

MINUTES - SENTENCING RESEARCH COMMITTEE 1/13/06

Present: Lew Feldstein, Cathy Green, Chris Johnson, Chris Keating, Dave Kidder, Bill Knowles and Judge Robert Lynn. Dale Kuehne, Janine Gawryl, Judge Tina Nadeau and Marge Webster not present.

Guests: Merrimack County Attorney Daniel St. Hilaire, Steve Casale (Merrimack County Diversion Director), Cheryl Wilkie (Licensed Alcohol & Drug Counselor) and Katie Merrow (Center for Public Policy)

Katie Merrow

New Hampshire has a variety of alternative programs. The State has not made a significant investment on a state level. The rise in prison population is primarily due to alcohol and drug abuse. Offenders generally are resistant to treatment. With alternative sentencing, can coerce treatment. The New Hampshire prison population has grown 600% in two decades because of truth in sentencing. Violent offenders equal one-half of the prison population. One-half of all admissions are parole or probation violations. Revolving door. Thirty-one percent of New Hampshire State Prison inmates are parole violators.

The majority of revocations are related to alcohol and drug abuse. Sixty percent of all revocations are directly related to substance abuse. Alcohol and drug abuse contribute to 77% of county admissions. This drives three-quarters of the costs that counties face. At the end of fiscal year 2001, of 12,700 offenders who need treatment, 4,700 had treatment available. Alternative sentencing could play a role in addressing the gap. Offender rehabilitation programs overall reduce recidivism by 10%. The very best programs provide 24% reduction in recidivism. Crucial to match intensity of offenders risk level and match treatment to offenders characteristics.

New Hampshire now has:

- County Academy programs
- 30 day parole violation program
- federally funded re-entry
- new: early release program in Strafford County

New Hampshire has no consistent array of graduated sanctions and programs.

- gaps at different levels
- gaps geographically

Costs

Alternative sentences less costly.

Pretrial supervision gets people into treatment before their cases get to court. To expand all sentencing alternatives, need to bring people involved on a regular basis. Communication is crucial.

There was a discussion of Laconia's 30 day violator program. It is a good program, but is underutilized.

2002 Academy Data

Merrow described the Academy Program. It varies from county to county. It is designed for prison bound program.

It is noted that not all of the academy participants are prison bound. Academy participants should be prison bound. May indicate need for a different program more matched to House of Corrections bound.

2002 Study

Determined Academy savings at \$10,000,000 from 1996 to 2002. Sentencing to the Academy is declining.

Where Does New Hampshire Go from Here?

The prison population has stabilized. There is a relatively low rate of adult and youth commitment. Some alternative programs exist. Relatively limited mandatory sentencing. Some counties have taken initiative. Strafford County has complete array from pretrial on.

Noted the Department of Corrections' budget restraints. Treatment personnel have been reduced.

A few years ago, the State had sentencing group at the state level (ICJJC). Need to revive ICJJC. Legislative change should retain or increase judicial discretion. Recommend legislation to require the Department of Corrections to look at alternatives. Straight incarceration versus treatment in community - clear that treatment is crucial.

Dan St. Hilaire/Steve Casale, Merrimack County Attorney=s Diversion Programs

Dan St. Hilaire and Steve Casale described the diversion program run by the Merrimack County Attorney=s Office.

- Felony Diversion Program
- Misdemeanor Diversion Program
- FAST Program - targets marijuana and violation level offenders

FAST Program

Refers first time, non-violent offenders, most drug offenses, but includes theft, other property crimes. The program is tailored to the individual. Alcohol and drug evaluation and treatment with community service.

The FAST Program began in 2003. They are really trying to intervene at earliest level. The prosecutor refers to the program. Close to 50% came in positive for drugs. In the FAST Program, they have to have at least four weeks of clean drug tests, 12 hours of drug and alcohol education, Prime for Life curriculum, a tour of the county jail. There is a \$300 program fee. The benefit to the participant is that they avoid conviction. The program sustains itself.

Felony and Misdemeanors

For felony charges, 250 hours of community service, life skill classes, one year GED. For misdemeanors, six months long.

Midway in 2005, had a program evaluation. The study is not completely done. For the felony program graduates, one out of seven will re-offend. Of the misdemeanor program graduates, one out of 6 will re-offend.

The felony diversion program is usually for people first time in the felony system. Graduation rates are high, with 75% completing program. The program fee pays for the program.

Cheryl Wilkie

Cheryl Wilkie asks that if 60% of the people in the system are in for recidivism, what is the solution? Probation and parole do not have the ability to supervise. There are no case managers. There are limited resources for drug testing.

Not enough Supervision/Monitoring from Probation/Parole Officers

Parolees sit down for five minutes with parole officers. Probation has a sign in sheet and then they go home. People for six to eight months do not see probation officer. This is our biggest problem.

Probation and Parole Officers each have 100 cases. It's purely a question of resources. Spend money on case managers.

In New Hampshire, there are five detox programs, five or six residential 30 day programs. The average wait is four to six weeks to get into crisis detox. This is a very long time for someone in crisis when they are motivated and need to have the program available. We don't have services available. The differences in Academy programs range depending on services available.

In Manchester, dual diagnosis - mental health issues and substance abuse has a seven to eight month wait for programs. Heroin use in this state is on the rise.

Points to recent bank robberies as need to address alcohol and drug issue.

Need to divert fine money to treatment. IF we get them at alcohol/marijuana stage, then we may be able to prevent them from becoming heroin addicts.

Health realization best approach. Work from inside out.

How do you make the change? Require diversion. Mandate that the Department of Correction shall do this. If you provide these services, will you actually reduce recidivism? Merrow/Wilkie/St. Hilaire say yes.

Dave Kidder

We clearly have an education problem. The earlier we can identify and treat people the better. Big job in legislature and state house to educate

Katie Merrow pointed out the need for an array of programs.

Judge Lynn

Should we have a better system in place for dealing with older inmates? Once you get to 60 or 65 years old, can there be a procedure to review sentence?