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Planning Of A New Institution,
Phase I

Technical Assistance
Provided to

Cheshire County, New Hampshire
August 6-8, 2001

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REQUEST FOR TECHNICAL ASSISTANCE

NIC consultants Bob Cushman and Nate Caldwell conducted a Phase One, Planning of a New Institution (PONI), Local Justice System Assessment in Cheshire County, New Hampshire, August 6th through August 8th, 2001. The technical assistance was provided in response to an April 18, 2001 written request from Cheshire County Administrator Jack Wozmak.

PONI Phase I Assessment Goals and Objectives

The NIC sponsored Planning of New Institution (PONI Phase I) program is designed to assist any jurisdiction that has a crowded jail, is trying to decide if it needs a new jail, or is considering plans to renovate an existing facility.

A PONI Phase I provides an assessment of all of the components of the requesting jurisdiction's criminal justice system. This includes a review of the existing jail and a review of police, court and corrections sub-systems. It includes an examination of programs that take individuals out of the jail prior to trial, and programs that provide different sentencing options for convicted offenders.

The first of three PONI Phase I functions is to assess how well the justice system is working. This means learning about how each component is operating, identifying strengths and weaknesses, exploring any issues local people may be especially concerned about, and assessing coordination and justice system case processing. It seeks to diagnose and redefine system problems.

A second function is to present information about new approaches, and new ways of approaching system problems. This may lead to consideration of new ways of conceptualizing problems, the identification of new strategies and new programs and/or modification of existing programs.

The third function is to assess the jurisdiction's capacity to develop or modify its criminal justice system and recommend relevant, appropriate courses of action that should improve the administration of justice.

These general objectives are always modified somewhat to meet the individual needs of each unique local jurisdiction.

Coordination of the Visit and Selection of Consultants

Jack Wozmak, Cheshire County Administrator, served as the on-site coordinator for the technical assistance visit. Executive Assistant, Terry Warren, assisted him. They arranged the interview schedule and the community meeting. They managed all the logistics while the NIC consultants were in Cheshire County. They also contacted people in advance of the visit who then mailed or faxed written materials to the NIC consultants, prior to the visit. House of Corrections (HOC) Superintendent Richard Van Wickler and staff at the HOC also provided advance assistance.

Mr. Richard Geaither, Corrections Program Specialist at the NIC Jails Division in Longmont, Colorado, was the NIC consultant coordinator for this assignment.

Mr. Geaiter provided Cheshire County officials with a list of NIC consultants. They selected Nate Caldwell and Bob Cushman. Nate Caldwell is the Director of Juvenile Detention in King County (Seattle) Washington. He is a former jail commander and corrections consultant. Bob Cushman has recently retired as the Justice Systems Specialist in the Office of the County Executive, Santa County (San Jose), California. Both NIC consultants are experienced criminal justice planners who have provided technical assistance and training to many jurisdictions throughout the United States. They have conducted other local criminal justice system assessments under the auspices of the National Institute of Corrections, working together as a team, and also teamed with other NIC consultants.

Pre-Site Visit Preparation

NIC consultants Cushman and Caldwell had substantial contact with officials prior to the actual NIC visit. A detailed letter covering the site visit was prepared to help Jack Wozmak set up the visitation. Another detailed letter was prepared for Superintendent Van Wickler. Many phone conversations took place between the NIC consultants and the command staff at the County House of Correction. Information about the demographic characteristics, history, and governance of the jurisdiction was obtained and reviewed prior to the visit. Telephone contacts were made with State and local officials to obtain comparative data concerning crime, arrests, court filings and dispositions, probation case loads, and so forth. The data was entered into spread sheets for analysis.

The NIC Consultant's Approach to the Cheshire County Assignment

During the first two days of the three day site visit, the NIC consultants toured the Cheshire County House of Correction and met with approximately ninety persons representing the key policy makers of general government and the justice system, and agencies that deliver services to inmates. Jack Wozmak and his staff set up the interviews, following guidelines that were provided by the NIC consultants to make sure a large cross section of justice officials and officials of general government were included. They notified and reminded people so they were available for the interviews. They helped us keep to the schedule. Additional reports, data, program descriptions, etc. were collected during these interviews. This information was either reviewed at the site or after departure.

A high level of cooperation existed during the entire visit. Persons who were interviewed were candid, insightful and helpful. We found little defensiveness. In most cases we enjoyed open, honest, rational discussion with the people who were being interviewed. Many officials rearranged schedules and calendars in order to participate. A community meeting was scheduled for Wednesday, August 8th, the third and last day of the visit. The meeting served as a forum for briefing justice agency officials, citizens, service providers and officials of general government.

At the community meeting, the consultants summarized the feedback they had received from the persons who were interviewed, made observations, and provided the participants with a summary of their recommendations. The NIC consultants provided materials to help the participants better understand the dynamics that lead to jail crowding, and the relationship of the jail to the justice system. They summarized key legal issues and liabilities involved in administering jails. They described a continuum of sanctions that included jail beds as well as community based placements and programs. The NIC consultants also provided the participants with basic data that compared Cheshire County with nine other New Hampshire counties according to crime and justice processing workload measures and indicators.

The community meeting allowed the participants to ask questions and explore alternatives. The meeting also provided a forum for the participants to articulate important values, explore the purposes for the jail, and frame important public policy choices. A representative of the press also attended.

An action agenda was initiated at the end of the community meeting.

Preparation of this report represents the final step in the NIC consultant's approach to this assignment. The report pulls together the information and observations that were developed during the site visit, the interviews, the

community meeting, and pre and post site-visit review of written materials. Recommendations are provided in a section that concludes the report. Supporting materials appear in appendices to the report.

The Nature of the Cheshire County Problem

The Presenting Problem Cheshire County officials have determined that the current jail facility, the Cheshire County House of Correction, is inadequate. It is often crowded. It will not be able to accommodate the increase in inmate populations expected in the future. The physical design of the facility is awkward and outdated, which makes it a challenge to operate. The facility is cramped. It lacks adequate space for inmate programs and non-housing area infrastructure.

There is a general consensus that action must be taken to improve the current situation. While most everyone recognizes the need for action, this is a big decision and a consensus and vision of how to proceed has not yet emerged.

The Current Situation Cheshire County financed an independent feasibility study to provide recommendations concerning the expansion or replacement of the County House of Correction. The \$30,000 Pulitzer/Bogard feasibility study was initiated in June 1999 and completed in October 15, 1999. The study recommended a capital plan to expand the existing County House of Correction.

The Pulitzer/Bogard study recommended three categories of expansion. First, the plan proposed jail bed space for an additional 160 inmates. Second, the plan called for the addition of essential space for inmate programs and infrastructure; and third, it proposed "over-sizing" the proposed non-housing area space by 20-25% so any future expansion, after the year 2010, could add bed space without the need to also add non-housing program space. The preliminary total budget for the proposed project was \$14,776,980.

The plan called for retaining use of the existing cell space (which Pulitzer/Bogard established as 59 beds) and addition of 160 new beds in three general population housing units. The expanded facility would accommodate 219 inmates, with the capability to later expand it to 251 jail beds by "planned" double-bunking of some of the new jail bed space.

One clear deficiency of the existing County House of Corrections was a lack of space to support jail administration, inmate programs, laundry, storage, medical and other support requirements. So the Pulitzer/Bogard recommendations also included square footage for these functions and for utility, central support and other infrastructure. They "oversized" the space to be dedicated to these support functions by 20-25% so that additional bed space could eventually be built without having to also add infrastructure support.

The County Commissioners wanted the expansion project reduced in scope and cost, to about \$8 million, or half the original proposal. At the same time the County Commissioners took the position that a scaled back version of the project would meet the needs for the County if what were termed "alternatives to incarceration" or "intermediate sanctions" were put into place. These would decrease the need for jail bed space. The Pulitzer/Bogard report estimated that implementing certain alternatives to incarceration might reduce bed space needs by about 20%. A fifty-percent reduction in the scope of the project therefore anticipated a strong commitment to using non-jail options.

In November 1999, Pulitzer/Bogard and Associates responded to the decision to reduce the scope of the project with a two phase construction scenario. Phase I, which would cost an estimated \$8 million, would add one pod of 32 cells, accommodating 64 general population inmates. It would also include a partial build-out of the non-housing area infrastructure and inmate program area space so inmate programs could be enhanced. Phase II, which could be initiated some time in the future, would provide 96 additional beds (expandable to 128 with double-bunking) and completion of the remaining inmate program and infrastructure support areas.

By a two to one vote, the County Commissioners asked the Executive committee and the County Delegation to endorse Phase I of the project. The preliminary cost estimate at that time was \$7,800,179. The proposal was defeated at the year 2000 Annual Meeting of the County Delegation.

Subsequently, a study group was formed. They recommended an \$8.25 million project. On March 20, 2001, the Annual meeting of the Cheshire County Delegation met to approve the operating budget and consider a bond vote for \$8.25 million for a proposed expansion of the House of Correction.

The \$8.25 million proposal did not pass. The NIC consultant interviews revealed that the measure failed because there was still a good deal of hesitancy and ambivalence about the project. Later, the NIC interpreted this to be the natural consequence of skipping some important steps in the facility planning process; specifically, determining the purposes of the House of Corrections and its place within a broader sanctioning system. This played out in concerns that the proposal was still too vague and that the Phase I expansion proposal could be accommodated at the current site, but it would not permit room for expansion to phase II without building on valuable farmland. Objections from the neighbors and a proposal to consider other sites also served as barriers to approval of the proposal.

In an effort to take some action on the matter, the County delegation appropriated \$500,000 to study potential sites for a new HOC or an expansion of the HOC at the present site.

PONI Phase I Assessment

County Overview Cheshire County, one of ten counties in New Hampshire, is located in the south west area of the State. Twenty three towns and the City of Keene are located within Cheshire County. The City of Keene is the largest population concentration in this largely rural, agricultural county of 73,825 people.

County government consists of two branches; a legislative Branch, the County delegation, comprised of twenty-five elected representatives and an Executive branch, consisting of three Commissioners, elected by district. The County Delegation has an executive committee. The primary role of the County Delegation is to appropriate the necessary funds to operate the county. The Commissioners are part-time elected officials responsible for overall supervision of county departments. They exercise budgetary oversight over all county expenditures. An annual County budget is prepared by the Commissioners and submitted to the County Delegation for final approval.

Jack Wozmak is the County Administrator. He reports to the County Commission. He has no statutory authority except that vested in him by the Board of County Commissioners. In practice, Jack Wozmak functions as a strong County Administrator. He is a very well informed, active and effective administrator.

The County population increased 5.3% between the 1990 and year 2000 census. Assessment of County financing shows the year 1999 per capita equalized valuation is -26.1% less than the average per capita rate of the other nine counties, while the intended expenditures (the 1999 budget) are 2.3% higher. This is an indication that Cheshire County can afford less than other counties but spends about the same amount per capita.

Jail Analysis The NIC consultants toured the Cheshire County House of Correction (HOC) on the first day of the on-site visit, Monday morning, August 6, 2001. The total inmate count was 91 prisoners.

The Physical Plant The facility is located in Westmoreland on a County owned and operated campus that also includes a farm and an extended care/nursing facility. The two story building consists of two wings, built at separate times, but connected together. One wing was designed in 1974; the other was constructed in 1986.

The NIC consultants were provided with a copy of the Facility Assessment prepared by the Pulitzer/Borgard and Associates team in 1999. Based only on a short tour of the facility by the NIC consultants, the portion of their report

that is devoted to a description of the short comings of the facility is well done and appears to be a fair assessment of the current situation. There is no need to duplicate their assessment here; however, a general confirmation of findings should be helpful.

The HOC has cells arranged in linear fashion and small multi-bunk housing areas. It relies on indirect supervision of inmates, using both remote and intermittent surveillance.

The antiquated design of the jail makes it unsuitable. This can be expressed in two ways: The space is inadequate – in other words the arrangement of the space is not able to properly support the functions of the jail; e.g., booking, proper supervision of inmates. And, the space is insufficient – in other words there is too little space to support jail functions; e.g., storage, recreation, inmate programs, kitchen, etc. But it is also insufficient because, given current justice system policies, it is chronically and, on occasion, severely crowded. These problems make it a potentially high liability operation.

It is difficult to properly supervise the inmates within the confines of the congested, balkanized, poorly designed internal space. It is an outdated design. Piece-meal modifications to the physical plant have added to this problem. The cells are too small to meet national standards. Double bunking puts too many people in some of the cells. It is a staff intensive facility. Movement of prisoners from one area/function to another requires staff escort. Space for support services is cramped and limited. For example there is no laundry on site. Storage space is extremely limited. The medical area has no waiting area. Many spaces are not currently being used for their intended purposes. The gymnasium doubles as a library and bed space for persons being confined on weekends. Space for inmate programs was eliminated at the time of construction.

In summary, the HOC suffers from four classes of problems. First, the physical plant is poorly laid out. That makes it labor intensive to operate properly and safely. Expanding the facility may provide more bed space. It will not overcome the very substantial design problems of the existing structure. Second, there are too many inmates at the HOC. Crowding is chronic and severe. Third, there really isn't any space to administer programs for inmates; and fourth, support space is unsuitable and inadequate.

Though antiquated and, though existing jail space is inadequate as well as unsuitable, the HOC structure does not appear to be "worn out". The House of Corrections was clean, and appeared maintained. It looked freshly painted. The locking mechanisms, doors, plumbing, electrical systems, heating, etc. all appeared and were reported to be in working condition. There is no evidence that maintenance costs have escalated to the point where that would provide a rationale for abandoning the building.

It also appeared to be well managed. What makes the HOC work is the staff and the programs, not the building. Impressive supervision, program and volunteer resources augment minimal line staffing. About 100 Volunteers have access to the jail. They provide a wide variety of programs. Though they are technically "outsiders" these volunteers have been integrated into the jail operations. They have found creative ways to deliver services despite limited space in the jail in which to conduct programs.

The Capacity of the HOC The Pulitzer/Bogard and Associates team also performed a House of Correction Capacity Analysis. and produced the following table. It attempts to answer the question: What is the bed space capacity at the HOC? It does a good job of separating out three common definitions.

The term "design capacity" (59) refers to the number of inmates the original facility (and additions) were originally designed to house in general population. It excludes a count of the beds in housing areas for special populations.

The term "operating capacity" (90) includes all of the beds added since 1996. Keep in mind that double bunking and even adding a mattress on the floor of a cell can expand a jail's operating capacity. Further, administering the jail at

population level higher than its design capacity "...does not address the associated needs such as day space, showers, program space, dining, and facility infrastructure...critical to effective inmate management..."

The term "rated capacity based on ACA standards" refers to the number of inmates that could be housed at the HOC if Cheshire County operated according to the standards adopted and promulgated by the American Correctional Association. These standards call for 25 square feet of unencumbered space per occupant. Note New Hampshire has no binding jail standards. The ACA standards are advisory and have no force of law, though they do figure prominently in court cases concerning conditions of confinement.

House of Correction General Population Bed Capacity Analysis

Housing Area	Classification	Design Capacity	Operating Capacity Including Additions	Rated Capacity Based on ACA Standards
West Block	Sentenced males	24	24	4
West Pod	Maximum-Pretrial males	12	24	12
East Pod	Maximum-Pretrial males	11	22	11
2 nd Floor Work Release Dorm	Male Work Release	4	4	4
First Floor Work Release	Females – all classifications	9	16	16
Total		59	90	47

Notes: 1. General population beds are supplemented by holding cells in the booking area, observation cells, and the gymnasium (used to house persons serving weekend sentences). These housing areas are used on a temporary basis and are not included in the general population housing count. In addition, approximately 10 segregation beds are not included in this count, as they, by definition, are not used to house the general jail population. 2. The 1998 HOC annual report indicates the jail has a total of 109 beds, 84 of which are for general population purposes. 3. Capacity determined by using the American Correctional Association (ACA) standards.

Average Daily Inmate Population at the HOC

The Pulitzer/Bogard report says that the Cheshire House of Corrections has an average daily inmate population of 106 inmates, a level far above any reasonable definition of operational capacity. However, more recent information provided by the HOC Superintendent shows the current jail population at much lower levels.

**Cheshire County House of Correction
Average Daily Inmate Population, 1981-2000.**

Year	Average Daily Population	Year	Average Daily Population
1981	30	1991	58.8
1982	39	1992	No Data Available
1983	35	1993	No Data Available
1984	31.2	1994	66
1985	36.8	1995	72
1986	52.4	1996	82
1987	47	1997	83
1988	58	1998	99.7

1989	75	1999	100 (estimate)
1990	75.4	2000	76.3

Source: Superintendent Van Wickler, Cheshire County House of Correction.

The table also shows the average daily population (ADP) has not increased uniformly over time. The ADP in 1998 and 1999 averages close to 100 inmates, while the ADP for the year 2000 is very close to what it was back in 1990.

It is significant that no one could clearly show why the ADP dropped from the 1998/1999 peak. Anecdotal evidence suggests that there were fewer admissions from law enforcement agencies and a big drop in admissions by the local Probation/Parole office.

The reason these variations in ADP are significant is that, prior to the NIC visit, the Cheshire County approach was based on assumptions that steady growth in the number of inmates was a given. Given this mindset, everyone's energy was focused finding ways to accommodate and adjust to this ever growing workload. Now, following the visit, the community recognizes that variations in the number of people in jail is the result of changes in policy and practice which change the rate at which people enter the HOC and their lengths of stay. Therefore, the workload does not have to be taken as a given. It is the result of choices. It is technically possible to manage the size of the jail population. Managing the rate at which people enter the HOC, and their lengths of stay can do this.

The Comparative Analysis: In addition to the interviews, the NIC consultants collected, analyzed and reviewed available data. The NIC consultants developed basic, preliminary data to describe the flow of cases and people through the local justice system. This was done because the number of people in jail and, in fact, the number of people and cases flowing from arrest to final disposition through the local justice system, is the result of decisions made at seven key justice system decision points.

The results of the comparative analysis appear in Appendix B.

The comparative analysis shows there is great variation in justice system processing rates between and among the ten New Hampshire counties, even though they all operate under the same state statutory framework. The data shows how the workload and justice expenditures of each county are determined both by the level of crime and the policies that have been selected to guide decisions at the seven key justice system decision points.

Cheshire County has a legal culture that is different than other New Hampshire counties. The Cheshire County data varies considerably from the benchmarks of the nine county average on certain key indicators. This is not necessarily good or bad. It simply shows that Cheshire County is unique. But these policies do have cost and workload consequences and implications.

The current state of affairs is that Cheshire County has limited empirical information, which it can use to assess the nature of its crime problem. The latest county level information about crimes reported to the police information dates back to 1996. Using these data, it appears Cheshire County may have a crime problem that is less serious than the nine county average. The nature of the crime problem is property crime not serious person to person confrontations.

The latest adult arrest information also dates to 1996. At that time, the adult arrest rate was elevated far above the nine county average.

There is no readily available source of information about the felony versus misdemeanor breakdown of these arrests. A simple examination of arrests by agency and offense would produce useful information. These arrests could then be looked at to determine what percent are taken to pretrial detention and what percent are handled in other ways, including issuing summons or citations requiring the offender to appear in court.

A large number of adult arrests per capita would normally lead to a commensurate load of criminal matters being filed in the Superior and District courts. This does not seem to be taking place. The Superior Court filing rate is slightly lower than the average filing rate of the other nine counties in the State; however, the percentage of Superior Court filings that are misdemeanors is elevated far above the average rate of the other counties. The District court filing rate is slightly higher than the nine county average.

At 84 general population jail beds, Cheshire County has a jail bed capacity rate that is -15.1% lower than the average rate of the other nine New Hampshire Counties. Cheshire County would have to have a total of 100 jail beds to be at the nine county average. The actual number of people in jail on any given day in Cheshire County produces a jail utilization rate that is about at the average rate for the other nine counties in New Hampshire. The Cheshire County admissions rate for Protective Custody cases is elevated far above the nine county average rate. This is a sign that Cheshire County has different policies and practices than other New Hampshire counties. It also suggests that Cheshire County is allocating justice system resources to achieve order maintenance as opposed to crime control.

The number of adult probations per 10,000 population is 5.9% lower than the nine county average; however, the average caseload per probation officer was 39.3% higher than the average. Collection and bail administration cases made up 42.7% of the total caseload.

Cheshire County makes more use of Superior Court probation and less use of District Court probation than the average rate for the other nine New Hampshire counties. Compared to the other counties, more people are supervised at the Maximum and Minimum levels of supervision, and fewer are supervised at the Medium level of supervision.

The Cheshire County rate of adults under supervision (those in jail and on probation) was 4.7% higher than the average rate of the nine other counties. Using the Census Bureau count for year 2000 (73,825) divided by the total number of adults under supervision in Cheshire County (517) means one out of every 143 citizens is under some form of adult correctional supervision on any given day.

Of course, many of the 73,825 people in the county population are not at risk of supervision as adults (persons age 0 to 17, for example). In addition, women tend to have lower arrest rates, as do people who are older. This could easily mean that rates much worse than 1 in 143 males in the crime prone age years of 18-34 are under correctional supervision. It would be easy for these rates to reach what public health officials would regard as epidemic proportions. These rates need to be calculated.

On any given day most of these Cheshire County offenders are in the community, on probation; only 13 percent are in jail. The estimated average length of jail stay is between 25 and 28 days.

The comparative analysis also provides some basic financial information. It shows the per capita equalized valuation is - 26.1% less than the average per capita rate of the other nine counties while intended expenditures are 2.3% higher. This is an indication that Cheshire County can afford less than other counties but spends about the same.

The financial information also shows that per capita expenditures for corrections in Cheshire County were -13.1% lower than the nine county average. Expenditures for Cheshire County Corrections amounted to 10.2% of the total voted appropriation, a percentage that is -21.6% lower than the average of the other nine counties. The Cheshire County corrections budget would need to increase by another \$264,957 to reach the nine county average per capita expenditure for corrections.

Summary of the Community Meeting

An all day community meeting was held at the public library August 8, 2001. Jack Wozmak, Cheshire County Administrator, opened the meeting, welcomed everyone, asked everyone to introduce themselves, and then turned the meeting over to NIC consultants Bob Cushman and Nate Caldwell.

The consultants provided brief summaries of their backgrounds and reviewed the proposed agenda for the day.

Consultant Caldwell described the services of the National Institute of Corrections and the objectives of the PONI, Phase I (Planning the Opening of New Institutions) Program and the aims of the local justice system assessment.

Consultants Cushman and Caldwell then asked the question: What is the Cheshire County House of Corrections for? As participants responded, their comments were captured on news print and posted on the walls of the room. All of the items reflected important values and expectations. Discussion of these items followed. Some participants expressed disagreement with some of the items. Later it became clear that the HOC did not accomplish many of these objectives.

Consultant Caldwell presented material that briefly summarized legal issues and jails. He focused on important principles associated with the first, eighth and fourteenth amendments, U.S. Constitution.

Consultant Cushman used a water barrel analogy to illustrate the jail population dynamics that regulate how many people will be in jail. He then extended this concept to show how the workload of most justice agencies is the result of the rate of admissions and the length of case processing.

Mr. Cushman then presented material summarizing the seven key justice system decision points. These decisions largely determine the volume and characteristics of cases and people that flow through the justice system.

After the lunch hour, Consultant Cushman presented Cheshire County data concerning crimes, arrests, filings, sentencing, custodial and non-custodial options, and county revenues and expenditures. This was an attempt to show how Cheshire County data could be looked at according to the seven key justice system decision points. The data was presented in the form of a comparative analysis, an approach that compared Cheshire County with nine other New Hampshire counties. The results of the comparative analysis are presented in Appendix B. The NIC Consultants also reviewed answers to a "quiz" that had been handed out at the beginning of the afternoon session.

NIC Consultants Caldwell and Cushman concluded their presentation with a review and discussion of their key observations and recommendations. These are presented in the next two sections of this report.

The last item on the agenda was an action planning session, in which the participants were asked to list the first things that needed to be done at the conclusion of the meeting. This was a brainstorming exercise, intended to produce only a beginning list. The items included:

- Form a Criminal Justice Coordinating Group;
- Define what we want the jail to be (purposes) and relate it to the rest of the sanctioning system;
- Review our data – determine what new data we need to collect and assess;
- Read the NIC report when it is sent to Cheshire County by the NIC consultants;
- Establish a time line;
- Decide re: the \$500,000 bond. Should we go ahead with it?

County Administrator Jack Wozmak closed the meeting. He talked briefly about the challenge that lay ahead, then thanked the NIC consultants, and thanked the participants for spending the day in discussion and study of this matter.

Consultant Observations

This section of the report will summarize some additional key observations of the NIC Consultants. They provide the basis for recommendations, which conclude the report.

A central theme emerged during the interviews and the community meeting. This theme will appear and reappear in the observations, which follow. It should be useful to first describe it before getting into the specific observations.

Theme: There is noticeable conflict between justice ideals and practices. Often there is simply a disconnect between the two; or, they are contradictory.

An example may help establish this concept:

Attitudes (expression of ideals) told the NIC consultants that inmates should not be abandoned. Direct observation of actions (evidence of actual practices) showed the NIC consultants that inmates are underserved.

1. Universal Agreement the HOC is Doing a Great Job in Difficult Circumstances

The people who were interviewed have great respect for the staff at the Cheshire County House of Correction. Many of the people who were interviewed had favorable comments about their working relationships with the jail staff. They are viewed as cooperative, responsive, service-oriented and professional. They respect the job that is being done. Many of the people who were interviewed commented that the present level of professionalism at the HOC represents a dramatic change from the past. Their dedication is making a difficult facility work.

Litigation and incidents are common in jails that are crowded and/or difficult to administer because of physical design. Thus, it is significant that there is no pending litigation, and few incidents at the HOC.

Many good things are being done; for example, the HOC staff recently visited the NIC Corrections Academy and received training to help them implement an objective jail custody classification system. This will replace the practice of placing inmates in housing areas according to their legal status. It should also help determine the practical operating capacity of the facility. This is an example of the constant search for new ways to improve inmate management at the jail.

Staff training has a high priority. Officers are certified upon completion of 160 hours of academic academy training. The State Association recommends 25 hours of inservice training per year to maintain certification; however, Cheshire County exceeds these expectations and provides a minimum of eighty hours per year.

The HOC distributes a list of persons confined at the HOC to judges, the County Attorney, Probation and Parole, and other users of the facility. This helps engage these other agencies in the HOC effort to manage the length of jail stay.

Crowded facilities usually create a hostile atmosphere for volunteers but the HOC has a strong commitment to inmate programs and over 100 volunteers provide services to inmates at the HOC. This is remarkable.

There is positive, healthy interaction between the HOC and other justice agencies and public and private agencies that provide services to inmates.

2. Officials Applauded for Their Openness

Officials deserve credit for asking the NIC to do an independent assessment; for inviting a couple of strangers in (the NIC consultants), opening up their records, spending time in interviews, and allowing the NIC consultants to deliver observations and recommendations at the community meeting. They did not asked to be briefed in advance about

what the consultants were going to say. This is courageous, shows that open government is valued, reflects an eagerness to learn, and a commitment to establish a deliberate, rational process.

Leadership - County leadership is giving substantial time and attention to this issue. Their approach is deliberate. They are seeking information and advice. They are soliciting citizen input and input from justice officials.

Relationship with the Media – The leadership has involved the media. For example, the County Administrator advertised the Community Meeting for a full seven days prior to the meeting. A reporter from a local newspaper spent most of the day at the meeting. The press is routinely notified of any noteworthy developments at the HOC. The HOC staff noted that 465 people had toured the jail during the last year.

A very capable and informed County Administrator is actively involved. He has established an atmosphere in which other leaders exhibit a willingness to look at issues from different perspectives. There is a genuine interest in seeking workable solutions.

3. Few Seem To Question The Need For a Better Facility.

The people who were interviewed recognize the design of the facility makes it difficult to run. They are acutely aware of the crowding. They believe there is insufficient and inadequate space for inmate programs.

People want to do the right thing – This is a clear value, expressed in many ways, by most of the people who were interviewed. It shows up in the respect officials show for one another and for inmates and offenders who are being supervised in the community. At the same time the community wants to do the right thing, action is anchored in barely meeting minimum requirements at the House of Correction. The NIC consultants believe this is tied to the tension between wanting an increased level of justice services and fiscal conservatism, discussed later in this section.

4. Less Agreement About the Function and Size of the Facility

While there is general agreement that the current facility is inadequate, there is less agreement about the purpose and, therefore, the design and size of a new or expanded Cheshire House of Correction. This reflects a lack of agreement on a correctional philosophy.

The present use of the facility provides some evidence of this mixing of purposes:

- A wide range of troubled and troublesome people are housed at the HOC. It is not a limited purpose facility. Anyone, unless he or she is a minor, will be admitted. A significant share of admissions are protective custody cases, not subject to criminal prosecution.
- Maximum security custody is being provided for inmates who may not require such close security. For example, twenty of the ninety one prisoners in the facility on the first day of the site visit were minimum security inmates who were actually out of the facility, working in the kitchen, the laundry, at the farm or doing maintenance. When they are out of the facility, the inmates are not supervised by correctional officers but by other County workers. A small number of inmates are on work release, which means during their working hours they are in the community, not in jail. The facility is also used to house people who are serving weekend sentences.
- There is general agreement the HOC is not the ideal place to house protective custody cases. They are there because other preferred options simply don't exist. Does it make sense, then, to build to accommodate the protective custody cases?
-

5. Recognition That There is a Relationship Between the Size and Nature of the Facility and the Presence or Absence of Other Correctional Sanctions and Services.

There appears to be a general understanding that the size of the House of Correction will be determined, in part, by the degree to which other non-custodial sanctions are put into place and are used.

While many offenders are placed on probation supervision, many observers believe that the level of supervision is insufficient and many of the services that would assist offenders are simply not available. At present there are few options other than jail.

There appeared to be substantial interest in non-custodial sanctions and a willingness to use them instead of jail if they were to be created and administered well. But, in contrast, there were anecdotal reports of community based programs being initiated and then discontinued because of lack of funding and/or a lack of referrals. This seems inconsistent with the interest that was expressed about developing non-custodial sanctions for offenders.

The people who were interviewed showed clearer support for services, than sanctions. While it appears that it has been difficult to establish non-custodial sanctions, service providers feel overwhelmed. Many of the programs being provided for offenders are informal "free" programs. Resources seem very limited. Some volunteers report their programs are "jammed up" and overused to the point where they feel they have to limit the numbers of offenders who can be admitted to them.

Other government sponsored mental health, public health, alcohol and drug program observers complained that when any new program is initiated it is soon overwhelmed by referrals. This suggests difficulty in establishing and living with priorities and limits, especially where the total resource is limited.

6. Sense That Offenders Are "Our" People and Want Them to Change.

The people who were interviewed and members of the public who attended the community meeting expressed strong sentiment that people at the House of Correction were "our" people – our sons, daughters, and fathers, not outsiders. They truly want offenders to emerge from the HOC or any other sanction as better citizens – more willing and more capable of lawful behavior.

The community believes in reaching into the jail with community services as opposed to cutting the inmates off from services. Approximately 100 volunteers have access to the jail. Many programs and services take place there, despite the limited space to accommodate them. This is a characteristic of a community jail as opposed to a place of banishment. It gives expression to important community values about inmates.

In contrast, while programs reach into the jail, services that help an inmate make the transition back into the community are weak. Inmates are routinely simply discharged from the HOC with no transportation or linkage to after care services.

7. Desire for a Higher Level of Justice Services

Many of the people who were interviewed complained about justice system resource constraints. They were unhappy that more sanctions and more services were not available.

Probation services provides a good example. Almost everyone talked about the need to strengthen probation. But, with a little probing, some interpreted the need to strengthen probation as a need for increased levels of supervision; others talked in terms of the need for additional services. This important divergence of views plays out as tension between supporters for additional sanctions and supporters for additional services and, logically, on how much money should be allocated to each purpose.

Many of the people who were interviewed said: "The people who are in jail belong there." Others disagreed and said many could be safely programmed in a community setting. These views conflict. Better information about who is in

jail, how long they stay there, how their cases are disposed of, and so forth, should bring supporters of these two views into closer alignment.

Similarly, a review of who is being supervised in the community may be helpful. For example, few people realize that only 13% of the adults under local correctional supervision on any given day are in jail. The rest are being supervised by Probation and Parole in the community.

The data that compares Cheshire County to the other nine counties in New Hampshire shows that Cheshire County has less crime than the nine county average, but justice system processing rates that already are at, and in some cases, well above the average of these other counties.

8. Tension Between Increased Levels of Justice Services and Fiscal Conservatism.

It will take money to implement additional custodial and non-custodial services and sanctions. Expanding the House of Correction, or building a new one, represents a substantial financial commitment. Operating a new or expanded House of Corrections will also require on-going increases in staffing and operating costs.

A long-standing fiscal conservatism in Cheshire County will be at odds with supporters for added sanctions or added services, whether they be custodial or non-custodial in nature.

The NIC Consultants believe there are no “no cost” options at this point. Inaction is not an option. But fiscal conservatism may create a stalemate. The danger is that this could eventually lead to litigation.

The task will be to fashion acceptable options and coalitions to support them. For example, jail bed space represents the most expensive corrections options; community based sanctioning options are usually less expensive. This may allow proponents to expand the range of sanctions but do so in a way that minimizes costs.

Another example speaks to the current stalemate between State and County government over who should pay for additional correctional services and sanctions. An unwillingness to strengthen probation services may increase the population at the HOC. With the HOC at capacity, the trade off may be to either invest in improved probation supervision and services, or add additional jail bed space. The County will be paying the bill in either case. Adding bed space is the more expensive option.

Cheshire County maintains that Probation and Parole, as State functions, should be funded by the State. Yet, the County desires an increased level of supervision and services for probationers. This simply is not going to happen unless Cheshire County allocates money for this purpose. Thus, some meeting of common interests must be fashioned or current conditions will not change.

9. Problems with Justice System Planning and Coordination

Separate justice agencies, operating at different levels and different branches of government have difficulty communicating, cooperating and coordinating with one another. There is a sense that the justice system workload simply seeks its own level – that workload growth is not being managed, that there is no way to set priorities. Improving the administration of the justice system that operates within Cheshire County represents a complex intergovernmental challenge.

Cheshire County has a complicated governmental structure. The County Delegation, County Commissioners and the County Administrator have taken the lead. There is a jail study committee and an intermediate sanctions committee. The “Seattle Group” visited the State of Washington. But others also need to be involved. The system of justice involves city, county and state levels of government, and independently elected and appointed officials of agencies who administer the justice system. There is a need to create a mechanism that will harness the talent and resources of these independent parties.

10. Little Data to Support Justice Planning and Coordination

Action should be based upon knowledge. Cheshire County does not have the data it needs to inform planning and action at the seven key justice system decision points. It is difficult to develop an empirically based overview of how the justice system operates. Separate computer systems do not talk with one another. Information often needs to be collected manually, or surveys must be sent out to agencies asking for information. It was difficult to get even basic information together to create the Comparative Analysis that was developed in support of this NIC visit. The latest UCR information on county wide crime and adult arrests in New Hampshire is 1996.

Developing improved justice system information systems will be a gradual process and will take a long time. In the meantime, Cheshire County must make best use of the information it is already collecting. The analytical skills and tools to mine this information are not present.

The jail information system provides an example. Cheshire County has installed a new and more useful jail management information system. The staff at the jail attempted to produce reports in advance of the NIC visit and they found it an awkward system to use. The data that is needed appears to be in the system but it is difficult to get it out in a useable form.

The NIC consultants had a difficult time really establishing a picture of who is in jail and how the jail is being used. There is lots of data, but too little information. Much more needs to be done to convert the data in this system into information that can support planning and analysis. This will produce a much better picture of who is in jail and how the jail bed space days are being used.

Developing the ability to illustrate how the level of jail population has changed, and tracing these changes to changes in the number of admissions and/or lengths of stay of specific subpopulations in the jail will be critical to the planning process. This capability does not exist at this time but the data that is needed appears to be in the computer.

Until system wide data are collected, analyzed and understood, Cheshire County will not really be able to understand the nature of its justice problems, nor select appropriate courses of action to manage these challenges. Without this information there is the danger that the community will continue to feel "stuck". It will not have the knowledge needed to make decisions that will allow it to move forward.

11. Lack of Resources for Juveniles.

Though the NIC visit was focused on the needs of the criminal justice system, the needs of juveniles were mentioned often. A large number of people who were interviewed talked about the need for a facility to detain juveniles. This had a higher priority for some than a new or expanded facility for adults. This served to remind the NIC consultants that there is a long list of needs in Cheshire County, and limited resources with which to address these needs. Finding better, more efficient ways to establish priorities seems especially important in this situation.

Recommendations

1. Formally Adopt a Correctional Policy

Early in the community meeting the NIC consultants led an exercise called: "What is the Jail For?" The participants were asked to identify these purposes and they were placed on newsprint and taped to the wall of the meeting room. Many of the expectations that are listed simply cannot be accomplished by the present HOC. In addition, the list displays a lack of consensus. The interviews also reflected a range of purposes about what the HOC is to accomplish.

At a broader level, there is ambivalence about the structuring and purposes of the whole system of sanctions, which would include the House of Correction, prison, and probation. These are signs of the need for a normative dialogue about mission and purposes, not just for the HOC but also for the whole sanctioning apparatus.

Correctional philosophy will eventually determine direction. Normative planning will help reconcile the tension that exists between justice conservatism and fiscal conservatism; between those who want to punish more and those who want to provide more treatment; between those who want a bigger House of Correction and those who want more "alternative" programs; between those who want to return to the good old days, and those who want to do some pioneering.

It will redefine the purposes of the sanctioning system and thereby serve as the wellspring for correctional programs and correctional architecture. It will assure that architectural form follows program function. It will help the community make sure that implementation is squarely and rationally focused on achieving defined public safety objectives and expectations.

Once some form of agreement is reached, it will be much easier to select, design, create and apply a continuum of sanctioning programs.

A very basic outline of an example may help illustrate what might be created in Cheshire County. The illustration attempts to bring together the interests of supporters of both sanctions and services.

Example Continuum of Sanctions and Services

	No Services	Drug Treatment	Alcohol Treatment	Education	Vocational Training	Etc.
Prison						
House of Correction.						
Residential						
Electronic Monitoring						
Day Reporting						
Probation Supervision						

This example envisions a continuum of sanctions that has maximum security in prison as the most restrictive custodial option and low level supervision on probation as the least restrictive non-custodial option.

A non-secure residential option; e.g., a converted motel, or a group home setting, would provide an intermediate sanction for people who do not need secure custody and need to be located where they can take advantage of programs that are in the community.

A day reporting center; for example, a store front, would serve as an assembly point for offenders who would come to the day reporting center early in the morning with a prepared agenda for the day (school, work, drug treatment, etc.). The staff would check to make sure they are where they are supposed to be. Thus, the day reporting center would provide more structure than typical probation supervision, but less structure than residential placement.

Services would be provided to people in each of these sanctions. The cells of the matrix can be used to illustrate intentions. For example, the cells of the table could be filled with an estimate of the anticipated number of offenders under supervision on any given day. It could represent the treatment slots available or required; or, the cells could be filled with dollars to be allocated to provide these services.

It could also be used as an exercise to capture preferences. For example, participants in the exercise would be asked to place a percentage in each cell. The percentage might be the percent of total additional dollars the participant is willing to allocate to the sanctioning/services system.

Additional information will be required before a matrix like this can be adopted. This will be an iterative, continuous process. That process will make use of data and analyses to formulate and clarify policy choices that improve public protection and management of the workload within resource limits. The first time through it may produce a very rough picture. But, as the process is repeated, the rough picture will become more refined. The very process of adopting a correctional policy will help make sure that action is based on knowledge.

Ideally (eventually), data needs to be collected at the seven key justice system decision points. The data needs to be analyzed, discussed, and assessed. Once problems are clearly defined, alternative strategies and programs can be posed. Next, preferred alternatives will emerge. These can be tested against the new, more thorough understanding of the problem, and against the goals and objectives that have been agreed upon. This should produce more consensus. And, it should engender support for implementation and funding.

When a new or expanded House of Correction is built, decisions about its architecture, the staff who work there, the arrestees who are placed there, the services that are provided, its relationship to other sanctions - these will all be empirical expressions of the Cheshire county corrections philosophy.

2. Determine and Understand How the House of Corrections is Being Used.

Cheshire County needs to conduct a continuous analysis of the demand for bed space at the HOC and aggressively share the results with the public, justice officials and officials of general government who have an interest in the justice system.

Existing data from the current jail information system needs to be assembled in a way that explains increases and decreases in the number of people who are confined at the House of Correction. Changes in occupancy rates can be traced to changes in the admission rates and/or lengths of stay of various subpopulations in the HOC. In turn, these changes reflect changes in policy and practice of the agencies that admit and release people from the jail. The analysis needs to clearly show how these changes in policy and practice are impacting the demand for bed space at the HOC. This information should be widely circulated, studied and discussed.

It may be necessary to hire an analyst to perform this work. The local college may also be able to provide some assistance.

3. Cap the Jail.

Cheshire County needs to set limits on the number of people who can be housed in the House of Correction. This will help the County gain control of the crowding at the HOC. It will represent a commitment to manage the justice workload within resource limits. It will help avoid litigation based on conditions of confinement that result from crowding. A jail "cap" will reinforce the understanding that the bed space at the HOC is a finite correctional resource. It will convert "the jail problem" to system wide ownership. It will produce a controlled "crisis" that will bring the major users of the jail to the table to participate in a discussion of how the existing bed space can best be used to maximize public safety.

The maximum number of persons to be housed at the House of Corrections should be determined by application of the new objective inmate custody classification system. At some level of crowding the staff at the HOC will be forced to violate the classification system. This should not be permitted. It should signal that the facility is at its maximum capacity.

The NIC consultants suggest an early warning system be developed that will notify users of the House of Correction when occupancy is nearing this capacity. This will allow the users to sit down together and sort through the jail population to determine who can best be released to other options.

4. Establish a Criminal Justice Coordination Group.

The community needs a mechanism that will foster improved communication, cooperation and coordination through out the justice system. In the past, the community and the system was small enough that this could be accomplished by less formal personal relationships. Today, the system is more complicated. It is a balkanized, intergovernmental justice system composed of individuals and agencies, acting without a view of the whole. There is no intention here to limit the powers or prerogatives of any branch of government, level of government, or elected or appointed office. The need is simply to gather a small group of key officials together around a round table and task them with responsibility for improving system-wide communication, cooperation and coordination-- and for looking at the justice system as a whole.

The core group should be made up of the Sheriff, the Prosecutor, a Defender, the County Administrator, a County Commissioner, a District Court Judge, a Superior Court Judge, the Superintendent of the House of Correction, the Chief of Probation and Parole, a representative of the State Patrol, the Police Chief of the City of Keene, the Mayor or City Manager from Keene, and a Police Chief representing all the police chiefs in the county. Additional members might be added to represent key service providers. One or two community "statesman" might also be included. This group should operate at a policy level, not get bogged down in operational concerns. It should only be concerned with subject matter that traverses two or more justice agencies.

The Justice System Coordination Group should initiate and preside over the collection of data at the seven key justice system decision points, then review and, to the extent that consensus can be achieved, act on that information. Review of this report would be a good starting place.

The Justice System Coordination Group should be responsible for developing a system of graduated sanctions and services, including custodial and non-custodial options.

5. Determine Ability and Willingness to Pay

The thrust of this recommendation is to urge Cheshire County to make a commitment and take affirmative action.

The sanctioning system operating within Cheshire County is bumping up against capacity limits. This is most obvious at the House of Corrections, which is chronically and, often, severely crowded. But probation caseloads are also very large and many of the people who were interviewed were concerned that supervision was too limited and appropriate services were not available.

While Cheshire County appears to have a low crime rate, justice system processing rates are at or above the average rates of the other nine counties in the State. There appears to be strong interest in expanding both sanctions and services. The NIC consultants have interpreted this as a demand for an increased level of justice services in Cheshire County.

Given current justice system policies, the NIC consultants believe the justice system workload will continue to expand. The projections that were prepared by Pulitzer/Bogard and Associates indicate a potential future workload so large that the County is unwilling, and probably unable, to finance a HOC expansion that might be required.

The NIC consultants believe that some additional expenditures will be required even if workload growth could be substantially reduced. There are no zero cost options. Inaction is not an option.

Cheshire County has fewer resources per capita than the average of the other nine counties in the State but has a total budget that represents a plan to spend money at about the state average. This means it is harder for Cheshire County to finance county operations. This may make it more difficult to commit additional resources to the justice system.

In terms of expenditures for corrections, Cheshire County spends \$23.75 per capita, an amount that is 13.1% less than the nine county average expenditure of \$27.34 for corrections per capita. To put this in perspective, if Cheshire County spent another \$264,957 on corrections, the Cheshire County per capita rate of expenditure would exactly match the average of the other nine counties in the State. Operating an expanded HOC or operating a new HOC, and/or creating new sanctions and services will most certainly bring Cheshire County closer to the nine county average, and perhaps far above it.

One way of looking at the current situation would be to take the position that postponing expansion or construction of a new House of Correction has been saving about \$264,957 per year. Because the HOC is at its capacity limit, the time has come to invest this money in new sanctions and services, so as to spend at about the same level as the nine county average. The question then becomes, what is the best expenditure for the \$264,957; and, is Cheshire County prepared to spend more than this to achieve an increased level of justice services? If so, how much more?
Conclusion

Some years from today, the NIC consultants believe Cheshire County will look back and recognize one of the following scenarios:

1. Justice policies could remain pretty much as they are and the justice system workload could continue to increase. Efforts to more clearly define and describe the situation might be unsuccessful. Fiscally conservative sentiment might be so strong that the County is unable to fund additional correctional capacity. The House of Correction becomes more and more crowded. The sanctioning system continues to deteriorate. This is most apparent at the House of Correction because crowding is so much more obvious there. Eventually, operations at the HOC will fall below reasonable standards. A lawsuit citing conditions of confinement will follow.
2. Existing justice system policies continue. Cheshire County develops additional correctional capacity - either additional jail space or additional sanctioning options or, more likely, both. This course of action would require a lot of money and, once accomplished, the system may once again quickly bump up against its new capacity limits;
3. Cheshire County will do the right thing. It will begin to manage the justice system workload instead of letting the workload seek its own level. The County will offer financial incentives and disincentives to make this system-wide approach work. This will require inter-agency and inter- governmental cooperation and consensus building. Data will be collected. Policies will be examined.

An ideal to shoot for: In the short term, the HOC will produce a clear description of how the HOC bed space is being used. This analysis will explain why the HOC population has increased or decreased. This information will be shared with the community and users of the facility. They will participate in managing the number of individuals at the HOC and at each key sanctioning and service program. The system of sanctions will be collaboratively managed so as to provide the best public protection available for the resources that are available.

Concurrently, Cheshire County will assemble a blue ribbon, inter-agency and inter-governmental criminal justice coordination group (CJCG) and charge it with the longer term mission of improving justice system communication, cooperation and coordination. The CJCG will promulgate new, more effective ways to manage the justice system workload. It will examine decision making at the seven key justice system decision points. It will examine justice policies. Where possible, and by consensus, it will revise justice policies and programs so as to maximize public protection within reasonable resource limits. The CJCG will promote a normative dialogue that will gradually lead to a Cheshire correctional philosophy that will enjoy broad public support. New programs or revised programs will be rooted in the correctional philosophy that has been adopted. These programs will be carefully designed to accomplish the goals and objectives contained in the statement of correctional philosophy.

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Appendices

- A. What is the Jail For? - Listing of Participant Responses
- B. The Jail and the Justice System
- C. Comparative Analysis of County Level Crime and Justice Workload
- D. Menu of Options to Secure Confinement

Appendix A: What is the Jail For?

Listing of Participant Responses

1. Keep dangerous people off the street.
2. Safely house people in one place and available for trial.
3. Behavioral improvement.
4. Deterrence.
5. Honor the order of the court.
6. Punishment – As a consequence of their actions.
7. Keep people who cause trouble off the street (out of sight, out of mind).
8. Provide a safe environment for inmates.
9. Provide personal growth – educational institution.
10. Serve a rehabilitative purpose.
11. Tied to the community for after care – integrated approach.
12. Protective custody.
13. Alcohol and drug treatment.
14. Restitution to the victim.
15. Provide medical care.
16. For persons 17 years and older.

Appendix B: The Jail and the Justice System

Understanding the Dynamics of Jail Crowding

This Appendix to the report duplicates material that was delivered during the community meeting. The purpose of this section is to provide the reader with the conceptual tools to better understand the forces that determine the size of the jail population and how they might be better managed. The approach relies heavily on analyzing information that is, or could be, routinely collected at the jail. These concepts are then extended to the justice system as a whole. This material provides the road map for helping justice officials increasingly manage the workload.

The number of people in the jail is a function of the rate at which they arrive at the jail (the booking rate) and their length of stay. There are three ways to solve a jail crowding problem: 1) decrease admissions; 2) decrease the length of prisoner stay; or 3) add jail bed space. A water barrel illustration was used to illustrate these concepts during the community meeting.

This way of modeling the situation makes note of the fact that fluctuations in the number of people in jail depends, in part, upon the policies of justice officials. Differences in decision making practices -- the results of policy choices -- have a great deal to do with the changes in jail population levels.

The jail staff has little influence over who arrives at the jail or their length of stay. To manage the population levels of the jail administrator must influence the behavior of other justice officials; for example, law enforcement officers who are responsible for most of the bookings into jail, or judges who set bail and dispose of cases in courts. Public Defenders and Prosecutors also have impacts. Their behavior has some effect on the pace of the adjudication. So,

to solve a crowding problem, the jail administrator must literally go outside the problem and influence a wide range of justice system decision makers.

And, how can the decision making behavior of these independent agencies be changed? By providing them with feedback about their decision making, and showing them how changes in jail population levels that can be traced back to changes in their decision making behavior. This feedback needs to be neutral and non-judgmental; it need merely demonstrate that changes in policies have workload and cost consequences.

Many people instinctively assume the size of the jail population is totally the result of one factor: the behavior of the criminal population. The idea that policy changes (policy choices) may also play a part requires a shift in thinking. This change in thinking can change the fatalistic attitude that "nothing can be done" which is associated with the belief that the behavior of the criminal population is the sole determinant of the number of people in jail. Policies can be changed. We have control over them. Recognition that we can better manage the justice system through policy change should be especially good news to those who are pessimistic about the ability of offenders to change their behavior. Thus, incorporating this approach leads to a more optimistic, more hopeful outlook. It begins to put us in control of the situation.

Too little data exists to really paint a picture of how the County jail is being used, but a couple of simple examples should illustrate the kind of analyses that will be possible once the right kind of information is collected and analyzed. Note much of this information is already being entered into the jail information system. The task is to convert this data into more useful information.

More detailed information about the nature of the jail population would permit a more precise description of changes in the number of bookings and length of stay of specific sub-populations at the jail. This kind of detail can provide powerful documentation about changes in the way the jail is being used.

An example will illustrate this point. The capacity of the jail is 84 prisoners. Multiply the capacity of 84 inmates by 365 days and you get the total number of person days of detention that were provided to the community. It totals 30,660 days. This is the resource. The analysis part is to detail how those days were actually used. How many days were devoted to what types of prisoners? Does this "picture" of jail space utilization represent the "best" use of the scarce, expensive jail day resource? Is there a mix that would provide improved public protection? These are the questions that should be discussed once this portrait of jail use has been constructed.

Extending These Dynamics to the Justice System

Now, extend these ideas to the justice system. The workload and cost of the justice system are essentially determined at seven key justice system decision points. These are:

1. The decision to arrest;
2. The decision to detain in a pretrial facility;
3. The decision to release a person from a pretrial facility;
4. The decision to prosecute (filing);
5. The adjudication;
6. The sentencing decision;
7. The decision to modify the sentence.

Examples of the discretion and variation among agencies at each of these decision points were discussed at the community meeting. The NIC consultants demonstrated, for example, that different police agencies have differing arrest policies; that they take people to detention at differing rates; that prosecutor offices can be classified into different "types" depending upon their prosecution policies; that sentencing decisions vary among judges depending

upon the sanctioning resources that are available, and the faith each judge has in the effectiveness of these sentencing options. These differences produce differing workloads in different county level justice systems.

A diagram was used to show how these decision points could be linked together to form the beginnings of a flow diagram of the justice system. Each diamond, or decision point, in the diagram is like the water barrel. The workload is being determined by the rate at which cases and people arrive at the decision point and the length of time it takes to process them.

The NIC consultants applied these concepts to Cheshire County. They presented information that illustrated Cheshire County indicators and measures at the seven key justice system decision points. These were compared to nine other New Hampshire counties.

Appendix C **Comparative Analysis of County Level Crime and Justice Workload Measures and Indicators in New Hampshire**

Diagnostic Worksheets prepared in support of a Local Justice System Assessment in
Cheshire County, New Hampshire
August 2001

Note: This is a draft document, developed in advance of a technical assistance visit requested by Cheshire County and provided by the National Institute of Corrections. The data presented herein has been collected from a variety of State and County agencies. Data sources are listed on the last page.

NIC Consultant Bob Cushman contacted local and State officials and prepared the data that is contained in this Appendix.

The purpose of the exercise was to develop a context and a benchmark against which Cheshire County justice workload measures and indicators could be compared. There is no intent to say these comparisons are good or bad. The point is to establish reference points. This will provide Cheshire County with some perspective on justice system operations. The data was prepared in advance of the NIC consultant visit.

Cautions: The data in the Appendix is intended to provide an example. It is a draft. Some tables show missing values and therefore, are incomplete. The data is subject to revision.

The columns labeled "rate" shows rates per 10,000 population. The population estimate that was used is the year 2000 Bureau of the Census figure. Two cautions should be noted here. First, while the total number of persons within Cheshire County only increased by 5.2% from 1990 to 2000, the *composition* of that population may have shifted, in terms of age, ethnicity, income, etc. Crime is a young man's game. Therefore, changes in the composition of the population could change expected crime, arrest and processing rates.

Secondly, rates based on County population figures do not account for additional population that may be in some of the counties as a result of seasonal increases in transient, non-resident populations. As a result, the actual number of people at risk could be much larger than the census population count indicates. Calculations of crime and arrest rates per 10,000 population do not adjust for this possibility.

Similarly, some of the people who were interviewed noted that the student population adds several thousand people to the population base in Cheshire County. This, too, could affect the calculations of rates of crime and arrests that are based on the Census Bureau's estimated population for the County. It would understate the actual number of persons at risk.

These concerns can best be addressed by looking at the data. This will determine whether people who are arrested and processed through the local justice system are mostly local people, and to what extent "outsiders" contribute to the justice system workload.

The Comparative Analysis: A Diagnostic Worksheet

This section of the NIC report summarizes a presentation that was made at the community meeting on Wednesday, August 8, 2001. This presentation walked the participants through data that empirically describe the justice system workload in Cheshire County. The data is organized according to the seven key justice system decision points.

Usually, a comparative analysis would use two reference points: 1) Comparisons of Cheshire County with other New Hampshire counties, and 2) Cheshire County trends. This comparative analysis is focused on the first of these reference points. No trend information was developed for the comparative analysis. Developing this information remains a task to be completed by Cheshire County officials.

The following tables present information about a number of County crime and justice indicators and measures which compare Cheshire County with the other nine New Hampshire counties and with a composite average made up of rates per 10,000 for these nine counties. The purpose of this comparison is to provide a context for the County scores. The nine county average also serves as a bench mark against which County can be compared.

Crime

Discussion of crime must begin with an analysis of the *crime rate*, that is, the number of crimes that are reported to law enforcement expressed as a rate per 10,000 county residents.

The Cheshire County population only increased by 5.2% during the 1990's. For purposes of the current analysis, a constant number of people in the population during the 1990s means any increase in crime or arrest rates per 10,000 population cannot be explained by population growth. It either means the population has become less well behaved, or the justice system is responding to law violations differently than in the past. The State Office of Planning and Management reports that New Hampshire ranks last in the 50 states, in terms of the statewide crime rate.

Unfortunately, current information about the number of crimes reported to law enforcement in Cheshire County proved difficult to develop. While each individual law enforcement agency continues to report crimes and arrests to the State Police Uniform Crime Reporting Unit, and then on to the FBI, the State has not developed a county-by-county count of reported crime since 1996. This finding, alone, indicates that criminal justice planning in New Hampshire is not grounded in an empirical examination of the crime problem in each County.

We also know that the statewide crime rate has been declining in New Hampshire and in most other states since 1996. We do not have the data to know it for a fact, but we assume Crime in Cheshire County is less severe now than it was when the 1996 data was developed.

The available (1996) data shows the number of reported crimes per 10,000 population in Cheshire County was 16.6% lower than the nine county average. Three New Hampshire Counties had lower crime rates; crime was worse in the other six New Hampshire counties.

Offense Detail

Table 1 also shows that the Cheshire County crime problem is dominated by property crime, not person crime. Most --72.1% of the reported crimes were property crimes. Still, the property crime rate is -- 20% less than the nine county average (table 1, column 7).

It follows that rational crime reduction strategies and programs would concentrate on these crimes and target offenders involved in these activities

Table 1: CRIME

Population	Crimes Reported 1996	Crimes Reported 1996	Crimes Reported 1996	Crimes Reported 1996	Crimes Reported Simple	Crimes Reported Simple	Crimes Reported Four	Crimes Reported Four
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County	2000 N	Total N	Total rate	Property N	Property rate	Assault N	Assault rate	Violent N	Violent rate
1 Coos	33,111	591	178.5	403	121.7	158	47.7	30	9.1
2 Sullivan	40,458	1,274	314.9	930	229.9	288	71.2	56	13.8
3 Carroll	43,666	1,282	293.6	992	227.2	252	57.7	38	8.7
4 Belknap	56,325	1,044	185.4	830	147.4	196	34.8	18	3.2
6 Grafton	81,743	2,681	328.0	2,149	262.9	473	57.9	59	7.2
7 Strafford	112,233	4,265	380.0	3,356	299.0	782	69.7	127	11.3
8 Merrimack	136,225	3,489	256.1	2,566	188.4	819	60.1	104	7.6
9 Rockingham	277,359	5,438	196.1	3,927	141.6	1,296	46.7	215	7.8
10 Hillsborough	380,841	14,174	372.2	10,072	264.5	3,668	96.3	434	11.4
11									
129 counties	1,235,786		278.3		209.2		60.2		8.9
13									
14 Cheshire	73,825	1,713	232.0	1,235	167.3	401	54.3	77	10.4
15									
Cheshire vs. 9 County									
16 ave.			-16.6%		-20.0%		-9.8%		17.2%

100.0%	72.1%	23.4%	4.5%
Total	Property	Simple Assault	4 violent

Adult Arrests

Table 2 presents the number of adult arrests reported to the UCR Unit of the State Police, and to the FBI, for each county in New Hampshire in 1996. This is the latest county level adult arrest data that is available.

Column 4 of the table shows that the Cheshire County adult arrest rate is 54.8% higher than the average adult arrest rate of the other nine counties. This is a substantial difference, given a crime rate that is lower than the nine county average.

Normally, any analysis of adult arrests begins with an examination of the most serious arrests (felony level arrests), followed by an examination of adult misdemeanor arrests for less serious offenses. These data would reveal whether the adult arrest rate in each county is being driven by felony level or misdemeanor level arrests. These data were not available for review so no conclusions can be made at this time. Developing numbers for the missing values in the table would help inform a clearer understanding of the nature of crime and adult arrests in Cheshire County.

Table 2: Adult Arrests

1	2	3	4	5	6
County	Population 2000 N	Total Adult Arrests 1996 N	Total Adult Arrests 1996 rate	Adult Felony Arrests N	Adult Misdemeanor Arrests N
Coos	33,111	506	152.8	?	?
Sullivan	40,458	895	221.2	?	?
Carroll	43,666	829	189.9	?	?
Belknap	56,325	676	120.0	?	?
Grafton	81,743	1,928	235.9	?	?
Strafford	112,233	2,905	258.8	?	?

Merrimack	136,225	2,930	215.1	?	?
Rockingham	277,359	5,180	186.8	?	?
Hillsborough	380,841	9,833	258.2	?	?
9 counties	1,235,786		204.3	?	?
Cheshire	73,825	2,335	316.3	?	?
Cheshire vs. 9 County ave.				54.8%	?

Arrests, by Nature of Offense

Table 3 displays the number and percent of adult arrests in the year 1996 by the nature of the offense. Table 4 lists the arrest categories from most frequent to least frequent.

Table 3: Cheshire County Adult Arrests, 1996

Arrest Offense	Number	Percent
Murder & non negligent manslaughter	1	0.0%
Manslaughter by negligence	1	0.0%
Forcible Rape	3	0.1%
Robbery	5	0.2%
Aggravated assault	16	0.7%
Burglary; breaking and entering	25	1.1%
Larceny; theft (except auto)	131	5.6%
Motor Vehicle Theft	1	0.0%
UCR Serious Crimes Subtotal	183	7.8%
Other assaults	199	8.5%
Arson	4	0.2%
Forgery and Counterfeiting	12	0.5%
Fraud	66	2.8%
Stolen property (buying receiving, possessing, etc.)	16	0.7%
Vandalism	28	1.2%
Weapons (carrying, possessing, etc.)	13	0.6%
Prostitution & commercial vice	1	0.0%
Other sex offenses (except forcible rape and prostitution)	18	0.8%
Sales/manufacture of opium, cocaine & derivatives	2	0.1%
Sales/manufacture of Marijuana	14	0.6%
Sales/Manufacture of dangerous non-narcotic drugs	2	0.1%
Subtotal sales/Manufacture of drugs	18	0.8%
Possession of Opium, cocaine & derivatives	6	0.3%
Possession of Marijuana	169	7.2%
Possession of synthetic narcotics	1	0.0%
Possession of dangerous non-narcotic drugs	2	0.1%
Sub total Possession of drugs	178	7.6%
Sub total drug offenses	196	8.4%
Offenses against family and children	16	0.7%
Driving under the influence	415	17.8%
Liquor laws	363	15.5%
Drunkennness	10	0.4%

Disorderly conduct	60	2.6%
Vagrancy	14	0.6%
All Other offenses (except traffic)	721	30.9%
Grand total	2335	100.0%

It is significant that the list is headed by "All other offenses, except traffic". These are usually mostly less serious offenses. Other categories with over 100 adult arrests involve some form of substance abuse.

Table 4: Cheshire County Adult Arrests, 1996

Adult Arrest Offense	Number	Percent
All Other offenses (except traffic)	721	30.9%
Driving under the influence	415	17.8%
Liquor laws	363	15.5%
Other assaults	199	8.5%
Sub total drug offenses	196	8.4%
UCR Serious Crimes Subtotal	183	7.8%
Sub total Possession of drugs	178	7.6%
Possession of Marijuana	169	7.2%
Larceny; theft (except auto)	131	5.6%
Fraud	66	2.8%
Disorderly conduct	60	2.6%
Vandalism	28	1.2%
Burglary; breaking and entering	25	1.1%
Other sex offenses (except forcible rape and prostitution)	18	0.8%
Subtotal sales/Manufacture of drugs	18	0.8%
Aggravated assault	16	0.7%
Stolen property (buying receiving, possessing, etc.)	16	0.7%
Offenses against family and children	16	0.7%
Sales/manufacture of Marijuana	14	0.6%
Vagrancy	14	0.6%
Weapons (carrying, possessing, etc.)	13	0.6%
Forgery and Counterfeiting	12	0.5%
Drunkenness	10	0.4%
Possession of Opium, cocaine & derivatives	6	0.3%
Robbery	5	0.2%
Arson	4	0.2%
Forcible Rape	3	0.1%
Sales/manufacture of opium, cocaine & derivatives	2	0.1%
Sales/Manufacture of dangerous non-narcotic drugs	2	0.1%
Possession of dangerous non-narcotic drugs	2	0.1%
Murder & nonnegligent manslaughter	1	0.0%
Manslaughter by negligence	1	0.0%
Motor Vehicle Theft	1	0.0%
Prostitution & commercial vice	1	0.0%
Possession of synthetic narcotics	1	0.0%
Grand total	2335	100.0%

Filings and Dispositions in Superior Court

Columns 2 and 3 of table 5 show the number of filings and dispositions for the Superior Courts in each county. The filings/disposition ratio appears in column 4. Bringing the ratio between filings and dispositions closer to 100% will likely be a remedy to any jail crowding which may exist in these counties.

Table 5 shows that the Superior Court filings and dispositions are in balance in Cheshire County; that is, about as many cases were disposed of in 2000 as were filed.

Table 5: Filings and Dispositions in Superior Court, 2000

1	2	3	4	5	6
	Superior Court Criminal Filings 2000	Superior Court Criminal Dispositions	Percent Dispositions	Percent of Filings Misdemeanors	Superior Court Criminal Filings rate
County	N	N	%	%	rate
Coos	160	138	86 %	25%	48.3
Sullivan	265	296	117 %	19%	65.5
Carroll	303	328	108 %	26%	69.4
Belknap	310	317	102%	19%	55.0
Crafton	837	699	84%	28%	102.4
Strafford	933	841	90%	22%	83.1
Merrimack	1,241	1,453	117%	20%	91.1
Rockingham	2,445	2,425	99%	17%	88.2
Hillsborough	3,747	3,070	82%	22%	98.4
9 Counties			98%	21%	77.9
Cheshire	545	575	106%	32%	73.8
Cheshire vs. 9 County Average			8.2%	52%	-5.3%

The Administrative Office of the Courts also provided data to calculate the percentage of criminal filings that were misdemeanors. (See column 5) These data show the Cheshire County percentage of Superior Court filings that are misdemeanors is 52% above the average of the other nine counties in New Hampshire.

Finally, table 5 shows that the Superior Court criminal filings rate is slightly lower (-5.3%) than the average for the other nine counties in New Hampshire. (Column 6)

Filings in District Courts

Table 6 presents the number of filings in District Courts in New Hampshire. The Cheshire County District Court filing rate is slightly higher (5.8%) than the average rate of the other nine New Hampshire counties. One might expect a much higher rate in Cheshire County (given Cheshire County's much higher adult arrest rate. See table 2). It raises the question: If these arrests are not resulting in court filings, how are the adult arrests being disposed of?

Note the number of filings in the District Court operating in Cheshire County (8,174) dwarfs the number of Superior Court filings (545 – see Table 5). These are high volume, busy courts. Their dispositions have a substantial impact on the rest of the justice system.

The New Hampshire Administrative Office of the Courts is capable of developing additional detail. A cross county comparison of filings and dispositions, by case and offense type, would provide a much better understanding of the court workload in Cheshire County.

With respect to court filings, we see a Superior Court rate that is slightly below the average and a District Court rate that is slightly above the average. This suggests an emphasis on District Court, or less serious, matters compared to the rest of New Hampshire.

Table 6: District Court Filings, 2000

County	Population 2000 N	District Court Filings, 2000 N	District Court Filings, 2000 rate
Coos	33,111	3,740	1,129.5
Sullivan	40,458	3,541	875.0
Carroll	43,666	4,058	929.3
Belknap	56,325	N/A	N/A
Grafton	81,743	8,477	1,037.0
Strafford	112,233	11,524	1,026.9
Merrimack	136,225	16,417	1,205.1
Rockingham	277,359	31,283	1,127.9
Hillsborough	380,841	N/A	N/A
9 Counties	1,235,796		1,047.2
Cheshire	73,825	8,174	1,107.2
Cheshire vs. 7 County Average			5.8%

Use of Jail Bed Space

Data concerning the use of jail bed space had to be collected separately from each jurisdiction. It is presented in table 7. The data that was submitted was difficult to interpret and, therefore, the numbers in table 7 should be considered draft. Additional work may be needed to increase the accuracy of these numbers.

In terms of jail bed capacity, at 84 beds, Cheshire County has a jail bed capacity rate that is -15.1% lower than the average rate of the other nine New Hampshire counties. This means Cheshire County has fewer available jail beds than the average. If there were 100 jail beds, Cheshire County would be at the nine county average.

Columns 5 through 8 of table 7 provide various measures of the actual use of this jail bed capacity. By these measures, the Cheshire County average daily jail population, expressed as a rate per 10,000, is about at the average rate for the other nine counties in New Hampshire.

The Cheshire County admissions rate for Protective Custody cases is 52.3% above the average rate of the nine other New Hampshire counties. This is a sign that Cheshire County has different policies and practices than other New Hampshire counties. It also suggests that Cheshire County is allocating justice system resources to achieve order maintenance as opposed to crime control.

Table 7: Jails

Jail Jail Average Average Average Average Protective Protective

County	Population 2000 N	Bed Capacity 2001 N	Bed Capacity 2001 rate	Daily jail Population 3/28/01 N	Daily Jail Population 3/28/01 rate	Daily Jail Population 2000 N	Daily Jail Population 2000 rate	Custody Admission 2000 N	Custody Admissions 2000 rate
Coos	33,111	55	16.6	n/a	n/a	28.0	8.5	25	7.6
Sullivan	40,458	n/a	n/a	73	18.0	n/a	n/a	61	15.1
Carroll	43,666	30	6.9	n/a	n/a	n/a	n/a	318	72.8
Belknap	56,325	80	14.2	n/a	n/a	n/a	n/a	n/a	n/a
Grafton	81,743	108	13.2	78	9.5	70.7	8.6	149	18.2
Strafford	112,233	158	14.1	171	15.2	138.0	12.3	773	68.9
Merrimack	136,225	144	10.6	158	11.6	171.9	12.6	413	30.3
Rockingham	277,359	350	12.6	301	10.9	258.0	9.3	393	14.2
Hillsborough	380,841	725	19.0	410	10.8	556.0	14.6	103	2.7
9 counties	1,235,786	n/a	13.4		12.7		11.0		25.5
Cheshire	73,825	84	11.4	93.0	12.6	76.3	10.3	287	38.9
Cheshire vs 9 county avg			-15.1%		-0.6%		-5.9%		52.3%

Probation Supervision

People who are under correctional supervision can be supervised in prisons or jails, or in the community on supervised probation. Table 8 summarizes the number of people being supervised in the community as opposed to institutions.

A total of 517 adults were under probation supervision in Cheshire County on April 1, 2001 (See table 8, column 3) The Cheshire County adults on probation rate was slightly lower (-5.9%) than the average rate for the other nine New Hampshire counties (See table 8, column 4). The average caseload per probation officer was 39.3% higher than the average rate for the other nine New Hampshire counties (See table 8, column 5). The core of the cases being supervised are AHC, District and Superior Court probationers and parolees. The Cheshire County adults on probation rate for this group was -8.9% below the nine county average rate (See table 8, column 7). Collection and Bail Administration cases made up 42.7% of the total caseload. This percent is 7.1% above the nine county average (See table 8, column 9)

Table 8: Supervised in the Community

County	Total Supervised Community 4/1/01 N	Total Supervised in Community 4/1/01 Rate	Average Caseload per Officer 4/1/01 N	AHC,District Superior & Parolees 4/1/01 N	AHC,District Superior & Parolees 4/1/01 Rate	Collect Bail Admin 4/1/01 N	Collect Bail Admin % of Total %	Collect Bail Admin rate
Coos	211	63.7	70	175	52.9	36	17.1%	10.9
Sullivan	480	118.6	123	308	76.1	172	35.8%	42.5
Carroll	414	94.8	166	152	34.8	262	63.3%	60.0
Belknap	345	61.3	77	228	40.5	117	33.9%	20.8
Grafton	640	78.3	107	396	48.4	244	38.1%	29.8

	Level Intensive %	Level Max. %	Level Close %	Level Medium %	Level Minimum %	Severity Score N
1 Coos	1.1%	4.6%	38.3%	49.7%	6.3%	2.4
2 Sullivan	0.6%	5.5%	46.8%	29.9%	17.2%	2.4
3 Carroll	1.3%	11.2%	44.7%	31.6%	11.2%	2.6
4 Belknap	5.3%	7.0%	24.1%	51.3%	12.3%	2.4
6 Grafton	0.8%	6.3%	29.3%	58.6%	5.1%	2.4
7 Strafford	3.1%	13.2%	35.9%	38.3%	9.5%	2.6
8 Merrimack	6.1%	7.5%	43.0%	42.7%	0.6%	2.8
9 Rockingham	2.0%	11.8%	40.4%	40.7%	5.0%	2.4
10 Hillsborough	3.4%	14.1%	47.2%	29.1%	6.2%	2.8
11						
12 9 counties	2.6%	9.0%	38.9%	41.3%	8.1%	2.6
13						
14 Cheshire	1.7%	17.6%	46.6%	24.0%	10.1%	2.8
15						
Cheshire vs. 9 county avg.	-30.6%	94.5%	20.0%	-42.0%	24.5%	6.2%

Total Number of Adults Under Local Supervision

The total number of adults under local supervision includes those who are in jail as well as those who are on some form of community supervision. Table 11 combines two separate one-day counts. The Cheshire County rate of adults under supervision was 4.7% higher than the average rate of the nine other counties in New Hampshire (table 11, column 7). The percent of the total number of adults under supervision in jail was -12% lower in Cheshire County than the average rate of the nine other counties in New Hampshire.

Table 11: Adults Under Supervision

County	Supervised In Community N	In Jail N	Percent of Total in Jail %	Total Under Supervision N	Total Under Supervision rate
1 Coos	211	28	11.7%	239	72.2
2 Sullivan	480	n/a		n/a	
3 Carroll	414	n/a		n/a	
4 Belknap	345	n/a		n/a	
6 Grafton	640	71	9.9%	711	86.9
7 Strafford	884	138	13.5%	1022	91.1
8 Merrimack	985	172	14.9%	1157	84.9
9 Rockingham	1,345	258	16.1%	1603	57.8
10 Hillsborough	2,027	556	21.5%	2583	67.8
11					
12 9 counties	7,331		15%		76.8
13					
14 Cheshire	517	76	12.9%	593	80.4
15					
16 Cheshire vs. 9 County ave.			-12.0%		4.7%

Financial Information

The final two tables of the comparative analysis assess the Cheshire County ability and willingness to pay for correctional services. Table 12 shows the 1999 Equalized Valuations, which has been interpreted as a measure of the ability to finance government services. The table also presents the actual 1999 County budget, which has been interpreted as a willingness to commit funds for expenditure. The tables compare Cheshire County to the other nine counties, and a composite made up of the average of these other nine counties in New Hampshire.

Table 12: Ability/Willingness to Pay

County	Equalized Valuations 1999 N	Equalized Valuations 1999 Rate per capita	County Budget 1999 N	County Budget 1999 Rate per capita
Coos	\$ 1,707,864,247	\$ 51,579.97	\$ 17,801,050	\$ 537.62
Sullivan	\$ 2,128,985,968	\$ 52,622.13	\$ 15,548,614	\$ 384.31
Carroll	\$ 5,133,162,583	\$ 117,555.14	\$ 10,391,464	\$ 237.98
Belknap	\$ 4,210,423,842	\$ 74,752.31	\$ 15,404,200	\$ 273.49
Grafton	\$ 5,990,228,828	\$ 73,281.25	\$ 17,192,306	\$ 210.32
Strafford	\$ 4,861,486,637	\$ 43,316.02	\$ 25,263,339	\$ 225.10
Merrimack	\$ 7,242,110,993	\$ 53,162.86	\$ 31,949,991	\$ 234.54
Rockingham	\$ 20,718,942,528	\$ 74,700.81	\$ 46,923,356	\$ 169.18
Hillsborough	\$ 20,552,599,405	\$ 53,966.35	\$ 63,614,557	\$ 167.04
9 counties	n/a	\$ 66,104.09	n/a	\$ 271.06
Cheshire	\$ 3,608,664,114	\$ 48,881.33	\$ 20,480,376	\$ 277.42
Cheshire vs. 9 County ave.		-26.1%		2.3%

Table 13 shows the per capita voted appropriation in Cheshire County is about the same as the average per capita voted appropriation for the other nine counties in New Hampshire (table 13, column 3). Per capita expenditures for corrections in Cheshire County were -13.1% lower than the nine county average (table 13, column 5). Expenditures for Cheshire County Corrections amounted to 10.2% of the total voted appropriation, a percentage that is -21.6% lower than the average of the other nine counties.

Table 13: Ability/Willingness to Pay

County	Appropriation Voted 2001 N	Appropriation Voted 2001 per capita	Corrections Expenditures 2001 N	Corrections Expenditures 2001 per capita	Corrections as % of Total %
Coos	19,220,100	\$ 580.47	\$ 1,140,500	\$ 34.44	5.9%
Sullivan	17,894,707	\$ 442.30	\$ 1,486,353	\$ 36.74	8.3%
Carroll	11,118,877	\$ 254.63	\$ 720,502	\$ 16.50	6.5%
Belknap	17,232,928	\$ 305.96	\$ 1,821,331	\$ 32.34	10.6%
Grafton	19,439,201	\$ 237.81	\$ 1,970,874	\$ 24.11	10.1%
Strafford	25,962,214	\$ 231.32	\$ 3,189,993	\$ 28.42	12.3%
Merrimack	34,621,237	\$ 254.15	\$ 3,684,049	\$ 27.04	10.6%
Rockingham	47,554,964	\$ 171.46	\$ 4,853,961	\$ 17.50	10.2%
Hillsborough	63,537,296	\$ 166.83	\$ 11,031,339	\$ 28.97	17.4%

9 counties		\$ 293.88		\$ 27.34	10.2%
Cheshire	21,891,613	\$ 296.53	\$ 1,753,419	\$ 23.75	8.0%
Cheshire vs. 9 County ave.			0.9%	-13.1%	-21.6%

Notes and Sources:

Crime – Table 1

Source: Karen Lamb, UCR Reporting Unit, State of New Hampshire, Department of Safety. Division of State Police. Phone: 603-271-2575; 603-271-2509.

The UCR Unit reports that 1996 is the latest year that county level data crime and arrest data is available in New Hampshire.

Property Crime consists of Burglary, Larceny, Motor Vehicle Theft and Arson

Four violent person crimes consist of Homicide, Rape, Robbery and Aggravated Assault.

Arrests – Tables 2, 3 and 4

Source: Karen Lamb, UCR Reporting Unit, State of New Hampshire, Department of Safety. Division of State Police. Phone: 603-271-2575; 603-271-2509.

The UCR Unit reports that 1996 is the latest year that county level data crime and arrest data is available in New Hampshire.

Court Filings and Dispositions – Tables 5 and 6

Source: Gary Fowler, New Hampshire Administrative Office of the Courts, GFowler@courts.state.NH.US, 603-271-2521. Additional, more detailed data should soon be available from this source.

Jails Data – Table 7

Source: Linda Pauly, the DuPont Group, New Hampshire Association of Counties, 603-228-3322 x 103. Ms. Pauly gathered the data directly from the Superintendents of the County Jails. Robert Cushman was responsible for reformatting the data and calculating rates.

Supervised in the Community – Table 8

Supervised in the Community, by Level of Court - Table 9

Supervised in the Community, by Level of Supervision – Table 10

Source: Susan Bedard, Program Assistant II, Division of Field Services, New Hampshire Department of Corrections, 603-271-5652. The data was collected from the individual field offices in March or April of 2001.

Note: Example average severity score developed by assigning arbitrary weights to each level of supervision and then multiplying the weights times the number of people in each classification. The intensive supervision cases were assigned a weight of 5; the minimum level of supervision was assigned a weight of 1. These weightings are arbitrary and intended to only serve as an example of one way to express the average severity of cases under supervision.

Ability/Willingness to Pay - Equalized Valuations, 1999 – Table 12.

Source: Sheryl Trombly, Cheshire County Finance

Ability/Willingness to Pay - Appropriations Voted and Corrections Expenditures – Table 13

Source: Meg Baker, Municipal Auditor, Municipal Services Division, New Hampshire Department of Revenue Administration, 603-271-3397 603-355-3036. The data is taken from forms MS-42 and MS-45, which are submitted, to the State from each county.

Wrap Up

This comparative analysis was conducted to provide a context within which Cheshire County could review data that describes the crime problem in Cheshire County and the justice system response at the seven key justice system decision points. Cheshire County has been compared with six other New Hampshire counties that are just smaller and just larger in population. It was designed to serve as a beginning example, but it is incomplete. The NIC consultants point out where additional data could be collected and added to this analysis.

Action should be based on knowledge. A comparison with other counties, and a comparison of Cheshire County trends will provide empirical information necessary to inform the justice system planning process. It is an assessment that should be repeated at least once a year.

Appendix D: Menu of Options to Secure Confinement

Bob Cushman

1. **Police Diversion:** Used instead of arrest. Police may counsel or reprimand, handle within the department, or refer person to another agency. Suspect is referred or delivered to a sobering station, shelter, mental health service, church, family friend or relative. Officer and suspect may create an informal contract in which the officer agrees to not file charges subject to conditions, which may include informal supervision, acceptance of support services, or intervention by a third party, such as a parent, interested relative, mediation/arbitration service or social service agency. Useful in cases where police are booking prisoners because they don't know what else to do with them. Recognizes that numbers of persons flowing into jail is an indicator of community's inability to provide alternatives to arrest. Works best if all arresting agencies are urged to develop written arrest policies, which contain provisions that encourage police diversion of youth and adults.
2. **Citation/ Summons:** Police officer issues citation or summons at the time of arrest for an infraction or misdemeanor. The procedure is similar to issuing a traffic ticket. The person receiving the citation or summons promises to appear in court at a specified time and place in lieu of being transported to jail for pretrial detention. Works best if officers in the field are provided with written, objective criteria to help them make decisions about who to cite and who to detain in jail.
3. **Station House Bail:** Each law enforcement agency would work with the courts to develop a bail schedule. Ideally, this would be a uniform bail schedule. Procedures would allow police officers to collect pre-established bail amounts at the station house.
4. **Bail Expediting:** This option requires staff to secure names, addresses and phone numbers of potential sureties from detainees at the point of booking. Staff contacts the sureties to notify them of the defendant's situation, the bail amount, and the details of how to post bail for the defendant.
5. **Release on Own Recognizance--ROR-- (Unsupervised):** Releases carefully screened misdemeanor and felony charged pretrial prisoners on their promise to appear in court. Used as alternative for persons who cannot raise bail but are eligible for bail release. An objective point scale is usually employed (several commonly accepted versions are in use throughout the nation.) Detainees are interviewed at booking to determine their ties to the community; e.g. residence, jobs, etc. The staff verifies this information. Points are awarded based upon verified information. High point scores are indications a person is likely to appear in court. If the detainee scores above a cut off score, the person is released on his or her "OR". The court most usually delegates this authority. Defendants are reminded of court dates via phone or mail.

6. Third party Release: A responsible third party agrees to stand up for the defendant, mentor the offender during the pretrial period and accompany the offender back to court. Can be considered a version of the ROR option, described above, which provides additional supervision and incentives for the defendant to appear in court.

7. Release on Own Recognizance-- (ROR)--Supervised: Essentially the same as ROR (Unsupervised) except the person is released only after having agreed to abide by special conditions which may limit their movement, prohibit associating with certain persons, require them to submit to supervision or report to a specified place each day, require them to spend the night at a supervised or custodial location, or agree to electronic monitoring, house arrest, or some other program of supervision.

8. Jailer Citation Release: In many states the Sheriff, or jailer, has statutory authority to release pretrial misdemeanants from jail on a citation, if the inmate will sign a promise to appear in court. Using criteria similar to the Own Recognizance screening described above can modify this citation release program.

9. Warrants-Holds Clearance Program: All bookings are immediately checked to see if holds or outstanding warrants exist. Purpose is to quickly resolve these by one or more of the following: a) automatic release of holds if jurisdiction issuing the hold does not pick up the inmate within a specified number of days following notification; b) misdemeanor holds with bail set below a specified amount might be automatically released after a specified number of days after notification; c) pretrial release staff reviews all warrants and attempts to quickly resolve them; d) admission to jail is refused for warrant arrests with bail set at a specified minimum amount; e) a warrant clearance "expediter" helps extricate less capable inmates who are trapped in an endless loop of warrants, fines, failures to pay, etc., then approaches the court and /or motor vehicles department with a plan to dispose of these matters.

10. Day Reporting (Off-site): Defendant is required to appear at a day reporting center early in the morning. The defendant must provide a supervisor with a detailed schedule and itinerary for the day. There is no on-site programming. Once the itinerary is approved, the defendant must follow the schedule or call in and get approval of its revision. Staff follow through to see that the defendant is where he or she is supposed to be. Defendant may also be required to provide positive verification of his or her whereabouts; e.g., pay stubs, appointment slips, etc. Defendants can be enrolled in a variety of education, drug treatment, work, medical treatment and related activities.

Very flexible program, which can take a variety of forms. Can be used pretrial or post conviction. Can be five days a week or seven days a week. Can be linked to residential program to extend supervision of the defendant to 24 hours a day.

11. Day Reporting (Off and On-site): Same as #10 above, except the defendant may be programmed on-site. These programs take various forms: Day treatment center, job training, counseling, or minimum-security custody for work release inmates on their days off.

12. House Arrest: Essentially restricts person's movement and free time, usually by confining a person to their home. May or may not permit release from home for specified purposes; e.g., to go to work, school, or treatment. May or may not be used in conjunction with electronic monitoring devices, with Day Reporting Program, or with intensive field supervision. Can be used pretrial or post-conviction.

13. Work Release: Inmates are housed in custody at night and during non-working hours but released to employment during work hours. Staff follow up. Often administered from a minimum security or residential setting. Can be used pretrial or post-conviction.

14. Deferred Prosecution: There are many forms of this option. Either prosecutor agrees to postpone filing of charges, or criminal proceedings are suspended on condition the defendant participate in some remedial program, agree to certain conditions, stay out of trouble, and complete the program with a reasonable period of time. Ideal for

drug treatment, restitution, community service, paying back child support, etc. Can be implemented at any point prior to conviction. Defendant most motivated prior to disposition of his or her case. Failure to comply with conditions may result in resumed prosecution. Some versions of Drug courts use this model.

15. Defender Based Advocacy: Helps develop a plan of habilitation and restoration to offer to the prosecutor and the court as a dispositional plan. Essentially provides sentencing or dispositional plan so the judge has more sentencing options. Especially effective where probation presentence reports and/or supervision service is weak. Can also be used during the pretrial period to achieve bail reduction, or ROR, to facilitate plea bargains. Shows defendant is actively engaged or willing to become actively engaged in treatment prior to court hearings.

16. TASC (Treatment Alternatives to Street Crime): Originally federally funded, this program model provides an assessment of the defendant's substance abuse problem, determines the appropriate treatment modality, brokers services with treatment providers and provides case management services and reports to the courts on clients involved in their programs. TASC generally employs staff qualified to identify and assess substance abuse needs. They generally do not also provide the treatment. Can be used pretrial or post-conviction. Can be developed as a form of Defendant Based Advocacy or Deferred Prosecution program.

17. Community Service: The court orders the defendant to devote unpaid time to some worthwhile project. The terms are usually defined in terms of hours to be worked and the type of service to be provided. Several levels of supervision and control can be provided within the community service option framework. For example, at the most basic level the judge may rely on the offender to simply show up at his or her assignment. Supervision may be provided by the agency receiving the services. An additional level of supervision and enforcement is provided if some agency is authorized to administer the program, assure referrals show up for their assignments, and provide feedback to the courts concerning the behavior of the referrals and their completion and compliance rates. A private non-profit organization often performs this function. The work crew form of this option provides a third level of supervision and control. Here, offenders are supervised by staff that serve as foremen of work crews. They may be correctional personnel, but could also be supervisory level employees of parks, recreation, public works or other related departments that need labor and have meaningful work for the offenders to do. They pick up trash along the highway, maintain cemeteries, restore little league ball fields, clear trails and brush, and do other work for government or nonprofit organizations. Typically, 8 to 10 hours of supervised manual labor is substituted for a day in jail.

18. Day Fines: Day fines are designed to reduce the number of inmates who are in jail because they cannot pay their fines. The concept tries to equalize the impact of financial penalties on offenders from various economic backgrounds. Each unit of fine is equivalent to the offender's gross wage for one hour of work. This makes fines appear fairer by relating them to income levels. This system also increases the likelihood of the fine being paid because poor offenders see them as more affordable.

19. Restitution: Restitution can take three forms: a) direct monetary compensation from the offender to the victim; b) service to the community (See Community Service Option); or c) monetary compensation to the victim through contribution to a Restitution Fund.

20. Probation Supervision: If it is a meaningful service, probation supervision in the community can serve as a reasonable option to secure confinement. This cannot be accomplished if there are very large case loads and few services; thus, one option is to strengthen the probation service and/or provide probation services to client populations (e.g., misdemeanants) not currently eligible for probation services.

Differing levels of supervision and services can be provided within the basic probation framework. For example, at one end of the continuum, large numbers of cases involve minor offenders where payment of fines or restitution is required but supervision is not necessary. These cases can be "case banked" into one large administrative case load

and administered to make sure the probationers meet their financial commitments. Other, stepped up probation options might be called minimum, medium and intensive probation, with increased levels of oversight, special conditions, and requirements that probationers be enrolled in remedial programs. Basic probation supervision can be combined with many of other options that have been described here. Specialized probation case loads are also an option; e.g., for drinking drivers, domestic violence offenders, nonsupport cases, and so forth.

21. Electronic Monitoring: Offenders are monitored electronically. Active electronic monitoring systems work with telephones using computers that make random calls to the offender's residence. Passive systems operate via radio transmission in a wrist or ankle bracelet, also linked to a phone system. Usually used as a form of administering the house arrest option. Electronic monitoring is also often combined with other options; for example, with probation supervision, or for pretrial prisoners, as part of a supervised pretrial release program. This is an especially useful option for the disabled, for older offenders with medical problems, or for other inmates who might be victimized in the jail setting.

22. Non-Secure Residence: Provides an organized and supervised, alcohol, drug-free structured living environment. Provides no external fences or locks to keep residents confined. The Non-Secure option can take many forms. Useful as a work furlough or work release center, halfway house (Halfway in or halfway out, as in a prerelease center), probation center (for certain probation violators) temporary housing for those in transition or crisis, restitution center, etc. Some represent highly specialized options; e.g., therapeutic communities, residential drug treatment center, etc. The residence can also serve as an assembly point for community service, day reporting and other programs.

24. Minimum Security Institution: Inmates housed in dorms. Minimum external perimeter controls. Inmates do not leave the grounds and are secured at night. Length of stay is usually short. This option can take many forms. In the past, many honor farms or honor camps represented examples of this option. Boot camps, forestry camps, and minimum security institutions are contemporary expressions of this option.

25. Weekend Sentence/Jail by Appointment: This option is not recommended but is being included here because it is an often used option in many communities. Weekend sentences - where offenders spend time in jail only on weekends, as a kind of installment plan - are not recommended for two reasons. First, the practice absorbs expensive secure bed space. By definition, persons who are ordered to serve weekends are not likely to really need secure confinement. The program takes these beds out of service for the offenders who need to be placed in secure confinement. Secondly, these programs tend to crowd the jail at precisely the worst time of the week--on weekends when the courts are not in operation and jail populations peak.

Another version of this option is to have convicted offenders make an appointment to serve their jail time. While this can make more efficient use of available jail space, these offenders rarely require secure custody. Other punishment options can be constructed for this population.