Unequal Treatment:

Women Incarcerated in New Hampshire's State Prison System

New Hampshire State Advisory Committee to the U.S. Commission on Civil Rights

Briefing Report - September 2011

The State Advisory Committees

By law, the U.S. Commission on Civil Rights has established an advisory committee in each of the 50 states and the District of Columbia. The committees are composed of state citizens who are appointed by the Commission and serve without compensation for two years. The committees advise the Commission of civil rights issues in their states that are within the Commission's jurisdiction. More specifically, they are authorized to: advise the Commission on matters of their state's concern in the preparation of Commission reports to the President and the Congress; receive reports, suggestions, and recommendations from individuals, public officials, and representatives of public and private organizations to committee inquiries; forward advice and recommendations of the Commission, as requested; and observe any open hearing or conference conducted by the Commission in their states.

State Advisory Committee Reports

This report is the work of the New Hampshire Advisory Committee to the U.S. Commission on Civil Rights. Advisory Committee Reports may cite studies and data generated by third parties, which are not subject to a separate review by Commission staff. The views expressed in this report and the findings and recommendations contained herein are those of a majority of the State Advisory Committee members and do not necessarily represent the views of the Commission or its individual members, nor do they represent the policies of the U.S. Government.

This report can be obtained in print form or on disk in Word format by submitting a written request to the Eastern Regional Office, U.S. Commission on Civil Rights, by e-mail to: ero@usccr.gov, or by phone to 202-376-7533. It is also posted on the Commission website at: http://www.usccr.gov.

Unequal Treatment: Women Incarcerated in New Hampshire's State Prison System

Briefing Report of the
New Hampshire Advisory Committee
to the U.S. Commission on Civil Rights

Letter of Transmittal

New Hampshire Advisory Committee
to the U.S. Commission on Civil Rights

Members of the Commission
Martin Castro (Chairman)
Abigail Thernstrom (Vice-Chairman)
Roberta Achtenberg
Todd F. Gaziano
Gail Heriot
Peter N. Kirsanow
David Kladney
Michael Yaki

Kimberly Tolhurst, *Person Delegated the Authority of the Staff Director*

The New Hampshire Advisory Committee (Advisory Committee) submits this report, "Unequal Treatment: Women Incarcerated in New Hampshire's State Prison System" as part of its responsibility to advise the Commission on civil rights issues in the state. The Committee approved this report by a vote of 11 to 0.

The Advisory Committee conducted a two-year examination into allegations of sex-based disparities in the provision of basic programs and services within New Hampshire's penal system. This issue raises serious questions within the scope of the Commission's mandate, including whether the state's treatment of female offenders violates the Equal Protection Clause of the United States Constitution. In the course of its examination, the Advisory Committee convened public briefings, toured several correctional facilities, and interviewed prisoners, correctional officials, community advocates, and other knowledgeable individuals to gather pertinent information. Based on this examination, the Advisory Committee now issues its findings and recommendations with respect to this serious allegation of civil rights violations.

As set forth in the enclosed report, the Advisory Committee concludes that New Hampshire's Department of Corrections faces a nearly insurmountable challenge in meeting many of the important needs of its female inmate population. The state's prison for women in Goffstown has almost no space available for basic vocational training, in significant contrast to the substantial vocational training opportunities available to men housed in the state prison in Concord. Likewise, the cramped and aging facility offers almost no space for family visitation and outdoor programming, again in contrast to the Concord prison. Space and crowding constraints also preclude correctional officials from adequately addressing the serious mental health needs of the inmates at Goffstown, whereas the Concord facility possesses significantly greater resources devoted to mental health treatment.

The failure of the state to provide comparable services in these respects seriously affects the ability of women offenders to maintain appropriate family relationships, impairs their mental and physical health, and inhibits their ability to prepare for productive and self-supporting work upon

their eventual release from incarceration. The exceptionally high recidivism rate for female offenders in New Hampshire—among the only states in the country with a recidivism rate for women that exceeds the comparable rate for men—is a powerful testament to the high cost that the state pays for its failure to address unequal conditions of confinement faced by female offenders.

Despite the social, economic, and human costs that attend these disparities, New Hampshire's state government has repeatedly refused to heed the advice and pleas of the state's own correctional officials, as well as virtually all others with expertise in the field. This situation requires immediate and sustained corrective action. After spending two years examining the issue, the Advisory Committee now adds its voice to that chorus of pleas. The cramped, antiquated, and ill-equipped Goffstown facility precludes correctional officials from providing vocational training services, family visitation opportunities, access to outdoor programs, and treatment for serious mental health conditions at a level that even remotely approximates the comparable services and opportunities available to male offenders in New Hampshire's correctional system. It is past time for the state to take immediate steps to close the Goffstown prison and transfer the women incarcerated there to another facility—either constructed, purchased, or retrofitted—that will accommodate the provision of basic services and programs in a manner that eliminates the inexcusable disparities that presently exist between the treatment of men and women in the state's correctional system.

The Advisory Committee's findings and recommendations are found in more detail in the accompanying report.

Sincerely,

Jordan C. Budd
Chairman, New Hampshire Advisory Committee*

* Jordan C. Budd was chair of the New Hampshire Advisory Committee at the time this reported was approved by the Advisory Committee.

New Hampshire Advisory Committee to the U.S. Commission on Civil Rights

JerriAnne E. Boggis, Chair
Milford, NH

Katherine L. Brown
Barrington, NH

Eva D. Castillo-Turgeon*
Manchester, NH

Patricia M. Gormley
Portsmouth, NH

Richard Haynes*
Portsmouth, NH

Barbara J. Jago
Bedford, NH

Rogers J. Johnson
Stratham, NH

Nabil Migalli
Manchester, NH

Kevin H. Smith
Litchfield, NH

Carol Stamatakis
Lempster, NH

Alejandro J. Urrutia
Hudson, NH

The project was directed by Barbara de La Viez, Deputy Director of the Eastern Regional Office. The New Hampshire Advisory Committee expresses its gratitude to the participants of the March briefing. The Advisory Committee gives special appreciation to Jordan C. Budd, former chairman, for his invaluable leadership on the Committee and this project. The Advisory Committee thanks Elizabeth Hager and R. Shep Melnick, past Committee members who participated in the March briefing. The Advisory Committee also recognizes the contributions of Evelyn S. Bohor, Lillian Dunlap, and Ivy L. Davis in their support of this project; Margaret Butler and Peter Minarik for their Editorial Review; and David B. Snyder, Attorney Advisor, for his Legal Sufficiency Review.

Cover Art by Lia Garvin, graphic artist

* Members appointed to the Advisory Committee after the March briefing.

TABLE OF CONTENTS

INTRODUCTION 1

I. CONSTITUTIONAL AND STATUTORY CONTEXT 2

II. FACTUAL BACKGROUND

A. United States Prison System—The National Context 3

B. New Hampshire Prison System 4

1. New Hampshire's Incarceration of Women Before 1989 4

2. The Goffstown Prison and the Failed Efforts to Replace It 4

III. NEW HAMPSHIRE'S PRISONS: A COMPARATIVE ASSESSMENT

A. Physical Plant 6

B. Vocational Training and Industry Programs 7

C. Education Programs 8

D. Family-Related Programs 9

E. Medical, Dental, and Substance Abuse Programs 9

IV. SUMMARY OF OBSERVATIONS

A. Disparities in Facilities and Services 10

1. Facilities/Campus 10

2. Vocational/Industrial Programs 11

3. Educational Programs 11

4. Health Care, Mental Health Care, and Substance Abuse Programs 11

B. The State's Knowledge of, and Acquiescence in, Sex-Based Disparities 12

C. Legal Implications 12

V. RECOMMENDATION AND CONCLUSION 13

APPENDICES 15

INTRODUCTION

The New Hampshire Advisory Committee to the U.S. Commission on Civil Rights (Advisory Committee) has conducted a two-year examination into sex-based disparities in the provision of basic programs and services within New Hampshire's penal system. This issue raises serious questions within the scope of the Commission's mandate, including whether the state's treatment of female offenders violates the Equal Protection Clause of the United States Constitution. In the course of its examination, the Advisory Committee convened public briefings,[1] toured several correctional facilities, reviewed existing reports, and interviewed prisoners, correctional officials, community advocates, and other knowledgeable individuals to gather pertinent information. Based on this examination, the Advisory Committee now issues its findings and recommendations with respect to this serious allegation of civil rights violations.

New Hampshire has long struggled to address the needs of its female prisoners. In the late 1980s, in response to a federal court order, New Hampshire converted the former Hillsborough County house of corrections in Goffstown into a temporary women's prison to house female offenders who had been sent previously to correctional facilities in other states. More than 20 years later the "temporary" Goffstown prison is still in use. The staff of the Goffstown facility is currently led by Warden Joanne Fortier, whose commitment to improving the prison and to the well-being of the women living there is clearly evident to the Advisory Committee—as is the similar commitment of the current Commissioner of New Hampshire's Department of Corrections (DOC), William Wrenn. Despite the good will and hard work of Warden Fortier, Commissioner Wrenn, and the many individuals working with them, however, it is apparent that New Hampshire's DOC faces a nearly insurmountable challenge in meeting many of the important needs of its female inmate population. The Goffstown prison has almost no space available for basic vocational programs, in contrast to the substantial vocational training opportunities available to men housed in the state prison in Concord. Likewise, the cramped and aging facility offers almost no space for family visitation and outdoor programs, again in stark contrast to the Concord prison. Space and crowding constraints also preclude correctional officials from adequately addressing the serious mental health needs of the inmates at Goffstown, whereas the Concord facility includes significantly greater resources devoted to mental health treatment.

The failure of the state to provide comparable programs and services in these respects seriously affects the ability of women offenders to maintain appropriate family relationships, impairs their mental and physical health, and inhibits their ability to prepare for productive and self-supporting work upon their eventual release from prison. New Hampshire's recidivism rate for female offenders is exceptionally high—it is one of only a few states with a higher recidivism rate for women than for men—and is a testament to the high cost paid by the state for its failure to address the unequal conditions of confinement faced by female offenders.

Despite the social, economic, and human costs that attend these disparities, New Hampshire's state government has repeatedly refused to heed the advice and pleas of the state's own correctional officials, as well as many others with expertise in the field, that Goffstown prison is inadequate and a solution must be found to meet the state's legal and moral obligations to its growing population of incarcerated women. After spending two years examining the issue, the Advisory Committee now adds its voice to that chorus. The cramped, antiquated, and ill-equipped Goffstown facility precludes correctional officials from providing vocational training services, adequate family visitation opportunities, access to outdoor programs, and treatment for

[1] The Advisory Committee held a full-day briefing on March 16, 2010. The Agenda is found in Appendix A.

serious mental health conditions at a level that even remotely approximates the comparable services and opportunities available to male offenders at New Hampshire's Concord prison. It is past time for New Hampshire to ensure there is a facility for women that eliminates these disparities and ends, finally, its unequal treatment of incarcerated women.

The Advisory Committee underscores at the outset that the conclusions set forth in this report in no way should be construed to imply that the conditions of confinement for New Hampshire's male inmates are unobjectionable. The conclusions set forth below must be considered in the context of an entire correctional system that is overtaxed and stretched to its very limits, resulting in conditions for both male and female prisoners that raise grave concerns. However, the Advisory Committee concludes that women offenders fare considerably worse than their male counterparts in certain important areas, and that these disparities warrant separate and serious consideration by the state's policymakers and political leaders.

I. CONSTITUTIONAL AND STATUTORY CONTEXT

The legal basis for the Advisory Committee's concerns is evident. The Constitution and federal statutory law, as well as sound public policy, all require that men and women in New Hampshire's correctional system receive comparable treatment with respect to basic services and programs. New Hampshire is not meeting this obligation, and its failure to do so has serious consequences for incarcerated women in the state.

Under the Equal Protection Clause of the Fourteenth Amendment, people who are similarly situated must be treated equally.[2] This principle applies to the men and women in New Hampshire's correctional system. For example, in *Flynn v. Doyle*, the plaintiffs alleged that the mental health services in a women's prison was inferior to the mental health services in a corresponding men's facility.[3] The court held that these allegations stated a valid claim under the Equal Protection Clause.[4] In another recent case, a court held that a prison's failure to provide hearing-impaired female inmates with the same accommodations as hearing-impaired male inmates constituted a violation of equal protection.[5] Likewise, a court struck down on equal protection grounds a Connecticut statute that required male prisoners who were transported to mental health facilities to pay hospital bills, but allowed female prisoners to be transported to such facilities without paying for the cost of their care.[6] Courts have regularly found violations of the Equal Protection Clause with respect to disparities in the educational and vocational opportunities available to male and female inmates.[7]

New Hampshire's treatment of female offenders is also subject to the requirements of the U.S. Constitution's Eighth Amendment,[8] which requires that prisons provide inmates with adequate food, shelter, and medical care.[9] If a prison official acts with deliberate indifference to "a substantial risk of serious harm to an inmate," the Eighth Amendment is violated.[10] Longstanding inadequacies in the provision of mental health care, or other conduct that impairs

[2] *See, e.g., Tennessee v. Lane,* 541 U.S. 509, 522 (2004).
[3] *Flynn v. Doyle*, 672 F. Supp. 2d 858, 877 (E.D. Wis. 2009).
[4] *Id.*
[5] *Clarkson v. Coughlin*, 898 F. Supp. 1019, 1043-44 (S.D.N.Y. 1995).
[6] *McAuliffe v. Carlson*, 377 F. Supp. 896, 902-03, 905 (D. Conn. 1974); *see also Bukhari v. Hutto*, 487 F. Supp. 1162 (E.D. Va. 1980); *Glover v. Johnson*, 478 F. Supp. 1075 (E.D. Mich. 1979); *Mitchell v. Untreiner*, 421 F. Supp. 886 (N.D. Fla. 1976).
[7] *Bukhari*, 487 F. Supp. at 1172; *see also Glover*, 478 F. Supp. at 1101 (holding that the lower quality of educational and vocational programs offered to female prisoners constituted a violation of equal protection), and *Mitchell*, 421 F. Supp. at 896-97 (holding that a lack of financial resources could not justify disparate treatment of female prisoners).
[8] U.S. CONST. amend. VIII (prohibiting "cruel and unusual punishment").
[9] *See, e.g.*, *Boyce v. Moore*, 314 F.3d 884, 888 (7th Cir. 2002) (holding that the Eighth Amendment requires these minimum standards).
[10] *Flynn v. Doyle*, 672 F. Supp. 2d 858, 876 (E.D. Wis. 2009).

the physical health of incarcerated women, could subject the state to an Eighth Amendment claim.

Finally, New Hampshire's treatment of female offenders is also subject to federal statutory requirements. Title IX prohibits discrimination on the basis of gender under any education program that receives financial assistance from the United States government.[11] Because vocational programs are education programs, disparities in prison vocational programs could subject the state to a Title IX discrimination claim.[12]

II. FACTUAL BACKGROUND

A. United States Prison System – The National Context

The United States currently has the highest incarceration rate in the world with 1 in every 100 of its adult population behind bars.[13] Its total prison population considerably exceeds that of far more populous countries such as China, Russia, and India.[14] These exceptional incarceration rates developed relatively recently, as the population in the U.S. prison system quadrupled from 1980 to 2003. The cause of the increase may be partially attributed to a change in the United States' philosophy towards incarceration itself. In contrast to the earlier focus on imprisonment, which primarily targeted serious and/or violent criminals, states in recent years have increased the rate of non-violent offenders, who now make up 50 percent of the state prison population. A significant factor in this changing demographic has been America's war on drugs, which led to a twelvefold increase in the number of incarcerated drug offenders since 1980.[15]

This dramatically increasing rate of incarceration has disproportionately affected women. Between 1980 and 1999, the total number of incarcerated males increased by 303 percent; during the same period of time, the number of incarcerated women increased by 576 percent.[16] The high proportion of women imprisoned with no prior convictions indicates that these increased rates are not attributable to an increase in criminal conduct by women but rather an adjustment in how the judicial system deals with lawbreakers.

The explosive increase in incarceration rates in the United States poses a number of challenges. In 1997, 65 percent of women in state prisons had minor children. The impact of having an incarcerated mother is a serious and long-term problem that has not been carefully studied. It stands to reason that developmental consequences, such as reduced quality of peer relations and diminished cognitive growth, in addition to a whole host of emotional and psychological issues, could typically present themselves in such children. As this phenomenon suggests, America's increasing inclination to use incarceration to punish perpetrators of non-violent or victimless crimes may well have profound and far-ranging societal consequences.

The cost of imprisonment is enormous. The spending per prisoner varies state by state, from $18,000 a year in Mississippi to $50,000 a year in California—seven times the yearly amount

---

[11] 20 U.S.C. § 1681 (2006) ("No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance ….").
[12] *See Jeldness v. Pearce*, 30 F.3d 1220, 1224-25 (9th Cir. 1994).
[13] *See generally* The Pew Center on the States, "One in 100: Behind Bars in America 2008," Feb. 2008, http://www.pewcenteronthestates.org/uploadedFiles/8015PCTS_Prison08_FINAL_2-1-1_FORWEB.pdf (last accessed Sept. 1, 2011).
[14] Ibid at 5.
[15] Human RightsWatch, "Incarcerated America," April 2003, http://www.hrw.org/legacy/backgrounder/usa/incarceration/ (last accessed Sept. 1, 2011).
[16] National Policy White Paper of the American Society of Criminology, "The Use of Incarceration in the United States," p. 19, Nov. 2000, http://www.acontrario.org/files/ascincarcerationdraft.pdf (last accessed Sept. 1, 2011).

spent per pupil in that state.[17] The budget growth in criminal correctional spending now outpaces education, transportation, and public assistance. However, a study by the Pew Center on the States found that despite the high spending recidivism rates remain largely unchanged. The report noted that "we are well past the point of diminishing returns," citing evidence from Washington state where in 1980 each dollar spent on new prison construction led to a $9 reduction in criminal harm, while in 2001 the cost benefit ratio had reversed, with each dollar spent averting only 37 cents of such harm.[18]

B. New Hampshire Prison System

New Hampshire's prison budget has doubled in the past 10 years and its prison population has increased by 30 percent, largely due to the influx of non-violent offenders. The state now pays $33,000 a year to house each inmate, more than the annual tuition for a student at the University of New Hampshire.

1. New Hampshire's Incarceration of Women Before 1989

From 1880-1941, female inmates were housed in Concord in the South Wing of the existing prison. In 1941, the Legislature authorized the transfer of female offenders to other states, specifically to the Women's Reformatory in Rutland, Vermont. Up until that time there were never more than six female inmates in the state's custody. On November 28, 1941, the last female inmate was transferred out of New Hampshire. On July 30, 1967, the Women's Reformatory closed. From 1967 onward, most of New Hampshire's sentenced women were sent to the Massachusetts Correctional Institution in Framingham. During the 1970s, some females were also housed in county jails.

During the 1980s, concerns arose about the inadequate conditions for females at the other facilities, as well as concerns about the women being so far away from their families and loved ones. Issues arose regarding program opportunities for incarcerated females. A group of female offenders filed and prevailed in a lawsuit that required the state to establish a prison for women in New Hampshire.[19] Initially, the possibility of renovating a building at the former Laconia State School was considered. That did not come to pass.

In 1988, the DOC entered into a lease agreement with the Hillsborough County Commissioners to modify a county detention facility in Goffstown, which would be vacated by 1989 upon completion of a new county jail in Manchester. Surplus capital funds from major construction projects at the men's prison were used to renovate and upgrade the Goffstown building to appropriate security standards. The New Hampshire State Prison for Women was thereafter established in 1989 by an act of the New Hampshire General Court.[20]

2. The Goffstown Prison and the Failed Efforts to Replace It

From the beginning, the prison at Goffstown has proven to be inadequate at best. The building lacks the space to provide essential services desired or even required by the inmates, and there

[17] Daniel Weintraub, Prison ruling spotlights burden of housing 147,000 felons, Orange County Register, May 30, 2011, http://m.ocregister.com/news/prison-302291-state-inmates.html (last accessed Aug. 27, 2011); *see also* Rough justice in America: Too many laws, too many prisoners, The Economist, July 22, 2010, http://www.economist.com/node/16636027 (last accessed Aug. 27, 2011).
[18] The Pew Center on the States, "One in 31: The Long Reach of American Corrections," March 2009 http://www.pewcenteronthestates.org/uploadedFiles/PSPP_1in31_report_FINAL_WEB_3-26-09.pdf (last accessed Aug. 27, 2011).
[19] *See Fiandaca v. Cunningham*, 827 F.2d 825 (1st Cir. 1987).
[20] *See* "A Chronological History of the Women's Prison," New Hampshire Department of Corrections, http://www.nh.gov/nhdoc/chronological.html#womens, (last accessed Sept. 1, 2011).

appears to be no ability to accommodate structural changes to allow for expansion. Those inadequacies are discussed in considerable detail below.

In recognition of the inherent limitations of the Goffstown facility, an appropriation of $2.3 million was made in the Fiscal Year 2010 budget for site design of a new women's prison with transitional housing. During the 2008 fiscal year, the Legislature established a committee to develop a strategic capital plan for the DOC. Part of the committee charge included considering the acquisition of a suitable site for a women's prison or new prison complex. Over 10 years later, the state has yet to move forward with any plans to identify a site for the construction of a new women's prison, nor has it set aside any funds for the actual construction of such a facility.

In addition to its failure to move forward with the construction of a new facility, the Legislature has rejected a series of proposals over the last decade to relocate the women incarcerated at Goffstown to other more suitable detention facilities. In 2003 the Legislature considered a budget proposal to consolidate the New Hampshire State Prison for Women with the Lakes Region Facility. After considerable public discussion, the Legislature opted to keep the Goffstown facility open. In 2004, the Legislature once again established a study commission to evaluate issues regarding the women's prison, but ultimately took no action. In 2010, the Legislature considered yet another proposal to deal with the inadequate Goffstown facility by moving incarcerated women into the state's John H. Sununu Youth Services Center (SYSC), an state-of-the-art new detention facility in Manchester, New Hampshire, that has been consistently underutilized for several years.[21] The proposal envisioned moving the current youth population in SYSC to an unused detention facility in Laconia, New Hampshire. The House Finance Committee seriously considered the proposal but it was not included in the final budget. To date, there remains no viable proposal under consideration, nor any concrete steps being taken, to address the inherent inadequacies of the Goffstown prison.

In understanding the state's failure to address the problems associated with the Goffstown facility, it is critical to note that funding for the women's prison has remained flat for the last 10 years. The FY 2000 budget for the State Prison for Women was over $2.5 million, with approximately 68 percent or over $1.7 million going towards salary and benefits. The FY 2010 allocation for the State Prison for Women is over $3.2 million, with 65 percent or over $2.1 million going towards salary and benefits. Of the remaining $1.1 million, over $400,000 is allocated to contractual services to Strafford County to handle the overflow of women prisoners due to the chronic overcrowding now occurring at Goffstown. The $724,264 remaining funds for ancillary services for FY 2010 are actually *less* than the amount of funds available for ancillary services in the FY 2000 budget ($799,165), *prior to* adjusting for inflation.

In the Advisory Committee's opinion, Goffstown prison is at the breaking point. The pressure on the system is immense, the need for training and resources is growing, and the rate of recidivism for women is rising. Reauthorization and reallocation of the $2.3 million set aside 10 years ago for site development of a new women's prison would be an important step forward in addressing these critical challenges. However, this is obviously just a preliminary step. A permanent solution can only be found when the Legislature decides that incarcerated women are worthy of the resources necessary to actually change the conditions of confinement to which they are presently consigned, which are plainly inferior to those faced by New Hampshire's male prison population.

[21] *See* Appendix B for a description of the SYSC facility.

III. NEW HAMPSHIRE'S PRISONS: A COMPARATIVE ASSESSMENT

A comparison of the Concord and Goffstown prisons highlights the stark differences and shows that incarcerated women in the New Hampshire correctional system have inferior access to a wide range of basic services and programs in comparison to their male counterparts.

A. Physical Plant

1. Concord

Located in New Hampshire's capital city, Concord, the State Prison for Men is a multi-building, multi-custodial-level prison that is the largest prison facility in the state. The prison compound consists of numerous large buildings surrounded by vast lawns and walkways. At first glance the men's prison could easily be confused for a community college campus, minus the security fence.

Male inmates are grouped into different categories and housed accordingly into eight separate units.[22] In addition to the housing areas, the campus also contains a kitchen, three dining rooms, a laundry, an educational floor with a library and nine classrooms, a chapel, mental health services offices and treatment group rooms, a warehouse, maintenance shops, an indoor gymnasium with an attached hobby craft area, and several shops providing industrial and vocational/educational training activities, including automotive, autobody, building trades, culinary arts, business education, computer education, intro to the workforce and power mechanics. A full-time health service center including dental and long-term health care wing is operated within the facility and is capable of housing prisoners in need of long-term, chronic, or terminal care. A 60-bed secure psychiatric/residential treatment unit is also housed on the campus.

The maximum security unit is separated entirely from the other housing units. Housing units have ample surrounding outdoor areas for the inmates to utilize and in some of the minimum security units, the dorm rooms open directly onto a large outdoor area. The immense size of the compound allows for extensive outdoor time for inmates. Prisoners walk several times each day to go to their meals, vocational classes, industrial classes, educational courses, life skill classes, hobby and craft offerings, religious offerings, visits to the library, as well as for any medical, dental, and mental healthcare appointments.

During the Advisory Committee's tour of the men's facility in 2010, Advisory Committee members viewed hundreds of male inmates socializing and participating in sports activities in these outdoor areas during their free time. There are many opportunities for fresh air and outdoor exercise if a male inmate chooses. In three separate visits to the women's prison in Goffstown, there were never women outside of the facility.

2. Goffstown

The New Hampshire State Prison for Women is located at 317 South Mast Road in Goffstown, New Hampshire. Originally constructed in 1978 for use as a county jail, the single one-story brick building wrapped in razor wire was intended to be a temporary prison facility for women when it opened over 20 years ago. This facility has severe interior and exterior physical limitations which in turn impact the programs and services available.

[22] Reception and Diagnostic (R&D intakes), Special Housing Unit (SHU), Secure Psychiatric Unit (SPU), Closed Custody Unit (CCU), Hancock, Medium North, Medium South, and the dorms.

The Goffstown facility is the only state-run prison for females. It houses maximum, medium, and minimum security inmates. The single-building facility is sectioned into tiers to separate and serve the various levels of inmates: Closed Custody, General Population, and Minimum Security. A-Tier is the medium custody unit of 24 beds in two-person cells. The dormitory is also a medium custody unit comprised of five dorms that house eight to 22 inmates each with a total of 62 beds, housing as many as 22 women in cramped rooms on bunk beds. Prisoners undergoing physical and mental health assessments are held in medical quarantine in C-Tier, after which they are moved to D-Tier for 30 more days of assessment.

Designed only for short-term detention, the women's facility is a maze of small meeting rooms and offices joined by narrow hallways. Extremely overcrowded with inmates and staff, common spaces are cramped and noisy. Many rooms serve multiple purposes. The visiting room also serves as the meeting room for inmates to talk privately with their legal representatives. This creates a scheduling dilemma for the staff and inmates alike. The tiny library also serves as classroom and as a group room for volunteer-led programs, book club, religious groups, and the law library. The space devoted to industry is a small portion of a single room for a handful of sewing machines. There is no space for vocational training beyond limited computer access for basic training in word processing and data entry. The space for drug rehabilitation housing and treatment is very limited and is not being utilized due to lack of staff. The dining room, like other spaces, is too small to accommodate the 2010 average of 126 inmates in one sitting so the women must eat in shifts. This lack of space makes it difficult to impossible to provide essential services to address the needs of the prison population.

There is also a lack of exterior space as well. A single baseball diamond field serves as the only outdoor space for the women. This, combined with staffing issues, limits the ability of the women prisoners to go outside on a regular basis. This failure to provide the opportunity for daily outdoor exercise is a longstanding problem as was indicated in a 2004 report of the Commission on the Status of Women.[23] As of late 2011, this remains unaddressed.

B. Vocational Training and Industry Programs

1. Concord

The men's prison features a series of buildings grouped together which are devoted solely to vocational/educational and industrial programs. This unit is located separately on the property away from the dormitories and other buildings.

The Career and Technical Education Center offered eight different vocational programs to its male inmates in 2010. These vocational offerings consisted of programs in Auto Mechanics, Auto Body Repair, Building Trades, Business Education, Computer Education, Culinary Arts, Introduction to the Workforce, and Power Mechanics. Vocational programs offered certification upon successful completion.

The Correctional Industries program at the New Hampshire men's prison, known publicly as GraniteCor, is a business operating inside the prison facilities and funded through the sale of products and services. The industry program enables inmates to train and prepare for employment following release from prison. Six different industry programs were offered to male inmates in 2010 and consisted of furniture shop, license plate shop, sign shop, print shop, upholstery shop, and data/bulk mail shop. The vocational and industrial programs offered

[23] "Double Jeopardy: A Report on Training and Educational Programs for New Hampshire's Female Offenders," New Hampshire Commission on the Status of Women (Dec., 2004), http://lwvnh.org/files/double_jeopardy.pdf (last accessed Aug. 27, 2011).

provide the male inmates with valuable skills that they can take with them when they re-enter society and the workforce. These job skills will permit men to work in fields that pay more than minimum wage, thus providing them an opportunity to be able to support not only themselves, but their families as well, without additional reliance on state assistance.

2. Goffstown

There is a significant lack of vocational training at Goffstown. There is almost no space, little staff, and virtually no job training in fields that pay a living wage for women who must support themselves and their families upon release. Industry hardly exists.

In contrast to the programs offered at the men's prison, the vocational and industry programs at Goffstown lead to lower-paying employment.[24] For example, at the Concord facility, male prisoners can take courses in auto mechanics, small engine repair, auto body repair, and building trades, that lead to well-paying entry-level jobs as auto body and related repairers ($20.44/hr), carpenters ($19.94/hr), auto service repairers ($16.35/hr), and roofers ($17.68/hr).[25]

At the women's facility, some women are exposed to a limited number of office and textile fields leading to potential employment as receptionists ($12.80/hr), data entry keyers ($13.23/hr), word processors and typists ($14.63/hr), and textile, apparel, and furnishings workers ($12.72/hr).[26] The lack of substantive vocational training programs is the result of a lack of space, outdated technology (computer hardware and software), and inadequate staffing. In the past, data entry work was terminated due to lack of staff.

There are a limited number of sewing machines that are used for limited projects. Since women need to use their own funds to support their families and pay for a variety of costs of incarceration, this creates immediate problems and debt. The few opportunities to work outside the prison, which more women are eligible for than can be accommodated, are hindered by a lack of transportation and staff.

C. Education Programs

1. Concord

An entire floor of one of the buildings is dedicated to numerous educational classrooms, testing areas, and offices for guidance counselor services. GED courses, high school courses (leading to a high school diploma) through the Granite State High School, and post-secondary courses through New England College, are available to the male inmates. The men's prison also offers special education courses to inmates with special education needs and/or learning disabilities. The educational area also houses a general library as well as a law library for the male inmates. Numerous classes were taking place during the Advisory Committee's tour of the men's prison. The classrooms, as well as the library, were full of activity.

2. Goffstown

There is a significant need for educational facilities and for high school diploma and post-secondary education courses. All of the emphasis, until recently, has been on obtaining GEDs, not credit courses toward high school diplomas. To that end, some action has been taken to provide courses in conjunction with the use of teachers from the men's prison on a rotating basis.

[24] This data comes from the New Hampshire Employment Security, Economic and Labor Market Information Bureau, New Hampshire Occupational Employment and Wages—2010 Report.
[25] Ibid.
[26] Ibid.

The 2009 interim report of the Interagency Coordinating Council for Women Offenders noted that only two women have received high school diplomas during the two decades the women's prison has been in operation.[27] This speaks to a woeful lack of preparation for life following release, preparing for vocational and industry training, possibly taking post-secondary courses, and generally transitioning to work that will pay the way for the prisoner and her family. Again, due to staffing constraints on the use of technology (e.g., for on-line courses, since Internet access is restricted), women are without the means to improve their knowledge and gain necessary credentials.

D. Family-related Programs

1. Concord

The Family Connections Center (FCC) allows supervised one-to-one father-to-child visits. In addition, the FCC is establishing a full-service family resource center with program space in the men's prison. FCC opportunities include weekly parenting support groups, life skills seminars, recorded books for children of inmates, and virtual/video visitation over the Internet.

A large visitation room, replete with toys and a children's play area, is offered to male inmates who are able to visit with their families twice a week. In addition to the space available for family visits, there is space available for inmates to meet with their attorneys.

Moreover, the men are offered life skill programs, including peer exchange group, anger management, parenting, domestic violence, alternatives to violence, mediation, stress control, Alcoholics Anonymous/Narcotics Anonymous, aid to incarcerated marriage, cognitive problem solving, hobby craft and religious/chaplaincy services. These programs enhance a male inmate's ability to function as a productive member of society and as a positive member of a family.

2. Goffstown

In spite of the fact that women are usually primary caregivers of their children, and regardless of the fact that there are many custodial parents (including single mothers) among the Goffstown population, there is limited assistance available to them. Seemingly the only benefit of the presently-located prison is that it may be accessible for the families of prisoners. That certainly was lacking when they were sent out of state. Programs Administrator Lori Seog pointed out that space limitation prevents them from creating a resource center similar to that at Berlin Men's Prison.[28] As noted, space constraints impact family visitation; the visiting room is inadequate and temporary, and must serve several other uses (e.g., as a chapel).

E. Medical, Dental, and Substance Abuse programs

1. Concord

The men's prison contains a 24-hour infirmary with doctor and nurse staffing. The infirmary contains a waiting area with examination and treatment rooms utilized for in-patient as well as out-patient services. It also contains hospital-type rooms for those inmates who cannot go back to their assigned dorm room following treatment. The campus also contains a dental office with numerous patient chairs. Advisory Committee members commented that the medical and dental treatment facilities did not seem prison-like, but rather resembled their own doctors' and dentists' offices.

[27] Interagency Coordinating Council for Women Offenders, Interim Report, p. 3, Jan. 12, 2010. On file at the U.S. Commission on Civil Rights.
[28] Lori Seog, testimony before the New Hampshire Advisory Committee to the U.S. Commission on Civil Rights, briefing, Concord, NH, March 16, 2010.

The men's prison houses its own mental health residential treatment facility. This Residential Treatment Unit (RTU) provides a therapeutic community for those inmates with mental illness who are unable to function in the general inmate population. Inmates may reside in the RTU for the entire length of their incarceration or may transition into the general prison population.

At the men's prison, inmates receive initial outpatient mental health treatment from the Mental Health Unit (MHU). If clinically indicated, an inmate may be referred to the MHU or the RTU or may be transferred to the Secure Psychiatric Unit (SPU) for acute care and/or crisis stabilization. The SPU provides the services of an inpatient psychiatric hospital.

Programs are available at the men's prison to address substance abuse treatment and recovery. Male inmates meeting the criteria for substance use disorder services are required to complete a 36-session "Living in Balance" program, based upon best practice substance use and prevention education. Following completion, they have the option of participating in additional recovery groups and related programs in the Life Skill Programs.

2. Goffstown

One of the significant problems caused by lack of space or appropriate space relates to the availability of medical and substance abuse programs. Commissioner Wrenn noted that the women's recidivism rate is driven by parole violations, which largely result from substance abuse and mental health problems.[29] Warden Fortier emphasized that the inadequate space limits the extent and scope of medical, mental health, and dental programs.[30] Robert MacLeod, Director of DOC's Division of Medical and Forensics Services, noted that the small facility forces too many people together in the existing space, making the mental health problems of the women more difficult to deal with.[31] He supported having a 24-hour infirmary and a residential treatment facility on site. All the reports and presentations document the extensive need for significant services, based on women prisoners' histories, health status, medication status, and stressors.

IV. SUMMARY OF OBSERVATIONS

As the facts set forth above demonstrate, incarcerated women in the New Hampshire correctional system have inferior access to a wide range of basic services and programs in comparison to the state's incarcerated men. Those disparities trace back to one primary cause: the grossly inadequate physical facility at Goffstown in which the state imprisons its female inmates. The small size and awkward configuration of the Goffstown facility contribute to the women having far inferior access to vocational training, family visitation, outside programs, and various health-related services.

A. Disparities in Facilities and Services

1. Facilities/campus

The men's facility at Concord is large because it must house a substantial inmate population. But it is also designed to permit regular access to outdoor space. The use of multiple buildings for housing and the multitude of activities results in constant exposure to the outdoors. The working areas for vocational training and industry programs are very large. The sheer number of work and program spaces creates an atmosphere of professionalism and dedication to new skills and hope for work outside the prison. This is in complete contrast to the cramped and crowded

[29] William Wrenn, testimony, New Hampshire briefing.
[30] Joanne Fortier, testimony, New Hampshire briefing.
[31] Robert MacLeod , testimony, New Hampshire briefing.

women's prison, with all functions in one small building and extremely limited access to outdoor programs.

2. Vocational/industrial programs

As a result of these dramatic disparities in available space, the differences in the vocational and industrial programs at the men's and women's prisons are profound. Men have access to both vocational training and industrial work that provide them with skills and income which they may use in seeking employment upon release. In addition, the vocational and industrial work is in industries that hold the promise of a living wage. The work and training take place in large, well-equipped facilities. Women prisoners have nothing comparable. There are no facilities for the many kinds of mechanical, computer, or culinary training programs provided to incarcerated men. Women are essentially left without the training in trades that may allow them to independently sustain themselves upon release.

3. Educational programs

The educational programs for incarcerated men include a wide range of classes, with the emphasis on obtaining a high school diploma. There is sufficient space and staff for an extensive variety of course offerings, including special education. The women's programs are limited in space and scale; the fact that only two women have received high school diplomas in the approximately 20 years the facility has been open speaks to the paucity of educational opportunities available to them.

4. Health Care, Mental Health Care, and Substance Abuse Programs

In regard to health care, the men's prison has essentially 24-hour staffed care in a facility that has an infirmary, treatment rooms, and in- and out-patient capacity. There are hospital-type rooms available. A dental office has many chairs. The arrangements do not look like a prison office. The mental health care treatment program has its own residential treatment facility. Having a therapeutic community for inmates who cannot function in the general population is an essential facet of the program. There is a mental health unit, a residential treatment unit, and a secure psychiatric unit.

These facilities and programs would be luxury, indeed, for the women's prison. The physical facilities are small and lacking in privacy. Without the kind of residential units available to the men, there is a need to transport women prisoners to treatment facilities for acute care. This is difficult for women patients who lose continuity of care, and it is difficult as well for other prisoners who are precluded from engaging in on-site programs due to the absence of staff who must leave the facility to provide necessary transport and escort services. Given the serious and widespread mental health disorders confronting incarcerated women, the profound impact of those disorders on the families of female prisoners, and the obvious need for assistance before imprisoned women return to life outside prison walls, there is no doubt that the lack of sufficient mental health treatment has devastating personal and societal consequences.

Allied with these concerns is the inadequate provision of substance abuse treatment. The men's prison has activities such as the 36-session "Living in Balance" program which provides substance use and prevention education. There are additional recovery and related services for male inmates following completion of that program. These programs and services are not available to women in the quantity needed, nor provided in the same way as they are for men. As an example, men's programs are performed by paid staff; women's programs rely on volunteers.

As noted by the Corrections Commissioner, the women's higher recidivism rate is driven by parole violations which are largely related to substance abuse and mental health problems. Emphasis on these issues would not only help individuals returning to their communities, but could reduce the number of women in prison itself.

B. The State's Knowledge of, and Acquiescence in, Sex-Based Disparities

All of these deficiencies and limitations facing imprisoned women, as well as their comparative relationship to the superior services and facilities available to incarcerated men in New Hampshire, have been thoroughly documented in a series of reports by various government and nonprofit entities as well as by the public statements of correctional officials and political leaders.[32] There is simply no doubt that the state of New Hampshire has long been fully aware of the relative deficiencies in the services and facilities available to women incarcerated in the state's correctional system but has simply failed to muster the political will or interest to remedy them.

Moreover, the failure to address the deficient conditions facing incarcerated women reflects the state's acquiescence in the kind of sex stereotyping that has long consigned women to an inferior place in the American workplace and economy. It is noteworthy that the vocational training opportunities made available to incarcerated men reflect the kinds of well-paying work from which women have been traditionally excluded—auto body repair, automotive mechanics, carpentry, and the like—while the sole "industry" available to women at the Goffstown prison is sewing, which is not, in fact, considered an industries program by DOC. The facts speak for themselves regarding the state's complicity in sex-based discrimination confronting incarcerated women within the state.

C. Legal Implications

It is not within the Advisory Committee's purview to interpret the legal implications of the disparities outlined above. However, it is the Advisory Committee's view that the profound disparities in the treatment of men and women prisoners raises grave questions about New Hampshire's legal obligations under federal laws. There is no question that the conduct of the state has had a disparate and discriminatory impact upon women in the state's correctional system; that the state is aware of those disparities but has taken virtually no steps over the course of more than two decades to alleviate them; and that, instead, the state has continued to permit detrimental sex stereotypes—for example, through its differential allocation of educational and industrial training opportunities. The Advisory Committee believes this is a shameful record that New Hampshire should have no interest in defending.[33]

[32] *See* Appendix C.
[33] Appendix D contains a chart that provides a brief summary of these areas of comparison.

V. RECOMMENDATION AND CONCLUSION

The Advisory Committee's two-year examination into allegations of sex-based disparities within New Hampshire's penal system has included public briefings, inspection of several correctional facilities, and interviews with prisoners, correctional officials, community advocates, and other knowledgeable individuals. Based on that extensive examination, the results of which are summarized above, the Advisory Committee unanimously agrees upon a single, and obvious, recommendation to the state of New Hampshire.

Constitutional and statutory authority, as well as sound public policy and basic human decency, all dictate what the state must surely understand already: that it is past time for New Hampshire to take immediate steps to close the Goffstown prison and transfer the women incarcerated there to another facility that will accommodate the provision of basic services and programs in a manner that eliminates the inexcusable disparities that presently exist between the treatment of men and women in the state's correctional system. The state has failed to meaningfully pursue this obligation for two decades, at untold human cost to the women who have passed through the Goffstown prison. The time has come for that inaction to end.

APPENDICES

Appendix A

New Hampshire State Advisory Committee
U.S. Commission on Civil Rights

Agenda

Panel One – Correction Officials

- William L. Wrenn
  Commissioner, New Hampshire Department of Corrections
- Joanne Fortier
  Warden, New Hampshire State Prison for Women, Goffstown
- Richard M. Gerry
  Warden, New Hampshire State Prison for Men, Concord

Panel Two – Programs and Services

- Robert J. MacLeod, DHA Director
  New Hampshire Department of Corrections
- Niki Miller, Administrator for Women Offenders and Family Services
  New Hampshire Department of Corrections
- Lori Seog, Programs Administrator
  New Hampshire Department of Corrections

Panel Three – Advocates and Attorneys

- Anne Botteri
  Assistant Vice President, College of Communication & Marketing, Saint Anselm College
- Michael Perez
  Staff Attorney, New Hampshire Legal Assistance
- Anne Rice
  Attorney, Office of the Attorney General
- Brianna Sinnon
  New Hampshire Public Defender

Panel Four – A View from the Inside

- Melanie Cooper
- Eileen Kerwick

The Advisory Committee prepared a document summarizing the panelists' presentations. It may be obtained by contacting the Eastern Regional Office at ero@usccr.gov.

Appendix B
Division for Juvenile Justice Services
The Sununu Youth Services Center

History

The current site of the Sununu Youth Services Center (SYSC) was donated to the State in 1855 by James McKeen Wilkins. Wilkins was a strong advocate for youth and he believed they should be served by a different system than the adult correctional system. On July 14th 1856, an 'Act' was signed into law that established the State's first juvenile facility on the property Wilkins donated. Since then, the name of the facility has changed a number of times and the 'cottage system' that housed and served the youth there continued to grow. However, this system (of four independent living units) had long outlived its usefulness and physical structure, and in 2006 the SYSC was commissioned. The SYSC is a 144-bed architecturally-secure facility.

The Division for Juvenile Justice Services has gone through a number of permutations organizationally. For the past seven years, it has been a Division within the Department of Health and Human Services. The Director is a direct representative and appointment of the Commissioner of Health and Human Services. The Division is divided into two service areas: Field and Residential. Field Services is comprised of Juvenile Probation and Parole Officers (JPPO) who operate out of 14 district offices across the state. Residential Services is comprised of staff working at the Sununu Youth Services Center.

Statutory Authority

The agency's originating statute speaks to the purpose in New Hampshire's Revised Statutes Annotated 621:2, Philosophy of the New Hampshire Youth Development Center. RSA 621:2 stated the center shall effect the following purposes and policies:

- To provide a wholesome physical and emotional setting for each child detained at or committed to the center;
- To provide protection, care, counseling, supervision, and rehabilitative services as required by the individual child;
- To assure that the child has not been deprived of those rights to which he or she is entitled by law;
- To teach the child to accept responsibility for his or her actions;
- To recognize that the child's interests are of major importance while also acknowledging the interests of public safety;
- To cooperate with the courts, law enforcement agencies, and other agencies in juvenile matters to ensure that the needs of each child who is involved with these agencies are met with minimum adverse impact upon the child; and
- To return each child committed to the center to a community setting with an improved attitude toward society.

Division Mission

The Division's Mission reflects the originating statutory language. The mission statement is: *The Division will promote public safety and positive lifestyle change for all youth in the juvenile justice system by utilizing evidence based practices and rehabilitative treatment programming.*

Resident Population

Data on the residents can be found from the ACA annual updates. The highest population of youth since early 2008 was 91. Since then the population has steadily declined and has been trending around 60 for well over a year. The decrease is due to several issues. First, over the last few years, the courts have instituted assessment instruments for judges to apply in detention and commitment decision-making. Second, the SYSC has made changes in their programming to shorten the length of stay for their residents. In 2009, the SYSC closed one of four residential buildings (E Unit) due to the population decrease. It should also be noted that, in general, there is an overall trend in the juvenile justice field to keep youth out of secure facilities like SYSC in favor of more community-based, less restrictive settings.

The committed and detained youth are provided with the same basic services. There are only two differences between the two populations: First, because of federal requirements, the detained residents are kept separate from the committed population. The detained youth have their own school area adjacent to their living unit. However, they share access to the rest of the SYSC (i.e., Gym, Pool, Chapel, Dining Room, Medical Department). Second, detained residents do not receive the same programming as the committed youth. They do receive emergency mental health services and on occasion have had access to the staff psychiatrist.

An important factor in determining services is the fact that the SYSC is not the "gatekeeper" regarding what residents they receive. All residents are court-ordered either to be detained until their next court date or committed for the term of their minority, which is the age of 17. Youth can be extended beyond their 17th birthday, but only through a court proceeding and subsequent court Order. The Division does decide when a committed resident is able to be released on either Administrative Release or recommended for Parole. The Juvenile Parole Board makes the final determination on such cases.

Staff

Staff are categorized as being Residential and Field employees. Residential staff serve in the Committed and Detention Units (Youth Counselors) of SYSC and the Field staff serve as Juvenile Probation and Parole Officers.

The average length of stay for each program is as follows:

	Days
Committed Youth	273
Detained Youth	30

Physical Campus and Plan

All of the residents occupy only one building, the SYSC. The Administration Building is next to the SYSC and is used for support offices (i.e., Business Office, Training Department, Field Services administration, etc.). Several buildings on campus are also 'moth-balled': Wilkins Cottage, Spaulding Cottage, Pinecrest Cottage, Riverview Cottage, and the Campus Edge building. The Manchester Police Department utilizes the remaining barns for their Mounted Unit and K-9 training facilities. The State Police also use an area for their K-9 training facility. Lastly, these agencies and several other local police departments use Spaulding Cottage for their special response team training.

The rooms in the SYSC vary slightly in size. Using the smallest single and smallest double room dimensions, estimates are as follows:

Detention Unit

	Number	Smallest
Single Rooms	36	70 sq. ft.
ADA Compliant	1	119 sq. ft.
Singles with Bathroom	3	84 sq. ft.
Double Rooms	0	N/A
Dormitories	0	N/A

Three Committed Units

	Number	Smallest
Single Rooms	72	70 sq. ft.
Singles with Bathroom	9	84 sq. ft.
Double Rooms	18	117 sq. ft.
Dormitories	0	N/A

The only "segregated" cells are in the Medical Facility, which are for medical isolation only. The SYSC has no discipline or administrative segregation units.

Health Services

The Health Services unit is responsible for ensuring that the health needs of all youth are met at the SYSC. Both on-campus and community-based medical services are provided. Programs are staffed with Registered Nurses 24 hours per day, seven days a week. Varying levels of medical, dental, and psychiatric services are provided at the facility including admission physicals, human immunodeficiency virus (HIV) and sexually-transmitted disease (STD) screenings, lab testing, immunizations, and health education. Medical specialty services are obtained from a wide variety of community-based providers. The SYSC has a full-time staff psychiatrist, and contract physician, physician assistants, dentist, and dental hygienist.

Clinical Services

Clinical Services are provided to SYSC residents by qualified professionals, each with a diverse set of skills and expertise in the field of juvenile rehabilitation. The Licensed Alcohol and Drug Abuse Counselor (LADAC) allows the clinical team to improve their delivery of quality substance abuse treatment services. Clinicians continue to conduct group therapy sessions to meet the special needs of all residents in each unit. Some of these group sessions include: anger management, communication skills, self-esteem and self-awareness, social skills, and relapse prevention. Survivor treatment group sessions are offered to the female population who have been victims of sexual abuse. Other group sessions and counseling offered for females include: eating disorders, depression, shame, low self-esteem, substance abuse issues, abusive relationships, and unplanned pregnancies.

Educational Services

The SYSC School Department meets New Hampshire Department of Education Standards and is approved as a Special Education School through year 2010. The school administers a 180-day school year for 5-3/4 hours each day with a 7-class period (no study halls) daily schedule. An extended school

year for special education students is provided and arranged as needed. Several students commute to a public school setting which is monitored by the SYSC Guidance Counselor. Moreover, a strong emphasis is placed on providing incentives and rewards to overcome a history of poor school performance with most students, such as individualized instruction; a daily and weekly point system; Student-of-the-Month program; 8th-grade diploma program; Job Title Certificate(s) program; GED certificate program; and transfers to the public school system.

Recreational Services

The SYSC has a gym and indoor pool contained within the architecturally secure facility. There are additional recreational facilities on the 150-acre campus including: softball and soccer fields, golf driving range, Heritage Trail, the inner courtyard, and three unit outdoor pens with basketball equipment. The SYSC has three certified physical education teachers assigned who facilitate recreational services six days a week.

Summary

The campus of the Sununu Youth Services Center in Manchester is widely recognized as a unique and valuable property. For over 150 years, its buildings and grounds have served as New Hampshire's facility for adjudicated youth. During that time, as Manchester has grown by leaps and bounds, the SYSC campus has become a sprawling 'oasis' in the midst of one of the state's most desirable residential neighborhoods. This juxtaposition of youth services, pristine, open land and neighboring private homes has been, and remains, a source of potential conflict and opportunity.

Appendix C

Synopses of Past Reports on Incarceration of Women in New Hampshire

"Brief Review of Literature," by Miller, Niki, MS, Administrator of Women Offenders and Family Services, published March 12, 2010.

This report is a compilation of both the literature addressing the situation faced by US incarcerated women as well as the literature specifically focusing on NH. The following is a synopsis of the references that refer to NH.

- The rates of female offenders expanded much more rapidly than did their male counterparts (15.8 percent versus -2.6 percent) (Bureau of Justice Statistics, 2008). Six large counties document increases of women arrested (25 percent) versus 9 percent for men, and admissions to these same counties' jails showed major increases for women: 24 percent female and 14 percent male (Merrow, McGlashan, & Lamphere, 2008).
- The services offered to women inmates are lacking when compared to programs for male inmates. For example, waiting lists can be four to five months for those women whose release requires entering substance abuse treatment programs as a condition of release (Council of State Governments, 2010).
- The barriers for successful reentry into society for NH women offenders are unemployment (54 percent) and education (25 percent are without a high school degree) (Women's Prison Association, 2005).
- The NH State Prison for Women has a 28-day integrated treatment program and a three-month substance abuse, mental health treatment program. Entering such programs prohibits the participants from entering any community-based services after their release (Miller, 2010).

"2009 Report from the Interagency Coordinating Council for Women Offenders, Interim Report," January 12, 2010, SB 262, RSA/ Chapter 21-H: 14-c," by Senate President Sylvia B. Larsen (chair).

The Council was established by the Legislature in 2006, with a broad inter-disciplinary composition, to study issues with respect to women in the corrections system, with emphasis on parity in programs resources and facilities. This report provides an overview of the work of the Council for 2009 and steps taken by the prison system to address various concerns.

- A new system of rotating teachers between correctional facilities has enhanced the number of high school classes available to women. The report noted that only two women earned high school diplomas in the over 20-year history of the prison. A limited number of college classes are available to women at their own expense through a community college. Policies against Internet access are a barrier to on-line courses.
- In 2009 a full-time position was created for career and technical training, and options are being assessed. Space limitations are a major barrier, and the realization of at least one meaningful program that could contribute to future employment options would be seen as a critical improvement.
- A full-time staff member was assigned to oversee recreational and community service programs at the women's prison.
- As 80 percent of women inmates are mothers and usually sole providers for their children, the care and treatment of these families has been a concentration of this Council.
- The Child Protective Administrator was given the responsibility to hold group and individual meetings at the women's prison to listen to and answer questions regarding individual cases. A Family Connection Center was established at the women's prison in 2009 to provide parenting education and support and deal with obstructions to visitations of children meeting with their mothers.

"Women Behind Bars, The Needs and Challenges of NH's Increasing Population of Incarcerated Women," Published by the NH Women's Policy Institute, Authors Merrow, Katherine; McGlashan, Laura; Lamphere, Katherine; published December 2008.

This report is broken into four sections: characteristics of the population, number of incarcerated women, trends in female offenders, most effective practices in rehabilitation and substance abuse treatment and how NH ranks relative to national best practices. The female offenders who made up the population in 2007 were: substance abusers (70 percent), women with mental health issues (14 percent-78 percent depending on who is doing the reporting, a high number had a history of abuse (45 percent-87 percent), most inmates reported attaining a high school diploma or less (78 percent), those who were employed were very low (52 percent), most were single (78 percent) and 67 percent were mothers. While the proportion of women incarcerated was very low (ranked 47th), the growth of women inmates in county jails increased by 24 percent as compared to 14 percent increase for men between 2003 and 2007. This was mostly due to parole and probation violations. The conclusion of the report states the best practices (shown in the literature) use cognitive behavioral approaches. The most effective substance abuse programs are tailored specifically for women, which include childcare, mental health, housing assistance, job training, and case management services. Interviews with several professionals familiar with the situation in NH described the programs offered as being at best adequate. Because of the rates of recidivism and the growth of the numbers of female offenders, the costs and challenges for the NH corrective system, associated with women are expected to expand at a rapid pace.

"Interim Report, November 1, 2010, SB 262, RSA/ Chapter 21-H: 14-c, Laws of 2006, Interagency Coordinating Council for Women Offenders," by Senate President Sylvia B. Larsen (chair).

The Council, upon consideration of data and reports from many sources, advocates for gender-specific community services to promote successful re-entry for women. Various resources are being directed to these needs. This year communication with the county system increased through the work of Ross Cunningham, Sullivan County HOC Superintendent, who helped accrue valuable data and shared advancements in gender responsive women's services at the county level. Much training took place relative to gender-specific re-entry issues. Warden Fortier collaborated with several agencies to provide parenting classes and support groups, a new mothers group and extra visits for the first eight months. DCYF has continued various supportive efforts to keep mothers connected with their children. It is anticipated that data will become available through grant-funded projects that will allow for measurement of progress on federal performance metrics. The Council's goals continue to be reducing NH's unacceptably high recidivism rate and improving post-incarceration results.

New Hampshire Department of Education Bureau of Special Education Summary Report, New Hampshire Department of Corrections: Education Programs: Berlin, Lakes Region Facility, and Goffstown State Prison for Women, Visits conducted on August 26, 2005 and October 25, 2005.

The educational program staff at all three facilities is commended for being caring, skilled and dedicated under the availability of very limited resources. Report provides detailed information on each of the facilities as well as a summary of areas in need of improvement for all three sites. None of these sites has a formal special education program. There are no special education services for female inmates, and male inmates (must be under 21 to qualify) must transfer to the Concord facility to be entered into the special education program. No formal curriculum exists and inmates cannot work towards a high school diploma; only GED or noncredit coursework offered. The cost of staff professional development, which is required for each educational program by the NHDOE, falls on each staff person. The task of the Special Education Director of the NH correctional system is to provide leadership and teach general and special education classes. This position has been vacant for several years, leaving an absence of special education

classes. At the time of this report the position was filled. Data relevant to the education programs is collected manually and is not used to improve the curriculum, assessment or instruction of inmates.

Double Jeopardy, A Report on Training and Educational Programs for New Hampshire's Female Offenders," by New Hampshire Commission on the Status of Women, December, 2004 (reflects errata changes, January 6, 2005).

Update on state response to 1983 class action case against NH for not providing NH female inmates in-state housing, and 1992 lawsuit calling for NH to house NH women offenders in a facility separate from that provided for male inmates.

Deficiencies:

- Costs associated with female offenders are high; (2003: $23,938 per year per inmate); many women are sole providers for children, whose foster care costs are $25,000 per year per child.
- The average incarcerated NH women have 2.5 children and are sentenced for an average of 2.5 years.
- Recidivism rate: 50 percent for NH female offenders.
- Spending for each female inmate $1,906 - $4,564, less than what is spent on a male offender.
- No on-site medical unit at the Women's facility.
- Facility was designed for 104 inmates, but the population has reached 112 several times in recent years.
- The Women's correctional program doesn't offer a life skills program, varied work opportunities (compared to the male program) and only one vocational program compared to eight programs offered to male offenders.
- No programs specifically designed for female inmates to address areas of abuse, mental illness, and addiction.

Recommendations [at no cost to state]:

- Perform data collection about female offenders to be used to target available resources and develop policies and practices specific to women.
- Establish a statewide plan to better deal with female gender issues that affect NH female offenders.
- Develop staff training programs to better work with women inmates.

"National Institute of Corrections (NIC) Technical Assistance Report No. 2003, P1097, for New Hampshire Department of Corrections," by Moss, Andie; Poole, Susan E., published November 11, 2003, requested by NH Department of Corrections Commissioner Phil Stanley.

Report evaluated the existing conditions (August 17-22, 2003) and future plans for managing the state's expanding female prison population. Used focus groups, individual interviews, and literature reviews.

Deficiencies:

- Size of current facilities for both providing necessary services for female offenders and work environment for prison staff was inadequate.
- Lack of skills and/or needed staff in dealing with specific women offenders' issues, including women being separated from their children (especially for sole providers), chemical and alcohol addiction, mixing all female prison population (ranging from minimum custody to violent offenders), managing various degrees of mental health complications.
- Lacking sufficient programs and clinical staff to deal with serious medical issues.

Recommendations:

- Establish a statewide plan for the management of women offenders.
- Provide separate halfway house and new prison for women.
- Train personnel to specifically work with the female prison population
- Make services and resources for female offenders comparable to those provided for male offenders.

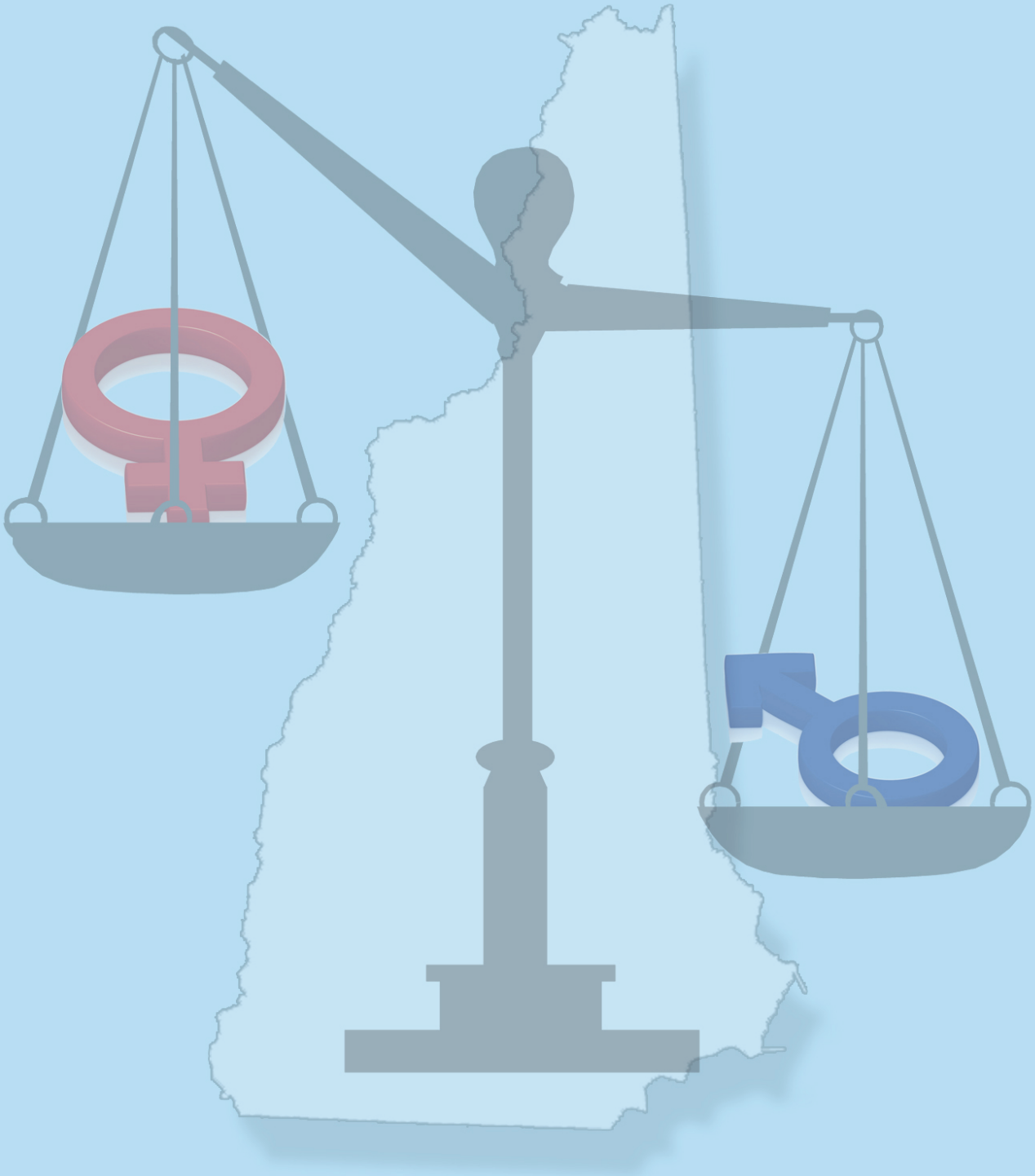
Appendix D

Comparison Chart

PRISON COMPARISON CHART	
MEN'S PRISON (CONCORD)	WOMEN'S PRISON (GOFFSTOWN)
Physical Plant and Campus	
Numerous large buildings with space in between.	Single building for all purposes, limited indoor and outdoor space.
Constant access to out-of-doors, for movements between housing, work and activities.	Limited access to out-of-doors; can be days before setting foot outside.
Outdoor socializing, recreation, and exercise.	Going outdoors at all constrained by staffing limitations.
Buildings include housing (and support, such as dining halls), educational areas, chapel, health services including in-patient, warehouse, maintenance shops, gym, hobby crafts area, vocational and industrial shops.	Single building for all purposes; no space for chapel, no shops, gym, hobby crafts, vocational or industrial.
Programs	
Vocational and Industrial	
Separate unit in separate buildings.	Minimal industrial in small space in sole building
Large size and capacity.	Small to nonexistent
Eight vocational programs, ranging from auto body to computer, business and culinary training; certification provided.	Three educational programs are considered vocational: computer education, business education, and the newly-added Hospitality Program.
Industry provides training and sale of products.	None
Provide job skills to take back to community.	Little or no skills provided, and none that pay competitive wages, in spite of inmates needing to support families.
Educational	
Educational classrooms, testing area and guidance counselor.	Limited classroom space and staff, some shared teachers with men's prison
GED, high school (diploma) courses, special ed. and college level with general and law libraries.	Emphasis on GED; only 2 women in 20 years received diploma.
	Limits on technology, distance learning which might compensate for classroom inadequacies.
Life Skills Programs	
Range from anger management to parenting, AA/NA, religious programs.	Minimal, more use of volunteers and less of paid staff.
Family Programs	
Family Connections Center with programs, visits, with separate visitation room and room to meet attorneys.	Family Connections Center in Concord, and volunteers (rather than paid staff), helping with family programs. Lack of visitation space drives visits outdoors if weather permits.
Medical/Dental/Healthcare	
Infirmary staffed 24-hours with doctor and nurse, in-patient and out-patient services, hospital-type rooms, dental office with numerous chairs.	Miniscule health facility without in-patient or hospital rooms. Need to take off-site, with difficulties for patients and tying up limited transportation and staff which are also needed for other purposes/programs.

Mental Health Care	
Residential mental health treatment facility (RTU) with its own therapeutic community.	Minimal mental health support. One psychiatrist in residence, which skews per-capita statistics. Greater need of women for mental health services but fewer resources.
Mental Health Unit (MTU), called RTU Residential Treatment Unit, and Secure Psychiatric Unit (SPU), akin to inpatient psychiatric hospital.	No equivalent.
Substance Abuse and Addiction programs for treatment and recovery.	Programs lacking due to space and staff.
Living in Balance program, 36 sessions Additional recovery groups and Life Skill programs.	No equivalent.

U.S. Commission on Civil Rights
Eastern Regional Office
624 9th Street, NW
Washington DC 20425



OFFICIAL BUSINESS - PENALTY FOR PRIVATE USE $300