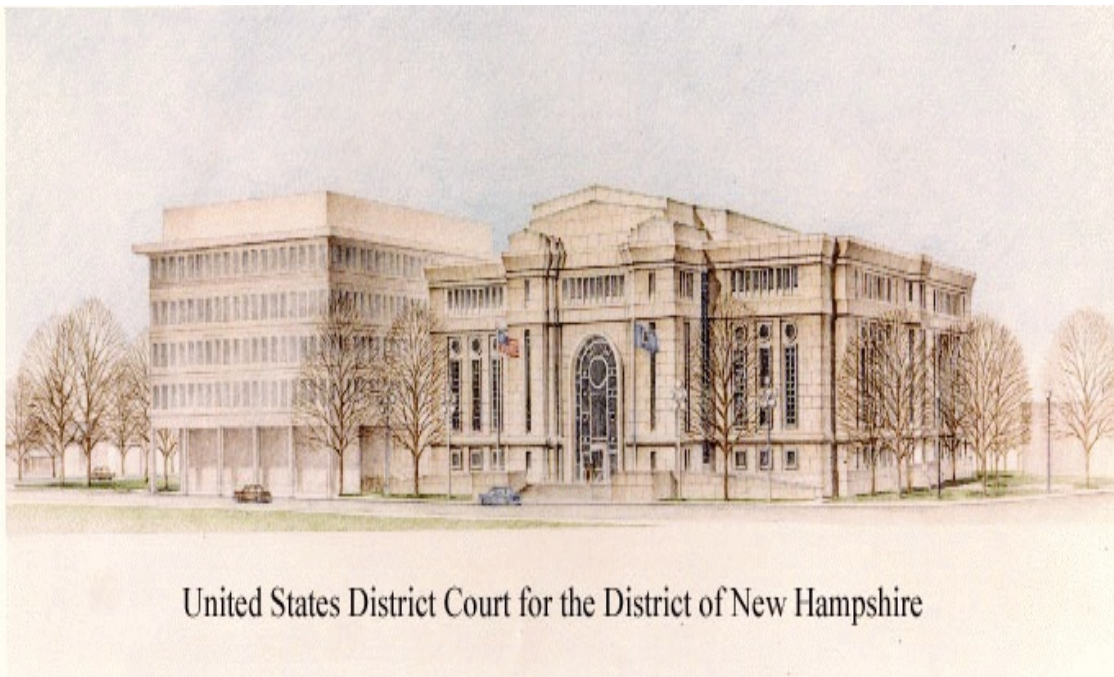


**DISTRICT OF NEW HAMPSHIRE
U.S. PROBATION AND PRETRIAL SERVICES
OFFICE
2012 ANNUAL REPORT**



**Thomas K. Tarr
Chief U. S. Probation/Pretrial Services Officer**

Personnel Changes and Highlights

Molly Corbin, a U.S. Probation Officer in this District, transferred to the District of Massachusetts on July 27, 2012.

Kristin Cook, a U.S. Probation Officer in this District, transferred to the District of Maine on August 10, 2012.

Management Team

The office's Management Team continued to address a number of issues of office-wide impact during the year. Most noteworthy were addressing budget shortfalls, implementing the automated presentence report from PSX into the presentence investigation process, and preparing for a district review by the Office of Probation & Pretrial Services. The Management Team also declared a "moratorium" on introducing any new local initiatives to allow staff an opportunity to complete existing projects and focus on core duties.

In addition, due to budgetary concerns for the 2012 fiscal year, the Chief and Deputy Chief Probation Officers met with the Chief Judge regularly to discuss procedural changes to be made by this office to address financial constraints and cost containment strategies. Specifically, Management presented the following options which were approved by the Court: the utilization of the automated presentence investigation report which reduced the amount of duplication when entering information into PACTS; and simplification/streamlining the revocation process "paperwork" by supervision officers. In addition, the office would continue to re-evaluate other internal procedures to determine any other changes that needed to be implemented.

Court Investigations Unit

FY 2012 marked the introduction and utilization of the automated bail report and presentence investigation report through the use of PACTS/PSX. (PSX is a new module through PACTS that allows officers to populate a Word document with information that has been entered into PACTS and PSX databases.) Officers regularly utilized this tool in conducting pretrial investigations and presentence investigations during the fiscal year. As part of the implementation process, officers participated in numerous training sessions in PSX and transitioned from WordPerfect to Word. Of note, the automated bail report was officially adopted by the office in early 2012 while the automated presentence report was used by all officers in June of 2012. Officers continued to utilize the Digital Pen when conducting bail investigation reports; the Victim Notification System (VNS) to assist in identifying and contacting victims; and expanded the use of "telework" to increase efficiency and productivity.

Case Activations

FY 2012 ended with a total of 177 pretrial case activations, a 3.5% increase over FY 2011. The U.S. Attorney's Office has advised this office that they intend to increase criminal filings in the District of New Hampshire; however, their staff was reduced in FY 2012.

PRETRIAL DIVERSION

In FY 2012, the pretrial diversion program saw a significant increase in diversion investigations completed. Specifically, six diversion investigations were completed compared to two in FY 2011. Of note, the number of diversion investigations completed by the office has fluctuated greatly over the last five years with a high of twelve in FY 2010 and a low of two in FY 2011.

PRESENTENCE INVESTIGATIONS

A total of 156 presentence investigation reports were completed during FY 2012; a 22% decrease from the number of reports completed in FY 2011. This number also represents a sharp decline (34%) from the number of reports completed in FY 2010.

FY 2012 also observed a shift concerning the types of cases brought forward for prosecution by the U.S. Attorney's Office. Specifically, the office has seen more multi-defendant prescription medication cases, as well as increases in the number of financial frauds and sex-related cases.

LASER DOCKET PROGRAM

The District of New Hampshire began a pilot "front-end" drug court program in July 2010. The Law-Abiding, Sober, Employed, and Responsible (LASER) Docket is a cooperative effort between the Court, the United States Attorney's Office, the United States Probation Office, the United States Marshals Service, and the Federal Public Defender's Office. LASER is a rehabilitative court program for individuals involved in the federal criminal justice system and offers a creative blend of treatment and sanction alternatives in an effort to effectively address defendant/offender behavior, promote rehabilitation, reduce recidivism, as well as ensure the safety of our communities. During FY 2012, one new pretrial defendant and two post-conviction offenders were approved for the program bringing the total number of participants to ten participants. All of the defendants in the program were medium to high risk cases based on the Risk Prediction Index (RPI). During the course of the fiscal year, four participants graduated from the program while three were terminated. Three graduation ceremonies were held during FY 2012 (i.e., January, April, and September).

LOCAL RULE CHANGE

On December 1, 2011, the Court amended Local Rule 32.1 to change the time frames for the scheduling of sentencing, the production of a presentence investigation report and related responses, and the filing of motions seeking a departure/variance and/or sentencing memorandum. Specifically, sentencing shall occur no more than 14 weeks (98 days) following entry of a plea of guilty or nolo contendere, or a guilty verdict by a jury or the Court, unless good cause is shown justifying sentencing at a later date; the initial presentence report shall be disclosed no later than 42 days prior to the scheduled sentencing date; the revised presentence report shall be disclosed no later than 14 days prior to the scheduled sentencing date; and any party seeking a departure or a variance under the sentencing guidelines, or seeking to submit a sentencing memorandum, must file the motion or memorandum no later than 10 days before the

date of the scheduled sentencing hearing. This change was made to allow the parties additional time to prepare motions for departure/variance as well as a sentencing memorandum prior to the sentencing hearing.

POST-CONVICTION SUPERVISION SERVICES

Caseload

In terms of the types of post-conviction supervision cases, the total number of cases decreased slightly and the percentage of offenders on supervised release was 86%, probation 13%, and Bureau of Prisons cases 1%. In examining the risk level of the caseload, the District of New Hampshire averaged a 4.13 RPI score as compared to the National average of 3.73. The District ranked as the 19st highest average RPI score in the country.

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. In the District of New Hampshire, 179 cases were closed during FY 2012. 48 of those cases were closed due to revocation. In addition, 25 cases were closed for early termination of supervision, 91 cases expired successfully, 13 transferred to another district, and 1 closed because of death. The District’s 26.9% revocation rate is a 1% decrease over last fiscal year’s rate and is less than the National rate of 29.6%.

SECOND CHANCE ACT

On April 9, 2008, the *Second Chance Act of 2007*, Pub. L. No. 110-199, was enacted which authorized the Director of the Administrative Office of the U.S. Court to contract for “treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.” The aim of the Act was to reduce recidivism, help offenders rebuild ties with their families, assist them in establishing a self-sustaining life, support evidence-based practices, and protect the public. Districts were allotted funds under the Second Chance Act for offender/defendant support in emergency and transitional services situations. The effective use of these funds is designed to reduce recidivism and mitigate crisis situations that offenders and defendants under supervision often encounter. The funds are “not to confer luxuries or privileges upon offenders” (42 U.S.C. § 17501(a)(4)). The Second Chance Funds were expended in the following ways in this District during FY 2012: housing (\$5,708); transportation (\$1,400.29); school/work-related programs (\$620); food/clothing (\$168.16); and other (\$406.56).

Department of Information Technology

Frank Clough, the Director of Department of Information Technology (IT) for the U.S. District Court, and Eric Swanson, the Systems Administrator for the U.S. Probation Office, have continued to work closely with the probation office in the area of technology improvement. During FY 2012, the District of New Hampshire was able to accomplish the following goals: implemented the automated bail report and presentence investigation report in PSX to include local template customization; introduced the iPad to staff members and provided training and follow-up support; upgrades were completed to allow additional electronic reporting by offenders to submit their monthly supervision reports through a secured internet site or kiosk; and the Digital Pen project was supported.

The U.S. Probation Office's upper management, in consultation with the Director of IT and the Systems Administrator, determined that due to budgetary considerations there would be a "moratorium" on new IT initiatives for 2012. Instead, the office would focus on completing the existing ongoing IT projects and implementing only new national initiatives.

EMPLOYEE RECOGNITION

During FY 2012, and consistent with the recommendations of the year's peer-based Employee Recognition Committee, Chief Thomas K. Tarr cited the following staff members for outstanding work:

District Award for Sustained Superior Performance – Tim Brown

Tim Brown was chosen to receive this award based on his commitment to helping offenders succeed, his ability to develop positive relationships with stakeholders and collateral agencies, and the consistent manner in which he goes "above and beyond" in working with high-risk offenders. In addition, Tim was lauded for his work with the Manchester (NH) Police Department on the Myles Webster case (Webster was recently convicted of Attempted Murder on a Manchester Police Officer), his willingness to mentor young officers, and the "team approach" that he brings to the job. Congratulations Tim Brown!

Chief's Award for Quality Improvement – Jodi Gauvin

Jodi Gauvin was recognized for her involvement with the implementation of PSX. Specifically, she was responsible for training the Investigations Unit in data entry and the various modules contained in PSX, reviewing templates created by other districts, meeting with staff to develop "canned language" for template customization, and developing the local templates in tandem with IT. Jodi was also required to meet regularly with IT to customize local templates as well as unit members to provide "remedial" PSX instruction. Lastly, it was noted that Jodi completed this project while concurrently maintaining her own caseload and performing her specialist duties.