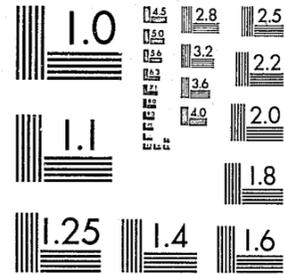


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NEW HAMPSHIRE PROBATION DEPARTMENT

PROBATION MANUAL

86390

NCJRS

OCT 20 1982

ACQUISITIONS

Acknowledgments

The New Hampshire Probation Manual of Procedures and Policies will assist Probation staff in providing improved services to the court, clients and community.

The New Hampshire Probation Board and administration offers a special thank you for the guidance, assistance and understanding provided by the committees assigned in the planning and development of this manual.

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NEW HAMPSHIRE PROBATION DEPARTMENT

The law creating the New Hampshire Probation Department was approved June 30th 1937.

From the start it was the policy of the Department to make use of methods intended to bring about the rehabilitation of the offender and at the same time adequately protect society against delinquents and criminals.

This policy is reached by thorough investigations and adequate, sincere and meaningful counseling.

Industrious, dedicated staff, working at the above tasks and others, is the way the Department will achieve its goals listed below:

- 1) Protection of society and rehabilitation of the offender.
- 2) Improve offender's anti social behavior through proper monitoring, guidance, planning, evaluation and follow up.
- 3) Assist victims of crimes by providing their input through the investigation at the time of sentencing.
- 4) Offer an alternative to incarceration that is cost effective.
- 5) Provide the court, institutions and social service agencies with a thorough and impartial investigation of the offender's background and criminal history.

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SECTION II	SUPERVISION
SECTION III	VOLUNTEER PROGRAM
SECTION IV	VIOLATIONS
SECTION V	RECORD KEEPING
SECTION VI	ADMINISTRATION
SECTION VII	PERSONNEL
SECTION VIII	APPENDIX A (Investigations)
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I. TYPES OF INVESTIGATIONS DONE BY PROBATION OFFICERS:

- A) Adult Criminal
- B) Juvenile
- C) Custody
- D) Annulments
- E) Civil Judgments
- F) Out-of-State Request for Supervision
- G) Out-of-State Request for Juvenile and Adult or Other Type Investigations
- H) Others at Special Request of Court

II. PURPOSE OF THE PRESENTENCE INVESTIGATION:

In selecting for probation those defendants who appear to be favorable risks for supervision in the community, or other dispositions, the Court will want to have before it all the information necessary for a clear understanding of the individual and the factors underlying his difficulties with the law. In determining what probation change plan to select and what sentence to impose, the Court relies to a great extent on the problems and needs explained in the report. The more thorough and comprehensive this inquiry, the less likelihood there is that persons and the community will not receive the best disposition.

The presentence investigation report is primarily for the Court's use in its determination of the type of sentence to impose. It should be held confidential by the Court and all others.

The presentence report also serves other purposes:

- A) It is a useful resource for the probation officer during probation supervision or later if the defendant is on parole or conditional release;
- B) It will assist the judge in the designation of institution in cases of commitment; and other dispositions.
- C) When the report on a committed defendant reaches the institution, it is one of the resources used for the institutional classification and treatment program;
- D) Used in planning for parole release;
- E) It is utilized as a basis for surveys and research;
- F) Probation Classification prior to recommendation.

III. PROBATION OFFICER'S ROLE IN THE PRESENTENCE INVESTIGATION:

The probation officer is responsible for giving to the judge an accurate and impartial evaluation and appraisal of the personality, attitude, and social history of the defendant and his prospects for becoming a law-abiding and respected citizen in the community.

The Court has placed full confidence in the probation officer's ability to make a careful appraisal of all possible sources of information about the defendant and his background, to assimilate and evaluate the data he has compiled, and to assemble the investigation data into a meaningful report. As an investigator for the Court he must strive constantly to achieve the insights and special skills generally associated with investigative work and at the same time retain qualities necessary for effective counseling and guidance.

A) The Probation Officer should:

- 1. Be familiar with techniques of interviewing;
- 2. Know the sources of information available in the community;
- 3. Learn what type of information may be obtained from each;
- 4. Interpret to the Court what the community expects in the way of disposition;
- 5. Be selective, ie., be able to distinguish readily between pertinent facts and inconsequential data;
- 6. Verify data;
- 7. Weigh the information given him, avoid drawing conclusions based on unfounded opinions, and be careful not to read into situations what is not there;
- 8. Learn those factors which contribute to behavior difficulties and conflicts with the law;

9. Be objective in all his work and remain free from biases growing out of differences in race, nationality and creed, personality clashes, and prejudices against certain types of offenses;
10. Not be concerned with the question of innocence or guilt but primarily interested in giving the Court a complete, accurate, and unbiased picture of the defendant, and the outlook for the future.

Obviously, the Presentence is important. This is a document that can determine whether an offender goes to jail or not. This is the reason why each Presentence should be done as thoroughly and as well as possible -- you are dealing with a person's freedom.

- B) You will find, or perhaps have already found that as a Presentence investigator, the Probation Officer must assume many roles. These roles are:
1. Reporter to the Court and for the Court;
  2. Data collector;
  3. Data evaluator;
  4. Empathy developer.
1. Reporter to the Court and for the Court - A Presentence investigator is responsible to the Court for obtaining as complete and unbiased a background report of the offender as is possible. Also, a Presentence investigator is a reporter and assistant of the Court. The Probation Officer must inform the offender of why the Presentence, what responsibility Probation Officer has to offender and what responsibility offender has to Probation Officer. The Probation Officer should tell probationer his expectations and enlist his help in providing information.

Above mentioned should be done in the initial interview. It puts the offender at ease if you will explain clearly just what is your function. Obtain as much material about the offender as possible for the initial interview. If he knows that you are already aware of some phases of his personal and family background, he will be less inclined to test you.

2. Data Collector - The areas to be emphasized in a Presentence investigation will vary with the individual offender. Information about such things as age, offense, marital status and family relationships will provide clues and insights as to which areas to focus upon and to investigate further. Once you have decided upon which areas to concentrate, then you can start to collect significant data.

The Probation Officer in doing his investigation must be selective in gathering his facts so that he restricts himself to relevant material which will help him to understand the offender, his problems, his situation and how these interact. Be aware that interchanges between you and the offender during the Presentence investigation have strong therapeutic elements. Probation Officer's future efforts with the offender can be either hindered or facilitated.

In addition to objective facts, such as age, date of birth, place of birth, marital status, etc., there are subjective factors such as personal biases, attitudes and feelings that have to be taken into consideration.

Recognize and control your own feelings and biases so they are used in a positive, purposeful way when doing a PSI.

3. Evaluator - After you have finished collecting your data, you then evaluate. Evaluation is a conscious, disciplined process involving first the organization and synthesis of the data collected; then an analysis of the data; and then a change of action plan.

Objective facts, such as marital status, employment and health should be verified whenever possible. Subjective facts, such as the Probation Officer's attitudes and feelings about the offender, must also be appraised.

Evaluation involves an assessment of the positives and negatives in the offender's current adjustment. Particular attention should be given to the major parts of his life, such as work, school and friends.

In writing an evaluative summary and evaluating the data that we have collected, the facts are only the beginning. If Presentence investigations were written with only facts as the main objective, we could hire vital statistic clerks.

Keep in mind probation officers are writing about actual flesh and blood people.

We are not just vital statistic workers. We are not people who just go around asking questions and putting down the answers. Probation Officers investigate and find facts, but then the officer must be willing to leave the safe haven of just reporting facts. We must be willing to stick our necks out . . . willing to analyze our facts and to tell the Court what they mean.

Preparing the Evaluation and Analysis is one of the most difficult tasks in the entire Presentence investigation. Here the Probation Officer displays his analytical ability, his diagnostic skills, and his understanding of human behavior. Here he brings into focus the kind of person who is before the Court; the basic factors that brought the person into this trouble; and what special assistance the offender needs to resolve his difficulties.

A brief summary of the data evaluator role is to remember that first there is the organization and synthesis of the data that you collect. Then comes an analysis of this data, using the data for a Probation Plan and in a recommendation.

4. Empathy Developer - Consider this one of the most important aspects in determining why the defendant is in his present situation. Everyone has a meaning for empathy -- however, empathy is simply putting yourself in another person's shoes. It is also respecting the defendant's feelings and respecting him as a person.

Develop empathy. By recognizing and responding to an offender's feelings, you help him talk about himself, learn more about him, and give him the opportunity to share his concerns with you. Some of you have a natural ability to empathize and others may need to develop this skill.

Put yourself in the other person's place. Say to yourself, "If I were in his shoes and under similar circumstances, how might I feel?" It is not necessary

to be exactly correct; merely having some idea of the range of possible feelings could increase your sensitivity. A point to remember is always to try to keep a little distance so that you will not over-identify with the client and lose all objectivity.

It is important to treat the offender with respect. The way you respond to him will indicate your concern for him. His response will in turn be related to his view of you. Respecting the offender can be a difficult concept for some of you to accept. However, respecting the offender should not be confused with implicit trust in all his statements.

IV. PRELIMINARY INVESTIGATION PROCEDURES:

- A) Investigation commences upon indictment.
- B) Supervisor reads order and puts Probation Officer's name on request for investigation.
- C) Supervisor gives request to secretary who registers in master log.
- D) Secretary checks master index, files, etc. to see if there has been a prior case.
- E) Secretary sets up folder, index card.
- F) Secretary sends to Central Office for police check and other pertinent records.
- G) Secretary checks with Probation Officer to see when he wants interview with individual.
- H) Secretary sends letter to alleged offender, with a specific date and time for interview, with a carbon copy to attorney.
- I) After completion of all the above, secretary then gives case folder to Probation Officer.
- J) Probation Officer checks with jail.
- K) Probation Officer reads the file for details about the offense and the record of previous arrests; otherwise confer with the persons preparing the case to secure details of the offense.
- L) Probation Officer clears with the local law-enforcement officials as well as those of any other community within the district where the defendant is likely to have had an arrest record.
- M) Probation Officer interviews the arresting officers when specific information is desired.
- N) Probation Officer requests a summary of the institutional file if the defendant was formerly a prisoner.
- O) Probation Officer contacts any other officer who may have supervised the defendant on probation or parole or otherwise had experience with him.

- P) Review past chronologicals for behavior while on probation in the past.

V. SECRET INDICTMENTS:

On occasion a District Office may receive a secret indictment. The Supervisor shall retain the secret indictment in a separate folder until such time as the defendant is arrested. No investigation shall be done until the defendant is arrested. The Supervisor shall check monthly, or unless notified sooner, with the Sheriff's Department, Clerk of Court, or County Attorney in order to find out if defendant has been arrested. Upon arrest, follow the same procedures as indicated under preliminary procedures (see page 8).

VI. ADULT FORMAT:

The following lists categories that must be included in every report, with a brief explanation.

- A) Facesheet - complete all areas. If a section does not provide for an adequate space such as prior record, write "Included in report." If an area does not apply write "N.A." in the space. (see Appendix A)
- B) Official Version of Offense and Status of Codefendants

This section should contain a brief summary and description of the offense and an explanation of the present status of any codefendants. The official version should not be a simple reiteration of the charge or indictment. Sources should be credited.

- C) Defendant's Version - (included only in investigation after finding of guilty or plea of guilty).
- D) Victim Input - If applicable, this section should contain information regarding the financial, emotional, or psychological impact suffered by the victim(s) of the crime. It should also contain information concerning the victim (see page 68).
- E) Biographical Summary - should cover the following:

1. Family History

Specify the age of the respondent, and give the names of the natural parents, along with the relationship in age to the siblings i.e., oldest, second oldest, etc. Personal data may also be appropriate, such as date and place of birth.

2. Family Members

Identify all other natural brothers and sisters of the respondent, as well as siblings present in the home through prior marriages, i.e., stepbrother, half sister, etc.. Note such facts as (1) ages and current status inside, as well as outside the home; (2) describe relationships and significant attitudes for consideration, i.e., favoritism, friction, poor influence, etc.. (3) describe whether there were parental adjustment problems with other siblings during their development; (4) indicate if other children have

been involved with the police and indicate the basis for such involvement; (5) if applicable, identify the presence of other relatives, boarder, "boyfriends", etc. in the home and note any effect on the respondent related to their presence.

3. Developmental History

While the main focus of an adult report is geared toward the present status of the respondent in the home, consideration may be extended to the developmental history of the respondent as it may offer insight into the current behavior and attitude displayed. Such areas for consideration would include: (1) Inquiry as to early manifestation of misconduct and identifying types of problematic behavior, i.e., aggression, stealing, deception, conflict with authority, emotional disturbance, etc.; (2) description of any significant health problem or physical disability during early development; (3) adjustment problems to other extenuating circumstances of the family history, i.e., death of a parent, divorce, residential changes, etc..

4. Family Adjustment

This section of the report addresses the behavior and attitude of the respondent in the home from the dual perspective of both parents, as well as the adult. If problem areas exist, one should try to compare and contrast the perceptions of such difficulties and conflicts.

5. Marital History

Describe the marital history of the natural parents, as well as prior and past marital arrangements. Such areas as the following should be addressed: (1) The date, place and length of the parent's marriage; (2) the number of the respondent's siblings born to the union; (3) prior marriages of either spouse, reviewing the above same areas; (4) if a history of divorce exists, indicate dates and solicit reasons for the breakup of prior marriages. If relevant, address divorce decrees as it may relate to custody or special conditions concerning the respondent or other siblings; (5) as to the current

marriage, describe whether there is any history of marital problems, periods of separation, and/or perceived lack of marital or parental responsibility of either party by the spouse; (6) describe significant elements in either parent's background, such as criminal record, alcoholism, abuse, poor health, etc; (7) finally, any unusual or extenuating circumstances surrounding the marital history.

6. Economic Status

Describe the economic and financial stability of the respondent's home. Address such factors as the following: (1) identify occupation, employer, and length of employment for either/or both parents; (2) note any significant aspects surrounding employment such as long hours, part time vs. full time work, obligations to travel often, self-employed, etc.; (3) when applicable describe other sources of income, such as Welfare assistance, Social Security benefits, Veteran's pension, support payments or disability benefits; (4) when it is appropriate, evaluate the assets and liabilities of the family's financial stability.

7. The Home Environment

Briefly describe the physical home setting where the respondent lives, reviewing such areas as (1) type of dwelling, size, number of rooms, location and neighborhood, (2) observations as to housekeeping standards and cleanliness; (3) describe whether family owns or rents home; (4) describe residential history, length of current residence and residential stability in past years; (5) finally, describe any unusual observations or significant circumstances surrounding the home environment.

8. Educational History

This section addresses the respondent's scholastic and social adjustment in the school environment, and it involves the school's description and evaluations in contrast to the respondent's perspective.

a. General School History

Identify basic objective information as to the name of school, current grade level, prior schools attended and any repeated grades.

b. Scholastic Standing

(describe the respondent's current scholastic performance and capabilities by consideration of the following:)

(1) Respondent's grades for current academic year, report cards for prior years, course schedule, and enrollment in any special classes or training programs.

(2) Diagnostic data may be appropriate for review such as I.Q. tests, aptitude tests, achievement tests, and special school diagnostic evaluations or reports. (3) The evaluative statement of the respondent's guidance counselor as to the performance and capabilities as well as other observations or judgments that may be applicable.

(4) If a special educational problem exists, indicate type and history of learning difficulty or handicap, programs implemented in response to such needs, assessment of progress in light of disability, and any projected plan or alternative school for consideration.

c. Social Adjustment

Describe the respondent's behavior while in school, with particular focus on any and all disciplinary contacts and concerns.

(1) Addressing the discipline record, identify by chronology the history of disciplinary attention with the appropriate official. (a) dates of infractions, types of infraction and school action taken in each instance, i.e., detention, suspension (in or out of school), and number of days per detention or suspension. (b) review attendance record, noting number of absences, and if a problem area, explain the reasons why. (c) identify patterned types of misconduct such as aggression (against person or property), conflicts with authority, stealing, cutting classes, truancy, emotional disturbance or any other anti-social form

of behavior. (d) solicit the assistant principal's description and evaluation of the respondent covering the above areas and (e) describe any extenuating circumstances surrounding the student's behavior within the school setting.

d. Non-Attendance

If the respondent is not in school, indicate age the respondent left school, grade level, and reasons for leaving, i.e., withdrawal, expulsion, etc. Depending on the length of time which has elapsed since the respondent was in attendance, one should assess whether contact with the school is applicable.

e. Respondent's Attitude

Describe the viewpoint toward school, considering (1) his likes or dislikes of subjects, (2) his attitude toward teachers and school authorities, (3) ambitions for future schooling, vocational careers, or post high school plans, (4) review disciplinary record with respondent and describe his explanation and attitude towards disciplinary contact and consequences, (5) describe the respondent's attitude toward any particular or salient area of concern discovered during the collection of school information.

f. Parental Attitude

Solicit and describe the parental perception concerning school, covering relevant areas listed above and determine the level of parental involvement in following up on the respondent's education, i.e., school conferences, study habits fostered in the home, attitude toward school's role and responsibility, etc..

9. Employment History

Depending upon the age of the respondent, this area may vary from marginal to central importance in the report. Describe job stability and work maturity by examining the following areas: (1) current job status; identify employer, location, type of work, length of employment, wages, hours worked, and job satisfaction. (2) prior employment record; review and present chronology

of jobs along the same lines, noting reasons for leaving and any other circumstances for discharge offered by the respondent. (3) employment capabilities and limitations; make reference to skills learned, preferred types of work, and projected employment goals. If there are obstacles to employment, one should identify them, such as age, mobility, geographic limits, physical handicap, family obligations, lack of skill or education, etc..

10. Health; Physical

The generality or depth of this section is predicated on the assessment of the respondent's physical well-being, unless otherwise indicated. If there has been a history of physical illness, diseases, or serious injuries, identify the nature of this disorder, the periods of infirmity, and the history of medical treatment. Also review implications of health problems for other facets of respondent's life, home, school, employment, inter-personal relationships, etc..

11. Mental Health

NOTE: Any confidential reports or information shall be separated from the report and placed in an envelope marked "Confidential". The envelope is submitted separately to the Court. (see page 20).

Ensure the protection of all confidential reports received.

If there has been a history of any prior involvement with separate mental health services, it should be fully described. List current and prior agencies involved, periods of therapy, and reasons for referral. All ancillary agencies should be contacted as to this particular area and applicable reports solicited. (1) reports and findings of psychological and/or psychiatric examinations, including tests, dates, and examiners. (2) areas of emotional instability should be identified, such as fears, hostilities, obsessions, compulsions, depressions, peculiar ideation, sexual deviation, suicidal tendencies,

etc., (3) State relevant prognoses and recommendations for treatment. (4) review with the respondent awareness of emotional problems and the manner in which he has dealt with them and (5) describe the implications of mental emotional health for other sectors of the respondent's life.

12. Use of Leisure Time

Review and describe the respondent's use of spare time, including particular interests or involvement in organized activities. Such areas for review would be sports, hobbies, artistic talents, reading, etc.. While inquiry is made as to constructive outlets, it is also at this juncture that harmful activities be described such as alcohol or drug abuse, poor associations or gang membership, etc.. Other negative activities should be examined closely, with regard to statements by the respondent, parents, school officials, police and other referential sources. Substance abuse should be described in detail, if not brought out earlier in other sectors of the report. As to associates, identify whether known to police, the Probation Officer or the Court, and any other concern for continued companionship.

F) Prior Record

Present chronologically the record of the respondent's past involvement with the police and Court system. Identify this history by date, place and nature of police contact, as well as the date, Court jurisdiction, prior offenses, and past dispositions. Summarize prior diversion efforts, probation periods, and if applicable, institutional experience. Specifically describe (1) any pattern of behavior as to prior contacts, such as property crimes, misuse of motor vehicles, aggression or assaultive behavior, vandalism, alcohol or drug usage, etc., (2) any extenuating circumstances or influences surrounding prior offenses, such as family conflicts, truancy, intoxication, poor peer association, etc., (3) when one is able, examine and describe role of the respondent in prior acts, such as being a leader, follower, loner, showing off, etc., (4) describe successes and failures of any prior probation or parole periods and review treatment efforts previously tried, (5) describe the respondent's explanation of prior involvement and observe his attitude toward prior incidents, (6) indicate

if other concurrent charges are pending, as well as dates of offense, type of charges, Court of jurisdiction and the stage of Court proceeding, (7) finally, indicate whether the defendant is currently on probation and summarize his status particularly whether he has been amenable to supervision and to implemented treatment approaches.

G) Evaluation and Analysis

The Evaluation and Analysis should summarize, analyze and interpret all information gathered. At the end of each Evaluation and Analysis the Probation Officer must list the immediate needs, the long range needs and the specific problems of the individual. If no immediate or long range needs, so indicate in the report.

H) Probation Plan

The Probation Plan should state what has to be done, when it will be done, where it will be done, who will do it, and how it will be done. Immediate needs, long range needs and specific problems, identified above, are dealt with to bring about changes through a positive approach. Make sure each need and problem is addressed in this section of the report. List the proposed items point by point corresponding to the needs and problems identified.

This is the most important section of the report. It calls for thought, research and planning.

Refer to next section, Probation Plan, for further information.

I) Recommendation

The first sentence of the recommendation should begin as follows (if report done prior to finding of guilt):

"If the defendant is convicted of the offense(s) as charged, the following recommendations are submitted to the Court:"

The recommendation contains a brief statement of the Probation Officer's suggested sentence. Recommendations will include the feasibility of probation, incarceration, the need of viable special conditions, etc. Recommendation must be supported by information included in the report.

Classification Form is completed before formulating your recommendation.

J) Sources of Information

List sources and relationship to defendant.  
John Doe - Assistant Principal

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: INVESTIGATIONS  
SUBJECT: CONFIDENTIAL  
INFORMATION

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: INVESTIGATIONS  
SUBJECT: LETTER TO COURT

VII. CONFIDENTIAL INFORMATION:

Some sources prefer to remain unnamed. Explain to them this is the Court's prerogative, but indicate it will be presented separately from the report. State the information is presented as confidential and provide the information separately, either in report format or via letters or reports from other persons or agencies.

VIII. LETTER TO THE COURT:

A letter is sent to the Court in lieu of the presentence report when the defendant has refused to cooperate, has absconded or failed to make himself available. Prior to sending the letter contact the defense attorney, if known, the County Attorney and the Sheriff (police) to try and determine the defendant's whereabouts. The defense attorney may be able to get his client to cooperate.

A letter to the Court is also used if the defendant's attorney refuses to allow his client to talk to the Probation Officer.

The letter should inform the Court as to the reason a report could not be done; and should express a willingness to conduct the investigation upon order of the Court if the defendant is found guilty (when the report is done prior to a finding). Copies of the letter should go to the County Attorney and defense attorney (if known).

IX. SUBMITTING REPORT TO THE COURT:

504:2-a Report

In any criminal case involving an adult defendant the Probation Officer, at the time of filing the report of the investigation with the Court, shall notify counsel for the State and the defendant that said report is available at the office of the Clerk of Court for review and inspection. (see Appendix A - Form PR4115)

All reports must be completed within thirty days unless Valid reason exists.

X. PROBATION PLAN:

The Probation Plan is a purposeful, positive attempt to change attitudes, behaviors or certain aspects of an offender's personality so he or she is then able to function in society without the types of criminal or delinquent involvement that have led to the offender's past or present status in the Criminal Justice System.

It is the Probation Officer who must be responsible for designing, controlling, conducting and, if necessary, redesigning the Probation Plan.

The Probation Plan involves four steps:

1. Determining clients needs and problems.
2. Planning the method of action or behavioral change.
3. Implementing plan.
4. Following up (not after release but while under supervision).

The change function or the planned effort to correct is vitally important since it is the goal of the system to make non-criminals out of criminals, non-delinquents of delinquents. Simple probation supervision, including office visits and other contacts between the agent and the offender are not, strictly speaking, a Probation Plan. All contact may and should contribute to a change goal, but unless they are related in a plan modeled to the individual's needs they may not modify the offender's attitudinal or behavioral pattern in the desired ways.

The Probation Plan may include mobilization of resources, such as selection of educational, employment or other activities acceptable to and required by the offender. It may also include counseling of the client by the agent, either individually or in group settings. The plan may further include getting the offender into programs conducted by others such as psychiatric therapy, Alcoholics Anonymous or group treatment for drug addiction. The plan a Probation Officer constructs for the client may include all or several of the above.

A) Determining the Offender's Needs

Isolating and analyzing the offender's needs is an essential starting point in the re-integration process.

The Probation Officer must make his own assessment of the offender in a face-to-face situation. This is necessary because such a contact enhances understanding and interpretation of other materials, and

because the offender may have changed in significant ways since any of the other investigations or evaluations were compiled.

#### B) Probation Change Planning

Following the diagnosis, the officer must plan the change to be implemented. The main point here is to set objectives.

1. A preliminary task is list the needs and problems obtained through diagnosis.
2. The Probation Officer must establish and prioritize the problems and needs of the offender to be reacted to.
3. The Probation Officer must assess the available resources (programs, personnel, etc.) that can be drawn upon to supply the required treatment.
4. The Probation Officer has to set down the Probation Plan point by point. As stressed above, an important aspect of the plan is the objective the agent feels should be achieved, based on his assessment of the offender's needs. Each case will be different.
5. It is possible to consider a model that, with variations, may be utilized as a model checklist for setting up individual Probation Plans.

Needs most offenders may share to one extent or another are:

Immediate Adjustment Problems- Regardless of past experiences, at every instance of finding himself in probation status, an offender will have needs regarding his new situation -- notably shelter and employment, immediate adjustment in the family, and in some cases, in the community. Unless these immediate needs and problems are dealt with, no other part of the change plan can be effective.

Long Range Needs- Long term needs can be of several kinds. (1) the offender might require educational or vocational development to achieve constructive adjustment in the free community. (2) he may need special

treatment for emotional disturbance of some sort. Examples would be psychiatric therapy, Alcoholics Anonymous involvement, substance abuse treatment, or family counseling. Some of these would be areas where the agent must rely on outside resources and personnel. (3) there are possible needs in terms of providing understanding, providing a model to identify with or providing counseling that the Probation Officer can and should supply. (4) training on how to look for jobs, complete applications and handle oneself well in an employment interview. Probationer may not have any basic concept of how to schedule time, or he or she may not know either how to read or write.

Above are reality problems that require immediate action by the Probation Officer.

#### C) Implementing Probation Plan

Carrying out the plan simply means taking action on the objectives established in the planning stage.

An important aspect of implementing change is keeping a chronological record regarding the steps and objectives accomplished, results and other pertinent information, plus the Probation Officer's evaluation, changes made in the original plan and indication of the next phase.

The importance of keeping chronologicals of all contact with the probationer cannot be stressed enough. An accurate record assures the continuity required for both the Probation Officer and the probationer to know where they stand in the process and to maintain confidence in it.

It is equally important to share the objectives of the plan with the probationer to obtain his or her agreement and acceptance of the objectives of change in a particular case. Unless such agreement is reached, no change can be effective. When there is agreement on what needs to be done, both the Probation Officer and the probationer can work together to achieve concrete results.

A useful definition of probation casework describing the role of the agent is:

"To interpret society's expectations to the client and to help him conform to these expectations."

If this may be viewed as the overall goal, the change plan establishes specific objectives to achieve this goal.

For instance help the offender to:

- Finish school
- Control his drinking
- Get a job
- Seek out-patient psychiatric care to reduce anxiety
- Budget
- Organize time
- etc.

Each probationer, when reasonably approached, will reveal his own list of problem areas that, in some combination, have been more or less responsible for his current status as a probationer.

The Probation Officer must know that list, prioritize it, and help the client handle those problems that are a basic cause of his criminality.

D) Follow Up

Follow up here does not imply tracing the probationer after release from probation. It means following up while change is in progress. Adhering to the objectives and determining if and when they must be changed, and then making the changes required.

Follow up is emphasized because quite often through the initial contacts (PSI, first interview, etc.) the agent determines some needs of the probationer and even proposes to deal with them. Soon the burdens of a large caseload, time pressures and a surface appearance of adjustment on the part of the client obscure the problems first seen, and the Probation Officer-probationer contacts deteriorate to meaningless chit-chat on reporting days or in other visits. In this way a new level of relationship is reached where problems are no longer sensed or reacted to. To avoid this, a plan must be set; it must be followed; it must be changed when necessary; and it must then be continued to completion.

The Probation Plan can be considered the most difficult part of the criminal or juvenile pre-sentence to construct and also the most difficult but most important to follow once the judge makes his or her disposition.

The plan takes research, thought, analysis, insight, etc. for the Probation Officer in conjunction with the offender to determine the needs and problems and then come up with a plan to satisfy the needs and eliminate the problems. This is the part where the Probation Officer really has to do some real hard thinking. This is the category that will be probably the most important input the judge will have.

XI. JUVENILE INVESTIGATION FORMAT AND CATEGORY EXPLANATION:A) Face Sheet (See Appendix A)

The face sheet is the initial screening device for the investigation, the form representing a general cross section of information to be covered in the report. All areas of the face sheet should be filled out with specificity in categories designated.

B) Juvenile Petition(s)

State the exact wording of the allegation of any and all petitions indicating date of offense, the classification of the offense, felony, misdemeanor or violation, the petitioning authority, and the Court of jurisdiction.

C) Court Chronology of Instant Offense(s)

Give a brief history of the Court's jurisdiction, indicating any salient elements concerning the arraignment and adjudicatory phases of the proceeding, as well as relevant interim orders issued pertaining to the juvenile's status and custody. If detained, indicate period of detention.

D) Description of Instant Offense1. Official Version

- (1) This section involves a complete description of the offense(s) and the circumstances surrounding them, not limited to aspects developed for the record as part of the determination of whether the juvenile is chargeable.
- (2) Briefly summarize the statement of arresting authority or petitioner, drawing out salient factors surrounding the offense(s) such as (a) extent of property or monetary loss; (b) extent of juvenile's gain or profit from the offense; (c) extent of harm or injury to the victim or others; (d) aggravating and extenuating circumstances; (e) extent to which offense follows pattern of previous offense; (f) premeditated or impulsive involvement; (g) relation of juvenile to victim and (h) the influence of alcohol or drugs.

2. Juvenile's Version

This section addresses the respondent's depiction and perception of the act(s) alleged, his role and level of participation, his explanation for his behavior and the observed attitude of the juvenile toward the charges. Factors for consideration should involve the following (1) juvenile's version of offense and arrest; (2) discrepancies between official and defendant's version; (3) juvenile's attitude toward offense(s); (4) juvenile's explanation of why he became involved; (5) impulsive or premeditated involvement; (6) contributing environmental and situational factors; (7) juvenile's attitude toward arresting officer, Probation Officer and Court; (8) juvenile's understanding of the juvenile petition(s) and possible consequences; (9) juvenile's acceptance of guilt and (10) extent of juvenile's cooperation with parties, i.e., police, Probation Officer, etc..

3. Companion's Version

If applicable, companions should be identified by name, as well as status (adult or juvenile). In instances of concurrent investigations, statements concerning perceived roles and levels of participation should be noted and compared with respondent's version.

E) Victim Input

Identify any and all victims of the instant offense(s), and describe relevant relationships which may pertain, i.e., victim acquainted with juvenile, employer, school official, neighborhood conflict, etc.. As to restitution, address the extent of loss suffered as to property and/or money, amount of loss recovered, the amount of restitution to be made, and parties entitled to reimbursement. When applicable, the degree of physical and/or emotional harm experienced by the victim(s) should be described, and any extenuating or unusual circumstances should be brought out (see pages 68-73 for further discussion of Victim Input).

F) Parental Statement

One should begin this section with parental viewpoint of the child on a general level, and go on to examine particular areas of stability and instability. Such areas of focus would include: (1) A description of the relationship of each parent to the juvenile. Illustrative areas for consideration would be compatible or contrasting values and attitudes, respect or disrespect for parental authority, common interests and activities vs. parent-child alienation, time spent with child or lack of such involvement, degree of harmony vs. conflict between parties, and any other characteristics brought out by the parents. Note: In drawing out the strengths and weaknesses of the parent-child relationship, one should use judgment to differentiate "typical" adolescent behavior from anti-social and maladjusted manifestations which may need further emphasis and examination during the course of the report; (2) Describe the parent's viewpoint on discipline, addressing measures used by the family, such as whipping, shaming, nagging, depriving of privileges, grounding, limiting associates, etc.. Identify the predominate disciplinarian of the two parents, as well as the level and degree of consistency in their approach. Finally, indicate the parental judgment or perception as to the effectiveness of their discipline to inhibit and to control the respondent's behavior; (3) If specific problem areas exist, identify type of behavior, whether it is patterned and note, if possible, when such difficulties first arose. Examples for consideration are running away, verbal or physical aggression, lack of motivation, active or passive resistance to authority, stealing or deception, lack of accountability, drug or alcohol usage, school problems, etc.; (4) Describe the parental viewpoint toward their child's involvement in the Court system. Examine such areas as their view of the seriousness of the offense, attitude toward the police, Probation, and the Court, expected Court consequences, etc.; (5) Inquire as to disciplinary actions taken by the parents subsequent to their child's arrest and Court appearance. (6) Indicate the parental willingness to cooperate as to rehabilitative approaches or programs that are under consideration. (7) Describe the parental viewpoint in regard to any consideration for a change of custody or alternative placement of the respondent, if such a disposition may be appropriate or necessitated.

This section should also address the same areas as outlined above from the viewpoint of the respondent. (a) Areas of similar viewpoints or agreement should be noted. (b) Contrasting and conflicting depictions should be highlighted. (c) Particular attention should be focused on covert or omitted problems not acknowl-

edged by the parents, but brought out by the juvenile, i.e., physical abuse, alcoholism, marital problems, etc..

G) Biographical Summary1. Family Background

Identify the age of the respondent, and give the names of both natural parents, along with the juvenile's relationship in age to other siblings, i.e., oldest, second oldest, etc.. Personal data may also be appropriate such as date and place of birth.

2. Marital History

Describe the marital history of the natural parents, as well as prior and past marital arrangements. Such areas as the following should be addressed: (1) the date, place and length of the parent's marriage; (2) the number of the respondent's siblings born to the union; (3) prior marriages of either spouse, reviewing the above same areas; (4) if a history of divorce exists, indicate dates and solicit reasons for the breakup of prior marriages. If relevant, address divorce decree as it may relate to custody or special conditions concerning the respondent or other siblings; (5) as to the current marriage, describe whether there is any history of marital problems, periods of separation and/or perceived lack of parental responsibility of either party by the spouse; (6) describe criminal record, alcoholism, abuse, poor health, etc.; (7) finally, any unusual or extenuating circumstances surrounding the marital history.

3. Economic Status

Describe the economic and financial stability of the respondent's home. Address such factors as the following: (1) identify occupation, employer, and length of employment for either/or both parents; (2) note any significant aspects surrounding employment such as long hours, part-time vs. full-time work, obligation to travel often, self-employed, etc.; (3) when applicable describe other sources of income such as welfare assistance, Social Security, Veteran's pension, support payments or disability benefits; (4) when it is appropriate evaluate the assets and liabilities of the family's financial stability.

4. The Home Environment

Briefly describe the physical home setting where the respondent lives, reviewing such areas as: (1) type of dwelling, size, number of rooms, location and neighborhood; (2) observations as to housekeeping standards and cleanliness; (3) describe whether family owns or rents home; (4) describe residential history, length of current residence and residential stability in past years; (5) finally, describe any unusual observations or significant circumstances surrounding the home environment.

5. Family Members

Identify all other natural brothers and sisters of the respondent, as well as siblings present in the home through prior marriages, i.e., step-brother, half-brother, etc.. Note such facts as: (1) ages and current status inside, as well as outside the home; (2) describe relationships and significant attitudes for consideration, i.e., favoritism, friction, poor influence, etc.; (3) describe whether there were any adjustment problems with other siblings during their development; (4) indicate if other children have been involved with the police or the juvenile Court system, and indicate the basis for such involvement; (5) if applicable, identify the presence of other relatives, boarders, "boyfriends", etc. in the home and note any effect on the respondent related to their presence.

6. Developmental History

While the main focus of a juvenile report is geared toward the present status of the respondent in the home, consideration may be extended to the developmental history of the respondent as it may offer insight into the current behavior and attitude displayed. Such areas for consideration would include: (1) inquiry as to early manifestation of misconduct and identifying types of problematic behavior, i.e., aggression, stealing, deception, conflict with authority, emotional disturbance, etc.; (2) description of any significant health problem or physical disability during early development; (3) adjustment problems to other extenuating circumstances of the family history, i.e., death of a parent, divorce, residential changes, etc..

7. Educational History

This section addresses the respondent's scholastic and social adjustment in the school environment, and it involves the school's description and evaluations in contrast to the respondent's perspective.

a. General School History

Identify basic objective information as to the name of school, current grade level, prior schools attended and any repeated grades.

b. Scholastic Standing

Describe the respondent's current scholastic performance and capabilities by consideration of the following: (1) respondent's grades for current academic year, report cards for prior years, course schedule, and enrollment in any special classes or training programs; (2) diagnostic data may be appropriate for review such as I.Q. tests, aptitude tests, achievement tests, and special school diagnostic evaluations or reports; (3) the evaluative statement of the respondent's guidance counselor as to the juvenile's performance and capabilities, as well as other observations or judgments that may be applicable; (4) if a special educational problem exists, indicate type and history of learning difficulty or handicap, programs implemented in response to such needs, assessment of progress in light of disability, any projected plan or alternative school for consideration.

c. Social Adjustment

Describe the respondent's behavior while in school, with particular focus on any and all disciplinary contacts and concerns. Addressing the discipline record, identify by chronology the history of disciplinary attention with appropriate officials, usually the Assistant Principal in most instances. Address such areas as the following: (1) dates of infractions, types of infraction and school action taken in each instance, i.e., detention, suspension (in

or out of school), and number of days per detention or suspension; (2) Review attendance record, noting number of absences, and if a problem area, explain the reason why. (3) Identify patterned types of misconduct such as aggression (against person or property), conflicts with authority, stealing, cutting classes, truancy, emotional disturbance or any other anti-social form of behavior. (4) Solicit the Assistant Principal's description and evaluation of the respondent covering the above areas and; (5) Describe any extenuating circumstances surrounding the student's behavior within the school setting.

d. Non-Attendance

If the respondent is not in school, indicate age the juvenile left school, grade level, and reasons for leaving, i.e., withdrawal, expulsion, etc.. Depending on the length of time which has elapsed since the respondent was in attendance, one should assess whether contact with the school is applicable. Truancy should be researched.

e. Respondent's Attitude:

Describe the juvenile's viewpoint toward school, considering (1) his likes or dislikes of subjects, his attitude toward teachers and school authorities, ambitions for future schooling, vocational careers, or post high school plans; (2) Review disciplinary record with juvenile and describe his explanation and attitude towards disciplinary contact and consequences. (3) Describe the respondent's attitude toward any particular or salient area of concern discovered during the collection of school information.

f. Parental Attitude

Solicit and describe the parental perception concerning school, covering relevant areas listed above and determine the level of parental involvement in following up on the respondent's education, i.e., school conferences, study habits fostered in the home, attitude toward school's role and responsibility, etc..

8. Employment History

Depending upon the age of the respondent, this area may vary from marginal to central importance in the report. Describe job stability and work maturity by examining the following areas: (1) Current job status: Identify employer, location, type of work, length of employment, wages, hours worked, and job satisfaction. (2) Prior employment record: Review and present chronology of jobs along the same lines, noting reasons for leaving and any other circumstances for discharge offered by the respondent. (3) Employment capabilities and limitations: Make reference to skills learned, preferred types of work, and projected employment goals. If there are obstacles to employment, one should identify them, such as age, mobility, geographic limits, physical handicap, family obligations, lack of skills or education, etc..

9. Health

a. Physical: The generality or depth of this section is predicated on the parental assessment of the juvenile's physical well-being, unless otherwise indicated. If there has been a history of physical illness, diseases, or serious injuries, identify the nature of this disorder, the periods of infirmity, and the history of medical treatment. Also review implications of health problem for other facets of respondent's life: home, school, employment, interpersonal relationships, etc..

b. Mental: If there has been a history of any prior involvement with mental health services, it should be fully described. List current and prior agencies involved, periods of therapy, and reasons for referral. All ancillary agencies should be contacted as to this particular area and applicable reports solicited. Areas for consideration would be: (1) reports and findings of psychological and/or psychiatric examinations, including tests, dates and examiners; (2) areas of emotional instability should be identified, such as fears, hostilities, obsessions, compulsions, depressions, peculiar ideation, sexual deviation, suicidal tendencies, etc.. (3) State relevant prognoses and recommendations for treatment; (4) review with both the parents and juvenile (separately) awareness of emotional problems and the manner in which each has dealt with them; (5) describe the implications of mental/emotional health for other

sectors of the respondent's life.

10. Use of Leisure Time

Review and describe the juvenile's use of spare time, including particular interests or involvement in organized activities. Such areas for review would be sports, hobbies, artistic talents, reading, etc.. While inquiry is made as to constructive outlets it is also at this juncture that harmful activities be described such as alcohol or drug usage, poor associations or gang membership, etc.. Other negative activities should be examined closely, with regard to statements by the respondent, parents, school officials, police and other referential sources. Substance abuse should be described in detail, if not brought out earlier in other sectors of the report. As to associates, identify whether known to police, the Probation Officer or the Court, and any other concern for continued companionship.

H) Prior Record

Present chronologically the record of the respondent's past involvement with the police and juvenile Court system. Identify this history by date, place and nature of police contact, as well as date, Court jurisdiction, prior petitions, and past dispositions. Summarize prior diversion efforts, probation periods, and if applicable, institutional experience. Specifically describe: (1) any pattern of behavior as to prior contacts, such as property crimes, misuse of motor vehicles, aggression or assaultive behavior, vandalism, alcohol or drug usage, etc.; (2) any extenuating circumstances or influences surrounding prior offenses, such as family conflicts, truancy, intoxication, poor peer association, etc.; (3) When one is able examine and describe role of the respondent in prior acts, such as being a leader, follower, loner, showing off, etc.. (4) Describe successes and failures of any prior probation or parole periods, and review treatment efforts previously tried. (5) Describe the respondent's explanation of prior involvement and observe his attitude toward prior incidents. (6) Indicate if other concurrent petitions are pending, as well as dates of offense, type of charges, Court of jurisdiction and the stage of Court proceeding. (7) Indicate whether the juvenile is currently on probation and summarize his status, particularly whether he has been amenable to supervision and to implemented treatment approaches.

I) Evaluation and Analysis

The Evaluation and Analysis should summarize, analyze and interpret all information gathered. At the end of each

Evaluation and Analysis the Probation Officer must list the immediate needs, the long range needs and the specific problems of the individual. If no immediate or long range needs, so indicate in the report.

J) Probation Plan

The Probation Plan should state what has to be done, when it will be done, where it will be done, who will do it, and how it will be done. Immediate needs, long range needs and specific problems, identified above, are dealt with to bring about changes through a positive approach. Make sure each need and problem is addressed in this section of the report. List the proposed items point by point corresponding to the needs and problems identified.

This is the most important section of the report. It calls for thought, research and planning.

Refer to prior section, Probation Plan, for further information.

K) Recommendations

The recommendation contains a brief statement of the Probation Officer's suggested disposition. Recommendations will include the need of viable special conditions, etc.. Recommendation must be supported by information included in the report.

L) Sources of Information

1. List sources and relationship to defendant.  
John Doe - Assistant Principal
2. Confidential Information: See page 20.

## XII. JUVENILE CERTIFICATION INVESTIGATION

### A) Goals and Objectives

The juvenile statutes are based on the philosophy of providing rehabilitation and treatment of the juvenile offender outside the adult criminal justice system.

The certification of a juvenile to the adult criminal system is the process that takes into account the fact that some juvenile offenders are so vicious, so hardened as to suggest unamenability to treatment in the juvenile system. Society is in just as great a need of protection from these children as it is from adult offenders.

Note: A certification investigation is not a presentence investigation.

The goal of a certification investigation and report is to provide the Court with information for its decision to treat a particular person as a juvenile or as an adult.

### B) Statutory Authority

The statutory authority to transfer a juvenile to the adult criminal code lies in RSA 169-B:24.

"All cases before the Court in which the offense constitutes a felony if committed by an adult may be transferred to Superior Court prior to an adjudicatory hearing in the juvenile Court."

RSA 169-B:24 further establishes criteria in determining whether a case should be transferred. This criteria will be discussed below in section D.

### C) Procedures

Check with the District Court in your area for administrative procedures.

The State must set forth, in a petition presented to the Court, the nature of the offense and reason(s) for requesting certification. The juvenile petition alleging the offense(s) shall also be submitted to the Court by the State. The juvenile is entitled to the assistance of counsel, who shall have access to said Court records, probation reports, or other agency reports. If the Court orders transfer to Superior Court, it shall provide a written statement of findings

and reasons for such transfer to the minor.

A minor who has been transferred when certified in Superior Court may be required to recognize sufficient sureties or in default thereof be detained in an adult correctional facility to await disposition of said case in said Superior Court.

The Court has the alternative of releasing the minor pending hearing in Superior Court to the community under the supervision of a Probation Officer.

- D) Outline by topic of the report, what is to be included in each topic and how to do it.

Suggested checklist during investigation:

- review RSA 169-B:24.
- make a list of agencies to be contacted.
- make a list of individuals to be contacted.
- make a list of records to be reviewed and/or obtained.
- make a list of supporting documents to be obtained.
- make a list of the necessary releases or Court orders needed to complete any of the above.

1. Juvenile Facesheet is to be completed and submitted with the report.

#### 2. Court Chronology of Case

The report should begin with data on the date(s) of prior Court hearing(s), what occurred in any previous hearing(s), the name of the presiding justice and others in attendance, and orders issued at the hearing(s). This should also include any specific aspect of the order such as whether or not the Court has granted the Probation Officer permission to speak with the juvenile, to review police records and whether or not the Court specifically ordered particular documents to be obtained.

#### 3. Seriousness of Offense

The seriousness of the alleged offense(s) to the community and whether the protection of the community requires transfer.

This section should include the RSA violated, alleged offense(s), category of felony (Class A or B), and the maximum penalty under the criminal

code of the State if the offense(s) were committed by an adult.

The protection of the community issue should be addressed in terms of the juvenile's age, prior involvement in similar offenses and the inability of the juvenile justice system to deter his continued delinquent behavior.

#### 4. Nature of Offense

The aggressive, violent, premeditated or willful nature of the alleged offense(s).

Indicate if force was used in the commission of the offense(s), if any victim was injured or threatened as a result, if dangerous weapons were involved. This information can be obtained from the juvenile petition, petition to certify, review of police reports (if granted) or interview with County Attorney.

#### 5. Type of Offense

Whether the alleged offense(s) was committed against a person(s) or property.

#### 6. Prosecutive Merit of the Complaint

Determine, after discussion with the County Attorney, whether or not he would go forward with an indictment of the juvenile if he were transferred.

Note: In severe cases the Attorney General's office would be involved and would have to be interviewed in reference to the alleged offense(s).

#### 7. Consolidation

The desirability of trial and disposition of the entire offense in one Court if the minor's associates in the alleged offense(s) were adults who will be charged with a crime.

Again, determination is primarily the result of the interview with the County Attorney. Indicate all codefendants and state their current status--for example, bound over, disposition pending, treated as a juvenile, or no prosecution.

#### 8. Sophistication and Maturity

Describe the positive and negative aspects of the family. This section should also include much of the information that is included in a regular juvenile presentence investigation, for example, Parents: full name, address, telephone, date of birth, place of birth, background, education, employment, police/Court record, physical/mental health, date and place of marriage, any prior marriages, other children, date of divorce, custody, support, any separations and for how long, current incomes, supplemental income, abuse of alcohol, habits and hangouts, conduct of defendant while at home (curfew, chores, assaultive, stealing, etc.), disciplinary measures utilized by parents, indication of abuse or neglect, characterize neighborhood, unannounced home visit (upkeep, space, heat, food, furnishings, health standards), list name, age, date of birth, place of birth of all siblings (include those deceased), list any priors on siblings, have defendant and siblings always been in parent's custody, list home addresses (and any placements), how long they were there and why they moved. List schools attended by defendant--review cumulative record, test scores, attendance, grades repeated, special problems, discipline record--interview appropriate school officials. Employment background--where, how long, why left. Interview of employer when appropriate. Finances--income and how spent, savings, debt. Habits--glue, booze, drugs, gambling, clubs/teams, dating, homosexual activities, hobbies, associates, hangouts. Medical--normal birth/full term, any hospitalizations, medication, last physical, last time seen by doctor, why, any accidents. Mental health clinic or private evaluations. Any attempts at suicide, any military background.

#### 9. Prior Record

This paragraph should include a comprehensive background of the juvenile's prior involvement with all police, Court and probation agencies. This could include offense(s), dates of offense(s), disposition(s), and any other material pertinent to this section and include any periods of commitment to any juvenile facility (offenses, dates of

confinement, release date, pertinent data).

10. Feasibility of Treatment as Juvenile

Prospects of adequate protection of the public and the likelihood of reasonable rehabilitation of the minor through the juvenile Court system.

This section should include a comprehensive background of any agency contacts either community-based or residential. This should include any previous attempts to rehabilitate the juvenile offender in the juvenile justice system. A list of agencies to be considered, although not limited to the following, should be included: counseling agencies, mental health/residential facilities, youth service programs, placements, group homes, foster homes, crisis homes, involvement by city, county, state welfare agencies.

Additionally the juvenile offender's behavior during prior periods of probation must be considered. All previous efforts at rehabilitation should be outlined to indicate if the juvenile offender has responded to the rehabilitative services available to the juvenile justice system and whether or not the juvenile appears to be amenable to treatment in the juvenile justice system or if adequate protection of the public would best be met by transfer to Superior Court.

11. Comments & Recommendations

This section would be a summation of the report and considerations to be made are the juvenile's age, exposure to the juvenile justice system, seriousness of the offense(s). If information gathered is sufficient to determine if transfer is warranted or should further evaluation be required prior to a decision to transfer being made, it should also include any other salient points for the Court with recommendation as to whether or not transfer is warranted.

12. Sources of Information

List all sources contacted.

XIII. CUSTODY:

A) Statutory Authority

RSA 504:15 Powers and Duties. The duties of Probation Officers shall be:

1. To investigate at the request of any Court any case, matter, or question, whether then pending or not, and to report to such Court the result of such investigation, with recommendations.

RSA 504:15-a Visitation Rights. Probation Officers when so ordered by the Court, shall take temporary custody of children for the purpose of enforcing visitation rights of parents under a judgment of divorce or legal separation.

B) Superior Court Rule 114 - Probation Reports

In all civil actions, including libels for divorce, in which a report of a Probation Officer has been ordered by the Court, the report will be examined by the Court at such time in the course of the proceedings as the Court deems proper, and the substance of the report will be revealed to counsel for each party at the time of such examination by the Court. Each party will be afforded a reasonable opportunity to rebut any material matters contained in any probation report. The Court may withhold the identity of the sources of information on which such report is based. This paragraph shall not apply to reports made in connection with proceedings for temporary orders, pending a final hearing, relating to custody, alimony and support of minor children.

C) Department Procedure: Investigation Fees;

All custody investigations ordered through the New Hampshire Probation Department are done by the assigned Probation Officer.

When a \$200.00 fee is ordered by the Court for an investigation, the fee is collected by the department. The Court order does not have to state "payable through the New Hampshire Probation Department"; this will be assumed unless otherwise stated by the Court order.

The client is informed of this fee at the first interview and that it is to be paid through the NH Probation Department. No investigation will be initiated or started

until the fee is paid in full, unless otherwise ordered by the Court.

D) Goal and Objectives

The goal and objective of the custody investigation is to present a thorough, comprehensive and concise report regarding the best possible plan as to who should have custody of the minor child(ren).

These investigations are most important and should be completed with the welfare of the child(ren) foremost in the minds of the investigating officers. The investigation should be independent and helpful to the Court in determining the custody of the child(ren). Therefore, a great deal of thought and consideration should be given to these reports.

E) Format and Explanation of Categories

1. Facesheet is to be completed and submitted with the report. (See Appendix A)

2. Court History

A brief statement on how and why the particular case was referred for investigation. A check and review should be made of any other orders of the Court which were made prior to referral such as temporary orders of custody, support and visitation. This information may be valuable in preparing the statement under this category.

3. Personal History & Comments (Plaintiff and Defendant)

This section of the report should include but not be limited to the following:

- a. Family History - a brief summary of the family history of each party and should include:

Family background of each party, particularly if significant to the present investigation, and worthy of notation for Court's attention, should be included in the report.

Current family status, which should include date and place of marriage,

previous marriages, children of previous and present marriages, divorces, custody of children of previous marriages.

List of present marital disagreements regarding the children and their care for both parties. An attempt should be made to sharpen the issues of disagreements and complaints regarding each parties' feelings regarding the custody of the children. This should bring into focus the more significant areas for investigation. However, caution should be observed in this area as often the parties are bitter and will go on at length regarding each other with material that is not germane to the issue of custody. The Probation Officer should realize that there are very strong feelings in these matters and should be certain that reasons given by the parties are valid and realistic. Often times the parties invent or magnify normal problems.

- b. Home Conditions- During the investigation, home visits should be made to each parties' home. The home condition should be described briefly and concisely and should include a physical description as well as any other observation as to the household, number of rooms, sleeping arrangements, cleanliness, etc.. The object is to determine the adequacy of the home to meet the needs of the children.
- c. School History- A brief narrative regarding the school history of each party noting formal and informal education and achievements or future plans, if any. The parties' general types of experience with education and their attitude toward this area should be explored. This is important for it may reflect their attitude to their children's educational future.

In so far as the children are concerned, if the children are of school age, schools should be checked for grade level, scholastic achievements, attendance, behavior and appearance. Notes should be made of opinions expressed by school administrators, teachers, nurses and counselors regarding any aspect of the children's behavior, progress, attitudes and adjustments. Also, parents' interest demonstrated in the children's progress. If there is any physical or emotional neglect, school authorities can be most helpful. At times these people have been in or are knowledgeable of the home situation and can add greatly to the total picture.

- d. Work History- A brief chronological work history for both parties should be obtained. This should include places of employment, type of work, length of employment, wage levels and reasons for job changes. With this information the Probation Officer can determine job or employment stability, responsibility, and the employment direction that the parties are following. It should also give an indication as to each parties ability to provide a stable support environment for the children's future.
- e. Financial Status- Basically a financial statement of each party should be included in the investigative report if this is an issue. Finances are important but it must be realized that unless there are unusual circumstances which might effect the children's future, financial subsistence for each family varies as do their standards of living. Finances should not be the prime guide in determining custody.

Where requested in determination of custody and support, it is preferred that the listing of weekly or monthly expenses of each party be obtained, along with assets and liabilities for each party, be included in the report. This should provide a clear financial picture of the parties.

The following is a suggested method of inclusion in the report:

Rent	\$150.00/month
Food	100.00/month
Electric Service	25.00/month
Telephone	25.00/month
Insurance (Type)	35.00/month
Medical Expenses	10.00/month
Dental Expenses	10.00/month
Laundry & Clothing	20.00/month
Car Payment	150.00/month
Incidental Expenses	20.00/month

Total Expenses	_____
Income from all sources	_____
Total Credit or Deficit	_____

In order to facilitate the obtaining and verifying of this information, support affidavits are obtainable from the Court as they are required to be filed by the parties.

#### 4. Investigative Summary

This category is for the inclusion of other information gathered from various sources such as police neighbors, relatives, friends, physician, psychiatrist, psychologist, social agencies, and any other independent sources which are used by the investigating officer in the determination of custody. The officer should keep notes of interviews with the various sources and individuals interviewed for the record. Care should be taken for those people giving confidential information and their names should not be used in the body of the report. Those wishing to have their statements held confidential may be supplied to the Court under separate cover and marked "Confidential Information for Court Use Only."

It is beneficial to talk to the children if they are old enough to lend meaning to the investigation. It is required that the investigating officer see each child in the investigation of the custody matter, but the information the officer solicits from each child is a matter of personal judgment.

It is sometimes not fair and emotionally upsetting to put a child in a position of making the choice between parents. The investigating officer should be mindful of this and use a great deal of tact when exploring the child's feelings regarding this area. However, if this question is asked or comes up, the child's choice should be considered, but more importantly the child's reasoning behind the choice. Caution should be stressed in accepting the child's statement as often the children are influenced by the parent caring for them at the time. It is helpful if children are interviewed away from either parent and other children involved.

5. Evaluation and Summary

The most important segment of the report is the investigative officer's logical and realistic reasoning which leads to the recommendations. No report can be as important as reports dealing with the custody of children. The report must be thorough and the investigative officer must take the time to THINK.

This category is most important for it should present the evaluation of the case as seen by the investigating officer with the best interest of the children the paramount focus. It should clearly summarize all the material, without repetition, to a logical conclusion as to the final determination of custody.

6. Recommendations

The following are some guidelines as to possible recommendations that may be made:

1. Custody of the minor children be awarded to the mother.
2. Custody of the minor children be awarded to the father.
3. Custody of the minor children be awarded to a relative, if appropriate.
4. Custody of the minor children be awarded to the New Hampshire Division of Public Welfare. (when neither

parent is suitable to care for the children and there is no other relative available). This should be used only when no other custodian can be found.

5. Joint Custody.

7. Sources of Information

All sources should be listed except those who wish to give confidential statements. Those should be handled by the procedure prescribed (Confidential Information for Court Use Only) in Section E-4 (pg. 47).

F) Special Notes

1. Keep in mind that attorneys are always wanting to put their client in the best possible light and if they discuss their cases with the investigating officer they tend to stress their client's positive attributes and minimize their more negative attributes.
2. Attorneys have a way of wanting to have their cases proven by the investigating officer. The request for an investigation is not to prove one's case one way or the other, but it is to be an independent study of the situation, an independent evaluation and recommendation as to the custody of the children.
3. Lists of witnesses supplied by attorneys may be used and the weight given to the information obtained is a matter of personal judgment of the investigating officer.
4. At times the question of minors electing their own guardians is asked of investigation officers. The reference is RSA 463:14 (Election by Minor). Essentially it indicates a minor over the age of 14 years may elect any person for his guardian who, if suitable, shall be appointed by the judge. This is a Probate Court matter and does not affect the custody investigation process. If the client's wish, they may proceed with a separate action in the Probate Court.

5. It is most essential that a Probation Officer take his time, do a thorough investigation and keep appropriate notes in the record which may be useful at a later date.
6. Contents of the report are never to be discussed with attorneys, clients or anyone else without permission of the Court and never prior to submitting the report to the Court. Refer any request for information to the Court.
7. When the investigation is typed up, signed by the Probation Officer and read by Supervisor, the original and one copy is forwarded to the Clerk of Court.

XIV. CIVIL JUDGMENT INVESTIGATION:

A) The civil judgment investigation is a means to provide the Court with information about a defendant's ability to make payments on a civil judgment which has already been entered against the defendant.

B) Statutory Authority

RSA 524:6-a: Weekly payments of Judgments. Whenever judgment is rendered against any person in this state, the Court wherein said judgment is rendered shall either at the time of rendition of the judgment inquire of the defendant as to his ability to pay the judgment in full or upon petition of the plaintiff after judgment order the defendant to appear in Court for such inquiry and, at either time, order the defendant to make such weekly payments as the Court in its discretion deems appropriate. Failure to make such weekly payments shall constitute civil contempt of Court. The Court may order Probation Officers to make an investigation and recommendation as to the defendant's ability to pay said judgment. Said judgment may be enforced against any property of any kind of the debtor, except such property as is now exempt from attachment or execution.

C) Procedure

1. A civil judgment investigation is assigned a Probation Officer after receipt of an order under 524:6-a.
2. In contacting the defendant for an interview and in the interview itself care should be taken to focus attention on whether or not the defendant can make regular payments on the particular judgment.
3. Remember the fact that the money is owed and the amount has already been determined.

D) Format and Content of Report

1. Facesheet

(See facesheet in Appendix A ). In most cases the facesheet provides sufficient space to record the entire report. If a lengthy schedule of assets, liabilities, income, etc. is to be

provided attach a separate page.

2. Case Summary

List the date and judgment amount. Next give a brief statement of the defendant's present financial condition. Make reference to any unusual changes in the defendant's circumstances that influence ability to pay. This will include business failure, loss of employment because of illness or injury, divorce settlement, etc..

Evaluate the defendant's efforts to pay his debts with the income presently available to him and his potential for paying when a temporary financial problem is ameliorated.

3. Recommendation

It should be both specific and simple. If a defendant cannot make a weekly payment now but will be able to when he returns to work state the fact. Recommend a specific amount.

NOTE: Do not recommend that payments be made through the Probation Department, but directly to plaintiff or plaintiff's attorney.

E) Letter to Court

If the defendant has not responded to the notice of investigation letter within fourteen (14) days after it was mailed, notify the Court via letter, with copies to any attorneys involved, that the investigation cannot be completed due to the defendant's lack of cooperation.

XV. INTRA-STATE REQUEST FOR INVESTIGATION:

A) Definition

A request for an investigation originating in one district or locale is transferred to another district for completion.

B) Procedure

1. All such requests must be sent via Central Office on form PR113 (see Appendix A ).
2. The Probation Officer, prior to sending a request for investigation, shall insure that all necessary documents concerning the case are attached to the request. These should include, but are not limited to, the following:
  - a. Police Report
  - b. Complaint, Indictment or Petition
3. The requesting office shall forward two copies of the completed PR113 form, with necessary attachments, to Central.
4. Central Office will forward the request to the receiving district for investigation, unless Central Office designates otherwise.
5. The district office receiving the request shall conduct the investigation as soon as possible, or as requested, but in no more than thirty days; and forward the completed investigation to the requesting office.

XVI. OUT-OF-STATE REQUEST FOR INVESTIGATION:

A) Definition

Another state requests N.H. to conduct a presentence investigation on an adult or juvenile residing in this state.

B) Procedure

1. The request upon receipt from Central Office shall be handled as any other investigation.

NOTE: If a requesting state sends the investigation request directly to a district or local office, forward the materials to Central Office with a cover memorandum advising Central of the occurrence. Central Office will advise if request is to be honored.

2. If the subject cannot be located or refuses to cooperate in the investigation, prepare a letter for the Director's signature outlining the reason the investigation cannot be done. The letter shall be reviewed by the Supervisor and upon approval signed by the Probation Officer with the original and one copy forwarded to Central for the Director's signature.
3. All investigations requested shall be completed within thirty days and preferably within two weeks.
4. If for any reason the investigation is not completed within thirty days, the Supervisor shall forward a written explanation, listing the reason(s), to the Director.
5. Leave recommendation up to requesting state but do indicate whether or not we would be willing to accept supervision if the subject is placed on probation.

XVII. N.H. REQUESTING OUT-OF-STATE INVESTIGATION:

A) Definition

N.H. requests another state to conduct a presentence investigation on a subject residing in that state.

NOTE: Some states, such as Massachusetts and New York, will not honor such a request if the subject has not been found guilty.

B) Procedure

1. The Probation Officer shall prepare a letter requesting another state's (receiving state) assistance in conducting an investigation for New Hampshire.
2. The letter shall be reviewed by the Supervisor.
3. Upon approval from the Supervisor, the Probation Officer shall sign the letter, along with a space for the Director's signature.

Example

Sincerely,

John A. King,  
Compact Administrator

By:

John Doe,  
State Probation Officer

4. On the letterhead, where it has address reply, blank out, in order that replies will be forwarded to Central Office.
5. Include the following information with the Investigation Request.
  - a. Identify the Court
  - b. Identify offense and circumstances
  - c. Police Report
  - d. Indictment, Complaint or Petition
  - e. Address of the offender, or other location information
  - f. Any other pertinent information
6. Forward the original letter and two copies, along with the material, to Central Office, and keep one copy for the district office file.

7. If you have not received a reply within 30 days, contact Central Office.

XVIII. OUT-OF-STATE REQUEST FOR SUPERVISION:

A) Goals and Objectives

1. To assist other states in allowing probationers to move to N.H. while still on probation with the hope the move will make it possible for the probationer to be more successful in all areas affecting a probationer's life style.
2. To check conditions before a probationer is transferred to New Hampshire to determine if it is best for probationer to transfer to New Hampshire and let the other state know if New Hampshire can provide what is needed to rehabilitate probationer.

B) Procedure for Investigating Request

1. Central Office received from the Interstate Compact of another state the request to supervise one of their probationers in New Hampshire.
2. Central Office forwards the request to the appropriate district office to investigate.
3. The Supervisor assigns the supervision request for investigation to the Probation Officer.
4. Administratively, the investigation shall be handled the same as all investigations.
5. The Probation Officer shall contact the probationer requesting supervision.
6. At the initial interview complete a social investigation facesheet.
7. The investigation should clearly note pertinent family information, employment, associates, attitude, etc..
8. A home visit should be conducted. Verify employment, using discretion.
9. Complete case classification for supervision. (see Supervision Section - pgs. 47 - 63)

10. Set up your own probation plan or use the sending state's plan if practical.
11. Have the probationer sign the New Hampshire Rules and Regulations of probation.
12. Set up a reporting schedule based on the case classification system.

C) Procedure for Response to Request

1. Forward a letter to sending state, via Central Office, relating information gathered in the investigation and indicating whether or not supervision is accepted. If supervision is not accepted be sure to specify the reasons.
2. The Supervisor is to review the letter and upon approval the Probation Officer shall forward the original and two copies to Central for the Director's signature.
3. Upon approval of the Director, acting as Compact Administrator, the response is forwarded to the requesting state.
4. The investigation for supervision of a probationer should be completed within two weeks, if possible, but not later than thirty days after receipt. If not completed within thirty days, the Supervisor shall inform the Director as to the specific reasons.

XIX. ANNULMENT INVESTIGATIONS:

A) Goals and Objectives

1. The purpose of the annulment provision of the statutes is to provide an added incentive for convicted persons to lead a law-abiding life, following their conviction and sentence, including compliance with any conditions they may have been required to live up to as part of a sentence or Probation or Conditional Discharge. The purpose of the investigation, under this statute, is to examine the petitioner's level of compliance and report back to the Court whether the individual is suitable for an annulment of his conviction.
2. The annulment, while providing a clean record through the sealing of the record if annulment is granted by the Court, still places the offender under an obligation to not break the law because if convicted the prior record is no longer sealed.

B) Statutory Authority

The statutory authority and criteria for sentencing an individual are generally outlined under RSA 651:2, Sentences and Limitations, and are specifically designated for each disposition appropriate for annulment considerations, they being Probation (RSA 651:2V), Conditional Discharge (RSA 651:2VI), and Unconditional Discharge (RSA 651:VIII). The statutory authority and criteria for conducting an annulment investigation is outlined in RSA 651:5, Disposition of Certain Records (See pages 82-83).

C) Report Format & Category Explanation

1. Offense

Statement describing the original offense, the prosecutive authority, date of the offense, date of sentence, Court, sentence and any other salient information concerning the original charge.

2. Level of Compliance

In instances of a Conditional Discharge, determine and state whether all obligations have been met, i.e., fines paid, restitution made,

completion of counseling program, etc.. In cases of probation, the file should be reviewed as well as chronologicals of the individual's supervisory period, subject to a synoptic description and assessment of the probationer's performance.

A statement describing whether the applicant has been free of any subsequent arrests, convictions or prosecutions since the date of original conviction. Verification is obtained by way of a New Hampshire State Police record check, informal inquiries with police departments in the localities in which the applicant has resided and, when appropriate, a New Hampshire Motor Vehicle record check. If the applicant is out of state, an interstate record check should be done.

If in any instance subsequent police or Court involvement is determined, all applicable documents should be obtained, i.e., police reports, Court records, etc.. A description of such circumstances should be specifically stated in the report. When appropriate, consideration should also be given to any criminal record prior to the original date of conviction to insure a comprehensive depiction of the applicant's background in regard to this area of examination.

3. Biographical Summary

Under this section, a general statement is provided addressing the relevant background information concerning the applicant, with particular focus on updating the Court of the individual's status and efforts subsequent to the date of conviction. Key areas of stability examined should include residence, family status, education, employment and special circumstances of note.

In this section should be included a description of the petitioner's reason(s) for seeking the annulment of the record and the future rehabilitative purpose of an annulled record. In addition, note if the local police, County Attorney, or Attorney General objects to the

annulment application and, if possible, list reasons for opposition.

4. Assessment

Interpretative statement of report evaluating whether the annulment of the record would assist in the applicant's rehabilitation and be consistent with the public welfare.

5. Recommendation

A specific statement indicating whether the annulment should be granted or denied.

6. Sources

Identification of referential sources.

7. Attachments (if necessary)

- a. Police Record Check(s)
- b. Reports of ancillary agencies that may be applicable.

XX. THE INITIAL INTERVIEW:

The initial interview with the defendant may be at the County Jail, at the defendant's home, at the office or elsewhere. The ideal interview situation, however, is alone with the defendant at the office. If the interview takes place outside the office, it would be desirable to have it prearranged so the defendant can be free of interference by family members or other persons. The physical surroundings and atmosphere should be conducive to a good interview relationship and helpful in placing the defendant at ease. The following are helpful points to keep in mind.

- A) Send a copy of all correspondence with the defendant to his attorney.
- B) Before you begin interviewing the defendant explain the nature and purpose of the investigation to him.
  1. The report provides the Court with information on the defendant's social circumstances so the judge will be able to make an informed decision when determining the sentence.
  2. The position of the Probation Officer is neutral, he does not help the state prosecute the case, or the defense attorney present the defendant's side.
  3. If the defendant is found guilty, the prosecution and defense will make recommendations for sentencing. The probation report will also include a recommendation for sentence. However, the Courts are not bound by any of these recommendations.
  4. If the investigation is being completed before a plea or finding of guilt, the offense is not discussed. The defendant does not admit any guilt or waive any rights by participating in the investigation.
  5. When the report is completed it is sent to the Clerk of Court. Both the prosecutor and defense attorney are notified and the report is available for their personal review through the Clerk of Court. The defendant will have an opportunity in Court to object to or correct any contents of the report.

6. The recommendation of the probation report will not be as a result of plea bargaining between the prosecutor and defense attorney.

- C) The consent form must be signed by the defendant, no exceptions, before doing the interview. Make sure the defendant can read and understand the consent form, if not, read and explain it to him. If he refuses to sign DO NOT do the investigation but contact the defendant's attorney. (see Appendix A)
- D) Complete the facesheet. Make sure all the questions have been answered. Depending on how you interview, stop at appropriate places and obtain additional information.
- E) Go over the defendant's prior record, explore any discrepancies or additional charges not included in the state police record. Also, any previous probation and parole.
- F) Have release of information forms signed before the defendant leaves. (see Appendix A)
- G) Tell the defendant to keep us informed of any changes of address, employment, etc. between now and the time when he goes to Court. Ask him to contact you if he has forgotten to tell us something.
- H) Inform him you may require another interview.

XXI. STATE POLICE RECORD CHECK - PROCEDURE:

- A) Forward three copies of the police request form used to request state police records to Central Office.
- B) Check for a previous record in your office where a state police record has already been received. If there is one, take the BCI number from top of the first page of the state police record (usually six numbers), and place under the date of birth. This will expedite the search for the police records. With the BCI number, State Police can go directly to the folder.
- C) When making out index card after finishing investigation and before forwarding to Central Office, include BCI number on line under school dropout.
- D) Central Office will also check to see if there is a prior record listed at Central Office. If so, BCI number will be included under date of birth column. All new BCI numbers will be listed on master index card as received for future reference.
- E) Request the state police record as soon as you receive information to start your investigation. This means you will receive the request early enough to assist you in your investigation. The State Police send a copy of the request to the County Attorney in your county.
- F) Completion of State Police Record Check form (see Appendix A).
  1. Accurately record defendant's name, any alias, address, date of birth, sex and race.
  2. Clearly designate the offense(s) with which defendant is charged.

XXII. STATE POLICE REPORTS:

A) Juvenile Police Reports

1. Juvenile state police reports are provided only by the State Police Central Office in Concord.
2. Forward your request for juvenile police reports to Central Office.
3. If you know the state trooper who did the investigation, it would be a great assist to the people at State Police to have the case number on the individual from the trooper who wrote the report. This would also guarantee we are getting the right police report.
4. Send only two copies of request to Central Office.

B) Adult Police Reports

1. All state police felony reports will be forwarded to New Hampshire Probation Department automatically.
2. The police report will now contain the full police report, not just the synopsis forwarded in the past.
3. Do not destroy any of the police reports even if you do not have a case when report is received. File, so if later assigned an investigation, you can go to your own file to get the report.
4. Misdemeanors investigated by State Police will be provided only by special requests. If you need the state police report on misdemeanors, forward a request to Central Office. These will not be provided automatically.
5. On state police misdemeanor requests, get case number from state trooper who wrote the report if you know which trooper did report.

XXIII. FBI RECORDS AND REPORTS:

A) Reports

Information from the Federal Bureau of Investigation is available to state and local agencies of the Criminal Justice System, including Probation.

The only time a report may not be released is on a pending investigation. If an investigation is pending and information is needed, contact Samuel Matson, Special Agent, Tel. 225-9201, Concord, New Hampshire.

When requesting FBI police records or investigations, use official state or local district Court stationery over the Director's signature.

When requesting information, include as much information as possible, such as local I.D. or State Police BCI Number.

Information necessary:

1. Name
2. DOB
3. POB
4. Arrest - Dates and Places
5. Any other pertinent or social background information
6. Institutional Commitments
7. A brief synopsis of what you believe the FBI might have available.

B) Records

If you are requesting a prior criminal record, send information directly to Washington:

Director of Federal Bureau of Investigation  
Identification Center  
ATTN: J. Edgar Hoover Building  
Washington, D.C. 20535

NOTE: Fingerprints are not necessary, unless you are trying to identify the subject under investigation.

C) Background Information

For background information and investigations in the New England area, excluding Vermont, send the request to:

Special Agent in Charge  
Federal Bureau of Investigation  
JFK Federal Office Building  
Government Center  
Boston, Massachusetts 02203

D) Annulment of Records

The FBI does not automatically clear annulled records from its computers. The originating agency that arrested the defendant has to make the request directly to the FBI. It is a police function (the arresting agency) to notify the FBI that a record has been annulled.

Example: A subject is arrested and fingerprinted by Berlin Police Department and convicted. The subject receives an annulment of record. Berlin Police Department, the originating arresting authority, request the FBI to return all records.

The FBI is only a depository of records. When the police department notifies the FBI of an annulled record, the records in their entirety are returned to the local police department.

THE FBI DOES NOT REQUEST NOR USE JUVENILE RECORDS. Juvenile records are considered sealed by the FBI.

If the FBI request information from Probation Officers, please have them contact the Central Office.

If you are having any difficulties concerning access to information, please notify Central.

XXIV. VICTIM INPUT - PHILOSOPHY:

A) Advantages of Probation Servicing Victim Input  
(Where Probation is Involved)

1. Access to criminal justice information. As opposed to a private agency or one based outside the criminal justice system, probation has access to crime reports and other important data about specific victims and witnesses. There is a built-in familiarity with referral sources. (THE PROBATION DEPARTMENT PROVIDES VICTIM SERVICES ONLY TO THOSE VICTIMS WHERE PROBATION OFFICERS ARE CONDUCTING PRE-SENTENCE REPORTS.)
2. Probation understands the language and procedures of the other criminal justice agencies. This allows for relative ease in negotiating changes and to PROVIDE VICTIM INPUT TO THE COURT.
3. Probation is statewide. Organizations in individual cities or districts often may compete for the same resources. A statewide probation-based agency can work comfortably with statewide agencies.
4. Probation knows local services and resources in each community. This resource experience benefits a victim and witness program.
5. Probation is casework-oriented and impartial. While police or district attorney programs can be construed as pro-prosecution, probation is impartial as an arm of the judicial branch.
6. Probation Officers can PROVIDE INPUT for victims. By evaluation of serious offenders, particularly in light of the harm they have caused victims, Probation Officers can give the Courts specific information as to what a particular offense means in terms of the victim's suffering. Victim Input statements can be incorporated into presentence reports.
7. Probation is an "official" agency. Probation has an easier time getting funding than some private organization or ad hoc groups, and gives the victim program certain authority.

B) Goals for the Victim Input

1. To report and determine the financial loss as stated by the victim and to bring about some payment of restitution.
2. To develop a vehicle through which recovered property may be returned to the victim.
3. To personalize crime by bringing the victim and the accused together in certain selective instances so that the offender sees that people are affected by their actions and for the victim to see that the offender is a person of worth.
4. To develop, through personalizing crime, treatment techniques that may be utilized so that the offender is not a recidivist.
5. To be a resource person for the victim to aid him in receiving help from legal sources, counseling or treatment.
6. To develop better public relations by showing an increased concern about the victim.
7. Provide information on progress of restitution cases.

C) Objectives

1. The primary objective of the service is to enrich the presentence investigation report with the victim's version of the crime and its aftereffects on him for the sentencing judge to consider.
2. To respond to the victim's crime related needs as perceived by the PSI investigator. Some of these may be met through simple direct services, while others are dealt with by referring the victim to one or more of the department's network of social agencies in the community.
3. To use these victim contacts to better understand the offender.

4. To fashion the most appropriate sentencing recommendations for his case.
5. Whenever he is given a probationary sentence, to give his supervising Probation Officer insights on the most appropriate treatment plan to be followed.
6. Inform the victim of the Court disposition and outcome of the case.

D) Stage at Which Services Are Rendered

1. Between the indictment and Court dispositional hearing on case or after finding of guilt.
2. In some cases, through the subsequent period of probation supervision.

E) Services

1. The services all proceed from an interview, personal if possible, by the PSI investigator wherein the victim's statement is taken as part of the PSI report.
2. Typical referral services are to locally known effective agencies.
3. The PSI investigator obtains the documentation needed to formulate a restitution plan in the event one is ordered.
4. Provide victims with Court's disposition.

F) Service Providers

1. In the main, the providers of the Basic Victim's Services are regular departmental staff responsible for preparing PSI reports.
2. Regular Probation Officers supervising probationers may continue services to victims initiated during the presentencing phase.

G) The Basic Program

1. The program operates entirely within the most traditional province of probation, where presentence reports are prepared and probationers are supervised in the community.

2. The program can be adopted purely on administrative, professional or philosophical grounds -- the model requires virtually no new resources as a condition of implementation.
  - a. The administrative advantage of the service is performed by regular staff in the course of their regular duties.
  - b. The professional advantages are first, to obtain a better understanding of the criminal's behavior, the better to help the Court arrive at a just sentence and to use the same insights to better supervise and assist the probationer in the community.
  - c. The philosophical advantages are to offer the community's victims a sense of participation in the sanctioning of their offenders, and to help many of them get their just due in the process.
3. The department itself stands to gain some favorable public recognition by offering its social service skills and resources to offenders and victims alike.
4. The Basic Program calls for probation staff who prepare presentence investigation reports to contact the victim in the course of their investigation.
5. The major task in these victim interviews is to document the victim's interest and concerns in respect to the offender's sentence. A primary focus of those concerns, but not the exclusive one, is on the appropriateness of restitution as part of the sanction.
6. The secondary but still important task is to look for an attempt to meet social service needs in the victim which cannot be dealt with by the sentence alone. Methods of meeting those needs include direct services by the investigating Probation Officer, by the Probation Officer who is later responsible for supervising the offender, or through referral services.

H) Program Characteristics

1. The victim is considered an invaluable source of information. If the victim and offender are acquainted, the former often has useful insights about the offender's motives and problems; if strangers, the victim can often accurately depict at least a part of the offender's character. The discerning Probation Officer can usually see past the victim's anger and distress to obtain these insights.
2. The need for social services, which are uncovered in the victim interviews, occurs frequently enough so the department can devise a special roster of community agencies as a referral network.
3. The program has strong emphasis on restitution whether money or services.
4. For juvenile and adults after finding of guilt, restitution planning during the PSI phase can develop into something similar to the mediation services more often connected to diversion programs. Here, the staff attempt to work out a "reconciliation" between offender and victim -- often in an informal hearing -- so that the restitution sentence recommendation forwarded to the judge is subscribed to by both parties.
5. Category in PSI will be labelled "Victim Input." In the input statement so conceived, the "costs" of the crime to the victim are calculated in four areas: property loss or damage; medical expenses; the psychological effects; and the social effects. Though no attempt is made to translate the psychological and social consequences of the victimization into dollars and cents, both are thought to be crucial parts of the "input statements" so that the sentencing judge (and the offender) can contemplate the full consequences of the offense on the person violated.

XXV. VICTIM INPUT - PROCEDURE:

- A) If a victim lives outside the county in which the investigation is being conducted, forward the victim part of the investigation to the district office in the other county..
- B) Victims requesting their views to the judge be confidential, notify the victim that this is judicial discretion. That we will seal the information and forward to the judge marked: "Confidential."
- C) If a victim does not respond to department's letter within 14 days, then follow up with contacts such as phone calls, home visits, neighbors, police, and County Attorney, etc. to reach the victim.
- D) If there is a severe conflict concerning restitution between the victim, defendant and police, restitution should not be determined by Probation Officer, but inform the Court of the differences. And if nothing can be determined at the Court hearing, then the victim should enter a civil suit.
- E) See Appendix "A" for samples of the victim letter and victim input form.

XXVI. QUALITY OF REPORTS:

A good report must:

- A) Convey information, fact or opinion.
- B) Be comprehensive but not cumbersome.
- C) Be accurate in every detail.
- D) Have eye appeal - attractive as possible.
- E) Have paragraphs short - margins large.
- F) Use capital letters and underlining on headings.
- G) Have adequate spacing of categories.
- H) Use simple words but don't eliminate big words, just make sure big word is appropriate and the meaning is clear without referring to a dictionary.
- I) Eliminate unclear phrases. Refrain from use of -to a lesser degree, not very often, has a tendency, etc..
- J) Make good use of the short sentence.
- K) Exercise care in the use of opinion or hearsay information and so note it is hearsay or opinion.
- L) Make sure your report is not suffering from "constipation of ideas and diarrhea of words".
- M) Be organized before dictating to prevent repetition.
- N) Be selective with the gathered material, providing only the significant material in the report.
- O) Be signed by Probation Officer - the officer's trademark of a good report.

XXVII. CONFIDENTIALITY OF REPORTS:

A) Contents of Investigation

It shall be the policy of the New Hampshire Probation Department that the information contained in the presentence report shall be kept confidential. Never is the information to be given over the telephone.

B) Persons or Agencies Who Can Receive Report

1. The Court
2. Other probation departments
3. State Prison
4. Youth Development Center
5. State Hospital
6. County Houses of Correction as long as in compliance with RSA 169-B:19 IV.

Note: Once these agencies have a copy of the report it is then their responsibility to respect the confidentiality as the Court and Probation Department do.

All reports to the above list are only disbursed from the Central Office or the Court itself; unless a copy can be sent with the sheriff or police officer transporting the defendant (juvenile) to the institution.

Investigations are not to be discussed between the Probation Officer or Supervisors and the prosecutor or the defendant's attorney prior to the judge's disposition.

Both prosecutor and defendant's attorney are notified when the report is delivered to the Clerk's Office and have an opportunity to read it there. They do not read it in the Probation Office.

XXVIII. SUPERVISOR'S ROLE IN INVESTIGATION:

- A) Review and approve reports completed by all new Probation Officers for the first six months and at least half of them after completing probationary period.
- B) Assign an experienced officer to assist but the responsibility for a good investigation rests with the Supervisor.
- C) Investigation has to be completed within thirty days unless approved by the Supervisor.
- D) Investigations done in a timely manner so clerical help will not be given an abundance of investigations to type at one time.
- E) Supervisor must read every custody investigation to make sure it is adequately prepared.

XXIX. WITNESS FEES:

- A) It shall be department policy that Probation Officers will appear in Court to testify on any type of investigation only in one of two ways:
  - 1. At the request or direction of the Presiding Judge, conveyed directly or through the Clerk of Court.
  - 2. Upon being served a subpoena which is requested by one of the parties of the action. This means the person receiving the subpoena is paid a witness fee (\$30.00) plus mileage, if necessary.
- B) Whenever a Probation Officer receives a witness fee, this money shall be turned over to Central for crediting to the General Fund, to Witness Fees. The exception to turning in witness fees, as in the case of Law Enforcement, is that if you are on an unpaid day off. In such a case, the Probation Officer shall keep the money received.

XXX. STATUTORY AUTHORITY:

A) Overall Authority

RSA 504:15-1 - To investigate at the request of any Court any case, matter, or question, whether then pending or not, and to report to such Court the result of such investigation, with recommendations.

B) Presentence Investigations

1. RSA 504:2 - No defendant shall be placed on probation until the report of the investigation by a Probation Officer shall have been presented to and considered by the Court having jurisdiction, provided that a justice of the Superior Court having jurisdiction may waive such investigation and report if he is satisfied they are not necessary . . . .
2. RSA 651:4 - No person convicted of a felony shall be sentenced before a written report of a presentence investigation has been presented to and considered by the Court, unless waived by defendant and the State. The Court may, in its discretion, order a presentence investigation for a defendant convicted of a misdemeanor; provided that, upon the recommendation of the prosecution, the Court shall order a presentence investigation report where the misdemeanor was violent and the Court has reason to believe that the defendant committed a similar act within the past year. The report shall include a recommendation as to disposition, together with reference to such material disclosed by the investigation as supports such recommendation. (Amended 1979, 377:9, eff. Aug. 22, 1979).

Before imposing sentence, the Court shall take such steps as may be necessary so that the defendant is advised, by his counsel, or otherwise, as the situation warrants, of the factual contents of any presentence investigation, and afforded a fair opportunity to controvert them. The sources of confidential information need not, however, be disclosed. (Amended 1975, 158:-1, eff. July 25, 1975).

3. RSA 504:2-a (Filing Report) - In any criminal case involving an adult defendant, the Probation Officer, at the time of filing the report of the

investigation with the Court, shall notify counsel for the State and the defendant that said report is available at the office of the Clerk of Court for review and inspection.

C) Juvenile Reports

1. Delinquency Cases

NOTE: The juvenile Court makes a finding of delinquency then requests a social investigation prior to a final disposition.

169-B:16 Adjudicatory Hearing

III. If the Court finds the minor has committed the alleged offense, it shall, unless a report done on the same minor less than three months previously is on file, order the probation department or other appropriate agency to make an investigation and written report consisting of, but not limited to the home conditions, school records and mental and physical and social history of the minor.

When ordered by the Court, such investigation shall include a physical and mental examination of the minor . . . . No disposition order shall be made by the Court without first reviewing the investigation report.

IV. The Court shall share the report with the parties. The report shall be used only after a finding of delinquency and only as a guide for the Court determining an appropriate disposition for the minor.

2. CHINS Cases

169-D:14 Adjudicatory Hearing

III. If the Court finds the child is in need of services, it shall, unless a report done on the same child less than three months previously is on file, order the probation department or other appropriate agency to make an investigation and written report consisting of, but not limited to, the home conditions, school record and the mental, physical and social history of the child.

When ordered by the Court, such investigation shall include a physical and mental examination of the child, parents, guardian, or person having custody. The Court shall inform the parents, guardian or person having custody and child of their right to object to the physical examination or mental health evaluation. Objections shall be submitted in writing to the Court having jurisdiction within five days after notification of the time and place of the examination or evaluation. The Court may excuse the child, parents, guardian, or person having custody upon good cause shown. No disposition order shall be made by the Court without first reviewing the investigation report, if ordered.

IV. The Court shall share the report with the parties. The report will be used only after a finding that the child is in need of services and will be used only as a guide for the Court in determining an appropriate disposition for the child.

### 3. Victims of Juveniles

On July 25, 1979 the Attorney General's Office ruled:

As of August 21, 1979, the second sentence of RSA 504:2 will read as follows:

Said investigation shall include an interview by the Probation Officer with the victim, if a natural person, or a member of his family, and said report shall include a summary of such interview.

The utilization of the word "shall" in the above sentence limits the discretion of the probation department, and mandates that in most cases the victim of a crime must be interviewed and that the substance of the interview be included in the probation report. As there is no exclusion for juvenile cases, the victims of crimes committed by juveniles fall within the provisions of RSA 504:2, as amended, and those persons should be interviewed.

Use of juvenile records when conducting an adult presentence report.

On November 20, 1979, the Attorney General's Office ruled:

. . . While there may be another statute which prohibits the use of juvenile records when preparing a presentence report, the use of such records is not prohibited by RSA 169-B:35, and penalty provided in 169-B:36 would not be applicable.

### D) Victim Input

RSA 504:2 - Investigations. No defendant shall be placed on probation until the report of the investigation by a Probation Officer shall have been presented to and considered by the Court having jurisdiction, provided that a justice of the Superior Court having jurisdiction may waive such investigation and report if he is satisfied they are not necessary. Said investigation shall include an interview by the Probation Officer with the victim, if a natural person, or a member of his family, and said report shall include a summary of such interview.

In view of the above, Probation Officers shall include a summary of an interview with the victim or relative in their investigation and reports.

NOTE: July 25, 1979. The Attorney General's Office has ruled: . . . in most cases the victim of a crime must be interviewed and that the substance of the interviews be included in the probation report. As there is no exclusion of juvenile cases, the victims of crimes by juveniles fall within the provision of 504:2, and those persons should be interviewed.

RSA 504:2 does not, however, mandate that your investigatory procedure be totally inflexible. As your inquiry points out (questions numbered 4 & 6) there may be circumstances under which it would be inappropriate to interview the victim of a crime. If a Probation Officer reaches such a conclusion, he/she may request permission from the presiding justice to interview a member of the victim's family rather than the victim himself. In the alternative, an officer may seek an order from a justice of the Superior Court granting permission to exclude the victim interview. As such, a justice may waive the investigation in its entirety, it is reasonable to conclude that the justice may waive a portion of the investigation. In either case, the facts supporting the officer's decision not to conduct a "victim interview" should accompany the officer's request to the Court.

In regard to your question number 3, the phrase "natural person" contained in RSA 504:2, is normally defined to include only human beings. Thus the provisions of RSA 504:2 regarding victim interviews do not apply to corporations, firms or associations.

Your question number 2 relates to a subject area in which I have little experience. I can only suggest that in conducting a victim interview, the individual Probation Officer should remember that the report he/she will file should serve as a guide for the presiding judge. The amount of damage, desire for restitution, as well as any mitigating or aggravating circumstances appear to be legitimate areas of inquiry.

E) Annulments (RSA 651:5)

I. If a person who has been sentenced to probation or conditional discharge has complied with the conditions of his sentence, he may, at the termination of the sentence or at any time thereafter, apply to the Court in which the original sentence was entered for an order to annul the record of conviction and sentence.

II. If a person who has been sentenced to unconditional discharge has been convicted of no other crime except a traffic offense during a two-year period, he may apply to the Court in which the original sentence was entered for an order to annul the record of conviction and sentence.

III. If a person under twenty-one years of age at the time of his criminal act is sentenced to imprisonment and in a three-year period following his release has been convicted of no other offense except a traffic offense, he may, at any time after such three-year period, apply to the Court in which the original sentence was entered for an order to annul the record of conviction and sentence.

IV. When an application has been made under Paragraph I, II or III, the Court shall require a Probation Officer to report to it concerning any convictions, arrests or prosecutions of the applicant during the periods specified in those paragraphs.

V. The Court shall enter the order applied for under Paragraph I, II or III if in the Court's opinion the

order will assist in the applicant's rehabilitation and will be consistent with the public welfare. Upon entry of the order, the applicant shall be treated in all respects as if he had never been convicted and sentenced, except that, upon conviction of any crime committed after the order of annulment has been entered, the prior conviction may be considered by the Court in determining the sentence to be imposed.

VI. Procedures governing application of an entry of an order annulling a conviction shall be established by rule of Court. The application, however, may be made through an attorney or by a Probation Officer if the applicant gives him written authorization.

VII. Upon entry of the order of annulment of conviction, the Court shall issue to the applicant a certificate stating that his behavior after the conviction has warranted the issuance of the order, and that its effect is to annul the record of conviction and sentence.

VIII. In an application for employment, license, or other civil right or privilege, or in any appearance as a witness in any proceeding or hearing, a person may be questioned about a previous criminal record only in terms such as "Have you ever been arrested for or convicted of a crime that has not been annulled by a Court?"

IX. Nothing in this section shall affect any right of the applicant to appeal from his conviction or sentence or to rely on it in bar of any subsequent proceedings for the same offense.

X. A person is guilty of a misdemeanor if, during the life of another who has had a record of conviction annulled pursuant to this section, he discloses or communicates the existence of such record.

NOTE: The Attorney General's Office on October 3, 1979, has taken the following position concerning annulments as it pertains to State v. Doe, 117 N.H. 260 (1977),

1. An annulment may not be granted to a person over 21 that has received a suspended sentence as RSA 651:5I or 651:5II apply.

2. During the probation investigation for annulment the Probation Officer cannot refer to the fact that the person has a prior annulment. Probation Officers may refer to an annulment if the person is reconvicted after the annulment.

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I. DEFINITION AND PURPOSE:

A) Definition

Probation is a legal status whereby a convicted (adult) or adjudicated (juvenile) offender is released by the Court into the community under the supervision of a Probation Officer. The offender's release is subject to the rules and regulations set forth by the Probation Department, as well as any conditions specifically ordered by the Court.

B) Purpose

The purpose of probation supervision is to ensure the protection of the community and rehabilitation of the offender. Probation supervision can be rehabilitation oriented, or surveillance and enforcement oriented, or a combination of both.

II. OBJECTIVES:

- A) To protect the community.
- B) Obtain the probationer's compliance with the orders of the Court and conditions of probation.
- C) Assist the probationer toward the successful completion of his or her probationary period.
- D) Supervise the probationer's behavior and remain abreast of his or her conduct.
- E) Facilitate the reintegration of the offender into the community at a reduced cost to the state.
- F) Assist the probationer in developing a positive attitude toward self and others.
- G) Assist the probationer in changing his lifestyle in order to become a more responsible, productive, law abiding member of the community.
- H) Assist the probationer through the use of social service agencies that can assist the probationer seeking employment, alcohol and drug abuse counseling, and with family and financial problems, etc..
- I) Keep advised of the probationer's overall progress while on probation in order to be able to petition the Court for an early release, or if warranted an extension of probation.
- J) Ensure that the probationer is returned to the Court for a violation hearing when he has failed to comply with the orders of the Court and/or the conditions of his probation.

III. STATUTORY AUTHORITY:

A) Overall - Adults & Juveniles (RSA 504:15)

1. To receive under supervision, upon request of the Court, any person placed on probation . . . .
2. To take charge of such persons before, at and after hearing of their cases as the Court may direct, and to perform any duties as Probation Officers assigned to them by the Board or any Court . . . .
3. To supervise persons released on parole by any institution, if so requested by such institution, on such terms and conditions as may be agreed to by the Board. This responsibility is usually handled by the New Hampshire Parole Department.
4. To keep informed concerning the conduct and conditions of persons on probation and impel their obedience to the orders of the Court.
5. To keep detailed records of each case . . . and to make such reports to the Courts and to the Board of Probation as they may require.
6. . . . in case a probationer has violated any of the conditions of his probation, any Probation Officer with or without a warrant . . . may arrest him . . . .
7. (RSA 169-A:6) Probation Officers shall effect supervision of juvenile probationers transferred from another state under the Interstate Compact on juveniles.
8. (RSA 651:56) Provides for supervision of adult probationers transferred from another state under the Interstate Compact.

B) Delinquent Children (RSA 169-B)

1. Applicability of Chapter, Purpose. This chapter shall apply to delinquent children as defined in RSA 169-B:2. This chapter shall be liberally interpreted, construed and administered to effectuate the following

purposes and policies.

2. To encourage the wholesome, moral, mental, emotional, and physical development of each minor coming within the provisions of this chapter, by providing him with the protection, care, treatment, counseling, supervision and rehabilitative resources which he needs and has a right to receive.
3. Consistent with the protection of the public interest, to remove from a minor committing a delinquency offense the taint of criminality and the penal consequences of criminal behavior, by substituting therefor an individual program of counseling, supervision, treatment, and rehabilitation.
4. To achieve the foregoing purposes and policies, whenever possible, by keeping a minor in contact with his home community and in a family environment by preserving the unity of the family and . . . .
5. To provide effective judicial procedures through which the provisions of this chapter are executed and enforced and which recognize and enforce the constitutional and other rights of the parties and assures them a fair hearing.

C. Children In Need of Services (RSA 169-D)

1. Applicability of Chapter; Purpose. This chapter shall apply to children in need of services as hereinafter defined and shall be construed and administered in accordance with the following purposes and policies:
2. To recognize that certain behavior occurring within a family or school environment indicates that a child is experiencing serious difficulties and is in need of services to provide him with the treatment, care, guidance, counseling, discipline, supervision, and rehabilitation necessary to assist him in becoming a responsible and productive member of society.

**CONTINUED**

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3. To recognize that we must no longer bring the weight of family problems down on the child alone but that parents must be made aware of their contribution to the problem and must account for their role in the solution of the problem:
4. To keep a child whenever possible, in contact with his home community and in a family environment, by preserving and strengthening the unity of the family and separating the child from his parents only when it is clearly necessary for his welfare or the interests of public safety and when it can be clearly shown that a change in custody and control will benefit the child.
5. To provide effective judicial procedures through which the provisions of this chapter are executed and enforced, and which assure the parties fair hearings at which their constitutional and other rights as citizens are recognized and protected.
6. To achieve the foregoing purposes and policies by providing each child coming within the provisions of this chapter with the treatment, care, guidance, counseling, discipline, supervision, and rehabilitation resources which he needs and has a right to receive.

IV. SUMMARY OF POLICIES AND PROCEDURES:

A) Assignment of Cases

All supervision cases shall be assigned by the Supervisor to individual Probation Officers within their districts. Upon assignment of a case, the Probation Officer's initials are placed on the master index card in the upper right-hand corner for identification. Also, the Probation Officer's initials should be on the case file folder name identification tag. District Office Supervisors shall assign and distribute cases in a manner which will equalize workloads.

B) Types of Cases Assigned

The type of cases assigned vary and will include adult and juvenile probationers, collection of fines or restitution, unofficial probation supervision, non-reporting probationers, work release, or visitation supervision. From time to time Courts request supervision of individuals under special circumstances. These cases are to be handled in compliance with the Court's order.

C) Case Set Up

Upon the assignment of a case for supervision, the case folder shall be reviewed by the Probation Officer. In most circumstances it will include:

1. Case folder with name of probationer and initial of supervising Probation Officer on the identification tag.
2. Presentence Investigation with prior record check.
3. Presentence Consent Form signed by probationer.
4. Release of Confidential Information form signed by probationer.
5. Miscellaneous correspondence.
6. Supervision Caseload Scale.
7. Completed Chronological up to First Session Interview.

8. If restitution is involved and determined, this should be included in order to assist in the completion of update notice.

D) Dual Supervision

Supervision cases should initially be checked for duplicity of supervision. There may be instances where an individual is on probation for a previous case within the office. These cases should be combined, counted as one case and supervised by one Probation Officer. In cases where there is dual supervision by parole and local probation or other district office, a determination of the method of supervision should be discussed with the district office Supervisor. The appropriate other agency should be contacted and a mutual agreement reached as to future supervision of the individual.

E) Work Release

In cases which are designated as Work Release, there are differences between counties as to how they are handled. However, the following are the statutes under which Work Release is granted:

1. Release For Employment or Rehabilitation (RSA 651:19)

Any person who has been committed to a penal institution other than State Prison under a criminal sentence may be released therefrom by the sentencing Court at the time of sentence or at any time during the term of sentence for the purpose of obtaining and working at gainful employment or for such other purpose as the Court may deem conducive to his rehabilitation, for such times or intervals of time and under such terms and conditions as the Court may order. Any part of a day spent in the free community under such a release order shall be counted as a full day toward the serving of the sentence unless otherwise provided by the Court. If a person violates the terms and conditions laid down for his conduct, custody, and employment, he shall be returned to the sentencing Court. The Court may then require that the balance of the person's sentence be spent in actual confinement and may cancel any earned reduction of his term.

2. Jurisdiction Over and Disposition of Wages and Income (RSA 651:22)

In any criminal case, in addition to such other terms and conditions as may be imposed by the Court, a defendant who has received a suspended sentence or who has been released under RSA 651:19 may be required by the Court to surrender to the Probation Department or other agency designated by the Court all or part of his wages or other income, less standard payroll deductions required by law, earned during the time he is not confined under the sentence. The Court may direct that after deducting therefrom the cost of his maintenance while not confined the balance be applied as needed for the support and maintenance of his dependants and that any balance after such application be deposited in a savings account to be released to him or applied as needed for the support of his dependants as the Court may order before the expiration of his sentence. Upon expiration of his sentence the balance remaining shall be paid to him or his order.

3. Failure to Report Deemed Escape (RSA 651:24)

Any person released under RSA 651:19 or ordered confined under RSA 651:20 or 21 who willfully fails to report for confinement as ordered shall be deemed to have escaped from the institution to which he has been sentenced and upon conviction shall be subject to the punishment provided for escape therefrom.

F) Incarcerated Probationers

A defendant may be sentenced to a period of incarceration prior to being placed on probation. In other cases the person may be placed on probation and the probation period runs concurrent with the confinement.

In these types of cases the Probation Officer shall see the person once per month in order to maintain contact. The Probation Officer shall review and discuss the person's future plans upon being released and offer assistance to him in any appropriate way.

G) Non-Reporting Probation

On occasion some Courts order non-reporting probation, as a specific condition imposed by the Court. These cases shall be handled on a case by case basis with the Court's explicit conditions written into the chronologicals. The supervision of these cases shall be governed by the Court's order.

H) Collection Only: Fines & Restitution

Cases which are referred for supervision and designated as Collection Only (Fines or Restitution) are to be considered and monitored as are all other probation supervision cases. For classification purposes they shall be recorded as a minimum supervision case. These cases shall have a chronological which will indicate contacts that become necessary in the enforcement of the Court order. At the initial interview a payment schedule shall be discussed and a special payment plan and schedule of payments shall be set. A restitution pay card shall be set up and an update notice forwarded to Central Office establishing the account. The update notice as well as the restitution card shall be clearly marked as a Collection Only case. On the reverse side of the update notice give the specific particulars regarding the fine or restitution. Once a repayment plan has been agreed upon, it is the Probation Officer's responsibility to enforce these payments. If the schedule is not complied with take action by notifying the person of his delinquency; and if the nonpayment cannot be resolved within two weeks from the letter being sent, notify the Court. The Court may be notified by letter or petition, whichever is acceptable to the Court, and a request for either a capias or hearing date on the case. At the hearing the Probation Officer must be prepared to present the case with evidence of the original payment and schedule plan and specific reasons for probationer's failure to comply.

I) Types of Cases Transferred

Transferring cases is divided into four basic categories:

1. Out-of-State Transfers - These are cases transferred to other states which are parties to the Interstate Compact (see section on Interstate Transfer, pg. 64).

2. Transferred In - These are active probation cases being transferred from another district and received in your district office.
3. Transferred Out - These are active probation cases being transferred out of your district to another.
4. Intra-Office Transfers - These are cases transferred from one Probation Officer to another within your office.

J) Procedures Prior To In-State Transfer

1. Facesheet and PSI report.
2. Restitution if required shall be determined.
3. Updates must be completed and forwarded to Central Office.
4. The Rules and Regulations signed and witnessed.
5. Initial interview completed.
6. Caseload Classification Scale completed.
7. Transfer Slip must be completed, signed and forwarded to Central Office.
8. Form PR-114 (see Appendix B ) must have been sent to the receiving district office and returned as acceptable for transfer.
9. If accepted, Notice to the Probationer of Transfer. Notice should include the office or Probation Officer. This may be accomplished by letter or personal contact.  
NOTE: The type of contact and instructions given to the probationer are entered in the chronological.
10. When transferring within a district office, the transferring officer and receiving officer should have a case conference.

K) Policy on Transfers

1. Interstate requests which are transferred into the State of New Hampshire shall be supervised by the State District Offices and not local Probation Offices.

2. Intra-State transfers from the State District Offices shall be supervised by State District Probation Officers.
3. Intra-State transfers between local Probation Officers do not have to go through Central Office and can be transferred directly from one local office to another.
4. If a local office wants a State District Office to supervise a case, it shall go through the Central Office.

V. INITIAL CONTACT:

A) Superior Court Cases

The probationer usually reports to the Probation Office immediately after being placed on probation by the Court. The Probation Officer is not usually present in Court at the time of sentencing, so in most cases the Court instructs him to report to the Probation Office immediately after sentencing. In the event the probationer does not report to the office after Court, upon receipt of the disposition slip, the probationer shall be notified by letter or phone to report to the office on a specific date and time.

B) District Court Cases

The Probation Officer is usually in Court at the time of sentencing and therefore the initial reporting or contact takes place immediately after Court. The juvenile and his parents shall be present during the initial interview.

C) Initial Supervisory Contact

The Initial Supervisory Contact (referred to as ISC) is the first official meeting between the probationer and the Probation Officer. It is the most important contact, for it sets the tone and direction of further contacts throughout the period of probation. It is a crucial meeting in establishing a proper relationship with the probationer. The ISC should take place at the district office.

D) ISC Objective

The objective is to lay the foundation for a mutually cooperative relationship that can contribute to the probationer's successful completion of his period of probation. In order to be aware of the probationer's background, and to be able to assess his problems and needs, and determine the intensity of supervision required, the supervising Probation Officer should, if practicable, complete the following preparations prior to the initial supervisory contact:

1. Review in detail the entire case file to include PSI, records of prior involvement with the Department, disposition, prior record, police report concerning current offense, classification sheet, psychological and psychiatric reports, as well as any other pertinent documents or correspondence.

2. If not previously completed work up a preliminary classification sheet so that a reliable reporting schedule may be established immediately.
3. Review the probation plan with a view toward immediate implementation.

E) Items To Be Covered

1. Disposition - review with probationer.
2. Explain purpose of probation and what the probationer can expect for rewards and sanctions.
3. Rules and Regulations - Review and execute Probation Rules and Regulations - original and one copy, to be signed by probationer and witnessed by Probation Officer. One copy to probationer, original in file.
4. Comprehensive discussion of probationer's current situation. - Conduct a comprehensive interview to complete your understanding of probationer and his situation. Update probationer's status as to residence, employment, school or any significant problems.
5. Probation Officer's Roles - Make known the various roles you must fill as Probation Officer, and those roles you might possibly fill in your relationship with the probationer, i.e., officer of the Court, counselor, referral source and advocate.
6. Probation Plan - Discuss the probation plan with the probationer, update and implement. Isolate problems and make referrals as necessary; i.e., drug treatment, psychological treatment, employment referral.
7. Money Payments - Where payment of finances, restitution, counsel fees is ordered through the Probation Department, the Probation Officer shall advise the probationer of the payment procedures, and a specific payment schedule shall be established. A payment card (see Appendix B ) will be set up and a restitution

update (see Appendix B) completed in duplicate, with the original forwarded to Central and copy in folder. A completed facesheet will also be forwarded to Central along with the update. If the restitution amount has not been determined, an update and a facesheet will still be forwarded to Central with a notation on the update, "Restitution amount not yet determined." As soon as the Probation Officer determines the restitution figure, another update will be forwarded to Central listing the total amount to be paid. Story on back of update.

8. Civil Status- Probationers who express concern as to the effect of the conviction on their status as citizens should be advised of the provisions of Chapter 107-A of the Revised Statutes Annotated, excerpted and condensed as follows:

A convicted person retains all of his rights, political, personal, civil and otherwise, including the right to hold public office or employment, to vote, to deal in property, to enter into contracts, to sue or be sued, and to hold offices of private trust in accordance with the law, except as follows:

A person convicted of a felony, from the time of his sentence until his final discharge, may not vote or become a candidate for public office; except a felon may vote in an election if his sentence is suspended with or without probation, or he is paroled after commitment to imprisonment.

A public office is forfeited upon conviction of a felony.

A convicted person is subject to the sentencing power of a Court, and may have certain specified rights curtailed through sentencing and/or Court imposed special conditions of probation.

9. Firearms- Probationers convicted of a felony are by RSA 159:3 prohibited from owning, controlling, possessing or using any pistol or revolver. New Hampshire statutes do not bar a felon from having and using rifles, shotguns, bows and arrows, nor

is it forbidden for them to request and be issued a hunting license if otherwise qualified. The U.S. Code forbids these rights to felons as provided in Title VII 1968 Omnibus Crime Control and Safe Streets Act, as amended by Title III of the Gun Control Act of 1968, Sect. 1201 and 1202.

It should be noted, however, that Rule #9 of the probation rules and regulations states:

The probationer shall not receive, possess, or transport any weapon, explosive or firearm.

- 10. Reporting Schedule - The Probation Officer will establish a specific reporting schedule with the probationer, and will make a definite next appointment for an office visit. The reporting schedule will be determined according to particulars of the case and the level of supervision at which the probationer is classified.

The Probation Department has the following three levels of supervision:

<u>Level</u>	<u>Frequency of Contact</u>
Intensive . . . . .	Weekly
Moderate . . . . .	Bi-Weekly
Minimum . . . . .	Monthly

At the close of the Initial Supervisory Contact, the Probation Officer will also make an appointment with the probationer for a home visit; as such a visit must be made with all new probationers within 60 days.

F) Chronological Record

The Probation Officer is responsible for seeing that page one of the supervision chronological (see Appendix B) is completed to include probationer's name, date of birth, disposition, date of disposition, termination date, probation plan, level of supervision, total amount of restitution, fine, counsel fees, if any, and entry of initial contact.

NOTE: The entry of the initial contact should contain all salient details of the initial interview, recorded immediately upon completion of the interview.

VI. TERMS AND CONDITIONS OF PROBATION:

A) Adult (See Appendix B, pg. 7, For Sample)

- 1. Comply with all orders of the Court, including any order for the payment of money.

- a. The probationer is required to make payments either directly to the Court or victim as ordered by the Court or through the Probation Department as ordered by the Court, and/or as determined by the Probation Department. This will vary depending upon the Court order and the particulars of the case.
- b. The Probation Officer is responsible for insuring that the probationer is fully aware of and understands the Court order. If payment of money is involved, the Probation Officer is responsible for insuring that the probationer is informed of the total amount to be paid, that the payment procedures are clearly indicated, that a specific payment schedule is established, and that the probationer fully understands all the particulars of his obligation.

- 2. Report promptly to the Probation Officer at such times and places as the Probation Officer shall direct.

The primary means of contact between the Probation Department and the probationer is the office visit. Other types of contact include home visits, phone calls, letters, field contacts, etc..

The Probation Officer is responsible for insuring that the probationer understands his obligation concerning reporting. The Probation Officer should establish and maintain a specific reporting schedule based upon the particulars of the case, and the level of supervision of the probationer.

The probationer must, in turn, realize and accept that he is required to report to his Probation Officer as the Probation Officer

directs. The probationer should also realize that such reporting is necessary in order that the Probation Department and the Court can be kept informed of the probationer's status.

3. Notify the Probation Officer immediately of any change of residence, employment, and/or address.

In order to be informed of the probationer's status, it is very important that when a probationer moves or changes jobs, he immediately notify his Probation Officer. The Probation Officer should emphasize the importance of this condition at the initial supervisory contact, so that there is no misunderstanding of its meaning or importance.

The probationer must be made to realize that it is his responsibility to keep the Probation Officer informed of any changes in his residence or employment; and that it is not the Probation Officer's responsibility to have to continuously be looking for the probationer in terms of where he is living or working.

4. Permit the Probation Officer at all reasonable times to visit the premises in which the probationer resides, for the purposes of inspection and examination of same.

The key point here is that the Probation Officer is authorized to visit the probationer at his home unannounced or announced. The Probation Officer must exercise good judgment in making home visits, so as not to be accused of harassing the probationer. Home visits for the most part occur very infrequently, depending upon the particulars of the case. Home visits are usually made to give the Probation Officer additional insight into the probationer's particular situation. When a probationer has not reported and/or has not responded to letters directing him to report, a home visit is usually made to determine if he is still living at the same address.

5. Diligently pursue some lawful employment.

The probationer is to be lawfully employed or seeking lawful employment. The Probation Department's position as well as the Court's position in this regard is that a probationer who is employed or otherwise productively occupied (school or other training) is less likely to be involved in further criminal activity while on probation. Employment should be verifiable in terms of time involved and income. Although it is the probationer's responsibility and obligation to seek and maintain steady employment, the Probation Officer has a responsibility to assist the probationer through job referrals and follow-up action to help insure compliance with this particular condition of probation.

6. Provide adequate support for all persons dependant upon him.

The probationer has the responsibility of supporting his family or those individuals dependant upon him. If the probationer complies with this condition of his probation, he is likely to be a more responsible, productive member of the community, and he is less likely to be involved in further criminal activity. In many cases an offender's family or dependants are supported by the State, County or City through Welfare or some other type of assistance. Requiring the probationer to provide support for his family or dependants can help reduce the Welfare rolls and instill in the probationer a sense of responsibility, dignity and self worth.

7. Not associate with any persons of harmful character or who may have Court records or others who may be specified by the Probation Officer.

This is a very difficult condition to enforce as many probationers will argue that most, if not all, of their friends have criminal records, are on probation, or have been in some kind of difficulty with the law. In essence the probationer should be encouraged to avoid any association that might result in his becoming

involved in further difficulty. He should be encouraged to seek new friends and associates, to change his lifestyle if necessary, to develop a positive attitude about himself, so as to improve his situation and avoid any further difficulty with the law.

NOTE: It is rare that a probationer is returned to Court solely for violating this particular condition of probation. It is more likely to be listed as one of several reasons for a violation.

In any event it is the Probation Department's position as well as that of the Court that a probationer is more likely to successfully complete his probationary period if he avoids unfavorable companions and associates. And, this is what should be related to the probationer.

8. Not illegally use or possess any drug nor visit or be present where drugs are sold, dispensed, and/or possessed by others.

It is on rare occasions that a probationer is actually observed in these illegal activities. Information of illegal use or possession of drugs is from time to time gained from collateral sources such as law enforcement, family, or associates. When such information becomes available the matter should be discussed with the probationer and if substantiated by dependable sources could lead to a violation. Should the probationer be arrested or convicted of a drug offense, this could stand by itself as a violation of the terms of probation.

9. Not receive, possess, or transport any weapon, explosive or firearm.

This rule is explained previously and care should be taken to make certain that the probationer understands fully NH statute RSA 159:3 and the Federal US Code Title VII. The Gun Control Act of 1968, Sections 1201 and 1202, are in conflict with RSA 159:3. Under no circumstances does the Probation Officer have the authority to waive this condition.

10. Undergo any psychiatric, alcohol, or drug abuse treatment as may be prescribed and/or arranged by the Court or the Probation Officer.

Above referrals are usually stipulated by the sentencing Court. However, if such treatment is not specified and the Probation Officer has knowledge that such treatment is not specified, but believes that such treatment is necessary, the Probation Officer shall discuss the possibility of referral with the probationer and should attempt to persuade the probationer to undergo appropriate treatment voluntarily. Should this fail, the Probation Officer, if warranted, may petition the Court to amend the order to include appropriate treatment as a condition of the sentence.

NOTE: When petitioning the Court to amend a sentence be sure to outline the need for such request and be sure of your facts.

11. Be of good behavior, observe all laws and keep the peace.

Good behavior implies that the probationer shall be in conformity with standard behavior acceptable to the community. Observe all laws implies that the probationer will not break any laws which might get him into further difficulty. Motor Vehicle Misdemeanors depending on the severity of the offense should be considered as a violation of the rule. Keep the peace implies that the probationer should not participate in aggressive behavior toward others.

12. (a) Not leave the state without permission from the Probation Officer.

This rule is designed to keep track of probationers who want to leave the state for changes of residence or employment opportunities, etc.. It also serves to discourage indiscriminate moves by probationers. It should be explained to the probationer that moves out-of-state must be discussed well in advance with the Probation Officer and need his approval for good cause. Should the decision be made to allow the move on a permanent basis, the necessary out-of-state transfer forms must be completed before permission is granted. As transfers take time to

effectuate a travel permit (see Appendix B) may be given.

Where permission is only for short periods of time, such as visiting relatives or vacations, travel permits are acceptable with a return date established. When travel permits are issued, the probationer should be advised to contact his Probation Officer immediately upon his return.

In cases where probationer lives on the state borders and does business in the adjoining state, travel permits or permission to leave the state is not required as long as the Probation Officer is aware that this is occurring. This, however, should be discussed at the time that the rules and regulations are signed and the situation is noted.

(b) And hereby does agree to waive extradition to the State of New Hampshire from any state of the United States of America, the District of Columbia U.S.A., the Commonwealth of Puerto Rico, or any other place, to answer any charge of violating the terms of probation.

This rule is primarily to effectuate a probationer's return from outside the territorial jurisdiction of New Hampshire in the event he is in violation of his probation. Further, that a violation will be filed and capias issued for his return to the original sentencing Court.

(c) Return to New Hampshire if directed to by the Probation Department.

This is for the voluntary return of a probationer with or without a formal violation of probation being filed. Failure to return upon written notice to the probationer could result in a formal violation being filed and his return would be mandatory under 12(b) procedures. There may be various reasons for requesting a probationer to return to the State of New Hampshire.

Other terms or conditions may be imposed by the Court and shall be presumed to be in addition to the foregoing.

If the Court has imposed other conditions such as restitution, attendance at counseling agencies, medical treatment, or any restrictions other

than those enumerated in the rules and regulations, they should be included under this category.

B) Juvenile (See Appendix B, pg.9, For Sample)

1. Report promptly to the Probation Officer at such times and places as the officer shall specify.

The Probation Officer shall determine a reporting schedule in compliance with the Supervisory Scale and level of supervision. This should be discussed with the juvenile and his parents and they should be made aware of the time and places for supervisory visits. It is important that both the juvenile and his or her parents realize and fully understand the schedule. The schedule should be worked out so that it is reasonable and does not put an undue hardship on the juvenile or the parents in the event that they have to furnish transportation. This does not mean inconvenience, but it should be a schedule that can be reasonably kept.

The responsibility of the Probation Officer, once the reporting schedule is agreed upon, is to make certain that he is available to keep his appointments and when unable to do so, notify the juvenile or his parents of the necessity of breaking the appointment and arranging for another. There is nothing so disconcerting as broken appointments.

The responsibility of the juvenile and his parents is to insure that appointments are kept. Should they not be able to keep their appointments, they should call and notify the Probation Officer. This should be explained at the time of the review and signing of the rules and regulations. If an appointment is broken without notice the situation should be discussed at the next visit or a contact should be made by telephone or letter to determine why the appointment was not kept. This information shall be recorded in the chronological as a means of keeping updated and for further reference should it become necessary to refer to for a violation.

2. Curfew: Week Nights \_\_\_\_\_ p.m. Friday  
and/or Saturday \_\_\_\_\_ p.m. (Exception  
may be granted for special events and/or  
merit).

This may be the most difficult condition to address. It is necessary to establish curfew and it takes the cooperation of both the juvenile and parents. When dealing with curfews parents at times become inflexible. They demand that the times be adhered to exactly and do not allow for even five minutes to go unnoticed. They must be convinced that they as well as their child must be reasonable; that there may be occasions when the juvenile may be late and in these instances the child should call them and explain the situation to them if he or she is going to be much later than curfew.

As a general rule the week nights are scheduled for 9:00 p.m. and Friday and Saturday 11:00 p.m. However, any setting of curfew hours should be acceptable to the Probation Officer, juvenile and parents. This may take a great deal of effort and thought. In the final analysis the Probation Officer has the duty to establish the curfew. He may have to be the arbitrator and should listen to all concerned before setting curfew. Once it is established it must be adhered to and enforced.

If there are serious disagreements regarding the curfew and there is a great deal of resistance, the problem may be brought to the attention of the Court with a recommendation for final decision and order. This, however, should be as a last resort and only if agreement is at an impasse.

In the event that it is necessary for the juvenile to attend or participate in a special event, parental permission is necessary in the first instance. It generally is not necessary for the Probation Officer to become involved in these decisions unless absolutely necessary.

3. Attend school regularly and maintain grades as high as possible. No truancy. Not allowed to quit or withdraw from school without permission of Probation Officer and parents/guardians.

This rule is most important for those juveniles who are attending school. In a majority of cases you will find that the juveniles are underachievers, they have a history of truancy and have a very poor attitude. Consequently, they will have been disciplinary problems and either are on the verge of being expelled, indeed expelled, or on some sort of suspension. If this is the case the Probation Officer should contact the school, determine the problems and discuss them with the juvenile and his parents. This information will be available and obtainable during the time of the presentence investigation, but in those cases where this information was not available every effort should be made to define the problems with the school, juvenile and his parents.

It may be necessary with underachievers to encourage a study program as well as tutorial assistance. This may be accomplished in various ways. Contact with guidance counselors, teachers, and other school personnel can be helpful. Also, parents can be a good resource and should be encouraged to help with and supervise homework.

It must be realized that progress in grade averages may be slow. Students very rarely go from flunking to superior grades; but if the student has the ability, he also needs motivation and should be praised for positive behavior. Sustaining the effort and reinforcing progress is paramount.

Truancy cannot be tolerated and the juvenile and his parents must be made aware that should truancy occur the case will be brought back to Court. The responsibility is squarely on the juvenile in this regard.

In cases where the question arises regarding quitting or withdrawing from school the situation should be discussed with everyone concerned, namely, the juvenile, parents and school

officials. Then and only then can an appropriate decision be made. Every effort should be made to keep the child in school.

4. Cooperate with parents/guardians at all times and be responsible in behavior, both at home and the community.

While this rule appears specific and inflexible, it should be realized that from time to time there are going to be differences. It should be stressed that cooperation and responsible behavior are required, but that when differences occur they should be discussed and reasonable solutions worked out. The Probation Officer should encourage discussion and communication between child and parents and not be put in a position of arbitrator on every single issue.

Discussions as to what is meant by cooperation and responsible behavior can become very complex, but if approached as to reasonableness of interpretation and the ability of the parents and child to reach common ground the complexity is minimized.

5. Receive counseling or therapy as may be required by Court or Probation Officer.

This rule is quite clear. If the Court orders counseling or therapy, it is a mandate and the juvenile must comply. However, where the Probation Officer feels that counseling or therapy is required and it has not been made a part of the Court order, participation must be voluntary on the part of the juvenile and parents. If their cooperation is not forthcoming, then a Court order must be requested.

In seeking the Court order a petition must be drawn, reasons for the request outlined and a hearing must be held on that issue. The Probation Officer must be ready to present oral arguments supporting the request. The parents and juvenile must have an opportunity to be heard and the Court should make the final decision. In most cases this will not be necessary, as when the Probation Officer is persuasive enough cooperation will follow.

The Probation Officer should be cautious and have good reason for such decision. Counseling and therapy is not always the answer to behavioral adjustment.

6. Abstain from the use of all alcoholic beverages and illegal drugs.

It is quite clear that no juvenile is permitted to use either alcoholic beverages or illegal drugs. First, they are not old enough by State Law and both activities are illegal. Any behavior of this type shall be considered a violation and the juvenile may be returned to Court.

7. Not associate with any individual or group known to make use of illegal drugs, with persons who have Court records or those identified by the Probation Officer.

In general terms we are talking about personal relationships which have been established by the juvenile over a period of time and which are important to him or her. It is difficult for them to break these relationships. They often resist; and although told not to associate with these individuals or groups, do it either openly or covertly.

The question then becomes how can these relationships be discontinued without returning the juvenile to Court. The need to change these relationships is obvious. Juveniles should be encouraged to change these associations for the rational reason that it may have been these relationships that got them into difficulty in the first place; and if continued, they can only lead to further trouble. In addition, constructive suggestions should be made to have the juvenile participate in activities which will promote his association with groups that will give him positive contacts and establish positive relationships.

In any case he should be told and understand that this rule is important and he must comply. That we are there to help him, but he is the only one who can disassociate from those groups and individuals.

8. If not a school student and if employed, you shall list earnings and the manner in which it is spent. If unemployed, you must actively seek employment or be enrolled in a program approved by the Probation Officer.

This rule means that if employed the juvenile shall provide an accounting of his income and on what he spends it. He should bring this accounting in on his regular visits. At that time it may be reviewed by the Probation Officer and discussed. Suggestions as to the expenditures may be made at this time, taking into consideration the way the money is spent.

If the juvenile is not in school or employed, it is the Probation Officer's responsibility to suggest ways for him or her to look for employment and to insure that the suggestions are followed. In many cases the juvenile does not have any particular skills and these must be developed. Community training programs should be explored with the interest of the juvenile in mind. He may be directed into an apprenticeship program if available, but without skills the juvenile is doomed to failure, which could be the employment pattern for his lifetime.

It is important that they develop good work habits and this can only be done by the juvenile working at something that he generally enjoys and thereby becomes a responsible employee.

9. Notify the Probation Officer as to any change in address, school status or employment if you are working.

This rule is specifically designed to make certain that any changes in the juvenile's address, school status or employment, if not in school, are reported immediately to the Probation Officer. The responsibility of reporting these changes is with the juvenile and should be stressed to him. It is the Probation Officer's responsibility to record this information in the chronological so that if needed the juvenile may be located.

10. Pay at such times and in such amounts as determined by the Probation Officer all restitution that may be ordered by the Court.

In the event that the Court orders restitution this issue shall be discussed with the juvenile and his parents at the initial interview following the final Court hearing. A majority of juveniles do not work and have no income. They will be attending school or will be unemployed.

In these cases the parents will have to become involved in the payment of restitution or a plan will have to be worked out for the juvenile to earn money to pay. The Probation Officer should work closely with the parents and juvenile to devise a plan for the juvenile to earn money. This may be a part-time job or work around the house for which he may be paid by his parents. In any case it is best to have the juvenile earn the money to pay the restitution through his own labors rather than his parents paying without any effect on the juvenile.

Once a plan has been established it shall be recorded in the chronological and made part of the record. The plan may have to be altered from time to time to fit changes and these changes also should be recorded in the chronological.

The main thrust should be that the restitution must be paid as it is part of the Court order and should be paid by the juvenile's efforts.

11. Personal living quarters shall be open at all reasonable times for examination and inspection by the Probation Officer.

It shall be made clear to the juvenile and his or her parents that from time to time it is necessary to make home visits. At that time the Probation Officer can make an inspection of the living quarters to see the environment in which the juvenile lives. That those visits may be announced or unannounced, but they will be at reasonable times. Reasonable times may

be during the day and early evening hours. The only exception would be in cases of emergency.

The juvenile should have the responsibility of caring for his or her room and keeping some order and cleanliness. If during these visits the juvenile's room is not orderly or clean, the Probation Officer may want to discuss this with him or his parents. However, bear in mind that every family has different standards and that these have to be taken into consideration. The Probation Officer must use tact and reasonableness in his approach. Should contraband of any kind be observed the Probation Officer has the duty to report to the police for whatever action they wish to take. This does not mean that the Probation Officer may conduct a search of the premises, but can report anything he can observe.

12. Not leave the state without the permission of the Probation Officer.

The interpretation of this rule is that no juvenile is allowed to leave the state on a permanent basis without notifying his or her Probation Officer and proper plans made for a transfer of his or her supervision to another state under the terms of the Interstate Compact.

There may be occasion when the juvenile leaves the state with or without his or her family for vacation and trips. In these cases the juvenile or the parents shall notify the Probation Officer. However, if, particularly in cases where the juvenile and family live on the borders of other states and do their shopping or other business in another state, specific permission does not have to be obtained in every instance. If this is the case, it should be reflected in the chronological.

When the juvenile is going to move or will be out-of-state for a period of a week or so, they should discuss this with the Probation Officer in advance. Should it be an emergency, such as a death in the family, they should make arrangements to either call or have someone else call for them to notify the Probation Officer.

13. Special conditions made by the Court or Probation Officer.

The Court or Probation Officer may want to make special conditions or emphasize other conditions for the juvenile; and if so, these should be clearly stated under this rule.

The special conditions may vary from case to case and should be tailored to a specific purpose. They are as binding on the juvenile as all other rules and must be enforced. If the Court establishes them they will be part of the Court order. If in the judgment of the Probation Officer a special condition should be attached and voluntarily accepted by the juvenile and parents, the condition is binding. If it is voluntary, by agreement, this shall be included in the chronological. Should there be disagreement, the Probation Officer shall petition the Court for approval of the condition and the juvenile and the parents have a right to be heard and a final decision made by the Court.

Probation Officers should avoid including arbitrary conditions in the rules and regulations for in case of violation they would have little or no effect.

C) Miscellaneous

1. Summary - The Terms and Conditions of Probation represent specific guidelines to which probationers are required to adhere as a result of their status with the Court. Abiding by these terms and conditions will normally contribute to a probationer's successful completion of the probationary period. It is the Probation Officer's responsibility as an officer of the Court to obtain the probationer's successful adherence to the terms and conditions of probation. Further, it is the Probation Officer's responsibility to clearly and fully explain all of the conditions of probation to the probationer.
2. Probationer's Right to Petition the Court - If the probationer questions the necessity or appropriateness of a term or condition of his probation or a special condition imposed by the

Court, the Probation Officer may inform the probationer that through his attorney he may petition the Court to remove or modify a condition.

If the probationer simply refuses to comply with certain terms and conditions of his probation, then he should immediately be returned to Court for a violation of probation hearing.

3. Changing Conditions of Probation - Only the judge has the authority to change the conditions of probation.
4. Recommendations Received From Community Agencies - If a community agency evaluation portrays that a probationer does not need the services that were ordered by the Court, the Probation Officer shall immediately write to the sentencing judge, advising him of the agency's position and requesting further instructions.
5. Agency Rejects the Probationer - If this occurs, the Probation Officer shall immediately write to the sentencing judge advising of the agency's position, and requesting further instructions.
6. Recommending Alternative Community Service - Before recommending any alternative community services to the judge, make an initial exploration with the proposed agency to insure the client's suitability for that agency's services.
7. Recommendations Made by a Probation Officer - When a Probation Officer is of the opinion that a specific condition(s) is inappropriate or detrimental to rehabilitation, or a condition should be added, the Probation Officer should write a letter to the sentencing judge or file a formal petition, recommending removal, modification, or addition of the specific condition(s).

VII. ONGOING SUPERVISION:

A) Definition

Supervision is continuous after the initial interview to termination of the probation period.

B) Purpose

The purpose of continuing supervision is to insure that probationers are contacted on the basis of classification. Further, that there is a written and update chronological of events which describe the results of the probation plan such as the progress, problems, behavioral changes and resources utilized.

C) Statutory Authority

1. RSA 504:15 V - To keep informed concerning the conduct and conditions of persons on probation and impel their obedience to the orders of the Court.
2. RSA 504:15 VI - To keep detailed records in each case, . . . and to make such reports to the Courts and to the Board as they may require.

D) Chronological Maintenance

Chronologicals shall be kept on all adults and juveniles assigned for supervision and separated by their classification category. Chronologicals shall be divided into four categories:

1. Intensive
2. Moderate
3. Minimum
4. Collection Only

Under each category they shall be filed in alphabetical order. Chronologicals are not to be filed in case folders until a chronological page is used completely. The most recent chronological page is to be kept in the Chronological Book.

Chronologicals are to be dictated into the record no more than one week following the contact. The Chronological Books are to be kept in the district office at all times unless special permission is given by the District Office Supervisor to have them removed for good cause.

In cases where restitution or fines are to be collected a restitution or fine card must also be maintained. These cards are to be reviewed by the Probation Officers on a monthly basis. Those individuals who are not paying as the payment plan indicates are to be notified by letter of noncompliance. If the person continues not to pay, without good cause, after two weeks they are to be violated. Also, at the conclusion of the monthly review, Restitution Reporting Forms are to be completed and given to the District Office Supervisor for review.

E) Reporting Schedules

Reporting schedules, restitution and fine payments are to be established at the initial contact session. However, if there is a delay, record the explanation in the chronological.

The reporting schedule should be in accordance with the supervisory level. The responsibility for reporting is with the probationer. However, the monitoring of the schedule is the responsibility of the Probation Officer. It is the Probation Officer's responsibility to review the cases monthly and insure follow-up on those probationers who are not reporting or should be reporting to social agencies.

F) Referrals For Assistance

Referrals for assistance which are received from various sources are to receive immediate attention. There may be referrals which cannot be complied with and in those cases letters should be sent to the person or agency outlining why their requests cannot be done.

In those instances where we can assist the requests should be honored immediately. If there is a delay the Probation Officer shall send a letter explaining the delay. This is a courtesy to the referring agent.

G) Home Visits

Home visits shall be made within sixty days after the initial interview. A home visit can be a planned regular contact or as an unannounced visit.

A home visit is a means for acquiring a sense of the probationer's life-style and environment, the effect of other significant people in his life, the level of physical comfort and security and the impact of those living in the home on the probationer's behavior. The information gained from the visit and observations made shall be recorded in the chronological.

H) Reviewing Case

Cases under supervision shall be reviewed on a monthly basis for type of contacts, reporting schedules, as well as follow-up on probation plans for each probationer. The classification or supervisory level shall be reviewed every six months or sooner. These reviews shall be recorded and any changes noted in the chronological. Should there be changes in reporting schedules, payment schedules or supervisory levels the changes should be discussed, and the reasons explained to the probationer and noted on the chronological.

I) Employment Verification or Education

During the supervisory process, it may become necessary to verify the probationer's employment. Verification may be made by pay slips or personal contact with the employer. This verification is important - a condition of probation. Probationers who are not employed cannot support themselves and are more apt to use illegal means to obtain income. Every effort shall be made to verify employment without jeopardizing that employment.

For those probationers who are unemployed, and not in school or participating in training programs, the Probation Officer should require more frequent contacts without necessarily clarifying his supervisory level until employment is obtained.

Measures suitable for unemployed probationers may include:

1. Increasing personal contact to a weekly basis.
2. Requiring a probationer to provide evidence of seeking employment such as:
  - a. Listing of employers contacted.
  - b. Evidence of regular reporting to the office of the New Hampshire Department of Employment Security.

- 3. Requiring the probationer to show efforts to return to school, prepare for GED or, otherwise, improve his qualifications for employment.

J) Progress Reports Out-of-State

Progress reports on supervision for other states are to be submitted to the sending state on a semi-annual basis for New England States and a quarterly basis for others. The form entitled Parole and Probation Form IV - Progress and Conduct Report (see Appendix B, pg. 10) shall be completed in its entirety and addressed to the Compact Administrator of the sending state. Under the section Conduct, Progress and Attitude, a summary of the probationer's conduct, progress and attitude shall specifically be noted along with any other significant changes the probationer has experienced while under New Hampshire supervision. If additional space is needed, use the reverse side of the form.

The supervising Probation Officer shall sign the form and type the Director's name, John A. King, in the space allotted for his signature. Three forms shall be executed, the original and one copy forwarded directly to the sending state Compact Administrator via Central. One copy is to be retained in the case file. Note the date and place where the progress report was sent on the probationer's chronological.

K) Early Termination

Early termination is a process which may be considered for those probationers who have demonstrated that further supervision is not required. It may further be used as an incentive for a probationer to gain early release from the remainder of the period. The statutory authority for this is provided in RSA 504:4 (Violation and Termination of Probation):

The Court may at any time discharge a person from probation . . . .

The probationer being considered for early termination must have been on probation for one-half the probationary term, and classified as minimum, or for good cause with the approval of the Supervisor.

Further, to be considered for early release, the probationer shall have completed all of his requirements as ordered by the Court, demonstrated a stable life-style and maintained steady employment. If the probationer

meets the above requirements, the process is to petition the Court for early release. The petition should be in the legal format as follows:

PETITION FOR EARLY TERMINATION

County SS

Session Date

State vs. (Name of Probationer)

Court Assigned Number

Now comes the New Hampshire Department of Probation and respectfully represents that:

1. The above-named probationer was before the (Court) and sentenced to (Copy of Sentence).
2. The said probationer has abided by the rules and regulations and all conditions ordered.
3. The following numbers should include individual reasons for the request being made for early release.

For the aforementioned reasons it is respectfully recommended that said (Probationer's name) be granted an early release from probation.

Respectfully submitted,

Date \_\_\_\_\_

\_\_\_\_\_  
Probation Officer

Approved \_\_\_\_\_

Date Approved \_\_\_\_\_

L) Volunteer Assignments

Probationers who would be considered for assignment are those who have special needs that may be helped by a volunteer.

When considering a probationer for the assignment of a volunteer, the Probation Officer should use discretionary judgment and the probationer shall be willing to enter into this type of relationship. If there is a great deal of resistance on the part of the probationer the assignment will probably fail and do more harm than good.

The statutory authority is outlined in RSA 504:19:

The Director shall have the right, subject to regulation by the Board, to appoint qualified volunteer counselors to assist Probation Officers in the supervision, guidance and rehabilitation of persons on probation. The volunteer counselors shall serve without compensation.

When an assignment is made the name of the volunteer and pertinent information concerning the assignment shall be recorded in the chronological. Thereafter, monthly contacts with the volunteer are mandatory. At the beginning of the assignment, the Probation Officer shall monitor the assignment with both the probationer and volunteer weekly for one month.

NOTE: Refer to Volunteer Section of the manual.

The volunteer shall submit monthly reports to the Probation Officer. These reports are to be recorded in the probationer's chronological. After one-half of the probation term has passed and there are no problems with the probationer, upon the volunteer's recommendation, the probationer shall be considered for early release.

M) Extension of Probation Period

It may become necessary to request the Court to extend a probationer's probation period. The purpose of this is to allow more time for supervision, to complete programs or pay off fines and restitution, etc.. This shall be considered at least two months prior to the expiration of probation and only in the cases that require this consideration.

In order to obtain an extension, the Probation Officer must petition the Court. Some Courts require the signature of the probationer as well as that of the Probation Officer. This will have to be dictated by local rules.

The petition shall be in proper legal form as outlined under Early Termination of this section.

N) Failure to Report

In the first instance when a probationer fails to report within two weeks after final disposition, a letter is to be sent to the probationer's last known address advising him of the sentence and a request to report listing time, date and place.

The letter should further note that noncompliance will result in the case being returned to the Court for further disposition. If the probationer, after one week of the notice, fails to respond to the letter, and if there is an attorney of record, he should be contacted and a copy of the reporting letter forwarded to him. Further, contacts with local police or other available resources shall be attempted; as well as a home visit to the probationer's last known address.

Should all efforts fail and contact cannot be made within one month from the date of sentencing, violation proceedings shall be initiated.

In the second instance when probationers fail to report after their initial contact or during their probationary period as scheduled, a failure to report letter must be sent. (see Appendix B, pg. 11) If no response to this letter or the letter is returned, a search to locate shall be initiated. The Probation Officer shall personally go to the probationer's last known address; and if the probationer still cannot be located, shall proceed to talk with neighbors, family and police to determine whereabouts. If this fails, a violation should be executed.

O) Chronological Entries By Substitutes

When justified another Probation Officer or Intern may conduct a scheduled office of field contact with a probationer for the supervising officer. The officer or intern shall prepare the appropriate chronological notes to be included in the chronological.

The supervisory responsibility, including both the contact and recording of the contact may not be delegated to any person other than the above. If it appears to a supervising officer that an appointment cannot be kept, this fact should be made known to the District Supervisor who shall make other arrangements.

P) Collateral Visits and Contacts

Probation Officers shall make collateral visits or contacts with family, social agencies, employers, schools, police authorities, Courts, etc. to provide additional information regarding probationer's conduct.

The information gathered may be helpful in the continuing supervision plan for the probationer and to insure the probationer is abiding by the conditions of probation.

VIII. CHRONOLOGICAL - CONTENTS:

A) Definition

The chronological is a record which reflects the Probation Officer's work with a probationer, along with the positive and negative aspects of the probationer's progress. Case recording shall be clear and concise.

B) Page One (See Appendix B, pg.4)

1. Initial Items

- The first page of the chronological - all categories shall be completed on the sheet. The release data shall be typed at the extreme right-hand side of the sheet and carried over to the additional sheets as necessary.

The section indicating how often the probationer is to report must be noted as either weekly, bi-weekly or monthly. If the probationer is on any other schedule of reporting, insert the schedule or status if non-reporting. In the event of changes in reporting schedules which may be made, this section should be updated to reflect the current reporting schedule. Further, the supervisory scale shall be noted in this section. As the scale changes, the appropriate change should be made and reasons for the change noted on the chronological.

Under payments ordered by the Court, put the type, total amount and the amount to be paid as scheduled; weekly or monthly, by the probationer.

When checking the juvenile or adult blocks at the top of the chronological sheet, put in the age of the probationer.

The first entry on the chronological will be the disposition made by the Court. This should include the offense, name of the Court, judge's name, the order and date of disposition.

2. Probation Plan

The second entry is the Probation Plan that the Probation Officer has written into the PSI. However, if the probationer's circumstances

indicate, this may change after the initial interview.

3. First Session

The third entry is the first session with the probationer. At this time the Rules and Regulations are explained and it should be made explicitly clear to the probationer as to what is expected from him while on probation. Questions by the probationer shall be answered as completely as possible. A copy of the Rules and Regulations, after they have been signed and witnessed, are to be provided to the probationer. It is during this interview that a reporting schedule be established with the probationer based on the supervision scale. The supervision scale may be adjusted at this time if any of the scale items have changed. Once the reporting schedule has been set it shall be adhered to.

The probationer's attitude and reaction should be noted, especially when discussing the Probation Plan. Every effort should be made to gain the probationer's input and attitudes regarding the plan.

If restitution is required, a payment plan shall be scheduled. This shall require a realistic payment plan based on the individual's financial ability. The plan should specify the amount of payments, when these payments shall be made and the consequences if they are not made. All payments are to be made into the district office and the probationer is to be instructed as to how checks or money orders are to be made out. All checks or money orders are to be made payable to the New Hampshire Department of Probation. Also, the probationer's name shall be marked clearly on each check to avoid posting to the wrong account. The payment schedule should be recorded on the chronological entry and any subsequent changes in the plan should also be recorded at the time of change.

During the first interview other information to be ascertained for the chronological is probationer's employment, telephone number, address, domestic situation, etc. and shall be updated as it may have changed since the original investigation.

Following the initial interview, each subsequent entry shall be dated and identified as to type of visit as: OV - Office Visit, TC - Telephone Call, HV - Home Visit, CV - Collateral, JV - Jail Visit, etc.. Any relevant and important changes should be noted, such as follow-up on referrals, the status of the probation plan, arrests, etc.. Notations to the chronological such as: "Everything is the same," or "No changes," are not acceptable. Very few people go week after week, month after month, with no noticeable changes in behavior or status.

C) Ongoing Chronological Entries

Information required would be a concise outline of the probationer's current status, problems, such as family, employment, arrest and the current progress the probationer is making under the probation plan. Every six months each probationer's chronological shall be reviewed and the following changes could occur: probation plans modified, changes in supervisory levels, potential for early release or possible violation and other relevant modifications.

In the event of violations, all pertinent information shall be included in the chronological, including dispositions, modifications of the order, etc..

If a volunteer is assigned to a probationer, the date the volunteer is assigned, who the volunteer is and instructions given to the volunteer should be included in the chronological. The volunteer shall report relative to the behavior of the probationer and use the same format as the above. These contacts by the volunteer shall be written and indicated by the Probation Officer on the chronological. Volunteers shall provide monthly reports to the Probation Officer on the standard Volunteer Contact Forms. For further information, refer to the Volunteer section of this manual.

Where probationers are referred, either by Court order or by the Probation Officer, to social agencies or other referrals, the Probation Officer is responsible to monitor and follow-up with

the agency periodically for progress and compliance. Should it be revealed that the probationer no longer needs counseling or treatment, this shall be verified by the agency and so indicated in the chronological.

Chronologicals shall be reviewed periodically by the Director, Assistant Director and Supervisor. All chronological entries shall be no more than one week after the supervision contact. At the end of each chronological entry the Supervisor's and Probation Officer's initials shall be entered.

Probation Officers shall review all chronologicals monthly. If there is no contact an explanation shall be noted.

Entries such as "letter to report" shall not go beyond two letters. If there is no response within one week after the second letter, the Probation Officer is responsible for checking the probationer's last address, neighbors, police, parents, employment, etc.. If the Probation Officer is unable to determine the probationer's whereabouts immediately, file a violation.

#### IX. DISCHARGE FROM PROBATION:

##### A) Final Personal Contact

As the period of probation approaches termination and the probationer has complied with the orders of the Court and the conditions of probation, the Probation Officer shall make every effort to discuss the termination with the probationer. The time should be spent in the discussion of the changes in the probationer's behavior, continued future goals or any other subjects which might be deemed appropriate.

##### B) Letter of Discharge

Following the expiration date and prior to closing of the case, a letter of discharge shall be sent to the probationer. The letter should be personal and congratulatory, and state that in the future the Department will be willing to assist in any constructive way possible.

##### C) Procedure For Closing Case

1. Mark the master index card as Closed, closing date and reason.
2. Ensure the last contact is noted on the chronological, the date of closing, the reasons for closing, and that a letter of discharge was sent to the probationer.
3. For out-of-state supervision cases, send the probationer a letter of discharge and/or the out-of-state Compact Administrator a letter stating that we are closing the case.
4. Prepare a closing slip and one copy; both are to be signed by the supervising Probation Officer. Send the original closing slip to Central Office.
5. Fill in the Log in Registration Book, under the Closed Cases section.
6. File the case folder with all chronologicals included in Closed File by the year of closing.

NOTE: Closed cases are to be maintained in each district office for a two year

period. At the end of two years  
alphabetize the cases in a box,  
record the first and last name of the  
case on the box and forward to Central  
for storage in Archives.

7. Restitution cards are not filed with the  
closed case files but are kept with all  
ledger cards closed for that year.

X. CASES WITH OUTSTANDING VIOLATIONS:

Any case which has a violation outstanding over three months  
shall be placed on inactive status. There is a difference in  
inactivating cases and closing cases. A closed case is final-  
ized and completed where an inactive case may be reopened upon  
apprehension on the violation.

If the Court upon hearing continues the case on probation, the  
case must be reopened and Central must be notified of the change  
in status from inactive to reopened and counted on the monthly  
statistical reporting form. If the Court discontinues probation,  
the case is reopened and closed with a memo of explanation to  
Central. In both instances a copy of the violation with disposi-  
tion shall be forwarded to Central with reopening slips or closing  
slips. This material shall be included in one package so that  
when it arrives at Central all material will be together.

XI. CLASSIFICATION OBJECTIVES:

- A) Utilize the caseload classification instrument in order to classify probationers by level of supervision required. (see Appendix B, pgs. 12 & 13)
- B) Provide the appropriate level of service that each probationer requires.
- C) Provide for equal distribution of cases.
- D) Provide for a more measurable and accountable system of supervision.
- E) Provide information concerning training needs.
- F) Obtain statistical data on which to base future allocation of resources; financial, personnel, etc..
- G) Identify those probationers eligible for early termination which will reduce probation caseload and allow more time to supervise the more intensive cases.
- H) Identify the probationers requiring a volunteer.

XII. SUPERVISION LEVELS:

A) Intensive

Face to face supervision contact at least once per week with one collateral contact every two weeks. This would include family, school, referral agency, law enforcement, ancillary services, etc..

B) Moderate

Face to face supervision once every two weeks and collateral contact once per month (see above).

C) Minimum

One face to face contact per month. Home visits are not excluded but may not be required.

D) Collections

This includes restitution where no probation is involved. To be monitored by order of Court, establish payment date as required by P.O.. Failure to comply - Court notified. For statistical purposes collection only cases are counted as minimum supervision.

XII. CLASSIFICATION OF CHRONOLOGICALS:

- A) All chronologicals shall be divided into the following categories in your loose-leaf:
1. Intensive
  2. Moderate
  3. Minimum
  4. Collection
- B) The frequency of supervision contact shall be in accord with the classification category.
- C) Review chronologicals every six months for possible reclassification of the probationer.
- D) List the reasons, immediate and long range goals, for changing the classification of the probationer.

XIV. ADULT CLASSIFICATION CRITERIA:

To complete adult supervision scale form (see Appendix, B, pg.12).

A) Record

1. Arrest-Free Period of Five or More Consecutive Years

The FBI identification record (local and State Police checks, rap sheets) will be used to determine if there has been an arrest-free period of five or more consecutive years between the defendant's last arrest and the arrest leading to his conviction. If the current arrest is his only arrest, he automatically receives full credit of twelve (12) points. "Five years" means five full consecutive, arrest-free years. Arrest-free periods can occur during probation, parole, parolee at large, or escapee status, but not during any confinement in penal, narcotic, or mental institutions.

Consider also as arrest:

- a. Before age 18, every clear indication of conflict with law enforcement authorities, (Juvenile arrests frequently are not shown on the rap sheet and must be obtained by contact with the juvenile authorities who had jurisdiction).
- b. Arrests defined as actual custody, vagrancy, or drunkenness.
- c. Arrests for probation or parole violation even without other charges.
- d. Recaptures after escape, including from State Hospital.
- e. Civil arrests while in military service. New arrests.
- f. Arrests peculiar to military service only, if there was a sentence to confinement.
- g. Motor Vehicle arrests, misdemeanor or felony, but no motor vehicle violations.

2. Few Periods of Incarceration (none, one or two)

Use all information available to confirm and supplement the entries on the rap sheets. No jail commitments, as well as only one or two separate jail commitments, receive credit. A period of incarceration is determined to be any period of confinement in a jail or penal institution which is served as all or part of a sentence administered by a judge of a criminal Court.

The jail commitment must have been by a sentence to jail, not merely a hold in jail for investigation, awaiting trial, protective custody, or enroute to another destination. Part or all of the sentence must have been served. Do not count any jail sentence which was totally suspended.

Consider:

- a. Residential Treatment Centers by Court order.
- b. Penal institutions
- c. Jails
- d. State or county farms
- e. Disciplinary barracks (military)
- f. Other institutions not designated as juvenile institution or prison to which the defendant was committed after his 18th birthday.
- g. State Hospital

3. Most Recent Conviction Does Not Involve Checks, Forgery, or Burglary

The defendant receives credit if his most recent conviction prior to present offense was not Forgery (of checks, credit cards, or narcotic prescriptions), Not Sufficient Funds Checks, or Burglary. Credit is not given for any of these three convictions.

Consider only the offenses for which the subject was last convicted. If a man is reparaoled and there is no new conviction other than a parole or probation violation, consider the offense(s) leading to the most recent conviction which placed him on probation or committed him to an institution.

4. No Previous Probation or Parole Failures

Use the available rap sheets and institution summaries to determine if the defendant has experienced previous parole or probation failures. No credit will be given to those having such past experience regardless of whether or not the revocation(s) was based on a new conviction.

5. First Arrest Occurred After the Age of 14

No credit will be given if the defendant: (a) states his first arrest occurred prior to his 14th birthday, or (b) if the defendant's rap sheet or juvenile records (or other background material) indicate that his first arrest occurred prior to his 14th birthday.

Statements by parents, siblings, relatives, or acquaintances referring to the date of the defendant's first arrest will not be acceptable for use in the computation of the score without verification.

6. Few Prior Arrests (none, one, or two)

A defendant receives full credit if he has had none, one, or two arrests prior to the arrest leading to his latest conviction. Arrests are defined in Item 1 - Arrest-Free Period.

If he has had three or more arrests prior to his latest one, enter Zero for no credit.

Consider all available information as well as the "rap sheet" and count as an arrest "every clear indication of conflict with law enforcement authorities before age 18."

Count "a couple of arrests" or unspecified "arrests" as two arrests, and "several arrests" as three arrests.

Do not use vague statements about the defendant's prior record which were made by acquaintances or relatives of the defendant who were not in a position to have verified those arrests.

B) Employment

1. Presently Employed or Otherwise Productively Occupied. (Sixteen Years or Older)

Full credit will be given to the defendant if he is presently:

- a. Employed by another person for 32 or more hours per week;
- b. Self-employed and devoting 32 or more hours a week to such work;
- c. Attending school and carrying an equivalent of 12 undergraduate, college term hours (36 hours estimated as devoted to school weekly);
- d. Working a minimum of 20 hours per week and attending school with an equivalent of 6 undergraduate term credit hours (18 hours estimated as devoted to school weekly).

No credit will be given to the defendant who claims to be self-employed and cannot verify time involvement or income; if he is working only part-time with no other constructive endeavors; if he is attending school part-time and is not involved in any other constructive endeavors; or if he is presently unemployed and totally uninvolved in productive efforts.

No credit will be given to the defendant if he is presently unemployed, but states that he is seeking employment.

To be "productively occupied" is defined as being involved in full-time work which provides the defendant with a living wage, be involved in full-time school which is directed towards a purposeful educational background such as a degree or certificate of skill, or a combination thereof.

2. Twelve Months Steady Employment Within One Year Prior to Arraignment for Present Offense

To receive credit for this item, the defendant will have to have completed twelve months of steady, full-time employment (32 - 40 hours weekly) within the year prior to his arraignment on the present offense. The employment cannot be termed "steady" or "full-time" if there are one or more occurrences of lay-offs or spaces between work periods which exceed 13 work days.

No credit will be given for part-time work.

Credit will be given for regional seasonal work.

Credit will be given in the case of job changes, if there are less than 14 days between jobs.

Full credit will be given if the defendant is a full-time student for a full 12 months during the one year prior to his arraignment on the present offense.

3. Four to Eleven Months Steady Employment Prior to Arraignment For Present Offense (if given 6 points on Item 2, also add 4 points for this item).

To receive full credit, the defendant will have to have completed four to eleven months of steady, full-time employment prior to his arraignment on the present charge.

Work described at "steady" and "full-time" is defined in Item 1. Credit will be given in the case of job changes during this 4 to 11 months period, if there are no periods between employment which exceed 13 days.

No credit will be given for part-time work.

Full credit will be given if the defendant is a full-time student for 4 to 11 months prior to arraignment.

C) Drugs

1. No History of Drug Abuse, Opiate or Synthetic

The defendant receives credit if he has never used or never experimented illegally with opiates or synthetic drugs in his life. "Use" means any illegal use whatsoever by a defendant at any time between his first experimentation to addiction.

2. No History of Drug Abuse, Opiate, Synthetics or Extensive Use of Marijuana

Any defendant shall be considered to have a history of drug abuse or extensive use of marijuana if he has a conviction for the possession or sale of any controlled drug or marijuana, if available source material indicates that he has been involved in the possession or sale of any controlled drug or marijuana, if the defendant admits such use or abuse, or if any reliable source can verify the above behaviors. In such case, no credit will be given.

In the cases where defendants are found to use marijuana only occasionally, four (4) points will be given.

D) Family

1. No Family Criminal Record

The defendant receives credit if there is no evidence of a family criminal record in his history. Criminal record as used here includes any mention of offenses, with arrest, as well as arrests for suspected offenses. Drunk arrests, drunk driving, hit-and-run and negligent homicide are considered as criminal record, but all other traffic offenses are excluded. Include classification as an addict, but disregard commitment to a mental institution.

Consider the following as "family":

- All parents - natural, step, "common-law", foster
- All siblings - natural, half or step-brothers and sisters from legal or "common-law" situations
- All spouses - legal or "common-law"

A "common-law" marriage is any heterosexual living arrangement with the assumption by both parties of the rights, obligations, and privileges customarily associated with marriage in such areas as finances, home maintenance, child rearing, sex relations, and social recognition.

Do not disregard "family" involvement (Crime Partners) in the offense(s) leading to the defendant's latest conviction, and give no credit even if this was the only family involvement.

2. Meaningful Family Ties

Defendant will be given full credit for this item if he demonstrates a verifiable emotionally close relationship with any blood relative, wife, or in-law. This relationship must be reciprocal and with persons age 18 or over.

Family is described as:

- a. Parents - natural, step, adopted, or foster;
- b. Siblings - natural, step, adoptive, or foster;
- c. Wife - legal, or common-law;
- d. In-law - relatives of legal or common-law wife;
- e. Blood relative - grandparents, aunts, uncles, nephews, nieces, or cousins.

3. Favorable Living Arrangement

The living arrangement to be coded is the defendant's last type of residence in the free world prior to the offense which led to his latest conviction. Thus, if a defendant had been confined just prior to the present offense in a penal type institution, camp, or jail, his last residence in the free world before that confinement must be considered.

Give full credit for these living arrangements which are found to be associated with a favorable outcome:

- a. With wife or children anywhere; including common-law wife, adopted or step children, and separated less than one month prior to offense which led to latest imprisonment.
- b. Alone in a fixed abode; at least 6 months residency at an address in one single city, community, or locale just prior to the offense which led to his latest conviction.
- c. In a non-penal institution or camp; including hospital and military quarters, or half-way house for at least two months.

Give no credit for these living arrangements which were found to be associated with unfavorable outcome:

- d. With any of the above described living arrangements which resulted in an unfavorable outcome.
- e. As a transient; with frequent moving among dwelling places or changes of address; in a skid row or transient areas; living with other persons in a temporary labor camp which normally houses persons who work only seasonal jobs.

E) Alcohol

No Alcohol Involvement

The defendant receives credit for this item if he has always been an abstainer or when his use of alcohol does NOT FALL into one or more of the following no-credit categories.

1. If the terms (even though qualified) "alcoholic", "alcoholism", "problem drinker", "occasional alcoholic binges", or any other commonly accepted synonyms which are used as descriptive terms referring to the defendant in the available background information, statements made by those acquainted with the defendant or self-descriptive statements made by the defendant.

2. If the defendant's drinking of alcohol is described as contributing to the offense leading to the latest conviction, or if his use of alcohol on parole was among the reasons for returning him to incarceration.
3. If there is any evidence of the defendant's drinking of any amount of alcohol in the twelve hour period prior to the offense leading to the latest conviction.
4. If the defendant's interest in procuring alcohol was a factor in the offense(s) leading to the latest conviction. However, should a defendant rob a store selling alcoholic beverages and use a request for alcohol only to provide the criminal opportunity, this by itself is not sufficient reason for no credit.

NOTE: The terms "excessive" or "heavy" drinking are difficult to categorize in order to determine whether or not to give credit. These terms do not always denote alcoholism, so they must be interpreted in context with some leniency in judgment.

F) Education

High School Graduate or Equivalency

Give full credit if defendant can produce verification of high school graduation, equivalency, or if such verification can be obtained elsewhere.

G) If the Offender's Present Crime Involves One of the Following, Deduct 25 Points From the Sub-Total

1. Any crime of violence which includes:

- a. Assaultive behavior, including sexual assault;
- b. Any forceful behavior toward persons in the commission of a crime;
- c. The possession or threatening with a weapon (gun, knife, or any object which can be termed dangerous or deadly) during the commission of a crime;
- d. The threat of force or violence during the commission of the crime which is

intended to intimidate the victim.

2. Sale of "hard" Narcotics For Profit

Hard narcotics are defined as heroin, cocaine, other opium derivatives, amphetamines, LSD, or barbituates.

3. Extortion

Any offense which includes the obtaining of funds, property or information by the use of threat of violence, blackmail, or kidnapping is termed extortion.

XV. JUVENILE CLASSIFICATION CRITERIA:

To complete juvenile case classification form (see Appendix B, pg.13).

A) Record

1. No prior petitions filed: (CHINS) (DEL.). Check with Courts, Central, police. Includes petitions nol prossed, not adjudicated, referred to diversion. Any petitions filed deduct total number of points.
2. Few prior police contacts (0,1,2). Actual physical custody by police constitutes police contact. No more than two contacts. Physical custody is questioning at police station, counsel, warn, release, diversions, etc.. Field questioning does not constitute police contact (e.g. home, school or street).
3. No adjudication within past two years prior to the date of present offense. Adjudication is any finding by the Court that a juvenile is a delinquent or child in need of services. Any of the above lose total number of points.
4. No history of burglary, theft, unauthorized use of motor vehicle. Any of the above lose total number of points. Theft does not include shoplifting.
5. No prior ADC commitment to YDC or comparable institution. Any failure lose total number of points. Comparable institution. Example: NH Hospital, Philbrook Center or any involuntary placement.
6. No prior diversion or probation failure. Deduct total number of points for a failure to satisfactorily complete any formalized Court diversion program or if a juvenile while on probation had a violation filed. This would include someone committing a new offense while on probation even through a violation not filed.
7. First arrest at age 12. If the first arrest was at age 12, total number of points is deducted. Arrest is actual physical custody. Arrest must be verifiable.

B) Education

1. Full-Time School Enrollment or Employment

- a. Full-time employment is 32 hours per week, included would be self-employment, or employment by other person or business.
- b. School enrollment equals a full-time student in a prescribed education program.

2. Acceptable Performance at Work or School

- a. Work - no excessive absences or tardiness.
- b. School:- no excessive absences or tardiness as perceived by school; no discipline problems as verified by school; academic performance in line with the juvenile's ability.

C) Family

1. No Family Criminal Record

The juvenile receives family credit if there is no evidence of a family criminal record in his history. Criminal record as used here includes any mention of offenses, with arrest, as well as arrests for suspected offenses. Drunk arrests, drunk driving, hit-and-run, and negligent homicide are considered as criminal record, but all other traffic offenses are excluded.

Consider the following as "family":

All parents - natural, step, "common-law", foster  
All siblings - natural, half or step-brothers and sisters from legal or "common-law" situations  
All spouses - legal or "common-law"

A "common-law" marriage is any heterosexual living arrangement with the assumption by both parties of the rights, obligations, and privileges customarily associated with marriage in such areas as finances, home maintenance, child rearing, sex relations, and social recognition.

Do not disregard "family" involvement (Crime Partners) in the offense(s) leading to the juvenile's latest conviction, and give no credit even if this was the only family involvement.

2. Meaningful Family Ties

Juvenile will be given full credit for this item if he demonstrates an emotionally close relationship with any blood relative. This relationship must be reciprocal and with persons age 18 or over.

Family is described as:

- a. Parents - natural, step, adopted, or foster;
- b. Siblings - natural, step, adoptive, or foster;
- c. Wife - legal or common-law;
- d. In-law - relatives to legal or common-law wife;
- e. Blood relatives - grandparents, aunts, uncles, nephews, nieces, or cousins.

D) Alcohol/Drugs

1. No Alcohol Involvement (excluding experimentation)

The juvenile receives full credit for this item if he has always abstained and does not fall into below categories:

- a. Problem drinker if it impairs social, home, school adjustment.
- b. If juvenile's drinking of alcohol contributed to the latest offense.
- c. If the juvenile's interest in procuring alcohol was a factor in the present offense.

NOTE: The concept of whether or not drinking impairs juvenile's performance is difficult to determine. Use discretion.

2. No History of Drug Abuse or Regular Marijuana Use  
Juvenile receives full credit if he or she has never experimented illegally with drugs. Regular marijuana use is once per week or more.

E) Leisure Time

Positive use of leisure time. No credit is given if the juvenile is hanging around pool halls, etc.. Positive leisure time means organized activities, sports, hobbies, etc., part-time employment. Positive use of leisure time further implies what is socially acceptable.

F) Deduct 25 Points

Deduct 25 points if any history of (including present offense) the following:

1. Crime of violence. Any crime against person, assaults, excluding fights entered into by mutual consent.
2. Minority commitment to YDC or comparable institution.
3. Sale of drugs.
4. Serious criminal mischief. This would include with premeditation, malice, and mens re: (intent).
5. Diagnosed emotional problem which impairs social adjustment.

XVI. INTERSTATE TRANSFER OF SUPERVISION:

A) Definition

A person on probation in this state is transferred to another state or jurisdiction in accordance with the provisions of the Interstate Compact.

B) Purpose

To permit the return of a person who is a resident of another jurisdiction to that jurisdiction while remaining under probation supervision; or, to allow a probationer residing in this jurisdiction the opportunity to move elsewhere for a reason consistent with his/her successful completion of probation (e.g. employment, family, change of environment, etc..)

C) Procedure

All requests for transfer under the terms of the Interstate Compact must go through the office of the Director, who is also the Interstate Compact Administrator for New Hampshire. All requests must follow the procedure listed below and use prescribed forms (see Appendix B).

1. Supervision Request (Form SRL): An original plus four copies are required, with an original plus three forwarded to Central. One copy is retained in the file. Be sure all required information is supplied on the form and under "Other Comments" give a summary of the reason for the request as well as special requests or instructions.
2. Agreement to Return Form: An original plus four copies should be executed, with one copy given to the probationer, three sent to Central and the original retained in the file. This form should be completed in its entirety, witnessed by the supervising Probation Officer and one other person, if possible. The bottom section of the form should be completed for the date that Central will receive and forward the request. Type the Director's name in on the line for Administrator, Interstate Compact.
3. Application For Compact Services (Form V or Form 1A): This form should be completed with

an original plus four copies; with distribution as stated in (2) above. It should be made to "New Hampshire Probation Department" and include the reasons the transfer is requested (e.g. as a resident, to join or re-join family, to secure employment, for educational reasons, etc..)

4. Additional items to be included with an Interstate Transfer Request are the following:
  - a. Copy of Presentence Report
  - b. Copy of Police Report
  - c. Copy of signed Conditions of Probation
5. All the required forms and attachments must be submitted to Central together, after having been reviewed by the District Supervisor. If there is anything out of order the materials will be returned to the district for corrections.

D) Miscellaneous

1. If a response has not been received from the receiving state within 30 days draft a letter of inquiry, cosigned by the Probation Officer and forward to Central for the signature of the Interstate Compact Administrator.
2. In those rare cases where a probationer did not sign the appropriate forms before leaving the state; draft a cover letter to the receiving state requesting that they have the forms properly executed and return our copies to us. In this instance, originals and all but one copy of the Agreement to Return and Application For Compact Services forms would be forwarded to the receiving state.

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I. PHILOSOPHY:

Volunteers in Probation was established in 1969 to allow citizen participation in the Probation Department's rehabilitation process of offenders. Volunteers give of themselves to others and serve without pay. Volunteers come from all walks of life and provide probationers counseling, job referrals, etc.. Their main function is best described as "Lending a helping hand to someone in need."

Volunteers are a viable asset to their community, to the department, and to those probationers they are helping. They bring a wealth of experience, vitality, new ideas and time to the New Hampshire Department of Probation. Their special and varied expertise includes:

- A) Citizen participation and community awareness toward crime and rehabilitation.
- B) Their innovative approaches in working with people and improving the overall probation service.
- C) Their positive assistance and relationship toward their probationer's needs.
- D) Prevention of recidivism through their assistance.
- E) Their assistance in relieving Probation Officers to utilize more time where it is most needed.

II. OBJECTIVE AND GOALS:

A) Objective

The objective of the Volunteer Program is to provide additional help and support to probationers under supervision on a one-to-one basis. Volunteers through their effort deliver services on a more personal level in an attempt to provide guidance, advice and a role model to effectuate in the probationers a more stable and responsible life style.

B) Goals

1. To be able to fulfill the department's goal of rehabilitation of offenders placed on probation and protect society.
2. To be able to increase community awareness and participation in community needs.
3. To be able to increase assistance in performing the basic task of supervising probationers.
4. To be able to increase specific types of assistance to probationers in the areas of housing, employment, vocational training, family finances, etc..
5. To provide a greater number of probation referrals.
6. To involve more qualified people who are dedicated to helping probationers become more effective and responsible citizens.
7. To increase more intense supervision to probationers.
8. To bring more innovative ideas and approaches in working with probationers.
9. To prevent recidivism by changing attitudes and behavior in probationers.
10. To relieve Probation Officers in order to utilize more time for investigations and other duties.
11. To maintain a more viable, ongoing program of citizen participation.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: VOLUNTEER PROGRAM  
SUBJECT: OBJECTIVE AND GOALS

12. To provide closer supervision which could allow more probationers early release.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: VOLUNTEER PROGRAM  
SUBJECT: ADMINISTRATION

III. ADMINISTRATION:

- A) The Director shall oversee and coordinate the New Hampshire Volunteers In Probation.
- B) The Director shall establish and administer standards, policies, and procedures, for Supervisors, Probation Officers and volunteers.
- C) The Director shall approve qualified volunteers pursuant to RSA 504:19 (statutory authority for Volunteer Counselors).

IV. RECORD KEEPING:

A) Office of the Director

1. Shall compile and prepare county and statewide statistics on Volunteer Program concerning trends and developments and other reporting purposes.
2. Appropriate reports, forms, and records shall be maintained on all volunteers.

B) Supervisors

1. Shall insure procedures and formats are followed by staff concerning volunteers.
2. Shall insure monthly statistical reports are prepared properly and sent to Central on time.
3. Shall keep a monthly analysis of program to be reviewed semiannually.

C) Probation Officer

1. Shall be responsible for accurately recording and submitting new recruits.
2. Shall be responsible to insure volunteers are submitting monthly contact reports.
3. Shall be responsible to see that Volunteer Monthly Contact Reports are recorded on the probationer's chronological.

D) Volunteer

Shall submit, using department form, a written probationer/volunteer contact report. This report must be sent in monthly.

V. RULES AND REGULATIONS:

A) Office of the Director

1. The Director shall promulgate rules and regulations for staff and volunteers.
2. The Director shall enforce procedures, standards, and rules for staff and volunteers.

B) Supervisor

1. Shall insure staff are thoroughly aware that rules and procedures are fully implemented for both Probation Officers and volunteers.
2. Shall insure rules and procedures are being followed.

C) Probation Officer

Shall abide by the rules as set forth by the Office of the Director and carried out by the Supervisor.

C) Volunteer

Shall abide by the rules as set forth by the Office of the Director and carried out by the Supervisor.

E) The Probationer

The probationer does not have to accept a volunteer, and may opt for Probation Officer supervision only.

VI. DISCIPLINE:

A) Office of the Director

Volunteers, upon finding of a breach of standards and rules, may be removed from the program.

B) Supervisor

1. Shall be responsible to insure staff is well versed and knowledgeable of all the department's standards and rules.
2. Shall implement and enforce the standards and rules as set forth by the Director.
3. Shall notify the Director in writing of any of their staff's failing to adhere to the standards and rules, with recommendations.
4. A staff member shall receive a copy of the written report and discuss the issues with Supervisor.
5. For just cause remove a volunteer, with approval of Director, for not following the standards and rules.

C) Probation Officer

1. Shall be responsible for the volunteer's being knowledgeable of department's standards and rules.
2. Shall notify the Supervisor of any standards and rules not being adhered to by the volunteers.
3. Shall adhere to all rules and regulations.

D) Volunteer

Shall be knowledgeable of the standards and rules and stay within the confines of those standards and rules.

VII. SUPERVISION OF THE VOLUNTEERS:

A) Office of the Director

1. Shall establish standards and procedures for evaluating the Volunteer Program for ongoing planning and development.
2. Shall establish standards and procedures for evaluating the staff's performance concerning the Volunteer Program.
3. Shall supervise staff to insure proper procedures of recruiting, assignment of volunteers, and methods of supervision are being conducted.
4. Shall attend, on occasion, various volunteer functions, meetings, and training sessions.

B) Supervisor

1. Shall supervise and attend quarterly volunteer meetings.
2. Shall supervise assigned volunteers through their contact reports, or by personal contact with Probation Officer.
3. Shall meet with the staff monthly concerning new approaches, problem areas, and suggestions as to how to improve the program.
4. The Supervisor shall forward suggestions to Central Office for further input.

C) Probation Officer

1. Shall follow the standards and rules set forth.
2. Shall supervise assigned volunteers through their contact reports, or by personal contact with volunteer.
3. Assign volunteer.

D) Volunteer

Shall follow the standards and rules set forth.

VIII. RECRUITMENT:

A) Office of the Director

The Director shall set forth standards and rules for recruiting volunteers.

B) Supervisors

1. Shall implement standards and rules for recruitment.
2. Shall evaluate quarterly the best methods to recruit volunteers, designing new strategies through news media, face-to-face contact, lecturing before civic and other organizational groups.
3. Shall at monthly staff meetings explore past and present methods of recruitment in order to modify and innovate the program.
4. Shall set a goal for recruitment each month.
5. Shall disburse pamphlets to public places monthly.

C) Probation Officers

1. Shall be responsible for ongoing recruitment of volunteers.
2. Shall follow the standards and rules for recruiting.

D) Volunteers

Volunteers should actively promote the program through contact with organizations, peers, family and other useful methods.

IX. ASSIGNMENT:

A) Office of the Director

1. The Director, pursuant to RSA 504:19, shall approve qualified volunteers.
2. The Director shall establish standards and rules for all staff in the assignment of volunteers.

B) Supervisors

1. Enforce the standards and rules for Probation Officers in the assignment of volunteers.
2. Shall be responsible to insure Probation Officers are assigning volunteers within 30 days of acceptance.
3. Shall be responsible to verify that those volunteers assigned are following the standards and rules.

C) Probation Officers

1. The Probation Officer shall have all volunteers assigned within 30 days of acceptance into the program.
2. Probation Officers unable to assign within thirty (30) days shall check with other Probation Officer for assignment.
3. Volunteers should be assigned at the final hearing or during the first supervision interview.
4. Prior to a volunteer being assigned the Probation Officer shall review the casework.
5. Probation Officer shall explain to the volunteer the probationer's rules and special conditions of probation.
6. The Probation Officer shall notify the volunteer of any status or behavioral changes on the part of the probationer.
7. If the volunteer or Probation Officer feels it is necessary, the Probation Officer will attend the first meeting between the volunteer and probationer.

8. If the assignment is a juvenile, the probation officer shall arrange for the volunteer to meet the juvenile's parents after program has been explained to parents.
9. Specifically instruct the volunteers as to their responsibility concerning the standards and rules of what a volunteer can do and has to do.
10. Assign volunteers when investigation is being done and can be part of probation plan and recommendation.

X. RESTRICTIONS AND REQUIREMENTS:

A) Restrictions

1. Volunteers should not miss scheduled contacts and reporting schedules with probationers.
2. A volunteer cannot misuse his position or misrepresent the department.  
Example: Volunteer I.D. Card misuse.
3. A volunteer cannot penalize, arrest, or violate a probationer. The volunteer can only advise the Probation Officer of any violations or social status changes so the Probation Officer can take appropriate action.
4. An absolute requirement: Volunteers cannot under any circumstances release "confidential" information from probation records, other sources primary and secondary, or release information to the public. All information should be kept in confidence, and discussed only with the Probation Officer.

Confidential does not mean withholding known violations of probation from the Probation Officer.

B) Requirements

1. Meet with the probationer once per week or as otherwise agreed to with Probation Officer in relation to the classification plan.
2. Submit monthly "Sponsor Contact Report", or contact Probation Officer monthly.
3. Maintain confidentiality of department records and sources, etc..
4. Shall report to the Probation Officer any violations of the rules of probation.
5. Advise the Probation Officer of any changes in the probationer's social status, i.e., employment, school, relationships, etc..
6. Attend quarterly volunteer meetings whenever possible.

XI. VOLUNTEER SUPERVISION CONTACTS:

A) Probation Officer

1. Probation Officer and volunteer shall set up an agreeable reporting schedule.
2. During the first month the Probation Officer should carefully monitor the volunteer and assigned probationer. This should occur by consulting the volunteer and the probationer.
3. Depending on the circumstances, after the first month changes in the Probation Officer's monitoring of the assignment may increase or decrease. If the assignment is positive, it should not be necessary for the Probation Officer to also supervise the case. Periodic contact with the volunteer should suffice.
4. Probation Officer must insure receipt of the monthly volunteer progress report and document the report to the probationer's chronological.
5. The Probation Officer shall appraise the volunteer of the probationer's change in social status, employment, residence, new crimes or any significant changes of which the volunteer may not be aware.

B) Volunteer

1. During the first month a weekly scheduled meeting with the assigned probationer shall occur.
2. After the end of each month the volunteer shall submit on department forms a monthly "Volunteer Report" or contact Probation Officer concerning the dates, times, places of contacts and any behavioral or social changes noted.
3. After one-half the term of probation, if the probationer has followed the conditions and made positive improvements, the volunteer may request the Probation Officer for early release.
4. Volunteer shall appraise the Probation Officer of any change in social status, example: family, employment, residence. Further, any possible violations, or new crimes, as soon as possible.

XII. TRAINING:

A) Director

The Director shall develop basic orientation and in-service Volunteer Training Programs.

B) Supervisor and Probation Officer

1. Shall be responsible for volunteer orientation and ongoing training of volunteers.
2. Shall insure proper format and contents of quarterly volunteer meetings, such as guest speakers, movies, etc..
3. Shall attend quarterly volunteer meetings.

C) Volunteer

Shall attend quarterly volunteer meetings.

XIII. PUBLIC RELATIONS:

A) Office of Director

1. Shall maintain a liaison with the Courts in order to facilitate and improve the Volunteer Program.
2. Shall supervise and maintain contact with local and state Probation Officers concerning all phases of the Volunteer Program,
3. Shall represent the department in attendance at state, regional or national conferences concerning the use of volunteers in corrections.
4. Shall conduct public relations through informing the public of the work and contributions of the Volunteer Program.

B) Supervisors and Probation Officers

1. Shall broadcast the time and place and topic of Volunteer Program meetings.
2. Shall seek innovative methods concerning public relations to recruit and to extend knowledge of the Volunteer Program.

XIV. MISCELLANEOUS:

A) Research and Policy Recommendations

The Director shall conduct research studies relative to the Volunteer Program and may participate, or solicit the assistance of other public and/or private agencies in research projects.

B) Relations With the Board

The New Hampshire Board of Probation endorses the Volunteer Program and mandates that all the standards, procedures and rules shall be adhered to in the fullest by all staff.

C) Financial Responsibility

Volunteers shall serve without compensation.

D) Reports

Forms and monthly reports now in use by the department are contained in Appendix C.

1. Sponsor Contact Report (also referred to as Volunteer Report): to be completed and submitted monthly by assigned volunteers.
2. Probation Sponsor Application: to be completed and submitted by anyone who desires to be a volunteer.
3. Sponsor Screening Report: to be completed by recruiting Probation Officer and forwarded to Central with any Sponsor Application.
4. Volunteer Stats Form: to be completed by Probation Officer, approved by District Supervisor and forwarded to Central monthly.
5. Codes For Volunteer Stats

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I. DEFINITION AND PURPOSE:

A) Definition

A violation report is a complaint brought before the Court by the Probation Officer alleging a person under Court ordered supervision by the Probation Department has failed to comply with the rules of probation as well as any special conditions which were imposed by the Court at the time of sentencing.

B) Purpose

The Court has entrusted the responsibility to the Probation Officer for insuring compliance with the orders of the Court. It is the Probation Officer's responsibility to inform the Court when:

1. Noncompliance with the Court ordered conditions of probation exists to the point that the New Hampshire Probation Department can no longer expect successful completion of the order of the Court.
2. The probationer's action becomes such that the individual represents a danger to self and/or society.
3. Provides a vehicle by which the Probation Officer will compel a probationer's obedience to the order of the Court.

II. STATUTORY AUTHORITY:

- A) The statutory authority enabling a Probation Officer to file violation reports in both adult and juvenile cases is contained in RSA 504:4.
- B) The adult conditions of probation are contained in Rules of Court #109. Juvenile rules of probation were established by the New Hampshire Board of Probation. Special conditions are set by the Court. This varies from Court to Court.

III. BASIS FOR ADULT VIOLATIONS:

A) Policy

Violations should only be filed when conditions of probation have been violated. Arrest on a new charge is not to be considered grounds for violation. The conditions of probation are contained in Rule of Court #109, and are discussed below with explanation.

1. "Comply with all orders of the Court including any order for the payment of money."

This condition applies only to those sums specifically designated by the Court, such as fines, restitution or attorney's fees. The department is not a collection agency for the community, and failure or inability of a probationer to meet his financial obligations is not to be considered a violation. When payments are ordered by the Court, a reasonable payment plan is to be made. If the plan is not followed, and a pattern of nonpayment evolves without justification, a violation should be filed. Do not wait until the last month of probation and expect to receive the entire amount in one payment.

2. "Report promptly to the Probation Officer at such times and places as the Probation Officer shall direct."

While no violation should be filed if a probationer fails to report once, neither should he be allowed to not report. A reporting schedule is to be set up and if a probationer fails to report, a letter should be sent and if he still fails, a second letter to report followed by a home visit. Make sure it is an active failure to report and not an inability. Before alleging failure to report or absconding, check all available leads: home, family, job, friends, police, etc..

3. "Notify the Probation Officer immediately of any change of residence, employment, and/or address."

This condition should be enforced with a liberal degree of reason. The probationer can advise

of any changes during the regular reporting session. However, if he simply will not adhere to the condition, a violation would be in order, after a warning.

4. "Permit the Probation Officer at all reasonable times to visit the premises in which the probationer resides, for the purposes of inspection and examination of same."

Again, a violation on this condition must be reasonable. Refusal to permit is the only violation. (See search under Supervision).

5. "Diligently pursue some lawful employment."

Someone unemployable, because of illness, disability or emotional instability, is not to be violated. The Probation Officer should use reasonable discretion that someone is refusing work or not otherwise productively occupied (school, treatment, etc.).

6. "Provide adequate support for all persons dependent upon him."

If there is an existing order for support, the matter should return to the Court as a marital matter. If there is no existing order, the Probation Officer is not to violate unless all other remedies have been exhausted.

7. "Not associate with persons of harmful character, or who may have Court records, or others who may be specified by the Probation Officer."

Before filing a violation of this condition, the Probation Officer should be prepared to prove at a hearing that such association will be harmful to the probationer, and that the probationer was specifically warned against such associations.

8. "Not illegally use or possess any drug nor visit or be present where drugs are sold, dispensed, and/or possessed by others."

If a probationer's original offense was drug oriented and he is convicted of a subsequent offense in a lower Court, a violation should

be considered. However, progress and rehabilitation are the goals, and the probationer's overall progress and activities should be considered before filing a violation.

9. "Not receive, possess, or transport any weapons, explosives or firearms."

Many probationers, especially in the rural areas, own weapons used for hunting. These people should not be expected to dispose of their weapons, however, they should be told to store them away during their period of probation. Permission to go hunting with weapons cannot be given except by order of the Court. In the event a probationer is found to be in possession of a weapon after he has been specifically told he is not to, he may be violated.

10. "Undergo any psychiatric, alcoholic, and/or drug abuse treatment as may be prescribed and/or arranged by the Court or the Probation Officer."

In the event a probationer refuses or intentionally sabotages any treatment which has been specifically ordered by the Court or a Probation Officer, a violation may be filed.

11. "Be of good behavior, observe all laws, and keep the peace."

This condition is very difficult to interpret. If it becomes necessary to return a probationer to Court, a specific condition should be cited. If a probationer's overall conduct becomes such that it is harmful to the community or himself, he should be returned to the Court. It is always best to file a violation which alleges a specific action or a failure to take a specific action.

12. "Not leave the state without permission, etc.."

Crossing the border to go shopping should include notification to the Probation Officer and violations on this condition should be restricted to either continued trips without notification or trips for activities which would be in violation of probation.

B) Refusal To Sign Conditions

A probationer who refuses to sign the conditions of probation shall be returned to Court immediately via a probation violation report; with the reason being said refusal to sign (and thereby accept) the Court imposed conditions of probation.

IV. BASIS FOR JUVENILE VIOLATIONS:

A) Policy

Any violation of a juvenile should be filed with the best interest of the juvenile and his welfare in mind. All conditions of juvenile probation should be considered as guidelines for assisting the juvenile toward a successful modification of his behavior. So long as progress toward satisfactory adjustment is demonstrated, individual violations of conditions should be dealt with in the field and a violation filed only if the Probation Officer is unable to deal with the juvenile.

A violation is not to be filed at the time of a new arrest. In the case where the new arrest will be heard before the Court of origin, comments by the Probation Officer should be included in a new or updated probation report. In the case of disposition in a Court other than the Court of origin, the Probation Officer may file a violation if the probationary status was not taken into consideration in sentencing.

B) Conditions of Probation

1. Report promptly to the Probation Officer at such times and places as the officer shall specify.
2. Curfew: Week nights \_\_\_\_\_ p.m. Friday and/or Saturday \_\_\_\_\_ p.m. (Exceptions may be granted for special events and/or merit)
3. Attend school regularly and maintain grades as high as possible. No truancy. Not allowed to quit or withdraw from school without permission of Probation Officer and parents/guardians.
4. Cooperate with parents/guardians at all times and be responsible in behavior both at home and the community.
5. Receive counseling or therapy as may be required by Court or Probation Officer.
6. Abstain from the use of all alcoholic beverages and illegal drugs.
7. Not associate with any individual or group known to make use of illegal drugs, with persons who have Court records or those identified

by the Probation Officer.

8. If not a school student and if employed, you shall list earnings and the manner in which it is spent. If unemployed you must actively seek employment or be enrolled in a program approved by the Probation Officer.
  9. Notify the Probation Officer as to any change in address, school status or employment if you are working.
  10. Pay at such times and in such amounts as determined by the Probation Officer all restitution that may be ordered by the Court.
  11. Personal living quarters shall be open at all reasonable times for examination and inspection by the Probation Officer.
  12. Not leave the state without the permission of the Probation Officer.
  13. Special conditions made by the Court or Probation Officer:
- 
- 

V. VIOLATION REPORT FORMAT:

A) Procedure

When the decision has been made to file a violation with the Court, five copies of form #1 (see page 11) should be completed with the original to the Court, one copy to the County Attorney, one copy to Central, one copy to the defendant, and one copy for the file.

B) Violation Format

1. Will be the number of the original order placing the person under the supervision of the N.H. Probation Department.
2. The defendant's full name and date of birth.
3. Current or last known address of the defendant.
4. The date of the final disposition of #1 above.
5. The presiding judge on that date.
6. Copy of disposition from the original order.
7. Same as #2 omitting date of birth.
8. Specifically list the way(s) in which the defendant has failed to comply with the conditions of probation or Court order. (Be sure to give dates, places and specific actions.)
9. Date of the violation report.
10. Probation Officer signs full name with name typed underneath.
11. (a) In the case that the defendant need not be confined pending disposition of the violation, the Probation Officer will check this box which is requesting that the Clerk of Court set a date for the matter to be heard.
11. (b) In the event that the Probation Officer believes that either the defendant (a) will not appear at the violation hearing on his own or (b) that he presents a danger to either himself or society, the Probation Officer will check this box thus causing the Clerk of Court to

arrange for the issuance of a warrant,  
capias, or detention order.

- 12. The Probation Officer should put a cash amount  
in this box only if 11b is checked.

All below #12 are to be filled out after the disposition  
of the violation.

C) Supporting Affidavit

- 1. In addition to completing form #1, three copies  
of form #2 (see page 12) will be completed, one  
being forwarded to Central and two for the file.  
This is not filed with the Court.
- 2. This form should be a narrative of the conduct  
of the defendant, action by the Probation Officer  
to prevent the violation and should cover the  
who, what, when, where and why aspects of the  
violation. Be specific, citing rule violations  
with explanations.
- 3. This affidavit is to be signed by the District  
Supervisor prior to the violation report being  
filed with the Court.
- 4. When sending this form to Central, a copy of  
the chronological report shall be attached.

(#1) Court No. \_\_\_\_\_

NHPD Form #1

STATE

VS.

The undersigned, a Probation Officer for the State of New  
Hampshire, states that

(#2) \_\_\_\_\_ of (#3) \_\_\_\_\_  
(name) (address)

was before this Court (#4) \_\_\_\_\_ and (#5) \_\_\_\_\_  
(date) (Judge)

made the following order: (#6) \_\_\_\_\_

and that the said (#7) \_\_\_\_\_ is now in violation of said  
(name) order in that (#8) \_\_\_\_\_

(#9) \_\_\_\_\_ (#10) \_\_\_\_\_  
(date) (signed)

It is therefore requested that:

(#11a) \_\_\_\_\_ A hearing be set up by the Court to hear this matter.

(#11b) \_\_\_\_\_ The Court issue a warrant/capias for the arrest and  
detention of the above with bail set in the amount of  
(#12) \_\_\_\_\_.

After hearing, the Court enters the following order:

\_\_\_\_\_  
(Date) (Judge)

Court No. \_\_\_\_\_

NHPD Form #2

PROBATION OFFICER'S SUPPORTING AFFIDAVIT  
FOR VIOLATION REPORT

List conduct while on probation, action taken by Probation Officer to prevent violation, and detailed description of activities of probationer, making violation necessary.

Date: \_\_\_\_\_

\_\_\_\_\_  
State Probation Officer

Approved: \_\_\_\_\_

\_\_\_\_\_  
(Supervisor)

VI. FILING THE VIOLATION:

- A) Reach conclusion that a violation is necessary.
- B) Discuss proposed violation with Supervisor except in emergency cases.
- C) Complete necessary forms #1 and #2 to be signed by the Probation Officer and Supervisor.
- D) File report with the Court, sending copies to appropriate persons.
- E) When a capias or warrant is necessary, make sure it is given to the proper authorities for execution.
- F) If probationer is arrested, get a hearing date immediately.
- G) Hold a preliminary hearing when necessary.
- H) Give proper notification of hearing date.
- I) Summon witnesses (when required).
- J) Attend hearing and present case.
- K) Follow up with necessary clerical procedures following disposition of case, i.e., make chronological entry of outcome of case, close case when appropriate, etc..

VII. ARREST OF VIOLATORS:

A) Warrants or Capias

In those adult cases where a warrant or capias is in effect concerning a probationer, the Sheriff or a police officer should serve the warrant and make the arrest. When a probationer is arrested, it is the duty of the Probation Officer to meet with the probationer to explain the nature of the violation and make sure the probationer has a copy of the violation report form #1. He should also be advised of his right to counsel and a hearing.

The Probation Officer should also contact the Court, especially in those cases where bail has not been posted, in order to insure a speedy hearing. If bail is not posted or a hearing date set within fourteen (14) days, a preliminary hearing must be held.

B) Warrantless

In cases where a warrantless arrest is deemed necessary, the Court should be notified and a probation violation report filed immediately (within 24 hours). A probationer arrested under such circumstances should be given the opportunity to post bail immediately following his arrest. To accomplish this the Probation Officer will contact a bail commissioner. Warrantless arrests should be avoided if at all possible and should only be made under the most extreme circumstances. If and when such an occasion exists, an attempt should be made by the Probation Officer to be accompanied by a police officer.

In juvenile cases where it is necessary to take custody of the juvenile in violation of his probation, the same procedures and safeguards should be followed within the context of the juvenile statutes. In addition, the parents or guardian having custody of the juvenile shall be notified immediately.

In those cases where the filing of a probation violation report is deemed necessary by the Probation Officer, but there seems to be no justification for taking the probationer, adult or juvenile, into custody, the probation violation shall be filed with the Court, a Court date set and the probationer (and parents or guardian in juvenile cases) notified by mail along with a copy of the violation form #1.

VIII. PRELIMINARY HEARING:

A) Application

1. The following procedures do not always apply to juveniles. However, if a juvenile is to be incarcerated for any period of time, a preliminary hearing must be held.
2. Probationers in violation of their probation and not arrested and not held in custody have no need for a preliminary hearing.
3. The following decisions and/or laws allow a probationer in violation of the conditions of probation a preliminary hearing before an impartial hearing officer.
  - a. Gagnon v. Scarpelli, 411 U.S. 778 (1973)
  - b. Morrissey v. Brewer, 408 U.S. 471 (1972)
  - c. Stone v. Shea, 113 N.H. 174 (1973)
  - d. Part I, Article 15, of N.H. Constitution

B) Hearing Officer

1. A hearing officer cannot be directly involved with the case.
2. A hearing officer does not have to be a lawyer and can be any citizen not directly involved in the case.
3. The hearing officer should not be the Supervisor or the Probation Officer who filed the violation.
4. A hearing officer can be selected from:
  - a. Youth Development staff.
  - b. New Hampshire Parole Department staff.
  - c. Probation Officer not involved in the case and any Court officer not involved in the case.

C) Preliminary Procedure

1. If a bail hearing is conducted, and the probationer is released on bail or personal recognition, there is no need for a preliminary hearing. Simply, once the probationer is released from custody there is no need for preliminary hearing.
2. If the incarcerated probationer cannot make bail or there is a delay in setting a bail hearing, there must be a preliminary hearing as soon as possible, but within two weeks. Again, 14 days is the absolute maximum. Under normal circumstances, a hearing is to be held within 48 hours or, if a weekend is involved, in 3 to 4 days.
3. Counsel For the Indigent Probationer: Indigent's need for appointed counsel must be made on a case-by-case basis. The hearing officer must use considerable discretion as to whether or not to request appointed counsel.

NOTE: The state is not under any constitutional duty to provide counsel for indigents during a preliminary hearing.

D) Definition

The preliminary hearing is for those probationers in violation of probation and being held in custody. The preliminary hearing is a probable cause hearing to determine whether there is probable cause that the probationer violated any of the conditions of probation. The technical rules of evidence need not apply.

E) Procedure

1. Upon arrest the probationer must receive a written copy of the alleged violations of probation. It must be related to probationer that not longer than 14 days, and hopefully, as soon as possible, a preliminary hearing will take place.
2. Advise probationer of his rights by reviewing Waiver - Preliminary Hearing Form (see pg. 17). If the probationer does not want a preliminary hearing, have probationer sign Waiver - Preliminary Hearing form in duplicate, giving one

Court No. \_\_\_\_\_

NHPD Form #3

WAIVER  
PRELIMINARY HEARING

I, \_\_\_\_\_, currently on probation from \_\_\_\_\_ Court and for the charge of violation of probation, have been apprised of my rights to a preliminary hearing and have been given written notice of the claimed violations of probation by Probation Officer \_\_\_\_\_.

After having been apprised of my constitutional rights, I do hereby voluntarily waive the right to a preliminary hearing which includes the following:

1. Opportunity to be heard and to present witnesses and documentary evidence.
2. Right to cross-examine adverse witnesses (unless hearing officer finds good cause not to allow confrontation).
3. A neutral and detached hearing officer.
4. A written statement by the hearing officer as to the evidence and reasons for revocation of probation.

I voluntarily waive these rights pending my appearance at a final hearing before \_\_\_\_\_ Court.

WITNESS: \_\_\_\_\_ Signed: \_\_\_\_\_

Date \_\_\_\_\_ Date \_\_\_\_\_

District Office \_\_\_\_\_

**CONTINUED**

**2 OF 4**

copy to the probationer.

3. If the probationer requests a preliminary hearing, the Supervisor is to assign a neutral and impartial hearing officer and set a date for hearing, informing the probationer of time and date. The Supervisor of the district is responsible for assigning the hearing officer.
4. Inform the probationer he or she is entitled to the following constitutional rights at the preliminary hearing:
  - a. To be heard in person;
  - b. To present witnesses and documentary evidence;
  - c. Right to cross-examine adverse witnesses (unless hearing officer finds cause not to allow confrontation);
  - d. A written statement of the neutral and impartial hearing officer as to the evidence and reasons relied upon for his decision to revoke the probationer's probation or release probationer without a finding.
5. The hearing should be flexible and informal.

F) Hearing Officer's Decision

The hearing officer's final decision must be written and provide for one of the following:

1. If the hearing officer finds no probable cause the Probation Officer must withdraw the violation and the probationer is released from custody.
2. Release the probationer pending a set Court date for a final judicial hearing.
3. The probationer is returned to the County Jail pending final judicial hearing.
4. Five copies of the hearing officer's decision shall be distributed as follows:

- a. Original to the Court.
  - b. One copy forwarded to Central.
  - c. One copy to the probationer.
  - d. One copy to the district office file.
  - e. One copy retained by the hearing officer.
5. A final hearing date will be set by the Court for the ultimate determination of revocation of probation.

IX. COURTROOM PROCEDURE:

- A) Prior to the actual violation hearing, the Probation Officer shall meet with the prosecutor to review the case material.
- B) The Probation Officer should be prepared to supply the prosecutor with necessary names and documents: i.e., names of victims, witnesses, etc. to support his affidavit and complaint. In some areas prosecutors are not available. Consequently, the Probation Officer should be prepared to present his own case. In the event that a Probation Officer must prosecute, but for some reason is unable to, the Supervisor shall prosecute the case.
- C) The Probation Officer must be thoroughly familiar with rules of Court, juvenile and criminal codes and general Courtroom decorum.
- D) At an uncontested violation hearing, the Probation Officer will simply offer testimony in support of his violation and be prepared to present a recommendation when requested. In those cases where there has been an agreed upon recommendation, it is the Probation Officer's duty to inform the Court that such an agreement has been made and the nature of the agreement.
- E) In the case of contested violations, the Probation Officer and/or prosecutor must present evidence which will substantiate the allegation(s) set forth in the violation report.
- F) Probation Officers prosecuting their own violations should be prepared to examine and cross-examine witnesses and be confronted by the defendant or counsel for the defendant.

X. INTERSTATE COMPACT CASES:

A) Supervised by New Hampshire

1. Information on violation by a probationer being supervised under the Compact is provided by the supervising officer to the Probation Officer of the out-of-state sentencing Court where the probationer was convicted; using Violation Reports Forms 1 and 2 (see pages 11 and 12). All correspondence on Interstate Compact matter is routed via Central Office (Interstate Compact Administrator).
2. Such a probationer should be reported as in violation to the agency of the state of origin where, by the evidence that can be provided the original sentencing Court, a violation proceeding is reasonably possible. In general, this standard is more rigorous than that applying to N.H. violators to be processed locally. In case of doubt, consult the N.H. Director of Probation as Compact Administrator.

B) New Hampshire Probationer Supervised Out-of-State

When a violation report on a New Hampshire probationer is received by the Director, it will be forwarded to the district office which normally would have exercised supervision, for decision as to appropriate further action, according to the gravity of the case and recommendations made by the supervising agency.

1. Where the probationer has received a sentence for a new offense that will carry beyond the expiration of the term of probation ordered in New Hampshire (or is likely to), proper action will be to so inform the Court by letter and otherwise carry the case through normal expiration.
2. Where the nature of the violation warrants and the evidence appears sufficient, a violation proceeding may be initiated subject to concurrence of the Director.
3. In every case both district and Central office files will be maintained and records annotated appropriately.

XI. INTRASTATE CASES:

Where the Director has transferred a case between districts for supervision, a violation proceeding will be initiated in the Court or origin, but prosecuted by the Probation Officer actually exercising supervision.

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N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: RECORD KEEPING  
SUBJECT: DECENTRALIZATION OF  
RECORDS

I. DECENTRALIZATION OF RECORDS:

All adult and juvenile records are to be kept in district offices. This includes active and closed files. The district office shall insure security of the cases. These cases are the only records and files that are maintained. There are no duplicate files at Central Office. Central Office retains the master card, update notices, restitution forms, etc..

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: RECORD KEEPING  
SUBJECT: INACTIVE CASES

II. INACTIVE CASES:

A) Policy

Any case which has a violation outstanding for over three months shall be placed on inactive status. An inactive case shall be reopened upon apprehension on the violation.

B) Reopening

If the Court upon hearing continues the case on probation, the case must be reopened and Central shall be notified of the change in status from inactive to reopened and counted on the monthly statistical reporting form. If the Court discontinues probation, the case is reopened and closed with a memo of explanation to Central. In both instances a copy of the violation shall be forwarded to Central with the reopening slips or closing slips. This material shall be included in one package so when it arrives at Central all material will be together.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: RECORD KEEPING  
SUBJECT: NEW INVESTIGATIONS

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: RECORD KEEPING  
SUBJECT: STATE POLICE  
RECORD CHECKS

III. NEW INVESTIGATIONS:

When a complaint or indictment is received in a district office on a juvenile or adult case, no information is sent to the Central Office. When the investigation is completed an original and two copies are typed. The original is filed with the Court and two copies are retained in the district office case file.

IV. STATE POLICE RECORD CHECKS:

State Police record checks are still to be forwarded through Central Office, an original and three copies. The record check will be returned to the district office when received from the State Police.

V. DISPOSITIONS:

A) Policy

Once a disposition has been made on any adult or juvenile case, an index card must be sent to Central Office. An index card must be sent to Central Office on all cases when a disposition is made, whether or not the subject is placed on probation. The card must be filled in entirely with all information. Be sure the date of disposition is on the card. If more space is required to type in dispositions, use the reverse side of the index card. If all the information required is not filled in, the cards will be returned to the District Supervisor for appropriate action. If a defendant is placed on probation and for some reason a presentence investigation was not done, attach a memo to the index card indicating a presentence investigation was not completed and the reason why.

B) Commitment to Y.D.C. or State Prison

If the disposition includes commitment to either the Youth Development Center or the N.H. State Prison, one of the two remaining copies of the investigation in your file is to be sent directly to the institution involved with a cover letter. It is essential that these institutions receive their copy of the investigation immediately. You are to note on the index card being sent to Central Office the date the investigation was forwarded (see Section C below).

C) No Action Cases

"NO ACTION" cases are those where the disposition does not involve probation or payment through the Probation Department. In other words, any case not made active or counted on the caseload. This would involve such dispositions as: Commitment to Y.D.C., State Prison, House of Correction, Nol Prossed, Continued for Sentence, Not Indicted, etc..

Do not send a regular blue or orange index card to Central on these cases. Forward a 3 x 5 white index card on all such cases with the information indicated on the sample shown. If the disposition includes commitment to either State Prison or Y.D.C., indicate at the bottom of the card the date a copy of your investigation was forwarded to that institution. At the top of the district office's own blue or orange index card mark "No Action" and the year.

Since "No Action" cases must be forwarded to Archives separately, they should be marked "No Action 19\_\_" and kept together, alphabetically, behind the closed 19\_\_ cases.

The following information should be included on the "No Action" card sent to Central:

1. Defendant's date of birth
2. Defendant's name - under name whether adult or juvenile
3. No Action and year
4. Your District Number
5. Offense, date and disposition
6. If applicable, the date a copy of the investigation was sent to Y.D.C./State Prison.

SAMPLE

DOB: 01-01-60

DOE, JOHN C.                      NO ACTION '80                      #7  
(Adult)

3/21/80- Committed to State Prison not more than  
3 years nor less than 1 year and 1 day.

3/22/80- Copy of investigation to State Prison.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: RECORD KEEPING  
SUBJECT: CHRONOLOGICALS

VI. CHRONOLOGICALS:

No chronologicals are sent to Central Office. Only an original is made for the district office file. The only exception to this rule is that copies of chronologicals are attached to violations and forwarded to Central.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: RECORD KEEPING  
SUBJECT: CLOSING SLIPS

VII. CLOSING SLIPS:

Be sure to indicate beside the probationer's name whether it is an adult or juvenile case. Also, fill in both restitution owed and restitution paid. If no restitution ordered, indicate by \$0.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: RECORD KEEPING  
SUBJECT: REOPENING CASES

VIII. REOPENING CASES:

When a case is to be reopened, notify Central Office by memo indicating the date case was closed/inactivated and the reason for reopening. If restitution or other payment is involved, be sure to send an update reopening on the computer.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: RECORD KEEPING  
SUBJECT: GENERAL CORRESPONDENCE

IX. GENERAL CORRESPONDENCE:

Copies of correspondence, memos, etc. are not sent to Central. However, you are to make absolutely certain that a copy of all correspondence, memos, etc. on any case is kept in the file since this will be the permanent case file. Again, a copy of all correspondence, memos, etc. done on a case is to be kept in your file.

X. PROGRESS REPORTS:

Progress reports are to be sent directly from the district office to the Interstate Compact Director of the state you are supervising for, an original and one copy. At the bottom of the report on the line that says for: type in John A. King. The line that says By: should be signed (Not Typed) by the Probation Officer handling the case.

XI. RESTITUTION, FINES, ETC.:

On any case where restitution, fine or any other type of payment is ordered through the N.H. Probation Department, an update must be sent to Central Office to set up the case on the computer. Restitution forms are to be forwarded the day the disposition and index card are done. If the amount owed or the payee have not been determined, send the update setting the case up and forward the necessary information on another update when it is determined. Do not wait to set the case up - it must be set up immediately. If you need a case I.D. number, Central will still provide one at your request. Be sure to indicate on the update whether the case is a juvenile or adult. Restitution cases with more than one payee must list all payees and the amount due each one as, A, B, C, etc., and a corresponding paycard and number must be set up for each payee in the district office. Restitution must be prorated if there is more than one payee and receipts issued for each account number.

If a defendant is ordered to pay both restitution and a fine or lawyer's fee, and the Court order does not specify a certain amount to be paid, i.e., \$5.00 per week on restitution and \$5.00 per week on fine, if the defendant indicates he is paying on the restitution only or fine only, the full amount may be applied to that account.

All restitution forms must provide the information requested for the reverse side on who, what, where, etc.. If restitution is to be paid to an insurance company, the name, address and claim number of the insured party must be provided. Any update received without all the required information will be returned to the District Supervisor for appropriate action.

When a restitution, fine, lawyer's fee, etc. has been paid, an update is still sent to Central Office closing the account on the computer. However, if the case is still active as probation, please state this on the update. If the entire case is to be closed, a pink closing slip must accompany the update.

NOTE: All new restitution cases shall have a copy of the facesheet attached to the update.

On restitution update, indicate beside total restitution ordered the Court that issued the order. (Ex.: Hills. Superior Court, Rochester District Court, Rock. Superior Court). Also, when a restitution check is mailed from Central, the check stub will be attached to your copy of the letter and forwarded to the district to be retained in your file.

N.H. PROBATION DEPARTMENT  
PROBATION DEPARTMENT

SECTION: RECORD KEEPING  
SUBJECT: ANNULMENTS

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: RECORD KEEPING  
SUBJECT: WORK RELEASE

XII. ANNULMENTS:

On any case where a record is annulled, all material on that case is forwarded to Central Office immediately. Absolutely no information on the case is kept in the district office. The case file shall be marked "Annulled Record."

XIII. WORK RELEASE:

Set up in the same manner as an adult case forwarding an index card and update to Central Office. If the subject is already on probation it is not counted as a new case on the monthly statistics. If not on probation, it is counted as a new case.

XIV. TRANSFER OF CASES:

A) General Policy

When transferring a case to another office, a copy of the green transfer notice shall be sent to Central Office, as well as a probation update if there is restitution, fine, attorney's fees, etc. involved. Indicate beside name on transfer slip whether case is adult or juvenile.

B) Transfer Between Local Probation Offices

Cases may be transferred from one local probation office to another without forwarding through Central. If the local probation office requests the State Probation Department to supervise a probationer or to investigate a case the request shall go through the Central Office and will be forwarded to the designated state district office and not to a local probation office. (See Procedures under Investigation section of this manual).

C) Transfer Between State Probation Offices

All requests for supervision or investigation between district offices (State) shall be forwarded to Central. Central will, in turn, forward to the appropriate district office.

District offices shall not forward to local offices unless an arrangement has been made. (For example, dual supervision or other case).

D) Transfer Statistics

When transferring a case (transfer out) the case is no longer carried as an active case on the monthly statistical form.

A district office receiving a transfer case shall count the case as a transfer in and the case will be active on the monthly statistical form.

NOTE: Please refer to the Investigation section of this manual for both Intra and Interstate procedures.

XV. STORAGE OF RECORDS:

A) Policy

All cases closed for a period of two years are transferred to the custody of the Director of the Division of Records Management and Archives under the provisions of RSA Chapter 8 - B.

B) Procedure

1. Closed cases are to be kept in the district office for two years.
2. At the end of two years the cases shall be forwarded in alphabetical order to Central.
3. Central prepares the case records for storage at State Archives.

NOTE: Case records are stored and are available to all Probation Officers for review and inspection. To gain the case records, contact Central and the records shall be sent. Upon completion, the records are to be returned to Central.

XVI. JUVENILE CLOSED CASES:A) Policy

Juvenile cases closed are to be kept separated from adult closed cases by year and in alphabetical order. As time occurs the old second year cases are to be taken to Central Office along with the adult closed cases of the same year for deposit in Archives.

B) Statutory Provisions1. Delinquency Records (RSA 169-B:25)

"Except as provided in RSA 169-B:24 and RSA 169-B:39, all records pertaining to cases of delinquency shall be kept at all times so that no one shall have access to the same except officers of the institution where the minor is committed, duly accredited Probation Officers, parent, guardian, custodian, minor's attorney, and others entrusted with the corrective treatment of said minor. Additional access may be granted by Court order or upon the written consent of the minor. Once a delinquent reaches 19 years of age, all Court and individual institutional records including police records shall be sealed and placed in an inactive file."

2. CHINS Records (RSA 169-D:25)

"All records pertaining to cases of children in need of services shall be kept at all times so that no one except duly accredited Probation Officers, others entrusted with the supervision of said child, the child, a parent, guardian, custodian, and the child's attorney shall have access to the same. Additional access may be granted by order or written consent of the child. Once a child in need of services reaches 18 years of age, all Court and police records shall be destroyed."

C) Procedure

1. Upon closing a juvenile file, all the material in each case is sealed by stapling the top edge of the case folder.
2. The folder is marked in big red letters: CLOSED JUVENILE, with the date of closing.

3. It is then filed in the closed file for the year, alphabetically in the juvenile section.
4. A copy of the closing slip is sent to Central.
5. In the case of children in need of services, when child reaches age 18 all the records shall be placed in the folder, sealed and marked for destruction. Send all the material to Central for destruction.
6. After two years of closing juvenile delinquent records shall be forwarded to Central to be stored in Archives.

D) Confidentiality1. Delinquents (RSA 169-B:36)

"Any officer or employee of an institution who permits other than authorized persons to have access to such records, or any officer or employee or person entrusted with the use of the same for corrective purposes, or anyone else, who publishes or broadcasts or permits the publication or broadcast of such records or parts of the same, except by Court order, shall be in contempt of Court. This prohibition shall not be construed to prevent publication as provided in RSA 169-B:37."

2. CHINS (RSA 169-D:26)

"Any person who permits other than authorized persons to have access to such records, or who publishes or broadcasts or permits the publication or broadcast of such records or parts of the same, except by Court order, shall be in contempt of Court."

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I. DELEGATION OF AUTHORITY:

- A) Delegation of authority within the agency is as follows:  
Director to Assistant Director to District Supervisor  
to Probation and Domestic Relations Officer.
- B) In the absence of a Supervisor for two or more work days  
or in any matter of urgency when the Supervisor is not  
readily available and an immediate decision is necessary,  
there will be a Probation or Domestic Relations Officer  
designated to act as Supervisor in the Supervisor's ab-  
sence. These designations will be made in writing with  
distribution to all district staff and Central Office.
- C) In the absence of both the Director and Assistant Dir-  
ectors, a District Supervisor will be designated, for  
each occasion, by the Director to serve as Acting Dir-  
ector. In any matter of urgency when neither the Dir-  
ector nor Assistant Director is readily available and  
an immediate decision is necessary the Supervisor may  
act.

II. DUTIES OF THE DIRECTOR:

A) Administration

1. The Director of probation shall be the executive officer of the Department of Probation.
2. The Director shall in conjunction with the Board of Probation and Department of Personnel develop position specifications for all authorized positions of the Department of Probation.
3. The Director shall oversee and coordinate with New Hampshire Centralized Data Processing for accounting and disbursing monies collected.
4. The Director shall procure and maintain equipment, repair of equipment, supply orders and keep update inventory.
5. The Director shall be responsible for the collection and disbursement of all collected monies.
6. Secure suitable quarters.

B) Record Keeping and Reporting

1. The Director shall compile statistics on the work of all Probation Officers.
2. The Director shall establish the reports and forms to be maintained in the various tiers of Probation Offices.
3. The Director shall maintain records of all probationers.

C) Rules and Regulations

1. The Director shall prepare and publish such reports as may be required by the Board, Governor and Legislature.
2. The Director shall prepare a Biennial Report for submission and distribution as provided by RSA. The report shall provide informative statistics, analyses, accomplishments and recommendations relative to the Department and the administration of justice.

3. The Director shall be responsible for the maintenance and storage of all department records.

D) Supervision of Staff

1. The Director shall establish and administer standards, policies and procedures for field officers.
2. The Director shall divide the State into administrative districts and shall staff such districts.
3. The Director shall establish the standards, procedures and rules of probation work, including methods and procedures of investigation, supervision, casework, record keeping, accounting, caseload and case management, to be followed in the various tiers of Probation Offices.
4. The Director shall establish standards and procedures for the performance evaluation of line and supervising Probation Officers in the various tiers of Probation Offices.
5. The Director shall have office staff evaluated once every six months and new staff once every month for the first six months.

E) Hiring Staff

1. The Director shall recommend, subject to approval of the Board, and subject to Personnel rules and regulations, the hiring of Domestic Relations Officers, District Supervisors and Field Probation Officers for their approval.
2. The Director shall hire clerical staff, without Board approval, but subject to Personnel rules.

F) Discipline

1. The Director shall enforce his requirements regarding reports, procedures, standards and rules to be followed in the various tiers of staff by citation for disciplinary action of a staff member, in the event of a breach or violation of such reports, procedures, standards and rules.

2. The Director shall receive all notices of intended disciplinary action against a staff officer including reprimand, fine, suspension, demotion or discharge, that may be initiated by a Supervisor or top administrative officer and shall cause an investigation to be made and a report, with recommendations, to be written.
3. There are three types of disciplinary action Probation Department classified employees can appeal to the Board:
  - a. Warning - There are two types of warning - written and oral. A written warning can be placed only in the employee's file, or can be forwarded to the NH. Department of Personnel to be made a permanent part of the employee's record. An employee has the privilege of appealing to the Board if the written warning is to be forwarded to the N.H. Department of Personnel. This appeal must be made within fourteen days of receipt of the warning. Oral warnings or warnings placed only in the employee's file cannot be appealed to the Board.
  - b. Suspension - An employee has the privilege of appealing to the Board prior to the actual suspension in order to present the employee's side of the story. The appeal must be made within fourteen days of indication from the Director of suspension action. In cases requiring immediate action, the Director may suspend immediately upon verbal approval from the Board. Otherwise, the Board will respond within fourteen days of written request from the employee for a hearing.
  - c. Dismissal/Demotion - Upon notification by the Director of the intended action to be taken, the employee may request the Board for a hearing within fourteen days. Approval or disapproval must be made by the Board within four-

teen days of the employee's request. In cases requiring immediate action, the Director may dismiss/demote immediately upon verbal approval from the Board.

None of the above actions restrict the right of the employee to appeal to the N.H. Department of Personnel for a hearing.

4. The Director shall make available to all staff a manual of procedures and enforce it.

G) Research and Policy Recommendations

The Director shall conduct research studies relating to crime and delinquency and may participate with other public and private agencies in joint research studies.

H) Training

1. The Director shall provide instruction and training courses for staff.
2. The Director shall develop and conduct basic orientation and in-service training programs for the staff, such programs to be held at such times and for such periods as he shall determine.
3. The Director may set up conferences or seminars throughout the state, and may authorize the attendance by staff at any which in his judgment will further the interests of probation service.

I) Relations With Board of Probation

1. The Chairman of the Board shall set up Board Meetings when needed and an agenda shall be submitted to the Board prior to each meeting.
2. The Director shall inform the Board of contracts provided to and received from other agencies such as Welfare (IV-D) and Central Data Processing, for their approval.
3. The Director shall enforce and update the directories, rules, procedures and policies of the entire department.

J) Financial Responsibility

1. The Director shall prepare a budget for the Biennium.
2. The Director shall prepare and present grant requests to federal, state or private sources and oversee such grants received.
3. The Director shall allocate funds appropriated as authorized in supporting the activities of the department.

K) Interstate Compact Agreement

1. The Director shall administer the Interstate Compact as the designated authority by the Governor of New Hampshire. The Director shall administer the compact between states on intra and interstate matters.
2. The Director shall administer the procedures to return New Hampshire runaways from other states according to the Interstate Compact Agreement.

L) Public Relations

1. The Director shall maintain a liaison with the judicial branch of government for the purpose of facilitating and improving probation service to the Courts.
2. The Director or his designee shall supervise and maintain a liaison between local and state officers.
3. The Director shall represent the department in attendance at regional and national conferences, conventions and other meetings concerning corrections or domestic relation matters.
4. The Director shall conduct public relations through informing the public of the work and contributions of the department.
5. The Director shall cooperate with colleges on the intern and/or work study and other programs.

M) Volunteer Program

The Director shall approve qualified volunteers and administer the Volunteer Program.

N) Miscellaneous

The Director shall perform such other duties as may be necessary to establish and maintain an efficient probation service for the Courts or assigned by the Board, i.e., establish committees, surveys, etc..

III. DUTIES OF ASSISTANT DIRECTOR:

A) General

The Assistant Directors are appointed by the New Hampshire Board of Probation-RSA 504:9.

The Assistant Directors shall perform such duties as required by the Board or assigned by the Director. The Director shall be their immediate superior.

B) Administration

1. In the absence of the Director, the Director will designate an executive officer.
2. Assist the Director in interviewing candidates for permanent positions within the department, interns, etc..
3. Assist the Director in the procuring, maintenance and inventory of equipment.
4. Order and disburse supplies to the district offices and maintain updated inventory.
5. Maintain a department system for office forms.
6. Make recommendations to the Director in response to changing workloads, Court practices, office space, etc..
7. Assist in answering correspondence and requests of all kinds.
8. Review mileage vouchers to ensure proper documentation and proper planning of travel time by the officers.
9. Review bi-annually Domestic Relations Officers and Probation Officers written examinations as set forth by the N.H. Department of Personnel.

C) Record Keeping and Reporting

1. Assist the Director in evaluating statistical information for caseload trends.
2. Assist with the preparation and maintenance of all documents to be stored in the New Hampshire State Archives.

3. Assist, as directed, in the preparation of Biennium reports.
4. Assist the Director in publishing reports as required by the Board, Governor and Legislature.
5. Assist in the preparation of reports and requests from federal, state and other departments or agencies.
6. Review monthly statistical reports for accuracy.
7. Prepare and keep updated the department's rule making under RSA 541:A.
8. Assist in the preparation and ongoing updating of the department's manual of policies and procedures.

D) Supervision of Staff

1. Insure compliance of staff to the standards, policies and procedures for Supervisors and officers.
2. Inspect and evaluate the operations of state offices and make recommendations to the Director; and the Probation Assistant Director shall inspect, evaluate, and integrate the operations of Municipal and District Court Probation Offices.
3. Evaluate the performance of District Office Supervisors, officers and report to the Director with recommendations.
4. Accompany officers on investigations and supervision of cases to observe techniques and provide guidance and training.
5. Confer with Supervisors and officers and make recommendations in difficult cases involving extenuating circumstances.

E) Discipline

1. Insure the enforcement of directives, rules, procedures and policies concerning the overall operation of the department. In the event of a breach or violation of such procedures and rules, inform the Director by report with recommendations.

2. At the request of the Director investigate notices of intended disciplinary action, hear personnel grievances, and forward a report with recommendations to the Director.

F) Research and Development

1. Under the direction of the Director, assist in program development in areas to provide probation and collection services.
2. Assist the Director in conducting research studies relating to crime, delinquency, and domestic relations.
3. Submit quarterly reports of needs, problems and the status of the department with recommendations to the Director.

G) Training

1. Assist the Director in the planning, development and implementation of curriculum aimed at fulfilling the department's training needs.
2. Evaluate training sessions, follow up on the new approaches elicited and implement the results of the training sessions.
3. Continually update the department's library for training and ongoing education of entire staff. Insure accurate inventory of library documents available. Insure the dissemination of periodicals and books upon request to the staff.

H) Relation With the Board

1. Assist the Director in the preparation of items for the monthly Board Meetings, and attend Board Meetings with the Director.
2. Perform such duties as may be assigned by the Board.

I) Financial Responsibility

1. Assist the Director with the preparation of the department's budget for the Biennium.
2. Assist the Director with the preparation of

grant requests and monitor such grants for compliance.

J) Interstate Compact

Assist the Director in administering the Interstate Compact.

K) Public Relations

1. When designated, represent the department or the Director in attendance at conferences and other meetings pertaining to departmental services.
2. Speak before civic, social and educational groups explaining the functions and contributions of the department.
3. Coordinate and evaluate the college intern program within the department.

L) Volunteer Program (Assistant Director for Probation)

1. Assist in coordinating the statewide Volunteer Program.
2. Insure volunteer meetings are held and programs are educational and purposeful.
3. Assist Supervisors in the development of the Volunteer Program through planning and training.
4. Analyze and evaluate the statistical information received from the District Supervisors with subsequent recommendations.

M) Miscellaneous

Recommend to the Director, and assist with the preparation of new legislation relative to the department.

IV. DUTIES OF SUPERVISORS:

A) Administration

1. All personnel in a district office will be directly responsible to the District Office Supervisor.
2. The Supervisor is responsible to the Director and Assistant Directors.
3. The Supervisor shall organize and coordinate the staff of the district office and ensure proper distribution of the caseload and secretarial workload.
4. The Supervisor shall oversee and coordinate with the Central Office the collection of and disbursement of all collected monies, and that all monies collected are forwarded to Central Office.
5. The Supervisor shall insure that the district office's equipment is properly maintained, serviced and repaired. That district office supplies are ordered quarterly and inventoried properly to ensure an adequate supply base.
6. The Supervisor shall assist the Director in locating suitable office space.
7. Be appraised as to whereabouts of staff and maintain a daily signout sheet for staff.
8. Act as a liaison between Central Office and district office.
9. Insure that the Procedural Manual and Secretarial Manual are followed.
10. Insure Probation Officers are complying with forty-eight hour week.
11. The District Supervisor will encourage frugality as it pertains to supplies, travel and phone use.
12. Insure staff members are properly organizing their time.
13. Daily review of all incoming and outgoing mail.

14. Assign caseload and work areas of the districts.
15. Approve all leave, sick and annual, in the districts.
16. Supervisor shall be responsible to attend Supervisor's meetings at Central Office, Concord, and shall keep staff informed and up-to-date concerning results of the meetings and policy changes.

B) Record Keeping and Reporting

1. The Supervisor shall review, discuss with staff, compile and submit statistical and other reports concerning probation and domestic relation functions as requested on their own volition.
2. The Supervisor shall review and submit the Postage Request for the probation unit and the domestic relations unit.
3. The Supervisor shall review, prior to submission, travel vouchers and initial the travel vouchers.
4. The Supervisor shall submit minutes of the monthly and special staff meetings held in the district office.
5. The Supervisor shall submit evaluation reports on staff as requested by the Director and as mandated by department policy.
6. The Supervisor shall make monthly reviews of the Master Investigation Schedule.
7. All reports are to be checked for accuracy and sent to Central on the due date.
8. The Supervisor shall be responsible for maintaining records of all criminal, juvenile, civil, domestic relation cases and other cases within the district.
9. Maintain an investigation schedule, and make periodic checks to ensure reports completed in a timely manner.

10. Insure cases are opened and closed properly and in a timely manner.
11. Insure Domestic Relations Officers are properly completing the monthly review of collection cases and that information is accurate, utilizing the computer status report as a check.
12. Supervisor shall be responsible for submitting a monthly report to the Director noting:
  - a. Needs and problems
  - b. Recommended changes
  - c. Analyses of caseload changes, trends, etc..

C) Rules and Regulations

1. The Supervisor shall insure that standards, policies and procedures of the department are performed and adhered to by all staff.
2. The Supervisor shall insure proper telephone use and official travel.
3. The Supervisor shall insure daily sign out log is properly maintained by the officers.
4. The Supervisor shall insure the department's policies and procedures are followed by Probation and Domestic Relations Officers regarding Court performance, violations, supervision and investigations.
5. The Supervisor shall be familiar with department policies and procedures and be able to inform staff in order to insure the policies and procedures are implemented properly.
6. The Supervisor shall prepare and provide such reports as may be required.
7. Maintain an accurate and up-to-date equipment and furniture inventory.
8. The Supervisor shall be responsible for the maintenance and storage or proper disposal of all records in the district office.

9. The Supervisor, upon request, shall provide data and evaluative material for the Biennial Report.

D) Supervision of Staff

1. Supervisor is responsible for the direct supervision of all staff.
2. Shall evaluate office staff once every six months and new staff once every month for the first six months.
3. Shall attempt to settle all questions, and in general be available to give advice and counsel to all district personnel.
4. Supervisor is responsible for insuring the district and sub-offices are sufficiently staffed during regular office hours and during specified evening hours so that clients may be properly served and the department regulations fulfilled.
5. Insure Domestic Relations Officer makes weekly checks with the Sheriff's Department as to the progress concerning 'capias' and 'mittimus'.
6. Assist and enforce proper time organization of all staff. Know where officers are and maintain signout sheets.
7. Insure all officers maintain an advanced weekly itinerary and review the itineraries weekly.
8. Maintain an ongoing review of pending investigations in the district and insure prompt completion of all assigned investigations.
9. Review all presentence reports, as to form and content, prior to filing with the Court.
10. Review all chronologicals on a monthly basis as to form and content.
11. Monitor the activities of Probation Officers and Domestic Relations Officers to determine areas requiring improvement or better utilization of time.
12. Insure the Probation Officers are in compliance with job requirements specified in the manual.

13. Review and countersign all violations prior to filing.
14. Insure the directives of the Volunteer Program are complied with such as ongoing recruitment, meetings, assignments, etc..
15. Insure Domestic Relations Officers and Probation Officers complete their monthly reports accurately and on time.
16. Monitor collection operation for top efficiency and accuracy.

E) Hiring Staff

1. The Supervisor shall conduct interviews and make recommendations to the Director on the hiring of clerical staff for the district office.
2. Assist as required by the Director in the hiring of staff.

F) Discipline

1. Shall enforce the department's requirements regarding reports, procedures, standards and rules to be followed by all staff.
2. If attempts to resolve matters concerning breach of personal rules or department procedures and policies occurs, the Supervisor shall initiate in writing to the Director the facts, and make recommendations as to the disciplinary action.
3. The Supervisor shall discuss minor infractions of the procedures, rules, regulations and standards of the department with the staff member to insure future compliance through verbal or written notice and so inform the Director.
4. The Supervisor shall see that all personnel in the district are aware of department and state personnel regulations, their rights and obligations.
5. The Supervisor shall act as an arbitrator for staff disputes within the office and as a liaison with Central Office.

G) Training

1. The Supervisor shall plan, provide and suggest ongoing training and guidance for all Probation, Domestic Relations Officers and secretaries. The Supervisor shall devote special attention to the needs of new employees for training. The Supervisor shall have overall responsibility for training interns, workstudy trainees, CETA and temporary personnel.
2. The Supervisor shall insure attendance of his staff at all training sessions, conferences and seminars at such times and places as determined.
3. Cooperate and assist when requested in planning, scheduling and the subject matter of training sessions.

H) Relations With the Board

1. The Supervisor shall be a liaison officer between the Director and district staff regarding relations with the Board.
2. The Supervisor shall, when requested, meet with the Board of Probation to discuss whatever business or matter which the Board may want to discuss with the Supervisor.

I) Relations With the Director

The Director is to be kept appraised of all matters dealing with the delivery of probation and domestic relations services, workloads, staff problems, territories covered by staff and recommended changes in policy and procedures at all times.

J) Research and Policy Recommendations

1. At the request of the Director the Supervisor shall conduct research studies relating to crime and delinquency, domestic relations, and present findings with recommendations to the Director.
2. The Supervisor shall analyze caseload trends and other analytical reports as required in the district.

3. The Supervisor shall hold monthly staff meetings to keep staff abreast of new procedures, laws, developments and solicit new ideas. The Supervisor shall forward staff meeting minutes to the Director.
4. The Supervisor shall assist the Director in conducting research studies and suggest new ideas, innovations, and policy changes which will improve the department.

K) Financial Responsibility

1. The Supervisor shall appraise the Director of any financial needs which the district office may have such as rental, purchasing equipment or additional staff, both immediate and projected.
2. The Supervisor shall furnish appropriate data and information to the Director to assist in formulating a budget for the Biennium.
3. The Supervisor shall be responsible for office supply ordering and allocation within the district office.
4. The Supervisor shall insure proper planning to prevent unnecessary expenses; in office supplies, travel, telephone usage, etc..

L) Interstate Compact Agreement

1. The Supervisor shall handle all probation supervisions done by other states for New Hampshire unless the Director approves otherwise.
2. The Supervisor shall insure procedures are followed for Interstate Compact cases for probationers supervised by another state.
3. The Supervisor shall assist the Director in administering the procedures to return New Hampshire runaways from other states according to the Interstate Compact Agreement.
4. Make a periodic check of all requests for out-of-state transfer under the Interstate Compact.
5. Insure proper procedures for Intra State matters concerning supervision and investigations.

M) Public Relations

1. The Supervisor shall maintain a liaison with the Courts in the district in order to facilitate and improve the probation service to the Court.
2. The Supervisor shall be a spokesman for his office, and if requested, conduct public speaking.
3. The Supervisor, upon request, shall represent his district or the department at conferences, training sessions, seminars concerning corrections or domestic relations matters.
4. The Supervisor shall maintain a liaison with local District Court Probation Officers.
5. The Supervisors shall conduct public relations through informing the public of the work and contributions of the department.
6. The Supervisors maintain a positive and cooperative relationship with other agencies, law enforcement, Courts, and the public.
7. The Supervisor shall work cooperatively with the colleges concerning work studies.
8. The Supervisor shall maintain a liaison with Central and other district and local offices.
9. The Supervisor shall cooperate with public schools, colleges, CETA, etc..

N) Volunteer Program

1. The Supervisor shall recruit qualified volunteers and recommend candidates for appointment.
2. The Supervisor shall insure that the VIP Program is properly administered within the district.
3. The Supervisor shall encourage Probation Officers to promote the VIP Program and to make recommendations to them for volunteers.
4. The Supervisor shall insure Probation Officers are attending Volunteer Meetings, assigning volunteers, and engaging in ongoing recruitment.

0) Miscellaneous

1. The Supervisor shall perform such other duties as may be directed by the Director or Assistant Directors.
2. The Supervisor shall review as much of the work of his staff as possible to insure the work is being completed properly, promptly, and in the best interest of the client, the community and the department. The Supervisor should accompany his officers on investigations, Court appearances and supervisions in order to observe the officer's approach in servicing of these areas.
3. Keep Central apprised of local needs, new trends and developments; recommendations for changes, etc. in order to promote the efficient operation of the department and its delivery of services.
4. Complete and accept all assignments in a timely fashion as handed down by the Director or Assistant Directors.
5. The Supervisor shall set the pace for high morale and Esprit d' Corp in the district office.

V. DUTIES OF PROBATION OFFICERS:

A) Administration

1. Probation Officers in a district office are directly responsible to the District Office Supervisor.
2. Shall properly maintain their office equipment and insure proper utilization of office supplies.
3. Shall appraise the Supervisor or other staff of his or her whereabouts and sign the Daily Sign Out Sheet when leaving the office.
4. Shall assist the Supervisor concerning all matters between Central Office and the district office.
5. Shall follow the Procedures Manual.
6. Shall comply with law enforcement forty-eight hour week.
7. Shall be frugal as it pertains to supplies, travel and telephone use.
8. Shall review and answer incoming mail within a day if possible.
9. Shall review outgoing mail.
10. Shall diligently carry out the workload assigned in the work area of the district.
11. Shall insure proper utilization of sick leave and annual leave as set forth by the New Hampshire Personnel Department.
12. Shall attend meetings at Central when requested and perform such other duties as required by the Central Office.
13. Shall insure NH RSA 504 relative to the "Powers and Duties of Probation Officers" is fulfilled as mandated.
14. Shall, upon being appraised by the Supervisor, keep up-to-date concerning the results of meetings and policy changes.

B) Record Keeping and Reporting

1. Shall compile and submit statistical and other reports to the Supervisor for review.
2. Shall insure travel voucher filled out properly and submit to the Supervisor.
3. Shall attend monthly and special staff meetings held in the district office.
4. Shall give input concerning performance evaluations made on them by the Supervisor.
5. Shall maintain an updated monthly request for "Investigation Schedule".
6. Insure cases are opened and closed properly and in a timely manner.
7. Insure all reports are checked for accuracy and sent to the Supervisor by the due date.
8. Insure records on all criminal, juvenile, civil and restitution cases are maintained properly.
9. Insure Probation Officer Review and City and Town Caseloads are prepared and submitted on a timely basis.

C) Rules and Regulations

1. Shall adhere to the standards, policies and procedures of the department.
2. Shall insure proper Court room performance on violations, supervisions and investigations.
3. Shall be familiar with all department policies and procedures and insure they are implemented properly.
4. Shall prepare and provide such reports as required by Central or the Supervisor.
5. Shall assist the Supervisor in updating the equipment and furniture inventory.
6. Shall assist the Supervisor in preparing, gathering and assimilating evaluative material for the Biennium Report.

D) Supervision

1. Shall be under the direct supervision of the District Office Supervisor.
2. Shall follow the rules and regulations concerning proper grievance procedures concerning performance evaluations or other personnel problems.
3. Shall seek advice and counsel from the Supervisor concerning technical personnel or administrative matters.
4. Shall insure regular office hours and specified evening hours so that clients may be properly served and department regulations fulfilled.
5. Shall check the County Jail weekly for arrested probationers.
6. Shall make weekly checks with Sheriff's Department concerning the progress of capias', etc..
7. Shall organize time properly for the most effective and efficient means of serving the probationers and Courts.
8. Shall maintain an advance weekly itinerary to be reviewed with the Supervisor.
9. Insure prompt completion of all assigned investigations as prescribed by department policy and procedure.
10. Shall insure proper form, content and sentence structure on all presentence investigations as set forth by procedure and policy.
11. Shall utilize the supervision caseload management approach.
12. Shall review all chronologicals monthly to insure casework is properly documented and that probationers are fulfilling their obligations.
13. Shall insure compliance with the job requirements specified in the manual.
14. Shall insure the directives of the Volunteer Program are complied with, such as ongoing recruitment, meetings, assignments, etc..

15. Shall insure proper procedures are followed and list reasons for all violations.
16. Shall have the Supervisor countersign all violations.

E) Discipline

1. If a Probation Officer is being disciplined by the administration the Probation Officer may request an informal hearing before the Director. If this hearing is not satisfactory, the Probation Officer can request a hearing before the Board.
2. If discipline is to be sanctioned by the Office of the Director, it shall be in writing stating the specific reasons and facts with a recommendation to the Board as to the form of discipline.
3. Minor infractions of procedures, rules and regulations shall be dealt with in a manner to insure future compliance of the procedures and policies.
4. Shall be responsible to see that all department and state personnel regulations are adhered to including both employee rights and employee obligations.

F) Training

1. Shall attend all training sessions, conferences and seminars at such time and place as determined, unless Supervisor determines otherwise.
2. Shall assist the Supervisor and suggest ongoing training plans.

G) Relations With the Board

The Probation Officer, shall, when requested, meet with the Board of Probation to discuss whatever business or matter which the Board may want to discuss.

H) Research and Policy Recommendations

1. Shall assist the Supervisor in conducting research studies relating to crime and delinquency and other matters of research planning and development.

2. Shall assist the Supervisor in analyzing caseload trends and other analytical reports as required in the district.
3. Shall suggest any ideas, innovations, programs, legislation, policy changes which will improve the department.

I) Financial Responsibility

Prevent unnecessary expenses in office supplies, travel, telephone usage, etc..

J) Interstate Compact Matters

1. Shall follow the proper procedures and policies for Interstate Compact matters.
2. Shall investigate upon request runaway youth from this state or other states and assist in matters relating to the Interstate Compact.
3. Shall insure proper procedures concerning Intra-State supervision and investigations are followed.

K) Public Relations

1. Shall maintain a liaison with the Courts in the district to facilitate and improve the probation service to the Court.
2. Shall, when requested, conduct public speaking on criminal justice matters.
3. Shall, when requested, represent the department at conferences, training sessions, etc..
4. Shall conduct public relations through informing the public of the work and contributions of the department.
5. Shall cooperate in an open and positive manner with other agencies, law enforcement personnel, Courts, and the public.
6. Shall cooperate and work closely with Central and other district offices and local probation staff.

L) Volunteer Program

1. Shall insure procedures and policies are followed concerning the Volunteer Program.
2. Shall on an ongoing basis recruit volunteers.
3. Shall encourage VIP Program through public relations.
4. Shall schedule and attend volunteer meetings.
5. Shall assign all volunteers to a probationer within 30 days of acceptance.

M) Miscellaneous

1. Complete and accept all assignments in a timely and efficient fashion.
2. Shall maintain L'Espit d'corps in the district office.

VI. CHANNELS OF COMMUNICATION:

A) Policy

It shall be the policy of the department that the Director or his assistant will channel communications intended for field staff through the District Supervisors who will insure that the information is promptly disseminated to all concerned.

1. Material of general interest of field staff will be reproduced and distributed promptly where appropriate.
2. Field staff will channel, when appropriate, outgoing communications through their District Supervisor.

B) Exceptions

The above in no way prohibits field staff from routine coordination of activities with Central Office staff (personal matters, calls for grant monies, etc.).

1. Exception will be made in both directions for matters requiring prompt decisions or information when District Supervisors are not readily available.
2. Does not prohibit Director from discussing issues directly with staff members.

VII. STAFF MEETINGS:

A) District

1. Each District Supervisor will conduct at least a monthly staff meeting. At least six of these twelve meetings shall have an in-service training component of at least one hour and comprised of such matter geared to enhance staff skills or knowledge of other programs.
2. Supervisor meeting information will be discussed with staff at monthly meeting.
3. The staff meetings will be conducted from a prepared agenda, a copy of which should be forwarded to Central Office, and shall be used to maintain the flow of communication between the Central Office, District Supervisors and field staff on issues concerning policy and procedure and to generate staff input regarding current issues.

B) Supervisor's Meetings

The Director, Assistant Directors, and District Supervisors shall meet no less than once per month and more often if necessary in order to facilitate the flow of information and to conduct administrative and programming business. These meetings should provide the opportunity for the District Supervisors to channel input into policy and program decisions.

C) Minutes of Meetings

Minutes should be kept of district and Supervisor's meetings. Copies are to be given to district and Central Office. Supervisor and Assistant Director are responsible for printing and disbursement of minutes.

VIII. FIELD VISITS BY ASSISTANT DIRECTORS:

The following procedures shall be followed by Assistant Directors in order to provide ongoing contact and review of field staff operations:

- A) Each Assistant Director shall visit Hillsborough, Rockingham and Strafford offices no less than once per month for the purpose of reviewing program and operations contained in Officer's Duties and Supervisor's Duties. Other offices will be visited no less than bi-monthly.
- B) During each visit, the Assistant Director shall discuss with the Supervisor and officer(s), the general operations of the office and provide input and assistance concerning any problems that may be occurring. A log shall be kept of each visit.
- C) During each visit, the Assistant Directors shall review the tasks covered, case files, and other operations of Supervisor and staff.
- D) During each visit, the Assistant Director shall, on a rotating basis, attempt to briefly meet with the appropriate judge or justice, the County Attorney, a law enforcement official, or any other agency head appropriate within that area. The purpose of this is to assure ongoing liaison and visibility of the department within the respective areas.
- E) Every three months, the Assistant Directors shall provide a brief written report to the Central Office summarizing (with dates) his visits to the various sub-offices and his general observations and opinions regarding the functioning of that office. Include in this memo any requests for capital equipment or office improvements which may be necessary to improve the office. These reports will be reviewed at the time of the annual performance evaluation.
- F) Supervisors shall have performance reviewed by Assistant Director as well as staff. Observations and comments on staff by Assistant Director shall be discussed with Supervisor and a written copy provided every three months.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: ADMINISTRATION  
SUBJECT: ONGOING REVIEW BY  
SUPERVISORS

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: ADMINISTRATION  
SUBJECT: OFFICE SPACE

IX. ONGOING REVIEW BY SUPERVISORS:

- A) Supervisor must have a plan to review and evaluate staff operations in his or her county on an ongoing basis.
- B) Each month Supervisor shall meet with each officer to gather statistics from that individual. At this time the Supervisor is to discuss workload, performance, problems, suggestions, etc. with officer.
- C) Each quarter the Supervisor is to meet with each clerical staff member to discuss workload, performance, suggestions, problems, etc. so as to promote a smooth running, effective operation which provides input from all staff.

X. OFFICE SPACE:

It shall be the policy that the district offices and sub-offices will be conveniently located near District and Superior Courts, and local and county police agencies whenever practical.

The agency will make every effort to secure office facilities which are large enough to accommodate each staff member with private areas for client interviews and suitable space for storage of supplies, equipment, and files.

It is the responsibility of the District Supervisors to keep the Director informed regarding the adequacy of the district offices and sub-offices as well as any needs for modifications in office space.

XI. EQUIPMENT NEEDS AND REPLACEMENT:

A) Equipment

District Supervisors shall have the responsibility to keep advised of the district's needs for equipment, both for clerical and field staff. It is further their responsibility to see that equipment is maintained in good working order and to keep the Director advised of the need for replacing worn equipment or purchasing additional equipment when required by an increase to staff. These needs should be submitted in writing to the Central Office and should be included in the monthly evaluation of all sub-offices.

B) Inventory

Supervisors are responsible for keeping the equipment inventory up-to-date.

XII. BIENNIAL REPORT:

A) Director

The Director, pursuant to RSA 504, shall prepare a biennial report which describes the department's activities. The report shall include information as required by statute and Division of Accounts.

B) Supervisors

Supervisors, with input from their staff, should be ready to submit information (needs, trends, opinions, etc.) relative to their area for the Biennium Report.

XIII. REPORTS TO CENTRAL:

A) Supervisors

Reports to Central Office due by the 10th of each month, unless otherwise noted.

1. Statistical Compilation
2. Dispositions
3. Juvenile Frequency of Occurrence
4. Adult Frequency of Occurrence
5. Request for Postage - Criminal
6. Request for Postage - Domestic
7. District Supervisor's Report
8. Volunteer Report
9. Cash Report - Domestic
10. Individual Travel Vouchers
11. DRO Caseload Report
12. DRO Suspense Case Report (20th)
13. Monthly Staff Meeting Notes
14. New Staff Evaluations
15. City & Town Caseload (Semiannual - Jan. & July 10th)
16. Staff Evaluations (Semiannual - Jan. & July 10th)

B) Probation Officers

Reports to be completed for submittal to the District Office Supervisor by the 5th of each month.

1. Individual Statistical Compilation
2. Volunteer Report
3. Individual Travel Vouchers
4. Restitution Forms

C) Domestic Relations Officers

Reports to be completed for submittal to the District Office Supervisor by the 5th of each month, unless otherwise noted.

1. Individual DRO Report
2. Monthly Cash Report
3. Suspense Case Report (15th)
4. Individual Travel Vouchers
5. Case Audit and Arrearage Review (15th)

XIV. TELEPHONE CREDIT CARDS - PROCEDURE:

- A) Each Probation Officer will receive his own telephone credit card each year. DO NOT USE YOUR LOCAL OFFICE TELEPHONE NUMBER. USE YOUR TELEPHONE CREDIT CARD NUMBER.
- B) Each year when the new telephone credit cards are received from your local telephone office, send the new card along with the prior year card to this office right away.
- C) The Director will then approve the new card, the card number will be recorded and the new card will be returned to the proper person for use through the remainder of the year.
- D) In case of the termination of an employee, the telephone credit card in his possession must be turned in to Central Office.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: ADMINISTRATION  
SUBJECT: MANUAL UPDATE

XV. MANUAL UPDATE:

A) Review

The manual shall be reviewed annually (February of each year) by a committee composed of all Supervisors and the Assistant Director.

B) Revisions

1. All revisions will be printed and made available to all field and supervising staff.
2. Any staff member can recommend at any time changes or suggestions to the manual by forwarding information to the Assistant Director.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: ADMINISTRATION  
SUBJECT: COOPERATION WITH  
LEGISLATIVE JUDICIAL  
AND  
EXECUTIVE BRANCHES

XVI. COOPERATION WITH LEGISLATIVE, JUDICIAL AND EXECUTIVE BRANCHES OF GOVERNMENT:

A) Policy

It shall be the policy of the Department of Probation to cooperate and comply with all reasonable requests from other government agencies. Such cooperation will be consistent with all statutory and administrative regulations which govern department operations including those governing privacy and security of clients and client records.

B) Procedure

Central Office should be informed of all requests, and should also receive in writing your reply answering the request. All requests must be handled in an expeditious manner.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: ADMINISTRATION  
SUBJECT: COOPERATION WITH  
CRIMINAL JUSTICE AGENCIES

XVII. COOPERATION WITH CRIMINAL JUSTICE AGENCIES:

A) Policy

The department shall cooperate and comply with all reasonable requests received from other criminal justice agencies. This cooperation encompasses, but is not limited to, exchange of information, planning efforts, program development, and any other appropriate assistance.

B) Procedure

If a question concerning confidentiality arises check with Central Office before providing any information. Such cooperation will be consistent with all statutory and administrative regulations which govern the department's operations or the privacy and security of confidential records.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: ADMINISTRATION  
SUBJECT: COOPERATION WITH  
EDUCATIONAL INSTITUTIONS

XVIII. COOPERATION WITH EDUCATIONAL INSTITUTIONS:

A) Policy

The department shall cooperate to the extent possible with all reasonable requests received from institutions of higher learning. Such cooperation encompasses, but is not limited to, the sharing of information of a general nature, planning efforts, program development, and student training. It shall further be the policy of the department that all requests for research projects which require access to client files shall be approved by Central Office, which office shall review such request to determine its appropriateness.

Cooperation will be consistent with all statutory and administrative regulations which govern agency's operations.

B) Any persons engaged in any research projects, or involved in student training within any district or sub-office of the division shall have a background check at State Police and the local law enforcement agency covering that individual's home area.

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I. GOALS, OBJECTIVES & PURPOSE:

A) Goals & Objectives

The goals and objectives of the New Hampshire Department of Probation in personnel matters are to provide a professionally competent and trained staff capable of performing the necessary services to accomplish the tasks assigned by the Court, Director, and New Hampshire Probation Board.

B) Purpose

The purpose of this section is to clarify personnel matters and procedures governing the New Hampshire Department of Probation. There are two areas from which personnel matters are derived.

1. New Hampshire Department of Personnel Rules, which generally are applicable to all personnel in State employment.
2. New Hampshire Department of Probation, which sets forth the responsibilities and conduct expected of employees of said department.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: PERSONNEL  
SUBJECT: SOURCES OF REGULATIONS

II. SOURCES OF REGULATIONS:

A) N.H. Division of Personnel Rules and Regulations

New Hampshire rules and regulations are published by the Department of Personnel, State House Annex, Concord, New Hampshire. They govern all aspects of State employment. These are available to all personnel and are included in the appendix of the manual.

B) N.H. Department of Probation Rules and Regulations

The specific rules and regulations governing the responsibilities of department personnel are for the purpose of an orderly process of accomplishing the business of the department. They have been evolved over a period of time and have the approval of the Director and the New Hampshire Board of Probation.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: PERSONNEL  
SUBJECT: HIRING

III. HIRING:

The hiring of all department personnel is subject to meeting the standards of the N.H. Department of Personnel requirements with the exception of the Director who is appointed to that position directly by the N.H. Board of Probation. All other appointments are further regulated by RSA 504.

IV. OFFICE & WORKING HOURS:

A) Office Hours

Regular office hours for the department are 8:00 a.m. to 5:00 p.m. The District Office Supervisors are to assure that each district office is open and ready to conduct business during this period of time. They may, with the approval of the Director, regulate office and clerical staff time in order to insure coverage of the office during the prescribed time.

Every office will be open during these hours on all working days. No office may be closed without permission of the Director. For those District Court Probation Officers and staff, office hours and closing are governed by the presiding justice.

B) District Office Supervisors' Working Hours

The District Office Supervisors are to work a basic 40 hour week plus 8 hours of overtime. Overtime may include working evenings in the district office for supervision of staff, to ensure office openings for evening hours and to work on administrative duties or other duties as required.

C) Probation Officers' Working Hours

All Probation Officers' working hours are governed by the following: RSA 99:2-C, "The standard work week for law enforcement employees shall be a basic 40 hour week. To the annual salary of such employees shall be added compensation equivalent to 8 hours per week or 416 hours per year. Law enforcement employees, for the purpose of this section, shall include liquor investigators, safety inspectors, motor vehicle investigators, probation officers, investigators in the office of the Attorney General, all law enforcement employees of the Department of Resources and Economic Development, district fire chiefs and forest fire prevention, and training officers, and forest and park enforcement officers within the Bureau of Off Highway Recreational Vehicles."

Probation Officers are to work a basic 40 hour week plus 8 hours of overtime. At least one evening per week will be scheduled at a designated location as recommended by the District Office Supervisor with the approval of the Director. The overtime may be accumulated by various activities, i.e., evening office hours, investigations

and appointments after 5:00 p.m., work done on Saturday or Sunday, special projects or meetings after 5:00 p.m. or on weekends, work taken home, emergencies, etc..

D) Domestic Relations Officers' Working Hours

Domestic Relations Officers are expected to work a regular 37½ hour work week. The work week may, on a voluntary basis, include at least one evening's work until 8:00 p.m.. An appropriate adjustment of working hours will be made upon recommendation of the District Office Supervisor and approval of the Director.

E) Clerical Staff Working Hours

The clerical staff shall work a basic 37½ hour work week. Generally, this will be from 8:00 a.m. to 4:30 p.m.. These hours may be adjusted for full office coverage by the District Office Supervisor with the approval of the Director.

V. OFFICE SCHEDULE:

All Probation Officers shall plan to be in their offices at least two days a week. If more than one, plan so that all the days of the week are covered by a Probation Officer in the office.

While on duty in the office, time can be spent on updating chronologicals, supervising probationers reporting, working on the Volunteer Program, dictation, restitution, writing reports, interviews for presentence reports, and setting up itinerary on weekly basis, etc..

Please notify Central of the days you anticipate to remain in the office, and inform the Central Office of any changes in the schedule.

If an emergency arises and the Probation Officer has to leave the office on one of the days of office duty, the emergency takes precedent. This should only be for emergencies and not something that can be handled the other three days.

VI. COMPENSATORY & OVERTIME:

A) Compensatory Time

1. The Department of Probation is not funded for the payment of overtime. Clerical staff may, however, need to work beyond the normal hours. These hours may be considered compensatory time. Before clerical staff actually works the compensatory time, permission must be obtained from the District Office Supervisor. He shall, on prescribed forms, submit accumulated compensatory time to Central Office.
2. No compensatory time for Probation Officers or Supervisors.
3. Domestic Relations Officers can accumulate compensatory time under the same rules as clerical staff.

B) Overtime

1. Probation Officers and Supervisors already have built-in overtime.
2. Domestic Relations Officers and clerical staff must get Central Office approval before working overtime for either time and a half pay or time and a half compensatory time.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: PERSONNEL  
SUBJECT: OUTSIDE EMPLOYMENT  
AND ACTIVITIES

VII. OUTSIDE EMPLOYMENT AND ACTIVITIES:

No employee shall engage in non-departmental employment or activities during official working hours.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: PERSONNEL  
SUBJECT: TRAVEL

VIII. TRAVEL:

All employees who are required to travel on official departmental business are required to submit work sheets and travel vouchers by the fifth day of each month. The work sheet shall be specific as to date of travel, point of departure, destination and return, time elapsed in travel, mileage between points, and mileage and cost of travel. If more than one work sheet is necessary, subtotals are to be carried to the next succeeding sheet. Toll expenses may be listed under "other" category. Cases and nature of business are listed under "Remarks". All travel vouchers should be checked and signed by the employee. The completed vouchers shall be reviewed and initialed by the District Office Supervisor. (see Appendix D-work sheets).

IX. AUXILIARY STAFF:

A) CETA Positions

Personnel employed to work in the New Hampshire Department of Probation under the CETA funding program are directly compensated by the Comprehensive Employment Training Act (C.E.T.A.). This type of employee may be obtained by requests made directly to that agency. The procedure for hiring CETA funded personnel is as follows:

1. All requests for CETA positions must be forwarded to Central Office on the appropriate application forms.
2. The Central Office will forward the request and forms to the Chairman of the Fiscal Committee for approval or disapproval.
3. If approved, the signed request will be forwarded with eleven copies to the Governor and Council for review.
4. Upon receipt of approval of the position, the district office will be notified accordingly.
5. The time frame for approval can range up to a month.
6. Upon termination of a CETA position, Central Office should be notified by the District Office Supervisor.

B) Interns

Interns may be placed to work with the New Hampshire Department of Probation from accredited college programs provided that they are qualified. The procedure for acceptance is as follows:

1. The student must be referred in writing to the Director of Probation by his advisor or other proper teaching authority.
2. The Director or Assistant Director will interview the appointee and if approved, he will be referred to the appropriate District Office Supervisor for approval and assignment.

3. Applications for placement will be completed by the intern and the original will be kept at Central Office with a copy for the district office files. (see Appendix D - application form)
4. Evaluations must be done at mid-term and at the conclusion of placement by the supervising field officer with the approval of the District Office Supervisor. Evaluations shall be submitted to Central Office upon completion with a copy to be retained in the district office. Evaluation is to be done in a memorandum format.
5. Interns shall submit individual reports explaining what they have learned and have done to Central Office every three weeks. These reports shall be countersigned by the field officer before submission.
6. All interns must agree to follow the rules and regulations of the New Hampshire Department of Probation and conduct themselves in the same manner, dress, tact, etc. as is expected from all staff personnel.
7. Interns must be made aware of and agree to keep all information confidential.
8. Interns will not be considered for the Volunteer Program until after they have completed their internship.

C) Volunteers

The New Hampshire Department of Probation, under the legislative authority of RSA 504:19, is authorized to utilize volunteers to supplement the services of the regular staff. For additional information regarding the use of volunteers, see section on Volunteer Program.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: PERSONNEL  
SUBJECT: DIRECTIVES FROM CENTRAL

X. DIRECTIVES FROM CENTRAL:

All personnel are to read and initial all directives and memos pertaining to the operation, policies, and changes in procedure within twenty-four hours of receipt. These directives are to be on file at each district office.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: PERSONNEL  
SUBJECT: SIGN-OUT PROCEDURES

XI. SIGN-OUT PROCEDURES:

All personnel who are required to be out of the office during regular working hours are required to sign out on provided forms (see sign-out forms in appendix). Also, it is necessary that the secretary be informed you are leaving and where you may be reached during your absence from the office. The purpose of this requirement is to keep the office informed of your whereabouts if it becomes necessary to contact you by the district office or Central Office.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: PERSONNEL  
SUBJECT: FIREARMS

XII. FIREARMS:

Under no circumstances will firearms be used or carried by officers in the accomplishment of their official duties.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: PERSONNEL  
SUBJECT: OFFICIAL IDENTIFICATION  
OF OFFICERS

XIII. OFFICIAL IDENTIFICATION OF OFFICERS:

All duly appointed field officers are required to obtain N.H. Department of Probation official identification cards. This is to ensure proper identification in the accomplishment of official duties. Also, appropriate badges will be issued to each officer for further identification. Upon termination of employment, all identification cards and badges are to be turned in to Central Office.

XIV. LEAVE:

Annual, Sick, Military, Leaves of Absence

A) Definition

Leave applies to annual leave, sick leave, military leave, and leaves of absence. Generally, annual leave, military leave, and leaves of absence with the exception of personal emergencies, should be requested, in a reasonable time prior to leave, from the District Office Supervisor. When sick leave is necessary the employee has the responsibility to notify his assigned district office by 9:00 a.m. that he will be absent for the day due to illness.

B) Annual Leave

Annual leave may be taken upon and with the recommendation of the District Office Supervisor and approval of the Director. The request for annual leave will be submitted on the Leave Request Form in a reasonable time frame prior to the actual leave period. This is to ensure the orderly and proper utilization of manpower. Emergencies may be handled on a case by case basis.

C) Sick Leave

Sick leave may be taken for actual illness or injury and should be submitted, for approval by the District Office Supervisor, upon return to work. Any period in excess of three days must be accompanied by a doctor's statement on the reverse side of the leave form. Should any employee be injured during the regular performance of duties, they must report the injury to the District Office Supervisor in writing. This memo will be forwarded to Central Office to be maintained in the permanent personnel file.

D) Military Leave

For those persons who are members of the Reserve of the Armed Forces they are entitled to 15 working days of Military Leave per year. However, when applying for this type of leave, copies of military orders must accompany the leave request. The request for military leave must be submitted in a reasonable time period to ensure the orderly and proper utilization of manpower.

E) Leaves of Absence

In cases of leaves of absence, permission must be obtained from the Director and NH Probation Board. This type of request must be made in writing and submitted to the Director. Leaves of absence are normally without pay.

XV. EVALUATION OF PERSONNEL:

All departmental personnel should be evaluated at least once annually. Probation Officers and Domestic Relations Officers should be evaluated during the months of January and July of each year. Permanent employees will be evaluated on criteria and evaluation forms as prescribed by the Director. Temporary employees will be evaluated on a monthly basis for the first six months of employment. Thereafter, and upon successful completion of their temporary probation status, they will be evaluated on a regular basis as are all other permanent employees.

The objectives of the evaluation process are to assess each employee as to his/her current level of professional development and current level of performance. The main purpose is to aid the employee in his or her professional development and efficiency in job performance. It should also be realized that continued poor performance may result in disciplinary action or dismissal.

Evaluations will be completed by the District Office Supervisor for all district office personnel in the first instance. Evaluations will be reviewed by the Supervisor and the employee in private. The employee may elect to accept the evaluation without comment, accept the evaluation with comment, or not accept the evaluation and request he or she be heard by the Director on the merits of the evaluation.

The evaluation will be done as follows:

<u>Evaluator</u>	<u>Employee</u>
Director . . . . .	Assistant Director
Assistant Director . . . . .	District Office Supervisor
District Office Supervisor . . . . .	Probation Officers
	Domestic Relations Officer
	Clerical Staff

Upon completion of all evaluations they are to be submitted to the Director for review. They are then to be retained at the Central Office in confidential personnel files.

The evaluation forms to be used are prescribed and approved by the N.H. Board of Probation and the office of the Director. The form for evaluation of Probation Officers is included in Appendix D (pages 4 - 11).

XVI. DISCIPLINE PROCEDURE:

- A) The Director shall enforce his requirements regarding reports, procedures, standards and rules to be followed in the various tiers of staff by citation for disciplinary action of a staff member, in the event of a breach or violation of such reports, procedures, standards and rules.
- B) The Director shall receive all notices of intended disciplinary action against a staff officer including reprimand, fine, suspension, demotion or discharge, that may be initiated by a Supervisor or top administrative officer and shall cause an investigation to be made and a report, with recommendations, to be written.
- C) There are three types of disciplinary action Probation Department classified employees can appeal to the Board.

1. Warning

There are two types of warning - written and oral. A written warning can either be placed only in the employee's file, or can be forwarded to the N.H. Department of Personnel to be made a permanent part of the employee's record. An employee has the privilege of appealing to the Board if the written warning is to be forwarded to the N.H. Department of Personnel. This appeal must be made within fourteen days of receipt of the warning. Oral warnings or warnings placed only in the employee's file cannot be appealed to the Board.

2. Suspension

An employee has the privilege of appealing to the Board prior to the actual suspension in order to present the employee's side of the story. The appeal must be made within fourteen days of indication from the Director of suspension action. In cases requiring immediate action, the Director may suspend immediately upon verbal approval from the Board. Otherwise, the Board will respond within fourteen days of written request from the employee for a hearing.

3. Dismissal/Demotion

Upon notification by the Director of the intended action to be taken, the employee may request the

Board for a hearing within fourteen days. Approval or disapproval must be made by the Board within fourteen days of the employee's request. In cases requiring immediate action, the Director may dismiss/demote immediately upon verbal approval from the Board.

- D) None of the above actions restrict the right of the employee to appeal to the N.H. Department of Personnel for a hearing.
- E) The Director shall make available to all staff a manual of procedures and enforce it.
- F) The Director shall make available to all staff in the various State Offices a complete copy of the Rules of the N.H. Department of Personnel.

XVII. PUBLIC RELATIONS:

A) Use of Media For Disseminating Information

The Director will utilize the services of the Assistant Directors and field personnel to disseminate information through the media to the public in order to inform and educate the public regarding the role of Probation in the criminal justice process.

B) Public Speaking

The Director, Assistant Director, District Supervisors and field staff should also make themselves available for public speaking engagements when requested by local civic groups, service organizations, etc.. These activities should be utilized to keep members of the public advised and informed about the role of Probation in the community and the programs and the services the Probation Department provides within the criminal justice system.

Prior to any speaking engagements or public information program, Probation Officer should advise their respective Supervisors of such activity.

Within seventy-two hours of such public information activity, a written memo shall be forwarded to the respective District Supervisor with a carbon copy to the Central Office advising Central Office of such activities; and the memo will also be included in the staff member's personnel file.

Any newspaper clippings should be forwarded to Central Office to be included in the public information media file.

C) Citizen Involvement

The Department of Probation is interested in and desirous of securing citizen knowledge of and involvement in the Probation process.

The Central Office and Supervisors should get involved and find ways to promote the above through use of their staff members.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: PERSONNEL  
SUBJECT: LETTERS OF ENDORSEMENT

XVIII. LETTERS OF ENDORSEMENT:

From time to time staff members are asked to support in writing a particular program or agency in its efforts to obtain funding.

When such letters of endorsement are submitted by a staff member on agency letterhead and signed with the title "Probation Officer" (and this is probably the effective way to submit such a letter), it constitutes an official act by the officer in the performance of his duties. Since, theoretically, all actions by an officer are sanctioned by the department, such endorsement could be broadly construed as endorsement by the Department of Probation. This could prove embarrassing to the Department of Probation if done indiscriminately.

Therefore, it shall be the policy of the Department of Probation that all such letters of endorsement or verbal testimonials must be approved by the District Supervisor. Upon receipt of a carbon copy of any such letter, the Supervisor will check it and approve it, if appropriate. Once approved by the District Supervisor, a copy shall be forwarded to the Central Office for information purposes. The Supervisor will keep the copy of the letter, make an appropriate notation if approved, and then inform the officer to mail the letter. If a verbal testimonial is sought, it shall first be discussed with the District Supervisor. This should not be construed as an attempt to discourage endorsements. This is merely a double-check to insure that we do not inadvertently support an unethical program or one which is extremely controversial.

This in no way precludes any individual from endorsing any program he wishes, providing he does not use department stationery and does not imply department endorsement by using his title after his signature or in any similar manner.

I would, however, request extreme caution in endorsing without the Supervisor's, Director's or Assistant Director's knowledge, or better yet, approval.

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: PERSONNEL  
SUBJECT: CONFLICT OF INTEREST

XIX. CONFLICT OF INTEREST:

- A) Staff members of the department shall not use state facilities, equipment, or resources for their own private purposes. Staff members shall not accept gifts or favors of any kind from department clients, their families, or attorneys who are representing clients or potential clients of the Department of Probation.
- B) Staff members shall not hire or accept the services of a probationer unless the client is in business and is paid the full rate for his work or services. It is, however, deemed preferable to avoid this situation if at all possible.
- C) Staff members shall not routinely be assigned the supervision of relatives or friends, nor will they participate in any initial or subsequent Court action being taken against the individual, unless specifically asked to do so by the Court. It shall be the responsibility of the Probation Officer to immediately notify his or her District Supervisor of a potential conflict involving supervision of family members or friends.

XX. LEGAL ADVICE:

- A) Staff members shall not routinely give legal advice to clients other than that which specifically relates to the legal procedures of their probation status.
- B) Staff should continue to advise clients to seek legal advice when appropriate.
- C) Staff should be extremely cautious about advising clients not to exercise any of their Constitutional rights.

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THE STATE OF NEW HAMPSHIRE-DEPARTMENT OF PROBATION  
 JOHN A. KING, DIRECTOR

District.....

Case No.....

SOCIAL INVESTIGATION-ADULT

DEFENDANT	AGE	Date Assigned	Date Report Comp.
		COURT	
Alias	Tel.	Offense	
Counsel			
Arrest Date		Judge	Date
Arresting Authority		Disposition	
Co-Defendants			
Bail	Bailed By		
Time in Jail before Arraign.			
Date Indictment			
Complainant			
Psychiatric by:			
Psychological by:			

PERSONAL HISTORY

D.O.B.	P.O.B.	Citizen	Soc. Sec. #
Residence			
Previous Residence			
Religion	Attends Church	Marital Status	
Place of Marriage (s)	Date	To Whom	

FAMILY

Name	Kin	Age	Residence	Occupation

Submitted by Probation Officer: \_\_\_\_\_

THE STATE OF NEW HAMPSHIRE - DEPARTMENT OF PROBATION  
JOHN A. KING, DIRECTOR

District \_\_\_\_\_

Case No. \_\_\_\_\_

SOCIAL INVESTIGATION - JUVENILE

JUVENILE	AGE	Date Assigned	Date Report Comp.
		COURT	
Held in Custody		Complaint	
Petitioner			
Address			
		Judge	
Police Dept.		Date	Disposition
Companions			
Counsel			
School Attending			
Place of Work			
Psychiatric by:			
Psychological by:			

PERSONAL HISTORY - HOME ENVIRONMENT

D. O. B.	P. O. B.
Residence	How Long
Previous Residence	
Conditions of Neighborhood & Housekeeping Standards	
If home broken, give cause	
Religion	Freq. of Attendance

FAMILY

Name	Kin	Age	Residence	Occupation

Submitted by Probation Officer: \_\_\_\_\_

Height	Wgt.	Eyes	Hair	Complexion
Build	Ident. Scars, Marks, Etc.			

EDUCATION

Grade Reached	Age Left	Retarded	Intelligence	Truancy
Schools Attended				

EMPLOYMENT HISTORY

Trade or Profession	Av. Wkly. Earnings
Type of Worker	Idle How Long Prior to Arrest
Employer at Time of Present Offense	How Long
Previous Employers	Length of Employment Reason for Leaving

Military	How Long	Ser. No.	Discharge	Date
----------	----------	----------	-----------	------

MEDICAL-MENTAL DATA

Defects: Sight	Hearing	Mobility
Nerves	Last Time Saw a Doctor	Why
Attitude		

RECREATION-HABITS-ASSOCIATES

Spare Time Activities	
Use Drugs	Gambles (Type)

Remarks \_\_\_\_\_

PREVIOUS COURT-INSTITUTIONAL RECORD

Date	Court	Offense	Disposition
------	-------	---------	-------------

Prior Probation - Dates: \_\_\_\_\_

FINANCIAL

Assets: Home	Car Value
Bank Balance	Cash Debts

Height	Wgt.	Eyes	Hair	Complexion
Build	Ident. Scars, Marks, Etc.			

EDUCATION

Grade Reached	Age Left	Retarded	I. Q.	Truancy
Schools Attended				
School Remarks (Behavior Attitude)				

EMPLOYMENT HISTORY

Present Employer	How Long			
Address				
Type Work	Av. Wkly. Earnings			
Military	How Long	Ser. No.	Discharge	Date

MEDICAL - MENTAL DATA

Defects: Sight	Hearing	Mobility
Nerves	Last Time Saw a Doctor	Why
Attitude		

RECREATION - HABITS - ASSOCIATES

Spare Time Activities	
Use Drugs	Alcohol
Type of Associates	
Remarks:	

PREVIOUS COURT - INSTITUTIONAL RECORD

Date	Court	Offense	Disposition

Prior Probation - Dates & Places

FINANCIAL INFO

Assets:	Motor Bike	Car Value
Bank Balance	Cash	Debts
Other:		

III. FORM PR-115: LETTER TO ATTORNEY REFERENCE FILING OF PSI:

PR-115
N.H. PROBATION DEPARTMENT
Date _____
Dear _____
This is to advise you that the Probation Department's Report on _____ was filed with the office of the Clerk of _____ on _____.
The report is available for your inspection at the Clerk's Office.
Sincerely,
Probation Officer

**CONTINUED**

**3 OF 4**

THE STATE OF NEW HAMPSHIRE-DEPARTMENT OF PROBATION  
JOHN A. KING, DIRECTOR

District \_\_\_\_\_

**DOMESTIC RELATIONS DIVISION**

Petitioner vs. Petitionee	Date Report Assigned	Date Report Completed
	Eq. No.	
Court	Judge	
Counsel for Petitioner	Counsel for Petitionee	

**PERSONAL HISTORY**

Address	Address
City, State	City, State
Telephone	Telephone
Date & Place Birth	Date & Place Birth
Date & Place Married	Date & Place Married
Soc. Sec. No.	Soc. Sec. No.
Occupation	Occupation
Employer	Employer
Wkly. Wages	Av. Wkly. Wages
Welfare Recipient	Welfare Recipient
Parents Name (s)	Parents Name (s)
Address	Address
Judge	Disposition Dated

**DEPENDENTS UNDER THIS ACTION**

Name	Kinship	Date of Birth	Residence

Revised for State of: \_\_\_\_\_

Revised by State of: \_\_\_\_\_

Domestic Relations Officer

THE STATE OF NEW HAMPSHIRE-DEPARTMENT OF PROBATION  
JOHN A. KING, DIRECTOR

District.....

Case No.....

**CIVIL JUDGMENT FACESHEET**

DEFENDANT VS. PLAINTIFF	Date Report Assigned	Date Report Comp.
	Civil Case #	
Court	Judge	
<u>DEFENDANT</u>	<u>PLAINTIFF</u>	
Name	Name	
Address	Address	
Phone	Phone	
Attorney	Attorney	
Judge	Disposition Dated	

Case Summary and Recommendation: (Use reverse side if necessary)

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: APPENDIX A  
SUBJECT: INTER-COUNTY REQUEST  
(PR-113)

VI. INTER-COUNTY REQUEST FOR INVESTIGATION:

INTER-COUNTY REQUEST FOR INVESTIGATION		PR-113
To:		Date _____
RE:	D.O.B.	
From:		
	The above resides at the following address: _____ _____	
	He is expected to appear in Court on _____	
	Pertinent comments:	
	Please investigate.	
Attachments:	<input type="checkbox"/> Police Story <input type="checkbox"/> Complaint <input type="checkbox"/> Other	
*****		
<u>Action To Be Taken</u>		
	<input type="checkbox"/> Please comply with this request	<input type="checkbox"/> Do investigation yourself
Two copies to C.O.		_____ John A. King, Director

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: APPENDIX A  
SUBJECT: CONSENT TO PSI (PR-107)  
THE STATE OF NEW HAMPSHIRE  
PROBATION BOARD

DEPARTMENT OF PROBATION

John A. King  
Director

Tel.:

Philip P. Caswell  
Assistant Director

Thomas E. Flynn  
Rita C. McAvoy  
Elsie P. Youngman  
Hon. Maurice P. Bois  
Brendan P. Beckley

DEFENDANT'S APPROVAL TO INSTITUTE A PRESENTENCE INVESTIGATION  
BEFORE CONVICTION OR PLEA OF GUILTY

I, \_\_\_\_\_, hereby consent to a presentence investigation by the probation officers of the New Hampshire Probation Department. This investigation is for the purpose of obtaining information useful to the Court in the event I should hereafter plead guilty or be found guilty.

By this consent I do not admit any guilt or waive any rights. I understand that the report, upon completion and filing with the office of the Clerk of Court, will be available for review by my attorney and counsel for the State. I understand I will have fair opportunity to object or correct any of the contents presented in the report.

I have been advised by the probation officer that there will be no discussion of the offense and I have the right to refuse to give any information.

I have read, or had read to me, the foregoing consent and I fully understand it. No promise has been made to me as to what final disposition will be made of my case.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Signature of Defendant)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Probation Officer)

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: APPENDIX A  
SUBJECT: RELEASE OF CONFIDENTIAL  
INFORMATION (PR-111)

THE STATE OF NEW HAMPSHIRE

DEPARTMENT OF PROBATION  
P. O. Box 769, 11 Depot Street  
Concord, N. H. 03301

Tel. 271-2317 -- 271-2318

RELEASE OF CONFIDENTIAL INFORMATION

RE:

This authorizes any physician, hospital, school, clinic and/or social agency to furnish the N. H. Dept. of Probation, any verbal or written information pertaining to present/past physical and mental health and any information concerning the educational and social adjustment of the above.

I authorize release to the N. H. Probation Officer all confidential records and information concerning me or my minor child or children.

It is understood that such information will be held in the strictest confidence by the department.

Signed: \_\_\_\_\_

Witness: \_\_\_\_\_

Date: \_\_\_\_\_

PR-111

N.H. PROBATION DEPARTMENT  
PROBATION DEPARTMENT

SECTION: APPENDIX A  
SUBJECT: NHSP RECORD CHECK FORM

IX. N.H. STATE POLICE RECORD CHECK FORM:

TO: N.H. STATE POLICE

DATE \_\_\_\_\_

FROM: N.H. PROBATION DEPT.

COUNTY \_\_\_\_\_

SUBJECT: PREVIOUS RECORDS ON THE FOLLOWING

NR	RE	BCI #	NAME AND ADDRESS	DOB	COMPLAINT	PROBATION RECORD

"Live Free or Die"



JOHN A. KING  
Director  
ALAN B. URQUHART  
Assistant Director

The State of New Hampshire

DEPARTMENT OF PROBATION  
P.O. Box 769, 11 Depot Street  
Concord, N.H. 03301  
TEL. 271-2317 - 271-2318

PROBATION BOARD

RANDALL F. COOPER  
ROBERT E. MURPHY  
NEIL F. CASTALDO  
DORIS F. REGAN  
BERNARD J. HAMPSEY, JR.

Address Reply To:

Re: \_\_\_\_\_

Dear \_\_\_\_\_:

With reference to the offense of \_\_\_\_\_ which occurred on \_\_\_\_\_ at your residence/business, please be advised that this Department is conducting a presentence investigation on the above named subject for the \_\_\_\_\_ Court. This matter is pending before the Court at the present time.

Probation Officers, when doing such investigations, are required by New Hampshire Law to interview the victim of any offense. The applicable statute (N.H. RSA 504:2) reads in part as follows:

"Said investigation shall include an interview by the Probation Officer with the victim, if a natural person, or a member of his family, and said report shall include a summary of such interview."

It is requested that you complete the enclosed form and/or contact the undersigned upon receipt of this letter to schedule a personal interview. If you choose not to be interviewed on this matter, please so indicate in writing for our files.

Your prompt response will be appreciated.

Sincerely,

State Probation Officer

NEW HAMPSHIRE PROBATION DEPARTMENT

VICTIM INTERVIEW DATA FORM  
\*\*\*\*\*

VICTIM \_\_\_\_\_ RE: STATE VS. \_\_\_\_\_

ADDRESS \_\_\_\_\_ DOCKET NO. \_\_\_\_\_

OFFENSE \_\_\_\_\_ DATE OF OCCURRENCE \_\_\_\_\_

INSTRUCTIONS: PLEASE PRINT AND RETURN IN ENCLOSED ENVELOPE OR BRING WITH YOU. ANSWER THE FOLLOWING QUESTIONS AS COMPLETELY AS POSSIBLE.

(1) Were you injured in the above act? Yes \_\_\_\_\_ No \_\_\_\_\_

Name of Doctor \_\_\_\_\_

Name of Hospital \_\_\_\_\_

Cost of Medical Assistance \_\_\_\_\_  
(Attach doctor's statement if available)

(2) Do you have insurance to cover cost of medical services?

Yes \_\_\_\_\_ No \_\_\_\_\_

(3) Was property stolen or damaged? List and describe item(s) and give market value: (use reverse side)

(4) Do you have insurance to cover the cost of the property lost?

Yes \_\_\_\_\_ No \_\_\_\_\_

(5) Name of Insurance Company \_\_\_\_\_

Policy Number \_\_\_\_\_

Case or Claim Number \_\_\_\_\_

(6) Have you made any recovery of the damages incurred as a result of this crime? Yes \_\_\_\_\_ No \_\_\_\_\_ If yes, explain \_\_\_\_\_

(7) If any of the above stolen or damaged property is in the custody of a law enforcement agency, give name of agency \_\_\_\_\_

Date \_\_\_\_\_ Signature \_\_\_\_\_

Phone Number where you can be reached \_\_\_\_\_

KINDLY RETURN THIS FORM WITHIN 7 DAYS.  
SHOULD YOU HAVE ANY QUESTIONS, YOU MAY CALL THE OFFICE AT \_\_\_\_\_

PROBATION

INTRA-STATE REQUEST FOR  
TRANSFER OF PROBATIONER

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Date \_\_\_\_\_

TO:

FROM:

RE:

DOB:

OFFENSE:

I plan to transfer the above named to your area. He states he lives at:

Works or in school at: \_\_\_\_\_

Comments: \_\_\_\_\_

Please check to make sure everything is O.K. before I transfer case records.

Thank you.

\_\_\_\_\_ Please comply

\_\_\_\_\_  
DIRECTOR

-----  
REPLY (within 2 weeks or less)

\_\_\_\_\_ I have checked and everything is O.K.

\_\_\_\_\_ Cannot locate. Do not transfer.

\_\_\_\_\_ Other. More information, if necessary, on reverse side.

\_\_\_\_\_  
PROBATION OFFICER

Probation Officer checking will send reply directly to office requesting transfer.

Two to C.O.



Juv.  NEW HAMPSHIRE DEPARTMENT OF PROBATION

Adult  SUPERVISION CHRONOLOGICAL

District \_\_\_\_\_ Town \_\_\_\_\_ Probationer \_\_\_\_\_ Age \_\_\_\_\_

P. O. \_\_\_\_\_ Release Date \_\_\_\_\_

CLASSIFICATION

<u>Category</u>	<u>Date</u>	<u>Frequency of Contact</u>
Intensive	_____	_____
Regular	_____	_____
Minimal	_____	_____

PAYMENTS ORDERED BY THE COURT

Restitution  Court Fees  Fines  Counsel Fees

Other \_\_\_\_\_ Total Order Amount \_\_\_\_\_

Offender agrees and is to pay \_\_\_\_\_ per \_\_\_\_\_ until total order paid in full.

OFFENSE:

DATE: \_\_\_\_\_ JUDGE: \_\_\_\_\_ DISPOSITION: \_\_\_\_\_

PROBATION PLAN:

FIRST SESSION: (Explanation of Probation and Rules. The attitude of the Probationer toward the Probation Plan and circumstances now, etc.)

Page \_\_\_\_\_

Supervision Chronological of \_\_\_\_\_ by \_\_\_\_\_

Probation Officer \_\_\_\_\_ . Now contact on \_\_\_\_\_ basis.

VI. SUPERVISION CHRONOLOGICAL (SC3):

This is used by the Probation Officer to record in writing the information to be entered into the chronological by the typist.

N.H. PROBATION DEPT.		CHRONOLOGICAL GUIDE																												
NAME _____	DIVISION _____	ADULT _____	JUV. _____	MONTH _____																										
CONTACT DATES																														
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31
REMARKS: _____																														
_____																														
SUMMARY: _____																														
_____																														
_____																														
SC3 (use reverse side for continuations)																														

TO \_\_\_\_\_

By order of the \_\_\_\_\_ Court dated \_\_\_\_\_,  
you have been placed on probation for a period of \_\_\_\_\_  
under the supervision of the New Hampshire Department of Probation. The terms and conditions of probation, unless otherwise prescribed, shall be as follows:

The probationer shall

- 1) Comply with all orders of The Court including any order for the payment of money;
- 2) Report promptly to the Probation Officer at such times and places as the Probation Officer shall direct;
- 3) Notify the Probation Officer immediately of any change of residence, employment, and/or address;
- 4) Permit the Probation Officer at all reasonable times to visit the premises in which the probationer resides, for the purposes of inspection and examination of the same;
- 5) Diligently pursue some lawful employment;
- 6) Provide adequate support for all persons dependent upon him;
- 7) Not associate with any persons of harmful character or who may have court records or others who may be specified by the Probation Officer;
- 8) Not illegally use or possess any drug nor visit or be present where drugs are sold, dispensed, and/or possessed by others;
- 9) Not receive, possess, or transport any weapon, explosive, or firearm;
- 10) Undergo any psychiatric, alcoholic, or drug abuse treatment as may be prescribed and/or arranged by The Court or the Probation Officer;
- 11) Be of good behavior, observe all laws, and keep the peace;
- 12) (a) Not leave the State without permission from the Probation Officer;
- 12) (b) And hereby does agree to waive extradition to the State of New Hampshire from any state of the United States of America, the District of Columbia U. S. A., the Commonwealth of Puerto Rico, or any other place, to answer any charge of violating the terms of probation;

(over)

12) (c) Return to New Hampshire if directed to by the Probation Department.

Other terms or conditions may be imposed by The Court and shall be presumed to be in addition to the foregoing.

You are hereby advised that if you violate any of the conditions of your probation, you may be arrested and the Court may revoke your probation and impose any sentence which it might have imposed before placing you on probation.

I HEREBY CERTIFY THAT I HAVE THIS DATE RECEIVED A COPY OF THE RULES AND REGULATIONS WHICH ARE CONDITIONS OF MY PROBATION. I HAVE READ OR HAD READ TO ME THE RULES AND FULLY UNDERSTAND AND AGREE TO BE BOUND BY THEM.

Signed: \_\_\_\_\_  
Probationer

Date: \_\_\_\_\_

Witnessed this the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_

\_\_\_\_\_  
Probation Officer

N.H. PROBATION DEPARTMENT  
PROBATION MANUAL

SECTION: APPENDIX B  
SUBJECT: TRAVEL PERMIT

N.H. PROBATION DEPARTMENT  
P.O. Box 769, 11 Depot Street  
Concord, NH 03301

John A. King  
Director

Local Office Phone \_\_\_\_\_

PROBATION BOARD

Alan B. Urquhart  
Assistant Director

Randall F. Cooper  
Robert E. Murphy  
Neil F. Castaldo  
Doris F. Regan  
Bernard J. Hampsey, Jr.

TRAVEL PERMIT

DATE \_\_\_\_\_

You are authorized to travel to \_\_\_\_\_

leaving \_\_\_\_\_ and returning \_\_\_\_\_

It is understood that the purpose of this trip is \_\_\_\_\_

Within 24 hours after your return you will contact this office.

Special instructions

\_\_\_\_\_  
State Probation Officer

Reply to:

TO \_\_\_\_\_ DOB \_\_\_\_\_

By order of the \_\_\_\_\_ Court dated \_\_\_\_\_  
you have been placed under the supervision of the New Hampshire Probation Department  
for a period of \_\_\_\_\_. As a condition of your remaining on  
supervision you must abide by the following rules:

1. Report promptly to the Probation Officer at such times and places as the officer shall specify.
2. Curfew: Week nights \_\_\_\_\_ p.m. Friday and/or Saturday \_\_\_\_\_ p.m.  
(Exceptions may be granted for special events and or merit)
3. Attend school regularly and maintain grades as high as possible. No truancy. Not allowed to quit or withdraw from school without permission of Probation Officer and parents/guardians.
4. Cooperate with parents/guardians at all times and be responsible in behavior both at home and the community.
5. Receive counseling or therapy as may be required by Court or Probation Officer.
6. Abstain from the use of all alcoholic beverages and illegal drugs.
7. Not associate with any individual or group known to make use of illegal drugs, with persons who have court records or those identified by the Probation Officer.
3. If not a school student and if employed, you shall list earnings and the manner in which it is spent. If unemployed you must actively seek employment or be enrolled in a program approved by the Probation Officer.
9. Notify the Probation Officer as to any change in address, school status or employment if you are working.
10. Pay at such times and in such amounts as determined by the Probation Officer all restitution that may be ordered by the Court.
11. Personal living quarters shall be open at all reasonable times for examination and inspection by the Probation Officer.
12. Not leave the State without the permission of the Probation Officer.
13. Special conditions made by the Court or Probation Officer:  
\_\_\_\_\_

I HEREBY ACKNOWLEDGE THAT I HAVE THIS DATE READ OR HAD READ TO ME THE ABOVE RULES AND FULLY UNDERSTAND THEM. I AM AWARE THAT IF I FAIL TO FOLLOW ANY OF THESE CONDITIONS, SUCH ACTION MAY RESULT IN A FURTHER JUVENILE COURT HEARING.

DATE \_\_\_\_\_ PROBATIONER \_\_\_\_\_

WITNESS \_\_\_\_\_  
PARENT/GUARDIAN

\_\_\_\_\_  
JUDGE/PROBATION OFFICER

State of New Hampshire

INTERSTATE COMPACT OFFICE  
N.H. PROBATION DEPT.  
26 Pleasant street  
Concord, N.H. 03301  
Tel. No. 271-2317

PAROLE AND PROBATION FORM IV  
PROGRESS AND CONDUCT REPORT

(Insert title and address of official in receiving state)

TO ..... DATE OF REPORT .....  
DATE FORWARDED .....  
RE: ..... NO. .... STATE .....

Address of Parolee or Probationer:  
Name and Relationship of Others in Home:  
Contact Dates:  
Marital Status:  
Employer - Address:  
Is Subject's Record Known to Employer:  
Type of Work - Hours - Wages:  
Conduct, Progress and Attitude:

Interstate Compact Administrator

For: .....  
By: .....

Note: According to the rules and regulations the above form should be sent to the sending state by the receiving state on a quarterly basis unless specific other arrangements have been agreed to by the two administrators. If a running case record is kept by the receiving state, it may be sent quarterly in lieu of the above form.)

Mr. John Doe  
\_\_\_\_\_  
\_\_\_\_\_

Dear Mr. Doe:

Our records reflect the fact that you have not had any contact with this office since \_\_\_\_\_. The conditions of your probation require that you report as requested. At this time you are in violation of that condition.

As your Probation Officer, I would like to see you continue your probation on a constructive basis. I am, therefore, scheduling an appointment for you to see me on \_\_\_\_\_, at \_\_\_\_\_ (day and date), at \_\_\_\_\_ (time).

As of this writing, I have not filed a violation report with the Court, and I can assure you that you will not be arrested when you report to the office. Instead, I shall try to begin again in assisting you to successfully complete your probation. But you must also make a commitment to start cooperating and helping yourself. If you cannot make this appointment, please contact me by phone at \_\_\_\_\_ to set another time.

Should you not respond to this letter, I shall assume that you do not intend to honor the terms of your probation. I shall then file a violation report with the Court and request that a hearing be scheduled at the earliest possible date. You will be notified to appear in Court; and if you fail to appear, a capias will be issued for your arrest.

When you are arrested, you will be held at the County Jail, if you cannot post bail, pending a hearing before the \_\_\_\_\_ Superior Court.

I would like to see you resume your probation in good standing, and hope to see you at my office on \_\_\_\_\_.

Sincerely,

Probation Officer

NEW HAMPSHIRE DEPARTMENT OF PROBATION

SUPERVISION SCALE

Defendant's Name \_\_\_\_\_ Sex: Male \_\_\_\_\_ Female \_\_\_\_\_  
Defendant's Age \_\_\_\_\_ Court \_\_\_\_\_  
Offense \_\_\_\_\_ P.O. \_\_\_\_\_

RECORD

- |  | POINTS   |
|--|----------|
| A. Arrest free period of five or more consecutive years                      | 12 _____ |
| B. Few periods of incarceration (none, 1 or 2)                               | 8 _____  |
| C. Most recent prior conviction does not involve checks, forgery or burglary | 7 _____  |
| D. No previous probation or parole failures                                  | 7 _____  |
| E. First arrest occurred after the age of 14                                 | 5 _____  |
| F. Few prior arrests (none, 1 or 2)  | 4 _____  |

EMPLOYMENT

- |   |         |
|---|---------|
| A. Presently employed or otherwise productively occupied  | 6 _____ |
| B. Twelve months steady employment within one year prior to arraignment for present offense   | 6 _____ |
| C. Four to eleven months steady employment prior to arraignment for present offense. (If given 6 points on Item B, also add 4 points for this item) | 4 _____ |

DRUGS

- |   |         |
|---|---------|
| A. No history of hard drug usage                          | 9 _____ |
| B. No history of drug abuse or extensive use of marijuana | 5 _____ |

FAMILY

- |                                 |         |
|---------------------------------|---------|
| A. No family criminal record    | 6 _____ |
| B. Meaningful family ties       | 5 _____ |
| C. Favorable living arrangement | 5 _____ |

ALCOHOL

- |                           |         |
|---------------------------|---------|
| A. No alcohol involvement | 6 _____ |
|---------------------------|---------|

EDUCATION

- |  |         |
|--|---------|
| A. High school graduate or equivalency | 4 _____ |
|--|---------|

If present offense involved one of the following, deduct 25 points from sub total.

1. Any crime of violence
2. Sale of "hard" narcotics for profit
3. Extortion

SUB TOTAL: \_\_\_\_\_

LESS: \_\_\_\_\_

TOTAL POINTS: \_\_\_\_\_

Check one below:

Maximum  (0-49)    Medium  (50-75)    Minimum  (76-99)    Collection

Date Completed \_\_\_\_\_

JUVENILE CASE CLASSIFICATION

Juvenile's Name \_\_\_\_\_ Sex: Male \_\_\_\_\_ Female \_\_\_\_\_

Juvenile's Age \_\_\_\_\_ Court \_\_\_\_\_

Offense \_\_\_\_\_ P. O. \_\_\_\_\_

RECORD POINTS

- A. No prior petitions filed (PINS/Del.) ..... 6 \_\_\_\_\_
- B. Few prior police contacts (0, 1, 2) ..... 6 \_\_\_\_\_
- C. No adjudications within past 2 years (prior to instant offense) ..... 9 \_\_\_\_\_
- D. No history (including instant offense) of burglary, theft, unauth. use M.V. 7 \_\_\_\_\_
- E. No prior ADC commitment to YDC (or comparable institution) ..... 8 \_\_\_\_\_
- F. No prior diversion or probation failures ..... 7 \_\_\_\_\_
- G. First arrest after age 12 ..... 5 \_\_\_\_\_

EDUCATION/EMPLOYMENT

- A. Full time school enrollment or full time employment ..... 10 \_\_\_\_\_
- B. Acceptable performance at school/work ..... 13 \_\_\_\_\_

FAMILY

- A. No family criminal/juvenile record ..... 6 \_\_\_\_\_
- B. Meaningful family ties or favorable living arrangement ..... 5 \_\_\_\_\_

ALCOHOL/DRUGS

- A. No alcohol involvement (excluding experimentation)..... 6 \_\_\_\_\_
- B. No history of drug abuse or regular marijuana use ..... 5 \_\_\_\_\_

LEISURE TIME

- A. Positive use of leisure time ..... 6 \_\_\_\_\_

SUB TOTAL: \_\_\_\_\_

Deduct 25 points if any history of, or instant offense involves, one of the following:

1. Crime of violence.
2. Minority commitment to YDC (or comparable institution).
3. Sale of drugs.
4. Serious criminal mischief.
5. Diagnosed emotional problem which impairs social adjustment.

LESS: \_\_\_\_\_

CHECK ONE BELOW:

<u>MAXIMUM</u>	<u>MEDIUM</u>	<u>MINIMUM</u>	<u>COLLECTION</u>
(0-60)	(61-84)	(85-99)	

TOTAL POINTS: \_\_\_\_\_

Date completed \_\_\_\_\_

Placed in category \_\_\_\_\_

State of New Hampshire

INTERSTATE COMPACT OFFICE  
N.H. PROBATION DEPT.  
26 PLEASANT STREET  
CONCORD, N.H. 03301  
TEL. No. 271-2317

SUPERVISION REQUEST

SR 1

TO: ..... DATE REQUESTED .....

RE: ..... OUR FILE NO. ....

Address ..... County .....

Offense ..... DOB ..... SEX .....

Date ..... Sentence .....

Probation Expires .....

Parole Information

Institution ..... No. .... Parole Period .....

Maximum Sentence Expires ..... Release Date .....

Home Offer .....

Employment .....

\*\*\*\*\*  
We desire to transfer this person on (Parole) (Probation) to your state

- As a resident
- He has employment
- Family resides in your state
- With your consent

OTHER COMMENTS .....

CASE SUMMARY AND CRIMINAL RECORD ARE ATTACHED HERETO. ( ) yes ( ) no

N.H. investigation completed by .....

..... investigation completed by .....

.....  
N.H. Interstate Compact Administrator

AGREEMENT TO RETURN

STATE OF NEW HAMPSHIRE \_\_\_\_\_ Court of \_\_\_\_\_  
COUNTY \_\_\_\_\_ Department \_\_\_\_\_  
CITY OF \_\_\_\_\_

I, \_\_\_\_\_, now under the supervision of \_\_\_\_\_  
\_\_\_\_\_, New Hampshire in  
(Department) of \_\_\_\_\_ (County)  
full appreciation of the grant of favor extended me by the Court, and in further consideration of being granted  
permission to leave the State of New Hampshire, to go to \_\_\_\_\_ (City) \_\_\_\_\_ (State)  
hereby agree:

1. That I will make my home with \_\_\_\_\_ (Name)  
\_\_\_\_\_, until a change of residence is duly  
(Address)  
authorized by the proper authorities of \_\_\_\_\_ (City) \_\_\_\_\_ (County)  
\_\_\_\_\_ (State)

2. That I will comply with the conditions of probation as fixed by the \_\_\_\_\_  
\_\_\_\_\_ Court and State Probation Officer of \_\_\_\_\_  
\_\_\_\_\_, New Hampshire, and probation Officer of \_\_\_\_\_ (City)  
(County) \_\_\_\_\_ (Receiving State)

3. That I will, when duly instructed by the \_\_\_\_\_ (Court)  
\_\_\_\_\_ of \_\_\_\_\_ (City)  
(Department) \_\_\_\_\_ (Probation Officer)  
\_\_\_\_\_, return at any time to the  
(County) \_\_\_\_\_ (State)  
State of New Hampshire.

4. That I do hereby, in the event that such proceedings are instituted, waive extradition to the State of  
New Hampshire, and also agree that I will not contest any effort by any state to return me to the State of New  
Hampshire.

Dated: \_\_\_\_\_

Witnesses:  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(Signature of Probationer)

On the \_\_\_\_\_ day of \_\_\_\_\_ 19\_\_\_\_, permission  
was granted to the above probationer to reside in the state of \_\_\_\_\_  
and to be supervised by \_\_\_\_\_

Approved:

\_\_\_\_\_  
Administrator  
Interstate Compact

September 1966

PAROLE AND PROBATION FORM V

APPLICATION FOR COMPACT SERVICES

(In triplicate: one copy to be given to inmate; one copy  
each to sending and receiving state)

TO: \_\_\_\_\_  
(paroling authority or probation granting authority)

I, \_\_\_\_\_, hereby apply for supervision as a  
parolee or probationer pursuant to the Interstate Compact for the Supervision of  
Parolees and Probationers. I understand that the very fact that supervision will  
be in another state makes it likely that there will be certain differences between  
the supervision I would receive in this state and the supervision which I will  
receive in any state to which I am asking to go. However, I urge the authorities  
to whom this application is made, and all other judicial and administrative author-  
ities, to recognize that supervision in another state, if granted as requested in  
this application, will be a benefit to me and will improve my opportunities to make  
a good adjustment. In order to get the advantages of supervision under the Inter-  
state Compact for the Supervision of Parolees and Probationers, I do hereby  
accept such differences in the course and character of supervision as may be pro-  
vided, and I do state that I consider the benefits of supervision under the Compact  
to be worth any adjustments in my situation which may be occasioned.

In view of the above, I do hereby apply for permission to be supervised on  
(parole) (probation) in \_\_\_\_\_, for the following reasons:  
state

I (have read the above) (have had the above read and explained to me), and I  
understand its meaning and agree thereto.

Signature \_\_\_\_\_

Witnessed by \_\_\_\_\_

Date \_\_\_\_\_

Juvenile Compact Manual, Chapter 3, Rules, Regulations and Forms, Page 3a

Approved  
June, 1968

JUVENILE COMPACT FORM IA

APPLICATION FOR COMPACT SERVICES

(In triplicate: One copy to be given to juvenile; one copy each to sending and receiving state)

TO: \_\_\_\_\_  
(Paroling authority or probation granting authority)

I, \_\_\_\_\_, hereby apply for supervision as a parolee or probationer pursuant to the Interstate Compact on Juveniles. I understand that the very fact that supervision will be in another state makes it likely that there will be certain differences between the supervision I would receive in this state and supervision which I will receive in any state to which I am asking to go. However, I urge the authorities to whom this application is made, and all other judicial and administrative authorities, to recognize that supervision in another state, if granted as requested in this application, will be a benefit to me and will improve my opportunities to make a good adjustment. In order to get the advantages of supervision under the Interstate Compact on Juveniles, I do hereby accept such differences in the course and character of supervision as may be provided, and I do state that I consider the benefits of supervision under the Compact to be worth any adjustments in my situation which may be occasioned.

In view of the above, I do hereby apply for permission to be supervised on (parole) (probation) in \_\_\_\_\_, for the following reasons:  
state

I (have read the above) (have had the above read and explained to me), and I understand its meaning and agree thereto.

\_\_\_\_\_  
Signature of Juvenile

Witnessed by \_\_\_\_\_

Date \_\_\_\_\_

\_\_\_\_\_  
Signature of Guardian Ad Litem or person  
or agency having legal custody

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NEW HAMPSHIRE PROBATION DEPARTMENT

SPONSOR CONTACT REPORT

Probationer \_\_\_\_\_ Sponsor \_\_\_\_\_  
Probation Officer \_\_\_\_\_ Mailed \_\_\_\_\_ or handed in \_\_\_\_\_ on \_\_\_\_\_

Please record below each contact with your probationer. Only key events and opinions should be noted here. Details should be saved for discussion with the supervising Probation Officer. If more space is needed, use the reverse side. Give or mail this report form to the Probation Officer at least once a month, regardless of the number of contacts made. Problems requiring prompt attention should be referred to the Probation Officer at once.

Date \_\_\_\_\_ Visited \_\_\_\_\_ Phoned \_\_\_\_\_ Time Spent \_\_\_\_\_

Comments: \_\_\_\_\_

Date \_\_\_\_\_ Visited \_\_\_\_\_ Phoned \_\_\_\_\_ Time Spent \_\_\_\_\_

Comments: \_\_\_\_\_

Date \_\_\_\_\_ Visited \_\_\_\_\_ Phoned \_\_\_\_\_ Time Spent \_\_\_\_\_

Comments: \_\_\_\_\_

Date \_\_\_\_\_ Visited \_\_\_\_\_ Phoned \_\_\_\_\_ Time Spent \_\_\_\_\_

Comments: \_\_\_\_\_

Date \_\_\_\_\_ Visited \_\_\_\_\_ Phoned \_\_\_\_\_ Time Spent \_\_\_\_\_

Comments: \_\_\_\_\_

**THIS REPORT IS CONFIDENTIAL!**

NEW HAMPSHIRE PROBATION DEPARTMENT  
11 Depot St., Concord, N. H. 03301

PROBATION SPONSOR APPLICATION

Name \_\_\_\_\_ Date \_\_\_\_\_

Address \_\_\_\_\_ Home Phone \_\_\_\_\_ Other \_\_\_\_\_

City \_\_\_\_\_ Business Hours \_\_\_\_\_ To \_\_\_\_\_

Years In This Town \_\_\_\_\_

Date of Birth \_\_\_\_\_ Sex \_\_\_\_\_ Employer \_\_\_\_\_

Single \_\_\_\_\_ Married \_\_\_\_\_ Children \_\_\_\_\_ Ages \_\_\_\_\_

Special Skills Or Degrees \_\_\_\_\_

Associations Or Clubs To Which You Belong \_\_\_\_\_

Sports Interest \_\_\_\_\_

Other Regular Activities \_\_\_\_\_

How Much Time Can You Give To The Program? \_\_\_\_\_

Will You Be Able To Participate On Weekdays? \_\_\_\_\_ Evenings \_\_\_\_\_ Weekends? \_\_\_\_\_

Do You Prefer To Work With Any Particular Age Group? \_\_\_\_\_

Have You Ever Done Volunteer Work? \_\_\_\_\_ Describe \_\_\_\_\_

Were you recruited by: Radio \_\_\_\_\_ Newspaper \_\_\_\_\_

Friend \_\_\_\_\_ Probation Officer \_\_\_\_\_ Other \_\_\_\_\_

References: (List 2 References) \_\_\_\_\_

Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_

As a Probation Sponsor you will be assisting the New Hampshire Probation Department in its service to the Courts of New Hampshire. As with all responsible positions within the judicial system, a routine police and reference check is made of all applicants. The Department also requires that persons serving it agree to hold any confidential information they may receive. It is understood that the applicant whose signature appears below has no objection to these policies and, if accepted, will adhere to the rules of the department.

\_\_\_\_\_  
(Signature of Applicant)

NEW HAMPSHIRE PROBATION DEPARTMENT  
SPONSOR SCREENING REPORT

Sponsor \_\_\_\_\_ District \_\_\_\_\_ Date \_\_\_\_\_

Interviewer \_\_\_\_\_ Time Limitations \_\_\_\_\_

Applicant's Youth: \_\_\_\_\_

Where did he grow up? \_\_\_\_\_

Family Description: \_\_\_\_\_

Attitudes towards school and law: \_\_\_\_\_

Military Service? \_\_\_\_\_ Describe: \_\_\_\_\_

Employment History: \_\_\_\_\_

Experience or training in youth work, counseling or other related work?  
\_\_\_\_\_

Why does applicant want to be a Probation Sponsor? \_\_\_\_\_

Any doubts or anxieties about relating to offenders? \_\_\_\_\_

Feelings about drug use: \_\_\_\_\_

Feelings about revocation: \_\_\_\_\_

Ability to communicate: Excellent \_\_\_\_\_ Average \_\_\_\_\_ Poor \_\_\_\_\_

Additional comments: \_\_\_\_\_

\_\_\_\_\_, approve of this person as a volunteer.

Officer \_\_\_\_\_  
District \_\_\_\_\_  
Year \_\_\_\_\_

- 1) Circle month when monthly meeting held.  
2) Put number in attendance at meeting above month.

NAME	AGE	J	F	M	A	M	J	J	A	S	O	N	D	OCC	REASON LEFT
1.															
2.															
3.															
4.															
5.															
6.															
7.															
8.															
9.															
10.															
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22.															
23.															
24.															
25.															

NAME	AGE	J	F	M	A	M	J	J	A	S	O	N	D	OCC	REASON LEFT
26.															
27.															
28.															
29.															
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33.															
34.															
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36.															
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38.															
39.															
40.															
ALM															
N															
RE															
RP															
RC															
TOTAL															
R															
TP															
TC															
TOTAL															
ASSIGNED															
WAITING															
ASSIGNMENT															

CODES FOR VOLUNTEER STATS

- 1) ALM Volunteers available end of previous month.
- 2) N Any person joining Volunteer Program for the first time.
- 3) RE Reopening is activating a previous volunteer.
- 4) RP An active volunteer received from one P.O. to another P.O. within the same county.
- 5) RC An active volunteer received from another office in a different county.
- 6) R Resigned. Any volunteer leaving the program.
- 7) TP Active volunteer transferred to another P.O. in the same county.
- 8) TC Active volunteer transferred to another P.O. in another county.
- 9) TA Total active cases.
- 10) A Volunteers assigned to a case.
- 11) WA Volunteers waiting to be assigned to a case.

NOTE: Use above symbols only in column for a month if a change was made. Otherwise, DO NOT FILL IN ANYTHING FOR THAT MONTH.

OCCUPATIONS:

- Key - A. Clerk, Secretary  
B. Student (Grad and Undergraduate)  
C. Law Enforcement Personnel  
D. Social Service Agencies (Include Teachers)  
E. Non-Professional Employment  
F. Housewife  
G. Professional Careers (Managers, Sales)  
H. Other (Includes Retired, Unemployed)

REASONS FOR LEAVING:

- Key - A. Moved  
B. Removed by P.O.  
C. Resigned, no reason given  
D. Resigned, no interest  
E. Quit, found fault with program  
F. Other - on reverse

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6. Ability to plan, organize and make the most effective and efficient use of time

Needs Improvement \_\_\_\_\_

7. Ability to recognize a problem, obtain and evaluate facts, reach sound conclusions

Needs Improvement \_\_\_\_\_

8. Ability to follow orders and instructions

Needs Improvement \_\_\_\_\_

9. Positive and enthusiastic attitude to the overall job

Needs Improvement \_\_\_\_\_

Administration

1. Appraise the Supervisor or other staff of his or her whereabouts and signs sign-out sheet when leaving the office

Needs Improvement \_\_\_\_\_

2. Follows the policies and procedures as set forth by the department

Needs Improvement \_\_\_\_\_

3. Complies with the Law Enforcement 48 Hours Per Week

Needs Improvement \_\_\_\_\_

4. Ensures organization and planning in travel - avoids unproductive travel

Needs Improvement \_\_\_\_\_

5. Prevents unnecessary expenses in office supplies and telephone usage

Needs Improvement \_\_\_\_\_

6. Ensures that the proper office hours and specified evening hours are maintained

Needs Improvement \_\_\_\_\_

7. Reviews and answers Incoming Mail within a day when possible

Needs Improvement \_\_\_\_\_

8. Diligently carries out workload assigned in the district

Needs Improvement \_\_\_\_\_

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9. Diligently carries out NH RSA 504 relative to powers and duties of Probation Officer as mandated

Needs Improvement \_\_\_\_\_

Record Keeping And Reporting

1. Submits timely and accurate statistical and other reports to Supervisor for review

Needs Improvement \_\_\_\_\_

2. Maintains updated monthly review of case for "Investigation Schedule"

Needs Improvement \_\_\_\_\_

3. Ensures cases opened and closed timely and properly

Needs Improvement \_\_\_\_\_

4. Ensures records on all criminal, juvenile, civil and restitution cases are maintained properly

Needs Improvement \_\_\_\_\_

Supervision

1. Follows rules, regulations and requests as directed by the Supervisor and Central

Needs Improvement \_\_\_\_\_

2. Follows the rules and regulations concerning proper grievance procedure concerning performance evaluations or other personnel problems.

Needs Improvement \_\_\_\_\_

3. Plans, organizes and maintains an advanced weekly itinerary

Needs Improvement \_\_\_\_\_

4. Suggests new ideas, innovations, programs, legislation, policy changes which will improve the department

Needs Improvement \_\_\_\_\_

Interstate Compact

1. Follows the proper procedure and policies for all Intra-State matters

Needs Improvement \_\_\_\_\_

2. Follows the proper procedure and policies for all Interstate matters  
Needs Improvement \_\_\_\_\_

Presentence Investigations

1. Finishes investigation in timely and planned manner so as not to overburden secretary by completing several at same time

Needs Improvement \_\_\_\_\_

2. Each item on a facesheet has a comment

Needs Improvement \_\_\_\_\_

3. Completes all assigned investigations within thirty days

Needs Improvement \_\_\_\_\_

4. Utilizes the caseload management criteria on each investigation prior to the recommendation

Needs Improvement \_\_\_\_\_

5. Follows department outline for presentence investigations

Needs Improvement \_\_\_\_\_

6. Victim Input - If no responses to mail, thoroughly checks out the location of victims through neighbors, police, residence, relatives

Needs Improvement \_\_\_\_\_

7. Comments on all categories under Biographical Summary A to I

Needs Improvement \_\_\_\_\_

8. Summary Analysis indicates clearly Probation Officer's perception of problems of the individual relative to the offender's offense, past behavior and future behavior.

Needs Improvement \_\_\_\_\_

9. Sentence structure, grammar and style of Presentence Reports

Needs Improvement \_\_\_\_\_

10. Action Plan For Change states clearly the 5 W's on how to handle the problems and immediate and long range needs of offender.

Needs Improvement \_\_\_\_\_

11. Action Plan For Change is supported in the body of the report's information

Needs Improvement \_\_\_\_\_

12. Recommendation is based on information in Summary Analysis and Classification Form

Needs Improvement \_\_\_\_\_

Supervision

1. Utilizes the Supervision Caseload in all cases

Needs Improvement \_\_\_\_\_

2. Supervision contacts are determined by the category

Needs Improvement \_\_\_\_\_

3. Chronological entries indicate type of contact - office visit, home visit, street, etc.

Needs Improvement \_\_\_\_\_

4. Chronologicals are clear, concise and to the point concerning the probationer's activities

Needs Improvement \_\_\_\_\_

5. Follows Action Plan For Change and reviews and modifies every six months

Needs Improvement \_\_\_\_\_

6. Reviews chronologicals monthly

Needs Improvement \_\_\_\_\_

7. Entries in chronologicals up-to-date - no more than two weeks behind in chronological book

Needs Improvement \_\_\_\_\_

8. How many early terminations completed in the last six months

Needs Improvement \_\_\_\_\_

9. Establishes a time table plan in all restitution cases

Needs Improvement \_\_\_\_\_

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10. All categories of the chronologicals are completed  
Needs Improvement \_\_\_\_\_
  11. Notes changes in status of work, home life, etc. and is properly logged  
Needs Improvement \_\_\_\_\_
  12. After all efforts to locate a probationer and a period of sixty days has passed, violations are filed promptly  
Needs Improvement \_\_\_\_\_
  13. Keeps appointments with probationers  
Needs Improvement \_\_\_\_\_
- Violations
1. Adheres to standards, policies and procedures, and laws relating to violations  
Needs Improvement \_\_\_\_\_
  2. Adheres to department procedures RE: Morrissey v. Brewer and Preliminary Hearing  
Needs Improvement \_\_\_\_\_
  3. Has verifiable explanation of why a person is violated  
Needs Improvement \_\_\_\_\_
  4. Consults with Supervisor prior to filing a violation  
Needs Improvement \_\_\_\_\_
  5. Prior to violation being filed has completed "HOW VIOLATED SECTION: and thoroughly checked out all areas listed  
Needs Improvement \_\_\_\_\_
  6. Recommendations on violations to the Court are consistent with offender's past and present behavior  
Needs Improvement \_\_\_\_\_
  7. Ensures every effort has been made to assist probationer in avoiding the violation  
Needs Improvement \_\_\_\_\_

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8. Probationers failing to report all avenues to locate have been checked - residency, family, police, job, etc.  
Needs Improvement \_\_\_\_\_
  9. The violation report is clear, concise and to the point  
Needs Improvement \_\_\_\_\_
- Volunteers In Probation
1. How many volunteers per month have been assigned  
July \_\_\_\_ Aug. \_\_\_\_ Sept. \_\_\_\_ Oct. \_\_\_\_ Nov. \_\_\_\_ Dec. \_\_\_\_
  2. How many volunteers per month have been recruited  
July \_\_\_\_ Aug. \_\_\_\_ Sept. \_\_\_\_ Oct. \_\_\_\_ Nov. \_\_\_\_ Dec. \_\_\_\_
  3. How much time per month has been spent promoting Volunteer Program  
Needs Improvement \_\_\_\_\_
  4. How many news releases have been released per month  
Needs Improvement \_\_\_\_\_
  5. Assigns all volunteers to probationer within thirty days of acceptance  
Needs Improvement \_\_\_\_\_
  6. Meeting with volunteers held according to procedure  
Needs Improvement \_\_\_\_\_
  7. What type of action has been taken to promote Volunteer Program  
Needs Improvement \_\_\_\_\_

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Officer's Response (Check ONE-attach additional page(s) if needed).

I have read the evaluation, agree with the contents and have no comments.

I have read the evaluation, have the following comments but do not request a hearing.

I have read the evaluation, have the following comments and request a hearing.

\_\_\_\_\_  
Signature

Central Office Action:

Filed by Director on \_\_\_\_\_.

Conference held with P.O. and Supervisor on \_\_\_\_\_.

Hearing held on \_\_\_\_\_.

Reviewed by \_\_\_\_\_ on \_\_\_\_\_,  
(Director) (Date)

12/10/79

**END**