

Federal Probation

Career Issues for Probation Officers *Darrell K. Mills*

Community Service Orders in Federal Probation:
Perceptions of Probationers and Host
Agencies *G. Frederick Allen
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The Presentence Investigation: An Old Saw
With New Teeth *Alvin W. Cohn
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Oriented Restitution Bills:
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Correctional Officers for
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Juvenile Justice System: A Model
..... *Vincent Schiraldi*

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Administrative Office of the United States Courts
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Federal Probation

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This Issue in Brief

Career Issues for Probation Officers.—Careers offer unique strains and frustrations. This is so for the work of the physician, the teacher—and the probation officer. While a probation officer's work can be interesting and rewarding, it presents a unique set of challenges. The hybrid role of the probation officer—which requires juggling investigative/enforcement tasks with counseling responsibilities—may cause conflict. Author Darrell K. Mills identifies six issues that the probation officer may face during a career. These issues, which have the potential to adversely affect job performance and motivation, require the officer's accommodation or resolution. The author provides strategies for coping with these issues.

Community Service Orders in Federal Probation: Perceptions of Probationers and Host Agencies.—To date, efforts to evaluate community service programs have focused on the views of the operators of these programs. An important element in program evaluation—the offenders' perspective—has been overlooked. Authors G. Frederick Allen and Harvey Treger used the theoretical perspectives of rehabilitation, deterrence, desert, and the justice model as the framework for a semi-structured, open-ended questionnaire for reviewing perceptions. The authors interviewed a sample of 73 probationers and program operators in 38 cooperating agencies. Findings revealed that community service is perceived by probationers and host agency operators as primarily a rehabilitative sanction rather than as the punishment that the courts may have intended.

The Presentence Investigation Report: An Old Saw With New Teeth.—The presentence investigation report has been tradition-bound in purpose and content almost from its inception well over 100 years ago. Designed to facilitate sentencing decision-making, it has also become utilitarian for a host of secondary users. After an

historical review of the construction of the presentence investigation report, authors Alvin W. Cohn and Michael M. Ferriter propose a new PSI model. It is one which facilitates primary and secondary decision-making, reduces labor intensity, and eliminates any debate over long versus short forms. The authors discuss the use of the model in Montana probation and assess its applicability and impact in criminal justice administration.

Considering Victim Impact—The Role of Probation.—Since its inception in a Fresno, California probation department in 1974, the victim

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The Presentence Investigation Report: An Old Saw With New Teeth

BY ALVIN W. COHN AND MICHAEL M. FERRITER*

Historical Development

SINCE 1841, when John Augustus initiated his career as a philanthropist in the Police Court of Boston by bailing a man who was charged with the offense of being a common drunkard and thereby created the field of probation, through contemporary times, there has been some effort to investigate the character of the offender.

In fact, as Augustus himself stated in his 1852 report (1939, p. 34):

Great care was observed. . . to ascertain whether the prisoners were promising subjects for probation, and to this end it was necessary to take into consideration the previous character of the person, his age and the influences by which he would in future be likely to be surrounded. . . .

Probation, as a court imposed system of conditional release, gained momentum in the United States shortly after the turn of the century. This was a time of significant immigration (Higham, 1967), union development, settlement house activities (Richmond, 1930), child welfare legislation, the creation of the juvenile court with its attendant child guidance clinic (Glueck, 1934), and the rise of professionalism, enhanced especially by the work of Freud and successor psychoanalysts (Jones, 1953).

Although probation work, especially at the juvenile level, was always concerned with analyzing the backgrounds of offenders, it was not until 1910 that William Healy, director of the Juvenile Psychopathic Institute at Chicago, outlined in critical detail the need for individualized study of offenders. Based on his concern for treatment and change, Healy (1910, p. 51) emphasized ". . . the importance of a thorough-going study of the individual case at the period of life when something, if ever, can be done in the way of individual modification." Healy (1910, p. 50) also stated that "The case consequently must require careful, individual diagnosis before the rational treatment can be instituted which is really adapted to its needs."

*Dr. Cohn is president, Administration of Justice Services, Inc., Rockville, Maryland. Mr. Ferriter is field services supervisor, Community Corrections Bureau, State of Montana.

As Carter (1969, p. 9) reports, Healy's efforts toward classification of offenders in 1910 and 1913 (April) and his treatise, *The Individual Delinquent* (subtitled "A textbook of diagnosis and prognosis for all concerned in understanding offenders") had direct influence in the development of what we consider today to be the modern version of the presentence investigation report.

Healy (1915, p. 8) held:

. . . the deepest conviction that only through logical scientific study of the individual can there be any reasonable expectation of amendment in most delinquent careers. Those who have to do with the judging and treatment of offenders must reckon with such methods of fact as we present.

Presentence Report Content

The 11 topical areas to be covered in such an investigation, according to Healy (1915, p. 48), which parallel, in part, many juvenile social histories and presentence investigations (PSIs) today, included: family history, developmental history, environment, mental, and moral development, anthropometry, medical examination, psychological data, delinquency record, a diagnostic and prognostic summary, as well as followup and subsidiary records.

In contradistinction to Healy's scientific approach to gathering and utilizing data and information about delinquents, Flexner and Baldwin (1914) looked to the probation investigative process as one which could improve the court performance of the probation officer. Of particular concern to them was the lack of verified information frequently reported to the court. They stated (1914, p. 48):

Probation officers as a rule fail to distinguish between facts and conclusions. A large part of the evidence given by probation officers in juvenile courts is a mass of opinions and conclusions. The only way to avoid testimony so manifestly unfair and absolutely valueless, is to secure the full facts as accurately as possible and put them in writing. (Emphasis in the original text.)

Social Casework and Probation

Mary Richmond, considered the founder of modern social work, examined the role of the social caseworker and reported in her seminal work, *Social Diagnosis* (1917), that such a diagnosis was required for the total understanding of the dynamics of individual behavior and for planning treatment interventions, including offenders

brought before the court and those placed on probation.

Richmond (1917, pp. 357-358) defined "social diagnosis" as:

. . . the attempt to make as exact a definition as possible of the situation and personality of a human being in some social need—of his situation and personality, that is, in relation to the other human beings upon whom he in any way depends or who depend upon him, and in relation also to the social institutions of his community. . . . good social diagnosis includes all the principal factors standing in the way of social reconstruction, with emphasis placed upon the features which indicate the treatment to be followed.

As Healy had done, Richmond (1917, pp. 378-381) also outlined a system of data collection needed to understand the individual, including such factors as general social data, physical and mental conditions, industrial history, financial situation, education, religious affiliation, recreation, environment, relations with others and social agencies, and basis for treatment.

Carter (1969, p. 9) reports that the chief probation officer of the Court of General Sessions in New York City, Edwin J. Cooley, picked up on Richmond's Social Diagnosis and wrote (1918, p. 143) that:

One of the current developments in our Probation work is the realization that there is a definite methodology in the making of a comprehensive diagnosis of a delinquent. . . . *Social Diagnosis*. . . should be in the hands of every probation officer (for it). . . is a very definite step in the development of social case technique.

In 1925, after Cooley became director of the Catholic Charities Probation Bureau in New York City, he reported that Cardinal Hayes of New York (Cooley, 1927a, pp. vii-ix) ". . . after examining various methods proposed for the solution of the crime problem. . . came to the conclusion that in the probation system, with its study of the individual and its planning of appropriate supervision, society has developed an agency of great potential."

Topical Areas

Cooley (1927a, p. 297) created two units within the probation department, including an Investigative Corps and a Supervision Corps, especially to ensure that ". . . all officers. . . give full time to their respective duties of diagnosis and treatment." Cooley (1927a, pp. 323-324) outlined six basic areas for the social diagnosis or investigation of the offender: legal history, the environment, developmental history, personality and behavior, capacities and potentialities, and the etiology of the criminal behavior.

The investigative report for delinquents, according to Cooley (NPA, 1927b, p. 52), took on a

slightly different outline, which included the following topics: personal history, education and early life, family and neighborhood conditions, employment history, recreation, habits and associates, religious observances and training, and the mitigating or aggravating circumstances of the offense.

Professionalism

Social casework and a treatment approach continued to be the hallmark of probation services, as it expanded in adult as well as juvenile courts. Further, "professionalism" guided the writing of investigative reports. In 1924, a probation officer in the Boston Juvenile Court, Hans Weiss, wrote in the *Proceedings* of the National Probation Association an article entitled, "Where Are We in Probation Work?" (Weiss, 1924, p. 49) in which he stated:

Probation is only possible where there is faith in the creative possibilities of a large group of individuals offending against the law. It focuses the *attention on the character and capabilities of the delinquent; on ways of readjusting his life to society.* (Emphasis added.)

Weiss (1924, p. 57) went on to suggest that probation officers needed to acquire the technique of modern social casework "with its principles of forming a diagnosis based on careful investigation and of working out a plan of treatment in close cooperation with court-clinics."

PSI Scope

By 1952, Sheldon Glueck, the noted criminologist, recognized and legitimated three basic purposes of the investigative report. Glueck (1952, p. 104) asked: "What should be the scope and content of the (probation) investigation?" His answer (pp. 104-105):

Theoretically, this ought to depend on whether the report is to be used solely for the rough original classification involved in the sentencing process or also as a detailed plan of peno-correctional treatment thereafter. . . (and that) if there should be individualization of sentence there should, correlatively, be individualization of treatment. . . (and that) Duplication of investigations by court, prison, and parole authorities is wasteful and ought to be avoided. . .

Thus, Glueck, by 1952, noted that it was appropriate and, in fact, desirable, to prepare an investigative report that could be utilized for three purposes: (1) sentencing decision-making by the courts, (2) classification and treatment planning by the prison (and by inference, probation supervision), and (3) parole decision-making and treatment planning. Carter (1969, p. 10) comments that "Since the pioneer classification efforts of Healy and application efforts of Cooley, pre-sentence report usage has been supported, ex-

tended, improved, and professionalized by leaders in the field of correction." The same, of course, can be said for the practice of probation itself.

In 1949, the United States Supreme Court, in *Williams v. New York*, 337 U.S. 241 (1949), upheld the validity of the presentence investigation report in probation, which added further impetus to its use. In fact, as we approach the 21st century, in at least 22 states and the Federal government, the PSI is mandatory for all felony cases; the PSI is required in 19 states when probation is a potential sentence; and in the remaining states and in Washington, DC, the PSI is discretionary (Allen et al., 1979, pp. 106-107). For misdemeanor offenders, the same does not hold, and, for the most part, PSIs are rarely completed.

PSI Timing

The PSI, almost exclusively, is prepared after conviction and before sentencing, although some states leave the timing of the report up to the individual judge. However, as McCarthy and McCarthy (1984, p. 108) state, ". . . beginning the report before conviction presupposes the offender's guilt and may damage his reputation when the field investigation is completed. Also, if the defendant is found not guilty, the probation agency's resources would have been wasted."

In order to determine whether the practice followed in some Federal courts/probation offices of advance presentence investigation contributed to judicial efficiency, a research study was conducted by the Federal Judicial Center. The results of the research project revealed mixed findings (Gillick & Scott, 1970, p. 475):

. . . early commencement of presentence investigations is almost essential if the probation officer (in federal courts) is to both distribute his workload effectively and insure that a presentence report will be available for all criminal defendants who potentially may be sentenced during a given . . . term. While the necessity for this procedure . . . is obvious, the efficiency of the criminal justice process is affected adversely by concomitant waste, the most notable example of which is caused by the preparation of presentence reports that are never utilized. . . (This inefficiency) can be effectively eliminated by exercising a higher degree of selectivity in the preparation of these reports.

In addition to the timing of the preparation of PSIs, as well as the length of time required to complete investigations, at least three other problems are inherent in the utilization of these reports, including judicial dilemmas in sentencing, plea bargaining, and precisely what information, at a minimum, is needed to make appropriate sentencing decisions.

Three Problems

With regard to sentencing dilemmas, which

occur when a judge has discretion, Clear and Cole (1986, p. 246) write:

" . . . because goals are unclear, judges often 'satisfice' the values of rehabilitation, risk control, and just deserts. Rather than pursue a single value in sentencing, judges ordinarily ask a complicated question: If this offender is not a risk to the community, is there some rehabilitative reason to keep him or her in the community—a reason strong enough to overcome the objection that probation tends to depreciate the seriousness of the offense?"

Insofar as the plea bargaining problem is concerned, it is clear that once an agreement is reached between the prosecutor and defense counsel, the PSI can no longer serve as the principal basis for the judge's decision, but is used instead (Clear and Cole, 1986, p. 247) ". . . to determine whether the negotiated agreement is a violation of any of the principles of sentencing. . ."

With regard to the minimal information required to make responsible sentencing decisions, as long ago as the mid-1960's, the San Francisco Project explored this issue in considerable detail. Carter (1967, p. 203) reports that essentially only three variables are critical with regard to probation officer requirements to reach a presentence recommendation. They revolve about the instant offense, prior record, and psychological/psychiatric data. Carter (1967, p. 210) concludes:

. . . probation officers make decisions relating to presentence report recommendations with relatively small amounts of information. The current study reflects an average of 4.7 items of information utilized prior to the decision, and a range of one to 13 items employed in making the decision. The receipt of additional information after the recommendation. . . (has been made) has little effect on the recommendation. . . (and are used essentially for corroboration).

Since most judges follow probation officer recommendations, where they have sentencing discretion, the significance of the San Francisco Project report suggests that judges, too, need few pieces of information to make responsible decisions.

Short Versus Long Forms

Therefore, the question that began to be raised throughout the country was concerned with how lengthy a PSI needed to be in order to provide a sentencing judge with sufficient information to make an informed and appropriate decision. The consequence of this question was that a number of jurisdictions embarked on a road of developing "short-form" PSIs. That is, probation officers, according to guidelines, completed reports that were shorter than usual, especially for designated kinds of cases, based on the instant offense.

The Federal Probation System (Administrative Office of the United States Courts, 1974) was among the first agencies to experiment with ab-

breviated PSIs. Carter (1967) reports on the experience in the State of Washington, and the Vera Institute of Justice (Lieberman et al., 1972) reports on its apparently successful experiment with short forms in the Bronx Sentencing Project.

Impetus for the short form came from the President's Crime Commission *Task Force Report: Corrections* (1967, p. 19), which stated:

Presentence reports. . . have come to include a great deal of material of doubtful relevance to disposition in most cases. . . The orientation of many probation officers is often reflected in. . . attempts to provide. . . comprehensive analyses of offenders, including extensive descriptions of their childhood experiences.

In many cases, this kind of information is of marginal relevance to the kinds of correctional treatment actually available or called for. Not only is preparation time-consuming, but its inclusion may confuse decision-making.

The Vera concept of a PSI was limited to a brief compilation of behavioral variables, including family ties, residence, employment, and criminal record. Lieberman et al., 1972, p. 16) write that "The report went on to make a specific sentence recommendation based on an objective weighting of the behavioral variables. . . (reflecting) results of research into the correlations which the individual factors had with respect to sentencing patterns and subsequent recidivism."

Further, as suggested earlier, the Vera Foundation found (p. 16) that ". . . there was a high degree of correspondence between the sentence recommendations. . . and the court's actual sentences." Additionally, we can see that the Bronx Sentencing Project had significant influence in the development of classification and risk prediction schema currently in use throughout the fields of probation and parole. Thus, as we have discussed, most PSIs flow from the casework model, wherein attempts are made to understand the total life situation of the defendant, and have evolved to become a critical vehicle for assessing offenders, their needs, and their risks for recidivism, and for indicating those criminogenic factors which are thought to contribute to the offender's criminal behavior.

Secondary Considerations

Primarily designed to assist the judge in making appropriate sentencing decisions, the PSI, moreover, has taken on secondary considerations. Consequently, competing interests and needs have influenced the content, scope, and style of most PSIs.

Not only does the sentencing judge use the PSI, a supervising probation officer depends on it to develop the initial service plan, basic classification and risk assessment decisions are based on

it, referral sources frequently require it prior to intake, prisons use it for security classification, parole boards utilize it, in part, to make release decisions, parole officers use it to make pre-release and supervision plans, and, in some jurisdictions, such as Montana, it is helpful to judges during sentence review hearings.

In years past, it was not uncommon for a PSI to be as lengthy as 15 to 20 pages, and it covered every conceivable aspect of the defendant's life, as well as his or her family's, from infancy through the time of the last interview by the probation officer. Details, often redundant in nature, were then covered by summary and evaluation sections, ending with a set of recommendations, themselves frequently detailed.

Although the "short" versus "long" form debate continues, with many judges as well as probation agencies reluctant to change from traditional reporting forms, observation suggests that the routine PSI indeed has been reduced substantially, both in scope and length. This has occurred, incidentally, over the objections of many secondary users, who have become dependent on the PSI for their own decision-making and case planning.

New Model

In order to satisfy the needs of primary and secondary users of the PSI, to provide the court with appropriate data and information about the offender (even though the preponderance of the material is self-reported and unverified), and to obviate the debate over short versus long forms, a new model for completing PSIs was developed and implemented on a state-wide basis in Montana.¹ It is a model which requires a new format, although it is a variation of existing formats. However, it is a model that provides all users with appropriate, relevant, and needed details about the offender. Further, it is a model which will meet the requirements of adult as well as juvenile courts.

Essentially, the new model is one in which an extended facesheet is developed, wherein *everything* you want/need to know about the offender is indicated, either through "fill-in's" or "check-marks." That is, a facesheet is constructed indicating all appropriate legal, social, background, and criminal facets of the offender. At a glance, then, any reader can develop a basic picture of the offender being reported.

Since many of the details will be unclear or not self-explanatory, a "text" needs to be written which will explain or amplify that which requires

such. Textual materials will be determined by the writer of the PSI and based on his or her experience, knowledge, and assessment of what a judge might need to know in greater detail. Agency policies, judicial directives, and common sense should prevail.

As an example, if a 50-year-old offender quit school in the eighth grade, it is unlikely that a sentencing judge will need or want to know why. Therefore, only "8th grade" will be entered on the facesheet, with no textual commentary. On the other hand, if this same offender has had five different jobs in the past 3 years, or has been unemployed, it is obvious that such situation will require a *brief* explanation in the text, under the topical heading of "Employment History."

Conversely, if a 19-year-old quit school in the eighth grade and has had five part-time jobs in the past 3 years, the former information needs to be explicated, while the latter material would simply be indicated on the facesheet.

In short, the facesheet is to contain everything you should and might want to know about the offender. The attached text, according to topical headings, is used *only* to discuss, explain, and/or amplify any item that requires such. It is theoretically possible, then, to submit a PSI with only a facesheet, because nothing needs amplification or explanation; or a PSI with a facesheet with as many as 5 or 10 pages of text, because the case situation requires such. As a matter of policy, however, certain exceptions need to be considered.

Policy Considerations

The defendant's criminal history on the facesheet might only have a (check one) "yes," "no," or "unknown." If a "yes" is checked, the rap sheet should be attached to the PSI, but with an *analysis* in the text in terms of what it means. As an example, does the criminal history reflect only person or property crimes? Is there a history of violence? Is the history one of misdemeanors or felonies, or both? Did criminal behavior commence when the offender was a juvenile? Thus, if a "no" is checked, there is absolutely no reason to repeat this in textual form—everyone can see and understand what has been checked on the facesheet.

The same would apply regarding prior mental health examinations or hospitalizations. A "no" on the facesheet says it all; a "yes" on the facesheet would require an explanatory note in the text, along with an attached copy of any available reports.

If a defendant writes out his or her version of

the instant offense, if there is a written copy of any victim's statement, and/or if there are any special reports from outside agencies, such materials would be indicated as available on the facesheet, discussed or summarized briefly in the text, with appropriate attachments, if indicated. If the reports speak for themselves, there is no need to summarize them; there is only need to indicate that they are attached.

As a matter of agency policy, the PSI could end with four, brief sections: (1) COMMENTS, which will permit the PSI writer to discuss (briefly) any materials, information, or data which are not otherwise contained on the facesheet or in the text; (2) an objective SUMMARY, which will describe the offender and the committed offense very briefly; (3) an EVALUATION, in which the investigator analyzes the defendant, the offense, and the likelihood of success/failure on probation; and (4) a RECOMMENDATION section, in which the writer spells out precisely to the court the recommendations, including potential terms and conditions of probation, if such are being recommended.

The facesheet should also be designed to include a section on pretrial legal matters (e.g., offense by code, counsel, prosecutor, bail/detention status, appropriate dates, etc.) and a section for post-dispositional information (e.g., sentence, appropriate dates, assigned probation officer, terms and conditions of probation, classification and risk assessment data, etc.).

When and if a case is ever reopened, for any reason, an UPDATED facesheet will be needed, to include *only* new or changed data/information. New textual materials and attachments can be included which would be forwarded to the court, along with the old PSI.

Therefore, the sentencing judge will have all pertinent information about the defendant, without the probation officer having to repeat that which was contained in the earlier PSI. New summaries and evaluations will have to be written, if required, but textual information will not have to be repeated or rewritten. Such updated materials will also be applicable for any sentence reviews as well as new referrals to community-based agencies.

It should be pointed out that this proposed model will reduce substantially the redundancy of many PSIs; will encourage evaluation and analysis; will reduce dramatically excess writing and commentary; will enhance consistency among workers and between offices; will provide sentencing judges with appropriate information in a very

accessible form and which can be explored in more detail should that be required; and will provide secondary users with appropriate, relevant, non-redundant information potentially needed for decision-making. Further, even if word processing is unavailable, this model will reduce substantially typing or clerical resources needed to complete PSIs in a timely manner.

The Montana Experience

Based on expressed discontent with the amount of resources needed to complete PSIs and as a result of the principles described above about the writing of PSIs, the State of Montana Corrections Bureau implemented a revised procedure for their completion in 1989. The new format (see appendix), which is being utilized in sentencing all adult felony offenders, has gained significant popularity not only with probation staff, but with key criminal justice actors in the state as well.

For decades, the PSI seemed to be a large thorn in the saddle of most probation and parole officers, district court judges, prosecutors, defense attorneys, institutional caseworkers, parole board members, and correctional administrators. In fact, most probation and parole officers complained that too much time and energy had to be devoted to the preparation of reports, which appeared in many ways to be useless and excessive.

Even though the complaints were constant, probation and parole officers had the belief that there were no alternatives available to them in the development of appropriate PSIs. Over the years, a tradition developed that demanded at least a 10-page report in order for the PSI to be acceptable by the courts. A tradition even developed among the investigating officers to write the lengthiest possible PSIs.

Correctional administrators periodically expressed concern over the amount of time Montana's probation and parole officers were devoting to the sentencing document. Along with concerns about time, they were also concerned about the consistency and the quality of information in the reports. It began to appear that there were as many variations in report formats as there were judicial districts in the state. Additionally, the lack of format uniformity was posing a problem for secondary users, including parole, institutions, and community-based referral sources.

Montana, as occurs in most other states, has experienced sizable increases in its probation and parole workload in the past decade. Consequently, it became evident to correctional administrators that efficiency in work was required without any

diminution in quality of performance or effectiveness of service. It was obvious that there could be no relaxation in supervision standards or client contacts; therefore, a new approach to the writing of PSIs that would conserve resources became an option worth considering and implementing.

The Process

As previously indicated, various formats were being utilized throughout the state, each of which had proponents among probation and parole officers and district court judges. These formats, of course, evolved according to perceived needs and expressed desires of the judges, notwithstanding the fact that the officers were all employed by Montana's Community Corrections Bureau. As a consequence, it was clearly recognized that veteran officers would have to be convinced that a new PSI format prescribed by the central office administrator would not only be appropriate, it would have payoff in terms of personal expenditure of resources.

Simultaneous to the administrative decision to investigate the use of a new and state-wide PSI format was the decision to proceed on a "participatory management" basis. That is, it was believed that if a new format were to be developed and implemented, it would work if those responsible for its implementation were involved in its creation. A decision was also made to secure technical assistance from the National Institute of Corrections in order to (1) understand the proposed model, (2) develop a strategy to create a PSI model appropriate for Montana, (3) analyze and resolve possible sources of resistance to change, and (4) develop a guidebook or manual that would be utilized once implementation occurred.

At an initial meeting, discussion ensued concerning the desirability and feasibility of changing and standardizing the PSI. Those in attendance, including four regional supervisors, six probation and parole officers, and two upper-level administrators, all agreed that a revised and standardized PSI format was appropriate and that implementation was possible. The group further concluded that a new format should achieve the following:

1. Reduce the amount of time probation and parole officers dedicate to PSI preparation.
2. Reduce the amount of time clerical staff dedicate to processing PSIs.
3. Provide a more concise, consistent, and relative report to district court judges.
4. Provide a more concise, consistent, and rela-

tive report to secondary PSI users.

At the conclusion of this initial meeting, a core group was appointed to further pursue the goals of the new format. Regional Supervisor Ralph Fisher was appointed chairperson. Upper-level administrators were excluded from the core group in order to facilitate the practitioners' free thinking about design and applications.

The next step in the process was to introduce the concept to and gain input from criminal justice "stakeholders" in the state. Consequently, core group members met with selected district court judges, prosecutors, public defenders, parole board members and staff, and wardens and other institutional personnel. Meetings were next held with probation and parole officers throughout the state and other key criminal justice staff in the various districts.

At the conclusion of the information gathering stage, the core group met to share and process the information and attempt an initial PSI format revision. As part of this beginning effort, the facesheet (the core of the new model) was revised to meet the requirements both of the new model and of the Montana system. A first effort at producing a "Guide Sheet" or manual was developed that specifically "defined" the information delineated on the facesheet and outlined procedures to be followed in completing a PSI in terms of the new format.

After the format underwent several revisions and a "final" product was produced, the core group randomly selected several previously written PSIs and attempted to rewrite them utilizing the new format and procedures. Following several minor adjustments, the four probation and parole officers serving on the core group then experimented with the new model as they completed new PSIs.

The "live" sampling proved to be the most significant contributing factor in the final revision of the proposed format. Not only was there "real" experience, this process permitted primary and secondary users an opportunity to experiment with the revised PSI and make recommendations for changes that would facilitate greater ease in eventual application.

With this experiential input, the core group proceeded to make "final touches," which included, primarily, the development of the operations manual. The manual included the basic facesheet, a guide sheet of definitions and explanations, and introductory materials explaining the intent and rationale of Montana's presentence investigation report and the new format. Directions for pro-

gramming the new format into word processing units were also included in the manual. Such instructions were included not only to simplify the process for clerical staff, but to ensure that the goal of "consistent" PSI reporting would be met by *all* Montana probation and parole officers.

Evaluation

Montana's revised PSI format has now been operational for over 1 year. All of the prescribed goals have been met successfully; probation and parole officers are satisfied with the model, as are other criminal justice decision-makers and secondary users.

Goal #1: Reduce the amount of time probation and parole officers dedicate to PSI preparation. Although a time study has not been officially monitored, probation and parole officers indicate that PSI preparation has been reduced on average from 7 hours per report to approximately 4 hours per report. Recently, probation and parole officer and core group member, Ron Alsbury, stated that ". . . the new PSI is an exciting challenge because it helps me focus on only critical information needed by the primary reader, the judge, in making sentencing decisions."

Additionally, he stated, "I found myself a little defensive at first because it meant breaking tradition with my beliefs about the contents of the report. Our judge looks for the 'meat' when he reads reports and he now tells us it is easier to find."

Mary Fay, another core group member and probation and parole officer, described the format by stating, "First of all, the new form allows for a more uniform, statewide report. It can be completed, from interviewing to typing, much quicker than the old form. At a glance, the reader can get important information. It is a time-saver. It has not changed the time, however, that it requires to investigate thoroughly and verify information."

Goal #2: Reduce the amount of time clerical staff dedicate to processing the PSI. The shorter and more concise format along with the implementation of the format into word processing units has definitely assisted in the accomplishment of this goal. Gina DiAddezio, a regional secretary, elaborated on the accomplishment of this goal when she stated: "Since utilizing the (new) standardized PSI, my production time has been cut almost in half. By entering a simple command, the format is brought up onto the screen. The file is designed to take you from field to field, for

input, with the push of one button, therefore eliminating the need to retype the form each time. The probation and parole officers are given a blank form on which all they must do is 'fill in the blanks.' It saves much time for both the officers and support staff."

Goal #3: Provide a more concise, consistent, and readable document for district court judges. Impressionistic observations suggest that a majority of Montana district court judges view the new PSI format/model as one that facilitates reading and comprehending. District supervisors report that they have received no complaints from the judges throughout the state since the PSI revisions were implemented over 1 year ago.

Goal #4: Provide a more concise, consistent, and readable document for secondary users. Parole Board staff member, Craig Thomas, reports that ". . .the biggest advantage I see is that all jurisdictions now use the same format which has helped to develop an element of consistency that was lacking prior to its inception."

Missoula deputy county attorney, Betty Wing, says: "The revised presentence investigation forms have been beneficial to prosecutors and the court by setting out a large amount of information in a condensed, organized manner. Though standardized, they allow sufficient flexibility for the officer to include all relevant information and opinions. The detailed personal information is particularly helpful when probationers abscond and arrest warrants are issued."

Conclusion

The presentence investigation format has been bounded by tradition almost since its inception. While debates ensued over its length and its contents, observers have noted over the years that it frequently is redundant and discusses background information about an offender that has been described as irrelevant to both primary and secondary users.

Even with the development of the so-called "short-form," the PSI has tended to consume exorbitant amounts of officer and support resources. As Montana recognized, tradition-bound staff could have resisted any changes in the investigatory process, but limited resources and escalating workloads dictated that changes were required somewhere in the correctional system in order to "keep heads above the water." Bearing in mind that efficiency was sought without the expense of effectiveness, it was recognized that while standards of service could not be lowered, the process

of writing PSIs potentially could be changed and in such a manner that resources could be maximized.

As the above indicates, the revision of the PSI format and process not only was possible, it was effectuated and implemented to the satisfaction of staff and primary and secondary users.

NOTE

¹Although the new model was implemented in a detailed manner in the State of Montana, initial experiment with the new model was made a year earlier at the Marion County Superior Court Probation Department, in Indianapolis, under the auspices of Steve Wills, chief probation officer.

REFERENCES

- Administrative Office of the United States Courts. (1974). *The selective presentence investigation report*, Publication No. 104. Washington, DC: Administrative Office of the U.S. Courts.
- Allen, H., Carlson, E.W. & Parks, E.C. (1979). *Critical issues in adult probation*. Washington, DC: National Institute of Law Enforcement and Criminal Justice, U.S. Department of Justice.
- Augustus, J. (1939). *First probation officer*. New York: National Probation Association.
- Carter, R.M. (1967, July). The presentence report and the decision-making process. *Journal of Research in Crime and Delinquency*, 4(2), 203-211.
- Carter, R.M. (1969, April). An alternative presentence report model for the Division of Probation and Parole. In *Program evaluation: One model and a program approach*, Research Report, Vol. 2, No. 3. State of Washington: Department of Institutions.
- Clear, T.R., & Cole, G.F. (1986). *American corrections*. Monterey, CA: Brooks/Cole Publishing Co.
- Cooley, E.J. (1918). Current tendencies in adult probation. *Proceedings, National Conference of Social Work*.
- Cooley, E.J. (1927a). *Probation and delinquency*. New York: Thomas Nelson and Sons.
- Cooley, E.J. (1927b). Standards of probation. *Proceedings, National Probation Association*.
- Flexner, B., & Baldwin, R. (1914). *Juvenile courts and probation*. New York: The Century Company.
- Gillick, J.E., Jr., & Scott, R.E., Jr. (1970, February). The presentence report: An empirical study of its use in the federal criminal process." *The Georgetown Law Journal*, 58(3), 451-486.
- Glueck, S., & Glueck, E. (1934). *One thousand juvenile delinquents*, Cambridge: Harvard University Press.
- Glueck, S. (1952). *Crime and corrections: Selected papers*. Cambridge: Addison-Wesley Press.
- Healy, W. (1910, May). The individual study of the young criminal. *Journal of the American Institute of Criminal Law and Criminology*, 1.
- Healy, W. (1913, April). Further developments of a system for recording data concerning criminals. *American Institute on Criminal Law and Criminology*, Bulletin No. 12.
- Healy, W. (1915). *The individual delinquent*. Boston: Little, Brown & Company.
- Higham, J. (1967). *Strangers in the land*. New York: Atheneum.
- Jones, E. (1953). *The life and work of Sigmund Freud*, 3 vols. New York: Basic Books.
- Lieberman, J.B., Schaffer, S.A., & Martin, J.M. (1972). *The Bronx sentencing project of the Vera Institute of Justice*. Washington, DC: U.S. Department of Justice.
- McCarthy, B.R., & McCarthy, B.J. (1984). *Community-based corrections*. Monterey, CA: Brooks/Cole Publishing Co.
- President's Commission on Law Enforcement and Administra-

tion of Justice. (1967). *Task Force Report: Corrections*. Washington, DC: U.S. Government Printing Office.
Richmond, M.E. (1917). *Social diagnosis*. New York: Russell Sage Foundation.

Richmond, M.E. (1930). *The long view*. New York: Russell Sage Foundation.
Weiss, H. (1924). Where are we in probation work? *Proceedings, National Probation Association*.

APPENDIX

STATE OF MONTANA
DEPARTMENT OF INSTITUTIONS
CORRECTIONS DIVISION

PRE-SENTENCE INVESTIGATION

CONFIDENTIAL INFORMATION FOR PROFESSIONAL USE ONLY

Name _____ Date of Sentence _____

A.k.a. _____

Address _____ Phone _____

LEGAL STATUS

Judge _____ County/# _____

Co: Atty _____ Def. Atty _____

Arrested _____ Released _____ Jail Time Served _____ Days As Of _____

Type of Release: O.R. _____ Bond _____

Current _____ Trial _____ Plea _____

Offense(s) _____ Trial _____ Plea _____

_____ Trial _____ Plea _____

Sentence(s) _____

Plea Agreement: Yes _____ No _____

Detainers/Warrants Yes _____ No _____

Co-Defendant(s): Yes _____ No _____

Prior Criminal History: Yes _____ No _____

Prior Probation/Parole: Yes _____ No _____

Disposition _____

IDENTIFICATION

D.O.B. _____ Age _____ P.O.B. _____ SS# _____

Ht _____ Wt _____ Eyes _____ Hair _____ Handed: R _____ L _____

Complexion _____ Build _____ U.S. Citizen: Yes _____ No _____

Sex: M _____ F _____ Race _____ Tribal Aff/# _____

Health: Good _____ Fair _____ Poor _____ Scars/Marks/Tattoos _____

BACKGROUND

Chem. Use: Yes _____ No _____ Not Significant _____

Significant Family Information: Yes _____ No _____

Marital Status _____ # of Children _____

Support Payments: Yes _____ No _____ Amount _____ Current _____

Employment Status _____

Income (\$) _____ Source _____

Financial: Assets (\$) _____ Debts _____

Military: Yes _____ No _____ Branch/Disch _____

Other Pertinent Information: Yes _____ No _____

Emergency Contact _____

Restitution: Yes _____ No _____

CRIMINAL HISTORY:

CIRCUMSTANCES OF THE OFFENSE:

DEFENDANT'S STATEMENT:

VICTIM'S IMPACT:

COMMENTS:

EVALUATION/RECOMMENDATION:

AUTHOR/DATE: