

# Northwest Regional Council

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## An Evaluation of the Department of Probation Services, of the Justice Courts in Island County

by

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Law and Justice Program  
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An Association of Local Governments  
serving the North Puget Sound Region  
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'Aha: At this stage, gentlemen, we introduce the subject himself. He is, as you will perceive, fit and well nourished. He comes straight from a night's sleep and a good breakfast, undrugged, un hypnotized. Tomorrow we send him with confidence out into the world again, as decent a lad as you would meet on a May morning, inclined to the kindly word and the helpful act what a change is here, gentlemen, from the wretched hoodlum the State committed to unprofitable punishment some two years ago, unchanged after two years. Unchanged, do I say? Not quite, prison taught him the false smile, the rubbed hands of hypocrisy, the fawning greased obsequious leer. Other vices it taught him, as well as confirming him in those he had long practiced before. But, gentlemen, enough of words. Actions speak louder than. Action now. Observe, all.'

- Anthony Burgess, A Clock Work Orange

### Introduction

One of the major faults found today in the literature on community-based corrections is the authors of such studies preoccupation with outcome measurement. This pre-deliction for determining program or treatment effectiveness is so prevalent that it leaves little time for the examination and explanation of the processes at work upon the subject whose behavior is to be changed. As social scientists, we should be interested in explaining human behavior. As social psychologists, we must be interested in what influences impinge upon the individual human being from his environment and how he responds to these influences (March and Simon, 1958 in Worsley, ed.). For most people, and this must certainly be true of probation officer and client alike, organizations represent a major part of the environment.

It is the intention of this evaluation to examine the organizational environment of the probation officer and that of the client. The responsibilities and roles of each will be analyzed to better explain project outcome.

The ability of organizations to deal in a coordinated way with their environments tend to cause the organization to become highly stable and predictable. By examining probation in light of such organizational principles, our subsequent effectiveness outcomes will have more meaning. Further, a careful documentation of probation services in Island County will allow similar jurisdictions to replicate the more successful aspects of the project, while modifying those services or characteristics deemed less relevant.

## Research Methods

The information collected for this evaluation concentrated on procedural sorts of data. Pertinent points within the District Court system were distinguished and data characteristic of them collected. As in the Specialized Misdemeanant Probation Program analysis, it was felt that court processing should, at least attitudinally, affect the ultimate probability of subsequent offenses by probationers. As the analysis centered on the organizational process of probation, individual client's attitudes were not researched, though, as the project ends its law and justice funding, such survey research will be accomplished. It should prove quite helpful in explaining project impact.

The majority of the data collected came from the very comprehensive files maintained by the Probation Director at his offices in Oak Harbor. There was some overlap with District Court files, allowing the researchers an important glimpse into court processing. Interviews were conducted with the Probation Director and the District Court Judge. Both administrators and interviews were extremely interesting and relevant to the research.

All data were collected and placed into contingency tables and analyzed. Obvious and some not so obvious relationships were explored, the work being made somewhat more simple by access to Western Washington State's computer terminal system.

As this evaluation is of a program still in its early stages of implementation, and as it consequently has not had time to provide chronologically meaningful outcome data, the emphasis has been on program organization, responsibilities and process.

The sentence and presentence severity scales contained in the appendix are borrowed, though somewhat modified, from Howard Feinman's and Anne Schneider's digest of defender system evaluations.

It is anticipated that a final program analysis will feature client attitudinal studies and much more outcome data, as well as a recap of pertinent organizational changes.

The analysis was hampered by the fact that fine and restitution data were not centrally located. The different data management sources coded their files differently, the prosecutor using one set of identification numbers, the District Court quite another. As names of individual clients were not recorded when the probation data source was initially researched there was no way in which file numbers could be matched with individual clients and fine and restitution balances checked.

Racial characteristics were almost totally lacking from both probation and court records.

Where no presentence report was written by the probation officer, data on the individual clients prior criminal record was somewhat sketchy, a constraint to not only the research but also court and probation decision-making.

Finally, several days were spent in actual courtroom observation. It is expected that greater use of this technique will be used in the future.

Judge Marvin Buchanan and Probation Director Louis Sauter must be thanked for their cooperation in this analysis.

## The Court As Bureaucracy

When an organization is based upon a mixture of legal principles and rational decisions on a top leadership, a bureaucracy tends to develop. Officials hold office for which they draw a salary; resources are held by the organization acting as a legal personality, and the official typically has a career within the organization. A bureaucracy is produced by routine administration of highly interdependent systems with a steady income (Stinchcombe, 1967 in Worsley, ed.). Responsibility is finely divided but each man reports to a superior with wider responsibilities. Only this supreme head of the organization holds his position of authority by virtue of appointment, of election, or of having been designated for the succession (Weber, 1922 in Worsley, ed.). His authority exists in a sphere of legal competence and the administration under this supreme authority are appointed and function according to a very well-defined, often written, set of criteria.

The concept of bureaucracy has a variety of connotations, depending upon which social group was uttering the complaint (Albrow, 1970). Behind the majority of these expressions existed the prevalent idea of the bureaucracy as 'the false conception of the tasks of the state, implemented by a numerous body of professional officials' (Albrow, 1970). The idea that bureaucracy is a systemic administrative organization has been but recently replaced by this concept of abusive meaning. To the casual observer, the parlance 'bureaucracy', with its endless, seemingly self-perpetuating nature, is quite ripe for abuse.

However, it has been claimed that purely bureaucratic types of administrative organization are capable of attaining the highest degree of efficiency and is the most rational means of carrying out imperative control over people (Weber, 1922 in Worsley, ed.). It is, in a technical sense, precise, stable, disciplined and reliable. The results of its action are to a degree predictable, an aid to those within the system and those acting in relation to it. It is capable of an intensive administrative efficiency and far-reaching in its scope of operations. Bureaucracy is applicable to all forms of administration, one of which must certainly be criminal justice, and as a subsystem, probation.

The District or Justice Court in Island County is quite similar to others throughout the State of Washington. There exists a part-time chief executive, an attorney, who is elected to office. The geographic size of the jurisdiction precludes his hearing all misdemeanor cases, therefore three part-time Court Commissioners, invested with full judicial powers, also hear cases throughout the County.

The District Court Judge, as distinct from the Commissioners, holds his court in Oak Harbor, the county's largest municipality. The Court in Oak Harbor also hears the greatest proportion of cases.

In the last several years, Island County has experienced a tremendous population growth, significantly greater than the average for the region as a whole. Further, as is the case regionally, there has been a dramatic increase in the number of attorneys in the county. These factors have contributed to substantial increases in District Court filings (from 1973 to 1975 a 45% increase, from 1974 to 1975 a 19% increase) and a significant increase in the number of contested cases. Factors related to a growing or at least a potentially burdensome backlog of cases contribute to a number of other problems.

A basic constitutional right is the right to a speedy trial. However, heavy court backlogs help produce inordinate trial delays, assembly line case processing, and mounting inconvenience and disillusionment to council, witnesses, jurors, and others involved in the court system (Merrill, Milks & Sendrown, n.d.). These actors in the system not only suffer inconvenience, indignity and disillusionment, but they tend to lose sight of why they are all in court - to seek and give justice. With hundreds of cases waiting, the person next appearing in court is frequently given short shrift (McCrea, Gottredson, 1974).

Another serious problem is that case backlogs seriously restrict the consistency and effectiveness of sentencing procedures. The sentence may be based upon the charge, the defendant's appearances, and the defendant's responses to such questions as the judge may put to them in the few moments allotted to sentencing. Information regarding the offender's criminal history, his general social adjustment, and the circumstances of the recent offense is needed by the judge in order that appropriate sentencing be conducted. The perfunctory questioning of defendants moments before sentencing cannot satisfy the client's right to due process nor the concept of the client's right to treatment, i.e., desert. As with any other organization, the court system seeks to expeditiously process cases and in this process the very rights of the defendant are subsumed often to organizational goals of efficiency. In the criminal justice system generally, and the court system specifically, such a situation is untenable if individual rights are to be protected.

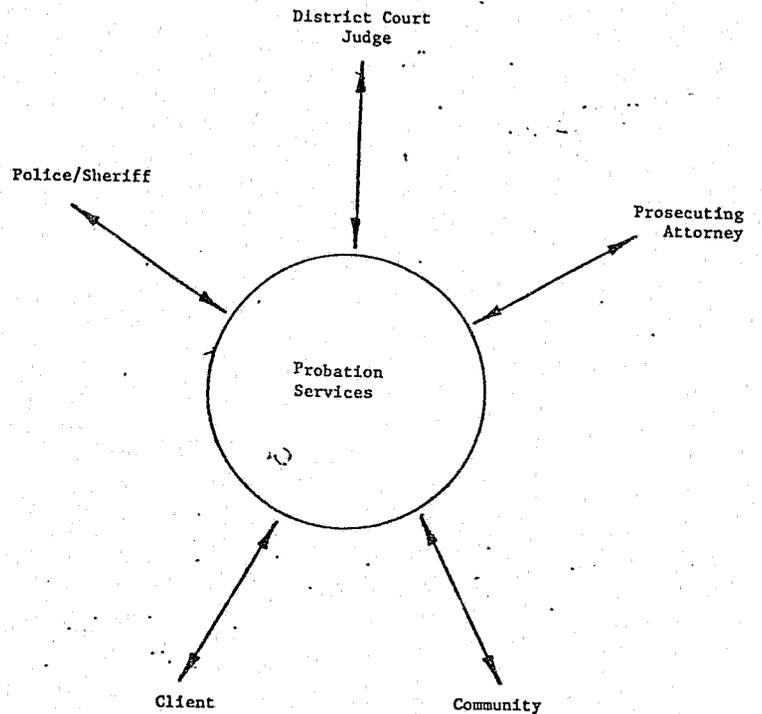
It is into this conflict, by necessity of organizational versus personal interests, that the services of probation have been projected. The probation department has two purposes; the first is to the successful promulgation of District Court organizational goals and objectives; the second, and of equal importance, is the probation department's responsibility to those individuals who stand in relation to the District Court, the probationers.

The second purpose stands out as a "manifest" function of probation. In an organizational sense, as part of the entire array of court services, there exists a 'latent' probation function also. Probation services seek to enhance the court's expeditious handling of cases. The presentence facilitates sentencing, fine and restitution supervision generate local funding, sentence supervision assures the public, to whom the court is ultimately responsible, that some sanctions are being applied to convicted defendants, in a cost effective manner.

The Probation Director and his department are influenced by a number of organizational personalities. The District Court Judge hires the probation director, reviews his budget, lays down the parameters of probation's work, orders certain services from probation and generally reviews the probation department's work. All orders directed at probation clients receive their legitimacy from the District Court. It is indeed to the District Court Judge that Probation's ultimate responsibility belongs. The Director of Probation has proven himself to be an administrator of such capability that, with the passage of time, he has assumed more and more of the responsibility of giving himself and his work direction. (Organization Chart I)

Probation Services and Related Responsibilities

Chart I



To local law enforcement probation must show that convicted clients are being held accountable. The Probation Department relies upon law enforcement for presentence data as well as the innovative, though not fully implemented, work release aspect of client services. The relationship between probation and law enforcement has always been, nationally, somewhat tenuous and one 'latent' goal of probation is to prove its legitimacy to law enforcement. For this reason the question of accountability is central.

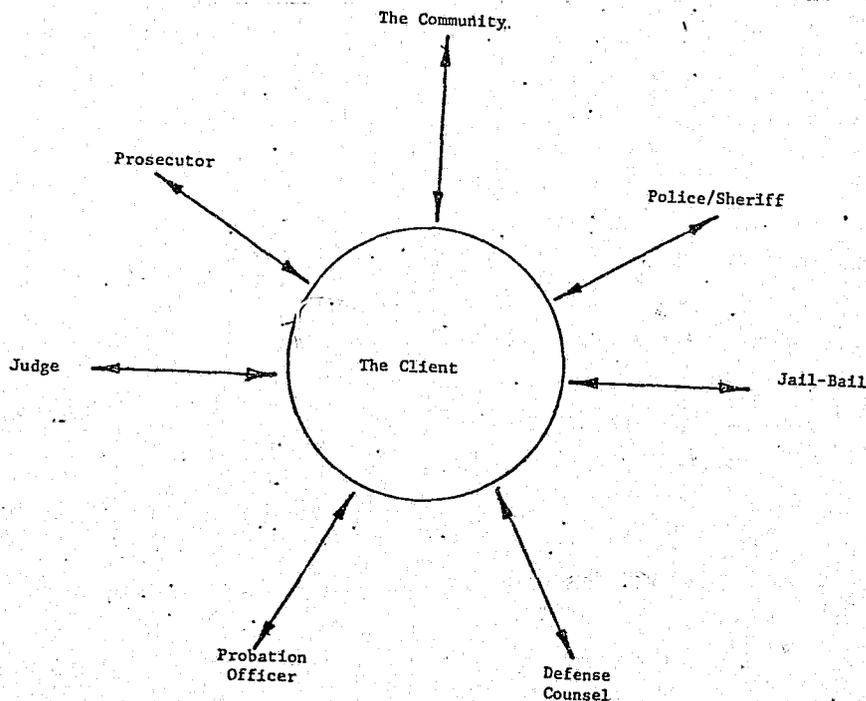
The prosecuting attorney figures prominently in probation services. The single other agency to whom presentence reports are sent and reviewed is the prosecution. Further, the second most influential actor in court processing, the agent whose recommendations in lieu of the presentence, are taken into consideration as regards sentencing, is, of course, the prosecutor. He has certain organizational goals, the manifest function of seeing justice done, the latent function of very high rates of conviction, which surely influence the court and hence the probation department.

Probation is, of course, responsible to the community, both directly and indirectly. In a very immediate sense probation must assure that the public is protected from the likelihood of subsequent criminal activity on the part of clients. This is of utmost importance as client failure while on probation has repercussions throughout the system; the police who apprehended the client and the courts who adjudicated him. A failure on probation may cause public confidence to lessen in a criminal justice system already often thoroughly misunderstood. A less obvious though very real political manifestation of this is in the public expressing itself at election time. The chief administrative officer of both the District Court and the Sheriff's office are elected and public distrust may be clearly evidenced at such times as this confidence is put to the vote.

Finally, and perhaps most importantly, probation is responsible to its clients. Proper and thorough research is a necessity in assuring that the presentence report is accurate and a true aid to sentencing. Recommendations must not only fit client needs to available services but also be attuned to organizational goals peculiar to each of the principal actors in this system.

The probation client is the central figure in this organization. Once he enters the system he is part of a process that he most often understands little of and trusts perhaps less. He is motivated by a desire to end proceedings as quickly (and painlessly) as possible. No doubt, those influences and people acting upon him in this organizational setting are well aware of that desire to move along quickly. The District Court is arranged in such a manner as to facilitate his efficient and fair adjudication. As part of a greater system each of the principals in the court, law enforcement included, being aware of their responsibilities and duties to move the client along, work to a very great degree quite harmoniously. As the most recent addition to the process and bearing services heretofore untested probation has had to establish its legitimacy and substantiate the rationale for its existence. In the past year it has done just that. It is legally defined (RCW 3.66.067) and administered by the District Court whose legitimacy is unquestioned. It shares the burden of adjudication and accountability with the rest of the criminal justice system. (Organizational Chart II)

The Probation Client and His Responsibilities  
Chart II



It is into this system that the client is sent. To the community he owes a debt, either financial or punitive, for his actions. The community expects him (and all others like him) to receive their just deserts.

To each of the other principals in the system, as a probationer, he is a test of their predictive capabilities. His background, his instant offense, projections of his actions in the future are weighted and assessed to be not indicative of subsequent criminality. To probation, in the form of supervision, he must live up to this trust placed in him.

### Client Environmental Characteristics

Since September of 1975, the Probation Department of the Island County District Court has offered its services to 189 individual clients.

Where known, 71 or 49.3% clients were employed or retired from the Navy which maintains a large air station just outside of Oak Harbor. Unskilled labor accounted for 28 or 19.4% of all clients, while 18.1% or 26 clients were categorized as skilled labor. Some 106 or 56.1% of probation's clients were employed at the time of their conviction. The employment status of clients is important as regards their ability to pay often substantial fines. Obviously those clients unemployed would have a difficult time making monthly payments towards their fines or restitution arrangements. For this reason, the utilization of community service work, in lieu of jail or fines, takes on obvious relevance. Further, Louis Sauter's work toward arranging for a work release program in both the Island County and Oak Harbor city jails could, when fully implemented, add an air of cost effectiveness to his overall program. Sauter has made certain gains toward occupational placement, two clients securing full time employment, by making use of the Department of Social and Health Services Division of Vocational Rehabilitation. The thrust of this service is toward unemployed or underemployed, economically disadvantaged persons. Over time this may become a viable resource. (Graph A)

#### A. Occupation by Employment Status

	Unknown	Employed	Unemployed	Retired	Total	%
Unknown	19	1	23	2	45	23.8
Navy	0	65	0	6	71	37.6
Professional	0	1	0	0	1	0.5
Skilled Labor	0	18	8	0	26	13.8
Unskilled Labor	0	20	8	0	28	14.8
Student	8	1	0	0	9	4.8
Housewife	0	0	9	0	9	4.8
TOTAL	27	106	48	8	189	
Percentage	14.3	56.1	25.4	4.2		

Some 83 or 43.9% of all clients were single. The second greatest column in this category, marital status, was married, with 60 or 31.7% of the clients. The majority (71.4%) had no dependants, while the mean number of dependants for the remaining 54 was 2.54. Each of these figures, a high rate of single clients with no dependants, is very much related to the existence of the Naval Air Station. As regards client educational level, 82, (43.4%), had received 12 years of formal schooling though the average was 11.40 years. (Graph B)

B. Marital Status by Number of Dependants

	Unknown	Single	Married	Separate	Divorsed	Total	%
No. of Dependants (Spouse Excluded)							
None	21	81	25	1	7	135	71.4
1	1	2	8	1	5	17	9.0
2	0	0	12	3	2	17	9.0
3	0	0	6	1	0	7	3.7
4	0	0	5	1	1	7	3.7
5	0	0	1	1	0	2	1.1
6	0	0	2	1	0	3	1.6
9	0	0	1	0	0	1	0.5
TOTAL	22	83	60	9	15	189	
Percentage	11.6	43.9	31.7	4.8	7.9		

By in large, clients are male (84.7%), the remainder, 15.3%, female. The age of the males at the time of this instant offense and conviction was 26.08 years. For the females, it averaged 32.88 years. Where the research was able to determine it, and this effort was hampered by sketchy memories on the part of clients during interviews regarding their prior records, the average age of males at the time of their first known offense was 24.14 years, while for the females, it was 37.17 years. (This does not include first offenders whose combined ages seem to lower the overall average). From this we may conclude that male clients started somewhat earlier in their criminal careers, recidivate at a much greater rate and had much less time between offenses. Of our population, only 9 had prior felony convictions, while some 76 clients had prior misdemeanor convictions. The recidivist rate for this group is therefore, instant offense not included, 22.5%

In conclusion, the population served by the Island County District Court Probation services is characteristically young, with males offending sooner in life and subsequently more often than females. To some degree this substantiates the theory that the earlier one enters the criminal justice system, the longer that person remains in it.

The average educational level is indicative of lower socio-economic lifestyles and a form of transientness perhaps typical of military occupations. Clients are typically employed by the Navy or Marine Corps and unmarried with no dependants. This mixture of characteristics is perhaps a volatile one, indicative of lifestyles and personalities somewhat overrepresented or at least typical of unspecialized probation caseloads. To a certain degree the relationship of clients with the Navy causes problems; the Air Station supplies the majority of clients.

However, as these offenders are also subject to the often strict supervisory nature of military service, and the Navy does take an active interest in the off-duty activities of its men, there is a certain amount of sanction or supervision provided by the Navy to a degree lessening the efforts necessarily offered by Probation Services.

This is an interesting aspect of the probation services in Island County. The probation director is able to parcel, or rather refer out clients to other agencies, or in this case, employers, and know that the supervision he could only superficially give will be conducted elsewhere and reported back to him or handled within that agency's own organization. To a certain degree this allows the probation officer to minimize the supervisory nature of his work and concentrate on diagnosis and referral. The probation program then, due partially to the nature of its population, assumes a brokerage type of nature. This idea will, hopefully, become more evident as the analysis continues.

#### System Processing

Though it is not well-documented and this evaluation did not gauge the attitude of clients in this respect, there is some relevant research regarding the effect of law enforcement and court processing upon the attitudes of clients and thence on their likelihood of committing subsequent offenses (Casper, 1972). It is hypothesized that clients dissatisfied with their treatment by the police, their defense attorneys and the court will quite probably manifest this dissatisfaction in the form of further deviant behavior. Rather than test this concept, I will outline, where the data allows, the major stopover points in system processing and briefly discuss each. This procedure was enlightening in an earlier analysis, The Specialized Misdemeanant Probation Program, though its impact was unknown.

The majority of probation clients seems to have been apprehended by the Oak Harbor Police Department. The Island County Sheriff's Office and the Washington State Patrol were also prominent as referral sources to the District Court.

Interestingly, the 189 offenders were categorized into some forty different misdemeanor offenses and combinations of offenses. Driving while intoxicated with 46 or 24.3% of all arrests was the most frequent. Possession of marijuana accounted for the second greatest total with 20 or 10.6% of the total. Petty Larceny was third with 16 or 8.5% of the 189 referrals.

It appears that the charge did not affect the individual client's pretrial status. It was discovered that only four offenders were detained (2.1%), twelve clients released on bail (6.3%), while the majority, 84 clients (44.4%), were released upon their own recognizance.

The explanation of the low numbers of detainees and bail requirements is perhaps threefold. To begin with, the occupational characteristic of being attached to the Naval Air Station may help assure that defendants appear later in court. Again, the Navy is concerned with maintaining a certain positive image in the community and does take steps to assure that certain sanctions are imposed on offending enlisted men. Further, the clients represented here do not have pronounced criminal histories. Therefore, they do not pose a serious threat to community safety. Finally, and certainly related to the above explanations, these are misdemeanor offenses which (as we shall see) are seldom contested and for the sake of efficiency there would be no need to pressure defendants by bail requirements or pretrial detention to plead guilty in order that backlogs be avoided. Further, it might be that this population, being placed in a probation situation, is not representative of the District Court population as a whole. Perhaps screening and presentence procedures assure that probation clients conducive to the services available.

It appears that pretrial status was not effected by a client's prior criminal history, those offenders with misdemeanors or felonies not being overrepresented in the bail or detention categories.

When pretrial status is correlated by most prominent charges and pleas, the results are somewhat more interesting. To begin with, some 134 clients pled guilty (70.9%) to the original charge. An additional 15 (7.9%) pled guilty to a reduced charge. Therefore, of those cases that ultimately ended with or made use of one of the services offered by the District Court Probation Department, only some 23 (12.2%) contested their cases. When examined by charge, it appears that the situation does not change dramatically on such a basis.

PLEAS

Charge	% Guilty	% Not Guilty	Unknown
DWI	76.1	15.2	8.7
Petty Larceny	93.8	6.3	0.0
Poss. of Marijuana	90.0	10.0	0.0
Unlawful Issuance of Bank Checks	100.	0.0	0.0

N = 95

Interestingly, when the relationship between whether an offender was detained before sentencing and his plea was examined, it appeared that of only four clients detained, each pled guilty to the original charge. These four detainees spent less than a week combined, awaiting a disposition, in local jails.

Of the 189 clients examined, 14 were made to meet bail requirements. Nine of those fourteen pled guilty (64.3%). The bail imposed averaged slightly over \$500.00.

Originally, the grant application called for the probation director to conduct bail studies as another service to the District Court. To date, the Court has not

requested this service. As the research format for bail studies closely follows that of the presentence, it would not be unwieldy for the probation director. He might be somewhat constrained by time and could not logically, with present staffing levels, prepare bail studies for all misdemeanor accused. If some ancillary and light supervisory work was done by volunteers or other staff, then bail studies could be accomplished. As is made evident from the data generally, personal recognizance release is used unless a very serious case is presented and the temptation on the part of the client to abscond is greater than usual. As mentioned earlier, the relationship of a large number of clients to the Naval Air Station seems to minimize this latter problem.

Currently, the District Court Judge makes all bail decisions, or rather, all pre-trial status decisions. He interviews the client and the arresting officer to determine the likelihood of the client absconding. To date there has been but one such occurrence.

Since the great majority of clients do not spend time detained, pretrial, in local jails and since the use of prohibitively high bail amounts does not seem to be in wide use, coupled with the fact that Judge Buchanan does not feel burdened by court time being spent on bail interviews, there does not appear to be, as elsewhere, a need for major bail reform in the District Court of Island County.

When the status of attorneys for clients is examined, the picture changes somewhat. In 70.9% or 134 cases, clients waived their right to an attorney. 15.3% or in 29 cases, private attorneys were retained and in 12 cases, 6.3%, counsel was assigned by the Island County Defenders Association. Paul Wice points out that in misdemeanor cases, bail is also often employed to force a speedier trial and unclog the overlaid court calendar. Soon after arrest, the defendant appears before the magistrate and is given an opportunity to have the case disposed of at that time or to request a continuance in order to obtain counsel. Seeking to discourage a request for delay, the judge warns that, in the event of a continuance, he will set bail, which the defendant understood the implications waived his right to an attorney, and agreed to permit the immediate disposition of his case. Abraham Blumberg goes on to say that administrative instruments and resources are co-opted in behalf of the court organization to deal more efficiently with a large caseload of defendants, by processing them toward a guilty plea.

Let us look at the situation in Island County where it was known, 100 cases, 84 clients were released on their own recognizance. Further, 145 clients of 189 pled guilty (76.7%). Finally, in 134 cases (70.9%) the use of an attorney by defendants was waived. It is not uncommon for each of these decisions to be made in a single day, upon arraignment. Further, it is not uncommon for each of these decisions plus the disposition and sentence to be handed down at this time. The court system seems to have articulated structures of a highly rational character, calculated to achieve maximum production and near maximum rates of conviction. If these are the ends to be pursued, then the criminal court is highly efficient. (Charts C, D, D)

C. Pretrial Status by Plea

	Unknown	Guilty	Guilty to a Reduced Charge	Not Guilty	Total	%
Unknown	14	57	5	13	89	47.1
Detained	1	3	0	0	4	2.1
Personal Recognizance	0	66	10	6	84	44.4
Bail	0	8	0	4	12	6.3
TOTAL	17	134	15	23	189	
Percentage	9.0	70.9	7.9	12.2		

D. Bail Amount by Plea

Bail Amount	Unknown	Guilty	Guilty to a Reduced Charge	Not Guilty	Total	%
None	16	125	15	19	175	92.5
10	1	0	0	0	1	0.5
29	0	1	0	0	1	0.5
250	0	0	0	1	1	0.5
275	0	0	0	1	1	0.5
300	0	1	0	1	2	1.1
500	0	4	0	0	4	2.1
Over \$1000 Dollars	0	3	0	1	4	2.1
TOTAL	17	134	15	23	189	
Percentage	9.0	70.9	7.9	12.2		

E. Attorney Status by Plea

	Unknown	Guilty	Guilty to a Reduced Charge	Not Guilty	Total	%
Unknown	12	1	1	0	14	7.4
Private	2	15	6	6	29	15.3
Assigned	0	9	2	1	12	6.3
Waived	3	109	6	16	134	70.9
TOTAL	17	134	15	23	189	
Percentage	9.0	70.9	7.9	12.2		

Another, and perhaps more tenable explanation deals with two concepts. The first relates to the very nature of the criminal charges in question.

An arrest for Driving While Intoxicated is followed shortly by a breathalyzer test at which time substantial evidence, very admissible in court, is obtained. A realization of this, that the case against him is quite strong, would no doubt influence his desire to contest a case. In addition to this, it would appear logical that the defendant should desire to move through proceedings as quickly as possible. That the defendant understands little of what is happening to him would reinforce his desire to terminate proceedings in the least time consuming manner possible. However, the outcome is arrived at, it would appear that it is neither one nor the other exclusively but a combination of both explanations. In any case the system is quite efficient and could be the basis for a research paper in itself, especially if the impact of military supervision is taken into account and a sample of cases were taken of cases where probation was not an end result.

Data collected from several days court observation may prove quite helpful in understanding the processes at work upon the defendant. I was quite fortunate to be able to witness court operation in each of its major stages.

Though such observation warrants a full research paper in itself, only some of the more applicable points will be examined here.

To begin with, defendants exhibited varying degrees of confusion regardless of whether a defendant was at arraignment or sentencing, his understanding of what was going on around him was at best incomplete. At arraignment it was not unusual to witness a defendant waive his right to an attorney and then plead not guilty. The Judge would then have to re-explain the defendant's rights and alternatives. At sentencing, in very individualized hearings, defendants would receive what would seem to be an equitable sentence and then evoke his right to appeal. Appeal, of course, could result in an imposition of a much more severe sentence. Such appeals were not done after consultation with an attorney, but rather upon defendant's learning of his right to appeal. As one client claimed, "I do not know the law that well, sir".

Briefly, a second point of interest was summed up quite well by one defendant when he said to Judge Buchanan, "I am absolutely not all guilty". The majority of clients are not only perplexed by the situation they find themselves in, but they also look to the Judge and court as a mediator, someone with whom their case might or should be negotiated. Lesser numbers of defendants come into court penitent and acting quite guilty. Others exude a demeanor of defiance or obvious (or so they think) innocence.

The amount of time available to the judge denotes, to a very large degree, the types of processing defendants receive. At the very crowded arraignment session, rights are read en masse and cases processed quite quickly, averaging some 13 minutes per client. In the majority of cases the emphasis is upon a guilty plea and immediate disposition. During sentencing, when the cases before the bench are few and time demands much less, the probation director is often asked to participate in a three way discussion of sentencing alternatives. It is at the arraignment that individualized court processing is at its ebb and during sentencing that the court can maximize its therapeutic impact on clients.

These observations are by no means complete and are offered only to enhance the concept of the probation client and his relationship to the processes acting upon him.

Obviously, the rule of law is not self-executing. It is translated into reality by men in institutions. Traditional constitutional elements of criminal law, when placed in the institutional setting of a modern criminal court, are reshaped by a bureaucratic organization to serve, as it must, its requirements and goals.

The void created by the historical obscurities and indefiniteness of due process has been filled with definitions that are favorable and peculiar to the bureaucratic world-view, its felt necessities, values and priorities (Blumberg, 1967).

The public demands personal accountability on the part of court administrators and defendants alike. The efficacious, in a sense, retributive nature of the criminal justice system is a product of public opinion. To fulfill this promise, the police, the courts (including probation) must establish for itself an organization that is able to accomplish the most (apprehension and adjudication), with the least (time and money).

### Probation Services

Probation is the oldest and most frequently employed of the post-conviction programs involving less severe deprivations of liberty. In the District Court of Island County it is a rather recent improvement. Though not used as a sentence in itself, but rather as a sentencing alternative, probation conditions in Island County are still imposed and the sentencing court simply retains authority to modify the conditions of sentence or to re-sentence the offender if he should violate those specified conditions. Some of the more or less standard conditions include the payment of court costs, consistent fines or restitution, and written monthly reports. Certain more individualized stipulations to refrain from alcohol/drug use and restrictions upon associating with undesirables are often imposed upon the defendant.

The Island County Probation Department is under the administration of the judicial branch of local government, its ultimate responsibility being to the District Court Judge and through him, the Island County public.

This probation agency has two principal functions; to recommend to the court for or against probation in individual cases (diagnosis) and to supervise (or serve) those offenders who are placed on probation. Blumberg has called probation services administrative devices for evaluating and disposing of an offender in the organizational setting of a criminal court. And as probation's ultimate responsibility is to the District Court, it should be examined as a service which facilitates the expeditious handling of convicted misdemeanor offenders. (Chart F)

F. Case Type by Year

	1975	1976	TOTAL	%
Presentence	4	8	12	6.3
Sentence Supervision	2	9	11	4.8
Probation Only	50	87	137	72.5
Presentence & Probation	7	20	27	14.3
Presentence & Sentence Supervision	1	1	2	1.1
TOTAL	64	125	189	
Percentage	33.9	66.1		

In so far as the scope and function of the District Court are concerned, the diagnostic aspect of the two above-mentioned services is perhaps more significant and will be dealt with first.

The Presentence Report

The most central function of the Island County probation department is the investigation and report on the character and circumstances of the convicted misdemeanant offender and on the nature of the offense. Since the judge ordinarily learns little about the offender through official court proceedings (where known, 78.8% of clients pled guilty), individualized sentencing consonant with the goals of the socialized/therapeutic court must rely upon some extra judicial investigation of this sort. The social work background of the probation officer seems to insure that the investigation and subsequent recommendations will be impartial and objectively concerned with the optimal rehabilitation of the offender (McCall, 1975).

The modern function of probation, as epitomized in the presentence report, draws upon social work's early concept of social diagnosis (Blumberg, 1967). This in turn grows out of the social worker's/presentence investigator's "need to know" in order to "work out" a problem, in comprehending and developing a line of orientation in connection with a client's dilemma. Thus, social diagnosis is the attempt to arrive at as exact a definition as possible of the social situation personality of a given client (Blumberg, 1967). Diagnosis and classification based on intimate knowledge of the client's personality are central to what has been called diagnostic school of social work.

It is this approach that has been appropriated as the basic element of the probation presentence investigation which precedes the final disposition of a case in the District Court.

In Island County, the probation department's presentence investigation capability has been enhanced by the use of a general release form signed by the defendant and then circulated to informational agencies along with the request for client background data.

Generally, information for the presentence report is gathered from a number of sources, some of which are; local law enforcement agencies, the police teletype system, the Department of Social and Health Services, local schools, physicians, credit bureaus, the Department of Motor Vehicles, the Naval Air Station Legal Office and the Island County Mental Health Clinic. Interestingly, this final agency has been used in both a diagnostic and treatment sense.

As mentioned earlier, the presentence information comes from a myriad of sources. The client is interviewed intensively at the probation offices and his version of the charge compared with that of the arresting officer. As much biographic information as possible is collected at this time. Next, the client signs a release form with which the probation officer researches the above mentioned data sources for additional relevant background data. These requests for data are mailed out with a copy of the signed release and, to date, the quality of the presentence reports reflects the very good cooperation from respondents.

All of the forms and the majority of the content of his presentence reports are taken from college text books on the subject. Further, the probation director brought many of the forms he presently uses from California where he coordinated a noted volunteer-in-probation program. The probation director does not use a set, printed form for writing out his presentence reports, such as the DSHS coded presentence report, but rather a format with standardized types of categories and topics. Therefore, individual presentence reports read quite like narratives rather than coded, informational checklists.

Prior to the advent of this presentence capability, the District Court Judge would interview the client and utilize this rather scanty data for judgment and sentencing purposes. Obviously, time and caseload constraints precluded in-depth interviewing and subsequently eroded the relevance of sentencing judgments.

Presently, the criteria used by the District Court Judge in ordering a presentence report are:

- Whenever the case is contested in court
- Whenever the judge is suspect of the information currently before him
- Whenever the charges are very serious
- Whenever there occurs a question of the defendants mental stability
- Whenever the defendant is very young or generally unsupported by parents or relatives during the proceedings.

The probation director, Louis Sauter, felt that the presentence report, as an aid to the Judge in his sentencing decisions, is one of the most important aspects of his probation services. Presentence recommendations have been used extensively by Judge Buchanan and one of the three Court Commissioners in Island County.

During the twelve months of implementation, the Probation Director has written some 41 presentence reports, which is 21.7% of the total 189 clients. It should be noted here that all clients for whom presentence reports are done do not

necessarily end up under either probation or sentence supervision by the Director. Further, clients ultimately placed on supervision do not always have presentence reports written on them prior to sentencing. Of the 41 presentence reports written, 12 were not followed by supervision; 2 ended with sentence supervision and 27 resulted in probation supervision.

Generally, the probation director has, on the average, some 23.63 days in which to write his presentence report; that is, from the date of its court ordering to delivery in court. Copies of all presentence reports are forwarded for review to the District Court Judge, one of the District Court Commissioner and the Prosecuting Attorney in Island County in charge of misdemeanor affairs. Defense attorneys do not seem to offer much input into either the research nor review process, though copies are routinely sent to defense attorneys when a client retains one. At the sentence hearing the defendant has occasion to question to content of presentence reports. Rarely have objections been raised. The most typical presentence recommendations are: a fine consistent with the severity of the charge, suspended sentence with the jail time also suspended. This recommendation occurred, of 41 total cases, 13 or 31.7% of the time. The second most often used recommendations were suspended sentence, a suspension of the majority of jail time, community service work and a referral to an alcohol diagnosis or treatment facility. There were altogether nine categories of recommendations ranging from a fine only to probation supervision, fine, community service work and jail.

Presentence recommendations were correlated with the sentences handed down on an individual case basis. To begin with, four sentences stood out as regards their frequency of being evoked. They were:

1. Suspended sentence, jail and fine, with 42 or 22.2% of the total;
2. Suspended sentence, jail, alcohol referral and fine, with 33 or 17.5%;
3. Deferred sentence, plus a fine, 23 or 12.12%, and
4. Suspended sentence and jail, 20 or 10.6%.

Of Course, each of these sentences carried the provision of paying court costs and being placed, most often, on probation. These four sentences accounted for some 118 or 62.4% of all sentences. There were eighteen different sentences discovered. The relative severity of presentence recommendations were correlated by the seriousness of actual sentences for each client for whom a presentence was accomplished. (Scales are in appendix).

The least square regression test revealed a correlation coefficient of .517282 and a positive slope. The sentence a client receives, therefore, is dependant upon the presentence recommendations, however, not to any significant degree. It was determined that only 26% of the variation in the sentences were directly attributable to the presentence recommendations. Finally, though the dependance is not great, it does exhibit a positive slope signifying that as presentence recommendations grew in severity, sentences did also.

#### Probation and Sentence Supervision

Throughout the nation, many convicted misdemeanor offenders remain in the community without any change whatever, either within themselves or in the circumstances that helped bring them to court. Often, due to the situation or minor nature of the offense, little change is necessary. At the same time, numerous offenders who need attention do not receive it. (McCrea, Gottredson, 1974).

Prior to the implementation of Probation Services in the Island County District Court, sentencing alternatives consisted of incarceration in the County Jail, then as now, rare except for the most serious and repetitious misdemeanor offenders. (Some 24 clients did ultimately receive some jail, on the average 17 days.) Probation could be granted offenders though the only supervisory agent for probationers were local law enforcement. A final sentencing alternative was to do nothing, in terms of services for convicted offenders. Fines and restitution were assessed though there was no one available to oversee fine payment or sentence conditions.

Incarceration is an expensive proposition. It is disruptive to any positive aspects of the convicted offenders life and ultimately no more effective in determining subsequent criminal activity than probation.

Probation without a certain amount of supervision is meaningless. There exists no way to coordinate community services on through to the client. Obviously, the collection of fines and restitution would be a hit or miss affair. The lack of supervision would mean technical recidivism would be low though, more importantly, the potential for deterrence of criminal activity would be even lower.

The conditions of probation are set up so that probationers are subject to some kind of surveillance. Probationers are undoubtedly aware of it and view it as punitive. To some extent probation, or the awareness of it, may prompt probationers to curtail their criminal activity. It is not fear of probation that would seem to cause them to refrain. Surveillance is not limited to probation; all forms of punishment make an offender's behavior more visible to official scrutiny. (Gibbs, 1975) In any case, the preventative or deterrent effect of probation will be reflected in the recidivism rate, though this particular measure is often fraught with error.

To adjudicate and not sanction means little community support. To a large degree, the community sees the local criminal justice system as retributive. The early lack of sentencing alternatives severely hampered the local criminal justice system from deterring crime in a cost-effective manner, while simultaneously satisfying the public's demand for justice.

Though not used as a sentence in itself, probation and sentence supervision is used extensively in Island County in lieu of certain traditional sentence typologies.

Of 189 clients to whom the probation department offered some form of service, 164 were for probation supervision exclusively (86.8%). In 27 cases the director wrote a presentence report as well as supervised the client. Certain less serious offenders not requiring full supervision are placed by the Court under sentence supervision. This was the case of 13 instances. Only two cases were found where the probation officer only supervised the sentence without a presentence report being written.

Generally, the length of time a client is placed on probation is six months (41.8%) or twelve months (43.9%). It appears that if a person had a presentence report written on him, he was placed in the twelve month probation period proportionately more often, perhaps reflecting the already mentioned criteria for an order for the presentence. Those not receiving the presentence more often receiving six month stints on probation or sentence supervision.

The terms of probation most often (84.1%) were monthly reports to the probation director. These monthly reports were all written by the client and they are due to his office at the first of each month. The report generally asks in a narrative format, what had happened in the client's life since the last report. The narrative includes the reporting of violations, problems, and the fulfillment of sentence requirements. After reviewing the report, the Probation Officer forwards a copy on to the District Court Judge with his own comments and impressions. Probationers may mail in or personally deliver the report and in some instances telephone contact between the two principals is accepted in lieu of written or personal contact. (Chart G)

G. Length of Probation by Terms

	Not Applicable	6 Months	12 Months	24 Months	Indef- inite	AR	Total	%
Not Applicable	12	1	0	0	1	0	14	7.4
Report Montly	0	77	78	1	1	2	159	84.1
Report Monthly rest. on assoc. psych. eval.	0	0	1	0	0	1	2	1.1
Psych. Eval. Report Monthly	0	0	4	1	0	0	5	2.6
Sent. Supervi- sion CSW	4	0	0	0	0	0	4	2.1
Sent. Supervi- sion AIK. Info. School	3	0	0	0	0	0	3	1.6
Sent. Super., CSW AIS	0	1	0	0	0	0	1	0.5
Sent. Super. Jail & CSW	1	0	0	0	0	0	1	0.5
TOTAL	20	79	83	2	2	3	189	
Percentage	10.6	41.8	43.9	1.1	1.1	1.6		

Presently, Louis Sauter has a caseload of some 128 individuals. The majority of which are on probation as opposed to the less time consuming sentence supervision. The total is quite beyond recommended levels, however, the nature of the supervision afforded and the procedures followed for monthly reporting relieves much of the personal contact Louis would ordinarily conduct.

As mentioned earlier, many clients are referred to agencies offering varying degrees of alcohol treatment or community service work have schedules to keep, appointments and progressive levels of responsibility to the individual program. Infractions are duly recorded and communicated to the probation director who, in extreme cases, may ask the court to revoke probation and the suspended sentence and impose new proceedings. Further, those clients on probation, whether at treatment or not need merely to write up and mail in monthly reports. The receipt of the report with the non-appearance of clients on the police blotter or court docket reveals, at least an outward appearance of probation or sentence compliance. The office of probation director would seem to assume the role of agent mediator or service broker.

On the average, the probation director writes 3 to 4 presentence reports per month. Considering the importance and frequency of them they must consume the majority of his time. Further, it appears that some 15 new clients are added to probation supervision each month. No doubt the intake process, matching perceived client needs with resources, demands a considerable amount of time. Upon integration and familiarization with probation policy the client probably requires less time individually. The imposition of probation revocation hearings must certainly throw into disarray what is a well ordered schedule of probation/client/court services time allocation. Interestingly, this might be a partial explanation of the low number of revocations (8) that were found. The very processes that so efficiently process clients and place them with probation also act in such a manner as to limit the reprocessing of reoffending clients. (Chart H)

H. Length of Probation By Present Status

	Not Applicable	Still on Probation	Terminated	New Offense, Revocation	TOTAL	%
Not Applicable	13	3	4	0	20	10.6
6 Months	1	57	20	1	79	41.8
12 Months	0	76	4	3	83	43.9
24 Months	0	2	0	0	2	1.1
Indefinite	1	1	0	0	2	1.1
AR	0	3	0	0	3	1.6
TOTAL	15	142	28	4	189	
Percentage	7.9	75.1	14.8	2.1		

This is only the first aspect of the supervisory work the Probation Director conducts. He is also responsible, to a certain degree, for fine and restitution payments. He shares this responsibility with the District and Municipal Court Clerk. Some 27 clients are required to pay restitution through the Court. The restitution amounts run from ten dollars on through to over a thousand. The average amount of restitution to be paid on a per client basis is very close to \$150. Further, the Probation Director has considerable responsibility in supervising fine payments. Some 140 clients have been or are being required to make fine payments. These fines cover all exigencies from court and attorney costs to statutory requirements. Interestingly, court costs on this level are four dollars per case. Further, these dollars are instrumental, or will be, in supporting the project once grant monies are withdrawn. In 1975, almost \$23,000 was returned to the State of Washington from collected fines and this is only a fraction of actual fine revenues.

In total, probation clients have been assessed some \$27,779.00 for an average fine of just less than \$200 dollars each. The most frequent fine amounts were \$100, 5.3%, \$424 and \$280, 6.3% each and \$317, 5.3%. Again it should be remembered that this amount represents only a fraction of total revenues as probationers are but a sample of the entire population processed by the District and Municipal Courts.

One of the more innovative aspects of this project is its Community Service Work component. In this program, the client receives credit at the rate of two and one-half dollars per hour applied against his fine or court costs for work done in the community. This program was set up by the Probation Director in letters to churches, social service agencies, hospitals, convalescent homes, state and county park services, police departments and fire stations. In this manner indigent clients are able to perform public service work in lieu of being incarcerated or paying directly their fines. If the community service work is performed in lieu of jail time (of which 14 or 7.5% of all clients were given) an eight your work day is substituted for an equivalent twenty-four hour day in jail.

To the end of expanding this service the Probation Director has devoted considerable time to speaking before various community groups concerning the program. As a result of the service several clients have found full time employment.

During the last year some 27 clients have been referred to a number of community agencies, of which Help House, Deception Pass State Park and the Oak Harbor Police Department stand out in terms of numbers of referrals. Generally clients in this program average 52.63 hours of work. To date clients have been quite successful in meeting this obligation.

A large number of clients are referred to the District Court for alcohol related crimes, DWI being the most frequent. Upon conviction and subsequent entrance or contact with the Probation Department, these clients are found to have alcohol problems. For this reason the Probation Director has established quite thorough forms of alcohol diagnosis and treatment. Some fifty three clients have made use of such services. The most often used resource, and this relates to the population being dealt with, is the Community Alcohol Center attached to the Naval Air Station. The next most often utilized organization is the Tri-County Council, a diagnosis and treatment program development agency.

One further group of resources the Probation Director has garnered about him are related to ancillary services. The most often utilized resource here is the psychological evaluation services of the Island County Mental Health. To date some six clients have been referred here for treatment, though the diagnostic aspect is more often utilized.

### Conclusion

In a very real sense probation services in Island County exhibit manifest and latent functions. The treatment, client supervision aspect of probation is the most visible function of probation and its effectiveness the most widely researched topic. Related to its organizational position within the District and municipal courts, it seeks to participate in the expeditious processing of cases. The presentence report is representative of this latent function.

The population being dealt with is not remarkably criminal. Their prior criminal histories do not reflect serious, repetitive criminal histories. By and large the population is male and military. The military aspect, restrictions on off base leave and extended cruises, has helped, along with a burdgeoning caseload, to form probation into a brokerage type of affair. Clients being diagnosed and referred out into the community for services.

As is most often the case in District and Municipal Court Probation programs Driving While Intoxicated is the single greatest, and most serious, criminal complaint. Of any crime whose jurisdiction is found in the lower courts, DWI and its often accompanying alcoholism require the greatest amount of court, probation and treatment time.

Time is intimately related to the administration and quality of justice delivered by the lower courts. When it is available in sufficient amount, the court and probation, assume a most fatherly, mediating nature. The individualization of cases certainly enhances client perceptions of their treatment and subsequently influences their likelihood of committing new offenses. When time is at a premium, such as at arraignment, individualization is subsumed by organizational goals that seek to move defendants along in a most propitious manner. Again the attitudinal impact upon clients is central and may be reflected in the recidivism rate.

Related to this, is the observation that clients upon entering the Court system (of which probation is manifestly a part) are in a most confused state. Their demeanor and lack of interaction in proceedings necessitate guidance. Presently the Judge spends immense amounts of time briefing defendants as to their rights and alternatives. When time prohibits such guidance efficient client processing and the equality of justice delivered is sorely hampered. Though well beyond the scope of this project, early education of youth in some of the precepts of law and the rights of the defendant would go a considerable distance in alleviating this problem.

Of all services rendered, the presentence report would appear to be the most important. The presentence straddles probation's manifest and latent functions, by improving the quality of sentencing decisions as well as contributing to efficient case handling. A review of presentence reports revealed that they;

1. Are used to a great degree by the Judge in sentencing;
2. are not laced with vituperative phrases and derogatory psychiatric evaluations, and;
3. are seldom contested on veracity of content, by defense or defendant.

These reports should continue to be actively disseminated to defense counsel for review and comment though the degree to which defense counsel, especially assigned counsel, involves itself in sentencing is questionable.

The caseload that the Probation Director is laboring under, 128 clients on either sentence or probation supervision, is overly burdensome. In a treatment sense a brokerage type of probation is viable. In a deterrent sense it is not. Though a large number of clients are formally supervised by treatment resources, ultimate responsibility is still in the hands of the probation officer. Varying classification of offenders and subsequent supervisory levels should be instituted. Those under minimal or treatment compliance supervision should be given to another staff member. If this is accomplished then the Probation Director will be able to;

1. Increase supervision of more recidivally oriented clients;
2. allow the probation director to develop a wider range of community services such as the work/release program;
3. centralize fine and restitution information insuring compliance; and,
4. perhaps develop a volunteer component which could be useful in a number of ways.

Presently, the program and the District Court is plagued by clients exhibiting mental instability. Referred to court and probation on any number of charges, community services other than diagnostic do not exist to any practical extent. State mental health institutions such as Western State have consistently refused to treat Island County lower court referrals due to the fact that such referrals are not considered serious enough for institutionalization. If no services exist locally and as the State seems to not desire to treat, and jail is obviously inappropriate, then probation faces a potentially dangerous dilemma. A solution to this problem is presently being explored in Olympia, particularly concerning violent, or potentially violent, offenders.

To date the recidivism/revocation rate for probationers has been remarkably low. Of 167 clients receiving probation or sentence supervision there have been but eight (4.8%) revocations. Further, of that number three have had their probation reinstated. Other clients have committed subsequent offenses, however, their probation was not revoked and they are, in total, a proportionately small part of the total population.

On the question of bail studies; it would appear that if the probation staff was increased by staff sufficient to handle the certain functions mentioned earlier and if the justice court judge and commissioners felt it appropriate, then the probation director could conduct such studies in a most expeditious and equitable manner. The nature of bail studies closely replicates that of the presentence and might be instituted on a trial basis to determine its viability.

Finally, it would appear that the probation services in Island County is a locally recognized and accepted court function. At this interim period the processes at work upon the client are quite logically ending with a well administered probation program. Responsibilities and organizational goals of this probation program are not so inward looking as to sublimate the often dehumanizing and confusing aspects of court processing while at the same time the administrative skills of the probation director does not allow the program to become enmeshed in altruistic therapeutic objectives. If the court and probation organization exhibited here continue to evolve in such a manner, balancing the expeditious handling of cases with the traditional diagnostic and treatment orientation of probation, then an ultimate impact upon program participants will be evidenced in a low recidivism rate and an impact upon the community as evidenced by public trust.

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APPENDIX

Contained within this appendix are sentence/presentence severity scales and some of the more important probation department forms.

TO WHOM IT MAY CONCERN:

I, \_\_\_\_\_, permit  
the release to \_\_\_\_\_,  
District Court Probation Officer of Island County, any  
educational, military, medical, psychiatric, psychological,  
or social information you may have concerning me and I will  
absolve all parties from any liability as the result of  
releasing this information.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

.....  
\_\_\_\_\_

ISLAND COUNTY DISTRICT COURT

PROBATION SERVICES

Report for the month of \_\_\_\_\_, 19\_\_\_\_. Today's Date: \_\_\_\_\_

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Write down what has happened in your life since you last reported. Any problems? Have you had any new violations of law? How are your probation requirements coming?

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SIGNATURE: \_\_\_\_\_

Return PROMPTLY the first of each month to:

Island County District Court .  
Probation Services  
7006 70th N.E.  
Oak Harbor, Washington 98277

To be completed by Probation Officer:

Comments on contacts with the probationer -- problems, progress:

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Turn page over for special questions, notes

Copy for Judge's file

DISTRICT COURT OF ISLAND COUNTY

Probation Department

7006 - 70TH AVENUE NORTHEAST

OAK HARBOR, WASHINGTON 98277

TELEPHONE: 206/675-0777

MARVIN C. BUCHANAN  
JUDGE

LOUIS C. SAUTER  
DIRECTOR, PROBATION SERVICES

TRANSFER OF PROBATION

TO:

RE:

DATE:

CASE #:

The above referenced individual was placed on probation by the \_\_\_\_\_  
\_\_\_\_\_ Court for a period of \_\_\_\_\_ months, ending  
\_\_\_\_\_.

In as much as this individual resides within the geographical area of your jurisdiction, we are hereby requesting that your office maintain courtesy supervision. This individual is to maintain the following conditions:

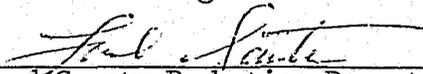
1. Comply with any conditions set forth by the \_\_\_\_\_  
\_\_\_\_\_ Court Probation Department.
2. Comply with the \_\_\_\_\_ Court Order, to wit:
  1. \_\_\_\_\_
  2. \_\_\_\_\_
  3. \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

TO THE PROBATIONER:

You are to contact \_\_\_\_\_ Probation  
Department at \_\_\_\_\_ within 10 days.

Failure to comply with any of the above-stated conditions will result in revocation of your probation.

\_\_\_\_\_  
Probationer's signature

  
\_\_\_\_\_  
Island County Probation Department

\_\_\_\_\_  
Date Contact Made by  
Receiving Agency

\_\_\_\_\_  
Authorized Signature of Receiving Agency

ISLAND COUNTY DISTRICT  
AND MUNICIPAL COURTS

\_\_\_\_\_  
Plaintiff,  
vs.  
\_\_\_\_\_  
Defendant.

NO:  
COMMUNITY SERVICE WORK

I, THE DEFENDANT NAMED ABOVE, ask leave of the Court to perform public service work under the direction of the Probation Officer and to receive a credit of \$2.50 per hour to be applied on my fine(s) and/or cost(s) or, to receive credit for one day in jail for each 8 hours worked.  
Number of hours petitioned \_\_\_\_\_.

Should I sustain any injuries in the performance of this public service work, I hereby waive all responsibilities against the City of Oak Harbor, Island County, the State of Washington and \_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
Defendant's signature

Your leave request is hereby granted and you are directed to appear before the Court's Probation Officer for work assignment as directed and to abide by any conditions which may be imposed for completion of said request  
Conditions: \_\_\_\_\_

DATED: \_\_\_\_\_

\_\_\_\_\_  
/s/ Marvin C. Buchanan  
Judge

\_\_\_\_\_  
Probation Officer

ISLAND COUNTY DISTRICT COURT

PROBATION SERVICES

SUBJECT: Work Release

DATE:

TO:

The District Court approves the request of \_\_\_\_\_  
\_\_\_\_\_ to be released from \_\_\_\_\_ during normal daylight  
business hours in order to engage in gainful employment or to attend school. This  
permission is granted with the following provisions:

1. Prisoner will conduct himself as a decent law-abiding citizen at all times.
2. He will proceed directly to his place of employment upon release and return directly to the jail upon completion of his daily work.
3. He will not enter any public place where alcoholic beverages are sold or consumed.
4. Any violation of the above conditions will result in revocation of this privilege and will be cause for referral to the Court for further disposition.

Louis C. Sauter  
Director, District Court Probation  
Services

DISTRICT COURT OF ISLAND COUNTY

*Probation Department*

7006 - 70TH AVENUE NORTHEAST

OAK HARBOR, WASHINGTON 98277

TELEPHONE: 206/675-0777

MARVIN C. BUCHANAN  
JUDGE

LOUIS C. SAUTER  
DIRECTOR, PROBATION SERVICES

Re: Probation Appointment

Dear

You failed to appear for your probation appointment on  
This constitutes a violation of your probation  
and cause to refer you back to the District Court for probation  
revocation and any action that the Court deems fitting. I will  
delay this action for one week providing that you call this  
Office immediately and reschedule an appointment during the week  
of

Sincerely,

Louis C. Sauter  
Director, Probation Services  
Island County District Court

LCS:cd

DISTRICT COURT OF ISLAND COUNTY

*Probation Department*

7006 - 70TH AVENUE NORTHEAST

OAK HARBOR, WASHINGTON 98277

TELEPHONE: 206/675-0777

MARVIN C. BUCHANAN  
JUDGE

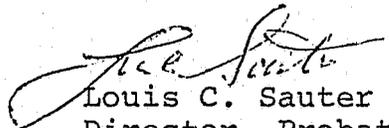
LOUIS C. SAUTER  
DIRECTOR, PROBATION SERVICES

Re: Monthly Probationers Report

Dear

You failed to submit your monthly probationers report for the month of . This privilege was granted to you in order to save you the time and expense of personally reporting to the Probation Officer each month. Please submit your report immediately or this privilege will be revoked. Further such violations can be considered cause for revocation of your probation and referral to the Court for its disposition. This disposition would most likely be serving suspended jail time and/or paying suspended fines.

Sincerely,



Louis C. Sauter  
Director, Probation Services  
Island County District Court

LCS:cd

ISLAND COUNTY DISTRICT COURT

STATE OF WASHINGTON, )  
 )  
 Plaintiff, )  
 )  
 vs. )  
 )  
 )  
 Defendant. )  
 )

NO.

AFFIDAVIT OF PROBATION VIOLATION AND  
MOTION FOR ISSUANCE OF BENCH WARRANT

STATE OF WASHINGTON )  
COUNTY OF ISLAND. ) ss.

Lou Sauter, being first duly sworn, deposes and says:

That he is and was at all times mentioned herein a duly appointed, qualified and acting Probation Officer of the Island County District Court;

That defendant was convicted in the above-entitled court, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, of the crime of \_\_\_\_\_ and on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, was admitted to probation by order of the above-entitled court for a period of \_\_\_\_\_, on certain terms and conditions as contained in the Order Granting Probation filed herein;

That the said defendant has violated the terms of h\_\_ probation herein imposed upon h\_\_ in that:

WHEREFORE, Affiant hereby prays and respectfully moves this Court to revoke the probation hereinbefore granted and to issue a Bench Warrant for the arrest of said defendant.

Executed at \_\_\_\_\_, Washington, on \_\_\_\_\_.

I declare under penalty of perjury that the foregoing is true.

\_\_\_\_\_  
DISTRICT COURT PROBATION OFFICER

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IN THE DISTRICT COURT OF THE STATE OF WASHINGTON FOR ISLAND COUNTY  
STATE OF WASHINGTON, )  
 )  
Plaintiff, ) NO.  
 )  
vs. ) ORDER FOR PRESENTENCE INVESTIGATION  
 )  
 )  
Defendant. )  
 )

It appearing from the files and records and evidence presented in this case that there is a need for a presentence investigation and,

It appearing that the defendant. \_\_\_\_\_  
meets the basic intake requirements of the Island County District Court Probation Program.

IT IS HEREBY ORDERED that a presentence investigation be carried out by the Island County District Court Probation Services and that the results of said investigation be reported back to the Court by \_\_\_\_\_.

DONE in open court this \_\_\_\_\_ day of \_\_\_\_\_  
19\_\_\_\_.

\_\_\_\_\_  
J U D G E

ORDER FOR PRESENTENCE INVESTIGATION

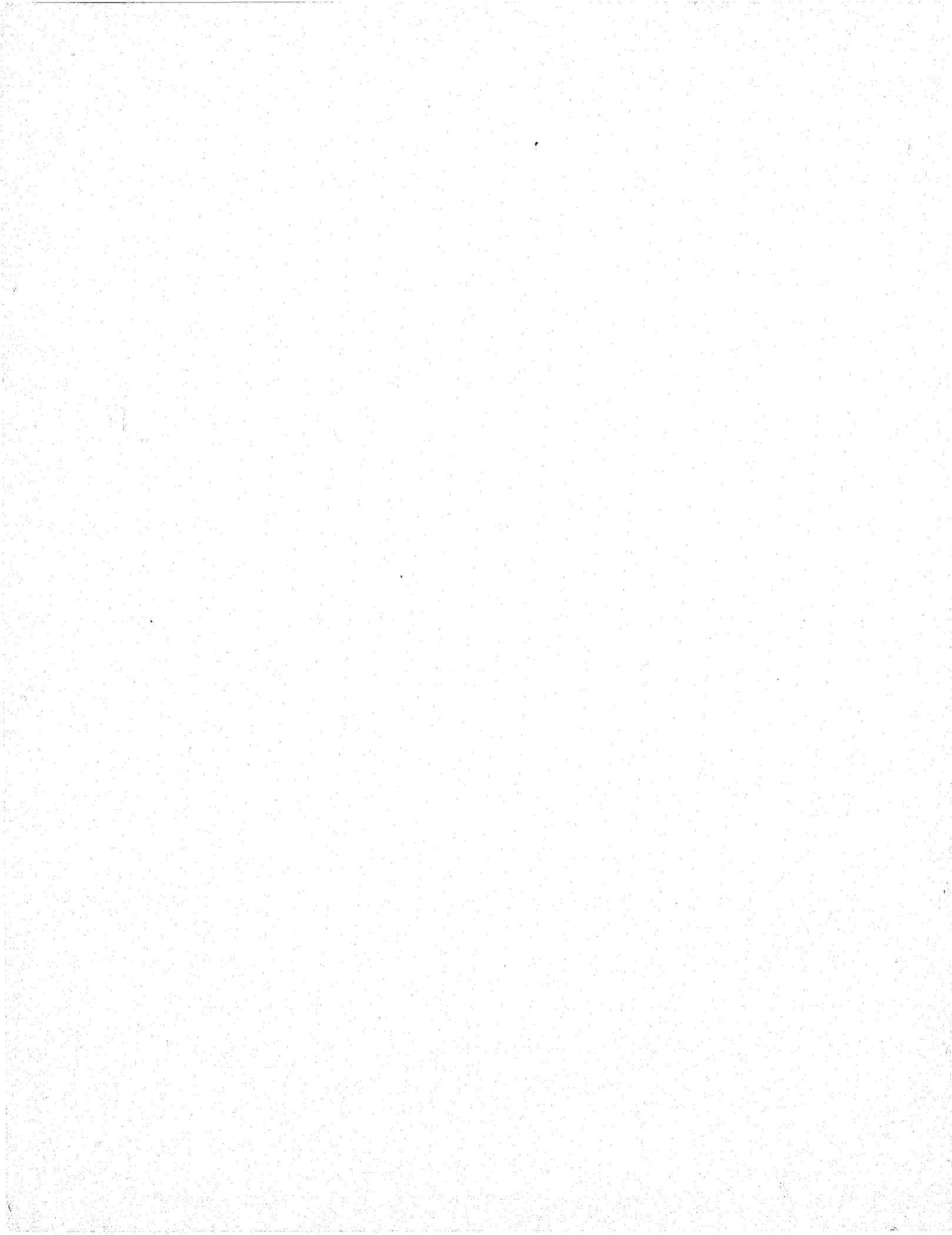
### Scale

- 1 - Deferred sentence
- 2 - Suspended sentence
- 3 - Release to another agency
- 4 - Community service work
- 5 - Alcohol Information School
- 6 - Restitution
- 7 - Fine
- 8 - Jail

For each client for whom a presentence report was written a severity score was developed that reflected the probation officer's recommendations. Since the most typical presentence recommendations were, a fine consistent with the crime, a suspended sentence with the jail time also suspended, the the most typical severity score was 9.

As the most often evoked sentence was a suspended sentence and jail time coupled with a fine the most typical sentence severity score was also 9.

These two scores for each client were then correlated by means of the least square regression and Pearson product - moment test.



**END**