



Reasons for Return to Prison

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The data presented here represent summary outcomes of a study of “Reasons for Return to Prison,” conducted on the 2007 recidivism cohort. Of the 1,095 offenders released from prison in 2007, a total of 515 returned (47%) within three years of their release. It is this recidivism cohort of 515 offenders upon which this study is based.

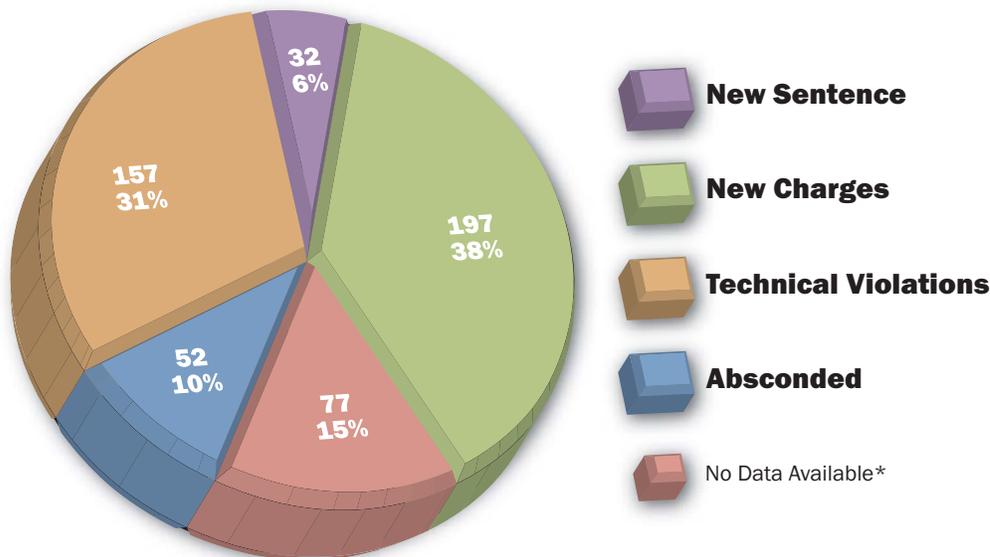
Methodology

Case management information, captured and maintained in the Department of Corrections’ automated offender case management database system, CORIS, was used to determine the reason for return to prison for the 515 offenders identified as recidivists in the 2007 Cohort Study of Recidivism. These data were obtained by consulting screens within the database relative to admissions and releases, sentencing, probation and parole violations, and case notes. Data obtained were then coded into four categories representing the primary reason for an offender’s return to prison. Data were available for a total of 438 (85%) of the 515 recidivists identified.

Findings

The overall findings reveal that approximately 45% of offenders who returned to prison came back on a new sentence or for having been arrested on new charges. Approximately 30% of recidivists returned to prison for violating the conditions of their parole, referred to as “technical violations,” and 10% returned for absconding from supervision.

Graph 1. Primary Reasons for Return to Prison



*Due to the timing of implementation of the CORIS system, data regarding reason for return to prison were not available for 77 (15%) of the 515 recidivism cases.

New Sentences

Thirty-two offenders released in 2007 returned to prison to begin serving sentences for new crimes, representing 6.2% of the recidivist population. Sixty percent of the offenders who returned on a new sentence had been convicted for more than one crime, and 21% had been convicted of three or more crimes. Most of the offenders (70%) that returned to prison on a new sentence were not under probation or parole supervision at the time they committed the crime(s) for which they returned on a new sentence.

The largest proportion of offenders (37.5%) who returned to prison on a new sentence returned for conviction on a crime of public order. Public Order crimes include a wide array of crimes that do not fall into the three other crime categories of violent, property or drug crime. These offenses include such things as drunk driving, resisting arrest, witness tampering, criminal trespassing, or being a habitual offender. Seventy-five percent of offenders who returned on a new sentence for a public order crime were convicted of being a habitual offender or for driving while intoxicated (DWI).

Table 1. Sentenced Returns, by Primary Crime

Crime Type	Number	Percent
Violent	8	25.0
Property	8	25.0
Drug	4	12.5
Public Order	12	37.5
Total	32	100%

Four of the 32 offenders (12.5%) who returned on a new sentence were convicted of a drug offense; eight (25%) were convicted of a property offense; and eight (25%) were convicted of a violent offense. Among those returning on a new sentence for a violent offense, four were convicted of robbery, two for assault, one for attempted murder, and one for negligent homicide. Twenty-eight percent of the offenders returning to prison on a new sentence had been convicted of a drug or alcohol offense.

New Charges

A total of 197 offenders (38.3%) returned to prison after their release in 2007 were returned as a result of having been arrested on new charges while under supervision in the community. Of these, 70% were arrested on one new charge, 20% on two new charges, and 10% on three or more new charges.

The primary crime for which these offenders were charged is distributed as follows: 25% were charged with a violent crime; 21% were charged with a property crime; 14% were charged with a drug crime, and 33% were charged with a crime of public order.¹

The highest percentage of charges for violent crime were for assault (68%), followed by criminal threatening (13%). The majority of charges for property crimes were for theft, fraud and receiving stolen property (60%), followed by burglary (26%). Among drug crime charges, 91% were for drug possession.

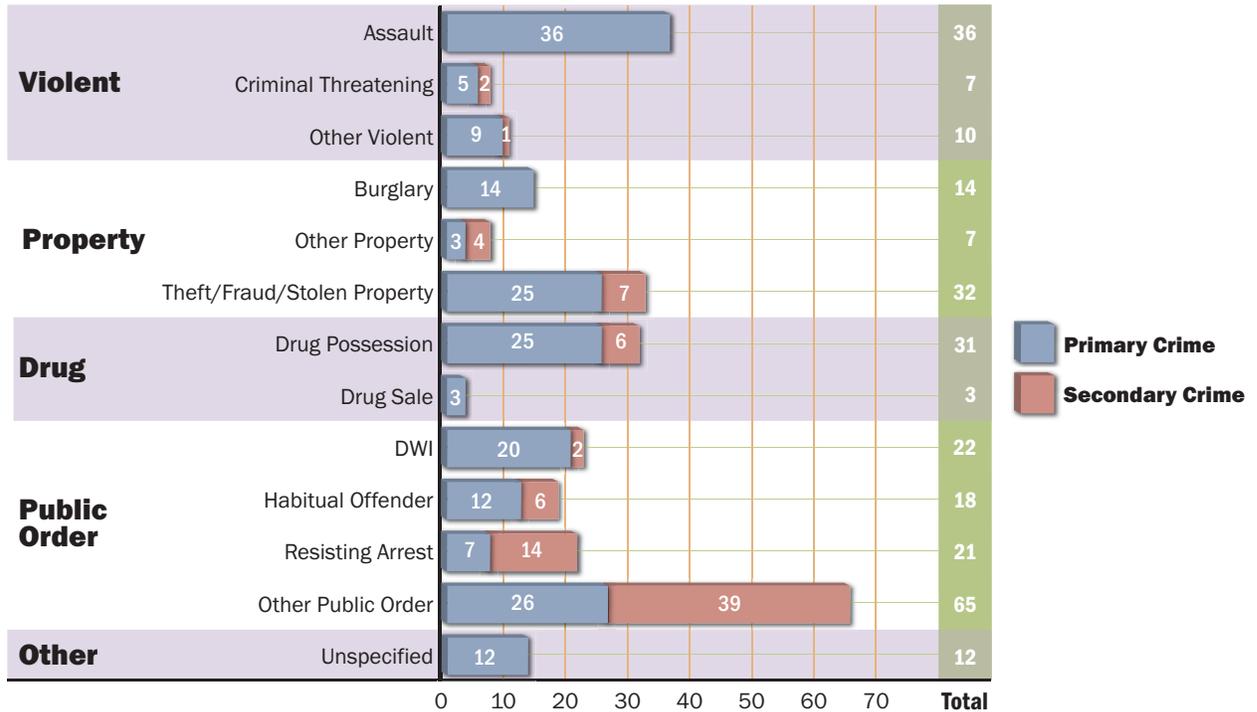
¹ The crime for which an offender was arrested and charged was not specified in 12 cases of offenders returned on new charges.

Table 2. Crime Category of New Charges, by Primary Crime

Crime Type of Primary Crime	Number	Percent
Violent	50	25.4
Property	42	21.3
Drug	28	14.2
Public Order	65	33.0
Unspecified	12	6.1
Total	197	100%

Charges for crimes of public order represented one-third of all primary charges, and 75% of all secondary charges for which offenders were returned to prison. Among the primary charges, 30% of the charges were for driving while intoxicated (DWI) and 18.5% were for being a habitual offender. These two crime charges represented 13% of secondary charges for public order crimes. The third largest crime incidence of public order charges was for resisting arrest, and represented almost one fourth of all charges for public order crimes.

Graph 2. Distribution of New Charges, by Primary and Secondary Crimes



The remaining crimes of public order offenses included: conduct after an accident; criminal liability; criminal mischief; disobeying a police officer; disturbing the peace; driving after suspension; failure to register as a sex offender; harassment; falsifying evidence; felon in possession of a weapon; fugitive from justice; interference with an investigation; lying to a

police officer; having an open container; reckless conduct; resisting arrest, stalking; unauthorized use of a motor vehicle; and violation of privacy.

Of the 197 offenders returned to prison on new charges, 25 (12.7%) had absconded from supervision prior to their arrest. Drug and alcohol offenses accounted for 20.5% of the new charges for which offenders were arrested and returned to prison.

Technical Violations

A total of 157 offenders released from prison in 2007 (30.5%) returned as a result of having their parole status revoked in response to violating the conditions of parole, referred to as technical violations.

When released on parole, offenders agree to comply with a series of rules governing their behavior. Under these rules, offenders agree to:

1. report to the office of probation and parole, and follow instructions given by their Probation and Parole Officer (PPO);
2. comply with court orders, including payment of restitution;
3. obtain permission from their PPO prior to changing residence;
4. notify their PPO in the event of an arrest, or other contact with law enforcement agency;
5. seek and maintain employment, and notify employer of felony status;
6. not receive, possess or transport weapons or explosives;
7. be law abiding and remain arrest free;
8. submit to breath, blood or urinalysis testing;
9. submit to search of person, personal property and residence;
10. not associate with criminals;
11. not engage in use or possession of illegal drugs or use alcohol in excess; and
12. waive extradition.

In addition to the above, offenders may also be required to agree to the following as a condition of parole:

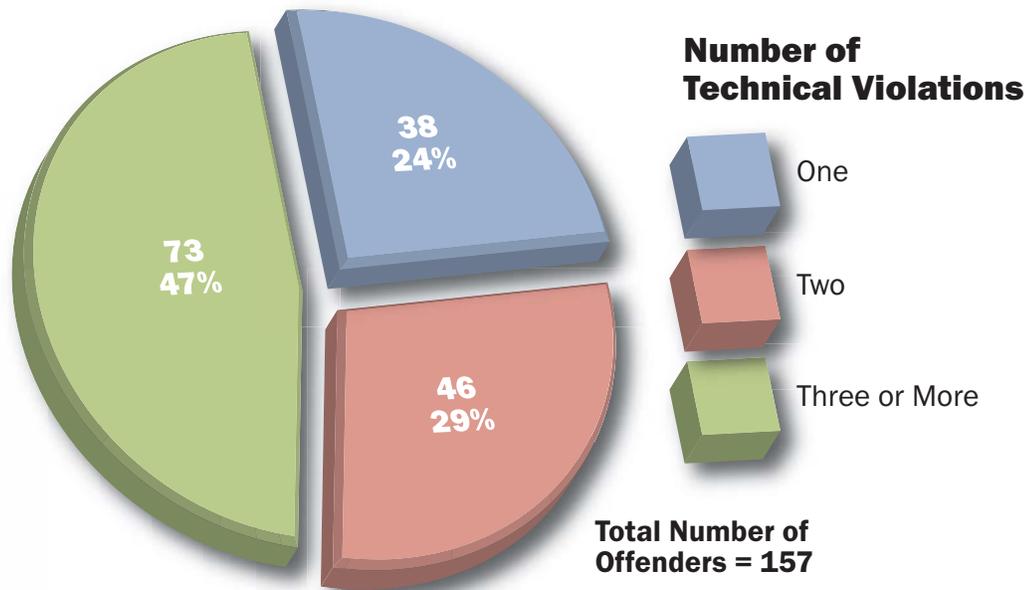
- ◆ totally refrain from the use of alcohol, attend AA meetings, and/or successfully complete drug and alcohol treatment;
- ◆ attend and participate in mental health or sex offender treatment;
- ◆ not own or operate a motor vehicle without permission from the PPO; and
- ◆ any condition specified by the PPO in writing as a condition of parole particular to the offender's offense or identified risk factor(s).

Of the 157 offenders returned to prison on a technical violation, 38 (24%) were returned on one violation, 46 (29%) were returned on two violations, and 73 (47%) were returned for three or more rule violations.

The majority of offenders returned to prison on one rule violation (71%) were returned for illegal drug use, followed by those violating the provision prohibiting alcohol consumption (13%). The remaining offenders returned on one rule violation included two sex offenders, for failure to adhere to sex offender treatment requirements; two offenders

who violated the conditions of parole while under supervision in another state; and one offender who failed to comply with their mental health treatment requirement.

Graph 3. Number of Technical Violations



Among the 46 offenders returned to prison on two rule violations, 71% had a violation for illegal drug use, 34% had violated the rule regarding excessive use of alcohol, 11% had violated the prohibition regarding associating with criminals, and 8% had violated conditions associated with their sex offender treatment requirements.

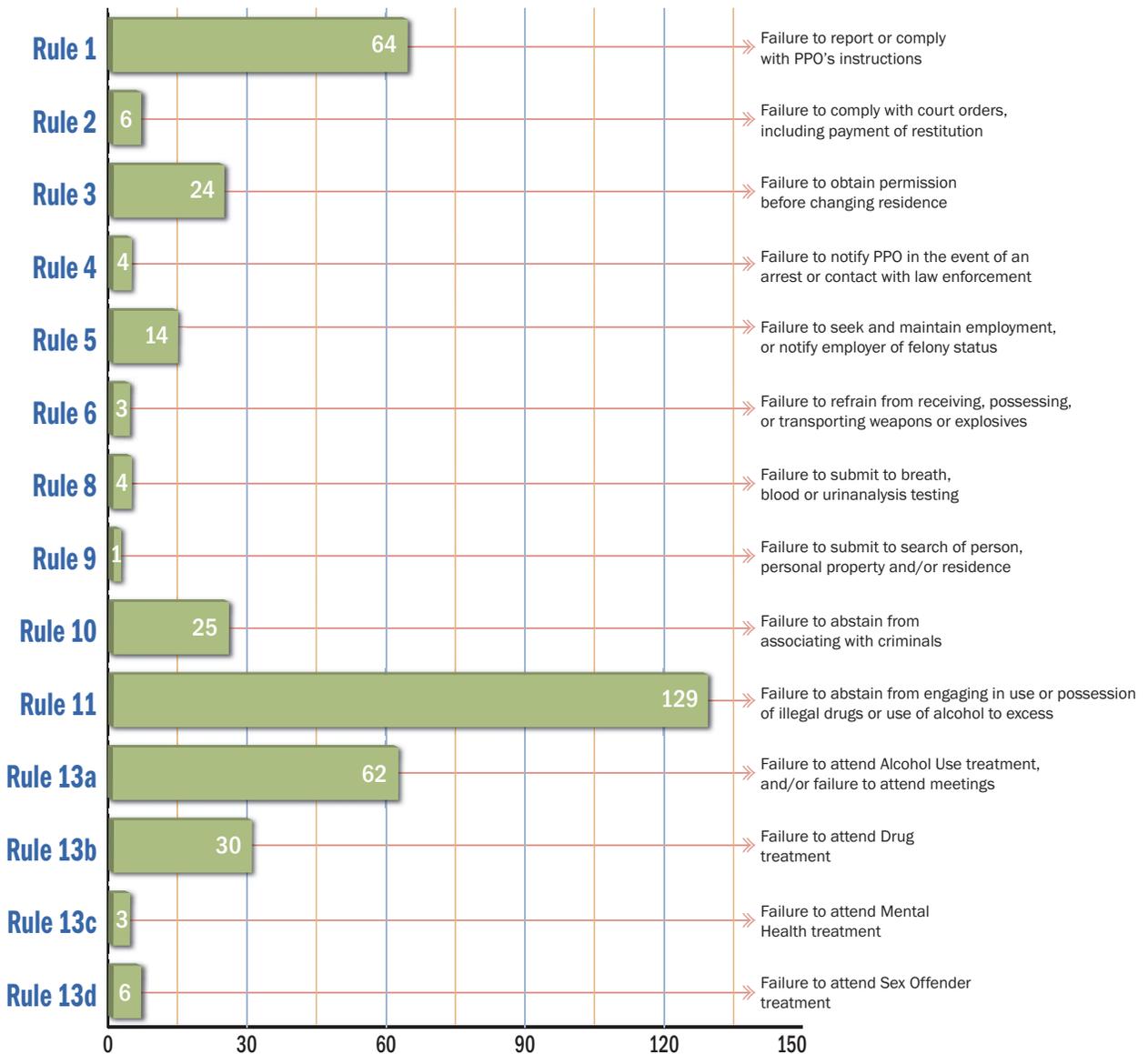
Almost half (47%) of offenders returned for technical violations had three or more rule violations. Of these 73 offenders, 95% had violated Rule 11 regarding use of illegal drugs; 56% had violated prohibitions regarding excessive use of alcohol; 33% failed to comply with their drug and alcohol treatment requirements; 27% were cited for associating with criminals; 15% were cited for failure to seek and/or maintain gainful employment; and 8% were cited for changing residence without consulting with or informing their parole officer.

The graph on the next page reports the number of offenders cited for violating the conditions of probation or parole, by the rule of supervision violated. As the graph indicates, the greatest number of violations cited concern the use illegal drugs or excessive use of alcohol.

Of the 157 offenders returned to prison on one or more technical violations, 82% had violated the rule regarding use of illegal drugs and an additional 8% were returned for excessive alcohol use and/or drug and alcohol treatment failure. Therefore, of the 157 offenders returned on one or more technical violations, 90% were returned for rule violations that were drug and/or alcohol related.

The third rule most frequently violated is Rule 1, which requires the offender to report to their probation and parole officer (PPO), as directed; to follow the instructions of the PPO, and to respond truthfully to their PPO. While none of the offenders returned to prison for only one rule violation were cited for having violated Rule 1, 34% of offenders with two violations were cited for having violated Rule 1, and all 73 (100%) of those with three or more violations were cited for having violated this rule.

Graph 4. Technical Violations (conditions of parole violated)



The two remaining most frequently cited rule violations concern associating with criminals, and changing residence without permission. While no offenders were violated for having only violated Rule 10 regarding associating with criminals, 21% of those with two or more violations were cited for having violated this rule. The same number of offenders were cited for having changed residence without permission. Offenders who change residence and fail to notify their PPO of their new residence, and whose whereabouts remain unknown for 60 days or more are considered having absconded from supervision. New Hampshire state law requires these offenders be returned to prison when located by the PPO or another law enforcement entity.

Abscond

Of the 515 offenders released in 2007 who returned to prison, a total of 52 (10.1%) absconded from supervision and had warrants out for their arrest upon apprehension at the time they returned to prison. No additional information was captured in the DOC database relative to the circumstances under which they were apprehended by a law enforcement agency.

State law requires an offender's parole be revoked if they abscond from supervision for a period of 60 days or more (RSA: 651-A:18). Once it has been determined that the offender has absconded from supervision, the offender's name is placed in a national database and a warrant is issued for their arrest. An offender can, therefore, be apprehended by any local law enforcement entity that becomes aware of their fugitive status. Offenders with fugitive status may be taken into custody as a result of a routine traffic stop, or any other situation whereby a police officer may run a routine criminal record check.

In addition to the 52 offenders (10%) returned to prison for having absconded, 25 (12.7%) of the offenders returned to prison on new charges had a warrant out for their arrest for having absconded from supervision at the time of their arrest on new charges.

Summary

An analysis of the reasons offenders return to prison reveals that the state's recidivism rate of 47% for offenders released in 2007 was driven largely by continued criminal and/or addiction behaviors on the part of offenders after their release. Of the 438 cases for which information are available, 229 (52.3%) returned to prison on either a new sentence or an arrest on new charges, and 197 (45%) returned on technical violations. Drug and alcohol offenses accounted for 28% of offenders who returned to prison on a new sentence, 20.5% of offenders who returned on new charges, and 90% of offenders who returned to prison on technical violations.