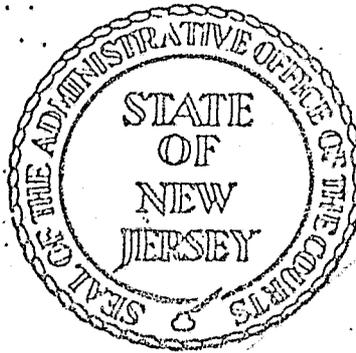


Probation Research & Development



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RESEARCH REPORT:
MODEL INVESTIGATIVE MANAGEMENT SYSTEM — *Research Report*

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I INTRODUCTION

The primary purpose of the presentence report, according to the American Bar Association (Standard 2.2), is to provide the sentencing court with "succinct and precise information upon which to base a rational sentencing decision". The ability of probation officers to fulfill this task depends on a number of factors, such as, their workload; the amount of time they have to devote to the report; and their training and guidance related to report preparation.

The compilation of the presentence report is extremely time consuming. Numerous people must be located and interviewed as well as the defendant himself. Records must be secured and information must be verified. All information must be analyzed and a recommendation for sentencing formulated. The President's Commission, in its Task Force Report: Corrections, concludes that "a probation officer could adequately prepare no more than 10 such reports during a month - and that exclusive of any other duties" (p.18).

Although an output of 10 reports per month per officer may appear to be low, its justification is realized when the variety of decisions that depend on the presentence report are presented. The following quote, from the President's Commission Task Force Report on Corrections is illustrative of this point:

Besides helping the judge to decide between probation and prison, it also assists him to fix the length and conditions of probation or term of imprisonment. Beyond these functions, the report is usually the major information source in all significant decisions that follow--in probation programming or institutional handling, in eventual parole decision and supervision, and in any probation and parole revocation.

Task Force Report: Corrections (19)

In recognition of the important role played by presentence and predisposition reports in the administration of justice, the staff of Probation Research and Development conducted a study to evaluate the process by which these reports are prepared. The Monmouth County Probation Department was selected as the location for this study, due, in part, to the commitment of that county's Judges and probation administrators to improve the operation and management of the probation service.

This study represents an initial step in the analysis of probation services. The investigative process, though crucial to the administration of justice, is only one of several services rendered by the probation system. The supervision and counseling of probationers, for example, is a probation function of the utmost importance, but one which typically operates under conditions that are less than perfect. Although the role of probation has expanded in recent years, a corresponding expansion of resources has been lacking. Consequently, probation output, in terms of quantity and quality, suffers from inadequate manpower. The result has been caseloads of such unyielding sizes that any rehabilitative counseling is inconceivable.

The time has come for a hard look at the services being rendered by the present probation system. Those responsible for the administration of probation services must make the commitment to implement the changes required to make probation a meaningful rehabilitative tool.

PROPOSED MODEL INVESTIGATIVE PROCESS

PROPOSED MODEL INVESTIGATIVE PROCESS

The proposed model investigative process was designed by the staff of Probation Research and Development to provide an effective and efficient investigative process. The development of the model investigative process was based on the following goals and assumptions:

1. Investigative reports should be of consistently high quality when submitted to judges;
2. Investigations should be conducted as expeditiously and efficiently as possible, but not at the expense of report quality;
3. The quantity of reports requested will remain the same or increase over the current volume;
4. Adequate manpower will be available to implement the proposed model system, if accepted, and that a separate unit, as described in this report, would be created with exclusive investigative responsibilities.

To facilitate presentation of the model system, a flowchart of the process was prepared commencing with the point of adjudication and ending with the case disposition. The flowchart is included at the end of this section. The model process is presented below in 14 steps which correspond with the encircled numbers on the flowchart. Although the presentation below is geared toward presentence and predisposition reports, all investigative reports can and should be prepared under the process described herein.

A. Description of Model Investigative Process

1. Adjudication

The investigative process is initiated with a plea or conviction of guilt. Immediately following the court proceeding, the court clerk takes descriptive case information from the defendant and fills out a "slip" (this slip is a revised version of the form currently used). The slip is prepared in duplicate, one for the defendant and one to be sent to the supervisor of the investigative unit.

2. Notification

2a. Incarcerated Cases

For remand cases, the objective is to secure as much information from the defendant as possible prior to his return to the given institution.

After the court clerk completes the "slip" on the defendant he is escorted back to the county detention center. The clerk telephones the investigative unit immediately and notifies them that a remand case has been adjudicated. The investigator assigned to the unit immediately checks the files for indication of prior record. If one does not exist, the investigator initiates a new file which will be forwarded to the investigating officer. The unit supervisor initiates the control system and completes the intake log. These vehicles will be used to monitor the report progress and to assure equitable workload distribution among officers.

The supervisor then assigns the case to an investigating officer. Case assignment is done on a rotating basis with no discriminating variables. If the chosen officer is not immediately available, the next available officer on the rotating list will be assigned the case. The unit supervisor will control this procedure to assure that officers taken out of turn are skipped over when their next case comes up.

The reason for this case assignment procedure is expediency. Upon receiving an assignment and file, the officer immediately goes to the detention center to interview the defendant before his return to the institution. The entire process up to this point will have taken less than 1 hour.

During the interview, the officer completes an intake form. This form will contain descriptive case information and will contain leads for further sources of information about the defendant such as employers, schools attended, references, military history, etc. Upon completing the interview the officer returns to the department and gives the intake form to the investigator. Sometime during the day, the investigator mails out requests for information to the leads listed on the intake form. These requests will be form letters and will be sent out under the investigating officer's name.

2b. Non-incarcerated Cases

After adjudication, the defendant is ordered to report to the probation department with his copy of the slip. The court clerk telephones the investigative unit and notifies the investigator that a defendant is to be expected.

Upon entering the department, the defendant is greeted by the receptionist who takes the slip and staples it to the intake form. At this point the receptionist informs the investigator that the defendant has arrived and requests a record check from the file room and from the bail unit. The records are forwarded to the investigative unit and will be given to the assigned officer.

As soon as the investigator is notified of the defendant's arrival, he initiates the control system and completes the intake log. The

investigator then conducts the preliminary interview with the defendant to gather descriptive case information and to ascertain leads for other sources of information. The intake form is completed by the investigator during this interview. Some time during the day, the investigator will mail out form letter requests for information under the investigating officer's name. It should be noted that the probation officer has not been involved in the process up to this point. This differentiation of tasks between the officer and investigator represents a substantial time and money saving element in this system.

Upon completion of the preliminary interview, the case assignment is made by the unit supervisor. The assigned officer is given all files that have been gathered, as well as, a copy of the intake form. If the assigned officer is available, or desires to do so, he may interview the defendant in his office at this time. If not, the defendant is given a contact card, which specifies the officer's name and phone number, and is told he will be contacted later.

3. Information Gathering

With all background information already collected during the preliminary interview, the officer now can concentrate on filling in the gaps. During the next week he will conduct personal interviews with the defendant, his parents (or spouse), employer or school administrators. If necessary, the victim of the offense will also be contacted. Officers will complete progress forms for each case to assist them in coordinating and managing their workloads.

4. Correlation of Information

When sufficient information has been gathered for the report the officer is ready to correlate all the pieces into his report. If items of information are missing, he now must attempt to get them via phone contacts.

5. Dictation

Dictating to a secretary is a waste of manpower. Not only does the secretary have double the work, but constant interruptions extensively prolong the dictating session. Reports should be dictated into dictaphones for later transcription by a clerk typist. The clerk typists will be arranged in a "pool" setting and will take reports for typing on a rotating basis.

6. First draft of Report

Reports should be returned to officers within one working day. At this point, the officers review the report for errors and for content.

7. Report sent to PPO II

After the probation officer is satisfied with the report, he sends it to the unit supervisor for review. The PPO II reviews the report for content, clarity, and thoroughness and completes the Report Reference Form. This form is a checklist of factors designed to evaluate the quality of the report.

8. Case Conference

As soon as the PPO II reviews a report, or periodically when several reports from one officer have been completed, he conducts a case conference with the officer. The purpose of this conference is two fold. First, content of the report is reviewed and the Report Reference Form is discussed with the officer. This serves as a feedback mechanism and provides the PPO II with the opportunity to conduct in-service training with his officers. Second, the program plan and recommendation for sentence are discussed between the officer and PPO II and a consensus of their opinions is drawn up.

9. Final Report

Any revisions in the report content are made when the final copy of the report is typed. The report form is set up in such a way that individual sections can be completely changed without necessitating a re-typing of the entire report.

The program plan and recommendation are typed as part of the final copy of the report.

10. Report submitted to Officer

After the final copy of the report is typed, it is submitted to the officer for review. After approval, he signs the report and submits it to the PPO II.

11. Report submitted to PPO II

Upon review and final approval of the report, the PPO II signs it and submits it to the appropriate judge.

12. Judicial review

The judge is to receive the report at least one full week prior to the sentencing date. This is to provide him the opportunity to review the report and to request additional information if he is not satisfied with the existing report without upsetting the calendared sentencing date. Furthermore, it provides ample opportunity for the defense counsel to review the report as specified to State v. Kunz (55 N.J. 128).

12a. Judicial rejection

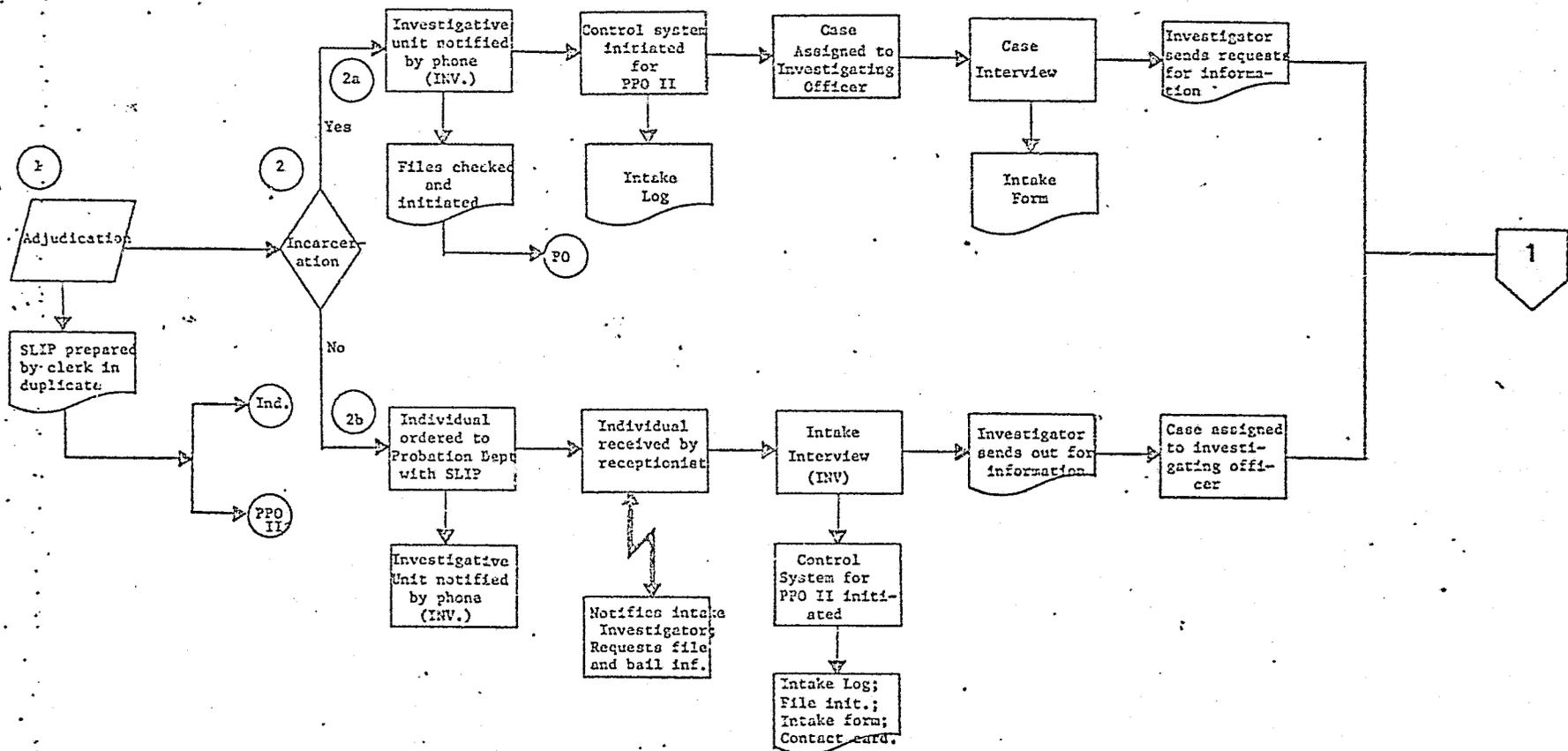
In the event the judge does not feel the report contains adequate information to sentence the defendant, or if clarification of a point is needed, he returns the report to the investigative unit supervisor with written instructions for revision. The PPO II meets with the investigating officer and conveys the judge's memo to him. The required revisions now have priority over other assignments the officer may have. The report is revised as soon as possible and submitted to the PPO II for approval. If the judge's instructions have been satisfied, the PPO II delivers the report to the judge immediately.

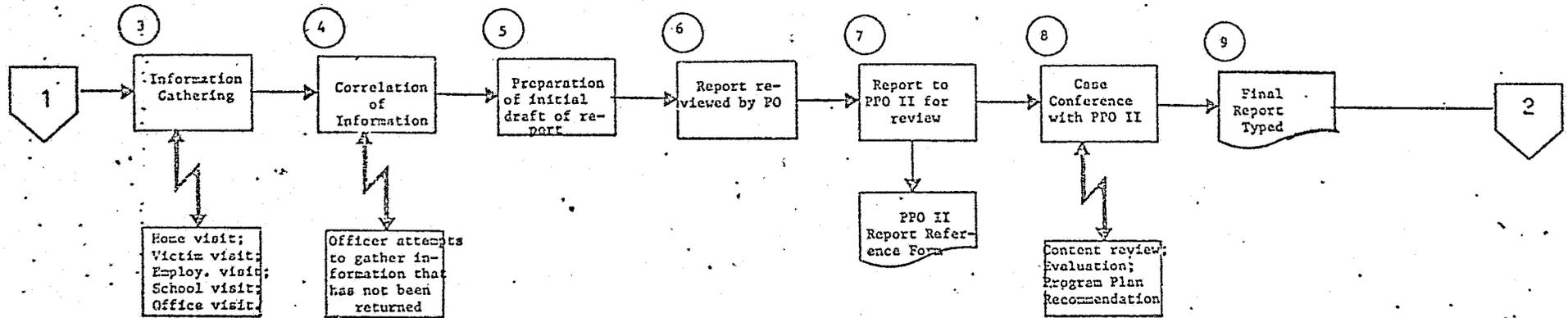
13. Distribution of Report

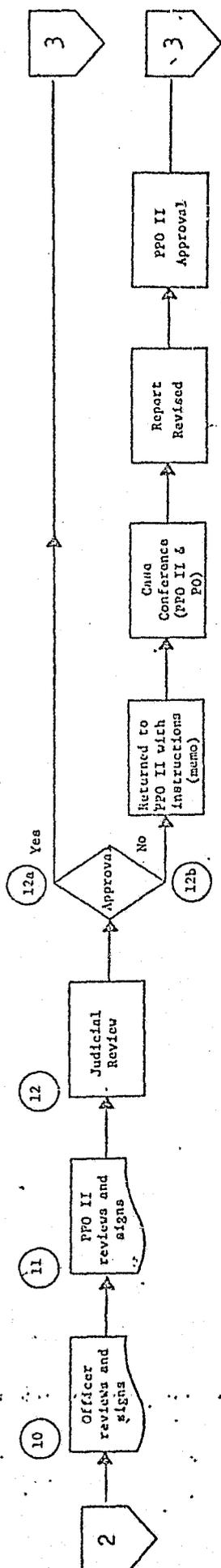
Upon judicial approval of the report, copies are made and distributed in accordance with State v. Kunz and county policy.

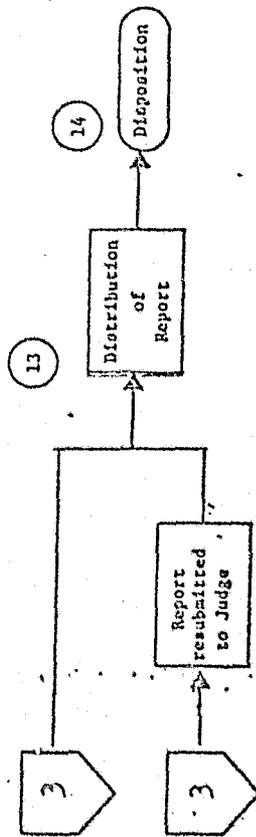
14. Case disposed

FLOWCHART OF
MODEL INVESTIGATIVE PROCESS









END

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