


NH DEPARTMENT OF CORRECTIONS POLICY AND PROCEDURE DIRECTIVE	CHAPTER <u>Enforcement Operations</u> STATEMENT NUMBER <u>5.51</u>
SUBJECT: ADULT PROBATION/PAROLE VIOLATIONS PROPONENT: <u>Michael McAlister, Director</u> <i>Name/Title</i> <u>Field Services</u> <u>271-5652</u> <i>Office</i> <i>Phone #</i>	EFFECTIVE DATE <u>04/01/2017</u> REVIEW DATE <u>04/01/2019</u> SUPERSEDES PPD# <u>5.51</u> DATED <u>06/01/2012</u>
ISSUING OFFICER:  <i>William Wrenn, Commissioner</i>	DIRECTOR'S INITIALS _____ DATE _____ APPENDIX ATTACHED: YES _____ NO _____
REFERENCE NO: See reference section on last page of PPD.	

- I. **PURPOSE:**
To establish a policy and procedure for responding to probationer/parolee non-compliance and for filing probation/parole violations.
- II. **APPLICABILITY:**
To all Probation/Parole Officers and staff within the New Hampshire Department of Corrections (NHDOC), Division of Field Services.
- III. **POLICY:**
 - A. It is the policy of the Division of Field Services to provide supervision that incorporates the use of case management and offender accountability. A graduated sanction schedule that corresponds to the offender's level of risk will be used at appropriate intervals to address technical violations. Multiple or severe violations will be reported to the Court or Parole Board. Community-based interventions should be the response to technical violations of supervision conditions except where a community-based intervention is not permitted by Court/Parole Board or the behavior:
 1. Is part of an established pattern that is reflected in the history of the offender and is associated with a significant and imminent threat to public safety; and
 2. Represents repeated noncompliance with supervision conditions and community-based intervention.
 - B. Intervening early and effectively in response to noncompliant behavior enhances the likelihood of success during the period of supervision and beyond. Not responding to violations leads to further noncompliance. Covert detection activities alone do not achieve the level of success we seek and is not considered to be effective supervision.
 - C. Officers are to respond to noncompliant behavior with an approach that includes a combination of risk control and risk reduction strategies designed to provide a

- proportionate consequence for noncompliant behavior.
- D. Risk control strategies are directed at deterring future noncompliant behavior by holding offenders accountable through reprimands, warnings, increased supervision levels or through the imposition of more intrusive/restrictive requirements to serve as negative consequences for their behavior.
 - E. Risk reduction strategies are directed at promoting future compliance by assisting the offender through the provision of information, education, training, counseling or treatment designed to bring about positive changes in the circumstances that lead to the noncompliant behavior.
 - F. Swift, certain, and positive interventions distinguish proper supervision from mere monitoring and reporting of offender activities. Some violations of parole must be reported pursuant to RSA 651-A:16
 - G. Noncompliant behavior consists of new criminal activity or failure to meet the requirements of the terms or conditions of supervision (commonly known as technical violations). Noncompliant behavior can take many forms and may include public safety concerns. Probation/Parole Officers (PPO) shall be particularly attentive to the thoroughness and objectivity of their assessment, the judicious exercise of their authority and their professional demeanor when addressing noncompliant behavior with offenders. All responses must be proportionate and contemporaneous to the violation to bring the individual offender into compliance, maintain community safety and promote his or her successful reintegration into the community. If an offender commits a technical violation and is engaged in treatment, mentoring, or some other type of community support, the PPO shall seek the input of the provider when crafting their response. This may not be applicable if there is an imminent threat to public safety.
 - H. Officers must be mindful that an arrest or indictment alone does not constitute a violation. In accordance with Moody v. Cunningham, 127 N.H. 550, 554 (1986), the State can meet its burden of proof by establishing the fact of a conviction or by proof of a commission of an act. An untried indictment is not sufficient to revoke probation/parole. It is a finding of probable cause and hearsay at best. The fact-finder must make an independent determination that the defendant committed the illegal violations. The Court/Parole Board may consider evidence (depositions, affidavits, etc.) not admissible at trial. However, there must be a strong preference for confrontation and cross-examination that can only be denied upon a specific finding of good cause. Absent good cause, there must be a witness at the hearing who can provide direct testimony about the alleged conduct.
 - I. Violations of probation/parole conditions must be reported to the proper authority by the PPO when required by law or court order. Absent a specific Court or Parole Board order, the PPO shall consider all possible alternative sanctions prior to returning the offender to Court or the Parole Board. The PPO shall only enforce financial obligations ordered by the Court, Parole Board or State law.
 - J. Alternative sanctions consist of a variety of actions available to the PPO to address non-compliance. The following list of sanctions, while not all-inclusive, should be utilized when appropriate. Sanctions do not always occur in a linear fashion and each violation should be considered on a case by case basis consistent with the offender's risk and needs in coordination with Court or Parole Board orders. See the alternative sanction matrix (Attachment 1) for a complete list of available sanctions.
 1. Verbal Warning;
 2. Written Warning;
 3. Increased Contact;
 4. Community Service;
 5. Electronic Monitoring;

6. Review Hearing;
7. One to seven day jail sanction (for probationers);
8. One to seven day intermediate sanction program (for parolees);
9. Increased Supervision Level;
10. Request for Added Conditions;
11. Request for Curfew;
12. Program Referral;
13. Increased UTs; and
14. Treatment Referral

IV. PROCEDURES:

A. Response to Violations:

1. PPOs are expected to fashion their response to noncompliant behavior in the following way:
 - a. Select an appropriate risk controlling strategy to hold the offender accountable for his or her actions.
 - b. Select an appropriate risk reduction strategy to assist the offender in an effort to bring about positive changes in the circumstances that lead to the noncompliant behavior.
 - c. Assess the need for any additional monitoring strategies to maintain the proper level of awareness of the offender's condition and level of compliance.
 - d. When appropriate, report to or request action by the Court or Parole Board in a timely manner. PPOs shall only seek a violation hearing when the objective is to seek revocation and incarceration due to an articulable risk to public safety; when alternatives have failed and less restrictive sanctions are not proportionate to the misconduct; or as ordered by the Court of Parole Board. The PPO shall discuss and review the violation with the Chief PPO or designee, and with the express approval of the Chief PPO or designee, shall submit a violation report to the Court or a Parole Violation Summary Report to the Parole Board. The review will take into consideration all relevant case information, including public safety concerns, the type of allegation (technical or new offense), the dates the behavior occurred, length of time on supervision, prior sanctions utilized, and recommendations for disposition that are proportionate to the violation. The Chief PPO will approve the recommendation or modify it as deemed appropriate. Offenders who are participating in a specialized Court Program such as a Drug Court or Mental Health Court will be subject to the specific rules of the Program.
 - e. In the event a parolee has been charged with a Class B misdemeanor; a non-violent Class A misdemeanor; or a non-violent felony offense and bail has been established by a court officer, the PPO shall notify the Parole Board using a Parole Violation Summary Report and manage the offender in the community unless directed otherwise by the Parole Board. The warrantless arrest provision of RSA 504-A:4-6 shall not be applied after a Court has made a bail determination in accordance with RSA 597 unless authorized by the Director or designee.
 - f. In the event a parolee has been charged with a violent Class A misdemeanor or a felony offense and is not able to post bail, the PPO shall make notification to the Parole Board using a Parole Violation Summary Report and proceed as directed by the Parole Board. The

warrantless arrest provision of RSA 504-A:4-6 shall not be applied after a Court has made a bail determination in accordance with RSA 597 unless authorized by the Director or designee. The PPO shall send a letter to the House of Corrections requesting notification prior to the release; and send the parolee a letter instructing them to report the next business day in the event they post bail.

- g. The non-compliant behavior and response, including NCIC entries, must be documented in CORIS Notes.
- B. If included in the court order as a condition of probation, the PPO may impose a one to seven day jail sanction for probationers pursuant to RSA 504-A:4 III and RSA 651:2, V(i). The use of the one to seven day sanction, or any portion thereof, shall not exceed the total number of days indicated in the court order for the duration of probation. All offenders must agree to this sanction and sign and receive a copy of the Jail Sanction Order Form (Attachment 2). The Chief PPO shall approve the use of this sanction. An incident report will be submitted to the Chief PPO no later than the next business day. This sanction may not be issued for any violation of probation which could warrant an additional, separate felony charge. The PPO must consider the offenders risk level and other available alternatives prior to implementing this sanction. The jail sanction should be used to interrupt the probationers offending cycle. Offenders who agree to this sanction can be directed to report to the House of Corrections on an established date. A copy of the Jail Sanction Order Form shall be provided to the offender, prosecutor, the House of Corrections, and the Clerk of Court. If the offender declines to accept the jail sanction offered or commits a fifth violation of probation after having been incarcerated on 4 separate jail sanctions during the term of probation, a violation of probation shall be filed in accordance with RSA 504-A:4.
- C. The PPO may impose a one to seven day program sanction for parolees pursuant to RSA 651-A:16-a. The parolee must agree to this sanction and sign and receive a copy of the Seven Day Program Sanction Form (Attachment 3). The Chief PPO shall approve the use of this sanction. An incident report shall be submitted to the Chief PPO no later than the next business day. The PPO must consider the offenders risk level and other available alternatives prior to implementing this sanction. The sanction should be used to interrupt the parolees' offending cycle after other alternatives have failed and is used in lieu of seeking a parole warrant. Offenders who agree to this sanction can be directed to report to the program on an established date, which shall be coordinated with the Transitional Housing Unit. The PPO must contact the facility, by telephone or email, in advance of the placement, to review the case. A copy of the Seven Day Program Sanction Form shall be provided to the offender, Transitional Housing Unit, and the Parole Board. Offenders who are drug or alcohol impaired will not be accepted.
- D. Parole Violations
- 1. Notification Procedures:
 - a. Notification procedures for parole violations are governed by RSA 651-A:16. The PPO may report, to the Parole Board, any parolee who violates conditions of parole. The PPO shall submit a report to the Parole Board within 30 days of official knowledge, on any parolee who is arrested for a felony or misdemeanor; is convicted of a felony or misdemeanor, excluding minor traffic offenses; or absconds from supervision 30 days or more.
 - b. The parole summary shall be completed utilizing the Parole Violation Summary Template (Attachment 4). The Chief PPO or designee will sign the Parole Violation Summary Template. A checklist of the alternative sanctions previously utilized will be attached to the report (Attachment 5).
 - c. Violations must be documented in CORIS Notes violations screen.

- d. The PPO will respond as directed by the Parole Board (i.e. modify supervision or special conditions), if applicable or submit a parole warrant.
- E. Warrant Procedures:
1. When the Parole Board directs the PPO to obtain a warrant or when the PPO decides to request a warrant after approval from the CPPO, the officer shall complete and sign an Affidavit and Warrant (Attachment 6) in the presence of a Justice of the Peace. This must occur prior to obtaining a Parole Board member's signature. The warrant must contain adequate detail of the rule violations, including the time, date and place of the alleged violations. Merely stating the rule without providing additional detail is not acceptable. The Chief PPO shall review the warrant. In the event a detention order is issued, a copy will be scanned/mailed to the Parole Board as soon as possible but no later than the next business day.
 2. The warrant and supporting summary shall be presented to a member of the Parole Board. The violations will be listed on the warrant in ascending numerical order, (i.e. #1 through #13).
 3. Warrants should not use multiple condition numbers for the same conduct; use the condition that most closely corresponds with the alleged conduct. Rule # 7 allegations should focus on the behavior, not an arrest.
 4. Once a Parole Board member has signed the Affidavit and Warrant, an original Affidavit and Warrant and the Violation Summary will be submitted to the Parole Board.
 5. Faxed or emailed warrants: When circumstances require expediency, the following procedure will be utilized:
 - a. After completing steps 1-3, the PPO shall contact an available Parole Board member by telephone to explain the situation and set up the fax transfer/email.
 - b. The PPO will fax or email a confidential cover sheet, the warrant and supporting summary to the Parole Board member.
 - c. The PPO will arrange for the original warrant, a copy of the signed faxed/scanned warrant, and supporting material to be forwarded to the Parole Board member for signature. Original warrants can be signed by any Parole Board member but will be dated the same as the faxed copy.
 - d. Faxed or scanned parole warrants can be entered into the National Crime Information Center (NCIC).
 - e. Upon return of the original signed warrants, originals shall be distributed as follows:
 - 1) Parole Board with remaining copies to be kept in the file;
 - 2) In cases where the officer will be seeking an NCIC entry, the officer shall note this on the Violations Screen in CORIS.
 4. In cases where the parolee is incarcerated, a copy of the Affidavit and Warrant will be filed at the place of incarceration. If the parolee is still at large, a copy of the Warrant will be forwarded to the arresting authority once the parolee is apprehended, if requested.
 5. The PPO shall send active parole warrants to other agencies only in exigent circumstances. This action must be noted in CORIS Notes and the PPO must retrieve the warrant upon apprehension.
 6. Arrest of Parole Violators:
 - a. In those cases where a warrant is in effect for a parolee, a police officer, or a PPO may serve the warrant and make the arrest, taking the parolee to the nearest house of correction pursuant to RSA 504-A:5. The parole warrant will be lodged at the facility. If there is a new criminal charge, the warrant will be lodged as a detainer when the offender is eligible for release or makes bail.
 - b. In cases where a warrantless arrest is deemed necessary, please refer to PPD 5.03 *Arrest without Warrant*.
 - c. The parolee must receive a copy of the warrant. The parolee must be given written

notice of a preliminary hearing at the time of arrest or as soon as possible after the arrest. The preliminary hearing, if requested, must be held within 72 hours, excluding weekends or holidays. Continuances for the purpose of obtaining counsel, assembling witnesses, etc. will generally be granted by the hearings officer. Continuances must be requested in writing.

- d. The parolee is advised of their rights by reviewing and having them sign the Notice of Preliminary Hearing (Attachment 7). If the parolee waives the right to a preliminary hearing, they must sign the waiver portion of the Preliminary Hearing Notice Form. A copy is provided to the parolee. For information on preliminary hearings, please refer to PPD 5.03 *Arrest without Warrant*.
 - e. Upon the arrest of a parole violator who was entered in NCIC, the supervising officer shall notify the Central Office of the arrest, and enter the arrest date on the Violations Screen in CORIS.
7. Revocation Hearing Procedures:
- a. Upon notification of the parole revocation hearing the PPO is responsible for notifying any witnesses essential to the State's case of the date, time and location of the hearing to ensure their presence. The PPO must provide all discovery to the parolee and/or legal counsel. Evidence cannot be used at the revocation hearing if it was not provided to the parolee and/or counsel.
 - b. The PPO shall present the necessary witnesses, reports and other evidence to prove the allegations listed on the warrant. The standard of proof at a hearing is preponderance of the evidence.
 - c. Witnesses' names are to be provided to the Parole Board's Executive Assistant or designee. Those witnesses who need to be compelled to appear can be subpoenaed by contacting the Parole Board's Executive Assistant.
 - d. As a general rule, there must be a strong preference for confrontation and cross examination of adverse witnesses which may be abrogated only upon a finding of good cause. The preferred evidence is a witness. If the PPO expects a contested hearing, plan on having witnesses who can provide direct testimony. Written statements, affidavits, drug test results, police reports, etc. can and should be submitted as evidence. The PPO must be prepared to articulate the evidence presented, and the reason for unavailability of witnesses, if applicable.
 - e. If there is an agreement for a NOLO plea, which means the parolee does not admit or deny the allegation, the PPO must present the facts as he/she would at a contested hearing.
 - f. If there is an agreement and it is withdrawn at the time of the hearing, the PPO should ask for a continuance if unprepared to go forward with the hearing.
 - g. PPOs should be prepared to respond to questions or inquiries raised by the Parole Board, the parolee or legal counsel.
 - h. PPOs should be aware that parole revocation hearings tend to be more informal than most courtroom proceedings, nevertheless, they should be prepared to present their case in a well-organized and professional manner.
 - i. In the event parole is revoked, the case file is to be returned in its entirety to the Parole Board's Executive Assistant or designee.
8. In addition to this policy and procedure established by the NHDOC Division of Field Services, each PPO should have a good working knowledge of the Administrative Rules of the Adult Parole Board, RSA 651-A:4, III (and RSA 651-A:16.
- F. Probation Violations
1. Filing Procedures:
 - a. Reporting probation violations is governed by RSA 504-A:12, III. The PPO should discuss and review the violation with the Chief PPO.

- b. The alternative sanction matrix should be utilized to address noncompliant behavior consistent with the offender's risk and needs and the Court Order.
 - c. The PPO shall complete a Probation Violation Report (Attachment 8) and file it with the court.
 - d. If a request for an arrest warrant is made, the PPO shall also submit a violation summary explaining the need (i.e. absconding, offender detained in another state or new criminal charges). For a complete list of probation rules and regulations, please refer to PPD 5.06 *Supervision of Offenders*.
 - e. When a capias/warrant is issued, information pertaining to the offender's status may be provided to law enforcement officials.
2. Violation Report Format:
- a. When the decision has been made to file a violation with the court, four copies of the violation should be completed. The original goes to the court, one copy to the prosecutor, the defendant and the file.
 - b. The following violation format contained in CORIS will be used:
 - 1) The court docket number of the original order placing the offender under probation supervision.
 - 2) The defendant's full name; current or last known address and date of birth.
 - 3) The name of the district or superior court in which the final disposition was made, the date of the final disposition and the presiding judge's name.
 - 4) A list of offense(s) for which the defendant was convicted.
 - 5) A copy of the original disposition order.
 - 6) Specifically list the way(s) in which the defendant has failed to comply with the conditions of probation or court order identifying the applicable rule(s) by number along with the date of each occurrence.
 - 7) Date of the violation report.
 - 8) The PPO will update the court as follows; a hearing is requested; a capias or warrant is requested; or the offender is in custody.
 - 9) This section may be filled out by the judge after the disposition of the violation.
 - 10) In addition to completing the violation report, the PPO shall complete a violation summary. This should be a narrative of the defendant's conduct that led to the violation of probation report for use by the prosecutor.
3. Arrest of Violators:
- a. If the probationer is arrested by a PPO, a probation violation must be forwarded to the court no later than the next business day. The PPO must follow the procedures as outlined in PPD 5.03 *Arrest without Warrant*.
 - b. For information on preliminary hearings, please refer to PPD 5.03 *Arrest without Warrant*.
4. Courtroom Procedures:
- a. Prior to the violation hearing the PPO should communicate with the prosecutor to review the case.
 - b. The PPO should be prepared to supply the prosecutor with the necessary names and documents (i.e. victims', witnesses' names, etc.) to support the violation. In areas where no prosecutors are available, the PPO should be prepared to present their own case. In the event that a PPO must prosecute, but is unable to do so, he or she shall seek assistance from the Chief PPO.
 - c. The PPO must be thoroughly familiar with the rules of the court, criminal codes and general courtroom decorum.
 - d. PPOs prosecuting their own violations should be prepared to examine and cross examine witnesses and be confronted by the defendant and the defendant's counsel.

- e. The PPO shall have a sentencing recommendation prepared for the court that includes but is not limited to the following:
 - 1) Disposition of monies owed through the NHDOC (i.e., fines, attorney fees, restitution);
 - 2) Revocation of probation;
 - 3) Continuation of probation consistent with statute (with recommended length of time).

REFERENCES:

Standards for the Administration of Correctional Agencies
Second Edition Standards

Standards for Adult Correctional Institutions
Fourth Edition Standards

Standards for Adult Community Residential Services
Fourth Edition Standards

Standards for Adult Probation and Parole Field Services
Third Edition Standards
3-3142; 3-3156 thru 3-3160; 3-3162; 3-3172; 3-3219

Other:

RSA 504-A:4-6 & 12; 597; 651:2; 651-A:4&16.
Moody v. Cunningham, 127 N.H. 550, 554 (1986)
PPD 5.03, 5.06

MCALISTER/LB

Attachments

ALTERNATIVE SANCTIONS CONTINUUM

	Event I	Event II	Event III
Intensive/Maximum D/A testing Sanction	<p>Verbal Warning Written Warning Increased Contact Community Service Electronic Monitoring Review Hearing 1-7 day jail sanction 1-7 day intermediate sanction program</p> <p># Pos. Sanction/Action</p> <p>1st Written Warning Increased Self Help 1-7 day jail sanction 1-7 day intermediate sanction program</p>	<p>ONE OR MORE SANCTIONS Written Warning Increased Supervision Level Request for Added Conditions Request for Curfew Community Service Electronic Monitoring Review Hearing Program Referral 1-7 day jail sanction 1-7 day intermediate sanction program</p> <p># Pos. Sanction/Action</p> <p>2nd Increased UT's 3rd Review hearing Treatment Referral 4th Review Hearing Treatment Referral Increased UT's Electronic Monitoring 1-7 day jail sanction 1-7 day intermediate sanction program</p>	<p>ONE OR MORE SANCTIONS Court/Parole Board Hearing Electronic Monitoring Program Referral Increased Supervision, if applicable 1-7 day jail sanction 1-7 day intermediate sanction program</p> <p># Pos. Sanction/Action</p> <p>5th Court/Parole Board Hearing Treatment Referral Electronic Monitoring 1-7 day jail sanction 1-7 day intermediate sanction program</p>
Medium D/A testing Sanction	<p>Verbal Warning Written Warning Increased Contact</p> <p># Pos. Sanction/Action</p> <p>1st PPO reprimand Increased UT's Increased Self Help</p>	<p>Written Warning and Increased Supervision Level Request for Added Conditions Request for Curfew Community Service 1-5 day jail sanction 1-7 day intermediate sanction program</p> <p># Pos. Sanction/Action</p> <p>2nd Increased Supervision Level 3rd Treatment Referral 1-7day jail sanction</p>	<p>ONE OR MORE SANCTIONS Review Hearing Program Referral 1-7 day jail sanction 1-7 day intermediate sanction program</p> <p># Pos. Sanction/Action</p> <p>4th Increased Supervision Level PLUS ONE OR MORE SANCTIONS BELOW Treatment Referral Increased Self Help 1-7 day jail sanction 7 day intermediate sanction program</p>
Minimum D/A testing Sanction	<p>Verbal Warning</p> <p># Pos. Sanction/Action</p> <p>1st PPO Reprimand Increased Self Help</p>	<p>Written Warning Community Service</p> <p># Pos.</p> <p>2nd Increase UT's Counseling Referral</p>	<p>Increased supervision Level</p> <p># Pos.</p> <p>3rd Increased Supervision Level</p>



New Hampshire Department of Corrections Parole Violation Summary

Date: _____

- Notification Report Pursuant to RSA 651-A:16
- Request for Review Hearing
- Request for Parole Warrant
- Request for Supplemental Warrant
- Out of State Supervision
- 1. Name and CORIS ID
Number:
- 2. Date Paroled: _____ Date Parole Expires: _____
- 3. Underlying
Offense:
- 4. Number of Previous Paroles (from this
sentence):
- 5. Specifics of Violation (List Conditions):
- 6. Bail Status (if new charge):
- 7. Alternatives Used: (Attach Alternatives Checklist)
- 8. Summary of Parolee Conduct and Participation in Alternatives:
- 9. LADAC or Treatment Provider Recommendation (If Applicable):
- 10. Justification for Revocation and Recommendation:

Respectfully Submitted,

Probation/Parole Officer

Chief Probation/Parole Officer

ALTERNATIVE SANCTIONS CHECKLIST

Supporting Summary Addendum	Date Used
<input type="checkbox"/> Verbal warning	_____
<input type="checkbox"/> Written warning	_____
<input type="checkbox"/> Attend or increase self help	_____
<input type="checkbox"/> Increase supervision level	_____
<input type="checkbox"/> Request for Curfew	_____
<input type="checkbox"/> Increase office contacts	_____
<input type="checkbox"/> Increase field contacts	_____
<input type="checkbox"/> Outpatient treatment referral	_____
<input type="checkbox"/> Increase urine testing	_____
<input type="checkbox"/> Inpatient treatment referral	_____
<input type="checkbox"/> Request for added conditions	_____
<input type="checkbox"/> Referral long term inpatient treatment	_____
<input type="checkbox"/> Community service	_____
<input type="checkbox"/> Review hearing	_____
<input type="checkbox"/> Home confinement/electronic monitoring	_____
<input type="checkbox"/> Other Programs	_____

State of New Hampshire
ADULT PAROLE BOARD



DATE ARRESTED

AFFIDAVIT & WARRANT FOR THE ARREST OF PAROLEE

NOW COMES _____ OF THE NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS, DIVISION OF FIELD SERVICES, WHO COMPLAINS ON OATH THAT

_____ # _____ PAROLED ON THE
_____ DAY OF _____ 20 _____, AND WHOSE
PAROLE WILL NOT EXPIRE UNTIL THE _____ DAY
OF _____
20 _____, HAS VIOLATED THE CONDITION OF PAROLE AS FOLLOWS:

_____	_____	_____
JUSTICE OF THE PEACE	DATE	SIGNATURE

		TITLE

WHEREFORE IN CONSIDERATION OF THE ABOVE COMPLAINT, THE UNDERSIGNED MEMBER OF THE NEW HAMPSHIRE BOARD OF PAROLE HEREBY ORDERS THE COMMISSIONER, ANY PROBATION/PAROLE OFFICER OR LAW ENFORCEMENT OFFICER AUTHORIZED TO SERVE CRIMINAL PROCESS TO ARREST SAID _____

IN ACCORDANCE WITH RSA 651-A:15a AND TAKE

HIM/HER TO A COUNTY JAIL UNTIL A PRELIMINARY HEARING IS HELD BY THE DIVISION OF FIELD SERVICES, UPON A FINDING OF PROBABLE CAUSE AT THAT HEARING, SAID PAROLEE IS TO BE RETURNED TO THE NEW HAMPSHIRE STATE PRISON AND BROUGHT BEFORE SAID BOARD OF PAROLE FOR HEARING AND FURTHER DISPOSITION.

DATED THE _____ DAY OF _____ 20 _____

MEMBER, NEW HAMPSHIRE ADULT BOARD OF PAROLE

DATED THE _____ DAY OF _____ 20 _____, I _____
DELIVERED SAID _____ TO THE

NEW HAMPSHIRE STATE PRISON WITH THIS WARRANT.

SIGNED

TITLE

3 ORIGINALS

PAROLE BOARD

NCIC

FIELD SERVICES

Attachment 6
Page 2 of 2

THE STATE OF NEW HAMPSHIRE

PAROLE VIOLATION

TO THE WARDEN OF THE NEW HAMPSHIRE STATE PRISON

THIS IS TO CERTIFY THAT THE ADULT PAROLE BOARD BY AUTHORITY OF THE REVISED STATUTES ANNOTATED CHAPTES 651-A:17 HAS REVOKED THE PAROLE OF

**AND YOU ARE DIRECTED TO RECEIVE AND HOLD SAID
AS PROVIDED BY REVISED STATUTES ANNOTATED, CHAPTER.**

DATED THE _____ DAY OF _____ 20

STATE OF NEW HAMPSHIRE
DEPARTMENT OF CORRECTIONS
DIVISION OF FIELD SERVICES

PRELIMINARY HEARING/WAIVER NOTICE
VIOLATION OF _____

NHSP# _____

DOCKET# _____

TO:

DATE _____

FROM:

You are hereby notified that you stand charged with the following violation(s) of the conditions of your _____:

You are entitled to a preliminary hearing under the terms of *Morrissey v. Brewer/Gagnon v. Scarpelli* (delete one) for the purpose of determining whether there is reason to believe the above allegations are factual. You have the following rights at said hearing:

1. To appear and speak on your own behalf.
2. To present witnesses, testimony and documentary evidence.
3. To request presence of adverse witnesses, subject to evaluation by the Hearings Officer (you will be advised in advance if the request is denied).
4. To ask questions of adverse witnesses relative to allegations of the violation.
5. To be represented by Counsel should you elect to retain one.

_____ I desire a Preliminary hearing. It will be held at _____ on _____, 20____ at _____ am/pm to determine if there is reasonable ground to believe that I violated the conditions of my _____ and that I am entitled to be personally present to speak in my behalf at said hearing; present witnesses and may request the presence of adverse witnesses for the purpose of confrontative and cross examination.

_____ Having been informed of my rights to a Preliminary Hearing as outlined above, I hereby waive these rights. If I am a parolee, I understand I will be transported to NH State Prison pending my appearance at a Revocation Hearing at the next regular/special meeting of the Parole Board. If I am a probationer, I understand I will be held at _____ pending an appearance before the _____ Court.

By my signature below, I acknowledge receipt of a copy of the violation stating forth the allegations against me.

Offender

Date

Witness

Date

Witness

Date

FS 25 PRELIM.

State of New Hampshire

Sullivan

SULLIVAN SUPERIOR COURT

State V. Defendant

VIOLATION OF PROBATION

The Undersigned, an approved Probation/Parole Officer in and for the State of New Hampshire, states that Defendant, whose date of birth is mm/dd/yyyy, of _____ was sentenced or disposed of at the SULLIVAN SUPERIOR COURT on 11/12/2003 for the offense(s) of Theft Of Services(637:8), where the Honorable Judge _____ made the following order:

SEE ATTACHED

And that the said Defendant is alleged by the Probation/Parole Officer to be in violation of the specific rules of probation as contained in the Rules of Court of the District and Superior Courts of the State of New Hampshire, and any special rules of the Court, as follows:

Violation details.

DATED: 12/13/2006

Respectfully submitted by:

Department of Corrections

Approved By

Chief Probation/Parole Officer

It is recommended to the Court that:

- a. _____ A hearing date be set by the Court as soon as possible.
- b. _____ The Court issue a warrant/capias or detention order for the arrest and detention of the above with bail, if applicable set in the amount of \$_____.

c. The probationer is currently being held without bail on a New Hampshire Department of Corrections Detention Order pursuant to RSA 504-A:4-6.

cc: , Defendant
, Defense Attorney
, Prosecuting Attorney
File

COURT: SULLIVAN SUPERIOR COURT PROBATIONER
:

CASE NO:

DISPOSITION BY THE COURT:

DATED:

JUSTICE