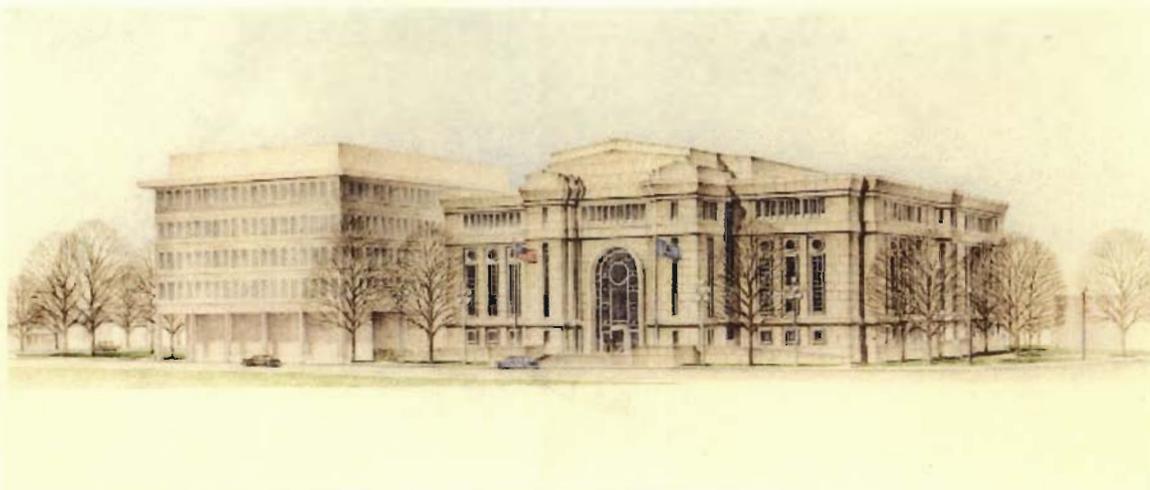


**U.S. PROBATION & PRETRIAL SERVICES
DISTRICT OF NEW HAMPSHIRE**

2006 ANNUAL REPORT





2006 ANNUAL REPORT

U.S. PROBATION AND PRETRIAL SERVICES OFFICE DISTRICT OF NEW HAMPSHIRE

SEPTEMBER 30, 2006

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MESSAGE FROM CHIEF

Our staff was again challenged in 2006 with keeping pace with the steadily increasing criminal caseload. In the pages that follow, readers will be able to see first hand the across the board elevations in case activity in all functional units, Pretrial Services, Presentence Investigation and post conviction Supervision. Combined with the increase in activity has been the development of several trends: first, more offenders are entering the system with significant criminal histories than ever before and as a result are serving longer prison sentences on average; secondly, our violation rate of post conviction and pretrial supervisees has increased dramatically, due in large measure to the large number of offenders with drug and alcohol addictions. At times throughout the year, our financial ability to underwrite the cost of treatment was strained, necessitating careful review and assessment by staff and the implementation of limits on treatment duration in certain cases. In searching for alternatives, during the fall of 2005, several staff visited the state run NHDOC Lakes Region Facility in Laconia, NH to assess the potential of referring federal offenders and pretrial supervisees to a relatively new 28 day program targeting technical violators. The thrust of the program focuses on individual decision making and explains how thinking in a criminal way can lead to negative outcomes and often, loss of freedom.

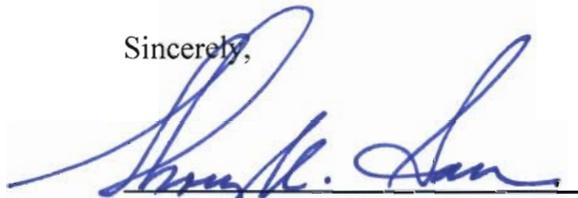
As in 2005, significant effort was put forth in advancing the concept of establishing a federal halfway house in Manchester, NH. On June 6, 2006 a significant decision, favorable to the prospective vendor was handed down by the Hillsborough County, NH Superior Court. The decision effectively reversed the decision of the Manchester Zoning Board to deny a variance to a proposed vendor. In its order, the court found the Board's decision to be "unreasonable and unlawful" and ordered the Board to grant the variance. Rather than comply with the court's decision, the city deliberated about filing an appeal to the NH Supreme Court.

In a related development, the proposed federal prison to be constructed in Berlin, NH received the final environmental site approvals and moved on to the next step of soliciting bids and selecting a contractor for the long awaited project. Once a contractor has been chosen, construction is expected to commence in the summer/fall of 2007.

FY 2005 also saw the retirement of one of our long time employees, USPO Denis Linehan. Linehan retired in April 2006 after a 20 year career as a federal probation officer and over 35 cumulative years as a probation officer at the local, state and federal levels.

Finally, a big "thank you" to all staff for a "job well done." They are among the most dedicated professionals who, day in and day out, exemplify the highest ideals of the United States Probation & Pretrial Services system.

Sincerely,



Thomas K. Tarr
Chief U.S. Probation Officer
District of New Hampshire



U.S. PROBATION AND PRETRIAL SERVICES DISTRICT OF NEW HAMPSHIRE

MISSION STATEMENT

It is the mission of the U.S. Probation and Pretrial Services Office for the District of New Hampshire, as a component of the federal judiciary responsible for community corrections, to provide protection to the citizens of New Hampshire and to assist in the fair administration of justice.

GUIDING PRINCIPLES

We believe ...

- ★ In protecting the community while offering every offender the opportunity for meaningful change.
- ★ In being sensitive to victims' concerns and responsive to their needs.
- ★ In pursuing proactive change and continuous improvement in our quest for quality.
- ★ In seeking justice through integrity, honesty, and fairness.
- ★ In promoting collaboration and communication within the office and with other agencies.
- ★ In recognizing, rewarding, and developing every staff member.

VISION

The U.S. Probation and Pretrial Services Office for the District of New Hampshire strives to exceed the highest ideals in community corrections.

DISTRICT OVERVIEW

The U.S. Probation & Pretrial Services Office for the District of New Hampshire is a combined office located in the Warren B. Rudman U.S. Courthouse, Concord, New Hampshire. Twenty-one staff members, including a chief, deputy chief, three supervisors, ten probation officers (including the Drug Alcohol Treatment Specialist), one Probation Officer Assistant, one part-time student contractor, one administrative officer, and four support staff are permanently assigned to this location. The office also shares with chambers and the Clerk's Office a six member automation unit and pays the salary of one of the unit's staff members. Since 1997, the district has also operated a small sub-office in the Norris Cotton Federal Building¹ in Manchester, New Hampshire. This office, situated in Hillsborough County where the greatest number of federal offenders reside, is used on a rotating, as-needed basis by officers. No staff member is permanently assigned to the Manchester office.

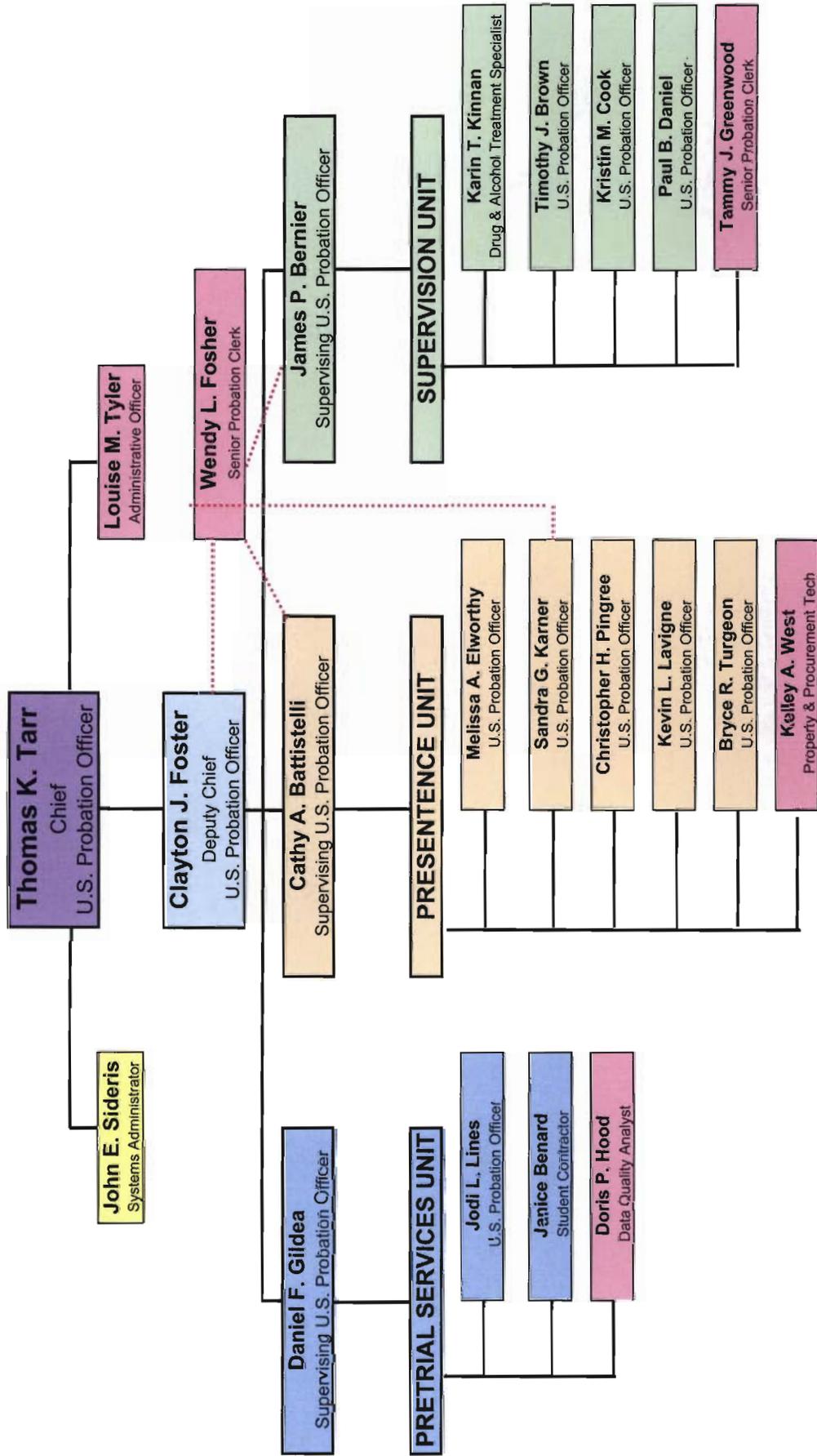
The office serves the U.S. District Court for the District of New Hampshire which consists of three full-time judges and one full-time magistrate judge. Investigative services in the form of pretrial services reports and presentence investigation reports are one aspect of the office's responsibilities to the Court. Supervision services of pretrial defendants and postconviction offenders (i.e., probationers and supervised releasees) are the second aspect of the office's responsibilities. The office also supervises parolees and military parolees under agreement with the U.S. Parole Commission, and provides investigative and supervision services to the U.S. Attorney's Office for its Pretrial Diversion Program. The office is responsible for all such matters in the state of New Hampshire, an area of approximately 10,000 square miles.

The chief probation officer is the unit executive responsible for all administrative functions, personnel, and budget. The Deputy Chief and Administrative Officer report directly to the Chief. Additionally, a management team consisting of the Chief, Administrative Officer, Deputy Chief, and the three unit supervisors exists to address all office management issues, including inter-unit cooperation, resource allocation and planning, intra-office communication, training and automation needs, and other issues having an office-wide impact. The management philosophy is a marriage of the notion of continually seeking to improve the quality of our services to the Court and public ("Total Quality Management") and of seeking to become more efficient through modification of processes to accomplish our work ("Process Improvement").

As rendered in the Organizational Chart on the following page, the office is organized to accomplish its mission by trifurcation of its major functions: pretrial, presentence, and supervision services. Although each officer is assigned to an individual unit, it is the office philosophy that, because the district is small by national standards, every officer serves the Court best if he or she is able to perform all of the major functions of the office. The Deputy Chief is essentially the operations manager over the three units, with a supervisor as head of each of the three units. The Drug and Alcohol Treatment Specialist administers the office's contracts with treatment providers in addition to carrying out other treatment related responsibilities. One clerical support staff member is assigned to each of the units with one clerical support staff member who serves both the presentence and supervision units.

¹On June 4, 2004, due to renovations that were to take place at the Cotton Building, the U.S. Probation Office, along with other prior tenants of the Cotton Building, moved our operation to 1000 Elm Street in Manchester, New Hampshire.

ORGANIZATION CHART



October 1, 2006

ADMINISTRATIVE SERVICES

Personnel Changes and Highlights

The following personnel changes occurred during FY '06.

- ★ U.S. Probation Officer Denis F. Linehan retired on April 30, 2006 after 20 years of service to the District of New Hampshire.
- ★ U.S. Probation Officer Assistant Erica Carpenter was promoted to full U.S. Probation Officer status in May 2006 and assigned to the Presentence Unit as a replacement for USPO Linehan.
- ★ Janice Benard, who had been a student contractor while completing work on her Master's Degree, was contracted to assume some of the responsibilities vacated by USPO Carpenter's promotion. (Additional details in Presentence section)

Budget

The office's budget increased by 8.5% over FY '05. Salaries and Contractor Fees accounted for the vast majority of that change (8.7%). As noted in last year's report treatment expenditures returned to more "normal" levels. In FY '06 we saw a sharp rise in this expense (13%). In addition, the expenditures for Automation once again increased (75%). The table below provides details in each of the budget categories:

| EXPENDITURES | | | | |
|--------------------------|--------------------|--------------------|--------------------|--------------------|
| | <u>2003</u> | <u>2004</u> | <u>2005</u> | <u>2006</u> |
| Salaries/Contractor Fees | \$1,312,551 | \$1,439,929 | \$1,559,506 | \$1,695,047 |
| Operations | 61,022 | 61,137 | 79,222 | 73,621 |
| Treatment Services | 215,034 | 186,202 | 217,823 | 245,854 |
| Furniture & Equipment | 8,885 | 3,417 | 24,289 | 7,651 |
| Telecommunications | 21,964 | 24,658 | 24,289 | 23,885 |
| Automation | 39,182 | 20,060 | 30,164 | 52,818 |
| TOTALS | \$1,658,638 | \$1,735,403 | 1,933,821 | \$2,098,876 |

Treatment Services Expenditures

Treatment services continue to be the District's second highest expense. As reported in FY '05, the District's expenses in this area was again on the rise. Even with the concerted efforts supervision unit officers made in collecting co-pay from offenders this cost factor rose significantly in FY '06 (12.7%). In fact, for the first time, the District was required to request a supplemental request for funds to cover the necessary treatment costs. The district requested an additional \$50,000 to cover expenses in this category.

Drug Aftercare services, this year accounted for 73% of the total expenditures and continued the steady increase we've come to expect. This year the increase was by 17.1% and, again, is higher than any of the prior three fiscal years as shown in the table below.

The following table reflects the breakdown by category of the various treatment services carried out by the office:

| TREATMENT SERVICES | | | | |
|---------------------------|------------------|------------------|------------------|------------------|
| | 2003 | 2004 | 2005 | 2006 |
| Drug Aftercare | \$110,251 | \$104,935 | \$121,286 | \$142,054 |
| Pretrial Services | 52,318 | 66,685 | 71,771 | 79,066 |
| Electronic Monitoring | 7,588 | 6,679 | 5,921 | 5,338 |
| Mental Health | 44,877 | 7,903 | 18,845 | 19,396 |
| TOTALS | \$215,034 | \$186,202 | \$217,823 | \$245,854 |

Management Team

The office's Management Team, consisting of the chief, deputy chief and three unit supervisors continued to address a number of issues of office-wide impact during the year. Most noteworthy were the following matters:

Management of Burgeoning Caseload. As recounted elsewhere in this report, the Pretrial and Supervision Units experienced caseload growth in FY '06 of 6% and 8.1%, respectively. For the first time in many years, the number of presentence reports completed by the office fell. As reported last year the office experienced an unprecedented drop of 18% in the number of presentence reports completed for FY'05. Now that the *Booker/FanFan* issue has been resolved the office saw a dramatic increase in the number of presentence reports completed in FY '06. The carry over cases, coupled with the cases brought in during the normal course of business the number of reports sky rocketed by 33.7%.

As previously noted in this report, the Management Team was able to hire a Probation Officer Assistant to assist the presentence unit for FY '05 as well as preparing for the pending retirement in April 2006 of U.S. Probation Officer Denis Linehan. Expecting that the investigation numbers would again begin to rise, as the pretrial numbers would indicate, the Management Team has continued to review the financial ability of the office to replace the Probation Officer Assistant position for FY '06 to again provide what was a valuable assistance to the officers assigned to the presentence unit.

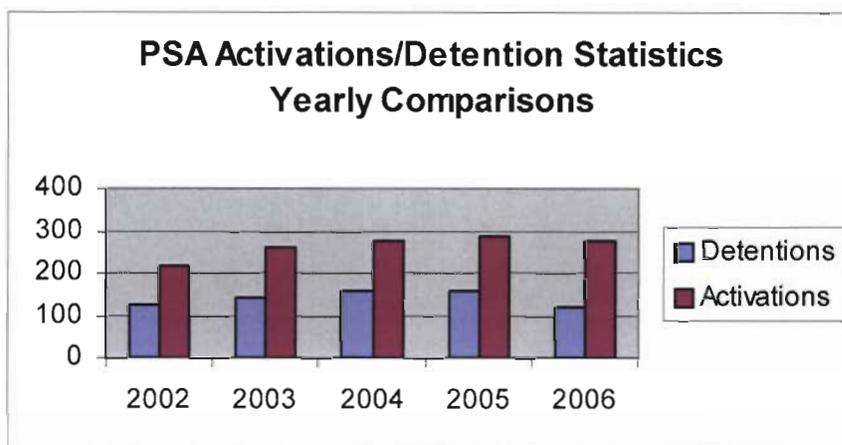
The cost-containment initiative, that was promulgated by the Administrative Office to deal with budget shortfalls, has been a contributing factor to current workload issues and as with most probation offices has been a hindrance in responding to rising work loads. As a way of explanation, it is important to know that the probation system is a back loaded system. That is to say, the probation office is staffed based on work load credits derived from work that was completed during a prior four quarter work extraction (ending June

30 of each year) and then adjusted by the cost containment calculus.² So that during times of heavy workload, the current staff must find ways to accomplish the work knowing that the additional staff will only be realized (budget permitting) during the following fiscal year.

PRETRIAL SERVICES

Investigation Caseload

Fiscal year 2006 ended with a total of 276 case activations, a 6% decrease over fiscal year 2005. The U.S. Attorney's office has advised this office that they intend to continue to aggressively prosecute criminal cases, and they again have the goal of increasing criminal filings by 10% during fiscal year 2007. The following graph, which also includes detentions, depicts pretrial case activations over the last five fiscal years.



| | | | |
|-----------------------|-----|------------------|---|
| Controlled Substances | 136 | Embezzlement | 0 |
| Fraud | 59 | Sex Crimes | 2 |
| Robbery/Other Violent | 15 | Auto Theft | 0 |
| Firearms | 34 | Assault | 0 |
| Larceny/Theft | 3 | Forgery | 4 |
| Immigration | 5 | General Offenses | 7 |
| Counterfeiting | 4 | Federal Statutes | 7 |

Detention Rate

The District's detention³ rate for the year ending September 30, 2006 was 51.3% which is a decrease from 2005's 55.3% rate. The District's 2006 rate is still one of the lowest of all courts in the First Circuit, and continues to be significantly lower than the national rate of 60.6% for the same period. The comparison is

²Some of the cost-containment rules include the 10% rule for presentence investigation reports. Ten percent of the total figure of presentence investigation reports completed by a district are counted as "modified" reports (regardless of whether such reports were ordered) and therefore received only partial credit. The pretrial and supervision units have reduce credit formulas attached to their workload as well where certain cases receive only half credit.

³Detention is defined as having been detained at the initial appearance and never released.

depicted in Appendix #2. This office continues to keep the Court informed of alternatives to detention, such as electronic monitoring and home detention, and submits such recommendations when appropriate.

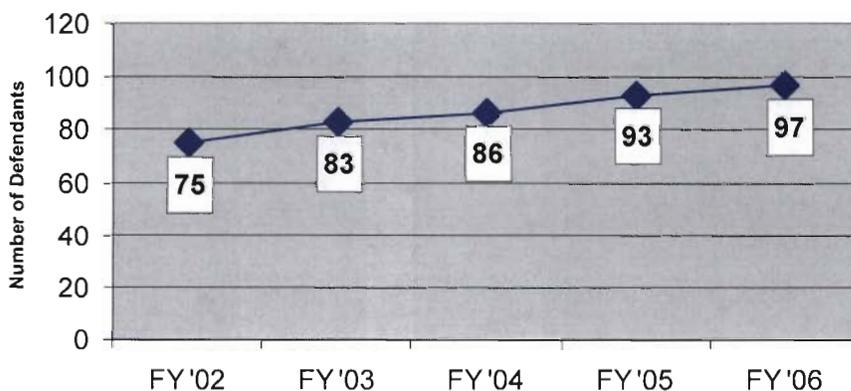
The office has once again renewed its efforts to secure a comprehensive sanctions center within the State of New Hampshire, which could possibly have a significant positive impact on the District's overall detention rate.

One new initiative the office has embarked upon this past year, is entering into a partnership with the State Department of Corrections. The office has continued its commitment to seeking alternatives to detention and the development of a community sanctions center. The office has met several times with State of New Hampshire Department of Corrections officials and has visited the Department of Corrections Lakes Region Facility. The office is in the final stages of approval and development of both alternative to detention and community sanctions programs at the Lakes Region Facility for presentation and Court approval. It is the opinion of this office that this newly formed partnership could have a dramatic impact on the District's rising detention rate.

Supervision Caseload

A total of 97 cases were released to pretrial supervision during FY '06. On September 30, 2006, 97 offenders were on pretrial supervision as opposed to 93 on September 30, 2005. This represented an increase over last year of 4%. As indicated in the prior annual reports, this caseload increase is a continuation of the trend the U.S. Probation Office has experienced due to prosecution initiatives of the United States Attorney's Office.

**Pretrial Supervision Caseload
FY '01 to FY '05**



Pretrial Supervision Outcomes

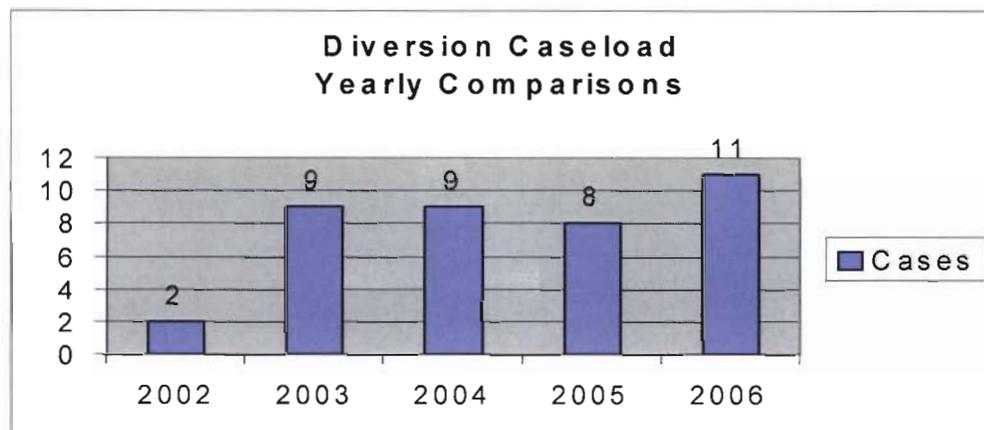
In the past the District provided figures detailing success rates for those on pretrial supervision both here in the District of New Hampshire and Nationwide. These figures were derived from data collected by the Statistical Division at the Administrative Office (specifically H tables 11, 11A, and 12). The data that generated these tables are not currently being collected as these tables are in the process of being revamped by OPPS.

While it would be possible to generate local statistics in this area it would not be possible to provide a circuit or national comparisons. Consequently, for this year's report these figures are not being provided.

Pretrial Diversion Program

Pretrial Diversion cases are initiated by the United States Attorney via a request for investigation submitted in letter form to the U.S. Probation Office. (See Appendix #3 -Diversion Flowchart.) The pretrial services officer/student intern then begins the diversion investigation which results in a written report and recommendation to the United States Attorney. If approved by all parties, an agreement is signed and supervision is provided by the United States Probation Office (Pretrial Services Unit). In general, cases range from theft of government property to Social Security fraud, however, this does not exclude additional agency referrals. In fiscal year 2006, the diversion program saw a slight increase in activated cases from the previous year (from eight to eleven). It should be noted that in February of 2005, a new operational agreement was signed by this office and the United States Attorney's Office which outlines roles and clarifies responsibilities of each party.

Eleven cases were placed into the Pretrial Diversion Program in FY '06. The chart below provides an historical view of this aspect of pretrial services.

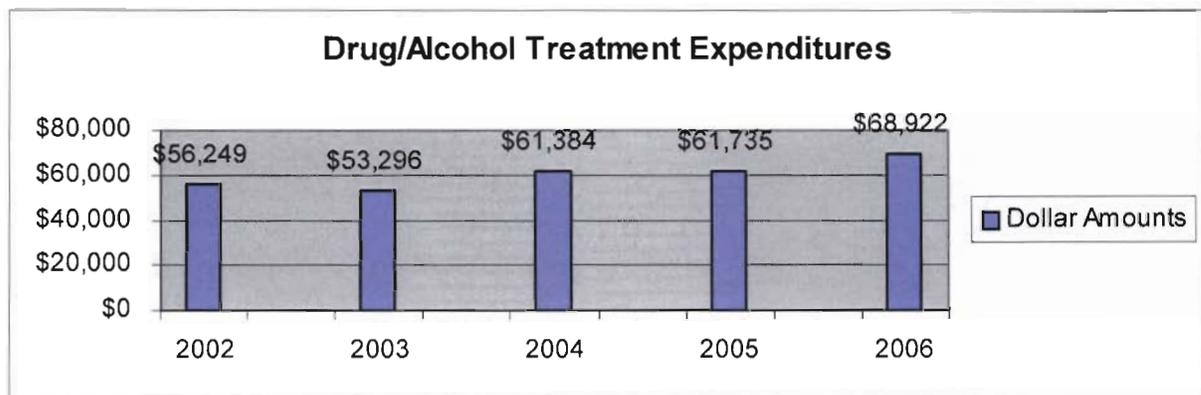


Treatment Services

As noted above, the vast majority of cases opened this past year continued to fall under the category of controlled substance offenses. Therefore it is no surprise that drug, alcohol and mental health treatment costs continued to rise for those under pretrial supervision.

During FY '06 \$85,558 was spent on drug and alcohol treatment services for pretrial defendants. However, when adjusted for co-payments received from defendants (\$16,635) the actual cost to the district was \$68,922. The graph below gives an historical overview of these costs from FY '02 through FY '06.

In addition to the figures detailed above, the unit also expended \$7,124 in mental health treatment costs. This figure was just slightly lower than what was expended for mental health services in FY '05.



Unit Goals/Outcomes

The pretrial unit focused on a variety of unit goals during FY '06 in an effort to improve operations and services. Those goals and outcomes are as follows:

- Maintain prebail interview rate (exclusive of interview refusals) of 95%.

Achieved. The unit was successful in achieving this goal (98.9%). The rate of people not interviewed was 11.2%. The overall rate is up from 88% to 88.8% which is a slight improvement.

- Investigate the possibility of developing a new in-district PS2 interview sheet as well as developing a modified criminal summons bail report

Achieved. The unit was successful in accomplishing this goal. We looked at a number of different examples from around the country. At the present time, the unit has agreed that our current PS2 is sufficient and we are in the process of adopting a modified bail report from the District of North Carolina. The unit is the process of making final modifications and will be presenting the modified report to the Court for final approval.

- Investigate and develop a policy that would allow us access to the U.S. Marshal Services database (JABS) for the purpose of sharing new arrest information and photos.

Partially Achieved. The unit initially took this on as a goal. However, it developed into a management goal and both Deputy Chief Clayton Foster and Doris Hood have been working on this (JABS) throughout the year. They report that they are in the final phases of completion and are in the process of developing a policy and implementation plan.

- Unit members develop a better working knowledge of the Monograph 111 and the Pretrial graduated sanctions policy

Achieved. The unit was successful in achieving this goal. However, with recent officer transfers this will continue to be a goal for new members of the unit.

- Develop a running list of Pretrial cost containment initiatives and how they effect the daily operation of the unit.

Achieved. During this year there were fewer cost containment issues that had effects on the unit. At the present time, the unit continues to monitor all cost containment issues and their effects on the unit and the office in general. Identifying the effects of cost containment issues will be an ongoing goal for the unit. The modified bail report is an example of the unit's commitment to this issue.

- Meet periodically with U.S. Pretrial Services in Boston, MA to review courtesy cases, discuss common problems, and develop solutions.

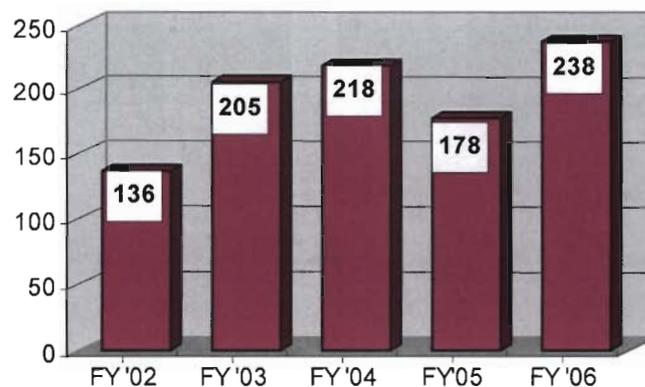
Not Achieved. Despite several phone calls and conversations with both Chief Pretrial Services Officer Bob Riley and Supervising Pretrial Services Officer Basil Cronin, the unit has still been unable to meet in a formal setting with all parties and identify common causes and problems.

PRESENTENCE SERVICES

Investigations and Sentencings

With the sentencing issues now settled because of the Supreme Court's decision on the *Booker/FanFan* cases the number of cases sentenced again returned to normal. During FY '06, the Presentence Unit completed a total of 238 presentence investigation reports. This represented a increase of 33.7% over fiscal year 2005. The rather large increase is due in part, we believe, to the effect of carry over reports from the previous year coupled with the cases filed in FY'06 in the normal course of business.

**Presentence Investigations Completed
FY '02 to FY '06**



The Court sentenced 219 defendants during the fiscal year, which represented an 18.3 % increase over the previous year. A review of the types of cases sentenced reveals that drug cases remain our highest category (38%). As with previous years, property offenses, which include fraud cases, were the second highest category at 23%. Prosecution for firearm and explosive cases only accounted for 10.5%, which was a

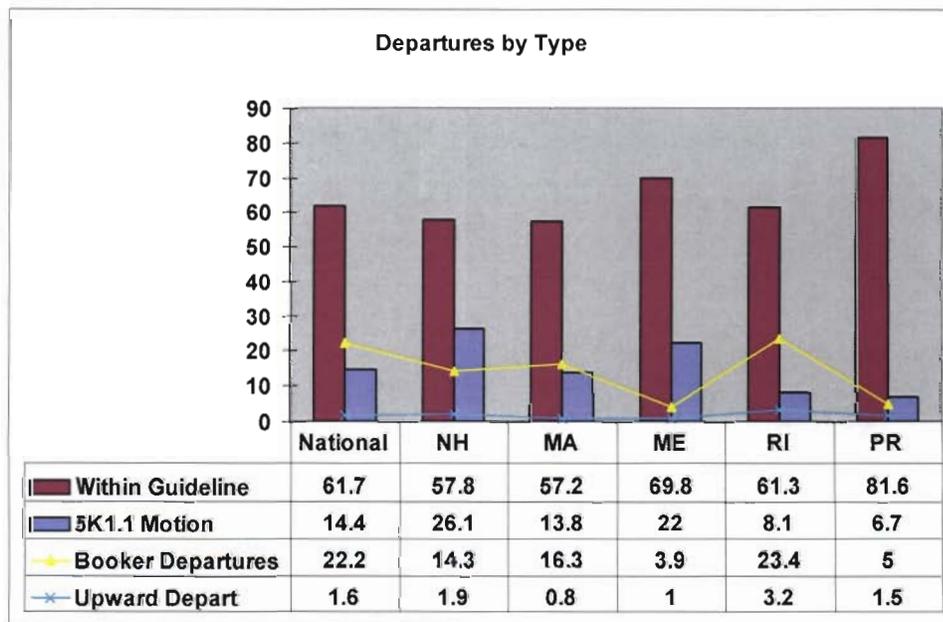
decrease of 5.5 % over FY '05. The remainder of the cases sentenced represented the panoply of other federal crimes.

Guilty Pleas accounted for 96.8% (212) of the cases sentenced during FY '06. Male defendants accounted for 81.7% of the total. Since the *Booker/FanFan* ruling has now been in effect for awhile, the following statistical analysis is provided for an overview on how this Supreme Court decision has impacted sentencing within the District. The statistics are taken from the U.S. Sentencing Commission, 2006 Datafile, USSCFY06.

One of the biggest questions that arose with the Supreme Court's decision in *Booker/FanFan* was whether or not Courts would take this opportunity to return to sentencing practices pre-Sentencing Guidelines. The statistics from FY '06 would appear to indicate that this fear was unwarranted. In the District of New Hampshire 57.8% of the cases sentenced were sentenced within the advisory guideline range. This figure remained relatively unchanged over the last few years. On the national level there appeared to be a drop of over 10% in this category nationally. From FY' 04 (Pre-*Blakely*- (10.1.03 through 6/24/04)) when those sentenced within the guideline range was 72.2% and again in FY ' 05 (Pre-*Booker* (10/1/04 through 1/11/05)) when those sentenced within the guideline range was 70.9%. That rate dropped to 61.7% of those sentenced were sentenced within the advisory guideline range for FY '06.

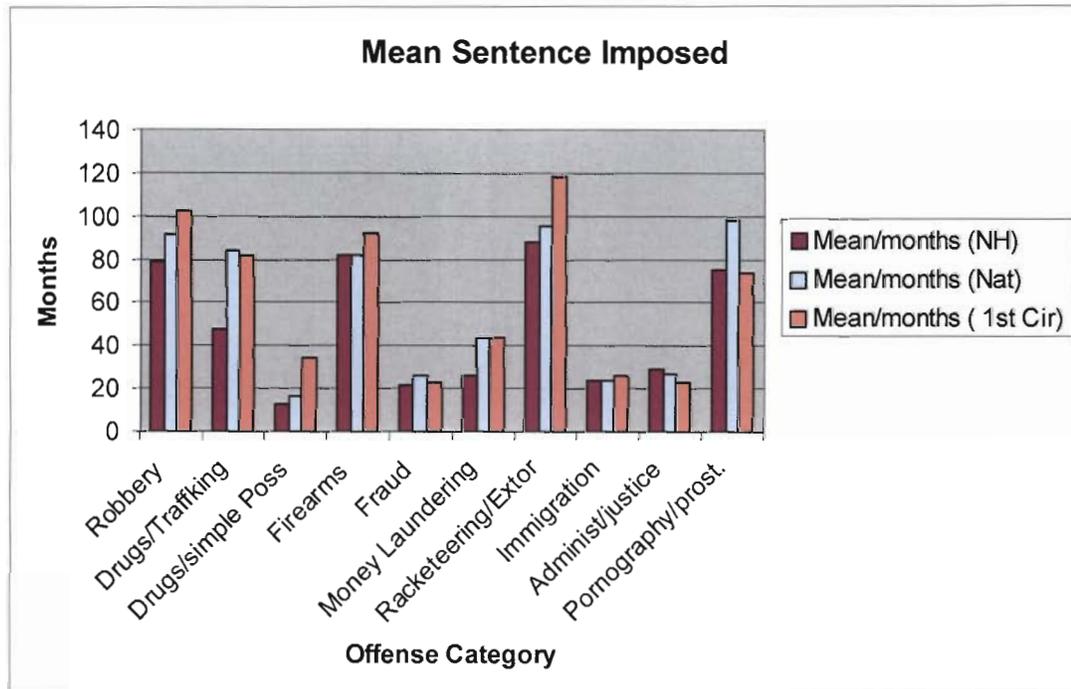
As noted above, the District of New Hampshire continues to sentence, on average, more people outside of the recommended guideline range. The vast majority of those sentenced outside of the range was due to a downward departure (40.4%). Of the majority of the cases, which received a downward departure, that departure was due to a government sponsored departure motion (33.0%) of which a 5K1.1 substantial assistance motion was the most common (26.1). Nationally, 5K1.1 Substantial Assistance motions accounted for 14.4% of departures. However, when you factor in departures based on 5K3.1 Early Disposition Program Departures and other Government sponsored departures the total rises to 24.6%. Non-government downward departures accounted for 7.4%. Only 1.9 % of those sentenced in the District of New Hampshire received an upward departure. This was close to the national average of 1.6%.

The chart below provides a graphic view of guideline sentencing issues for the districts within the 1st Circuit and nationally.



The types of sentences imposed were as follows: 186(or 85%) received imprisonment; 33 (or 15%) received probation. However, if one considers cases that received a sentence of straight probation and factors out cases that received probation with a period of confinement those numbers change drastically. In using this criteria the number of cases who received some form of confinement as part of their sentence rises to 201 or 91.7% with cases that received straight probation dropping to 18 or just 8% of the total sentenced for FY '06.

The chart below provides a graphic representation of the types of sentences imposed by the District of New Hampshire and how they compare, by category of offense with national and the First Circuit sentences.



Unit Goals/Outcomes

The Presentence Unit focused on addressing management of the record high number of case referrals while at the same time maintaining the high quality of presentence reports for which the Unit has long been recognized.

- Continue to strive for accurate guideline applications in presentence reports and submit the highest quality reports to the Court as possible.

Accomplished: *Despite current workload, reports continue to be submitted in accurate fashion. Initial disclosure deadlines were not always met due to a variety of reasons; however, there have been no complaints received from the Court or the parties.*

- Receive zero complaints from the Court and attorneys regarding the quality of the presentence report.

Accomplished: *Court and attorneys continue to praise the quality of the reports on a regular basis.*

- Provide ongoing training to officers in the area of guideline application, legal issues, financial investigation, and other areas as identified by the unit. As part of this training, members of the unit will attempt to attend national and regional programs.

Not Accomplished: *Due to workload and budgetary issues, only the newest officer in the unit attended outside guideline training. New officers in the unit have received “inhouse” training and more experienced officers received training via the FJTN.*

- Continue to send for collateral criminal record requests to other districts during the pretrial stage and instate criminal record verification prior to the plea change and continue having a POA position compile the criminal record information into Part B format for the PSR.

Accomplished: *As a result of help from the pretrial unit and the POA position, both instate and out-of-state criminal record information is requested prior to the COP. Further, The POA has been compiling the criminal record information into the Part B format for the PSR which assisted PSI officers with the completion of the report and allowed them to complete more investigations on an individual basis than in prior years.*

- Ensure a smooth integration between the retirement of a senior officer and the new psi officer into the unit.

Accomplished: *The transition between the senior officer's retirement and the “new” PSI officer was accomplished in a smooth and timely fashion; the “new” officer then resigned a few months later. However, the problem was solved by a transfer of an officer from the supervision unit.*

- Replace the Sentencing Guideline Specialist position in the unit.

Not Accomplished: *Due to budgetary issues, the Sentencing Guideline Specialist position was not replaced.*

- Update APRA with new/different macros based on proposed changes in monograph 107 and other technical problems found by the unit.

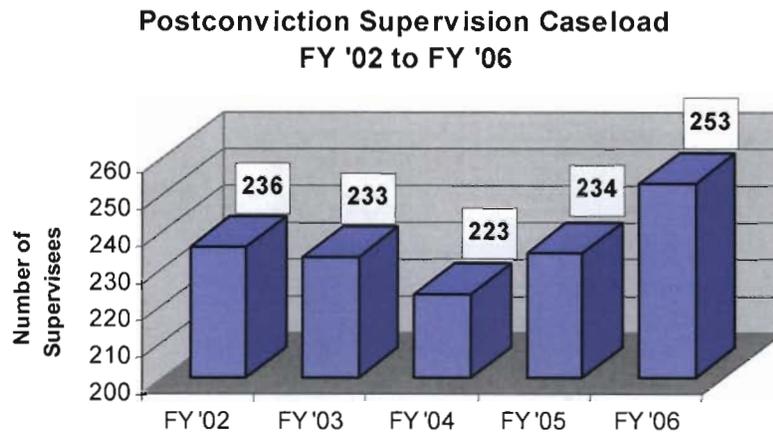
Accomplished: *Members of the unit worked with John in this area and developed new macros, as well as updating problems in the prior APRA version.*

POSTCONVICTION SUPERVISION SERVICES

Caseload

This past year has proven to be a challenge for the officers assigned to the Supervision Unit. Due to workload and personnel issues this unit was required to have an entire caseload distributed among other unit members, as well as, to officers outside of the supervision unit (pretrial) when supervision unit officer Kevin Lavigne volunteered to move to the presentence unit due to work issues within that unit. This move came at a time when supervision unit numbers were also at an all time high.

As indicated, caseloads reached a new high. At the end of FY '06, the number of offenders under postconviction supervision increased to 253. This represented an increase of 8.1%.



In terms of the types of postconviction supervision, the percentage of offenders on supervised release was 82%, probation 15%, and other types of supervision (i.e., parole, special parole, mandatory release, military parole, and Bureau of Prisons cases) 7%. The percentage of probation cases remained stable with the majority of the increase coming in the form of supervised release cases. The current increase continues the trend we began to see, and which was reported, last year. Offenders who committed drug offenses represented 46% of the total caseload which was up from last year's 38% while the second highest type was for offenders who committed property offenses⁴ which was at 24% a slight increase over the FY '05 of 22%. Following property offenses was firearm offenses at 16%. Sex offenses remained low (.02%) however, with the passage of the Adam Walsh Act this category is expected to increase.

The table below provides greater detail into the breakdown by types of criminal offenses for the cases on supervision at the end of the fiscal year.

| | | | | | |
|--------------|----|--------------------|-----|-------------|----|
| Violence | 16 | Drugs | 116 | Immigration | 1 |
| Firearms | 41 | Sex Off | 4 | Property | 61 |
| Public Order | 5 | Escape/Obstruction | 1 | Other | 8 |

With the expected increase in sex offender type cases on the horizon, coupled with the fact that computers have become integral in many crime categories as either the means or target of a crime, the District of New Hampshire has developed a new Computer Monitoring and Search Policy. In addition, as noted elsewhere in this report, training in the use of forensic software has been provided to some officers and this training is expected to increase in the coming year.

⁴Property Offenses include: Burglary, Larceny, Embezzlement, Fraud, Auto Theft, Forgery and Counterfeiting.

Supervision Outcomes

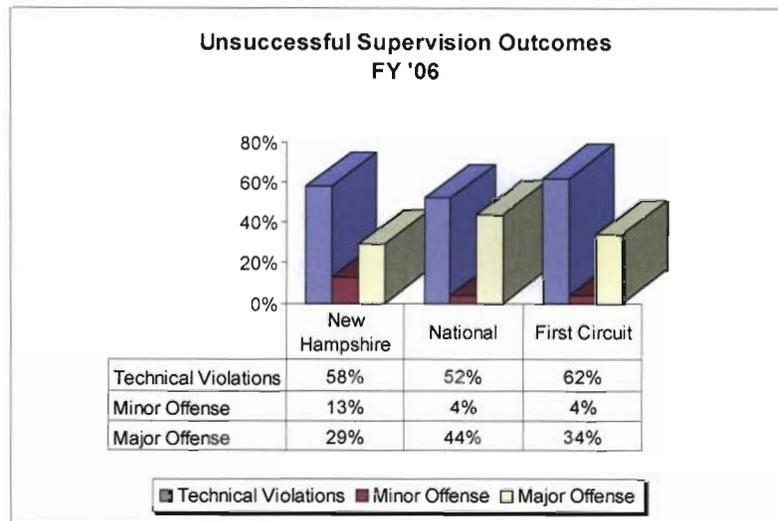
Reliable national and district data are now available for determining post-conviction supervision outcomes. A “successful completion” outcome is currently defined as those cases whose original term of supervision expired on their full term date, were terminated via an early termination or completed their term after an extension. Correspondingly, an “unsuccessful” completion was a case whose term of supervision was closed due to revocation.⁵ The information detailed below is for the District of New Hampshire, the First Circuit and the National figures in this category. On the National level, violations are classified as either Technical, Minor or Major in nature.⁶ In the District of New Hampshire, 104 cases were closed during FY ‘06. In the First Circuit, 1,241 cases were removed from supervision. Nationally, 50,080 offenders were removed from supervision during the same time frame. Of the total number of cases that were closed the number of cases closed due to revocation were (respectively) 35 (NH), 336 (First Circuit) and 13,485 (National). The figures mean that for the District of New Hampshire, we experienced a successful termination rate of 67%. Correspondingly, the success rates for the First Circuit and National system were 73%. Violations are categorized pursuant to the rules found in the U.S. Sentencing Guideline Manual at U.S.S.G. § 7B1.1.

The following breakdown is based on the most serious grade of violation that was alleged. It was seldom that a revocation was the result of only one alleged violation of a particular category. Further, in order for the chart comparison below to be accurate, while the District of New Hampshire treats positive urine samples as a Grade B (in most cases), or new crime violation, many districts are still listing these as technical in nature. Therefore, if positive urine test was the sole reason for revocation, or was the most serious grade alleged, in the District of New Hampshire those violations have been counted as technical violations consistent with the majority of First Circuit and National figures so as not to skew the data.

That being said, it is noted that there was a significant increase in the number of new crimes alleged as the most serious violation grade in the 35 cases revoked during the last fiscal year. As indicated below, 45% of the violations were technical in nature. In other words, 15% of the total cases closed during FY ‘06 were closed due to violating a standard or special condition of supervision and not due to new criminal charges. The number of major violations accounted for 54% of the violation closings. This represented 18% of the total cases closed during the year were closed for new criminal activity. These figures represent a major departure from what we’ve seen historically in the revocation data. As can be seen from the chart below this aberration has not been replicated in either the First Circuit or National database.

⁵Cases who were closed due to transfer out of district, became deceased, or whose closing code was “other” were not used in the calculation.

⁶“Minor offenses” represent convictions for offenses for which the sentence is 90 days or less imprisonment, one year or less probation, or a fine. “Major offenses” are violations that include involvement in or conviction of serious offenses (including absconding from custody), arrest on another charge, or convicted and sentenced to more than 90 days imprisonment or more than one year probation.

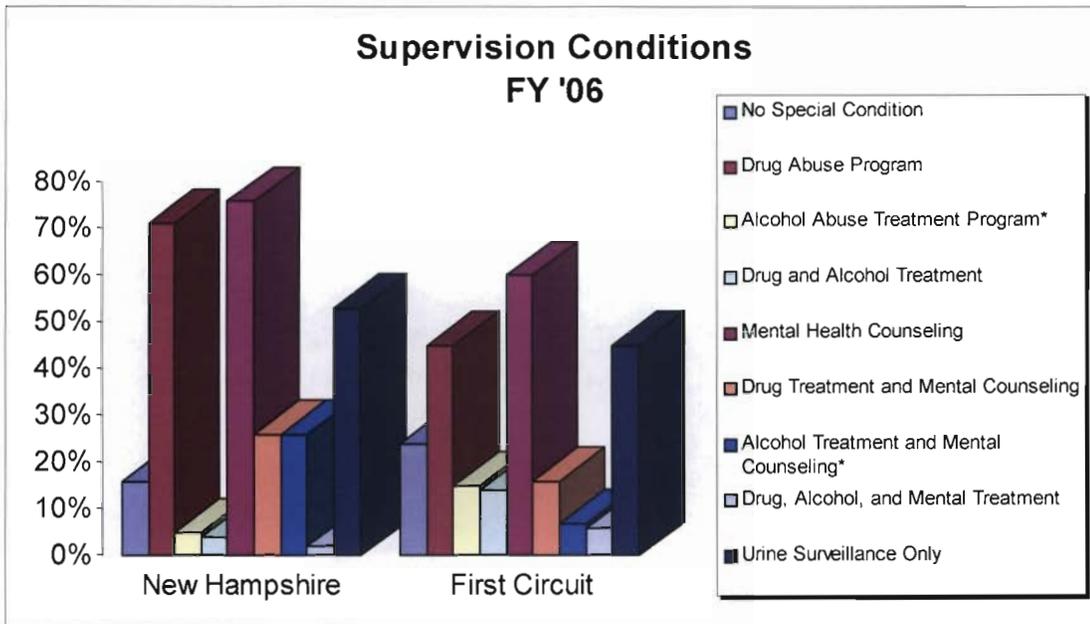


It is one of the probation officer's goal to work towards preparing the offender for life after supervision. Once all of the goals and objectives have been reached by an offender, the probation officer is encouraged to consider early termination for offenders who qualify for such consideration so that the officer may spend their time and efforts more effectively on those offenders still struggling to accomplish this objective. The probation officers for the District of New Hampshire, at the time of case plan development, continue to assess whether an offender meets the qualifications for such consideration consistent with the philosophies of the 109. In FY '06 the number of cases that received an early termination was six (6) offenders or approximately 6% of the total closed for the year.

Treatment Cases

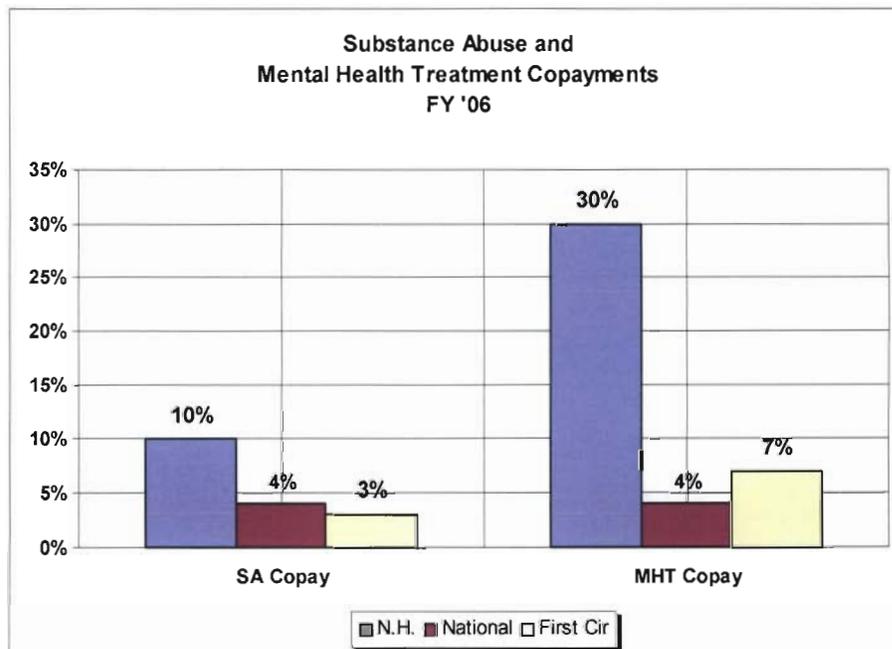
The high percentage of cases requiring substance abuse aftercare and/or mental health treatment continues to pose the greatest challenge for unit officers. As of September 30, 2005, 42.3% of the post-conviction caseload were a result of arrest for drug offenses. This high percentage accounts for the number of treatment cases that must be handled by each officer. In fact, the percentage of cases on post-conviction supervision for drug related offenses only tell a part of the story. Cases that are brought into this court on other federal crimes often bring with them substance abuse issues that must be dealt with by the supervision officer.

For example, according to figures provided by the Office of Probation and Pretrial Services (OPPS) of the 379 cases on supervision in the District of New Hampshire during FY '06 only 60 cases (15.8%) had no special conditions for treatment or urine surveillance of some kind. By comparison, the same breakdown for cases within the First Circuit was showed that of the 5,034 cases under supervision during FY '06 only 1,227 (24.3%) had no special condition for substance abuse or testing. The graph below illustrates how the treatment conditions broke down for offenders on supervision in both the District of New Hampshire and the First Circuit:



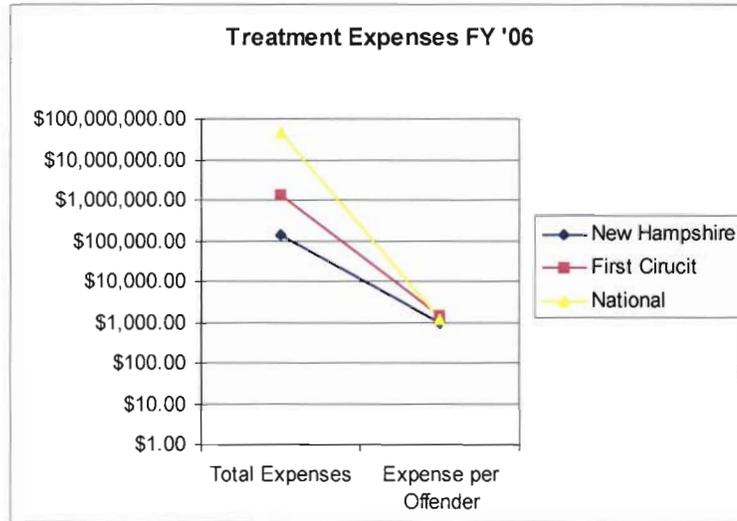
As mentioned elsewhere in this report, the issue of budget shortfalls and cost containment continued to be a major concern and officers in the supervision unit continued in their efforts to obtain copayments from appropriate offenders. The added benefit to this process is that it encourages investment by offenders in their own recovery process. This is viewed as clinically beneficial to the offender and financially advantageous to this office.

Figures received from OPPS indicate that the district spent \$157,013.06 for substance abuse treatment during the FY '06. Offenders contributed \$15,319.00 or 9.8% towards their treatment expenses. For our offenders with mental health treatment, the expenditures were \$28,173 with a co-pay amount of \$8,417 or 29.9%. The graphs, below, will help illustrate how this compares with similar figures in the nation and first circuit⁷:

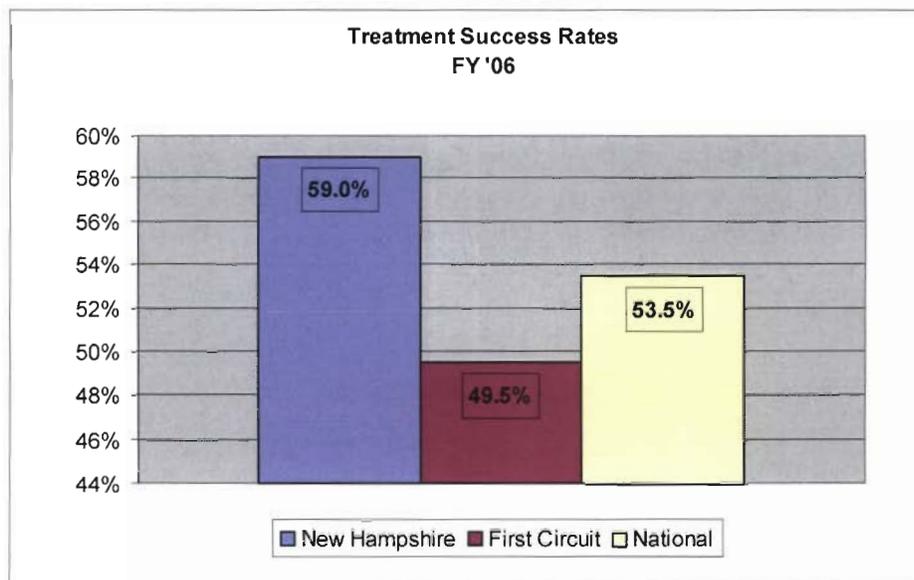


⁷Percentages for the First Circuit are for all districts minus the District of NH

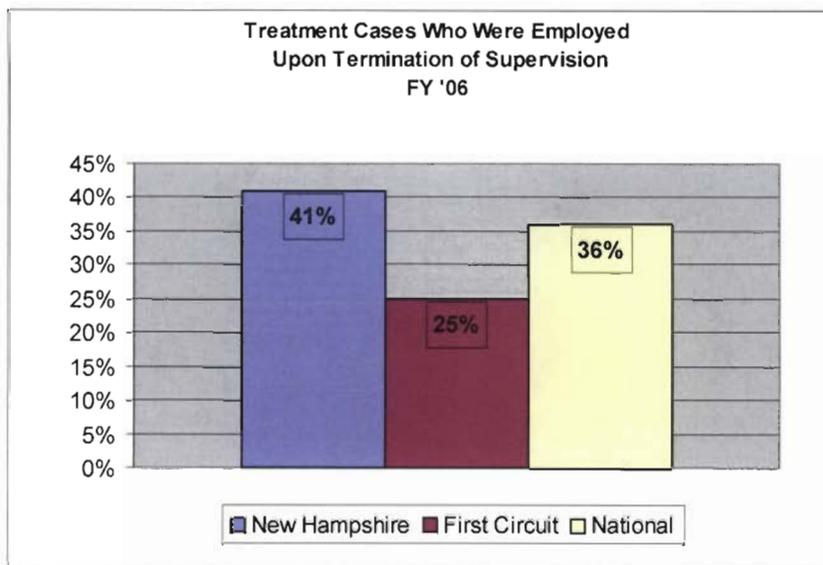
As was noted in previous Annual Reports, the District of New Hampshire continues to be well below the national average in per person expenditures for residential substance abuse, outpatient substance abuse, and mental health treatment services. This comparatively low per person expenditure is attributed to appropriate assessment of offender needs, effective evaluation of the offender's motivation for meaningful change and, matching the acuity of the individual's chemical dependency with the most beneficial treatment modality. The district's DATS officer continued to monitor all of the treatment contracts with an eye to maintaining cost effectiveness and fiscal responsibility. In addition, the individual supervision officers are more fiscally responsible in recommending treatment options with a focus on maximizing our treatment budget through the use of appropriate graduated sanctions and the use of state sponsored treatment funds where applicable. The following chart compares the expenditures for treatment expenses amongst New Hampshire, the First Circuit, and nationally:



An additional indication that the district's approach to treatment cases has been effective is reflected in treatment case outcomes data obtained from the Administrative Office of the U.S. Courts. Finally, 59% of those offenders having a treatment condition whose cases were closed in FY '06 were deemed successful. The following chart displays the FY '06 success rate of treatment cases in the District of New Hampshire:



While the above figures are telling, we think another important indicator of success is the percentage of those with treatment conditions who terminated did so employed. Especially for this population, employment is a major step towards a stabilized lifestyle. The chart below provides employment comparison figures for the District of New Hampshire, First Circuit, and Nationally:

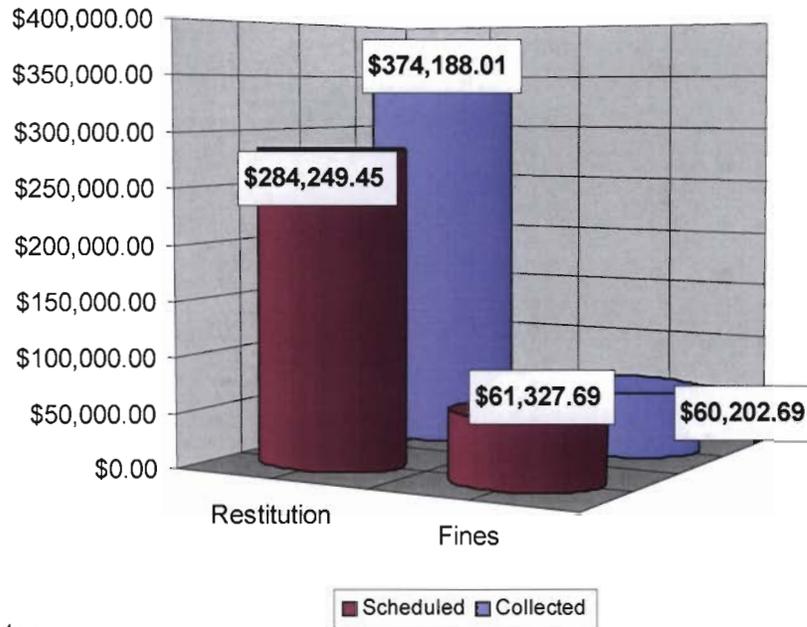


Fines and Restitution Collection

Supervision Unit officers collected a total of \$374,188.01 in restitution and \$60,202.69 in fines for a total amount of \$445,502.16 during FY '06. This figure represents a combined collection increase of 73% over last year's collections. The largest portion of these collections, as the chart below will show, continue to come from the collection of outstanding restitution. The Supervision Unit's ongoing goal that a minimum of 90% of those on supervision with an outstanding financial debt will make a monthly payment towards their outstanding court ordered debt greatly contributes to the success we, as a district, have had in this area. To assist in the achievement of this goal, offenders are required to have a payment schedule in place that has been approved by the Court. These payment schedules provide the unit officers with an identifiable collection goal. In addition, the officers continuously review these payment schedules to insure they are collecting the maximum amount possible. Further, the unit continues to monitor each offender's financial situation so that any windfall profits may be secured on behalf of the victim, in the case of restitution, or the Court, in the event of a fine. This allowed the unit to collect an unprecedented 132% more than what was scheduled in restitution. Officers collected 98% of the funds that were scheduled to be collected for fines.

As always, the district will continue working with the Financial Litigation Unit of the U.S. Attorney's Office to increase collection receipts. Below is a graphic representation of the efforts by the officers in the district regarding collection of court ordered fines and restitution. The following graph shows the amount collected in each category vis-a-vis the amount that was to be collected under the payment schedules:

**Fines and Restitution Collection
FY '06**



Unit Goals and Outcomes

- Continue to maintain 90% or better rate of response to positive Substance abuse test 5 day requirement. (*Specimens Collected: 2649 (+1093/67%) POS U/As: 2006 145 or 5.5% 2005: 96 or 6% Not incl. admissions or Instant Test Cups*)

Accomplished: *All officers continued to perform above the 90 % level with regard to a 5-day response to positive drug screens. Recommendations included written warnings, increased urine surveillance and treatment, modifications of special conditions, curfew, home detention, tolling and extension of supervision, revocation proceedings. In all cases, the Court was notified relative to the positive test result via PF 12 A, B and C, along with a recommended course of action.*

- Maintain a rate of 90% or better of individuals who have financial obligations who are making a monthly payment toward that obligation.

Accomplished: *Special Assessment: 2006: 111 total cases; 14 revoked; 1 deported; 1 deceased; 3 fugitives; 8 out of district supervision; 111-27=84 cases. Of those 84 cases, 80 paid=95% (\$11,111.46)*

2005: 78 total cases; 7 revoked; 2 deported; 3 disabled SSDI; 1 deceased; 1 fugitive; 78-14 = 64 cases. Of those 64 cases, 55 paid=86% (\$5,678.97).

Fines: *2006: 16 cases, 15 paid=94% (\$60,202.69)*

2005: 19 total cases, 18 paid = 95% (\$92,029.43)

Restitution: 2006: 119 total cases; 6 revoked; 2 deported; 1 fugitive; 1 forfeiture pending FLU; 2 disabled SSI; 3 paying SA; 12 out of district supervision; 119-27=92 cases. Of those cases, 86 paid=93% (\$374,188.01)

2005: 55cases; 1 paying SA first; 4 revoked; 1 NH Hospital; 1 fugitive; 4 disabled SSDI; 55-11 = 44 cases. Of those 44 cases, 39 paid = 89% (\$263,184.01)

Combined Average - All Financial : 94%

Combined Collections - All Financial \$445,502.16 (+84,609.75)

- Maintain a co-payment rate of 80% , or better, for those involved in substance abuse/mental health treatment.

Not Accomplished: *FY 2006 - 10/1/05 through 9/30/06: Of the 138 cases that received substance abuse and/or mental health treatment during FY 2006, 85 had co-payment responsibility, or 62 %, which represents a decrease from 68% co-payment achieved FY 2005. Factors impacting the co-payment rate: increased percentage of drug/mental health cases overall; many cases are releasing with no residence or employment plan and are essentially homeless/indigent. Co-payment for treatment is behind restitution, fines, special assessment, child support.*

2006 D/NH Tx Expenditures: SA \$157,958.06 (\$15,379 copay) 9.8%
MH \$28,173.00 (\$8417 copay) 29.9%
\$192,236.81 (26,800.44) 14%

(NOTE: While we fell short of accomplishing our goal in this area it is important to take note that compared to the national co-payment rates (SA was 3.5 % and 3.9% MH.) the D/NH can still be proud of the efforts made by the officers in this area.

- Set training goals that are specific to the supervision process and work together as a unit to plan and facilitate the training.

Accomplished: *In addition to Spring/Fall re-qualifications, we managed to conduct the following firearms/tactics training: 11/05 Low Light/No Light Shoot @ PSTC; 3/06 Firearms Simulator @ Pease ANGB; 5/06 Officer Safety & Tactics w/Ron Scheidt D/CT, VT, ME, MA; 6/06 Paul Daniel certified as DFI @ FLETC; 8/06 Weapons Familiarization and Tactics w/USM @ NHSP; 8/06 Paul and Chris Pingree certified Glock Armorer.*

Other: 1/06 Drug ID/Officer Safety; 1/06 Defensive Tactics; 3/06 US Cyber Crime UNH Justice Works & NHPSTC; 3/06 Medical/First Aid with USM; 5/06 Suicidal Offenders; 7/06 Impulse Control Software; 7/06 Basic Data Recovery & Analysis. Purchased rail mounted light/holsters; updated critical incident /shooting response cards;

AUTOMATION

Department of Information Technology

The Automation Department is now officially known as the Department of Information Technology. Last year, the previous director of IT, Donnamarie Duffin departed (mid-year). Ms. Barbara Bammarritto took over as the new Director of IT and she has continued to work closely with the probation office in the area of technology improvement.

The probation office continued to move forward with several automation projects. While many of these initiatives were generated in an effort to deal with shrinking personnel resources due to the frequent cost containment steps taken, the probation office (and the Court as a whole) also needed to take a closer look at mobile technology due to COOP requirements.

The secure electronic transfer of case-related reports to the Federal Bureau of Prisons has been a priority. This year, with the assistance of IT, the probation office (and the U.S. Marshal's Service) joined the ever growing number of court units utilizing the eDesignate application. This process allows for the rapid transfer of those documents that are needed by the Bureau of Prison to effectively designate an offender upon sentencing. Likewise, the same documents are now being electronically submitted to the U.S. Sentencing Commission. This has resulted in both a time and economic savings for the district.

Towards the end of the fiscal year the probation office placed a request for funds to purchase Smart phones and wireless air cards. These phones and computer air cards are part of the on-going effort to take advantage of mobile technology to streamline, and make more effective, officers who work away from the office. This project will also address many of the major COOP issues in the event of a natural or other disaster that would make coming to the office impossible. The Smart Phones will replace the iPAQ pda's as a means for officers to transport important case data into the field. In addition, the phones will allow access to email and other web based programs that will increase their effectiveness and efficiency while away from their office.

During the past year the probation office began a test of the ATLAS (Access To Law Enforcement Systems). ATLAS is a system that will allow probation officers to access FBI records (as well as state criminal records) directly from their computers including laptops when used in conjunction with the new wireless technology project.

Finally, in our on-going efforts to share resources, the probation office provided \$36,904 at the end of the fiscal year to assist the IT Department in the purchase of items for the benefit of the Court as a whole.

TRAINING

The U.S. Probation and Pretrial Services Office for the District of New Hampshire is committed to pursuing proactive change and continuous improvement, as well as offering the opportunity for each staff member

to continue his/her professional development. Training needs in the District are determined on a yearly basis through surveys of staff, the changing population of offenders, and the individual career goals of staff members.

Office safety as a whole, as well as officer safety, continue to be in the forefront of training priorities. As noted last year the creation of the district's Firearms Team took place and consisted of the Lead Firearm Instructor, SUSPO James Bernier and U.S. Probation Officers Paul Daniel and Christopher Pingree. The District had planned have both of these officers attend the full two week District Firearms Program at our agency's training academy in Charleston, SC as soon as possible. However, only USPO Paul Daniel was able to attend the training and in June 2006 Officer Daniel attended the two week instructor course at our FLETC academy. He joined SUSPO Bernier as a District Firearms Instructor. USPO Pingree is now scheduled to attend this training in the fall of 2007.

Following is a list of training subjects that various officers took part in during FY '06.

- Choicepoint: Training on the use of the new web based AutoTrackXP database
- Drug ID and Officer Safety and Defensive Tactics: This two day training combined both classroom and practical (hands on) training. A two day scenario based training was held as well that included a guest presenter who had been instrumental in the development of our systems current officer safety program.
- Medical Safety Training: A course geared toward providing officers with the skills to deal with injuries that could occur in the course of performance of one's duties.....
- FATS(Firearm Training System): A scenario based training medium to teach proper use of force and decision making in life threatening and high-risk situations.
- CyberCrime: This was a joint training hosted by the U.S. Attorney's Office.
- Suicidal Offenders: This training provided insight into skill set needed to deal with offenders at risk.
- Impulse Control Software: Supervision officers were provided an introduction to the new computer monitoring software being utilized by this District as part of it's new Computer Monitoring and Search Policy. (note: In addition, three officers also participated in advanced training in Computer Data Recovery held at the NH Police Standards and Training Council.
- Retirement Seminar: The office brought in a retirement expert to discuss the Federal Retirement system and retirement strategies.

In addition to the training listed above the office was able to send USPO Kevin Lavigne to guideline training in Florida to assist in his re-assignment from the supervision unit to the presentence unit. The total number of training hours provided to the staff (officer and support) for the fiscal year was 484.

EMPLOYEE RECOGNITION

During FY '06, and consistent with the recommendations of the year's peer-based Employee Recognition Committee, Chief Thomas K. Tarr cited the following staff member for their outstanding work:

Melissa Elworthy - Chief's Award for Sustained Superior Performance

Melissa was recognized by her coworkers for work in the presentence unit. In addition to completing her own work, Melissa took on the added responsibility of mentoring a new officer who had been assigned to that unit. Melissa's contributions extended outside of the presentence unit as well. During a time when officers were out of the office participating in a district sponsored officer safety training, Melissa stepped forward and handled pretrial matters that arose that day so that officers in the Pretrial Unit would not have to forgo this important training to handle court matters for that day. Melissa was always quick to offer assistance when necessary to insure that the office mission of providing quality service to the Court was accomplished.

District's Firearm Program Team - Chief Award for Quality Improvement

The three individuals who make up the district's Firearm Team, Supervising U.S. Probation Officer James P. Bernier and USPOs Paul Daniel and Chris Pingree, were recognized for their efforts, over the last year, to improve the current firearm/safety program and to bring new and innovative training to the District. Coworkers recognized that the development of this team approach allowed for the office to benefit from the combined talents and energies of the team members. The result has been a more comprehensive program that has added to the skill levels of office staff and has increased overall staff safety and confidence. The Team was also recognized for their work to include our brother agencies (NH Department of Corrections, U.S. Marshals Service, and other U.S. Probation Offices within the First and Second Circuit) in the training offered.

