

# New Hampshire

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In 2009, New Hampshire's inmate population reached 2,731 inmates, a 21 percent increase since 2000. Data analysis of the state's corrections system identified three key drivers responsible for prison population growth: increased recidivism rates for parolees, inefficiencies in the parole process, and limited community-based behavioral health resources. Justice Reinvestment Initiative (JRI) legislation, passed in 2010, addressed these drivers by establishing a 90-day recommitment period for technical violations; requiring parole for nonviolent, property, and drug offenders who had served 120 percent of their minimum sentence; and mandating presumptive parole nine months before most inmates reached their maximum term of sentence. Though New Hampshire's prison population has been increasing since October 2011, the population initially decreased 12 percent, saving the state \$225,000 during the first year of JRI implementation. New Hampshire state leaders attribute the corrections population increase to 2011 legislation that modified key JRI provisions.

## Impetus for Justice Reinvestment

From 2000 to 2009, New Hampshire's prison population increased from 2,257 to 2,731 inmates, a 21 percent increase.<sup>1</sup> Over the same period, the state's corrections budget almost doubled.<sup>2</sup> Seeking to reverse this trend and reduce recidivism, the governor, along with the attorney general and legislative leaders, requested technical assistance to develop policy recommendations to lower the recidivism rate and increase public safety.

The Council of State Governments Justice Center (CSG Justice Center) began working with New Hampshire in June 2009, with supplemental funding provided by the New Hampshire Charitable Foundation.

## Establish Interbranch Bipartisan Working Group

A working group, formed to guide data analysis and identify policy options, worked closely with the CSG Justice Center throughout the justice reinvestment process. The group, chaired by the state attorney general, was composed of leaders from the judiciary, legislature, executive office, and corrections.<sup>3</sup>

### HIGHLIGHTS

- From 2000 to 2009, New Hampshire's prison population increased 21 percent, and its corrections budget almost doubled.
- JRI legislation established a 90-day recommitment period for technical violations, required parole for certain offenders, and mandated presumptive parole.
- After a year of implementation, new legislation was passed in the 2011 session to modify key JRI provisions.
- Over the first year of JRI implementation, New Hampshire's prison population decreased 12 percent, but the prison population has been rising since October 2011.
- After the first year of implementing JRI, the New Hampshire Department of Corrections reported \$225,000 in savings, which were used to balance the state's overall budget.

## Engage Stakeholders

To receive wider stakeholder input, the CSG Justice Center also met with judges, attorneys, local law enforcement, victims' advocates, and county officials.<sup>4</sup>

## Analyze Data and Identify Drivers

Data analysis of New Hampshire's criminal justice system revealed three key drivers for the rising prison population. First, increased recidivism rates for parolees contributed to a growing percentage of the prison population (e.g., the number of offenders revoked from parole grew by 50 percent from 2000 to 2009). Second, inefficiencies in the parole process led to offenders being held past their minimum sentence, with an associated cost of \$20 million a year. Third, limited community-based treatment resources for behavioral health did not meet the needs of individuals on community supervision, thus increasing their likelihood of reoffending.<sup>5</sup>

## Develop Policy Options

On the basis of data analysis, the CSG Justice Center and the working group developed a policy framework to reduce corrections spending, reduce recidivism, and reinvest in community-based treatment and supervision. The policy options focus supervision on high-risk offenders, establish intermediate sanctions for probationers and parolees, increase access to behavioral health and treatment programs, mandate post-release supervision, and ensure that nonviolent, property, and drug offenders serve between 100 and 120 percent of their minimum sentence.<sup>6</sup>

## Codify and Document Changes

The working group's policy recommendations were codified in Senate Bill (SB) 500, introduced to the legislature in February 2010. The legislation, co-sponsored by a bipartisan group of nine legislators in the Senate and House, was signed into law by the governor on July 1, 2010. It was projected to save New Hampshire between \$7.8 and \$10.8 million by reducing the prison population by 16 to 19 percent over five years, between FY 2010 and FY 2015, in addition to estimated savings of \$150 million in averted construction costs.<sup>7</sup>

Key pieces of legislation, focusing on parole release, became effective on October 1, 2010. These policies established a 90-day recommitment period for technical violations; required parole for nonviolent, property, and drug offend-

ers who had served 120 percent of their minimum sentence; and mandated presumptive parole nine months before most inmates reached their maximum term of sentence.<sup>8</sup>

SB 500 became a contentious issue in the 2010 gubernatorial and legislative elections, and owing to changing political will, legislation was passed in the 2011 session to modify SB 500. SB 52 gave the parole board discretion to deny parole, which permitted offenders to serve their entire sentence in prison and be released without supervision, and limited the use of intermediate sanctions for parolees.

## Implement Policy Changes

Following the passage of SB 500, the CSG Justice Center continued to work with New Hampshire stakeholders to support implementation. After creating an implementation roadmap, New Hampshire secured subaward funding from the Bureau of Justice Assistance (BJA) to build capacity through skill-building trainings and database upgrades. Corrections, community corrections, and community supervision staff have received training in Effective Practices in Community Supervision (EPICS) and the use of the Ohio Risk Assessment System (ORAS) risk and needs assessment tool. The parole board, with intensive technical assistance, is reviewing evidence-based practices (EBPs) and structured decisionmaking in order to adopt parole release guidelines.<sup>9</sup>

## Reinvest Savings

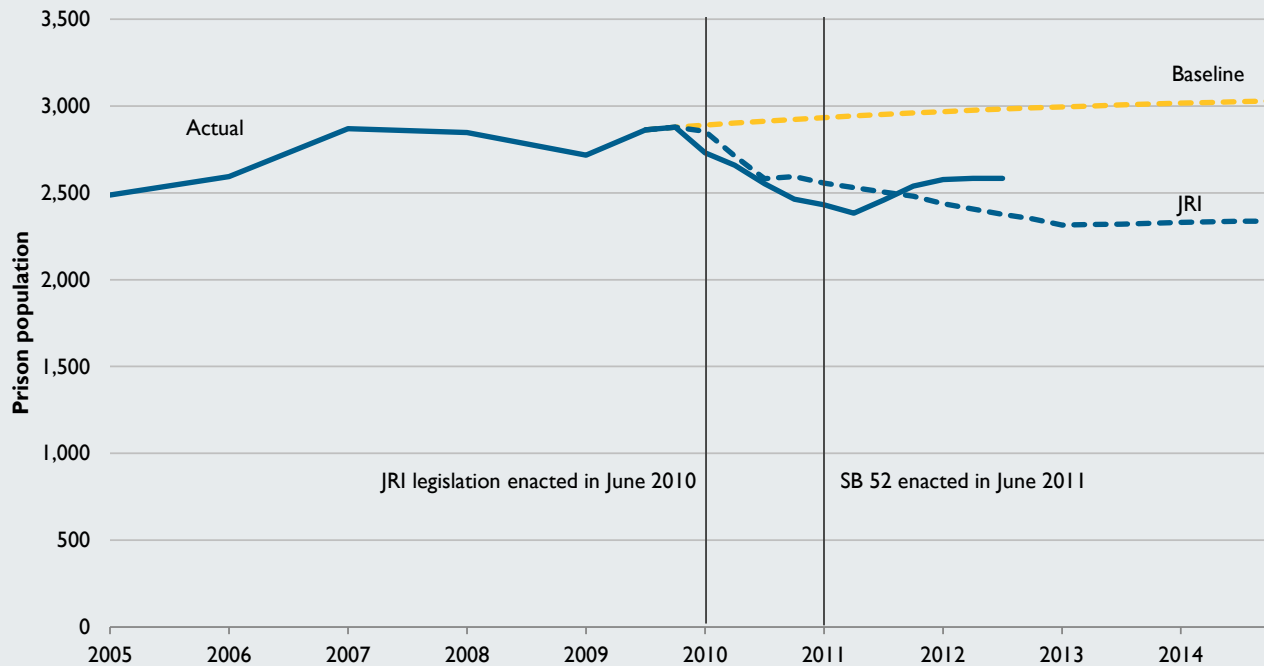
The Department of Corrections reported that it had approximately \$225,000 remaining in its budget allocation after the first year of implementing JRI. While language in SB 500 asserts that a portion of corrections savings are to be applied to behavioral health treatment for probationers and parolees, the savings were used instead to balance the state's overall budget.<sup>10</sup>

## Measure Outcomes

New Hampshire is helping the CSG Justice Center compile monthly reports on key performance measures across the criminal justice system. These reports, which facilitate data-driven decisionmaking, also enable data sharing with the legislature, governor's office, and media. To increase data capacity, subaward funding has been allocated to upgrade

# New Hampshire

**FIGURE I**  
New Hampshire Prison Population



Source: Duran-Mitchell, Pealer, and Derrick (2013).  
Note: Dotted lines represent projections.

the Division of Field Services database, to improve the data quality and track policy implementation and metrics related to EBPs.

The JRI provisions related to parole decisionmaking, which were projected to have the largest impact on the prison population, went into effect in October 2010. Over the first year of implementation, New Hampshire's prison population decreased by 12 percent and outperformed projections (figure 1).<sup>11</sup> Since October 2011, the prison population has been rising, which the Department of Corrections attributes to the effects of SB 52.<sup>12</sup>

## Notes

1. West, Heather C. 2010. Prisoners at Yearend 2009—Advanced Counts. Washington, DC: Bureau of Justice Statistics.
2. Council of State Governments Justice Center. 2009. Justice Reinvestment in New Hampshire: Reducing Spending on Corrections and Reinvesting in Strategies to Increase Public Safety. New York: Council of State Governments Justice Center.
3. Council of State Governments Justice Center. 2010. Justice Reinvestment in New Hampshire: Analyses and Policy Options to Reduce Spending on Corrections and Increase Public Safety. New York: Council of State Governments Justice Center.
4. Ibid.
5. Ibid.
6. Ibid.
7. Council of State Governments Justice Center. Email message. July 18, 2013.
8. New Hampshire SB 500, 2010.
9. Duran-Mitchell, Le'Ann, Jennifer Pealer, and Bree Derrick. 2013. "Justice Reinvestment in New Hampshire: Implementation Progress Update." Presentation, Council of State Governments Justice Center, May 17.
10. New Hampshire Department of Corrections. Email message. July 19, 2013.
11. Duran-Mitchell, Pealer, and Derrick (2013).
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