

report 2012

Belknap County

Criminal Justice Master Plan

Belknap County
New Hampshire

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section one

Introduction

❖ Belknap County has, by conducting a Criminal Justice System assessment, taken an important step toward a more efficient and effective system. This report provides recommendations for achieving this objective. The recommendations are based on an analysis of local data and an assessment of local resources and operations.

A Systems Approach

Available beds in any correctional facility tend to become filled – regardless the number added.

Jail utilization is a symptom of the policies and practices of the larger criminal justice system. The changes that have occurred in the nation's custody population over the past 30 years (a five-fold increase in the number incarcerated) are evidence that policy shifts alone can bring about dramatic changes in custody usage.

Mandatory minimum sentencing policies, the adoption of three-strike laws, longer sentences for drug offenses, and the combined effect of the deinstitutionalization of persons with mental illness and the lack of community-based resources, have all contributed to the increase.

There is no correlation between crime rates and incarceration rates. Crime rates are in decline and violent crime rates are at a 40 year low. Still, our nations' incarceration rate continues to rise and, at 743 persons per 100,000, is more than 5 times the worldwide incarceration rate.

To change the trajectory, jail planning must be shaped by an understanding of the interactive effects of the criminal justice system. It must take a 'systems approach.'

There are real benefits to be realized when jurisdictions take a strategic, comprehensive approach to jail planning. A systems approach seeks to understand the connections and interactions of the components of the larger

system, taking into account not only jail operations, but also the larger criminal justice system. At a time of decreasing revenue it is especially important that planners not only anticipate the future, but explore the extent to which it can be managed.

Focusing on managing risk and improving outcomes shifts the nature of jail planning. It challenges decision-makers to think about custody resources as a continuum of choices, not a stand-alone option. It looks at the jail as a gateway to individual change: part of an overall case plan for change that relies on treatment and supervision and swift sanctions delivered as part of a coordinated strategy. And, it relies on System Integrity: maintaining the **One Empty Bed** necessary for comprehensive offender management.

Research shows that simply holding offenders in custody and then releasing them does nothing to reduce future offending. Accordingly, jail planning must move beyond simple formula-based approaches that build more beds based on past demand. The goal of jail planning within a systems approach is to curb future demand by alleviating demands on the jail. This is accomplished by improving system efficiencies and improving offender outcomes. It is accomplished by making full use of jail diversion and alternatives to incarceration, and by ensuring that programs conform to evidence-based practices.

The planning process includes assessing the efficiency and effectiveness of the criminal justice system **first** and then planning jail and program space needs based on the system modifications that the assessment suggests. Following such a process can postpone the overflow of a facility by decades.

The development of a Master must be grounded in a **Systems Approach**. Such an approach is guided by a philosophy that system change must be informed by data, guided by clear objectives, and shaped by an understanding of the interactive effects of the larger system. The Belknap County assessment is the first step in this process.

Study Methodology

This planning process put data collection up front. The emphasis was on generating meaningful system information *and establishing system baseline data*.

Jail Snapshot Data

One of the key areas of focus was the development of a jail snapshot for Belknap County. A jail snapshot allows a jurisdiction to monitor its custody population and to note changes and trends over time. The snapshot captures the offender profile, legal status, offense type, and time-in-custody for each person in jail. The goal is to produce the snapshot electronically daily with a monthly composite developed. The current system of isolated daily snapshots is not sufficient.

Case Processing Study

A case processing study tracks a sample of cases through the criminal justice system from booking to disposition to provide baseline system data, to allow an examination of system efficiency, and to reveal system decision-making. The detailed data this study generated provides a framework for a review of system policies, programs, and practices. Once again, this process needs to be developed electronically so that the information contained in this report is available on a regular basis.

Jail Capacity Forecasts

Jail forecasting enables a system to anticipate future capacity need – and then work to mitigate that need. Jail forecasts developed for Belknap County look out 25 years and present different scenarios based on varying assumptions in jail admissions and average length of stay. The degree to which Belknap County can alter those variables will dictate future capacity needs.

Information Systems

While the jail and court utilize different, new generation information systems, the linkage of these two systems is critical to having the necessary, appropriate data on a regular basis. This report is only the beginning; local officials need access to timely information about the use of the jail and the court system.

Key Findings

Highlights of the study findings include:

- **Belknap County exhibits a high reliance on incarceration as a sentencing option** 93% of offenders sentenced in superior court receive a custody sentence, significantly higher than the national average (69% of offenders sentenced in state courts receive a jail or prison sentence)¹
- **47% of cases sentenced in superior court receive a jail sentence**, significantly higher than the national average (28% of offenders sentenced in state courts receive a jail sentence)
- **Jail is excessively employed as a response to technical violations** 75% of probation holds in jail are held on a technical violation (no new crime)
- **Case processing times are higher than they should be** especially for felony cases. For felony cases bound-over from district court to superior court there is an average 68 days between district court disposition and superior court arraignment. Arraignment to disposition is an average of 149 days.
- **Felony attrition is low** Misdemeanor attrition is an issue
- **Offender risk assessment does not guide supervision, sanction and service decisions**
- **Rehabilitation services are not sufficient** Addiction services and cognitive-behavioral programming are not readily available
- **Diversion efforts are lacking** No Drug Court or Mental Health Court option

¹ BJS, Felony Defendants in Large Urban Counties

- **Mental health and addiction services are not well integrated**
- **Probation violations have a significant impact on the jail**, with an average time in custody for probation holds of 178 days
- **The jail has, at 19%, a relatively large population of female prisoners**
- **The pre-trial jail population has an average time in custody of 83 days**
- **The County lacks Misdemeanor supervision services** 17% of misdemeanants serving a jail sentence were convicted of domestic violence

Key Recommendations

Improve System Efficiency & Reduce Reliance on Jail

- Develop an Early Case Resolution program
- Increase frequency of Grand Jury hearings
- Assign County Attorney responsibility to prosecute all felony cases in district court
- Expand Diversion options, including development of Drug Court and Mental Health court programs for both misdemeanors and felonies
- Fully utilize Adult Diversion program
- Reduce reliance on jail and prison as response to technical violations of supervision
- Develop structured sanction policy
- Grant 'Supervisory Authority' to manage inmates along a continuum
- Develop Jail Step-down measures
- Plan a Community Corrections Center

Improve Effectiveness

- Use Risk assessment to guide supervision, sanction and service decisions

- Ensure Supervision + Treatment for High risk cases
- Reduce Probation caseload size for Higher Risk cases
- Establish a Misdemeanor supervision program as part of Community Corrections
- Expedite Time to Assessment
- Improve access to Treatment
- Ensure programs adhere to evidence-based practices
- Better integrate mental health and substance abuse services
- Improve coordination between social services agencies and probation

Strengthen & Optimize Existing System Components

- Establish a Community Corrections Department
- Make full use of Adult Diversion program

System Reform

- Pursue Community Corrections Act Funding at Legislature
- Standardize assessments across system
- Overhaul Information Systems linkages

Belknap County has made strides since this project began. It has secured a grant for expanded job support services for its prisoners, and it has begun a review of its case processing procedures. The recommendations that follow will help move Belknap County forward in a manner that can help improve system efficiency, reduce recidivism, and strengthen cross system collaboration.

Establish & Strengthen Key System Components

Establish a Community Corrections Department

Belknap County possesses many elements of a Community Corrections program. Its best efforts are, however, undermined by a lack of program cohesion. Some essential elements are missing: it lacks Misdemeanor supervision services, for example. Other services, such as the Bail Commissioner program, do not provide a full contingent of services. Still other efforts, such as Jail programs, are not well coordinated with

community services. Belknap County would benefit from a consolidated approach to the delivery of Community Corrections services.

A Community Corrections Department should be established to oversee all Corrections programs, both jail and community programs. Services under such an umbrella would include: Pre-Trial Services, a new Misdemeanor Supervision unit, and a Jail Step-down program. The consolidation of supervision, sanctions and services under one administrative umbrella would serve to promote service uniformity and establish new standards of quality.

Belknap County already has, in its Adult Diversion Program (which grew out of the Juvenile Diversion program), the foundation from which to build a strong Community Corrections Department. A new department could be configured in a number of ways. I suggest that the County explore two organizational options: Either placing this new Department under either the County Manager as a stand-alone unit, or under the Jail Superintendent. Both options should be fully explored.

This new Department would work to establish local criminal justice supervision, sanction, and pre-trial services as a distinct professional entity.

Develop a Full Continuum of Diversion and Community-based Alternatives

→ *Belknap County has a high reliance on incarceration as a sentence option. 93% of Superior Court sentences were to jail or prison. Nationally, 69% of felons sentenced in state courts were sentenced to a period of incarceration*

The lack of probation and treatment alternatives can result in an over-reliance on incarceration. This takes a toll on the jail and can shift the emphasis away from rehabilitation strategies, which when balanced with swift jail sanctions, can lead to sustained recidivism reduction.

→ *The percentage of felons in Belknap County who are sentenced to jail by superior court is, at 47%, significantly higher than the 28% jail sentence rate for felons sentenced nationally across state courts*

To effectively manage its offender population and reduce recidivism Belknap County must expand the availability of effective addiction and mental health treatment programs. The County should invest in full continuum of evidence-based programs.

Sufficient services should be in place (across the custody to community continuum) to provide immediate access to assessments and services for high-risk, high-need individuals: those on pre-trial release, under probation and parole supervision, in the jail, and those returning to the community from custody. And, importantly, these treatment programs must be delivered by high quality community-based providers.

Expand Diversion Programs

Expand Adult Diversion Program

→ *Belknap County had 21-cases participate in its Adult Diversion program last year*

Belknap County has the foundation for an expanded diversion program. Its Adult Diversion program, which developed from its own juvenile justice restorative model, aims to reduce recidivism and the long-term cost of incarceration.

Cases that end up in the diversion program come primarily from the county attorney. Most are felony cases which are bound over, and most of them are property offenses – with some drug charges included. The program serves a relatively small number of offenders. Supported by 4 staff, who work 32 hours a week, the program could, according to the Manager, expand to serve 35 or 40 per year within existing resources. The system should take full advantage of this under-utilized resource and prepare for its expansion.

The goal of the Adult Diversion program is to address substance abuse issues and to fulfill other court conditions. Over the course of ten to 12 months, individuals are expected to make restitution, and complete community service up to 250 hours. The community service is to keep them occupied if they are not working full-time. Participants are also required to complete an alcohol and drug assessment and submit to random drug tests.

→ *At this time there are approximately 25 persons in the Adult Diversion program*

The program also does some bail supervision of persons with mental health issues. Electronic home detention can be accessed through the jail.

→ *About 20% fail due to substance abuse*

The program should be enhanced by the addition of cognitive-behavioral treatment for all participants. This low-cost program can be delivered by a non-clinician and has proven to be a highly effective tool for recidivism reduction. Offering cognitive group sessions would also serve to bring more cohesion to the program, convening participants for group training sessions. At this time, the program does not offer any group session; clients are seen weekly on an individual basis, and random drug tests are administered.

In addition to cognitive-behavioral group sessions, the program must be able to access substantive treatment for all higher risk offenders for whom addictions are a causal factor in criminal behavior. And, the program should be able to access the kind of expanded job support programs that will be offered for Jail prisoners.

The Adult Diversion program can be built upon to provide a substantive diversion option for an expanded population. To do so requires swift assessments, predictable access to addiction treatment, and addition of cognitive-behavioral training, and a strong job support component. The strengthening of this package of services should be pursued as part of a

larger effort to provide the level of services and supervision necessary to support expanded efforts – such as a Drug Court, Mental Health Court, Misdemeanor Supervision services, and Jail step-down services.

Drug Court & Mental Health Court Programs

Drug Court and Mental Health Court programs have proven to be highly effective interventions for reducing the impact on the jail and improving offender outcomes. Belknap County would benefit from having these two programs in their portfolio of services.

At this time there is a plan for the local Horizons program to pilot a Drug Court program with a small number of offenders (5 persons) who are selected by the circuit court judge. This should be viewed as the beginning of a full-fledged program.

The formation of a Mental Health Court program should be discussed in the context of a larger conversation about how to standardize behavioral health assessments, enhance jail mental health services, ensure access to co-occurring treatment (mental health and substance dependence), and address the need for transitional housing for re-entry stabilization – or, front-end arrest diversion.

Community Work / Crew program

A work crew program is a versatile diversion/sentencing option. It can serve as a jail sentence alternative or a step-down option. It offers an ‘accountability track’ for low-risk offenders in lieu of probation; and it provides an alternative sanction for technical violators.

→ In Belknap County, 31% of felony defendants and 29% of misdemeanor defendants were unemployed at the time of booking

A work crew program can also be coupled with therapeutic offerings for a recidivism reduction benefit. For example, coupled with job search training it can provide a work release option from jail for those not yet able to secure work; and coupled with cognitive treatment it can meet the dual goals of

keeping offenders actively engaged while pursuing treatment, thereby increasing the odds of treatment success.

Administrative Home Confinement (Electronic Monitoring) Program

Electronic monitoring offers an alternative to standard probation; an enhanced monitoring option for higher risk offenders; and a step-down option for those in jail. It should be used selectively and with the realization that, as a stand-alone measure, it does not provide a recidivism reduction benefit.

Expand Evidence-based Services / Programs

The County needs a full continuum of evidence-based programs. These are programs which have been shown to achieve significant and sustained reductions in recidivism.

- **Cognitive-behavioral therapy** programs that address thinking errors, teach problem-solving techniques, and stress relapse prevention.
- **Violence reduction programs** Anger management classes should be mandated for individuals with a history of violence, and Batterer Intervention classes should be available across the custody-to-community continuum to ensure uninterrupted treatment.
- **Addiction treatment** substance abuse treatment is a core component of any risk-reduction strategy
- **Employment support** The stability provided by a job is a key to maintaining long-term change. Programs that facilitate securing a job, and the life skills required to retain it, are important for long-term positive behavior change.
- **Social Support Services** Mentors, family support, and the more tangible stabilization needs of transition housing are critical for lasting change.
- **Mental Health services** Counseling and related services for offenders with mental health problems is an important component of any strategy to improve outcomes, reduce emergency room admissions and mitigate the impact on the jail.

Other types of programs should be viewed as only ancillary. Programs like health, yoga, knitting, and Bible study offered in the Belknap County Jail should be viewed as secondary to the proven evidence-based programs such as substance-abuse treatment and cognitive-behavioral training. Programs, such as the job skills class that was, when available, full to overflowing should be considered a standard part of a County portfolio for offender change — not subject to elimination when resources are limited, as was recently the case.

Evidence-based programs should be available across the custody-to-community continuum to ensure continuity of services. Moreover, programs must be delivered in a manner that, research has shown, is essential for positive change. In fact, quality program delivery is as important to achieving good outcomes (recidivism reduction) as is the nature of the services offered. Operating principles must include:

- Most intensive services delivered to higher risk offenders
- Program has a concentration of higher risk offenders
- Validated risk and needs assessments provides the basis for case planning
- Assessments are quickly accessed and clients are reassessed every 6 months
- Rehabilitative services coupled with meaningful supervision
- Services include a cognitive-behavioral component
- Case plan reflects individual criminogenic factors associated with criminal behavior
- Staff trained in positive communication: motivation interviewing
- Address 3+ crime-related factors (thinking, addiction, jobs, family, etc.)
- Non-compliance responded to in a predictable fashion: swift, certain and short responses
- Incentives offered for good behavior
- Service duration of no less than 3 months
- Deliver more rewards than sanctions; a 4:1 ratio
- Aftercare services provided
- Programs have audit and routine evaluation procedures in place

Research has shown a direct relationship between the quality of program delivery and rates of offender recidivism reduction.

Cognitive-Behavioral Therapy

Programs that address the thinking errors and cognitive distortions of offenders have been shown to be the *powerhouse* of positive offender change. Cognitive-behavioral programs that conform to evidence based principles yield 2-3x the rate of recidivism reduction as the average Corrections treatment program. A substantial body of research has consistently found that cognitive-behavioral programs achieve significant reductions in recidivism. Studies show participants in cognitive programs have recidivism rates 10 to 30 percent lower than offender who did not receive this intervention. Cost-benefit analyses of these programs have estimated economic returns of up to \$11 for every dollar invested in cognitive treatment.

These programs take different forms (Thinking for Change, MRT, etc.) and appear to be equally effective. They should form the basis of all treatment plans for higher risk offenders.

Job and Educations Support Services

This includes pre-employment planning and job search assistance, life skills training, and job retention counseling. It can also include vocational training and jail industries. Work Release is an important component of a Jail re-entry for those offenders with prolonged periods of detention, and makes job search assistance and support all the more important.

The grant that the Belknap County Department of Corrections recently received (from the New Hampshire Career and Technical Education Program, in partnership with the Lakes Region Community College and New Hampshire Food Bank), will greatly enhance the educational resources for inmates. The 'New Direction program' is designed to teach inmates marketable skills, help them in their job search efforts, and support them in educational pursuits. Classes in basic carpentry, auto mechanics and food service will be offered in collaboration with the community college and food

bank. These are exactly the kind of efforts shown to support recidivism reduction.

→ In Belknap County, 43% of misdemeanor defendants and 29% of felony defendants had, at the time of booking, neither completed high school nor earned a GED

The new career education program, offered through Lakes Region Community College, will be available to both men and women minimum and medium security inmates, and will serve 30 inmates per year. Each session will run for 12 weeks with a two-hour class and two-hours of individual and group counseling each week.

Substance Abuse Treatment

→ There are waiting lists for all local substance abuse programs

Substance abuse treatment services in Belknap County are not sufficiently available, nor are they quickly accessed. The Horizons program provides substance abuse treatment services, but there are not enough resources to support the offender population in jail or in the community.

→ Addiction services in the Belknap County Jail are not always compatible with services in the community

Drug and alcohol addiction services should span the custody-to-community continuum. This should include all levels of care, from brief interventions to outpatient services and residential treatment, to therapeutic community programs within the Jail. It is important that these services be compatible: that a prisoner who starts a program in the Jail can continue the program in the community, once released. At this time, programs like the DUI program in Jail are not in sync with the offerings in the community. This is counter-productive.

→ Residential addiction services are in short supply

Addiction treatment must be readily available to ensure swift program entry; and the continuum should, at a minimum, be able to accommodate the high risk/medium-high need offender. Swift treatment entry has been shown to be a factor in the ultimate rate of recidivism reduction.

→ Entry into treatment in Belknap County is not necessarily assessment driven

Service delivery should be tailored to the risk level of the individual offender, incorporate cognitive-behavioral training, be of sufficient duration, and provide follow-up services. Service should also conform to the highest evidence-based standards, such as those outlined in the Correctional Program Assessment Inventory checklist, offered by the University of Cincinnati, school of Criminal Justice Research.

→ Offenders in need of treatment in Belknap County are often sent to jail to access the ADAPT program

Finally, offenders should be provided treatment services in the least restrictive settings. Not only do community programs yield better recidivism reduction outcomes than in-custody treatment, but they are less expensive and help extend scarce resources. Access to the best treatment in town should not depend upon a sentence to jail. However, in Belknap County, judges, who want to do the right thing, may sentence someone to a jail term long enough to complete the 100-day, in-custody ADAPT program. The use of in-custody treatment should be reserved for those who, according to a risk/need assessment, are higher risk offenders in need of this level of treatment; and ideally would first have accessed community-based treatment. In a graduated sanction/treatment model, in-custody substance abuse services should not be a destination, but only offered to those inmates already serving a lengthy sentence who, by assessment, are deemed in need. Residential treatment in the community should be developed as a last step on the treatment continuum to fill the need.

→ Treatment success is hampered by lack of supervision services

Finally, the best treatment services are undermined by a lack of supervision services (no misdemeanor supervision) or by the lack of quality supervision (large caseloads). The staff at the Horizons program report that without good supervision clients exiting the Belknap Jail ADAPT program do not follow-through.

Behavioral Health/Mental Health Services

→ *The Jail does not offer mental health services apart from the assessments conducted by Genesis and referrals to community-based services*

A humane and effective criminal justice system must have the resources to stabilize and divert mentally ill offenders. These resources can take many forms but at a minimum should include: assessment, referral, medication coordination, counseling, peer support, and residential stabilization.

Jurisdictions should also explore how to build jail alternatives at the front-end of the system: stabilization and assessment resources to divert the chronic, repeat offenders who cycle through jails due to unresolved mental health issues.

→ *Belknap County's only access to residential services for the mentally ill is the State Hospital*

The bedrock of mental health services is quick access to a quality assessment (and access to patient records that document the person's medication history). Presently, the Belknap County Jail has a physician available 4 hours a week who, within that timeframe, is also available for psychiatric services. With this limited assignment, no time is available for the kind of comprehensive assessments needed for this population. Given that 16% of jail populations are, at the national level, comprised of seriously mentally ill inmates, this resource does not appear sufficient. The County should explore tele-psychiatry for immediate assessments (remote access to 24/7 psychiatric resources), perhaps tapping into the 6 psychiatrists who work for the State.

→ *Assessments conducted by Horizons and Genesis are not coordinated*

The Horizons program conducts mental health assessments in Jail to support jail management, but this is not coordinated with Genesis which is responsible for medication. This should be reviewed.

Anger and Violence classes

Anger management classes should be widely available; and Batterers Intervention programs should be offered in custody as well as in the community. These programs should not be interrupted by a stay in custody.

Re-entry Services

These can include transitional housing, continued treatment, family counseling, child care assistance, and aftercare. These services should reflect the risk level of the prisoner and planning the re-entry case plan should begin at the point of incarceration. The delivery of re-entry services can be enhanced by in-custody step-down programs, probation officer reach-in, and half-way house transition centers. All should be discussed.

Family Services

The family is often overlooked in the design of a program continuum. Parenting classes provide an inexpensive means to address crime prevention within Adult Corrections. Beyond parenting classes, a jurisdiction can consider family reunification assistance, family counseling, and other services as time and resources allow. Strafford County's Family Reception Center (and its in-custody Child Care Release program) is worth exploring.

Develop a Continuum of Step-down Options

Develop an Order/Protocol to facilitate the Step-down of prisoners

Jails need the flexibility to manage inmates along the custody-to-community continuum, based on offender risk level and behavior. Strafford County provides an example of this. The Strafford County Superior Court has just issued an order, similar to the one issued by the circuit court, allowing a sentenced prisoner to be stepped down from detention, unless otherwise noted on the commitment at the time of sentencing. This 'supervisory authority' affords the Jail Administrator the ability to manage risk in a manner that reflects prisoner assessments, individual compliance, and needs of an individualized and dynamic case planning process.

→ For those felons sentenced to jail from superior court, the average sentence length is 266 days

A step-down program allows a system to manage their jail resources by

controlling length of stay, and it facilitates behavioral changes by having the ability to seamlessly manage offender behavior up and down a sanction continuum. Step-down planning should be a central tool for jail and offender management.

Develop a Community Corrections Center

I recommend that an expanded Belknap County Jail dedicate one-third of its beds to a new model of incarceration: A Community Corrections Center.

A Community Corrections Center is a new paradigm. It challenges traditional notions of the Jail as a place of removal and punishment. Instead, Jail is seen as less a 'place' than part of a therapeutic 'process.' The CCC offers 'a new way out' for offenders: one that makes the movement through jail part of an integrated plan for change.

A Community Corrections Center (CCC) prepares inmates for successful transition back to the community. It is a discreet in-custody program, or a separate residential facility, that offers a community-oriented environment as an alternative to Jail. Inmates at the CCC work in the community during the day and then return to the facility for the night. The Center provides a structured living environment in which to learn new skills and chart a path for the future.

Inmates at a Community Corrections Center serve out the remainder of their sentence within the transition program where they not only satisfy their court-ordered sentence, but also participate in a range of rehabilitative programs. The principal goal is to facilitate successful re-entry back to the community. A Community Corrections Center extends the continuum of local interventions and serves to improve offender success.

Like the Drug Court model the CCC is grounded in the concept of 'therapeutic justice' which implies shifting the principal goal of incarceration from one of simply punishment, to an emphasis on improving outcomes by improving behavior, and a focus on improving behavior by addressing underlying problems or risk factors (such as addiction) that can undermine success.

The CCC combines this therapeutic orientation with an equally strong focus on individual 'accountability.' Residents must work, repay their victims, pay child support, and meet all their legal obligations. At a Community Corrections Center

this perspective guides operations, with an emphasis on a graduated expansion of freedom for the purpose of improving lives and outcomes.

A Community Corrections Center offers an option for serving jail time that can improve offender outcomes and thereby lower system costs.

Offender failure comes with a price-tag. The recycling of offenders through the system is costly. A CCC is designed to hold offenders accountable while working to positively change the outcomes and reduce failure. A Community Corrections Center can help reduce system costs, improve offender outcomes, and help create a more cohesive system of local services.

Benefits of a Community Corrections Center

- Improved public safety outcomes
- Lower cost alternative to Jail
- Allows offender to step-down to lower cost community options
- Improves offender re-integration
- Enhanced flexibility in Jail management
- Expanded sanction options
- Cohesive system response

A Community Corrections Center should be planned with a ‘systems’ perspective. To succeed, the Center must operate as one element on the custody-to-community continuum referenced in this report, along which inmates can be stepped up or down. A CCC is a key component of an effective re-entry strategy.

The Community Corrections Center model is not a work release facility. It does not provide just another alternative to custody, but a whole new way of ‘serving time.’ It moves from a model in which time in custody is one of idleness punctuated by an occasional program, to a model in which the inmate moves through a holistic program plan and work experience, learning new skills and then testing them in the community during their stay. The CCC provides a model in which an offender leaves with new skills, new connections, and a plan for continued treatment and support. It offers a new beginning.

This model changes the paradigm about how offenders serve their sentence. It challenges the notion that public safety is best served by offenders spending their full sentence in custody and then just being turned out back to the streets — or offered a few services on the way out the door.

In this model, serving a sentence involves the rigorous work of behavioral change. As an offender steps down from Jail he moves through program phases, learns new skills and then tests them in the community, earning increasing privileges as he progresses.

A Community Corrections Center has many benefits for the criminal justice system.

Improved Public Safety Outcomes

There are only a few Community Corrections Centers in the country. Those that are in place have demonstrated good outcomes.

In Washington County, Oregon, a 215 bed CCC serves a diverse population of offenders, and does not exclude any persons based on the severity of the charge. The program accommodates sentenced inmates, probation violators, offenders in need of short-term stabilization due to mental illness, and recently released state inmates. The overall success rate for the Washington County CCC for 2008, measured by successful completion, is 89%. Overall, 11% were unsuccessful; of the total served, only 1% failed the program for commission of a new crime.

Washington County has not conducted a recidivism study for the CCC population as a whole. They have conducted assessments of residents within the in-house residential treatment program, and have tracked recidivism for the probation/parole population as a whole who are on supervision: many of whom have come in contact with the CCC. The latter study showed the positive effect of achieving specific risk-related goals: to benefit from treatment, to gain job stability or be engaged in constructive activity, and to have a positive support person. Offenders who did not meet any of the three goals had a 30% re-arrest rate within one year of supervision those who met all three had a 10% re-arrest rate.

In Hampden County, Massachusetts, a Pre-Release Facility serves inmates who are within six months of release. Inmates reside at the Facility but work in the community. A Day Reporting component was later added. Not only has the program saved jail beds for those who need them most and reduced the costs of

holding inmates, but they have found that individuals who earn the opportunity to participate in these programs have an improved rate of successful community re-entry: gaining stability in the community through jobs and housing, which contribute to reducing offending. (Richard McCarthy, —The Hampden County Day Reporting Center: Three Years' Success in Supervising Sentenced Individuals in the Community, Hampden County, Massachusetts, Sheriff's Department.)

Jail time alone does not reduce recidivism. Research has shown that subsequent re-offending is not reduced by time in custody nor supervision alone. Rather, reductions in re-offending are achieved through a balance of treatment, swift sanctions, and supervision. Jail is a necessary element of an effective change strategy and Jails must have that *One Empty Bed* for a swift response, but by itself a jail sentence yields little return in reduced re-offending

The over-arching goal of the Community Corrections Center is public safety. Each person entering the program from Jail has a plan to address risk factors for recidivism (employment, substance abuse, and thinking skills) and the program returns the offender to the community with a plan for continued improvement. It works.

A CCC in Nashville, Tennessee reports that over 60 percent of inmates leaving jail commit a new crime or violation within the year. In contrast, of those offenders who exit the Corrections system through the CCC and receive alcohol or drug treatment, more than 60 percent (67%) do not return in the year after release. Their CCC program, designed for non-violent offenders, provides a program rich environment. The Sheriff notes that the program, ,gives someone an option to turn his or her life around in a positive manner. The program has been judged a success by the county, with a per diem rate one-third of the jail and high program success. (Davidson County's Day Reporting Center: An Effective Alternative, Large Jail Network Bulletin, 2000.)

Lower Cost Alternative to Jail

A Community Corrections Center extends local Corrections resources by offering a lower cost alternative to jail for eligible offenders. This conserves system resources.

→ A CCC bed, in Washington County, Oregon, costs half as much as a Jail bed to build, and 1/3 as much to operate

In Washington County, the Community Corrections Center operates at \$65 per day, compared to \$109 per day for a jail bed. Adding a Day Reporting Center provides added flexibility in terms of serving lower risk offenders.

In Connecticut, The Office of Alternative Sanctions was established within the state's judicial branch to expand alternative programs. Day Reporting Centers were developed as part of this approach. These Centers are designed as community-based alternatives to jail for defendants with more serious offenses, who need more structure than straight probation. Participants report to these Centers during the day and are under house arrest at night. It is estimated that this program saves Connecticut a significant number of jail beds each year. (Justice Education Center, Inc. — Longitudinal Study: Alternatives to Incarceration Sentencing Evaluation, Year 3, // Hartford, CT: Justice Education Center, Inc September 1996)

Enhanced Jail Management Flexibility

A Community Corrections Center should be planned as part of a comprehensive 'step-down' strategy for moving inmates along a custody-to-community continuum based on inmate risk and needs.

The ability to step jail inmates up and down a custody continuum provides an incentive for good behavior, and offers expanded options for managing the population. This moves a system away from an in/out approach to custody. Instead, the custody experience becomes one of planned movement along a graduated classification continuum. This offers an advantage to the Jail in terms of flexible management of the facility.

Expanded Sanction Options

Sometimes the penalty for failure can cause more failure. A probationer returned to Jail for a non-criminal violation may lose his job while incarcerated. A Community Corrections Center presents a new option, one in which the person is held accountable without interrupting the very things (work, community programs, etc.) that help prevent further crimes. This is especially important in New

Hampshire, where high revocation rates for technical violations are driving the increase (and costs) of a growing prison population.

A CCC can help provide a swift response to crime without causing a break in the positive forces in a person's life. Inmates at a CCC serve their sentence as they work to secure employment in the community and participate in a range of programs. The principal goal is to facilitate successful re-entry to the community and reduce recidivism.

Cohesive System Response

A Community Corrections Center should not be viewed as ancillary to the Jail, but as a companion element. Just as research demonstrates that neither supervision nor sanctions alone produce long-term reductions in criminal behavior, neither can a Jail or a CCC by itself effect long term change. It is the combination of effective interventions coupled with the promise of swift and certain jail sanctions that makes the difference.

Program Models

The model I suggest this be designed after is the program out of Washington County, Oregon. A visit of the program can be arranged.

Washington County CCC Approach

- No inmate denied program solely on offense
- Strong emphasis on offender accountability
- Focus on respectful treatment and fostering hope
- Emphasis on cognitive-behavioral training and drug treatment
- Attend to victim issues and repairing harm
- Employ ex-offenders as mentors
- Involve families and the community
- Create a healthy lifestyle environment: no sugar, no caffeine, etc.
- Transition to drug-free housing and continued treatment

Administration

Community Corrections Centers can be managed by various agencies. In Belknap County the program should be administered as part of Community Corrections.

Target Population

Community Corrections Centers serve a diverse population. Foremost, they are designed to serve sentenced jail inmates who transition to the CCC from Jail to serve the remainder of a sentence. These offenders, once moved to the CCC are still considered inmates. Their legal status has not changed as a result of the move to a different facility. Legally they are still considered in custody; if they walk away from the CCC they are prosecuted as an 'escape' for example.

Populations found in these facilities may include the ones listed below. Other jurisdictions have found the CCC, with its array of transition services, to be compatible with other needs, such as providing a 'bridge' for mentally ill offenders exiting jail who may not become full CCC residents (due to short jail stays) but might benefit from short-term stabilization services while case managers seek and secure community resources.

- Sentenced inmates
- Probationers as a sanction for a violation of supervision
- Community treatment participants who are non-compliant or in need of additional structure
- Discharged jail inmates in need of voluntary, short-term stabilization (such as the mentally ill)
- Prisoners re-entering the community

A CCC can also serve as a Day Reporting Center for residents who have exited the facility, but who return for treatment program completion or aftercare; and for probationers who are court-ordered to report to the Center for outpatient treatment or support services as a sanction or diversion option.

The Day Reporting component offers a service Hub, a place where offenders are asked to report for daily check-ins, a place to access treatment classes, and a

place to receive support services such as computer training and job search assistance.

It is the higher risk population — that group that poses the greatest fiscal impact to the County because of multiple offending — that should be targeted for the CCC and its most intensive resources. Of course, length of stays must be of sufficient duration to benefit from time at the Center.

Offender Risk-based Case Management

An offender's most recent crime of conviction does not tell the whole story. Most offenders have had multiple contacts with the criminal justice system. To understand the impact an individual has had on the system one needs to review their entire criminal history. This objective review should result in a 'risk score' that documents previous levels of offending and anticipates future likelihood of offending. Just as a pre-trial assessment guides the system response, a risk screen of sentenced inmates helps guide the allocation of scarce program resources.

Those offenders most likely to re-offend should receive the most intensive resources. A risk assessment should inform the level of program services received. Risk scores and the length of stay can help in planning levels of service. The goal is to allocate custody and program resources based on the risk for new criminal activity, the assessed severity of addiction, and other factors associated with failure.

Characteristics of an Effective CCC

An effective Community Corrections Center is evident by its philosophy of positive change, embodied by staff; by its seamless coordination with the Jail and the larger system; by the incorporation of evidence-based programs and practices; by its record of safety; and by its outcomes.

Coordinate Movement from Jail to CCC to Community

All offenders will access the Community Corrections Center after being booked into the Jail. Making the Jail the access point to the CCC ensures a single point of entry, important for program management and service continuity.

Establish Supervisory Authority for the Movement of Offenders

The success of the CCC depends upon a flexible offender management system: one that allows the jail administrator/community corrections department manager to move an offender along a custody-to-community continuum, without the need to return to court for each change in housing or program status. Administrative Orders from both the circuit and superior court should be sought to authorize the seamless transfer of inmates from the Jail to the Center.

The presumption should be that the judges will not sentence directly to the facility, and that there will be a general transfer of inmates from Jail to the CCC (all higher risk inmates to exit through the CCC); but the court can indicate on the commitment order any inmates they want excluded from transfer consideration, or a minimum time that must first be served prior to transfer. The county attorney will have input at the time of sentencing.

Policies and procedures governing the transfer of inmates and the timing of the transfer will be developed. Some inmates will be required to serve a minimum amount of their sentence and/or complete certain programs in the jail prior to consideration of transfer.

Establish a Supervisory Authority Team

The 'Supervisory Authority Team' would be comprised of a cross-section of criminal justice officials as well as several principal program providers. At a minimum, membership should include representatives from the following offices and agencies: House of Correction, Probation Department, Public Defender's Office, County Attorney's (optional), and a treatment provider.

In addition to reviewing policy, this team should designate representatives who can come together to review complex or special cases for entry to the CCC (the presumption is that most cases will be accepted to the CCC by blanket eligibility criteria, but some cases will call for special review. A review of these special cases helps refine policy). Although the eligibility criteria should encompass most cases, there will always be cases that require extra attention or more coordinated system planning. This team, or designees from each of the Offices, should serve this role.

Ensure an Evidence-based Approach

Successful Community Corrections Centers share common characteristics. At their foundation they have adopted programs and practices that have consistently been shown to reduce recidivism.

The Washington County, Oregon Community Corrections Center is a good model for evidence-based practices. The Center operates in Oregon where, by legislation, all Corrections programs are reviewed and assisted in the adoption of empirically proven practices. However, even before the passage of this law, Washington County had been a leader in designing offender programs based on the best available science. Several years ago the Washington County CCC was evaluated and shown to be in the top 8 percent of programs in the nation for its adherence to best practices. (Washington County Community Corrections, Biennium Plan 2005-2007)

Washington County has incorporated the following evidence-based practices into their Community Corrections Center:

- Targets the higher risk offender for most intensive services
- Focuses on cognitive-behavioral interventions
- Develops case plans that address multiple risk factors for criminality
- Treats addictions
- Takes a holistic approach: addresses health, stress managements, etc.
- Facilitates community stabilization through employment
- Ensures adequate duration of treatment services
- Engages the family
- Addresses mental health issues
- Trains staff to be positive agents of change
- Provides aftercare, linkages to the community, and transition support with mentors and housing

“ I am not treated as a criminal here, but as someone who made mistakes and can change. I have gained a new understanding about how my thinking got me in trouble, and I now have new tools so I can walk out of here and be a good mother and grandmother. And I have had to learn how to forgive myself. This program saved my life ”

*Washington County
CCC resident*

In Washington County, each CCC resident is assigned a counselor and a case plan is developed that addresses the factors that contributed to criminal behavior: poor thinking skills, impulsive behavior, addictions, unemployment, and unaddressed mental health issues.

Incorporate Drug Court Lessons

Programs are delivered in a manner that in many ways resembles a Drug Court approach. Minor violations do not immediately result in program termination, but are treated as a learning opportunity. This does not mean that there are not consequences for violations. Participants are held accountable for non-compliance, and repeated or serious violations result in a return to Jail, but equal emphasis is placed on building in incentives do succeed.

However, the Drug Court model has shown the importance of taking a more nuanced approach to program failure. Safety violations should result in swift and certain returns to custody, but minor violations can be dealt with by increasing community consequences short of a return to jail. Not all violations are the same.

“ Drug Court, like this program, is a success in part because it is almost impossible to get kicked out for slipping in your progress ”

*Karleigh Mollahan, manager,
Washington County CCC*

Notably, there is currently no conclusive research indicating that noncompliance with the technical conditions of release signals a person’s likelihood of criminal behavior, or that returning such individuals to incarceration might prevent future crime. Joan Petersilia and Susan Turner, *Evaluating Intensive Supervision Probation/Parole: Results of a Nationwide Experiment*, US Department of Justice, National Institute of Justice (Washington, DC: 1993)

Participants are held to high expectations. As in a Drug Court program, staff becomes counselors and coaches for change.

The program takes the following approach to violations:

- Responds to program violations with in-house sanctions
- Responds to repeated violations with swift and short Jail sanctions
- Has a ‘No Tolerance’ policy for certain behaviors (violence, violation of gender separation rules, bringing drugs into facility) that result in program termination and a return to jail

- Builds in a level of tolerance for lower level violations
- Creates ways to acknowledge progress

The use of graduated and alternative sanctions is supported by the literature, which shows that non-jail sanctions can be as effective, or more effective, than a return to Jail.

Drug Courts have demonstrated the effectiveness of responding to minor violations with graduated sanctions instead of program termination. This is also recommended for participants of the CCC.

As part of this program, Belknap County should consider dedicating one wing of the Jail to a Therapeutic Re-entry/Sanction program

Belknap County should consider dedicating one wing of the proposed new jail to sentenced inmates with longer stays, and to higher risk inmates sentenced to jail on a new sentence or supervision violation. This would allow the delivery of focused evidence-based programming while in custody and provide a single point for re-entry planning for higher risk prisoners.

→ Female prisoners comprise 19% of the Jail population

A dedicated program wing in the Jail would also further the goal of establishing a full sanction continuum: with a therapeutic jail sanction as an option in lieu of prison revocation. Of course, any program should be able to accommodate female offenders. This is especially true in Belknap County which has a female prisoner population that is significantly higher than the national average.

The large female prisoner population highlights the need for a discussion about gender-specific services and transition support. At one time the Horizons program had an Oxford House program for female prisoners, but this was closed due to lack of a sufficient number of clients. This kind of transition program (and residential programs that allow mothers and children to live together) have proven effective in other jurisdictions, and

should be re-considered as part of a larger discussion about an expanded service continuum.

The peer mentors that the Horizons program is cultivating could also be attached to a step-down program, with special attention to the higher risk/female with children population.

Develop the community programs to support Re-entry

A step-down program is only as good as the community programs available to support it. A continuum of evidence-based programs must be available both in Jail and the community to provide continuity of services. Basic programs that should be available include across the jail/community continuum include: cognitive-behavioral classes, anger management classes, addiction treatment, job assistance, and support services.

Develop Pre-Trial Services Program

Make Pre-Trial decision-making more Uniform

⇒ A significant percentage of defendants in Belknap County are released prior to booking

Pre-trial decision-making should be guided by uniform criteria, verified defendant information, and validated risk assessment information. This is not currently the case in Belknap County or anywhere in New Hampshire. The process that is in place is based more on local conventions and educated judgment. Information collection is not uniform and there are no clear and consistent release criteria used by the Bail Commissioners. Although this was the case in most pre-trial programs around the country for many years, new research and improved science has now shown the value of a more standardized approach – an approach grounded in validated pre-trial risk assessment.

⇒ The Belknap County Jail has, at 43% of the Jail population, a relatively low pre-trial population

New tools are now available to jurisdictions, in the form of risk assessment schemes to inform pre-trial decision-making. Belknap County should

review these tools, adopt one, and then test it to determine how it performs on the local population.

Although, relative to other jurisdictions, Belknap County Jail does not have high number of pre-trial defendants, this is no indication that those detained are indeed the highest risk defendants. This was seen in the recent jail escape of an offender being held in lieu of posting a \$250 bond. Risk assessment tools support clear and consistent decision-making. They inform the release/detain decision as well as the setting of pre-trial conditions.

The New Hampshire Code articulates a presumption for pre-trial release. (597:1)

II. The court of justice shall order the pre-arraignment or pretrial release of the person on his personal recognizance, or upon execution of an unsecured appearance bond in an amount specified by the court, subject to the condition that the person not commit a crime during the period of his release, and subject to such further condition or combination of conditions that the court may require, unless the court determines that such release will not reasonably assure the appearance of the person as required or will endanger the safety of the person or of any other person of the community. (597:2)

III. If the court or justice determines that the release described in paragraph II will not reasonably assure the appearance of the person as required or, as described in paragraph II or VI, will endanger the safety of the person or of any other person or the community, he shall issue an order that includes the following conditions:

(a) The condition that the person not commit a crime during the period of release; and

(b) Such further condition or combination of conditions that he determines will reasonably assure the appearance of the

person as required and the safety of the person or of any other person or the community, which may include the condition that the person:

Use Preventative Detention

New Hampshire statutes call for the use of ‘preventive detention’ for pre-trial defendants who meet certain criteria. This helps reinforce the notion that, while pre-trial release is the norm, there are limited circumstances in which pre-trial defendants, as a last resort, can be detained. I suggest that judges affirmatively indicate when they want a defendant detained due to concern about dangerousness, or other reasons. A statement of ‘preventive detention’ rationale for the record helps bring clarity to the issue of pre-trial detention. Too often the system uses money bail as a means to hold someone for reasons of concern; however, this method is imperfect and defendants who have the means to post bail are often released because they have the funds.

III-a. If a person is charged with any of the offenses listed in RSA 173-B:1, I or with violation of a protective order issued under RSA 458:16, III or RSA 173-B, the court or justice may order preventive detention without bail, or, in the alternative, restrictive conditions including but not limited to electronic monitoring and supervision, if there is clear and convincing evidence that the person poses a danger to another.

Expedite Pre-Trial process

→ If arrested and released, a defendant is ordered to appear in court in 3 to 4 weeks

The pre-trial process in Belknap County is complicated by the number of jurisdictions served, their varied philosophies, and the different procedures in place to process defendants. Twelve different entities arrest defendants who are fed into the Bail Commissioner pipeline. Laconia and Alton have attorney prosecutors. The Laconia prosecutor is full-time and the Alton County attorney is part time. Other jurisdictions have non-attorney police prosecutors.

→ After arrest and release a defendant rarely comes in the next week; the case is in most cases set over

If in-custody, a defendant in Belknap County will have a first appearance hearing on the next judicial day. However, those who are released can wait for weeks. The goal should be a more streamlined system; one in which court dates follow swiftly upon arrest for the released defendant.

Have Bail Commissioner Work Closely with Community Corrections

Belknap County has 9 bail commissioners. I recommend that the county continue to have the bail commissioner perform the pre-trial assessment and release function as set forth in state statute, but have the bail commissioners work in coordination with the proposed new Community Corrections Department. This will support a more integrated and uniform process.

Establish Pre-Trial Supervision Services within an Expanded Program

The professionalization of Pre-Trial Services requires the full assumption of pre-trial duties. A central duty of a full-service Pre-Trial Services program is the monitoring, tracking and supervision of defendants released to this option by order of the courts. A trained pre-trial staff should be in place to provide this specialized function.

→ The Belknap County case processing study showed that, of the felony defendants released on pre-trial status, 18% were re-arrested prior to the disposition of their case

At this time in Belknap County, prosecutors do some monitoring, and the DOC does some bail supervision for defendants referred from Circuit or Superior Court. However, the level of services offered in the current system does not meet any standard for quality pre-trial supervision. The bail supervision offered by DOC is provided in only limited fashion, the defendant at best reports in once a month; other defendants simply come in to the office and sign their name—DOC doesn't do anything. Belknap County needs quality pre-trial services delivered by Pre-Trial professionals.

Initiate Routine Bail Reviews

Routine bail review ensures that defendants who were unable to secure a release are brought back before the judge for a follow-up review.

→ Pre-trial misdemeanors in Belknap County in jail, are held in lieu of posting an average \$1600 bail

Pre-trial assessment must be a continuous effort. The bail court should build upon the information collected in the initial assessment, and Community Corrections should continue to construct a plan to mitigate risk, where appropriate, to present to the judge to guide the setting of release conditions.

At this time, if a defendant is held in-custody, judges tend to enhance the conditions set by the bail commissioners, such as requiring them to enroll in alcohol and drug treatment, attend counseling, live in a specific residence, etc.

Judges need complete and verified information to make pre-trial release decisions, and they need follow-up assessments in cases where the person is being held for reasons of perceived dangerousness.

→ In Belknap County pre-trial prisoners have been in jail an average 83 days

Routine bail review will facilitate pre-trial release, help attach meaningful conditions to those released, and serve to reduce the time to release thereby mitigating the impact on the jail.

Continue to consider development of a Pre-Trial program

Pre-Trial Services in Belknap County have evolved over time with a Bail Commissioner system that is outside the norm of Pre-Trial Service practices nationwide. While the next evolution local services can be built upon the existing model, it behooves the County to consider movement toward a comprehensive program within a comprehensive Pre-Trial Services model.

Explore a State Community Corrections Act

In New Hampshire, no state dollars are appropriated to the Department of Corrections or to the counties for treatment resources. Belknap County should encourage a statewide dialogue to explore a renewed state commitment to support the resources necessary to protect public safety and reduce recidivism. Treatment and sanction resources must go hand in hand to produce lasting outcomes. Effectively monitoring offenders in the community requires it.

The recent analysis of crime and prison trends in New Hampshire, by the Justice Center, provides the impetus for a new approach to state/county coordination.

The recent study shows that New Hampshire has one of the lowest crime rates in the country. In 2008, the state's violent crime rate (157 per 100,000) was the third lowest in the nation. Crime rates for property and violent crime remained stable from 2000 to 2008.

However, there is no relationship between crime rate and incarceration.

The use of custody is driven by local and state policies, the availability of custody alternatives, and the extent to which services are delivered in accordance with practices proven to reduce recidivism. This is illustrated by the experience in New Hampshire, as reported by a Justice Center, Council of State Government report, issued in 2010.

✦ *Although New Hampshire's crime rate has been low and stable for the past ten years, the prison population has increased 31 percent – and spending on corrections has nearly doubled – over the same time period*²

² Justice Center: The Council of State Government, "Justice Reinvestment: Analysis and Policy Options to Reduce Spending on Corrections and Increase Public Safety," January 2010.

The report cites the following factors as central to the growth of New Hampshire's prison population:

Increase in Revocation

The number of parolees revoked to state prison for supervision failure has increased 50 percent since 2000.

Lack of Sufficient Treatment and Detention Alternatives

Community-based substance abuse treatment resources for offenders under supervision are *extremely scarce*. Non-custody sanction options are not in sufficient supply or use.

Unnecessary Prison Detention

Offenders remain in prison unnecessarily after they have fulfilled 100 percent of their minimum sentence. This alone, costs state taxpayers an estimated \$20 million a year.

These findings have relevance for the county; they are consistent with the assessment of local jail use and service deficiencies.

In June, 2010, New Hampshire signed into law 'The Justice Reinvestment Act' (2010 Chapter 247/SB500). The law outlines a five-part approach to reduce recidivism, improve public safety, and reduce costs to taxpayers, the law:

- Offender supervision and resources are to be focused on high-risk offenders, and resources made available by reducing the length of supervision for low-risk offenders;

- Short, swift jail sanctions are to be developed for low-level probation violations and used, when permitted, by judges at sentencing;
- A seven-day residential intermediate sanction is to be established for low-level parole violators, along with the development of a designated ninety-day parole revocation facility to re-engage parole violators in treatment and comply with supervision;
- A minimum nine months of supervision to be required for all offenders exiting prison;
- Non-violent offenders to be required to serve no more than 120 percent of their minimum sentence.

Plan a new Jail Facility

The Belknap County Jail is an antiquated facility that is a hold-over from the last century. The detention facility is a mix of structures that date back to mid to late 1860's. The original structure has been renovated and added to over time, with the newest addition completed in 1989. The facility holds pre-trial inmates within the County charged with misdemeanor and felony offenses, as well as offenders convicted of misdemeanor or felony offenses and sentenced to a year or less. The maximum capacity of the facility is 110 inmates. All inmates are housed in areas called “pods” to which they are assigned according to an in-facility classification system. As part of an overall Master Plan a plan should be devised for a facility that can serve Belknap County into the future.

Improve Effectiveness: Recidivism Reduction Measures

Concentrate Resources on High-Risk offenders

Public safety resources should be concentrated on those individuals most likely to reoffend. The higher risk person should be prioritized for services at each stage of the process:

- Pre-trial supervision
- Probation and Parole supervision
- Sanctions for supervision violations

- Treatment conditions at time of sentencing
- Access to in-custody programs
- Re-entry planning

Adopt a Validated Offender Risk Tool

The identification of higher risk individuals requires the use of a validated risk tool. Belknap County should create a committee to review the options available in the field and select one for use. Risk tools to consider include: Compas, by Northpointe; the Level of Service Inventory (LSI); the STRONG by Assessment.com; and other options available for purchase. A new set of risk tools is also available through the University of Cincinnati: free, except for the costs for a two-day training session.

Risk assessment should be the first level screening for most Corrections decisions. Those who score higher risk should then be given an alcohol and drug assessment to determine clinical need level. ASAM criteria provide a good standard. With this approach a jurisdiction can be certain that scarce treatment resources are reserved for those offenders most likely to reoffend.

Behavioral Health staff and Substance Abuse programs must be prepared to serve the higher risk offender. This requires familiarity with criminal justice screening tools; how to incorporate specialized criminal thinking error (and cognitive-behavioral sessions) into addiction treatment; and a commitment to maintain close coordination with probation and parole officers in the design and monitoring of offender case plans.

Discuss adoption of Uniform statewide Mental Health Screening Tool

As Belknap County explores how to make risk assessment and mental health assessments readily available it should also discuss with the State how to move toward the adoption of uniform assessment tools. At this time, the Genesis program in Belknap County uses the ANSA tool for assessment and referral of behavioral health clients while the State prison uses the GAIN tool. A uniform tool would support continuity of services.

Strengthen and Expand Offender Supervision Services

Reduce Probation Supervision Caseload size

→ *State Probation Officers serving Belknap County have an average caseload of 130+ offenders*

Research shows that significant reductions in recidivism can be achieved only when treatment and supervision resources are provided together, when they are focused on high-risk, high-need individuals, and when supervision and treatment are reinforced through swift and certain (and short) sanctions.

→ *There are 396 felony offenders under probation and parole supervision in Belknap County*

The three Probation Officers working in Belknap County, under the State Department of Corrections, have caseloads sizes that make meaningful supervision a real challenge. This is considerably higher than the 50-60 caseload size offered as a guideline for supervision of high risk offenders by the American Probation and Parole Association (APPA).

→ *Parolees comprise 20% of offenders under supervision in Belknap County*

Probation caseloads are too high to deliver meaningful supervision services. Although research has not shown caseload size to be a key factor in recidivism reduction (the qualitative aspects of supervision are more important than the quantitative) there is a certain threshold beyond which there is simply not enough time to deliver any meaningful services.

The County and State should discuss caseload standards in the context of a broader exploration of expanded and improved supervision services: How can the County and State collectively address high-risk/violent misdemeanor offenders? How can they together adopt a uniform risk assessment tool to guide the allocation of supervision (and service) resources? And, what caseload standards can be set to correspond to levels of offender risk?

Ensure Evidence-based Supervision Services

To reduce recidivism supervision services must conform to some basic principles:

- Offender risk level should guide supervision intensity and service planning
- Assessments should be conducted within a few days
- High risk offenders should receive coordinated supervision and services
- Probation officers should be trained in a communication style that facilitates change: Motivational Interviewing
- Probation officers should be trained in cognitive-behavioral treatment techniques
- Case plans must reflect an assessment of individual criminogenic factors associated with their criminal behavior
- Case management must couple clear warnings about sanctions with swift, brief, and graduated responses to non-compliance
- Compliance and progress should be acknowledged and result in modified restrictions
- Programs that supervision accesses should be evaluated every three years³

Develop Misdemeanor Supervision

System integrity is compromised when a jurisdiction cannot respond to serious and repeat criminal behavior with monitoring and supervision; and public safety is weakened when serious offenders cannot receive treatment to reduce future threats or break the cycle of offending. As such, misdemeanor supervision should be viewed as a key component of any criminal justice system.

32% of those serving a sentence in the Belknap County Jail were convicted of a Misdemeanor (November 7 Snapshot)

³ The University of Cincinnati can train jurisdictions in the use of the CPAI: a program evaluation tool that assesses the degree to which programs conform to evidence-based practices associated with recidivism reduction

A misdemeanor offender may have been sentenced for an assault, a domestic violence offense, a drunk-driving crime, or a host of other offenses. The person may have a background of felony offenses, or represent a great cost to the system because of repeat cycling through the jail. Without treatment services and the supervision necessary to monitor a person, any interventions may produce only limited gains.

17% of the convicted Misdemeanor prisoners in the Belknap County Jail were serving a sentence for a Domestic Violence offense (November 7 Snapshot)

Belknap County should consider active supervision of misdemeanor offenders who are convicted for violent-involved offenders, and for those who score high-risk on a standard risk assessment tool.

... Only 10% of district court cases are sentenced to probation and that is unsupervised; 34% receive a jail sentence and 56% are ordered to pay a fine

Misdemeanor supervision, targeted to appropriate cases, can relieve pressure on the jail and improve offender outcomes.

Explore Issues of Case Coordination with the State

Protocols should be developed for those cases that would be dually assigned to County and State supervision (once a Misdemeanor supervision unit is established). One agency should take the lead for these cases.

There should also be a discussion about how to coordinate supervision services with other agencies and social service providers. For example, Genesis reports that there is a lack of clarity between Mental Health services and State Probation as to whose responsibility it is for monitoring and reporting: who should respond to a missed appointment, for example? These issues should be clarified up front in a new unit, and resolved with the State for ongoing case management.

Provide immediate access to Alcohol and Drug Assessments

Early entry into treatment is associated with reductions in recidivism. Long waits for mandated substance abuse evaluations hamper that goal.

As part of a broad discussion about how to coordinate and improve offender supervision services, it would be advisable for the County and the State to explore a joint investment in offender assessment/evaluation resources. State Probation (and a new County Misdemeanor unit) would be well served by having a dedicated Licensed Alcohol and Drug Counselor (LADAC) to conduct evaluations. And, any expanded evaluation resource should be joined with new resources for the administration of an offender risk/needs assessment.

The LADAC evaluation should also be reviewed as part of a discussion about offender-based assessments. A range of screenings, assessments and evaluations should be available. Lengthy and time-consuming evaluations should be reserved for the higher risk offender who has a sentence of sufficient duration to warrant such an investment in evaluation resources. Brief screening tools should be reviewed for use.

Another element of this discussion should be a review of the fees charged offenders for the LADAC assessment. It is reported that the stand-alone LADAC fee can be a barrier for some offenders. Offenders involved in the Adult Diversion program have a fee of \$450 to complete the program and there is an additional \$250 LADAC fee. There are also fees for groups at Horizons. At a minimum, consideration should be given to either reducing the fees or setting up a sliding scale. While fees hold appeal for financially strapped jurisdictions, care must be taken that fees do not *cost more in the long run*. When fees become a barrier to treatment everyone loses. Another option is to allow the offender to work off fees through the Work Crew Program.

Make Assessment Information Available at Sentencing

Evidence-based sentencing – designed to reduce recidivism – requires reliable offender information. Currently, pre-sentence investigation

information is the exception, not the rule: fewer than six pre-sentence investigations are conducted each month. Although it would not be practical to provide a complete investigation before sentencing for all offenders, a risk assessment screen can triage cases by first identifying the higher risk offenders, and reserving the more in-depth pre-sentence review for these cases.

Offer Incentives: Reduced time under probation supervision

The County should engage in discussions with the State to consider revising statutes to allow shorter probation terms for lower risk offenders, and formalize step-down to lower levels of supervision for good behavior. Offenders who comply with all requirements of supervision should be stepped down to administrative supervision to complete their term, or granted early termination.

The concentration of resources on the higher risk offender, and the conservation of probation resources through step-down measures, helps stretch resources for those most likely to reoffend. Reducing the length of time actively supervising lower risk offenders, and offering an incentive for step-down or early termination of supervision would help make resources available for the higher-risk or violent probationers and parolees.

Ensure Swift and certain Local Sanctions

Develop a structured sanction policy

Although DOC probation officers have some discretion to impose sanctions without a return to court, the response is not necessarily swift: the jail is over-used as a sanction for technical violations. A structured sanction process can help achieve the immediacy and certainty of responses necessary to reduce recidivism.

→ RSA 504 allows DOC to detain violators for one to five days. However, this short term detention is mostly employed as a means to get a warrant, not as a structured sanction

At this time probation and parole officers do make use of an Alternative Sanctions checklist prior to requesting a violation warrant. Probation

officers have the discretion to respond to probation violations without a court hearing for low level or initial violations. This is good. However, sanction policies are only as good as their implementation.

Although the DOC has the ability to impose structured sanctions of up to 7-days in custody, the option is not uniformly used. This may reflect the fact that, reportedly, when an offender is sanctioned to Jail they are often simply booked and released. This, in combinations, with the fact that the Court has ruled that any part of a day in custody is a sanction day, has conspired to make the use of custody less than a viable option. This must be reviewed.

→ *The Violation of Probation (VOP) first hearing is a bail hearing and the case is then set for a hearing in 30 to 45 days. Most resolved at next hearing*

The goal should be the use of short, swift and certain sanctions, including jail time, to reduce recidivism among those supervised in the community. The need for an immediate response is not being met when there are delays of a month or more for a violation hearing. A Violation of Probation case is supposed to be in front of the court within 24 hours. Although cases should be resolved immediately, the first appearance is simply treated as a bail hearing.

→ *Prisoners held in the Belknap County Jail on Probation Holds have been in-custody an average 178 days*

Once the case is before the judge more community-based sanction options need to be made available, and considered. The Judge does at times impose jail time as a sanction, but frequently the offender is sent to prison. Because of this there is often no hurry to get the VOP resolved because it is presumed that the offender is going to get jail or prison. A more nuanced response is needed, one that reflects the risk level of the offender and the severity of the violation. And, more community options should be employed before the 'last resort' of incarceration is used as a sanction. The over-incarceration of offenders can undo months of treatment and interrupt other gains. Moreover, all VOPs end up terminating probation.

Existing sanction policies should be reviewed and linked to the risk level of the offender. Risk-based policies should receive a commitment by the local Corrections system.

It is in the interest of both County and State to institutionalize a graduated, risk-based, and least restrictive response to violations. The over-use of prison as a one-size fits all response to violations is largely to blame for New Hampshire's growth in its prison population over the last decade, and this can have a significant impact on jail populations as well.

At this time all parole violations get a 90-day setback. If there is a new charge the system usually waits until the new charge is resolved, and then they impose the 90-day prison sentence. The parole violation is resolved separately from new offense. Although everyone gets 90-days at this time there is a proposal to allow parole board to give them more time in prison for violent offenders. In the interest of streamlining case processing it would be advisable to explore how to consolidate the resolution of technical violations along with the new charge.

Of course, the development of sanction policies must go hand in hand with a continuum of sanction options. If probation and parole officers do not have access to community-based intermediate sanctions (day reporting, residential treatment, etc), the end result is often an over-use of custody: officers may ignore violations until they become frequent or serious enough to merit revocation to prison.

The use of a graduated continuum of short and swift sanctions has been shown to be an effective strategy to compel compliance.

Improve System Efficiency

Develop an Early Case Resolution Program

All criminal justice systems can find efficiencies in case processing. Belknap County is no exception. Expediting time to resolve pre-trial matters; streamlining

case processing to reduce time to case disposition; and streamlining the violation process (reducing time spent in jail awaiting a violation hearing) would have a positive cumulative impact on Jail resources. An Early Case Resolution (ECR) program can save the system time and money.

... Case processing times in Belknap County are higher than they should be: especially for felony cases. The average time from booking to superior court arraignment is 83 days

An ECR program, working closely with Pre-Trial Services/Bail Commissioners is a vital tool for managing jail beds and conserving system resources. It is designed to streamline adjudication, reduce time in custody, minimize pre-adjudication failure, and – through expedited case resolution and entry into programs – to improve outcomes.

... 35 to 40% of all out-of-custody pleas are resolved at arraignment, and the others are set for trial 6 weeks out. Most of the cases that proceed to trial are resolved on the trial date

The goal is to resolve cases early while protecting defendant's rights. The benefits are many—defendants are held accountable for their actions with an immediate consequence; victims and witnesses of crime have the satisfaction that their cases are expeditiously resolved; and unnecessary court time is eliminated, resulting in savings for all of the agencies including law enforcement not having to appear in court.

... In-custody trials are set for 4-weeks. Very few defendants are held in the jail solely on the misdemeanor charge

An ECR program will also improve the integrity of the process. Fewer cases are dismissed when witnesses and victims can be quickly consulted and the information leveraged to secure to a plea. This is especially important in Belknap County which has high levels of case attrition. The case processing analysis showed that, of 120 misdemeanor cases at booking, 88 cases were still active at filing, and only 64 cases made it to disposition. Of 120 felony cases at booking, 101 were still active at filing, and 80 made it to disposition.

... The felony attrition rate in Belknap County is 84%; the misdemeanor attrition rate is 73%

An ECR program streamlines case processing and eliminates redundant efforts. This is especially in a district court/superior court system.

→ In Belknap County 86% of the felony cases in district court are bound over to superior court

A collateral benefit is a better-managed jail population—while the number of persons serving a sentence may initially result in increases in the jail population, the program should serve to reduce unnecessary pre-trial incarceration.

An important element of this is the support provided by the Bail Commissioner / Pre-Trial Services in supplying verified background information for all defendants. Not only does this assist the court in making release decisions and in setting conditions for pre-trial monitoring, tracking, and supervision of offenders prior to adjudication; but this information also assists all the parties in determining the appropriate sentence that the defendant will receive.

The establishment of an ECR program in Belknap County would require assigning a deputy county attorney and deputy public defender to the program with the goal of trying to resolve felony cases while they are still in the district court. This would involve working to either reduce felony cases to misdemeanors, or reaching an agreement to have the defendant plead to a felony. To achieve expedited resolution, defendants would waive the probable cause hearing, waive grand jury indictment (which is permissible) and ultimately plead at an expedited superior court arraignment.

Convene Grand Jury on a more Frequent Basis

Along with the establishment of an Early Case Resolution program, I recommend more frequent convening of the Grand Jury to reduce the length of time between district court disposition and superior court arraignment. New Hampshire requires a grand jury indictment unless it is waived, which would be a requested of defendants participating in the ECR program.

→ If in custody on a Felony the PC hearing held within 10 days

40% of defendants will go the PC hearing and the rest will waive. Discovery is provided in lower level cases but not more serious cases. Some

prosecutors would provide discovery if waive PC. After PC, the case is set for Grand Jury, which is held every 6-weeks. The information package has to be provided by the police two-weeks prior to the grand jury.

Have County Attorney prosecute all Felony cases

As part of developing an ECR program Belknap County should move to have the county attorney assume responsibility for prosecuting all felony cases in district court. This should be one part of the development of an ECR program, and part of an effort to increase the frequency of grand jury hearings. All these efforts should be viewed as elements of a concerted effort to streamline and improve case processing efficiency. This will, of course, require a change to a long-standing approach. At this time police prosecutors handle all felony cases in district court, until the case is bound over to the grand jury, at which point the case is transferred to the county attorney. Consolidating the prosecution of felony cases would result improve continuity of case prosecution, increase standardization of prosecution levels, and reduce the redundancies inherent in having multiple agencies handling this function.

Set Limits on Jail usage

Between 2000 and 2008 jail population numbers in New Hampshire increased by 21% but in Belknap County they increased by 114%
(Justice Center Reinvestment Report, January 2010)

The data collected for this report shows the impact that sentencing policies and lack of alternative sanctions can have on the jail. High jail incarceration rates should be addressed on several fronts: developing a strong continuum of alternative-to-jail programs; expanding existing diversion programs and developing new efforts, such as drug court; providing alternative options for the mentally ill, such as mental health court; ensuring that offenders need not be sentenced to jail in order to access treatment programs; developing supervision violation policies that reserve jail as the last resort after taking full advantage of graduated, community-based sanctions; instituting structured sanction sentencing policies that cap days in jail; providing the jail administrator the flexibility to move prisoners along a custody-to-community continuum without a return to court; and

institutionalizing offender management strategies that reflect the research on recidivism reduction: there is no evidence that incarceration alone reduces criminal behavior and for lower risk offenders will, in some cases, actually increase recidivism. All these measures will, taken together, help reduce the impact on the jail and ensure that the custody option is employed in a manner that yields the greatest benefit for public safety.

Overhaul the Information System

Key to improving system efficiency in Belknap County is the development of a new information system. Jail and court information should be linked, and a data warehouse should be developed. A data warehouse will allow the county to routinely collect the information presented in this report. Importantly, this data collection effort should be enhanced by the collection of offender risk information, supervision violation information (types of violations and the nature of the system response), general outcome data (program and supervision completion) and recidivism data. Finally, the county should explore how to quantify best practices. This can be done by documenting caseload size, the type and duration of services provided to high risk offenders, and the quality of interventions –as measured by best practice standards.

report 2012
Belknap County



Criminal Justice
System Data



report 2012

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section two

Criminal Justice System Data

❖ The data contained in this chapter is an examination of new, fresh, local arrests booked into the Belknap County House of Correction during 2010. A total of 240 bookings, split evenly between defendants arrested on a misdemeanor offense and a felony offense. The sample was drawn from bookings so defendants released by the bail commissioners prior to being booked are not included. The bookings did not include warrant-only arrests, out of county cases, federal only cases, or probation violation only arrests. The jail data came from their information system along with a manual gathering of the data and the court data came from the court's Odyssey system.

There is also a separate analysis of 40 domestic violence cases that were arrested by the Laconia Police Department.

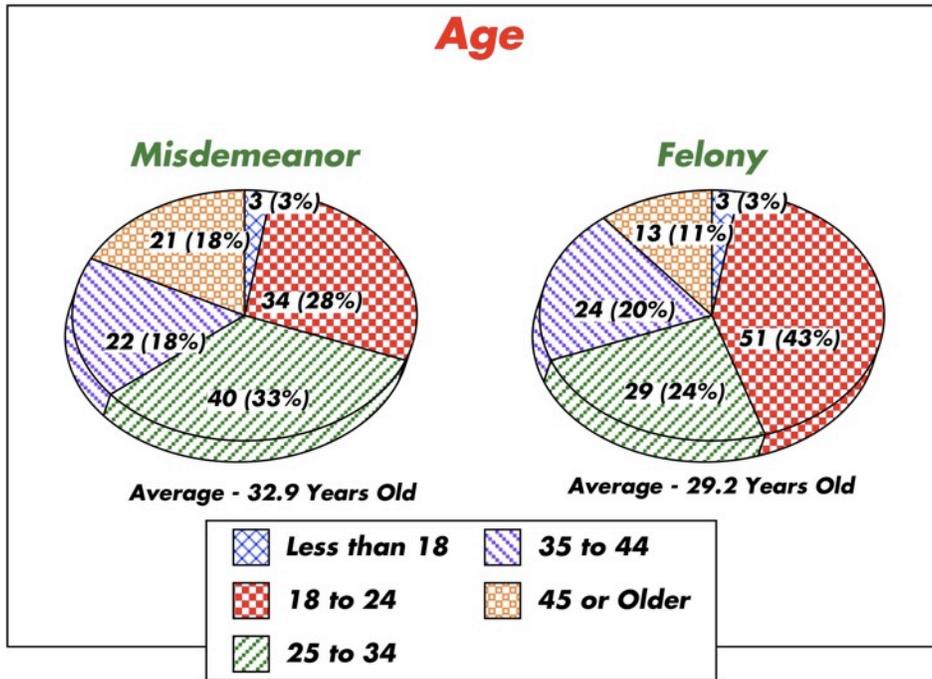
The graphics contained in this chapter were produced as a result of the analysis of the data. The demographic information is self-reported by the defendant at the time of booking—it has not been verified. The “n” varies on each graphic depending upon the number of cases for which there was complete data for the variables being analyzed. Most of the graphics distinguish the misdemeanor cases from the felony cases. The charge class designation is taken from the data being analyzed, for example, the charge class for the demographic data is taken from booking charge class while the charge class for the sentencing data comes from the disposition charge class.

Captain Dave Berry oversaw the collection of the jail data and Janelle Hughes oversaw the collection of the court data.

Demographics

Age

The first graphic shows the age of the defendants booked into the jail.

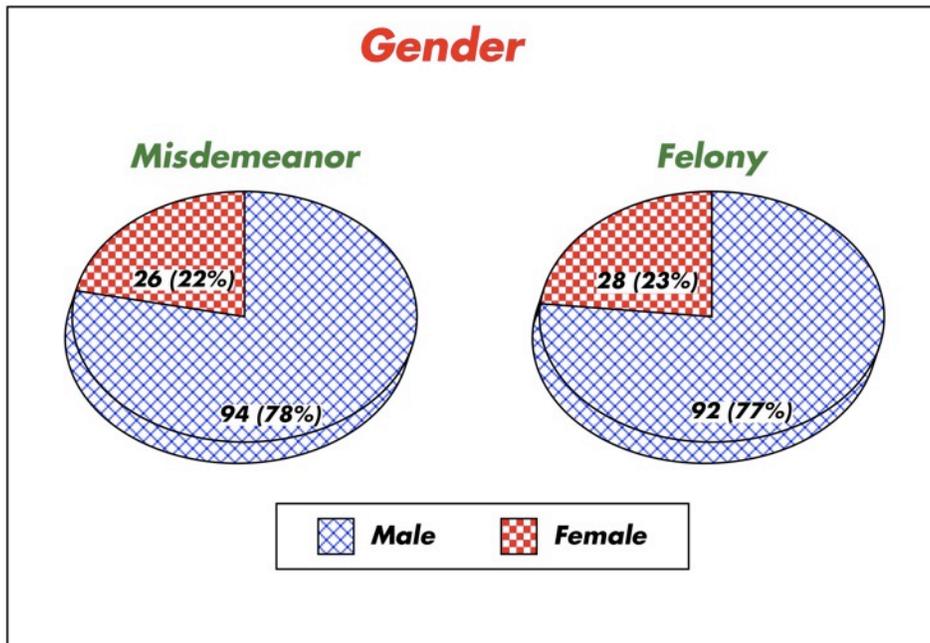


Three percent of both the misdemeanants and the felons were less than 18 years old. Twenty-eight percent of the misdemeanants and 43% of the felons were 18 to 24; a third of the misdemeanants and 24% of the felons were 25 to 34; and 18% of the misdemeanants and 20 percent of the felons were 35 to 44 years old. The remaining 18% of the misdemeanants and 11% of the felons were 45 years old or older.

The average age of the misdemeanants was 32.9 years old and the average age of the felons was 29.2 years old.

Gender

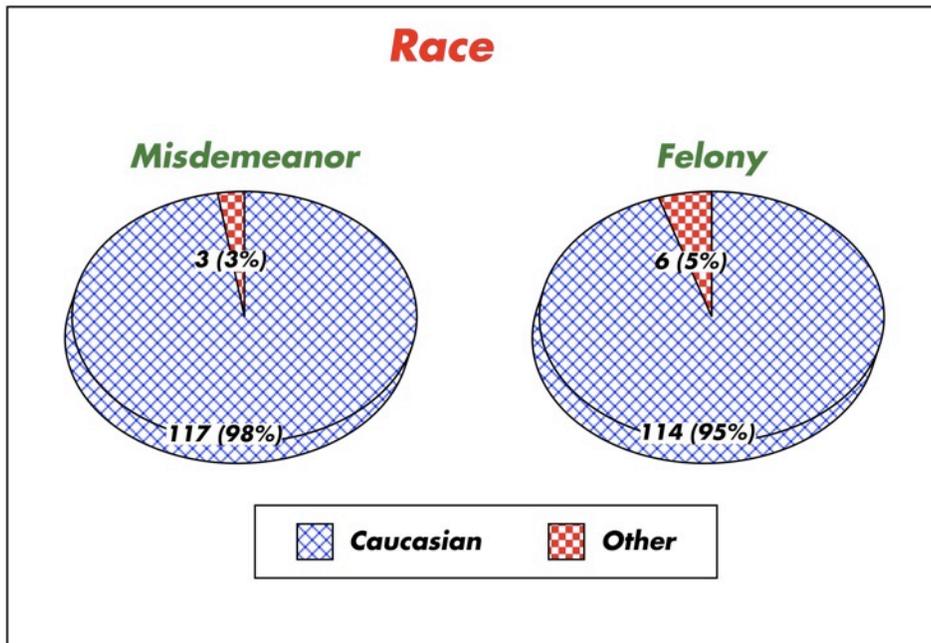
The next graphic shows the gender of the individuals in the sample.



Seventy-eight percent of the misdemeanants and 77% of the felons were males.

Race

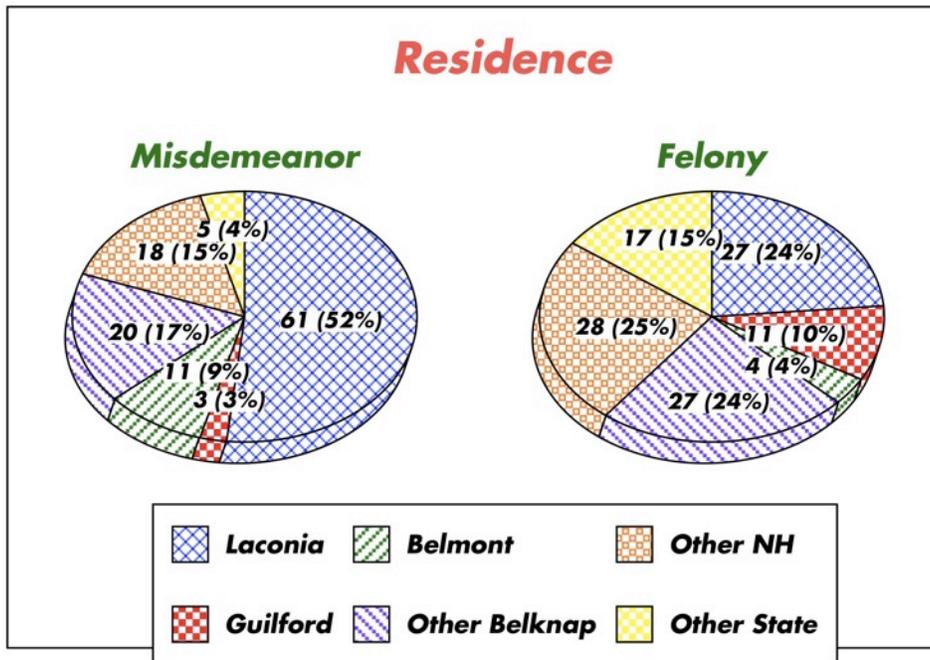
The next graphic shows the race of the defendants in the sample.



Ninety-eight percent of the misdemeanants and 95% of the felons were Caucasian.

Residence

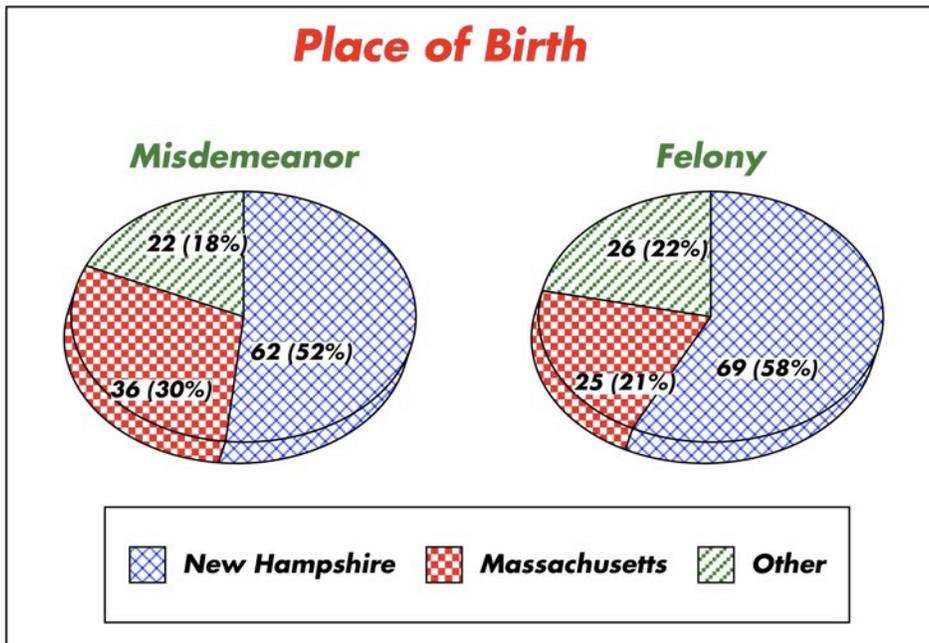
The next graphic shows the residence at the time of booking.



Fifty-two percent of the misdemeanants and 24% of the felons were residents of Laconia. Three percent of the misdemeanants and 10% of the felons were from Guilford; 9 percent of the misdemeanants and 4% of the felons were from Belmont; 17% misdemeanants and 24 percent of the felons were from other locations within Belknap County; and 15% of the misdemeanants and a quarter of the felons were from other locations in the state of New Hampshire. The remaining 4% of the misdemeanants and 15% of the felons were from outside the state.

Place of Birth

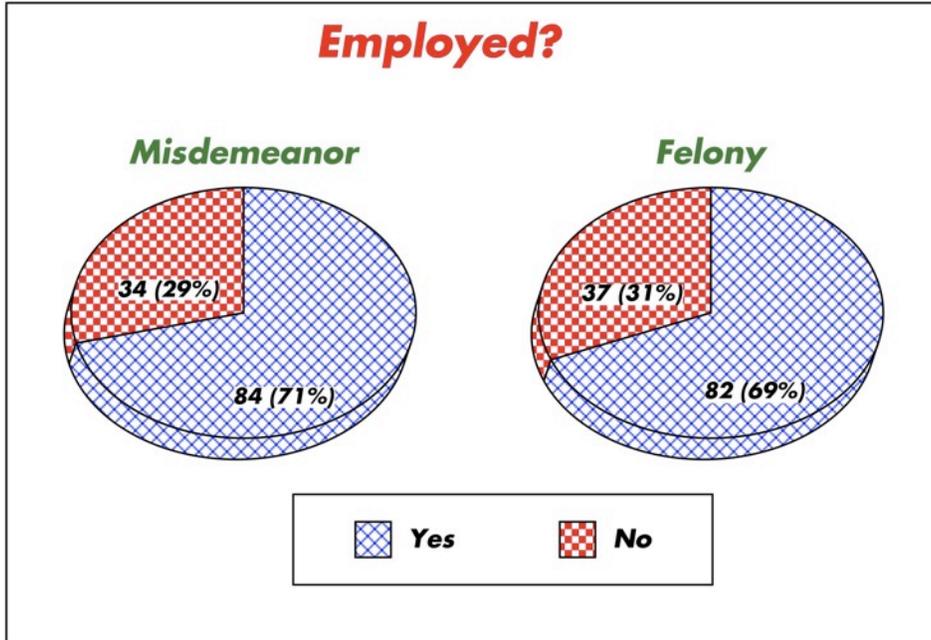
The next graphic shows the Place of Birth.



Fifty-two percent of the misdemeanants and 58% of the felons were born in New Hampshire. Thirty percent of the misdemeanants and 21% of the felons were born in Massachusetts and 18% of the misdemeanants and 22% of the felons were born elsewhere.

Employed

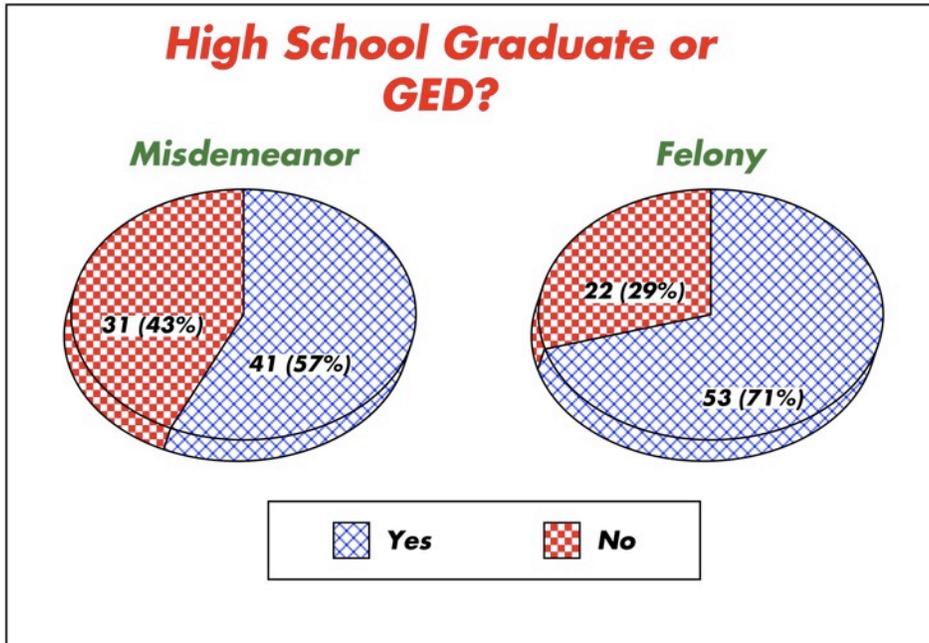
The next graphic shows the employment status at the time of booking.



Seventy-one percent of the misdemeanants and 69% of the felons were employed. As this is self-reported, it is probably overstated.

Education

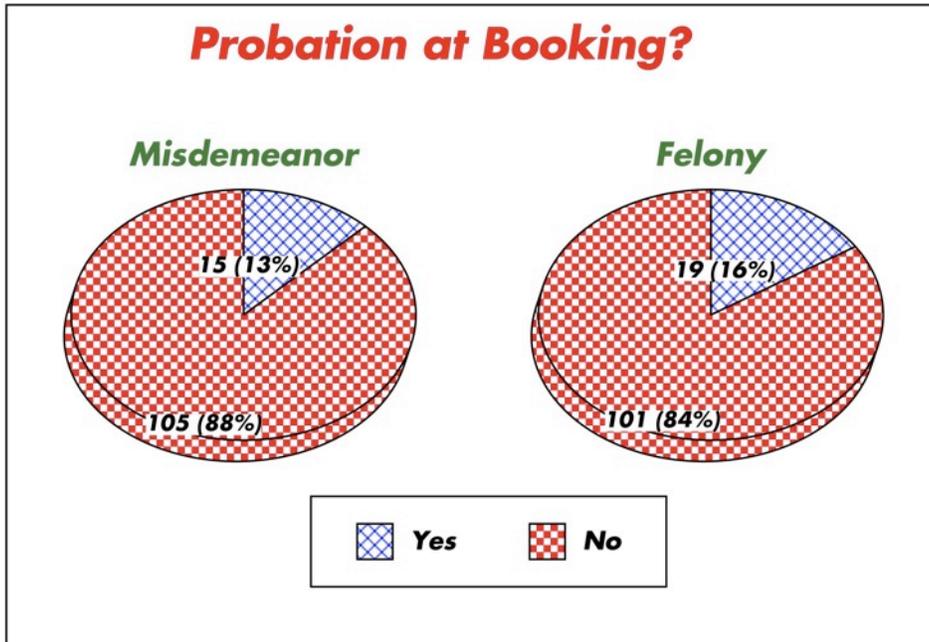
The next graphic shows whether the defendants had either completed high school or obtained a GED.



Only 57% of the misdemeanants and 71% of the felons had either completed high school or obtained a GED.

Probation

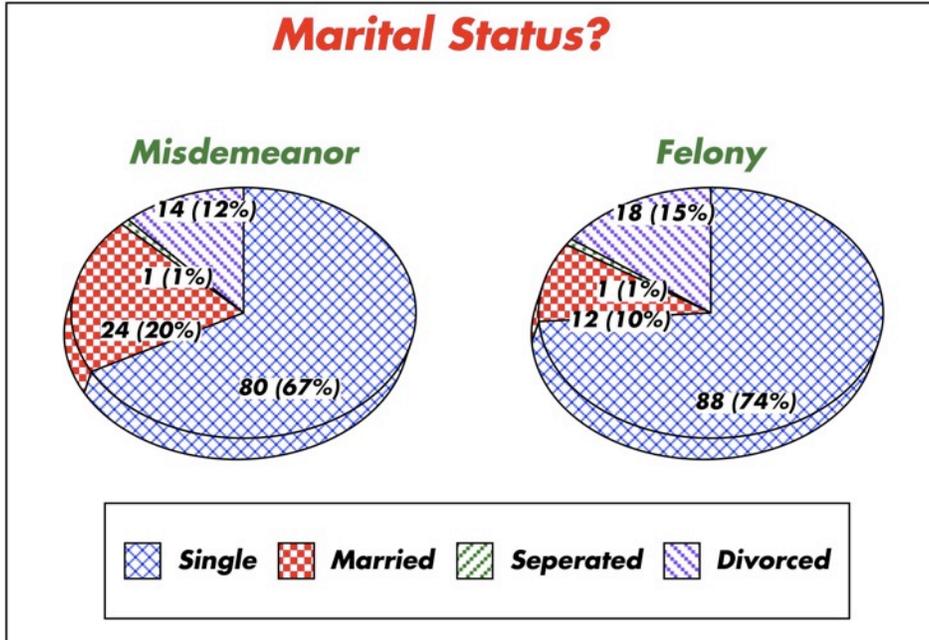
The next graphic shows probation status at the time of booking.



Thirteen percent of the misdemeanants and 16% of the felons were on probation for another offense at the time of booking.

Marital Status

The next graphic shows the marital status of the defendants in the sample.



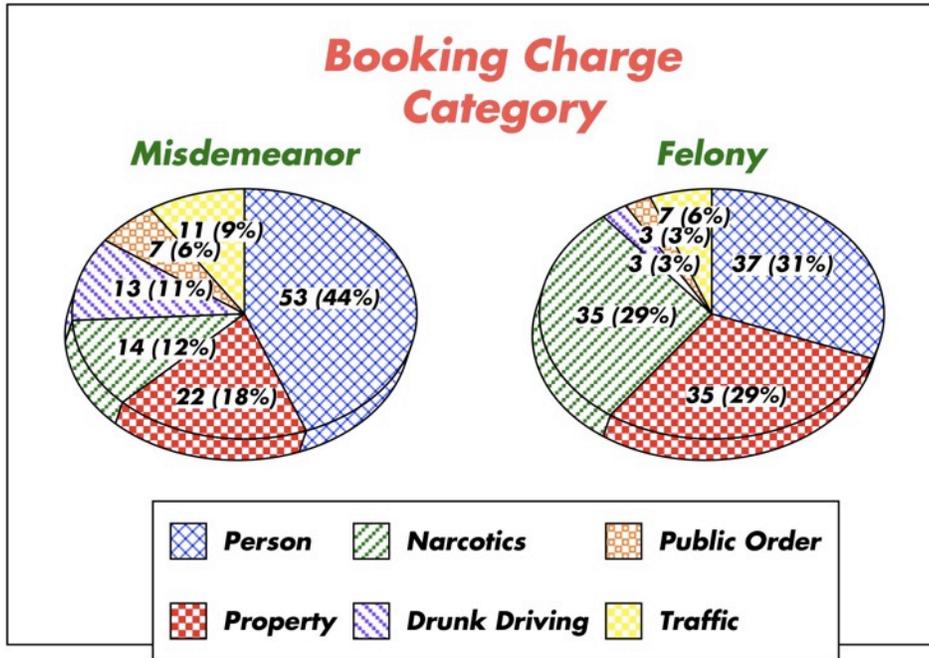
Sixty-seven percent of the misdemeanants and 74% felons were single. Twenty percent of the misdemeanants and 10% of the felons were married; and 1% of both the misdemeanants and the felons were separated. The remaining 12% of the misdemeanants and 15% of the felons were divorced.

Booking Information

Charge Category

- Overall

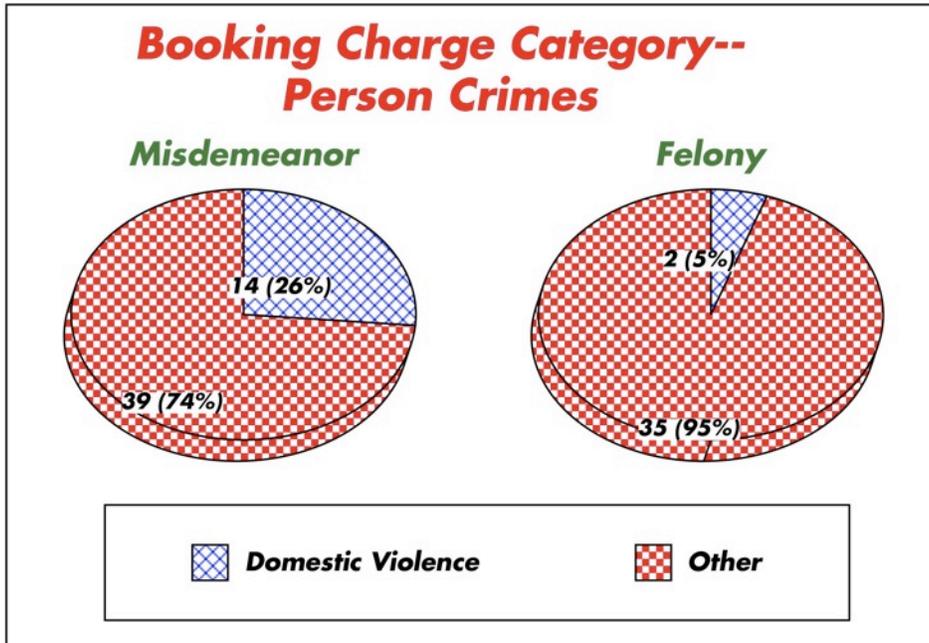
The next graphic shows the charge category at the time of booking.



Forty-four percent of the misdemeanants and 31% of the felons were charged with person crimes. Eighteen percent of the misdemeanants and 29% of the felons were charged with property crimes; 12% of the misdemeanants and 29% of the felons were charged with narcotics offenses; 11% of the misdemeanants and 3% of the felons were charged with drunk driving; and 6% of the misdemeanants and 3 percent of the felons were charged with public order offenses. The remaining 9% of the misdemeanants and 6% of the felons were charged with traffic offenses.

Person Crimes

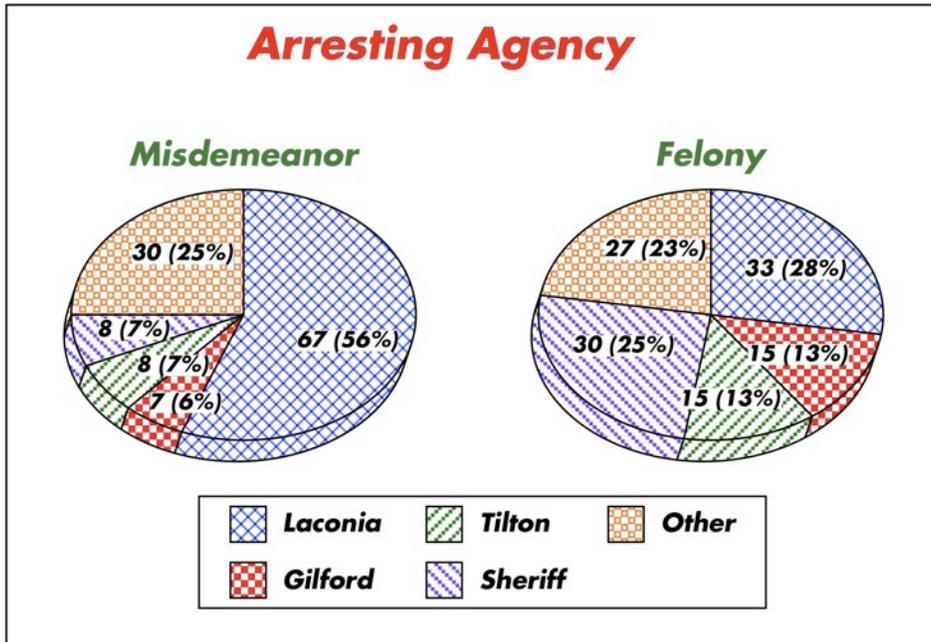
The next graphic examines the person crimes to determine if they were domestic violence related.



Twenty-six percent of the misdemeanants and 5% of the felons charged with person crimes were domestic violence related.

Arresting Agency

The next graphic shows the arresting agency.

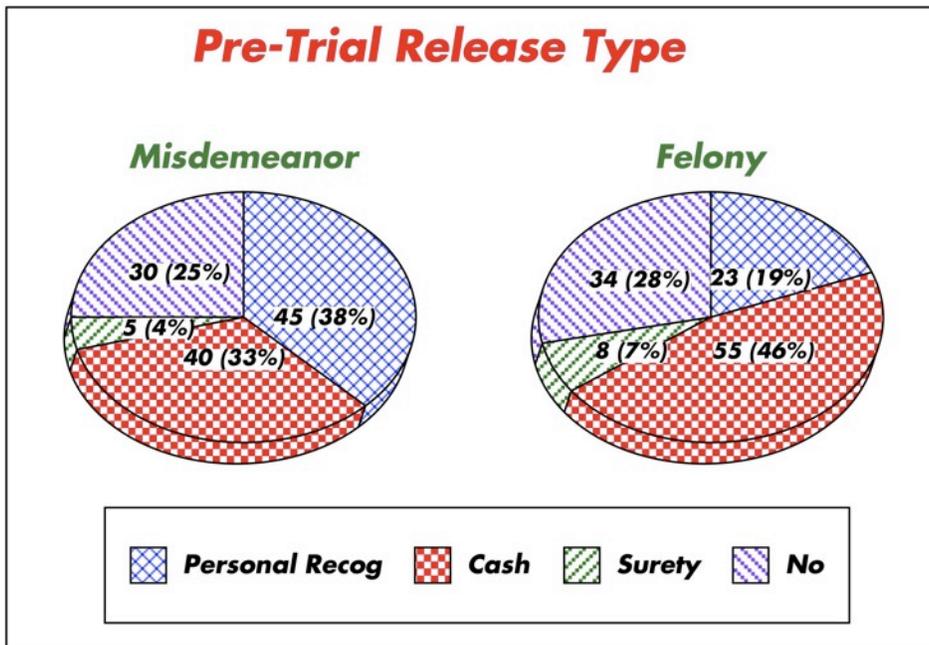


Fifty-six percent of the misdemeanants and 28% of the felons were arrested by the Laconia Police Department. Six percent of the misdemeanants and 13% of the felons were arrested by Gilford Police Department; 7% of the misdemeanants and 13% of the felons were arrested by Tilton Police Department; and 7% of the misdemeanants and a quarter of the felons were arrested by the Belknap County Sheriff. The remaining quarter of the misdemeanants and 23% of the felons were arrested by other law enforcement agencies.

Release Type

- Pre-Trial Release

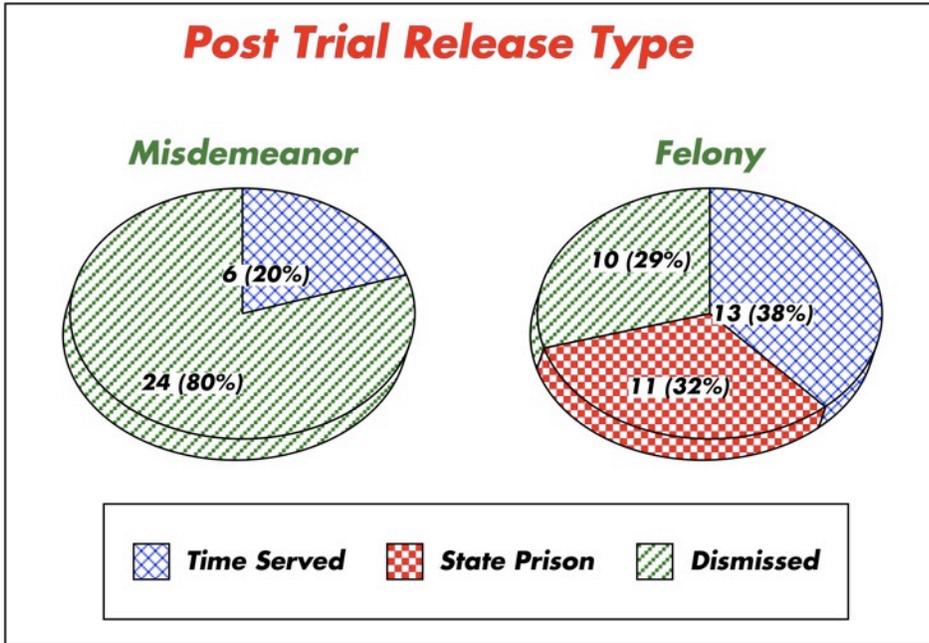
The next graphic examines whether the defendant was released from jail prior to adjudication.



Thirty-eight percent of the misdemeanants and 19% of the felons were released on personal recognizance. A third of the misdemeanants and 46% of the felons were released following cash bail; and 4% of the misdemeanants and 7% of the felons were released following posting of a surety bond. The remaining quarter of the misdemeanants and 28% of the felons were not released prior to adjudication.

- Post Trial Release

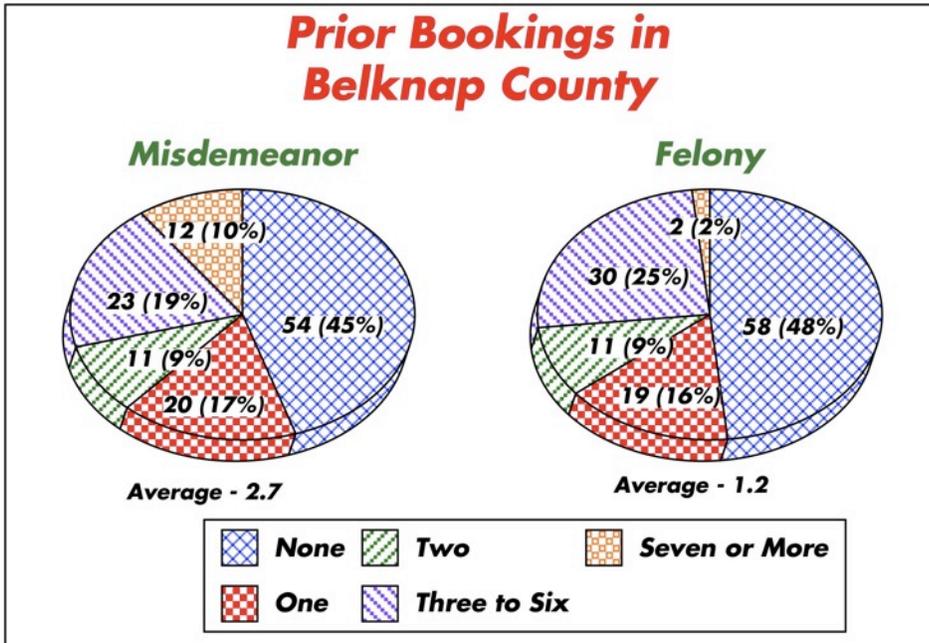
The next graphic examines the release type for the 30 misdemeanants and 34 felons not released prior to adjudication.



Twenty percent of the misdemeanants and 38% of the felons not released prior adjudication were released following the serving of a sentence. Thirty-two percent of the felons were released to serve a sentence in the state prison and 80% of the misdemeanants and 29% of the felons not released prior to adjudication were released when their cases were dismissed.

Prior Bookings

The next graphic shows the number of prior bookings into the Belknap County House of Correction.

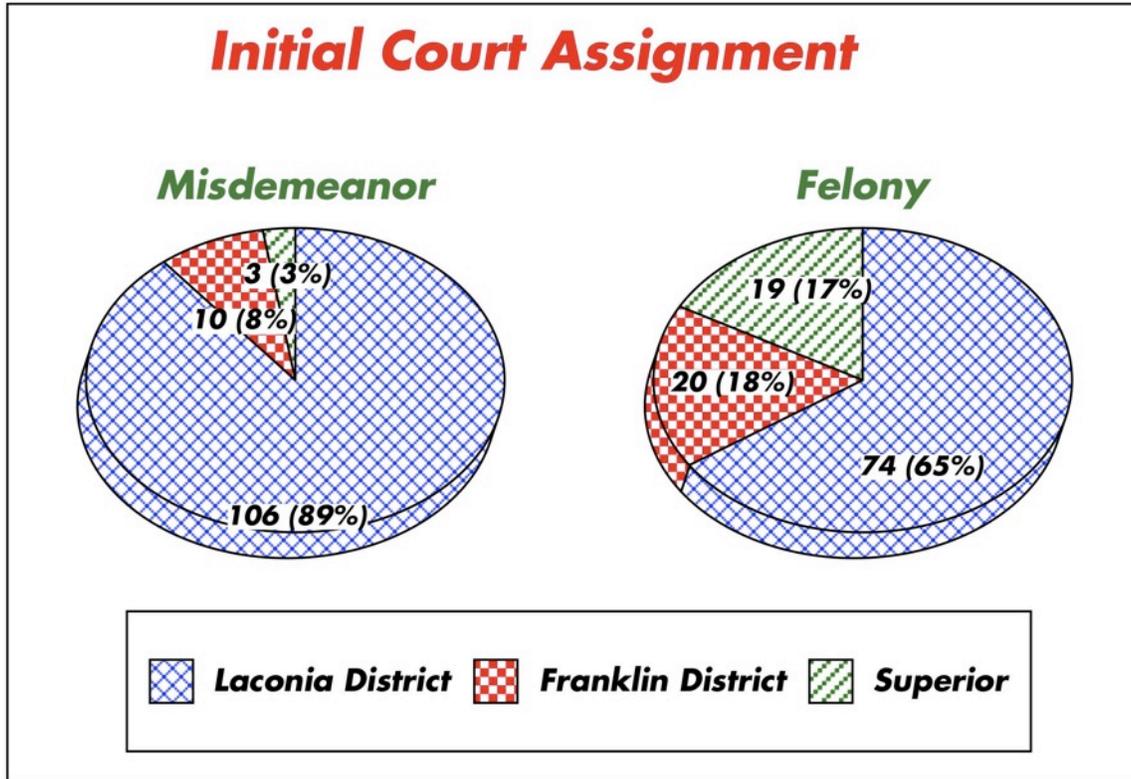


Forty-five percent of the misdemeanants and 48% of the felons had no prior bookings. Seventeen percent of the misdemeanants and 16% of the felons had one prior booking; 9% of both the misdemeanants and the felons had two prior bookings; and 19% of the misdemeanants and a quarter of the felons had between three and six prior bookings. The remaining 10% of the misdemeanants and 2% of the felons had seven or more prior bookings.

The average number of prior bookings for the misdemeanants was 2.7 and for the felons 1.2.

Initial Court Assignment

The next graphic shows the initial court assignment.



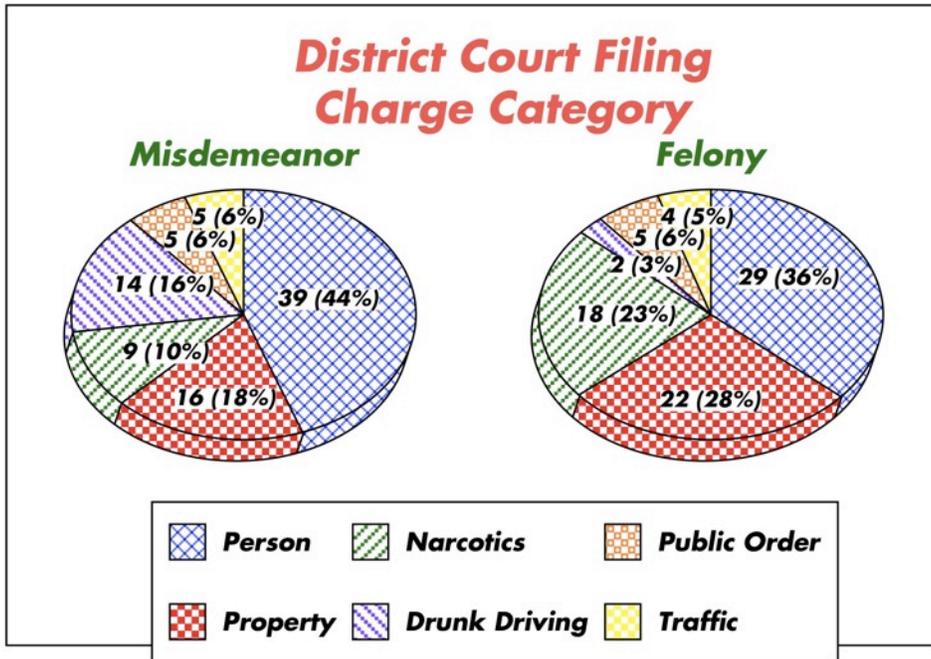
Eighty-nine percent of the misdemeanants and 65% of the felons were assigned to Laconia District Court. Eight percent of the misdemeanants and 18% of the felons were initially assigned to Franklin District Court. The remaining 3% of the misdemeanants and 17% of the felons were assigned to Belknap Superior Court.

District Court

Filed Charge Category

- Overall

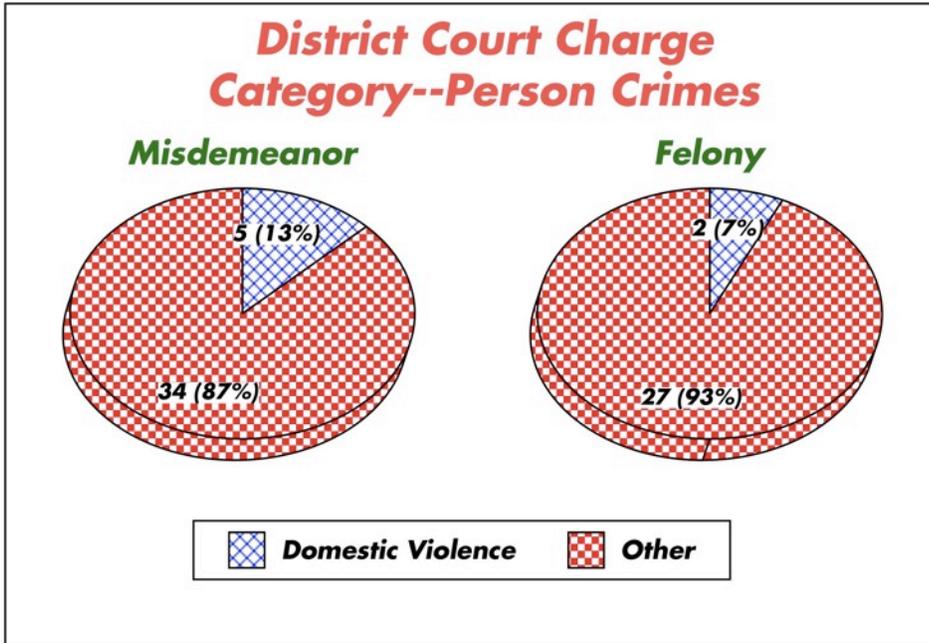
The next graphic shows the charge category at the time of district court filing.



Forty-four percent of the misdemeanants and 36% of the felons were charged with person crimes. Eighteen percent of the misdemeanants and 28% of the felons were charged with property crimes; 10% of the misdemeanants and 23% of the felons were charged with narcotics offenses; 16% of the misdemeanants and 3% of the felons were charged with drunk driving; and 6% of both the misdemeanants and the felons were charged with public order offenses. The remaining 6% of the misdemeanants and 5% of the felons were charged with traffic offenses.

- Person Crimes

The next graphic examines the person crimes to determine if they were domestic violence related.

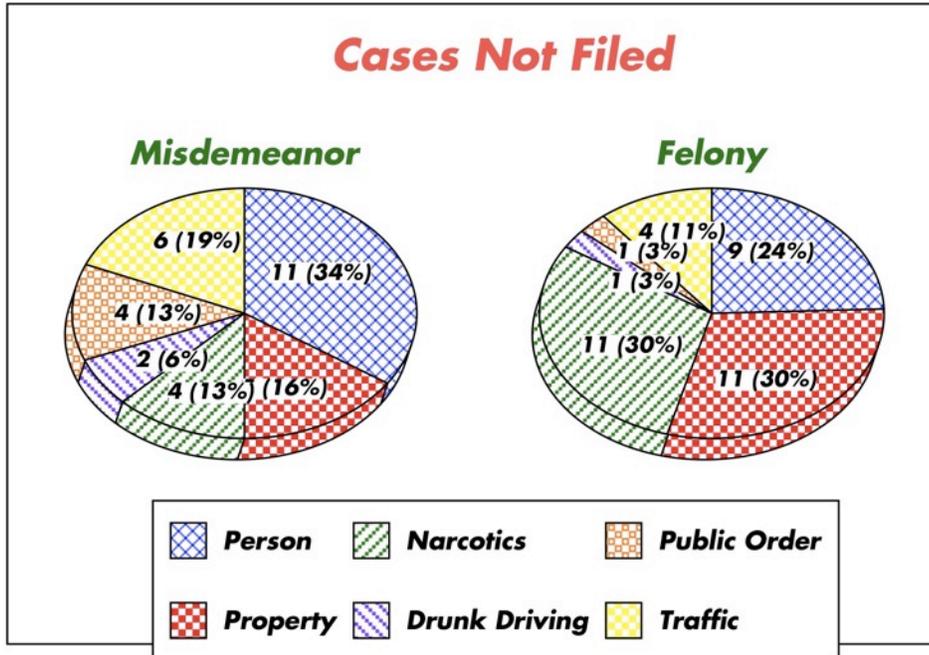


Thirteen percent of the misdemeanants and 7% of the felons charged with person crimes were domestic violence related.

Not-Filed Cases Charge Category

- Overall

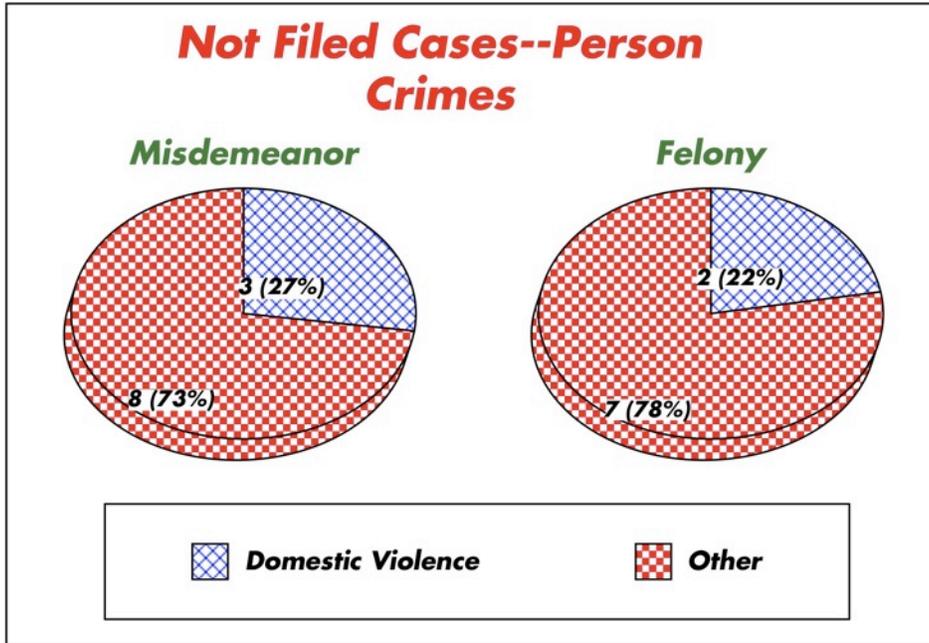
The next graphic shows the charge category for the cases not filed



Thirty-four percent of the misdemeanants and 24% of the felons had been charged with person crimes. Sixteen percent of the misdemeanants and 30% of the felons were charged with property crimes; 13% of the misdemeanants and 30% of the felons had been charged with narcotics offenses; 6% of the misdemeanants and 3% of the felons had been charged with drunk driving; and 13% of the misdemeanants and 3% of the felons were charged with public order offenses. The remaining 19% of the misdemeanants and 11% of the felons had been charged with traffic offenses.

- Person Crimes

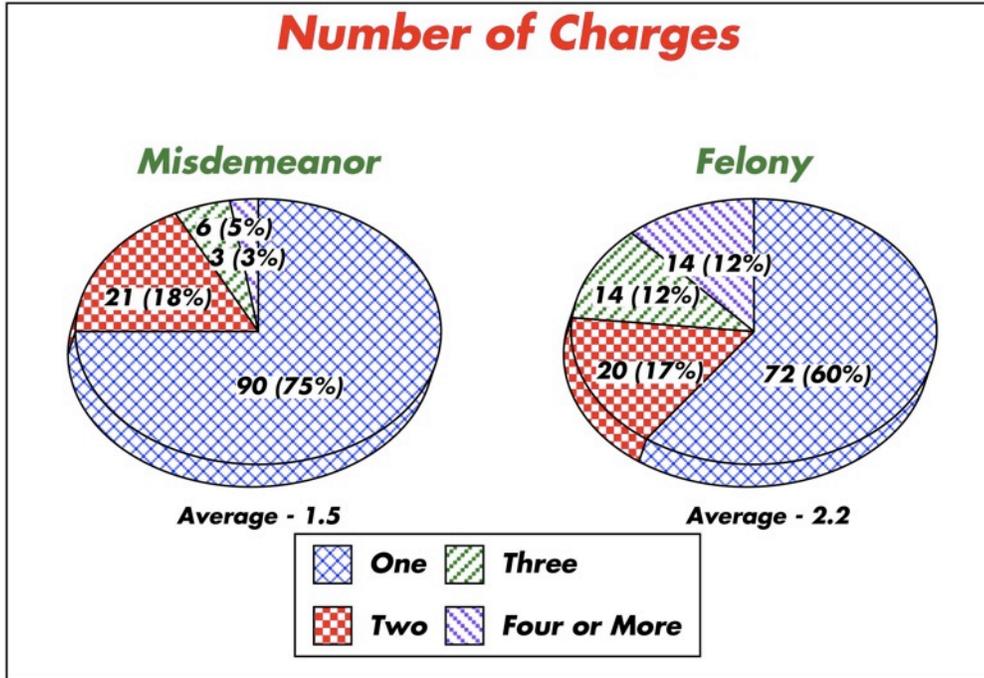
The next graphic examines the person crimes to determine if they were domestic violence related.



Twenty-seven percent of the non-filed misdemeanants and 22% of the felons had been charged with person crimes that were domestic violence related.

Number of Charges

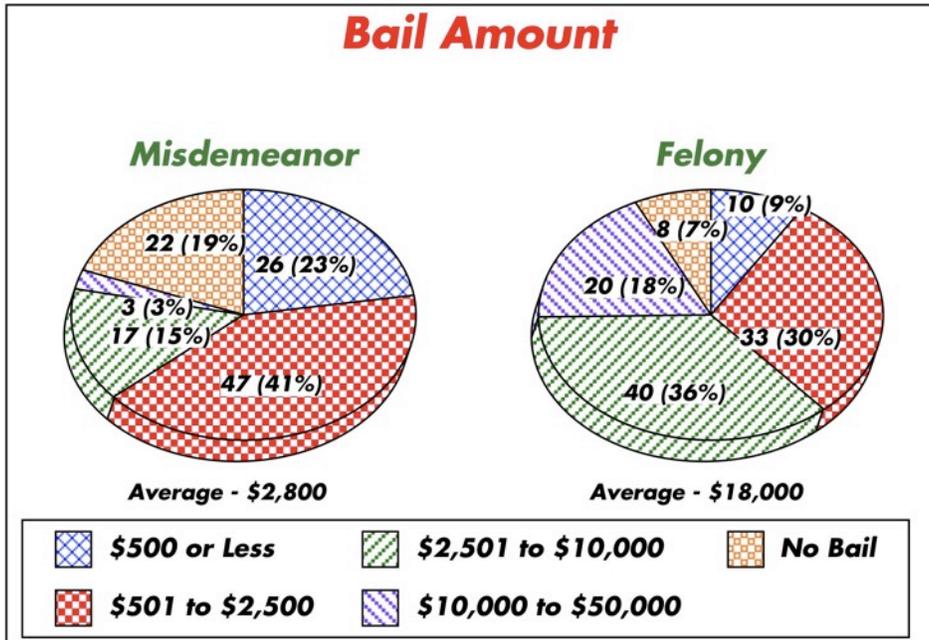
The next graphic shows the number of charges filed in district court.



Three-fourths of the misdemeanants and 60% of the felons had a single charge filed. Eighteen percent of the misdemeanants and 17% of the felons had two charges; and 5% of the misdemeanants and 12% of the felons had three charges. The remaining 3% of the misdemeanants and 12% of the felons had four or more charges. The misdemeanants had an average 1.5 prior charges and the felons had an average 2.2 prior charges.

Bail Amount

The next graphic shows the bail amount set.

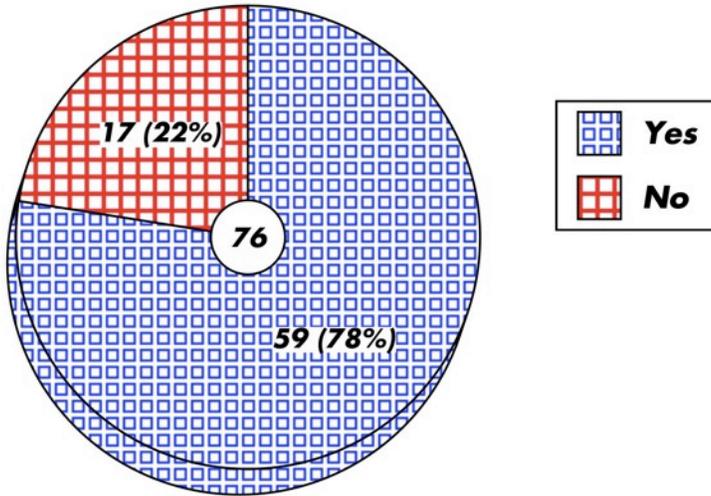


Twenty-three percent of the misdemeanants and 9% of the felons had bail set at \$500 or less. Forty-one percent of the misdemeanants and 30% of the felons had bail set between \$500 and \$2,500; 15% of the misdemeanants and 36% of the felons had bail set between \$2,502 and \$10,000; and 3% of the misdemeanants and 18% of the felons had bail set between \$10,000 and \$50,000. The remaining 19% of the misdemeanants and 7% of the felons were held no bail.

Waived Probable Cause Hearing

The next graphic shows whether the felony defendants waived their probable cause hearing.

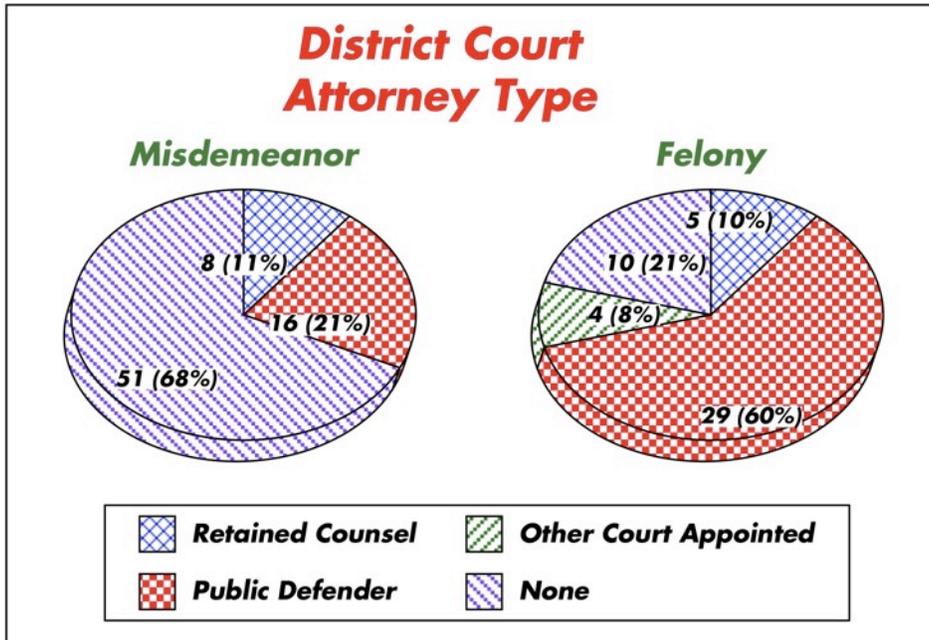
Waived Probable Cause Hearing?



Seventy-eight percent of the felons waived their probable cause hearing.

Attorney Type

The next graphic examines the type of attorney.

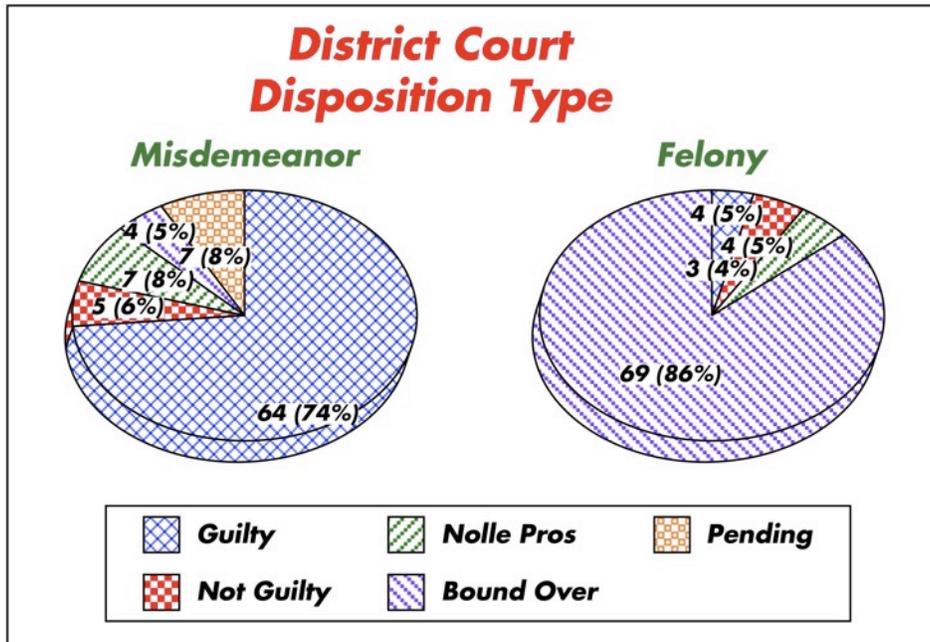


Eleven percent of the misdemeanants and 10% of the felons retained private counsel. Twenty-one percent of the misdemeanants and 60% of the felons were appointed to the public defender; and 8% of the felons were appointed to other court appointed counsel due to a conflict. The remaining 68% of the misdemeanants and 21% of the felons had no attorney.

Disposition Type

- Overall

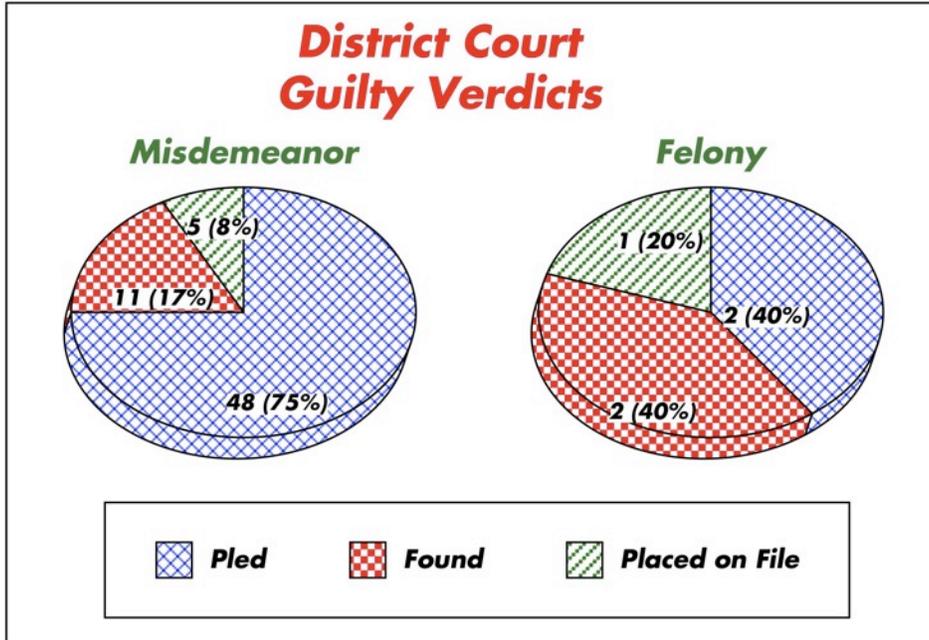
The next graphic shows the disposition type in district court.



Seventy-four percent of the misdemeanants and 5% of the initially charged felons were convicted in district court. Six percent of the misdemeanants and 5% of the felons were found not guilty; 8% of the misdemeanants and 4% of the felons had their cases nolle prossed; and 86% of the felons were bound over to superior court. The remaining 8% of the misdemeanants were still pending.

- Guilty Verdicts

The next graphic shows the type of guilty verdicts in district court.



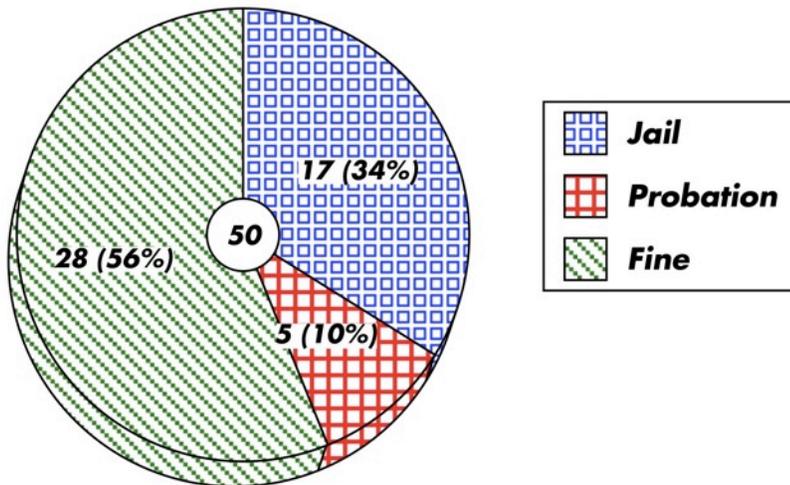
Three-fourths of the misdemeanants with a district court guilty verdict and 40% of the originally charged felons with a district court guilty verdict pled guilty. Seventeen percent of the misdemeanants and 40% of the originally charged felons were found guilty. The remaining 8% of the misdemeanants and 20% of the originally charged felons had their cases placed on file.

Sentence Type

- Overall

The next graphic shows the sentence type.

District Court Sentence Type



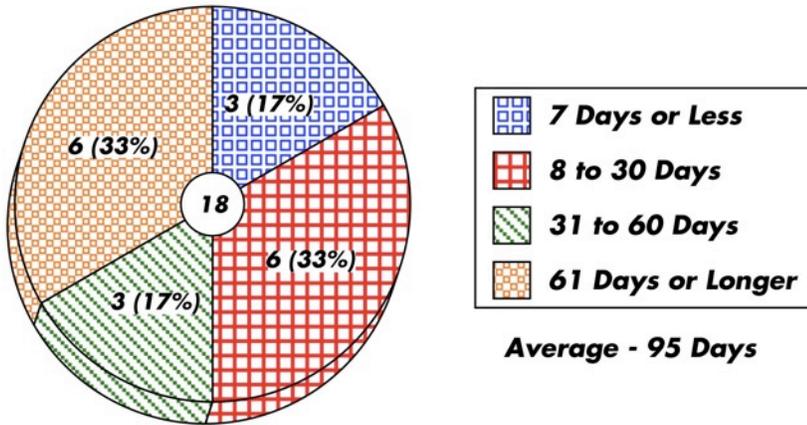
Thirty-four percent received a jail sentence. Ten percent were placed on some form of probation. The remaining 56% were ordered to pay a fine.

- Jail Sentences

Overall

The next graphic shows the jail sentence lengths ordered by the court.

Jail Sentence Length

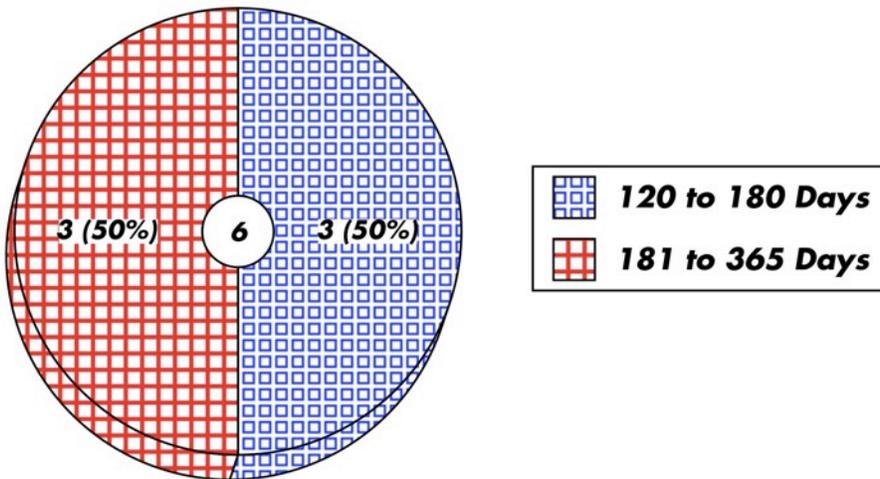


Seventeen percent received a jail sentence of 7 days or less. A third received a jail sentence of 8 between 8 and 30 days; and 17% received a sentence between 31 and 60 days. The remaining third received a jail sentence longer than 60-days. The average jail sentence was 95-days.

Longer than 60 Days

The next graphic displays the length of the sentence for the 6-defendants sentenced longer than 60 days.

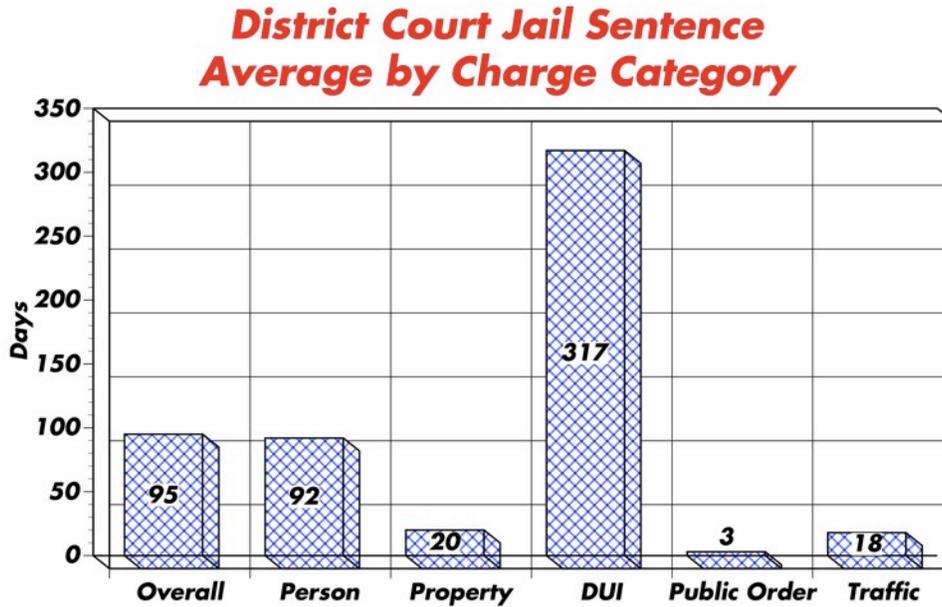
Jail Sentence Length Longer than 120 Days



Half received a sentence between 120 and 180 days. The other half was sentenced between 181 days and 365 days.

Charge Category

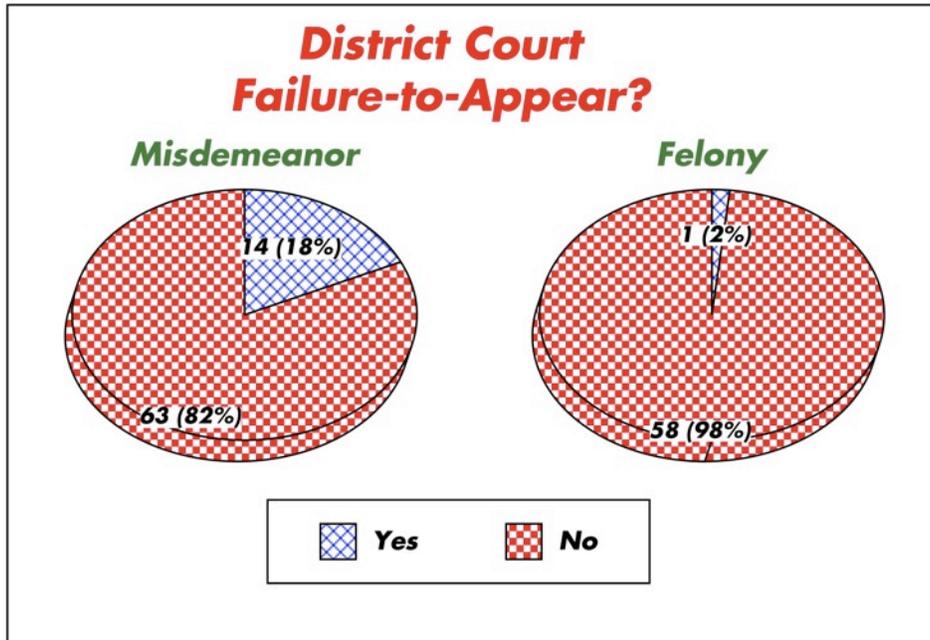
The next graphic shows the average jail sentence length of charge category.



The overall average jail sentence was 95-days. Defendants convicted of person crimes received an average sentence of 92-days; property offenders 20-days; drunk drivers 317-days; and public order offenses 3-days. Traffic offenders received an average jail sentence of 18-days.

Failure-to-Appear

The next graphic shows the failure-to-appear rate in district court.



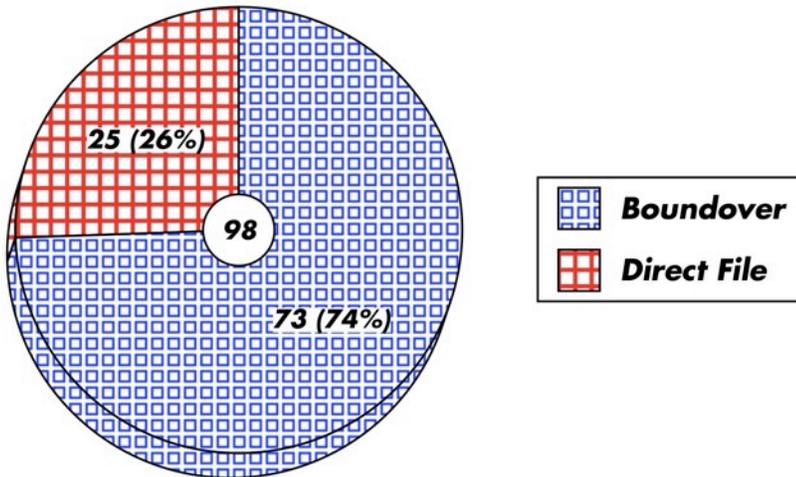
Eighteen percent of the misdemeanants and 2 percent of the felons failed to appear in district court.

Superior Court

File Type

The first graphic in this section shows the type of filing in superior court.

Superior Court File Type



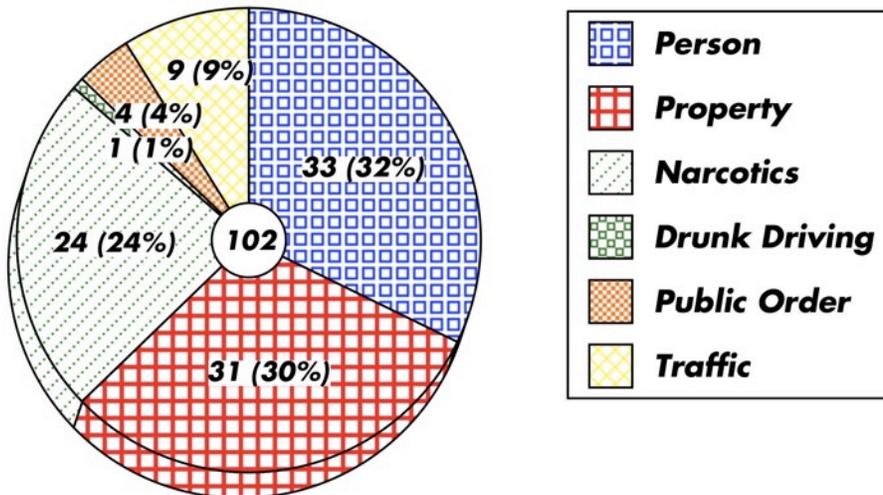
Seventy-four percent of the cases filed in superior court were as a result of a bindover from district court. The remaining 26% were direct file cases.

Charge Category

- Overall

The next graphic shows the charge category at the time of superior court filing.

Superior Court File Charge Category

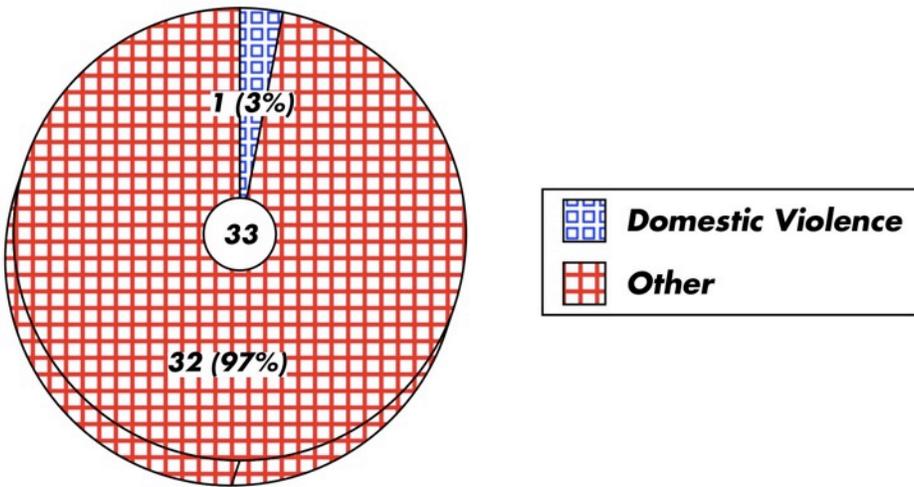


Thirty-two percent were charged with person crimes. Thirty percent were charged with property crimes; 24% with narcotics offenses; 16% of the misdemeanants and 1% with drunk driving; and 4% were charged with public order offenses. The remaining 9% of the felons were charged with traffic offenses.

- Person Crimes

The next graphic examines the person crimes to determine if they were domestic violence related.

Superior Court File Charge Category--Person Crimes

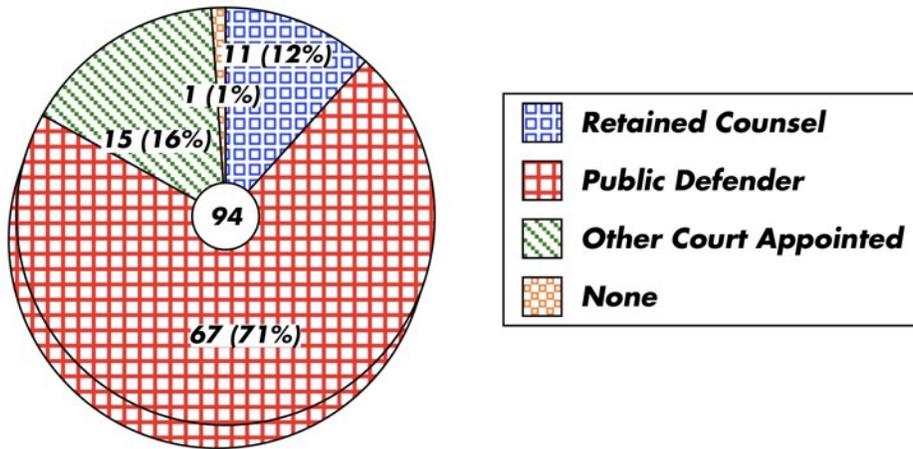


Only 3% were domestic violence related.

- Attorney Type

The next graphic examines the type of attorney in superior court.

Superior Court Attorney Type



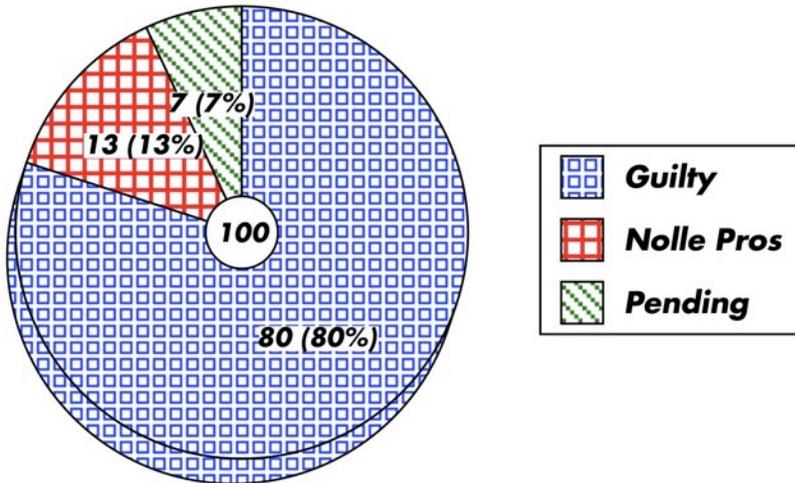
Twelve percent retained their own attorney. Seventy-one percent were appointed to the public defender and an additional 16% were appointed other counsel due to conflicts. The remaining 1% did not have an attorney.

Disposition Type

- Overall

The next graphic shows the disposition type.

Superior Court Disposition Type

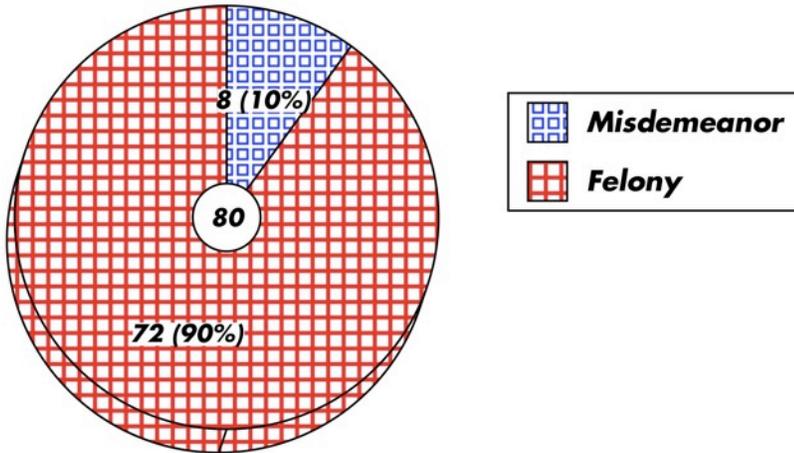


Eighty percent of the defendants were found guilty. Thirteen percent had their cases nolle prossed. The remaining 7% were still pending.

- Charge Class

The next graphic shows the disposition charge class for the 80 guilty verdicts.

Superior Court Disposition Class

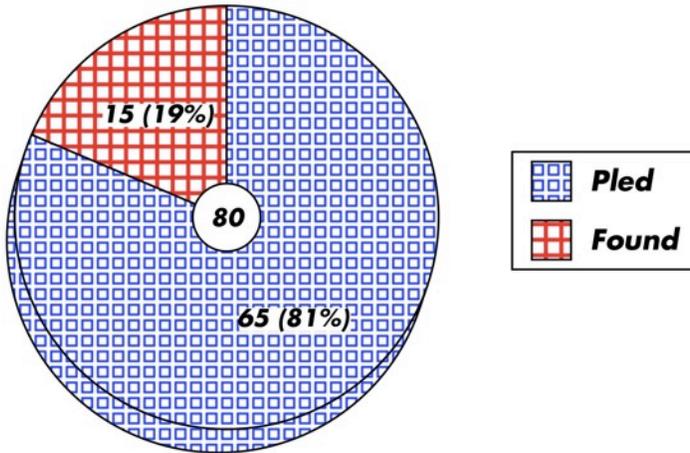


Ninety percent were convicted of a felony.

- Guilty Verdicts

The next graphic shows the type of guilty verdict.

Superior Court Guilty Verdicts



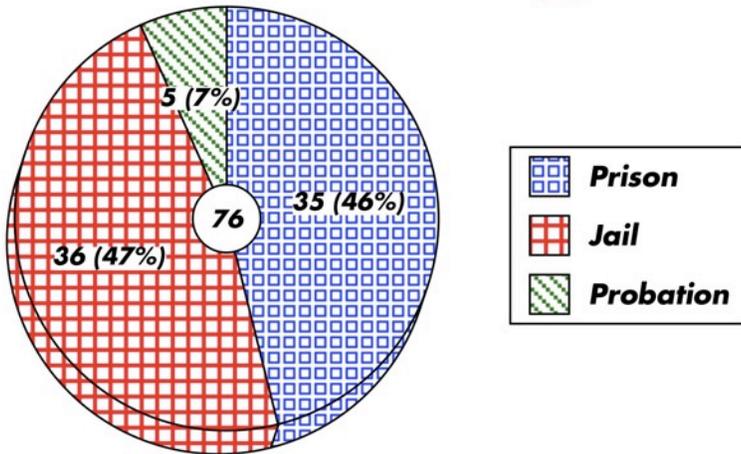
Eighty-one percent pled guilty; the remaining cases were found guilty.

Sentence Type

- Overall

The next graphic shows the sentence type.

Superior Court Sentence Type

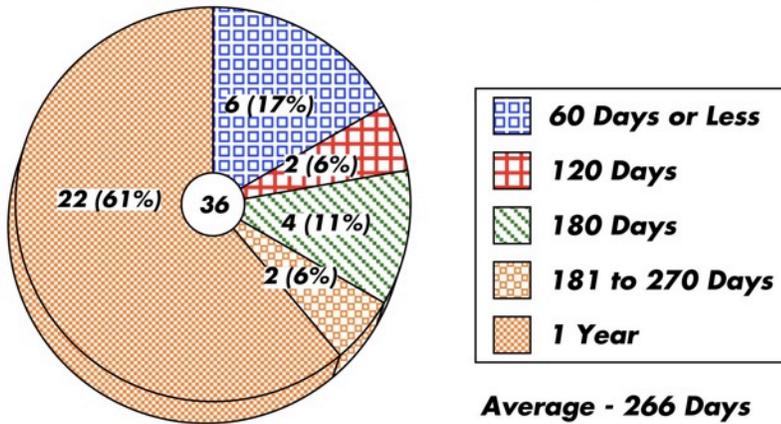


Forty-six percent of the convicted defendants in superior court were sentenced to prison. Forty-seven percent received a jail sentence. The remaining 7% received a fine.

- Jail Sentence Length

The next graphic displays the jail sentence length.

Superior Court Jail Sentence Length

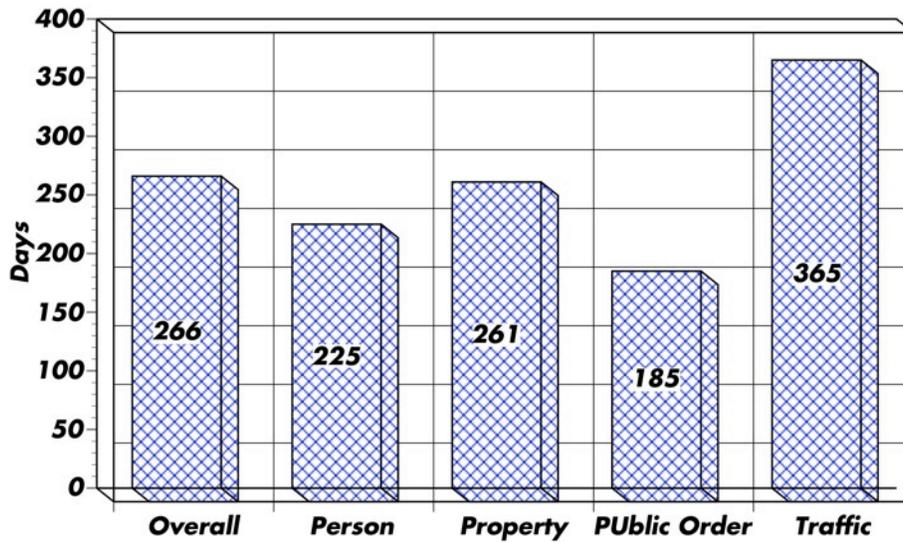


Seventeen percent of the defendants who received a jail sentence in superior court were sentenced to 60-days or less. Six percent were sentenced to 120-days; 11% to 180-days; and 6% to between 181 and 270 days. The remaining 61% were sentenced to 1-year in the County Jail. The average jail sentence length was 266 days.

- Charge Category

The next graphic shows the average jail sentence length by charge category.

Superior Court Jail Sentence Length by Charge Category

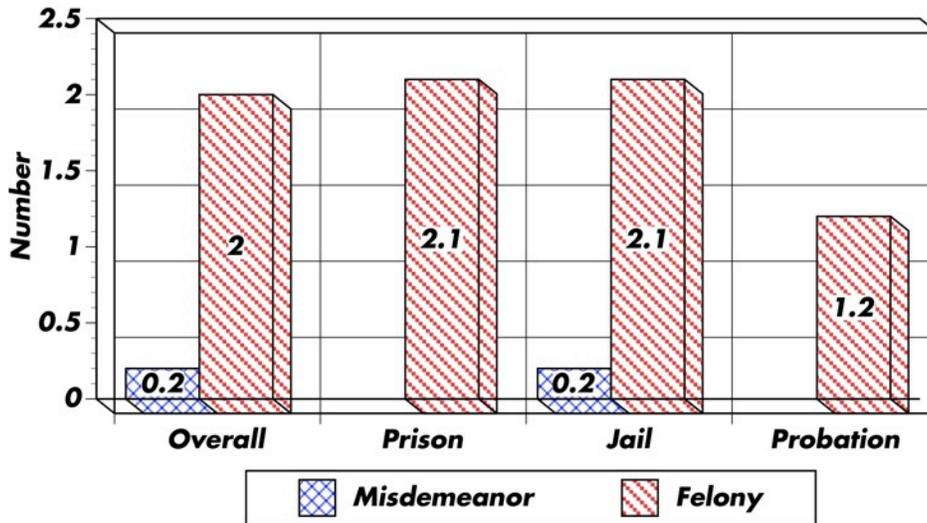


The overall average jail sentence length was 266-days. Defendants convicted of person crimes were sentenced to 225 days; property crimes 261 days; and public order offenses 185 days. Defendants convicted of a traffic charge received a year jail sentence.

- Prior Bookings

The next graphic shows the number of prior bookings by the sentence received broken down by charge class at conviction.

Superior Court Sentence Type by Number of Prior Bookings

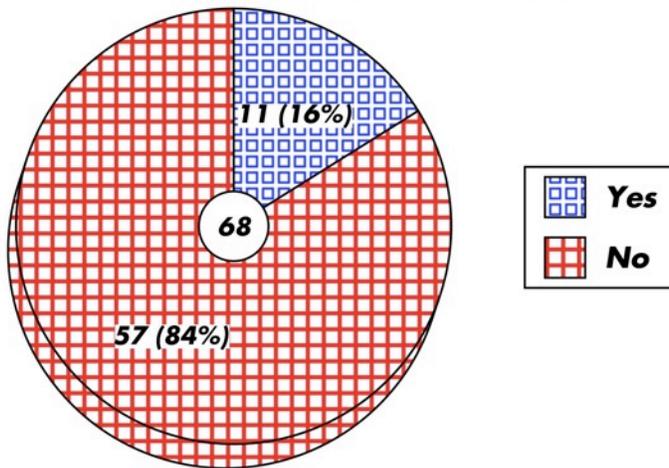


The overall number of prior bookings for felons convicted in superior court was 2. Defendants who received a prison sentence had an average 2.1 prior bookings; and those receiving a jail sentence also had 2.1 prior bookings. Defendants placed on probation had an average 1.2 prior bookings.

Failure-to-Appear

The next graphic shows the failure-to-appear rate.

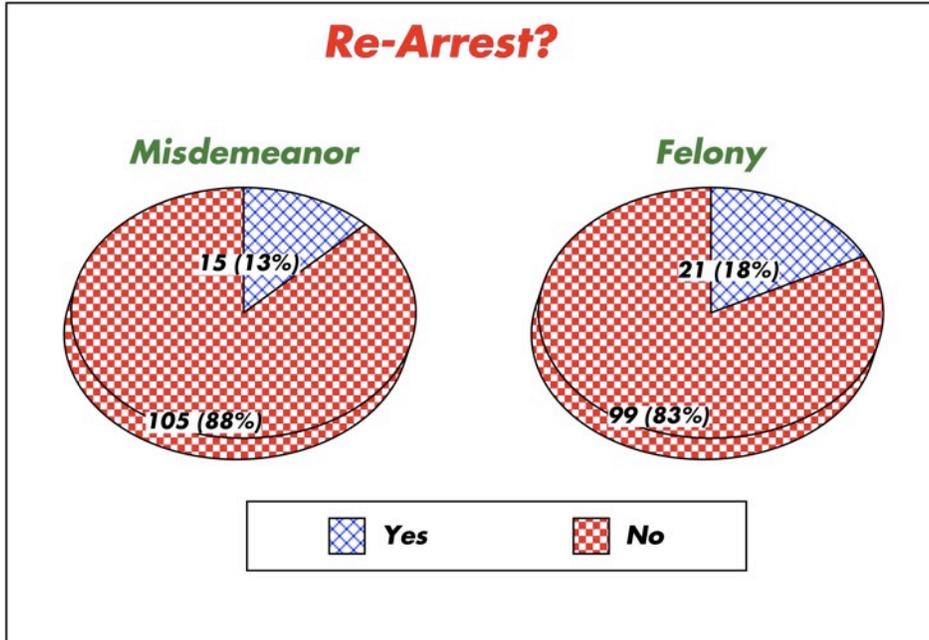
Superior Court Failure-to-Appear



Sixteen percent of the defendants failed to appear for a court appearance in superior court.

Re-arrest

The next graphic shows the re-arrest rate for released defendants.



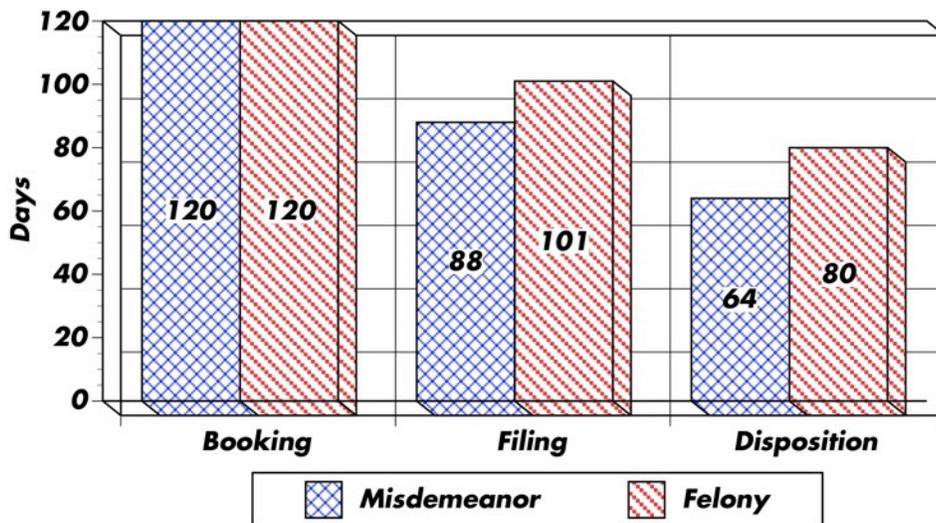
Thirteen percent of the misdemeanants and 18% of the felons who were released from jail were re-arrested prior to adjudication on the instant offense.

Case Attrition

Overall

The first graphic in this section shows the case attrition.

Case Attrition



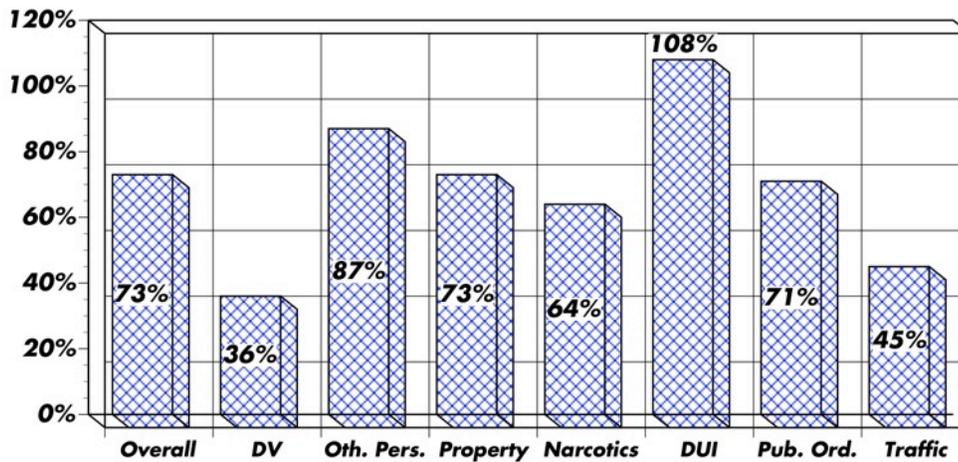
There were 120 misdemeanors and 120 felonies at the time of booking. At case filing, there were 88 misdemeanors and 101 felonies. At disposition, there were 64 misdemeanors and 80 felonies.

Misdemeanors

- Booking to Filing

The next graphic examines the misdemeanor attrition rate from booking to filing.

Misdemeanor Attrition Rate Booking to Filing

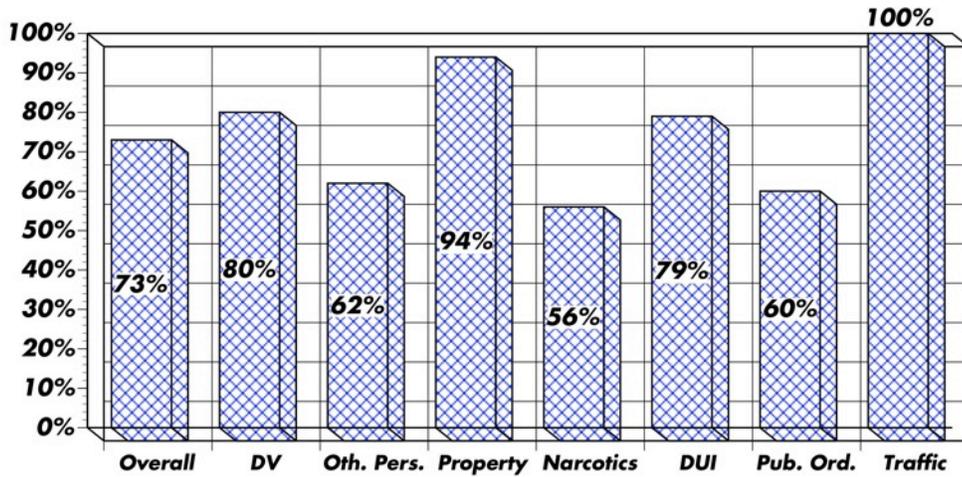


The overall attrition rate was 73% from booking to filing. Of all the cases booked, only 73% remained by filing. Domestic violence cases had a 36% rate; other person crimes 87%; property 73%; narcotics 64%; drunk driving 108% (likely felonies reduced to misdemeanors); and public order offenses 71%. The attrition rate for traffic cases was 45%.

- Filing to Disposition

The next graphic shows the misdemeanor attrition rate from filing to disposition.

Misdemeanor Attrition Rate Filing to Disposition

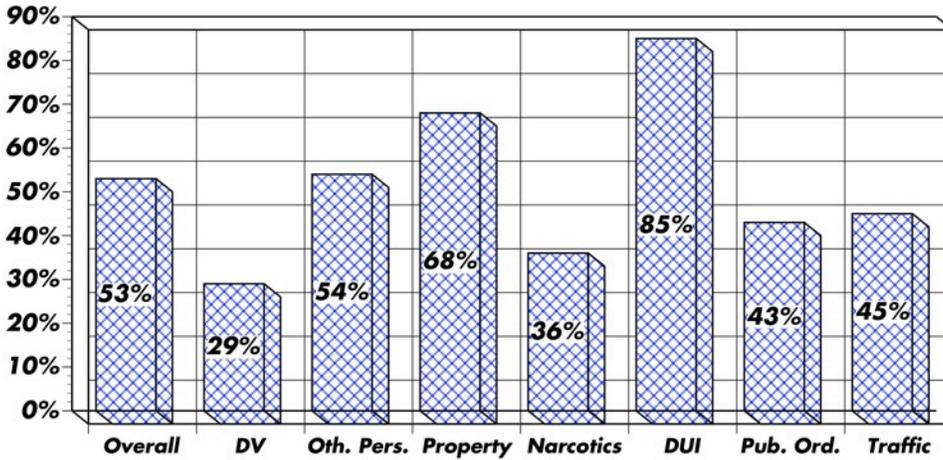


The overall attrition rate was 73% from filing to disposition. Of all the cases filed, only 73% remained by disposition. Domestic violence cases had a 80% rate; other person crimes 62%; property 94%; narcotics 56%; drunk driving 79%; and public order offenses 60%. The attrition rate for traffic cases was 100%.

- Booking to Disposition

The next graphic shows the misdemeanor attrition rate from booking to disposition.

Misdemeanor Attrition Rate Booking to Disposition



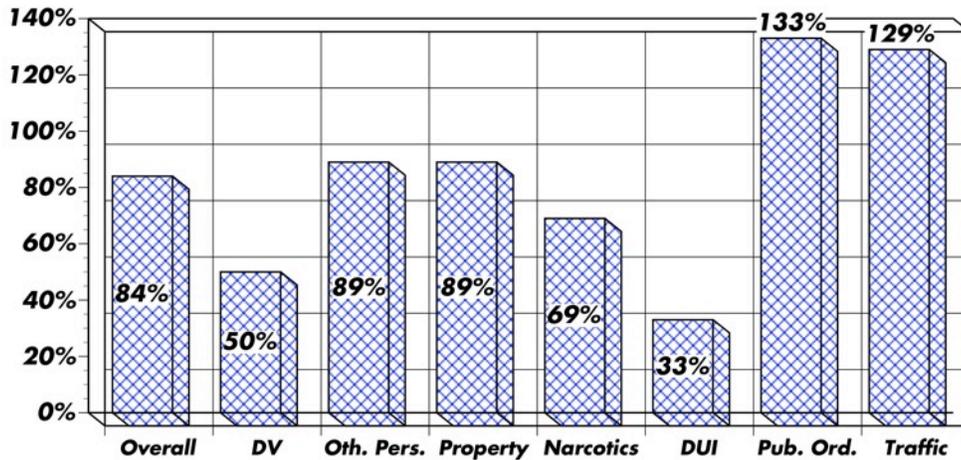
The overall attrition rate from booking to disposition was 53%. Of all the cases booked, only 53% remained by disposition. Domestic violence cases had a 29% rate; other person crimes 54%; property 68%; narcotics 36%; drunk driving 85%; and public order offenses 43%. The attrition rate for traffic cases was 45%.

Felonies

- Booking to Filing

The next graphic examines the felony attrition rate from booking to filing.

Felony Attrition Rate Booking to Filing

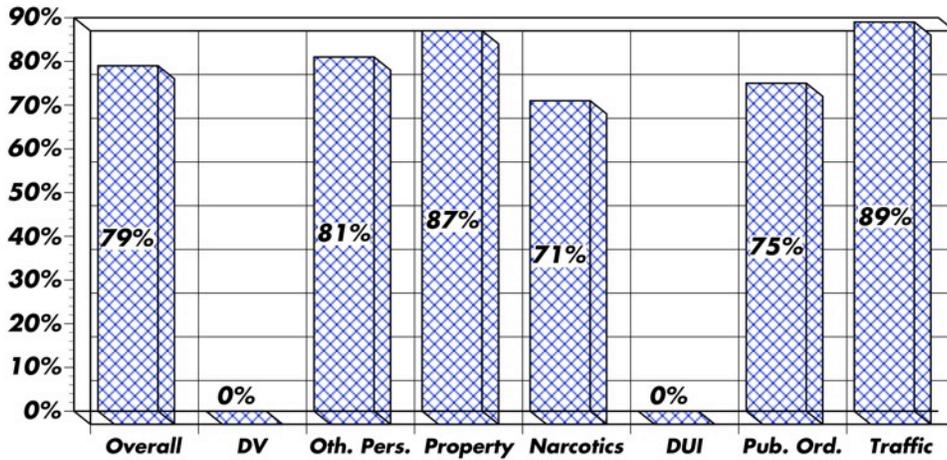


The overall attrition rate was 84% from booking to filing. Of all the cases booked, only 84% remained by filing. Domestic violence cases had a 50% rate; other person crimes 89%; property 89%; narcotics 69%; drunk driving 33%; and public order offenses 133%. The attrition rate for traffic cases was 129%. The latter two numbers are likely an elevation of misdemeanor cases to felonies.

- Filing to Disposition

The next graphic shows the felony attrition rate from filing to disposition.

Felony Attrition Rate Filing to Disposition

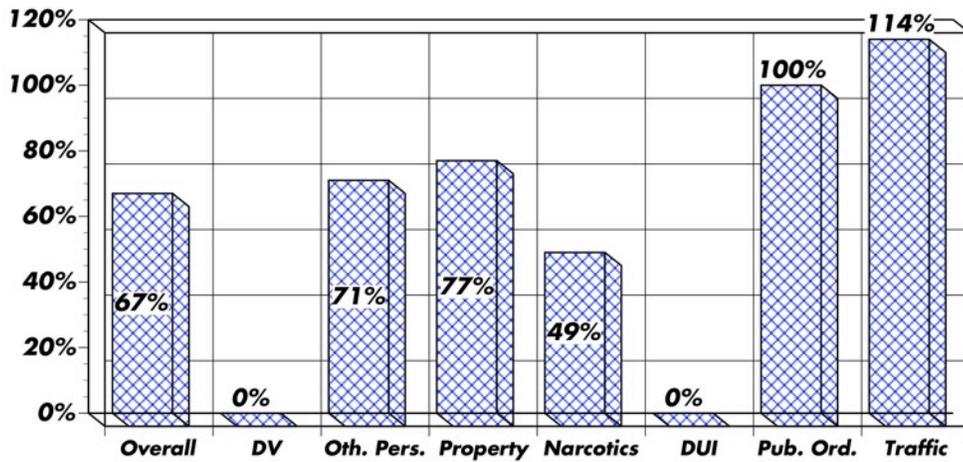


The overall attrition rate was 79% from filing to disposition. Of all the cases filed, only 79% remained by disposition. Domestic violence cases had a 0% rate; other person crimes 81%; property 87%; narcotics 71%; drunk driving 0%; and public order offenses 75%. The attrition rate for traffic cases was 89%.

- Booking to Disposition

The next graphic shows the felony attrition rate from booking to disposition.

Felony Attrition Rate Booking to Disposition



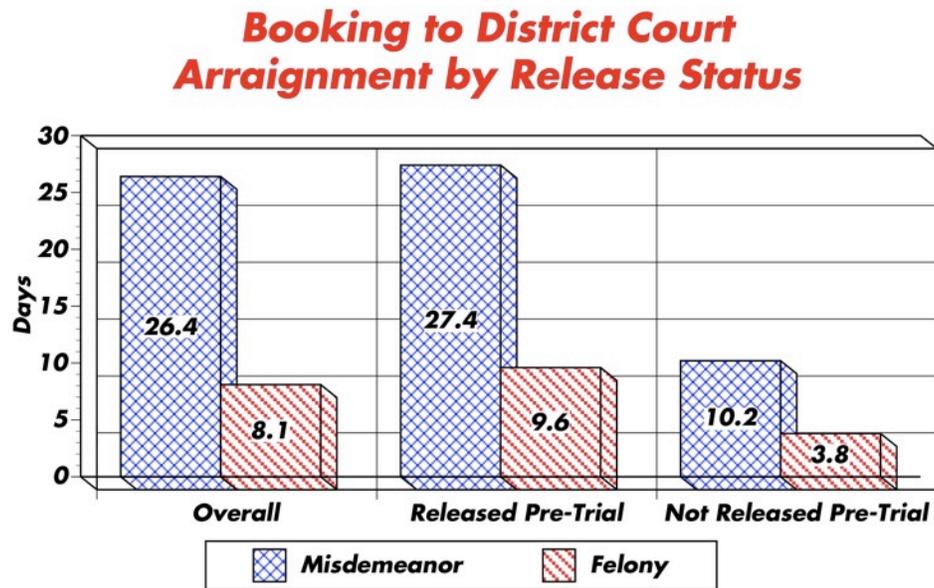
The overall attrition rate from booking to disposition was 67%. Of all the cases booked, only 67% remained by disposition. Domestic violence cases had a 0% rate; other person crimes 71%; property 77%; narcotics 49%; drunk driving 0%; and public order offenses 100%. The attrition rate for traffic cases was 114%.

Processing Times

Booking to District Court Arraignment

- Release Status

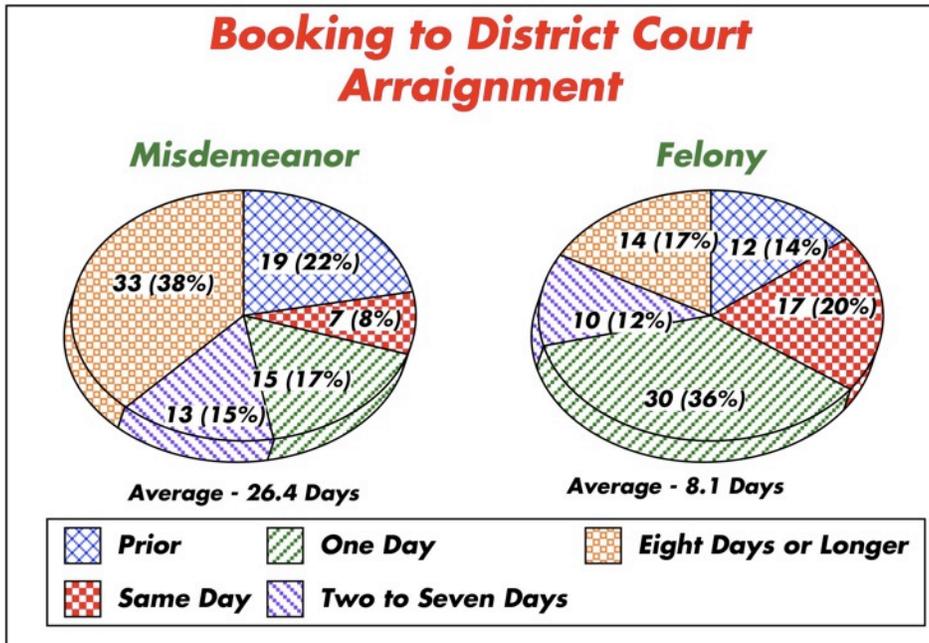
The next graphic shows the average time between booking and district court arraignment by whether the defendant was released from jail prior to adjudication.



The overall average time from booking to arraignment was 26.4 days for misdemeanors and 8.1 days for felonies. Defendants released pre-trial had an average time of 27.4 days for misdemeanors and 9.6 days for felonies. Defendants not released pre-trial had 10.2 days for misdemeanors and 3.8 days for felonies.

- Overall

The next graphic shows the length of time between booking and district court arraignment by charge class.

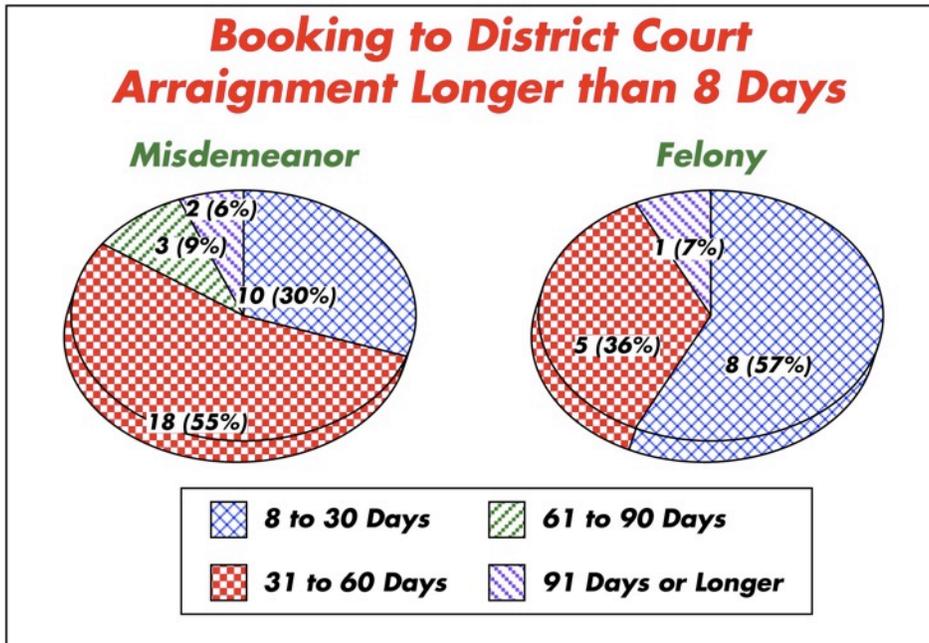


Twenty-two percent of the misdemeanants and 14% of the felons had their arraignment prior to booking. Eight percent of the misdemeanants and 20% of the felons were arraigned the same day as booking; 17% of the misdemeanants and 36% of the felons were arraigned 1 day later; and fifteen percent of the misdemeanants and 12% of the felons were arraigned between 2 and 7 days. The remaining 38% of the misdemeanants and 17% of the felonies took longer than 8-days to be arraigned.

The average time from booking to arraignment was 26.4 days for misdemeanors and 8.1 days for felons.

- Longer than 8-Days

The next graphic shows the length of time between booking and arraignment for those defendants who took longer than 8-days.



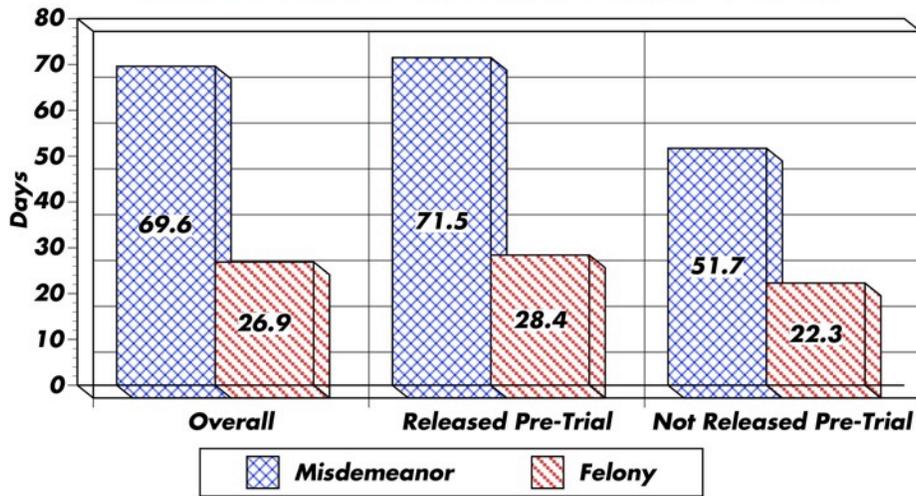
Thirty percent of the misdemeanants and 57% of the felons took between 8 and 30 days. Fifty-five percent of the misdemeanants and 36% of the felons took between 31 and 60 days; and 9% of the misdemeanants took between 61 and 90 days. The remaining 6% of the misdemeanants and 7% of the felons took 91 days or longer.

District Court Arraignment to District Court Disposition

- Release Status

The next graphic shows the average time between district court arraignment and district court disposition by whether the defendant was released from jail prior to adjudication.

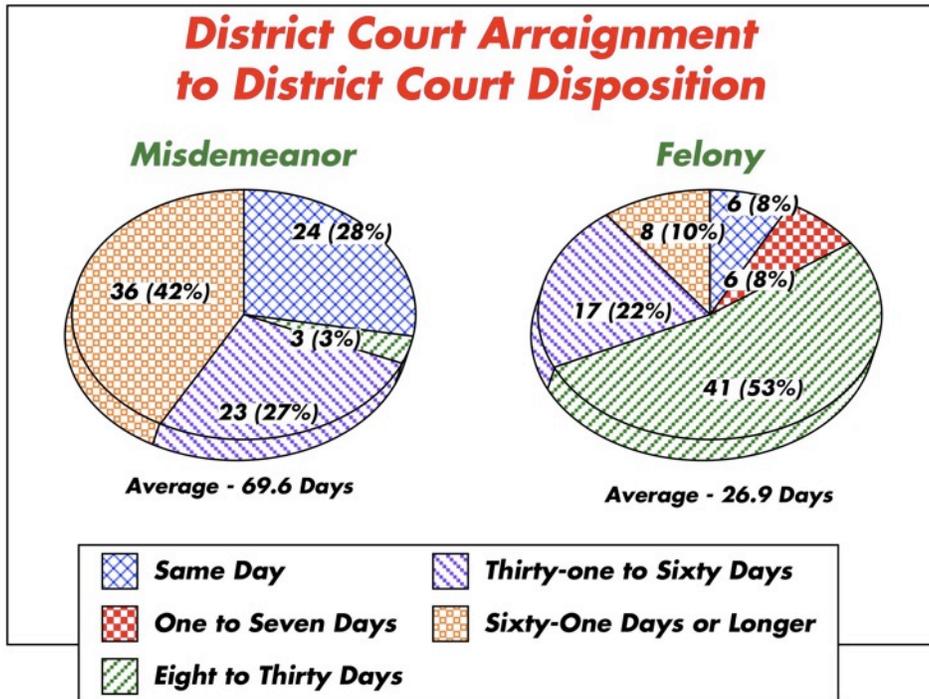
District Court Arraignment to District Court Disposition by Release Status



The overall average time from district court arraignment to district court disposition was 69.6 days for misdemeanors and 26.9 days for felonies. Defendants released pre-trial had an average time of 71.5 days for misdemeanors and 28.4 days for felonies. Defendants not released pre-trial had 51.7 days for misdemeanors and 22.3 days for felonies.

- Overall

The next graphic shows the length of time between from district court arraignment to district court disposition by charge class.

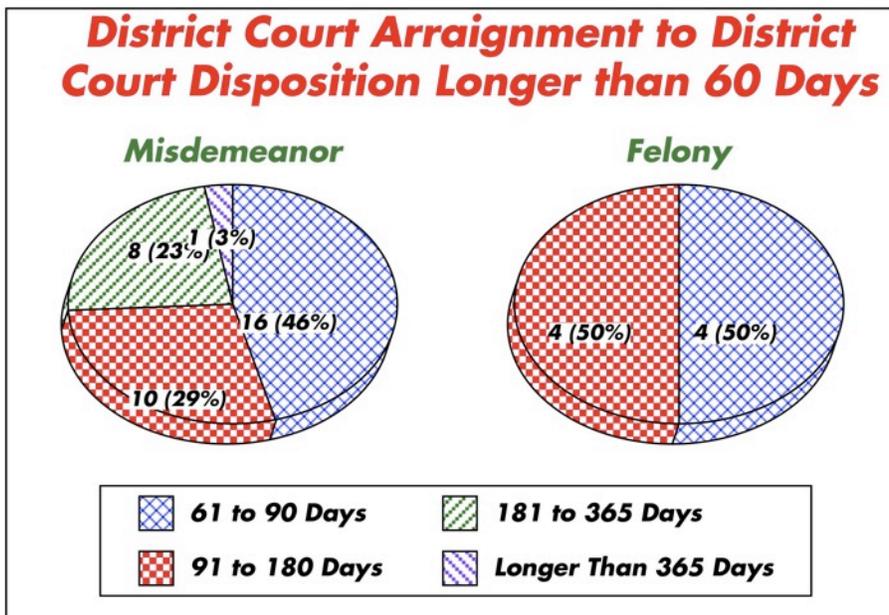


Twenty-eight percent of the misdemeanants and 8% of the felons had their cases disposed the same day as arraignment; 8% of the felons had their cases disposed between 1 and 7 days; 3% percent of the misdemeanants and 53% of the felons between 8 and 30 days; and 27% of the misdemeanants and 22% of the felons between 31 and 60 days. The remaining 42% of the misdemeanants and 10% of the felonies took longer than 60-days to be disposed.

The average time from district court arraignment to district court disposition was 69.6 days for misdemeanors and 26.9 days for felons.

- Longer than 60-Days

The next graphic shows the length of time between district court arraignment to district court disposition for those defendants who took longer than 60-days.

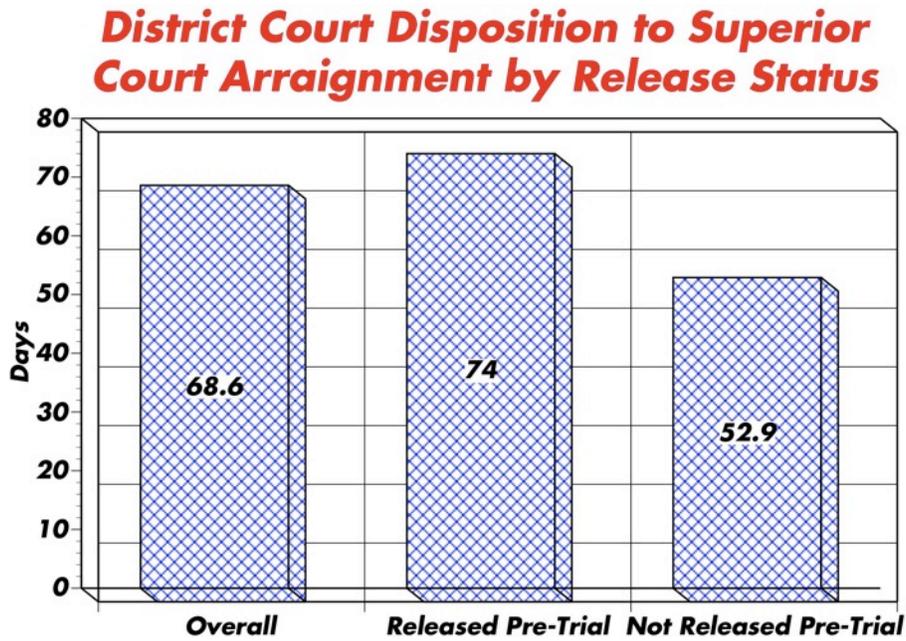


Forty-six percent of the misdemeanants and half of the felons took between 61 and 90 days. Twenty-nine percent of the misdemeanants and half of the felons took between 91 and 180 days; and 23% of the misdemeanants took between 181 and 365 days. The remaining 3% of the misdemeanants took longer than a year.

District Court Disposition to Superior Court Arraignment

- Release Status

The next graphic shows the average time between district court disposition and superior court arraignment by whether the defendant was released from jail prior to adjudication.

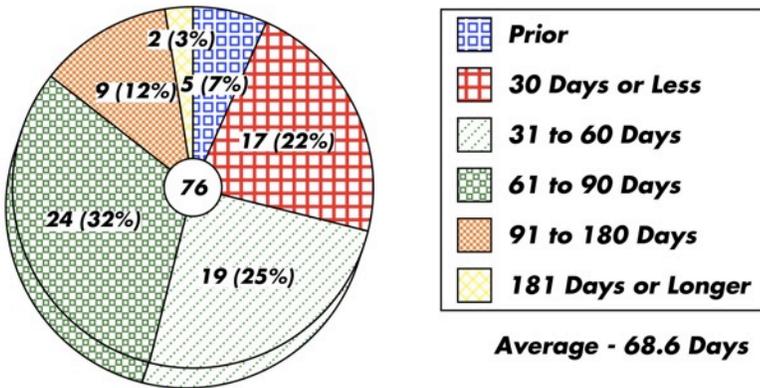


The overall average time from district court disposition to superior court arraignment was 68.6 days. Defendants released pre-trial had an average time of 74 days. Defendants not released pre-trial had an average time of 52.9 days.

- Overall

The next graphic shows the length of time between from district court disposition to superior court arraignment.

District Court Disposition to Superior Court Arraignment



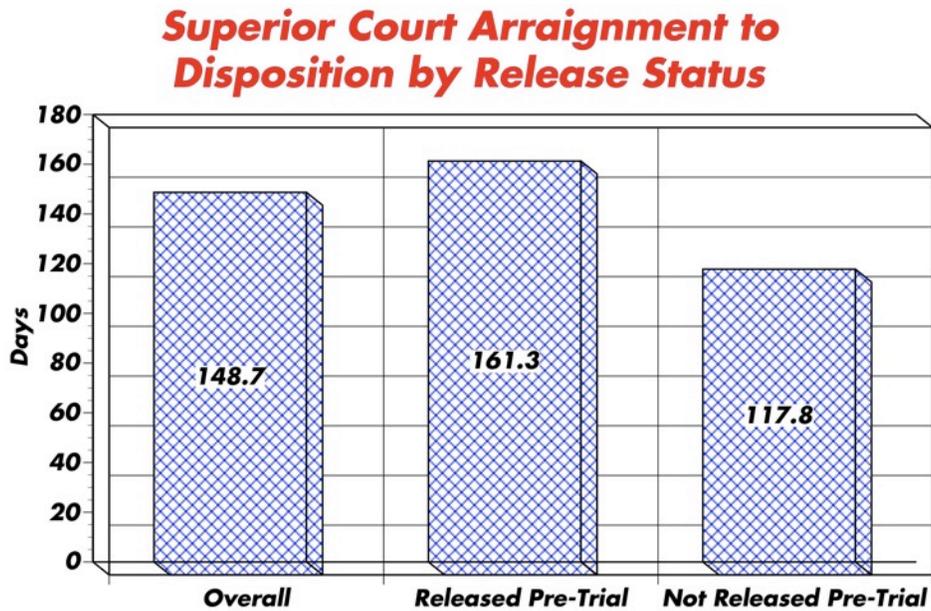
Seven percent of the cases reached superior court prior. Twenty-two percent took 30-days or less; a quarter took between 31 and 60 days; 32% between 61 and 90 days and 12% took between 91 and 180 days. The remaining 3% took longer than 180 days.

The average time from district court disposition to superior court arraignment was 68.6 days.

Superior Court Arraignment to Disposition

- Release Status

The next graphic shows the average time between superior court arraignment and disposition by whether the defendant was released from jail prior to adjudication.

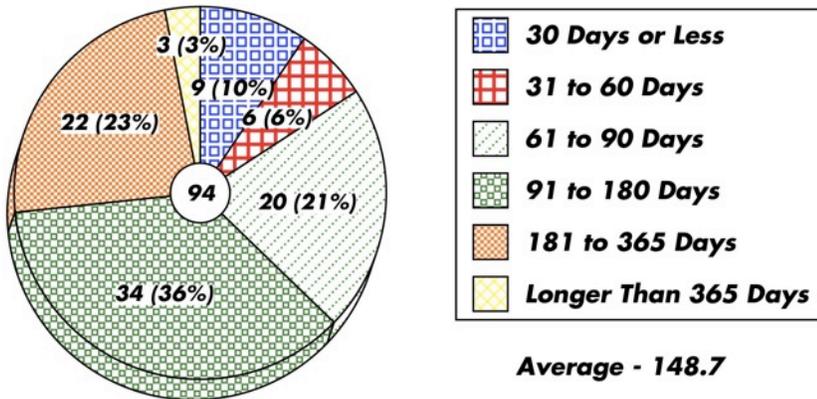


The overall average time from superior court arraignment to disposition was 148.7 days. Defendants released pre-trial had an average time of 161.3 days. Defendants not released pre-trial had an average time of 117.8 days.

- Overall

The next graphic shows the length of time between from superior court arraignment and disposition.

Superior Court Arraignment to Disposition



Ten percent took 30-days or less; 6% between 31 and 60 days; 21% between 61 and 90 days and 36% took between 91 and 180 days and 23% took between 181 and 365 days. The remaining 3% took longer than a year.

The average time from superior court arraignment to disposition was 148.7 days.

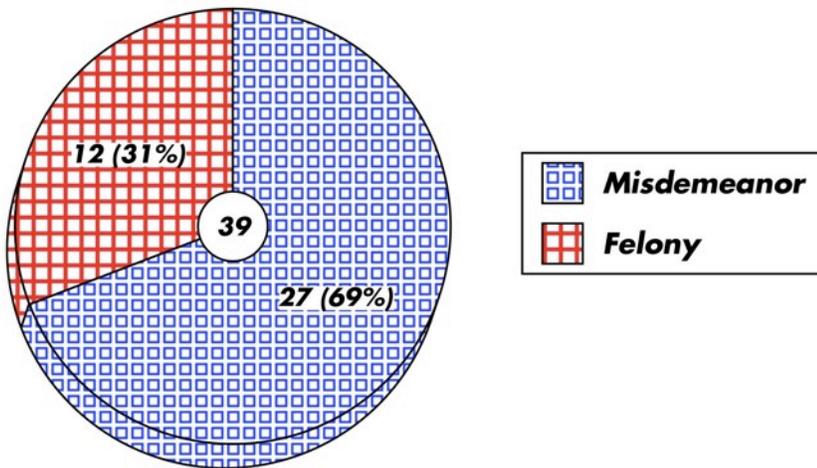
Domestic Violence

A separate examination was made of 40 domestic violence arrests from the Laconia Police Department.

Charge Class

The next graphic shows the charge class of the domestic violence cases at the time of arrest.

Domestic Violence Charge Class

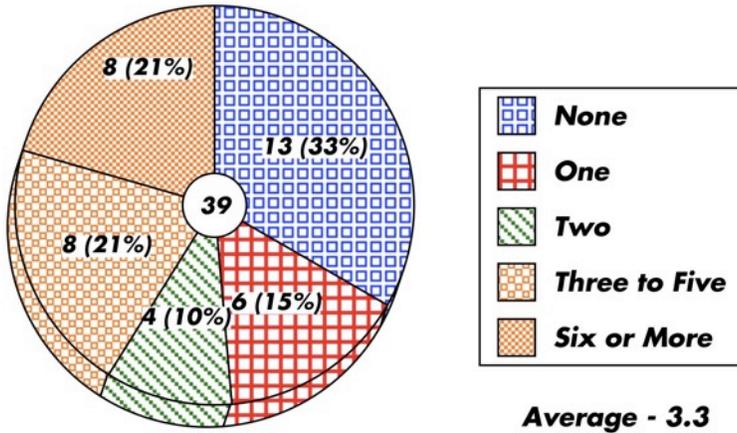


Sixty-nine percent were charged with a misdemeanor and 31% with a felony. All of the felony charges were reduced to misdemeanors.

Prior Bookings

The next graphic shows the number of prior bookings.

DV Prior Bookings

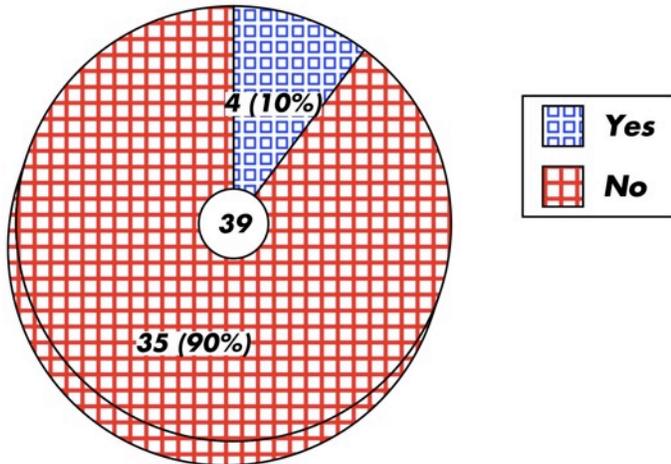


A third of the domestic violence offenders had never been booked previously. Fifteen percent had been booked 1 previous time; 10% 2 previous times; and 21% between 3 and 5 previous times. The remaining 21% had been booked 6 times or more. The average number of prior bookings was 3.3.

Re-arrest

The next graphic examines whether the defendant had been re-arrested.

DV Re-Arrest



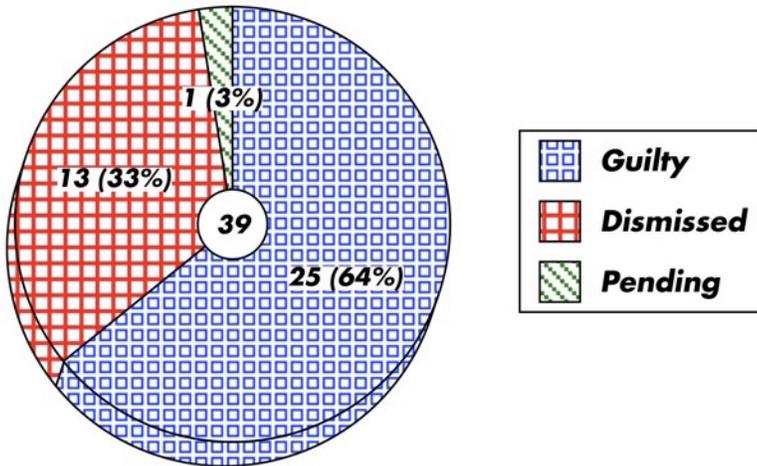
Only 10% of the defendants were re-arrested on a new offense while the instant offense was pending.

Disposition Type

- Overall

The next graphic shows the disposition type.

DV Disposition Type

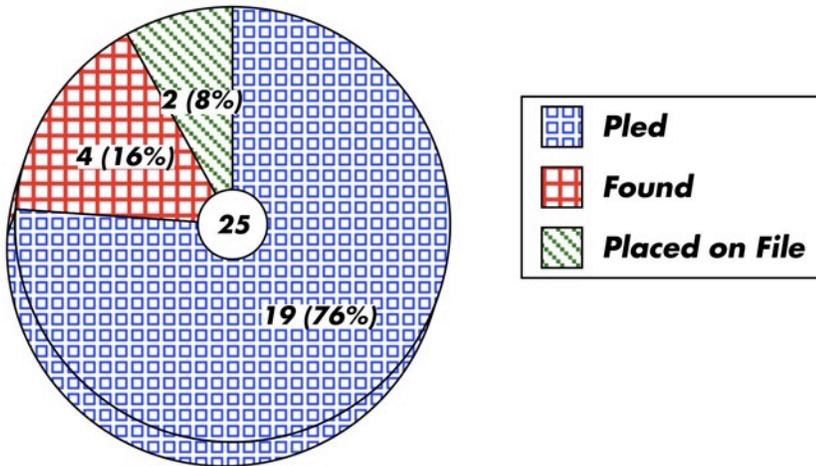


Sixty-four percent of the domestic violence offenders were adjudicated guilty. A third had their cases dismissed and 3% were still pending.

- Guilty Verdicts

The next graphic shows the type of guilty verdict for the convicted domestic violence offenders.

DV Guilty Verdict Type



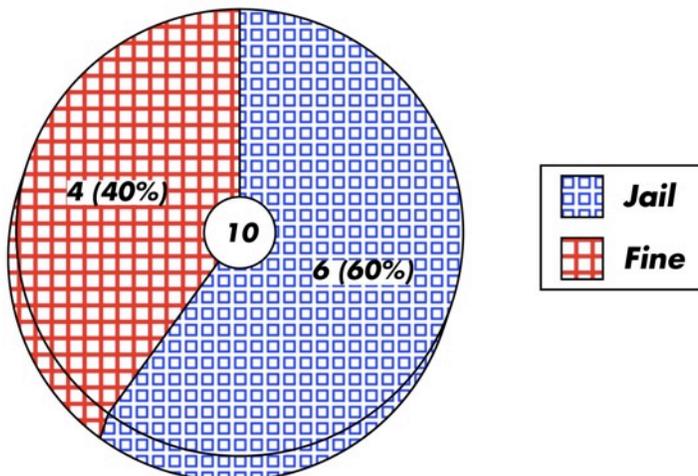
Seventy-six percent of the guilty verdicts were as a result of a plea. Sixteen percent were found guilty. The remaining 8% had their cases placed on file.

Sentence Type

- Overall

The next graphic shows the sentence type.

DV Sentence Type

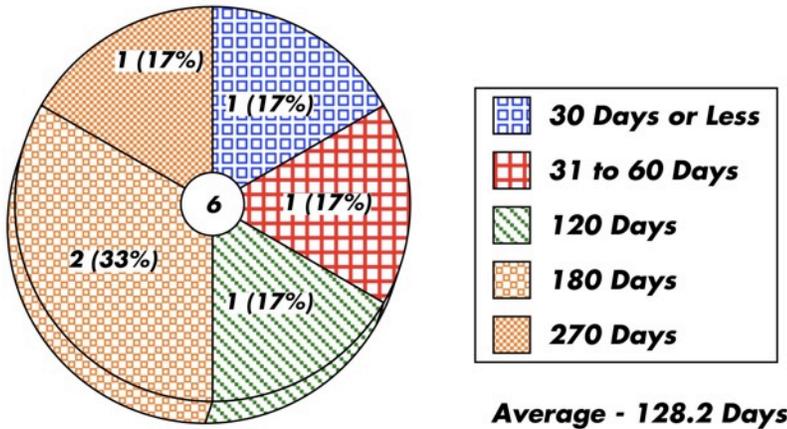


Sixty percent were sentenced to jail. The remaining defendants received a fine.

- Jail Sentence Length

The next graphic shows the length of the jail sentences.

DV Jail Sentence Length

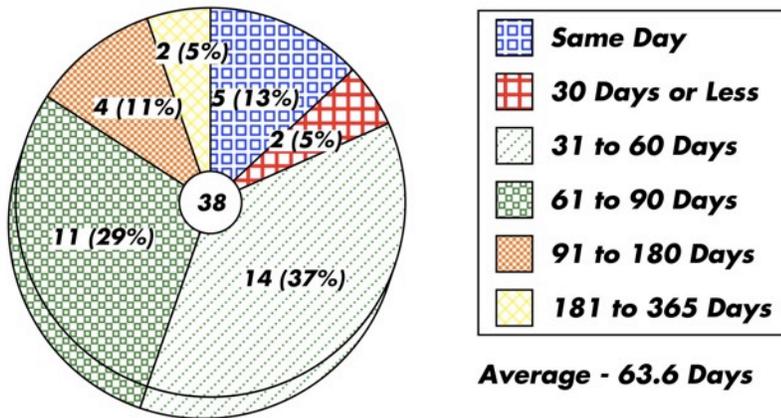


Seventeen percent received a jail sentence of 30 days or less. Seventeen percent were sentenced to between 31 and 60 days; 17% were sentenced to 120 days; and a third were sentenced to 180 days. The remaining 17% were sentenced to 270 days.

Process Times—District Court Arraignment to Disposition

The next graphic shows the length of time between district court arraignment and disposition.

DV District Court Arraignment to District Court Disposition



Thirteen percent of the cases were resolved the same day as arraignment. Five percent took 30 days or less; 37% between 31 and 60 days; 29% between 61 and 90 days; and 11% between 91 and 180 days. The remaining 5 percent took between 181 and 365 days. The average length of time between district court arraignment and disposition was 63.6 days.

report 2012
Belknap County



Jail Population
Breakdown



report 2012

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section three

Jail Population Breakdown

Under the direction of Superintendent Dan Ward, Officer Matt O'Connor conducted a periodic snapshot of the jail population. The snapshot methodology uses a hierarchy to determine the most significant charge for which a defendant is being held and from that determines their status.

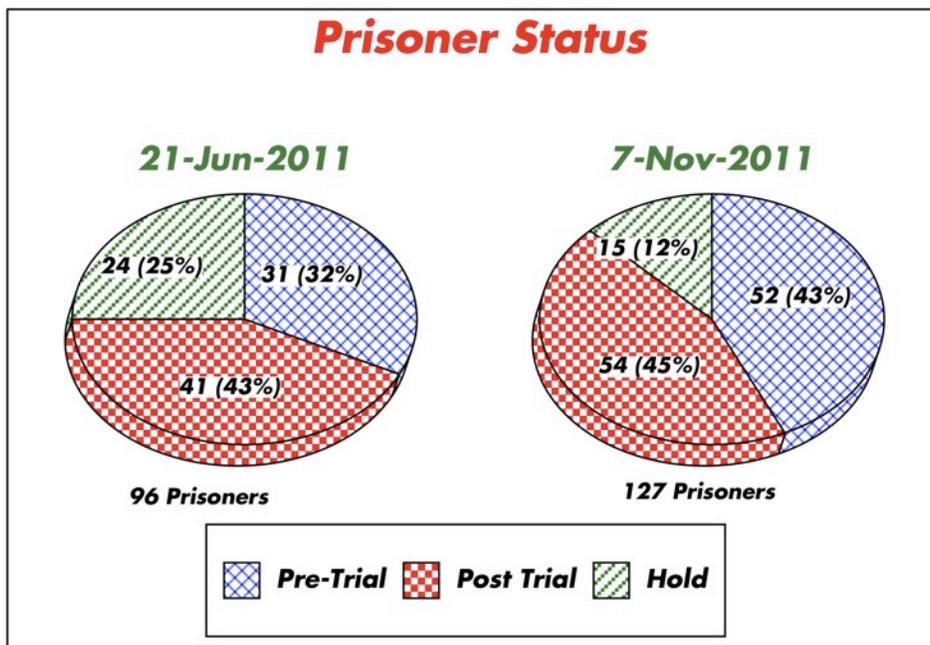
The snapshot methodology is ideally conducted daily with a monthly composite prepared. Currently, the jail information system does not have this capacity so the data is collected manually with daily snapshots prepared at different intervals.

The data presented in this chapter compares a snapshot of the jail population on 21 June 2011 with 7 November 2011. It is presented in two sections: the first section details the number of prisoners in each category and the second shows how long they have been in custody. Time in custody is a different measurement than Length of Stay. Time in custody is the average length of time each prisoner in the specific category has been in custody as opposed to average length of stay, which captures all of the prisoners in jail during a given period of time.

Prisoner Status

Overall

The first graphic shows the status of the prisoners in custody.



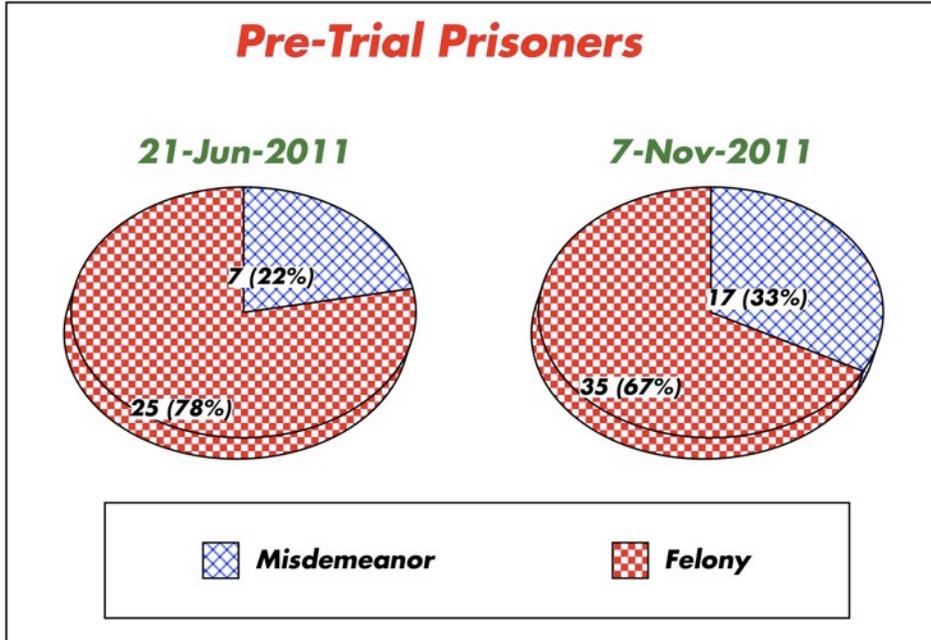
On 21 June thirty-two percent of the jail population was awaiting trial. Forty-three percent was serving a sentence and the remaining 25% were in jail on holds.

On 7 November forty-three percent of the jail population was awaiting trial. Forty-five percent was serving a sentence and the remaining 12% were in jail on holds.

Pre-Trial Prisoners

- Charge Class

The next graphic displays the charge class for the pre-trial prisoners.

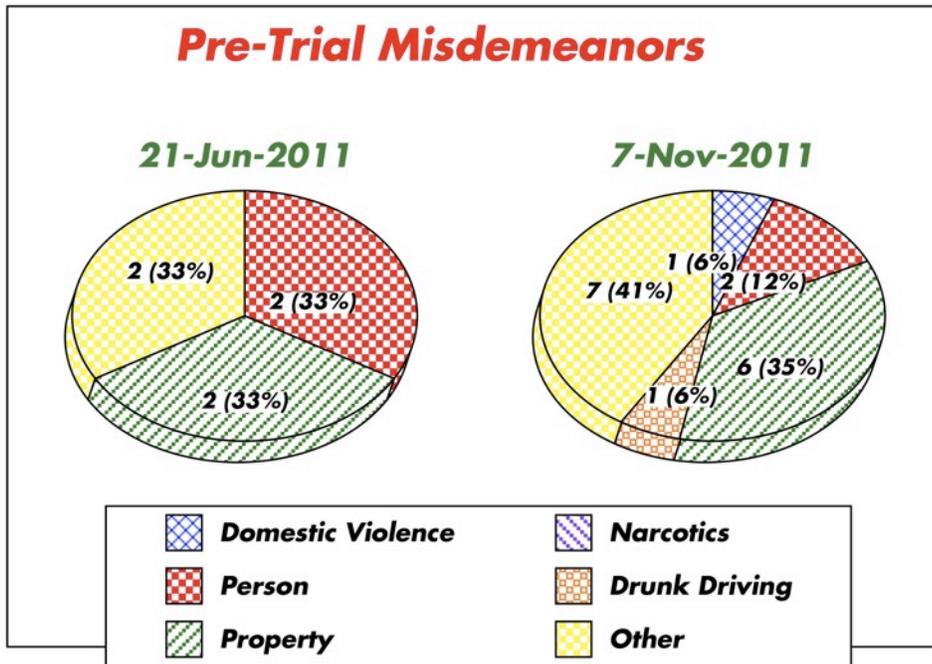


Seventy-eight percent of the pre-trial jail population on 7 June were awaiting trial on a felony charge as compared with 67% on 7 November.

- Charge Category

Misdemeanors

The next graphic shows the charge category for the pre-trial misdemeanors.

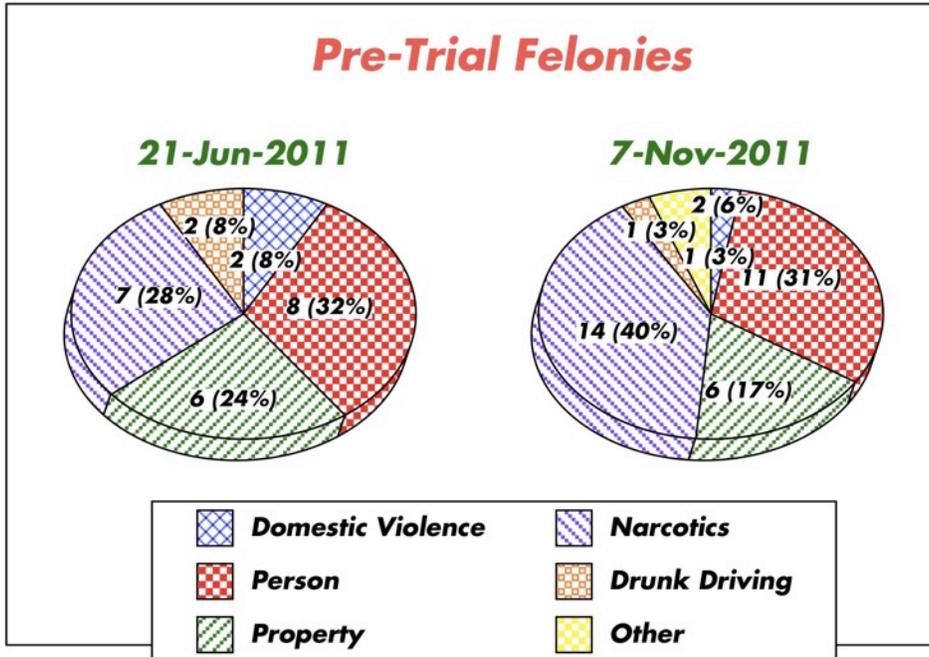


On 21 June a third of the pre-trial misdemeanors were charged with person crimes, a third with property crimes, and the remaining third were charged with other offenses.

On 7 November six percent of the pre-trial misdemeanors were in jail awaiting trial for a domestic violence offense. Twelve percent were awaiting trial on a person crime; 35% for a property crime; and 6 percent for drunk driving. The remaining 41 percent were in jail for either a traffic offense or public order offense.

Felonies

The next graphic shows the charge category for the pre-trial felons.



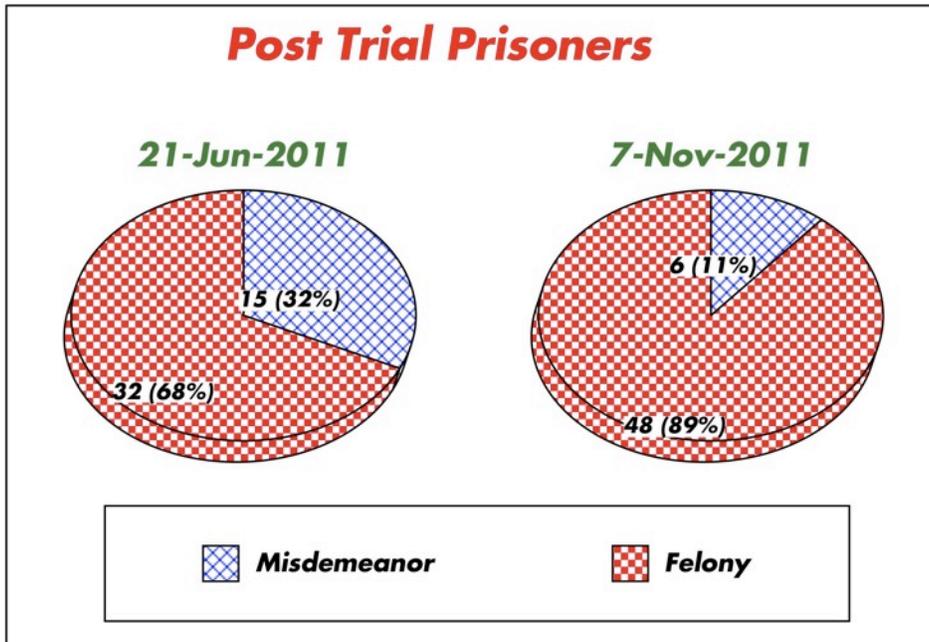
On 21 June 8% of the post trial felons were in jail awaiting trial for a domestic violence offense. Thirty-two percent were awaiting trial on a person crime; and 24% for a property offense; and 28% for a narcotics offense. The remaining 8% were in jail for a drunk driving offense.

On 7 November 6% of the post trial felons were in jail awaiting trial for a domestic violence offense. Thirty-one percent were awaiting trial on a person crime; and 17% for a property offense; 40% for a narcotics offense; and 3 percent for drunk driving. The remaining 3% were in jail for a public order or traffic.

Post Trial Prisoners

- Charge Class

The next graphic shows the charge class for the post trial prisoners.

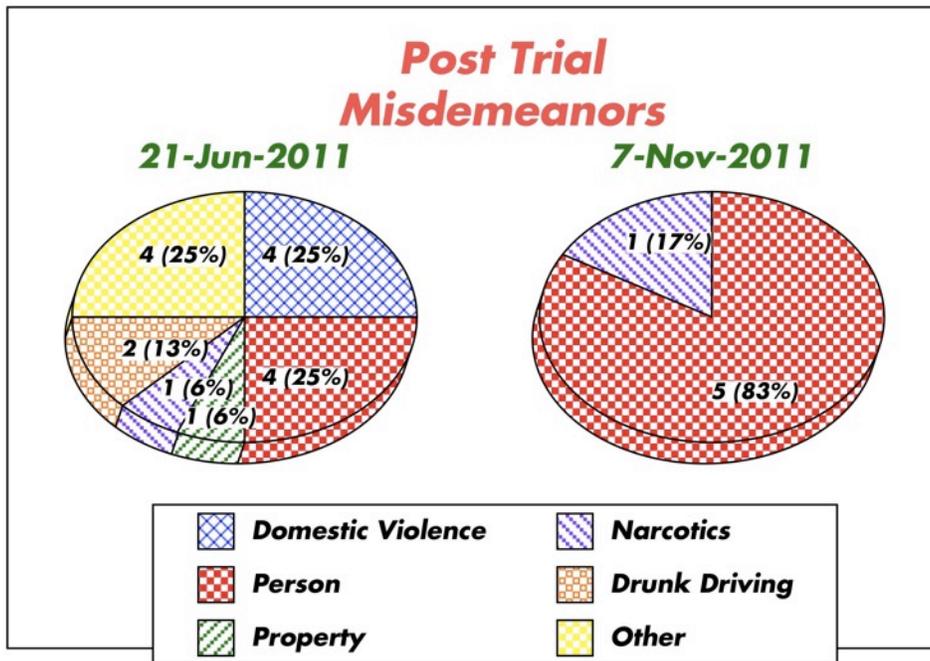


Sixty-eight percent of the sentenced prisoners on 21 June had been convicted of a felony offense as compared with 89% on 7 November

- Charge Category

Misdemeanors

The next graphic shows the charge category for the sentenced misdemeanants.

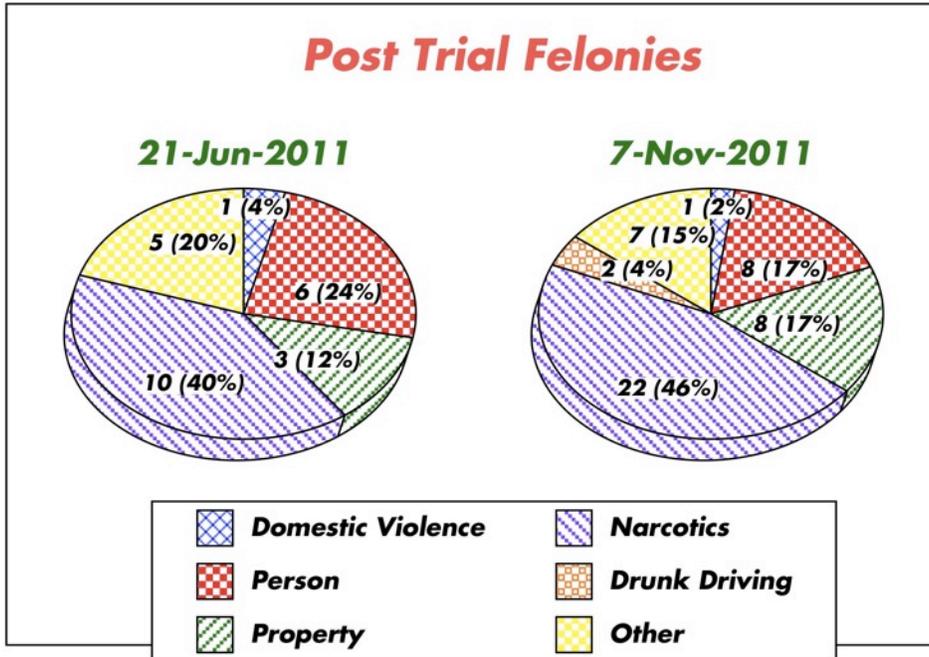


On 21 June a quarter of the sentenced misdemeanants had been convicted of a domestic violence offense. Another quarter had been convicted of a person crime; 6% had been convicted of a property offense; 6% for a narcotics offense; and 13% for drunk driving. The remaining quarter had been convicted of either a traffic or public order offense.

On 7 November 17% had been convicted of domestic violence and the remaining sentenced misdemeanants had been convicted of a person crime.

Felonies

The next graphic shows the charge category for the sentenced felons.



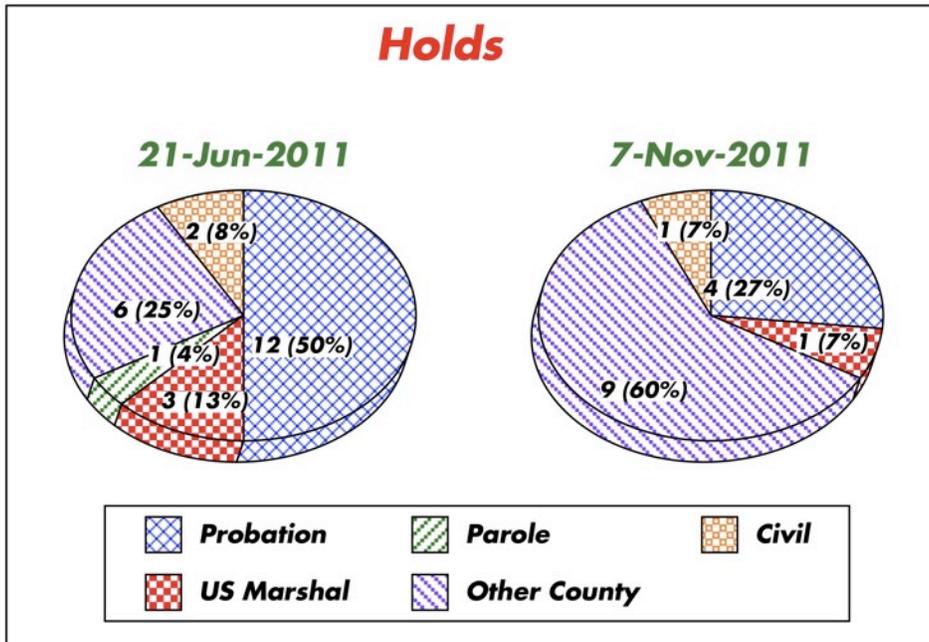
On 21 June 4% percent of the felons had been convicted of domestic violence. Twenty-four percent had been convicted of a person crime; 12% had been convicted of a property offense; and 40% for a narcotics offense. The remaining 20% had been convicted of either a traffic or public order offense.

On 7 November 2% percent of the felons had been convicted of domestic violence. Seventeen percent had been convicted of a person crime; 17% had been convicted of a property offense; 46% for a narcotics offense; and 4% of drunk driving. The remaining 15% had been convicted of either a traffic or public order offense.

Hold

- Type

The next graphic displays the “hold” type.

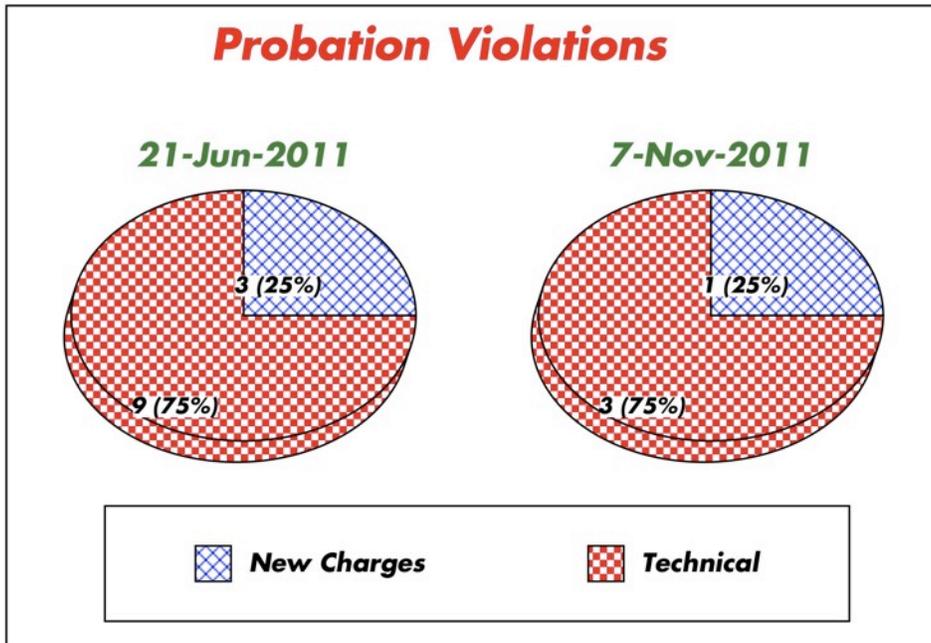


On 21 June half of the holds were probation holds. Thirteen percent were holds for the US Marshal; 4 percent were parole holds; and a quarter of the holds were for other counties. The remaining 8 percent were holds for non-support.

On 7 November 27% of the holds were probation holds. Seven percent were holds for the US Marshal; and 60% of the holds were for other counties. The remaining 7 percent were holds for non-support.

- Probation

The next graphic looks at the hold prisoners to determine if they also had local charges.

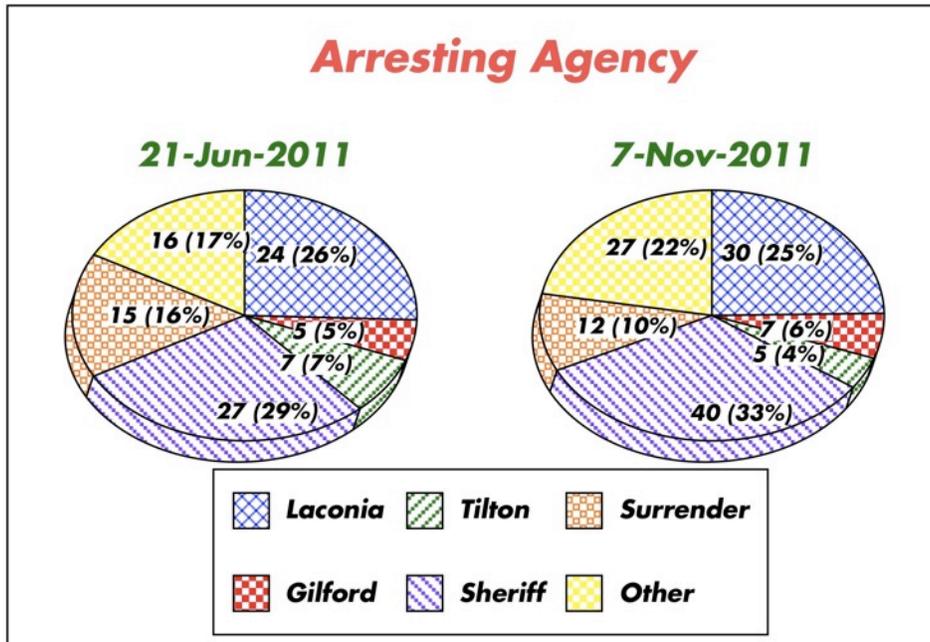


On both dates three-fourths of the probation holds were for technical violations, meaning that the inmates did not have other new charges.

Demographics

- Arresting Agency

The next graphic shows the arresting agency.

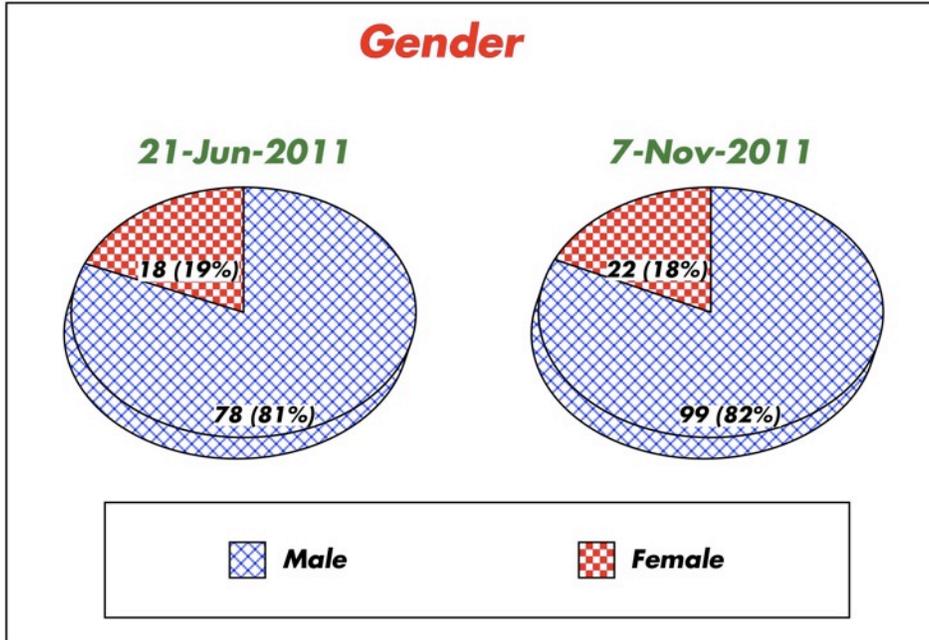


On 21 June 26% of the inmates had been arrested by the Laconia Police Department. Five percent had been arrested by Gilford; 7 percent by Tilton; 29 percent by the Sheriff; and 16 percent had been self-surrenders. The remaining 17 percent had been arrested by other agencies.

On 7 November a quarter of the inmates had been arrested by the Laconia Police Department. Six percent had been arrested by Gilford; 4 percent by Tilton; a third by the Sheriff; and 10 percent had been self-surrenders. The remaining 22 percent had been arrested by other agencies.

- Gender

The next graphic shows the gender of the prisoners.

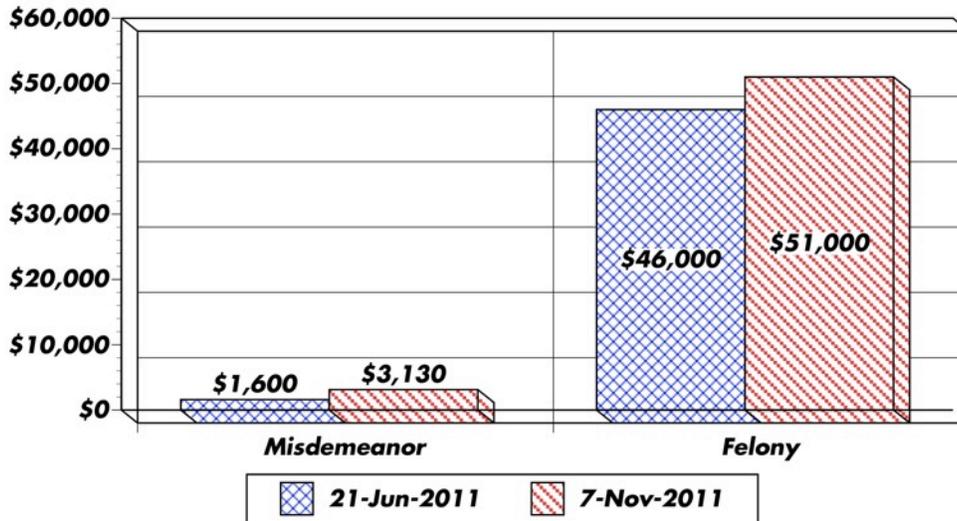


On 21 June 19% were female as compared with 18% on 7 November.

- Bail Amount

The next graphic shows the average bail amount for the pre-trial prisoners.

Bail Amount



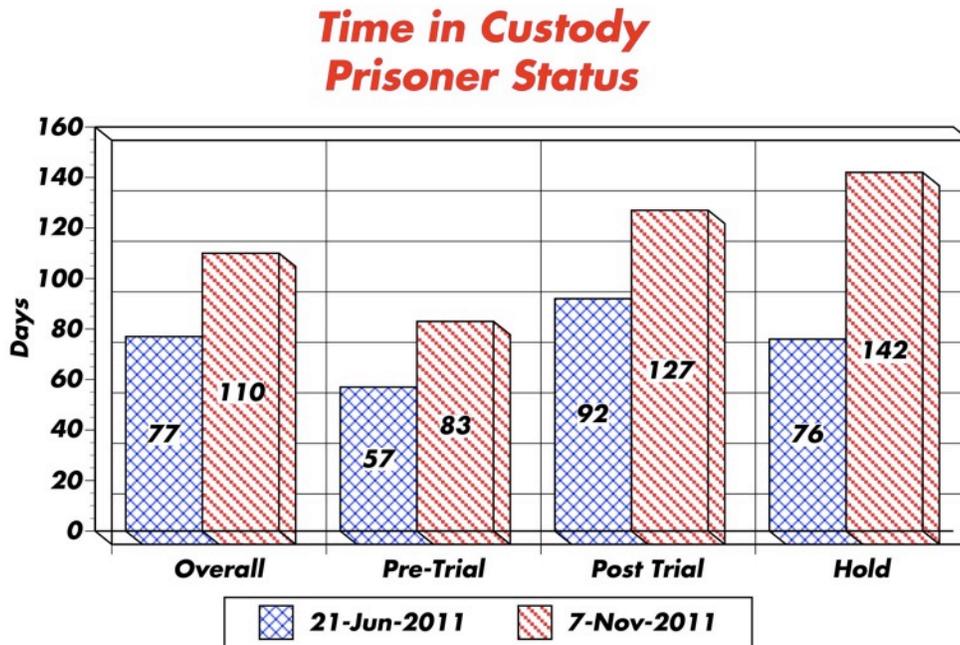
On 21 June the average pre-trial misdemeanant was being held in lieu of posting \$1,600 bail and the average felon \$46,000.

On 7 November the average pre-trial misdemeanant was being held in lieu of posting \$3,130 bail and the average felon \$51,000.

Time in Custody

Status

The next graphic shows the overall time in custody.

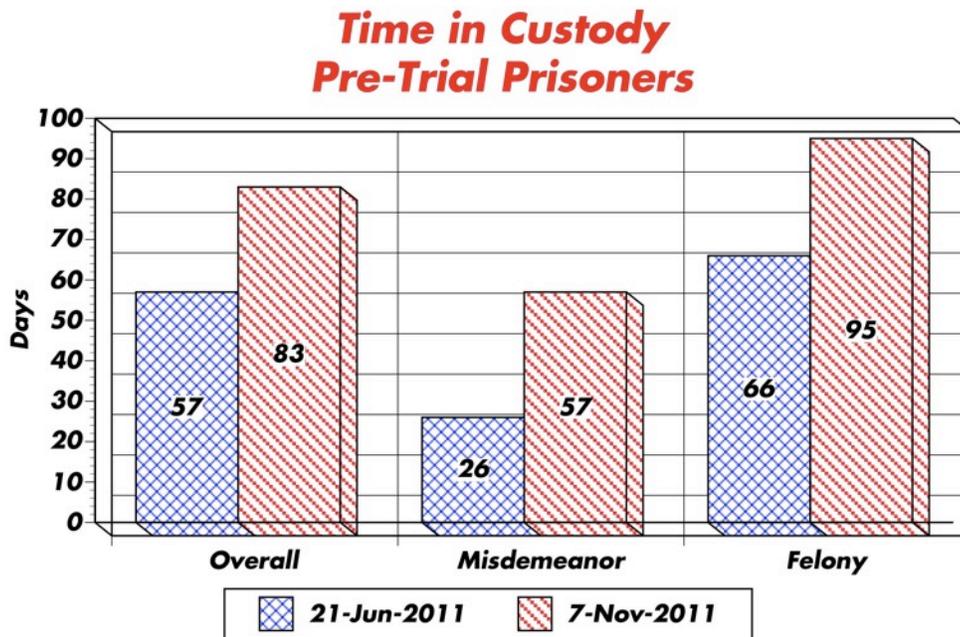


On 21 June overall average time in custody was 77 days. Pre-Trial prisoners had been in jail for an average 57 days and post trial prisoners 92 days. Holds had been in custody an average 76 days.

On 7 November overall average time in custody was 110 days. Pre-Trial prisoners had been in jail for an average 83 days and post trial prisoners 127 days. Holds had been in custody an average 142 days.

Pre-Trial Prisoners

The next graphic shows the time in custody for the pre-trial prisoners.

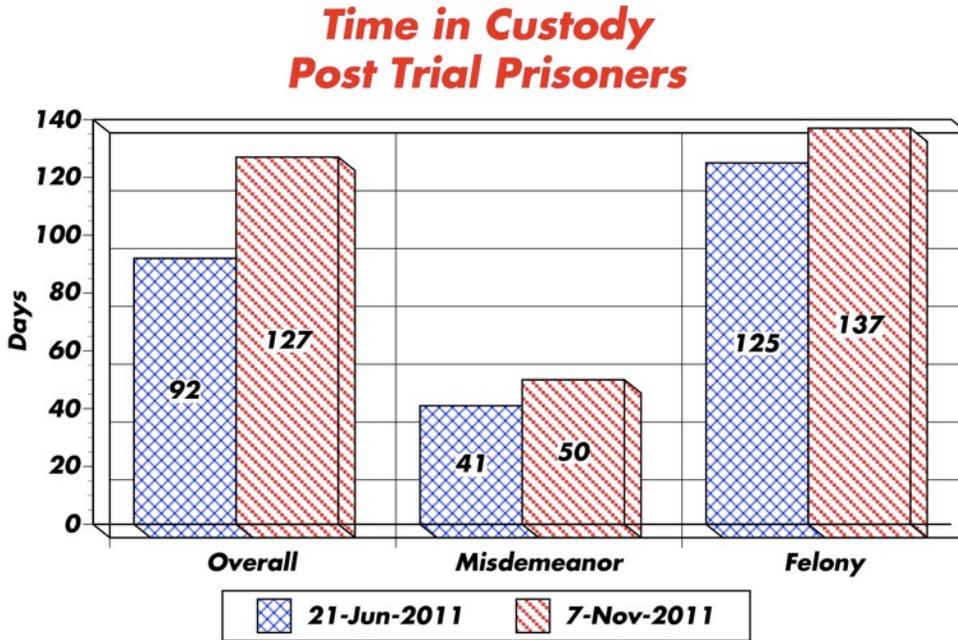


On 21 June pre-trial prisoners had been in custody an average 57 days. Pre-Trial misdemeanants had been in custody an average 26 days and felons an average 66 days.

On 7 November pre-trial prisoners had been in custody an average 83 days. Pre-Trial misdemeanants had been in custody an average 57 days and felons an average 95 days.

Post Trial Prisoners

The next graphic shows the time in custody for post trial prisoners.

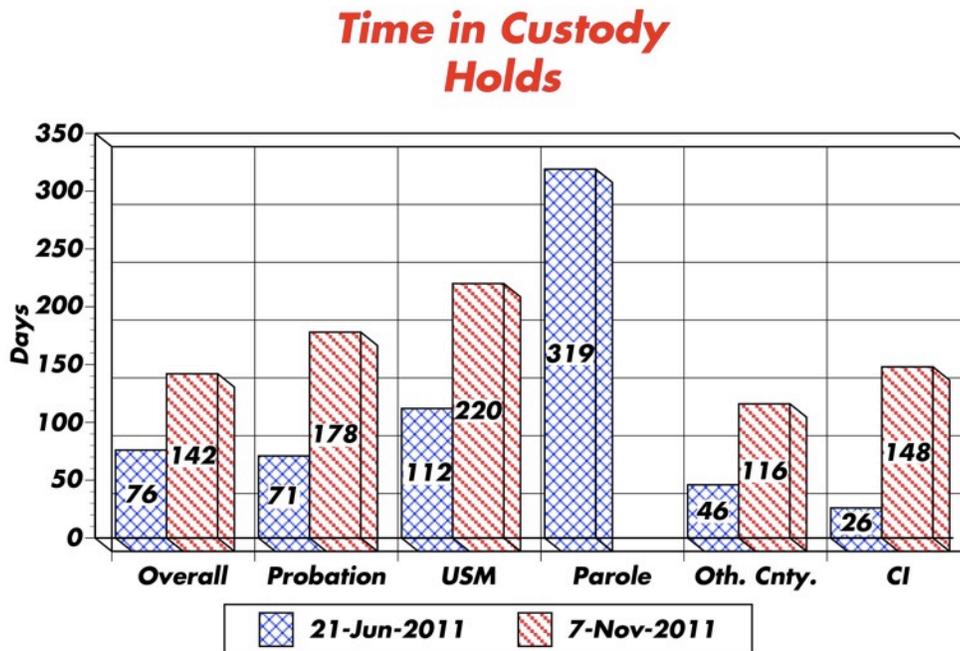


On 21 June overall time in custody for post trial prisoners was 92 days. Post trial misdemeanants had been in custody an average 41 days and post trial felons an average 125 days.

On 7 November overall time in custody for post trial prisoners was 127 days. Post trial misdemeanants had been in custody an average 50 days and post trial felons an average 137 days.

Hold

The next graphic shows the average time in custody for the holds by the type of hold.



On 21 June holds had been in custody an average 76 days. Probation holds had been in custody an average of 71 days; US Marshal holds an average 112 days; parole holds an average 319 days; and holds for other counties an average 46 days. The civil non-support holds had been in custody an average 26 days.

On 7 November holds had been in custody an average 142 days. Probation holds had been in custody an average of 178 days; US Marshal holds an average 220 days; and holds for other counties an average 116 days. The civil non-support holds had been in custody an average 148 days.

report 2012

Belknap County



Jail Capacity
Forecast



report 2012

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section four

Jail Capacity Forecast

❖ Forecasting future jail population sizes is, or should be, a policy-based task. The changes that have occurred in United States jail populations during the last twenty-five years provide considerable evidence that shifts in local policies can bring about dramatic increases or decreases in jail populations within a county. Few planners who did jail population forecasts during the 1970s or 1980s were able to foresee the nation-wide policy-shift trends that would lead to dramatic growth in jail populations in the 1980s and 1990s. They were unable to foresee, for example, the greater focus on persons convicted of drunk driving. In the 1990s, the offenses that impacted most jails in the United States were domestic violence and all of the narcotics and drug-related crime.

Because of this failure of foresight, even those counties that built new jails during the latter half of the 1990s found that space that was supposed to be sufficient until the year 2025 was filled by the early 2000s. In many cases, the decision-makers responsible for the policy shifts at issue had been on hand when the forecasting studies were done; they were no more able than the forecasters to predict where policy emphases would fall during the coming decade.

Too much jail forecasting work done in recent years has assumed that criminal justice system policies in a county will remain the same over the forecast period. In reality, this is rarely the case. When forecasters make their predictions based on the assumption that county decision-makers will make no changes in criminal justice system policy, they doom their predictions to failure. No county criminal justice system today can afford not to *anticipate* change. For better or for worse, all county systems will have to change, with increasing frequency, in the years to come. The question is not *whether* but *how* a particular set of policies can be expected to change. Jail forecasters must learn to take the likelihood of such changes into account and try to foresee the various possibilities. As the drunk-driving and domestic violence examples illustrate, forecasters cannot do this without the close cooperation of county decision-makers. Ultimately, the

decision-makers are the ones who must decide where the emphasis will fall in the years to come.

Jail capacity forecasts must depend in large part on information made available to forecasters by a county. The forecasts contained in this report are no exception. Historical information exists on the way the Belknap County House of Corrections has been used during the past 12 years. Jail admissions, average length of stay, and average daily population figures are available from 2000 to the present.

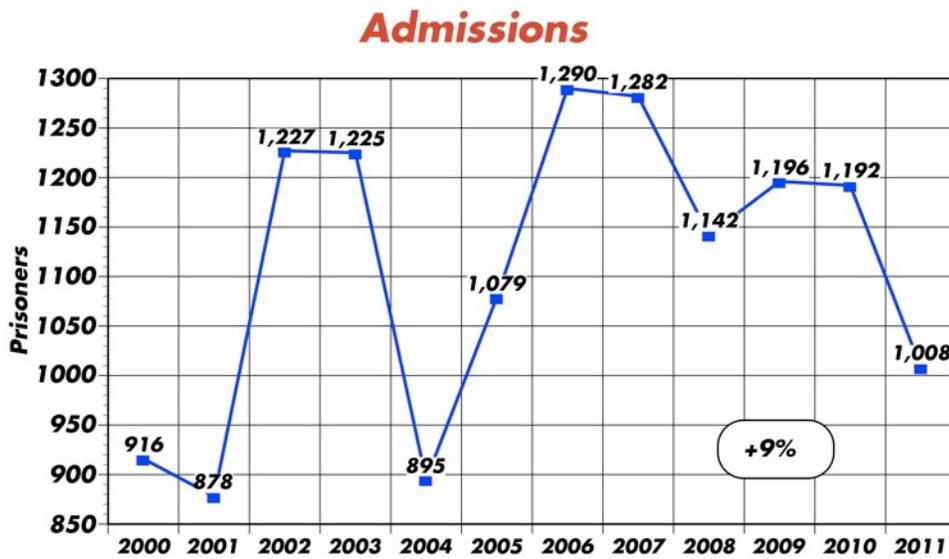
An estimate of the forecast of county population was received from the New Hampshire Office of Energy and Planning that was completed in August 2010. It forecasts the county population to 2030. Due to budget cuts, they no longer do forecasts, so we don't have a forecast that was done using the 2010 census data or one that goes out to 2035. The forecasts they produced estimate that the county's population will grow by 2,380 persons a year from 2025 to 2030. After consultation with the county administrator, I used the same annual growth rate for the forecasts out to the year 2035.

As useful as these numbers may be in constructing a picture of what is to come, they will not aid the county unless a consensus regarding criminal justice system policy for the next twenty-five years is reached. The text, tables, and graphs that follow illustrate several possible population scenarios, scenarios that suggest what the county might expect in terms of Jail bed demand given several possible policy scenarios. No one-policy scenario is the "right" scenario. It will be up to the county decision-makers to select the view of the future that best represents what they believe to be the most likely direction of county decision-makers, and then plan for jail space on that basis.

Admissions

Criminal

The first graphic presents the total criminal admissions per year for the years 2000 to 2011.



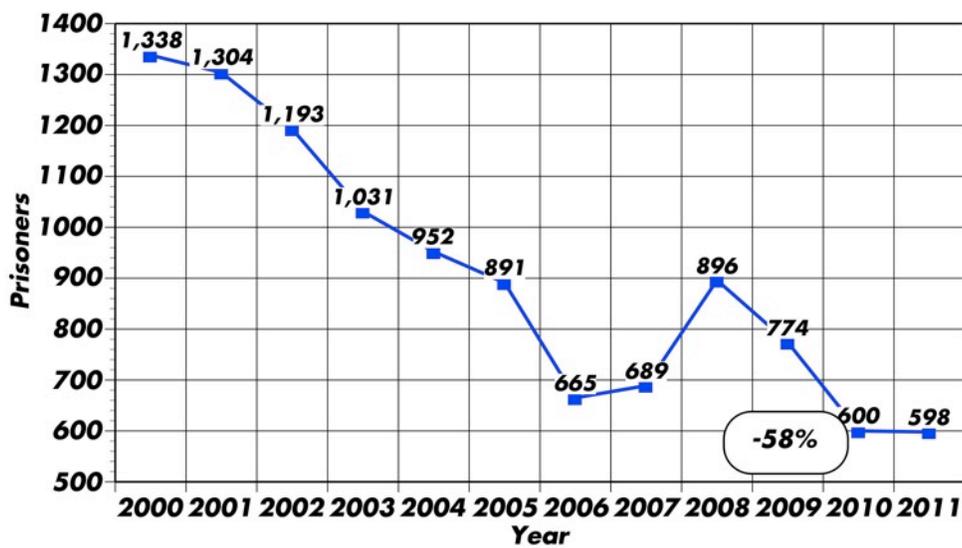
In 2000, the Belknap County Jail admitted a total of 916 persons on new criminal charges. The number of admissions has been up and down over the decade. In 2011, admissions dropped from its highs in the 1300 range to an even 1,000, representing a 9 percent increase over the period.

Protective Custody

- Total

The next graphic shows the number of protective custody admissions from 2000 to 2011. These are individuals who are booked for their protection, primarily as a result of intoxication. The law enforcement agency's policies have changed over the years.

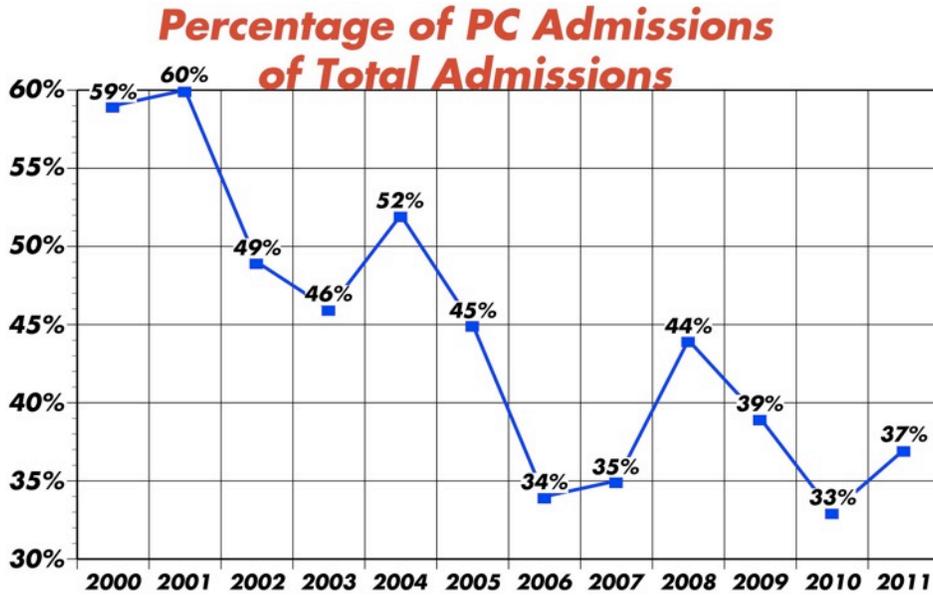
Protective Custody Admissions



In 2000, there were 1,338 persons booked for protective custody. By 2011, that number had decreased to 566, a 58 percent decrease.

- Percentage

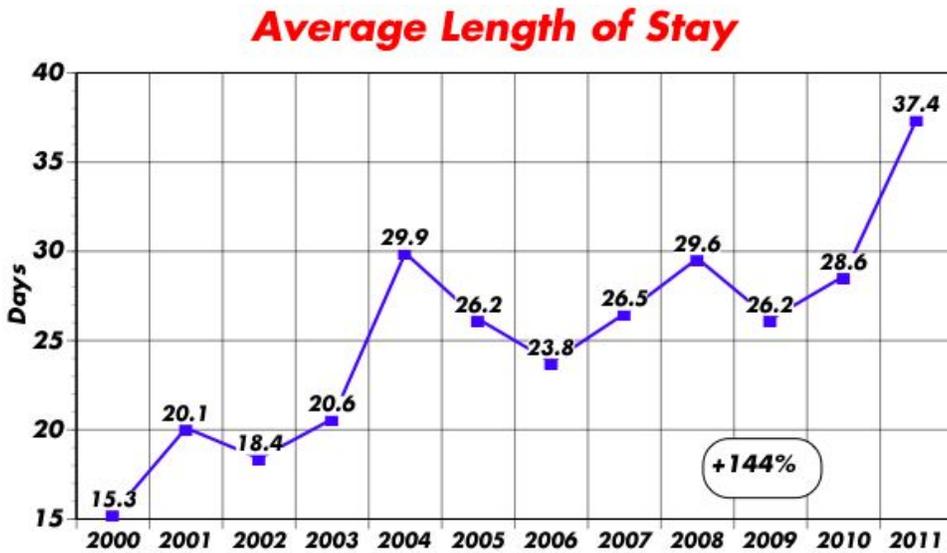
The next graphic shows the percentage of bookings for protective custody.



In 2000, 59 percent of all persons booked were for protective custody. By 2011, that had decreased to 36 percent of bookings, representing a 39 percent decrease in the percentage of PC bookings.

Average Length of Stay

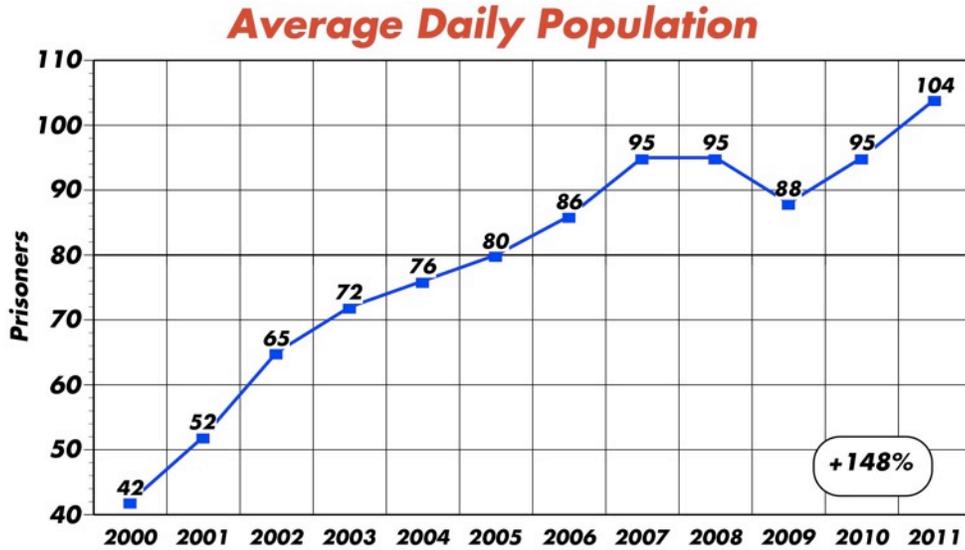
The next graphic shows the average length of stay for 2000 to 2011.



The average length of stay has seen some dramatic changes and is the most significant factor driving jail population. In 2000, the average length of stay was 15.3 days. By 2011, the average length of stay had increased to 37.4 days, an increase of 144 percent. The 2011 average was a 31 percent jump from the previous year.

Average Daily Population

The next graphic presents the historic average daily population (ADP) for the Belknap County Jail over the period 2000 to 2011.



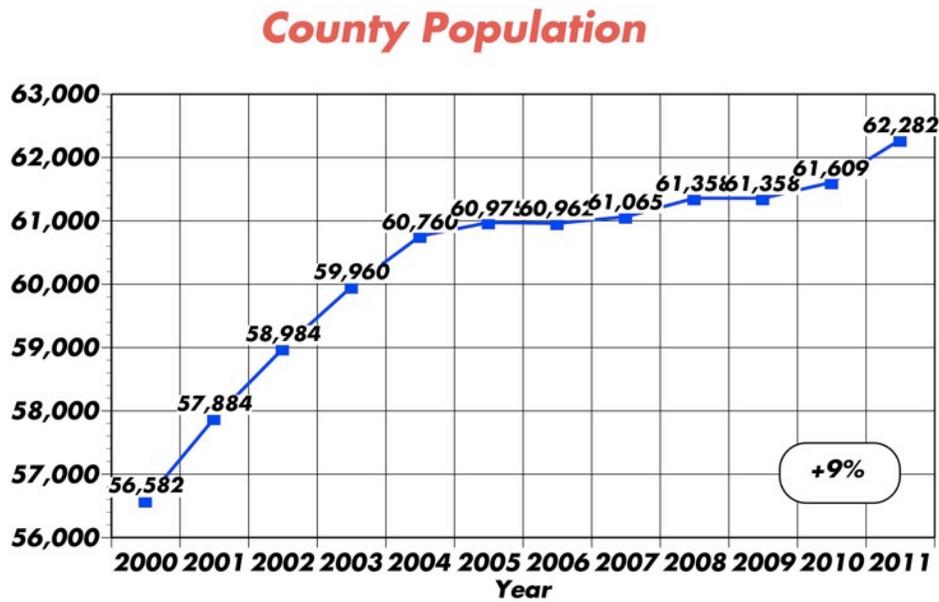
The average daily population was 42 in 2000. The average daily population has increased steadily with the exception of 2008-09. In 2011, the average daily population was 104, making for a 148 percent increase over the period.

In addition to the reported numbers, there were an average 5 persons in 2009, 7 in 2010, and 9 in 2011 who were out of jail on electronic monitoring. These are individuals who would have otherwise served their sentence in jail.

County Population: Actual and Forecasted — 2000-2035

County Population: Actual — 2000-2011

The next graphic shows the actual county population for each year between 2000 and 2011.

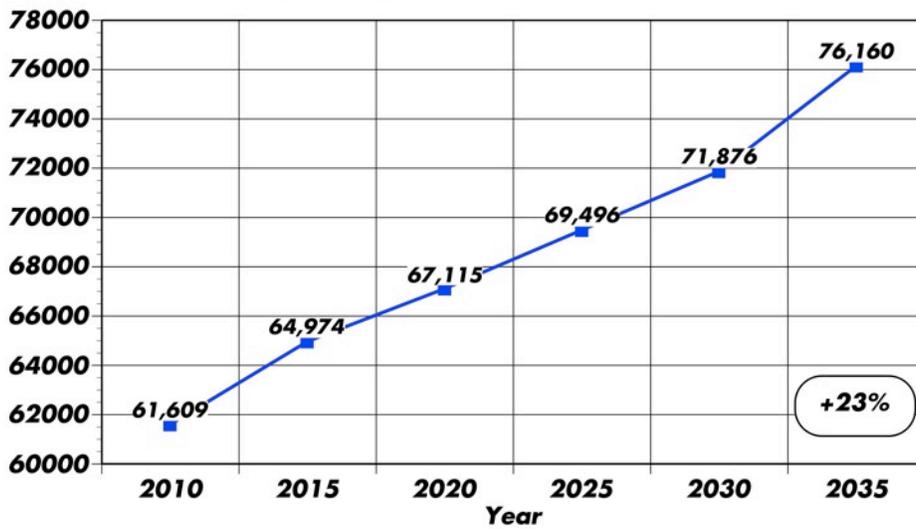


In 2000, 56,582 persons resided in the county. Since then, the population has risen steadily and it is estimated that 62,282 persons lived in the county in 2011, a 9 percent increase over the period.

County Population: Forecasted – 2010-2035

The next graphic shows the forecasted county population from 2010 to 2030 as provided by the New Hampshire Office of Energy and Planning. The forecasts developed by the agency were last updated in 2010 and due to budget reductions they are no longer updating the forecasts. In consultation with the County Administrator, I applied the same annual increase used by the Office of Energy and Planning from 2025 to 2030 to the years 2030 to 2035.

County Population Forecasted

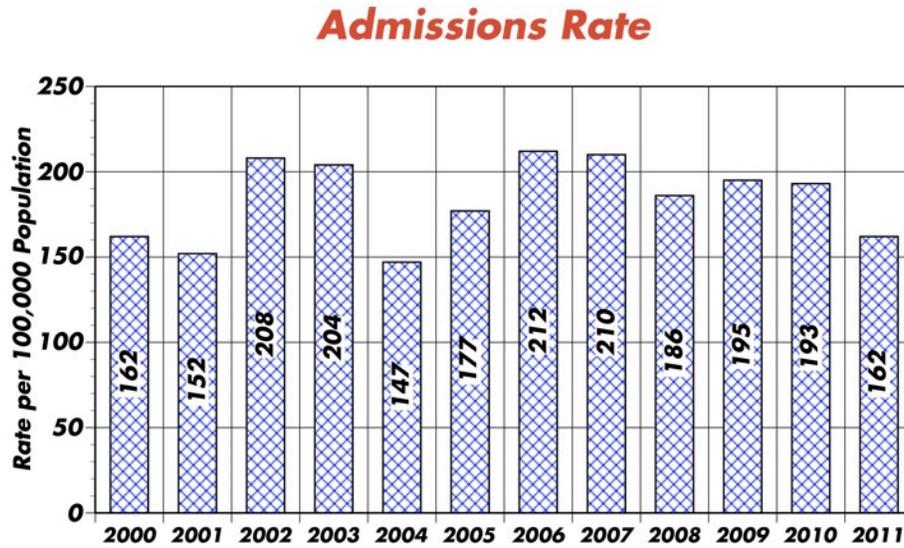


The county population in 2010 was estimated prior to the census at 61,609. Population is expected to grow to 76,160 persons by 2035, a 23 percent increase.

Rates

Admissions

The next graphic shows the rate of admissions to the Belknap County Jail per 10,000 population from 2000 to 2011.

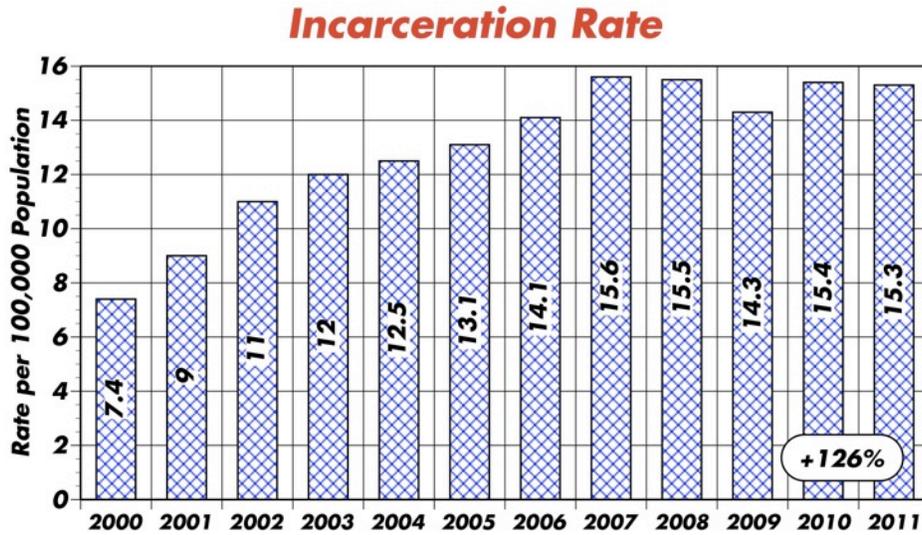


In 2000, the admission rate into the Belknap County Jail was 162 per 10,000 population—exactly the same rate as in 2011.

Incarceration

- Belknap County

The incarceration rate per 10,000 of the population is shown in the graphic below for the years 2000 to 2011.

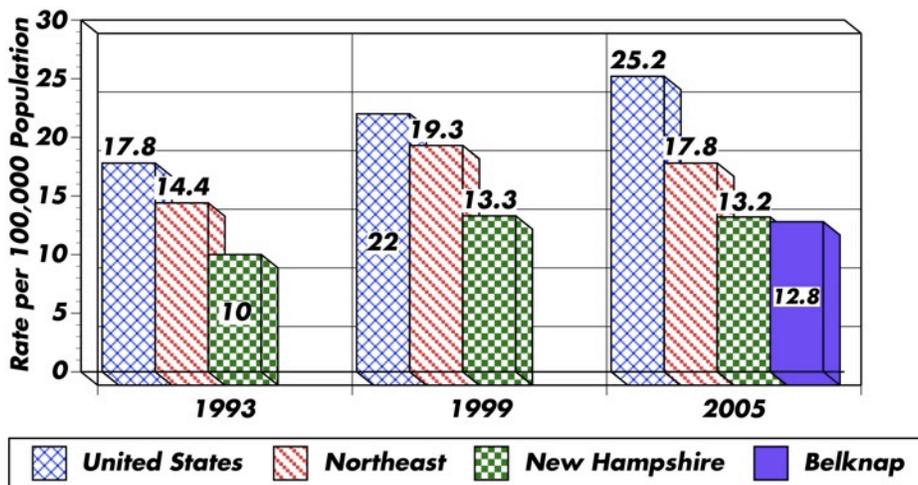


- The incarceration rate rose from 7.4 per 10,000 population in 2000 to 15.3 per 10,000 population in 2011, a 126 percent increase.

United States

The next graphic shows the incarceration rates for the United States, Northeast US, and State of New Hampshire for the years 1993, 1999, and 2005 (Belknap County data was only available for 2005). The national and state data is taken from the Census of Jails from the Bureau of Justice Statistics. The national data is only collected every 5 or 6 years.

Incarceration Rate Comparisons



The national incarceration rate has risen from 17.8 persons per 10,000 population in 1993 to 25.2 in 2005. The northeast United States has increased from 14.4 to 17.8. The state of New Hampshire has increased from 10 to 13.2. Belknap County's incarceration rate in 2005 was 12.8 which is which is virtually the same rate as the state of New Hampshire.

Jail Capacity Forecasts

Introduction

A simple method of forecasting the number of Jail beds needed would be to use average daily population increases over the 12-year study period as a predictive base. During that 12-year period, the Jail population increased on average by 5.2 persons each year. Using the above method, one might predict that the average daily population would be 228 Jail beds for the year 2035. However, this forecast assumes that the Jail is being appropriately utilized today (that no additional pre- or post trial intermediate sanctions exist that could impact the Jail population) and that the Jail will continue to be used at the same rate over the next 24 years as it has over the past 12-years. Neither of these assumptions is likely to be true. However, a more detailed approach is recommended to be used to develop Jail population forecasts — one in which county officials can help select specific scenarios for the future on which such forecasts can be based.

The average length of stay has changed significantly over the study period. The average length of stay over the 12-years averaged 26.7 days and over the last 5-years 29.7 days. In 2009, the average length of stay was 26.2 days; in 2010 it was 28.6 days; and in 2011 it was 37.4 days. For the purposes of these forecasts, four estimated average lengths of stay have been used for the 2035 forecasts: 25, 30, 35, and 40 days.

Admissions have been relatively flat over the study period. The number of criminal bookings in 2011 is 9 percent higher than in 2000; however, there have been some swings over the last couple of years. The admissions rates averaged 184 per 10,000 persons over the last 12-years and 189 over the last five years. The admissions rate in 2009 was 195; for 2010, it was 193; and for 2011 was 162. Two different admissions rates are used for these forecasts: 200 and 250 per 10,000 population.

Adjustments: Peaking and Classification Factors

The expected average daily population for each of the forecast scenarios does *not* mean that the county will only need this number of beds. Since these are daily averages, the county's plans should include allowances for those days (in a given year) when the population surges above the average because of normal fluctuations in admissions and releases.

This situation is similar to a storm drain system. A storm drain sits empty most of the year; however, it needs to be large enough to handle the peak run-off from a summer thundershower or melting snow from the mountains. Jail populations are very similar. During peak periods — traditionally weekends, the end of the month, and the summer months — jail populations climb. A jail needs to be large enough to handle the peak periods.

An attempt was made to analyze the 3-highest jail population days each month. Unfortunately, in this portion of the data collection as well as with much of the jail trend data, there are conflicts with the official population numbers and the attempts to further verify it.

The jail is continuously operating at capacity with adjustments made to the inmate population when it would be seeing normal peak populations; however, I was unable to determine an accurate peaking factor so a standard factor of 10% was used.

A second factor, classification, was used to allow for the daily need, in any jail, to have a few open beds available for new inmates within *each* classification category. In a jail of this size, an appropriate classification adjustment factor would be four beds for each of the four primary classification categories. That is, the county should increase its estimate for each year by 16 beds to come to a final figure of what will be needed for each of the years in this planning cycle.

The Forecasts for 2035

The next set of graphics gives figures for the year 2035 based on an average length of stay of 25 days, 30 days, 35 days and 40 days.

The tables below show (1) the average daily population, (2) beds necessary to handle peak periods, and (3) beds necessary for classification purposes. These figures are given for each of the three possible admissions rates. Each table then gives the incarceration rate per 10,000 population for each of the two possible admissions rates per 10,000 population: 200 and 250.

By 2035, it is estimated that 76,160 persons will be living in the county; this figure provides the baseline for the tables.

Year 2035

Average Length of Stay of 25 Days				
Admissions Rate per 10,000 Population	Average Daily Population	Total Beds Necessary for the Peak Populations	Total Beds Necessary for Classification	Incarceration Rate per 10,000 Population
200	104	115	131	14
250	130	143	159	17

Average Length of Stay of 30 Days				
Admissions Rate per 10,000 Population	Average Daily Population	Total Beds Necessary for the Peak Populations	Total Beds Necessary for Classification	Incarceration Rate per 10,000 Population
200	125	138	154	16
250	156	172	188	21

Average Length of Stay of 35 Days				
Admissions Rate per 10,000 Population	Average Daily Population	Total Beds Necessary for the Peak Populations	Total Beds Necessary for Classification	Incarceration Rate per 10,000 Population
200	146	161	177	19
250	183	201	217	24

Average Length of Stay of 40 Days				
Admissions Rate per 10,000 Population	Average Daily Population	Total Beds Necessary for the Peak Populations	Total Beds Necessary for Classification	Incarceration Rate per 10,000 Population
200	167	184	200	22
250	209	230	246	27

Conclusion

Types of Beds

The data in the Jail Population Breakdown documents the breakdown of the prisoners being held in the county's correctional system. The jail has been averaging 45% of its population serving a sentence and additional prisoners are in custody on probation violations, many of which would be qualified for a Community Corrections Center. The exact number can be determined through the administration of a Risk/Needs Assessment such as COMPAS by Northpointe Institute or the LSI-R instrument. It is recommended that such an analysis be conducted and that a portion of the new jail (perhaps a third) be designed as a minimum security Community Corrections Center with appropriate programming for sentenced prisoners.

Summary

The forecasts presented in this report are just starting points. The projections are, at best, estimates of what is likely to occur in the coming twenty-four years. Should the county decision-makers wish to alter any of the scenarios, they can do so by adjusting the key indices of jail use — county population, admissions rate, expected average lengths of stay, the peaking factor, and the classification factor. By adjusting these factors, the decision-makers will obtain different estimates of the required number of jail beds.

There is no guarantee that criminal justice system policy will not change and push jail populations higher or lower than these numbers indicate. The forecasters of the 1980s did not foresee the dramatic rise in jail populations that took place during the 1990s early 2000s. No one was able to estimate those changes accurately.

Belknap County officials must analyze the data contained in this report and adopt a plan for the future of their criminal justice system. Policy shifts that could change the amount of jail space available are detailed in this report. If the necessary changes recommended in this report do *not* occur, then *more* beds than those predicted in this report will be necessary. Left uncontrolled, the

present correctional populations will continue to grow, filling and overfilling whatever facilities are constructed in response to such growth, and leaving Belknap County with *no* alternatives for managing the jail population other than simply building new facilities every few years in response to renewed overcrowding. An approach that emphasizes active management, on the other hand, may make it possible to prolong the sufficiency of *new* correctional space for a *longer* period — giving Belknap County time to explore and try out the many viable alternatives to construction that have become available in recent years and have been recommended in this report.

There is no question that the current jail needs to be replaced. An analysis to be conducted in the next phase of this project will likely confirm that this is not a situation in which the jail should be remodeled and additional beds added. The existing facility is wholly inadequate and needs to be replaced.