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The Center for Public Policy and the Social Sciences

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**ESTABLISHING A DRUG DEALER REGISTRY IN NEW HAMPSHIRE**

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Presented to the New Hampshire House of Representatives  
Criminal Justice and Public Safety Committee

PRS Policy Brief 1516-02  
February 16, 2016

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*This report was written by undergraduate students at Dartmouth College under the direction of professors in the Rockefeller Center. Policy Research Shop (PRS) students produce non-partisan policy analyses and present their findings in a non-advocacy manner. The PRS is fully endowed by the Dartmouth Class of 1964 through a class gift in celebration of its 50<sup>th</sup> Anniversary given to the Center. This endowment ensures that the Policy Research Shop will continue to produce high-quality, non-partisan policy research for policymakers in New Hampshire and Vermont. The PRS was previously funded by major grants from the U.S. Department of Education, Fund for the Improvement of Post-Secondary Education (FIPSE) and from the Ford Foundation and by initial seed grants from the Surdna Foundation and the Lintilhac Foundation. Since its inception in 2005, PRS students have invested more than 50,000 hours to produce more than 130 policy briefs for policymakers in New Hampshire and Vermont.*



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## **EXECUTIVE SUMMARY**

Substance abuse is currently one of the leading public health concerns in the state of New Hampshire. State Representative James Belanger has proposed House Bill 1603 (HB1603), which aims to establish a drug dealer registry in New Hampshire. This report assesses the potential and challenges of a drug dealer registry in New Hampshire. The research analyzes the current state of New Hampshire's drug problem, previous attempts to pass a registry in the state, and offers a state-by-state analysis of similar registries in other states, providing comparative context for a New Hampshire registry. Data drawn from interviews with 13 law enforcement officials and other states' registry administrators, as well as evidence from drug dealing activities are used to assess the potential effectiveness, costs, and benefits of a registry in New Hampshire. The data from local law enforcement officials evaluates whether or not these officials would find the proposed drug dealer registry and its specific characteristics, such as the three-strike policy, to be effective or helpful in work combatting drug crimes. Interviews with administrators in other states supplements a quantitative state-by-state analysis of similar registries, assessing their effectiveness, cost, and administrative structure. This report supplements HB1603 sponsored by State Representative James Belanger.

## **1. INTRODUCTION**

### *1.1 Definitions*

This report uses specific terminology when referring to different types of drug registries.

- A “drug dealer registry” records only those arrested for dealing drugs, and describes the policy proposed in HB1603 and principally analyzed in this report.
- A “drug user registry” refers to a registry that only includes information on drug users and not drug dealers.
- A “drug offender registry” refers to a registry that includes both dealers and users.
- A “criminal registry” refers to a registry that includes crimes beyond drug related offenses, such as sex offenders and other violent crimes.

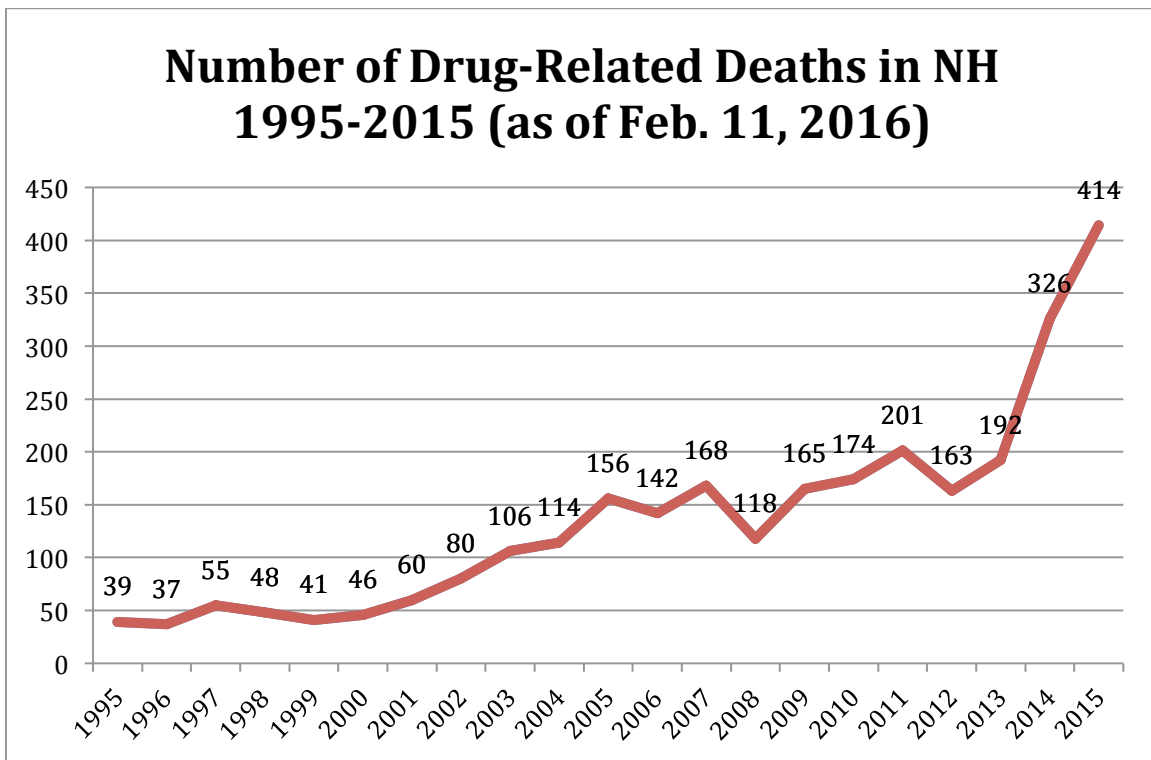
### *1.2 New Hampshire's Drug Problem*

HB1603 addresses New Hampshire's alarming drug problem, including the state's rising number of heroin and prescription drug overdoses. The New Hampshire Department of Health and Human Services has identified substance abuse as a top concern in the state.<sup>1</sup> Indeed, according to reports by the National Survey on Drug Use and Health (NSDUH), the percentage of New Hampshire residents that have used heroin at least once in their lifetimes has more than tripled since 2004-2005, from 1.2 percent to 3.3 percent in 2010-2011.



In the 2015 Kids Count Data Book compiled by the Annie E. Casey Foundation, the Granite State is second in the nation in overall child well being, based on a composite index derived from data on the economy, education, health, family, and community. However, New Hampshire ranked as one of the worst states in the country in terms of teen (ages 12-17) drug and alcohol abuse, with seven percent of all teens reporting drug or alcohol abuse.<sup>2</sup> Of the four index categories, New Hampshire finished in the top seven in all but health, in which the state was ranked 16<sup>th</sup>.

In January 2012, the New Hampshire Governor's Commission on Alcohol and Drug Abuse Prevention, Intervention and Treatment published a "Call to Action" responding to the state's prescription drug abuse epidemic.<sup>3</sup> According to the report, drug-related deaths outnumbered traffic-related fatalities in four of the five years prior to the report's publication. In 2014, the NH Medical Examiner's Office recorded 326 drug-related deaths, which was nearly double the 2010 count.<sup>4</sup> In 2015, the state recorded 414 drug-related deaths.<sup>5</sup>



**Figure 1. Number of Drug Related Deaths in New Hampshire 1995-2015. Data from the NH Medical Examiner's Office.**

Substance abuse has become so salient in New Hampshire that every 2016 presidential candidate has addressed it in his or her visits to the Granite State. Democratic presidential candidate Hillary Clinton has held several town meeting forums on substance abuse in



New Hampshire, as have Jeb Bush, Donald Trump, and several other Republican candidates.<sup>6</sup> More importantly, the New Hampshire Legislature was called back into session in 2015 to address the problem.

## **2. BACKGROUND**

### *2.1 Past Bills in New Hampshire*

In 2004, the New Hampshire State Legislature considered HB556, the first proposal for a drug dealer registry in the state. HB556 proposed to register all three-time drug offenders in New Hampshire, taking past criminal records into account, and keeping people on the registry for ten years. Out-of-state convictions would have counted toward the registration threshold. HB 556 failed, primarily due to concerns over funding mechanisms and integration with the existing sex offender registry.<sup>7</sup>

In 2005, an amended version of HB 556 was re-introduced as HB 1467, which proposed virtually the same drug offender registry as before. Every drug offender was to be registered with the Department of Safety, Division of State Police. This bill, however, created a separate registry rather than merging the drug offender registry with the sex offender registry. Furthermore, offenders were only registered for four years rather than ten. While the second bill alleviated some concerns over administration, the utility of a drug offender registry was again called into question. Opponents raised concerns about stigma, addiction as a disease, cost, and efficacy, and this bill also did not pass.<sup>8</sup>

### *2.2 Current Bill*

Based on New Hampshire's previous bills and others states' enacted and failed legislation, a new registry seeks to take into account integration with other criminal records, the duration of registration, the offenses and substances included, if the registry is retrospective or prospective, geographic bounds, and information availability.

The biggest difference between the former, failed New Hampshire bills and the current proposal is the change from a drug offender registry to a drug dealer registry. This may eliminate many concerns about the inclusion of drug users, including minors, in registries. The registry will also stand alone, rather than with the sex offender registry. The proposed New Hampshire drug dealer registry will implement a three-strike policy, with registration for a four-year period occurring after the third offense, and information about registrants is only available to law enforcement. Officials will be notified when a registrant moves into their area, with the goal of helping local law enforcement officials to monitor dealers more effectively. The bill's sponsors expect a drug dealer registry to expedite surveillance, prevention, and deterrence of drug dealing for law enforcement.

In light of these adjustments with respect to previously proposed legislation and the growing drug problem in New Hampshire, the new bill attempts to address previous



concerns regarding drug dealer registries and potentially provides distinct benefits to the state of New Hampshire in its multifaceted attempts to deal with the state's drug problem.

### **3. COMPARATIVE ASSESSMENT: QUANTITATIVE AND QUALITATIVE ANALYSIS OF OTHER STATE REGISTRIES**

#### *3.1 Comparison with Existing State Registries*

The proposed New Hampshire registry would be the first registry that focuses solely on drug dealers. There are currently five states (Illinois, Kansas, Minnesota, Oklahoma, and Tennessee) with some form of a drug offender registry. Generally, these registries are exclusive to methamphetamines and include both drug dealers and drug users. Appendix I includes a detailed table outlining the main differences between each registry.

The main differences between the proposed NH registry and those currently in existence is the length of time that offenders remain registered, the availability of the registry to the public, and the types of offenses that require registration. All of the current registries require registrants to remain on the registry for at least ten years after their last conviction, compared to the proposed four years in New Hampshire. Four of the current registries are publically available online and are searchable both by name of the registrant and by county. The Oklahoma registry is searchable only if the full name and date of birth of the person being queried is known. Law enforcement and vendors of pseudoephedrine containing products have full access to the Oklahoma database, but unlike the Tennessee, Illinois, Kansas, and Minnesota registries, it is not searchable geographically. The NH registry would not be publically accessible at all, and would only be searchable by law enforcement officers. The final major difference from existing registries is the types of offenses included in the registry. The proposed NH registry would be the least inclusive of the existing registries because it would only include drug dealers convicted three or more times in New Hampshire after the law's passage. The three-strike component is what sets this registry apart from the other states' registries, which include individuals with at least one eligible conviction. The Oklahoma, Illinois, and Kansas registries are only inclusive of methamphetamine offenses, and these three registries only include offenses relating to the manufacturing of methamphetamines. The Tennessee and Kansas registries include all types of drugs, with the Tennessee registry including all felony drug offences, and the Kansas registry including manufacturing and dealing-related offenses.

A review of the existing, publically available registries yielded the number of individuals on each registry. Tennessee had the most people on the registry with 11,902, and Minnesota had the least, with 505 (Figure 2). The registries in Tennessee and Kansas both had approximately 0.19 percent of their populations on the registries, and Illinois and Minnesota had approximately 0.04 percent of their populations on their registries.



**Figure 2. Number of Offenders on Each Searchable Registry. Data from the Publicly Available Web Site for Each Registry.**

	<b>Number of Individuals on State Drug Registry</b>	<b>Percent of State Population</b>
<b>Tennessee:</b>	<b>11,902</b>	<b>0.186%</b>
<b>Kansas:</b>	<b>3,672</b>	<b>0.187%</b>
<b>Illinois:</b>	<b>1,251</b>	<b>0.043%</b>
<b>Minnesota</b>	<b>505</b>	<b>0.037%</b>

A review of media reports on the existing registries revealed several noteworthy findings: the registries were not widely reported on after their implementation, but according to the existing reports, the registries seem largely to be working. Many of the relevant reports came from Tennessee and Oklahoma. In both states, the number of methamphetamine lab busts went down after the implementation of the registries and the National Precursor Log Exchange (NPLEx) pseudoephedrine monitoring system. The media coverage was positive about the registries' impact on the decrease, although several articles were quick to point out the continued high rate of methamphetamine abuse and its increasing importation from south of the border.<sup>9</sup> A report from Illinois also linked a decrease in drug crime and a statewide crime drop of 3.6 percent, to the creation of the Illinois registry.<sup>10</sup>

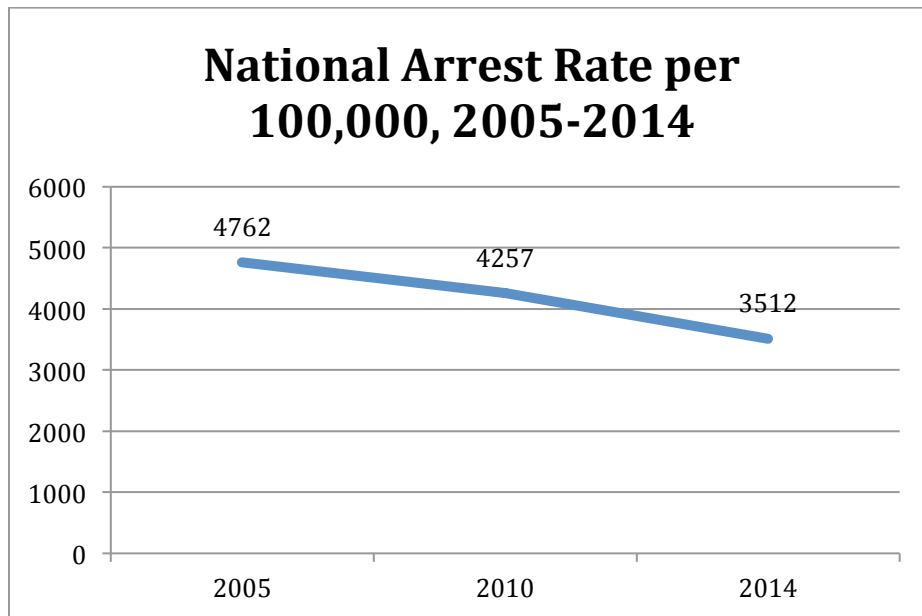
The one area of concern was a Tennessee report that suggests that not all of the offender data was being efficiently or accurately passed from the criminal court clerks to the Tennessee Bureau of Investigation, which oversees the registry. The article, originally published in *The Tennessean* in September of 2013 and since removed from their website, suggests that there the clerks had difficulty distinguishing between individuals convicted for methamphetamine crimes and those convicted of other drug crimes due to the broad nature of the laws that many are convicted under. According to the article, only 65 of Tennessee's 95 counties had reported information to the Bureau that year.<sup>11</sup>

### *3.2 Drug Arrests and Overdoses*

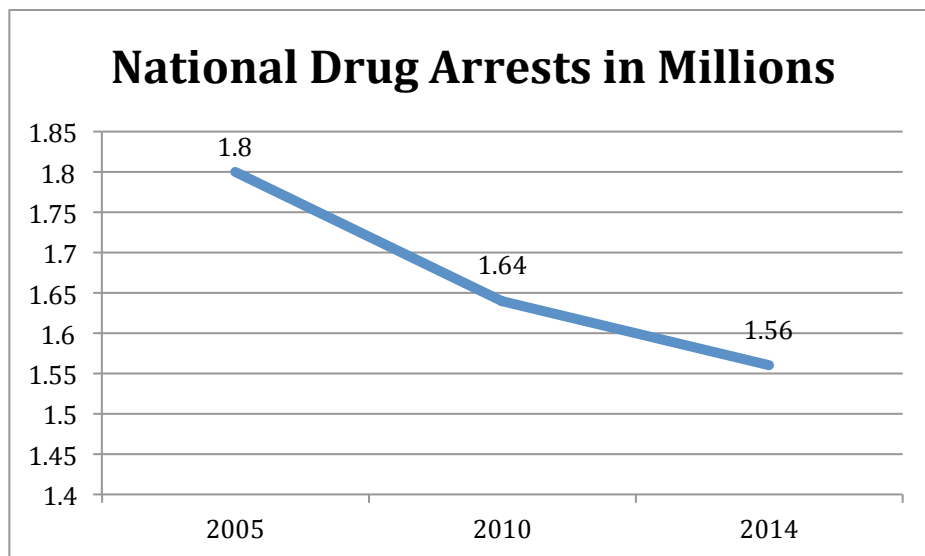
While overall national arrest rates have been declining, from 4,761.6 arrests per 100,000 inhabitants in 2005 to 4,257.6 arrests in 2010 and 3,512.7 arrests in 2014, as have overall drug arrests, from 1.8 million in 2005 to 1.64 million in 2010 and 1.56 in 2014, New Hampshire's rate of drug arrest has been increasing, as can be seen in Figures 3-5.<sup>12</sup>



**Figure 3. Number of Total National Arrests per 100,000, 2005-2014. Data from the FBI Crime Statistics.**



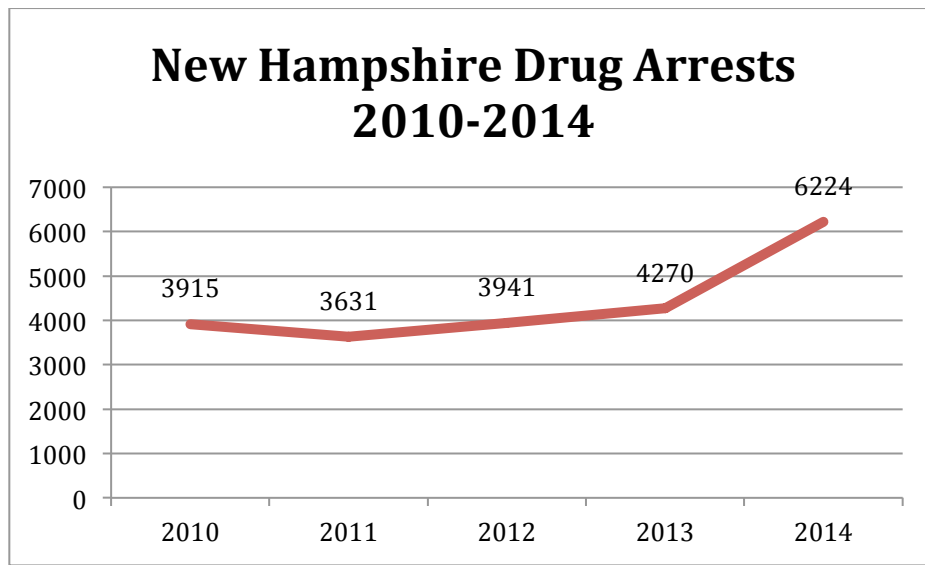
**Figure 4. Number of National Drug Related Arrests in Millions from 2005 to 2014. Data from the FBI Crime Statistics**







**Figure 5. New Hampshire Drug Arrests  
2010 to 2014. Data from the FBI Crime  
Statistics**



Arrests for drug related crimes in New Hampshire have steadily risen from 3,631 in 2010 to 6,224 in 2014.<sup>13</sup> In 2014, arrests for the sale or manufacture of all drugs made up 21.4 percent of the Northeastern states' drug related arrests, compared to 16.9 percent nationally. Moreover, 12 percent of these manufacture arrests were for the creation or distribution of heroin and related opioids, compared to 5.8 percent nationally.<sup>14</sup> New Hampshire, and more generally New England, has a serious problem, even compared to the national rate, of opioid and drug manufacture.

### *3.3 Recidivism and Projection for NH Registry*

Recidivism for drug crimes is particularly high. According to a 2005 study of criminal recidivism across 30 states,<sup>15</sup> after 5 years, 75.4 percent of released drug trafficking convicts had been rearrested for a new crime (See Figure 6). Many convicts were rearrested almost immediately after release: 26.9 percent of released trafficking convicts were rearrested within 6 months.



**Figure 6. Percent of Drug Offenders Rearrested Over Five Years by Most Serious Offense and Time from Release to First Arrest. Data from Durose et al.**

	6 Months	1 Year	2 Years	3 Years	4 Years	5 Years
<b>All Drug Convictions</b>	26.9	42.3	59.1	67.9	73.3	76.9
<b>Possession</b>	28.7	44.5	60.7	69.6	75.2	78.3
<b>Trafficking</b>	26.9	41.5	58	66.6	71.9	75.4
<b>Other</b>	25.3	41.4	59.3	68.3	73.6	78.1

**Figure 7. Post-release Arrests of Prisoners. Information from Durose et al.**

<b>Number of Arrests</b>	<b>Percent of Released Prisoners</b>
<b>None</b>	23.4
<b>1</b>	18.9
<b>2</b>	15.3
<b>3</b>	11.5
<b>4</b>	8.5
<b>5</b>	6.4
<b>6 or More</b>	16.1

The study also found that for all convicts, 42.5 percent were rearrested more than three times after their release (Figure 7). This suggests that, although of course not all of these rearrests are for additional drug crimes, the recidivism rate for convicted dealers is expected to be high. Using the rate of drug crime in New Hampshire for 2014 and the rate of trafficking arrests as a percentage of total drug arrests in New England, it can be estimated that 1332 people were arrested for drug trafficking in 2014. Given a 42.5 percent rate of three or more additional arrests and a 75.4 percent rearrest rate for drug crimes, it can be projected that between 566 and 1,004 people would be rearrested for drug crimes in 2014. As the proposed registry would only include dealers convicted at least three times of drug dealing, the registry would most likely add far less than 500 per year, due to the fact that a rearrest is not necessarily a conviction, and the rearrests are not all due to an additional dealing charge.



### *3.4 Registry Administration in Other States*

The following data was collected from a series of phone interviews with administrators for each state with a drug related registry. The research reached out to all five states that currently have drug dealer registries and received responses from administrators in Tennessee, Illinois, and Oklahoma.

An interview or multiple interviews were conducted with administrators in these three states across a span of two months (January to February 2016). Research questions asked included:

- How is the registry managed at this institution?
- How is data collected?
- Who manages the data at the institution?
- How many people does it take to manage the registry?
- How effective do you find the registration process?
- How effective is your registry in terms of making a quantifiable impact on drug crime and usage in your state?

In all three of these states, a single individual within a unit directly manages the registry. These administrators generally perceive the registration process to be smooth, and the registry itself is generally positively regarded.

#### *3.5.1 Tennessee*

In Tennessee, the drug offender registry is managed by a clerk employed under the Drug Investigation Division at the Tennessee Bureau of Investigation, who is currently Elizabeth Mclean. Her current salary is \$1,795 per month as a full-time employee, and she is the only person in the TBI tasked to administer the drug dealer registry. Mclean receives judgments from state offices around the state and enters them into a database at the TBI. She perceives the drug dealer registry to be “pretty good” because Sudafed-selling stores can now track driver’s license and phone number information to prevent drug crime. According to Mclean, the information transfer process is “a pretty smooth process.” The clerk at TBI receives the relevant information from the judgments, including the offender’s name and personal information, charge, conviction date, and drug involved. Information is difficult to change within the TBI. The clerk can’t directly change information in the registry herself and she requires the assistance of the computer programmer. Law enforcement has access to this information through the TBI.<sup>16</sup>

#### *3.5.2 Illinois*

Administrators of the Illinois Methamphetamine Registry at the State Police Department update the registry. The record itself is managed under one unit, with one person at the division processes and inputs the information. Administrators at the state police department find the process to be effective and the drug dealer registry to be helpful



because it provides the community with important information. Certain administrative details are kept confidential at the Illinois state police department.<sup>17</sup>

### *3.5.3 Oklahoma*

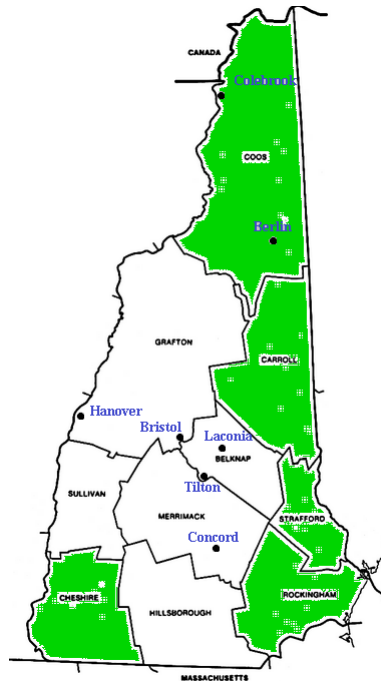
The Oklahoma State Bureau of Narcotics and Dangerous Drug Control manages the Oklahoma Methamphetamine Offender Registry, which focuses on blocking bulk Sudafed purchases in the state. A spokesman for the Bureau, Mark Woodward, said that the law enforcement officials in Oklahoma find the registry effective. In Oklahoma, the registry is managed by the state's general information technology (IT) staff. Similar to the process in Tennessee and Illinois, only one person is required to manage the information. Oklahoma also outsources its infrastructure management to a company in Kentucky. There has been some discussion in Oklahoma about expanding the registry to include other drugs. However, the Oklahoma Department of Corrections website allows people to see criminal records online, making a general drug dealer or offender registry redundant. The current registry is found to be useful because it blocks certain Sudafed sales.<sup>18</sup>

#### 3.5.3.2 Drug Enforcement Administration of Oklahoma

The media spokesperson of the Dallas division of the DEA, which has jurisdiction over Oklahoma, was interviewed. The spokesperson was not aware of the drug dealer registry in Oklahoma and its effects on administrators and agents at the DEA.<sup>19</sup>

## **4. LAW ENFORCEMENT INTERVIEWS**

The following section summarizes results from interviews with local law enforcement officials about the issues of the drug investigation process in their city or county, whether a registry would be helpful to investigation or deterrence, who the drug dealers are in their city or county, and whether a three-strikes policy would be effective. Anonymous officials from five counties (Strafford, Carroll, Coos, Rockingham and Cheshire) and seven towns and cities (Colebrook, Laconia, Berlin, Tilton, Hanover, Bristol, and Concord) were interviewed. In addition, a representative from New Hampshire State Narcotics and Investigations Unit was interviewed (NIU). A total of 13 law enforcement officials were interviewed in January and February of 2016.<sup>20</sup>



**Figure 9. Map of interviewed officers. Counties with interview subjects are shaded. Labeled cities indicate cities with interviewed subjects.**

#### 4.1 How do Police Officers Investigate Dealers?

Lt. John Encarnacao of the New Hampshire Narcotics and Investigations Unit (NIU), interviewed February 5<sup>th</sup>,<sup>21</sup> cited five main investigation-gathering mechanisms: Anonymous tips, non-anonymous tips, intelligence from informants, intelligence from arrests, and intelligence filtered up from local Police Departments. The NIU oversees drug investigations in New Hampshire, and manages cases spanning several local jurisdictions.

Local Police officers most commonly use anonymous and non-anonymous tips to initiate investigations. Officials from Strafford, Carroll, Laconia, Berlin, Rockingham, Hanover, Tilton and Bristol all mentioned using tips to gather information for drug investigations. In particular, officers (echoed by Strafford, Hanover, and Berlin) look for increased traffic in a given area — “more people moving in and out, and especially known users and dealers.”<sup>22</sup> Informants and arrests were a close second: Officials from Strafford, Carroll, Colebrook, Laconia, Berlin, Hanover, Tilton and Concord all cited informants and arrests as a primary mechanism for investigations. The officers in Hanover, Tilton, and Concord mentioned that, most of the time, these informants are people arrested for crimes who are looking for reduced sentencing (See Plea-Bargaining 4.6).



#### *4.2 Biggest Obstacles in Drug Investigations*

At the city level, obstacles to investigation vary with size. Large cities struggle with finding initial information about dealers. Officials from Concord (a city of 42,985), Berlin (10,051) and Laconia (15,951) all cited getting information from the public for initial information as a major obstacle in drug investigations. On the other hand, officers from Colebrook (with 2,301 people), Rockingham (4,486), Tilton (3,567) and Bristol (3,054) all mentioned the ease of locating dealers, to the point where “any officer walking down the street can tell you who the dealers are.”<sup>23</sup> These smaller towns instead struggle with case building, and cite gathering definitive proof as the biggest obstacle to a successful investigation.

According to Lt. Encarnacao of the NIU, drug task forces generally know any person convicted over three times with a drug sale offense: “We know who they are. We don’t know where they live, but a registry wouldn’t help” because after the third conviction dealers generally become more active about evading the law – they often move around frequently, change their names and purchase fake IDs. They also “shack up” far away from their stated residence to confound any tracking measures.<sup>24</sup> By the time someone has been convicted three times, they likely have picked up habits that would overcome registry tracking.

A drug dealer registry could help identify and track career dealers, which would largely provide initial information to begin an investigation, particularly in large cities where, according to the law enforcement officials we interviewed, this proves to be especially difficult problem. The larger state drug task force seems to already monitor the career dealers, and small towns may not require initial information so much as definitive proof for case building.

#### *4.3 How Could a Registry Impact Investigations?*

The officers interviewed from Rockingham, Berlin, Tilton, and Concord thought the registry would be potentially useful for their investigations. Berlin’s officer mentioned third-time convicts moving into cities as useful information to have.

In Concord, Colebrook, Berlin and Laconia, the officers interviewed did not feel the registry would help them. In these smaller towns, the interviewed officials noted that they already largely knew where new dealers resided soon after the dealers entered town thanks to the ease of information gathering among smaller populations. In towns like Colebrook, “the chief knows just about everybody — definitely the dealers. If you’re a hard user and come into town, you’ll know who the dealers are after three days, and [the police] will know who you are in four.”<sup>25</sup>

The NIU official questioned the usefulness of such a registry, explaining that 3rd-time dealers already evade tracking. According to the official, career dealers often: “shack up”



away from their stated residence, move around frequently, disguise themselves, change their names, and get fake IDs — all of which would prevent a registry from tracking their movements.<sup>26</sup>

The NIU official cited case building as the more meaningful obstacle to tackle and expressed concern that forcing more cops to check on the addresses of registrants would siphon manpower away from investigations. In addition, the NIU's larger concern is career drug dealers coming into New Hampshire from out of state, sometimes with a changed ID.<sup>27</sup>

The registry, according to the officials interviewed, would meaningfully impact and assist with investigations in larger cities more than it would smaller towns. However, officials noted that career dealers already evade monitoring all over the state and would likely continue to attempt evade the law if registered.

#### *4.4 Would a Registry Deter Dealers?*

The police interviewed almost unanimously discounted any deterrence effect of the registry. Most claimed that prison was a stronger deterrent than registration and that a registry is clearly insufficient to stop dealing, because “they’re all breaking the law anyway.”<sup>28</sup> Some officers cited a lack of other opportunities: “Once someone’s been caught dealing three times, what else are they going to do? Who’s going to hire [a person like that]?”<sup>29</sup>

In addition to the interviews with law enforcement officials, the team sought to gather the input from those who might potentially end up on such registries; the team found no empirical evidence to suggest that such a registry would have a deterrent as a single conviction would deter the lowest end participants in the drug industry.<sup>30</sup>

#### *4.5 Who Are the Dealers in New Hampshire?*

On the city-police level, the overwhelming majority of cases come from small-time dealers: “Most sell to support their habit, some sell for profit—but they all use to some degree.”<sup>31</sup> There are very few career dealers compared to the total dealer population—in Berlin, a town of 10,000 people, the officer interviewed could think of only three to four dealers that would fall into a third-time offender category.

Lt. Encarnacao estimated there are “an excess of a hundred dealers” in New Hampshire who would be eligible for registration *ex post facto*: that is, registered based on any past dealing offenses. He mentioned, however, that most of them are not currently active dealers. “A lot of them,” according to Lt. Encarnacao, after three or four convictions dealers either stop dealing or “get smart” and become career dealers—they start disguising themselves, falsifying their ID, and evading the police.<sup>32</sup>





#### *4.6 Logistical Concerns: Third Strikes and Pleading Down*

Police across cities agreed that there would only be a few registrants under a third-strike policy. The Carroll county officer cited a potential obstacle to registration: often, dealers get plea bargains and sentence reductions, sometimes being charged with simple possession rather than sale, because “it’s hard enough to get someone for dealing even once.”<sup>33</sup>

All officers mentioned using information from arrests. The Hanover police officer interviewed mentioned that many times arrestees attempted to offer information in exchange for “considerations” for a lighter sentence.<sup>34</sup>

In general, drug-dealing arrests are particularly susceptible to plea-bargaining because prosecutors can select which facts to base the case off of (intent to sell or amount of drugs in possession). There are compelling reasons why prosecutors would force plea bargains in drug dealing cases. First, there is often no victim asking for a maximum sentence or justice. Second, there are often too many drug dealers for the legal system to handle so plea bargains save necessary time and money but still yield convictions. Finally, police officers often gain information from plea bargains—nearly all interviewed police officers mentioned getting information about drug dealers “thanks to arrests.”<sup>35</sup> Career dealers—those who likely already have an offense or two—are more likely to have information that they could use to plead down, and thus are less likely to be convicted a third time.<sup>36</sup>

#### *4.7 Sex Offender Registry Comparison*

In the proposed bill, \$70,000 is set aside to compensate for the increased litigation costs that the state expects the creation of a registry to induce each year. This figure was projected using the amount of litigation created by the existing sex offender registry. However, this analogy may not be completely instructive. Many of the lawsuits brought against the sex offender registry are due to its retroactive nature and long term of registration. Registrants have argued that they are no longer a threat to society after not re-offending for over twenty years, and that continuing to be listed on the registry has created an undue harm to their lives. An additional type of suit has been over the retrospective nature of the sex offender registry: individuals whose crime was committed before the creation of the registry have since been included on it.<sup>37</sup> Many of these concerns would not be applicable to the proposed New Hampshire registry. The proposed registry would only be prospectively inclusive, only inclusive of repeat offenders, and have a relatively short duration of four years. Because the registry would be much less inclusive than the existing sex offender registry, it is likely that the volume of litigation against the registry would be far less than that allowed for in the \$70,000 set aside to address it.





## **5. CONCLUSION**

This report analyzes the potential of a drug dealer registry in New Hampshire. A state-by-state analysis of existing registries provides a framework for the proposed drug dealer registry in New Hampshire. Additionally, interviews with administrators, law enforcement officials, and drug dealers as well as New Hampshire specific demographics and concerns offer a comprehensive analysis of the feasibility and possible impact of the registry.

The proposed registry seems likely to avoid major problems from over-inclusiveness faced by sex-offender registries and some of the other existing drug registries. Because the NH registry would be specifically targeted at repeat offenders and neither publicly available nor as long-term as the other registries, it is likely to be more tailored than existing registries at targeting problematic dealers while not creating an undue hardship for reformed individuals.

The projected impact of the registry itself is hard to quantify. The general sentiment from our research indicates that the drug dealer registry in New Hampshire is a possible way to slow the exploding drug abuse problem in the state. By creating a registry, law enforcement may be able to better monitor known repeat offenders and keep track of crime hotspots. Interviews with law enforcement have indicated that the registry could be an overall positive by making it easier to track repeat drug dealers and apprehend them if they continue to offend but may lack the desired deterrent effect, as evidenced by the interviews with drug dealers. Larger cities, which have a greater difficulty finding initial information, would be helped by a registry more so than smaller towns. A dealer registry may help deter future crime by creating a disincentive to incurring a third strike offense, although this is difficult to determine before the registry has been enacted, and most evidence did not support this. Media reports on these registries were generally neutral or positive, except for a few administrative problems reported in Tennessee. Administrators of drug dealer registries in other states also find their processes effective and efficient. Based on interviews with these administrators and an analysis of the analogy to the sex-offender registry litigation, the cost of a New Hampshire registry may be less than the projected cost currently included in the bill.



**APPENDIX 1**

Figure 1: Comparison of Existing Registries.

	<b>Date Passed</b>	<b>Type of Drugs</b>	<b>Offenses Included</b>
<b>Oklahoma</b>	2010	Methamphetamine, Schedule V drugs	Including but not limited to possession, conspiring, endeavoring, manufacturing, distribution, or trafficking of a precursor or methamphetamines
<b>Kansas</b>	2007	Any Drug (opiates, methamphetamine, manufacture of other drugs)	Possession of precursor of controlled substance with intent to manufacture, unlawful manufacture of controlled substance, unlawful sale or distribution of controlled substance
<b>Illinois</b>	2006	Meth	Manufacture
<b>Tennessee</b>	2005	All drugs	All Felony Drug Offenses
<b>Minnesota</b>	2006	Meth	Possession of substances with intent to manufacture meth, meth manufacture
<b>New Hampshire</b>	NA	Any	3rd time dealers

Figure 2: Comparison of Existing Registries (cont.)

	<b>Agency responsible</b>	<b>Accessibility</b>	<b>Time on registry</b>	<b>Information Included</b>	<b>Additional information</b>
<b>Oklahoma</b>	OK bureau of narcotics and dangerous drugs	Available to sellers of pseudoephedrine products and law enforcement	10 years after last conviction	Name, DOB, offense, date of conviction, county, other identifying information	Persons on registry cannot buy pseudoephedrine
<b>Kansas</b>	KS bureau of Invest.	Public online	15 years	Name, primary residence, offense type, aliases, picture	
<b>Illinois</b>	Dept of State	Public online	Lifetime	Name, DOB,	



	Police			offense, conviction date and county, other identifying information	
<b>Tennessee</b>	TN Bureau of Investigation	Public online	10 years	Name, DOB, offense, conviction date, county	
<b>Minnesota</b>	Bureau of Criminal Apprehension	Public online	15 years	Name, conviction, arresting agency, county of conviction, sentence imposed	
<b>New Hampshire</b>		Only available to law enforcement	4 years		

Figure 3: Comparison of Existing Registries (cont.)

	<b>In/ Out of state</b>	<b>Retroactive/ Proactive</b>
<b>Oklahoma</b>	Violations of Oklahoma Statute	Offenses after the creation of the registry
<b>Kansas</b>	Violations of Kansas statutes	Offenses after the addition of drug offenses to the registry
<b>Illinois</b>	Anyone in violation of sec. 15 of the Methamphetamine Control and Community Protection Act	Offenses after the creation of the registry
<b>Tennessee</b>	Only Tennessee convictions	Offenses after the creation of the registry
<b>Minnesota</b>	Only Minnesota offenses	Offenses after the creation of the registry
<b>New Hampshire</b>	Only in-state offenses	Offenses after the creation of the registry



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