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The Development of a Juvenile Electronic Monitoring Program.—Author Michael T. Charles reports on a research project concerning the juvenile electronic monitoring program undertaken by the Allen Superior Court Family Relations Division, Fort Wayne, Indiana. Reviewing the planning and implementation phase of the program, the author discusses (1) the preplanning and organization of the program; (2) the importance of administrative support; (3) the politics and managerial issues faced during program development, implementation, and management; and (4) the role and function of surveillance officers.

Morrissey Revisited: The Probation and Parole Officer as Hearing Officer.—Author Paul W. Brown discusses the Federal probation officer’s role as hearing officer in the preliminary hearing stage of the parole revocation process. This role was largely created by the landmark Supreme Court case of Morrissey v. Brewer in which the Court indicated a parole officer could conduct the preliminary hearing of a two-step hearing process possibly leading to a parole revocation and return to prison. How this role was created in Morrissey and how it has been carried out by the Federal probation officer are examined.

Defense Advocacy Under the Federal Sentencing Guidelines.—This article sets forth the duties and responsibilities of defense counsel in effectively representing clients in all phases of the criminal process under Federal sentencing guidelines. Author Benson B. Weintraub offers practice-oriented tips on arguing for downward departures, avoiding upward departures, and negotiating plea agreements under the guidelines and discusses procedures to employ in connection with the presentation and sentencing stages of a Federal criminal case.

Federal Bureau of Prisons Programming for Older Inmates.—The “graying” of our society is creating a change in our prison populations. More sentenced offenders will be older when they enter the institutions, and longer sentences will result in more geriatric inmates “behind the walls.” Balancing the needs and costs of geriatric care is a critical issue to be addressed. In this article, authors Peter C. Kratcoski and George A. Pownall discuss various attributes of criminal behavior of older persons and the distribution of older offenders within the Federal Bureau of Prisons. They also discuss the complete health care programming that correctional systems must provide to meet legal mandates already established in case law. According to the authors, significant programming adaptations have taken place in the past several years at the Federal level; more are anticipated in the near future.

Privatization of Corrections and the Constitutional Rights of Prisoners.—Many in the legal and corrections community have presumed that “private” correctional facilities will be held to the same constitutional standards as those directly administered by the state itself. Author Harold J. Sullivan...
Computers Are Like Cars Are Like Computers Are Like Cars

By James M. Dean*

Consider the probation/pretrial services officer of 1900 (since there were no probation officers in 1900, the reader's indulgence is requested), faced with a "horseless carriage." All throughout his career he has made his home visits and gotten around quite well on his trusty old horse, "Paint" or "Silver." Along comes this newfangled gadget, the horseless carriage, which sputters, belches, balks, and backfires. Besides, it requires roads, instead of the paths or open country that good old Paint preferred, and it needs to be fixed when it breaks—which it does with considerable, and frustrating, regularity. Why would any self-respecting probation/pretrial services officer want to use a horseless carriage instead of a horse? Indeed, why would any chief probation/pretrial services officer, concerned about such managerial issues as efficient use of limited resources, allow a probation/pretrial services officer to even entertain the thought?

Yet, within a few short years, the superiority of cars over horses as a means of transportation is well established. Roads are built, a highway system is established, an elaborate network of supportive services for automobile users grows up and spreads everywhere. No one can seriously dispute the superiority of horseless carriages over horses for nearly all uses. Stables, blacksmiths, and harness makers transform into garages, mechanics, and after-market stereo dealers.

Consider the probation/pretrial services officer of 1990, faced with a computer. All throughout her career, she has done her work with a yellow pad or with a dictating machine and an eager and bountiful pool of secretarial help. Along comes this newfangled gadget, a computer, which beeps, balks, intimidates, and brings tears of frustration to strong persons' eyes. Besides, it needs programs instead of ink or cassettes, and the officer needs to know how to re-boot it (or is it kick it?) when it freezes up and won't do anything. On top of that, she has to be able to type, at least a little bit, to make the durn thing work. Why would any self-respecting probation/pretrial services officer want to use a computer instead of a dictating machine? Indeed, why would any chief probation/pretrial services officer, concerned about such managerial issues as efficient use of limited resources, allow an officer to even entertain the thought?

Because a computer will enable the probation/pretrial services officer to do the job better.

The AT-compatible microcomputer is the late-1980's counterpart to the Model T Ford, except it usually comes beige or putty-colored instead of black. Mass produced by assemblers, it has driven down the price of personal computers and made them affordable to nearly everyone. In the Federal court system, the Office Automation Contract is the procurement vehicle which will put AT-compatible PCs on nearly every professional and clerical person's desk within a few years.

Programs are now available, with more coming all the time, which will allow officers to use computers in all aspects of their work. Efforts are under way to allow the officer to access needed information in the docketing and financial systems running on the court computers housed in the local clerk's offices. Nationally, an "Interstate Highway System," the Wide Area Network (or WAN) planned in the

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Data Communications Project, which is now being developed for the Federal judiciary (to be replaced later by FTS 2000), will enable any computer anywhere in the judiciary to connect to any other computer, quickly and smoothly. Local Area Networks, or LANS, will link together machines in an office or a building in the same way.

Management types will use computers in management-type ways. Secretarial types (no pun intended) will use computers in secretarial-type ways. And professionals, such as probation officers or pretrial services officers, will use computers in professional-type ways. It is that last point that especially interests me here. Professionals should—and, indeed, need to—use computers themselves. Computers are valuable and worthwhile tools for getting the work done better, smarter, and—perhaps after a while—faster.

Probation officers constantly need to locate, analyze, verify, share, compare, apply, and communicate information. They use phone books, rolodexes, guideline manuals, letters, notes, scraps of paper, field sheets, forms upon forms, and all kinds of systems and non-systems to organize information. The power of the computer to locate information has many applications to all facets of the probation officer's or pretrial services officer's daily work. A probation officer in the District of Vermont had a recent example of how the computer's ability to organize and find information can assist in the performance of an office's daily duty. While doing a presentence investigation, the officer noticed assistance in knowing how to apply the Criminal Livelihood adjustment.

The district had a prior court decision on this issue, but it was not readily located. However, because the probation office stores all its completed presentence reports on disk, it was a relatively simple matter to retrieve systems, NCIC and NLETS, in all their local variations. These are immensely powerful investigative tools, crucial to the proper performance of the pretrial services and probation officers' functions. But they can only achieve their potential when they are used by the officers themselves, the persons doing the investigation, to whom little inconsistencies and incongruities mean something worth pursuing further. Granted, in routine cases, perhaps a clerk could get all the relevant record information, but not all cases are routine, and what differentiates a good investigator from a not-so-good one is the ability to recognize and follow up on the little incongruities that are a tip off to dig a little deeper. NCIC, NLETS, and related systems are investigative tools that should be used by the investigators themselves.
Probation and pretrial services officers should utilize computers for specific applications such as AS-SYST and NCIC/NLETS. Further, probation and pretrial services officers should have computers on their own desks and should use them for all of their own work, including composing their own documents on them. Why? Because it will improve the quality of their work. It is a smarter way to work.

Most officers in the system now use dictation equipment to compose written work. That was not always the case, and for many officers in the past, as well as for some current personnel, it was a difficult transition to make to go from handwritten documents (on the formerly ubiquitous yellow legal pads) to being able to dictate with only a few rough notes. Most people work first in a visual and tactile mode—handwriting—and it is difficult to switch to an oral and aural mode—dictating. Most officers have done it now, and it has become institutionalized so that, for example, chief probation officers do not need to provide any special justification to get dictation equipment for newly authorized officer positions. That needs to be changed so that they get a computer with every authorized officer position.

The guideline presentence report is a good example of a document that is better composed on a computer than on a dictaphone. It is an analytical report, which requires cross-referencing between sections and which is also quite stylized. It is easier to compose this type of document in a visual medium than in an auditory one. Making the connections between sections that are necessary to support the findings and conclusions the report calls for requires that the author be able to see what is written—either by using a rough draft printout or by moving around the document on the screen. Many sections (the one dealing with alternative fines to cover costs of imprisonment and supervision is one example that comes to mind) can be prepared once and imported into the document where needed. Other sections, such as the face pages or cover sheets for the report, can be set up as subsidiary documents for individual probation officers and/or individual judges, with blanks left where the specific case information can be filled in.

Sophisticated and powerful word processing programs, such as WordPerfect, are now available. They take effort to learn how to use properly—but then, officers should not lose sight of the effort it took to learn how to dictate. It is possible to automate a lot of the work of report writing, so that it becomes a matter of selecting the appropriate pieces for placement in the report. In the pretrial services arena, preparing the Summary Report for the judge or magistrate can be a matter of calling up the appropriate form on the computer, predefined for each officer, adding the identifying information and narrative sections, and then selecting appropriate recommendation formats. In the probation arena, the 100+ macros and files that the District of New Jersey generated to automate the guideline presentence report process are an example. It becomes a matter of professional judgment to determine which pieces are appropriate to which cases and what specific factual information needs to be added to each case. For both arenas, case record management by chronological recording is easier to do on a computer than it is by the present system of note taking and dictation.

Individual officers do not have to know how to do such things as devising macros to automate the presentence or pretrial services reports. All that is necessary is for the officer to be able to use them. Individual officers need to know how to drive the car, which can be equipped with automatic transmissions and cruise control, so to speak. It is not necessary for them to be either automobile mechanics or computer programmers. Obviously, officers do need driving instructors to teach them how to drive and mechanics and technicians to keep their cars in running condition. Some can do routine maintenance on their own, such as changing the oil or backing up their hard drive, some cannot. It makes no difference in their ability to drive a car. It makes no difference in their ability to use a computer.

Probation/pretrial services offices need a support structure to enable their personnel to use computers, but most personnel will be computer users, not programmers. The outline of such a support structure is coming into view. In December 1988, the creation of five technical positions, allocated to probation/pretrial program development and support and to be placed in the Administrative Office of the U.S. Courts, was approved. For the first time, positions will be devoted full-time to program development and support on a national level. The Judicial Conference Committee on Judicial Improvements, through its subsidiary, the Ad Hoc Committee on Automation Staffing, is presently developing a judiciary-wide support system for automation users in every component of the courts. Technical PC support position classifications are already available to Federal probation and pretrial services offices for in-house support where appropriate. A network of "driving
instructors, mechanics, and technicians” will be created to support computer users throughout the judiciary.

Right now, computer usage in the probation system is still in the early stages. Using a computer is a bit more of a challenge than driving a car. The support structure is in its infancy, and computer users now must exhibit more energy and initiative than will be needed later. An example is electronic transmission of documents from one location to another. Right now it can be done, using dial up modems over regular telephone lines and a communication program such as Carbon Copy Plus, which the Sentencing Commission purchased for the computers granted to the probation offices in 1987. It works well, but it is a little bumpy and slow—kind of like driving across the country before the interstate highway system was built. The Data Communications Project, a procurement process now under way, will among other things be the equivalent of the interstate highway system, linking all court locations so that document transmission will be a much faster and smoother procedure.

Staffing patterns also will change as probation/pretrial systems move in the direction of computer use by officers. Right now, support staff consists primarily of clerical personnel who are involved in a lot of typing and transcribing from dictation. That will change as machines take over a lot of the manual labor involved in the present arrangement. Support staff functions will be less clerical and more technical, as offices shift to direct use of computers by professionals and managers. Support personnel will be asked to take on new roles, perhaps of a somewhat paraprofessional nature, such as covering routine court proceedings, or of a more administrative nature, as technology changes the job function-