population data from DOC Annual Reports, except 2006 data was provided by Lee Cormier of DOC. <sup>10</sup> Natasha Frost, *Hard Hit: The Growth in the Imprisonment of Women*, see footnote 7.

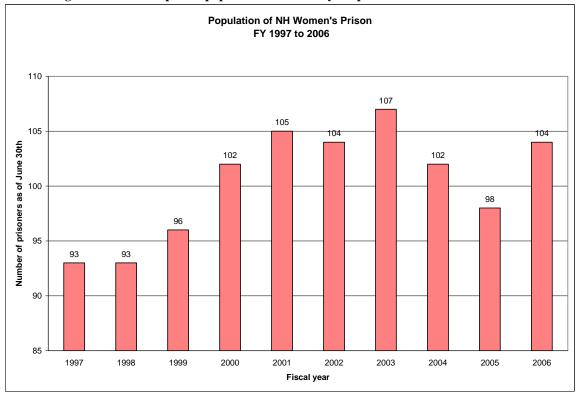


Figure 3: Women's prison population declined by six percent from FY 2001 to 2005

One potential explanation for the recent changes in growth is the reduction in admissions from county facilities. The women's prison has traditionally housed inmates for some counties, but this practice has lessened as state-sentenced admissions have increased and more counties have built or found other facilities to house their female offenders. As shown in Table 2, admissions to prison from other jurisdictions decreased by 83 percent while state-sentenced admissions increased by 61 percent between 1997 and 2005. Parole violator admissions increased by almost 200 percent. Although total admissions decreased by over 50 percent, the inmate population actually *increased* slightly during this period, because state-sentenced inmates serve longer sentences than county inmates.

<sup>&</sup>lt;sup>11</sup> Merrimack County now houses its own female offenders in its new house of correction; other counties have made other arrangements for their female offenders.

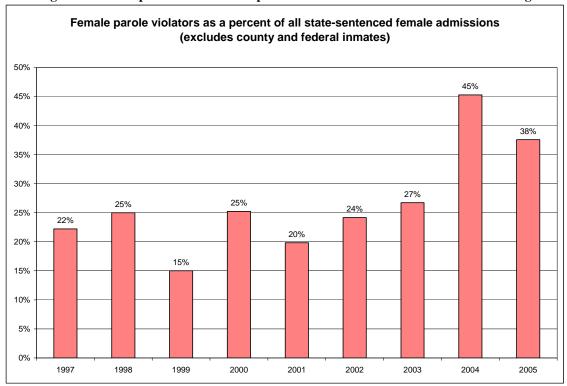
<sup>&</sup>lt;sup>12</sup> These data are based on the Center's analysis of DOC data provided to the Center in May 2006.

Table 2: County admissions decreased as state-sentenced female offenders increased

Total Admissions of Females Prisoners by Type of Admission, 1997 to 2005						
Calendar Year	Other Jurisdictions	Parole Violators	Probation Violators	Sentenced New Crimes	Secure Psych Unit	Total
1997	321	18	20	36	7	402
1998	336	21	17	32	14	420
1999	397	15	21	48	16	497
2000	411	27	21	47	14	520
2001	217	27	38	50	11	343
2002	155	29	23	52	16	275
2003	189	27	15	52	7	290
2004	185	48	19	35	4	291
2005	56	53	27	58	3	197
Change '97- '05	-83%	194%	35%	61%	-57%	-51%

Parole violators represented only eight percent of all female admissions between 1997 and 2005, but they comprised 27 percent of all state-sentenced female admissions (excluding county and federal admissions). Similar to the prison population generally, the parole violators' percentage represents the largest share of state-sentenced admissions, and it is increasing, as shown in Figure 4.

Figure 4: Female parole violators as a percent of state-sentenced admissions increasing



Seventy-nine percent of admissions to the women's prison are for non-violent crimes, with property and drug crimes being the most common.<sup>13</sup> This high percentage of non-violent felons may represent an opportunity to increase alternative sentencing. In fact, although women comprise only six percent of all state prisoners, they are already disproportionately represented in community alternatives: over one-quarter of those in the Academy program and on administrative home confinement are female.<sup>14</sup>

## Effect of NH Crime Rate on Prison Population Unknown

The increase in the prison population over the past decade has not been driven by an increase in new crimes. Nationally, crime rates have fallen as incarceration rates have increased. Incomplete data for New Hampshire make it impossible to know to what extent these trends are true for New Hampshire, though the prison data clearly show that recidivism and parole violations—not new crimes—are the primary forces driving prison admissions.

Relatively little is understood about crime rates in New Hampshire, despite its being a critical piece necessary to understanding trends in prisoners and corrections expenditures in the state. One reason for this is that the state's system of reporting is voluntary, and many police departments do not report data to the state. The NH Department of Safety reports the partial data to the U.S. Department of Justice, which estimates statewide crime rates based on those communities that do report data.

In 1999, only 54 police departments reported arrest statistics to the U.S. Department of Justice, and those communities constituted barely a third of the state's population. Since that time, reporting has increased considerably. In 2003, communities that reported data represented approximately 70 percent of the state's population. This increased reporting will improve understanding of crime data going forward, though it does nothing to improve understanding of recent crime trends in New Hampshire and their implications for public policy.

Because New Hampshire's crime rates from past years are based on a small percentage of the state's population, it is not possible to look at trends to determine the relationship between the state's violent crime rates and its prison population. Figure 5 compares New

<sup>&</sup>lt;sup>13</sup> This percentage is based on all female admissions between 1996 and 2003, and categorizes probation and parole violators according to their original sentencing offense.

<sup>&</sup>lt;sup>14</sup> The Academy percentage is based on offenders sentenced to the Academy in 1998, 1999, and 2004; the home confinement percentage is based on data for January, February, May through August, and September of 2005 (the months for which DOC provided the Center with monthly data reports).

<sup>&</sup>lt;sup>15</sup> November 10, 2004 online article based on Bureau of Justice Statistics, available at jointogether.org/y/0,2521,575137,00.html.

From Locked Up, September 2001. At that time, ten other states and the District of Columbia also reported only partial arrest data to the federal government, according to data published in the Sourcebook of Criminal Justice Statistics Online (Table 4.5) at <a href="https://www.ojp.usdoj.gov">www.ojp.usdoj.gov</a>. The Sourcebook noted that poor data quality from these 11 states made it inappropriate to compare crime rates across years.

<sup>&</sup>lt;sup>17</sup> U.S. Department of Justice website. As one indicator of the increased quality of the data, New Hampshire is no longer footnoted as being a 'poor quality data' state.

Hampshire's prison population with national violent crime rates, in lieu of New Hampshire data, and shows that the national rate of violent crime increased only slightly from the 1980's to the 1990's, while the number of individuals in New Hampshire prisons more than tripled. This increase was due in large part to passage of the truth-insentencing act in 1983, which increased time served in prison by requiring all offenders to serve at least their minimum sentences without reductions for good behavior.

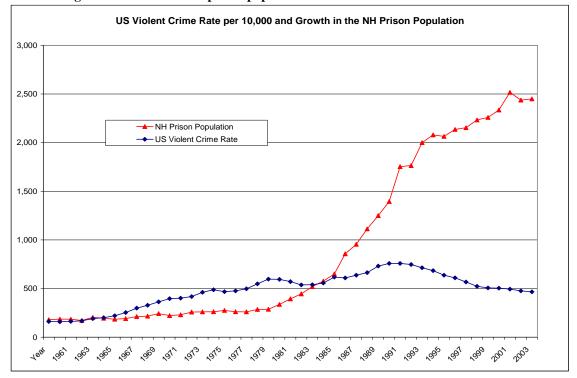


Figure 5: Increase in NH prison population far exceeds increase in violent crime

It is clear that understanding the relationship between crime rates (not just for violent crimes) and the prison population is essential to understanding what corrections policies should be in the future. The state needs to continue to invest resources in ensuring accurate and complete data.

## Alternatives to Incarceration: the Academy

In the FY 2003 biennial budget, lawmakers directed the DOC to consider "the diversion of parole and probation violators to the Academy Program, expanding Academy Program usage, and expanded use of home-confinement sentencing alternatives, with a goal of reducing the prison population by 300 inmates and closing the north or south wing of the state prison at Concord." This policy directive was based on the Center's research showing that the Academy, if used for prison-bound offenders, could be more cost effective than traditional incarceration. <sup>19</sup> Legislators coupled the directive with an

<sup>19</sup> Based on conversations with legislative officials.

<sup>&</sup>lt;sup>18</sup> Excerpted from Section 12 of the budget.

expectation of DOC budget savings by the end of the budget period. Use of the Academy, however, has not expanded. Between January 2002 and September 2005 the number of offenders sentenced to the Academy actually declined slightly, as shown in Figure 6, and the Department met its budgetary constraints by cutting prison positions, many of which were dedicated to rehabilitation. <sup>20</sup>

The decrease in participation in the Academy is partly attributable to changes in DOC Academy providers and non-renewal of the Academy contract in Belknap County. It may also be due to a decline or variation in the number of offenders deemed appropriate for the program, or to the fact that the program has been level funded. The legislature has not increased Academy funding since FY 2002, though in the FY 2003 biennial budget it did authorize DOC to redirect other department funds to the Academy to achieve the goal of reducing the prison population.

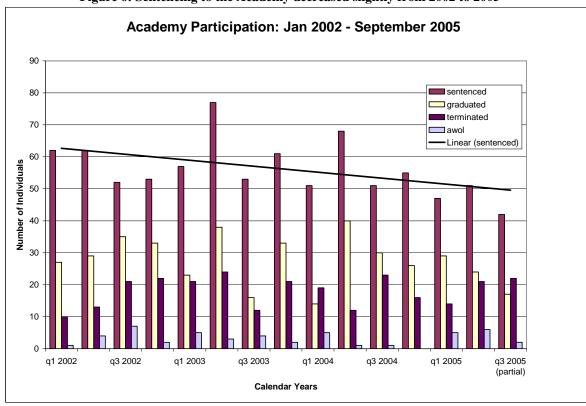


Figure 6: Sentencing to the Academy decreased slightly from 2002 to 2005

While DOC controls the funding and management of the Academy, it cannot control who participates in the program; only judges can sentence offenders into the program. Given this situation, the department has questioned the appropriateness of its role in managing the program. There continues to be wide variation in the relative number of offenders sentenced to the program across counties. In 2003 the Center found that counties with relatively low program utilization also had poor communication among Academy and

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<sup>&</sup>lt;sup>20</sup> DOC Annual Report 2004.

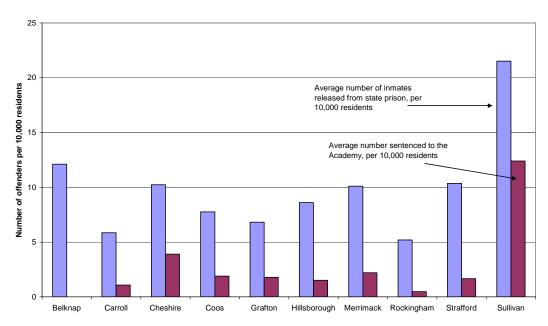
<sup>&</sup>lt;sup>21</sup> Les Dolecal, DOC Assistant Commissioner, June 2006.

criminal justice professionals, and that judges' utilization was partly affected by their confidence in the program's management and standards. The Center recommended that the department provide better information about program performance to the judiciary. Since then the Department has indeed taken steps to improve data collection on Academy performance, though it has not yet issued reports on performance.

Figure 7 illustrates the variation in utilization by showing the average number of offenders sentenced to the Academy per 10,000 county residents.<sup>23</sup> The rate varies from a low of zero in Belknap County, where DOC elected not to renew the provider's contract, to a high of 12 offenders per 10,000 residents in Sullivan County. This variation in utilization has remained fairly consistent since 2000.<sup>24</sup>

Figure 7: Utilization of state prison and the Academy varies widely by county

Relative utilization of prison and the Academy (Based on the average number of prison releases FY 2003-2005 and the average number of Academy participants 2002-2004 per 10,000 residents)



The two counties with the highest Academy usage also have higher rates of state prison utilization, as measured by the average number of prisoners per 10,000 residents, <sup>25</sup> also shown in Figure 7. If policy makers wish to encourage the use of alternatives to prison

<sup>&</sup>lt;sup>22</sup> Under the Influence Part 2: Treating Addictions, Reducing Corrections Costs, February 2003, available at <a href="https://www.nhpolicy.org">www.nhpolicy.org</a>.

<sup>&</sup>lt;sup>23</sup> Figure 7 averages the most recent three-years of data available for the Academy and state prison releases. Although the time periods of the two measures are not exactly the same, the data provide a rough measure of the relative utilization of the two sentencing options.

<sup>&</sup>lt;sup>24</sup> The variation in utilization rates for 2000 to 2002 can be found in the Center's *Under the Influence Part* 2: *Treating Addictions, Reducing Corrections Costs*, p. 26, February 2003, available at www.nhpolicy.org.

<sup>&</sup>lt;sup>25</sup> The average number of prisoners is based on the number of prison releases each year by county of sentencing, and is taken from DOC Annual Reports.

and control incarceration costs, understanding the basis for this variation and increasing communication about program standards and management at the local level is critical.

Recently, more state policy makers have begun to call for expanded use of appropriate alternatives to incarceration. In May 2006, the Citizen's Commission on the Courts recommended expanding alternative sentencing options throughout the state as a way to reduce costs, rehabilitate offenders, and reduce crime. Although the state has a variety of alternative sentencing programs scattered around the state, availability varies by county and there is no uniform system of alternative programs available consistently statewide. A list of the state's alternative sentencing and diversion programs appears below:

#### Prison alternatives or post-prison programs:

- The Academy
- 30-day parole violator program at the Laconia State Prison
- Federally funded re-entry program in Manchester
- Early release from prison to drug court supervision in Strafford County

#### **County house of correction alternatives:**

- Community corrections programs in three counties
- Diversion and education programs in Merrimack County
- Pretrial programs in Merrimack and Strafford Counties
- Electronic monitoring in some northern counties
- Restorative justice program in Belknap county
- Adult drug court in Strafford County

#### **Alternatives for juveniles:**

- Six juvenile drug courts
- Juvenile diversion in many towns, funded by the state, counties, and municipalities

## The Aging Prison Population: Challenges for the Future

Another important trend among New Hampshire's state prison population is that, like New Hampshire's general population, the inmate population is aging. The policy implications associated with an aging prison population have received only indirect review and analysis in New Hampshire. As noted in previous work by the Center, the Department of Correction's annual reports provide little information about the demographics of the state-prison population noting only that medical costs are rising because "our population is getting increasingly older." Review by the Legislative Budget Assistant has brought some focus on the issue of prison health care costs only indirectly by linking the issue to policy surrounding the aging of the prison population.

<sup>&</sup>lt;sup>26</sup> The Commission's report is available online http://www.nhcitcourts.org.

Nonetheless, the DOC, like other state agencies, will be struggling with the rising costs of health care compounded by an aging population that uses more services.

As Figure 8 illustrates, an increasing share of the prison population is over the age of 40. Between 1996 and 2005, the percent of prisoners over 40 increased from 24 to 36 percent, and there is no reason to expect this trend to slow.

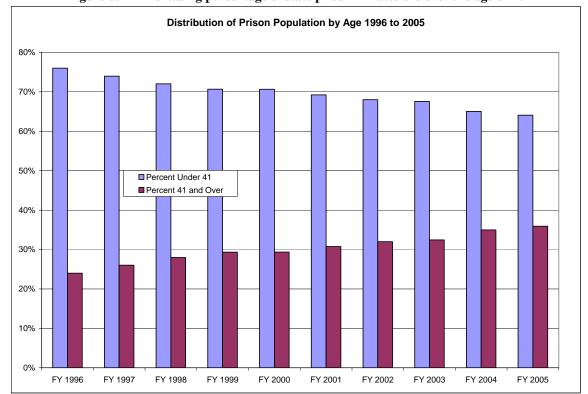


Figure 8: An increasing percentage of state prison inmates are over the age of 40

The implications of this trend from a cost management perspective are clear: older prisoners have significantly higher health care costs and are thus more expensive to house and care for. One study estimated the annual cost of incarcerating a geriatric prisoner to be \$70,000.<sup>27</sup> New Hampshire's average annual cost for the general prison population is \$28.143.<sup>28</sup>

A different dimension of the same problem is the infrastructure needs of an aging prison population. The reductions in an individual's ability to manage daily activities and increased likelihood of dementia and falls associated with aging will likely require modifications to the basic architecture of the prison as well as staff support for prisoners who are no longer able to make their beds or simply move around the prison. As Figure 9 illustrates, the number of state prison inmates aged 61 and over has more than doubled

<sup>28</sup> Department of Corrections FY 2005 Annual Report, p. 30, this cost excludes the cost of general DOC administration.

<sup>&</sup>lt;sup>27</sup> This study was summarized in *Corrections Journal*, March 22, 2006, "Study Details Safety Problems Faced by Geriatric Prisoners," p. 5; the study was based on prisoners in California.

in the past 10 years. Just as the mental health facilities at New Hampshire's state hospital have specialized units for older patients, the prison system may ultimately need to create geriatric wings for its older inmates.

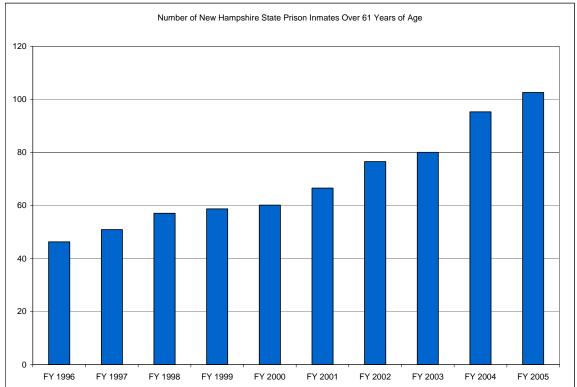


Figure 9: The percentage of prisoners who are elderly has doubled in 10 years

New Hampshire has been fortunate compared to other states in that the overall percent of the population that is incarcerated is among the lowest in the nation. Nevertheless, our prison population has grown by about 600 percent since 1981, and the corrections budget is one of the fastest growing expenditures from the state's general fund. Understanding the prison population drivers and trends will help policy makers grapple with difficult spending and programming choices that lie ahead.

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