

From Diversion to Prison:
Sentencing Options
in New Hampshire

A Continuing Legal Education Program



NEW HAMPSHIRE BAR ASSOCIATION

NHBA • CLE

By NH Lawyers
For NH Lawyers

Equal Justice Under Law

Friday, March 31, 2017

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Equal Justice Under Law

From Diversion to Prison: **Sentencing Options in New Hampshire**

Friday, March 31, 2017

NH Bar Association Seminar Room, Concord

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Faculty

Patricia M. LaFrance, Program Chair/CLE Committee Member is the deputy county attorney at the Rockingham County Attorney's Office in Kingston, NH prosecuting major felonies such as manslaughter, negligent homicide, drug related deaths, and aggravated felonious sexual assault. She is also the liaison/prosecutor for the Internet Crimes Against Children (ICAC) Task Force and the Rockingham County Sheriff's Drug Task Force. She earned her J.D. from New England School of Law in Boston and has been a felony prosecutor since 2001. Patti is an adjunct professor at Nashua Community College, teaching criminal procedure and criminal law. She has conducted dozens of trainings for local police departments and taught several supervisory classes at Police Standards and Trainings. Patti has been a panelist in conferences dealing with domestic violence, child sexual abuse and human trafficking. She was a core member of the 2014 training team to implement the new domestic violence law throughout the state and has testified numerous times in front of the legislature to strengthen criminal laws and protections for victims. From 2009–2016, Patti served on the Board of Directors for the Granite State Children's Alliance, which oversees all the child advocacy centers in NH. She is the current chair of the Domestic Violence Fatality Review Committee and also served as a member of the Attorney General's Commission to Combat Human Trafficking. She was recognized as County Attorney of the Year while serving as Hillsborough County Attorney in 2014. In 2015, Patti was inducted into the New Hampshire Coalition Against Domestic and Sexual Violence Hall of Fame.

Roger "Rusty" Chadwick has spent 25 years hustling around the granite state as a public defender, prosecutor and now in private practice. He earned his J.D. from New England School of Law in 1991. As a prosecutor, Rusty participated in several hundred interviews of child witnesses and ran several task forces, including a cybercrime one that made over fifty arrests. For those efforts, he received awards from both the Nashua Child Advocacy Center and from the Attorney General's Office. Rusty sees plea negotiations and sentencing hearings as a way to move beyond the 'black and white' of police reports to tell his client's story, both what brings him/her before the court and what might be accomplished after he/she leaves the courtroom. He can sometimes be found at Chadwick-Fricano-Weber, PLLC in Nashua. Rusty also handles family law cases and wonders when he will be able to retire to hunt and preach full-time.

Hon. Jacalyn A. Colburn was appointed to the New Hampshire Superior Court bench in 2009 and presently sits as the supervisory judge in Hillsborough County-Southern District. Judge Colburn also presides over the Hillsborough County Adult Drug Court. She is a 1982 graduate of UNH's Whittemore School of Business and Economics, where she obtained a B.S. in Business Administration. In 1996, she received her J.D. from Franklin Pierce Law Center (now UNH School of Law) and began her legal career as a staff attorney for the New Hampshire Public Defender. In 1998 Judge Colburn became the managing attorney of the organization's Merrimack County office, and in 2000 she was named statewide director of legal services. In addition to representing indigent clients in criminal cases ranging from misdemeanors to homicides, Judge Colburn was responsible for the administration of 10 trial offices, and the supervision of over 100 attorneys. In addition to her judicial duties, Judge Colburn is on the Dean's Advisory Council at UNH School of Law. She also serves as an adjunct professor at the school. Each spring semester she coaches the school's advanced trial team at the National Trial Competition. The NH Supreme Court appointed her to the NH Lawyer's Assistance Program Board in 2015 and as co-chair of NH's Russian-American Rule of Law Consortium in 2010. She has served on the NHBA's Professionalism Committee, the Board of Governor's Task Force on Public Sector and Public

Interest Law, as a Practical Skills instructor, and as a panelist at a variety of CLE seminars. In 2007 Judge Colburn was named Merrimack County Bar Association Lawyer of the Year, and in 2009 was honored by the New Hampshire Bar Foundation with the Frank Rowe Kennison Award, recognizing her contributions to the betterment of New Hampshire citizens through the administration of justice and the legal profession.

David A. Croft is the Merrimack County deputy sheriff and director of the Merrimack County Diversion Center, where he is responsible for day to day operations, supervising a staff of six employees, attending court hearings, and preparing and presenting an annual operating and revenue budget. David attends numerous speaking engagements across the county, informing and educating both law enforcement and the general public about the Diversion Center. He has 35 years of law enforcement experience, which began with three years as a correctional officer with the County of Merrimack. David was a police officer for the Town of Boscawen for 23 years (the last 13 as their police chief). He is a life member of the New Hampshire Chief of Police Association and has been a veteran of the United States Marine Corps for 7 ½ years.

Nicholas Duffy is the deputy director of Community Corrections at the NH Department of Corrections in Concord. He has worked for the NHDOC for three years, the past year in his current position. Nick oversees programming for NHDOC, education, family connections, reentry services, transitional housing units and religious services. Prior to working for the NHDOC, he worked at a mental health center doing case management and programming for families, was a program coordinator for a supervised visitation center, and also worked at a substance abuse center/ methadone clinic.

Heidi M. Guinen, LICSW is the deputy director of forensic services at the NH Department of Corrections in Concord. She provides oversight of all behavioral health, evaluations, sexual offender treatment, and drug and alcohol services at the NH states prisons, community corrections and secured psychiatric unit. Heidi earned her MSW from the University of New England. Prior to working at the DOC, Heidi worked at Community Mental Health, the Department of Juvenile Justice, at Granite State College, and as a hostage negotiator certified by the FBI, working for the Northern SWAT team. Heidi has presented at the National Health Care of Correctional Professionals and completed a documentary of the Focus unit with Vice News.

Scott Hampton, Psy.D. has been working with batterers, sex offenders, victims, and children exposed to violence for over 25 years. Currently, he is the executive director of Ending The Violence, a Dover, NH-based organization that provides educational classes to perpetrators of domestic and sexual violence both in the community and in the county jail. He is also the project coordinator for Strafford County's Supervised Visitation and Exchange Center. He spends much of his time consulting with other professionals on the handling of domestic and sexual violence cases, conducting workshops, and testifying in court as an expert witness. Dr. Hampton writes and speaks frequently on issues related to interpersonal violence. His 2010 book, *Tolerant Oppression: How Tolerance Undermines Our Quest for Equality and What We Should Do Instead* addresses the intersection of domestic violence, sexual assault, racism and other forms of oppression.

Paul Kiernan is the clinical services specialist at the Bureau of Drug and Alcohol Services in Concord, NH. Prior to his position at the Bureau, he worked as an outpatient provider in both individual outpatient counseling and in intensive outpatient counseling at Concord Hospital Fresh Start Program. Before this, Paul worked providing outpatient counseling and evaluation for individuals who had been charged with DWI. He spent the majority of his career at The Nathan Brody Program at Horizons Counseling Center providing education, group and individual counseling, consultation, case management and crisis management. Paul was also involved in the beginning of the Belknap County Recovery Court Program. He began his career working as an inpatient counselor at the Phoenix House Franklin center in 2008. Paul is currently a member of the Sentinel Event Review Team, The DHHS Behavioral Health Central Team-Operations Team, and a member of the Behavioral Health Equity Work Group.

Diane Levesque is the veterans justice outreach coordinator (VJO) at the VA Medical Center in Manchester, NH where she has been employed for the last 7 years. Prior to becoming VJO she was the military sexual trauma coordinator. Diane is a licensed independent social worker who has worked in the field with a variety of settings including inpatient and outpatient mental health agencies, private practice, prisons and jails, police departments, courts and nursing homes.

Donna Magee is the program director at Sullivan County Department of Corrections in Claremont, NH. She oversees the TRAILS (Transitional Re-Entry and Inmate Life Skills) program, a 90 day concurrent in house treatment/intervention that also has 12 months of post-release aftercare. Donna earned her B.A. in psychology from St. Mary's College in Maryland, and in May of this year she will be awarded her MSW from the University of New England. She has been a licensed Drug and Alcohol Counselor (LADC) since 1996. Donna has worked in substance use services teams with West Central Behavioral Health and was also employed with the Multiple Offender Program.

Michael J. McAlister is currently the director of the Field Services Division at the NH Department of Corrections in Concord, where he is responsible for all state-wide probation and parole operations. Mike was appointed director of field services in July 2007, after serving several years as acting director. He was appointed Interstate Compact commissioner in 2004. Mike has been with the New Hampshire DOC since 1988 and has served in a variety of positions on the prison side and in field services. They include corrections officer, assistant warden, probation/parole officer, chief probation/parole officer and assistant director.

Willie Scurry has been the chief of programs at the Hillsborough County Department of Corrections in Manchester, New Hampshire since 2008. Prior to becoming the chief of programs, Captain Scurry was assigned to the Security Division as a shift commander to include the responsibility of maintaining care, custody, and control for all inmates. Captain Scurry currently assists with the department's administration with staff supervision and overseeing inmate programming, research, and treatment to promote the success and reduce the recidivism of offenders as they transition back into their community. Over the years, he has worked with residential and non-residential treatment programs including inpatient and outpatient substance abuse treatment, offender reentry programs, and working collaboratively with treatment services for offenders with co-occurring disorders. He recently participated and oversaw a Bureau of Justice Second Chance Reentry Grant at the Hillsborough County Department of Corrections. Captain Scurry holds a B.S. in education from Southern New Hampshire University; worked at the Auburn, NH Police Department part-time from 2000-2016; and has recently been trained and certified in "T4C" (Thinking for a Change).

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